

# Township of Melancthon

## OFFICIAL PLAN

AUGUST, 2014



G. W. Jordan Planning Consultants Limited

# **Township of Melancthon**

## **OFFICIAL PLAN**

AUGUST, 2014

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**FOR**

**THE TOWNSHIP OF MELANCTHON**

The attached text and map schedules constituting the Official Plan for the Township of Melancthon was prepared and adopted by the Council of the Corporation of the Township of Melancthon under By-law No. \_\_\_\_\_ in accordance with Section 17 of the Planning Act, R. S. O. 1990, c. P. 13, as amended to March, 2014, on the 14<sup>th</sup> day of August, 2014.

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MAYOR BILL HILL

CORPORATE SEAL

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CAO/CLERK DENISE HOLMES

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Schedules A-1 to A-5: Land Use and Roads Plan  
Schedule B: Horning’s Mills Land Use and Roads Plan

Schedule C-1: Corbetton Land Use and Roads Plan  
Schedule C-2: Riverview Land Use and Roads Plan  
Schedule D: Natural Heritage 1 - Wetlands  
Schedule E: Natural Heritage 2 - Woodlands, Wildlife Habitat, and ANSI  
Schedule F: Natural and Human-Made Hazards  
Schedule G: Aquifer Vulnerability and Wellhead Protection Areas  
Schedule H: Primary Mineral Aggregate Resource Areas



## NOTE TO READER

This Official Plan is the Township's principal municipal planning policy document. It establishes the goals, objectives and policies intended primarily to manage and direct physical change and the effects on the municipality's social, economic and physical environment.

All Township Council decisions on planning and *development* matters must conform with this Plan. All municipal public works and by-laws also must conform with it.

When referencing this Plan with regard to any planning or *development* topic, consideration should be given to all applicable components of the Plan. Section 1.3 states the Plan's purpose and Section 1.4 outlines the structure of the Plan, including the various policy areas addressed in the text and the nature of the information presented on the map schedules.

In the Plan, all text that is enclosed by lines as shown around this paragraph contains background or explanatory information. Such text is included only for the purpose of providing information and is not part of the Plan's policies.

# 1.0 Purpose, Basis and Structure of the Plan

## 1.1 Introduction

The following text and map schedules constitute the Official Plan of the Township of Melancthon and is referred to herein as the “Official Plan” or the “Plan”. Italicized terms in the text are defined in Section 9. The Plan applies to all of the Township of Melancthon as shown on the attached Schedules forming part of this Plan. This Plan replaces the Township’s previous Official Plan.

## 1.2 Purpose

The purpose of the Official Plan is to provide a long term vision statement, planning goals and objectives for the Township and to set out policies to achieve them. The Plan is a long term planning policy document. It acts as a guide to Council in regard to such matters as updating its zoning by-law, assessing *development* proposals and all forms of planning applications, undertaking public works and setting municipal priorities. The Plan establishes the anticipated general pattern of land uses and *infrastructure* within the municipality over the period extending to approximately the year 2031. This period may be referenced herein as the planning period.

The Plan is also intended as a guide that will assist the public and *development* interests in decision making on land use planning issues and in participating in the planning process.

## 1.3 Basis and Source Information

The Plan is based on a variety of sources of documentation, information, legislative and regulatory requirements, and other considerations, including the following.

- Council’s vision statement for the Township along with the associated planning and *development* objectives.
- Provincial population and employment allocations to the Township arising from the Growth Plan for the Greater Golden Horseshoe and contained in an August 13<sup>th</sup>, 2010, letter to the Warden of Dufferin County from the Minister of Energy and Infrastructure.

- The findings of the Township’s 2012 study of aquifer vulnerability in the municipality and adjacent areas.
- Provincial plans and planning policies.
- A survey of existing land uses in the municipality.
- Available information on the Township’s important environmental features such as its *wetlands* and headwater areas for three large river systems.
- Available information on the Township’s agricultural resources.
- Available information on, and mapping of areas that have been systematically tile drained.
- Available mapping of floodplains from conservation authorities.
- The 2009 report “Aggregate Resources Inventory of Dufferin County”, Paper 163-Revised, from the Ontario Geological Survey
- Available mapping of resources such as prime agricultural land and potential *mineral aggregate resources*.
- Available information on area roads and *infrastructure* characteristics and planning.
- Council’s planning and *development* objectives.
- Assessment reports prepared as background documentation for source water protection planning.
- The goals, objectives and policies of all applicable Watershed and Subwatershed Plans including the Nottawasaga Valley Watershed Management Plan (1996) and the Groundwater Management Plan for the Grand River Watershed.

## 1.4 Structure of the Plan

The following summarizes the principal components of this Plan and their purpose and use. While these summaries relate to specific sections within the Plan, it is important to note that the Plan must be read in its entirety with all relevant policies being applied in any specific situation.

- (a) Section 2, Planning Objectives, lists the principal objectives which the Plan's policies and land use designations are intended to achieve. These relate to all other components of the Plan.
- (b) Section 3, General Planning Policies, provides planning policies and principles on a number of matters, such as growth management and the environment, which pertain to *development* and planning throughout the Township. Like section 2, at least some of these policies will apply to any *development* proposal or planning issue in the Township.
- (c) Section 4, Water Resources Policies, contain many of the Plan's principal planning objectives and policies relating to the protection and conservation of the Township's important water resources. Similar to sections 2 and 3, many of these policies apply throughout the Township and at least some of them will apply to most *development* proposals or planning issues in the municipality.
- (d) Section 5, Land Use Policies, contains planning policies which, unlike those in section 3, apply to specific areas of the Township as delineated by the land use designations contained on the map schedules to the Plan. The policies of section 5.2, Agricultural, for example, apply specifically to those areas included in the Agricultural land use designation on the map schedules. This is the major component of the Plan and provides policies relating to permitting and managing future land uses within the various areas of the Township delineated by the land use designations on the map schedules.
- (e) Section 6, Roads, Transportation and Servicing, provides servicing and *infrastructure* policies which apply throughout the Township. These relate principally to planning for those roads and transportation services under the Township's jurisdiction as well as establishing the servicing requirements for future land uses in the municipality, as permitted in other parts of the Plan, primarily section 5.

- (f) Section 7, Implementation, contains policies relating to the implementation of the Plan. These include such components as consent or land severance policies and policies relating to existing legal uses that do not conform to the Plan.
- (g) Sections 8 and 9 provide policies and definitions that are intended to assist in the interpretation of the Plan. The definitions apply to certain terms used in the Plan and are provided to assist in the understanding of those terms and their use in this Plan.
- (h) The attached map schedules also form part of the Plan. They provide land use designations which indicate the planned land uses extending over the planning period to 2031 for all parts of the Township. They also provide information on such aspects as road classifications and various categories of environmentally *significant* lands and features.

## 2.0 Vision Statement and Planning Objectives

### 2.1 Vision Statement

- (a) Melancthon Township is a community of 2800 (in 2011) people living in an area of over 313 square kilometers. The small villages and countryside of the Township are located in North Dufferin County, northwest of the Greater Toronto area.
- (b) The rich farmland, natural areas and small villages of the Township offer much to our residents and visitors. Melancthon Township is located at the Headwaters of three major rivers and as such water is a *significant* and important resource. The proximity to the GTA and GGH offers opportunities and challenges which must be addressed in a careful process of community building.
- (c) Melancthon Township Council commits itself to ensuring that existing and future residents have access to and enjoyment of:
  - Clean air                      - Clean water                      - Healthy and complete communities
  - Natural heritage   -Cultural heritage                      - Public health                      - Public safety
- (d) The future will bring changes some of which are foreseen, others of which are unforeseen.
- (e) The Township will update this Plan on a regular basis to ensure that it remains relevant and to address new needs, opportunities and constraints.
- (f) The people of the Township will be given opportunities to guide future changes to this Plan through a public consultation process.
- (g) Melancthon Township supports certain community planning concepts recognized in Ontario and in many other parts of the world. These concepts include: Sustainable *Development*, Land Stewardship, Healthy Communities and Decision Making.

#### 2.1.1 Our Commitment to the Future

- (a) Moving into the future, Melancthon Township Council commits to pursue planning policies which achieve the following objectives:

- Accommodate a total Township population of 3,410 by the year 2031;
- Accommodate a total Township employment level of 380 jobs by 2031;
- Direct growth to settlement areas such as the village of Horning’s Mills, or the Hamlets of Corbetton or Riverview;
- Provide opportunities for housing which accommodate a wide range of need and affordability;
- Develop communities, which are efficient and livable;
- Maintain the small town and rural character of the Township;
- Protect the agricultural land base for farming;
- Provide the *infrastructure* required to accommodate growth in an environmentally and fiscally responsible manner;
- Take reasonable actions to maintain clean water, clean air and healthy plant, fish and wildlife;
- Protect and where reasonable enhance features and functions within natural heritage areas such as *wetlands*, environmentally sensitive areas, streams and valley lands, woodlands, *areas of natural and scientific interest*, discharge and recharge areas and other open space areas;
- Protect Township resources such as farmland, minerals, mineral aggregates and forests, and provide for wise management practices;
- Ensure the quality and quantity of groundwater and surface water are protected as an essential resource for rural water supplies, agricultural production, and future growth.

## 2.2 Planning Objectives

- (a) The policies of this Plan are intended to achieve a number of objectives generally related to the vision statement and all applicable planning policy documents. The following are the principal objectives of the Plan as they relate to a number of areas

of interest. As with all of the policies of this Plan, it is important to consider the full range of these objectives rather than each individual objective in isolation. While several of these objectives conflict, the intent is to achieve, to the extent possible, a balance among all of them.

### **2.2.1 Growth Management Objectives**

- (a) To maintain and enhance the Township's characteristic rural nature and *significant* environmental features and functions while accommodating a limited amount of population and employment growth consistent with the municipality's past growth patterns, Provincial policies and plans, and the other objectives of this Plan.
- (b) To continue to accommodate population growth in the three communities of Horning's Mills, Corbetton and Riverview, where appropriate in terms of servicing and other constraints.
- (c) To accommodate growth by encouraging the utilization of appropriately sized and sited vacant lots and severed lots in both rural and community areas.
- (d) To accommodate growth by maximizing the use of the Township's housing stock and, to the extent possible, preventing the destruction of existing habitable or potentially habitable dwellings.
- (e) To manage growth in a financially and environmentally responsible manner.

### **2.2.2 Objectives Relating to the Natural Environment**

- (a) To protect *significant natural heritage features and areas* together with the associated functions.
- (b) To maintain and, where possible, increase the area's diversity of natural features.
- (c) To ensure that effects of *development* on the natural environment and existing land uses are fully addressed.
- (d) To ensure that the *development* review and evaluation process identifies, considers and addresses the potential effects on the natural environment.
- (e) To ensure there is no *development* or *site alteration* within provincially *significant wetlands*.



- (f) To regulate land uses proposed in areas adjacent to *wetlands* to ensure there will be no *negative impacts* on these environmentally important features or their functions.

### **2.2.3 Water Resources Objectives**

- (a) To protect, improve or restore the quality and quantity of ground water and surface water and the function of sensitive ground water recharge/ discharge areas, aquifers and headwaters.
- (b) To ensure there is no *development* or *site alteration* within provincially *significant wetlands*.
- (c) To regulate land uses proposed in areas adjacent to *wetlands* to ensure there will be no *negative impacts* on these environmentally important features or their functions.
- (d) To regulate and limit land uses in the vicinity of natural watercourses to protect their ecological functions.
- (e) To appropriately limit and control *development* in floodplains or flood susceptible areas to maintain the natural functions of such areas, to protect public safety and to prevent property damage and social disruption.
- (f) To implement, to the extent possible through amendments to this Plan, the findings and recommendations of any approved regional, local, watershed, subwatershed or groundwater management studies or plans, including drinking water Source Protection Plans.
- (g) To actively participate at every opportunity in any Provincial approval process for applications for large scale non-governmental commercial water takings or recharging of water into natural surface or groundwater systems in order to maximize municipal and public consultation and participation, to assist in the protection and conservation of the area's water resources and to minimize or avoid any *negative effects* on those resources and on area water supplies.
- (h) To apply appropriate land use planning policies and regulations to any land use, *development* or *site alteration* proposal involving large scale non-governmental commercial water takings or recharging of water into natural surface or groundwater systems, in order to protect and conserve water resources.

- (i) To direct *development* and *site alteration* away from hazardous lands impacted by flooding and erosion, and away from hazardous sites including unstable soils or unstable bedrock to avoid dangers to persons and property.
- (j) To ensure that land use planning within the Township contributes to the protection, maintenance, and enhancement of water and related resources and aquatic ecosystems, on an integrated watershed management basis.
- (k) To ensure that all land use decisions promote water conservation and support the efficient use of water resources on a watershed basis.
- (l) To protect surface and groundwater quality through the use of regulatory and voluntary means of prohibiting, restricting or influencing land uses and, where possible under applicable legislation, activities within *wellhead protection areas* and in areas overlying vulnerable aquifers.
- (m) To ensure that *development* does not alter groundwater levels to the detriment of surrounding users and resources.
- (n) To protect *wetlands* and areas that *significantly* contribute to groundwater recharge, as identified in assessment reports for source water protection planning or other technical studies.
- (o) To protect the hydrogeological functions of the groundwater and surface water systems in the Township.
- (p) To ensure the base flow needed to protect streams, fisheries and *wetlands* are maintained.
- (q) To require and support stormwater management systems that protect water quality and quantity.
- (r) To maintain and enhance water quality and quantity through the retention of vegetation or through revegetation.
- (s) To maintain and enhance fish habitat.
- (t) To encourage agricultural practices that protect water resources.

- (u) To require all industrial and commercial land uses that use large quantities of groundwater or otherwise have the potential to adversely affect water resources to use all available methods to protect those resources.
- (v) To require impact studies when *development* proposals have the potential to affect water or water related resources.

#### **2.2.4 Agricultural Resources Objectives**

- (a) To protect *prime agricultural areas* for long term use for agriculture.
- (b) To preserve and protect *agricultural uses* and *normal farm practices* in accordance with Provincial Standards.
- (c) To identify and protect *prime agricultural areas* so that farm operations are not hindered by conflicting *development*.
- (d) To permit in *prime agricultural areas* only *agricultural uses, on-farm diversified uses, agriculture-related uses* and, where there is compliance with the policies of this Plan and the Province, some forms of *public service uses* and *infrastructure* and the extraction of *mineral aggregate resources* only as a use that is interim in nature and is limited or regulated accordingly.
- (e) To limit residential lot creation in *prime agricultural areas* to lots for a *residence surplus to a farming operation*.
- (f) To identify secondary agricultural areas having agricultural capability but not containing predominantly prime agricultural soils and to permit agriculture as the dominant use in such areas while also allowing a range of other rural uses.

#### **2.2.5 Mineral Aggregate Resources Objectives**

- (a) To protect as much as is realistically possible of the Township's primary *mineral aggregate resources* in the context of all applicable planning policies.
- (b) To protect existing *mineral aggregate operations* from uses that would hinder or preclude their continued use or expansion or would be incompatible with such operations.

- (c) To minimize any *negative impacts* of new or expanded *mineral aggregate operations* on the environment, on existing, approved or permitted land uses, and on the area's rural character.

## **2.2.6 Cultural Heritage Resources Objectives**

- (a) To conserve *significant* cultural and built heritage features such as historically or architecturally important buildings or structures.
- (b) To encourage the maintenance and restoration of buildings and structures having *significant* historic or architectural value.
- (c) To prevent the demolition, destruction or inappropriate alteration of cultural heritage resources.
- (d) To control *development* in areas having archaeological resources or archaeological potential to ensure that those resources are documented and respected in the *development* process.
- (e) To ensure that all *significant* cultural heritage resources in the municipality are managed in a manner which perpetuates their use while maintaining their heritage value, integrity and benefit to the community.

## **2.2.7 Economic Development Objectives**

- (a) To encourage, within the context of the Plan's other objectives and the Province's planning policies, expansion and diversification of the municipality's economic base, provide local employment opportunities, strengthen the municipality's financial resources and maintain the Township as a sustainable municipality.
- (b) To support those types of traditional and innovative forms of economic *development*, including resource based uses, that comply with this Plan's important environmental, land use, servicing and transportation objectives and policies.
- (c) To support alternative forms of small scale economic *development* such as home based businesses, including rural oriented uses such as farm vacation operations and on-farm business uses.
- (d) To support local food, and promote the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts.

## 2.2.8 Transportation, Infrastructure and Servicing Objectives

- (a) To maintain and improve the Township road system to meet current and future transportation system requirements.
- (b) To endeavour to provide or support the provision of roads and transportation facilities that are safe, environmentally sensitive and energy efficient.
- (c) To integrate transportation and land use considerations at all stages of the planning process.
- (d) To protect corridors and rights-of-way for transportation and *infrastructure* facilities where there is compliance with the other objectives of this Plan.
- (e) To support and protect the principal function of County Roads and Provincial Highways to accommodate large volumes of interregional traffic, including extractive industrial related traffic.
- (f) To permit *development* primarily on the basis of *individual on-site water services* and *individual on-site sewage services*, and to limit the nature and extent of *development* accordingly, while providing for the possible use of *private communal water services* and *private communal sewage services* where warranted and where technically and economically feasible.
- (g) To provide a level of public services appropriate for a predominantly rural municipality.
- (h) To provide a policy framework supporting the protection of the Township's interests and planning objectives through the municipality's active participation in the Province's processing and decision making on applications for renewable energy approvals involving facilities such as those relating to wind power, solar power, biomass and energy from waste.
- (i) To provide a policy framework to encourage the appropriate use of any small scale primarily domestic alternative and renewable energy systems that remain within the Township's regulatory jurisdiction.

## 2.2.9 Waste Management Objectives

- (a) To provide waste management facilities and systems that are appropriate to the present and future needs of the municipality.
- (b) To provide waste management facilities and systems that are appropriate to the environmental conditions and rural character of the Township by being relatively small in scale and having a low probability of *significant* adverse environmental impact.
- (c) To encourage the recycling, reuse and reduction of waste materials.

## 2.2.10 Intergovernmental Objectives

- (a) To work with affected municipalities and other levels of government, including conservation authorities, provincial ministries, and the federal Department of Fisheries and Oceans, to address matters of intermunicipal interest such as the conservation of natural resources and watershed management.
- (b) To ensure that the Township's interests, character and planning objectives are respected in the decision making processes of other governments and in any intermunicipal undertakings.
- (c) To limit non-farm *development*, other than *development* jointly supported by the Township and the neighbouring municipality, in the vicinity of the Town of Shelburne and the community of Dundalk in order to maximize the long term *development* options for those urban communities and to minimize land use compatibility issues.
- (d) To limit *development*, in accordance with the applicable policies of this Plan, in the *wellhead protection areas* in the Township adjacent to Shelburne and Dundalk.

## 2.2.11 Other Objectives

- (a) To provide a policy framework which will assist in maintaining and improving property standards and the standards of new *development* through the use of site plan control, a property standards by-law and other appropriate procedures.
- (b) To provide for public and First Nations input and consultation on land use planning and *development* in the Township.

- (c) To prohibit the keeping of livestock, exotic animals and other inappropriate animals and birds on lots used or intended to be used principally for residential purposes in order to protect and maintain the residential nature and quality of all such lots.

## 3.0 General Planning Policies

- (a) The policies of this section apply generally throughout the Township. When considering the Plan's policies relating to specific land use designations, reference should also be made to the policies of this section. All *development* within the Township will be subject to the applicable policies of this section, although, depending on the circumstances, not all of these policies will apply in all cases.
- (b) In accordance with section 8.4, where a land use is permitted in this Plan, accessory uses to that use are also permitted provided there is compliance with any other applicable policies.

## 3.1 Growth Management

### 3.1.1 Population Growth and Growth Accommodation

- (a) Residential growth shall be accommodated at levels appropriate to a predominantly rural municipality. The Township's history is one of modest population growth within its rural area and its three small communities, primarily Horning's Mills, all of which lack municipal water and sanitary sewer services. It is anticipated that there will continue to be a market demand for residential *development* in rural and rural settlement areas during the period covered by this Plan.
- (b) The Province has established year 2031 population and employment forecasts for the Township through the process of implementing the Dufferin County portion of the Growth Plan for the Greater Golden Horseshoe. That population forecast is for a total of 3,410 Township residents in 2031. The employment forecast is addressed in section 3.2.
- (c) That population forecast represents a growth of 571 persons in the Township's population over the 2011 census figure of 2,839 persons. The average annual population growth over the 20 year period would be approximately 29 persons. At an average of 2.5 persons per dwelling unit there would be a need for approximately 1,364 dwelling units by 2031. This would be about 264 new units over the 1,100 units recorded in the 2011 census, an average of approximately 13 units annually.
- (d) Although the number of required new units referenced in subsection (c) immediately above could potentially be accommodated primarily through the use



of existing vacant lots in combination with a strong level of second unit *development* in detached dwellings, it is a policy and objective of this Plan that new residential *development* also will be accommodated on the vacant lands designated Community on the west side of Horning's Mills. The use of these lands for growth accommodation:

- i is consistent with the Provincial Policy Statement since it is a form of growth accommodation within a settlement area;
  - ii involves lands well suited physically to residential *development*;
  - iii would facilitate the integration of new growth with the structure of the Township's principal community and with the associated *infrastructure*; and
  - iv represents a continuation of a residential growth accommodation related designation in the Township's previous official plan.
- (e) This Plan permits the following three principal methods of accommodating residential growth.
- i Residential *development* on most of those approximately 185 existing residential sized vacant lots in the Township that are appropriately designated and zoned, that appear to have sufficient area for on-site services and where the construction of a dwelling would be in conformity with the applicable policies of this Plan.
  - ii Lot creation and appropriate intensification, including infilling, within the communities of Horning's Mills, Corbetton and Riverview.
  - iii Limited rural residential *development* on new lots created by consents in areas within the Rural designation.
- (f) While it is possible that full *development* involving all usable vacant lots, new lot creation, and all appropriate forms of intensification could exceed the Provincial growth forecast referenced in subsection 3.1.1(b), this is very unlikely in view of recent lower rates of growth and limited *development* on vacant lots. In order to ensure conformity with that growth forecast, at the mandatory five year reviews of this Plan the levels of growth accommodation will be assessed and, if necessary, the Plan's policies and designations will be revised.

- (g) The population and dwelling unit forecasts referenced in subsections 3.1.1(b) and (c) are not intended as specific targets to be achieved but are forecasts that will be used to plan for and manage growth. In accordance with section 8.2, these figures are to be considered approximate and *minor* variations will not require an amendment to this Plan.
- (h) The creation of new communities or settlement areas is not permitted in the Township.
- (i) In view of the Township's rural landscape and character, its lack of municipal water and sewage systems and the objective of this Plan to retain the area's character and landscape to the extent possible, it is not a primary objective of this Plan to fully implement all of the Province's housing density, intensification, diversity and affordability related policies. The majority of the Township's housing is affordable and it is anticipated this will continue to be a characteristic of the municipality's housing stock. The policies of sections 3.1.2(d)(iii) and 3.12 comply with Provincial legislation and provide for the potential *development* of additional affordable housing.
- (j) It is also anticipated that a limited expansion in the range of housing types may be achieved through the narrow range of residential intensification forms appropriate to a rural municipality without municipal water and sanitary sewer systems.
- (k) It is, in part, a growth accommodation related objective of this Plan to minimize the loss of habitable dwellings and to maximize the retention of, and improvements to existing dwellings. The loss of habitable dwelling units as a result of farm consolidation or non-farm *development* such as *mineral aggregate operations* shall be discouraged.

### **3.1.2 Growth Accommodation and Intensification in Communities**

- (a) Limited residential growth in the Township's communities shall occur primarily in Horning's Mills, the largest community with the most appropriate areas for some additional greenfield and infill residential *development*. Riverview and Corbetton shall accommodate small amounts of new residential *development* in accordance with the applicable land use designations and policies of this Plan.
- (b) Consistent with the policies of the Growth Plan for the Greater Golden Horseshoe and other provincial planning policies, growth accommodation through *residential intensification* and other means will be encouraged in the Township's communities, primarily Horning's Mills. Notwithstanding this intent, the Province has stated that

achievement of the Growth Plan's intensification and density targets is not a mandatory requirement in the Township.

- (c) The *residential intensification* objective shall be balanced against the equally important objectives of providing appropriate servicing, respecting community character, and protecting and enhancing the Township's groundwater resources. Therefore, any *residential intensification* proposal will be assessed in the context of the applicable servicing and planning policies of this Plan and the requirements of all other agencies having jurisdiction.
- (d) *Residential intensification* shall conform to the following policies and all other applicable policies.
  - i In view of the small size of the Township's communities, the use of *individual on-site sewage and water systems*, the low rate of growth, and the directions from the Province, a specific annual *residential intensification* target has not been identified. Council will attempt to achieve a limited increase in residential density within the Township's communities through appropriate *residential intensification* over the planning period.
  - ii Horning's Mills, the municipality's largest community, will be the primary focus for *residential intensification*.
  - iii Forms of *residential intensification* appropriate to the Township may include the creation of slightly smaller lots, the creation of second dwelling units within single detached dwellings, dwellings containing two or three units such as semi-detached dwellings and duplexes, infilling, *redevelopment* and the conversion or expansion of existing buildings.
  - iv *Residential intensification developments* shall be of a scale and character appropriate to their site and setting within the community. Such projects may be subject to site plan control in accordance with the provisions of section 7.4 of this Plan.
- (e) In accordance with the servicing policies of this Plan and in recognition of the lack of municipal water and sewage systems in the Township, *development* within the communities will be permitted on the basis of *individual on-site water and sewage services*. Although full municipal systems are ultimately the preferred method of servicing, such systems are unlikely to be viable here due to the small size of the Township's communities and the low growth rate. Proponents of *significant* new

*development* proposals may be required to prepare a servicing options study for consideration by Council and the approval agencies.

- (f) There is little probability of any need for the expansion of any community boundaries during the period covered by this Plan. Other than *minor* boundary adjustments as referenced in section 8.1 of this Plan, any expansion of the boundaries of a *settlement area* as delineated on the schedules to this Plan shall be permitted only through a *comprehensive review* and only on the basis of documentation justifying the need for such expansion as well as its magnitude and configuration. That documentation shall comply with all applicable Provincial plans and planning policies as well as the relevant policies of this Plan.

### **3.1.3 Growth Accommodation Outside of Communities**

- (a) Rural residential *development* has always been a component of the Township's growth and character. Some additional growth accommodation shall continue to be provided over the planning period through the construction of dwellings on most existing vacant rural residential lots and limited rural residential lot creation through the policies of sections 5.3.3 and 7.2 for consents within areas designated Rural on the schedules to this Plan.
- (b) Rural residential *development* shall be permitted only in conformity with all applicable policies of this Plan and only on properties having lot areas and physical conditions suitable for *individual on-site water and sewage systems* unless alternative servicing is available.

## **3.2 Economic Development**

- (a) To provide employment opportunities for future residents and strengthen the municipality's financial resources, a range of traditional and innovative forms of economic *development* will be encouraged provided there is conformity with this Plan's environmental, land use, transportation and servicing policy framework.
- (b) The Province has established a year 2031 employment forecast for the Township through the process of implementing the Dufferin County portion of the Growth Plan for the Greater Golden Horseshoe. That employment forecast is for a total of 380 jobs in 2031.
- (c) The Township's 2009 *development charges* study estimated employment in the Township, excluding employment involving no fixed place of work, at 293 jobs.

Assuming that employment level was unchanged in 2011, the Provincial jobs forecast represents an increase of 87 jobs over the 20 year period ending in 2031. Consistent with subsection (a) above and other applicable policies, however, Council will support appropriate forms of economic *development* that will increase employment and enhance the Township's sustainability.

- (d) Based on census data, over 77 percent of the 2006 employment in the Township was home based, about 13 percent was in the industrial sector and approximately 8 percent was in commercial businesses. It is anticipated that this general pattern of employment will continue over the planning period.
- (e) On Schedule B to this Plan one small Light Industrial designation has been retained from the previous Official Plan primarily to accommodate the few new jobs likely to be created over the planning period by new businesses locating in traditional industrial areas. As such, the Light Industrial designation shall be recognized as the Township's employment area for the purposes of the Growth Plan and any proposals to redesignate it to a non-employment use will be subject to policy 2.2.6.5 of the Growth Plan for the Greater Golden Horseshoe. As indicated in part (d) above, it is anticipated that, as in the past, most local jobs will not be created in employment areas as defined in provincial planning documents but in rural resource based and home based businesses as well as through economic endeavours involving no fixed place of work. This Plan's policies have the effect of permitting job creating uses in several land use designations such as the Community, Rural and Agricultural designations.
- (f) Agriculture and agriculture related industries have historically formed the core of the Township's economic base. More recently, there have been increasingly *significant* extractive industrial and wind power components. With the exception of renewable energy projects which do not require municipal planning approval, these forms of economic *development* are permitted by this Plan provided there is compliance with all of the Plan's applicable policies including those relating to the Township's rural character and its important environmental features and functions.
- (g) Other conforming existing economic *development* uses, such as highway commercial uses and agricultural support services, will continue to be supported. Also, existing and new *on-farm diversified uses* in the form of on-farm businesses that assist in supporting on-site *agricultural uses* will be permitted in compliance with the applicable policies of this Plan.
- (h) New and innovative forms of economic *development* will be encouraged provided there is compliance with the other applicable policies of this Plan, particularly those

relating to the environment, servicing and transportation. These could include activities relating to the principal current economic *development* forms in the Township, particularly agriculture, or they could be completely new to the area.

