

# CHAPTER 3

## BACKGROUND

### STUDIES, STRATEGIES, POLICIES & LEGISLATION

#### 3.1 TRCA PLANNING STUDIES, POLICIES AND LEGISLATION

##### 1) The Greenspace Strategy (1989)

This Strategy outlines the importance of watershed management in the Greater Toronto Region. It proposes that the TRCA act as the coordinator between the province and municipalities in greenspace conservation efforts.

In 1989, The TRCA adopted the following mission statement:

*Toronto and Region Conservation, with one third of Ontario's population within its area of jurisdiction, acts in the community's interest through advocating and implementing watershed management programs that:*

- *Maintain and improve the quality of the region's lands and waters;*
- *Contribute to public safety from flooding and erosion;*
- *Provide for the acquisition of conservation and hazard lands; and*
- *Enhance the quality and variety of life in the community by using its lands for inter-regional outdoor recreation, heritage preservation, and conservation education.*

##### 2) Authority Policy for the Disposal of Land

Parcels of Authority-owned land proposed to be sold or otherwise disposed of for other than road widening or other routine public purposes, at nominal consideration, must first be brought to the attention of the TRCA's Executive Committee and processed in the following manner:

- (a) A detailed technical review is to be carried out by the Authority's technical staff. Appropriate terms and conditions are to be prepared by the technical staff dealing with any technical concerns, including the potential impact or mitigation requirements relating to remaining Authority holdings.

- (b) The proposed disposition is to be circulated to the local and regional municipalities.
- (c) All sales are to be at market value, with agreements to include provisions for all Authority objectives to be met.

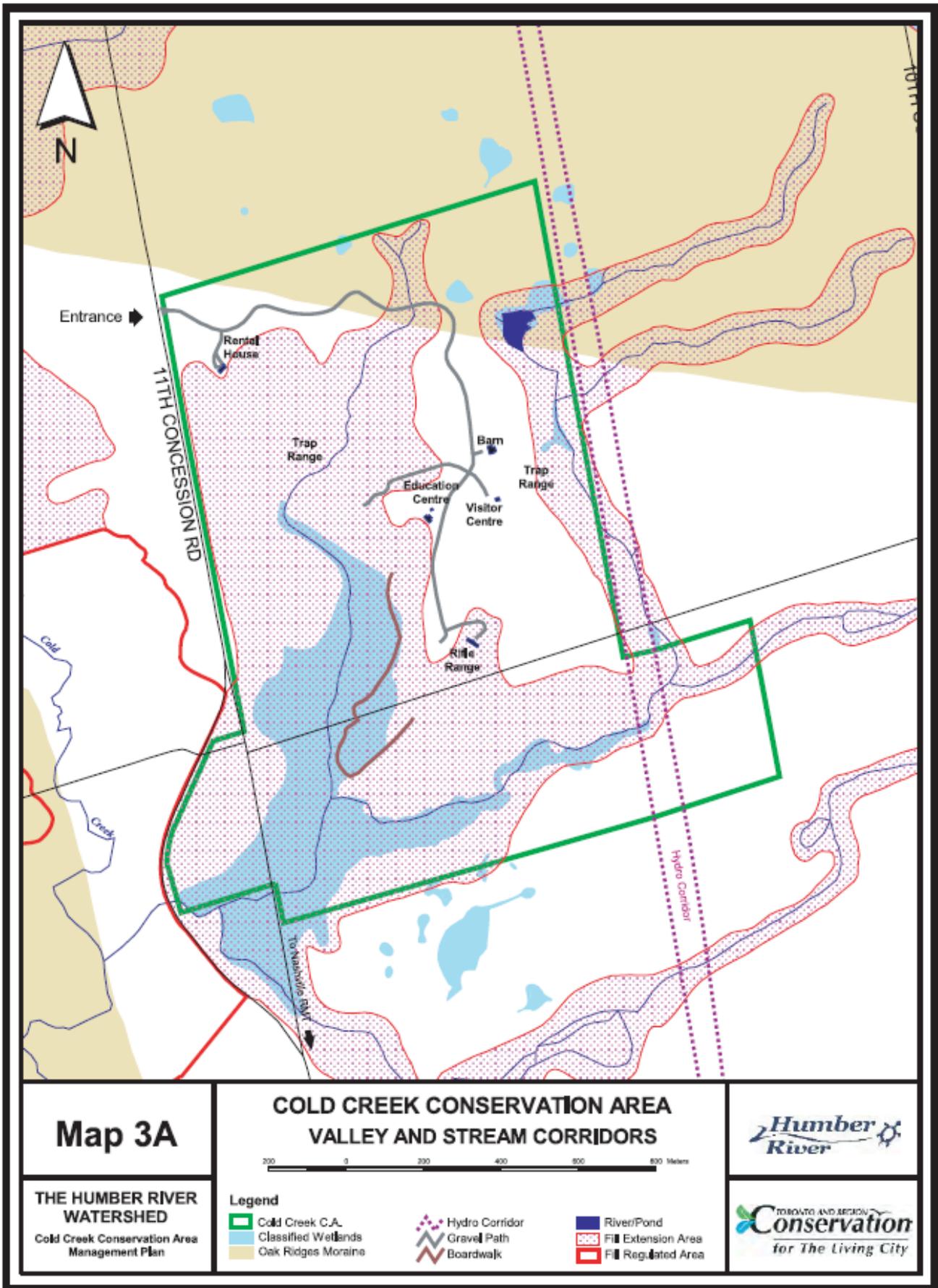
Where the land proposed to be disposed of is of significance, other than small fragments offered to abutting owners in exchanges of land, minor sales or resolution of encroachment problems, the following additional steps are to be taken:

