

**4. OFFICIAL PLAN AMENDMENT FILE OP.03.012
ZONING BY-LAW AMENDMENT FILE Z.03.022
OAK RIDGES MORAINÉ CONFORMITY**

P.2003.35

Recommendation

The Commissioner of Planning recommends:

1. THAT the Public Hearing for Files OP.03.012 and Z.03.022 (Oak Ridges Moraine Conformity) BE RECEIVED and any issues identified be addressed by Staff in a comprehensive report to Committee of the Whole on June 2, 2003.
2. THAT the Ministry of Municipal Affairs and Housing be requested to provide a one-year extension of the Minister's approval of wellhead protection policies and mapping.

Purpose

To set out the amendments to the official plan and zoning by-law which are required by the Oak Ridges Moraine legislation and regulation to bring the City's official plan and zoning by-law into conformity with the Oak Ridges Moraine Conservation Plan, Ontario Regulation 140/02.

Background - Analysis and Options

The Oak Ridges Moraine Conservation Act (ORMCA) received Royal Assent on December 14, 2001, and the Oak Ridges Moraine Conservation Plan (ORMCP) was filed as Regulation 140/02 on April 22, 2002 and is retroactive to November 16, 2001.

Section 7 of the ORMCA requires that decisions made under the Planning Act or Condominium Act, or in relation to a prescribed matter, shall conform to the Oak Ridges Moraine Conservation Plan. Section 8 of the Act provides that the ORMCP prevails in the case of a conflict with an official plan and a zoning by-law, or a policy statement under Section 3 of the Planning Act.

Required Amendments to Local and Regional Official Plans and Zoning By-laws

Conformity with the Oak Ridges Moraine Conservation Plan

Subsection 9(2) of the ORMC Act requires that within 18 months of the filing of the ORMC Plan, every prescribed municipality shall prepare and adopt an official plan amendment to implement the Plan. Regulation 141/02, filed on April 22, 2002, prescribes the City of Vaughan, along with 26 other municipalities.

Subsection 9(5) of the ORMC Act requires that municipalities shall prepare and enact a zoning by-law amendment to bring its zoning by-laws into conformity with the ORMCP. The amendment only comes into force upon approval by the Minister under Section 10 of the Act, and is in effect as of the date that it was enacted.

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 confirmed with the Region that the study will address any

Vaughan wells (potentially those on the former MNR lands, and at the Maple Community Centre), that may need to have wellhead protection areas identified.

Approval Process

The approval process for amendments to the official plan and zoning by-law is 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 amendments within the specified time periods.

The Regions of York, Peel and Durham have one year from the date the Plan was filed (i.e. to April 22, 2003) to amend their Official Plans. Local municipalities, including Vaughan, have 18 months (i.e. to October 22, 2003) in which to amend their official plan and zoning by-law to bring them into conformity. Subsections 9(6) and 9(10) of the Plan provide that the Minister may grant time extensions to these time periods. The Region of York has requested an extension with respect to the particular aspect of identification of wellhead protection areas in its official plan.

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 Official Plan Amendment 41

On November 13, 2002, the Region of York held a statutory public hearing under the Planning Act on the proposed Official Plan Amendment No. 41, which would bring the Regional Official Plan into conformity with the Oak Ridges Moraine Conservation Plan. On November 25, 2002, Vaughan Council resolved that the Region be requested to revise draft OPA #41 in accordance with the recommendations of the Vaughan staff report, which included: clarification and modification on the permission for existing uses; uses in the Countryside Areas; transition provisions for applications in process; mapping of significant natural features; and, inclusion that buffer areas can be determined through Master Environmental Servicing Plans in Settlement Areas. An updated OPA #41 was adopted by York Region Council on March 27, 2003. Planning Staff has reviewed the adopted OPA #41 and note that the clarifications and modifications requested by Vaughan have been included.

As part of finalizing the City's OPA #604, Planning staff will be reviewing the Region of York's OPA #41 to ensure that the City's amendment conforms with OPA #41.

Consultation

A notice of the May 5, 2003 Public Hearing was placed on the City Page of the *Vaughan Citizen* on April 10, 2003, posted on the City's internet site, and was mailed to all ratepayer associations in Maple and those requesting direct notification.

Vaughan Planning Staff attended the public information session that the Region of York conducted in King City on October 16 2002, as part of the Region's amendment process. Vaughan residents were among those that attended this meeting.

Vaughan Planning staff have been involved in ongoing discussions with staff from the Region, the Ministry of Municipal Affairs and Housing (MMAH), the Ministry of Natural Resources, the Toronto and Region Conservation Authority, and local municipalities in the Region as part of the conformity process. Residents, landowners and applicants on the Oak Ridges Moraine have also provided input throughout the process.

Provincial Role and Expectations

The Province provided mapping data layers of natural heritage features in December 2002, and updated data layers in February 2003, to assist the municipalities in the conformity exercise. The Technical Guidelines to accompany the ORMCP, being prepared by the Province, are still in draft. Provincial staff has indicated that the Province will be providing additional technical assistance and training as it relates the technical guidelines, once they have been finalized. Based on discussions with Provincial Staff to date, the following summarizes Staff's understanding of what the official plan and zoning amendments should be addressing:

1. The Vision, Goals and Objectives of the ORMCP 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 ORMCP Plan provides that the conformity amendments can be more restrictive than the ORMCP Plan and still conform, with the exception that provisions cannot be more restrictive than the ORMCP Plan for agriculture, mineral aggregate operations and wayside pits.