- (i) Economic *development* capitalizing on the municipality's good accessibility to the agricultural and life science related research and technology facilities in centers such as Guelph and the Toronto area will also be encouraged. This could involve agricultural related research facilities or centers combining research and tourism.
- (j) Situated adjacent to the Niagara Escarpment and at the headwaters of three large rivers, the Township supports environmentally based economic *development* involving such uses as research facilities and interpretative centers.
- (k) The Township encourages diversification in its economic base and supports appropriate forms of broadened economic *development* in compliance with the policies of this Plan.

### **3.3 Non-Agricultural Source Materials (NASM)**

- (a) At the time of preparation of this Plan a Nutrient Management Act regulation had defined non-agricultural source materials (NASM) as any of the following materials, if those materials are intended to be applied to land as nutrients: pulp and paper biosolids, sewage biosolids, anaerobic digestion outputs, if less than 50 per cent, by volume, of the total anaerobic digestion materials that were treated in the facility were on-farm anaerobic digestion materials, and any other material that is not from an agricultural source and is capable of being applied to land as a nutrient.
- (b) The application of NASM to lands in the Township is subject to the provisions of the Nutrient Management Act and any applicable regulations.
- (c) Any planning application for a *development* proposal on or near lands that have been used for the application of NASM within ten years of the time of such planning application, shall include a report by a qualified professional confirming to the Township's satisfaction that the soil, surface water and groundwater are not contaminated in accordance with Provincial guidelines or standards for human habitation and potable water.

## 3.4 Natural Environment

### 3.4.1 General Environmental Planning Policies

- (a) The environmental objectives provided in section 2.2.2 and elsewhere in this Plan are to be achieved primarily through the combined application of the general environmentally related planning policies in this section, an Environmental Protection land use designation and associated policies, and an Environmental Conservation overlay designation with related policies. Those more detailed and specific environmental policies are found in sections 5.4 and 5.5.
- (b) In accordance with the policies of section 5.4 and the Provincial Policy Statement, there shall be no *development* or *site alteration* in provincially *significant wetlands*.
- (c) In the following *natural heritage features and areas development* or *site alteration* within the Environmental Conservation overlay designation may be permitted in compliance with the underlying land use designation provided there is also compliance with the environment related policies of section 5.5:
  - i locally *significant* and unevaluated *wetlands*;
  - ii *significant* woodlands;
  - iii *significant* wildlife habitat;
  - iv *areas of natural and scientific interest* (ANSI); and
  - v the habitat of *endangered species* and *threatened species*.
- (d) Where more than one of these *natural features and areas* are found on a site, the more restrictive policies shall apply.
- (e) The extent of *adjacent lands* to the above referenced *natural features and areas* is specified in subsections 5.4.2(g) and 5.5.2(g) The use of such *adjacent lands* shall comply with the applicable policies of sections 5.4 and 5.5.
- (f) The areas and features included within the Environmental Protection designation and the Environmental Conservation overlay designation on the schedules to this Plan are the principal components of the natural heritage system found within the Township. Considerations of this larger context will be an essential element in the planning and use of areas within these designations.

- (g) The Township will update the policies of this Official Plan to identify a natural heritage system that is consistent with the direction of the Provincial Policy Statement and conforms to any upper tier Official Plan that is in effect.
- (h) Nothing in policies 3.4.1(a) to (f) shall limit the ability of *agricultural uses* to continue.

### 3.4.2 Assessing Environmental Impact

- (a) *Development or site alteration* anywhere in the Township but particularly in or near the *natural heritage features and areas* referenced in subsection 3.4.1 may have the potential to negatively affect the natural environment. The policies of this subsection concerning the assessment of environmental impact therefore apply throughout the Township.
- (b) Except for situations addressed in the policies of subsections 3.4.2(h), (i) and (j) below and subject to all other applicable policies of this Plan, in order to achieve the objectives for the protection of the natural environment, *development* proponents shall be required to prepare an Environmental Impact Study (EIS) for any proposal that is within the areas referenced in section 3.4.1 or where the policies of this Plan require such a study.
- (c) An EIS shall be prepared by suitably qualified professionals in environmental or related sciences having an educational background and experience directly related to the subject matter of the EIS. At the pre-application consultation meeting required under section 7.13 of this Plan, the applicant must satisfy the Township with regard to the qualifications of the persons who will prepare the required EIS.
- (d) The terms of reference of an EIS will be prepared or approved by the Township. While those terms of reference will almost certainly vary to reflect specific site conditions, an EIS shall include the following as a minimum requirement:
  - i a description of existing and proposed *development* on the subject and *adjacent lands*;
  - ii an inventory of the environmental features within and adjacent to the subject lands including such components as plant life, land based and aquatic wildlife, *wetlands*, natural landforms, surface water features, hydrogeological features;
  - iii an analysis of the potential impacts the *development* would have on the environmental features and functions of the site and area;



- iv a determination of the potential to mitigate any *negative impacts*;
  - v identification and analysis of *development* and mitigation options;
  - vi an exploration of opportunities for environmental enhancement; and,
  - vii recommendations, including a recommended implementation and monitoring plan containing mitigation measures and, where appropriate, environmental enhancement measures.
- (e) Depending on the circumstances, the Township may seek the comments of the conservation authority, the Province or any other agency in the review of an EIS.
  - (f) Any approval of the proposed *development* or *site alteration* shall be subject to the findings and recommendations of the EIS in addition to compliance with any other related policies of this Plan.
  - (g) Should the review of an EIS determine that *natural heritage features and areas* or other important features of the natural environment such as groundwater resources cannot be suitably protected, the *development* or *site alteration* will not be approved.
  - (h) Council may determine that a complete Environmental Impact Study is not necessary and that a scoped EIS or a site assessment is sufficient. The criteria in subsection 3.4.2(j) below will be the main considerations in making such a determination. As with a full EIS, the terms of reference for a scoped EIS or a site assessment will be prepared or approved by the Township.
  - (i) Either a full or a scoped Environmental Impact Study will be required for *developments* or *site alterations* involving sites in and most sites adjacent to the Environmental Protection or Environmental Conservation overlay designation, for new subdivisions in a Community designation, and for most *developments* in *wellhead protection areas*, in the vicinity of watercourses or in or near areas of high aquifer vulnerability as shown on Schedule E.
  - (j) Council may waive the requirement for the preparation of an EIS or site assessment when:
    - i a *development* is *minor* in nature; or

- ii a *development* is subject to a duplicate or similar environmental assessment process; or
- iii the site conditions for a *development* are such that the preparation of an EIS is not necessary for the protection of the *significant natural heritage features and areas*; or
- iv development is related to the continuation of agricultural uses.

Council may seek outside independent advice as to whether a proposed *development* would comply with any of these criteria.

- (k) Notwithstanding the above policies, the Township may prepare general or more detailed terms of reference for a full or scoped EIS or a site assessment, criteria relating to qualifying for a scoped EIS or a site assessment, and more detailed criteria for waiving the requirement for an EIS or site assessment.

### **3.4.3 Niagara Escarpment Planning and Development Act**

- (a) The purpose of the Niagara Escarpment Planning and Development Act is to provide for the maintenance of the Niagara Escarpment and the land in its vicinity substantially as a continuous natural environment. It is also an objective of the Act to ensure that only such development (as defined in the NEPDA) occurs as is compatible with that natural environment.
- (b) As shown on the map schedules to this Plan, portions of the Township are Niagara Escarpment Development Control Areas that are subject to the provisions of the Niagara Escarpment Planning and Development Act. The environmental objectives of that Act, as referenced in subsection (a) above, apply to those portions of the Township.

### **3.4.4 Conservation Authorities**

- (a) Conservation authorities have many important responsibilities including permit issuing authority in regulated areas under the Conservation Authorities Act, commenting authority with regard to planning and *development* matters, and the provision of technical advice to municipalities in areas relating to natural hazards, stormwater management and natural heritage.

- (b) The Township is located within the jurisdiction of three conservation authorities. It will continue to work with those agencies to pursue the many common objectives.

## 3.5 Hazardous Lands and Sites

### 3.5.1 General and Floodplain Related Policies

- (a) It is a policy of this Plan that *development* and *site alteration* will generally be directed to areas outside of hazardous lands and sites. The creation of new lots by consent or by plan of subdivision will be prohibited within the flooding hazard limit or erosion hazard limit. The policies of this section and section 5.5 apply more specifically to these areas, particularly areas in floodplains or near watercourses.
- (b) Hazardous lands and sites include primarily areas affected by flooding, erosion, steep slopes, unstable soils, and unstable bedrock. There may also be human-made hazards including oil, gas or salt hazards that exist in the Township. The principal hazardous areas shown on Schedule F to this Plan are floodplains. The Township will endeavour to keep Schedule F up-to-date with new hazard information as it becomes available.
- (c) The flood hazard includes all floodplains resulting from the greater of the Regional Storm Flood Event or the 100 year flood event. The Ministry of Natural Resources' Natural Hazards Technical Guidelines or its successor will be used as a basis for determining the flood hazard. As referenced in section 5.5.3, the floodplains shown on the schedules to this Plan also include estimated floodplains as provided by the conservation authorities having jurisdiction in the Township.
- (d) Floodplains are included in the Environmental Conservation overlay designation on Schedules A, B and C and are shown for the entire Township on Schedule F. Their portion of the Environmental Conservation designation is shown in more detail on Schedules B, C-1 and C-2 covering the *settlement areas*. The policies of subsection 5.5.3(f) also reference other flood prone areas beyond the mapped floodplains. The implementing zoning by-law may more precisely delineate the floodplain areas or define specific hazardous features. The implementing Zoning By-law may also include specific setback provisions relating to *development* in the vicinity of such lands or features.
- (e) *Development* involving hazardous materials, including livestock related buildings and facilities, is prohibited in hazardous areas. Although not encouraged, other forms of *development*, including the construction of a dwelling on an existing vacant

lot, may be permitted on hazardous lands and sites such as those within the flooding hazard in the floodplain areas shown on Schedule F only if:

- i the existing zoning permits the proposed use;
  - ii any required permit has been obtained from the conservation authority having jurisdiction;
  - iii the hazards can safely be addressed;
  - iv new hazards are not created and existing hazards are not aggravated;
  - v no adverse environmental impacts will result;
  - vi vehicles and people can safely enter and exit the area at times of flooding, erosion or other emergencies;
  - vii there is compliance with the requirements of all agencies having jurisdiction; and
  - viii the proposed *development* does not include institutional uses, essential emergency services or any use involving hazardous substances.
- (f) A natural hazard study may be required to address the matters identified in subsection (e) above, other applicable policies of this Plan or the requirements of the conservation authority having jurisdiction.
- (g) In addition to the above policies, reference should be made to all other applicable policies in this Plan such as those in section 5.5 relating to the Environmental Conservation overlay designation including section 5.5.3 (f) with regard to certain flood prone areas that may extend beyond those areas included in that overlay designation.
- (h) *Development* will generally be directed to areas outside of lands having erosion hazards, either associated with a watercourse or otherwise. The determination of an erosion hazard limit will be based on the combined influence of:
- the toe erosion allowance;
  - the stable slope allowance;
  - the flooding hazard limit or meander belt allowance; and,
  - the erosion access allowance.

The erosion hazard limit will be defined on a site-by-site basis in consultation with the conservation authority having jurisdiction. The Ministry of Natural Resources' Natural Hazards Technical Guidelines or its successor will be used as a basis for determining the erosion hazard limit.

### 3.5.2 Waste Disposal Sites

- (a) At the time of preparation of this Plan, there was one active waste disposal site in the municipality in part of Lot 12, Concession 4, N.E.T.S.R. It is a policy of this Plan that this site can be used for waste disposal or other waste management related purposes such as a transfer station, tire depot or recycling collection point in compliance with all applicable policies, legislation and regulations. Also, the implications of *development* and land use patterns on waste generation, management and diversion will be a consideration in the Township's land use planning related decision making.
- (b) There is a closed waste disposal site in the east half of Lot 5, Concession 1, O.S. Both this site and the existing active site referenced in subsection (a) immediately above are recognized on the schedules to this Plan. The A schedules show the boundaries of the related waste disposal assessment areas with a reference to the policies of this section. The sites are also shown on Schedule F, Natural and Human-Made Hazards.

#### *Waste Disposal Assessment Areas*

- (c) Lands on or within approximately 500 metres of existing or former waste disposal sites, as identified on the map schedules to this Plan by a reference to the policies of this section, may be used for any purpose permitted by the land use designations on the schedules to this Plan and in compliance with the related policies of this Plan, provided that the Township, in consultation with the Ministry of the Environment or any other agency having jurisdiction, is satisfied that there are no environmental conditions associated with the waste disposal site which may make the lands unsuitable for *development*.
- (d) Prior to *development* occurring in such areas, the applicant shall provide hydrogeological and other technical studies to demonstrate that there are no existing or potential adverse impacts from the presence of the waste disposal site. Such impacts as migration of leachate, methane or other contaminants shall be assessed by the Township through the peer review process. The Township may consult with the Ministry of the Environment on technical matters if required. The

Ministry's comments and the results of any peer review will be considered by the Township before any decision is made on a proposed *development*.

- (e) The zoning by-law will include appropriate provisions to implement these policies, possibly involving the use of a holding symbol in accordance with the provisions of the Planning Act and section 7.7 of this Plan. These areas may also be designated as site plan control areas under the provisions of the Planning Act and section 7.4 of this Plan.
- (f) No *development* shall be permitted within 30 metres of the boundary of a waste disposal site.
- (g) In addition to the applicable Provincial approval requirements, any new waste disposal site or waste related facility will require amendments to both this Plan and the zoning by-law and will be subject to all the relevant land use and environmental policies of this Plan.

### **3.5.3 Contaminated Sites**

- (a) If a change in land use is proposed for lands known or suspected to be contaminated due to previous use, Council shall require the proponent to demonstrate that the site has been assessed and, if necessary, remediated in accordance with the requirements of Ontario Regulation 153/04 as amended. The proponent shall complete sufficient work to enable a Qualified Person as defined under the Regulation to complete a Record of Site Condition and upload the Record of Site Condition to the electronic Brownfields Environmental Site Registry prior to the issuance of any final planning approval for the site's *development*.
- (b) Council may place lands which are known to be contaminated in a Holding (H) Zone to restrict *development* until clearance is provided in the form of an acknowledged Record of Site Condition.

### **3.5.4 Hazardous Wastes**

- (a) Applications to permit the establishment or expansion of facilities that are for the purpose of managing (transfer, processing, final disposal) hazardous waste as defined by the Ministry of the Environment, shall require an amendment to this Plan and are subject to approval from the Ministry of the Environment.

- (b) The Township shall make every effort to ensure that the approval agency consults with the municipality prior to making a decision on an application for such storage or disposal. A copy of any approval for such storage or disposal shall be provided to the Township and any affected emergency services provider.

### 3.6 Land Use Compatibility

- (a) In general, some land uses may be sensitive to odour, noise or other emissions associated with uses or facilities such as industries, commercial operations or highways. Other uses may be incompatible as a result of impacts from the form and structure of the buildings, the loss of privacy or the nature of the proposed use. It is a policy of this Plan that incompatible uses shall be separated or otherwise buffered from each other in accordance with Ministry of the Environment guidelines and the OMAFRA *Minimum Distance Separation Formulae*. In addition, the Township may implement its own setback or separation standards through the provisions of the implementing Zoning By-law provided doing so would not conflict with any policy of the PPS, Provincial Plans or Provincial legislation or regulations.
- (b) In its implementation of the policy in subsection (a) above, Council intends to ensure that the policy is not misused by those involved in disputes with their neighbours, particularly in situations involving farmers engaged in *normal farm practices*. For the purposes of this Plan, an agricultural operation carried on as a *normal farm practice* is not an incompatible use.
- (c) Where a proposed land use is likely to be *significantly* adversely affected by, or have *significant* adverse impacts on existing land uses in the area, Council may require a study to assess these impacts in accordance with the applicable guidelines of the Ministry of the Environment and other appropriate planning standards. A noise, vibration, odour and/or particulate impact assessment may be required as part of the study.
- (d) Any required study shall determine if the potential adverse impacts can be mitigated and include recommendations for mitigation measures, where necessary. Any approval of the proposed land use shall be conditional on the implementation of the study's recommendations.
- (e) A purpose of the Niagara Escarpment Planning and Development Act is to ensure that within the areas that are subject to the Act's provisions only such development (as defined in the NEPDA) will occur that is compatible with the natural

environment. In compliance with that Act, in the areas shown as Niagara Escarpment Development Control Areas on the schedules to this Plan land uses shall be compatible with the natural environment and with all other applicable purposes and objectives of the Act.

## 3.7 Infrastructure and Public Service Facilities

### 3.7.1 General

(a) In considering and interpreting the policies of this section, reference should be made to the definition of the term *infrastructure* as found at subsection 9(q) and the term *public service facilities* as found in subsection 9(gg). In addition to the policies of this section, other policies relating to *infrastructure* and *public service facilities* are found throughout the Plan including, in particular, section 6, Roads, Transportation and Servicing.

(b) Municipal *infrastructure* and *public service facilities* shall:

- i be planned and provided in a coordinated, efficient and cost-effective manner to accommodate projected needs, taking into consideration planned growth and all other related factors;
- ii maximize the use of existing facilities, wherever feasible, before developing new ones; and
- iii be strategically located, wherever feasible, to support the effective and efficient delivery of emergency management services.

(c) Where feasible, municipal *public service facilities* should be co-located to promote cost effectiveness and facilitate service integration.

(d) The Township shall utilize every opportunity to attempt to apply the policies of subsections (b) and (c) immediately above to the many forms of *infrastructure* and *public service facilities* over which it has no planning approval authority.

### 3.7.2 Infrastructure

(a) In accordance with the provisions of the Provincial Policy Statement as reflected in the definition of the term *development* in this Plan, activities that create or maintain



*infrastructure* and are authorized under an environmental assessment process are not considered to be *development*. In light of these provisions, *infrastructure* and its maintenance are not generally subject to either the requirements of the Planning Act or the policies of this Plan. In addition, there are other forms of *infrastructure* such that are subject to the approval of the federal government.

- (b) Notwithstanding the jurisdictional structure described in subsection (a) immediately above, the municipally referenced policies in section 3.7.1 do have force and effect under the terms of section 24 of the Planning Act. That section states, in part, that no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform with an official plan. The reference to a public work in this section is generally interpreted as including only municipal projects.
- (c) The policies of section 3.13 shall apply with regard to *infrastructure* in the form of energy generating facilities or projects.
- (d) The policies of section 3.13.1 relating to energy generating facilities or projects that are exempt from Township planning approval shall also apply, with appropriate changes in *infrastructure* related references, to all other exempt forms of *infrastructure*. This will include an evaluation of any proposal in terms of the conformity with the relevant policies of this Plan.
- (e) Any proposed large scale *infrastructure* project that is subject to Township planning authority shall require an amendment to this Plan, unless the applicable land use policies or other policies indicate otherwise. The following policies shall apply.
- i There shall be conformity with all applicable policies of this Plan including the policies relating to the land use designations on the site and area and all of the compatibility and resource and natural environment related policies.
  - ii *Infrastructure* may be permitted in any land use designation through the official plan amendment process, but will not be permitted in an Environmental Protection designation unless the proponent demonstrates to Council's satisfaction that:
    - there is a need for the proposed *infrastructure* during the period ending in 2031;
    - there are no reasonable options available that would not require a location within the area designated Environmental Protection; and

- any potential negative effects on the natural features and functions can be eliminated or minimized.
- iii A location in the Agricultural designation will not be permitted unless the proponent demonstrates to Council's satisfaction that:
- there is a need for the proposed *infrastructure* during the period ending in 2031;
  - there are no reasonable locations outside the areas designated Agricultural; and
  - there are no reasonable locations within the Agricultural designation with lower priority agricultural lands that have soils with a lower agricultural capability rating.
- iv Only a limited number of *infrastructure* locations, if any, will be permitted in either the Environmental Protection or Agricultural designations.
- (f) *Wayside pits and quarries*, portable asphalt plants and portable concrete plants used by a public road authority or its agent are permitted in accordance with the policies of section 3.18

### 3.7.3 Public Service Facilities

- (a) *Public service facilities* of a size and scale that is appropriate for the provision of services to the Township or its component communities and areas shall:
- i be permitted in any land use designation other than Environmental Protection and Agricultural; and
  - ii shall comply with all applicable policies of this Plan, including those relating to the subject land use designation, land use compatibility and the natural environment.
- (b) *Public service facilities* of a size and scale that would enable the provision of services to the larger County, regional or provincial area shall require an amendment to this Official Plan. The policies of section 3.7.2 (e) will apply with appropriate revisions relating to the nature of the proposed *development*.

- (c) The implementing Zoning By-law may contain provisions for both small and large scale *public service facilities*. In the Community designation and in any residential zone in the Zoning By-law, the applicable zoning provisions shall be structured to ensure that, to the extent possible, such uses shall be designed and located so as to be compatible in scale and character with the residential or community setting.

### 3.8 Cultural Heritage Resources

- (a) *Significant built heritage resources* and *significant cultural heritage landscapes* shall be conserved.
- (b) Council may:
  - i utilize the provisions of the Ontario Heritage Act to conserve, protect and enhance cultural heritage resources;
  - ii utilize available information resources such as those of the Ministry of Tourism, Culture and Sport to assist in the determination of *significant* built and cultural heritage resources;
  - iii require *development* proponents to prepare a heritage/archeological impact assessment for proposals in areas having known or potential built, cultural or archeological resources of *significance*;
  - iv encourage and foster public awareness, participation and involvement in the conservation of built, cultural and archeological resources;
  - v utilize the provisions of any applicable provincial or federal programs to assist in encouraging the preservation or restoration of buildings and structures having *significant* historic or architectural value; and,
  - vi use a demolition control by-law passed under the provisions of the Planning Act to enable Council to control the demolition of buildings in all or parts of the Township.
- (c) Council may utilize the provisions of the Ontario Heritage Act to establish a municipal heritage committee to assist it in matters relating to, among other things, the identification of properties having cultural heritage value or interest.

- (d) The following criteria under Ontario Regulation 9/06 or its replacement shall apply with regard to the related work the heritage committee or a *development* proponent must undertake to determine cultural heritage value or interest.
- i A property has design value or physical value because it,
- is a rare, unique representative or early example of a style, type expression, material or construction method,
  - displays a high degree of craftsmanship or artistic merit, or
  - demonstrates a high degree of technical or scientific achievement.
- ii A property has historical value or associative value because it,
- has direct associations with a theme, event, belief, person, activity, organization or institution that is *significant* to a community,
  - yields , or has the potential to yield, information that contributes to an understanding of a community or culture, or
  - demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is *significant* to a community.
- iii A property has contextual value because it,
- is important in defining, maintaining or supporting the character of an area,
  - is physically, functionally, visually or historically linked to its surroundings, or
  - is a landmark.
- (e) A principal objective in the application of a demolition control by-law is to provide Council with the means to control the demolition of those buildings within the area covered by the by-law that have primarily built heritage or architectural *significance*. Within an area of demolition control no person shall demolish the whole or any part of a building without first obtaining a demolition permit from Council. If a building or structure of *significance* is to be demolished or substantially altered, Council shall ensure that the heritage features are documented with a history, photographic

record and accurate scaled drawings prior to the demolition or alteration. The provision of this documentation shall be the responsibility of the applicant who shall consult with the appropriate Provincial and local agencies.

- (f) *Development and site alteration* on lands containing archeological resources or areas of archaeological potential shall only be permitted if the *significant* archeological resources have been conserved by removal or documentation, or by preservation on site. Where *significant* archeological resources must be preserved on site, only *development and site alteration* which maintain the heritage integrity of the site will be permitted.
- (g) *Development and site alteration* may be permitted on *adjacent lands* to protected heritage property where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative *development* approaches may be required in order to conserve the heritage attributes of a protected heritage property affected by adjacent *development or site alteration*.
- (h) Council shall endeavour to ensure that *significant* historical and architectural features and resources are appropriately managed to maintain their heritage value and benefit to the community.
- (i) When instructed by Council, the municipal clerk, in accordance with section 27 of the Ontario Heritage Act, shall maintain a register of all property designated under Part IV and Part V of the Ontario Heritage Act. This register may also contain properties that have heritage conservation easements place upon them and properties that are not designated, but which are considered by Council on the basis of suitable research, to be of cultural heritage value or interest.
- (j) *Development* on lands containing *significant* archaeological or other cultural heritage resources shall avoid or appropriately address these resources. Where an area is identified as having archaeological potential, an assessment by a qualified professional shall be carried out prior to any *development* occurring. Any *development* approval shall reflect the findings and recommendations of the archeological assessment.
- (k) As a component of the municipality's planning for, and protection of cultural heritage features and areas, where appropriate consideration and support will be provided concerning the Grand River as a designated Canadian Heritage River.

### 3.9 Home Occupations

- (a) In accordance with the applicable policies of this Plan, home occupations are permitted in a number of land use designations in both the rural and community areas. Such uses shall comply with the policies of this section.
- (b) Home occupations shall consist of small businesses operated from a residential or agricultural property and having a scale in keeping with the principal use of the property.
- (c) Home occupations shall be owned and principally operated by residents of the dwelling on the subject property. A limited number of non-resident employees may be permitted in accordance with the provisions of the implementing zoning by-law.
- (d) Sufficient on-site parking shall be provided in accordance with the provisions of the implementing zoning by-law.
- (e) There shall be no *significant* adverse impacts on adjacent land uses and properties and the implementing zoning by-law may include screening provisions in this regard.
- (f) There shall be limited signage and outside facilities relating to the home occupation and the character of the principal residential or *agricultural use* should be evident.
- (g) In the Community designation a home occupation shall be permitted only within the dwelling and the implementing zoning by-law shall limit the portion of the dwelling which can be used for home occupation purposes.
- (h) In the Agricultural and Rural designations a home occupation may be permitted in either the dwelling or an accessory building. The maximum floor area devoted to such use may also be larger than in the Community designation, in accordance with the requirements of the implementing zoning by-law. In the Agricultural and Rural designations limited accessory outside storage may be permitted under the provisions of the zoning by-law.
- (i) Where a proposed home occupation will require access to a Provincial highway, such access will require the approval of the Ontario Ministry of Transportation in accordance with the policies of sections 3.16 and 6.2.2 of this Plan and the related provincial statutes and regulations. Unless directed otherwise by the Ministry, a home occupation shall use the same access as that provided to the residence. Access

to the highway will be permitted only for those home occupations that will not impact negatively upon the highway corridor and are not considered to be *significant* traffic generators.

### 3.10 Intergovernmental Aspects

- (a) Since the Township does not exist in isolation and since a variety of planning issues and initiatives logically involve other governments and their agencies, whenever possible and appropriate, Council shall consider the larger perspective in implementing this Plan.
- (b) Council shall endeavour to work with affected area municipalities and other governments in pursuing planning objectives extending beyond the Township's boundaries such as developing groundwater and watershed management plans.
- (c) In keeping with the objective of ongoing and enhanced intermunicipal cooperation Council shall also pursue agreements with abutting municipalities whereby those municipalities would agree to reciprocate in the application of policies similar to those of this section, and particularly subsection 3.10(f), in planning and regulating *development* in the vicinity of municipal borders or otherwise having the potential to affect areas within the Township.
- (d) Council shall endeavour to work with other levels of government to address cross-jurisdictional planning issues such as large scale water taking, the spreading of non-agricultural source materials, and the *development* of major *infrastructure* facilities.
- (e) Council shall also attempt to ensure that other local and upper levels of government and their agencies consult with the Township first and frequently concerning any proposal that could affect the municipality.
- (f) In addition to all other applicable policies of this Plan, the following policies shall apply to the areas adjacent to the communities of Shelburne and Dundalk as generally contained within the areas delineated by the lines referenced as "Limit of Area Subject to Section 3.10(f)" on the schedules to this Plan. Where there is a conflict between these policies and any other policies of this Plan, the most restrictive policy shall apply.
  - i Unless there is agreement on the part of the Town of Shelburne concerning a specific *development* proposal, all non-farm *development* will be prohibited

within approximately 1 kilometre of the boundary of that municipality in the area shown on Schedule A-5.

