

Book 29

Application Documents

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APPLICATION FOR A LICENCE under the *Aggregate Resources Act*

- Application requirements as outlined in the Aggregate Resources of Ontario Provincial Standards must accompany this application form.
- Questions about this information should be directed to the Aggregate Inspector at the Ministry of Natural Resources District in which the site is located.
- All information in respect to this application including written concerns/comments, the names and address of any objector(s) is available for public review for the purpose of this application under the *Aggregate Resources Act*. In submitting a written concern/comment an individual consents under the *Freedom of Information and Protection of Privacy Act* to its disclosure for purposes of the application.

Type of Application: Class 'A' Licence (> 20,000 tonnes per year) Class 'B' Licence (20,000 tonnes or less per year) 2 Category

Type of Operation: Pit Quarry Both Pit and Quarry

Type of material to be removed: Sand and Gravel Crushed Stone Dimensional Stone
 Clay Other _____

Licence Area: 39.4 hectares Quantity of material to be removed: 700,000 tonnes/yr

Applicant: Name James Dick Construction Limited c/o Greg Sweetnam
Address 14442 Regional Rd 50, PO Box 470
City Bolton Prov. Ontario Postal Code L7E 5T4
Phone No. (905) 857 3500 Cell No. (416) 997 5304

Location:
UTM Zone: 17T Easting: 572003.98 Northing: 4829416.55 Datum: 360

Lot: <u>part 1</u>	Concession: <u>6</u>	Geographic Twp. <u>Eramosa</u>	Local Municipality <u>Guelph/Eramosa</u>	County/Region/ District <u>Wellington</u>
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Signature of Applicant:  Date: October 2, 2012

Name and Title of Signing Officer: Greg Sweetnam Vice President, Resources

For Office Use Only:

Application Fee: \$ _____ Receipt No.: _____ Date: _____



CORPORATION OF THE
TOWNSHIP OF GUELPH/ERAMOSIA

ZONING BY-LAW AMENDMENT APPLICATION FORM

To Amend a Zoning By-law Under Sections 34, 39 or 39.1 of the Planning Act

Township File No:	OFFICE USE ONLY
APPLICATION FOR: (Please check one box) <input type="checkbox"/> Section 34 (Zoning By-law amendment/Re-zoning) <input type="checkbox"/> Section 39 (Temporary Use) <input type="checkbox"/> Section 39.1 (Garden Suite)	Date Received: <u>October 12, 2012</u>
	Date Fee/Deposit Accepted: <u>Oct. 12/2012</u>
	Deposit: \$ <u>2,000.00</u> Fee: \$ <u>1,810.00</u>
	Received by: <u>[Signature]</u>
DEEMED COMPLETE: DECEMBER 3, 2012	

1. CONTACT INFORMATION: (All communication will be directed to the Primary Contact only)

Primary Contact: Greg Sweetnam

a) Registered Owner(s): 634745 ONTARIO LIMITED (amalgamated Dec. 31, 1999 into MARA LIMESTONE AGGREGATES LIMITED)

(List all owners and contact information if multiples exist)

Mailing Address: Box 470, Bolton ON L7E 5T4

Home Phone: _____ Home Fax: _____

Business Phone: 905-857-3500 Business Fax: 905-857-4833

Email Address: _____

b) Agent: JAMES DICK CONSTRUCTION LIMITED

Mailing Address: Box 470, Bolton ON L7E 5T4

Home Phone: _____ Home Fax: _____

Business Phone: 905-857-3500 Business Fax: 905-857-4833

Email Address: gsweetnam@jamesdick.com

c) Other: _____

(Please provide contact information for all relevant consultants such as surveyor, planner, engineer, solicitor, architect, etc.)

Mailing Address: _____

Home Phone: _____ Home Fax: _____

Business Phone: _____ Business Fax: _____

Email Address: _____

2. DESCRIPTION OF SUBJECT LANDS

a) Civic Address(es): 8352 Hwy. 7

Township of Guelph/Eramosa, County of Wellington

b) Concession(s): 6 Lot(s): West ½ Lot 1 Division: _____

c) Geographic Township (former municipality): Eramosa

d) Registered Plan No.: _____ Lot(s)/Block(s): _____

e) Reference Plan No.: ROS605540 Parts: _____

f) Dimension of subject lands:

Frontage (m)	Depth (m)	Area (ha)
+/- 553 m	+/- 607 m	+/- 39.4

g) Does the registered owner own the abutting lands? Yes No

If yes, please provide the civic or legal address of the property

3. NAME(S) OF MORTGAGEE/LESSEE/ETC:

If known, the names and addresses of the holders of any mortgages, charges or other encumbrances with respect to the land(s).

N/A

4. PROVINCIAL POLICY STATEMENT

Provide a statement explaining how the application is consistent with policy statements issues under Section 3(1) of the Planning Act (e.g. the Provincial Policy Statement, 2005).

Application is consistent with PPS as it will allow for significant mineral aggregate resources to be made available as close to the market as possible. Application will not result in a negative impact on natural heritage features, water, agriculture or cultural heritage resources.

5. PROVINCIAL PLANS

- a) Is the subject land within an area of land designated under any provincial plan(s)? Yes No
- b) If the answer to the above is YES, please provide a statement as to whether the application conforms to or does not conflict with the applicable provincial plan(s) (e.g. the Growth Plan for the Greater Golden Horseshoe, 2006):

Site is consistent with the Growth Plan for the Greater Golden Horseshoe. Site has been a protected Aggregate Resource.

6. OFFICIAL PLAN

- a) List the current designation(s) of the subject lands in the County of Wellington Official Plan (the "County OP").

Prime Agriculture and Core Greenland

Site is mapped as part of the Mineral Aggregate Area.

- b) How does this Application conform to the current County OP?

Mineral Aggregate Area recognizes significant deposits of mineral aggregate resources.

An Official Plan Amendment is not required for applications within the Mineral Aggregate Area.

- c) If an amendment to the County OP is required please provide basic details of the amendment including if the amendment proposes to change/add/delete/replace policy(ies) or a designation. Include any additional uses that would be permitted on the subject lands as a result of the amendment.

An OPA is not required.

7. ZONING BY-LAW

a) List the current zone(s) that apply to the subject lands.

Agricultural and Hazard Land

b) Explain why you are applying to amend the Zoning By-law. What is the purpose of the application?

The purpose of the ZBA is to re-zone the lands in question to Extractive Industrial to permit the establishment of a mineral aggregate operation.

c) Explain the proposed amendment to the Zoning By-law, including any proposed change, deletion, replacement or addition to the regulations or mapping. Please list additional permitted uses and Zoning By-law section numbers (where applicable).

The permitted uses under the Extractive Industrial zone will not be changed. The setback to a body of water will be varied from 30 m to 20 m (section 12.2.1.3).

8. EXISTING USE

a) Date the subject land was acquired by the current Owner: August 16, 1989

b) What land uses are adjacent to the subject lands?

To the north: Agricultural

To the south: Agricultural, Residential and Industrial

To the west: Agricultural

To the east: Agricultural, Industrial and Residential

c) Existing uses of the subject land: Former Wayside Pit, Managed Crop Conifer Plantation, Woodland, Residential, Conservation

d) Length of time that the existing uses have continued on the subject land: over 30 years

e) Provide details on the existing building(s) or structure(s): (If there are more than 3 building(s) or structure(s) please provide the required information on a separate sheet)

Type of Building/ Structure	Date Constructed	Front Yard (m)	Side Yard* (m)	Side Yard* (m)	Rear Yard (m)
House	Approx. 1970	55m	16m	500m	536m
Shed	Approx. 1970	168m	151m	512m	432m

* Specify in the heading of this table if it is the interior or exterior side yard. If both are interior side yards please provide a label (e.g. East Side Yard) to differentiate them.

f) Provide details on the dimensions of the existing building(s) or structures:

Building/Structure	Ground Floor Area (m ²)	Total Floor Area (m ²)	# of stories	Length (m)	Width (m)	Height (m)
House	275m ²	275m ²	1	25m	11m	7m
Shed	71.5m ²	71.5m ²	1	11m	6.5m	6m

g) How many parking and/or loading stalls exist on the subject lands? NA

9. PROPOSED USE

a) Proposed uses of the subject land: Mineral Aggregate Operation, Residential, Conservation

b) Provide details on the proposed building(s) or structure(s): (If there are more than 3 building(s) or structure(s) please provide the required information on a separate sheet)

Type of Building/ Structure	Date Constructed	Front Yard (m)	Side Yard* (m)	Side Yard* (m)	Rear Yard (m)
Scale House	Upon Approval	50m	150m	440m	615m
Shop/Lab/Office	Upon Approval	80m	135m	445m	560m

* Specify in the heading of this table if it is the interior or exterior side yard. If both are interior side yards please provide a label (e.g. East Side Yard) to differentiate them.

c) Provide details on the dimensions of the proposed building(s) or structures:

Building/Structure	Ground Floor Area (m ²)	Total Floor Area (m ²)	# of stories	Length (m)	Width (m)	Height (m)
Scale House	20m ²	20m ²	1	5m	4m	5m
Shop/Lab/Office	400m ²	400m ²	1	20m	20m	10m

d) How many parking and/or loading stalls are proposed for the subject lands? NA

10. ACCESS

a) Access to the subject land is provided by (please check appropriate box(es)):
 (Please include the road name on the line provided)

- Provincial Highway _____
- Regional Road _____
- Township Road (Year-Round Maintenance) 6th Concession
- Township Road (Seasonal Maintenance) _____
- Private Road/Right-of-Way _____
- Water

b) If access to the subject land is by water only, indicate the following:
 (Please provide written confirmation of parking and docking facilities)

- Docking facility: NA
- Distance from docking to subject land: ___m Distance from docking to nearest public road: ___m
- Parking facility: _____
- Distance from docking to parking: _____m Distance from parking to nearest public road: ___m

11. SERVICES

- a) Water is provided to the subject lands by: Private Well
- Municipal water supply
- Private Well
- Privately owned/operated communal well
- Lake or other body of water
- Other: _____

b) Sewage disposal is provided to the subject lands by: Private septic system

- Municipal sanitary services
- Private sewage/septic system
- Privately owned/operated communal well
- Privy
- Other: _____

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, then a servicing options report, and hydrogeological reports are required to be submitted with this application.

c) Storm drainage is provided to the subject lands by: Internal Infiltration, Ditches and Natural drainage to creek

- Storm ditches
- Ditches
- Swales
- Natural
- Other: _____

12. OTHER PLANNING ACT APPLICATIONS

List any applications made under the Planning Act for the subject lands or lands within 120 metres of the subject lands.

Application	Municipal File No./ Ontario Regulation No.	Purpose of Application	Status
Official Plan Amendment (Section 22)			
Zoning By-law Amendment (Section 34) or Ministers Zoning Order (Section 47)	Yes (this application)	To Permit a Mineral Aggregate Operation	Pending
Site Plan (Section 41)			
Minor Variance (Section 45)			
Plan of Subdivision (Section 51)/ Condominium (Condominium Act)			
Consent/severance (Section 53)			

13. ADDITIONAL INFORMATION

If any of the items below are applicable please provided the required information on a separate sheet.

- If the subject lands are within an area where the municipality has pre-determined the minimum and maximum density requirements or the minimum and maximum height requirements, provide a statement about the re-zoning proposed by this application and these requirements.

- If the application is to implement an alteration to the boundary of an area of settlement or to implement a new area of settlement, provide details of the official plan amendment that deals with the matter.
- If the subject lands are within an area where zoning with conditions may apply, provide an explanation of how the application conforms to the official plan policies relating to zoning with conditions.

14. REQUIRED SKETCH PLAN

A planner, surveyor, engineer, architect or other appropriate professional should prepare the required sketch plan. The required sketch must be drawn to a **metric scale**, including metric measurements, and show at a **minimum**, the following information:

- The boundaries and dimensions (frontage, depth and area) of the subject land.
- The location size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines.
- The approximate location of all topographical, natural and artificial features on the subject land(s) and on land that is adjacent to the subject land(s) that may affect the Application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, wells and septic tanks.
- The existing land uses located upon land that is adjacent to the subject land.
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an open or unopened Provincial, Regional or Township public road, a private road, or right-of-way.
- If access to the subject land is only by water, the location of the parking and docking facilities to be used.
- If the subject land has water frontage, label the river/lake name.
- The location and nature of any easement affecting the subject land.
- North arrow and metric scale of the sketch plan.
- Location and distances from property line of all proposed and existing structures in metric units.

AFFIDAVIT

I/We JAMES DICK CONSTRUCTION LIMITED of the Town of Caledon
(Applicant/Owner/Agent Name) (Name of Local Municipality)

in the County/Region of Peel, solemnly declare that all the statements contained in this application are true, and I/We, make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.



Signature of Agent/Applicant

Nov 22/12

Date



Signature of Commissioner

Nov 22/12

Date

APPLICANT AUTHORIZATION FORM

I/We 634745 ONTARIO LIMITED (amalgamated Dec. 31,1999 into MARA LIMESTONE AGGREGATES LIMITED)

(Owner(s) name(s))

the registered owner(s) of 8352 Hwy. 7, Part w 1/2 Lot 1 Concession 6, Township of Guelph/Eramosa

(municipal address or legal description of property)

hereby authorize JAMES DICK CONSTRUCTION LIMITED

(Applicant/Agent name and company)

to act as agent for the for the Application to Amend a Zoning By-law which relates to the above noted lands.



Owner's Signature

NOV 22 / 12
Date


ACKNOWLEDGEMENT

Each application must be accompanied by a deposit in the form of cash or a cheque payable to the Corporation of the Township of Guelph/Eramosa in the total amount of \$3,810.00, which includes a non-refundable administration fee of \$1,810.00, and a deposit of \$2,000.00. The Township will retain this deposit of \$2,000.00 until such time as the project has been completed and the applicant and the owner have paid all expenses incurred by the Township of Guelph/Eramosa in processing this application.

The applicant and the owner understand, acknowledge and accept that the Township of Guelph/Eramosa does not retain as full-time staff professional engineers, planners or solicitors. The Township of Guelph/Eramosa contracts out private firms for these services. The applicant and the owner **SHALL** be jointly and severally liable for paying to the Township of Guelph/Eramosa all costs it incurs in processing this application including but not limited to fees for planning, engineering and legal services, together with any Township of Guelph/Eramosa administration fees. The Township of Guelph/Eramosa shall notify the applicant and owner from time to time of any costs incurred by the Township and the applicant and the owner shall have thirty (30) days to pay the Township for those costs after notice is given. In the event that the applicant and the owner do not pay those costs within thirty (30) days, the Township has a right to apply the deposit against those costs and further to cease doing any work on the processing of this application until such time as all outstanding costs are paid in full and the deposit has been restored to the initial deposit amount set out in the guidelines.


Owner's Signature - UNDER PROTEST - SEE LETTER DATED OCT. 11, 12

NOV. 22 / 12
Date


Signature of Applicant/Agent - UNDER PROTEST - SEE LETTER DATED OCT 11, 12.

NOV. 22 / 12
Date

MORE INFORMATION? Township of Guelph/Eramosa, Gaetanne Kruse, Planning Administrator
8348 Wellington Road 124, P.O. Box 700, Rockwood, ON N0B 2K0 Office Hours 8:30 am – 4:30 pm
(519) 856-9596 Ext 112 Fax: (519) 856-2240 Toll Free: 1-800-267-1465 Email: gkruse@get.on.ca



JAMES DICK CONSTRUCTION LIMITED



MAIL: P.O. Box 470, Bolton, Ontario. L7E 5T4
COURIER: 14442 Hwy. 50, Bolton, Ontario. L7E 3E2
TELEPHONE: (905) 857-3500 FAX: (905) 857-4833

October 11, 2012

Township of Guelph/Eramosa
8348 Wellington Road 124
P.O. Box 700 Rockwood, ON
N0B 2K0

Attention: Ms. Janice Sheppard, CAO

**RE: Hidden Quarry Application Peer Review Costs
Part Lot 1, Concession 6 Township of Guelph/Eramosa**

Hi Janice,

We have filed an application to rezone certain lands at the above location to permit the operation of a Gravel Pit/Quarry. I am writing about the clause in the rezoning application that deals with peer review costs.

We are always cautious committing to something that we do not understand or cannot put a dollar value on. The clause on the rezoning form is vague and too open ended for our comfort. I think that we both believe that it is incumbent on the township act responsibly when allocating these funds to ensure we are getting good value.

As such, I would appreciate it if I can meet with you and your staff to put some budget numbers together including upset limits on this work. In this way we can best understand the intended scope of work to be farmed out and we can have funds budgeted to cover these review costs.

I also want to be clear in stating that if at any time the Township takes a position against the application, that our funding of legal fees and private professional firms will also cease immediately as would only be fair.

We believe that we have an excellent project that is in the public interest. We look forward to having it reviewed by the Township such that you have a high level of confidence in our application and such that it can be approved without being a burden on the coffers of the Town.

Sincerely,
JAMES DICK CONSTRUCTION LIMITED



Greg Sweetnam



8348 Wellington Road 124,
P.O. Box 700
Rockwood ON N0B 2K0
Tel: 519-856-9596
Fax: 519-856-2240
Toll Free: 1-800-267-1465

November 2, 2012

James Dick Construction Limited
PO Box 470
Bolton ON L7E 5T4
Att: Mr. Greg Sweetnam

Dear Mr. Sweetnam:

**RE: Hidden Quarry Zoning By-law Amendment Application Pt. Lot 1, Con. 6,
Former Township of Eramosa now the Township of Guelph/Eramosa**

I am writing in response to your letter of October 11, 2012 attached to your application for a zoning By-law amendment on the above noted property, regarding paying for costs incurred by the Township for the processing of this application.

As stated in the application, the Township does not retain as full-time staff, Professional Engineers, Planners or Solicitors and as such we rely on private firms to provide these services and to review planning applications on behalf of the Township. The Township bills these services back to the applicant as it believes that the cost of reviewing these planning applications should be borne by the applicant, not the general taxpayer.

We can certainly set up a meeting with the consultants to discuss the scope of work and estimated costs, keeping in mind these estimates are not fixed amounts and the actual costs of reviewing the applications will still be the responsibility of the applicant.

Please be assured that the Township, when having its consultants review these applications acts in a fiscally responsible manner.

Yours truly,


Janice Sheppard, AMCT
CAO

Janice Sheppard, AMCT
Chief Administrative Officer

Tel: 519-856-9596 ext. 105
jsheppard@get.on.ca

**Ministry of Natural
Resources and Forestry**

Office of the Director
Southern Region
Regional Operations Division
300 Water Street
Peterborough, ON K9J 3C7
Tel: 705-755-3235
Fax: 705-755-3233

**Ministère des Richesses naturelles
et des Forêts**

Bureau du directeur
Région du Sud
Division des opérations régionales
300, rue Water
Peterborough (ON) K9J 3C7
Tél: 705-755-3235
Télééc: 705-755-3233



July 6, 2015

Jerry V. Demarco, Alternate Executive Chair
Ontario Municipal Board
655 Bay St. Suite 1500
Toronto, Ontario
M5G 1E5

Dear Mr. Demarco:

RE: Request for Hearing – Application # 625630 under the *Aggregate Resources Act*
James Dick Construction Limited
Part of Lot 1, Concession 6, Township of Guelph Eramosa, County of Wellington

I am writing to request a hearing to resolve matters concerning the above noted application for a licence under the *Aggregate Resources Act* (ARA). James Dick Construction Limited applied for a Class "A", Category 2 (quarry to extract below the ground water table) licence at the above-noted location on October 10, 2012. The proposed licence area is 39.4 hectares and the maximum number of tonnes of material to be removed is 700,000 tonnes in any calendar year.

Fifty five objections were received during the 45 day notification and consultation period as per the *Aggregate Resources of Ontario Provincial Standards* from the public and agencies. On February 26, 2015 the applicant submitted all of the required information under Section 4.3.4 of the *Provincial Standards* and confirmed that there are thirty two (32) objections which have not been resolved. The list of unresolved objections include concerns and issues related to: truck traffic, natural environment, noise impacts, impacts to water quality and quantity, blasting and fly-rock, vibration impacts and effects on adjacent property values.

The applicant has tried unsuccessfully to resolve the outstanding objections during the resolution of issues stage of the ARA process. Consequently, this Ministry is referring the application as per subsection 11(5) of the ARA to the Ontario Municipal Board for a hearing to determine whether a license should be issued for the subject site as per Section 11 (8) 1 and 2. It is requested that the Ontario Municipal Board hearing be scoped to consider only those issues that are specified in the objection letters.

Attached are copies of the unresolved letters of objection and a copy of the ARA licence application package, including site plans and technical reports, as submitted in October, 2012. The attached package also includes a set of revised site plans which were developed as part of the resolution of objections part of the ARA process to address technical issues.

It is my understanding that the Township's zoning by-law amendment related to this licence application has also been referred to your office. In this regard, MNRF further requests a concurrent hearing with the Planning Act matter.

Initial correspondence on this matter may be sent to:

Leigh Mugford
James Dick Construction Limited
P.O Box 470
Bolton, ON
L7E 5T4

Correspondence to the Ministry of Natural Resources and Forestry may be sent to:

Ministry of Natural Resources and Forestry
Legal Services Branch
Room 3420, Whitney Block
99 Wellesley Street West
Toronto, ON
M7A 1W3

Ministry of Natural Resources and Forestry
Guelph District Office
1 Stone Road West
Guelph, ON
N1G 4Y2

For any questions or points of clarification, the Board staff may contact Kristy Sutherland, Aggregate Technical Specialist of the MNRF Guelph District Office at 519 826-3569.

Yours truly,



Jane Ireland
Regional Director

Attachments: Minister's Referral Form R7 - Aggregate Resources Act with Board fee, technical reports and site plans.

c. Leigh Mugford, James Dick Construction Limited

HIDDEN QUARRY OFFICIAL OBJECTORS

<u>TAB</u>	<u>NAME</u>
1	Allen, Shirley
2	Brenner, Ron & Debbie
3	Brophy, John, Ann, Sarah and Sean
4	Campbell, Dennis & Laura
5	Clarke, Dave & Doreen
6	Cuerrier, Andre & Mary
7	Davidson, Larry
8	DeGrandis, Stephanie
9	Greatorex, Jack
10	Halton Hills, Town of
11	Halton Region
12	Haslem, Ian & Susan
13	Jaroszewski, Natalie & Witold
14	Keats, Denise
15	Kennaley, Daniel
16	LaFleche, Aline & Johnston, Bruce
17	Mabee, Alix & Smith, Paul
18	Marshall, Anne
19	Meek, Alan
20	Milton, Town of
21	Moy, Steinar
22	McMullen, Douglas & Roberts, Joy
23	Quaile, Deborah, David, Stewart & Sheilagh
24	Reinders, Henrietta
25	Richardson, Karen
26	Schvallbe, Evita
27	Skoropad, Linda
28	Sword, Linda
29	Thomspon, Don & Marlene
30	Tripp, Douglas
31	Webster, Doug & Doyle, Karen
32	Wilson , Wayne, Margaret, Brett & Karen and Guthrie, Elizabeth

THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

Moved by: 

Date: Wednesday, October 7, 2015

Seconded by: 

Resolution Number _____

8.3

WHEREAS the applicant, James Dick Construction Limited ("JDCL"), made an application on December 7, 2012 pursuant to section 34 of the *Planning Act*, to amend the Township's Comprehensive Zoning By-law 57/1999, being application 09/12 to permit a Category 2 (below the water table) quarry for the extraction of aggregate material and associated ancillary uses such as crushing, washing and screening, on lands located in the northeast quadrant of Highway 7 and 6th Line (the "Lands") and known as the Hidden Quarry; and

WHEREAS the applicant appealed its zoning amendment application to the Ontario Municipal Board ("OMB") on June 2, 2015, pursuant to subsection 34(11) of the *Planning Act* prior to the Council of the Township reaching a decision on the rezoning application; and

WHEREAS the associated license application made pursuant to the *Aggregate Resources Act* and submitted to the Minister of Natural Resources on October 2, 2012 was also referred to the OMB; and

WHEREAS the OMB has scheduled a pre-hearing conference for November 9, 2015 at which time the OMB will, among other matters, establish the parties and participants to the hearing of the zoning appeal and license referral and the issues to be adjudicated in the hearing; and

WHEREAS, and as a result of the appeal and referral, the Township is no longer the decision-making authority in respect of the zoning by-law application but continues to have an important role in ensuring the Township remains a safe and healthy community and that the broader public interest is addressed through assessing any impacts to the community arising from the proposed quarry and ensuring the Township's concerns with respect to the proposal are satisfactorily addressed; and



MAYOR

Tabled _____ Lost _____ Carried _____

Recorded Vote Requested By:

	Yea	Nay
BOUWMEESTER, M.	___	___
MARSHALL, L.	___	___
WOLK, D.	___	___
WOODS, C.	___	___
WHITE, C.	___	___

Declaration of Pecuniary Interest:

Disclosed his/her/their interest(s), vacated his/her/their seat(s), abstained from discussion and did not vote.

Copied To:

- ___ Building
- ___ By-law Enforce.
- ___ Engineer
- ___ Finance/Taxes
- ___ Fire
- ___ Planning/Planner
- ___ PLS
- ___ Public Works

THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

Moved by: _____

Date: Wednesday, October 7, 2015

Seconded by: _____

Resolution Number _____

WHEREAS the Township engaged the consulting services of Macaulay Shiomi Howson Ltd. ("MSH"), RJ Burnside, Novus Environmental, Unterman McPhail Associates, Brook McIlroy Inc. and Altus Group Economic Consulting to assess the application materials filed by JDCL as well as certain reports filed on behalf of other stakeholders, including members of the community and adjacent area municipalities, Provincial ministries, the Grand River Conservation Authority and other commenting agencies; and

WHEREAS the Township has engaged in a comprehensive public process in assessing the application including the holding of numerous public meetings, receipt of over 150 submissions, over 25 deputations and submissions from the Concerned Residents Coalition (CRC), review of reports and information filed by the public as well as additional materials filed by JDCL and adjacent area municipalities; and

WHEREAS the objective of the Township throughout this process was to ensure that a complete and comprehensive review of the application including any information filed by other stakeholders with the Township was carried out in a transparent manner so as to form the basis for any decision made by Council with respect to its position regarding the application; and

WHEREAS the original proposal has been revised to address matters arising from the Township's review as well as comments from adjacent area municipalities, commenting agencies, the CRC, and the community ; and

WHEREAS MSH has provided a Planning Report dated September 1, 2015 to Council wherein MSH summarizes the conclusions reached by the Township's peer review consultant team and provides an assessment of the land use planning and other impacts of the proposed quarry in support of the recommendation as to how the Township may proceed in respect of the OMB hearing; and

<p>Recorded Vote Requested By:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">Yea</th> <th style="width: 20%; text-align: center;">Nay</th> </tr> </thead> <tbody> <tr> <td>BOUWMEESTER, M.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>MARSHALL, L.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>WOLK, D.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>WOODS, C.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>WHITE, C.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> </tbody> </table>		Yea	Nay	BOUWMEESTER, M.	___	___	MARSHALL, L.	___	___	WOLK, D.	___	___	WOODS, C.	___	___	WHITE, C.	___	___	<p>_____</p> <p>MAYOR</p> <p>Tabled _____ Lost _____ Carried _____</p>	<p>Declaration of Pecuniary Interest:</p> <p>_____</p> <p>Disclosed his/her/their interest(s), vacated his/her/their seat(s), abstained from discussion and did not vote.</p>	<p>Copied To:</p> <p>___ Building</p> <p>___ By-law Enforce.</p> <p>___ Engineer</p> <p>___ Finance/Taxes</p> <p>___ Fire</p> <p>___ Planning/Planner</p> <p>___ PLS</p> <p>___ Public Works</p>
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THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

Moved by: _____

Date: Wednesday, October 7, 2015

Seconded by: _____

Resolution Number _____

WHEREAS the Planning Report has confirmed that the Provincial Policy Statement 2014 provides that “as much of mineral resources as is realistically possible shall be made available as close to market as possible” and extraction of mineral aggregate shall “be undertaken in a manner which minimizes social, economic and environmental impacts”; and

WHEREAS the County of Wellington Official Plan, which implements the Provincial Policy Statement, designated the Lands with a Mineral Aggregate Overlay at the time of the application; and

WHEREAS the conclusion of the Planning Report following the comprehensive review, is that in the context of the proximity of the site to the Greater Toronto Area market extraction can occur in a manner which minimizes social, economic and environmental impacts, and that the proposal can proceed provided that stringent conditions of development are implemented; and

WHEREAS the Planning Report was shared with the public via posting on the Township’s website and the delivery of a summary of the report at a public meeting on September 10, 2015 followed by a further public meeting on September 15, 2015 at which meeting Council received further deputations from the community on the Planning Report and application; and

WHEREAS that the Planning Report re: Zoning By-law Amendment Application Township File ZBA 09/12 James Dick Construction Ltd. – Hidden Quarry Proposal dated September 2, 2015 (the “Planning Report”) was received by Council;

WHEREAS the public deputations - written and oral - on the Planning Report given at the public meeting on September 15, 2015 as well as written submissions filed with the Township subsequent to the meeting, were received by Council;

Recorded Vote Requested By:		
	Yea	Nay
BOUWMEESTER, M.	___	___
MARSHALL, L.	___	___
WOLK, D.	___	___
WOODS, C.	___	___
WHITE, C.	___	___

_____ MAYOR

Tabled _____ Lost _____ Carried _____

Declaration of Pecuniary Interest: _____ Disclosed his/her/their interest(s), vacated his/her/their seat(s), abstained from discussion and did not vote.	Copied To: <input type="checkbox"/> Building <input type="checkbox"/> By-law Enforce. <input type="checkbox"/> Engineer <input type="checkbox"/> Finance/Taxes <input type="checkbox"/> Fire <input type="checkbox"/> Planning/Planner <input type="checkbox"/> PLS <input type="checkbox"/> Public Works
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THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

Moved by: _____

Date: Wednesday, October 7, 2015

Seconded by: _____

Resolution Number _____

WHEREAS members of the community as well as neighbouring municipalities have raised significant concerns in respect of impacts related to: hydrogeology; natural environment including species habitat; haul route management and associated transportation improvements, noise, blast and vibration monitoring and enforcement; cultural heritage; archaeology; visual impact; property assessment values and mitigation of impacts on agricultural operations; and

WHEREAS, notwithstanding the recommendations of the Township's consultants as set out in the Planning Report, there remain a number of serious outstanding and unresolved issues related to impacts arising from the proposal; and

WHEREAS there has been very little demonstrated net benefit to the community as a result of the proposal;

NOW THEREFORE the Township of Guelph/Eramosa resolves as follows:

1. That the Township Solicitors be directed to attend any OMB proceeding in respect of the *Planning Act* appeal and *Aggregate Resources Act* referral to advise the OMB that Council opposes the approval of the application as appealed to the OMB as it continues to have serious concerns with the unresolved issues and impacts arising from the proposed quarry and to request that the OMB not grant the appeal and not approve the licence application referred to it and not approve the proposed quarry unless these outstanding concerns are addressed to the satisfaction of the Township;

2. That, in order to resolve the Township's outstanding concerns, the Township Solicitors and consultants be directed to develop detailed conditions of development to the satisfaction of the Township in consultation with the Region of Halton, Town of Halton Hills, the Town of Milton and County of Wellington, as well as other agencies and stakeholders if appropriate, and established through the *Aggregate Resources Act* licence approval, the amendment to the Township Zoning By-law and through other available mechanisms and instruments and to ensure that these conditions are enforceable, effective and implemented at no cost to the Township or community;

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THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

Moved by: _____

Date: Wednesday, October 7, 2015

Seconded by: _____

Resolution Number _____

3. That, in addition to an attendance at any OMB proceedings to ensure the Township's conditions are addressed, the Township Solicitors and consultants be authorized to engage in negotiations and settlement discussions with JDCL and any other parties to the OMB proceedings, including participating in potential OMB-led mediation, if requested by other parties;

4. That the conditions of development require all elements of the proposal to follow best industry practices so as to address and minimize any impacts on adjacent land owners and the broader community and specifically address those issues related to anticipated impacts from the proposed quarry including, but not limited to, matters related to: hydrogeology, natural environment including species habitat; haul route management and associated transportation improvements; noise, blast and vibration monitoring and enforcement; cultural heritage; archaeology; visual impact; property assessment values and mitigation of impacts on agricultural operations;

5. That the conditions provide for appropriate independent third party monitoring and mitigation to ensure the Township's conditions are implemented and to provide appropriate funding to the Township to negotiate and implement the conditions, including the negotiation of any associated agreements, including sufficient funding to offset all costs associated with having independent third party monitoring; and

6. That the conditions provide for appropriate dispute resolution mechanisms so as to provide for an efficient process of reporting and resolving disputes arising from the proposed quarry operation to ensure adjacent property owners and the broader community are protected.

<p>Recorded Vote Requested By:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;"></th> <th style="width: 15%; text-align: center;">Yea</th> <th style="width: 15%; text-align: center;">Nay</th> </tr> </thead> <tbody> <tr> <td>BOUWMEESTER, M.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>MARSHALL, L.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>WOLK, D.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>WOODS, C.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> <tr> <td>WHITE, C.</td> <td style="text-align: center;">___</td> <td style="text-align: center;">___</td> </tr> </tbody> </table>		Yea	Nay	BOUWMEESTER, M.	___	___	MARSHALL, L.	___	___	WOLK, D.	___	___	WOODS, C.	___	___	WHITE, C.	___	___	<p>_____ MAYOR</p> <p>Tabled ___ Lost ___ Carried <input checked="" type="checkbox"/></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;"> <p>Declaration of Pecuniary Interest:</p> <p>_____</p> <p>Disclosed his/her/their interest(s), vacated his/her/their seat(s), abstained from discussion and did not vote.</p> </td> <td style="padding: 2px;"> <p>Copied To:</p> <p>___ Building</p> <p>___ By-law Enforce.</p> <p>___ Engineer</p> <p>___ Finance/Taxes</p> <p>___ Fire</p> <p>___ Planning/Planner</p> <p>___ PLS</p> <p>___ Public Works</p> </td> </tr> </table>	<p>Declaration of Pecuniary Interest:</p> <p>_____</p> <p>Disclosed his/her/their interest(s), vacated his/her/their seat(s), abstained from discussion and did not vote.</p>	<p>Copied To:</p> <p>___ Building</p> <p>___ By-law Enforce.</p> <p>___ Engineer</p> <p>___ Finance/Taxes</p> <p>___ Fire</p> <p>___ Planning/Planner</p> <p>___ PLS</p> <p>___ Public Works</p>
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Corporation of the Township of Guelph/Eramosa

Special Meeting of Council

MINUTES

Monday, June 27, 2016

5:30 p.m.

Guelph/Eramosa Township Municipal Building

Present: Mayor Chris White, Councillors David Wolk, Corey Woods, Louise Marshall and Mark Bouwmeester.

Present from Staff: CAO Ian Roger, Director of Public Works Harry Niemi, Director of Finance Linda Cheyne, Director of Parks and Recreation Robin Milne, Planning Associate Kelsey Lang, Acting Deputy Clerk Joanne Hyde and Clerk/Director of Legislative Services Meaghan Reid.

Others Present: Eileen Costello, Aird and Berlis LLP, Township Solicitor.

1. The Mayor called the meeting to order at 5:30 p.m.

2. Approval of Agenda

2016-06-27-2.1 Moved by: Mark Bouwmeester
 Seconded by: David Wolk

Be it resolved that the agenda for the June 27, 2016 Special Council Meeting, be approved.

Carried Unanimously

3. Declaration of Pecuniary Conflict of Interest

None.

4. Closed Session

4.1 Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board. (OMB Matter)

2016-06-27-4.1a Moved by: Louise Marshall
 Seconded by: Corey Woods

Be it resolved that Council for the Township of Guelph/Eramosa rise and sit in closed session of

Council under Section 239 of the Municipal Act for the purpose of:

litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board. (OMB Matter)

Carried Unanimously

2016-06-27-4.1b

Moved by: Mark Bouwmeester
Seconded by: David Wolk

Be it resolved that the Council for the Township of Guelph/Eramosa rise and sit in open session of Council.

Carried Unanimously

2016-06-27-4.0

Moved by: David Wolk
Seconded by: Mark Bouwmeester

That the Township Solicitor be given direction to release the Burnside & Associates letter dated May 27, 2016 regarding Brydson Creek and the wash pond; and

That the Township Solicitor and Burnside & Associates be directed to develop condition language consistent with the recommendations contained within this letter, subject to revisions by the Township Planner.

Carried Unanimously

2016-06-27-4.1

Moved by: Mark Bouwmeester
Seconded by: Louise Marshall

WHEREAS the applicant, James Dick Construction Limited ("JDCL"), made an application on December 7, 2012 pursuant to section 34 of the Planning Act, to amend the Township's Comprehensive Zoning By-law 57/1999, being application 09/12 to permit a Category 2 (below the water table) quarry for the extraction of aggregate material and associated ancillary uses such as crushing, washing and screening, on lands located in the northeast quadrant of

Highway 7 and 6th Line (the “Lands”) and known as the Hidden Quarry; and

WHEREAS the Township engaged in a comprehensive public process in assessing the application including the holding of numerous public meetings, receipt of over 150 submissions, over 25 deputations and submissions from the Concerned Residents Coalition (CRC), review of reports and information filed by the public as well as additional materials filed by JDCL and adjacent area municipalities; and

WHEREAS members of the community as well as neighbouring municipalities have raised significant concerns in respect of impacts arising from the proposed quarry including those related to hydrogeology and natural environment, as well as impacts arising from dust, noise, blasting, truck traffic along the haul route, and other issues; and

WHEREAS the applicant appealed its zoning amendment application to the Ontario Municipal Board (“OMB”) on June 2, 2015, under subsection 34(11) of the Planning Act prior to the Council of the Township reaching a decision on the rezoning application; and

WHEREAS the associated license application made pursuant to the Aggregate Resources Act and submitted to the Minister of Natural Resources on October 2, 2012 was also referred to the OMB; and

WHEREAS, and as a result of the appeal and referral, the Township is no longer the decision-making authority in respect of the zoning by-law application but continues to have an important role in ensuring the Township remains a safe and healthy community and that the broader public interest is addressed through assessing any impacts to the community arising from the proposal and ensuring the Township’s concerns with respect to the proposal are satisfactorily addressed; and

WHEREAS the Township engaged the consulting services of Macaulay Shiomi Howson Ltd. (“MSH”), RJ Burnside, Novus Environmental, Unterman McPhail Associates, Brook McIlroy Inc. and Altus Group Economic Consulting (collectively, the “Township Peer Review Consultants”) to assess the application materials filed by JDCL as well as certain reports filed on behalf of other stakeholders,

including members of the community and adjacent area municipalities, Provincial ministries, the Grand River Conservation Authority and other commenting agencies; and

WHEREAS MSH provided a Planning Report dated September 1, 2015 to Council wherein MSH summarizes the conclusions reached by the Township's Peer Review Consultants and provides an assessment of the land use planning and other impacts of the proposed quarry in support of their recommendation to Council in respect of the OMB appeal and referral; and

WHEREAS the Township, through its solicitor (the "Township Solicitor"), has been an active party in the OMB proceedings, including participating in three Pre-Hearing Conferences, working with all parties to identify and develop a consolidated list of issues to be addressed in the OMB hearing; and

WHEREAS the Township Peer Review Consultants have continued to review and comment on additional information and material from JDCL submitted to address the Township's concern regarding the risks associated with the impacts of the proposal on the community and the appropriate monitoring and other mitigation required in order to minimize and address the risks and impacts on the community in the event the OMB should approve the proposal; and

WHEREAS the Township Solicitors and Township Peer Review Consultants have developed detailed conditions of development and a draft zoning by-law; and

WHEREAS, should the OMB ultimately approve the proposal, the conditions developed by the Township Solicitors and Township Peer Review Consultants are intended to be enforceable, effective and implemented at no cost to the Township or community and can be established through the Aggregate Resources Act licence approval, the amendment to the Township Zoning By-law and through a Road Agreement to be entered into by the Township and JDCL; and

WHEREAS, notwithstanding the recommendations of the Township's Peer Review Consultants as set out in the Planning Report and through continued peer-review and negotiation, there remains, in the opinion of Council, an unacceptable level of risk to the local community related to

impacts from matters such as blasting, the impact on water quality and quantity including private wells, impact on adjacent agricultural users and the change in the level and nature of noise levels, traffic activity and others matters as compared with the existing character of the community; and

WHEREAS there has been no demonstrated overall benefit to the community as a result of the proposed quarry operating in the Township in the form of employment, increased tax revenues or other matters;

NOW THEREFORE the Township of Guelph/Eramosa resolves as follows:

1. That the Township direct the Township Solicitor to advise the OMB that the Township does not support the approval of the proposal and to request that the OMB:
 - a. Refuse the appeal of the rezoning application; and
 - b. Refuse to issue the ARA license.
2. That the Township direct the Township Solicitor to request, should the OMB ultimately decide to approve the proposal and to ensure there will be minimal impact on the Township and the community, that the Board:
 - a. approve the amendment to the Township Zoning By-law as drafted by the Township Solicitor and Township Consultants; and
 - b. approve the conditions of development drafted by the Township Solicitor and Township Consultants and direct that the Minister of Natural Resources, in issuing a licence pursuant to the Aggregate Resources Act to incorporate these conditions in any licence approved;
3. That, should the OMB ultimately approve the proposal, the Township direct the Township Solicitor to request that the OMB not issue its final Order on the appeal and referral until:

a. a Road Agreement satisfactory to the Township has been entered into by the Township and JDCL and any costs required therein have been paid in full to the Township; and

b. a permit from the Ministry of Transportation is received to permit access for truck traffic associated with the proposal quarry to Highway 7.

4. That the Township direct the Township Solicitor to attend at the OMB hearing and provide this resolution and the associated documents to the Board for filing as an exhibit(s).

AMENDMENT #1 Moved by: Corey Woods

That the motion be amended by:

1. striking the last two recitals in the draft resolution:

WHEREAS, notwithstanding the recommendations of the Township's consultants as set out in the Planning Report and through continued peer-review and negotiation, there remain, in the opinion of Council a number of outstanding and unresolved issues related to impacts arising from the proposal including the risk to the existing community from matters such as blasting, the impact on water quality and quantity including private wells, impact on adjacent agricultural users and the change in the level and nature of noise levels, traffic activity and others matters as compared with the existing character of the community; and

WHEREAS there has been no demonstrated overall benefit to the community as a result of the proposed quarry operating in the Township in the form of employment, increased tax revenues or other matters;

2. striking the first numbered paragraph in the draft resolution:

That the Township direct the Township Solicitor to advise the OMB that the Township does not support the approval of the proposal and to request that the OMB:

a. Refuse the appeal of the rezoning application;

b. Refuse to issue the ARA license.

At the request of Councillor Woods, a recorded vote on the amended motion was taken.

	Yea	Nay
BOUWMEESTER, M.		X
MARSHALL, L.		X
WOLK, D.	X	
WOODS, C.	X	
WHITE, C.		X
TOTAL	2	3

Lost

At the request of Councillor Marshall, a recorded vote on the main motion was taken.

	Yea	Nay
BOUWMEESTER, M.	X	
MARSHALL, L.	X	
WOLK, D.		X
WOODS, C.		X
WHITE, C.	X	
TOTAL	3	2

Carried

5. Items for Discussion

5.1 Correspondence from Doug Tripp, President, Concerned Residents Coalition (CRC Rockwood Inc.) re: Donation Request for Hidden Quarry Ontario Municipal Board (OMB) Case.

2016-06-27-5.1 **Moved by:** **Mark Bouwmeester**
Seconded by: **David Wolk**

WHEREAS an application to permit a quarry for the extraction of aggregate material and associated ancillary uses such as crushing, washing and screening, on lands located in the northeast quadrant of Highway 7 and 6th Line (the "Lands") and known as the Hidden Quarry was appealed to the Ontario Municipal Board (the "OMB") on June 2, 2015; and

WHEREAS the associated license application made pursuant to the Aggregate Resources Act and submitted to the Minister of Natural Resources on October 2, 2012 was also referred to the OMB; and

WHEREAS a date has been set by the OMB for a seven-week hearing on the zoning amendment application and

associated license application, commencing on September 28, 2016; and

WHEREAS, the Concerned Residents Coalition (Rockwood) (the "CRC"), a not for profit community organization, is comprised of Township residents and community members and itself is a party to the OMB proceedings; and

WHEREAS the CRC continues its opposition to the proposed quarry, has retained legal counsel and will be calling expert witnesses in support of its case in opposition at the upcoming OMB hearing; and

WHEREAS the Township received a letter from the CRC on June 22, 2016 requesting a donation to offset the costs of its preparation for and participation in the OMB hearings;

NOW THEREFORE the Township of Guelph/Eramosa resolves as follows:

1. That the Township agree to provide funding to the CRC to offset its costs directly associated with its preparation for and participation in the upcoming OMB hearing, up to a maximum of \$70,000; and
2. That such payments shall be made upon the CRC filing receipts for its costs with the Township; and

That this donation be funded from the Rockwood Hydro Fund; and

That the CAO and Director of Finance be directed to develop appropriate terms and conditions by which the funds will be transferred.

Carried Unanimously

- 5.2 Finance Department Report 16/06 re: Donation Funding Request - Concerned Residents Coalition (CRC Rockwood Inc.)

Item 5.2 was discussed jointly with Item 5.1

6. By-laws

- 6.1 45/2016 A By-law to confirm the proceedings of the Council of the Corporation of the Township of Guelph/Eramosa at its meeting held on the 2nd day of May, 2016.

2016-06-27-6.1 Moved by: Mark Bouwmeester
 Seconded by: David Wolk

Be it resolved that By-law 45/2016, a by-law to confirm the proceedings of the Council of the Corporation of the Township of Guelph/Eramosa at its Special meeting held on the 27th day of June, 2016, be read three times and finally passed in open session.

Carried Unanimously

7. Adjournment

The Mayor adjourned the meeting at 6:49 p.m.

Chris White, Mayor

Meaghen Reid, Clerk

07. Plastic Envelope for

“Form of Proposed Zoning By-Law”

(Coming from Rob Stovel and Liz Howson)

DRAFT FOR DISCUSSION

ROAD AUTHORITY AGREEMENT

B E T W E E N:

**THE CORPORATION OF THE TOWNSHIP OF
GUELPH/ERAMOSIA**

(the “Township”)

- and -

JAMES DICK CONSTRUCTION LIMITED

(the “Operators”)

and

**634745 ONTARIO LIMITED AS AMALGAMATED INTO MARA
LIMESTONE AGGREGATES LIMITED**

(collectively, the “Owners”)

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ROAD AUTHORITY/AGGREGATE AGREEMENT

B E T W E E N:

THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA
(“Township”)

- and -

JAMES DICK CONSTRUCTION LIMITED
(“Operators”)

-and -

**634745 ONTARIO LIMITED AS AMALGAMATED INTO MARA LIMESTONE
AGGREGATES LIMITED**
(“Owners”)

Whereas:

The Owners warrant that they are the owners of the Lands described in Schedule “A” (“Lands”);

The Operators intend to operate an aggregate quarry on the Lands and have applied to the Ministry of Natural Resources for a license to operate aggregate quarries on the Lands and the Township for a zoning by-law to permit the aggregate quarry use;

Pursuant to the Official Plan of the County of Wellington, the Township has an interest in ensuring that the proponents of new development provide appropriate infrastructure at proponents’ expense;

Concession Road 6 is a Township Road under the Township’s jurisdiction pursuant to the *Municipal Act*;

The Township, as a commenting agency on the license applications of the Operators, requires that certain work must be performed on Concession Road 6 in order for it to be suitable for the propose aggregate quarry use; and

The Owners have agreed to perform certain works (“Works”) on Concession Road 6 and to provide certain funds to offset the cost of other in infrastructure improvements.

NOW THEREFORE in consideration of the promises and the covenants and agreements contained herein, including but not limited to the Township providing clearance to the Operators’ applications for an aggregate license and the Operators’ promise to perform the road works set out below, the parties covenant and agree as follows:

SECTION 1 – INTERPRETATION

1.1 Definitions

In this agreement, unless there is something in the subject matter or context to the contrary, the following words have the meanings set out below:

“Construction Lien Act”

means the *Construction Lien Act*, R.S.O. 1990, c.C.30, as amended or any successor legislation;

“Drawings”

Includes the drawings set out on Schedule “B”;

“Letter of Credit”

means in the format attached as Schedule “E”;

“Municipal Act”

means the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, or any successor legislation;

“Occupational Health and Safety Act”

means the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, as amended or any successor legislation;

“Ontario Provincial Standards General Conditions”

means Ontario Provincial Standards - General Conditions of Contract (OPSS.Muni 100) dated November 2006, as amended, or any successor conditions of legislation;

“Owners”

includes the successor, assigns, heirs, executors, administrators, or other legal representative of the Owners of whom the context may apply according to law and includes an individual, an association, a partnership and a corporation;

“Operators”

includes the successor, assigns, heirs, executors, administrators, or other legal representative of the of the leaseholders of the aggregate quarry of whom the context may apply according to law and includes an individual, an association, a partnership and a corporation. In the event. In the event that there is no leaseholder, the Owners shall be considered the Operators ;

“Planning Act”

means the *Planning Act*, R.S.O. 1990, c. P.13, as amended or any successor legislation;

“Securities”

includes Letters of Credit, cash and certified cheques in the amount set out on Schedule “D”;

“Works”

Includes the items set out on Schedule “C”.

1.2 Headings

The headings inserted in this agreement are inserted for convenience only and not as a means of interpreting this agreement.

1.3 Lists

Whenever a statement or provision in this agreement is followed by words denoting inclusion of examples and then lists or references specific items such list or reference should not be read as to limit the generality of that statement or provision even if words such as “without limiting the generality of the foregoing” do not precede such list or reference.

1.4 Reference to Statutes

References herein to any statute or any provision thereof includes such statute or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor statute thereto.

1.5 Operators’ Expense

Every provision of this agreement by which the Operators are obligated in any way is deemed to include the words “at the expense of the Operators” and “to the Township’s satisfaction”, unless specifically stated otherwise.

1.6 Schedules

Schedules attached form part of this agreement and have the same force and effect as if the information contained on them was included in the body of this agreement.

SECTION 2 - ADMINISTRATION AND WORKS

2.1 Operators' Consulting Engineer

- 2.1.1 The Operators shall retain the services of a professional civil engineer or firm of professional civil engineers ("Operators' Consulting Engineers") who shall be approved in writing by the Township. The Operators' Consulting Engineers and Operators shall be solely responsible for ensuring the final design, reviewed engineering drawings, materials used in the Works and the Works meet all applicable codes and drawing standards in the Province of Ontario. Review by the Township does not release the Operators' Consulting Engineers and Operators from this responsibility.
- 2.1.2 Subject to the foregoing, the parties agree that all of the Works under the agreement shall be in accordance with the Drawings reviewed by the Township as detailed in Schedule "B". The Township's review is for general conformity to the design concept only. The Township's review shall not relieve the Operators and the Operators' Consulting Engineers of responsibility for errors or omissions in the Drawings or for meeting all requirements of all applicable building codes and drawing standards in the Province of Ontario.
- 2.1.3 The Operators' Consulting Engineers shall be responsible for reviewing all Drawings relating to the Works, preparing detailed "As Built" drawings, and for ensuring consistency among the Drawings. The Operators' Consulting Engineer shall provide the Township with three full size copies of the "As Built" drawings, sealed and signed by the Engineer as well as digital versions of the drawings in AutoCAD and PDF formats. "As Built" drawings must be provided to the Township prior to final inspection.
- 2.1.4 In the event that there are inconsistencies among the Drawings and the Works are constructed such that it does not meet the Township's requirements, the Operators shall rectify the Works at its own cost.
- 2.1.5 The Operators shall be responsible for obtaining all the required approvals from all of the appropriate agencies necessary to implement the Works.

2.2 Works

- 2.2.1 The Operators shall complete the Works described on Schedule "C" and set out in the Drawings and contract on Schedule "B" to the satisfaction of the Township and in compliance with the Ontario Provincial Standards and Township of Guelph/Eramosa requirements for industrial roads..

- 2.2.2 The Operator agrees that the Works shall be completed in a manner satisfactory to the Township prior to the Operator commencing the transport of any extracted material from the quarry on the Lands

2.3 Ongoing Maintenance

- 2.3.1 The Township shall undertake regular inspections of the section of road to which this agreement applies, that being specifically Concession Road 6 from Highway 7 to a point 30 metres north west of the main Quarry entrance, comprising a total length of approximately 200m (the "Quarry Section"). In the event the Township determines repairs are required the Township will undertake that work and invoice the Operators for the costs associated with the repairs.
- 2.3.2 The Township shall be responsible for the maintenance of the Quarry Section, such maintenance shall include but not be limited to shouldering and snow removal. Paving of the Quarry Section only will result in increased snow removal and sanding/salting costs to the Township. The Township shall therefore invoice the Operator annually for winter maintenance on the Quarry Section only which will include equipment time (including deadhead time) and material. Annual costs will vary based on actual winter maintenance. Based on total length of Quarry Section and deadhead requirements from existing plow routes, annual costs are estimated at less than \$1,000 per calendar year.
- 2.3.3 The Operators' are obligated to pay the invoices for road maintenance within 30 days of their receipt. The Operators' obligation in this respect shall continue for the time the aggregate quarry is in operation and, for greater certainty, until such time as the ARA license is released.

2.4 Schedule of Works

- 2.4.1 The Operators shall retain the services of the Operators' Consulting Engineers until the construction of the Works are complete. The Operators' Consulting Engineers shall certify completion of the Works to the Township in accordance with the requirements set out in this agreement. Without limiting the generality of the foregoing, the Operators' Consulting Engineers shall design, inspect and certify the completion of the Works.
- 2.4.3 The Operators' Consulting Engineers shall provide periodic monitoring and inspection of the Works during construction and shall immediately notify the Township of any deficiencies in the Works.

2.5 Extension of Time

Time is of the essence in this agreement. Any time limits specified in this agreement may be extended with the consent in writing of both parties, but no such extension of time will operate or be deemed to operate as an extension of any other time limit. Time will remain of the essence in this agreement notwithstanding any extension of any time limit.

2.6 Road Occupancy Permit

Prior to the commencement of the Works, the Operators shall obtain a road occupancy permit from the Township and must comply with the terms contained therein. The Operators shall commence the Works within 90 days of the execution of this agreement by the Township, and shall proceed with due diligence to complete the Works at its own expense within 90 days of the date that work commenced.

2.7 County's Health and Safety Requirements

2.7.1 The Operators' Consulting Engineers shall ensure that all workers conform to the Township's health and safety requirements. Without limiting the generality of the following, all workers on Township property shall be required to wear hard hats, safety boots and reflective clothing at all times.

2.7.2 Failure to comply with the Township's health and safety requirements may result in the issuance of a stop work order by the Township.

2.8 Applicable Laws

2.8.1 In constructing, installing or providing the Works, the Operators shall comply with all statutes, laws, by-laws, regulations, ordinances, orders and requirements of governmental or other public authorities having jurisdiction at any time, applicable and in force. Without limiting the generality of the foregoing, the Operators shall comply with, and cause to be complied with, the provisions of the *Occupational Health and Safety Act*, the *Environmental Protection Act* and the *Ontario Water Resources Act* and any regulations, policies and guidelines relating thereto, including all obligations of the constructor and employer under the *Occupational Health and Safety Act* and regulations as applicable, and any obligation to obtain any approval or permit required under the *Environmental Protection Act* or the *Ontario Water Resources Act* or any regulations, policies or guidelines thereto. The Operators further shall handle and dispose of all materials in accordance with the foregoing legislation.

2.8.2 The Operators shall do, cause to be done, or refrain from doing, any act or thing, as directed by the Township, if at any time the Township considers that any situation or condition is unsafe, damaging to the environment, or contrary to the provisions of any applicable law. The Township will provide written notice to the Operators setting out the act or thing which is required

to be done or refrained from being done and setting out a time frame in which to comply which will be dependent on the specific circumstances.

- 2.8.3 If the Operators fail to comply with such direction, the Township may take action to remedy the situation and if action is taken the Township is entitled to draw upon any Securities filed by the Operators under this agreement.

SECTION 3 – FINANCE

3.1 Securities

Schedule “D” contains a list of all of the securities that have been posted by the Operators representing 100% of the estimated cost of construction of the Works, such security being in the name of the Corporation of the Township of Guelph/Eramosa to secure the Works required under this agreement. The form of the Letter of Credit, if applicable, shall be as set out in Schedule “E”. The Securities shall be available to reimburse the Township for holdbacks pursuant to the *Construction Lien Act*.

3.2 Release Securities

Prior to releasing any Securities, the Operators’ Consulting Engineer shall certify in writing that the Work has been completed in accordance with the approved Drawings identified in Schedule B and shall submit three copies of the required “As-built” drawings to the Township for review. The Township shall inspect the Works to confirm that the Works have been completed in accordance with the approved Drawings. Upon completion of a satisfactory inspection by Township staff, the Township shall issue a letter to the Operators indicating acceptance of the Works. The Operator may then apply for the release of 60% of the Securities deposited under this agreement. The parties further agree that after the expiration of one year following the issuance of the acceptance letter by the Township, the Operators may apply for the release of the balance of the Securities deposited under this agreement.

3.3 Costs

The Operators shall pay to the Township the costs associated with the negotiating, preparing, enforcing or releasing this agreement or any other documentation relating to the carrying out of this agreement. The Operators shall pay these costs within 30 days of receipt of a request for payment from the Township together with related invoices. The Township has the right to withhold and/or use any portion of any Securities provided under this agreement to pay these invoices. Should the Operators fail to

make payment, the Operators shall be deemed to have substantially breached this agreement.

3.4 Township Administrative Costs

- (a) The Operators shall pay to the Township an initial administration fee of \$1,500.00 prior to execution of this agreement by the Township. The Operators acknowledge that the initial administrative fee is an estimate and that the Operators are responsible for the actual costs incurred by the Township for municipal works staff and other staff for any work performed in preparing, administering, and enforcing this agreement.
- (b) Accounts will be submitted to the Operators for payment for amounts above the initial administrative fee. Accounts are to be paid within 30 days of receipt.

3.5 Insurance

The Operators shall maintain liability insurance in the amount of \$5,000,000.00 naming The Township as an additional insured under the policy, in accordance with Ontario Provincial Standards General Conditions. This policy shall also include a cross-liability provision and 30 days prior written notice to the Township of cancellation. The Operators will provide a copy of the Certificate of Insurance evidencing the coverage prior to execution of this agreement by the Township and before commencement any of the Works, failing which the Township may deem that this agreement has been breached. The Operators will also provide a full copy of the insurance policy within 30 days of the execution of this agreement.

SECTION 4 - REMEDIES

4.1 Breach

- 4.1.1 In the event that the Operators substantially breach any of the terms of this agreement, the Township shall provide the Operators with 30 days written notice of such breach and a request for rectification. Should the Operators fail to rectify the breach, the Township at its option may terminate this agreement or may use its own forces or subcontractor to complete the Works.
- 4.1.2 Should the Township use its own forces or subcontractor to complete the Works, and without limiting the generality of the following, the Township has authority to immediately purchase materials, tools and machinery and to employ workers as, in its absolute discretion, are required for the

completion of the Works, all at the expense of the Operators. The cost of these Works shall be calculated by the Township's engineer whose decision shall be final. The cost of the Works shall include a management fee not exceeding twenty percent (20%) of all labour, material and machine time charges incurred to complete the Works.

- 4.1.3 The Operators shall be liable for all completion costs incurred by the Township and shall make payment of these costs to the Township within 30 days of demand. In the event that the Operators fail to make payment within 30 days of demand, the Township shall have the authority in its sole discretion to draw upon the Securities posted, in order to cover the completion costs incurred in addition to, and without prejudice to, any other remedies available to the Township at law.

4.2 Defects and Deficiencies

- 4.2.1 In the event that any defects or deficiencies are observed in the Works prior to final release of the Securities posted, the Township shall give the Operators written notice of the defects or deficiencies.

- 4.2.2 The Operators shall promptly correct such defects or deficiencies. Failure to do so shall be deemed a substantial breach of this agreement. The Township has the right to withhold and/or use any portion of the Securities provided under this agreement to correct defects or deficiencies should the Operators fail to do so in a timely manner.

4.3 Indemnity

- 4.3.1 The Operators shall indemnify the Township from and against all suits and claims of any nature arising out of or connected with the carrying out of the Operators' obligations in this agreement, and particularly, against any claims pursuant to the *Construction Lien Act*.

- 4.3.2 The Township has the right to withhold and/or use any portion of any Securities provided to indemnify the Township for any fees the Township incurs to defend its interest against any suit or claim of any nature arising out of or connected with the carrying out of the Operators' obligation or the entering into of this agreement.

- 4.3.3 In the event that any fines or remediation orders are levied against the Operators and/or the Township by either the Provincial or Federal government, or any agencies, as a consequence of its construction of the Works, the Operators shall be solely responsible for the payment of those fines and there shall be no obligation whatsoever upon the Township in connection with those fines. In the event that such fines or remediation orders are levied against the Township, the Operators shall indemnify the

Township for any payments made or corrective work undertaken by the Township. The Township has the right to withhold and/or use any portion of the Securities provided under this agreement.

4.4 Waiver of Provisions or Breach

4.4.1 The Township is at liberty to waive any or all of the provisions of this agreement whether or not the Operators are in breach of the provision and such waiver shall not affect in any way the enforceability of this agreement. In particular, without limiting the generality of the foregoing, it is agreed that the Township may, at any time:

- i) release or modify Securities which it holds;
- ii) provide comfort letters to prospective purchasers of some or all of the Lands; and
- iii) issue building permits.

4.4.2 The above-noted actions will not affect the obligations of the parties to this agreement or in any way prejudice the ability of the Township to enforce the terms of this agreement.

4.5 Municipal Act

In addition to all other remedies set out under this section, sections 349, 442 and 446 of the *Municipal Act*, and any County by-law passed pursuant to the *Municipal Act*, or the *Planning Act*, will apply should the Operators fail to provide and/or properly maintain, to the satisfaction of the Township, the Works and other matters referred to in this agreement.

4.6 Mediation/Arbitration

4.6.1 In the event any disputes, difference or questions (“Issues”) arise out of the requirement to be responsible for on-going maintenance, the parties shall submit the Issues to mediation. The parties shall jointly agree on a Mediator. In the event such mediation fails, or there is a failure in agreeing on a mediator, the parties shall submit the Issues to arbitration, by one party giving notice to the other party. The parties shall jointly appoint one arbitrator. If the parties fail to agree on an arbitrator within thirty days of the notice to move to arbitration, then the arbitrator shall be appointed pursuant to Section 10 of the *Arbitrations Act, 1991*, S.O. 1991, c. 17. The arbitration shall be conducted in accordance with the provisions of the *Arbitrations Act, 1991*, and shall be held as promptly as possible in the County of Wellington. The decision of the arbitrator shall be final and binding on the parties hereto and not subject to appeal. The costs of the arbitration shall be paid as the arbitrator determines.

4.6.2 It is a condition precedent to any action being instituted by any party, for any liability arising out of or pertaining to this agreement, that the matter must be first referred to mediation/arbitration as herein provided for the disposition.

SECTION 5 – GENERAL

5.1 Enforceability

The invalidity or unenforceability of any provision of this agreement shall not affect the validity or enforceability of any other provision hereof and any such invalid or unenforceable provision shall be deemed to be severable herein.

5.2 Notice

Where this agreement requires notice to be delivered by one party to another, such notice must be in writing and delivered by facsimile transmission or by courier from one party to another at their addresses noted below. Such notice will be deemed to have been given, if by facsimile transmission on date of delivery with electronic confirmation of receipt obtained if received before 5:00 p.m. on a business day and if thereafter, then delivery is deemed to be on the next business day, and if by courier on the 2nd business day following the sending thereof which for the purposes of this agreement will be deemed to exclude Saturdays, Sundays and statutory holidays.

The Corporation of the Township of Guelph/Eramosa
8348 Wellington Road 124
P.O. Box 700
Rockwood, ON N0B 2K0

Attention: Director of Public Works

Telephone: (519) 856-9596
Fax: (519) 856-2240

Operator
c/o David S. White, Q.C.
Devry Smith Frank LLP
95 Barber Greene Road, Suite 100
Toronto, Ontario M3C 3E9
Telephone: 705-734-0100
Fax: 705-734-1303

Addresses and contact numbers may be changed by written notice to the parties.

5.3 Governing Law

This agreement shall be interpreted in accordance with and governed by the laws of the Province of Ontario.

5.4 Entire Agreement

This agreement shall constitute the entire agreement between the parties and the parties further acknowledge that there is no representation, warranty, collateral agreement or adverse condition affecting this agreement other than as expressed herein in writing.

5.5 No Fettering of Discretion

Notwithstanding any other provisions of this agreement, none of the provisions of this agreement, including a provision stating the parties' intention, is intended to operate, nor will have the effect of operating, in any way to fetter either the Township's council which authorized the execution of this agreement or any of its successor councils in the exercise of any of council's discretionary powers, duties or authorities. The Operators will not obtain any advantageous planning or other consideration or treatment by virtue of it having entered into this agreement or by virtue of the existence of this agreement.

5.6 Municipal Act

The Township is, in addition to any other remedy available to it, at liberty to utilize the provisions of sections 349, 442 and 446 of the *Municipal Act*.

5.7 Other Applicable Laws

Nothing in this agreement will relieve the Operators from compliance with all applicable municipal by-laws, laws and/or regulations or laws and/or regulations established by any other governmental body which has jurisdiction over the Lands.

5.8 Further Assurances

The parties agree to execute such further documents and consents as required for the purposes that may affect the carrying out of this agreement.

5.9 Counterparts and Facsimile

This agreement may be executed and delivered in any number of counterparts each of which when executed and delivered is an original but all of which taken together constitute one and the same instrument. The delivery of an executed counterpart copy of this agreement by facsimile

will be deemed to be the equivalent to delivery of an original executed copy.

5.10 Effective Date

This agreement is effective from the date it is signed by the Township.

5.11 Binding

This agreement shall inure to the benefit of and be binding upon the parties and their respective heirs, executors, administrators, successors and assigns.

THE PARTIES HAVE SIGNED THIS AGREEMENT ON THE DATES SET OUT BELOW.

THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSA

Date: _____

Per: _____

Date: _____

Per: _____

We have authority to bind the Corporation.

THE JAMES DICK CONSTRUCTION LIMITED

Date: _____

Per: _____

Name & Title:

Per: _____

Name & Title:

We have authority to bind the Corporation

**634745 ONTARIO LIMITED AS AMALGAMATED
INTO MARA LIMESTONE AGGREGATES LIMITED**

Date: _____

Per: _____

Name & Title:

Per: _____

Name & Title:

We have authority to bind the Corporation.

SCHEDULE A – DESCRIPTION OF LANDS

Owner: **634745 ONTARIO LIMITED** AS AMALGAMATED INTO
MARA LIMESTONE AGGREGATES LIMITED

PIN: 74013-0054(LT) being PT LT 1 CON 6 ERAMOSIA AS IN
ROS605540; TOWNSHIP OF GUELPH/ERAMOSIA, COUNTY OF
WELLINGTON

SCHEDULE B – DRAWINGS

Drawings prepared by : _____ Engineering Ltd.

OPSS Contract available at the Township Administration Office.

SCHEDULE C – WORKS

Description of Works:

- Upgrades to Concession Road 6 are required to remove the crest to provide sufficient sight distance to meet Provincial Geometric Design Standards to the intersection with Highway 7, plus upgrade the road base, including asphalt surface, to accommodate quarry traffic
- Vertical profile improvements at the intersection with Highway 7 in accordance with OPSD for Side Road Intersection.
- Total length of Concession Road 6 to be upgraded is approximately 200m
- Interface work with MTO turn lane construction on Highway 7.
- All approvals from required agencies and specifically the MTO as it relates to the intersection
- Coordination with utilities as required and any utility relocations determined through the design process

SCHEDULE D – SECURITIES

List amount of all Securities provided and form.

Letter of Credit in the amount of \$X00,000.00 or such amount as agreed upon by the parties after all the information has been finalized.

SCHEDULE E – FORM OF LETTER OF CREDIT

**IRREVOCABLE STANDBY LETTER OF CREDIT NO. _____ FOR
CANADIAN _____**

The Corporation of the Township of Guelph/Eramosa
8348 Wellington Road 124
P.O. Box 700
Rockwood, ON N0B 2K0

We hereby authorize you to draw on _____ for the account of _____ up to an aggregate amount of _____ (Canadian _____), available by drafts on demand, pursuant to the request of our customers, the said _____ we, _____ hereby establish and give an irrevocable letter of credit in your favour in the total amount of _____ (Canadian _____), which may be drawn on by you at any time and from time to time upon written demand for payment made upon us by you, which demand we shall honour without enquiring whether you have a right as between yourself and our said customer to make such demand, and without recognizing any claim of our said customers.

Provided, however, that you are to deliver to the _____ at such time as a written demand for payment is made upon us, a certificate signed by you agreeing and/or confirming that monies drawn pursuant to this letter of credit are to be and/or have been expended pursuant to obligations incurred by you by reference to a Road Improvement Agreement between James Dick Construction Limited, 634745 Ontario Limited as Amalgamated into Mara Limestone Aggregates Limited and The Corporation of the Township of Guelph/Eramosa regarding Concession Road 6. The amount of this letter of credit shall be reduced from time to time as advised by notice in writing given to us from time to time by you.

This letter of credit will continue up to the _____ day of _____, and will expire on that date and you may call for payment of the full amount outstanding under this letter of credit at any time prior to that date should this letter of credit not be renewed. It is a condition of this standby letter of credit that it shall be deemed to be automatically extended for one year from the present or any future expiration date hereof, unless thirty (30) days prior to any such date we shall notify you in writing, by registered mail, that we elect not to consider this standby letter of credit renewed for any such additional period. Upon receipt by you of such notice, you may draw hereunder by means of your sight draft accompanied by your above written certificate.

Partial drawings are permitted. Drafts must be drawn and negotiated not later than the _____ day of _____ or any automatically extended expiry date. The drafts drawn under this credit are to be endorsed hereon and shall state on their face that they are drawn under the _____ Letter of Credit No. _____ dated _____.

We hereby agree with the drawers, endorsers and bona fide holders of the bills drawn in compliance with the terms of this credit that the bills shall be duly honoured upon presentation at the drawee bank.

This Letter of Credit is subject to the terms of the Uniform Customs and Practice for Documentary Credits (1993 Revision) International Chamber of Commerce, Paris, France, publication number 500.

Authorized Signature
26482074.2

2014 Provincial Policy Statement

Under the *Planning Act*

Ontario.ca/PPS

For more copies of this document,
in either English or French,
please contact:

Ministry of Municipal Affairs and Housing

Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, ON M5G 2E5

Tel: 416-585-6014 or 1-877-711-8208

Website: Ontario.ca/PPS

Approved by the Lieutenant Governor in Council, Order in Council No. 107/2014

This Provincial Policy Statement was issued under section 3 of the *Planning Act* and came into effect April 30, 2014. It replaces the Provincial Policy Statement issued March 1, 2005.

Materials may be available to assist planning authorities and decision-makers with implementing the policies of the Provincial Policy Statement. Please visit the Ministry website at Ontario.ca/PPS for more information.

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Part I: Preamble

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The policies of the Provincial Policy Statement may be complemented by provincial plans or by locally-generated policies regarding matters of municipal interest. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

Land use planning is only one of the tools for implementing provincial interests. A wide range of legislation, regulations, policies and programs may also affect planning matters, and assist in implementing these interests.

Part II: Legislative Authority

The Provincial Policy Statement is issued under the authority of section 3 of the *Planning Act* and came into effect on April 30, 2014.

In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Part III: How to Read the Provincial Policy Statement

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

Read the Entire Provincial Policy Statement

The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.

While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole.

There is no implied priority in the order in which the policies appear.

Consider Specific Policy Language

When applying the Provincial Policy Statement it is important to consider the specific language of the policies. Each policy provides direction on how it is to be implemented, how it is situated within the broader Provincial Policy Statement, and how it relates to other policies.

