



Committee Report

To: Chair and Members of the Planning Committee
From: Jameson Pickard, Senior Policy Planner
Date: Thursday, November 09, 2023
Subject: **Bill 136 - Greenbelt Statute Law Amendment Act, 2023**

Purpose

This report is in response to the Provincial government's recently tabled legislation, Bill 136 – Greenbelt Statute Law Amendment Act, 2023, which seeks to return lands back to the greenbelt area that were removed by the Province in December 2022. The Province has also posted an associated Environmental Registry Posting (ERO) regarding the proposed legislation, seeking feedback. There is a 45-day comment period that ends November 30th, 2023 (see Environmental Registry posting [019-7739](#)). A separate report addresses the proposed Provincial reversal of modifications made to Official Plan Amendment 119.

Background

On December 16, 2022, the Provincial government made changes to the Greenbelt Plan boundary, through an Order-in-Council, which removed 15 parcels of land for development purposes totaling 7,400 ac. At the same time 9,400 ac of land were added to the Greenbelt Plan boundary, primarily in Wellington County, as shown in figure 1 below.

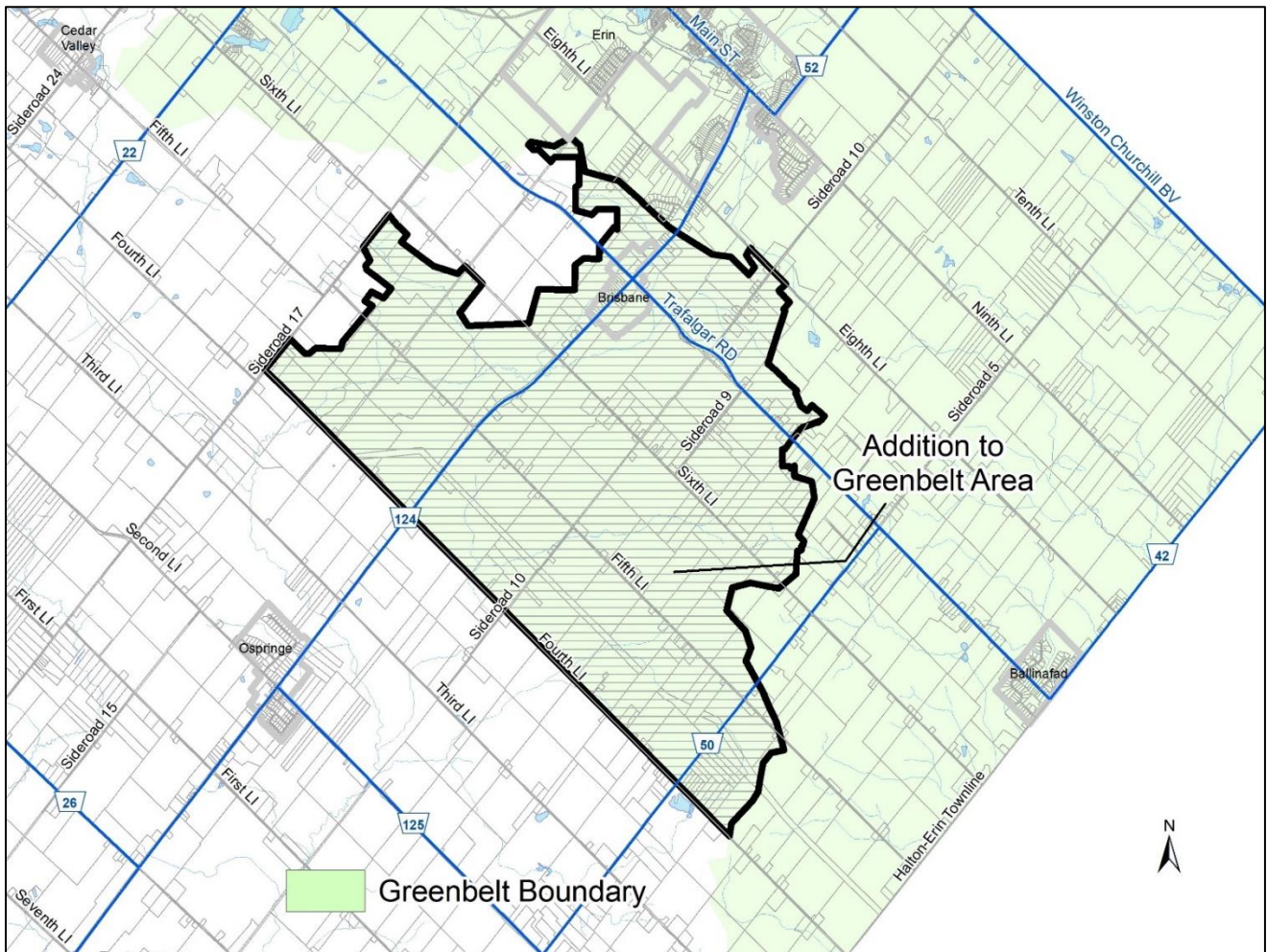
Since the Province established the Greenbelt Plan in 2005, planning staff have reported to Council on several Provincial consultations related to expanding and/or protecting the Greenbelt and the Paris Galt Moraine. This includes:

