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**Official Report
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(Hansard)**

Wednesday 2 June 2004

**Journal
des débats
(Hansard)**

Mercredi 2 juin 2004

**Standing committee on
general government**

Greenbelt Protection Act, 2004

**Comité permanent des
affaires gouvernementales**

**Loi de 2004 sur la protection
de la ceinture de verdure**

Chair: Jean-Marc Lalonde
Clerk: Tonia Grannum

Président : Jean-Marc Lalonde
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Wednesday 2 June 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Mercredi 2 Juin 2004

The committee met at 1543 in room 151.

GREENBELT PROTECTION ACT, 2004

LOI DE 2004 SUR LA PROTECTION
DE LA CEINTURE DE VERDURE

Consideration of Bill 27, An Act to establish a greenbelt study area and to amend the Oak Ridges Moraine Conservation Act, 2001 / Projet de loi 27, Loi établissant une zone d'étude de la ceinture de verdure et modifiant la Loi de 2001 sur la conservation de la moraine d'Oak Ridges.

The Chair (Mr Jean-Marc Lalonde): I would call this meeting to order. As you are aware, this is the first day of the clause-by-clause review, but before I start I would like to make sure we acknowledge a letter we received today from Stephen LeDrew, a letter that I think everybody has received. Thank you. Then we'll start.

Mr Tim Hudak (Erie-Lincoln): On a point order, Chair: I just wanted to extend my thanks to the committee members and Tonia and her staff. Some of us who are becoming accustomed to the other side of the House didn't get our amendments in as early as the NDP or Liberal members did. I want to thank Tonia and committee members for understanding our getting them to you later than we had intended. Thank you, Chair.

The Chair: You really got her running.

Mr Hudak: Appreciate it.

The Chair: Can we proceed now with section 1, "Definitions"? It is a government motion.

Mr Hudak: Chair, if I may, just help me with procedure, and maybe the clerk could as well. I thought we had brought forward amendments to the preamble, additions to the preamble. Does that come later on?

The Chair: That will come later on.

Mrs Maria Van Bommel (Lambton-Kent-Middlesex): Could we ask that staff from the Ministry of Municipal Affairs and Housing join us so that when we need technical advice we don't have to have them coming and going constantly?

The Chair: Any objection? Could you come forward, please? Whenever there are comments, if you could state your name.

Ms Marilyn Churley (Toronto-Danforth): As I understand it, whichever party's motion it is reads that motion into the record; correct? So the government first.

The Chair: The first one we've got, section 1, government motion.

Mr Bob Delaney (Mississauga West): I move that section 1 of the bill be amended by,

(a) striking out "Municipal Affairs" in the definition of "Minister" and substituting "Municipal Affairs and Housing"; and

(b) striking out the definitions of "urban settlement area" and "urban uses" and substituting the following:

"urban settlement area" means any area of land that, on December 16, 2003, was designated in any official plan as an urban area or a rural settlement area including, but not limited to, areas designated as urban areas, urban policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres or future urban use areas; ('zone de peuplement urbain')

"urban uses" means uses that are non-agricultural commercial, non-agricultural industrial, multi-residential, institutional, mixed use commercial/residential and golf courses, but does not include forestry uses, mineral aggregate uses and conservation uses. ('utilisations urbaines')

The Chair: Any discussion?

Mr Hudak: A couple of points of discussion. First on procedure, one of the fresher amendments we brought forward from the opposition, which is the third one in our package, has a very similar definition to "urban uses," adding in "greenhouse uses, value-added agricultural uses and recreational agricultural-based tourism uses." Just maybe a question to you, Chair, or to the clerk. While I support a good portion of this amendment, I do feel there should be additions which are similar to the wording in the third motion. Give me advice on how to proceed. Should I amend this first motion or should we move to the third one?

The Chair: You'll be reading yours later.

Clerk of the Committee (Ms Tonia Grannum): Right. I would probably suggest that you amend; if this passes, then your motion would be irrelevant.

Mr Hudak: Very good. While I don't have a concern with parts (a) and (b) or the definition of "urban settlement area," the definition of "urban uses" that we submitted is somewhat different. Could I move then that the "urban uses" definition be amended?

The Chair: Definitely.

Mr Hudak: I move that the definition of "urban uses" in this first motion be amended to read:

“‘urban uses’ means uses that are non-resource commercial, non-resource industrial, multi-residential, institutional, mixed use commercial/residential or as otherwise prescribed by regulation, but does not include forestry uses, mineral aggregate uses, conservation uses, greenhouse uses, value-added agricultural uses and recreational- and agricultural-based tourism uses. (‘utilizations urbaines’)”

The Chair: Any other amendments?

Interjection.

The Chair: Yes, we have to start from—

Ms Churley: I don’t have another amendment, but I want to comment.

The Chair: You can comment, yes.

Mr Hudak: Do you want me to explain first?

The Chair: You can explain, yes.

1550

Mr Hudak: Just reflecting some of the advice of our deputations, we certainly heard—as I said, I agree with the lion’s share of the amendment brought forward by the government member, so I’ll constrain my comments to what’s different.

I took out golf course uses. It seems to me, what’s quite common in the greenbelt area as it exists today are golf courses; in fact, I think you can make the argument that golf courses contribute to the benefits of areas like the Niagara Peninsula or parts of the proposed greenbelt study area. I think it helps people enjoy what the government’s intentions are of creating this green zone, whether it’s a fruit belt, green area, or parks and recreation.

What I worry about is that the way definitions are arranged in the bill as it stands today, things that are common in the greenbelt study area would be disallowed, which I think is inconsistent, and in many areas the wrong thing to do. So I’ve taken out golf courses because I believe that’s a legitimate use in a greenbelt area, of course obviously subject to the municipal zoning decisions.

Secondly, I think forestry uses, mineral aggregate uses and conservation uses are the same as the government’s amendment. Greenhouse uses: There seemed to be a significant amount of confusion by a number of deputations in Niagara—and there may have been elsewhere, or by written submissions—as to the greenhouse industry and how it may be impacted by this bill. While they believe and I believe they are agricultural uses, they seem to have some concern that they could be defined outside of agriculture. Therefore, I believe that “greenhouse” merits its own language in the definitions of what would, in reality, be allowed in the greenbelt area, which is a common and growing use, I can say for certain, in the Niagara area today. So I want to make sure that the greenhouses have their own recognition in the definition of what would be allowed in the greenbelt area.

Third, we heard about value-added agricultural uses. We heard from a number of farm operators in this committee about things like wineries, cherry-pitting operations, functions that add value to agricultural products on the farm. I worry that if we’re not clear that they’re

included in what would be allowed in a greenbelt area, we may not see any more of these projects move forward. I think if we want to ensure that agricultural land stays in production, stays economically viable, these value-added uses should be allowed in the greenbelt area. I don’t know if that’s the proper technical term to use, but I do mean to cover things like wineries, winery presses, cherry-pitting operations and other such value-added agricultural uses.

Last, recreational and agricultural-based tourism uses: Again, I think this goes to what looks like the government’s intent in this bill in terms of allowing citizens to enjoy the greenbelt area, whether it’s tourists for recreational purposes, for hiking etc. Bed and breakfasts are quite common, an area that would be covered by the greenbelt if this legislation passes. I’m worried that the definition may limit the viability or the growth of the bed and breakfast type of tourism attraction. Therefore, I’ve included those types of uses to ensure that it is clear that whoever enforces this legislation down the road, these types of uses would continue to be allowed in the greenbelt study area.

The Chair: Any other discussion or comments?

Ms Churley: Yes. I just wanted to ask, who’s the parliamentary assistant? OK. A question around this—and I’m not quite clear. It says that “urban settlement area” clarifies the language, but I’m still not sure what you mean by a “future urban use area.” So can I ask, what does land designated for “future urban uses” refer to? Do you know?

Mrs Van Bommel: At this point, I’m a little bit confused. Are we discussing the amendment, or are we discussing the first motion?