Some policies set out positive directives, such as “settlement areas shall be the focus of growth and development.” Other policies set out limitations and prohibitions, such as “development and site alteration shall not be permitted.” Other policies use enabling or supportive language, such as “should,” “promote” and “encourage.”

The choice of language is intended to distinguish between the types of policies and the nature of implementation. There is some discretion when applying a policy with enabling or supportive language in contrast to a policy with a directive, limitation or prohibition.

Geographic Scale of Policies

The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

While the Provincial Policy Statement is to be read as a whole, not all policies will be applicable to every site, feature or area. The Provincial Policy Statement applies at a range of geographic scales.

Some of the policies refer to specific areas or features and can only be applied where these features or areas exist. Other policies refer to planning objectives that need to be considered in the context of the municipality or planning area as a whole, and are not necessarily applicable to a specific site or development proposal.

Policies Represent Minimum Standards

The policies of the Provincial Policy Statement represent minimum standards.

Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement.

Defined Terms and Meanings

Except for references to legislation which are italicized, other italicized terms in the Provincial Policy Statement are defined in the Definitions section. For non-italicized terms, the normal meaning of the word applies. Terms may be italicized only in specific policies; for these terms, the defined meaning applies where they are italicized and the normal meaning applies where they are not italicized. Defined terms in the Definitions section are intended to capture both singular and plural forms of these terms in the policies.

Guidance Material

Guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Provincial Policy Statement. Information, technical criteria and approaches outlined in guidance material are meant to support but not add to or detract from the policies of the Provincial Policy Statement.

Relationship with Provincial Plans

Provincial plans, such as the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe and the Growth Plan for Northern Ontario, build upon the policy foundation provided by the Provincial Policy Statement. They provide land use planning policies to address issues facing specific geographic areas in Ontario.

Provincial plans are to be read in conjunction with the Provincial Policy Statement. They take precedence over the policies of the Provincial Policy Statement to the extent of any conflict, except where the relevant legislation provides otherwise. Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the Provincial Policy Statement. Where provincial plans are in effect, planning decisions must conform or not conflict with them, as the case may be.

Part IV: Vision for Ontario's Land Use Planning System

The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

Ontario is a vast province with diverse urban, rural and northern communities which may face different challenges related to diversity in population, economic activity, pace of growth and physical and natural conditions. Some areas face challenges related to maintaining population and diversifying their economy, while other areas face challenges related to accommodating and managing the development and population growth which is occurring, while protecting important resources and the quality of the natural environment.

Ontario's rich cultural diversity is one of its distinctive and defining features. The Provincial Policy Statement reflects Ontario's diversity, which includes the histories and cultures of Aboriginal peoples, and is based on good land use planning principles that apply in communities across Ontario. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their rights and interests.

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They also support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

The Province's natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, and meet its long-term needs.

It is equally important to protect the overall health and safety of the population. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.

Taking action to conserve land and resources avoids the need for costly remedial measures to correct problems and supports economic and environmental principles.

Strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long-term prosperity, human and environmental health and social well-being should take precedence over short-term considerations.

The fundamental principles set out in the Provincial Policy Statement apply throughout Ontario. To support our collective well-being, now and in the future, all land use must be well managed.

Part V: Policies

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* are or will be available to meet current and projected needs; and
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

- 1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure* and *public service facilities* beyond a 20-year time horizon.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

- 1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

- 1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
 1. efficiently use land and resources;
 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 4. support *active transportation*;
 5. are *transit-supportive*, where transit is planned, exists or may be developed; and
 6. are *freight-supportive*; and
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

Intensification and *redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.

1.1.3.7 Planning authorities shall establish and implement phasing policies to ensure:

- a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
- b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.

1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

- a) sufficient opportunities for growth are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
- b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;

- c) in *prime agricultural areas*:
 - 1. the lands do not comprise *specialty crop areas*;
 - 2. alternative locations have been evaluated, and
 - i. there are no reasonable alternatives which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
- d) the new or expanding *settlement area* is in compliance with the *minimum distance separation formulae*; and
- e) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

In determining the most appropriate direction for expansions to the boundaries of *settlement areas* or the identification of a *settlement area* by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. 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. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets; b) promoting regeneration, including the redevelopment of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) using rural *infrastructure* and *public service facilities* efficiently;
- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

- g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
 - h) conserving biodiversity and considering the ecological benefits provided by nature; and
 - i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.
- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.4.3 When directing development in *rural settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.
- 1.1.4.4 Growth and development may be directed to *rural lands* in accordance with policy 1.1.5, including where a municipality does not have a *settlement area*.

1.1.5 Rural Lands in Municipalities

- 1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
 - b) resource-based recreational uses (including recreational dwellings);
 - c) limited residential development;
 - d) home occupations and home industries;
 - e) cemeteries; and
 - f) other rural land uses.
- 1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.
- 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.1.5.8 *Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices* should be promoted and protected in accordance with provincial standards.
- 1.1.5.9 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

1.1.6 Territory Without Municipal Organization

- 1.1.6.1 On *rural lands* located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings).
- 1.1.6.2 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.
- 1.1.6.3 The establishment of new permanent townsites shall not be permitted.
- 1.1.6.4 In areas adjacent to and surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings) shall be permitted. Other uses may only be permitted if:
- a) the area forms part of a planning area;
 - b) the necessary *infrastructure* and *public service facilities* are planned or available to support the development and are financially viable over their life cycle; and
 - c) it has been determined, as part of a *comprehensive review*, that the impacts of development will not place an undue strain on the *public service facilities* and *infrastructure* provided by adjacent municipalities, regions and/or the Province.

1.2 Coordination

- 1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:

- a) managing and/or promoting growth and development;
 - b) economic development strategies;
 - c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
 - d) *infrastructure*, electricity generation facilities and transmission and distribution systems, *multimodal transportation systems*, *public service facilities* and *waste management systems*;
 - e) ecosystem, shoreline, watershed, and Great Lakes related issues;
 - f) natural and human-made hazards;
 - g) population, housing and employment projections, based on *regional market areas*; and
 - h) addressing housing needs in accordance with provincial policy statements such as the Ontario Housing Policy Statement.
- 1.2.2 Planning authorities are encouraged to coordinate planning matters with Aboriginal communities.
- 1.2.3 Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient communities.
- 1.2.4 Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall:
- a) identify, coordinate and allocate population, housing and employment projections for lower-tier municipalities. Allocations and projections by upper-tier municipalities shall be based on and reflect *provincial plans* where these exist;
 - b) identify areas where growth or development will be directed, including the identification of nodes and the corridors linking these nodes;
 - c) identify targets for *intensification* and *redevelopment* within all or any of the lower-tier municipalities, including minimum targets that should be met before expansion of the boundaries of *settlement areas* is permitted in accordance with policy 1.1.3.8;
 - d) where transit corridors exist or are to be developed, identify density targets for areas adjacent or in proximity to these corridors, including minimum targets that should be met before expansion of the boundaries of *settlement areas* is permitted in accordance with policy 1.1.3.8; and
 - e) identify and provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.
- 1.2.5 Where there is no upper-tier municipality, planning authorities shall ensure that policy 1.2.4 is addressed as part of the planning process, and should coordinate these matters with adjacent planning authorities.

1.2.6 Land Use Compatibility

- 1.2.6.1 *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.

1.3 Employment

- 1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d) ensuring the necessary *infrastructure* is provided to support current and projected needs.

1.3.2 Employment Areas

- 1.3.2.1 Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.
- 1.3.2.2 Planning authorities may permit conversion of lands within *employment areas* to non-employment uses through a *comprehensive review*, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.
- 1.3.2.3 Planning authorities shall protect *employment areas* in proximity to *major goods movement facilities and corridors* for employment uses that require those locations.
- 1.3.2.4 Planning authorities may plan beyond 20 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

1.4 Housing

1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 10 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.4.2 Where planning is conducted by an upper-tier municipality:

- a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and
- b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households*. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements; and
 - 2. all forms of *residential intensification*, including second units, and *redevelopment* in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use

of *active transportation* and transit in areas where it exists or is to be developed; and

- e) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.5 Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1 Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity;
- b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for *recreation*, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

1.6 Infrastructure and Public Service Facilities

1.6.1 *Infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.

Planning for *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* shall be coordinated and integrated with land use planning so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

1.6.2 Planning authorities should promote *green infrastructure* to complement *infrastructure*.

1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:

- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
- b) opportunities for adaptive re-use should be considered, wherever feasible.

1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services.

1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

1.6.6 Sewage, Water and Stormwater

1.6.6.1 Planning for *sewage and water services* shall:

- a) direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:
 - 1. *municipal sewage services* and *municipal water services*; and
 - 2. *private communal sewage services* and *private communal water services*, where *municipal sewage services* and *municipal water services* are not available;
- b) ensure that these systems are provided in a manner that:
 - 1. can be sustained by the water resources upon which such services rely;
 - 2. is feasible, financially viable and complies with all regulatory requirements; and
 - 3. protects human health and the natural environment;
- c) promote water conservation and water use efficiency;
- d) integrate servicing and land use considerations at all stages of the planning process; and
- e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5.

1.6.6.2 *Municipal sewage services* and *municipal water services* are the preferred form of servicing for *settlement areas*. *Intensification* and *redevelopment* within *settlement areas* on existing *municipal sewage services* and *municipal water services* should be promoted, wherever feasible.

1.6.6.3 Where *municipal sewage services* and *municipal water services* are not provided, municipalities may allow the use of *private communal sewage services* and *private communal water services*.

- 1.6.6.4 Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not provided, *individual on-site sewage services* and *individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, these services may only be used for infilling and minor rounding out of existing development.
- 1.6.6.5 *Partial services* shall only be permitted in the following circumstances:
- a) where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; or
 - b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.
- 1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 planning authorities may allow lot creation only if there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services*. The determination of sufficient *reserve sewage system capacity* shall include treatment capacity for hauled sewage from *private communal sewage services* and *individual on-site sewage services*.
- 1.6.6.7 Planning for stormwater management shall:
- a) minimize, or, where possible, prevent increases in contaminant loads;
 - b) minimize changes in water balance and erosion;
 - c) not increase risks to human health and safety and property damage;
 - d) maximize the extent and function of vegetative and pervious surfaces; and
 - e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

1.6.7 Transportation Systems

- 1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.
- 1.6.7.2 Efficient use shall be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

1.6.7.3 As part of a *multimodal transportation system*, connectivity within and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

1.6.8 Transportation and Infrastructure Corridors

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.

1.6.8.3 Planning authorities shall not permit *development in planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.

1.6.8.5 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

1.6.9 Airports, Rail and Marine Facilities

1.6.9.1 Planning for land uses in the vicinity of *airports, rail facilities* and *marine facilities* shall be undertaken so that:

a) their long-term operation and economic role is protected; and

- b) *airports, rail facilities and marine facilities and sensitive land uses* are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.

1.6.9.2 *Airports* shall be protected from incompatible land uses and development by:

- a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
- c) discouraging land uses which may cause a potential aviation safety hazard.

1.6.10 Waste Management

1.6.10.1 *Waste management systems* need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives. Planning authorities should consider the implications of development and land use patterns on waste generation, management and diversion.

Waste management systems shall be located and designed in accordance with provincial legislation and standards.

1.6.11 Energy Supply

1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, to accommodate current and projected needs.

1.6.11.2 Planning authorities should promote *renewable energy systems* and *alternative energy systems*, where feasible, in accordance with *provincial and federal requirements*.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;

- b) optimizing the long-term availability and use of land, resources, *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities*;
- c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;
- e) promoting the redevelopment of *brownfield sites*;
- f) providing for an efficient, cost-effective, reliable *multimodal transportation system* that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- g) providing opportunities for sustainable tourism development;
- h) providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts;
- i) promoting energy conservation and providing opportunities for development of *renewable energy systems* and *alternative energy systems*, including district energy;
- j) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- k) encouraging efficient and coordinated communications and telecommunications infrastructure.

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of *active transportation* and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, *airports*, *rail facilities* and *marine facilities*;
- e) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which:

1. maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and
 2. maximizes opportunities for the use of *renewable energy systems* and *alternative energy systems*; and
- g) maximize vegetation within *settlement areas*, where feasible.

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

2.1 Natural Heritage

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features* and *ground water features*.

2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E¹, recognizing that *natural heritage systems* will vary in size and form in *settlement areas, rural areas, and prime agricultural areas*.

2.1.4 *Development and site alteration* shall not be permitted in:

- a) *significant wetlands* in Ecoregions 5E, 6E and 7E¹; and
- b) *significant coastal wetlands*.

2.1.5 *Development and site alteration* shall not be permitted in:

- a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E¹;
- b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
- d) *significant wildlife habitat*;
- e) *significant areas of natural and scientific interest*; and
- f) *coastal wetlands* in Ecoregions 5E, 6E and 7E¹ that are not subject to policy 2.1.4(b)

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

¹ Ecoregions 5E, 6E and 7E are shown on Figure 1.

- 2.1.6 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*
- 2.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- 2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*
- 2.1.9 Nothing in policy 2.1 is intended to limit the ability of agricultural uses to continue.

2.2 Water

- 2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:
- a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
 - b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
 - c) identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
 - d) maintaining linkages and related functions among *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas;
 - e) implementing necessary restrictions on *development and site alteration* to:
 - 1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
 - 2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;
 - f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
 - g) ensuring consideration of environmental lake capacity, where applicable; and

- h) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

2.2.2 *Development and site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features*, *sensitive ground water features*, and their *hydrologic functions*.

2.3 Agriculture

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

2.3.3 Permitted Uses

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formulae*.

2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
- c) *a residence surplus to a farming operation* as a result of farm consolidation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

2.3.5 Removal of Land from Prime Agricultural Areas

2.3.5.1 Planning authorities may only exclude land from *prime agricultural areas* for expansions of or identification of *settlement areas* in accordance with policy 1.1.3.8.

2.3.6 Non-Agricultural Uses in Prime Agricultural Areas

2.3.6.1 Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:

- a) extraction of *minerals, petroleum resources* and *mineral aggregate resources*, in accordance with policies 2.4 and 2.5; or

- b) limited non-residential uses, provided that all of the following are demonstrated:
 - 1. the land does not comprise a *specialty crop area*;
 - 2. the proposed use complies with the *minimum distance separation formulae*;
 - 3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
 - 4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

2.4 Minerals and Petroleum

2.4.1 *Minerals and petroleum resources* shall be protected for long-term use.

2.4.2 Protection of Long-Term Resource Supply

2.4.2.1 *Mineral mining operations and petroleum resource operations* shall be identified and protected from *development* and 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.

2.4.2.2 Known *mineral deposits*, known *petroleum resources* and *significant areas of mineral potential* shall be identified and *development* and activities in these resources or on *adjacent lands* which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

2.4.3 Rehabilitation

2.4.3.1 Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

2.4.4 Extraction in Prime Agricultural Areas

2.4.4.1 Extraction of *minerals* and *petroleum resources* is permitted in *prime agricultural areas* provided that the site will be rehabilitated.

2.5 Mineral Aggregate Resources

2.5.1 *Mineral aggregate resources* shall be protected for long-term use and, where provincial information is available, *deposits of mineral aggregate resources* shall be identified.

2.5.2 Protection of Long-Term Resource Supply

2.5.2.1 As much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible.

Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of *mineral aggregate resources* locally or elsewhere.

2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

2.5.2.3 *Mineral aggregate resource conservation* shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

2.5.2.4 *Mineral aggregate operations* shall be protected from *development* and 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. Existing *mineral aggregate operations* shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the *Planning Act*. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

2.5.2.5 In known *deposits of mineral aggregate resources* and on *adjacent lands, development* and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

2.5.3 Rehabilitation

2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

2.5.3.2 *Comprehensive rehabilitation* planning is encouraged where there is a concentration of mineral aggregate operations.

2.5.3.3 In parts of the Province not designated under the *Aggregate Resources Act*, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private lands.

2.5.4 Extraction in Prime Agricultural Areas

2.5.4.1 In *prime agricultural areas, on prime agricultural land*, extraction of *mineral aggregate resources* is permitted as an interim use provided that the site will be rehabilitated back to an *agricultural condition*.

Complete rehabilitation to an *agricultural condition* is not required if:

- a) outside of a *specialty crop area*, there is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
- b) in a *specialty crop area*, there is a substantial quantity of *high quality mineral aggregate resources* below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
- c) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as *designated growth areas*, and resources

on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Class 1, 2 and 3 lands; and

d) agricultural rehabilitation in remaining areas is maximized.

2.5.5 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants

2.5.5.1 *Wayside pits and quarries, portable asphalt plants and portable concrete plants* used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

2.6 Cultural Heritage and Archaeology

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes* shall be *conserved*.

2.6.2 *Development and site alteration* shall not be permitted on lands containing *archaeological resources or areas of archaeological potential* unless *significant archaeological resources* have been *conserved*.

2.6.3 Planning authorities shall not permit *development and site alteration* on *adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.

2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

2.6.5 Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

3.0 Protecting Public Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Accordingly:

3.1 Natural Hazards

3.1.1 Development shall generally be directed to areas outside of:

- a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards, erosion hazards* and/or *dynamic beach hazards*;
- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
- c) *hazardous sites*.

3.1.2 *Development* and *site alteration* shall not be permitted within:

- a) the *dynamic beach hazard*;
- b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
- d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.3 Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

- 3.1.4 Despite policy 3.1.2, *development and site alteration* may be permitted in certain areas associated with the *flooding hazard* along *river, stream and small inland lake systems*:
- a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources prior to the approval authority approving such changes or modifications; or
 - b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.
- 3.1.5 *Development* shall not be permitted to locate in *hazardous lands and hazardous sites* where the use is:
- a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
 - b) an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
 - c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.
- 3.1.6 Where the *two zone concept* for *flood plains* is applied, *development and site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources.
- 3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development and site alteration* may be permitted in those portions of *hazardous lands and hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:
- a) *development and site alteration* is carried out in accordance with *floodproofing standards, protection works standards, and access standards*;
 - b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
 - c) new hazards are not created and existing hazards are not aggravated; and
 - d) no adverse environmental impacts will result.

3.1.8 *Development* shall generally be directed to areas outside of lands that are unsafe for *development* due to the presence of *hazardous forest types for wildland fire*.

Development may however be permitted in lands with *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*.

3.2 Human-Made Hazards

3.2.1 Development on, abutting or adjacent to lands affected by *mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations* may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.

3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.

4.0 Implementation and Interpretation

4.1 This Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after April 30, 2014.

4.2 In accordance with section 3 of the *Planning Act*, a decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter, “shall be consistent with” this Provincial Policy Statement.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” this Provincial Policy Statement.

4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.

4.4 This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.

4.5 In implementing the Provincial Policy Statement, the Minister of Municipal Affairs and Housing may take into account other considerations when making decisions to support strong communities, a clean and healthy environment and the economic vitality of the Province.

4.6 This Provincial Policy Statement shall be implemented in a manner that is consistent with the Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

4.7 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

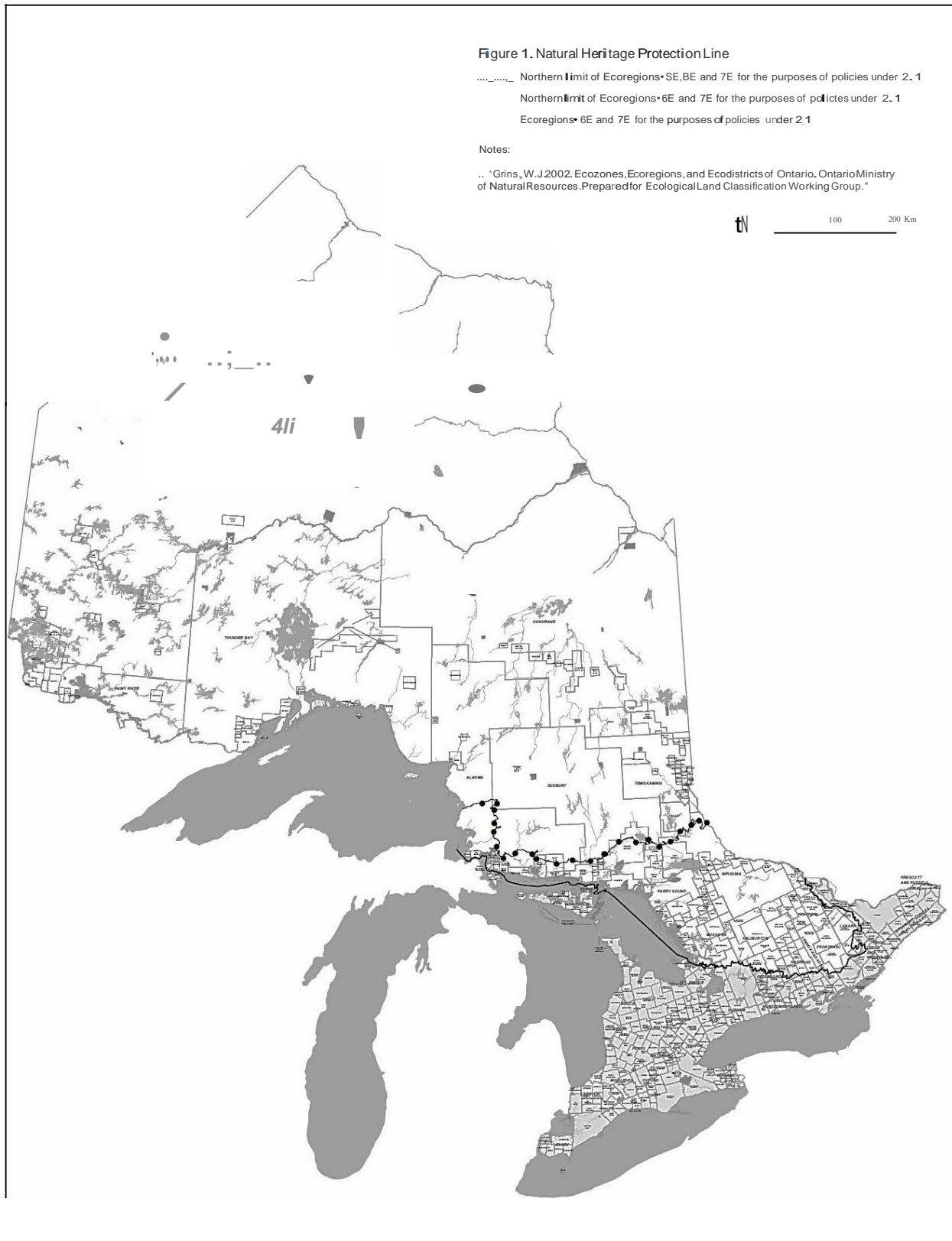
- 4.8 Zoning and development permit by-laws are important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement.
- 4.9 The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.
- 4.10 A wide range of legislation, regulations, policies, and plans may apply to decisions with respect to *Planning Act* applications. In some cases, a *Planning Act* proposal may also require approval under other legislation or regulation, and policies and plans issued under other legislation may also apply.
- 4.11 In addition to land use approvals under the *Planning Act*, *infrastructure* may also require approval under other legislation and regulations. An environmental assessment process may be applied to new *infrastructure* and modifications to existing *infrastructure* under applicable legislation.

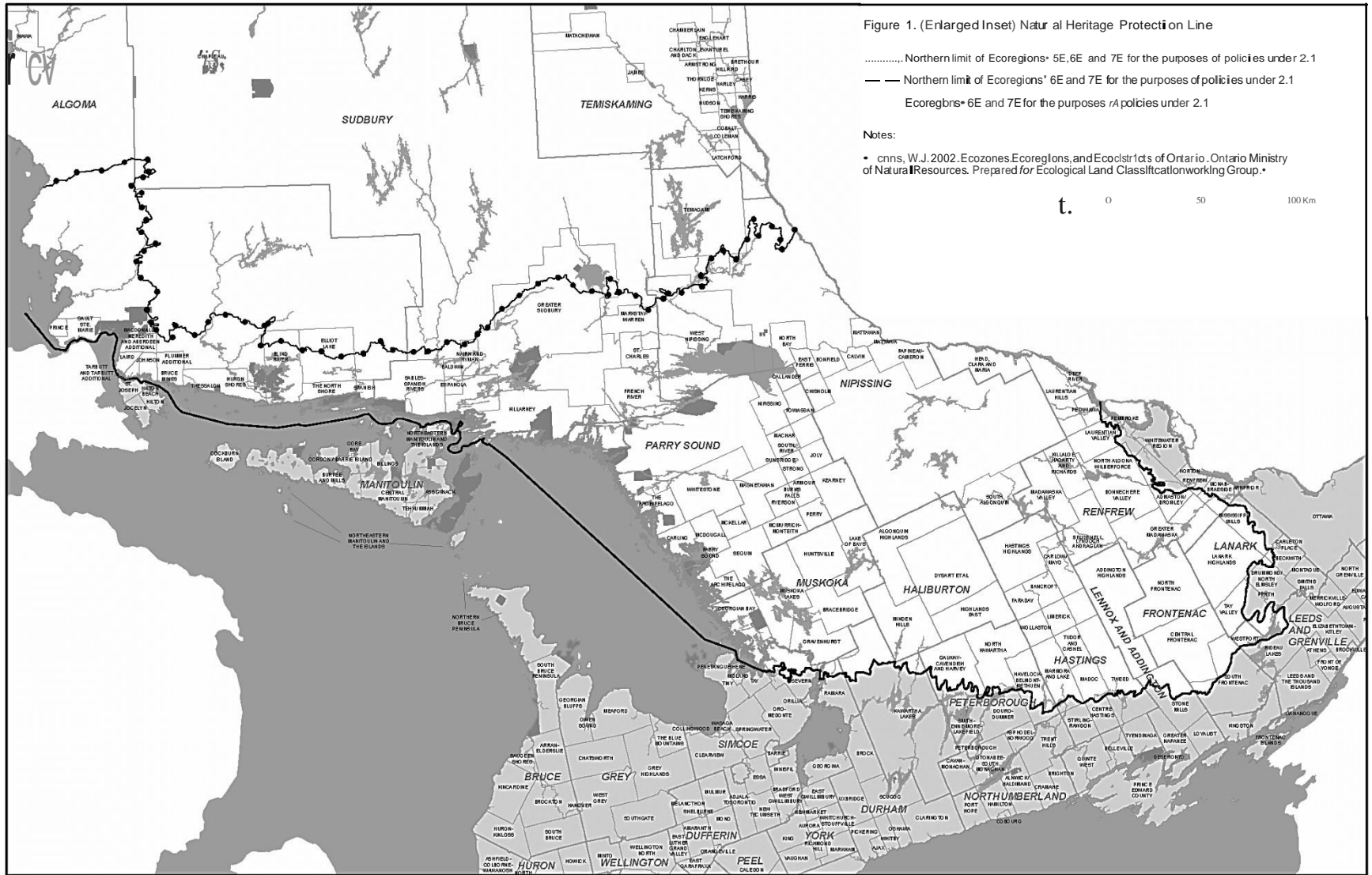
There may be circumstances where land use approvals under the *Planning Act* may be integrated with approvals under other legislation, for example, integrating the planning processes and approvals under the *Environmental Assessment Act* and the *Planning Act*, provided the intent and requirements of both Acts are met.

- 4.12 *Provincial plans* shall be read in conjunction with this Provincial Policy Statement and take precedence over policies in this Provincial Policy Statement to the extent of any conflict, except where legislation establishing *provincial plans* provides otherwise. Examples of these are plans created under the *Niagara Escarpment Planning and Development Act*, the *Ontario Planning and Development Act, 1994*, the *Oak Ridges Moraine Conservation Act, 2001*, the *Greenbelt Act, 2005* and the *Places to Grow Act, 2005*.
- 4.13 Within the Great Lakes - St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes - St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario, Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.

- 4.14 The Province, in consultation with municipalities, other public bodies and stakeholders shall identify performance indicators for measuring the effectiveness of some or all of the policies. The Province shall monitor their implementation, including reviewing performance indicators concurrent with any review of this Provincial Policy Statement.
- 4.15 Municipalities are encouraged to establish performance indicators to monitor the implementation of the policies in their official plans.

5.0 Figure 1





6.0 Definitions

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

Active transportation: means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Adjacent lands: means

- a) for the purposes of policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where *development* would have a negative impact on the corridor or facility. The extent of the *adjacent lands* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives;
- b) for the purposes of policy 2.1.8, 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;
- c) for the purposes of policies 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of known *petroleum resources, mineral deposits, or deposits of mineral aggregate resources* where it is likely that *development* would constrain future access to the resources. The extent of the *adjacent lands* may be recommended by the Province; and
- d) for the purposes of policy 2.6.3, those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan.

Adverse effects: as defined in the *Environmental Protection Act*, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;

- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

Affordable: means

- a) in the case of ownership housing, the least expensive of:
 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;
- b) in the case of rental housing, the least expensive of:
 1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
 2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

Agricultural condition: means

- a) in regard to *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and
- b) in regard to *prime agricultural land* outside of *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

Agricultural uses: means the growing of crops, including nursery, biomass, 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, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agri-tourism uses: means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Airports: means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

Alternative energy system: means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of archaeological potential: means areas with the likelihood to contain *archaeological resources*. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The *Ontario Heritage Act* requires archaeological potential to be confirmed through archaeological fieldwork.

Areas of mineral potential: means areas favourable to the discovery of *mineral deposits*

due to geology, the presence of known *mineral deposits* or other technical evidence.

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.

Brownfield sites: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built heritage resource: means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers.

Coastal wetland: means

- a) any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b) any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

Comprehensive rehabilitation: means rehabilitation of land from which *mineral aggregate resources* have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of *mineral aggregate operations*.

Comprehensive review: means

- a) for the purposes of policies 1.1.3.8 and 1.3.2.2, 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:

1. is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and *provincial plans*, where applicable; considers alternative directions for growth or development; and determines how best to accommodate the development while protecting provincial interests;
 2. utilizes opportunities to accommodate projected growth or development through *intensification* and *redevelopment*; and considers physical constraints to accommodating the proposed development within existing *settlement area* boundaries;
 3. is integrated with planning for *infrastructure* and *public service facilities*, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
 4. confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
 5. confirms that sewage and water services can be provided in accordance with policy 1.6.6; and
 6. considers cross-jurisdictional issues.
- b) for the purposes of policy 1.1.6, means a review undertaken by a planning authority or comparable body which:
1. addresses long-term population projections, *infrastructure* requirements and related matters;
 2. confirms that the lands to be developed do not comprise *specialty crop areas* in accordance with policy 2.3.2; and
 3. considers cross-jurisdictional issues.

In undertaking a *comprehensive review* the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or development proposal.

Conserved: means the identification, protection, management and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development

approaches can be included in these plans and assessments.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

Defined portions of the flooding hazard along connecting channels: means those areas which are critical to the conveyance of the flows associated with the *one hundred year flood level* along the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where *development* or *site alteration* will create *flooding hazards*, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

Deposits of mineral aggregate resources: means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated and available: means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g. secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be *designated and available* for the purposes of this definition.

Designated growth areas: means lands within *settlement areas* designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet

been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth in accordance with policy 1.4.1(a), 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.

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 environmental assessment process;
- b) works subject to the *Drainage Act*; or
- c) for the purposes of policy 2.1.4(a), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

Dynamic beach hazard: means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the *flooding hazard* limit plus a dynamic beach allowance.

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.

Employment area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Endangered species: means a species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources' official Species at Risk list, as updated and amended from time to time.

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

Essential emergency service: means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Fish: means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat: as defined in the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which *fish* depend directly or indirectly in order to carry out their life processes.

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

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:

- a) along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, the *flooding hazard* limit is based on the *one hundred year flood level* plus an allowance for *wave uprush* and *other water-related hazards*;
- b) along *river, stream and small inland lake systems*, the *flooding hazard* limit is the greater of:
 1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions,

where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;

2. the *one hundred year flood*; and
3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

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

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

Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*.

Where the *two zone concept* is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the *two zone concept* applies, the outer portion of the *flood plain* is called the *flood fringe*.

Freight-supportive: in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on

municipal approaches that achieve the same objectives.

Great Lakes - St. Lawrence River System: means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

Green infrastructure: means natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

Ground water feature: means 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.

Habitat of endangered species and threatened species: means

- a) with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the *Endangered Species Act, 2007* is in force, the area prescribed by that regulation as the habitat of the species; or
- b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and

places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

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

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

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.

Heritage attributes: means the principal features or elements that contribute to a *protected heritage property's* cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a *protected heritage property*).

High quality: means primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).

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, and water's interaction with the environment including its relation to living things.

Individual on-site sewage services: means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992*, that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services: means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Institutional use: for the purposes of policy 3.1.5, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

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.

Large inland lakes: means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Low and moderate income households: means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the *regional market area*; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional market area*.

Major facilities: means facilities which may require separation from *sensitive land uses*, including but not limited to airports, transportation infrastructure and corridors, *rail facilities*, *marine facilities*, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Major goods movement facilities and corridors: means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Marine facilities: means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*.

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.

Minerals: means metallic minerals and non-metallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals

(e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Mineral aggregate operation: means

- a) lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;
- 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 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*.

Mineral aggregate resource conservation: means

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

Mineral deposits: means areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Mineral mining operation: means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Minimum distance separation formulae: means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multimodal transportation system: means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

Municipal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

Municipal water services: means a municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002*.

Natural heritage features and areas: means features and areas, including *significant wetlands, significant coastal wetlands*, other *coastal wetlands* in Ecoregions 5E, 6E and 7E, *fish habitat, significant woodlands* and *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), *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*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used.

Negative impacts: means

- a) in regard to policy 1.6.6.4 and 1.6.6.5, 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*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b) in regard to policy 2.2, 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;
- c) in regard to *fish habitat*, any permanent alteration to, or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*; and
- d) 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.

Normal farm practices: means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

Oil, gas and salt hazards: means any feature of a well or work as defined under the *Oil, Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products.

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

One hundred year flood level: means

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

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

Partial services: means

- a) *municipal sewage services* or *private communal sewage services* and *individual on-site water services*; or
- b) *municipal water services* or *private communal water services* and *individual on-site sewage services*.

Petroleum resource operations: means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons.

Petroleum resources: means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

Planned corridors: means corridors or future corridors which are required to meet projected needs, and are identified through *provincial plans*, preferred alignment(s) determined through the *Environmental Assessment Act* process, or identified through planning studies where the Ontario Ministry of Transportation is actively pursuing the identification of a corridor. Approaches for the protection of *planned corridors* may be recommended in guidelines developed by the Province.

Portable asphalt plant: means a facility

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant: means a building or structure

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime agricultural area: means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A *prime agricultural area* may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime agricultural land: means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Private communal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that serves six or

more lots or private residences and is not owned by 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 serves six or more lots or private residences.

Protected heritage property: means property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

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

Provincial and federal requirements: means

- a) in regard to policy 1.6.11.2, legislation, regulations, policies and standards administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy systems and ensuring that the necessary approvals are obtained;
- b) in regard to policy 2.1.6, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including *fish* and *fish habitat*), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
- c) in regard to policy 2.1.7, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

Provincial plan: means a provincial plan within the meaning of section 1 of the *Planning Act*.

Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government

or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. *Public service facilities* do not include *infrastructure*.

Quality and quantity of water: is measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future *rail facilities*.

Recreation: means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

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 that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the *regional market area*. However, where a *regional market area* extends significantly beyond these boundaries, then the *regional market area* may be based on the larger market area. Where *regional market areas* are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

Renewable energy source: means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

Renewable energy system: means a system that generates electricity, heat and/or cooling from a *renewable energy source*.

Reserve sewage system capacity: means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.6.6, reserve capacity for

private communal sewage services and *individual on-site sewage services* is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the *Nutrient Management Act*, or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

Reserve water system capacity: means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

Residence surplus to a farming operation: means an existing habitable 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).

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of *brownfield sites*;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, second units and rooming houses.

River, stream and small inland lake systems: means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Rural areas: means a system of lands within municipalities that may include rural *settlement areas*, *rural lands*, *prime agricultural areas*, natural heritage features and areas, and resource areas.

Rural lands: means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

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 additions 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 effects* 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 centres, and educational and health facilities.

Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2. In cases where land in *designated growth areas* is not available, the *settlement area* may be no larger than the area where development is concentrated.

Sewage and water services: includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

Significant: means

- a) in regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b) 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 to 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. These are to be identified using criteria established by the Ontario Ministry of Natural Resources;

- c) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*;
- d) in regard to *mineral* potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and
- e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(e) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

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

For the purposes of policy 2.1.4(a), *site alteration* does not include underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

Special needs: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *special needs* housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

Special Policy Area: means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria and procedures for approval are established by the Province.

A *Special Policy Area* is not intended to allow for new or intensified *development* and *site alteration*, if a community has feasible opportunities for *development* outside the *flood plain*.

Specialty crop area: means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, 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;
- b) farmers skilled in the production of specialty crops; and
- 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: means 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 Ministry of Natural Resources' official Species at Risk list, as updated and amended from time to time.

Transit-supportive: in regard to land use patterns, means development that makes transit viable and improves the quality of the experience of using

transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Transportation demand management: means a set of strategies that result in more efficient use of the *transportation system* by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

Transportation system: means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, *rail facilities*, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, *airports*, *marine facilities*, ferries, canals and associated facilities such as storage and maintenance.

Two zone concept: means an approach to *flood plain* management where the *flood plain* is differentiated in two parts: the *floodway* and the *flood fringe*.

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/or ground water that can be easily changed or impacted.

Waste management system: means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

Watershed: means an area that is drained by a river and its tributaries.

Wave uprush: means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

Wayside pits and quarries: means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular

project or contract of road construction and not located on the road right-of-way.

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.

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

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.

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. *Woodlands* may be delineated according to the *Forestry Act* definition or the Province's Ecological Land Classification system definition for "forest."

Provincial Policy Statement

Ministry of Municipal Affairs and Housing

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PART 1

INTRODUCTION

1.1 PURPOSE

Wellington County is a good place to live. This plan intends to keep it that way.

Wellington County Council commits itself to ensuring that existing and future residents have access to an adequate supply and variety of:

- jobs
- homes
- shopping
- services
- leisure activities
- educational opportunities
- cultural facilities

and that the people of the County enjoy:

- clean air
- clean water
- healthy communities
- natural heritage
- cultural heritage
- public health
- public safety

1.2 WELLINGTON COUNTY

Wellington County is a community of 76,000 (in 1996) people living in an area of over 1,000 square miles. The small towns and rural countryside of the County are located west of the Greater Toronto Area and east of the Kitchener Waterloo area. The separated City of Guelph is within southern Wellington. These larger centres create growth pressures throughout the County.

The rich farmland, large natural areas and small urban places of Wellington offer attractive choices to many people and businesses. The proximity to larger centres offers opportunities and

challenges which must be addressed in a careful process of community building.

“Wellington County is a good place to live. This Plan intends to keep it that way”

1.3 THE PLAN

This Official Plan is a legal document intended to give direction over the next 20 years, to the physical development of the County, its local municipalities and to the long term protection of County resources.

All land use and servicing decisions must conform to the policies of this plan.

Through this Plan, County Council will outline a long-term vision for Wellington County’s communities and resources.

The Plan provides policy to attain the long-term vision.

It is expected that the policies of this Plan will be the basis on which County and local councils and other government agencies make decisions on land use planning matters. Public and private initiatives will be required to conform with County policy.

1.4 FUTURE CHANGES

The future will bring changes some of which are foreseen, others of which are unforeseen.

The County will update this Plan on a regular basis to ensure that it remains relevant and to address new needs, opportunities and constraints.

The people of the County will be given opportunities to guide future changes to this Plan through a public consultation process.

1.5 COUNTY RESTRUCTURING

The Minister of Municipal Affairs on November 26, 1997 approved an Order restructuring the County of Wellington effective January 1, 1999. The restructuring proposal developed by the County and supported by the majority of local councils resulted in a two-tier government structure with a county government and seven local governments.

This Plan recognizes this new structure by basing the land use schedules and growth strategy on the County and the seven proposed local municipalities.

PART 2

WELLINGTON'S PLANNING VISION

2.1 FUNDAMENTAL BELIEFS

2.1.1 Planning Concepts

Wellington County supports certain community planning concepts recognized in Ontario and in many other parts of the world. These concepts include:

- sustainable development
- land stewardship
- healthy communities

2.1.2 Sustainable Development

Sustainable development is a concept that supports development which “meets the need of the present without compromising the ability of future generations to meet their own need.”

Wellington County will make planning decisions which properly balance:

- protecting and enhancing the natural environment;
- enhancing economic competitiveness;
- fostering a healthy, safe and socially responsible society.

2.1.3 Land Stewardship

Land Stewardship recognizes that preserving natural features and protecting the environment is a shared value between government, community groups and landowners. County Council believes that all landowners are entitled to reasonable use and enjoyment of their land but they are also stewards of the land with responsibility to the community for the long term environmental health of their land.

2.1.4 Healthy Communities

Healthy communities are those which:

- foster physical, mental, social and economic well being;
- provide residents with a sense of control over decisions which affect them;
- are designed to reduce the stress of daily living and meet the life-long needs of its residents;
- make accessible employment, social, health, educational and recreational opportunities to all segments of the community.

Wellington County supports:

- ***sustainable development***
- ***land stewardship***
- ***healthy communities***

2.1.5 Decision Making

Wellington County will promote land use decisions which provide an economically strong, healthy and socially responsible community and which protect our natural and cultural heritage for this and future generations.

2.2 OUR COMMITMENT TO THE FUTURE

Over the next twenty years County Council commits to pursue planning policies which achieve the following objectives:

2.2.1

Accommodate a total County population of 109,000 by the year 2022;

2.2.2

Direct growth to urban areas and in particular to those with municipal sewer and water services;

2.2.3

Provide opportunities for jobs, commerce and services that are based on population growth;

2.2.4

Provide opportunities for housing which accommodate a wide range of need and affordability;

2.2.5

Ensure that County residents have convenient access to commercial uses and services;

2.2.6

Maintain strong main streets in towns and villages as a focus for commerce and services;

2.2.7

Develop communities, which are efficient and livable;

2.2.8

Ensure cost effective development and land use patterns;

2.2.9

Maintain the small town and rural character of the County;

2.2.10

Protect the agricultural land base for farming;

2.2.11

Ensure that farmers, following normal farming practices, are not hindered by conflicting development.

2.2.12

Require development to pay its fair share of growth related costs and to demonstrate its compliance with the County's planning policies;

2.2.13

Provide the infrastructure required to accommodate growth in an environmentally and fiscally responsible manner;

2.2.14

Maintain clean water, clean air and healthy plant, fish and wildlife;

2.2.15

Protect and where reasonable enhance features and functions within natural heritage areas such as wetlands, environmentally sensitive areas, streams and valley lands, woodlands, areas of natural and scientific interest, discharge and recharge areas and other open space areas;

2.2.16

Support the creation of partnerships among landowners, community groups and government which promote or undertake land stewardship activities.

2.2.17

Protect people and property from natural hazards;

2.2.18

Protect County resources such as farmland, minerals, mineral aggregates and forests, and provide for wise management practices;

2.2.19

Ensure that County residents continue to have convenient access to health care, education and cultural facilities;

2.2.20

Develop a safe and efficient transportation system for people, goods and services;

2.2.21

Broaden recreational and leisure opportunities;

2.2.22

Promote energy efficient land use and servicing decisions; and

2.2.23

Ensure responsible waste management practices, which emphasize waste reduction, reuse and recycling.

2.2.24

Ensure the quality and quantity of groundwater and surface water are protected as an essential resource for urban and rural water supplies, agricultural production, the maintenance of the Greenland system, and future growth.

2.3 URBAN, RURAL AND GREENLAND SYSTEMS

In order to clearly articulate the County's vision, lands within Wellington will be placed in broad categories – urban, rural and greenland systems. Urban systems will be the focus for growth, rural systems will be the focus for resource activities and greenlands will be the focus for natural heritage protection.

2.4 THE PROVINCE

The Provincial government has ultimate legislative responsibility for land use planning and community development. The County has been delegated a number of provincial planning responsibilities and will continue to encourage the Province to allow a greater degree of community control in land use matters affecting Wellington. The County recognizes and accepts the value of provincial policy statements to provide a common planning framework for Ontario and its planning decisions shall be consistent with the Provincial Policy Statement.

The County will co-operate with local governments, neighbouring governments and the province.

2.5 OUR NEIGHBOURS

Wellington County borders on nine other Counties and Regions, the City of Guelph

and many other local municipalities. Wellington is also part of six Conservation Authority watersheds. The County recognizes and welcomes the need to work co-operatively with our neighbours to ensure our common interests are achieved.

2.6 COUNTY-LOCAL PARTNERSHIP

The County and the local municipal governments in Wellington share responsibility for the wise management of our resources and the betterment of the community. The County will work co-operatively with local governments to provide a land use planning system which is thorough and efficient and which promotes the County's overall planning vision.

The County will ensure that local municipalities are involved in any changes to official plan policy that affects their community and the County may provide local municipalities with a direct involvement in the public consultation process.

2.7 LOCAL PLANNING

The County's Official Plan attempts to provide a consistent set of policies across Wellington. These policies are developed in sufficient detail to provide appropriate official plan coverage for the entire County, while still responding to local conditions.

Local municipalities will have the option of relying on the County's planning policies or developing their own more detailed policies for all or parts of their community.

Local municipalities will continue to manage the development control process. The use of local zoning by-laws, site plan and development agreements will ensure that local standards are applied to new building activity.

Local municipalities will develop comprehensive zoning by-laws that implement the County Official Plan and any local official plans.

Local municipalities will also exercise development control functions in a manner consistent with the Provincial Policy Statement, County Official Plan and any local official plans.

The County and local municipalities will make all reasonable efforts to avoid duplication in policies and approval processes.

2.8 SECONDARY PLANS

Secondary Plans may be established for all or part of a local municipality either as part of the County Plan or as locally adopted plans. The County Official Plan will remain the primary document and Secondary Plans will complement the County's Plan by providing greater detail or clarity with respect to important local issues. The County Official Plan will have to be amended when secondary or local plans are proposed in order that duplication is avoided.

PART 3

WELLINGTON GROWTH STRATEGY

3.1 GENERAL STRATEGY

Wellington County will grow from approximately 83,000 people in 2002 to 109,000 in 2022. Wellington must accommodate new housing, commerce, employment and services for almost 26,000 new residents.

As a general strategy, Wellington will encourage development patterns which:

- are cost efficient
- are environmentally sound
- are compatible with existing uses
- maintain small town character
- maintain resource land
- provide access to community services and facilities

To achieve the general growth strategy Wellington will encourage a greater share of the County's growth to locate in the urban system than has been the norm. New multiple lots and units for residential development will be directed to Urban Centres and Hamlets, and may be allowed in site-specific locations with existing approved zoning or designation that permits this type of development. The priorities for directing growth will be as follows:

1. the majority of growth will be directed to urban centres that offer municipal water and sewage services.
2. growth will be limited in urban centres and hamlets that offer partial, private communal or individual on-site services.
3. to a lesser extent, growth will also be directed to secondary agricultural areas.

3.2 PROJECTED GROWTH

Table 1 shows, on a County Wide basis, the projections for population, households expected for Wellington over the next 20 years. This forecast is based on a county population and household forecast prepared by C.N. Watson and Associates and will be used by all municipalities and government agencies in planning for growth and growth-related facilities.

The forecast anticipates that 82% of population growth in Wellington County will take place in 15 urban centres. The remainder will largely be directed mainly to hamlets and secondary agricultural areas.

3.3 GUIDING GROWTH

Wellington has the following objectives for growth:

- to encourage cost effective development patterns;
- to take advantage of capacities in existing water, waste water and transportation systems;
- to encourage growth in urban areas;
- to identify and promote opportunities for growth in urban areas through intensification and redevelopment where this can be accommodated, taking into account small town scale and historic streetscapes;
- to identify non-prime agricultural areas as a location for rural growth opportunities;
- to encourage more efficient use of land through increased densities in urban areas;

- to improve the balance between jobs and housing; and
- to provide choice for residents and businesses by providing a variety of opportunities for growth.

3.4 SERVICING GROWTH

Wellington will provide for the efficient and environmentally sound use of land by encouraging full municipal water and waste water services for new development. Where full municipal services are not available or cannot be provided, municipalities may choose to use private communal sewage services and private communal water services. The use of individual on-site systems will be limited to the low intensity uses in the rural system and unserviced settlement areas. Existing development and development commitments based on individual on-site services may be recognized and, if proven adequate, may continue. Development commitments may include lands designated or zoned for development or with approved subdivisions.

3.5 ALLOCATING GROWTH

The location of growth in Wellington will be influenced by a number of factors including:

- market forces
- available land and services
- planning policies

By year 2022, Wellington will be a community of 109,000 people.

Wellington will use planning policies to influence a change in past development patterns. A greater share of growth will be forecast for urban areas than has been experienced in the past. Land will be set aside in urban areas to accommodate growth and the policies of this Plan will encourage municipal or communal services.

The allocation of growth to local municipalities is shown on Table 2 to 8. All municipalities will not grow at the same rate.

In determining the rate for each local municipality, County Council considered

- its' desire to encourage urban growth
- its' desire to protect resource land
- the historic rate of local growth
- available land and services

This forecast will be used by all municipalities and government agencies in planning for growth and growth related facilities.

TABLE 1
Projected Growth in Wellington County to 2022

	2002	2007	2012	2017	2022
Population	83,000	89,500	96,500	102,500	109,000
Households	28,600	31,050	33,700	34,200	37,200
% of Population in Urban Centres	48.8%	51.2%	53.6%	55.2%	56.7%

**TABLE 2
WELLINGTON NORTH**

Population and Household Growth

	2002	2007	2012	2017	2022
Population	11,400	11,900	12,500	13,000	13,500
Households	4,200	4,440	4,650	4,800	5,050

Urban Population Growth

	2002	2007	2012	2017	2022
ARTHUR					
Population	2,150	2,350	2,550	2,700	2,900
Households	795	855	915	975	1,035
MT. FOREST					
Population	4,590	4,890	5,190	5,510	5,825
Households	1,890	2,010	2,130	2,250	2,370

TABLE 3
MINTO
Population and Household Growth

	2002	2007	2012	2017	2022
Population	8,300	8,700	9,100	9,500	10,000
Households	3,000	3,150	3,350	3,500	3,700

Urban Population Growth

	2002	2007	2012	2017	2022
CLIFFORD					
Population	800	865	935	1,000	1,070
Households	315	345	375	405	435
HARRISTON					
Population	2,035	2,150	2,270	2,395	2,525
Households	785	835	885	940	990
PALMERSTON					
Population	2,545	2,690	2,835	2,975	3,145
Households	955	1,015	1,075	1,130	1,195

TABLE 4
MAPLETON
Population and Household Growth

	2002	2007	2012	2017	2022
Population	9,400	9,900	10,500	11,000	11,600
Households	2,700	2,900	3,100	3,300	3,500

Urban Population Growth

	2002	2007	2012	2017	2022
DRAYTON					
Population	1,530	1,900	2,275	2,650	3,030
Households	510	630	750	870	990
MOOREFIELD					
Population	405	475	550	625	705
Households	130	155	180	205	230

TABLE 5
CENTRE WELLINGTON
Population and Household Growth

	2002	2007	2012	2017	2022
Population	25,000	27,700	30,500	33,200	36,100
Households	8,850	9,850	10,900	11,900	12,900

Urban Population Growth

	2002	2007	2012	2017	2022
BELWOOD					
Population	650	655	660	660	670
Households	225	230	235	240	245
ELORA-SALEM					
Population	5,645	6,685	7,725	8,775	9,855
Households	2,020	2,395	2,770	3,145	3,520
FERGUS					
Population	11,985	13,575	15,200	16,850	18,490
Households	4,395	4,965	5,535	6,110	6,675

TABLE 6
GUELPH - ERAMOSIA
Population and Household Growth

	2002	2007	2012	2017	2022
Population	11, 400	12,600	13,700	14,300	14,900
Households	3,800	4,200	4,650	4,850	5,100

Urban Population Growth

	2002	2007	2012	2017	2022
ROCKWOOD					
Population	2,910	3,940	4,960	5,390	5,795
Households	1,050	1,400	1,750	1,905	2,050

TABLE 7
ERIN
Population and Household Growth

	2002	2007	2012	2017	2022
Population	11,200	11,700	12,500	13,100	13,900
Households	3,800	4,050	4,350	4,600	4,900

Urban Population Growth

	2002	2007	2012	2017	2022
ERIN					
Population	3,255	3,560	3,865	4,180	4,495
Households	1,160	1,275	1,390	1,505	1,620
HILLSBURGH					
Population	1,245	1,480	1,720	1,960	2,200
Households	430	515	600	685	770

TABLE 8
PUSLINCH
Population and Household Growth

	2002	2007	2012	2017	2022
Population	6,300	7,000	7,700	8,300	9,000
Households	2,250	2,500	2,750	2,950	3,200

Urban Population Growth

	2002	2007	2012	2017	2022
ABERFOYLE					
Population	135	210	280	355	430
Households	50	75	100	125	150
MORRISTON					
Population	385	455	520	590	660
Households	135	160	185	210	240

PART 4

GENERAL COUNTY POLICIES

The following policies apply throughout the County of Wellington:

4.1 CULTURAL HERITAGE RESOURCES

Cultural heritage resources form an important and in many cases highly visible part of the community fabric. These resources are a source of civic pride for the residents, a benefit to the local economy through tourism, and are important to our understanding of the settlement of the County. The policies of this Plan, in conjunction with the Ontario Heritage Act, provide a framework for the protection and enhancement of cultural heritage resources in Wellington.

Built Heritage

Wellington has a rich history reflected in many buildings and structures, either individually or in groups, which are considered to be architecturally or historically significant to the community, county, province or country.

Cultural Heritage Landscapes

Cultural heritage landscapes involve groupings of individual heritage features such as structures, spaces, archaeological sites, and natural elements which together form a larger area of heritage value. The identification, listing, evaluation and protection of cultural heritage landscapes is an ongoing process. The Canadian Heritage Rivers Board has designated the Grand River and its valleylands as a Canadian Heritage River.

Archaeological Resources

The past settlement of Wellington forms an important aspect of our community. Traces of human settlement both recent and long past are recognized as important elements

of our history and culture. Archaeological resources include a property or area recognized by the Province as being archaeologically significant.

4.1.1 Identifying Cultural Heritage Resources

Cultural heritage resources include, but are not necessarily restricted to the following criteria under Ontario Regulations 9/06:

- a) A property has design value or physical value because it:
 - i) is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - ii) displays a high degree of craftsmanship or artistic merit, or
 - iii) demonstrates a high degree of technical or scientific achievement.

- b) A property has historical value or associative value because it:
 - i) has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - ii) yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - iii) demonstrates or reflects the work or ideas of an architect,

artist, builder, designer or theorist who is significant to a community.

- c) A property has contextual value because it:
 - i) is important in defining, maintaining or supporting the character of an area,
 - ii) is physically, functionally, visually or historically linked to its surroundings, or
 - iii) is a landmark.

4.1.2 Ontario Heritage Act

Under the *Ontario Heritage Act*, a local Council may pass by-laws to:

- a) Designate individual properties of cultural heritage value or interest, in accordance with the criteria set out in Ontario Regulation 9/06. Such a by-law shall include a description of the property and a statement of cultural heritage value or interest and description of the heritage attributes;
- b) Designate a Heritage Conservation District or Districts in order to protect the heritage resources of an area. Such a by-law will be based on a study identifying the heritage resources of the area. If a by-law is passed to identify a Heritage Conservation District, the designated area may be recognized by an amendment to the Plan.

Designated heritage properties and heritage conservation districts shall be listed in a register of properties kept by the municipal clerk. The register may also include properties that Council considers to be of cultural heritage value or interest but have not been designated.

4.1.3 Heritage Committees

A Heritage Committee will advise and assist Council on cultural heritage resource matters as set out by the *Ontario Heritage Act*.

Other Municipal Authority

- a) A local Council may pass by-laws providing for the acquisition by purchase, lease, or otherwise of any property or part thereof, designated under Part IV of the Ontario Heritage Act. A local Council may dispose by sale, lease or otherwise of any property or interest acquired under Part IV of the Ontario Heritage Act upon such terms and conditions as Council may consider necessary.
- b) Pursuant to the Planning Act, the Municipal Act and other relevant legislation, a local Council may pass by-laws for the following purposes:
 - i) to ensure the protection of heritage features;
 - ii) to regulate development so that it is sympathetic in height, bulk, location and character to heritage resources;
 - iii) to control demolition of heritage buildings or structures in a defined area.
- c) A local Council may enter into an easement agreement or covenant, pursuant to Section 37 of the Ontario Heritage Act, with the owner of any real property and register such easement or covenant against the real property in the land registry office for the purpose of:
 - i) conserving, protecting and preserving the heritage features of the property;

- ii) preventing any demolition, construction, alteration, remodeling or any other action which would adversely affect the heritage features of the property;
 - iii) establishing criteria for the approval of any development affecting the heritage property.
- d) A local Council will use its best efforts to obtain, in consultation with the Heritage Committee, documentation for archival purposes which may include a history, photographic record and measured drawings, of cultural heritage resources which are to be demolished or significantly altered.

4.1.4 Heritage Areas

This Plan may identify a Heritage Area as shown on Schedule "A", for the purposes of regulating land use under the Planning Act.

It is the policy of this Plan that any development, redevelopment or public work shall respect the goals and objectives relating to the protection and enhancement of heritage resources. Development projects requiring planning approval which are of a size, scale or character not in keeping with the surrounding heritage resources shall not be allowed. The Heritage Area is broadly defined and contains many buildings which are not heritage resources. The intent of the Heritage Area is to identify an area in which a significant number of buildings contain heritage values and to ensure proper consideration is given to protecting these buildings when development proposals are put forward. A Heritage Area is not a Heritage Conservation District under the *Ontario Heritage Act*.

4.1.5 Policy Direction

- a) significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- b) Wellington will encourage the conservation of significant built heritage resources through heritage designations and planning policies which protect these resources.
- c) The re-use of heritage buildings is often a valid means of ensuring their restoration, enhancement or future maintenance. Projects to re-use heritage buildings may be given favourable consideration if the overall results are to ensure the long term protection of a heritage resource and the project is compatible with surrounding land uses and represents an appropriate use of land.
- d) Where a property has been identified as a protected heritage property, development and site alteration may be permitted on adjacent lands where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.
- e) in order to conserve a cultural heritage resource, a Heritage Impact Assessment and/or a Conservation Plan may be required.

f) The County recognizes the important cultural significance of the Grand River as a Canadian Heritage River, and the need to conserve its inherent values.

g) Where development and site alteration is allowed, significant archaeological resources must be conserved. Such resources will be conserved through removal, and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, development and site alteration will only be allowed if the heritage integrity of the site is maintained.

h) Where the County has determined a proposed development has areas of archaeological potential, an assessment of the property will be required to identify archaeological resources. Resources identified and determined to be significant will be conserved. The County may also require parts of a site to be excluded from development in order to maintain the heritage integrity of the site.

i) The County or local municipality may develop an archaeological master plan to be used as a planning tool where addressing archaeological conservation concerns. The principal components of the master plan would be:

- i) an inventory of all registered and known archaeological sites in the County;
- ii) archaeological potential mapping based on locally relevant criteria;
- iii) implementation guidelines for use of the master plan and

management of the area's historical heritage.

4.2 ECONOMIC DEVELOPMENT

4.2.1 Supply

Wellington County will ensure that sufficient land is designated and available to accommodate an appropriate range and mix of employment opportunities (including industrial, commercial and institutional uses) to meet projected needs for a time horizon of up to 20 years.

The County will encourage and support decisions, which ensure that an adequate supply of employment lands is available at all times.

4.2.2 Conversion

Conversion of employment areas (Industrial and Highway Commercial) to non-employment (Residential) or major retail uses may be permitted by amendment to this Plan through a comprehensive review, only where it has been demonstrated that the land is not required for employment uses over the long term, and that there is a need for the conversion.

4.2.3 Variety

The County will encourage a variety of employment opportunities in a variety of locations. Opportunities for industrial, commercial and recreation activities will be supported in appropriate locations. The majority of opportunities will occur in urban areas where full municipal services are available. Other locations, including lands in the Rural System, will be considered where they offer advantages to business such as larger sites, compatibility or proximity to resources or major transportation facilities.

Land shall be set aside in the Urban System to provide employment opportunities which will at least keep pace with residential growth.

Opportunities for new business and jobs will be provided.

4.2.4 Urban Opportunities

The Urban System is intended to provide the greatest opportunity for employment. New commercial, industrial and recreation uses are expected to locate in all settlements, but particularly in those with full municipal sewage and water services.

4.2.5 Rural Opportunities

The Rural System will also provide opportunities for employment.

The main employment generator in the rural system will be resource based industries such as agriculture, aggregate operations and forestry.

Businesses required to serve agriculture will be allowed where they are needed in close proximity to farms.

The Rural System can also contribute sites for employment based on the ability to provide larger lots, larger buffers for compatibility, proximity to rural resources or access to major roads.

The Rural System may also contribute employment opportunities through the development of tourism and recreation opportunities.

The applicable policies of this plan will be used in locating employment lands to minimize the impacts on prime agricultural areas or mineral aggregate areas.

4.2.6 Home Business

Wellington County supports the trend towards more home based businesses and will facilitate new home business through planning policy.

In the Urban System, home businesses will be small in size and normally restricted to

the occupants of the property. These uses will be oriented towards providing services rather than retail functions. Compatibility with surrounding residential development is a primary consideration.

In the Rural System, home businesses similar to those allowed in the Urban System are encouraged. Additionally, the following uses may be considered:

- sales outlets for agricultural products produced on the farm;
- home industries which are small in scale with limited employees, and minimal off site impact;
- bed and breakfast establishments
- farm vacation enterprises.

The opportunity to work from the home will be encouraged.

4.3 FARMLAND PROTECTION

4.3.1 Prime Agricultural Areas

Prime Agricultural Areas will be identified and protected so that normal farming operations are not hindered by conflicting development.

4.3.2 Secondary Agricultural Areas

Areas with agricultural capability, but determined not to be prime agricultural soils will be identified as secondary agricultural areas. Agriculture will continue to be the dominant use but a range of other uses will also be allowed.

Prime agricultural land will be protected and normal farming operations should not be hindered.

4.3.3 Policy Direction

a) Class 1, 2 and 3 agricultural soils, associated Class 4 to 7 soils and additional areas where there is a local concentration of farms which exhibit the characteristics of ongoing agriculture, and specialty crop land will be designated as prime agricultural areas unless:

- i) studies demonstrate that the land would more appropriately be placed in a greenlands or secondary agricultural designation,
- ii) the lands are to be used on an interim basis for mineral aggregate extraction,
- iii) studies demonstrate that non-farm use is appropriate.

b) Where urban or settlement area expansion is justified based on need under the policies of this Plan, it will only be allowed on prime agricultural land if there are no reasonable alternatives which:

- i) avoid prime agricultural lands,
- ii) use lower priority prime agricultural land.

c) Non-farm uses, other than aggregate extraction, may only take place in areas of prime agricultural land if the need for the use can be demonstrated and reasonable alternative locations are not available on non-prime farmland or on lower priority prime agricultural land. In considering need and alternative locations, decision makers will be guided by the following:

i) Need

- projected population for the local municipality and county or growth allocated by broader studies
- public health or safety considerations
- existing vacant land already designated for the proposed use
- potential for infilling existing areas
- previous rates of land consumption
- availability and efficiency of servicing
- need for a variety of opportunities to encourage economic development and satisfy housing and business demand

ii) Alternative Locations

- impacts on agriculture
- location requirements of the proposed use
- compliance with minimum separation distances established for livestock operations
- degree of land fragmentation in the area

4.4 HOUSING

4.4.1 Supply

The County will ensure that residential growth can be accommodated for a minimum of 10 years through residential intensification, redevelopment and if

necessary, lands which are designated and available for new residential development.

The County will maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a 3 year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

4.4.2 Variety

The County will provide for a variety of housing types to satisfy the present and future social, health and well-being requirements of residents of the regional market area. New residential developments will be promoted at densities which efficiently use available servicing and are appropriate to site conditions and existing patterns of development.

The County will encourage an adequate supply and variety of housing at densities that are efficient and suited to small town character.

4.4.3 Residential Intensification

Opportunities for residential intensification will be provided based on housing need, appropriate servicing and compatibility with surrounding uses.

In the urban system, residential intensification may take the form of infill projects, re-use of existing buildings, or provisions for increased density.

In the rural system, residential intensification will generally be restricted to infill lots or accessory residences.

The County will encourage the development of appropriate standards for residential intensification, redevelopment and new residential development which are cost

effective, environmentally sound and compatible with existing uses, small town scale and character.

4.4.4 Affordable Housing

The County will ensure that opportunities exist to provide housing to moderate and lower income households in Wellington, accessory residences, semi-detached, duplex, townhouse and low rise apartment units will provide the bulk of affordable housing opportunities. These units will almost always be located in urban areas with appropriate levels of servicing.

In the Rural System affordable housing opportunities are not readily available. Accessory residences will be the most likely means of increasing housing affordability in the Rural System.

4.4.5 Seniors Housing

The County will provide opportunities for special needs housing to address the needs of seniors and persons with physical, sensory and mental health disabilities.

An aging population will result in greater need for senior's housing. Facilities such as senior citizen's complexes, homes for the aged, rest homes and nursing homes will be encouraged in urban areas. Additionally "life-style" or "leisure" communities oriented to healthy seniors and usually providing common recreational amenities are increasingly being proposed. These housing facilities will be encouraged in urban settings with appropriate services.

Small scale senior's projects may be considered in Hamlets and Secondary Agricultural Areas based on private services. Prime agricultural land will not be used for seniors housing, other than garden suites.

4.5 HUMAN-MADE HAZARDS

4.5.1 Mines, Mineral Resources Sites

Development on or adjacent to lands affected by mine hazards, former petroleum operations or former mineral resource operations will only be permitted if rehabilitation measures to address and mitigate known or suspected hazards are completed or under way and will be completed in accordance with applicable legislation.

4.5.2 Contaminated Sites

Development will not be permitted on contaminated sites. Development may only proceed once a contaminated site is restored such that no adverse effect will result from any on-site activity associated with the proposed use. In considering applications on sites which are known or suspected to be contaminated, such as lands which have been used for industry, public works yards and railway yards, the following process will be followed:

- a) an MOEE acknowledged Record of Site Condition may be accepted as evidence that the site is not contaminated and no remediation is required;
- b) where a site is contaminated, a site remediation plan complying with MOEE's Guideline For Use At Contaminated Sites In Ontario and prepared by a qualified consultant may be accepted. Official plan, zoning, draft subdivision or consent approval may be given based on an acceptable remediation plan provided that other planning approvals, which will prevent development from taking place until site remediation is complete, are still required.
- c) final approvals, which will allow development of a site, such as removing holding provisions or

clearing conditions of draft subdivision approval may be given when an MOEE acknowledged Record of Site Condition is received indicating that the required site remediation has taken place.

4.6 IMPACT ASSESSMENT

4.6.1 General

In order to assess the merit of planning applications, the County or local municipality may require studies to be undertaken to measure various impacts and to propose methods of reducing or eliminating negative impacts. These studies shall be prepared by qualified professionals and will include, but are not limited to:

- planning impacts
- environmental impacts
- traffic impacts
- agricultural impacts
- fiscal impacts

Studies prepared as part of an environmental assessment, licensing procedure or other planning process may fulfill all or part of the requirements of this section.

4.6.2 Planning Impact Assessment

Planning impact assessments may be required to evaluate:

- a) the need for the proposed use other than for aggregate operations, taking into account other available lands or buildings in the area;
- b) the appropriateness of the proposed site for the use proposed taking into consideration the size and shape of the land and its ability to accommodate the intensity of use proposed;
- c) the adequacy of the proposed method of servicing the site;

- d) the compatibility of the proposed use with consideration given to the height, location, proximity and spacing of buildings; the separation between various land uses; impacts from noise, odour, dust or other emissions from the proposed use and from adjacent land uses; loss of privacy, shadowing or impact on cultural heritage resources and landscapes;
 - e) the impact on natural resources such as agricultural land and mineral aggregate deposits;
 - f) the impact on biodiversity and connectivity of natural features and areas;
 - g) the exterior design in terms of bulk, scale and layout of buildings and other design elements;
 - h) the possibility that site contamination has occurred or the site may contain historic petroleum wells or associated works, and if so, demonstrate compliance with provincial regulations;
 - i) methods of reducing or eliminating negative impacts;
 - j) other planning matters considered important by a Council.
- b) a description of the existing land use on the subject lands and adjacent lands, as well as the relevant land use regulations;
 - c) an identification of proposed land uses and activities and potential environmental impacts;
 - d) a delineation of any environmental constraint area on a site plan;
 - e) a description of the terrestrial and aquatic resources, natural and built landforms, surface and groundwater and other significant environmental features or functions on the site;
 - f) a consideration of the need for a subwatershed study;
 - g) an assessment of the impact on groundwater resources and in particular existing private wells and municipal supply wells in the area;
 - h) a statement of the relative environmental and ecological significance of the natural features and functions affected by the proposal;
 - i) a consideration of the potential to maintain, restore or where possible, improve the long-term ecological function and biodiversity of natural heritage systems;
 - j) requirements to be addressed in Site Plans and/or Development Agreements;
 - k) a statement that there are no negative impacts on provincially significant greenland features and functions and a description of the means by which negative environmental impacts will be mitigated in other greenland areas.

4.6.3 Environmental Impact Assessment

Environmental impact assessments prepared by a qualified person may be required to evaluate the impacts a proposed development may have on the natural environment and the means by which negative impacts may be reduced or eliminated. An environmental impact assessment may include some or all of the following:

- a) a description of the proposal, including a statement of purpose;

- l) a consideration of the potential for enhancement of environmental features or functions through site design alternatives;
- m) a proposal for monitoring, where needed;
- n) such additional concerns as a Council may consider relevant.
- h) pedestrian and bicycle traffic flows and potential conflicts, particularly where schools or senior facilities are nearby;
- i) ability of new roads to meet municipal standards;
- j) means by which negative impacts will be reduced or eliminated;

The County may, in consultation with Conservation Authorities, provide consideration for a scoped environmental impact assessment format for use by proponents of development applications, which are generally minor in nature with limited potential impacts.

4.6.4 Traffic Impacts Assessment

Where a development proposal may add significant volumes of traffic to a road system or where development is proposed in an area with recognized road deficiencies, a Council may require a traffic impact assessment. The assessment may include any or all of the following:

- a) pre and post development traffic patterns and volumes;
- b) structural adequacy and capacity of the existing and proposed road system;
- c) convenience, accessibility and safety of the site for people and vehicles and the effect on traffic customarily on the road;
- d) sight distance visibility;
- e) grade (slope) of road;
- f) suitability of the road for all weather conditions;
- g) suitability of the site or roads for snow plowing and removal;

- k) such additional concerns as a Council may consider relevant.

4.6.5 Agricultural Impact Assessment

Where development is proposed in prime or secondary agricultural areas, a Council may require an assessment of the impacts the development may have on agricultural activities in the area. An assessment may include any or all of the following:

- a) the opportunity to use lands of lower agricultural potential;
- b) compliance with the minimum distance separation formula for livestock operations;
- c) the degree to which agricultural expansion may be constrained;
- d) potential interference with normal agricultural activities and practices;
- e) potential interference with the movement of agricultural machinery on roads;
- f) such other concerns as a Council may consider relevant.

4.6.6 Fiscal Impact Assessment

A Council may require a fiscal impact assessment where a development proposal or proposals is so substantial that it may:

- a) create negative impacts on existing commercial facilities to the extent that it threatens the existing commercial life of a traditional downtown or the

planned function of other commercial areas;

- b) impose severe or unusual financial burdens on the municipality's fiscal well-being.

It is not the intent of the County to regulate competition, but the County wishes to retain healthy communities and traditional downtowns and protect public investment in Wellington's communities.

4.6.7 Heritage Impact Assessment and Conservation Plan

A heritage impact assessment and conservation plan may be required to determine if any cultural heritage resources are impacted by a development proposal.

