



# OFFICIAL PLAN

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**OFFICE CONSOLIDATION - November 2018**

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Schedule D - Transportation

Schedule E – Mineral Aggregate Resource

## Appendix:

Appendix I – Hazardous Forest Types for Wildland Fire

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# 1 INTRODUCTION

## 1.1 PLANNING AREA

The United Counties of Prescott and Russell is the easternmost county in Ontario. Covering an area in excess of 2,000 square kilometres, it is located between the City of Ottawa on the west, the Province of Quebec on the east, the Ottawa River on the north and the United Counties of Stormont, Dundas, and Glengarry on the south. Prescott and Russell are composed of eight local municipalities. They are: The City of Clarence-Rockland, the Town of Hawkesbury, the Village of Casselman, the Township of Alfred and Plantagenet, the Township of Champlain, the Township of East Hawkesbury, the Nation Municipality, and the Township of Russell. (Figure 1 shows the regional context of the United Counties of Prescott and Russell.)

The landscapes of Prescott and Russell are numerous and varied. There are rapidly growing urban areas such as the communities of Rockland, Russell and Embrun, Limoges, Wendover and the Village of Casselman, urban and industrial centres such as the Town of Hawkesbury, historic communities such as L'Orignal and Vankleek Hill, areas of environmental importance such as the Alfred Bog, the Larose Forest, the Ottawa River and the South Nation River, important agricultural and mineral resource sectors and large expanses of wooded areas.

The diversity of Prescott and Russell's landscapes is matched by the diversity of its inhabitants. Although the area is predominantly Francophone, recent years have seen an increase in English speaking residents as well as growing numbers of many other cultural and linguistic groups. The linguistic and cultural evolution of Prescott and Russell continues as the region maintains a strong growth rate.

This Official Plan for the United Counties of Prescott and Russell will seek to build on our strengths and diversity as growth and development continues.

The United Counties adopted its first Official Plan in 1999. Since the date of adoption the province has developed a new Provincial Policy Statement. The *Planning Act* requires that municipal land use planning policies be consistent with provincial policy and as such the Official Plan has been revised. In 2006 the Plan was reviewed and subjected to a comprehensive consultation process which yielded many policy changes. In addition all of the textual and schedule amendments approved during the Plan's first 5 years were included.

The second five-year review of the Plan was initiated in May 2011. The Plan was reviewed to include enabling policies provided by *Bill 51, The Planning and Conservation Land Statute Law Amendment Act, 2006*. The policy changes were also influenced by the update of the long-range growth outlook and associated settlement areas land requirements for the United Counties as per the comprehensive review in the Growth Forecast and Land Need Analysis and by the Aggregate Resources Inventory Master Plan which identifies mineral aggregate resource areas and develops appropriate strategies to ensure long-term supply and protection of mineral aggregate resources. At the same time, all of the textual and schedule amendments approved since 2006 were included.

**Figure 1**

## 1.2 PURPOSE AND STRUCTURE OF THE OFFICIAL PLAN

### 1.2.1 Purpose of the Official Plan

The *Planning Act* requires that the United Counties of Prescott and Russell prepare and adopt an Official Plan which covers the full extent of its territory. The *Planning Act* also identifies matters of provincial interest which are further defined by the Provincial Policy Statement.

The Counties' Official Plan must be consistent with the policies in this Statement. The goal of the Official Plan is to provide guidance and direction to growth and development, redevelopment and/or conservation activities in the United Counties. The Official Plan does not regulate land use but provides the policy framework for regulatory tools such as zoning by-laws, plans of subdivision and consents, capital works programs, municipal budgets and various municipal by-laws. This Official Plan was prepared by the United Counties of Prescott and Russell in partnership with the residents of the United Counties, its community organizations, the provincial government and its agencies, and most importantly the constituent municipalities of Prescott and Russell. As such, the policies of the Official Plan represent a balance of interests and points of view.

### 1.2.2 Title and Components of the Official Plan

This document shall be known as the Official Plan for the Corporation of the United Counties of Prescott and Russell. The United Counties of Prescott and Russell Official Plan is divided into nine major components as follows:

#### Part 1 Introduction:

Provides an overview of the planning area and the organization of the plan and explains the political and administrative framework within which land use planning is carried out in Ontario.

#### Part 2 Sustainable Communities:

Addresses residential and non-residential development and the infrastructures required to support long term sustainability. These policies are generally designed to guide land use in towns, villages and hamlets as well as in employment and rural areas which are not required for resource development, the protection and enhancement of our natural heritage or which must be avoided to ensure the protection of persons and property.

#### Part 3 Infrastructures:

These policies address the need to provide appropriate infrastructures to ensure sustainable development for the safety and security of residents. Policies include water, waste water, surface water and transportation infrastructures as well as waste management, communication, energy and other required services.

#### Part 4 Resources:

These policies are designed to ensure sustainable use of resources lands for agriculture and aggregate extraction.

#### Part 5 Natural Heritage:

These policies seek to ensure the preservation and enhancement of natural heritage features such as wetlands, woodlands and wildlife habitat.

#### Part 6 Public Health and Safety:

This section addresses constraints to development such as floodplains and unstable slopes which could result in threats to persons and property.

#### Part 7 Implementation of the Official Plan:

Addresses the various tools available to ensure that the Official Plan's policies are properly implemented.

#### Part 8 Schedules:

There are five map schedules which provide a geographical reference for the Plan's policies. They are:

Schedule A - Land Use Designations

Schedule B - Environmental Resource Areas

Schedule C - Public Health and Safety

Schedule D – Transportation

Schedule E – Mineral Aggregate Resource

Part 9 Appendix:

The Appendixes are provided for information purposes. They are:

Appendix I – Hazardous Forest Types for Wildland Fire

### 1.2.3 Political and Administrative Framework

The United Counties of Prescott and Russell Official Plan is a detailed set of land use policies which is consistent with the Provincial Policy Statement. The level of detail is sufficient to reflect the interests of the eight constituent municipalities. The Plan recognises that a greater level of detail or more comprehensive policy direction may be desirable at the local municipal level. A local Council may choose to adopt an Official Plan for the municipality or a specific part of the municipality such as an urban area. Alternatively municipalities may decide to repeal an existing Official Plan and rely solely on the policies in this Plan. The Plan recognises the need to be flexible in order to ensure that each local municipality may work with a land use policy framework which is best suited for its needs.

The Council of the United Counties has been assigned Delegated Authority under the *Planning Act*. The United Counties of Prescott and Russell has final approval authority for Counties' Official Plan amendments, plans of subdivision, plans of condominium, part lot control exemption by-laws, consents and further has the authority to approve local Official Plans and Official Plan Amendments. Local Official Plans will be required to conform to the policies of the Counties' Plan.

The City of Clarence-Rockland has been assigned Delegated Authority under the *Planning Act* in regards to plans of subdivision, plans of condominium and part lot control exemption by-laws.

The Council of the United Counties has authority to subdelegate any or all approval authority responsibility to Counties' staff or local municipality as deemed appropriate. The City of Clarence-Rockland is the subdelegated authority in regards to consents.

Administration of this Official Plan is the responsibility of the United Counties of Prescott and Russell. Planning Department personnel are available to respond to questions and to provide advice regarding the Plan's policies and the implementation of those policies.

### 1.2.4 Provincial Policy Statement

The preparation and adoption of an Official Plan is subject to Provincial law. As such the Official Plan was drafted, reviewed and adopted in conformity with the requirements of the *Planning Act* and the content of the Plan is consistent with the Provincial Policy Statement issued under Section 3 of the *Planning Act* which came into effect on April 30<sup>th</sup>, 2014.

A municipal government's authority for land use planning is subject to the Provincial Policy Statement (PPS). Land use planning decisions must be consistent with the PPS. The "must be consistent with" provision replaces the previous "must have regard to" approach which had been the standard test of the planning merits of all land use decisions since the concept of Provincial policy statements was introduced in the 1983 *Planning Act*. The "must be consistent with" approach is expected to result in more consistent land use planning decisions as there will be less room for interpretation of planning policies.

The Provincial Policy Statement includes definitions of numerous significant terms used in its policies. These definitions will apply to instances in this Plan where the same terms are used, for instance in reference to “development”, “adjacent lands”, or “Sensitive land uses”, among others. Where this Plan employs a different meaning for a term defined in the Provincial Policy Statement, this will be specifically identified in the text of the Plan.

### **1.3 PLANNING PERIOD**

The United Counties of Prescott and Russell Official Plan is intended to guide land use for a twenty year period, i.e. until the year 2035.

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## 2 SUSTAINABLE COMMUNITIES

### 2.1 INTRODUCTION

The Sustainable Communities policies are intended to guide residential and non-residential development in areas of the United Counties which are not required for resource development or for their natural heritage values. The policies are designed to help manage change and to promote efficient use of scarce land resources. It is the objective of these policies to strengthen our communities through effective use of our infrastructures and by striving to achieve efficient development patterns. Protecting our natural and environmental resources as well as the distinct character of our towns, villages, hamlets and rural countryside will contribute to the long term goal of developing sustainable communities.

This section of the Plan applies to the Urban Policy Area, the Community Policy Area, the Trade and Industry Policy Area and the Rural Policy Area designations.

#### 2.1.1 Population, Housing Units and Employment Forecasts

The United Counties of Prescott and Russell have experienced tremendous growth over the last three decades. Rapid growth often results in social, political, economic and environmental pressures that can threaten the very qualities that attracted so many to settle in this region. Indeed Prescott and Russell must resolve many growth related problems such as water and sewer service restrictions, landfill capacity, environmental impacts and development pressure on our resource areas.

The County's population, housing unit and employment growth forecasts are based on the 'Growth Forecast and Land Needs Analysis - United Counties of Prescott and Russell' dated December 2012 prepared by Hemson Consulting Ltd. which provide information on population, housing unit and employment growth and associated land needs within the 20-year 2011 to 2031 and 24-year 2011 to 2035 planning horizon. Tables 1 to 5 identify the population, housing unit and employment forecasts.

It shall be the policy of the Council that:

1. The population, housing unit and employment forecasts in Tables 1 to 5 shall form the basis for planning and growth management activities, in particular the establishment of land needs to accommodate growth.
2. The forecasts in Tables 1 to 5 are partially dependent on factors outside of the County's control. Consequently, the County's planning and growth management activities shall ensure flexibility to accommodate growth, while avoiding inefficient and costly development patterns.
3. The County shall monitor the population and employment forecasts on an on-going basis in accordance with the policies of Section 7 of this Plan.

##### 2.1.1.1 Population Forecast

As shown in Table 1 below, under the Hemson reference scenario, the total population of the County is forecast to grow to approximately 115,720 by 2035.

<b>Projected Total Population United Counties of Prescott and Russell</b>				<b>Table 1</b>
Census Year	Forecast Range			
	Low	Reference	High	
2001		79,495		
2006	86,683	83,203	88,683	
2011		88,683		
2016	91,760	93,498	93,730	
2021	95,195	99,021	100,518	
2026	98,741	105,254	109,000	
2031	101,956	111,446	117,981	
2035	103,470	115,720	124,673	
Growth 2011–2031	13,273	22,763	29,298	
Growth 2011–2035	14,787	27,037	35,991	

Figures Rounded

Source: December 2012 - Growth Forecast and Land Needs Analysis - United Counties of Prescott and Russell prepared by Hemson Consulting Ltd.

As stated in the Hemson Consulting Ltd. report, the distribution of County-wide growth to the local municipalities is based on historic building permits from Statistics Canada, adjusted for expected shifts in the pattern of growth arising from migration patterns. It is anticipated that migration from the City of Ottawa will continue to be a key driver of growth both in terms of the overall amount and its distribution within the County. The results are shown in Table 2.

<b>Reference Forecast Population Distributed by Municipality</b>							<b>Table 2</b>
	Total Population Including the Undercount						
	2011	2031	Growth 2011-2031	2035	Other*	Growth 2011-2035	
Russell	15,819	22,228	6,409	23,367	23,830 (2036)	7,548	
Casselman	3,762	4,922	1,160	5,143		1,381	
The Nation	12,106	14,884	2,778	15,199		3,094	
Clarence-Rockland	24,054	31,466	7,412	32,854		8,800	
Alfred-Plantagenet	9,541	11,546	2,005	11,940		2,400	
Champlain	8,894	9,724	830	9,951		1,057	
Hawkesbury	10,974	12,857	1,910	13,282		2,336	
East Hawkesbury	3,460	3,864	404	3,972		512	
UCPR	88,583	111,491	22,908	115,709		27,126	

Figures Rounded

Source: December 2012 - Growth Forecast and Land Needs Analysis - United Counties of Prescott and Russell prepared by Hemson Consulting Ltd.

\*Figures in the “Other” column are based on forecasts and planning horizon (in brackets) prepared by the local municipality at the time of the review of the local Official Plan, and may change at the time of a comprehensive review undertaken by the County. Sufficient lands are to be designated to accommodate the forecast reflected in the 2035 column.

### 2.1.1.2 Housing Unit Forecast

Current planning initiatives to limit the amount of new urban lands to accommodate growth in City of Ottawa may further increase development pressure in the surrounding regional market area, in particular in the western portion of the County. The remaining communities in the east are for the most part falling behind and as a result are forecast to grow more slowly given their greater distance from the influence of growth in the Ottawa metropolitan area.

The local municipal housing unit forecast reflects the anticipation that Ottawa commuter based development pressure will continue in coming decades. The results are shown in Table 3.

Projected Housing Unit Requirements 2011 - 2035						Table 3
	Total Occupied Households					
	2011	2031	Growth 2011-2031	2035	Other*	Growth 2011-2035
Russell	5,280	7,506	2,226	7,797	8,260 (2036)	2,517
Casselman	1,430	1,894	464	1,954		524
The Nation	4,265	5,305	1,040	5,406		1,141
Clarence-Rockland	8,640	11,546	2,906	11,893		3,253
Alfred-Plantagenet	3,730	4,533	803	4,626		896
Champlain	3,520	3,882	362	3,928		408
Hawkesbury	4,945	5,603	658	5,688		743
East Hawkesbury	1,310	1,509	199	1,534		224
UCPR	33,120	41,778	8,658	42,824		9,704

Figures Rounded

Source: December 2012 - Growth Forecast and Land Needs Analysis - United Counties of Prescott and Russell prepared by Hemson Consulting Ltd.

\*Figures in the “Other” column are based on forecasts and planning horizon (in brackets) prepared by the local municipality at the time of the review of the local Official Plan, and may change at the time of a comprehensive review undertaken by the County. Sufficient lands are to be designated to accommodate the forecast reflected in the 2035 column.

### 2.1.1.3 Employment Forecast

The County is an exporter of labour with just over 50% of the total resident employed labour force living and working in the community. The eastern areas of the County enjoy a fairly high ratio which evens out in the central parts of the County. The ratio drops, however, to just over 30% in the western parts of the County, the result of commuting to job opportunities concentrated in the City of Ottawa.

The employment forecast is shown in Table 4, and includes the usual “place of work” employment, “no fixed place of work” and “work at home” components.

<b>Forecast of Total Employment United Counties of Prescott and Russell</b>				<b>Table 4</b>
Census Year	Forecast Range			
	Low	Reference	High	
2001		25,980		
2006	29,683	28,105	29,683	
2011		29,683		
2016	30,346	31,035	31,125	
2021	30,065	31,558	32,144	
2026	29,242	31,707	33,155	
2031	28,754	32,243	34,713	
2035	28,860	32,974	36,062	
Growth 2011–2031	-928	2,560	5,031	
Growth 2011–2035	-823	3,291	6,380	

Figures Rounded

Source: December 2012 - Growth Forecast and Land Needs Analysis - United Counties of Prescott and Russell prepared by Hemson Consulting Ltd.

The employment forecast distributed by local municipalities is shown in Table 5.

<b>Reference Forecast Total Employment Distributed by Municipality</b>							<b>Table 5</b>
	2011	2031	Growth 2011-2031	2035	Other*	Growth 2011-2035	
Russell	4,175	4,682	507	4,903	5,600 (2036)	728	
Casselman	2,080	2,343	263	2,428		348	
The Nation	2,744	3,029	285	3,110		366	
Clarence-Rockland	5,466	6,047	581	6,305		839	
Alfred-Plantagenet	2,668	2,990	322	3,101		434	
Champlain	3,627	3,773	146	3,834		207	
Hawkesbury	7,891	8,235	344	8,392		500	
East Hawkesbury	1,032	1,144	112	1,180		148	
UCPR	29,683	32,243	2,560	33,252		3,569	

Figures Rounded

Source: December 2012 - Growth Forecast and Land Needs Analysis - United Counties of Prescott and Russell prepared by Hemson Consulting Ltd.

\*Figures in the "Other" column are based on forecasts and planning horizon (in brackets) prepared by the local municipality at the time of the review of the local Official Plan, and may change at the time of a comprehensive review undertaken by the County. Sufficient lands are to be designated to accommodate the forecast reflected in the 2035 column.

### 2.1.2 Growth Targets

In order to achieve balanced growth in accordance with Council's objectives and in a manner which is consistent with provincial objectives, development targets, expressed as a percentage of total growth, have been developed. The intent is to distribute growth between the rural and community areas. This approach allows for advance planning of required infrastructures and the protection of resource and environmental areas.

A ratio of 85-15 urban and community / rural split has been established for the western portion of the County, including Casselman and Wendover. For the remainder of the County a ratio of 70-30 urban and community / rural split has been established. In essence it is the objective of the Official Plan to guide 85% of the housing unit growth allocated to the urban and community policy areas in an effort to direct mainly Ottawa-based suburban housing development to existing settlement areas and 15% or less to the Rural Policy Area. For the remainder of the County, 70% of the housing unit growth is directed to the urban and community policy areas, reflecting the more limited demand for housing and 30% or less to the Rural Policy Area. The 85-15 and 70 – 30 splits are reflective of the Plan's overall objective of encouraging growth in existing communities.

The development targets are intended to achieve a number of beneficial outcomes. Firstly this approach is intended to maximize development on available infrastructures. Directing growth to our communities will result in compact development which in turn helps to ensure efficient use of infrastructures. Compact development patterns will also help to ensure that future infrastructure expansions will take place in a more cost efficient manner. Secondly the target recognizes traditional non-urban development and provides for continued development in the rural areas of the Counties.

The 85-15 and 70 - 30 targets ratios are consistent with available land resources and infrastructure capacities when considered on a planning area basis. The development targets can only be achieved through the careful implementation of all of the policies of this Official Plan. However Council will be vigilant in ensuring that development outside of the Urban and Community Policy Areas is justified and that development criteria and limitations will be respected.

It must be noted that these ratios are not intended to impose development quotas on individual municipalities. The growth target ratios represent an objective for the entire planning area and the Plan recognizes that regional differences may emerge.