- (d) The Authority's intention to consider disposal of the lands be duly publicized, including adequate newspaper publication in at least one local and one major Toronto region newspaper.
- (e) At least one public open house information session be held in the vicinity of where the lands proposed to be disposed of are situated.
- (f) The general public and any other interested parties be invited to make submissions, either verbal or written, to the TRCA's Executive Committee prior to a final recommendation being made with respect to disposal.
- (g) At such time as a final recommendation is made with respect to disposal, staff provide to the members of the Authority details of the recommended disposition including commission rates and any other specific information relating to the transaction.

##### 3) An Archaeological Master Plan for TRCA (1990)

The master plan provides the Authority with a heritage inventory protocol which helps facilitate future developments on its lands and is a means by which the Authority can comply with the heritage requirements of the *Ontario Environmental Assessment and Heritage Acts*.

The guidelines define general archaeological requirements to be applied to all TRCA undertakings, land severances,



and externally generated projects. The specific requirements may vary from situation to situation and therefore will be recommended by the TRCA Project Archaeologist.

#### 4) Valley and Stream Corridor Management Program (1994)

This program provides policy direction to reduce risks to life and property from flooding, erosion, and valley slope instability; to protect or restore the ecological health and integrity of valley and stream corridor systems; and to provide opportunities for public use and enjoyment that are compatible with these systems. The Valley and Stream Corridor Management Program gives effect to the strategic direction of the 1989 MTRCA Greenspace Strategy.

The Program identifies valley and stream corridor boundaries in order that they can be appropriately identified in municipal planning documents and zoned in appropriate Open Space categories. Generally, the boundaries of valley and stream corridors are determined on a site specific basis and are accompanied by technical analysis such as a flood study or a geotechnical analysis. The Program defines these corridors as follows:

##### Valley Corridor

- 10 metres inland from the stable top of valley bank; or
- If the valley corridor is not stable, 10 metres inland from the predicted long term stable slope projected from the existing stable/slope toe (base) of the slope, or from the predicted location of the toe of the slope as shifted as a result of stream erosion over a 100 year period.

