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# TAY VALLEY TOWNSHIP OFFICIAL PLAN

DRAFT ~~May 28~~October 11, 2022

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Tay Valley Township



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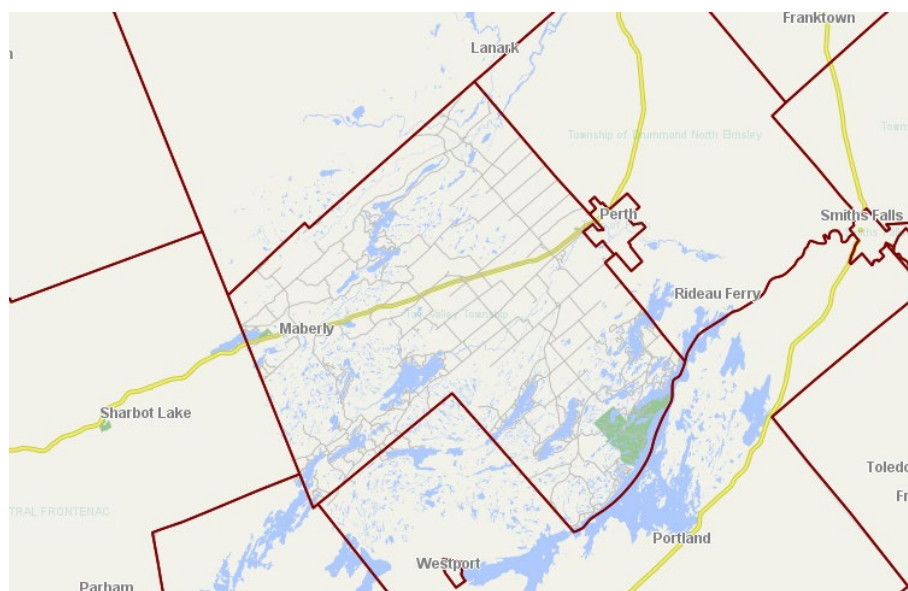
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## INTRODUCTION

### SECTION 1: INTRODUCTION

#### 1.1 TOWNSHIP PROFILE

Tay Valley Township is a rural municipality in Lanark County, eastern Ontario. Ottawa is 80 km to the northeast while Kingston and the US border are 70 km to the south and Peterborough is 98 km to the west. The Township represents a land area of approximately 549 square kilometers and contains 32 lakes and 9 rivers. Forests and agricultural lands also contribute to the landscape. **A permanent population of 5,925 (2021 Census) doubles as cottagers return to the lakes in the summer months.**



**Map 1 Location of Tay Valley Township (source: CGIS)**

Wood products, farming and maple syrup have been staple industries in the area since early settlement **by Europeans** and are still important economic activities for many residents. The largest industry in the Township is Swiss-based Omya Canada Inc., the world's largest calcite producer. Their plant at Glen Tay is their largest Canadian processing center and already one of Eastern Ontario's largest industrial complexes.

**The Township is home to over 200 small businesses.** Many small contracting, haulage and seasonal support businesses are based in the Township as are many professional artists and craftspeople who have found a supportive community for their creative businesses. The Township boasts two artist studio tours throughout the year, in Brooke Valley and Maberly, as well as Art in the Garden, located near Harper, which combines music, art and gardens.

## INTRODUCTION

Recently a winery and a number of monasteries and a hermitage have located in the Township.

The influx of cottage vacationers and tourist visitation over the past half-century has influenced the demographic makeup and the local service industries. There is a slow but steady trend for these people, along with residents from urban areas, to take advantage of the natural beauty of the Township landscape by transforming cottages into permanent residences.



Black Lake (source: Tay Valley Township website)

Recently, enhanced communication capacity has resulted in more people moving to the area to work in the “creative economy” in such jobs as software design, architecture, and consulting businesses. Our main trade areas are adjacent to Perth on Highways 7 and 511, along the Scotch Line corridor, and in Maberly.

The Township contains two Provincial Parks, Silver Lake and Murphys Point on Big Rideau Lake, as well as a number of private campgrounds. ~~For Indigenous peoples the rivers and lakes of the Township were the highways of this land abundant with game, wild rice, maple sap and wild fruits.~~ In local stories the early Algonquin name for Silver Lake meant “Paradise” and was the site of traditional summer gatherings. A powwow continues to be held on the lake in August each year.

### 1.2 Indigenous History and Relationship to the Land

## INTRODUCTION

### 1.2.1 Duty to Consult

Tay Valley Township recognizes the importance of consulting with Indigenous communities on planning matters that may affect their Section 35 Aboriginal or treaty rights. As noted by the Association of Ontario Municipalities (AMO), strengthening relations with Indigenous people is important to Ontario's municipal governments. Municipal government leaders and staff can support Indigenous communities and be part of the healing, learning, and restoration needed to support reconciliation with our Indigenous friends, neighbours, and communities. To this end, the Township will work to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making.

The 1993 Sewell Commission determined that the Indigenous communities should be treated by municipal governments as governments in their own right, and not treated as "special interest groups" or "third party stakeholders". The 2015 Truth and Reconciliation Commission of Canada noted that reconciliation is about establishing and maintaining a mutually respectful relationship between Indigenous and non-Indigenous peoples. In order for this to happen, there must be awareness of the past, an acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour. As a creature of the Province, Tay Valley Township embraces the duty to consult Indigenous communities.

### 1.2.2 Indigenous Relationship with the Land

Indigenous communities have a special relationship with the land and its resources. This Plan recognizes the role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions.

The special Indigenous relationship with the land must be understood. The "creator" provided "Turtle Island" (North America) to the Indigenous peoples and asked that they look after the earth and all its elements to ensure it remains whole and sustainable for seven generations to come. The sacred teachings identify the Indigenous people and the land connected together as one. Their relationship with the land is sacred and all living animals and inanimate things are true spirits to be respected.

This is a different perspective than that held by many non-Indigenous peoples where man has dominion over the earth and that land is an asset to be purchased and developed with limited concern for future users. Land as a commodity to be used through economic principles is distinctly different than the Indigenous relationship with the land.

### 1.2.3 Indigenous History in Lanark County and Area

The story of the Indigenous cultures begins thousands of years ago. The Anishinaabe peoples, originally from the Gaspé Region, migrated westward up the St. Lawrence River, to

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## INTRODUCTION

the Great Lakes region and the Kiji Sibi - the Ottawa River area. The Omamiwinini families, also known as the Algonquin Anishinaabe Nation settled in the Ottawa River area, including its tributaries the Mississippi, Tay, Fall and Rideau Rivers – their highways.

To the Anishinaabe people, their Tay River Watershed traditional territory would most often relate to their winter homeland. The waterways were their main source of transportation and their home territories related to specific watersheds. In summer months they would gather with other tribes along the shores of the Ottawa River (Kiji Sibi) in order to socialize, meet with family and friends, trade goods, hold Pow Wows, attend council meetings, receive medical help, get a spouse, honor the ancestors and live in a normal community setting.

When winter was about to arrive, the extended family followed their Tribal Chief and packed up and canoed back upriver to their winter homeland in the Tay Valley Watershed, allowing them close access to many surrounding lakes and rivers systems to hunt, gather and socialize with other local Algonquian tribes on the nearby Mississippi and Rideau Watersheds.

And so, things remained unchanged for thousands of years until May 13, 1611, when Samuel de Champlain met with his allies the Anishinaabe along the St. Lawrence River at Tadoussac. Champlain continued his travels and met various Algonquin tribes as he ventured up the Ottawa River. Throughout the spring and early summer of 1613, Champlain met, befriended and made allies with several Algonquin tribes along the shores of the Ottawa River, including the Omamiwinini-Omamiwinini ancestors who summered at the mouth of the Rideau River in Ottawa.

The Iroquois Wars and European diseases had devastating effects on the Algonquin nation, including those who lived along the Tay River. In 1650 the Mohawk and Seneca joined forces with other Iroquois Nations and attacked numerous Algonquin tribes. Many of the Algonquins, including the Omamiwinini-Omamiwinini migrated to safer areas around Oka, and Trois-Rivieres. Following the conclusion of the Iroquois Wars, the remaining Algonquins who survived the wars and diseases represented only about 20% of their pre-contact population and were slow to return to their traditional territories of the Ottawa River Tributaries.

Modern Algonquin occupation of the lands within the Tay River Watershed can be traced back to Chief Pierre Shawinipinessi who petitioned the government to allow him some of their traditional land within the Tay River Watershed so that his people could develop a place to live, farm, hunt and establish a proper Indigenous independent community. In March 1844 Chief Shawinipinessi was legally granted a 2,000-acre parcel of land on Bobs Lake in



## INTRODUCTION

Bedford Township (now South Frontenac) and moved his group of 100 members to their new land.

Shortly after Chief Shawinipinesi and his people moved to Bobs Lake, they encountered serious conflicts from the logging barons who began harvesting the trees and making potash on their land grant and trespassing and occupying the land. By 1850 the forest had been cut down and the Chief's numerous attempts at making petitions and obtaining court orders to stop these actions had failed, causing many of the tribe to move away, some back to Lac Des Deux Montagne, some back to the Ottawa River Allumette Island and others to North Bay/Mattawa area. Others moved to Ardock, Sharbot Lake, Silver Lake and scattered backwoods areas. Chief Shawinipinesi moved to the Golden Lake area.

### 1.3 European History

European history in the area begins with settlement in the early 1800s, when several hundred Scottish and Irish settlers as well as soldiers from the War of 1812 established early communities in the former townships of North Burgess, Bathurst, and South Sherbrooke.

Communities were established in Allan's Mills, Althorpe, Bolingbroke, Brooke, DeWitt's Corners, Elliott, Fallbrook, Feldspar, Glen Tay, Harper, Maberly, Playfairville, Rokeby, Stanleyville, and Wemyss.

Many historical cheese factories, mills, schools and cemeteries can still be seen, as well as the ruins of the 19th century Silver Queen Mine, which produced mica and feldspar. The Maberly Agricultural Fair, founded in 1882, continues to be held annually in August.

The current Tay Valley Township was formed in 1998 by the amalgamation of the former Townships (known as Bathurst, Burgess, Sherbrooke). ~~The Town of Perth is located on the eastern border of the Township, and Sharbot Lake is the nearest village to the west. Lanark Village is located to the north and Westport to the south.~~

Throughout all the changes over the history of the land, the residents and businesses within Tay Valley Township have remained resilient and adaptable to change.

### 1.23 GOAL OF THE OFFICIAL PLAN

Tay Valley Township is a rural community that honours our culture and heritage, whose citizens and leaders strive to improve the quality of life for all residents and visitors in a sustainable, adaptable and secure environment.

### 1.43 OBJECTIVES SUPPORTING THE GOAL OF THE OFFICIAL PLAN

The goal of the Official Plan recognizes the importance of sustainability.

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## INTRODUCTION

A number of ways of thinking about and monitoring community well being have been developed recently.

One approach, called Doughnut Economics, is being used in municipalities across Canada. It recognizes that there is a basic foundation of needs that must be met for a community to be sustainable and accessible e.g., clean abundant water, housing affordable housing, broadband internet, accessible transportation, etc. It also recognizes there is an upper limit or ceiling on impacts a community can safely generate before the community becomes unsustainable (Figure 1)

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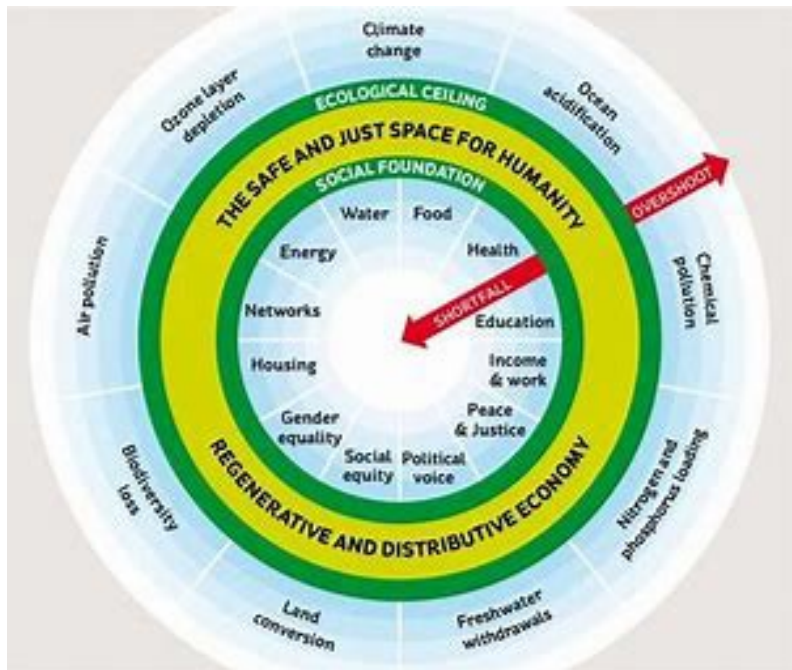


Figure 1 Regenerative and Distributive Economy (source: K. Raworth)

The Official Plan supports the Township's goal through a number of objectives that recognize both the required foundation for and ceiling to development in the Township.

These objectives have been shaped by recent public consultations on Tay Valley's: Age Friendly Community Plan, Recreation Masterplan, Climate Action Plan and Co-Housing Options. These objectives are summarized under four categories: Community Development; Environmental Stewardship, Community Health and Safety, and Resource Management.

## INTRODUCTION

### 1.45 COMMUNITY DEVELOPMENT

Three potential population projections have been proposed for Tay Valley Township. Based on past growth trends from census data, the population projection for 2046 is 6,474 permanent residents. Lanark County has allocated Tay Valley Township 7,097 people to the year 2038. Finally, based on 2021 actual housing starts, an additional 50% of the current population would be added for a total population in 2046 of 8,424.

The first growth projection is based on Statistics Canada 2021 census data which showed a 4.6% increase in population between 2016 and 2021 that translates to an average annual increase of just over 45 persons representing 19 new home starts per year. Over the course of the planning period, the average household size is expected to slightly decline in a manner consistent with broader demographic trends from 2.45 persons per household (2021) to approximately 2.3 by 2046.

As a lower-tier municipality, the Tay Valley Township Official Plan must conform to the policies of the Lanark County Sustainable Communities Official Plan (SCOP). This Official Plan was updated to conform to the County's SCOP, however, in reading this Plan, there may also be a need to refer to the County SCOP.

The second growth projection is based on 2018 County of Lanark population allocations to the year 2038 for all the lower tier municipalities. This allocation represents a 20% increase over the 2021 population, or 1,172 additional people, representing approximately 488 additional households over the 17-year period, equaling roughly 29 new home starts per year.

A third growth projection uses 2021 actual housing starts of 60 new dwellings. With an average of 2.4 persons per household that equals 144 new residents for that year. If this pace of growth was to continue, the Township population would increase by 2,499, or almost an additional 50% of the current population, for a total population of 8,424.

The new homes for the population increase are anticipated to be located throughout the Township on lots created by consent, lots created by plan of subdivision or cluster lot development. Given the servicing constraints within the existing settlement areas within the Township, there will be limited opportunities for infill and intensification within the existing hamlets without their expansion on communal services.

In anticipating the pressures for growth, careful planning and decision-making will ensure that the unique and desirable characteristics of the Township are not lost in order to accommodate the growth pressure. Policies to support an aging population and affordable housing should be encouraged as part of managing this growth.

Notwithstanding the fact that the Township anticipates that regional centers will likely continue to play a significant role, the historical role of the Township's various hamlets as

## INTRODUCTION

residential, social and cultural communities and local service centers will be supported and encouraged.

### 1.45.1 Community Development Objectives

1. To encourage a healthy and diversified economy to promote a favourable assessment base with a more equitable balance between residential and non-residential assessments and to encourage a reasonable range of employment opportunities.
2. To ensure that land use designations and related policies foster economic diversification, including opportunities for home-based and tourism-based businesses.
3. To build a constructive, cooperative relationship through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and informed decision-making.
4. To support both existing local businesses and agricultural operations in recognition of the vital and historic role these sectors have played in the Township's development.
5. To maintain and strengthen the role of hamlets as local commercial, residential, social, and cultural centers for the Township.
6. To encourage the provision of an adequate supply and range of traditional and non-traditional housing types and supporting amenities to satisfy the needs of existing and future residents.
6. —
7. To be a welcoming, respectful and inclusive community for all of its current and future citizens, whether they are indigenous inhabitants, descendants of previous immigrants, or new Canadians. Tay Valley is a community valuing equity, diversity and inclusion.
7. —
7. To support a transportation system that promotes the safe and efficient transportation of residents, tourists and goods and -
- 9-8. ~~To support a transportation system that minimizes disruption to communities and the environment and encourages a~~ sustainable transit (including micro transit) and active transportation (bicycling and walking).
10. To ensure appropriate public engagement in land use decision making and to -
- 12-9. ~~±~~ coordinate land use decisions with area municipalities and other affected parties.
- 13-10. ~~To enhance the aesthetic qualities of the built and natural environment.~~

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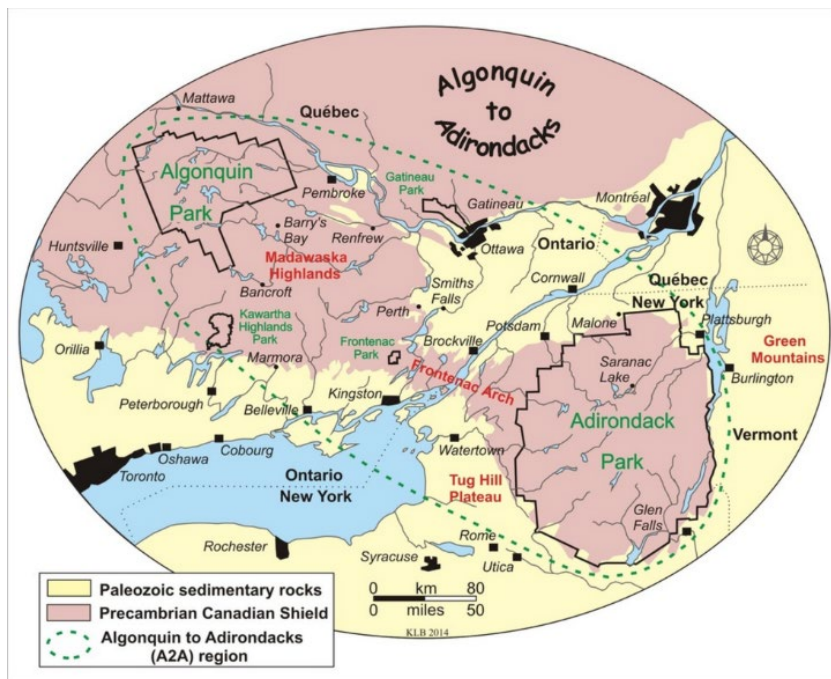
## INTRODUCTION

### 1.56 ENVIRONMENTAL STEWARDSHIP

The Township is unique in Lanark County because it is part of two ecosystems recognized for their importance to Ontario's environment and globally. In the southeast, the Frontenac Arch includes the area of the Township along Big Rideau Lake. In the west, the wetlands and forest are part of the Land Between ecotone.

According to Nature Conservancy Canada, "with over 72 per cent forest cover, the Frontenac Arch is one of the most important forest corridors in North America. It forms a critical habitat linkage between the northern hardwood and mixed forests in the Algonquin Highlands of Ontario and the Appalachian Mountain chain of eastern North America.

This 171,000-hectare (423,000-acre) natural area brings together northern Canadian Shield forests with southern Carolinian influences and fosters a diversity of plant, insect and animal species. Many of these species are at risk and globally rare. The Frontenac Arch serves as a funnel for migrating birds, bats and insects, as well as animals with large home ranges, such as fisher, black bear, moose and eastern wolf" (see Map 2).



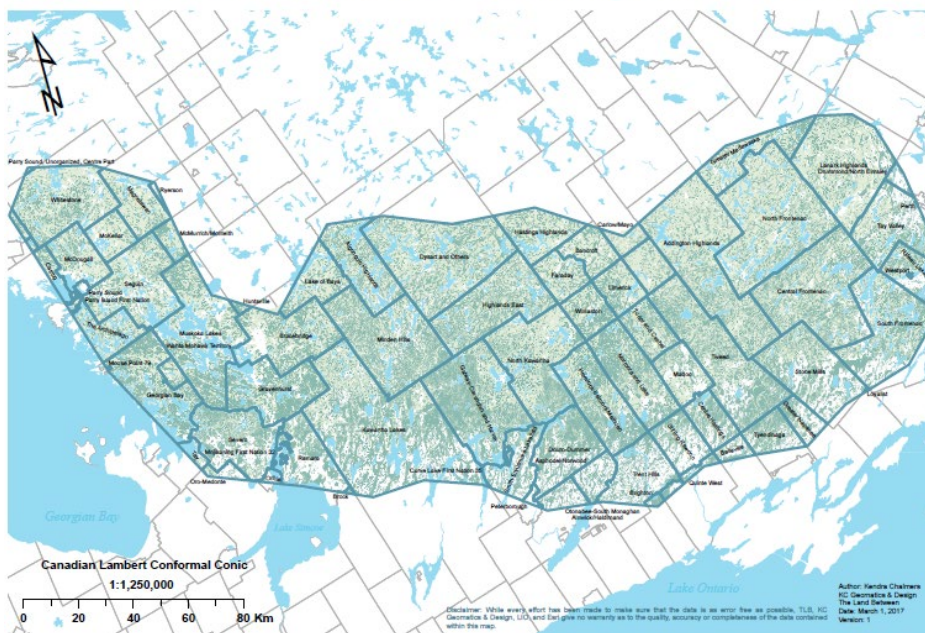
The Land Between ecotone has "the highest percentage of shorelines, the only rock barrens in Ontario, the majority of the populations of reptiles, and overlapping species ranges at the northern limit for many species such as White Oak, Woodchuck, Chorus Frog and the

## INTRODUCTION

Common Crow. At the same time, it is the southern limit for other species such as Grey Wolf, Moose, River Otter, American Raven, and the Common Loon. Unique species mainly associated with The Land Between include Five-lined Skink, Ontario's only lizard, Golden Winged Warbler, Whippoorwill and the wide variety of turtles.

The Land Between is also rich in culture and heritage. It is the territory of a thriving and sophisticated Nation of the Anishinaabeg and now it is also a meeting place of Great Nations of the Anishnaabeg, Wendatt, and Haudenashaunee.”

## The Land Between - County Boundaries



Map 3 The Land Between Ecotone (source: The Land Between)

It is, therefore, not surprising that the most striking natural features of the Township are its 32 lakes, 9 rivers and forests. These lakes, rivers and forests are a valuable natural, recreational, and tourism resource and must be protected from environmental degradation. Policies in the Official Plan related to sewage disposal, surface and groundwater protection and residential conversions will protect lake water quality. It is also recognized that lake management and watershed management planning are important activities in support of the environmental sustainability of the Township's lake resources.

While perceived as nuisance areas in the past, wetlands have been increasingly recognized for their ecological value. Wetlands provide rare species habitat, more biodiversity than the



## INTRODUCTION

amazon rainforest, flood and drought mitigation, and carbon capture capacity exceeding forests. The Township is again unique in Lanark County because it contains a Regionally Significant Bog (Maberly Bog) as well as swamps, marshes and fens. As we are already experiencing the effects of climate change, wetlands also play a critical role in mitigating flood and drought impacts through the natural storage and slow release of water

Finally, the Township contains many areas of deep interior forest (forest that is 100m (328 ft) in diameter. There are many birds enjoyed by Township residents (e.g., orioles, scarlet tanagers, bluebirds, etc) that are not found outside of these deep interior forests. Fragmentation of the forests, is therefore, to be discouraged.

### 1.56.1 Environmental Objectives

1. To foster the environmental sustainability of watersheds in the Township through co-operating with Conservation Authorities and other relevant Federal and Provincial agencies that have regulatory powers in natural resources management and by having regard for the environmental goals and objectives of existing watershed and subwatershed plans. (See Section 3.2) The municipality will also work with other municipalities and agencies to achieve a coordinated approach to address issues which cross municipal boundaries, such as ecosystem and watershed planning.
2. To preserve and enhance water bodies and their environs by ensuring development is environmentally-sensitive and maintains or improves water quality and the shoreline environment.

~~3. To promote biodiversity and conserve natural heritage systems and features and recognize the :~~

~~6. To maintain the natural capital natural heritage features provide through services such as filtering water, flood abatement, and carbon sequestration.~~

~~7.3. To value natural infrastructure (e.g., wetlands, soils, trees, etc.) and the economic value they provide with respect to natural storm water collection, water quality, sequestering carbon emissions, improving air quality, reducing localized heat, and preventing flooding.~~

~~8-4. To promote low impact development.~~

~~9. To promote biodiversity~~

~~10. To reduce greenhouse gas emissions and-~~

~~11-5. To promote energy efficiency and conservation to minimize the negative impacts of climate change.~~

~~12-6. To encourage rehabilitation of brownfield sites.~~

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## INTRODUCTION

7. To protect and enhance the health of the watersheds in Tay Valley Township, this includes the marshes, streams, rivers, lakes and groundwater which function as a unified system.

### 1.67 COMMUNITY HEALTH AND SAFETY

Land-use planning decisions shape communities in many ways including walkability, access to public recreation areas, dark skies, protection of farmland, access to nature, preservation of Indigenous and settler cultural history, etc. Planning for a healthy community can support the physical, psychological and social health of residents and contribute to reducing obesity, heart disease and social isolation, and improving mental health, nutrition and air quality.

Social determinants of health are recognized as being far more important to an individual's health than their genes and biology (which account for only 10% of their health).



Figure 2 Social Determinants of Health (source: Public Health Unit Grey Bruce)

The Ontario Professional Planners Institute created a guide to planning for healthy communities called *Planning by Design: A Healthy Communities Handbook*. In it they identified a number of sustainability characteristics e.g., density, mix of uses, mobility options, transportation connectivity, road design, building design, green infrastructure.

## INTRODUCTION

The strategy for a healthy community takes into account the environment, safety, physical activity, food access, potable water, and social well-being.

### 1.67.1 Community Health and Safety Objectives

1. To plan for healthy, liveable and safe communities, by preparing for regional and local impacts of climate change by promoting land use patterns that mitigate and maintain resilience to climate change, including energy efficient and water conserving building and landscape design, and the use and development of alternative and renewable energy systems where appropriate.

~~To promote active and healthy lifestyles.~~

~~3-2.~~ To promote active and healthy lifestyles ~~population health~~ through policies that encourage physical activity, decrease the Township's impact on climate change, provide equitable access to spaces for recreation and leisure in built and natural environments, preserve and protect the local food system from production to waste management, protect the population from health hazards, and increase opportunities for people to gather and build on the Township's sense of community.

~~4-3.~~ To conduct planning with an open process that engages all stakeholders, including those most vulnerable, newcomers or minority groups, -producing policies which are fair in their distribution of benefits as well as equitable and inclusive to diverse groups.

~~5-4.~~ To work with local agencies to help ensure population health is prioritized through land use and other public policies in this Plan, include health considerations in all policies to improve the health of all communities and people at a systemic level.

~~6-5.~~ To help ensure equitable access to healthy food for all residents.

~~7-6.~~ To incorporate native vegetation and native tree-planting in new, existing, and future developments to increase areas for shade and assist with dissipation of localized heat.

~~8-7.~~ To implement a community-wide compost program to encourage residents to compost food waste, thereby reducing the Township's greenhouse gas (GHG) emissions by reducing food decomposition in garbage dumps.

~~9-8.~~ To build a robust active transportation (e.g., cycling, walking, and possible public transportation initiatives) network to decrease use of motorized vehicles and provide options for healthier transportation.

~~10-9.~~ To provide for necessary public service facilities.

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## INTRODUCTION

- ~~41.10.~~ To support the business community, as well as to ensure that incompatible development and unacceptable environmental impacts and land use conflicts are not generated through its activities.
- ~~42.11.~~ To promote the arts and culture communities that thrive in Tay Valley Township.
- ~~43.12.~~ To maintain and, where possible, to improve the quality of the natural and built environment, particularly in regard to the health, safety, convenience and welfare of residents.
- ~~44.13.~~ To develop and maintain sufficient parkland and trails, open space and community facilities to meet the needs of various age and socio-economic groups.
- ~~45.14.~~ To ensure that adequate attention is paid to natural and human-made hazards in reviewing development proposals.
- ~~46.15.~~ To protect existing land uses from the impacts of incompatible development and to ensure that new or expanding uses are well integrated into existing developed areas.
- ~~47.16.~~ To foster site and building design that incorporates features and amenities for all generations and those with disabilities, particularly where such sites or buildings are intended to serve the general public.
- ~~48.17.~~ To generally direct development to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fires except where the risk can be acceptably mitigated based on Ministry of Natural Resources and Forestry (MNRF) wildland fire assessment and mitigation standards.

### 1.78 RESOURCE MANAGEMENT

The Township has a number of resources it has been directed by the province to conserve. These include: agricultural resource lands, mineral and aggregate resource lands, Significant Forests, cultural heritage landscapes, and archeological resources.

The Township will work with the Algonquins of Ontario and the province to ensure appropriate and mutually acceptable Official Plan and zoning designations are in place as former Crown Lands are transferred to Algonquin ownership.

#### 1.78.1 Resource Management Objectives

1. To protect agricultural, forest, potable ground and surface water, mineral aggregates, minerals, cultural heritage and archaeological resources for their economic, environmental and social benefits.

## INTRODUCTION

2. To conserve and protect cultural heritage resources, including encouraging the preservation, restoration or re-use of historic and architecturally significant buildings or landmarks.

4-3. To promote the recognition and conservation of the historic and scenic character of the Rideau Canal as a UNESCO World Heritage Site, Canadian Heritage River, and National Historic Site, and to manage new development that sustains these values.

2-4. To promote the conservation and protection of significant archaeological resources.

3-5. To protect agricultural areas from intrusion by incompatible land uses and ensure that more intensive agricultural operations are conducted so as to minimize impacts on non-farm uses.

4-6. To promote the Indigenous cultural heritage of Tay Valley Township.



Master birchbark canoe maker Chuck Commanda and apprentice Cole Williams launch at Murphys Point Provincial Park where they built the canoe. (source: Plenty Canada)

3-7. To promote and encourage a wide range and scale of agricultural activities, including community gardening and value-added agricultural industries that are directly related to and compatible with surrounding agricultural operations. To promote and encourage organic and non-traditional farming as well as conventional farming and to support the sale and availability of locally produced food for local food security. Access to local food also includes food security.

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## INTRODUCTION

~~4-8.~~ To protect forests through policies such as the Tree Canopy Policy.

~~5-9.~~ To support and create opportunities for renewable energy.

~~5-10.~~ To establish detailed land use policies that promote environmentally sound development through the planning and development approval processes to be used as the basis for evaluating development proposals, particularly in those instances where such proposals may be in keeping with some objectives but conflict with others.

