

**COMMITTEE OF THE WHOLE    SEPTEMBER 4, 2001**

**PROVINCE OF ONTARIO – OAK RIDGES MORaine DRAFT STRATEGY FOR COMMUNITY GROWTH AND NATURAL PROTECTION**

**Recommendation**

The Commissioner of Planning recommends:

1. THAT the Minister of Municipal Affairs and Housing be advised of the following impact of the City of Vaughan with respect to the “Share Your Vision for the Oak Ridges Moraine”, including the “Draft Strategy for Community Growth and Natural Protection” for the Oak Ridges Moraine:
  - a) Subject to clarification of the boundaries, the City of Vaughan supports the four proposed land use designations in the Strategy;
  - b) The City of Vaughan supports all of the Oak Ridges Moraine lands located in Vaughan, which are designated in the Region of York Official Plan as “Urban Area”, being recognized in the Province’s Plan for the Moraine as settlement areas permitting a full range of urban uses;
  - c) The City of Vaughan supports the Natural Core Area designation relating to the Maple Uplands and Kettle Wetlands Area of Natural and Scientific Interest and Provincially Significant King-Vaughan Wetland Complexes;
  - d) The City of Vaughan requests that the Province’s long-term plan for the Oak Ridges Moraine specifically prohibit any new or any expansions to existing sanitary landfill operations in all designations on the Moraine;
  - e) The mapping in the long-term plan for the Oak Ridges Moraine should be at a scale and level of detail that provides clear direction to municipalities in implementation of the plan;
  - f) The City of Vaughan supports the establishment of a Legacy Trust to be funded by all three levels of government along with the private sector, with the Province providing the necessary funding to establish the trust and to allow it to begin its functions;
  - g) Prior to finalizing the details of any funding program which involves the municipalities, the Province is requested to consult further with the municipalities, including the City of Vaughan, on the details of such a funding program;
  - h) The City of Vaughan supports the joint initiatives of the Regions of Durham, Peel and York “Proposals for the Protection and Management of a Unique Landscape”, May 2001;
  - i) In preparing a long-term plan for the Oak Ridges Moraine, the Province should consider the joint report of the Regions of Durham, Peel and York as input into the Provincial Plan, and on the issues identified in the “Share Your Vision for the Oak Ridges Moraine” document as requiring further discussion; and,
  - j) Prior to approving a long-term plan for the Oak Ridges Moraine, that the Province provide additional opportunities for public consultation and comment on the Plan, including the finalization of those items identified in the “Share Your Vision for the Oak Ridges Moraine” document as requiring further discussion.

2. THAT the Council Minutes be sent to the Regions of Durham, Peel and York and the Ministry of Municipal Affairs and Housing, attention: Oak Ridges Moraine Consultations.

### **Purpose**

To provide an update on the status of the Province's Oak Ridges Moraine strategy process and to provide the City of Vaughan's comments on the "Share Your Vision for the Oak Ridges Moraine" document released by the Province of Ontario on August 14, 2001. The document contains recommendations of the Province-appointed Advisory Panel to the Minister of Municipal Affairs and Housing on a "Draft Strategy for Community Growth and Natural Protection on the Oak Ridges Moraine". The deadline for written submissions is September 14, 2001.

### **Background - Analysis and Options**

On May 17, 2001 the Provincial Legislature passed the Oak Ridges Moraine Protection Act, 2001 which established a six-month moratorium on new development on the Oak Ridges Moraine. During the moratorium, the Province advised that it would consult with stakeholders to develop a long-term strategy that would state clear rules, identify roles and responsibilities and clearly define areas for protection and for development.

In June 2001, the Province appointed an advisory panel with representatives from environmental and conservation groups, the development and resource industries, municipal government and academia, to advise the Minister of Municipal Affairs and Housing on a plan to protect the moraine. The panel considered and built on the work of the Regions of Durham, Peel and York, the Conservation Coalition, moraine-area municipalities and other key stakeholders.

The report notes that, "without agreeing specifically to the advisory panel's individual recommendations, the Minister of Municipal Affairs and Housing has agreed that the public should be consulted on the panel's recommendations. The deadline for written submissions is September 14, 2001."

A provincial inter-ministry team will also lead four public open houses in late August and early September, and analyze and formalize the findings.

The Minister will receive the comments from the consultations and will proceed to develop its long-term strategy, building on what was said during the consultations and on the work that the Province and others have completed.

### **Analysis**

#### **The Draft Strategy for Community Growth and Natural Protection**

Key recommendations of the Advisory Panel include the following:

- Creating an ecologically based land use plan that establishes four distinct land-use designations;
- Propose that there be a specific piece of legislation to govern the future of the Moraine;
- Creating a system to protect the vital water resources across the Moraine;
- Developing a continuous recreational trail across the moraine's 160 kilometres, linking ultimately to the Niagara Escarpment and river valleys;

- Doubling publicly owned natural lands to 12 percent of the area covered by the Moraine;
- Creating a regional framework that links moraine-area planning to the Province's Smart Growth Strategy;
- Creating an Oak Ridges Moraine Legacy Trust to protect key natural areas and build partnerships with stakeholders;
- Implementation of the plan largely at the local level after local official plans are brought into conformity with the Provincial plan;
- Concentrating growth in well-defined settlement areas;
- Road, highways and public utilities built on the Moraine meet strict environmental planning standards that are sensitive to the area's unique ecology; and,
- Appointing a mediator to help settle issues relating to the Richmond Hill Ontario Municipal Board hearings on the Moraine.

