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OAK RIDGES MORaine CONSERVATION PLAN WATERSHED PLANNING STUDIES

LSRCA AND TRCA PROGRESS REPORT TO DECEMBER 31, 2006

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report, December 31, 2006, from the Commissioner of Planning and Development Services and Commissioner of Transportation and Works:

1. RECOMMENDATIONS

It is recommended that:

1. Council request that the Province amend the Oak Ridges Moraine Conservation Plan (ORMCP) to extend the deadline for watershed plan study completion by a period of one year from April 23, 2007 to April 23, 2008.
2. That Council request that the Province finalize the Oak Ridges Moraine Conservation Plan Technical Guidance Documents as soon as possible to ensure the preparation of complete and comprehensive watershed plans and water budgets that meet the Province's expectations of the ORMCP.
3. Council endorse this semi-annual progress report on Watershed Planning studies towards fulfilling the requirements of the Oak Ridges Moraine Conservation Plan (ORMCP), submitted by the Lake Simcoe Region Conservation Authority (LSRCA), and the Toronto and Region Conservation Authority (TRCA).
4. Regional staff continue to work with Conservation Authority staff to ensure the timely and cost efficient delivery of these watershed planning components required under the ORMCP.
5. The Regional Clerk circulate this report to area municipalities for information.

2. PURPOSE

This report is to update Committee and Regional Council on the accomplishments of the LSRCA and TRCA for year end 2006 on Watershed Planning studies on the Oak Ridges Moraine. Ongoing updates were requested by Regional Council at its meeting of February 19, 2004.

In addition, Regional and Conservation Authority Staff request that Regional Council approve a request to the Province for an extension of the ORMCP deadline April 23,

2007 to April 23, 2008. A full discussion of this request is outlined below in Section 4. under Analysis and Options.

3. BACKGROUND

The *Oak Ridges Moraine Conservation Act, 2001* required that York Region and local municipalities bring their Official Plans and zoning bylaws (in the case of local municipalities) into conformity with the Oak Ridges Moraine Conservation Plan by April 22, 2003 and October 22, 2003 respectively. This conformity date was achieved by the Region and has been achieved by area municipalities in the Region.

The ORMCP also contains several other critical target dates for the completion of Watershed Planning, including commencement of watershed planning for each watershed originating on the Moraine by April 22, 2003 (Section 24(1)); and completion of watershed plans by April 23, 2007. The section also contains the minimum elements that a watershed plan should include.

LSRCA and TRCA have been active in developing and maintaining watershed plans in York Region for many years. With the introduction of the ORMCP, Regional staff and staff of the conservation authorities (CAs) together developed a comprehensive five year work plan to fulfill the ORMCP watershed planning requirements.

This workplan was adopted by Regional Council on February 19, 2004 with the request that the TRCA and the LSRCA provide semi-annual watershed planning progress reports to Committee and Council to ensure that significant progress is being made towards fulfilling the requirements of the ORMCP according to schedule and budget requirements.

The 2006 mid year progress report for the Authorities was endorsed by Committee and Regional Council in September 2006.

4. ANALYSIS AND OPTIONS

4.1 Overview

The watershed plan requirements of the ORMCP encompass a wide number of disciplines and the required watershed plans are expected to influence planning and development initiatives in and beyond York Region, including the Region's Growth Management Strategy, the York Region Sustainability Strategy, York Region's Natural Heritage Strategy, and source water protection.

In the time since the ORMCP has come into effect, a number of very significant Provincial initiatives have been introduced that will impact watershed planning as well as growth management in the Region. At this time, more analysis and review needs to be

undertaken in order to determine what the implications will actually be. These initiatives include the Greenbelt Plan, Places to Grow, reforms to the planning process through the recently passed *Planning and Conservation Land Act 2006*, and the *Clean Water Act 2006*.

The latter two initiatives have been introduced so recently, or are still in the process of being developed, that it is not yet clear what the impacts on growth management and watershed planning will be, however, staff are anticipating that these will inform further input and amendments to the Regional Official Plan.

The *Planning and Conservation Land Act* came into effect on January 1, 2007 along with a set of 9 Regulations which were not posted on the EBR Registry for prior review or comment. Regional staff is currently reviewing the legislation and accompanying regulations and anticipate a report back to Committee and Council in March.