- ii Unless there is agreement on the part of the Township of Southgate concerning a specific *development* proposal, in the area as shown on Schedule A-1 all non-farm *development* will be prohibited within approximately 0.5 kilometres of the community of Dundalk as delineated in the planning documents of the Township of Southgate.
- iii Notwithstanding the above policies, within the areas referenced in clauses i and ii above a detached dwelling may be erected on an existing lot in accordance with the applicable land use designations and policies of this Plan.
- iv The purpose of the above policies is to maintain a clear separation between rural and urban uses, to prevent inappropriate *development* near municipal boundaries, and to prevent sprawl adjacent to these urban areas while providing for and encouraging intermunicipal cooperation in the planning and *development* of such areas.
- v Those portions of Schedules A-1 and A-5 to which the above policies apply also include *wellhead protection areas* (WHPAs). In such areas, the policies of section 4.4.2, *wellhead protection areas*, and the Plan's other water resource related policies shall apply and shall take precedence over the policies relating to the land use designations shown on Schedules A-1 and A-5.

### **3.11 Mobile Homes, Trailers, Mobile Home Parks, Trailer Parks, Campgrounds**

- (a) The use of *mobile homes* and *trailers* shall not be permitted except for the following:
  - i *temporary farm help accommodation*;
  - ii temporary owner accommodation during the construction of a dwelling outside a community, provided such temporary accommodation is limited to a maximum period of one year and a building permit for the permanent dwelling has been issued and remains in effect; and,



- iii seasonal accommodation within an existing licensed or approved campground or *trailer* park that is in compliance with all applicable laws, regulations and requirements.
- (b) Permission for the first two forms of temporary accommodation identified in part (a) above will require the approval of a temporary use by-law, in accordance with the Planning Act and section 7.9 of this Plan, and the execution of a related *development* agreement. Among other provisions, that agreement will require the posting of a bond or the provision of securities, and the provision of proper and approved sewage disposal and water supply services to the *mobile home* or *trailer*.
- (c) Notwithstanding subsection 3.11(b) above, where farm help is required on an ongoing annual seasonal basis, the *mobile home* or *trailer* can remain during off-seasonal periods when the farm help is not required. As indicated in the policies relating to the Rural and Agricultural designations, permanent buildings can also be used for temporary or seasonal farm help accommodation.
- (d) In accordance with section 3.11(a) iii above, *mobile homes* or *trailers* may be used for seasonal accommodation in an existing campground or *trailer* park for vacationers or travelers. The placement of any additional *mobile homes* or *trailers* in an existing campground or *trailer* park, or any conversion of such *mobile homes* or *trailers* to permanent residences is not permitted. Any new *trailer* park, *mobile home* park or campground will require an amendment to this Plan. The applicant for such a facility shall provide appropriate servicing, planning and transportation studies in support of any such amendment.
- (e) No new campground or *trailer* park will be permitted within a floodplain.
- (f) The Zoning By-law or other appropriate municipal by-laws may permit occasional overnight or weekend recreational use of a travel *trailer* for purposes such as hunting or fishing. The related provisions may include a requirement for the provision of sanitary facilities either within the unit or in the form of a portable toilet or through access to a nearby dwelling.

### 3.12 Second Dwelling Units

- (a) A second dwelling unit is permitted in specific types of residential uses through either:

- i the use of two dwelling units in a detached dwelling or semi-detached dwelling if no building or structure accessory to the detached dwelling or semi-detached dwelling contains a dwelling unit; or
  - ii the use of a dwelling unit in a building or structure ancillary to a detached dwelling or semi-detached dwelling if the detached dwelling or semi-detached dwelling contains a single dwelling unit.
- (b) The *development* of second dwelling units shall comply with the applicable policies of this section including the criteria of subsection (c) immediately below, all other relevant policies of this Plan, including those relating to servicing, hazardous lands and floodplains, and the provisions of the implementing Zoning By-law.
- (c) All second dwelling units shall meet the following criteria:
- i there is compliance with all applicable Zoning By-law provisions;
  - ii there is compliance with all Building Code and Fire Code provisions;
  - iii there is sufficient room on the subject property for any required services including *individual on-site water and sewage services* and all associated approvals have been obtained;
  - iv but the site is not within any area subject to natural hazards such as floodplains or erosion hazards and any permits required from a conservation authority have been obtained ;
  - v sufficient on-site parking and amenity areas are provided;
  - vi no new vehicular access facility is required from the abutting public road; and,
  - vii there is no substantial alteration to the exterior appearance of the building as a detached or semi-detached dwelling.
- (d) The criteria of subsection (c) immediately above may be implemented through the use of such measures as Zoning By-law provisions, the application of design guidelines, and requirements for servicing approvals.

### 3.13 Energy Generation Facilities and Projects

- (a) All new large commercial scale energy generation facilities and projects have the potential to adversely affect the Township, its residents, land uses and natural environment. Most of these facilities and projects do not require Township planning approval under the provisions of the Planning Act. These include renewable energy projects requiring a renewable energy approval under the provisions of the Green

Energy Act and the Environmental Protection Act and any project or facility that is authorized under an environmental assessment process. Under the provisions of the Provincial Policy Statement, the latter type of project or facility is deemed not to be a *development* and therefore is not subject to land use planning policies or controls.

- (b) It is an objective of this Plan to ensure all proposed new large commercial scale energy generation facilities and projects that are subject to Township planning approval are fully in conformity with the applicable policies of this Plan. It is also a planning objective to apply the same standard of Plan conformity in the Township's participation in any consultation process on any proposed energy generation facility or project that is exempt from municipal planning approval.
- (c) In keeping with the objectives of subsection (b) immediately above, the following policies shall apply with regard to each of the two types of proposals for energy generating facilities and projects as referenced in that subsection.

### **3.13.1 Facilities and Projects Exempt from Township Approval**

- (a) The municipality will utilize every opportunity for input into the approval processes related to any applications for large commercial scale energy generation facilities or projects that are exempt from the municipality's planning approval authority and are proposed for locations within or adjacent to the Township.
- (b) To the extent possible within any associated consultation process, the Township will evaluate the proposed facility or project in terms of its conformity with the relevant policies and objectives of this Plan. The Township's input into that consultation process will be based primarily on the results of any such evaluation.
- (c) The Township may also provide opportunities for public participation on such proposed projects including during the period prior to Council finalizing its input into the consultation process.
- (d) The Township may develop a guide or protocol that would establish a process for the municipality's review and provision of comments on proposed energy facilities and projects that are exempt from municipal planning approval. The establishment of related fees or cost recovery methods may also be included in the protocol or in the Township's related by-law.
- (e) Energy generation facilities and projects that are renewable energy undertakings and are therefore exempt from municipal planning approval are not exempt from

the Township's consent granting authority under the Planning Act. Any consent application relating to such a facility or project shall be subject to the applicable policies of this Plan including the policies of section 7.2 relating to the granting of consents to convey land or an interest in land.

### **3.13.2 All Other Energy Generation Facilities and Projects**

- (a) The following policies in this subsection 3.13.2 shall apply only to any energy generation facility or project that does not require a renewable energy approval, is not authorized under an environmental assessment process, or is not otherwise exempted from the municipal planning approval process.
- (b) Notwithstanding any other policy, new large commercial scale energy generation facilities and projects intended to primarily or exclusively supply energy to the Provincial electrical grid shall require an amendment to this Plan.
- (c) Any such facility or project shall comply with the applicable policies relating to matters such as the land use designations on and adjacent to the subject lands, water resources, the natural environment, land use compatibility, site plan control and all other relevant aspects of this Plan.
- (d) The proponent shall submit a complete application for an amendment to this Plan, including documentation addressing the requirements and provisions of all applicable policies of the Plan. Such documentation will be reviewed and evaluated at the proponent's expense and in accordance with the Plan's other related policies.
- (e) The Township will require large commercial scale energy generation facilities and projects to use buried transmission lines to link the facility or project to the Provincial electrical grid, unless the proponent provides satisfactory justification for the use of above-ground lines based on the circumstances of the project.
- (f) Where necessary, proponents of energy generation facilities and projects will be required to enter into an agreement with the Township to:
  - i undertake any road improvements required as a result of the proposed *development*;
  - ii agree to comply with Township standards and requirements, including those in subsection 3.13.2(e), in the siting and construction of any related

*infrastructure* such as transmission lines proposed within municipal road allowances; and,

- iii agree to comply with any other related requirements concerning matters under municipal jurisdiction that are deemed necessary by the Township.
- (g) The Township will encourage the appropriate use of any small scale primarily domestic alternative and renewable energy systems that are subject to its statutory authority under the applicable legislation. Such systems are not subject to the policies of subsections (a) to (f) immediately above and may be permitted in any land use designation other than Environmental Protection.
- (h) Small scale primarily domestic systems may be permitted through Zoning By-law provisions or under other by-laws. It would be preferable if such systems were developed as either an integral component of the main building on a property or as accessory facilities to a main building.
- (i) Such small scale systems may be permitted without by-law amendments provided they comply with specific standards relating to such aspects as setbacks from lot lines, maximum height requirements, size limitations or other primarily compatibility related provisions.
- (j) Any such energy systems that are located on farms and are subject to the provisions of the Nutrient Management Act may be exempted from the provisions of subsections (g) to (i) immediately above.

### **3.14 Peat Extraction and Commercial Topsoil Removal**

- (a) Peat extraction, peat processing and all forms of commercial topsoil removal and processing are not permitted in the Township. An amendment to this Plan would be required to permit any such use. Any application for such an amendment would require:
  - i an Environmental Impact Study in compliance with the policies of section 3.4.2; and,
  - ii any applicable documentation as referenced in the policies of section 7.13 including a hydrogeological impact report, a hydrology study, a traffic impact study, and, where adjacent to *sensitive uses*, an emissions impact report.

- (b) Any application for an amendment to this Plan for a peat or topsoil related *use* must satisfactorily demonstrate that the proposed *development* will have no *negative impacts*, particularly with regard to the area's environment and natural resources.
- (c) If a peat or topsoil related amendment to this Plan is approved, the subject *development* will be regulated through by-laws relating to such matters as zoning and *site alteration* in accordance with the policies of this section and all other applicable policies of this Plan.
- (d) The Township may utilize a *site alteration* by-law under the provisions of the Municipal Act to regulate peat extraction and commercial topsoil removal. The purposes of such a by-law may include:
  - i prohibiting or regulating the removal of topsoil including peat;
  - ii requiring that a permit be obtained for the placing or removal of topsoil or the alteration of the grade of the land;
  - iii requiring site rehabilitation upon completion of the topsoil removal;
  - iv requiring the fulfillment of conditions to a permit such as the preparation of plans relating to the removal of the topsoil and the subsequent rehabilitation;
  - v requiring the completion of a traffic impact study in accordance with section 6.2.6 of this Plan, or the entering into a road maintenance agreement; and,
  - vi requiring the restoration of the original land grades and the rehabilitation of the site from which topsoil has been removed either without a permit or contrary to a permit issued under the by-law.
- (e) Peat extraction or processing and commercial topsoil removal or processing will require a Zoning By-law amendment. Subject to the findings of a traffic impact study, a road maintenance agreement in accordance with the policies of section 6.2.6 may be required prior to any zoning approval.

### **3.15 Ontarians With Disabilities Act**

- (a) In accordance with the Ontarians with Disabilities Act, the Township has prepared a Municipal Accessibility Plan and will continue to monitor and update that Plan.

- (b) Issues of accessibility will be a principal consideration in any municipal planning decisions.

### **3.16 Development Adjacent to Provincial Highways**

- (a) Any *development* proposal located adjacent to a provincial highway and/or located within the permit control area of the Ministry of Transportation of Ontario shall be submitted to the Ministry for their review and approval.
- (b) Access approval from the Ministry will only be granted to those properties and *developments* that meet the Ministry's minimum safety and geometric requirements.
- (c) Ministry approval and permits, or Ministry approval in principle, must be obtained prior to the Township making any decision on a *development* application and prior to any construction being undertaken on lands subject to the jurisdiction of the Ministry of Transportation.

### **3.17 Mineral Aggregate Resources**

#### **3.17.1 Purpose, Background and General Policies**

- (a) In addition to the applicable land use and *development* policies, the policies of this subsection and subsection 3.17.2 apply within any area shown on Schedule H to this Plan as a Primary Bedrock Resource Area or a Primary Sand and Gravel Resource Area and the *adjacent lands* except where those resource areas are located within or adjacent to a settlement area boundary as shown on Schedules B, C-1 and C-2.
- (b) Consistent with the planning objective stated in section 2.2.5(a) of this Plan, the broader policy framework described below, the other applicable policies of this Plan and the principles of sound land use planning, the purpose of Schedule H and the policies of this section is to recognize the areas of potentially *significant deposits of mineral aggregate resources* within the Township and to assist in protecting as much of those resources as is justifiable in planning policy terms.
- (c) The intent is to balance any future use of the *deposits of mineral aggregate resources* in these primary resource areas against the full range of applicable local and Provincial planning policies and objectives, including those relating to *natural heritage features*

and areas, prime agricultural areas and all aspects of the Township's important water resources.

- (d) The areas referenced in subsection 3.17.1 (a) above and shown on Schedule H are taken from the principal source document available at the time of preparation of this Plan, the 2014 edition of Aggregate Resources Inventory Paper 163-Revision 2, the Aggregate Resources Inventory of Dufferin County (Resources Inventory). At the time of Plan preparation that document, published by the Ministry of Northern Development, Mines and Forestry, was available from the Ministry and on the Ministry's website.
- (e) The Resources Inventory identifies a total of 2,337 hectares of "Selected Sand and Gravel Resource Areas" of "primary significance" in the Township. Those areas contain an estimated 297 million tonnes of *mineral aggregate resources*. The Resources Inventory also identifies approximately 925 hectares of "Selected Bedrock Resource Areas" containing an estimated 368 million tonnes of *mineral aggregate resources*. The Province also views bedrock that extends to within 8 metres or less from the surface as primary resource areas. The Inventory and/or the Province views both areas as having the best resources for use in industry, road building and construction. These three types of areas, therefore, are referenced as primary resource areas in this Plan.
- (f) The Resources Inventory states that these resource areas are not intended to be permanent single land use units. They are described as areas in which major *deposits of mineral aggregate resources* are known to exist. The Inventory also states that this resource may be reserved wholly or partially for extractive *development* or resource protection through Official Plan policies.
- (g) The Provincial Policy Statement is more restrictive in its approach to the protection and potential utilization of *mineral aggregate resources*. Section 2.5.1 in that document states that *mineral aggregate resources* shall be identified and protected for long-term use. Also, section 2.5.2.1 requires that "as much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible".
- (h) The Resources Inventory correctly notes that there are "natural, environmental, and man-made features which may limit or prohibit extractive *development*". These features or constraints to the *development* of the resource are reflected, in part, in the various land use designations and policies contained in this Plan. Also the Provincial Policy Statement directs that it "shall be read in its entirety and all relevant policies are to be applied to each situation". Total reliance on one policy



such as that in section 2.5.2.1 would be an incorrect interpretation of that policy document.

- (i) In the context of this background and general policy framework, the policy structure found in section 3.17.2 below applies to the *development* of new or *significantly* expanded *mineral aggregate operations* and other land uses in the primary resource areas. It consists of four principal components:
- i new *mineral aggregate operations* will be permitted only within a primary resource area as described in subsection 3.17.1(e) above and shown on Schedule H;
  - ii new *mineral aggregate operations* will be permitted only by an amendment to this Plan in compliance with all applicable policies;
  - iii within areas either designated “Agricultural” or used for agriculture in the “Rural” designation, agriculture and the associated uses shall continue to be permitted and shall have the highest priority in such areas, although *mineral aggregate operations* may be permitted as interim uses on a site specific basis where there is documented compliance with the applicable policies and criteria of this Plan, including the provisions of clause ii above and subsections 5.6.2(k) and (m) in the Extractive Industrial section of this Plan; and,
  - iv within primary resource areas as shown on Schedule H or on the *adjacent lands*, except for uses that are permitted in the applicable Agricultural designation and are therefore also permitted in the Rural designation, all proposed uses that could adversely affect the potential for future *mineral aggregate operations* will have to be fully justified in terms of specific policy criteria.

### 3.17.2 Mineral Aggregate Resource Policies

- (a) The policies of this section apply to lands within the primary resource areas shown on Schedule H as Primary Bedrock Resource Area or Primary Sand and Gravel Resource Area and as described in subsection 3.17.1(e). These policies are intended to implement the purposes and objectives discussed or referenced in section 3.17.1.
- (b) New *mineral resource operations* or any expansion of an existing *mineral aggregate operation* will be permitted only through an amendment to this Plan, only within the

primary resource areas described in subsection 3.17.1(e) and shown on Schedule H, and only in compliance with the following policies and all other applicable policies of this Plan.

- (c) Any such amendment to this Plan for a new *mineral aggregate operation* or any expansion of an existing *mineral aggregate operation* that extends beyond its designated area shall comply with the policies of section 5.6, Extractive Industrial, all water resource related policies of this Plan and all other applicable policies.
- (d) New *mineral aggregate operations*, and the associated amendments to this Plan, may be permitted only within those parts of the primary resource areas that are designated Agricultural or Rural. The following policies shall apply in such areas in addition to the applicable land use policies for those designations and any other related policies of this Plan.
- (e) Within those parts of the primary resource areas designated Agricultural, the *development* of uses permitted in that designation will continue to be permitted regardless of their potential effect on the possible future utilization of the *deposits of mineral aggregate resources*. Agriculture and its associated uses remain the highest priority in such areas. If a new or expanded *mineral aggregate operation* is proposed in such areas, it may be permitted only as an interim use in conformity with the policies of subsections 5.6.2(k) and (m) in the Extractive Industrial section of this Plan, all other policies of section 5.6.2, subsection 5.2.2(b) and the other applicable policies of this Plan.
- (f) Within those parts of the primary resource areas designated Rural, except for uses specifically referenced in subsections (d) and (e) immediately above and including the construction of a dwelling on a vacant lot and any expansion of an existing use as otherwise permitted by this Plan, all other new nonagricultural *development* within a primary resource areas or the *adjacent lands* that would have the effect of precluding or hindering the establishment of new or expanded *mineral aggregate operations* or access to the resources will be permitted only if:
  - i the resource use would not be feasible; or
  - ii the proposed land use or *development* serves a greater long term public interest; and
  - iii issues of public health, public safety and environmental impact are addressed in accordance with the policies of this Plan and all applicable Federal and Provincial laws, policies and regulations.

- (g) It is the applicant's responsibility to demonstrate compliance with the policies and criteria included in subsection (f) immediately above.
- (h) Schedule H may be amended to add new primary resource areas as a result of new information about *mineral aggregate resource* deposits provided by those Provincial ministries and agencies having jurisdiction over such matters.
- (i) An application to amend this Plan to delete all or part of a primary resource area from Schedule H shall only be approved under one or more of the following circumstances:
  - i the mineral aggregate potential is determined by the appropriate Provincial ministries or agencies, in consultation with the Township, to be too low to be commercially viable on the basis of testing of the quantity, quality and extent of the *deposit of mineral aggregate resources*;
  - ii the use of the lands for mineral aggregate extraction is constrained by such factors as nearby existing or proposed incompatible uses such as residences or the potential impact on *natural heritage features and areas*; or,
  - iii previous extraction operations have utilized all or most of the site's *mineral aggregate resources* and the site has been fully rehabilitated.
- (j) It shall be the responsibility of the applicant seeking the required Official Plan amendment to provide the necessary documentation to support the change to Schedule H under one or more of the circumstances specified in subsection (i) immediately above.

### **3.18 Wayside Pits and Quarries and Portable Asphalt Plants**

- (a) *Wayside pits and quarries*, portable asphalt plants and portable concrete plants that are used by a public authority on projects within the Township are permitted, without an amendment to this Plan or the implementing zoning by-law, in all areas except in or adjacent to the communities of Horning's Mills, Corbetton and Riverview, other built up residential areas, other areas of incompatible land uses, and areas of environmental sensitivity including areas designated Environmental Protection or Environmental Conservation on the schedules to this Plan.

- (b) *Wayside pits and quarries* and any associated portable asphalt or concrete plants shall be operated so as to maintain and, where possible, improve the quality of groundwater and surface water. There shall be no extraction in such pits and quarries within 1.5 metres of the water table.
- (c) *Wayside pits and quarries* shall, wherever possible, avoid *natural heritage features and areas* and shall be operated so as to maintain the health, diversity, size and connectivity of such features.
- (d) *Wayside pits and quarries* shall be closed and rehabilitated immediately upon completion of the associated road or public works project. A portable asphalt plant or concrete plant shall be removed immediately upon the completion of the associated road or public works project and the site shall be rehabilitated upon the removal of the plant.
- (e) Such uses will be permitted on prime or active agricultural lands only if there are no suitable alternative sites. Where such a use is permitted on prime or active agricultural lands, the site shall be fully rehabilitated to agricultural production utilizing soils of the same quality for agriculture as those originally on the site.
- (f) Where such uses are not located on prime or active agricultural lands, the site's rehabilitation shall establish or restore the site's natural self sustaining vegetation with appropriate site grading.

### **3.19 Niagara Escarpment Development Control Area**

- (a) Portions of the Township are included within the Niagara Escarpment Planning Area and have been designated as Development Control areas by Ontario Regulation 826/90. These areas are shown as "Niagara Escarpment Development Control Area" on the map schedules to this Plan. The following policy shall apply in such areas:
  - i Within an area shown as a Niagara Escarpment Development Control Area on the map schedules to this Plan, any *development*, other than that specifically exempted by Ontario Regulation 828/90, requires a Development Permit from the Niagara Escarpment Commission. In such areas an application for approval of any non-exempted development (as defined in the NEPDA) must be made to the Commission. Such development (as defined in the NEPDA) must also comply with all applicable policies of this Official Plan.

### 3.20 Prohibiting Certain Animals on Residential Lots

- (a) The keeping of the following general types of animals and birds and the construction of barns or other buildings or structures to accommodate them shall be prohibited on lots used or intended to be used principally for residential purposes:
  - i horses and any other animal type assigned a nutrient unit value under the provisions relating to the *Minimum Distance Separation Formulae*;
  - ii exotic animals and birds; and,
  - iii animals and birds that are normally found in the wild.
- (b) Appropriate provisions and definitions concerning the policy in subsection 3.20(a) above shall be included in an implementing municipal by-law.

## 4.0 Water Resources Policies

### 4.1 Context and Principal Water Resource Related Policies

- (a) The Township, its residents and its businesses rely on its groundwater resources as their principal source of drinking water. There are no readily available alternatives. These resources include many vulnerable aquifers. Large areas of the province rely on the rivers and groundwater systems that originate in or near the Township for their water supplies and resources. Important features and functions of the natural environment are also sustained by these water resources.
- (b) Protecting and sustaining such irreplaceable water resources for present and future generations is a fundamental objective and responsibility underlying the policies of this Plan. The water resource implications will be a primary consideration in most planning and *development* related decisions in this Township.
- (c) No planning or *development* approval will be granted for a private sector proposal and no support will be given for any undertaking of any government or its agencies unless the proponent conclusively demonstrates that there is clear and full compliance with all applicable water resource related policies and that there will be no *negative impacts* on water resources.
- (d) While many of the most relevant water resource related policies are consolidated in this section, many are also found throughout the Plan.

### 4.2 Water Resources Planning Objectives

- (a) For ease of reference and clarity, the Plan's objectives relating to water resources, as stated in section 2.2.3 as part of the total set of Township planning objectives, are also provided here. These objectives form the basis for the policies in this section as well as all other water resource related policies in this Plan. The following are the Plan's water resources related planning objectives.
- i To protect, improve or restore the quality and quantity of ground water and surface water and the function of sensitive ground water recharge/discharge areas, aquifers and headwaters.

- ii To ensure there is no *development* or *site alteration* within provincially *significant wetlands*.
- iii To regulate land uses proposed in areas adjacent to *wetlands* to ensure there will be no *negative impacts* on these environmentally important features or their functions.
- iv To regulate and limit land uses in the vicinity of natural watercourses to protect their ecological functions.
- v To appropriately limit and control *development* in floodplains or flood susceptible areas to maintain the natural functions of such areas, to protect public safety and to prevent property damage and social disruption.
- vi To implement, to the extent possible through amendments to this Plan, the findings and recommendations of any approved regional, local, watershed, subwatershed or groundwater management studies or plans, including drinking water Source Protection Plans.
- vii To actively participate at every opportunity in any Provincial approval process for applications for large scale non-governmental commercial water takings or recharging of water into natural surface or groundwater systems in order to maximize municipal and public consultation and participation, to assist in the protection and conservation of the area's water resources and to minimize or avoid any *negative effects* on those resources and on area water supplies.
- viii To apply appropriate land use planning policies and regulations to any land use, *development* or *site alteration* proposal involving large scale non-governmental commercial water takings or recharging of water into natural surface or groundwater systems, in order to protect and conserve water resources.
- ix To direct *development* and *site alteration* away from hazardous lands impacted by flooding and erosion, and away from hazardous sites including unstable soils or unstable bedrock to avoid dangers to persons and property.
- x To ensure that land use planning within the Township contributes to the protection, maintenance, and enhancement of water and related resources and aquatic ecosystems, on an integrated watershed management basis.

- xi To ensure that all land use decisions promote water conservation and support the efficient use of water resources on a watershed basis.
- xii To protect surface and groundwater quality through the use of regulatory and voluntary means of prohibiting, restricting or influencing land uses and, where possible under applicable legislation, activities within *wellhead protection areas* and in areas overlying vulnerable aquifers.
- xiii To ensure that *development* does not alter groundwater levels to the detriment of surrounding users and resources.
- xiv To protect *wetlands* and areas that *significantly* contribute to groundwater recharge as identified in assessment reports for Source Protection Plans or through other technical studies.
- xv To protect the hydrogeological functions of the groundwater and surface water systems in the Township.
- xvi To ensure the base flow needed to protect streams, fisheries and *wetlands* are maintained.
- xvii To require and support stormwater management systems that protect water quality and quantity.
- xviii To maintain and enhance water quality and quantity through the retention of vegetation or through revegetation.
- xix To maintain and enhance fish habitat.
- xx To encourage agricultural practices that protect water resources.
- xxi To require all industrial and commercial land uses that use large quantities of groundwater or otherwise have the potential to adversely affect water resources to use all available methods to protect those resources.
- xxii To require impact studies when *development* proposals have the potential to affect water or water related resources.



## 4.3 General Water Resources Related Policies

- (a) The Township contains portions of three large scale watersheds and water resource systems extending well beyond the municipality's boundaries. Being at or near the highest point in central Ontario, surface water generally flows out of the Township rather than into and through it, and large scale groundwater systems are formed here through the infiltration of precipitation into the area's soils. This Plan recognizes the fundamental importance of these water resource features and functions, and seeks to protect and improve them as an important component of the Township's total planning objectives.
- (b) The Township contains the headwaters of three major river systems: the Grand, the Nottawasaga and the Saugeen. The Township acknowledges the importance of maintaining the quantity and quality of these headwater streams and other local watercourses. It also acknowledges the interests of aboriginals in the protection of the area's water resources. In addition, the water related policies of this Plan are intended to support the work of the three conservation authorities having jurisdiction in the Township in their efforts to protect and improve these headwaters and river systems.
- (c) The protection of water resources will be a primary consideration in planning and *development* decisions including the evaluation of any *development* proposal. In such evaluations, particular emphasis will be placed on the protection of groundwater recharge areas and other areas having *significant* aquifer vulnerability. The policies of section 4.4 will be particularly important in this regard.
- (d) All *development* and *site alteration* within a hydrologically sensitive feature including a permanent or intermittent stream, wetland, seepage area or spring or within any adjacent Environmental Protection designation or Environmental Conservation overlay designation, is prohibited except in compliance with the policies of section 5.4, Environmental Protection, section 5.5, Environmental Conservation, and all other related policies.
- (e) An application for *development* or *site alteration* on lands within the area of influence of a hydrologically sensitive feature such as a recharge area that extends beyond either the feature itself or any adjacent Environmental Protection designation, shall be accompanied by a hydrological evaluation prepared by qualified persons. A hydrological evaluation shall:

- i demonstrate that the *development* or *site alteration* will have no adverse effects on the hydrologically sensitive feature or on the related hydrological functions of that feature;
  - ii identify planning, design and construction practices that will maintain and, where possible, improve or restore the health, diversity and size of the hydrologically sensitive feature; and
  - iii determine the required separation distance from the feature and provide for the maintenance and, where possible, improvement or restoration of natural self sustaining vegetation within that separation area.
- (f) Land uses in the municipality, particularly those of an industrial or commercial nature, shall be generally dry in nature and shall be serviced with proper sewage disposal facilities to limit the potential for adverse impacts on the quantity and quality of area groundwater and surface water resources.
  - (g) The Township shall require the use of water conservation measures such as low flow plumbing fixtures and water recycling in all new buildings and *development*.
  - (h) The prohibition in section 3.5.4 concerning hazardous wastes shall be fully applied with regard to any existing or proposed land use or *development* in or near important water resources features or areas such as hydrologically sensitive features referenced in this section or *wellhead protection areas* referenced in section 4.4.2.
  - (i) In accordance with the provisions of the Clean Water Act, the Township shall update the applicable policies of this Plan to conform to the policies of all approved drinking water Source Protection Plans applying within the municipality.
  - (j) The policies of section 3.3 shall apply with regard to future *development* in or near areas that have been subject to the application of non-agricultural source materials (NASM).

