



## REPORT TO COUNCIL

Report Number: PD 47-04  
Date: December 2, 2004

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**From:** Neil Carroll  
Director, Planning & Development

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**Subject:** Draft Greenbelt Plan:  
October 2004

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### Recommendation:

1. That Pickering Council **RECEIVE**, and **ENDORSE** Report PD 47-04 as its comments on the provincial Draft Greenbelt Plan, dated October 2004, EBR Registry Number: PF04E0006;
2. That Pickering Council **ADVISE** the Minister of Municipal Affairs and Housing, that:
  - (a) Pickering Council continues to support the concept of a permanent greenbelt in the Golden Horseshoe;
  - (b) the southern part of the Agricultural Assembly (the Cherrywood community) be excluded from the Greenbelt Plan and that lands east of the Hamlet of Whitevale be added;
  - (c) the other Greenbelt land use and boundary issues be addressed as set out in Sections 3.0 and 5.0 of this Report;
  - (d) the approval of the draft Greenbelt Plan should be delayed until such time as municipalities and other stakeholders have had an opportunity to review the Ministry's supporting documentation; and
  - (e) the draft Greenbelt Plan should not be approved until such time as the Province's Growth Plan for the Golden Horseshoe as well as other provincial initiatives such as the *Planning Act* reform are released as a comprehensive package for further consultation;
3. That Pickering Council authorize City staff to continue to review and provide technical comments on the draft Greenbelt Plan to the Province after the deadline date of December 12, 2004 to address the issues raised in Sections 3.0 and 5.0 of this Report; and
4. That the City Clerk **FORWARD** a copy of Report PD 47-04 to the Minister of Municipal Affairs and Housing; the Minister of Public Infrastructure Renewal; the Region of Durham; Durham Region Area Municipalities; the Town of Markham; the Region of York and the Toronto and Region Conservation Authority.

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**Executive Summary:** In late October 2004, the Province released its draft Greenbelt Plan for consultation, following the release of the Provincially-appointed Greenbelt Task Force's advice and recommendations report to the Minister of Municipal Affairs and Housing in August 2004.

The greenbelt area generally includes lands under the jurisdiction of the Greater Toronto Area Regions of Durham, York, Halton and Peel; the Cities of Hamilton and Toronto; the tender fruit and grape lands as designated in the Region of Niagara Official Plan; the Niagara Escarpment Plan; and the Oak Ridges Moraine Conservation Plan. Smaller areas within the County of Simcoe and the County of Wellington are also located in the Greenbelt.

Previously, Pickering Council provided comments to the Greenbelt Task Force on its Discussion Paper entitled *Toward a Golden Horseshoe Greenbelt*. The City agreed with the Task Force on the use of comprehensive planning studies to support urban area expansions and requested the Task Force to consider incorporating the Phase 2 results of Pickering's Growth Management Study into its final recommendations.

Despite the City's sound rationale for accommodating urban growth on the southern part of the Agricultural Assembly lands, the Province has chosen to include all of the area west of West Duffins Creek within the Greenbelt Plan. Other lands in Pickering also contained within the Greenbelt Plan include an area located generally south of Highway 7 to Urban Ajax, and parts of the Rosebank, Rougemount and Rouge Park Neighbourhoods.

No technical information supporting the proposed Greenbelt Area boundary and associated land area has been provided to local municipalities. There was no consultation on a map for the greenbelt by the Province prior to the release of the draft Greenbelt Plan. The Province should delay the approval of a Greenbelt Plan until such time as municipalities and other stakeholders have had an opportunity to review the Ministry's supporting documentation and comment on a revised boundary together with the provincial Growth Plan.

It is recommended that the Province incorporate comments provided in Report PD 47-04, and that Report PD 47-04 be also forwarded to the Ministry of Public Infrastructure Renewal for consideration as part of its Greater Golden Horseshoe growth management planning exercise.

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**Financial Implications:** Not Applicable.