Proposed Amendments to Vaughan's Official Plans

The ORMCP Act and Plan apply to portions of the areas subject to OPA's 600, 332 (North Maple) and 350 (Maple Community Plan). Draft Amendment #604 amends OPA 600, 332 and 350.

The ORMCP provides for four land use designations:

1. 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.
2. 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.
3. 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.

4. 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).

OPA 600

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

The boundary of the Oak Ridges Moraine Conservation Plan Area is to be added to all of the Schedules that include lands on the Moraine.

Nine new schedules are proposed to be added to OPA 600, as follows:

1. C1 Oak Ridges Moraine- Carrville Urban Village 2;
2. F1 Oak Ridges Moraine – Rural Area General;
3. G1-ORM, Oak Ridges Moraine- Wetlands;
4. G3-ORM, Oak Ridges Moraine – Areas of Natural and Scientific Interest (Life Science);
5. H1-ORM, Oak Ridges Moraine – Significant Woodlands;
6. L Oak Ridges Moraine – Permanent and Intermittent Streams and Kettle Lakes;
7. M Oak Ridges Moraine – Areas of High Aquifer Vulnerability;
8. N Oak Ridges Moraine- Landform Conservation Areas;
9. O Oak Ridges Moraine- Areas of Natural and Scientific Interest (Earth Science)

A new Section 10 Oak Ridges Moraine has been added to OPA 600, which encompasses the provisions of the Oak Ridges Moraine Plan that apply to the OPA 600 Plan Area.

i) Schedule "F" and Existing Site Specific Exceptions

With respect to lands located on the Oak Ridges Moraine, the current "Agriculture" and "Rural Use Area" designations outside of the moraine, and site specific OPAs would remain on Schedule "F". A notation is proposed to be added on Schedule "F", along with policies in the Plan, to the effect that Schedule "F" is only to be referenced for the purposes of applications that are transitional (i.e. commenced prior to November 16, 2001); or applications that are further approvals to applications decided on prior to November 16, 2001; or applications that are further approvals to transitional applications under the Oak Ridges Moraine Conservation Act.

A new Schedule "F1" identifying the "Countryside Area", "Linkage Area" and "Natural Core Area" designations of the Oak Ridges Moraine Plan will be used for determining the applicable land use

designations and related policies in the new Oak Ridges Moraine Section 10. Schedule "F1" will apply in all cases for lands on the Moraine, except those transition and further approval applications as noted above, which will refer to Schedule "F".

ii) Proposed Natural Core Area

OPA 600 contain lands which are designated in the ORMCP as "Natural Core Area".

The permitted uses in the "Natural Core Area" are fish, wildlife and forest management; conservation projects and flood and erosion control projects; agricultural uses; transportation/infrastructure/utilities (but only if the need for the project has been demonstrated and there is no reasonable alternative); home occupations; cottage industries; low-intensity recreational uses; unserviced parks; uses accessory to agricultural uses and, accessory uses thereto.

iii) Proposed Natural Linkage Area

OPA 600 contains lands designated as "Natural Linkage Area", which are shown on Schedule "F1". In addition to the uses permitted in the "Natural Core Area" listed above, the Natural Linkage Area designation also permits wayside pits, and mineral aggregate operations, subject to an amendment to the official plan, and uses accessory to these uses.

iv) Proposed Countryside Area

OPA 600 contains lands designated "Countryside Area", which are shown on proposed Schedule "F1". In addition to the uses permitted in the "Natural Core Area" and the "Natural Linkage Area", the "Countryside Area" permits industrial, commercial, institutional and major recreational uses, subject to an amendment to the Official Plan. This is consistent with OPA #600 in the "Rural Use Area", where such uses require amendments to the OPA, subject to meeting various tests in OPA 600, and also with the Regional Official Plan that directs such uses to urban areas.

v) Aggregate

Mineral Aggregate Operations would be permitted within the Natural Linkage Area and Countryside Areas of OPA 600, subject to an amendment to the Official Plan. This is consistent with the current policies in OPA 600, which requires an amendment to the Plan to establish new extractive operations, other than wayside pits and quarries. Wayside pits are proposed to be permitted subject to an amendment to the zoning by-law in the Natural Linkage Area.

OPA 332

The area subject to OPA 332 is affected by two of the land use designations in the ORMCP, being "Natural Core Area" and "Settlement Area". Key Natural Heritage Features and Hydrologically Sensitive Features that are mapped, are primarily located within the Natural Core Area and include Life Science ANSI, Significant Woodlands, wetlands, permanent and intermittent streams. Fish habitat, seeps and springs and other features that are not mapped, may be identified based on criteria in the Province's technical guidelines and will be subject to the relevant provisions included in the Official Plan.