## 4.4 Groundwater Protection and Management

- (a) In view of the Township's dependence on groundwater as the principal water supply source, its important geographic location in terms of major river systems, its groundwater recharge areas and its areas of potential aquifer vulnerability, the municipality supports the *development* and implementation of plans and programs to assist in the protection and management of groundwater resources.

- (b) Groundwater resources are found throughout the Township. Groundwater needs to be protected to promote public health and as an essential resource for rural water supplies, agricultural production and the future sustainability of the Township. It is the intent of this Plan that all *development* shall be subject to the following policies to ensure water quality and quantity are not adversely affected. Specifically, it is the Township's intent that land use *development* and the *development* of groundwater resources will not:
  - i significantly alter groundwater recharge or discharge,
  - ii impair groundwater or surface water quality, or
  - iii negatively impact groundwater supplies.
- (c) Maintaining a sustainable groundwater supply is a priority to meet the needs of current and future residents. The Township recognizes a relationship between groundwater and surface water in terms of recharge and discharge functions. The policies of this Plan are intended to protect both groundwater and surface water.
- (d) The Township will co-operate with the appropriate Provincial ministries and agencies, area conservation authorities and area municipalities to prepare and implement a groundwater management plan. The land use planning related findings, recommendations and implementation policies of any approved document relating to groundwater management will be incorporated into the policies of this Plan by amendment.
- (e) The implementation of any approved groundwater management related plan will be a principal consideration in all land use planning decisions.

#### **4.4.1 Aquifer Vulnerability**

- (a) Surface water and groundwater can be vulnerable to contamination resulting in a decrease in water quality or quantity. The vulnerability of a groundwater system depends on the relative ease in which an aquifer could become contaminated from sources on or beneath the ground surface. An aquifer that can easily become contaminated is considered to be vulnerable.
- (b) Schedule E, Aquifer Vulnerability, classifies key aquifers in terms of their vulnerability to contamination based on research undertaken by the Township in

2012. The level of vulnerability relates to the relative ease with which an aquifer could become contaminated from sources on or beneath the ground surface.

- (c) The following policies are intended to apply an appropriate level of protection for such aquifers and thereby implement this Plan's many related and fundamental planning policies and objectives. These policies shall apply with regard to the aquifer vulnerability mapping as shown on Schedule G.
- i Within the areas classified as "High Vulnerability" on Schedule G, any *development* proposal having the potential to adversely affect groundwater resources shall be required to provide an assessment of groundwater impacts in compliance with all related policies of this Plan.
  - ii Approval for such *development* shall be given only if comprehensive, substantiated documentation confirms that there will be no negative effects on the quantity or quality of groundwater.
  - iii Within the areas classified as "Medium Vulnerability" on Schedule G, the policies of items i and ii above may apply depending on an evaluation of such factors as the nature of the proposed *development*, local drainage characteristics and the proximity to areas classified as High Vulnerability.
  - iv Utilizing this general policy framework as a basis, implementing documents and procedures, possibly including zoning by-law provisions, may identify, among other things, the types of *development* that will be subject to this policy and the nature of groundwater impact documentation to be required.

#### 4.4.2 Wellhead Protection Areas

(a) The *wellhead protection areas* (WHPAs) shown on Schedule G were mapped in the assessment reports prepared as part of the research for the preparation of Source Protection Plans for both the Lake Erie and the Georgian Bay Lake Simcoe source protection regions.

(b) All *wellhead protection areas* constitute an overlay designation in which a second level of planning policies apply in addition to the policies for the underlying land use designations as delineated on Schedule A. The permitted uses in these areas are those permitted by the policies relating to those land use designations, provided

there is also conformity with the following policies and with all other water related policies.

- (c) The overlay designations relating to the *wellhead protection areas* as shown on Schedule G together with the following related policies are intended to implement both the water related Provincial policies and the important water resources objectives and policies evident in many of the policies throughout this Official Plan.

(d) A *wellhead protection area* is the primary vulnerable area associated with a municipal water supply well. In combination with the associated policies, its purpose is to assist in ensuring the source water for such a well is protected from surface or below surface contamination.

(e) The *wellhead protection areas* are divided into five zones; a standard 100 metre radius zone of protection abutting the well (WHPA-A) and three time-of-travel zones. Each time of travel zone represents an estimate of the time it would take for a contaminant to move from the area included in that zone to the municipal well. As shown on Schedule G, these four zones represent the following times of travel for groundwater to reach the municipal well at the maximum planned or permitted water taking from that well: WHPA-B - 2 years, WHPA-C - 5 years and WHPA-D - 25 years.

(f) Three *wellhead protection areas* extend into the Township from wells in abutting municipalities. These areas and the component time-of-travel zones are shown on Schedule G. *Development* and land uses will be fully evaluated in such areas to ensure there are no *negative impacts* on municipal drinking supplies. This may require the application of specific controls for some types of land use and some uses may be prohibited in these *wellhead protection areas* to assist in protecting these areas from potential threats to drinking water.

(g) Any proposed *development* or land use that does not comply with the applicable water resource policies of this Plan and any Provincial plans or policies shall not be permitted in *wellhead protection areas*.

## 4.5 Non-governmental Land Uses Involving Large Scale Water Taking or Recharging

- (a) In addition to the land use and other policies of this Plan, the policies of this section shall apply to any non-governmental land use or *development* involving the

extraction of more than 50,000 litres of groundwater or surface water per day or the recharging of similar amounts of water into natural groundwater or surface water systems. For the purposes of this Plan these are classified as land uses or *developments* involving large scale water extraction or recharging. The intent of this section is to ensure, to the extent possible within the statutory authority of a municipal government, that such land uses and *developments* have no negative water resource related impacts.

- (b) In order to implement the policies of this section and all other applicable policies of this Plan, the following policy and land use regulatory system shall apply to any new or expanding non-governmental land use or *development* involving large scale water taking or recharging.
- i If the proposed or expanded use is not permitted by the land use policies and other related policies of this Plan, an amendment to the Plan will be required. In addition to demonstrating compliance with the Plan's land use and other applicable policies, such an amendment shall not be approved unless there is compliance with the policies of this section.
  - ii If the proposed or expanded use is permitted by the applicable land use and other policies of this Plan but is not permitted by the Zoning By-law, the required Zoning By-law amendment shall not be approved unless there is compliance with the policies of this section.
  - iii The Zoning By-law implementing this Plan shall include provisions to address such uses in situations where the land use is permitted in the By-law. Such provisions may take one of the following forms.
    - A general zoning provision that would limit all permitted uses to those extracting or recharging no more than 50,000 litres of water per day, thereby requiring a Zoning By-law amendment for other uses.
    - A provision imposing related conditions on the permitted use in accordance with the provisions of the Planning Act and the policies of subsections 7.3(e) and (f) of this Plan.
- (c) A principal focus in the Township's evaluation of any planning application for a non-governmental land use or *development* involving large scale water taking or recharging will be the potential impacts, either positive or negative, on the area's water resources. Any planning application for such a land use or *development* shall

include a detailed water related impact assessment providing the information required to satisfy the matters referenced in subsection (d) immediately below.

- (d) The Township shall not approve a planning application for any such new or expanded land use or *development* unless Council is satisfied that:
  - i the quality of ground and surface water in the area will be maintained and, where possible, improved;
  - ii the quantity of water available for other uses, including domestic and municipal drinking water supplies, and as base flow for rivers, streams, *wetlands* and aquifers, will not be adversely affected; and,
  - iii there is compliance with all water resource related objectives and policies of this Plan.
- (e) Where it deems appropriate, Council may require, as a condition of the approval of a planning application for a non-governmental land use or *development* involving large scale water taking or recharging, that the proponent enter into an agreement with the Township acknowledging their responsibility to comply with and implement these and any other applicable policies of this Plan.
- (f) The Ministry of the Environment has authority for approval of applications for the extraction of more than 50,000 litres of groundwater or surface water per day. At the time of preparation of this Plan the Ministry was required to notify the County, the Township and the relevant conservation authority concerning most applications for a water taking permit. When so notified by the Ministry, the Township:
  - i shall base any comments to the Ministry relating to such applications on an evaluation of the proposal in terms of its conformity with the policies of this section and all other applicable sections of this Plan; and
  - ii may advise the Ministry of the status and requirements of the associated land use approval process under the Planning Act for the Ministry's information in making its decision.

## 4.6 Watershed Management

- (a) In view of the Township's location in the upper reaches of three major river systems the municipality supports the *development* and implementation of watershed or

subwatershed studies and management plans, including the Nottawasaga Valley Watershed Management Plan and the Water Management Plan for the Grand River Watershed.

- (b) The land use planning related components of approved watershed or subwatershed management plans will be incorporated into this Plan.
- (c) The implementation of any approved watershed or subwatershed management plan will be a principal consideration in all land use planning decisions.

## **4.7 Stormwater Management**

- (a) All major residential, commercial, industrial and institutional *development* proposals shall be supported by a stormwater management report prepared by a qualified professional and utilizing best management practices to ensure that any potential adverse drainage impacts are appropriately mitigated in accordance with the requirements of the Township, the conservation authority, and any other Authority having jurisdiction. In general, stormwater management reports should be prepared in accordance with the Stormwater Management Planning and Design Manual, or its equivalent, as prepared by the Ministry of the Environment and/or any other applicable design requirements of any other Authority having jurisdiction.
- (b) In addition to the policies of subsection 4.7 (a) above, there shall be compliance with all of the related provisions of subsection 6.3.2 relating to stormwater management and drainage and all other applicable provisions of this Plan.

## **4.8 Setbacks From Watercourses**

- (a) *Development* will be set back from watercourses to protect the natural features and functions of the watercourse and related lands, provide riparian habitat, and minimize the risk to property and public safety. The areas within the vicinity of watercourses are primarily designated Environmental Protection or are included in the Environmental Conservation overlay designation and the policies relating to those designations will apply together with other applicable policies of this Plan such as those in section 3.5 relating to hazardous lands and sites.
- (b) In areas along watercourses outside the Environmental Protection designation or the Environmental Conservation overlay designation, the setback distance shall be determined on-site as part of the *development* review process in consultation with the conservation authority having jurisdiction. In general, other than where specifically



permitted by the policies of this Plan, *development*, including sewage disposal systems, shall be located outside the flooding hazard limit, erosion limit, or 30 metres from a river or stream, whichever is greater.

- (c) Nothing in policies 4.8(a) or (b) shall limit the ability of *agricultural uses* to continue.

## 5.0 Land Use Policies

### 5.1 Introduction

(a) The policies provided in the following subsections relate to the land use designations and overlay designation as shown on Schedules A to C to this Plan. They identify the land uses permitted in each designation and provide the directly related planning and *development* policies. These subsections also contain policies relating to the overlay designation and related features as shown on Schedules D, E and F. These and other policies of this Plan relating to such matters as servicing or transportation may also apply to areas included in these land use designations. In addition to all other policies of this Official Plan, the regulations under the Niagara Escarpment Planning and Development Act apply in the areas identified on Schedules A, B and C to this Plan as “Niagara Escarpment Development Control Area”. In the case of a conflict between this Official Plan and the Niagara Escarpment Planning and Development Act, the provisions of the Niagara Escarpment Planning and Development Act prevail.

(b) In accordance with section 84., where a land use is permitted in this Plan, accessory uses to that use are also permitted provided there is compliance with any other applicable policies.

### 5.2 Agricultural

(a) The principal planning objective of the Agricultural designation is to protect key *prime agricultural areas* for long term use for agriculture.

(b) The Agricultural designation, as delineated on the schedules to this Plan, includes most areas of land having primarily Classes 1 to 3 Soil Capability for Agriculture ratings under the Canada Land Inventory. In addition to areas of Classes 4 to 7 soils, the following types of areas have been excluded from this designation: properties having small or discontinuous areas of these soils, lands containing such soils in areas that have been divided into smaller lots in unrelated ownerships, areas of such soils that are fragmented by physical features such as watercourses, and areas where these soils occur within or adjacent to properties or areas having *significant* incompatible land uses.

## 5.2.1 Permitted Uses

- (a) *Agricultural uses, agriculture-related uses, and on-farm diversified uses* are permitted in the Agricultural designation. *Agricultural uses* include all agricultural operations that are determined to be *normal farm practices* as defined herein using the terminology of the Farming and Food Production Protection Act.
- (b) Farm related tourism such as facilities for farm vacations, value-added operations such as pick your own operations, and on-farm business uses are permitted in the Agricultural designation as *on-farm diversified uses* in accordance with the applicable policies of section 5.2.3 and other sections of this Plan.
- (c) A single detached dwelling is permitted as a component of an *agricultural use*. A second dwelling unit is also permitted in accordance with the provisions of section 3.12. Farm help accommodation, including temporary buildings or structures provided through the enactment of a temporary use by-law, is permitted as part of an *agricultural use*, and may include one *mobile home* or *trailer* under the provisions of section 3.11. The policies of subsections 5.2.2(i) and (j) apply to farm help accommodation.
- (d) The construction of a single detached dwelling is permitted on a lot of record that is vacant or contains only farm buildings provided there is compliance with subsections 5.2.2(o) and (p) and all other applicable policies. Notwithstanding this policy, in accordance with the provisions of subsection 5.2.5(b)(iii) a dwelling shall not be permitted on a lot that is the remnant parcel resulting from a severance of a *residence surplus to a farming operation*.
- (e) Existing uses not permitted in the Agricultural designation may be recognized as legal non-conforming uses under the provisions of section 7.6 of this Plan unless available documentation indicates that an existing use does not qualify for such status.
- (f) Wayside pits are permitted in accordance with section 3.18.
- (g) *Infrastructure* may be permitted if there is conformity with the policies of section 3.7 and all other applicable policies of this Plan.
- (h) All permitted uses shall comply with the policies of sections 5.2.2, 5.2.3, 5.2.4, 5.2.5 and the other applicable policies of this Plan.

## 5.2.2 Planning and Development Policies

- (a) All types, sizes and intensities of *agricultural uses* and *normal farm practices*, including those practices consistent with the Nutrient Management Act and related regulations, shall be promoted and protected in accordance with provincial standards, the policies of this Plan and the provisions of the implementing zoning by-law.
- (b) *Agricultural uses* shall be given priority over all other uses with the exception of:
  - i existing and new dwellings permitted on existing lots of record in accordance with the applicable policies of this Plan;
  - ii new or expanded *mineral aggregate operations*, on the basis of a site specific interim use related amendment to this Plan, and *wayside pits and quarries* where either of these types of uses can be justified in terms of their compliance with the applicable policies of sections 3.17, 3.18, and 5.6 including the policies of subsections 5.6.2(k) and (m) in the Extractive Industrial section of this Plan, and all other policies of this Plan; and,
  - iii *infrastructure*, if there is compliance with the policies of section 3.7 and all other applicable policies of this Plan.
- (c) New and expanding *agricultural uses* and non-agricultural uses, shall comply with the applicable provisions of the *Minimum Distance Separation formulae*, except in the following circumstances.
  - i New dwellings on lots of record shall be sited so as to comply with the applicable formula wherever possible and, where compliance cannot be achieved, shall be sited on the subject lot as far from the nearest livestock facilities as possible in the context of the lot's specific physical features and boundary configuration.
  - ii Where compliance with the MDS formulae cannot be achieved on a lot of record, expansions of dwellings and other nonagricultural uses that don't require approval under the Planning Act shall also be sited as far from the nearest livestock facilities as possible in the context of the lot's specific physical features and boundary configuration. If Planning Act approval is

required, expanding non-agricultural uses must comply with the *Minimum Distance Separation Formulae*.

- iii Where all or part of a legally existing livestock facility that does not comply with the applicable MDS formula is destroyed as a result of fire, flood, wind, structural collapse or other similar event, it may be repaired or replaced without complying with MDS requirements provided the new livestock facility is built no closer to adjacent dwellings/land uses than before the catastrophe there is no increase in the associated MDS values for odour potential, nutrient units and/or manure or material storage.
  - iv Where all or part of a legally existing building or structure that does not comply with the MDS requirements for separation from a livestock facility is destroyed as a result of fire, wind, structural collapse or other similar event, it may be repaired or replaced without complying with MDS requirements provided it is built no closer to a livestock facility than it was prior its destruction.
- (d) *Agricultural uses* shall comply with the provisions of the Nutrient Management Act and the associated regulations.
  - (e) *Agricultural uses*, particularly those involving large scale livestock facilities, shall comply with the policies of this Plan relating to surface and groundwater protection as well as environmental protection.
  - (f) In addition to all the applicable policies, regulations and by-laws that apply to the application and storage of non-agricultural source material (NASM), the policies of section 3.3 shall apply with regard to development requiring planning approval on or near land used for any NASM application.
  - (g) Farm parcel size shall be sufficiently large to facilitate strong and flexible farm operations on a long term basis. The fragmentation of agricultural land holdings into parcels inappropriate for typical local agricultural operations shall not be permitted. All new lots must remain sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. The implementing zoning by-law shall set minimum agricultural lot sizes.
  - (h) Farm help accommodation may be provided by a second dwelling unit within a detached dwelling as permitted under the policies of sections 5.2.1(c) and 3.12. Farm help accommodation may also be provided in a permanent bunkhouse type building within the farm building cluster but such building shall not be used as a

permanent residence and the use shall be subject to the applicable sewage disposal and water supply regulations.

- (i) Temporary facilities for farm help accommodation may be provided through the use of a *mobile home* or *trailer* in accordance with sections 5.2.1(c) and 3.11 and the following provisions:
  - i the accommodation is sited within or adjacent to, but not in front of the farm building cluster;
  - ii the applicable sewage disposal and water supply approvals are obtained;
  - iii there is compliance with all of the applicable zoning by-law provisions;
  - iv no new vehicular access is required from the adjacent public road;
  - v a temporary use by-law is passed; and,
  - vi a *development* agreement is executed to regulate the placement, maintenance and removal of the temporary accommodation and such agreement shall include the posting of securities.
- (j) Home occupations shall comply with the policies of this Plan relating to such uses in agricultural areas, including those found in section 3.9, and with the provisions of the implementing zoning by-law. Other *on-farm diversified uses* such as bed and breakfast or farm vacation operations shall also comply with any applicable zoning by-law provisions and may require an amendment to that by-law.
- (k) *Agriculture-related uses* shall comply with all applicable policies of this Plan. Such uses shall be limited in scale and shall be compatible with, and shall not hinder *agricultural uses*. The implementing zoning by-law shall include detailed provisions for these uses in particular limiting the type, size and location of such uses.
- (m) *On-farm diversified uses*, particularly those proposed or operating as on-farm business uses as described in section 5.2.3.(a) shall comply with the policies of section 5.2.3 and all other applicable policies of this Plan.
- (n) New *agriculture-related* and *on-farm diversified uses* shall be limited in scale and shall be compatible with, and shall not hinder, *agricultural uses*.
- (o) A single detached dwelling may be erected in compliance with the implementing zoning by-law on any lot of record that is vacant or contains only farm buildings provided the lot is not a remnant parcel created by a surplus farm residence severance under the provisions of subsection 5.2.5(b)(iii) and there is sufficient suitable area on the lot for the siting of a dwelling, accessory uses, a well and a

sewage disposal system. The MDS related policies of subsection 5.2.2(c) apply to the siting of a dwelling on such lots.

- (p) In the Agricultural designation the policies of section 3.20 apply with regard to the prohibition of keeping certain types of animals on lots used or intended to be used principally for residential purposes.

### 5.2.3 On-Farm Business Uses

- (a) An on-farm business use may be permitted on an agricultural property as an *on-farm diversified use*. An on-farm business use is a dry industrial use that is located on an agricultural property, is clearly secondary to the *agricultural use* of the property, is operated by the farmer who owns the property, is not located within a dwelling and generally requires more floor area than a home occupation.
- (b) The primary objective in permitting on-farm business uses is to assist in supporting the agriculture uses on the subject properties while ensuring that such business uses remain secondary to the *agricultural use* so that the principal use and value associated with the subject properties is their *agricultural use* and capability not their industrial use or potential.
- (c) On-farm business uses shall be permitted in the implementing zoning by-law and that By-law shall contain provisions to ensure that, to the extent possible in a Zoning By-law, the use is secondary to the property's *agricultural use*, that it is properly sited on the agricultural property and that there are no negative impacts on existing *agricultural uses*.
- (d) To achieve the objectives of policies 5.2.3 (b) and (c) above and without limiting the range of zoning standards and provisions that may be applied, the implementing zoning by-law shall include provisions relating to at least the following matters:
  - i a substantial minimum lot area to assist in ensuring that the on-farm business use is secondary to the *agricultural use* on the property;
  - ii a maximum floor area that is in keeping with or smaller than the typical size of agricultural buildings on agricultural properties in the Township to assist in ensuring the on-farm business is secondary to the *agricultural use*;
  - iii specifying building setbacks and screening requirements;

- iv a limit on the size and controls on the location of display and signage associated with the on-farm business use and a prohibition on outside storage associated with the use;
  - v limiting the use to only those that involve dry operations;
  - vi a requirement that the farmer owning and operating the *agricultural use* must be the owner and operator of the business;
  - vii a minimum distance separation from off-site nonagricultural dwellings; and,
  - viii a low limit on the number of employees.
- (e) On-farm business uses may be subject to site plan control under the provisions of the Planning Act and section 7.4 of this Plan. Among the principal site plan control objectives is maximizing the integration of the use with the *agricultural use* and buildings while minimizing the impacts on the landscape and nearby *sensitive uses*.
  - (f) On-farm business uses may be subject to limits on their hours of operation under the appropriate municipal by-law.
  - (g) A separate lot shall not be created for an on-farm business use either before or after its *development*.

#### **5.2.4 Non-Agricultural Uses in the Agricultural Designation**

- (a) The removal of lands from the Agricultural designation shall be discouraged and shall be permitted through an amendment to this Plan only for expansions of settlement areas in accordance with the policies of subsection 3.1.2(f) or limited non-residential uses in compliance with the policies of section 5.2.4(b) below.
- (b) An amendment to this Plan to permit limited non-residential uses in an area designated Agricultural may be permitted only if it can be demonstrated that:
  - i there is a need within the period to 2031 for additional land to be designated to accommodate the proposed use;
  - ii the land does not comprise a specialty crop area;
  - iii the proposed use complies with the *Minimum Distance Separation Formulae*;



- iv alternative locations have been evaluated and:
    - there are no reasonable alternative locations which avoid prime agricultural areas;
    - there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands;
  - v the impacts on existing permitted uses, particularly *agricultural uses*, can be appropriately mitigated; and,
  - vi there is compliance with all other applicable policies of this Plan.
- (c) Subsection (b) above does not apply to amendments related to extractive industrial uses that are in compliance with the provisions of subsection 5.6.2(k) and all other applicable policies.

### **5.2.5 Consent Policies for Areas Designated Agricultural**

- (a) The planning objectives of the consent and lot creation policies for the Agricultural designation are to preserve prime agricultural land for *agricultural uses*, minimize the fragmentation of such land, protect agricultural operations, and minimize the intrusion of incompatible uses into *prime agricultural areas*.
- (b) In addition to the general consent policies of section 7.2 and all other applicable policies of this Plan, the following consent related policies apply specifically to lands in the Agricultural designation. In such areas lot creation is discouraged and only the types of lot creation or lot line adjustments identified in the following policies may be permitted through the granting of consents.
  - i Lots may be created for *agricultural uses*, provided such lots are of a size appropriate for the type of *agricultural uses* that are common in this area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. Compliance with the policies of subsection 5.2.2(h) is particularly important in this regard. The applicable minimum agricultural lot size provisions shall be addressed in the implementing Zoning By-law.

- ii Lots may be created for *agriculture-related uses* provided any such lot is limited to the minimum size needed to accommodate the use and appropriate on-site sewage and water services, and the lot is sited to avoid agricultural lands wherever possible.
- iii The only type of new residential lot permitted is a lot which accommodates a *residence surplus to a farming operation* as a result of farm consolidation provided there is compliance with the following policies.
  - The new lot for the existing residence will be limited to the minimum size needed to accommodate the use and any required *individual on-site water service* and *individual on-site sewage service*.
  - Such lots are permitted only if the approval authority ensures that a new residence is prohibited on any remnant parcel created by the land division through the application of appropriate zoning controls or other equivalent measures.
  - Where these residential lots would be located in close proximity to agricultural buildings on the property that is the subject of the consent application, MDS formulae shall be met or those buildings shall be removed as a condition of the granting of the consent for the land severance.
- iv Lots may be created for *infrastructure* where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- v In accordance with the policies of section 7.2, consents may be granted for lot line adjustments for *legal or technical reasons* provided the consent does not result in the creation of a new building lot.

## 5.2.6 Specialty Crop Areas

- (a) While there are no specialty crop areas designated on the schedules to this Plan, agricultural areas may be designated as provincially *significant* specialty crop areas either by amendment to this Plan or at the time of a *comprehensive review*.
- (b) Provincially *significant* specialty crop areas would be any areas identified using evaluation procedures established by the Province, as amended from time to time, where specialty crops are predominantly grown, usually resulting from:

- i soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both: and/or;
  - ii a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.
- (c) Where such areas are not considered to be provincially *significant*, they may be designated as locally *significant* specialty crop areas, by amendment to this Plan, at the discretion of the Township.
  - (d) Locally *significant* specialty crop areas would be any areas identified using evaluation procedures established by, or for the Township as part of support documentation accompanying an application for the designation, and the criteria used and the areas proposed to be designated shall be acceptable to the Township.
  - (e) The designation of lands as locally *significant* specialty crop areas shall be supported by a soil scientist's or agrologist's report confirming the appropriateness of the designation, acceptable to the Township. All locally *significant* specialty crop areas shall be evaluated and designated on a Township-wide basis and shall be placed in a separate zone category in the implementing Zoning By-law.
  - (f) Areas designated as provincially or locally *significant* specialty crop areas shall be shown on the schedules to this Plan, and provincially *significant* specialty crop areas shall not be used for the expansion of settlement areas.

### 5.3 Rural

- (a) The general planning objectives of the Rural designation are to protect the Township's rural landscape and amenities, to protect and preserve *agricultural uses* where warranted on lands outside *prime agricultural areas*, and to provide for and encourage other land uses appropriate to a rural setting including those providing economic *development* in accordance with the Plan's applicable policies and general planning objectives. Agricultural lands in the Rural designation are determined to be secondary agricultural areas. These are areas having agricultural capability but generally not containing predominantly prime agricultural soils. The policies of the Rural designation permit agriculture while also allowing a range of other rural uses.

### 5.3.1 Permitted Uses

- (a) All uses permitted in the Agricultural designation, as specified in the policies of subsection 5.2.1 and other related policies, are also permitted in the Rural designation. These include uses such as *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.
- (b) Subject to the specific policies of this plan and related provincial planning policies, regulations and guidelines, the general range of other permitted uses in the Rural designation shall include *development* relating to the use and management of resources, resource based recreational activities, limited residential *development*, uses that cannot be located in settlement areas and other rural uses including those that promote tourism and other economic *development* opportunities.
- (c) Permitted uses associated with the management and use of resources may include such uses as aggregate extraction through an Official Plan amendment and in compliance with the applicable policies of this Plan and provincial plans and planning policies, facilities for the management and conservation of water resources, agricultural research and training centres, forestry and forest management facilities.
- (d) Permitted resource based recreational uses may include uses such as golf courses, public parks, cross country ski operations, equestrian training facilities and trail riding operations.
- (e) Permitted residential *development* may include such uses as new detached dwellings on existing vacant lots and on new residential lots created through the land severance process, renovation and expansion of existing dwellings, either detached dwellings or dwelling units accessory to permitted non-residential uses, secondary dwelling units within a detached dwelling, and *garden suites*.
- (f) Residential *development* in the form of detached dwellings may be permitted in an existing plan of subdivision within the area in part of Lot 13, Concession 2, OS, identified on Schedule A-5 to this Plan as “area subject to section 5.3.1(f)”.
- (g) Permitted tourism and economic *development* related uses may include such uses as tourist accommodation facilities, rural or resource oriented conference centres, uses providing services to the traveling public; tourist facilities accessory to other rural uses such as renewable energy generation operations or agricultural research centres, and other facilities associated with the types of rural oriented economic

*development* referenced in section 3.2 and elsewhere in this Plan. The policies of subsections 5.3.2(e) and (f) relating to evaluation criteria and Official Plan amendments in particular shall apply to such uses.

- (h) Other permitted uses in the Rural designation may include such uses as rural oriented institutional uses such as retreat or farm type rehabilitation facilities but excluding correctional facilities, and land extensive uses that require a rural location to accommodate large land area requirements or other specialized requirements.
- (i) The existing waste disposal or waste transfer facility in Lot 12, Concession 4, N.E.T.S.R, is recognized as a permitted use, subject to the policies of section 5.3.2(k) and all other applicable policies of this Plan.
- (j) All permitted uses shall comply with the applicable policies of sections 5.3.2, 5.3.3 and the other related policies of this Plan.

