



# Seasonal Storms

Spring 2002

## Is our work over yet?

LATE LAST YEAR, MEDIA HEADLINES ANNOUNCED that the Oak Ridges Moraine (ORM) has been “Saved”. Recent headlines suggest that it may not be quite that simple. Is our work over?

The *Oak Ridges Moraine Conservation Act* (ORMCA) has been in effect since December 13, 2001 and the regulation that establishes the Oak Ridges Moraine Conservation Plan (the Plan) was released on April 22, 2002. While the long-term picture for the ORM is really positive, there are still outstanding issues that must be dealt with.

Unlike the *Niagara Escarpment Act*, which has a Commission to implement the Niagara Escarpment Plan, municipalities within the ORM planning area will implement the principles and policies of the Plan. Consistency of adherence to these rules across the 26 municipalities across the moraine will be critical to its ecosystem health. Grassroots groups need to be involved as these decisions are made.

Applications previously approved will still proceed, thus about 25,000 homes will be constructed according to the old rules. Only new applications will trigger the new Plan. Old applications will continue under the old rules. The question is what is old and what is new?

### Old Applications

Applications that were approved before November 17, 2001 or were caught in the six-month freeze announced May 17, 2001 fall under the ‘old’ category. Thus, these developments have the right to proceed even if the site is within a Natural Core Area. While this may seem unfair, this ‘grandfathering’ of approved applications (see the Goodwood article) is consistent with existing legal principles. Thus, new homes and other developments that have received municipal approval will be built in areas even if they are in core areas. Roads and other infrastructure projects will proceed; they are approved under *the Environmental Assessment Act* and not subject to *the Planning Act*. (See the Bayview Extension update.)

### New Applications

Applications that were initiated after November 17, 2001 are subject to the full provisions of the Plan and land use map outlining the natural core and corridors, countryside and settlement areas. Grassroots monitoring is needed to ensure that local municipalities process these applications in conformity to the new act and regulation.

### Transition Applications

There are many steps involved in developments receiving final approval. These may include Official Plan Amendments, zoning bylaw amendments, draft plan approval of plan of subdivisions, minor variances, site plan approvals, etc. Decisions may have been made on some of the initial steps of this process (e.g. OPA’s, ZBA) but not on the final details (e.g. site plan control, lifting of holding provisions). Applications that meet these conditions are in the *transition* phase. These applications will be dealt with on a case-by-case basis in each municipality. While the principle of development has been established, the process to decide further details of the development provide an opportunity for refinements that are in keeping with the new Plan. Community groups can use this opportunity to bring aspects of the ORMCP forward for consideration as the municipal decision makers decide the final development details and conditions. Our work is needed here.

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STORM has been nominated for Canadian Geographic’s Canadian Environment Award in the Sustainable Living category. Log onto [www.canadiangeographic.ca](http://www.canadiangeographic.ca) to learn more and to cast your ballot.

In this package you will find

- a Great Lakes United reprinted article on the Oak Ridges Moraine legislation and Plan
- Action Alert and Overview on the Ballycroy Resorts appeal before the Ontario Municipal Board

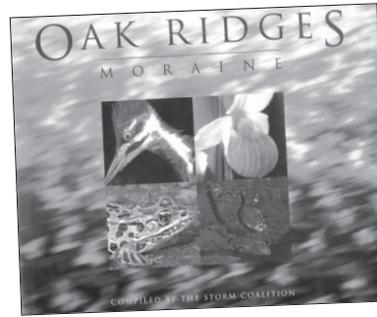
## KING CITY LEAVE TO APPEAL TURNED DOWN

SORTING OUT THE PLAYERS AND CHRONOLOGY of events surrounding the York Durham Sewage System (YDSS) is a trial in and of itself. Of great concern to four citizens groups and a majority of King Township Council is that the YDSS and resultant urban pressures, could still make it to King City. The groups' leave to appeal the Court's decision was turned down for the second and last time.

Sierra Legal Defence Fund represented King City Preserves the Village, Concerned Citizens of King Township, Nobleton Alert Residents Association, and Save the Oak Ridges Moraine (STORM). The four groups bravely fought King Township's Official Plan Amendment (OPA 54), which plans to more than double King City's population over the next 20 years. They were at the Ontario Municipal Board beginning late 1999. On March 8, 2000 after an eight-week trial, the OMB ruled in favour of the Township. The groups quickly sought leave to appeal this decision. In the spring of 2000, Justice Archie Campbell of the Divisional Court gave a strong decision questioning whether the OMB had made "six errors of law" and granted the leave. By the fall 2000, the citizens groups were shocked to learn that the three judges selected to hear their appeal "refused all grounds of appeal" in direct conflict with the original decision of Justice Campbell.