The permitted uses in the "Natural Core Area" designation for OPA 332 are fish, wildlife and forest management, conservation projects and flood and erosion control projects, agricultural uses, transportation/infrastructure/utilities (but only if the need for the project has been demonstrated and there is no reasonable alternative), low-intensity recreational uses and small-scale structures accessory thereto, unserviced parks and uses accessory to the permitted uses. The difference in the use permissions between OPA 332 and OPA 600 are a function of the features in OPA 332, in which all of the lands within the Natural Core Area within OPA 332 are Key Natural Heritage Features or Hydrologically Sensitive Features.

The amendment to OPA 332 also updates the Plan to reflect the closure of the Keele Valley Landfill Site (KVLS), and the current focus on rehabilitated open space and uses related to monitoring of the past landfill operation.

In the draft amendment, Schedules "2A" and "3" of OPA #332 have been consolidated into one schedule. Schedule "5" has also been deleted as it applied to a portion of the former Honey Pot lands in OPA 332, permitting a jeep college, which is now part of a golf course development. All of the Schedules, except Schedule "4" identifying the Eastern Power hydro plant which is within the "Settlement" designation, have been amended to include the Oak Ridges Moraine boundary.

Seven new Schedules have been added to OPA 332, as follows:

1. Schedule 2 Oak Ridges Moraine Conservation Plan Area Land Use Designations;
2. Schedule 4 Landform Conservation Areas;
3. Schedule 6 Areas of Natural and Scientific Interest;
4. Schedule 7 Significant Woodlands;
5. Schedule 8 Wetlands and Permanent and Intermittent Streams;
6. Schedule 9 Areas of Natural and Scientific Interest (Earth Science);
7. Schedule 10 Aquifer Vulnerability.

A new Section 5 is being added to OPA 332 which will contain the relevant policies relating to the Oak Ridges Moraine Plan, applicable to "Settlement Areas" and "Natural Core Areas", key natural heritage and hydrologically sensitive features, landform conservation areas and areas of high aquifer vulnerability.

OPA 350

The area in OPA #350 (Maple Community Plan) affected by the ORMC Act and Plan is confined to lands adjacent to the west side of the railline, north and south of Major Mackenzie Drive. All of the lands in OPA #350 on the ORM are designated "Settlement Area". No key natural heritage or hydrological features have been identified on the Province's February 2003 data layers. Similarly, the Provincial mapping of the "Landform Conservation Areas Category 1 and 2" and "Areas of High Aquifer Vulnerability" does not include any lands subject to OPA 350.

The only mapping change to OPA 350 is adding the Oak Ridges Moraine boundary on Schedule A and the identification of "Policy Area 2", which includes the lands on the Moraine.

A new Section 9 has been added to OPA #350, containing "Settlement Area" policies applicable to the portion of the Maple Community Plan located on the Oak Ridges Moraine.

General Issues in OPA 332, OPA 350 and OPA 600

Mapping

Mapping Data layers received from the Province of Ontario in December 2002 have been plotted on the City's property base. Updated natural heritage data layers were received from the Province in February 2003, which have been used in the preparation of the draft official plan and zoning by-law amendments.

Status of Technical Guideline documents from the MNR and MOE.

The Ministry of Natural Resources is currently preparing a series of Technical Guidelines that will be used to support the interpretation of the ORMCP, as well as providing criteria to determine the location of Key Natural Heritage Features and Hydrologically Sensitive Features.

The MNR Technical Manuals are as follows:

- 1-02 Identification of Key Natural Heritage Features on the Oak Ridges Moraine
- 2-02 Significant Wildlife Habitat Technical Manual on the Oak Ridges Moraine
- 3-02 Supporting Connectivity within the Oak Ridges Moraine
- 4-02 Landform Conservation Guidelines for Oak Ridges Moraine
- 5-02 The Establishment of Vegetation Protection Zones Next to Areas of Natural and Scientific Interest (Life Science)
- 6-02 Identification and Protection of Rare, Threatened and Endangered Species on the Oak Ridges Moraine
- 7-02 Identification and Protection of Significant Woodlands on the Oak Ridges Moraine
- 8-02 Preparation of "Natural Heritage Evaluations" on the Oak Ridges Moraine

These draft manuals are currently undergoing a peer review process, after which they will be posted on the Environmental Bill of Right's Environmental Registry. After the required 30-60 day posting has lapsed, the manuals will be subject to final approval by senior ministry staff. Staff have reviewed the draft technical manuals dated January 30, 2003, and have used the material in the preparation of the conformity amendments.

Similarly, the MOE is preparing 11 Technical Guidelines to assist in the implementation of the ORMCP, which are to include guidelines on the preparation of Watershed Plans, Water Budgets and Water Conservation Plans, among others. These technical manuals have not been prepared in a draft format to date.

It is recommended that once the 19 Technical Guidelines are finalized by the Province, that they be reviewed to assess any impacts on the conformity amendments, and any necessary modifications be made.

Existing Uses and Previously authorized single dwellings

The OPAs 332, 350 and 600 sections of the amendment each include the provisions from Section 6 of the ORMCP, respecting the permissions for lawfully existing uses on November 15, 2001, and under what conditions they may be permitted to expand or convert to a similar use. The amendments also include, in accordance with Section 7 of the ORMCP, that nothing in the Official Plan would prevent the use, erection and location of a single dwelling which would have been permitted by the applicable zoning by-law on November 15, 2001, and if the applicant demonstrates to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Plan Area.