### **5.3.2 Planning and Development Policies**

- (a) The policies of subsections 5.2.2 and 5.2.3, as they relate to uses permitted in the Agricultural designation, generally shall also apply to such uses in the Rural designation unless site specific circumstances render such policies inappropriate or additional relevant policies are provided in this section, in which case these additional policies shall also apply. If there are conflicts between the policies in subsections 5.2.2 and 5.2.3 and 5.3.2 or any other applicable policies, the most restrictive in terms of protecting *agricultural uses*, and agricultural land shall apply.
- (b) Any application for a land use or *development* that is not permitted by the policies of subsections 5.2.2 and 5.2.3 for the Agricultural designation shall provide proof that the subject lands have not been used for agriculture for a minimum of ten years immediately prior to the application and that prior to going out of agricultural use they had limited agricultural utility in terms of crop production. The applicant may also be required to provide an analysis of the land's agricultural capability rating, an agrologist's report or other related documentation as deemed necessary by Council. Any submitted studies or other support material may be peer reviewed at the applicant's expense.
- (c) The maintenance of the area's rural character and environment will be a principal consideration in the evaluation of any new or *significantly* expanded use in the Rural designation.

- (d) The protection of the area's important environmental features, including its water resources, will also be a primary consideration in the evaluation of any new or *significantly* expanded use proposed for the Rural designation.
- (e) Most new nonagricultural, nonagriculture-related and nonresidential uses shall require an amendment to the implementing zoning by-law. *Significant expansions* of these types of existing uses may also require a zoning by-law amendment. Council shall proceed with such a zoning by-law amendment only if it is satisfied that the proposed new or expanded use:
- i complies with all of the applicable policies of this Plan, including those in sections 3 and 4 relating to the minimization of environmental impact and the protection of water resources ;
  - ii is compatible with the rural character of the area;
  - iii will have little or no adverse impact on *agricultural uses*;
  - iv avoids or minimizes the use of agricultural lands unless the use requires a site on or near agricultural lands due to the nature of its operations;
  - v complies with the applicable *Minimum Distance Separation Formulae*;
  - vi can be serviced with an appropriate on-site method of water supply and sewage disposal;
  - vii will be accessed by public roads capable of accommodating the related traffic, preferably provincial highways or arterial roads in the case of high traffic generating uses;
  - viii will not cause a traffic hazard due to conditions such as inadequate sight lines at the point of access; and,
  - ix can be appropriately buffered or screened from adjacent sensitive or incompatible uses such as residences, in accordance with the policies of subsection 3.6.
- (f) If a proposal for a new nonagricultural or nonagriculture-related use does not comply with the criteria of subsection (d) immediately above, it will not be permitted without an amendment to this Plan supported by documentation

demonstrating that there will be little or no land use compatibility issues associated with the proposed use.

- (g) New and *significantly* expanded nonagricultural and nonresidential uses may be subject to site plan control under the policies of section 7.4.
- (h) It is particularly important that larger scale uses comply with the policies and criteria of subsection 5.3.2(e), all other applicable policies of this Plan and all related Provincial planning policies. If required under subsection 5.3.2(e), the official plan amendment process will provide an opportunity to thoroughly analyze specific *development* proposals in order to determine if they should be permitted to proceed.
- (i) Notwithstanding the specific permitted uses referenced in section 5.3.1, innovative economic *development* and employment uses that implement the objectives of this Plan and do not conflict with any applicable Provincial plan or policy may be permitted in the Rural designation. Such uses shall be subject to the policies and criteria of this section and all other applicable policies of this Plan. Unless specifically permitted in the Rural designation and the applicable Provincial plans and planning policies, such *development* shall be thoroughly evaluated through the Official Plan amendment process.
- (j) Permitted uses shall not include scrap yards, auto recycling operations or similar uses. These types of existing uses may continue to be recognized in the zoning by-law but expansions of such uses will require a zoning by-law amendment and possibly an amendment to this Plan, depending on the nature and magnitude of the expansion. New uses of this type will require amendments to both this Plan and the zoning by-law. New and expanded uses shall be subject to the relevant land use and environmental policies of this Plan.
- (k) The waste disposal site existing in part of Lot 12, Concession 4, N.E.T.S.R., at the time of preparation of this Plan is recognized as a permitted use in subsection 5.3.1.(i). Also, a notation on Schedule A-3 to this Plan references the policies of subsection 3.5.2 with regard to *development* in the vicinity of this existing site. The use of this site for other forms of waste management such as a transfer station, tire depot or recycling collection point is also permitted. In accordance with the policies of subsection 3.5.2, any new waste disposal site or waste related facility will require amendments to both this Plan and the zoning by-law and will be subject to all the relevant land use and environmental policies of this Plan.
- (l) Permitted institutional uses shall include only those that require a rural location in order to provide services to the rural area or that have specific site requirements

that necessitate a rural setting. Such uses shall comply with the criteria of subsection 5.3.2(e) and all other related policies.

- (m) In accordance with the policies of section 5.3.1, a single detached dwelling may be permitted on any vacant lot of record existing at the time of approval of this Plan that has sufficient suitable area for the proper siting of a dwelling, accessory uses, a well and sewage disposal system. Such dwellings may also be permitted on new lots approved for that purpose by the Committee of Adjustment. Any such new lots created by the Committee of Adjustment shall comply with the applicable land severance and consent policies in sections 5.3.3 and 7.2.
- (n) In the Rural designation the policies of section 3.20 apply with regard to the prohibition of keeping certain types of animals on lots used or intended to be used principally for residential purposes.

### **5.3.3 Consent Policies for Areas Designated Rural**

- (a) In addition to the general policies of section 7.2 concerning the granting of consents to convey land, and all other applicable policies of this Plan, the following policies apply specifically to lands in the Rural designation. In such areas, only the types of lot creation identified in the following policies may be permitted through the granting of consents.
- (b) Where a consent application for a land severance consists of land that is being used for agriculture, the severance policies of subsection 5.2.5 relating to the Agricultural designation shall apply. In all other areas within the Rural designation, lots may be created for any use permitted in that designation, provided there is compliance with all applicable policies of this Plan, including those in subsections (c), (d) (e) and (f) immediately below.
- (c) Any consent application involving lands that the applicant claims are not being used for agriculture shall comply with the related requirements of subsection 5.3.2(b). Both the proposed severed and retained lands shall have not been used for agriculture for a minimum of ten years immediately prior to the application.
- (d) In nonagricultural areas, the creation of a maximum of three residential lots, not including the retained lands, may be permitted on either a 40 hectare or larger lot on the original Township surveys or on a property combining abutting original Township survey lots containing a total of at least 40 hectares. The total permitted residential lot severances shall include all such lots created by the land severance



process on the subject original Township survey lot or lots prior to the approval of this Plan.

- (e) Severances for residential infilling may be permitted provided there is compliance with the provisions of the definition of that term as contained in section 9. In general, this is the preferred form of residential lot creation by land severance.
- (f) Land owners seeking consents for residential severances shall provide evidence of ownership of land within the Township for a period of not less than six months prior to the date of application for consent.

## **5.4 Environmental Protection**

- (a) The Environmental Protection designation on the Land Use and Road Plan schedules to this Plan, being the A, B and C schedules, includes provincially *significant wetlands*. *Natural heritage features and areas* including provincially *significant wetlands* are shown on Schedule D, Natural Heritage 1 - Wetlands, and Schedule E, Natural Heritage 2 - Woodlands, Wildlife Habitat and ANSIs.

### **5.4.1 Permitted Uses**

- (a) Uses permitted within the Environmental Designation include:
  - i legally existing uses;
  - ii low impact and passive recreation uses such as walking trails that do not involve the use of motorized vehicles;
  - iii forest, wildlife, and fisheries management and archaeological works and activities but not commercial forestry;
  - iv essential public watershed management and flood or erosion control works;
  - v essential transportation and utility facilities as authorized under an environmental assessment process.

## 5.4.2 Planning and Development Policies

- (a) *Development* and *site alteration* shall not be permitted in areas designated Environmental Protection except in connection with the permitted uses listed in subsection 5.4.1.
- (b) New *development* related to the permitted uses shall generally be sited and designed to be in harmony with the area's landscape character and shall be sensitive to the natural environment.
- (c) An Environmental Impact Study shall be required for any *development* or *site alteration* in any area designated Environmental Protection.
- (d) Nothing in these policies or elsewhere in this Plan shall be construed as restricting existing agricultural operations or other legally existing uses within the Environmental Protection designation. Although not considered nonconforming uses, the criteria in the policies of section 7.6(d) shall apply with regard to the expansion of such uses unless there are specific policies prohibiting or otherwise limiting such expansions in areas designated Environmental Protection.
- (e) Lands designated Environmental Protection shall not be accepted as parkland dedication in the *development* process. Where deemed appropriate, the Township or another public agency may accept such lands to protect important environmental features or resources.
- (f) Where land designated Environmental Protection is under private ownership, this Plan does not imply that such areas are free and open to the general public or will be purchased by the Township or any other public agency. There is no public obligation either to redesignate or to purchase any area designated Environmental Protection.
- (g) *Adjacent lands* to a provincially *significant wetland* include the area within 120 metres of the *wetland*. The following policies apply with regard to such *adjacent lands*.
  - i *Development*, including the creation of new lots, may be permitted on *adjacent lands* to a wetland only if it does not result in any of the following:
    - a loss of *wetland* function or area;

- subsequent demand for future *development* which will have *negative impacts* on existing *wetland* functions; or
  - conflict with existing site specific *wetland* management practices.
- ii The policies of section 3.4.2 with regard to assessing environmental impact shall apply in addressing the policies of part i above.
- iii If it is determined that there is compliance with the requirements of this subsection, *development* may be permitted on the *adjacent lands* in accordance with the land use designation on those lands.
- iv *Development* on *adjacent lands* may be subject to site plan control.
- (h) New lots shall generally not be permitted within the Environmental Protection designation except through acquisition by a public body. Severances may be permitted only for the purpose of correcting title or enlarging existing lots.
- (i) *Development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with provincial and federal requirements.

*Site Specific Policies Relating to Part of the West Half of Lots 11 and 12, Concession 3, O.S.*

- (j) Notwithstanding the other policies of this section, including subsection 5.4.1, Permitted Uses, the lands designated “Environmental Protection” in part of the West Half of Lots 11 and 12, Concession 3, O.S., shall be used only for purposes relating to the conservation of natural features and wildlife habitat. Any portion of these lands forming part of a buffer adjacent to a natural feature such as a wetland or pond may also be used for such purposes as fencing or berms designed to protect the natural feature from the effects of any permitted use within the *adjacent lands* designated Extractive Industrial. The policies of subsection 5.6.2(z)(vii) also apply to these lands.

## 5.5 Environmental Conservation

- (a) The Environmental Conservation designation as shown on the A, B and C Schedules to this Plan is an overlay designation that is intended to recognize and provide planning policies for important *natural heritage features and areas* as well as lands and sites that are potentially hazardous. The key components of these features and areas can be addressed through policy provisions regardless of the applicable land use

designation. This means that both the policies of the underlying land use designation as shown on the A, B and C Schedules continue to apply in these areas but the following policies in this section also apply within the boundaries of the Environmental Conservation overlay designation.

- (b) The Environmental Conservation overlay designation on the Land Use and Road Plan schedules to this Plan, being the A, B and C Schedules, includes or is intended to include the following *natural heritage features and areas*:
  - i locally *significant* and unevaluated *wetlands*;
  - ii *significant* woodlands;
  - iii *significant* wildlife habitat;
  - iv *significant areas of natural or scientific interest* (ANSIs); and
  - v *habitat of endangered species and threatened species*.
- (c) The Environmental Conservation overlay designation also includes or is intended to include hazardous lands and sites such as those adjacent to rivers and streams which may be impacted by flooding hazards or erosion hazards.
- (d) While all but one of these *natural heritage features and areas* as well as known hazardous lands and sites, primarily floodplains, are included in the Environmental Conservation overlay designation on the A, B and C Schedules to this Plan, they are identified in greater detail on Schedules D, E and F. The latter schedules should be referenced to determine the specific type of feature or area that is present in any portion of the Environmental Conservation overlay designation.

### 5.5.1 Permitted Uses

- (a) Uses permitted in the Environmental Conservation overlay designation include:
  - i legally existing uses;
  - ii low impact and passive recreation uses such as walking trails that do not involve the use of motorized vehicles;
  - iii forest, wildlife, and fisheries management and archaeological works and activities but not commercial forestry;
  - iv essential public watershed management and flood or erosion control works;

- v essential transportation and utility facilities as authorized under an environmental assessment process;
  - vi existing public and private parks, fairgrounds sport fields and campgrounds;
  - vii *agricultural uses*; and
  - viii uses permitted in the underlying land use designation, provided that it has been demonstrated that there will be no *negative impacts* on the *natural heritage features and areas* or their ecological functions and that in floodplains or other hazardous lands the required documentation has been prepared and the related approvals obtained.
- (b) Nothing in these policies or elsewhere in this Plan shall be construed as restricting existing agricultural operations or other legally existing uses within the Environmental Conservation overlay designation. Although not considered nonconforming uses, the criteria in the policies of section 7.6(d) shall apply with regard to the expansion of such uses unless there are specific policies prohibiting or otherwise limiting such expansions in areas within the Environmental Conservation overlay designation.

### **5.5.2 General and Natural Heritage Related Planning Policies**

- (a) *New development* related to a permitted use shall generally be sited and designed to be in harmony with the area's landscape character and shall be sensitive to the natural environment.
- (b) *Any development* of permitted uses should be planned and designed such that the ecological, educational, or interpretive values of the subject area are maintained.
- (c) Depending on the nature and location of a proposed *development*, the Township may seek the technical advice of the appropriate review agencies, including the appropriate conservation authority, when considering *development* proposals in or adjacent to this designation and such review shall be at the cost of the applicant. Conservation authority approval will be required for *development* proposals within an authority's regulatory limits.
- (d) Lands included in the Environmental Conservation overlay designation shall not be accepted as parkland dedication in the *development* process. Where deemed

appropriate, the Township or another public agency may accept such lands to protect important environmental features or resources.

- (e) Where land included in the Environmental Conservation overlay designation is under private ownership, this Plan does not imply that such areas are free and open to the general public or will be purchased by the Township or any other public agency. There is no public obligation either to redesignate or to purchase any area included in the Environmental Conservation overlay designation.
- (f) Detailed mapping of some of the features and areas included in the Environmental Conservation overlay designation is not available. In addition, the mapping that is available is occasionally updated by the responsible Ministry or agency. Whenever new or updated mapping is available, the Environmental Conservation overlay designation on the schedules to this Plan may be revised accordingly through an amendment to this Plan.
- (g) The width of the *adjacent lands* associated with each of the *natural heritage features and areas* included in the Environmental Conservation overlay designation is:

locally <i>significant</i> and unevaluated <i>wetlands</i> . . . . .	50 metres
<i>significant</i> woodlands. . . . .	120 metres
<i>significant</i> wildlife habitat. . . . .	120 metres
<i>significant areas of natural or scientific interest</i> . . . . .	50 metres
<i>habitat of endangered species and threatened species</i> . . . . .	120 metres

The following policies shall apply to these *adjacent lands*.

- i *Development*, including the creation of new lots, may be permitted on *adjacent lands* only if it will not have any *negative impacts* on the nearby *natural heritage features and areas* recognized by the application of the Environmental Conservation overlay designation, or their ecological function.
- ii The policies of section 3.4.2 with regard to assessing environmental impact shall apply in addressing the provisions of subsection 5.5.2(g)i above. Generally, the construction of a dwelling or accessory buildings to a dwelling will not require an assessment of environmental impact.
- iii If it is determined that there is compliance with the requirements of this designation, *development* may be permitted on the *adjacent lands* in accordance with the land use designation on those lands.

iv      *Development on adjacent lands* may be subject to site plan control.

***Locally Significant Wetlands and Unevaluated Wetlands***

- (h)      Locally *significant wetlands* and *unevaluated wetlands* are shown on Schedule D. Generally, locally *significant wetlands* shall be protected and maintained in a natural state. They may be protected through stewardship agreements or conservation easements.
- (i)      Wetland loss will be avoided where possible and the re-establishment and creation of *wetlands* will be encouraged if loss or degradation occurs.
- (j)      The policies of section 3.4.2 with regard to assessing environmental impact shall apply to any *development* or *site alteration* within a locally *significant wetland*. Environmental impact documentation may also be required for any *development* on *adjacent lands* to a locally *significant wetland*. Generally, the construction of a dwelling or accessory buildings to a dwelling on such *adjacent lands* will not require an assessment of environmental impact.
- (k)      Unevaluated *wetlands* shall be assessed for *significance* and for boundary delineation at the time of application for planning or building approvals involving such *wetlands*. The determination of the appropriate policies relating to *development* and *site alteration* will be based on the wetland's identified level of *significance*. A similar approach will be taken with regard to *development* on *adjacent lands* to unevaluated *wetlands*.
- (l)      Existing *agricultural uses* may continue within locally *significant* and unevaluated *wetlands* and such uses shall be encouraged to employ best management practices to protect and enhance wetland features.

***Significant woodlands***

- (m)      The various areas of *significant* woodlands included within the Environmental Conservation overlay designation and shown in more detail on Schedule E are forested lands primarily 20 hectares in size or larger. This is in keeping with Provincial guidelines which identify this minimum size criteria as appropriate where woodland cover is in the range of 15 to 30 percent of the municipality, as is the situation in the Township. There are other criteria referenced in the Provincial guidelines but their application is not essential here since the use of this criterion

results in the classification of most of the Township's wooded areas as being *significant*.

- (n) Some woodland areas designated on the schedules to this Plan are smaller than 20 hectares but have other important features such as a location either near other woodlands or in a headwater area or in a linkage feature between other *natural heritage features and areas*.
- (o) The policies of section 3.4.2 with regard to assessing environmental impact shall apply to any *development* or *site alteration* within *significant* woodlands. Environmental impact documentation may also be required for any *development* on *adjacent lands* to *significant* woodlands. The construction of a dwelling or accessory buildings to a dwelling on such *adjacent lands* may not require an assessment of environmental impact.
- (p) Proposed *development* or *site alteration* in *significant woodlands* may be subject to site plan control and have a site plan agreement containing specific management details regarding the protection of existing trees.

#### *Significant Wildlife Habitat*

- (q) *Significant* wildlife habitat as included in the Environmental Conservation overlay designation is shown more specifically on Schedule E. It is identified as deer wintering areas on that schedule.
- (r) While currently including only deer wintering areas, *significant* wildlife habitat may ultimately be expanded to represent such features or areas as the habitats of seasonal concentrations of various animals, rare vegetation communities or specialized habitat for wildlife, habitat of species of conservation concerns and animal movement corridors.
- (s) *Development* or *site alteration* will not be permitted in *significant* wildlife habitat unless it has been demonstrated through an Environmental Impact Study or site assessment in accordance with the policies of section 3.4.2 that there will be no *negative impacts* on the habitat or its ecological function.
- (t) Documentation such as that referenced in subsection (s) immediately above may also be required for any *development* on *adjacent lands* to *significant* wildlife habitat. Generally, the construction of a dwelling or accessory buildings to a dwelling on such *adjacent lands* will not require an assessment of environmental impact.



- (u) *Development* within *significant* wildlife habitat may be subject to site plan control and require a site plan agreement to implement aspects of the recommendations contained in the environmental documentation.

***Significant Areas of Natural or Scientific Interest (ANSIs)***

- (v) *Significant areas of natural or scientific interest* (ANSI) as included in the Environmental Conservation overlay designation are shown more specifically on Schedule E.
- (w) *Development* and *site alteration* will not be permitted within an ANSI unless:
  - i an Environmental Impact Study or site assessment in accordance with the policies of section 3.4.2 has demonstrated that there will be no *negative impacts* on the natural heritage features and ecological functions for which the area is identified;
  - ii the *development* or *site alteration* does not *significantly* alter the natural topography or geological features of the ANSI; and
  - iii methods are employed to minimize the impact of the use on the values for which the site has been identified.
- (x) *Development* within an ANSI may be subject to site plan control and have a site plan agreement that would implement aspects of the recommendations contained in the environmental documentation.
- (y) *Development* on the *adjacent lands* within 50 metres of an ANSI may require an Environmental Impact Study or site assessment in accordance with the policies of section 3.4.2. Generally, the construction of a dwelling or accessory buildings to a dwelling on such *adjacent lands* will not require an assessment of environmental impact under those policies.

***Habitat of Endangered Species and Threatened Species***

- (z) *Development* and *site alteration* shall not be permitted in *habitat of endangered species and threatened species* except in accordance with legislation and policies administered by the provincial or federal governments, where applicable, for the purpose of protecting species at risk and their habitat.

- (aa) While the Township is within the geographic range of many species at risk, the *habitat of endangered species and threatened species* is not shown on the schedules to this Plan because such detailed mapping is not available. When this type of mapping is provided through such sources as the Ministry of Natural Resources, environmental assessments or environmental impact studies, it may be added as further Environmental Conservation areas on the Plan's schedules. Alternatively, it may be determined that simply applying the above prohibitive policy in combination with the applicable provincial and federal legislation and policies is a more effective method of habitat protection.
- (bb) The policies of subsection 5.5.2(g) shall apply with regard to *development* or *site alteration* on *adjacent lands* to the *habitat of endangered and threatened species*.

### 5.5.3 Floodplains, Watercourses and Drains Related Policies

- (a) The watercourses shown on the map schedules to this Plan are mapped by the Ministry of Natural Resources, the Grand River Conservation Authority or the Nottawasaga Valley Conservation Authority. The floodplains shown on Schedule F generally reflect estimated flood lines mapped primarily by the conservation authorities.
- (b) *Development*, and *site alteration*, other than that specifically permitted by the policies of this section, section 3.5.1 and section 5.5.1, will be set back from watercourses in order to protect the natural features and functions of the watercourse and related lands, provide riparian habitat and minimize the risk to public safety and property.
- (c) In general, those setback distances are represented by the floodplains as shown on Schedule F to this Plan. In site specific situations, such as those involving *development* proposals, both within and beyond the floodplains on these map schedules, the setback distance may be determined on-site in consultation with the conservation authority having jurisdiction. Floodplain limits may also be determined through a site specific floodplain analysis, with any such analysis being at the proponent's expense.
- (d) In general, *development* should be set back a minimum of 30 metres from a watercourse regardless of whether or not that watercourse is shown on the schedules to this Plan. The Environmental Conservation overlay designations on the A, B and C schedules to this Plan generally include that minimum setback distance within frequently larger estimated floodplain areas. The policies in parts (e), and (f)

immediately below relate more specifically to land uses and setbacks in the general vicinity of large scale drains including municipal drains.

- (e) For the purposes of the setback policies in subsection 5.5.3(d) above, a large drain including a municipal drain may not be classified as a watercourse particularly in situations where such natural features as a major floodplain or *fish habitat* are not found in association with the drain. The conservation authority having jurisdiction may be consulted in this classification process. If a drain is not classified as a watercourse, appropriately lower setbacks from the drain primarily for maintenance purposes may be permitted.
- (f) Most municipal drains can be recognized on the schedules to this Plan by their characteristic straight alignments which are distinct from natural watercourses. Although the floodplains shown along many municipal drains on the schedules to this Plan are frequently very narrow and are aligned in generally straight lines parallel to the drain, there can be seasonal flooding beyond these lines. Such drains are typically aligned through very level and low areas in order to assist in relieving drainage and flooding problems. These drains do not necessarily prevent all flooding, particularly larger scale seasonal flooding. For this reason and in the interest of public safety, notwithstanding the land use designation and policies applicable to any specific site, *development* proposals near such drains but outside the mapped floodplains may be required to assess and satisfactorily address any potential flood related issues. To facilitate landowner and public awareness of this flooding potential and its land use implications, this policy section is referenced on Schedules A, B, C and F to this Plan.
- (g) *Development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with provincial and federal requirements.
- (h) There shall also be conformity with sections 3.5 and 4.8 which also contain policies relating to flooding and watercourses.

## 5.6 Extractive Industrial

- (a) The Extractive Industrial designation applies to all existing *mineral aggregate operations* and will be applied to all future such operations through site specific amendments to this Plan. Its purpose is to provide policies governing both the establishment of new and expanded *mineral aggregate operations* and the ongoing operation of any such existing uses. The intent is to minimize the impact of such uses and to evaluate them on the basis of a balanced assessment of all relevant local

and Provincial planning policies. In combination with other provisions of this Plan, these policies are also intended to protect existing *mineral aggregate operations* from the encroachment of uses that would preclude their expansion or continued operation.

### 5.6.1 Permitted Uses

- (a) Subject to the application of the related planning policies including the policies of section 5.6.2, the following uses shall be permitted within areas designated Extractive Industrial: *mineral aggregate operations*, agriculture, forestry and non-intensive outdoor recreational uses.

### 5.6.2 Planning and Development Policies

#### *General Policies for the Extractive Industrial Designation*

- (a) Existing *mineral aggregate operations*, as defined by the area licensed under the Aggregate Resources Act at the time of the approval of this Plan, are designated Extractive Industrial on the schedules to this Plan and no further municipal planning approvals will be required for the continuation of those uses as designated herein.
- (b) In compliance with the pre-application consultation requirements of section 7.13 of this Plan, when an applicant files an application for a license to extract mineral aggregate with the Ministry of Natural Resources, they shall simultaneously provide notice of that application to the Township.
- (c) New *mineral aggregate operations* or the expansion of existing *mineral aggregate operations* beyond the area designated on the schedules to this Plan will require amendments to both this Plan and the Zoning By-law. Notwithstanding the applicable provisions of the Planning Act, as a minimum requirement, notification concerning such amendments shall be provided to all owners of properties within 400 metres of the subject land and to all owners of properties fronting on that portion of the proposed aggregate haul route that follows local Township roads. In view of the *significance* of most proposed *mineral aggregate operations*, newspaper notices also will be used for any quarry proposal and for most sand and/or gravel pit proposals.
- (d) Prior to the submission of an application for the required amendments relating to a new or expanded *mineral aggregate operation*, the municipality will require a

meeting with the applicant and representatives of the Ministry of Natural Resources and any other affected agency such as the conservation authority having jurisdiction or the Ministry of the Environment. The intent is to identify the issues, the documentation requirements and the evaluation process. In preparation for such a meeting applicants should review the relevant policies under section 7.13, Pre-Application Consultation and Complete Applications. All such pre-application consultation requirements referenced in the Planning Act and that involve Provincial ministries shall be co-ordinated through the Ministry of Municipal Affairs and Housing.

- (e) The Township shall retain appropriately qualified experts to peer review the technical documentation provided by an applicant in support of an extractive industrial related planning application, and to generally assist in the technical evaluation of such an application. Where deemed appropriate by Council, the Township may also use a joint agency review team, consisting of experts from the relevant agencies and provincial ministries, as a resource in the technical review process.

*Location Criteria, Use of Prime Agricultural Land and Related Policies*

- (f) The potential effects of new or expanded *mineral aggregate operations* on existing incompatible, sensitive or environmentally *significant* uses, areas or features will be a primary consideration in the evaluation of any related application for amendments to this Plan and the Zoning By-law. Detailed impact studies will be required in the following areas near the sites of such applications and the findings of such studies may result in the denial of the application or the imposition of appropriate setbacks and other mitigation measures:
  - i within 300 metres of any Community designation for a pit and within 500 metres for a quarry;
  - ii within 300 metres of any registered or draft approved residential plans of subdivision outside Community designations;
  - iii for a pit, within 300 metres of any *sensitive uses*, including rural residential lots and dwellings, as defined either in section 9 or by Provincial guidelines, and within 500 metres for a quarry; and,
  - iv within 120 metres of areas included in an Environmental Protection designation or an Environmental Conservation overlay designation.

- (g) Applications for Official Plan or Zoning By-law amendments to permit new or expanded *mineral aggregate operations* will be evaluated on a case by case basis to determine the best haul route. In that evaluation process, unless there are specific extenuating circumstances, preference will be given to sites that front on and have direct access to a Provincial highway, a County Road, or those portions of Line 3, O.S., Line 4, O.S. and Line 8, N.E.T.S.R, designated Mineral Aggregate Haul Route on Schedules A-3 and A-5.
- (h) As referenced in section 6.2, the function of Provincial Highways and County Roads is to carry large volumes of traffic. Since part of that traffic includes trucks transporting mineral aggregate these roads function, in part, as mineral aggregate haul routes. Conversely, this is not a normal function of a local Township road. Where such roads have been used as such haul routes they have, therefore, been so designated on the attached schedules. The designation of additional Township road sections as Mineral Aggregate Haul Routes beyond those referenced in subsection (g) above shall occur only through inclusion in an amendment to this Plan for the associated new or expanded *mineral aggregate operation* as required under subsection 5.6.2(c) above.
- (i) Notwithstanding any general Zoning By-law provisions and standards for *mineral aggregate operations*, site specific zoning regulations or setbacks may be established for any new or expanded use through Zoning By-law amendments to implement the findings of related studies or to apply provisions appropriate to a specific application and property.
- (j) Mineral aggregate extraction shall be undertaken in a manner which minimizes social and environmental impacts.
- (k) Where a new or expanded *mineral aggregate operation* is proposed for a site either within the Agricultural designation or on agriculturally used land within the Rural designation, such use may be permitted only if documentation has been provided demonstrating to Council's satisfaction that there is conformity with the following criteria and policies, in addition to all other applicable policies of this Plan.
  - i The use shall be interim in nature.
  - ii Alternatives involving sites having lower quality or nonagricultural soils have been evaluated by the applicant and have been found to be unsuitable.
  - iii On a site designated Agricultural, the *mineral aggregate operation* shall be limited to a size and to a depth, both below the existing grade and above the

water table, that makes it feasible through rehabilitation to restore a minimum of 90 percent of the area to be extracted, as shown on site plans approved by the Ministry of Natural Resources, back to the same soil quality for agriculture as existed prior to the *mineral aggregate operation*.

