Clause embodied in Report No. 8 of the Planning and Transportation Committee, as adopted by the Council of the City of Toronto at its meeting held on July 24, 25 and 26, 2001.

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Oak Ridges Moraine Update

(City Council on July 24, 25 and 26, 2001, amended this Clause by adding thereto the following:

“It is further recommended that the report dated July 12, 2001, from the Commissioner of Urban Development Services, be adopted, subject to amending Recommendation No. (2) embodied therein, by deleting the word ‘or’, prior to the words ‘special legislation’, and inserting in lieu thereof the word ‘and’, so that the recommendations embodied in such report shall now read as follows:

‘It is recommended 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 developed by the Greater Toronto Services Board (GTSB) or, in the alternative, be jointly developed by the four regional municipalities in the Greater Toronto Area (GTA) and the City of Toronto.’ ”

The Planning and Transportation Committee recommends that:

(1) the report (June 8, 2001) from the Commissioner of Urban Development Services be adopted; and

(2) the Province of Ontario be requested to invite the City of Toronto to participate on the Oak Ridges Moraine Advisory Panel.
The Planning and Transportation Committee reports, for the information of Council, having requested the Commissioner of Urban Development Services, in consultation with the Commissioner of Works and Emergency Services, to report directly to Council at its meeting on July 24, 2001 on the City’s position in regards to long-term protection of the Oak Ridges Moraine.

The Planning and Transportation Committee submits the following report (June 8, 2001) from the Commissioner, Urban Development Services:

Purpose:

This report responds to recent initiatives pertaining to the Oak Ridges Moraine including the report jointly prepared by the Regions of Peel, York and Durham entitled “The Oak Ridges Moraine: Proposals for the Protection and Management of a Unique Landscape” and Bill 55: “An Act to protect the Oak Ridges Moraine”.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendations:

It is recommended that:

(1) the City of Toronto support the Moraine-wide approach promoted in the report “The Oak Ridges Moraine: Proposals for the Protection and Management of a Unique Landscape” (May 2001) as an important first step in achieving the long term protection of the Moraine;

(2) the City Clerk forward this report to the Councils of the Regions of Peel, York and Durham for their consideration during deliberation of the report “The Oak Ridges Moraine: Proposals for the Protection and Management of a Unique Landscape” (May 2001); and

(3) the Commissioner of Urban Development Services, in consultation with the Commissioner of Works and Emergency Services, report to the September 11, 2001 Planning and Transportation Committee meeting on actions the Province might take with respect to protecting the Oak Ridges Moraine.

Background:

At its December 14 - 16, 1999 meeting, Toronto City Council adopted several recommendations pertaining to steps the City of Toronto could take to advance the City’s interest in preserving the Oak Ridges Moraine as a natural resource, including:

“the City of Toronto urge Provincial leadership in implementing a long term strategy for the Oak Ridges Moraine, including consideration of planning tools such as a Provincial Policy Statement, a plan pursuant to the Ontario Planning and Development Act, or a plan pursuant to special legislation similar to the Niagara Escarpment Planning and Development Act”; and
“the City of Toronto endorse the actions recommended in the joint report produced by the staff of the Regions of Peel, York and Durham entitled “The Oak Ridges Moraine: Towards a Long Term Strategy” (September 1999) offer staff assistance, request City staff participation in the process, and support the establishment of a provincial plan as the best method of extending protection to the Moraine”.

Planning staff of the Regions of York, Peel and Durham jointly prepared the background report entitled The Oak Ridges Moraine: Towards a Long Term Strategy (September 1999) which advocated a process for the three regions, the province, and other interested parties to prepare a co-ordinated strategy for the long term protection of the Moraine. It was intended that this strategy co-ordinate natural heritage policies among the three regions, identify consistent groundwater and natural heritage data management standards, and seek provincial support for a revised Policy Statement to protect the Oak Ridges Moraine. Building on the provincial 1991 Oak Ridges Moraine Interim Guidelines and the 1994 draft Oak Ridges Moraine Strategy, the resulting document entitled The Oak Ridges Moraine: Proposals for the Protection and Management of a Unique Landscape was released in May 2001. City Planning staff, at the invitation of the Regional Planning Commissioners, were invited to assist in the preparation this strategy through participation on the Policy Working Group.