The Chair: The amendment at the present time—as amended.

Ms Churley: Oh, well I have no comments on the amendment. I wanted—

The Chair: It’s on the PC amendment.

Mrs Van Bommel: If the member of the committee wouldn’t mind, we could carry on with the amendment, and then we’ll come back to that, if that’s OK.

Ms Churley: Sure. OK.

The Chair: Any other discussion and comments on the PC amendment?

Mrs Van Bommel: I’m looking at the discussion. I’ve listened to the member carefully, but I think what you’re talking about is basically what will be part of the greenbelt itself. I think what will be included or not included is premature. That’s why we’re having a study area at this stage.

There is a sunset clause attached to this as well. This bill is really just intended to create a study area and to take the time out in order to do that study. When we’re talking about the definitions of greenhouses and their uses and value-added, I think that’s for future discussion.

Mr Hudak: A different view, maybe a misunderstanding, but the legislation basically would, what’s it called, time-out, freeze development of projects in areas outside the urban area until the date at the end, December

16, 2004, or whatever it is. And then you'll be moving to permanent greenbelt legislation, I would assume, down the road. I think it's a fair expectation that what we decide in this bill will probably be reflected in the next bill. There will probably be some changes.

Mrs Van Bommel: I would consider that to be presumptuous, really. That's the point of having a study. If we presume now what will or will not be in the greenbelt, then why are we even bothering with a study?

Mr Hudak: Just to continue, I would expect—I think it's a fair expectation—that the next bill will probably build on some of the decisions we make today. So I think it's important to be cautious and to be wary of precedents that, in my view, could be dangerous.

I understand that there are projects today, whether it's an expansion of a winery, a new greenhouse operation or expansion of a greenhouse operation, that are in abeyance because of the MZO and, I believe, would stay in abeyance until the government makes decisions on what the final greenbelt legislation would look like. I want to ensure that municipalities that are in the greenbelt area between now and December 2004 would still be able to approve projects that support agriculture, including greenhouses. And that's why I've added greenhouse uses and value-added agricultural uses.

Second, there may be tourism projects that would go ahead—a new bed and breakfast in the Jordan area, for example, the Niagara Peninsula. My view is that they should be permitted to go ahead. These are jobs that have been sidelined. I believe they support the intentions of the bill in terms of supporting a greenbelt, supporting agriculture and supporting tourism. And that's underlying my intent of bringing those types of uses into the definition so that they would be protected, they would continue to be allowable uses outside of the urban area.

Mrs Van Bommel: But it is the intent to revoke the minister's zoning orders once this moratorium is in place, once this has passed. So the impact of the zoning orders won't be there any more.

Mr Hudak: Right. But once the MZO is over, the municipalities will enforce this legislation, right? What kind of bylaws they can pass will be determined by the contents of Bill 27, if passed. What I'm concerned about is, it's not clear in the legislation whether a greenhouse project or a value-added agricultural project like a winery, for example, could proceed, or other bed and breakfasts, pending whatever the final legislation is going to look like, the second greenbelt legislation.

So I think jobs are being delayed, unwisely. If it's the government's intent that things like wineries will continue, then great. I guess I'm trying to make sure it's clear in the legislation that those types of uses would continue to be allowed in the greenbelt area.

Mr Lou Rinaldi (Northumberland): Chair, I would ask that we vote on the motion, if that's appropriate.

The Chair: Any other comments on this amendment to the amendment?

Mr Hudak: Certainly. I'm trying to be helpful and positive. I guess I could move further amendments to the

amendment. I'm not sure if the government members are opposed to all of the changes I have proposed or just some of them. Obviously, I'd like all of them to go through, but if there are some that you support—I realize you have the votes; I'm willing to take some as opposed to all.

So if the members have any comments—I could argue that the same reason you are now adding “mineral aggregate uses” to ensure—aggregate use in an urban area makes no sense whatsoever. So I think you're making a good amendment to the bill by allowing mineral aggregate uses for the same reasons I believe greenhouses, value-added agricultural, and rec and agricultural-based tourism uses should similarly be allowed, which is happening today. I think the vast majority of people who live in the greenbelt think those are reasonable uses of land in a greenbelt area.

Maybe we could have some comment from the government members as to what they don't like about my amendment and whether there are some parts that perhaps we could salvage, if they don't like the amendment as a whole.

1600

The Chair: Shall the amendment to the amendment moved by Mr Hudak carry?

Mr Hudak: Recorded vote.

Ayes

Hudak.

Nays

Churley, Delaney, Dhillon, Van Bommel, Matthews, Parsons, Rinaldi.

The Chair: The amendment to the amendment is defeated.

Are there any other amendments? I have Ms Churley first.

Ms Churley: Just in terms of procedure again here, the next amendment is, I assume, if this government—look at the majority. They have been given their marching orders. So assuming that that passes, I assume that mine will be ruled out of order. So I would be better off including that as an amendment, would I not?

The Chair: You could, yes.

Ms Churley: OK. Assuming that the government amendment is going to pass, let me, first of all—should I move this as an amendment first?

The Chair: Yes, please.

Ms Churley: I move that the definition of “urban uses” in section 1 of the bill be amended by adding “including aggregate activities” after “non-agricultural industrial.”

Clerk of the Committee: Your motion has to amend this first motion.

Ms Churley: Right. How do I do that? That's what I was trying to do, because I understand that it will be ruled—

Clerk of the Committee: Leg counsel will help.

Ms Churley: OK. Sorry about all this, folks.

The Chair: What we're looking at at the present time—she has to come up with an amendment to Mr Delaney's amendment. So she's talking about removing a section and adding another section.

Ms Churley: Let me get some clarification here.

The Chair: You want to move an amendment to Mr Delaney's amendment.

Ms Churley: Can we come back to this in a second while I sort this out?

The Chair: Is there agreement that we'll come back later? Agreed. We cannot take a position on this section 1 as yet. We'll move on to section 2, the NDP—

Mr Hudak: Chair, can we ask you to do another amendment while she's caught up in trying to work on that first one?

Ms Churley: That's a good idea.

The Chair: OK. We'll move on to the PC amendment first. Mr Hudak.

Clerk of the Committee: We still have—

The Chair: Yes. We cannot proceed—

Mr Hudak: I was going to amend that amendment.

The Chair: We'll come back to section 1 later.

Mr Hudak: Chair, if I may, for one reason I think section 2 refers to section—

The Chair: To section 1?

Mr Hudak: Or to schedule 1. We may be amending section 1, which section 2 may depend on. I have other amendments to the government's motion.

The Chair: Not to this one.

Mr Hudak: To the first motion. You allowed me one, which was voted down, but I did not get a clear read on what parts of my motion the government members didn't like. So I'm going to continue to propose different motions to the first government motion.

I know you've given Ms Churley the floor to similarly amend the first motion. She's working with legislative counsel to make sure that motion is in order. So can we just allow me to move forward another amendment to the first motion?

The Chair: We're still dealing with section 1.

Mr Hudak: I guess the way I'm proceeding, for the sake of clarity, is I'm amending the first government motion that's on the floor in the following way: in the government motion, under "urban uses," to strike out the words "and golf courses."

Mr Delaney: On a point of order, Mr Chair: Has Mr Hudak had his chance to amend this section? Can he propose multiple amendments extemporaneously after having tabled his amendment?

The Chair: He may move different amendments as long as they are different from the original one that was defeated.

Mr Hudak: Let me be clear. As I said, I'm trying to be helpful and positive. I have proposed about four or

five changes to the government motion that's on the floor. I asked the government members which parts of my motion they didn't like. I did not have a reply. You voted it down as a block. Therefore, what I'm going to have to do is bring forward one piece at a time. If you vote them all down, fair enough. I mean, that's what they can do with their votes. But given that it wasn't clear what part you guys objected to, I move an amendment to the first motion that strikes out the words "and golf courses" in the paragraph of "urban uses."