#### 2.1.2.1 Residential Intensification

Intensification is the process of creating complete communities that utilize existing services and infrastructure efficiently and minimize the impact on our environment. Complete communities are envisioned to be vibrant, healthy, safe and able to sustain mixed-use that reduce the reliance on the private automobile and encourage active modes of transportation and increased walkability. This is achieved by locating the majority of homes, jobs, shops, institutions and services in proximity to each other.

Intensification involves more than developing higher density residential dwellings, it encompasses social and economic improvement that will create communities that effectively respond to the needs of residents and employees. Significant opportunities exist for intensification within the Urban Policy Areas which intends to retain small town character and revitalize downtown areas.

Intensification targets are established to ensure that opportunities for new development in the Urban Policy Area's built-up area are not overlooked due to a focus on greenfield development. The opportunities for intensification could be significant based on a review of the lands available for development, proposals in the development approvals process, and plans of subdivision that have been registered.

It shall be the policy of Council that:

1. A portion of the County's future housing needs shall be provided through residential intensification, which may include any of the following:
  - a) small scale intensification through modifications to an existing dwelling to include a second unit or construction of a new building containing one or two units;
  - b) infill development and residential development of vacant land or underutilized land in the Urban Policy Area's built-up area;
  - c) redevelopment which includes either the replacement of existing residential uses with compatible new residential developments at a greater density or the replacement of nonresidential uses with compatible residential or mixed use development with a residential component;
  - d) re-use or redevelopment of brownfields and greyfield;
  - e) added housing above commercial uses in and near the downtown, in residential transition areas, and in other main commercial areas; and/or
  - f) modest intensification in stable residential areas respecting the character of the area. Stable residential areas are considered to be established areas generally consisting of predominantly low density housing on local roads with the built boundary.
2. The County shall monitor the level of residential development within the built-up area, and the number of new units created that represent residential intensification. The County shall target that 15 percent of all new residential units created during the planning period shall be through intensification. This 15 percent target applies to both general intensification and the minimum target that should be met prior to considering a settlement area expansion.
3. The local municipality shall consider applications for infill development, intensification and redevelopment of sites and buildings based on the following criteria:
  - a) the proposed development lands are appropriately suited for intensification in the context of the surrounding neighbourhood and the local municipality as a whole;
  - b) the road network can accommodate the traffic generated;
  - c) the proposed development is consistent with the policies of the appropriate land use designation associated with the land;
  - d) the proposal respects and reinforces the existing physical character of the buildings, streetscapes and parks and open space areas;
  - e) the proposal is compatible with the surrounding development;
  - f) the proposal provide heights, massing and scale appropriate to the site and compatible with adjacent lands;
  - g) the proposal provides adequate privacy, sunlight and views of the sky for existing and new residents;
  - h) the proposal screens loading and service areas;
  - i) the conservation of significant cultural heritage resources; and
  - j) the proposal complies to the appropriate urban design and built form policies of this Plan and of the local municipality's Official Pan.



4. The local municipality shall ensure that a proposal representing residential intensification can be satisfactorily integrated with the physical characteristics of residential and commercial areas and proper health and safety standards are maintained. Land use compatibility and urban design assessments may be required as a component of the planning rationale report accompanying development applications, as outlined under Section 7 of this Plan.
5. Small scale intensification shall be permitted in all Urban and Community Policy Areas, as designated by this Plan, except where infrastructure is inadequate or there are significant physical constraints.
6. The number of units proposed for intensification proposals shall be viable from a market perspective.
7. The phasing of development within the designated growth area will not adversely affect the achievement of the intensification target and density targets set out in this Section and the other policies of this Plan.
8. The local municipality shall ensure that the progression of development within designated growth area will not adversely affect the timely provision of the infrastructure and public service facilities required to meet the current and projected needs.

### 2.1.3 Objectives

The following are the objectives that Council is seeking to achieve through the implementation of the policies of the Sustainable Communities policies of this Plan:

1. We will strengthen our communities by directing growth and development to areas with existing or planned water and sewer infrastructures.
2. We will strive to achieve a 85-15 of growth distribution for the western portion of the Counties and a 70 - 30 of growth distribution for the eastern portion of the Counties in accordance with the growth targets described in Part II, Section 2.1.2 by ensuring that development decisions are consistent with the policies of this Plan.
3. A three year supply of serviced land will be maintained at all times as part of the ten year supply of land designated for residential development.
4. A broad range of housing types will be permitted in order to meet the requirements of a growing population.
5. A sufficient supply of land will be designated for land uses which facilitate employment growth in the urban areas.
6. Economic development will focus on increasing total employment within the United Counties as a whole but more specifically within the urban areas.
7. Priority will be given to growth and development which can take place on existing water, sewer and waste disposal infrastructures.
8. Economic development will be supported by giving priority for infrastructure expansion to areas with strong economic growth potential.
9. The distinct character of our towns, villages, hamlets and rural areas will be maintained.
10. Significant natural heritage sites and areas will be protected from incompatible land uses.
11. Development shall be directed away from areas of natural or man-made hazards where there is an unacceptable risk to public health or safety or of property damage.
12. Development shall protect cultural heritage resources.

13. The Community Policy Area boundaries will be reduced, where justified, at the time of a comprehensive review for a proposed Urban Policy Area boundary expansion.
14. To plan for infrastructure and public service facilities in a manner that is coordinated and integrated with land use planning so that they are financially viable over their lifecycle, which may be demonstrated through asset management planning, and so that they are available to meet current and projected needs.

These objectives are consistent with the Provincial Policy Statement.

## **2.2 URBAN POLICY AREA**

### **2.2.1 General**

The Urban Policy Area designation applies to City, Towns and Villages with populations of 1000 or more and which have been developed primarily on the basis of municipal water and sewer systems. The Urban Policy Area is intended to absorb a significant part of future growth in the United Counties.

The Urban Area policies are intended to create a planning framework which will encourage and support diversified, mixed use communities. The policies are intended to ensure that local Councils will have the ability and authority to shape their communities in accordance with local needs and local characteristics. The policies are also intended to permit continued development while also ensuring that costly unplanned engineered water and sewer infrastructures will not be required to resolve environmental problems in the future.

### **2.2.2 Urban Policy Area Boundaries**

These policies apply to the Urban Policy Area designations as shown on Schedule A. These areas reflect the boundaries of settlement areas as rationalized by local municipalities to accommodate residential growth pressure focused in the western portion of the County and along the major transportation routes providing access to employment opportunities in the Ottawa area. The current settlement area expansions was established within the context of the land capacity analysis described in the 'Growth Forecast and Land Needs Analysis - United Counties of Prescott and Russell' dated December 2012 prepared by Hemson Consulting Ltd. while achieving a no-net-addition result.

To achieve this result, the local municipalities reduced the community policy areas where significant surplus of land supply was shown and declassified the community policy area where very limited growth was anticipated over the period.

There is a potential need of expansion in the Township of Russell during the next 5-year review. There are currently more units in registered and draft approved plans than are forecast to be accommodated in the Township of Russell over the entire period to 2035. The presence of this unit supply does suggest that the community has the potential to significantly outpace growth expectations as per the 'Growth Forecast and Land Needs Analysis - United Counties of Prescott and Russell'. When the Township of Russell reviews their local Official Plan or proceeds with a local comprehensive review, the preferred option is to go through a boundary exercise within their municipality for each settlement areas. If the review demonstrates a shortfall and it is recognized that boundaries expansions are justified, the United Counties will provide this boundary expansion at the next 5-year review.



Subject to Sections 2.2.3 and 7.8.5, alterations to the boundaries of the Urban Policy Area designation as shown on Schedule A shall require an Amendment to this Plan.

### 2.2.3 Urban Policy Area Boundary Expansions

1. When considering expansions to an Urban Policy Area boundary which would increase the total development potential of the community in question, Council shall require sufficient information to allow for a comprehensive review of the proposed expansion and the following studies shall be required in support of the Official Plan Amendment:
  - a) an overall concept plan which demonstrates how the expanded area will be developed including a street and lot layout with appropriate linkages to the existing community;
  - b) a review of demographic projections and distribution provided in Section 2.1.1 which demonstrates the need for urban area expansions to accommodate growth;
  - c) an analysis of the alternatives to urban area expansion including intensification and redevelopment;
  - d) a study which establishes water, waste water and stormwater servicing requirements on the basis of reviewed population projections and which examines municipal financial impacts and environmental impacts which would result from the proposed expansion. If private or communal water and waste water treatment services are proposed, a study will also be required to determine the capability of the soils to support the safe and long-term use of these systems and to confirm that there is a supply of water of sufficient quality and quantity to support the increase in development capacity without adversely affecting existing development in the community. The parameters examined in a comprehensive review shall be in concert with the definition of a comprehensive review set in the Provincial Policy Statement (PPS) 2014. These parameters represent minimum requirements and additional criteria may be examined as deemed appropriate by the County;
  - e) the expansion complies with the requirements of the MDS formulae.
2. Urban Policy Area boundaries may be expanded if it has been demonstrated through a comprehensive review 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:
    - i. the lands do not comprise specialty crop areas;
    - ii. alternative locations have been evaluated, and
      1. there are no reasonable alternatives which avoid prime agricultural areas; and
      2. 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.
3. In determining the most appropriate direction for expansion to the boundaries of urban policy areas by a planning authority, a planning authority shall apply the PPS policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

#### 2.2.4 Development on Adjacent Land

In order to protect the integrity of Urban Policy Area designations, residential development on lands located outside of the Urban Policy Area designation but within 1500 metres of Urban Policy Area limits will be restricted to the creation of lots by consent, in accordance with the policies in Section 7.4.2, and development on existing lots of record in accordance with the relevant policies of this Plan. Where adjacent lands located within 1500 meters of the Urban Policy Area designation limits is designated Community Policy Area the development restriction does not apply.

Non-residential development may be permitted within 500 meters of Urban Policy Area designations where such development is located on a collector such as a County Road, provided that appropriate studies are carried out which demonstrate that the development will not have a negative impact on the viability of the Urban Policy Area's commercial core area nor shall it result in significant constraints to the long term orderly expansion of the Urban Policy Area. In addition the approval authority shall be satisfied that necessary infrastructure and public service facilities are or will be available to meet any additional needs which may be generated by the proposed development.

#### 2.2.5 Water and Sewer Services

Allow lot creation (development) 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. Hauled sewage from development can be treated 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.

Some Urban Policy Areas include lands where development has proceeded on the basis of municipal water only, or on private services. The Plan recognizes such areas as exceptions in the Urban Policy Area. Development on municipal water or on private water and septic services will only be permitted where the following conditions are met:

- 1. a local Official Plan specifically identifies the lands in question, either through a textual description or on mapping which forms part of the plan, and further describes the related level of water and sewer services;
- 2. a local Official Plan includes appropriate policies which address the need to ensure long term water and waste water servicing needs;

3. the municipality is satisfied that there will be no additional pressure for costly unplanned extension of full municipal services to the subject lands; and
4. local zoning by-laws include provisions for larger frontages and lot areas.

Partial services shall only be permitted where they are necessary to address failed individual on-site water and/or sewage services and within an Urban Policy Area to allow for infilling and rounding out of existing development on partial services. There must be reserve sewage or water system capacity and site conditions must be suitable for the long-term provision of services.

### 2.2.6 Residential Policies

1. Council's objectives respecting residential development in the Urban Policy Area are as follows:
  - a) To ensure the provision of an adequate supply of residential land;
  - b) To provide for a range and mix of low, medium and high density housing types to satisfy a broad range of residential requirements and ensure that affordable housing is available, but low rise and low density housing forms such as single-detached and semi-detached dwelling units shall continue to predominate;
  - c) To provide for neighbourhood facilities and amenities which are appropriate to a residential living environment;
  - d) To ensure the provision of roads and other municipal services necessary to the development of functional neighbourhood areas;
  - e) To encourage the addition of housing above commercial uses in and near the downtown, in residential transition areas, and in other main commercial areas;
  - f) To support the development, at appropriate locations and densities, of residential facilities that meet the housing needs of persons requiring specialized care;
  - g) 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;
  - h) 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;
  - i) To monitor the housing supply by reviewing new development, demolitions, intensification, and the number of affordable housing units brought on stream.
2. Residential areas shall be defined through the local municipal zoning by-law. Local Councils shall zone land for specific types of residential uses and shall ensure that permitted non-residential uses are appropriately zoned. Where a secondary plan or local Official Plan applies, areas designated for residential development shall be identified on the required map schedule. Local zoning by-laws shall establish residential zones within the Urban Policy Area which shall provide for the following uses:
  - a) Low density residential uses;
  - b) Home based businesses subject to Section 7.5.5;
  - c) Medium density residential uses;
  - d) High density residential uses;
  - e) Rooming and boarding houses;

- f) Accessory apartments;
  - g) Schools, parks and churches.
3. Local commercial uses may be permitted in residential areas provided that such uses are located on an appropriate collector road, are appropriately zoned and provided that they are not detrimental to the economic well-being of the Town, Village or Hamlet core area zones in communities which choose to define such areas through the local municipal zoning by-law in accordance with the relevant policies of this Plan.
4. In order to meet the varied housing requirements of Prescott and Russell residents and to provide for orderly residential development, it is the policy of this Plan that, subject to the availability of water and waste water services, zoning regulations be designed to provide for a mix of 70% low density residential development, 20% medium density residential development and 10% high density residential development in the Urban Policy Area.
5. For the purposes of this section, low density development is defined as up to 35 units per net hectare. Medium density development on full municipal services should not exceed 55 units per net hectare for townhouses or row houses, and 75 units per net hectare for apartments. A net hectare is defined as the net area of the site developed for residential purposes. This term excludes roads, road right-of-way and areas that have been dedicated to the local municipality or another public agency.
6. Vacant land may be identified for future residential development and local Councils may zone such land by using the Holding provisions of Section 7.4.11. Appropriate conditions for removing the holding provisions shall be established. Where such areas are large or where there are complex issues to resolve such as infrastructure capacities, fractured ownership patterns or environmental considerations, supporting studies and reports may be required by the Council of local municipality prior to the removal of the Holding restriction.
7. Local Councils through the development of municipal zoning by-laws and the application, where required, of site plan control, shall regulate the development of residential neighbourhoods. The use of subdivision and condominium control by local Council where such authority has been delegated shall also apply. The implementation of this Official Plan through zoning regulations, subdivision and condominium control and site plan control shall be based on the following criteria:
- a) permit and zone a range of housing types and sizes;
  - b) identify and zone areas exclusively reserved for residential development;
  - c) ensure adequate buffering of residential areas from incompatible non-residential uses through separation distance, landscaping or other appropriate means;
  - d) identify and zone permitted non-residential uses;
  - e) where applicable identify and zone mixed-use areas in selected areas of the municipality;
  - f) permit increased housing densities through redevelopment of existing residential and non-residential buildings;
  - g) permit accessory apartments;
  - h) provide for open space and parkland and the protection of natural heritage features;

- i) allow residential infill and redevelopment provided there is sufficient reserve capacity in water and waste water facilities;
- j) regulate the physical character of infill or redevelopment projects to ensure their compatibility with established communities;
- k) when reviewing applications for redevelopment or infill, consider the impact of the proposed development on the neighbourhood in terms of parking, traffic, open space, and proposed uses;
- l) when reviewing development applications consider the development criteria stated in Section 7.4.

## **2.2.7 Community Core Policies**

1. Local municipalities are encouraged to identify and support the development of a core area in each community. Core areas are generally older neighbourhoods characterized by a main traffic artery and mixed land uses. The objective of these policies is to provide the framework for long term planning efforts which can, over time, help to establish compact, mixed-use and pedestrian friendly activity nodes in each of the towns, villages and hamlets of the United Counties.
2. The following uses may be permitted in community core areas defined in local zoning by-laws:
  - a) institutional uses such as churches, schools, nursing or senior's homes and medical clinics;
  - b) community facilities such as community centres, libraries, town halls, day care centres;
  - c) retail, service and business uses;
  - d) medium and high density residential uses including seniors dwellings;
  - e) recreational facilities such as arenas and public swimming pools;
  - f) open space suitable for public gatherings;
  - g) other appropriate or compatible core area uses;

Mixed uses such as ground level business or retail uses with residential uses on upper levels are encouraged.

3. Local Councils through the development of municipal zoning by-laws and the application, where required, of site plan control, shall regulate the development of Community Core Area designations. The use of subdivision and condominium control by local Council where such authority has been delegated shall also apply. The implementation of this Official Plan through zoning regulations, subdivision and condominium control and site plan control shall be based on the following criteria:
  - a) permit and zone a range of residential and non-residential uses;
  - b) permit increased housing densities through redevelopment of existing residential and non-residential buildings;
  - c) permit accessory apartments;
  - d) provide for the protection of natural heritage features;

- e) regulate the physical character of infill or redevelopment projects to ensure their compatibility with the Community Core Area;
- f) when reviewing applications for redevelopment or infill, consider the impact of the proposed development on the area in terms of parking, traffic, open space, and proposed uses;
- g) when reviewing development applications consider the development criteria stated in Section 7.4;
- h) provide protection of cultural heritage resources.

### 2.2.8 Commercial Policies

1. Commercial development shall be encouraged and supported throughout the United Counties and whenever possible it should be directed to Urban Policy Areas and more specifically to those communities where piped water and waste water services can be provided.
2. Council's objectives for commercial development in Urban Policy Areas are as follows:
  - a) to permit commercial uses which are compatible with the surrounding community;
  - b) to permit commercial development which can be appropriately serviced;
  - c) to ensure a broad range of commercial uses in order to provide local employment opportunities;
  - d) to facilitate local control over the location and character of commercial development;
  - e) to encourage large retailers and large commercial uses to locate within established commercial areas in an effort to maintain the viability and cohesiveness of existing commercial areas and specifically core area retail and business uses.
3. Local municipalities shall permit a wide variety of commercial uses in the Urban Policy Area and shall define and regulate such development through the use of local zoning by-laws and site plan control. The following types of commercial uses shall generally be permitted in the Urban Policy Area designation:
  - a) retail uses and retail complexes
  - b) service commercial
  - c) office commercial
  - d) restaurants and eating establishments
  - e) entertainment facilities
  - f) vehicle sales and repair
  - g) commercial trade shops
  - h) recreational uses
  - i) tourist commercial
  - j) parks and open space
  - k) other appropriate or compatible commercial uses



4. Notwithstanding the above list of permitted uses, local Councils may exclude some commercial uses from the permitted use section of the zoning by-law which implements the Urban Area policies where the location or scale of such uses may have a negative impact on the viability of identified community core areas.
5. Municipal zoning by-laws shall include provisions to maintain the character and scale of commercial development and to ensure appropriate regulatory control. Zoning by-laws shall address the following:
  - a) permit a range of commercial uses;
  - b) identify commercial zones in selected areas;
  - c) ensure the protection of natural heritage features in accordance with the policies of this Plan.
6. Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to new or expanded commercial uses in order to regulate the physical character of commercial development and to ensure compatibility with established neighbourhoods.