##### Stream Corridor

- 10 metres inland from the Regulatory Flood Plain; or
- If the watercourse has a drainage area of less than 125 hectares, 10 metres from the predicted meander belt of the watercourse, expanded as required to convey the major system flows and/or to maintain riparian stream functions.

Where a Significant Area, such as a designated Environmentally Significant Area (ESA) or Area of Natural and Scientific Interest (ANSI) is within and/or adjacent to a valley or stream corridor, the corridor boundary is extended to include the Significant Area and a minimum of 10 meters inland.

#### 5) Ontario Regulation 158

Pursuant to Section 28 of the Conservation Authorities Act, the Province enacted Ontario Regulation 158. To

comply with Ontario Regulation 158, a permit is required from the Authority prior to various works taking place (e.g., diverting or interfering with the existing channel of a watercourse, constructing any building in or on a pond or swamp, or filling or regrading in a regulated area). A permit could be refused if, in the opinion of the Authority, the work affects the control of flooding, pollution, or the conservation of land.

Section 28 of the Conservation Authorities Act has undergone revisions. Under the revised Section 28, Conservation Authorities may make regulations applicable in the area under its jurisdiction:

- (a) Restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;
- (b) Prohibiting, regulating or requiring the permission of the Authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- (c) Prohibiting, regulating or requiring the permission of the Authority for development if, in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

#### 6) Greenspace Protection and Acquisition Project 1996-2000

The Greenspace Protection and Acquisition Project is an essential component of the Authority's Greenspace Strategy and other strategic initiatives. The Authority and its partners have been involved in a number of greenspace protection and acquisition projects since 1957. These projects are the legal vehicles with which the Authority raises funds to pursue its protection and acquisition objectives.

The Authority protects Greenspace using different types of ownership and methods of acquisition:

- fee simple
- easements
- covenants
- leases and agreements
- stewardship agreements
- the land planning and development process
- projects and donations
- exchanges
- municipal lands
- expropriation

Lands to be protected and acquired through various means must meet the Authority's conservation objectives as expressed in policies such as the Valley and Stream Corridor Management Program.

## 7) The Strategy for Public Use of Conservation Authority Lands (1995)

The purpose of this Strategy is to provide guidelines on where and how public outdoor recreation and education uses will be considered on TRCA land. To manage the community's growing interest in Conservation Authority lands, a clear set of goals, guiding principles and objectives have been identified that permit the Authority to focus on outdoor recreation and education uses.

In the watersheds managed by the Authority, the provision of public uses on conservation lands must balance the needs of the community with the protection and enhancement of the natural environment. The Strategy provides a framework for decision making that can achieve that balance and sustain our natural resources for years to come.

## 8) Forest Management: Practices, Performance and Proposed Operations for TRCA Lands (July 1996)

The objectives of the TRCA's forest management program are to:

- Implement and maintain a program of forest resource inventory and analysis to aid in the prioritization of management activities and the preparation of multi-year operating plans for Authority owned woodlands.
- Carry out management activities aimed at maximizing the protection and enhancement of forest functions and associated benefits (e.g., water management, soil erosion and sediment control, fish and wildlife habitat, public education and recreation, aesthetics and products).
- Ensure that operational practices are based on sound forestry principles.
- Ensure that management activities are integrated and compatible with other TRCA programs and policies and are supportive of other public agency resource management objectives.

Land acquisition, reforestation/tree planting, forest cutting/tending operations and technical advisory services are all components of an effective program of forest management. These activities are directed toward establishing and maintaining a diverse and healthy forest cover.

## 9) The Humber River Watershed Management Plan (1997)

The TRCA prepared a Humber River watershed management plan titled, *Legacy: A Strategy for a Healthy Humber* in 1997. The Humber River management plan sets out

policies, actions, criteria and stewardship initiatives that will help with proactive management of the significant resources in the watershed. The Cold Creek Management Plan will be in conformance with the principles and objectives of *Legacy: A Strategy for a Healthy Humber*.

