

Type: Open Session

Report To: Council

Meeting Date: November 20, 2023

Subject: Greenbelt Amendments and Motions

Recommendation(s)

1. That report PA-23-36, Greenbelt Amendments and Motions, dated November 20, 2023 be received; and
2. That Council provide this report as comments to the Province with respect to the proposed changes to the Greenbelt legislation and mapping; and
3. That Council request consideration by the Minister of Municipal Affairs and Housing to reimburse the Town of Grimsby \$82,000 to cover the administrative costs incurred as a result of previous direction given by the Province; and
4. That Council request that the Province not include the parcels identified in Map 11, in the Town of Grimsby, in the Greenbelt through Bill 136; and
5. That Council request the Province develop a municipal process with criteria (i.e., exchange of lands, environmental, or agricultural impact studies) for reconsideration of lands evidenced to be appropriate for future developments and that would result in no adverse impacts to the Greenbelt.

Purpose

This report outlines the background with respect to lands in the Greenbelt north of the Escarpment, the changing approaches by the Province, and the continued requests by the Town for the lands to be considered for inclusion into the urban boundary of Grimsby.

Executive Summary/Report Highlights

There is an extensive history relating to the lands in the Greenbelt north of the Escarpment, outside of the settlement area. The Town has continuously advocated for the lands to be available for possible urban expansion to accommodate residential and commercial / employment growth. The following provides highlights of the history and the key requests of the Town:

History

- At the time of the Greenbelt Act and Plan (2004/2005) and again at the last review (2016/2017), the Town outlined the need for the potential expansion onto the Greenbelt lands north of the Escarpment to accommodate forecasted residential and employment growth. A possible swap of Greenbelt lands was offered, and an agricultural study concluded that the subject lands could reasonably be removed from the specialty crop designation.
- The Province removed portions of the lands from the Greenbelt in late 2022, and reversed this decision in 2023. The Province outlined a process for the removal that the Town of Grimsby followed, until the reversal was announced. The reversal would make any future changes to the Greenbelt boundary a decision of the Ontario legislature.

Requests of the Town

- The Town requests reimbursement from the Province of \$82,000 for the staff time and consultant fees incurred as a result of following the Provincially directed process to remove parcels from the Greenbelt.
- The Town requests that the identified lands removed from the Greenbelt in Grimsby to remain outside of the Greenbelt. This would require a reversal of the proposed mapping for Grimsby and a new process to ensure those lands could be included in the Town's urban area.
- The Town requests that an avenue for a municipally-initiated process for the removal of appropriate lands from the Greenbelt for future development be provided. This would require a revision to the proposed legislation that would set out the process for municipalities to request a change in the Greenbelt boundary that does not require a decision of the Provincial legislature.

Background – Timeline

2005 and 2017 – Provincial Greenbelt Reviews

Grimsby has recognized the need for a potential urban expansion to accommodate future residential and commercial / employment growth on the Greenbelt lands north of the Escarpment. These lands are both north and south of the QEW from Kelson Avenue North to the west to Hunter Road and Casablanca Boulevard to the east respectively. Both areas of land are north of the Escarpment.

As early as February 2005, consultants outlined potential development areas for the Town to expand into to accommodate growth (as shown in **Appendix A** – Excerpt from

the Town of Grimsby Growth Management Study dated Feb. 16, 2005). The Greenbelt Act was passed later in February of 2005, and the Greenbelt Plan was backdated to come into effect in December of 2004. Within the Greenbelt Plan, those lands were designated specialty crop in the Plan, effectively removing any possibility of future expansion of the urban boundary with those lands. The Growth Management Study noted the inconsistencies of the Greenbelt specialty crop designation with regional and local official plan mapping at the time, the fractured nature of the land base with all of the existing development, and the lack of agricultural uses in those areas.