The Oak Ridges Moraine Steering Committee, at its meeting on May 16, 2001, received for information a report from City Planning summarizing the contents of The Oak Ridges Moraine: Proposals for the Protection and Management of a Unique Landscape (May 2001). The May 16th report indicated that staff comments on the content of the paper would be reported to the July 4, 2001 meeting of the Planning and Transportation Committee.

Comments

(1) Review of The Oak Ridges Moraine: Proposals for the Protection and Management of a Unique Landscape

The Oak Ridges Moraine: Proposals for the Protection and Management of a Unique Landscape was prepared by the Regional Municipalities of York, Peel, and Durham, together with their Oak Ridges Moraine partners: 5 counties, 9 conservation authorities, MNR, MMAH, MOE and a number of stakeholders, including City Planning Division staff. The report is now out for public consultation, having gone to the Regional Councils of Peel, York and Durham in May. Final recommendations are scheduled to go before each respective Regional Council for adoption in late summer or fall.

The Oak Ridges Moraine document is a good beginning to the difficult but essential task of developing consistent, co-ordinated and practical strategic directions among numerous agencies for the long-term protection and management of the moraine. The proposed strategies definitely ‘raise the policy bar’ from the previous 1994 draft Oak Ridges Moraine Strategy and is a step forward in interregional planning for the Moraine.

The Oak Ridges Moraine is organized around four topic areas prepared by separate working groups: Policy; Natural Heritage Data Management; Groundwater Management; and Land Securement.
The Oak Ridges Moraine Policy Strategy evaluated existing Regional Official Plan policies and the provincial 1994 draft ORM Strategy to achieve consistency at the highest and best level. It identified gaps and proposed policy refinements to strengthen and harmonize policies on natural heritage, water resources and landform conservation. It also recommends that the 1997 Provincial Policy Statement be revised to specifically recognize the Oak Ridges Moraine and provide greater identification of natural heritage features, functions and linkages to support and be consistent with a common policy approach on the Oak Ridges Moraine.

Given the provincial significance of the Moraine as a landscape feature and reservoir for water and diverse natural heritage, I support the three region’s request that the Provincial Policy Statement be amended. However, the language of a revised Policy Statement will need to be specific to the issues associated with the long-term protection of the Oak Ridges Moraine if it is to be an effective tool. Leadership by the province will expedite revisions to regional and local Official Plans to achieve stronger consistent natural heritage policies and strengthen the ability of municipalities to deal with urban development pressures within the Oak Ridges Moraine. The Provincial Policy Statement will also have to be considered in Ontario Municipal Board decisions offering a further measure of protection for the Moraine. I will report further on the content of such a statement.

The policy review in the The Oak Ridges Moraine identified five main areas where the regional official plan policies should be strengthened through amendments:

- identify and protect strategic ecological corridors and linkages;
- establish minimum buffers around sensitive features;
- make landform conservation policies stronger and more consistent;
- work with partners to identify and protect tableland woodlots; and
- identify and protect sensitive hydrogeological features.

The Oak Ridges Moraine report also recommends several policy refinements that brings consistency among the three regional official plans and provides further protection to the more sensitive features:

- adopt a consistent no-development policy for core natural heritage features;
- establish a minimum 30-metre buffer for wetlands and Core Natural Areas;
- generally prohibit development in kettle lake and wetland kettle basins;
- establish a minimum 30-metre riparian buffer for cold water streams;
- publicly secure buffers;
- identify and protect recharge and discharge areas;
- adopt a water balance approach for sensitive areas;
- maintain water balance in dry kettles;
- identify and protect headwater streams;
- require cumulative impact analysis in Environmental Impact Statements; and
- include consistent landform conservation policies.

