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Ontario Municipal Board

OMB Hearings and the Oak Ridges Moraine Conservation Plan

Review shows OMB is quick study

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Planners and ecologists from the Toronto and Region Conservation Authority have been involved in a number of OMB hearings where conformity with the *Oak Ridges Moraine Conservation Act and Plan* has been one of the central issues in a hearing. To date, five such hearings have been completed where the OMB has made a final decision. This article traces the progression in the way the OMB has dealt with important issues over time and concludes with some thoughts on the broader implications for conservation planning. (For an explanation of some new terminology see the accompanying box.)

Sandhill Aggregates v. Township of Uxbridge

OMB case: #PL000037 & PL000180
Member: G. J. Daly
Decision/Order issue dates: May 29/02;
June 7/02; Nov. 13/02

This application was for a regional and local official plan and zoning by-law amendment that proposed to rehabilitate an exhausted gravel pit in the Countryside Area designation to permit a 750-unit residential and golf course development as an expansion to the hamlet of Coppins

Corners in the Township of Uxbridge. The application was a “transitional application” and was therefore subject only to the “prescribed provisions” of section 48 of the *Oak Ridges Moraine Conservation Plan (ORMCP)*. Part of the development proposed encroachment into a Key Natural Heritage Feature (KNHF)—a significant woodland—which is prohibited by section 22 (2) of the *ORMCP*, and which is one of the prescribed provisions of section 48. The developer agreed to reconfigure the golf course layout to eliminate development within the KNHF, provide a better buffer and additional plantings of native species to promote connectivity of several small adjacent woodland pockets.

The impact of this decision was far-reaching. The OMB interpreted section 17 (1) of the *ORMC Act* very broadly to allow applications for subdivision and zoning submitted after the *ORMC Act* was passed to be treated as if they had been submitted before the deadline on the grounds that the policy direction had already been established in an OPA approved before the Act came into force.