A heritage impact assessment is a study to determine if any cultural heritage resources are impacted by a development proposal, whether the impacts can be mitigated, and by what means. A heritage impact assessment will generally be required to contain:

- a) Historical research, site analysis and evaluation
- b) Identification of the significance and heritage attributes of the cultural heritage resources
- c) Description of the proposed development or site alteration
- d) Assessment of development or site alteration impact
- e) Consideration of alternatives, mitigation and conservation methods
- f) Implementation and monitoring
- g) Summary statement and conservation recommendations

A conservation plan provides details as to how a cultural heritage resource can be

conserved, and will generally be required to contain:

- a) identification of the conservation principles appropriate for the type of cultural heritage resource being conserved
- b) Analysis of the cultural heritage resource
- c) Recommendations for conservation measures and interventions, short or long term maintenance programs, implementation, and the qualifications of anyone responsible for the conservation work
- d) Schedule for conservation work, inspection, maintenance, costing, and phasing
- e) Monitoring of the cultural heritage resource.

4.7 URBAN AREA PROTECTION

4.7.1 Distinct Urban-Rural Boundary

In order to allow the efficient expansion of urban areas, and to maintain a clear distinction between urban and rural areas, the County of Wellington:

- a) prohibits new development adjacent to existing urban centres, or hamlets unless part of an urban expansion (adjacent will normally mean within 1 kilometre of an urban area boundary);
- b) prohibits intensive livestock operations adjacent to existing urban boundaries in accordance with the Minimum Distance Separation formula.

This policy does not apply to prevent the completion of previously approved development, logical infilling or development of a minor nature which does not impede the

efficient expansion of the urban area. Additionally the expansion of existing developments may be considered if the overall intent of this selection is met.

A clear distinction between urban and rural areas should be maintained.

4.8 URBAN EXPANSION

4.8.1 General

The County wishes to encourage growth to occur in urban centres and hamlets. The build out and eventual expansion of urban centres is therefore a logical outcome of this policy direction. Hamlets are expected to be built out with only modest expansions allowed.

4.8.2 Criteria

Where expansion to an urban centre or hamlet is warranted to meet the growth strategy of this Plan, the extent and direction of expansion shall be based on a comprehensive review addressing:

- a) up to 20 years of growth including reasonable opportunities available through intensification, redevelopment and designated growth areas;
- b) the existing development pattern in the community;
- c) the potential impacts on people;
- d) servicing opportunities and constraints;
- e) environmental costs and benefits;
- f) the need to avoid mineral aggregate areas and prime agricultural areas or where it is unavoidable to use lands of lower quality;
- g) the impacts on natural resources and the natural environment;

- h) the impacts on cultural heritage resources;
- i) logical boundaries;
- j) other planning criteria considered appropriate in the circumstances.

In assessing the appropriate direction for urban expansion the detailed policies of this Plan will be applied.

4.9 WATER RESOURCES

4.9.1 Watershed Planning

Wellington County accepts the value of broad strategic planning for water and water related resources through a watershed planning process. Watershed and subwatershed studies, where undertaken, will be used as key components for land use policy and development decisions. The results of watershed plans will be incorporated into the County Official Plan, where appropriate.

4.9.2 Surface Water

Streams, lakes, ponds and wetlands normally will be protected through their inclusion in the County's greenlands system.

4.9.3 Groundwater

Groundwater resources occur throughout the County and are not confined to the Greenlands system. Groundwater needs to be protected to promote public health, and as an essential resource for urban and rural water supplies, agricultural production and the maintenance of the Greenland system. It is the intent of this Plan that all development shall be subject to the following policies to ensure water quality and quantity are not adversely affected. Specifically, it is the County's intent that the development of public and private uses will not:

- significantly alter groundwater recharge or discharge

- impair groundwater or surface water quality
- negatively impact municipal groundwater supply.

Maintaining a sustainable groundwater supply is a priority to meet the needs of current and future residents. The County recognizes a relationship between groundwater and surface water in terms of recharge and discharge functions. The policies of this Plan are intended to address both groundwater and surface water protection.

Groundwater is not confined to municipal boundaries. As such, the County will work collaboratively with local municipalities and municipal neighbours to ensure effective groundwater protection.

4.9.4 Policy Direction

Wellington County commits to pursuing the following directions relating to water resources:

- a) ensure that land use planning contributes to the protection, maintenance and enhancement of water and related resources and aquatic systems on an integrated watershed management basis;
- b) protect surface and groundwater quality through the use of regulatory and voluntary means of prohibiting, restricting or influencing land uses and activities within wellhead protection areas and overlying vulnerable aquifers;
- c) ensure that development meets provincial water quality objectives;
- d) ensure levels of wastewater treatment that are appropriate for the size, location and scale of development anticipated;
- e) ensure development does not alter groundwater levels to the detriment of surrounding users and resources;

- f) support policies to protect municipal water sources;
- g) protect wetlands and areas that make significant contributions to groundwater recharge;
- h) protect the hydrogeological functions of the moraine systems in the County;
- i) ensure the base flow needed to protect streams, fisheries and wetlands are maintained;
- j) support stormwater management systems that protect water quality and quantity;
- k) maintain and enhance water quantity and quality through the retention of vegetation or through revegetation;
- l) maintain and enhance fish habitat;
- m) protect or enhance the function of sensitive groundwater recharge areas, discharge areas, aquifers and headwaters;
- n) ensure land use decisions promote water conservation efforts and support the efficient use of water resources;
- o) encourage agricultural practices that protect water resources;
- p) require mineral aggregate operations to use best management practices to protect groundwater resources as set out in Section 4.9.5.8;
- q) require impact studies when development proposals have the potential to affect water or water related resources.

4.9.5 Well Head Protection Areas (WHPAs)

The protection of municipal water supplies from contamination is important to securing a long-term potable water supply for residents

and businesses and for future growth. The County has identified areas within which certain land uses may pose a risk to the quality and quantity of municipal water supplies. The policies of this Section are intended to prohibit high risk activities from establishing within Well Head Protection Areas (WHPAs) and to ensure that permitted uses can be established within an acceptable level of risk to groundwater quality and quantity.

Schedule B of the Official Plan identifies WHPAs for each municipal well or well field, and selected private communal wells in the County. WHPAs are shown on Schedule B as Well Head Protection Areas 1 through 3. WHPAs considered to be most vulnerable to the surface activities are ranked highest on a sensitivity scale of 1 to 3, with 1 being the

highest and 3 being the lowest. The WHPAs shown on Schedules B will be interpreted as a special protection category in which the lands may be utilized in accordance with the underlying land use designation, subject to the policies of this Section.

The WHPAs were modeled based on two factors: the time related capture zones of each well (0 to 2 years and 2 to 25 year); and, the sensitivity rating (or vulnerability of the aquifer from which the water is drawn). Table 9 summarizes the factors that represent each WHPA.

**Table 9
WHPAs and Associated Time of Travel and Aquifer Vulnerability Factors**

Well Head Protection Area	Time of Travel (T o T)	Aquifer Vulnerability
WHPA 1	0 to 2 years	High
WHPA 2	0 to 2 years, and	Medium or Low, and
	2 to 25 years	High
WHPA 3	2 to 25 years	Medium or Low

Schedule B also contains WHPAs for municipal wells located in neighbouring municipalities that extend into Wellington County. The applicable protection policies of this section of the Official Plan shall also apply to these WHPAs. Further, where the policies of this Section require the proponent to demonstrate acceptance (in terms of assessment, mitigation, etc.) to the satisfaction of the County and the local

municipality, the proponent is also required to consult with the neighbouring municipality or owner of the well or well field that is the subject of the applicable WHPA.

Where WHPAs for local municipal wells extend beyond the County's boundary, similar protection from neighbouring municipalities for wells serving the residents of Wellington will be requested.

WHPAs are not illustrated on the detailed Urban Centre mapping of this Plan. Therefore, reference should be made to Schedules B1 to B7 in order to determine the extent of the WHPAs on the County's Urban Centres.

WHPAs established for the private communal wells identified on Schedules B1 to B7 inclusive are afforded the same protection policies as municipally owned and operated wells. Accordingly, for all private communal wells identified on Schedules B1 through B7 of this Plan, all applicable reference in this Section to "municipal" (with respect to water supply, wells, wellheads, and water sources) the words "private communal" shall be substituted.

4.9.5.1 Land Use Risk Categories

Land uses which may pose a risk to community water supplies are categorized as high risk (Category A) medium risk (Category B) and moderate risk (Category C)

Category A, B and C uses pose risks to water resources and have been developed based on probable chemical usage and the ability to apply Best Management Practices (BMPs) to reduce risks where appropriate. The land use risk categories are described in Table 10.

Without limiting the generality of the descriptions detailed in Table 10, examples of high, medium and moderate risk (Category A, B and C) activities may include such uses as:

Category A: outdoor bulk storage of road salt; bulk storage of chemicals or hazardous substances; bulk storage of tires; lagoons for sewage treatment; sanitary landfill sites; and manufacturing of large volumes of chemicals, resins, paints, varnish, printing inks, adhesives, plastics and reinforced fiberglass plastic.

Category B: manufacturing and dyeing of textiles; manufacturing of agricultural, commercial and industrial machinery; asphalt batching, paving and roofing contractor yards; and facilities that use chemicals, resin, paints, varnish printing inks, adhesives, plastics and reinforced fiberglass plastic, snow dumping (i.e. collection and storage of off-site snow).

Category C: automated manufacturing of soft drinks, distilleries, breweries; automated production of baked goods, dairy, canned goods, frozen foods, processed food and meat; glass and glass products manufacturing; and machinery equipment rental outlets.

**Table 10
Land Use Risk Categories**

Description	Land Use Risk Categories		
	High (Category A)	Medium (Category B)	Moderate (Category C)
<ul style="list-style-type: none"> Generates and handles large volumes of potentially hazardous liquid or soluble chemicals and/or; 	Yes	No	No
<ul style="list-style-type: none"> Generates and handles moderate volumes of potentially hazardous liquid or soluble chemicals and/or; 	No	Yes	No
<ul style="list-style-type: none"> Handles small volumes, if any, of potentially hazardous liquid or soluble chemicals and/or; 	No	No	Yes
<ul style="list-style-type: none"> Have effective engineering measures to manage chemical usage (or retroactively engineer systems) and/or; 	No	Yes	Yes
<ul style="list-style-type: none"> Can effectively implement hazard prevention measures and/or; 	No	Yes	Yes
<ul style="list-style-type: none"> Can reasonably be relocated and/or; 	No	Possible	Yes
<ul style="list-style-type: none"> Potential to increase vulnerability to the aquifer because of the removal by excavation and/or drilling surficial (soil) materials. 	No	No	Yes

4.9.5.2 Use Restrictions and Study Requirements within WHPAs for Category A, B and C Uses

All new Category A high risk uses shall be prohibited on lands in all WHPAs.

All new Category B uses shall be prohibited on lands within WHPA 1. New or expanding Category B uses may be permitted within WHPA 2 and 3 subject to completing a risk assessment or hydrogeological analysis to the satisfaction of the County and the local

municipality in accordance with the requirements of this Section, and provided such land uses are permitted within the underlying land use designation.

All new Category C uses may be permitted in all WHPAs subject to completing a risk assessment or hydrogeological analysis to the satisfaction of the County and the local municipality in accordance with the requirements of this Section, and provided such land uses are permitted within the

underlying land use designation.

The land use restrictions for Category A, B and C uses within WHPAs and the associated study requirements are summarized in Table 11.

**Table 11
Use Restrictions and Study Requirements for Category A, B and C
Uses within WHPAs**

Well Head Protection Areas (WHPA)	Land Use Risk Category for Industrial and Commercial Uses		
	Category A Uses	Category B Uses	Category C Uses
WHPA 1	Prohibited	Prohibited	Level I Assessment
WHPA 2	Prohibited	Level I Assessment	Level II Assessment
WHPA 3	Prohibited	Level II Assessment	Level III Assessment

The level of assessment required to be completed for all new Category B and C uses, where permitted within WHPAs, varies depending on its location relative to the WHPA and the nature of the activities (quantities and types of chemicals, the process and storage, handling and disposal practices) to be conducted.

Table 12 describes the level of detail required for the risk assessment and hydrogeological analysis for siting Category B and C uses permitted within WHPAs.

The risk assessment and hydrogeological analysis will identify the existing groundwater quality and local hydrogeological setting, the nature of any predicted adverse impacts, the ability to eliminate or effectively mitigate these impacts and the measures that will be taken to achieve this. No new uses shall be permitted unless it can be demonstrated that the proposed uses can be established within an acceptable level of risk to groundwater and surface water quality and without any adverse impact on groundwater and surface water quality.

Table 12
Assessment requirements for Siting Category B and C Uses Permitted
Within WHPAs

Study Requirements	Level of Assessment		
	Level I	Level II	Level III
A hydrogeological investigation complete with piezometer nests and a comprehensive evaluation of site hydrogeology	Yes	No	No
Confirm vulnerability of aquifer on-site from: <ul style="list-style-type: none"> • site specific drilling program to the municipal aquifer, and any increase to aquifer vulnerability resulting from excavation, foundations or any other development activities; • site specific bore hole drilling to the shallow aquifer, develop site specific water levels and water quality data and complete a review of local conditions from public records including water well records; • review of available well records and geotechnical reports from adjacent wells to assess the potential risk to the municipal aquifer; 	Yes	No	No
	Yes	Yes	No
	Yes	Yes	Yes
Characterize subsurface hydrogeological conditions (rate and direction of groundwater flow, water quality and budget);	Yes	No	No
Consists of an extension of geotechnical investigations normally required for building design;	No	Yes	No
Disclosure report of risk activities including chemical uses, quantities, types, storage, handling, disposal, etc., and classification (Category B or C) of each activity;	Yes	Yes	Yes
Complete an assessment of potential risks to local aquifers;	Yes	Yes	Yes
Disclosure report of the management programs associated with the use of chemicals at the site, including risk management / reduction measures, management (emergency response plans), employee awareness training, best management practices (BMPs) and monitoring programs.	Yes	Yes	Yes

4.9.5.3 Large-Scale Development on Private Communal or Individual On-Site Sewage Services within WHPAs

New large-scale development, proposed on private communal or individual on-site sewage services within all WHPAs, shall be required to prepare a site-specific hydrogeological assessment. Such assessment shall consider the environmental benefits of an enhanced level of sewage treatment (such as tertiary sewage service systems) and will demonstrate to the satisfaction of the County and the local municipality that the sewage generated by the proposed use can be acceptably attenuated on the subject property and will have no adverse impacts on the wells and natural features located on the site as well as adjacent and down-gradient properties. Consideration must also be given to existing adjacent land uses and existing groundwater quality.

For the purposes of this subsection and subsection 4.9.5.4, large-scale development includes but is not limited to:

- including the lot or unit to be retained;
- commercial water takers;
- a major recreational use such as a golf course, sports fields, campgrounds or tent or trailer parks.

Notwithstanding the policies of this subsections, new or expanding Country Residential and Lifestyle Communities are prohibited in the rural system in accordance with Section 6.3 of this Plan.

New large-scale developments on private communal or individual on-site water supply shall be required to demonstrate to the satisfaction of the County and the local municipality that adequate water supply is available and that the proposed water taking will not interfere with existing or future municipal water supply and private wells. New large-scale development shall also be

4.9.5.4 Large-Scale Development on Private Communal or Individual On-Site Water Services

required to provide a scoped water budget and water conservation plan for the subject property and adjacent lands and include:

- characterization groundwater and surface water flow systems;
- identification of availability, quantity and quality of water sources;
- development of a water-use profile and forecast;
- determination of a water budget; and
- identification of water conservation measures.

Where the supporting information demonstrates acceptable water use in accordance with the objectives of the Plan, the County may consider such proposal to be in conformity with this Plan. Development approval shall be conditional upon the implementation of water conservation measures recommended through the development review and consultation process, as appropriate. Implementation of such measures will be through conditions of subdivision, land severance or site plan control or other legislated means.

4.9.5.5 Small-Scale Residential Development on Individual On-Site Sewage Services within WHPAs

New small-scale residential (less than 4 lots or units) developments on individual on-site sewage services within WHPA 1, shall be required to provide an enhanced level of sewage treatment (such as tertiary treatment of septic effluent).P

4.9.5.6 Industrial or Commercial Uses

In designating new lands for industrial or commercial uses, the policies of Section 4.9.5 shall apply. Existing lands that are

designated or zoned for industrial or commercial development within any WHPA are subject to Site Plan Control in accordance with Section 13.9 of this Plan.

4.9.5.7 Agricultural Uses

The policies of this subsection are intended to reflect the existing regulations implemented through the Nutrient Management and Environmental Protection Acts, and are not intended to be more restrictive or replace current requirements under the existing legislation.

The location and management of organic soil conditioning sites for the land application of bio-solids, septage or nutrients is regulated by Provincial agencies in accordance with the Environmental Protection Act and Nutrient Management Act, 2002.

New or expanding livestock farms with accessory farm buildings and nutrient storage facilities are subject to the Minimum Distance Separation policies in Section 6.4.11 of this Plan and all the requirements of the Nutrient Management Act, 2002.

Livestock farms will be phased-in to the Nutrient Management Act, 2002 and will require a Nutrient Management Strategy, and possibly a Nutrient Management Plan, if they are greater than 5 Nutrient Units and are applying for a building permit or constructing an earthen storage. A farm expanding to or greater than 300 Nutrient Units will require a Nutrient Management Strategy and a Nutrient Management Plan, in accordance with the Nutrient Management Act, 2002.

The land application of nutrients, and new or expanding permanent nutrient storage facilities, as defined by the Nutrient Management Act, 2002, shall be prohibited within 100 metres of any municipal supply well in accordance with the Regulations of the Nutrient Management Act, 2002.

All existing farm operations are prohibited from using high trajectory guns, except if very dilute material is utilized in accordance with

the Nutrient Management Act, 2002. A general principle under the Nutrient Management Act, 2002, is to manage nutrients so as to avoid an adverse effect, by following good management practices.

4.9.5.8 Mineral Aggregate Resources

New or expanding aggregate extraction operations where permitted within a WHPA, or parts thereof, shall be subject to the Category C land use study requirements in accordance with 4.9.5.2, the Mineral Aggregate Areas policies in this Plan under Section 6.6, and the following policies.

Bulk fuel and oil storage and dispensing facilities and asphalt batching plants, located within new or expanding aggregate extraction operations shall be considered a Category B land use. The bulk fuel and oil storage and dispensing facilities shall not be conducted within any excavation area and must include secondary containment and spill prevention measures as required by Technical Safety and Standards Act and all other applicable legislation. All bulk fuel and oil storage and dispensing facilities within new or expanding aggregate extraction operations shall be identified on the aggregate site plans.

The use and storage of recyclable and imported materials for blending purposes may be permitted subject to establishing, to the satisfaction of the County and local municipality, that these uses and materials do not pose a risk to groundwater quality.

Outdoor bulk storage of road salt is considered a Category A land use by this Plan and is prohibited within all WHPAs. Notwithstanding any policies in the Plan to the contrary, snow dumping (i.e. collection and storage of off-site snow) is not permitted within a licenced aggregate extraction operation.

To the extent that the aquifer vulnerability is changed as a result of a new or expanding extraction operation within or outside of a WHPA, the potential for overland flow of surface water originating from adjacent lands

onto the excavated area must be minimized such that it does not pose additional risk to groundwater quality.

Any new or existing mineral aggregate extraction operations within a WHPA will be encouraged to adopt best management practices (BMPs) to reduce the risk of potential impacts on aquifer water quality and/or municipal supplies. Specifically, BMPs shall be adopted for the storage and dispensing of fuels and oils for the operation of aggregate extraction and processing equipment, including containment, spills prevention measures, and clean-up protocols.

4.9.5.9 Existing Land Uses

At the time of the coming into force of Zoning By-law amendments adopted in accordance with the policies of this Section, existing land uses that are categorized as:

- Category A land uses within all WHPAs; and
- Category B land uses within WHPA 1,

may be recognized by local Council as a permitted use in accordance with the Status Zoning policies of Section 13.8.2 of this Plan or subject to holding provisions in accordance with the Planning Act.

Any enlargement or extension of a building or structure legally existing at the time of coming into force of Zoning By-law amendments adopted in accordance with the policies of this Section, shall have regard to the manner in which uses have been classified into Category A, B and C uses when determining if a proposed use is more compatible than the existing use, and may be subject to the applicable study requirements and restrictions of Section 4.9.5.2 of this Plan. When considering enlargements or extensions, conditions may be imposed requiring performance standards and techniques that will serve to reduce overall risk to ground or surface water resources, as appropriate.

4.9.5.10 Implementation

a) **WHPAs**

New information may result in a change in the sensitivity ranking of a WHPA or a change in the geographic extent of an existing WHPA or a new WHPA for a new municipal supply well. Abandonment of a municipal supply well will indicate the need to remove a WHPA. Where new information that is acceptable to the County recommends changes to the WHPAs or their sensitivity ranking or removal of a WHPA, these changes will be reflected on Schedule B without an amendment to this Plan.

The addition of a new WHPA requires an amendment to this Plan. Such an amendment may be undertaken concurrently with the Class Environmental Assessment process for the new municipal well.

In determining the location of lands within the WHPAs, the following shall apply:

- properties located wholly within a WHPA shall be subject to the restrictions applicable to the sensitivity area rating;
- properties having parts lying within more than one sensitivity rating of a WHPA shall be subject to the restrictions applicable to the more sensitive rating, unless the developed or developable portion of the property is entirely outside of this sensitivity area, in which case the policies of the lesser sensitivity area shall apply.

b) **Zoning By-laws**

Within two years of the coming into force of this policy, local

municipalities will amend Zoning By-laws and may also adopt other development controls to protect WHPAs in accordance with the policies of this Section. These amending by-laws will implement the use prohibitions, and study requirements and other policies described for Category A, B and C uses defined herein. The amending by-laws shall require a site specific rezoning application for any new Category B or C land use subject to the study requirements outlined in Section 4.9.5.2.

4.9.5.11 Water Quality-Protection Measures

The following policies provide for the establishment of additional protection measures of either a regulatory or voluntary nature by County Council and / or local Councils.

Council shall encourage the use of alternative protection measures within highly sensitive WHPAs, including but not limited to, land acquisition, conservation easements, growth management and landowner partnership programs involving compensation for changes in land use or land management practices.

Council will encourage local municipalities to implement a program to establish a system of monitoring wells within municipal well WHPAs in order to assist in identifying contaminants in the groundwater before they reach the municipal wells. Priority will be given to WHPAs where the pumped aquifer is highly vulnerable (i.e. WHPA 1 or 2) and where existing water quality indicates changes from background conditions.

Council and local municipalities will encourage the development and promotion of Best Management Practices (BMPs) for implementation by existing higher risk land use activities in vulnerable areas and for new industries locating in the area.

Council in co-operation with local municipalities shall undertake a public education program to enhance public understanding of voluntary initiatives to protect the quality of groundwater and surface water, and in particular the appropriate siting and maintenance of wells and private septic systems, and voluntary reductions in the use of domestic cleaners, solvents, pesticides and fertilizers.

Council shall consider the development of programs offering financial incentives to protect and maintain groundwater and surface water quality.

Council and/or local Councils may designate restricted haulage routes for hazardous waste to protect WHPAs through amendments to the County Plan and the use of local by-laws.

Local Councils are encouraged to adopt guidelines or regulate the use of domestic chemicals that are exempted from the certification and licensing requirements under the Pesticides Act.

Local Councils are encouraged to adopt guidelines or regulate the proper maintenance and regular evacuation of septic tanks to assist in the proper maintenance and operation of septic systems.

Local Councils are encouraged to adopt guidelines or regulate the drilling of private wells on lots where central and/or municipally operated communal water services are already provided.

Local Councils are encouraged to develop programs to identify and decommission unused water wells and encourage the owners of dug wells to install a drilled well and decommission the dug well.

4.9.6 West Montrose and Everton Water Management Protection Areas

Two areas within the County have been identified as potential reservoir areas, West Montrose in Centre Wellington (Schedule A1) and Everton in Erin (Schedule A2). The reservoirs would require approval under the Environmental Assessment Act and such projects have not as yet, been supported by Wellington County or either local municipality.

These protection areas are recognized in this Plan to ensure that present and future landowners are aware of the proposal and that development activities will not impair the use of the potential site for reservoir purposes. All planning authorities shall consult with the Grand River Conservation Authority prior to approving any development application within these protection areas. Chief Building Officials are encouraged to consult with the Grand River Conservation Authority prior to issuing building permits within these protection areas.

4.10 WATERSHED PLANS

Completed and ongoing watershed plans in Wellington County are shown in Appendix 1. Where appropriate, land use policies have been included to implement completed watershed plans.

4.10.1 Mill Creek Watershed

The Mill Creek begins in Puslinch near the Milton boundary and flows westerly to meet the Grand River in Cambridge. Despite extensive urban growth and gravel extraction, the creek remains a cold, groundwater-fed stream throughout much of its length, supporting sensitive aquatic life and fish species such as trout.

The watershed is a valley with the and gravels. The valley is surrounded by two pervious valley walls – the Paris moraine in the north and the Galt moraine in the south. Rainfall falling on the moraines infiltrate the soil and recharges the groundwater system

which flows into the valley floor forming wetlands which eventually discharge into Mill Creek. The existing Mill Creek ecosystem depends on this recharge-discharge relationship and the maintenance of this relationship requires that:

- future development in the recharge areas does not significantly reduce the amount and quality of water infiltrating into the recharge areas; and
- any development in the valley bottom does not reduce the high water levels supporting the wetlands or warm the groundwater flowing into Mill Creek.

To ensure the protection of Mill Creek and its watershed, the following policies will be followed:

- a) the natural heritage features identified by the Mill Creek Watershed Study will be included within Wellington County's Greenland System and will be protected;
- b) infiltration levels will be maintained by:
 - limiting impervious cover (buildings & pavement) in a subcatchment area(s) to 20% requiring storm water best management practices to encourage infiltration and maintain water quality and quantity.
- c) in areas such as Aberfoyle and the industrial lands adjacent to the Hanlon Expressway where urban development is anticipated the municipality will:
 - develop zoning standards which encourage more landscaped areas and less impervious cover for commercial, industrial and residential uses and which integrate storm water

management facilities into landscaped areas;

- use site plan review to encourage infiltration and best storm water management practices;
- require environmental impact assessments where development proposals are significant enough to warrant them.

d) encourage stream rehabilitation and restoration efforts that result in improved bank stability, increased vegetative cover, pond discharge controls and improved aquatic habitat.

4.10.2 West Credit Subwatershed 15

The West Credit Subwatershed (also known as Subwatershed 15) covers the north-eastern portion of the Town of Erin, including the urban settlements of Erin and Hillsburgh. The subwatershed is somewhat unusual in Southern Ontario, having an almost contiguous stable riparian zone along its banks from mouth to headwaters. Approximately 15% of the watershed is forested and 14% is covered by wetland Tableland woodlots in high recharge areas have been shown to be critically linked to the high quality of surface water in the West Credit River. Generally, the natural systems are in a relatively healthy state as evidenced by the self sustaining population of Brook Trout. It has also been determined that 15% of all water recharge in the subwatershed transfers to an adjacent subwatershed supporting humans, fish and wildlife, and environmental needs and demand within the Town of Caledon.

To ensure the protection of the West Credit Subwatershed, all Terrestrial and Aquatic/Riparian “Protection Area 1” lands are included in the Greenland System mapping on Schedule A2.

- Terrestrial Protection Area 1 includes all wetlands, forested areas in or adjacent to wetlands, connecting corridors, areas with interior habitat, woodlots in Areas of Natural or Scientific Interest and in Environmentally Sensitive Areas and forested land on recharge areas.
- Aquatic/Riparian Protection Area 1 includes areas of coldwater fish habitat, probable coldwater fish habitat and wetlands adjacent to watercourses.

Extensive “Protection Area 2 and 3” lands are also identified in the West Credit Watershed Study: Phase I Report. While some small woodlots, wildlife habitat linkages and revegetation areas are included, the majority are regional groundwater recharge areas. Protection Areas 2 and 3 should be protected and enhanced through stewardship programs.

Where development is proposed, Council may determine, in consultation with the Credit Valley Conservation, that an Environment Impact Assessment is necessary. Opportunities to maintain, enhance or replace equivalent features should also be considered.

4.10.3 Hanlon Creek Watershed

Most of the Hanlon Creek Watershed is within the City of Guelph; however two small areas are within Wellington County at the southwest and southeast corners of the City. Greenland areas within the County’s portion of the watershed have been designated on Schedule A7 – Township of Puslinch.

4.10.4 Nichol Drain No. 2 Subwatershed

This subwatershed study covers a small area immediately south of Fergus. (It is not shown on the map in Appendix 1). Consideration is to be given to the study when evaluating future development in area.

4.11 PUBLIC SPACES, PARKS AND OPEN SPACE

Planning and design play an important role in community health by providing

opportunities for active lifestyles and recreation activities.

Wellington is fortunate to have a number of: publicly-accessible rail trails; agreement forest trails; rivers, lakes and reservoirs; conservation areas; and municipal parks and recreation complexes. Equally important is the involvement of community groups who provide support and stewardship for a number of these facilities.

The County will promote healthy, active communities by:

- a) planning public roads, streets and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling;
- b) providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, trails, and, where practical and appropriate, water-based resources;
- c) providing opportunities for public access to shorelines;
- d) considering the impacts of planning decisions on parks, agreement forests and conservation areas.

4.12 COMMUNITY IMPROVEMENT

4.12.1 Introduction

The Community Improvement provisions of the Planning Act provide for and co-ordinate comprehensive physical improvements in older areas of a community. Community improvement policies are intended to provide a planning mechanism for improvements, access to provincial cost sharing programs and encouragement for private investment.

The Plan may, under the Planning Act, designate "Community Improvement Areas" within which a local municipality may acquire land, prepare improvement plans and undertake various community improvement projects and works to implement those plans.

4.12.2 Objectives

Community Improvement Policies are intended to accomplish the following objectives:

- a) identify areas that exhibit problems of instability, building deterioration, inadequate municipal services and facilities or inappropriate arrangements of land uses;
- b) promote the long term stability and viability of identified Community Improvement Areas by reducing land use conflicts and upgrading municipal services;
- c) encourage coordinated municipal expenditures, planning and development activities within identified Community Improvement Areas;
- d) stimulate the maintenance and renewal of private property;
- e) enhance the visual quality of the community.

4.12.3 Identifying Areas

Council shall consider the following criteria in the designation of community improvement areas:

- a) a significant portion of the housing stock and other buildings are in need of maintenance, rehabilitation or redevelopment;
- b) municipal services including sanitary sewer, storm sewer, water supply systems, roads, sidewalks, curbs, gutters, street lighting or parking

- facilities are inadequate and in need of repair;
- c) the supply of public open space or recreation facilities is deficient;
 - d) there are conflicting land uses in the area;
 - e) within commercial areas, deterioration in the appearance of building facades, inadequate parking facilities or inadequate pedestrian access;
 - f) a significant portion of the buildings are considered heritage resources.

4.12.4 Community Improvement Area

Community Improvement areas are identified on Schedule "A" to the Plan. The boundaries of the community improvement area are considered approximate and minor adjustments may be made without amendment to this Plan provided that the overall intent is maintained.

4.12.5 Implementation

In order to accomplish the community improvement objectives set out in the Plan, a local Council may:

- a) prepare and carry out a community improvement program under the authority provided by the Planning Act;
- b) take advantage of federal and provincial funding programs which would benefit the community;
- c) prepare and adopt a property standards by-laws;
- d) co-operate with groups and organizations whose objectives include community improvement.

PART 5

THE GREENLANDS SYSTEM

5.1 DEFINED

The Greenlands System is intended to include those features and areas which are part of Wellington's natural heritage or areas in which natural or human-made conditions may pose a threat to public safety. These often inter-related areas include:

- wetlands
- environmentally sensitive areas
- streams and valley lands
- ponds, lakes and reservoirs
- areas of natural and scientific interest
- woodlands
- fish, wildlife and plant habitat
- flood plains and hazardous lands
- threatened or endangered species

Our natural heritage will be protected and enhanced.

5.2 PURPOSE

The Greenlands System set out in the Plan contains landscapes, resources and ecological systems that are essential to environmental and public health in Wellington. The Greenlands System will ensure that natural features and areas and their natural beauty will be retained for future generations.

The County recognizes the many important and inter-related functions of our natural environment. The careful conservation of our land, animal, plant, water and air resources is necessary to provide healthy, prosperous and enjoyable communities.

Certain parts of the County including flood plains and areas of unstable soils pose hazards to people and their activities. The

County recognizes the public interest in reducing exposure to unsafe conditions.

The Greenlands System also has a spiritual value providing visual pleasure, tranquility, recreation and renewal essential to human health and well being.

Finally, the Greenlands System has an economic value related to tourism, forestry, recreation, fishing and other resource products which is sustainable if properly managed.

5.3 PLANNING APPROACH

The Greenlands System is designated on Schedule "A" to this Plan and is a composite of many natural heritage features, flood prone areas and hazardous lands. The system is divided into two broad categories: Core Greenlands and Greenlands.

The Greenlands System will be maintained or enhanced. Activities which diminish or degrade the essential functions of the Greenlands System will be prohibited. Activities which enhance the health of the Greenlands System will be encouraged where reasonable.

5.4 CORE GREENLANDS

Within the Greenlands System certain areas have greater sensitivity or significance. These areas will be identified in policy and protected. These areas have been included in the "Core" Greenlands designations and include:

- provincially significant wetlands
- habitat of endangered or threatened species
- floodway and hazardous lands

Development is not allowed in provincially significant wetlands or the habitat of endangered or threatened species.

5.4.1 Wetlands

All wetlands in the County of Wellington are included in the Core Greenlands. Development and site alteration will not be permitted in wetlands which are considered provincially significant. Provincially significant wetlands are shown in Appendix 3 of this Plan. All other wetlands will be protected in large measure and development that would seriously impair their future ecological functions will not be permitted.

5.4.2 Habitat of Endangered or Threatened Species and Fish Habitat

Development and site alteration will not be allowed in significant habitat of endangered or threatened species.

Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

5.4.3 Flooding Hazards and Hazardous Lands

The Core Greenlands designation includes areas subject to flooding and other hazardous conditions. Generally development shall be directed away from areas in which conditions exist which would pose a threat to public health and safety.

Development shall not be permitted to locate in hazardous lands where the use is:

- a) An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools where there is a threat to safe evacuation during an

emergency as a result of flooding, failure of floodproofing measures and/or protection works, or erosion;

- b) An essential emergency service such as that provided by fire, police, and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, failure of floodproofing measures and/or protection works, or erosion;
- c) associated with the disposal, manufacture, treatment or storage of hazardous substances.

5.4.4 Floodway

Development and site alteration will not be permitted in the floodway of a river or stream unless a Special Policy Area has been approved or it is permitted elsewhere in this Plan. In most parts of the County, a one-zone flood plain management concept applies and the floodway encompasses the entire floodplain.

5.4.5 Development and Site Alteration

Development and site alterations will only be permitted in the flood-fringe portion of the floodplain (where a two-zone concept applies), in Special Policy Areas and in areas susceptible to other natural hazards if:

- a) the hazards can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result;
- d) essential emergency services have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

- e) the development does not include institutional uses or essential emergency services or the disposal, manufacturing, treatment or storage of hazardous substances;
- f) no reasonable alternative is available.

Development must avoid areas which pose a threat to public health or safety.

5.5 GREENLANDS

Other significant natural heritage features including habitat, areas of natural and scientific interest, streams and valleylands, woodlands, environmentally sensitive areas, ponds, lakes and reservoirs and natural links are also intended to be afforded protection from development or site alteration which would have negative impacts.

These areas are often found within Core Greenlands. Where they are outside Core Greenlands they are identified as Greenlands.

5.5.1 Habitat

Fish, wildlife and plant habitat are included in the Greenlands System, often as part of other defined natural heritage features.

Development and site alternation will not be allowed in significant wildlife or plant habitat unless it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions and, in the case of fish habitat, in accordance with provincial and federal requirements.

5.5.2 Natural and Scientific Interest

Areas of natural and scientific interest (ANSI's) are included in the Greenlands system where they have been determined to be provincially significant or determined by the County to be regionally significant.

Life science areas (plant and animal communities) will be protected from any development or site alteration which would have a negative impact on the life science feature or its ecological function. Earth science areas (drumlins, eskers, spillways) will be protected in large measure from development or site alternations which would significantly alter their nature or earth science values.

5.5.3 Streams and Valleylands

Streams and valleylands are included in the Greenlands system. All streams and valleylands will be protected from development or site alterations which would negatively impact on the stream or valleyland or their ecological functions.

5.5.4 Woodlands

Woodlands over 10 hectares in area are considered to be significant by the County and are included in the Greenlands system. These woodlands will be protected from development or site alterations which would negatively impact the woodlands or their ecological functions. Good forestry practices will be encouraged.

Smaller woodlots may also have local significance and, where practical, these smaller woodlots should be protected.

5.5.5 Environmentally Sensitive Areas (ESA's)

Environmentally sensitive areas as determined by the County from previous studies are included in the Greenlands system. The areas will be protected from development or site alterations which would negatively impact them or their ecological functions.

5.5.6 Ponds, Lakes and Reservoirs

Ponds, lakes and reservoirs are included in the Greenlands system where the County determines they require protection. These areas will be protected from development or site alterations which would negatively impact them or their ecological functions.

5.5.7 Natural Heritage Systems

The boundaries of many natural heritage features overlap and inter-relationships frequently exist between these areas. The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

5.6 DEVELOPMENT CONTROL

5.6.1 Permitted Uses

Within the Core Greenlands designation, no development or site alteration is permitted within Provincially Significant Wetlands or in provincially significant habitat of threatened or endangered species. In other areas, permitted uses include conservation, forestry, aggregate extraction within Mineral Aggregate Areas, open space, passive recreation, agriculture and existing uses.

Within the Greenlands designation, all above Core Greenlands uses shall be permitted. Other uses permitted in the applicable adjacent or underlying designations may be permitted.

The above uses for both, the Core Greenlands and Greenlands designations, as well as accessory buildings and structures, shall only be permitted if:

- there are no negative impacts on provincially significant features and functions and no significant negative impacts on other greenland features and functions;
- any natural hazards present can safely be overcome;
- the development conforms to policies of the applicable adjacent or underlying designation.

5.6.2 Zoning

Core Greenland areas shall be placed in a restrictive zone which prohibits buildings, structures and site alterations except as may be necessary for the management or maintenance of the natural environment. Other greenlands may also be given a restrictive zoning by a municipal council.

Zoning by-laws may also recognize existing land uses in core greenlands and, where appropriate, provide for reasonable expansions or alterations.

Zoning by-laws may also establish setbacks from greenland areas in which no buildings or structures shall be permitted.

5.6.3 Development Impacts

Where development is proposed in the Greenland system or on adjacent lands, the County or local municipality shall require the developer to:

- a) identify the nature of the natural heritage resource(s) potentially impacted by the development;
- b) prepare, where required, an environmental impact assessment to address potential impacts;
- c) consider enhancement of the natural area where appropriate and reasonable;
- d) demonstrate that there will be no negative impacts on the natural heritage resources or feature or on its ecological function.

No development will be approved unless the County is satisfied that the Greenland policies are met.

5.6.4 Adjacent Lands

For the purposes of this section of the Plan, adjacent lands are considered to be:

- a) lands within 120 metres of provincially significant wetlands;

- b) lands within 30 metres of all other Core Greenlands and Greenland areas.

5.6.5 Agriculture

Natural heritage policies will not limit the ability of agricultural uses to continue.

5.6.6 Mineral Aggregate Areas

Areas of high potential for mineral aggregate are shown as an overlay over the Greenland System. Mineral Aggregate operations are not allowed in provincially significant wetlands or in significant habitat of threatened or endangered species but may be considered in other areas subject to the policies of this Plan. Existing licensed mineral aggregate operations are permitted and will be protected.

5.6.7 Greenlands Mapping

The mapping identifying Core Greenlands and Greenlands on various schedules to this Plan may need to be refined by more detailed mapping on individual sites. Where more detailed mapping is available, minor adjustments may be made without an amendment to this Plan and the land use policies of the adjacent designation will apply as determined by Council.

5.6.8 Conservation Authority Regulations

Some lands within and adjacent to the Greenland System may be subject to an Ontario Regulation issued under the Conservation Authorities Act.

Where development or site alteration is proposed within a regulated area, as shown on Conservation Authority schedules and/or described in the text of the applicable Conservation Authority regulation, the Conservation Authority should be consulted before development (including construction, conversion, grading, filling, or excavating) occurs to determine whether the regulation applies.

PART 6

THE RURAL SYSTEM

6.1 DEFINED

The Rural System is primarily natural resource land and some other uses typically found in non-urban areas.

The Rural System includes:

- prime agricultural areas
- secondary agricultural areas
- mineral aggregate areas
- seasonal and recreational use areas
- rural housing
- rural industrial areas
- highway commercial areas
- waste management sites
- special use areas

6.2 PURPOSE

The Rural System, for the most part, is a relatively stable part of the County landscape devoted to economic activities based on natural resources.

The Rural System policies are intended to maintain the essential character of these areas and to ensure that the economic activities and employment opportunities which depend on Wellington's natural resources are maintained and enhanced.

The Rural System is a large and diverse area. Opportunities exist for a variety of resource, employment and community uses which need to be accommodated.

6.3 PLANNING APPROACH

Prime agricultural areas will be protected for farming uses.

Secondary agricultural areas of non-prime farmland will be identified. While farming will be the main land use activity in these areas, a broader range of residential, employment and community uses will be allowed than in prime agricultural areas so

long as the use does not adversely impact existing agricultural operations and is in keeping with the rural character of the area. While existing Country Residential and Lifestyle Community areas in the rural system are recognized, they will not be allowed to expand and new locations will not be permitted.

Significant mineral aggregate deposits will be identified and policies established to protect the resource and provide for appropriate extraction activities.

Areas of existing seasonal and recreational use will be identified. Many of these uses were established to take advantage of the rural setting or the proximity to natural heritage features.

Rural housing primarily supports natural resource activities such as farming. Non farm related housing may be considered in areas which do not conflict with resource related or other rural uses.

Rural industrial and highway commercial lands are intended to provide locations for business activities that may be better served by sites outside urban areas.

New locations for Country Residential and Lifestyle Communities are not allowed in the Rural System unless specifically provided for by an existing policy in this Plan. Existing Country Residential and Lifestyle Communities in the Rural System may be recognized but will not be expanded unless provided for by an existing policy in this Plan.

Waste Management Facilities may be allowed in the Rural System subject to the Environmental Assessment Act or the Environmental Protection Act and the Environmental Services policies of this Plan.

A variety of special purpose areas will be identified to recognize the diverse character and history of the rural system. Some of these areas reflect environmental concerns or existing development patterns.

6.4 PRIME AGRICULTURAL AREAS

6.4.1 Defined

Class 1, 2 and 3 agricultural soils, associated Class 4 to 7 soils and additional areas where there is a local concentration of farms which exhibit the characteristics of ongoing agriculture, and specialty crop land will be designated as prime agricultural areas. These areas will be protected for agriculture.

6.4.2 Agriculture First

In Prime Agricultural Areas, agricultural uses and normal farm practices will be promoted and protected.

As a general rule, land use activities which support agriculture will be encouraged and land use activities which do not support agriculture will be discouraged.

6.4.3 Permitted Uses

Permitted uses and activities in Prime Agricultural Areas may include:

- a) agricultural uses
- b) secondary uses including home businesses and farm businesses
- c) agriculture-related uses
- d) existing uses
- e) single detached homes
- f) accessory residential uses
- g) forestry uses
- h) wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts
- i) licensed aggregate operations
- j) community service facilities
- k) group homes on existing lots of records
- l) kennels on existing lots of record

All uses permitted by this section must be compatible with and not hinder surrounding agricultural uses.

Agricultural uses and normal farm practices will be protected and promoted.

6.4.4 Home Businesses and Farm Businesses

Home businesses are home occupations and home industries that are secondary to the principal use of the property and may be allowed, subject to zoning provisions, as a means of supplementing farm incomes and providing services in agricultural areas and may include:

- small home occupations conducted from the main residence with employment normally limited to the occupants of the property – examples include bed and breakfast, day care, hairdresser, and professional services;
- home industries which are small in scale with a limited number of employees, and minimal off-site impacts – examples include minor equipment repair, woodworking, crafts, and welding;

Farm businesses are small scale businesses that provide value-added products from the farm and may be allowed subject to zoning provisions – examples include:

- farm vacation enterprises;
- cottage wineries;
- value-added processing or packing;
- sales outlets for agricultural products produced on the farm;
- seed cleaning

- pick-your-own, catch-your-own operations

6.4.5 Agriculture-related Uses

Small scale agriculture-related businesses as required to serve agriculture and directly related to farm operations may be allowed in appropriate locations and subject to zoning provisions, where they are needed in close proximity to farms – examples include:

- livestock assembly;
- grain drying;
- cold storage;
- custom spraying;
- animal husbandry.

6.4.6 Accessory Residences

Accessory residential uses needed for farm help or a garden suite may be allowed provided they are established near the farm buildings. An accessory apartment unit may be established within the main residence on a lot. In all cases adequate water supply and sewage disposal systems must be available.

In the case of garden suites, municipalities may enact zoning provisions to address the following matters:

- a) the second unit is located close to the existing residence on the property and is portable so that it can be easily removed when the need for the unit has discontinued;
- b) no additional access shall be provided to the lot from a public road;
- c) adequate screening/buffering, where deemed necessary, is provided to minimize the visual impact of the second unit to adjacent properties;
- d) adequate amenity areas are provided for the existing dwelling and the second unit;

e) the provision of a satisfactory site plan and/or which illustrates how items a) to d) above, and any other matters deemed necessary by the municipality, have been addressed; and

f) the establishment of a development agreement between the owner and the municipality to address the installation and removal of the unit, site rehabilitation, listing the occupant(s) of the unit and the period of occupancy, and any other matter deemed necessary by the municipality.

6.4.7 Rural Settlements

Rural settlements are existing small communities that form part of the rural fabric of Wellington. These settlements are primarily small clusters of housing with occasional commercial, industrial or institutional uses. These areas are not designated on Schedule “A” and are not expected to grow but they may be recognized in the zoning by-law and limited residential infilling may be allowed.

6.4.8 Wayside Pits, Portable Asphalt Plants and Portable Concrete Plants

Wayside pits and quarries, portable concrete plants and portable asphalt plants are allowed by provincial policy without municipal official plan amendment, rezoning or development permit. Municipal zoning by-laws may establish setback distances between these uses and sensitive land uses including:

- residential uses
- commercial and institutional uses
- livestock facilities
- natural heritage features
- other sensitive land uses

6.4.9 Mineral Aggregate Areas

Areas of high potential for mineral aggregate are shown as an overlay over the Prime Agricultural Areas. Mineral

aggregate operations may be allowed in these areas subject to the more detailed policies of this Plan.

6.4.10 Community Service Facilities

For the purposes of this section, community service facilities are restricted to buildings, structures and uses for which a location in the prime agricultural area is necessary for reasons of public safety or government service delivery, such as: emergency services (fire halls, police detachments, ambulance facilities, public works, temporary emergency facilities); municipal works garages; trails; and schools, churches and cemeteries required for local communities that rely extensively on horse drawn vehicles as their sole means of transportation. The foregoing does not include: any other schools or churches; hospitals; medical clinics; seniors housing; or waste management facilities.

6.4.11 Minimum Distance Formula (MDS)

The appropriate provincial minimum distance separation formula will be applied to new land uses, lot creation and new or expanding livestock facilities.

6.4.12 Group Homes

Small scale group homes may be allowed on existing lots of record and local zoning by-laws may be establish criteria for these uses.

6.4.13 Kennels

Kennels may be allowed on existing lots of record and local zoning by-laws may establish criteria for these uses.

6.5 SECONDARY AGRICULTURAL AREAS

6.5.1 Defined

Secondary Agricultural Areas include lands within the Rural System which are determined to be non-prime farmland but which can sustain certain agricultural activities.

6.5.2 Identification

Secondary Agricultural Areas will be determined either by:

- a) the existence of large blocks of land which are not Class 1, 2, or 3 or specialty crop land;
- b) an alternative evaluation system developed with the co-operation of the Ministry of Agriculture, Food and Rural Affairs which examines the land base in greater detail to determine the long term agricultural potential based on:
 - Canada Land Inventory
 - farm investment
 - nature of agricultural operations
 - constraints and opportunities for farming
 - land use patterns
 - land fragmentation
 - other matters.

It is not the intention of this Plan to use the Secondary Agricultural Area designation to create small pockets of poorer agricultural land in the midst of prime agricultural land unless a specific use is justified under the policies of this Plan.

6.5.3 Permitted Uses

Permitted uses and activities in Secondary Agricultural Areas may include:

- a) all uses allowed in the Prime Agricultural Area;
- b) small scale commercial, industrial and institutional uses;
- c) public service facilities.

6.5.4 Commercial, Industrial & Institutional

Small scale commercial, industrial and institutional uses may be permitted provided that:

- a) appropriate sewage and water systems can be established;
- b) the proposed use is compatible with surrounding uses;
- c) the use requires a non-urban location due to:
 - market requirements;
 - land requirements;
 - compatibility issues.
- d) the use will not hinder or preclude the potential for agriculture or mineral aggregate operations;
- e) the use will be small scale and take place on one lot and large scale proposals or proposals involving more than one lot will require an official plan amendment.

6.5.5 Wayside Pits, Portable Asphalt Plants and Portable Concrete Plants

Wayside pits and quarries, portable concrete plants and portable asphalt plants used on public authority contracts are allowed by provincial policy without the need for official plan amendment, rezoning or development permit in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

6.5.6 Mineral Aggregate Areas

Areas of high potential for mineral aggregate are shown as an overlay over the Prime Agricultural Areas. Mineral aggregate operations may be allowed in these areas subject to the more detailed policies of this Plan.

6.5.7 Minimum Distance Formula (MDS)

The provincial minimum distance formula will be applied to new land uses, lot creation and new or expanding livestock facilities.

6.6 MINERAL AGGREGATE AREAS

6.6.1 Mineral Aggregate Areas

Mineral Aggregate Areas are areas of high potential for mineral aggregate extraction and are shown as an overlay on Schedule "A". These lands have been identified using information provided by the Ministry of Natural Resources. The overlay for mineral aggregate areas only indicates that aggregate deposits are likely to be available. It does not presume that all conditions are appropriate to allow extraction or processing of the resource to proceed. The intention is to make as much aggregate resources available as close to markets as is realistically possible.

There are no known mineral deposits or petroleum deposits of significance that warrant inclusion in this Plan. Should any deposits be identified, the County will develop policies to govern their protection and development.

6.6.2 Protection

In areas adjacent to or in Mineral Aggregate Areas, development which would preclude or hinder new aggregate operations or access to the resource will only be allowed if:

- a) resource extraction use would not be feasible;
- b) the proposed development serves a greater long term public interest; in this case, reasonable efforts should be made to use the resource wherever practical;
- c) issues of public health, public safety and environmental impact are addressed.

6.6.3 Existing Aggregate Operations

Existing licensed mineral aggregate operations are permitted and shall be recognized in Municipal zoning by-laws.

Licensed aggregate operations are shown in Appendix 2 of this Plan. Expansion of an existing operation shall be subject to all policies of this Plan which would apply to new aggregate operations. These operations will be protected from new uses which would preclude or hinder their expansion or continued use, or which would be incompatible due to public health, public safety or environmental concerns.

6.6.4 Permitted Uses

In addition to the uses allowed by the underlying designation, the following uses maybe allowed in Mineral Aggregate Areas through rezoning:

- a) aggregate extraction;
- b) associated uses such as stripping, berm construction, screen planting, landscaping, drilling, blasting, haulage, crushing, screening, washing, stockpiling, storage, loading, weighing, equipment parking, repair and maintenance, office facilities, importing and blending materials, environmental and safety control features and rehabilitation uses;
- c) ancillary uses such as asphalt plants, concrete plants, aggregate transfer stations, stockpiling and blending of aggregates with materials such as salt, sand-salt mixture and recycled road material.

6.6.5 New Aggregate Operations

New aggregate operations may be established within the Mineral Aggregate Area subject to the appropriate rezoning and licensing. New operations proposed outside of this area shall require an amendment to this Plan. In considering proposals to establish new aggregate operations, the following matters will be considered:

- a) the impact on adjacent land uses and residents and public health and safety;
- b) the impact on the physical (including natural) environment;
- c) the capabilities for agriculture and other land uses;
- d) the impact on the transportation system;
- e) existing and potential municipal water supply resources are protected in accordance with Section 4.9.5 of this Plan.
- f) the possible effect on the water table or surface drainage patterns;
- g) the manner in which the operation will be carried out;
- h) the nature of rehabilitation work that is proposed; and
- i) the effect on cultural heritage resources and other matters deemed relevant by Council.

It is essential that extraction be carried out with as little social and environmental cost as practical. Provincial standards, guidelines and regulations will be used to assist in minimizing impacts.

6.6.6 Public Information

When planning approvals are being considered for new or expanded mineral aggregate operations, the following information shall be made available to the public.

- a) detailed site plans which provide a description of the proposed aggregate operation including location, size, contours, topography, existing and proposed buildings and structures, setbacks, screening, buffers, entrances, exits, haul

- routes, drainage facilities, water table, any water diversions or storage, existing and anticipated final grades, excavation depth, stockpiles, and the sequence of operations and rehabilitation;
- b) the estimated quality and quantity of the resource;
- c) a description of the surrounding lands including land uses, locations and use of buildings and structures, fences, significant natural features and wells and other lands owned by the applicant;
- d) Any related reports prepared by the proponents; and
- e) any other information deemed relevant by Council.

6.6.7 Ancillary Uses

Ancillary uses may only be established if the following matters are addressed;

- a) the protection of adjoining lands from the negative effects of a reduced water supply, noise, dust, odour, lighting and unsightly storage;
- b) the protection of the environment from negative effects of dust, chemical spills, run-off, or contaminated surface or ground water; and
- c) ensuring that access can be obtained directly to a road capable of carrying the anticipated truck traffic.

6.6.8 Rehabilitation

All proposals for new aggregate extraction shall include a plan for eventual rehabilitation. The plan shall:

- a) provide for progressive rehabilitation whenever feasible;

- b) be prepared in detail by a recognized expert;
- c) be compatible with the long term uses permitted by the surrounding official plan designations;
- d) on lands designated Prime Agricultural Areas, provide a detailed agricultural rehabilitation plan which restores substantially the same areas and average soil quality for agriculture as before extraction occurred; and
- e) on lands designated Secondary Agricultural Areas, provide an agricultural rehabilitation plan which, whenever feasible, restores substantially the same areas and average soil quality for agriculture as before extraction occurred.

6.6.9 Mining Below Water Table

Extraction below the water table may only be allowed and complete rehabilitation is not required under 6.6.8 if it is demonstrated that:

- a) there is a substantial quantity of mineral aggregates below the water table warranting extraction or the depth of planned extraction in a quarry makes rehabilitation unfeasible;
- b) on lands designated Prime Agricultural Areas, other alternatives have been considered by the applicant and found unsuitable, and rehabilitation in remaining areas will be maximized;
- c) impacts on the environment, including quality and quantity of surface and groundwater resources, will be minimal; and
- d) the intended after use will be compatible with the long term uses of adjacent areas.

6.7 RECREATIONAL AREAS

6.7.1 Defined

Recreational areas are normally land associated with lakes, reservoirs, ponds, rivers or other scenic resources which have potential for the development of recreational or seasonal residential uses relying on recreational activities. New Recreational Areas will be established by amendments to this Plan.

6.7.2 Permitted Uses

Permitted uses and activities in Recreational Areas may include:

- a) seasonal recreational uses;
- b) active and passive recreational activities including golf courses;
- c) commercial activities related to and serving recreational activities;
- d) publicly-accessible built and natural settings for recreation, including parklands, open space areas, trails and, where practical and appropriate, water-based resources.

6.7.3 Cottage Areas

Significant cottage development has taken place on Belwood, Conestoga and Puslinch Lakes. This Plan recognizes existing cottage areas and minor infilling, which meets zoning regulations, where adequate services can be provided.

Due to the relatively small size of the lakes and the extensive development that has taken place, no new cottage areas will be allowed.

6.7.4 Cottage Conversion

Cottage areas originally established for seasonal use are increasingly being used year-round. These areas were not normally designed for year-round use nor are the cottages always suitable for such use.

The trend towards cottage conversion across Ontario has proven difficult to stop and therefore, zoning to year round use may take place provided that:

- a) all dwellings can or will meet the Building Code standard for year-round use;
- b) the water and sewage disposal systems are adequate for year round use;
- c) a secure means of access capable of accommodating emergency vehicles on a year-round basis will be available to all dwellings;
- d) the rezoning and conversion policies apply to the entire cottage development or to a well defined area in which consistent standards can be reasonably applied and enforced.

6.7.5 Tent and Trailer Parks

Tent and trailer parks may be allowed in Recreational Areas provided that they have:

- a) access to an open public road;
- b) an internal road system which will allow ease of access for emergency vehicles;
- c) adequate water and sewage services;
- d) a design which provides individual sites sufficient to:
 - site a tent or a trailer
 - provide adequate separation between tents and trailers for fire protection and privacy
 - provide an on-site amenity area

- e) agreements that regulate the operation of the park and provide for a maximum nine months of operation per year.

6.7.6 Trailer Park Conversion

Trailer parks designed for seasonal use are under pressure to allow periods of stay beyond nine months.

No trailer park will be allowed more than nine months of annual use unless it converts to a permanent facility and it is able to:

- a) only accommodate mobile homes or modular homes which meet the Building Code standards for year round use;
- b) provide communal water and sewage systems suitable for year round use;
- c) provide road access to each dwelling capable of accommodating emergency vehicles on a year round basis;
- d) provide common amenity areas for residents;
- e) provide dwelling unit sites which are large enough to:
 - accommodate the dwelling
 - provide on-site amenity
 - provide, adequate separation between dwellings for fire protection and privacy;
- f) the rezoning and conversion policies apply to the entire trailer park or to a well defined area in which consistent standards can be reasonably applied and enforced.

In order to convert to permanent use the trailer park may acquire or use additional

lands for the provision of services or amenity areas. Only trailer parks existing on May 6, 1999 will be considered for conversion to permanent use.

6.7.7 Active and Passive Recreation

Active and passive recreational activities including parks, picnic areas, sports fields, boat launches, boat houses, recreational trailers and buildings, structures and facilities which support active and passive recreational facilities are allowed in Recreational Areas provided that:

- a) adequate provisions are made for services including road access, water and sewer facilities;
- b) other policies of this plan are met.

6.7.8 Golf Courses

Golf courses including clubhouses and related commercial activities are allowed in Recreational Areas provided that:

- a) adequate provisions are made for services including road access, water and sewer facilities;
- b) ground and surface water sources and nearby water users are protected;
- c) The greenlands system will be protected to ensure no negative impacts on its natural features or ecological functions. Municipalities may require proponents to enhance wetlands, wood lots and watercourses and establish natural linkages and other measures designed to benefit the overall natural functions of the site;
- d) ponds, reservoirs, streams, wetlands and fish resources will be protected through sound storm water management practices, sound fertilizer and pesticide management practices, sound irrigation practices, erosion control, setbacks and

vegetative buffers whenever required;

- e) nearby agricultural operations will be protected through appropriate distance setbacks and through appropriate design and buffering;
- f) wherever practical, the more actively used areas of golf courses including the clubhouse and parking areas will be setback and buffered from established residential areas.
- g) new multi lot or multi unit residential development is not permitted unless specifically permitted in an existing policy of this plan or unless needed for staff and security.
- h) small scale overnight accommodation may be considered in association with golf course uses if located away from existing residential uses.

6.7.9 Recreational Commercial Uses

Commercial facilities which serve recreational areas including trailer and boat sales and service, boat storage areas, restaurants and convenience stores may be located in recreational areas provided that all other policies of this Plan are met.

6.8 RURAL INDUSTRIAL AREAS

6.8.1 Defined

Rural Industrial Areas are lands set aside for industrial uses which would benefit from a rural location due to:

- the need for a relatively large site; or
- the need for access to major transportation routes; or
- the need to be close to rural resources

In all cases, rural industrial areas will be used by “dry” industrial uses which do not use significant amounts of water in their operation and which do not produce significant amounts of effluent.

Rural Industrial Areas are expected to provide diversity to Wellington’s land supply for business.

6.8.2 Permitted Uses

Dry industrial uses requiring large lots, major road access or proximity to rural resources are permitted in rural industrial areas. Such industrial uses may include manufacturing, processing, fabrication and assembly of raw materials or repair, servicing, distribution and storage of materials. Accessory uses including the retail sale of products produced on-site may be allowed. The sale of agricultural products such as farm machinery and farm supplies may also be allowed.

6.8.3 New Locations

New Rural Industrial Areas shall only be established by amendment to this Plan. In establishing new rural industrial land consideration shall be given to the following:

- a) the amount of rural industrial land in any part of Wellington shall be limited in size and based on reasonable estimates of need;
- b) no rural industrial areas shall be established adjacent to urban centre or hamlet boundaries;
- c) the impacts on agricultural operations shall be kept to a minimum and the loss of prime agricultural land shall be avoided wherever practical, as set out in Section 4.3;
- d) the Greenland System will be protected from negative impact in accordance with the policies of this Plan;

- e) adequate separation or buffering from incompatible uses can be provided;
- f) adverse impacts on any nearby land use will be avoided;
- g) mineral aggregate resources will be protected.
- h) existing and potential municipal water supply resources are protected in accordance with Section 4.9.5 of this Plan.

6.9 HIGHWAY COMMERCIAL AREAS

6.9.1 Defined

Highway Commercial areas are lands set aside for commercial uses which would benefit from a rural location due to:

- the need for a relatively large site; or
- the need for access to major transportation routes; or
- the need to be close to rural resources

In all cases, Highway Commercial Areas will be used by “dry” commercial uses which do not use significant amounts of water in their operation and which do not produce significant amounts of effluent.

Highway Commercial Areas are expected to provide diversity to Wellington’s land supply for business.

6.9.2 Permitted Uses

Dry commercial uses requiring large lots, major road access or proximity to rural resources are permitted in highway commercial areas. Such uses may include farm machinery sales, farm produce sales, small scale motels or inns, small scale restaurants and automobile sales and services.

Retail commercial uses and service commercial uses normally found in urban centres are not allowed.

6.9.3 New Locations

New Highway Commercial Areas shall only be established by amendment to this Plan. In establishing new highway commercial land consideration shall be given to the following:

- a) the amount of highway commercial land in any part of Wellington shall be limited in size and based on reasonable estimates of need;
- b) no new highway commercial areas shall be established near urban centre or hamlet boundaries;
- c) the impacts on agricultural operations shall be kept to a minimum and the loss of prime agricultural land shall be avoided whenever practical, as set out in Section 4.3;
- d) the Greenland System will be protected from negative impact in accordance with the policies of this Plan;
- e) adequate separation or buffering from incompatible uses can be provided;
- f) adverse impacts on any nearby land use will be avoided;
- g) mineral aggregate resources will be protected;
- h) existing and potential municipal water supply resources are protected in accordance with Section 4.9.5 of this Plan.

6.10 COUNTRY RESIDENTIAL AREAS

6.10.1 Defined

Country Residential Areas are low density rural subdivisions on individual services. New Country Residential Areas are not allowed.

6.10.2 Permitted Uses

Residential uses in single detached houses at low densities are allowed in country residential areas.

PART 7

THE URBAN SYSTEM

7.1 DEFINED

The Urban System includes the larger urban places in Wellington, which are expected to accommodate the majority of growth over the planning period. The urban system includes:

- hamlets
- urban centres

The urban system is sometimes referred to as “urban areas.”

7.2 PURPOSE

The Urban System is anticipated to change to a greater extent than the Rural and Greenlands Systems. New development along with increases in population will be directed to the urban system and, in particular, to those areas with full municipal services. The Growth Strategy set out in Section 3 should guide growth in the urban system.

The Urban System policies are intended to provide for growth but at the same time, retain the quality and character of Wellington’s small urban places. Growth and change will be managed so that existing and future residents enjoy healthy, efficient and sustainable communities.

7.3 PLANNING APPROACH

Development based on municipal services which promote environmental protection and efficient land use will be encouraged.

Land use patterns in the urban system shall be based on:

- a) densities and a mix of land uses which:

- i) efficiently use land and resources;

- ii) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and

- iii) minimize negative impacts to air quality and climate change, and promote energy efficiency.

- b) a range of uses and opportunities for intensification and redevelopment.

Hamlet policies will be developed to recognize the smaller urban places in Wellington which do not have central sewer and water systems. Hamlets are expected to eventually build out on existing designated lands, while growth beyond their current boundaries will be limited.

Urban centre policies will be developed to recognize the larger urban places in Wellington which usually have sewer and water services. These areas will be expected to provide the greatest opportunities for growth in Wellington. Some urban areas such as Erin Village and Hillsburgh without central services may be recognized as urban centres due to the prominent role they play as a focus for growth and community functions in their municipalities.

Greenlands within the Urban system may be identified on separate land use schedules based on the extent of the

greenland features and the scale of mapping. The greenland policies will continue to fully apply.

Wellington County's urban system will be the focus for growth and includes:

- *hamlets*
- *urban centres*

7.4 HAMLETS

7.4.1 Permitted Uses

Development will be relatively small-scale given the rural context and level of service available in hamlets. The primary residential use will be low density single detached units, although some small-scale multiple-unit development may be considered to provide greater housing variety. An accessory residential unit within an existing residence may be allowed if adequate servicing is available.

Other uses including local commercial, small scale industrial, institutional and parks and open space may also be permitted where compatible and where adequate levels of service can be provided.

Zoning by-laws will identify areas for various uses and set regulations to govern their nature.

7.4.2 Servicing

Sewage and water services will be provided in accordance with Section 11.2 of this Plan.

Road access will be via internal roads where possible, then via local roads where possible and then via County Roads or Provincial Highways where there is no other alternative. In all cases appropriate siting standards must be met and road functions maintained.

7.4.3 Land Use Compatibility

In hamlets the establishing of specific areas for various land uses is normally left to the zoning by-law. In establishing zones, Councils shall ensure that existing and proposed uses are compatible and that adverse impacts are kept to a minimum and that appropriate mitigation is provided where practical.

7.4.4 Impact Assessment

Where a Council is concerned about the impact a proposed development may have on a hamlet, it may require an impact assessment as set out in the general policy section of this Plan.

7.4.5 Hamlet Expansion

Where possible, hamlet boundaries should follow existing property lines or recognized physical features. None of the hamlets in Wellington are on municipal services and it is the policy of this Plan to limit growth in areas without municipal services. Hamlet expansions of more than 5 lots or units will not be allowed. The expansion must be based on a comprehensive review that includes an analysis of need under the County's growth strategy, alternative locations, and potential impacts.

Hamlets will normally accommodate low density development on individual on-site services.

7.5 URBAN CENTRES

7.5.1 Permitted Uses

Urban Centres are expected to provide a full range of land use opportunities. Residential uses of various types and densities, commercial, industrial and institutional uses as well as parks and open space uses will be permitted where compatible and where services are available.

More detailed official plan designations and policies as well as zoning regulations will identify the location and nature of various permitted uses in urban centres.

7.5.2 Services

Sewage and water services will be provided in accordance with Section 11.2 of this Plan.

Road access will be via internal roads where possible, then via local roads where possible and then via County Roads or Provincial Highways where there is no other alternative. In all cases, appropriate sighting standards must be met and road functions maintained.

7.5.3 Land Use Compatibility

More detailed planning policies and zoning regulations shall be developed for Urban Centres to ensure that existing and proposed uses are compatible and that adverse impacts are kept to a minimum and that appropriate mitigation is provided where practical.

Urban centres will provide a full range of land use opportunities normally on full municipal services.

7.5.4 Impact Assessment

Where a Council is concerned about the impact a proposed development may have on an urban centre, it may require an impact assessment as set out in the general policy section of this Plan.

7.5.5 Residential Use

Urban centres shall provide a broad range of residential uses to provide a diverse supply of housing, including affordable housing.

In Wellington, the single-family residence will continue to be the dominant use of urban lands. Other forms of housing at densities appropriate to the servicing and the nature of the community will also be

developed including semi-detached, duplex townhouse and apartment units.

Accessory apartments in single family residences will normally be allowed unless there are physical constraints in an area such as inadequate services or on-site parking. Building code requirements must be met.

Additionally, bed and breakfast establishments will be encouraged within single detached dwellings where adequate services and parking are available.

7.5.6 “Main Street”

Urban Centres will provide the focus for commercial activity in Wellington.

Each Urban Centre has a major commercial centre or “main street” which will provide a focus for retail, business and community activities. Planning policies will support the retention of “main street” and will discourage other retail centres which will undermine the planned function of the major commercial centre.

Strong “main street” commercial areas are supported.

7.5.7 Regional Retail Centre

New retail centres of regional significance will require an amendment to this Plan and will only be allowed if:

- a) it does not undermine the planned function of nearby “main street” areas;
- b) it is primarily designed to recapture Wellington County retail sales currently spent in other areas or to draw new retail sales to Wellington.

7.5.8 Other Commercial Uses

A variety of other commercial uses will be required in Urban Centres including areas to serve highway oriented business including

gas sales and motels, commercial uses requiring large sites and unable to locate in the “main street” area and convenience commercial uses to serve neighbourhood needs.

7.5.9 Transition Areas

Many “main streets” have nearby areas undergoing change. These areas are often in transition from single detached residential to a mixture of commercial, multi-unit residential and institutional uses. Providing adequate parking is often a challenge in these areas. These areas may be recognized in official plans and zoning by-laws for a mixture of uses including service commercial uses. They shall not be allowed to develop as retail areas unless an expansion of the “main street” area can be justified.

7.5.10 Industrial Development

Most industrial users want full municipal sewer and water services. The long term financial prosperity of Wellington will be heavily influenced by the ability of urban centres to provide serviced industrial land.

All Urban Centres are expected to contribute to the supply of serviced industrial land by designating and zoning industrial areas well in advance of development.

The early identification of industrial lands will provide notice to nearby users of land and to prospective businesses of a clear community intent to provide opportunities for business development. Holding provisions may be used on industrial land to ensure appropriate servicing can be made available and site plan control can be used to promote the appropriate design of industrial uses.

New industrial areas will be established in areas which:

- a) avoid land use conflicts
- b) are readily serviced;

- c) avoid prime agricultural lands, and mineral aggregate areas, wherever possible;
- d) avoid greenland areas and have no negative impact on its natural features or ecological functions;
- e) avoid impacts on existing and potential municipal water supply resources.

7.5.11 Institutional

Urban centres will be the prime location for institutional uses servicing Wellington such as schools, churches, government offices, hospitals, specialized housing and child care facilities.

Many institutional uses can be integrated into residential and commercial areas. Some large institutions may have such a significant impact that a specific land use designation in the official plan is required.

7.5.12 Parks and Open Space

Urban Centres shall provide adequate parks and open space areas to serve their population and may provide recreational opportunities for a larger regional population.

Parks and open space areas may be located in or adjacent to greenland areas depending on impacts and opportunities.

7.5.13 Greenlands

The greenland policies established in this Plan apply within Urban Centres. More detailed policies may be developed for urban centres, particularly where urban development is adjacent to sensitive greenland areas or where existing development has already occurred in or near Greenland areas.

7.5.14 Urban Centre Expansion

Urban Centres will eventually expand to accommodate new growth. Expansion will only occur in compliance with the comprehensive review policies established

by this Plan for urban expansion, and by amendment to this Plan.

Urban centre expansion shall be based on the potential to provide full municipal sewer and water services to new lands. Urban centre expansion will not be allowed on lesser servicing standards, unless full municipal services do not exist within the urban centre or unless the sewer and water facilities in the urban centre cannot be expanded.

Wellington County Council shall ensure that urban expansions:

- a) are based on objective decisions serving the interest of the broad Wellington community;
- b) provide urban centres with adequate land for growth over the planning period of this Plan.

As a general principle, Wellington County does not support the extension of municipal services beyond the boundaries of the municipality owning or in control of the services, except to rectify a serious health or environmental concern. This does not prevent the extension of services from one urban area to another urban area such as the sewage system connection between Guelph and Rockwood.

7.5.15 Sewage Treatment Plants

Municipalities shall strive to maintain compatibility between sensitive land uses and Sewage Treatment Plants. As a means to reduce the adverse impacts of offensive odours which may occur during the normal daily functioning of the sewage treatment system, new sensitive land uses shall not be allowed within a minimum separation distance of 100 metres of the existing sewage treatment plants. The separation distance may vary depending on the sewage treatment system and the adjacent land use. The Zoning By-law may recognize existing uses and additions.