### **2.2.9 Industrial Development Policies**

1. Council's objectives for industrial development in Urban Policy Area designations are as follows:
  - a) to permit industrial uses which are compatible with the surrounding community;
  - b) to permit industrial development which can be appropriately serviced;
  - c) to help develop a range of local employment opportunities;
  - d) to direct industrial growth to appropriate locations which provide sufficient existing and planned infrastructure;
  - e) to anticipate, understand, and accommodate new economies and emerging trends in the industrial sector;
  - f) to attract a wide range of industrial uses and specifically target business that reflects the values of the community.
2. The local municipalities may designate in the local Official Plan employment lands which may include manufacturing, logistics operations, warehousing, distribution, offices and related industrial and business park uses, in addition to ancillary commercial uses serving the employment lands. The local municipality shall ensure that lands are not designated to accommodate employment beyond the employment forecast set for the municipality in section 2.1.1.3. Employment lands do not support institutional uses or destination-oriented commercial and shopping uses, such as large format retail uses.
3. Once designated as employment lands, the conversion of employment lands shall be in accordance with the policies of Section 2.4.
4. Local municipalities shall permit a variety of industrial uses in the Urban Policy Area designation and shall define and regulate such development through the use of local zoning by-laws and site plan control. The following industrial uses shall generally be permitted in the Urban Policy Area designation:
  - a) manufacturing and processing

- b) warehousing and wholesaling of bulk products
  - c) transportation depots
  - d) heavy equipment sales and service
  - e) business or industrial parks
  - f) other appropriate or compatible industrial uses
  - g) related and or accessory commercial uses.
- 5 Notwithstanding the above list of permitted uses, local Councils may exclude some industrial uses from the permitted use section of the zoning by-law which implements the Urban Area policies where the location or scale of such uses can reasonably be considered to present environmental problems or where the presence of industrial uses is incompatible with the community.
- 6 Local Councils through municipal zoning by-laws and site plan control shall endeavour to maintain the character and scale of industrial development and to ensure appropriate regulatory control. The review of site development and the development of zoning by-laws shall address the following:
- a) permit a range of industrial uses;
  - b) identify industrial zones in selected areas of municipalities which are well removed from residential and community core areas or which can be developed in a manner which will not result in land use conflicts in accordance with Ministry of Environment and Climate Change Guideline on Compatibility Between Industrial Facilities and Sensitive Land Uses;
  - c) ensure the protection of natural heritage features.
7. Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to new or expanded industrial uses in order to regulate the physical character of industrial development and to ensure compatibility with established land uses. Particular attention will be placed on appropriate buffering of the industrial use from adjacent land uses as well as ensuring that there is efficient and immediate access to transportation links which separates industrial traffic from normal community traffic.

## 2.3 COMMUNITY POLICY AREA

### 2.3.1 General

The Community Policy Area designation applies to partially serviced and un-serviced Villages and Hamlets. These communities can vary in population from a few hundred to approximately one thousand residents and will continue to experience modest growth. However the policies recognize that the lack of full water and sewer infrastructures can represent a significant constraint to growth.

The Community Policy Area policies are intended to create a planning framework which will encourage and support diversified, mixed use communities. The policies are intended to ensure that local Councils will have the ability and authority to shape their communities in accordance with local needs and local characteristics. The policies are also intended to permit continued



development while also ensuring that costly unplanned engineered water and sewer infrastructures will not be required to resolve environmental problems in the future.

### **2.3.2 Community Policy Area Boundaries**

These policies apply to the Community Policy Area designations as shown on Schedule A.

These areas reflect the boundaries of settlement areas as rationalized by local municipalities to accommodate residential growth pressure focussed in the western County and along the major transportation routes providing access to employment opportunities in the Ottawa area. The current settlement area expansions was established within the context of the land capacity analysis described in the 'Growth Forecast and Land Needs Analysis - United Counties of Prescott and Russell' dated December 2012 prepared by Hemson Consulting Ltd. while achieving a no-net-addition result.

To achieve this result, the local municipalities reduced the community policy areas where significant surplus of land supply was shown and declassified the community policy area where very limited growth was anticipated over the period.

Subject to Section 7.8.5 alterations to the boundaries of the Community Policy Area designations as shown on Schedule A shall require an Amendment to this Plan.

### **2.3.3 Expansion of Community Policy Area Boundaries**

1. When considering expansions to a Community Policy Area boundary which would increase the total development potential of the community in question, Council shall require sufficient information to allow for a comprehensive review of the proposed expansion and the following studies shall be required in support of the Official Plan Amendment:
  - a) an overall concept plan which demonstrates how the expanded area will be developed including a street and lot layout with appropriate linkages to the existing community;
  - b) a review of demographic projections and distribution provided in Section 2.1.1 which demonstrates the need for urban area expansions to accommodate growth;
  - c) an analysis of the alternatives to urban area expansion including intensification and redevelopment;
  - d) a study which establishes water, waste water and stormwater servicing requirements on the basis of reviewed population projections and which examines municipal financial impacts and environmental impacts which would result from the proposed expansion. If private or communal water and waste water treatment services are proposed, a study will also be required to determine the capability of the soils to support the safe and long-term use of these systems and to confirm that there is a supply of water of sufficient quality and quantity to support the increase in development capacity without adversely affecting existing development in the community.
2. Community Policy Area boundaries may be expanded if it has been demonstrated through a comprehensive review 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;
    - i. the lands do not comprise specialty crop areas;
    - ii. alternative locations have been evaluated, and
      - 1. there are no reasonable alternatives which avoid prime agricultural areas; and
      - 2. 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.
  - f) The parameters examined in a comprehensive review shall be in concert with the definition of a comprehensive review set in the Provincial Policy Statement (PPS) 2014. These parameters represent minimum requirements and additional criteria may be examined as deemed appropriate by the County.
3. In determining the most appropriate direction for expansion to the boundaries of urban policy areas by a planning authority, a planning authority shall apply the PPS policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

#### **2.3.4 Development on Adjacent Land**

In order to protect the integrity of Community Policy Area designations, residential development outside of the Community Policy Area designation but within 1500 metres of the Community Policy Area limits will be restricted to the creation of lots by consent, in accordance with the policies in Section 7.4.2, and development on existing lots of record in accordance with the relevant policies of this Plan. Where adjacent lands located within 1500 meters of the Community Policy Area designation limits are designated Urban Policy Area the development restriction does not apply.

Non-residential development may be permitted within 500 meters of Community Policy Area designations where such development is located on a primary collector such as a County Road provided that appropriate studies are carried out which demonstrate that the development will not have a negative impact on the viability of the Community Policy Area's commercial core area nor shall it result in significant constraints to the long term orderly expansion of the Community Policy Area. In addition the approval authority shall be satisfied that necessary infrastructure and public service facilities are or will be available to meet any additional needs which may be generated by the proposed development.

### 2.3.5 Water and Sewer Services

Some communities in the Community Policy Area designation were developed on the basis of communal sewage treatment services or municipal water services. The principal reason for the development of partial servicing in these communities was the need to resolve groundwater contamination problems. Continued development may take place in these communities on the basis of partial services 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 and provided there is sufficient capacity in the existing infrastructure. Council may require evidence, in the form of a hydrogeology study or an Impact Assessment Study which confirms that the proposed development is feasible from a health and environment standpoint.

Development on private services in partially serviced communities shall not be permitted without an amendment to this Official Plan.

Development of five residential units or lots or more on communal water or communal waste water services may be permitted, subject to the provisions of Section 7.4.1, where municipal water and/or waste water services cannot be provided and where site conditions are suitable over the long term. Communal systems are subject to the requirements of the *Safe Drinking Water Act*. Subsurface sewage disposal systems with a design capacity greater than 10,000 litres per day require approval under the *Ontario Water Resources Act*.

The expansion of the service capacity of the existing municipal or communal system in these communities for the purpose of increasing the development capacity of the community in question may be permitted without an amendment to this Official Plan provided that the limits of the designation are not altered. Where an expansion to the limits of the Community Policy Area is proposed, the policies of Section 2.3.3 shall apply.

The expansion of communal or municipal water or sewer services is permitted within the limits of the policy area where the expansion is required for health or environmental purposes and/or where there is existing or planned municipal service capacity, planning approvals are at an advanced stage and Environmental Assessment Act requirements have been met.

### 2.3.6 On-Site Private Water and Sewer Services

Continued development on the basis of private on-site water and sewer services is permitted provided that it can be demonstrated that the aquifer can provide a long term sustainable ground water supply of acceptable quality in accordance with Ministry of Environment and Climate Change guidelines and regulations, and that there is no negative environmental impact (or cumulative negative impact) resulting from the use of on site private water and sewer services. A hydrogeological or a water quality impact assessment prepared by a qualified professional may be required by the approval authority in order to address the degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic function due to single, multiple or successive development. Such assessment, when required, shall be prepared in support of a development application.

### 2.3.7 Residential Policies

1. Council's objectives respecting residential development in the Community Policy Area are as follows:

- a) To ensure the provision of an adequate supply of residential land;
  - b) To provide for a range and mix of low, medium and high density housing types;
  - c) To provide for neighbourhood facilities and amenities which are appropriate to a residential living environment;
  - d) To ensure the provision of roads and other municipal services necessary to the development of functional neighbourhood areas.
2. Residential areas shall be defined through the local municipal zoning by-law. Local Councils shall zone land for specific types of residential uses and shall ensure that permitted non-residential uses are appropriately zoned. Where a secondary plan or local Official Plan applies, areas designated for residential development shall be identified on the required map schedule.
3. Local zoning by-laws shall establish residential zones within the Community Policy Area which shall provide for the following uses:
  - a) Low density residential;
  - b) Home based businesses subject to Section 7.5.5;
  - c) Medium density residential;
  - d) Rooming and boarding houses;
  - e) Schools, parks and churches;
  - f) Accessory apartments.
4. Local commercial uses may be permitted in residential areas provided that such uses are located on an appropriate collector road, are appropriately zoned and provided that they are not detrimental to the economic well-being of the Town, Village or Hamlet core area zones in communities which choose to define such areas through the local municipal zoning by-law in accordance with the relevant policies of this Plan.
5. In order to meet the varied housing requirements of Prescott and Russell residents and to provide for orderly residential development, it is the policy of this Plan that, subject to the availability of water and waste water services, zoning regulations be designed to provide for a mix of 70% low density residential development and 30% medium density residential development in the Community Policy Area. In cases where municipal water and waste water servicing is intended to be or has been extended, zoning regulations may provide for a mix of low, medium and high density residential development as set out in Sections 2.2.6.2 and 2.2.6.5 of this Plan.
6. For the purposes of this section, low density development is defined as up to 16 units per hectare and medium density development is up to 30 units per net hectare. A net hectare is defined as the net area of the site developed for residential purposes. This term excludes roads, road right-of-way and areas that have been dedicated to the local municipality or another public agency.
7. Vacant land may be identified for future residential development and local Councils may zone such land by using the Holding provisions of Section 7.4.10. Appropriate conditions for removing the holding provisions shall be established. Where such areas are large or where there are complex issues to resolve such as infrastructure capacities, fractured ownership patterns or environmental considerations, supporting studies and reports may

be required by the Council of local municipality prior to the removal of the Holding restriction.

8. Local Councils through the development of municipal zoning by-laws and the application, where required, of site plan control, shall regulate the development of residential neighbourhoods. The use of subdivision and condominium control by local Council where such authority has been delegated shall also apply. The implementation of this Official Plan through zoning regulations, subdivision and condominium control and site plan control shall be based on the following criteria:
  - a) permit and zone a range of housing types and sizes;
  - b) identify and zone areas exclusively reserved for residential development;
  - c) ensure adequate buffering of residential areas from incompatible non-residential uses through separation distance, landscaping or other appropriate means;
  - d) identify and zone permitted non-residential uses;
  - e) where applicable identify and zone mixed-use areas in selected areas of the municipality;
  - f) permit increased housing densities through redevelopment of existing residential and non-residential buildings to satisfy a broad range of residential requirements and ensure that affordable housing is available, but low rise and low density housing forms such as single-detached and semi-detached dwelling units shall continue to predominate;
  - g) permit accessory apartments;
  - h) provide for open space and parkland and the protection of natural heritage features;
  - i) encourage residential infill and redevelopment;
  - j) regulate the physical character of infill or redevelopment projects to ensure their compatibility with established communities;
  - k) when reviewing applications for redevelopment or infill, consider the impact of the proposed development on the neighbourhood in terms of parking, traffic, open space, and proposed uses;
  - l) when reviewing development applications consider the development criteria stated in Section 7.4;
  - m) ensure the availability of adequate water and waste water treatment services.

### **2.3.8 Community Core Policies**

1. Local municipalities are encouraged to identify and support the development of a core area in each community. Core areas are generally older neighbourhoods characterized by a main traffic artery and mixed land uses. The objective of these policies is to provide the framework for long term planning efforts which can, over time, help to establish compact, mixed-use and pedestrian friendly activity nodes in each of the towns, villages and hamlets of the United Counties.
2. The following uses may be permitted in community core areas defined in local zoning by-laws:

- a) institutional uses such as churches, schools, nursing or senior's homes and medical clinics;
- b) community facilities such as community centres, libraries, town halls, day care centres;
- c) retail, service and business uses;
- d) medium density residential uses including seniors dwellings;
- e) recreational facilities such as arenas and public swimming pools;
- f) open space suitable for public gatherings;
- g) other appropriate or compatible core area uses.

Mixed uses such as ground level business or retail uses with residential uses on upper levels are encouraged.

3. Local Councils through the development of municipal zoning by-laws and the application, where required, of site plan control, shall regulate the development of Community Core Area designations. The use of subdivision and condominium control by local Council where such authority has been delegated shall also apply. The implementation of this Official Plan through zoning regulations, subdivision and condominium control and site plan control shall be based on the following criteria:
  - a) permit and zone a range of residential and non-residential uses;
  - b) permit increased housing densities through redevelopment of existing residential and non-residential buildings;
  - c) permit accessory apartments subject to available infrastructures and amenity space;
  - d) provide for the protection of natural heritage features;
  - e) regulate the physical character of infill or redevelopment projects to ensure their compatibility with the Community Core Area;
  - f) when reviewing applications for redevelopment or infill, consider the impact of the proposed development on the area in terms of parking, traffic, open space, and proposed uses;
  - g) when reviewing development applications consider the development criteria stated in Sections 7.4;
  - h) ensure the availability of adequate water and waste water treatment services.

### **2.3.9 Commercial Development Policies**

1. Commercial development shall be encouraged and supported throughout the United Counties and whenever possible it should be directed to Community Policy Areas and more specifically to those communities where piped water and waste water services can be provided.
2. Council's objectives for commercial development in Community Policy Areas are as follows:
  - a) to permit commercial uses which are compatible with the surrounding community;
  - b) to permit commercial development which can be appropriately serviced;



- c) to ensure a broad range of commercial uses in order to provide local employment opportunities;
  - d) to facilitate local control over the location and character of commercial development;
  - e) to encourage large retailers and large commercial uses to locate in the Urban Policy Area in an effort to maintain the viability and cohesiveness of existing Community Policy Area commercial areas and specifically core area retail and business uses.
3. Local municipalities shall permit a wide variety of commercial uses in the Community Policy Area and shall define and regulate such development through the use of local zoning by-laws and site plan control. The following types of commercial uses shall be permitted in the Community Policy Area designation:
- a) retail uses and retail complexes
  - b) service commercial
  - c) office commercial
  - d) restaurants and eating establishments
  - e) entertainment facilities
  - f) vehicle sales and repair
  - g) commercial trade shops
  - h) recreational uses
  - i) tourist commercial
  - j) parks and open space
  - k) other appropriate or compatible commercial uses
4. Notwithstanding the above list of permitted uses, local Councils may exclude some commercial uses from the permitted use section of the zoning by-law which implements the Community Policy Area policies where the location or scale of such uses may have a negative on the viability of identified community core areas.
5. Municipal zoning by-laws shall include provisions to maintain the character and scale of commercial development and to ensure appropriate regulatory control. Zoning by-laws shall address the following:
- a) permit a range of commercial uses;
  - b) identify commercial zones in selected areas;
  - c) ensure the protection of natural heritage features in accordance with the policies of this Plan.
6. Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to new or expanded commercial uses in order to regulate the physical character of commercial development and to ensure compatibility with established neighbourhoods.

### **2.3.10 Industrial Development Policies**

1. Council's objectives for industrial development in Community Policy Area designations are as follows:

- a) to permit industrial uses which are compatible with the surrounding community;
  - b) to permit industrial development which can be appropriately serviced;
  - c) to help develop a range of local employment opportunities;
  - d) to direct industrial growth to appropriate locations which provide sufficient existing and planned infrastructure;
  - e) to anticipate, understand, and accommodate new economies and emerging trends in the industrial sector;
  - f) to attract a wide range of industrial uses and specifically target business that reflects the values of the community.
2. The local municipalities may designate in the local Official Plan employment lands which may include manufacturing, logistics operations, warehousing, distribution, offices and related industrial and business park uses, in addition to ancillary commercial uses serving the employment lands. The local municipality shall ensure that lands are not designated to accommodate employment beyond the employment forecast set for the municipality in section 2.1.1.3. Employment lands do not support institutional uses or destination-oriented commercial and shopping uses, such as large format retail uses.
3. Once designated as employment lands, the conversion of employment lands shall be in accordance with the policies of Section 2.4.
4. Local municipalities shall permit a variety of industrial uses in the Community Policy Area designation and shall define and regulate such development through the use of local zoning by-laws and site plan control.
5. The following industrial uses shall generally be permitted in the Community Policy Area designation:
  - a) manufacturing and processing
  - b) warehousing and wholesaling of bulk products
  - c) transportation depots
  - d) heavy equipment sales and service
  - e) business or industrial parks
  - f) other appropriate or compatible industrial uses
  - g) related and or accessory commercial uses
6. Notwithstanding the above list of permitted uses, local Councils may exclude some industrial uses from the permitted use section of the zoning by-law which implements the Community Policy Area policies where the location or scale of such uses can reasonably be considered to present environmental problems or where the presence of industrial uses is incompatible with the community.
7. Local Councils through municipal zoning by-laws and site plan control shall endeavour to maintain the character and scale of industrial development and to ensure appropriate regulatory control. The review of site development and the development of zoning by-laws shall address the following:
  - a) permit a range of industrial uses;



- b) identify industrial zones in selected areas of municipalities which are well removed from residential and community core areas or which can be developed in a manner which will not result in land use conflicts in accordance with Ministry of Environment and Climate Change Guideline on Compatibility Between Industrial Facilities and Sensitive Land Uses;
  - c) ensure the protection of natural heritage features.
8. Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to new or expanded industrial uses in order to regulate the physical character of industrial development and to ensure compatibility with established land uses. Particular attention will be placed on appropriate buffering of the industrial use from adjacent land uses as well as ensuring that there is efficient and immediate access to transportation links which separates industrial traffic from normal community traffic.

