



**Ontario Professional Planners Institute
Submission to the Ministry of Municipal Affairs and Housing and the Ministry of
Public Infrastructure Renewal
Comments on *Bill 135, Greenbelt Draft Plan and Bill 136*
December 17, 2004**

Introduction

The Ontario Professional Planners Institute (OPPI) is pleased to provide the Ministry of Municipal Affairs and Housing and the Ministry of Public Infrastructure Renewal with comments on Bill 135 - *An Act to establish a greenbelt area and to make consequential amendments to the Niagara Escarpment Planning and Development Act, the Oak Ridges Moraine Conservation Act, 2001 and the Ontario Planning and Development Act, 1994, the corresponding Greenbelt Draft Plan of October 2004, and Bill 136 - An Act Respecting the Establishment of Growth Plan Areas, and the Greenbelt Plan*. OPPI has a longstanding interest in growth management issues and we appreciate the opportunity to comment on these Acts and draft Plan.

The Institute's comments, outlined below, are based on a detailed review of the Greenbelt legislation and corresponding draft Plan. Comments related to the Growth Management legislation are also offered, but in a more general nature given the absence of the draft Growth Plan for concurrent consideration.

OPPI supports, in principle, strong policies and mechanisms to implement a meaningful strategy for growth management and to protect a Greenbelt Area legacy. We commend the Province for the substantial amount of work undertaken within an extremely ambitious timeframe. Given the tremendous growth challenges facing Ontario, in particular in the Greater Golden Horseshoe, the reinsertion of the Province's lead in planning to manage growth is welcomed.

Comments on Process

Although we support the overall direction that the Province has taken with regards to growth management, we are concerned that the proposed policy and legislative initiatives be brought forward in a manner that allows considered review of the critical details, consistency and coordination between complementary initiatives, and meaningful participation from stakeholders. In particular, we are concerned that:

- While the Discussion Paper, *A Growth Plan for the Greater Golden Horseshoe* was released last summer, the Growth Plan has not yet been released. Assessing the merits of the draft Greenbelt Plan is difficult without this corresponding information.

- The time allocated for the public, land owners, agencies, and affected municipalities to meaningfully participate and comment on plans is very short.
- The relationship to the Source Water Protection legislation is unclear. Clarification is required as to how the lands mapped as part of this process can be interrelated with the Greenbelt Plan area.
- The lack of a streamlined process identified for amending the text and mapping. It is essential that there is a plan to accommodate any needed corrections.

RECOMMENDATION: The approval of the Greenbelt Plan and passing of the Act should be deferred until the Growth Plan is brought forward. The two Acts should be considered concurrently. We request that the Growth Plan be tabled as soon as possible so that any discrepancies between the two can be resolved in a timely manner.

Comments on Clarification

The proposed Greenbelt assembles a land base which includes the Oak Ridges Moraine, Niagara Escarpment and the new territory of Protected Countryside. The Provincial Policy Statement and other provincial policy and regulations also come into play. The result is multiple layers of existing and proposed legislation and policy. It is critical that there is clarity over which policies prevail, otherwise this additional layer creates confusion and presents unsupportable burdens on the planning process. More specifically:

- How the Province will address any inconsistencies between the pending Source Water Protection Act provisions as they may or may not overlap with the Natural Heritage System lands needs to be addressed.
- With regard to aggregates and agricultural uses, there is an inconsistency between the Oak Ridges Moraine Act and Bill 135. The ORM Act allows local municipalities to establish Official Plan or zoning that is more restrictive than the 1994 PPS but compliant with the ORM Act. In the Greenbelt Act, municipalities are not permitted to establish Official Plan or zoning that is more restrictive than either the PPS or the Greenbelt Act. In addition to an apparent inconsistency, this raises the issue as to whether there should be a process whereby local municipalities should make the case for applying more restrictive policies on a site specific case.

Clarification is needed for the definition of legal non-conforming uses and consideration given to whether utilizing a zoning order would address issues around this new kind of legal non-conforming use. Such a situation creates issues related to obtaining insurance and financing against land assets.

The area defined by the Greenbelt Plan raises many questions. There is a need to clarify and explain the parameters used in defining this territory. In particular, further information is needed on the following:

- The basis for the delineation of the Natural Heritage System, including what features and functions it consists of, requires definition.
- The policy meaning and purpose of the Water Resource System and whether it is intended to consist of specific spatial features, requires clarification.
- The delineation of the boundaries needs to be substantiated. In particular, we are concerned about the lands within Durham up to Lake Simcoe; the exemption of the west side of Lake Simcoe; boundaries which correspond to municipal jurisdictions not landforms; the size of the area south of Hamilton which is not in the Greenbelt; and the omission of parts of the Holland Marsh.