## 10) Report Card on the Health of the Humber River Watershed (2001)

The *Report Card on the Health of the Humber River Watershed* is a document which assesses the state of the Humber River watershed every three years, according to a variety of indicators. The Cold Creek Management Plan must strive to contribute to achieving the targets established by the first Humber watershed report card.

## 11) Humber River Watershed Fisheries Management Plan (Draft 1998, updated 2002)

The Plan is a resource document used to develop and implement regeneration projects and as a tool in the Plan Input and Review process. It contains biological, physical and chemical characteristics about the watershed. Based on these characteristics, the watershed is divided into seven aquatic habitat categories. Human influences on the watershed led to the creation of management zones which are based on the aquatic habitat categories. Management direction to achieve the targeted fish community for each management zone is provided on a subwatershed basis. Example management recommendations include in-stream barrier mitigation, riparian zone planting, stormwater quantity and quality controls, and in-stream habitat creation. A draft plan was completed in 1998, with a final Plan anticipated by the end of 2002. Aquatic habitat management in the Cold Creek Conservation Area will be guided by the Humber River Fisheries Management Plan

## 12) Terrestrial Natural Heritage Approach (2002)

TRCA's Terrestrial Natural Heritage Approach has been applied to the Cold Creek Conservation Area. The approach considers the site within the context of the region and regional pressures. It provides clear and detailed direction for gathering and analyzing information about natural habitats, vegetation communities, species, and forms the basis for developing strategies for protection and restoration.

## 3.2 MUNICIPAL LAND USE PLANNING

Land use planning in Cold Creek Conservation Area is affected by several local, and provincial plans and studies. The Municipal Land Use Planning Studies set the stage for future land uses. The Official Plans set the vision of the future municipal land uses, and the comprehensive zoning by-laws identify specific uses and sets restrictions on site-specific land uses. Since Cold Creek Conservation Area is located in King Township, the property is subject to the Regional Municipality of York's Official Plan and The Township of King's Official Plan and Comprehensive Zoning By-laws .

### 1) York Region Official Plan (July 1999)

Cold Creek Conservation Area has been designated as an "Environmental Policy Area" within the Regional Greenlands System in the York Region Official Plan.

The following Sustainable Natural Environment Goal and Objectives of the York Region Official Plan applies to Cold Creek:

#### Goal

"To conserve and improve the natural environment for this and future generations so that it will sustain life, maintain health and provide an improved quality of life."

#### Objectives

1. To identify, protect and restore the Regional Greenlands System composed of natural areas and connecting links as an essential structural component of the Region.
2. To ensure that significant environmental features and functions are preserved.
3. To ensure no loss of wetland function or wetland area in significant wetland areas in the Region.
4. To protect forested areas of regional significance and to encourage reforestation to provide environmental, social and economic benefit to the residents of York Region.
5. To increase forest cover to a minimum of 25% of York's total land area from the current 18%.
6. To encourage and support the conservation of significant landscapes, views and vistas.
7. To maintain and improve water quality and flow of lakes, rivers, streams and groundwater and to protect headwater areas from land use that may have the potential to contaminate downstream water systems.

8. That the natural functions and processes of the Oak Ridges Moraine be managed to provide a balance between the natural environment and growth expectations.

The York Region Official Plan is currently undergoing a review. This review deals with environmental policy areas, wetlands and forest cover. It is anticipated that the revised Official Plan will significantly complement the programs, policies and on-going initiatives of the Authority. The Cold Creek Management Plan will contribute to the overall objectives of the Regional Greenlands System. The Official Plan acknowledges that the Regional Greenlands system will be continuously preserved based on on-going studies of the Authority and others.

