

1) 1 1) Council Motion Of Referral

1) 2 2) Moved by Councillor Fred Oliver, Seconded by Councillor Allan
1) 3 Elgar

1) 4 A. Whereas Council of the Corporation of the Town of Oakville has
1) 5 received many concerns from the public, developers, landowners and
1) 6 agencies including the Region of Halton, Ontario's Ministry of
1) 7 Municipal Affairs and Housing and the Ministry of Natural Resources
1) 8 regarding the adoption of Official Plan Amendment #198; and,

1) 9 B. Whereas Council notes that most of these concerns have arisen from
1) 10 a lack of sufficiently detailed environmental study of the environmental
1) 11 features and linkages and the hydrogeology of the lands north of Dundas
1) 12 Street; and,

1) 13 C. Whereas the Provincial Policy Statement provides, "The diversity of
1) 14 natural features in an area, and the natural connections between them,
1) 15 should be maintained, and improved where possible"; and,

1) 16 D. Whereas the Ministry of Municipal Affairs and Housing in its
1) 17 review of Official Plan Amendment #198 recommended that the natural
1) 18 heritage system, particularly linkages, of the area north of Dundas Street
1) 19 be identified on the Natural Features Schedule(s) to the amendment and
1) 20 has noted that the amendment should address the presence of the
1) 21 Trafalgar Moraine and its hydrogeological functions, and should identify
1) 22 the general location of major recharge and discharge zones; and,

1) 23 E. Whereas the Ministry of Natural Resources has not completed its
1) 24 wetland fieldwork for North Oakville nor assessed eligibility for life
1) 25 science ANSI status of all of the wetlands or forests in the North
1) 26 Oakville Study Area; and

1) 27 F. Whereas the Part 2 Report of the O'Connor Commission dealing
1) 28 with the recommended changes to the regulatory and statutory regime in
1) 29 Ontario concerning its ground water resources has not yet been released

1) 30 and its conclusions could impact on headwater/recharge areas such as
1) 31 the Trafalgar Moraine; and,

1) 32 G. Whereas the Ecological and Environmental Advisory Committee of
1) 33 the Region of Halton, in its review of the proposed Official Plan
1) 34 Amendment #198, noted that the population quotas assumed for the area
1) 35 in the Region's Urban Structure Plan were assigned "prior to the
1) 36 assessment of the natural features in the area" and "the LGL study
1) 37 should be used to determine how much development the area can
1) 38 sustain" and it has not yet been so used; and,

1) 39 H. Whereas the Region of Halton has only just commenced its five year
1) 40 review of the Region of Halton Official Plan; and,

1) 41 I. Whereas the Province of Ontario has only recently appointed the
1) 42 Smart Growth Advisory Panel for the GTA; and,

1) 43 J. Whereas the Town of Oakville operates under the provision of a
1) 44 Cabinet Order providing that it not amend its Official Plan's designation
1) 45 of the subject lands from agricultural until the area of the Town's
1) 46 Official Plan known as Phase Two reaches the stage of being 75%
1) 47 developed, and it is by all estimates at least two years before that amount
1) 48 of development will have been completed; and,

1) 49 K. Whereas Section 3 of the Planning Act requires that, in exercising
1) 50 any authority that affects planning matters, planning authorities "shall
1) 51 have regard to" policy statements issued under the Act, such as
1) 52 specifically 2.4; Water Quality and Quantity and 2.4.1; "The quality and
1) 53 quantity of ground water and surface water and the function of sensitive
1) 54 ground water recharge/discharge areas, aquifers and headwaters will be
1) 55 protected or enhanced" and this regard has not been demonstrated; and,

1) 56 L. Whereas Council for the Town of Oakville is committed to an "
1) 57 Environment First" policy in its growth decisions in order to make
1) 58 sensible and sustainable land use decisions on behalf of its current
1) 59 residents and future generations.

