

Clarington

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November 22, 2023

The Honorable Paul Calandra
Minister of Municipal Affairs and Housing
Via Email: minister.mah@ontario.ca

Dear Minister:

Re: Proposal to Return Lands to the Greenbelt – Greenbelt Statute Law Amendment Act, 2023 (Bill 136)

File Number: PG.25.06

At a meeting held on November 20, 2023, the Council of the Municipality of Clarington approved the following Resolution # PD-082-23

That Report [PDS-065-23](#), and any related delegations or communication items, be received;

That Report PDS-065-23 be submitted to the Province via ERO Posting 019-7739 as Clarington's comments on the province's proposed Greenbelt Statute Law Amendment Act, 2023 (Bill 136); and

That all interested parties listed in Report PDS-065-23, and any delegations be advised of Council's decision.

Yours truly,



John Paul Newman
Deputy Clerk

JPN/lh

c: See attached list of Interested parties



Staff Report

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Report To:	Planning and Development Committee	
Date of Meeting:	November 13, 2023	Report Number: PDS-065-23
Submitted By:	Carlos Salazar, Director of Planning and Infrastructure Services	
Reviewed By:	Mary-Anne Dempster, CAO	Resolution#:
File Number:	PLN 1.1.9.4	By-law Number:
Report Subject:	Proposal to Return Lands to the Greenbelt – Greenbelt Statute Law Amendment Act, 2023 (Bill 136)	

Recommendations:

1. That Report PDS-065-23, and any related delegations or communication items, be received;
2. That Report PDS-065-23 be submitted to the Province via ERO Posting 019-7739 as Clarington's comments on the Province's proposed Greenbelt Statute Law Amendment Act, 2023 (Bill 136); and
3. That all interested parties listed in Report PDS-065-23, and any delegations be advised of Council's decision.

Report Overview

In November 2022, the Province of Ontario released proposed amendments to the Greenbelt Plan. The amendments proposed to remove 15 areas of land from the edge of the Greenbelt to provide for residential development. One of the parcels of land identified for removal was located at the northeast corner of Nash Road and Hancock Road in Clarington (Attachment 1).

Clarington made a submission to the Province via Report [PDS-059-22](#), indicating objection to any removal of land from the Greenbelt. The Greenbelt Plan changes came into force as originally presented in December 2022.

On October 16, 2023, the Province released proposed legislation, entitled '[Greenbelt Statute Law Amendment Act, 2023 \(Bill 136\)](#)' to amend the Greenbelt Act, 2005. The proposed legislation would restore the 15 areas of land that were redesignated or removed from the Greenbelt in late 2022 and ensure future boundary adjustments are made through an open and public process.

The purpose of this report is to provide an overview of and comments on the proposed amendments to the Greenbelt Act. The deadline to comment is November 30, 2023.

1. Background

- 1.1 In November 2022, the Province of Ontario released proposed amendments to the Greenbelt Plan and associated Ontario Regulation 59/05. The amendments proposed to remove 15 areas of land, comprising approximately 7,400 acres, from the edge of the Greenbelt to provide for residential development. One of the parcels of land identified for removal was located at the northeast corner of Nash Road and Hancock Road in Clarington.
- 1.2 The announcement followed the Province's October 2022 release of omnibus Bill 23 (More Homes Built Faster Act, 2022) in support of the Province's goal to build 1.5 million homes by 2031.
- 1.3 The Greenbelt Plan changes came into force as originally presented in December 2022, after the close of the 30-day comment period during which the Province received over 35,000 submissions, many of which were not supportive of the changes. Clarington made a submission to the Province via Report PDS-059-22, indicating Clarington's objection to any removal of land from the Greenbelt.
- 1.4 In August 2023, the Office of the Auditor General of Ontario released '[Special Report on Changes to the Greenbelt](#)' (the Report) and was updated in October 2023. The Report assessed the financial and environmental impacts of the Province's decision to remove lands from the Greenbelt, and is briefly summarized in section 2, below.