- iv On a site having agriculturally used land in the Rural designation, the rehabilitation policy in item iii above shall apply unless its implementation is unfeasible, in which case there shall be conformity with the other rehabilitation related policies of this Plan.
- (l) As with all materials provided in support of a proposed *mineral aggregate operation*, the documentation provided with regard to the matters referenced in subsection (k) above will be peer reviewed by the Township.
- (m) Where no other alternatives are found in accordance with subsection (k) above, prime agricultural lands shall be protected in this order of priority: Specialty Crop Areas, if any, Canada Land Inventory Class 1 soils, Class 2 soils and Class 3 soils.

#### *Application Documentation and Evaluation Criteria*

- (n) Council will thoroughly review and evaluate any complete application for an Official Plan amendment to permit a new or expanded *mineral aggregate operation*. As deemed appropriate by Council, any or all materials provided in support of any such amendment will be peer reviewed, at the applicant's expense, by suitably qualified experts to determine, among other things, their technical validity and compliance with applicable standards and requirements.
- (o) Council will proceed with the required amendment to this Plan only when the applicant has satisfactorily demonstrated that the proposal will not have any *negative impacts*. The applicant also shall have entered into an agreement with the Township to protect all nearby private wells and, if there is any loss of quantity or quality of water, to be responsible for either restoring those wells to their original working conditions or replacing them. In addition, the applicant must have complied with all of the applicable requirements of section 7.13 for a complete application and must have documented or fulfilled the following:
  - i That the application complies with all of the applicable policies of this Plan;
  - ii That the municipal planning related components of the material required for a license application under the Aggregate Resources Act is provided to the Township;

- iii That all environmental studies, as required by this Plan and all relevant plans, policies, legislation, regulations and guidelines, have been completed and that these studies clearly demonstrate that there will be no *negative impacts* on *significant natural heritage features and areas* or on the associated ecological functions;
- iv That all water resource related studies, as required by this Plan and all relevant plans, policies, legislation, regulations, and guidelines, have been completed and that these studies clearly document that wells, vulnerable groundwater and surface water, sensitive surface water and groundwater features, and their hydrologic functions will be protected or improved ;
- v That the applicant has entered into an agreement to undertake any required groundwater, environmental or other monitoring program required by the municipality or any other agency having jurisdiction, with the results of any such monitoring undertaken for other agencies to be provided to the municipality;
- vi That there is compliance with the haul route related policies of subsection (q) of this section including the requirement to provide a Traffic Impact Study and that, where necessary, the applicant has entered into the required agreement concerning funding for related road improvements and other matters;
- vii That the applicant has entered into any required operational agreement with the Township in accordance with the policies of subsection (s) of this section;
- viii That provincial guidelines for noise and vibration levels will be met with the land use planning aspects of any related mitigation measures being acceptable to the municipality;
- ix That dust and any other air emissions will be mitigated on-site with the land use planning aspects of any related mitigation measures, such as the siting of buildings or the implementation of required setbacks through the Zoning By-law, being acceptable to the municipality;
- x That any other studies or documentation required to address specific aspects of a site or application have been satisfactorily completed;



- xii That the rehabilitation will be progressive, will minimize the extent of the disturbed area in accordance with the policies of subsection (r) of this section, and will comply with other applicable policies of this Plan such as those in subsection (j) of this section;
- xiii That the proposed site and operational plans minimize impacts on surrounding land uses and views by means such as screening, phasing and the direction of extraction; and,
- xiiii That all issues and concerns arising from the municipal and Provincial review and evaluation process have been addressed to the satisfaction of the Township and all approval authorities.

*Provision of Information to the Township and the Public*

- (p) When applications for extractive industrial Official Plan amendments are being considered, the following information shall be provided to the Township by the applicant and made available to the public for review at the Township office:
  - i detailed site, operational and rehabilitation plans, as required by the Aggregate Resources Act;
  - ii all reports prepared by the applicant as required by this Plan and the Aggregate Resources Act; and,
  - iii any other required information as identified in the pre-application consultation meeting referenced in subsection (d) of this section.

*Policies Related to Mineral Aggregate Haul Routes*

- (q) In addition to any other policies of this Plan and the requirements of other agencies, the following policies shall apply with regard to designated Mineral Aggregate Haul Routes and the traffic impacts resulting from *mineral aggregate operations*.
  - (i) All extractive industrial related traffic shall utilize Provincial Highways, Arterial Roads and, where necessary, the designated Mineral Aggregate Haul Routes on Township roads as shown on the schedules to this Plan. New Mineral Aggregate Haul Routes may be designated through the policies of subsection 5.6.2(h) above.

- (ii) Wherever possible, the use of internal traffic connections between abutting or adjacent *mineral aggregate operations* will be encouraged to minimize the number of accesses and the length of travel on the identified haul routes.
- (iii) Any new or expanded *mineral aggregate operation* proposed on a designated or proposed Mineral Aggregate Haul Route shall provide a Traffic Impact Study, prepared in accordance with the applicable policies of sections 6.2.5 and 6.2.6 of this Plan, documenting the potential impacts on the designated or proposed haul routes and identifying the road improvements, if any, required to accommodate the additional projected traffic.
- (iv) An applicant for an extractive industrial Official Plan amendment shall enter into an agreement with the municipality, in accordance with the policies of section 6.2.6 of this Plan, addressing such aspects as:
  - (I) routes to be used by trucks carrying aggregate;
  - (II) cost sharing arrangements regarding capital improvements to, and maintenance of roads and other facilities as required by reason of the proposed extractive industrial *development*;
  - (III) phasing of such improvements, if appropriate;
  - (IV) a requirement to amend the agreement, if necessary, when there is a change in the *mineral aggregate operation's* license that increases the tonnage limit; and,
  - (V) the provision of any required securities.
- (v) Any expansion of an existing pit or quarry will require the execution of a new agreement with the municipality under the policies of this subsection and section 6.2.6.

***Visual Impact and Site Rehabilitation Related Policies***

- (r) In order to preserve the area's rural and scenic character, *mineral aggregate operations* shall mitigate any visual impact with measures such as berms and vegetation that reflect the character of the Township's natural landscape. The following policies shall apply in this regard.

- (i) A visual impact study may be required to assess sensitive views, determine what landscape changes may result from the proposed extractive operation and identify required mitigation measures such as berms and landscaping.
- (ii) The Township will ask the Ministry of Natural Resources to include provisions or features such as the following in the site, operational and rehabilitation plans for new pit licenses:
  - (I) the use of small operational phases and progressive rehabilitation to limit the extent of the disturbed area;
  - (II) orienting the direction of extraction to minimize adverse impacts on views from *adjacent lands* and roads and from more distant view points;
  - (III) the *development* of variable berms and mature vegetative screens prior to the commencement of the extractive operation in order to replicate the area's natural topography and soften or eliminate views of the excavation;
  - (IV) utilization of offset entrances to screen the extractive operation from the abutting public road; and,
  - (V) at the completion of the extractive industrial operation, full rehabilitation of the site to return it to a condition which complements its rural setting.
- (iii) The Township may require the applicant to enter into an agreement concerning the implementation of any Township required visual impact mitigation measures or site rehabilitation and monitoring requirements. Such agreements may include provisions requiring the applicant to provide financial securities to be used to rectify any failures with regard to these requirements.

*Operational or Other Agreements with the Municipality*

- (s) The Township may require an applicant for a *mineral aggregate resources operation* related planning amendment or may request the owner of an existing *mineral aggregate resources operation* to enter into or amend an agreement relating to such matters as are required to meet the policies of this Plan. Such an agreement may address items such as haul routes and the related improvements and maintenance,

groundwater or other environmental monitoring, the rectification of any *significant* adverse impacts such as loss of quality or quantity of water in local wells, and the provision of financial securities to be used to address any failures in mitigation measures such as road improvements and maintenance, well replacement or site rehabilitation.

#### *Co-ordination with the Ministry of Natural Resources*

- (t) The Township will seek the support of the Ministry of Natural Resources, any affected conservation authority and any other agency having jurisdiction in ensuring that all conditions required to implement the policies of this Plan or the recommendations of the reports prepared as a result of those policies are imposed and enforced as conditions of the license under the Aggregate Resources Act or the conditions of *development* approval under the Planning Act.
- (u) Where an application is made to the Ministry of Natural Resources to amend the conditions of an existing license or site plan under the Aggregate Resources Act and the Minister has served notice of same on the Township:
  - i the applicant must demonstrate to the Township's satisfaction that the applicable requirements and policies of this Plan have been met; and,
  - ii the Township will, except for *minor* amendments to the license or site plan, hold a public information meeting before providing comments to the Ministry.

#### *Use of Site After Rehabilitation*

- (v) As *mineral aggregate operations* are to be permitted only as interim uses, upon completion of mineral aggregate extraction and full implementation of the associated rehabilitation plans to pre-extraction conditions or enhanced pre-extraction conditions, the site of an extractive industrial operation may be used for any of the other uses permitted in subsection 5.6.1, including agriculture, forestry and low intensity outdoor recreation.
- (w) Notwithstanding the provisions of subsection (v) immediately above, any site consisting of prime agricultural land prior to the commencement of a *mineral aggregate operation* and originally within the Agricultural designation or agriculturally used land originally within the Rural designation shall be restored to agricultural use in compliance with the policy of subsection 5.6.2(k)iii. The use of rehabilitated extractive industrial lands for any purpose other than those permitted

by subsection (v) and this subsection will require amendments to this Plan and the zoning by-law.

- (x) Post-rehabilitation uses shall comply with all applicable policies of this Plan, particularly those intended to achieve compatibility between new and existing uses.

*Site Specific Policies Relating to part of the West Half of Lot 13, Concession 3, O.S.*

- (y) In addition to the other policies of this section and the other policies of this Plan applicable to extractive industrial uses, the following policies shall apply with regard to the lands designated "Extractive Industrial" in the West Half of Lot 13, Concession 3, O.S.
  - i These lands may be used for extractive industrial uses in accordance with the applicable policies of this Plan and the Site Plan administered under the Aggregate Resources Act.
  - ii The Site Plan shall include a "Well Interference Protocol" satisfactory to the Township of Melancthon.
  - iii A groundwater monitoring program, satisfactory to the Township, shall be included on the Site Plan. The program shall include an annual report and specify that a copy will be provided to the Township.
  - iv All aspects of the extractive industrial use shall be designed to ensure the highest level of protection of groundwater resources. This will be a particularly important component of the Spills Contingency Program required as a Prescribed License Condition. A secure refueling site shall be provided at a location separate from the excavation area. The operator shall provide the proposed Spills Contingency Program to the Township for review, identification of any required revisions, and approval prior to the commencement of extractive industrial operations.
  - v A Stage 2 archeological study shall be completed before the commencement of the extractive industrial use. The recommendations, if any, of such study shall be implemented through the Operational Plan for the extractive use and other appropriate means.
  - vi Any use of the site after rehabilitation other than for agriculture or reforestation will require an amendment to this Official Plan.

- vii The haul route is south on the Melancthon 4<sup>th</sup> Line, east on County Road 17, and south on County Road 124. The land owner shall enter into an agreement with the Township concerning the haul route for trucks carrying aggregate from the site. As a minimum requirement, that agreement shall identify the haul route, address required 4<sup>th</sup> Line improvements, identify cost sharing for these improvements, and include an undertaking on the part of the owner that drivers hauling from the site will be instructed to use the defined route.

*Site Specific Policies Relating to part of the West Half of Lots 11 and 12, Concession 3, O.S.*

- (z) In addition to the other policies of this section and the policies of this Plan applicable to extractive industrial uses, the following policies shall apply with regard to the lands designated “Extractive Industrial” in part of the west half of Lots 11 and 12, Concession 3, O.S.
  - i If a Class A, Category 3 licence is issued under the provisions of the Aggregate Resources Act, these lands may be used for only a *mineral aggregate operation* in accordance with the applicable policies of this Plan and the site specific policies of this subsection, or agriculture or forestry. If there is a conflict between the general and the site specific policies, the most restrictive shall apply.
  - ii Concrete batching plants or other industrial or similar uses are not permitted as a principal use on the subject property. Additional accessory uses, such as mineral aggregate recycling, may be considered, but only through a site-specific Zoning By-law amendment, an amendment to the approved site plan under the Aggregate Resources Act, and subject to the policies of this Plan.
  - iii The maximum depth of extraction shall be limited to 1.5 metres above the water table.
  - iv All recommendations of the hydrogeological study of the site and the peer review of that study shall be implemented through the conditions of any licence issued under the Aggregate Resources Act and through the municipal planning process. As part of that implementation process, the land owner shall enter into an agreement with the Township which shall include at least the following components.

- A groundwater monitoring program meeting the Township’s requirements relating to such matters as the location and characteristics of monitoring wells, and the reporting procedures.
  - A requirement to immediately notify the Township of any detection, through the monitoring program or otherwise, of any toxic substances.
  - A well interference protocol which, among other matters, establishes both the level of adverse groundwater impact at which remedial action is required and a procedure for the related remedial work and compensation.
  - Provisions specifying the responsibility of the land owner to undertake any required remedial work and to compensate any party adversely affected by *significant* groundwater deterioration resulting from the industrial use.
- v All aspects of the *mineral aggregate operation* shall be designed and operated to ensure the highest level of protection of groundwater resources. This will be a particularly important component of the Spills Contingency Program required as a prescribed licence condition. A secure refuelling site shall be provided at a location separate from the excavation area. The land owner shall provide the proposed Spills Contingency Program to the Township for review, identification of any required revisions, and approval prior to the commencement of extractive industrial operations.
- vi The recommendations of the site’s archeological study shall be implemented through the operational plan to form part of the licensing conditions for the extractive use and other appropriate means. The required Stage 3 Assessment of a portion of the site shall be completed prior to the commencement of excavation and its findings reflected in the related operational and rehabilitation plans.
- vii The recommendations of the Natural Environment Level 1 and 2 Technical Report for the site along with those of the peer review of that report shall be implemented both through the licencing process under the Aggregate Resources Act and through the municipal planning process, including the rezoning of the subject lands. In particular, the implementing zoning by-law amendment shall ensure that no *development* or *site alteration* will occur in the identified wetland and other *significant* environmental features on the subject

lands. Appropriate setbacks from that wetland area and the associated features shall be included in the zoning by-law amendment.

- viii Any *development* or operating agreement relating to these lands shall include provisions requiring Township and Nottawasaga Valley Conservation Authority review of any proposed environmentally related monitoring program and requiring regular reporting to the Township and the Nottawasaga Valley Conservation Authority on the results of that monitoring.
- ix Key environmental features, buffers and linkages, as identified in the site specific environmental documents, are to be preserved and, if possible, enhanced in the pit rehabilitation plan and processes. Site plan control may be applied to assist in this aspect of the rehabilitation process.
- x The recommendations of the Surficial Soil Study, including those arising out of the associated peer review process, shall be implemented through the rehabilitation plan and any other appropriate means. The site shall be rehabilitated so as to restore substantially the same areas and same average soil quality for agriculture as existed prior to the extractive industrial use.
- xi The *development* or operating agreement shall include provisions requiring monitoring of the agricultural rehabilitation program and also requiring regular reporting to the Township on the results of that monitoring.
- xii To the extent possible, progressive rehabilitation shall be implemented through the licencing of the pit under the Aggregate Resource Act.
- xiii Any use of the site after rehabilitation other than for agriculture or reforestation will require an amendment to this Official Plan. Permission for any other use of the site or the adoption of any related amendment shall not occur until Council is satisfied that appropriate rehabilitation is in place to restore, protect or enhance all key environmental and water resource related features and functions. A holding zone or site plan control may be applied in the implementation of this policy.
- xiv Appropriately designed berms shall be provided along the property's road frontages and, where necessary, along any other open portion of the site's perimeter. Such berms shall screen the extractive industrial use from public view along the adjacent roads and from ground floor views, as a minimum requirement, at adjacent residences. These berms shall also attenuate noise



generated by the extractive operation to levels in compliance with the applicable Ministry of Environment standards.

- xv The Township shall be provided with the results of any noise monitoring program and a related provision may be included in the *development* or operating agreement.
- xvi Partially as a method of noise mitigation, the Township may include provisions in the *development* or operating agreement limiting the hours of operation on the site.
- xvii The land owner shall enter into an agreement with the Township concerning the haul route for trucks carrying aggregate from the site. As a minimum requirement, that agreement shall identify the haul route, address required haul route improvements and maintenance resulting from pit related traffic, require the land owner to fund these improvements and maintenance, and include undertakings on the part of the owner that drivers hauling from the site will be instructed to use the defined route, to refrain from arriving at the site prior to start of the hours of operation, and to refrain from parking on the Fourth Line at any time.
- xviii Subject to any required approvals from the County of Dufferin, the haul route shall be the same as that applying to the site designated extractive industrial to the north of the subject lands, in part of Lot 13, Concession 3, O.S.
- xix The *development* or operating agreement shall include a provision requiring the proponent to notify the Township of any proposed changes to the license or site plans, any Ministry of Natural Resources approved changes to the license or site plans, and any changes to the nature or extent of the use on the subject lands beyond that shown or described on the set of four site plan drawings dated December 15, 2010.
- xx The use of a holding symbol “(H)” in accordance with section 36 of the Planning Act may form part of any zoning by-law amendment relating to the subject lands. The holding provisions may relate to the matters referenced in part xiii of this subsection and to the validity and enforcement of any *development* or operating agreement. The latter provisions may include a requirement for confirmation from the Ministry of Natural Resources that they will accept a reference to any such agreement in the pit related site plans

or, if such confirmation cannot be obtained, that a form of legal validation for the agreement and its enforceability be obtained.

## 5.7 Community

- (a) The purpose of the Community land use designation is to recognize the Township's three small settlement areas, to provide for a range of appropriate land uses in these areas, and to establish a planning policy framework for *development* within the designated areas, including moderate forms of residential intensification.

### 5.7.1 Permitted Uses

- (a) Uses permitted in the Community designation include detached dwellings; home occupations; commercial uses serving the local area or the traveling public; small scale light industrial uses; institutional uses such as schools, churches, and government offices and agencies; community centres, community halls and libraries; parks and recreational uses; and bed and breakfast establishments. Permitted residential uses include second dwelling units that comply with the provisions of section 3.12.
- (b) Subject to the policies of subsections 5.7.2(i), 3.1.2, 3.12 and all other applicable policies, *residential intensification* is permitted in the Community designation. In addition to detached dwellings, *residential intensification* uses may include semi-detached dwellings, duplex dwellings, triplexes, and second dwelling units in detached and semi-detached dwellings where there is compliance with the provisions of section 3.12.

### 5.7.2 Planning and Development Policies

- (a) The policies of subsection 5.7.1 permit a range of both residential and nonresidential uses that are generally typical of smaller rural communities. While some intermixing in the siting of such uses is also typical of these communities and is permitted by these policies, the intent is to ensure that situations of land use incompatibility are not created by future *development* approvals in these areas.
- (b) Residential uses are the most sensitive of the uses permitted and, therefore, shall be protected to the greatest extent possible from the potential adverse impacts of permitted nonresidential uses.

- (c) New commercial, industrial, institutional and recreational uses may be permitted by an amendment to the zoning by-law provided that:
- i the proposed use is compatible with the area and the character of the community in general and, in this regard, a land use compatibility feasibility study in accord with the policies of subsection 3.6 may be required;
  - ii where the use abuts or is in close proximity to one or more potentially sensitive or incompatible uses such as residences, the potential *negative impacts* on the adjacent uses can be satisfactorily mitigated;
  - iii adequate water supply and sewage disposal facilities can be provided in accordance with the policies of section 5 of this Plan;
  - iv adequate parking and loading facilities can be provided; and,
  - v access roads are capable of accommodating the traffic to be generated by the use and no additional traffic is generated on *minor* residential streets.
- (d) In order to implement the policies in subsection (c) immediately above and the other related policies of this Plan, new or *significantly* expanded commercial, industrial, institutional and recreational uses may be subject to site plan control in accordance with the policies of section 7.4 of this Plan.
- (e) Wherever possible, commercial, industrial and major institutional uses should be clustered with direct access from a provincial highway, arterial road or the main road serving the community. Notwithstanding this policy, small scale nonresidential uses serving the neighbourhood may be permitted within predominantly residential areas.
- (f) New bed and breakfast establishments may be permitted by an amendment to the zoning by-law and may be subject to site plan control in accordance with the policies of section 7.4. Such uses shall comply with the following criteria:
- i the use will not have a *significant* negative impact on the enjoyment and privacy of neighbouring residential properties;
  - ii adequate parking facilities can be provided on the subject property;
  - iii the residential character of the dwelling will be retained; and,

- iv adequate water supply and sewage disposal facilities can be provided.
- (g) The creation of new lots for permitted uses within the built community may occur by land severances up to a maximum of five new lots on a property existing at the time of approval of this Plan or by plans of subdivision. In keeping with the policies of section 3.1.2, where the creation of such lots represent a form of *residential intensification*, reduced lot sizes may be permitted, provided there is sufficient area for on-site water and sewage disposal facilities and any permitted accessory uses or structures.
- (h) New *development* in Horning's Mills shall be designed to reflect and complement the community's physical setting and architectural character. Site plan control may be used, in accordance with the policies of section 7.4, to assist in implementing this policy.
- (i) *Residential intensification* shall comply with the following policies in addition to the provisions of section 3.1.2 and other applicable policies of this Plan.
  - i In view of the use of individual on-site services in the Township and the potential effects on those services from doubling the residents in a dwelling, *residential intensification* uses will require an amendment to the Zoning By-law.
  - ii Conversions or expansions of residential uses shall be designed to blend with the neighbourhood. In this regard, site plan control in accordance with the policies of section 7.4 may be utilized in *residential intensification*.
  - iii Sufficient off-street parking and on-site amenity areas shall be provided for all types of *residential intensification* uses.
  - iv Where appropriate, *residential intensification* may occur through land severances within the Community designation that are in or adjacent to the developed community and in the form of infilling, lot creation fronting on the side of a road opposite existing *development*, and rounding off of a developed area.
  - v *Residential intensification* shall be permitted only where the required servicing can be provided in compliance with the standards of all approval agencies.

- (j) All *development* in the areas designated Community shall be properly serviced with water supply and sewage disposal facilities in accordance with the policies of sections 3.1.2 and 6.3 of this Plan.
- (k) The policies of section 3.20 prohibiting the keeping of certain types of animals on lots used or intended to be used principally for residential purposes apply within the areas designated “Community”.
- (l) Any community expansion beyond the settlement area boundaries shown on the schedules to this Plan may occur only through a *comprehensive review* in compliance with the policies of subsection 3.1.2(f) and all other applicable policies of this Plan.

## 5.8 Light Industrial

- (a) The purpose of the area designated Light Industrial on Schedule B is the accommodation of a limited amount of light industrial and other employment or economic *development* uses appropriate to a rural setting and capable of operating on private water supply and sewage disposal facilities.

### 5.8.1 Permitted Uses

- (a) Uses permitted in the Light Industrial designation include those types of smaller scale, low impact industrial uses such as electronics manufacturing, computer and technology related industries, research facilities, packaging or assembly operations, warehousing, and crafting of furniture, musical instruments or other similar products, that comply with the criteria listed in subsection 5.8.2(a) below and the other applicable policies of this Plan.
- (b) Also permitted are service industries such as vehicle parts supply, appliance repair and building contractor operation or other types of contractor establishments, again subject to compliance with the provisions of subsection 5.8.2(a) and all other applicable policies of this Plan.
- (c) Small scale accessory commercial facilities handling only the products associated with the on-site industrial use are permitted.
- (d) One accessory residential dwelling or dwelling unit is permitted for the use of either the operator of the on-site use or a caretaker required for that use.

## 5.8.2 Planning and Development Policies

- (a) In keeping with the intent of this designation to provide for principally low impact, small scale, good quality, compatible uses, only those uses and *developments* which comply with the following criteria shall be approved in the Light Industrial designation.
- i Unless fully justified otherwise, all industrial processes and operations, including storage of materials and products, shall be contained within an enclosed building. Limited outside storage may be permitted, if justified and only with proper screening from area roads, properties and *sensitive uses*.
  - ii The industrial operations shall not generate noise that is audible off the property.
  - iii The use shall not generate dust or odour that would adversely effect adjacent properties.
  - iv The use shall not generate any ground borne vibration.
  - v The use shall not operate at night.
  - vi The use shall not generate excessive traffic, including traffic involving large trucks as defined in any related Township regulatory by-law.
- (b) There shall be compliance with the standards of the Ministry of the Environment regarding noise, dust and odour emissions and any related Environmental Compliance Approvals will be required.
- (c) The designated lands are currently not developed for any of the uses permitted in section 5.8.1. Any *development* proposal should be comprehensive and should either utilize the entire designated area or provide a long term conceptual plan for the area's ultimate *development*.
- (d) Any *development* proposal shall be supported by the documentation referenced in section 3.6 of this Plan and all other relevant policies including those referenced in section 7.13. Studies relating to servicing, hydrogeology, traffic impacts and land use compatibility will be particularly important.

- (e) There shall be compliance with all applicable provisions of section 6.2, Roads and Transportation, and section 6.3, Servicing Policies.
- (f) In compliance with the policies of section 4.3(f), permitted uses shall be generally dry in nature, in keeping with the typical limits of *individual on-site water systems*. If uses involving large scale water takings or recharging are proposed, they shall comply with the policies of section 4.5, the other policies of section 4, Water Resources Policies, and any other applicable policies.
- (g) The subject lands have exposure to County Road 124 and there are some *sensitive uses* in the general area. In view of these considerations and the intent to permit low impact high quality uses, the following design guidelines shall apply.
  - i Buildings shall be designed to blend with their surroundings and with other buildings within the designated area.
  - ii The *development* of individual lots or sites shall incorporate landscaping elements to enhance the site and area.
  - iii There shall be no direct access to County Road 124 and the lands immediately adjacent to that road will be comprehensively landscaped, and screened where necessary, with substantial building setbacks and limitations on the nature and extent of any outside storage.
  - iv Off-street parking areas shall be attractively designed and integrated into the total design of each lot or *development*.
  - v The design and placement of signs shall be carefully controlled. Preference will be given to either the avoidance of freestanding signs or the joint use of a single sign by more than one business.
  - vi The illumination from signs and outdoor lighting fixtures shall be directed away from any nearby *sensitive uses*.
- (h) The site plan control provisions of the Planning Act and the related policies of section 7.4 of this Plan may be used to implement the design guidelines and other policies relating to *development* in the Light Industrial area.

## 6.0 Roads, Transportation and Servicing

### 6.1 Introduction

- (a) The policies of this section are intended to ensure proper servicing and access to *development* and land uses within the Township. They attempt to integrate transportation and land use considerations in the municipal planning process. They also endeavour to ensure that the road system serving the municipality and its residents functions efficiently. These are policies that apply generally throughout the Township and to all *development* and land uses within the various land use designations in this Plan.

### 6.2 Roads and Transportation

- (a) The purpose of this section is to identify the types of roads serving the municipality, to apply policies to protect the functions of those roads and to ensure there is proper road access to all future *development*. Also, the section contains policies relating to matters concerning the closed rail line crossing the municipality.
- (b) It is a general policy of this Plan that transportation and land use considerations shall be integrated throughout the planning process.

#### 6.2.1 Road Classifications

- (a) The schedules to this Plan identify three types of roads serving the municipality: provincial highways, arterial roads and local roads, with mineral aggregate haul routes being a special type of road classification that includes all provincial highways, all arterial roads and those portions of Township roads designated Mineral Aggregate Haul Route on the map schedules. The functions of each of these road types and classifications and the related policies are provided in the following subsections.
- (b) If the status of a road or road section changes, such as would occur if a Township road became a County road, its designation on the map schedules shall be changed through an amendment to this Plan. In the period between the change in road jurisdiction and the approval of the related amendment to this Plan, the policies of the intended new road classification shall be applied to the subject road or road section.



