

Growing the Greenbelt

Ontario Greenbelt Alliance Meeting

February 1, 2018

How the Greenbelt Plan works with Municipal Official Plans - General

- Municipal official plans (OPs) have to “**conform with**” the GB Plan – both the policies and mapping
- However, the GB Plan defers to and/or relies on municipal official plans in numerous ways (eg. identification of: agricultural vs. rural areas; natural features; and high potential mineral aggregate areas)
- In most cases, the GB Plan represents a “minimum” and allows municipal OPs and by-laws to be more **protective** or **restrictive** with the exception of agriculture and aggregates (but only in certain respects – see slides 4 and 8))

Deference and Reliance on Municipal Official Plans

Settlement Areas

- The revised GB Plan relies almost exclusively on municipal official plans (OPs) in relation to settlement boundaries and expansions (with the exception that settlements cannot expand into the Natural Heritage System and “hamlets” are no longer allowed to expand).
- In the 2005 GB Plan, settlement expansions could only be considered at the 10 year review of the GB. In the 2017 GB Plan, municipalities can now consider settlement expansion through their own *comprehensive review* and amendment to their official plan (although the Province ultimately is the approval authority for settlement expansions).
- Any *comprehensive review* must meet the various requirements and policies that go along with that as set out in the Growth Plan.

Deference and/or Reliance on Municipal Official Plans

Prime Agricultural Areas

- The GB Plan relies on municipal official plans to identify their prime agricultural areas and rural areas. The GB policies for agriculture then apply only to those prime agricultural areas (noting some apply to Rural Areas as well)
- The 2017 Growth Plan contains a new policy committing the Province to identify an *Agricultural System* – which was consulted on this past summer. The land base map essentially reflects primary agricultural lands in municipal official plans. Both the GB and Growth Plan allow municipalities to protect more land than shown in the proposed system
- Towns and Villages are permitted to expand into prime agricultural areas (subject to the policy tests of the Growth Plan)
- Where the GB Plan does not allow municipalities to be more restrictive in relation to agriculture is primarily with respect to the types of on-farm diversified and agriculturally related uses - this is intended to ensure that farm operations are given the maximum flexibility the Plan provides to engage in value added activities

Deference and Reliance on Municipal Official Plans

Water Resources

- The GB Plan requires municipalities to identify and protect certain water resource features: *key hydrologic areas* (eg. significant groundwater recharges areas, highly vulnerable aquifers) and *key hydrologic features* (eg. streams/rivers, seeps/springs and wetlands etc)
- The GB Plan does not map the *key hydrologic features or areas* – rather it relies on municipal official plans to map these features/areas (although the Province does provide criteria (eg. size of wetland) and technical guidance, data and maps)
- The GB Plan allows municipalities to include other water features and apply restrictive/ protective policies to them subject to the PPS
- The 2017 Growth Plan contains a number of new policies related to water including policies which essentially mirror the GB policies on *key hydrologic areas and features* while also mandating watershed/subwatershed and master storm water planning

Deference and/or Reliance on Municipal Official Plans

Natural Heritage System

- The Greenbelt Plan identifies a Natural Heritage System which is to be shown in official plans
- It allows for municipalities to refine the boundaries for the purposes of greater precision
- It recognizes and allows municipal official plans to augment the GB NHS with regional and local natural heritage systems – subject to PPS policies
- The 2017 Growth Plan contains a new policy committing the Province to identify a *Natural Heritage System* – which was consulted on this past summer. Both the GB and Growth Plan allow municipalities to protect more land than shown in the provincially proposed Natural Heritage System

Deference and Reliance on Municipal Official Plans

Natural Heritage Features

- The GB Plan requires municipalities to identify and protect certain *key natural heritage features* (eg. woodlots, wetlands etc) according to criteria set out in supporting technical papers (eg. size/age/density of woodlands)
- The GB Plan does not map these features - it relies on municipal official plans (in collaboration with conservation authorities) – with the exception of Areas of Natural and Scientific Interest
- The GB Plan also establishes minimum vegetation protection zones (ie buffers) for such features
- The GB Plan allows municipalities to protect other features and establish larger buffers – although these would be subject to the policy tests of the PPS rather than the GB
- The 2017 Growth Plan contains new policies essentially mirroring the natural features policies of the GB and its technical guidance