Taken as a whole, these proposed policies afford a greater level of protection for the Moraine features than any of the existing official plan policies and deserve support. However, there is some concern with the term “generally prohibit development” applying to kettle lakes and wetlands kettle basins. The initial work of the staff Policy Working Group had concluded that
there would be no development permitted in watersheds (catchment areas) of kettle lakes or
kettle wetlands. If the term ‘generally’ will continue to be used, then an additional policy should
be included that requires the determination of the setback on a functional basis, that is, in relation
to protecting the catchment area. Similarly with the setback proposed for wetlands.
Consideration should be given to explicitly requiring as part of the policy that an analysis of the
area around the wetland to determine if a greater setback than 30 metres may be beneficial.

The policy review in The Oak Ridges Moraine is focused mainly on natural heritage and
hydrogeology issues and does not fully addressed another important policy approach - an
effective growth management strategy. Policies aimed at protecting the Moraine should not be
only about the complex science of the Moraine’s ecology and hydrogeology, they also need to
recognize its intrinsic value as a natural landform (one of three significant landforms defining the
GTA) that should influence how urban areas should grow. Intensification within existing urban
areas will not only assist in preserving valuable rural countryside such as the Oak Ridges
Moraine but will result in additional environmental benefits such as reduced greenhouse gas
emissions and air pollution. The Policy Strategy should also highlight how the preservation of
the Moraine is an important component of an effective “smart growth” strategy for the GTA
region. By directing growth away from the Moraine to existing urban areas the region as a
whole benefits environmentally and economically. Any plan or rationale to protect the Oak
Ridges Moraine cannot be based solely on “science”, but must also be grounded firmly in the
broader understanding of a growth management strategy.

I support the directions proposed in the Natural Heritage Data Management Strategy for a
common centralized data system, accessible to all, and a data standard, based on the province’s
Ecological Land Classification System, to provide consistency amongst the Oak Ridges
Moraine’s regions, cities, towns, and conservation authorities. The Natural Heritage Data
Management Strategy also proposes an analytical and predictive tool to assess the sustainability
of greenlands and the most effective addition of areas and linkages. A consistent and
co-ordinated approach to natural heritage data management across the Oak Ridges Moraine is a
crucial foundation for the protection of the natural heritage features and functions and the on-
going monitoring to ensure ecological health. A common natural heritage data standard and an
analytical and predictive tool to assess sustainability of greenlands is desirable throughout the
GTA. The City of Toronto is currently moving in this direction in undertaking a Natural Heritage
Inventory and Strategic Directions Study, in partnership with the Toronto and Region
Conservation Authority, as background for our new Official Plan.

The Groundwater Management Strategy proposes a moraine-wide approach to improving
groundwater data including a regionally led, co-ordinated centralized system for groundwater
information combined in one accessible format and managed by a conservation authority or a
university. It also proposes common standards for data collection, model groundwater
management policies to be identified in the Region Groundwater Strategy (currently underway),
identification of significant recharge and discharge areas in regional Official Plans, monitoring
programs and completion of integrated watershed studies for “priority” watersheds. These
strategies lay a good foundation to overcome difficulties in understanding the hydrogeology of
the Moraine and addressing issues of fragmented responsibility and agency co-ordination.
However, the primary strategic directive on groundwater management should be to protect
groundwater quality and quantity over the long term.
Strategic directions of the Land Securement Strategy address a lack of funding and co-ordination among agencies and need for an overall acquisition strategy. Appropriately, a co-ordinated funding program, a protocol for acquisition of strategic properties, and a moraine-wide land securement strategy to help co-ordinate stewardship, policy monitoring and acquisition efforts are proposed. York Region is moving ahead aggressively in this regard, having approved on April 12, 2001 funding for the Regional Greenlands Property Securement Strategy in the amount of $500,000 for 2001, $1 million in 2002, and $1.4 million annually from 2003 on.

