



Hamilton

# INFORMATION REPORT

**CITY WIDE  
IMPLICATIONS**

<b>To:</b>	Chair and Members Planning & Economic Development Committee PED06225		
<b>From:</b>	Lee Ann Coveyduck General Manager Planning and Economic Development Department	<b>Telephone:</b> <b>Facsimile:</b> <b>E-mail:</b>	(905) 546-4339 (905) 546-4364 lcoveydu@hamilton.ca
<b>Date:</b>	July 21, 2006		
<b>Re:</b>	<b>Greenbelt Plan - Implementation Issues (PED06225) (City Wide)</b>		

## **Council Direction:**

At the June 6, 2006 Planning and Economic Development Committee Meeting, staff were directed to prepare a report on the Greenbelt Plan outlining boundary issues and problems related to conformity and implementation of the Plan.

## **Information:**

The Greenbelt Plan (GBP) is an overriding provincially legislated Plan that is intended to complement the Planning Act. It focuses on the protection of agricultural and environmental resources within the Greater Toronto Area, Hamilton and the Niagara Region.

In the fall of 2003, the provincial government introduced the Greenbelt Protection Act, which received royal assent in June 2004. This Act enabled the Province to develop a Greenbelt Plan. The first draft of the Greenbelt Plan was released in October 2004. Staff provided comments on the draft and met with Provincial staff to highlight concerns with the draft boundary in relation to the GRIDS Project, the identification of the Tender Fruit and Grape area (Specialty Crop Area), and several other policy implementation matters. City Council adopted the Planning Report PD04325, - Response to the Draft Greater Golden Horseshoe Greenbelt Plan, December 7, 2004, which outlined the City's concerns with the draft Plan. Council's decision did not support staff proposals for specific changes to the Greenbelt boundary, but requested the Province to defer implementation until GRIDS was complete.

On February 28, 2005, the Greenbelt Plan came into force. There were several changes to the final version of the Plan. The City did not have the opportunity to comment on these changes before they were finalized with no recourse or appeal

mechanism available. In addition, many concerns regarding implementation raised by Report PD 04525 had not been addressed.

### Implementation Issues

All planning documents and applications must conform to the Greenbelt Plan. Now that the Greenbelt Plan has been in force for over a year, City staff have been working to implement the Plan and ensure Hamilton's conformity through the development of the Rural Official Plan and the review of development applications. Several implementation issues have been identified. They include boundaries, mapping accuracy, administration and implementation of the Greenbelt Plan.

#### **1.0 Outer Greenbelt Boundaries**

- *Lower Stoney Creek Urban Boundary Expansion Lands (SCUBE)*

In 2003, the City adopted Official Plan Amendments No 14 (Regional OP) and No. 99 (Stoney Creek OP) to permit the expansion of the urban boundary of the lands generally bounded by Highway 8, Fruitland Road, Barton Street/QEW and the municipal boundary. The draft Greenbelt Plan later included all the SCUBE lands as Tender Fruit and Grape lands. Through public input, including comments from Council, the final version removed portions of the lands from the Plan in 2005, as identified on Appendix "A" to PED06225.

On several occasions staff met with the Province to determine the rationale for the retaining some SCUBE lands within the Greenbelt. Concerns were expressed about the impact those boundaries would have on secondary planning within SCUBE's urban boundary configuration.

From what staff can determine, the purpose of retaining SCUBE lands in Greenbelt was for the protection of agriculturally active areas (i.e. ED Smith and Puddicombe lands). The areas of land west of Glover and Fifty Roads do not appear consistent with this criterion. These lands include many small, non-farm properties unrelated to the agricultural operations that were the focus of the Province.

From an urban community development perspective, there are a number of issues that arise as a result of leaving the strips of non-farmland west of Glover and Fifty Roads in the Greenbelt and dividing the remaining lands for urban development. For example,

1. It makes it difficult to establish an efficient internal street system and a urban standard water and wastewater systems within the SCUBE district since there are no east west connections. Although infrastructure can traverse Greenbelt lands, this is more expensive because the entire cost of the unused infrastructure connections will be placed on fewer new residential and commercial units in future.