PART 8

DETAILED URBAN CENTRE POLICIES

8.1 GENERAL

8.1.1 Purpose

The intention of this Section is to provide detailed land use policies for all urban centres identified with separate land use schedules in this Plan.

8.1.2 Overview

The urban centres of Wellington are the primary focus for housing, commerce, services, job creation, recreation, and community facilities. This Plan will recognize and reinforce the role of urban centres as central places in Wellington.

Of equal importance is maintaining the livability of urban centres. The residents of Wellington's urban centres value a small town lifestyle which is distinct from that of larger urban centres. The character of the county's urban centres needs to be protected as growth takes place.

Urban centres are a focus for growth but need to retain a small town lifestyle.

8.1.3 Vision Statement

By the end of the planning period, it is expected that the urban centres in Wellington County will have the following characteristics:

- a) that traditional community values will be maintained and the small town character will be enhanced;
- b) that the single-detached home will continue to be the dominant form of

housing but a greater variety of housing types will also be available;

- c) that the central business district will remain the primary focus of commercial, cultural and civic functions for the municipality;
- d) that well planned industrial areas will continue to provide new job opportunities and municipal tax revenues;
- e) that the quality of life for the residents will be enhanced by the protection of natural and cultural environment, the enhancement of new recreational opportunities, and the preservation of heritage resources;
- f) that municipal services such as roads, water, fire protection and administration will be improved and, where feasible, expanded to meet the needs of a growing community;
- g) that the greenland system and rivers will remain dominant natural features in urban centres providing aesthetic and recreational opportunities for both residents and visitors alike;
- h) that the elements of the natural environment including rivers, hills, wetland, groundwater and forest resources will be protected, enhanced and well managed.

8.1.4 Major Objectives

The major objectives of all urban centres are:

- a) to ensure that adequate lands, municipal services and community facilities are available to serve the existing and future needs of the community;
- b) to provide opportunities for an adequate supply and diversity of housing to satisfy the varied needs of a growing community;
- c) to provide the opportunity for an adequate supply and diversity of commerce and industry to serve the needs of a growing community;
- d) to ensure that development and development-related activity proceeds in an environmentally responsible manner;
- e) to encourage steady, economic growth in a carefully controlled manner to provide employment;
- f) to encourage economically viable and physically attractive central business district;
- g) to utilize urban design principles that ensure public safety and security for local residents and visitors;
- h) to maintain appropriate standards for development and redevelopment which encourage controlled growth and represent a long term benefit to the community;
- i) to ensure that adequate parkland, open space, and recreational opportunities are available to meet the recreational needs of every citizen;
- j) to protect, preserve and where practical enhance, the unique natural

and cultural heritage resources of the community; and

- k) to provide for a safe and efficient vehicular and pedestrian transportation system in the community.

8.2 ALL DESIGNATIONS

The applicable policies of Section 4 shall be considered in conjunction with appropriate policies under this Section.

It is the policy of this Official Plan that administrative offices, sales outlets, garages, depots or yards of any public or quasi-public agency or utility shall conform to the appropriate land use designation and policies of the Official Plan.

8.3 RESIDENTIAL

8.3.1 Overview

This Plan attempts to provide for urban centres with populations as set out in Section 3. To accomplish this growth it is essential to provide adequate opportunities for housing in each urban centre.

The single-detached home is currently the dominant housing type in urban centres and this situation is expected to continue. However, new housing types are needed to provide a greater variety of residential accommodation as well as a more affordable housing supply. The Official Plan anticipates that semi-detached, townhouse and apartment dwellings will be developed to respond to this need and that these units may eventually account for at least one quarter of all housing units in most urban centres.

Wellington is strongly committed to preserving the character and integrity of existing residential areas and will make reasonable efforts to ensure that development is compatible with established neighbourhoods. Wellington is also committed to ensuring that controlled

growth and development occur within the community in order to maintain and enhance the small town character of urban centres.

Housing supply must be adequate, varied and affordable.

8.3.2 Objectives

Wellington has set the following objectives for residential development:

- a) to ensure that an adequate supply of land is available to accommodate anticipated population growth over the planning period;
- b) to provide a variety of dwelling types to satisfy a broad range of residential requirements and ensure that affordable housing is available;
- c) to manage the rate of growth and the amount of residential development within the urban centre in order to maintain and enhance the small town character;
- d) to support the development, at appropriate locations and densities, of residential facilities that meet the housing needs of persons requiring specialized care;
- e) to ensure that an adequate level of municipal services will be available to all residential areas;
- f) to minimize potential compatibility issues between residential and other land uses;
- g) to encourage intensification, development proposals provided they maintain the stability and character of existing neighbourhoods;

- h) to support the establishment of certain non-residential uses in appropriate locations of the municipality;
- i) to encourage residential developments which incorporate innovative and appropriate design principles which contribute to public safety, affordability, energy conservation and that protect, enhance and properly manage the natural environment;
- j) to monitor the housing supply by reviewing new development, demolitions, intensification, and the number of affordable housing units brought on stream.

8.3.3 Permitted Uses

The predominant use of land in those areas designated RESIDENTIAL on Schedule "A" of the Plan shall be residential development. A variety of housing types shall be allowed, but low rise and low density housing forms such as single-detached and semi-detached dwelling units shall continue to predominate.

Townhouses and apartments, bed and breakfast establishments, group homes and nursing homes, may also be allowed subject to the requirements of the Zoning By-law and the applicable policies of this Plan.

In addition, non-residential uses such as schools, churches, clinics, local convenience stores, home occupations, neighbourhood parks and other public facilities may also be permitted within the RESIDENTIAL designation subject to the appropriate Zoning By-law regulations and the policies of the Official Plan.

Garden suites, accessory to existing single-detached homes, are also permitted within the RESIDENTIAL designation, subject to the requirements of the Plan including Section 6.4.5 and in accordance with the Temporary Use provisions of the Planning Act, as amended.

8.3.4 Low-Density Development

This plan considers single-detached, semi-detached and duplex dwellings to be low density housing forms. The Zoning By-law may provide separate zones for only single-detached, semi-detached or duplex dwelling units or a combination of any of the above.

The character of existing low density residential neighbourhoods should generally be protected and land uses which would cause significant loss of privacy, loss of view, or loss of sunlight due to shadowing or which would be incompatible due to their nature shall be discouraged. Section 8.3.11 provides additional consideration in this regard.

8.3.5 Medium Density Development

Multiple residential developments such as townhouses and apartments may be allowed in areas designated RESIDENTIAL subject to the requirements of the Zoning By-law and further provided that the following criteria are satisfactorily met:

- a) that medium density development on full municipal services should not exceed 35 units per hectare (14 units per acre) for townhouses or row houses and 65 units per hectare (26 units per acre) for apartments. In Fergus medium density can be allowed up to 100 units per hectare (40 units per acre);
- b) that the design of the proposed height, setbacks, landscaping and vehicular circulation, will ensure that it will be compatible with existing or future development on adjacent properties;
- c) that the site of the proposed development has a suitable area and shape to provide:
 - i) adequate on-site landscaping to screen outdoor amenity areas both on the site and on adjoining property, to buffer adjacent

residential areas and to improve the overall appearance of the development;

- ii) on-site amenity areas for the occupants of the residential units;
 - iii) adequate off-street parking, access and appropriate circulation for vehicular traffic, particularly emergency vehicles; and
 - iv) adequate grading to ensure that drainage from the property is directed to public storm drainage facilities and not to adjoining properties.
- d) that adequate services such as water, sewage disposal, storm water, roads and hydro are available to service the development;
 - e) that a separate zone(s) is established for multiple residential development.

8.3.6 Residential Conversion

The Zoning By-law may also provide for the conversion of existing single-detached dwellings to add one or more dwelling units provided that the following criteria are satisfactorily met:

- a) that the building is structurally sound and of sufficient size to allow the creation of one or more dwelling units;
- b) that the lot is of sufficient size to allow the required off-street parking without detracting from the visual character of the neighbourhood;
- c) that adequate amenity area is retained on the lot for the use of the residents of the dwelling; and

- d) that adequate water and sewage disposal services are provided to accommodate the increase in dwelling units.

In addition, the Zoning By-law may provide regulations which limit the size and number of units allowed in a converted dwelling and which specify the minimum lot area, frontage, off-street parking and floor area for the converted dwelling and each dwelling unit to be created.

8.3.7 Bed and Breakfast Establishments

The Zoning By-law may provide for the establishment of a bed and breakfast operation within a single-detached dwelling provided that the following criteria are satisfactorily met:

- a) that the dwelling is structurally sound and of sufficient size to allow for the creation of one or more rooms for let;
- b) that the lot is of sufficient size to allow the required off-street parking without detracting from the visual character of the area;
- c) that adequate amenity area is retained on the lot for the use of the residents and/or patrons of the bed and breakfast establishment;
- d) that adequate water and sewage disposal services are provided to accommodate the increase in dwelling units;
- e) that the exterior appearance of the building is not substantially altered.

In addition, the Zoning By-law may provide regulations which limits the size and number of rooms for let and which specify the minimum lot area, frontage, and off-street parking for such a residential facility.

8.3.8 Home Occupations

A single-detached dwelling unit may include a home occupation provided that the home occupation is a business which is clearly secondary to the residential use and does not generate noise, odour, traffic or visual impacts which may have adverse effect on nearby properties. The Zoning By-law shall contain provisions regulating home occupations.

8.3.9 Residential Care Facilities

Rest homes, nursing homes and homes for the aged may be allowed subject to the appropriate zoning regulations and in general compliance with the locational criteria established for multiple residential development.

8.3.10 Non Residential Uses

Non residential uses such as schools, churches, local convenience stores, medical clinics, professional offices, personal services, day care centres and nursery schools may be permitted provided that they meet the following criteria:

- a) non residential development should be located on an arterial or collector road or in close proximity to the Central Business District;
- b) the design of the proposed development with respect to building height, setbacks, landscaping, parking and vehicular circulation will ensure that it will be compatible with surrounding uses of land;
- c) adequate municipal services such as water, sewer, storm water, roads and hydro shall be available or will be made available to service the development;
- d) the zoning by-law establishes a specific zone or zones for these uses.

8.3.11 Compatibility of New Development

There are some older residential neighbourhoods in most urban centres which have lots with larger than normal frontages and areas. These areas represent a style of development that is typical of small communities in Ontario and is an important factor in why many people choose to live in these communities. This Plan attempts to preserve the charm and integrity of these neighbourhoods and will make efforts to ensure that future development is sensitive to and compatible with existing residential development.

Wellington will encourage the development of vacant or under-utilized properties for residential uses which are compatible with surrounding uses in terms of dwelling type, building form, site coverage and setbacks. Developments such as residential conversions, bed and breakfast establishments or home occupations which do not substantially alter the exterior appearance of the existing residences may also be permitted in accordance with the policies of this Plan and the applicable zoning provisions.

Where new residential development is proposed adjacent to an existing industrial use or other potentially incompatible land use, a planning impact assessment outlining measures to maintain land use compatibility, including land use separation and buffering, shall be provided.

8.4 CENTRAL BUSINESS DISTRICT

8.4.1 Overview

The predominant use of land in the area designated CENTRAL BUSINESS DISTRICT (CBD) on Schedule "A" to the Plan shall be for general commercial purposes.

This Plan attempts to ensure that the downtown area of urban centres is a strong focus for business, administrative, and

cultural activities and remains the primary gathering place combining both commerce and social functions.

8.4.2 Objectives

The objectives for the central Business are as follows:

- a) to ensure that the downtown remains the primary focus for retail, office, service, administrative and cultural activities;
- b) to provide adequate commercial facilities to serve the needs of the local community and surrounding population;
- c) to maintain and promote a compact and people-oriented downtown by establishing a safe and pleasant pedestrian environment which encourages movement by foot and bicycle rather than by automobile;
- d) to facilitate vehicular and pedestrian movement in the downtown through improvements to roads, parking areas, pedestrian paths;
- e) to protect the heritage buildings and structures in the downtown area and ensure that the attractive streetscape is retained and, where possible, enhanced;
- f) to enhance the appearance of and increase access to the natural areas in the downtown area for economic and recreational purposes;
- g) to continually improve the image and level of services of the downtown;
- h) to promote the Central Business District and the various commercial and business services it provides;
- i) to encourage initiatives which endeavour to improve the economic viability of the downtown area such

as the development of residential uses above commercial uses, supporting local groups whose objectives include downtown business improvement, and providing other appropriate assistance.

Strong downtown areas must be a focus for business, administrative, and cultural activities and remain the primary gathering place for commerce and social functions.

8.4.3 Permitted Uses

The CENTRAL BUSINESS DISTRICT as illustrated on Schedule "A" to the Plan shall accommodate a wide variety of retail, office, service, administrative, religious, cultural and entertainment uses. Service uses include restaurants, personal service establishments and financial institutions.

Residential development may be permitted within this designation provided that retail, office or service commercial uses are located at street level.

Certain commercial uses which rely upon and serve primarily vehicular rather than pedestrian oriented traffic, such as automobile sales and service establishments, building supply outlets and motels, are not permitted within the CENTRAL BUSINESS DISTRICT and therefore any new uses shall be located within areas designated HIGHWAY COMMERCIAL. Existing non-conforming uses shall be governed by policies contained in this Plan.

8.4.4 Scale of Development

The CENTRAL BUSINESS DISTRICT is intended to accommodate the most intensive development within the urban centre. The Zoning By-law may provide for lower intensity uses in terms of height,

density and site coverage where the CBD abuts low density residential areas.

8.4.5 Parking

Adequate and well located off-street parking facilities shall be provided to meet the demands generated by development in the downtown. Parking lot development will not be allowed on "main streets" where it is important to maintain continuous building facades.

Parking standards for new development may be established to satisfy the incremental demand for parking generated by the proposed development and the municipalities may accept cash payments in lieu of required parking, provided that any such payments are used to develop parking facilities to serve the commercial areas.

8.4.6 Design Considerations

When considering any development or redevelopment within the CBD, Council shall ensure that such proposals are both aesthetic and functional with respect to building height, bulk, setback, landscaping, parking and vehicular circulation. In addition, where any development or redevelopment is proposed adjacent to residential areas, appropriate measures shall be taken to provide adequate setbacks and screening for the residential areas.

Wellington also encourages the re-use of existing buildings within the CENTRAL BUSINESS DISTRICT, where practical.

8.4.7 Expansion Criteria

Areas designated CENTRAL BUSINESS DISTRICT, as shown on Schedule "A" of the Plan, may be expanded to allow new development. In considering proposals to expand the CBD, Council may require an impact analysis as outlined in this Plan.

8.5 RESIDENTIAL TRANSITION AREA

8.5.1 Overview

The Central Business District is primarily intended to be a retail commercial area with shopping, restaurants and accommodations catering to the traveling public and local needs. Other commercial uses in urban centres such as professional offices, clinics, personal services, day care centres, nursery schools, as well as churches and service clubs require sites to serve the community. These uses do not generate the same level of vehicular and pedestrian traffic as retail facilities for shopping, dining and overnight accommodation.

A RESIDENTIAL TRANSITION AREA has been identified as illustrated on Schedule "A" to provide an opportunity for non-retail commercial uses as well as other community services.

8.5.2 Objectives

The objectives for the RESIDENTIAL TRANSITION AREA are as follows:

- a) that all new non-retail uses and service functions shall maintain compatibility with existing residential uses and minimize impacts on surrounding land uses;
- b) that the character of the existing residential neighbourhoods shall be protected;
- c) that the Central Business District core remains the primary focus for commercial functions by encouraging only non-retail uses and service functions within the RESIDENTIAL TRANSITION AREA;
- d) that adequate lands are provided for non-retail uses and service functions required to serve the community;

- e) that adequate off-street parking is available;
- f) that heritage buildings are protected; and
- g) that initiatives are supported which improve the economic viability, level of services and aesthetic appearance of the RESIDENTIAL TRANSITION AREA.

8.5.3 Permitted Uses

The RESIDENTIAL TRANSITION AREA as designated on Schedule "A" of the Plan shall permit uses allowed in the RESIDENTIAL designation, as well as a wide variety of non-retail uses and service functions including, but not limited to, professional offices, studios, clinics, personal services establishments, day care centres and nursing homes. Ancillary retail uses secondary to the main service function may also be permitted.

Churches, service clubs and other community-oriented facilities are also allowed. Accessory apartments may also be permitted in the RESIDENTIAL TRANSITION AREA, as well as bed and breakfast establishments subject to the policies of Section 8.3.7. The establishment of uses within the RESIDENTIAL TRANSITION AREA designation shall comply with the provisions of the Zoning By-law.

8.5.4 Scale of Development

The RESIDENTIAL TRANSITION AREA is not intended to accommodate intensive commercial development as is anticipated in the Central Business District. The Zoning By-law may require on-site parking, landscaping, setbacks from roads and lot lines and maximum lot coverage and other provisions.

8.5.5 Design Considerations

The re-use of existing buildings located in RESIDENTIAL TRANSITION AREA designation, is encouraged where practical.

8.5.6 Expansion Criteria

The RESIDENTIAL TRANSITION AREA, as shown on Schedule "A", may be expanded to allow new development. In considering proposals to expand this area, Council may require an impact analysis as outlined in this Plan.

8.6 HIGHWAY COMMERCIAL

8.6.1 Overview

The predominant use of land within areas designated HIGHWAY COMMERCIAL on Schedule "A" shall be for commercial uses serving the travelling public or uses not considered compatible within the downtown of the urban centre.

The Main Street of most urban centres supports considerable volumes of traffic into and through the urban centre which often require goods and services such as automobile service, food and other items. The travelling public can best be served by providing appropriate commercial areas with access and visibility from this major road.

In addition, certain commercial uses, due to their nature, require large sites to accommodate their associated buildings, storage and parking requirements which are either not available or suitable within the downtown area of the community. Appropriate commercial areas for such land uses are required.

8.6.2 Objectives

The objectives for highway-oriented commercial development are as follows:

- a) to provide commercial services for the travelling public;
- b) to provide sites for commercial uses which require large lots for buildings, storage and parking and which cannot locate in the downtown area;

- c) to provide, on a limited basis, convenience facilities to serve the daily needs of the local residents.

8.6.3 Permitted Uses

The HIGHWAY COMMERCIAL designation as illustrated on Schedule "A" of the Plan shall accommodate uses catering to the travelling public such as motels, automotive sales and service, general convenience commercial uses, recreational uses, restaurants and banquet halls. Uses such as building supply outlets, wholesale outlets, churches, funeral homes, garden centres, furniture stores, home furnishing centres, liquor, beer and wine stores may also be permitted subject to the provisions of the Zoning By-law.

Residential dwellings accessory to a commercial use may also be permitted, subject to the provisions of the Zoning By-law.

8.6.4 Scale of Development

The Zoning By-law will establish setback, height, lot coverage and parking standards that encourage low density and low coverage commercial development.

8.6.5 Access

Site plan control by-laws and agreements shall be used to limit access to appropriate locations. In co-operation with the appropriate road authority, access to any road shall be carefully regulated to ensure the safe movement of vehicular and pedestrian traffic.

8.6.6 Design Considerations

Site design standards will be encouraged which provide aesthetically acceptable development. Where HIGHWAY COMMERCIAL areas are adjacent to residential areas, appropriate measures shall be taken to provide adequate setbacks, landscaping and screening and to control design elements which may detract from the residential area.

8.6.7 Expansion Criteria

The HIGHWAY COMMERCIAL area as shown on Schedule "A" may be expanded or new areas may be identified provided it does not detract from the viability of the Central Business District. In considering proposals for new or expanded HIGHWAY COMMERCIAL areas, Council may require an impact analysis as outlined in this Plan.

8.7 INDUSTRIAL

8.7.1 Overview

Urban Centres are intended to be the focus for industrial development in Wellington County. The design and servicing of high quality industrial areas is essential to the future prosperity of the County.

8.7.2 Objectives

The objectives for industrial development are as follows:

- a) to diversify the local tax base by increasing industrial assessment;
- b) to provide adequate industrial lands to meet the urban centre's long term land use requirements;
- c) to ensure that fully serviced industrial lots are available, or where full municipal water or sewer services are not available to ensure that the nature of industrial development is appropriate to the servicing available;
- d) to ensure that users of the industrial land are "clean" industries which do not have a detrimental effect on the urban centres and that any potential adverse impacts of industrial development on the natural environment and surrounding land uses are minimized;
- e) to encourage attractive industrial areas through appropriate design standards.

The design and servicing of high quality industrial areas is essential to the future prosperity of the County.

8.7.3 Permitted Uses

The lands designated INDUSTRIAL on Schedule "A" of the Plan may be used for a variety of industrial uses including, but not limited to, manufacturing, processing, fabricating, assembly, warehousing and repair establishments. Public and private services and utilities, transport facilities, storage yards and a municipal sewage treatment plant may also be permitted. The Zoning By-law may prohibit certain industrial uses which, by their nature, would have a detrimental impact on the community.

Certain commercial uses requiring large sites or which may not be suitable in a commercial area due to their nature may also locate within INDUSTRIAL areas. Such uses may include heavy equipment sales and services, factory or wholesale outlets, mini-warehouses, and truck or auto repair shops,

Office uses are permitted in the INDUSTRIAL designation subject to provisions of the Zoning By-law.

The Zoning By-law may also permit buildings, structures and uses accessory to a permitted use, such as a cafeteria or a retail outlet for goods produced on site, but excluding any residential uses.

8.7.4 Design Consideration

When reviewing industrial proposals within the urban centre, a Council shall encourage site design standards and architectural features such as building scale, orientation, colour and materials, which create industrial areas that confer a positive visual image and foster community pride.

In developing new industrial areas, consideration shall be given to the following:

- a) industrial traffic should be directed away from residential neighbourhoods wherever practical;
- b) appropriate setbacks, parking requirements, landscaping, screening, outdoor storage and yard requirements will be placed within the Zoning By-law;
- c) encouraging buildings which make use of attractive building materials, particularly on the front walls;
- d) the Zoning By-law may contain a variety of industrial zones and shall include provisions for light industrial uses and setbacks from adjacent parks or other sensitive uses;
- e) visual screening such as plantings, fencing or other similar forms of buffering shall be required where an industrial area abuts a residential or institutional area and may be required adjacent to commercial areas. The zoning by-law shall establish standards for buffering in these situations and site plan control shall be applied to such properties;
- f) separation distances from existing incompatible land uses.
- g) proper siting and containment facilities of chemicals used on site for uses within a Well Head Protection Area in accordance with Section 4.9.5.6 of this Plan.

8.7.5 Scale of Development

The Zoning By-law shall regulate lot coverage, building height, yard requirements and other matters so that the scale of industrial development will be compatible with adjacent uses of land.

8.7.6 Expansion Criteria

In considering new INDUSTRIAL areas or expansions thereto, Council may require an impact analysis as outlined in this Plan.

8.8 RECREATIONAL

8.8.1 Overview

The RECREATIONAL designation on Schedule "A" of the Official Plan includes private as well as public land and is intended to be used for passive and active recreational purposes. However, where land within this designation is under private ownership, this Plan does not imply that it is open to the general public nor that the municipality will acquire such land for public use.

8.8.2 Objectives

The objectives with respect to Recreational Areas are as follows:

- a) to provide a wide variety of recreational opportunities for the residents of the community;
- b) to recognize and maintain the natural areas and rivers as unique natural features and important community resources;
- c) to co-operate with the appropriate Conservation Authority, local service clubs and other public and private agencies in providing and/or enhancing recreational and cultural facilities for the community;
- d) to obtain land suitable for parkland development; and
- e) to improve access to public open spaces wherever appropriate.

New and enhanced recreational opportunities must be provided.

8.8.3 Permitted Uses

The permitted uses in the RECREATIONAL designation as illustrated on Schedule "A" of the Plan may consist of private and public parks, playing fields, playgrounds, arenas,

community centres, fairgrounds, picnic areas, curling clubs, lawn bowling greens, hiking/trails, golf courses and other recreational uses and facilities. Minor accessory commercial uses may also be permitted. However, for land designated RECREATIONAL within the floodway, no buildings or structures shall be erected and no placement, movement or removal of fill shall be permitted without the prior written approval of the Conservation Authority.

8.8.4 Parks, Culture and Recreation Master Plan

A Parks, Culture and Recreation Master Plan may be prepared. Such a Master Plan will generally:

- a) outline all open space areas, recreational facilities, cultural programs and recreational programs operated by various service providers in the community;
- b) identify community needs with respect to the above program and facilities;
- c) assess the need for additional recreational lands, facilities and programs;
- d) outline an implementation plan for the planning and development of recreation and cultural facilities or programs, including the investigation and prioritization of sources of funding for such facilities and programs.

The Parks, Culture and Recreation Master Plan will be used as a policy document to assist in determining parks, culture and recreation requirements. Policies which are adopted, as part of the Parks, Culture and Recreation Master Plan may be included by amendment to the Official Plan.

8.9 GREENLANDS

8.9.1 Overview

The GREENLAND areas designated within Urban Centres consist mainly of Core Greenlands, as illustrated on Schedule "A" of the Plan. The primary purpose is to identify hazardous areas which pose a threat to property or human life or have inherent limitations to development.

The main greenland features identified are rivers, their adjacent flood prone land and valley slopes. Also included are wetlands, smaller watercourses and other areas with physical constraints such as poor drainage, steep or unstable slopes. These areas serve as plant and animal habitat, forest areas and fishery resource areas in urban centres.

8.9.2 Objectives

The objectives for the greenland areas are as follows:

- a) to provide protection to those aspects of the natural environment which can be harmed by urban development;
- b) to protect the community from those aspects of the natural environment which can pose a threat to public health and safety;
- c) to ensure that natural areas are protected and their natural beauty retained for future generations;
- d) to improve public access to natural areas where appropriate; and
- e) to encourage stewardship and enhancement of the local natural environment.

Urban greenlands will be protected and, where practical, enhanced.

8.9.3 Permitted Land Use

Within the Core Greenlands and Greenlands designations on Schedule "A", permitted uses and policies outlined in the Greenland System of this Plan shall apply.

8.9.4 Hazardous Lands and Sites

- a) lands which may be hazardous because of unstable slopes or other hazards will be identified in the implementing Zoning By-law, in consultation with the Conservation Authority;
- b) the reconstruction or minor alteration of existing uses may occur subject to the approval of Council in consultation with the Conservation Authority.

8.9.5 Flood Plain Lands

Many urban centres were settled along the banks of a major water course. A significant portion of many urban centres in Wellington lie within a flood plain.

The following policies shall apply to land designated GREENLANDS within a flood plain.

- a) this Plan prescribes a "one-zone" approach to flood plain management, meaning that development is restricted below the Regulatory Floodplain (i.e. flood plain area), as shown on Schedule "A");
- b) no buildings or structures shall be erected and no placement, movement or removal of fill may occur within the flood plain without the prior approval of the Conservation Authority;
- c) outdoor industrial storage or the storage of hazardous or toxic substances including sewage disposal or collection shall not be permitted;

- d) the reconstruction or minor alteration of existing uses may occur subject to the approval of Council in consultation with the Conservation Authority;
- e) the creation of lots which extend into flood susceptible areas may only be permitted, in consultation with the Conservation Authority, where no public agency is willing to assume ownership of the flood plain lands and that sufficient buildable area exists outside the flood plain;
- f) amendments to this Plan will not be required for minor revisions to flood plain boundaries.

8.9.6 Special Policy Areas – Flooding

A **Special Policy Area** may be applied within a community that has historically existed in the floodplain and where site specific policies approved in consultation with the Conservation Authority, Ministry of Natural Resources and the Ministry of Municipal Affairs are intended to address the significant social and economic hardships that would result from strict adherence to provincial policies.

For the purposes of the Plan, the communities of Drayton and Harriston identify a Special Policy Area for floodplain management. In addition, Harriston, utilizes a two zone concept to manage portions of the floodplain outside of the Special Policy Area. Notwithstanding the above, the urban centre of Rockwood utilizes both a one zone and a two zone concept to floodplain management. Also, the hamlet of Damascus which contains a portion of the Four Mile Creek is subject to flooding during a Regional Storm. A two zone concept has been applied to Damascus and the Zoning By-law will establish permitted uses and regulations to implement this approach to floodplain management.

Specific floodplain management policies for Drayton, Harriston, Eden Mills and Rockwood are contained in Part 9, Local Planning Policy.

8.10 FUTURE DEVELOPMENT

8.10.1 Overview

There are certain areas within urban centres, where it is not possible to predesignate for the future intended uses. Such lands may not be required over the planning period for development purposes or the specific nature of the intended land uses is not known at this time.

8.10.2 Objectives

The objectives for areas designated FUTURE DEVELOPMENT are as follows:

- a) to provide for the orderly future development of the unbuilt areas of the Urban Centre;
- b) to limit development of such lands until an Official Plan Amendment including a proper site plan or concept plan for future uses has been submitted and approved;
- c) to prohibit any major development of these lands until the necessary municipal services can be made available to such areas.

8.10.3 Permitted Uses

The permitted uses within areas designated FUTURE DEVELOPMENT as illustrated on Schedule "A"

8.10.4 Redesignation of Future Development Areas

Development within the FUTURE DEVELOPMENT areas will be limited and restricted to ensure that premature provision of municipal services will not be required.

Consideration may be given to the creation of a new lot by consent provided such development is in accordance with the policies of this Plan.

Redesignation of these lands may be considered if it is proven that additional land for development purposes is required. A comprehensive review of the need and impacts of developing this land on the surrounding area shall be undertaken with regard for the following:

- a) that a need for additional land is demonstrated by the fact that approximately three-quarters of the land designated for development by this Plan are already developed;
- b) that services of all kinds are or can be reasonably and economically provided to the proposed development;
- c) that adequate development plans which indicate the type of development and facilities to be provided (such as, streets, schools, parks and shopping facilities) are or will be made available to the municipality;
- d) that the proposed development is contiguous to and is a logical extension of existing development;
- e) any required impact studies have been completed.

PART 9

LOCAL PLANNING POLICY

9.1 GENERAL

9.1.1 Overview

Individual municipalities have developed policies that reflect local differences or preferences. Where appropriate, these policies are recognized in this Plan.

Certain lands within local municipalities do not fit into a traditional land use designation at this time. This may be due to past development decisions, special characteristics of the area, the need for future studies, servicing requirements or the potential for a mixture of uses or specialized uses. As such, these areas have been designated Policy Areas on Schedule "A" of this Plan.

All appropriate policies of the County's Official Plan apply except as specifically provided for under the policies of this section of the Plan.

9.1.2 Objectives

The objectives for Policy Areas are as follows:

- a) to identify those lands which may have special functions to serve or which need further study before their best use can be determined;
- b) to provide direction as to how future approvals for these lands are to proceed;
- c) to indicate, where possible, the type of studies or information required to determine the appropriate use of these lands.

9.2 CENTRE WELLINGTON LOCAL POLICIES

The following local policies and policy areas have been identified for Centre Wellington:

9.2.1 Aggregate Extraction from Belwood Lake

The extraction of aggregate from the lake bed of Belwood Lake is a permitted use subject to the Aggregate Resources Act and the applicable policies of this Plan.

9.2.2 Fairview Recreational/ Residential Area

On Part of Lots 9 and 10, Concession 3, a Recreational/Residential community may be developed. The predominant and primary use of the lands shall consist of private open space. In this regard, a public golf course, consisting of at least nine (9) holes, shall be permitted as well as a driving range and other ancillary uses, such as clubhouse, pro shop and parking area. Secondary uses shall consist of limited residential uses to be developed in accordance with the policies of this subsection.

The proposed design of the Recreational/Residential community shall project the predominant use of the property as public golf course with limited residential uses. In this regard, the development of the property shall follow a pattern whereby golf course holes, pathways and vegetative buffer zones are located along all property lines with residential uses to the interior of the site. All residential units shall have access to private internal roads built to appropriate standards. No direct access shall be permitted for any residential unit to

County Road 19 or 3rd Line. All residential units shall meet the requirements of the Minimum Distance Separation Formula.

The maximum number of residential units permitted on the property shall not exceed forty-one (41), exclusive of the existing residential unit within the clubhouse already on the property.

The residential units to be included on the property shall be limited to two (2) distinct areas on the property. The first residential area on the parcel will be located to the easterly boundary between the 3rd Line and the existing bush and shall consist of a maximum of twenty-one (21) residential units. The residential units shall consist of single detached homes with a minimum of 8 metre separations between dwellings. The second residential area shall consist of that portion of the property immediately south of the existing clubhouse. A maximum of twenty (20) units shall be permitted in this area. The residential units shall consist of single detached homes. All residential units to be developed on the property shall proceed by plan(s) of condominium only. The subject property is identified as a site plan control area.

9.2.3 Club Harmonie

On Lot 19 and 20, Concession 9, a private recreational and social club, consisting of 111.3 hectares (275 acres) is permitted.

The use of the subject property will be controlled by the Zoning By-law and shall be limited to agricultural uses; the existing recreational/social club including the existing 35 seasonal residential dwelling; recreational trailers which shall not be used as principle residences; the existing recreational airstrip; and related accessory uses.

Eleven (11) units currently located in the floodplain of the Irvine Creek may be relocated to a more suitable location on the property in close proximity to the existing development.

All construction, buildings and site improvements shall be in conjunction with the requirements of the Wellington-Dufferin-Guelph Health Unit, the Grand River Conservation Authority or any other agency having jurisdiction.

9.2.4 Policy Areas

Centre Wellington contains the following policy areas and these are shown on the Land Use Schedules:

PA1-1 Wellington Place Lands (Nichol)

The lands of Wellington Place are identified as **PA1-1** on Schedule "A1". The original stone building on the property which houses the Wellington County Museum and Archives, has been designated a "National Historic Site" by the National Historic Board of Canada. The Wellington County Museum and Archives was originally a "House of Industry" and it is the oldest building of its' kind in Canada.

The uses permitted on this land may include offices and uses for institutional, community, public and recreational purposes. Accessory uses, buildings and structures such as parking areas, barns, silos, pump houses, water works and sewage treatment areas are also permitted.

The area between Wellington Rd 18 and the Grand River may be used for passive recreational uses and for public access to the Grand River.

Future development may be permitted provided it is complementary to existing uses, buildings and structures and that the visual aspects of Wellington Place are considered and preserved.

PA1-2 Waste Transfer Station

Notwithstanding any provisions in this Plan to the contrary, the area identified as **PA1-2** on Schedule "A1" may be used for a solid waste transfer station and associated waste management uses. The site was once an active sanitary landfill.

In the future, this site may be suitable for other land uses such as recreational or public uses but residential uses shall not be permitted. Any future development of this land will be subject to the requirements of the Environmental Protection Act and other relevant legislation. Studies will be required to assess the potential hazards to human health and the environment and any remedial action required. Such studies may include a planning impact analysis, environmental impact study and a traffic impact analysis.

The Zoning By-law may establish more detailed permitted uses for the site as well as regulations for existing uses of the property.

PA1-3 Eisen Landscape Materials Yard (Nichol)

The area identified as **PA1-3** on Schedule A1, is located on Part of Lot 12, Concession 3 in the Township of Centre Wellington (formerly the Township of Nichol). Notwithstanding the policies of this Plan to the contrary, this property may be used for a landscape materials storage and sales establishment. The commercial uses on this property shall be limited to the northern portion of the property (with access from the Nichol Second Line) and include a sales office, showroom and product display, work shop, scale and scale-house, off-street parking and loading areas, and accessory buildings and uses. The balance of the property is to be used for the storage of natural resource products such as soil, mulch, aggregates, stone, nursery stock and other landscape materials.

Notwithstanding the policies of Section 10.3 herein, consideration may be given to the severance of the existing residence on the southern most part of this property, subject to the policies of Section 10.1.3, 10.3.8, and all other applicable policies of this Plan.

The land identified as **PA1-3** shall be subject to appropriate zoning. The zoning by-law may include site specific provisions

regarding permitted land uses, building setbacks, off-street parking, lot coverage, minimum landscaped areas, and other provisions, to address land use compatibility and to provide for the appropriate redevelopment of the land. Restrictive zoning shall be placed on the portion of the subject land designated CORE GREENLANDS.

All development within the area identified as **PA1-3** shall comply with Minimum Distance Separation Formula of the Ministry of Agriculture and Food and shall be subject to the site plan control provisions of this Plan.

PA1-4 6734 Wellington Road (West Garafraxa)

The site specific policy area **PA1-4** on Schedule A1 (Centre Wellington) of this Plan refers to Part of Lots 14 and 15, Concession 4 (West Garafraxa) municipally known as 6734 Wellington Road 16. Notwithstanding Section 6.4.3 or any other sections in this Plan to the contrary, the land identified as **PA1-4** may be used for an enclave of 5 residential units surrounding a private lake, subject to the following policies:

The residential uses on this property are limited to a maximum of 5 single-detached dwelling units with accessory uses on private services, developed and maintained in accordance with the provisions of the Condominium Act, 1998 as amended. Residential development shall be limited to those areas approved by the Grand River Conservation Authority as identified within the implementing zoning by-law. The zoning for the subject land shall also contain specific provisions to ensure that adequate setbacks from natural areas are provided and that compliance with Minimum Distance Separation requirements is maintained.

9.2.5 Community Planning Study Area

Schedule A1 to the County of Wellington Official Plan designates an area between the existing Fergus and Elora Urban Centres on the north side of the Grand

River as a Community Planning Study Area. Wellington Place is located at the centre of this area. This area will be considered for future urban expansion of the Fergus and Elora-Salem Urban Centres as a source of future residential, recreational, public service and institutional uses. It has the potential to play a significant role in community life in the future. Comprehensive planning is needed to ensure this outcome.

The County will not consider applications to expand the limits of the Fergus or Elora-Salem Urban Centres within the Study Area until such time as the Township undertakes a Community Planning Study. The Community Planning Study will be initiated by the Township in consultation with the County and shall incorporate the following.

- a future servicing strategy including a Staging Plan addressing the phasing, timing and financing of development and infrastructure improvements
- a plan for the provision of schools, parks, open space and other community facilities including the development of Wellington Place lands
- enhancement of a greenspace corridor associated with the Elora-Cataract Trailway
- a subwatershed study
- an agricultural and environmental impact assessment
- a future transportation plan including road patterns and engineering standards for arterial, collector, local roads, and pedestrian and bicycle paths;
- urban design guidelines

Prior to initiation of the Study, the Township and County shall prepare detailed terms of reference and, if necessary, refine the study area limits. The study area limits may be adjusted based on physical features without requiring a further amendment to this Official Plan. The terms of reference will also set out a plan for consultation with the affected landowners, including the County and GRCA, as well as the general public.

Upon completion of the Community Planning Study, the County and Township Official Plans will be amended to implement the Community Plan according to the recommended Staging Plan, and the requirements of the Township Official Plan with respect to a Secondary Plan Study shall be deemed to have been fulfilled. The initiation of the Community Planning Study should be co-ordinated with the Township's next Official Plan Review. This Community Planning Study may be co-ordinated with other Secondary Plans. Where practical, elements of the Community Planning Study, such as the subwatershed study, may be integrated with other Secondary Planning Studies.

The Township may use its zoning by-law to recognize existing livestock housing facilities and allow for their limited expansion; or to prohibit the establishment of new livestock housing facilities within the Community Planning Study Area.

9.3 ERIN LOCAL POLICIES

The following local policies and policy areas have been identified in Erin.

9.3.1 Sopinka

On part of Lot 14, Concession 9, the land designated as County Residential on Schedule "A2" and known as the Sopinka/Reed proposal will contain a maximum of six lots. The final number of lots and lot layout will be subject to the approval of the Credit Valley Conservation Authority, Ministry of Natural Resources,

Ministry of the Environment, Local Health Unit and the municipality.

9.3.2 Policy Areas

Erin contains the following policy areas and these are identified on the Land Use Schedules.

PA2-1 Zumberak

Notwithstanding any other provisions of this Plan to the contrary, on the land identified as **PA2-1** on Schedule "A2", the permitted uses shall consist of a private recreation facility including a recreation hall and swimming pool and a travel trailer camp or park containing a maximum of ten (10) units. The travel camp or park shall be developed in accordance with the approved site plan and implementing agreement. The occupation of units within the travel trailer camp or park shall be limited to between April 1st and November 1st of any year.

PA2-2 Former Waste Disposal Site (Hillsburgh)

The area identified as **PA2-2** on Schedule "A2" is a former waste disposal facility which has been capped. This site may be used as a waste transfer and recycling facility.

Notwithstanding any provisions in this Plan to the contrary, future development may be restricted or controlled on, or adjacent to, land identified as **PA2-2**.

A landfill constraint area exists within 500 metres of the land used for waste disposal. Future development proposed on or within 500 metres of land used for waste disposal will be subject to the requirements of the Environmental Protection Act and to the policies of Section 11.4.5 of this Plan."

PA2-3 Everdale

In addition to agricultural uses, the lands designated as Special Policy Area PA2-3 on Schedule A2-Erin, known as the Everdale Environmental Learning Centre, may also be used for an environmental / educational learning facility with associated residential units. Minor expansion of the existing uses is permitted by this Plan, but only where

local approval is given through the passing of an amendment to the Erin zoning by-law. PA2-3 shall be subject to the Secondary Agricultural severance policies of Section 10.4 of the Wellington County Official Plan.

9.4 GUELPH – ERAMOSIA LOCAL POLICIES

The following local policies and policy areas have been identified in Guelph-Eramosa.

9.4.1 Rockwood Floodplain Policies

The flood prone lands within Rockwood are those below the elevation of the Regulatory Floodline of the Eramosa River and Branch Creek. All land below the Regulatory Floodline, with the exception of areas lying between the hydraulic floodline and the regulatory floodline, will utilize a one-zone concept. However, a portion of the floodplain is considered to be less hazardous, and in these areas a two-zone concept for flood plain planning will be used.

The following floodplain management policies shall apply.

- a) **Floodway Areas** – These areas are designated Greenlands and contain the area of the flood plain below the elevation of the regulatory floodline or below the hydraulic floodline as identified on Schedule "A3-1". The hydraulic floodline has been determined by the Grand River Conservation Authority. No new development is permitted in these areas except for buildings and structures that are intended for flood or erosion control or by their nature must locate in the Floodway. Approval of the Conservation Authority will be required.

Renovation of existing buildings may be permitted provided the structure is appropriately flood proofed to the highest practical extent and there are no adverse affects on the hydraulic characteristics of flood

flows. A Fill, Construction and Alteration to Waterways Permit will be required for any construction and approval for the placement or removal of fill will be obtained from the Conservation Authority.

Replacement or rehabilitation of existing buildings destroyed by natural causes, other than flooding, may be permitted provided the structure is flood proofed to the elevation of the regulatory flood and that:

- i) the replacement or rehabilitated building/structure is not larger in dimension than the building it is replacing;
- ii) the habitable floor space elevation of any residential building is located above the regulatory flood elevation;
- iii) no basements will be allowed;
- iv) mechanical, electrical, air conditioning and heating equipment will be located above the regulatory flood elevation.

Lands in the floodway shall be appropriately recognized in the Zoning By-law in order to restrict new development. Existing buildings in the floodway will be recognized as non-conforming uses.

- b) **Flood Fringe Areas** - The flood fringe on Schedule "A3-1 is the area between the floodway (hydraulic floodline where identified) and the regulatory flood line. New development, redevelopment, or a major addition (increases size by 50% or more of the existing ground floor area or substantially increases the value) or renovation to existing uses may be permitted provided it is

in conformity with all other policies of the Plan and approval of the Conservation Authority and municipality have been obtained. A Fill, Construction and Alteration to Waterways Permit will be required from the Authority for any construction and for the replacement or removal of fill in the flood fringe.

The Zoning By-law will zone land in the Flood Fringe with an (f) suffix and specific regulations for permitted uses and flood proofing will be defined therein.

9.4.2 Seaton Property (Rockwood)

On part of Lot 3 and 4, Concession 5, known as Rockwood Ridge development, Council may consider passing a by-law to remove the Holding Symbol (H) from any land subject thereto, or any parts thereof, when Council has been satisfied with respect to the following matters:

- a) That there is sufficient sewage capacity and water supply together with the associated infrastructure needed to service the phase.
- b) With respect to blocks in retail commercial zones established by By-law 34-95, that Council is satisfied that there is sufficient market justification for the proposed retail commercial development and that there is no undue impact on the commercial core. This must be demonstrated through a market impact study which shall include consideration of long and short term impacts of any proposed new retail floor space, all approved and proposed competing commercial developments, and the amount of new retail floor space that can be justified.
- c) With respect to blocks in the mixed use zones established by By-law 34-95, that Council is satisfied that the

proposed service commercial development will not have an undue impact on the downtown core of Rockwood. This must be demonstrated through a market impact study which shall include consideration of long and short term impacts of any proposed new service commercial development on the downtown core.

9.4.3 Rockwood Residential Transition Area

The following additional uses are permitted in the Rockwood Residential Transition Area:

food store, building supply store, garden centre, wholesale outlet, furniture store, home furnishing centre, motels, automotive services, convenience commercial services, recreation and entertainment uses, restaurants, banquet halls, and other complementary/similar retain uses.

9.4.4 Policy Areas

Guelph-Eramosa contains the following policy areas and these are identified on the Land Use Schedules.

PA3-1 Guelph Centre of Spirituality

Notwithstanding any provision in this Plan to the contrary, the permitted uses within the large area identified as **PA3-1** on Schedule "A3" may include: institutional uses related to the activities of the Guelph Centre of Spirituality, a cemetery, places of worship, places of retreat, five dwelling units related to farming as well as shelters for the homeless and handicapped, accommodation for priests and laity, dining halls and supporting office facilities (i.e. Canadian Jesuits . offices, computer facilities, reception room, kitchens, etc.), and works of charity and mercy, farming and education, and a daycare centre.

On a portion of this property, more specifically described as Part of Lots 4 and 5, Concession 3, Division "D" on the west side of Highway 6, business or professional

offices may also be permitted up to the maximum gross floor area of that building as it existed on July 4, 1990.

The Zoning By-law shall establish the appropriate regulations for the above-mentioned permitted uses for this policy area.

PA3-2 The Federated Women's Institute of Ontario

Notwithstanding any provision in this Plan to the contrary, the land identified as **PA3-2** on Schedule "A3", may also be used for offices and accessory uses.

PA3-3 River Walk Estates (Rockwood)

The land identified as **PA3-3** on Schedule "A3-1" is designated for residential purposes. Notwithstanding the policies of the Residential Land Use designation, this area may be used for a mix of commercial and residential uses. Commercial uses shall be limited to service uses, including business and professional offices. Institutional uses will also be permitted.

PA3-4 Guelph Township

Notwithstanding any provision in this Plan to the contrary, the permitted uses within the area identified as **PA3-4** on Schedule "A3" may also include a single detached residence, three (3) apartment units and a sporting goods supply store having a maximum floor area of 149 square metres.

PA3-5 Guelph Township

Notwithstanding any provisions in this Plan to the contrary, the permitted uses within the area identified as **PA3-5** on Schedule "A3" may also include an autobody repair shop and a car dealership

PA3-6 Guelph Township

Notwithstanding any provision in this Plan to the contrary, the permitted uses within the area identified as **PA3-6** on Schedule "A3" may also include a trucking business and associated storage, truck repair and warehousing facilities.

PA3-7 Guelph Township

Notwithstanding any provision in this Plan to the contrary, the permitted uses within the area identified as **PA3-7** on Schedule "A3" may include a group home for mentally challenged persons subject to the licensing, and provincial policy and regulations. The group home shall be restricted from three (3) to ten (10) persons exclusive of staff or receiving family.

PA3-8 Guelph Township

Notwithstanding any provision in this Plan to the contrary, the permitted uses on the land identified as **PA3-8** on Schedule "A3" may also include a woodworking shop and furniture manufacturing business.

PA3-9 Guelph Township

Notwithstanding any provision in this Plan to the contrary, the permitted uses on the land identified as **PA3-9** on Schedule "A3" may also include a garden centre for the wholesale and retail sale (including products grown and/or produced off site) of plants, trees, shrubs, soil, fertilizers, herbicides, insecticides, peat moss, mulch, gardening tools, sprinkler systems, landscaping products and accessories relating to gardening and the planting of trees, shrubs and plants.

PA3-10 Guelph Township

Notwithstanding any provision in this Plan to the contrary, the permitted uses on the land identified as **PA3-10** on Schedule "A3" may also include meat processing and related wholesale and retail sales uses in one building with a maximum gross floor area of 576 square metres (6,200 square feet). Meat processing shall not include the slaughtering of animals.

PA3-11 Guelph Township

Notwithstanding any provisions in this Plan to the contrary, the permitted uses on the land identified as **PA3-11** on Schedule "A3" may also include a church or religious use, an accessory religious bookstore and a commercial school.

PA3-12 Vet Clinic (Guelph Township)

Notwithstanding any provision in this Plan to the contrary, on the land identified as **PA3-12** on Schedule "A3", a veterinarian clinic having a maximum floor area of 3,000 square feet and one attached dwelling unit shall be permitted.

PA3-13 Eden Mills – Floorplain Policies

The central area of Eden Mills which is within the floodplain of the Eramosa River has historically developed for a combination of residential, commercial and community uses. Floodplain planning in Eden Mills utilizes a one zone approach and will be implemented through the Zoning By-law. However, within the area identified as **PA3-13** on Schedule "A3-2", the following policies shall apply:

- i) existing residential and/or commercial uses and conversions thereto may be permitted in accordance with the policies of 8.5 of this Plan. Conversions of existing residences for commercial purposes, shall be regulated by the appropriate zoning category under the Zoning By-law. Conversion of a commercial use to a residential use will not be permitted;
- ii) any new development including minor additions, renovations or conversions will be subject to conditions deemed necessary and desirable by the municipality; will require the approval of the Conservation Authority, and if necessary, the Health Unit;
- iii) the implementing zoning by-law will note the limits of the area identified as **PA3-13** and specific regulations for development in this area will be included therein;
- iv) no new development will be permitted below the elevation of the Regulatory Floodline.

PA3-14 Lou Fontonato (Eden Mills)

The land identified as PA3-14 on Schedule “A3-2” is designated residential. In addition to all other requirements of this Plan, prior to the municipality approving any development on these lands, appropriate studies shall be carried out which demonstrate that the quality of surface and ground water will not be degraded and that individual wells in the area will not be negatively affected.

PA3-15 Municipal Drain Relocation (Guelph Township)

The land identified as PA3-15 on Schedule “A3” is designated Core Greenlands. This Core Greenlands designation relates to the existing municipal drain on the lands. The drain is proposed to be relocated subject to the approval of the Grand River Conservation Authority and/or Department of Fisheries and Oceans in consultation with the Township of Guelph/Eramosa. Upon such approval of the relocation of the municipal drain, amendment may be made to the Township Zoning By-law to reflect the new municipal drain location without an amendment to this Plan and the policies of the applicable adjacent Prime Agricultural and Rural Industrial designations shall apply to the PA3-15 lands.”

PA3-16 Guthrie/Wilson Hamlet Expansion (Crewson’s Corners)

The land identified as PA3-16 on Schedule “A3” is designated Hamlet. Notwithstanding any provision in this Plan to the contrary, a minimum 80 metre habitable building setback shall be maintained from the limit of the adjacent CN Railway right-of-way.

PA3-17 Guelph Golf Academy

“Notwithstanding any provisions in this Plan to the contrary the permitted uses on the land identified as PA3-17 on Schedule “A3” may also include a 9-hole golf course with a clubhouse and associated golf practice and golf teaching facility.

9.5 MAPLETON LOCAL POLICIES

The following local policies and policy areas have been identified in Mapleton:

9.5.1 Special Policy Area – Floodplain Management

Schedule “A4-1” identifies a Special Policy Area. The subject area is part of the historic centre of Drayton. Special policies are required for the continued economic and social viability of the area. Within the Special Policy Area (S.P.A.), the permitted land uses will be in accordance with the specific land use designations of the Plan which are contained within the identified Special Policy Area.

Implementation of the S.P.A. shall be through the Zoning By-law. A one zone concept will be utilized, and the suffix (f) will be added to the zone symbols to identify lands above the floodway within the S.P.A. Specific regulations for all construction including flood proofing requirements will be implemented through the Zoning By-law. The remaining areas of the floodway and floodplain outside of the S.P.A. will be placed in an appropriate zone to restrict development. Existing uses in these areas will be recognized as legal non-conforming uses.

Applications for development in the S.P.A. shall not be approved until such time as the municipality having been notified of the approval by the Conservation Authority. The proponent for development will be required to submit for approval a site plan in accordance with the provisions of the Planning Act and Section 13.9. Such plans shall be reviewed and approved by the Conservation Authority.

Upon completion of a structure or building foundation, the Conservation Authority and the municipality may require a letter from an Ontario Land Surveyor or Professional

Engineer verifying that the floor is at the required level.

Upon completion of the building or structure, the municipality or Conservation Authority may require a letter of compliance by a Professional Engineer verifying that flood proofing measures have been implemented as required.

Building permits shall not be issued until such time as the municipality has been notified of the approval of the Conservation Authority.

The municipality will continue to maintain the flood contingency plan and to co-operate with the Conservation Authority in the operation of the Flood Warning System.

9.5.2 Mobile Homes

The zoning by-law may include provisions for individual mobile homes on separate lots or as secondary residences for farm help within the municipality.

9.5.3 Policy Areas

Mapleton contains the following policy areas and these are identified on the Land Use Schedules.

PA4-1 Riverview Expansion Area

In addition to other policies contained in Section 6.10, Country Residential, and elsewhere in this Plan, the area identified as **PA4-1** on Schedule "A4" shall be subject to the following policies:

- a) the northeast corner of the policy area is subject to a Minimum Distance Separation (MDS) arc of 265.0 metres (873.0 feet) – from an existing poultry operation located on Lot 1, Concession 12 (Peel). No residential dwelling units will be permitted within this arc; however, facilities for stormwater management, sewage treatment and water supply may occur;
- b) an investigation of the property shall be required to determine the

presence of contaminants and the need for site clean-up prior to redevelopment for residential use;

- c) prior to the final approval of a plan of subdivision in the policy area, the proponents shall consolidate, under one ownership, the existing "checkerboard" lot pattern immediately west of the policy area and extending to the boundary between Lot 17 and Lot 18.

PA4-2 Hollen Feed Testing Lab

The area identified as **PA4-2** as shown on Schedule "A4", may be used for a feed testing laboratory provided that:

- a) the laboratory does not exceed 180 square metres in size and is contained within the drive shed which exists on the property;
- b) the solid fraction of waste from the facility must be registered with the Ministry of the Environment and Energy;
- c) wastes accumulated from the feed testing laboratory are not pumped into the adjacent watercourse;
- d) the property is subject to site plan control and is placed into an appropriate zoning category in the Zoning By-law; and
- e) any proposal to expand the feed testing laboratory outside of the area of operation will require an amendment to the Official Plan.

PA4-3 Cherry/Donkersgoed Industrial Area

The land identified as **PA4-3** shall be placed in an industrial zone with the "H-Holding" symbol affixed to it. Prior to the removal of the "H" symbol on all or a portion of the land identified as **PA4-3**, the following shall be required:

- adequate road access, and
- sufficient municipal water and sewer capacity available and allocated to the development being proposed.

In addition, a fisheries impact analysis shall be undertaken by a professional consultant, in consultation with the Ministry of Natural Resources, prior to any development within 30 metres of the watercourse which emanates from the south-central part of the land identified as **PA4-3**. The analysis shall indicate whether there is a fishery concern, and if so shall determine potential impacts, appropriate setbacks and mitigation measures required.

PA4-4 Mobile Home Park

The area identified as **PA4-4** on Schedule “A4-1” contains a mobile home park. The following policies shall apply:

- a) **Mobile Homes**
For purposes of this section, a “mobile home” is a residential dwelling which:
 - i) is designed for year-round living;
 - ii) may be towed on its own chassis or to be transportable by flat car for use with or without permanent foundation, but shall not include a trailer camper;
 - iii) may be connected to public utilities including gas, hydro, water and sanitary sewer; and
 - iv) may consist of one or more parts that can be folded, collapsed, or telescoped during transportation.

- b) **Mobile Home Park**
A mobile home park is an area of not less than 5 acres and not more than 50 acres, used exclusively for the siting of mobile homes with recreational and limited commercial uses to serve the homes, managed by an owner-operator who shall reside on or adjacent to the property, and having lots rented or leased to tenants. A mobile home park may include any building, structure or enclosure used or intended for use as part of the equipment of such park. All mobile home parks shall be provided with an appropriate level of municipal services.

- c) **Zoning Regulations**
Appropriate regulations for the mobile home park shall be included in the Zoning By-law. Zoning provisions should address the following criteria:

- i) lot frontage, area and setbacks for the mobile home park and individual mobile home sites;
- ii) height, size, floor area, external design and spacing arrangements of mobile homes on each lot;
- iii) parking requirements;
- iv) elements of the natural environment such as wetlands, regulatory flood plain, etc.; and
- v) any other regulations as deemed necessary by Council.

d) **Development Agreements and Site Plans**

As a condition of approval for any expansion to an existing mobile home park or for a new mobile home park, development agreement(s) and site plan agreements between the municipality and the developer or owner may be required to the satisfaction of Council.

Development agreements entered into between the municipality and the owner or developer should address the following issues:

- i) appropriate staging to ensure the provision of adequate services and facilities and to conform to population policies;
- ii) installation of concrete pads or piers on each site, and adequate skirting for each unit;
- iii) adequate anchors to stabilize each mobile home unit;
- iv) installation of a concrete patio on each lot;
- v) removal of tow bars and screening of fuel tanks;
- vi) roads, lanes, driveways and parking spaces, and the provision of storm, sanitary and water services shall be constructed to the satisfaction of the municipality's engineer. The provision of storm, sanitary and water services shall also meet the requirements of the Ministry of the Environment and Energy;

- vii) preparation and implementation of a landscaping plan to cover tree planting, sodding and buffering;
- viii) a "cluster" type siting arrangement of the mobile homes shall be encouraged;
- ix) adequate street and area lighting;
- x) residency shall be restricted to mobile homes which meet CSA standards;
- xi) a minimum of 8% of the usable lands shall be set aside for recreational and service facilities;
- xii) on-site sales of mobile homes shall be regulated with respect to area, location, hours of sales, volume of sales and type of sales;
- xiii) permanent identification of all lot boundaries;
- xiv) facilities to meet the convenience requirements of the residents;
- xv) adequate common and individual storage facilities and garbage containers;
- xvi) aesthetically pleasing boundary and entrance landscaping;
- xvii) internal street maintenance and snow removal;
- xviii) agreements regarding rights of entry;
- xix) any other requirements as may be deemed necessary by Council.

Site plans should include the location of mobile home sites, driveways, parking spaces, walkways, roads, parks, service buildings, recreational facilities and any other design features deemed necessary and appropriate by the municipality.

e) **Expansions and New Mobile Home Parks**

Expansions to the area identified as **PA4-4**, and any new mobile home parks shall require an amendment to the Plan. When reviewing applications for such amendments, consideration shall be given to the policies of this Section, to Section 13.2 of this Plan and the following:

- i) that there is a demonstrated need for and desirability of the facility and use proposed;
- ii) that the proposed use is compatible with existing adjacent land uses;
- iii) that an adequate road infrastructure is available, existing or proposed, and includes the proximity of provincial and county roads to the site;
- iv) that adequate and appropriate sewage disposal facilities and water supply are or can reasonably be made available to service the development and that they are provided for to the satisfaction of the municipality and the Ministry of the Environment;
- v) that all other policies of this Plan have been considered; and

- vi) any other matters deemed appropriate by Council.

PA4-5 Norwell Dairy Systems Industrial Area

- a) The area identified as **PA4-5** on Schedule "A4" contains primarily rural industrial land uses. In addition to the uses permitted by in Section 6.8.2 of the Rural Industrial Areas policies, a building supply outlet shall also be permitted. The building supply outlet may include the storage of materials and building supplies, wholesale and minor retail distribution of raw materials and building supplies that are used primarily by the building and construction industry. The Zoning By-law will regulate the permitted use in the **PA4-5** policy. In addition, zoning provisions should include but not necessarily be limited to such things as outdoor storage, parking, and percentage of retail, setbacks and buffering.

PA4-6 Wallenstein Industrial Nodes

These Special Policy Areas have been created to respond to the needs of the local community whose primary mode of transportation is by horse and buggy. Two industrial nodes recognize existing industrial uses and provide further opportunities for small scale manufacturing and industrial related uses such as warehousing. Industrial Node One is located on Part Lot 19, Concession 1. Industrial Node Two is located on Part Lot 18, Concession 1 and includes two 66 feet wide access lanes to Sideroad No. 18.

In addition to policies contained in Section 7.4, Hamlets, and other applicable policies of this Plan, the following policies shall apply:

- a) Both industrial nodes shall be restricted to "dry" industrial uses only;

b) New industrial lots within the nodes shall generally be created by Plans(s) of Subdivision and shall have frontage on an open municipal road. However, consideration may be given to severance in the following circumstances:

- severing the industrial lands in Lot 18, and within the Hamlet area, away from farm lands retained outside of the Hamlet area.
- severing the industrial lands in Lot 18, as existing at the time of approval of these policies, into two parcels in order to take advantage of the two designated industrial access lanes.

c) In the implementing Zoning By-law, the Township of Mapleton shall establish zones, permitted uses and regulations controlling the future development of industrial uses. Holding (H) provisions will be used to phase warehouse development.

PA4-7 Wallenstein Future Development Area

In addition to the policies contained in Section 8.10, Future Development, and other applicable policies of this Plan, the following policies shall apply:

- a) An amendment to this Official Plan shall be required prior to any further development of these lands;
- b) Notwithstanding Section 8.10.3, consideration may not be given to the creation of new lots by consent prior to an amendment to this Official Plan. However, consideration may be given to severing the Future Development lands in Lots 18 and 19, and within the Hamlet area, away from farmlands retained outside of the Hamlet area.

c) In the implementing Zoning By-law, the Township of Mapleton shall establish a zone which limits permitted uses to existing uses and non-intensive agricultural uses.

9.6 MINTO LOCAL POLICIES

The following local policies and policy areas have been identified in Minto:

9.6.1 Special Policy Area – Floodplain Management

Within the Town of Minto (formerly Town of Harriston) there are approximately 200 buildings located in areas that would be susceptible to flooding under a Regional Storm. A modified two zone concept has been utilized for flood plain planning in Harriston which allows a reduced level of flood proofing that would otherwise be required for new development and additions in certain portions of the flood plain. Flood proofing requirements may be reduced to the one hundred year flood elevation as a minimum standard for new development.

Schedule “A5-2” identifies a Special Policy Area (S.P.A.) for the flood plain. A modified two zone concept will be utilized for flood prone areas defined by the S.P.A. Outside the S.P.A. the standard two zone approach will be utilized requiring flood proofing to the Regional Storm event.

The following policies for the Floodway and Flood Fringe Areas shall apply.

- a) **Floodway Policies** - Generally, the Floodway will be designated for Greenland and Recreational Uses. Other land use designations may be considered to permit uses in accordance with the policies of this Section, based upon an assessment of impacts on the floodway.

Structures, in the floodway, will be limited to those required for flood or erosion control, municipal utilities,

bridges and existing road allowances. All structures must be designed so that they will not negatively affect flood or pollution control, or the conservation of land.

The placement of fill will only be permitted for minor landscaping, flood and erosion control or for municipal utilities or services subject to the approval of the Conservation Authority.

No new buildings, structures, or additions to existing buildings or structures will be permitted for residential, commercial or industrial purposes. Existing residential, commercial or industrial uses, building and structures will be encouraged to relocate outside the limits of the floodway. To this end, the municipality and the Conservation Authority will investigate the feasibility of acquiring, removing or relocating buildings and structures in the floodway, especially in the area of the conduit and the Elora Street Bridge.

Where relocation of an existing building or structure, outside of the floodway, is not feasible or practical, existing buildings or structures may be replaced if destroyed for damages caused by other than flooding, provided the replacement building or structure is for an essential municipal service or for flood and erosion control. Appropriate flood proofing measures to the level of the regulatory flood must be incorporated and approved by the Conservation Authority. The ground floor area of the original structure shall not be exceeded by the replacement building or structure. A lower level of flood proofing may be considered if it is not feasible to flood proof to the

Regulatory Flood subject to approval by the Conservation Authority.

b)

Land within the S.P.A. Floodway:

In addition to the Floodway Policies stated above, the following specific policies shall apply to the area of the floodway defined by the S.P.A. on Schedule "A5-2".

Where the relocation of all buildings, structures and uses defined by the S.P.A. are not feasible or practical, reconstruction may be permitted in the floodway provided that the building or structure is not located in an area scheduled for acquisition. The reconstruction of an existing building or structure not scheduled for acquisition may be permitted for damages caused by other than flooding. Appropriate flood proofing measures to the level of the regulatory flood must be incorporated and approved by the Conservation Authority. The ground floor area of the original structure shall not be exceeded by the replacement building or structure. A lower level of flood proofing may be considered if it is not feasible to flood proof to the Regulatory Flood subject to the approval by the Conservation Authority.

Certification by a Professional Engineer with expertise in flood proofing may be required.

Conversion or renovation of existing buildings to a more intensive use that may increase the potential for loss of life or property damage will not be permitted. Conversions for less intensive uses that will not increase the potential for loss of life or property damage may be permitted.

- c) **Flood Fringe Areas**
Within the flood fringe areas defined by the S.P.A., new buildings and structures may only be permitted if they can be flood proofed to the minimum level of the one hundred year flood elevation. New uses, buildings and structures may be encouraged to flood proof to the level of the Regional Storm elevation where it is feasible to do so. Such flood proofing is to be approved by the Conservation Authority.

For areas of the flood fringe outside of the Special Policy Area, new uses, buildings and structures may be permitted provided they are flood proofed to the level of the Regional Storm elevation and approved by the Conservation Authority.

The Zoning By-law will define the areas of the flood fringe within and outside the S.P.A. Specific regulations for incorporating appropriate flood proofing measures will be outlined in the Zoning By-law.

- d) **Implementation:**
The municipality will review all new development proposed for the flood plain in accordance with the official plan policies for Flood Plain Management. The Conservation Authority will be consulted when new development is proposed. Consideration may be given to the requirements of the Conservation Authority Act, the Zoning By-law, the acquisition of land and the possibility of necessary remedial works when new development is proposed.

The municipality and the Conservation Authority will co-operate in the preparation of a flood contingency plan for the notification of residences in the event of a flood emergency.

9.6.2 Mobile Homes

The zoning by-law may include provisions for individual mobile homes on separate lots or as secondary residences for farm help within the municipality. An amendment to the Official Plan will not be required for such uses.

9.6.3 Policy Areas

Minto contains the following policy areas and these are identified on the land use Schedules.

PA5-1 Pike Lake Recreational Area

The lands identified as **PA5-1** on Schedule "A5" may be used for a variety of recreational uses and related commercial uses. The uses are all located east of Pike Lake Road, except for the 36 unit hotel which is west of Pike Lake Road in Lot 11, Concession 14.

- a) The permitted uses are as follows:
- 348 seasonal recreational trailer sites;
 - 102 year-round mobile homes sites;
 - 4 cottages;
 - a lodge;
 - 20 overnight camping sites;
 - mobile home and travel trailer sales/display;
 - 36 unit hotel complex (west of Pike Lake Road);
 - a restaurant;
 - a clubhouse;
 - various recreational-related uses including, but not limited to, a golf course, a golf school, tennis courts, a hockey school, hockey courts, an arcade;
 - various accessory uses to the above-noted uses including, but not limited to: an office, a variety store, a laundromat, storage and maintenance buildings.
- b) Existing buildings, mobile homes, trailers and structures currently situated within a Greenland

designation, or within applicable adjacent lands, may be replaced in the same location; however, relocation further away from environmental features is encouraged.

c) The prior written approval of the Saugeen Valley Conservation Authority shall be required for:

- any alteration or disturbance of waterways including filling, dredging, shoreline works, construction of water control structures, construction of any structure in the waterway; and
- any modification of drainage of the southerly small lake, the gravel dam and the outlet into Pike Lake;
- any new boardwalks or other crossings within any Core Greenlands or Greenlands designations.

d) Expansions of the above-noted uses within **PA5-1** may be considered through the rezoning process provided:

- the expansion is in accordance with all applicable polices of this Official Plan;
- appropriate studies demonstrate that impacts of any additional development are acceptable;
- the existing site plan(s) and related agreement(s) are amended accordingly prior to a building permit being issued; and
- the existing development agreement(s) is amended accordingly prior to a building permit being issued.

e) Expansions to the **PA5-1** policy area itself, may be considered through the official plan amendment process. Such an expansion may provide for the same or similar uses as set in clause (a).

PA5-2 Phase II – Minto Pines Subdivision

On the land identified as **PA5-2** on Schedule “A5”, the development of Phase II of the Minto Pines Subdivision may proceed subject to the following policies:

a) An environmental protection (no construction) area be provided along the shore of Pike Lake to preserve the aesthetic value of the shoreline, maintain wildlife corridors, and preserve the flora and fauna and natural soil mantle. This environmental protection area shall be a minimum of 30 metres wide as measured from the high water level of Pike Lake. No buildings, roads, waste treatment systems, etc. may be constructed within this area.

b) That no development be permitted in the area of the creek and canals in order to maintain the same environmental protection area mentioned in a), and because this is an area of organic soils.

c) Sanitary disposal systems shall be located a minimum of 30 metres from the high water level of Pike Lake and any fill material used to construct the tile bed shall have a suitable capacity for retention of phosphorus.

d) Storm water management will be addressed to the satisfaction of the Town of Minto and the Saugeen Valley Conservation Authority.

i) minimum lot sizes of $\frac{3}{4}$ of a hectare (1.86 acres) are required.

PA5-3 Hunter’s Run Subdivision

On the land identified as **PA5-3** on Schedule “A5” a residential subdivision may be developed. The subdivision shall be developed in two Phases, subject to the following:

- a) phase I will require minimum lot sizes of .8 hectares (2 acres),
- b) phase II will require lot sizes of 0.4 hectares (1 acre),
- c) minimum lot sizes for the residential development are to be specified in the Zoning By-law.

PA5-4 Howes Lane Residential Development (Harriston)

On the land identified as **PA5-4**, a residential leasehold development may be permitted. A **Leasehold Development** may be defined as a project owned and managed by a single owner, organization or corporation which owns all the land and leases individual home sites within the project wherein individual home sites contain a single dwelling unit that is a permanent structure where the owner of the dwelling leases the land used as a dwelling site. Leasehold developments generally consist of permanent single detached dwellings equipped for year round occupancy with home sites and unit sizes designed to appeal to retirees.

Permitted uses include single detached dwellings (modular, prefabricated or traditionally constructed but not mobile homes) equipped for year round occupancy and that meet or exceed the standards of the Building Code. In addition, other uses may include an administrative or sales office, recreational facilities, open space uses or parks, maintenance area, refuse collection and storage facilities and accessory storage facilities. The following specific policies shall apply to land identified as **PA5-4**:

- a) the Medium Density Development policies of Section 8.3.5 of this Plan shall apply to this development;
- b) the municipality may utilize certain provisions of the Planning Act such as Site Plan Control and Parkland Dedication together with appropriate development agreements to ensure that the development is properly controlled within the municipality;
- c) the Zoning By-law will include an appropriate zone with specific regulations for this development including permitted uses, minimum lot sizes, minimum dwelling unit sizes, setbacks, parking requirements and buffering.

PA5-5 Clifford

Notwithstanding any provision in this Plan to the contrary, on the land identified as **PA5-5**, development may be permitted provided any grading or alterations in elevation or contour of the land required by the Saugeen Valley Conservation Authority is satisfactory to the municipality as specified in the Severance Agreement pertaining to the subject lot.

PA5-6 Mobile Homes Parks

The land identified as **PA5-6** on Schedules “A5-2” and “A5-3” contain mobile home parks. The following policies will apply:

- a) **Mobile Homes**
For purposes of this section, a “mobile home” is a dwelling designed:
 - i) for year-round living;
 - ii) is towable on its own chassis or to be transportable by flat car for use with or without permanent foundation, but shall not include a trailer camper;

- iii) is connected to public utilities including gas, hydro, water and sewage disposal system;
- iv) consists of one or more parts that can be folded, collapsed, or telescoped during transportation; and
- v) does not include a modular home.