- 1.5 On October 16, 2023, the Province released proposed legislation to amend the Greenbelt Act, 2005. The proposed Greenbelt Statute Law Amendment Act, 2023 (Bill 136) would restore the 15 areas of land that were redesignated or removed from the Greenbelt in late 2022. The proposed Greenbelt Statute Law Act, 2023 would ensure any future boundary adjustments are made through an open, public, and transparent legislative process.
- 1.6 The purpose of this report is to (i) summarize the Province's proposed changes to the Greenbelt Act, and (ii) present staff's comments on Bill 136 for Council's consideration. The proposed legislation is currently posted on the [Environmental Registry of Ontario](#) for public review and comment until November 30, 2023.

2. Discussion and Comments

Greenbelt in Clarington

- 2.1 The Greenbelt encompasses approximately 81 percent of the total lands in Clarington, within which is the Oak Ridges Moraine, making up approximately 29 percent of Clarington's total area.
- 2.2 The purpose of the Greenbelt Plan is to provide permanent protection to the invaluable agricultural land base and ecological features and functions surrounding the urbanized areas of the Greater Golden Horseshoe.
- 2.3 The Greenbelt Plan aligns with and provides essential support to many of the goals and objectives of our Clarington Official Plan, including (i) to pursue development in a manner that ensures sustainability for future generations to meet their own needs (ii) to protect the integrity and vitality of natural heritage systems, and (iii) that growth and development will take place within firmly defined boundaries to protect the agricultural system and industry as a key economic driver within the Municipality.
- 2.4 The Greenbelt Plan has been continuously supported by Clarington Council since its enactment in 2005. Additional information about the Greenbelt in Clarington is available in Report [PDS-059-22](#).

Special Report on Changes to the Greenbelt

- 2.5 In August 2023, the Office of the Auditor General of Ontario released the '[Special Report on Changes to the Greenbelt](#)'. The assessment and resulting Report were in response to a request from the three Ontario Opposition Party leaders for a value-for-money audit and an assessment of the financial and environmental impacts of the government's decision to remove lands from the Greenbelt. The full Report is available online. The paragraphs below provide a high-level summary of the observations and recommendations outlined in the Report.

- 2.6 The Report determined the way in which the Province assessed and selected lands for removal from the Greenbelt:
- (i) was not publicly transparent, objective, or well-informed;
 - (ii) was inconsistent with the vision, goals, and processes of the Greenbelt Plan, and deviated from previous processes (e.g. 2017 Coordinated Plans Review);
 - (iii) did not factor in financial impacts or costs, or clarify fiscal responsibilities, such as the cost of additional infrastructure or who would pay for it;
 - (iv) did not consider environmental and agricultural implications of the removals, was not based on technical knowledge about systems and functions, and did not address the resulting adverse impacts, loss or degradation; and
 - (v) did not effectively consult the public, municipalities, and Indigenous Communities.
- 2.7 The Report further noted the opening of the Greenbelt was not needed to meet the Province's goal of building 1.5 million homes by 2031, according to the Province's Housing Affordability Task Force, the Housing Ministry, and the Chief Planners of the three most affected Regions (including Durham).
- 2.8 The Report presented a series of 15 recommendations to address the observations detailed in the document, including a recommendation to re-evaluate the 2022 decision to change the Greenbelt boundaries.

Summary of Proposed Amendment to the Greenbelt Act

- 2.9 The proposed 'Greenbelt Statute Law Amendment Act, 2023 (Bill 136) proposes to amend the Greenbelt Act, 2005 to:
- (i) Return to the Greenbelt the 15 areas that were removed in December 2022 by incorporating the description of the Greenbelt Area directly into the legislation. This includes the lands removed at the northeast corner of Nash Road and Hancock Road in Clarington;
 - (ii) Eliminate the authority to add or remove lands to or from the Greenbelt Area by regulation so that any future amendments to the Greenbelt Area would require legislative changes through an open, public process;
 - (iii) Add to the Greenbelt Act a new section to restore the application of the Greenbelt Plan to the 15 areas of land that were removed in 2022 and provide for a concurrent amendment to the Greenbelt Plan so the protections the lands had prior to the December 2022 amendments are restored. It is noted the lands

added to the Greenbelt (urban valley lands) in 2022 would remain in the Greenbelt;