## **2.4 TRADE AND INDUSTRY POLICY AREA**

### **2.4.1 General**

Council recognizes the need to provide for economic development opportunities in areas located outside of the Urban Policy Area and the Community Policy Area. The Trade and Industry Policy Area shall be the employment lands as defined in the PPS.

The Trade and Industry policies are intended to create a planning framework which will encourage and support mixed use employment areas which can accommodate serviced or un-serviced commercial, industrial or tourism related uses.

The location of Trade and Industry Policy Areas are designated on Schedule A. In accordance with the policies of this Section, Trade and Industry Policy Areas shall be the focus of employment growth and development in the County, and shall accommodate a range of uses. Trade and Industry Policy Areas shall not support institutional uses.

### **2.4.2 Trade and Industry Policy Area Boundaries**

These policies apply to the Trade and Industry Policy Area designations as shown on Schedule A. Subject to Sections 2 and 7 alterations to the boundaries of the Trade and Industry Policy Area designations as shown on Schedule A shall require an Amendment to this Plan.

Since the completion of the Hemson report in 2012, 'Growth Forecast and Land Needs Analysis - United Counties of Prescott and Russell' the Township of Russell has experienced a significant uptake of its vacant industrial land in the 417 Industrial Park. The Township is contemplating bringing full municipal services to further promote economic development opportunities in this area. The Township is concerned that the industrial development has the potential to outpace growth expectations as per the 2012 Hemson Report and may possibly need to expand its industrial park as a result. In its effort to achieve economic development objectives and promote employment growth the Township may consider the expansion of its 417 Industrial park at the time of a comprehensive review of its Official Plan with the preparation of a feasibility study and a land supply analysis of all its designated Trade and Industry Policy Areas. If the review demonstrates a shortfall and it is recognized that boundary expansions are justified, such boundary adjustments will be done in accordance with section 2.4.2.1 of this Plan.

#### **2.4.2.1 Trade and Industry Policy Area Conversion**

Trade and Industry Policy Areas shall be protected and preserved for employment uses and the County shall discourage the conversion of Trade and Industry Policy Areas for other uses. The conversion of lands from Trade and Industry Policy Areas to non-employment uses shall only be considered through a comprehensive review of this Plan, and only where it is demonstrated that the land is not required for employment purposes over the long term and that there is a demonstrated need for the conversion. A comprehensive review is an Official Plan review which may be initiated at any time by the County or an Official Plan Amendment which is initiated or adopted by the County in accordance with the policies of Section 7.

Official Plan Amendments which propose to change Trade and Industry Policy Area lands to other uses shall be supported by a comprehensive review as defined in the Provincial Policy Statement, require a study demonstrating that the lands are not required for employment purposes over the long term and that there is a need to the conversion.

#### **2.4.3 Trade and Industry Policies**

1. The objectives of the Trade and Industry Policy Area are as follows:
  - a) to provide for commercial and industrial uses which require larger land areas;
  - b) to ensure access to efficient transportation links;
  - c) to provide commercial and industrial development opportunities which will not result in land use conflicts in accordance with Ministry of Environment and Climate Change Guideline on Compatibility Between Industrial Facilities and Sensitive Land Uses;
  - d) to enhance economic development opportunities within the United Counties of Prescott and Russell.

Development within the Trade and Industry Policy Area shall generally take place in the form of an industrial or business or commercial park. Permitted uses include a broad range of uses which generally do not require large amounts of water or produce large amounts of waste water.

2. The following uses shall generally be permitted in un-serviced Trade and Industry Policy Area:
  - a) manufacturing and processing
  - b) warehousing and wholesaling of bulk products
  - c) transportation depots
  - d) heavy equipment and recreational vehicle sales and service
  - e) open storage
  - f) automobile and commercial vehicle service centres
  - g) service commercial uses ancillary to the above
  - h) other commercial uses appropriate or compatible with an industrial/commercial mixed use area or business park

In addition to the above noted uses, new heavy industrial uses may be permitted in the Trade and Industry Policy Area without an amendment to the Official Plan provided that

- there is evidence demonstrating that all environmental issues normally related to heavy industrial land uses have been resolved.
3. Where full or partial municipal services are available the following additional uses shall be permitted:
    - a) retail uses and retail complexes
    - b) service commercial
    - c) restaurants and eating establishments
    - d) entertainment facilities
  4. Permitted uses shall be subject to local zoning by-law provisions. Local Councils may require that proposed uses be supported by a market retail study prepared by a qualified professional which demonstrates that the proposed development will not negatively impact the commercial core of areas designated Urban Policy Area or Community Policy Area.
  5. Permitted uses proposed on full or partial services shall be subject to the availability of sufficient water and waste water capacity. Where only partial services are provided there shall be no negative impact on groundwater resources and sensitive surface water features. Council may require evidence, in the form of a hydrogeology study or a water quality impact assessment which confirms that the proposed development is feasible from a health and environment standpoint.
  6. Local Councils through municipal zoning by-laws and site plan control shall endeavour to maintain the character and scale of development in the Trade and Industry Policy Area and to ensure appropriate regulatory control. The review of site development and the development of zoning by-laws shall address the following:
    - a) permit a range of uses in accordance with the policies in 2.4.3;
    - b) identify Trade and Industry zones;
    - c) ensure the protection of natural heritage features.
  7. Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to new or expanded trade and industry uses in order to regulate the physical character of development and to ensure compatibility with established land uses. Particular attention will be placed on appropriate buffering of the permitted uses from adjacent non-compatible uses as well as ensuring that there is efficient and immediate access to transportation links.

#### **2.4.3.1 Separation Distances Between Industrial Facilities and Sensitive Land Uses**

As a measure to ensure the compatibility of adjacent land uses, particularly industrial facilities and sensitive land uses, minimum separation distances may be established in the implementing Zoning By-law. For the purposes of this Plan, a sensitive land use is generally considered to be a residence, school, daycare, hospital, senior citizens home or other land uses, such as outdoor recreational activities, where humans or the natural environment may be adversely affected by emissions from industrial facilities. The separation distances between industrial facilities and sensitive land uses shall generally conform to the Ministry of Environment and Climate Change's D-Series Guidelines which are summarized as follows:

- a) Light industrial: 60 metres minimum except where an industry processing produces emissions or outputs that are zero to negligible, there is no outside storage and there is a self-contained process with to low probability of fugitive emissions. Such uses include small scale manufacturing and assembly of goods, small scale transportation depots, and warehousing.
- b) Medium industrial, including medium scale processing and manufacturing with heavy outdoor storage of wastes or materials: a range of 90 to 300 metres. Such uses may include food processing plants, large manufacturing plants requiring frequent truck traffic, large scale transportation depots, and storage yards.
- c) Heavy industrial, including large scale manufacturing or processing with a large physical size, production volumes and intensity of use and/or having the potential for the release of contaminants: 300 metres minimum.

## **2.5 RURAL POLICY AREA**

### **2.5.1 General**

The United Counties of Prescott and Russell is characterized by its largely rural and agricultural nature. The Official Plan policies in Part II are intended to provide for the long term orderly development of the rural area in a manner which is consistent with ensuring the protection of natural and environmental resources and which will respect the objective of protecting the character of our rural and urban areas.

### **2.5.2 Rural Policy Area Boundaries**

- 1. The Rural Policy Area is composed of lands which are located outside of the primary development and agricultural resource areas, that is to say lands which are outside of the Urban Policy Area and Community Policy Area and the Trade and Industry Policy Area and the Agricultural Resource Policy Area. Lands which are subject to the Mineral Aggregate Resources policies of Part IV and/or the Natural Heritage policies of Part V and or the Public Health and Safety policies of Part VI may be designated “Rural Policy Area”, but development, or certain uses, may be constrained or prohibited. Rural development shall be ‘limited’ in scale with the majority of growth directed to settlement areas.
- 2. The expansion or reduction of the boundaries of the Rural Policy Area boundaries can only be accomplished through an amendment to the Official Plan.
- 3. The rural area is not the principal sector for residential development. Population growth is intended to be directed to the Urban Policy Area and Community Policy Area. The intent of this Official Plan however is not to prohibit residential development in the rural areas, but rather to provide a framework for appropriate country lot development which will support the objective of preserving the identity and character of the rural and urban areas.
- 4. In order to maintain and protect the character and identity of the Rural Policy Area, it will be important to avoid inefficient land use patterns such as strip, rear lot or scattered

- development, to minimize incompatibility between land uses and to minimize adverse environmental impacts.
5. To achieve these goals and to minimize the costs of taxpayers, the United Counties in collaboration with local municipalities, will evaluate the following criteria's before processing consent application within the Rural Policy Area:
    - a) The proposed dwelling and private services must be located in an area that will minimize the removal of mature vegetation. When possible, the footprint of the new development should be minimized and efforts should be directed at protecting existing areas of the natural environment and open space and preserving the character of the rural areas.
    - b) The United Counties or the local municipalities may request to implement severance agreements, covenant or other similar mechanism as a condition of consent dealing with the location of the proposed buildings and, or building envelope on the affected land in order to minimize incompatibility between land uses and to minimize adverse environmental impacts.
  6. Residential development in the Rural Policy Area shall generally proceed on the basis of private water and waste water systems.
  7. Communal services which are not connected to full municipal sewage and/or water services, may be permitted provided that they are for the common use of more than five residential units/lots and are owned, operated, and managed by the municipality, another public body, or a condominium corporation or single owner which has entered into an agreement with the municipality or public body, pursuant to Section 51 of the *Planning Act*. Such agreement shall provide for municipal/public body assumption of the communal services in the event of default by the owner. It is recognized that local municipalities may not have the financial or human resources to own, operate and manage such systems and as such local municipalities are not obligated to accept communal systems. The need to develop on private services may place limits on the amount, distribution and type of development which may take place.
  8. The following residential uses are permitted in the Rural Policy Area subject to other relevant policies in this Plan:
    - a) single dwelling unit
    - b) semi-detached and duplex dwellings
    - c) individual mobile homes may be permitted subject to a local zoning by-law amendment or through a temporary use by-law.
    - d) accessory apartment
    - e) the conversion of existing single detached dwellings into two family unit dwellings may be permitted in accordance with the provisions of the local Zoning By-law.
    - f) mobile home parks subject to a local zoning by-law amendment.
  9. Notwithstanding the residential uses permitted in Section 2.5.2, in the Township of Champlain mobile home parks and individual mobile homes are not permitted.
  10. Local Councils through the development of municipal zoning by-laws shall regulate residential development. The use of subdivision and condominium control, by local Council, where such authority has been delegated, shall also apply as will the granting of

consents by the appropriate consent granting authority. The implementation of this Official Plan through zoning regulations, subdivision and condominium control and consents shall be based on the following criteria:

- a) permit and zone a range of housing types and sizes;
- b) ensure adequate buffering of residential areas from incompatible non-residential uses through separation distance, landscaping or other appropriate means;
- c) identify and zone permitted non-residential uses;
- d) permit accessory apartments subject to available infrastructures and amenity space;
- e) ensure the protection of resources from incompatible uses through appropriate setbacks and the use of Minimum Distance Separation formulae where appropriate;
- f) ensure the protection of natural heritage features;
- g) when reviewing development applications consider the development criteria stated in Section 7.

11. Lot frontage, depth and area shall meet local zoning by-law requirements.
12. The minimum lot area required in the Rural Policy Area for residential development shall be based on the area required to ensure adequate private water and septic waste water disposal systems. The minimum lot area shall generally be 0.4 hectares or more. Minimum lot areas of less than 0.4 hectares may be permitted in local zoning by-laws depending on sustainable ground water quantity and acceptable quality, and the soil conditions and their ability to accommodate the effluent load from a septic field along with its replacement area, by a demonstration of no negative impacts as per the Provincial Policy Statement through a study prepared by a qualified professional. The approval authority may require the preparation of a hydro-geology study in support of a lot creation application by consent or plan of subdivision.

### 2.5.3 Non-residential Development Policies

The rural area is not the principal sector for non-residential development. The intent of this Official Plan however is not to prohibit development in the rural areas but rather to provide a framework for appropriate non-residential development limited in scale which can occur in a manner which is consistent with the objective of preserving the identity and character of the rural areas.

Development in the Rural Policy Area will generally be on the basis of private individual services and as such there is a need to ensure that the installation of these services be carried out on the basis of solid construction guidelines in order to ensure the long term viability of these services. The need to develop on private services may place limits on the amount, distribution and type of development which may take place.

The following non-residential uses are permitted in the Rural Policy Area:

#### Resource Uses

1. agricultural uses in accordance with the *Nutrient Management Act* and Minimum Separation Distance standards established by the Ministry of Agriculture Food and Rural Affairs.



2. uses which are secondary to a principal agricultural use and which add value to agricultural products or support the agricultural resource use
3. hobby farms in accordance with local zoning by-laws
4. forestry uses subject to Section 5
5. parks and open spaces
6. recreational trails
7. wayside pits and quarries, portable asphalt plants and concrete plants used on public authority contracts shall be permitted except in areas of existing development or particular environmental sensitivity as identified in local zoning by-laws.

#### Commercial and Industrial Uses

1. agriculture-related commercial and industrial uses
2. non-agricultural industrial and commercial uses which meet the needs of the travelling public, or which relate to local resources
3. custom workshops
4. kennels and veterinary clinics
5. motor vehicle sales and service establishments
6. tourism commercial uses (motel, hotel, eating establishments, etc.)
7. recreational commercial uses such as marinas, golf courses and campgrounds
8. communication towers

#### Institutional Uses

1. institutional uses such as churches, cemeteries and community halls

#### Infrastructure Uses

1. waste disposal facilities subject to the relevant policies of Section 3.5.

Notwithstanding the list of commercial and industrial uses permitted in Section 2.5, in the Township of Champlain industrial or commercial uses requiring large tracts of land are permitted subject to the completion of hydrogeology investigations but shall not permit industrial, commercial or business parks.

Notwithstanding the above list of permitted uses, local Councils may exclude some uses in Rural Policy Area where the location or scale of such uses can reasonably be considered to present environmental problems or where the permitted use is generally incompatible with the scale and character of the community. In such cases local Council may choose not to permit such uses in local zoning by-laws which implement this Official Plan.

Council may use zoning provisions to implement minimum setbacks from the limits of developed areas including Urban Policy Areas or Community Policy Areas or from to reduce potential impacts from permitted agricultural uses which include large or intensive livestock operations.

Local Councils through municipal zoning by-laws and site plan control shall endeavour to maintain the character and scale of non-residential development and to ensure appropriate



regulatory control. The review of site development and the development of zoning by-laws shall address the following:

1. permit a range of non-residential uses;
2. ensure the protection of resources from incompatible uses;
3. ensure the protection of natural heritage features;
4. when reviewing development applications consider the development criteria stated in Sections 7.4.

Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to non-residential uses in order to regulate the physical character of development and to ensure compatibility with established land uses.

## 2.6 CROWN LANDS

The Ministry of Natural Resources and Forestry administers Crown lands within the United Counties of Prescott and Russell, including major holdings in the area of Alfred Bog and Voyageur Provincial Park. The use of Crown lands will be in accordance with the legislation, regulations, management policies and plans of the Ministry of Natural Resources and Forestry. The Ministry of Natural Resources and Forestry shall have due regard for land use policies and designations for lands located within the immediate vicinity of Crown lands when preparing management plans and policies. The Ministry of Natural Resources and Forestry shall consult with the County and the relevant local municipality prior to the implementation of plans and programs within the United Counties of Prescott and Russell. Council will have regard for the uses carried out on Crown lands when considering proposals for new land uses on adjacent lands. Should Crown lands become private lands, the County shall consult with relevant stakeholders and determine an appropriate land use designation through an amendment to this Official Plan.

The bed of navigable waters is predominantly Crown land regulated under the Public Lands Act and administered by the Ministry of Natural Resources and Forestry. Construction and alteration of buildings and other developments on or above Crown land requires a work permit issued by the MNRF, and potentially a form of occupational authority under the Public Lands Act. Similar policies may apply to lands adjacent to Crown lands.

It shall be the policy of the County that:

1. Development on or above the bed of navigable waters shall be reviewed and approved by MNRF.
2. Where ownership is unconfirmed by the Municipal Property Assessment Corporation, the potential ownership of lands by the Crown shall be explored.

Crown lands are identified as an overlay on top of the designations on Schedule A.

## 3 INFRASTRUCTURE POLICIES

### 3.1 INTRODUCTION

Infrastructure refers to the construction and maintenance of roads, bridges, structures and railway lines required for transportation services, the physical supply and distribution of water, the collection and treatment of waste water and the management of storm water, the collection and disposal of solid waste, the construction and maintenance of energy production and distribution facilities such as hydro-electric structures, wind and solar energy facilities and gas pipelines and finally the development of communication facilities such as transmission towers and underground telephone and fibre optic lines. Infrastructure policies also take into consideration the on-going development of multi-purpose recreational trails by the United Counties and local municipalities.

The objective of these policies is to ensure that effective infrastructure services will be provided by the appropriate level of government or the private sector in a cost efficient manner which recognizes development priorities and which ensures the protection of our environment.

*The Planning Act* requires that infrastructure expansions conform to the upper tier Official Plan. (See Section 24.1, *Planning Act*). The *Development Charges Act*, 1997 and associated regulation requires that the Council of a municipality must indicate, in an approved Official Plan, capital forecasts or similar expression of the intention of the Council, that it intends to ensure that an increase in the need for service will be met (See *Development Charges Act*, paragraph 3 of Section 5(1)).

### 3.2 INFRASTRUCTURE PLANNING

The provision of transportation, water, waste water, solid waste, energy and communication infrastructures are crucial to ensuring that the United Counties can continue to accommodate growth in a manner which is environmentally, socially and economically sustainable. The completion of regional level studies is required in order to plan future capital improvements.

It is Council's intent to support the undertaking of the following studies:

1. Undertake a detailed inventory of infrastructure services across the United Counties;
2. In consultation with local municipalities, prepare a detailed analysis of the technical, financial and environmental characteristics of each component of water, waste water and surface water infrastructures;
3. Establish a servicing master plan for water, waste water, services which set out optimum service levels based on growth priorities and the ability to finance system expansions;
4. Initiate an analysis which will review how water and waste water services are delivered and administered and recommend the most effective and efficient method for the provision of these infrastructure services. Council may initiate a Transportation Needs Study which will determine optimum transportation servicing levels for County roads. This study could include a comprehensive traffic analysis to identify and assess long term traffic implications on the provincial highway system;
5. Council may also proceed with the development of a solid waste master plan should this solid waste management responsibilities be transferred to the upper tier;

6. The United Counties will prepare any required amendments to the Official Plan based on the recommendations of the above noted studies;
7. It is the intention of Council to ensure that an increase in the need for eligible services and infrastructure may be recoverable through the enactment of a development charge by-law under the *Development Charges Act, 1997* by the United Counties of Prescott and Russell and/or a local municipality. In short, eligible public works and municipal services may be in part or in whole funded through development charges. Local municipalities will be encouraged to plan and provide for short and long term capital expenditures by enacting development charge by-laws under the *Development Charges Act, 1997*.