Transition, Further Approval Applications

The OPAs 332, 350 and 600 sections of the amendment each include provisions respecting applications that satisfy the transition provisions of Section 15, and the further approvals provisions in Section 17 of the Oak Ridges Moraine Conservation Act (ORMCA). The

amendments provide that applications that are transitional (commenced but not decided upon prior to November 16, 2001) are only subject to certain policies in the Natural Core, Natural Linkage and Countryside Areas that relate the prescribed provisions set out in Section 48 of the ORMCP.

With respect to the Settlement Area, the OPA provides that transitional applications are not subject to the new Oak Ridges Moraine policy sections being added to OPAs 332, 350 and 600. The amendment also includes provisions that applications in the Natural Core, Natural Linkage and Countryside Areas that are considered as further approvals in accordance with Section 17 of the ORMCA, are subject to only specific sections of the amendment that relate to the prescribed provisions in Section 48 of the ORMCP.

Key Natural Heritage Features and Hydrologically Sensitive Features

Schedules have been added to OPAs 332 and 600 identifying key natural heritage features and hydrologically sensitive features within the ORMCP area. These include: “ANSI’s (Life Science)”, “Wetlands”, “Kettle Lakes”, “Permanent and Intermittent Streams” and “Significant Woodlands”. Not shown on the Schedules but still considered to be Key Natural Heritage Features and Hydrologically Sensitive Features, are “Significant Wildlife Habitat”, “Fish habitat”, “Significant portions of the habitat of endangered, rare and threatened species”, “Significant valleylands”, and “seepage areas and springs”. The Province’s mapping does not show any “sand barrens, savannahs and tallgrass prairies” in Vaughan. For those key natural heritage and hydrologically sensitive features that are not mapped, the policies require that as part of a development application, studies be undertaken to confirm the absence or presence of such features on the lands subject to the application and within 120 m.

The policies include that an amendment to the Schedules will not be required where the changes to the boundary of the key natural heritage feature or hydrologically sensitive feature are based on studies carried out in accordance with the Official Plan, ORMCP or as a result of updated information from the Province of Ontario, Department of Fisheries and Oceans or their delegate. The policies also include that changes to the boundaries of “ANSIs (Life Science)”, “wetlands”, and confirmation of boundaries of features not shown on the schedules, including “habitat of endangered, rare and threatened species” or “fish habitat”, will only be made after consultation with the District Office of the Ministry of Natural Resources, and in the case of “fish habitat”, with the Department of Fisheries and Oceans or their delegate.

The mapping from the Province does not include any key natural heritage features or hydrologically sensitive features within OPA #350, or within 120 m of the Maple Community Plan boundary, on the Oak Ridges Moraine.

Based on the ORMCP, the amendments limit uses within key natural heritage features and hydrologically sensitive features to:

- forest, fish and wildlife management;
- conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary and in the public interest and after all alternatives have been considered;
- transportation, infrastructure, and utilities, but only if the need for the project has been demonstrated and there is no reasonable alternative, and
- low intensity recreational uses.

Should any amendments to the boundaries or locations of Key Natural Heritage Features or Hydrologically Sensitive Features occur as a result of approval from the Ministry of Natural

Resources, prior to the Minister of Municipal Affairs and Housing approving the conformity amendments, it is expected that these changes can be dealt with by the Minister as modifications.

Minimum Vegetation Protection Zones

Subsections 21(3) and (4) provide that with respect to land in the Settlement Area on April 22, 2002, an official plan or zoning by-law can be adopted on the basis of environmental studies or infrastructure planning, including without limitation, environmental assessments, infrastructure servicing studies and master environmental servicing studies, to include a minimum vegetation protection zone from a Key Natural Heritage Feature or a Hydrologically Sensitive Feature which is less than that specified on the Table in Part III of the ORMCP. The Region of York has included a policy in OPA #41 recognizing this provision of the ORMCP. Draft OPA 604 includes similar wording permitting reduced minimum vegetation protection zones where the conditions are met.

Wellhead Protection Investigations

Vaughan has municipal wells located at the former MNR lands and at the Maple Community Centre (located off the Moraine) that are used for non-potable purposes, for irrigation of the Eagle's Nest Golf Course and by the Eastern Power electricity generation plant, respectively.

The Region of York is preparing modeling and mapping that will identify wellhead capture zones for all Regional wells and municipal wells on the Oak Ridges Moraine. Sections 28 and 42 of the ORMCP restricts certain uses within wellhead protection areas corresponding to zero to 2 years, 2 to 10 years and 10 to 25 years time of travel. The Region of York and Vaughan Official Plans are required to identify the wellhead protection zones by April 22, 2003 and October 22, 2003 respectively. The Plans must also prohibit specific uses listed in the ORMCP and other uses that could potentially affect the quality or quantity of groundwater reaching a well, and encourage restrictions on haul routes for certain substances, prior to April 23, 2007.