The Chair: Any comments on this one?

Mr Hudak: Again, I think this is a common use that exists today in the area covered by the greenbelt. It's an important tourism area and I think it will help citizens enjoy the proposed greenbelt area.

Mr Rinaldi: On a point of order, Mr Chair: He's just repeating what he said before on that particular subject. We've heard it.

The Chair: He's referring to another part of this amendment.

Mr Rinaldi: He's explaining about his understanding of the use of a golf course, and I guess we've heard that already. I don't see any changes from his first explanation to the second explanation.

Mr Hudak: I appreciate Mr Rinaldi's advice on debate. I'm not doing this to cause delays. I'm sincere that I think it's a bad decision by the government to exclude golf courses from the rural area golf course expansions.

This is not a time-allocated committee, from what I understand, and if I wanted to talk about all the different golf courses, Mr Rinaldi, I certainly could do so. I just want to have fair and open debate. If you object to my motion, go ahead and please vote it down, but don't cut me off from discussing what's an important motion to my constituents or the businesses out there.

The Chair: Any other comments? Mr Rinaldi, he was allowed to bring that amendment because it refers only to one of the sections of his previous amendment. Any other comments?

Mrs Van Bommel: What I understand from your comment is that you feel that golf courses are not an urban use.

Mr Hudak: What I'm saying is, if you put golf courses in the description of urban use, my read on this bill would be that they would not be permitted outside of the urban area.

Mrs Van Bommel: That's right.

Mr Hudak: If you feel that way, if you feel that in rural Ontario, the area that is covered by the greenbelt area, golf courses should not be allowed, there's something strange about that.

Mrs Van Bommel: So in other words, you're saying it's OK to take a good farm and make it into a golf course.

Mr Hudak: I'm saying that if a municipality makes a decision to allow land to be used as a golf course, it's commonplace, at least in my part of rural Ontario, for golf courses to be in the country and outside of the urban

boundaries. If a municipality continued to follow that practice—

Mrs Van Bommel: But the intent of this bill is to protect environmentally sensitive areas and agricultural lands. So you're saying to me that it's OK to put a golf course on good agricultural land; you don't put those on just small 10-acre pieces.

1610

Mr Hudak: Maybe it's different in Lambton county, but golf courses are commonplace in areas outside of the urban boundaries, at least in the Niagara Peninsula. Yes, I do think that golf courses can contribute to what the government wants to achieve in a greenbelt area. Therefore, I think that it's a mistake for the government to include golf courses as an urban use. It seems to be sensible. It's a common use in rural Ontario and a source of jobs.

The Chair: Mr Hudak, could you move your amendment to the amendment, please?

Mr Hudak: Certainly, Chair. I apologize, I don't have the language exactly correct; you can help me if I do not.

I move that under the definition of "urban uses" the words "and golf courses," be stricken.

The Chair: I would call a vote on this one.

Mr Hudak: Recorded vote.

Ayes

Mr Hudak.

Nays

Ms Churley, Mr Delaney, Mr Dhillon, Ms Matthews, Mr Parsons, Mr Rinaldi, Mrs Van Bommel.

The Chair: The amendment to the amendment is defeated.

Now I'll move on to the NDP.

Ms Churley: I want to thank legislative counsel for helping me get this right. I was terrified that I was going to get it backwards and this would be included when I want it excluded. This wording can be very tricky.

So my amendment would be this: I move that the definition of "urban uses" in the government motion be amended by striking out "mineral aggregate uses" and adding "aggregate uses" after "non-agricultural industrial."

So that's the amendment. Of course what I'm trying to do here—can I speak to this amendment now?

The Chair: Definitely.

Ms Churley: I take a totally different approach from the Conservative Party. I'm actually trying to make this bill stronger and protect environmentally sensitive areas better than this bill does. Of course, the key change, as I see it, in this government amendment is in urban uses. It's the inclusion of forestry, mineral aggregate and conservation uses. That prevents section 6, "Matters stayed," from affecting an ongoing approvals process for aggregate operations.

From my point of view—and I know there were a couple of very strong deputations on this—I think it's a clear gift at this point. It's a very short time frame, when you're looking at this, to the pits and quarries industry. What I'm really concerned about is very important environment land. We don't know how many of these applications are in the pipeline. It could be affected by this. So I think that this is a particularly dangerous kind of use to be allowed to be exempted from this, and that's why I'm making that amendment.

I would recommend to the Liberal members that you support this very simple but very important amendment in terms of keeping to your word and showing that you are doing everything you can in this bill to protect environmentally sensitive land.

The Chair: Any further discussion?

Mr Hudak: I'm pleased to comment. I admire the work of my colleague on the committee, Ms Churley, but we don't agree all the time.

Ms Churley: Much of the time.

Mr Hudak: I have to speak out against the amendment. In fact, I'm of the opposite view. This is currently a common use on the escarpment and in other areas that are covered by the proposed greenbelt area. It seems to me that making that kind of shift—and I worry, again, about Bill 27 being the basis of the permanent bill. You're taking what has been a common, historic use in these areas out of commission.

Secondly, the impacts of removing proximate aggregate supply on the costs of infrastructure—the government wants to build new roads in the province of Ontario—could be substantial. These projects take a tremendous amount of time to get through the environmental approval process and other processes—let alone, probably, the escarpment commission process—so to delay them or cause them not to happen at all would have a detrimental impact on the provincial economy, on the treasury and on local jobs as well. Therefore, I will be voting against the proposed amendment.

Point of curiosity: the government member, the parliamentary assistant, spoke out about golf courses and the impact that could have on land in the greenbelt area. Surely she'd probably agree that resource development would have a more dramatic impact than golf courses. So logic would probably mean that the government members would support this amendment. But I'm against it.

Mrs Van Bommel: Again, in terms of aggregate uses, I think it's a recognized rural use. It's something we are accustomed to seeing in rural communities. I understand Ms Churley's concerns and I certainly consider that, but to say that they're an urban use when they are, traditionally, a rural use—I'm wondering if we're not going to be setting a precedent by defining them in that respect. I'm concerned about the precedent we might be setting in this case, so I think I would be opposed to it.

Ms Churley: I would just advise the government members to look at their all-over-the-map definition—we'll get back to this when we get back to the original amendment—of what we mean by "urban use." Certain-

ly, it is all over the map and I want more clarification. But let me say again, the reason I'm including this is because of the clear impact this kind of land use has in environmentally sensitive areas.

It's your bill, and there's a very short time frame on this, as you know, but there were deputations from the other side, from community groups that talked about the severe detrimental impact that some of these pits and quarries have on the environment, surrounding water etc. Those were very compelling arguments.

As well, as I pointed out during one of the public hearings, the environmental commissioner in his comments—I believe it was his last report about the lack of rehabilitation of these lands by the companies. If you look at some of the pictures, it is very intense land use. So from that point of view, if we want to get sticky and talk about what actually is urban and what is rural, I don't think that's what the definition really means here.

We're looking at trying to come up with the best land use plans possible, not only to avoid urban sprawl but to protect our water and our environment. Therefore, I just really urge you. It is a short time and we have to do, separate from this committee, a lot of work with the Environmental Commissioner and with the owners of these companies to make sure that more rehabilitation is done and that much more reuse and other things are done. That's a discussion for another time, but I think it's really critical to include it today in the definition of urban use. So I hope you'll support it.

Mr Hudak: I just think it's important for us also to note a couple of deputations that wanted to make clear that aggregate extraction is not an urban use. It's the APAO and Hanson, which legislative services have been kind enough to provide us. So we have heard from deputations that would argue against Ms Churley's motion. I just wanted to read that into the record.

The Chair: Thank you. We'll proceed with the vote, the NDP amendment.

Ms Churley: Recorded vote, please.

Ayes

Churley.

Nays

Delaney, Dhillon, Hudak, Matthews, Parsons, Rinaldi, Van Bommel.