(2) Bill 55: An Act to protect the Oak Ridges Moraine

On May 17, 2001, the Province introduced An Act to protect the Oak Ridges Moraine which places a six month freeze on development and stays proceedings of the Ontario Municipal Board pertaining to the Oak Ridges Moraine. This will allow the government to undertake consultation to develop an action plan to “protect those parts of the moraine that need protection” (according to Provincial statements made at the time the Bill was passed). The six month freeze is intended to provide an opportunity to determine the best course of action based on a number of related initiatives currently underway, including the province’s Smart Growth Strategy, a review of the provincial policy statement, the three regions strategic directions paper (discussed above), and upcoming decision-making on development applications.

Toronto has a vested interest in the long term protection of the Moraine, both in terms of protecting the water quality and quantity and associated riparian and terrestrial habitats of the Humber, Don and Rouge Rivers, but also in directing growth such that valuable countryside and open spaces are preserved, and negative impacts of sprawl such as air pollution and infrastructure are reduced.

The opportunity to provide input to the province’s action plan coincides with the City’s own investigations into city and regional growth strategies (as directed by Council at its June 7-9, 2000) in our study City and Regional Strategies for Growth that Protect Countryside and Air Quality. Results will be forthcoming later this year and will help inform the recommended actions the Province might take on the long-term protection of the Oak Ridges Moraine.

The three regions strategic directions report provides an excellent foundation for precipitating changes to current planning and management of the Moraine to protect and enhance its health now and in the future, but more is needed. The six month freeze will allow a report to the September 11, 2001 meeting of Planning and Transportation articulating additional actions the province and others may take to achieve our shared objective for long-term protection of the Oak Ridges Moraine. A number of issues will be more fully explored over this time period including: how urban communities within the GTA should grow based on economically efficient and ecologically sound principles and the strategic directions proposed by Peel, York and Durham for protection of the Moraine and related public consultation. In reporting on these issues, we will consult with the environmental groups that have been involved with the Oak Ridges Moraine Steering Committee.

Conclusions:

The three regions draft strategy is out for public consultation and City staff support the proposed strategic directions as a good initial step to achieve the long-term protection of the Moraine. The province has placed a six-month development freeze on the Oak Ridges Moraine in order to
develop an action plan for its protection. The City’s own study on City and Regional Strategies for Growth that Protect Countryside and Air Quality is underway, and these initial findings and a number of other stakeholder initiatives will help inform the city’s position with respect to Oak Ridges Moraine. I will report back to the September 11, 2001 meeting of Planning and Transportation on actions the Province might take to protect the Oak Ridges Moraine.

Contact:

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

The Planning and Transportation Committee also submits the following communication (July 3, 2001) from Councillor Miller:

For some time, this Council has demonstrated its commitment to think beyond its political boundaries and advocate actions that will improve the quality of life for all residents of the Greater Toronto Area. This City’s interest in the long-term protection and enhancement of the Oak Ridges Moraine as demonstrated by Council’s decision to seek party status at the OMB hearing involving development of the Moraine is just one example.

The City of Toronto has a vested interest in protecting and enhancing the health of the Moraine. We are part of the Greater Toronto Bioregion, which is defined by the Niagara Escarpment, Lake Ontario, and the Oak Ridges Moraine. The natural functions of the Oak Ridges Moraine are vital to the overall health of the bioregional ecosystem and have a different impact on the quality and quantity of water flow in three of our major rivers - the Humber, Don and Rouge. Not only is protecting the Moraine important to Toronto from a hydrogeology perspective, but protecting it as a natural heritage feature for us and future residents of the GTA bio-region is an important task. Once developed it can never be recreated and its value is lost forever. In addition, the rural landscape of the Oak Ridges Moraine is an essential component of the GTA “countryside” and is a distinct and valuable resource that contributes to the overall quality of life in the region. Protecting the Oak Ridges Moraine’s nature heritage features, functions and rural landscape means managing the ever increasing demands for growth on a GTA-wide basis and directing that growth away from valuable countryside to existing urban areas that can support it.

