

Clause embodied in Report No. 12 of the Planning and Transportation Committee, as adopted by the Council of the City of Toronto at its meeting held on November 6, 7 and 8, 2001.

7**Oak Ridges Moraine - Response to
Province of Ontario's Draft Strategy**

(City Council on November 6, 7 and 8, 2001, amended this Clause by striking out the recommendations of the Planning and Transportation Committee and inserting in lieu thereof the following:

"It is recommended that:

- (1) the Minister of Municipal Affairs and Housing be congratulated on his bold initiative to protect the Oak Ridges Moraine;*
- (2) the City of Toronto's position as set out in the communication dated November 7, 2001, to Members of Council, from the Oak Ridges Moraine Steering Committee, form the basis of the City's response to Bill 122, in addition to any previous Council position, and the Chief Administrative Officer be requested to forward a communication in this regard to the Minister of Municipal Affairs and Housing;*
- (3) the Oak Ridges Moraine Steering Committee be permitted to make representation to any legislative committee dealing with Bill 122; and*
- (4) the supplementary report dated October 24, 2001, from the Commissioner of Urban Development Services, be received."*)

The Planning and Transportation Committee recommends that:

- (1) the report (October 2, 2001) from the Commissioner of Urban Development Services be adopted;**
- (2) the Provincial Government be advised of Council's concern that the Province chose not to hold a public open house in the City of Toronto to hear Toronto residents' views on the draft proposals for the long-term protection of the Oak Ridges Moraine; and**
- (3) the report (October 2, 2001) from the Commissioner of Urban Development Services be forwarded to the appropriate Opposition Party Critics.**

The Planning and Transportation Committee submits the following report (October 2, 2001) from the Commissioner of Urban Development Services:

Purpose:

This report responds to and makes recommendations with respect to the Province's proposals for the long-term protection of the Oak Ridges Moraine contained in the booklet "Share Your Vision on the Oak Ridges Moraine" issued by the Ministry of Municipal Affairs on August 14, 2001.

Financial Implications and Impact Statement:

There are no financial implications arising from the adoption of this report.

Recommendation:

It is recommended that:

- (1) the City of Toronto supports special legislation being passed that provides for:
 - (i) an 'ecologically-based' Plan for the Oak Ridges Moraine;
 - (ii) public consultation on the proposed Plan and legislation with surrounding municipalities and the City of Toronto;
 - (iii) the conformity of local and regional Official Plans with such Plan;
 - (iv) implementation of the Plan; and
 - (v) ongoing management of the Oak Ridges Moraine;
- (2) a Regional Growth Management Strategy for the Golden Horseshoe/Central Ontario be jointly developed by the affected municipalities and the City of Toronto. This Strategy should be referenced in an amended PPS to also include strong statements related to the protection of Natural Core, Natural Linkages and Countryside areas of the Moraine in a consistent manner;
- (3) the City of Toronto, along with other affected municipalities, be consulted in the development and drafting of any special legislation and the Plan through a full Committee Hearing with adequate time for public consultation;
- (4) the Provincial government extend the effective time period of the Act to Protect the Oak Ridges Moraine until such time as the proposed Plan is finalized;
- (5) the City of Toronto supports an adequately funded Oak Ridges Moraine Legacy Trust compatible with existing stewardship bodies; and
- (6) the City Clerk forward this report to the Province of Ontario as input to the Provincial proposal on the Oak Ridges Moraine.

Background:

Recognizing the importance of protecting and enhancing the health of the Oak Ridges Moraine (ORM) to this City, Toronto City Council has consistently advocated for and supported actions to ensure its long-term protection. Most recently, at its meeting on July 24, 25 and 26, 2001, Toronto City Council advocated for long-term protection of the Oak Ridges Moraine by recommending that:

- (1) the Provincial government extend the effective time period of the Act to protect the Oak Ridges Moraine until such time as the action plan is substantially implemented to allow for a process of meaningful consultation including public review and comment;
- (2) the Provincial government establish a plan under the auspices of the Ontario Planning and Development Act and special legislation providing a consistent approach to the protection of the Oak Ridges Moraine; and
- (3) the Provincial Policy Statement be amended to include stronger statements related to the protection of the Moraine in a consistent manner and reference a regional growth strategy which should be jointly developed by the GTSB or in the alternative be jointly developed by the four regional municipalities in the GTA and the City of Toronto.

On August 14, 2001 the Province released its draft proposals for the long-term protection of the Moraine in its booklet Share Your Vision for the Oak Ridges Moraine (draft Strategy) and embarked on a series of public open houses and stakeholder workshops. At its meeting on August 15, 2001, the Oak Ridges Moraine Steering Committee requested staff to prepare a response to the provincial proposals. With no Council meeting scheduled before the Province's comments deadline of September 14th, 2001, it was agreed that the response be in the form of a letter signed by the Chief Administrative Officer (see attached) prepared within the context of Council's recommendations made at its meeting on July 24, 25, and 26, 2001. Its contents form the basis of this report.

The Medical Officer of Health has written to the Chair of the Oak Ridges Moraine Advisory Board, in a letter dated September 11, 2001 (attached). She is concerned with the impact that land-use decisions on the ORM will have on human health, and urges the Province to acknowledge the citizens of Toronto as stakeholders in the ORM decision-making process by holding public consultation sessions on the draft Strategy immediately. Her letter provides a detailed, critical analysis of the draft Strategy.

On September 20th, 2001, the Policy and Finance Committee made the following recommendation in regards to a City position on the Oak Ridges Moraine:

- (2) that the Commissioner of Urban Development Services and the Executive Lead, Oak Ridges Moraine, be requested to submit a report to Council for its meeting scheduled to be held on November 6, 2001, through the Planning and Transportation Committee, on a draft City position with respect to the Oak Ridges Moraine, including a summary of the public deputations heard at the meeting of the Oak Ridges Moraine Steering Committee to be held October 3, 2001.

Comments:

The Share Your Vision of the Oak Ridges Moraine (draft Strategy) consultation booklet is based on recommendations from the expert Advisory Panel and a vision “to protect the moraine and its ecological functions and ensure a continuous natural environment for future generations, while providing for compatible social and economic opportunities”. The following discussion deals with two main components of the booklet: (1) the Draft Strategy for Community Growth and Natural Protection which essentially proposes the components of an Oak Ridges Moraine Plan; and (2) Implementing a Moraine Strategy which identifies implementation tools, roles and responsibilities. The contents of each section are described, followed by comments.

There are 4 main concerns with the draft Strategy:

- the need to strengthen land use designation policies to protect vulnerable areas;
- clarification of the legislation and a firm commitment of resources and tools to ensure implementation;
- the short consultation period with no firm opportunity established for public review of the proposed legislation; and
- failure to address the issue of planning growth from a regional perspective;

1. Draft Strategy for Community Growth and Natural Protection

1.1 Description of Draft Strategy for Community Growth and Natural Protection

(i) Land-Use Designations

Four Land-Use Designations (illustrated in map form) and permitted uses within each are identified:

- ‘natural core areas’ comprising 37% of the Moraine - large concentrations of key natural features; permitted uses are existing uses, minor recreation, forestry, wildlife, fisheries management, conservation, flood and erosion control, public roads and utilities (subject to certain conditions);
- ‘natural linkage areas’ comprising 16% of the Moraine - woodlots, wetlands and rural lands linking natural core areas with each other and other natural corridors such as north–south valleys; permitted uses as above and new and expanding mineral aggregate operations, new wayside permits;
- ‘countryside areas’ comprising 38% of the Moraine - land currently in rural and agricultural use; permitted uses as above and rural commercial, institutional and industrial uses, major recreation, rural residential as defined in Official Plans (note: The ORM Advisory Panel has since recommended that no new estate development would be permitted in this land use designation subject to a review every five years; and

- 'settlement areas' comprising 9% of the Moraine - lands approved for urban uses; permitted uses include a full range of urban land-uses and other uses as identified in Official Plan's.

(ii) Proposed Policies to Govern Specific Land Uses

These policies deal with permitting the expansion of existing land uses (provided the change did not negatively affect the moraine's ecological integrity), maintaining and enhancing the quality and quantity of water resources, recommending the province develop a policy on aggregate extraction in conifer plantations, scrub growth and agricultural land in 'natural core areas', requiring plans for vegetation and water management when major recreation uses are proposed and permitting accessory uses such as bed-and-breakfast for all residential uses in 'countryside areas'.

(iii) Ecological Constraints to Development

This section states that no development would be permitted in areas containing significant natural heritage features (i.e. wetlands, Areas of Natural and Scientific Interest, significant woodlands, wildlife habitat and valley lands) or sensitive hydrological features (i.e. kettle lakes and depressions, streams, springs, seepage areas and associated riparian lands).

(iv) Proposed Development Criteria

Criteria include that development is to be based on studies of area-wide water resources and master servicing plans (partial servicing would not be permitted); roads and public utilities in natural areas and sensitive hydrological areas would be generally prohibited; design standards for 400 series highways be reviewed to ensure construction techniques that minimize impacts on the moraine and maintain continuous natural linkages; where conflicts exist with municipal policies or regulatory by-laws the provincial policy would prevail; and expansion of settlement areas would only be considered after a municipality completed a five-year review of its official plan.

1.2 Response to Draft Strategy for Community Growth and Natural Protection

(i) Map

The map illustrating the proposed land use designations for Oak Ridges Moraine identifies a concentration of 'Settlement Areas' in a pattern that threatens the integrity of the Moraine as a significant continuous landform from east to west. These are vulnerable areas where particular care should be taken in considering any additional development. There is also concern that some important natural areas, such as the headwaters and recharge and discharge areas of the Humber, Don and Rouge would not be protected within the 'natural core area' designation as illustrated on the draft map.

(ii) Land-Use Designations, Proposed Policies, Ecological Constraints and Development Criteria

The land use designations and supporting policies in the “Draft Strategy for Community Growth and Natural Protection” should recognize and adequately protect features and functions on an ecosystem basis and direct new development to existing settlements. Supporting policies should include the phasing out of existing land uses that may be incompatible (such as aggregate extraction in ‘natural core areas’) and rehabilitation of degraded lands. If natural linkage areas are intended to “link natural core areas with each other and other natural corridors” it is questionable whether new and expanding aggregate extraction operations and wayside permits achieve the intended objectives of this designation. Further, care should be taken to ensure that expansion of agricultural uses in ‘natural core areas’ is restricted where they could potentially deplete important natural heritage features.

The proposed uses for the ‘countryside’ designation (such as rural industrial, commercial and institutional uses and major recreational developments such as golf courses and ski hills) are more permissive than existing Regional Official Plans would allow. At a minimum the more restrictive uses of the Regional Official Plans should be maintained until such time as the Provincial Plan is implemented. It is also not clear how existing agricultural lands (as designated in Regional Official Plans) would be protected under the ‘countryside’ designation or how ‘hamlets and villages’ are accounted for under the proposed designations.

Under Proposed Development Criteria it is suggested that “expansion of settlement areas into the countryside would be considered only after a municipality completed a five-year review of its official plan”. It is important that there be consistency in consideration of expanded urban boundaries; the proposed Oak Ridges Moraine Plan should establish a process as to how this review will be carried out, and urban expansion only be considered for areas outside the Natural Core and Linkage areas and only in conjunction with review of the Plan itself and in the context of a Regional Growth Management Strategy (see section 4). Protection of the Moraine will place additional pressure on other sensitive lands in the GTA and beyond. For these reasons, the Plan for the ORM should be developed in the context of a Regional Growth Management Strategy.

