



Great Lakes United—an international coalition to protect and restore the Great Lakes / St. Lawrence River ecosystem

REPRINT

Path-breaking large-scale land-use planning

Ontario's Oak Ridges Moraine to get provincial protection

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After six years of harmful indifference to the fate of the Oak Ridges Moraine, the government of Ontario has shown environmental and political smarts—and potentially set an example for the Great Lakes basin—by pushing forward with a legislated land use plan for this significant landform: 195,000 hectares (250,000 acres) stretching across the top of the Greater Toronto Area, the most populous and fastest growing region in Canada.

The draft Oak Ridges Moraine Conservation Act is in second reading debate and is being fast-tracked through the provincial legislative approvals process. While the rapid movement is gratifying, it does present challenges to the conservation community in effectively commenting on the draft material.

A preliminary review of the legislation indicate that, with key improvements, it will be one of the most comprehensive and ecologically based land use plans for a landform of this size.

The moraine

The Oak Ridges Moraine is one of the largest moranic systems (landforms of glacial deposits) in Ontario and also, according to the Geological Survey of Canada, one of the nation's most significant aquifers. The aquifer directly serves over 250,000 people with drinking water and indirectly serves millions more in downstream communities, including Toronto, through its contribution to stream and groundwater flows.

As a regional surface water divide, the moraine delivers millions of cubic metres of water to Lake Ontario to the south and three large lake systems to the north. Over sixty-five river and streams start in the moraine, most of which begin as cold water fisheries. The moraine's large forests, wetlands, kettle lakes, and bogs also provide last-refuge habitat for hundreds of species of wildlife and native plants. With close to 30 percent forest cover, for the most part the moraine is in surprisingly good shape.

Pressures on the moraine

But since the early 1990s over 100,000 new people per year have been coming to, and staying in, the Greater Toronto Area, bringing the region's current population close to five million people. Coupled with a provincial ethos of hard-line fiscal policies, downloading financial and planning matters to municipal levels, and environmental deregulation across the board, the population movement has been disastrous for regional planning.

Legislative changes have allowed the development industry to become the de facto planning body against which

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- implemented by the municipalities—a contentious issue for the public and the environmental groups
- g New aggregate mining will be forbidden in core areas but permitted under greater ecological constraints in linkage and countryside areas.
 - g Agriculture remains permitted across the moraine.
 - g Transportation, utilities and infrastructure construction will be permitted in core and linkage areas, but only if there is no reasonable alternative. Any such construction must employ more ecologically protective design criteria and ensuing road maintenance must conform to best management practices.
 - g The province will create an Oak Ridges Moraine Legacy Foundation for strategic land securement and stewardship programmes.

Water protection

Water quantity and quality protection is a key concern of the public, especially in the areas of increased ground and streamwater removals, road salt usage, and both cosmetic and agricultural uses of pesticides.

The advisory panel sought to impose a freeze on new water takings until the development of moraine water budgets. Such a move has been said to be inconsistent with long-established property-based rights to use natural waters and therefore legislatively indefensible. However, the plan sets out requirements for municipalities to prepare watershed management plans, including water budgets, environmental monitoring programmes, and wellhead protection policies within five years. Government spokespeople have been candid that this is new territory for them but have also expressed resolve to work cooperatively with municipalities.

Plan problems

Perhaps the most contentious issue in the plan and legislation is the grandfathering of pending applications for development projects under the old rules. Thirty thousand housing units that have draft plan approval will proceed, as will several large lifestyle communities associated with golf courses. The real estate industry agrees with grandfathering, saying that the “healthy supply” of approved projects would assure no short-term impact to housing prices in the Greater Toronto Area. What the industry sees as “healthy,” environmental nongovernment organizations see as a lack of political will on the part of the government to choose “green”

over growth.

Other areas requiring attention focus on monitoring how municipalities implement the policies of the plan given that there is little or no precedent for it from which to draw upon. This includes enforcing restrictions on service utilities in key natural areas and controlling water-gobbling golf courses. Also, intensive agricultural practices in sensitive groundwater recharge areas of the moraine should be restricted.

The government’s reticence to impose “urban design” or “smart growth” policies on its municipal partners is a classic case of side-stepping potential fiscal responsibilities; each level of government is reluctant to step up to the plate of ushering in new public policy. Another factor is overcoming the linear paradigm of “conservation” versus “growth management.” However, the overwhelming input from both the public and the advisory panel is that conservation of greenfields, farmlands and natural areas depends on “intensification”: downtown revitalization and brownfield development in existing cities and towns. But explicit support for this shift is not currently in the legislation.

A new future

It is to be expected that the government will not incorporate all the changes put forward by the environmental community. But the strides taken thus far are major improvements and set the stage for more opportunities to strengthen the Conservation Plan a decade from now. After twelve years of citizen activism in advocating for provincial legislation to protect the Oak Ridges Moraine, a celebration is in order. But then we should begin the task of creating a monitoring network that will track how well the plan is being implemented. It will be a welcome change of focus.

For more information visit the Web sites of Save the Oak Ridges Moraine at www.stormco.org or of the Federation of Ontario Naturalists at www.ontarionature.org. For copies of the draft Oak Ridges Moraine Conservation Act and Conservation Plan and to view maps, go to www.mah.gov.on.ca.

Save the Oak Ridges Moraine, a coalition of twenty-five groups, was founded in 1989 to advocate for provincial legislation to protect the moraine.