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## **Background:**

### **1.0 The Greenbelt Task Force released its Discussion Paper entitled *Toward a Golden Horseshoe Greenbelt* for public consultation in May 2004.**

Last May, the Greenbelt Task Force released its Discussion Paper entitled *Toward a Golden Horseshoe Greenbelt*. The Task Force, in its Discussion Paper considered five 'layers' that would provide the framework for the proposed greenbelt: environmental protection; agricultural protection, including tender fruit and grape lands, and the Holland Marsh; transportation and infrastructure; natural resources, particularly mineral resources; and culture, tourism and recreation opportunities. In addition, two overarching themes included:

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- Ontario's growth management and other related initiatives as the context for development of a permanent Golden Horseshoe Greenbelt; and
  - implementation and administration approaches, models and tools for establishing and administering a greenbelt.

During the months of May and June, stakeholder and public sessions were held in the Golden Horseshoe area. City staff attended various stakeholder sessions.

### **1.1 The City provided detailed comments to the Greenbelt Task Force on its Discussion Paper through Report PD 28-04.**

On June 29, 2004, Pickering Council passed Resolution #101/04 endorsing Report PD 28-04. Although City staff supported the concept of a permanent greenbelt in the Golden Horseshoe, the Task Force was requested to consider incorporating the results of local growth management studies, such as the City's Growth Management Study, into its final recommendations. The Task Force was also requested to coordinate its work with the Province's work on a Growth Plan for the Golden Horseshoe as well as other initiatives such as the *Planning Act* reform work, prior to making its final recommendations to the Province.

### **1.2 The Task Force provided the Minister with its final advice and recommendations on greenbelt protection.**

In August 2004, the Greenbelt Task Force submitted its report entitled *Toward a Golden Horseshoe Greenbelt: Advice and Recommendations* to the Minister of Municipal Affairs and Housing. The recommendations provided principles for identifying lands for protection from development in order to preserve Ontario's natural heritage, sensitive environmental areas, vital agricultural communities, natural resources, and opportunities for tourism, recreation and cultural heritage. No map of a proposed greenbelt was prepared.

The Task Force recommended that the Province undertake a multi-disciplinary, multi-stakeholder approach to defining the greenbelt, and that the provincial greenbelt and the growth management initiatives proceed simultaneously. Further, the Task Force noted that there is a great deal of knowledge resting at the local level with municipalities and others that will prove essential when drawing the lines that will define the greenbelt lands.

## **2.0 Recent Provincial Greenbelt Initiatives**

On October 28, 2004, the Province introduced Bill 135 - *Proposed Greenbelt Act, 2004* and released a draft Greenbelt Plan. A copy of the draft Greenbelt Plan is provided as Attachment #13.

The effect of these initiatives would be to protect about one million acres of environmentally sensitive and agricultural land in the Golden Horseshoe from urban development, in addition to the approximately 800,000 acres already protected by the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan.

## 2.1 Bill 135 – *Proposed Greenbelt Act, 2004*

The Province released draft legislation on October 28, 2004, which provides for the establishment of a Greenbelt Area and a Greenbelt Plan. The highlights of the proposed legislation are provided in Attachment #1. It is anticipated the *Act* will receive Royal Assent on or before December 16, 2004.

Of note, only the Minister of Municipal Affairs and Housing can propose amendments to the Greenbelt Plan in respect of areas designated as *Protected Countryside*. The Bill outlines the process by which the Province may consider amendments to the Greenbelt Plan, including consulting with the municipality, other affected public bodies and the public. Decisions on amendments are made by the Minister and are not subject to appeal.

## 2.2 Draft Greenbelt Plan

The draft Greenbelt Plan establishes a framework to protect environmentally sensitive and agricultural lands. These lands are identified as *Protected Countryside*. The Plan also includes lands within the Niagara Escarpment Plan and Oak Ridges Moraine Conservation Plan. The draft Plan aims to:

- ensure the environment, including its water systems, remains healthy to support existing and future generations of both people and wildlife;
- encourage growth in cities and towns outside the Greenbelt while supporting vibrant rural communities within the Greenbelt;
- support agriculture as a source of commerce, employment and domestic food production; and
- provide outdoor recreational and other leisure opportunities to support the needs of our rapidly expanding population.