2. Implementing A Moraine Strategy

2.1 Description of Implementing A Moraine Strategy

(i) Oak Ridges Moraine Legacy Trust

This strategy proposes a new arms length partnership body – 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 Trust would be a financial partnership among all three levels of

government, conservation authorities, the private sector and non-government organizations. One proposed funding source is an environmental charge on moraine-based development.

(ii) Roles and Responsibilities \

This section identifies roles for the three levels of government, NGO's and the public. Tasks identified for the Province include providing and managing natural heritage and water resources data warehouse services and to "consider the interests of municipalities outside the Moraine".

(iii) Issues Pending Further Discussion

Finally, there are a number of issues flagged for further consideration. Key among these are:

- developing setbacks to protect hydrologically sensitive features and natural areas;
- accessing the recharge capacity required to maintain hydrological functions;
- creating an approach to water taking that allows for sustaining groundwater levels;
- developing a landform conservation policy; and
- dealing with lands adjacent to the moraine and lakes and rivers downstream.

2.2 Response to Implementing a Moraine Strategy

(i) Role of a Provincially adopted Plan

The Advisory Panel's 11 specific recommendations include "creating an ecologically based plan" and "proposing a specific piece of legislation to govern the future of the Moraine". A provincial "ecologically based" Plan for the long-term protection of the Moraine is supported. However, in the draft Strategy the onus appears to be on the municipality to ensure compliance with the provincial Plan – which could perpetuate the current issues of uncertainty and inconsistency with respect to application of land use policies and understanding natural heritage significance that have in the past undermined protection of the Moraine. The Plan needs to have enough clout to ensure municipal compliance and consistent application of policies across the Moraine.

(ii) Special Legislation

From the draft Strategy it is unclear if this Plan is to be under the auspices of the Ontario Planning and Development Act, or under special legislation modeled on the Niagara Escarpment Planning and Development Act, a specific Provincial Policy Statement, or something in between. There needs to be clarity as to how the Province intends to enshrine these recommendations.

A Plan under the Ontario Planning and Development Act has certain advantages. It would entrench provincial commitment to an overall coordinated strategy for the Moraine through a public process. It would also ensure consistent land use policies across the Moraine and an equitable and consistent process to amend them. This approach would add support to municipal objectives for protection of the Moraine and the Province would have the ability to require coordination among municipalities and be responsible for developing and revising land use policy on the Moraine.

A Plan under special legislation, similar to the Niagara Escarpment Planning and Development Act, could provide a number of protective measures for the ORM. These could include establishing a 'Plan' for its long-term protection and management; the creation of a separate governing body to administer approvals; requirements for permits to develop land; and even revenue generation and land acquisition. While it would involve more provincial resources to administer, this option would have the advantage of a dedicated staff with expertise on the policies and issues across the ORM. Extending the current mandate of the Niagara Escarpment Commission to incorporate implementation of the Oak Ridges Moraine Plan is an approach that the Province could explore. This would avoid the cumbersome process of creating a new agency. Also if a development permit system was adopted, it could bring a more sensitive rigour to development approvals.

Either option would provide the necessary regulatory framework for consistent, defensible application of policy across the Moraine.

The Provincial Policy Statement (PPS) sets out overall policy directions on matters of provincial interest related to land use planning and development. According to Section 3 of the Planning Act all ministries, boards, commissions and agencies of the government, including the OMB, are to "have regard to" policies of the PPS. On June 28th, 2001 the Province announced, as part of its Smart Growth initiative, that it will be conducting a review and consultation on the PPS. It is therefore an opportune time to propose revisions to strengthen protection of the Oak Ridges Moraine as a natural landform feature, and its natural heritage features, ecological functions, and connecting corridors and its agricultural lands and rural landscape/countryside. Protection of the Moraine will also be enhanced by amendments to reflect our collective interest in maintaining firm urban boundaries and managing growth on a regional basis. It is also an opportune time to further strengthen implementation of the PPS by amending Section 3 of the Planning Act to replace the words "have regard to" with "be consistent with". In this regard there is also a report before Planning and Transportation Committee setting out a City position on the PPS.

Amending the PPS in concert with revised regional official plan policies and a provincial ORM protection 'Plan' under special legislation should provide an effective package of tools to ensure its long-term protection.

(iii) Other Implementing Tools

Successful implementation of the plan is dependent upon a firm commitment by the Province to dedicate the necessary resources and undertake and/or advocate for incentives and other tools. As suggested in Implementing a Moraine Strategy the Province should commit funds for property acquisition and easements, research and data collection and set in place the necessary changes or processes to allow tools such as property-tax reductions for privately-owned lands containing natural heritage features, functions or trails and capital gains reductions for donations of conservation lands. Other tools to explore include land exchanges and conservation and agricultural easements.

The proposed 'Oak Ridges Moraine Legacy Trust' is an excellent initiative to achieve stewardship objectives for the Moraine and it should be supported. In the upcoming legislation, the tasks for the proposed Oak Ridges Moraine Legacy Trust and its relationships with existing stewardship bodies should be expanded upon and clarified. There are numerous advocacy groups – including the Oak Ridges Moraine Land Trust - that have been active stewards of the Moraine for many years and their involvement will be crucial to the success of the proposed Trust. The Oak Ridges Steering Committee recently recommended that City Council endorse a \$60,000 grant to the Oak Ridges Moraine Land Trust for the cost of securing land donations or easement rights.

Also, prudence is advised in the application of environmental charges on Moraine-based development as a source of funding for the Trust. It would not be appropriate to appear to be encouraging development for the provision of funds for this stewardship body.

(iv) Issues Pending Further Discussion

The Issues Pending Further Discussion section identifies 'setbacks to protect hydrologically sensitive features and natural areas' as a complex issue requiring further discussion and analysis. We note that in previous reports a minimum buffer setback has been proposed. It is suggested that policies be developed to require the determination of appropriate setback on a functional basis, that is, in relation to protecting the catchment area.

3. Adequate Time for Consultation

The process of consultation as set out by the Province required a response to the draft Share Your Vision of the Oak Ridges Moraine document during late summer when municipal staff and councils, as well as many members of the public, were on vacation. This deadline compromised the potential for municipal councils (including Toronto) to comment since there was no Council meeting scheduled prior to the deadline. The City has provided comments from the CAO framed within the context of Council's recommendations for long-term protection of the ORM made at its meeting on July 24, 25, and 26, 2001.

Although City of Toronto staff were invited to participate in the stakeholder workshops, the Province chose not to hold a public open house in the City to hear Toronto resident's views on the Province's proposals. In addition, it is unclear whether opportunity for further public consultation in development of the proposed Plan is intended.

Given the level of concern and support for the long-term health of the ORM by its residents, the Province should provide an opportunity for public consultation on the final Plan by having a full Committee hearing after the second reading of the proposed legislation with adequate time to prepare an informed response. All residents of the GTA should have an opportunity to participate, including the 2.4 million residents of the City of Toronto.

4. Regional Growth Management Strategy

Perhaps most importantly, Toronto's interest in the protection of the Oak Ridges Moraine is about the strategic management of how and where growth occurs in the GTA and surrounding region. The development pressures on the Region are intense, as it is predicted that roughly 85% of Ontario's population and employment growth over the next thirty years will occur here. A growth strategy can achieve efficiencies in the provision of infrastructure and services and healthy, functioning communities, protection and restoration of natural heritage landscapes and preservation of our prime agricultural lands. Protection of the Moraine and targeted growth is also good business and will enhance the attractiveness of the GTA as a place to live and do business by demonstrating responsible leadership in environmental stewardship. A community that cares is a community worth investing in.

Although the Advisory Panel recommendations refer to Smart Growth and to "concentrating growth in well-defined settlement areas", the draft proposals in the Share Your Vision of the Oak Ridges Moraine document do not address the need for stronger regional co-ordination of transportation, infrastructure and land use to help decide where and how new growth occurs. Our recent history has shown that relying on the private automobile only to service growth is harmful to the health and vitality of both city and suburbs. Council has recognized the importance of the TTC and GO Transit to the economic and social health of the City proper and of the GTA and is committed to improving the effectiveness of these two public transit systems.

Protecting the Moraine begins with redirecting growth away from it. A region-wide growth management strategy based on Smart Growth can support strong local planning policies, direct strategic investment in infrastructure, and suggest legislative incentives to help the development industry deliver on the strategy. It can relieve development pressure on the ORM and other significant natural heritage and agricultural lands surrounding it. Such a strategy should also address the possibility of growth leap-frogging the Moraine to areas beyond the GTA.

A separate report to the Planning and Transportation Committee responding to the Province's initiative on Smart Growth will discuss this issue in more detail.

As well, a further report will be forwarded to the Committee following the Public Meeting on October 3, 2001 being sponsored by the Oak Ridges Moraine Steering Committee, as requested by Policy & Finance Committee.

5. Response to ORM Advisory Panel Further Recommendations

A post public consultation document has been issued by the ORM Advisory Panel outlining the Panel's recommended changes to its initial report. An analysis of the further recommendations will be incorporated in the report that summarizes input from the October 3 public meeting.

Conclusions:

The proposals put forward by the Province and the Advisory Panel in the consultation booklet Share Your Visions for the Oak Ridges Moraine have the potential, with further modification, to be a good step towards achieving our shared goal for long-term protection of the Oak Ridges Moraine. Protecting and maintaining the health of the Moraine is as important to the health and vitality of our community (and others downstream) as it is to those located on it; this City has a critical interest in the content of the proposed Plan for the Oak Ridges Moraine and how it is implemented.

The land use designation policies should be strengthened to protect vulnerable areas and there needs to be clarification as to how the Oak Ridges Moraine Plan is to be implemented and Provincial commitment to the necessary resources, incentives and tools to achieve it. Given its importance to all residents within the GTA, there should be a full Committee hearing on the proposed legislation with adequate time for an informed response and public consultation in development of an ORM Plan and the City of Toronto consulted on both. Finally, a Regional Growth Management Strategy should be undertaken to plan how and where growth occurs in the GTA and surrounding region.

The City Solicitor was consulted in the preparation of this report.

Contact:

Barbara Leonhardt, Director,
Policy and Research, City Planning
Tel: (416) 392-8148; Fax: (416) 392-3821
E-mail: bleonha@city.toronto.on.ca

(Communication dated September 13, 2001, addressed to
Ron Vrancart, Chair, Advisory Panel on the Oak Ridge's Moraine,
from Shirley Hoy, Acting Chief Administrative Officer)

I am writing you in my capacity as Acting Chief Administrative Officer to provide the City of Toronto's comments on the Vision document within the context of Council's recommendations of July 24, 25 and 26, 2001. Despite its commitment and interest in protecting the long-term health of the Moraine, Toronto City Council will be unable to formally respond to the Vision

before the consultation deadline since Council's next meeting occurs on October 2, 2001. The health of the Oak Ridges Moraine is important to the City of Toronto in terms of a source for our rivers, countryside shared by many of its 2.4 million inhabitants and as a unique landform, which is deserving of protection for future generations.