The *Clean Water Act* received Royal Assent on October 19, 2006, but will not come in effect until it is proclaimed in force. No proclamation date has been issued. Regulations that are necessary to fully determine the scope and implications of the *Clean Water Act* have not been published. A Discussion Paper on Source Protection Committees under the *Clean Water Act, 2006* was released for review and comment on the EBR registry on January 2, 2007 with a 30 day comment period. Staff will report back to Committee and Council on this paper in March.

In addition, a number of related watershed initiatives are taking place that have included extensive public and stakeholder consultation in partnership with both members of Regional Council and staff.

These initiatives include the TRCA's Terrestrial Natural Heritage System Strategy, the LSRCA's Natural Heritage Strategy, the Lake Simcoe Environmental Management Strategy (LSEMS), the Intergovernmental Action Plan for Barrie, Simcoe and Orillia (IGAP), and the Assimilative Capacity Study for Lake Simcoe (ACS).

It is clear that there are diverse and possibly competing conditions regarding water resource protection and planning in the Region. The processes and information gathered to produce these and the ORMCP watershed plans will provide support to York Region and the area municipalities in making more sustainable land use planning decisions, however, it is critical that recent Provincial planning and source water protection requirements be examined in order to determine what their impacts will be on growth management, sustainable planning, and watershed management in York Region.

4.2 Status of Overall Program

Work on the watershed plans progressed well throughout the program as discussed in the sections 4.2.1 and 4.2.2 below.

However, as noted in previous update reports, the Province has not yet finalized the ORMCP draft technical guidelines which are to provide the specific technical requirements under the ORMCP necessary for the completion of these studies, including water budget requirements.

Further, the draft guidelines themselves are very unclear in providing direction on roles and responsibilities, deliverables and standards. The Region has provided detailed comments to the Province (August 2005 *Attachment 4A*, July 2004 *Attachment 4B*) outlining these deficiencies and their implications for watershed plan implementation.

The 2006 mid year progress report, endorsed by Committee and Regional Council in September 2006, indicated that Regional and Conservation Authority staff would review the status of ongoing work as part of the 2006 year-end report to Regional Council in 2007 and consider a request for extension of the ORMCP April 23, 2007 deadline if there remains lack of clarity with respect to Provincial expectations.

Regional staff across the GTA have been in contact with our Provincial counterparts to determine the appropriate process to finalize watershed plans and ensure compliance with the ORMCP. Provincial staff has indicated that there are no plans in place to finalize the draft technical guidelines, and further, that municipalities are to determine what constitutes complete watershed plans in order to meet the requirements of the ORMCP. It is imperative that the guidance documents be finalized by the Province as soon as possible to ensure the preparation of complete and comprehensive watershed plans and water budgets that meet the Province's expectations of the ORMCP.

The ORMCP April, 2007 deadline for completion of the watershed plans is significant in that it prohibits any "major development" application commencing on or after April 23, 2007.

"Major development" is defined in the ORMCP as:

- a) the creation of four or more lots
- b) the construction of a building or buildings with a ground floor area of 500 m or more, or
- c) the establishment of a major recreational use (i.e. golf course, serviced playing fields, serviced campgrounds or ski hills)

As the Province has not, in fact, provided any further direction in terms of specific technical requirements or expectations around what constitutes a completed watershed plan, or who the approval lies with, Regional Staff and Conservation Authority staff request approval to seek an extension on the ORMCP April 23, 2007 deadline by one year to April 23, 2008. It is our understanding from Provincial staff that in order to allow for an extension, the Province must amend the ORMCP.

4.2.1 Status of Overall Program - Toronto and Region Conservation Authority

During 2006, work focused on:

Rouge Watershed Plan

- Completed modelling and analysis of future land use and management scenarios. Scenarios address various urban growth forms, stormwater retrofits, enhanced natural cover, and climate change.
- Developed full draft Rouge Watershed Plan in cooperation with multi-stakeholder Rouge Watershed Task Force.
- Convened initial stakeholder consultation and input to final plan report of the Task Force.
- Completed background technical reports.
- Developed recommended workplan for further consultation January to March 2007.

Humber Watershed Plan

- Completed modelling and analysis of five of seven land use and management scenarios, similar to the Rouge study noted above; remaining modelling will be completed in January 2007.
- Preparation of draft Humber Watershed Plan 30% complete; remaining sections pending completion of modelling and analysis; full draft expected end February 2007.
- Developed recommended work schedule for completion of all documents and initial consultation in February and March 2007.