### 2) The Township of King Official Plan (October 1997)

#### Goals and Objectives

"The Township of King strives to be a prosperous, vibrant community, proud of its rural traditions and committed to balancing benefits of accessibility with the values of its natural environment."

The fundamental principles on which this plan is based apply to the future of Cold Creek Conservation Area. For example, the OP states that:

1. The rate of growth in the rural areas over the next twenty years will be similar to what has occurred in the past 20 years. New growth will be directed primarily to the serviced communities of King City, Nobleton and Schomberg.
2. New development will preserve the quality of life and the quality of the environment. These features of the Township should remain largely untouched over the next 20 years.
3. The financial health of the Township and economic opportunities for present and future inhabitants will be enhanced through the environmental and growth management policies of the Official Plan.

#### Official Plan Land Use Designations

Shown in *Schedule A: Land Use and Transportation (1997)*, and *Schedule B: Resource Protection (1997)* maps from the King Township Official Plan are the land use designations for Cold Creek Conservation Area and the areas surrounding Cold Creek in King Township. There are a number of designations to note:

- a) Cold Creek Conservation Area's land use is classified as Recreation or Natural Heritage.
- b) Cold Creek is surrounded by rural and agricultural land, and there is a portion of land designated as

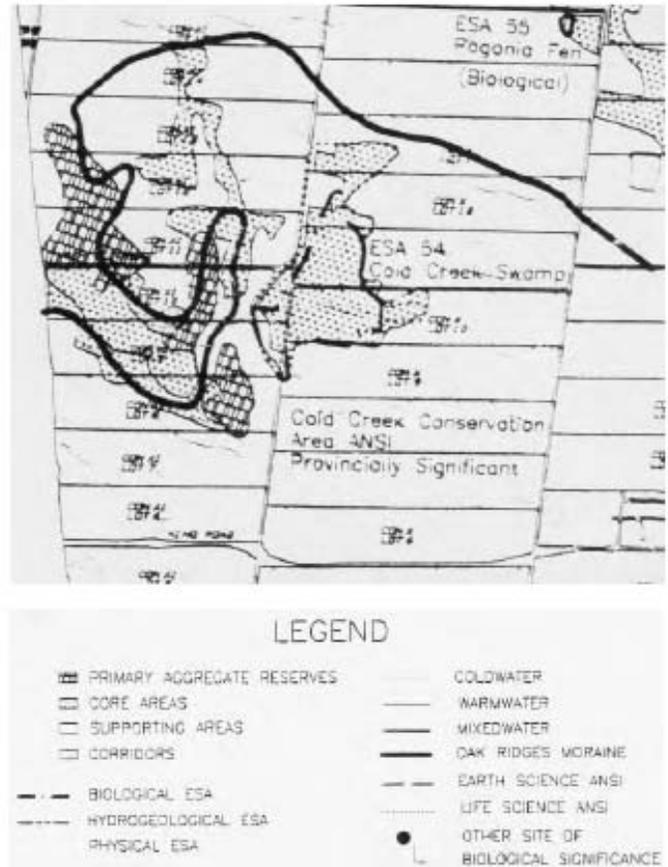


Figure 2: Land use Designations, Township of King Official Plan, Schedule A and B.

“institutional” (YMCA property) to the south-west of the area. An aggregate resource area has been identified on the west side of the property on the Albion-King townline.

Permitted Uses in “Recreation” designated areas include:

- Public parks including fairgrounds on land owned or under the control of government authorities.
- Private recreational areas for passive and active recreational activities, but excluding activities involving motorized vehicles, including golf courses, private sports fields, ski facilities, private clubs and campgrounds.
- Ancillary commercial uses providing goods and services to the patrons of the recreational facility and meeting or conference facilities.

Permitted Uses in the “Natural Heritage” designated areas include:

- Passive recreation uses such as nature viewing and trail activities, except the use of motorized vehicles, that do not require buildings or structures and do not adversely affect the environment, soil or topography or impact on nearby agricultural uses.
- Essential transportation and utility facilities, forest, wildlife and fisheries management and archaeological activities.

