

## **HAMILTON CHAMBER OF COMMERCE**

### ***Greenbelt Protection Act and Minister's Zoning Order***

The *Greenbelt Protection Act* was given 1<sup>st</sup> Reading on December 15, 2003. The intent of the *Act* is to contain urban sprawl, and to protect environmentally sensitive land and farmland. The Province feels that urban growth has not been managed properly, in part because of Ontario Municipal Board decisions that have overridden Council decisions on matters regarding urban growth. As a result, the Province intends to create a greenbelt through the Golden Horseshoe area to set an appropriate limit for urban growth and contain sprawl. There is no timing as to when the *Act* will receive 3<sup>rd</sup> Reading, nor is there a timetable for the preparation and regulations that will implement the *Act*.

In addition, on December 16, 2003, the Minister of Municipal Affairs issued a Zoning Order for all lands outside of the existing urban areas in a number of municipalities from Northumberland to Niagara, including the City of Hamilton. As a result, the City of Hamilton no longer has any control over zoning matters on lands outside of the rural area. It is believed that the Zoning Order will remain in place until the new *Act* becomes law.

These actions have a number of implications for the City of Hamilton and for landowners in the rural area. All of the implications of this somewhat drastic action, which was described by a member of the Legal Department in the City of Hamilton as "draconian", are yet to be determined. Two immediate responses come to mind.

The first is that the City of Hamilton has properly protected environmentally sensitive land and farmland and does not experience rampant and/or uncontrolled urban growth. Existing planning policies and decision of Council have generated a growth pattern that has been managed and controlled. Approved planning policies in both the Regional Official Plan and the area official plans confirm the need for a firm Urban Boundary and set out very specific and rigorous tests for expansion of the Urban Boundary. For these reasons, the problems to be addressed with the new *Greenbelt Protection Act* are not evidence in the City of Hamilton, and therefore the need for additional provincial control is questionable. The Province, over the past decade, has gradually and consistently transferred more control over planning decisions to the local municipalities. This *Act* could have the effect of reversing that trend.

The second complication is that the Minister's Zoning Order, being such a broad, all-encompassing and overpowering action, takes away municipal control over a number of rural development issues that have nothing whatsoever to do with Urban Boundary expansion. The Minister's Zoning Order while intending to address concerns about urban expansions into the rural area, eliminates the consideration of many legitimate rural issues being considered in the rural area. As a result, a number of legitimate planning issues and responses to rural problems have been drastically affected with the undermining of local autonomy on local zoning issues.

#### Resolutions:

1. That the City, jointly with the Chamber of Commerce, inform the Province that the City of Hamilton has effectively contained urban growth and protected environmentally sensitive land and farmland through proper implementation of locally prepared planning policy.
1. That the City, jointly with the Chamber of Commerce, inform the Province that as a result, there is

no need for any further intervention in local planning matters in the City of Hamilton, other than the need to have regard to the Provincial Policy Statement.

1. That the Minister of Housing be requested to remove the Ministers Zoning Order as it affects the City of Hamilton immediately.
1. That as an alternative to recommendation #3, the Minister of Housing be requested to modify his Zoning Order such that it only applies to the expansion of urban uses into the rural area and does not interfere with local decision making with respect to rural uses in the rural area.
1. That the Minister of Housing be encouraged to seek input from local municipalities, chambers of commerce and affected parties before final approval is given to the Greenbelt Protection Act.
1. That the Minister of Housing, in approving the final draft of the legislation, recognize that each municipality has different needs, challenges and opportunities, and that a blanket solution to respond to specific problems in one area is not appropriate for municipalities throughout the rest of the Province.