Township of Adjala-Tosorontio
Official Plan Review

8 Hazards
Introduction

What is an Official Plan?

An official plan is a municipal policy document which sets out the community’s vision and strategies for land use planning and development. It guides local decisions on matters such as: managing growth, providing housing and schools, coordinating infrastructure, supporting employment areas and economic development, optimizing transportation systems, the design of public spaces, protecting natural areas and heritage, and supporting agricultural and rural areas.

Official Plan Review

The Township of Adjala-Tosorontio is currently reviewing its official plan. This is an exciting opportunity to consider future directions for land use, development, and resource conservation over the next 20 years.

The township’s most recent official plan was adopted in 2008. Since the Planning Act requires municipalities to review their official plans at least every five years, it is now timely review the official plan to ensure it conforms with provincial and county plans. The evolving provincial policy context has resulted in significant changes and new requirements which must be incorporated into the updated official plan.

We want to hear from you! Tell us what you think about the proposed policy directions for the township official plan. You may reach the Township Office at:

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Alliston, ON L9R 1V1
705-434-5055
comments@adjtosopreview.org
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Provincial Planning Framework

In Ontario, there is a hierarchical, top-down, policy-led framework to shape land use planning. The planning framework is generally administered at three levels: 1) provincial, 2) upper-tier municipality, and 3) lower-tier municipality.

Provincial

At the provincial level, land use planning is guided through the Planning Act, the Provincial Policy Statement (PPS), and four provincial land use plans – including 1) Oak Ridges Moraine Conservation Plan, 2) Greenbelt Plan, 3) Niagara Escarpment Plan, and 4) Growth Plan for the Greater Golden Horseshoe. The province is currently undertaking a Coordinated Land Use Planning Review to recommend changes to the four land use plans. The Ministry of Municipal Affairs is responsible for land use planning in Ontario.

Portions of Adjala-Tosorontio are subject to the policies of the Oak Ridges Moraine Conservation Plan, and all of Adjala-Tosorontio is subject to the policies of the Growth Plan for the Greater Golden Horseshoe. New provincial legislation and plans, such as Bill 73 (Smart Growth for Our Communities Act, 2015), also apply in Adjala-Tosorontio.

Upper-tier Municipal

At the upper-tier municipal level, counties or regional municipalities have official plans which conform with provincial legislation and plans, and address regional matters. The county official plan sets out a broad land use structure and growth management approach which local municipalities will build on and conform with in more detailed lower-tier official plans. The County of Simcoe is responsible for planning at the upper-tier level. The new County of Simcoe Official Plan was recently approved in December 2016.

Lower-tier Municipal

At the lower-tier municipal level, cities or townships have official plans which conform with provincial and upper-tier legislation and plans, and address local matters in more detail than upper-tier plans. The most recent Adjala-Tosorontio official plan was adopted in 2008, so it must be updated to reflect changes in provincial and upper-tier policies.

Policy Discussion Paper Format

As part of the Official Plan Review process, 20 Policy Discussion Papers have been prepared which comprehensively consider a full range of municipal policy themes. The objective for these Policy Discussion Papers is to outline the provincial and upper-tier policy requirements which must be addressed, as well as optional policy directions and
initiatives. Proposed policies for the draft township official plan are provided in each Policy Discussion Paper, followed by background information on provincial, county, and existing local policies and requirements.

 Provincial policies examined as a part of this official plan review primarily focused on the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe. Other provincial policies and plans were reviewed, including: Planning Act, Oak Ridges Moraine Conservation Plan, Ontario Heritage Act, Aggregate Resources Act, and the Ontario Climate Change Strategy.

 County policies and strategies were assessed, including the County of Simcoe Official Plan, County Transportation Master Plan, and County 10-year Affordable Housing and Homelessness Prevention Strategy.

 Policies in the Adjala-Tosorontio official plan have been comprehensively reviewed to determine consistency and conformity with upper-tier plans. Some township policies will require substantial updates, while others may remain exactly the same. Proposed policies are provided to generate community discussion and provide a basis for development of the draft Adjala-Tosorontio official plan.
Climate Change

Planning for both natural and human-made hazards is critical for protecting public health and safety, and reducing risks associated with a changing climate. The province intends that development will be located away from hazardous lands. Hazardous lands, such as areas prone to flooding or erosion, can pose a serious risk to human health as well as infrastructure if inappropriate development is permitted. Conservation Authorities have an important role to play in minimizing risks associated with hazards, through broad watershed-scale planning and the site-specific permitting process for development applications in Conservation Authority regulated areas. The County of Simcoe Official Plan requires that, where available, the location of floodplains, Conservation Authority regulated areas, and hazard lands must be illustrated in the Township's Official Plan.