2. There will be a series of disconnected neighbourhoods punctuated by “agricultural lands”;
3. As surrounding urban development proceeds, agricultural operators within the Greenbelt Plan area will have to cope with escalating impacts from nearby residents such matters as noise complaints, spraying restrictions, trespass, etc.

- *Natural Heritage System “Fingers”*

The final version of the Greenbelt Plan included three new natural resource areas (or fingers) that were previously outside the draft boundary. These lands are located in the vicinity of new Highway 6, Twenty Mile Creek and the Welland River. It is our understanding that these areas have been included because they are the headwaters of the Welland River, Twenty Mile Creek, and Big Creek. The mapping also captures key natural heritage (e.g. woodlots) and key hydrologic features (e.g. wetlands) adjacent to the streams. There is concern the mapping of these areas is too broad and has encompassed some lands that are neither ecologically or environmentally significant.

The Regions of Halton, Peel, Durham and York also have Natural Heritage System “Fingers” that stretch toward their urban areas, however, a distinction must be made with Hamilton. The areas in the above noted Regions were identified as part of a broader natural heritage system in the December 2004 draft of the Greenbelt Plan, whereas, Hamilton's were not identified until the approved Greenbelt Plan was released.

- *Inconsistent Approach to Identifying Outer Boundary*

The southern outer boundary of the Greenbelt Plan area in Hamilton generally follows municipal boundaries with the exception of the former Town of Flamborough. In this area, the boundary extends beyond the political boundary of the City to include Natural Heritage System features in Wellington County and the Region of Waterloo. Similarly, natural features have been used to identify the outer boundary of the Greenbelt Plan beyond Halton, Peel and other Regions. There are many features that extend beyond the Hamilton municipal boundary that have not been included within the Greenbelt Plan area. This inconsistency has not been explained.

## **2.0 Tender Fruit and Grape Lands (Speciality Crop Designation)**

Specialty Crop land in Hamilton is intended to recognize a warmer climatic area that permits the successful cultivation of specialty crops. Traditionally, crops considered specialty crops include peaches, cherries, plums and vinifera grapes. These are the tender fruit and grape varieties that require a consistent warmer climate and a longer growing season. While there are always operational and

site-specific constraints involved in growing these crops, but in the right climactic area the rate of return on investment justifies the required investment in farm infrastructure to grow these specialty crops. The City of Hamilton, with assistance from OMAF, used this traditional definition of Specialty Crops to determine the Specialty Crop Area shown by the Hamilton LEAR. The area identified by the Hamilton LEAR includes lands south of Highway 8, east of Fruitland Road and lands above the escarpment just south of Ridge Road.

During the development of the Greenbelt Plan, OMAF completed a LEAR for the entire Greenbelt Plan Area. The provincial LEAR also identified a Specialty Crop Area (Tender Fruit and Grape Area). However, the list of crops considered to be Specialty Crops was expanded to include hardier fruits, grapes and hybrids (e.g., labrusca and table grapes) that can grow in a wider climatic region further from the lake. As a result of this change, the Provincial LEAR and subsequently the Greenbelt Plan identified a much larger Specialty Crop Area than the Hamilton LEAR. The designated Specialty Crop area above the escarpment extended south to Mud Street (See Appendix "B" to PED06225).

As a result of the different Provincial methodologies, the Ministry of Agriculture and Rural Affairs did not endorse the City's LEAR Speciality Crop Area since it was smaller than that proposed under the Greenbelt Plan.

### **3.0 Policy implementation**

- *Natural Heritage System Policies and Mapping*

The Greenbelt Natural Heritage System policies represent a change from Hamilton's traditional approach of protecting significant areas. Greenbelt policies now protect a wider range of natural features and ecological functions regardless of scale, as well as the connections (or linkages) between them. This approach targets key natural heritage and key hydrologic features by connecting them within a 'Natural Heritage System'.