- (iv) Continue to provide that no Plan amendments can be made that would reduce the total area of land subject to the Greenbelt Plan, and revoking the Greenbelt Area boundary regulation (Ontario Regulation 59-05);
- (v) Specify through section 19 of the Greenbelt Act that the Province has no legal liability for matters related to the Greenbelt Act; and
- (vi) Make similar amendments noted above to the Oak Ridges Moraine Conservation Act and Plan, as required.

2.10 It is noted that the 13 Urban River Valley Areas that were added to the Greenbelt as part of the 2022 Greenbelt Plan amendments will remain in the Greenbelt. The additions totalled approximately 3,804 hectares (9,400 acres) and included lands in Clarington consisting of expansions to Urban River Valleys along Wilmot Creek and Soper Creek, and the addition of lands within Darlington Provincial Park. These urban river valley areas will continue to part of the Greenbelt and are illustrated on Attachment 2.

2.11 If passed, the Greenbelt Statute Law Amendment Act, 2023 would come into force on the date the Act receives Royal Assent.

2.12 If passed, the lands at Nash Road and Hancock Road in Clarington, shown on the Province's Map 8 (Attachment 1), will be returned to the Greenbelt's Protected Countryside.

Comments on Greenbelt Statute Law Amendment Act, 2023 (Bill 136)

2.13 Staff appreciates the Province's re-evaluation of its decision to remove lands from the Greenbelt, and proposed legislation to restore and strengthen the permanent protection of the same.

2.14 Staff does not support the removal of any lands from the Greenbelt Area. The Province's agricultural land base is finite and should be recognized as such.

2.15 Staff generally supports the proposed 'Greenbelt Statute Law Amendment Act, 2023 (Bill 136)'.

2.16 Staff supports the Province's efforts in continuing to implement the Recommendations resulting from the ['Special Report on Changes to the Greenbelt'](#).

2.17 Clarington remains committed to exercising its part to address Ontario's housing supply crisis using the tools available and looks forward to continuing to work with the Province towards the same.

3. Financial Considerations

- 3.1 There are no direct financial considerations for providing comments to the Province on the proposed legislation through the Environmental Registry of Ontario.
- 3.2 There have been indirect financial considerations relating to the time and resources expended over the last 12 months to review and consider the implications of the 2022 changes to the Greenbelt Plan that removed lands in Clarington from the Greenbelt.

4. Concurrence

- 4.1 This report has been reviewed by the Deputy CAO/Treasurer who concurs with the recommendations.

5. Conclusion

- 5.1 The proposed legislation is currently posted for public consultation on the Province's Environmental Registry of Ontario website for 45 days, closing on November 30, 2023.
- 5.2 The Greenbelt Plan is to provide permanent protection to the agricultural land base and ecological features and functions. Staff supports the proposed Greenbelt Statute Law Amendment Act, 2023 (Bill 136), and offers comments for the Province's consideration to ensure the continued permanent protection of the Greenbelt.
- 5.3 It is respectfully recommended that (i) the recommendations in Section 1 of this report be adopted, and (ii) that this report, including the Comments on the proposed Greenbelt Statute Law Amendment Act, 2023 (Bill 136) contained herein, be submitted to the Province as Municipal Comments on the proposed amendments to the Greenbelt Act.

Staff Contact: Sarah Allin, Principal Planner, 905-623-3379 ext. 2419 or sallin@clarington.net.

Attachments:

Attachment 1 – Map showing lands in Clarington proposed to be restored to the Greenbelt (Province's Map 8)

Attachment 2 – Map showing Urban River Valleys added to the Greenbelt

Interested Parties:

List of Interested Parties available from Department.