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## COMMUNITY DEVELOPMENT

### SECTION 2: COMMUNITY DEVELOPMENT

#### 2.1 LAND USE PATTERNS FOR DEVELOPMENT

The Provincial Policy Statement 2020 lays out the province's directives on land use. It directs growth and development to "urban and rural settlement areas while supporting the viability of rural areas". To meet the province's direction to cluster growth, Tay Valley will need to encourage residential growth in Hamlets and reduce the number of new lots created since there is a current surplus of vacant lots that meet the provincial 25 year growth horizon.

Settlement areas are "urban areas and rural settlement areas, and include cities, towns, villages and hamlets". Rural lands are "lands which are located outside settlement areas and which are outside prime agricultural areas". Rural areas are "a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas".

The Township shall be developed in accordance with the land use pattern shown on the Land Use map attached as Schedule A to this Plan, Constraints map attached as Schedule B; and Natural Heritage System map attached as Schedule C.

The Land Use map (Schedule A) establishes the pattern of development in very general terms by dividing the Township into seven land use designations:

- Hamlets, Rural, and Employment Lands (described in Section 2: Community Development);
- Provincially Significant Wetlands (described in Section 3: Environmental Stewardship along with other environmental features of the Township)
- Floodplain (described in Section 4: Community Health and Safety)
- Agriculture and Mineral Resources (described in Section 5: Resource Management).

In addition, certain Public and Institutional uses are permitted in all land use designations, in accordance with the Public and Institutional Use section 2.3.1.

#### 2.2 COMMUNITY DEVELOPMENT - POLICIES

Development considerations that are generally applicable to various lands within the Township are described below. These policies should be read in conjunction with all other sections of the Plan, which relate to considerations for undertaking development or site alteration where there are existing on-site or adjacent area features, constraints, uses or land use designations.

##### 2.2.1 ECONOMIC POLICY

Council shall, when considering proposed development, bear in mind the financial position of the Township and shall attempt to secure and maintain a satisfactory ratio between residential assessment and industrial/commercial assessment. In seeking to obtain a more equitable assessment ratio, Council intends to promote the Township as an agricultural,

## COMMUNITY DEVELOPMENT

recreation and tourism center. Ecotourism and cultural assets will be particularly important to the Township's future.

If required, Council may delay approving further residential development when the residential assessment rises until such time as it is satisfied that it has the financial resources to continue to supply needed municipal services and community facilities. Where Council has concerns in this regard, it may request the proponents of proposed developments to undertake studies which examine these issues to Council's satisfaction.

From time to time, in consultation with the appropriate agencies, Council shall review any increase in municipal costs which is associated with the provision of services and which is attributed to development activity. The results of these reviews shall serve, in part, as the basis for Council's decisions and recommendations regarding the approval of development proposals. Where appropriate, Council may impose such conditions as it regards necessary to minimize or eliminate such costs, including the adoption of a Development Charges By-Law, under the *Development Charges Act*.

The Township benefits from regional investments in modern, robust telecommunication infrastructure. This infrastructure is critical to advancing the Township's economy and attractiveness as a place to live and invest. The Council will continue to work with other stakeholders to seek funding assistance to help maintain and improve the telecommunication infrastructure of the Township.

Council recognizes that for most rural areas, economic growth does not come from pursuing large manufacturing plants. Therefore, Council will prioritize retention and growth of the more than 200 small businesses in the Township. As well as the traditional home-based business approach, Council will consider Accessory Commercial Units as an option.

An Accessory Commercial Unit (ACU) is a small commercial unit that is accessory to the principal residential use on the site. Unlike home-based businesses that are largely hidden within dwellings, ACUs create small street-oriented gathering spaces similar to farm gate sales but for cafes, ice cream shops, bookstores, craft sales, etc.

### 2.2.1.1 Home-Based Businesses

Home-based businesses are small-scale economic activities conducted on the site of a residential dwelling by the occupants. In other words, they are accessory to a principal residential use. It is recognized that home-based businesses play an important function in the provision of local employment opportunities to Township residents.

Generally, home-based businesses shall be conducted entirely within the residence so as to not detract from the residential character of the property on which they are located, and are compatible with surrounding uses. The Zoning By-Law may identify situations where home-based businesses can be located within accessory structures. Only those with which do not exhibit noise, odor, smoke, outdoor display or unacceptable traffic impacts shall be permitted.

Private home daycare facilities shall be permitted as a home-based business.



## COMMUNITY DEVELOPMENT

The amount of water and type of quantity of waste produced should also be taken into account.

### 2.2.1.2 Bed and Breakfast Establishments

Bed and breakfast establishments are small-scale temporary lodging facilities typically conducted within the operator's residence. Bed and breakfasts are an important component of the Township's tourism development strategy.

It is the policy of this Plan to permit a bed and breakfast use within a single-detached dwelling provided that the physical character of the dwelling is not substantially altered. The Zoning By-Law shall define a bed and breakfast use, as distinct from a rooming or boarding house, and shall establish zone provisions which restrict the bed and breakfast use so that it is clearly an accessory use to the single-detached dwelling.

A bed and breakfast use shall only be permitted in a single-detached dwelling which is permitted as a principal use in the land use designation in which the dwelling is located. A bed and breakfast use shall not be permitted in an accessory single-detached dwelling.

### 2.2.1.3 Short Term Rental Accommodation

~~This Plan recognizes short term rental accommodation as a form of transient accommodation in the whole or part of a residential unit for a period of less than thirty (30) consecutive nights and which is marketed or brokered by a short term rental platform, is not a rooming house or hotel and includes bed and breakfast and cottage rental.~~

1. The Township may pass a by-law under the *Municipal Act or Planning Act*, to regulate and/or license short term rentals. Such by-laws may establish definitions of short-term rental accommodations, set out site and building conditions that must be satisfied, identify ownership requirements, establish a renter code of conduct, set out licensing terms, detail enforcement and penalty provisions, and other relevant provisions. The Township is aware that historically families have rented out cottages and that the Township is also aware that short term rentals are an emerging trend in our community that is changing land use

### 2.2.2 DARK NIGHT SKIES

The high quality of darkness of the night skies and the ability to see stars is a defining element of the rural character of Tay Valley Township. Lighting that protects the night sky from light pollution directs sufficient light downward and minimizes light trespass and blinding glare and is sometimes referred to as "Good Neighbour" lighting.

This Good Neighbor lighting enhances the safety of citizens and increases the security of property. Outdoor lighting is used to illuminate roadways, parking lots, yards, sidewalks and pathways, public meeting areas, work sites, home and building exteriors. Good Neighbor lighting increases the visibility of hazards, improves the safety of citizens and provides a sense of security in the community.

Commented [TP2]: Move to section 5 Resource Management - cultural resources

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## COMMUNITY DEVELOPMENT

The Township benefits from responsible, well-designed lighting in the following ways:

- it minimizes energy use;
- it reduces operating and maintenance costs;
- it increases the safety of citizens;
- it maintains and enhances the quality of darkness of the night skies;
- it can enhance property values and promote tourism.

The following “dark skies” policies shall be implemented in all development and redevelopment approvals:

1. All Subdivision development applications will be required to include a photometric plan of the site showing the proposed design light levels, along with details of the exterior light fixtures proposed to be used at the site.
2. Light spillage from new Subdivision development projects onto adjacent properties and roads shall be avoided. The target light levels at the development property’s boundaries shall be 0.0 foot-candles.
3. All exterior light fixtures shall be properly shielded to prevent glare and to direct light downwards and onto a property.
4. Light wattages may have to be reduced where reflective surfaces on the site may cause secondary (reflected) glare and light trespass.
5. These policies will be implemented through the Subdivision and/or site plan approval processes.
6. The Municipality may enact a Dark Skies By-Law in order to further implement these policies. Such a by-law may include regulations associated with public education as part of the implementation strategy.

### 2.2.3 HOUSING

In keeping with the County of Lanark’s Housing and Homelessness Plan and the *Provincial Policy Statement* provisions on housing, residential developments that offer innovative design features, construction techniques or tenure arrangements such as modular homes, flex home, co-housing, tiny homes etc., which are consistent with the objectives of the Plan, and which broaden the range of housing alternatives available to the Municipality’s residents, including affordable housing, shall be encouraged.

The Township shall promote and encourage the retrofitting of existing buildings to be more energy efficient, the construction of new buildings which have net zero-emissions and green building design, the use solar oriented building design (passive solar design), and all forms of low carbon housing as detailed in the Township’s Climate Action Plan.

## COMMUNITY DEVELOPMENT

### 2.2.3.1 Housing Policies

1. Policies have been included in this Plan to ensure that:
  - a. There is an adequate supply of land for future residential development;
  - b. A variety of housing options are accommodated to meet the needs of present and future residents, subject to the limitations imposed by servicing and environmental considerations;
  - c. The provision of new housing is encouraged to take place in the more built-up areas of the Township, such as hamlets and other traditional areas of settlement.

2. The Township intends to work with Lanark County to establish affordable housing targets as required by the Provincial Policy Statement. These targets would be developed with equity, diversity, and inclusion objectives in mind, especially for the precariously housed.

3. The Township intends to monitor the residential land supply and the type and density of housing approved and constructed pursuant to this Plan.
4. Affordable Ownership Housing means either one of the following:
  - a. Housing for which the purchase price results in annual accommodation costs which do not exceed 30% of gross annual household income for Low - and Moderate-Income Households; or
  - b. Housing for which the purchase price is at least 10% below the average purchase price of a comparable resale unit in the regional market area.

Affordable Rental Housing will mean either one of the following:

- a. A unit for which the rent does not exceed 30% of gross annual household income for Low - and Moderate-Income Households; or
- b. A unit for which the rent is at or below the average market rent of a unit in the regional market area.

In the case of Affordable Ownership Housing, Low and Moderate Income:

Households will generally mean those households with incomes in the lowest 60% of the income distribution for the regional market area. Affordable Ownership Housing would be housing for which the purchase price is at least 10% below the average purchase price of a comparable resale unit in the regional market area.

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## COMMUNITY DEVELOPMENT

In the case of Affordable Rental Housing, Low and Moderate Income:

Households will generally mean those households with incomes in the lowest 60% of the income distribution for renter households for the regional market area. Affordable Rental Housing would be rents at or below the average market rent of a unit in the regional market area.

Access to affordable housing is recognized as a human right and provision of affordable housing in the market is an investment that benefits the greater community. Discrimination against proponents or occupants of affordable housing units is an expression of intolerance that is not acceptable to the Township.

### 2.2.3.1.1 Additional Residential Units (ARU)

ARUs are an efficient and cost-effective means of increasing the supply of affordable accommodations for rental purposes and for providing alternative living arrangements for those, by virtue of their personal circumstances, require the support of others to live on their own.

ARUs include, up to two, self-contained dwelling units, often with separate entrances, located within and subordinate to an existing single dwelling, semi-detached dwelling or rowhouse. In addition to the two ARUs within a dwelling, this Plan also permits one ARU to be located in a building or structure ancillary to the principal dwelling, that contains its own separate cooking and bathroom facilities in addition to the usual living quarters.

For the sake of clarity, this policy allows for a total of three ARUs on a given property, two internal to the principal dwelling and one in an accessory structure, provided the conditions set out in the Zoning By-Law are complied with.

In conjunction with a single dwelling, semi-detached dwelling or rowhouse, ARUs will be permitted 'as of right' in certain zones of the implementing Zoning By-Law or by amendment to the implementing Zoning By-Law. Building permits for ARUs may require supporting information that the ARU can be serviced by private well and septic system, including the need for a hydrogeological study.

Standards will be established in the Zoning ~~By-law~~By-Law to govern compatibility with the main dwelling and surrounding land uses, requirement for year-round access, and servicing standards.

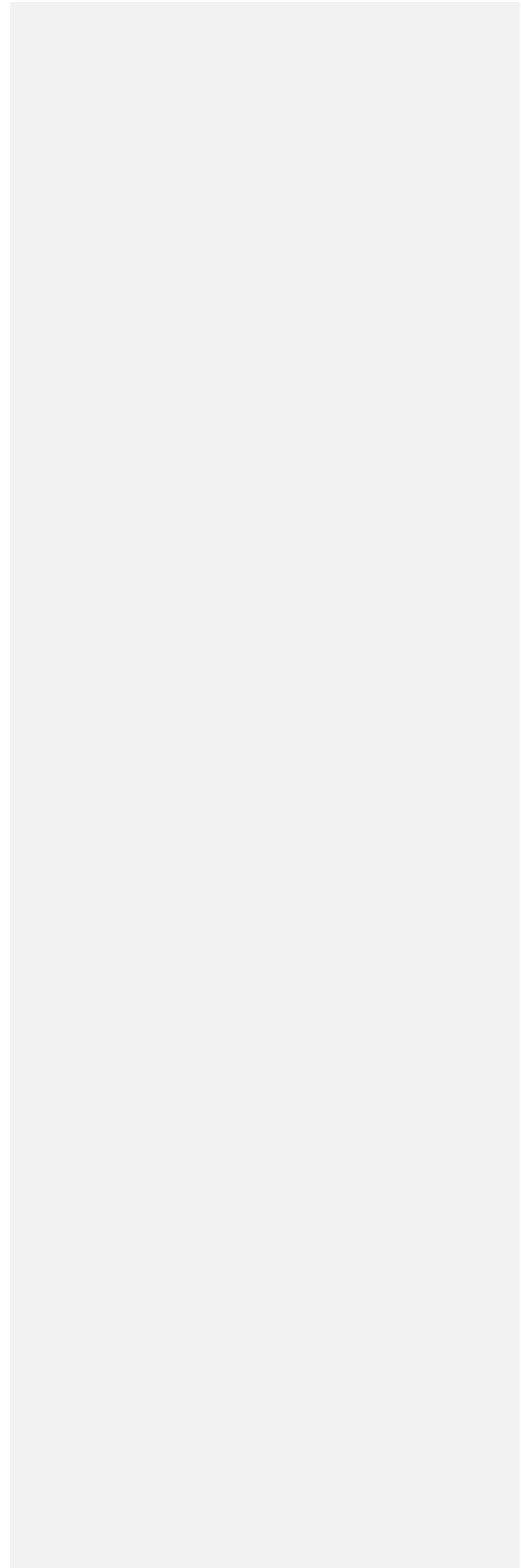
Notwithstanding this policy, the implementation of ARUs does not supersede the need for all development to be in conformity with the natural hazard policies of this plan. No new ARUs shall be permitted within land identified as being floodplain, [natural hazards](#), or [wetlands](#).

■

ARUs shall generally not be permitted within waterfront areas, due to compatibility concerns and the potential environmental and health risks associated with the intensification of waterfront and the lack of safe access by emergency services.

**COMMUNITY DEVELOPMENT**

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## COMMUNITY DEVELOPMENT

See Figure 4 for examples of where ARUs could be located as part of an existing dwelling.

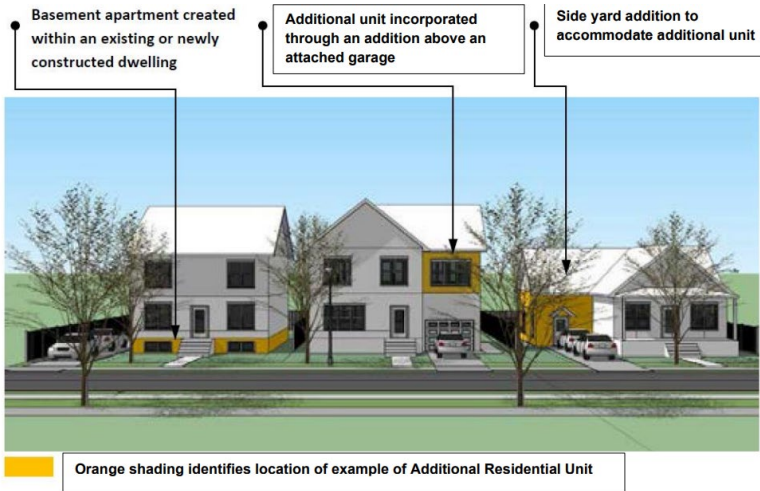


Figure 3: ARU locations within buildings (source: East Nipissing Official Plan)

As well as being located within or attached to a dwelling, an ARU may be a stand alone dwelling, sometimes referred to as a coach house (see Figure 4).

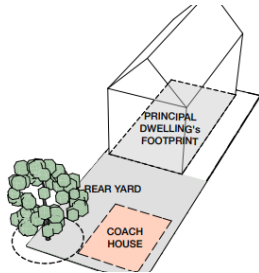


Figure 4 Detached ARU (source: City of Ottawa)

### 2.2.4 SPECIAL RESIDENTIAL USES

#### 2.2.4.1 Garden Suites

Garden suites are single dwellings that are designed to be portable in nature and ancillary to a principal residential dwelling. Garden suites are intended as a temporary residence to fulfill a specific need.

This Plan shall allow the establishment of a garden suite on any lot upon which a single detached residential dwelling is a permitted use, subject to the adoption of a site-specific temporary use Zoning By-Law amendment in accordance with the relevant provisions of the *Planning Act*. In considering a request for a Zoning By-Law amendment, the applicant shall

## COMMUNITY DEVELOPMENT

be required to demonstrate that the garden suite can be sited in accordance with applicable zoning standards, that sewage and water services will be adequate and that there will be no unacceptable impacts on adjacent land uses.

### 2.2.4.2 Group Homes

A group home is defined as a single housekeeping unit in a residential dwelling, in which three to ten residents (excluding staff or receiving family) live together under responsible supervision consistent with the requirements of its residents. The group home shall generally be licensed or approved under provincial statute and shall be in compliance with Municipal by-laws. The following policies shall apply to the establishment of group homes.

1. Group homes shall be permitted in single-detached dwellings in any designation in which a single-detached dwelling is permitted.
2. Group homes existing on the date that the Zoning By-Law comes into effect but which do not comply with the requirements of the By-Law will be allowed to continue their operations but will not be permitted to expand unless such expansion complies with the provisions of the Zoning By-Law.

~~In keeping with the County of Lanark's Housing and Homelessness Plan and the Provincial Policy Statement provisions on housing, residential developments that offer innovative design features, construction techniques or tenure arrangements such as modular homes, flex home, co-housing, tiny homes etc., which are consistent with the objectives of the Plan, and which broaden the range of housing alternatives available to the Municipality's residents, including affordable housing, shall be encouraged.~~

~~The Township shall promote and encourage the retrofitting of existing buildings to be more energy efficient, the construction of new buildings which have net zero emissions and green building design, the use solar oriented building design (passive solar design), and all forms of low carbon housing as detailed in the Township's Climate Action Plan.~~

## 2.2.5 CLIMATE CHANGE AND ENERGY POLICIES

### 2.2.5.1 Climate Change Policies

In 2020 the Township developed the report entitled "Taking Steps to Make A Difference – A Climate Action Plan" (Climate Action Plan). In doing so, the Township recognizes that the relatively stable climate that has supported humanity for thousands of years is breaking down as a result of human actions and that we are now in an ongoing climate crisis.

The ~~Township~~Municipality has experienced the effects of a changing climate. It has been impacted by extreme droughts, suffered from extraordinary precipitation, wind damage and flooding, and felt the effects of abnormally warm winters. These changes ~~have impacted~~ growing seasons, resulted in unpredictable water levels in rivers, lakes and groundwater during droughts or floods, impacted public infrastructure from extreme weather events, resulted in heat stress and increased energy poverty for vulnerable people, increased demand on emergency services, and impacted on tourism and recreation.



## COMMUNITY DEVELOPMENT

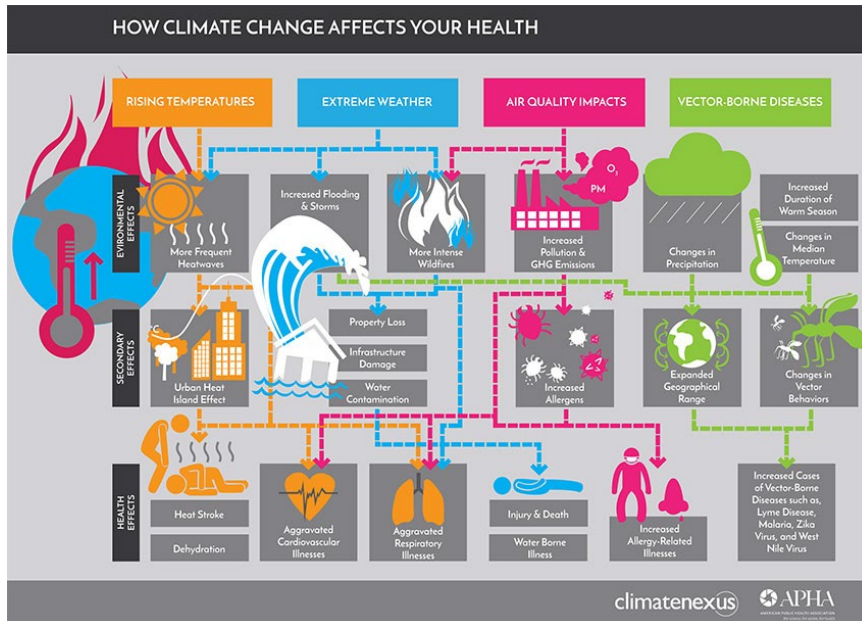


Figure 6 Climate Changes Affects Health (source: American Public Health Association)

Over the 10 years from its baseline of 2018 to 2028, the Township is committed to reducing its own municipal greenhouse gas emissions by a minimum of 55% and to help the community reduce its emissions by a minimum of 45%.

The Township will take specific action to cut fossil fuel use in its buildings and fleets, offsetting those actions with revenue-generating renewable energy. The Township will pursue the establishment of electric charging stations for its fleet as well as the general public.

The largest source of emissions from the community are those from transportation. As existing vehicles age out of use, the Township will encourage residents to switch to Zero Emission Vehicles.

The Township has partnered with Climate Network Lanark and others to link residents to funding and financing for home energy programs and to advocate for changes at senior levels of government that will enable the Municipality to meet its targets.

The Township uses a locally developed Climate Lens to help it weigh financial costs and benefits and the greenhouse gas emissions of any project or action it plans to take.

The Township is committed to ensuring healthy, liveable and safe communities are sustained by promoting development and land use patterns that maintain resilience to climate change.

## COMMUNITY DEVELOPMENT

The Township also supports the use of energy and water efficient subdivision design, building and landscaping design practices and the use and development of alternative and renewable energy systems where appropriate.

The Township will also promote mitigation of climate change by protecting wetlands for their carbon sequestration capacity (greater than trees). The Township will also promote mitigation through its Tree Canopy and Natural Vegetation Policy.

The Township will undertake adaptation to climate change through water conservation and promotion of alternatives to single occupant vehicles for transportation including active transportation (bicycling, walking) and car-pooling.

The Township will also promote adaptation by protecting wetlands to maintain their many benefits including: water infiltration capacity to provide water for streams and wells during droughts, water storage capacity to slow flooding, and high biodiversity value (higher than the Amazon rainforest). The Township will promote the protection and enhancement of additional natural storage and water infiltration, through the use of Low Impact Development techniques such as permeable landscaping, bioswales, constructed wetlands, and rain gardens.

Commented [TP3]: Moved to paragraph above.

Monitoring of the Climate Action Plan will be undertaken to achieve Township goals.

### 2.2.5.2 Energy Policies

1. In reviewing planning applications such as site plans and plans of subdivision, Council shall encourage the development of plans that support energy conservation and efficiency through techniques such as building design or orientation, lot orientation and the use of vegetation. The Township supports the retrofitting of existing development to improve energy efficiency.
2. The use of **renewable energy systems and** alternative energy systems that reduce harmful emissions, as well as renewable energy systems such as wind, water, biomass, solar and geothermal shall be supported, provided that such systems comply with all applicable governmental requirements for the purpose of protecting the environment, as well as respect land use compatibility and natural and cultural heritage considerations.
3. Wind turbine projects require a Certificate of Approval (Noise) from the **Ministry of Environment, Conservation and Parks (MECP)** under Section 9 of the *Environmental Protection Act*. Proponents of wind turbine projects greater than or equal to 2 megawatts must also conduct an environmental screening according to **MECP** "Guide to Environmental Assessment Requirements for Electricity Projects" as per the *Environmental Assessment Act* (Electricity Projects Regulation O.Reg 116/01).
4. The comprehensive Zoning By-Law that implements this Plan shall include regulations that minimize impediments to the use of alternative and renewable energy systems where appropriate.

### 2.2.6 EDUCATIONAL FACILITIES

## **COMMUNITY DEVELOPMENT**

It is the intention of the Township to work closely with the relevant boards of education in determining the need and location for future educational facilities and in integrating educational facilities with the Township's other community facilities. Where development applications could significantly affect present or future educational facilities, the school boards will be consulted.

### **2.2.7 AESTHETICS**

It shall be a policy of this Plan to preserve and enhance the physical amenities of the Township. To this end, efforts shall be made to control, through appropriate by-laws and agreements, the display of advertising signs, the preservation of existing vegetation, the replacement of trees and other planting material which may be destroyed or removed during the development process, and to require a high standard of subdivision and site planning. Particular attention shall be given to the preservation, enhancement and re-vegetation of shoreline areas, using native species of vegetation where possible. Maintaining, enhancing or creating native buffers is a key consideration in waterfront planning and development review as a standard means of environmental protection/aquatic habitat protection.

### **2.2.8 ACCESSORY USES**

#### **2.2.8.1 General**

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory or essential to that use shall also be permitted. Certain structures, such as docks and other marine structures are only permitted subject to permit requirements of approval authorities such as Parks Canada, and the relevant Conservation Authority.

Permitted accessory uses may include dwellings which are accessory to non-residential uses and accessory apartments (secondary suites) accessory to residential uses. (See section 2.2.3.1.1)

### **2.2.9 PUBLIC ROAD ACCESS**

All new development shall have frontage on a public road that is maintained by the Township or other public authority, save and except the following:

1. Agriculture, forestry and conservation uses not having an accessory dwelling or any building or structure to which the public has access.
2. Residential uses located on private roads or having only water access and which are zoned as Limited Services in the Zoning By-Law that implements this Plan.
3. Private Unassumed Roads.

### **2.2.10 RESIDENTIAL CONVERSION FROM SEASONAL TO PRINCIPAL USE**

## COMMUNITY DEVELOPMENT

1. Seasonal residences are dwellings which are used on a seasonal or temporary basis by occupants whose principal residence is located elsewhere. Secondary residences are typically recreation-oriented properties. A principal residence is a dwelling which functions as the main place of residence, where the occupant either resides on a permanent basis or spends the bulk of the year.

Where access to dwellings is provided by private roads, municipal services such as snow plowing or road maintenance are not available and other public services such as school bussing and protection to persons/property may also be unavailable or limited in nature. Changes in occupancy from secondary or seasonal use to principal or permanent use do not alter the existing "limited services" status of dwellings located on private roads.

The conversion of dwellings from secondary or seasonal use to principal or permanent use on existing private roads will only be permitted under the following conditions:

- a. The dwelling is located in a Limited Services zone in the implementing Zoning By-Law; and
  - b. An occupancy permit has been obtained from the Township.
2. In considering applications for an amendment to the Zoning By-Law to a Limited Services zone and/or for an occupancy permit, the Township shall have regard to the following:
    - a. Evidence that the dwelling is capable of being occupied on a year-round basis;
    - b. The suitability of the lot for permanent occupancy from an environmental perspective with respect to matters such as size, shape, topography, vegetative characteristics and drainage;
    - c. The adequacy of sanitary sewage and water supply services for permanent use;
    - d. The existence of potentially hazardous conditions such as flooding, erosion or unstable slopes or subsidence;
    - e. The execution and registration of an agreement wherein the dwelling owner acknowledges that the Township will not provide any services such as snow plowing or road maintenance as a consequence of the conversion of the dwelling to principal or permanent use and, further, that the Township shall be held harmless for damages suffered by the dwelling owner as a result of road inadequacy.
  3. The Township may require the concurrent submission of a site plan in support of an application for an amendment to the Zoning By-Law to a Limited Services zone. Where required, the site plan shall incorporate measures to minimize environmental impacts associated with the conversion.

## COMMUNITY DEVELOPMENT

### 2.2.11 COMMUNITY DEVELOPMENT - LAND USE

#### 2.3.1 PUBLIC AND INSTITUTIONAL USES

1. Except as provided elsewhere in this Plan, public utilities and other public, community, institutional or quasi-institutional uses which provide services such as education, government, hospitals, long term care, end of life care, protection to persons or property, electricity, roads, railways, wired and wireless telephone, gas, cable, but excluding waste disposal, to the general public shall be permitted in all land use designations on Schedule A provided that:
  - a. Such use is necessary in the area, that it can be made compatible with its surroundings, and that adequate measures are taken to ensure land use compatibility;
  - b. Such use shall not be permitted within the significant portions of the habitat of endangered and threatened species;
  - c. The construction of permanent buildings and structures shall be limited and ~~generally discouraged in~~ ~~generally discouraged~~ not permitted in any areas which are designated Natural Heritage or Natural Hazard and, in the case of the latter, shall only be permitted in consultation with the relevant Conservation Authority;
  - d. The general intent of the policies of this Plan, as well as its site plan control requirements, shall be satisfied;
  - e. The requirements of applicable legislation such as *the Environmental Assessment Act* shall be satisfied.
2. Notwithstanding the power of Federal, Provincial and County agencies or local Boards as defined in the *Planning Act* to undertake public works by authority granted under other statutes, Council shall endeavor to ensure that such development will follow the general intent of this Plan and will be compatible with the type, quality and character of the development in the area in which it is proposed.

#### 2.3.2 HAMLET

##### 2.3.2.1 Intent of the Designation

The areas designated hamlet include Balderson, Bolingbroke, Brooke, DeWitt's Corners, Fallbrook, Glen Tay, Maberly and Stanleyville. These communities have historically provided a mix of local retail, service and social-cultural and residential opportunities to the community. Hamlet areas have played an important role in accommodating the day-to-day needs of the farm and rural communities, as well as rural recreational uses. The Township intends that this role continue and expand to include the tourism sector.

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The Township also seeks to encourage more concentrated development in the hamlet designation than would typically be found or permitted within the rural designation, subject to servicing constraints. The amount and type of development permitted will, however, be consistent with the maintenance of the character of hamlet lands.

This Plan recognizes that the hamlets within Township are serviced by private wells and septic systems. As such, there are constraints and limitations to the extent to which the infill and intensification expectations set out in the Provincial Policy Statement can be achieved without communal servicing.

Generally, public service facilities should be encouraged to be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration.

The boundaries of the hamlet designation are intended to include some allowance for new development to occur.

### 2.3.2.2 Permitted Uses

Permitted uses within the hamlet designation may include residential, general commercial, tourist commercial and limited industrial uses, subject to the following use-specific policies.

#### 2.3.2.3. Residential Policies

1. A variety of residential uses, ranging from single detached dwellings and secondary suites to multiple-unit dwellings, and including dwelling units within non-residential buildings, may be permitted, subject to the completion of hydrogeological, terrain analysis and impact assessment reports. Such studies will be to the satisfaction of the relevant approval authority for sewage and water services.
2. Residential development may take place either along a main road serving the Hamlet or by a plan of subdivision for lands behind existing development fronting on such road.
3. New development shall be encouraged to take place as a logical extension of existing development.
4. Land division for the creation of residential lots may take place through both the consent and subdivision process in accordance with the land division section of this Plan.
5. Residential uses shall be zoned with an appropriate zoning category in the Zoning By-Law.