- iv) elements of the natural environment such as wetlands, regulatory flood plain, etc.; and
- v) any other regulations as deemed necessary by Council.

b) **Mobile Home Park**

A mobile home park is an area of not less than 5 acres and not more than 50 acres respectively, used exclusively for the siting of mobile homes with recreational and limited commercial uses to serve the homes, managed by an owner-operator who shall reside on or adjacent to the property, and having lots rented or leased to tenants. A mobile home park may include any building, structure or enclosure used or intended for use as part of the equipment of such park. All mobile home parks shall be provided with an appropriate level of municipal services.

c) **Zoning Regulations**

Appropriate regulations for the mobile home park shall be included in the Zoning By-law. Zoning provisions should address the following criteria:

- i) lot sizes shall be determined based upon the area needed to support the type of water and sewage services being provided;
- ii) height, size, floor area, external design and spacing arrangements of mobile homes on each lot;
- iii) parking requirements;

d) **Development Agreements and Site Plans**

As a condition of approval for any expansion to an existing mobile home park or for a new mobile home park, the municipality may enter into a development agreement(s) and site plan agreements with the interested party.

Development agreements should address the following issues:

- i) appropriate staging to ensure the provision of adequate services and facilities and to conform to population policies;
- ii) installation of concrete pads or piers on each site, and adequate skirting for each unit;
- iii) adequate anchors to stabilize each mobile home unit;
- iv) installation of a concrete patio on each lot;
- v) removal of tow bars and screening of fuel tanks;
- vi) roads, lanes, driveways and parking spaces, and the provision of storm, sanitary and water services shall be constructed to the satisfaction of the municipality's engineer. The provision of storm, sanitary and water services shall also meet the

- requirements of the Ministry of the Environment and/or its agents;
 - vii) preparation and implementation of a landscaping plan to cover tree planting, sodding and buffering;
 - viii) a "cluster" type siting arrangement of the mobile homes shall be encouraged;
 - ix) adequate street and area lighting;
 - x) residency shall be restricted to mobile homes which meet CSA standards;
 - xi) a minimum of 8% of the usable lands shall be set aside for recreational and service facilities;
 - xii) on-site sales of mobile homes shall be regulated with respect to area, location, hours of sales, volume of sales and type of sales;
 - xiii) permanent identification of all lot boundaries;
 - xiv) facilities to meet the convenience requirements of the residents;
 - xv) adequate common and individual storage facilities and garbage containers;
 - xvi) aesthetically pleasing boundary and entrance landscaping;
 - xvii) internal street maintenance and snow removal;
 - xviii) agreements regarding rights of entry;
 - xix) any other requirements as may be deemed necessary by Council.
- Site plans should include the location of mobile home sites, driveways, parking spaces, walkways, roads, parks, service buildings, recreational facilities and any other design features deemed necessary and appropriate by the municipality.
- e) **New Mobile Home Parks**
On the land identified as **PA4-6** any expansions to new mobile home parks shall be permitted only upon an amendment to the Plan. When reviewing applications for such amendments, consideration shall be given to the policies of this section, Section 13.2 of this Plan and the following:
- i) that adequate roads of the county or provincial road systems must exist in close proximity;
 - ii) that the site shall be capable of being developed such that compatibility with all adjacent land uses is provided;
 - iii) the site shall not be excessively elongated, but, rather of such shape to permit easy access to the service and recreational facilities; and
 - iv) that an evaluation of the proposed sites topography, drainage, regional storm floodplain, lot dimensions, building locations, suitability of the proposed lot for the intended use and whether the site can provide or be provided with an adequate potable water supply and

support or be supported with a means of sewage treatment.

PA5-7 Palmerston Industrial Park – MDS 1 Arc

The lands in PA5-7 are within a Minimum Distance Separation (MDS I) Arc from an existing, livestock operation located to the south, across County Road 123 within Wallace Township. Expansion of the barn has been constrained for some time by the Palmerston urban centre designation. No buildings, structures or uses are permitted within this policy area that would place further constraints on the farmer's ability to expand the existing livestock operation. Uses accessory to the main permitted buildings such as parking or storm water management facilities may be permitted by the zoning by-law. Should the barn be demolished in the future or be rendered unsuitable for livestock housing use, a full range of Highway Commercial uses shall be permitted within PA5-7 without the need for further amendment to this plan.

9.7 WELLINGTON NORTH LOCAL POLICIES

The following local policies and policy areas have been identified in Wellington North:

9.7.1 York Soaring Club

On Lot 29, Concession 5 a private recreational/social club consisting of 80 hectares (200 acres) is permitted.

The use of the land will be controlled by the Zoning By-law and shall be limited to agricultural uses; the existing recreational airstrip and related accessory uses.

All construction, buildings and site improvements shall be in conjunction with the requirements of the Wellington-Dufferin-Guelph Health Unit, the Grand River Conservation Authority or any other agency having jurisdiction.

9.7.2 Policy Areas

North Wellington contains the following policy areas and these are identified on the Land Use Schedules:

PA6-1 Potential Waste Water Plant Site (Mount Forest)

The area identified as **PA6-1** on Schedule "A6-1" identifies a potential location for a new waste water treatment plant. The location is still preliminary – need for the facility and site physical suitability are unknown. An Environmental Assessment under provincial standards would be required.

Prior to the approval of any new sensitive land uses (e.g. residential, institutional) in the area, consideration shall be given to the location of the treatment plant within the policy area. New sensitive land uses shall not be permitted within 150 metres of the plant's location. Enlargements or extensions to existing uses within the 150 metres shall be subject to the policies of Section 13.8 of this Plan.

PA6-2 Special Residential Areas (Mount Forest)

The areas identified as **PA6-2** on Schedule "A6-1" include Special Residential Areas south of the Saugeen River and east of Highway No. 6. Due to previous commitments, these areas may be developed with less than full municipal services in accordance with the following policies:

- a) sewage disposal may either be private individual or communal;
- b) municipal water supply is available or can be made available to the proposed lots. (Note: this policy in no way commits the Municipality to improving the level of service); development of these areas shall be by plan of subdivision and shall be accompanied by hydro-geologic and servicing reports, demonstrating the suitability of the area for adequate

sewage disposal, water supply, storm water management and road access;

- c) all other applicable policies of this Plan shall apply.

PA6-3 Accessory Commercial To Residential (Mount Forest)

In addition to uses permitted within the Residential designation, the following additional uses may be permitted on the land identified as **PA6-3** on Schedule “A6-1”.

- i) Commercial uses providing personal and convenience services located on the ground floor of an apartment project; and
- ii) One of the following Highway Commercial uses:
 - a narrow “strip” development along the frontage of Mount Forest Drive servicing the travelling public. Approximately 25% of the area identified as **PA6-3** may be used for such use.
 - a single purpose (i.e. one primary building), large retail commercial use fronting on Mount Forest Drive and extending south into the interior lands. Approximately 50% of the area identified as **PA6-3** may be used for such use. The ground floor area of such use shall be between 2322.5 and 4645 square metres (25,000 and 50,000 square feet).

Appropriate parking, landscaping, signage and design criteria will be applied to either of the above commercial uses and shall be enforced through appropriate zoning and site plan controls.

PA6-4 Rural Clusters

The lands identified as **PA6-4** on Schedule “A6” include areas of historical groupings of non farm residences within the Township. It is intended that these areas will provide for limited low density residential development that will not be detrimental to the agricultural nature or economy of the municipality. Non-agricultural uses, which would have negative impact upon adjacent agricultural uses or the natural environment will be discouraged. The predominant land use in these areas will be for single detached dwellings. In addition, existing agricultural and passive recreational land uses may be permitted. The creation of new lots may be considered provided:

- a) that the lot(s) will be infilling between existing non-farm residences;
- b) that the lot(s) can be adequately serviced with water and sewage disposal and can be provided with a safe driveway access onto an open and maintained public road;
- c) that the appropriate provincial minimum distance separation formula will be applied; and
- d) that the severance conforms to all policies of this Section and the criteria of Section 10.1.

PA6-5 Former Waste Disposal Site (Arthur Village)

The area identified as **PA6-5** on Schedule “A6-3”, is a closed rehabilitated landfill site and is no longer used for active sanitary landfill purposes. This area may be suitable for other land uses in the future such as recreational or public uses, but residential uses shall not be permitted.

Any future development of these lands will be subject to the requirements of the Environmental Protection Act and any other relevant legislation. In addition, studies will be required to assess any potential hazards to human health and the environment and

any remedial action required. Such studies may include a planning impact analysis, environmental impact study and a traffic impact analysis.

The Zoning By-law may establish regulations for existing uses on the property.

PA6-6 Mobile Home Parks

The land identified as **PA6-6** on Schedule “A6” and “A6-2” may be used for a mobile home park. The following policies will apply:

For purposes of this section, a “mobile home” is a residential dwelling which:

- i) is designed for year-round occupancy;
- ii) to be towed on its own chassis or to be transportable by flat car for use with or without permanent foundation;
- iii) for connection to public utilities including gas, hydro, water and sanitary sewer; and
- iv) to consist of one or more parts that can be folded, collapsed, or telescoped during transportation.

a) **Mobile Home Park**

The “Mobile Home Park” is an area of land not less than 5 and not more than 50 acres respectively, used exclusively for the siting of mobile homes with recreational and limited commercial uses to serve the homes and consists of lots rented or leased to tenants. A mobile home park shall include any building, structure or enclosure used or intended for use as part of the equipment of such park and may include a permanent residence for the owner of the park and facilities for communal indoor or outdoor recreation serving the residents only. A mobile home park

shall be provided with the level of servicing appropriate for the area within which the park is located.

b) **New Mobile Home Parks**

The creation of new mobile home parks or expansions to existing parks, will require an amendment to the Plan. When reviewing applications for such amendments, consideration shall be given to the policies of this section, Section 13.2 of this Plan and the following:

- i) the site is in close proximity to an arterial road;
- ii) the site shall be capable of being developed such that compatibility with all adjacent land uses is maintained;
- iii) the site shall not be excessively elongated, but rather of such shape to permit easy access to the service and recreational facilities; and
- iv) the development shall be appropriately zoned.

c) **Zoning Regulations**

Appropriate regulations for the mobile home park shall be included in the Zoning By-law. Zoning provisions should address the following criteria:

- i) lot frontage, area and setbacks for the mobile home park and individual mobile home sites;
- ii) height, size, floor area, external design and spacing arrangements of mobile homes on each lot;
- iii) parking requirements;

- iv) elements of the natural environment such as wetlands; regulatory flood plain, etc., and
 - v) any other regulations as deemed necessary by Council.
- d) **Development Agreements and Site Plans**
 As a condition of approval for any new or expansion to an existing mobile home park, development agreement(s) and site plan agreement(s) between the municipality and the developer or owner may be required to the satisfaction of Council.
- Development agreements entered into between the municipality and the owner or developer may address the following issues:
- i) appropriate staging to ensure the provision of adequate services and facilities and to conform to population policies;
 - ii) installation of concrete pads or piers on each site and the adequate skirting for each unit;
 - iii) adequate anchors to stabilize each mobile home unit;
 - iv) installation of a concrete patio on each lot;
 - v) removal of tow bars and screening of fuel tanks;
 - vi) roads, lanes, driveways and parking spaces, and the provision of storm, sanitary and water services shall be constructed to municipal standards. The provision of storm, sanitary and water services shall also meet the requirements of the Ministry of the Environment;
 - vii) preparation and implementation of a landscaping plan to cover tree planting, sodding and buffering;
 - viii) a cluster-type arrangement of the mobile homes shall be encouraged;
 - ix) adequate street and area lighting;
 - x) residency shall be restricted to mobile homes which meet CSA standards;
 - xi) a minimum of 5% of the usable lands shall be set aside for recreational and service facilities;
 - xii) on-site mobile home sales shall be regulated with respect to area, location, hours of sales, volume of sales and type of sales;
 - xiii) permanent identification of all lot boundaries;
 - xiv) facilities to meet the convenience requirements of the residents but shall not include a retail outlet;
 - xv) adequate common and individual storage facilities and garbage containers;
 - xvi) aesthetically pleasing boundary and entrance landscaping;
 - xvii) agreements regarding internal street maintenance and snow removal;

- xviii) agreements regarding rights of entry;
- xix) any other requirement as may be deemed necessary by Council.

The site plans should include the location of mobile home sites, driveways, parking spaces, walkways, roads, parks, service buildings, recreational facilities, any other design features deemed necessary and appropriate by the municipality.

PA6-7 Large Format Retail (Egremont Annexation Lands)

In addition to Industrial uses provided for under the Industrial land use policies of this Plan, the lands identified as **PA6-7** on Schedule “A6-1” may also be used for large format retail commercial uses. A few accessory fast food outlets may also be permitted. The following additional policies apply:

- a) Large format retail uses include a range of new types of retailing such as membership warehouse clubs, high performance retailers, large scale general merchandise stores, and special category warehouse stores. Large format retail uses typically require large lots for building, storage and parking, which cannot appropriately locate in the Downtown area.
- b) Commercial uses in this area shall be subject to the Highway Commercial Land Use policies of this Official Plan.
- c) Commercial uses in this area are not to unreasonably impact on the viability of Central Business District retail uses.
- d) Council shall require a rezoning and may require a market analysis study

for any proposed large format retail use to determine need and impacts on the downtown.

- e) In the case of a zoning application for a retail store with more than 5,000 square feet of gross floor area devoted to the sale of food (excluding a restaurant), a market analysis study shall be required. This study is to be peer reviewed at the cost of the proponent. Council shall review both the market analysis study and the peer review prior to making a decision on the zoning amendment application.

The Comprehensive Zoning By-law shall be amended to indicate permitted uses along with regulations to control impacts on the downtown area.

9.8 PUSLINCH LOCAL POLICIES

The following local policies and policy areas have been identified in Puslinch:

9.8.1 Wellington Rd 46

Specific development policies have been established for Wellington Rd 46 to ensure that proposed development will not interfere with the safe and efficient operation of this transportation corridor. The following policies are to be considered:

- a) For every development where direct access to Wellington Rd 46 is proposed, identify the following:
 - posted speed limit;
 - clear sight distance along the roadway in both directions from the mouth of the access
 - approach grades on access driveway;
 - traffic controls;

- existing width of county road right-of-way adjacent to the site;
 - width of paved roadway and shoulders;
 - turning or stacking lanes on roadway;
 - width of access driveway and radii of corners;
 - distance between proposed driveway and existing driveways on adjacent sites;
 - project trip ends for average day and peak hours on roadway.
- b) For every industrial and commercial development project which generates more than 50 additional peak direction trips to or from the site during the roadway's peak hour, a complete traffic impact study is required to be submitted to the County Engineer.
- c) Where a site has frontage and access to a local township road or Wellington Rd 34, new commercial or industrial access to Wellington Rd 46 is not permitted;
- d) In areas designated industrial or commercial, each new driveway for commercial or industrial access shall be separated from other industrial or commercial driveways located on the same side of the road by 100 metres, where access is acceptable;
- e) In areas designated industrial or commercial, a maximum of one driveway for commercial or industrial access is permitted for each existing property with up to 100 metres of frontage along the county road, where access is acceptable;
- f) In areas designated Secondary Agricultural, each new driveway for commercial or industrial access shall be separated from other industrial or commercial driveways located on the same side of the road by 300 metres, where access is acceptable;
- g) Where feasible, mutual driveway access to a county road and service roads are required;
- h) Obtain evidence that approval from the County of Wellington is available with regard to access driveway location and design, improvements to County Road, including turning lanes, traffic controls, stacking lanes;
- i) Identify content of agreement with the County regarding financial responsibility for road improvements on the County road and construction access driveway.

9.8.2 Puslinch Lake Area

Puslinch Lake is located in the southwest corner of Puslinch Township and is approximately 160 hectares in area. The Lake provides a significant natural amenity and excellent recreational opportunities, but has a poor drainage network primarily due to the way it was formed during the last ice age. As a result, Puslinch Lake has a very limited capacity to withstand both natural and man-made environmental pressures. These environmental pressures are compounded by the amount of residential development surrounding the Lake. Since the 1950's, many of the summer cottages around the Lake have been replaced by permanent single-detached homes. It is expected that this pressure to convert from a seasonal cottage area to predominately a year-round residential area will continue.

In addition to the applicable policies of this Plan, the following special policies shall also be considered when reviewing development proposals within the Puslinch Lake area;

- a) The predominate use within the Puslinch Lake area include low density residential, public open space and recreational, agricultural, and the conservation of water, soil, wildlife and other natural resources. The location of residential, recreational, agricultural and conservation uses shall be established by the Zoning By-law.
- b) Future development on lands which are located along private roads in the Puslinch Lake area shall be limited to infilling on existing residential lots subject to the provisions of the Township's Zoning By-law. All other development in the Puslinch Lake area shall be by consent or by plan of subdivision and such development shall have access onto opened and maintained public roads. Individual access onto major roads shall be discouraged.
- c) The municipality may request written proof that any proposed development in the Puslinch Lake area will not have an adverse impact on the environmental quality of Puslinch Lake. Depending on the nature and location of the proposed development, an environmental impact study may be required.
- d) The municipality will encourage Puslinch Lake residents to control the amount of fecal bacteria introduced into the Lake through the repair or replacement of faulty septic systems. The Township may initiate a water-monitoring program in the Puslinch Lake area and ensure that proper correctional measures are undertaken where problems have been identified.
- e) The Township may request the Ministry of Natural Resources to establish boating restrictions for Puslinch Lake in an effort to regulate

the type and size of motors and/or boats, speed limits, areas of boating, and time of boating operation.

- f) Within the Puslinch Lake area, no filling of any kind, whether originating on the site or elsewhere, shall be permitted without the prior written consent of the Grand River Conservation Authority.

9.8.3 Puslinch Industrial Policy

- a) Areas designated Rural Industrial in Puslinch are permitted to have the following additional uses:
 - complementary commercial uses such as automotive uses, restaurants, motels and limited retail
 - offices, including a head office and/or research centre
- b) Two large parcels of land to both the east and west of the Hanlon Expressway have been designated Rural Industrial. These lands have lower priority for development than the industrial lands in the "Puslinch Economic Development Area". Existing properties will not be further fragmented by severance or subdivision until a detailed concept plan is developed, in cooperation with the City of Guelph, which provides an appropriate connection between the City's industrial lands to the north and the proposed interchange on the Hanlon Expressway. This restriction will be reviewed periodically to determine if these lands should be available for development or whether the designation should be expanded to include additional lands. The sequence of development shall be further controlled so that the eastern side of the Hanlon develops first. Development immediately adjacent

to the Hanlon shall be restricted in the degree and location of open storage and type of uses. The area to the west of the Hanlon Expressway will only be considered should no other suitable site be available.

9.8.4 Puslinch Township

Notwithstanding any provision in this Plan to the contrary, the land designated Prime Agricultural within Part of Lot 36, Rear Concession 7 and 8, and part of the road allowance of Highway 6 and Leslie Road, may be used for warehouse and office use subject to appropriate zoning provisions.

9.8.5 Policy Areas

Puslinch contains the following policy areas and these are identified on the Land Use Schedules:

PA7-1 Puslinch Economic Development Area

The land identified as **PA7-1** on Schedule "A7" is known as the Puslinch Economic Development Area. This is an area intended to service the Township by providing locations for economic activity and employment opportunities. This area is the predominant location for business and industry in the Township, but does not preclude the establishment of small-scale activities outside of concentrations elsewhere in the Township.

Areas of existing or future extractive uses that are within the "Puslinch Economic Development Area" (PA7-1) should be considered for industrial, commercial, institutional and/or recreational activities or natural areas as after-uses when the extractive or aggregate-related activities have either ceased or are incorporated into an after-use. These specific after-uses are permitted without further amendment to this Plan, but subject to the applicable policies of this Plan. Consideration of any application to implement a permitted after-use will be made in the context of a co-ordinated secondary concept plan prepared by the proponents

which primarily identifies a public road pattern and a surface drainage plan for the sub-drainage area within the areas used for extractive purposes in this policy area.

PA7-2 Millcreek Residential Area

The land identified as **PA7-2** on Schedule "A7" of this Plan relates to Millcreek Park on Part of Lot 21, Concession 8. Notwithstanding any provisions in this Plan to the contrary, this land may be used for not more than 60 housing units described as mobile homes or manufactured dwellings complying with the Ontario Building Code for year-round occupancy. Ancillary uses in support of this residential development are also permitted subject to appropriate zoning. All residential units will be serviced by communal water supply and distribution system and communal sewage treatment system approved under the Environmental Protection Act. All residential units shall have direct access to an internal private roadway acceptable to the municipality. The Site Plan Control provisions of the Planning Act, as amended, shall apply to the development of these lands.

PA7-3 Reid's Heritage Lake

The land identified as **PA7-3** on Schedule "A7" of this Plan relates to the proposed Heritage Lake Retirement Community located on Part of Lots 23, 24 and 25, Concession 2. Residential units created under this section contribute to and are anticipated by the rural portion of the local municipality growth strategy. Notwithstanding any provisions in this Plan to the contrary, this land may be used for a country residential development subject to the applicable policies of this Plan and the following special policies.

a) **Residential Uses**

The site is 28 hectares (69 acres) in area and is part of a larger holding of approximately 89 hectares (220 acres). After the extraction of aggregate material and rehabilitation of the subject and adjacent land, the

permitted uses for this area may include:

- i) country residential uses developed as a condominium
- ii) open space and recreational facilities; and
- iii) other accessory uses devoted exclusively to this residential development.

b) **Interim Aggregate Uses**

Notwithstanding the above, the land identified as **PA7-3** may be used for the following ancillary aggregate extractive uses, on an interim basis, pursuant to a license under the Aggregate Resources Act:

- i) stockpiling of topsoil, subsoil, overburden or aggregate materials;
- ii) location of berms;
- iii) internal haul routes; and
- iv) weigh scales and scale houses.

At such time as the aggregate extraction operation has been completed within the licensed area and the license has been cancelled, all such interim uses shall be terminated and all buildings and structures removed.

c) **Development Requirements**

The overall development of this land shall take place in a comprehensive manner with appropriate technical reports, site plans and agreements prior to the commencement of any residential development and subject to the following requirements:

- i) site design shall be coordinated with landscape

design to reinforce the natural attributes of the area and to provide appropriate buffering from adjacent uses;

- ii) existing trees and other natural site features shall be preserved as much as possible;
- iii) all services such as hydro, telephone, television cable, water, and sewer lines shall be placed underground;
- iv) the recommendations of the Mill Creek Sub Watershed Study;
- v) the provision of large areas of open space within the community shall be encouraged. Landscaping and site design controls shall be used to provide such areas and to maintain compatibility with adjacent residential uses and natural areas;
- vi) the layout of the residential community should fit into existing terrain with a minimum of disturbance of the land and environment;
- vii) Heritage Lake, to be created on the adjacent land as part of the extraction of aggregate material, shall become an incorporated part of the residential community and shall be utilized as an amenity area for the residents;
- viii) a minimum 20 percent of the residential site shall be used for open space purposes to accommodate both passive and active recreational

opportunities such as parks, trails, and bowling greens;

letter of credit, performance bond or other such means).

ix) prior to any development or the approval of any zoning, the developer/owner shall provide the Township with satisfactory site servicing, geotechnical, hydrogeological, stormwater management, environmental and traffic assessments.

x) the site will be serviced with Class VI (tertiary) sewage treatment systems and the Township may consider lot sizes of under .4 hectares where supported by appropriate technical studies.

d) **Development Agreement**

Prior to any construction, the developer shall enter into a development agreement(s) with the Township of Puslinch which shall include detailed site plans for each development project and specify the obligations of the developer/owner regarding, but not limited to:

i) the construction of buildings and structures, and all internal services and facilities, such as roads, water supply and sewage disposal systems, parking, communal storage facilities, landscaping and screening, all in locations and to standards approved by the Township;

ii) security for the construction of required services and amenities (i.e. letter of credit, performance bond or other such means); and

iii) security for the continuing maintenance of internal services and amenities (i.e.

PA7-4 Former Policy Area Number 5

In the area northwest of Arkell and identified as **PA7-4** on Schedule "A7", there is a mixture of existing livestock operations and non-farm residential uses. It is the policy of this Plan, that if the livestock operations are not affected or have ceased operation, the uses permitted under the Secondary Agricultural Areas would be allowed without an amendment to this Plan subject to the applicable policies of this Plan.

**PA7-5 Capital Materials
Wellington Pit No. 5**

The land on Part of Lot 8, Rear Concession 3, Township of Puslinch and identified as **PA7-5** on Schedule "A7", contains a high quality mixed hardwood/hemlock forest stand and Provincially Significant Wetland (Oil Well Bog Wetland Complex). Land uses within this designation are limited to:

i) conservation of natural heritage features including vegetation, soil and wildlife habitat;

ii) forest management for the purposes of sustaining the health and vigor of the upland forest and adjacent wetland;

iii) passive recreational uses in keeping with the objections of subsections i) and ii) above; and

iv) agricultural uses existing as of the date of approval of this Plan.

PA7-6 Mini Lakes

Over the past decade, the Mini Lakes campground in the Township of Puslinch has evolved from a seasonal family campground to an adult lifestyle community. The owners, who reside within the Mini Lakes residential community, intend on maintaining the adult lifestyle characteristics of the development. Extending the annual use of the residential units from 7 months to 12 months will be

contingent on the units meeting Building Code standards for year-round accommodation of mobile homes or manufactured buildings and the upgrading of the sewage disposal and water supply services.

The following policies apply to the Mini Lakes development located on Lots 21 and 22, Concession 8 and identified on Schedule A7 of this Plan as policy area **PA7-6**.

- a) The land designated **PA7-6** may be used for an adult lifestyle community consisting of dwelling units, recreational facilities, limited accessory commercial facilities and private community facilities such as halls and administrative services.
- b) The land designated **PA7-6** shall be subject to the following:
 - i) Sewer and water services are being constructed in accordance with the requirements of the Ministry of the Environment, or the appropriate authority, for year-round accommodation;
 - ii) Units which are occupied in excess of 7 months per annum shall meet the standards for mobile homes or manufactured buildings of the Ontario Building Code for year-round accommodation;
 - iii) The owners shall enter into a Development Agreement with the municipality under Section 41 of the Planning Act to ensure that the municipality's interests are adequately addressed; and
 - iv) The owners shall enter into a Development Agreement with the municipality to ensure the appropriate sewage and water

servicing is in place prior to permanent year-round occupation being permitted.

- c) No more than 400 units may be occupied on a year-round basis within this designation.
- d) All services within the area designated **PA7-6**, with the exception of emergency services, shall be provided by the owners. All internal roads shall be constructed and maintained to provide adequate access for emergency services.
- e) The conversion of the Mini Lakes community from seasonal to year-round use will be implemented through a site specific zoning by-law passed pursuant to Section 34 of the Planning Act to ensure that:
 - i) the necessary agreements are in place between the owner and the Township;
 - ii) the appropriate sewage disposal and water supply services are in place; and,
 - iii) the units meet the Township's requirements for year-round residential occupation.

PA7-7 Aberfoyle Floodplain Policies

The central area of the Aberfoyle URBAN CENTRE is within the floodplain of Mill Creek and its tributary streams. It is a policy of the Official Plan that development be directed away from areas that pose a threat to public health and safety. While floodplain planning in Puslinch utilizes a one-zone approach, this Plan acknowledges that Aberfoyle has an historic role as the Township's centre of residential, commercial and other community land uses. In order to avoid undue hardship and ensure the continued economic and social viability of Aberfoyle, the following policies recognize and permit limited development for lawfully established

buildings and structures within the area identified as **PA7-7** on Schedule "A7-1" of this Plan subject to the following:

1. No new development, including lot creation, will be permitted below the elevation of the Regulatory Floodline.
2. Legally established residential and/or commercial buildings and conversions of such residential buildings to commercial uses may be permitted in accordance with the applicable land use policies of this Plan. The applicable provisions of the Zoning By-law shall regulate conversions of existing residences for commercial purposes.
3. The conversion of existing commercial or other buildings to residential uses is not permitted within the floodplain.
4. Minor development (such as additions, renovations, and conversions) to legally existing buildings will be subject to conditions deemed necessary and desirable by the municipality, require the approval of the Conservation Authority, and comply with the applicable regulations of the Zoning by-law.
5. The implementing zoning by-law will identify the limits of the area identified as **PA7-7** and include specific land use regulations for this area.

PART 10

CREATING NEW LOTS

10.1 GENERAL POLICIES

10.1.1 All New Lots

The creation of new lots is the responsibility of the County of Wellington through subdivisions, consents and part lot control. In approving new lots by any means, the County will ensure that the policies of this Plan and local planning regulations will be met. The County will strive to ensure that:

- the natural environment is protected
- natural resources are protected
- public services are used efficiently
- good community design is promoted
- health and safety issues are addressed

10.1.2 Subdivision Required

Plans of subdivision will normally be required when:

- a) four or more lots (including the retained) are being created, or
- b) a new road or a substantial extension to an existing road is required, or
- c) where special concerns or issues exist which would best be dealt with through a plan of subdivision.

Where the policies of this Plan refer to “plan of subdivision” or “subdivision”, the words “plan of condominium “ or “condominium” can be substituted where applicable.

10.1.3 Matters for Consideration

The County will consider the following when considering new lot creation by subdivision, consent or part lot control:

- a) that any new lots will be consistent with official plan policies and zoning regulations;
- b) that all lots can be adequately serviced with water, sewage disposal, stormwater management or drainage, fire protection, roads, utilities, solid waste disposal to accepted municipal standards and without undue financial burden on the municipality;
- c) that sufficient reserve water and sewage plant capacity will be available when lots are created in areas to be serviced by central water and sewage systems;
- d) that all lots will have safe driveway access to an all-season maintained public road and that access to a local road will be preferred over county and provincial roads, where practical;
- e) that public streets, spaces and facilities will be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including, but no limited to, walking and cycling.
- f) that the topography, soils and drainage of the site are satisfactory for the lot sizes and uses proposed;
- g) that natural heritage features are not affected negatively;
- h) that lots are not created in areas which would pose a threat to public health or safety;

- i) that natural resources such as agricultural lands and mineral aggregates would not be affected adversely;
- j) that the size and shape of proposed lots is suitable, including frontage, area and the proportion of frontage to depth;
- k) that the proposed lots and uses are compatible with and designed to minimize adverse impacts on surrounding uses;
- l) that all new lots shall have logical lot lines given existing lot patterns in the area, natural and human-made features and other appropriate considerations;
- m) that residential lots will have adequate access to community facilities such as schools, libraries and parks based on reasonable standards for the area;
- n) that the creation of any lot is necessary, timely and in the public interest;
- o) that provincial legislation and policies are met.

10.1.4 Studies

In considering the creation of new lots and in particular lots created by plan of subdivision, the County may require studies to ensure that the policies of this Plan are appropriately addressed.

Plans of subdivision will be accompanied by:

- planning impact assessments
- environmental impact assessments
- preliminary storm water management plans

Where a plan of subdivision is proposed to be developed on individual on-site or private communal water or sewage services, the following studies will also be required:

- a Servicing Options Assessment
- a hydrogeological study

Other studies may be required depending on individual circumstances.

Lots created by consent may also require studies to evaluate merit. In particular, lots created in or adjacent to the Greenland system may require an environmental impact assessment.

10.1.5 Conditions of Approval

In approving new lots, the County will impose conditions which are necessary to ensure that a plan of subdivision or consent is developed in an orderly manner and that the public interest is protected.

10.1.6 Part-Lot Control

Where a plan of subdivision is approved, a part-lot control by-law may be passed to allow the further division of a lot or block if the objectives of this plan and the regulations of the zoning by-law are met.

10.2 GREENLAND SYSTEM

10.2.1 New Lots Restricted

New lots will not be allowed within the Greenlands System unless:

- a) the lot has sufficient area outside the Core Greenland System for all its intended functions including suitable buffering and includes core greenland areas only to provide for logical boundaries;
- b) the lot provides a minor boundary adjustment or correction of title and does not require any activity which would impair greenland features or functions;

- c) the lot is for conservation purposes which provide an overall benefit to the environment;
- d) there will be no negative impacts on natural features or their ecological functions.

10.2.2 Environmental Impact Studies

Where the County is concerned that a proposed lot in or adjacent to the Greenlands System could negatively impact a natural feature or function, the County may require an environmental impact study to assess potential impacts and means of mitigation.

10.3 PRIME AGRICULTURAL LAND

10.3.1 New Lots

Lot creation in prime agricultural areas will be restricted to the following:

- a) agricultural uses
- b) agriculture-related uses
- c) a residence surplus to a farming operation.
- d) lot line adjustments
- e) community service facilities

10.3.2 Agricultural Uses

New lots for agricultural operations shall be of a size appropriate for the type of agricultural use(s) common in the area and sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. New agricultural lots will normally be a minimum of 35 hectares in size. Smaller lots may only be considered where there is clear evidence that the farmer intends to conduct an agricultural pursuit which can be successful on a smaller property.

Where practical, the creation of agricultural lots along the original lots in the Township survey is encouraged even if somewhat smaller than normal lots result.

New agricultural lots may include lands in the Greenlands System where necessary to provide logical lot lines, provided that suitable building envelopes and new access routes are available outside of, and a suitable distance from, Core Greenlands and Greenlands features.

10.3.3 Agriculture-Related Uses

New lots for agricultural-related uses should be kept to a minimum size necessary for the use and appropriate water and sewage systems.

10.3.4 Residence Surplus to a Farming Operation

A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) the remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) the result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) the amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) the surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) the Minimum Distance Separation formula will be met, and
- f) the vacant parcel of farmland is rezoned to prohibit a residential use.

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on

existing and future farm operations can be kept to a minimum.

10.3.5 Lot Line Adjustments

Lot line adjustments may be permitted for legal or technical reasons, such as easements, corrections of deeds, quit claims, and minor boundary adjustments.

Lot line adjustments may also be permitted where no adverse effect on agriculture will occur where:

- two abutting farms are merged (merged means the joining of farm parcels under the same ownership) and an existing farm residence is made surplus to the resulting enlarged farm parcel;
- more viable agricultural operations will result;
- an undersized lot is made useable given the requirement for appropriate sewer and water systems.

Lot line adjustments are deemed not to create new lots for the purposes of this plan. The creation of new lots for residences surplus to farm operations is not permitted.

10.3.6 Community Service Facilities

A severance may be allowed for small-scale schools, churches and associated cemeteries where justified by need and public safety considerations of unique communities relying extensively on horse drawn vehicles as their sole means of transportation. In the case of small-scale schools referred to above, land leases are preferable to new lots and justification will include demonstrating that reasonable efforts to obtain land leases have been unsuccessful.

Reasonable efforts will be made to locate these uses to minimize impacts on agriculture.

10.3.7 Minimum Distance Formula (MDS)

The appropriate provincial minimum distance separation formula will be applied to all new lot creations.

10.4 SECONDARY AGRICULTURAL AREAS

10.4.1 Lot Creation

Lot creation in secondary agricultural areas may be allowed for:

- a) agricultural uses
- b) agricultural-related uses
- c) residential uses
- d) commercial, industrial or institutional uses
- e) lot line adjustments

Residential lots created under this section contribute to and are anticipated by the growth strategy of this Plan.

10.4.2 Agricultural Uses

New lots for agricultural operations shall be sufficiently large to allow the type or size of agricultural operations common to the area. Smaller lots may only be considered where there is clear evidence that the farmer intends to conduct an agricultural pursuit which can be successful on smaller property.

10.4.3 Agricultural-Related Uses

New lots for agricultural-related uses should be kept to a minimum size necessary for the use and appropriate water and sewage systems and will not hinder surrounding agricultural operations.

10.4.4 Residential Lots

One new lot for residential purposes may be allowed from a parcel of land existing on the date of provincial approval of this Plan provided that:

- a) the lot is large enough to support water and sewage systems;
- b) the lot is not normally larger than 0.8 hectares unless existing natural

- features or development patterns make a larger lot more practical;
- c) the lot has access to an open public road;
- d) the residential use will not hinder or preclude the present use or future potential for agricultural or mineral aggregate operations;
- e) the residential use is compatible with surrounding development;
- f) the use is well removed from any settlement area boundary;
- g) the lands have been owned by the applicant for at least 5 years.

Residential lots in the Secondary Agricultural Area are to be considered part of the rural portion of the local municipal growth strategy. In considering new residential lots the County will assess whether other locations exist on the same property which would provide a more appropriate site given the overall policies of this Plan.

10.4.5 Commercial, Industrial & Institutional Lots

One new lot for commercial, industrial or institutional purposes may be allowed from a parcel of land existing on the date of provincial approval of this Plan provided that:

- a) the lot is large enough to support water and sewage systems;
- b) the lot is no larger than necessary to support the proposed use unless existing natural features or development patterns make a larger lot more practical;
- c) the lot has access to an open public road;

- d) the use will not hinder or preclude the potential for agricultural or mineral aggregate operations;
- e) the use is compatible with surrounding development;
- f) the use is well removed from any settlement area boundary.
- g) the use conforms with the policies of Section 4.9.5 of this Plan.

In considering new lots for commercial, industrial or institutional purposes the County will assess whether other locations exist on the same property which would provide a better site given the overall policies of this Plan.

10.4.6 Lot Line Adjustment

Lot line adjustments are permitted where no adverse effect on agriculture will occur and are encouraged where:

- a) more viable agricultural operations will result;
- b) an undersized lot is made useable given the requirement for appropriate sewer and water systems.

Lot line adjustments are deemed not to create new lots for the purposes of this Plan.

10.4.7 Minimum Distance Formula (MDS)

The appropriate provincial minimum distance separation formula will be applied to all new lot creation.

10.5 OTHER RURAL SYSTEM LANDS

10.5.1 Mineral Aggregate Areas

A new lot may be allowed in a Mineral Aggregate Area to provide for the development of a mineral aggregate area

provided that the lands will be appropriately zoned to allow the use.

10.5.2 Recreational Area

A new lot may be allowed in a Recreational Area to provide for the development of recreational land provided that the land will be appropriately zoned.

10.5.3 Rural Settlements

Limited new lots may be allowed in rural settlements for residential infilling provided that the land will be appropriately zoned.

10.5.4 Highway Commercial Areas

New lots may be allowed in Highway Commercial Areas provided that the land will be appropriately zoned.

10.5.5 Rural Industrial Areas

New lots may be allowed in Rural Industrial areas providing that the land will be appropriately zoned.

10.5.6 County Residential Areas

New Lots may be allowed in County Residential areas provided that the land will be appropriately zoned.

10.5.7 Lot Line Adjustment

Lot line adjustments may be permitted on other Rural System land where there is no adverse effect.

10.6 URBAN SYSTEM

10.6.1 Hamlets

New lots may be created in Hamlets provided that the land will be appropriately zoned.

Lots may be created for a variety of community uses subject to the policies of this Plan.

10.6.2 Urban Centres

New lots may be created in Urban Centres provided that the land will be appropriately zoned. Lots may be created for a variety of community uses subject to the policies of

this Plan. Lot creation will normally proceed by plan of subdivision and will be based on the provision of full urban services, wherever such services are available.

10.6.3 Lot Line Adjustments

Lot line adjustments may be permitted where there is no adverse effect provided that basic lot patterns in an area are not unreasonably altered.

PART 11

ENVIRONMENTAL SERVICES

11.1 GENERAL

Environmental services in this Plan refer to water and waste water services, storm water management facilities and waste management services.

Local municipalities are responsible for the operation of publicly owned water and waste water systems while the Ministry of the Environment and local municipalities share approval authority for private waste systems.

Storm water management is primarily a local responsibility. Local municipalities approve detailed design in site plans and through subdivision agreements and are responsible for ongoing maintenance and operation. The County is responsible for reviewing and approving storm water facilities in plans of subdivision and for storm water management on County Roads.

The County is responsible for existing disposal sites and transfer stations as well as waste collection, recycling and waste management planning. The County has a history of cooperating with the City of Guelph on waste management matters.

11.2 WATER AND SEWAGE

11.2.1 Types of Services

In this plan the following terms are used to refer to water and sewage services:

- a) **municipal services:**
refers to municipal sewage services and municipal water services.

- b) **private communal services:**
refers to private communal water services and private communal sewage services.
- c) **individual on-site services:**
refers to individual on-site sewage services and individual on-site water services.

More detailed definitions are provided in the Definition Section of this Plan.

11.2.2 Objectives

The following objectives apply to water and sewage services:

- a) to protect the quality and quantity of ground and surface water;
- b) to deliver an adequate supply of potable water and means of sewage disposal to meet the needs of existing and future residents and businesses;
- c) to encourage development to use the highest level of service practical based on a priority of municipal, then private communal and then individual on-site services;
- d) to make optimum use of existing infrastructure;
- e) to promote efficient water use and to minimize waste water flows;
- f) to ensure that adequate capacity exists in municipal water and sewage services to serve both

residential and economic development activities;

The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.

- g) to implement strategies to make optimum use of water and sewage services where constraints exist.

11.2.3 Servicing Options Assessment

Site specific multi-lot or multi-unit development applications relying on private communal or individual on-site servicing may be required to:

- assess site and soil suitability and the viability of all reasonable servicing options;
- recommend the type of sewage disposal system and establish appropriate lot, unit and/or block sizes, acceptable to the local municipality which demonstrate suitability for the on-site services;
- assess the impact of the proposed means of servicing on: ground and surface water and associated ecological functions; potential interference with other wells; potential adverse impacts to natural features.

Where any private communal services are recommended, the Servicing Options Assessment will address to the satisfaction of the municipality:

- that the land is held under one ownership;
- requirements for a responsibility agreement signed with the municipality that will be registered on title to provide for the operation and

maintenance of the system and the take over and cost recovery in the case of a failure of the system or of the owner to properly operate the system; and

- that the capacity of the system will be sufficient for the size and density of development proposed, including an appropriate amount of excess capacity.

11.2.4 Urban Centre Policies

The following water and sewage policies apply in urban centres:

- a) municipal services are the preferred method of servicing in all urban centres and reasonable efforts will be made to provide for municipal services in all urban centres;
- b) most Urban Centres have municipal sewer and water services. Development will normally be required to connect to these services;
- c) individual on-site servicing is not allowed in urban centres which have municipal services except:
 - i) to provide for the continued use of lots developed on individual on-site services;
 - ii) to allow a small scale use on an existing lot in an area where municipal services are not reasonably anticipated;
 - iii) to recognize previous development approvals where individual on-site services are still appropriate.
- d) municipal services may be extended to all areas identified as urban centres, but may not be extended beyond the boundaries of the urban centre except to address an

- identified health issue or to provide services to public service facilities. Additionally a Council may approve the extension of services to areas where development existed outside urban boundaries prior to the restructuring of the County on January 1, 1999 if council determines that the health or environmental benefits are significant;
- e) all municipalities with municipal water and sewage services will ensure that adequate capacity exists to provide opportunities for both residential and economic development activities;
 - f) municipal water and sewage capacity will be reviewed at regular intervals and allocations may be altered if no substantial development has taken place over a three year period.
 - g) where municipal sewer and water services are not available in an urban centre and it is not reasonable to anticipate these services, municipalities may choose to use private communal services, in accordance with a Servicing Options Assessment as set out in Section 11.2.3.
 - h) where municipal and private communal services are not available in an urban centre and it is not reasonable to anticipate these services, individual on-site sewage and water services may be used in accordance with a Servicing Options Assessment as set out in Section 11.2.3.
 - i) Partial services shall only be permitted in the following circumstances:
 - i) where they are necessary to address failed individual on-site sewage and water services in existing development; and
 - ii) to allow for infilling and rounding out of existing development on partial services in urban centres and hamlets provided that:
 - a) the development is within the reserve sewage system capacity and reserve water system capacity; and
 - b) site conditions are suitable for the long-term provision of such services.

11.2.5 Hamlet Servicing

Municipal sewer and water services are not anticipated in hamlets. Individual on-site services will be the norm for most small developments. Existing smaller lots may be developed if an acceptable means of servicing can be provided.

For new multiple lot or unit development, municipalities may choose to use private communal services or individual on-site services subject to the findings of a Servicing Options Assessment as set out in Section 11.2.3.

11.2.6 Rural System Servicing

The following water and sewage policies apply in the rural system:

- a) development in the rural system is anticipated to be on individual on-site systems where soil conditions are suitable over the long term;
- b) private communal services may be allowed in recreational developments or if specifically allowed in a special policy area subject to the

recommendations of a Servicing Options Assessment as set out in Section 11.2.3.

11.2.7 Erin Village – Special Policy

A Servicing and Settlement Master Plan will be undertaken to assess, in a comprehensive manner, the Village of Erin's capacity to accommodate growth from an environmental and servicing perspective including a review and assessment of the Village in terms of:

- a) growth management and related fiscal impacts;
- b) established projected population;
- c) development density;
- d) impact of development on environmental and natural heritage resources;
- e) servicing (water and sewage) and stormwater management;
- f) other matters considered appropriate by the Town.

The Village Study must be completed and approved before any major development is permitted. The Study will be undertaken by the Town in consultation with the County and Credit Valley Conservation. The master plan will be implemented by an amendment to the Official Plan for the Town of Erin.

The Town may, in its official plan, identify new land use designations but these designations will not be implemented through further planning approvals until the comprehensive servicing study is completed and approved. The Town may development a phasing strategy for development to comply with County growth forecasts.

Modest development in the existing built up area of the village may be allowed if it does

not significantly increase water and sewage demands.

Projects which would result in improved environmental protection or benefit may also be considered in consultation with the conservation authority.

11.2.8 Well Head Protection Areas

All new sewage and water services in a WHPA are subject to the policies of Section 4.9.5. of this Plan.

11.3 STORM WATER MANAGEMENT

11.3.1 General

In order to control flooding, ponding, erosion and sedimentation and to enhance water quality and aquatic habitat including fish habitat or other natural habitat which depend upon watercourses and other waterbodies for their existence, it is necessary to develop the best management practices and techniques to maintain storm water quality and quantity.

The County or local municipality and the Ministry of Environment shall be consulted with respect to the final storm water management design. All statutory approvals for storm water management works will be under the Ontario Water Resources Act.

11.3.2 Level of Protection

Development and redevelopment in all watersheds shall incorporate storm water management to control runoff up to and including the 1:100 year design event or Regional Storm, whichever is greater. The level of storm water management to be achieved is to be determined through an assessment of watershed conditions and negotiations with the County, the local municipality and the Conservation Authority. Best management practices and storm water management techniques will be implemented in consultation with appropriate government agencies.

11.3.3 Watershed Plans

Municipalities may prepare Watershed Plans for developing areas in consultation with the Conservation Authority, the Ministry of Natural Resources and the Ministry of the Environment. When a Watershed Plan is approved by Council, applicants for approval of subdivisions, zoning amendments, site plans, or building permits may be required to submit a storm water management plan which demonstrates how the proposed development would manage storm water in accordance with the Watershed Plan. If drainage is planned through an adjacent municipality, then the adjacent municipality shall be consulted with respect to the Watershed Plan.

11.3.4 Storm Water Management Report

Until such time as a Watershed Plan is approved, an applicant for approval of subdivisions, zoning amendments, site plans, or building permits may be required to submit a storm water management report providing the following information:

- a) a plan for the provision of storm water drainage facilities to accommodate the proposed development;
- b) a grading plan for the proposed development or to provide services to public service facilities. Additionally a Council may approve the extension of services to areas where development existed outside urban boundaries prior to the restructuring of the County on January 1, 1999 if council determines that the health or environmental benefits are significant;
- c) an assessment of the pre-development and post-development discharge of water during flood conditions on any stream, watercourse or drainage works;

- d) an assessment of the impacts of the proposed development on the water quality of any stream or watercourse, particularly in terms of water temperature, baseflow, and fisheries potential, and the means of mitigating any potential reductions in water quality and quantity;
- e) an assessment of the storm water capacity of any proposed receiving stream, watercourse or drainage works;
- f) the means of controlling erosion and sedimentation using the best available construction and management practices during and after the construction of the development;
- g) an assessment of how development will maintain or enhance the minimum baseflow of a watercourse, and maintain storage levels during periods of minimum baseflow for flow augmentation;
- h) the potential impact of the development and any proposed storm water management techniques on groundwater resources;
- i) an investigation showing that feasibility of infiltration of storm water at or near the source.

11.3.5 Adjacent Municipalities

Where drainage from major developments is proposed to outlet through adjacent municipalities, a storm water management report will be required, and the affected municipalities will be allowed to review and make recommendations regarding the storm water management report.

11.3.6 Major-Minor Protection

Where appropriate, all new development shall incorporate the "Major-Minor" system concept in consultation with the appropriate Conservation Authority and:

- a) the Major system shall be designed to control the anticipated increase in storm water runoff, created by the development, over pre-development conditions. The Major system should accommodate the 1:100 year or Regional Storm, whichever is the greater. And, where necessary, this system will require detention or temporary storage facilities to control discharge rates;
- b) the Minor system shall accommodate runoff from more frequent storms up to the design capacity of an existing receiving system. And, where necessary, this system will require retention or storage facilities. New collection systems will be designed in accordance with municipal servicing standards.

11.3.7 Natural Drainage

Natural drainage systems should be used in the design of new subdivisions and all major watercourses should be left as much as possible in their natural state including riparian vegetation, existing vegetative buffers, or the establishment of vegetative buffers. Channelization will be discouraged where possible. Detention and retention facilities may be permitted in open space areas to ensure controlled runoff into receiving streams. Any modification to an existing natural watercourse will be done in accordance with the requirements of The Conservation Authorities Act and will preserve floodplain storage for all major watercourses.

11.3.8 Fisheries

In addition to the information contained within the storm water management report, where development is proposed adjacent to a fishery resource, the following may also be required:

- a) an assessment of the effect the proposal will have on a fishery resource; and

- b) an identification of the methods by which any negative impacts on the fishery resource can be eliminated, or minimized.

11.4 WASTE MANAGEMENT

The following policies apply to waste management facilities and planning in Wellington.

11.4.1 Waste Management Planning

The County of Wellington will, in co-operation with the City of Guelph coordinate efforts for the management of waste.

11.4.2 Waste Reduction

The County of Wellington supports waste reduction as the best response to managing waste and will support reasonable efforts to reduce or eliminate the production of unnecessary waste.

11.4.3 Reuse and Recycling

The County of Wellington operates a multi-material blue box recycling program and intends to be involved in efforts to reuse and recycle materials so that they are diverted from the waste stream.

New recycling facilities require the approval of the County of Wellington by resolution.

11.4.4 Disposal

Active sanitary landfill sites are identified in this Official Plan. Recycling, waste reduction, waste transfer stations, and similar waste management facilities may be permitted in addition to waste disposal activities.

The expansion of waste disposal sites involving the use of new lands or the development of new sites will require an amendment to this Plan as well as appropriate provincial environmental approvals.

The expansion of the capacity of any waste management disposal site or the

development of new waste management capacity requires the approval of the County of Wellington by resolution.

11.4.5 Adjacent Uses

Where development is proposed within 500 metres of an active or known closed landfill site, the proponent may be required to demonstrate that no impacts will result from the landfill activities or associated activities and appropriate buffering and monitoring may be required.

PART 12

TRANSPORTATION

12.1 GENERAL

The transportation system in Wellington involves the movement of people and goods throughout the county and to outside areas. The system may include:

- pedestrian facilities
- cycling
- public transit
- roadways
- utility lines
- airports

The County will encourage the development of safe and efficient transportation systems which are both environmentally responsible and convenient for users.

The County will co-operate with surrounding jurisdictions to develop a transportation system that recognizes the mobility of people within this area and their need for effective inter-regional transportation systems.

12.2 PEDESTRIAN FACILITIES

Pedestrian facilities will be encouraged both as a means of travel and for recreation. The following policies will be supported in Wellington.

- a) sidewalks will be required in all new developments in all urban centres and will be encouraged in hamlets, whenever practical;
- b) schools and convenience commercial uses are encouraged in locations central to residential neighbourhoods; higher density residential uses will be encouraged near “main street” areas to allow people to have walking access to a variety of services;

- c) pedestrian friendly facilities such as pedestrian crossings, signalized intersections, curb cuts, pedestrian bridges and lighting will be incorporated into community design practices to encourage walking;

- d) pedestrian trails, particularly those which re-use abandoned railway right of ways will be encouraged.

12.3 CYCLING

Cycling facilities will be encouraged both as a means of travel and for recreation. The following policies will be encouraged in Wellington:

- a) undertake studies to determine the potential to provide bicycle lanes on roadways in urban centres;
- b) examine geometric and operational design practices which impede cycling on roadways;
- c) review zoning by-laws to provide bicycle parking standards for uses such as apartments, shopping facilities, industrial uses and community facilities;
- d) support the development of recreational trails that allow for cycling.

12.4 PUBLIC TRANSIT

The County of Wellington has not reached the point where public transit is a viable transportation option. Wellington will continue to focus its planning efforts on supporting urban centres and downtowns so that public transit may become a viable option.

12.5 ROADWAYS

12.5.1 General

Roadways are far and away the most important means of transportation in Wellington. The County of Wellington accepts the heavy reliance on automobiles and trucks in small towns and rural areas and will make its best efforts at encouraging safe, efficient and convenient community design practices which facilitate people's desires to use automobiles.

12.5.2 Provincial Highways

This classification applies to roadways under the jurisdiction of the Ontario Ministry of Transportation. These highways include Nos. 6, 7, 9, 89 and 401. Provincial highways generally function as major roadways or arterials but are regulated under the Public Transportation and Highway Improvement Act. Provincial highways carry large volumes of traffic at relatively high speed, therefore access to provincial highways is limited. Ministry of Transportation approvals (permits) are required for all entrances (new or altered), buildings/structures and signs located adjacent to the highway prior to any construction being undertaken. Access will only be considered to those properties abutting a provincial highway that meet the minimum safety and geometric requirements of the Ministry of Transportation.

12.5.3 Major Roadways

The provincial highway system and the county road system provide the major roadways in Wellington and they are shown on Schedule A. The following policies apply to provincial and county roads:

- a) major roadways are expected to provide and serve high volumes of traffic including truck traffic;
- b) major roadways are designed for safety, efficiency and convenience to

move people and goods at reasonably high speeds;

- c) major roadways within urban centres should be served by sidewalks;
- d) access to major roadways should be restricted through the following means:
 - i) prohibition, where necessary;
 - ii) requiring access from lower volume roads, where possible;
- e) where access to major roadways is necessary, the following facilities may be required:
 - i) traffic signals
 - ii) turning lanes and tapers
 - iii) road widenings;
- f) roadway authorities may acquire land for road widening through acquisition programs or land dedication when planning approvals are sought;
- g) New major roadways require an amendment to this Plan and appropriate provincial environmental approvals. Changes in jurisdiction and minor realignment, widening or improvements do not require an amendment;
- h) proposed major roadways, including potential river crossings, are shown on Schedule "A". These proposed roadways will be protected from development proposals which would undermine the ability to construct the roadway, increase the cost of acquiring land or constructing the roadway or impair the future functioning of roadway;

- i) a new major road connection will be required to Highway 401 on the east side of Guelph and while no proposed alignment is shown on Schedule "A" the long term need has been established and reasonable efforts will be made to protect future options;
 - j) the province may require traffic impact assessments for any development proposed on a provincial highway.
- local traffic for distribution to the arterial road system;
 - iii) local roads serve low volumes of local traffic and provide access to individual properties;
 - c) local roads will be improved through widenings, intersection improvements, signalization daylight triangles, turning lanes, tapers and traffic calming devices where required;

12.5.4 Local Roadway

Local roadways include both urban and rural roads under the jurisdiction of a local municipal government. The following policies apply to local roads:

- a) rural roads laid out along original township concession and lot lines often provide important collector functions and operate at reasonably high speeds. These routes need to be protected from strip development, access points with poor visibility and other conditions which would impair their functions;
- b) urban roads may be classified as arterial, or collector or local routes to recognize a hierarchy of functions and to encourage development compatible with those functions;
 - i) arterial roads are normally provincial or county roads servicing high volumes of intra-urban traffic at moderate speeds and with limitations on property access;
 - ii) collector roads may be county or local roads serving moderate to high volumes of traffic into and out of downtown areas and connecting to other urban areas as well as collecting

- d) urban collector roads and most local urban roads will be served by sidewalks on at least one side;
- e) new local roads do not require an official plan amendment, but the designation on new arterial or collector roads in urban centres must be recognized on the land use schedule for the urban centre.

12.5.5 Other Roadways

Other roadways, not under the jurisdiction of the province, county or local municipality, are normally private roads serving a limited number of lots or private roads serving condominium or land lease projects. The following policies apply to these roadways:

- a) private roads serving individual lots shall be discouraged and will only be allowed to recognize long standing situations and where an agreement with the local municipality is in place to ensure an appropriate level of maintenance and access for emergency vehicles;
- b) private roads serving condominium or land lease projects are supported provided they are designated and developed to standards which provide safe access to all units and provided that an agreement with the local municipality ensures an

appropriate level of maintenance and access for emergency vehicles.

12.5.6 Road Widening Policies

The following policies apply to road widenings:

- a) road widenings may take place where deemed necessary by a Council. Privately owned land required for road widening may be acquired by purchase, expropriation, dedication as a condition of subdivision, severance or site plan approval or other appropriate means;
- b) for the purpose of Section 41 of the Planning Act dealing with site plan approval, the following road minimum widths are required except where more specifically set out in Table 9 of this Plan:
 - i) 30 metres for county roads outside urban centres
 - ii) 20 metres for county roads inside urban centres
 - iii) 20 metres for local roads;
- c) road widenings in excess of those outlined above may be required in the following circumstances:
 - i) at intersections for daylighting, lane channelization or for traffic control devices;
 - ii) to provide for turning lanes serving land uses that are major traffic generators;
 - iii) to account for severe slopes;
- d) generally road widenings will be taken on both sides of a road as measured from the centreline of the road allowance.

12.5.7 Setbacks

Zoning by-laws shall establish building setbacks from either the centreline of the road or the edge of the road allowance. Local municipalities will establish setbacks along provincial highways and county roads that are consistent with the policies of those road authorities.

12.6 UTILITIES

12.6.1 Utilities Allowed

The following uses may be permitted in any land use designation, subject to the provisions of the Zoning By-law:

- a) all electrical power facilities, including all works defined by the Power Corporation Act and telephone lines and multi-use cables, provided that the development satisfies the provisions of the Environmental Assessment Act, the Environmental Protection Act and any other relevant legislation;
- b) utilities and services necessary for the transmission of municipal water, sewage, public roads, parking facilities and facilities for the detention, retention, discharge and treatment of storm water.

12.6.2 Easements

Where new development is proposed, appropriate easements or rights-of-way will be required to be dedicated for utilities.

12.7 AIRPORTS

Wellington does not have any major airports within its boundaries but there are a number of small airfields used for business and recreational purposes. The County recognizes the need to protect airports from incompatible uses and adopts the following policies should an airport be established:

- a) new residential development and other sensitive land uses will not be permitted in areas near airports above 30 NEF/NEP, as set out on maps (as revised from time to time) approved by Transport Canada; but
- b) redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses may be considered above 30 NEF/NEP if it has been demonstrated that there will be negative impacts on the long-term function of the airport.

Additionally, the County will not allow development which would have an adverse impact on existing airfields.

TABLE 13
SPECIFIC ROAD WIDENINGS

ROAD ALLOWANCE	EXISTING WIDTH (METRES)	REQUIRED WIDTH (METRES)
CENTRE WELLINGTON		
Beatty Line in Fergus (from St. Andrews Street W to Garafraxa Street W)	20.12	26
Scotland Street in Fergus (south of Belsyde Avenue)	20.12	26
Gordon Street in Fergus (from Highway 6 to 322.316 metres east of Highway 6)	10.06	20
Gartshorne Street in Fergus (north of Gordon Street)	20.12	26
Hamilton Street in Elora	Varied	20
Waterloo Street in Elora (south of the closed South Queen Street)	10.06	20
Reynolds Street in Elora (between St. George Street and Water Street)	12.07	20
Cecilia Street in Elora (between Water Street and the Grand River)	12.07	20
Side Road 15 in West Garafraxa Township	20	26
Side Road 20 in West Garafraxa Township	20	26
Second Line north of County Road 18 in West Garafraxa Township	20	26
Fourth Line south of County Road 18 in West Garafraxa Township	20	26
Sixth Line in West Garafraxa Township	20	26
Sideroad 15 in Nichol Twp (from Salem to Provincial Highway No. 6)	20	26
Sideroad 20 in Nichol Two (from Elora Village to Concession Road 14)	20	26
Concession Road 12 in Nichol Twp (from County Road 18 to Sideroad 15)	20	26

TABLE 13 – Con't
SPECIFIC ROAD WIDENINGS

ROAD ALLOWANCE	EXISTING WIDTH (METRES)	REQUIRED WIDTH (METRES)
TOWN OF ERIN		
Centre Street; Erin Village	11.43	20
Charles Street; Erin Village	7.62	20
Church Blvd; Erin Village	12.19	20
Hill Street; Erin Village	12.19	20
Hillview Avenue; Erin Village	15.24	20
Main Street; Erin Village	20.11	30
March Street; Erin Village	12.19	20
Sunnyside Drive; Erin Village	11.43	20
Union Street; Erin Village	12.19	20
William Street; Erin Village	11.43	20
TOWNSHIP OF PUSLINCH		
Wellington Rd 33 in Puslinch (from Wellington Rd 34 to Highway 401)		30
Wellington Rd 34 in Puslinch (from Wellington Rd 33 to Wellington Rd 32)		30
Wellington Rd 32 in Puslinch (from Puslinch Twp Boundary to Highway 401)		30
Wellington Rd 46 in Puslinch (from City of Guelph/Puslinch Twp Boundary Highway 401)		30
Wellington Rd 36 in Puslinch (from Highway 6 to Halton Region)		20
Wellington Rd 35 in Puslinch (from Highway 401) to Hamilton-Wentworth/Puslinch Twp Boundary		30

**TABLE 13 – Con't
SPECIFIC ROAD WIDENINGS**

ROAD ALLOWANCE	EXISTING WIDTH (METRES)	REQUIRED WIDTH (METRES)
PUSLINCH TOWNSHIP (con't)		
Wellington Rd 41 in Puslinch (from City of Guelph/Puslinch Twp. boundary to Wellington Road 37)		20
Gilmour Rd 23 in Puslinch (from Wellington Rd 46 to Concession 9)		20
Forestell Rd in Puslinch (from Sideroad 20 West to Cambridge)		20
Sideroad 12 (Concession 5 to Guelph/Puslinch Boundary)		20

PART 13

IMPLEMENTATION

13.1 GENERAL

This Plan will be implemented by the County, local municipalities and public agencies through their powers established in provincial legislation. All public works by-laws and decisions of public authorities shall conform to this Plan.

13.2 AMENDMENTS

13.2.1 General

Change is inevitable and this plan may be amended to reflect new community directions, needs or standards. Individuals may request changes to this Plan and an appropriate application process will be established to provide for fair and timely consideration of such requests.

The County will require adequate information and studies to demonstrate the impacts of proposed changes and to indicate how various policies in this Plan are met.

The County will ensure the amendments to this Plan are only considered after appropriate public notice and consultation takes place and that adequate information is made available to allow the public to understand proposed changes.

The County will also consult with appropriate public agencies to receive their advice on proposed changes in which they have an interest.

13.2.2 Public Meetings – Alternative Procedures

County Council will by by-law establish procedures under Section 17 (18) of the

Planning Act where public meetings on amendments to this Plan may be held as follows:

- a) by County Council or a Committee of County Council where a proposed amendment affects more than one local municipality;
- b) by local Council where a proposed amendment directly affects only one local municipality.

Council may delegate its authority to administer these procedures to an appointed officer identified in the by-law.

13.3 ZONING BY-LAWS

Zoning by-laws currently cover all lands in Wellington County. Zoning by-laws will be one of the most important means whereby this Plan is implemented.

Zoning by-laws will be amended to conform with the policies of this Plan. No zoning by-law amendment will be passed that is not in conformity with this Plan.

Where a land use designation in this Plan authorizes a range of uses which may be allowed, the local zoning by-law may allow all or some of those uses based on local needs and circumstances. The by-law also may establish appropriate regulations related to those uses.

13.4 TEMPORARY USE BY-LAWS

By-laws may be passed by a local council to allow the temporary use of land for a purpose that is otherwise prohibited by the

Official Plan or Zoning By-law other than for Garden Suites which may be temporarily rezoned for a period of up to 10 years. A temporary use by-law may not exceed three years but may be extended. A Council shall have regard for the following:

- the likely duration
- compatibility
- the adequacy of services
- access and parking
- impact assessment
- general conformity with this Plan

13.5 HOLDING BY-LAWS

Where the use of land for a particular purpose has been established but details related to design, servicing, phasing, environmental considerations and other matters have not been completely resolved, a local council may use holding provisions in accordance with the Planning Act. The symbol “H” or “h” used in association with a zone symbol will indicate that holding provisions are in effect.

In order to remove a holding provision from a parcel of land, the following conditions must be satisfied, where appropriate:

- a) demonstration of the developer’s commitment to proceed through the signing of, and compliance with the necessary subdivision and servicing agreements;
- b) indication from the municipal engineer that water and sewer services are available;
- c) indication from appropriate utilities that the necessary utilities are available;
- d) indication from provincial, county or local authorities having jurisdiction that road access is available;
- e) satisfactory provisions for the completion of any necessary

drainage works, including downstream or off-site improvements.

- f) demonstration that the use can be established within an acceptable level of risk to groundwater resources in accordance with Section 4.9.5 of this Plan.

Prior to removing a holding symbol, local council shall be satisfied that all requirements or conditions related to the unresolved details have been met. Subdivision and development agreements may be used as a means of satisfying a local council that removal of the holding provisions is appropriate.

Where holding provisions are in effect, the use of land may be restricted to any or all of the following:

- agricultural uses
- existing uses
- open space
- a single family dwelling
- accessory uses and
- other uses deemed appropriate by Council

13.6 INTERIM CONTROL BY-LAWS

A local council may pass Interim Control By-laws in accordance with the Planning Act, to control the use of lands and buildings within designated areas until such time as studies required by Council to assess planning and engineering issues are prepared and approved. The Council may pass an interim control by-law for a period of up to one year. The by-law may be extended provided the by-law does not go beyond two years of its original date of passage.

13.7 MINOR VARIANCES

Minor Variances from the provisions of any by-law implementing this Plan may be passed, in accordance with the Planning Act, by a local council, or its delegated

authority, provided that the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. The local council, or its delegate, shall consider whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

13.8 NON-CONFORMING USES

13.8.1 Defined

Non-conforming uses are legally established uses of land which do not conform to the Official Plan or Zoning By-law. The long term intent of the Official Plan is to ensure that all uses eventually conform to the policies of the Plan.

Non-conforming uses may vary considerably in the nature and extent to which they do not meet planning policies and standards and their impact on surrounding uses. Non-conforming status can impose serious hardship on a property owner and it is often appropriate to consider relief to recognize, extend or enlarge non-conforming uses in a rational manner.

13.8.2 Status Zoning

A legally established use which does not conform with the policies of an Official Plan may be recognized as a permitted use in the Zoning By-law in accordance with its current use and performance standards. A Council may also consider zoning the property to allow a similar or more compatible use or to provide for a limited expansion of the current use. Council shall have regard for the following:

- a) the need for the change or extension of use;
- b) the proposed use is not offensive with regard to noise, vibration, smoke, dust, fumes, odour, lighting and complies with the Health Protection and Promotions Act;

- c) compatibility;
- d) the need for landscaping, screening, buffering and setbacks;
- e) traffic impacts and parking;
- f) the adequacy of services;
- g) impacts on the natural environment;
- h) impacts on groundwater and surface water quality and quantity

13.8.3 Extensions or Similar Uses

Council, or its delegate, may consider applications to extend a non-conforming use or to allow a similar or more compatible use of land. The provisions of the Planning Act and Section 13.8.2 should be considered.

13.8.4 Non-Complying Uses

A zoning by-law may contain separate provisions with respect to uses which are permitted but do not comply with various regulations such as setbacks, yard requirements and parking standards.

13.9 SITE PLAN CONTROL

All lands in Wellington County are identified by this Plan as a proposed Site Plan Control area under the Planning Act.

A local council may, by by-law, designate the whole or any part of its municipality as a site plan control area.

Site plan control is a mechanism normally used to control design features of residential, commercial, industrial and institutional developments. Provisions for such features as off-street parking and loading, walkways, lighting, buffering, waste storage, grading, stormwater facilities, groundwater impact mitigation and remedial measures and other features can be addressed.

The following uses will be normally excluded from site plan control:

- a) single detached, semi-detached and duplex dwellings, unless the purpose of site plan control is for grading or drainage purposes or to protect a feature of the greenland system or unless the residential units are part of a land lease project;
- b) agricultural buildings and structures associated with farming operations of a size and nature typical to the area;
- c) buildings and structures for flood control or conservation purposes.

13.10 PARKLAND REQUIREMENTS

13.10.1 General

Parkland and recreational facilities must be developed to meet the needs of the community. All councils shall ensure that adequate parkland is secured and used for the benefit of the community and that opportunities to add to the supply of parkland are pursued.

13.10.2 Parkland Dedication

All councils shall require the dedication of parkland in accordance with the Planning Act for all developments, redevelopment or plans of subdivision. These lands shall be, in the opinion of Council, suitable for use as municipal parkland and the following criteria shall be considered as desirable.

- a) land adjacent to established parks, schools or storm water management areas;
- b) land within easy walking distance of the residential area served;
- c) land located near the highest density residential areas;

- d) land with adequate street frontage to provide for visibility and safety;
- e) land that is level, regularly shaped and not susceptible to major flooding, poor drainage, or other environmental or physical conditions which would interfere with their development or use for public recreation.

13.10.3 Cash-In-Lieu

A council may require cash-in-lieu of parkland, as provided by the Planning Act, under the following circumstances:

- a) where the amount of land to be dedicated is of insufficient size, in the opinion of council, to be useable for normal public recreational activities;
- b) where an area is adequately served by municipal or other open space lands;
- c) where a municipality wishes to combine the parkland dedications of a number of small developments to provide for a large park area;
- d) in rural developments where parkland may not be needed.

Cash-in-lieu payments shall be held in a separate account and used for the acquisition or development of parklands in the municipality.

13.10.4 Other Lands

A council may accept additional land over and above the parkland dedication and may incorporate these lands in the municipal open space system. Such land may include:

- a) storm water management areas;
- b) lands having environmental or physical conditions which render them unsuitable for development.

13.10.5 Alternative Requirements

In the case of development or redevelopment for residential purposes, a municipality may by by-law under Section 42 of the Planning Act require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law.

13.11 PARKING

13.11.1 General

All local municipalities shall ensure that adequate off-street parking and loading facilities, including access to such facilities, are provided to meet the needs of various uses of land and all local municipalities:

- a) shall set out standards for parking and loading for all land uses in the zoning by-law;
- b) may acquire, develop and operate parking facilities;
- c) shall ensure in the site plan approval process that adequate parking and loading facilities, including access to such facilities are provided;
- d) consider parking standards for bicycles.

13.11.2 Alternative Sites

Where a development cannot provide adequate off-street parking on its own site, a local municipality may permit the provision of required parking spaces on an alternative site provided that:

- a) the alternative site is within convenient walking distance of the proposed development;
- b) the developer enters into an agreement to ensure the continued availability of the alternative site as a parking area.

13.11.3 Downtown Areas

Downtown areas are not normally able to provide off-street parking and the standards in the zoning by-law may recognize this situation.

Where practical, local councils may provide or co-operate to provide additional parking facilities in or near the downtown.

13.12 MAINTENANCE AND OCCUPANCY STANDARDS

This Plan wants to ensure that our communities are pleasant, healthy, and safe places to live, work, shop and recreate.

By-laws may be passed to regulate:

- a) garbage disposal and pest prevention;
- b) structural maintenance, safety and cleanliness of buildings;
- c) the adequacy of a building or unit within a building for healthful occupancy in terms of sanitation, light and ventilation;
- d) keeping properties free from rubbish, debris, salvage, weeds, abandoned or in-operative vehicles, trailers, boats, mechanical equipment or building materials.

Property owners may be required to maintain their properties in accordance with standards adopted by a local council.