On May 17, 2001, the Province passed Bill 55: *An Act to protect the Oak Ridges Moraine* which placed a six month development freeze on the Moraine to allow time to develop an action plan for its long-term protection. On June 12, 2001, the province announced the appointment of Ron Vrancart, a former deputy minister of natural resources and former director of the Niagara Escarpment Commission, to chair an inter-ministry consultation team and an advisory panel representing environmentalists, municipalities, conservation authorities, developers and other stakeholders. The City of Toronto has not been invited to participate on the advisory panel. In addition, I understand that the Province will be completing their consultation during the month of August. As Council will not meet again until October, I feel it may be too late to effectively inform provincial action.
I therefore recommend that Council:

(1) request that the Province invite the City of Toronto to participate on the Oak Ridges Moraine Advisory panel; and

(2) request the Commissioner of Urban Development Services, in consultation with the Commissioner of Works and Emergency Services, report directly to Council at its meeting July 24 on the City’s position in regards to long-term protection of the Oak Ridges Moraine.

The Planning and Transportation Committee had before it a report jointly prepared by the Regions of Peel, York and Durham, entitled “The Oak Ridges Moraine: Proposals for the Protection and Management of a Unique Landscape”, which was forwarded to all Members of Council with the agenda of the Planning and Transportation Committee for its meeting on July 3, 2001, and a copy thereof is on file in the office of the City Clerk, City Hall.

(City Council on July 24, 25 and 26, 2001, had before it, during consideration of the foregoing Clause, the following report (July 12, 2001) from the Commissioner of Urban Development Services:

Purpose:

This report makes recommendations with respect to a City position on the long-term protection of the Oak Ridges Moraine as requested by the Planning and Transportation Committee. The urgency for reporting directly to Council results from the timing of the consultation established by the Province in relation to this issue.

Financial Implications and Impact Statement:

There are no financial implications arising from this report.

Recommendation:

It is recommended 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 or special legislation providing a consistent approach to the protection of the Oak Ridges Moraine.

(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 developed by the GTSB or in the alternative be jointly developed by the four regional municipalities in the GTA and the City of Toronto.
Background:

The City of Toronto, as part of the Greater Toronto Bioregion, has a vested interest in protecting and enhancing the health of the Moraine. Its natural functions are vital to the overall health of the bioregional ecosystem and have a direct impact on the quality and quantity of water flow of the Humber, Don and Rouge Rivers. It is an irreplaceable natural heritage feature, which, once developed, can never be recreated. The rural landscape and agricultural lands of the Oak Ridges Moraine are a distinct and valuable resource that form an essential component of the GTA ‘countryside’.

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. At its meeting on December 14 – 16, 1999, Council recommended supporting “… the establishment of a provincial plan as the best method of extending protection to the Moraine” and urged “… Provincial leadership in implementing a long term strategy for the Oak Ridges Moraine, including consideration of planning tools such as a Provincial Policy Statement, …”. Council has also demonstrated its commitment with concrete actions – funding various educational, research and advocacy projects in support of the Moraine and undertaking the City and Regional Strategies for Growth that Protect Countryside and Air Quality study.

On May 17, 2001, the Province introduced Bill 55: An Act to protect the Oak Ridges Moraine which placed a six month freeze on development and stayed proceedings of the Ontario Municipal Board pertaining to the Oak Ridges Moraine. The Province’s intent is to “undertake consultation leading to an action plan to protect those parts of the Moraine that need protection”.

Given the Province’s intent to complete the majority of its public consultation in July and August, Planning and Transportation Committee at its meeting on July 3, 2001 passed a motion requesting that the City’s position in regards to long-term protection of the Oak Ridges Moraine be reported directly to the July 24th, 2001 meeting of Council. It is intended that a report to the September 11th, 2001 meeting of Planning and Transportation Committee will augment the City’s position on actions the Province might take with preliminary findings from the joint study on City and Regional Strategies for Growth that Protect Countryside and Air Quality and a response to the Province’s draft proposals anticipated to be released this summer.