City of Toronto interests

Over the past two years, Toronto City Council has advocated its support for the long-term protection of the Oak Ridges Moraine, including supporting a moratorium on development. Council has also demonstrated its commitment with specific actions - funding various educational, research and advocacy projects in support of the Moraine and undertaking a study on City and Regional Strategies for Growth that Protect Countryside and Air Quality to be completed by the end of this year.

The City of Toronto has a vested interest in protecting and enhancing the health of the Oak Ridges Moraine. As part of the Greater Toronto Bio-region, the Moraine's natural functions are vital to its overall health and have a direct impact on the surface and ground water which impacts rivers that run through the City. The Moraine landform is a defining element of the Greater Toronto Area and its rural landscape and agricultural lands form an essential component of our 'countryside' - contributing to the overall quality of life in the region.

Perhaps most importantly, Toronto's interest in the protection of the Oak Ridges Moraine is about the strategic management of how and where growth occurs in the GTA. A growth strategy will achieve efficiencies in the provision of infrastructure and services and healthy, functioning communities, protection and restoration of our beautiful heritage landscapes and preservation of our agricultural lands. Protection of the Moraine and targeted growth will achieve not only environmental benefits throughout the GTA, but will enhance its attractiveness as a place to live and do business.

Most recently, at its meeting on July 24, 25 and 26, 2001, Toronto City Council advocated for long-term protection of the Oak Ridges Moraine by recommending that:

- (1) the Provincial government extend the effective time period of the *Act to Protect the Oak Ridges Moraine* until such time as the action plan is substantially implemented to allow for a process of meaningful consultation including public review and comment.;
- (2) the Provincial government establish a plan under the auspices of the Ontario Planning and Development Act and special legislation providing a consistent approach to the protection of the Oak Ridges Moraine; and
- (3) the Provincial Policy Statement be amended to include stronger statements related to the protection of the Moraine in a consistent manner and reference a regional growth strategy which should be jointly developed by the GTSB or in the alternative be jointly developed by the four regional municipalities in the GTA and the City of Toronto.

Issues

Adequate time for consultation

Although City Council's position supports the need for timely action to protect the Oak Ridges Moraine after many years of debate, the process of consultation as set out by the Province requires a response to the draft *Vision* during late summer when municipal staff and councils, as well as many members of the public, are on vacation. This deadline compromises the potential for municipal councils to comment and jeopardizes the integrity of a healthy debate among the many interested stakeholders. It is also not clear from the document how or if there would be opportunity for further public consultation in development of the proposed plan.

The *Vision* for protection of the Oak Ridges Moraine, including special legislation, should be thoroughly vetted by the public. As recommended by Toronto City Council at its meeting on July 24, 2001, the provincial government should "... extend the effective time period of the *Act to Protect the Oak Ridges Moraine* until such time as the action plan is substantially implemented to allow for a process of meaningful consultation including public review and comment."

Implementation of the Plan

The Advisory Panel's 11 specific recommendations include "creating an ecologically based plan" and "proposing a specific piece of legislation to govern the future of the Moraine". However, it is not clear if this is to be a plan under the auspices of the Ontario Planning and Development Act, or under special legislation modeled on the Niagara Escarpment Planning and Development Act, a specific Provincial Policy Statement, or something in between.

Toronto City Council has recommended that the Province "... establish a Plan under the auspices of the Ontario Planning and Development Act and special legislation to provide a consistent approach to the protection of the Moraine." In the draft *Vision* the onus appears to be on the municipality to ensure compliance with the provincial plan – which could perpetuate the current issues of uncertainty and inconsistency that have in the past undermined protection of the Moraine. To be effective, any plan for protection the Moraine needs to be grounded in legislation to ensure municipal policies are upheld at the OMB, and to ensure municipal compliance and consistent application of policies across the Moraine. One approach could involve the extension of the current Niagara Escarpment Commission's mandate to incorporate the Oak Ridges Moraine Plan implementation. This would avoid the cumbersome process of creating a new agency and have the benefit of a development permit system which can bring a more sensitive rigour to development approvals, and its implementation by dedicated staff with expertise on policies and issues across the ORM.

It is the position of Council that the Province should establish a plan to provide a consistent approach to the protection of the Oak Ridges Moraine. This plan must ensure that sensitive features and functions are recognized and adequately protected and that new development is directed to existing settlements. There is concern that some important natural areas, such as the headwaters and recharge areas of the Humber, Don and Rouge, do not appear to fall within the 'natural core area' designation.

Policies should ensure that existing land uses that may be incompatible (such as aggregate extraction in 'natural core areas') are phased out and the degraded lands rehabilitated. If natural linkage areas are intended to "link natural core areas with each other and other natural corridors" it is questionable whether new and expanding aggregate extraction operations and wayside permits achieve the intended objectives of this designation. Further, care should be taken to ensure that expansion of agricultural uses in 'natural core areas' is restricted where they could potentially deplete important natural heritage features.

It is not clear how existing agricultural lands (as designated in regional official plans) would be protected under the 'countryside' designation or how 'hamlets and villages' are accounted for under the proposed designations.

Tasks for the proposed Oak Ridges Moraine Legacy Trust and its relationships with existing stewardship bodies should be expanded upon and clarified in upcoming legislation. Further, prudence is advised in the application of environmental charges on Moraine-based development as it could result in encouraging development for the sake of providing funding for the proposed Trust.

Growth Strategy

Toronto City Council recommended that "the PPS should be amended to ... reference a regional growth strategy which should be developed by the GTSB or in the alternative be jointly developed by the four regional municipalities in the GTA and the City of Toronto." Although the Advisory Panel recommendations refer to Smart Growth and to "concentrating growth in well-defined settlement areas", the draft Vision does not address the need for stronger regional coordination of transportation, infrastructure and land use to help decide about where and when new growth occurs. Our recent history has shown that relying on the private automobile only to service growth is harmful to the health and vitality of both city and suburbs. Council recognizes the importance of the TTC and GO Transit to the economic and social health of the City proper and of the GTA and is committed to improving the effectiveness of these two public transit systems.

Protecting the Moraine begins with redirecting growth away from it. A region-wide growth management strategy based on Smart Growth can support strong local planning policies, direct strategic investment in infrastructure, and suggest legislative incentives to help the development industry deliver on the strategy. It can relieve development pressure on the Moraine and other significant natural heritage and agricultural lands surrounding it. Such a strategy should also address the possibility of growth leap-frogging the Moraine to areas beyond the GTA.

We trust these comments will be useful in revising the proposed Vision and in defining its implementation. We ask that the City of Toronto be invited to participate in any further discussions on proposals to protect the Oak Ridges Moraine.

(Communication (September 11, 2001) addressed to Mr. Ron Vrancart,
Chair, Advisory Panel on the Oak Ridge's Moraine,
from Sheela Basrur, Medical Officer of Health)

I am pleased to have an opportunity to comment on the draft strategy for protecting the Oak Ridges Moraine. Members of the Advisory Board have worked hard to develop this draft strategy and have recognized the importance of their task. The province has recognized that the Oak Ridges Moraine is unique as a vulnerable aquifer recharge area and as the source of numerous rivers. It therefore merits the protection of a special policy or plan. While the draft strategy currently contains numerous loopholes and problem areas, it serves as a useful starting point from which to develop an Oak Ridges Moraine plan that will truly protect the ecosystems of the moraine, and the health of the people living in the region.

As the Medical Officer of Health of the City of Toronto and a resident of the GTA, I am concerned about the impact that land-use decisions on the Oak Ridges Moraine will have on human health both on the moraine and in the communities downstream. The Oak Ridges Moraine is more than an expanse of land with development potential. Underground are important sand and gravel deposits that store, filter and purify water. Above ground is a vibrant countryside ecosystem including diverse wetlands, forest and open field habitats, agriculture, other rural amenities and existing communities. The human health benefits of intact ecosystems and the clean air and water that they provide have been documented, as have the costs associated with degrading these ecosystems. (See discussion of ecosystem services below). The Oak Ridges Moraine presents a tremendous opportunity to protect air quality, to avoid the human health and financial costs of groundwater and surfacewater contamination and to start to build a large-scale greenway that may in the future help protect southern Ontario's ecosystems and environmental quality.

As written, the draft strategy will do little to protect the ecological integrity of the moraine and it will not substantially reduce the rate of low density, sprawl-style development currently underway. Until it is improved to ensure that the moraine's ecosystems are permanently protected to maintain or enhance environmental quality, I cannot support the strategy. However, I am confident that the Advisory Board and the Province have access to the expertise and public input that they will need to improve the draft strategy and develop a permanent and enforceable plan for the Oak Ridges Moraine that will be protective of human health.

I offer the following comments on the draft strategy. My comments fall into two categories: specific comments on the text of the proposed strategy and comments on the overarching issues of health protection and the Oak Ridges Moraine plan.

Specific comments on the text of the "Draft Strategy for Community Growth and Natural Protection" on the Oak Ridges Moraine:

(1) Title and goals

The summer of 2001 was the worst on record for air quality, resulting in 20 air quality alert days in Toronto and hazardous air quality far north of Ontario's largest cities. In a recent report (2000), Toronto Public Health estimated that high concentrations of six air pollutants contribute to 1,000 deaths and 5,500 hospitalizations annually in Toronto

alone. Urban sprawl continues to promote reliance on cars, degradation of air quality and reduced access to green space. In addition, water quality-related human illness is also very much in the public mind. The state of air and water quality in Ontario demonstrates that improving environmental quality must be the first priority of any Oak Ridges Moraine plan. The title and goals of the Oak Ridges Moraine strategy should reflect this commitment.

I recommend recasting the title as “Draft Strategy for Natural Protection and Healthy Communities”. Also, the goals should be rearranged so that “establish and maintain the integrity of a continuous natural system” comes first. If the ecological services of the Oak Ridges Moraine are lost to sprawl, they can never be regained. By employing a little vision today, the provincial government can help maintain environmental quality, human health and quality of life in this region over the long term.

(2) Permitted uses in the four land-use designations

As written, the permitted uses in the four land-use designations of the strategy will not deliver what is promised in the “Share Your Vision” document, and therefore will not improve or maintain environmental quality (see below). As proposed, the allowable land uses on the moraine would be as follows:

- 37% of moraine planning area – roads and utilities, forestry, flood and erosion control (presumably including stormwater management facilities), unspecified agriculture (which may include intensive animal husbandry), passive recreation and development approved before May 17, 2001;
- 16% – all of the above land uses plus new and expanding mineral aggregate operations;
- 38% – all of the above land uses plus unspecified rural commercial, institutional and industrial developments; golf courses, ski hills and other major recreational facilities and rural residential development; and
- 9% – all urban land uses.

This is not a proposal for protecting groundwater quality, intact habitats and human health. The permitted land uses clearly value development over protection. They constitute an unacceptable long-term strategy if the province wishes to protect human health and environmental quality. The Oak Ridges Moraine has an existing, robust countryside with diverse habitats, agricultural facilities and communities. The draft strategy should maintain this balanced rural system and avoid encroachment by potentially harmful facilities and practices.

