

COMMITTEE OF THE WHOLE AUGUST 19, 2002

OAK RIDGES MORaine ACT AND CONSERVATION PLAN OFFICIAL PLAN AND ZONING BY-LAW CONFORMITY

Recommendation

The Commissioner of Planning recommends:

1. THAT this report be received for information;
2. THAT the timeline for the Amendment process be endorsed.

Purpose

The purpose of this report is to update Council on the Oak Ridges Moraine Conservation Act and Oak Ridges Moraine Conservation Plan, herein referred to as the ORMC Act and ORMC Plan, and to receive Council's endorsement of the timeline for the review of the City's Official Plan and Zoning By-law to bring them into conformity with the ORMC Plan as required by Subsections 9(2) and 9(5) of the ORMC Act.

Background

On November 2, 2001, the Province of Ontario introduced Bill 122 in the legislature and released a draft of the Oak Ridges Moraine Conservation Plan for public review and comment. Vaughan Council at its meeting of November 26, 2001 adopted a staff report recommendation as comment to the Minister of Municipal Affairs and Housing on these documents.

Several, although not all of Vaughan's comments to the Minister on the draft November Plan have been included in the ORMC Act and ORMC Plan.

The City had requested that no new aggregate extraction operations be permitted in Natural Core, Natural Linkage and Countryside Areas. The ORMC Plan does not include aggregate resource operations in the Natural Core Area as a permitted use and in Subsection 6(3) does not permit existing aggregate operations in Natural Core Areas to expand beyond the boundary of the area under licence or permit. Aggregate operations and wayside pits however are permitted in the Natural Linkage and Countryside designations subject to the provisions of the Plan.

Council had requested that the examination of the Plan's policies on permitting mineral aggregate extraction in the Natural Core Area as part of the ten-year review of the Plan, be deleted. This review of aggregate extraction operations has been retained in the Plan.

Council had requested that new or expansions to existing sanitary landfills on the Moraine be prohibited. While the ORMC Plan does not specifically permit landfill sites in the Natural Core, Natural Linkage or Countryside Areas, the Plan specifically provides in Subsection 29(1) and (5) that, "Despite anything else in this Plan except subsection 6(1) (respecting existing uses), "Waste disposal sites and facilities, organic soil conditioning sites and snow storage and disposal facilities are prohibited in areas of high aquifer vulnerability as identified in the Plan.

Consistent with Vaughan's comments to the Minister, the Province announced on May 24, 2002, the contribution of \$15 million for the Oak Ridges Moraine Foundation to help fund the foundations interim board of directors develop programs, determine actual funding needs and seek partnership funding.

Consistent with Vaughan's comments, the designation on the west half of Lot 31, Concession 3 was revised from Countryside Area to Natural Linkage Area and the final decision on the amendment to the zoning by-law be the Minister of Municipal Affairs and Housing with no appeal of the Minister's decision to the Ontario Municipal Board.

Vaughan had requested that the Plan provide for one consistent approach for applications in the Settlement Area for applications filed before and after the Plan was to take effect. On this matter, the ORMC Plan appears to provide additional flexibility to applications filed in the Settlement Area after November 16, 2001, respecting the provision of minimum vegetation buffers adjacent to key natural heritage and hydrologically sensitive features.

The City had requested that the Province, through a Minister's Order incorporate the Provincial Plan into the municipal Official Plans so that the policies would remain consistent across all municipalities. The Province has not done this and municipalities are required by the ORMC Act to amend their official plans and zoning by-laws to bring them into conformity with the ORMC Plan.

ANALYSIS

The basic intent and principles of the draft Oak Ridges Moraine Conservation Plan have been maintained in the final version. The ORMC Plan remains an ecologically-based Plan which protects terrestrial as well as ground and surface water features, preserves agricultural land and contains urban growth to approved Settlement Areas.

The ORMC Plan provides for four land use designations:

Natural Core Area, are areas with high concentrations of key natural heritage features i.e. wetlands, Areas of Natural and Scientific Interest, significant woodlands, kettle lakes etc. Only existing uses and limited conservation, agricultural, home based businesses, infrastructure and low intensity recreational uses are permitted.