The ORMCP definition of wellhead protection area refers to "...a water well or well field that supplies a public water system..." and is not specific as to whether this would apply to only wells that are for potable purposes. The municipal wells supplying water to Eastern Power and Eagle's Nest Golf Course under agreement, are for non-potable purposes. Staff have requested that this matter be clarified by the Region and MOE as part of the Region's process of preparing the wellhead capture zone mapping.

The Region has included the Vaughan wells at the former MNR lands and at the Maple Community Centre in its modeling mapping program. Subject to clarification from the MOE and the Region as noted above, and the mapping prepared by the Region, it may be necessary to include wellhead protection policies and mapping in the conformity amendments.

On January 23, 2003, Regional Council resolved to request a one-year extension of the Minister's approval for wellhead protection policies and mapping, to provide an opportunity to fully evaluate the consequences of implementation of the specific policies. The Regional staff report to the March 5, 2003 Planning and Economic Development Committee notes that Provincial MMAH staff, in discussions with the Regional Planning staff, has indicated their support in principle for this request. It is appropriate that Vaughan make a similar request, as the City's Official Plan must conform to the Region's and will be relying on the mapping that the Region is preparing.

Proposed Amendments to Vaughan's Zoning By-law 1-88

Currently, the majority of lands within the City of Vaughan which are on the Oak Ridges Moraine are zoned A Agricultural Zone, OS1 Open Space Conservation Zone, OS2 Open Space Park Zone, RR Rural Residential Zone in the rural areas, and a wide range of zone categories within the urban area. In comparing the use permissions within the A and OS1 Zones, which are the primary categories within the "Natural Core Area" and "Natural Linkage Area" designations, and for Key Natural Heritage Features and Hydrologically Sensitive features, to the requirements of the Oak Ridges Moraine Conservation Plan, it is apparent that By-law 1-88 zone categories are more permissive than the ORMCP. Therefore, it is necessary to create new zone categories which would apply to lands only on the Oak Ridges Moraine, so as not to alter the zoning of those lands off the Moraine.

Two new zones are proposed for the lands on the Oak Ridges Moraine; OS5 Open Space Environmental Protection Zone and ORM Oak Ridges Moraine Zone. These new zones reflect the limited use permissions within the ORMCP, and have been further limited to reflect the permissions within the current zone category (i.e. A Agricultural) and the applicable Official Plan designation (i.e. Rural Use Area).

OS5 Open Space Environmental Protection Zone

The ORMCP provides in Subsections 22(2) and 26(2), that development is not permitted in Key Natural Features or Hydrologically Sensitive Features, and in the minimum vegetation protection zones as defined in the ORMC Plan. Based on information provided by the Province to date, the Key Natural Heritage and Hydrologically Sensitive Features will need to be zoned in all designations, including the Settlement Areas, to prohibit development except for the uses permitted in the ORMC Plan.

The OS5 Open Space Environmental Protection Zone is based on mapping of “ANSI (life science)”, “wetlands”, “kettle lands”, and “streams” provided by the Province, and Staff’s interpretation of the Province’s draft technical guidelines for determining “significant woodlands”. All of these features are either Key Natural Heritage Features and/or Hydrologically Sensitive Features. The requisite minimum vegetative protection zones (30 metres) are also zoned OS5 in the Natural Core and Natural Linkage Areas. The permitted uses for this zone are:

- Fish Wildlife and Forest management
- Conservation Projects and flood and erosion control
- Transportation, Infrastructure and Utilities with the exception of Stormwater Management Ponds
- Oak Ridges Moraine Low Intensity Recreational Uses
- Oak Ridges Moraine Trail
- Legally existing residential dwellings and accessory structures as of the date of the enactment of the conformity by-law

The ORMCP requires that for lands within the Natural Core, Natural Linkage, and Countryside Areas which contain Key Natural Heritage Features and/or Hydrologically Sensitive Features, that a minimum vegetative protection zone (i.e. ecological buffer) be provided around all such features, at a width determined either through further study (Natural Heritage Evaluation or Hydrological Evaluation) or as assigned by the Table within the ORMCP. The ORMCP defines the same permitted uses within the minimum vegetative protection zone and within the Key Natural Heritage Features and Hydrologically Sensitive Features. Therefore, both the Key Natural Heritage Features and/or Hydrologically Sensitive Features and the feature’s associated minimum vegetative protection zone, are placed within the OS5 Open Space Environmental Protection Zone.

The boundaries of other Key Natural Heritage Features and Hydrologically Sensitive Features, including “significant valleylands”, “significant wildlife habitat”, and “seepage areas and springs”, are not proposed to be specifically zoned at this time, as they have not been precisely mapped. However, it is expected that most of these features are likely to be captured by the proposed zoning of the other features. The precise limits of the “significant valleylands” in the Settlement Area will be determined through the establishment of surveyed limits in consultation with the TRCA, and be zoned as a part of future development applications.