#### 2.3.2.4 Commercial Policies

1. General Commercial and Tourist Commercial uses permitted in the Rural designation may be permitted.

## COMMUNITY DEVELOPMENT

2. Commercial uses shall be encouraged to concentrate in groupings along the main roads.
3. Through the means of the Zoning By-Law and Site Plan Control, regard shall be had to aesthetic, functional, safety and land use compatibility considerations. Special zoning and/or site plan requirements may be applied where commercial development would abut residential uses.
4. Open storage shall not generally be permitted.

### 2.3.2.5 Industrial Policies

1. In general, industrial uses shall not be permitted in the Hamlet designation. Small-scale light industrial uses such as a tradesperson's workshop may be permitted, subject to an amendment to the Zoning By-Law.
2. No industrial use shall be permitted that would create a nuisance by way of noise, illumination, odor, dust, vibration, fumes or smoke. In this regard, the policies of the Land Use Compatibility section of this Plan shall apply.
3. Industrial uses shall be encouraged to locate along a main road on the periphery of the hamlet.
4. Through the mechanisms of the Zoning By-Law and Site Plan Control, regard shall be had to aesthetic, functional, safety and land use compatibility considerations. Special zoning and/or site plan requirements may be applied where industrial development would abut residential uses.
5. Open storage shall not generally be permitted.

### 2.3.2.6 Hamlet Expansion

When considering expansions to a hamlet or settlement area boundary which would increase the total development potential of the community in question, the Township shall require sufficient information to allow for a comprehensive review of the proposed expansion and the following studies shall be required in support of the required Official Plan Amendment:

1. Demographic projections, which demonstrates the need for settlement area expansions to accommodate growth.
2. An analysis of the alternatives to settlement area expansion including intensification and redevelopment and an inventory of existing vacant lots of record within the settlement area.
3. A study which establishes water, waste water and stormwater servicing requirements on the basis of reviewed population projections and which examines municipal



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financial impacts and environmental impacts which would result from the proposed expansion.

4. If private or communal water and waste water treatment services are proposed, a study will also be required to determine the capability of the soils to support the safe and long-term use of these systems and to confirm that there is a supply of water of sufficient quality and quantity to support the increase in development capacity without adversely affecting existing development in the community.
5. The expansion of hamlets or settlement area boundaries must comply with the requirements of the Minimum Distance Separation (MDS) formulae.
6. Hamlets and settlement area boundaries will be expanded only where existing designated hamlets or settlement areas in the municipality do not have sufficient land supply to accommodate the growth projected for the municipality.
7. Expansions into prime agricultural areas are permitted only where there are no reasonable alternatives which avoid prime agricultural areas and there are no reasonable alternatives with lower priority agricultural lands in the prime agricultural area.
8. The expansion of a hamlet or settlement area or the creation of a new settlement area shall require an amendment to the Plan and the Lanark County SCOP. The need to undertake a comprehensive review to expand the boundaries of a settlement area does not require the undertaking of a comprehensive review of the Lanark County SCOP.
9. Hamlet or settlement area boundary adjustments which do not increase the total development potential of the community in question may be permitted through an amendment to this Plan where it is demonstrated that such boundary shifts will result in improved infrastructure efficiencies and/or more efficient linkages to the existing community. In such cases an amendment to the Lanark County SCOP shall not be required.
10. During the consideration of any expansion to a settlement area boundary, the Township will ensure that Source Water Intake Protection Zones scored 8 and 9 are protected from incompatible development.

### 2.3.2.7 Exception Areas

*(Reserved)*

## COMMUNITY DEVELOPMENT

### 2.3.3 RURAL

#### 2.3.3.1 Intent of the Designation

The lands designated Rural represent the bulk of lands within the Township and include a wide variety of land types and activities at a relatively low density. These lands are characterized by their historical role in accommodating the farm and rural communities, as well as recreational uses. The intent of this Plan is to retain the rural and recreational flavor of Rural lands while providing for a modest amount of compatible and orderly new development. While a limited amount of commercial and industrial development is contemplated in the Rural designation, the overall amount of development permitted will be consistent with the retention of the natural and cultural heritage and landscapes of lands within the designation, including maintenance of both its characteristic tree-covered and large open areas.

The intent of the Plan is to maintain the natural, scenic and cultural attributes of the Rural area and promote the rural character, lifestyle and open landscape, while supporting an array of compatible activities. Elements of rural character include natural topography, mature vegetation, night skies and cultural heritage buildings such as historic agricultural buildings and structures as well as Indigenous cultural landscapes.

In order to maintain the rural character of the Township, the development should generally be located in areas having natural amenities such as varied topography, mature tree cover or scenic views and should blend in with the natural landscape so that the rural vista environment is left relatively undisturbed. Residential development on flat, open land will be discouraged. Such development shall be encouraged to locate in areas having natural tree cover, scenic views and/or rolling terrain. Generally, new residential development should be screened from view from the abutting road through the use of vegetation and tree cover or by topography. The creation of new lots within the rural area may be subject to site plan control in order to ensure rural character elements are preserved and/or enhanced.

Lands designated Rural on the periphery of the Town of Perth have historically exhibited a more concentrated pattern of development than other Rural areas. It is anticipated that these peripheral areas will continue to be the focus of greater development interest than Rural lands in general. Relative to other areas in the Township which share the Rural designation, the Township recognizes the reality of more concentrated and compact development in the peripheral areas that is based upon their proximity to an urban center of regional significance. Where planning applications for major development are proposed for lands within one kilometer of the Town of Perth, the proponents are encouraged to consult with the Town prior to the preparation of development applications.

#### 2.3.3.2 Permitted Uses

Within the Rural area, a variety of land uses shall be permitted including those uses permitted in the Agriculture designation, forestry, conservation, various outdoor recreational uses and commercial, industrial and residential uses, subject to the following use-specific policies.

## COMMUNITY DEVELOPMENT

### 2.3.3.3 Agriculture Policies

The uses permitted in the Agriculture designation shall be permitted.



Brooke Valley home and artisan business (source: Perth Autumn Studio Tour)

### 2.3.3.4 Residential Policies

1. Permitted residential uses shall generally be restricted to single dwellings developed on the basis of one dwelling per lot. An accessory apartment (secondary suite) is permitted in residential areas within a four-season single detached, semi-detached, or row-house dwelling unit, or attached to a detached garage, located on a road maintained year-round and accessible by emergency services, subject to considerations of carrying capacity of lakes to accommodate development without degrading water quality, and hydrogeological capacity. Co-housing and innovative land tenure shall be encouraged to address affordable housing needs and other community enhancing values such as aging in place.
2. Rural lands are intended for low density residential development. The average lot area in any development of three or more new lots shall be a minimum of 0.8 hectares, except that this requirement may be reduced where appropriate for development located immediately adjacent to lands designated Hamlet or on the peripheral areas of Perth. This Plan considers lots created by subdivision or cluster lot development to be the preferred form of lot creation.

## COMMUNITY DEVELOPMENT

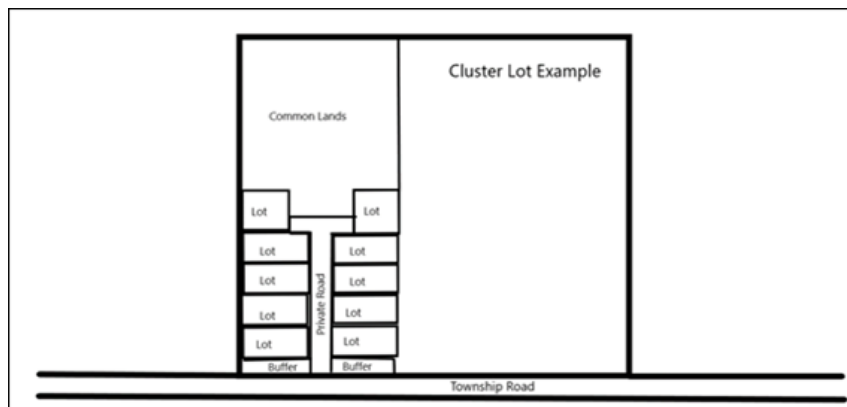


Figure 6 Cluster Lots (source: North Grenville Official Plan)

3. A cluster lot development is a grouping of five (5) to ten (10) lots (not including the retained parcel) created by Consent for clustered rural non-farm residential development. The main purpose of this alternative form of rural residential development is to direct housing away from public roads, reduce the visual impact of strip development, and increase the financial viability of scattered rural residential development. The number of lots created may be increased in efforts to address special housing needs or innovative housing forms (i.e. tiny homes).

The following policies shall apply to cluster lot development proposals:

- a. The single internal road serving the cluster lot development shall be a private road built and maintained to standards set by the Township in accordance (common elements can do roads) with the private road policies.
- b. The access point to the development from the public road must be located so that no safety hazards are created at the intersection.
- c. Lots are to be serviced either by private individual water and sewage systems or by communal systems. A communal water and sewage system shall be built in accordance with the requirements of the Township and the Province. Appropriate servicing studies, including a hydrogeological review, shall be required.
- d. The overall density of development shall be approximately one residential lot per hectare of land. The size of the individual building lots may be as small 0.4 hectares provided sufficient common land is provided to meet the overall density of one residential lot per hectare of land. The minimum lot size shall not include lands within the "Flood Plain" designation.

## COMMUNITY DEVELOPMENT

- e. Cluster lot development may be considered where there has previously been the maximum number of consents granted in accordance with Section 5.2.3(1) of this Plan.

Generally, the placement of dwellings within the cluster lot development shall be determined based on the following considerations:

- a. Dwellings shall either be set back from the nearest public road a minimum of 100 meters or be screened from such road by topography or mature vegetation;
- b. The siting of dwellings shall take into consideration the significant landscape features, vegetation, wildlife habitats or other resources on the property and avoid such areas;
- c. Identifiable features of rural character are maintained or enhanced through the location of the dwellings;
- d. The siting of dwellings shall blend as much as possible with the natural landscape so that the rural character is relatively undisturbed;
- e. When the 100 meter setback is waived due to a screen of mature vegetation, agreements must be entered into that ensure the screening effect of the vegetation is not compromised. The Site Plan Control process shall be used to carry out this requirement.

Appropriate buffering shall be provided where a cluster lot development is in close proximity to other uses.

The cluster lot development may include land held in common ownership to be used as open space for recreation, as a site for communal systems or for the condo roads. Once common land is set aside, it cannot be developed further for residential purposes. Common lands may be used for open space and passive recreation purposes and may be developed to support such activities, including playgrounds, trails, and community gathering amenities.

In the event that the lots are being proposed within significant natural features or lands adjacent to such features, an Environmental Impact Assessment shall be required.

If the private road accessing the cluster lot development crosses private land, a deeded right-of-way adequate for right-of-use, road construction and maintenance must be provided, together with an agreement for the maintenance of the right-of-way by the benefiting owners.

Residential uses (including accessory structures), private or communal wells, sewage disposal facilities and access roads shall not be permitted on prime agricultural lands, or where there are aggregate resources, wetlands, flood plains, or significant habitat of endangered or threatened species. Where the development affects lands adjacent to natural heritage features, the appropriate policies of this Plan apply.

## COMMUNITY DEVELOPMENT

Proponents of cluster lot development proposals shall be required to submit an accurate site plan which identifies lot sizes, frontage, lands to be held in common ownership, proposed building and septic system envelopes, natural features including treed areas, slopes, watercourses, drainage courses and low areas subject to ponding/flooding.

4. The scale of development in the Rural designation is intended to be limited. Any development proposal for more than twenty-five dwelling units will be subject to a requirement for an Official Plan amendment to establish an Exception Area. In considering such amendment, the Township shall require that it be demonstrated that, on the basis of the supply and type of existing residential lots in the Township, there is a need for the proposed development and that it would be appropriate in the context of the location proposed. In designing residential subdivisions, attention should be given to the natural features, such as mature forests, to ensure that the existing vegetation and terrain is disturbed as little as possible. Energy efficiency factors shall also be considered, such as solar orientation.
5. Land division for the creation of residential lots may take place through both the Consent and Subdivision process in accordance with the Land Division section of this Plan.
6. All new residential lots shall be assumed to be intended for occupancy on a year-round basis as the principal residence of the occupant and shall be placed in an appropriate zoning category in the Zoning By-Law.
7. Limited Services Residential Development is defined as residential development that does not have frontage on and direct access to an opened public road which is maintained year round. Access to Limited Services Residential Development may be provided by a private road, or by water. The residential uses shall only include permanent dwellings.

Limited Services Residential Development may be permitted in the Rural designation in accordance with the following policies:

- a. Limited Services Residential Development shall generally be permitted by Consent pursuant to the policies of **Section 6.3.3** on existing lots of record. Notwithstanding the foregoing, larger-scale Limited Services Residential development shall also be permitted on private roads, undertaken by common element plans of condominium.
- b. Limited Services Residential Development shall not be provided with such municipal services as road maintenance and snow removal. In addition, no new Limited Services Residential Development shall be permitted unless other public services such as fire protection, police protection, etc. can be provided to the satisfaction of the responsible agencies and Limited Services Agreement has been signed.

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- c. Where it is proposed to convert a seasonal dwelling to permanent occupancy, a building permit shall not be issued unless;
  - i. Access is available via an existing private road;
  - ii. Confirmation is received from emergency service providers that adequate services can be provided to the dwelling or a Limited Services Agreement has been signed;
  - iii. The proposed septic system has been approved.

### 2.3.3.5 Commercial Policies

#### 2.3.3.5.1 General Commercial Policies

1. A variety of Commercial uses including locally-oriented, rurally-oriented and highway Commercial uses shall be permitted. These Commercial uses are engaged in the buying and selling of goods and services primarily to area residents, farms, businesses and the travelling public. Among other uses, permitted uses shall include automobile sales and service, gas bars, hotels, motels, eating establishments, retail uses, business and professional offices, service shops and farm-related commercial uses. In addition, small scale businesses engaged in the custom production of articles such as artists' or artisans' studios shall be permitted. An accessory dwelling for the owner or operator shall be permitted.
2. Commercial uses must be appropriate for the proposed location.
3. Vehicular access to commercial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety.
4. Adequate off-street parking, loading and other facilities shall be provided.
5. Where commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.
6. The outdoor storage of goods and materials will be strictly controlled.
7. Commercial uses shall generally be permitted by amendment to the Zoning By-Law.

#### 2.3.3.5.2 Tourist Commercial Policies

1. Tourist Commercial uses shall include the full range of uses that cater primarily to the tourist trade or recreational needs. Permitted uses shall include all types of tourist lodging facilities such as hotels, motels, resorts, rental cottages and campgrounds, summer camps, clubs, places of entertainment, and recreational facilities such as golf courses, hunt camps, sports and recreation parks, recreation areas and marinas. Buildings, structures or sites of historic interest, uses such as museums and related



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facilities, are also permitted. An accessory dwelling for the owner or operator of a Tourist Commercial use shall also be permitted.

2. Tourist Commercial uses must be appropriate for the proposed location. In this regard, uses shall be located so that they are readily accessible to tourist traffic with a minimum of disruption to adjacent residential uses.
3. Vehicular access to tourist commercial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety.
4. Adequate off-street parking, loading and other facilities shall be provided.
5. Where tourist commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.
6. In reviewing applications for tourist commercial development, particular regard shall be given to the protection of cultural and natural heritage features.
7. Tourist Commercial uses shall generally be permitted by amendment to the Zoning By-Law.

### 2.3.3.6 Industrial Policies

1. Permitted Industrial uses shall be those which are oriented to the rural economy, such as those which use local resources or serve local businesses and residents such as sawmills, feedmills, agricultural processing facilities, open storage, warehousing, farm service businesses, builders' supply yards, bulk storage yards, contractors' yards, transportation terminals and similar uses. An accessory dwelling for the owner or operator of an industrial use shall also be permitted.
2. In order to address potential land use conflicts between industrial and other uses, industrial development shall comply with the Land Use Compatibility section of this Plan.
3. Adequate off-street loading facilities and employee parking and other facilities shall be provided.
4. Outdoor storage areas shall be adequately buffered from adjacent roads and properties.
5. Vehicular access to industrial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety. Particular regard shall be had to the needs of truck traffic.
6. Industrial uses shall generally be permitted by amendment to the Zoning By-Law.

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### 2.3.3.7 Mobile Home Parks Policies

1. A mobile home park is a property developed for the placement of mobile homes on permanent foundations. Mobile home parks, including uses which are incidental to a mobile home park such as a park management office, accessory commercial uses such as a convenience store, recreational facilities, a laundromat, storage facilities and other similar uses may be permitted.
2. Mobile home parks may be developed for ownership either as a single entity or on a freehold basis.
3. Where a mobile home park is owned as a single entity, ownership and maintenance of the roads, operation and maintenance of servicing systems, snow plowing, waste collection, landscaping and other amenities and services shall rest with the owner of the park.
4. Sewer and water services shall be provided to the satisfaction of the Township and the relevant approval authorities for such services.
5. Internal roads will be constructed to Township standards, including surveyed for road naming and civic addressing purposes.
6. All mobile home sites will have frontage on an internal road.
7. Where the park is to be owned as a single entity, development will take place in accordance with a site plan approved by the Township. Where the park is to be owned on a freehold basis, development will take place by plan of subdivision.
8. Lot area, density, site size, yard and parking requirements and other matters shall be regulated through the implementing Zoning By-Law.
9. A minimum of 5% of the total area of the park should be provided in a consolidated form for recreational purposes.
10. The establishment of any new mobile home park shall require an amendment to the Official Plan to an Exception Area, as well as an amendment to the Zoning By-Law. In considering such amendments, the Township shall have regard to the following criteria:
  - a. The compatibility of the proposed park with existing land uses and designations of the surrounding area;
  - b. The park shall have frontage on a public road which is of a suitable standard of construction, and any access to the public road shall be located so as not to create a safety hazard;
  - c. The suitability of the proposed site with respect to servicing considerations, and the implications for the Township in terms of potential responsibility for services;

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- d. The adequacy of the layout of the park in relation to aesthetic, functional and other matters, as reflected in the proposed site plan or plan of subdivision.

### 2.3.3.8 Waste Disposal Sites Policies

1. Waste disposal sites shall be restricted to closed or open waste or a sanitary landfill site as identified on Schedule A. Ancillary uses such as recycling depots and transfer stations shall also be permitted. Disposal of liquid industrial, radioactive or toxic waste shall not be permitted.
2. Waste disposal sites shall be operated and maintained in accordance with the standards set by the **Ministry of Environment, Conservation and Parks (MECP)**.
3. No use shall be made of land used as a waste disposal site for a period of twenty-five years from the year in which the waste disposal use ceased without the approval of **MECP**.
4. Development of lands adjacent to a closed or open waste disposal site shall be subject to the Land Use Compatibility section of this Plan.
5. The establishment of any new waste disposal site shall require an amendment to the Official Plan and the Zoning By-Law.
6. **The Township shall attempt to divert all organic material and recyclables from being landfilled.**
7. **The Township shall investigate and assess options for mitigating methane release from the landfill.**
8. **The Township shall continue to expand the range of materials to be recycled and/or diverted from landfill.**

### 2.3.3.9 Wrecking Yard Policies

1. Wrecking yards are facilities where derelict, discarded, abandoned or inoperative motor vehicles and/or other goods, wares, merchandise or articles are stored wholly or partly in the open. Wrecking yards may be permitted, as may an accessory dwelling for the owner or operator.
2. Wrecking yards shall be adequately screened on all sides so that no portion of the operation, including the storage areas, is visible from a public road.
3. Wrecking yards shall not cause or contribute to the contamination of any ground or surface water.

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4. The establishment of any new wrecking yard shall require an amendment to the Official Plan to an Exception Area, as well as an amendment to the Zoning By-Law. Among other matters, the Township shall consider:
  - a. The compatibility of the proposed wrecking yard with existing land uses and designations of the surrounding area. In this regard, the policies of the Land Use Compatibility section of this Plan shall apply.
  - b. The suitability of the proposed site with respect to environmental considerations.
  - c. The layout of the wrecking yard in relation to screening, buffering, functional and other matters as reflected in the proposed site plan.

### 2.3.3.10 Exception Areas

#### 2.3.3.10.1 Rural Exception Area 1

Notwithstanding provisions of this Plan to the contrary, on the lands designated as Rural Exception Area 1 on Schedule A, the following policies of the former Township of Bathurst Official Plan, as amended, shall apply:

Rural Exception Area 1 was created to recognize a historic situation in the former Township of Bathurst. A maximum of 69 lease arrangements existed on the site as of February 11, 1997. Only those lease arrangements which existed as of that date may be considered for Severance. One lease arrangement in the area affected by this policy is Tourist Commercial use. The maximum number of lots which may be created corresponds directly to the current number of lease arrangements. Each lot to be created will have a minimum of 23 meters of frontage on Bennett Lake, although larger frontages are preferred. Lot depths will vary.

This leased land arrangement was a unique situation in the former Township of Bathurst. Council supported the creation of the Rural Exception Area 1 because it recognized the uniqueness of the situation and that the creation of an Exception Area was the most effective and efficient method to address the ownership issue and subsequent social and environmental concerns for this particular area of the Township. In no way was the creation of this Exception Area intended to serve as a precedent for the creation of a large number of lots through the Consent process. Council fully anticipated that the creation of the seasonal residential lots by Consent and subsequent change in ownership of the leased parcels would not adversely affect the quality of Bennett Lake and its environment. With individual ownership of the subject lands, both the existing tenants and new owners will have a sense of permanence in the area and will be more inclined to preserve and protect their own environment with improvements to their buildings, private services, and property.

The change in ownership from a leasehold arrangement to a freehold development is not being done through the plan of subdivision process because both the Township and the

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owner of the subject lands anticipate that not all of the individual leaseholders will want clear title to their lands at the current time. As a result, the Consent process is considered an appropriate mechanism available to allow a staged transfer of ownership.

It is expected that fewer than sixty-nine lots will actually be created due to zoning and other lot development requirements, as well as possible consolidations of adjacent leased areas under single tenancies. In some cases, there may be more than one structure on the site, but Severances are to be considered only in relation to the creation of lots which have their origin in existing lease arrangements. Once a new lot has been created from one or more former lease arrangement areas, the lot so created shall not be further subdivided.

The creation of lots which do not front on Bennett Lake is not permitted, nor is the creation of lots which do not include one or more former lease arrangement areas. The creation of “back lot” lots distinct from areas formerly subject to lease arrangements is also not permitted.

There may be circumstances in which groups of leased area arrangements exist which may be ineligible for Severance. In such circumstances, tenants of these leased areas may apply for Severance of a larger block of land to be held in common until, at some point in the future, individual leased areas within these larger groups may become eligible for Consent through amalgamations or alternative ownership arrangements. This type of request may be considered within the policies set out in this Plan. Where such groups under alternative ownership arrangements are established, the municipality may pass a site-specific Zoning By-Law allowing for the existence of more than one seasonal residence on a single property.

The Township will pass a Zoning By-Law amendment for this site to recognize the limited services available to the property and to ensure that any new construction on severed lots is to standards that are required for all other seasonal residential development in the municipality. This zoning is intended to promote lots which are viable for seasonal residential use in the long term. It will restrict redevelopment or expansion of the existing cottages, many of which were constructed in an era when small lot areas and proximity to the lake were not recognized as potentially affecting groundwater and lake water quality. By this means, it is expected that any negative impacts from this existing pattern of development will be minimized. Any new development which may occur in the future will have to meet the standards in effect at that time.

It is also recognized that the land-owner has obtained one Consent from this property. Further Consents from the retained parcel will be subject to the relevant provisions of this Plan.

A significant amount of work has been done locally to evaluate opportunities and strategies for improving the water quality, shoreline environment, and shoreline aesthetics of Bennett Lake. The EYC Report, Volume 1: Shoreland Classification and Sewage Disposal Survey by the Bennett and Fagan Lakes Cottagers' Association dated September 1, 1995, is one example of local effort in this regard, as are the policies and recommendations of the

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Mississippi Valley Conservation Authority. These documents and policies are to be used as guidelines for the location and form of any new development.

For the lands designated Rural Exception Area 1 on Schedule A to the Plan, described as part of Lots 5, 6, 7 and 8, Concession 9, and part of Lot 7, Concession 10 in the former Township of Bathurst, the following provisions shall apply:

1. Notwithstanding the Land Division section of this Plan, division of land may proceed by way of Consent to permit the creation of up to sixty-eight Seasonal Residential lots and one Tourist Commercial lot, subject to meeting all other relevant provisions of this Plan;
2. The entire site shall be placed in a "Limited Services Residential" zone, with the exception of the area zoned "Tourist Commercial";
3. Each lot created will have a registered 20 meter wide right-of-way over the existing private road, or approved alternative, connecting the lot to the nearest public road;
4. Confirmation is to be provided that arrangements are in place for the ongoing maintenance of the private road;
5. Each lot created shall be of a suitable size to permit the proper siting of a sewage disposal system for the existing seasonal residential dwelling(s) acceptable to the relevant approval authority;
6. Each lot created shall possess a supply of potable water which has been demonstrated to the satisfaction of the relevant approval authority to be consistent with the Ontario Drinking Water Standards;
7. The entire site is to be subject to a requirement for 30-meter setbacks from water for all new seasonal residential construction, including accessory buildings except for marine-related structures such as boathouses or pump houses as provided in this Plan;
8. In the event that new development is permitted on lots created by Consents under the provisions of this section, and following construction of any new seasonal residential structures and issuance of an occupancy permit by the Township, all legal non-conforming seasonal residential structures and accessory buildings are to be demolished and any associated sewage disposal facilities appropriately decommissioned and/or removed to the satisfaction of the appropriate approval authority;
9. Existing water service facilities may continue to be used for new seasonal residential structures if approved by the appropriate public body;
10. Each lot created may, at the discretion of the Township, be subject to a Site Plan Control Agreement pursuant to the Site Plan Control section of this Plan;

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11. New or expanded dwellings, wells, or sewage disposal facilities shall be located at elevations in excess of the maximum recorded water level identified by, or Regulatory Flood Level set by, the Mississippi Valley Conservation Authority;
12. Leases shall be relinquished to the lessor at the time of conveyance of the lots created by Consent under this policy;
13. The existence of a hydro easement across the site will be recognized in the deed for the new lots;
14. The execution and registration of an agreement wherein the dwelling owner acknowledges that the lot is located on a private road in an area zoned for Seasonal Limited Services use and that the Township will not provide any services such as snow plowing or road maintenance and, further, that the Township shall not be held harmless for damages suffered by the dwelling owner as a result of road inadequacy;
15. The lease arrangement area currently zoned "Tourist Commercial" and in Commercial use shall either be created as a single lot or be added to the adjacent parcel also in the Commercial use zone.

The Rural Exception Area 1 shall be subject to the Site Plan Control section of this Plan in order to ensure that new construction in this area, including the location and design of structures, services, and landscaping, preserves or enhances the shoreline environment and water quality of Bennett Lake. The site improvement measures recommended in the EYC Report, Volume 1: Shoreland Classification and Sewage Disposal Survey by the Bennett and Fagan Lakes Cottagers' Association dated September 1, 1995, or any similar subsequent reports published by the Township, the Mississippi Valley Conservation Authority, or community groups such as the Cottager's Association, will be reflected in Site Plan Control Agreements.

Site Plan Control Agreements in the Rural Exception Area 1 will generally include plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works (including potable water supply and sewage disposal system) to be provided, including the following:

1. Walls, fences, trees, shrubs, or other ground cover or facilities for the landscaping of the subject lands or the protection of adjoining lands or waters;
2. Grading or alteration in elevation or contour of the subject lands and provision for the disposal of storm, surface, or waste water from the subject lands and from any buildings thereon.

## 2.4 EMPLOYMENT AREAS



## COMMUNITY DEVELOPMENT

### 2.4.1 Intent of the Designation

The areas designated Employment Areas are located along Highway 7 and Christie Lake Road at the eastern end of the Township where municipal sewer and water services are provided. The lands so designated implement the *Provincial Policy Statement 2020* that requires lands intended for employment purposes be designated separately in the Official Plan.

### 2.4.2 Employment Areas Policies

1. Permitted uses shall include industrial and commercial uses such as farm equipment and supply centers, machine and vehicle repair shops, building products yards, landscape contractors, nurseries, restaurants, gas stations, motels, offices and retail up to 500 square meters in area.
2. In order to address potential land use conflicts between employment and other uses, development on Employment Areas shall comply with the Land Use Compatibility section of this Plan.
3. Adequate off-street parking and loading facilities shall be provided.
4. Outdoor storage shall be adequately buffered from adjacent roads and properties.
5. Vehicular access shall be carefully controlled in terms of design and number of access points in order to ensure public safety. Particular regard shall be had to the needs of truck traffic.
6. Employment Areas uses shall generally be permitted by amendment to the Zoning By-Law and shall be subject to Site Plan Control.

- Commented [TP4]:** Move Crown Lands to Section 5 - Resource Management
- Commented [TP5]:** Move Non-conforming uses to section 6 Implementation
- Commented [TP6]:** Move Uses not contemplated to section 6 Implementation
- Commented [TP7]:** Move archeological resources to section 5 Resource Management
- Commented [TP8]:** Move archeological to Section 5 Resource Management
- Commented [TP9]:** Move Land use compatibility to Section 4 Healthy and Safe Communities
- Commented [TP10]:** Move ANSIs etc to Section 3 Environmental Stewardship
- Commented [TP11]:** Move cultural heritage to Section 5 Resource Development
- Commented [TP12]:** Move Natural Heritage features to Environmental Stewardship
- Commented [TP13]:** Move Parks to section 4 Healthy and Safe Communities
- Commented [TP14R13]:** Move to Healthy and Safe Communities
- Commented [TP15]:** Move Woodlands to Section 3 Environmental Stewardship

## ENVIRONMENTAL STEWARDSHIP

### SECTION 3: ENVIRONMENTAL STEWARDSHIP

Commented [TP16]: Move Env Impact Assessment to Section 3 Environmental Stewardship

Environmental stewardship of the Township's natural heritage features is key to a sustainable future. Environmental stewardship conserves, protects, restores and improves the natural environment for current and future generations.

The Township will provide for biodiversity protection, as required by the *Provincial Policy Statement 2020*, through the review of development applications and with the technical assistance of the Rideau Valley and Mississippi Valley Conservation Authorities.

Ministry of Natural Resources and Forestry (MNRF) provides technical advice related to species at risk and their habitat, including advice on survey protocols for site specific assessments and approval of delineated species at risk habitat.

Ministry of Environment Conservation and Parks (MECP) regulates required authorizations under the Endangered Species Act, 2007 and the associated regulation (O. Reg. 242/08.) if development or site alteration will impact endangered or threatened species or their habitat. Appendix E provides a list of the Species at Risk in the Township - which is subject to change and update. Any technical studies required in Section 3 shall be conducted by a qualified professional and are subject to a peer review.