Natural Linkage Area, are areas which form a corridor system linking the Natural Core Areas, and river and stream corridors. Permitted uses include those in the "Natural Core Area" plus mineral aggregate operations and wayside pits.

Countryside Area, are areas of rural land use such as agriculture and rural, residential development. Permitted uses in the Countryside Area include those permitted in the "Natural Linkage Area" plus Agriculture-related uses, small scale commercial, industrial and institutional uses, major recreational uses and new residential developments in specific areas of Caledon, Kawartha Lakes, Peterborough and Northumberland.

Settlement Area, are those areas designated for urban development. All uses permitted by the applicable official plan are permitted subject to the provisions of the ORMC Plan listed in subsections 19(3) and 31(4).

Amendments to Local and Regional Official Plans and Zoning By-laws to bring them into conformity with Oak Ridges Moraine Conservation Plan

Subsection 9(2) of the ORMC Act requires that within 18 months of the filing of the ORMC Plan that every prescribed municipality shall prepare and adopt an official plan amendment to implement the Plan. Regulation 141/02 filed on April 22, 2002 includes the City of Vaughan along with twenty-six other municipalities prescribed for the purposes of subsection 9(2) of the Act.

Subsection 9(5) of the ORMC Act requires that municipalities shall prepare and pass a zoning by-law amendment to bring its zoning by-laws into conformity with the Plan. The amendment does not come into force unless it is approved by the Minister under Section 10 of the Act.

In addition, the ORMC Plan requires municipalities to include in their official plans wellhead protection policies around all existing and new wells for municipal water services. This includes the identification of zones of contribution corresponding to zero to 2, 2 to 10 and 10 to 25 years of time of travel. The Region of York is currently undertaking the work to identify the wellhead protection zones. Vaughan staff has contacted the Region of York with respect to confirming that the Region's study, address any Vaughan wells (potentially those located on the former MNR lands, now owned by the City), that may need to have wellhead protection areas identified.

Vaughan has until October 22, 2003 to amend its Official Plan and Zoning By-law to bring them into conformity with the ORMC Plan.

Approval Process

The approval process for amendments to the official plan and zoning by-law are set out in Section 10 of the ORMC Act. The Minister of Municipal Affairs is the approval authority on the amendments to the official plan and zoning by-law, and there is no appeal to the Ontario Municipal Board provided that municipalities adopt their official plan and zoning by-laws within the specified time periods. The Regions of York, Peel and Durham have one year from the date the Plan was filed (ie. April 22, 2003) to amend their Official Plans and local municipalities including Vaughan, have 18 months (ie. October 22, 2003) in which to amend their official plan and zoning by-law to bring them into conformity with the ORMC Plan.

The Plan in subsections 9(6) and 9(10) provide that the Minister may grant time extensions to the time periods for adopting the official plans and zoning by-laws.

The notice provisions of the Planning Act continue to apply with respect to the official plan and zoning by-law amendment conformity exercise. As such a statutory public hearing and notice is required to be provided under the Planning Act.

Region of York

The Region of York Council at its meeting of June 27, 2002, received a report for information on the ORMC Plan and endorsed the proposal for discussion with partners and stakeholders (including the Province of Ontario, the Regions of Peel and Durham and area municipalities) and timetable for processing the Amendment to the Region's Official Plan.

The Region's timetable for amending their official plan includes having a draft amendment prepared by October 2, 2002; a statutory public hearing on October 16, 2002; and an amendment adopted by Regional Council on December 19, 2002.

The proposed timetable for Vaughan's amendment process for amending the Official Plan and zoning by-law is set out on the Table below. The proposed schedule is based on the Region's timetable of having their amendment adopted prior to the end of 2002. Staff are of the opinion that it would be appropriate given that Vaughan's Official Plan is required by the Planning Act to conform with the Region's Official Plan that Vaughan's public hearing and adoption of the amendments should not occur until after the Region has conducted their public hearing and adopted their official plan amendment.