The Greenbelt Plan is required to be reviewed every ten years. In 2016/2017, at the time of the Coordinated Review of the Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan, the Town again requested the potential for removal of the lands and put forward an 'exchange' of land. In preparation for this swap, the Town conducted an Agricultural Study of the specialty crop areas that were considered for urban expansion (as shown in **Appendix B** – Excerpt from Specialty Crop Greenbelt Study Report dated Oct. 28, 2016). That study concluded that the lands in those areas could reasonably be removed from the specialty crop designation.

Recognizing the desire to keep the overall size of the Greenbelt intact, or expand it, the Town put forward an opportunity to 'exchange' lands in the southern portion of Grimsby for the lands north of the Escarpment. As part of that review, the Province took the additional lands for the Greenbelt, but neither removed the requested parcels from the Greenbelt, nor changed the specialty crop designation. The Town once again requested that the Province reconsider in 2017 (see **Appendix C** – Letter from former Mayor Bentley to Province, dated February 27, 2017), however these lands remained unchanged until the 2022 provincial decision to remove them.

December 2022 – Removal from Greenbelt

In December 2022, the Province removed or redesignated 15 areas of land from the Greenbelt area through [ERO 019-6217](#). Two of the parcels outlined were in the Town of Grimsby (as shown in **Appendix D** – Map 11: Map of Northern and Southern Areas Returned to Greenbelt in Grimsby):

- Northern Parcel – Re-designation to Towns and Villages from Protected Countryside (502 Winston Road)

This area is north of the QEW, just west of the current urban area boundary line following Hunter Road and north of Winston Road in the Winston Road Neighbourhood area. The parcel is one lot, measuring approximately 14.3 ac (5.8 ha).

- Southern Parcel – Removal from Protected Countryside

This area is south of the QEW, bounded by Kelson Ave. N to the west, the CN line to the north, Oakes Rd. N to the east, and Main St. W to the south. This area is approximately 74 ac (30 ha) and consists of multiple properties of varying sizes.

The Province outlined a process for the lands that were removed. The expectation was that significant approvals and implementation were to have been achieved by the end of 2023, and construction of the new homes was to begin no later than 2025. Further the Province also indicated their 'expectation that the proponents would fully fund necessary infrastructure upfront' ([ERO 019-6217](#)).

Municipalities and the respective land owners were to work with the Provincial Land and Development Facilitator (PLDF) to outline a plan and agreement that would have then been forwarded to the Ministry of Municipal Affairs and Housing for approval and the creation of a Minister's Zoning Order (MZO). Any additional planning applications, such as a subdivision, or site plan, would have followed the MZO and been administered by the municipality.

Mid 2023 – Following the Provincial Process

In accordance with the Provincial process in place, the Town worked with the PLDF's office and proponents in the northern and southern areas that came forward during the process. The goal was to outline the infrastructure needs from proposed residential development and any community benefits that might have been otherwise gained if the developments were to have proceeded through the normal planning study process - Official Plan, Secondary Plan, Development Charge Study, etc. Third-party legal and consultant services were retained by the Town to assist through the process. According to provincial direction, the process proceeded at an accelerated pace.

However, no final framework was arrived and no approvals for the lands were made by the conclusion of this work in October, when the Province announced a decision to return the lands to the Greenbelt.

The estimated amount that the Town expended on these efforts is \$82,000. This includes the consultant fees and legal advice, as well as a portion of the additional staff time.

October 2023 – Provincial Return of Lands to the Greenbelt

On October 16, 2023, the Province released [ERO 019-7739](#), which is a proposal that has a comment period of 45 days (ending November 30, 2023) to return the lands to the Greenbelt.

The effect of the proposal is to:

- Eliminate authority to add or remove lands to or from the Greenbelt by regulation, requiring instead a legislative change to the Greenbelt Act; and
- Revoke the 2022 changes to the mapping, returning the lands to their previous Greenbelt status; and
- Strengthen immunity provisions for the Province in the Greenbelt Act to ensure there is no legal liability.

October 2023 – Motions of Council

Two motions were presented and adopted at the October 16, 2023 meeting of Council.