13.13 DEVELOPMENT CHARGES

Municipalities are authorized to enact Development Charges By-laws to assist in paying for the capital costs of new growth. In preparing these by-laws, municipalities are expected to use the growth forecasts set out in this Plan but may make reasonable adjustments to account for clearly altered circumstances.

13.14 REVIEW

The County will review this Official Plan at least once every 5 years to ensure that the goals and objectives are being met and that policies remain relevant.

PART 14

INTERPRETATION

14.1 CONFORMITY TO THIS PLAN

All municipal official plans, zoning by-laws and public works must conform to the policies of this Plan. The County considers conformity to mean implementing the spirit and intent of the Wellington County Official Plan with a view to furthering its broad policy objectives.

All municipal official plans and zoning by-laws shall be brought into conformity with this Plan.

14.2 FLEXIBILITY OF THE PLAN

No official plan can hope to anticipate all the varied circumstances that may arise in a changing community.

To ensure the public interest and to prevent undue hardship flexibility may be used to allow minor deviations from the text or map. This flexibility is to be exercised keeping in mind the intent of this Plan and sound community planning principles.

14.3 NO AMENDMENTS NEEDED

Amendments to this Plan are not required in the following circumstances:

- a) for editorial changes including such things as section or page numbering, changing references, provincial statutes or place name changes;
- b) for changing the size, colours or symbols used on maps or the names

of places, roads or other physical features.

14.4 REFERENCE TO COUNCIL

Where the term "Council" is used rather than "County Council" or "Local Council", it shall be interpreted to mean any Council exercising an authority requiring conformity to this Plan.

PART 15

DEFINITIONS

Adjacent lands:

means those lands, contiguous to a specific natural heritage feature or area, where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives.

Adverse effects:

as defined in the Environmental Protection Act, means one or more of:

- impairment if the quality of the natural environment for any use that can be made of it;
- injury or damage to property or plant and animal life;
- harm or material discomfort to any person;
- an adverse effect on the health of any person;
- rendering any property or plant or animal life unfit for use by humans;
- loss of enjoyment of normal use of property; and
- interference with normal conduct of business.

Aerodrome:

means any area of land, water (including the frozen surface thereof) or other supporting surface used, designated, prepared, equipped or set apart for use either in whole or in part for the arrival, departure, movement or servicing of aircraft and includes the buildings, installations

and equipment situated thereon or associated therewith.

Agricultural uses:

means the growing of crops, including nursery and horticultural crops, raising of livestock and other animals for food, or fur, including poultry and fish; aqua-culture; agro-forestry; maple syrup products; and associated on-farm buildings and structures.

Agriculture-related uses:

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.

Airports:

means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF) Noise Exposure Projection (NEP) mapping.

Archaeological resources:

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

Areas of archaeological potential:

means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Brownfield sites:

means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

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 easements under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Comprehensive review:

means 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:

- 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;
- utilizes opportunities to accommodate projected growth through intensification and redevelopment;
- is integrated with planning for infrastructure and public service facilities; and
- considers cross-jurisdictional issues.

Conserved:

means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a

conservation plan or heritage impact assessment.

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 together form a significant type of heritage form, distinctive from that of its 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, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

Designated and available:

means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g., secondary plans, future development areas) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be designated for the purposes of this definition.

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 referred to above, as well as lands required for employment and other uses.

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 activities that create or maintain infrastructure authorized under an environmental assessment process, or works subject to the Drainage Act.

Ecological functions:

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 Ontario Ministry of Natural Resources official species at risk list, as updated and amended from time to time.

Erosion hazards:

means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using the 100 year erosion rate (the average annual rate of recession extended over a hundred-year time span), an allowance for slope stability, and an erosion allowance.

Essential emergency services:

means services such as those provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Established standards and procedures:

means the following:

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

Access standard, which means a method or procedure to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding, erosion and/or other water related hazards.

Fish:

means fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat:

means 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.

Flood fringe (for river and stream systems):

means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway. The flood fringe is the area where development and site alteration may be permitted, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Ministry of Natural Resources.

Flood plain (for river and stream systems):

means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

Flooding hazards:

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

- a) Along river and stream systems, the flooding hazards limit is the greater of:
 - 1) the regional flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins Storm (1961), transposed over a specified watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;

2. the one hundred year flood, or
3. a regulatory flood which is greater than 1) or 2) which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources.

except where the use of the one hundred year flood or actually experienced event as the standard for a specific watershed has been approved by the Minister of Natural Resources (where the past history of flooding supports the lowering of the standards).

Floodway (for river and stream systems):

means the portion of the flood plain where development (other than uses which by their nature must be located with the floodway and/or erosion control works, or where appropriate, minor additions or passive, non-structural uses which do not affect flood flows) and site alteration would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the floodway is the entire flood plain.

Where the two zone concept is applied, the floodway is the inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.

Garden suite:

means a detached temporary housing unit which meets the Building Code for year-round use and is accessory to the main residence on the same lot. Garden suites are established by temporary use by-laws.

Ground water feature:

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

Hazardous lands:

means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes – St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding, erosion or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding erosion or dynamic beach hazard limits. Along river and stream systems, this means the land, including that covered by water, to the furthest landward limit of the flooding or erosion hazard limits.

Hazardous sites:

means property or lands that could be unsafe for development and site and 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.

Heritage attributes:

means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

Infrastructure:

means physical structures that form the foundation for development. Infrastructure includes: sewage and water works, waste management systems, electric power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

Institutional uses:

means those uses, associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, the physically challenged or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

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.

For the purposes of Section 4.4, reference should be made to the Residential Intensification definition.

Mineral aggregate:

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.

Mineral aggregate operation:

means:

- a) lands under license or permit, other than for a wayside pit or quarry, 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 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, or the production of secondary related products.

Mineral deposits:

means an unusually large or rich concentration of valuable minerals identified within a small part of the Earth's crust.

Minimum distance separation formulae:

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

Moderate and lower income households:

means:

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

Natural heritage features and areas:

means features and areas, such as significant wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant portions of the habitat of endangered 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:

means:

- a) in regard to water resources, the 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;
- 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.

New multi-lot or multi-unit residential development:

means the creation of two or more units or lots through either plan of subdivision, consent or plan of condominium.

One hundred year flood (for river and stream systems):

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

One hundred year flood level:

means:

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

Petroleum resources:

means oil, gas, and brine resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

Portable asphalt plant:

means a facility:

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process;
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable Concrete Plant:

means a building or structure:

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of a permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime Agricultural Areas:

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 land:

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

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 or 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 resource, or preventing its destruction, demolition or loss.

Provincial and Federal requirements; means

- a) in regard to alternative and renewable energy, legislation and policies administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy facilities and ensuring the necessary approvals are obtained; and
- b) in regard to fish habitat, legislation and policies administered by the federal or provincial governments for the purpose of the protection of fish and fish habitat, and related scientifically established standards.

Public services:

means programs and services provided or subsidized by a government or other public body. Examples include social assistance, recreation, police and fire protection, health and educational programs, and cultural services.

Public service facilities:

means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public services facilities do not include infrastructure.

Quality and quantity (of water):

is measured by indicators such as minimum base flow, oxygen levels, suspended solids, temperature, bacteria, nutrients, 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 that has a high degree of social and economic interaction. The County will normally serve as the regional market area.

Reserve water and sewage plant capacity:

means design capacity in a centralized water and waste water treatment facility which is not yet committed to existing or approved development.

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).

Residential Intensification:

means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

River and stream systems:

means all watercourses, rivers, streams, and small island lakes or waterbodies that have a

measurable or predictable response to a single runoff event.

Secondary uses:

means uses secondary to the principal use of the property, including home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

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 effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or build environment. Examples include: residences, day care centers, and educational and health facilities.

Settlement areas:

means urban areas and rural settlement areas such as towns, villages and hamlets that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands designated for residential development over the planning period of this Plan, excluding Secondary Agricultural Areas. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

Sewage and water services:**Individual on-site sewage services:**

means individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O. Reg. 403/97, under the Building Code Act, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services:

means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Municipal sewage services:

means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.

Municipal water services:

means a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002.

Private communal sewage services:

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

Partial services:

means:

- a) municipal sewage services or private communal sewage services and individual on-site water services;
or
- b) municipal water services or private communal water services and individual on-site sewage services.

Significant:

means:

- a) in regard to wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ministry of Natural Resources 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 the Ontario Ministry of Natural Resources, that is survival 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 to 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 ecologically important in terms of 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;

- f) 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, an event, or a people
- g) in regard to other matters, important in terms of amount, content, representation or effect.

Criteria for determining significance in sections c) – f) are recommended by the Province, but municipal approaches that achieve the same objective may also be used. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Site alteration:

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

Special policy area:

means an area within a community that has historically existed in the *flood plain* and where site specific policies, approved by the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development.

Special needs:

means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory, or mental health disabilities, and housing for the elderly.

Specialty crop land:

means areas 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:

- soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or
- a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

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 any native species that is at risk of becoming endangered through all or a portion of its Ontario range if the limit factors are not reversed.

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.

Waste management system:

means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

Wayside pits and quarries:

means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right of way.

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 swamp, marshes, bogs and fens.

Periodically soaked or wetlands being used for agricultural purposes which no longer exhibit wetlands 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.

Woodlands:

means treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance.

**AMENDMENTS
TO THE
COUNTY OF WELLINGTON OFFICIAL PLAN**

NUMBER	DATE OF ADOPTION	EFFECTIVE DATE	DESCRIPTION OF AMENDMENT
1	September 30, 1999	November 5, 1999	Map change to Schedule A1-2 (Elora/Salem) land use map
2	October 28, 1999	November 26, 1999	Pike Lake – Addition of new policy to Section 9.6.3 PA5-1 (c) and change to Schedule A5 (Minto) land use map. Permit 9 - hole golf course expansion.
3	January 27, 2000	February 18, 2000	Part Lot 12, Concession 2 (Town of Fergus) To change from FUTURE DEVELOPMENT designation to HIGHWAY COMMERCIAL to allow for the establishment of a new auto dealership (Reliable Motors)
4	March 1, 2000	March 22, 2000	Lands within Division 1, 2, 3 of Lot 31 and within Division 1 of Lot 32 (Boundary of Mt. Forest and lands annexed from Twp. of Egremont) To permit an area along Highway 6 to be used for large retail stores and accessory fast food outlets.
5	March 30, 2000	April 27, 2000	Lots 33, 34, 35 and Part of Lot 32 and 36 (Northeast of Gemmel St) and Lots 46, 47, 48 and Parts of Lots 45 and 49 (Southwest of Park Road) Redesignate certain land from current HIGHWAY COMMERCIAL to INDUSTRIAL – the establishment of a new light industrial use (Elora Technical Services)
6	April 6, 2000	April 27, 2000	From FUTURE DEVELOPMENT to INDUSTRIAL and GREENLANDS – Part Lots Q & R and Part of Divisions 3 & 4 of Lot 2 Mt. Forest (Centre Wellington) known as Murphy Farms
7		OMB Order No. 1413 August 30, 2001	Addition of new policy area to Section 9.2.9 (Policy Areas), PA1-13 Grand River Raceway, to allow for the establishment of a racing facility for horses, a slot gaming facility, and related accessory uses.
8	May 25, 2000	June 23, 2000	To redesignate small area from ± lots, from Greenlands to Residential Town of Minto (Palmerston) Downtown Rail Yard between Victoria Street and Trailer Park Road (Schedule A5-3)
9	June 29, 2000	August 1, 2000	Redesignate a portion of the property to allow single detached residential use – Township of Puslinch (Part Lot 29, Gore Concession – Schedule A7)

NUMBER	DATE OF ADOPTION	EFFECTIVE DATE	DESCRIPTION OF AMENDMENT
10	June 29, 2000	August 1, 2000	Change policy in county plan; change in local plan; modifications to condo plan (Section 9.2.7 – 4 th pg.)
11	May 7, 2001	May 29, 2001	Part Lot 26, Conc. 2, Township of Eramosa, now in the Township of Centre Wellington. To redesignate land to RECREATIONAL to permit expansion of existing Wildwinds Golf and Country Club from 9 to 18 holes.
12	May 31, 2001	June 29, 2001	Margaret and Lorne Streets, Harriston now Town of Minto. Redesignate from Future Development to Residential. One is a housekeeping change; other to permit additional residential development.
13	August 16, 2001	September 8, 2001	Pt. Lot 20, Conc. 12, Township of Minto. To redesignate from Rural Industrial to Secondary Agricultural.
14	November 29, 2001	December 28, 2001	Lots 23 and 24, Conc. 1, Town of Palmerston. To add approximately 49 acres to Palmerston's industrial land inventory.
15	November 29, 2001	December 28, 2001	Lot 20, Conc. 1, Township of Minto. To expand the Palmerston Urban Centre boundary on Schedule A5 within Town of Minto. For Schedule A5-3, the expansion area is to be redesignated from Prime Agricultural to Residential.
16	May 30, 2002	June 28, 2002	Part Lot 14, Conc. 2, Township of Centre Wellington and Fergus. To permit the development of a secondary school.
17	June 27, 2002	July 19, 2002	Part Lots 18 & 19, Conc. 11, change from Future Development to Industrial on Schedule A4-1 Drayton.
18	June 27, 2002	July 19, 2002	Part Lots 18 & 19, Conc. 10; change from Future Development to Residential on Schedule A4-1 Drayton. Redesignation will permit Mapleton Ridge Subdivision.
19	No Amendment assigned yet		
20	October 31, 2002	November 22, 2002	Part Lot 113, Conc. D, Expand Hamlet of Teviotdale on Schedule A-5 along Wellington Road 109

NUMBER	DATE OF ADOPTION	EFFECTIVE DATE	DESCRIPTION OF AMENDMENT
22	April 24, 2003	May 21, 2003	Part Lot 4, Concession 11, Township of Mapleton (former Township of Peel). To redesignate the subject land from Prime Agricultural to Rural Industrial PA4-5.
23	April 24, 2003	May 21, 2003	Lot 12, Concession 3, Township of Nichol, now Township of Centre Wellington (Eisen). To permit expansion of a landscape materials sales and outdoor storage area.
24	June 25, 2003	June 27, 2003	To change and/or modify the Wellington County Official Plan by amending (Housekeeping): <ul style="list-style-type: none"> - Wellington Growth Forecast - Correct a number of mapping and text errors - Add some new policies including permitted uses in agricultural areas, extension of urban services and public meetings. - Amend Schedules "A" to "H"
25	June 25, 2003	June 27, 2003	Part of Lot 15, Concession 1, WOGR in the Township of Centre Wellington. To permit the establishment of a church and accessory uses on the subject lands. <ul style="list-style-type: none"> - That Schedule A1 to amend subject land within The Elora/Salem URBAN CENTRE designation - That Schedule A1-2 (Elora/Salem) be Amended
26	October 30, 2003	June 22, 2005 OMB Order 1628	To expand the Urban Area boundaries of Fergus and Elora-Salem and to provide for a new Centre Wellington Official Plan.
27	June 25, 2003	June 27, 2003	Bosomworth Farm – Part of Lot 18, Concession 4, and Part of Lots 7 & 8, Concession A and; Whitelaw Farm – Part of Lot 6, Concession A, Schedule A1 (Centre Wellington) be amended as it relates to the above subject lands, by adding the Mineral Aggregate Area boundary to the subject lands as illustrated on Schedule "A" of this Amendment.
29	September 25, 2003	October 16, 2003	To allow for the expansion of an existing gravel pit for extraction above the water table, operated by Capital Paving by adding the MINERAL AGGREGATE AREA boundary to Part of Lot 6 and Part of Lot 7, Concession 3 and removing the MINERAL AGGREGATE AREA boundary from Part of Lot 7, Concession 3 (Schedule A7 – Township of Puslinch)

NUMBER	DATE OF ADOPTION	EFFECTIVE DATE	DESCRIPTION OF AMENDMENT
30	September 25, 2003	October 16, 2003	Part Lots 21 & 22, Concession 1, N/S Main Street, former Town of Palmerston is amended by redesignating the subject land from RECREATIONAL to CENTRAL BUSINESS DISTRICT , as shown on Schedule A5-3.
31	September 25, 2003	October 16, 2003	Part Lots 57 & 58, Concession C, formerly Township of Minto – Village of Clifford, now Town of Minto – is amended by redesignating the subject lands from “FUTURE DEVELOPMENT” to HIGHWAY COMMERCIAL ” as shown on Schedule A5-1.
32	December 4, 2004	Dec. 25, 2003	Part of Lot 10, Concession 3 and includes Part of the Original Road Allowance between Lots 10 and 11, Conc. 3. Township of Centre Wellington (former Twp of West Garafraxa) To allow for the minor expansion of an existing golf course operation known as the Lake Belwood Golf Course. Schedule A1 to be amended.
33	Feb. 3, 2004	Feb. 24, 2004	Lot 1, Conc. 1) former Twp. Of Erin. To expand the Hamlet of Crewson’s Corner in the Town of Erin. A plan of subdivision is proposed for this site. Schedule A2 – Erin is amended to expand Hamlet designation and revising Core Greenland and Greenland designations.
34	March 2, 2004	March 23, 2004	Part Lots 10 and 11 north of Princess Street and part s of Park Lots 10, 11 and 12 south of Princess Street. To redesignate three areas within the urban centre of Mount Forest from Residential to Recreational. Schedule A6-1 (Mount Forest) to be revised.
35	March 2, 2004	March 23, 2004	Subject land is located at southwest end of Mt. Forest within Park of Park Lots L and K., Part of Divisions 1 and 2 of Lot 2, WOSR, and Part of Park Lot 1. Area to be redesignated is illustrated on Schedule “A”. To permit a “lifestyle” residential use. Schedule A6-1 (Mount Forest) is to be revised to allow the use.
36	March 2, 2004	March 23, 2003	Part of Lots 14 and 15, Conc. 4 Township of Centre Wellington (former W. Garafraxa). To permit the establishment of a residential condominium development consisting of 5 single detached units surrounding an existing private lake. Schedule A1 amended by adding appropriate policy Number and boundary to reflect the new policy addition under clause 1.

NUMBER	DATE OF ADOPTION	EFFECTIVE DATE	DESCRIPTION OF AMENDMENT
37	April 1, 2004	April 22, 2004	The two properties are located at extreme west end of Palmerston on north side of Main Street (Wellington Road 123). The 49.85 acre property is located West Part of Lot 24, Conc. 1. The 1.3 acre property located in East Part of Lot 1, Conc. 1. To expand urban centre of Palmerston and redesignate most of this property to Industrial and Highway Commercial. The amendment affects both Schedule A5- Minto as well as Schedule A5-3 Palmerston.
38	November 4, 2004	November 25, 2004	To revise Schedules A7 (Puslinch), A7-1 (Aberfoyle) and A7-2 (Morrison) to reflect updated natural features mapping prepared by the MNR and local Conservation Authorities. The County of Wellington addresses this provincial objective through the establishment of the GREENLANDS SYSTEM policies of the Official Plan.
39	December 14, 2004	January 4, 2005	To expand the urban centre of Arthur and redesignate a 2 ± acre parcel of land from Prime Agriculture to Highway Commercial and Future. The amendment affects Schedule A6 – Wellington North and Schedule A6-2 – Arthur only. There are no associated policy changes.
40	December 14, 2004	January 4, 2005	To expand the Urban Area boundary of Erin Village and provide for a new Erin Official Plan.
41	October 27, 2005	November 22, 2005	To eliminate new county residential designations and new lifestyle community designations outside urban centres.
42	June 30, 2005	August 1, 2005	The purpose of the proposed Amendment is to expand the urban centre of Harriston by approximately 13 acres, and redesignate most of the area to Industrial and a small area to Core Greenland.
45	November 24	December 15, 2005	To revise Schedule A3 (Guelph/Eramosa), A3-1 (Rockwood), and A3-2 (Eden Mills) to reflect updated natural features mapping prepared by the Ministry of Natural Resources and Grand River Conservation Authority, also add a site-specific Special Policy Area to allow for possible rerouting of a municipal drain.

NUMBER	DATE OF ADOPTION	EFFECTIVE DATE	DESCRIPTION OF AMENDMENT
46	February 3, 2006	February 24, 2006	To amend the County of Wellington Official Plan to expand the Hamlet of Crewsons Corners (Guelph-Eramosa portion) to permit the creation of a new residential lot.
47	January 31, 2006	February 21, 2006	To redesignate a parcel of land from Future Development to Residential. The amendment affects Schedule A5-2 – Harriston only. There are no associated policy changes.
48	April 27, 2006	May 25, 2006	To redesignate the subject property from Primary Agriculture to Secondary Agriculture. The amendment affects Schedule A2-Erin and there are no textual changes to the policies of the Official Plan proposed.
50	May 24, 2007	OMB Order dated December 20, 2007	To redesignate the subject property from Highway Commercial to Residential Transition Area. The amendment affects Schedule A5-3 – Palmerston and there are no textual changes to the policies of the Official Plan proposed.
51	November 30, 2006	January 4, 2007	The purpose of this amendment (A7-Puslinch) is to change the County of Wellington Official Plan in order to permit the development of a residential plan of subdivision (Part of Lots 18 and 19, Conc. 8) in the Twp. of Puslinch. The subdivision is called Audrey Meadows
52	Feb. 22, 2007	March 23, 2007	To implement a groundwater management and protection resource, and sustain stream flows and valued ecosystem components where these are maintained by groundwater. New policies are to protect groundwater resources and municipal supply wells from high risk land use activities based on the recommendations of the County's Groundwater Protection Study. The amendment includes new Schedules which identifies Well Head Protection Areas in Puslinch and a limitation on land use activities in sensitive areas.
53	June 28, 2007	July 25, 2007	The purpose of the proposed OPA 53 is to update the Wellington County Official Plan in accordance with the implementation policies of the 2005 Provincial Policy Statement.

NUMBER	DATE OF ADOPTION	EFFECTIVE DATE	DESCRIPTION OF AMENDMENT
57/99		OMB Order No. 1639 June 13, 2007	Part of Lot 11, Conc. 4, in former Twp. of Guelph. The purpose of this amendment is to change the County Official Plan in order to allow for a 9-hole golf course with a clubhouse and an associated golf practice and golf teaching facility known as Guelph Golf Academy.
		OMB Order No. 2548 Sept. 18, 2007	To redesignate lands (Schedule A7) composed of Lots 14 and 15, Concession 4, Township of Puslinch from "prime agricultural, mineral aggregate area and core greenlands" to "prime agriculture, mineral aggregate areas" . County of Wellington File No. OP-2004-02

**FURTHER APPROVALS BY MINISTRY OF MUNICIPAL AFFAIRS & HOUSING
TO THE
COUNTY OF WELLINGTON OFFICIAL PLAN**

<u>MODIFICATION NUMBER</u>	<u>EFFECTIVE DATE</u>	<u>DESCRIPTION OF AMENDMENT</u>
76	December 17, 1999	Burnett Homes, Part of West 1/2 Lot 13, Concession 9 - Town of Erin – Schedule A2 Erin – designate to Urban Centre
77		Schedule A2-2 Erin Village – designate to Residential and Core Greenlands
78	February 03, 2000	Belwood Lake Golf Course, (Golf North Properties) Schedule A1 (Part Lot 11, Conc. 3 Centre Wellington and West Garafraxa)
79	September 07, 2000	Schedule A1-2 Elora/Salem – designate to Residential Edgehill Properties (Granwood Subdivision)
80	August 10, 2001	Amends Policy 9.8.4 and Schedule A7 Mini Lakes Property
OMB Order 0952	July 12, 2002	Resolution Deferral No. 1 (f) Schedule A3 Guelph-Eramosa. Pt. Lots 18, 19 and 20, Conc. 3, Div. B. former Township of Guelph. Mt. Elgin Dairy Farms Ltd. (OMB File No. 001059)
	December 27, 2002	Resolution Deferral 1 (g) Schedule A4-3 Wallenstein, Pt. Lots 18, 19 of Concession 2, Twp. of Mapleton. Expansion of Wallenstein Hamlet. Creation of two industrial designations (PA4-6) and Future Development designations (PA4-7)
OMB Order 1628	June 22, 2005	Deferral 1(b) Broken Front Concession, Part Lot 5 Former Township of Nichol on Schedule A1. Lands added to Elora-Salem urban centre.
Appeal Withdrawn/File Closed		Appeal of Schedule A3-Guelph-Eramosa regarding Part Lot 4, Concession 3 & Part Lot 4, Concession 4 by Peter Oelbaum was withdrawn by letter dated March 26, 2002. Referral request was closed by OMB by letter dated May 13, 2002 (OMB Case No. PL990392 & File No. 0990068).

APPENDIX 2

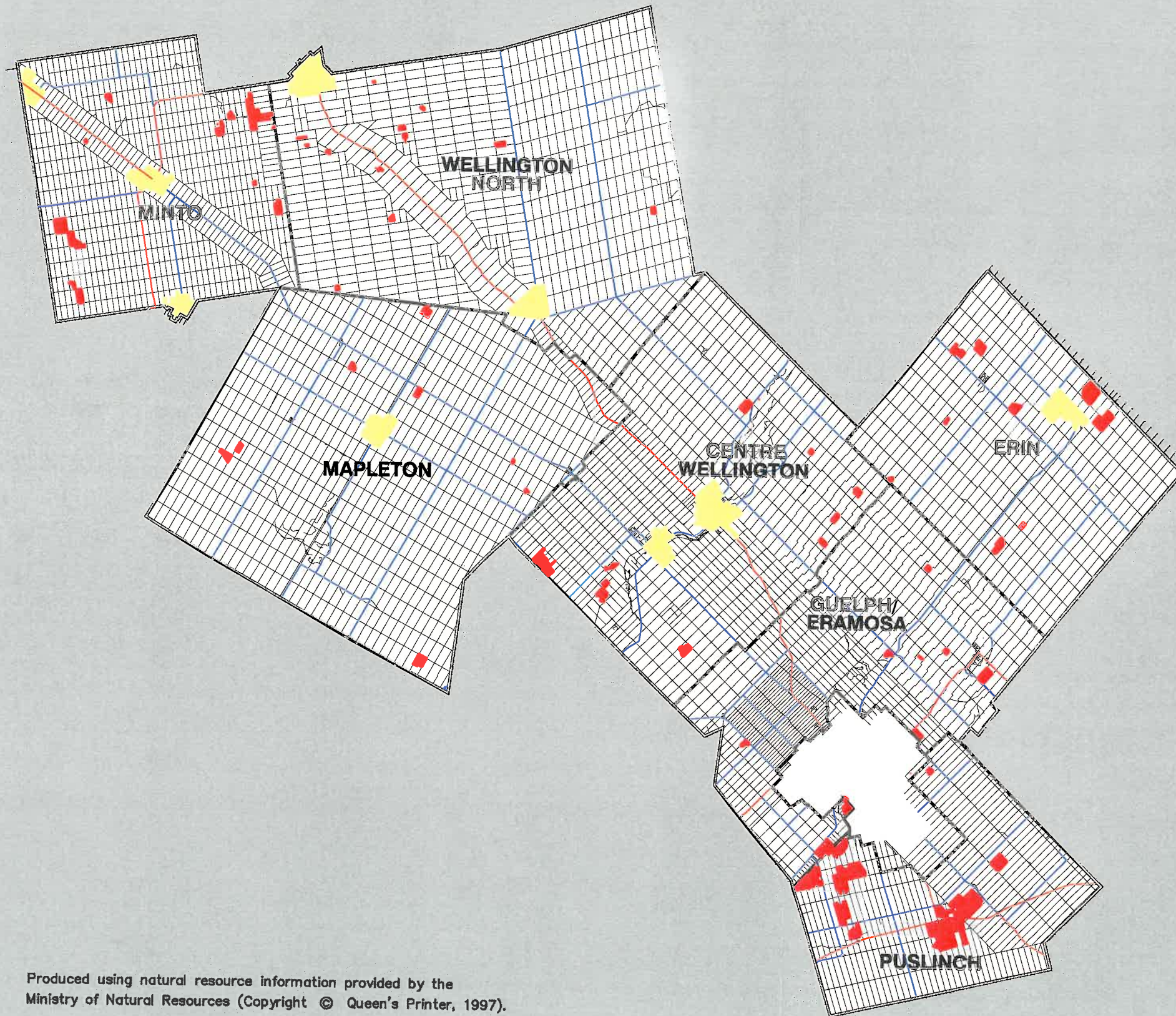
COUNTY OF WELLINGTON



Licensed Aggregate Operations
(Sand, Gravel, Bedrock)



May 6, 1999



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APPENDIX 3

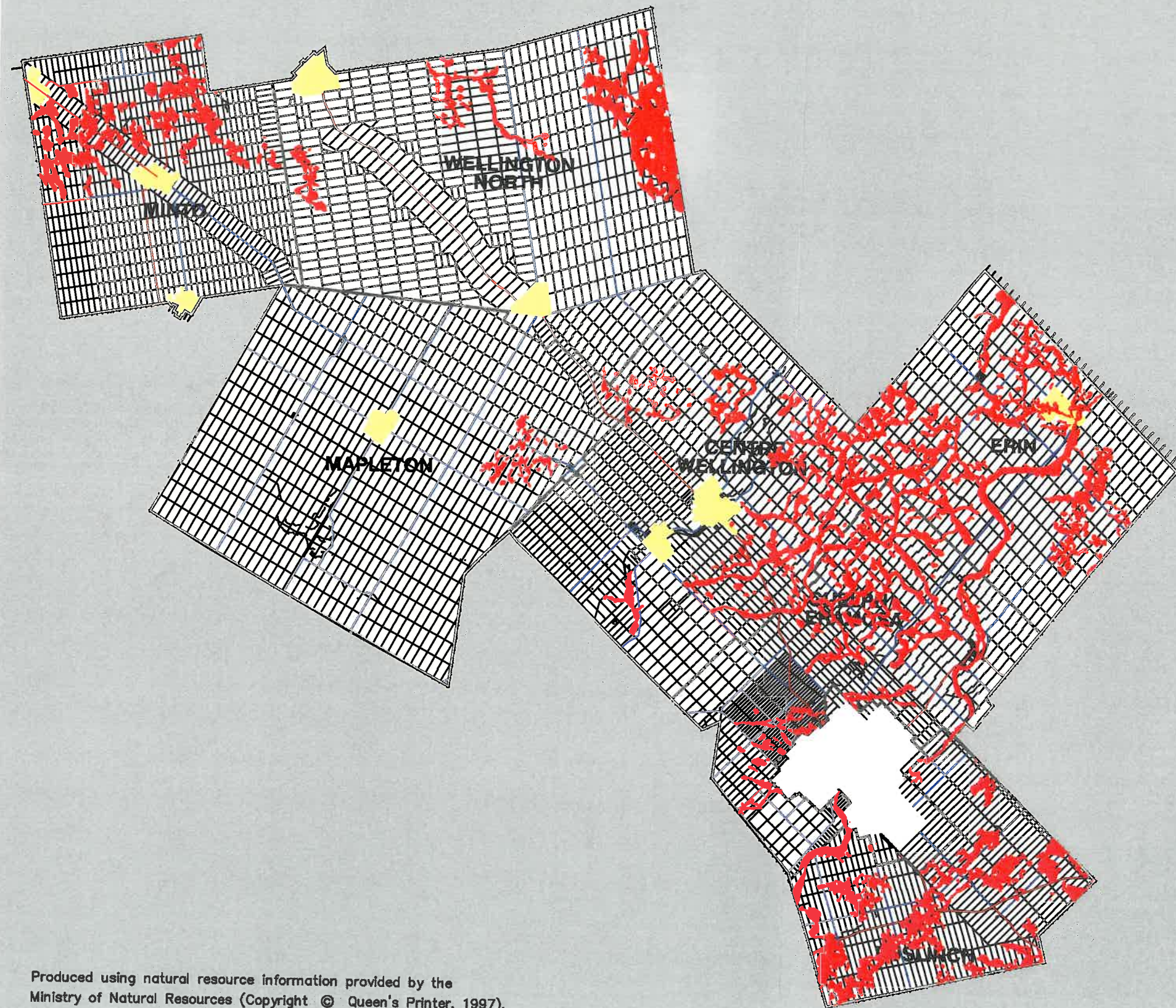
COUNTY OF WELLINGTON



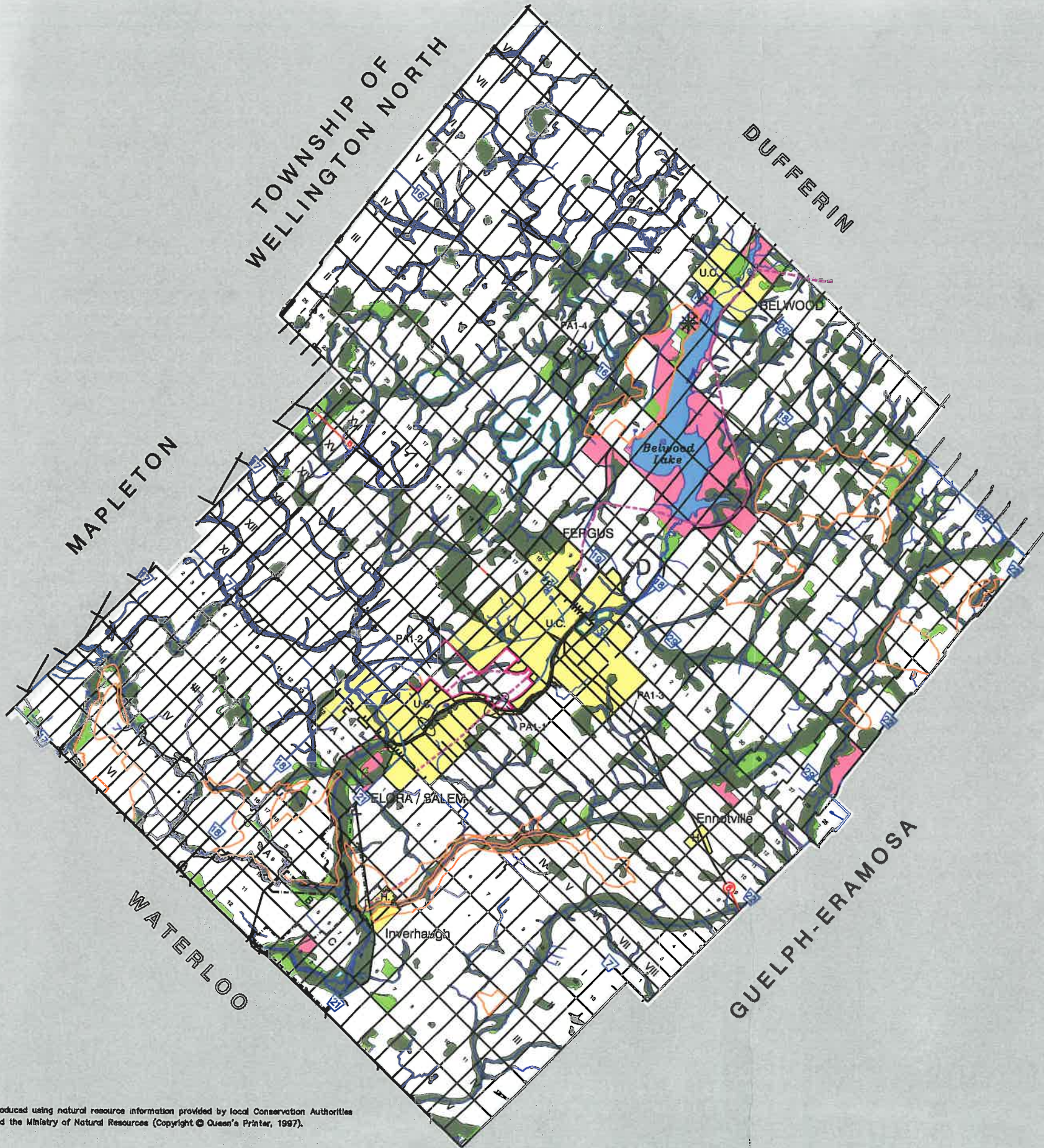
Provincially Significant Wetlands
(Class 1,2,3)



May 6, 1999



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SCHEDULE A1

CENTRE WELLINGTON

The Greenlands System

- Core Greenlands
- Greenlands
- Earth Science (Provincial Ansi)

The Rural System

- Prime Agricultural
- Mineral Aggregate Area¹
- Recreational
- Rural Industrial
- Highway Commercial
- C.R. - Country Residential
- PA - Policy Area
- Community Planning Study Area

The Urban System

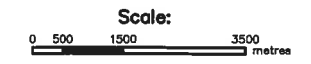
- H. - Hamlet Area
- U.C. - Urban Centre

Other

- Trail
- * - Landfill Site
- Montrose Water Management Protection Area
- Grand River Crossing
- D - Deferral



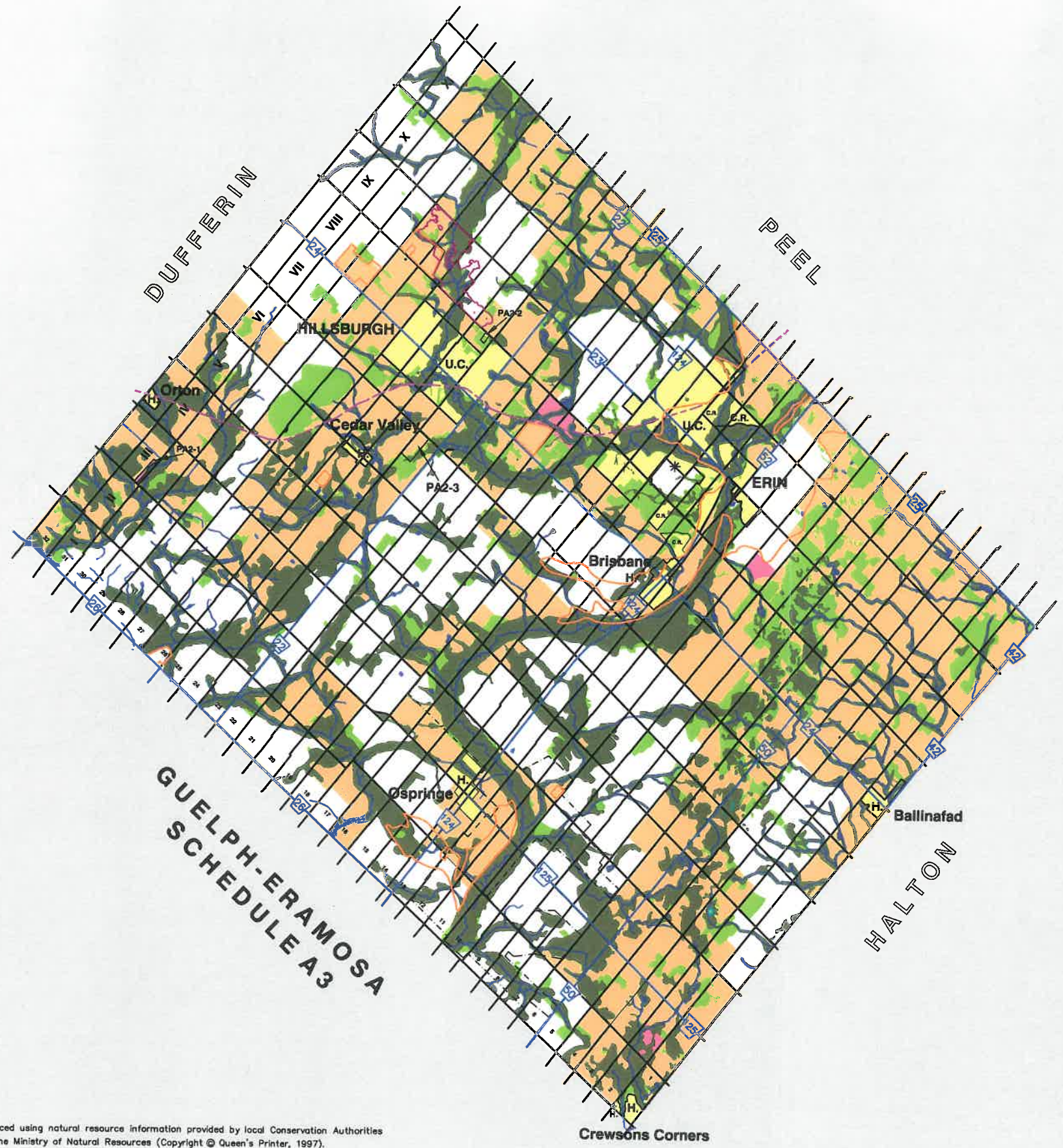
¹ - Existing licensed aggregate operations (sand, gravel, bedrock) are shown in Appendix 2 for information purposes.



May 6, 1999

Updated: December 19, 2005

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SCHEDULE A2

ERIN

- The Greenlands System**
- Core Greenlands
 - Greenlands
 - Earth Science (Provincial Ansi)

- The Rural System**
- Prime Agricultural
 - Secondary Agricultural
 - Mineral Aggregate Area ¹
 - Recreational
 - Rural Industrial
 - Country Residential
 - Policy Area

- The Urban System**
- Hamlet Area
 - Urban Centre

- Other**
- Trail
 - Landfill Site
 - Everton Water Management Protection Area
 - Deferral



¹ - Existing licensed aggregate operations (sand, gravel, bedrock) are shown in Appendix 2 for information purposes.

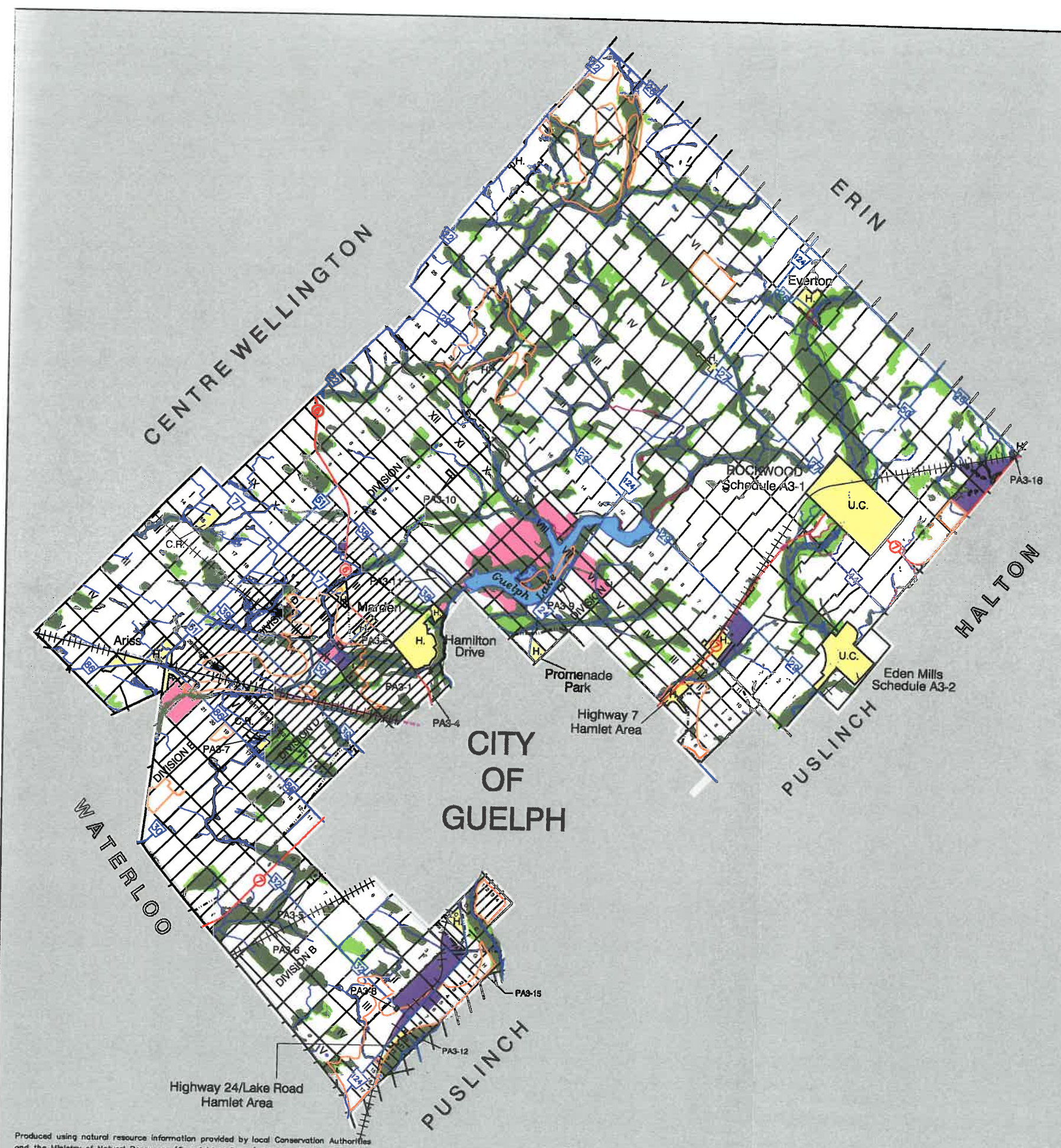


May 6, 1999

Updated: September 29, 2006

SCHEDULE A3

GUELPH-ERAMOSA



The Greenlands System

- Core Greenlands
- Greenlands
- Earth Science (Provincial Ansi)

The Rural System

- Prime Agricultural
- Mineral Aggregate Area¹
- Recreational
- Rural Industrial
- Highway Commercial
- Country Residential
- Policy Area

The Urban System

- Hamlet Area
- Urban Centre

Other

- Trail
- Landfill Site
- Proposed Major Roadways
- Arkell Water Management Protection Area
- Deferral
- Railway



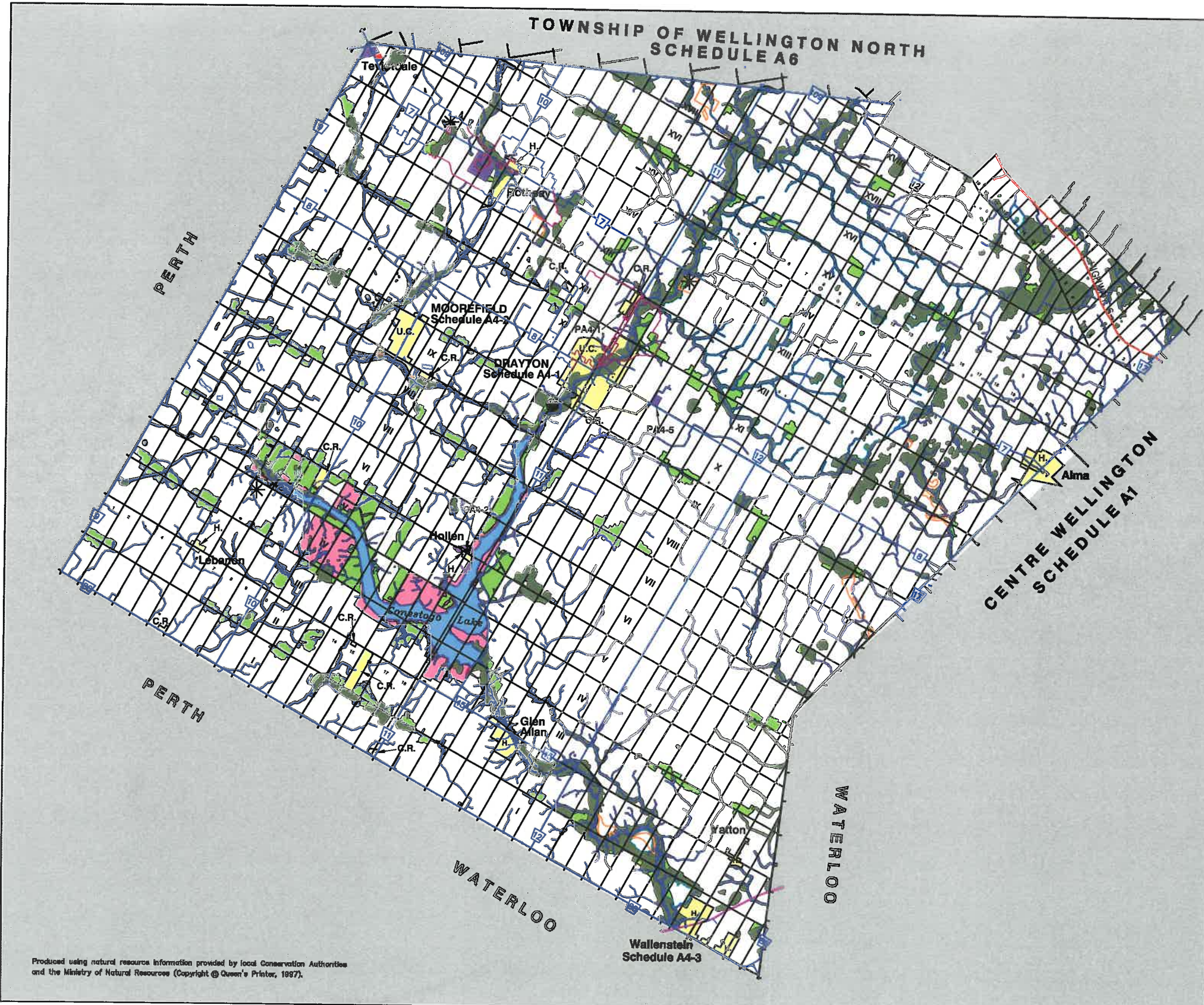
¹ - Existing licensed aggregate operations (sand, gravel, bedrock) are shown in Appendix 2 for information purposes.

Scale:
0 500 1500 3500 metres

May 6, 1999

Updated: April 28, 2006.

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SCHEDULE A4

MAPLETON

- The Greenlands System**
- Core Greenlands
 - Greenlands
 - Earth Science (Provincial Ansi)
- The Rural System**
- Prime Agricultural
 - Mineral Aggregate Area¹
 - Recreational
 - Rural Industrial
 - Highway Commercial
 - Country Residential
 - Policy Area
- The Urban System**
- Hamlet Area
 - Urban Centre
- Other**
- Trail
 - * - Landfill Site
 - - Waste Water Facility
 - D - Deferral



¹ - Existing licensed aggregate operations (sand, gravel, bedrock) are shown in Appendix 2 for information purposes.



May 6, 1999

Updated: September 22, 2003

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BRUCE

GREY

HURON

TOWNSHIP OF WELLINGTON NORTH



SCHEDULE A5

MINTO

The Greenlands System

- Core Greenlands
- Greenlands
- Earth Science (Provincial Ansi)

The Rural System

- Prime Agricultural
- Secondary Agricultural
- Mineral Aggregate Area ¹
- Recreational
- Rural Industrial
- Highway Commercial
- Country Residential
- Policy Area

The Urban System

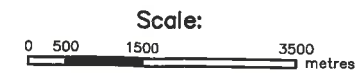
- Hamlet Area
- Urban Centre

Other

- Landfill Site
- Airfield

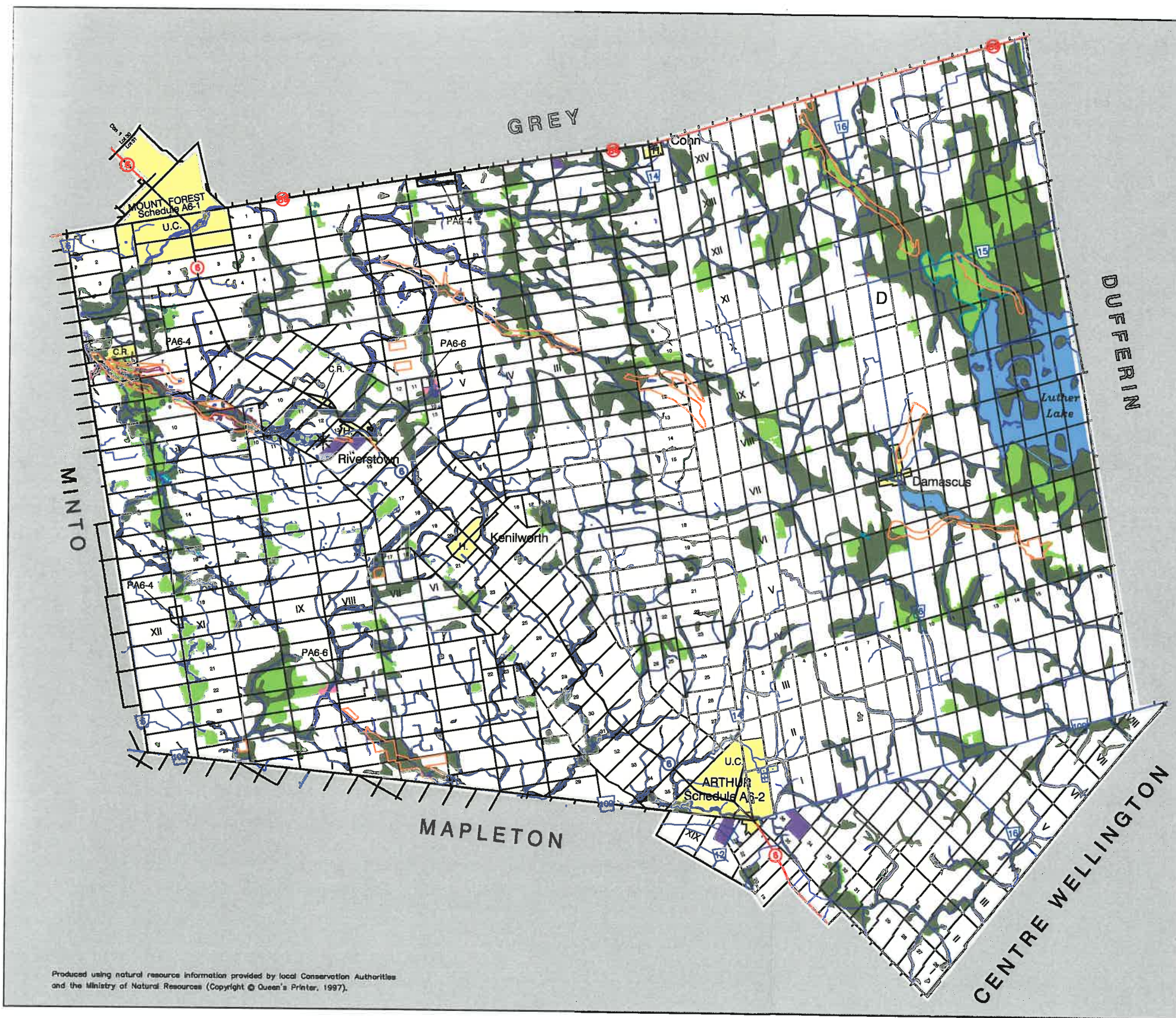


¹ - Existing licensed aggregate operations (sand, gravel, bedrock) are shown in Appendix 2 for information purposes.



May 6, 1999

Updated: October 3, 2005



SCHEDULE A6
TOWNSHIP OF WELLINGTON NORTH

- The Greenlands System**
- Core Greenlands
 - Greenlands
 - Earth Science (Provincial Ansi)

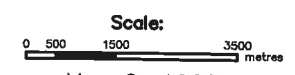
- The Rural System**
- Prime Agricultural
 - Mineral Aggregate Area¹
 - Recreational
 - Rural Industrial
 - Highway Commercial
 - C.R. - Country Residential
 - PA - Policy Area

- The Urban System**
- H. - Hamlet Area
 - U.C. - Urban Centre

- Other**
- * - Landfill Site
 - D - Deferral



¹ - Existing licensed aggregate operations (sand, gravel, bedrock) are shown in Appendix 2 for information purposes.



May 6, 1999

Updated: October 3, 2005

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Schedule A7 PUSLINCH



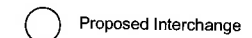
Legend

The Urban System

- Hamlet Area
- Urban Centre

Other Designations

- Arkell Water Management Area
- Mineral Aggregate Area¹
- Policy Areas
- Proposed Major Roadways
- Provincial Earth Science ANSI
- Core Greenlands
- Greenlands
- Primary Agricultural
- Secondary Agricultural
- Country Residential
- Recreational
- Rural Industrial



1:25,000

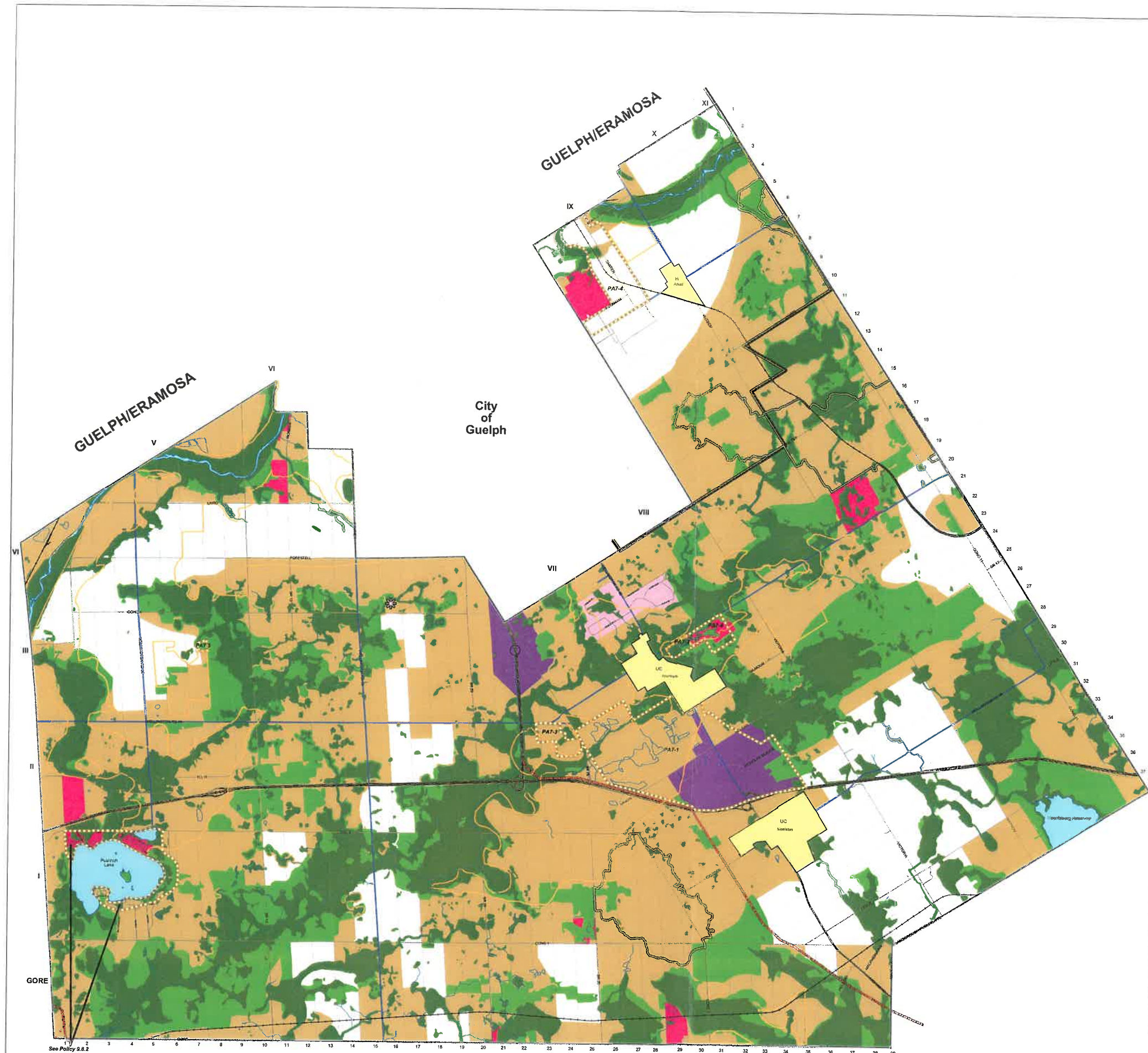
¹ - Existing licensed aggregate operations (sand, gravel, bedrock) are shown in Appendix 2 for information purposes.

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Sources: County of Wellington, Planning and Development Department, Ministry of Natural Resources, Grand River Conservation Authority, Hamilton Region Conservation Authority, and Conservation Halton, Upper Grand District School Board.

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Updated: September 22, 2006



See Policy 9.8.2

ROCKWOOD

Township of Guelph/Eramosa

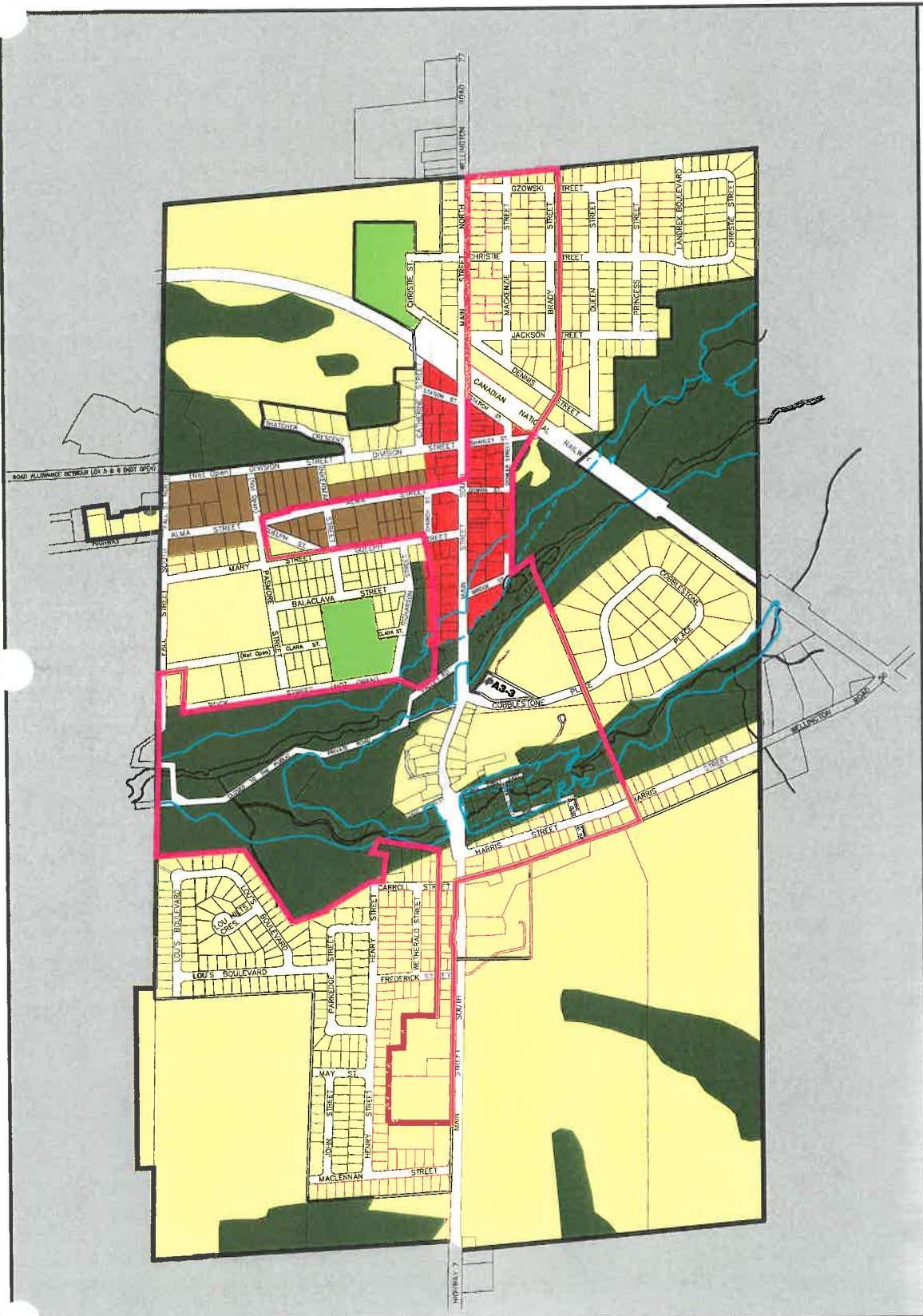
Schedule A3-1

Legend:

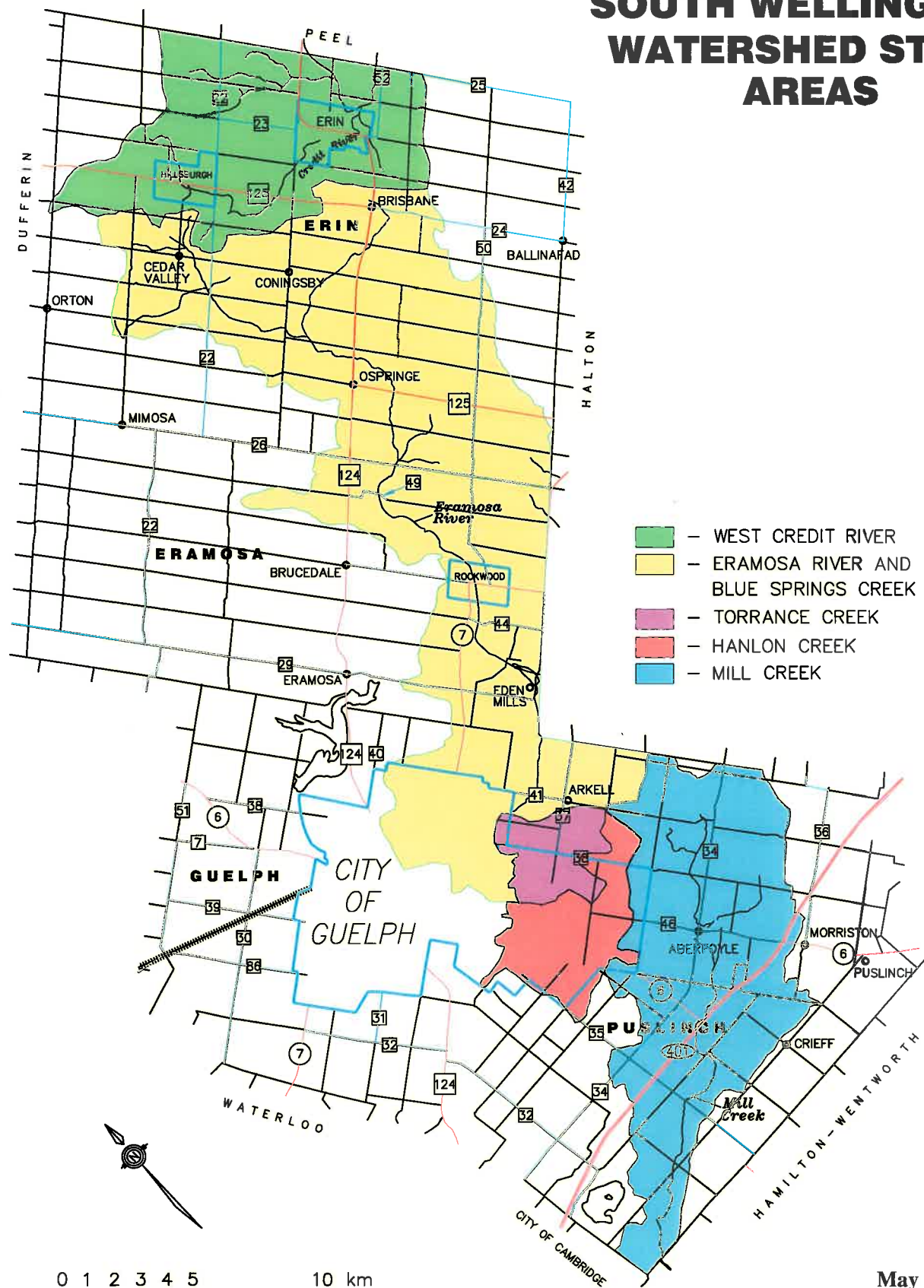
- Residential
- Central Business District
- Highway Commercial
- Residential Transition Area
- Industrial
- Core Greenlands
- Recreational
- Regulatory Floodline
- Hydraulic Floodline
- Community Improvement Area
- Heritage Area
- PA - Policy Area
- Future Development



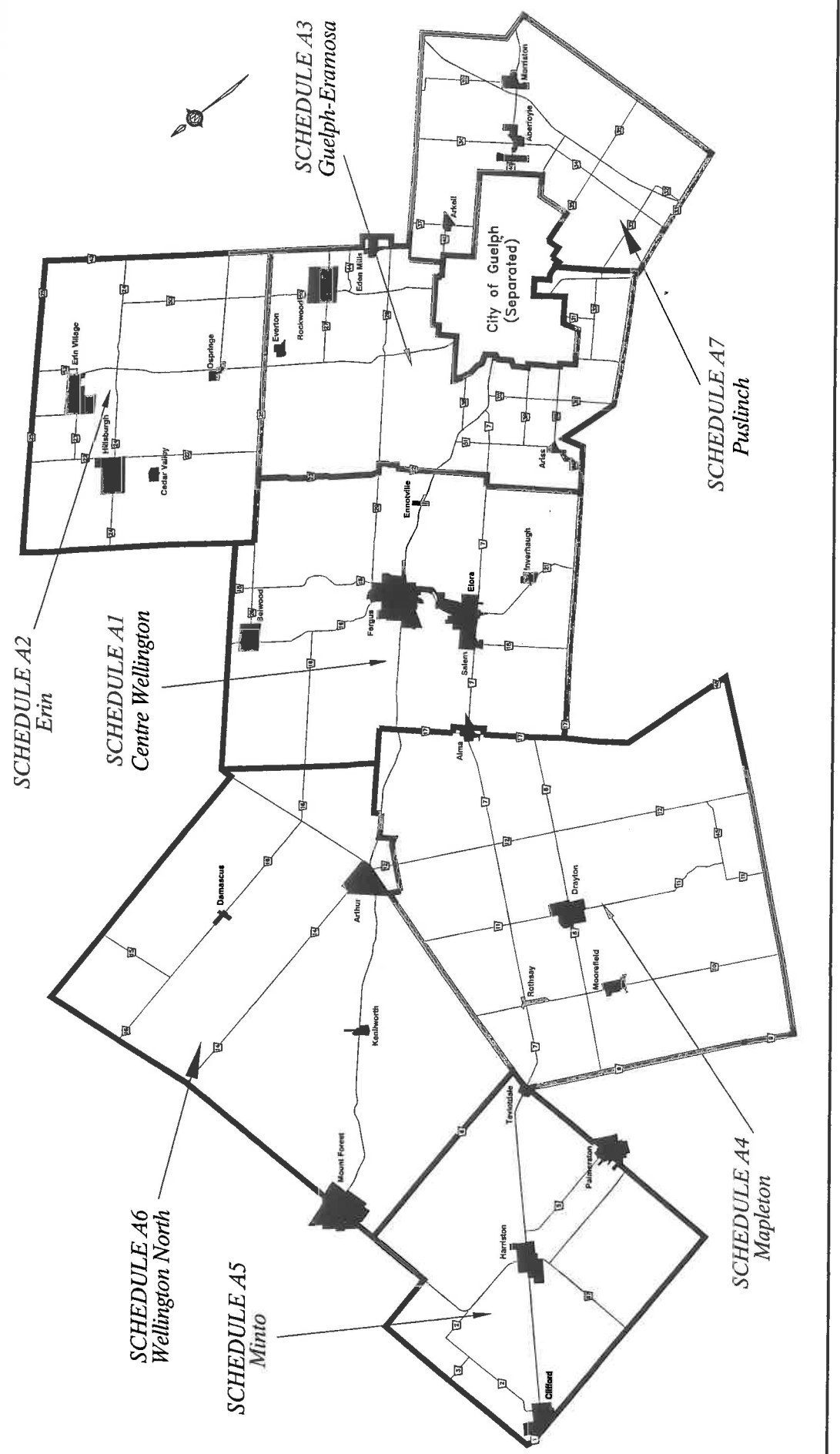
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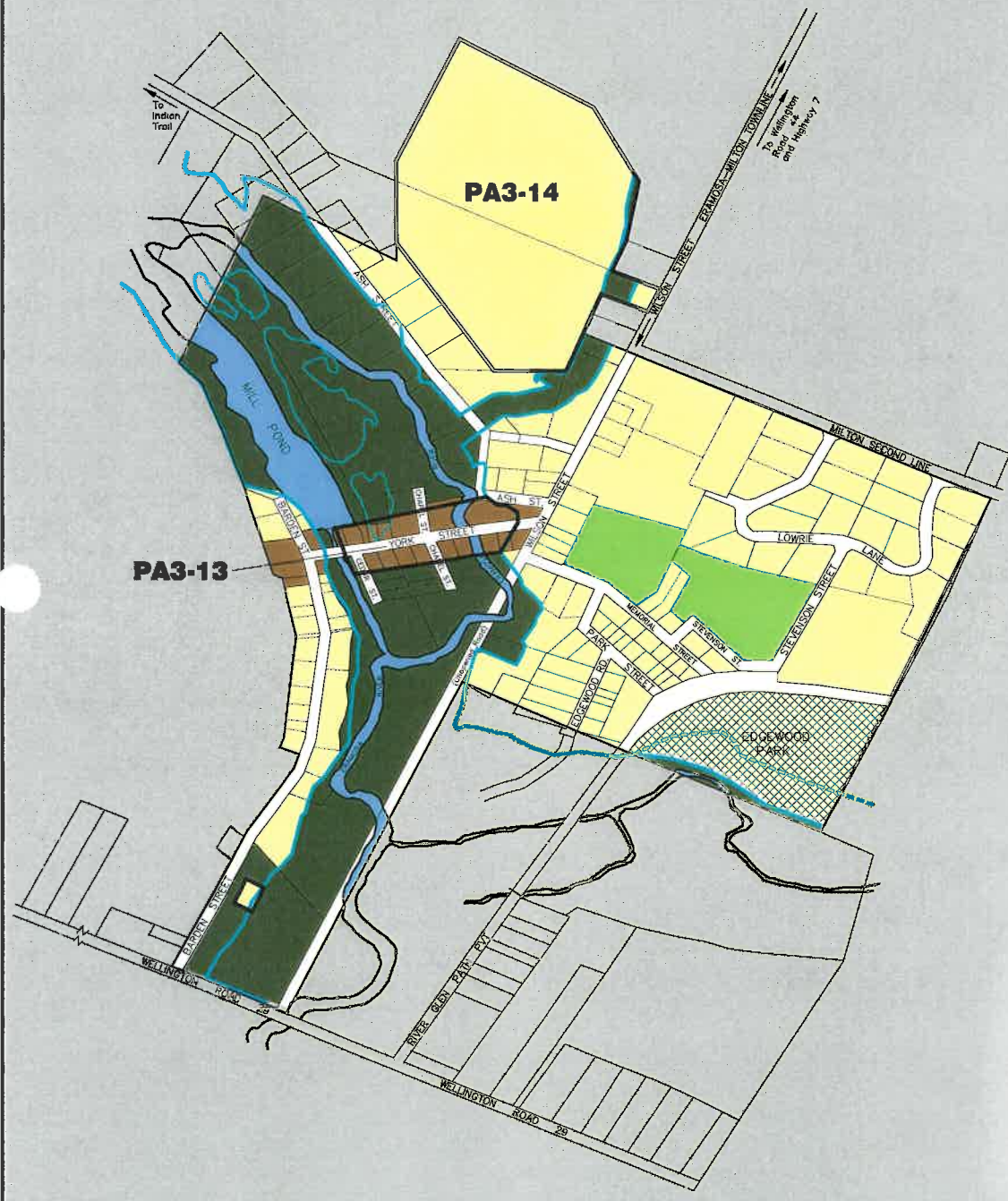
SOUTH WELLINGTON WATERSHED STUDY AREAS



WELLINGTON COUNTY OFFICIAL PLAN
INDEX MAP - SCHEDULES A1-A7



EDEN MILLS
Township
of
Guelph/Eramosa
Schedule A3-2



Legend:

- Residential
- Central Business District
- Highway Commercial
- Residential Transition Area
- Industrial
- Core Greenlands
- Greenlands
- Recreational
- Regulatory Floodline
- Policy Area
- Future Development



Updated: January 25, 2006.

