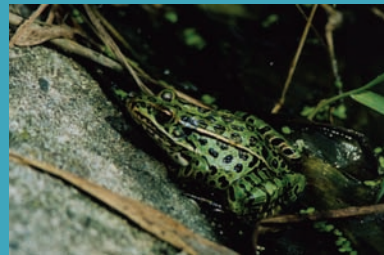
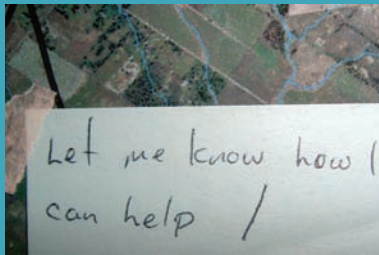
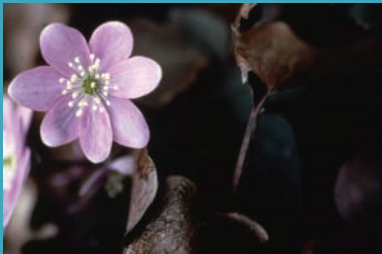
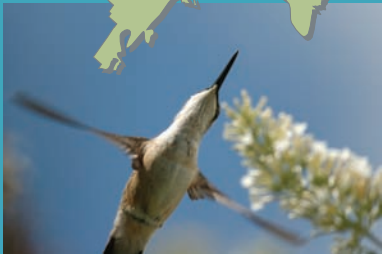


Moraine Watch:

*A Guide to Monitoring Municipal
Land Use Planning on the Oak Ridges Moraine*



MONITORING the MORaine

A collaboration between Citizens' Environment Watch,
Save the Oak Ridges Moraine (STORM) Coalition, and
Centre for Community Mapping (COMAP)

Copyright © 2007 Save the Oak Ridges Moraine (STORM) Coalition, a partner of the Monitoring the Moraine Project. All rights reserved. No portion of this report may be reproduced without the express written permission of the STORM Coalition.

Box 533, Bolton, ON L7E 5T4 Tel: 905.880.3465

www.stormcoalition.org

www.monitoringthemoraine.ca



Printed on 100% post-consumer waste

Acknowledgements

The MTM (Monitoring the Moraine) project partners would like to thank the following people and organizations for contributions to this manual:

Sharon and Jim Bradley, Oak Ridges Friends of the Environment

David Burnett, Toronto and Region Conservation Authority and
Conservation Authorities Moraine Coalition

Stewart Chisholm, Evergreen

Focus Group Participants

Wendy Francis, Ontario Nature

Fred Johnson, Enviroscope Consulting Services

Jeff Laidlaw, Nobelton Alert

Linda Pim, formerly with Ontario Nature

Todd Salter, Town of Caledon

Debbie Schaefer, Concerned Citizens of King Township (CCKT)

John Taylor, Ministry of Municipal Affairs and Housing

Susan Walmer, Ratepayers Association of Yonge Street (RAYS)

Graham Whitelaw, Queen's University

This manual was produced by Bruce Mackenzie, designed by Jennifer Bedford, and edited by
Debbe Crandall, Nathan Fahey and Kate Turner.

Photographs courtesy of

Citizens' Environment Watch

David McQueen, STORM Coalition

Jennifer Bedford, STORM Coalition

Contents

List of Acronyms	6
Letter from the STORM Coalition	7
Part 1. MONITORING THE MORaine	
1. Project Description	9
2. Community-Based Monitoring	12
3. Community-Based Monitoring on the Oak Ridges Moraine	14
Part 2. MORaine WATCH	
1. Introduction	17
2. Moraine Watch Checklist	18
Guide to Completing the Moraine Watch Checklist	19
Moraine Watch Checklist: Step-by-Step Guide	20
Moraine Watch Checklist: Worksheet	35
APPENDIX A: THE OAK RIDGES MORaine CONSERVATION ACT and PLAN	
1. About the <i>Oak Ridges Moraine Conservation Act</i> (the Act)	47
2. About the Oak Ridges Moraine Conservation Plan (the Plan)	47
3. How to Read the Plan	48
APPENDIX B: A GUIDE TO LAND USE PLANNING ON AND OFF THE OAK RIDGES MORaine	
1. Roles and Responsibilities in the Land Use Planning Process	53
2. The <i>Planning Act</i>	57
3. The Provincial Policy Statement	59
4. Municipal Instruments	63
4.1 Official Plans	64
4.2 Zoning By-Laws: Putting the Official Plan into Action	69
4.3 Subdivisions	74
4.4 Land Severances	78
4.5 Extensions, Expansions or Land Use Changes to	78
Legal Non Conforming Uses	
5. Other Provincial Statutes	78
(<i>Greenbelt Act, Aggregate Resources Act, Ontario Water Resources Act</i>)	
APPENDIX C: ADDITIONAL RESOURCES	
1. Ways to Find Out About Planning Applications	81
2. Additional Sources of Information	84

List of Acronyms

.....

ANSI	Areas of Natural and Scientific Interest
CA	Countryside Areas
CBM	Community-Based Monitoring
CCKT	Concerned Citizens of King Township
CEW	Citizens' Environment Watch
COMAP	Centre for Community Mapping
CONE	Coalition on the Niagara Escarpment
CPDP	Central Pickering Development Plan
EMAN	Ecological Monitoring and Assessment Network
GBP	Greenbelt Plan
HSF	Hydrologically Sensitive Features
KNHF	Key Natural Heritage Features
MMAH	Ministry of Municipal Affairs and Housing
MNR	Ministry of Natural Resources
MTM	Monitoring the Moraine
MVPZ	Minimum Vegetation Protection Zones
NCA	Natural Core Areas
NEP	Niagara Escarpment Plan
NGO	Non-Governmental Organization
NLA	Natural Linkage Areas
OMB	Ontario Municipal Board
OP	Official Plan
ORMCA	<i>Oak Ridges Moraine Conservation Act</i>
ORMCP	Oak Ridges Moraine Conservation Plan
PA	<i>Planning Act</i>
PBWP	Parkway Belt West Plan
PPS	Provincial Policy Statement
RAYS	Ratepayers Association of Yonge Street
SA	Settlement Areas
STORM	Save the Oak Ridges Moraine

Letter from the STORM Coalition

This manual has undergone a number of changes based on feedback from several sources. In November 2005, a meeting with representatives of local community groups¹ acted as an informal focus group to provide feedback on STORM's first draft of a policy monitoring training package for community volunteers concerned about the health of the Oak Ridges Moraine and Greenbelt.

Who are 'community volunteers'? While not 'experts' in the usual sense of the word, they're the kind of people who were integral to the decades-long campaign to save the Oak Ridges Moraine. It was the grassroots citizen movement that first recognized the significance of the Oak Ridges Moraine and then applied this local knowledge to advocate for moraine protection at council meetings, provincial standing committees and ministerial boardrooms. Concerned citizens typically aren't land use planning or ecology experts; rather their expertise lies in their connection to and understanding of where they live - their 'sense of place'. It was this collective determination that created the window of opportunity for the enactment of the *Oak Ridges Moraine Conservation Act* in December 2001 by an all-party unanimous vote in the Ontario Legislature. This then made it possible to think bigger, which brought in the *Greenbelt Act* in 2005, which protected more agricultural lands and natural areas around the Oak Ridges Moraine and the Niagara Escarpment – all told, a combined landmass of 400 000 hectares.

Governments, in all shapes and sizes, depend

on their citizenry to tell them what works and what doesn't. The Coalition on the Niagara Escarpment (CONE), STORM's 'sister' organization, creates annual report cards on the performance of the Niagara Escarpment Commission – a provincially administered and funded body – that decides all land use planning matters on the escarpment. For the Oak Ridges Moraine and others parts of the Greenbelt it's a completely different model of implementation. There is currently no provincial oversight to ensure compliance of the 32 municipalities in the Oak Ridges Moraine Conservation Plan (ORMCP) Area and the 29 within the protected countryside of the Greenbelt.

Along with Citizens' Environment Watch and the Centre for Community Mapping, STORM Coalition created the Monitoring the Moraine (MTM) project to help community groups with the challenge noted above. The MTM project will contribute credible citizen-generated monitoring data and policy knowledge, a suite of established protocols, as well as organizational and capacity-building skills including data management and reporting of findings.

The need for the MTM project was demonstrated at community workshops held in September and October 2005. During participatory mapping exercises, local ecological features such as streams and forests emerged as having the highest values. People across the moraine expressed concern about the impact of urban development on water quality and

¹Concerned Citizens of King Township (CCKT), Community Resource Centre, Richmond Hill Naturalists, Nobelton Alert, Oak Ridges Friends of the Environment, and Ratepayers Association of Yonge Street (RAYS).

loss of ecological function. While participants were able to identify a number of government or conservation-authority monitoring initiatives, there was little awareness of community monitoring. This exercise demonstrated that community groups weren't disinterested or indifferent but rather lacked a coordinated monitoring framework and understanding about moraine legislation, its scientific foundations, and moraine governance.

The *ORM Conservation Act* and Plan are products of collective community action

The purpose of this manual and associated training sessions are to provide the following tools for community groups monitoring implementation and conformity of the ORMCP:

- information about how the ORMCP affects your municipality (Appendix A)
- general information about land use planning (Appendix B)
- ways to assess planning applications against the ORMCP (Moraine Watch Checklist)
- strategies for what to do with collected information
- ideas on how your monitoring activities will contribute to long-term protection of the moraine

Monitoring involves consistent sampling repeated over time. The information gathered through this project will help build a picture of how well the ORMCP is working by annually

assessing municipal performance and building support for the 2014 ORMCP review and beyond.

The *ORM Conservation Act* and Plan are products of collective community action. Similarly, the future health of the moraine will not rest solely with the provincial or municipal governments; residents and other interested parties must also be involved. People living and making a living on or downstream of the moraine must work together to ensure that the ORMCP is not only adhered to but is also effective and relevant over time.

Thank you for your efforts on behalf of the moraine.



Debbe Crandall
Executive Director, STORM Coalition

Part 1. Monitoring the Moraine

1. Project Description

Monitoring the Moraine (MTM) is a project designed to engage community volunteers in understanding and using scientific information, stewardship, monitoring, and decision-making on the Oak Ridges Moraine.

Project Partners

MTM is a collaborative project of the following three organizations:



Citizens' Environment Watch (CEW) empowers people in Ontario to pay attention to their local environment. CEW provides education, equipment and support to monitor local ecosystem health, and opportunities to participate in informed community decision-making and active stewardship. CEW has experience working with volunteers who are keen to undertake community based environmental monitoring.

www.citizensenvironmentwatch.org



Save The Oak Ridges Moraine (STORM) Coalition works to ensure that land use planning respects the ecological and hydrological significance of the moraine. Since 1989, STORM has accumulated policy and planning experience and developed a network of local and regional contacts that were critical to the campaign that legislatively saved the Oak Ridges Moraine.

www.stormcoalition.org



The Centre for Community Mapping (COMAP) is an assembly of designers and researchers who provide informatics (data-processing) tools and support to community organizations. COMAP enables communities that care for the Oak Ridges Moraine to share data through a sustainable, common map platform that also has natural, cultural, land use management, and policy-monitoring applications.

www.comap.ca

History

In 2002, the Ontario government took steps to protect the moraine by passing the Oak Ridges Moraine Conservation Plan (ORMCP). MTM project partners applaud the vision, objectives, and intent of the ORMCP and believe it provides the foundation to sustain and strengthen the ecological and hydrological integrity of the Oak Ridges Moraine and its associated communities.

The MTM project will... ensure that those who live, work, and play on the moraine are informed, engaged, and well positioned to protect this unique landscape for years to come

However, the moraine continues to be under pressure from urban sprawl. The ORMCP, like any policy or regulation, is only as strong as the will of people to implement it. The future of the moraine rests not solely with provincial or municipal governments but also with residents, community groups, environmental movement organizations and the private sector. People living on the moraine and in neighbouring urban centres must work together to ensure the ORMCP is not only adhered to but also effective and relevant over time. An effective way for community members to achieve this is through ecological and policy monitoring at the community level.

Monitoring the Moraine engages volunteers in ecological and policy monitoring to determine the effectiveness of the ORMCP and to

measure changes that are made to the moraine landscape. The project will ensure that information gathered by volunteers is communicated to other stakeholders—a task complicated by the geographic size and complexity of the Oak Ridges Moraine.

The MTM project works toward developing an accurate picture of the entire moraine's ecological health by agreeing upon consistent standards or protocols applied at all levels of monitoring. The challenge is to create a common monitoring framework within which everyone dedicated to moraine preservation can work.

Aims

The MTM project aims to:

- develop, implement, and evaluate collaborative approaches to community-based monitoring across Oak Ridges Moraine landscape
- improve the efficiency and utility of both environmental and policy monitoring
- develop an effective and dynamic monitoring framework applicable to all communities and moraine-monitoring organizations
- generate a “big picture” visual and interactive online map
- inform decision making through relevant and credible environmental and policy monitoring data provided to key decision makers
- facilitate a strong and informed community voice in the 2014 ORMCP review
- provide a model for other large-scale monitoring projects, provincially, nationally, and internationally

MTM partners bring a variety of complementary skills to these aims:

- STORM—brings experience in policy and planning on the Oak Ridges Moraine
- CEW—provides education, equipment, and support for community-based environmental monitoring
- COMAP—offers web-based data-management tools that enable users to report their monitoring results and to access those of others

The success of this project relies on community initiative and participation drawn from diverse areas of expertise and knowledge.

Guidance and advice on the implementation of monitoring on the moraine comes from a Monitoring Advisory Committee comprised of:

- local volunteer champions
- moraine-based environmental and citizens' groups
- environmental non-government organizations
- provincial and regional government
- conservation authorities
- the private sector

Such collaboration ensures the project will recognize and support what residents hold dear.

The MTM project will empower communities across the moraine in numerous ways. It will:

- provide necessary education, training, and support to carry out monitoring projects
- ensure that data generated by participating volunteers is valuable and scientifically defensible
- allow community members to raise and act on environmental concerns in a timely fashion and encourage wider community involvement
- ensure that those who live, work, and play on the moraine are informed, engaged, and well positioned to protect this unique landscape for years to come

Patrons

The project is supported by:

- Oak Ridges Moraine Foundation
- George Cedric Metcalf Charitable Foundation
- Ecological Monitoring and Assessment Network (EMAN), Environment Canada
- McLean Foundation
- Ontario Trillium Foundation



THE ONTARIO TRILLIUM FOUNDATION



LA FONDATION TRILLIUM DE L'ONTARIO

2. Community-Based Monitoring²

Since the 1990s, Canadians have become increasingly active in environmental protection, mainly in response to financial cutbacks that have kept governments from fulfilling their environmental obligations. Governments on their own seem unable to address new and complex environmental issues, but broad-based stakeholder arrangements including citizen groups are developing the capacity and interest to partner with government agencies. This model of community-based monitoring (CBM) was developed and tested by the Canadian Community Monitoring Network (see below) in 31 communities across Canada - an initiative that strongly influenced the design and approach of the Monitoring the Moraine project.

The many benefits of CBM include:

- access to local socio-ecological knowledge that governments on their own cannot provide
- increased citizen participation in ecosystem management and stewardship
- enhanced community capacity and local networks
- more effective public participation in local governance
- more inclusive decision making
- a process that reflects community values
- a process grounded in the complexities of the real world

There are at least four types of CBM.

