

## **COMMITTEE OF THE WHOLE    MAY 3, 2004**

### **OPA 604 OAK RIDGES MORAINÉ CONFORMITY OFFICIAL PLAN AMENDMENT PROPOSED PROVINCIAL MODIFICATIONS**

(Referred from the Council meeting of April 26, 2004)

Council, at its meeting of April 26, 2004, adopted the following:

- 1) That this matter be referred to the Committee of the Whole meeting of May 3, 2004; and
- 2) That the deputation of Mr. Paul De Buono, Vaughan Watch, P.O. Box 5126, Vaughan, L6A 1R6, be received.

Report of the Commissioner of Planning, dated April 19, 2004

#### **Recommendation**

The Commissioner of Planning recommends:

1. THAT the Minister of Municipal Affairs BE ADVISED that the City of Vaughan endorses the proposed modifications to OPA 604, with additional wording as detailed in this report and with the following additional modification:
  - a) deletion of the Wellhead Protection Policies of the *Oak Ridges Moraine Conservation Plan* as detailed in this report.
2. THAT this report be forwarded to the Ministry of Municipal Affairs as the City's request that OPA 604 be finally approved by the Ministry in a timely manner.

#### **Purpose**

The purpose of this report is to set out the Minister of Municipal Affairs proposed modifications to OPA 604 (Oak Ridges Moraine Conformity Official Plan Amendment) and to report back to the Ministry, Council's position on the modifications.

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

On June 23, 2003, Council adopted OPA 604, the City's Oak Ridges Moraine Conformity Official Plan Amendment. The *Oak Ridges Moraine Conservation Act* requires that all local municipalities with lands on the Oak Ridges Moraine, amend their official plan to be in conformity with the *Oak Ridges Moraine Conservation Plan, Ontario Regulation 140/02* by October 2003. Regional municipalities with lands on the Oak Ridges Moraine were also required to amend their Official Plans by April 2003. The Region of York's OPA 41 is in the process of receiving final approval, as modified by the Minister.

#### **Wellhead Protection Area Policies and Mapping**

On May 12, 2003, Council passed a resolution requesting a 1-year extension to finalize the portions of the Oak Ridges Moraine conformity OPA related to the Wellhead Protection Area policies and mapping. In the interim, York Region has been working on mapping the Regional wellhead protection areas, which would be impacted by the *Oak Ridges Moraine Conservation Act and Plan*. It demonstrates that there are no wellhead protection areas in Vaughan which are impacted by this legislation.

There is one municipal well on the Oak Ridges Moraine in Vaughan, located on the Maple Nature Reserve Lands, owned by the City, which supplies irrigation water to Eagle's Nest Golf Course.

However, this well does not supply potable water and there is a water line along Dufferin Street which supplies potable water to the adjacent lands in this area. As such, it is not necessary to include this well in a wellhead protection area.

Therefore, it is appropriate to delete the draft wellhead protection area policies which were included in Section 5.16 of OPA 332 and Section 10.18 of OPA 600. These modifications can be made by the Minister at the time of approval.

### **Proposed Modifications**

The Minister's proposed modifications to OPA 604, amending OPA'S 332, 350 and 600, are detailed in Table 1 below. The modifications include some administrative adjustments, and clarification of Provincial implementation of the *Oak Ridges Moraine Conservation Act* in the area of transition provisions. The modifications not listed in the chart below are primarily administrative. All modifications have been incorporated into a consolidated version of OPA 604 (Attachment #1). There are no proposed mapping modifications to OPA 604.

The following modification was proposed to be included in the implementation sections of 332, 350, and 600:

"For the lands on the Oak Ridges Moraine, the City shall undertake, in partnership with the Province, the Region, and other stakeholders:

- a) The development and administration of effective and accessible data management systems for natural heritage and hydrological information; and
- b) The development of programs to monitor the long-term health of the Oak Ridges Moraine and assist in public education. "

The proposed policy appears to bind the municipality to participating in an initiative without consideration of the costs or responsibilities associated with its implementation. Clarification was obtained from Municipal Affairs staff as to the nature and intent of the policies. Ministry staff clarified that the proposed modification under part a) above would establish a process for the transfer of information from Vaughan to the Ministry of Municipal Affairs, on amendments to Natural Heritage and hydrological information and not require Vaughan to administer or maintain a data management system for natural heritage and hydrological information. The proposed modification under part b) for the monitoring and education programs is proposed for future Provincial initiatives which have yet not been developed. The inclusion of part b) is not considered appropriate at this time until the monitoring and education programs have been developed by the Province.

