

Planning Services Department

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To: Mayor and Members of Council
From: Faye Langmaid, Acting Director of Planning Services
Date: October 4, 2019
Subject: **ZONE Clarington – Rural Notice**
File: PLN 40

At Planning and Development Committee on September 30, 2019, Council requested that Staff provide to Council for approval at the October 7 Council meeting a draft letter giving "written notice to every landowner materially affected as previously directed in PD-103-19 and PD-104-19." The direction regarding notice in Resolution #PD-103-19 and #PD-104-19 was as follows:

That every landowner materially affected by the Zoning By-law Amendment be notified of the proposed change in zoning in writing where there is an expansion of EP lands, and be invited to provide input, either through a representative or personally, regarding the proposed redesignation.

A draft written notice has been prepared and enclosed. The notice includes an explanation of the origin of natural heritage system mapping in the Clarington Official Plan and its relationship to implementation within the first draft zoning by-law released last year. In addition, it details the proposed permitted uses for the Environmental Protection (EP) zone, where other planning approval may be needed, and the exemptions that are being proposed where a proposed development is likely to have minimal impact. Staff recommend that the letter be accompanied by a new brochure that has been prepared containing easy steps to follow to access proposed zoning information for a property, as well as a copy of the ZONE Clarington "Environmental Protection and Buffers" information sheet.

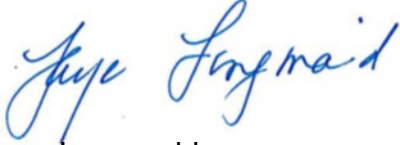
In addition to providing notice to landowners who are "materially affected" and are proposed to have more of their property zoned Environmental Protection (EP) than is currently zoned, Council direction in Resolution #PD-130-19 approved on September 30 requires Planning Services provide notice of the recent approval of the updated Official Plan and ZONE Clarington project to "all rural property owners and residents."

Two options are available (MPAC data does not include tenant information):

Option A: Provide the letter and enclosures in Attachment A to all rural property owners (i.e. landowners registered on title) by Canada Post through addressed mail services, with duplicates removed. This is 5,540 mail outs.

Option B: Provide the letter and enclosures in Attachment A to all rural property owners (i.e. landowners registered on title) by Canada Post through addressed mail services with duplicates removed, and direct mail (by postal code) to all rural residents. This option will result in an unknown number of duplicate letters being received. This is 12,550 mail outs.

Should you have any questions, please contact Amy Burke, Tracey Webster or myself.



Faye Langmaid
Acting Director of Planning Services

October __, 2019

Residents and Landowners,

The Municipality of Clarington's Planning Services Department would like to inform you about ZONE Clarington, a project to review and update Clarington's two current zoning by-laws. The ZONE Clarington project will create a new Zoning By-law that complies with provincial legislation and the Clarington Official Plan, updated in 2017. The review provides the opportunity to update, consolidate and modernize the Zoning By-law.

In November 2018, the Municipality released the first draft of the proposed Zoning By-law; it's one of three versions that will be released for comments. Since then, we've received questions regarding the proposed Environmental Protection (EP) zoning.

The 2017 update to the Clarington Official Plan included mapping of environmental features as part of the Environmental Protection designation. The environmental features were partially mapped in the previous Official Plan and included policies that required protection of all environmental features from development. In the 2017 version of the Official Plan more features are mapped. To comply with the Official Plan, the first draft zoning by-law includes an increase in the proposed Environmental Protection zone. The mapping in the current Zoning By-law 84-63 (applies to all lands south of the Oak Ridges Moraine) is from 1984.

Properties zoned Environmental Protection (EP) have been identified as having significant environmental features and/or hazard lands (e.g. floodplain). These features and hazards have been identified using base mapping data provided by the local conservation authorities and the Province. The zone includes a buffer of land that serves to protect the feature from surrounding uses and development.

The following is permitted in the proposed Environmental Protect (EP) zone and related buffer:

- Existing farm uses, but no new buildings or structures;
- New houses on "existing vacant lots of record" (i.e. lots with previous zoning approval);
- Additions to houses on "existing lots of records" (i.e. lots with previous zoning approval); and
- All other uses that legally exists prior to the date that the new zoning by-law is passed.

In order to expand existing development or build a new house on an "existing vacant lot of record" within the Environmental Protection zone and related buffer you may be required to obtain Site Plan Approval and submit an Environmental Evaluation to support your proposal. To reduce red tape, exemptions are proposed for this process

that will allow the Director of Planning Services to waive approvals where the development will have minimal impact. The potential exemptions include:

- Redevelopment within an existing footprint;
- Exterior modifications to existing buildings and structures that do not impact the existing footprint;
- Replacement of a septic system provided it is located within the same footprint;
- Residential accessory buildings and structures with a footprint less than 90 square meters; and
- Decks, patios and porches with a footprint less than 50 square meters.