1. Citizen science

- Non-experts collect, analyze, and report monitoring data
- Either government or environmental-movement organizations lead
- Local expertise enhances traditional monitoring

Examples:

- Bird-monitoring programs, such as the Christmas Bird Count (www.birdsontario.org)
- Government-run programs, such as Environment Canada's Ecological Monitoring and Assessment Network Coordinating Office's Ice Watch (www.icewatch.ca) and Plant Watch (www.plantwatch.ca)

2. Interpretive/educational

- Students (elementary, secondary, or undergraduate) collect, analyze, and report environmental-monitoring data
- Educational goals are the primary focus; conservation is a secondary objective
- Educational institutions/organizations usually lead, sometimes in partnership with government

Examples:

- University of Waterloo, Department of Environment and Resource Studies, third year Niagara Escarpment Field monitoring course (ERS 384)

²Whitelaw, G., Vaughan, H. Craig, B., Atkinson, D. (2003) Establishing the Canadian Community Monitoring Network. *Environmental Monitoring and Assessment* 88: 409 – 418.



A volunteer learns about lichens

- Partnership between school program and the Ontario Ministry of Environment, the Niagara Escarpment Commission, and Environment Canada
- Students monitor forest biodiversity and health in five plots along the Niagara Escarpment every year, entering data and developing protocol, analysis, and related projects
- Data is submitted to the Niagara Escarpment Commission and Environment Canada’s EMAN-Coordinating Office

3. Advocacy monitoring

- Concerned citizens, NGOs, community members, academics, and sometimes government employees use monitoring data to force government or the private sector to act on a particular issue

Examples:

- Hamilton environmental group concerned about the health of Red Hill Creek worked with Dr. George Sorger from McMaster University

- Devised two water-quality tests so students could test for *E.coli* and toxics
- Test results indicated both *E.coli* and toxics in high concentrations
- The group partnered with the Ontario Ministry of the Environment and Sierra Legal Defense to successfully sue the City of Hamilton, and a portion of the \$480 000 fine went to the group of citizens who in turn created Environment Hamilton

Community-based monitoring:

A process where concerned citizens, government agencies, industry, academia, community groups, and local institutions collaborate to monitor, track, and respond to issues of common community concern

www.ccmn.ca/english/glossary.html

4. Multi-party monitoring

- All stakeholders interested in monitoring a particular issue, media, or area come together to design, implement, analyze, and report monitoring data over the long term
- The four key aspects of multi-party monitoring are a) collaboration, b) sustainability, c) leadership by the community, and d) informed decision-making
- This model of CBM was tested in 31 communities across Canada through a research

initiative funded by Environment Canada's Ecological Monitoring and Assessment Network Coordinating Office and the Canadian Nature Federation

- For more information on the Canadian Community Monitoring Network, go to <http://www.ccmn.ca>

3. Community-Based Monitoring on the Oak Ridges Moraine

The MTM project is modeled most closely after the multi-party CBM model. However, as an NGO-led initiative designed to engage and sustain community volunteers in moraine protection, it has elements of the three other types embedded in its design and vision. For the purposes of the MTM project we've adopted the following definition for community-based monitoring:

A process where concerned citizens, government agencies, industry, academia, community groups, and local institutions collaborate to monitor, track, and respond to issues of common community concern.

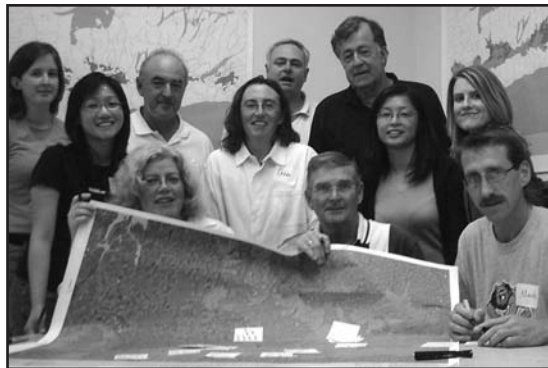
www.ccmn.ca/english/glossary.html

On the Oak Ridges Moraine, monitoring takes place at different levels:

1. Moraine-Wide

On June 28, 2005 the MTM project partners rolled out the MTM project to over 25 moraine stakeholders, all previously involved in monitoring activities. The priority that emerged for this group was the need for coordinated data collection, monitoring protocols, and data

management across all levels—the province, conservation authorities, municipalities, and regional and community organizations. This priority reinforced findings of other projects, such as the Canadian Community Monitoring Network and the Ontario Niagara Escarpment monitoring project. As a result, a Monitoring Advisory Committee and Multi-Party Monitoring Framework were developed to guide the MTM project.



MTM project partners and volunteers at a community workshop in Centreton

This integrative monitoring framework will help to achieve a number of outcomes, foremost of which is to guide the development of a comprehensive monitoring programme for the Oak Ridges Moraine, including:

- identification of monitoring needs of all stakeholders
- identification of who is responsible for monitoring at various scales on the moraine
- identification of who will be responsible for monitoring at various scales
- identification of suggested protocols and frequency of data collection

“The Ministry of Natural Resources and the Ministry of Environment are so under resourced that they can’t do the job that the public expects them to... they haven’t got the troops, they haven’t got the expertise, and they haven’t got the money. The people must do it, because if the people do it, it tells the government that it matters to the people. It is absolutely the right thing to do. It is truly a noble thing for people in the community to monitor not only the ecology but also policy to make sure that the ORMCP is successful.”

Gord Miller, Environmental Commissioner of Ontario, pictured below, in his keynote address at the Moraine Hero awards in June 2006

The monitoring framework is a collective effort of non-government and community organizations, conservation authorities, provincial and municipal government, designed to:

- bring diverse groups together to coordinate efforts
- establish the roles of all local, regional, and provincial moraine stakeholders
- expand monitoring scope and identify gaps, overlaps, strengths, and weaknesses
- ensure compatibility and confidence in the data by providing guidelines for protocol selection, data collection, and management
- facilitate participants’ information sharing and ownership of results
- link local efforts to the bigger picture
- be accessible and understandable to everyone involved
- provide general guidelines that can be built upon in future years



2. Community Level

The MTM partners will work with community groups to collect data at the local level (described previously as citizen science). Monitoring at this scale has in the past been undervalued, but local knowledge and volunteer resources that generate data, information and knowledge are now being recognized as immensely valuable. The primary focus of the MTM project is to build the capacity and interest of community groups to become involved in ecological and policy monitoring and to contribute to the larger monitoring picture (i.e., community-led monitoring).

1. Introduction

As described in the previous section, the MTM project is focused on community-led ecological and policy monitoring on the moraine. Moraine Watch is the name of the policy monitoring branch of MTM. Community monitoring of policy decisions on the moraine is important for two reasons:

- The Oak Ridges Moraine Conservation Plan (ORMCP) is implemented through policy changes – municipalities in the ORMCP area have to adopt and approve official plans and zoning by-laws in accordance with the Plan (see Appendix A for more information about the ORMCP and Appendix B for more information about the planning process)
- As Gord Miller noted, the provincial government lacks resources for monitoring, thus leaving citizens to ensure that policy decisions are in line with the Plan

Moraine Watch becomes the eyes on the moraine, ensuring municipal accountability and community involvement in local land use planning decision-making

It is important for community groups to monitor the activities of municipalities to determine:

- if ORMCP assigned actions are completed
- if decisions and planning applications are in compliance with the ORMCP

- how well the Plan is being implemented and how effective it is in protecting the moraine's ecological integrity

Moraine Watch becomes the eyes on the moraine, ensuring municipal accountability and community involvement in local land use planning decision-making.

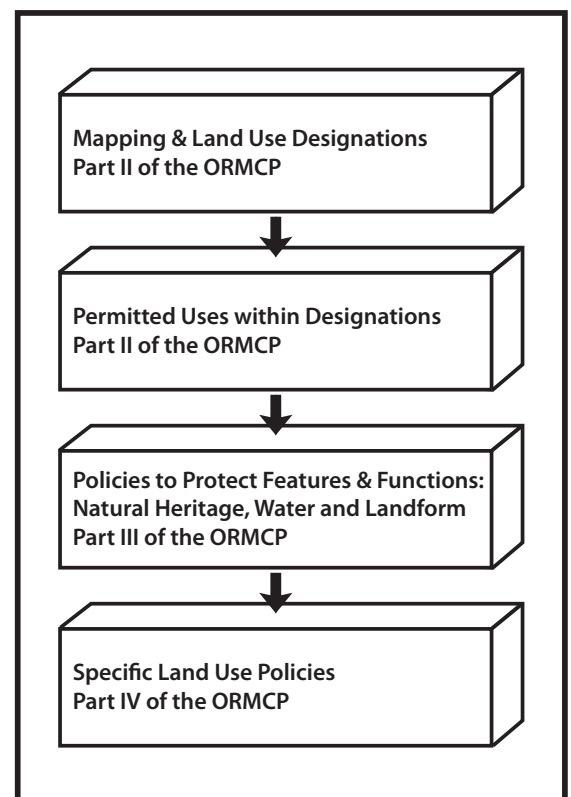


Figure 1. The Oak Ridges Moraine Conservation Plan: Four Level Protection Framework.

This schematic shows how the ORMCP is structured and the process by which to prepare conformity assessments for new applications for development.

2. Moraine Watch Checklist

The Moraine Watch Checklist has been designed to aid community volunteers in assessing if current development applications (referred to as “open” applications) conform to the ORMCP. It can also be used to evaluate the municipal decision-making process on already approved developments (referred to as “closed” applications). Both open and closed applications can be assessed using the same Moraine Watch Checklist, however step 8a (which explains the significance of the results) has separate options for open and closed applications. This is because the outcomes of the checklist for open and closed applications are quite different. The analysis of open applications requires a timely response so that any conformity concerns can be raised before the application is approved, whereas the analysis of past council decisions regarding closed applications will be archived or used to prepare report cards on municipal performance.

This checklist can be used to perform a ‘level one’ evaluation of a development application. The level one checklist is intended to take the reader through a preliminary evaluation of a development application to determine, in broad strokes, whether it conforms or not to the ORMCP. A ‘level two’ evaluation involves a more thorough analysis, which may require the help of external planning or ecology experts.

The ORMCP is a complicated policy document and it is not expected that non-planners or volunteers have the expertise or the time to work through all of the policies or to be able to determine if, for instance, ecological integrity

has been maintained. However, community volunteers can learn to recognize the ‘red flags.’ The first step is finding out about development activity and then having a process in place to share this knowledge to trigger third party interventions.

The information necessary to fill out the checklist to evaluate a specific development application can come from a number of sources. These include:

- discussions with town planners
- information from municipal websites
- council meetings and committee of adjustment meetings
- council meeting minutes to track the status of an application

More information about researching development applications can be found in Appendix C.

Guide to Completing the Moraine Watch Checklist³ and how to get involved in analysis of your findings

To assess if an application conforms to the ORMCP, use the eight-step process in the Moraine Watch Checklist.

1. Determine if ORMCP applies
2. Determine the land use designation of the application
3. Determine the type of application/development proposal
4. Determine if the proposed use is permitted
5. Identify special features of the site and adjacent lands
6. Identify specific land use policies and conformity requirements
7. Determine if transition applications conform
- 8a. Determine what your results mean
- 8b. Determine next steps and how to get involved in analysis of your findings

Figure 2 (right) shows the flow between the eight steps and serves as a map for completing the checklist. Each step of the checklist is presented in the following pages (in text boxes) along with a brief description (in italics). Following this explanatory guide is the actual worksheet, which can be copied and filled out for evaluating a specific planning application.

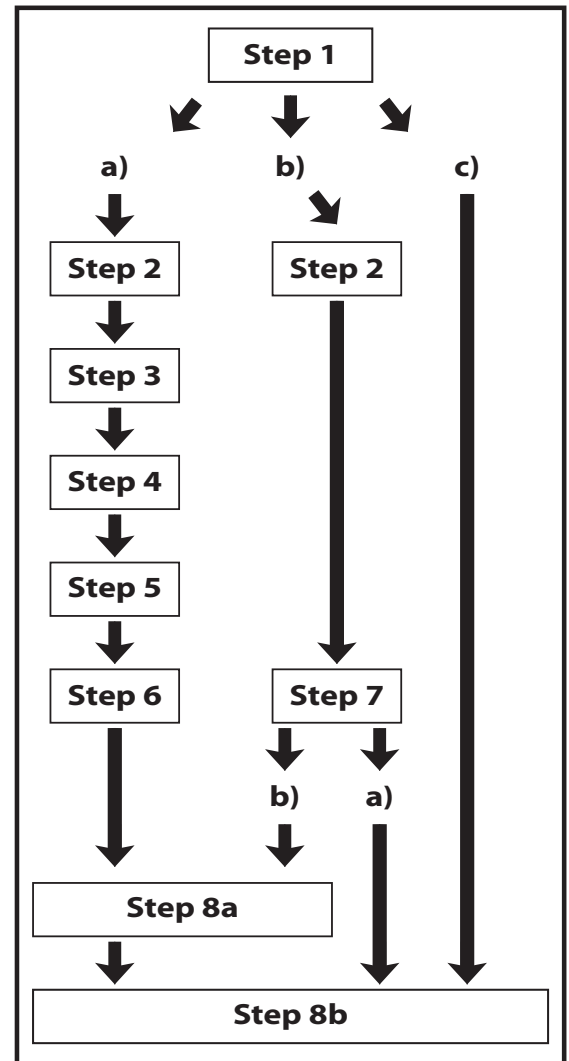


Figure 2. Diagram of the Moraine Watch Checklist steps.

³This section and the following checklist are adapted from work done by David Burnett and Fred Johnson.

Moraine Watch Checklist: Step-by-Step Guide

Contact Information

Name: _____

Community Organization: _____

Email Address: _____

Phone Number: _____

Date: _____

Description of Application

Is the application: Open?

Closed?

File Number: _____

Municipality: _____

Road Address: _____

Municipal/ Legal Description (Lot and Concession): _____

GPS Coordinates (UTM or latitude / longitude, if available): _____

Staff Planning Report No.: _____

Other Reports: _____

Proponent/Applicant: _____

Size of Land Parcel: _____

General Description of Proposal: _____

Additional Notes (e.g., more information on nature of development, observations, anecdotal evidence etc.): _____

To begin the analysis, list the general information you have about the development application in question. The first and very important step is to note whether the development applications is open (that is, current) or closed (already approved). The rest of the information relates to the location of the development application, the sources of information, and a general description of the proposal. Although you may not have information for each of these sections, fill in as much as possible. You can also attach any copies of the relevant reports or photographs you may have of the site.

Step 1: Determine if ORMCP Applies - "Commenced/ Decision" Dates

Is the application on the Oak Ridges Moraine? Yes No

Is the application a:

a) New Application (made after November 17, 2001)?

If so, proceed to step 2 and continue through the checklist.

b) Transition Application (commenced but no council decision made prior to November 17, 2001)?

If so, proceed to step 2 and then directly to step 7.

c) "Grandfathered" application (decided prior to November 17, 2001)?

If so, the ORMCP does not apply. Proceed to step 8b.