Task	Timing
Discussions with Stakeholders Province, York Region, TRCA, landowners	August 2002 to January 2003
Statutory Public Hearing Committee of the Whole on official plan and zoning amendment	February 2003
Technical Report - Committee of the Whole on amendments to official plan and zoning by-law	May 2003
Council Meeting for adoption of official plan amendment and enactment of zoning by-law amendment	June 2003

Provincial Role and Expectations

Technical guideline documents and mapping of key natural heritage features are to be released by the Province of Ontario in the Fall of 2002 to assist the municipalities in the conformity exercise. The Province of Ontario has commenced workshop sessions with the Regions and local municipalities to discuss the process of bringing their official plans and zoning by-laws into conformity with the ORMC Plan. Provincial staff has indicated that the Province will be providing additional technical assistance and training as it relates the ORMC Plan. Based on discussions with Provincial Staff to date, the following summarizes Staff's understanding of what the official plan and zoning amendments should generally be addressing:

1. The Vision, Goals and Objectives of the ORMC Plan
2. Maps
 - Outer boundary of the Moraine
 - Four Land Use Designations
 - Areas of High Aquifer Vulnerability
 - Wellhead Protection Areas
 - Key Natural Heritage and Hydrological Features
 - Landform Conservation Areas
3. Policies
 - Permitted Uses
 - Intent, requirements, limitations, procedures
 - Exception Areas where Official Plan is more restrictive
 - Site specific issues tailored to meet local needs
 - Watershed Plans
 - Water Budgets
 - Wellhead Protection Areas
 - Areas of High Aquifer Vulnerability

The ORMC Plan provides that as part of the conformity exercise the official plan and zoning amendments can be more restrictive than the ORMC Plan and still conform, with the exception that provisions cannot be more restrictive than the ORMC Plan for agriculture, mineral aggregate operations and wayside pits.

Given that the Minister of Municipal Affairs and Housing is the final approval authority on the amendments it is anticipated that the Province will provide additional advise and assistance as may be requested by municipalities during the conformity process.

Amendments to Vaughan's Official Plans

The ORMC Act and Plan apply to portions of the areas subject to OPA's 600, 332 and 350, the Maple Community Plan. Assuming that these Official Plan Amendments will remain as separate planning documents the amendment (s) which the City adopts will have to amend all three Official Plan Amendments.

i) OPA 600

The lands within OPA 600 on the Oak Ridges Moraine are designated in the ORMC Plan a combination of "Settlement Area" (portions of Blocks 10, 11, 17, 18 and 12) and "Countryside", "Natural Core" and "Natural Linkage Areas". It is anticipated that the Amendment to OPA 600 will be the most comprehensive of the three given all of the designations are present and several key natural and hydrological features need to be recognized.

ii) OPA 332

The lands subject to OPA 332 on the Oak Ridges Moraine are designated in the ORMC Plan a combination of "Settlement Area" and "Natural Core Area". Key Natural Heritage Features (Life and Earth Science Areas of Natural and Scientific Interest (ANSI) are present and others may be identified by the Province as being applicable to these designations, ie. "Significant Valleylands", "Significant Woodlands", etc.

iii) OPA 350

The area in OPA 350 (Maple Community Plan), affected by the ORMC Act and Plan, is relatively small in comparison to OPAs 600 and 332, being confined to lands adjacent to the west side of the former CN railline to the north and south of Major Mackenzie Drive. All of the lands in OPA 350 on the ORM are designated "Settlement Area". Planning staff is not aware of any key natural heritage or hydrological features within this area. The Provinces mapping of the "Landform Conservation Areas Category 1 and 2" and "Areas of High Aquifer Vulnerability" do not appear to include any lands subject to OPA 350. The amendment to OPA 350 presumably could be tailored to deal with Settlement Area designation and the applicable policies along with the general goals and objectives of the ORMC Plan.