- Essential watershed management and flood and erosion control projects carried out or supervised by a public authority.

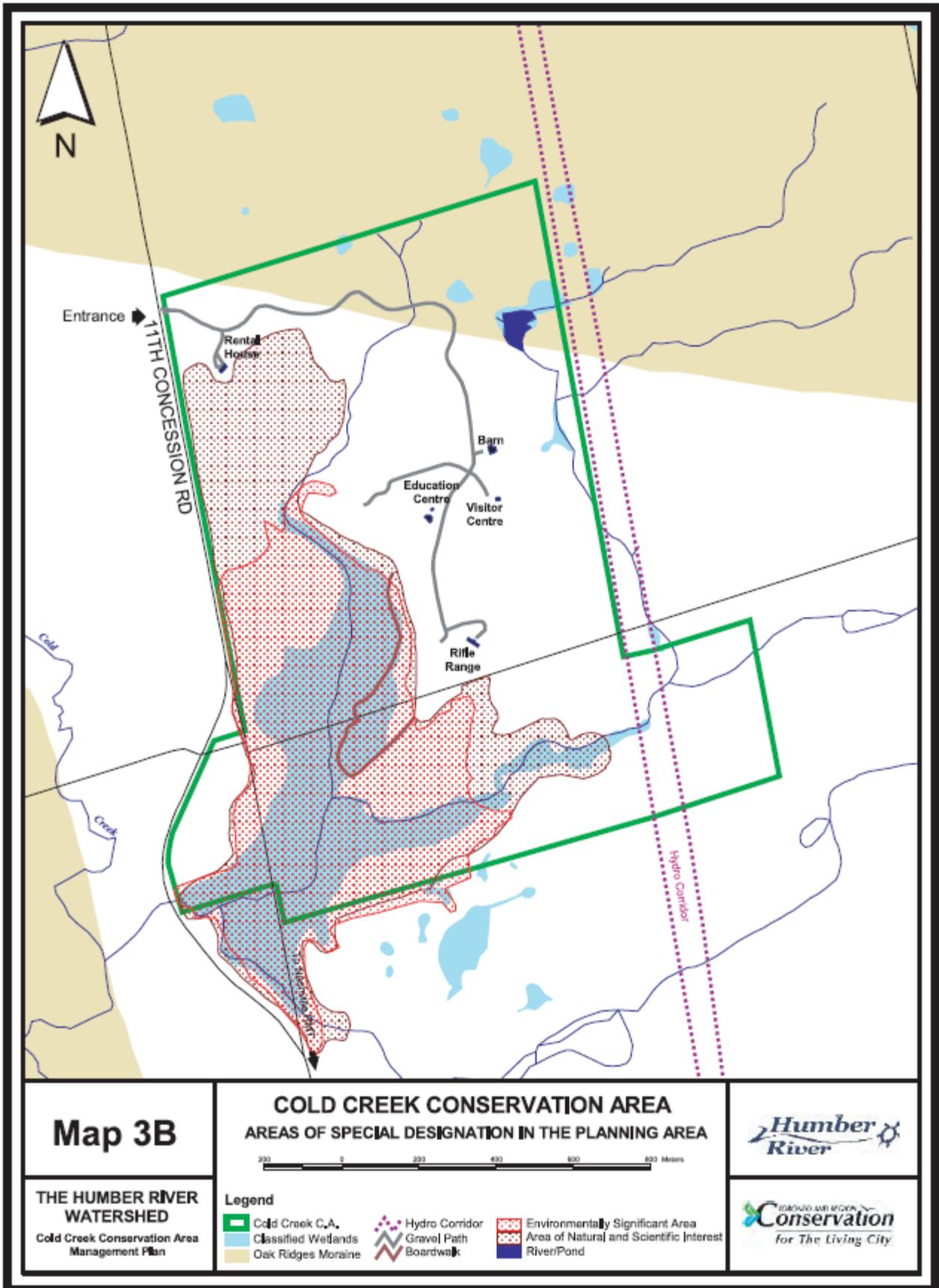
### Resource Protection

Schedule B shows the areas designated as Natural Heritage in greater detail as Core Areas, Supporting Areas and Corridors.

