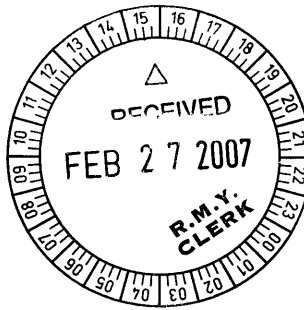




February 23, 2007

Mr. Denis Kelly
Regional Clerk
Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Resolution No. 2007-170

Chair / CAO
B. Tuckey

Subject: Oak Ridges Moraine Conservation Plan - Status of Watershed Planning Studies

I am writing to advise that Regional Council approved the following resolution at its meeting held on Thursday, February 15, 2007:

That the Minister of Municipal Affairs and Housing be requested to extend the April 23, 2007 deadline for completion of watershed plans required under Section 24 (5) of the Oak Ridges Moraine Conservation Plan, to April 23, 2008 to permit sufficient time for the completion of watershed plans within the Region of Peel;

And further, that the Minister of Municipal Affairs and Housing and the Minister of the Environment be advised that technical guidelines for watershed planning on the Oak Ridges Moraine are an important commitment of the Province and that the release of final guidelines prior to the deadline for completion of watershed plans should be considered a priority;

And further, that a copy of the report from the Commissioner of Planning, dated January 23, 2007, titled "Oak Ridges Moraine Conservation Plan - Status of Watershed Planning Studies" be forwarded to the Town of Caledon, the Cities of Brampton and Mississauga, and the Regions of York and Durham for their information.

The above resolution and a copy of the report is provided for your information.

Julie Ireland

Julie Ireland
Legislative Co-ordinator

Jl:ss

Encl.

c: Nick Tunnacliffe, Commissioner of Planning

DATE: January 23, 2007

SUBJECT: **PLANNING POLICY AND RESEARCH
OAK RIDGES MORaine CONSERVATION PLAN - STATUS OF WATERSHED
PLANNING STUDIES**

FROM: Nick Tunnacliffe, Commissioner of Planning

RECOMMENDATION

That the Minister of Municipal Affairs and Housing be requested to extend the April 23, 2007 deadline for completion of watershed plans required under section 24 (5) of the Oak Ridges Moraine Conservation Plan, to April 23, 2008 to permit sufficient time for the completion of watershed plans within the Region of Peel;

And further, that the Minister of Municipal Affairs and Housing and the Minister of the Environment be advised that technical guidelines for watershed planning on the Oak Ridges Moraine are an important commitment of the Province and that the release of final guidelines prior to the deadline for completion of watershed plans should be considered a priority;

And further, that a copy of the report from the Commissioner of Planning, dated January 23, 2007, titled "Oak Ridges Moraine Conservation Plan – Status of Watershed Planning Studies" be forwarded to the Town of Caledon, the Cities of Brampton and Mississauga, and the Regions of York and Durham for their information.

REPORT HIGHLIGHTS

- The Oak Ridges Moraine (ORM) Conservation Plan requires upper-tier municipalities to complete watershed plans for all watersheds whose streams originate on the Oak Ridges Moraine within their jurisdictions.
- The ORM Plan requires that watershed plans be commenced by April 22, 2003 and completed by April 23, 2007 or new major development on the Oak Ridges Moraine will be prohibited until such time that watershed plans are complete.
- There are four ORM watershed plans that were commenced in Peel Region and all four of the plans in Peel are either complete or near completion.
- Two of the four plans are anticipated to be completed after the April 23, 2007 deadline in order to permit sufficient time for consultation with municipal partners.

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- Regional Planning staff are working with the Conservation Authorities and area municipal staff to ensure that watershed plans are completed at the earliest possible date.
- Missing the deadline for completion of watershed plans may have implications for major development within the Town of Caledon. Staff are therefore recommending that a one-year extension to the deadline be requested from the Minister of Municipal Affairs and Housing.

DISCUSSION

1. Purpose

The purpose of this report is to update Regional Council on the status of the watershed plans that are being prepared to satisfy requirements of the Oak Ridges Moraine Conservation Plan, to inform Council of the potential implications arising in the event that watershed plans are not completed by April 23, 2007, and to seek Council's support in requesting a deadline extension for completion of watershed plans.

2. Background

The *Oak Ridges Moraine Conservation Act, 2001* was passed on December 13, 2001, to enable preparation of the Oak Ridges Moraine Conservation Plan. The passing of the *Act* was followed by the release of the Oak Ridges Moraine Conservation Plan (ORM Plan) on April 22, 2002. The ORM Plan is an ecologically based plan established by the Province to direct land use and resource management for the purpose of protecting the Moraine's ecological and hydrological integrity.