- Growing the Greenbelt (2008)
- Paris and Galt Moraine Legislative Review (2009)
- Protecting Water by Growing the Greenbelt (2018)
- Paris Galt Moraine Conservation Act (2019)
- Consultation on Growing the Size of the Greenbelt (2021)
- Proposed Amendments to the Greenbelt Plan (2022)

As recently as March 2021, County Council addressed the question of whether the expansion of the Greenbelt was necessary and concluded that there was “no rationale for expanding the Greenbelt.” The basis for this position was that adequate Provincial legislation, regulations, plans, and policies, as well as local plans, policies, are in place to protect the agricultural lands, groundwater resources, and natural features and areas in Wellington.

Staff note that the 2022 Greenbelt boundary expansion further into Erin is currently in effect and was incorporated into the County Official Plan through the Provincial modification of Official Plan Amendment 119.

**Figure 1 – Provincial Greenbelt Expansion
Town of Erin**



Bill 136 – Greenbelt Statute Law Amendment Act, 2023

On October 16th, 2023, Bill 136 – Greenbelt Statute Law Amendment Act, 2023, was tabled in the Provincial Legislature. At the time of preparing this report, the Bill was in its second reading.

The proposed legislation, if approved, would make changes to several pieces of legislation with the primary goal of reversing the decision made by the Province to remove 15 parcels of land from the Greenbelt for development purposes. The legislation also looks to strengthen immunity provisions across three different statutes to insulate the government from any potential legal actions resulting from decisions on the Greenbelt Plan.

It is important to note that the recent expansion of the Greenbelt in Erin, which was done to offset the 15 takeouts, is proposed to be retained (shown above). The offsetting expansion added approximately 2,870 ha (7,100 ac) of land to the Greenbelt in the Town of Erin.

The table below provides an overview of the legislative changes proposed through Bill 136.

Bill 136 - Greenbelt Statute Law Amendment Act, 2023

Impacted Statute	Summary of Changes
Greenbelt Act, 2005	<ul style="list-style-type: none"> • Repeal the authority for the Lieutenant Governor in Council to make regulatory amendment for future additions/removals of Greenbelt boundary • Require any proposed changes to the Greenbelt boundary to require approval through the legislature • Restore the schedules of the Greenbelt Plan to include the 15 areas that were removed or redesignated • Add additional provisions to the Act to ensure that the Province has no legal liability for matters related to the Greenbelt Act • Revoke the existing Greenbelt Area boundary regulation (O.Reg. 59/05)
Ministry of Municipal Affairs Act, 1990	<ul style="list-style-type: none"> • Expand protections for personal liability for employees of the Ministry
Oak Ridges Moraine Conservation Act, 2001	<ul style="list-style-type: none"> • Repeal the authority for the Lieutenant Governor in Council to make regulatory amendment for future additions/removals of land from the Oak Ridges Moraine boundary • Add additional provisions to the Act to ensure that the Province has no legal liability for matters related to the Oak Ridges Moraine Conservation Act • Restore the designation of land that was redesignated in December 2022
*Duffins Rouge Agricultural Preserve Act, 2023	<ul style="list-style-type: none"> • Introduce the Duffins Rouge Agricultural Preserve Act, 2023 to reverse the repeal of the Duffins Rouge Agricultural Preserve Act, 2005 • Restore the same protections and easements that existed in the preserve prior to December 2022 • Strengthen immunity provisions

*The Duffins Rouge Agricultural Preserve Act, 2023 will be created through Bill 136 – Greenbelt Statute Law Amendment Act, 2023.

Implications of Greenbelt Expansion for Wellington County

Within the County there are several existing Provincial and local policies that overlap, particularly those related to agricultural land, natural heritage, and water resource management. At the same time, there are specific policy differences that would affect a range of development proposals in the newly expanded Greenbelt area.

The table below highlights some of the unique planning policies of the Greenbelt Plan, which now apply to landowners within the expansion area.