This Official Plan recognizes that the earth, the water, the animals, and all relations on Turtle Island are sacred for Indigenous communities. As a result, Indigenous communities have a unique interest in the Natural Heritage policies of this Plan. There is a particular interest in the waterways and repairing the damages that have been done to waterways and near-water lands – helping mother earth heal its wounds. Efforts have been made to reflect the interest of Indigenous communities in the following policies.

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#### 3.1 NATURAL HERITAGE - POLICIES

Natural heritage features include: wetlands; Provincially Significant Wetlands Woodlands, and Valleylands; Areas of Natural and Scientific Interest (ANSIs), fish habitat, endangered and threatened species habitat and linkages. These features are important to the unique rural character and diversity of the natural environment found in the Township and possess or perform ecological functions and represent significant natural capital assets. (See Schedule C for a map of Natural Heritage Features.)

While all natural heritage features are important to the Township, some have been identified by the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) as having Provincial significance.

The policies of this Plan are intended to address the provincial and local requirements which must be met in order to ensure that natural heritage features and systems are adequately protected. These policies may be amended from time to time as additional information is gathered with respect to the significance or sensitivity of various natural heritage features.

## ENVIRONMENTAL STEWARDSHIP

Schedule C is the Natural Heritage System Map for the Township. Council recognizes that the exact boundaries of certain elements of the Natural Heritage System are mapped using digital data which has not been ground checked. Schedule C provides a general sense of where the feature may be located. It also needs to be recognized that the boundaries of these features may evolve and change due to natural causes. As a result, Council shall consider minor alterations to the boundaries of natural heritage features identified on Schedule C without the need to amend the Official Plan where evidence clearly demonstrates that such modifications are justified and supported by the appropriate government agency. Specifically, the determination of the boundaries of unevaluated wetlands may require field proofing with the assistance of the appropriate Conservation Authority on a case-by-case basis.

### 3.1.1 Areas of Natural and Scientific Interest (ANSIs)

Areas of Natural and Scientific Interest (ANSIs) represent high quality and unique life science and earth science features across a variety of landscapes throughout the Province. Life Science ANSIs are significant representative segments of Ontario's biodiversity and natural landscapes including specific types of forests, valleys, prairies and wetlands, their native plants and animals, and their supporting environments. Earth Science ANSIs include the best representatives of bedrock, fossils and glacial landforms.

An ANSI is a natural heritage feature which has been identified and evaluated by NDMNRF based on specific natural functions and features which exist. There are currently no Provincially Significant Life Science ANSIs in the Township. Notwithstanding the Regionally Significant Life Science Areas identified as Maberly Bog and Christie Lake Bog on Schedule BC, NDMNRF does not currently regulate these areas.

### 3.1.2 Fish Habitat and Adjacent Lands

1. The spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes constitute fish habitat. Fish resources have large value to the Township for their vital role in the food chain, their contribution to the diversity of species, their function as a natural water quality indicator, as well as their role in providing recreational sport fishing opportunities and associated economic benefits. As a consequence, and given the major significance of water bodies to the history and present character of the area, the Township has considerable interest in protecting fish habitat from harmful alteration, disruption and destruction.
2. Most of the Township lakes, rivers, streams, ponds, watercourses and wetlands that provide fish habitat have been identified by NDMNRF. These fish habitats are, however, too numerous to identify on Schedule BC. Consequently, all applications for development or site alteration such as filling, grading and excavating adjacent to any water body will be screened by the approval authority for the presence of fish habitat. Where such fish habitat is identified, no development or site alteration shall be permitted within 120 meters of the habitat, unless it can be demonstrated that there will be no negative impacts. An environmental impact assessment will be required in accordance with the requirements of the Environmental Impact Assessments section

## ENVIRONMENTAL STEWARDSHIP

of this Plan when the approval authority, in consultation with other agencies such as **NDMNR**, Department of Fisheries and Oceans, or Parks Canada determines that it is necessary. This determination shall be made after a review of existing information and inventories and/or a site inspection by a qualified professional from a relevant agency that has identified significant fisheries values or fish habitat. The Conservation Authorities comment on aquatic habitat protection in the planning review process and regulatory approvals process, on a site-by-site basis.

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3. Where development or site alteration may potentially affect fish habitat, the Department of Fisheries and Oceans or the relevant Conservation Authority, as well as Parks Canada where applicable, shall be consulted and required approvals obtained.
4. It is recognized that storm water management and drainage measures, although frequently located some distance from fish habitat, have significant potential to affect it. When evaluating storm water and drainage activities, consideration shall be given to potential impacts upon fish habitat.
5. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all natural heritage features and areas, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the Environmental Impact Assessments section of this Plan.

### 3.1.3 Wildlife Habitat and Adjacent Lands

1. The Township recognizes the importance of conserving wildlife habitat for the purposes of maintaining the ecosystem and its diversity. Additionally, many social and economic benefits accrue from maintaining habitat, related to tourism, nature observation, hunting and trapping.
2. In addition to significant features, the Natural Heritage System shown on Schedule B also contains linkages and corridors. These linkages and corridors mostly follow watercourses and wetlands and are intended to function as connections between significant features. For the purpose of this Plan, linkage and corridors will be considered to be wildlife habitat with a corresponding 30 m setback.
3. As new mapping or other information from various public or private sources becomes available with respect to significant wildlife habitat, this Plan may be amended to incorporate appropriate policies.
4. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all natural heritage features and areas, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the Environmental Impact Assessments section of this Plan.

#### 5. Linkages, Corridors and Wetlands

## ENVIRONMENTAL STEWARDSHIP

- a. The Township's natural heritage system connects significant natural heritage features through linkages and corridors. For the most part, these linkages and corridors follow watercourses and unevaluated wetlands. Natural Heritage System linkages and corridors shall be considered as wildlife habitat and include a 30 m setback, the same as a watercourse setback.
- b. The Township recognizes that the Conservation Authorities have a provincial mandate to regulate unevaluated wetlands. The Conservation Authorities' regulations establish a 30 m setback from unevaluated wetlands, the same as a watercourse setback. Mississippi Valley Conservation Authority is only able to regulate wetlands that are a minimum of 0.5 hectares in size and have hydrologic connectivity. Under Conservation Authority policies, new development is generally not permitted within the regulated wetlands and their 30 m adjacent lands. Rideau Valley Conservation Authority does not regulate unevaluated wetlands, though it does recommend a minimum 30 m setback for development and site alteration for all unevaluated wetlands
- c. Development and site alteration within the habitat area or on adjacent lands that are within 30 metres (98 feet) of these areas may be permitted provided that such development will not negatively affect the natural features or ecological functions of the habitat area. An Environmental Impact Statement shall be required in order to assess the impact of the development and site alteration.
- d. Notwithstanding the above policy, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings and structures associated with farming operations are permitted on adjacent lands without an Environmental Impact Statement.



**Blanding's Turtle** (source: Nature Conservancy Canada)

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## ENVIRONMENTAL STEWARDSHIP

### 3.1.4 Endangered and Threatened Species Habitat and Adjacent Lands

1. The Township contains a wealth of natural features including habitat for endangered and threatened species. NDMNRF requires that where development is proposed within areas which are potential habitat of endangered or threatened species, or within 120 meters of such areas, the following policies shall apply.
  - a) An Environmental Impact Statement shall be undertaken in consultation with NDMNRF to determine whether the habitat of endangered and threatened species is present.
  - b) Development and site alteration shall not be permitted in significant habitat of endangered or threatened species at certain times of the year.
  - c) Development and site alteration may be permitted within 120 meters of significant habitat of endangered or threatened species if it has been demonstrated through the Environmental Impact Assessment, that there will be no negative impacts on the natural features or ecological functions for which the area is identified.
  - d) A site inventory for Butternut will be required prior to the disturbance or removal of tree(s). Where harm to (removal of branches, disturbance to roots, etc.) or removal of Butternut is proposed, prior assessment of the health of the tree(s) shall be undertaken by a qualified Butternut Health Assessor. If the Butternut is determined to be “not retainable”, a certificate will be issued by the Assessor and the tree(s) can then be removed or harmed. However, if the Butternut is “retainable”, a permit from NDMNRF shall be required pursuant to the *Endangered Species Act, 2007*.

At least thirty days before any Butternut is killed or harmed, a qualified Butternut health assessor (BHA) must follow the “Butternut Health assessment Guidelines: Assessment of Butternut Tree Health for the Purposes of the *Endangered Species Act, 2007*” published by NDMNRF to complete an assessment for each Butternut tree and designate it as Category 1, 2, or 3. The BHA must prepare a written report on the tree(s) assessment and submit it to NDMNRF.

After the thirty-day period has passed, an individual or agency may carry out activities on any Category 1 trees identified in the report. If the activity affects Category 1 trees or ten or fewer Category 2 trees, an individual or agency may register the activity online using the Notice of Butternut Impact form as per the *Endangered Species Act*. For Category 3 trees or when there are more than ten Category 2 trees, an individual or agency is not eligible to register and must obtain an ESA authorization for the activity.

- e) Should additional species be added to the Species At Risk Ontario (SARO) List, the policies of this section of the Plan shall apply as may be required.

## ENVIRONMENTAL STEWARDSHIP

2. The Township shall remain current with issues related to Species at Risk. Should any endangered and threatened species habitat be identified in the Township in the future, NDMNRF shall be contacted to develop a mutually acceptable protocol for the sharing of information regarding this natural heritage feature or area.
3. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all natural heritage features and areas, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the Environmental Impact Assessments section of this Plan.
4. Tax reduction programs and incentives for natural heritage features include: Species at Risk Stewardship fund, Species at Risk Farm Incentive Program, Conservation Land Tax Incentive Program, Managed Forest Tax Incentive Program (for conservation), 50 Million Trees Program, conservation easements and land trusts, Alternative Land Use Services (ALUS), etc.

### 3.1.5 Significant Woodlands

There are significant forest resources throughout the Township. This Plan recognizes the importance of these resources for their economic, social, and environmental benefits, including linkages between significant woodlands as an ecological function. The Township's Tree Canopy Policy provides protection for areas of the Township with less than 30% tree cover and requires tree planting in those areas when an application for development is made.

The following policies shall apply to all lands identified on Schedule C as potentially Significant Woodlands:

1. Public and private landowners shall be encouraged to reforest idle lands and to maintain the forested appearance of the landscape. Forests should be managed to protect provincially, regionally, or locally significant wildlife habitat, as identified from time to time.
2. Landowners of properties identified as having a high forestry potential should be encouraged to enter into management programs with the appropriate authorities. (e.g., Eastern Ontario Model Forests)
3. Council shall not approve any development on lands that are subject to an agreement under the *Forestry Act*, unless the proposed development is acceptable to the County of Lanark as the appropriate authority for Agreement Forests.
4. In considering all development proposals, Council shall have regard to the County's Tree Cutting By-Law as well as the Township's Tree Canopy Policy.
5. The Significant Woodlands shown on Schedule C have been identified on the basis of a number of characteristics that indicate potentially significant forested areas. These include the following:



## ENVIRONMENTAL STEWARDSHIP

- a. Woodland interior with a core habitat that is 100 meters from woodland edge (interior habitats greater than 8 ha);
  - b. Woodlands greater than 0.5 ha which exhibit uncommon characteristics such as vegetation communities which are extremely rare, very rare, or rare to uncommon;
  - c. Woodland age (old growth regardless of size).
6. While **Schedule C** identifies potentially Significant **Woodlands in Ecoregions 5 and 6**, these Woodlands require verification on the ground. **Schedule C includes "rare", deep interior forests and "old growth" woodlands for the lands outside of Ecoregion 6E.** Where a forested area is identified as being potentially Significant, development and site alteration may be permitted on Significant Woodlands and within 120 meters of the Woodland, if it is demonstrated through an Environmental Screening Checklist or Environmental Impact Study, that there will be no negative impacts on the natural features or functions for which the forested area is considered significant.
7. Notwithstanding the preceding policies, existing agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings and structures associated with farming operations are permitted on adjacent lands without an Environmental Impact Statement (EIS).
8. **For the purpose of this Plan, linkage and corridors shall be considered to be wildlife habitat with a corresponding 30 m setback. Development may be considered within the 30m setback provided it is demonstrated through an Environmental Screening Checklist or Environmental Impact Study, that is there will be no negative impacts on the natural features or functions on the forested area.**

### 3.1.6 Significant Valleylands

There are two major watersheds in the Township, the Mississippi River watershed in the north and the watershed of the Rideau Canal system in the south. There are two sub-watersheds in the Mississippi system: the Fall River and the Mississippi River, and on the Rideau Canal System there are eight subwatersheds: Otty Lake, the Tay River, Grants Creek, Blueberry Creek, Ruddsdale Creek, Pike Lake, Christie Lake and Bob's Lake. However, the associated valleylands of these subwatersheds are not distinctly defined.

Nonetheless, **NDMNR** requires Council to recognize the importance of protecting the natural heritage characteristics of these valleylands. In this regard, it is anticipated that the natural heritage policies of this Plan will serve to protect many of the features which are considered significant in terms of valleyland planning. Additionally, **NDMNR** will require Council to adopt newly emerging initiatives in valleyland planning and, if necessary, amend this Plan accordingly.

## ENVIRONMENTAL STEWARDSHIP

### 3.1.7 Environmental Impact Assessment

1. Potential negative impacts on the identified natural heritage feature or area will be examined through a process of environmental impact assessment, conducted on a case-by-case basis, prior to the approval of development. In certain cases, the requirements for an environmental impact assessment may be satisfied through the completion of an environmental screening checklist submitted to the approval authority as part of a planning application. The purpose of the checklist will be to provide a screening of the likelihood of negative impacts.
2. Subsequent to the review of the checklist by the approval authority, an environmental impact study, prepared by a qualified individual, may be required in order to assess the potential negative impacts on the natural features and ecological functions of the area in question. Such environmental impact study shall be required prior to the consideration of the planning application by the approval authority.
3. An environmental impact study shall:
  - a. Identify and delineate key natural heritage features and ecological functions.
  - b. Describe and map proposed development and site alterations in relation to the natural heritage feature.
  - c. Predict and indicate the significance of all effects of proposed development and site alterations.
  - d. Identify required mitigation measures, as well as any ongoing monitoring requirements.
4. The approval authority may use various planning controls such as site-specific zoning provisions or Site Plan Control to ensure that development and site alterations occur in accordance with the Environmental Impact Study recommendations.
5. In reviewing Environmental Impact Assessment submissions, the approval authority will consult with professionals and other bodies (e.g., Conservation Authorities).
6. The Algonquins of Ontario and local indigenous groups shall be consulted on any Environmental Impact Studies related to proposed developments where areas of Algonquin interest and/or Native Values and/or the potential for aboriginal artifacts to be encountered have been identified.

## ENVIRONMENTAL STEWARDSHIP



Otty Lake (source: Otty Lake Property Owners Association)

### 3.2 WATERFRONT DEVELOPMENT

#### 3.2.1 Waterfront Development

1. In addition to the policies of the Fish Habitat and Adjacent Lands section of this Plan, which are aimed at protecting fish habitat, the Township has a direct concern with the issue of water quality impacts related to water-oriented development, whether located directly on the waterfront of the Township's lakes and rivers, or adjacent to these water bodies.
2. Over the years, research has been undertaken with respect to the issue of water quality and lake capacity, including the Rideau Lakes Basin Carrying Capacities and Proposed Shoreline Development Policies Report of 1992 and related Municipal Site Evaluation Guidelines (both peer reviewed in 2014 for relevance). Various sections of this Plan incorporate policies implementing recommendations of this research in recognition of the importance of providing sustainable recreation, tourism and other water-oriented opportunities. Policies to address lake capacity, water setback and water frontage issues follow.

#### 3.2.2 Lake Capacity

1. Big Rideau Lake and Silver Lake are cold water lakes and are managed as Lake Trout Lakes by the **Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF)**. Based on dissolved oxygen profiles and lake capacity modelling, Big Rideau Lake and Silver Lake are classified as moderately sensitive and highly sensitive, respectively. All other lakes in the Township are warm water lakes. With the exception of Silver Lake, all lakes can accommodate some limited additional development, based on current water quality.

## ENVIRONMENTAL STEWARDSHIP

2. In the case of Big Rideau Lake and all warm water lakes, for any development proposal that would result in the creation of three or more lots within 300 meters of the lake and any site plan proposal for a non-residential use within 300 meters of the lake, a lake impact study to assess the effect of shoreline development and additional nutrient loadings on lake water quality will be required. The approval of such proposal shall not be granted where a negative impact on water quality would be the result.
3. In the case of Silver Lake, it has reached its carrying capacity and no new waterfront or non-waterfront building lots having deeded water access shall be created within 300 meters of the lake.

### 3.2.3 Water Setback

1. An adequate water setback serves an important function in relation to the protection of the natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of a water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation.
2. In addition to preserving the natural aesthetic qualities of the shoreline as viewed from the water, an appropriate water setback can reduce phosphorus and other nutrient loads to the lake and, in combination with vegetation, prevent erosion and sedimentation.

~~3.~~

4-3. This Plan is committed to the establishment of a “30 metre setback” from water and a “15 metre vegetated buffer” along shorelines as the key planning tools to minimize negative development impacts on waterfronts.

4. Commonly referred to as a “ribbon of life”, this 30 m setback area is intended to be a strip of unaltered, naturalized land abutting the shoreline, with provisions for a modest shoreline access path through this area. Within the 30 m setback, the first 15 m abutting the shoreline is to be a natural, vegetative buffer of land. The 30 m setback and 15 m vegetative buffer are intended to help achieve the Official Plan’s broader Waterfront Development and Environmental policies.

## ENVIRONMENTAL STEWARDSHIP

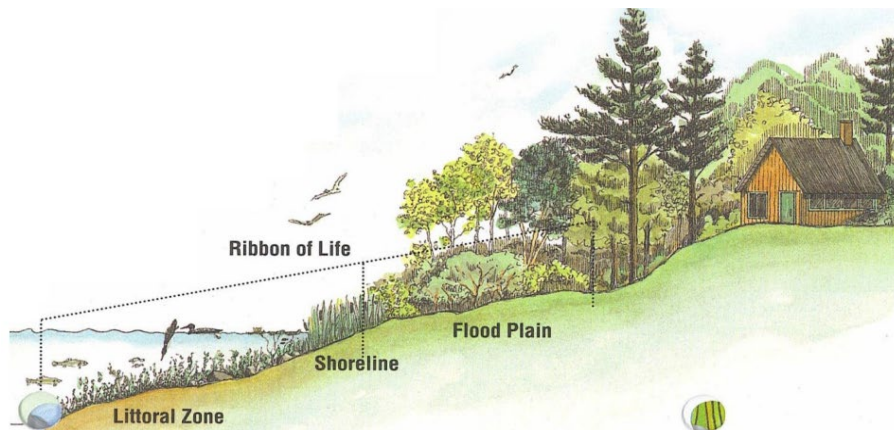


Figure 7 Ribbon of Life (source: Rideau Valley Conservation Authority)

5. Development or site alteration such as filling, grading and excavating shall occur a minimum distance of 30 meters from the **high-water** mark of any water body. Native, stable vegetation cover shall be maintained along shorelines. This setback shall be implemented through the comprehensive Zoning By-Law.
6. Where lake-specific or site-specific conditions suggest that it would be appropriate, the minimum water setback may be increased.

~~This Plan is committed to the establishment of a “30 metre setback” from water and a “15 metre vegetated buffer” along shorelines as the key planning tools to minimize negative development impacts on waterfronts. Commonly referred to as a “ribbon of life”, this 30 m setback area is intended to be a strip of unaltered, naturalized land abutting the shoreline, with provisions for a modest shoreline access path through this area. Within the 30 m setback, the first 15 m abutting the shoreline is to be a natural, vegetative buffer of land. The 30 m setback and 15 m vegetative buffer are intended to help achieve the Official Plan’s broader Waterfront Development and Environmental policies~~

7. It is the policy of this Plan to encourage the protection of existing natural vegetation from disturbance and the re-vegetation or naturalization of altered or disturbed shoreline areas through the development approval process. Among other tools, tree cutting by-laws, site alteration by-laws and Site Plan Control may be utilized by the Township for this purpose.
8. Such works immediately adjacent to water or in a regulated area above the normal high water mark of the lakes are subject to approval of the appropriate Conservation Authority.

~~9. Where a majority of residents around a lake have indicated support, a mandatory shoreline buffer of a minimum of 3 meters will be required where topography permits.~~

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## ENVIRONMENTAL STEWARDSHIP

~~40. Where a majority of residents around a lake have indicated support, a mandatory shoreline buffer of a minimum of 3 meters will be required where topography permits.~~

### 3.2.4 Waterfront Lot Area and Frontage

~~1. As a general rule, All new waterfront lots shall ideally will have a minimum lot frontage of 91m, and a minimum lot area of 0.8ha (2 acres). the minimum water frontage for any new waterfront lot shall be 60 meters. These is requirements shall be implemented through the Zoning By-Law.~~

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2. In addition, on Farren, Adam [and Little Silver and Rainbow Lakes], if septic systems cannot meet a 30m water setback, a phosphorus removing treatment unit will be required. As other lakes reach phosphorus capacity Council may implement increased lot size and frontage requirements through the Zoning Bylaw.

Commented [TP17]: Other municipalities require a minimum 2 acre lot size on all their lakes. What does Council think?

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~~3. Where the creation of three (3) or more non-waterfront lots within 300 meters of a lake is proposed, a user in common deeded waterfront parcel of land shall generally be provided, such parcel to have a minimum water frontage of 13 meters per non-waterfront lot.~~

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~~3. Where the creation of three(3) or more non-waterfront lots within 300 meters of a lake is proposed, a user in common deeded waterfront parcel of land shall generally be provided, such parcel to have a minimum water frontage of 13 meters per non-waterfront lot.~~

Commented [TP19]: Doesn't this conflict with the no Backlot Development policy?

### 3.2.5 Waterfront Development Criteria

The ~~se following~~ policies shall apply to the creation of new lots or additions to existing lots, new development and redevelopment of existing lands and buildings within waterfront areas. Expansion of development within the 30 m setback shall require the approval of the Committee of Adjustment.

The Township recognizes that there are numerous existing waterfront dwellings and accessory structures which do not comply with the zone provisions. The following Waterfront Development Criteria will be used to guide those wishing to develop and by those assessing development proposals involving Waterfront development.

This Plan recognizes the right to repair, restore or rebuild an existing legal non-conforming and non-complying buildings or structures provided there are no increases to height, size, volume or extent of non-conformity or non-compliance of the use, building or structure, except as is required in order to comply with provincial or federal requirements. That said, proponents will be encouraged to relocate their development outside of the 30 m setback whenever possible.

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~~In addition, on Farren, Adam [and Little Silver and Rainbow Lakes], lot frontage shall be 91m, lot size shall be 0.8ha, if septic systems cannot meet a 30m water setback, a~~

## ENVIRONMENTAL STEWARDSHIP

phosphorus removing treatment unit will be required. As other lakes reach phosphorus capacity Council may implement increased lot size and frontage requirements through the Zoning Bylaw.

1. The Township recognizes that there are numerous existing waterfront dwellings and accessory structures which do not comply with the zone provisions. The Township anticipates that many landowners will seek to repair, renovate, reconstruct and/or enlarge these existing structures over time. To guide such activities the Township has established the following Waterfront Development Criteria to be consulted prior to the submission of any Planning Act application involving Waterfront development.

Generally, this Plan strives to limit expanded development within the 30 m setback and 15 metre buffer areas, particularly where other preferred development locations may exist. Expansions of development within the 30 m setback may require the approval of the Committee of Adjustment.

### 3.2.6 Expansion or Additions to Existing Development

#### 3.2.65.1 Expansion or Additions to Existing Development

5. Generally, this Plan shall strives to limit expanded development within the 30 m water setback and 15 metre buffer areas, particularly where other preferred development locations may exist. Those wishing to develop/redevelop their waterfront property shall be encouraged to relocate their development outside of the 30 m setback whenever possible. When considering expansions to existing structures, it will be expected that the proponent demonstrate that every effort has been made to locate the addition to the rear of the existing structure and minimize the amount of development within the 30 m setback.

4. Expansions of development within the 30 m setback may require the approval of the Committee of Adjustment.

1. This Plan recognizes the right to repair, restore or rebuild an existing legal non-conforming and non-complying building or structure provided there are no increases to height, size, volume or extent of non conformity or non compliance of the use, building or structure, except as is required in order to comply with provincial or federal requirements. That said, proponents will be encouraged to relocate their development outside of the 30 m setback whenever possible.

3-5. Where expansions or additions to existing structures are proposed, such additions shall be permitted where all zoning provisions are complied with.

reconstruct or expand an existing legal building or structure which does not meet the 30 m setback, to 30 m setback and achieve net environmental gain. When considering expansions to existing structures,

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## ENVIRONMENTAL STEWARDSHIP

strate that every effort has been made to locate the addition to the rear of the existing structure and the 30 m setback. Additions which horizontally extend the existing dwellings shoreline setback will

6. Where expansions are proposed which are to the rear (i.e. landward side) of the existing non-conforming/~~non-complying~~ structure, and where the proposed expansion or addition satisfies the following policies of Section 3.2.5.1 (5) provides an opportunity for a net environmental gain in the shoreline area documented through the use of site plan control or through conditions imposed by the minor variance process, such expansions or additions may be considered favourably supported by the Committee of Adjustment.
7. When reviewing applications for Zoning By-Law amendments or applications before the Committee of Adjustment for the expansion or enlargement of legal non-conforming (*Section 45(2) of Planning Act*) and legal non-complying uses (*Section 45 (1) of Planning Act*) on or adjacent to the waterfront, the following criteria shall be considered in determining if the application represents good land use planning:

~~The proposed extension or enlargement is located to the rear of the existing non-conforming/non-complying use, building or structure and maximizes the water setback. Additions which horizontally extend the existing dwellings shoreline setback will generally be discouraged.~~

a. The proposed extension or enlargement is located to the rear of the existing non-conforming/non-complying use, building or structure and maximizes the water setback. Additions which horizontally extend the existing dwellings shoreline setback will generally be discouraged.

b. The proposed extension or enlargement does not result in adverse impacts on adjacent properties or the natural environment, including the water resource.

a.  
c. The proposed extension or enlargement is of a scale consistent with the existing development (on-site and surrounding) and does not result in adverse visual impacts as seen from the water and/or adjacent properties.

e.d. The proposed extension or enlargement will result in a net environmental gain through measures such as decreasing the amount of impervious surfaces, controlling the quality and quantity of runoff, improvements to habitat, and/or restoring/enhancing the 15 m vegetative buffer.

e) The proposed extension or enlargement is located outside of natural hazards (including the extent of flooding and erosion hazards) and is in a location that reduces potential environmental impacts.

f) Safe access (ingress and egress) as determined by the Fire department, is provided.

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- g) The proposed extension or enlargement does not remove the ability for a future complying septic system to be located on the property away from sensitive environmental features.
- h) The existing septic system has been reinspected and deemed to be appropriate for the proposed development.
- i) New and/or replacement septic systems within the waterfront area are encouraged to utilize phosphorous removal systems or soil attenuation through the use of acidic non-calcareous soils. Where proposed septic systems cannot meet a 30m water setback, a phosphorus removing treatment unit will be required on warm water lakes at capacity according to the MECP Lake Capacity Handbook.
- j) The proposed extension or enlargement does not create further non-complying standards related to lot intensity (i.e. lot coverage) or massing (i.e. height).
- k) The proposed extension or enlargement will not result in any negative impacts towards relevant environmental features. The Township may require the applicant to submit of an Environmental Impact Assessment completed by a qualified professional in accordance with the Policies of this Plan in order to ensure there are no negative impacts that cannot be mitigated.
- l) The proposed extension or enlargement will be assessed on its ability to mitigate negative cumulative impacts through design measures that consider the topography, soil, drainage, vegetation and waterbody sensitivity at or near the site.
- m) All new development and redevelopment, including expansions or additions to existing structures or the reconstruction of existing structures shall be subject to Site Plan Control and corresponding Site Plan Control agreements.

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### 3.2.7 Preservation of Vegetation

#### 3.2.75.2 Preservation of Vegetation

2-1. Projects involving development within Waterfront areas shall incorporate measures to achieve a 30 m setback and 15 m vegetative buffer.

3-2. New development and the expansion or redevelopment of existing development in the Waterfront area shall be sensitive to the preservation of tree cover and native vegetation so as to prevent erosion, siltation and possible nutrient migration, and to maintain the complex ecological functions of the shoreline and littoral zone environment. Development shall be setback a minimum of 30 metres (98 feet) from the high water mark. Site alteration and disturbance of vegetation within 30 metres (98

## ENVIRONMENTAL STEWARDSHIP

feet) of the shoreline shall be limited to low-impact small scale structures identified in the Zoning By-Law, minor alterations to accommodate access trails, water pumping equipment or restoration work and limited limbing of mature trees.

4-3. As a condition of development or redevelopment, restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the Waterfront shall be used as an example of how to restore and rehabilitate a disturbed shoreline.



Figure 9 Healthy Shoreline (source: Rideau Valley Conservation Authority)

5-4. The Zoning ~~By-law~~By-Law implementing this Plan will include regulations that will limit lot coverage within 30 metres (98 feet) of the shoreline, require the vast majority of the shoreline area be maintained in a natural vegetative state and prevent further encroachment into this area. The Zoning By-Law will also provide an allowance for a limited amount of the 30 m setback area (i.e. 25% to a maximum of 9 m wide) to be cleared and/or occupied for access to the water, for walkways and for permitted shoreline structures such as a boat ramp, boat house (defined in the zoning by-law as a structure with a minimum of 50% over the water) and deck.

### 3.2.8 Waterfront Servicing

1. All new residential development shall be serviced by a private potable water system and an approved wastewater treatment system by the appropriate approval authority.
2. Private wastewater systems shall be located a minimum of 30 metres (98 feet) from the high-water mark of the nearest water body. On an existing undersized lot where the minimum setback cannot be met, a reduced setback may be considered through the Committee of Adjustment or Zoning By-Law Amendment processes. The incorporation of tertiary treatment systems and other technologies shall be explored when proposing development on waterfront lots which are physically constrained and/or situated in close proximity to sensitive natural heritage features or water resources. The Township may require specialized studies or reports from qualified

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professionals or licensed septic installers to identify all system-related options available to private land owners.