Greenbelt Plan, Oak Ridges Moraine Conservation Plan

Maps are for Consultation Purposes Only

Proposed Restoration and Redesignation Map 8

LEGEND

- Greenbelt Area*
- Protected Countryside
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- Settlement Areas Outside the Greenbelt
- Municipal Boundary
- Road or Highway

Proposed Restorations and Redesignations

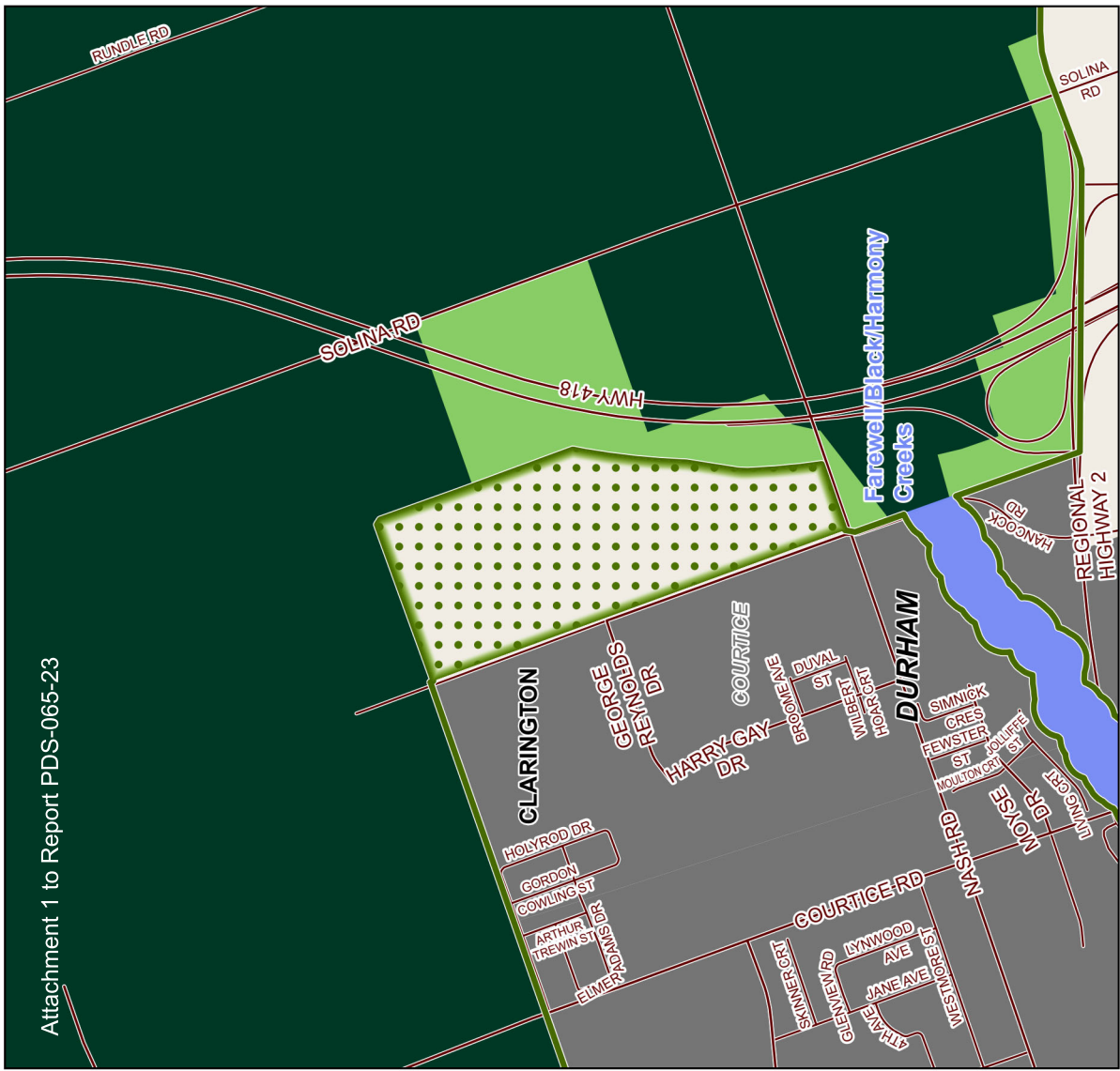
- Greenbelt Restoration
- Greenbelt Redesignation
- ORM Redesignation