Deference and/or Reliance on Municipal Official Plans *Aggregates*

- The GB Plan does not provide any further permissions for aggregate operations than those found in the PPS
- It relies on municipal official plans to identify high potential mineral aggregate resource areas in keeping with the PPS
- It goes further than the PPS by restricting aggregates in some of the Specialty Crop Areas and in significant wetlands and woodlands and the habitat of endangered and threatened species
- The GB Plan does contain further performance standards for proposed aggregate operations in the NHS and additional studies in relation to agriculture and water

Note: aggregates are not deemed to be a threat to drinking water under the Clean Water Act and related source water protection plans. This has given rise to concerns where municipalities seek to restrict aggregates within well head protection areas

Deference and/or Reliance on Municipal Official Plans

Lot Creation

- Within settlement areas and in “rural” areas, the Plan is silent and defers to the municipality – with the exception of certain restrictions in relation to natural features (eg. they are not to be fragmented by severances)
- For example, if a municipality restricts the number or prohibits rural severances then the GB Plan defers to those policies
- The GB Plan does establish minimum lot sizes for prime agricultural areas (40 ha for prime, 16 ha for specialty crop)
- The GB Plan allows severances for lot adjustments, agriculture related uses, and infrastructure – subject to any municipal criteria

Benefits/Strengths of Greenbelt Plan

- The GB Plan is supported by specific legislation – the Greenbelt Act, 2005 – which requires “conformity” of municipal planning documents and decisions as opposed to “consistency” as is the case with the Provincial Policy Statement (PPS)
- Municipal official plans/by-laws within the GB are therefore less open to successful challenge to the OMB (now Local Planning Appeals Tribunal) by developers
- It is also less susceptible to local politics and development industry influence while also providing a safeguard against changing local councils
- It provides a “big picture” landscape level approach to managing growth in the region’s 110 municipalities and 9+ million people – which has proved elusive in the past and is why provincial plans were created thereby providing much greater consistency amongst municipalities
- This has led to much stronger protection of important resources and landscapes – including water resources - compared to the past as the NEP and ORMCP clearly show – and as the GB Plan has shown in relation to Specialty Crop Areas.

Benefits/Strengths of Greenbelt Plan

- It gives higher primacy to agriculture, natural heritage and water than that found in the PPS – including restrictions on inland sewer and water pipelines
- It includes related technical standards that provide a significantly higher level of protection to natural heritage and hydrological features. EG.
 - all forests 4ha or greater south and 10ha north/west of the ORM/NE are identified as significant and subject to the Plan (compared to 30 ha when Peel Region did its Greenlands System under the PPS)
 - all wetlands over .5 ha in size are protected (along with smaller ones as part of a complex) whereas under the PPS only “provincially significant wetlands” (PSWs) are protected
- In terms of “protection”, under the GB this means “*no development or site alteration*”.
- Under the PPS (with the exception of PSWs), the test is “*no negative impact*” which has led to widely varying interpretations and continued significant loss and/or degradation. The GB also includes seeps and springs and streams/rivers and subjects both to the no development or site alteration threshold

Benefits/Strengths of Greenbelt Plan

- The GB Plan mandates minimum vegetation protection zones of at least 30m whereas historically, under the PPS, municipalities/CAs have only been able to secure buffers of 5 – 10 metres – which often fluctuated from application to application
- With respect to the Natural Heritage System, the GB Plan establishes specific performance standards for impervious surface, disturbed area and connectivity
- With respect to Aggregates, the GB Plan precludes extraction in significant wetlands and woodlands and sets performance standards with respect to agriculture, hydrological function, connectivity if within an NHS and for rehabilitation plans. Of note, these policies/criteria are intended to bind MNRF as the provincial aggregate licensing body as well as MOECC in relation to water taking or effluent discharge permits. These are not things that the PPS or official plans do

Benefits/Strengths of Greenbelt Plan

- Helps dispel development industry speculation in farmland which results in: speculative increases in farmland value; increases in absentee ownership; loss of farm population, dwellings and community; and lack of upkeep and disinvestment in farm infrastructure
- Helps farms to engage in long term planning/investment
- Helps guide where growth should be directed and thus helps municipalities to manage infrastructure planning and investment in a more cost effective way
- Reduces need to expend municipal resources to defend decisions allowing those resources to be spent/applied elsewhere
- Helps society take and implement a longer term (inter-generational) view in ensuring a sustainable landscape for future generations