Since distributing “Share Your Vision”, the Advisory Board has recommended at the public open houses that residential subdivisions are not appropriate on the 38% of the moraine designated as “countryside”, and therefore no new residential subdivisions should be erected in this land-use designation. I strongly support this decision which

improves upon the strategy's greatest shortcoming. However, the strategy offers nothing to keep "big box" stores, large "institutional" residential development and industry out of the existing countryside.

The first line of "Share Your Vision" states that the moraine "is a unique geological landform that plays a special role in the environment and natural heritage of south-central Ontario". The document lists approaches including "creating an ecologically based land-use plan" and "creating a system to protect the vital water resources present across the moraine" (p. 2). The document also states that "[a]s well as being a significant ecological area in its own right, the Oak Ridges Moraine plays a vital role in linking other important greenland systems within south-central Ontario" (p. 4). While these are important statements and excellent approaches, they will not be supported by the permitted uses described in the draft strategy. I recommend implementing a system of permitted land uses that includes substantial "no new development" areas and restricts urban development to areas that are already urban and serviced by transit systems that will reduce the impacts on air quality.

The question that the advisory panel and province should be asking is not, "How shall new development be distributed over the moraine?", but "How shall new housing be incorporated into existing urban areas outside of the moraine in a way that minimizes environmental impacts?"

3. "Ecological Constraints to Development" section of the Draft Strategy.

The "Ecological Constraints to Development" section of the strategy includes many problem areas. I recommend that the following changes to the text (p. 9) be addressed to ensure that the strategy protects the moraine and environmental quality:

- allowing no development (other than that specified) "in" significant natural features and sensitive hydrological features will surely fail to protect them for two reasons. First, there should be absolutely no development in significant and sensitive natural features if we wish to preserve them. Second, protecting only the feature itself and allowing other land uses directly around it without buffers is the surest way to degrade an ecological feature. The strategy does not address buffers, which are known to be an integral part of any conservation system. Due to the debate on buffer width for the moraine's provincially significant wetlands and other features, the province should employ the precautionary principle and implement wide buffers to protect the features;
- groundwater recharge is mentioned as a technique for maintaining and enhancing water quality and quantity. However, the introduction of polluted urban stormwater into groundwater poses one of the greatest threats to groundwater quality on the moraine. The strategy should address pollution by road salt and other chemicals and organisms before recommending or implementing groundwater recharge;

- the strategy's storm water servicing proposal states, "Storm water management would strive to maintain water balance, protect water quality, maintain stream flow and prevent flooding and stream erosion" (my underline). Clearly "striving" to protect water quality and water balance will not ensure success in doing so. I cannot support a strategy that implicitly gives permission to degrade water quality and disrupt the water balance that maintains the moraine's wetlands, upstream of Toronto;
- the statement "Growth ... would also ideally maintain ... the moraine's ecological integrity" again gives permission to damage the moraine's ecological systems. Under no circumstances would this statement translate into good, protective policy;
- it does not appear that the statement "Roads and public utilities would generally be prohibited in natural areas and sensitive hydrological areas" would translate into clear rules that would protect the sensitive hydrological features that it describes. Text is needed that will ensure that water quality is not compromised.
- suggesting that 400-series highways should "minimize impacts on the moraine" requires clarification. Roads, highways and the vehicles that use them are one of the greatest sources of air pollution and sprawl in southern Ontario. The province's Smart Growth and Oak Ridges Moraine programs should both focus on innovative ways of reducing people's reliance on automobiles, and therefore reducing air pollution and air quality-related sickness and death. At a minimum, the Oak Ridges Moraine plan should require that existing highways and roads produce no net impact on the aquatic habitats that form the headwaters of our rivers or the forests that help maintain air quality; and
- allowing expansion of settlement areas into the "countryside" every five years following an official plan review by municipalities will not prevent urban areas from encroaching upon natural spaces and the ecosystem services that they provide. If changes to urban boundaries must be contemplated, I recommend that this only occur every ten years. However, decisions that are guaranteed to improve environmental protection or increase ecosystem health could be accommodated more frequently.

Collectively, the loopholes listed here result in a very permissive strategy that will not be capable of defending from development the ecosystem services and environmental quality of the moraine. As the advisory panel has heard at the recent public open houses, these loopholes must be closed if the province wants to protect environmental quality and have the public's support on its strategy.

Comments on health protection and the Oak Ridges Moraine plan:

(1) Ecological services provided by intact ecosystems

Many people value intact ecosystems because they support a diverse array of organisms that is unique to each part of the world. Another reason to value ecosystems is that they provide for free a number of services for which municipalities would otherwise have to pay. Environmental economists call these services “ecosystem services”. Examples of ecosystem services that the wetlands of the Oak Ridges Moraine likely provide are:

- purification of surface water by aquatic plants, micro-organisms and ponds that slow water flow (e.g. mitigation of nutrient pollution from agricultural or urban areas);
- maintenance of water quality downstream (e.g. Toronto’s drinking water in Lake Ontario);
- groundwater recharge and purification of precipitation moving into groundwater (e.g. for drinking water from wells);
- water storage (e.g. water currently being mined by golf courses, water-bottling companies and municipal users);
- moderation of river flow and prevention of floods, sedimentation problems and drought downstream;
- prevention of beach closures on Lake Ontario by cooling water, reducing peak stormwater flow volume and removing biological contaminants;
- reduction in air quality- and water quality-associated illness and health care costs;
- air purification by plants and aquatic algae;
- consumption of greenhouse gases and production of oxygen by plants and micro-organisms;
- habitat for countless organisms, some of which control pests;
- educational opportunities; and
- passive recreational opportunities.

If the wetlands of the moraine are degraded or destroyed by inadequate buffers or protection, these services will cease to be provided, and municipalities will have to pay for more water treatment plants, dams, health care facilities, parks, greenhouse gas reduction programs, etc. to make up for the loss. Many of the ecosystem services listed above improve air and water quality, and consequently help maintain human health and quality of life. Other ecosystems, for example forests, provide a different range of ecosystem services.

(2) Air quality and the Oak Ridges Moraine

As noted above, the summer of 2001 was the smoggiest summer on record in Toronto. Municipalities and the provincial government need to work quickly to improve air quality and avoid the human suffering and health care costs stemming from the current level of air pollution. Contributing to urban sprawl by implementing permissive policies for the moraine will not improve Ontario’s air quality. Preserving an important natural green space and containing development to areas that are already serviced by transit will.

(3) Regional Greenway

The public has provided the province with all of the support that it needs to create a forward-thinking, permanent natural greenway on the Oak Ridges Moraine. This greenway would provide passive recreational opportunities for the high-density communities in the Toronto region, enhance residents' quality of life and maintain the desirability of south-central Ontario as a place to live, work and play. The alternative is incrementally more smog, sprawl, groundwater contamination and ill health for the people in this region.

(4) Consultation with citizens of Toronto

The citizens and policy-makers of the City of Toronto have consistently been excluded from the Oak Ridges Moraine decision-making process. We were not granted standing at the OMB hearing in Richmond Hill, we are not represented on the Advisory Board, and to date there have been no public open houses in Toronto. Regardless of how often Toronto's citizens are excluded, the fact remains that Toronto is the major community that will be impacted by the downstream effects of land-use decisions on the Oak Ridges Moraine.

As outlined above, Toronto currently benefits from the moraine's ecosystem services including water purification, air purification, flood control and access to green space. The Rouge, Don and Humber Rivers have their headwaters on the Oak Ridges Moraine and can be expected to carry the impacts of development on the moraine to Toronto and Lake Ontario. I am pleased that the province intends to hold a full public hearing when the Oak Ridges Moraine bill reaches second reading. However, I strongly urge the province to acknowledge the citizens of Toronto as stakeholders in the Oak Ridges Moraine decision-making process by holding public consultation sessions on the Draft Strategy immediately, before any decisions are made.

The ecological and human health implications of land-use decisions on the Oak Ridges Moraine are far-reaching. I look forward to further consultation and an improved Oak Ridges Moraine strategy that will ensure that the ecological systems of the moraine are maintained and environmental quality and human health in the region are enhanced.

The following persons appeared before the Planning and Transportation Committee in connection with the foregoing matter:

- Lela Gary, Air Pollution Coalition of Ontario; and
- Jarah West, Friends of the Rouge Watershed.

(City Council, on November 6, 7 and 8, 2001, during consideration of the foregoing Clause, the following communication (November 7, 2001) from Councillor David Miller, Chair, Oak Ridges Moraine Steering Committee; Councillor Raymond Cho, Vice-Chair, Oak Ridges Moraine Steering Committee; Councillor Irene Jones, Councillor Ron Moeser and Councillor Joanne Flint:

On November 1, 2001, the Province introduced Bill 122, the Oak Ridges Moraine Conservation Act and the Oak Ridges Moraine Conservation Plan. This was subsequent to the preparation of the two reports you have before you - Report 12 Clause 7 Planning and Transportation Committee "Oak Ridges Moraine – Response to the Province of Ontario's Strategy" and the supplementary report "Further report on the Oak Ridges Moraine – Summary of the October 3 Public Meeting and the Oak Ridges Moraine Advisory Panel Recommendations" dated October 24, 2001. I am happy to say that the legislation and proposed Plan are a great leap forward in protecting this significant landform and its ecological and hydrological integrity, as well as the countryside and agricultural lands.

Both the legislation and Plan are generally consistent with the recommendations before Council including: special legislation providing for an 'ecologically based' plan; a continuous recreational trail; all sensitive water features to be protected (subject to confirmation through the review of maps); all decision-making by planning authorities, including all municipalities, the Province and the OMB must comply with the Plan; and the establishment of a process for monitoring effectiveness of the Plan.

However, there are some differences between the recommendations before City Council, and the proposed legislation and Plan. These include: the lack of establishment of an administrative structure similar to the Niagara Escarpment Commission; the permission in the Plan for the 10-year review to allow for a examination of policies to permit new mineral aggregate operations and expansions in Natural Core Areas; the restriction on changes to the 'total' land area of Natural Core and Linkage Areas, rather than boundaries; and new 'necessary' transportation allowed in Natural Core Areas (subject to criteria). Neither the Plan nor legislation address the need to undertake a regional growth management strategy for the GTA, to reference such strategy in the PPS, or to provide consistency between the ORM Conservation Plan and a regional growth strategy, and to include protection of wildlife corridors and watersheds entering/exiting to and from the Moraine.

Additionally, a preliminary review of the legislation and Plan has indicated some concerns. The concerns include:

Minister's Powers

Bill 122 gives the Minister powers that are inappropriately broad. The Minister is allowed to: revoke the Plan (Section 3(3) and s.23(1)(c)); prescribe additional objectives for the Plan (s.23(1)(b)) and allowed but not required to establish a Plan (Section 3(1)).

The Minister can make orders under Section 47 of the Planning Act (which allows Minister to exercise powers conferred upon Councils under section 34, 38, or 39 - zoning, interim control, temporary use) that do not conform to the Oak Ridges Moraine Conservation Plan or the

relevant official plan (Section 14). This is a 'back door' clause that could allow the Minister, for example, to permit wayside permits as a temporary use in Natural Core Areas or amend zoning to permit new permanent uses, without any public scrutiny.