### 3.2.1 Local Infrastructure Planning

Council recognizes that the responsibility for the planning, construction and maintenance of some infrastructures is the responsibility of local municipalities. Council is aware of on-going efforts to resolve local infrastructure problems. Continued efforts to find solutions to local infrastructure problems by local municipalities are considered to be appropriate and in conformity with the policies of the United Counties Official Plan.

### 3.2.2 Asset Management

1. Asset management planning is the process of making the best possible decisions regarding the building, operating, maintaining, renewing, replacing and disposing of infrastructures assets. The objective is to maximize benefits, manage risk, and provide satisfactory levels of service to the public in a sustainable manner.
2. Asset management requires a thorough understanding of the characteristics and condition of infrastructure assets, as well as the service levels expected from them. It also involves setting strategic priorities to optimize decision-making about when and how to proceed with Investments.
3. Planning for infrastructure, electricity generation facilities and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so 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.

## 3.3 TRANSPORTATION

The management of the roadway infrastructure in Prescott and Russell is shared between the Province, the United Counties and local municipalities. The transportation system is composed of Provincial highways, County roads, local public roads opened and maintained on a year round basis, seasonal roads which are not maintained during the winter maintenance season and local private roads. The transportation network is shown on Schedule D.

Council's objective for the development and maintenance of the transportation infrastructure is to ensure that the road network within the United Counties, regardless of which level of government is responsible, will function in a cost effective, efficient and safe manner for the movement of people and goods throughout the territory.

### 3.3.1 Provincial Highways

There are two Provincial Highways in Prescott and Russell, Highway 34 and Highway 417. Under the authority of the *Public Transportation and Highway Improvement Act* (PTHIA), Highway 34 has been designated as a King's Highway, and Highway 417 as a Controlled Access Highway.

Under the authority of the PTHIA, the Ministry of Transportation (MTO) may issue permits for the purpose of controlling and regulating buildings, land use, business establishments, encroachments, entrances, plantings, signs and miscellaneous structures and installation on or within MTO's control area adjacent to a provincial highway. MTO may attach such conditions to these permits as MTO deems necessary to achieve the intent of the PTHIA.

In addition to all the applicable municipal requirements, any proposed development located within MTO's permit control area under the PTHIA will also be subject to MTO review and approval prior to the issuance of entrance, building and land use permits. These permits must be obtained prior to any construction being undertaken. Early consultation with MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Direct access will be discouraged and often prohibited. The following table summarizes MTO's permit control area under the PTHIA:

An MTO Permit is Required if you	Within this distance ...
Place a building, structure, entrance or any road	45 m of the limit of any highway 180 m of the centre point of any intersection (on King's Highways) 395 m of the centre point of any interchange (on controlled-access Highways)
Place a sign	400 m of the limit of the highway
Major developments* or uses i.e. shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers	800 m of the limit of the highway

Traffic Impact Studies may be required for any development proposal within MTO's permit control area. The main purpose of the Traffic Impact Study is to demonstrate how the transportation impacts of a proposed development or redevelopment can be mitigated and addressed in a manner that is consistent with the objectives of MTO. The Traffic Impact Study also serves as the basis for the identification and evaluation of transportation related improvements or measures to be included as a condition of permit issuance for the development or redevelopment. All such improvements or measures will be subject to MTO's policies, standards and requirements.

Council and the MTO will work cooperatively with respect to the planning of land development and associated access connections within the MTO's permit control area adjacent to the provincial highway within the United Counties, in order to protect for the future safety, operation and capacity of both the provincial highway network and the county and municipal's transportation corridors for the movement of people and goods.

### **3.3.2 Upper Tier Highways**

The Upper Tier road system has been classified into three separate categories, i.e. primary artery (County Road 17), major collectors and minor collectors. Major collectors are County roads which have the capacity to carry large traffic volumes, which link two or more communities or which function as an integral part of the provincial transportation network through linkages to Provincial highways. Minor collectors are County roads with a lesser capacity to carry large volumes of vehicular traffic often due to the presence of numerous road accesses, and which offer secondary linkages between communities or to the Provincial road network.

The County shall be consulted prior to any submission of the following proposed development adjacent to and/or with potential impact to a County Road:

1. Consent application;
2. Zoning amendment for a change of use;
3. Plan of Subdivision;
4. Site Plan Control.

As a result of the consultation, the County may require a Traffic Impact Study in order to demonstrate how the transportation impacts of the proposed development or redevelopment can be mitigated and addressed. The County shall implement its authority under the Entrance By-law, as amended from time to time. The County may refuse to issue permits for the purpose of controlling and regulating entrances in order to protect for the future safety, operation and capacity of the highway network transportation corridors for the movement of people and goods.

### **3.3.3 Primary Artery**

The only primary artery in the United Counties is County Road 17 which was formally a provincial highway. This artery, along with Highway 417 is the main east-west link in Prescott and Russell. It links the growth areas of Rockland and Hawkesbury and serves as a major transportation link between the Ottawa region and the Montreal Urban Community.

The policies of this section are designed to maintain a high level of efficiency for the movement of vehicles while also providing limited opportunities for commercial and industrial development which can benefit from high traffic volumes.

The following policies shall apply to roads designated primary artery:

1. Lot creation by consent for residential purposes with direct access to a primary artery is not permitted with the exception of a residence surplus to a farming operation as a result of farm consolidation.
2. Residential subdivisions fronting on a primary artery may be permitted in accordance with the land use designation, provided that access is provided through a public road maintained year round. The review process shall ensure that adequate measures are

- included in the subdivision design to mitigate any potential negative impacts related to the proximity of the primary artery to the residential development.
3. Within the limits of an Urban or Community Policy Area, commercial or industrial development with frontage on the primary artery may be permitted subject to the approval of the design and location of the lot access by the Prescott and Russell Public Works Department and subject to other relevant policies of this Plan.
  4. Lot creation for commercial or industrial development outside of the Urban or Community Policy Area may be permitted in accordance with the applicable land use designation provided that the lot access is located at a minimum of 200 metres from the closest existing road access on the same side of the road and provided that there are no traffic safety or hazardous conditions. The design and location of the lot access shall be subject to the approval of the Prescott and Russell Public Works Department and shall generally require the construction of acceleration and deceleration lanes. Turning lanes may also be required where it is established through a traffic impact analysis completed to the satisfaction of the Director of Public Works, that the development will generate substantial traffic volumes.
  5. Development on lots of record existing as of the day of adoption of this Official Plan may be permitted in accordance with the applicable land use designation policies and local zoning regulations and provided that new accesses are kept to a strict minimum by enforcing, where possible, a minimum 200 metres separation distance from existing accesses on the same side of the road. Alternatively safety issues may be addressed through engineered solutions such as turning lanes, acceleration lanes or deceleration lanes.
  6. The minimum 200 metre separation distance required in policies 4 and 5 above may be reduced by the United Counties of Prescott and Russell Public Works Department without amendment to this Plan where sufficient frontage exists which would normally permit the maintenance of the separation distance but where topographical or safety considerations would dictate that a lesser separation distance may be reasonable.
  7. A minimum development setback of half the minimum right of way identified on Schedule D from the centre line of the road shall be required and implemented in local zoning by-law.
  8. Council recognizes that growth and development in the west part of the United Counties has resulted in increased pressures on the capacity of County Road 17 to provide a safe and efficient transportation link to the City of Ottawa. The United Counties in partnership with the City of Ottawa has initiated a Class Environmental Assessment (EA) study for improvements to Ottawa Road 174 from the Highway 417 Interchange to Canaan Road and improvements to Prescott-Russell County Road 17 from Canaan Road to County Road 8 (Landry Road). This Study will be carried out in accordance with the requirements for a Schedule 'C' project under the Municipal Class Environmental Assessment (2007, 2011). The purpose of the study is to conduct a detailed evaluation of future transportation demand for the County and City's east-west direction of travel, assess current deficiencies and develop a recommended plan to address capacity, operational and safety issues, meet the transportation needs and minimize environmental impacts. Until such time as this study is completed no new development will be permitted which requires direct access to the above noted section of County Road 17.
  9. The County undertook a Municipal Class Environmental Assessment (EA) Schedule C Study for improvements to County Road 17 from the Highway 34 interchange to approximately 800 meters east of Tupper Street. The purpose of this Class EA was to study the existing and future transportation needs associated with the commercial and



light industrial growth expected along County Road 17 in the Hawkesbury and Champlain Township area. The recommended plan involves intersection improvements and the widening of County Road 17 from two lanes to three and four lanes starting immediately east of the end of the ramps to and from Highway 34 northbound. A raised concrete median is proposed to be installed through the study area to control access locations. As part of the recommended plan, no new access, unless by way of new road/street will be permitted along the corridor. Any new road/street will be subject to the approval by the United Counties Prescott and Russell Public Works Department and subject to other relevant policies of this Plan.

10. Council recognizes the role of County Road 17 as an important primary artery and as a consequence, the speed and volume of traffic create safety issues for vehicles turning to/from existing driveways and street accessing this primary artery. Subject to the approval of the design and location of the lot access by the Prescott and Russell Public Works Department and subject to other relevant policies of this Plan, accesses from individual properties along this primary artery will generally be provided through shared or joint access points with existing development, or alternative road access via service roads or nearby streets. New accesses may be restricted to a right in-right out access.

### 3.3.4 Major Collector Policies

The policies of this section are designed to maintain a high level of efficiency for the movement of vehicles while also providing limited opportunities for commercial and industrial development which can benefit from high traffic volumes.

The following policies shall apply to roads designated Major Collector:

1. Lot creation by consent for residential purposes with direct access to a major collector will not be permitted with the exception of a residence surplus to a farming operation as a result of farm consolidation and of residential lots within the Urban and Community Policy Area.
2. Residential subdivisions on major collectors may be permitted provided that access to the major collector is provided through a local municipal road maintained year round. The review process shall ensure that adequate measures are included in the subdivision design to mitigate any potential negative impacts related to the proximity of the major collector to the residential development.
3. Lot creation by consent for commercial or industrial purposes is permitted provided that the lot access is located a minimum of 200 metres from the closest existing road access on the same side of the road and provided that there are no traffic safety or hazardous conditions. The design and location of the lot access shall be subject to the approval of the Prescott and Russell Public Works Department. A traffic impact analysis completed to the satisfaction of the Director of Public Works may be required prior to the issuance of an entrance permit.
4. Development on lots of record existing as of the day of adoption of this Official Plan may be permitted in accordance with the applicable land use designation and local zoning regulations and provided that new accesses are kept to a strict minimum by enforcing, where possible, a minimum 200 metres separation distance from existing accesses on the same side of the road. Alternatively safety issues may be addressed through engineered solutions such as turning lanes, acceleration lanes or deceleration lanes.



5. The minimum 200 metres separation distance required in 3 and 4 above, may be reduced by the Prescott and Russell Public Works Department without amendment to this Plan where sufficient frontage exists which would normally permit the maintenance of the separation distance but where topographical or safety considerations would dictate that a lesser separation distance may be reasonable and/or where the road access is located within an Urban and Community Policy Area.
6. A minimum development setback of half the minimum right of way identified on Schedule D from the centre line of the road shall be required and implemented in local zoning by-law.

### 3.3.5 Minor Collector Policies

1. Lot creation by consent for residential purposes with direct access to a minor collector will be strongly discouraged with the exception for a residence surplus to a farming operation as a result of farm consolidation and of residential lots within the Urban and Community Policy Area. Where exceptional circumstances are such that a residential consent might be considered, the issuance of an access permit by the Prescott and Russell Public Works Department shall be required prior to the submission of the application.
2. Residential subdivisions on minor collectors may be permitted provided that access to the minor collector is provided through a local municipal road maintained year round. The review process shall ensure that adequate measures are included in the subdivision design to mitigate any potential negative impacts related to the proximity of the minor collector to the residential development.
3. Lot creation for commercial or industrial purposes is permitted provided that the lot access is located a minimum of 100 metres from the closest existing road access on the same side of the road and provided that there are no traffic safety or hazardous conditions. The design and location of the lot access shall be subject to the approval of the Prescott and Russell Public Works Department. A traffic impact analysis completed to the satisfaction of the Director of Public Works may be required prior to the issuance of an entrance permit.
4. Development on lots of record existing as of the day of adoption of this Official Plan may be permitted in accordance with the applicable land use designation and local zoning regulations and provided that new accesses are kept to a strict minimum by enforcing, where possible, a minimum 100 metres separation distance from existing accesses on the same side of the road. Alternatively safety issues may be addressed through engineered solutions such as turning lanes, acceleration lanes or deceleration lanes.
5. The minimum 100 metres separation distance required in 3 and 4 above, may be reduced by the Prescott and Russell Public Works Department without amendment to this Plan where sufficient frontage exists which would normally permit the maintenance of the separation distance but where topographical or safety considerations would dictate that a lesser separation distance may be reasonable and/or where the road access is located within an Urban and Community Policy Area.
6. A minimum development setback of half the minimum right of way identified on Schedule D from the centre line of the road shall be required and implemented in local zoning by-law.

### 3.3.6 Local Roads

Local roads consist of local collectors and local streets which are publicly maintained on a year round basis, seasonal roads and private roads. Local roads shall generally have a minimum right-of-way width of 20 metres however reduced right-of-way widths may be accepted through the subdivision or condominium review process provided that the right-of-way widths can accommodate all of the required servicing infrastructures for the proposed development and provided that the approval authority is satisfied that the reduced widths will not result in lower quality development.

The following policies shall apply to the local road network:

#### 1. Local Collector

Local collectors are identified on Schedule D. Access to local collectors shall generally be minimized in order to ensure that the main function of the roadway as an efficient transportation artery is maintained. Access control shall be established in local zoning by-laws.

#### 2. Local Street

Local streets are identified on Schedule D. Generally new development and lot creation on local streets may be permitted in accordance with the relevant policies of this Plan and the requirements of local zoning by-laws, provided such public streets are maintained on a year round basis.

#### 3. Private Roads

Private roads are identified on Schedule D. New private roads or the extension of existing private roads is only permitted where such roads are required as part of a condominium plan which defines responsibility for the long term maintenance of the private road and where it connects directly to an existing public road and where the subject lands have legal frontage on the same existing public road. Private condominium roads shall be constructed to a municipal standard. In such cases an amendment to the Official plan is not required.

#### 4. Seasonal Roads

Seasonal roads are identified on Schedule D. New seasonal roads or the extension of existing seasonal roads is not permitted. Except in the Township of Russell, development in accordance with local zoning by-laws may be permitted on existing lots of record located on seasonally maintained public roads. The creation of new lots is not permitted on seasonal roads.

The creation of new lots is not permitted on seasonally maintained roads or on private roads with the exception of lots created through a condominium plan. Development in accordance with local zoning by-laws may be permitted on existing lots of record located on seasonally maintained roads or on private roads. In the Township of Russell however, development and the creation of new lots is not permitted on seasonally maintained public roads or on private roads.

### 3.3.7 Land Acquisition

Land may be acquired by a public authority for road widenings, road extensions, rights-of-way, intersection improvements or railway crossing improvements. Such land may be acquired through the subdivision or consent process, through site plan control or through formal

agreements. Schedule D identifies the minimum rights-of-ways for highways and roads to be widened and the extent of the proposed widenings.

In addition to requiring road widenings to secure the minimum rights-of-ways for highways and roads shown on Schedule D, the public authority may require road widenings as a condition of approval of a development application and/or site plan, for the following purposes:

- a) to provide for transit and rapid transit infrastructure, pedestrian facilities and cycling lanes;
- b) at county or local road intersections to accommodate roundabouts, turning lanes, daylighting triangles, channelization and locations for traffic control devices;
- c) to provide suitable access to major traffic generators or attractors; and
- d) to accommodate cut and fill slopes.

### **3.3.8 Extension or improvements to Existing Roads**

Extensions to existing roads may proceed without amendment to this Plan provided that the extension is required to improve the local or county road system. Minor extensions may be permitted for development purposes provided that the roadway extension is constructed to municipal standards at no cost to the municipality and provided that the local council is satisfied that the extension and the subsequent maintenance costs are justified.

Where a proposed development is likely to generate significant traffic, i.e. a draft plan of subdivision proposing at least 20 dwelling units, the County or local municipalities may require the owner or applicant to undertake a Transportation Impact Study to assess the impact of the development on the county and/or local transportation system. In addition to determining the impact of private vehicles, the Transportation Impact Study will examine ways of encouraging alternative forms of transportation such as walking, cycling and public transit, and recommend necessary improvements. Such studies and measures will be the financial responsibility of the owner/applicant.

Where a proposed development application is affected by road improvements that are subject to a Municipal Class Environmental Assessment, the Environmental Assessment will be completed to the extent required before approval of the development application by the county or local municipalities.

### **3.3.9 Addition of Roads**

New roads may be added to the local or county road system without amendment to this plan where such roads are the result of the approval of a Plan of Subdivision and/or of a Plan of Condominium or is required as a condition of Site Plan Approval and/or of Consent Approval.

### **3.3.10 Conversion of Roads**

The conversion of seasonal roads or private roads to public roads maintained on a year round basis shall require an amendment to this Plan. An amendment shall not be required where such seasonal or private roads meet municipal design standards for public roads maintained on a year round basis.

The conversion of a County road to a local municipal road and/or the conversion of a local municipal road to a County road shall not require an amendment to this Plan. Where a new road

is added to the counties' road system, the Counties' road authority shall classify the new acquired road as either a minor or major collector. Schedule 'D' of this Plan may be amended or adjusted without the need for an Official Plan Amendment in order to reflect these conversion changes.

### **3.3.11 Bridges**

Bridges and culverts are an integral component of the United Counties and local municipal transportation systems. The maintenance, repair, replacement or expansion of these structures are an on-going and necessary activity and are considered consistent with the policies of this Official Plan.

### **3.3.12 Cycling Policies**

Bicycling is recognized as an alternative mode of transportation that can play a positive role in improving mobility and a quality of life as part of a balanced transportation system. Cycling also reduces the dependence on the automobile. This Plan shall encourage people to ride bicycles.