The environmentalist's mantra of "never give up" certainly reigns in King City. Despite this latest set-back, there continues to be a spirit of going forward. A loose partnership of King City environmental groups is supporting King Township's November 2001 request for a 'bump-up' of the Class Environmental Assessment Study. The public outcry to the EA's shoddy engineering and poor scientific methods, has moved in excess of 900 individuals to ask the Minister of Environment to 'bump up' the Class EA to an individual Environmental Assessment. At the time of writing, no decision has been made.

## REPRINT NEWS! REPRINT NEWS! REPRINT NEWS!



STORM Coalition's much sought after book "Oak Ridges Moraine" (The Boston Mills Press) is back on the market! Full of spectacular colour photos, this beautifully written and laid out book delves into the natural history and ecological wonders of the Oak Ridges Moraine. Find it on shelves everywhere, or order it from your nearest bookstore.

## BAYVIEW EXTENSION UPDATE

THE BULLDOZERS CONTINUE THEIR STEADY march through wetlands and forest corridors in an area dealt the highest level of protection under the new Oak Ridges Moraine Protection Act (Bill 122). Despite the fact that the Bayview extension paves over a designated "natural core area", despite the fact that the nationally threatened Jefferson salamander and Yellow-spotted salamander call the area home, despite the fact that this thoroughfare will contribute to the worst kind of urban sprawl, and despite residents and Save the Rouge's valiant legal efforts to stop the road, the economic engine bulldozes ahead.

Michael White, president of the Richmond Hill Naturalists, has requested that the Ministry of Environment establish a working group of stakeholders to oversee the design and mitigation of the road construction. For day to day details contact Michael at 905 773-8190 or michael.white@sympatico.ca.

AS MOST PEOPLE ARE aware, The Oak Ridges Moraine Protection Act (Bill

## SEATON/ORM LAND SWAP : TRANSPARENCY OR 'JACK IN THE BOX' POLITICS?

122) came with a built in land swap deal for several developers who currently own properties that are on sensitive areas of the moraine. At a recent Canadian Urban Institute meeting, president David Crombie stated that it is the intent of the provincial government to make all deals transparent and open to the public. So far, any swap negotiations have been behind the scenes. The province may insist that "professional appraisal values" provide independent impartial indicators of worth for both sides of the deal. However, the province should beware that the public will not be happy if end-deals simply pop up without prior opportunity for civic discourse.

A second item of interest emerging from the dust bins of Seaton is a 'Smart

Growth' proposal put together several years ago for the 7000 acres of land just north of Pickering. The local residents and municipality bought into the provincial advisory committee's 1995 plan for a "model community" which envisioned 1/3 of the land designated agricultural preserve, 1/3 natural area and 1/3 urban. This proposal was a serious undertaking and any land swap deal should include its vision as a starting point for future development. Likewise, the terms of land swaps should be made public and Bill 122's protection policies should be applied through a public process – no surprises please!

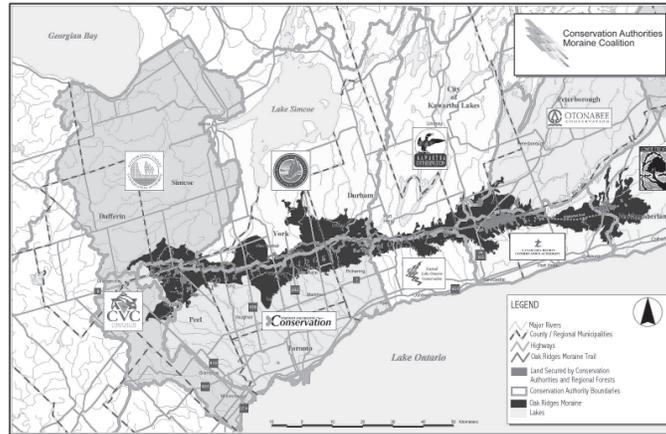
*(Context for this article can be found in accompanying Great Lakes United Newsletter insert)*

## 3 R's JOINT REGIONAL INITIATIVE SUPERSEDED BY BILL 122

THE OAK RIDGES MORAINÉ JOINT REGIONAL Initiative of York, Peel and Durham may have been superseded by the passing of the *Oak Ridges Moraine Conservation Act* on November 17, 2001. However the years of work and amalgamation of knowledge contained in the final document (*The Oak Ridge Moraine: Proposals for the Protection and Management of a Unique Landscape*) will prove to be a valuable resource and instrument for the province and stakeholders in the interpretation and implementation of Bill 122!