Lands currently zoned OS1 Open Space Conservation Zone under By-law 1-88 generally reflect floodplain, valleylands, environmentally significant features, ANSIs or woodland areas that have been identified through previous planning processes, which are to be protected from development. The OS1 Zone permits driving ranges, golf courses, and a range of institutional

uses including cemeteries, making the OS1 Open Space Conservation Zone more permissive than the Oak Ridges Moraine Conservation Plan. As such, the more restrictive OS5 Zone is recommended to replace the OS1 Open Space Conservation Zoning on the Moraine. Where properties currently have lands zoned OS1 Open Space Conservation, subject to site specific exceptions, the zoning has been changed to the OS5 Zone, with the exceptions retained where they are in conformity with the ORMCP.

ORM Oak Ridges Moraine Zone

The lands which have been designated as "Natural Core Area" or "Natural Linkage Area" by the Oak Ridges Moraine Conservation Plan, which are outside of Key Natural Heritage Features or Hydrologically Sensitive Features, are to be rezoned to ORM Oak Ridges Moraine Zone. The permitted uses for the ORM Oak Ridges Moraine Zone are:

- Single Dwelling on a lot existing as of November 15, 2001
- Home Occupation subject to Subsection 4.1.5 of By-law 1-88
- Fish Wildlife and Forest management
- Conservation Projects and flood and erosion control
- Oak Ridges Moraine Agricultural Uses
- Transportation, Infrastructure and Utilities
- Oak Ridges Moraine Low Intensity Recreational Uses
- Oak Ridges Moraine Unserviced Parks
- Oak Ridges Moraine Trail
- Uses accessory to the above

The uses permitted within the ORM Oak Ridges Moraine Zone are based on the uses permitted within the Natural Core Area designation within the ORMCP. However, the ORMCP permits Home Industries, Bed and Breakfast Establishments, and Farm Vacation Homes within the Natural Core Area. The proposed ORM Zone does not include these uses as they are not currently permitted within the By-law 1-88 A Agricultural Zone, nor within the "Rural Area" or "Agricultural Area" designations of the Official Plan.

Legal Non Conforming Uses

For lands within the Natural Core and Natural Linkage Areas which currently have permissions for uses not permitted by the ORMCP, those permissions have been removed and the uses will become legal non-conforming. There are three properties which are currently zoned C6 Highway Commercial, C2 General Commercial and M2 General Industrial, and subject to Exceptions 9(607) and 9(611), and 9(689), respectively. These lands are located at 140 and 141 Maloy St., and 11800 Keele St., and are within the Natural Linkage Area designation, which does not permit commercial uses. These lands have been rezoned to the ORM Zone and OS5 Zone. As there are no transitional provisions or further approvals on these lands, there are no provisions within the ORMCP which enables the City to continue to permit these uses no longer permitted in the ORMCP. As such, permission for the commercial and industrial uses must be deleted, and the existing uses on these properties that do not comply with the ORM and OS5 zoning would become legal non-conforming.

Amendments to General Provisions in By-law 1-88

A new Definition Section 2.1 has been added to By-law 1-88, to reflect the definitions in the ORMCP which are different from the current definitions within By-law 1-88 (i.e. Agricultural Use). These definitions will relate only to the lands on the Oak Ridges Moraine and directly relate to the new zone categories and the permitted uses in those zones.

The Public Use Section 3.10 has been amended to require that all public uses be subject to all the provisions of the zoning by-law on the Oak Ridges Moraine. Currently, Public Uses are exempt from all provisions of the By-law with the exception of setbacks and coverage, by Section 3.10 of the By-law, whereas the ORMCA requires that all public undertakings be subject to the ORMCA.

The Prohibited Uses Section 3.24 has also been amended to include 3 prohibited uses, with corresponding mapping, including areas of high aquifer vulnerability, wellhead protection areas, and wellhead protection areas zero to two year time of travel zone.

Vacant Lots in the Natural Core Area and Natural Linkage Area

There are currently 14 vacant lots that are contained within either the Natural Core Area or Natural Linkage Area designations, to be zoned ORM Zone.

With respect to single dwellings, Section 7 of the ORMCP states that:

“Nothing in this Plan applies to prevent the use, erection and location of a single dwelling if,

- (a) the use erection and location would have been permitted by the applicable zoning by-law on November 15, 2001; and
- (b) the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely effect the ecological integrity of the Plan Area.”

Based on Section 7, the ORM Zone would permit a single dwelling on a lot existing as of November 15, 2001, including on vacant lots. Yard setbacks and coverage permissions would be the same as those existing on November 15, 2001 in By-law 1-88, (15 m front and rear, 15m exterior side, 9m interior side and 5% coverage in the Agriculture Zone), with the exception of the lands proposed to be zoned OS5, along with a 15 metre setback from the OS5 zone.

Toronto Hebrew Memorial

Pursuant to Subsection 17(1) of the ORMC Act and Section 8 of the ORMCP, the conformity By-law recognizes the zoning permission granted in site specific By-law 239-98, enacted on March 26, 1998 for a cemetery use on a portion of the subject lands (Toronto Hebrew Memorial). The site is to be rezoned to ORM and OS5 Zones, with a provision to recognize the continuation of the cemetery permission. The By-law zones the lands with an “H” holding symbol, to be lifted upon execution of a site plan agreement.