Section 9 of the *Oak Ridges Moraine Conservation Act, 2001* required the Regions of Peel, York and Durham to prepare and adopt Official Plan amendments that implemented the policies of the ORM Plan within 12 months of the ORM Plan being released. Regional Council adopted ROPA 7 on April 17, 2003, to amend the Regional Official Plan (ROP) and bring it into conformity with the ORM Plan. The Town of Caledon subsequently adopted its own Amendment (OPA 186) on October 6, 2003, in conformity with the ORM Plan and Regional Amendment.

In addition to the requirements for Official Plan conformity, the ORM Plan required upper-tier municipalities to begin preparation of watershed plans for all watersheds whose streams originate on the Oak Ridges Moraine within their jurisdictions before April 22, 2003. Within the Region of Peel, four watershed plans were commenced prior to the April 22, 2003 deadline: the Credit River Water Management Strategy and East Credit River Subwatershed Study (Credit Valley Conservation Authority); the Humber River Watershed Plan (Toronto Region Conservation Authority); the West Holland River Watershed Study (Lake Simcoe Region Conservation Authority); and the Innisfil Creek Subwatershed Study (Nottawasaga Valley Conservation Authority).

The watershed plans are being completed by the respective Conservation Authorities on behalf of the municipalities. Completion of the four plans will satisfy the Region's obligations for preparation of watershed plans on the Moraine.

PLANNING POLICY AND RESEARCH OAK RIDGES MORaine CONSERVATION PLAN - STATUS OF WATERSHED PLANNING STUDIES

In accordance with section 24 (4) of the ORM Plan, watershed plans are to be completed by April 23, 2007 or major development within the ORM Conservation Plan Area will be prohibited until such time that the applicable watershed plans are complete.

3. Implementation of Watershed Plans

Once watershed plans are completed, the ORM Plan requires that every municipality incorporate the objectives and requirements of the watershed plans into their Official Plan. It is expected that future amendments to the Regional Official Plan and Town of Caledon Official Plan may be required to comply with this ORM Plan policy. The need for Official Plan Amendments would depend on recommendations that are contained in the watershed plans.

Since the coverage of the watershed plans within Peel extends to areas off the Oak Ridges Moraine as well, it is anticipated that different recommendations may be developed for those lands lying off the Moraine than those that may only apply to lands lying within the ORM Plan Area, tailored to the unique requirements of the Moraine. The area of land within the Region to which recommendations pertaining to the Oak Ridges Moraine will apply is shown in Appendix I. Appendix II is a map showing the location of watershed plans that are underway or completed in Peel and the location of all of the watersheds on the Oak Ridges Moraine.

4. Status of Watershed Plans

All four of the watershed plans for the Region's Oak Ridges Moraine watersheds are either completed or are nearing completion. Two watershed planning studies for the Humber River and the West Holland River are anticipated to be complete in the summer of 2007 after the April 23, 2007 deadline for completion of watershed plans set out in the Oak Ridges Moraine Conservation Plan. Further details regarding the status of the watershed planning studies are provided in Appendix III.

5. Implications If Watershed Plans Are Not Complete

When the Oak Ridges Moraine Conservation Plan was prepared, the Province established a five year window after April 2002 within which upper-tier municipalities were expected to commence and complete watershed plans. The expectation is that future development on the Moraine is to be guided by watershed plans prior to development decisions being made. The ORM Plan states that every application for "major development" received on or after April 23, 2007 is prohibited unless:

- a) the watershed plan for the relevant watershed has been completed in accordance with the requirements of the ORM Plan;
- b) the development conforms with the watershed plan; and
- c) a water budget and conservation plan has been prepared demonstrating that the water supply required for the major development is sustainable.

"Major development" is defined as the creation of four or more lots, the construction of buildings with a ground floor area of 500 square metres or more, or the establishment of a major recreational use.

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The prohibition of major development, if watershed plans are not complete, would require that development approvals for new applications within the ORM Plan Area that are received after April 23, 2007 be temporarily delayed until such time that watershed plans can be 'completed' by Conservation Authorities. Development approvals would not be affected in the Cities of Brampton or Mississauga and would only apply to lands within the Town of Caledon.

Development applications received before April 23, 2007 are not subject to the requirement for watershed plans and would not be prevented from proceeding.