As such, Staff propose the deletion of part b) and the addition of the following wording to the policy in part a) to clarify the meaning of the proposed modification. The revised policy would be as follows:

"For the lands on the Oak Ridges Moraine, the City shall undertake, in partnership with the Province, the Region, and other stakeholders:

- a) The development and administration of effective and accessible data management systems for natural heritage and hydrological information **by the City circulating approved Natural Heritage and Hydrological Evaluations reflecting amendments to natural heritage and hydrological data to the Ministry of Municipal Affairs.**
- ~~b) The development of programs to monitor the long-term health of the Oak Ridges Moraine and assist in public education."~~

**PROPOSED MODIFICATIONS  
TABLE 1**

| <b>SECTION/<br/>APPLICATION</b>  | <b>PROPOSED PROVINCIAL MODIFICATIONS</b>   | <b>EFFECT OF THE MODIFICATION</b>   |
|--|--|---|
| <b>Modifications to all OPAs (332, 350 &amp; 600)</b>  |  |   |
| <b>1 . Transition/<br/>Further Approval<br/>Provisions</b>   | <p>The Transition/ Further approval provisions are proposed to be amended by including the following wording:</p> <p>“For the purposes of this subsection, further approvals are only to be those applications that are a direct result from a condition attached to a provisional consent, a draft plan of subdivision or a draft plan of condominium. In addition, any development permission established by such a further approval may be recognized in the City’s Official Plan and Zoning By-law as appropriate”</p> | <p>This modification clarifies the applicability of the transition provisions within the <i>Oak Ridges Moraine Conservation Act</i>. It is a reflection of the Province’s proposed modifications to the <i>Oak Ridges Moraine Conservation Act</i>, contained in the recent Bill 27, the <i>Greenbelt Protection Act</i>, given first reading on December 2003. It may be appropriate for the Province to defer approval of this section until Bill 27 receives Royal Assent.</p> |
| <b>2. Minor Wording<br/>Amendments to<br/>refer to propose<br/>and objectives of<br/>land use<br/>designations in the<br/>ORMCP.</b> | <p>The various land use designation sections (Natural Core Area, Natural Linkage Area, etc.), would be modified by including a statement similar to the following:</p> <p>“Additional Objectives and Purposes for the Natural Core Area are also outlined under Sections 11(1) and (2) of the Oak Ridges Moraine Conservation Plan”</p>  | <p>This modification connects the objectives and purposes of the land use designations to specific sections in the ORMCP. The modification is administrative and does not change the intent of the policy.</p>  |

| SECTION/<br>APPLICATION   | PROPOSED PROVINCIAL MODIFICATIONS   | EFFECT OF THE MODIFICATION   |
|---|---|--|
| <p><b>3. Interpretation</b></p> <p>(wording in italics are proposed additions to the Provincial Modification)</p> <p>(strike out text are proposed modifications which staff recommends excluding from the final OPA)</p> | <p>“With the exception of policies that pertain to agricultural uses on the Oak Ridges Moraine. In such cases, the policies of the <u>Oak Ridges Moraine Conservation Plan</u> shall prevail.”</p> <p>“Despite the policies of this Plan and the <u>Oak Ridges Moraine Conservation Plan</u>, lands located on the Oak Ridges Moraine are also subject to the policies in both the Region of York Official Plan and the Provincial Policy Statement where there is no conflict.”</p> <p>“For the lands on the Oak Ridges Moraine, the City shall undertake, in partnership with the Province, the Region, and other stakeholders:</p> <ul style="list-style-type: none"> <li>a) The development and administration of effective and accessible data management systems for natural heritage and hydrological information by <i>the City circulating approved Natural Heritage and Hydrological Evaluations reflecting amendments to natural heritage and hydrological data to the Ministry of Municipal Affairs.</i></li> <li><del>b) The development of programs to monitor the long-term health of the Oak Ridges Moraine and assist in public education.”</del></li> </ul> | <p>These modifications are administrative to provide clarification of interpretation.</p> <p>The inclusion of this modification does not change the policy or intent of the Official Plan in relation to the use of land on the Oak Ridges Moraine. The policy requires technical work, development of monitoring programs, and implementation of an education program to ensure the long-term sustainability of the ORM. This modification would establish a process for the transfer of information from Vaughan to the Ministry of Municipal Affairs, on amendments to Natural Heritage and hydrological information. Additional wording has been added to the policy to clarify the meaning of the proposed modification. The monitoring and education programs have not been fully developed by the Province at this time. As there is not a clear understanding of the responsibilities that this policy would require, its inclusion is not considered appropriate.</p> |
| <p><b>4. Fish Habitat</b></p>   | <p>Fish Habitat is further described by adding the following phrase:</p> <p>“Fish habitat on the Oak Ridges Moraine are to include, but are not limited to all hydrologically sensitive features with surface water characteristics.”</p>   | <p>This modification provides clarification in the policies relating to fish habitat.</p>  |
| <p><b>5. Major Development</b></p>  | <p>The Major Development Section is revised by including the following paragraph:</p> <p>“The City will incorporate through an official plan amendment, the applicable objectives and requirements that have been established through the Watershed Plan undertaken by the Region of York.”</p>   | <p>The preparation of watershed plans by the Regional Municipalities is a requirement of the ORMCP. This modification confirms that Vaughan will incorporate the requirements of the Watershed Plan into its Official Plan; when completed.</p>  |
|   |   |  |