NOTE: Lands within the Greenbelt Restorations and Redesignations that had been identified as NHS and/or Niagara Peninsula Tender Fruit and Grape Area as of Dec 13, 2022 would revert back to NHS and/or Niagara Grape and Tender Fruit and Grape Area.

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Map North: 0°



Attachment 1 to Report PDS-065-23

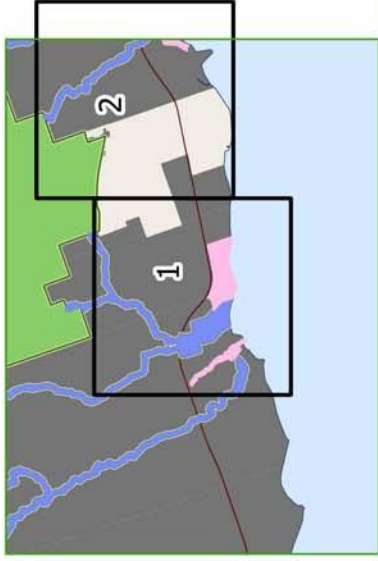
Note: While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

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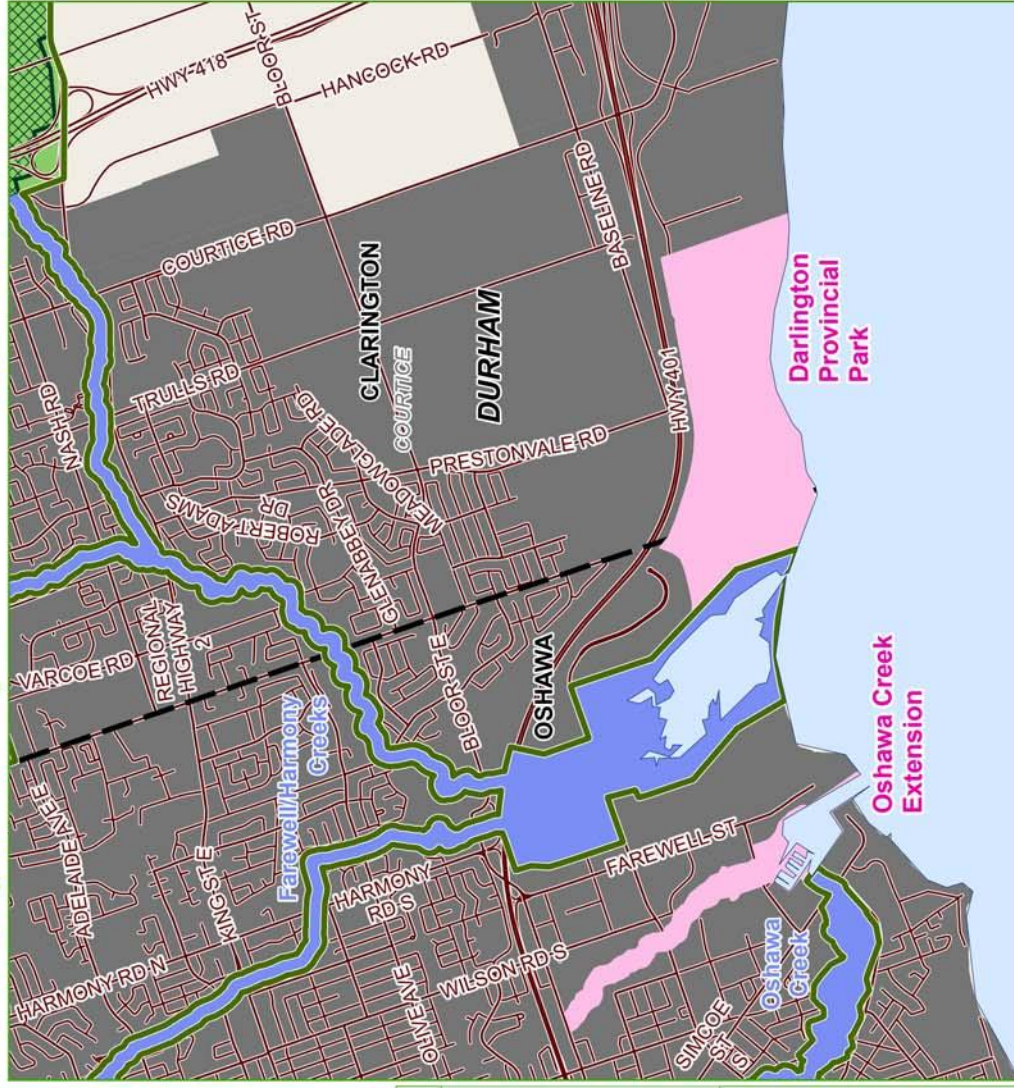
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greenbelt