Proposals not meeting the above criteria that are separated from an environmental feature by an existing development may also be considered for an exemption.

An information sheet entitled Environmental Protection and Buffers is enclosed to help you understand more about the proposed zoning and how landowners with Environmental Protection (EP) zoning you could be affected. If you have concerns about how the proposed Environmental Protection zoning is applied to areas on your property where you believe there are no environmental features, please contact us to request an evaluation of the proposed zoning mapping. Working in collaboration with the Conservation Authorities, Planning Services staff have begun a process of reviewing proposed Environmental Protection zoning for specific sites, where requested.

Not all property in Clarington's rural area is affected by proposed Environmental Protection (EP) zoning. We encourage all landowners to look at the mapping of your property and to provide your input. This letter comes with a brochure that contains easy steps to follow to access a helpful mapping tool online. The pamphlet also contains contact information should you have any specific questions regarding zoning on your land.

While environmental protection zoning is important, there are many other provisions that may be of interest to residents and landowners such as zoning for secondary on-farm uses and agriculture-related commercial and industrial uses, zoning for secondary apartments and special event venues, plus others. Information on these topics can be found on our website at www.clarington.net/zoneclarington.

Please take the time to review the information in this letter and our online resources. We look forward to hearing your feedback.

Yours truly,



Tracey Webster, Senior Planner
ZONE Clarington Project Co-Lead
Development Review Branch




Amy Burke, Acting Manager
ZONE Clarington Project Co-Lead
Special Projects Branch

ACB/tg



How is your property zoned?


Follow these easy steps to access our interactive eMap that compares current zone mapping with the proposed Draft Zoning By-law.

- 1 Visit www.clarington.net/ZoneClarington
- 2 Scroll down the page and click on the blue button that says View Interactive eMap
- 3 Review the Overview & Instructions then navigate between the tabs to compare current and proposed zoning. Use the search tool  to find your address and zoom in and out with the + and - symbols.
- 4 The map shows zone categories and colours with the corresponding descriptions in the legend on the right.
- 5 Access the by-law text at www.clarington.net/ZoneClarington for permitted uses and regulations that apply to the zones.

Learn more. Ask questions. Provide your input.

 **Email** zoneclarington@clarington.net

 **Call** 905-623-3379

 **Online** at www.clarington.net/ZoneClarington. Scroll to the bottom of the page to provide comments or subscribe to receive updates and the latest information

 **Mail**

Zone Clarington
Planning Services Department
40 Temperance Street
Bowmanville, ON L1C 3A6

Clarington

What is Zone Clarington?

Zone Clarington is a project to simplify, review and consolidate Clarington's two existing Zoning By-laws. Planning Services staff are working to modernize, update and merge the existing Zoning By-laws to ensure that zoning conforms with the policies set out in the Official Plan and adheres to provincial regulations.

Why is zoning important?

Zoning is in place to make sure that we all follow the same set of rules when it comes to building and development on property. These regulations help developers and property owners make good choices so that any new construction doesn't negatively impact the community, neighbours, agricultural and environmental lands.

Is a zoning by-law legally enforceable?

Yes, a Zoning By-law contains specific requirements that are legally enforceable. It regulates the use, size, type and location of any development.

Who makes the regulations?