## 6.2.2 Provincial Highways

- (a) Provincial highways are roads designed to carry large volumes of traffic over long distances. These roads are under the jurisdiction of the provincial Ministry of Transportation.
- (b) Any *development* proposal located adjacent to a Provincial highway and/or located within any provincial Ministry of Transportation permit control area shall be submitted to the Ministry of Transportation for their review and approval.
- (c) Early consultation with the Ministry of Transportation is encouraged to ensure the integration of Township planning initiatives with provincial transportation planning. Any new areas in the Township identified for future *development* that are located adjacent to or in the vicinity of a Provincial highway or intersection/interchange within Ministry of Transportation's permit control area will be subject to Ministry of Transportation's policies, standards and requirements. Direct access to a Provincial highway will be discouraged and often prohibited.
- (d) Access approval from the Ministry of Transportation will only be granted where a proposed access meets the Ministry of Transportation's minimum safety and geometric requirements.
- (e) Ministry of Transportation approval and permits, or approval in principle, must be obtained prior to the Township making any decision on a *development* application and prior to any construction being undertaken on lands subject to the jurisdiction of the Ministry of Transportation.
- (f) The Ministry of Transportation will review all applications for *development* adjacent to provincial highways to ensure compliance with its specifications. The Ministry of Transportation's highway classification establishes, among other things, specifications relating directly to the provision of accesses to abutting properties and other related matters. Accesses may be severely limited to protect the highway's function and safety.
- (g) Uses adjacent to a Provincial highway should be compatible with the existing and planned function of these roads. Higher traffic generating uses should be sited on or near a provincial highway, provided there is compliance with the Ministry of Transportation's applicable specifications.

- (h) The ultimate road allowance width and future widening requirements, if any, relating to these roads will be determined by the Ministry of Transportation. The minimum setbacks for buildings, septic systems and other facilities may also be determined by the Ministry of Transportation and any such requirements will be reflected in the provisions of the zoning by-law.
- (i) The Township shall seek the support of the Ministry of Transportation to ensure that the municipality is given an opportunity for input into any proposed *significant* realignment of existing Provincial highways or the creation of any new Provincial highways within the municipality. The Township will evaluate such proposals in terms of the applicable policies and planning objectives of this Plan.
- (j) *Development* proposals in areas beyond the jurisdiction of the Ministry of Transportation but having the potential to generate large volumes of new traffic onto a Provincial highway may be referred to the Ministry of Transportation by the applicant or the Township for review. Related traffic impact studies may be required by the Ministry of Transportation.
- (k) The policies of section 3.18 shall apply with regard to the establishment of *wayside pits and quarries* and other similar facilities required for highway construction and maintenance.

### **6.2.3 Arterial Roads**

- (a) All County roads within the Township at the time of the preparation of this Plan are designated "Arterial Road" on the attached schedules. These are roads designed and intended to be used to accommodate larger volumes of primarily through traffic at higher operating speeds traveling between major traffic generating areas, provincial highways or other arterial roads.
- (b) Access to these roads will require the approval of the County of Dufferin.
- (c) Higher traffic generating uses should be sited on or near an arterial road, if a location on a provincial highway is not possible, provided there is compliance with the County's applicable specifications.
- (d) *Development* proposals in areas not fronting directly on an arterial road but having the potential to generate large volumes of new traffic onto such a road may be referred to the County by the applicant or the Township for review. Related traffic impact studies may be required by the County.

- (e) The ultimate road allowance width and future widening requirements, if any, relating to these roads will be determined by the County. The minimum setbacks for buildings, septic systems and other facilities may also be determined by the County and, where possible, any such requirements will be reflected in the provisions of the zoning by-law.
- (f) The Township shall seek the support of the County to ensure that the municipality is given an opportunity for input into any proposed *significant* realignment of existing arterial roads or the creation of any new arterial roads within the Township. The municipality will evaluate such proposals in terms of the applicable policies and planning objectives of this Plan.

#### **6.2.4 Local Roads**

- (a) All open roads under the jurisdiction of the Township, other than those identified on the schedules to this Plan as a Mineral Aggregate Haul Route, are designated as “Local Roads”. The principal function of these roads is to provide access to individual properties and to link those properties to the system of municipal, county and provincial roads.
- (b) Local roads are not intended to carry large volumes of traffic. Appropriate road allowance widths shall be provided to accommodate existing and anticipated traffic volumes and to reflect specific road and site characteristics. The minimum road allowance width shall be 20 metres. Any required road widenings should generally be taken equally from both sides of a road allowance unless there are site specific circumstances which makes this difficult or inappropriate.
- (c) In keeping with the other policies of this Plan, higher traffic generating uses generally shall not be located on local roads. Where such uses do have access from a local road, such access shall be located as close as possible to an intersection with a provincial highway or an arterial road. Also, the municipality may require a traffic impact study and a road related *development* agreement in accordance with the policies of subsection 6.2.6.
- (d) Any proposed new land use having direct access to a local Township road and having the potential to generate truck traffic shall be permitted only if there will be compliance with any applicable Township truck by-law.

- (e) The municipality shall continue to maintain and upgrade open local roads as warranted by traffic volumes and road conditions. It is not a policy of this Plan, however, to open any or all unopened road allowances.
- (f) Any project relating to improving the local road network will be subject to the requirements of environmental assessment including the requirements of the Municipal Class Environmental Assessment.

## 6.2.5 Mineral Aggregate Haul Routes

- (a) Based on information provided by the Ontario Geological Survey, there is the potential for large reserves of *mineral aggregates* in the Township. The extraction of those resources has the potential to generate *significant* amounts of truck traffic transporting the mineral aggregates to markets primarily in the Greater Toronto Area. The impacts of that traffic on Township roads shall be minimized with the majority of such traffic being accommodated on Provincial highways and on County roads, which are designated as Arterial Roads on the schedules to this Plan.
- (b) Consistent with the policies of subsection 5.6.2(q), all traffic associated with existing or future *mineral aggregate operations* will be confined to Arterial Roads, Provincial highways, and those Township road sections designated as Mineral Aggregate Haul Routes on the schedules to this Plan. The policies of this section of the Plan apply primarily to those portions of local Township roads that are so designated.
- (c) Provincial highways and Arterial Roads are the most appropriate roads to accommodate potentially large volumes of truck traffic. Where a haul route utilizes a Provincial highway or Arterial Road, the requirements of the agency having jurisdiction over the road shall be met prior to Township approval of any related amendments to this Plan or the zoning by-law.
- (d) Where a haul route for a new or expanded *mineral aggregate operation* proposes to utilize a Township road section designated or proposed to be designated as a Mineral Aggregate Haul Route, all applicable requirements of this Plan shall be met, particularly those relating to a traffic impact study and a road related agreement, as contained in sections 5.6.2 (q) and 6.2.6. The intent is to ensure that, at the applicant's expense and on an as-required basis, the affected municipal roads are upgraded and maintained at the standard needed to accommodate the additional traffic.
- (e) As permitted by the policies of section 5.6.2 and notwithstanding the intent to utilize the system of haul routes designated by this Plan, the use of internal traffic

connections between abutting or adjacent extractive industrial operations will be encouraged to minimize the number of accesses to, and the length of travel on the local Township road sections that are designated as Mineral Aggregate Haul Routes.

## 6.2.6 Traffic Impact Studies

- (a) Council will require applicants proposing any form of *development* having the potential to generate *significant* amounts of traffic to provide a Traffic Impact Study assessing the potential impacts on the Township's road system resulting from the proposed land use. Such a study shall include the following components as a minimum requirement:
- i a clear description of the specifics of the proposed *development*;
  - ii the physical characteristics of roads serving the site and current traffic volumes, including peak hour volumes, on those roads;
  - iii projected new traffic volumes, including turning movements, to be generated by the proposed *development* over at least a ten year period and an assignment of those volumes to the road network;
  - iv assessment of the improvements to the road system required to accommodate the increase in traffic volume and the scheduling of those improvements; and,
  - v estimated costs for the implementation of the identified improvements.
- (b) In addition to the above, in the case of proposed new or expanded *mineral aggregate operations*, the Traffic Impact Study shall also comply with the policies of section 6.2.5 and subsection 5.6.2(q) of this Plan.
- (c) Where a Traffic Impact Study finds that a *development* proposal will have the effect of generating a major increase in traffic on a provincial highway or arterial road, the comments of the relevant agency responsible for those roads will be obtained, as referenced in the applicable road related policies of this Plan.
- (d) Where the results of a Traffic Impact Study indicate that the municipal road system requires upgrading to accommodate the traffic associated with the proposed use, it shall be a condition of the issuance of any required entrance permit or *development* approval that the applicant undertake the required road improvements to the satisfaction of the Township. The applicant shall be required to enter into an

agreement with the Township to either phase those improvements in accordance with phasing of the *development* or provide funds for the Township to undertake the improvements. An agreement with regard the applicant's responsibility for road maintenance costs shall also be required. The policies of subsection 5.6.2(q) will also apply in the case of *mineral aggregate operations*.

## 6.2.7 Other Road Policies

- (a) All new *development* shall have access from an open public road. There is no requirement under the policies of this Plan for the Township to open any unopened road allowance or to approve any land use or *development* proposed on an unopened road allowance. The Township will open any such road allowance only when it has determined that such opening is in the public interest and in conformity with this Plan.
- (b) If an applicant for *development* on an unopened road allowance proposes to build the road in said road allowance, they shall build the road to full municipal standards at their expense and in accordance with the terms of an agreement with the Township. The related *development* shall not be approved until the road has been built to the Township's satisfaction and assumed as a public road by the municipality.
- (c) New public roads in plans of subdivision shall be built to Township standards and shall be subject to a maintenance period under the terms of a subdivision agreement before being assumed as a public road by the Township.
- (d) The number of accesses to Township roads, particularly in the rural areas and along Mineral Aggregate Haul Routes, shall be minimized wherever possible in order to maintain an appropriate level of road safety. Strip *development*, other than infilling, shall be minimized on Township roads in rural areas wherever possible in accordance with the policies of section 7.2(a).
- (e) All septic system tile beds and other similar facilities shall be set back a minimum of 6 metres from all road allowances to avoid the associated relocation costs if road rebuilding or widening is required. In addition, proposals to locate farm drainage tiles adjacent to roads should be implemented in agreement with the Township.
- (f) All *development* proposals shall be circulated to the appropriate road approval authority prior to any final decision being made on the application.

- (g) Surface drainage from any land use shall not be directed to a road allowance or roadside ditch.

## 6.2.8 Rail Transportation

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| <ul style="list-style-type: none"><li>(a) While there are no rail lines in the Township, the right of way for the former Canadian Pacific Railway remains in place crossing the Township from southeast to northwest generally parallel to, and west of Highway 10. It is shown on the schedules to this Plan as “Rail Line Right of Way”. The following policies relate to the <i>development</i> of any new rail lines in the municipality.</li><li>(b) Any proposed new rail line in the Township would have important impacts on the Township, its residents and resources. It would have impacts potentially involving many of the planning objectives and policies of this Plan.</li></ul> |
|--|
- (c) Any new rail line in the Township shall be classified as a *significant* transportation facility. Subject to the provisions of subsection (d) immediately below, any new rail line shall also require an amendment to this Plan to be designated as a transportation corridor. Any such amendment shall comply with all of the applicable policies of this Plan including those relating to new *development*, land use compatibility, water resources and natural heritage features.
  - (d) If there are legal or jurisdictional impediments to requiring conformity with this Plan through an amendment application process, the policies of this Plan will form the basis of the land use planning component of the Township’s input into any consultation process relating to a new rail line proposal.

## 6.2.9 Air Transportation

- (a) While there are no public air transportation facilities in the municipality, there are private airstrips. Any such airstrips and any other air transportation *infrastructure* in or near the municipality will be considered and protected in any Township planning decisions on *development* proposals.
- (b) The Township will utilize every opportunity to provide input into any decisions by other levels of government and their agencies relating to the siting or expansion of private or public airfields and airports and any air transport related *infrastructure* in or near the Township.

## 6.3 Servicing Policies

- (a) The purpose of this section is to ensure that all *development* has essential services including a supply of potable water, a proper method of sewage disposal, and control of surface drainage and stormwater. These policies are also intended to ensure that the provision of services to new *development* will not have adverse impacts on existing land uses or the environment.

### 6.3.1 Water Supply and Sewage Disposal

- (a) At the time of preparation of this Plan the only method of servicing land uses in the Township was by private *individual on-site water and sewage services*. Municipal water and sewage services are not viable with the relatively low levels of population and growth in the Township. It is, therefore, a policy of this Plan that future *development* and construction on existing and new lots in conformity with the land use designations and the related policies of this Plan shall continue to be permitted on the basis of *individual on-site water and sewage services*, provided lot sizes and site conditions are suitable for the long term provision of such services.
- (b) The use of tertiary treatment systems or other specialized sewage services on individual lots may be permitted, particularly in situations involving substandard soils, non-residential uses and larger scale uses. Any application involving the use of such systems shall be supported by a hydrogeological study in general compliance with the requirements of subsection 6.3.1(e) below. That study must demonstrate that such services are technically and economically feasible and are the preferred servicing option for the proposed land uses.
- (c) Notwithstanding the provisions of subsections 6.3.1(a) and (b), the use of *private communal water services* and *private communal sewage services* may be permitted where justified on the basis of documentation provided by the applicant. That documentation will include a hydrogeological study in compliance with subsection 6.3.1(e) below. Approval for the use of such services may be granted only if that study is technically sound and clearly demonstrates that such services are technically and economically feasible and are the preferred servicing option for the proposed *development*.
- (d) The use of *private communal water or sewage services* will require the execution of a responsibility agreement between the proponent and the Township that would transfer the responsibility for the servicing system to the Township in case of default by the proponent.



- (e) A hydrogeological study will be required for any proposed residential plan of subdivision or larger scale commercial, industrial or institutional uses and, where conditions warrant, may be required for other *development* proposals. As a minimum requirement, such a study shall consider and determine:
- i the prospects for obtaining a satisfactory water supply based on individual wells;
  - ii in the case of a residential plan of subdivision, the number of lots and the size of lots required to meet the guidelines of the Ministry of the Environment, or any other agency having jurisdiction, with regard to nitrate loadings or other key indicators of groundwater impact from sewage disposal systems in particular;
  - iii in the case of non-residential *development*, the limits as to the size and intensity of the use on the basis of nitrate loadings or other key indicators of groundwater impact;
  - iv the cumulative impact of the proposed *development*, other potential or proposed *development* in the area, and existing uses; and,
  - v the potential impacts on area wells and groundwater quality and quantity.
- (f) Through the pre-application consultation process required by the policies of section 7.13, the terms of reference for such a study shall be established in consultation with the Township, any peer reviewer, and, whenever possible, the agency having approval authority for the proposed servicing systems.
- (g) The hydrogeological study and any other required studies will be peer reviewed by suitably qualified experts to determine, among other things, their technical validity and compliance with the applicable provincial standards and requirements.
- (h) The conditions of any *development* approval, if such approval is supported by the hydrogeological study, shall reflect the findings and recommendations of that study and any other required studies.
- (i) All proposed water supply or sewage disposal systems will be evaluated in terms of the water resources related policies of section 4 of this Plan including, where necessary, the policies of section 4.5 concerning land uses that involve a large scale water taking or recharging.

### 6.3.2 Stormwater Management and Drainage

- (a) Stormwater management and drainage impacts shall be fully addressed prior to *development* proceeding in order to identify and prevent any potential flooding, erosion or deterioration of watercourses either on or off the site.
- (b) All new *development* shall incorporate technically and economically feasible and generally accepted best management practices and shall meet the following criteria:
  - i no net reduction in aquifer recharge or discharge;
  - ii minimize potential for pollution or contamination;
  - iii minimize changes to base flow in receiving watercourses;
  - iv no new or expanded flood or erosion problems;
  - v no loss of *fish habitat*; and,
  - vi where possible, enhance natural vegetation along stream corridors.
- (c) All applications for large scale commercial, industrial, institutional and residential *development* shall be accompanied by a Stormwater Management Report prepared by a qualified professional to the satisfaction of Council, the conservation authority having jurisdiction, and all other applicable regulatory agencies. Smaller scale *development* may also be required to provide such a report where site and area conditions warrant. As a minimum requirement, the report shall address or include:
  - i The current provincial stormwater management guidelines or regulations;
  - ii Stormwater quantity controls ensuring that post-*development* flow rates do not exceed pre-*development* runoff rates for applicable storm conditions;
  - iii Stormwater quality controls;
  - iv Best management practices as referenced in subsection 6.3.2(b) above;

- v Identification of the effects of *development* on watershed flow regimes, headwater areas, and the linkages to, and characteristic features of groundwater resources; and,
  - vi Recommendations for mitigation of any *significant* adverse stormwater or drainage impacts and for any required monitoring programs.
- (d) Before a decision is made on any application relating to the types of *development* referenced in subsection 6.3.2(c) above, the stormwater and drainage related regulatory agencies shall be given an opportunity to review the Stormwater Management Report and provide their comments and recommendations. In situations where stormwater and drainage are uncomplicated and likely to have little impact, Council may waive this requirement. Conversely, if stormwater or drainage is the principal area of concern regarding a proposed *development*, the comments and, where possible, the approval or approval in principle of all agencies having jurisdiction over such matters may be required before a decision is made on the proposal. Notwithstanding this policy, it is acknowledged that the Ministry of the Environment, at the time of preparation of this Plan, provides report reviews and comments on only industrial or large commercial proposals. On this basis, the comments or approval of that Ministry will not be required prior to a Council decision on proposals that do not involve industrial or large commercial uses.
- (e) All new large scale *development* such as those referenced in subsection 6.3.2(c) above will be encouraged to use Low Impact Development design standards.
- (f) Surface drainage from any land use shall not be purposely directed to a road allowance or roadside ditch.
- (g) The approval of the Ministry of Transportation will be required for all stormwater management reports and plans relating to all *development* proposals in the vicinity of a provincial highway.

### **6.3.3 Other Servicing and Infrastructure Related Policies**

- (a) Council shall ensure the provision of those municipal services which are the responsibility of a rural municipality under the applicable provincial legislation.
- (b) To the extent possible under its statutory authority, Council shall ensure that all required services can and will be provided to any proposed *development* and that there will be no harmful effects on natural features and functions or on services to

existing land uses. *Development* proponents may be required to identify the nature and location of all services required by the proposal and to enter into an agreement with the municipality to ensure that all such services are provided.

- (c) While the municipality may not have jurisdiction concerning large scale regional or provincial *infrastructure* projects such as highways and major electrical power lines, Council will seek input into the decision making process on these projects in order to advise the proponent as to the applicable land use and servicing policies and objectives of this Plan and the merit of complying with those policies.

## 7.0 Implementation

### 7.1 Introduction

- (a) This Official Plan will be implemented by Council under powers conferred on it by the Planning Act, the Municipal Act and other enabling legislation. The policies of this section relate to various methods of implementing the provisions of this Plan. They are intended to provide guidance for the preparation of implementation documents and for decision-making on matters relating to the implementation of the Plan.
- (b) The provisions of the Niagara Escarpment Planning and Development Act apply in areas identified on the schedules to this Plan as “Niagara Escarpment Development Control Area”. As referenced in section 3.19 of this Plan, these areas are subject to the Development Control related provisions of Ontario Regulation 828/90 and zoning by-laws have no effect in such areas.

### 7.2 Consents to Convey Land or an Interest in Land

- (a) Land division involving the creation of more than five lots in an area designated Community and more than three lots in any other area shall generally take place by plan of subdivision. Where a plan of subdivision is not necessary for proper and orderly *development*, a consent to a land conveyance or conveyances may be granted for an application involving the creation of a maximum of five lots in an area designated Community and three lots in any other area, not including the retained lands. Such consents shall comply with the applicable policies of this Plan, particularly those relating to consents in the Agricultural and Rural designations, and with the following policies.
  - i The use of both the proposed severed and retained lots shall comply with the policies of the applicable land use designation and with the provisions of the zoning by-law.
  - ii Where the severed or retained lots will involve new buildings, structures, wells or sewage disposal systems, it must be established that the subject lots have soil and drainage conditions suitable for the proper siting of buildings, structures and an on-site sewage disposal system, and that a sufficient supply of potable water is available or can be obtained.

- iii In addition to the policies of this subsection, the policies of subsections 5.2.5 and 5.3.3 regarding consents in the Agricultural and Rural land use designations respectively shall apply with regard to the types and numbers of consents that may be granted in areas within those land use designations. Where there is a conflict between the policies of subsections 5.2.5, 5.3.3 or any other section of this Plan and the policies of this section, then the more restrictive policy shall apply.
- iv Notwithstanding the policies of subsection (iii) above or any other policy of this Plan, consents for land conveyances or for conveyances of an interest in land may be granted for *legal or technical reasons* such as *minor* boundary adjustments, provided such consent does not result in the creation of a new building lot. Such consents shall not be counted in the maximums specified in this section or elsewhere in this Plan.
- v Strip *development* shall be prevented along provincial highways and arterial roads and shall be discouraged along other roads in the rural areas. This shall not include infilling situations in conformity with the policies of subsection (vi) below.
- vi Infilling is the preferred form of residential lot creation. *Residential infilling* involves the creation of new residential lots in compliance with the provisions of the definition of that term as contained in section 9.
- vii Consents shall be granted only when both the severed and retained lands have frontage on an open public road built to municipal standards.
- viii Where it is proposed that a lot be created fronting on a provincial highway or County Road, approval will be considered only if the agency having jurisdiction over the road provides written confirmation that an access permit will be issued if approval is granted.
- ix Consents shall not be granted where a traffic hazard would be created due to sight lines on curves or grades or traffic volumes, either existing or projected.
- x The size and dimensions of any lot created by a consent approval should be appropriate for the use proposed and no lot shall be created which does not comply with the provisions of the zoning by-law and the requirements of any agency having jurisdiction.

- xi Notwithstanding subsection (x) above, where a zoning by-law amendment or variance is determined to be appropriate for a proposed conveyance, a requirement for the approval of such amendment or variance shall be included as a condition of approval of the consent, or a decision on the consent application may be held until at least the zoning by-law amendment has been approved.
- xii The creation of lots for non-farm purposes or for purposes that are not farm related in locations adjacent to *agricultural uses* is only permitted where the proposed use complies with the policies of the applicable land use designation and any other related policy of this Plan. All lots created through the consent process shall comply with all applicable policies and regulations relating to the protection of *agricultural uses*, including the applicable *Minimum Distance Separation Formulae*.
- xiii The creation of new lots shall be prohibited within the flooding and erosion hazard limits of all rivers, lakes and streams.
- xiv Lot creation is prohibited in provincially *significant wetlands* or the *significant habitat of endangered species and threatened species*. Lot creation in other *natural heritage features and areas* shall comply with the provisions of section 3.4.2 concerning the assessment of environmental impact to confirm that there will be no *negative impacts* on those features or areas.
- xv Lot creation in primary mineral aggregate resource areas as shown on Schedule H to this Plan shall comply with the policies of section 3.17 as they relate to protecting the resource for future utilization. In order to comply with these policies a Mineral Aggregate Impact Study may be required and its findings applied in the decision on a consent application.

### 7.3 Zoning By-laws

- (a) An implementing comprehensive zoning by-law shall be passed by Council, and amended from time to time, in order to control or prohibit the use of land in accordance with the policies and designations of this Plan; to establish regulations for the purpose of controlling the use of land and the character, location and use of buildings or structures; and for any other purpose permitted under the provisions of the Planning Act.

- (b) In accordance with the Planning Act, the implementing zoning by-law may prohibit land uses and the siting of buildings or structures on land that is contaminated, contains a sensitive groundwater or surface water feature, or is within a vulnerable area as identified in a drinking water source water protection plan that has taken effect under the Clean Water Act.
- (c) It is not intended that all areas designated for specific uses on a longer term planning basis as shown on the schedules to this Plan will be zoned immediately for such uses. Certain areas may be zoned initially in another zone category, in a category utilizing a holding symbol in accordance with the provisions of the Planning Act and the policies of subsection (7.7), or for their existing uses pending future rezoning to the designated uses indicated in this Plan.
- (d) When Council receives an application for a *development* that is in conformity with the land use designations and policies of this Plan, is not premature and is capable of being properly serviced, the zoning by-law may be amended to permit the *development* to proceed without an amendment to this Plan unless the applicable policies of this Plan require an Official Plan amendment for such *development*.
- (e) In a zoning by-law or zoning by-law amendment Council may permit a use of land or the erection, location or use of buildings or structures and impose on the use, erection or location such conditions as are specified in a regulation under the Planning Act.
- (f) When a condition is imposed under subsection 7.3(e), Council will require the owner of the lands to which the by-law applies to enter into an agreement with the Township relating to the condition. Any such agreement may be registered against the subject lands and may be enforced on the current and all subsequent owners of the land.
- (g) Notwithstanding the above policies, Township zoning by-laws do not apply and have no effect in areas identified on the schedules to this Plan as “Niagara Escarpment Development Control Area”. Such areas are subject to Development Control under the provisions of the Niagara Escarpment Planning and Development Act and Ontario Regulation 828/90. The policies of section 3.19 should be referenced in this regard.



## 7.4 Site Plan Control

- (a) Pursuant to the provisions of the Planning Act, all lands within the Township except those used for agriculture and detached dwellings, are hereby designated as a site plan control area. Council may pass a by-law designating all or any portion of these areas as a site plan control area.
- (b) The general objectives of site plan control are:
- i to implement proper *development* standards and to encourage quality design in site *development*;
  - ii to minimize land use incompatibility between new and existing or planned adjacent uses and to provide functional and attractive on-site facilities;
  - iii to ensure the protection of *natural heritage features and areas*;
  - iv to implement all site plan related policies of this Plan, particularly those concerning the protection and enhancement of the Township's rural character and the characteristic features of its communities;
  - v to screen or otherwise protect existing adjacent uses from new *development* where the new *development* would have a detrimental impact on these uses;
  - vi to control the placement, massing and conceptual design of all buildings within site plan control areas;
  - vii to ensure the conveyance of any required easements for drainage, utilities and other similar facilities;
  - viii to ensure the conveyance of road widenings in accordance with the applicable policies of this Plan and all agencies having jurisdiction;
  - ix to ensure proper grading, storm drainage and maintenance in regard to surface water and utilities;
  - x to ensure safe and efficient movement of both vehicular and pedestrian traffic as it relates to site *development*;

- xii to ensure *development* includes facilities to provide accessibility for persons with disabilities; and,
  - xii to ensure the proper maintenance of all site features and facilities provided under the applicable site plan control provisions of the Planning Act.
- (c) Where Council has passed a by-law designating an area as a site plan control area, it may require, as a condition of *development* approval, that an agreement be executed between the municipality and the owner of the subject lands. Such an agreement may stipulate through its text and/or through the use of plans and drawings, the location of proposed buildings and structures and may show or describe the location of all works and facilities to be provided under the applicable provisions of the Planning Act. Such an agreement may also require the owner to maintain specified on-site facilities.
- (d) Where site plan approval is sought for a property abutting a provincial highway or County Road, the approval of the applicable agency having jurisdiction over the highway or road will be required.
- (e) As part of the *development* approval process in a site plan control area, Council may require drawings showing any or all of the following or any other components as permitted under the applicable provisions of the Planning Act:
- i Plan, elevation and cross-section views for each building to be erected which are sufficient to show the building's massing and conceptual design and its relationship to adjacent buildings, roads and public areas;
  - ii The facilities to provide access to and from the lands, such as access ramps and traffic directional signs;
  - iii Loading and off-street parking facilities, access driveways and the proposed surfacing of such areas and driveways;
  - iv Lighting of the lands and the exterior of proposed buildings;
  - v Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining land;
  - vi Facilities and enclosures for the storage of garbage and other waste material;

- vii Easements to be conveyed for the construction, maintenance or improvement of watercourses, ditches, land drainage works and other public utilities of the municipality or a local board thereof; and,
- viii Grading or other alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures.

## 7.5 Property Standards

- (a) Council may pass, amend or update by-laws, pursuant to Section 15.1 of the Building Code Act, 1992, or any subsequent legislation, to establish minimum standards of maintenance and occupancy for properties within the Township. A property maintenance and occupancy by-law shall apply to all properties within the municipality and shall generally include provisions addressing, as a minimum, the following areas of concern and related items:
  - i The conditions of yards including such elements as:
    - The accumulation of rubbish or debris,
    - The lack of proper on-site garbage containment facilities,
    - Abandoned and wrecked vehicles, boats and *trailers*,
    - The unauthorized placement and storage of *trailers*,
    - Abandoned machinery and equipment,
    - The storage of materials such as lumber, tires and pesticides,
    - Conditions contributing to pest infestation, and,
    - Improper or inadequate site drainage, and
  - ii The external and structural conditions of all buildings, both principal and accessory, including such elements as:
    - Abandoned or structurally unsafe buildings,
    - Lack of maintenance of exterior walls, roofs and other exterior features,
    - Improper or poorly maintained foundations,
    - Improper or poorly maintained porches, decks and exterior steps, and,
    - Conditions contributing to pest infestation.
- (b) The above reference to the storage or abandonment of such items as vehicles, machinery or materials does not apply to any properties where such activities or use of land is permitted such as an approved wrecking yard.