- a) Where Council considers it appropriate, new development or redevelopment may be expected to incorporate bicycle facilities.
- b) When undertaking public works and where appropriate, the County and the local municipalities may include the provision of bike lanes and bicycle facilities to address the needs of cyclists.
- c) The Council and the local municipalities may establish a cycling plan for urban, community and rural areas which identifies cycling routes. Such a plan shall encourage the interconnections between bike routes and open space areas. Such a plan shall be designed to improve the viability of cycling as an alternative to car use.

### **3.3.13 Pedestrian Policies**

Within urban and community areas, one of the objectives of this Plan is to establish pedestrian friendly environments. Overall, this Plan shall encourage people to walk for health reasons and to reduce their dependence on the automobile. This Plan stresses the need for a clearly defined network of sidewalks, pathways and cycle routes that are linked to established public areas.

- a) Where Council and local Councils consider it appropriate, new development or redevelopment may be expected to provide pedestrian walkways and sidewalks constructed to an appropriate standard. The location, size and nature of the development will determine whether sidewalks are needed on both sides or one side of the street. In some cases, sidewalks may not be required.
- b) When undertaking public works and where appropriate, the United County and/or local municipalities may include the provision of facilities which address the needs of pedestrians.
- c) To encourage pedestrian travel, streetscapes should be safe, convenient and attractive for pedestrians. This may include providing sidewalks, locating commercial uses at street

level, encouraging building design that provides shelter and providing appropriate lighting, street furniture and landscaping.

- d) Council and local Councils may establish a pedestrian walkway plan for urban and rural areas which outlines areas where walkways exist and where they should be created within an overall network. Such a plan shall encourage pedestrian interconnections between home, schools, recreational areas, and shopping areas. The local municipalities shall maintain and enhance the existing sidewalk network in order to achieve this policy.

### **3.3.14 Railway Properties**

Council acknowledges the importance of the rail infrastructure and recognizes its critical role in long-term economic growth and the efficient and effective movement of goods and people. Council shall ensure the continued viability and ultimate capacity of the rail corridors and yards (if applicable) is protected and shall identify and support strategic infrastructure improvements such as targeted grade separations. The following policies shall apply:

1. Sensitive land uses will not be encouraged adjacent or in proximity to rail facilities.
2. All proposed residential or other sensitive use development within 300 metres of a railway right-of-way will be required to undertake noise studies, to the satisfaction of the Municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified. All available options, including alternative site layouts and/or attenuation measures, will be thoroughly investigated and implemented if practicable to ensure appropriate sound levels are achieved, particularly with respect to the 55 dBA outdoor living area criterion.
3. All proposed residential or other sensitive use development within 75 metres of a railway right-of-way will be required to undertake vibration studies, to the satisfaction of the Municipality in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.
4. All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Municipality in consultation with the appropriate railway. Where applicable, the Municipality will ensure that sightline requirements of Transport Canada and the railways are addressed.
5. Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms, to the satisfaction of the Municipality and the appropriate railway.
6. New residential development or other sensitive land uses will not be permitted within 300 metres of a rail yard (if applicable).
7. All residential development or other sensitive land uses located between 300 m and 1000 m of a rail yard will be required to undertake noise studies, to the satisfaction of the Municipality and the appropriate railway, to support its feasibility of development and, if feasible, shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.

#### **3.3.14.1 Comprehensive Zoning By-law Provisions**

Local municipal Comprehensive Zoning By-law shall include the following provisions:

1. A minimum building setback for residential and other sensitive land uses from a railway right-of-way is 30 metres in conjunction with a 2.5 metre high earthen berm (with 2.5 to 1 side slopes, adjoining and parallel to the railway right-of-way with returns at the ends). In absence of a safety berm, a 120 metres setback is required. The 30 m setback and 2.5 m high earthen berm requirement is for Principal Main Lines. For Secondary Main Lines, the requested setback is 30 m but the minimum berm height is 2.0 m. For Principal Branch Lines, the requested setback is 15m and the minimum berm height is 2.0 m.
2. A 1.83 metre chain link security fence is required along the mutual property line with the railway right-of-way, to be installed and maintained at the Applicant/Owner's own expense.
3. Any future residential development adjacent to the railway right-of-way will require approval from the railway for noise and vibration mitigation measures.
4. New residential development or other sensitive land uses will not be permitted within 300 metres of a rail yard (if applicable).

### **3.3.15 Airport and Marine Facilities**

Any airports and marine facilities (as defined by the Provincial Policy Statement (PPS) 2014) located in the County shall be protected for the long-term and for their economic role in the County. Applications for development on lands determined to be adjacent to these facilities shall be examined to ensure they are designed, buffered and/or separated from these facilities, in accordance with applicable standards and guidelines.

## **3.4 WATER, WASTE WATER AND STORMWATER SERVICES**

### **3.4.1 General**

The following general policies shall apply:

1. Development will not be encouraged where such development would result in, or could lead to, unplanned expansions to existing water and waste water infrastructures.
2. Development shall generally be directed to communities which can reasonably provide or extend full water and waste water services.
3. On lands located along water transmission main routes, existing or new development on partial servicing (water service only) is permitted in accordance with the municipality's connection policies. New lot creation with a direct connection to the municipal water service shall be in accordance with Section 7.4.2. Plans of subdivisions with a direct connection to the municipal water service shall not be approved. On lands located outside the Urban and/or Community Area Policy, a direct connection to the municipal water service is not permitted for lands not located along water transmission main routes.
4. The allocation of infrastructure capacity for infill and economic development purposes is encouraged.
5. Although it is recognized that the United Counties do not provide water and waste water services, Council may assist local municipalities with the operation and or expansion of water and waste water systems when requested to do so. The upper tier involvement will be limited to technical assistance provided by the Public Works Department and the support of local efforts to secure financial assistance from senior levels of government.



Such support will generally be provided when proposed improvements are consistent with the policies of the Official Plan or required to resolve health or environmental problems.

6. Stormwater management will be required for all new development in the United Counties in accordance with guidelines which may be developed by the Ministry of Environment and Climate Change, the Ministry of Natural Resources and Forestry, the South Nation Conservation, the County, or local municipalities. Stormwater management may not be required for small scale developments such as lots created through the consent process or minor developments subject to site plan control where there is no impact on the watershed. Through these studies and plans careful consideration shall also be given to the use of low impact development (LID) practices for stormwater management including the design of impervious surfaces and other factors that impact on stormwater management. Stormwater management facilities and LID practices shall be designed, where possible, to be linked with the natural heritage and open space system. Development within the Ministry of Transportation permit control area as identified in Section 3.3.1 may require a stormwater management study to be reviewed and approved prior to the issuance of a building and land use permit.
7. The operation and management of water and waste water facilities may be transferred to the upper tier without amendment to this Plan.
8. The establishment of new water and waste water servicing facilities shall be subject to Ministry of Environment and Climate Change guidelines and provincial regulations.

#### **3.4.2 Innovative Technologies**

The United Counties will encourage, support and promote waste water disposal systems which incorporate proven and innovative technologies to reduce waste water volumes or which improve the quality of waste water effluents. This will include, but not be limited to:

1. the installation of individual water metering devices where new or expanded municipal water systems are constructed;
2. water conservation devices which reduce water usage;
3. innovative solutions to municipal, industrial or agricultural waste water treatment such as the design and construction of artificial wetlands.

#### **3.4.3 Watershed Planning**

The County encourages the preparation of watershed and subwatershed studies where major development or redevelopments are proposed, which could have a significant downstream impact upon a watershed. These studies are most needed in areas with both development pressures and highly sensitive natural environments to provide some understanding of the relationship between water resources and land use activities. The development of sound watershed and subwatershed plans will require cooperation between all affected municipalities, government agencies and interested groups to ensure that potential cross-boundary environmental impacts are addressed. The results of watershed studies should be incorporated into the County and/or Municipal Official Plans whenever practical.



#### **3.4.4 Surface Water Management Plans**

In order to control flooding, ponding, erosion and sedimentation and to protect, as much as possible, water quality and aquatic habitat or other natural habitat which depend upon watercourses and other water bodies for their existence, surface water management plans (or stormwater management plans) shall be required for some forms of new development. Storm water management plans shall be required for any new development consisting of more than four lots or for commercial or industrial developments with large amounts of impervious area. Stormwater management will be undertaken in accordance with the Ministry of Environment and Climate Change Guideline entitled “Stormwater Management Planning and Design Manual, 2003”. Stormwater management may not be required for small scale developments such as lots created through the consent process or minor developments subject to site plan control where there is no impact on the watershed.

A stormwater management plan or report must be reviewed and approved by MTO for those developments located adjacent to or in the vicinity of a provincial highway, where drainage would impact a highway.

Where practical, low impact design techniques should be considered in the design of storm water management.

#### **3.4.5 Municipal Drains**

As part of the establishment and maintenance of the municipal drainage infrastructure, the County will be both fiscally and environmentally sensitive, and act according to the procedures set out in the *Drainage Act* and other applicable provincial and federal legislation. Impacts on municipal drainage infrastructure may need to be assessed when proposing new land uses.

### **3.5 WASTE MANAGEMENT POLICY AREA**

#### **3.5.1 Objectives**

Council's objectives for the provision of waste management infrastructure services are as follows:

1. to ensure waste management uses are environmentally sustainable
2. to provide appropriate waste management infrastructures which support on-going development

#### **3.5.2 Permitted Uses**

The following uses are permitted in the Waste Management Policy Area:

1. Existing municipal or private solid waste disposal sites
2. Public or private waste water disposal facilities
3. Recycling and composting facilities
4. Waste transfer stations

### 3.5.3 Policies

The following general policies shall apply:

1. Development shall be reviewed to ensure that appropriate solid waste disposal services can be provided in a manner which is consistent with environmental considerations.
2. Waste water and solid waste disposal sites are identified as Waste Management Policy Area on Schedule A. The establishment of new sites or the enlargement or reduction of existing sites shall be in accordance with Ministry of Environment and Climate Change guidelines and regulations and shall require an amendment to the Official Plan.
3. Waste water and solid waste disposal sites shall be appropriately zoned in local zoning by-laws.
4. Uses permitted in individual Waste Management Policy Area designations shall be in accordance with the individual Certificate of Approval issued by the Ministry of Environment and Climate Change and the local municipal Zoning By-law.
5. Waste water and solid waste disposal sites may be managed by the local municipality or may be transferred to the upper tier without amendment to this Plan.
6. Septage disposal sites, i.e. sites required for the disposal of waste removed from private septic systems, holding tanks and similar facilities shall require an amendment to this Official Plan. The amendment shall be justified and supported by appropriate environmental studies in accordance with the guidelines of the Ministry of Environment and Climate Change's permit process. Where Official Plan amendments are granted, such sites shall be appropriately zoned and must operate in accordance with a Ministry of Environment and Climate Change license. The location of septage disposal sites shall generally be a minimum of 500 metres from any adjacent residential, institutional or commercial use and development of the site shall be subject to site plan control. There are two septage disposal site in the United Counties, identified on Schedule A as a Waste Disposal Site and the use is permitted in accordance with MOECC Certificate of Authorization. They are located on:
  - a) Part of Lot 18, concession XIV in the former Township of South Plantagenet now part of The Nation Municipality (MOECC Certificate of Authorization No. KG-97-008);
  - b) Part of Lots 10 and 11, concession 4 in the former Township of Cambridge now part of the Nation Municipality (MOECC Certificate of Authorization No. CW-13-01).

### 3.5.4 Land Use Adjacent to Waste Water or Solid Waste Management Sites

Development within 500 metres (or less where approved in a secondary plan or local Official Plan) of existing waste water or solid waste management sites shall generally be discouraged unless supported by an appropriate study or studies which confirm that there will be no negative impacts on the proposed development related to the adjacent waste water or waste disposal site. In addition the study(ies) shall confirm that the proposed development will not impact future expansions of the waste disposal site in question.

Separation distances shall normally be measured from the periphery of the odour producing source structure to the property line of the sensitive land use for a waste water treatment facility or from the boundary of the fill area (footprint) specified in the Certificate of Approval (or property

line for closed sites where no Certificate of Approval is available) to the property line of the sensitive land use for a solid waste management site.

In reviewing development proposals adjacent to such disposal sites the approval authority shall consult Guideline D-2 and Guideline D-4 issued by the Ministry of Environment and Climate Change.

Local zoning by-laws shall zone adjacent lands appropriately, prohibiting new incompatible uses which cannot be reasonably mitigated.

### **3.5.5 Snow Disposal Sites**

The following general policies shall apply:

1. Snow disposal sites shall include only those lands on which snow is placed after being brought to the site from elsewhere and not areas in which snow is moved to one portion of a site after being cleared from the rest of the site.
2. Snow disposal sites are not designated on the schedules of this Plan.
3. Existing snow disposal sites will be recognized in the local zoning by-law. A new snow disposal site will require an amendment to the local zoning by-law. New snow disposal sites will only be permitted in areas where it can be demonstrated that the impacts of trucking and any other negative impacts can be minimized and subject to a local zoning by-law amendment.
4. Snow disposal sites will not be permitted in the Natural Heritage Areas as per Section 5 of this Plan;
5. The establishment of new snow disposal sites or the enlargement or reduction of existing sites shall be in accordance with the Ministry of Environment and Climate Change guidelines and regulations.

## **3.6 ENERGY CONSERVATION, AIR QUALITY AND CLIMATE CHANGE**

The United Counties shall support energy efficiency and improved air quality through land use and development patterns which:

- a) Promote compact form and a structure of nodes and corridors;
- b) Promote the use of public transit and other alternative transportation modes in and between residential, employment (including, commercial, industrial and institutional uses) and other areas where these exist or are to be developed;
- c) Focus major employment, commercial and other travel-intensive land uses on sites which are well served by public transit where these exists or is to be developed, or designing these to facilitate the establishment of public transit in the future;
- d) Improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; and
- e) Promote design and orientation which maximize the use of alternative or renewable energy, such as solar and wind energy, and the mitigating effects of vegetation.

### 3.6.1 Alternative/Renewable Energy Systems

Alternative and/or renewable energy systems shall be permitted in all land use designations within the County, subject to the development and use of alternative and/or renewable energy systems being in accordance with Provincial and Federal requirements, including appropriate separation distances to address land use compatibility.

## 3.7 UTILITY AND COMMUNICATION FACILITIES CORRIDORS

### 3.7.1 General

Utility and communications facilities and corridors include a wide variety of utilities owned and operated by both public and private entities. The well being of Prescott and Russell's economy is closely linked to the presence of hydroelectric corridors, telecommunications networks and energy pipelines.

### 3.7.2 Utility facilities

The following policies shall apply:

1. The development of hydro-electric power generation and supply facilities, and local utilities shall not require an amendment to this Official Plan provided that they are in full compliance with applicable Provincial and/or Federal legislation.
2. The development of hydro-electric power generation and supply facilities, and local utilities shall be subject to the provisions of local zoning by-laws.
3. The development of hydro-electric power generation and supply facilities, and local utilities is not permitted in Provincially Significant Wetlands or in the Habitat of Endangered and Threatened Species.
4. Utility installations that may pose a hazard shall be located away from residential areas.
5. The multiple uses of corridors for utility and transportation uses shall be encouraged.

Council recognizes the importance of other infrastructure corridors, such as hydroelectric transmission corridors, oil pipelines, natural gas pipelines, abandoned rail lines, fibre-optic corridors, in addition to other seasonal corridors such as those used by snowmobile clubs, the Trans-Canada Trail and the Five Counties Recreational Trails. The expansion, maintenance and preservation of these and other infrastructure corridors are important to continued economic development and diversification, and will not require an amendment to this Plan.

### 3.7.3 Telecommunication Facilities

Industry Canada is the federal body which has approval authority and jurisdiction over the installation and operation of radio communication systems. The approval of site-specific radio and telecommunication facilities is governed by the Client Procedures Circular (CPC 2-0-03 Issue 4, entitled "Radiocommunication and Broadcasting Antenna Systems").

The role of Industry Canada is to implement the provisions of the *Canadian Environmental Assessment Act* and ensure that applicants for radio authorization involving significant antenna

structures disclose their plans to the local municipalities and that the process operates in a timely fashion. Industry Canada does not require the participation of the County in this process. The County does not have the authority to prohibit the establishment of such facilities, if approved by the federal government.

Applicants for radio communication facilities, such as antenna structures and related facilities are required to consult with the local municipalities regarding the design and location for future antenna sites. Applicants are required to:

- a) notify the County and the local municipalities regarding the intent to establish a new radio communication facility; and
- b) provide the local municipalities with the requirement for the establishment of such a facility, the reasons for the proposed location; and, a review of alternative locations considered and reasons for their rejection, including associated costs, pattern coverage and safety.

In the event that the local municipalities oppose a radio communication facility, the local municipalities may provide Industry Canada with a report outlining their reasons for objection within 60 days of receiving official notice of the intent to establish such a structure.

Applicants and antenna structure owners are intended to work cooperatively to allow for the sharing of antenna structures so as to minimize their numbers and impact.

Local municipalities are encouraged to establish policies in regards to the consideration of applications for telecommunication communication facilities.

## 4 RESOURCES

### 4.1 INTRODUCTION

Part 4 of the Official Plan deals with the resource base of the United Counties. Agricultural land, and aggregate resources such as sand, gravel and limestone have been evaluated and appropriate land use policies have been developed to ensure the wise use and conservation of these resources for future generations.

### 4.2 AGRICULTURAL RESOURCE POLICY AREA

#### 4.2.1 General

The United Counties of Prescott and Russell are composed primarily of rural municipalities, within which agricultural activities are numerous. Agriculture plays a significant role in the local economy and consequently the Counties' Official Plan will act to protect, improve and promote the use of lands favourable to agriculture.

According to the 2001 census, farms make up 60% of the total area of Prescott and Russell. This is an increase of more than 2% since 1991 in total farmland area in Prescott and Russell despite a 3.3% increase in population.<sup>1</sup> Compared to other counties of Eastern Ontario, Prescott and Russell is the top producer of milk and has the largest number of goats, calves, pig and poultry farms. The United Counties also contains the largest area of hay, oats, barley and mixed cereals production. Accordingly continued farming ensures the highest and best use of agricultural land and helps to respond to the province's food needs.

The loss and fragmentation of good agricultural land and the creation of incompatible uses have resulted in negative impacts on food and agricultural production. Some areas in the United Counties have experienced strong growth which has increased conflicts and problems related to odours, noise, traffic, dust, fences, weeds, inflated land prices, speculation and the direct loss of agricultural land. The frequency of these problems will inevitably increase if residential expansion and unplanned development continue in our prime agricultural areas. Permitting these conflicting land uses to coexist in close proximity creates problems and conflicts for the farmer and for the non-farming resident. It is therefore important to recognize that agriculture is an industry like any other, one which can produce a variety of negative impacts on residential or non-farm uses. The agricultural community must be assured that their investments and commitment will not be compromised by incompatible land uses. The Official Plan is designed to promote agricultural uses and to control non-agricultural uses through an integrated series of policy statements which apply to all land use areas. As such it is necessary to understand the policies stated in this section of the plan in the context of the Official Plan as a whole.