1. Cold Creek Swamp is designated as a Biological Environmentally Sensitive Area (ESA 54).
2. A large portion of land within Cold Creek is designated as “Core Areas”.
3. A portion of Cold Creek Conservation Area is listed as an Area of Natural or Scientific Interest (ANSI).
4. The surrounding land within and around the Conservation Area is classified as “Supporting Areas”.

Specific Planning Policies applied to Core Areas:

- Core Areas are the most important Natural Heritage System features which reflect the presence of a mix of important functions, attributes and linkages.



- Development shall not be permitted within significant wetlands and significant habitat of endangered and threatened species.
- Where development is proposed on or within 120 metres of a wetland, 50 metres of other core areas or 30 metres from fish habitat within core areas, an impact assessment shall be prepared to the satisfaction of the Township and other appropriate approval authority.

Specific Planning Policies applied to Supporting Areas:

- Council will place a high level of priority on protection, enhancement and restoration of Supporting Areas within the Natural Heritage System.
- Council will require an Environmental Impact Assessment when development is proposed within a Supporting Area or within 30 metres of the boundary of a Supporting Area.
- Where development occurs within or adjacent to a Supporting Area, Council will encourage innovative design which allows development without adverse impact on the functions, attributes and linkages within Supporting Areas.

### 3) Township of King Zoning By-Law 74-53

The Township of King’s Zoning Bylaw 74-53 zones Cold Creek Conservation Area as Open Space and Conservation (O). Permitted land uses in the areas zoned Open Space and Conservation – O include:

No person shall within an Open Space and Conservation (O) zone, change the use of any building, structure or land or erect and use any building or structure except in conformity with the following uses:

- bird or animal sanctuaries
- cemeteries
- golf courses
- market gardens or general agriculture uses
- nurseries
- pavilion, band shells and museums
- public and private recreation centres and parks
- walking trails
- parking lots incidental to open space uses
- lands owned by or under the control of a conservation authority established by or under the Conservation Authorities Act, 1968, or a predecessor of this Act
- a conservation area primarily for the location of flood control, bank stabilization or erosion protection structures or projects.

Permitted uses are subject to site specific regulations and restrictions.

## 3.3 PROVINCIAL PLANS AND OTHER STUDIES

### 1) Oak Ridges Moraine Conservation Plan

Since a portion of the Cold Creek Conservation Area lies within the Oak Ridges Moraine, it is important to highlight some of the policies of the newly developed Oak Ridges Moraine Conservation Plan (ORMCP) that are applicable for any future land uses within and surrounding Cold Creek Conservation Area.

The north-east portion of the Cold Creek Conservation Area property has been designated as a “Natural Linkage Area” in the ORMCP. This area is defined in the ORMCP section 10 (1) as “areas forming part of a central corridor system that supports or have potential to support movement of plants and animals among the Natural Core Areas, Natural Linkage Areas, river valleys and stream corridors”.

The purpose of Natural Linkage areas is to maintain, and where possible improve or restore, the ecological integrity of the Plan Area, and to maintain, and where possible improve and restore, regional-scale open space linkages between Natural Core Areas and along river valley and streams corridors, by:

- (a) Maintaining, and where possible, improving or restoring the health, diversity, size, and connectivity of key heritage features, hydrological sensitive features and the related ecological functions.
- (b) Maintaining, and where possible, improving or restoring natural self-sustaining vegetation over large parts of the area to facilitate movement of plants and animals.
- (c) Maintaining a natural continuous east-west connection and additional connections to river valleys and streams north and south of the Plan Area.
- (d) Maintaining the quantity and quality of groundwater and surface water.
- (e) Maintaining groundwater recharge.
- (f) Maintaining natural stream form and flow characteristics.
- (g) Protecting landform features.