3. Where the lot size or configuration does not provide the opportunity for the installation of a septic system and there is an existing pit privy or holding tank, a replacement holding tank may be installed as long as it has been demonstrated by a qualified professional that no alternative system is feasible. Composting toilets are accepted as an alternative to pit privies where septic fields cannot be accommodated due to lot size and/or configuration and subject to the approval of the appropriate approval authority. Offsite disposal of the composted materials shall be required.
4. Holding tanks shall not be permitted for new vacant lot development.
5. Existing septic systems which are identified as being non-compliant with the requirements of the Zoning ~~By-law~~By-Law and/or the *Ontario Building Code (OBC)*, may require replacement or upgrades when reviewed in conjunction with proposals to repair, renovate, reconstruct, or enlarge non-complying dwellings. Through its review of planning applications, the Township may require proof that an existing septic system is functioning properly. Additional information may be required to ensure the system is adequately sized and configured to comply with the requirements of the OBC;

### 3.2.9 Lake Stewardship

1. Council will foster the concept of lake stewardship in order to:
  - a. encourage the protection of natural features and ecological functions;
  - b. foster the rehabilitation and naturalization of waterfront lands;
  - c. improve the quality of source water; and,
  - d. monitor changes to lake ecosystems. especially with respect to impacts resulting from climate change.
2. It is the intention of Council to retain unopened road allowances leading to water and where they provide public access to the waterbody. Such water access points should be accessible and provide for ~~short term and long term~~ parking.
3. Where lands abutting waterbodies and watercourses become available, Council will review the opportunity for public acquisition to provide enhanced public recreation space.
4. The Township may establish partnerships with public agencies and private associations and individuals to provide guidance, assistance and resources to associations and individuals wishing to undertake projects that will improve the health of the Township's lakes, rivers and streams.

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### 3.2.-10 Net Environmental Gain

1. Waterfront development and redevelopment shall be required to demonstrate a net environmental gain in regard to increased setbacks, drainage design, new and improved septic systems, increased buffers, vegetation and habitat. Proponents for the development of vacant waterfront properties or developed properties which demonstrate a high level of environmental stewardship of the waterfront and natural environment, will be expected to demonstrate no net environmental loss for new development, other than the necessary disruption of the building/development envelop. Where the phrase “net environmental gain” is used throughout this Plan, it will be implied to reference “no net environmental loss” for properties which demonstrate a high level of environmental stewardship. Proponents of waterfront development or redevelopment are encouraged to reference the “Municipal Site Evaluation Guidelines in Eastern Ontario” created by the Eastern Ontario Conservation Authorities as a tool to help ensure that any development would reflect and address the variable constraints posed by site specific conditions (i.e. slope height, slope angle, soil depth and type as well as vegetative cover):

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- a) Municipal Site Evaluation Guidelines are recognized as a valuable tool in managing the long-term health and integrity of the Township's lakes and lake communities. These guidelines are intended to protect, improve, and restore water quality in the respective watersheds consistent with the *Provincial Policy Statement, 2020* (PPS) and local Plan policies.
- b) Site Evaluation Guidelines will be supported as a tool to identify site specific constraints and ensure that new development is conducted in a manner that reflects variable constraints imposed by site specific conditions.

### 3.2.11 Watershed and Subwatershed Plans

#### 3.2.11.1 Tay River Watershed Plan

The Rideau Valley Conservation Authority, in co-operation with other government agencies and citizen organizations including Friends of the Tay, has produced the Tay River Watershed Management Plan and (2002), Tay River Subwatershed Report (2017), Catchment Area Reports, and Rideau Lakes Study / Site Plan Evaluation Guidelines Update, which document the condition of the watershed and pinpoint issues and priorities for action. The Township will have regard to the Watershed Plan and Catchment Area Reports and relevant guidelines of the Ministry of Environment, Conservation and Parks (MECP) in reviewing development applications in the watershed.

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#### 3.2.11.2 Mississippi River Watershed Plan

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The Mississippi Valley Conservation Authority, in co-operation with other government agencies, residents and non-governmental organizations and citizen organizations, has produced the Mississippi River Watershed Management Plan. This document describes the planning process, provides an overview of the watershed, and presents a strategic plan, structured around eight broad themes and program areas: Integration and Collaboration.

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Climate Change, Growth and Development, Water Management, Natural Hazards, Water Quality, Natural Systems; and Education and Outreach. For each of the eight themes, the plan presents: goals and objectives, challenges, and strategic actions for addressing those challenges and goals. The plan also identifies the agencies and stakeholders that will need to work collaboratively to implement the recommended strategies

### 3.2.11.2-3 Subwatershed Plans

In addition, a number of Lake Associations have prepared Lake Management Plans in cooperation with the Township and Community Partners, as well as with Rideau Valley Conservation Authority, Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) and Ministry of Environment, Conservation and Parks (MECP). See Appendix A for a list of Lake Management Plans.

1. When considering development proposals within the Lake Management Plan Areas specified in Appendix A, the Council of Tay Valley Township will have regard to the planning recommendations and policies contained in the Lake Management Plans which are consistent with the policies of the Tay Valley Township Official Plan.
2. Should other similar subwatershed plans be prepared by qualified professionals and/or under the supervision of the appropriate public agencies, Council will also have regard for the planning recommendations and policies contained therein which are consistent with the policies of this Plan when considering development proposals.

### 3.2.12 Narrow Channel Policies and Shallow Waters

The confined nature of narrow channels can result in safety and compatibility issues for boaters and landowners. A narrow channel is defined as a waterbody where the distance from shore to shore is 150 meters or less. Given the importance of ensuring public safety, the development of structures such as marine facilities will not be permitted in a narrow channel where a hazard to navigation would result as identified by the approval authority or Parks Canada as applicable.

New lot creation on narrow channels will be permitted in accordance with the following:

1. Where the distance of the narrow channel from shore to shore is 90 meters or greater, a minimum shoreline of 90 meters is required (rather than the 60 meters normally required).
2. Where the distance of the narrow channel from shore to shore is less than 90 meters, a minimum shoreline frontage of 120 meters will be required.

Waterfront lots which are proposed adjacent to a shallow waterbody (less than 3 meters deep at a distance of 30 meters offshore at low water) may be required to have a water frontage of 150 meters. Unless the property abuts a natural sand beach, shallow waterbodies tend to be more environmentally sensitive and less intensive usage is appropriate. Reductions to this requirement will only be considered if convincing environmental evidence prepared by a

## ENVIRONMENTAL STEWARDSHIP

qualified professional is presented by the applicant demonstrating that no negative impacts will result.

### 3.2.13 Back Lot Development

Waterfront development shall consist of primarily single tier development.

The creation of new access to the water by right of way over existing waterfront properties to accommodate shoreline access by a residential back lot shall not be permitted.

### 4.33.3 NATURAL HERITAGE - LAND USE

The only land use designation in the official plan for natural heritage is provincially significant wetlands.

### 3.4 PROVINCIALY SIGNIFICANT WETLANDS

#### 1.3.1 PROVINCIALY SIGNIFICANT WETLAND

##### 3.4.1 Intent of Designation

##### 1.3.1.1 Intent of the Designation

Wetlands are those lands which 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 favored the dominance of either hydrophytic plants or water-tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Wetlands are important for their role in the recharge and discharge of groundwater, water quality improvement, flood and erosion damage reduction, wildlife habitat, and recreational and tourism opportunities such as hunting, fishing, bird watching, hiking and boating.

While the 2020 *Provincial Policy Statement* provides that under certain circumstances development and site alteration may occur in wetlands north of the limits of Ecoregion 6E, the Township has chosen to adopt a more restrictive approach which effectively prohibits such activities. This more restrictive approach reflects the Township's historical commitment to the environment and recognition of the scarcity of evaluated wetlands within the Township. The location of Provincially Significant Wetlands are shown in Schedule A.

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Wetlands south of Maberly (source: mrloft.ca)

### 3.4.2 Permitted Uses

#### 3.4.2.1 Permitted Uses

The permitted uses include only those related to conservation, wildlife management and outdoor recreation activities that do not require alteration to the natural features. Buildings or structures relating to these uses may be permitted subject to the provisions of the Environmental Impact Assessments section of this Plan.

#### 3.4.2.3 Policies

1. Development or site alterations such as filling, grading and excavating shall be prohibited within the Provincially Significant Wetland designation.
2. For Provincially Significant Wetlands, development or site alteration within 120 meters of a designated wetland may be permitted, if it can be demonstrated that there are no negative impacts on the wetland's natural features or ecological functions. An Environmental Impact Statement (EIS) will be required except for established agricultural uses. In accordance with provincial regulation, approval from the applicable Conservation Authority is required for all development and site alteration on lands within 120 meters of a wetland designated in this Plan.

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## ENVIRONMENTAL STEWARDSHIP

3. Where land designated as Provincially Significant Wetland is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.
4. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all Provincially Significant Wetland features and areas, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the Environmental Impact Assessments section of this Plan.

The Township encourages residents to take advantage of incentives offered by the province that apply to Provincially Significant Wetlands (PSW) including the Conservation Land Tax Incentive Program.

### ~~3.4.2~~ 3.4.4 Exception Areas

*(Reserved)*

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## COMMUNITY HEALTH AND SAFETY

### SECTION 4: COMMUNITY HEALTH AND SAFETY

#### 4.1 PUBLIC PARTICIPATION

1. Council shall make available to the public, planning documents specified in the *Planning Act* such as the Official Plan and Zoning By-Law, to foster a greater awareness and knowledge of planning matters. Where amendments to these documents are made, Council shall endeavor to ensure that up-to-date consolidations of the amended documents are made available.
2. Council shall, as a minimum, follow the requirements of the *Planning Act* as they apply to public notification and participation in relation to such matters as Official Plans, Community Improvement Plans, and Zoning By-Laws, amendments to the said Plans and By-Laws, and Plans of Subdivision.
3. In order to facilitate public participation, Council will employ appropriate methods at varying stages of the decision-making process such as, but not limited to, delegations to Committees of Council, formal and informal public meetings, open houses, workshops, displays, township-wide advertising, consultation with community/ratepayers/lake associations, posting affected properties with information signs, and utilizing electronic communication including the Township website, social media, and other electronic communication modes, as well encouraging residents to sign up for notices on the Township website.
4. Council will endeavour to adopt the consultation protocols of individual Indigenous communities, including talking circles, etc.

**Commented [TP21]:** For example, not using Robert's Rules of Order was a specific request of a local Indigenous group.

#### 4.2 PARKS AND RECREATIONAL FACILITIES

Township Council received the Tay Valley Recreation Master Plan in June of 2020. This document was produced in cooperation with the Town of Perth, Township of Drummond/North Elmsley, and the Township of Lanark Highlands to guide planning and decision making for parks, recreation, and cultural assets to the year 2030. The Township will continue to co-operate and coordinate with the surrounding municipalities in the delivery of recreation services. The Plan will help the Township manage the development of parks and trails, recreation and cultural facilities and services, and programming and events. It will help to ensure that planning for parks, recreation, and culture improvements in the Township's contributes to the health and well-being of residents and visitors.

1. Parks shall generally be permitted in all land use designations. It is the Township's intention to provide park and recreation facilities on a basis consistent with the needs of the Township and to cooperate with other public, quasi-public and private agencies to provide park and recreational facilities. One percent of the Township is parkland. A parkland target of XX% shall be established by the Township.
2. To further promote health, consideration shall be made for providing sufficient shade structures (e.g., trees, built structures), seating, bicycle parking, public bathrooms, and

## COMMUNITY HEALTH AND SAFETY

a source of free potable water at all outdoor facilities. Providing information to the public on where to find free potable water can help increase use. Accessibility and utility for youth, families, and adults of all ages and abilities shall be considered to appeal to people at every stage of the lifespan.

3. The Township may apply a Parkland Classification System to the existing parks in Tay Valley and new parkland acquisitions.
4. When presented with opportunities to require parkland dedication through the *Planning Act*, the Township may exercise its right to receive Cash-in-Lieu of Parkland Dedication, in accordance with the *Planning Act*. Generally, cash-in-lieu of parkland may be considered when:
  - a. The land is of an insufficient size or configuration.
  - b. No land is usable or functional on the site for parkland or recreational purposes.
  - c. The area being developed or redeveloped is already well served by parkland.
5. The Township shall attempt to maximize the supply of available parkland by utilizing a variety of acquisition strategies. This may include parkland dedication by development, donation of land, accessing grants, land trusts, conservation easements, land exchange, partnership agreements and/or direct purchase.
6. The Township may pursue the acquisition of natural areas, particularly land adjacent to the Tay River and other significant waterbodies, through the development process and other means of securement to provide opportunities for enhanced conservation, compatible public access and linkages to parks, trails, open spaces and water.
7. New parks shall be designed with the user's comfort, safety and accessibility in CPTED (or similar) principles as well as adhering to *Accessibility of Ontario Disabilities Act* (AODA) Design Standards. In the development of parks and recreational facilities, adequate parking (e.g., bicycle, motor vehicle) areas shall be provided and facilities such as ramps and walkways to enable persons with disabilities to reach amenities and facilities shall be provided where possible.
8. The Township may require the dedication of parkland for pedestrian and bicycle pathways as a condition of development.
9. The Township may require the identification and provision of walkways and other means of pedestrian access, accessibility supports as well as bicycle parking facilities and other sustainable design elements on municipal streets, as may be required for developments.

## COMMUNITY HEALTH AND SAFETY

10. When designing new parks, the Township consider the potential operational impacts and assess the future resource implications of each aspect / amenity.
11. The Township shall encourage and facilitate community participation, including from diverse groups, in park design, development and renewal projects by obtaining public input during the planning and design process, fostering partnerships and collaboration in park development/ renewal, and promoting awareness of park projects and initiatives through effective public communications.
12. The Township shall support the creation of community gardens in local parks to encourage increased physical activity, healthy eating, knowledge of the food system, increased mental well-being, and social connections, especially for those new to the community. Ensuring parks and playgrounds are attractive for youth, families, and adults of all ages and abilities is important for drawing residents to facilities throughout their entire lifespan.
13. The Township will continue to promote the potential opportunities for recreational activities on Crown Land within the Township, such as hunting, fishing, ATV use, and snowmobiling.
14. The Township will strive to maintain the existing water access points in good condition for continued use by the community.
15. The Township will continue to explore opportunities for improved / additional water access points either through improvement to municipally owned lands (i.e. municipal road allowances) or through partnerships with community organizations (i.e. marina operators, etc.).
16. The Township views the development of bicycle lanes and trail systems as important recreational resources, providing opportunities for outdoor leisure and recreation, tourism and interpretation of the natural environment. In this regard, the integration of abandoned railway lines into a trail system and opportunities to provide trails along waterbodies, in co-operation with other municipalities and public agencies, is supported by the Township.
17. The Township shall work with stakeholders, Lanark County, and landowners to improve connections between the Rideau Trail and the Lanark Link of the Trans Canada Trail, linking together with the Glen Tay to Havelock Trail to form a regional network, and determine other opportunities for connections within the local/broader trail network.
18. The Township shall continue to consider trails as an important part of the area's active transportation network and will continue to encourage greater use of local trails. Active transportation is important for providing more equitable options to travel to important destinations (e.g. work, healthcare appointments, full service grocery stores, etc.).

## COMMUNITY HEALTH AND SAFETY

19. The Township will work with local stakeholders, trail groups and the community to establish and identify required improvements and barrier-free access opportunities, as well as additional locations for trail-related amenity development (e.g. bicycle racks, bike repair stations, parking, signage, etc.).

### 4.3 TRANSPORTATION

This Section establishes the general transportation policies for the Township. A safe, convenient and functional road network for multiple modes of travel including cars, bicycles and walking is the key element in facilitating the movement of both people and goods to and from the various areas within the Township and between the Township and neighboring municipalities. The road pattern shown on Schedule A generally reflects the historical interrelationship between land use and transportation routes. The road system is classified on the basis of the jurisdiction of responsibility.

Existing and proposed public roads within the Township are classified as Provincial Highways, County Roads and Township Roads, as indicated on Schedule A. Where additional land is required for widening and extension, such land shall be obtained, where possible, in the course of approving development applications under the *Planning Act*.

The Township will work with the authorities having jurisdiction to secure road improvements in the form of jog eliminations, regulation of turning movements, proper signing, including wayfinding signage, installation of traffic signals, marking of traffic lanes including bicycle lanes and paved shoulders, channelization and new road construction that will establish a functional road network as shown on Schedule A. Cycling and walking are recognized as modes of transportation which can play a positive role in improving mobility and quality of life as part of a transportation system. Priority for bicycle lane construction will be given to identified trails in the Township, including the Trans Canada, Rideau Trail, and connections to the Tay-Havelock Trail and work that may identify Safe Routes to School in the future.

Traffic-calming infrastructure (e.g., curb extensions, street trees, etc.) will be encouraged at strategic locations to improve the safety of these roads for pedestrians, cyclists, and motorists.

The Township shall promote carpooling and the establishment of regional and local car parks, and the promotion of active transportation and cycling lanes along all roads. The Township shall also encourage the development of rural transportation services and shuttle services.

The Township shall seek funding or set aside funds in the municipal budget for the maintenance and upgrading of roads, in accordance with community improvement plans and/or transportation and traffic studies.

## COMMUNITY HEALTH AND SAFETY

### 4.3.1 Provincial Highways

Provincial Highways are intended to carry a high volume of traffic at relatively high speeds.

~~Any proposed development abutting a provincial highway is subject to the requirements and permit control of the Ministry of Transportation (MTO). Direct access to a provincial highway will be permitted only where the safety and geometric requirements of MTO can be met. MTO shall be circulated for comment on development proposals (including Consents, Zoning Amendments, Minor Variances, Building Permit applications) relating to lands adjacent to a Highway or within 395 meters of a public road intersection with a Provincial Highway. The preparation of traffic studies may be requested by the Provincial approval authority. Any proposed development within the Ministry of Transportation's (MTO) permit control area is subject to the requirements of the MTO for approval. Direct access to Provincial Highways will only be permitted in accordance to the MTO's access management requirements. MTO shall be circulated for comments on all planning applications within their permit control area to ensure compliance with MTO requirements for development approval under the Public Transportation and Highway Improvement Act. The MTO may require traffic impact studies, stormwater studies or other development related studies in order to support development approval or acceptance. It is advised that any person seeking to make a planning application or develop within the MTO's permit control area ask for a pre-consultation meeting with the MTO.~~

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Highway 7 is the only Provincial Highway in the Township. The minimum right-of-way width shall be as determined by the Ministry of Transportation.

### 4.3.2 County Roads

Where development is proposed adjacent to a County Road, approval for an entrance must be obtained from the County of Lanark in accordance with the County requirements and policies of this Plan. These requirements and policies shall also be used in determining building setbacks from County Roads.

County Roads 6, 7, 10, 12, 14, 19, 21, 36 and 511 presently serve the Township and are under the jurisdiction of the County of Lanark.

The minimum County Road right-of-way shall be 26 meters.

### 4.3.3 Township Roads

The over 300km of roads the Township owns are identified on Schedule A. These are roads which are owned and maintained by the Township. Where development is proposed adjacent to a Township Road, approval for an entrance must be obtained from the Township. Access shall only be permitted in locations that can accommodate traffic in a safe manner as outlined in the Access to Township Roads Policy.

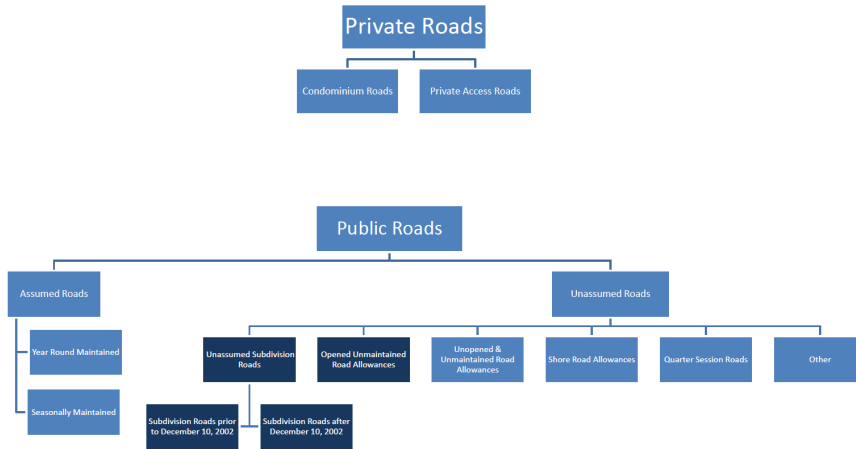
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**COMMUNITY HEALTH AND SAFETY**

The minimum right-of-way for Township Roads will be 20 meters. All new Township Roads shall be constructed to Township standards.

A small number of Township roads are Seasonal roads which receive limited maintenance from June 1 to October 1 and on which no winter maintenance is performed as per the Seasonal Road Policy.

Figure 11 Typology of Roads (source: Tay Valley Township)



**4.3.4 Private Roads**

A Private road is a road owned and maintained by a private individual, organization, or company rather than by a government. Unauthorized use of the road may be considered trespassing, and some of the usual rules of the road may not apply. The most common type of private road is a residential road maintained by a homeowner, road or cottage association, housing co-op, or other group of individual homeowners.

The creation of new private roads and the extension of existing private roads is not permitted except in situations where new private road access is required to serve mining properties, mills and plants which are or will be operating in accordance with the Mineral Resource section of this plan.

Notwithstanding the policies contained in this section, the creation of a new private condominium road shall be permitted in the Township insofar as it is created under the *Condominium Act, 1998*, as amended. The design and construction of a private condominium road shall be to a standard acceptable to the Township, and maintenance and

## COMMUNITY HEALTH AND SAFETY

ownership of such roads shall be governed and administered in accordance with the *Condominium Act, 1998*, as amended.

Where a private road exists in the Township, there is no obligation on the part of the Township to maintain or repair the private road or otherwise service any property located on that private road. If a private road is reconstructed to a standard acceptable to the Township and at no expense to the Township, the Township may consider the assumption of the private road by By-Law, if it abuts an existing maintained Township or County Road or Provincial Highway. Prior to undertaking any such reconstruction for the purposes of allowing Township assumption, landowners of property on a private road must obtain the approval of the Township Policy. The work shall be undertaken to the standards of, and supervised by, the Township.

Known Private Roads are shown on Schedule A for information purposes.

### 4.3.5 Private Unassumed Roads

A private unassumed road is a road owned by the Township and maintained by a private individual, organization, or company rather than by the Township. Since the roads are owned by the Township, the general public is allowed to travel on them. However, because they have not been assumed by the Township for maintenance purposes the private individual or organization is responsible for maintenance.

### 4.3.6 Proposed Road Widening

The County or Township may require land to be conveyed at no cost for the purpose of widening the existing public road right-of-way as a condition of Consent, Subdivision or Site Plan approval.

Land for the widening of the existing public road right-of-way shall generally be sought equally from both sides of the right-of-way, however, in certain situations site-specific conditions may necessitate taking widening on an unequal basis.

### 4.3.7 Unopened Road Allowances Abutting Water Bodies

Where Unopened Road Allowances abut the shores of lakes and rivers and are not required for public access to the water, such road allowances may be closed by the Township and disposed of in accordance with the procedures and requirements set out in the Road Closing and Sale Policy.

## 4.4 WATER SUPPLY, SEWAGE DISPOSAL AND OTHER SERVICES

### 4.4.1 Water Supply and Sewage Disposal

1. Except in relation to a few existing developments on the periphery of the Town of Perth, there are no municipal piped water or sewage services available in the

## COMMUNITY HEALTH AND SAFETY

Township. It is unlikely that such services will be provided, except on an isolated basis, in the foreseeable future. As a consequence, development will continue to provide private on-site water supply and sewage disposal services in accordance with the requirements of the approval authority having jurisdiction.

Communal services may be permitted provided that they are for the common use of more than five residential units/lots. Any such system will have to meet the requirements of the Township, this Plan and the Ministry of the Environment, Conservation and Parks, as well as the approval processes under the *Environmental Assessment Act*, *Ontario Water Resources Act*, *Safe Drinking Water Act* and the *Planning Act*.

It is recognized that the implications for municipal responsibility for communal systems resulting from Provincial policy can present challenges to both the developer and the Township, and as such, the Township is not obligated to approve the use of communal systems. Once a communal system is approved, the use and operation of the communal system and the role and responsibilities of the Township shall be governed by the agreement. The need to develop on private services may place limits on the amount, distribution and type of development which may take place.

The Township, in approving any communal system, will have particular regard for the documented performance of the proposed system, the financial securities which are to be provided, the long-term maintenance requirements, and the operation and administration requirements for the system. In reviewing proposals for development on communal systems, the Township will also determine the number and types of communal systems that will be accepted by the Township. In general, the Township shall only accept developments on communal systems when it can be clearly demonstrated that such systems will not create an unacceptable financial burden on the Township.

Communal systems must be owned, operated and managed by a municipality or another public body if servicing freehold residential development. They may be owned, operated and managed by a condominium corporation or single owned land if serving condominiums or mobile home parks respectively, provided an agreement has been entered into with the Township or public body pursuant to Section 51 of the *Planning Act*. Condominium ownership is preferred.

Such agreement entered into under this Section shall provide for municipal/public body assumption of the communal services in the event of default by the owner. It is recognized that the Township may not have the financial or human resources to own, operate and manage such systems and as such the Township is not obligated to accept communal systems.

2. The protection of ground water quality and quantity, the determination of site suitability for proposed sewage disposal systems and the environmental sustainability of development are important considerations in development. Any required servicing reports such as hydrogeological investigations, terrain analyses, impact assessments and servicing options reports shall be provided to the satisfaction of the approval



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authority, including the relevant approval authority for water supply and sewage disposal systems and shall be consistent with the MECP D-Series Guidelines.

Potential groundwater issues of special concern requiring hydrogeological assessment include development or redevelopment of undersized lots in Hamlets and the installation of open loop geothermal systems. Leakage from the unregulated storage of old vehicles or machinery is also a potential threat to groundwater.

3. ~~The minimum lot size for development shall be in accordance with the requirements of this Plan and the implementing Zoning By-Law, although the approval authority may require larger lots or impose special conditions or restrictions on development where deemed necessary to address health, safety or other issues related to the proper functioning of water and sewage services.~~ The development involves the creation of more than one building lot. A building lot is defined as a parcel of land suitable for residential development with a lot size/developable area less than or equal to 2 hectares. For the purpose of clarity, where a development proposal involves the creation of more than one lot, and one or both of the lots is greater than 2 hectares or has a developable area greater than 2 hectares, a hydrogeological assessment will not be required unless triggered by other criteria of this Section.
4. The Township will encourage the enforcement of regular maintenance of sewage disposal systems and the upgrading or replacement of substandard systems. Where the upgrading or replacement of an existing system cannot reasonably be undertaken in compliance with the policies of this Plan with respect to water setbacks due to site-specific constraints, such sewage system improvements may be permitted with reduced setbacks, subject to meeting the requirements of the *Building Code Act*.
5. A Hydrogeological and Terrain Assessment shall be required when any one of the following apply:

- a) The development involves the creation of a lot less than 1 ha in size.
- b) The development is taking place in an area of potential or known hydrologic sensitivity or groundwater contamination.
- c) ~~The development involves the creation of more than one lot building lot (i.e. less than 2 ha).~~
- e) ~~\_\_\_\_\_~~
- d) That development is located within 150 m of seven (7) other existing developments serviced with private well and septic.

The requirements or scoped requirements of Hydrogeological and Terrain Assessments will be determined in discussions with the peer reviewer of

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hydrogeological assessments for the Township and will ensure a minimum standard review to address adequacy for wells and appropriate construction methods.

### 4.4.2 Source Water Protection

The *Clean Water Act, 2006*, was enacted to ensure the protection of drinking water sources and requires the development and implementation of local Source Protection Plans across Ontario. The Mississippi-Rideau Source Protection Plan (SPP) came into effect on January 1, 2015 and includes policies to protect drinking water sources that are located within the Township. The *Clean Water Act 2006*, required that the focus be on the protection of shared municipal drinking water sources, namely the Tay River, that supplies drinking water to the Town of Perth. However, the Source Protection Plan also includes other vulnerable areas and associated policies that serve to protect the groundwater aquifer that supplies the Township's residents with private well water.

The vulnerable areas within the boundaries of the Township are:

- Perth Intake Protection Zone (IPZ) (see Schedule B) - the area upstream of the intake at the Perth water treatment plant on the Tay River where land use activities have the potential to affect the quality of water at the intake.
- Highly Vulnerable Aquifer (HVA) (almost the entire Township is designated HVA) – an aquifer that is vulnerable to surface contaminants due to overlying soils that are thin or absent and bedrock that is fractured.
- Significant Groundwater Recharge Area (SGRA) (Refer to the SPP) - an area where an aquifer is replenished through the infiltration of rainfall and snowmelt (because of gravel deposits or other soil features).

The following policies are consistent with the Mississippi-Rideau Source Protection Plan in order to protect the Town of Perth's source of drinking water, the portion of the Perth IPZ that lies within Tay Valley Township, and the significant groundwater recharge areas and highly vulnerable aquifers.

1. All decisions of Township Council, including decisions on *Planning Act* applications, shall conform to the Mississippi-Rideau Source Protection Plan.
2. Lands shown as Intake Protection Zone on Schedule B are areas where *Planning Act* and *Building Code Act* applications shall require a clearance notice from the Risk Management Official. This is to ensure activities prohibited under Section 57 of the *Clean Water Act* and activities requiring a Risk Management Plan under Section 58 of the *Clean Water Act* (to reduce risks to drinking water sources) do not proceed until these requirements have been met. An application may proceed without a notice if the applicant demonstrates to the satisfaction of the planning authority or the building official that a designated drinking water threat activity will not be engaged in. The Source Protection Activity Checklist can be used for this purpose.

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3. Notwithstanding the policies and land use designations in the Official Plan to the contrary, land uses identified in the approved Source Protection Plan as being specifically prohibited, shall not be permitted.
4. The Zoning By-Law shall set out the prohibitions for permitted uses, servicing requirements, etc., where the Source Protection Plan requires *Planning Act* decisions to conform and may set out other prohibitions as Council deems appropriate.
5. January 1, 2016, Council shall initiate an education and outreach program targeted at residents within the IPZ to raise awareness about drinking water sources and good stewardship practices to protect them. Once established, this education program shall be ongoing with materials being disseminated periodically as deemed appropriate by the Township.
6. As resources permit, Council may implement the non-legally binding policies described in the Source Protection Plan. These policies recommend the development of a Road Salt Management Plan and the promotion of Smart About Salt within the HVA, installing Drinking Water Protection Zone signs along roads and waterways within the IPZ, collaborating with the Source Protection Authority on an education program targeted at businesses that transport potential contaminants through the IPZ and updating the Emergency Response Plan with information about the IPZ.
7. By February 1<sup>st</sup> of each year, Council shall provide the Source Protection Authorities with a summary of implementation activities for the previous calendar year related to the legally binding policies where the Township is responsible for implementation. As resources permit, Council may bring a summary related to implementation of non-legally binding policies.
8. The use of best management practices, such as low impact development, will be encouraged for all development.

### 4.4.3 Other Services

Development shall be encouraged to take place in areas where other services are either already available or can be readily provided. Among others, such services may include but are not limited to public roads, waste collection, disposal and recycling, fire protection, police protection, education, school busing and parks and other recreational facilities. Potential groundwater issues of special concern requiring hydrogeological assessment include development or redevelopment of undersized lots in Hamlets and the installation of open loop geothermal systems. Leakage from the unregulated storage of old vehicles or machinery is also a potential threat to groundwater.

### 4.4.4 Storm Water Management

1. Storm water management is an important part of the Township's broader interest in protecting water quality. Due to the fact that development affects the quality and quantity of storm run-off, the Township will ensure that adequate consideration is given to storm water management, including off-site impacts.

## COMMUNITY HEALTH AND SAFETY

Through proper storm water management, the Township shall attempt to protect, improve or restore the quality and quantity of water and plan for the impacts of climate change.