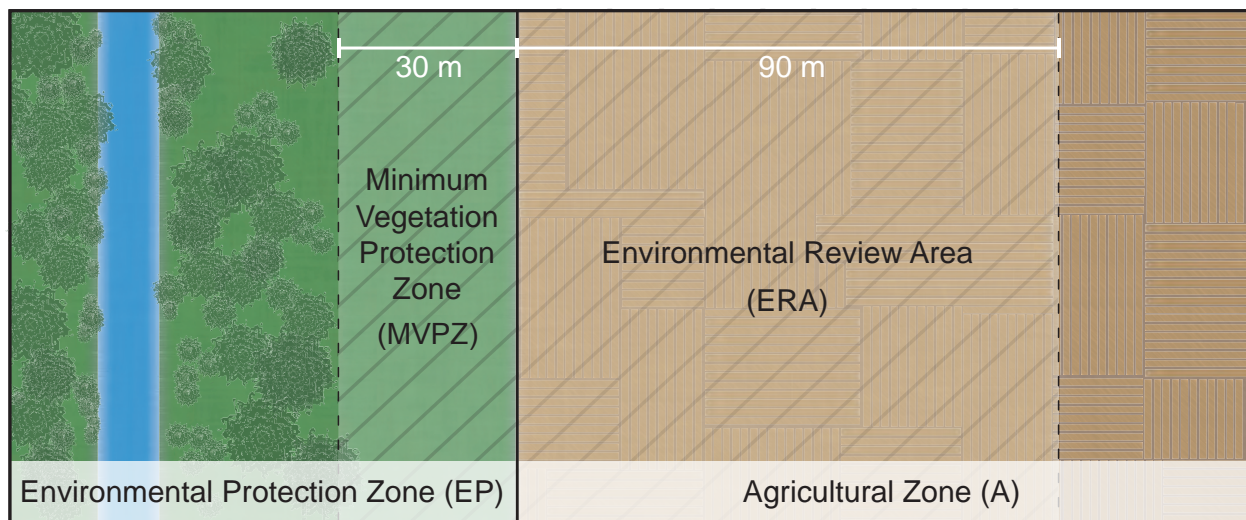
Clarington has been given the authority to zone lands by the Province through the Planning Act. The Planning Act sets out the ground rules for local municipalities and dictates how land is used. It also sets out a mechanism to control land use and delegates responsibility. The Planning Act mandates that all Municipal Official Plans and Zoning By-Law regulations follow the Provincial Policy Statement and other Provincial plans.

Zoning By-law Review Project



ENVIRONMENTAL PROTECTION & BUFFERS

There are numerous provincially, regionally and locally mandated environmental protection policies that need to be implemented in the new Zoning By-law. Significant environmental features will be protected by an Environmental Protection (EP) Zone. The EP Zone covers the natural heritage features and includes a Minimum Vegetation Protection Zone (MVPZ). An Environmental Review Area (ERA) surrounds the EP Zone.



Regulatory framework

Environmental protection policy direction comes from the Provincial Policy Statement, the Greenbelt Plan, and the Oak Ridges Moraine Conservation Plan. There is further direction from the Region of Durham Official Plan, the Central Lake Ontario Conservation Authority (CLOCA), and the Ganaraska Region Conservation Authority (GRCA). These environmental protection policies are contained in the Clarington Official Plan and must be implemented in the Zoning By-law.

Environmental protection

The Environmental Protection Area designation in the Clarington Official Plan encompasses environmental features and natural hazards that make up the natural heritage system, as well as hazard lands.

How was the Environmental Protection Area created?

The Environmental Protection Area designation in the Official Plan was created using the Conservation Authorities' base map data on their ecological land classification system, watercourses, valleylands and natural hazards. Information from the Ministry of Natural Resources on Provincially Significant Wetlands and Areas of Natural and Scientific Interest were included.

The Environmental Protection Area designation includes:

- Wetlands
- Fish and riparian corridors
- Valleylands
- Significant woodlands
- Areas of natural and scientific interest
- Beach bluffs
- Floodplains

Minimum Vegetation Protection Zone

The Minimum Vegetation Protection Zone acts as a vegetated buffer. The goal is for this area that surrounds a natural heritage feature (such as a woodlot) or a hydrologically sensitive feature (wetland or watercourse) to contain self-sustaining vegetation to protect the feature. In the new Draft Zoning By-law, it forms part of the Environmental Protection Zone, providing a transition area between the feature and the surrounding land use.

In Rural Areas, the Minimum Vegetation Protection Zone extends **30 metres** from the protected feature.

In Urban and Settlement Areas the extent of the Minimum Vegetation Protection Zone varies depending on the type of feature, as follows:

- **30 metres** for wetlands
- **15 metres** for fish habitat, riparian corridors, valleylands, significant woodlands, watercourses, seepage areas and springs
- **10 metres** for woodlands not associated with and/or adjacent to a hydrologically sensitive feature

Why do we need a Minimum Vegetation Zone?

Depending on the feature a Minimum Vegetation Protection Zone is buffering, it may serve to filter nutrients and other contaminants from runoff or supply food to aquatic systems. The vegetation buffer dissipates energy and reduces erosion from flood waters, acts as a refuge habitat and movement corridor, and overhanging vegetation keeps temperatures cool for fish and wildlife. The Minimum Vegetation Protection Zone may require an environmental study.

What development is permitted within the Environmental Protection Zone?

Development is not permitted in the Environmental Protection Zone or within the Minimum Vegetation Protection Zone (which is part of the EP Zone). Farm uses, excluding buildings and structures, are permitted.

There are policies in the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan, and the Official Plan that permit the development of a single detached dwelling on lots where permission existed prior to the adoption of those plans. These lots are sometimes referred to as "Existing Lots Of Record."