DRAYTON

Township of Mapleton
Schedule A4-1

Legend:

-  - Residential
-  - Central Business District
-  - Highway Commercial
-  - Industrial
-  - Recreational
-  - Core Greenlands
-  - Future Development
-  - Community Improvement Area
-  - Regional Floodline
-  - Special Policy Area
-  - Policy Area

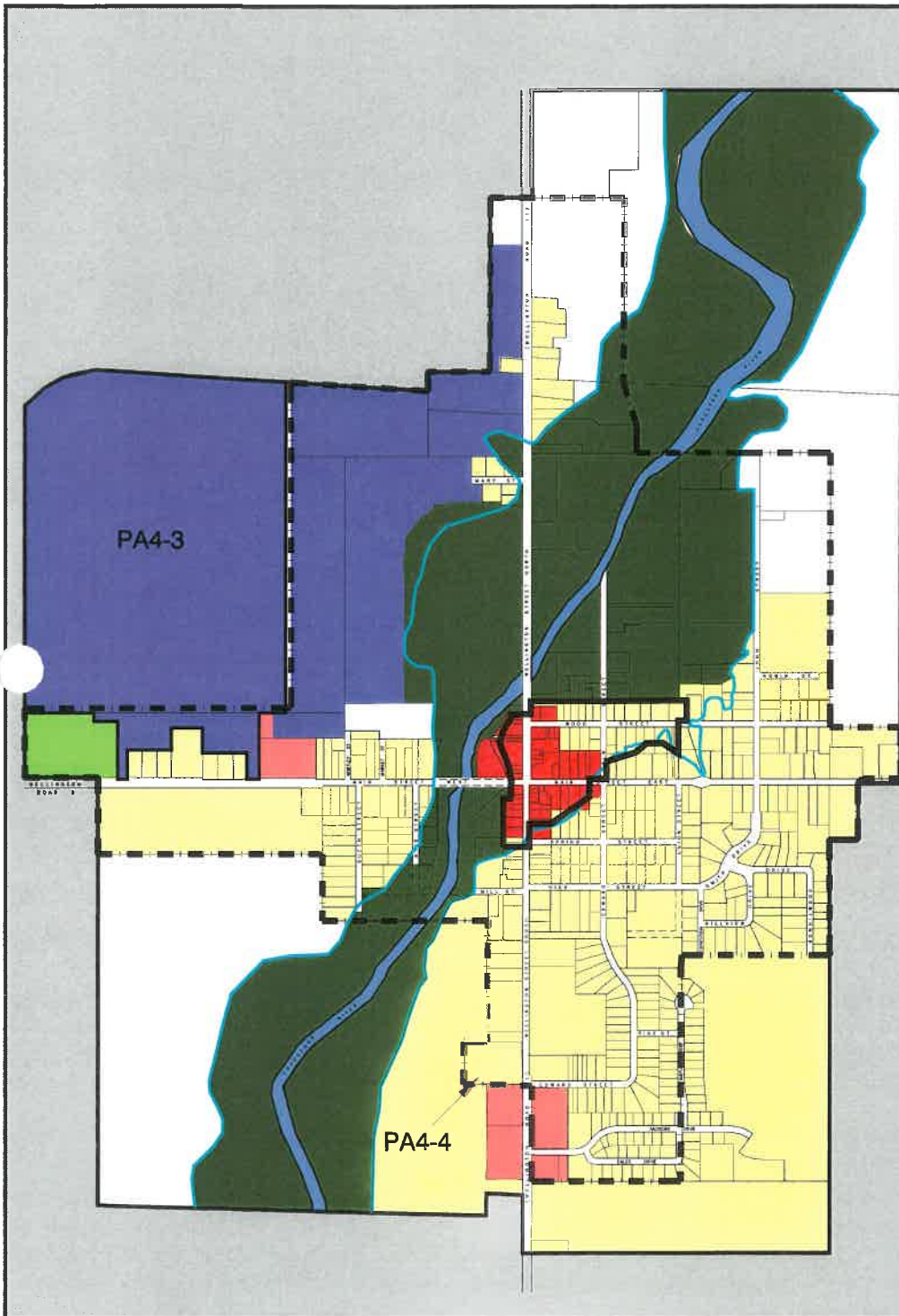


Scale:



May 6, 1999

Updated September 22, 2003

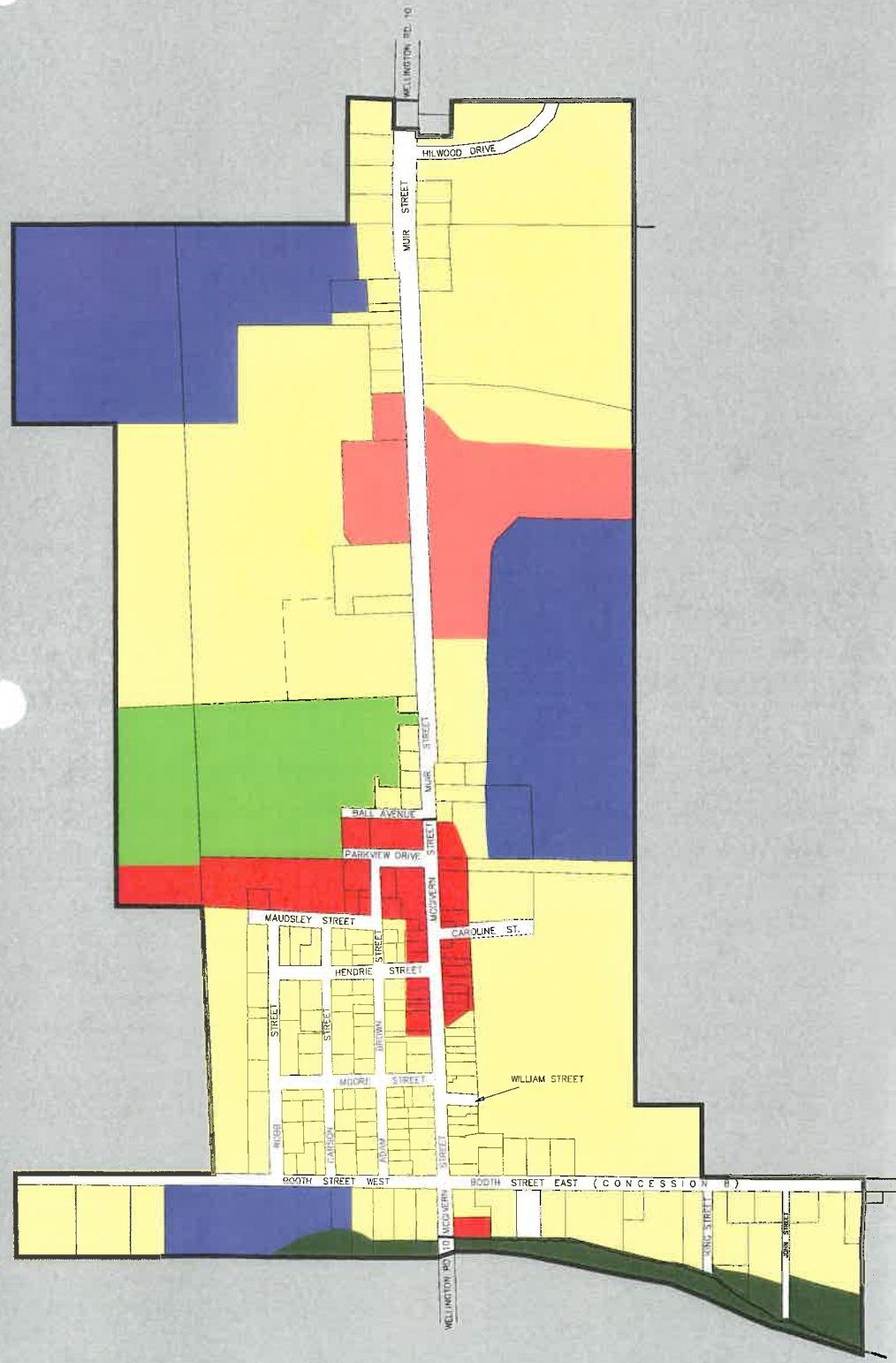


MOOREFIELD Township of Mapleton

Schedule A4-2

Legend:

-  - Residential
-  - Central Business District
-  - Highway Commercial
-  - Industrial
-  - Recreational
-  - Core Greenlands
-  - Future Development

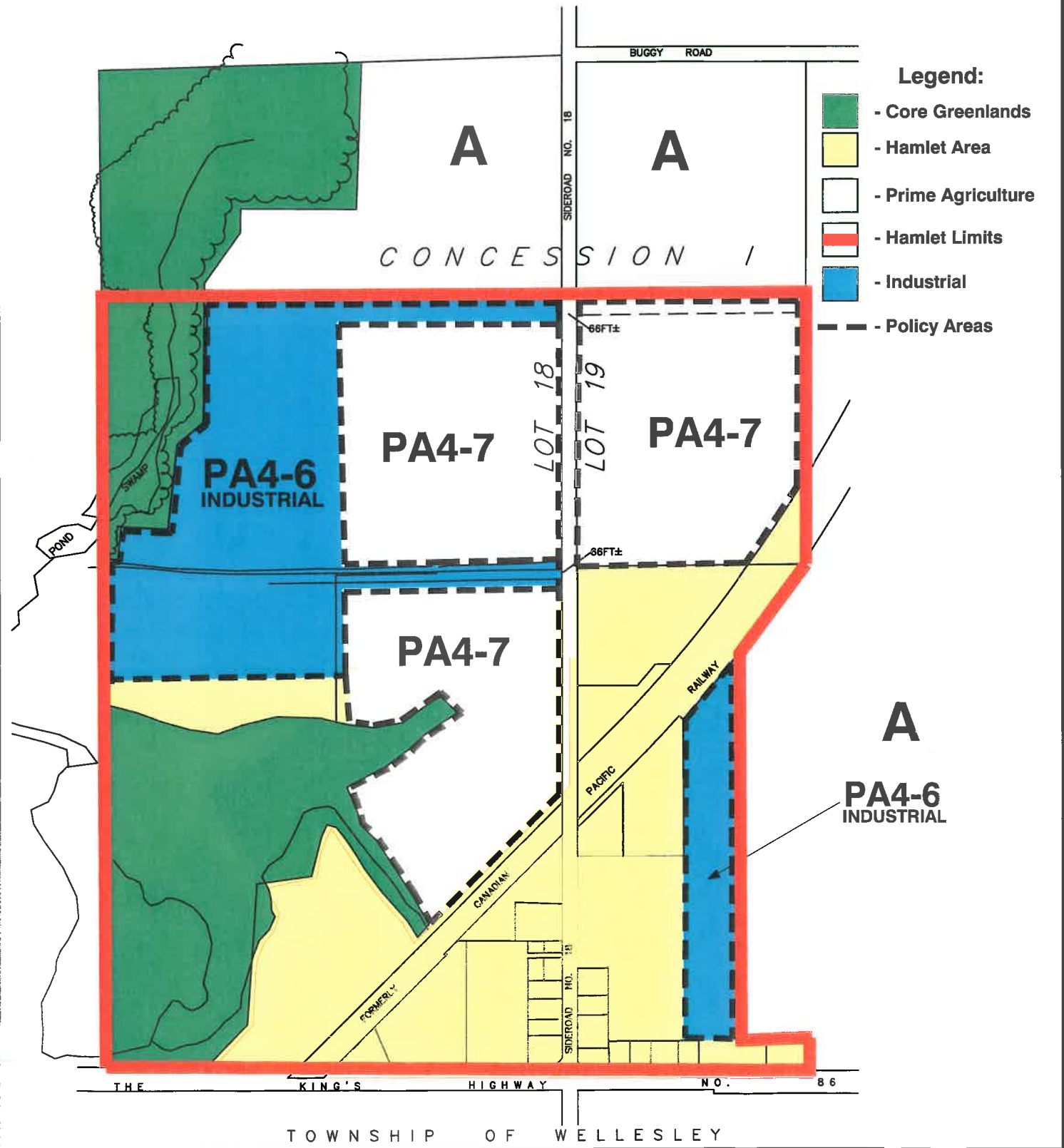
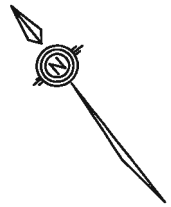


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May 6, 1999

Wallenstein

Township of Mapleton

Schedule A4-3



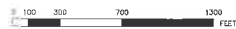
**CLIFFORD
Town of Minto
Schedule A5-1**

Legend:

- Residential
- Central Business District
- Highway Commercial
- Residential Transition Area
- Industrial
- Core Greenlands
- Recreational
- Future Development
- Waste Water Facility
- Policy Area

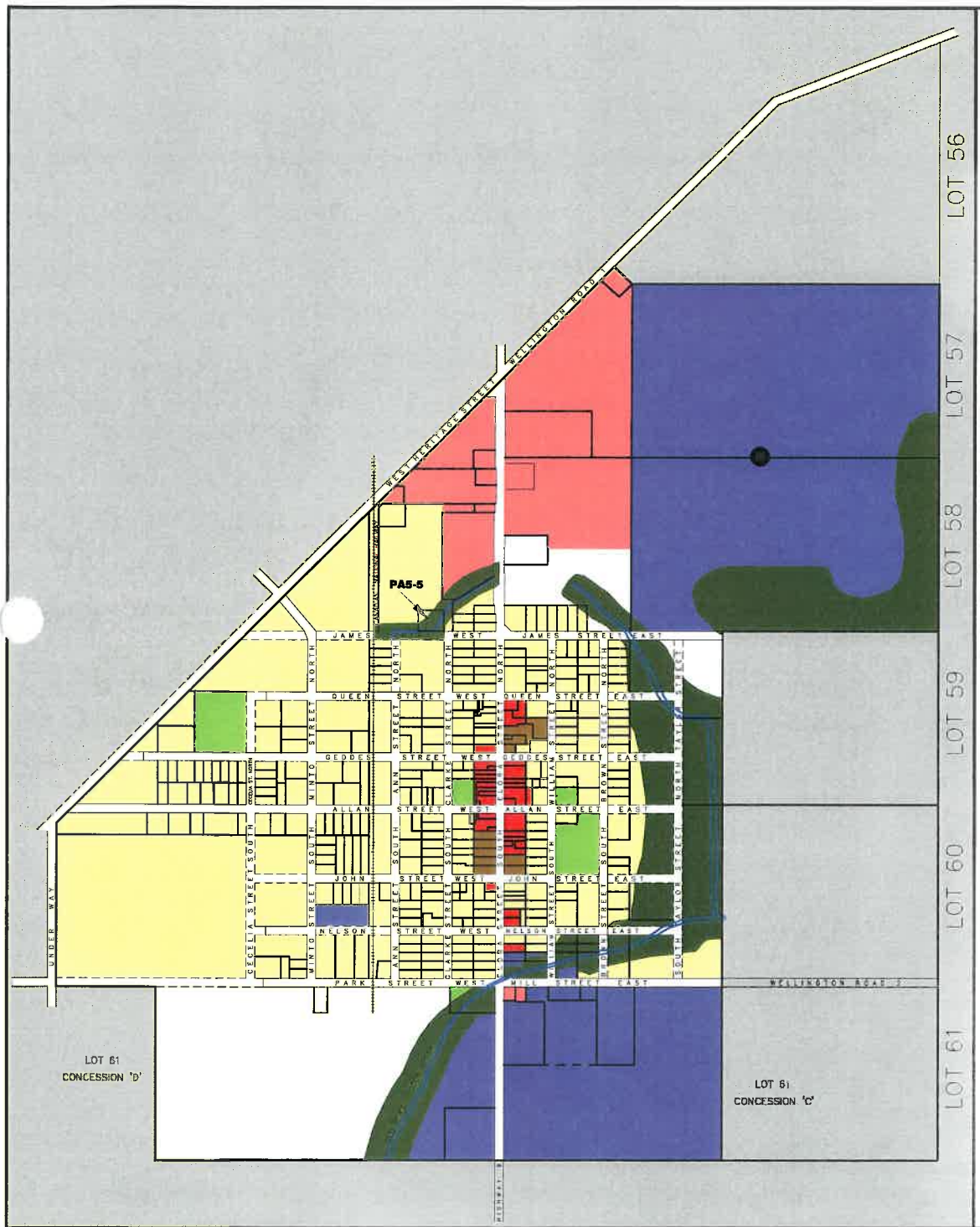


Scale:



May 6, 1999

Updated: October 23, 2003



HARRISTON

Town of Minto

Schedule A5-2

- Legend:**
- Residential
 - Central Business District
 - Highway Commercial
 - Industrial
 - Recreational
 - Core Greenlands
 - Future Development
 - 100 Year Floodline
 - Regional Floodline
 - Special Policy Area
 - PA - Policy Area
 - Waste Water Facility



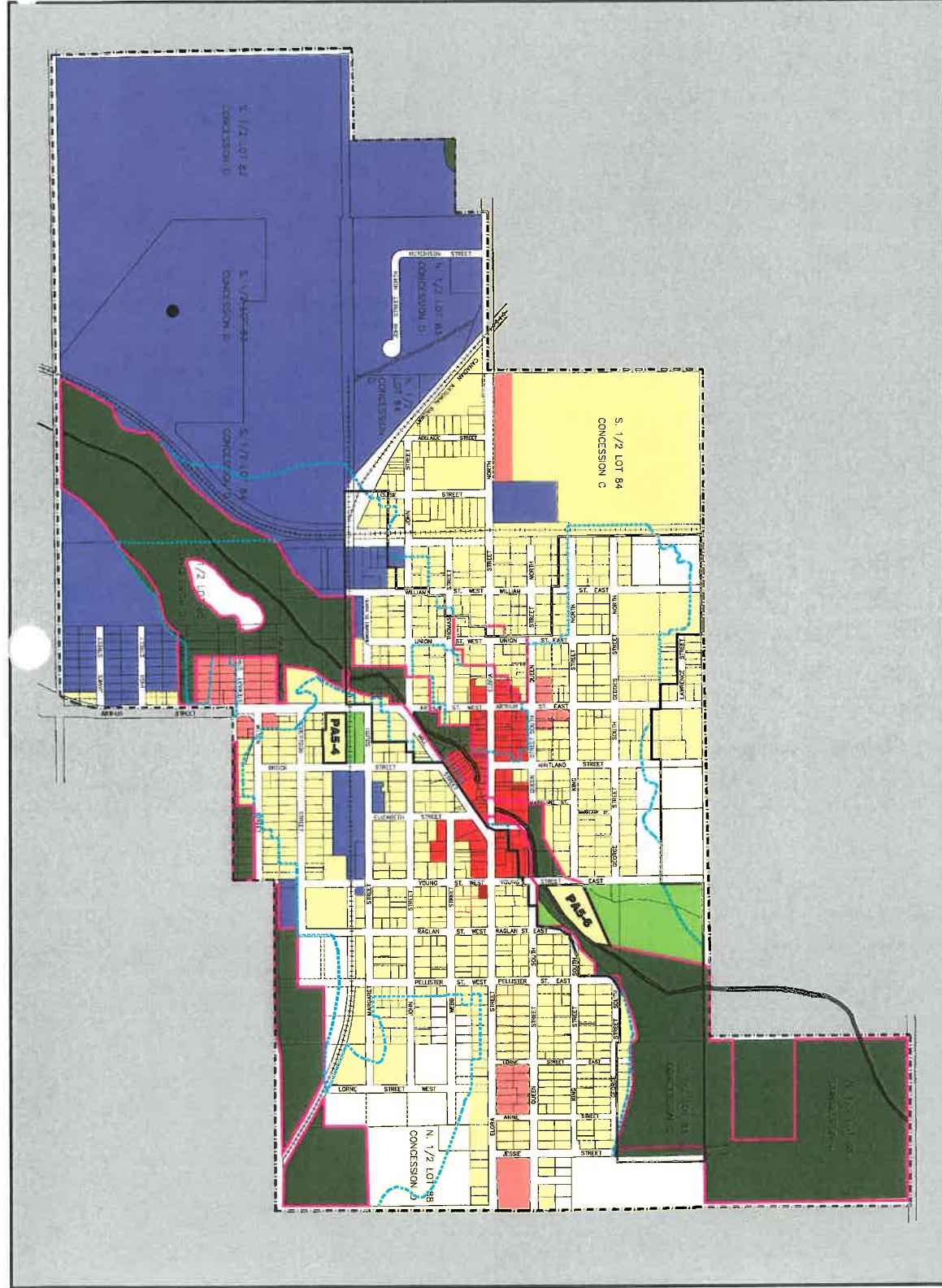
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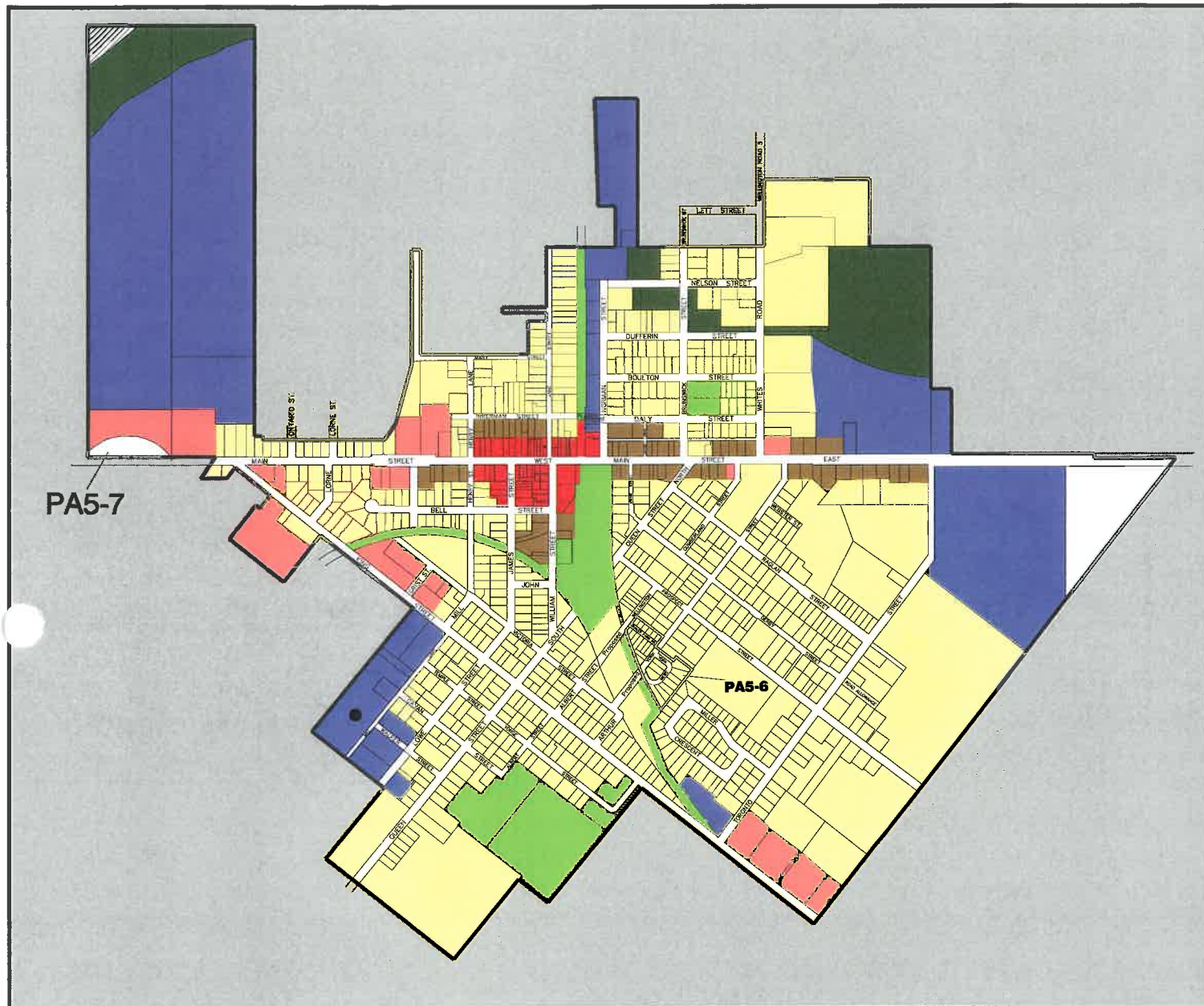


0 100 300 700 1300 FEET

May 6, 1999

Update: September 29, 2006





PA5-7

PA5-6

Legend:

- Residential
- Central Business District
- Highway Commercial
- Residential Transition Area
- Industrial
- Recreational
- Core Greenlands
- Greenlands
- Future Development
- Waste Water Facility

Updated: October 19, 2004

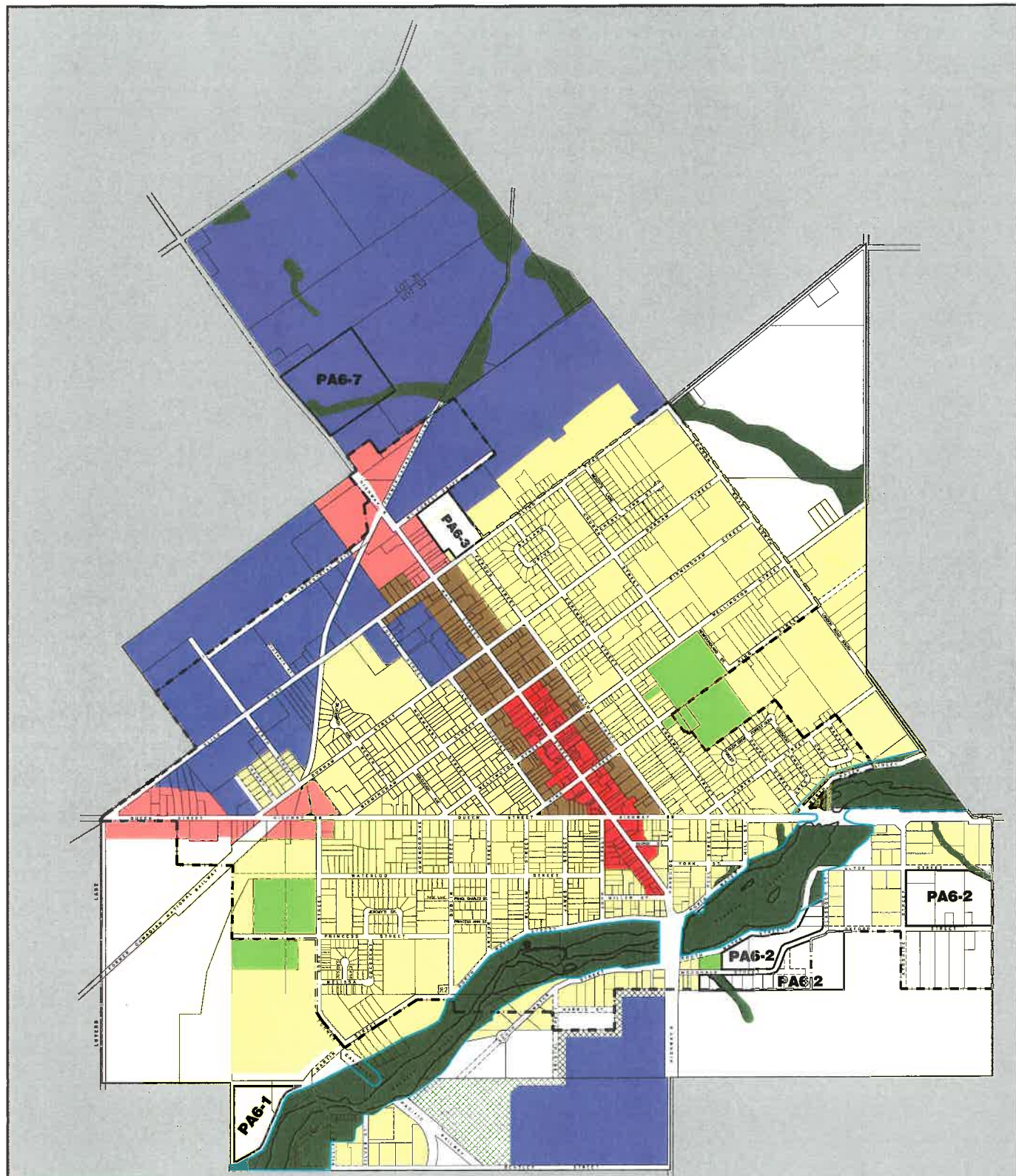
PALMERSTON

**Town of Minto
Schedule A5-3**

Scale:



May 6, 1999



Legend:

- Residential
- Central Business District
- Residential Transition Area
- Highway Commercial
- Industrial
- Recreational
- Core Greenlands
- Greenlands
- Future Development
- Policy Area
- Community Improvement Area
- Regulatory Floodline
- Waste Water Facility

Updated: October 19, 2004

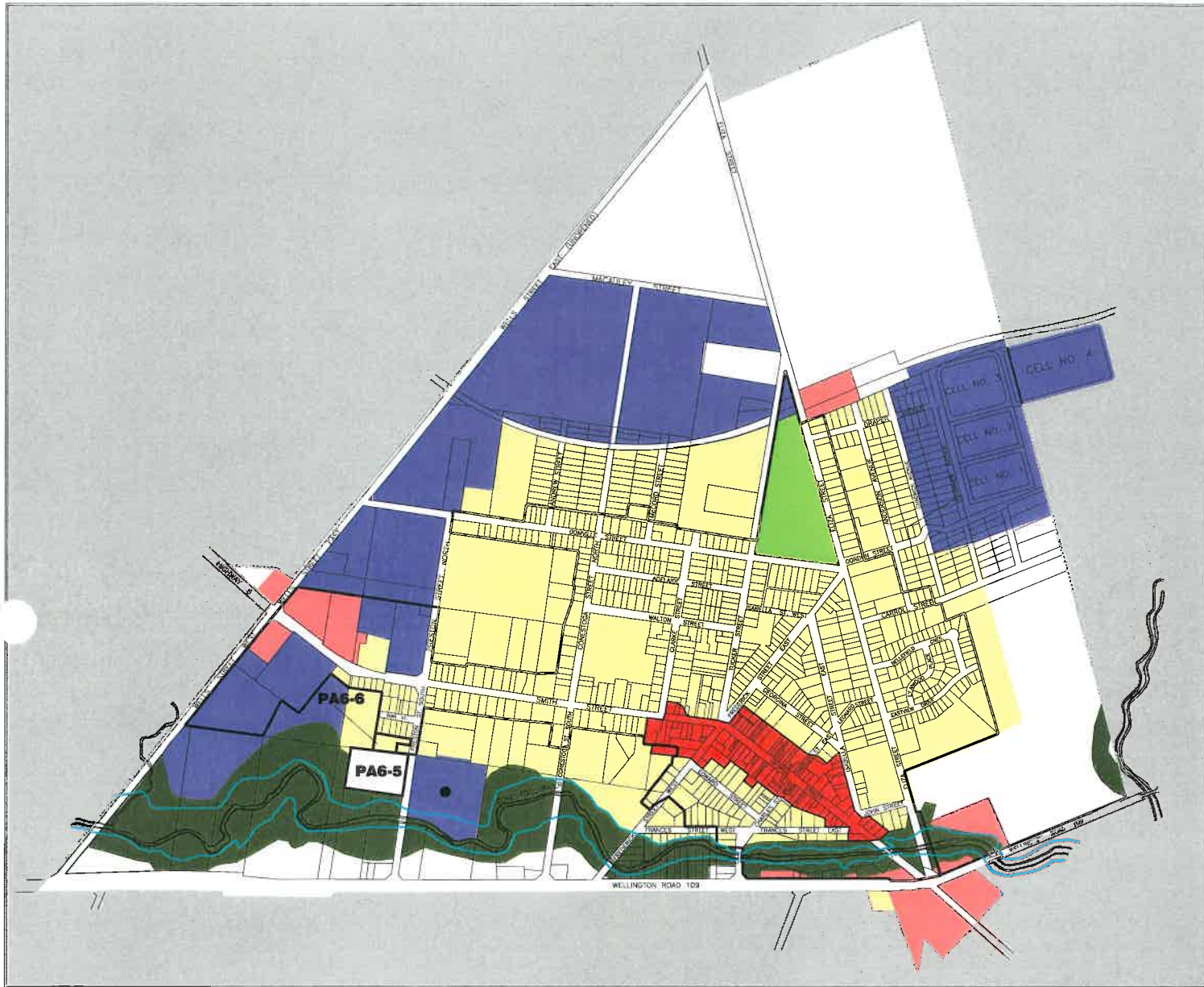
MOUNT FOREST
 Township
 of
 Wellington
 North
 Schedule A6-1



Scale:



May 6, 1999



Legend:

- Residential
- Highway Commercial
- Industrial
- Central Business District
- Recreation
- Core Greenlands

- Future Development
- Regulatory Floodline
- Policy Area
- Community Improvement Area
- Waste Water Facility

ARTHUR
Township
of
Wellington
North
Schedule A6-2

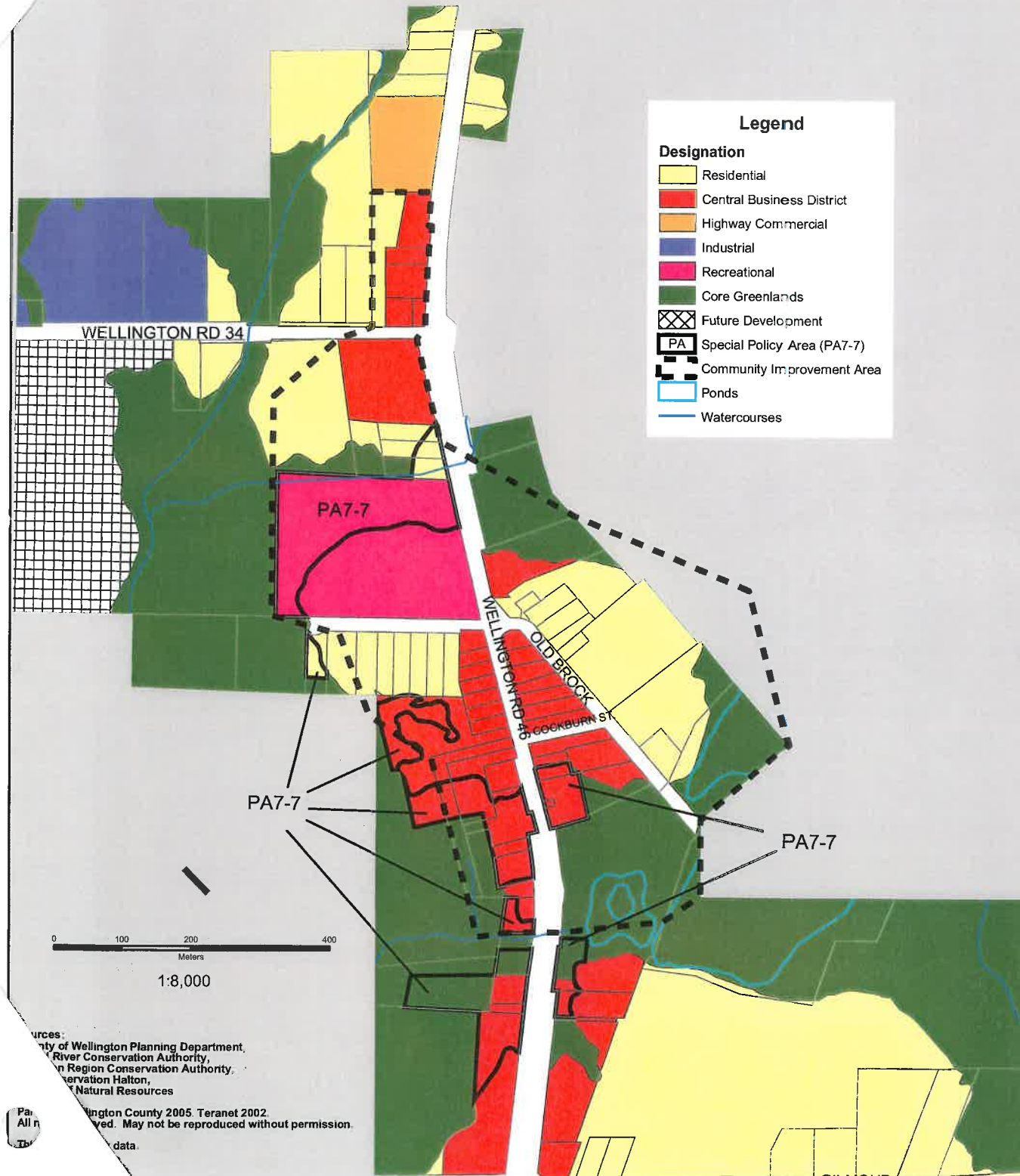


Scale:
0 50 150 350 METERS

Updated: October 3, 2005

May 6, 1999

ABERFOYLE TOWNSHIP OF PUSLINCH Schedule A7-1



Legend

Designation

- Residential
- Central Business District
- Highway Commercial
- Industrial
- Recreational
- Core Greenlands
- Future Development
- Special Policy Area (PA7-7)
- Community Improvement Area
- Ponds
- Watercourses

Sources:
 County of Wellington Planning Department,
 River Conservation Authority,
 Region Conservation Authority,
 Conservation Halton,
 Natural Resources
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 data.

GILMOUR May 6, 1999
 Update: March 22, 2005

MORRISTON

TOWNSHIP OF PUSLINCH

Schedule A7-2



Legend

Designation

- Residential
- Central Business District
- Core Greenlands
- Greenlands
- Community Improvement Area
- Watercourses
- Ponds



1:8,500

Sources:
 County of Wellington Planning Department,
 Grand River Conservation Authority,
 Hamilton Region Conservation Authority
 and Conservation Halton,
 Ministry of Natural Resources.

This is not survey data.

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May 6, 1999
 Update: March 22, 2005

[HOME PAGE](#) / [LAWS](#) / AGGREGATE RESOURCES ACT, R.S.O. 1990, C. A.8



Aggregate Resources Act

R.S.O. 1990, CHAPTER A.8

Consolidation Period: From December 15, 2009 to the [e-Laws currency date](#).

Last amendment: 2009, c. 33, Sched. 2, s. 3.

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Definitions and Minister's order concerning excavations

1. (1) In this Act,

“abandoned pits and quarries” means pits and quarries for which a licence or permit was never in force at any time after December 31, 1989; (“puits d’extraction et carrières abandonnés”)

“aggregate” means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other prescribed material; (“agrégats”)

“Board” means the Ontario Municipal Board; (“Commission”)

“Commissioner” means the Mining and Lands Commissioner; (“commissaire”)

“earth” does not include topsoil and peat; (“terre”)

“environment” means the air, land and water, or any combination or part thereof of the Province of Ontario; (“environnement”)

“established pit or quarry” means,

(a) a pit or quarry from which a substantial amount of aggregate has been removed within the two-year period before the part of Ontario in which the pit or quarry is located was designated under subsection 5 (2), or

(b) land that was leased under the *Mining Act* throughout the two-year period before the part of Ontario in which the land is located was designated under subsection 5 (2); (“puits d’extraction établi ou carrière établie”)

“excavate” includes the preparation of land for excavation and removal of hills, sand dunes, knolls, stones and rocks other than metallic ores from the general surface of the ground; (“excaver”, “extraire”)

“final rehabilitation” means rehabilitation in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit performed after the excavation of aggregate and the progressive rehabilitation, if any, have been completed; (“réhabilitation définitive”)

“highway” has the same meaning as in the *Public Transportation and Highway Improvement Act* and includes an unopened road allowance; (“voie publique”)

“inspector” means an inspector designated under section 4; (“inspecteur”)

“land under water” means the bed, bank, beach, shore, bar, flat or water of or in any lake, river, stream or other waterbody or adjoining any channel or entrance thereto but does not include a waterbody resulting from excavation of aggregate below the water table; (“terrain immergé”)

“licence” means a licence for a pit or quarry issued under this Act; (“permis”)

“licensee” means a person who holds a licence; (“titulaire de permis”)

“management” means the provision for the identification, orderly development and protection of the aggregate resources of Ontario; (“gestion”)

“Minister” means the Minister of Natural Resources; (“ministre”)

“Ministry” means the Ministry of Natural Resources; (“ministère”)

“operate”, when used in relation to a pit or quarry, means “work” and includes all activities associated with a pit or quarry that are carried out on the site; (“exploiter”, “travaux”)

“permit” means an aggregate permit or a wayside permit issued under this Act; (“licence”)

“permittee” means a person who holds a permit; (“titulaire de licence”)

“person” includes a public authority; (“personne”)

“pit” means land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection (3); (“puits d’extraction”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“progressive rehabilitation” means rehabilitation done sequentially, within a reasonable time, in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit during the period that aggregate is being excavated; (“réhabilitation progressive”)

“public authority” means the Crown or an agent of the Crown, a municipality, a local board as defined in the *Municipal Affairs Act* or a local roads board; (“autorité publique”)

“quarry” means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or structure on the excavation site or in relation to which an order has been made under subsection (3); (“carrière”)

“regulations” means the regulations made under this Act; (“règlements”)

“rehabilitate” means to treat land from which aggregate has been excavated so that the use or condition of the land,

(a) is restored to its former use or condition, or

(b) is changed to another use or condition that is or will be compatible with the use of adjacent land; (“réhabiliter”)

“road” has the same meaning as highway; (“route”)

“rock” does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, talc, wollastonite and other prescribed material; (“roches”)

“site” means the land or land under water to which a licence or permit or an application therefor relates; (“lieu”)

“Treasurer” means the Treasurer of Ontario and Minister of Economics; (“trésorier”)

“zoning by-law” means a by-law passed under section 34 or 38 of the *Planning Act* or any predecessor of them and includes an order made under clause 47 (1) (a) of that Act or any predecessor of it and zoning control by a development permit issued under the *Niagara Escarpment Planning and Development Act*. (“règlement municipal de zonage”) R.S.O. 1990, c. A.8, s. 1 (1); 1994, c. 23, s. 61; 1994, c. 27, s. 126 (1, 2); 1996, c. 30, s. 1 (1-6); 1997, c. 26, Sched.; 2002, c. 17, Sched. F, Table.

(2) Repealed: 1996, c. 30, s. 1 (7).

Order that an excavation is not a pit or quarry

(3) The Minister, if of the opinion that the primary purpose of an excavation is not for the production of aggregate, may in his or her absolute discretion by order declare that the land or land under water on which the excavation is situated is not a pit or quarry for the purposes of this Act. R.S.O. 1990, c. A.8, s. 1 (3).

Notice to municipality

(4) The Minister, if the matter appears to warrant it, shall serve notice of a proposed order under subsection (3), including reasons therefor, upon the clerk of the local municipality in which the excavation is located and, where applicable, upon the clerk of the upper-tier municipality for their information and comment. R.S.O. 1990, c. A.8, s. 1 (4); 2002, c. 17, Sched. F, Table.

Delay in relief

(5) The Minister may not issue the order until the Minister is served with comments by the municipalities or thirty days after service of the notice by the Minister, whichever occurs first. R.S.O. 1990, c. A.8, s. 1 (5).

PART I GENERAL

Purposes of Act

2. The purposes of this Act are,

- (a) to provide for the management of the aggregate resources of Ontario;
- (b) to control and regulate aggregate operations on Crown and private lands;
- (c) to require the rehabilitation of land from which aggregate has been excavated; and
- (d) to minimize adverse impact on the environment in respect of aggregate operations. R.S.O. 1990, c. A.8, s. 2.

Administration of Act

3. (1) The Minister is responsible for the administration of this Act and the regulations. R.S.O. 1990, c. A.8, s. 3 (1).

Idem

(2) In administering this Act, the Minister may,

- (a) initiate research related to technical matters pertaining to,
 - (i) the aggregate industry, including the transportation of aggregate and the rehabilitation of pits and quarries,
 - (ii) underground mining of aggregate, and
 - (iii) aggregate excavation from beneath water;
- (b) initiate studies of geological deposits that may yield aggregate of commercial qualities and quantities;
- (c) estimate from time to time the demand that will be made for aggregate and establish policies for the supply thereof;
- (d) collect, analyze and publish statistics related to the aggregate industry;

- (e) initiate studies related to the uses of aggregate and the economics and operations of the aggregate industry;
- (f) advise ministries and municipalities on planning matters related to aggregate;
- (g) initiate studies related to abandoned pits and quarries;
- (h) initiate studies on environmental and social matters related to pits and quarries;
- (i) convene conferences and conduct seminars and educational and training programs related to pits and quarries and the aggregate industry;
- (j) establish and maintain demonstration and experimental rehabilitation projects for pits and quarries;
- (k) employ any person to perform work in connection with any matter mentioned in this Act; and
- (l) consult with ministries, municipalities and agencies. R.S.O. 1990, c. A.8, s. 3 (2).

Inspectors

4. (1) The Minister may designate in writing any person as an inspector for the purposes of this Act. 1996, c. 30, s. 2.

Powers of inspectors

(2) An inspector, for the purpose of carrying out assigned duties,

- (a) may enter, at any reasonable time, any land, vessel or business premises that is or appears to be used or has or appears to have been used in respect of a pit or quarry or any activity or use related to aggregate or rehabilitation;
- (b) may require the production of a licence, a permit, any record or document respecting aggregate or rehabilitation, a report or a survey and may inspect and make copies thereof;
- (c) may, upon giving a receipt therefor, remove any licence, permit, record or document produced under clause (b) and make copies thereof; and
- (d) may, alone or in conjunction with other persons possessing special or expert knowledge, make examinations, tests or inquiries and take or remove samples of any material. R.S.O. 1990, c. A.8, s. 4 (2).

Copies

(3) An inspector who makes a copy under clause (2) (c) shall do so with dispatch and shall promptly return the original licence, permit, record or document. R.S.O. 1990, c. A.8, s. 4 (3).

Idem

(4) Any copy made as provided in clause (2) (b) or (c) and certified to be a true copy by the inspector who carried out the inspection is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original licence, permit, record or document and its contents. R.S.O. 1990, c. A.8, s. 4 (4).

Application

5. (1) This Act and the regulations apply to,

- (a) all aggregate and topsoil that is the property of the Crown or that is on land the surface rights of which are the property of the Crown;
- (b) Repealed: 1996, c. 30, s. 3 (1).
- (c) private land in parts of Ontario that are designated under subsection (2); and

(d) all land under water. R.S.O. 1990, c. A.8, s. 5 (1); 1996, c. 30, s. 3 (1).

Designation of parts by regulation

(2) The Lieutenant Governor in Council may make regulations designating parts of Ontario for the purpose of clause (1) (c). R.S.O. 1990, c. A.8, s. 5 (2).

(3) Repealed: 1996, c. 30, s. 3 (2).

Act binds the Crown

6. This Act binds the Crown except where it specifically states otherwise. R.S.O. 1990, c. A.8, s. 6.

Aggregate Resources Trust

6.1 (1) The Minister shall establish in writing a trust to be known in English as the Aggregate Resources Trust and in French as Fonds des ressources en agrégats. 1996, c. 30, s. 4.

Terms of Trust

(2) The Trust shall provide for the following matters, on such terms and conditions as may be specified by the Minister:

1. The rehabilitation of land for which a licence or permit has been revoked and for which final rehabilitation has not been completed.
2. The rehabilitation of abandoned pits and quarries, including surveys and studies respecting their location and condition.
3. Research on aggregate resource management, including rehabilitation.
4. Payments to the Crown in right of Ontario and to municipalities in accordance with the regulations.
5. Such other matters as may be specified by the Minister. 1996, c. 30, s. 4; 2002, c. 17, Sched. F, Table.

Trustee

(3) The Minister shall appoint a person who is not employed by the Crown as trustee of the Trust and may provide for the trustee's remuneration from the funds of the trust. 1996, c. 30, s. 4.

Not part of C.R.F.

(4) Money received or held by the Trust does not form part of the Consolidated Revenue Fund. 1996, c. 30, s. 4.

Right of entry for rehabilitation

(5) If a licence or permit has been revoked and final rehabilitation of the land to which it relates has not been completed, agents of the Trust are entitled to enter the land to carry out such rehabilitation as the trustee considers necessary. 1996, c. 30, s. 4.

Rehabilitation expenses

(6) Any amount spent by the Trust on the rehabilitation of land is a debt due to the Trust by the most recent licensee or permittee, as the case may be. 1996, c. 30, s. 4.

Payments to Trust

(7) Any amount payable to the Trust is a debt due to the Trust. 1996, c. 30, s. 4.

Annual report

(8) The Trust shall report annually to the Minister on the financial affairs of the Trust. 1996, c. 30, s. 4.

Tabling of report

(9) The Minister shall submit the report to the Lieutenant Governor in Council and shall table the report in the Legislative Assembly. 1996, c. 30, s. 4.

Other reports

(10) The Trust shall provide the Minister with such other reports and information as he or she may request. 1996, c. 30, s. 4.

Transfer from former rehabilitation security accounts

(11) On the day section 4 of the *Aggregate and Petroleum Resources Statute Law Amendment Act, 1996* comes into force, all money held in an account described in section 52 of this Act, as it read immediately before the coming into force of section 4, is transferred to the Trust. 1996, c. 30, s. 4.

Refund

(12) On or before the first anniversary of the coming into force of section 4 of the *Aggregate and Petroleum Resources Statute Law Amendment Act, 1996*, the Trust shall refund to the person in whose name the account was held such amount as the Minister may direct. 1996, c. 30, s. 4.

PART II LICENCES

Licences required

7. (1) No person shall, in a part of Ontario designated under section 5, operate a pit or quarry on land that is not land under water and the surface rights of which are not the property of the Crown except under the authority of and in accordance with a licence. R.S.O. 1990, c. A.8, s. 7 (1).

Application for licence

(2) Any person may apply to the Minister,

- (a) for a Class A licence to remove more than 20,000 tonnes of aggregate annually from a pit or quarry; or
- (b) for a Class B licence to remove 20,000 tonnes or less of aggregate annually from a pit or quarry. 1996, c. 30, s. 5.

Application fee

(3) The Minister may establish and charge a fee for each application under subsection (2). 1996, c. 30, s. 5.

(4) Repealed: 1996, c. 30, s. 5.

Additional information

(5) The Minister may require an applicant for a licence to furnish additional information in such form and manner as is considered necessary, and, until the information is furnished, further consideration of the application may be refused. R.S.O. 1990, c. A.8, s. 7 (5).

Site plans for licences

8. (1) Every application for a licence shall include a site plan in accordance with the regulations. 1996, c. 30, s. 6 (1).

(2) Repealed: 1996, c. 30, s. 6 (1).

(3) Repealed: 1996, c. 30, s. 6 (1).

Site plan

(4) Every site plan accompanying an application for a Class A licence must be prepared under the direction of and certified by a professional engineer who is a member of the Association of Professional Engineers of Ontario, a land surveyor who is a member of the Association of Ontario Land Surveyors, a landscape architect who is a member of the Ontario Association of Landscape Architects, or any other qualified person approved in writing by the Minister. R.S.O. 1990, c. A.8, s. 8 (4).

(5) Repealed: 1996, c. 30, s. 6 (2).

(6) Repealed: 1996, c. 30, s. 6 (2).

Plans property of the Crown

(7) Every site plan submitted with an application under this section becomes the property of the Crown upon the licence applied for being issued. R.S.O. 1990, c. A.8, s. 8 (7).

Report for licences

9. (1) Every application for a licence shall include a report in accordance with the regulations. 1996, c. 30, s. 7.

Reports property of the Crown

(2) Every report submitted with an application under this section becomes the property of the Crown upon the licence applied for being issued. R.S.O. 1990, c. A.8, s. 9 (2).

Zoning by-laws

10. An applicant for a licence must furnish information satisfactory to the Minister describing the zoning by-laws applicable to the site and adjacent lands. R.S.O. 1990, c. A.8, s. 10.

Procedure, application for licence

11. (1) If an application for a licence complies with this Act and the regulations, the Minister shall require the applicant to comply with the prescribed notification and consultation procedures. 1996, c. 30, s. 8.

Completion of notification procedures

(2) The applicant shall notify the Minister when the prescribed notification procedures are complete. 1996, c. 30, s. 8.

Objections

(3) Any person may, during the prescribed consultation procedures, give the applicant and the Minister written notice stating that the person has an objection to the application and specifying the nature of the objection. 1996, c. 30, s. 8.

Resolution of objections

(4) During the prescribed consultation procedures, the applicant shall attempt to resolve the objections. 1996, c. 30, s. 8.

Referral to Board

(5) The Minister may refer the application and any objections to the Board for a hearing, and may direct that the Board shall determine only the issues specified in the referral. 1996, c. 30, s. 8.

Parties

(6) The parties to the hearing are the applicant, the persons who made the objections, the Minister and such other persons as are specified by the Board. 1996, c. 30, s. 8.

Combined hearing

(7) The Board may consider an application and objections referred to the Board under subsection (5) and a related appeal to the Board under the *Planning Act* at the same hearing. 1996, c. 30, s. 8.

Powers of Board

(8) The following rules apply if an application is referred to the Board:

1. The Board may hold a hearing and direct the Minister to issue the licence subject to the prescribed conditions and to any additional conditions specified by the Board, but the Minister may refuse to impose an additional condition specified by the Board if he or she is of the opinion that the condition is not consistent with the purposes of this Act.
2. The Board may hold a hearing and direct the Minister to refuse to issue the licence.
3. If the Board is of the opinion that an objection referred to it is not made in good faith, is frivolous or vexatious, or is made only for the purpose of delay, the Board may, without holding a hearing, on its own initiative or on a party's motion, refuse to consider the objection. If consideration of all the objections referred to the Board in connection with an application is refused in this way, the Board may direct the Minister to issue the licence subject to the prescribed conditions. 1996, c. 30, s. 8.

Decision by Minister

(9) If an application is not referred to the Board under this section, the Minister shall decide whether to issue or refuse to issue the licence. 1996, c. 30, s. 8.

Refusal by Minister

(10) If the Minister refuses to issue a licence under subsection (9), he or she shall forthwith serve notice of the refusal, including reasons, on the applicant. 1996, c. 30, s. 8.

Entitlement to hearing

(11) An applicant who is served with a notice under subsection (10) is entitled to a hearing by the Board if the applicant, within 30 days after being served, serves the Minister with a notice that a hearing is required. 1996, c. 30, s. 8.

Hearing

(12) Within 30 days after being served with notice that a hearing is required, the Minister shall refer the matter to the Board for a hearing. 1996, c. 30, s. 8.

Parties

(13) The parties to the hearing are the applicant, the Minister and such other persons as are specified by the Board. 1996, c. 30, s. 8.

Application of subs. (8)

(14) Subsection (8), except paragraph 3, applies to a proceeding before the Board under subsection (12). 1996, c. 30, s. 8.

No petition or review

(15) Section 43 of the *Ontario Municipal Board Act* and section 21.2 of the *Statutory Powers Procedure Act* do not apply to an order or decision of the Board under this section. 1996, c. 30, s. 8; 2009, c. 33, Sched. 2, s. 3.

Matters to be considered by Minister

12. (1) In considering whether a licence should be issued or refused, the Minister or the Board, as the case may be, shall have regard to,

- (a) the effect of the operation of the pit or quarry on the environment;
- (b) the effect of the operation of the pit or quarry on nearby communities;

- (c) any comments provided by a municipality in which the site is located;
- (d) the suitability of the progressive rehabilitation and final rehabilitation plans for the site;
- (e) any possible effects on ground and surface water resources;
- (f) any possible effects of the operation of the pit or quarry on agricultural resources;
- (g) any planning and land use considerations;
- (h) the main haulage routes and proposed truck traffic to and from the site;
- (i) the quality and quantity of the aggregate on the site;
- (j) the applicant's history of compliance with this Act and the regulations, if a licence or permit has previously been issued to the applicant under this Act or a predecessor of this Act; and
- (k) such other matters as are considered appropriate. R.S.O. 1990, c. A.8, s. 12; 1996, c. 30, s. 9 (1, 2); 2002, c. 17, Sched. F, Table.

Annual compliance reports

(2) Despite clause (1) (j), the Minister or the Board shall not have regard to a contravention of this Act or the regulations that was disclosed by the applicant in an annual compliance report under section 15.1 or 40.1, if the applicant complied with clause 15.1 (5) (a) or clause 40.1 (5) (a), as the case may be, in respect of the contravention. 1996, c. 30, s. 9 (3); 2000, c. 26, Sched. L, s. 1 (1).

Zoning by-law prohibition on licence

12.1 (1) No licence shall be issued for a pit or quarry if a zoning by-law prohibits the site from being used for the making, establishment or operation of pits and quarries. 1999, c. 12, Sched. N, s. 1 (1).

Doubt as to zoning

(2) If the Minister is in doubt as to whether a zoning by-law prohibits the site from being used for the making, establishment or operation of pits and quarries, he or she may serve on the applicant a notice to that effect. 1999, c. 12, Sched. N, s. 1 (1).

Application to court

(3) An applicant who is served with a notice is entitled, within 30 days after the notice is served, to make an application to the Superior Court of Justice for a judgment declaring that no zoning by-law prohibits the site from being used for the making, establishment or operation of pits and quarries. 1999, c. 12, Sched. N, s. 1 (1).

Copies to municipalities

12.2 If a licence is issued, the licensee shall serve a copy of the licence and a copy of the final site plan on the clerk of each municipality in which the site is located. 1996, c. 30, s. 10; 2002, c. 17, Sched. F, Table.

Conditions on licence, procedure

13. (1) When a licence is issued, the Minister may include in the licence such conditions as he or she considers necessary. 1996, c. 30, s. 11.

Changes of conditions

(2) The Minister may, at any time, add a condition to a licence or rescind or vary a condition of a licence. 1996, c. 30, s. 11.

Notice of change

(3) If the Minister proposes to add a condition to a licence after its issue or to rescind or vary a condition of a licence, he or she shall forthwith serve notice of the proposal, including reasons,

(a) on the licensee; and

(b) if, in the opinion of the Minister, the matter is of importance and it is appropriate to do so, on the clerk of each municipality in which the site is located. 1996, c. 30, s. 11; 2002, c. 17, Sched. F, Table.

No action until 30 days elapsed

(4) A licensee and any municipality served with notice under subsection (3) may provide the Minister with comments within 30 days after service of the notice and the Minister shall take no action until the 30 days have elapsed. 1996, c. 30, s. 11.

Exception

(5) The Minister may take the proposed action before the 30 days have elapsed if comments have been received from all persons notified and if the licensee waives the right under subsection (6) to require a hearing. 1996, c. 30, s. 11.

Entitlement to hearing

(6) A licensee who is served with a notice under subsection (3) is entitled to a hearing by the Board if the licensee, within 30 days after being served, serves the Minister with a notice that a hearing is required. 1996, c. 30, s. 11.

Hearing

(7) Within 30 days after being served with notice that a hearing is required, the Minister shall refer the matter to the Board for a hearing. 1996, c. 30, s. 11.

Parties

(8) The parties to the hearing are the licensee, the Minister and such other persons as are specified by the Board. 1996, c. 30, s. 11.

Powers of Board

(9) The Board may direct the Minister to carry out, vary or rescind his or her proposal. 1996, c. 30, s. 11.

No petition or review

(10) Section 43 of the *Ontario Municipal Board Act* and section 21.2 of the *Statutory Powers Procedure Act* do not apply to an order or decision of the Board under this section. 1996, c. 30, s. 11; 2009, c. 33, Sched. 2, s. 3.

Where no hearing

(11) If the licensee does not require a hearing under subsection (6), the Minister may carry out the proposal. 1996, c. 30, s. 11.

Annual licence fee

14.(1) Every licensee shall pay an annual licence fee in the prescribed amount within the prescribed time. 1996, c. 30, s. 11.

Payments to Trust

(2) The annual licence fee shall be paid to the Aggregate Resources Trust. 1996, c. 30, s. 11.

Returns

14.1 Every licensee shall make a return to the Aggregate Resources Trust, within the prescribed time, showing the quantity of material removed from the site. 2006, c. 19, Sched. P, s. 1 (1).

Duties of licensees

15. Every licensee shall operate the licensee's pit or quarry in accordance with this Act, the regulations, the site plan and the conditions of the licence. R.S.O. 1990, c. A.8, s. 15.

Annual compliance report

15.1 (1) Every licensee shall, in accordance with the regulations, submit an annual report to the Minister for the purpose of assessing the licensee's compliance with this Act, the regulations, the site plan and the conditions of the licence. 1996, c. 30, s. 12.

Copy for municipality

(2) The licensee shall give a copy of the report to the clerk of each municipality in which the site is located. 1996, c. 30, s. 12; 2002, c. 17, Sched. F, Table.

Retention of reports

(3) During the term of the licence, the licensee shall retain a copy of every report submitted under this section. 1996, c. 30, s. 12.

Examination

(4) Any person may examine an annual compliance report during the Ministry's normal office hours and, on payment of such fee as may be established by the Minister, the person is entitled to a copy of the report. 1996, c. 30, s. 12.

Disclosure of contravention

(5) If an annual compliance report discloses a contravention of this Act, the regulations, the site plan or the conditions of the licence,

(a) the licensee shall,

(i) within a period of 90 days after the report is submitted to the Minister or within such longer period as may be specified by the Minister, take such steps as may be necessary to remedy the contravention, and

(ii) immediately stop the doing of any act that forms part of the contravention; and

(b) if the licensee complies with subclause (a) (ii), no prosecution shall be commenced in respect of the contravention, and no notice may be served by the Minister under section 20 or 22 in respect of the contravention,

(i) during the period described in subclause (a) (i), or

(ii) after the period described in subclause (a) (i), if the licensee complies with subclause (a) (i) within that period. 1996, c. 30, s. 12.

Suspension of licence

(6) A licence shall be deemed to have been suspended if,

(a) the licensee fails to submit an annual compliance report in accordance with this section; or

(b) the licensee's annual compliance report discloses a contravention of this Act, the regulations, the site plan or the conditions of the licence and the licensee fails to comply with subclause (5) (a) (i) or (ii). 1996, c. 30, s. 12.

Reinstatement; failure to submit

(7) A licence that was deemed to have been suspended under clause (6) (a) shall be deemed to be reinstated if the licensee submits the annual compliance report to the Minister. 1996, c. 30, s. 12.

Reinstatement; failure to comply with cl. (5) (a)

(8) A licence that was deemed to have been suspended under clause (6) (b) shall be deemed to be reinstated if the licensee,

- (a) takes such steps as are necessary to remedy the contravention that was disclosed in the annual compliance report, if the licensee failed to comply with subclause (5) (a) (i); or
- (b) stops the doing of the act that formed part of the contravention, if the licensee failed to comply with subclause (5) (a) (ii). 1996, c. 30, s. 12.

Amendment of site plans

16.(1) The Minister may, at any time, require a licensee to amend the site plan. 1996, c. 30, s. 13.

Same

(2) A licensee may amend the site plan at any time, after obtaining the Minister's written approval. 1996, c. 30, s. 13.

Same

(3) The Minister may require any amended site plan to be prepared under the direction of and certified by a person referred to in subsection 8 (4). 1996, c. 30, s. 13.

Application fee

(4) The Minister may establish and charge fees for applications for approval under subsection (2). 1996, c. 30, s. 13.

Notice

(5) If the Minister proposes to require the amendment of a site plan or proposes to approve the amendment of a site plan, he or she shall forthwith serve notice of the proposal, including reasons,

- (a) on the licensee; and
- (b) if, in the opinion of the Minister, the matter is of importance and it is appropriate to do so, on the clerk of each municipality in which the site is located. 1996, c. 30, s. 13; 2002, c. 17, Sched. F, Table.

No action until 30 days elapsed

(6) A licensee and any municipality served with notice under subsection (5) may provide the Minister with comments within 30 days after service of the notice and the Minister shall take no action until the 30 days have elapsed. 1996, c. 30, s. 13.

Exception

(7) The Minister may take the proposed action before the 30 days have elapsed if comments have been received from all persons notified and, in the case of a proposal to require the amendment of a site plan, if the licensee waives the right under subsection (8) to require a hearing. 1996, c. 30, s. 13.

Entitlement to hearing

(8) A licensee who is served with notice under subsection (5) of a proposal to require the amendment of a site plan is entitled to a hearing by the Board if the licensee, within 30 days after being served, serves the Minister with a notice that a hearing is required. 1996, c. 30, s. 13.

Hearing

(9) Within 30 days after being served with notice that a hearing is required, the Minister shall refer the matter to the Board for a hearing. 1996, c. 30, s. 13.

Parties

(10) The parties to the hearing are the licensee, the Minister and such other persons as are specified by the Board. 1996, c. 30, s. 13.

Powers of Board

(11) The Board may direct the Minister to carry out, vary or rescind his or her proposal. 1996, c. 30, s. 13.

No petition or review

(12) Section 43 of the *Ontario Municipal Board Act* and section 21.2 of the *Statutory Powers Procedure Act* do not apply to an order or decision of the Board under this section. 1996, c. 30, s. 13; 2009, c. 33, Sched. 2, s. 3.

Where no hearing

(13) If the licensee does not require a hearing under subsection (8), the Minister may carry out the proposal. 1996, c. 30, s. 13.

17. Repealed: 1996, c. 30, s. 14.

Transfer of licence

18. (1) On application, the Minister may transfer a licence. 1996, c. 30, s. 15.

Fee

(2) The Minister may establish a fee for each application under subsection (1). 1996, c. 30, s. 15.

Consent

(3) If the applicant is the licensee or has the licensee's consent to the transfer, the following rules apply:

1. The Minister may transfer the licence.
2. If the Minister proposes to refuse the transfer, he or she shall forthwith serve notice of the proposal on the applicant (and on the licensee, if they are different persons), with reasons. 1996, c. 30, s. 15.

No consent

(4) If the applicant does not have the licensee's consent to the transfer, the following rules apply:

1. If the Minister proposes to transfer the licence, he or she shall forthwith serve notice of the proposal on the licensee, with reasons.
2. If the Minister proposes to refuse the transfer, he or she shall forthwith serve notice of the proposal on the applicant, with reasons. 1996, c. 30, s. 15.

Entitlement to hearing

(5) An applicant or licensee who is served with notice under subsection (3) or (4) is entitled to a hearing by the Board if the applicant or licensee, within 30 days after being served, serves the Minister with a notice that a hearing is required. 1996, c. 30, s. 15.

Hearing

(6) Within 30 days after being served with notice that a hearing is required, the Minister shall refer the matter to the Board for a hearing. 1996, c. 30, s. 15.

Parties

(7) The parties to the hearing are the applicant, the licensee, the Minister and such other persons as the Board specifies. 1996, c. 30, s. 15.

Powers of Board

(8) The Board may direct the Minister to carry out or rescind his or her proposal. 1996, c. 30, s. 15.

No petition or review

(9) Section 43 of the *Ontario Municipal Board Act* and section 21.2 of the *Statutory Powers Procedure Act* do not apply to an order or decision of the Board under this section. 1996, c. 30, s. 15; 2009, c. 33, Sched. 2, s. 3.

If no hearing required

(10) If no hearing is required under subsection (5), the Minister may carry out the proposal. 1996, c. 30, s. 15.

Notice after transfer

(11) When the Minister transfers a licence, the person to whom it was transferred shall serve notice of the transfer on the clerk of each municipality in which the site is located. 1996, c. 30, s. 15; 2002, c. 17, Sched. F, Table.

Surrender of licence

19. The Minister may accept the surrender of a licence on being satisfied that the licensee's annual licence fees and rehabilitation security payments, and special payments if applicable, have been paid and that rehabilitation has been performed in accordance with this Act, the regulations, the site plan, if any, and the conditions of the licence. 1996, c. 30, s. 16.

Revocation of licence

20. (1) The Minister may revoke a licence for any contravention of this Act, the regulations, the site plan or the conditions of the licence. 1996, c. 30, s. 17.

Advance notice

(2) The Minister shall not revoke a licence unless, at least 90 days before the licence is revoked, the Minister serves on the licensee notice of the intention to revoke the licence. 1996, c. 30, s. 17.

Notice to licensee

(3) When the Minister revokes a licence, he or she shall forthwith serve notice of the revocation, including reasons, on the licensee. 1996, c. 30, s. 17.

Entitlement to hearing

(4) A licensee who is served with a notice under subsection (3) is entitled to a hearing by the Board if the licensee, within 30 days after being served, serves the Minister with a notice that a hearing is required. 1996, c. 30, s. 17.

Application

(5) Subsection (4) does not apply if the licence is being revoked because of a contravention of subsection 14 (1) or section 14.1. 1996, c. 30, s. 17; 2006, c. 19, Sched. P, s. 1 (2).

Hearing

(6) Within 30 days after being served with notice that a hearing is required, the Minister shall refer the matter to the Board for a hearing. 1996, c. 30, s. 17.

Parties

(7) The parties to the hearing are the licensee, the Minister and such other persons as are specified by the Board. 1996, c. 30, s. 17.

Powers of Board

(8) The Board may confirm the revocation of the licence or direct the Minister to rescind the revocation. 1996, c. 30, s. 17.