Regional staff are meeting and/or consulting with Conservation Authority staff on a regular basis to facilitate completion of the remaining Humber River and West Holland River watershed plans. Conservation Authority staff have identified the studies as internal priorities and have proposed process efficiencies to shorten the planning timelines where possible (e.g., completing phases concurrently) in order that the watershed plans can be completed as close to the deadline as possible.

In anticipation that the Humber River and Holland River watershed plans are not completed prior to the April 23, 2007 deadline, staff are proposing that Regional Council formally request the Minister of Municipal Affairs and Housing to extend the deadline to allow sufficient time to complete watershed plans. The request is consistent with similar requests that are being made by the Regions of York and Durham and the Town of Caledon.

6. Oak Ridges Moraine Provincial Guidelines

When the Oak Ridges Moraine Conservation Plan came into effect with the requirement that upper-tier municipalities complete watershed plans, the Province initiated preparation of various technical guidelines that were to assist municipalities with the completion of the studies. The guidelines address various aspects of watershed planning including the process for watershed plan preparation, water budgets, and water conservation plans. These guidelines were anticipated to be finalized by the Province early in the process; however, they were never finalized and continue to be in draft status today.

Although the lack of final guidance from the Province has not prevented the Region from complying with its obligations for watershed plans, the lack of guidance creates uncertainty as to whether there may be additional requirements added by the Province when it does finalize guidelines. The expectation that municipalities complete watershed plans while not having clear guidance from the Province is a concern. It is therefore staff's recommendation that the Minister of Municipal Affairs and Housing and Minister of the Environment be requested to consider all of the outstanding guidelines related to ORM watershed plans as a priority and to finalize them prior to April 23, 2007 so that municipalities can ensure that watershed plans fully comply with provincial requirements.

CONCLUSION

The four Conservation Authorities having watersheds on the Oak Ridges Moraine within the Region of Peel have commenced studies to complete watershed plans by April 23, 2007 in order to meet the Oak Ridges Moraine Conservation Plan requirements. Significant progress has been made to complete watershed plans by this deadline and two of the watershed plans within the Region have

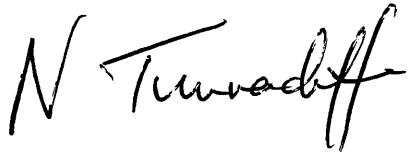
January 23, 2007

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STUDIES**

been completed subject the Region's receipt and acceptance of technical documentation from Conservation Authority staff.

While efforts are being undertaken to satisfy watershed planning requirements before the ORM deadline, it is anticipated that completion of watershed plans for the Humber River and West Holland River watersheds may be delayed beyond the deadline. As such, staff are recommending that Regional Council formally request the Minister to extend the deadline in order to avoid unnecessary delay of development approvals in the Town of Caledon.



Nick Tunnacliffe
Commissioner of Planning

Approved for Submission:



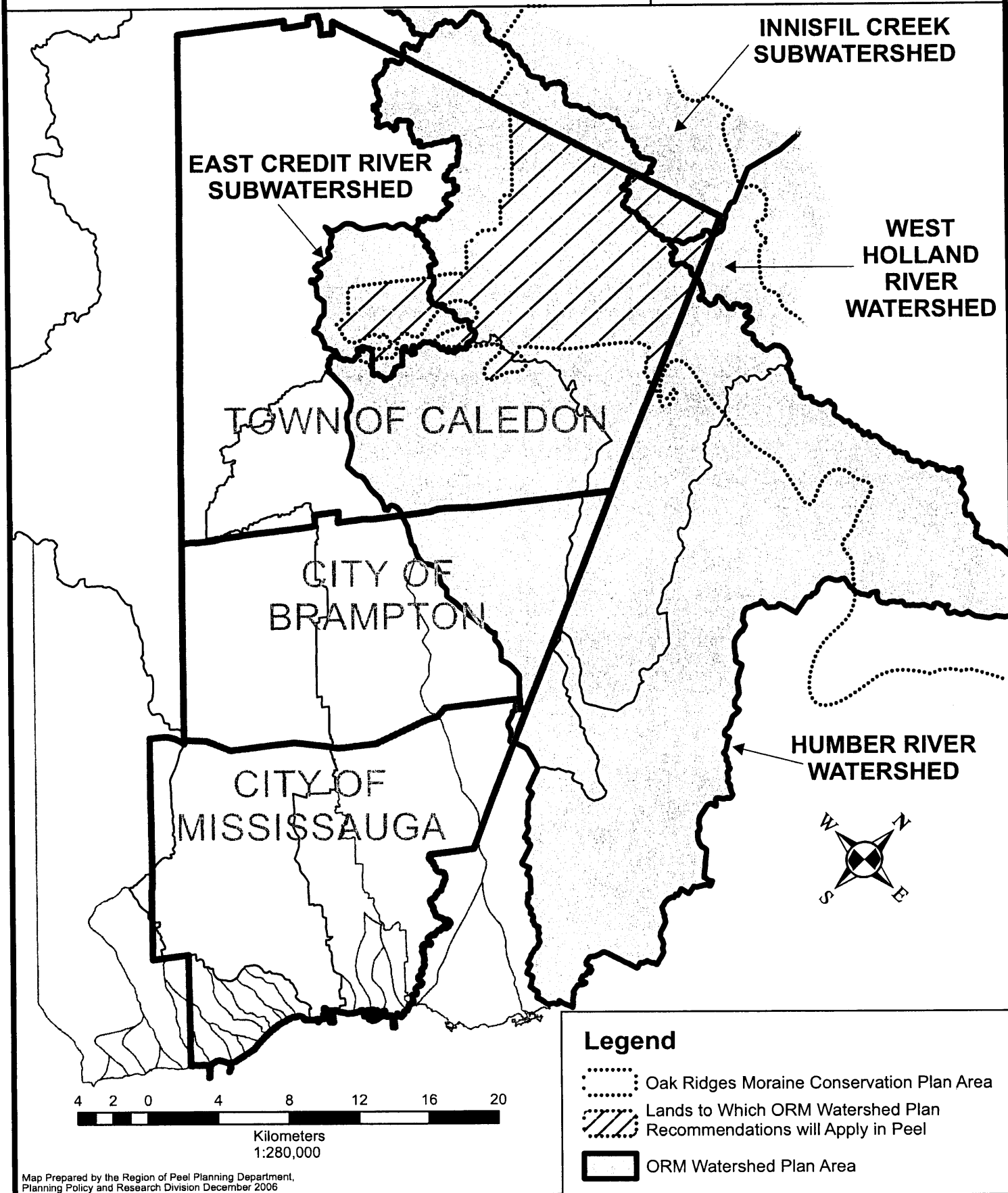
D. Szwarc, Chief Administrative Officer

Authored By: Mark Head

c. Legislative Services

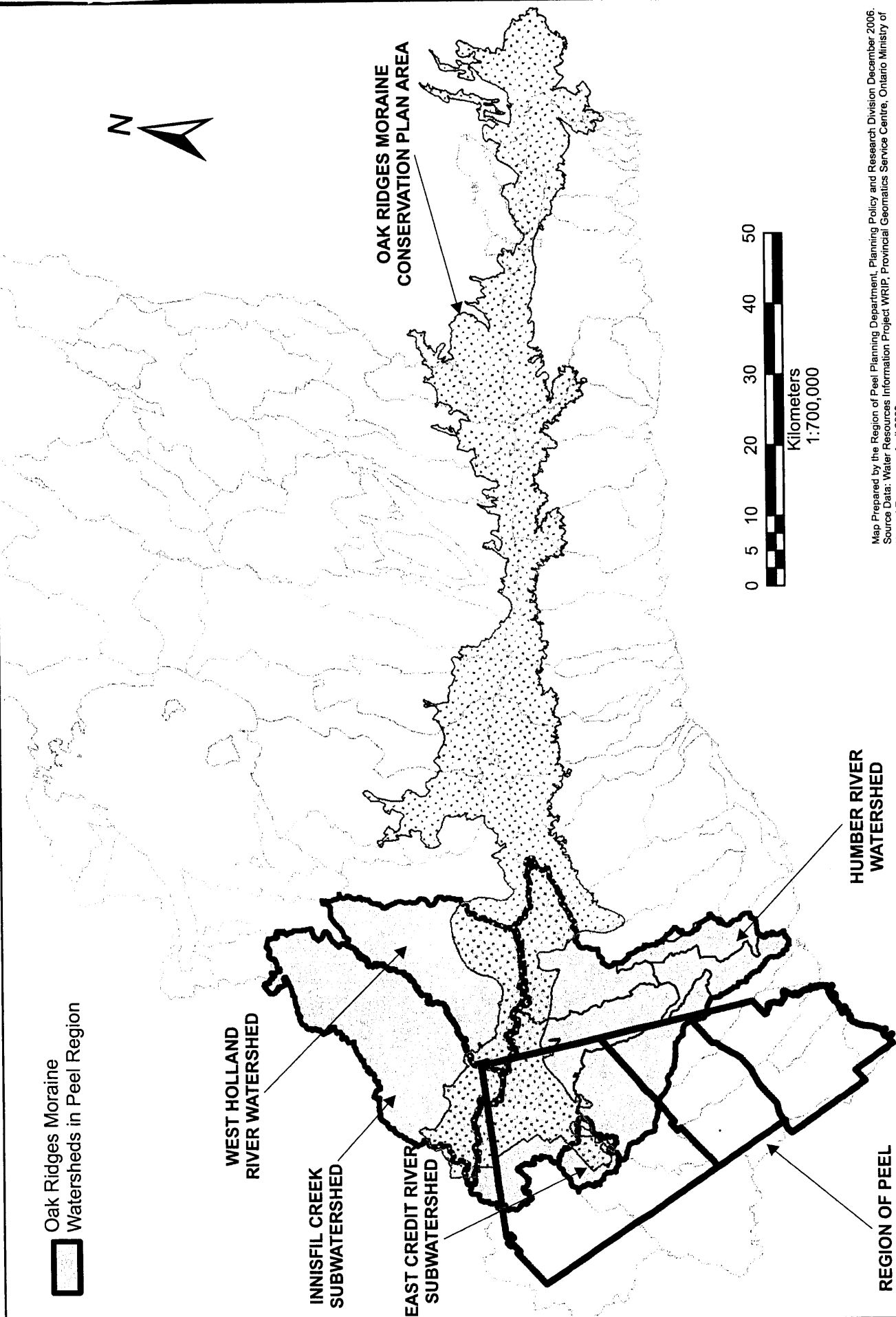
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Oak Ridges Moraine (ORM) Watershed Plan Study Area Boundaries Within Peel Region