Don Watershed Plan

- As reported in the last progress report, completion of the full Watershed Regeneration Plan update is being delayed to 2007, to accommodate a deferral of partnership funding and allow focus on ORMCP development-related management issues in this and neighbouring watersheds.
- A preliminary report for the two subwatersheds draining the ORM portion of the Don Watershed was completed, thus allowing York Region staff to assess any further actions required under the ORMCP and take advantage of any opportunity that may remain to guide land use planning decisions which in that area are all well advanced in the planning process.
- A regeneration priority setting methodology was developed for application early in 2007. The resulting recommendations will identify key actions towards achieving watershed sustainability, and thus contribute to York's Greening Strategy and Sustainability Plan.

4.2.2 Status of Overall Program – Lake Simcoe Region Conservation Authority

During 2006, work has focussed on:

- Completion of the water quality modelling and analysis of future Official Plan land use and management scenario including detailed subwatershed Phosphorus loading targets have been developed as part of the Assimilative Capacity Study.

- Completion of the detailed geomorphic assessment analysis for each of the watersheds and recommendations for further action.
- Completion of a Natural Heritage System which will include stakeholder consultation and workshops in February 2007.
- Ongoing maintenance and enhancement of ground water models and subsequently water budgets through ongoing data collection.
- Reviewed linkages to Source Water Protection to ensure no duplication and identify opportunities for delivering enhanced projects.
- Initiate the development of watershed implementation plan.
- Development of comprehensive data management systems to properly house and manage environmental data.
- 2006 Monitoring Report completed and circulated.
- Initiate the consolidation of all technical information and development of report formats, map standards.
- Drafting of the preliminary watershed plans for distribution to stakeholders, academic institutes, and municipal, provincial and federal agencies for peer review.

The watershed plans will identify key actions towards achieving watershed sustainability, and thus contribute to York's Greening Strategy and sustainability initiative. The watershed plans will also contain specific recommendations for implementation, policy initiatives, and continued environmental monitoring.

4.3 Moving Forward

A one year extension of the Province's April deadline will allow the Region to fully examine how the requirements of the Provinces Plans and legislation will together need to shape growth management and sustainable planning in York Region.

A more comprehensive and in-depth report will be presented to Committee and Council in September 2007 to present the final watershed plans, recommendations and a full analysis of how the Province's plans and legislation, along with the other initiatives discussed above, will impact growth management, sustainable development and watershed planning in York Region.

In the interim, it is expected that final watershed plans will be presented to each Conservation Authority's Board for approval in principle, pending municipal approval. Plans will then be brought forward to Regional and local councils for final approval and adoption.

Implementation will occur in part through official plan amendments.

4.4 Outlook for the Remaining Watershed Planning Program

4.4.1 Toronto and Region Conservation Authority

The final draft Rouge Watershed Plan will undergo further consultation and refinement during January to March 2007, with adoption of a final plan expected by the TRCA Board in April 2007.

Initial consultation on a first draft Humber Watershed Plan will take place during late February and March, with approval in principle (likely subject to further consultation and indication of partner support) expected by the TRCA Board in April 2007.

The Don Watershed Regeneration Plan will be in full preparation with completion expected by year end 2007.

4.4.2 Lake Simcoe Region Conservation Authority

The watershed plans are progressing well and further technical aspects will be integrated to develop a comprehensive plan and policy framework. York Region's request for an extension of one year will allow the LSRCA to ensure the time required to evaluate future looking growth options in York Region, address the various Provincial initiatives and new legislation as well as work with Provincial and Regional staff to formalize the "sign-off" and review process.

4.4.3 Yonge Street Aquifer and Water Budget Analysis of the ORMCP

Sections 24 and 25 of the ORMCP require that the Region prepare watershed plans as well as water conservation and water budgets.

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 draft of the Yonge Street Aquifer water budget has been finalized for use as input to the Watershed Planning efforts on the East Holland River. Regional Council at its meeting of December 15, 2005, adopted Clause 1 of Report No. 10 of the Regional Planning and Economic Development Committee, which proposed a new policy and mapping reference to govern development in the area served by the Yonge Street Aquifer until such times as the Watershed plan is completed in 2007. This policy modification has been submitted to the Ministry of Municipal Affairs and Housing for approval as part of the ROP to demonstrate the Region's compliance with the ORMCP. In light of the April 2007 deadline for watershed plans, Ministry staff has verbally advised Regional staff that they will hold off on approving this policy as it may need modifications once the watershed plans are finalized.