Zoning By-law 1-88

It is anticipated that new zone categories will be required in particular for the lands located in the Natural Core, Natural Linkage and Countryside Areas. The zoning within the area designated Settlement Area may be able to remain largely in its current form as the ORMC Plan in Subsection 18(3) provides that all uses permitted by the applicable official plan are permitted, subject to the provisions of the ORMC Plan. The ORMC Plan in Subsections 22(2) and 26(2) provides that development is not permitted in "Key Natural Features" or "Hydrologically Sensitive Features" and minimum vegetation protection zones as defined in the ORMC Plan. Based on information provided by the Province to date, it appears that the "Key Natural Heritage and "Hydrologically Sensitive Features" will need to be zoned in all designations, including those

within the "Settlement Areas", to prohibit development except for the uses permitted in the ORMC Plan for such features.

Co-ordination of City's Interests

Given that the ORMC Act and Plan affects not only planning applications but also servicing and infrastructure matters, parks development etc., co-ordination is required between the Community Planning Department, Community Services, Engineering and Public Works, Building Standard and the Legal Department to ensure that the interests of the City are properly addressed.

An interdepartmental working group is to be formed to assist in the drafting and review of the proposed official plan and zoning by-law amendment. It is expected that there will be consultation and coordination with the Region of York and the other local municipalities in the Region on the Oak Ridges Moraine on data sharing and to ensure consistency between amendments.

Conclusion

The ORMC Act and Ontario Regulation 141/02 require that Vaughan amend its Official Plan and Zoning By-law to bring them into conformity with the ORMC Plan by October 23, 2003. The Planning Act also requires that the City's Official Plan must conform with the Region of York's Official Plan. The Region of York is required to amend its Official Plan by April 22, 2003. The Province of Ontario is to be providing municipalities with mapping of key natural heritage features and technical guidelines to assist them in the preparation of the official plan and zoning amendments. It is anticipated that the work for the preparation of the Official Plan Amendments can be undertaken by Vaughan Community Planning Department Staff with input from other City Departments. Consultants may be required to assist in the preparation of amendments to the zoning by-law. A further report on the possibility of retaining consultants will be provided to Council, if necessary. The Region of York is to be identifying wellhead protection areas for municipal wells. The City has been in contact with the Region of York to confirm that, if required, any of the City owned wells (potentially those located on the former MNR lands), be included in the Region's study. The proposed timeline for amending the Official Plan and Zoning By-law are within the required time period specified in the ORMC Act. Vaughan staff will continue to monitor the timeline to ensure that statutory obligations of the ORMC Act and Plan are met. Should Committee of the Whole concur with the above report the recommendation should be adopted.

Attachments

1. Oak Ridges Moraine Land Use Designation Map 3
2. OPA 332, OPA 350 and OPA 600 Planning Areas subject to the Oak Ridges Moraine Conservation Act and Plan