INSIDE THE GREENBELT	OUTSIDE THE GREENBELT
Farm Split Consents	
<ul style="list-style-type: none"> 40 ha minimum lot size 	<ul style="list-style-type: none"> 35 ha minimum lot size in Official Plan
Surplus Farm Dwelling Consents	
<ul style="list-style-type: none"> Requires that the residence that is surplus to the farm operation existed before December 16, 2004 	<ul style="list-style-type: none"> Official Plan has no date requirement for the existing surplus residence
Second Units (now referred to as Additional Residential Units)	
<ul style="list-style-type: none"> Second units are not permitted in the Greenbelt Natural Heritage System 	<ul style="list-style-type: none"> Second units may be permitted in existing residences and ancillary buildings
Secondary Agricultural Area Consents	
<ul style="list-style-type: none"> Application of Provincial Agricultural Land Base and Natural Heritage System will constrain rural residential lot creation potential in Secondary Agricultural Areas Generally, to date, rural residential consent activity has occurred to a slightly lower degree 	<ul style="list-style-type: none"> Current Secondary Agricultural Areas in Official Plan apply until Provincial mapping is implemented in Official Plan
Official Plan Amendment to Re-designate Prime Agricultural Area for Non-Agricultural Uses (i.e. Official Plan Amendment to expand Rural Employment or Recreational Areas)	
<ul style="list-style-type: none"> This type of Official Plan Amendment is not permitted 	<ul style="list-style-type: none"> May be considered but must meet Provincial Policy Statement, Growth Plan and Official Plan policies
Urban Centre Expansion (if justified as a result of Growth Plan Municipal Comprehensive Review)	
<ul style="list-style-type: none"> Expansion required to be serviced by <i>existing</i> municipal water and wastewater systems Expansion into the Natural Heritage System is prohibited Expansions would also be limited, among other matters, to a 5% increase up to a maximum size of 10 ha, only 50% of which can be residential development 	<ul style="list-style-type: none"> Urban Centres outside the Greenbelt cannot expand into the Greenbelt Also applicable to neighbouring cities of Guelph and Cambridge
Hamlet Expansion	
<ul style="list-style-type: none"> Hamlet expansions are not permitted 	<ul style="list-style-type: none"> Hamlet expansions are limited, but may be considered in the Municipal Comprehensive Review
Mineral Aggregate Extraction	
<ul style="list-style-type: none"> Additional requirements for rehabilitation and maximum disturbed area Requires municipalities to apply Source Protection Plan and Subwatershed Plan policies 	<ul style="list-style-type: none"> Rehabilitation required in accordance with Provincial and County policies Official Plan requires new/expanding operations to consider and assess potential impacts to existing and potential municipal water supply resources

Discussion

Our concern with the proposed legislation is that it does not fully reverse the Province's decision related to Greenbelt boundary changes in December 2022, particularly related to the expansion of the Greenbelt Plan boundary further in the Town of Erin.

According to the Government's own statement, the process related to the 2022 changes to the Greenbelt boundary was too fast, not transparent, and not supported by the people of the Province of Ontario. In our view, these comments apply equally to the expansion area into the County of Wellington. The basis for this expansion was to offset lands removed from the Greenbelt boundary. With the Greenbelt lands being restored, the basis for the expansion area is unclear, and undermines the Province's position of creating a more transparent process for changes to the Greenbelt. We have heard from several County residents within the expansion area that they are not pleased with the Province's process for expanding the boundary onto their properties. To our knowledge there have been no technical assessments or environmental studies completed to support this expansion.

The Greenbelt Plan was primarily developed to contain growth pressures from the Greater Toronto and Hamilton Areas. County Planning Staff are of the opinion that the Greenbelt Plan is doing its job reasonably well and that the expansion area is not under threat of urban development warranting additional protection. Further, the current Provincial and County land use planning framework applicable to the expansion area already achieves a high level of protection for the agricultural lands, the natural environment, and groundwater resources.

County Planning staff continue to maintain that there is no technical rationale for the expansion of the Greenbelt boundary further into Wellington County and request that these lands be removed from the Greenbelt Plan boundary as part of the Bill 136 legislative process. Staff are supportive of the reinstatement of the original Greenbelt Plan areas (15 parcels) that were removed from the Plan in 2022 by the Provincial Government.

Recommendation:

That the report Bill 136 – Greenbelt Statute Law Amendment Act, 2023 be received for information;

That staff be directed to file this report in response to ERO# 019-7739 posting by the Ministry of Municipal Affairs and Housing which seeks input on proposed legislation to return lands to the Greenbelt; and

That the Clerk forward the report to member municipalities in Wellington County.

Respectfully submitted,



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