The first motion (see **Appendix E**) requested that the Province reimburse the Town for the costs of staff time, as well as legal and financial advice sought to follow the Provincial timelines for the consideration of lands removed from the Greenbelt. This motion recognized the significant amount of time and effort that went into reviewing the proposals and providing the PLDF with information regarding infrastructure and potential community benefits. Through this reimbursement, the Town would be made whole for monies expended in carrying out Provincial directives, and not penalized for a change in Provincial direction.

The second motion (see **Appendix F**) requested that staff investigate the opportunity to proceed with the development applications. The intent of the motion recognizes the long-standing position of the Town to have the lands north of the Escarpment removed from the specialty crop designation and able to be considered for development to meet the Town's long-term needs for residential development in keeping with provincial direction. Certain statements in the motion require clarification. Namely, the ERO posting allows for a 45 day comment period in which the Province will receive comments on the proposed changes. Also, as the Minister had not yet issued any Minister's Zoning Orders for these lands, the lands have not yet been re-zoned.

Analysis/Comments

Request for Remuneration and Protection for the Town of Grimsby

In following the Provincial approach outlined as a result of the removal of the 15 parcels from the Greenbelt Plan in December of 2022, the Town incurred expenses of \$82,000 in staff time, and third-party legal and consulting services while working with the Provincial Facilitator.

With the Provincial announcement in October 2023 reversing the removals of the Greenbelt lands, Grimsby Council passed a motion seeking reimbursement for the time and monies spent in fulfilling Provincial direction. This reimbursement is sought to provide a level of fairness for the Grimsby tax payer. The work by staff and consultants with the Facilitator was for the specific process outlined by the Province. It was not budgeted for, took time away from other projects and priorities, involved many hours of overtime work to accomplish, and began and ended based on Provincial guidance. Had the Province continued with the process, it was understood that the Town would not have lost that time and money with no positive result.

In a [Media Availability](#), Minister Calandra indicated he would review the costs incurred by municipalities such as Grimsby in working to fulfill the Provincial requirements. The Town is seeking confirmation from the Minister of Municipal Affairs and Housing that the Province will reimburse the Town to compensate for the time and efforts made, and recognize that the Town was operating at the direction of the Province.

In addition, the Town seeks a similar means of protection from legal liability for the municipalities that were operating in good faith with the provincial Facilitator and potential developers. The Province has proposed that the legislation would be amended to lessen their exposure, and the same manner of protections should also be provided to municipalities, so no additional costs are incurred due to the Provincial change in direction.

Request for the Continued Removal of the North and South Areas from the Greenbelt

Lands north and south of the QEW were removed from the Greenbelt in December of 2022. These lands were only a portion of the entire area. As noted in the background, the northern parcel is one lot, and the southern area is owned by multiple parties, including lands facing along Main Street West, and a subdivision built in the 1950s.

As evidenced by the multiple requests from the Town to the Province, the Town is requesting that the Province reconsider, and continue to proceed with the removal of these lands from the Greenbelt.

With the announcement of the reversal, the Province has effectively outlined that the process outlined in December 2022 is no longer valid. A new process would be necessary for the Town to recognize these lands as part of the municipal urban area boundary and properly plan for their eventual use.

Request for a Municipal Process to Remove Lands from the Greenbelt

The Town of Grimsby is in a unique position. The urban area is sandwiched between the Niagara Escarpment and Lake Ontario, and most of the rest of the municipality is designated as specialty crop lands within the Greenbelt.

The Town has developed and redeveloped significantly over the last twenty years since the Growth Management Study was finalized in early 2005. Just as the areas were identified for potential development at that time, there is an even stronger need for additional urban lands to accommodate residential and commercial / employment development at this time. The Town is currently reviewing the Official Plan, and the expectations are that the Town will exceed the 2051 Growth Plan targets set by the Province and Region long before then.

Besides a tiny strip of land not included in the Greenbelt, the only option for reasonable urban expansion to accommodate growth are the lands north of the Escarpment.