The Chair: So the amendment to the amendment is defeated. Now we'll move on to the government amendment.

1620

Mr Hudak: I'm proposing another amendment to the government's motion. This is to add, in the definition of urban uses, after "conservation uses," the words "and greenhouse uses."

As I said earlier, there was significant concern—I heard it in Niagara; it may have been at other hearings as

well—about whether greenhouses will fit within the definition of agriculture. I certainly think they do. In fact, the farm gate value of greenhouses in the peninsula and other parts of the province—I'm not sure about other parts of the proposed greenbelt study area—is near the top of agricultural production.

I worry that if we exclude greenhouses and we're not clear that greenhouse uses would be allowed outside of the urban area, they may face some difficulties in expansions or new greenhouses. This certainly is a growing area of jobs in Ontario. I would expect that government members would agree that it's a type of agricultural use. I want to be safe and make sure that it is specifically mentioned in the bill so it would continue to be allowed in the rural parts of the greenbelt area.

The Chair: Can you spell out your amendment to the amendment?

Mr Hudak: Certainly, Chair.

I would amend the motion on the floor, in the paragraph entitled "urban uses," to add the words "and greenhouse uses" following the words "conservation uses."

Should I reread what the paragraph would say?

The Chair: That's OK.

Mr Delaney: On a point of order, Chair: I would like to rule this motion redundant, as this has been discussed before.

The Chair: Were greenhouses discussed at the beginning?

Mr Hudak: I think what the member is referring to is that I brought forward a motion that listed, I think, five changes in total, in aggregate, to urban uses. I asked government members at that time if they disliked all five or if there were parts of that they would support. I did not receive an answer, so I'm forced to move them individually to see if perhaps some of them will pass, and I certainly hope they will.

As I said, I'm trying to be fair and open and making sure that there is a recorded vote in these areas, whether they are voted down or in favour. I certainly do think that adding "greenhouse uses" alone is significantly different from my original motion and is an important thing to have on the record and part of this legislation.

The Chair: This is legal.

Mrs Van Bommel: We recognize greenhouses as agricultural. If we're going to start picking away at every little definition of what is or what isn't agriculture, we're going to be here all night. Are we going to go into any type of production and start deciding whether it's agricultural or not? Greenhouses are considered agriculture. If we say we're going to include this one type of agricultural activity, then we're going to be approached by others who are going to want to add their agricultural activity. Can we add chickens?

Mr Hudak: Just in response, if you want to add chickens, we can add chickens. I don't think that's necessary and let me tell you why. And I appreciate you saying on the record in Hansard that you believe greenhouse use is agricultural. I think that's helpful, and maybe if the minister says the same when he's discussing this bill in

the Legislature it would be even more helpful, so I appreciate that. But we did hear from greenhouse advocates, owners and workers that they were concerned about whether greenhouses would always be accepted as agricultural uses or not. We didn't hear that from any other commodity group.

I'll tell you, I'm not intending to play silly games and add chickens and cattle and that sort of thing, because I think they're very comfortable that they're covered under agricultural use. The only type of particular use I'm bringing forward is greenhouses, just because we heard from—I apologize, I don't have them listed, but I do recall about three different greenhouse operators who expressed that concern about whether greenhouses would be accepted in the rural parts of the proposed greenbelt. They were worried that they would not be seen as agriculture in all circumstances. That's why I'm asking the government members and Ms Churley to support my motion to specifically mention greenhouse uses as an amendment to the motion the government has brought forward. I'm not bringing up other commodity groups. I just think that they're the ones who expressed genuine concern about how they'd be treated under this bill, if passed.

The Chair: We will proceed with the vote now.

Mr Hudak: Recorded vote.

Ayes

Hudak.

Nays

Churley, Delaney, Dhillon, Matthews, Parsons, Rinaldi, Van Bommel.

The Chair: The amendment to the amendment is defeated.

Now I'll move on to the government amendment.

Mr Hudak: Chair, amendment to the motion.

The Chair: Yes.

Mr Hudak: Just following up on the pattern, since I didn't get feedback on what parts were objected to, I move an amendment to the government's motion that would include the words "value-added agricultural uses" after the words "conservation uses" in the definition of "urban uses."

Again, just as the government is proposing in their motion to ensure what's normal in rural Ontario—forestry, mineral aggregate and conservation uses, to ensure that it's clear that those projects can continue outside of the urban area—I too want to ensure that value-added agricultural uses have the same benefit of clarity and protection, whether they are, as I mentioned, a winery, a cherry-pitting operation, a grain silo or further processing or finishing of agricultural meat products.

I'm concerned that they would not be allowed in rural areas on farm or next to farm and would have to go into the urban areas, which I think would be a hardship for

our local farmers. That's why I think we need to make it clear that value-added agricultural uses would be allowed in the areas outside of the urban area.

Ms Churley: What do you mean by "value-added"?

Mr Hudak: Again, I'm not a lawyer in terms of whether this is the proper definition. The area I'm trying to get at is things like I had mentioned, whether it's a winery, a cherry-pitting operation, grain silos.

Ms Churley: Oh, my heavens.

Mr Hudak: Things that currently exist on farm or beside farm that help promote the economic viability of farmers in the greenbelt area. I think we would all support the notion that we want to ensure that if the farmland stays in production, the greenbelt would be far more successful than not. If we want to save the farmland, we need to save the farmer. Part of that is ensuring that value-added operations like those I mentioned would continue to be allowed in the rural areas.

Now if folks from the ministry can help with the language to make sure that I'm describing it accurately—but those are particular functions that I am concerned about that might not meet the strict definition of the urban uses.

Ms Churley: I don't necessarily mean to be trying to help the government out here, but I think, just from listening to what you're saying, you may be talking about some fairly major things which could have an impact on these environmentally sensitive lands. I think you're also talking about some of the smaller uses which, later on in a government amendment, deal with what I call loopholes in the bill. There are going to be some necessary exemptions in some of the small—the sheds, the this, the that, that I think we all agree with here and there, and perhaps some of the smaller things that you're thinking about on existing farms would fit into that. I think it's dangerous to start opening this up to be that inclusive, because of some of the possible environmentally dangerous things in there. But there is an amendment later on that will deal with some of the smaller uses, in my view. If I'm wrong about that, tell me.

Mrs Van Bommel: You're absolutely right. Also, I'm concerned that when we start talking about value-added, you're going to have to define what "value-added" is, and even in the farm community there's controversy over what is value-added. Unless we're prepared to define for the farm community what value-added is, I don't think I want to go there.

Mr Hudak: You could be helpful. The government members have the benefit of a significant number of staff who are here in the room today—more than a handful. They could help make sure that some of the uses I mentioned are protected.

Second, as I think the parliamentary assistant knows, you can prescribe by regulation what some of these definitions are, if the bill passes as you propose to amend it. I think it's a genuine concern that we heard from agriculture groups. I recognize that my definition is a relatively open one. It's the best I could do with resources I have at hand. If ministry staff or others can help me with

what I'm trying to achieve in language, I'd be in their debt. I just want to make the point that if you want the farmland to be economically viable, we need to support the farmer, and part of that is ensuring that normal value-added processes that exist today in rural Ontario could continue to occur in the greenbelt area. I think it's very reasonable and helps support our farmland.

1630

The Chair: Mr Hudak, could you read your amendment to the amendment?

Mr Hudak: Is there any help from ministry staff in terms of helping me with my definition, if they're uncomfortable with the definition being too wide open?

Mrs Van Bommel: As I say, I feel that within the farm community there is controversy over that alone. I don't think we should be prescribing to them what value-added is.

Mr Hudak: With something like a winery—the crushing operation, the commercial side, the retail establishment, the restaurant; commonplace in the greenbelt study area today and in the peninsula, and probably fruit wines in other places—is the government confident that those uses would continue to be allowed outside of the urban area under the current definitions?