Disallowance of Restrictive Policies

Section 5(c) allows the Oak Ridges Moraine Conservation Plan to prohibit Official Plans and zoning by-laws from containing provisions with respect to specified matters (from the plan, these matters appear to be aggregates and agriculture) that are more restrictive than those in the Plan. This type of provision is not found in comparable legislation such as the Niagara Escarpment Planning and Development Act and would prevent municipalities from exercising their normal planning functions. For example, this may be an attempt to prevent Caledon from imposing restrictions on aggregate production. It would be ironic, and contrary to the objectives of the Act, if the ORM legislation and plan provided aggregate producers with greater protection than they now enjoy.

Objectives

The objectives of the legislation are an important tool to guide decision-making for lands covered by the Plan. There are three comments related to section 4 as currently drafted.

The Minister is allowed to prescribe further objectives (Section 4(i)). The concern is that the objectives are a legislative function and the legislature should be accountable for setting the direction for the Plan and ensure it follows the spirit of the environmental objectives announced by the Province.

An objective could be added such as "creation of public parks" since public accessibility of moraine lands is an objective worthy of being stated in the Act.

Making the continuous recreational trail accessible to all including persons with disabilities creates the possibility that rugged areas will have to be graded in order to provide for wheelchair access. Although accessibility should be a goal, the trail should not be required to be wheelchair accessible for its full length.

Ten -Year Review

There is no provision in the legislation that restricts Plan amendments to once every ten years. Section 3 (4) requires the Minister to ensure that a review is carried out every ten years. The public was concerned about the number of opportunities for amendment; the Act as presently drafted does not address that concern.

Implementation

Although amendments to the Plan are generally to be proposed by the Minister, s.12(2) allows the Minister to "prescribe circumstances under which a prescribed person or public body may apply to the Minister for an amendment to the Plan." This creates an opportunity for the Minister to be lobbied to pass regulations allowing applications for amendment, when the public is concerned that amendment opportunities should be very limited. As a minimum safeguard, such decisions should be made by Cabinet, not the Minister alone.

Although referred to in the press releases and the Advisory Panel Recommendations, the legislation does not establish nor define the role of the Oak Ridges Moraine Foundation.

The ORM Conservation Plan should reflect the position the Province put forward at the Richmond Hill OMB hearing.

There is an opportunity to communicate the City's concerns to the Province through the Environmental Bill of Rights process. As the deadline for submissions is December 2, 2001, and Council does not meet again until the new year, we need Council authorization to address these concerns in a letter to be signed by the Chief Administrative Officer, and through representations by the Oak Ridges Moraine Steering Committee to any legislative committee dealing with Bill 122.)

(City Council also had before it, during consideration of the foregoing Clause, the following report (October 24, 2001) from the Commissioner of Urban Development Services:

Purpose:

This report provides additional recommendations to the Province in regards to long-term protection of the Oak Ridges Moraine based on comments heard at the October 3rd, 2001 public meeting of the Oak Ridges Moraine Steering Committee and on the "Key Messages - Oak Ridges Moraine Advisory Panel Post-Public Consultation" paper released September 26th, 2001.

Financial Implications and Impact Statement:

There are no financial implications arising from the adoption of this report.

Recommendation:

It is recommended that:

- (1) The Provincial government be advised that the City of Toronto supports the following key recommendations of the Key Messages - Oak Ridges Moraine Advisory Panel – Post-Public Consultation paper issued on September 26:*
 - (i) development be directed to approved settlement areas both on and off the Moraine where there is appropriate infrastructure and policies regarding intensification, transit, environmental planning and affordable housing within the context of a regional growth strategy, as part of the Province's Smart Growth initiatives;*
 - (ii) Natural Core areas not be reduced through Plan review or amendment;*
 - (iii) Natural Linkage areas be expanded to a two-kilometre minimum;*
 - (iv) river valleys running north and south from the Moraine be included in Natural Linkage Areas;*

- (v) *a continuous recreation trail be established across the Moraine's 160 kilometres;*
 - (vi) *no new subdivisions be permitted in the countryside;*
 - (vii) *no new development be permitted in prime agricultural areas;*
 - (viii) *no net increase in water taking for commercial purposes be permitted until water budgets can be completed for water across the Moraine;*
 - (ix) *the Plan be assessed in the context of recommendations of the Walkerton water inquiry;*
 - (x) *all sensitive water features (streams, kettle lakes, wetlands, springs, etc.) be protected;*
 - (xi) *the strongest design standards be established to ensure that development does not negatively affect water quality and quantity on the Moraine;*
 - (xii) *best practices be encouraged to ensure continued water quality and to promote enhanced water conservation;*
 - (xiii) *no new licenses or expansions to existing operations be permitted in Natural Core Areas;*
 - (xiv) *all decision-making by planning authorities including municipalities, the Province and the OMB must comply with the Plan;*
 - (xv) *legislation 'deem' the relevant provincial Plan provisions into municipal Official Plans until municipal plans can be brought into conformity;*
 - (xvi) *only the Minister of Municipal Affairs and Housing can initiate amendments to the provincial Plan, and that process will include a provision for public input; and*
 - (xvii) *the OMB will continue to address disputes on local planning matters, and be subject to the "must-comply" standard as set out in the proposed ORM legislation and Plan.*
- (2) *Any regularly scheduled reviews of a Plan passed under special legislation include public consultation and occur for the purpose of strengthening the protection related objectives and the urban area boundaries within such a Plan should be considered permanent for the purposes of developing a provincially adopted regional growth strategy;*
- (3) *The Provincial Policy Statement be amended to reference the ORM Plan and the regional growth strategy;*

- (4) *Any new legislation passed in connection with the Oak Ridges Moraine reference the need for consistency between the Plan for the ORM and the regional growth strategy;*
- (5) *Any new roads should be prohibited in 'Natural Core Areas';*
- (6) *The Province establish a structure such as the structure developed for the Niagara Escarpment Commission for administrating and maintaining the ORM Plan; and*
- (7) *The proposed ORM Plan and legislation require an on-going monitoring to assess the effectiveness of policies in securing the long-term protection of the ORM.*

Background:

On September 20th, 2001, the Policy and Finance Committee made the following recommendation in regards to a City position on the Oak Ridges Moraine (ORM):

- “(2) that the Commissioner of Urban Development Services and the Executive Lead, Oak Ridges Moraine, be requested to submit a report to Council for its meeting scheduled to be held on November 6, 2001, through the Planning and Transportation Committee, on a draft City position with respect to the Oak Ridges Moraine, including a summary of the public deputations heard at the meeting of the Oak Ridges Moraine Steering Committee to be held October 3, 2001”.*

This report responds to this request by providing a summary and commentary of the deputations heard by the ORM Steering Committee. This report also provides an assessment of the further recommendations of the ORM Advisory panel.

Comments:

- 1. Further recommendations of the ORM Advisory Panel entitled Key Messages - Oak Ridges Moraine Advisory Panel Post-Public Consultation*

On September 26th, 2001, the Oak Ridges Moraine Advisory Panel issued its final post-public consultation recommendations (attached) to the Minister of Municipal Affairs. It is anticipated that the Province's Oak Ridges Moraine Plan and legislation will be introduced prior to the November 17 sunset clause of the Act to protect the Oak Ridges Moraine.

The Advisory Panel's recommendations respond to comments heard during the public consultation on the Share Your Vision for the Oak Ridges Moraine. The recommendations refine the land use designations (boundaries and policies) and the implementation tools in a manner that further restricts development and protects natural features and functions and the countryside. The Advisory Panel's Key Messages introduces two new concepts of note – the emphasis on planning development in the context of a “Smart Growth Strategy” and the proposal that the ORM Plan, including the land use designation boundaries, be reviewed every 10 years as opposed to every five years.

The revisions proposed in the Advisory Panel's post-consultation recommendations are generally consistent with and supported by the comments and recommendations of the staff report dated October 2nd, 2001 to Planning and Transportation Committee. The Advisory Panel's proposals to "ensure that development is directed to approved settlement areas both on and off the Moraine where there is appropriate infrastructure and policies regarding intensification, transit, environmental planning and affordable housing" addresses more fully the recommendation that the ORM Plan be developed in the context of a regional growth strategy.

The Advisory Panel's recommendations propose that the ORM Plan be reviewed every 10 years, and that 'estate residential policies' and 'settlement area boundaries' be reviewed at the same time. A periodic review of the Plan can be supported provided that it occurs with the objective of strengthening and improving it with full public consultation. The issue of urban development boundaries is discussed in the section 2 under the heading '10-year review'.

The Advisory Panel's recommendations also expand the boundaries of the Natural Core and Linkage Areas and are more protective of agricultural lands. The natural functions of Linkage Areas are further supported by proposing that these areas be expanded to a two-kilometre minimum width, except in Richmond Hill around Yonge Street where existing development prevents it. Also addressed are the concerns in the earlier staff report regarding expansion of aggregate operations in Natural Core and Linkage areas by proposing that no expansions to existing aggregate operations be permitted in Core areas. The recommendations also propose that new aggregate extraction operations and expansions would be permitted in Linkage areas provided certain conditions are met, including that the continuity of Linkage areas would be maintained, extraction operations would be rehabilitated to a natural heritage condition and extraction prohibited within 3 metres of the water table.

The Advisory Panel's proposals address concerns regarding the quality and quantity of the ground and surface water, stating that "no net increase in water taking for commercial purposes will be permitted until water budgets can be completed" and that "all sensitive water features will be protected". The Advisory Panel also suggests some optional water recommendations, including that the "strongest design standards be established to ensure that development does not negatively affect water quality and quantity on the Moraine" and that "best practices be studied and encouraged to ensure continued water quality and to promote enhanced water conservation." These water recommendations should be supported.

The Advisory Panel's post-public consultation recommendations strengthen the role of the ORM Plan by providing that only the Minister of Municipal Affairs may initiate amendments to the Plan and that the amendment process include public input. Previously it was proposed that municipalities be permitted to initiate amendments. The recommendations also address the role of the OMB in planning decisions on the ORM (a key concern raised by stakeholders in consultations on the Share Your Vision booklet) with the proposal that the OMB continue to address disputes in local planning matters subject to the 'must-comply' standard set out in ORM legislation and the accompanying Plan. The Province may intervene and may vary any OMB decision not consistent with the Plan.

In summary many of the further recommendations of the Advisory Panel are consistent with the City's position of protection of the ORM and should be supported. There are some areas which need to be further addressed such as the 10-year review of development boundaries, but overall the Advisory Panel's final recommendations are positive.

2. Public Meeting

*On October 3, 2001, the City of Toronto's Oak Ridges Moraine Steering Committee held a public meeting to hear comments on the Province's proposals to protect the Oak Ridges Moraine as identified in the booklet *Share Your Vision for the Oak Ridges Moraine (the draft Strategy)* and the post-public consultation recommendations from the Oak Ridges Moraine Advisory Panel. The ORM Steering Committee asked the Province to consider hosting a public meeting in the City of Toronto, however, the Minister of Municipal Affairs declined in a letter dated October 4, 2001. The meeting was attended by approximately 200 people, with 26 making deputation to the Steering Committee. Many of the deputants applauded the efforts of the City of Toronto and in particular the Steering Committee in providing funds in support of education, research and advocacy for the long-term protection of the ORM.*

The following provides a summary of the public comments (see attached Executive Summary) and discusses them in the context of the staff report dated October 2nd, 2001 to the Planning and Transportation Committee entitled "Oak Ridges Moraine - Response to Province of Ontario's Draft Strategy". The topics raised by the public deputations are grouped into 10 areas. Under each topic area, the points raised by members of the public are summarized followed by a brief analysis as to how the comments have or should be addressed.