Where lands are being considered for development or redevelopment, municipalities must ensure that previous land uses do not create a hazard for new or expanded land uses. Development permitted in proximity to hazardous lands should have appropriate buffers to minimize the potential risks associated with natural or human-made hazards. The Provincial Policy Statement (PPS 2014) recognizes wildfire as a natural hazard and provides policies to mitigate risks. The PPS directs development to areas outside of lands where hazardous forest types for wildland fire are present. This preventative
approach protects public health and safety, and minimizes risk and costs to municipalities.

**Proposed Objectives**

The following objectives are those which are being considered for the new Township of Adjala-Tosorontio Official Plan. They have been developed through an examination of existing Official Plan objectives and principles, review of the Adjala-Tosorontio Community-Based Strategic Plan, and input received from council, the public, agencies, and Township staff.

To direct development away from hazardous lands

To minimize the risk associated with natural hazards and human-made hazards

**Proposed Policies**

The following policies are those which are being considered for the new Township of Adjala-Tosorontio Official Plan. They have been developed through:

Reviewing existing Official Plan policies and updating them to comply with new provincial and county policy requirements

Input received from council, the public, agencies, and Township staff

Policies that have been strictly mandated by the province or county appear in **bold** whereas those that have been municipally derived appear in plain text.

1. Schedule X identifies the location of hazard features as an overlay to all of the Schedule X and X maps. Lands identified in this designation include lands within the regulated areas set out under the Conservation Authorities Act.

2. The effect on lots of record of being included within a conservation overlay on Schedule X will be to ensure that site alteration and the construction of buildings or structures, or the use of lands, will be accomplished in a way that does not create a hazard and protects the environment. (Township Official Plan 6.3.1)

3. This Plan does not contemplate Township acquisition of lands identified as Hazard Lands nor shall it be construed as implying that such areas are free and open to the general public. (Township Official Plan 6.4.6)

4. Development may occur on lands identified on these Schedules where the Township and the Nottawasaga Valley Conservation Authority or the Toronto Region Conservation Authority are satisfied that such development will not create a hazard, or where the Township and the Nottawasaga Valley Conservation Authority or the Toronto Region Conservation Authority are satisfied that the potential hazards can be overcome in a manner consistent with accepted engineering practice and resource management techniques. In general however, development and site alteration will not be permitted within the regional flood plain of watercourses and within erosion areas below the top-of-bank of steep slopes. Development and site alteration shall also be set back from the top-of-bank or watercourse, a distance determined on-site in consultation with the conservation authority. A reduction of the setback distance will only be considered when supported by a geotechnical investigation prepared by a soils expert. The geotechnical investigation shall be prepared to the satisfaction of the Township and the conservation authority. (Township Official Plan 6.4.7)
5. Development shall generally be directed to areas outside of:

   a. Hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and

   b. Hazardous sites. (PPS 2014 3.1.1 & County of Simcoe OP 4.5.9)

6. Development and site alteration shall not be permitted within:

   a. Areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and

   b. A floodway regardless of whether the area of inundation contains high points of land not subject to flooding. (PPS 2014 3.1.2 & County of Simcoe OP 4.5.10)

7. Notwithstanding policy X [above], development and site alteration may be permitted in certain areas associated with the flooding hazard along river or stream where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

8. Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards. (PPS 2014 3.1.3 & County of Simcoe OP 4.5.13)

9. Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

   a. An institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;

   b. An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or

   c. Uses associated with the disposal, manufacture, treatment or storage of hazardous substances. (PPS 2014 3.1.5 & County of Simcoe OP 4.5.12)