A significant portion of Pickering, approximately 43% of the City's land area, is included in the Greenbelt Plan. Besides the Oak Ridges Moraine in north Pickering, the entire Agricultural Assembly and other lands generally south of Highway 7 to Urban Ajax are within the *Protected Countryside*. For the Rural Settlement Areas, only the Hamlets of Cherrywood and Greenwood are identified on the Greenbelt Plan maps. Omitted from the maps are the Hamlets of Brougham, Claremont, Green River and Whitevale.

There are two major areas of land that are neither part of the existing urban area nor part of the greenbelt on the Greenbelt Map (see Attachment #2 - Greenbelt Map). One area coincides with the southeast part of the Federal airport lands, and the other includes part of northeast Pickering, from just south of Highway 7 and extending north to the Oak Ridges Moraine. These lands are potential future urban areas of Pickering, subject to further land use studies to determine appropriate designations.

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The Ministry of Municipal Affairs and Housing has requested comments on the Bill 135 – *Proposed Greenbelt Act*, 2004 by November 27, 2004 and on the draft Greenbelt Plan by December 12, 2004. However, we understand through Ministry staff that the Ministry's time for review of comments and preparation of the final Greenbelt Plan may be extended to February.

### **3.0 Discussion**

#### **3.1 Staff's main comments are structured around four topics of strategic concern to the City.**

The topics relate to both the Greenbelt legislation and draft Plan, as follows:

- Lack of rationale for the Greenbelt Plan boundary.
- Conclusion and background work of the City's Growth Management Study ignored.
- Conclusion on broader range of countryside uses for Pickering ignored.
- Lack of rationale for including the western portion of the Hamlet of Greenwood in the Greenbelt Plan.

#### **Lack of rationale for the Greenbelt Plan boundary.**

Although the Greenbelt Plan specifies that the *Protected Countryside* lands have been identified through a "combination of best science available, consideration of existing and future patterns of urbanization, and local knowledge and advice", no rationale is provided in the document justifying the extent of the proposed Greenbelt Area or the lands proposed to be included within it. In fact, there was no consultation by the Province on a specific boundary prior to the release of the draft Greenbelt Plan.

According to Provincial representatives, one of the intents of the draft Greenbelt Plan is to protect the prime agricultural areas identified in upper-tier and single-tier Official Plans and to separate the greenbelt from urban areas. However, in the City's case, the Greenbelt Plan excludes a large prime agricultural area located northeast of the Hamlet of Greenwood while it includes the Cherrywood community (of the Agricultural Assembly) that abuts the current urban boundary. Parts of urban Pickering including the Rouge Park Neighbourhood, as well as properties located east of the Rouge River are also identified within the Greenbelt Plan area.

On November 24, 2004, Pickering and other municipal and conservation authority staffs met with representatives of the Ministry of Municipal Affairs and Housing to discuss the Greenbelt legislation and draft Plan. At the meeting, municipal and conservation authority staffs indicated that the lack of scientific analysis and background information relating to the features and boundary makes it difficult for municipalities to advise the Province on the relevancy of the boundary for a permanent greenbelt. Despite some explanation by Ministry staff on the Plan's boundary, it appeared that the delineation of the boundary was very subjective.

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Clearly, there are inconsistencies with the way the criteria were applied by the Province in determining the Greenbelt boundary for Pickering. The release of the Province's analysis may assist City staff in tracing the rationale for the Greenbelt boundary in Pickering. Without this documentation, it will be very difficult for the City to defend its conforming official plan and zoning by-law amendments at any Ontario Municipal Board hearing. It is recommended that the Province defer approving the draft Greenbelt Plan for a period of approximately six months in order to provide sufficient time for local municipalities and other stakeholders to review the Province's supporting documentation.

### **Conclusion and background work of the City's Growth Management Study ignored.**

The Greenbelt boundary in Pickering is proposed in direct conflict with the City's input provided to the Greenbelt Task Force and to the Province. In this regard, the Phase 2 report of Pickering's Growth Management Study (GMS) comprehensively documented the appropriateness of the south part of Agricultural Assembly lands (the Cherrywood community) to accommodate future urban growth. This logical extension of Pickering's urban area provided an opportunity to link Cherrywood and Seaton communities with south Pickering, make efficient and economic use of existing and proposed infrastructure, while maintaining the environmental resources of the urban area and protecting the countryside area around the Hamlet of Whitevale.

