

Land Use Planning Draft Policies (Nov.22, 2011)

Rationale

The Planning Act provides the legislative framework for land use planning in Ontario and describes how land uses may be controlled. The Planning Act requires municipal decisions on planning matters be consistent with the Provincial Policy Statement (PPS) 2005. Section 2.2.1d of PPS states “planning authorities shall protect, improve or restore the quality and quantity of water by implementing necessary restrictions on development and site alteration to :1) protect all municipal drinking water supplies and designated vulnerable areas”. WHPA and IPZ satisfy the PPS definition of a designated vulnerable area (areas defined as vulnerable in accordance with provincial standards by virtue of their importance as a drinking water source that may be impacted by activities or events).

Municipalities can direct or limit the location of land uses within their boundaries through various tools set out in the Planning Act. The first tool, Official Plan (OP), is a municipality’s strategic vision for future community development and land use and provides a broad view of land use planning policy. OPs may designate areas requiring environmental protection such as environmentally sensitive areas that would include wellhead protection areas and intake protection zones. The inclusion of source water protection policies in an OP will help support the development of by-laws to protect municipal drinking water. Zoning by-laws, a second tool, which control uses, location and height of buildings and intensity of use, are used to implement local OP policies. OP and zoning bylaws are the primary communication/reference tools for land use planning decisions and from time to time they may need to be amended due to changing circumstances within a community or requests made by property owners.

Other Planning Act tools include site plan control, plans of subdivisions and consents. Site control regulates how a development fits on a specific parcel of land to ensure the safety, attractiveness and compatibility of the site with surrounding land uses. Site plans, plans showing the location of proposed structures, facilities and works to be provided, are the documents associated with Site Plan Control. Plans of subdivision and consents are ways by which a municipality may control the subdivision of land into lots and blocks. Municipalities and planning boards can also establish the requirements to request more information to assess applications for Official Plan Amendments, zoning by-law amendments, subdivision and condominium approvals and severances [under s.22\(4\), s.22\(5\), s.34 \(10.1\), s.34 \(10.2\), s.51 \(17\), s.51 \(18\), s.53 \(2\) and s. 53 \(3\) of the Planning Act.](#) This is known as complete application requirements and provisions relating to the requirements need to be identified within the OP.

Under the CWA, planning authorities and municipalities are required to “conform with” significant threat policies and “have regard to” moderate and low drinking water threat policies. Land use planning policies may themselves manage risks or may compliment other tools such as CWA Part IV tools S.57 Prohibition and S.58 Risk Management. Under the authority of the CWA Part IV, RMO could ensure that complete application requirements were implemented. Land use planning is only applicable for future activities and would not apply to existing activities.

In the case of conflict between a significant threat policy set out in the Source Protection Plan and a prescribed planning tool, such as municipal official plans and zoning bylaws or the provincial policy statement the Source Protection Plan prevail as per s.39 (2) of the CWA.

Interpretation

LP.1.0. The policies associated with land use planning are directed to the prescribed drinking water threats outlined within O. Reg. 287/07. The circumstances that make these threats significant are found within the Provincial Drinking Water Threats Tables. Land use planning policies will address future significant threats within specific vulnerable areas identified within the table below except where otherwise noted.

Vulnerable Area	Vulnerability Score	Applicable Prescribed Drinking Water Threat	
WHPA-A,B	10	1	The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the <i>Environmental Protection Act</i> .

Vulnerable Area	Vulnerability Score	Applicable Prescribed Drinking Water Threat	
			<ul style="list-style-type: none"> • Tailings from mines • Waste disposal sites
		2	The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage <ul style="list-style-type: none"> • Stormwater management facilities • Sanitary sewers and related pipes • Sewage Treatment Plants • Septic systems and holding tanks
		4	The storage of agricultural source material
		7	The handling and storage of non-agricultural source material
		9	The handling and storage of commercial fertilizer
		11	The handling and storage of pesticide
		13	The handling and storage of road salt
		14	The storage of snow
		15	The handling and storage of fuel
		17	The handling and storage of an organic solvents
WHPA-A,B and C	Not applicable	16	The handling and storage of a dense non-aqueous phase liquid
IPZ	10	13	The handling and storage of road salt
		15	The handling and storage of fuel
IPZ, WHPA-E	9	1	The establishment, operation or maintenance of a waste disposal site within the meaning of Part V of the <i>Environmental Protection Act</i> . <ul style="list-style-type: none"> • Waste disposal sites
		2	The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage <ul style="list-style-type: none"> • Stormwater Management facilities • Sewage Treatment Plants
		13	The handling and storage of road salt
		14	The storage of snow
IPZ, WHPA-E	8 to 10	1	The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage <ul style="list-style-type: none"> • Industrial effluent discharge

LP.1.1.1 All policies for the purpose of land use planning from a source protection perspective shall be implemented by those municipalities responsible for land use planning. From the effective date of the first Source Protection Plan, all planning decisions, as per S.39 (1)(a) of the CWA, shall be in conformity for those policies that address significant threats. For those policies that address low and moderate threats, all planning decisions shall have regard as per S.39 (1) (b) of the CWA.