Mapping natural heritage features and functions was one of the main challenges in developing new Rural Official Plan policies. The Greenbelt Plan and PPS require municipalities to map features in their Official Plans. The Province provides some maps but other features do not have complete mapping. It is the municipality's responsibility to identify which of these areas are 'significant'. Provincial guidelines for determining 'significance' have not been developed or are incomplete leaving municipalities to make their own interpretations on many issues. Municipalities have to deal with incomplete data, defining a firm boundary for dynamic natural features or ecological functions and the sensitivity of disclosing some data (for example, threatened and endangered species locations).

The City has undertaken work to identify significant woodlands and significant wildlife habitat deemed mandatory by the Greenbelt Plan. Other natural heritage features also required by the Greenbelt Plan are not fully mapped at

this time. Unmapped features are clearly described in the proposed Rural Official Plan policy and include seepage areas and springs, permanent and intermittent streams, fish habitat, significant habitat of threatened, endangered and special concern species, and significant valley lands. Additional on-site studies and consultation are required when future rural development applications arise to pinpoint these 'other' features until Provincial technical guidelines are established and future OP studies and amendments are completed.

Natural heritage features are not designated in the Rural Official Plan as a separate land use because of the difficulty in accurately mapping a boundary for all natural features or functions. Similarly, the overlay concept recognizes that any land use otherwise permitted by the Rural Official Plan can be established in most natural heritage districts provided that appropriate site selection, design and mitigation measures are implemented.

The Greenbelt Plan requires traditional municipal Environmental Impact Statements (EIS) to be prepared and reviewed by staff and ESAIG for more situations than previous City policies required. For example, EIS reports are typically required only when non-farm development and site alteration proposals require Planning Act approval (variances, severances, OP and Zoning By-law amendments, and Niagara Escarpment Plan amendments) within or adjacent to ESAs. Greenbelt provisions expand EIS requirements to individual building permits and large areas of adjacent land as well. Greenbelt policies require EIS reports for a wider variety of natural features (all wetlands, seepage areas and springs, habitat of special concern species) and applications (Site Plan, Site Alteration By-law).

Under Section 3.2.4.7 of the Greenbelt Plan, new buildings and structures for agricultural uses are required to provide a 30 metre vegetation protection zone from any key natural heritage or hydrologic feature. An EIS would be required to determine the boundary of the feature in relation to the construction of new agricultural buildings or land alterations. However, there is no mechanism to trigger the Environmental Impact Statement for individual farm building permits or site alterations. In appropriately zoned agriculture areas, the uses are permitted and no other planning approvals are required.

The only way to implement Greenbelt policy requirements in this regard would be to specifically zone each key feature of the Natural Heritage System in some sort of a 'natural protection' or 'conservation' zone. As discussed above, it is not possible to define many key natural heritage features in the Greenbelt Plan for the purposes of zoning. Hence, Greenbelt policy requirements for EIS evaluations related to agriculture and other permitted rural uses, buildings and site alterations will be problematic in future.

