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**REGIONAL OFFICIAL PLAN AMENDMENT 41 –
THE OAK RIDGES MORaine CONFORMITY AMENDMENT
PROPOSED MINISTER'S MODIFICATIONS**

(Regional Council at its meeting on March 25, 2004, amended the following Clause as follows:

Recommendations 1(a), (b). 2 and 3 be adopted;

The letter referred to in Recommendation 1(c) and Attachments 3(a) and (b) be referred to staff to bring back a report on the facts of the Rizmi Holdings Limited lands in their entirety for consideration of the Planning and Economic Development Committee and Council prior to forwarding the requested application information to the Ministry of Municipal Affairs and Housing.)

The Planning and Economic Development Committee recommends the following:

- 1. The following communications be received and referred to staff:**
 - (a) David Williams, Davies Howe Partners, March 1, 2004, regarding certain proposed modifications relating to several of their clients;**
 - (b) Patricia A. Foran, Aird & Berlis LLP, March 2, 2004, on behalf of E. Manson Investments, owner of lands located in the Town of Richmond Hill; and**
 - (c) Glenn Lucas, Lucas and Associates, March 2, 2004, on behalf of Rizmi Holdings Limited and Lucia Milani, owners of land located in the City of Vaughan.**
- 2. The recommendations contained in the following report, February 8, 2004, from the Commissioner of Planning and Development Services, be adopted:**

1. RECOMMENDATIONS

It is recommended that:

- 1. York Region support the modifications subject to the exceptions and changes identified in *Attachment 1*.**

2. Regional staff continue to work with Ministry staff to finalize the details of the modifications and have Regional Amendment 41 approved expeditiously.
3. The Region support the Town of East Gwillimbury and Township of King conformity amendment approach that second dwellings for farm-help be permanent dwellings and requests that the Minister of Municipal Affairs amend the ORMCP to reflect this standard.

2. PURPOSE

The purpose of this report is to advise Committee and Council of the Proposed Minister's Modifications to Amendment 41 to the Official Plan for the Regional Municipality of York – The Oak Ridges Moraine Conformity Amendment.

3. BACKGROUND

The *Oak Ridges Moraine Conservation Act, 2001 (ORMCA)* was proclaimed on December 14, 2001. Under the provisions of the *Act*, York Region (as well as Peel and Durham Regions) was required to adopt an official plan amendment to implement the Oak Ridges Moraine Conservation Plan (ORMCP) within 12 months of the filing of the Plan. The ORMCP was filed by the Minister of Municipal Affairs on April 22, 2002.

During the Spring of 2002, Regional staff undertook a dialogue with Ministry officials in order to arrive at a consensus of the elements necessary and appropriate to Regional Plan amendments to implement the ORMCP. This framework was endorsed by Council on June 27, 2002 (Clause 17, Report 6 of the Regional Planning and development Services Committee) and formed the basis of drafting the Regional Amendment.

Regional Council at its meeting of March 27, 2003 adopted Regional Amendment 41 by passage of By-law OP-0031-2003-025. On May 22, 2003, Regional Council endorsed Clause 4 of Report 5 which contained a series of modifications to the adopted Amendment. These documents were submitted to the Ministry in accordance with the requirements of the *ORMCA* and the *Planning Act*. Amendment 41 has been under review by the Ministry since that time.

4. ANALYSIS AND OPTIONS

On January 16, 2003, the Minister provided the Region with a post circulation letter and list of modifications that Ministry staff are proposing be included in the Amendment when it is approved.

As previously indicated, drafting of the Regional Amendment was based on a framework derived from discussions with senior Ministry officials during the spring of 2002. Since

that time, although the basic principles of the framework are still present, there has been considerable evolution in the Ministry's thinking with respect to Moraine planning policy. In addition, Bill 27- *The Greenbelt Protection Act, 2003*, proposes clarification of the transition provisions of the *ORMCA*. These changes are reflected in the Ministry's modifications.

Attachment 1 to this report provides in Table form the detailed staff comment on each proposed modification along with a staff recommendation for support, no support or a change in wording. Where the Regional recommendation is for a different approach, this table also identifies the recommended policy wording.

Attachment 2 to this report is a consolidated version of the Amendment with the Ministry's proposed modifications highlighted within the document. Also included are annotations that identify where Regional staff do not support the proposed Ministry modifications or have suggested additions or wording changes to Policies.

The following subsections of this report outline the proposed modifications.

4.1 Technical and Wording Changes

Of the forty-one text modifications contained in the Ministry's modification letter, none involve wording changes which will affect the practical administration and implementation of the ORMCP policies. Twenty-eight of those involve minor technical additions and syntax improvements including re-ordering of some sections. *Attachment 2* contains the staff analysis of all Ministry modifications. A number of those minor modifications result from proposed Mapping additions that require cross referencing in the text of the document.