The Chair: Could you please read your amendment?

Mr Hudak: Chair, I think I need an answer to that question. I'm not ready to relinquish the floor in debating this amendment. Surely it's the government's intention to allow winery operations to continue, if they wanted to expand—

Mr Delaney: On a point of order, Chair: I understand where Mr Hudak is coming from. We appreciate his commitment to protecting the area he represents, which is largely agricultural, but he has not proposed a definition to the bill that covers the term he is proposing to introduce as an amendment. For lack of definition, I'd like to rule his undefined terms out of order.

Mr Hudak: The easy way to solve this is maybe asking even half the ministry staff who are in the audience today if—

The Chair: This is why I'm asking that you read your amendment.

Mr Hudak: OK. My amendment would read that under the definition of "urban uses," the words "value-added agricultural uses" would be added after the words "conservation uses."

The Chair: We've all heard the amendment. I guess the regulations will have to be defined on that. At the present time, we're not going to pass the whole afternoon on this point. You could have this in your amendment and then the committee will vote on it.

Mr Hudak: Fair enough, Chair, but I'm seeing a pattern develop and I'm worried that this one is not going to pass.

Interjection: No need to worry.

The Chair: I'd just like to get the wording first. Do you want to read it again?

Ms Churley: Can I have a point of order first? With all due respect—again, I guess I'm trying to help the

government members out here—I want to move on with some of my important amendments.

Interjection.

Ms Churley: I know, but listen to me. These are redundant. I know he's doing each one separately, but what he's doing is reintroducing in pieces something from a previous amendment that was voted down. It's a direct point of order. I don't want to be shutting down democracy, God forbid, but I honestly believe there is a real point of order here that he's now reintroducing through the back door—yes. These have already been defeated.

Mr Hudak: Chair, on the point of order: With respect, I did ask the government members if they disliked all of them in the first motion. They didn't reply.

Ms Churley: It was voted down.

The Chair: We voted on that. I fully agree with that, Mr Hudak. We voted against it. We took a position. You're coming back, section by section, with this amendment, which I will rule out of order now.

Mr Hudak: With respect, earlier on when I talked about golf courses—

The Chair: I have gone a little too far with this one. You're trying to come back, word by word, with the amendment. I'm ruling it out of order. I'm moving on to the government amendment.

Mr Hudak: On a point of order, Chair: I move the amendments that I bring forward, the motions, with full sincerity, because I believe there are stakeholders who are interested in these—

The Chair: I'm calling it out of order at the present time because you have done it already.

Mr Hudak: With respect, Chair—

The Chair: What is different? I'm telling you, if it is on the same issue, you'll be out of order.

Mr Hudak: Chair, if you could help me understand. You had ruled earlier on with respect to golf courses. That was included in my first amendment.

The Chair: I shouldn't have discussed it. I made a mistake, probably, by taking each word one by one. I'm getting a little smarter now.

Mr Hudak: Let me understand it and get some clarity, then. You ruled that it was in order for golf courses—

The Chair: I'm calling it out of order at the present time, Mr Hudak. I'm saying that you're out of order at the present time. I'm not taking your point of order. This is it.

I'm moving on to the government amendment to section 1.

Those in favour of the amendment?

Mr Hudak: Chair, I want to speak on the motion, then.

The Chair: Go ahead.

Mr Hudak: I appreciate the opportunity to debate amendments to motions that I bring forward. I think it's important that there is full hearing on those motions, and I enjoy government comment on those motions when it does happen.

You have seen fit to rule a particular motion out of order. I understand that prevents me from bringing forward the other parts, so we'll never have a vote as to what the government's opinion is on recreation- and agriculture-based tourism uses, for example. Nor do I know if they dodged the question about the wineries or cherry-pitting operations, for example, for the processing operations. So it's not clear to me in the definitions that exist today about urban uses and whether some of the uses that I mentioned and had tried to protect in my amendment to the motion will be adequately covered by the government's language in their existing amendment. I don't think they are.

Maybe I could ask that question again with respect to wineries. Is the government satisfied that winery operations—the pressing side, the retail side, winery restaurants—would continue to be allowed outside of the urban area, if this bill passes, under the definitions you bring forward?

The Chair: Mr Hudak, this was also already mentioned, about the restaurant in the zone.

Mr Hudak: Chair, with respect, I'm simply debating the motion that's on the floor. I've asked a question of the government members. I'd enjoy a response to that. I think it's a valid point, and I have a great concern on behalf of that industry that we may see that industry shut down in terms of any growth or expansion if this bill were to pass. I think this informs how I vote on the government's motion. It's an important issue and I would like an answer to it.

The Chair: I'm not going to ask any member for an answer. We have already given you an answer on this one previously.

Mr Hudak: Chair, with respect, I don't think they did give me an answer on it. I asked that question very clearly and never had the courtesy of a response. If you don't want to answer, tell me you're not going to answer. But I would like an opinion from the government side before I vote on this motion, whether their intent is that wineries could continue to grow, to expand, or new wineries, outside of the urban areas in the greenbelt area if this legislation were to pass.

The Chair: Greenbelt area? We're just talking about the greenbelt area. That has nothing to do with the rest.

Mr Hudak: No, Chair. I'll make sure the question is clear. Would wineries continue to grow, to expand, or new wineries, whether that's the pressing operation, the commercial retail operation or the restaurant operations in the greenbelt study area outside of the urban boundaries if the government's motion were to pass?

The Chair: Ms Van Bommel, can you answer this one?

Mrs Van Bommel: What you're asking about is not within the scope of this bill. What we're looking at in this bill is a time out to do the study. Those issues will be dealt with in that study.

1640

Mr Hudak: No, I don't think that's true.

Mr Delaney: Question.

The Chair: I have a question first from Ms Churley.

Ms Churley: I had asked this earlier. Just briefly, referring specifically back to your amendment, where it talks about clarifying the language. I just want to know what your definition of—perhaps the staff can answer this—“future urban use area” is. What is that referring to?

Ms Barbara Konyi: “Future urban use” is a land use designation that appears in some municipal official plans. So it would be an urban-type designation.

Ms Churley: OK. That's good. Thank you.

Mr Hudak: Chair, just to continue my debate on this first motion, the definition we have here is “non-agricultural commercial.” In my view, a winery is agricultural commercial [*Inaudible*].

Mr Delaney: On a point of order, Mr Chair: I'd like to call the question.

Mr Hudak: I don't think that's in the rules, with respect, Chair. I don't know why the government members, who campaigned on allowing greater debate and more of a role for MPPs, would want to shut down my inquiries on behalf of an important industry in Ontario.

Mr Delaney: Mr Hudak has made his point. We understand very clearly the point he's made, and I don't believe there is any ambiguity left. We'd like to call the question on the amendment to section 1.

Mr Hudak: Chair, I think I had the floor. The definition you use in legislation—

The Chair: Mr Hudak, please, I think we've had enough debate on this at the present time, and we'll proceed with the question.

Mr Hudak: Hold on a second. Chair, under what rule or—help me understand—

The Chair: You keep coming back with the same issue. We talked about the restaurant. Any restaurant facility within the greenbelt is entitled to continue. You all—

Mr Hudak: Chair, with respect, I believe the role of the Chair is to help facilitate debate. I appreciate the fact that you might not agree, as Chair, with the points I'm bringing forward, but nonetheless I am going to stand strongly on my right to bring these points forward. I've asked the question a couple of times, and we get into procedural wrangling.

All I'm simply asking is, in the government members' opinion—whether it's individually or as a cohort—how do wineries fit into the definition? Currently things that are non-agricultural commercial would be defined as “urban use” and therefore could not occur outside of the urban area. A winery, clearly to me, is agricultural. A winery retail operation or a winery restaurant operation or such would be agricultural commercial.

Mr Delaney: The definition of “winery” is outside the scope of the bill. We ask, please, if Mr Hudak would stay within the scope of the bill. Within the scope of the bill, I again call for a vote on the amendment for section 1.