PL-A1-7

OAK RIDGES MORaine WATERSHEDS



Status of Watershed Planning Studies

The current status of the four watershed plan studies is summarized below:

<u>Study</u>	<u>Status</u>
Credit River Water Management Strategy Update (CRWMSU) and the East Credit River Subwatershed Study (Subwatershed 13)	CRWMSU – Completed East Credit River Subwatershed Study Phase 1 Being Finalized Phase 2 Not Required Phase 3 Scheduled to be complete in March 2007 Completion of the CRWMSU together with Phase 1 of the East Credit Subwatershed Study satisfies ORMCP requirements.
Humber River Watershed Study	Phase 1 Being Finalized Phase 2 Underway Phase 3 Scheduled to be complete in summer 2007 -Initial stages are underway
West Holland River Watershed Study	Phase 1 Being Finalized Phase 2 Nearing Completion Phase 3 Scheduled to be complete in summer 2007
Innisfil Creek Subwatershed Study	Study Complete – Adopted by NVCA Board on May 12, 2006

Overall, there has been considerable work to initiate and complete watershed plans for the Moraine and, through this work, there has been significant advances in our regional understanding of the Moraine's ecological and hydrological function and importance. These accomplishments have come through projects supported by the Region of Peel such as the York, Peel, Durham, Toronto Groundwater Study which has provided technical input for the watershed plans. Upon completion of the four watershed plans, the Region of Peel will be one of the first upper-tier municipalities to have satisfied the ORM Plan requirements for completion of watershed plans.

While it was anticipated in 2005 that the Humber River Watershed Plan would be completed well in advance of the April 23, 2007 ORM Plan deadline, the work involved in preparing regional scale groundwater modelling has added unexpected effort to the planning process. The work plan schedule was also revised to take advantage of updated provincial datasets and provincial confirmation of the Greenbelt Plan designations that came later in the planning process. The anticipated completion date for the Humber Plan is in the summer of 2007.

PL-A1-9

The West Holland River Watershed Plan is being undertaken by the Lake Simcoe Region Conservation Authority as part of a comprehensive study for all four of its watersheds originating on the Moraine. Further modelling and analysis of watershed impacts will be required in order to complete the plan and develop recommendations for review. The need to complete this technical analysis and accommodate sufficient time for municipal partner consultation and review of plan recommendations is expected to delay completion of the study into the summer of 2007. The West Holland River Study affects a very small portion of the Town of Caledon in the Palgrave Estate Residential Community.

Completion of the West Holland River and Humber River watershed plans will also require municipal staff review of the Greenbelt Plan, Places to Grow Growth Plan and requirements for source water protection under the *Clean Water Act 2006* in order to evaluate their linkages and implications for watershed plan implementation. Due to the complexity and recent timing of the provincial initiatives, and the need for staff consideration of their implications, it is anticipated that the watershed plans will not be completed in time for the April 23, 2007 target date.