The dates for lots to be considered Existing Lots Of Record are:

- **Greenbelt Plan Area**
 - December 16, 2004
- **Oak Ridges Moraine Plan Area**
 - November 15, 2001
- **Lands in the remainder of the Municipality**
 - July 11, 2017





Environmental Review Area

The Environmental Review Area (ERA) extends 90 metres from the Minimum Vegetation Protection Zone. It is called the “Minimum Area of Influence” in the Official Plan and existing Zoning By-law 2005-109 which covers the Oak Ridges Moraine.

The ERA is an overlay that triggers an environmental study prior to development in accordance with the underlying zone permissions.

Why do we need an ERA?

The ERA ensures evaluation of potential impact of any development on an environmentally significant feature.

What development is permitted?

The uses permitted in the Environmental Review Area are based on the underlying zone (e.g. Agriculture). A environmental study must demonstrate that there will be no adverse effects on the feature or its related function.

The Environmental Review Area triggers the need for a site plan application. Through the requirement of a site plan application under section 41 of the Planning Act, and Section 23.8 of the Official Plan, staff can ensure all policies of the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Official Plan, including the submission of an environmental study are met.

Why are policies different for rural and urban areas?

The Oak Ridges Moraine Conservation Plan and the Greenbelt Plan both establish a 30-metre Minimum Vegetation Protection Zone from natural heritage features. This 30-metre Minimum Vegetation Protection Zone also applies to Rural Areas in Clarington that are not within the Greenbelt or the Oak Ridges Moraine.

Within Urban and Settlement Areas, the Provincial Policy Statement is the applicable legislation. It states that natural heritage features and their adjacent lands must be protected.

The Official Plan states that in Urban and Settlement Areas wetlands will have a 30-meter Minimum Vegetation Protection Zone buffer, whereas other environmental features require a 15-metre buffer. The Minimum Area of Influence is 120 metres from an environmental feature.

Zoning By-law mapping shows the Minimum Vegetation Protection Zone and Environmental Review Area in the Rural Areas only. In the Rural Areas, these clearly marked buffers will trigger a Site Plan Control application to ensure environmental protection. In Urban and Settlement Areas, the environmental protection policies will be implemented through site-specific development applications.

Determining boundaries

The boundaries of the Environmental Protection (EP) Zone were created based on data from the Conservation Authorities and Ministry of Natural Resources that represents natural heritage features, hydrologically sensitive features and natural hazards. The proposed zoning by-law contains a regulation that provides for the extent of the boundaries to be determined through consultation with the appropriate Conservation Authority and review of an Environmental Study.

Additions, removals and trimming

Additions

Small vegetated areas were added to the Environmental Protection Zone if they met the criteria for inclusion in the Environmental Protection Area designation with the exception of their size. Additions only occurred where there was a direct connection to a well-vegetated natural heritage feature, and there was no development on the lands.

Removals

Woodlands that were cleared for development in accordance with the current zoning by-laws were removed from the Environmental Protection Zone. This was only done if no other hazard, natural heritage feature or hydrologically sensitive features were present.

Trimming

The Minimum Vegetation Protection Zone and/or the Environmental Review Area was adjusted where they were separated from the associated natural heritage feature or hydrologically sensitive feature by a road or rail line.

What do you think?

The Zoning By-law review is an ongoing exchange between the Municipality and the community. We want to hear your thoughts on the proposed zoning for **Environmental Protection Zones and Buffers**.

- What are the benefits of protecting our significant environmental features with an Environmental Protection Zone?
- What challenges do you see arising with development near environmental features?
- What concerns do you have that should be taken into consideration?
- Is anything unclear and should be explained better?
- Have you had a direct experience with this issue? Would the proposed changes improve that experience?

Ensure your ideas are considered during the review and submit your feedback online at www.clarington.net/ZoneClarington, email ZoneClarington@clarington.net or call 905-623-3379 ext. 2415.

Stay up-to-date

Visit www.clarington.net/ZoneClarington and subscribe to ZONE Clarington updates, register as an interested party and find out about upcoming information centres, public meetings and revised drafts of the Zoning By-law.

Resources

Current Clarington Zoning By-laws:
www.clarington.net/Zoning

Clarington Official Plan:
www.clarington.net/OfficialPlan

Oak Ridges Moraine Conservation Plan (2017):
<http://www.mah.gov.on.ca/Page13788.aspx>

Greenbelt Plan (2017)
<http://www.mah.gov.on.ca/Page13783.aspx>

Provincial Policy Statement (2014):
<http://www.mah.gov.on.ca/AssetFactory.aspx?did=10463>



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