When considering development and redevelopment proposals, the Township shall promote stormwater systems which are resilient to climate change. This may involve the promotion of the use of low impact development (LID) approaches and technologies, such as the use of green infrastructure to manage stormwater runoff, on-site natural features to protect water quality, use of best management practices and reducing hard surfaces to maximize site permeability.

Low Impact Development (LID) is a storm water strategy that uses site design and distributed storm water management practices (e.g., swales, pervious pavement, vegetation, pavers that allow grass to grow through holes, biofilters, etc.) that harvest, filter, evapotranspire, detain and infiltrate water. The Township encourages the use of Low Impact Development throughout the Township.

The Township will have regard to the Tay River Watershed Plan and relevant guidelines of Ministry of Environment Conservation and Parks (MECP) in establishing and revising storm water design criteria and standards.

In order to control flooding, ponding, erosion, sedimentation and to protect water quality and natural habitat, stormwater management plans shall be required for some forms of new development. The consideration of best management practices and alternatives to stormwater management ponds shall be encouraged.

2. Prior to recommending plans of Subdivision for draft approval, the Township may request that storm water concept plans be prepared for review by the relevant Conservation Authority and approval authorities. The concept plan will include design objectives and storm water management practices to be applied, in accordance with the relevant Provincial policies. Applicants are encouraged to consult with the approval authority and the relevant Conservation Authority prior to submitting a draft plan of Subdivision in accordance with the findings of an Environmental Impact Statement, where required by the policies of this Plan, and/or the recommendations of the Rideau Lakes Basin Carrying Capacities and Proposed Shoreline Development Policies Report.
3. Prior to final approval of plans of Subdivision, detailed storm water design plans will be required. Such plans will be prepared in accordance with the requirements of the relevant Conservation Authority and approval authorities. Design criteria will be based upon methods and procedures contained in the relevant provincial planning and design manuals used by these agencies.
4. The Township will evaluate site plans according to an approved storm water design plan, or where no such plan exists, may request the following:
  - a. A design for the provision of storm water drainage facilities;

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- b. A determination of the impact of the development on the receiving watercourse or storm water management facility, both during and after construction, in respect of flooding, pollution, erosion, and sedimentation;
  - c. Measures for mitigating any adverse impacts if such are likely to result from the proposed development.
5. The Township encourages residents to utilize programs that may be offered through Conservation Authorities, and lake or watershed associations to enhance riparian buffers on lakes or rivers.
6. Development applications having potential impacts on the storm drainage system along County Roads or Provincial Highways shall be circulated to the County or the Ministry of Transportation, as applicable.
7. Planning for stormwater shall:
  - a. Be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable in the long term.
  - b. Minimize, or, where possible, prevent increases in contaminant loads.
  - c. Minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure.
  - d. Mitigate risks to human health, safety, property and the environment.
  - e. Maximize the extent and function of vegetative and pervious surfaces.
  - f. Promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.
8. The following policies shall govern stormwater management.
  - a. Prior to approval of any development consisting of four or more lots or any development with greater than 0.2 hectare in impervious area, the Township may request that storm water plans be prepared for review by the Township or their agent. The stormwater management plan will include a statement of the receiving stream and design objectives to be applied and a description of the storm water management practices to be applied, in accordance with the relevant Provincial policies and guidelines, specifically the 'Storm Water Management Planning and Design Manual', MOECC, as amended, and 'Adaptive Management of Stream Corridors in Ontario', NDNNRF, as amended. Applicants are encouraged to consult with the relevant ministries and agencies prior to submitting a draft plan of subdivision.

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- b. Stormwater management may not be required for small scale developments such as lots created through Consent or developments subject to Site Plan Control where there is little impact on the watershed.
- c. Prior to approving any development proposal, the Township, in consultation with others, shall be satisfied that adequate storm water management and drainage to a suitable outlet are provided.
- d. Increases in runoff from development shall be minimized in accordance with best management practices and watershed needs. The impact of any proposed development on local and area-wide drainage patterns shall be identified. An appropriate method of managing surface runoff shall be developed in consultation with the Township or its agent and implemented as a condition of approval according to the following policies:
  - i. developments shall incorporate methods of on-site storm water best management practices in accordance with the quality and quantity standards of the Township or its agent to ensure that post-development flow rates do not exceed pre-development rates.
  - ii. in order to meet storm water quality objectives, the retention of existing tree cover or natural vegetation and the provision of significant grassed and natural areas shall be encouraged to facilitate absorption of surface water into the ground and erosion and siltation control measures will be incorporated into any grading and drainage scheme.
  - iii. developments which could have a significant impact on surface drainage shall provide comprehensive drainage plans showing methods of surface water disposal and any impacts on adjacent or affected properties.
  - iv. in order to achieve the Township's objectives for stormwater management, it will be required that, prior to the start of development on any given site, that the proponent submit a plan clearly demonstrating how sediment and erosion control is to be undertaken so as to eliminate off site impacts.
  - v. Low Impact Development (LIDs) entails the use of design features that minimize runoff and maximize infiltration of surface water (precipitation, snow melt and stormwater), providing resiliency to development and climate change related flood and drought impacts. LID measures can range from simple solutions that are easily implemented at the small, individual lot scale (ex. use of rain barrels, ~~french french~~ French drains, grassed swales as opposed to concrete ditches, etc.) to more technically advanced measures for larger scale developments.
  - vi. for effective implementation of LIDs, the onus is on the developer to identify LID techniques that are suitable for site specific conditions which

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have been assessed through the required site characterization and stormwater studies. The Township's role is to provide policy direction and guidance. The "Low Impact Development Stormwater Management Planning and Design Guide" (2019,) prepared by Toronto and Region Conservation, Credit Valley Conservation, Lake Simcoe Region Conservation and the "City of Ottawa Low Impact Development Technical Guidance Report (DRAFT) Implementation in Areas with Potential Hydrogeological Constraints (2019)" are useful references.

### 4.5 LAND USE COMPATIBILITY AND INFLUENCE AREAS

Schedule B shows areas of the Township where development may be restricted, including land adjacent to: Provincially Significant Wetlands; ~~Deer Yards (Significant Wildlife Habitat)~~; Abandoned Mines; sand, gravel and bedrock designations; pits and quarries, waste sites; and areas that are floodplains, organic soils, and **Wildlands Fire Hazard**.

While not designated on Schedule B, there are other Influence Areas which are referred to in various policies of this Plan. These include, but are not necessarily limited to, Fish Habitat, Habitat of Endangered and Threatened Species, steep slopes, unmapped floodplains, and potentially Significant Valleylands. Other influence areas include all land which is adjacent to a site or area that exhibits archaeological potential and all land within 30 meters of a waterbody.

Development within these influence areas may be permitted in accordance with the land use designations shown on Schedule A, subject to any policy requirements of this Plan for supporting studies. In determining whether such studies are required the Township shall consult with the appropriate public authority (such as a Conservation Authority, Parks Canada, Department of Fisheries and Oceans, etc.)

#### 4.5.1 Development Adjacent to Mineral Resource Designations or Operations

1. It is a policy of this Plan that existing or potential mineral aggregate and mining operations will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. For this reason, development of sensitive land uses such as residences, day care centers and educational and health facilities within the influence area of lands that are designated Mineral Resource shall not generally be permitted.
2. In areas located within 300 meters of an area intended or utilized for a licensed pit operation below the water table, or within 150 meters of an area intended or utilized for a licensed pit operation above the water table, as well as in areas located 500 meters from an area intended or utilized as a licensed quarry operation, incompatible development, including the creation of new lots shall only be permitted according to the following criteria:
  - a. That it is demonstrated that the resource would not be feasible or that the proposed use or development would serve a greater long term public interest.

## COMMUNITY HEALTH AND SAFETY

- b. That the proposed non-extractive development can be adequately serviced by water and ~~waste water~~wastewater services in a manner which will not impede continued existing and proposed extraction operations.
  - c. That any other investigation as required by the development approval authority such as traffic studies, noise studies, vibration studies, slope stability studies, air quality impact studies, etc. are carried out and demonstrate that the proposed development can proceed without impeding the continued operation of the existing licensed operations and future operations on reserves. Such studies are to be carried out by qualified professionals.
3. When a license for aggregate extraction or operation ceases to exist, the policies 2.a, 2.b and 2.c above shall continue to apply.

### 4.5.2 Development Where Agricultural and Non-Agricultural Uses are Adjacent

It is a policy of this Plan to address land use compatibility issues related to non-agricultural and agricultural uses through the application of the Minimum Distance Separation I (MDS I) and Minimum Distance Separation II (MDS II) formulae, as may be amended from time to time, to new non-agricultural uses and agricultural uses, respectively.

### 4.5.3 Development Adjacent to Open or Closed Waste Disposal Sites

1. The approximate locations of all known open and closed waste disposal sites are identified on Schedule **B** to this Plan.
2. Waste disposal sites, whether open or closed, have the potential to generate impacts on the surrounding area related to such issues as air and water quality, aesthetics, noise and traffic. As a consequence, a 500 meter separation distance is generally required between open or closed waste disposal sites and new sensitive land uses such as residences, day care centers, educational and health facilities and other uses requiring potable water. This distance may be increased or decreased as a consequence of site-specific investigations and conditions, as well as the application of the relevant **Ministry of Environment, Conservation and Parks** land use compatibility guideline.
3. The implementing Zoning By-Law shall include provisions to prohibit the establishment of new incompatible uses within the influence area.

### 4.5.4 Other Land Use Compatibility Policies

2. In reviewing any development application, the Township shall be satisfied that the proposed use will be or can be made to be compatible with surrounding uses in accordance with the Ministry of Environment, Conservation and Parks Guidelines. Such guidelines include D-1 Land Use Compatibility, D-2 Compatibility Between STF and Sensitive Land Uses, D-4 Land Use on or Near Landfills and Dumps, D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses, Publication NPC



## COMMUNITY HEALTH AND SAFETY

### 300: Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning.

3. It is a policy of this Plan to minimize conflicts between incompatible land uses. To this end, distance separations and buffering will be provided for the purpose of mitigating the adverse effects of one land use upon the other. A buffer may be a simple horizontal separation, a berm, a wall, a fence, planting materials, a land use different from the conflicting uses, but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose. This policy shall be implemented through various provisions in the implementing Zoning By-Law, as well as the mechanism of Site Plan Control, as appropriate.
4. In addition, certain land uses such as residences, day care centers and educational and health facilities may be particularly sensitive to the effects of odor, noise, vibration and other emissions associated with facilities such as transportation corridors, sewage treatment plants and various types of industries. Where proposed development is likely either to have or to be subject to a significant influence relating to an adjacent incompatible land use, a feasibility study which includes mitigation measures, if required, shall be undertaken in accordance with the relevant **Ministry of Environment, Conservation and Parks** land use compatibility guideline and to the satisfaction of the Township. Where required, a legally-binding commitment to implement mitigation measures shall be secured.
5. For the purposes of this Plan, compatible development means development that, although not necessarily the same as existing development in the vicinity, is complementary or enhances an established community and coexists with existing development without causing undue adverse impacts on surrounding properties.
6. Commercial uses that produce, process, or sell tobacco, alcohol, cannabis, or other harmful substances shall be located an appropriate distance from sensitive land uses (e.g., residences or facilities where people sleep, schools, daycares, community centres, outdoor recreation amenities, etc.). A minimum 150 to 300 metre buffer area, between any tobacco, alcohol, or cannabis-related facility or outdoor production area and other sensitive land uses (as defined by the Ontario Ministry of the Environment, Conservation and Parks) will be required.
7. Examples of sensitive land uses include, but are not limited to: residences, schools, licensed daycares, hospitals, public and private indoor and outdoor recreational facilities, certain agricultural operations, wildlife habitats and wetlands.

## 4.6 NATURAL HAZARD FEATURES

This section includes the land use designation, Flood Plain, as well as policies related to organic soils, steep slopes and erosion lands.

## COMMUNITY HEALTH AND SAFETY

### 4.6.1 FLOOD PLAIN

#### 4.6.1.1 Intent of the Designation

Flooding is a natural occurrence along all water bodies and watercourses in the Township. It becomes a hazard when buildings and structures are placed where there is a risk of inundation.

Floodplains are lands which could be unsafe for development because of their physical characteristics, and which pose a potential risk for loss of life, property damage, and social disruption if developed. All lands within 1:100 year flood lines, as mapped by the Conservation Authorities, are designated as Floodplain on Schedule A. Generally, it is intended that no development occur in the designation.

#### 4.6.1.2 Permitted Uses

Flood plain management policies are intended to prevent the loss of life, to minimize property damage and social disruption, and to encourage a coordinated approach to the use of land and the management of water.

The permitted uses of the Floodplain designation include those related to agriculture, forestry, conservation, wildlife management and outdoor recreation activities. Buildings or structures associated with these uses shall not be permitted within the Floodplain designation. It is recognized that Floodplain lands are to be managed so as to complement adjacent land uses and protect them from any physical hazards or their effects.

Development, including new lots, shall not be permitted within areas rendered inaccessible to people or vehicles during times of flooding or erosion hazards unless it has been demonstrated that the site has safe access appropriate for the nature of the development. Nor shall development or site alteration be permitted within the floodway/flood regulated area. No development is permitted other than flood or erosion control structures, shoreline stabilization, water intake facilities and minor recreational facilities such as docks, all as approved by the appropriate approval authorities, such as Parks Canada, Ministry of Northern Development Mines Natural Resources and Forestry (NDMNRF) and the relevant Conservation Authority.

#### 4.6.1.3 Policies

1. The boundaries of the Floodplain designation as shown on Schedule A will be used as a guide for the preparation of Zoning By-Law provisions which will implement the policies of this section. Building setbacks will be imposed from the margin of Floodplains related to the extent or severity of the hazard. No new lots shall be created that lie solely in areas susceptible to flood hazards or that cause adverse impacts on upstream or downstream lands.
2. In accordance with Provincial policies, all relevant policies of this Plan, the *Conservation Authorities Act* and any regulations which may be adopted, no buildings or structures except those related to flood and erosion control shall be constructed or

## COMMUNITY HEALTH AND SAFETY

enlarged, and no other development or site alteration shall be permitted, except as approved by the relevant Conservation Authority.

3. Where land designated Floodplain is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency. An application for the re-designation of Natural Hazard lands to permit development shall only be considered if it can be demonstrated to the satisfaction of the Township and the relevant Conservation Authority that the lands are not subject to a natural hazard.

There is no public obligation, however, either to re-designate or to purchase any land if there is an existing or potential hazard that would be difficult or costly to overcome.

4. Where development is proposed on a site, part of which has physical or environmental hazards, then such land shall not necessarily be acceptable as part of the 5% parkland dedication under the *Planning Act*. All lands dedicated to the Township shall be conveyed in a physical condition satisfactory to the Township. Where an open watercourse is involved, adequate space shall be provided for maintenance and operation.
5. Existing development within the Floodplain designation shall be encouraged to overcome potential hazards in accordance with the policies of this Plan. Specifically, buildings that are located within a 1:100 year flood plain should provide floodproofing protection for such buildings and any proposed additions in consultation with the relevant Conservation Authority.
6. Currently, only the 1:100 year flood lines for the Tay River and Blueberry Creek have been mapped. Although not currently mapped, Rideau Valley Conservation Authority ~~regulates Floodplain on~~, has a regulated flood level for Big Rideau Lake, Bob's Lake and Otty Lake; other lakes within the watershed may be considered in the future.
7. Where new or additional 1:100 year flood plain mapping is undertaken, it shall be incorporated into this Plan by amendment.
8. The Township may encourage the use of floodplain lands for passive recreational uses which do not involve buildings or structures and may acquire floodplain lands for these purposes.

9. Within the regulated flood plains the following uses are prohibited: Nursing homes, hospitals, homes for the aged, senior citizen apartments, group homes for the physically or mentally challenged, day care centres, or other similar uses for which flooding could pose a significant danger to the inhabitants, schools (private and public), essential emergency services (fire, police and ambulance stations), electrical substations, storage or handling of hazardous substances."

10. Lands within and adjacent to lands affected by natural hazards are subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and

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## COMMUNITY HEALTH AND SAFETY

administered by the relevant Conservation Authority. While such adjacent lands are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the relevant Conservation Authority in accordance with the Section 28 Regulation, as well as the approval of Parks Canada and the **Ministry of Northern Development, Mines, Natural Resources and Forestry**, where applicable.

11. Shoreline alteration, such as, but not limited to, alterations for marine facility and water access, is also subject to approval by the appropriate Conservation Authority on waterbodies and watercourses and with wetland frontage consideration.
12. Development setbacks from the regulatory flood plain may be required in order to provide an additional safety factor. Notwithstanding the location of the 1:100 year flood line, no development shall occur within 30 meters of the high water mark of any water body as per the "Development Adjacent to Water Bodies" section of this Plan.

### 4.6.1.4 Exception Areas

*(Reserved)*

### 4.6.2 ORGANIC SOILS

Lands with the potential for organic soils include those lands identified as possessing organic soils from the Canada Land Inventory for Agricultural Capability, as shown on Schedule B to this Plan. Where lands that are the subject of development proposals have been identified as potentially possessing organic soils, the approval authority may request sufficient soils and geotechnical engineering information to indicate that the lands are either suitable or can be made suitable for development. Where an opportunity exists and where practical, development should be located outside of areas identified with organic soils.

1. Development and site alteration in areas containing organic soils shall only be permitted where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
  - a. Such development and site alteration is carried out in accordance with flood proofing standards, protection works standards and access standards, as applicable.
  - b. New hazards are not created and existing hazards are not aggravated.
  - c. No adverse environmental impacts will result.
  - d. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.

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## COMMUNITY HEALTH AND SAFETY

An engineered assessment is required to determine soil conditions and recommended measures.

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### 4.6.3 STEEP SLOPES AND EROSION LANDS

Lands characterized by steep slopes can pose risks to persons and property as a result of potential slope instability or erosion. In addition to the obvious potential dangers to persons and property, development on steep slopes or erosion-prone lands can have significant negative impacts on features such as fish and wildlife habitat, soils and vegetation, surface water quantity and quality, wetlands and areas of natural and scientific interest (ANSIs), and other resources discussed in the Natural Heritage Features section of the Plan.

1. Appropriate setbacks from steep slopes are important to minimizing risks to persons and property. In the absence of detailed mapping, the appropriate setback for development adjacent to an erosion hazard is a minimum of: the Stable Slope Allowance (three times the height of the slope measured landward from the toe), plus the Toe Erosion Allowance (1 to 7 meters depending on soil type), plus the Erosion Allowance (6 meters). In certain cases, such as along watercourses with active erosion or a meander belt, additional setbacks may be necessary. In considering development and/or planning applications, the approval authority will ensure that erosion potential is included in the issues to be considered and may require a geotechnical analysis by a qualified expert. Where detailed mapping exists and Conservation Authority regulations apply, written permission is required from the Conservation Authority prior to any grade alteration or development.
2. Sites possessing steep slopes represent a challenge, since they are often regarded as desirable for development, particularly where they abut water bodies. Lot creation, development, or re-development on a portion of a site where the applicable stable slope and erosion allowances are not met shall require the submission of a geotechnical report prepared by a qualified expert to ensure that the property is suitable for development. Such report shall be prepared to the satisfaction of the approval authority and the relevant Conservation Authority. Development and site alteration shall only be permitted on lands affected by steep slopes or erosion hazards where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
  - a. Such development and site alteration is carried out in accordance with flood proofing standards, protection works standards and access standards, as applicable.
  - b. New hazards are not created and existing hazards are not aggravated.
  - c. No adverse environmental impacts will result.
  - d. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.

## COMMUNITY HEALTH AND SAFETY

3. It is a policy of this Plan that lot creation and development and site alteration shall be undertaken so that a fit into the natural contours of the land is achieved. This will affect the massing and location of buildings, structures, driveways and other features, limit the extent of alteration to the landscape and natural vegetation, and necessitate more complex storm water management techniques than might ordinarily be required. In general, the greater the slope, the more emphasis shall be placed on these elements of site development. Approval for water access facilities (such as docks) may be restricted in natural hazard areas along the Rideau Canal Corridor.

### 4.6.4 WILDLAND FIRE

The Provincial Policy Statement defines hazardous forest types for Wildland Fire as, forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the province, as amended from time to time.

Development shall generally be directed to areas outside of lands that are unsafe due to the presence of hazardous forest types for wildland fire. However, development may be permitted in lands with hazardous forest types where the risk is mitigated in accordance with Wildland Fire assessment and mitigation standards as identified by the Province.

Proponents submitting a planning application for lands that contain forested areas may be required to undertake a site review to assess for the risk of high to extreme Wildland Fire behaviour on the subject lands and adjacent lands (to the extent possible). A general indication of hazardous forest types for Wildland Fire are identified on Schedule B – Constraints and Opportunities, to this Plan. If development is proceeding where high to extreme or pine (needs assessment) risks for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.

Wildland Fire mitigation measures shall not be permitted in Provincially Significant Wetlands, Woodlands, Valleylands; significant wildlife habitat; and Areas of Natural and Scientific Interest, unless it has been determined that there will be no negative impacts on the natural features or their ecological functions.

In order to implement any mitigation measures that may be required, Site Plan Control may be used.

### 4.6.5 EMERGENCY MANAGEMENT

The Township shall maintain and update its Emergency Management Plan in accordance with the direction from Emergency Management Ontario. Infrastructure and public service facilities will be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety. The Township will coordinate with neighbouring municipalities in the delivery of regional emergency planning services.

## 4.7 HUMAN-MADE HAZARD FEATURES

## COMMUNITY HEALTH AND SAFETY

### 4.7.1 Contaminated Sites

Potentially contaminated sites are sites where the environmental condition of the property (soil and/or groundwater) may have potential for adverse effects on human health, ecological health or the natural environment. In order to prevent these adverse effects, it is important to identify potentially contaminated sites prior to permitting development and ensure that they are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations.

While the identification of potentially contaminated sites is important in the planning application review process, the policies in this section should not be interpreted as a commitment on the part of the Township to identify contaminated sites or properties. Rather, the objective of the Township is to utilize available information in the development application review process in order to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the land.

Where a development proposal involves the change of land use from a Commercial or Industrial use to a Sensitive Land use (i.e. residential, institutional) or where the development involves a known contaminated site, the Township will require the proponent to undertake an Environmental Site Assessment in order to determine the potential for site contamination.

#### 1. Environmental Site Assessment (ESA)

- a. The Township will require an affidavit from a qualified person, confirming that a Phase 1 Environmental Site Assessment (ESA) has been completed in accordance with *Ontario Regulation 153/04*. A phase I ESA documents the previous uses of the property and provides an assessment of the actual or potential soil or groundwater contamination on the site.
- b. Where a Phase 1 ESA indicates that the property may be contaminated, the Township will require the development application to be supported by an affidavit from a qualified person, confirming that a Phase 2 ESA has been completed in accordance with *Ontario Regulation 153/04*, as amended from time to time. A Phase 2 ESA provides a sampling and analysis of the property to confirm and delineate the presence of soil or groundwater contamination at the site or confirm the absence of contamination at the site.

#### 2. Record of Site Condition (RSC)

- a. For a property or properties that have been identified as potentially contaminated due to previous or existing uses on or adjacent to the property and where the proposed change in land use to a more sensitive use, the Township will:
  - i. Require as a condition of development approval, verification to the satisfaction of the Township from a qualified person that the property is

## COMMUNITY HEALTH AND SAFETY

suitable or has been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required:

- filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry;
  - submission of a Declaration signed by the qualified person acknowledging that the Township may rely on the statements in the RSC; and,
  - submission by the property owner to the Township of proof that the Ministry of the Environment, Conservation and Parks (MECP) has acknowledged receipt of the RSC;
- ii. Establish conditions of development approval to ensure receipt of satisfactory verification of suitable environmental condition.
- iii. Where applicable, utilize the holding provisions of the Planning Act to ensure receipt of satisfactory verification of suitable environmental condition.
- b. Where an RSC has been made a condition of planning approval, a building permit may be issued for a property or properties on a phased basis to allow for site assessment and remediation/risk management.
- c. Where the Township is deeded land for public highways, road widening, parks, storm water management, easements, or for any other purpose, the Township may require, as a condition of transfer, verification that the property is suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including, filing by the property owner of a Record of Site Condition (RSC).
- d. Where a gasoline station site is being redeveloped and there is no change in use to a more sensitive use, the Township may require a letter of continued use from the Technical Standards and Safety Authority.

### 4.7.2 Abandoned Mines and Mineral Resource Operations

1. There are a large number of abandoned mines and mineral resource operations in the Township and known locations are identified on Schedules B. These abandoned sites vary widely in nature, from little more than minor ground disturbances to major excavations and/or shafts. In the case of more major disturbances, a risk to public safety may exist.
2. In reviewing development applications, the approval authority shall attempt to ensure that development on or adjacent to lands affected by potentially hazardous abandoned mines or mineral resource operations will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or completed. The Ministry of Northern Development, Mines, Natural Resources and Forestry shall be consulted in this regard.



## RESOURCE MANAGEMENT

### SECTION 5: RESOURCE MANAGEMENT

The Township is rich in resources and intends to protect agricultural, mineral, mineral aggregate, potable water, cultural heritage, and archaeological resources for their economic, environmental and social benefits.

#### 5.1 RESOURCE MANAGEMENT – LAND USE

#### 5.2 WAYSIDE PITS, WAYSIDE QUARRIES AND PORTABLE ASPHALT PLANTS

1. A wayside pit or wayside quarry is 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 construction or maintenance.

A portable asphalt plant is an asphalt plant which is not of permanent construction, but which is to be dismantled at the completion of a construction project and moved to another location at the conclusion of the project for which it was constructed.

2. Wayside pits, wayside quarries and portable asphalt plants used on public authority road contracts are permitted throughout the Township without amendments to the Plan or the Zoning By-Law or development permits under the *Planning Act*, except in those areas designated as Natural Heritage, Natural Hazard or Hamlet, or other areas characterized by concentrated existing development or environmental sensitivity that is incompatible with extraction and associated activities
3. Lands used for the purposes of wayside pits, wayside quarries and portable asphalt plants shall be rehabilitated upon the completion of the project for which they were required. In the case of lands designated as Agriculture, this shall include restoration to substantially the same soil capability for agricultural purposes as existed prior to the establishment of the wayside pit, wayside quarry or portable asphalt plant use.

#### 5.3 CROWN AND OTHER PUBLIC LANDS

1. The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) manages the natural resources of Crown Lands within the Township and controls their use and development. Crown Lands are of major importance to the Township, particularly as recreational and tourist resources that generate significant economic benefits. In this regard, Silver Lake Provincial Park and Murphys Point Provincial Park are especially valuable facilities.
2. Additional Public Lands are located throughout the Township including Community Forests managed by Lanark County and Conservation Areas managed by the two Conservation Authorities.
3. Where a change to either the type or intensity of land use on Crown Lands is contemplated, NDMNR is encouraged to consult with the Township prior to such change occurring. Similarly, where any consideration to the possibility of disposing of Crown Lands is given, consultation with the Township at the outset is expected.

## RESOURCE MANAGEMENT

### 5.4 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

This Official Plan recognizes that Indigenous communities have lived in this area for 1,000s of years. As a result, Indigenous communities have a strong interest in the Cultural Heritage policies of this Plan. Efforts have been made to reflect the interest of Indigenous communities in the following policies.

#### 5.4.1 Cultural Heritage Resources

1. Built heritage resources consist of historic buildings, structures and other human-made features of importance to the Township. Cultural heritage landscapes are geographic areas which have been created or modified through human activity and include such features as scenic vistas or lookouts onto archetypal agricultural or cottage/shoreline areas. The Township recognizes the importance of these built heritage resources and cultural heritage landscapes and the role that they play in making the Township a place of historic and cultural interest, both to local residents and visitors to the area. The Township will encourage the identification, protection, maintenance, restoration and enhancement of these features.
2. An important cultural heritage feature that has been identified and studied by Parks Canada is the Rideau Canal Corridor, of which Big Rideau Lake, the Tay River, Christie Lake, the Bolingbroke Dam, and Bob's Lake, form a part. The Rideau Canal Management Plan identifies the Township portion of the corridor as significant primarily for its traditional cottage development which has evolved over the past century. The Management Plan also recognizes the area's potential as a tourism destination, subject to protecting the interests of local residents and the natural and cultural heritage value of the area.
3. The municipality recognizes that Indigenous cultural resources include cemeteries, burial sites, travel corridors, pictographs, narrows, archeological resources and sacred and ceremonial sites as well as traditional sustainable hunting, fishing, harvesting, and gathering grounds.

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## RESOURCE MANAGEMENT



Indigenous Heritage Recognition in Bolingbroke (source: Tay Valley website)

4. In reviewing development applications, the Township will consider the relationship of proposed development to the contextual environment of existing buildings and landscapes having cultural or heritage interest.
5. The Township may consider appointing a Municipal Heritage Committee to assist and advise Council on cultural heritage resource conservation issues. Council, in consultation with the Municipal Heritage Committee, may, by By-Law adopted pursuant to the provisions of the *Ontario Heritage Act*:
  - a. Designate properties for the conservation of buildings of historic or architectural value.
  - b. Define parts of the Township as areas to be studied for designation as heritage conservation districts.
  - c. Designate areas of the Township as heritage conservation districts in order to control any development that may adversely affect the heritage features of the area.

## RESOURCE MANAGEMENT

6. Council shall maintain a register of all properties which are designated pursuant to the above policy. Where development or site alteration is proposed within 30 meters of a designated property, Council may require the applicant to undertake a Heritage Impact Assessment, in accordance with the *Ontario Heritage Act*, prior to the approval of any such development or site alteration.

The retention, renewal and conservation of commercial built resources of historic and architectural merit will be encouraged if they are affected by an application for development or redevelopment. The effects of such development plans on the character of the surrounding area will also be considered and a statement of impact to significant built and cultural heritage landscapes may be required. The impact of such development plans on the character of the surrounding area will also be considered.

The Township may utilize available government or non-government funding assistance programs to assist in the implementation of cultural heritage conservation policies. The Township, where appropriate, shall co-operate with other levels of government, as well as private agencies and individuals in the conservation of cultural heritage resources in the Township. The Township shall co-ordinate its heritage plans and programs with heritage plans and programs of senior levels of government.

Where heritage resource buildings are designated under the *Ontario Heritage Act*, no alteration, removal or demolition shall be undertaken which would adversely affect the reason(s) for designation except in accordance with the *Ontario Heritage Act*.

Where a heritage building is protected under Parts IV, V or VI of the *Ontario Heritage Act*, development, site alteration or demolition may be permitted on adjacent lands where it has been evaluated through a Heritage Impact Statement, and demonstrated to the satisfaction of Council that the heritage values, attributes and integrity of the protected heritage property are retained.

7. Council intends to set an example to the community by maintaining Township-owned buildings and properties of historic or architectural value in accordance with the intent of the policies of this section, whether or not such buildings or properties have been designated. Council may also implement a program to recognize outstanding achievements in the preservation of buildings and properties of historic or architectural value.