There are three distinct categories of applications:

a) New applications: Any application commenced after November 17, 2001 must conform to all applicable provisions of the ORMCP. The rest of the checklist applies to these applications (except for step 7).

b) Transition Applications: Applications commenced but no council decision made prior to November 17, 2001 must conform to the prescribed provisions of the ORMCP. Step 7 of the checklist lists these provisions.

c) Grandfathered applications: All applications, matters, or proceedings decided prior to November 17, 2001 are exempt from the ORMCP (i.e., grandfathered). Thus there is no assessment to be done on this type of application. However, it is still useful to archive information collected in the first page of the checklist (e.g., proponent's name, location of the development, size of the land parcel, etc.). Step 8b explains how to do this.

Step 2: Determine Land Use Designation of the Application

In which of the following ORMCP land use designation areas is the application located?*

- Natural Core Area
- Natural Linkage Area
- Countryside Area
- Settlement Area

* The application may be located in more than one ORMCP land use designation.

Proceed to step 3 for new applications, or to step 7 for transition applications (see step 1 for details).

The ORMCP outlines four land use designations (Natural Core Areas, Natural Linkage Areas, Countryside Areas and Settlement Areas). All of the ORM Plan Area is assigned to one of these land use designations, and each designation has accompanying permitted uses and restrictions. For this step, consult the ORMCP Land Use Designation Map to determine what designation applies to the location of the application. This map can be found in the back of the ORMCP or through a link to the Ministry of Municipal Affairs and Housing's Interactive Map in the "Legislation & Maps" section of the STORM Coalition website (www.stormcoalition.org). As noted in the step itself, you may find that the land in question falls into more than one land use designation.

Step 3: Determine the Type of Application/Development Proposal

a) Is the application for a/an:

Official Plan Amendment

Existing Designation _____

Proposed Designation _____

Zoning By-Law Amendment

Existing Zoning _____

Proposed Zoning _____

Draft Plan of Subdivision

Site Plan Approval - File Number: _____

Severance/Consent

Minor Variance

Existing _____

Proposed Change _____

b) Description of Proposed Uses:

Residential plan of subdivision - number of units: _____

Industrial plan of subdivision - number of lots: _____

Creation of a new lot(s) for purposes of building a structure - number of lots: _____

Road project as an undertaking under the *Environmental Assessment Act*

Servicing project (water or sewage) as an undertaking under the *Environmental Assessment Act*

Institutional - describe: _____

Other (please specify) _____

Unsure

Proceed to step 4.

This step is for gathering as much information as possible about the application, including the existing zoning and official plan designation. Determining the proposed new uses will be necessary to locate yourself in the proper sections of the ORMCP.

In this step, the proposed use (options listed in part b) is that which triggers a planning application (options listed in part a). An explanation of many of these terms is available in Appendix B (see section 4 “Municipal Instruments – Planning Tools”). It should be noted that more than one option could be checked off in part a. Only the ‘minor variance’ option cannot be combined with other options.

This step is for applications for new proposed uses. The checklist does not evaluate existing uses. If the application you are evaluating concerns an existing use (i.e., to change, erect, expand, or convert an existing or previously approved land use or structure), consult sections 6 to 9 (Part I) of the ORMCP.

Step 4: Determine if the Proposed Use is Permitted

Is the proposed use one of the permitted uses for the relevant land use designation?

Natural Core Area [s.11] Yes No

Natural Linkage Area [s.12] Yes No

Countryside Area [s.13-17] Yes No

Settlement Area [s.18] Yes No

Proceed to step 5.

Each of the land use designations has corresponding permitted uses. These can be found in the ORMCP, but are listed here for convenience.

In Natural Core Areas (NCAs), the permitted uses include [s.11]:

- *Fish, wildlife and forest management*
- *Conservation projects and flood and erosion control projects*
- *Agricultural uses*
- *Transportation, infrastructure, and utilities*
- *Home businesses*
- *Home industries*
- *Bed and breakfast establishments*
- *Farm vacation homes*
- *Low-intensity recreational uses*
- *Unserviced parks*
- *Uses accessory to the uses set out above*

In Natural Linkage Areas (NLAs), the permitted uses include [s.12]:

- *Those permitted in NCAs plus;*
- *Mineral aggregate operations*
- *Wayside pits*
- *Uses accessory to the uses set out above*

In Countryside Areas (CAs), the permitted uses include [s.13–17]:

- *Those permitted in NLAs plus;*
- *Agriculture-related uses*
- *Small-scale commercial, industrial, and institutional uses**
- *Major recreational uses**
- *Residential development in accordance with section 14(1) (Palgrave Estates Residential Community)*
- *Uses accessory to the uses set out above*

** These are not permitted in prime agricultural areas or in areas designated primarily for agricultural uses in the applicable official plan.*

In Rural Settlement Areas within Countryside Areas, the permitted uses include [s.13(4)]:

- *Residential development*
- *Small-scale commercial, industrial, and institutional uses*

In Settlement Areas (SAs), the permitted uses include [s.18]:

- *All uses permitted by the applicable official plan of the municipality, subject to certain provisions of the ORMCP*

If the proposed use is not permitted under the relevant land use designation, then the application does not conform. Step 8a will remind you of this, and step 8b will explain how to either archive or respond to this information.

If the proposed use is permitted, consult Part III of the ORMCP (Protecting Ecological & Hydrological Integrity, and the Table at the end of Part III) to determine if there are any restrictions or requirements to be considered for protecting ecological and hydrological integrity (step 5).

Step 5: Identify Special Features of the Site and Adjacent Lands

Are any Key Natural Heritage Features (KNHFs) within 120m of the site? [s.22]

Yes No Unsure

Are any Hydrologically Sensitive Features (HSFs) within 120m of the site? [s.26]

Yes No Unsure

Are the subject lands located within a Wellhead Protection Area? [s.28]

Yes No Unsure

If yes, are the proposed uses for anything other than personal or family use?

Yes No Unsure

Are the subject lands located within an Area of High Aquifer Vulnerability? [s.29]

Yes No Unsure

Are the subject lands located within a Landform Conservation Area? [s.30]

Yes Category 1 or Category 2

No

Unsure

Proceed to step 6.

Part III of the ORMCP outlines policies to ensure that only land or resource uses that maintain, improve or restore ecological and hydrological integrity are permitted. These policies are specifically for areas with Key Natural Heritage Features, Hydrologically Sensitive Features, Wellhead Protection Areas, Areas of High Aquifer Vulnerability and Landform Conservation Areas (these are explained below). Maps showing the location of Areas of High Aquifer Vulnerability and Landform Conservation Areas are available on the MMAH website through a link in the “Legislation & Maps” section of the STORM Coalition website (www.stormcoalition.org). Information on the other important features may be listed in the development application or may be available from your municipality. However, in some cases this information may be difficult to find. You can still proceed to step 6 without knowing the information from this step, and step 8b will explain how to contact STORM for assistance in finding the missing data.

If you know that the application takes place in land near or containing one of these special features, consult part III of the ORMCP.

- *For development in Natural Core Areas, Natural Linkage Areas, or Countryside Areas consult s.19(2) for specific policies (generally sections 20 to 30 plus the Table at the end of Part III of the Plan).*
- *For development in Settlement Areas consult s.19(3)—generally sections 21 to 26, 27(3), 28 & 29, 30(1), (12) & (13) plus the Table.*
- *Consult the Table for all applications within 120m of Key Natural Heritage Features or Hydrologically sensitive Features.*

This constitutes a level two analysis, and STORM can help with this. Step 8a will remind you of the importance of your results from this step, and step 8b will explain how to seek guidance for this level two analysis.

Key Natural Heritage Features (KNHF) [s.21, 22, 23]

Section 22 of the ORMCP prohibits most development in KNHF and associated 30m Minimum Vegetation Protection Zones (MVPZ). A Natural Heritage Evaluation is required for development or site-alteration applications on land within 120m (the Minimum Area of Influence) of a Key Natural Heritage Feature.

Key Natural Heritage Features include:

- *wetlands*
- *Areas of Natural and Scientific Interest (ANSI) (life science)*
- *fish habitat*
- *significant portions of habitat of endangered, rare, and threatened species*
- *significant valleylands*
- *significant woodlands*
- *sand barrens, tallgrass prairies, savannahs*
- *significant wildlife habitat*

Hydrologically Sensitive Features [s.21, 24, 25, 26]

Section 26 states that most development is prohibited in hydrologically sensitive features and associated 30m Minimum Vegetation Protection Zones. A Hydrological Evaluation is required for development and site-alteration applications on land within 120m (the Minimum Area of Influence) of a hydrologically sensitive feature.

Hydrologically sensitive features include:

- *permanent and intermittent streams*
- *wetlands*
- *kettle lakes*
- *seepage areas and springs*

Wellhead Protection Areas [s.28, 42]

Section 42 states that every official plan must contain policies to establish wellhead protection areas around all wells providing municipal water in order to protect the quality and quantity of ground water. Although the activities listed in section 28 are prohibited within wellhead protection areas, individuals are permitted to carry out many of these activities for personal or family use (except the generation and storage of hazardous / liquid industrial waste or the development of waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities). Information about the location of wellhead protection areas should be available from your municipality, and might appear on your municipal website.

Areas of High Aquifer Vulnerability [s.29]

Section 29(5) of the ORMCP outlines the uses that are prohibited in Areas of High Aquifer Vulnerability. Consult the Ministry of Municipal Affairs and Housing's Areas of High Aquifer Vulnerability map to determine if the subject lands are located in such an area. This map can be found through a link in the "Legislation & Maps" section of the STORM Coalition website (www.stormcoalition.org).

Landform Conservation Areas [s.30]

Section 30 lists the requirements for development applications in Landform Conservation Areas. Consult the Ministry of Municipal Affairs and Housing's Landform Conservation Areas map to determine if the subject lands are located in or near such an area. This map can be found through a link in the "Legislation & Maps" section of the STORM Coalition website (www.stormcoalition.org).

Step 6: Identify Specific Land Use Policies and Conformity Requirements

Is the proposal for:

- Creating a new lot [s.32]
- Agriculture-related use [s.34, Definitions]
- Mineral-aggregate operation or wayside pit [s.35]
- Low-intensity recreational use [s.37]
- Major recreational use [s.38, 20, 13(5)]
- Small-scale commercial/industrial/institutional use [s.40, 20, 13(5)]
- Transportation, infrastructure, or utilities use [s.41]

Do the following apply?

- The property will be serviced by partial services [s.44]
- The proposal will create 1 to 3 new lots [s.32]
- The proposal is a major development [as defined in s.3]:
 - It will create 4 or more new lots [s.24(4-8), 30(8), 43, 45]
 - It will include construction of buildings with total ground-floor area equal to or greater than 500m² [s.24(4-8), 30(8), 43, 45]

Proceed to step 8a.

Analysis of the Specific Land Use Policies and conformity requirements (for anywhere there is a checkmark) constitutes a level two analysis. However, in this step you can identify where further analysis is needed. Step 8a will remind you of the significance of your results in this step, and step 8b provides advice for pursuing the level two analysis.

Below you will find a guide to the relevant sections of the ORMCP that outline specific policies relating to each development activity.

Consult Part IV (Specific Land Use Policies) of the ORMCP if the application involves any of the following activities:

- *Lot creation [s.32]*
- *Agriculture [s.34]*
- *Mineral Aggregate operations and wayside pits [s.35 & 36]*
- *Low-intensity recreational uses [s.37]*

- *Major Recreational Uses [s.38]*
- *Small-scale commercial, industrial and institutional uses [s.40]*
- *Transportation/ Infrastructure/ Utilities [s.41]*
- *Stormwater management [s.45]*
- *Major Developments [s.24(4-8), 30(8), 43, 45]*

Major development is defined in the ORMCP as development consisting of:

- a. the creation of four or more lots,*
- b. the construction of a building or buildings with a ground floor area of 500 m² or more, or*
- c. the establishment of a major recreational use as described in section 38*

As an incentive for municipalities to create watershed plans in a timely fashion, section 24(4/5) states that the approval of major development is prohibited after April 23, 2007 unless a watershed plan for the relevant watershed has been completed. Furthermore, major development must conform with the watershed plan and a water budget and conservation plan must also be prepared.

Section 31(1) contains a ‘road map’ for policies that apply to Natural Core Areas.

Section 31(2) contains a ‘road map’ for policies that apply to Natural Linkage Areas.

Section 31(3) contains a ‘road map’ for policies that apply to Countryside Areas.

Section 31(4) contains a ‘road map’ for policies that apply to Settlement Areas.

Step 7: Determine if Transition Applications Conform

(Remember, this step is only for transition applications, see step 1 for details)

a) In Settlement Areas:

If the application was commenced but no decision was made before November 17, 2001 then the ORMCP does not apply (assessment complete). Proceed to step 8b.

b) In Natural Core Areas, Natural Linkage Areas and Countryside Areas:

If the application was commenced but no decision was made upon or before November 17, 2001 then section 48 (Part V) of the ORMCP applies. Section 48 identifies specific prescribed provisions that apply to transition files as follows:

Do the planning, design and construction practices of the proposed use involve buildings or other site alterations that impede the movement of plants and animals? [s.20]

Yes No Unsure

Are any Key Natural Heritage Features (KNHFs) within 120m of the site? [s.22]

Yes No Unsure

Are any Hydrologically Sensitive Features (HSFs) within 120m of the site? [s.26]

Yes No Unsure

If the application is a major development, have studies shown that the quality and quantity of water will be impaired? [s.43(1)(b)]

Yes No Unsure

Does the application contain provisions for the disposal of stormwater into a kettle lake? [s.45(7)]

Yes No Unsure

Does the application contain plans for stormwater management ponds to be located in key natural heritage features or hydrologically sensitive features? [s.45(8)]

Yes No Unsure

Does the application contain plans for new rapid infiltration basins and rapid infiltration columns? [s.47]

Yes No Unsure

Proceed to step 8a.

In section 48 (Part V) of the ORMCP you can find the prescribed provisions that apply to lands in Natural Core, Natural Linkage, and Countryside Areas but not to lands in Settlement Areas.

- *section 20—best management practices for connectivity*
- *section 22—most development is prohibited in Key Natural Heritage Features and associated minimum vegetation protection zones*

- *section 23—requirements for a natural heritage evaluation*
- *section 26—most development is prohibited in Hydrologically Sensitive Features and associated minimum vegetation protection zones*
- *section 26—requirements for a hydrological evaluation*
- *section 43(1b)—the quantity and quality of groundwater and surface water must be maintained*
- *section 45(7)—storm-water management disposal to kettle lakes is prohibited*
- *section 45(8)—new storm-water management ponds are prohibited in Key Natural Heritage Features and Hydrologically Sensitive Features*
- *section 47—new rapid infiltration basins and new rapid infiltration columns are prohibited*

Assessing whether the application has adequately addressed these policies is a level two analysis, which STORM can help you with. Step 8a will remind you of the significance of your results in this step, and step 8b provides advice for pursuing the level two analysis.

Step 8a: OPEN application - Determine What Your Results Mean

Summary of the significance of the results of steps 4-6 (new applications) and step 7b (transition applications):

- Step 4 If the proposed use is not permitted under the relevant land use designation(s) (i.e., if you checked “no”), the application does not conform. This is a ‘red flag.’
- Step 5 If the answer is no to all questions in this step, then no further analysis of this information is required. If the answer is yes to any of these, a detailed analysis (level two) will be required to determine if the application has adequately addressed all the required policies.
- Step 6 Any option that has a check mark in this step will require further analysis (level two) to determine the Specific Land Use Policies and conformity requirements.
- Step 7b If the answer is no to all questions in this step, then no further analysis of this information is required. If the answer is yes to any questions, a detailed analysis (level two) will be required to determine if the application has adequately addressed all the required policies.