10. Uses which may be permitted in the flood plain, subject to the approval of the regulatory agencies, include:

    a. Open space for public or private recreation and related structures;

    b. Agricultural uses and related structures, excluding dwellings;

    c. Structural works for flood and erosion-sediment control;

    d. Additions to existing structures;

    e. Replacement structures on existing lots subject to local official plan policies, and satisfactory engineering studies; and

    f. Aggregate development provided all requirements of the Aggregate Resources Act and the relevant conservation authority are met.
11. Generally, subject to the approval of the appropriate regulatory agencies, agricultural structures in the flood plain may be rebuilt where destroyed by fire or other event. (County of Simcoe OP 4.5.15)

12. Stormwater management quality and quantity facilities shall be located outside of the flood plain except as provided in the flood fringe above the 1:100 year storm event level under the establishment of a Two Zone Concept or Special Policy Area or as otherwise permitted by the Conservation Authority or other appropriate authority. (County of Simcoe OP 4.5.16)

13. Any development or site alteration permitted in the flood plain shall require written approval from the Conservation Authority or appropriate authority, in consultation with the Township. (County of Simcoe OP 4.5.17)

14. Delineation of the flood prone areas shall, where applicable, be identified on schedules to local municipal official plans. In the absence of detailed flood plain analysis, a development applicant may be required to provide a flood plain study as a prerequisite to any development, prepared to the satisfaction of the Conservation Authority or other qualified professional, and the Township. The cost of preparing the study and professional review if required shall be borne by the applicant. (County of Simcoe OP 4.5.18)

15. Development will be prohibited on slopes and ravines which could be subject to active erosion hazards or historic slope failure. (County of Simcoe OP 4.5.19)

16. Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards. (PPS 2014 3.1.8)

17. The Township may, in its zoning by-law, establish a separate zone category in which no development, with the exception of conservation uses, is permitted. (Township Official Plan 6.4.4)

Human-Made Hazards

18. Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed. (PPS 2014 3.2.1 & 3.2.1.2 & County of Simcoe OP 4.5.23)

Proposed Definitions

**Access standards:** means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards. (PPS 2014)

**Emergency:** means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise; these situations could threaten public safety, public health, the environment, property, critical infrastructure and economic stability. (Province of Ontario Emergency Response Plan, 2008)

**Erosion hazard:** means the loss of land, due to human or natural processes, that poses a threat to life and
property. The erosion hazard limit is determined using considerations that include the 100-year erosion rate (the average annual rate of recession extended over a one-hundred-year time span), an allowance for slope stability, and an erosion/erosion access allowance. (PPS 2014 & County of Simcoe Official Plan)

**Essential emergency service:** means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion. (PPS 2014 & County of Simcoe Official Plan)

**Flood fringe:** for river, stream and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway. (PPS 2014 & County of Simcoe Official Plan)

**Flood plain:** for river, stream and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards. (PPS 2014 & County of Simcoe Official Plan)

**Flooding hazard:** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

a. Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:

   ii. The flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;

   iii. The one hundred year flood; and

   iv. A flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources; except where the use of the one-hundred-year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard). (PPS 2014 & County of Simcoe Official Plan)

**Floodproofing standard:** means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems. (PPS 2014)

**Floodway:** for river, stream and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the floodway is the entire contiguous flood plain. Where the two-zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two-zone concept applies, the outer portion of the flood plain is called the flood fringe. (PPS 2014 & County of Simcoe Official Plan)

**Hazardous forest types for wildland fire:** means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources, as amended from time to time. (PPS 2014)

**Hazardous lands:** means property or lands that could be unsafe for development due to naturally occurring
processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. (PPS 2014 & Proposed Growth Plan 2016 & County of Simcoe Official Plan)

**Hazardous sites:** means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography). (PPS 2014 & County of Simcoe Official Plan)

**Hazardous substances:** means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological. (PPS 2014)

**Mine hazard:** means any feature of a mine as defined under the Mining Act, or any related disturbance of the ground that has not been rehabilitated. (PPS 2014)

**One hundred year flood level:** means a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year; b) in the connecting channels (St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

**One-hundred-year flood:** for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year. (PPS 2014)

**Other water-related hazards:** means water associated phenomena other than flooding hazards and wave uprush which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming. (PPS 2014)

**Protection works standards:** means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair. (PPS 2014)

**Valleyland(s):** means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year. (PPS 2014)

**Watercourse:** an identifiable depression in the ground in which a flow of water regularly or continuously occurs. (Conservation Authorities Act, RSO 1990)

**Wildland fire assessment and mitigation standards:** means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire. (PPS 2014)