### 5.4.2 Archaeological Resources

1. It is recognized that certain areas of the Township, particularly those adjacent to the many lakes and other water bodies, have the potential to contain significant archaeological resources. These resources may include the remains of buildings, structures, activities, places or cultural features which, due to the passage of time, are on or below the surface of land or water and are significant to the understanding of a people or place.

## RESOURCE MANAGEMENT

The Township may require archaeological assessments conducted by archaeologists licensed under the *Ontario Heritage Act*, as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential. Archaeological assessment reports conducted by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI), as well as licensing requirements developed under the *Ontario Heritage Act*.

Areas of archaeological potential include lands that contain or are located within at least one of the following:

- a. 50 meters of a known archaeological site.
- b. 300 meters of a primary water source such as a lakeshore, river or large creek.
- c. 300 meters of an ancient water source identified by a beach ridge or river bed.
- d. 200 meters of a secondary water source such as a wetland, marsh, small creek, spring.
- e. 10 meters of a cemetery dating prior to 1945 (World War II).
- f. Elevated topography (knolls, drumlins, eskers, plateaus, etc).
- g. Pockets of sandy soil in a clay or rocky area.
- h. Unusual land formations (mounds, caverns, waterfalls etc).
- i. An extractive area (for food or scarce resources).
- j. Non-aboriginal settlement features (monuments, cemeteries).
- k. Historic transportation features (road, rail, portage).
- l. Designated property (refer to Municipal Heritage Committee).
- m. Local knowledge associated to property with historic events, activities or occupations.

The Algonquins of Ontario shall be consulted and provided an opportunity to provide input on all Archaeological Assessments related to proposed developments where areas of Algonquin Interest and/or Native Values and/or the potential for aboriginal artifacts to be encountered have been identified. In addition, the Algonquins of Ontario shall be notified by the proponent and/or the Township should any burial sites or human remains be discovered which are to be of potential aboriginal origin.

Council shall consult with appropriate government agencies, including the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI) and Ministry of Government and Consumer Services (MGCS) when an identified historic human cemetery and marked or unmarked human burial site is affected by a proposed development. In such circumstances, the provisions of the *Heritage Act* and the *Cemeteries Act* shall apply.

Council may undertake the preparation of an Archaeological Management Plan. The Management Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database as well as areas within the municipality having archaeological potential. The Management Plan may also outline policies, programs and strategies to protect significant archaeological sites.

## RESOURCE MANAGEMENT

2. Where significant archaeological resources must be preserved on site, only development and site alterations which maintain the heritage integrity of the site will be permitted.
3. Pursuant to the relevant provisions of the *Planning Act*, sites containing archaeological resources may be zoned to restrict or prohibit uses which might conflict with the preservation of such resources.

### 5.4.3 Rideau Canal World Heritage Site

The Official Plan acknowledges that the Rideau Canal is a National Historic Site, a Canadian Heritage River and also a World Heritage Site. The Rideau Canal was designated a national historic site in 1926 in recognition of its construction, survival of a high number of original structures and the unique historical environment of the canal system. In 2000, the Canal was designated a Canadian Heritage River for its outstanding human heritage and recreational values.

The Rideau Canal was designated a World Heritage Site in 2007, because of its construction technology and role in defending Canada. The Canal is the best preserved slackwater canal in North America and is the only canal from the great North American building era of the early 19th century that remains operational along its original line with most of its structures intact.

Conservation and sustainable use and development of the Canal and adjacent lands will ensure that it will contribute to the conservation of world heritage and to the quality of life for residents and visitors to the Township for generations to come.

Parks Canada's jurisdiction over the Canal requires that applications for Official Plan Amendment, Zoning Amendment, Minor Variance, Severance, or Subdivision of land (including plans of condominium) will be circulated to Parks Canada for comment, and will be reviewed in the context of the protection of the natural, cultural and scenic values of the Rideau Canal. Parks Canada currently has two management plans: the Rideau Canal Historic Site Management Plan and the Rideau Canal World Heritage Site Management Plan.

The buffer zone identified by Parks Canada to protect the World Heritage Site corresponds to the 30 meter setback for all development and site alterations, including septic systems, adjacent to water bodies. No development or site alteration will be allowed in the buffer zone other than that prescribed in this Plan. The 30 meter buffer zone adjacent to the World Heritage Site is to protect the integrity of the Canal shoreline.

Existing lots of record will retain, as a minimum, all natural vegetation 15 meters from the shoreline in its natural state and allow only 25% of the shoreline or 15 meters, whichever is less, to be developed for access to and use of the waterfront. New lots, created in accordance with the policies of this Plan, will retain, as a minimum, all natural vegetation 30 meters from the shoreline in its natural state and only allow access to the waterfront by way of modest, pedestrian access/stairs with minimal disturbance to the natural features. Such works immediately adjacent to water or in a regulated area above the normal high water mark of the lakes are subject to approval of the appropriate Conservation Authority.

All shoreline and in-water works require permits from Parks Canada.

## RESOURCE MANAGEMENT

### 5.5 RESOURCE MANAGEMENT – LAND POLICIES

Resource management includes land designations for agriculture, minerals, and aggregates, as well as policies on cultural heritage and archeological requirements.

#### 5.6.1 AGRICULTURE

##### 5.6.1.3.4.4.1 Intent of the Designation

The Agriculture designation has been placed on prime agricultural areas which are predominantly characterized by soils designated as Classes 1 to 3 in the Canada Land Inventory for Agricultural Capability. The Township intends that these lands will be protected and preserved for agricultural uses. Council may also designate locally significant agricultural lands as appropriate.

In certain areas with soils designated as Classes 1 to 3 in the Canada Land Inventory, lands also possess significant mineral aggregate or mineral potential. These areas have been designated Mineral Resource rather than Agriculture in recognition of the precedence assigned to the long term protection of mineral aggregates and minerals.

##### 5.6.1.3.4.4.2 Permitted Uses

Lands designated as Agriculture shall be used primarily for growing crops (field, nursery and horticultural crops), raising livestock and other animals for food, fur or fibre (including poultry and fish), aquaculture, apiaries, agroforestry, maple syrup production, **on-farm diversified uses** and associated on-farm buildings and structures.

In addition, commercial and industrial uses providing agriculture-related services and supplies, and that require close proximity to farm operations, shall be permitted uses. These uses typically include farm implement dealer, feed mill or seed cleaning plant, agricultural produce warehouse, abattoir or similar agri-business. Such uses shall also include agriculture-related tourist commercial uses and agri-tourism uses.

A dwelling accessory to any of the foregoing uses and located on the same lot shall be permitted. Residential accommodation for farm employees may also be permitted on the same lot, subject to the provisions of the Zoning By-Law. Farm-related residential uses on separate lots shall be permitted, subject to the policies of the Agriculture designation and the section of the Plan dealing with Land Division.

##### 5.6.1.3.4.4.3 Policies

1. All new farm and non-farm development shall comply with the Minimum Distance Separation I (MDS I) and Minimum Distance Separation II (MDS II), as may be amended from time to time by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), as applicable.
2. The Township may consider requiring a Nutrient Management Plan prior to issuing a building permit for the establishment or expansion of large livestock operations or

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## RESOURCE MANAGEMENT

facilities. The terms and conditions of a Nutrient Management Plan shall be included in a Nutrient Management By-Law, if adopted by the Township.

3. In evaluating an amendment to the Official Plan to change the designation from Agriculture to another designation, the Township shall be satisfied that the proposed use for which the amendment is sought is required in the interests of the community and that it cannot reasonably be located on lands outside the Agriculture designation or on lands within the Agriculture designation with a lower agricultural capability.
4. Within the Agriculture designation, there may be small pockets of land which are only marginally productive or of a lower potential for agriculture due to their size, shape, topography, soil, class, drainage or other characteristics. These limitations shall not, however, constitute justification for an Official Plan amendment to a non-agricultural designation. The use of such pockets for uses permitted in the Agriculture designation that do not require sites with high potential for agriculture, such as commercial and industrial uses providing agriculture-related services and supplies, shall be encouraged.
5. Lot creation within the Agriculture designation shall be discouraged. In addition to complying with the policies of this Plan relating to Land Division, lot creation in the Agriculture designation shall be subject to the following provisions:
  - a. New lots for agricultural uses shall be of a size appropriate to the type of agriculture common in the area and to allow flexibility for future changes to the type of the agricultural operation. In general, lots shall be approximately 40 hectares in area.
  - b. New lots for agriculture-related uses shall be limited to the minimum size required to accommodate the use and the appropriate sewage and water services.
  - c. New lots for existing dwellings that are surplus to a farming operation as a result of farm consolidation, provided that the remnant parcel of farmland is rezoned to preclude any further new residential dwellings. Such new lots shall generally be no more than 1 hectare in area, except where site-specific factors such as the setback of an existing dwelling from the adjacent public road require the creation of a larger lot.
  - d. New lots for infrastructure related to public sewage and water systems, septage treatment facilities, waste management facilities, electrical power generation and transmission, pipelines and associated facilities, transportation corridors and facilities, communications and telecommunications, provided that such facilities or corridors cannot be accommodated through the establishment of easements or rights-of-way, rather than lot creation.

**6. The Township shall encourage local food production through support for farmer's markets and farm stands.**



## RESOURCE MANAGEMENT

7. The Township will continue to promote best farm practices by encouraging: waste food recycling; reducing nitrous oxide emissions through improved fertilizer uses, crop rotation, modified tillage and residue and manure management; fuel switching through use of biomass, solar, wind or other renewable energy sources; sequestering of carbon; and low- or no-carbon crop drying systems.

### 5.6.1.4 Exception Areas

(Reserved)

## 5.7 MINERAL RESOURCE

### 5.7.1 Intent of the Designation

The importance of mineral aggregates and minerals and their protection for long term use is recognized through the Mineral Resource designation. The designation has been applied on the basis of information on the extent of resources and existing operations supplied by the **Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF)**. The most significant aggregates are sand, granite, gravel and sandstone (for silica production), while the only significant mineral is graphite. The location of Aggregates and other Mineral Resources is shown on Schedule A. In certain cases, areas having mineral aggregate or mineral potential have been excluded from the Mineral Resource designation due to contextual considerations such as proximity to existing incompatible land uses or the shorelines of water bodies.

In certain areas designated Mineral Resource, there are soils designated as Classes 1 to 3 in the Canada Land Inventory for Agricultural Capability. It is the intent of the Plan that agricultural activities can occur in the Mineral Resource designation, but that the ~~long~~ long-term protection of the mineral resource should take precedence.

In some areas designated Mineral Resource on the basis of the extent of potential mineral resources, non-mineral development may occur, provided that such development would not compromise the broader objectives with respect to mineral resource protection and extraction.

It is also the intent of this Plan that where lands designated Mineral Resource have a soil capability rating such that Classes 1 to 3 soils predominate, mineral aggregate and mineral mining operations be conducted in such a manner so as to allow, where feasible, for the subsequent agricultural use of such lands. Aggregate areas are often important recharge areas for groundwater and decisions regarding aggregates should consider this important function.

It is recognized that the Township has high potential for other mineral commodities including silica, feldspar, mica, marble, and dolomite. It is Council's intention that these important mineral resources will be protected for long term use.

## RESOURCE MANAGEMENT

### 5.7.2 Permitted Uses

The aggregate-related uses permitted include pits and quarries, as well as all associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate, or the production of secondary related products. These uses include crushing facilities, stockpiles, washing and screening operations, asphalt plants, concrete plants and aggregate transfer stations.

The mineral-related uses permitted include open pit and underground mining operations and associated facilities such as milling operations.

Land uses such as agriculture, forestry, conservation and outdoor recreation uses may be permitted, provided that such uses shall not generally include buildings or activities that would preclude or hinder the establishment of new mineral mining or mineral aggregate operations or access to mineral resources. Development proposals for other land uses may be permitted in accordance with the Rural section of this Plan, subject to the agreement of the **Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF)** and approval by the relevant approval authorities.

### 5.7.3 Policies

1. On lands designated Mineral Resource, the area to be zoned and licensed for a pit or quarry must be located within the limits of the designated area. Any expansion proposal involving lands beyond the limits of the designated area will require an amendment to this Plan.
2. Existing licensed pits and quarries and other existing mineral resource operations will be zoned in the Zoning By-Law to permit such uses. New operations, as well as expansions to existing operations will be established through an amendment to the Zoning By-Law. As part of the documentation in support of an application for a Zoning By-Law amendment to accommodate new operations or significant expansions, the Township may require the applicant to undertake studies to address the social, economic, environmental and other potential impacts of the proposal.
3. Lands within the Mineral Resource designation that are not zoned for mineral aggregate or mineral mining operations shall be placed in an appropriate zone category in the Zoning By-Law which may allow non-mineral-oriented uses under circumstances such as historical existing land use patterns, an absence of existing mineral-oriented uses in the area, or a low likelihood of future extraction either occurring in the vicinity or being adversely affected by non-mineral uses in the event that it were to occur. Where such lands also have a soil capability rating such that Classes 1 to 3 soils predominate, the Zoning By-Law may permit agricultural uses, including associated buildings and structures.
4. All pit and quarry operations shall be licensed by **NDMNRF** under the *Aggregate Resources Act*.
5. Access to mineral aggregate or mineral mining operations shall be encouraged to be located on Provincial Highways or County Roads, wherever possible. Where access is

## RESOURCE MANAGEMENT

to be obtained from a Township Road, it must be of an adequate standard of construction to support the anticipated truck traffic.

6. In evaluating an amendment to the Official Plan to change the designation from Mineral Resource to another designation, the Township shall be satisfied that a mineral resource use would not be feasible due to qualitative, quantitative or other constraints.

Alternatively, it must be demonstrated that the proposed use for which the amendment is sought is required in the longer-term public interest and that issues related to public health and safety, as well as environmental impact, can be addressed. In addition, the impact of such re-designation on the potential to use adjacent lands designated Mineral Resource for mineral or mineral aggregate uses shall be considered.

7. Mineral aggregate operations shall be required to undertake progressive rehabilitation to accommodate subsequent land uses. Where such operations are located on lands with soils designated as Classes 1 to 3 in the Canada Land Inventory for Agricultural Capability, site rehabilitation shall be carried out whereby substantially the same areas and average soil capability for agriculture is restored. Complete agricultural rehabilitation will be required except in circumstances where Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) establishes, in consultation with the Township, that it is not feasible or desirable.
8. Mineral mining operations, including associated processing facilities, shall undertake rehabilitation, including progressive rehabilitation where feasible, to accommodate subsequent land uses.
9. In evaluating an amendment to the Official Plan to change the designation of lands to Mineral Resource from another designation, the Township shall require the applicant to provide sufficient information to evaluate the application, including the following:
  - a. The type and location of neighboring land uses, having regard to land use compatibility;
  - b. The location and adequacy of proposed access routes, as well as any proposed improvements;
  - c. Reports with respect to the site and proposed operational considerations, including hydrogeology, drainage, influences, potential impacts and mitigation measures.
10. It is a policy of this Plan that existing sensitive land uses such as residences, day care centers and educational and health facilities shall be protected from the establishment of new mineral aggregate and mining operations or expansions where such establishment or expansion would be incompatible for reasons of public health, public safety or environmental impact. Influence areas in relation to pits typically range from 150 to 300 meters, depending upon the license classification of the pit, as well as

## RESOURCE MANAGEMENT

whether the pit excavation extends above or below the water table. The influence area in relation to quarries is generally 500 meters.

11. Known abandoned mine sites are shown on Schedule B. Proposals for development within 1,000 meters of these sites shall not be approved until the nature and extent of any potential hazards have been determined by enquiry to the **Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF)**. If necessary, hazards must be mitigated based on a technical report prepared by a qualified professional.
12. On lands designated Mineral Resource and having a soil capability rating such that Classes 1 to 3 soils predominate, Consents for agricultural uses may be permitted in accordance with the Agriculture and Land Division sections of this Plan.
13. All planning applications within the Mineral Resource designation shall be circulated to the **Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF)**. Subject to the agreement of the Ministry and the Township, development for purposes not related to mineral resources may be permitted in accordance with the provisions of the Rural designation, provided that the subject lands are not within or adjacent to an area of identified aggregate deposits or which is licensed for a pit or quarry under the *Aggregate Resources Act*.

### 5.7.4 Exception Areas

*(Reserved)*

**SECTION 6: IMPLEMENTATION**

The planning framework in Ontario is provided by the *Planning Act* and the *Provincial Policy Statement, 2020*. Some regions of the province have additional regional plans (e.g., the Oak Ridges Moraine Plan). Some areas have one Official Plan and some, like Lanark County, have an upper tier Official Plan and lower tier municipal Official Plans. Municipalities implement their Official Plans through zoning by-laws, site plan control and minor variances (see Figure 11).

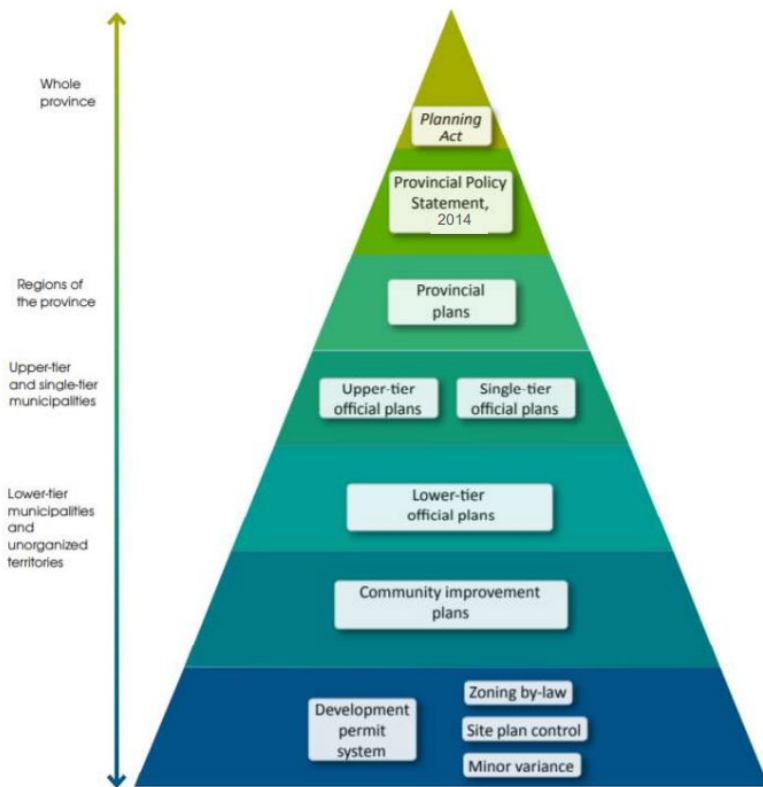


Figure 11 Ontario Planning Framework (source: Municipal Affairs and Housing)

**6.1 CONTEXT AND CONTENTS**

1. Pursuant to Section 17 of the *Planning Act, R.S.O., 1990*, Chapter P.13, as amended, Council is charged with responsibility for preparing and adopting an Official Plan for

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Tay Valley Township. Pursuant to Section 26 of the *Planning Act*, Council is required to review its Official Plan from time to time, but not less than once every five years, to determine the need to revise it. This Plan, which updates the consolidated Official Plan of the three former municipalities that amalgamated in 1998 to form Tay Valley Township, has been prepared in response to these requirements.

2. The *Planning Act* also provides that, where an Official Plan is in effect, no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform to the Official Plan, with certain exceptions as provided by Section 24 of the *Planning Act*. This Plan will guide Council in its future decision making pursuant to this requirement.
3. In exercising its planning authority, Council shall have regard to matters of Provincial Interest set out in Section 2 of the *Planning Act*. From a policy perspective, this Plan contains policies which are intended to ensure that Township decisions affecting planning matters are consistent with the 2020 *Provincial Policy Statement* issued under Section 3(1) of the *Planning Act*.

### 6.1.1 Application

This Official Plan applies to the entirety of Tay Valley Township

### 6.1.2. Purpose

This Plan is intended to:

- a. Manage future development in a logical and orderly manner in response to anticipated needs, having regard to economic, social, cultural, environmental and other considerations.
- b. Protect those significant environmental features and resources that give the Township its unique character in recognition of the environmental, economic and cultural values of these resources.
- c. Address potential health, safety and property damage concerns by directing development away from areas associated with hazards and to protect existing development from adverse effects which may arise from incompatible development.

The Official Plan is intended to be of use to both private and public interests. Through the Plan, private interests will have a clearer understanding of Council's policies for future development and, hence, be able to plan accordingly. Public interests will benefit by possessing a documented policy framework by which to prepare comprehensive Zoning By-Laws, make planning and land use decisions, as well as identify and program the delivery of needed services and facilities in a cost-effective way.

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The Council of the day recognizes the diversity of opinions in the Township on an acceptable balance between interests of landowners and public good or benefit.

### 6.1.3 Scope

The Official Plan is a legal document but does not, by itself, control or regulate development. Rather, it contains policies which are intended to guide public and private interests. In addition, the Official Plan sets out guidelines for the preparation of municipal regulations, e.g. Zoning By-Law, which implement the Plan and establishes policies to govern both the division and development of land.

### 6.1.4 Planning Period

This Official Plan is intended to guide the future development of the Township to the year 2033. The Plan has been prepared on the basis of existing conditions and information, and it is intended that as conditions change and new information becomes available, there will be a need to review various policies from time to time.

Council shall review the policies of this Plan not less frequently than once every five years to ensure that it conforms or does not conflict with any provincial plan(s), that it has regard to the matters of provincial interest listed in Section 2 of the *Planning Act*, and that it is consistent with the *Provincial Policy Statement*.

“In 2022 the Council completed a formal review and update of the Official Plan, bringing the document into compliance with the *Provincial Policy Statement (2020)*. The changes made through the OP update are located throughout the Official Plan.”

This Official Plan shall be implemented by means of the powers conferred upon the Council by the *Planning Act*, the *Municipal Act*, and such other statutes as may be applicable. In particular, this Plan shall be implemented through Zoning By-Laws, Site Plan Control, legislation pursuant to the *Municipal Act*, construction undertaken by Public Works, a Capital Works Program, and *Asset Management Plan*.

The Township supports educating property owners and residents as to the contents of the Official Plan and the Township’s land use goals, policies and procedures, to increase understanding of the Official Plan.

## 6.2 COMMUNITY IMPROVEMENT

1. It is Council’s goal to maintain, rehabilitate and upgrade the physical environment in order to ensure the continued viability of the Township as an attractive place in which to live, work, visit and relax.
2. In order to achieve this goal, it is Council’s intention to implement a program of community improvements, as defined in the *Planning Act*, which will fulfil the following objectives.

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- a. Throughout the Township, to foster improvements by:
  - i. Establishing and maintaining the physical infrastructure which is necessary and appropriate for the various areas and land uses, including storm drainage, roads, lighting, community facilities, etc. "Natural infrastructure (e.g., wetlands, soils, trees, etc.) and the economic value they provide with respect to natural storm water collection, water quality, sequestering carbon emissions, improving air quality, reducing localized heat, and preventing flooding, will be prioritized.
  - ii. Encouraging property owners to take pride in the appearance of their own property and Township lands in general.
- b. In Hamlet areas, to foster improvements by:
  - i. Striving for an equitable distribution of social amenities to serve various parts of the Township in facilities which are well maintained, well located, and easily accessible.
  - ii. Ensuring the maintenance of the existing housing stock and encouraging the rehabilitation, renovation and repair of older dwellings "in energy efficient ways. Improving the efficiency of homes will decrease the amount of greenhouse gas (GHG) emissions that originate within the Township.
  - iii. Maintaining attractive hamlet areas with the necessary physical attributes to create pleasant, easily accessible local service areas.
  - iv. Providing incentives in support of the hamlets to foster a healthy local economy for area ~~business persons~~businesspersons.
  - v. Ensuring that proposed changes (additions, alterations, etc.) to existing businesses generally enhance the area and are compatible with adjacent land uses.
  - vi. Encouraging the participation of the private sector in community improvement initiatives by involving local merchants, ~~business persons~~businesspersons, residents, and civic leaders.
  - vii. Ensuring that the undertaking of specific community improvement projects does not unduly burden the financial capability of the Township.
  - viii. Ensuring that when undertaking community improvement projects due regard is given to compatibility with neighboring land uses.

3. This Plan designates the entire Township as a Community Improvement Policy Area.



## IMPLEMENTATION AND ADMINISTRATION INTERPRETATION

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Council will undertake various improvement programs within the Policy Area, as financial resources permit and as local support of residents and the business community dictate.

4. The Community Improvement Policy Area was designated on the basis of an evaluation of available municipal services and community facilities using the criteria which follow. The designated area requires improvements with respect to some or all of the following matters:
  - a. The availability and/or adequacy of municipal services, including storm drainage, roads and lighting.
  - b. The availability and/or adequacy of parks and recreation facilities within individual Hamlets and for the Township as a whole.
  - c. Compatibility of neighboring land uses.
  - d. Physical amenities, including buffering between incompatible land uses and streetscaping elements within the hamlets.
  - e. The condition of the existing building stock.
5. Council may establish community improvement project areas, as local municipal resources allow and as government funding becomes available. Council recognizes that improvements will be undertaken gradually and that it will be necessary to select project areas on a priority basis. The following considerations shall be taken into account in determining high priority areas for community improvement:
  - a. The level of deterioration of municipal infrastructure.
  - b. The function of the Hamlet to the Township in terms of serving local shopping, employment and social and cultural needs.
  - c. The existing or potential significance of the hamlet area in relation to serving tourism-based economic development objectives.
6. In order to achieve the objectives for community improvement, Council intends to use a variety of implementation techniques and to choose the appropriate technique(s) for each improvement initiative. Such techniques may include, but are not limited to, the following:
  - a. Preparation and adoption of community improvement plans.
  - b. Designation of community improvement project areas by by-law.
  - c. Application to the appropriate government agencies for funds to support the Township's programs.

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- d. Municipal acquisition of land within the community improvement project area and the clearing, grading or preparing of the land for community improvement.
- e. Enforcement of by-laws dealing with property maintenance and enforcing the Township's policies for property maintenance and occupancy.
- f. Preparation and adoption of an appropriate comprehensive Zoning By-Law.
- g. Utilization of financial tools to encourage the remediation of contaminated former industrial, commercial, and institutional lands, as contemplated in the *Brownfields Statute Law Amendment Act, S.O., 2001*.
- h. Encouraging private sector rehabilitation by providing residents and the business community with information on available government subsidies and programs.
- i. Providing the framework for more flexible planning decisions by establishing zoning regulations which encourage both residential and commercial infill and a broad range of land uses within hamlet areas.

### 6.3 LAND DIVISION

#### 6.3.1 Introduction

The division of land can take place in two ways; by the Consent (Severance) process and by plan of Subdivision. The division of land by the Consent process is generally intended for the creation of not more than three (3) new lots, and for situations not related to the creation of new lots such as lot line adjustments. Where the division of land results in the creation of more than three (3) new lots, it will likely be necessary to proceed by plan of Subdivision or Plan of Condominium. **This Plan considers lots created by Subdivision or Cluster Lot Development to be the preferred form of lot creation.**

There are certain general policies that apply to all lot creation, other policies that are specific to Consents and others that apply exclusively to Plans of Subdivision.

#### 6.3.2 General Policies

1. The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-Law.
2. No land division shall result in the land locking of any parcel of land.
3. No land division shall be permitted where safe vehicular access from the proposed lot to the road cannot be provided due to conditions such as limited sight lines, grades or proximity to intersections, in accordance with the policies of the Transportation section of this Plan.

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4. No land division shall create a financial burden on the Township with respect to the provision of Municipal services or facilities, as set out in the Economic Policy section of this Plan. The Township may request the proponent of a development that involves the extension of municipal services (i.e. development on unopened road allowance) to prepare a financial impact analysis demonstrating that the development will not create a negative financial impact for the Township.
5. All land division shall meet the requirements of this Plan for the dedication of parkland or cash-in-lieu thereof, as set out in the Parks and Recreational Facilities section of this Plan.
6. All land division shall address land use separation and compatibility concerns, as set out in the Land Use Compatibility and Influence Areas section of this Plan.
7. No land division shall result in the creation of a lot subject to natural hazards such as flooding or organic soils, unless development would be permitted by the Natural Hazard Features section of this Plan.
8. No land division shall result in the creation of a lot affected by soil contamination or hazards related to former mining or mineral resource operations, unless development would be permitted by the Human-Made Hazard Features section of this Plan.
9. No land division shall result in a negative effect on the natural features or the ecological functions for which the area is identified such as wetlands, areas of natural and scientific interest (ANSIs), fish habitat, wildlife habitat and endangered and threatened species habitat. The policies of the Natural Heritage Features section will be adhered to in this regard.
10. In considering land division applications, regard shall be had to the Cultural Heritage and Archaeological Resources section of the Plan.
11. All land division shall comply with the Water Supply, Sewage Disposal and Other Services section of the Plan concerning the provision of water and sewage services and the availability of other services.
12. No land division shall create a lot which cannot comply with the minimum water setback and minimum water frontage requirements contained in the Waterfront Development section of this Plan.
13. Road widening dedications may be requested by the County or Township as a condition of the approval of any land division application.

### **6.3.3 Consent Policies**

1. A maximum of three (3) new lots (excluding the retained lot) shall be created from a land holding as it existed on January 1, 1991. Where a land holding is situated partly or wholly within the Hamlet designation, the maximum number of lots shall not apply, provided that the new lots are situated within the Hamlet designation.

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2. Within lands designated as Agriculture, Consents for the purposes of creating new residential lots shall only be permitted in accordance with the policies of the Agriculture section of this Plan.
3. The extension or the creation of strip residential development on roads in the Rural areas shall not be permitted. Strip development is defined as a series of four (4) or more developed or undeveloped residential lots located on one side of a public road within a 300 metre length along the public road. The 300 metre distance shall be measured between the two lot lines located at either end of the strip. No new residential lot shall be created within a 300 metre distance of a strip residential development located on the same side of the road.
4. Lots created by Consent shall generally front onto existing maintained public roads; however, Consents may be permitted on existing private roads for waterfront residential lots, subject to any proposed lot being zoned to a Limited Services Residential zone, as required by the Public Road Access section of this Plan. Any Zoning By-Law amendment shall be considered in accordance with the relevant amendment criteria of the Residential Conversion from Secondary to Principal Use section of this Plan.
5. No Consent shall be granted that would require the creation of a new private road unless the road is created by way of a common elements plan of condominium in accordance with Section 4.3.4 of this plan.
6. Consent for the purpose of creating a lot on an island or on waterfront land without road access may be considered where deeded parking and water access is provided on another parcel of land that is suitable by virtue of its location, access and other relevant considerations.

### 6.4.4 Subdivision Policies

1. Development by Plan of Subdivision shall be permitted in the Hamlet and Rural designations.
2. The minimum average lot size for a Plan of Subdivision within the Rural designation shall be 0.8 hectares, as set out in the Rural section of this Plan.
3. ~~Land holdings within the Rural designation are subject to a maximum of twenty-five lots within a draft plan of subdivision application. The development of more than twenty-five lots shall require an Official Plan amendment, as set out in the Rural section.~~
4. Access to a proposed Plan of Subdivision shall be from a maintained Public Road, built to an adequate standard to accommodate the additional traffic requirements.

