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OAK RIDGES MORaine INTERIM POLICY FOR YONGE STREET SERVICE AREA

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report, October 28, 2005, from the Commissioner of Planning and Development Services and the Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. Regional Council adopt the proposed new paragraph for Policy 2.5.14 and the modification to Map 11 - Oak Ridges Moraine Land Use Designations to demonstrate compliance with Section 24(7) of the Oak Ridges Moraine Conservation Plan regarding the area served by the Yonge Street Aquifer.
2. The Ministry of Municipal Affairs and Housing be requested to approve the second paragraph for Policy 2.5.14 and the modification to Map 11 under the *Oak Ridges Moraine Conservation Act, 2001*.

2. PURPOSE

The purpose of this report is to introduce a modification to the Regional Official Plan policies and mapping dealing with the Oak Ridges Moraine to satisfy Policy 24(7) of the Oak Ridges Moraine Conservation Plan.

3. BACKGROUND

In accordance with the requirements of the Oak Ridges Moraine Conservation Plan (ORMCP) Regional Council adopted Regional Amendment 41 the Oak Ridges Moraine Conservation Plan in March 2003.

The Ministry of Municipal Affairs and Housing approved Regional Amendment 41 in October 2004, save and except for several policy and map designation deferrals, including a deferral of Policy 2.5.14 to permit the inclusion of more detailed watershed planning policies once the Watershed Plans are completed in 2007.

The ORMCP (Section 24(1)) requires that Watershed Plans be commenced by upper tier municipalities by April 22, 2003. This deadline was met by the Region in partnership with the Lake Simcoe Region and Toronto Region Conservation Authorities. Further, Section 24(4) of the policy prohibits *major development* on the Moraine after April 23, 2007, unless the Watershed Plan has been completed and the *major development*

conforms to with the Watershed Plan and a water budget and conservation plan has been prepared demonstrating that the water supply required for the development is sustainable. The water budget and conservation plans are considered to be component studies within the overall Watershed Plan.

In addition, for York Region alone, the Provincial ORMCP contains one further policy (24(7)) relating to the Yonge Street Aquifer, which required a water budget and conservation plan prior to April 22, 2004 for the area served by the aquifer. In order to demonstrate our compliance with this section, the Ministry of Municipal Affairs and Housing is of the opinion that further policies should be included in the Regional Official Plan to govern the area served by the Yonge Street Aquifer.

4. ANALYSIS AND OPTIONS

4.1 ORMCP Yonge Street Aquifer Requirements

Section 24(7) of the ORMCP relates specifically to that portion of the Moraine served by the Yonge Street Aquifer. This section prohibits *major development* from occurring in these areas after April 22, 2004 if water budgets and water conservation plans have not been completed to demonstrate that the water supply required is sustainable. The Province has extended the deadline for completion of that component of the ORMCP three times, in 6-monthly increments, with the latest deadline being March 31, 2006.

Water budgets quantify the availability of water within the watershed and are used in developing management targets within a watershed plan. As well, the water budget would be used by York Region in planning use of groundwater sources and by the MOE in permitting other water use in the watershed.

Since the balance of the watershed planning work to which this water budget is related is underway but not yet completed, the deadline for the Yonge Street Aquifer work has always been problematic and is premature to watershed target setting.

A draft of the water budget undertaken for the Yonge Street Aquifer area has been received from the consultant and Regional, LSRCA and consulting staff met with MOE and MMAH representatives on August 19, 2005 to present and discuss the draft water budget, receive feedback and determine how to proceed to ensure that this work meets the expectations of the ORMCP and specifically that clause 24(7) can be satisfied.

The Water Conservation Plan also required is also in preparation. York Region has contracted United Utilities Canada Limited (UUCI) to work with LSRCA and TRCA and York Region to develop watershed-specific water conservation programs to meet the water conservation requirements of the ORMCP. This role is an extension of their role in overseeing the *Water for Tomorrow* Program.

4.2 Potential Impact of Section 24(7)

The area of the Oak Ridges Moraine served by the Yonge Street Aquifer is relatively small, but does include the remaining partially developed urban areas within the Towns of Newmarket and Aurora. As such, the Section 24(7) prohibition on *major development* could potentially affect applications for uses whose footprint is greater than 500 m², applications for greater than 4 lots or the establishment of a major recreational use in the Oak Ridges Moraine portion of these communities if the water use is not sustainable.