Of the twenty-eight minor modifications, twenty-two can be supported or supported conditional on other changes occurring through the amendment by Regional staff. Only six are not supported. None of these latter modifications however, if made by the Ministry would adversely impact the Region's ability to implement the ORMCP.

4.2 Modifications required as a result of Policy Evolution and legislative Changes

Fourteen of the Ministry's proposed modifications involve the addition of new Policies or policy clauses to existing policies in the adopted Regional Amendment. The new policy additions involve a number of policies dealing with Landform Conservation and the inclusion of Figure 1 – Oak Ridges Moraine Landform Conservation. Other modifications include changes to the Objectives for the ORMCP at the beginning of Section 2.5 of the Plan, revisions to the Transportation Utilities and Infrastructure Policies, a new policy regarding connectivity and new transition policies that comply with the intent of Bill 27. Of these fourteen modifications, staff recommends support subject to comment all but three.

4.3 Proposed Mapping Changes

The post circulation letter requests a number of mapping changes of various magnitudes. These are detailed below.

Revised Map 2 - Significant Natural Features; and; Proposed New Map 12 - Life Science Areas of Natural and Scientific Interest and Environmentally Significant Areas

The Ministry is requesting that Life Science Areas of Natural and Scientific Interest and Environmentally Significant Area on the Moraine be deleted from map 2 and shown on a separate schedule to be called “Map 12 - Significant Natural Features: Life Science Areas of Natural and Scientific Interest and Environmentally Significant Areas”.

The ORMCP provisions have resulted in a great deal of additional information to be shown on mapping. This has resulted in an extremely cluttered and difficult to read Map 2. For this reason Regional staff supports the separation of the natural heritage information previously shown on Map 2 into two maps – Map 2 and a new Map 12.

Maps 2 and 12 forming part of *Attachment 2* reflect the modifications requested by the Ministry.

Map 4 – Regional Greenlands System

The Ministry has also made a number of suggestions regarding the Regional Greenlands mapping and policy context within the Moraine.

Regional staff recommends modifications as shown on Map 4 forming part of *Attachment 2* to:

- Revise the Regional Greenlands designations shown on the adopted Map 4 to coincide with the ORMCP Natural Core Area and Natural Linkage area designations and policy provisions of the ORMCP.
- Within the communities of Richmond Hill (Oak Ridges), King City and Stouffville, the Regional Greenlands System is more detailed than the ORMCP and should remain as depicted and subject to the policies of Section 2.1 of the ROP or the local official plans or zoning by-laws, whichever is more restrictive.

A new policy in Section 2.1 – the Regional Greenlands Systems will also be required to effect this change. *Attachment 2* has been revised to include this proposed Policy addition and the revised Map.

Map 11 – Oak Ridges Moraine Land Use Designations

Map 11 adopted in March, 2003 and modified by Council in May of 2003 also requires two modifications. Firstly, to redesignate lands in the former Yonge East and Yonge West development area in Richmond Hill from Urban Area to Natural Core Area and Natural Linkage Area to recognize the Province’s acquisition of additional greenspace from development interests in that area. Secondly, that portion of the lands known

municipally as 14425 Bayview Avenue in the Town of Aurora originally designated Countryside Area in the ORMCP, is redesignated as Urban Area.

Map 11 has been modified to show these redesignations.

Proposed New Map 13 – Areas of High Aquifer Vulnerability Areas

The Ministry has requested that mapping of High Aquifer Vulnerability, referred to in Section 29 of the ORMCP, but not approved as part of the ORMCP, become Map 13 - Oak Ridges Moraine Aquifer Vulnerability Areas. Regional staff is of the view that a Map is not required but have been advised that the Amendment will be modified to include the Map.

A new Map 13 – Areas of High Aquifer Vulnerability has therefore been prepared and forms part of *Attachment 2*.

Proposed New Figure 1 – Oak Ridges Moraine Landform Conservation Areas

The Ministry has also requested that the Oak Ridges Moraine Landform Conservation Areas map, referred to in Section 30 of the ORMCP, but not approved as part of the ORMCP, become Figure 1 to the Regional Official Plan.

The inclusion of Figures into the Official Plan will require a text addition as a second paragraph within Section 7.6.1 of the Plan to explain its purpose, applicability and legal status. *Attachment 2* has been modified to include this Policy along with the proposed Figure.

4.4 Transitional Applications

Ministry of Municipal Affairs staff also identified issues relating to Transition files (those applications commenced but not decided upon at the date the *ORMCA* came into force) and requested a Map from the Region identifying “specific planning applications that are either before the Region for approval or had been before the Region for approval but had been appealed to the Ontario Municipal Board.”