Proceed to step 8b to determine how to archive your findings and, if necessary, how to obtain help with further analysis (i.e., level two).

Step 8a: CLOSED application - Determine What Your Results Mean

Summary of the significance of the results of steps 4-6 (new applications) and step 7b (transition applications):

- Step 4 If the proposed use is not permitted under the relevant land use designation(s) (i.e., if you checked “no”), the application does not conform.
Did council come to this same conclusion? Yes No
- Step 5 If the answer is no to all questions in this step, then no further analysis of this information is required. If the answer is yes to any of these, a detailed analysis (level two) is required to rate planning staff’s evaluation and response and what, if any, recommendations to council were made.
- Step 6 Any option that has a check mark in this step will require further analysis (level two) to determine the Specific Land Use Policies and conformity requirements.
- Step 7b If the answer is no to all questions in this step, then no further analysis of this information is required. If the answer is yes to any questions, a detailed analysis (level two) will be required to determine how staff responded and if the proponent was required to adequately address all the required policies.

Proceed to step 8b to determine how to archive your findings and, if necessary, how to obtain help with further analysis (i.e., level two).

This step shows you what your findings mean and/or identifies where further analysis is needed. Step 8b tells you how to share this information and how to obtain help with further analysis.

Step 8b: Determine Next Steps and How to Get Involved in Analysis of Your Findings

- Share your findings with STORM Coalition:
Tel: 905 880 3465
Fax: 905 880 3466
info@stormcoalition.org
- Contact STORM Coalition to assist in the analysis of your findings (for level two analysis, or for anywhere you encountered uncertainties in the checklist)
- Post your results on the Moraine Watch Tracking System (visit www.monitoringthemoraine.ca to find the link) and an opportunity for dialogue will be established
- Use your findings in your community group's work

Your findings may also be analyzed and used in the annual Monitoring the Moraine Status Report.

This step serves as a reminder to make all of your observations count. Share any and all findings with STORM using the contact information above. You can also post your findings on the Moraine Watch Tracking System, where it will be visible to STORM staff. If in filling out the checklist you have come to a point where it recommends further (level two) analysis, or if you are unsure about any of the checklist steps, contact STORM using the contact information above.

Moraine Watch Checklist: Step-by-Step Guide

Contact Information

Name: _____

Community Organization: _____

Email Address: _____

Phone Number: _____

Date: _____

Description of Application

Is the application: Open?

Closed?

File Number: _____

Municipality: _____

Road Address: _____

Municipal/ Legal Description (Lot and Concession): _____

GPS Coordinates (UTM or latitude / longitude, if available): _____

Staff Planning Report No.: _____

Other Reports: _____

Proponent/Applicant: _____

Size of Land Parcel: _____

General Description of Proposal: _____

Additional Notes (e.g., more information on nature of development, observations, anecdotal evidence etc.): _____

Step 1: Determine if ORMCP Applies - "Commenced/ Decision" Dates

Is the application on the Oak Ridges Moraine? Yes No

Is the application a:

a) New Application (made after November 17, 2001)?

If so, proceed to step 2 and continue through the checklist

b) Transition Application (commenced but no council decision made prior to November 17, 2001)?

If so, proceed to step 2 and then directly to step 7.

c) "Grandfathered" application (decided prior to November 17, 2001)?

If so, the ORMCP does not apply. Proceed to step 8b.

Step 2: Determine Land Use Designation of the Application

In which of the following ORMCP land use designation areas is the application located?*

Natural Core Area

Natural Linkage Area

Countryside Area

Settlement Area

* The application may be located in more than one ORMCP land use designation.

Proceed to step 3 for new applications, or to step 7 for transition applications (see step 1 for details).

Comments:

Step 3: Determine the Type of Application/Development Proposal

a) Is the application for a/an:

Official Plan Amendment

Existing Designation _____

Proposed Designation _____

Zoning By-Law Amendment

Existing Zoning _____

Proposed Zoning _____

Draft Plan of Subdivision

Site Plan Approval - File Number: _____

Severance/Consent

Minor Variance

Existing _____

Proposed Change _____

b) Description of Proposed Uses:

Residential plan of subdivision - number of units: _____

Industrial plan of subdivision - number of lots: _____

Creation of a new lot(s) for purposes of building a structure - number of lots: _____

Road project as an undertaking under the *Environmental Assessment Act*

Servicing project (water or sewage) as an undertaking under the *Environmental Assessment Act*

Institutional - describe: _____

Other (please specify) _____

Unsure

Proceed to step 4.

Comments: (details about proposed uses)

Step 4: Determine if the Proposed Use is Permitted

Is the proposed use one of the permitted uses for the relevant land use designation?

Natural Core Area [s.11] Yes No

Natural Linkage Area [s.12] Yes No

Countryside Area [s.13-17] Yes No

Settlement Area [s.18] Yes No

Proceed to step 5.

Comments:

2
.....

Step 5: Identify Special Features of the Site and Adjacent Lands

Are any Key Natural Heritage Features (KNHFs) within 120m of the site? [s.22]

Yes No Unsure

Are any Hydrologically Sensitive Features (HSFs) within 120m of the site? [s.26]

Yes No Unsure

Are the subject lands located within a Wellhead Protection Area? [s.28]

Yes No Unsure

If yes, are the proposed uses for anything other than personal or family use?

Yes No Unsure

Are the subject lands located within an Area of High Aquifer Vulnerability? [s.29]

Yes No Unsure

Are the subject lands located within a Landform Conservation Area? [s.30]

Yes Category 1 or Category 2

No

Unsure

Proceed to step 6.

Comments:

Step 6: Identify Specific Land Use Policies and Conformity Requirements

Is the proposal for:

- Creating a new lot [s.32]
- Agriculture-related use [s.34, Definitions]
- Mineral-aggregate operation or wayside pit [s.35]
- Low-intensity recreational use [s.37]
- Major recreational use [s.38, 20, 13(5)]
- Small-scale commercial/industrial/institutional use [s.40, 20, 13(5)]
- Transportation, infrastructure, or utilities use [s.41]

Do the following apply?

- The property will be serviced by partial services [s.44]
- The proposal will create 1 to 3 new lots [s.32]
- The proposal is a major development [as defined in s.3]:
 - It will create 4 or more new lots [s.24(4-8), 30(8), 43, 45]
 - It will include construction of buildings with total ground-floor area equal to or greater than 500m² [s.24(4-8), 30(8), 43, 45]

Proceed to step 8a.

Comments:

Step 7: Determine if Transition Applications Conform

(Remember, this step is only for transition applications, see step 1 for details)

a) In Settlement Areas:

If the application was commenced but no decision was made before November 17, 2001 then the ORMCP does not apply (assessment complete). Proceed to step 8b.

b) In Natural Core Areas, Natural Linkage Areas and Countryside Areas:

If the application was commenced but no decision was made upon or before November 17, 2001 then section 48 (Part V) of the ORMCP applies. Section 48 identifies specific prescribed provisions that apply to transition files as follows:

Do the planning, design and construction practices of the proposed use involve buildings or other site alterations that impede the movement of plants and animals? [s.20]

Yes No Unsure

Are any Key Natural Heritage Features (KNHFs) within 120m of the site? [s.22]

Yes No Unsure

Are any Hydrologically Sensitive Features (HSFs) within 120m of the site? [s.26]

Yes No Unsure

If the application is a major development, have studies shown that the quality and quantity of water will be impaired? [s.43(1)(b)]

Yes No Unsure

Does the application contain provisions for the disposal of stormwater into a kettle lake? [s.45(7)]

Yes No Unsure

Does the application contain plans for stormwater management ponds to be located in key natural heritage features or hydrologically sensitive features? [s.45(8)]

Yes No Unsure

Does the application contain plans for new rapid infiltration basins and rapid infiltration columns? [s.47]

Yes No Unsure

Proceed to step 8a.

Comments:

Comments:

[Empty comment box]

2
.....

Step 8a: OPEN application - Determine What Your Results Mean

Summary of the significance of the results of steps 4-6 (new applications) and step 7b (transition applications):

- Step 4 If the proposed use is not permitted under the relevant land use designation(s) (i.e., if you checked “no”), the application does not conform. This is a ‘red flag.’
- Step 5 If the answer is no to all questions in this step, then no further analysis of this information is required. If the answer is yes to any of these, a detailed analysis (level two) will be required to determine if the application has adequately addressed all the required policies.
- Step 6 Any option that has a check mark in this step will require further analysis (level two) to determine the Specific Land Use Policies and conformity requirements.
- Step 7b If the answer is no to all questions in this step, then no further analysis of this information is required. If the answer is yes to any questions, a detailed analysis (level two) will be required to determine if the application has adequately addressed all the required policies.

Proceed to step 8b to determine how to archive your findings and, if necessary, how to obtain help with further analysis (i.e., level two).

Comments:

Step 8a: CLOSED application - Determine What Your Results Mean

Summary of the significance of the results of steps 4-6 (new applications) and step 7b (transition applications):

Step 4 If the proposed use is not permitted under the relevant land use designation(s) (i.e., if you checked “no”), the application does not conform.

Did council come to this same conclusion? Yes No

Step 5 If the answer is no to all questions in this step, then no further analysis of this information is required. If the answer is yes to any of these, a detailed analysis (level two) is required to rate planning staff’s evaluation and response and what, if any, recommendations to council were made.

Step 6 Any option that has a check mark in this step will require further analysis (level two) to determine the Specific Land Use Policies and conformity requirements.

Step 7b If the answer is no to all questions in this step, then no further analysis of this information is required. If the answer is yes to any questions, a detailed analysis (level two) will be required to determine how staff responded and if the proponent was required to adequately address all the required policies.

Proceed to step 8b to determine how to archive your findings and, if necessary, how to obtain help with further analysis (i.e., level two).

Comments:

Step 8b: Determine Next Steps and How to Get Involved in Analysis of Your Findings

- Share your findings with STORM Coalition:
Tel: 905 880 3465
Fax: 905 880 3466
info@stormcoalition.org
- Contact STORM Coalition to assist in the analysis of your findings (for level two analysis, or for anywhere you encountered uncertainties in the checklist)
- Post your results on the Moraine Watch Tracking System (visit www.monitoringthemoraine.ca to find the link) and an opportunity for dialogue will be established
- Use your findings in your community group's work

Your findings may also be analyzed and used in the annual Monitoring the Moraine Status Report.

Comments:

The Oak Ridges Moraine Conservation Act and Plan

1. About the Oak Ridges Moraine Conservation Act (the Act)

The Act received Royal Assent on December 14, 2001 following a unanimous all-party vote. It lays out legislative matters concerning land and resource use within the Oak Ridges Moraine Plan Area, including:

- authority for Cabinet to establish the Oak Ridges Moraine Area (Ontario Regulation 1/02)
- ministerial authority to establish the Oak Ridges Moraine Conservation Plan (Ont. Reg. 140/02)
- provision for a 2014 review of the Plan to determine whether changes should be made
- establishment of municipalities as the primary implementers (section 7), which requires that all decisions made under the *Planning Act* or the *Condominium Act* shall conform with the Oak Ridges Moraine Conservation Plan. It also requires that a municipality will not undertake any public work, improvement of a structural nature or other undertaking that conflicts with the Plan regardless of what legislation or regulations apply
- in the case of conflict (section 8), the Plan shall prevail over any official plan, zoning by-law, or provincial policy statement issued under section 3 of the *Planning Act*
- *Environmental Assessment Act* (section 3(6)) continues to apply within the Oak Ridges Moraine Area

To understand how decisions about land use planning, resource management, and infrastructure are made on the moraine, an understanding

of the larger legislative regime is necessary (see Appendix B).

2. About the Oak Ridges Moraine Conservation Plan (the Plan)

The Plan is ecologically based and was established by the Ontario government to direct land use and resource management for the 193 000 hectares of land and water in the moraine-plan area.

Through the Act and the Plan, the Ontario government set a clear policy framework to protect the Oak Ridges Moraine. Municipalities received deadlines to amend their planning instruments (official plans and zoning by-laws) to conform to the Plan. Nothing in the Plan is intended to prevent municipalities from adopting more restrictive official policies than those of the Plan, except in matters dealing with agriculture and aggregates (sand and gravel).

Through the Act and the Plan, the Ontario government set a clear policy framework to protect the Oak Ridges Moraine

After the Minister of Municipal Affairs and Housing (MMAH) has approved an official plan or zoning by-law amendment, all decisions respecting change in land use rest with the municipal authorities. Such decisions may be appealed to the Ontario Municipal Board (OMB), which is bound by section 7 of the Act to make decisions that conform to the Plan.

Purpose of the Plan

The purpose of the plan is to protect the moraine's ecological and hydrological features and functions by guiding provincial ministers, ministries, agencies, municipalities, municipal planning authorities, landowners, and other stakeholders in land use and resource-management planning.

Vision for the Oak Ridges Moraine: a continuous band of green rolling hills that provides form and structure to south-central Ontario, while protecting the ecological and hydrological features and functions that support the health and well-being of the region's residents and ecosystems

Plan Objectives

The *Oak Ridges Moraine Conservation Act*, 2001 establishes that the Oak Ridges Moraine Conservation Plan will:

- a) protect the ecological and hydrological integrity of the Oak Ridges Moraine Area
- b) permit only land and resource uses that maintain, improve, or restore the ecological and hydrological functions of the Oak Ridges Moraine Area
- c) maintain, improve, or restore all the elements that contribute to the ecological and hydro-

logical functions of the Oak Ridges Moraine Area, including the quality and quantity of its water and other resources

- d) maintain the Oak Ridges Moraine Area as a continuous natural landform and environment for the benefit of present and future generations
- e) provide for land and resource uses and development that are compatible with other objectives of the Plan
- f) provide for continued development within existing urban settlement areas and recognize existing rural settlement
- g) provide a continuous recreational trail through the Oak Ridges Moraine Area that is accessible to all including persons with disabilities
- h) provide for other public recreational access to the Oak Ridges Moraine Area
- i) ensure any other prescribed objectives

3. How to Read the Plan

The Oak Ridges Moraine Conservation Plan has five parts.

Part I, GENERAL: Describes how the Plan applies, existing uses, previously authorized uses, and exceptions, defines planning or technical terms.

Part II, LAND USE DESIGNATIONS: Describes purpose, objectives, and permitted uses for the four moraine land use designations,

describes lot-creation policies for Countryside Areas.

PART III, PROTECTING ECOLOGICAL AND HYDROLOGICAL INTEGRITY:

Identifies the moraine’s key natural, hydrological, and landform features, specifies planning, design, and development requirements to protect their integrity.

PART IV, SPECIFIC LAND USE POLICIES:

Specifies planning, design, and development requirements for particular uses and activities, provides policies for lot creation.

PART V, PRESCRIBED PROVISIONS:

Identifies sections of the *Oak Ridges Moraine Conservation Act, 2001* that apply to Natural Core Areas, Natural Linkage Areas, and Countryside Areas for purposes of transition, according to subsection 15(2) of the Act.

Oak Ridges Moraine Conservation Plan Land Use Designation Map: Shows the four designations and the Rural Settlements described in PART II.

View the *Oak Ridges Moraine Conservation Act*, Plan, and mapping in the Legislation & Maps section of the STORM Coalition website: www.stormcoalition.org.