| SECTION/<br>APPLICATION                     | PROPOSED PROVINCIAL MODIFICATIONS   | EFFECT OF THE MODIFICATION   |
|---|---|--|
| <b>6. OPA 332 and OPA 600 Modifications</b> | <p><b>a) Areas of High Aquifer Vulnerability:</b> adding the following policy:</p> <p>“The City shall consider and encourage restrictions on haulage routes for the transportation of chemicals and volatile materials through areas of high aquifer vulnerability.”</p>  | <p>This policy is a requirement of the Oak Ridges Moraine Conservation Plan however, it does not further impact the use of land within the Oak Ridges Moraine.</p>   |
|   | <p><b>b) Landform Conservation:</b> delete the following policy:</p> <p>“No amendment will be required for minor changes are proposed based on studies carried out in accordance with the <u>Oak Ridges Moraine Conservation Plan</u>. “</p>  | <p>This clarifies that an OPA is not required for minor changes which maintain the intent of the OP.</p>   |
|   |   |  |
| <b>7. OPA 350 Modifications</b>             | <p>No further modifications proposed to OPA 604 amending OPA 350, other than the general changes to all OPA's listed above.</p>   |  |
|   |   |  |
| <b>8. OPA 600 only Modifications</b>        | <p><b>a) Small scale commercial, industrial, and institutional uses in the Countryside Area</b></p> <p>Deleting the following paragraph and section from OPA 604, amending OPA 600:</p> <p>“New small-scale commercial, industrial and institutional <i>development</i> as described in subsection 10.13.4 and new major recreation uses as described in subsection 10.13.2, shall only be permitted within the “Countryside Area” shown on Schedule F1, subject to an amendment to the Official Plan and Section 5, subsections 6.2.1, 10.6, 10.7, 10.8, 10.9 i., 10.9 ii., 10.10, 10.11.1, 10.11.2, 10.13.2, 10.13.4, 10.16, 10.17 and 10.18 of this Plan.”</p> <p><b>“10.13.4 Small-scale Commercial, Industrial and Institutional Uses in the Countryside Area. “</b> (this section in its entirety has been deleted)</p> | <p>The effect is to not permit small-scale commercial, industrial and institutional uses and new major recreational uses in the Countryside Area. These uses were included in OPA 604 to reflect the permitted uses in the Moraine Conservation Plan, but were not originally permitted in OPA 600.</p> <p>The Countryside Area designations in Vaughan are limited to the Woodland Acres area, and a small area on the east side of Keele Street, north of King – Vaughan Road.</p> <p>These lands uses were not permitted in these two Countryside Areas. The ORM conformity plan can be more restrictive than the ORM plan.</p> |

### **Relationship to Vaughan Vision 2007**

Vaughan’s commitment to protecting the Oak Ridges Moraine through the implementation of the *Oak Ridges Moraine Conservation Act* and the *Oak Ridges Moraine Conservation Plan*, is consistent with the priorities established in Vaughan Vision 2007 in Section 4.4 Ensuring City-wide protection of the environment, Section 4.6.2 Encouraging the preservation of significant natural areas, and Section 5.3.1 Coordinating strategies and priorities with the Region of York and other levels of government.

### **Conclusion**

The Minister of Municipal Affairs is in the final stages of approving OPA 604, Vaughan’s Oak Ridges Moraine Conformity Official Plan Amendment, once the City’s response to the proposed

modifications to OPA 604 is received. The next stage to final completion of the conformity process is the Minister's consideration of By-law 242-2003. Should Committee concur with this report, the recommendations in this report can be adopted.

**Attachments**

1. Consolidated OPA 604 with Provincial Modifications (Councillors Only)

**Report prepared by:**

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Respectfully submitted,

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