#### Land Use Designations

The strategy recommends that all of the lands on the moraine be classified into four broad land use designations with the following permitted uses:

- Natural Core Areas (approximately 37 percent of the Moraine): These areas contain large concentrations of key natural features, significant hydrological areas and complex landforms. Permitted uses would include, existing uses, minor (passive) recreation (e.g. nature parks hiking trails, footbridges), forestry wildlife, and fisheries management, conservation, flood and erosion control, agricultural uses, permitted uses in land use planning applications approved prior to May 17, 2001, public roads and utilities, subject to provisions of an environmental assessment or a related legislative process; must meet strict environmental and planning criteria regarding their public need and location (i.e. there is no reasonable alternative) and incorporate design standards that minimize adverse impacts on the moraine.
- Natural Linkage Areas (approximately 16 percent of Moraine): These areas comprise woodlots, wetlands and rural lands that link natural core areas with each other and with other natural corridors, such as the river valleys north and south of the moraine. Permitted uses would include those permitted in Natural Core Areas, and new and expanding mineral aggregate operations, new wayside (aggregate) permits
- Countryside Areas (approximately 38 percent of the Moraine): These areas include lands where rural and agricultural land uses take place. In addition to the uses permitted in the Natural Core and Natural Linkage Areas, the plan would permit rural commercial, institutional and industrial uses, major (active) recreation (e.g. golf courses, ski hills, playing fields), rural residential, as defined in an approved municipal official plan
- Settlement Areas (approximately 9 percent of the Moraine) These areas are made up of lands approved for urban land uses. The full range of urban land-uses would be permitted.

#### Land Use Designations shown within Vaughan

The scale of the plan and its detail make interpretation of the boundaries of the proposed classifications difficult. However, it appears that those portions of Blocks 10, 11, 12, 17 and 18 on

the Moraine in the Carrville Urban Village, which were not included in the Region of York's June 2001 approval of OPA 600, are included as "Oak Ridges Moraine Settlement Areas". These lands are designated as Urban Area in the Region of York Official Plan. The recommendation includes that the Province's Plan for the Moraine include these lands as Settlement Areas permitting the full range of urban uses.

A "Natural Core Area" is shown in what appears to be the general area of the Maple Uplands and Kettle Wetlands Life Science Area of Natural and Scientific Interest, (ANSI) and Provincially Significant King-Vaughan Wetland Complex. The draft report provides that no development would be permitted in ANSIs, wetlands, significant woodlands, wildlife habitat and valleylands, significant portions of the habitat of threatened or endangered species and adjacent lands, sensitive hydrological features, such as kettle lakes and depressions, streams, springs, seepage areas and associated riparian (shore or adjacent) lands.

This prohibition on development is largely consistent with the policies and natural feature designations included in OPA 600 that are aimed at protecting such areas from development.

The balance of the lands in Vaughan to the north, east and west of the "Natural Core Area" are shown as "Natural Linkage Areas". To the south and west of the "Natural Core Area" there appears to be two relatively small areas shown as "Countryside Areas". Given the scale and lack of detail in the mapping it is difficult to determine the precise location of the boundaries of the classifications. The Province should be advised that in order to provide clear direction in its long-term strategy the plan must be at a scale that provides for clarity in its interpretation for implementation at the municipal level.

The draft strategy does not specifically address sanitary landfill uses in any of the proposed designations. One of the advisory panel's goals is that the moraine should be managed and protected in ways that permitted land uses maintain and enhance the moraine's ecological functions.

A prohibition on sanitary landfill uses would be consistent with this objective and should therefore be specifically noted as not being permitted anywhere on the Moraine.

#### Proposed Development Criteria

The report recommends that partial servicing not be permitted (i.e. in settlement areas, residents would have to have full municipal services) and that where municipal official plans, zoning or regulatory by-laws conflict with the provincial policy, the provincial policy would apply. Stormwater management would strive to maintain and enhance the quality and quantity of groundwater and surface water, including, groundwater recharge and discharge and baseflow to streams.

In areas of complex or distinctive landforms development projects would have to follow special design approaches. OPA 600 included a "Special Policy Area" for a portion of Block 12, requiring the preparation of a Landform Conservation Plan to demonstrate that the existing landform is maintained to the greatest extent practical. Block 12 was not included in the Region of York's approval of OPA 600, as a result of the 6-month moratorium on development approvals on the Moraine. However, Block 12 is designated "Urban Area" in the Regional Official Plan. The special design approaches in the Province's Plan should assist the City in achieving the City's policy objectives on landform conservation.