Subsection 17(1) of the ORMC Act provides that further approvals to a decision made on an application prior to the enactment of the ORMC Act, must proceed under the same rules as the original approval, and Section 8 of the ORMCP allows for buildings or structures, previously authorized under Section 17(1) of the ORMC Act, to proceed. On this basis, the City has continued to process the cemetery site plan application, and a site specific exception is included in the conformity by-law.

Zoning on Land located in the Countryside Area Designation

Lands in the Countryside Area that includes parts of Block 13 (including most of Woodland Acres, Maple Downs Golf Course, Padres Shalom Cemetery and other lands) and lands located to the

north of King - Vaughan Road between Keele Street and the GO railline, are proposed to retain the zoning that was in place on November 15, 2001, as provided for in Section 17 of the ORMCP.

For the lands within the Countryside Area, the existing zoning is to be maintained, with the exception of lands which contain Key Natural Heritage Features or Hydrologically Sensitive Features that are currently zoned OS1 Open Space Zone. In such areas, site specific zoning permissions will be reviewed to ensure that any additional permissions not permitted by the ORMCP, are removed.

In accordance with Subsection 13(3) and Section 40 of the ORMCP, the institutional use permissions currently within RR and A Zones have been removed from the lands within the Countryside Area. Institutional uses could only be permitted in the Countryside Area subject to an amendment to the Official Plan.

Zoning in Settlement Area

The zoning within the area designated Settlement Area is to remain largely in its current form, as the ORMCP in Subsection 18(3) provides that all uses permitted by the applicable official plan are permitted, subject to the provisions of Subsections 19(3) and 31(4) of the ORMCP. Outside of the key natural heritage features and hydrologically sensitive features, zoning in the Settlement Area is proposed to remain unchanged in the ORM conformity zoning by-law amendment.

The ORMCP requires that key natural heritage features and hydrologically sensitive features in the Settlement Areas are to be protected from development and site alteration. Key natural heritage features and hydrologically sensitive features in the Settlement Areas are to be zoned OS5 in the following cases:

1. The features are already designated for protection in OPA 332 and OPA 600.
2. The features are located on lands where Planning Act or Condominium Act applications had not been filed with the City prior to November 16, 2001 and any future applications will be required to retain the feature(s).

Otherwise, a Planning Act application commenced prior to November 16, 2001 on lands located in the Settlement Areas is not subject to the ORMCP and protection of the feature is not required.

No buffer or environmental protection zone is proposed to be include in the zoning. The environmental protection zone or buffer will be determined as part of the master environmental servicing plan, as recognized in Sections 21(3) and (4) of the ORMCP and in accordance with the policies of the City's Official Plan. Development applications will continue to be processed by the City and the final limits of open space blocks along valleylands, woodlots and wetlands will be refined as permissible, in accordance with the local and Regional Official Plans and the ORMCP as it applies to the individual applications.

Timing

On August 26, 2002, Council received a report that set out a time schedule for Vaughan's process for amending the Official Plan and zoning by-law. The schedule included a public hearing in February 2003 and adoption of the amendments in June 2003. This schedule was based on the Region's then timetable of having their amendment adopted prior to the end of 2002. Due to a number of factors, including the delay in mapping and technical guidelines from the Province, the Region has only recently adopted their amendment on March 27, 2003.

As noted in the August 26, 2002 staff report, given that Vaughan's Official Plan is required by the Planning Act to conform with the Region's Official Plan, Vaughan's public hearing and adoption of the amendment should not occur until after the Region has adopted their official plan amendment. Notwithstanding the delay in the public hearing from the schedule endorsed by Council in August 2002, staff is confident that the amendments can be finalized for adoption by Council in June 2003, ahead of the October 22, 2003 deadline in the Oak Ridges Moraine Conservation Act.

Conclusion

The City of Vaughan is required by the Oak Ridges Moraine Conservation Act to bring its Official Plan and zoning by-law into conformity with the Oak Ridges Moraine Conservation Plan by October 22, 2003. The amendments are to be approved by the Minister of Municipal Affairs and Housing and are not subject to appeal to the Ontario Municipal Board.

Staff have prepared Amendment 604, which includes amendments to OPAs 332, 350 and 600, in consultation with staff from the Region of York, local municipalities in the Region, MMAH and MNR. The City's Amendment needs to conform to the Region of York's Amendment 41, adopted by Regional Council on March 27, 2003, which is also subject to the approval by the Minister of Municipal Affairs and Housing. The draft zoning by-law provides two new zone categories, the ORM Oak Ridges Moraine Zone and OS5 Open Space Environmental Protection Zone, and amendments to the general section of the By-law and Section 9-Exceptions.

Subject to the comments received at the Public Hearing and Council direction, staff anticipate bringing forward a technical report to the Committee of the Whole in June 2003. OPA #604 and the zoning by-law amendment would then be brought forward for enactment at the June 23, 2003 Council meeting. A recommendation has been included in this report to request the Ministry of Municipal Affairs for an extension in the deadlines to include wellhead protection policies in the Official Plan, based on the Region's timelines for completing this work. Should Council concur, the Recommendation of this report can be adopted.