#### 4.2.2 Identifying Agricultural Resource Policy Areas

Prime agricultural areas have been identified and designated as Agricultural Resource Policy Area on Schedule A. The identification of prime agricultural land was based primarily on three factors:

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<sup>1</sup> - Statistics Canada – 2001 Agricultural Community Profile

1. soil capability for agriculture, primarily soil classes 1, 2 and 3 (Canada Land Inventory classification system);
2. agricultural designations from local Official Plans; and
3. the extent of land fragmentation and the presence of conflicting land uses in the area.

Agricultural resources will be protected through the designation of prime agricultural areas and the implementation of policies for their protection, including policies for permitted uses and lot creation.

#### 4.2.3 Permitted Uses

The Agricultural Resource Policy Area shall permit many forms of agricultural uses, on-farm diversified uses and agriculture-related uses subject to the Provincial Guidelines as amended from time to time on lands designated as Agricultural Resource Policy Area on Schedule A, in order to take advantage of its proximity to urban areas and markets.

##### 1. Primary Permitted Uses

Within areas designated Agricultural Resource Policy Area on Schedule 'A', the primary permitted use of the land shall be for the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry, sod farming; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Unless otherwise zoned to preclude the construction of a dwelling, a residential dwelling is a permitted use.

##### 2. On-farm diversified Uses

On-farm diversified uses are secondary to the principle agricultural use of the property. They are to be limited in area and include but are not limited to: home-based businesses, home industries, agri-tourism and uses that produce value-added agricultural products from the farm operation.

##### 3. Agricultural-Related Uses

Agriculture-related uses are those small scale commercial and industrial uses that are intended, serve and are compatible with local farm operations and do not hinder surrounding agricultural operations. Applicants for new agriculture-related uses are required to demonstrate that the use needs to be located in the Agricultural Resource Area and that every effort has been made to locate the use in an area of poorer soils.

##### 4. Other Permitted Uses

A single detached dwelling is a permitted use on a lot in an Agricultural Resource Policy Area designation, provided there are no specific zoning restrictions to the contrary (such as on a new lot created through a surplus dwelling severance that would have been zoned to preclude the construction of a dwelling). Secondary residential units are permitted within detached, semi-detached and row houses as well as in ancillary structures. As well, a maximum of two accessory dwelling units may be permitted for farm help purposes. Additional dwelling units established through this provision would not be eligible for severance.



#### 4.2.4 Policies

1. An amendment to the Official Plan will be required to change the designation from Agricultural Resource Policy Area to another designation. Any decision affecting the removal of Agricultural lands shall be consistent with the criteria established in the policy statements issued under the *Planning Act*.
2. Within the Agricultural Resource Policy Area designation, there may be small pockets of land which are marginally productive or of lower priority for agriculture due to their size, shape, topography, soil, class, drainage and other physical characteristics. However, these physical limitations and site characteristics alone do not merit consideration for an Official Plan amendment to a non-agricultural designation.
3. New land uses, and new or expanding livestock facilities shall comply with the minimum distance separation (MDS) formulae and Section 4 of this Plan. Specific regulations related to the implementation of the MDS Guidelines shall be identified in the local Zoning By-law.
4. Permitted farm related commercial or industrial uses will be subject to Site Plan Control, as outlined in Section 7.4.3 of this Plan. In addition, local Councils may require a preliminary site plan as part of the application for a Zoning By-law amendment.
5. When considered necessary, Council may seek the advice of government agencies or individuals having appropriate specialist knowledge in matters concerning the potential effects of any proposed farm related commercial or industrial use. In accordance with comments received from government agencies and/or other expert opinion, Council may impose building controls in the development or site plan agreement.
6. Consents in the Agricultural Resource Policy Area designation shall be in accordance with the provisions of Section 7.4.2.
7. An existing lot of record in an Agricultural Resource Policy Area designation may be used for residential purposes in accordance with the relevant provisions of the local Zoning By-law and in accordance with the following criteria:
  - a) one single detached dwelling and accessory structures are permitted on each conveyable lot;
  - b) such lot is of an appropriate size and shape and the dwelling can be serviced with private sewage disposal and water services;
  - c) such lot has frontage on a public road which is maintained on a year round basis;
  - d) complies with other relevant policies of this Plan; and
  - e) complies with the policies of Section 7 regarding Minimum Distance Separation Formulae.
8. A second dwelling (attached or detached) is permitted for full time farm help on the same lot as the principal dwelling. The second dwelling may be a permanent dwelling or a temporary mobile home which shall be removed once the full time farm help is no longer required.
11. Where any mineral aggregate and/or petroleum operations take place within areas designated Agricultural Resource Policy Area, on Class 1, 2 or 3 soils according to the Canada Land Soil Capability for Agriculture, it may be a requirement of Council, that appropriate rehabilitation for agricultural purposes is carried out. Agricultural

rehabilitation, where extraction of mineral aggregate resources has been permitted as an interim use, shall occur in accordance with Section 4.3.8.

12. Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.
13. The creation of new residential lots in the Agricultural Resource Policy Area designation are not permitted except in accordance with Section 7.4.2.3.2 of this Plan.

#### **4.2.5 Land Stewardship, Sustainable Operations and Nutrient Management**

1. Agricultural operations will be subject to the *Nutrient Management Act, 2002* regulated by the province under Bill 81. Bill 81 provides for the management of materials containing nutrients in ways that shall achieve optimal crop yields and product quality, manage input costs and enhance the protection of soils and water resources. It provides for a sustainable future for agricultural operations and rural development.
2. Agricultural operations shall be encouraged to operate their business under best management practices and to participate in farmer-led stewardship initiatives, such as the Environmental Farm Plan, which protect the long term productivity of soils and minimize or eliminate negative environmental impacts. In order to minimize negative impacts on water bodies, agricultural operations are encouraged to maintain appropriate setbacks or buffer strips from water bodies.

#### **4.2.6 Zoning and Development Control**

Local Councils through municipal zoning by-laws shall endeavour to maintain the character and scale of development in the Agricultural Resource Policy Area and to ensure appropriate regulatory control. The review of site development and the development of zoning by-laws shall address the following:

1. permit a range of uses in accordance with the policies in 4.2.3;
2. identify Agriculture zones;
3. ensure the protection of agricultural resources.

### **4.3 MINERAL AGGREGATE RESOURCE POLICY AREA**

#### **4.3.1 Basis General**

Mineral resources in United Counties of Prescott and Russell consist of aggregates such as sand, gravel, limestone and Queenston formation shale. There are no known reserves of other minerals or petroleum resources. Aggregate resources are important to all facets of development in the United Counties as these non-renewable materials are used in the construction of roads, water and sewer infrastructures, homes, schools and commercial buildings and landscaping projects.

Sand, gravel and crushed rock are a non-renewable resource and as such policies must be developed to ensure an adequate supply for future generations. This Plan therefore contains policies to protect mineral aggregate resources from incompatible development.

The Plan focuses on protecting existing extraction operations as the primary source of future supplies. Continued operation of these sites can be achieved by ensuring the appropriate zoning and by ensuring that thorough review of development proposals located in the vicinity of existing extraction operations as described in Section 4.3.7 to ensure that they do not preclude continued extraction activities.

The Plan also identifies lands as Sand - Gravel Resources, Bedrock and Sand - Gravel Resources and Bedrock Resources which are located in relation to community, infrastructure and natural heritage features such that they have good potential to be extracted with minimal impact on the adjacent land uses. New pits or quarries will be permitted in these policy areas, development proposals in the vicinity of these areas will be thoroughly reviewed to ensure they do not preclude future extraction activities.

#### **4.3.2 Mineral Aggregate Resource Areas Licensed Pit and/or Quarry**

Pits and quarries licensed under the *Aggregate Resources Act* have been designated on Schedule A as Licensed Pit and/or Quarry, on the basis of information provided by the Ministry of Natural Resources and Forestry.

#### **4.3.3 Permitted Uses**

The permitted uses on lands designated Licensed Pit and/or Quarry are:

1. Uses legally existing as of the date of this official plan;
2. Agricultural uses excluding any accessory building or structure;
3. Forestry uses excluding any accessory building or structure;
4. Conservation and natural resource management uses excluding any accessory building or structure;
5. Wayside pits and quarries; and
6. Portable asphalt plants and portable concrete plants.
7. Pits and quarries;
8. Uses accessory to an aggregate extraction operation such as crushing and screening operations, machinery storage facilities and office space. Accessory uses must also be in accordance with the ARA licences and site plans; and
9. Permanent asphalt and concrete plants may be permitted subject to site specific zoning and must be in accordance with the ARA licences and site plans.

No other use shall be permitted without amendment to the Plan.

#### **4.3.4 Prohibited Uses**

Development, including changes in land use and the creation of new lots for residential, commercial, institutional, recreational or industrial development which has the potential to preclude or hinder future aggregate extraction or the expansion of existing extraction operations or resource use shall be prohibited within the Licensed Pit and/or Quarry designation.

#### 4.3.5 New or Expanded Licenced Pits and Quarries

##### A) Inside Identified Resource Areas on Schedule E:

Provided all applicable policies of this Plan are met, the establishment of a new licensed operation or the enlargement of an existing licensed extraction operation shall be permitted subject to the requirements of the *Aggregate Resources Act, R.S.O. 1990* as amended, and if required, an amendment to the local zoning by-law.

##### B) Outside identified Resource Areas on Schedule E:

Extraction of mineral aggregate resources may be permitted where it is demonstrated through an Official Plan amendment that the said resource is not constrained and is of sufficient quantity and quality to warrant extraction as demonstrated to the satisfaction of the Province, the Counties and the local municipality, subject to the policies of this Plan. It shall also be subject to the requirements of the *Aggregate Resources Act, R.S.O. 1990* as amended and if required, an amendment to the local zoning by-law which may be processed concurrently with the Official Plan amendment.

#### 4.3.5.1 Mineral Aggregate Resource Areas Constraints

Mineral Aggregate Resource Areas which are not currently licensed have been identified on Schedule E as a land use constraint based on provincial information and The Aggregate Resources Inventory Master Plan. These areas are identified in the Official Plan as they are deemed essential for the long term supply of aggregates for the United Counties of Prescott and Russell due to the presence of known aggregate deposits and are categorized as follows:

1. Mineral Aggregate Resource Area – Bedrock Resource
2. Mineral Aggregate Resource Area – Bedrock and Sand - Gravel Resource
3. Mineral Aggregate Resource Area - Sand - Gravel Resource

The policies governing development in the mineral aggregate resource areas are:

- a) The establishment of single dwellings and accessory buildings on existing lots of record shall be permitted, subject to all of the relevant policies of this Plan and the following conditions:
  - i) The lot fronts on a public road;
  - ii) The lot as it existed as of December 31, 2015;
  - iii) The use is shown as permitted in the Zoning By-law;
  - iv) All requirements for private servicing requirements are met;
  - v) New development will be sited on existing lots in order to minimize the impact upon future extraction of mineral aggregate resources.
- b) Development, including changes in land use and the creation of new lots for residential, commercial, institutional, recreational or industrial development in areas located within Mineral Aggregate Resource Areas, which would preclude or hinder the establishment of mineral aggregate operations or access to the resources, will be prohibited except where:
  - i) extraction of the resource would not be feasible; or
  - ii) the proposed land use or *development* serves a greater long-term public interest; and
  - iii) issues of public health, safety and environmental impact are appropriately addressed.

- c) The amount of land required for any new development proposed under Section 4.3.5.1 b) will be minimized to retain as much of the mineral aggregate resource potential as possible;
- d) Encourage the recovery of mineral aggregate resources through the sequential use of developable land, whereby mineral aggregate resources are extracted prior to, or in conjunction with, development of the land.

#### **4.3.5.2 New or Expanded Mineral Aggregate Resource Areas**

New mineral aggregate resources may be identified on Schedule E where it is demonstrated through an Official Plan amendment that the said resource is not constrained, is of sufficient quantity and quality to warrant extraction and that there are no negative impacts on significant natural heritage features or land uses present that based on the policies of this Plan would take priority over consideration of extraction.

#### **4.3.6 Supporting Information requirements for New Pits and Quarries within Mineral Aggregate Resource Areas**

The United Counties and local municipalities will address land use, transportation and other municipal planning considerations with respect to conformity to the official plan policies and local zoning by-law as part of a *Planning Act* process and ARA License. In considering these matters, the evaluation will be premised on the fact that, notwithstanding the need for mineral aggregate, it is essential to ensure that aggregate extraction is carried out with minimal social and environmental disruption.

In addition to the zoning by-law application pursuant to the *Planning Act*, proposals to establish a pit or quarry shall be accompanied by the technical reports and site plans prepared in accordance with the requirements of the *Aggregate Resources Act* and regulation (Provincial Standards). These studies and the site plans required under the *Aggregate Resources Act* ensure that the effects on the natural environment and other resources and existing development are fully considered prior to the Minister of Natural Resources and Forestry approving a license for the establishment of new or expanded pit or quarry. Information required under the ARA, as is determined to be appropriate considering the type of extraction proposed, includes:

1. Summary report outlining:
  - a. Quality and quantity of aggregate on site;
  - b. Adjacent and nearby land uses and an assessment of the compatibility of the proposal with existing land uses;
  - c. Main haulage routes and proposed truck traffic to and from the site;
  - d. Proposed water diversion, storage and drainage facilities on site and point of discharge to surface waters;
  - e. Established groundwater table within the site.
2. Site Plans detailing the manner in which the operation will be carried out and nature of the rehabilitation work that is proposed.
3. Technical reports assessing the effects of the operation on the environment and resources, including:
  - a. Cultural heritage
  - b. Hydro-geology: ground and surface water

- c. Natural heritage
  - d. agriculture
- 4. Technical reports demonstrating that the anticipated noise, dust and vibration levels satisfy the Ministry of Environment and Climate Change guidelines and criteria.

Once a resource area within the Mineral Aggregate Resource Area has been rezoned and licensed through the ARA process to permit a pit and/or quarry, the County shall undertake an administrative update to the Schedule A to designate the new operation as Licensed Pit and/or Quarry.

#### **4.3.7 Adjacent Land**

The concept of an influence area is recognized as a means of protecting against encroachment and incompatible land uses in the vicinity of Mineral Aggregate Resource Areas. The creation of new residential lots or similar sensitive land uses shall be discouraged within 150 metres of a Licensed Pit and/or Quarry.

In areas located within 300 metres of Mineral Aggregate Resource Areas as per Schedule A and E intended or utilized for a licensed pit operation and 500 metres of Mineral Aggregate Resource Areas as per Schedule A and E intended or utilized for a licensed quarry operation, incompatible development, including the creation of new lots shall only be permitted subject to the following criteria:

1. Adjacent to areas intended or utilized for a licensed quarry operation, an hydrogeological investigations conducted by a qualified professional conclusively demonstrate that the proposed non extraction development can be adequately serviced by water and sewer services in a manner which will not impede continued existing and proposed extraction operations.
2. Any other investigation as required by the development approval authority such as traffic studies, noise studies, vibration studies, slope stability studies, air quality impact studies etc. are carried out and demonstrate that the proposed development can proceed without impeding the continued operation of the licensed extraction operation existing licensed operations and future operations on reserves. Such studies are to be carried out by qualified professionals.

#### **4.3.8 Mineral Aggregate Resource Extraction and Agricultural Resources**

Where aggregate resource extraction takes place in prime agricultural areas, on prime agricultural land, extraction of mineral aggregates is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition. Complete rehabilitation is not required if:

- 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 restoration of pre-extraction agricultural capability unfeasible;
- b) 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 to 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 Classes 1, 2 and 3 lands; and

- c) Agricultural rehabilitation in remaining areas will be maximized.

Aggregate extraction operations that are within the prime agricultural area, but are located on sites that are designated Pit or Quarry are considered to be part of the prime agricultural area and therefore subject to the policies of 4.3.8 of the Official Plan. Should an amendment be required to establish a new Pit or Quarry within the prime agricultural area, the subject lands are not to be re-designated from Agricultural, but rather can be recognized for the particular use (Pit or quarry) through an Agricultural – Special Exception designation, to enable the extraction as an interim use. Once the extraction use ceases, proposals for other uses shall comply with the agricultural policies of the PPS.

#### **4.3.9 Mineral Aggregate Resource Extraction and Significant Natural Heritage Features**

Where there is an overlap with Natural Heritage areas and features identified in this official plan, the landform specific land use policies identified in Section 5.5 of this plan shall also apply.

Where the extraction of aggregate material from a Significant Woodland area is justified in accordance with 5.5.6.1 of this official plan, the cutting of woodland to facilitate the extraction shall as much as possible minimize woodland cutting and maximize progressive rehabilitation back to woodland as soon as possible following the exhaustion of the mineral aggregate resource. Further, the permitted mineral aggregate extraction must be carried out in a manner which is environmentally sensitive to the remaining woodland area.

#### **4.3.10 Rehabilitation of Extraction Sites**

Mineral Aggregate operations shall be progressively rehabilitated or restored to a condition permitting agriculture, promoting regeneration of natural conditions or facilitating another use permitted by this Plan. Reuse plans shall be developed in co-operation with local municipalities and the public.

Licensed Pit and/or Quarry that have been surrendered and have been fully rehabilitated may be re-designated to their former land use designations or for other land uses compatible with adjacent resource uses where applicable. Under this circumstance the County will not require the proponent to amend the Official Plan; instead the Plan will be amended to accurately reflect the new use at the time of the next comprehensive Official Plan update or through an administrative Official Plan amendment.

#### **4.3.11 Wayside Pits and Quarries and Portable Asphalt and Portable Concrete Plants**

Wayside pits and quarries and portable asphalt and portable concrete plants required for public authority road contracts will be permitted, without an amendment to this Official Plan or local zoning in all areas except within the Urban Policy Area, the Community Policy Area and Natural Heritage Policy Area features as identified on Schedule A and Schedule B.



#### **4.3.12 Zoning and Development Control**

The municipality may use zoning, holding provisions or interim control by-laws to control the location of mineral aggregate extraction operations. The licensed extraction area of pits and quarries shall be zoned for extraction and associated accessory uses in local zoning by-laws. Licensed extraction areas may also be zoned for aggregate-related uses in accordance with Section 4.3.3.

Areas identified as having aggregate resource constraint on Schedule E shall be appropriately zoned in local zoning by-laws in order to protect the areas from incompatible non-extractive development. Municipalities may require a zoning by-law amendment prior to the establishment of a new pit or quarry operation. Establishment of any new pit or quarry shall be in accordance with the *Aggregate Resources Act*. Studies and site plans required under the *Aggregate Resources Act* shall be reviewed prior to any rezoning.