The following uses are permitted with respect to land in Natural Linkage Areas:

1. Fish, wildlife and forest management
2. Conservation projects and flood and erosion control projects
3. Agricultural uses
4. Transportation, infrastructure, and utilities, but only if the need for the project has been demonstrated and there is no reasonable alternative
5. Home business
6. Home industries

7. Bed and breakfast establishment
8. Farm vacation homes
9. Low-intensity recreational uses
10. Unserviced parks
11. Mineral aggregate operation
12. Wayside pits
13. Uses accessory to the uses set out in paragraphs 1-12

Some Key Land Use Policies relevant to Cold Creek include:

- New transportation and utility corridors or facilities shall only be allowed in Natural Core Areas and Natural Linkage Areas if they are shown to be necessary and there is no reasonable alternative. They shall have to meet stringent review and approval standards.
- The Oak Ridges Moraine Trail shall provide non-motorized recreational access (this will be important in future if connecting Cold Creek Conservation Area to the ORM trail is considered as a recreational opportunity).
- An application for a transportation, infrastructure or utilities use with respect to land in a Natural Linkage Area shall not be approved unless:
  - a) the need for the project has been demonstrated and there is no reasonable alternative; and
  - b) the applicant demonstrates that the following requirements will be satisfied, to the extent that is possible, while also meeting all applicable safety standards:
    1. The area of construction disturbance will be kept minimal.
    2. Right of way widths will be kept to the minimum that is consistent with meeting other objectives such as stormwater management and with locating as many transportation, infrastructure, and utility uses within a single corridor as possible.
    3. The project will allow for wildlife movement.
    4. Lighting will be focused downwards and away from Natural Core Areas.
    5. The planning, design and construction practices adopted will keep any adverse effects on the ecological integrity of the Plan Area to a minimum.

## 2) Walkerton Report

Part 2 of the Walkerton Inquiry, A Strategy for Safe Drinking Water, was released by the Ontario Government on May 23, 2002. The Walkerton Inquiry was established in June 2000 to investigate the E. Coli contamination of the water supply in Walkerton. The recommendations particularly relevant to Conservation Authorities include:

1. Preparation of watershed-based source protection plans.
2. Source protection planning should be done at a local watershed level by those most directly affected.
3. All large or intensive farms and all farms in areas designated as high risk in the source protection plan should develop binding individual farm water protection plans.

Since most of the area surrounding Cold Creek is either agricultural or rural, the Cold Creek Management Plan recommends that potential agriculture source contamination areas be identified by employing the Agriculture Non-Point Source Protection Model and implementing management options to address any source protection issues.

## 3) Highway 427 Extension Study

The Ministry of Transportation (MTO) is currently undertaking a Transportation Need Assessment Study to address the future north-south travel demands for Highway 427 north to the Collingwood/Barrie area. An individual environmental assessment study, under the Ontario Environmental Assessment Act, will be carried out for the recommended area for new transportation facilities.

Cold Creek Conservation Area lies within the study area and, immediately adjacent to Cold Creek Conservation Area, is a hydro corridor that could be a potential route for this highway. This hydro corridor traverses through the Natural Linkages Area of the ORM Conservation Plan that states (policy 41 (2) (b) #2) as an objective, to locate within a single corridor, as many transportation/infrastructure/utility as possible.

Any environmental assessment for the extension of Hwy 427 should consider and supply all options to protect ecologically sensitive areas in and around the Cold Creek Conservation Area. More information on the study is available on the MTO website at [www.mto.gov.on.ca/english/engineering/427extend/index.html](http://www.mto.gov.on.ca/english/engineering/427extend/index.html)