Attachments

1. Location Map
2. Draft OPA 604 (FOR COUNCILLORS ONLY)
3. Draft Amendment to By-law 1-88 (FOR COUNCILLORS ONLY)

Report prepared by:

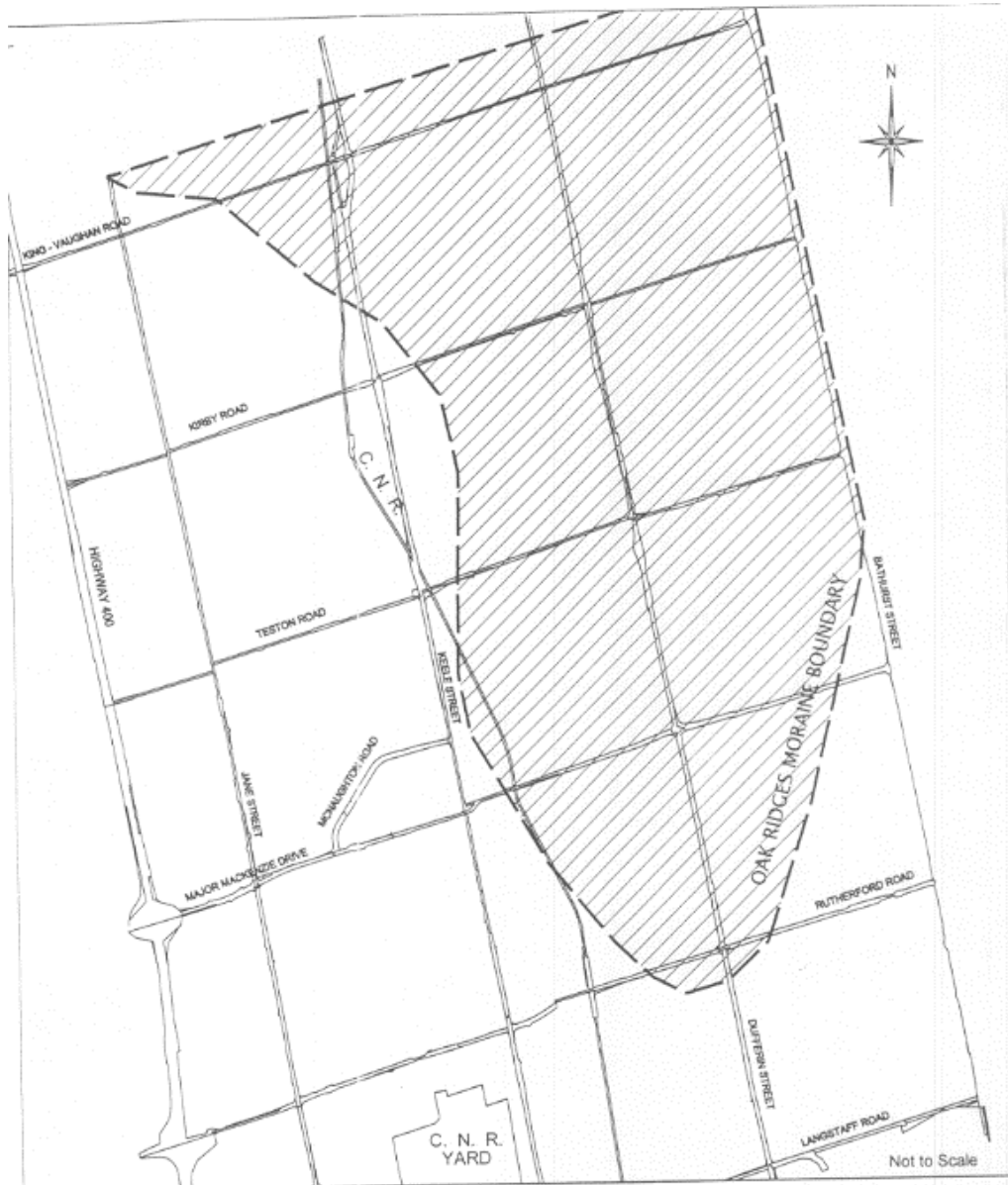
Karen Antonio-Hadcock, Planner
Eric Taylor, Senior Planner, Environmental
Marco Ramunno, Manager, Development Planning

Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

/CM



Location Map

PLANNING BOCK # :
10, 11, 12, 13, 14, 17, 18, 19,
20, 21, & 28

City of Vaughan

Community Planning Department

Attachment

FILE No :
Z.03.022 &
OP.03.012
April 30, 2003

1

DRAFT

OFFICIAL PLAN AMENDMENT

604

TO THE VAUGHAN PLANNING AREA

AMENDING OFFICIAL PLAN AMENDMENTS 332, 350 AND 600

TO BRING THEM INTO CONFORMITY WITH THE

OAK RIDGES MORINE CONSERVATION PLAN, ONTARIO REGULATION 140/02

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Committee of the Whole
Public Hearing – May 5, 2003

ITEM 4
ATTACHMENT #3

**CITY OF VAUGHAN
DRAFT AMENDMENTS TO
ZONING BY-LAW 1-88**

*OAK RIDGES MORaine CONSERVATION ACT &
OAK RIDGES MORaine CONSERVATION PLAN
(ONTARIO REGULATION 140/02)*

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