Comments:

1. Summary of Issues

Over the past ten years increased pressure to develop the Oak Ridges Moraine (ORM) has focused public concern on the need for an overall strategy to protect not only specific natural heritage features and ecological functions such as its kettle lakes, forests and rivers, but its rolling countryside and agricultural lands. Although most ORM municipalities have official plan policies for protection of greenlands and natural heritage areas, they continue to be challenged by developers who refer the issue to the Ontario Municipal Board (OMB) for resolution. One of the major issues is the lack of a consistent policy framework across the Moraine in terms of strength and application of official plan policies, data collection standards and evaluation criteria for natural heritage and groundwater, and the lack of a co-ordinated and funded land securement strategy.
Another issue often overlooked in the concern over the long-term protection of the ORM is its role in a GTA-wide regional growth strategy. The ORM is threatened by urban development in part because insufficient actions and measures have been taken to direct growth elsewhere. Without a defined and deliberate long-term strategy on regional growth (combined with other actions discussed in section 4) urban development could eventually occur indiscriminately on the ORM and other vulnerable areas of the GTA.

Over the years, a number of attempts have been initiated to address these concerns. These, and additional actions to protect the Moraine are discussed in the following sections.

2. Summary of Previous Action to Protect the Oak Ridges Moraine

2.1 Oak Ridges Moraine Implementation Guidelines

In 1991, the Province declared Provincial interest in the Oak Ridges Moraine and released the ORM Implementation Guidelines as an interim approach to guide development on the GTA portion of the Moraine until a long-term strategy could be completed. Not only is there on going uncertainty and inconsistency in their application, the Guidelines have not been finalized and the long-term strategy (discussed below) is still draft.

2.2 The Oak Ridges Moraine Area Strategy for the Greater Toronto Area 1994

The Province released the draft Strategy in 1994 having completed 15 background studies. The Strategy identified 3 interconnected natural systems – Natural Heritage, Water Resources, and Landform Conservation; established areas where no development should occur; and proposed policies to guide development in fully serviced and under serviced communities, recreational development and renewable and non-renewable resources.

The Strategy recommended that the Province select one of 3 implementation options: a Provincial Policy Statement under Section 3 of the Planning Act; a Provincial Plan under the Ontario Planning and Development Act, or a Provincial Plan under New Legislation (such as the Niagara Escarpment Plan). The Province disbanded the ORM Technical Working Committee in 1994, and took no action to finalize the Strategy until the passing of Bill 55: An Act to protect the Oak Ridges Moraine on May 17th of this year.

2.3 Three Region Strategy: The Oak Ridges Moraine: Proposals for the Protection and Management of a Unique Landscape (draft May 2001)

In the absence of any further provincial level strategies and the advent of ever increasing pressure for development of the Moraine, the Regions of Peel, York and Durham jointly prepared a strategy for the long-term protection of the entire Moraine, building on the recommendations of the 1994 Strategy. The strategic directions propose harmonization and strengthening of regional official plan policies, co-ordinated and consistent groundwater and natural heritage data, and a co-ordinated land securement strategy. The strategy recommends a number of actions for the Province to undertake, including that the Provincial Policy Statement be amended to refer specifically to the protection and enhancement of the Oak Ridges Moraine and require identification of corridors and linkages. The May 2001 draft report The Oak Ridges...
Moraine: Proposals for the Protection and Management of a Unique Landscape is now out for public consultation. The strategy is an important first step in achieving protection of the Moraine and is reviewed in the report to the July 3, 2001 meeting of Planning and Transportation Committee, also before Council.