- The intention of the government to amend the defined area to reflect the Source Water Protection mapping needs to be made clear.
- The Plan defers to local municipal plans to delineate exact boundaries for prime agriculture and rural lands within Agricultural System and for the precise boundaries of Settlement Areas. This would be better confirmed with environmental and other databases, where this information exists.
- The implication for lands that are between the growth boundaries and the Greenbelt Boundaries needs to be articulated. This may be dealt with in the Growth Plan but in the absence of this, it is difficult to ascertain what will happen with these lands.
- There is a need to address linkages within the Plan and where these linkages extend beyond the Plan boundaries.

OPPI is pleased to see consistency in definitions by referring to the PPS. It is critical that the basic planning definitions remain consistent throughout government initiatives. Further definitions of Water Resource Systems and Agricultural Systems are required to ensure clarity.

Waste management is a key issue related to sustainable growth that is not addressed in any manner in the Greenbelt Plan. Policies related to waste management uses in the Greenbelt should be outlined in the Plan.

In addition, Section 6 of Bill 136 excludes the element of human services planning as part of growth plans. This is an important consideration in growth management of communities and should be included as a possible element within growth plans.

Implications

There are many implications for land owners within the Greenbelt Area. In particular, the policies related to agricultural land use need to be supplemented with other strategies to support sustainable agricultural practices. Such a strategy should have reference to the PPS policies on agricultural severances and the Nutrient Management Act. A sustainable agricultural strategy should consider means of supporting and promoting:

- existing agricultural uses;
- horticultural and field crop production such as greenhouse, specialty grains and oilseeds, organic farming, herb production and herbal products;
- agricultural supportive uses such as warehousing and processing;
- opportunities such as agri-tourism, entertainment, educational operations such as pick your own, farm tours, bed and breakfast, farmers markets, rural heritage sites; and
- compensation on the basis of environmental benefits/credits.

RECOMMENDATION: The Province should prepare a Sustainable Agriculture Strategy which recognizes the objective of agricultural protection with a range of mechanisms that support the agricultural land resource.

It is anticipated that areas outside the Greenbelt such as Simcoe, Wellington, and Waterloo Counties will face issues related to additional development pressure as a result of the Greenbelt area being designated. These implications need to be addressed either by the Greenbelt Plan or the Growth Plan.

RECOMMENDATION: The draft Growth Plan should address and provide growth management direction for the communities on all sides of the Greenbelt area.

Retroactivity

OPPI does not support applying the new policies to applications that are in process for which a final decision has not been made. Many of applications are in an advanced state and significant investments have already been made on the part of applicants and municipalities.

Resources and Implementation

Bill 135 and 136 propose to place approval authority at the Provincial ministerial and cabinet level. While we support a strong leadership role in directing growth at the Provincial level, this represents a significant shift in planning approach and may require some support for municipalities in interpreting and implementing the required amendments to the local planning policies. More specifically we are concerned that the resources required to review and amend plans may burden municipalities and there will be significant expense and effort in making Official Plan Amendments and zoning amendments.

RECOMMENDATION: Ensure resources are available, perhaps on a matching grant basis, to support the local governments in their implementations of Bill 135 and Bill 136.

OPPI supports the establishment of a Greenbelt Advisory Council and Growth Management Advisory Councils. We request greater detail on the role, constitution, and participants. We recommend that the Councils should include members of the planning profession. As the voice of Ontario's planning profession we are interested in being involved.

RECOMMENDATION: A citizen based model should be considered for the Advisory Council. This Council should include at least one member of the planning profession.

Other Implementation Issues

We support the examination of the potential for development permits as a means to consider impacts on natural heritage features.

The mechanism, responsibilities and resources for ongoing management of the Natural Heritage System needs to be made clear. It is unclear which agencies are responsible for or what resources they will have to make initiatives happen such as municipal tax provisions, charitable donations, and land trusts.

In addition, we note that considerable resources are required to implement the Parkland policies of section 3.3.2 and the Watershed Plans referenced in section 3.2.3. Clarity is required.

RECOMMENDATION: The province should prepare a Natural Heritage System Management Strategy which outlines a set of mechanisms, responsibilities and financing options related to creating a sustainable natural heritage system.

Other Sources for Consideration

There are a number of valuable existing resources (related to mapping and policy) that may be of benefit to the Ministry:

- Harry Cummings and Associates study for Eastern Markham Review;
- Niagara Escarpment Commissioner standards within the Niagara Escarpment Plan (for compatibility of uses);
- Niagara Escarpment Commission building and use standards related to winery operations, as part of the last Plan review;
- Report for North Pickering; and
- Halton region OP Review documents related to on-farm businesses.

Conclusion

As the recognized voice of the Province of Ontario's planning profession, OPPI represents over 2,600 practising planners and 400 student members. The Institute is a key stakeholder on planning and related issues. Our members work for government, private industry, agencies and academic institutions and are committed to improving the quality of Ontario's environments and communities. We provide leadership and vision on issues related to planning, development and other important socio-economic issues.

OPPI is dedicated in its support of good community planning in this Province. Planners can contribute substantially and we urge the Provincial Government to draw upon OPPI as a professional resource on matters relating to planning in Ontario. We welcome the opportunity to meet with representatives from your Ministry to discuss this submission.