Ten Year Review (as proposed in Key Messages Oak Ridges Moraine Advisory Panel's Post-Public Consultation)

The ORM Advisory Panel's recommendations propose that the ORM Plan, including the land designation boundaries, be reviewed every 10 years, as opposed to the 5-year review identified in the Province's draft Strategy. The recommendations protect Natural Core Areas which "cannot be reduced through plan review or amendment", but would potentially allow expansion of Settlement Areas into Countryside or Natural Linkage Areas. Speakers were equally divided as to whether the 10-year review would be negative, allowing unchecked expansion of designated boundaries, or positive, allowing for improvements and refinements to the Plan. The Niagara Escarpment Plan was cited as an example in which the required Plan review of every 5 years has resulted in an improved Plan. This requirement was revised in January 2001 to once every 10 years.

The comments address two separate yet equally important issues: the 10-year review of the ORM Plan and the 10-year review of development boundaries. Review of the ORM Plan would provide an opportunity for improvements – based on new research, emerging issues, and monitoring the effectiveness of policies. This review should be supported provided it is undertaken in consultation with the public.

A regularly scheduled review of the land-use designation boundaries, in particular the Settlement Areas, would encourage speculation and undermine protection of the ORM in the future. Protecting the ORM requires directing growth away from it. It is for this reason that

previous staff reports have recommended that Council support the development of a GTA-wide regional growth strategy. The land use designations associated with urban development, such as the proposed Settlement Areas, should be viewed as permanent for the purposes of developing a provincially adopted regional growth strategy. In this manner, a regional growth strategy would consider the ORM an undevelopable area and encourage urban growth elsewhere. Any review of development boundaries must occur within the context of a "Smart Growth" strategy that reviews how and where new growth should occur from a regional perspective. If any urban expansion were to be considered in the future, it should only occur in areas outside the Natural Core and Linkage Areas and only in conjunction with review of the Plan itself and in the context of a regional growth strategy. In addition, any review of land designation boundaries should permit expansion of the Natural Core or Natural Linkage Areas.

Two other reports before Council, on the Provincial Policy Statement review and Smart Growth dated September 24th and September 28th, 2001 respectively, also support the need for a regional growth strategy. The concept of a GTA-wide regional growth strategy is indicated and supported by a number of other groups, including the Ontario Professional Planners Institute.

Urban Sprawl

Several speakers expressed the need to curb urban sprawl and the infrastructure that would promote it (such as highway expansion, the Bayview extension and the York-Durham Sewage pipe) both on and off the Moraine and thereby protect air and water quality. Suggestions included stopping all urban development on the Moraine, providing provincial support for sustainable development and public transit, distinguishing between rural and urban settlement areas, considering different (higher density) forms of development and supporting changes to how the GTA is planned and developed.

As the GTA is predicted to accommodate roughly 85% of Ontario's population and employment growth over the next thirty years, curbing the urban sprawl pattern of growth is high on the public agenda. Current patterns of how and where the Region is growing have resulted in public outcry over proposed development on the ORM, longer commutes, increasing incidents of poor air quality, impacts to groundwater supply and quality and proposed extensions to municipal infrastructure (such as the proposed extension of the York-Durham Sewage System into King City).

At its meeting July 24, 25, and 26, 2001 Council recommended that the Province lead the development of a regional growth strategy for the GTA. In support of this effort the City has already initiated a special study entitled, City and Regional Strategies for Growth that Protect Countryside and Air Quality which will be completed later this year. Recently, the Province announced its intentions to develop regional Smart Growth Management Plans. These Plans could serve as the vehicle for developing a regional growth strategy. Whatever the strategy is called, it must be one that is agreed to by the Province and affected communities and it must articulate where and how growth will be managed in this Region. A particular focus must be placed on protecting the Oak Ridges Moraine, other significant natural heritage sites and systems and prime agricultural lands and on controlling urban sprawl, both residential and employment. The regional growth strategy must also place a focus on reducing traffic congestion and creating an alternative to the private motor vehicle and rationalizing new

municipal infrastructures such as sewer and water pipes and roads. To ensure consistency in implementation, the Provincial Policy Statement should be amended to reference the ORM Plan and the regional growth strategy, and new legislation for the ORM should reference the need for consistency between the ORM Plan and the regional growth strategy.

Legislation

The public comments suggest the City support strong and clear legislation for the Moraine, recognizing it as an environmentally sensitive area. This is addressed in Recommendation #1 of the report dated October 2, 2001 also before Council. The report recommends special legislation being passed that provides for an 'ecologically-based' Plan for the ORM, public consultation, including with the City of Toronto, on the proposed plan and legislation, conformity of local and regional Official Plans to the ORM Plan, and implementation of the Plan and on-going management of the ORM. The ORM Plan needs to have enough clout to ensure municipal compliance and consistent, defensible application of policy across the ORM.

Comparison to Niagara Escarpment Plan

There was a divergence of opinion at the public meeting as to whether the Niagara Escarpment Plan was a good model or not for the proposed ORM Plan.

The Niagara Escarpment Plan was developed under special legislation (the Niagara Escarpment Planning and Development Act) which set out requirements for permits to develop land and also created a separate governing body to administer approvals.

The Province's proposals, together with the revisions proposed by the Advisory Panel, identify a Plan under special legislation that in some ways provides stronger protection for the ORM than the Niagara Escarpment Planning and Development Act. The proposals would allow only the Minister of Municipal Affairs to initiate amendments to the ORM Plan and only every 10 years; comparatively, the Niagara Escarpment Planning and Development Act allows anyone to apply to amend the Plan at any time. Another difference is in how the respective plans would be administered. The proposals imply that the ORM Plan will be administered by the Province, assisted by a Minister's Advisory Committee to provide advice on Plan implementation, respond to issues regarding the Plan, participate in the 10-year review of the Plan and comment on any proposed amendments to the Plan (this aspect is discussed further under the section on Monitoring and Implementation). The Niagara Escarpment Planning and Development Act establishes a special governing body to administer approvals, with advice from an Advisory Committee.

In order to achieve long-term protection of the ORM it is important that the proposed legislation and Plan provide the necessary regulatory framework for consistent, defensible application of policy across the Moraine. The Niagara Escarpment Planning and Development Act provides a good benchmark as to what this legislation could look like, however the Advisory Panel recommendations would create special legislation for the ORM that would be even stronger.

Transition

Speakers raised concerns regarding what happens if all the development applications caught by the development freeze imposed by the Act to protect the Oak Ridges Moraine are built, suggesting that the result will be negative impact on the Moraine and more urban sprawl.

The issue of transition, that is how to deal with the development applications that have been approved but are unbuilt, was one of two issues identified as unresolved in the Advisory Panel's post-public consultation recommendations. The units approved for development number in the thousands. These are mainly single detached units proposed in new subdivisions. To understand the impacts of this development on the ORM would require an assessment of each individual site. Further, because approval has already been granted, some form of compensation could be necessary if it is decided to completely prevent development of any of these units. For these reasons, it is not recommended that Council take any position with respect to approved development.

Issues Associated with Land Use Designations

The public comments suggest protecting Natural Core and Linkage Areas through expansion, rehabilitation and restriction of uses such as roads. Concerns were expressed with the types of uses within permitted within Countryside Areas (i.e. golf courses and ski hills), location of a trail and uses of pesticides and herbicides.

The report dated October 2nd, 2001 to the Planning and Transportation Committee addresses the need for land use designations and supporting policies for the ORM to recognize and adequately protect features and functions on an ecosystem basis, direct new development to existing settlements, phase out incompatible uses and rehabilitate degraded lands.

The Advisory Panel's post-public consultation recommendations address the issue of roads and road widenings in Natural Core Areas and propose that transportation, infrastructure and utilities only be allowed where necessary and subject to strict environmental and planning criteria. However, roads in Natural Core Areas should be generally prohibited, as they can disrupt wildlife corridors and encourage development. It defeats the objective of establishing Natural Core Areas to protect key natural features, significant hydrological areas and complex landforms if they can be systematically bisected by new roads. Council should support prohibition of new roads in these Areas.

The proposed uses for the Countryside designation should reflect, at a minimum, the more restrictive uses as identified in the Regional Official Plans. Prime agricultural lands within this designation should be protected and appropriate controls and setbacks determined to protect sensitive hydrological areas.

On-going issues such as trail location and use of pesticides may be addressed in development of the ORM Plan and by on-going implementation through the proposed Oak Ridges Moraine Legacy Trust (renamed by the Advisory Panel as the ORM Foundation) in its role of education and research.

Aggregate Issues

The public comments proposed that there should be no new aggregate mining, existing 'asphalt plants' should be phased out, aggregate extraction should be prohibited from Linkage Areas, and there should be on-going monitoring of rehabilitation efforts.

The report dated October 2nd, 2001 to the Planning and Transportation Committee notes that policies for the ORM Plan should support the phasing out of existing land uses that may be incompatible, such as aggregate extraction in Natural Core Areas, and rehabilitation of degraded lands. It is also questionable whether new and expanded aggregate extraction operations and wayside permits should be permitted in Natural Linkage Areas. The Advisory Panel post-public recommendations proposed that aggregate extraction would only be permitted in Linkage Areas if certain conditions are met. On-going monitoring of the success of rehabilitation efforts was also recommended.

Water and Watershed Management Issues

Public comments reflected concerns with the impact of development on the Moraine on surface and groundwater quality, particularly in downstream municipalities.

Protection of the ORM's natural features and functions is as important to the integrity of the ORM as it is to integrity of the natural heritage downstream. The hydrological features and functions including recharge areas, small tributaries and kettle lakes are proposed to be protected by the Natural Core and Linkage Area designation and policies which restrict uses and generally prohibit development. The ORM Plan should also establish policies that require the determination of appropriate setbacks and other controls to protect hydrologically and hydrogeologically sensitive features and natural areas on a functional basis, that is, in relation to protecting the catchment area.

A policy approach of requiring sub-watershed planning prior to preparing secondary plans can be effective in protecting hydrologically sensitive lands (such as first order cold water streams and watersheds draining to kettle wetlands) where the amount of impervious cover may need to be limited. However, the best protection for the ORM's natural areas is to direct growth away from it.

The Province's proposals concentrate growth within Settlement Areas, which are existing urban areas designated in the Regional Official Plans.

Funding

Public comments raised the concern that protecting the ORM needs on-going sustainable funding.

Successful implementation of the Plan is dependent upon a firm commitment by the Province to dedicate the necessary resources. Funding of management programs and land acquisition through the Legacy Trust or Foundation must be adequate and on-going and this is supported by the recommendation of the report dated October 2nd to the Planning and Transportation Committee that the City support an adequately funded ORM Legacy Trust or Foundation.

Monitoring and Implementation

At the public meeting, it was suggested there should be a multi-stakeholder group or 'Protectorate Committee' to implement the ORM Plan and on-going monitoring and research to aide in Plan review.