These lands are adjacent to the existing urban boundary and servicing. They represent a logical extension of the urban area. Expansions in the southern area particularly would recognize the existing subdivision built in the 1950s, the fulsome development of the GO station area, and the planned regional extension of Livingston Avenue. Expansions in the northern area would continue the development of the Grimsby on the Lake / Winston Road neighbourhood. Potential expansions in either area would support the Town's efforts to provide additional housing choice, and balance the tax-base to leverage additional commercial / industrial development.

To properly plan for the future, however, the Town requires the cooperation of the Province, and a change in the proposed legislation. The Town provided lands to expand the Greenbelt to the south of the municipality, which the Province agreed for inclusion. The Town has provided an agricultural study demonstrating the specialty crop designation could reasonably be removed. The next step is to obtain the Provincial support to develop policies and legislation that recognize Grimsby's unique situation.

The Town is requesting that the Province provide a mechanism for municipalities to request changes to the Greenbelt Plan that do not require legislative amendments to the Greenbelt Act. Through this mechanism, the Town could reasonably request lands to be added to the urban area to meet the needs of the Town over the long-term and properly plan for servicing, while gathering public input into the proposal and considering any environmental constraints.

Strategic Priorities

- Priority: Responsible and Progressive Growth
- Direction: Develop a strong plan for how our community grows
- Action: Define how the community will grow, informed by significant input from residents and implemented through policy

Financial Impact

This report seeks the reimbursement by the Province for approximately \$82,000 of staff, consultant and legal time to follow the Provincial process to remove lands from the Greenbelt. As the Province reversed their decision to remove the lands, there will be no benefit to the Town for this work, which unfairly impacts the Grimsby tax payer.

Public Input

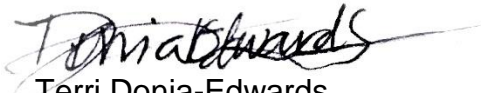
This report is in relation to a Provincial request for comments. The public, as well as the Town, may submit their comments via the Environmental Registry of Ontario (ERO).

Conclusion

The Town is once again asking the Province for consideration of the unique circumstances in Grimsby. While the 2022 removals of land from the Greenbelt was not anticipated, the Town cooperated with the Provincial process. At the direction of the Province, the process proceeded on an accelerated basis. The reversal in October of 2023 was without consultation with impacted municipalities. The Town has long advocated for a reasonable process to consider the lands within the Greenbelt north of the Escarpment for potential urban expansion to accommodate residential and commercial / employment growth.

The Town has proposed an exchange of lands, and undertaken an agricultural study that determined that the specialty crop designation could reasonably be removed. This most recent reversal would once again not reflect the needs of the Town over the long term. The Town requests compensation for the monies expended to follow the 2022 removal process, that the removed lands continue to be kept out of the Greenbelt, and that a process be developed that considers municipal requests for the reasonable expansion of the settlement area in the Greenbelt in consideration of Grimsby's unique circumstances.

Respectfully prepared by,



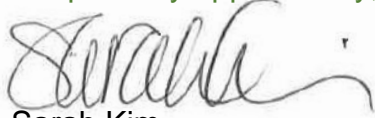
Terri Donia-Edwards
Supervisor of Planning

Respectfully reviewed and submitted by,



Harold Madi
Director of Planning and Building

Respectfully approved by,



Sarah Kim
Chief Administrative Officer

Attachments:

- **Appendix A** – Excerpt from the Town of Grimsby Growth Management Study, dated Feb. 16, 2005
- **Appendix B** – Excerpt from Specialty Crop Greenbelt Study Report, dated Oct. 28, 2016
- **Appendix C** – Letter from former Mayor Bentley to Province, dated February 27, 2017
- **Appendix D** – Map 11 – Map of Northern and Southern Areas Returned to Greenbelt in Grimsby
- **Appendix E** – Motion – Councillor DiFlavio – Costing of Greenbelt Changes
- **Appendix F** – Motion – Councillor Baradziej – 30 Day Appeal Period