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## IMPLEMENTATION AND ADMINISTRATION INTERPRETATION

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5. Access to individual lots in a Plan of Subdivision shall be by internal public roads, built to Township standards. Where design considerations necessitate it, limited direct lot access to an existing public road abutting the Subdivision may be granted.
6. All Plan of Subdivision applications which would result in the creation of three (3) or more lots within 300 meters of a water body shall meet the requirements set out in the Archaeological Resources section of this Plan with respect to the identification and preservation of any archaeological resources.
7. All Plan of Subdivision applications which would result in the creation of three (3) or more lots within 300 meters of a water body shall meet the requirements set out in the Waterfront Development section of this Plan with respect to preparing a lake impact study which demonstrates that the approval of the subdivision would not have a negative impact on water quality.
8. All Plans of Subdivision shall comply with the policies of the Storm Water Management section of this Plan giving special regard to Low Impact Development standards.
9. The approval authority may apply lapsing provisions to any draft plan of Subdivision, pursuant to the provisions of the *Planning Act*.
10. Development by Plan of Subdivision shall meet the requirements set out in the Water Supply, Sewage Disposal and Other Services section of the Plan.
11. For all Plans of Subdivision adjacent to the Rideau Canal Corridor, significant built heritage resources and significant cultural landscapes shall be additional considerations. A Heritage Impact Statement shall be required.
12. Parkland dedication shall consist of lands which are appropriate for parkland development. The Township shall encourage parkland design to include community gardens which support increased physical activity, healthy eating, knowledge of the food system, increased mental well-being, and social connections. The Township shall also encourage the retention or establishment of sufficient shade structures (e.g., trees, built structures) to help prevent heat-related illnesses. Parkland design should also consider community gathering amenities which provide opportunities for recreation, social interaction, a sense of ownership over the space, and Crime Prevention through Environmental Design (CPTED).

### 6.5 DEEMING PLANS OF SUBDIVISION

Where old registered plans of subdivision that are at least eight years old exist and are regarded by the Township as deficient by reason of such considerations as being situated in an undesirable location from a planning perspective, having poor access, inadequate lot size or other characteristics, a by-law under Section 50(4) of the *Planning Act* may be passed by the Township deeming such plans not to be registered. plan of subdivision for the purpose of Section 50(3) of the *Planning Act*.

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## 6.6 SITE PLAN CONTROL

1. Site Plan Control is a site design and approval process intended to be used in cases where the type of development proposed or the characteristics of the particular site require a more detailed level of attention to, and control over, the location of buildings, structures, facilities and other features than would be possible or practical through the mechanism of a Zoning By-Law. For example, waterfront development and commercial or industrial development may require Site Plan Control Agreements to protect water quality or adjacent uses.
2. It is the intention of the Township to use Site Plan Control as a planning tool complementary to the Zoning By-Law to ensure that:
  - a. Proposed buildings and structures are well sited vis-a-vis adjacent land uses.
  - b. Design details, such as lighting, walkways, parking (e.g., bicycle, motor vehicle), loading, waste facilities, grading, drainage, landscaping materials, fencing, impervious surfaces, active transportation elements etc., are adequate for the uses proposed, in terms of functional, safety and aesthetic considerations as well as address the needs of those with disabilities, as applicable.
  - c. Development occurs with minimal impact on natural and cultural heritage resources, particularly where proposed in immediate proximity to water bodies.
  - d. Development is undertaken and maintained as approved by the Township.
3. The Township may control the design and details of development proposals through the use of a Site Plan Control By-Law. The entire Township shall be considered a Proposed Site Plan Control Area except that certain types of development such as the following may be exempt from Site Plan Control:
  - a. Agricultural uses.
  - b. Single-detached, semi-detached and duplex dwellings and buildings or structures accessory thereto, in cases where no development or site alteration is proposed adjacent to a water body or lands designated as Natural Heritage or Natural Hazard.
  - c. Minor additions or alterations to existing buildings and structures.
4. In imposing Site Plan Control, the Township will seek to regulate the general site layout of the property and, where appropriate, the massing and conceptual design of all buildings and structures on the property. Site plan drawings shall be required in all cases. Floor plan, elevation and cross-section drawings may be required for any development, as determined by the Township.

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5. In processing Site Plan Control applications, the Township will consult with various public bodies, including the relevant Conservation Authority, as appropriate.
6. As a condition of the approval of a site plan, the County or Township may require the dedication of land for public road widening purposes.
7. The Township may enter into Site Plan Control Agreements with the owners of lands for which site plans have been approved and register such agreements on the title of the lands to which they apply.

### **6.7 ZONING BY-LAWS AND HOLDING PROVISIONS**

#### **6.7.1 General**

It is intended that a comprehensive Zoning By-Law to implement this Plan shall be prepared and adopted in accordance with the provisions of the *Planning Act*. Such by-laws shall contain land use zones in accordance with the policies contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures.

In accordance with the *Planning Act*, Council shall amend the Zoning By-Law no later than three (3) years after any comprehensive (5-year) update to this Plan comes into effect.

#### **6.7.2 Holding Zones**

It is not intended that all land use areas designated in this Plan will be zoned for such uses immediately in the Zoning By-Law. Areas may be zoned for their existing uses or in a Holding category pursuant to Section 36 of the *Planning Act*, and in accordance with the criteria which follow:

1. It is the intention of Council to place certain lands within a Holding category in the Zoning By-Law when the principle of development has been established, in order to:
  - a. Delay the development of lands until any necessary municipal infrastructure become available;
  - b. Affect the phasing and/or proper design of large-scale residential, commercial, or industrial development;
  - c. Ensure that proper financial and other agreements are in place; and/or
  - d. Delay development until such time as it is determined that identified development constraints can be overcome to the satisfaction of Council.
2. Lands which are subject to Holding provisions shall be identified in the Zoning By-Law by an "h" symbol, in conjunction with the appropriate zone symbol denoting the eventual use of the land and shall be subject to the following policies:

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- a. Lands which are shown to be in a Holding category shall generally be restricted to existing uses.
  - b. New development proposed on land zoned in a Holding category shall not be permitted unless Council deems it appropriate to remove the Holding symbol through an amending By-Law.
3. Under Section 34 of the Planning Act, an application for removal of the Holding symbol shall be reviewed by the Planner in consideration of the following:
- a. That the proposed use is in conformity with the requirements of the Zoning By-Law;
  - b. That the required municipal infrastructure is available or will soon be available;
  - c. That the financial and other requirements of the municipality have been fulfilled;
  - d. That the phasing and design of the proposed development is to the Planner's satisfaction; and/or
  - e. That any development constraints which have been identified can be overcome to the satisfaction of the Planner.

### **6.7.3 Interim Control By-Laws**

Council may pass Interim Control By-Laws to control the use of land, buildings or structures within designated areas of the Township and in accordance with the provisions of Section 38 of the *Planning Act* in order to prevent or limit development until detailed planning studies for the subject lands are completed and approved by Council. Any Interim Control By-Law approved by Council shall initially be in effect for a period of up to one (1) year from the date of passing of the by-law but may be extended for a maximum of one (1) additional year.

### **6.7.4 Temporary Use By-Laws**

Pursuant to Section 39 of the *Planning Act*, the Planner may authorize the temporary use of land, buildings or structures for any purpose otherwise prohibited by the Zoning By-Law. The temporary use may be initially authorized for a period of time up to three (3) years from the date of the passing of the by-law, except in the case of garden suites which may be authorized for up to twenty (20) years. A Temporary Use By-Law may be extended by by-law for further periods of not more than three (3) years each. Upon the expiry of a Temporary Use By-Law, the use authorized by the by-law shall cease, unless extended by by-law.

Where deemed appropriate by Council, a Temporary Use By-Law may be adopted for a purpose which does not conform to the Official Plan, provided that the long-term objectives and policy direction of the Plan shall not be adversely affected by the by-law.



## **6.8 COMMITTEE OF ADJUSTMENT**

A Committee of Adjustment has been appointed to consider applications for relief from any Zoning By-Law implementing this Plan. The Committee will be guided by Section 44 of the *Planning Act*, and by the rules of procedure and regulations issued from time to time by the Minister of Municipal Affairs and Housing.

The Existing Land Uses section of this Plan sets out policies for dealing with applications to change or enlarge non-conforming uses, as well as for Minor Variance applications where existing or proposed uses conform to the Zoning By-Law but are non-complying with respect to zoning provisions such as building setbacks. The Committee will have regard to the relevant non-conforming use and Minor Variance policies.

## **6.9 USES NOT CONTEMPLATED BY PLAN**

1. It shall be a policy of this Plan that any proposed new development which would introduce a land use, different from those uses described in this Plan in terms of scale, purpose or nature, and neither envisioned nor contemplated by Council, shall be subject to detailed land use and environmental impact studies, and any other studies deemed necessary by Council. Such studies will be conducted at the proponent's expense. The intent of this policy is to place the onus on the proponent to demonstrate that the introduction of a new use into the community would not be to the detriment of the Township's economic, social, cultural, environmental and financial base, would not have an adverse impact on municipal services, and would not require additional municipal or community services.
2. In addition, Council will encourage the proponent of such a use to consult informally with the public to provide information concerning the proposed development, as well as to obtain public input, prior to the submission of a formal application.
3. Any new use not contemplated by this Plan shall only be approved by an Official Plan amendment.

## **6.10 NON-CONFORMING EXISTING LAND USES**

Any existing use which does not comply with the relevant policies contained in this Official Plan will be deemed non-conforming in terms of this Plan. Such uses may be zoned in any implementing Zoning By-Law in accordance with their present use provided that:

1. The zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
2. They do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic flow they generate;
3. They do not pollute the air, water or soil to the detriment of health, comfort and property; and

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4. They do not interfere with the development of adjacent areas in accordance with this Plan.

Where an existing use does not meet with the criteria set out above, it may not be zoned in accordance with its present use. Furthermore, the Township may seek means to eliminate the use and may acquire it when sufficient funds are available or assist in whatever way possible in the relocation of the use.

Where an existing non-conforming use is discontinued, any Zoning Amendment may only take place in conformity with this Official Plan.

Where an existing use has been zoned as a non-conforming use, but there is merit in granting permission to extend or enlarge the use, either within the lands held in ownership or on adjacent properties, the Township may amend the Zoning By-Law to permit such extension or enlargement without the necessity of amending the Official Plan if it complies with the general intent and purpose of this Plan. The Committee of Adjustment also may, based on merit, permit the extension or enlargement of a non-conforming use on lands owned at the time of passing of the By-Law, provided that the intent and purpose of the Official Plan are maintained.

The Township or the Committee of Adjustment shall use the following guidelines when assessing any application for an extension or enlargement of a use which is zoned as a non-conforming use:

1. The extension or enlargement should not aggravate the non-conforming situation for neighboring uses.
2. The extension or enlargement should be in reasonable proportion to the existing use and to the land on which it is to be located.
3. Any extension or enlargement involving land boundaries should be minor in relation to the total property. Any major change shall require an amendment to the Plan.
4. The compatibility of the extension or enlargement to surrounding uses with regard to noise, vibration, fumes, smoke, dust, odors, lights and traffic generation will be examined carefully.
5. Adequate buffering, setbacks and any other measures necessary to reduce the nuisance will be required and, where possible, shall be extended to the existing use.
6. Proper access to the site will be provided to ensure that no traffic hazards are created.
7. Adequate on-site parking and loading space will be provided.
8. Applicable services, such as storm drainage, water supply, sewage disposal and roads, etc. are adequate or will be made adequate.

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9. Neighboring uses will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.
10. The Committee of Adjustment may permit a change in use to a similar use or more compatible use.
11. Where an existing building or structure which has been zoned as a non-conforming use is destroyed, such building or structure may be reconstructed to its former dimensions or a smaller footprint and location, provided work is commenced within twelve months of the date of destruction.
12. An existing building or structure which is zoned as a non-conforming use may be reconstructed or strengthened to a safe condition, provided the external dimensions and use of the building or structure are generally not changed.

For lands deemed to be waterfront properties, the Township or the Committee of Adjustment shall also consider all of the policies of Section 2.24.1 of the Plan.”

### **6.10.1 Minor Variances**

Where existing or proposed uses that conform to the implementing Zoning By-Law are non-complying with respect to zoning standards such as those related to building setbacks, the Committee of Adjustment may authorize minor variances from the provisions of the By-Law provided that the general intent and purpose of the Official Plan and Zoning By-Law are maintained and that the variances are minor and desirable for the appropriate development of the lands.

### **6.11 PUBLIC WORKS AND CAPITAL WORKS PROGRAM**

The implementation of the policies of this Plan which require the provision of municipal facilities and services will involve the Township directly in the financing of such projects. Project areas may include development of park and recreational facilities, upgrading of roads, improvement of intersections and enhancement of drainage facilities.

It is intended that Council, on the basis of the policies of this Plan dealing with municipal facilities, will establish a priority list for the implementation of these projects with estimates of cost (land acquisition, construction and maintenance costs wherever possible). A ten-year capital works program and Asset Management Plan will then be developed.

It is intended that the program will be reviewed annually as part of the capital budget procedure which is a public process.

### **6.12 MAINTENANCE AND OCCUPANCY BY-LAW**

1. It is the policy of Council to encourage the maintenance of the Township as a safe and pleasant environment for living, working, shopping and recreation. Continued maintenance of property is essential to the welfare of the Township.

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2. It is the intention of the Township to support the private efforts of property maintenance and to eliminate any existing hazards to building occupants through the introduction of by-laws specifying standards for all properties within the Township for property maintenance and occupancy under Section 15.1 of the *Building Code Act*.
3. Council will endeavor to support further property maintenance and safe occupancy by:
  - a. Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties.
  - b. Undertaking education and public relations programs as needed to demonstrate the benefits of property maintenance.
  - c. Maintaining municipally-owned buildings, properties and community facilities, and providing or maintaining municipal services in good repair.
4. Upon adopting a maintenance and occupancy by-law, Council will appoint a Property Standards Officer who will be responsible for administering and enforcing the by-law.
5. Council will also appoint a Property Standards Committee for the purpose of hearing appeals against an order of the Property Standards Officer.
6. The by-law will be administered using a standard recording form for building or property condition to provide a clear and equitable procedure for evaluating building condition.
7. The maintenance and occupancy by-law will prescribe standards for the following matters and any others that may be considered necessary:
  - a. The keeping of yards, vacant lands, parks, waterfront areas, laneways and passageways, free from debris, rubbish, weeds, abandoned or derelict vehicles, trailers, boats, barges, mechanical equipment or similar material.
  - b. The adequacy of sanitation control, including garbage disposal, sewage and drainage.
  - c. The maintenance of parking and storage areas.
  - d. The maintenance of all buildings and structures, including structural standards of walls, floors, ceilings, foundations, insulation, electrical systems, plumbing, heating, adequacy of protection from weather, natural lighting and ventilation, condition of chimneys, fire protection standards and general cleanliness and upkeep.
  - e. The maintenance of fences, swimming pools, accessory buildings and signs.

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- f. The establishment of occupancy standards including pest prevention, adequacy of food preparation facilities, access, ventilation, maximum number of persons per dwelling unit, minimum floor spaces and room heights.

### **6.13 THE MUNICIPAL ACT**

It is intended that Council shall review, as required, legislation pursuant to the *Municipal Act* governing various uses, signs, etc. and where necessary, amend existing by-laws or pass new by-laws as may be required to ensure such matters are properly regulated and control.

### **6.14 SOURCE WATER PROTECTION**

Council shall appoint a Risk Management Official or maintain an enforcement transfer agreement with another body which has an appointed Risk Management Official (such as the Conservation Authority or Health Unit). A Risk Management Official is required to enforce the Source Protection Plan policies that invoke Part IV of the *Clean Water Act*. These policies either prohibit activities under Section 57 or require a Risk Management Plan (to reduce risks to drinking water sources) under Section 58.



## **SECTION 7: INTERPRETATION**

1. It is intended that the boundaries of the land use classifications shown on Schedules A, B and C be considered as approximate and absolute only where bounded by roads, railways, rivers or streams or other similar geographical barriers. It is also intended that the location of roads as indicated on the Schedules be considered as approximate and not absolute. Therefore, amendments to the Official Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of roads, provided the general intent of the Plan is preserved. Such minor clarifications will not be reflected on Schedules.
2. It is intended that all figures and quantities herein shall be considered as approximate only and not absolute. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.
3. Where any doubt exists with respect to the intended meaning of any word or phrase used in this Plan, the 2020 *Provincial Policy Statement* shall be used as a guide to interpretation.
4. Where any Act or portion of an Act is referred to in this Plan, such references shall be interpreted to refer to any subsequent renumbering of sections in the Act and/or changes in the date of the Act.

### **7.1 DEFINITIONS**

#### **Provincial Policy Statement 2020**

##### **Adjacent Lands:**

- a. 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 by the Province or based on municipal approaches which achieve the same objectives; and
- b. Means those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

##### **Agricultural Uses:**

Means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

##### **Agriculture-Related Uses:**

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Means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

### **Archaeological Resources:**

Includes artefacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

### **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.

### **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. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by local, provincial or federal jurisdictions.

### **Comprehensive Review:**

- a. An Official Plan review which is initiated by a planning authority, or an Official Plan amendment which is initiated or adopted by a planning authority, which:
  - i. is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
  - ii. utilizes opportunities to accommodate projected growth through intensification and redevelopment;
  - iii. confirms that the lands to be developed do not comprise specialty crop areas;
  - iv. is integrated with planning for infrastructure and public service facilities;
  - v. considers cross-jurisdictional issues.

### **Cultural Heritage Landscape:**

Means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites, and natural elements, which are



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valued together for their interrelationship, meaning or association, distinctive from their constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trails, and industrial complexes of cultural heritage value.

### **Designated Growth Areas:**

Means lands within settlement areas designated in an Official Plan for growth over the long-term planning horizon, but which have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth as well as lands required for employment and other uses.

### **Designated Vulnerable Area:**

Means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events.

### **Development:**

Means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- a. Activities that create or maintain infrastructure authorized under an environment assessment process;
- b. Works subject to the *Drainage Act*.

### **Ecological Function:**

Means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

### **Endangered Species:**

Means a species that is listed or categorized as an "Endangered Species" on the official species at risk list (**Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF)**), as updated and amended from time to time.

### **Environmental Impact Assessment (EIA):**

Means a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.

### **Environmental Impact Study (or Statement) (EIS):**

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Means a document prepared to describe the effects for proposed activities on the environment.

### **Fish Habitat:**

As defined in the *Fisheries Act*, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

### **Flood Plain:**

For river stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

### **Flooding Hazard:**

Means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water; the use of the “one hundred year flood” (see definition below) has been approved by the [Ministry of Northern Development, Mines, Natural Resources and Forestry \(NDMNR\)](#) as the standard for the Township watersheds.

### **Floodproofing Standard:**

Means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of large inland lakes, and flooding hazards along river, stream and small inland lake systems.

### **Floodway:**

For river, stream and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage.

### **Ground Water Feature:**

Refers to water-related features in the earth’s subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

### **Hazardous Lands:**

Means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward

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limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

### **Hazardous Sites:**

Means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays (leda), organic soils) or unstable bedrock (karst topography).

### **Hazardous Substances:**

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

### **Hydrologic Function:**

Means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, water's interaction with the environment including its relation to living things.

### **Intensification:**

Means the development of a property, site or area at a higher density than currently exists through:

- a. Redevelopment, including the reuse of brownfield sites;
- b. The development of vacant and/or underutilized lots within previously developed areas;
- c. Infill development; and
- d. The expansion or conversion of existing buildings.

### **Mine Hazard:**

Means any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

### **Mineral Aggregate Operation:**

- a. Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*, or successors thereto;
- b. For lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including

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adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and

- c. Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

### **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*.

### **Minimum Distance Separation Formulae:**

Means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

### **Natural Heritage Features and Areas:**

Means features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, 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.

### **Natural Heritage System:**

Means a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

### **Negative Impacts:**

- a. Degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b. In regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity; and

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- c. In regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

### **One Hundred Year Flood:**

For river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having 1% chance of occurring or being exceeded in any given year.

### **Prime Agricultural Area:**

Means areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; 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, Food and Rural Affairs using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

### **Prime Agricultural Land:**

Means land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

### **Private Communal Sewage Services:**

Means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that services six or more lots or private residences and is not owned by a municipality.

### **Private Communal Water Services:**

Means a non-municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*, that services six or more lots or private residences.

### **Protected Heritage Property:**

Means real property designated under parts IV, V, or VI of the *Ontario Heritage Act*; heritage conservation easement property under Parts II or IV of the *Ontario Heritage Act*; and property that is the subject of a covenant of agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving, and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

### **Quality and Quantity of Water:**

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Is measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients, and hazardous contaminants, and hydrologic regime.

### **Redevelopment:**

Means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

### **Regional Market Area:**

Refers to an area, generally broader than a lower-tier municipality (i.e the Township) that has a high degree of social and economic interaction.

### **Residence Surplus to a Farming Operation:**

Means an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

### **Rural Areas:**

Means lands in the rural area which are located outside settlement areas and which are outside prime agricultural areas.

### **Secondary Uses:**

Means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

### **Sensitive:**

In regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and addition of pollutants.

### **Sensitive Land uses:**

Means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse affects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to, residences, day care centers, and education and health facilities.

### **Significant:**

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- a. In regard to wetlands, coastal wetlands and areas of natural and scientific interest (ANSI), means an area identified as provincially significant by the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) using evaluation procedures established by the Province, as amended from time to time;
- b. In regard to the habitat of endangered species and threatened species, means the habitat, as approved by NDMNR, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c. In regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution of the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d. In regard to other features and areas, those ecologically important features, functions, representation, or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- e. In regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;
- f. In regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and
- g. In regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, and event, or a people.

### **Site Alterations:**

Means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

### **Specialty Crop Area:**

Means areas designated using evaluation procedures established by the province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums) grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

- a. Soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;

## IMPLEMENTATION AND ADMINISTRATION INTERPRETATION

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- b. farmers skilled in the production of specialty crops;
- c. a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

### **Surface Water Feature:**

Refers to water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

### **Threatened Species:**

Means a species that is listed or categorized as a "threatened Species" on the Ontario official species at risk list (NDMNRF), as updated and amended from time to time.

### **Valleylands:**

Means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

### **Vulnerable:**

Means surface and groundwater that can be easily changed or impacted.

### **Watershed:**

Means an area that is drained by a river and its tributaries.

### **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. The four major types of wetlands are swamps, marshes, bogs and fens. 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.

### **Wildlife Habitat:**

Means areas where plants, animals and other organisms live, and find adequate amounts of food, water shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

### **Wildland Fire Assessment and Mitigation Standards:**



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Means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the **Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF)** to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildfire.

### **Woodlands:**

Means treed areas that provide environmental and economic benefits to both, the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.

### **Additional Definitions**

#### **Accessory Commercial Unit:**

An Accessory Commercial Unit (ACU) is a small commercial unit that is accessory to the principal residential use on the site. Unlike home based businesses that are largely hidden within dwellings, ACUs , create small street oriented gathering spaces similar to farm gate sales but for cafes, ice cream shops, bookstores, craft sales.

#### **Carbon Sequestration:**

Means the natural or artificial process by which carbon dioxide is removed from the atmosphere and held in solid or liquid form. (e.g., taken up by trees, plants, the ocean).

#### **Equity Considerations:**

Includes accessible culturally appropriate engagement; assessing if actions are disproportionate on disadvantaged communities; capacity building, and accountability.

#### **Flood Abatement:**

Means the control of flood waters by the construction of flood storage reservoirs, flood water retaining structures, channel improvements, levees, bypass channels, other engineering works, or retention or enhancement of vegetation.

#### **Green Infrastructure:**

Includes trees, wetlands, parks, green roofs, meadows, soils, bioswales.

#### **Low Impact Development:**

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Low Impact Development is a storm water strategy that uses site design and distributed storm water management practices (e.g., swales, pervious pavement, vegetation, pavers that allow grass to grow through holes, biofilters, etc.) that harvest, filter, evapotranspire, detain and infiltrate water.

### **Natural Capital:**

Means the stock of natural ecosystems that yields a flow of valuable ecosystem goods or services into the future. It is the extension of the economic notion of capital to goods and services relating to the natural environment (e.g. trees produce timber as a good and oxygen as a service.)

### **Strip Development:**

Strip development is defined as a series of four (4) or more developed or undeveloped residential lots located on one side of a public road within a 300 metre length along the public road. The 300 metre distance shall be measured between the two lot lines located at either end of the strip. No new residential lot shall be created within a 300 metre distance of a strip residential development located on the same side of the road.

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### SECTION 8: LAND USE SCHEDULES

Schedules A1, A2, A3, B1, B2, B3 and C are hereby deleted and are replaced by Schedules A, B, and C.

#### Schedule A - Official Plan for Tay Valley Township: Land Use Plan

Schedule A Land Use Plan is a new map and contains the following designations:

- Hamlet
- Rural
- Agriculture
- Employment Lands
- Provincially Significant Wetlands
- Floodplain
- ~~Mineral Resource Sand and Gravel~~
- ~~Waste Disposal Sites~~
- ~~Conservation Areas~~
- Aggregate Pits (Active)
- Provincial Park Boundary
- Special Exception Area 1

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### **Schedule B - Official Plan for Tay Valley Township: Constraints**

Schedule B Constraints is a new map containing the following designations:

- Abandoned Mine Hazard Site and 1km buffer
- Source Water Intake Protection Zones
- Influence Areas of Pits and Quarries
- Waste Sites Open and Closed and Buffers
- Floodplain
- Mineral Resource
- Aggregate resources – sand and gravel
- Bedrock Resource
- Aggregates Resource
- Organic Soil
- Water Intake Protection Zones
- ~~Agreement Forest~~
- ~~Provincially Significant Wetlands~~
- ~~Deer Yard~~
- ~~Significant Woodlands in Ecoregion 6~~
- Wildlands Fire Hazard – Extreme, High, Pine

## IMPLEMENTATION AND ADMINISTRATION INTERPRETATION

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### **Schedule C - Official Plan for Tay Valley Township: Natural Heritage Features**

Schedule C is a schedule required by the *Provincial Policy Statement 2020* that identifies Natural Heritage Systems compiled from the following:

- Community Forest (County Agreement Forest)
- Regional Areas of Natural and Scientific Interest (ANSI)
- Significant Woodlands – Interior Forests, Rare Tree Species, Old Growth in Ecoregions 6 and 5
- ~~Significant Wildlife Areas~~
- Provincially Significant Wetlands
- Conservation Areas
- Wetlands over 5 ha
- Locally Significant Natural Areas
- Rivers and streams shoreline buffer as linkages



## **IMPLEMENTATION AND ADMINISTRATION INTERPRETATION**

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### **APPENDIX A – MAPS**

Map 1 – Location of Tay Valley Township

Map 2 – Frontenac Arch Ecotone

Map 3 – Land Between Ecotone

### **APPENDIX B – LIST OF FIGURES**

Figure 1 – Regenerative and Distributive Economics (Doughnut Economics)

Figure 2 – Social Determinants of Health

Figure 3 – Location of Example Attached ARUs

Figure 4 – Location of Example Detached ARUs

Figure 5 – Health Impacts of Climate Change

Figure 6 – Cluster Lots Example

Figure 7 – Ribbon of Life Along Shorelines

Figure 8 – Healthy Shoreline vs Overdevelopment

Figure 9 - Typology of Roads

Figure 10 – Ontario Planning Framework

### **APPENDIX C – LIST OF PHOTOS**

Photo 1 – Tay River near Bolingbrooke – Jude Pearson

Photo 2 – Black Lake - Tay Valley Township

Photo 3 – Master Birchbark Canoe Maker Chuck Commanda and Apprentice

Cole Williams Launch at Murphys Point Provincial Park – Plenty Canada

Photo 4 - Brooke Valley Home and Artisan Business– Perth Autumn Studio Tour

Photo 5 – Blanding's Turtle – Nature Conservancy Canada

Photo 6 – Otty Lake – Otty Lake Property Owners Association

Photo 7 – Wetlands South of Maberly – mrloft.ca

Photo 8 – Indigenous Heritage Plaque Bolingbrooke – Tay Valley Township

### **APPENDIX D – LAKE MANAGEMENT PLANS**

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1. The Otty Lake Association prepared the Otty Lake Management Plan in 2008 in cooperation with the Townships of Tay Valley, Drummond/North Elmsley, Rideau Valley Conservation Authority, Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF), Ministry of Environment, Conservation and Parks and other community partners.
2. The Pike Lake Community Association (PLCA) prepared a lake stewardship action plan in 2011 in cooperation with the Township, Rideau Valley Conservation Authority, Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF), Ministry of Environment, Conservation and Parks and other community partners.
3. The Adam Lake Cottage Association prepared a lake stewardship action plan in 2009 in cooperation with the Township, Rideau Valley Conservation Authority, Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF), Ministry of Environment, Conservation and Parks and other community partners.
4. The Farren Lake Cottage Association prepared a lake stewardship action plan in 2012 in cooperation with the Township, Rideau Valley Conservation Authority, Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF), Ministry of Environment, Conservation and Parks and other community partners.
5. The Long Lake Cottage Association prepared a lake stewardship action plan in 2009 in cooperation with the Township, Rideau Valley Conservation Authority, Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF), Ministry of Environment, Conservation and Parks and other community partners.
6. The Little Silver and Rainbow Lake Association prepared a lake stewardship action plan in 2018 in cooperation with the Township, the Rideau Valley Conservation Authority, Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF), Ministry of Environment, Conservation and Parks and other community partners.



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**APPENDIX E SPECIES AT RISK AS AT APRIL 5, 2022**

The Endangered Species Act, 2007 and O. Regulation 242/08 <https://www.ontario.ca/laws/statute/07e06> and Species at Risk: O. Regulation 230/08 <https://www.ontario.ca/laws/regulation/080230> provide information to land owners on species at risk in their area. Land owners are required to obtain authorizations from the Ministry of Environment Conservation and Parks if development or site alteration will impact an endangered or threatened species.

A Selection of Species at Risk in Tay Valley Township



Snapping Turtle



Bobolink



Common Nighthawk



Gray Ratsnake



Canada Warbler



Eastern Meadowlark



Blanding Turtle



Eastern Whip-poor-will



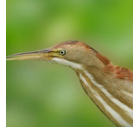
Eastern Wood-Pewee



Jefferson Salamander



Cerulean Warbler



Least Bittern



Bank Swallow



Chimney Swift



Loggerhead Shrike



Spotted Turtle

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Red-headed-Wood-Pecker



Gray-Fox



Yellow-banded-Bumble-Bee



American-Eel



Cougar



Pale-bellied-Frost-Lichen



Monarch



American-Chestnut



Common-Five-lined-Skink



Little-Brown-Myotis



Butternut



Eastern-Ribbonsnake



Tri-colored-Bat



American-Gingseng



Eastern-Musk-Turtle



Bald Eagle



Barn Swallow



Black Tern



Black Ash