Instead, the Province chose to ignore the Greenbelt Task Force recommendations that key agricultural lands be identified for protection using criteria including: science; socioeconomic factors such as fragmentation, urban/suburban encroachments, loss of agricultural support mechanisms and rural development; and regional and local official plan designations and criteria. The GMS quite clearly documented the constraints to economically viable farming in the Cherrywood community and concluded that the Cherrywood community is more appropriately used in the long term for urban purposes than for agriculture. The redesignation of the southerly portion of the Agricultural Assembly (Cherrywood community) for urban purposes is reflected in the City's proposed Official Plan Amendment 13.

The Minister of Municipal Affairs and Housing has publicly stated that the preservation of the entire Agricultural Assembly is based on fulfilling the Government's election platform and on science. As stated above, there has been no technical information provided by the Province that supports the Cherrywood community for permanent agricultural protection. It is recommended that the Province exclude the Cherrywood community from the draft Greenbelt Plan and add the lands east of the Hamlet of Whitevale on the basis of the GMS results, which is being implemented through Amendment 13 (see Maps 1 and 2, Attachments 6 and 7).

### **Conclusion on broader range of countryside uses for Pickering ignored.**

The City had commented to the Greenbelt Task Force that there should be a distinction between the more pure “agricultural areas” and “countryside areas”, where a broader range of uses could be permissible. In that comment, it was suggested that the non-urban lands south of the Oak Ridges Moraine (at least in western Durham) be considered as “countryside areas” and lands north of the Moraine be retained as “agricultural areas”.

The draft Greenbelt Plan identifies a single *Protected Countryside* designation, which is further differentiated into an *Agricultural System* and a *Natural Heritage System*. In the *Agricultural System*, the lands are either “prime agricultural” or “rural” areas, with the rural areas permitting a broader range of uses including recreational uses. Under the Greenbelt Plan, all lands in Pickering’s Agricultural System will be considered “prime agricultural” as they are designated *Permanent Agricultural Reserve* in the Regional Official Plan.

The prime agricultural areas would only permit agricultural, agriculture-related and secondary uses as defined by the Provincial Policy Statement. In contrast, the City’s proposed *Countryside Area* designation under the Growth Management Study and in Amendment 13 would also permit non-traditional agricultural related uses such as country inns, rural theatres, country spa’s, and antique stores. It is recommended that the Province be requested to consider a rural designation for the north part of the Agricultural Assembly lands, and the lands around Whitevale, thereby permitting a broader range of near urban uses. A similar request will be made to the Region as part of the City’s comments on the Regional Official Plan Review to eliminate the distinction between prime and rural designations. Local planning controls could then be used to determine if further restrictions are required in light of the local context.

Under the Greenbelt Plan, intensive beef and hog operations could potentially be established in the southern part of the Agricultural Assembly adjacent to the south Pickering urban area, subject only to the minimum distance separation (MDS) formulae. These uses are inappropriate on the rural/urban fringe where there is the potential for adverse dust, odour and noise impacts on nearby urban residents. It is recommended that the Province be requested to consider restricting intensive farm operations in close proximity to urban areas.

#### **Lack of rationale for including the western portion of the Hamlet of Greenwood in the Greenbelt Plan.**

The Greenbelt boundary appears to follow the Lake Iroquois shoreline through the Hamlet of Greenwood. This results in the west part of Greenwood being included in the greenbelt. Although there are good agricultural lands north and east of the hamlet, these lands were not included in the Greenbelt. As noted earlier, this area could potentially be a future urban area of Pickering. Staff does not understand the rationale for establishing the greenbelt in the vicinity of Greenwood.

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Staff, in reviewing the Greenbelt boundary for the Greenwood area, considered two options. The first option would be based on a long term vision for Greenwood as a rural hamlet within a permanent countryside of agriculture and open space lands. To this end, consideration could be given to expanding the Greenbelt boundary to include the entire hamlet and other lands to the north and east. Input from Greenwood residents could be obtained in early January to meet the Ministry's timetable.

The second option would be based on eliminating "provincial" restrictions on private landowners within an established settlement (the City's approved Official Plan and zoning by-law address land use in detail), and leaving future land use studies to establish the long term vision for the hamlet (which could include retaining open space around it). Accordingly, this option would remove from the greenbelt the lots on the west side of the hamlet (generally west of Trimbles Lane).