### The Conservation Authorities Moraine Coalition

One extremely exciting outcome of the regional initiative is the establishment of the Conservation Authorities Moraine Coalition (CAMC). In December 2000 the CAMC was formed with nine Conservation Authorities holding lands on the Oak Ridges Moraine. Although the priorities have changed as a result of the province legislating protection of 62% of Moraine, David Burnett, CAMC's coordinator, is thrilled that the CAMC's land securement strategy can now focus on the needs of agricultural lands, and the identification of moraine areas requiring



rehabilitation or reforestation. Additionally, the Natural Heritage strategy aids with the latter identification process, whereby CAMC has streamlined the classification system (implementing *Ecological Land Classification System*) among York, Durham and Peel regions, as well as the nine conservation authorities involved. Working together with a common language and methodology has allowed for a comprehensive visioning of natural heritage issues and rehabilitation opportunities across the moraine.

The groundwater management work is flowing swiftly forward for the CAMC. The three regions, York, Durham and Peel, and the City of Toronto each gave 100,000 dollars toward the project in 2001, promising similar grants for 2002. As well, the project received 550,000 dollars from the Ministry of the Environment. There are three phases to this gigantic study which is based on a five year work plan. At this time, CAMC in deep into phase two, the foraging and gathering of technical/scientific data.

For more information on either the CAMC or 3 R's initiatives, contact David Burnett at (416) 661-6600 ext. 5361.

### GOODBYE IRENE

STORM says a very sad farewell to our colleague and friend Irene Kock, who died suddenly News Years Eve in a car accident. One thousand strong came to her funeral January 5<sup>th</sup> to celebrate her memory and to bid her a tearful adieu. Irene is best known for her national advocacy work in Nuclear Awareness, as well as her grassroots activism with the Uxbridge Conservation Association. Irene walked her talk and lived her passion. She was an environmental goddess, a social justice activist and an avid organic gardener. She fostered an ethic of care and professionalism in everyone she worked with. One must only look her name up on the web to discover the legacy she began – a legacy we must all strive to uphold. One way to do this is to make a donation in Irene's name to the Uxbridge Conservation Association. STORM was pleased to make a \$250 donation to the UCA. Please call Teresa Johnson at 905 642-6619 for information

### Tread lightly in her footsteps

(STORM member Wynn Walters authored and read this poem at the funeral service for Irene Kock.)

Tread lightly in her footsteps, children of the earth –  
delicate imprints on the land  
whose impact will be counted in the countless whose impression  
measured by the boundless.

Tread lightly in her footsteps, children of the earth,  
to a place where you can quench your thirst with a cup of purity . . .  
breathe the air of a pristine planet unsullied by the stench of misdirected progress,  
walk in fields unpoisoned by the pestilence of productivity;  
a place unthreatened by the Damoclean sword of nuclear might undone,  
a place where all the creatures of the earth can live, and love and linger in the sun.

Gone too soon, you ask? A wasted life?

Only by a clock that measures lives of daily mediocrity.

Her time was not measured thus, in months and years, but by a pendulum of  
deeds and words that is not stilled by death or tears.

Tread lightly in her footsteps, children of the earth.

Follow the path of this gentle warrior, fierce in her convictions, formidable in her fight,  
but gentle in her leadership, unswerving in her vision of what she knew was right.

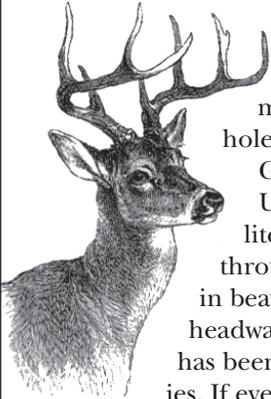
Tread gently in the footsteps of she who trod so lightly on the earth.