Attachment 3 a) and b) to this report consists of a Map and Table of the Transitional Applications requested by the Ministry.

4.5 Regional Requests for Extension of the Minister’s Approval for Wellhead Protection Policies and Designations and Yonge Street Aquifer

Early in the discussions on achieving conformity, Regional staff recognized substantial challenges in meeting the timing requirements for identifying wellhead protection areas and delivering Yonge Street Aquifer information that would comply with the ORMCP.

York Region has moved ahead to delineate the wellhead protection areas to satisfy the basic requirements of the ORMCP. Maps showing the wellhead protection areas that lie within the Moraine area have been provided to the area municipalities (and the Region) for inclusion in their amendments. However, York Region would still like additional

time, to complete technical and peer review of the work before the mapping is approved as part of the Amendments. This request was formally endorsed by Regional Council at its meeting of January 23, 2003.

Regarding the Yonge Street Aquifer, work to meet these requirements is continuing. A request to provide an additional year for completion of technical studies to define water budgets and develop conservation plans from the time that the Province finalizes the technical guidelines for these studies was endorsed by Council in June of 2003.

The Ministry's post circulation letter indicates that the Region's requests for extension for these two water related elements will be considered as part of the approval of ROPA 41.

5. FINANCIAL IMPLICATIONS

The preparation of the Regional Amendment has taken place within the existing staff compliment and Planning Department budget. Other components of Oak Ridges Moraine Conservation Plan compliance and implementation are included in the approved and proposed budgets for the Transportation and Works Department.

6. LOCAL MUNICIPAL IMPACT

The *ORMCA* required area municipalities within the Moraine to adopt amendments to both their Official Plans and Zoning bylaws to implement the ORMCP by October 22, 2003.

Among the many areas that have proven problematic to area municipalities is the ORMCP requirement (Section 34 [c]) that second dwellings as accessory use to agricultural uses (farm-help houses) be limited to temporary structures, mobile or portable units.

The majority of local municipalities, with rural land areas, currently have policies contained in their Official Plans which permit permanent second dwellings for farm help, provided certain criteria are met. The local municipalities have consistently pointed out that the ORM policy allowing for temporary structures would create an inconsistency in their O.P.'s and that the policy runs counter to the established policy.

In addition to the policy context, the ability of agricultural uses to attract and retain employees is in part determined by the availability of housing. In many cases, for agricultural operators this means that farm help houses must be permanent structures built to a high standard.

To require that these dwellings be limited to temporary structures may result in an inability to attract the necessary employee base. This is contrary to the Regional Plan objective and goal of maintaining and supporting the agricultural sector.

The Town of East Gwillimbury and the Township of King have included requirements in their ORMCP Conformity Amendments that permit permanent structures for this purpose. The Ministry has advised the Town of East Gwillimbury that a modification to limit the structures to temporary structures is required. It is expected that modifications of this nature will also be proposed to the King Amendment.

It is recommended that the Region advise the Province of its support for the East Gwillimbury and King Official Plan Amendment approach permitting permanent second dwellings accessory to agricultural uses and request that the Minister be requested to amend Section 34 of the ORMCP to permit either permanent and temporary structures for accessory uses to agricultural uses.

7. CONCLUSION

Considerable effort has been expended by the Region over the past 3 years in order to achieve conformity with the ORMCP. The Minister is the final approval authority for this amendment and his decision cannot be appealed to the Ontario Municipal Board.

The Ministry's proposed text modifications are generally more detailed than we would choose to include in a broad-based Regional planning document. The mapping as well is very detailed. None of the modifications proposed will change the administration or implementation of the ORMCP. The Moraine is an Ontario Regulation and as such must be applied to all activities identified. The regulation leaves no room for interpretation of the provisions. They must be applied in the manner and to the extent prescribed.

It is recommended that the Ministry of Municipal Affairs be advised that York Region supports the modifications subject to the exceptions and changes identified in *Attachment 1*. Regional staff will continue to work with Ministry staff to finalize the details of the modifications and have Regional Amendment 41 approved expeditiously.

With regard to the Map and Figure additions, Regional staff supports the additions with the exception of the map of Aquifer Vulnerability. Regional staff remains of the position that this map is unnecessary but could be included as a Figure. Ministry staff has assured us on several occasions however, that this modification will be made regardless of the Region's position. We have therefore prepared the information as Map 13.

With regard to the ORMCP provisions dealing with permanent versus temporary second dwellings accessory to agricultural uses, the Region supports the Town of East Gwillimbury and Township of King approach and requests that the Minister of Municipal Affairs amend the ORMCP to reflect this standard for the reasons identified in Section 6 of this report.

The Senior Management Group has reviewed this report.

(A copy of the attachments referred to in the foregoing is included with this report and is also on file in the Office of the Regional Clerk.)