Staff also considered other emerging initiatives influencing the area such as:

- the Individual Environmental Assessment for the eastern extension of Highway 407;
- the Greater Toronto Airport Authority's recommended Interim Airport Planning Protection Area (IAPA) for a possible future regional airport, which implements a higher standard of the 25 Noise Exposure Forecast contour. This IAPA would restrict establishment of new, noise-sensitive uses. If the final decision is made by the Federal government following an environmental assessment to construct an airport, then any further residential and other noise-sensitive land uses may be permanently restricted in this area;
- the Regional Official Plan Review Recommended Direction to limit hamlet growth to an increase of 25%;
- the Province's draft Growth Plan for the Greater Golden Horseshoe identifies lands in northeast Pickering as a future urban area but would be subject to further study by the City and Region; and
- the Pleasant Growth exercise for Greenwood and the Greenwood Area Ratepayers Association community survey dated October 2004 supported a moderate level of growth for Greenwood.

In order to provide better consideration of the opportunities and constraints of the various initiatives following City, regional and community input on Greenwood, it is premature to request the Province to include the lands in and around the Hamlet in the greenbelt at this time. Staff is recommending that the Province exclude the western part of the hamlet from the Greenbelt Plan.

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#### **4.0 Impact on Planning Act Applications**

In December 2003, the Province introduced Bill 27, the *Greenbelt Protection Act*. This *Act* had the effect of putting 'on-hold' three applications in Pickering for "urban uses" outside "urban settlements" as defined by the *Act*. The three development proposals were all in the vicinity of the Hamlet of Greenwood, and included the following: the 2001 Bitondo Markets 13-lot hamlet residential proposal; the Clancey driving range proposal; and the Berrywoods Farms Inc. 381-lot hamlet expansion proposal.

The *Greenbelt Protection Act* will be repealed on December 16, 2004, and the moratorium on processing the above-noted proposals will end. However, processing of these applications will now be required to meet the requirements of the Province's new legislation (proposed Bill 135, the *Greenbelt Act*, 2004) and the Greenbelt Plan.

Staff has reviewed the effects of the new legislation (as currently drafted) and the draft Greenbelt Plan on the three planning proposals. Both the Clancey and the Bitondo Markets proposals lie outside the proposed Greenbelt, and can be processed as usual. The southern part of the Berrywoods proposal lies within the proposed Greenbelt. As the Berrywoods proposal was submitted after the introduction of Bill 27, it will be considered as if it is received after December 16, 2004, and will be required to comply with the Greenbelt Plan. A table summarizing the status of these applications, and a map showing their locations are attached (see Attachment #3).

Pickering has several other country residential proposals, or approved but unbuilt country residential subdivisions that lie within the draft Greenbelt. These include the following: Staxton Glen Phase 2 (Bitondo/Brown) country residential; Birchwood Estates country residential; Barclay Estates country residential; and Forest Creek country residential. As all of the applications pre-date by many years the December 16, 2004 date, processing of the applications and issuance of building permits are "grandfathered" and do not have to conform to the Greenbelt Plan. A map showing these proposals is attached (see Attachment #4).

Also, there are applications located within the Rouge Park and Rosebank Neighbourhoods that are shown in the Greenbelt. These applications, by Nicou Inc., 812723 Ontario Inc., and Pine Ridge Land Assembly, are also "grandfathered" (see Attachment #5).

#### **5.0 Summary of Requested changes to the Greenbelt Plan Boundary**

As part of the City's review, staff is requesting the Province make the following changes to the Greenbelt Plan boundary:

1. delete the *Protected Countryside* designation from the southern part of the Agricultural Assembly (the Cherrywood community);

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2. add the lands located on the east side of the West Duffins Creek surrounding the Hamlet of Whitevale to the Greenbelt as part of the “rural” agricultural system;
  3. delete the *Protected Countryside* designation from the Rouge Park Neighbourhood, which is within Pickering’s existing urban area as identified in the City and Regional Official Plans;
  4. delete the *Protected Countryside* designation from all of the residential lots approved in Registered Plans of Subdivision along the edge of the Rouge River, south of the Rouge Park neighborhood to Lake Ontario;
  5. delete the *Protected Countryside* designation from the Hamlet of Greenwood;
  6. examine boundaries, extent and rationale of proposed greenbelt for lands along East Duffins Creek; and
  7. examine boundary and rationale of the proposed greenbelt for lands through the Fifth Concession, east of Brock Road.