And as you go, look carefully where the forest is most green . . .  
and you will see – it is there that she has been.

## COMMENTARY FROM THE TRENCHES

By Teresa Johnston of Goodwood Matters!

MY RANT IS WITH THE 'GRANDFATHER' CLAUSE built into Bill 122 – the *Oak Ridges Moraine Conservation Act*. With all due respect to the good things coming out of this legislation, many of us who have been organizing on behalf of the moraine must once again gather strength, don our armour and sharpen our wits against seasoned politicians and developers. The 'grandfather' clause, simply put, allows all development proposals in various stages of approval before May 17, 2001, to go ahead.



In my neck of the woods, this means that the highly contentious Goodwood Hills proposal will move forward. This is a 600 acre 32 hole golf course envisioned for rural Goodwood, and draft approved by Uxbridge Township. This scheme literally *tees* off through wetlands, *fours* through core-area forest corridors, *pars* in beaver bogs, and *birdies* all over the headwaters of Duffins Creek. This proposal has been in contention since the late eighties. If ever there was a "poster child" for the worst kind of development for the moraine, this one is it. On the new map it sits smack dab in the middle of a Natural Core Area. Nevertheless, because it had draft approval prior to May 17 2001, the residents and environmental groups must again face off against this development in council chambers and most likely, at the Ontario Municipal Board.

Another Goodwood example. Developer John Trifiletti proposes to build 50 estate homes on large lots in our tiny hamlet of 125 residences. This proposal, now known as "Deer Ridge Estates", has been under serious contention

since 1997. It expands the hamlet boundaries, spilling directly into the provincially significant Goodwood Glasgow Wetland Complex, a Natural Core Area. Culverts drain the Trifiletti "ridges" (where he intends to evacuate "deer" to plant houses and septic), directly into the wetlands. He wasn't even required to conduct an Environmental Impact Statement, despite regional policy that said he must, and despite ardent petitions from many residents and environmental groups such as STORM, UCA and Goodwood Matters! Most depressing of all, the moment the freeze was announced, Uxbridge Township lobbied for an exemption on behalf of this developer. In defiance of the unsolved, convoluted, contradictory, ecologically unsound issues that surround this proposal, Mr. Trifiletti was given an exemption.

Long before the freeze, small citizen's groups like Goodwood Matters! formed in order to fight inappropriate development consuming the Moraine and threatening the health of our communities. Some of us have been fighting since the eighties. Us little people, the unpaid residents, unprofessional lobbyists, inexperienced "politicians" who dared to organize, who dared to try and stand up to the big moneyed development industry, were no match for the bad planning principles bulldozing the moraine. Hence, the voluminous cries directed at the province from the masses of voters. Hence, the freeze.

My beef. Simply put, the moraine was exponentially being consumed by inappropriate planning applications that pre-date May 17, 2001. Those applications still abound. Bill 122 does not recognize this. The 'grandfather' clause mocks us. We are back in the trenches, back before council, back at the OMB. The Moraine developer is still our worst night-mare. This is not melodrama. This is how it feels to be on the front lines today in the wake of all the backslapping and handshaking that's going on over Bill 122. Godspeed.

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Because the ministerial regulation was just recently released, municipalities have been unable to process applications in their backlogs and the pile is continuing to grow. Municipalities also need this regulation to bring their Official Plans and zoning bylaws into conformity with the ORM Conservation Plan within one year to 18 months of the release of the regulation.

The work of community groups is needed at these two critical points – to monitor the process of considering applications in the backlog using the new rules and to monitor how

municipalities, both regional and local, bring their Official Plan and local Zoning. The pressure on municipal staff will be great during this period.

MMAH is preparing educational workshops and material; more on this as details become available. STORM's next newsletter will include a flowchart of the processes that municipalities will be undertaking. It will highlight key steps for citizens to monitor and critical steps for public participation. Be sure to check STORM's website for updates and links to sources of information.

*There is still to work to be done!*

### STORM FRONTS: A Directory of STORM Member Groups 2001

We are proud to announce the completion and distribution of the STORM FRONTS directory. This is a great resource consisting of a short synopsis on each of our 25 member groups across the ORM and GTA, as well as contact names and numbers. This directory not only shares experience and knowledge of various issues affecting the moraine, but is excellent for networking and the development of inter-community support systems.

Copies are available from:

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