Natural Core Areas protect the greatest concentrations of key natural heritage features, which are critical to maintaining the integrity of the moraine as a whole

Part II—Land Use Designations, General Overview

The Plan divides the moraine into four land use designations:

- Natural Core Areas (38% of the moraine)
- Natural Linkage Areas (24% of the moraine)
- Countryside Areas (30% of the moraine)
- Settlement Areas (8% of the moraine)

Natural Core Areas protect the greatest concentrations of key natural heritage features, which are critical to maintaining the integrity of the moraine as a whole. Only existing uses and very restricted new resource management, agricultural, low intensity recreational, home businesses, transportation, and utility uses are allowed in these areas.

Natural Linkage Areas protect critical natural and open-space linkages between Natural Core Areas and along rivers and streams. The only uses allowed are those in the Natural Core Areas plus new aggregate resource operations.

Countryside Areas provide agricultural and rural-transition buffers between Natural Core Areas or Natural Linkage Areas and urbanized Settlement Areas. Prime agricultural areas and natural features are protected. Most uses typically allowed in agricultural and other rural areas are allowed here.

Within Countryside Areas, the Oak Ridges Moraine Land Use Designation Map also identifies and delineates Rural Settlements. These are existing hamlets or similar small, generally long-established communities identified in official plans.



Policies on creating and developing new lots in Natural Core Areas, Natural Linkage Areas, and Countryside Areas are very restrictive. Exceptions are permitted in the moraine’s Rural Settlements, the Palgrave Estates Community, and for limited residential development in Countryside Areas in the City of Kawartha Lakes and in Peterborough and Northumberland Counties, providing the municipality has an approved growth-management study, rural economic-development strategy, water budget, and water-conservation plan.

Policies on creating and developing new lots in Natural Core Areas, Natural Linkage Areas, and Countryside Areas are very restrictive

Settlement Areas reflect a range of existing communities planned by municipalities to reflect community needs and values. Urban uses and development set out in municipal official plans are allowed.

Part III—Protecting Ecological and Hydrological Integrity

The Plan identifies key natural heritage features (such as wetlands and woodlands) and hydrologically sensitive features (such as kettle lakes and springs), which are protected from development and site alteration in all four designations, except for the following uses:

- low impact activities such as forest, fish, and wildlife management

- trails and transportation
- expansions to existing uses and existing lots of record
- infrastructure and utility uses are permitted where need and no reasonable alternative can be demonstrated and provided stringent planning, design and construction conditions are met. Development near these key natural heritage features and hydrologically sensitive features is allowed only if it will not adversely affect these features (minimum areas of influence and minimum protection zones are identified in the Table at end of Part III of the Plan). In areas with significant landscape character (called landform conservation areas) in Natural Core Areas, Natural Linkage Areas, and Countryside Areas, development must meet particularly stringent review-and-approval standards to ensure the moraine is protected. Over 85% of key natural heritage features are located in the Natural Core Areas or Natural Linkage Areas.

The Plan’s water-resource policies require municipalities to incorporate watershed plans, water budgets, and water-conservation plans in official plans within specified time periods. Large-scale development is restricted if this is not completed. Development is limited in wellhead-protection areas, areas vulnerable to groundwater contamination, and impervious surfaces in areas outside Settlement Areas.

Part IV—Specific Land Use Policies

New aggregate resource (sand and gravel) extraction is not permitted in Natural Core Areas, and licensed (existing) operations must meet stringent review-and-approval standards

including no excavation below the water table and maintenance of a linkage of 1km or more at all times. New major recreation developments such as golf courses are permitted only in Countryside Areas and must meet stringent review-and-approval standards.

New aggregate resource (sand and gravel) extraction is not permitted in Natural Core Areas

New transportation and utility corridors or facilities are not permitted in Natural Core and Linkage Areas without demonstrable need and lack of reasonable alternative. They also must meet stringent review-and-approval standards.

The trail system through the Oak Ridges Moraine will provide non-motorized recreational access. Additional policies and strategies on parkland, open space, and trail systems have been added through the Greenbelt Plan.

Part V—Implementation, Plan Review, and Monitoring

The Plan shall be reviewed every ten years to determine whether revisions are advisable. Its review has been extended to 2014 to coordinate with the review of the Greenbelt Plan (2005).

The Act states that a review of the Plan cannot consider removing land from Natural Core Areas or Natural Linkage Areas

During a review, the Minister shall consult with affected ministries, public bodies, and municipalities and ensure opportunities for citizen participation.

The Act states that a review of the Plan cannot consider removing land from Natural Core Areas or Natural Linkage Areas, however it should be noted that nowhere is it stated in the Act that changes to the current permitted uses in these areas cannot be considered.

The Ontario government is responsible for developing performance measurements and a monitoring network to assess the effectiveness of the Plan, although the intent is to consult with other stakeholders in the development of these standards.



Appendix B: A Guide to Land Use Planning On and Off the Oak Ridges Moraine

An understanding of the *Planning Act* can aid in the monitoring of land use planning under the Oak Ridges Moraine Conservation Plan (ORMCP). This is because the *Oak Ridges Moraine Conservation Act* (ORMCA) uses existing planning systems and municipal governance to implement the ORMCP.

Since municipalities are created by the province, the rules and regulations governing their structure and decision-making rest with the province. The *Planning Act* is an “operational framework” that lays out the complex system whereby municipalities plan, regulate and approve land use and development.

The ORMCP is a “policy regulation” that provides policy direction to bodies or agencies making land use and resource-management decisions on the Oak Ridges Moraine. It is implemented through amendments to municipal official plans and zoning-by-laws that must conform to the ORMCP. Once these plans and by-laws are approved by the Minister of Municipal Affairs and Housing, the responsibility for land use approval then falls to municipalities. Decisions can be appealed to the Ontario Municipal Board (OMB), however it is also charged under the ORMCA to make decisions that conform to the ORMCP.

1. Roles and Responsibilities in Land Use Planning⁴

Table 1. Roles and Responsibilities in Land Use Planning

Key Actors	Key Roles
Provincial Government	“Administrator” – sets broad planning policy, monitors the system, intervenes when appropriate
Municipal Governments	“Implementers” – develop local plans and policies, make decisions on applications
Conservation Authorities	“Environmental Guardians” – regulate uses in floodplains, watershed managers, provide technical support to municipalities
Developers	“Proponents” – make applications and initiate land use change and development
Public	“Critical Commentators” – provide critical input and perspective on the system in general and on specific policies, plans and applications
Ontario Municipal Board	“Adjudicator” – resolve disputes

⁴This section was adapted from Evergreen’s Keeping It Green: A Citizen’s Guide to Land Protection in Canada, available at www.evergreen.ca.

The Provincial Government Planning Legislation

The *Planning Act* and *Condominium Act*, under the Ministry of Municipal Affairs and Housing, give municipalities the authority to manage land use and development within their own boundaries, including the ability to protect natural areas and require developers to set aside park land. Empowering local governments to protect open spaces in these ways sets the provincial framework for land protection.

This provincial legislation enables the planning tools described later in this document. It is accessible on the Ministry of Municipal Affairs and Housing or STORM Coalition websites. Becoming familiar with this legislation can assist with your policy monitoring.

Provincial Interest in Local Planning Matters

Provincial policies guide land use decisions and ensure that local authorities respect provincial

interests, such as:

- protection of significant natural features
- urban growth management
- infrastructure
- affordable housing

The government may also review and approve local official plans and development applications.

Provincial interests are articulated in the Provincial Policy Statement, 2005. This means that local authorities, when undertaking town-wide planning, must be consistent with the provincial policy statement.

The provincial government plays a direct role in land use planning through appointed boards, commissions, or Crown agencies intended to protect specific features or resources. An example is the Niagara Escarpment Commission that administers the Niagara Escarpment Plan.



Scenic view from the height of the Oak Ridges Moraine

Municipal Governments—32 in total across the moraine

While the planning framework is provincial, land use plans are developed and implemented locally.

Lower-tier Municipalities—24 on the moraine

Although the structure of local governments can vary, lower-tier or local municipalities are generally made up of councillors (sometimes referred to as aldermen) and headed by a mayor or reeve. A mayor has only one vote in council decisions, as does each councillor. However, the mayor is in a position of leadership and can have a strong influence on how much time, effort, and consideration are given to particular issues.

Land use and other decisions made by these elected officials are informed by the expertise of their staff members. Municipal staff do not make decisions on planning policy or land use approvals but do make recommendations before the mayor and council members vote. These recommendations must reflect proper planning, promote the public interest, and be based on the planning documents discussed later in this section.

To streamline decision making, some municipalities have a planning committee of councillors that review planning applications, hear public deputations, and make recommendations before applications go to full council for debate and final decision.

Upper-Tier Municipalities—Eight on the moraine

In addition to being under a local municipality,



White-Tailed Deer

some areas are also governed by a regional authority (regional municipality, regional district, or county) consisting of the local municipalities within its boundaries. These upper-tier municipalities are governed by a board or council of elected officials from the member municipalities.

Roles and authority of upper-tier municipalities vary, but they are generally responsible for regional services such as water supply, wastewater treatment, and roads. They also contribute to land use planning by developing and administering regional official plans, handling subdivision and condominium approvals, or doing other land use approvals delegated by a local municipality.

Conservation Authorities

Conservation Authorities are charged with conserving, restoring, and managing the natural resources of specific watersheds. One of their



key responsibilities is to define the limits of flood plains and related natural hazards. They also have the right under the *Conservation Authorities Act* to develop natural heritage management and watershed planning programs. They often identify sites of ecological significance and provide comments to municipalities on the impact of proposed development on environmental matters. Many municipalities in the moraine area have entered into formal agreements with conservation authorities for technical expertise including comments on whether or not a development proposal complies with the ORMCP. Conservation Authorities also have the right to request status in front of the OMB to present concerns with respect to impacts of development proposals on the natural environment, including the moraine.

B

Conservation Authorities Moraine Coalition (CAMC)

In response to the need for a comprehensive policy, planning, and management approach to protect the Oak Ridges Moraine, nine conservation authorities joined in 2000 as the Conservation Authorities Moraine Coalition (CAMC). The watershed boundaries of these nine independent conservation authorities collectively cover the entire 160km moraine:

Central Lake Ontario, Credit Valley, Ganaraska, Lake Simcoe Region, Kawartha, Lower Trent, Nottawasaga Valley, Otonabee, Toronto and Region.

As of 2005, they own more than 10 000 hectares (five percent) of the moraine, making them responsible for the largest, most strategi-

cally located tracts of land that protect the headwaters of over 65 river systems originating on the moraine.

CAMC provides:

- scientific expertise in watershed plans and stewardship services
- environmental-planning advisory services for municipalities

As of 2005, the Conservation Authorities Moraine Coalition owns more than 10 000 hectares (five percent) of the moraine, making them responsible for the largest, most strategically located tracts of land that protect the headwaters of over 65 river systems originating on the moraine

Public

Community groups can track the actions of municipal governments to ensure land use decisions that maintain ecological and hydrological integrity. Citizens must therefore be familiar with the range and operation of municipal land use planning tools in their communities. Information about these tools and associated opportunities for public participation is available from your municipality's planning department or website.

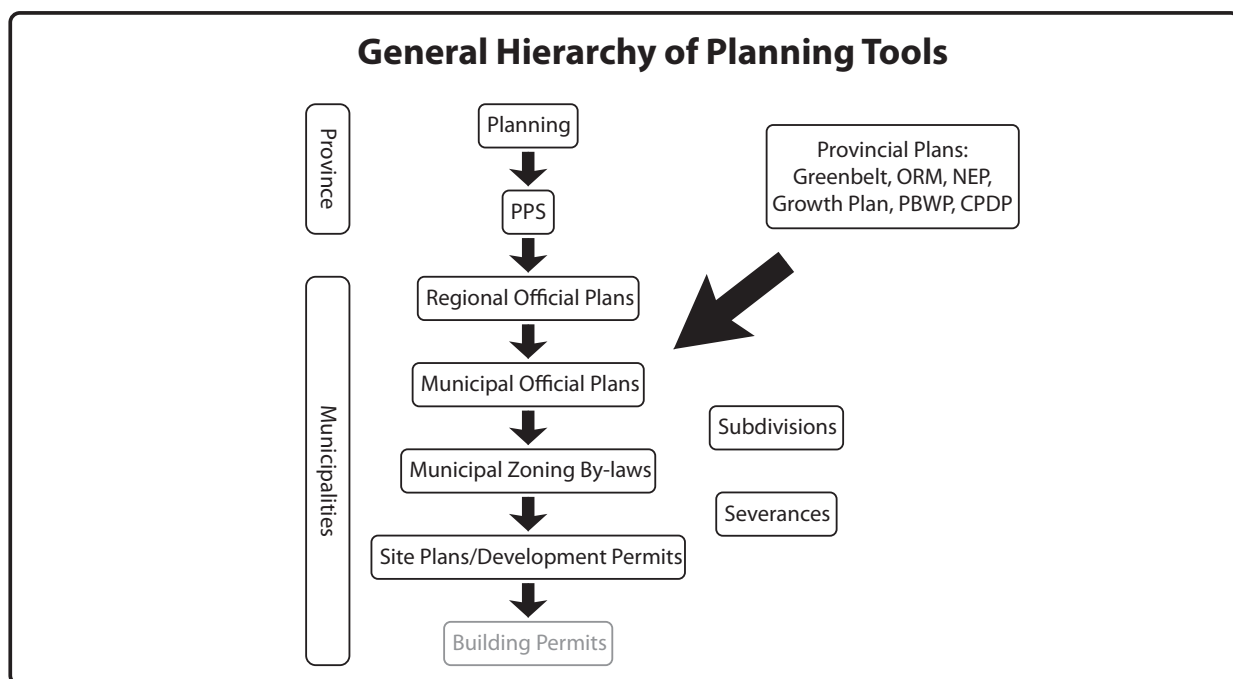


Figure 3. This figure outlines the general hierarchy of planning tools from the provincial to the municipal level. Acronyms in the figure are as follows: PPS: Provincial Policy Statement, NEP: Niagara Escarpment Plan, PBWP: Parkway Belt West Plan, CPDP: Central Pickering Development Plan. Courtesy of Municipal Affairs and Housing, Provincial Policy and Environmental Services Branch.

Ontario Municipal Board

The Ontario Municipal Board (OMB) is an independent administrative tribunal responsible for:

- hearing appeals on planning matters under the *Planning Act*
- deciding on contentious municipal matters

You will find more information about the OMB in section 4.1 of this appendix.

2. The *Planning Act*⁵

The *Planning Act* sets the ground rules for land use planning in Ontario. It:

- describes how land uses may be controlled
- defines who may control them
- presents an efficient planning system grounded in provincial policy
- is largely implemented through the actions of municipalities

⁵Sources: Ministry of Municipal Affairs and Housing, "The *Planning Act*," #1 in the Citizen's Guides to Land use Planning, available at www.mah.gov.on.ca; A Smart Future for Ontario, published by Ontario Nature and available at www.ontarionature.org.