All of the above changes were discussed with the Ministry of Municipal Affairs and Housing at the November 24, 2004 meeting. Changes are shown on Maps 1, 2, 3, 4, 5, 6 and 7 (see Attachments 6 to 12). The Ministry also agreed to meet with the City and the Toronto and Region Conservation Authority to review Greenbelt boundary issues. Issues 3 and 4 are not discussed further on this Report as we understand MMAH staff agree to these changes. Issues 6 and 7 are not discussed further as Ministry staff advised they would be available to discuss these boundaries in more detail.

#### **6.0 The approval of the Greenbelt Plan is premature until the Province releases a comprehensive package of all of its initiatives.**

Last summer, the Ministry of Public Infrastructure Renewal released a discussion paper on a proposed Growth Plan for the Greater Golden Horseshoe. Comments through Report PD 33-04 were provided to the Province. At that time, Pickering Council requested the Province to release a comprehensive package of all its initiatives for further consultation including all planning reform initiatives, the above noted Growth Plan, Greater Golden Horseshoe Transportation Strategy, the 10-year Strategic Infrastructure Investment Plan, and the proposed Greenbelt Plan, prior to finalizing the growth plan.

A common theme being voiced at recent meetings with stakeholders and the public on the draft Greenbelt Plan was the need for the Province to release a comprehensive package of all of its initiatives for consultation, prior to any of the initiatives being finalized.

**7.0 The Province's planning process under the *Ontario Planning and Development Act (OPDA)* supercedes the Greenbelt Plan as it relates to the Agricultural Assembly.**

As discussed earlier, the draft Plan identifies the entire Agricultural Assembly within the Greenbelt Plan. Concurrently, the Province is undertaking a planning process under the *OPDA* for the Agricultural Assembly and Seaton lands.

Under the proposed *Greenbelt Act*, the Minister of Municipal Affairs and Housing can make a plan or an amendment to a plan under the *OPDA* even if the Greenbelt Plan is in effect in the area to be covered by the Plan. Therefore, a development plan approved by the Minister for the Agricultural Assembly lands would supercede the Greenbelt Plan.

**8.0 Next Steps**

Staff will follow-up with the Province on the recommended changes to the draft Greenbelt Plan and will advise Council of the release of the final Greenbelt Plan.

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**ATTACHMENTS:**

1. Highlights of Bill 135 – *Proposed Greenbelt Act, 2004*
  2. Extract for Pickering of draft Greenbelt Map
  3. Current Planning Applications Table and Map
  4. Map of Planning Applications “Grandfathered” in the Rural Area
  5. Map of Planning Applications “Grandfathered” in the Urban Area
  6. Map 1 – South portion of the Agricultural Assembly (Cherrywood Community)
  7. Map 2 – Lands surrounding the Hamlet of Whitevale
  8. Map 3 – Rouge Park Neighbourhood
  9. Map 4 – Rosebank, Rougemount, and Highbush Neighbourhoods
  10. Map 5 – Hamlet of Greenwood
  11. Map 6 – Lands around East Duffins Creek
  12. Map 7 – Lands within the Fifth Concession, east of Brock Road
  13. Copy of Draft Greenbelt Plan
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**Prepared By:**

**Approved / Endorsed By:**

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Neil Carroll, MCIP, RPP  
Director, Planning & Development

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GM:jf:ld

Copy: Chief Administrative Officer  
(Acting) Chief Administrative Officer  
Division Head, Corporate Projects & Policy

**Recommended for the consideration of  
Pickering City Council**

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Thomas J. Quinn, Chief Administrative Officer

## Bill 135 – Proposed *Greenbelt Act*, 2004

The purpose of the Bill is to establish a Greenbelt Plan for all or part of the Greenbelt Areas that is designated by regulation. Highlights of the Bill are as follows:

- the Greenbelt Plan may be established for all or part of the Greenbelt Area and is retroactive to December 16, 2004;
- the objectives for the Greenbelt Plan include: to establish a network of countryside and open space areas; to provide protection to the land base needed to maintain, restore and improve the ecological and hydrological functions of the Greenbelt Area; to promote connections between lakes and the Oak Ridges Moraine and Niagara Escarpment; and to control urbanization of the lands to which the Greenbelt Plan applies;
- the Greenbelt Plan may set out policies with respect to the lands to which the Greenbelt Plan applies, including land use designations and policies to support coordination of planning and development among municipalities and related to the programs of the Province;
- the Greenbelt Plan may set out policies for areas designated by it as *Protected Countryside* including policies prohibiting or restricting the use of land or erection of buildings; policies relating to land and resource protection and land development; and policies for the economic and physical development of land;
- all decisions made under the *Planning Act*, *Ontario Planning and Development Act* or the *Condominium Act* shall conform to the Greenbelt Plan. Municipalities shall not undertake any public work or other undertaking or pass a by-law that conflicts with the Greenbelt Plan. This does not apply to any matters commenced before December 16, 2004 related to areas designated as *Protected Countryside*;
- applications, procedures and matters commenced before December 16, 2004 will be subject to transition provisions (not yet released);
- the Greenbelt Plan prevails in the case of a conflict between it and an official plan, zoning by-law or policy statement issued under section 3 of the *Planning Act*;
- if there is a conflict between the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, the Oak Ridges Moraine Conservation Plan prevails;
- municipalities located within areas designated as *Protected Countryside* in the Greenbelt Plan shall be required to amend their official plans to conform with the Greenbelt Plan (in conjunction with a five-year review of the official plan);

- a review of the Greenbelt Plan will be carried out every 10 years;
- the Minister of Municipal Affairs and Housing may propose amendments to the Greenbelt Plan in respect of areas designated as *Protected Countryside*. The Bill outlines the process for considering amendments to the Greenbelt Plan, including consulting with the municipality, other affected public bodies and the public. Decisions on amendments are final and not subject to appeal;
- amendments to the Greenbelt Plan proposed by the Minister shall not have the effect of reducing the total land area within the Greenbelt Plan;
- the Minister may establish a Greenbelt Advisory Council to advise the Minister on matters related to the *Act*;
- any appeals or referrals to the OMB *for* matters related to land within the areas designated as *Protected Countryside* in the Greenbelt Plan may be deferred by the Minister. The Minister may appoint a hearing officer to conduct a hearing on the matter and the hearing officer will make recommendations to the Minister. The Minister's decision on the matter is final and not subject to appeal.

It is anticipated that the Act will receive Royal Assent and come into effect on or before December 16, 2004, the last date the Greenbelt Protection Act, 2004 is in effect.

**Anticipated Effect of the  
Proposed *Greenbelt Act* (Bill 135) and the Draft Greenbelt Plan on  
Current Planning Applications  
Affected by the *Greenbelt Protection Act, 2004***

Applicant, Application File No's & General Location  (See Map on Next Page)	<i>Greenbelt Protection Act</i>  (To be repealed Dec. 16, 2004)	Draft Greenbelt Plan	Proposed <i>Greenbelt Act</i> , 2004
<p><b>Bitondo Markets Ltd.:</b> <b>SP 2001-04; A 16/00</b></p> <p>West side of Westney Road, abutting south side of Hamlet of Greenwood</p>	Applications "Stayed"	Not within proposed Greenbelt	Not applicable
<p><b>Bill &amp; Anne Clancey:</b> <b>OPA 02-004/P; A 21/02</b></p> <p>South side of Concession 6, east of Sideline 14 road allowance</p>	Applications "of no effect"	Not within proposed Greenbelt	Not applicable
<p><b>Berrywoods Farms Inc.:</b> <b>OPA 04-001/P;</b> <b>SP 2004-03; A 02/04</b></p> <p>East and west of Westney Road, north of Fifth Concession Road, south and east of Hamlet of Greenwood</p>	Applications "of no effect"	Southern part is within proposed Greenbelt	Decisions on applications submitted on or after December 16, 2004, must comply with Greenbelt Plan