Greenbelt Plan, map division and enlargement

Proposed Urban River Valley Map 1



Ontario

LEGEND

- Greenbelt Area*
- Protected Countryside
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- Proposed Urban River Valleys
- Niagara Escarpment Plan Area
- Oak Ridges Moraine Area
- Settlement Areas Outside the Greenbelt
- Municipal Boundary
- Road or Highway

Maps are for Consultation Purposes Only

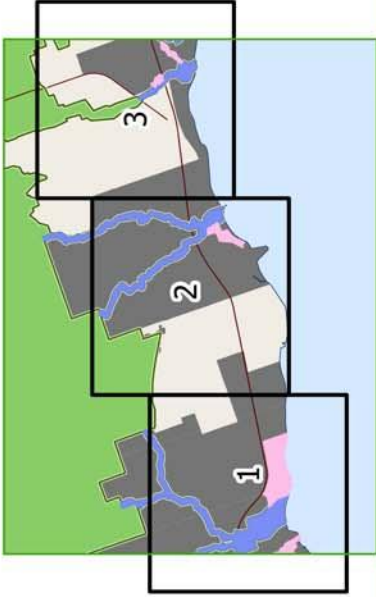
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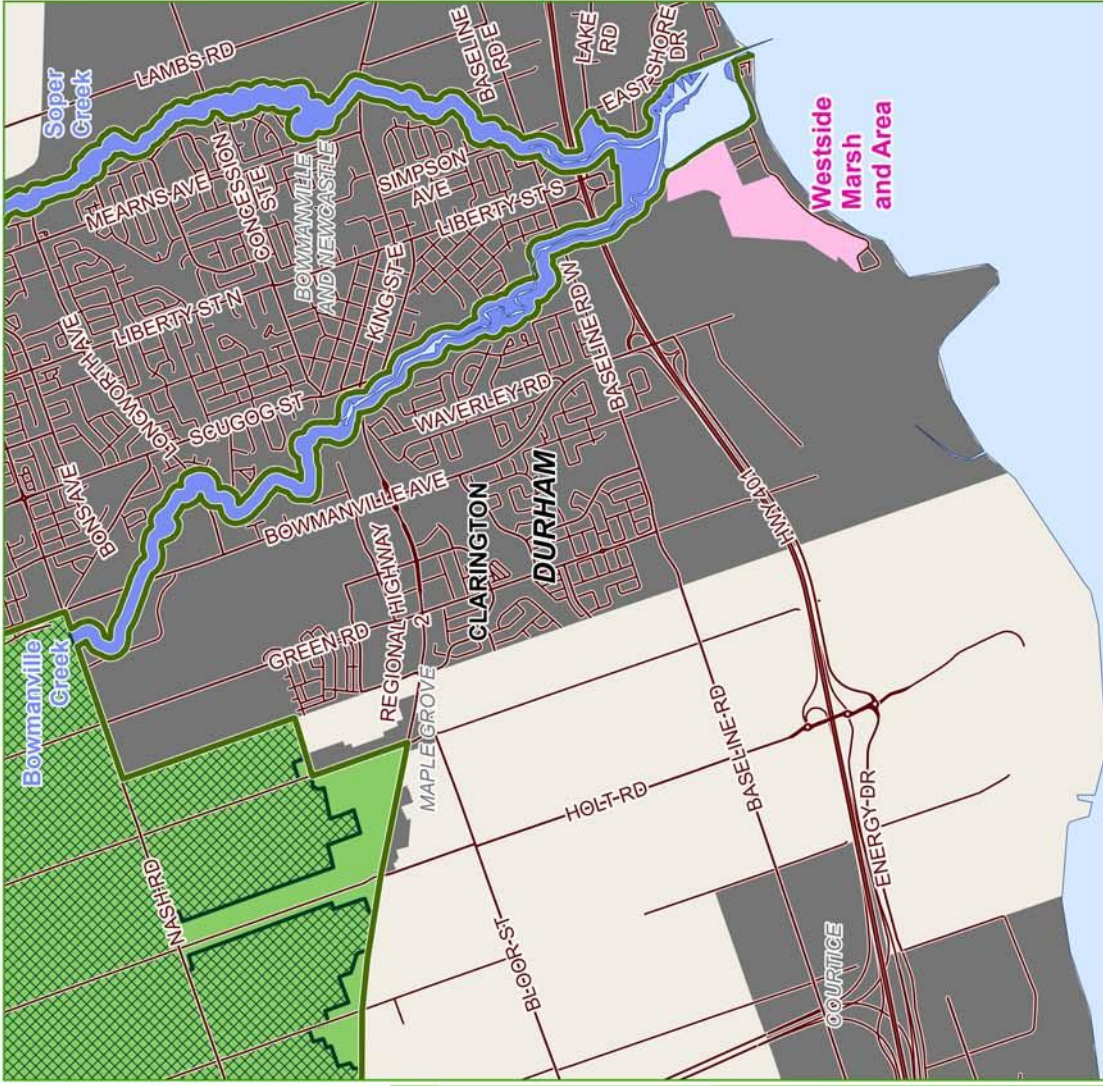
*Ontario Regulation 59/05, as amended. 0 0.3 0.6 1.2 Km
1 cm equals 394 m Map North: 0°