The document also states that where land use approvals have been granted prior to May 17, 2001 that the uses will continue to be permitted. An August 14, 2001 press release from the Province states that new development on the Moraine, even in the settlement areas, would be subject to the Provincial Plan's development criteria and ecological constraints that are designed to ensure the protection of significant environmental features and functions. More clarity is

required on what development criteria and ecological constraints will be imposed, if any, to Settlement Areas/Urban Areas approved prior to May 17, 2001.

Expansion of settlement areas into the countryside would be considered only after a municipality completed a five-year review of its official plan.

#### Implementation of the Moraine Strategy

The report proposes that to “*ensure appropriate clarity and authority*”, the policy and implementation provisions be established through provincial legislation. Moraine area municipalities would retain their traditional roles and the province would set a broad policy framework, with municipalities ensuring compliance with the provincial plan.

#### Oak Ridges Moraine Legacy Trust

The Draft strategy recommends the establishment of new “arms-length” partnership body, namely the “Oak Ridges Moraine Legacy Trust”, to implement the non-regulatory aspects of the plan, including, tools to protect water resources and create a continuous natural corridor. The functions of the trust would primarily be focused on fund-raising for the purposes of land acquisition, maintenance and operating acquired lands, providing incentives for land stewardship programs and research, monitoring and data collection.

The trust is proposed as a financial partnership among the federal, provincial and municipal governments (regions, cities and counties), conservation authorities, the private sector (including development industry) and other organizations with an interest in the Moraine.

The report proposes that the Ontario government provide the funding necessary to establish the trust and allow it to begin its functions. There is no mention in the report on the amount of funding that would be required and the amounts that municipalities might be expected to contribute to the trust. The report also identifies one likely source for funding to include environmental charges on moraine-based development, but again does not include any details.

Staff is of the opinion that the establishment of a trust to assist in funding the acquisition of significant environmental features, which draws upon various stakeholders and groups with an interest in protecting such areas, has merit. The acquisition of the Baker Sugarbush is a successful example of where the Province, York Region, the Toronto and Region Conservation Authority and the City financially contributed to the public acquisition of a significant natural feature. Furthermore, York Region and the Town of Markham have both recently approved the allocating of funds on an annual basis for the public acquisition of natural features and forming partnerships with other organizations that have an interest in protecting such areas.

It is further noted that the May 2001 joint report by the Regions of Durham, Peel and York on the Moraine, proposed a similar land securement strategy involving all levels of government, with the details regarding funding arrangements between the stakeholders to be worked out. The three Regions will be bringing forward a report on a recommended model for a funding program by December 31, 2001, which the City has requested to be consulted on as part of its preparation. Should the Province include in their long-term plan for the Moraine the establishment of a Legacy Trust, it is recommended that the Province also consult the municipalities on the details of the funding program prior to it being finalized.

#### Roles and Responsibilities

The report recommends roles and responsibilities for the federal, provincial, municipal, conservation authorities, non-government organizations, local stakeholders and property owners, in implementing the plan. Those recommended for municipalities are listed below:

- contribute to funding the Oak Ridges Moraine Legacy Trust
- bring municipal plans into compliance with the provincial plan
- support the plan's implementation by developing policies and programs that help achieve its goals and by providing funding and technical support for policies and programs
- manage municipal lands in ways that are consistent with the plan
- collect and share all relevant data
- participate in the periodic review of the plan.

## **Conclusion**

Staff have reviewed "*Share Your Vision for the Oak Ridges Moraine*" August-September 2001. The advisory panel to the Minister of Municipal Affairs and Housing has recommended that the Province approve specific legislation to govern the future of the Moraine with four broad land use designations, to which municipal plans would be required to conform. The recommended designations appear to complement the land-use designations in the City and Regional Official Plans, while also providing the potential for greater protection of significant natural features in all of the designations.

The Plan recognizes as "Settlement Areas", those lands that the City has identified are needed for future growth and reflected in the Urban Area boundary of the Regional Official Plan.

While several matters have not been detailed, such as funding arrangements for a "Legacy Trust", it is expected that the Province would consult with the stakeholders to agree on a funding formula prior to proceeding with this recommendation.

While the Vision establishes a comprehensive basis for ongoing actions, a number of areas require further detailing to provide clear direction for implementation. The joint report by the Regions of Durham, Peel and York provides additional direction and detail in some of these areas and should continue to form part of the information the Province considers in finalizing their Plan. Staff will continue to keep Council informed on this matter as it progresses.

The advisory panel has recommended that the Province define the Provincial interest in the Moraine and create a long-term plan for it.

However, it is unclear what mechanisms the Province intends to use to implement the Plan, ie. amendments to the Provincial Policy Statement, Provincial Plans, etc. and what level of government, i.e. Provincial, Regional, local or appointed Commission will be responsible for interpreting it and ensuring conformity. Staff will be bringing this issue along with others noted in this report to the attention of the provincial inter-ministry team hosting the open houses in August and September.

Should the Committee concur with this report, the recommendation section of this report should be adopted as the City's response to the Province's request for comments.

## **Attachments**

1. Share Your Vision for the Oak Ridges Moraine, Province of Ontario August - September 2001 (COUNCILLORS ONLY)

## **Report prepared by:**

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Respectfully submitted,

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