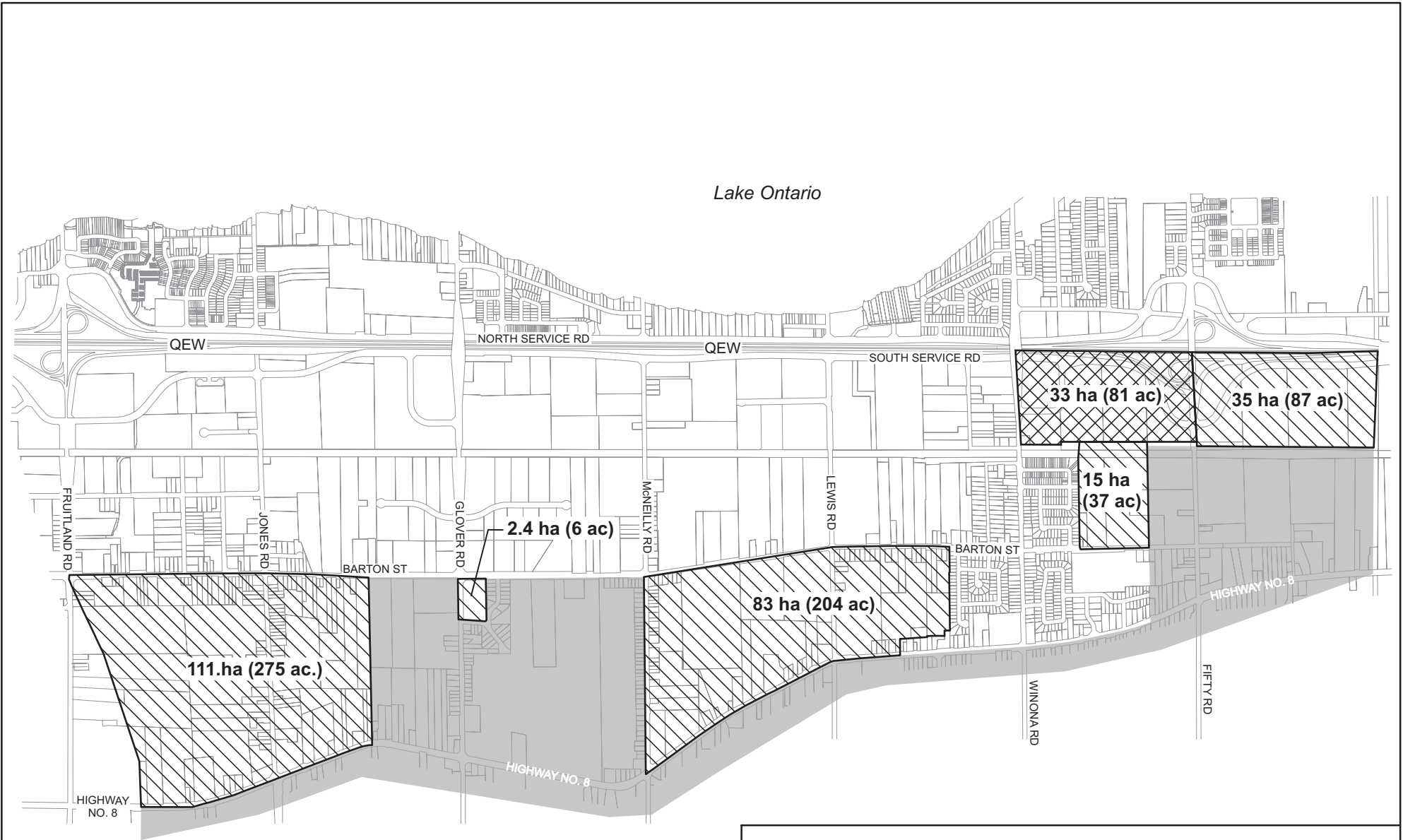
**4.0 Conclusions:**

Now that staff have worked with the Greenbelt Plan through the development of the draft Rural Official Plan and the review of development applications, previously documented implementation concerns are beginning to arise in the planning process, and additional implementation issues have been identified. The enhanced policies of the Greenbelt Plan for Natural Heritage Policy administration will have an impact on staff resources and application process, but the scale of these impacts remains unclear at this time.

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Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

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### Stoney Creek Urban Boundary Expansion (SCUBE) Lands

<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Lands to be designated Urban in Regional Official Plan and Stoney Creek Official Plan</li> <li> Lands to be designated Urban in Stoney Creek Official Plan</li> <li> Greenbelt Plan</li> </ul>	<p>Date: July 2006</p>	<p><b>Hamilton</b></p>
	<p>Not To Scale</p>	