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Respectfully submitted,

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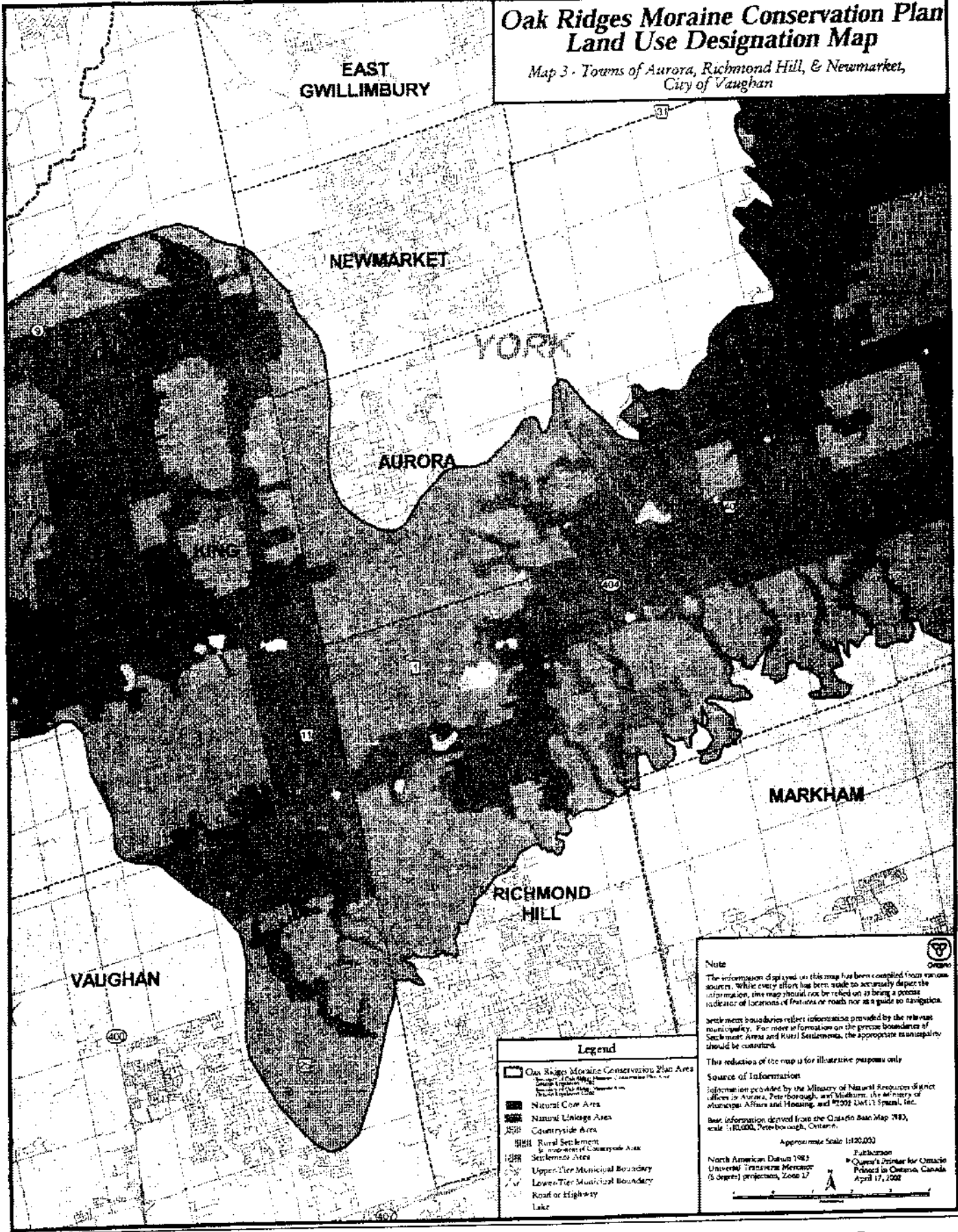
Michael DeAngelis
Commissioner of Planning

Joanne R. Arbour
Director of Community Planning

LG

Oak Ridges Moraine Conservation Plan Land Use Designation Map

Map 3 - Towns of Aurora, Richmond Hill, & Newmarket,
City of Vaughan



Legend

- Oak Ridges Moraine Conservation Plan Area
- Natural Cow Area
- Natural Linkage Area
- Countryside Area
- Rural Settlement
- Settlements Area
- Upper-Tier Municipal Boundary
- Lower-Tier Municipal Boundary
- Road or Highway
- Lake

Note
The information displayed on this map has been compiled from various sources. While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations of features or roads nor as a guide to navigation.

Settlement boundaries reflect information provided by the relevant municipality. For more information on the precise boundaries of Settlement Areas and Rural Settlements, the appropriate municipality should be consulted.

This reduction of the map is for illustrative purposes only.

Source of Information
Information provided by the Ministry of Natural Resources of the offices in Aurora, Peterborough, and Midburn; the Ministry of Municipal Affairs and Housing, and 2002 UML 1 Spatial, Inc.

Base information derived from the Ontario Base Map '93, scale 1:10,000, Peterborough, Ontario.