Mr Hudak: Chair, I'm still continuing my debate. Of course this is within the scope—

The Chair: Mr Hudak, I'm going to call the vote at the present time because you keep coming back—I'm asking for a vote, Mr Hudak. This is it.

Mr Hudak: Chair, can you tell me where in the rules you can—

The Chair: I have the power to call a vote because I feel that what you're coming up with was already discussed. You keep delaying, coming back with the same issue, probably a different way.

Mr Hudak: Chair, help me understand, then. What was the answer the government gave as to how a winery would be defined under "agricultural commercial"? You made the statement earlier that you think they've answered my question and I keep coming back to it.

The Chair: It's in the Planning Act.

Mr Hudak: The reason I keep coming back to it is because I don't think I've had an answer.

The Chair: I'm calling for the vote.

Mr Hudak: Chair, please help me understand. On what grounds—

The Chair: I'm calling for the vote. This is it. I think we've—

Mr Hudak: Chair, with respect, I think I should understand the rules, and you've been around longer than I have. On what grounds can you call the vote when I have the floor for debate on the current motion on the floor? I have some questions I want before I vote on it. I don't seem to be getting a response. We get caught up in procedural wrangling. I'd like to know—

Mr Delaney: For the third time, the definition of a winery is outside the scope of this particular act. Again, I ask for a vote on the amendment in section 1.

Mr Hudak: Chair, I would like to continue to debate on this particular motion, because I don't think my questions are being answered, and I have other questions as to what the government's intent is with this particular motion. I'm simply trying to bring forward some points that we've heard on committees and we've heard from constituents. If they get voted down, they get voted down. The government members have chosen to engage in procedural wrangling to not have these votes occur.

Mr Delaney: There is no procedural wrangling going on, save what you're doing. A call for the vote is itself not debatable. We'd like to call for a vote.

Mr Hudak: Mr Delaney, you've raised probably three or four points of order in the last five minutes. That, to me, seems like it passes the bar for procedural wrangling.

The Chair: Mr Hudak, I'm giving you a maximum of five minutes before we proceed with the vote.

Mr Hudak: Chair, help me to understand, before my five minutes begin, under what rules of this committee or decisions by the subcommittee or by the order from the House you can limit my comment on any particular issue to five minutes.

The Chair: I think it was clarified by Mr Delaney what the winery is—

Mr Hudak: But, Chair, you just said I was limited to five minutes of comment.

The Chair: Yes.

Mr Hudak: Is that a limit of five minutes of comment on the point about the wineries or about this motion as a whole?

The Chair: I'm giving you five minutes for discussion on this issue.

Mr Hudak: Which issue?

The Chair: Well, the amendment that you're talking about. If you don't know what you're talking about, you shouldn't be talking at all.

Mr Hudak: Chair, I'm not sure if you said I have five more minutes to talk about the winery issue, or five more minutes to talk—

The Chair: Five more minutes, that is it.

Ms Churley: On a point of order: To try to help move things along, this is not time allocated, is it? No.

Interjection.

Ms Churley: Sorry, I'm on a point of order. It's not time allocated. I don't believe Mr Hudak intends to filibuster.

Can I suggest something? My opinion is that I don't think you can restrict him to that as long as things fall within the rules here. I think what we need to do, though, is have Mr Hudak's questions answered precisely, either by staff or a parliamentary assistant; and then, once that answer is given, try to move on, whether you like the answer or not. I'm just trying to help things along here.

I think you should ask Mr Hudak a clear question and that a clear answer be given. Then try to move things along, whether we like the answer or not.

The Chair: I agree with this.

Ms Churley: OK. Is that a good way to proceed?

The Chair: Yes. Can you ask the question now? Repeat that question so they can answer, then we'll carry on.

Mr Hudak: Fair enough, Chair. As I said from the beginning, my intent was simply to ensure that items are brought up for debate as amendments to this motion. I asked the government members which ones they did or did not like. I didn't receive an answer. In turn, I thought it was sensible to introduce them one at a time, which we could have been done with in five or 10 minutes, but the government members chose an alternative path. As a result, I think it's important that I get my views forward, if the government does not choose to comment on those areas.

I just think, having been on both sides of the floor, that I hope the members across will appreciate the opposition members' opportunity to comment on these bills. Hopefully, I would expect to get a fair and reasonable response from the government to our queries. If you want to vote my motions down because you don't like them, vote them down. But please don't tell me I can't bring them forward.

The Chair: What's your question?

Mr Hudak: I guess the point I'm trying to make, Chair, is one of rights of members to debate what they see fit, in response to what their constituents have to say and in response to the deputations that we have heard from across the province of Ontario. I think Ms Chur-

ley's point was an excellent point, that if we had simply debated the particular motions and voted on them, we would probably be much farther down the page. But we've been caught up in procedural issues.

Chair, I will, as an opposition member, stand up for my right, Ms Churley's right and the right of individual members across the floor to debate and bring forward views as they see fit. If we try to get muzzled by the government members, well, sure I'm going to push back against that. I think that's a reasonable thing to do, not only to protect my rights as a member, but to protect other opposition members and whoever is sitting in this place down the road.

My question was a very simple one. I'm concerned about the winery industry and associated industries. Wineries will have their press on site. On site as well will be their retail operations, in large part, unless they're a part of Vincor or Andrés. They have their independent stores, in addition. Many wineries as well will have a winery restaurant. They have commercial operations in retail and the hospitality sector.

My concern is that under the definition of the government's motion—the definition of non-agricultural commercial—either the winery, the winery restaurant or the winery retail area would be found to be strictly an urban use, and therefore we wouldn't see any more of these. Irrespective of what the next bill is, I'm concerned that in the here and now, the government, by bringing forward this motion, would say that these operations would no longer be permitted in rural areas, where they are commonplace, growing and a major source of jobs for the communities that I and other members represent.

1650

Mr Chair: Is there any answer from the government side?

Mrs Van Bommel: I'll give it to the staff for a moment.

Ms Konyi: I'm going to try. The definition of urban uses that's contained in the government motion speaks in broad categories of the uses that are typically found in municipal official plans and zoning bylaws. The specifics of individual wineries that you're putting forward—this bill is designed to work with the existing municipal planning system. It's difficult to pinpoint exactly on each winery in terms of what would be permitted, because it has to work with the municipal planning documents. Therefore, it may be permitted in one and not in another. It's dependent on how municipalities have defined that in their own official plans and zoning bylaws.

Mr Hudak: I thank the member of staff for the answer. If we included wineries separately in this definition, how then would it impact on local planning decisions? I take it from your answer that in some areas they may be allowed and in some areas they wouldn't be allowed, depending on the local plan?

Ms Konyi: Yes. In most cases I would suggest that wineries are agricultural commercial types of uses, but I can't say definitively in every municipality, say down in

the Niagara region, that they're all defined exactly the same way.

Mr Hudak: My view is to ensure that that type of business is protected, that it stays viable. Would the government entertain ensuring it does so by adding wineries specifically to what is excluded from urban uses, just to be sure that this business will be allowed to continue in rural Ontario?

Ms Konyi: It would inappropriately elevate a specific use like a winery in this definition, which is captured in broader terms, in terms of more land use categories. The fact that it's agriculture-related, it should not be caught by this definition of being considered an urban use.

Mr Hudak: An earlier question I had that maybe you could help me out with too is the status of the greenhouse industry, and whether non-agricultural industrial may inadvertently exclude greenhouses from a permitted use outside the urban area.

Ms Konyi: I suggest that the same answer I gave you with respect to wineries applies to greenhouses.

Mr Hudak: The last question I had on this particular section is that the government has included mineral aggregate uses as something that would not be defined as an urban use. Ms Churley brought forth an amendment to change that. Could I have a full understanding why the government feels it should be excluded from the definition of urban use?