1) 60 Therefore, be it resolved,

- 1) 61 1) That Council receive the Planning Staff report dated February 20,
1) 62 2002 and the comments made by the delegations at this public
1) 63 meeting; and,
- 1) 64 2) That Council resolve that the revised draft Official Plan
1) 65 Amendment #198, as presented with the February 20, 2002 Staff
1) 66 report, is not suitable for adoption at this time and that Council refer
1) 67 OPA #198 back to Staff for the following purposes:
- 1) 68 3) That Council direct Staff to hire new consultants in the disciplines
1) 69 of hydrology, hydrogeology and geology to provide an expansive
1) 70 definition and identification of the boundaries of the Trafalgar
1) 71 Moraine, such consultants to be drawn from those retained by the
1) 72 Province of Ontario and the environmentalists in the Richmond Hill
1) 73 OMB hearing concerning the Oak Ridges Moraine, and such work to
1) 74 be done with full regard to the Chapman and Putnam map attached to
1) 75 this motion; and,
- 1) 76 4) That Council direct Staff in compliance with it's purchasing by-
1) 77 law, to retain Jim Dougan and Reed Noss or experts nominated by
1) 78 them to prepare the Environmental Strategic Plan ("ESP") that
1) 79 Council authorized in its motion on Dec. 12, 2001; and,
- 1) 80 5) That Council direct Staff to complete a thorough study to identify a
1) 81 Natural Heritage System ("NHS") in the study area, including the
1) 82 provincially defined boundaries of the Trafalgar Moraine, and request
1) 83 the provincial government and the Ministry of Natural Resources to
1) 84 assist Staff in the identification of a NHS in the study area and along
1) 85 the length of the Trafalgar Moraine; and,
- 1) 86 6) That Council direct Staff to prepare terms of reference for the
1) 87 Study of the Natural Heritage System of the area known as North
1) 88 Oakville in accordance with the MNR "Natural Heritage Reference
1) 89 Manual for Policy 2.3 of the Provincial Policy Statement, June 1999"
1) 90 in order to identify the natural heritage features and areas and the
1) 91 natural heritage system for the study area; and,

- 1) 92 7) That Council direct Staff, following completion of the definition of
1) 93 the Trafalgar Moraine and the NHS, to prepare a recommended
1) 94 Council position on the redesignation of the subject lands consistent
1) 95 with those studies of the Moraine and the NHS and the ESP; and,
- 1) 96 8) That Staff is directed to prepare an amended Schedule F to identify
1) 97 the natural heritage system and linkages in the amendment area
1) 98 including all wetlands and forests after obtaining the advice of the
1) 99 Ministry of Natural Resources Strategic Planning Section Aurora
1) 100 District; and,
- 1) 101 9) That Council request the Region of Halton Planning and Public
1) 102 Works Department to review the urban designation and population
1) 103 assumptions in the amendment area in the Regional Official Plan in
1) 104 light of the announced CN intermodal rail yard in the Town of Milton
1) 105 and its impact on the intention of the Regional Plan to create a
1) 106 separator between the Town of Oakville and the Town of Milton
1) 107 urban areas, as part of its present five year review of the Region of
1) 108 Halton Official Plan; and,
- 1) 109 10) That Staff develop policies for the protection of natural features
1) 110 and maintenance and creation of natural linkages that are modelled on
1) 111 the best available science and with due regard for scientific work such
1) 112 as that used for the policies of Oak Ridges Moraine Conservation
1) 113 Plan; and,
- 1) 114 11) That Staff retain geologists and hydrogeologists from among those
1) 115 retained by the Province of Ontario in the Oak Ridges Moraine case
1) 116 to define and identify the boundaries and hydrogeological functions
1) 117 of the Trafalgar Moraine and the headwater reaches and discharge
1) 118 zones within the amendment area and develop policies that protect the
1) 119 hydrological function of the Trafalgar Moraine and the headwater
1) 120 reaches and discharge zone within the Amendment area from urban
1) 121 development that are consistent with the best available science and
1) 122 with due regard for scientific work such as that used for the policies
1) 123 of Oak Ridges Moraine Conservation Plan; and,

- 1) 124 12) That Staff is directed to prepare appropriate Schedules and develop
1) 125 policies for the protection of natural features and maintenance and
1) 126 creation of natural linkages that use the best available science and
1) 127 address the full range of means to protect these natural features (e.g.,
1) 128 land use designations, acquisitions, easements, private stewardship or
1) 129 density bonusing, etc.); and,
- 1) 130 13) That Staff develop policies consistent with the best available
1) 131 science to protect the hydrological function of the Trafalgar Moraine
1) 132 and the recharge areas and discharge zone within the Amendment
1) 133 area from urban development; and,
- 1) 134 14) That Staff have regard for Provincial Policy Statement 2.4, Water
1) 135 Quality and Quantity, ensuring that we have all base line data as
1) 136 specified in 2.4.1, which states, “the quality and quantity of ground
1) 137 water and surface water and the function of sensitive ground water
1) 138 recharge/discharge areas, aquifers and headwaters will be protected
1) 139 and enhanced.”
- 1) 140 15) That Staff be directed that upon receipt of an appeal of this matter
1) 141 to the OMB Staff is directed to write to the OMB and advise them
1) 142 that a hearing on this matter is premature until an Oakville Town
1) 143 Council position has been prepared and adopted; such position to be
1) 144 based on the completion of the amended policies as indicated above,
1) 145 including the proposed MNR field work and the NHS study and the
1) 146 conclusions of the Region's review of the urban designation and the
1) 147 proposed population and employment projections.
- 1) 148 16) That the Town of Oakville request the Ontario Realty Corporation
1) 149 to donate the ORC lands in the OPA #198 study area to the Town for
1) 150 parkland or similar open space use.