greenbelt



Greenbelt Plan, map division and enlargement

Proposed Urban River Valley Map 2



LEGEND

	Greenbelt Area*		Settlement Areas Outside the Greenbelt
	Protected Countryside		Municipal Boundary
	Natural Heritage System		Road or Highway
	Towns/Villages	Maps are for Consultation Purposes Only	
	Urban River Valleys		
	Proposed Urban River Valleys		
	Niagara Escarpment Plan Area		
	Oak Ridges Moraine Area		

Note: While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

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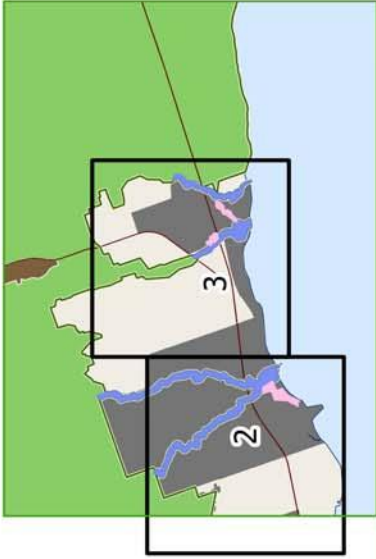
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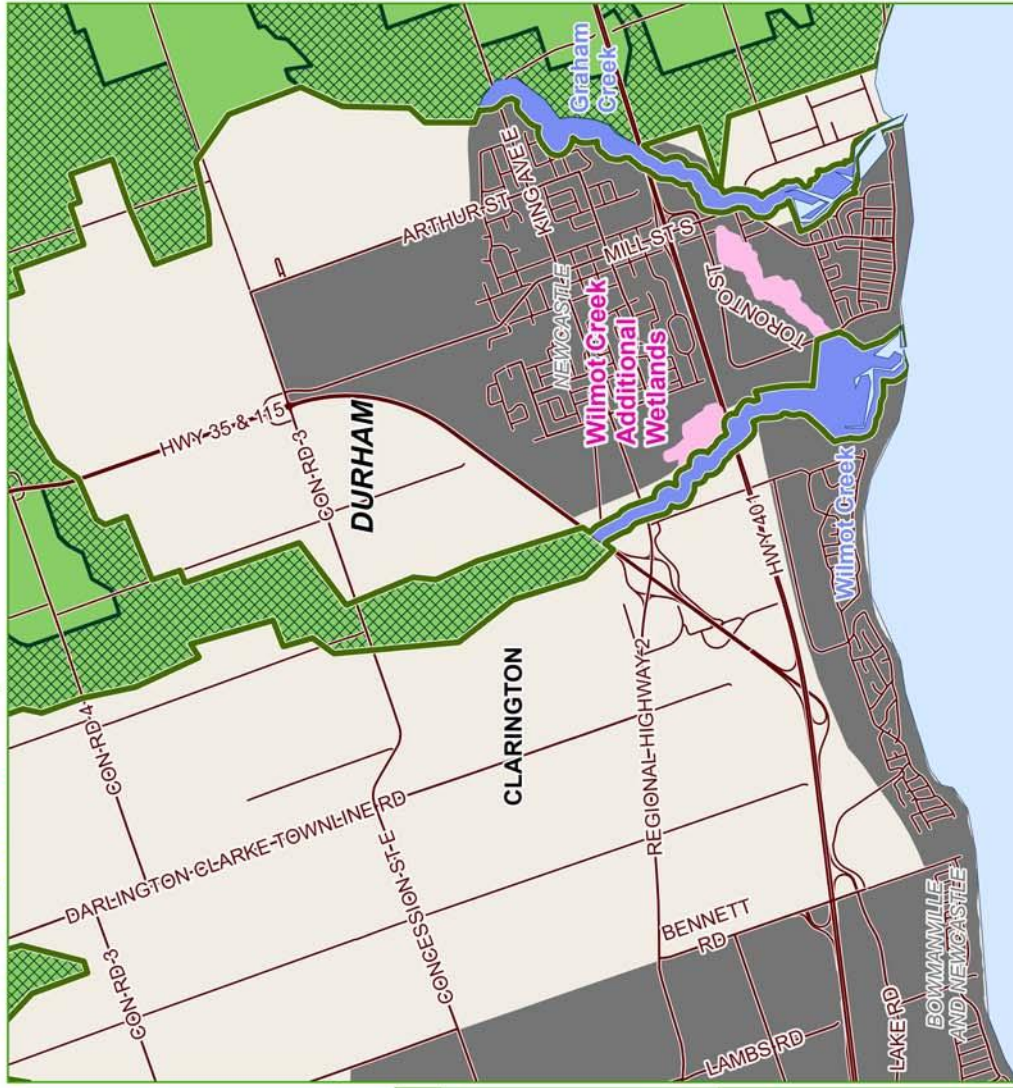
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greenbelt



Greenbelt Plan, map division and enlargement

Proposed Urban River Valley Map 3



Ontario

LEGEND

- Greenbelt Area*
- Protected Countryside
- Natural Heritage System
- Towns/Villages
- Urban River Valleys
- Proposed Urban River Valleys
- Niagara Escarpment Plan Area
- Oak Ridges Moraine Area
- Settlement Areas Outside the Greenbelt
- Municipal Boundary
- Road or Highway

Maps are for Consultation Purposes Only

Note: While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads. For precise boundaries and locations of Settlement Areas, including Towns/Villages and Hamlets, the appropriate municipalities should be consulted.

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1 cm equals 394 m



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