Provincial land use policy is established by:

- section 2 of the Act, which lists the province's interests in land use
- the Provincial Policy Statement (2005)
- provincial approval of upper-tier (county and regional) official plans

The Act is legislated by elected provincial representatives to:

- promote sustainable economic development in a healthy natural environment
- provide a land use planning system led by a provincial policy framework
- integrate provincial interests by requiring all provincial and municipal decision makers to consider the Provincial Policy Statement
- provide for fair planning processes that are open, accessible, timely, and efficient
- encourage co-operation and co-ordination among various interests
- recognize the decision-making authority and accountability of municipal councils

The Act provides the basis to:

- consider provincial interests, such as protecting and managing natural resources
- establish local planning administration
- prepare official plans and planning policies to guide future development

- establish a streamlined planning process that emphasizes local autonomy
- exempt official plans from approval (see section 4.1 on official plans)
- regulate and control land uses through zoning by-laws and minor variances (see section 4.2 on zoning by-laws)
- divide land into separate lots for sale or development through a plan of subdivision or a land severance (see section 4.3 on subdivision)
- make provincial appeals through the Ministry of Municipal Affairs and Housing
- ensure the rights of local citizens to be notified about planning proposals, give their views to their municipal councils and appeal decisions to the OMB

B
.....



Lake Wilcox is one of the moraine's larger kettle lakes

The province's role is to:

- issue provincial policy statements under the *Planning Act*
- promote provincial interests, such as protecting farmland, natural resources, and the environment
- provide one-window planning service to municipalities through the Ministry of Municipal Affairs and Housing
- give land use planning advice and information to municipalities and citizens
- administer local planning controls and give approval where required

The municipal council must give citizens as much information as possible when preparing its official plan

The role of municipalities is to:

- make local planning decisions to determine the future of communities
- prepare planning documents, such as
 - an official plan, setting out general planning goals and policies to guide land use
 - zoning by-laws, setting rules and regulations to control development as it occurs

The role of upper-tier municipalities is to:

- along with planning boards, administer broad land use issues that concern more than one local municipality
- approve local official plans in place of the Minister of Municipal Affairs and Housing, if they have that power
- prepare their own official plans, if they have such a plan
- approve plans of subdivision, plans of condominium and land severances, if they have that authority

With the approval of the minister, one or more counties in some areas may establish a municipal planning authority that:

- does joint planning to address common growth and service issues
- has the same power as the council to prepare an official plan for the area
- may also have the power to approve plans of subdivision and consents

3. The Provincial Policy Statement⁶

The *Planning Act* allows the Minister of Municipal Affairs and Housing to issue statements on planning matters of provincial interest. The Provincial Policy Statement (PPS) came into effect May 22, 1996, containing clear, overall policy direction.

⁶Sources: Ministry of Municipal Affairs and Housing, "The Provincial Policy Statement," #2 in the Citizen's Guides to Land use Planning, available at www.mah.gov.on.ca; A Smart Future for Ontario, published by Ontario Nature and available at www.ontarionature.org.

The Ontario government reviewed this Provincial Policy Statement in 2001, and a new PPS came into effect on March 1, 2005—coinciding with the effective date of section 2 of the *Strong Communities (Planning Amendment) Act, 2004*. This requires planning decisions on applications subject to the new PPS to “be consistent with” these new policies.

While the PPS underlies the ORMCP, in the case of conflict between the PPS and the stricter ORMCP, the latter prevails. This is captured by section 8 of the ORMCP and section 4.9 of the PPS: *Provincial Plans shall take precedence over policies in this Provincial Policy Statement to the extent of any conflict*. In addition:

- Where the ORMCP is explicit, it prevails. However there are important provisions in the PPS that should be considered and applied on the moraine because the ORMCP may be silent on these issues. A good example is the section 3 policies in the PPS dealing with protection of the public from natural hazards such as flooding and erosion. These provisions need to be applied in addition to the requirements of the ORMCP.
- The PPS has ‘more influence’ in Settlement Areas because the ORMCP has fewer policies relating specifically to these areas.
- While municipalities are encouraged to be more restrictive than the ORMCP, this does not extend to agriculture and mineral aggregate (sand and gravel) extraction.

The PPS promotes a policy-led system recognizing the complex inter-relationships among environmental, economic, and social factors in three areas:

1. Managing change and promoting efficient, cost-effective development and land use that stimulate economic growth, protect the environment and public health.

The Provincial Policy Statement contains policies which deal with managing growth wisely to promote communities that:

- are economically and environmentally sound
- meet the full range of needs of current and future residents
- avoid the need for costly remedial measures to correct problems



Agriculture plays an important role in the economy of the Greater Golden Horseshoe

2. Protecting resources for their economic, environmental, and social benefits.

The Provincial Policy Statement contains policies that deal with the wise use and protection of provincial resources, such as:

- agricultural land
- mineral resources
- natural heritage resources
- ground and surface water
- cultural heritage resources

3. Reducing the potential cost or risk to Ontario residents by directing development away from areas where there is a risk to public health, public safety, or property damage.

The Provincial Policy Statement protects long-term health and safety of citizens as well as financial and economic well-being of the province and municipalities by ensuring that:

- development does not occur in areas where risk to public health and safety is greatest
- development permitted in less-hazardous areas is carried out so that hazards are minimized

The *Planning Act* requires that all planning matters “shall be consistent with” the Provincial Policy Statement. Decision-makers are thus obliged to:

- consider specific policy provisions for all planning responsibilities
- implement the Provincial Policy Statement in the context of local planning objectives and circumstances

The Provincial Policy Statement and natural heritage protection

Section 2.1 of the PPS provides for long-term protection of natural heritage in Ontario. It states that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored, or where possible improved, recognizing linkages between and among natural heritage features and areas, surface-water features, and ground-water features.

In implementing the natural heritage protection policies of the PPS, it is important to differentiate between provincial and municipal responsibilities.

Provincial responsibilities

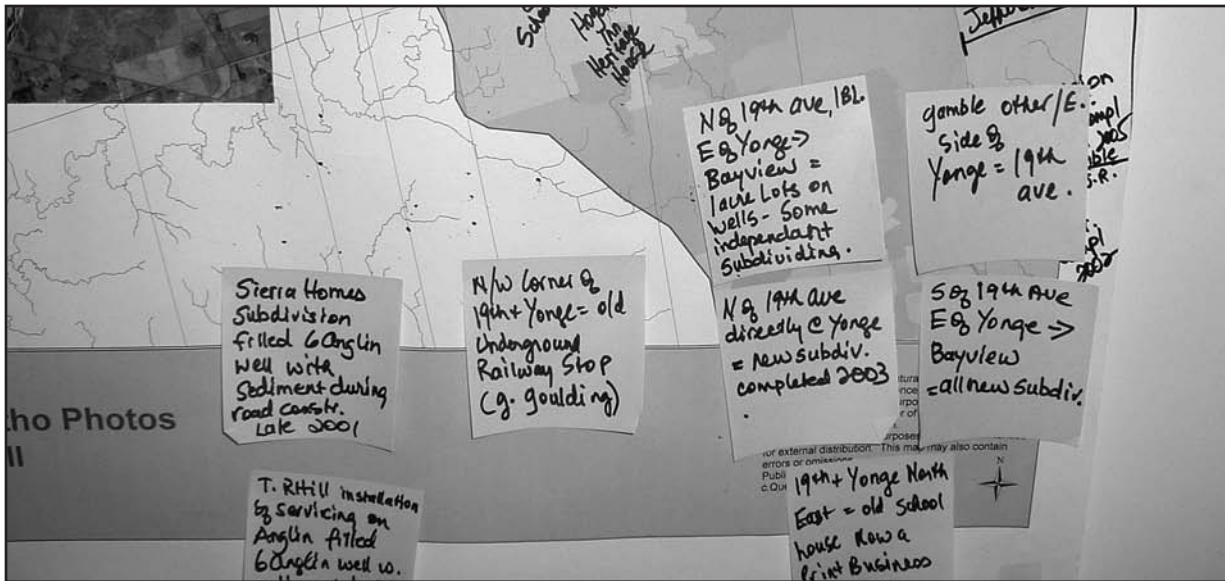
The Ministry of Natural Resources (MNR) identifies:

- provincially significant wetlands (or, a land-owner may pay a consulting biologist to do a wetlands evaluation and then get it approved by MNR)
- habitats of endangered and threatened species
- areas of natural and scientific interest (ANSIs)

Municipal responsibilities

Municipalities:

- identify other important natural areas (for example, significant woodlands, regionally or locally significant wetlands)
- develop policies to protect both provincially and municipally identified natural areas through their official plans (see section 4.1 on official plans)



Community mapping exercises help members of the community identify areas of concern

B

How the Planning Act works

Community planning identifies common goals and balances competing interests of the various parties that play important roles in shaping a community, including the municipal councils, landowners, developers, planners, special interest groups and citizens.

The central planning activity is a community's official plan, a document that guides future development of an area in the best interest of the community as a whole. The municipal council must:

- give citizens as much information as possible when preparing its official plan
- hold at least one public meeting where residents can provide opinions on the plan
- decide the best way to let people know about the meeting

- give at least 20 days notice, usually through local newspapers or mail

The Act encourages residents to make their views known early in the planning process to avoid the Ontario Municipal Board (OMB) later dismissing their appeals without holding a hearing. The Act also encourages mediation to resolve conflicts and requires a similar procedure for changes to the official plan, for zoning by-laws, plans of subdivision, and land severances.

4. Municipal Instruments – Planning Tools

Table 2. Summary of Municipal Planning Tools

Planning Tool	Applicable Section of the Planning Act	Purpose	Implementation Process
Official Plan	16 to 27	Establishes policy direction for land use planning and development in the municipality	- adopted by Municipal Council - approved by MMAH or delegated authority (usually an upper tier municipality)
Zoning By-law	34 to 40	Implementation of the OP that regulates land use	- passed by municipal Council - automatically approved if not appealed to OMB in 20 days
Subdivision Plan	50 to 52	Multiple lot creation (usually 4 or more)	- approved by MMAH or assigned / delegated authority (usually an upper-tier or single-tier municipality)
Land Severance (Consent)	53 to 56	Lot creation or minor lot line adjustment (usually 4 or fewer lots)	- approved by assigned / delegated authority such as Land Division Committee, Committee of Adjustment or Municipal Council
Minor Variance	44 to 45	Minor exception to zoning by-laws	- approved by Committee of Adjustments
Legal Non Conforming Uses	45	Extension or expansion of a building or structure or change in use of a legal non conforming use	- approved by Committee of Adjustment
Site Plan	41	In areas designated under appropriate OPs and by-law designations to control detailed design of buildings, roads and other structures	- site plans approved by Municipal Council

B
.....

4.1 Official Plans⁷

An official plan (OP) is a document that:

- is a municipal government’s primary strategic-planning document
- articulates a municipality’s vision and strategy for long-term growth and land use according to community needs
- reflects specific needs and priorities of a community as well as provincial interests
- contains goals, objectives, policies, and implementation strategies
- manages a municipality’s physical development as related to social, economic, and environmental matters
- can be changed or amended as the community’s needs change

Typically, an OP will address issues such as:

- location and distribution of new housing, commercial and industrial development, and public facilities such as schools, parks, and waste-treatment sites
- when and in what order parts of a community will grow
- location and phasing of major services such as water, sewers, and roads
- areas of environmental significance and how they should be protected
- hazardous lands

Plan Hierarchy

Municipal planning involves levels of plans with varying degrees of detail.

Upper-level OPs

- are broad policy documents
- address land use issues in general terms
- guide the development of lower-level plans
- must address and incorporate conservation concerns

Lower-level OPs

- are more detailed
- generally cover smaller areas
- address issues such as permitted land use and exact locations of services and infrastructure
- should be guided by the conservation concerns of higher-level plans because once the more-detailed plans are developed for an area, arguing for significant changes (such as protecting additional natural areas) becomes more difficult because specific decisions (or commitments) about its future have already been made

In addition to OPs, some municipalities also develop secondary plans that provide more detailed policies for specific areas, such as downtown cores or new neighbourhoods. Secondary plans are also referred to as neighbourhood plans or special study area plans.

⁷ Sources: Ministry of Municipal Affairs and Housing, “Official Plans,” #3 in the Citizen’s Guides to Land use Planning, available at www.mah.gov.on.ca; Keeping It Green: A Citizen’s Guide to Urban Protection in Canada, published by Evergreen and available at www.evergreen.ca; A Smart Future for Ontario, published by Ontario Nature and available at www.ontarionature.org.

A municipality needs an OP to:

- inform citizens about general land use planning policies
- ensure coordinated growth that meets community needs
- show landowners how their land can be used now and in the future
- determine locations for services, such as roads, water mains, sewers, parks, and garbage dumps
- set local regulations and standards, such as lot sizes and building heights
- evaluate and settle land use conflicts while meeting local, regional, and provincial interests
- demonstrate council's commitment to planned community growth

The Official Plan Process

During the process of developing or reviewing an OP, municipalities must follow the procedures described in provincial planning legislation, including requirements for public participation.

When it is considering an OP, the local council, planning board or municipal planning authority must ensure that:

- the appropriate approval authority is consulted
- at least one public meeting is held, which must be advertised at least 20 days in advance, usually through local newspapers or mail
- adequate information, including a copy of the proposed plan, is made available to the public in advance of the public meeting

Any person or public body has a right to:

- speak at the meeting
- submit written comments
- launch an appeal to the OMB, provided that prior input was given in one or both of the previous ways

The council may consult with agencies, boards, authorities, or commissions before making a decision.

When council prepares an OP, the policies must be consistent with the Provincial Policy Statement issued under the *Planning Act*. This means that council is obliged to consider the larger provincial context when developing local planning objectives and circumstances (see sections 2 and 3 on the *Planning Act* and the Provincial Policy Statement).



Data collected from ecological monitoring can aid policy makers make informed decisions

An OP may come into effect in either of two ways:

1. Plans exempt from approval - The Minister of Municipal Affairs and Housing may exempt an OP and any or all amendments from requirement for approval. The minister may also authorize another approval authority (such as a regional municipality) to exempt any or all local OPs and amendments from requirement for approval. Under this system, after a council gives notice of adoption of a plan, any person or public body may appeal the adoption directly to the Ontario

Municipal Board within 20 days. If there is no appeal, the official plan comes into effect on the twenty-first day.

2. Plans not exempt from approval - Under this system, a council adopts an OP and submits it to the appropriate authority for approval, along with all information prescribed by ministerial regulation and the approval authority. Missing information could result in delays as the approval authority may refuse to accept or further consider the OP. A 90-day decision-making period begins once all prescribed information is received.

B
.....



A classic Oak Ridges Moraine landscape

Who is the approval authority?

For local OPs and amendments, the regional or district municipality is the approval authority. In all other cases, it is the Minister of Municipal Affairs and Housing. To find the approval authority in your area, contact your municipal or planning board office.

The approval authority:

- considers all comments, concerns, or suggestions from anyone interested in the plan
- may negotiate with other ministries, local authorities, and municipal councils or staff
- may approve, approve as modified, or refuse to approve all or parts of the OP
- issues a notice of decision

Any person or public body may appeal the approval authority's decision to the Ontario Municipal Board within 20 days. If there is no appeal, the OP comes into effect on the twenty-first day.

What happens next?

