

November 30, 2001

Hon. Chris Hodgson
Minister
Ministry of Municipal Affairs & Housing
17th Floor, 777 Bay Street
Toronto, ON M5G 2E5

**Oak Ridges Moraine Conservation Act and
Oak Ridges Moraine Conservation Plan**

Dear Minister:

On behalf of the Ontario Professional Planners Institute (OPPI), I would like to offer the following comments on the proposed Oak Ridges Moraine Conservation Act and Oak Ridges Moraine Conservation Plan.

We are pleased the Province has taken up the challenge to set a positive precedent for land use planning in southern Ontario. The Oak Ridges Moraine Conservation Act and Conservation Plan (released on November 1, 2001) have the potential to be remarkable tools for strong and visionary protection of the Moraine.

The plan and legislation, if passed, respond to each of the key points put forth by OPPI in our Position Paper on the Oak Ridges Moraine (released in May 2000 – please see the attached). Our paper called upon the Province to provide strong and immediate leadership to protect a significant portion of the Moraine. Consequently, we are pleased that the plan and legislation:

- recognize the Moraine as a provincially significant natural heritage resource that must be protected;
- are effective immediately and protect and plan for 100% of the Moraine;
- clearly define areas to be protected;
- designates land use and provides detailed guidance on permitted uses and approval requirements;
- establishes an Oak Ridges Moraine Foundation to fund land securement, stewardship and education programs; and
- outlines treatment for applications already in the development process and provides more flexibility to eastern municipalities to permit residential development in the countryside areas.

Although we support the vision and force represented by the proposals, a few questions remain for discussion:

- The long-term implementation of the plan must be both flexible enough to respond to changes in science and landscape and manage ongoing growth pressure, changing conditions and specific local circumstances.
- Long-term planning must be comprehensive and address environmental conservation hand-in-hand with urban growth, transportation, etc.
- Only a small number of policies in the overall Plan apply to on-going hearings. We are concerned about more protracted hearings, uneven approvals and scientific disputes over environmentally appropriate development in these areas.
- We encourage governments to use any development of the Oak Ridges Moraine and the Seaton lands as a crucible for environmentally sensitive community design.
- The details of the land swap in Seaton need to be spelled out publicly and a Conservation Plan for these lands should be developed to avoid simply transferring environmental issues to Pickering.
- More details should be provided for settlement growth on the Moraine that builds on other MMAH policies. Conversely, the Conservation Plan itself can be used as a model for “smart growth” for other areas. Comprehensive monitoring of environmental performance will be needed for the ten-year review process to succeed.
- The government will have to work in cooperation with planners, the development community and other stakeholders to clarify the expectations for scientific evidence implied in these documents in order to provide certainty and avoid protracted debates.

We are pleased the government is taking positive steps towards addressing urban development issues regarding the Oak Ridges Moraine. Should you wish to discuss our comments with you, please feel free to contact me at 416-944-8444 or contact Loretta Ryan, Manager, Policy and Communications, OPPI at 416-483-1873, ex. 26.

Sincerely,



David Hardy, MCIP, RPP
Director, Policy Development
Ontario Professional Planners Institute

Copy:

Michael Fenn, Deputy Minister, Ministry of Municipal Affairs and Housing
Barbara Konyi, Manager, Provincial Planning & Environmental Services Branch, Ministry of Municipal Affairs and Housing
Dennis Jacobs, MCIP, RPP, President, OPPI
Loretta Ryan, MCIP, RPP, Manager, Policy and Communications, OPPI



Oak Ridges Moraine

Position Paper, Ontario Professional Planners Institute

The Ontario Professional Planners Institute (OPPI) represents professional planners throughout the province. Our members advise governments, corporations, NGOs and individuals on the social, environmental, economic and technical implications of land use decisions and on the mechanisms for facilitating, controlling, and guiding land use change.

OPPI believes that strong action on the Oak Ridges Moraine is needed to protect this significant natural heritage resource. The Moraine represents an opportunity to set a positive precedent for land use planning in environmentally sensitive areas.

This statement of our views is addressed to all who have an interest in the future of the Moraine: the Government of Ontario, regions and counties on the Moraine and elsewhere in the province; local municipalities located on or near the Moraine; the developers who are seeking to build there; and the residents of Ontario.

Our Position

- **The Moraine is a provincially significant natural heritage resource that must be protected so that it can continue to contribute to our ecology, economy and society.**
- **The Moraine must be protected by strong provincial action immediately. This action should build on the April 1994 *Oak Ridges Moraine Area Strategy* and other work completed in the 1990s. Failure to act now will result in a serious loss to future generations. The Moraine policy must address the entire Moraine, clearly define areas to be protected, areas that may be suitable for controlled, environmentally sensitive development or resource use and areas that already have the infrastructure in place or approved to support managed growth.**
- **A significant portion of the Moraine must be retained in agriculture, natural heritage areas and low intensity recreational uses protected from development pressure.**
- **The Moraine is of interest to many people and must be dealt with as an inter-jurisdictional resource.**
- **It is within the power of the Government of Ontario, the regions, counties, and the local municipalities to take immediate action to protect the Moraine for the future. It is not necessary to commission new studies, set up new agencies, or change the *Planning Act*.**
- **Political will by the Government of Ontario is needed to protect the Moraine as a legacy that we can pass on to future generations with pride.**

Options for the Government of Ontario

The Government of Ontario has a number of options available to provide strong provincial leadership on the Moraine. Some build on existing strategies and others require new initiative by the province. All of them require multi-stakeholder involvement and can be implemented with current planning legislation. The Government of Ontario can undertake one or a number of the following actions:

- implement the April 1994 *Oak Ridges Moraine Area Strategy* with necessary updates and refinements;
- use the refined 1994 *Strategy* as the basis of a Policy Statement under the Planning Act;
- declare a temporary “time-out” while the Government consults with the regions, counties, local municipalities and landowners on an appropriate course of action; and/or
- create a Provincial Plan under the Ontario *Planning and Development Act* that designates the Moraine as an area of environmental importance and significance.