For the past eight years, York Region has been implementing one of the most comprehensive water efficiency plans in North America. The multi-award winning

program, Water for Tomorrow, is currently saving over 22 million litres of water per day. Although not watershed specific, activity tracking indicates a high and effective participant rate in the Yonge Street Aquifer area. With the end of the eight year plan, York Region has contracted Resource Management Strategies Inc. (RMSi) in an extension of their role in overseeing the Water for Tomorrow Program to prepare a Water Efficiency Master Plan Update which will provide direction for future water efficiency measures for the next ten years. The Water Efficiency Master Plan Update was completed in February 2007 and included public consultation. During this interim phase youth and public education, summer water use reduction and water saving maintenance activities continue.

5. FINANCIAL IMPLICATIONS

The 2006 watershed planning allocations to the Conservation Authorities were approved by Regional Council as part of the 2006 budget. Both Authorities have provided ongoing twice yearly progress reports to Planning and Economic Development Committee and Regional Council on the watershed planning process required under the ORMCP.

Table 1 shows the 5 year budget and the expected costs of watershed planning up to the 2007 study completion year. As of December 31, 2006, all budget moneys have been spent. *Attachments 1 and 2* outline project components and budget spent in detail.

Table 1
Five -year Watershed Planning Budget Estimates

Conservation Authority	2003	2004	2005	2006	2007	Total Work Plan Length 2003-2007
LSRCA	\$300,000	\$600,000	\$360,000	\$260,000	\$250,000	\$1,760,000
TRCA	\$330,000	\$600,000	\$500,000	\$400,000	\$200,000	\$2,030,000
Total	\$630,000	\$1,200,000	\$860,000	\$660,000	\$450,000	\$3,790,000

These annual budget estimates were confirmed each year during yearly budget discussions and allocations to the CAs. For the period from 2003 to 2007 funds for these projects were funded as special Capital Projects from Regional water rates.

There are no financial implications associated with the request to extend the finalized watershed plan deadline by a year.

Pending completion of watershed plans, Regional staff recommend that an examination of implementation and monitoring costs be determined with CA staff to determine if any further funding is required.

6. LOCAL MUNICIPAL IMPACT

Local municipalities have participated in the watershed planning process through advisory committees and during policy formulation. Ultimately, implementation of the objectives and principles of watershed plans may be implemented through amendments to Regional and/or local planning documents.

7. CONCLUSION

Watershed planning work in York Region is well advanced in the Region and will provide a great deal of support to York Region and the area municipalities in making more sustainable land use planning decisions.

In the time since the ORMCP has come into effect, a number of very significant Provincial initiatives have been introduced that will have significant impact watershed planning as well as growth management in the Region.

In addition, and as noted in previous update reports, the Province has not yet finalized the ORMCP draft technical guidelines which are to provide the specific technical requirements under the ORMCP necessary for the completion of these studies, including water budget requirements.

Further, the draft guidelines themselves are very unclear in providing direction on roles and responsibilities, deliverables and standards.

It is clear that there are diverse and possibly competing conditions regarding water resource protection and planning in the Region. The processes and information gathered to produce these and the ORMCP watershed plans will provide support to York Region and the area municipalities in making more sustainable land use planning decisions, however, it is critical that recent Provincial planning and source water protection requirements be examined in order to determine what their impacts will be on growth management, sustainable planning, and watershed management in York Region.

A one year extension of the Province's April deadline will allow the Region to fully examine how the requirements of the Provinces Plans and legislation will together need to shape growth management and sustainable planning in York Region. However, it is also imperative that the Province finalize the Oak Ridges Moraine Conservation Plan Technical Guidance Documents as soon as possible.

A more comprehensive and in-depth report will be presented to Committee and Council in the fall/winter of 2007 to present the final watershed plans, recommendations and a full analysis of how the Province's plans and legislation, along with the other initiatives discussed above, will impact growth management, sustainable development and watershed planning in York Region.

In the interim, it is expected that final watershed plans will be presented to each Conservation Authority's Board for approval in principle, pending municipal approval. Plans will then be brought forward to Regional and local councils for final approval and adoption.

Implementation will occur in part through official plan amendments.

For further information about this report, please contact John Waller, Director, Long Range & Strategic Planning Branch at (905) 830-4444, ext. 1525 or John.Waller@york.ca.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are attached to this report.)