Once an OP is passed by council, it guides all of the municipality's planning decisions. That means that:

- the local council and municipal officials must follow the plan
- all new services, sewer or watermains must conform to the plan
- all zoning by-laws and amendments to zoning by-laws must conform to the plan
- land designations for areas such as parks and open spaces must conform to the plan

- permitted land uses and maximum densities specified by the plan must be followed (see section 4.2 on zoning by-laws)

To find the approval authority in your area, contact your municipal or planning board office

An approved OP:

- is not intended to be a static document
- can be reviewed at any time to determine whether changes are needed
- according to the *Planning Act*, should be reviewed at a public meeting at least once every five years
- sometimes does not receive this five-year review, because some municipalities do not hold the required meeting
- receives little provincial support when the meeting is not held
- can be helped by residents who remind council of its obligations to hold the meeting

Rights of appeal

Appealing a planning decision to the Ontario Municipal Board (OMB) can take considerable time, effort, and money. A hearing may last a few hours if the matter is simple or several weeks if it is more complicated.

Appeals can be made five ways:

1. A proponent of an OP amendment may appeal to the OMB if the council fails to give notice of a public meeting within 45 days of

the receipt of the prescribed information by the municipality.

2. A proponent of an OP amendment may appeal to the OMB if the council refuses or fails to act on a request to amend within 90 days of the receipt of the prescribed information by the municipality.
3. If the OP or amendment is exempt from approval, any person or public body may appeal the council's adoption within 20 days of the date of the notice of adoption.
4. When the approval authority gives notice of a decision on an OP or amendment, any person or public body may appeal the approval authority's decision within 20 days from the date the notice of decision is given.
5. Any person or public body may appeal to the OMB if the approval authority fails to give notice of its decision regarding part or all of the plan / amendment within 90 days of the receipt of the prescribed information by the approval authority.

Every notice of appeal must:

- specify written reasons for the appeal
- state whether it applies to all or part of the official plan or amendment
- be accompanied by the fee required by the OMB

The OMB has the power to

- hold a hearing at which the person or public body making the appeal has the chance to present a case
- allow or dismiss the appeal

- approve, approve as modified, or refuse to approve all or part of the plan or amendment
- dismiss an appeal without holding a hearing
- decide based on the facts presented at a hearing

Appealing a planning decision to the Ontario Municipal Board can take considerable time, effort, and money. A hearing may last a few hours if the matter is simple or several weeks if it is more complicated

Official plan amendments

An official plan amendment is a formal document that:

- changes a municipality's OP because of new community circumstances or requests by property owners
- can be initiated by local or regional council or requested by private landowners

All amendments are proposed, discussed, and processed in the same way as the original plan. When a council considers an official plan amendment, it must be consistent with the Provincial Policy Statement issued under the *Planning Act*.

To request an official plan amendment

A person or public body wishing to use or develop a property in a way that conflicts with a municipal official plan may request an amendment to the plan. It is advisable to talk

first to municipal staff, who can advise whether the change is possible, what problems might be encountered, and how to apply.

To apply for an official plan amendment:

- submit all information prescribed by ministerial regulation and the municipality
- be aware that missing information may mean the municipality refuses to accept or further consider your request
- understand that the 90-day decision time begins once the municipality receives all prescribed information

4.2 Zoning By-laws: Putting the Official Plan into Action⁸

An OP sets out the municipality's general policies for future land use. Zoning by-laws put that plan into effect and control day-to-day administration by stating exactly:

- how land may be used
- where buildings and other structures can be located
- types of buildings permitted and how they may be used
- lot sizes and dimensions, parking requirements, and building heights
- minimum distances between buildings and lot lines or natural features (often called setbacks)

How do zoning by-laws work?

Zoning by-law specifications are legally enforceable, and a municipality will not issue building

permits for construction or new development that do not comply.

A comprehensive zoning by-law divides many municipalities into different land use districts or zones, detailed on maps that show precise boundaries. Most zoning maps rely on street or property lines as district boundaries, with the exception of environmental protection areas, which follow natural features like valleys or wetlands. By-laws specify each zone's permitted uses (e.g., commercial or residential) and required standards (e.g., building size and location).

Some rural municipalities have a free-standing zoning by-law that covers only certain property that an owner proposes to develop.

The five components of zoning by-laws

1. Title, authority, and applicability

This section identifies legislative authority that gives a municipality the authority to use zoning as a land use planning tool.

2. Definitions

Definitions are especially important because the general public, as well as the courts, must be able to attach specific meaning to the words and concepts appearing in the by-law. A set of definitions is provided at the start of the by-law.

3. General provisions

General provisions are those regulations that apply in all land use districts. These include regulations regarding parking and legal non-conforming uses.

⁸Sources: Ministry of Municipal Affairs and Housing, "Zoning By-laws," #3 in the Citizen's Guides to Land use Planning, available at www.mah.gov.on.ca; Keeping It Green: A Citizen's Guide to Urban Protection in Canada, published by Evergreen and available at www.evergreen.ca; Municipality of Clarington, "A Guide to Zoning," "Minor Variance," and "Site Plan Control," available at www.clarington.net.

4. Zoning districts and regulations

This section lists and defines each zoning district, including residential, commercial, industrial, agricultural, and environmental protection areas. Residential districts, in turn, are broken down further into zones for urban and rural areas, including single-detached and multiple attached housing forms of varying density. Similar distinctions, based on intensity of use, are also often found in business and industrial districts (e.g., light industry versus heavy industry). Often, within each zoning district there are special exceptions that have been granted over the years in response to site-specific development applications.

5. Interpretation, administration, and enforcement

This section spells out the duties of those who administer the by-law, procedures to follow when amending the by-law, and standards for assessing penalties and fines for zoning violators.

What happens to violators?

Zoning establishes rules so the community has a common understanding of property use. If a property owner uses land or constructs a building in a manner not permitted by the Zoning by-law, the municipality can enforce the zoning by-law to protect the rights of all residents. A by-law enforcement officer will meet with the owner to discuss what is required to conform the property to current zoning. If the owner does not take steps to correct the problem, the

municipality can lay charges and force removal of any construction completed to date.

Zoning by-law amendments

Property owners may apply for a zoning change if they wish to use or develop property in a way that is not allowed by the zoning by-law. This is also known as a zoning by-law amendment or rezoning. The application may be to change:

- the use, for example, from a home to a business or from a farm to a golf driving range
- the requirements, for example, the reduction of setbacks, increase in height, or reduction in parking space standards

Council can consider such change only if the new use is allowed by the OP.

The process for passing by-law amendments is the same as that for zoning by-laws.

How are zoning by-laws passed?

Before a by-law is passed, council must first give as much information as possible to the public, hold at least one public meeting, give at least 20 days notice of the meeting, and allow everyone at the meeting to speak.

Residents must make their views known early in the planning process or the OMB could dismiss appeals they make later on. The *Planning Act* encourages this early involvement and mediation to resolve any conflicts.

A local council may:

- consult with interested agencies before making a decision

- decide to pass, change, or reject the proposed by-law
- hold another public meeting to deal with changes

Council must give notice of the by-law within 15 days of passing it.

How are zoning by-laws evaluated?

The council evaluates zoning by-laws against criteria such as:

- conformity with the OP and compatibility with adjacent land use
- suitability of the land for the proposed purpose, including size and shape of lots
- adequacy of vehicular access, water supply, and sewage disposal
- the need for potential flood protection
- consistency with the Provincial Policy Statement under the *Planning Act* in the context of local planning objectives and circumstances

Rights of appeal

If an application is denied or conditionally approved:

- the applicant may appeal to the OMB
- an adjacent landowner with a valid reason may appeal

Appeals to the OMB can be made in either of two ways:

1. A person or public body may file a notice of



Over 65 river systems flow north and south off the moraine

appeal with the municipal clerk within 20 days of the notice of passage of the by-law.

2. A person or public body requesting rezoning may file a notice of appeal with the secretary of the OMB if a council refuses or fails to act on such a request within 90 days of receiving the prescribed information.

An appeal must be accompanied by written reasons and the required fee.

Relating to appeals, the OMB has the power to:

- allow or dismiss the appeal
- dismiss an appeal without holding a hearing
- hold a hearing at which applicants and other affected parties can present and discuss views
- make a decision based on facts presented at a hearing
- repeal or amend the by-law

Minor variances

You can apply for a minor variance if a proposed change follows the general intent of a zoning by-law but does not conform to it exactly. For example, you might want to locate a structure on your property, but the shape of your lot won't allow the minimum setback.

To obtain a minor variance, apply to your local council's Committee of Adjustment that deals with minor problems in by-law standards. This committee will hold a hearing and decide on your application. Anyone who disagrees has 20 days to appeal to the OMB, which has the power to:

- dismiss the appeal without a hearing
- allow or dismiss the appeal
- amend the application in any way it sees fit

A minor variance does not change a zoning by-law. It excuses someone from a specific requirement of the by-law and allows one to obtain a building permit.

What other types of zoning by-laws are there?

There are several types of special by-laws that can be used to control land use.

Holding by-laws allow future uses for land or buildings but delay development until roads and other local services are in place. The municipality cannot use these by-laws unless it has holding policies in its OP.

Interim control by-laws put a temporary freeze on some land uses while the municipality is studying or reviewing its policies. The freeze can

be imposed for only one year, with a maximum extension of one more year. The *Planning Act* provides that an interim control by-law would remain in effect past the two year period if the new zoning by-law which replaces the interim control by-law is appealed to the OMB. The new by-law does not become law until the OMB hears the appeal and decides.

Temporary use by-laws zone land or buildings for specific uses for a maximum period of three years at a time, with further extensions possible. In cases of authorizing the temporary use of a garden suite (i.e., a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing structure and designed to be portable), the temporary by-law may allow it for a period not exceeding ten years, with further extension possible.



American robins are just one of the many species of birds that nest on the moraine

B
.....

Increased height and density by-laws allow buildings to exceed permitted standards if the developer provides certain services to a community in return, such as parkland. The municipality cannot use these by-laws unless its OP includes policies allowing increases in height and density.

Site-plan control by-laws

Site-plan controlled by-laws are not zoning by-laws. They are used to establish areas where site-plan control will be applied over and above those set out in the zoning by-laws. These areas must be described in the OP. This tool allows municipalities to influence the design and technical aspects of developments to ensure that they are appropriate for the site and in keeping with the character of the neighbourhood.

Site-plan controls ensure that:

- developments are built and maintained in the way that council approved
- new developments meet certain standards of quality and appearance
- there is safe and easy access for pedestrians and vehicles
- there is adequate landscaping, parking, and drainage
- nearby properties are protected from incompatible development

As a condition of approval, municipalities may require owners to provide land for road widening and public transit rights-of-way, provided that this is in the OP. No person may undertake any development that is subject to site-plan control unless the municipality has reviewed

and approved certain plans. Once these plans are approved, a site-plan agreement is executed that contractually binds the owner to develop and maintain a site in accordance with the approved plans and terms of agreement.

The site-plan control process differs from other types of planning applications in that:

- site-plan applications are not reviewed and approved by planning committees and/or councils
- the decision may be made by the planning department, a site-plan review committee, or a development officer
- the process does not require statutory public consultation
- community concerns can usually be expressed through the local councillor

Minister's zoning order

The *Planning Act* gives the Minister of Municipal Affairs and Housing the authority to zone any property in the province. Zoning orders are rarely used where municipalities have existing zoning by-laws but can be used to protect provincial interests. The minister can either delegate the administration of an order to a local planning board or deem it to be the local by-law—in which case the planning board would have the power to pass by-laws to make any changes.

Other approvals required

Building projects need:

- planning approvals



- a building permit
- other permits and approvals in particular circumstances
 - e.g., a septic tank permit for a new septic system
 - e.g., a permit from the Ministry of Natural Resources for any construction in the water, such as a dock or boat-house with solid foundation in cottage areas

4.3 Subdivisions⁹

When someone divides a piece of land into two or more parcels in order to sell one or more of these, they are subdividing property. In the case of subdivision, the provisions of the *Planning Act* come into play. Subdividing requires approval of a plan of subdivision from the Minister of Municipal Affairs and Housing, a municipality or planning agency assigned the minister’s approval powers.

Subdivision approval ensures that:

- the land is suitable for its proposed new use
- the proposal conforms to both the OP in the community and provincial legislation and policies
- citizens and the community are protected from developments that may be inappropriate or put undue strain on community facilities, services, or finances

When large tracts of land are split into building lots, buyers are assured that:

- the lots are on a registered plan
- the water supply is usable
- access roads are plowed and maintained
- ownership or title is certain, so that resale is possible
- if the proposal involves only one or two lots, owners may seek approval for a “land severance” instead

Approval authorities for subdivision plans

To determine the approval authority in your area, contact your municipal or planning board office. Local councils approve draft plans of subdivision for:

- regional/district municipalities
- certain counties in southern Ontario
- towns/cities that do not form part of a county for municipal purposes
- upper-tier municipalities (counties, regional or district municipalities) that choose to delegate approval authority to local municipalities

The Minister of Municipal Affairs and Housing approves all other areas but may delegate approval authority to municipalities or municipal planning authorities.

⁹Sources: Ministry of Municipal Affairs and Housing, “Subdivisions.” #4 in the Citizen’s Guides to Land use Planning, available at www.mah.gov.on.ca; Keeping It Green: A Citizen’s Guide to Urban Protection in Canada, published by Evergreen and available at www.evergreen.ca; Municipality of Clarington, “Plan of Subdivision” available at www.clarington.net; Region of Durham, “A Citizen’s Guide to Subdivisions,” available at www.region.durham.on.ca.

A registered plan of subdivision is a legal document showing:

- exact surveyed boundaries and dimensions of lots on which houses or buildings are to be built
- location, width, and names of streets
- sites of schools, parks, and recreational facilities
- setbacks from environmental features or hazardous areas

The plan does not show specific building locations; these are set out in the zoning by-law and site-plan approval.

The plan of subdivision must be:

- surveyed by an Ontario land surveyor
- in general conformity with the municipal OP, provincial policies, and any county, regional, or district plan
- approved by the proper authority
- registered in the local land-registry system

A registered plan of subdivision:

- creates new, separate parcels of land
- can be legally used for the sale of lots
- should not be confused with “compiled plans” or “reference plans” that simply describe parcels of land

The process for subdividing

If a person is thinking about subdividing their property, they should:

- consult local municipal staff to determine all information needed and whether the local official plan and/or zoning by-law requires

amendment to allow subdivision

- submit a subdivision application to the Minister of Municipal Affairs and Housing or directly to the municipality with approval power
- complete a subdivision application form provided by the approval authority (the minister or the municipality)
- provide all information prescribed by minister’s regulation and the approval authority
- be aware that the 90-day approval period begins only after all prescribed information is received
- contact the approval authority to determine what information is required

The approval authority:

- must give notice of application
- must hold a public meeting
- must give at least 14 days advance notice of the meeting, usually through local newspapers or mail
- must allow anyone present at the meeting to speak about the proposal
- may consult with agencies, boards, authorities, or commissions before deciding

Evaluation of applications for subdivision

The approval authority evaluates the merits of a proposal against such criteria as:

- conformity with the OP
- compliance with local zoning by-laws

- suitability of the land for the proposed purpose, including size and shape of lots
- adequacy of vehicular access, water supply, and sewage disposal
- protection from potential flooding
- amount of land set aside for parks, schools, roads, and other public amenities
- whether natural features on the site are adequately protected
- compatibility with adjacent land use
- consistency with the Provincial Policy Statement in the context of local planning objectives and circumstances

Draft approval

The approval authority:

- may either “draft approve” or refuse a subdivision proposal
- must within 15 days provide written notice of its decision to the applicant and each person or public body requesting to be notified
- allows a 20-day appeal period

Draft approval means:

- the applicant will be advised of any conditions to obtaining final approval and registration

Conditions may include:

- road widening
- dedication of more parkland
- relocation of public open spaces
- increased buffers to better protect natural features

- rezoning to reflect new uses in the subdivision
- a lapsing provision (time frame) within which the conditions must be met
- the developer may be required to sign a subdivision agreement with the municipality to ensure certain services such as sidewalks and roads are provided after the plan is registered
- a commitment to go ahead with the subdivision once all conditions are met
- lots may be offered for sale but can be sold only after the plan of subdivision is registered

Rights of appeal

Appeals to the OMB can be made four ways:

1. Any person or public body may appeal an approval authority’s decision, conditions, and/or lapsing provision within 20 days of the notice of decision.
2. The applicant or any public body may appeal conditions of approval at any time before final approval.
3. The applicant may appeal if no decision is made within 90 days of the date the approval authority receives the application and prescribed information.
4. Any person or public body may appeal any changed conditions imposed by the approval authority within 20 days of the notice of changed conditions.