LP.1.1.2 Updates to the Official Plan shall be initiated in all Official Plans within 6 months of the effective date of the Source Protection Plan with a goal to be completed within 2 years of the effective date of the Source Protection Plan.

LP.1.1.3 Updates to Zoning By-Laws shall occur within 3 years of the effective date of the Source Protection Plan.

Specific Planning Tool Policies

Official Plans and Zoning Bylaws

LP.2.0 As minimum municipalities shall review and amend their Official Plan and Zoning By-Laws to:

- Identify the areas in which the drinking water threats prescribed under the CWA would be significant;
- Incorporate mapping that reflects the locations where s.59 restricted land use policies would apply (as per policy RLX.X.X);
- Indicate that, notwithstanding the permitted uses contained in Official Plans and Zoning By-Laws within the areas identified above any use or activity that is or would be a significant drinking water threat under CWA is required to comply with the applicable policies contained in the Thames-Sydenham and Region Source Protection Plan and as such may be restricted, prohibited or otherwise regulated by those policies; and,
- Incorporate any other amendments required to conform with any other specific land use policies identified in this plan.

LP.2.1 Municipalities shall adopt Official Plan policies for the inclusion of additional information or materials, as required by policy RL.X.X.X, as part of complete application requirements for official plan amendments, zoning by-law amendments, temporary use authorizations, development in site plan control areas, minor variances, subdivision/condominium and severance applications.

LP.2.2 Municipalities shall consider the preparation or further development of guidelines, which guide processes within their Official Plans, to reflect Source Protection Plan policies and best management practices that would manage the risk associated with significant drinking water threats.

Site Plan Control

LP.3.0 Where municipalities require site plan control, site plans shall be consistent with risk management plans, in addition to the requirements set out in municipal Official Plans and zoning by-laws.

Specific Land Use Policies

LP.5.0 – One of the following 3 options

- a) Municipalities shall update Official Plan policies and zoning by-laws to prohibit the creation of new lots which would be serviced by septic systems within vulnerable areas where this would be a significant drinking water threat.
- b) Municipalities shall update Official Plan policies and zoning by-laws to prohibit new septic systems where they would be a significant threat to drinking water.
- c) The third option is to apply to future septic the same management required for existing septic. This would effectively allow septic systems within vulnerable areas where this would be a significant drinking water threat provided that they meet accepted standards and have in place assurances that they will be adequately maintained.

Moderate and Low Policies

L.P.6.0 Municipalities shall be encouraged through their land use planning processes, to located new salt storages in areas with a vulnerability score of <6.

Monitoring

LP.7.0 Land use planning policies are subject to monitoring and reporting requirements as outline in policy **X**.

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¶ technical reports to document existing conditions
¶ planning justification reports which outlines the proposed development in the context of its surroundings; haulage routes, compatibility with sensitive areas and uses
¶ physical prevention and mitigation measures that should be included in the design, location and maintenance of proposed development
¶ disclosure report that describes the proposed structures and processes involved in a significant drinking water threat
¶ other supporting documentation deemed necessary by municipal council specified in Official Plan

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Deleted: These guidelines may include but not limited to:
¶ stormwater management guidelines. The concepts of natural channel design and low impact development (i.e. as rainwater harvesting, green roofs, roof downspout disconnection, soakaway and infiltration trenches and enhanced grassed swales) could be included in these guidelines.

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LP.2.3 When updating Official Plans and zoning by-laws, municipalities shall consider developing new land use categories that addresses salt storage facilities and transported off-site snow storage to ensure that current activities being engaged in ceases to be a significant drinking water threat and future activities never become significant drinking water threats.

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Other Planning Processes

LP.4.0 Municipalities, through the Municipal Class Environmental Assessment planning process for sanitary sewer networks, shall consider mitigating the risk through enhanced construction standards.

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LP.5.0 For septic systems under 10 000 L/day and holding tanks regulated by the Ontario Building Code Official Plan policies and bylaws shall address new severances in vulnerable areas to ensure septic systems and holding tanks do not become a significant threat. Minimum lot size requirements shall be updated in accordance with accepted standards.

LP.5.1 For both small (<10 000 l/day) and large (>10 000 L/day) septic systems, Official Plan policies shall discourage the installation of new septic systems and holding tanks within areas with a vulnerability score of 10. They shall do this through minimum lot sizes and permitted land uses.