The ORM Advisory Panel's Key Messages Post-Public Consultation paper proposes establishing a Minister's Advisory Committee on the ORM to provide advice and response to issues. This concept is a good idea, however the make-up and mandate of the Committee are two critical factors that should involve public input. To ensure successful implementation of the ORM Plan, there is a need for a committee or body to administer the plan and oversee any amendments, review of the Plan and on-going monitoring. A separate body, similar in structure to the Niagara Escarpment Commission, at arms-length from the province and having local political representation, would be appropriate for on-going plan administration. The proposed Plan and legislation should also include a provision for addressing on-going monitoring that would assess the effectiveness of the policies in securing the long-term protection of the ORM, for input into any future review of the ORM Plan.

Conclusions:

The Oak Ridges Moraine Steering Committee held a meeting on October 3, 2001 to hear comments regarding long-term protection of the ORM since the province had declined to host such a meeting within the City of Toronto. The public comments expressed at that meeting and the post-public consultation recommendations of the ORM Advisory Panel are essentially consistent with and supported by the content and recommendations of the report dated October 2nd, 2001 to Planning and Transportation Committee 'Oak Ridges Moraine – Response to Province of Ontario's Draft Strategy'. Some new ideas and further refinements to existing proposals were introduced at the public meeting and these are reflected in the recommendations of this report.

The City Solicitor was consulted in the preparation of this report.

Contact:

Jane Welsh

Senior Planner, Policy and Research, City Planning

Tel: (416) 392-9709; Fax: (416) 392-3821; E-mail: jwelsh@city.toronto.on.ca

List of Attachments

- (1) Oak Ridges Steering Committee Public Meeting Executive Summary*
- (2) Key Messages Oak Ridges Moraine Advisory Panel Post-Public Consultation*

Attachment No. (1)

Public Meeting

Toronto's Position on the Future of the Oak Ridges Moraine

*Wednesday, October 3, 2001
7:30 p.m. to 10:00 p.m.
Earl Haig Secondary School
100 Princess Avenue, Toronto*



Executive Summary

Prepared by: GOMES CONSULTING ENTERPRISES

Background

The purpose of this public meeting was to provide residents of Toronto an opportunity to express their thoughts and to discuss the province's future plans about the Oak Ridges Moraine. There have been public events held in August and September 2001, sited outside the City of Toronto, but this is the first public meeting held in the City. There were 230 members of the community present, including residents, media, stewardship groups, municipal Councillors and other government representatives. Two presentations were provided, followed by an opportunity for the community to voice comments, questions and concerns.

Meeting Promotion

The meeting was promoted with 1) advertisements placed in the Toronto Star and the Globe & Mail on Thursday September 27, 2001 [a copy of the ad is attached], 2) mailouts to all persons on the Works & Emergency Services Department's public consultation database who are listed under the Wet Weather Flow Master Plan, Environmental Groups and Toronto Ratepayer organizations. Approximately 1000 notices were mailed out using Canada Post; and 3) by the use of email to those persons who have previously expressed interest in Oak Ridges Moraine issues - and passed on their email addresses to Works & Emergency Services Department staff. The email contained a PDF version file of the newspaper ad/flyer as well as the raw text of the ad in the main body of the email message.

Welcome and Introductions

Councillor David Miller, chair of the Oak Ridges Moraine Steering Committee opened the meeting by introducing the other members of the Steering Committee (Councillor Raymond Cho, Councillor Irene Jones and Councillor Ron Moeser) as well as key staff attending the event. Councillor Miller provided some background information that included the process the Province is taking to review the Oak Ridges Moraine including the creation of the Advisory Panel, the publication of the document Share Your Vision, and an indication that the province held

meetings in the GTA, with the exception of Toronto. Councillor Miller also provided recognition that Toronto is part of the Greater Toronto Bioregion, that the Oak Ridges Moraine is a vital part of this region and that it is important for City residents to have their say – therefore the reason for meeting at Earl Haig.

Presentations

The following two presentations were made to provide background and context, prior to the public deputations.

1. *Summary of the City of Toronto’s Actions (Mike Price – General Manager, Water and Wastewater Services – City of Toronto)*

The presentation provided an outline of how the City of Toronto is supporting actions to preserve the Oak Ridges Moraine.

2. *Oak Ridges Moraine Expert Advisory Panel Recommendations (John Riley Member of the Oak Ridges Moraine Advisory Panel and National Director of Science and Stewardship for the Nature Conservancy of Canada)*

Mr. Riley’s presentation provided an overview of the Oak Ridges Moraine Advisory Panel recommendations that had been publicly released during the week of September 24, 2001.

Topics and Issues

The following chart provides a summary of the deputations made by members of the public during the meeting. Twenty-six persons made deputations. The numbers beside the comments exceed the number of deputants due to the large number of persons who made presentations that included multiple points and/or issues.

<i>Comment/Issue</i>	<i>Number Expressing Issue/ Comment</i>
<i>Expression of Thanks</i>	
<i>Participants thanked City of Toronto (and the Oak Ridges Steering Committee) for becoming involved (e.g. for developing a protection plan for the Oak Ridges Moraine, providing funding, and conducting this public meeting).</i>	<i>12</i>
<i>The Advisory Panel is praised for reacting to public input and developing a comprehensive protection plan for the Oak Ridges Moraine.</i>	<i>2</i>
<i>City of Toronto was thanked for ensuring that there is an entire east-west wildlife corridor along the Oak Ridges Moraine.</i>	<i>1</i>
<i>A participant thanked residents surrounding Toronto for their participation (i.e. “905-ers”)</i>	<i>1</i>
<i>A resident expressed thanks that he had the opportunity to express his opinion.</i>	<i>1</i>

<i>Comment/Issue</i>	<i>Number Expressing Issue/Comment</i>
<i>Ten Year Review (As recommended by Advisory Panel)</i>	
<i>Disapproval/problems expressed about the lack of continuity of protection if a review after 10 years is allowed. (i.e. concerned about aggregate industry; possibility of allowing urban expansion in settlement areas after the 10 year review is not acceptable; boundaries should be permanent; questionable protection of lands)</i>	<i>5</i>
<i>Acceptance expressed for ten year review period (reasons: provides room for improvement; permanent protection preferred but can accept as long as it is strengthened by public support)</i>	<i>3</i>
<i>Should keep vigilant during the long term to prevent development after the 10 review period is over</i>	<i>2</i>
<i>Firm deadlines for the 10-year review in the legislation</i>	<i>1</i>
<i>The 10-year review should be changed to a 10-year closure of any further development.</i>	<i>1</i>
<i>10-year review plan needs to be used to strengthen the legislation so there is no relaxation of development control</i>	<i>1</i>
<i>Urban Sprawl</i>	
<i>Disagreement expressed with the Bayview Extension (i.e. not needed; creates problems for the moraine; the environmental assessment was conducted too quickly and inadequately.</i>	<i>4</i>
<i>Disagreement expressed with the expansion of York-Durham Sewage System (YDSS) into King City because this will lead to continuation of urban sprawl. YDSS is not justified.</i>	<i>2</i>
<i>Bad choices are being offered with respect to urban sprawl. There is an optimal level of density that should be achieved.</i>	<i>1</i>
<i>Pressure should be placed on government to promote public transportation to prevent urban sprawl (and limit the need for aggregate expansion)</i>	<i>2</i>
<i>Strategy for protecting Oak Ridges Moraine should differentiate between rural and urban areas. King City is not an urban settlement area and should not be required to have urban services.</i>	<i>1</i>
<i>The province should stop all urban development on the moraine and decree that the Oak Ridges Moraine should be a green belt forever.</i>	<i>1</i>
<i>Growth is not necessary; some townships do not want it. There should be consideration of different forms of development (i.e. building within existing urban centres) before expanding urban boundaries.</i>	<i>1</i>
<i>Large-scale development should be restricted.</i>	<i>1</i>
<i>Standard justification for growth based on demographic projections should not be sufficient for ORM development, and any development allowed should be based on a new model, not current low-density cost-inefficient patterns.</i>	<i>1</i>
<i>The Provincial Government needs to support sustainable development in other City Centres than Toronto, which is rapidly becoming unsustainable – please voice your concern regarding Toronto’s need to have external support to stall or slow development and urban sprawl.</i>	<i>1</i>

<i>Comment/Issue</i>	<i>Number Expressing Issue/ Comment</i>
<i>Strong protection is need – The rural settlement designation should be included for villages and hamlets. Firm boundaries with no regional review</i>	<i>1</i>
<i>Developers should not have the unquestionable right to put water or any other resource in jeopardy. If investors invest in land – they take their chances – just like any other kind of investment</i>	<i>1</i>
<i>The City needs to support a radical change in GTA planning and development – over the long term. This includes linking the City’s new draft Official Plan with smart growth</i>	<i>1</i>
<i>Be concerned that the GTSB will be replaced by a Smart Growth Council</i>	<i>1</i>
<i>Dissatisfaction was expressed with the proposed plan because it does not protect land from urban sprawl, highway expansion and contaminated water. This is linked to increasing air pollution in southern Ontario.</i>	<i>1</i>
<i>Legislation</i>	
<i>Need strong and clear legislation to support this plan</i>	<i>3</i>
<i>Oak Ridges Moraine should be protected under law as an environmentally sensitive area for the enjoyment of generations to come.</i>	<i>2</i>
<i>Government involvement should be encouraged; it will get recognition if it does a good job.</i>	<i>1</i>
<i>The municipal government should pressure the provincial government to designate this area as conservation area.</i>	<i>1</i>
<i>Provincial government must be held accountable.</i>	<i>1</i>
<i>The City needs to support the proposed legislation for the Moraine (regardless of its imperfections) through the next phase of consultations to improve and tighten it. We don’t want to risk “throwing the baby out with the bath water” because it still has flaws</i>	<i>1</i>
<i>Comparison to Niagara Escarpment Plan</i>	
<i>The plan for the Oak Ridges Moraine provides a high level of protection since it is similar to the one that is implemented to protect the Niagara Escarpment.</i>	<i>3</i>
<i>The plan for the Niagara Escarpment is not a good model because that area has less development pressures.</i>	<i>1</i>
<i>A participant indicated that there is large development pressure at the Niagara Escarpment. That plan has improved with public support and commitment.</i>	<i>1</i>
<i>Transition</i>	
<i>Does not believe that urban sprawl will be stopped because large tracts of land have been approved in principle, to be developed. The City should transfer these housing units away from the moraine.</i>	<i>1</i>
<i>Concerned that the 66 OMB files that were in progress when the six-month moratorium on new development was established will be allowed to re-start. If so, this would be a cause for public outcry. These files must be captured in legislation and plan.</i>	<i>1</i>