Appeals must be:

- filed with the approval authority
- accompanied by reasons for the appeal

- accompanied by the fee required

When a decision is appealed, the OMB:

- has the power to dismiss an appeal without holding a hearing
- can hold a hearing where the person making the appeal can present their case
- will decide based on facts presented at the hearing
- can make any decision that the approval authority could have made

Registration of a subdivision

When all conditions of a draft approval are met:

- final approval is given
- the plan of subdivision is registered in the provincial land titles or registry system
- the developer may sell lots in the subdivision
- the approval authority has the power to provide that draft approval will lapse after three years or to give an extension of draft approval



To date, about 250 km of the Oak Ridges Trail have been completed

Provision of services:

- many services for new subdivisions are not provided until well after registration
- most municipalities insist they be in place before residents move into new homes
- the applicant may have to sign a detailed subdivision agreement, which may be registered on the property title and legally bind future owners to its conditions

Condominiums:

- are a form of subdivision
- are property ownership in which title to a unit, such as an apartment in a high-rise building, is held by an individual along with a share of the rest of the property held in common by all owners
- can involve brand new development or existing rental projects converted to condominium ownership
- can apply to any type of residential building as well as commercial and industrial areas
- cannot involve vacant land

A condominium plan:

- is like a plan of subdivision in that it is a way of dividing property
- must be approved by an approval authority
- does not require notice of application and a public meeting
- does require the approval authority to give notice of its decision
- does allow the 20-day appeal period
- is governed in some municipalities by OP policies such as rental vacancy rates

B

4.4 Land Severances

The *Planning Act* also provides for subdivision of lands through a land severance process. Generally this process of land severance is used for creating four or fewer new lots or for minor adjustments to boundaries of existing lots. They generally go through a less rigorous or demanding process than the subdivision process and are the main vehicle of lot creation in rural areas.

Approval authority in southern Ontario has been assigned to municipalities or special body agencies such as a land division committee or the committee of adjustment. Again you will need to check with the planning department in your municipality to determine who is responsible in your area.

In many ways land severances can be a bigger concern than other forms of development because of the incremental negative cumulative impact of such proposals

While theoretically land severances are required to go through the same evaluation process as subdivision plans, experience in Ontario tends to indicate a decision-making process that is more lenient and less demanding than other processes. This is likely because the applicants are private landowners not familiar with the planning process and the approval authority is reluctant to be as prescriptive. Often times environmental requirements that should be applied are waived as the individual impact of such

small developments are viewed as negligible. In many ways land severances can be a bigger concern than other forms of development because of the incremental negative cumulative impact of such proposals.

Under the ORMCP land severances are envisioned as occurring infrequently in the Natural Core, Natural Linkage or Countryside designations.

4.5 Extensions, Expansions or Land Use Changes to Legal Non Conforming Uses

In many parts of Ontario, there are existing land uses that do not comply with the requirements of the zoning by-law but which existed prior to the by-law coming into effect. These land uses are referred to as legally non conforming uses. Under section 45 of the *Planning Act*, changes to these uses can be permitted through an application to the Committee of Adjustment. In reaching decisions on such matters the Committee of Adjustment is required to consider the policies of the OP, the PPS and the ORMCP.

5. Other Provincial Statutes

The Greenbelt Act (2005)

This act received Royal Assent on February 24, 2005. It designated the Greenbelt Area (Ontario Regulation 59/05) and established the Greenbelt Plan.

The *Greenbelt Act* and Plan:

- knit together three distinct socio-ecological regions under one piece of legislation:

- the Oak Ridges Moraine
- the Niagara Escarpment
- 400 000 hectares of agricultural land and natural areas of Protected Countryside
- recognize the requirements of both the ORMCP and Niagara Escarpment Plan
- do not include Protected Countryside policies except section 3.3 (Parklands, Open Space, and Trails), which establishes complementary policies to recognize the importance of connected parklands, open spaces, and trails throughout the Greenbelt Area
- evoked significant and positive amendments to the ORMCA which include:
 - closing a loophole dealing with

transition matters (section 17)

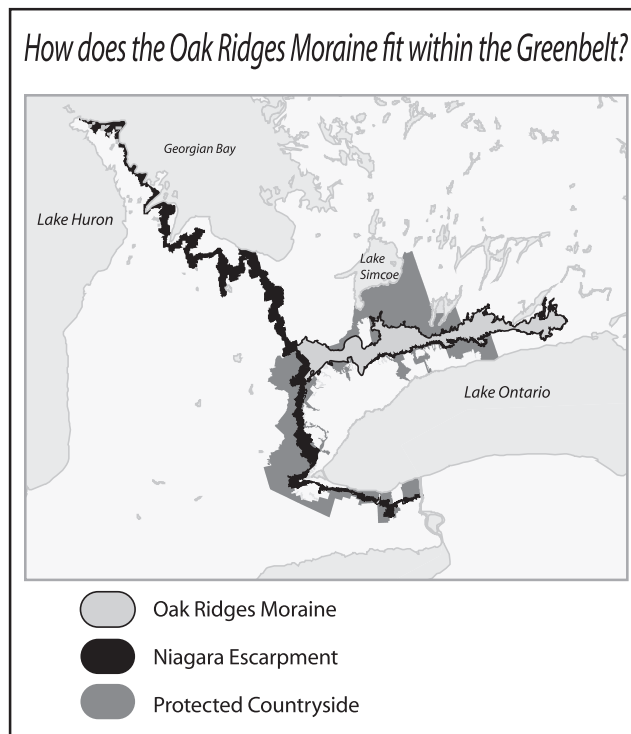
- amending section 23 to broaden provincial requirements in municipal tree-cutting and site-alteration by-laws

The Aggregate Resources Act (1990)

This act regulates most matters dealing with licensing and site plans. Municipal OPs and zoning by-laws regulate where mineral aggregate operations can take place. However, aggregate planning is one area where the municipalities may not impose conditions or restrictions that are already dealt with under the *Aggregate Resources Act* and cannot impose controls that are more restrictive than those in the ORMCP. The ORMCP prohibits new aggregate operations in Natural Core Areas and includes specific policies for new and existing operations in Natural Linkage Areas (section 35).

Ontario Water Resources Act (1990)

Water taking in Ontario is governed by Ontario Regulation 387/40 (Water Taking and Transfer) as established by the *Ontario Water Resources Act*. As water taking is not considered a land use, it lies outside the purview or jurisdiction of municipalities. Permits to take water are required for withdrawals that exceed 50 000 litres and are issued by the Ministry of the Environment. There are no provisions in the ORMCP that place any more restrictions over and above those included in the *Ontario Water Resources Act*.



B

Appendix C: Additional Resources

1. Ways to Find Out About Planning Applications

Talk to Planning Staff

- Meet with local planning department staff to learn how planning works in your community
- Speak directly to planners involved in review of development applications
- Become familiar with application details
- Ask for their perspective based on their professional opinions
- Present concerns early in the planning process so staff can take them into account

A key to effective participation in the planning process is talking directly to the people who make the decisions

- Meet with environmental planners, ecologists, or other staff responsible for protection and management of ecological features - in some planning departments “moraine experts” have emerged whose duties include:
 - commenting on moraine-specific development applications
 - providing information about ecologically-sensitive sites
 - mapping and inventories of local natural features
- Meet with the Director of Planning every year to review outstanding applications

Talk to Local Councillors

A key to effective participation in the planning process is talking directly to the people who make the decisions. Thus, cultivating a positive relationship with your local councillor is important.

- Do your homework:
 - find out the person’s voting record and stance on issues such as growth management and environmental protection
 - check your municipality’s website for a profile and contact information for each councillor
- Arrange a meeting to:
 - discuss your concerns and position
 - ask questions about the councillor’s knowledge of and opinions on Oak Ridges Moraine protection
 - suggest next steps such as a further brief meeting or a walking tour of the site
 - keep the councillor informed about your activities and progress

Monitor Council Meetings

- Attend council meetings
- Review documentation from municipal council
- Read council minutes on town websites
- Request to have votes recorded for council decisions (of interest for councillors’ positions)

Attend Public Meetings

You can attend these meetings to gather information about planning applications. The *Planning Act* specifies minimum numbers of

public meetings for different types of planning applications. Planning staff, local councilors, or landowners may also host voluntary community consultations to seek public input and resolve potential conflicts.

Attend Committee of Adjustment Meetings

This committee is an independent body comprised of members appointed by council and authorized under the *Planning Act*. This committee:

- approves or denies applications for minor variances to zoning by-laws
- approves or denies consents to sever parcels of land
- circulates notices to appropriate agencies and neighbouring landowners
- notifies people of the committee's decision
- conducts a public hearing
- invites the applicant, interested parties (i.e., neighbours), and commenting agencies, including internal municipal departments, to attend
- grants enlargement or extension of a legal non-conforming use (where land, buildings, or structures have been lawfully used for a purpose now prohibited by the zoning by-law, the committee can grant permission to enlarge such buildings or structures or permit similar or more compatible use, subject to certain conditions)
- can impose conditions that must be satisfied before a building permit is issued (if an application is approved), unless otherwise specified by the committee

Check Municipal Websites

Municipalities vary in the information on their websites. They often have:

- a council and committee calendar that includes council agendas and minutes
- public planning agendas and minutes
- committees of adjustment agendas and records
- other helpful information about planning applications
- natural heritage studies
- official plans, official plan amendments, and zoning by-law amendments
- the official plan amendment implementing the ORMCP

For example, the town of Aurora has a Planning Application Status list showing applications, locations, proposal descriptions, the dates recorded, status, and staff contacts. Durham Region has a Planning Newsletter and a section on the Oak Ridges Moraine.

You can also:

- get on your municipality's mailing list to receive all applications that go to the planning department (and committee of adjustment)
- watch the municipal notice board in the local newspaper

Join Citizen Advisory Committees

These committees advise municipal councils on specific issues and are comprised of community volunteers appointed by local council. They may include elected officials, municipal staff, and

representatives from other agencies who bring expertise, specialized knowledge, or a unique perspective.

A key strength is that Citizen Advisory Committees work within town/city hall toward consensus-based resolution before community concerns escalate into conflict

An example is the environmental advisory committee, which provides advice and assistance on issues such as:

- development of environmental policies
- designation of ecologically significant sites
- public education

Other advisory committees:

- provide specific development proposals
- serve as a voice for community concerns about land use planning decisions
- include heritage advisory, recreation advisory, and water advisory committees

A key strength is that these committees work within town/city hall toward consensus-based resolution before community concerns escalate into conflict.

Build Alliances with Landowners and Developers

There are many advantages to citizen groups building alliances with private landowners,

including local homebuilders and the development industry. The advantages could include the following compromises:

- developers may revise proposals to increase the amount of land protected
- homebuilders may agree to sell land below its market value
- homebuilders may donate a portion of land to a local land trust or other conservation group
- developers may meet voluntarily with the community to discuss concerns and avoid adversarial appeals that result in costly delays
- developers may revise plans to minimize or avoid the loss of green space
- developers gain benefits in the form of positive public relations and increased lot value due to the proximity of greenspace

Developers may approach well-known community groups, especially if municipal planners recommend them. However, it takes time to develop this kind of reputation and level of trust. When meeting developers, it is advisable for community groups to:

- send two representatives
- take notes recording conversations and thoughts
- ensure that all parties understand any agreements



2. Sources of Additional Information

Community-Based Monitoring

- Canadian Community Monitoring Network (CCMN); www.ccmn.ca
- Citizens' Environment Watch; www.citizensenvironmentwatch.org
- Citizen Science; www.citizen-science.ca
- Ecological Monitoring and Assessment Network (EMAN); www.eman-rese.ca

Oak Ridges Moraine Conservation Act

- www.e-laws.gov.on.ca

Oak Ridges Moraine Conservation Plan

- www.mah.gov.on.ca (go to *Reference Centre, Publications, The Oak Ridges Moraine, Documents and Legislation*)

Planning

- Citizens Guide to Land Use Planning: Ministry of Municipal Affairs and Housing; www.mah.gov.on.ca (go to *Reference Centre, Publications, Citizen's Guides to Land use Planning* – here you can find guides on the following topics: The *Planning Act*; Official Plans; Zoning By-laws; Subdivisions; Land Severances; Ontario Municipal Board; Building Permits; One-Window Provincial Planning Service/ Municipal Plan Review)

Conservation Authorities

- Conservation Authorities/ Conservation Authorities Moraine Coalition; www.trca.on.ca/corporate_info/conservation_authorities/
www.ypdt-camc.ca

Ontario Municipal Board

- www.omb.gov.on.ca
- “OMB Hearings and the Oak Ridges Moraine Conservation Plan” in Ontario Planning Journal, August 2005, Vol.20. Available on the Conservation Authorities Moraine Coalition website at http://www.trca.on.ca/corporate_info/conservation_authorities/
Click on “ORM Conservation Plan at OMB”

Provincial Policy Statement

- www.mah.gov.on.ca (go to *Resources for Municipalities, Land Use Planning*)

Other Ontario Provincial Statutes

- www.e-laws.gov.on.ca (statutes are listed alphabetically)

Oak Ridges Moraine Technical Paper Series

- www.mah.gov.on.ca (go to *Reference Centre, Publications, the Oak Ridges Moraine, Documents and Legislation, Oak Ridges Moraine Technical Paper Series* - there you will find the eight technical papers developed by MAH and MNR)

Books and Guides

- *A Smart Future for Ontario: How to Create Greenways and Curb Urban Sprawl in Your Community.* Ontario Nature, 2005. Available from www.ontarionature.org (go to *Resource Centre, Conservation*)
- *Keeping It Green: A Citizen's guide to Urban Land Protection in Canada.* Evergreen, 2005. Available on-line at <http://www.evergreen.ca/en/cg/keepingitgreen.pdf>
- *A Source Water Protection Primer.* Pollution Probe, 2004. Available on-line at <http://www.pollutionprobe.org/Reports/swpprimer.pdf>

Other Organizations

- Evergreen; www.evergreen.ca
- Friends of the Greenbelt Foundation; www.ourgreenbelt.ca
- Oak Ridges Moraine Foundation; www.ormf.com
- Oak Ridges Moraine Land Trust; www.oakridgesmoraine.org
- Oak Ridges Moraine Trail Association; www.oakridgestrail.org
- Ontario Nature; www.ontarionature.org

Project Partners

- Citizens' Environment Watch; www.citizensenvironmentwatch.org
- STORM Coalition; www.stormcoalition.org
- Centre for Community Mapping; www.comap.ca