No petition or review

(9) Section 43 of the *Ontario Municipal Board Act* and section 21.2 of the *Statutory Powers Procedure Act* do not apply to an order or decision of the Board under this section. 1996, c. 30, s. 17; 2009, c. 33, Sched. 2, s. 3.

21. Repealed: 1996, c. 30, s. 17.

Suspension of licence

22. (1) The Minister may suspend a licence for any period of time, for any contravention of this Act, the regulations, the site plan or the conditions of the licence, effective as soon as the notice mentioned in subsection (2) is served upon the licensee. R.S.O. 1990, c. A.8, s. 22 (1); 1996, c. 30, s. 18 (1, 2).

Notice of suspension

(2) Notice of suspension of a licence, including the reasons therefor, shall be served upon the licensee and, where applicable, upon the clerk of each municipality in which the site is located for their information. R.S.O. 1990, c. A.8, s. 22 (2); 2002, c. 17, Sched. F, Table.

Further particulars of notice

(3) The notice mentioned in subsection (2) shall inform the licensee of the period of the suspension, of the action the licensee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the licensee has complied with the notice to the satisfaction of the Minister, and that, if the licensee does not comply with the notice within the period of the suspension, the Minister may revoke the licence. R.S.O. 1990, c. A.8, s. 22 (3).

Revocation

(4) If a licensee whose licence has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the licence, in which case section 20 applies. R.S.O. 1990, c. A.8, s. 22 (4); 1996, c. 30, s. 18 (3).

PART III WAYSIDE PERMITS

Application for wayside permit

23. (1) Any public authority, or any person who has a contract with a public authority, that requires aggregate for a temporary project from a source in a part of Ontario designated under section 5 that is not under licence or permit may apply to the Minister for a wayside permit to operate a pit or quarry. R.S.O. 1990, c. A.8, s. 23 (1); 1996, c. 30, s. 19 (1).

Licence not required

(2) Subsection 7 (1) does not apply to a person who has a wayside permit. R.S.O. 1990, c. A.8, s. 23 (2).

Limitation

(3) An application under subsection (1) shall not be considered unless, in the Minister's opinion,

- (a) the aggregate is required for a project of road construction or road maintenance;
- (b) the aggregate is to be obtained from outside the limits of the right of way of the highway; and
- (c) adequate provision can be made as conditions of the permit to ensure a method of operation and rehabilitation so as to cause only a temporary inconvenience to the public. R.S.O. 1990, c. A.8, s. 23 (3); 1996, c. 30, s. 19 (2).

Requirements for permit

(4) Every application for a wayside permit shall be accompanied by five copies of the site plan referred to in section 25. R.S.O. 1990, c. A.8, s. 23 (4).

Additional information

(5) The Minister may require an applicant for a wayside permit to furnish additional information in such form and manner as is considered necessary, and, until the information is furnished, further consideration of the application may be refused. R.S.O. 1990, c. A.8, s. 23 (5).

Procedure

(6) If an application for a wayside permit complies with this Act and the regulations, the Minister shall require the applicant to comply with the prescribed notification and consultation procedures. 1996, c. 30, s. 19 (3).

24. Repealed: 1996, c. 30, s. 20.

Site plans for wayside permits

25. (1) The site plan accompanying an application for a wayside permit shall be in accordance with the regulations. 1996, c. 30, s. 21.

(2) Repealed: 1996, c. 30, s. 21.

Property of the Crown

(3) Every site plan submitted with an application under this section becomes the property of the Crown upon the permit applied for being issued. R.S.O. 1990, c. A.8, s. 25 (3).

Matters to be considered by Minister

26. The Minister in considering whether to issue or refuse a wayside permit shall have regard to,

- (a) any comments provided by the municipalities in which the site is located;
- (b) the effect of the operation of the pit or quarry on the environment and nearby communities;
- (c) the amount of aggregate estimated to be removed from the site;
- (d) the estimated cost of the aggregate for the project as compared with that from any alternative source of supply;
- (e) the proper management of the aggregate resources of the area;
- (f) any previous wayside permits for the site and adjacent lands;
- (g) the rehabilitation of the site and its compatibility with adjacent land;
- (h) any possible effects on ground and surface water resources;
- (i) any proposed aesthetic improvements to the landscape;
- (j) the main haulage routes and proposed truck traffic to and from the site; and
- (k) such other matters as are considered appropriate. R.S.O. 1990, c. A.8, s. 26.

Where wayside permits prevail over zoning by-laws

27. (1) The Minister may in his or her discretion issue a wayside permit even if the location of the site contravenes a zoning by-law; in that case, the by-law does not apply to the site while the permit is in force. 1996, c. 30, s. 22.

Limitation

(2) No wayside permit shall be issued if the issuance will result in more than one wayside permit for one site at any time. R.S.O. 1990, c. A.8, s. 27 (2).

Niagara Escarpment Planning Area

(3) Despite subsection (1), no wayside permit shall be issued for a site in the Niagara Escarpment Planning Area, as defined in the *Niagara Escarpment Planning and Development Act*, unless the location of the site complies with a development permit issued under that Act. R.S.O. 1990, c. A.8, s. 27 (3).

Exception

(4) Despite subsection (1), no wayside permit shall be issued for a site zoned and developed for residential use or zoned as an area having particular environmental sensitivity. R.S.O. 1990, c. A.8, s. 27 (4).

Regulations limiting issuance

(5) The Lieutenant Governor in Council may make regulations governing and limiting the issuance of wayside permits. R.S.O. 1990, c. A.8, s. 27 (5).

Copies to municipalities

28. If a wayside permit is issued, the permittee shall serve a copy of the permit and a copy of the final site plan on the clerk of each municipality in which the site is located. 1996, c. 30, s. 23; 2002, c. 17, Sched. F, Table.

Duties of permittees

29. Every wayside permittee shall operate the permittee's pit or quarry in accordance with this Act, the regulations, the site plan and the conditions of the permit. R.S.O. 1990, c. A.8, s. 29.

Conditions on permit and amendment of site plan

30. (1) When a wayside permit is issued, the Minister may include in it such conditions as he or she considers necessary. 1996, c. 30, s. 24.

Variation of conditions

(2) The Minister may, at any time, add a condition to a wayside permit or rescind or vary any condition of a wayside permit. R.S.O. 1990, c. A.8, s. 30 (2).

Amendment of site plans

(3) The Minister may at any time require a wayside permittee to amend the site plan. 2000, c. 26, Sched. L, s. 1 (2).

Same

(4) A wayside permittee may amend the site plan at any time with the approval in writing of the Minister. 2000, c. 26, Sched. L, s. 1 (2).

Notice to municipalities

(5) The Minister, after taking any action under subsection (2), (3) or (4), shall serve notice of what he or she has done, including reasons, on the permittee and, where applicable, on the clerk of each municipality in which the site is located for their information. 2000, c. 26, Sched. L, s. 1 (2); 2002, c. 17, Sched. F, Table.

Expiration of permit

31. (1) A wayside permit expires on the completion of the project in respect of which it was issued or eighteen months after its date of issue, whichever occurs first. R.S.O. 1990, c. A.8, s. 31.

Extension

(2) The Minister may, before a wayside permit expires, extend the expiration date if the project has not been completed and requires more aggregate from the same site. 2000, c. 26, Sched. L, s. 1 (3).

Fee

31.1 (1) The holder of a wayside permit shall pay the prescribed fee within such time as may be specified by the Minister. 1996, c. 30, s. 25.

Payment to Trust

(2) The fee shall be paid to the Aggregate Resources Trust. 1996, c. 30, s. 25.

Suspension or revocation

32. (1) The Minister may, at any time, suspend or revoke a wayside permit for any contravention of this Act, the regulations, the site plan or the conditions of the permit, effective as soon as the notice mentioned in subsection (2) is served upon the permittee. R.S.O. 1990, c. A.8, s. 32 (1); 1996, c. 30, s. 26 (1).

Notice to municipalities

(2) Notice of suspension or revocation of a permit, including reasons therefor, shall be served upon the permittee and, where applicable, upon the clerk of each municipality in which the site is located for their information. R.S.O. 1990, c. A.8, s. 32 (2); 2002, c. 17, Sched. F, Table.

(3) Repealed: 1996, c. 30, s. 26 (2).

Suspension — further particulars of notice

(4) The notice mentioned in subsection (2) shall inform the permittee of the period of the suspension, of the action the permittee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the permittee has complied with the notice to the satisfaction of the Minister, and that, if the permittee does not comply with the notice within the period of the suspension, the Minister may revoke the permit. R.S.O. 1990, c. A.8, s. 32 (4).

Suspension — consequence of no remedial action

(5) If a permittee whose permit has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the permit. R.S.O. 1990, c. A.8, s. 32 (5).

Delegation

32.1 (1) The Minister may authorize any employee or class of employees of the Ministry of Transportation to exercise any power or perform any duty that is granted to or vested in the Minister under this Part. 1996, c. 30, s. 27.

Limitations

(2) The Minister may limit an authorization made under subsection (1) in such manner as he or she considers advisable. 1996, c. 30, s. 27.

PART IV (S. 33) REPEALED: 1996, C. 30, S. 28.

PART V AGGREGATE PERMITS

Aggregate permits

34. (1) No person shall, except under the authority of and in accordance with an aggregate permit, operate a pit or quarry,

- (a) to excavate aggregate or topsoil that is on land the surface rights of which are the property of the Crown, even if the surface rights are leased to another person;
- (b) to excavate aggregate or topsoil that is the property of the Crown from land under water;
- (c) to excavate aggregate or topsoil that is the property of the Crown in a part of Ontario that is not designated under section 5; or
- (d) to excavate aggregate that is not the property of the Crown from land under water. R.S.O. 1990, c. A.8, s. 34 (1); 1996, c. 30, s. 29 (1).

Idem

(2) The excavation of aggregate or topsoil resulting from non-aggregate mineral extraction from a placer deposit is considered to be the operation of a pit for the purpose of subsection (1). R.S.O. 1990, c. A.8, s. 34 (2).

Idem

(3) The removal from the site of stockpiled aggregate or topsoil that is the property of the Crown and was excavated under an aggregate permit is considered to be the operation of a pit for the purpose of subsection (1). R.S.O. 1990, c. A.8, s. 34 (3).

Applications for aggregate permits

(4) Any person may apply to the Minister for an aggregate permit to operate a pit or quarry. R.S.O. 1990, c. A.8, s. 34 (4); 1996, c. 30, s. 29 (2).

Application fee

(4.1) The Minister may establish and charge a fee for each application under subsection (4). 1996, c. 30, s. 29 (3).

Waiver of fee

(4.2) The Minister may waive the requirement to pay an application fee. 1996, c. 30, s. 29 (3).

When a licence is required instead of an aggregate permit

(5) A person who, except for this subsection, would apply for an aggregate permit shall apply for a licence if,

- (a) the site is in a part of Ontario designated under section 5;
- (b) the site is partly on land the surface rights of which are the property of the Crown and partly on land the surface rights of which are not the property of the Crown; and
- (c) the Minister directs the person in writing to apply for a licence. R.S.O. 1990, c. A.8, s. 34 (5).

(6) Repealed: 2000, c. 26, Sched. L, s. 1 (4).

Exemption

(7) Subsection (1) does not apply in respect of land that is subject to a resource management plan or similar document under another Act administered by the Minister, if the person,

- (a) is exempted from subsection (1) by the Minister; or
- (b) belongs to a class of persons exempted from subsection (1) by the regulations. 1996, c. 30, s. 29 (4).

Same

(8) A person who is exempted from subsection (1) by subsection (7) shall operate the pit or quarry in accordance with the regulations. 1996, c. 30, s. 29 (4).

35. Repealed: 1996, c. 30, s. 30.

Site plan

36. (1) Every application for an aggregate permit shall include a site plan in accordance with the regulations. 1996, c. 30, s. 31.

Additional information

(2) The Minister may require an applicant for an aggregate permit to furnish additional information in such form and manner as is considered necessary, and, until the information is furnished, further consideration of the application may be refused. 1996, c. 30, s. 31.

(3) Repealed: 1996, c. 30, s. 31.

(4) Repealed: 1996, c. 30, s. 31.

(5) Repealed: 1996, c. 30, s. 31.

(6) Repealed: 1996, c. 30, s. 31.

(7) Repealed: 1996, c. 30, s. 31.

(8) Repealed: 1996, c. 30, s. 31.

Plans property of the Crown

(9) Every site plan submitted with an application under this section becomes the property of the Crown upon the aggregate permit applied for being issued. R.S.O. 1990, c. A.8, s. 36 (9).

Limitation

36.1 No aggregate permit shall be issued for sand and gravel if the sand and gravel has been included in a placer mining claim under the *Mining Act*, unless the non-aggregate mineral has been removed from the placer deposit. 1996, c. 30, s. 32.

Conditions on permit and amendment of site plan

37. (1) When an aggregate permit is issued, the Minister may include in the permit such conditions as the Minister considers necessary. 1996, c. 30, s. 33.

(2) Repealed: 1996, c. 30, s. 33.

(3) Repealed: 1996, c. 30, s. 33.

(4) Repealed: 1996, c. 30, s. 33.

(5) Repealed: 1996, c. 30, s. 33.

Changes in conditions

(6) The Minister may at any time add a condition to an aggregate permit or rescind or vary any condition of such a permit. R.S.O. 1990, c. A.8, s. 37 (6).

Amendment of site plans

(7) Subject to sections 43 and 44, the Minister may at any time require an aggregate permittee to amend the site plan. R.S.O. 1990, c. A.8, s. 37 (7).

Idem

(8) An aggregate permittee may amend the site plan at any time with the approval in writing of the Minister. R.S.O. 1990, c. A.8, s. 37 (8).

Annual permit fee

37.1 (1) Every holder of an aggregate permit shall pay an annual permit fee in the prescribed amount within the prescribed time. 1996, c. 30, s. 34.

Payments to Trust

(2) The annual permit fee shall be paid to the Aggregate Resources Trust. 1996, c. 30, s. 34.

Waiver of fee

(3) The Minister may waive the requirement to pay an annual permit fee. 1996, c. 30, s. 34.

Public authority

38. The Minister, if of the opinion that it is in the public interest, may authorize a public authority with a project that requires aggregate or topsoil or any person who has a contract with a public authority for such a project to excavate and remove undisturbed aggregate or topsoil in the ground that is the property of the Crown from a site that is subject to an aggregate permit. R.S.O. 1990, c. A.8, s. 38.

39. Repealed: 1996, c. 30, s. 35.

Duties of permittees

40. Every aggregate permittee shall carry on the operation in accordance with this Act, the regulations, the site plan, if any, and the conditions of the permit. R.S.O. 1990, c. A.8, s. 40.

Annual compliance report

40.1 (1) Every holder of an aggregate permit shall, in accordance with the regulations, submit an annual report to the Minister for the purpose of assessing the permittee's compliance with this Act, the regulations, the site plan and the conditions of the permit. 1996, c. 30, s. 36.

Copy for municipality

(2) The permittee shall give a copy of the report to the clerk of each municipality in which the site is located. 1996, c. 30, s. 36; 2002, c. 17, Sched. F, Table.

Retention of reports

(3) The permittee shall retain a copy of every report submitted under this section during the term of the permit. 1996, c. 30, s. 36.

Examination

(4) Any person may examine an annual compliance report during the Ministry's normal office hours and, on payment of such fee as may be established by the Minister, the person is entitled to a copy of the report. 1996, c. 30, s. 36.

Disclosure of contravention

(5) If an annual compliance report discloses a contravention of this Act, the regulations, the site plan or the conditions of the permit,

(a) the permittee shall,

(i) within a period of 90 days after the report is submitted to the Minister or within such longer period as may be specified by the Minister, take such steps as may be necessary to remedy the contravention, and

(ii) immediately stop the doing of any act that forms part of the contravention; and

(b) if the permittee complies with subclause (a) (ii), no prosecution shall be commenced in respect of the contravention, and no notice may be served by the Minister under clause 43 (1) (b) or section 45 in respect of the contravention,

(i) during the period described in subclause (a) (i), or

(ii) after the period described in subclause (a) (i), if the permittee complies with subclause (a) (i) within that period. 1996, c. 30, s. 36.

Suspension of permit

(6) A permit shall be deemed to have been suspended if,

(a) the permittee fails to submit an annual compliance report in accordance with this section; or

(b) the permittee's annual compliance report discloses a contravention of this Act, the regulations, the site plan or the conditions of the permit and the permittee fails to comply with subclause (5) (a) (i) or (ii). 1996, c. 30, s. 36.

Reinstatement; failure to submit

(7) A permit that was deemed to have been suspended under clause (6) (a) shall be deemed to be reinstated if the permittee submits the annual compliance report to the Minister. 1996, c. 30, s. 36.

Reinstatement; failure to comply with cl. (5) (a)

(8) A permit that was deemed to have been suspended under clause (6) (b) shall be deemed to be reinstated if the permittee,

(a) takes such steps as are necessary to remedy the contravention that was disclosed in the annual compliance report, if the permittee failed to comply with subclause (5) (a) (i); or

(b) stops the doing of the act that formed part of the contravention, if the permittee failed to comply with subclause (5) (a) (ii). 1996, c. 30, s. 36.

Transfer of permit

41. On application and on payment of such fee as may be established by the Minister, the Minister may transfer an aggregate permit. 1996, c. 30, s. 37.

Surrender of permit

41.1 The Minister may accept the surrender of an aggregate permit on being satisfied that the permittee's annual aggregate permit fees and rehabilitation security payments, and special payments if applicable, have been paid and that the rehabilitation has been performed in accordance with this Act, the regulations, the site plan, if any, and the conditions of the permit. 1996, c. 30, s. 37.

Revocation, refusal to issue or transfer

42. The Minister may,

(a) refuse to issue an aggregate permit;

(b) refuse to transfer an aggregate permit; or

(c) revoke an aggregate permit,

if,

(d) the Minister considers the issuance, transfer or continuation of the permit to be contrary to the public interest;

(e) in the opinion of the Minister, a substantial amount of aggregate or topsoil has not been removed from the site under the permit during the previous twelve months; or

(f) the permittee has contravened this Act, the regulations, a site plan or a condition to which the permit is subject. R.S.O. 1990, c. A.8, s. 42; 1996, c. 30, s. 38.

Notice to applicant or permittee

43. (1) If the Minister,

- (a) refuses to issue an aggregate permit to excavate aggregate or topsoil that is not the property of the Crown;
- (b) revokes an aggregate permit;
- (c) Repealed: 1996, c. 30, s. 39 (1).
- (d) Repealed: 1996, c. 30, s. 39 (1).
- (e) proposes to add, rescind or vary a condition of an aggregate permit; or
- (f) proposes to require the amendment of a site plan,

the Minister shall serve forthwith notice thereof including the reasons therefor upon the applicant or permittee. R.S.O. 1990, c. A.8, s. 43 (1); 1996, c. 30, s. 39 (1).

Time of taking effect

(2) Any action of the Minister under clause (1) (a) or (b) is effective as soon as the notice is served upon the applicant or permittee and, despite the fact that the applicant or permittee requires a hearing by the Commissioner, remains effective until the Minister takes action under subsection 44 (5). R.S.O. 1990, c. A.8, s. 43 (2); 1996, c. 30, s. 39 (2).

No action until 30 days elapsed

(3) The Minister shall take no action proposed under clause (1) (e) or (f) until the thirty days referred to in subsection 44(1) have elapsed. R.S.O. 1990, c. A.8, s. 43 (3); 1996, c. 30, s. 39 (3).

Where no hearing

(4) The Minister may carry out a proposal under clause (1) (e) or (f) if the proposal is not referred to the Commissioner. R.S.O. 1990, c. A.8, s. 43 (4); 1996, c. 30, s. 39 (4).

Hearing

44. (1) An applicant or aggregate permittee who is served with a notice mentioned in subsection 43(1) is entitled to a hearing by the Commissioner if the applicant or permittee, within thirty days after being served, serves the Minister with a notice that a hearing is required. R.S.O. 1990, c. A.8, s. 44 (1).

Application

(1.1) Subsection (1) does not apply if the permit is being revoked because of the contravention of section 37.1 or subsection 46 (2). 1996, c. 30, s. 40.

Hearing

(2) The Minister, if served with a notice under subsection (1), shall, within thirty days after being served, refer the matter to the Commissioner for a hearing. R.S.O. 1990, c. A.8, s. 44 (2).

Recommendation by Commissioner

(3) The Commissioner shall hold a hearing on a matter referred under subsection (2) and, after the hearing, make a recommendation to the Minister. R.S.O. 1990, c. A.8, s. 44 (3).

Idem

(4) The Commissioner shall specify the parties to the hearing. R.S.O. 1990, c. A.8, s. 44 (4).

Decision by Minister

(5) After considering the recommendation of the Commissioner, the Minister may take such action as the Minister considers appropriate and shall serve notice of the decision on the parties to the hearing. R.S.O. 1990, c. A.8, s. 44 (5).

Decision final

(6) The decision of the Minister is final. R.S.O. 1990, c. A.8, s. 44 (6).

Suspension of permit and revocation

45. (1) The Minister may suspend an aggregate permit for any period of time,

(a) for any contravention of this Act, the regulations, the site plan or the conditions of the permit; or

(b) if, in the opinion of the Minister, the continuation of the operation under the permit will likely cause damage to property or is contrary to the public interest. R.S.O. 1990, c. A.8, s. 45 (1); 1996, c. 30, s. 41.

Time of taking effect

(2) The suspension shall be effective as soon as the required notice is served upon the permittee. R.S.O. 1990, c. A.8, s. 45 (2).

Notice of suspension

(3) Notice of a suspension of an aggregate permit, including the reasons therefor, shall be served upon the permittee. R.S.O. 1990, c. A.8, s. 45 (3).

Further particulars of notice

(4) The notice of suspension shall inform the aggregate permittee of the period of the suspension, of the action the permittee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the permittee has complied with the notice to the satisfaction of the Minister, and that, if the permittee does not comply with the notice within the period of the suspension, the Minister may revoke the permit. R.S.O. 1990, c. A.8, s. 45 (4).

Revocation

(5) If a permittee whose aggregate permit has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the aggregate permit, in which case sections 43 and 44 apply. R.S.O. 1990, c. A.8, s. 45 (5).

Royalties

46. (1) The Minister shall determine the royalty per tonne that each aggregate permittee removing from the site aggregate or topsoil that is property of the Crown must pay, but in no case shall the royalty be less than the prescribed minimum royalty, and, in determining the royalty, the Minister shall have regard to the location, quantity, type and accessibility of the aggregate or topsoil and its intended use. R.S.O. 1990, c. A.8, s. 46 (1).

Return

(2) Every aggregate permittee shall make a return, in accordance with the regulations, to the Aggregate Resources Trust showing the quantity of material removed from the site. 2006, c. 19, Sched. P, s. 1 (3).

Payment of royalty

(2.1) Every aggregate permittee shall pay the royalty payment required under subsection (1) to the Aggregate Resources Trust at the same time as the annual permit fee. 2006, c. 19, Sched. P, s. 1 (3).

Deposit

(3) The Minister may require an aggregate permittee to pay a deposit to the Aggregate Resources Trust, in an amount determined by the Minister, for the payment of any royalty that is due or that may become due under subsection (1). 1996, c. 30, s. 42.

(4) Repealed: 1996, c. 30, s. 42.

Exemption from royalty payment

(5) No royalty is payable by an aggregate permittee,

(a) who is exempted from payment by the Minister; or

(b) who belongs to a class of permittees exempted from payment by the regulations. R.S.O. 1990, c. A.8, s. 46 (5).

Licensee removing Crown aggregate or topsoil pays royalties

(6) Subsections (1) to (5) apply to a licensee who removes from the site aggregate or topsoil that is the property of the Crown as if the references to “aggregate permittee” were references to “licensee”. R.S.O. 1990, c. A.8, s. 46 (6).

Delegation

46.1 (1) The Minister may authorize any employee or class of employees of the Ministry of Transportation to exercise any power or perform any duty that is granted to or vested in the Minister under this Part. 1996, c. 30, s. 43.

Limitations

(2) The Minister may limit an authorization made under subsection (1) in such manner as he or she considers advisable. 1996, c. 30, s. 43.

PART VI REHABILITATION

Application of Part

47. This Part does not apply to a pit or quarry or part thereof that is covered by water that is not the result of excavation of aggregate below the water table. R.S.O. 1990, c. A.8, s. 47.

Duty to rehabilitate site

48. (1) Every licensee and every permittee shall perform progressive rehabilitation and final rehabilitation on the site in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit to the satisfaction of the Minister. R.S.O. 1990, c. A.8, s. 48 (1).

Minister's order requiring rehabilitation

(2) On being satisfied that a person is not performing or did not perform adequate progressive rehabilitation or final rehabilitation on the site in accordance with subsection (1), the Minister may order the person to perform, within a specified period of time, such progressive rehabilitation or final rehabilitation as the Minister considers necessary, and the person shall comply with the order. 2000, c. 26, Sched. L, s. 1 (5).

49. Repealed: 1999, c. 12, Sched. N, s. 1 (2).

Rehabilitation security payments

50. (1) Licensees and permittees shall make rehabilitation security payments in the prescribed amounts and within the prescribed times. 1996, c. 30, s. 45.

Newly designated lands, special payments

(2) When a regulation is made under subsection 5 (2) designating a part of Ontario that was not previously designated, the Lieutenant Governor in Council may, by a regulation made at the same time as the regulation under subsection 5 (2), require the holders of licences and permits relating to sites in the newly designated area to make special payments, in the prescribed amounts and within the prescribed times, in addition to their rehabilitation security payments. 1996, c. 30, s. 45.

Payments to Trust

(3) Rehabilitation security payments and special payments shall be paid to the Aggregate Resources Trust. 1996, c. 30, s. 45.

51. Repealed: 1996, c. 30, s. 45.

52. Repealed: 1996, c. 30, s. 45.

53. Repealed: 1996, c. 30, s. 45.

54. Repealed: 1996, c. 30, s. 45.

Entry upon site for rehabilitation

55. (1) A licensee, permittee, former licensee or former permittee who does not, without this subsection, have the right to enter upon a site not rehabilitated in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit may enter upon the site and perform such rehabilitation as the Minister considers necessary. R.S.O. 1990, c. A.8, s. 55 (1).

(2) Repealed: 1996, c. 30, s. 46.

56. Repealed: 1996, c. 30, s. 47.

PART VII OFFENCES AND PENALTIES

Offences

57. (1) Every person who operates a pit or quarry except under the authority of a licence or permit is guilty of an offence. R.S.O. 1990, c. A.8, s. 57 (1).

Application

(1.1) Subsection (1) does not apply if the person is authorized by subsection 34 (7) to operate the pit or quarry without an aggregate permit. 1996, c. 30, s. 48.

Contravention of licence, permit or site plan

(2) Every person who contravenes or permits the contravention of the site plan or a condition of the licence or permit is guilty of an offence. R.S.O. 1990, c. A.8, s. 57 (2).

Contravention of Act or regulations

(3) Every person who contravenes this Act or the regulations is guilty of an offence. R.S.O. 1990, c. A.8, s. 57 (3).

Contravention of inspector's order

(3.1) Every person who contravenes or fails to comply with an inspector's order under this Act is guilty of an offence. 2006, c. 19, Sched. P, s. 1 (4).

Obstruction of inspectors

(4) Every person who hinders or obstructs an inspector in the performance of the inspector's duties or furnishes the inspector with false information or refuses to furnish the inspector with information is guilty of an offence. R.S.O. 1990, c. A.8, s. 57 (4).

Penalty

58. (1) Every person who commits an offence under section 57 is liable on conviction to a fine of not less than \$500 and not more than \$30,000 for each day on which the offence occurs or continues. R.S.O. 1990, c. A.8, s. 58 (1); 1996, c. 30, s. 49.

Penalty increased by monetary benefit

(2) The maximum fine provided under subsection (1) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the convicted person as a result of the commission of the offence. R.S.O. 1990, c. A.8, s. 58 (2).

Order for compliance

59. In any prosecution under this Act, the court may, in addition to imposing a fine under section 58, make such order as the court considers proper to obtain compliance with this Act, the regulations, the site plan or any condition of a licence or permit. R.S.O. 1990, c. A.8, s. 59.

Limitation period

59.1 A proceeding in respect of an offence under section 57 shall not be commenced more than five years after the date on which the offence was, or is alleged to have been, committed. 1996, c. 30, s. 50.

PART VIII (SS. 60 AND 61) REPEALED: 1996, C. 30, S. 51.

PART IX MISCELLANEOUS

Record keeping

62. (1) Every licensee and permittee shall keep, for a period of seven years, detailed records of the operation for which the licence or permit has been issued, including copies of all documents relating to quantities of material removed from the site, inventories of material on the site, sales and shipments. 2006, c. 19, Sched. P, s. 1 (5).

Inspection of records

(2) Every licensee or permittee shall make available for inspection by any person authorized for the purpose of this Act all the records required to be kept under subsection (1). R.S.O. 1990, c. A.8, s. 62 (2).

Change of name or address

62.1 Every licensee and every permittee shall give notice in writing to the Minister and to the Aggregate Resources Trust of any change in the name or address of the licensee or permittee within 14 business days after the change. 2000, c. 26, Sched. L, s. 1 (6).

Inspector's order for compliance

63. (1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he or she may give to the licensee or permittee or to the person whom the inspector believes to be the contravener, his or her supervisor or foreman, or any of them, an order in writing directing compliance with the provision and may require the order to be carried out forthwith or within such time as the inspector specifies. 2006, c. 19, Sched. P, s. 1 (6).

Same

(2) Where an inspector gives an order under this section on finding that a pit or quarry is being operated without a licence or permit in contravention of this Act, he or she may order that the operation of the pit or quarry cease and that the site be rehabilitated to a safe condition in accordance with the order. 2006, c. 19, Sched. P, s. 1 (6).

Sufficient information

(3) Where an inspector gives an order under this section, the order shall contain sufficient information to specify the nature of the contravention. 2006, c. 19, Sched. P, s. 1 (6).

Appeal from inspector

63.1 (1) Any person who considers himself, herself or itself aggrieved by an order of an inspector made under section 63 may appeal to the Minister within 30 days after the order is made, by giving the Minister a written notice setting out the grounds for the appeal. 2006, c. 19, Sched. P, s. 1 (6).

Minister's designee

(2) The Minister may designate any person as the Minister's designee for the purpose of disposing of an appeal under this section. 2006, c. 19, Sched. P, s. 1 (6).

Dismissal of appeal without hearing

(3) Subject to subsection (6), the Minister's designee may dismiss an appeal under this section without a hearing if,

- (a) the appeal is frivolous or vexatious or is commenced in bad faith; or
- (b) any of the statutory requirements for bringing the appeal has not been met. 2006, c. 19, Sched. P, s. 1 (6).

Notice

(4) Before dismissing the appeal, the Minister's designee shall give the appellant a written notice setting out,

- (a) the designee's intention to dismiss the appeal;
- (b) the reasons for the dismissal; and
- (c) the appellant's right to make written submissions to the designee with respect to the dismissal within the time specified in the notice. 2006, c. 19, Sched. P, s. 1 (6).

Right to make submissions

(5) An appellant who receives a notice under subsection (4) may make written submissions to the designee with respect to the dismissal within the time specified in the notice. 2006, c. 19, Sched. P, s. 1 (6).

Dismissal

(6) The designee shall not dismiss the appeal until he or she has given notice under subsection (4) and considered the submissions, if any, made under subsection (5). 2006, c. 19, Sched. P, s. 1 (6).

Powers after hearing

(7) If the designee hears an appeal under this section, the designee may substitute his or her findings or opinions for those of the inspector who made the order appealed from, and may,

- (a) make an order rescinding the inspector's order;
- (b) make an order affirming the inspector's order; or
- (c) make a new order in substitution for the inspector's order. 2006, c. 19, Sched. P, s. 1 (6).

Effect of Minister's order

(8) The designee's order under subsection (7) stands in place of and has the same effect as the inspector's order. 2006, c. 19, Sched. P, s. 1 (6).

Operation of inspector's order pending appeal

(9) The bringing of an appeal under this section does not affect the operation of the order appealed from pending disposition of the appeal. 2006, c. 19, Sched. P, s. 1 (6).

Non-application

(10) The *Statutory Powers Procedure Act* does not apply to appeals under this section. 2006, c. 19, Sched. P, s. 1 (6).

Guidelines and fees

(11) The Minister may establish guidelines and charge fees with respect to appeals under this section. 2006, c. 19, Sched. P, s. 1 (6).

Service of notices

64. (1) Any notice required to be served under this Act or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person upon whom service is to be made at the last address for service appearing on the records of the Ministry. R.S.O. 1990, c. A.8, s. 64 (1).

Idem

(2) Service made by registered mail shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that the person did not, acting in good faith, and for cause beyond that person's control, receive the notice until a later date. R.S.O. 1990, c. A.8, s. 64 (2).

Joint effect

65. This Act and the regulations are in addition to and not in substitution for regulations made under the *Occupational Health and Safety Act* respecting mines and mining plants or any provisions substituted therefor at any time. R.S.O. 1990, c. A.8, s. 65.

Act overrides municipal by-laws, etc.

66. (1) This Act, the regulations and the provisions of licences and site plans apply despite any municipal by-law, official plan or development agreement and, to the extent that a municipal by-law, official plan or development agreement deals with the same subject-matter as this Act, the regulations or the provisions of a licence or site plan, the by-law, official plan or development agreement is inoperative. 1999, c. 12, Sched. N, s. 1 (4).

Same

(2) Subsection (1) applies even if the by-law, official plan or development agreement came into force before the day subsection 1 (4) of Schedule N to the *Red Tape Reduction Act, 1999* came into force. 1999, c. 12, Sched. N, s. 1 (4).

Power to pass by-laws restricted

(3) Except as provided in paragraph 142 of section 210 of the *Municipal Act*, being chapter M.45 of the Revised Statutes of Ontario, 1990, as that paragraph read immediately before its repeal by the *Municipal Act, 2001*, no by-law passed under that Act may prohibit or require a licence for the carrying on or operating of a pit or quarry or wayside pit or quarry. 1999, c. 12, Sched. N, s. 1 (4); 2002, c. 17, Sched. F, Table.

Same

(4) Subsection (3) applies even if the by-law came into force before the day subsection 1 (4) of Schedule N to the *Red Tape Reduction Act, 1999* came into force. 1999, c. 12, Sched. N, s. 1 (4).

No requirement for development permit under *Planning Act*

(5) A requirement for a development permit imposed by a development permit system established under subsection 70.2 (1) of the *Planning Act* does not apply to a site for which a licence or permit has been issued under this Act. 1996, c. 30, s. 52.

Retroactivity

(6) Subsection (5) applies even if the development permit system came into effect before the coming into force of section 52 of the *Aggregate and Petroleum Resources Statute Law Amendment Act, 1996*. 1996, c. 30, s. 52.

Regulations

67.(1) The Lieutenant Governor in Council may make regulations,

- (a) respecting the management of the aggregate resources of Ontario;
- (b) prescribing material as aggregate;
 - (b.1) prescribing material as not being rock;
- (c) prescribing duties of inspectors;
- (d) governing applications for licences and permits, including their contents, form and preparation;
- (e) governing site plans, including their contents, form and preparation;
- (f) governing reports under subsection 9 (1), including their contents, form and preparation;
 - (f.1) prescribing notification and consultation procedures associated with applications for the issuance or transfer of licences or permits;
 - (f.2) prescribing conditions that apply to licences or permits;
 - (f.3) prescribing the amounts or the method of determining the amounts of annual licence fees, wayside permit fees, annual permit fees, rehabilitation security payments and special payments, and prescribing the times within which they shall be paid;
 - (f.4) requiring interest to be paid on any amount required to be paid under this Act that is not paid or is not paid within the required time, and prescribing the rate of interest;
 - (f.5) requiring and governing the payment to the Crown in right of Ontario and to municipalities of specified portions of the annual licence fees, wayside permit fees, annual permit fees and royalties paid to the Aggregate Resources Trust, and specifying the portions;
- (g) requiring and providing for the records and information that must be kept and returns that must be filed by municipalities to which fees are disbursed;
- (h) prescribing the percentage of the total of the annual licence fees and wayside permit fees collected that may be allocated to the purposes of rehabilitation and research, as described in paragraphs 1, 2 and 3 of subsection 6.1 (2);
 - (h.1) exempting a class or classes of persons from subsection 34 (1);
- (i) respecting the control and operation of pits and quarries;
- (j) prescribing the minimum royalty for aggregate that is the property of the Crown and providing for the payment thereof;
- (k) exempting a class or classes of aggregate permittees from the payment of royalties;
- (l) Repealed: 1996, c. 30, s. 53 (3).

(m) governing the rehabilitation of pits and quarries;

(n) Repealed: 1996, c. 30, s. 53 (3).

(o) requiring and providing for the records and information that must be kept and returns that must be made by licensees and permittees;

(o.1) governing annual compliance reports required by sections 15.1 and 40.1, including their contents, form, preparation and submission;

(p) prescribing forms for the purposes of this Act and providing for their use;

(q) Repealed: 1996, c. 30, s. 53 (5).

(r) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act. R.S.O. 1990, c. A.8, s. 67; 1994, c. 27, s. 126 (3); 1996, c. 30, s. 53 (1-5); 2002, c. 17, Sched. F, Table.

General or particular

(2) A regulation made under this section may be general or particular in its application. 1996, c. 30, s. 53 (6).

Adoption by reference

(3) A regulation made under subsection (1) may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, standard or guideline, as it reads at the time the regulation is made or as amended from time to time. 1999, c. 12, Sched. N, s. 1 (5).

Relief from compliance

68. (1) The Minister, if of the opinion that it is not contrary to the public interest, may, in writing, relieve any licensee or permittee from compliance in whole or in part with the regulations. R.S.O. 1990, c. A.8, s. 68 (1).

Idem

(2) The relief granted under subsection (1) is subject to such conditions as are set out in the instrument giving it. R.S.O. 1990, c. A.8, s. 68 (2).

Idem

(3) The Minister may at any time rescind or vary any relief granted under subsection (1) upon written notice thereof to the licensee or permittee. R.S.O. 1990, c. A.8, s. 68 (3).

Notice

(4) The Minister, if the matter appears to warrant it, shall serve notice of a proposed relief under subsection (1), including reasons therefor, upon the clerk of each municipality in which the site is located for their information and comment. 2002, c. 17, Sched. F, Table.

Delay in relief

(5) The Minister may not grant relief until the Minister is served with comments by the municipalities or thirty days after service of the notice by the Minister, whichever occurs first. R.S.O. 1990, c. A.8, s. 68 (5).

Licence replacing licence or permit under previous Act

69. If a licensee is issued a licence to replace a licence or permit under the *Pits and Quarries Control Act*, being chapter 378 of the Revised Statutes of Ontario, 1980, ten copies of the site plan referred to in section 8 or such lesser number as the Minister indicates must be served upon the Minister within six months after the licensee has been served with a demand therefor by the Minister or by the 1st day of January, 1994, whichever occurs first. R.S.O. 1990, c. A.8, s. 69.

70. Repealed: 1996, c. 30, s. 54.

Pits and quarries in newly designated areas

71. (1) This Act and the regulations apply to every established pit and quarry in a part of Ontario designated under subsection 5 (2). R.S.O. 1990, c. A.8, s. 71 (1).

Determination by Minister in cases of doubt

(2) The Minister may, in his or her absolute discretion, determine, in cases where doubt exists, whether a pit or quarry is an established pit or quarry. R.S.O. 1990, c. A.8, s. 71 (2).

Right to operate for limited period without licence or permit

(3) Despite subsection 57 (1), a person with an established pit or quarry in a part of Ontario designated under subsection 5 (2) may continue to operate the pit or quarry without a licence or permit until the six-month period next following the date of the designation expires. R.S.O. 1990, c. A.8, s. 71 (3).

Right to operate for limited period without licence

(4) Despite subsection 57 (1), a person who applies for a licence during the six-month period following the day of the designation under subsection 5 (2) may operate an established pit or quarry without a licence,

- (a) if the Minister does not serve a notice on the applicant under subsection 12.1 (2), until the licence is issued or refused or until the 12-month period following the day of the designation expires, whichever occurs first;
- (b) if the Minister serves a notice on the applicant under subsection 12.1 (2), until the licence is issued or refused. 1996, c. 30, s. 55 (1).

Licence to be issued

(5) The Minister, if satisfied that the application under subsection (4) is in respect of an established pit or quarry and that the location of the land on which the pit or quarry is situate complies with all relevant zoning by-laws, shall issue a licence under this Act to the applicant even if the requirements of section 8 have not been met. R.S.O. 1990, c. A.8, s. 71 (5).

Site plans

(6) The licensee shall serve on the Minister copies of the site plan referred to in section 8 within six months after the Minister serves a demand for the copies on the licensee. 1996, c. 30, s. 55 (2).

Application

(7) Despite subsection (1), section 9, subsections 11 (1) to (8) and 11 (10) to (15), and section 12 do not apply to an application made under subsection (4). 1996, c. 30, s. 55 (2).

Same

(8) Despite subsection (1), subsections 11 (1) to (8) and 11 (10) to (15) do not apply to an application for an established pit or quarry made during the two-year period that follows the day of the designation. 1996, c. 30, s. 55 (2).

Waiver

(9) The Minister may waive the requirement for a report under section 9 for any application under subsection (8). R.S.O. 1990, c. A.8, s. 71 (9).

Person deemed licensee from date of designation

(10) For the purposes of this Act and the regulations, every person who has been issued a licence for an established pit or quarry in a part of Ontario that is designated under subsection 5 (2) shall be deemed to be a licensee from the date of the designation. R.S.O. 1990, c. A.8, s. 71 (10).

Quarrying near Niagara escarpment

72. (1) Subject to subsection (2), despite the fact that a licence or permit has been issued, no person shall operate a quarry nearer to the natural edge of the Niagara escarpment than 200 metres measured horizontally. R.S.O. 1990, c. A.8, s. 72 (1).

Idem

(2) No person holding a licence for a quarry under the *Pits and Quarries Control Act*, being chapter 378 of the Revised Statutes of Ontario, 1980, on the 1st day of January, 1990 and who is issued a licence for the quarry under this Act shall operate the quarry nearer to the natural edge of the Niagara escarpment than ninety metres measured horizontally. R.S.O. 1990, c. A.8, s. 72 (2).

Determination of natural edge

(3) For the purposes of subsection (1) or (2), the natural edge of the Niagara escarpment is the natural edge determined by the Minister. R.S.O. 1990, c. A.8, s. 72 (3).

Licence or permit prevails

73. For the purposes of section 27, if the location of a pit or quarry for which a licence or wayside permit has been issued contravenes a zoning by-law, the licence or permit prevails and the by-law does not apply to the site. R.S.O. 1990, c. A.8, s. 73.

Aggregate deemed removed

74. For the purposes of this Act, aggregate that is not removed from the site as aggregate but is used on the site,

- (a) in the manufacture of cement, concrete blocks, concrete pipes, bricks, asphalt, concrete mix or any other product; or
- (b) in the construction or maintenance of a structure or road, other than a road constructed primarily for the operation of a pit or quarry,

shall be deemed to have been removed from the site. R.S.O. 1990, c. A.8, s. 74.

Introduction-Category 2

These Standards¹ have been developed to support the Aggregate Resources Act as amended by Bill 52, the Aggregate and Petroleum Resources Statute Law Amendment Act, 1996. There are three main headings:

- 1) Licences - subdivided into eight categories with respect to Class 'A'. Class 'A' licence is to remove more than 20,000 tonnes of aggregate annually and a Class 'B' is to remove 20,000 tonnes or less of aggregate annually;
- 2) Aggregate permits - subdivided into six categories; and
- 3) Wayside Permits - one category.

These categories were developed to provide more concise, user friendly and understandable minimum requirements for the delivery of the Aggregate Resources Act.

Each category has a template of six major topics and all categories are developed to be proponent driven. The proponent will refer to the appropriate categories depending on the type of undertaking being contemplated. The reason for 15 categories is to reflect the numerous types of applications that can be applied for. In order to accomplish an easy-to-follow format, the standards and categories are repetitive in some cases or have slight modifications between categories based on whether the application is for a pit or quarry, and whether extraction will occur above or below the water table.

The enabling authority in Bill 52 allows for six major topic areas to be reflected in the standards. They are:

- ◆ Site Plan Standards;
- ◆ Report Standards;
- ◆ Prescribed Conditions;
- ◆ Notification and Consultation;
- ◆ Operational Standards; and
- ◆ Annual Compliance Reporting.

Each category includes Site Plan Standards, Report Standards, Prescribed Conditions and Notification and Consultation. Operational and Compliance Standards for all categories are found at the back of this document.

Site Plan Standards

These standards have been developed to reflect the type of undertaking: application for a licence (pit vs. quarry) or aggregate permit (pit vs. quarry). The site plan requirements are all encompassing for each category and no additional information will be required.

¹ These standards will apply only to sites which go through the licensing or permitting process subsequent to the proclamation of Bill 52. The exceptions are the Annual Compliance Report requirement and compliance with Operational Standards which will apply to existing licences and permits.

Report Standards

The report standards have two components: a summary statement and technical reports. All categories of applications are required to submit these reports. The author of these reports may be:

- 1) the applicant for summary statements where the applicant possesses the qualifications or experience; and
- 2) qualified individuals for the technical reports.

For very unique issues on a site specific basis, additional information to that identified in the Report Standards may be requested.

Prescribed Conditions

The prescribed conditions are conditions that pertain to the individual category and cannot be varied or rescinded by either the Minister or the Ontario Municipal Board. However, on a site-by-site basis, additional conditions can be attached to the licence or site plan at the discretion of the Board or Minister, however, these conditions do not form part of the prescribed conditions.

Notification and Consultation

These standards identify the required steps for a proponent to process an application once an application has been accepted by the Ministry. It will be a requirement of the applicant to ensure that all aspects of the standards have been met. Ministry staff will no longer be facilitating and guiding proponents through the process.

Operational Standards

These standards identify the day-to-day operational requirements that are not part of an existing site plan. If the site plan requirements already deal with the same factors but in a different way, the site plan provision prevails over these operational standards.

Annual Compliance Reporting

These standards place the responsibility of reporting non-compliance items and remedial work on the licensee and permittee to self-assess their operation on a yearly basis. The information gathered will be evaluated by the Ministry of Natural Resources to ensure compliance is being achieved. Although the “Guide to Completion of the Assessment Report” is not part of the standards, it is advisable to read this guide in order to assist in the completion of the assessment report.

Terminology & Definitions

For the purpose of these standards reference should be made to the Provincial Policy Statement (Revised February 1, 1997) issued under Section 3 of the Planning Act for definitions and terms used in the Natural Environment Level 1 and 2 and Archaeology Resources Stage 1, 2 and 3.

Established Groundwater Table For unconsolidated surficial deposits, the groundwater table is the surface of an unconfined water-bearing zone at which the fluid pressure in the unconsolidated medium is atmospheric. Generally the groundwater table is the top of the saturated zone.

For confined water bearing zones or consolidated bedrock materials, the groundwater table, or potentiometric surface, is a level that represents the fluid pressure in the water bearing zone and is generally defined by the level to which water will rise in a well.

Sensitive Receptor Includes residences or facilities where people sleep (nursing homes, hospitals, trailer parks, camping grounds, etc.); schools; day-care centres.

Mitigate To alleviate, moderate or reduce the severity of impacts.

Recommended References

When applying for a licence or aggregate permit and depending on the location of the proposed site, the applicant may wish to pre-consult with the affected agencies that will be involved.

In searching and/or preparing reports to accompany an application, reference should be made to the following documents and agencies:

- a) Provincial Policy Statement and Associated Training Manuals;
 - b) Zoning by-law(s);
 - c) Official Plan(s);
 - d) Environmental Protection Act;
 - e) Ontario Water Resources Act;
 - f) Conservation Authorities Act;
 - g) Niagara Escarpment Commission;
 - h) Guide to Completion of the Compliance Assessment Report for licences and aggregate permits;
 - i) Flow chart for the Notification and Consultation Standards for licences, aggregate permits, wayside permits, Category 13 and the annual compliance reporting;
 - j) MOEE Guidelines including:
 - MOEE Guideline NPC-205, Sound Level Limits for Stationary Sources in Class 1 & 2 Areas (Urban);
 - MOEE Guideline NPC-232, Sound Level Limits for Stationary Sources in Class 3 Areas (Rural);
 - MOEE Guideline NPC-233, Information to be Submitted for Approval of Stationary Sources of Sound;
 - MOEE Guideline NPC-119, Blasting.
- The above list serves only as a guide and should not be interpreted as all-inclusive.
- k) Provincial and Federal references to endangered species;
 - l) Federal Fisheries Act and Associated Guidelines;
 - m) Environmental Assessment Act and Exemptions.

For further enquiries, please contact:

Ministry of Natural Resources
Aggregate and Petroleum Resources Section
P.O. Box 7000
Peterborough, Ontario K9J 8M5
Telephone: (705) 755-1258
Fax: (705) 755-1206

Application Standards for

Category 2: Class “A” licence for a quarry operation which intends to extract aggregate material from below the established groundwater table.

- ◆ Application Standards
 - ◇ Site Plan Standards
 - ◇ Report Standards
- ◆ Prescribed Conditions
- ◆ Notification and Consultation Standards

Category 2

1.0 Site Plan Standards for Below Groundwater Extraction of Quarry Operations

The site plan accompanying an application for a Class A quarry licence which intends to extract aggregate material from below the established groundwater table must show the following information on at least three separate drawings using a combination of the headings identified. Two (2) copies of the site plan and reports must be submitted with the application:

1.1 Existing Features

- 1.1.1 each drawing must be numbered and indicate the total number of drawings submitted (e.g. 1 of 4);
- 1.1.2 a key map showing the location of the quarry site;
- 1.1.3 a general description of the site by lot and concession, if any, and the municipality, county or the region where the quarry is located;
- 1.1.4 a scale reference using both ratio and graphic methods between a scale of 1:1000 and 1:5000;
- 1.1.5 applicant's name and address;
- 1.1.6 a statement that "this site plan is prepared under the Aggregate Resources Act for a Class A licence, Category 2";
- 1.1.7 a stamp and signature of a Professional Engineer, Ontario Land Surveyor, Landscape Architect or signature of other qualified person as approved under subsection 8(4) of the Aggregate Resources Act under whose direction this plan was prepared and certified;
- 1.1.8 north arrow, normally pointing towards the top of the page;
- 1.1.9 a section for recording site plan amendments, including approval dates;
- 1.1.10 a list of references which apply specifically to the preparation of the site plan;
- 1.1.11 a legend;
- 1.1.12 the boundary of the area to be licensed, including the dimensions and hectarage of the site;
- 1.1.13 demarcation of lot and concession lines;

- 1.1.14 the use and existing zoning of land on and within 120 metres of the site;
- 1.1.15 the topography of the site illustrated by a one or two metre contour interval, expressed as metres above mean sea level;
- 1.1.16 the location and use of all buildings and other structures existing on and within 120 metres of the site;
- 1.1.17 the location of every existing entrance to and exit from the site;
- 1.1.18 main internal haul roads on the site;
- 1.1.19 the elevation of the established groundwater table on site;
- 1.1.20 existing surface water drainage and drainage facilities on and within 120 metres of the site;
- 1.1.21 the location and type of existing fences on the site;
- 1.1.22 the location of existing tree cover (i.e. wood lots and hedgerows) on the site and within 120 metres of the site;
- 1.1.23 the location of existing stockpiles of topsoil and overburden on the site;
- 1.1.24 the location of existing aggregate stockpiles, including any recyclable materials on the site;
- 1.1.25 existing scrap location(s) on the site;
- 1.1.26 existing fuel storage area(s) on the site;
- 1.1.27 significant natural features on and within 120 metres of the site;
- 1.1.28 significant man-made features on and within 120 metres of the site;
- 1.1.29 all existing excavation faces and rehabilitated areas;
- 1.1.30 the location of existing processing area(s) and whether or not the equipment is stationary and/or portable;
- 1.1.31 the location of existing berms and their height; and
- 1.1.32 location of cross-section(s).

1.2 Operations

- 1.2.1 the sequence and direction of the proposed quarry development;
- 1.2.2 details of how the stripping and stockpiling of the topsoil and overburden will be dealt with;
- 1.2.3 the maximum number of lifts and the maximum height of the lifts;
- 1.2.4 main internal haul roads on the site;
- 1.2.5 the location of every proposed entrance to and exit from the site;
- 1.2.6 the elevation of the established groundwater table on the site;
- 1.2.7 any proposed water diversion and points of discharge to surface water;
- 1.2.8 the location, type and installation schedule or phasing for any proposed fencing around the licensed boundary of the site;
- 1.2.9 the location of any proposed buildings and other structures to be erected on the site;
- 1.2.10 the location of any proposed stockpiles of topsoil and overburden on the site;
- 1.2.11 the location of any proposed aggregate stockpile area(s), including any recyclable materials on the site;
- 1.2.12 any proposed scrap location(s) on the site;
- 1.2.13 the location of any proposed fuel storage area(s) on the site;
- 1.2.14 the area in hectares to be extracted;
- 1.2.15 the location and labelling of all excavation setbacks from the licensed boundary;
- 1.2.16 the final extraction elevation of the site using spot elevations;
- 1.2.17 the location of any proposed permanent and/or temporary processing area(s) on the site;
- 1.2.18 the location of any proposed berms and the minimum height;
- 1.2.19 details on how berms will be vegetated and maintained;
- 1.2.20 the general types of equipment that will normally be used on site;
- 1.2.21 the location, design and phasing of any proposed tree screens and identify whether deciduous, coniferous or both;

- 1.2.22 details on the hours of operation of the site taking into account all facets of the operation which involve the actual physical movement of aggregate;
- 1.2.23 details of how trees and stumps shall be disposed of or utilized;
- 1.2.24 location of cross-section(s);
- 1.2.25 a section to record any variations from the operational standards that relate to the site;
- 1.2.26 details of frequency and timing of blasts; and
- 1.2.27 a statement to indicate the maximum number of tonnes of aggregate to be removed from the site in any calendar year. This may be expressed as unlimited, and;
- 1.2.28 any recommendations and/or monitoring program(s) identified in the technical reports.

1.3 Progressive Rehabilitation

- 1.3.1 the sequence and direction of progressive rehabilitation;
- 1.3.2 details on how the overburden and topsoil will be used to facilitate progressive rehabilitation;
- 1.3.3 the location, design and type of vegetation (e.g. grasses, legumes, shrubs and trees, etc.) that will be established on the site during progressive rehabilitation;
- 1.3.4 how the slopes will be established on the excavation faces and the quarry floor;
- 1.3.5 details on how progressive rehabilitation will be conducted in relation to the operational sequences; and
- 1.3.6 if proposed, details on the importation of topsoil or inert material to facilitate rehabilitation of the site.

1.4 Final Rehabilitation

- 1.4.1 if proposed, details on the importation of topsoil or inert material to facilitate rehabilitation of the site;
- 1.4.2 how the final slopes will be established on all excavation faces and the quarry floor;
- 1.4.3 the location, design and type of vegetation (e.g. grasses, legumes, shrubs, and trees, etc.) that will be established on the site during final rehabilitation;
- 1.4.4 any building(s) or structure(s) to remain on the site;
- 1.4.5 anticipated elevation of the groundwater table;

- 1.4.6 any internal haul roads that will remain on the site;
- 1.4.7 final surface water drainage and drainage facilities on the site;
- 1.4.8 the final elevations of the rehabilitated areas of the site illustrated by a one or two meter contour interval, expressed as metres above mean sea level, and;
- 1.4.9 location of cross-section(s).

1.5 Cross-Sections

- 1.5.1 one or more cross-sections of existing conditions, rehabilitation and the anticipated final elevation of the groundwater table, within the licensed boundary;
- 1.5.2 the final slope gradients that will be established
- 1.5.3 the cross-section of a typical berm design that will be constructed on the site; and
- 1.5.4 appropriate horizontal and vertical scales.

2.0 Report Standards for Category 2 Applications

2.1 Summary Statement

A summary statement accompanying an application for a licence must be signed by the author and provide information on the following:

- 2.1.1 any planning and land use considerations;
- 2.1.2 the agricultural classification of the proposed site, using the Canada Land Inventory classes. For the land being returned to agriculture, the proposed rehabilitation techniques must be identified.
- 2.1.3 the quality and quantity of aggregate on site;
- 2.1.4 the main haulage routes and proposed truck traffic to and from the site, and necessary entrance permits; and
- 2.1.5 the progressive and final rehabilitation and the suitability of the proposed rehabilitation having regard to the adjacent lands.

The summary statement may be prepared by the applicant.

2.2 Technical Reports

Technical reports accompanying an application for a licence must provide information on the following:

- 2.2.1 Hydrogeological Level 1: Preliminary hydrogeologic evaluation to determine the final extraction elevation relative to the established groundwater table(s) in both unconsolidated surficial materials (if present) and the consolidated bedrock strata, and the potential for adverse effects to groundwater and surface water resources and their uses (e.g. waterwells, groundwater aquifers, surface water courses and bodies, discharge areas, etc.);

NB: A Permit to Take Water may be required if any part of the operation utilizes, ponds by flow restriction, or diverts ground and/or surface water on, or from the site.
- 2.2.2 Hydrogeological Level 2: Where the results of Level 1 have identified a potential for adverse effects of the operation on ground water and surface water resources and their uses, an impact assessment is required to determine the significance of the effect and feasibility of mitigation. The assessment should address the potential effects of the operation on the following features if located within the zone of influence for extraction below the established groundwater table, where applicable;

A technical report must be prepared by a person with appropriate training and/or experience in hydrogeology to include the following items;

- (a) water wells;
- (b) springs;
- (c) groundwater aquifers;
- (d) surface water courses and bodies;
- (e) discharge to surface water;
- (f) proposed water diversion, storage and drainage facilities on site;
- (g) methodology;
- (h) description of the physical setting including local geology, hydrogeology, and surface water systems;
- (i) water budget;
- (j) impact assessment;
- (k) mitigation measures including trigger mechanisms;
- (l) contingency plan;
- (m) monitoring plan; and
- (n) technical support data in the form of tables, graphs and figures, usually appended to the report.

- 2.2.3 Natural Environment Level 1: determine whether any of the following features exist on and within 120 metres of the site: significant wetland, significant portions of the habitat of endangered or threatened species, fish habitat, significant woodlands (south and east of the Canadian Shield), significant valley lands (south and east of the Canadian Shield), significant wildlife habitat and significant areas of natural and scientific interest;
- 2.2.4 Natural Environment Level 2: impact assessment where the level 1 identified any features on and within 120 metres of the site in order to determine any negative impacts on the natural features or ecological functions for which the area is identified and any proposed preventative, mitigative or remedial measures;
- 2.2.5 Cultural Heritage Resource Stage 1: determine if there are any known significant archaeological resources on the subject property and the potential of the site to have heritage resources;
- 2.2.6 Cultural Heritage Resource Stage 2: property survey by a licenced archaeologist if stage 1 identifies known resources or a medium to high potential for heritage resources on the site and mitigation, if recommended;
- 2.2.7 Cultural Heritage Resource Stage 3 and 4: detailed site investigation by a licensed archaeologist (e.g. test pits, plowing fields and survey) when recommended by stage 2 and mitigation through excavation, documentation or avoidance, if recommended;
- 2.2.8 If extraction and/or processing facilities are within 500 metres of a sensitive receptor, a noise assessment report is required to determine whether or not provincial guidelines can be satisfied;

2.2.9 A Blast Design report is required if a sensitive receptor is within 500 metres of the limit(s) of extraction to demonstrate that provincial guidelines can be satisfied; and

2.2.10 Each report shall state the qualifications and experience of the individual(s) that have prepared the report(s).

The technical report(s) must be prepared by a person with appropriate training and/or experience.

3.0 Prescribed Conditions that Apply to Category 2 Licences

The licence is subject to the following conditions:

- 3.1 Dust will be mitigated on site.
- 3.2 Water or another provincially approved dust suppressant will be applied to internal haul roads and processing areas as often as required to mitigate dust.
- 3.3 Processing equipment will be equipped with dust suppressing or collection devices, where the equipment creates dust and is being operated within 300 metres of a sensitive receptor.
- 3.4 Any recommendations and/or recommended monitoring program identified in the technical reports will be described on the site plan and all records will be retained by the licensee and made available upon request by the Ministry of Natural Resources for audit purposes.
- 3.5 A Spills Contingency Program will be developed prior to site preparation.
- 3.6 Fuel storage tanks will be installed and maintained in accordance with the Gasoline Handling Act.
- 3.7 If required, a Certificate of Approval will be obtained for the discharge system should water be discharged off site.
- 3.8 If required, a Certificate of Approval will be obtained for processing equipment to be used on site.
- 3.9 If required, a Permit To Take water will be obtained for utilizing ground and/or surface water.
- 3.10 The licensee will monitor all blasts for ground vibrations and blast overpressure and will operate to ensure compliance with current provincial guidelines.
- 3.11 Blasting will not occur on a holiday or between the hours of 6 p.m. on any day and 8 a.m. on the following day.
- 3.12 All blast monitoring reports must be retained by the licensee and made available upon request by the Ministry of Natural Resources for audit purposes.

4.0 Notification and Consultation Standards for Category 2 Applications

The applicant shall submit all required documentation to the Ministry of Natural Resources. Within twenty (20) days, the Ministry of Natural Resources shall determine if the application is complete. Once the application is determined to be complete, the applicant may proceed with the following Notification and Consultation Standards.

4.1 Notification

- 4.1.1 The applicant must provide public notice as identified in 4.1.2. The 45 day notification period will begin with publication in the local newspaper as described in 4.1.2.3.
- 4.1.2 Public notice must be completed concurrently in the following manner:
 - 4.1.2.1 by written notice delivered personally or by registered mail, which must include a copy of Form 1 (Notice of Application for a licence), and Form 2 (Notice of Information Session), to landowners within 120 metres of the licensed boundary according to the most recent assessment available at the time of application;
 - 4.1.2.2 by signage (1 metre by 1 metre) posted on the boundary of the site to be clearly seen from adjoining areas to which the public has access. The sign(s) must be placed on site on or before the notification appears in the newspaper and must be maintained during the 45 day notification period. The sign(s) will contain the following information:
 - (a) Notice of Application under the Aggregate Resources Act.
 - (b) Category 2, Class 'A' Quarry Below Water.
 - (c) Applicant: Name, Address and telephone number.
 - (d) Lot, concession, upper & lower tier municipality, geographic township (if applicable) and the size of the site in hectares;
 - (e) Application is on file at the local Ministry of Natural Resources office; and
 - (f) Date, time and location of the information session.
 - 4.1.2.3 by publication of Form 1 and Form 2 concurrently, in one issue of one local newspaper having general circulation in the locality in which the site is located.
- 4.1.3 The applicant must circulate on or before the date of publication of Form One in the newspaper, the complete application package and Form 2 to the agencies identified below for comments. It is the applicant's responsibility to determine the appropriate contact office and person prior to notification.

- 4.1.3.1 the local Ministry of Natural Resources office;
- 4.1.3.2 the local municipality in which the site is located;
- 4.1.3.3 the Region/County in which the site is located;
- 4.1.3.4 the local Conservation Authority (if within their jurisdiction)
- 4.1.3.5 Ministry of Agriculture, Food & Rural Affairs (OMAFRA)(only if prime agricultural land is not being restored to the same average soil quality)
- 4.1.3.6 Niagara Escarpment Commission (NEC)(if within their jurisdiction);
- 4.1.3.7 utility corporations (if an easement exists on site or within 120 metres of the boundary); and
- 4.1.3.8 Ministry of Environment and Energy.

4.2 Consultation

- 4.2.1 Consultation by the applicant with the public is required by hosting a presentation to the public, in the locality of the application, outlining all details of the proposal (information session, open house, community meeting, etc.) Within the 45 day notification period
 - 4.2.1.1 Timing of the information session must provide at least;
 - a) 20 days notice from publication as in 4.1.2.3 prior to the session; and
 - b) 10 days for comments after the information session, prior to the closing of the 45 day comment/notification period.
- 4.2.2 Any person or agency objecting to the application must serve upon the applicant and District Manager of the Ministry of Natural Resources, a written notice of objection to the issuance of the licence applied for and the reasons therefore, within the 45 day notification period, after which it will be deemed there are no objections.

4.3 Resolution of Objections

- 4.3.1 During the consultation process, the applicant shall attempt to resolve all the objections.
- 4.3.2 If all objections have been resolved, the applicant shall:
 - 4.3.2.1 amend the licence application, site plans or reports, if required, in consultation with the Ministry of Natural Resources to reflect the resolution of the objections;
 - 4.3.2.2 obtain written confirmation (withdrawal) from all objectors indicating that their objections have been addressed and submit to the Ministry of Natural Resources; and
 - 4.3.2.3 submit documentation to the Ministry of Natural Resources of landowner and stakeholder contacts and agencies circulation.

- 4.3.3 If all objections are not resolved;
- 4.3.3.1 the applicant shall submit to the Ministry of Natural Resources and the remaining objector(s) by written notice delivered personally or by registered mail;
 - (a) list of unresolved objections;
 - (b) documentation of attempts to resolve objections;
 - (c) applicant's recommendations for resolving objections; and
 - (d) a notice of a 20 day response period as per section 4.3.3.2.
 - 4.3.3.2 the objector(s) shall submit to the Ministry of Natural Resources and the applicant within 20 days of receiving the information from the applicant as identified in Section 4.3.3.1 recommendations that may resolve the objections. The recommendations shall be delivered personally or by registered mail within the 20 days or, it will be deemed that there is no longer an objection; and
 - 4.3.3.3 the applicant shall submit documentation to the Ministry of Natural Resources of landowner and stakeholder contacts and agencies circulation.
- 4.3.4 Once the Ministry of Natural Resources has received:
- 4.3.4.1 agency comments under section 4.2.2, if any;
 - 4.3.4.2 applicant's recommendation and documentation under section 4.3.3.1;
 - 4.3.4.3 objector's withdrawal under section 4.3.2.2 or recommendations under section 4.3.3.2, if any; and
 - 4.3.4.4 documentation of landowner and stakeholder contacts and agencies circulation.
- the application shall be processed in accordance with Section 11 of the Aggregate Resources Act.
- 4.3.5 Within 30 days of receiving information as noted in section 4.3.4, the Ministry of Natural Resources will make a recommendation to the Minister in accordance with Section 11 of the Aggregate Resources Act.
- 4.3.6 If the applicant does not submit the required information as noted in sections 4.3.2 and 4.3.3 within 2 years of public notification as per section 4.1.1, the application is considered withdrawn and all documentation will be returned.

All registered mail shall be deemed to be made on the fifth day after the day of mailing. In provincial government designated bilingual areas, notification in both a French and English local newspaper is required.

5.0 Operational Standards that Apply to Licences

Unless the site plan provides otherwise through variations from these operational standards identified on the site plan, the licensee must comply with the following:

- 5.1 a fence, at least 1.2 metres in height, is erected and maintained along the licensed boundary of the site;
- 5.2 a gate is erected and maintained at each entrance to, and exit from, the site and that all such gates are kept closed when the site is not in operation;
- 5.3 each entrance to, and exit from, the site is located so as to provide, at the point of intersection with any highway, a clear view of the highway in both directions;
- 5.4 topsoil must be stripped sequentially prior to aggregate extraction;
- 5.5 within the area to be extracted, all trees within 5 metres of the excavation face must be removed;
- 5.6 all topsoil or overburden that is stripped during the operation of the site will be stored separately with vegetated stable slopes;
- 5.7 adequate vegetation is established and maintained to control erosion of any berm or stockpile of topsoil or overburden;
- 5.8 the site is kept in an orderly condition;
- 5.9 all scrap is removed on an ongoing basis, and scrap shall include refuse, debris, scrap metal or lumber, discarded machinery, equipment and motor vehicles. Scrap cannot be located within 30 metres of any body of water and 30 metres from the boundary of the site;
- 5.10 “excavation setback areas” means the area within:
 - 5.10.1 fifteen metres from the boundary of the site;
 - 5.10.2 thirty metres from any part of the boundary of the site that abuts:
 - 5.10.2.1 a highway,
 - 5.10.2.2 land in use for residential purposes at the time the licence was issued, or
 - 5.10.2.3 land restricted to residential use by a zoning by-law when the licence was issued; or
 - 5.10.3 thirty metres from any body of water that is not the result of excavation below the water table;
- 5.11 no excavation can occur within the excavation setback area of the site;

- 5.12 all excavation faces are to be stabilized in so far as is necessary to prevent erosion into the excavation setback area;
- 5.13 no person shall pile aggregate, topsoil or overburden, locate any processing plant or place, build or extend any building or structure:
- 5.13.1 within thirty metres from the boundary of the site; or
 - 5.13.2 within ninety metres from any part of the boundary of the site that abuts:
 - 5.13.2.1 land in use for residential purposes at the time the licence was issued, or
 - 5.13.2.2 land restricted to residential use by a zoning by-law when the licence was issued;
- 5.14 berms that are intended to screen the adjoining lands from the operation on the site are exempt from section 5.13;
- 5.15 all berms shall be located at least three metres away from the boundary of the site;
- 5.16 removal of topsoil from the site shall not occur;
- 5.17 all topsoil or overburden stripped in the operation of the site is used in the rehabilitation of the site;
- 5.18 adequate vegetation is established and maintained to control erosion of any topsoil or overburden replaced on the site for rehabilitation purposes;
- 5.19 when the site is finally rehabilitated, all excavation faces:
- 5.19.1 of any pit has a slope that is at least three (3) horizontal metres for every vertical metre;
 - 5.19.2 of any quarry has a slope that is at least two (2) horizontal metres for every vertical metre;
- 5.20 no aggregate or overburden, except material in a berm, may be moved from the excavation setback area;
- 5.21 rehabilitation of the site shall ensure that:
- 5.21.1 adequate drainage and vegetation of the site is provided; and
 - 5.21.2 any compaction of the site is alleviated;
- 5.22 erect and maintain a sign, indicating that “this site is licensed under the Aggregate Resources Act licence ref # _____”, at the main entrance and exit to and from the site; the signs must be at least .5 metres by .5 metres in size.
- 5.23 no person may denote any explosives on the site on a holiday or between 6 p.m. on any day and 8 a.m. on the following day;

5.24 with respect to licences issued under section 71 of the Act

- (a) section 5.13 does not apply with respect to any stockpile, processing plant, building or structure the location of which was in accordance with the laws and by-laws in force before the 1st day of May, 1997, except in so far as that section applies to the extension of any building or structure; and
- (b) section 5.19 does not apply with respect to any excavation face that was rehabilitated to a state which satisfied the requirements of the laws and by-laws in force at the time for the final rehabilitation of that excavation face.

5.25 every licensee shall ensure that, on the site, no person contravenes sections 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 or 5.23; and

5.26 a response to emergencies is not limited by the hours of operation shown on the site plan.

6.0 Annual Compliance Reporting for Licences

- 6.1 every licensee must annually complete Form #591 known as the Compliance Assessment Report with respect to their compliance with the Act, regulations, operational standards, site plan and the conditions of the licence;
- 6.2 every licensed site must be assessed pursuant to section 15.1(1) of the Aggregate Resources Act once during the period May 1 to September 15 of each year;
- 6.3 the licensee shall ensure a copy of the Compliance Assessment Report Form #591 is received by the local office of the Ministry of Natural Resources, and the clerk of each regional municipality or county and the local municipality in which the site is located, no later than September 30 of each year;
- 6.4 non-compliance with the Act, regulations, operational standards, site plan and the conditions of the licence must be noted on page 1 and 2 of the Report;
- 6.5 documentation of the action for non-compliance must be recorded on page 3 with the appropriate remedial action deadline date;
- 6.6 all remedial action documented on page 3 must be completed within a 90-day period from the date of filing, or such further period as may be allowed under subsection 15.1(4) of the Act;
- 6.7 the licensee must receive prior approval from the inspector to have the 90 day period extended before filing the report with the Ministry of Natural Resources;
- 6.8 every licensee must provide a sketch of the licensed site, with the Compliance Assessment Report documenting such standards as fencing, gates, berms, tree screens, and setback requirements that require remedial corrective action as documented on page 3 of the Report;
- 6.9 the licensee must provide a sketch showing areas that have been progressively rehabilitated; and
- 6.10 pursuant to subsection 57(4) of the Aggregate Resources Act, it is an offence to furnish false information.