With these actions in place, municipalities will be able to implement the policy direction of the Province through their Official Plans, zoning by-laws and development control measures in a consistent and comprehensive manner across the Moraine.

Discussion

The Oak Ridges Moraine has long been recognized as a significant landform that shapes urban form and provides vital ecological, social and economic functions in the GTA and beyond. It is an important source of water for southern Ontario—about 65 rivers and streams originate in this area of glacio-fluvial deposits. It is home to most of the remaining natural areas in the GTA bio-region including forests, wetlands, lakes and habitat for wildlife and several rare species of plants. Its rural landscape includes farms, villages, towns, golf courses and significant aggregate resource areas.

For almost ten years the province and municipalities have recognized the significance of the Moraine and the need for a long-term planning strategy. Despite this recognition, no comprehensive provincial policy is in place today. In 1990-1991 the Government of Ontario expressed that the Oak Ridges Moraine was a matter of provincial interest and issued the *Oak Ridges Moraine Implementation Guidelines* as an interim measure to protect significant features and control development while a long-term strategy was being developed. The province also commissioned an Oak Ridges Moraine planning study directed by a multi-stakeholder technical working committee. This effort resulted in fifteen technical reports intended to provide the basis of a comprehensive protection and conservation strategy for the Moraine. The resulting draft *Oak Ridges Moraine Area Strategy* (issued in April 1994) was

generally supported by all stakeholders and identified areas to be protected and guidelines for development where it was most appropriate. By 1999 no action had been taken on the *Strategy* and the Regions of Durham, York, and Peel issued a report that called for a long-term strategy for the Moraine and proposed a number of recommendations to achieve this goal. More recently, local municipalities have appealed to the province to take a leadership role in protecting the Moraine. Clearly, the *1994 Oak Ridges Moraine Area Strategy* provides a strong technical and consensual starting point for a comprehensive provincial policy. Unfortunately, the final recommendations of the *Strategy* have never been implemented and the status of the *Implementation Guidelines* (now outdated) has not been clarified despite the on-going need for greater provincial leadership.

The Government of Ontario must lead planning for the Moraine. The landform spans a number of municipalities and its ecological/social functions affect municipalities both on and off the landform (e.g. providing ground and surface water supplies and significant recreational opportunities). Planning support must be provided by the Government of Ontario to promote good planning, be inclusive of all stakeholders and assist municipalities and the Ontario Municipal Board in making land use decisions based on a clear, comprehensive and consistent provincial policy that balances environmental protection, economic prosperity and social well-being objectives for the Moraine. It must be a strong public policy that will apply to both government and the private sector and apply to any future municipal structures.

The provincial action should reflect that some development on the Moraine can be accommodated. Through careful land use planning, the Moraine can continue to contribute to our economy and society through recreation, agriculture, community development and resource extraction in a manner that respects the integrity of the Moraine's natural form and function. Not all of the Moraine is equally sensitive: extensive areas should be protected; other areas may be suitable for controlled, environmentally sustainable development; and some areas already have the infrastructure in place to support managed growth. A comprehensive provincial policy would direct development to where it is most appropriate while protecting a significant portion of the Moraine for agriculture, natural heritage, and/or for other low intensity uses.

In addition to provincial policy to direct development to the most appropriate areas, measures are needed to ensure that when development does occur on the Moraine it takes place in a manner that enhances and celebrates the Moraine's natural form and functions. This could be accomplished by encouraging environmentally sensitive building design and infrastructure, and sustainable land use practices. The Moraine provides a unique opportunity to show how land use development can preserve natural heritage and contribute to our economy and society. Such development should be guided through clear public policy, innovative

approval/design guidelines, public education, comprehensive municipal review and a monitoring program.

On the Moraine, we have an opportunity to set a positive precedent for other areas of the province where the pressures of growth confront the need to preserve the integrity of the natural environment. Although the current focus of attention is on the Regions of York, Peel and Durham, the Moraine extends well beyond these jurisdictions from the Counties of Simcoe and Dufferin in the west to the Counties of Northumberland and Peterborough in the east. Decisions made here will also influence other jurisdictions facing conflicts between natural heritage protection and development pressure on significant natural landforms/areas.

It is within the power of the Government of Ontario, the regions, counties, and the local municipalities to take immediate action to protect the Moraine for all time. It is not necessary to commission new studies, set up new agencies, or change the *Planning Act*. What is needed is the political will to protect and conserve the Oak Ridges Moraine.

For further information contact Loretta Ryan, MCIP RPP
Policy and Communications Manager,
416 483 1873 ext. 26, or e-mail policy@ontarioplanners.on.ca