## 7.6 Legal Non-Conforming Uses

- (a) Nothing in this Plan shall interfere with the continuation of a land use, building or structure which is legally existing at the time of the adoption of this Plan.
- (b) The implementing zoning by-law may recognize legally existing uses not in conformity with the policies of this Plan. Such recognition shall take the form of site specific zoning provisions limiting the nature and extent of the use to that existing at the time of the adoption of this Plan. If such a use ceases to function or exist, the policies and designations of this Plan shall apply to any future use of the subject lands, building or structure.
- (c) Legally existing land uses at the date of the time of adoption of this Plan that are not in conformity with the Plan's policies are considered as legal non-conforming uses and, in the long term, should cease to exist. In some instances, however, it may be desirable to permit the extension or enlargement of such a legal non-conforming use in order to avoid unnecessary hardship. Consideration of an application for such an extension or enlargement shall be based on the policies and criteria of this section.
- (d) A zoning by-law amendment to permit the extension or enlargement of a non-conforming land use, building or structure may be passed without an amendment to this Plan if Council is satisfied that there is conformity with the following criteria.
  - i The proposed extension or enlargement shall not unduly aggravate the situation created by the existence of the use, particularly in regard to the policies of this Plan and the requirements of the implementing zoning by-law.
  - ii The proposed extension or enlargement shall be in appropriate proportion to the size of the non-conforming use at the time of the application for such extension or enlargement.
  - iii The proposed extension or enlargement shall not create or substantially increase such nuisance factors as noise, vibration, fumes, smoke, dust, odour and lighting so as to add substantially to the incompatibility of the use with the surrounding area. The proposal shall meet the requirements of all agencies having jurisdiction over such matters such as the applicable conservation authority and the Ministry of the Environment.
  - iv It must be possible to adequately protect neighbouring conforming uses, where necessary, by the provision of such features as landscaping, buffering,

screening, building setbacks, and other measures to reduce nuisance effects. The provisions of site plan control may be utilized in this regard.

- v Traffic and parking conditions, both on-site and in the area, shall not be *significantly* adversely affected, with adequate provision being made for on-site parking and loading facilities and for any required improvements to area roads.
  - vi Appropriate on-site services relating to such matters as water supply, sewage disposal and stormwater management can be provided and the approval of all agencies having jurisdiction over such matters has been obtained.
- (e) Pursuant to the provisions of the Planning Act, the Committee of Adjustment may permit an extension or enlargement of a legal non-conforming use, provided such extension or enlargement does not extend beyond the limits of the land owned and used in connection with the existing use on the day the zoning by-law implementing this Plan was passed. In evaluating an application for such an extension or enlargement, the Committee shall consider those matters listed in subsection 7.6(d) above.

## 7.7 Holding Symbols

- (a) When passing zoning by-laws to implement the provisions of this Plan, Council may, in accordance with the provisions of the Planning Act, utilize a holding symbol in conjunction with a zone symbol. The use of such a symbol would have the effect of holding *development*, other than specified land uses, in the subject areas until Council is satisfied that such *development* can proceed in conformity with the intent of this Plan.
- (b) Holding symbols may be used in situations where the principle of *development* has been established but specific conditions, such as the provision of certain services, the signing of related agreements or the completion of required studies, must be fulfilled before the holding symbol can be removed and new *development* be permitted to proceed.
- (c) The zoning by-law shall specify the precise conditions to be met for the removal of the holding symbol and the uses to be permitted until such time as the holding symbol is removed.

- (d) In considering an application for the removal of a holding symbol, Council shall ensure that the intent of this Plan is maintained and that the conditions for the removal of the symbol have been properly fulfilled.

## **7.8 Interim Control By-laws**

- (a) Council may determine that it is necessary to undertake a review or study of land use planning policies in the municipality or any part thereof. In situations where Council has authorized such a review or study to be undertaken, an interim control by-law may be passed in accordance with the provisions of the Planning Act prohibiting the use of land, buildings or structures within such area for, or except for, such purposes as are set out in the by-law.
- (b) An interim control by-law may be in force for a period of up to one year and may be extended by amendment for a maximum of an additional year or such other time as may be permitted by the Planning Act.

## **7.9 Temporary Use By-laws**

- (a) Council may enact temporary use by-laws in accordance with the provisions of the Planning Act to permit the temporary use of lands, buildings or structures for any purpose set out in such by-laws that is otherwise prohibited by the zoning by-law implementing this Plan.
- (b) Temporary use by-laws shall define the area affected, the uses permitted and the expiry date of the by-law. That expiry date shall be in accordance with the provisions of the Planning Act.
- (c) In considering temporary use by-laws, Council shall be satisfied that:
  - i the proposed use is clearly temporary in nature;
  - ii the proposed use is compatible with adjacent uses particularly in terms of nuisance effects such as noise and dust and, where necessary, suitable buffering is, or can be provided to minimize or eliminate any incompatibility or nuisance effects;
  - iii sufficient road capacity exists and sufficient on-site parking can be provided;
  - iv the size of the lot and/or building is appropriate for the proposed use; and,

- v services such as water supply, sewage disposal and site drainage are sufficient.
- (d) The approval of a temporary use by-law may be conditional on the execution of a related *development* or site plan agreement. Among other provisions, that agreement will require the posting of a bond or the provision of securities, and the provision of proper and approved sewage disposal and water supply services to the temporary use.
- (e) The temporary use permitted by any such by-law shall be removed prior to the expiration of said by-law and, if such use is not removed, it will be considered illegal with respect to the municipality's comprehensive zoning by-law.

## 7.10 Other Municipal By-laws

- (a) Council may pass any other by-law for which it has statutory authority and which it considers appropriate to assist in the implementation of the policies and land use designations of this Plan. This may include by-laws addressing such areas as *site alteration*, demolition control and the use and storage of non-agricultural source materials.

## 7.11 Official Plan Review and Updating

- (a) In accordance with the provisions of the Planning Act in force at the time of approval of this Plan, Council shall, not less frequently than every five years after the Plan comes into effect, revise this Plan as necessary to ensure that it:
  - i conforms with or does not conflict with Provincial plans;
  - ii has regard to matters of Provincial interest as specified in the Planning Act;
  - iii has regard to matters of local interest, changing local conditions or new information; and,
  - iv is consistent with Provincial policies issued in accordance with the Planning Act.
- (b) Any amendment to this Plan relating to the above matters or any other aspect of this Plan will be subject to full public participation in accordance with the provisions of

the Planning Act and, where deemed appropriate, extending beyond the requirements of the Act. The policies of section 7.12 and all other related policies of this Plan shall apply.

## 7.12 Public and First Nations Consultation

- (a) The Township's processing and evaluation of planning and *development* applications shall comply with all applicable public consultation provisions of the Planning Act and any other related legislation, regulations or requirements. Typically, this will include such elements as public notification of receipt of a complete application, provision of the applicant's documentation for public review, notification of the required public meeting, holding of that meeting for public input, notification and holding of an open house on any five year Official Plan updating amendment, and analysis of the public input received for consideration in the decision-making process.
- (b) When warranted by the nature of the application and *development* proposal, the features of the subject site and area, the level of public interest, or other circumstances and considerations, the Township will utilize methods of public consultation beyond those required by the applicable legislation. These may include any or all of the following, or other methods as deemed appropriate by Council:
  - i pre-application public information meetings;
  - ii a more extensive public notification process such as around proposed pit or quarry sites and along mineral aggregate haul routes in accordance with the policies of subsection 5.6.2(c) of this Plan relating to applications for *mineral aggregate operations*;
  - iii holding open house and/or workshop sessions in addition to the mandatory public meeting;
  - iv holding more than one public meeting;
  - v posting key information such as reports and peer reviews on the municipality's web site;
  - vi mediation; and,



- vii municipal protocols, with a *significant* public consultation component, to follow for proposals for such facilities as telecommunications towers, rail lines and other matters under the jurisdiction of the federal or provincial governments and over which the municipality does not have direct planning control.
- (c) In addition to the methods and procedures referenced in subsections 7.12(a) and (b) as they relate to site specific *development* proposals and applications, Council may hold meetings or use other methods to seek public input and provide information on general planning and *development* issues or interests in the municipality.
- (d) The municipality shall comply with all provisions of the Planning Act concerning consultation with First Nations on matters concerning planning and *development* as referenced in subsection 7.12(a) above.
- (e) Consultation and information sharing procedures beyond the mandatory Planning Act requirements, as referenced in subsection 7.12(b) above, shall also be used with regard to First Nations interests in planning and *development* matters.
- (f) The municipality will endeavour to provide opportunities for First Nations' consultation and input as early as possible in the processing and evaluation of planning and *development* proposals and applications. In most cases, and in all instances involving a major *development* or planning proposal, this would involve a mandatory requirement for the proponent to consult with First Nations prior to submitting a formal planning application to the municipality and preferably prior to the scheduling of any required municipal pre-application consultation meeting. First Nations representatives may also be invited to attend any required proponent pre-application consultation meeting with the municipality. First Nations will be included in all circulations of materials or draft documents to government ministries and agencies for review and comment.

## **7.13 Pre-Application Consultation and Complete Applications**

- (a) Prior to *development* occurring, and before any land division or consent for a land severance is permitted, or any amendment to this Official Plan or a zoning by-law is approved, the proponent shall establish in accordance with the all applicable policies of this Plan, the requirements of the Township and all other agencies having jurisdiction, that:

- i soil and drainage conditions are suitable to permit the proper siting of buildings and accessory facilities;
  - ii unless otherwise permitted, the proposed *development* will not be sited within hazardous lands as addressed in section 3.5;
  - iii suitable arrangements have been made for water supply, sewage disposal, storm drainage and all necessary public services;
  - iv the provisions of any applicable groundwater and watershed management plans, including drinking water Source Protection Plans, have been or will be addressed;
  - v the land fronts on an improved public road built to the standards of the public authority having jurisdiction and which is maintained by said public authority;
  - vi the road system can accommodate the traffic projected to be generated; and,
  - vii there is conformity with the applicable policies and intent of this Plan, the provisions of the implementing zoning by-law and, where applicable, the provisions of the Niagara Escarpment Planning and Development Act.
- (b) In considering a planning or *development* application, Council will require a planning impact analysis which will evaluate the *development* proposal in terms of the matters listed in part (a) above including conformity with the applicable policies and intent of this Plan. Council may determine that a complete planning impact analysis is not required for applications involving *minor* planning or *development* applications such as a consent application for a lot line adjustment.
- (c) Under the policies of this Plan it is a mandatory Township requirement that all applicants for an official plan amendment, zoning by-law amendment or site plan approval shall consult with the municipality and attend a pre-application meeting in accordance with subsection 7.13(d) below prior to submitting an application. Information concerning this requirement will be provided on the related Township application forms and associated information and through any other appropriate method such as posting on the Municipality's website. Applicants for consents will also be encouraged to consult with the Township prior to submitting an application.
- (d) The pre-application consultation meeting will be held with Township staff and/or consultants, and representatives of any government ministry agency or public

authority, including First Nations, that the municipality considers appropriate in view of the nature of the *development* proposal or site. The principal purposes of the pre-application meeting are to provide an opportunity for the proponent to describe the proposal and for municipal and other representatives to:

- i provide initial comments on the proposal in terms of their perspective and areas of interest, including conformity with Township and provincial planning policies;
  - ii identify the required studies, information and material from the list included in subsection 7.13(h); and,
  - iii specify any additional studies, documentation and material that is determined to be necessary for submission with the application based on the nature of the proposal and subject site.
- (e) Prior to the submission of an application for the required amendments relating to a new or expanded *mineral aggregate operation*, the municipality will:
- i require that the pre-application consultation meeting referenced in subsections (c) and (d) immediately above shall include representatives of the Ministry of Natural Resources and any other affected agency such as the conservation authority having jurisdiction or the Ministry of the Environment; and
  - ii advise the potential applicant that with the planning applications they must submit all documentation required for the associated Aggregate Resources Act application.
- (f) All pre-application consultation requirements referenced in the Planning Act that involve Provincial ministries shall be co-ordinated through the Ministry of Municipal Affairs and Housing.
- (g) An application for an amendment to this Plan, a zoning by-law amendment, approval of a consent or site plan approval will not be accepted until the municipality has determined that it is complete and meets all related Planning Act provisions. An application will not be considered complete until the pre-application meeting required under subsection 7.13(c) above has been held and the following have been provided to the Township:

- i a fully completed application form, including any required authorization(s) and documentation;
  - ii any information or material required by statute, regulation and municipal by-law;
  - iii all information, studies and other material required by the municipality pursuant to the policies of this Plan, including the applicable items specified in subsection 7.13(h) below;
  - iv the required application fee and deposit; and,
  - v where necessary under the policies of section 7.14, an agreement signed by the applicant or proponent to pay all costs incurred by the municipality in the processing, evaluation and decision-making related to the application.
- (h) In addition to the other items referenced under subsection 7.13(g) above, the following information, studies and materials shall be submitted as part of a complete application for an amendment to this Plan, a zoning by-law amendment, consent approval or site plan approval, unless specific items are revised or waived by the Township through the pre-application consultation process:
- i a planning report providing planning analysis and justification, particularly in terms of the applicable municipal and provincial planning policies and regulations;
  - ii an environmental impact study or other related documentation in accordance with the policies of section 3.4;
  - iii a natural hazard study as per subsection 3.5.1;
  - iv an environmental site assessment;
  - v a hydrogeological impact assessment and water budget analysis which, particularly in the case of applications related to proposals for the extraction of aggregates below the water table, may include a cumulative impact assessment;
  - vi a hydrology study;
  - vii a wellhead protection and risk assessment study;

- viii a stormwater management report;
- ix a grading and drainage plan;
- x an agricultural impact assessment;
- xi a traffic impact study;
- xii a visual impact study;
- xiii a geotechnical study, including, where necessary, a slope stability assessment;
- xiv an emissions impact report(s) on aspects such as noise, vibration, dust, odours, and particulates;
- xv a karst study;
- xvi a blasting study and plan;
- xvii a tree preservation plan;
- xviii an archaeological assessment;
- xix a cultural heritage study;
- xx a *social impact study*;
- xxi a land use compatibility study, as per subsection 3.6;
- xxii a servicing options and/or feasibility study;
- xxiii a site plan;
- xxiv for applications involving lands within 500 metres of a waste disposal site, an assessment of risks to health and safety as per section 3.5.2 and any other documentation as recommended by the Ministry of the Environment, including a methane gas migration study;
- xxv documentation on First Nations consultation;

- xxvi a municipal financial impact analysis;
  - xxvii documentation of preconsultation with key agencies such as the Ministry of Transportation or the conservation authority having jurisdiction, including, where possible, approval or approval in principle from such agencies; and,
  - xxviii any other documentation, information and technical reports as required by the applicable policies of this Plan or as identified in the pre-application consultation process as being required in light of the specifics of the subject application.
- (i) Although the Township does not have approval authority for plans of subdivision or condominium, it may require proponents of such plans to submit an application to the municipality and apply these policies concerning complete applications to such proposals.
  - (j) Notwithstanding the applicable provisions of the Planning Act, as a minimum requirement, notification concerning official plan and zoning by-law amendments involving *mineral aggregate operations* shall be provided to all owners of properties within 400 metres of the subject land and to all owners of properties fronting on that portion of the proposed aggregate haul route that follows local Township roads. In view of the *significance* of most proposed *mineral aggregate operations*, newspaper notices also will be used for any quarry proposal and for most sand and/or gravel pit proposals.

## **7.14 Municipal Costs Related to Planning Applications**

- (a) The applicant or proponent shall pay all reasonable costs incurred by the municipality in the processing, evaluation and decision making relating to any planning application. The Township may utilize by-laws, administrative procedures or other methods to implement this policy, including cost recovery agreements with applicants or proponents.
- (b) Processing of any planning application will not begin or continue until the applicant has paid in full all related reasonable municipal costs and has fully replenished any related depleted deposits.
- (c) Among the application related municipal costs included in the policies of subsection 7.14(a) are those associated with the pre-application consultation process and the

costs of peer reviews of the applicant's technical documents by suitably qualified experts.

- (d) Included in the related municipal costs referenced in subsection 7.14(a) are those costs incurred by the Township in defending its denial of an application at the Ontario Municipal Board or other tribunal, where Council is acting in good faith and the denial is based on science and available facts.

## 8.0 Interpretation

### 8.1 Land Use Boundaries and Roads

- (a) It is intended that the boundaries of the land use designations shown on the schedules to this Plan be considered as approximate, except where such boundaries follow Provincial highways, arterial roads, railways, rivers or streams or other similar geographic barriers. It is also intended that the location of roads as shown on the schedules to this Plan be considered as approximate and not absolute.
- (b) In light of subsection (a) above, amendments to this Plan will not be required to make *minor* adjustments to the boundaries of the land use designations or to the location of roads, provided the general intent of the Plan is preserved. Such *minor* adjustments can be implemented through zoning by-law amendments and will not be reflected on the land use schedules to this Plan. The determination of what constitutes a *minor* adjustment shall be at the sole discretion of the municipality. The conservation authorities and all regulatory agencies having jurisdiction will be consulted in order to assist in determining the appropriate delineation of lands designated Environmental Protection.

### 8.2 Numerical Figures and Quantities

- (a) It is intended that all figures and quantities provided in this Plan are to be considered as approximate and not absolute. Amendments to this Plan will not be required for *minor* variations from the figures or quantities contained herein provided the general intent of this Plan is maintained. The determination of what constitutes a *minor* variation shall be at the sole discretion of the municipality.

### 8.3 The Meaning of Terms

- (a) Where there is a conflict with the Provincial Policy Statement with respect to the interpretation of any term used in this Official Plan, the definition contained in the Provincial Policy Statement shall prevail unless it is determined that the term used in the Plan is consistent with the Provincial Policy Statement or represents a higher standard as referenced in Section 4.9 of the Provincial Policy Statement.



## **8.4 Accessory Uses**

- (a) Unless the specific policies of this Plan clearly indicate otherwise, wherever a use is permitted in a land use designation in this Plan, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use are also permitted. The determination of what constitutes an accessory use shall be at the sole discretion of the municipality.

## **8.5 Buffering**

- (a) In a land use context a buffer may be defined as a space or feature interposed between two conflicting land uses for the purpose of reducing or eliminating the adverse effect of one land use upon another. A buffer may be open space alone where only distance is relied upon to produce the desired results or it may be a berm, wall, fence, plantings or a land use different from the two conflicting ones but compatible with both. Buffering or combinations of different types of buffering may be required as specified by the municipality.

## **8.6 Changes in Legislation, Agencies and Approval Authorities**

- (a) Where a provincial or federal act, regulation or guideline, or section thereof, is referenced in this Plan, it is intended that such reference be interpreted to include any subsequent legislation, regulation or guideline replacing the specified document. Similarly, where reference is made to specific ministries, agencies or approval authorities, such reference is intended to include any party that may subsequently assume the referenced duties and responsibilities of the specified ministry, agency or approval authority.

## 9.0 Definitions

- (a) **Adjacent lands**, has one of the following meanings depending on the context.
- i When used with reference to the natural environment, *adjacent lands* means those lands contiguous to a specific *natural heritage feature or area* where it is likely that *development* or *site alteration* would have a negative impact on the feature or area. The extent of the *adjacent lands* may be recommended in guidelines developed by the Province or based on Township approaches that achieve the same objectives. For the purposes of this Plan, the applicable minimum widths of *adjacent lands* for various features and areas are specified in the Plan's related policies.
  - ii When used with reference to *deposits of mineral aggregate resources*, *adjacent lands* means those lands contiguous to lands on the surface of known primary *mineral aggregate resources* areas as shown on Schedule H, where it is likely that *development* would constrain future access to the resources. The extent of the *adjacent lands* may be recommended by the Province.
- (b) **Agricultural use** means the growing of crops, including nursery and horticultural crops, biomass, trees and turf grass; raising of livestock; raising of other animals for food, fur or fibre, including poultry or fish; aquiculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to, livestock facilities, manure storages, value retaining facilities, a detached dwelling and accommodation for farm labour when the size and nature of the operation requires additional employees.
- (c) **Agriculture-related use** means those farm related commercial and farm related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.
- (d) **Areas of natural and scientific interest (ANSI)** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.
- (e) **Built heritage resources** means one or more *significant* buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community.

- (f) **Comprehensive review** means a review of this Plan prepared by the Township, or an amendment to this Plan prepared and adopted by the Township that comprehensively applies the provisions of the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe concerning matters such as population and employment projections, methods and options for growth accommodation, infrastructure and public service facilities planning and the provision of water and sewage disposal services.
- (g) **Cultural heritage landscape** means a defined geographical area of heritage *significance* which as been modified by human activities and is valued by a community. It involves one or more groupings of individual heritage features which together form a *significant* type of heritage form distinctive from that of its constituent elements or parts.
- (h) **Deposits of mineral aggregate resources** means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has sufficient quantity and quality to warrant present or future extraction.
- (i) **Development** means the creation of a new lot, a change in land use, or the construction of buildings or structures, requiring approval under the Planning Act, but does not include activities that create or maintain *infrastructure* authorized under an environmental assessment process, or works subject to the Drainage Act.
- (j) **Existing** means, when used in reference to a building, structure, use or lot, any such building, structure, use or lot that was legally in existence at the time of approval of this Plan.
- (k) **Endangered species** means a species that is listed or categorized as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official Species at Risk list.
- (l) **Fish habitat**, as defined in the Fisheries Act, means spawning grounds and any other areas, including nursery, rearing and food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.
- (m) **Garden suite** means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing permanent residential building, or an *agricultural use* having a permanent residential building, and that is designed to be portable.

- (n) **Habitat of endangered species and threatened species** means:
- i with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the Endangered Species Act, 2007, is in force, the area prescribed by that regulation as the habitat of the species; or
  - ii with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and
  - iii places in the areas described in clauses i or ii, whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.
- (o) **Individual on-site sewage services** means individual autonomous water supply systems within the meaning of section 8.1.2, Ontario Regulation 403/97, under the Building Code Act, 1992, that are owned, operated and managed by the owner of the property upon which the system is located.
- (p) **Individual on-site water services** means individual autonomous sewage disposal systems that are owned, operated and managed by the owner of the property upon which the system is located.
- (q) **Infrastructure** means physical structures, both facilities and corridors, that form the foundation for *development*. *Infrastructure* includes: sewage and water systems other than *individual on-site sewage systems* and *individual on-site water services*, septage treatment systems, waste management systems, electric power generation and transmission, communications or telecommunications, transportation corridors and facilities, oil and gas pipelines and associated facilities.
- (r) **Intensification** means the development of a property, site or area at a higher density than currently exists through redevelopment, the development of vacant or underutilized lots within developed areas, infill development and the expansion or conversion of existing buildings.

- (s) **Legal or technical reasons** means severances for purposes such as easements, deed corrections, quit claims and minor boundary adjustments that do not result in the creation of a new lot.
- (t) **Mineral aggregate operation** means lands under license or permit for a pit or quarry, other than *wayside pits and quarries*, issued in accordance with the Aggregate Resources Act and associated facilities used in extraction, transport, processing and, where compliant with the applicable municipal and Provincial requirements, recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.
- (u) **Mineral aggregate resources** means gravel, sand, clay earth, shale, stone, limestone, dolostone, sandstone, marble, granite rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing, and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.
- (v) **Minimum Distance Separation Formulae** means formulae developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.
- (w) **Minor** means limited in size, scope or importance.
- (x) **Mobile home** means a dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel *trailer*, tent *trailer* or *trailer* otherwise designed.
- (y) **Natural heritage features and areas** means features and areas, including *significant wetlands*, fish habitat, *significant woodlands*, *significant habitat of endangered species* and *threatened species*, *significant wildlife habitat* and *significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.
- (z) **Negative impacts** means
  - i degradation to the quality and quantity of water, sensitive surface water and groundwater features, and their related hydrologic functions, due to single, multiple or successive *development* or *site alteration* activities;

- ii any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, there has been authorization under the Fisheries Act;
  - iii degradation that threatens the health and integrity of the natural features or ecological functions for which a *natural heritage feature or area* is identified, due to single, multiple or successive *development* or *site alteration* activities; and
  - iv with regard to *mineral aggregate operations* and other similar large scale industrial or commercial uses, any of the above effects or any important or unusual or adverse effects on the normal use and enjoyment of off-site properties.
- (aa) **Normal farm practice** means a practice that:
- i is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances, or
  - ii makes use of innovative technology in a manner consistent with proper advanced farm management practices, and
  - iii is consistent with the Nutrient Management Act, 2002, and regulations made under that Act.
- (bb) **On-farm diversified uses** means uses that are secondary to the principal agricultural use of a property, are limited in area, and include but are not limited to, home occupations, home industries, on-farm business uses, agri-tourism uses, and uses that produce value-added agricultural products.
- (cc) **Prime agricultural area** means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A *prime agricultural area* may also be identified through an alternative agricultural land evaluation system approved by the Province.

- (dd) **Prime agricultural land** means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.
- (ee) **Private communal sewage services** means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by the municipality.
- (ff) **Private communal water services** means a drinking water supply and distribution system within the meaning of Section 2 of the Safe Drinking Water Act, 2002, that serves six or more lots or private residences and is not owned by the municipality.
- (gg) **Public service facilities** means land, buildings and structures for the provision of services and programs by a government or an agency thereof including such services as police and fire protection, recreation facilities, general governmental services and health and educational services, but not including large scale correctional facilities or similar uses and *infrastructure*.
- (hh) **Residence surplus to a farming operation** means an existing farm residence that is rendered surplus as a result of a farm consolidation involving the acquisition of an additional farm parcel or parcels to be used as part of one farm operation which has its base of farm operations and principal farm buildings within the Township or within 1 kilometre of the Township.
- (ii) **Residential infilling**, when used in reference to a residential area within a Community designation, means new housing or lot creation on vacant or underutilized land. When used in reference to areas outside Community designations, *residential infilling* means:
  - i new housing or residential lot creation between two existing residential lots, whether developed or vacant, which are of a similar size to the proposed lot, are on the same side of a road and are not more than 200 metres apart;
  - ii new residential lot creation where there is a maximum distance separation of 200 metres between a developed or vacant residential lot having a similar size to the proposed lot(s) and an intersection of two open public road allowances; and
  - iii the creation of a new residential lot from parts of one or more similarly sized abutting residential lots containing dwellings that are a maximum of 200 metres apart and there is sufficient lot area for the severed and retained lots.

- (jj) **Residential intensification** means the *development* of a property, site or area at a residential density that is higher than currently exists or was previously permitted through redevelopment, *residential infilling*, the expansion or conversion of existing residential buildings including second dwelling units in detached or semidetached dwellings, or the conversion of non-residential buildings to residential use.
- (kk) **Sensitive uses** means buildings, land uses, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience adverse effects from contaminant discharges generated by a nearby facility. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.
- (ll) **Settlement areas** means rural settlements within the Township where development is concentrated and which have a mix of land uses. In the Township *settlement areas* include the communities of Horning's Mills, Corbetton and Riverview.
- (mm) **Significant** or **significance** means important in terms of amount, content, representation, effect or value. More particularly, the terms mean:
- i in regard to *wetlands* and *areas of natural and scientific interest*, an area identified as provincially *significant* by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, or an area identified as locally *significant* by a conservation authority or the Township;
  - ii in regard to *woodlands*, an area which is either ecologically important in terms of characteristics such as species composition, the age of trees and stand history, or functionally important due to its contribution to the landscape because of its location, size or due to the amount of forest cover in the Township, or economically important due to its quality, species composition or management history. These are to be identified using criteria established by the Ministry of Natural Resources and modified where necessary to reflect local conditions and features;
  - iii in regard to other *natural heritage features and areas*, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or nature heritage system; and,



- iv in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to the understanding of the history of a place, an event or a people.
- (nn) **Significant expansion** means, with regard to a land use or building, an expansion which increases the size of the building or the area of the use by a minimum of 25 percent consisting of 150 square metres of useable building floor area.
- (oo) **Site alteration** means activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site, or such other meaning that may be provided in any related municipal by-law, but does not include a *mineral aggregate operation*.
- (pp) **Social impact study** means the analysis of the potential effects of a proposed land use or *development* on people's way of life in terms of such aspects as how they live, work and interact with one another, and on their community in terms of its cohesion, stability and character.
- (qq) **Temporary farm help accommodation** means accommodation on an agricultural property that is temporary in nature and is designed to be moved when no longer required, with such accommodation being provided for persons having temporary employment on the subject farm and having a permanent residence elsewhere.
- (rr) **Threatened species** means a species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources' official species at risk list.
- (ss) **Trailer** means, in the case of *temporary farm help accommodation*, a unit designed to be readily connected to, and hauled by a motor vehicle, and containing cooking, washroom and sleeping facilities, and, in the case of a *trailer park* or campground, means a tent *trailer*, travel *trailer*, camper, van and motor home or recreational vehicle.
- (tt) **Wayside pits and quarries** means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road or similar construction and not located on a road right-of-way.
- (uu) **Wellhead protection area** means the surface and subsurface area surrounding a water well that supplies a public water system and through which contaminants are reasonably likely to move so as to eventually reach the well.

- (vv) **Wetlands** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

## **MAP SCHEDULES**