Ms Konyi: Aggregate uses are typically found in municipal official plans in the rural areas. Secondly, the protection of mineral aggregates is included as a part of the provincial policy statement. It must be considered in light of all of the interests in that policy statement, but it certainly is a provincial interest. It must be balanced among all others. Therefore, it was appropriate to include.

Mr Hudak: We had some discussion about golf courses. With respect to greenhouses and wineries, your answer was that it's a local municipality that would determine an appropriate use. You're excluding mineral aggregate uses because you say it's a provincial use. What's the justification for lifting up golf courses above wineries and greenhouses? You mentioned you didn't want to bring up those two industries to a higher level; leave it at the municipal level. What's the purpose then of specifically citing golf courses not only as part of the motion but as part of the original piece of the bill? Why are golf courses in particular being cited?

Ms Konyi: Again, golf courses aren't an easy definition in terms of applicability across the greenbelt study area, and they often include large residential components to them.

Mr Hudak: But you do talk about mixed use commercial/residential, right? So that would cover the golf course: mixed residential.

Ms Konyi: Not necessarily.

Mr Hudak: You can probably phrase it that the residential part of golf courses would be excluded. I guess I'm trying to understand why golf courses particularly, given the logic of wineries and greenhouse operations, should not be cited specifically in the bill, because you're

elevating a particular industry and the government believes that should be best defined at a municipal level, under their own bylaws. What's wrong with golf courses? Why shouldn't a municipality make a decision about a golf course, similar to a winery or a greenhouse? The only industry that's being circled here is golf courses.

Ms Konyi: Golf courses are found in urban areas.

Mr Hudak: Yes, but so are greenhouses and wineries.

Ms Konyi: But they're more typically an urban use.

Mr Hudak: Maybe in some urban centres. A lot of golf courses in my area would be outside the urban boundary, I would suggest. Wineries and greenhouses can be within the urban area. So is there a better answer as to why golf courses are the only industry really cited here to be defined as an urban use, when my attempts to get wineries and greenhouses covered were rejected? Help me understand the logic.

Ms Konyi: I suggest it's the residential component that typically accompanies the golf courses.

Mr Hudak: But again, most of the golf courses in my area, which is part of the proposed greenbelt area, don't have a residential component. I know there are some new projects, and I would suggest probably you could somehow work a definition where the residential component was different from the golf course component, but if I look at Rockway Glen or Twenty Valley in the community of Lincoln, which would be covered by this legislation, they're golf courses. They're outside of the urban area. They don't have a residential component. So why would a new Twenty Valley, outside of the urban area, not be allowed? Why are golf courses particularly red-circled?

Ms Konyi: The golf courses that you mentioned are existing golf courses, so they won't be impacted.

Mr Hudak: No, just by way of example. It's something that's currently happening. If they wanted to do another Twenty Valley right next door, in the exact same circumstances, why is the government today saying that would no longer be allowed?

Ms Konyi: This is part of the temporary moratorium that would take place. It's just for a limited time. I can't say whether it would be excluded in the long term. It's just for the short term, to allow the minister to receive recommendations on what permanent greenbelt protection should be.

Mr Hudak: I appreciate your answers. I know it's a tough question to answer and it's unfair that I'm picking on you, but given the municipal affairs civil servants' responses as to why wineries and greenhouses were not specifically recognized, because it would be inappropriate to elevate a particular industry above the others—that was the logic—and secondly, they'd be best described in the local bylaws, a municipal decision—I don't agree with the logic. I would try to protect those areas, but I understand the logic. It seems to be consistent. The inconsistency that I don't understand is golf courses and why that particular industry is circled.

Ms Churley: You should ask a government member.

Mr Hudak: I know. As I'm saying, I'm moving away from the staff, because I know it's a—

The Chair: Please, yes.

Mr Hudak: I think it's obvious that it's a political decision. So help me understand the politics of why golf courses were mentioned specifically and other areas like wineries and greenhouses were not.

Ms Konyi: I have one more point on golf courses. Golf courses aren't agricultural uses and they do have an impact on the natural environment in a different way than wineries, as an agricultural use, do.

Mr Hudak: Yes, but aggregates might have a bit more of an impact than a golf course. In the opinion of the ministry, the aggregates have a—

Ms Konyi: But there's a provincial interest in the aggregates, though.

The Chair: Members are being called to the House for a vote. We will recess for 20 minutes.

The committee recessed from 1659 to 1722.

The Chair: I call this meeting to order.

Mr Hudak: Chair?

The Chair: Just before we proceed, as you can hear, there's another bell. We'll keep on going till the clock shows 20 minutes to go before the next vote.

Clerk of the Committee: Ten minutes.

The Chair: Ten minutes. What did I say?

Mr Hudak.

Mr Hudak: While I do have the advantage of the staff still there and the parliamentary assistant, conservation uses under your proposed amendment to the bill would still be permitted outside of the urban area. Can you help me understand what the definition of "conservation uses" would be? You were kind enough to help me out with non-agricultural commercial and non-agricultural industrial, but what's the government's intent by saying conservation uses would be allowed outside of the urban area?

Ms Konyi: Sorry, Mr Hudak, can you repeat your question?

Mr Hudak: I'm sorry. I'm trying to understand the definition. We talked earlier and you helped me understand what the intentions were of the words "non-agricultural commercial" and "non-agricultural industrial." The proposed motion by the government would take out of the definition of "urban uses," I think to make clear, that forestry uses, mineral aggregate uses and conservation uses would not be considered urban uses. We've already had a discussion and I understand the reasoning on mineral aggregate uses. Help me understand what "conservation uses" means.

Ms Konyi: Conservation uses were actually added to this definition to make it absolutely clear that they are not an urban use. Conservation uses are things like passive recreation, parks, conservation areas owned by conservation authorities, where they're natural areas that people could come and visit or that sort of thing.

Mr Hudak: So things that are normal inside a conservation area?

Ms Konyi: Yes.

Mr Hudak: I think the land covered by the Niagara Parks Commission—

Ms Konyi: Just to be clear, it doesn't necessarily have to be conservation authority conservation lands. It's conservation-type uses. It doesn't have to be owned by a conservation authority.

Mr Hudak: OK. But uses within a conservation authority's area would be covered by this? For the Niagara Peninsula Conservation Authority—for example, Ball's Falls conservation area, where they have tourism attractions, historic sites and that sort of thing—would the uses that are typical in the Ball's Falls conservation area be covered by the definition of "conservation uses"?

Ms Konyi: Again, as I said with respect to the wineries or the others, you're getting into very site-specific-type uses, where we're talking more in generalities, and they're related. It depends on how things are defined in the municipal planning documents.

Mr Hudak: Help me understand the definition of a conservation use, then. What is a typical conservation use that this wording would allow as not being urban use?

Ms Konyi: The things that I had suggested, sir, like passive parks, natural areas, or areas in municipalities that are set aside just for natural uses. They're not active areas where there are playing fields and things like that.

Mr Hudak: OK. Just to make sure I'm clear, the Niagara Parks Commission—I believe that's a conservation area, but I could be wrong. It's a beautiful conservation area from the shores of Lake Erie to Lake Ontario. On that conservation land, a number of uses exist: some commercial, and there are a couple of golf courses on that land as well. Is there a conflict between the definition of golf courses and conservation uses, or would things like golf courses within a conservation area that exist today, if something similar were to come forward, no longer be allowed?

Ms Konyi: I suggest that "conservation uses" in this definition is the broader term. You'd have to look to the municipal planning documents to inform you, because there are existing uses as well.

Mr Hudak: I know this is a very specific question and hard to answer, but I would expect that since golf courses exist in the conservation area covered by the Niagara Parks Commission, they would be allowed under the local municipality's bylaws; it would be the city of Niagara Falls.

Ms Konyi: I can't answer that, sir.

The Chair: Mr Hudak, we already got the answer that it is within the municipal official plan.