The practical reality is that this prohibition is not likely to have a significant impact on future development prospects in these areas for several reasons. Firstly, wastewater servicing allocations for residential development are currently limited by the overall system and no additional allocations can be made in these areas before 2010. Secondly, with regard to water supply, Regional water servicing policy requires that additional development in these communities be serviced from lake-based water systems and no additional water takings from the groundwater aquifer are proposed. Thirdly, all areas of the Region are subject to the Region's very successful Water Conservation Program *Water for Tomorrow*. It is anticipated that this program will meet or exceed Provincial requirements for water conservation when such technical guidelines are released.

4.3 Solution to Demonstrate Section 24(7) Compliance

Provincial, Regional, municipal, and LSRCA staff met to discuss the means of compliance and implementation. The interim solution proposed requires the adoption of a new paragraph 2 to be added to ROP Policy 2.5.14 and a modification to Map 11 to delineate the area of application. The map modification is shown on *Figure 1* to this report.

Policy Modification:

It is therefore recommended that Policy 2.5.14 be modified by the addition of a new paragraph 2 as follows:

- 2.5.14 Notwithstanding Policy 2.5.17, in Newmarket and Aurora in the area served by the Yonge Street Aquifer as shown outlined in green on Map 11, until completion of watershed plans, major development proposals, as defined in the ORMCP, shall demonstrate to the satisfaction of the area municipality, in consultation with the Conservation Authority, that current infiltration and runoff rates are maintained.

Map Modification:

That Map 11 – Oak Ridges Moraine Conservation Plan Land use designation be modified by the addition of an area outlined in green, being the area of Aurora and Newmarket on the Oak Ridges Moraine, with the Reference “refer to Policy 2.5.14 paragraph 2” relating to the area outlined in Green.

Analysis of the Policy Modification:

Implementation of this new clause would occur through the normal Conservation Authority review of applications under the Authority's Watershed Development Policies which have already been entrenched in the Official Plans for the Towns of Aurora and Newmarket. The Watershed Development Policies policies, among other requirements, require proponents to demonstrate that the post development runoff equals pre-development runoff and that current infiltration rates are maintained in accordance with the applicable watershed plan. In these areas of Aurora and Newmarket, the East Holland River Watershed Plan provides the guidance and in a general way establishes areas where of high permeability soils where infiltration is likely to be most successful.

Introduction of this policy and its application in Aurora and Newmarket as an interim basis prior to the completion of the watershed plan update does not introduce a new process nor is it anticipated that it will slow the development approval process, as this approach is currently used by the Authority in its review of municipal development applications.

Once the watershed plan is completed, and the water budget information utilized within the final watershed plan, there may be a need to modify this policy further, however, in the interim, it is the opinion of the Conservation Authority and staff of the Towns of Newmarket and Aurora that this approach is appropriate.

4.4 Relationship to Vision 2026

Ensuring compliance to the Oak Ridges Moraine Conservation Plan satisfies a number of the Natural Environment goals of Vision 2026.

5. FINANCIAL IMPLICATIONS

Establishing compliance with the Oak Ridges Moraine Conservation Plan is being completed by existing Planning and Transportation and Works Department budgets and no additional allocations will be required to accommodate this further modification.

6. LOCAL MUNICIPAL IMPACT

Staff of the Towns of Aurora and Newmarket have been involved in the discussion and drafting of this clause. Neither has indicated issues with either the wording or the intent. Since there is limited sewer servicing allocations available and future allocations are not anticipated until 2010 the impact of the ORMCP clause is expected to be minimal. In addition, the proposed Conservation Authority review is already a part of the normal development review function and as such does not require additional time or staff resources at either the area municipal or Regional level.

7. CONCLUSION

Section 24(7) of the ORMCP relates specifically to that portion of the Moraine served by the Yonge Street Aquifer. This section prohibits *major development* from occurring in these areas after April 22, 2004 if water budgets and water conservation plans have not been completed to demonstrate that the water supply required is sustainable.

A water budget for the Yonge Street Aquifer is presently being finalized to meet the terms of the ORMCP. The water conservation program *Water for Tomorrow* has been operational for sometime and further work is being undertaken to provide more detailed water conservation policies on a watershed basis. The Region's water servicing strategy is to accommodate new development in Aurora and Newmarket through lake-based water as opposed to additional groundwater takings.

Regional staff has met with staff of the Provincial Ministries (MMAH and MOE), the Lake Simcoe Region Conservation Authority and area municipal staff to formulate the clause and Map modification proposed in Section 4.4 of this report as an interim clause to satisfy the requirements of Section 24(7) of the ORMCP.

It is recommended that Council adopt the proposed modification and Map delineation and forward them to the Ministry of Municipal Affairs and Housing for approval under the terms of the *Oak Ridges Moraine Conservation Act, 2001*. Since this is a modification to a policy deferred by the Minister in the Regional Plan, a statutory public meeting is not necessary prior to Council adoption of the modification.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)