<i>Comment/Issue</i>	<i>Number Expressing Issue/ Comment</i>
<i>Issues Associated with Land Use Designations</i>	
<i>Linkage areas should be more than 24 per cent. The large scale should be considered because small fragmented reserves are not effective in protecting species diversity. Proposed core areas need to be expanded, and extended to include rebounding previously damaged areas.</i>	<i>1</i>
<i>All core and linkage areas should be protected under conservation easements.</i>	<i>1</i>
<i>There are major loopholes in natural core areas (e.g. creation of sewers and other utilities)</i>	<i>1</i>
<i>Large tracts of publicly owned lands need to be protected; if 25% of Provincial and Federal owned lands sold- money should go to ORM.</i>	<i>1</i>
<i>There should have been a public meeting before the recommendations were made.</i>	<i>1</i>
<i>Strong Oak Ridges Moraine Protection Plan is required with public review to prevent loopholes that can be exploited.</i>	<i>1</i>
<i>Claims were made that the government is supporting industry by producing loopholes and calling them compromises.</i>	<i>1</i>
<i>There should be no roads/road widenings in natural core areas.</i>	<i>4</i>
<i>Roads should not be allowed in corridor areas (wetlands, areas of natural and scientific interest, etc.).</i>	<i>1</i>
<i>Bayview Extension is an example of inadequacy of Environmental Assessment process to determine if roads are acceptable.</i>	<i>1</i>
<i>The trail must be in natural areas (as opposed to along roads). It is acceptable to put a trail along the edges of golf courses.</i>	<i>1</i>
<i>Golf courses should not use pesticides or herbicides.</i>	<i>2</i>
<i>Aggregate Issues</i>	
<i>There should be no new aggregate mining.</i>	<i>3</i>
<i>Aggregate extraction should be prohibited from linkage areas.</i>	<i>1</i>
<i>Aggregate operations should be phased out.</i>	<i>1</i>
<i>Better monitoring and guidance is required for rehabilitation with respect to aggregate mining.</i>	<i>1</i>
<i>Water and Watershed Management Issues</i>	
<i>Watershed management plans should be adopted before any development in order to prevent tragedies similar to Walkerton. New development standards are needed.</i>	<i>1</i>
<i>Concern was expressed about how development on the moraine will affect Humber River – all the work that has gone into designating it as Heritage Site will be lost</i>	<i>1</i>
<i>Disagreement was expressed with the countryside designation (golf courses, ski resorts etc.) which should be kept for “rolling hills.” Concern was expressed on the impact of these land-uses on the hydrological regime.</i>	<i>1</i>
<i>Precautionary Principle should be applied if there is any risk to the watersheds There is no guarantee that the quality of water will be protected in an environmentally sensitive area when there is development.</i>	<i>1</i>

<i>Comment/Issue</i>	<i>Number Expressing Issue/Comment</i>
<i>Many minor tributaries are disappearing and are being turned into underground streams/sewers in developed areas. There is no protection for small tributaries and kettle lakes. There should be a designated 100-metre set back from all tributaries and lakes no matter how small. Need to protect all surface water.</i>	<i>1</i>
<i>Toronto has a great stake in this debate due to its the downstream location from Oak Ridges Moraine</i>	<i>1</i>
<i>Funding</i>	
<i>The hiking trail on Oak Ridges Moraine Corridor Area needs financial support from provincial and local governments.</i>	<i>1</i>
<i>Funding needs to be increased to maintain the fight to protect the Oak Ridges Moraine along with other areas such as Rouge Valley (i.e. Province Wide Land Trust Fund (\$2 billion over 5 years with matching funds from others) that would include the Oak Ridges Moraine and other areas; \$1 billion should be provided to support legislation).</i>	<i>3</i>
<i>Monitoring and Implementation</i>	
<i>Need a continuous multi-stakeholder group to help implement and monitor the plan</i>	<i>1</i>
<i>Monitoring and research will be important to determine trends that are scientifically based. This information should be available to decision makers to strengthen the plan.</i>	<i>1</i>
<i>A Protectorate Committee (i.e. a watchdog) should be created since there is no one to conduct this role.</i>	<i>1</i>
<i>Other Comments</i>	
<i>Disagreement was expressed with the Advisory Panel recommendations. It was felt that they don't go far enough.</i>	<i>1</i>
<i>UNESCO may be convinced to grant Oak Ridges Moraine a World Biosphere Reserve status if the proposed plan is successfully implemented.</i>	<i>1</i>
<i>Forests play an important role in the natural ecology of the Oak Ridges Moraine. The existing forest cover has been severely disrupted due to the effects of European settlers. At present only 30 percent of the Moraine has forest cover, and the proposed strategy would reduce that to only 24 percent. All forest cutting must be stopped immediately. Forests provide great value to our society.</i>	<i>1</i>
<i>The Oak Ridges Moraine protection plan needs approval in November 2001.</i>	<i>1</i>

Questions and Answers

Participants during the public meeting posed the following questions. Responses provided are listed following the question.

Why is the province holding secret meetings with developers to circumvent the Advisory Panel recommendations?

Councillor David Miller responded that the City does not have that information and cannot speak for the province.

Why are the designated land-use areas not protected indefinitely and are subject to the proposed regular ten year reviews?

Councillor David Miller indicated that members of the Oak Ridges Moraine Steering Committee are careful when considering the ten-year review term. Councillor Ron Moeser replied that the plan needs checks and balances to make sure that the process of defining Oak Ridges Moraine boundaries are meaningful and thorough.

What effort is Toronto making to reduce urban sprawl within its borders and how are we influencing surrounding areas?

Councillor Ron Moeser responded that the City must identify a balanced approach for growth and to protect resources. Councillor Irene Jones added that this is opportunity for main street intensification. Streets with public transportation can support thousands more residents.

Conclusion

David Miller (Chair of the City of Toronto Oak Ridges Moraine Steering Committee) extended thanks to the Councillors of Toronto for attending and expressed to the community that their comments have been heard. He indicated that one clear message that was heard was protection of the Oak Ridges Moraine must be real, permanent and continued for future generations. Further comments were welcomed. Attendance and participation were welcomed for the City of Toronto Planning and Transportation Committee meeting to be held at City Hall on October 15, 2001 (9:30 a.m.).

Copies of the presentations are available by calling Robert Davis, Supervisor – Public Consultation & Community Outreach at 416-392-2990.

Attachment No. (2)

NOTE: These pages must be read in context with the Share Your Vision document (available in hard copy and digitally.) The material below represents clarifications and changes to key points from the draft Strategy released by Minister Chris Hodgson on August 14, 2001. The two documents together represent the Panel's final recommendations to the Minister.

Three areas where the Panel did not reach consensus are listed on the last page.

Also, these recommendations are very broad-based and provide the basis for the drafting of the Oak Ridges Moraine Plan. The Plan will be more detailed and comprehensive than what is either listed below or in the draft Strategy.

*Key Messages
Oak Ridges Moraine Advisory Panel
Post-Public Consultation*

General Themes

- *Over August and September 2001, an extensive and wide-ranging consultation was held with stakeholders and the public on the future of the Oak Ridges Moraine.*
- *Based on what was heard, what is being recommended is the most comprehensive, ecologically based land-use plan ever proposed for the Oak Ridges Moraine, including designating 62 per cent of the Moraine's land mass in natural core and linkage areas.*
- *This plan proposes significant and substantial action to protect and enhance natural heritage areas, key ecological features, water quality and quantity, and prime agricultural land across the Moraine.*
- *The proposed plan protects 100 per cent of the Moraine's natural features, of which 80 to 90 per cent are in the core and linkage areas.*
- *Within the context of a Smart Growth strategy to meet the population and employment growth expected in south-central Ontario over the next 20 years, ensure that development is directed to approved settlement areas both on and off the Moraine where there is appropriate infrastructure and policies regarding intensification, transit, environmental planning and affordable housing.*
- *New directions and approaches developed following the public and stakeholder consultation build on the already significant advances included in the Share Your Vision for the Oak Ridges Moraine consultation document issued August 14, 2001.*
- *Linkage areas be increased to 24 per cent of the Moraine - up eight per cent over previous recommendation.*
- *Linkage areas be expanded to a two-kilometre minimum, except in that area of Richmond Hill around Yonge Street where existing development prevents it.*
- *River valleys - running north and south from the Moraine - be included in linkage areas.*
- *A continuous recreational trail be established across the Moraine's 160 kilometres.*

Countryside

It is proposed that:

- *Countryside represent 30 per cent of the Moraine - down eight per cent from previous - reflecting the increase in natural core and linkage areas.*
- *No new subdivisions be permitted in the countryside.*

- *There be no five-year review of estate residential policies – instead that it be subject to the regular 10-year review consistent with other elements of the proposed plan.*
- *No new development be permitted in prime agricultural areas (Class 1, 2 and 3), but new residential lots in prime agricultural areas may be permitted for a farm retirement lot and a residence surplus to a farming operation.*
- *Only one severance be allowed per 100-acre parcel.*
- *Small-scale rural commercial and institutional uses (e.g. farm produce stands, farm implement dealers, composting plants, small scale retirement homes) and ancillary rural industrial uses (e.g. aggregate crushing and asphalt plants) may be permitted, but only as clearly defined in the Plan.*

Settlement Areas

It is proposed that:

- *Settlement areas represent eight (8) per cent of the Moraine - down one per cent from previous - reflecting the increase in natural core and linkage areas.*
- *There be no five-year Provincial Plan review of settlement boundaries – instead they will be subject to the regular 10-year review consistent with other elements of the proposed Plan.*
 - < *Time frames for progressive rehabilitation will be accelerated*
 - < *Extraction operations must be rehabilitated to a natural heritage condition consistent with the function of linkages*
- *An in-depth, independent study to be supported by the Foundation be initiated to determine whether, and if so, under what conditions, future extraction of aggregate in core areas may occur without damaging the ecosystem. This study will inform the 10-year plan review of this issue.*

Proposed Legacy Trust

It is proposed that:

- *Legacy Trust be renamed Oak Ridges Moraine Foundation*
- *Municipalities can only receive Foundation funding if their Official Plans conform to the provincial Plan.*
- *Foundation funding is not intended to replace normal core program expenditures of provincial ministries.*
- *The Oak Ridges Moraine Advisory Panel believes that more than \$250 million is needed as start-up funding for the Foundation.*

Smart Growth

It is proposed that:

- *The proposed Oak Ridges Moraine legislation and plan be the first instalment of a broader Smart Growth strategy for south-central Ontario that will address issues of intensification, transit, affordable housing, environmental planning, and financial incentives.*
- *Other Smart Growth initiatives include the five-year review of the Provincial Policy Statement and proposed Brownfields legislation.*

Implementation, Transition and Administrative Issues

1. Implementation

It is proposed that:

- *All decision-making by planning authorities, such as municipalities, the Province and the Ontario Municipal Board, must comply with the Plan.*

It is proposed that:

- *Only the Minister of Municipal Affairs and Housing can initiate amendments to the provincial Plan, and that a process will include a provision for public input.*

NOTE: This next point did not receive unanimous consent by the Advisory Panel - in fact all but one member indicated that the OMB was not the appropriate disputes body. The preferred option was a joint-board hearing process involving the Environmental Review Tribunal and the Ontario Municipal Board.

- *The Ontario Municipal Board (OMB) will continue to address disputes on local planning matters, and be subject to the “must-comply” standard as set out in the proposed Oak Ridges Moraine legislation and plan.*
- *The Province maintain oversight - i.e. the Minister may intervene within 30 days of any OMB decision and the Province may vary any OMB decision that is not consistent with the Plan.*

The following two issues remain outstanding:

Aggregates

- *While there was agreement on the principle of maintaining the function of linkage areas by establishing a minimum width, which must remain in an un-extracted or rehabilitated state, no agreement has been reached on what that minimum width should be.*

Transition

- *While there was agreement that a process needs to be established to deal fairly with planning applications currently in the system, there was no agreement on the details of that process, or the extent to which the proposed provincial Plan should be applied retroactively.)*