Mr Hudak: Right. I'm trying to understand if there could be some grey area between what could be a conservation use or a use on conservation land and the excising of golf courses from development in rural Ontario in the greenbelt area. I just want to make sure that there's no conflict here. If a golf course exists in a conservation area and it has passed muster under municipal bylaws, fantastic. I guess it would continue to be the same, or would golf courses in any shape or form not be allowed outside the urban boundaries?

Ms Konyi: I'd suggest it's related to the municipal planning documents. But if there is the desire and if it isn't clear, there are other remedies in the bill that provide for regulation-making powers to provide exemptions, if that were desired, if the government so desired.

Mr Hudak: I don't think they like golf courses, though, so I'm a little worried about it.

I note, Chair, as well, Mr Yakabuski, who is a member of this committee who unfortunately has not been able to be here because he's been debating the budget motion, similarly, as a representative of rural Ontario, had some concerns about the golf course definition and other definitions of urban use. I would be pleased to cede the floor to him at this time.

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): Yes, I definitely have some concerns about whether or not this bill will basically make it impossible to establish a golf course that has no real detrimental effect, significantly, environmentally. This bill will make it highly unlikely that it would be allowed to be developed. I'm just wondering why they're specifying golf courses. To me, it's singling out one type of development as an urban use. I'd really like clarification on that, perhaps from somebody on the government side.

The Chair: I think we have answered that question already. It's within the official plan of the municipality and it is at times a non-conforming activity within the official plan. That is very clear. A golf course could be in an area that is not identified in the official plan. It is becoming non-conforming. But as long as it is in operation, you could operate it as long as you want to operate it.

1730

Mr Yakabuski: If it's currently there, it's not going to be shut down, we understand that, but what about any proposed golf courses?

The Chair: We got the answer already. We don't have to answer that one. We did get the answer.

Ms Churley: Do you mind if I intervene here for a minute? I think this is a point of order. I appreciate Mr Hudak's Columbo routine here, and I don't know what the obsession with golf courses is. Maybe you like to golf.

Mr Hudak: I'm a terrible golfer.

Ms Churley: Here's what I'd like to say: We're stuck on the first amendment. There are some critical pieces to that, and I'm disappointed that mine didn't get accepted, but I believe that for the sake of the people who are sitting here—to the Tories who are here—we need to move on. I don't know; I may even end up voting against this at the end of the day if some of my critical amendments aren't accepted. I think there are some serious holes in this bill. But I do believe for the sake of the people who have come down here and want to get moving on this, we should now proceed, move on and get going on some of the more substantive amendments that are coming forward.

Once again, I feel I'm in a difficult position, where I'm sort of helping out the government here, but I'm also

trying to help out the people who have been working very hard on this with both opposition and government to try to get the best legislation possible. I would ask—whether this is a legitimate point of order or not, I'm not sure—if we could try to find a way, Mr Hudak, to move on.

Mr Hudak: On the point of order, Chair—

The Chair: Just to answer Ms Churley's point of order, because of the fact that we did not consider a time allocation, there is absolutely nothing I can do at this point.

Ms Churley: Which I pointed out earlier and which is why I'm appealing, therefore, to the Conservative members to be somewhat reasonable in proceeding.

Mr Hudak: I appreciate Ms Churley's points and I do think I made a very reasonable request to the government members on my original amendment to the motion. The government members chose to engage in what I would call procedural wrangling to avoid comment and to avoid separate votes on those areas. I don't think those votes would have taken much time, but we spent a heck of a lot of time debating whether the motions were in order, what's not in order, how much time I have to speak, do I have five minutes to speak, is it five minutes on a particular issue, five minutes per issue and, unfortunately, time has gotten away from us. But I do think it's important, based on—

Mrs Van Bommel: I can't believe you said that with a straight face.

Mr Hudak: I hope I didn't understate that. Time is—

Ms Churley: That's the Columbo routine. Would you agree that's a fair comment?

The Chair: I said we would recess when the time clock was showing 10 minutes, so we will recess for another 20 minutes and then we will come back to this room.

Ms Churley: Then it's over.

Mr Hudak: And then we're back on Monday?

The Chair: We set aside two days. If it is agreeable to the whole committee, would you like to recess for 15 minutes?

Mr Hudak: No, I need my full 20.

The Chair: You need the full 20. Remember, we set aside two days for this bill. I call a recess—

Ms Churley: Before we recess, can we clarify what that means? The bill is not time allocated so, granted, as long as there are reasonable questions and comments, you can't cut that off. But if we're not finished within the two days, we can continue.

The Chair: It's got to be discussed amongst the three leaders.

Ms Churley: I understand that.

Mr Hudak: House leaders or—

The Chair: House leaders, and then it comes back to the subcommittee first.

Interjections.

The Chair: I'll let you know on the way back.

The committee recessed from 1735 to 1756.

The Chair: I call the meeting to order. Mr Hudak had the floor.

Mr Hudak: Mr Yakabuski had to go back to the House for debate, so maybe we'll let the issue of golf courses drop for the time being.

The other part is the term "forestry uses"—I think I'm pleased to see that the government has put this as part of their motion, but I just want to make sure I understand. I think we've received at least one letter from a deputant talking about logging operations in the area and about the ability to sell firewood and such. Some clarity as to what is meant by forestry uses according to the motion on the floor—if either the parliamentary assistant or one of the members or the support staff from the Ministry of Municipal Affairs and Housing could help me understand what is meant by including "forestry uses" outside the definition of urban uses. What are some typical forestry uses that would be allowed outside the urban area if this bill were to pass?

Ms Konyi: Mr Hudak, it would be the same idea as with the conservation uses and others: They're not intended to be captured as urban uses. They are outside the urban areas, and they are typically defined in municipal official plans. There are things like urban forests—sorry, not urban forests, just typical forests. They would vary by municipal planning document.

Mr Hudak: Is this like a forestry operation? Is it simply woodlot management? Is it personal use firewood or if you have a commercial operation selling firewood from your woodlot?

Ms Konyi: It's the same question, sir, and it varies by municipality.

Mr Hudak: Do some municipalities allow—is a full logging operation something that would be permitted?

Ms Konyi: It depends on the municipality, and there are a number of them in the greenbelt study area.

Mr Hudak: Maybe, to the government's intent, if somebody were to read "forestry uses"—and having had the pleasure of being Minister of Northern Development and Mines and seeing some of the forestry uses in northern Ontario—is that what's contemplated? Are we talking about full logging operations and such, or is there some small woodlot management? I think Ms Churley would probably have some concerns too about the definition of forestry uses.

The Chair: I think we've got the answer to that one already. If it is identified in a municipal plan, also in conservation, that's where it will be identified. That is the definition of forestry within the municipal official plan.

Mr Hudak: Chair, I appreciate your help and your clarification. I don't have the same familiarity as staff does with what's typically in a municipal plan. Is a full-blown forestry operation—the harvesting of logs, sawmills and such—a forestry use that would be allowed in the legislation, or is that something that would not be allowed?

The Chair: I think you're out of order on this one, because you've got the answer already. You've got the answer already. Don't answer that one, please.

Mr Hudak: Oh, Chair.

Ms Konyi: It's the same question.

Mr Hudak: Is it? So your answer is, you don't know if a full-blown logging operation would be considered a forestry use or not?

Ms Konyi: It varies by municipality.

Mr Hudak: You're not aware of any municipalities that would—

The Chair: It being 6 o'clock, this meeting is adjourned until June 7 at 3:30 in the afternoon.

The committee adjourned at 1800.

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Mrs Maria Van Bommel (Lambton-Kent-Middlesex L)

Mr Tim Hudak (Erie-Lincoln PC)

Also taking part / Autres participants et participantes

Ms Barbara Konyi, manager, planning systems, Ministry of Municipal Affairs and Housing

Clerk pro tem / Greffière par intérim

Ms Tonia Grannum

Staff /Personnel

Ms Lucinda Mifsud, legislative counsel