The recently adopted Bill 55: An Act to protect the Oak Ridges Moraine freezes development in the ORM until November 17, 2001 to allow the Province time to develop an action plan to “protect those parts of the Moraine the need protection”. The process for development of this action plan began on June 28th, 2001, when the Minister announced the composition of the external stakeholder advisory panel, to be chaired by a former deputy Minster of Natural Resources, to guide the process. The Advisory Panel includes the chairs of Durham and York Regional Councils, the TRCA, and the Rouge Park Alliance; the directors of the Save the Oak Ridges Moraine Coalition (STORM), the Nature Conservancy of Canada, and the Federation of Ontario Naturalists (FON); development industry representatives including Cortellucci Group of Companies, Metrus Development Inc, and Mattamy Homes; resource industry representatives including Highland Creek Sand and Gravel Ltd., and the Ontario Federation of Agriculture; and an academic representative.

The consultation by the Province is underway using the 3-region's consultation process on their strategy document The Oak Ridges Moraine: Proposals for the Protection and Management of a Unique Landscape and discussions with other special interest groups. The Province also intends to carry out a wider consultation exercise among interested stakeholders although the public has not been apprised of the process. Although there may be a number of mechanisms for public input, it is understood that the main consultation will occur in August.

There are three concerns with the process as proposed. First, the statement by the Minister on the purpose of the consultation process to lead to ‘an action plan to protect those parts of the moraine that need protection’ is far too limiting. An action plan at the provincial level for the ORM should include more than an exercise examining what areas need protection. Second, the amount of time devoted for public consultation in unreasonably short especially given that it is occurring during the summer months. Third, the process should include an opportunity to comment on the proposed action plan. Council should urge the Province to lengthen the time period of the moratorium on development to permit meaningful consultation.

4. Proposed Actions for Protection of the Oak Ridges Moraine

There has been a tremendous amount of thought, effort and money expended on attempting to protecting the Oak Ridges Moraine from piecemeal development which threatens the integrity of this 10,000 year old landscape feature and the loss of its irreplaceable natural heritage features and ecological functions, rural countryside and open space. The joint efforts of the 3-regions to harmonize regional official plan policies, groundwater and natural heritage data and land securement are important steps to achieve long-term protection and management of the Oak Ridges Moraine. However, these strategies are not sufficient to adequately protect the Moraine from the increasing pressure for development as the GTA continues to be the primary focus for new settlement in Ontario.
All stakeholders believe that effective protection of this provincially significant resource requires leadership by the Province, specifically to introduce a Plan to protect the ORM under the Ontario Planning and Development Act (or under separate legislation) and to revise the Provincial Policy Statement. The City of Toronto should advocate provincial action that includes all these elements as the best possible package of tools to ensure the long-term protection of the Moraine, in concert with a regional growth management strategy.

4.1 A Plan under the Ontario Planning and Development Act

The Ontario Planning and Development Act allows the Province to establish a Development Plan for a defined geographic area (the Parkway Belt Plan is one such example). The Plan may contain policies for the economic, social and physical development of the area (including the management of land and water resources, control of all forms of pollution, the location and development of services, communication and transportation systems); financing and programming of public development projects and capital works; and to co-ordinate planning and development among municipalities.

Once in effect, the Plan would take precedence over all municipal official plans and zoning by-laws and no public work could be undertaken or municipal by-laws passed that conflict with the Plan. The Act gives the Minister fairly extensive powers: to amend local official plans, establish zoning, interim control and temporary use by-laws, to allow minor variances, and to acquire land. Municipalities and individuals can request amendments to the Plan and the Minister may refer the amendment to a Hearing Officer or the Ontario Municipal Board, however, the decision of the Minister is final.

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. A Plan could also secure a publicly accessible “green belt” across the Moraine as a legacy for future generations. 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. While this process would take longer than revising the PPS, it could be in place more quickly than special legislation.

4.2 Special Legislation

Special legislation, such as 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 entail a somewhat lengthy process to prepare and pass the necessary legislation and would involve more provincial resources to administer, it would have the advantage of a dedicated staff with expertise on the polices and issues across the ORM.

4.3 A Revised Provincial Policy Statement

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 (see section 4.4). It is also an opportune time to further strengthen implementation of the PPS by amending Section 3 of the Planning Act by replacing the words “have regard to” with “be consistent with”.