Approximate Scale: 1:120,000

North American Datum 1983
Universal Transverse Mercator
(5 degree) projection, Zone 17

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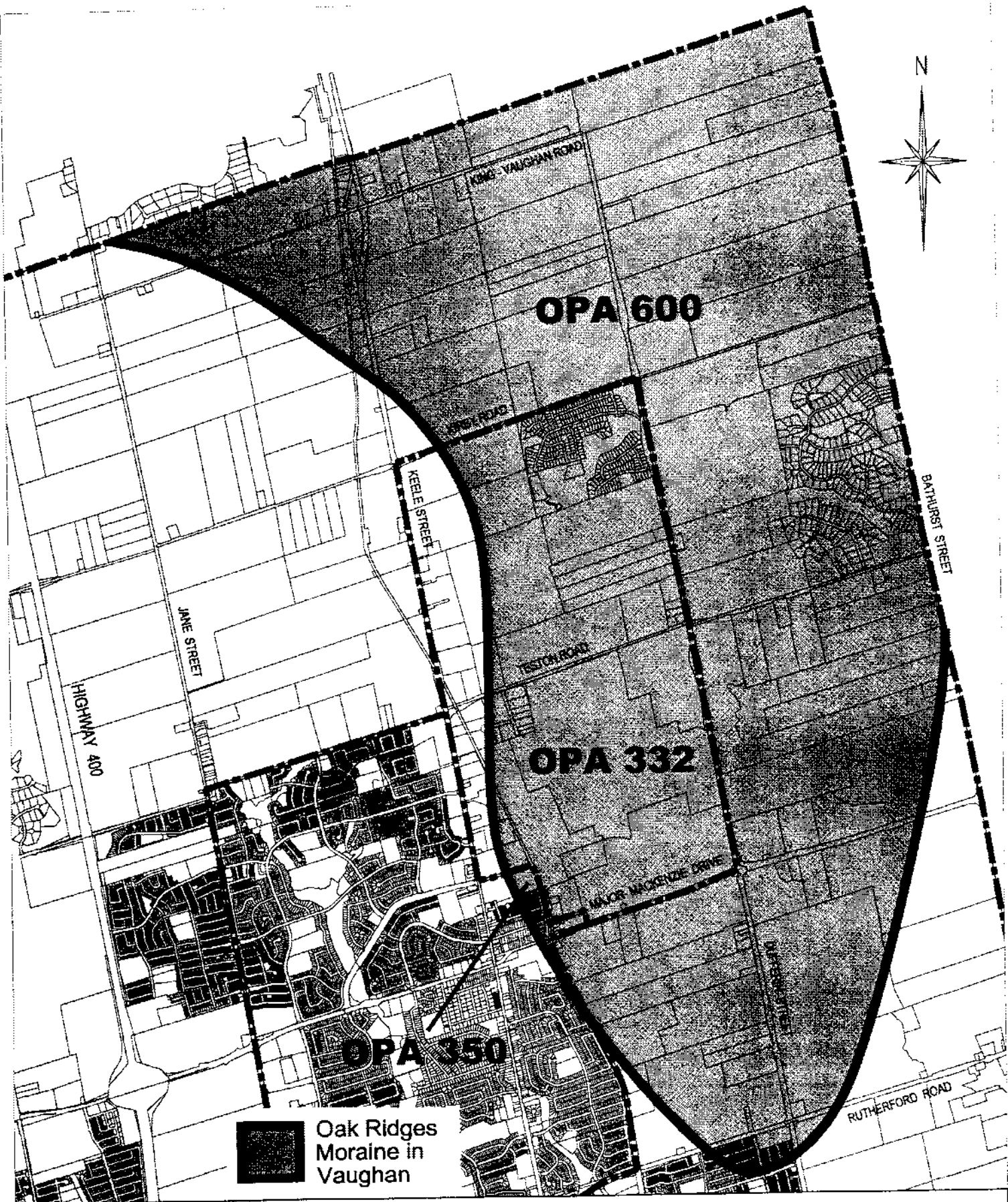
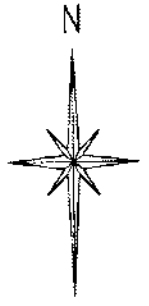
Oak Ridges Moraine Plan Land Use Designation Map



Community Planning Department

Attachment

1



 Oak Ridges Moraine in Vaughan

OPA 332, OPA 350 & OPA 600
PLANNING AREAS SUBJECT TO
THE OAK RIDGES MORaine
CONSERVATION ACT AND PLAN

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City of Vaughan

Community Planning Department

Attachment

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