Amending the PPS in concert with revised regional official plan policies and a provincial ORM protection ‘Plan’ should provide an effective package of tools to ensure its long-term protection. If, however, the Province does not implement a ‘Plan’ under the Ontario Planning and Development Act or under special legislation, a revised PPS must be made considerably stronger, including, for instance, policies such as: no development permitted on the Moraine; requiring a high percentage of land be permeable; and specifying the ORM boundaries. Even in those circumstances, a revised PPS would not likely be an adequate or effective solution.

4.4 Regional Growth Management Strategy

While the tools mentioned above (stronger official plan policies, an overall ‘Plan’ for long term protection, a revised PPS) may collectively act to “protect and manage the unique landscape” of the Moraine, it is not enough to draw a “no development” line around specific natural features and agricultural areas. Further, the application of stronger protection measures for the ORM may inadvertently place increased development pressure on those natural heritage and agricultural lands surrounding it or could encourage growth to leapfrog the Moraine to areas beyond the GTA. As the GTA continues to experience intense demand for growth there is a need to determine the best and most efficient place for that growth to occur. A regional growth strategy which directs growth by means of strong local planning policies and strategic reinvestment in infrastructure will provide clarity and support for the protection of the valuable countryside of the Oak Ridges Moraine (especially in defence of local urban boundaries at the OMB). Any provincial action to ensure long term protection of the Moraine should include a Regional Growth Strategy for the GTA. A revised PPS should reference this growth strategy, which should be developed by the GTSB or in the alternative be jointly by the four regional municipalities and the City of Toronto.

5. City and Regional Strategies for Growth that Protect Countryside and Air Quality

Urban Development Services and Works and Emergency Services are jointly undertaking a study (as directed by Council at its June 7-9 2000 meeting) which will recommend a strategic approach to guide future urban development and infrastructure in the GTA and surrounding area. These investigations may augment our recommendations to the Province on actions to protect the Oak Ridges Moraine and preliminary findings will be incorporated in the report to the September 11, 2001 meeting of Planning and Transportation Committee. Specifically, the study will:
identify options for a sustainable structure for the GTA (including alternative approaches to population and job distribution, densities, major infrastructure additions and/or deletions, land to be protected and recreation land);

• analyze the approaches and strategies necessary to achieve more sustainable development patterns in the GTA focussing on issues of governance and division of decision making responsibilities, physical form (including the planning process) and fiscal initiatives (property tax assessment, capital funding etc.); and

• analyze water and sewage needs for the various scenarios including an assessment of how existing infrastructure could be used more efficiently and effectively.

The complete results of the study will be reported on later this year.

Conclusions:

While the past efforts of the Province recognize the importance of the Oak Ridges Moraine to the quality of life in the GTA and as a significant provincial resource, the tools are still ‘interim’ and ‘draft’ resulting in a lack of clarity and consistency in application of planning policy and continual challenges at the OMB. It is now time to implement previous proposals and complete a comprehensive strategy to ensure the long-term protection of the Oak Ridges Moraine as a significant natural landform serving as headwaters for most of the rivers in the GTA (impacting water quality in our rivers and Lake Ontario), valued for its natural heritage features, ecological functions, agricultural lands and rural landscape. With the passing of Bill 55 the Province has initiated a process to achieve this but the proposed action plan is too limiting, the time to prepare it too short, and it is unclear if the process accommodates public review of the proposals.

In order to ensure effective long-term protection of the Moraine, the Province should establish a ‘Plan’ under the Ontario Planning and Development Act (or under special legislation) and amend the PPS to include stronger policies and reference a regional growth strategy to be jointly developed by the four regional municipalities in the GTA and the City of Toronto. If the Province does not elect to establish a ‘Plan’, then the PPS must be further strengthened to adequately protect the Moraine.

The Commissioner of Works and Emergency Services and the City Solicitor were 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)