The municipality may use zoning, holding provisions or interim control by-laws to implement any of the policies stated in this section. The Ministry of Natural Resources and Forestry will provide advice to the municipality or the United Counties with respect to any license required under the *Aggregate Resources Act*.

#### **4.3.13 Former Mineral Aggregate Operations**

Former mineral aggregate operations, including surrendered pits and quarries and abandoned sites, have been identified on Schedule C on the basis of the Abandoned Pits and Quarries Inventory and other information provided by the Ministry of Natural Resources and Forestry.

Development on, abutting or adjacent to lands affected by former mineral aggregate operations may proceed in accordance with the policies of the underlying land use designation only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed. For the purposes of this policy, adjacent lands are the same as set out in Section 4.3.7 of this Plan.

In reviewing development applications for sites identified as former mineral resource aggregate operations, a study will be required which will provide sufficient information to determine any potential safety hazards, to demonstrate that the site can be rehabilitated to mitigate the known or suspected hazard and to establish procedures for site rehabilitation and mitigation of the safety hazard.

## 5 NATURAL HERITAGE

### 5.1 INTRODUCTION

The landscape of Prescott and Russell is a mosaic of cleared lands, forests, wetlands, watercourses, and settled areas. This diversity plays an important role in defining the rural character and natural environment of the United Counties. Within this diverse landscape, there are many “natural heritage features” including wetlands, woodlands, areas of natural and scientific interest (ANSI’s), fish habitat, water bodies, water streams, municipal drains, significant wildlife habitat including wildlife travel corridor and wintering areas, habitat of endangered and threatened species and ground water resources.

All natural heritage features are important to the United Counties. However, certain natural heritage features have been identified as having special significance to either the Province of Ontario or to the County, or both. For the United Counties a natural heritage system consists of natural heritage features identified in this policy.

### 5.2 DETERMINATION OF SIGNIFICANCE

Features that are “significant” for the purposes of this plan are illustrated on Schedule B with the exception of significant wetlands which are shown on Schedule A as the Wetlands Policy Area designation. These have been determined by the Province or the United Counties to be either, 1- ecologically important in terms of functions, representation or amount, and that contribute to the quality and diversity of the natural heritage system of the United Counties, or 2 - economically or socially important in terms of resource utilization, public access, recreational enjoyment, and community values. It is especially important to Prescott and Russell that the characteristics that made these significant features be retained for the benefit of future generations.

For the purposes of this policy, “development” is defined as the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*. It also includes site alteration activities such as the deposit or removal of fill, site grading, excavation or alteration, topsoil removal and peat extraction or similar activities that would change the landform and natural vegetative characteristics of a site.

### 5.3 PRINCIPLES

This Plan recognizes that most changes to the environment occur through small steps, each one having some negative impact on the environment. Over time, these small steps can have significant cumulative impacts that are undesirable. It is the overall goal of Council that the County’s natural heritage features be both conserved and protected from negative impacts of development.

This Plan contains policies which aim to protect water resources, natural heritage features and other natural resources that may be impacted through site-specific development proposals. It also contains policies which recognize that we need to be proactive and better understand our ecosystems, so that we can more effectively assess cumulative impacts and overall ecological health.

Principles that form the basis of policies that achieve this goal are as follows:

1. The County's significant natural heritage features shall be protected from negative impacts of development.
2. The County's natural heritage features, including non-significant features, should be conserved and rehabilitated for the benefit of future generations according to best management practices undertaken today and as they evolve.

### 5.3.1 Natural heritage system

A 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.

Within this diverse landscape, there are many "natural heritage features" including wetlands, woodlands, areas of natural and scientific interest (ANSI's), fish habitat, water bodies, water streams, municipal drains, significant wildlife habitat including wildlife travel corridor and wintering areas, linkages, habitat of endangered and threatened species and ground water resources.

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.

The Natural Heritage System is not a designation with a list of permitted uses. Rather, it functions as an overlay on top of the designations on Schedule B, subject to constraints of the Natural Heritage policies. Linkages have been identified as an overlay on Schedule B including the consideration of regional linkages outside the County limit boundaries.

Prior to the next comprehensive Official Plan Review, the County will prepare a County-wide Natural Heritage System Strategy. The County will carry out this work either in partnership with other organizations or agencies (e.g. The Nature Conservancy of Canada and/or South Nation Conservation) or on its own. Until such time as this strategy is completed, a natural heritage system consists of natural heritage features identified in this policy as well as linkages identified on Schedule B.

The identification and planning for natural heritage systems will be achieved through a comprehensive approach consistent with the PPS definition for "natural heritage system". Such approach will involve the inclusion of the fundamental components and characteristics as well as the inclusion of landscape and features-based analyses (e.g. diversity and connectivity; long-term ecological function and biodiversity; linkages with natural heritage and water features) outlined in section 3.4 of the Natural Heritage Reference Manual.

New development or site alteration in the Natural Heritage System (as permitted by the policies of this Plan) shall demonstrate that:

1. There will be no negative effects on key natural heritage features or key hydrologic features or their functions;
2. Connectivity between key natural heritage features and key hydrologic features is maintained, or where possible, enhanced for the movement of native plants and animals across the landscape;

The County and local municipalities will encourage the creation of linked Natural Heritage System through the integration of:

1. Natural heritage features and areas as identified and described in this Section, including land owned by local municipalities, provincial and federal ministries, and land trusts;
2. Natural corridors such as streams, flood plains, steep slopes, valleys, contiguous narrow woodlands and wetlands that connect two or more natural heritage features;
3. Existing municipal rights-of-ways;
4. Established and proposed service and utility corridors, where appropriate;
5. Existing public parkland and open space lands;
6. Watercourses, where appropriate;
7. Trails and pathways;
8. Linkages provided through the draft plan of subdivision approval process;
9. Agreements with private lands owners; and
10. Land acquisition.

#### 5.4 GENERAL LAND USE POLICIES

Council acknowledges that its decisions regarding land use and development can affect the significant natural heritage features of Prescott and Russell. Therefore, policies are required to protect these features from the potential negative impacts of development or to conserve them by prohibiting development. The following general policies shall apply:

1. Council shall designate on Schedule A those features where development is prohibited. These include provincially significant wetlands which are shown as Provincially Significant Wetlands Policy Area and locally significant wetlands which may be identified in the future through an Official Plan amendment. The habitat of endangered or threatened species will not be identified on Schedule A as publicly identifying these features may prove to be harmful.
2. Council shall identify areas where development must be controlled on Schedule B. These include Areas of Natural or Scientific Interest (ANSI's), fish habitat, significant woodlands, shore lands along major waterways and ground water resources.
3. Council shall consider minor alterations to the boundaries of natural heritage features identified on Schedules A or B without the need to amend the Official Plan where evidence consistent with Ministry of Natural Resources and Forestry criteria clearly demonstrates that such modifications are justified. Boundary alterations to provincially significant wetlands and Areas of Natural or Scientific Interest (ANSI's) are subject to the approval of the Ministry of Natural Resources and Forestry.
4. Council shall consider the public acquisition of natural heritage lands by the United Counties of Prescott and Russell or in partnership with other levels of government where such acquisition or conditional leases would lead to the preservation of significant natural heritage areas or contribute to the consolidation of significant features which are partially in public ownership. In such cases Council may negotiate with land owners or may determine a price in accordance with the *Expropriations Act*.
5. Development control shall be implemented by local municipalities primarily through the use of zoning and site plan control in accordance with the relevant sections of this Official Plan.

## 5.5 LANDFORM SPECIFIC LAND USE POLICIES

The following provide policies specific to natural heritage features in the United Counties of Prescott and Russell.

### 5.5.1 Wetlands Policy Area

Wetlands are lands which have specific ecological characteristics which include, but are not limited to, the presence of a permanent or seasonal shallow water cover, water-tolerant vegetation or the presence of a water table which is close to the surface. They are commonly known as swamps, marshes, bogs, and fens. Wetlands serve important functions such as controlling ground water recharge and discharge, reducing flood damage, stabilizing shorelines, retaining and removing nutrients, supporting the food chain, providing fish and wildlife habitat and contributing to the social and economic quality of life in the United Counties.

The Ministry of Natural Resources and Forestry has developed a wetland evaluation system based on the biological, hydrological, social and special characteristics of a wetland area and on the abundance of water which has caused the formation of hydric soils and has favoured the dominance of either hydrophilic plants or water tolerant plants. Wetlands that meet Ministry criteria are classified as provincially significant and such wetlands, identified on Schedule A, are to be protected from development and site alteration.

Council shall designate Provincially Significant Wetlands on Schedule A and shall base the designation limits on mapping prepared by the Ministry of Natural Resources and Forestry. Additional Provincially Significant Wetlands may be identified by the Ministry and subsequently added to the Official Plan by amendment. Provincially Significant Wetlands shall be zoned restrictively in local municipal zoning by-laws. Although no locally significant wetlands have been designated on Schedule A of this Official Plan, local municipalities may choose to protect such areas through restrictive zoning regulations. Where zoning is used to protect locally significant wetlands, the zoning by-law shall be considered to conform to this Official Plan.

Wetland boundaries as shown on Schedule A may be amended or adjusted without the need for an Official Plan amendment provided that such adjustments are identified through the application of the most current wetland evaluation manual of the Ministry of Natural Resources and Forestry and subject to the confirmation and approval by the Ministry.

Development or site alteration, as defined in Section 5.2, which has negative impacts on the natural features and/or the ecological function of a wetland designated on Schedule A is not permitted. Development on a lot which includes a provincially significant wetland or part of a provincially significant wetland must take place outside of the wetland area and such development shall be subject to the policies of Section 5.6. Activities that create or maintain infrastructure within the requirements of the Environmental Assessment process or works subject to the *Drainage Act* are not considered to be development for the purposes of this section, however wherever possible such uses shall be located outside of designated wetlands.

The following uses are permitted in designated wetlands:

1. open space and open air recreational uses, including accessory structures and buildings which do not involve extensive site alterations and do not adversely affect the natural characteristics of the environment or require approval under the *Planning Act*;
2. conservation uses which improve the ecological functions of the wetland;
3. uses of a scientific or educational nature;

4. established agricultural uses ongoing at the time of adoption of this Plan. However, new or expanded structures or the clearing and draining of additional lands within the limits of the wetland are not permitted.

Lot creation for all permitted uses stated above is permitted.

Development or site alteration within 120 metres of a designated wetland may be permitted, if it can be demonstrated that there will be no negative impacts on the wetland's natural features or ecological functions. An environmental impact study (EIS) in accordance with Section 5.6 will be required except for established agricultural uses.

A permit may also be required from the Conservation Authority on lands within 120 metres of a Provincially Significant Wetland.

- a) Any development or site alteration proposed on or adjacent to a locally significant wetland (i.e. where municipalities have identified the wetland to be important or significant at the local or municipal level) shall not be permitted unless it has been demonstrated that there will be no negative impacts through an Environmental Impact Study (EIS).
- b) Any development or site alteration proposed on or adjacent to an evaluated, non-provincially significant wetland (i.e. not identified to be important or significant at a provincial, local or municipal level), shall avoid negative impacts to the wetland (e.g. relocate the development); and, where avoidance is not possible, minimize the impacts to the fullest extent possible (as determined through an EIS).
- c) Any development or site alteration proposed on or adjacent to an unevaluated wetland (not evaluated according to the Ontario Wetland Evaluation System), shall require a scoped Environmental Impact Study.
  - i. For unevaluated wetlands that display characteristics of a PSW, a wetland evaluation shall be required. Once the significance is determined, the appropriate policies of this Plan, (a) and b) above) will apply.
  - ii. For unevaluated wetlands that do not display characteristics of a PSW, development or site alteration proposed on or adjacent to the wetland shall avoid negative impacts to the wetland (e.g. relocate the development); and, where avoidance is not possible, minimize the impacts to the fullest extent possible (as determined through an EIS).

Although recently evaluated wetlands may not be represented on Schedule A, the policies for these features apply in the interim until an Official Plan amendment is adopted.

### 5.5.2 Endangered or Threatened Species Habitat Species at Risk

The Ontario Ministry of Natural Resources and Forestry designates species at risk in categories of Endangered, Threatened and Special Concern (formerly vulnerable). The Ministry administers the *Endangered Species Act* to protect and conserve the species listed by regulation as well as their habitat. The Ministry of Natural Resources and Forestry approves the delineation of significant habitat for Endangered and Threatened species identified on the Species at Risk in Ontario list.

In accordance with common practice to protect significant species and habitats from disturbance, the significant habitat of endangered species and threatened species are not shown on the schedules of this Plan. Instead, a screening map, prepared by the Ministry of Natural Resources and Forestry showing areas of potential habitat of endangered and/or threatened species has



been provided to the United Counties of Prescott and Russell for reference. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

Where the screening map identifies the potential habitat of endangered and threatened species, an ecological site assessment (EcoSA) shall be required in support of a planning application. The EcoSA shall assess the potential for significant habitat and delineate the extent of significant habitat of endangered and/or threatened species within or adjacent to an area proposed for development or site alteration. In cases where an environmental impact study (EIS) is triggered by this Plan, the above requirements may be addressed as part of the environmental impact study, provided it is undertaken by a qualified individual.

The Ontario Ministry of Natural Resources and Forestry is the responsible authority to approve the delineation of significant habitat of endangered and/or threatened species identified by an ecological site assessment or as part of an environmental impact study.

In addition, on all sites proposed for development or site alteration, a site inventory for butternut, an endangered tree species, will be required prior to the disturbance or removal of trees. When harm to (cutting of branches, root disturbances, etc.) or removal of butternut is proposed, prior assessment of the health of the species by a qualified Butternut Health Assessor is required. If butternut is determined to be “not retainable”, a certificate will be issued by the assessor and the tree can be removed/harmed. If, however, the butternut is “retainable”, the legislative requirements of the *Endangered Species Act* must be met prior to removing or harming the tree.

### 5.5.3 Areas of Natural and Scientific Interest (ANSI's)

According to the Provincial Policy Statement (PPS), Areas of Natural and Scientific Interest (ANSIs) are defined as “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.” Significant ANSIs are those sites that have been identified by the Ontario Ministry of Natural Resources and Forestry (OMNRF) as being representative of the most significant and best examples of natural heritage or geological features found in Ontario.

The following policies apply:

1. Development may be permitted in accordance with the underlying land use designation in significant areas of natural and scientific interest (ANSIs), or on adjacent lands within 120 metres of a provincially significant life science ANSIs and on adjacent lands within 50 metres of a significant earth science ANSIs, only if it has been demonstrated through an environmental impact assessment, in accordance with Section 5.6, that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.
2. Notwithstanding policy 1 above, established agricultural uses ongoing at the time of adoption of this Plan, are permitted to continue within and adjacent to ANSIs. New or expanded agricultural structures or the clearing and draining of additional lands adjacent to a ANSIs shall be permitted only when it has been demonstrated through an environmental impact assessment in accordance with Section 5.6 that there will be no negative impacts on the natural features or the ecological functions of the ANSI.
3. Notwithstanding policy 1 above, peat extraction is allowed within the Moose Creek Bog without an environmental impact assessment.



4. As additional ANSIs are evaluated by the Ministry of Natural Resources and Forestry and Forestry, Council shall incorporate the new ANSIs into this Plan through an Official Plan Amendment.

#### 5.5.4 Significant Wildlife Habitat

According to the PPS, wildlife habitat is defined as “areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their population. 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”. Wildlife habitat, and particularly significant areas, has many values that warrant its conservation: wildlife contributes to a diversity of species in the United Counties; wildlife forms a fundamental component of the ecosystem and the food chain; wildlife represents social and economic benefit, through nature observation, hunting, and trapping. Significant wildlife habitats are ecologically important in terms of features, functions, representation or amount, and contributing to the quality of diversity of habitats within the United Counties of Prescott and Russell.

Where the County has identified lands providing significant wildlife habitat, such areas shall be appropriately recognized on the Schedule B forming part of this Plan. Significant wildlife habitat shall include deer wintering area and wildlife travel corridor as identified on Schedule B of this Plan. Specific policies for significant wildlife habitats are as follows:

1. Development and site alteration within the habitat area or on adjacent lands that are within 120 metres of these areas may be permitted provided that such development will not negatively affect the natural features or ecological functions of the habitat area. An environmental impact assessment, in accordance with Section 5.6 shall be required in order to assess the impact of the development and site alteration.
2. In addition to significant wildlife habitat identified on Schedule B, wildlife habitat shall be considered on a site specific basis in areas outside of settlement areas, defined by the PPS, as triggered by:
  - a. Creation of more than three lots through plan of subdivision;
  - b. A major change in land use, not including the creation of a lot, that requires approval under the *Planning Act*,
  - c. Shoreline consent along an inland lake or large river that is within 120 metres along the shoreline; and
  - d. Construction for recreational uses (e.g. golf courses, serviced playing fields, campgrounds, etc.) that require large-scale modifications of terrain, vegetation or both.

For development proposals triggered in the above instances, an ecological land classification (ELC) shall be prepared for the site and on lands within 120 metres of the site. The ELC shall identify and delineate ecosites on the property from the best available information and field visits. The ELC shall then be compared to the schedules for determining significance as outlined in the Significant Wildlife Habitat Technical Guide and Addendum prepared by the Ministry of Natural Resources and Forestry which provides information on the identification, description and prioritization of significant wildlife habitats:

- i) It is an area of habitat where particularly important wildlife species are concentrated or are particularly susceptible to impacts for a specific period of their

- lifecycle. These areas include, but are not limited to: seasonal concentration areas; rare vegetation communities or specialized habitat for wildlife; habitats for species of conservation concern; and animal movement corridors.
- ii) The amount of the specific type of habitat that exists within the context of the ecological region and its representation within other components of the Natural Heritage System.
  - iii) It is an area of habitat having a high diversity of species that are of value for research, conservation, education and passive recreation opportunities.

On the basis of the ELC ecosite assessment and analysis, the development proponent will document whether the area is to be considered a confirmed significant wildlife habitat. In accordance with Policy 1, above, all sites which are confirmed significant wildlife habitat shall be subject to an Environmental Impact Study in accordance with Section 5 in order to assess the impact of the development and site alteration.

- 3. Notwithstanding policy 1 above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings and structures associated with farming operations are permitted on adjacent lands without an environmental impact study.

#### 5.5.5 Natural Sites of County Significance

There are other natural heritage features in Prescott and Russell which have importance to the United Counties even though they are not captured under the umbrella of provincial policy. These sites are described as Natural Sites of County Significance. For the purposes of the County Official Plan, the following definition will apply to such sites: “natural features or areas that have known ecological, educational, or interpretive functions which are of importance to the Counties but are not necessarily provincially significant and/or not necessarily one of the natural heritage features as defined by the Province”.

The following policies apply:

- 1. Development may be permitted in accordance with the underlying land use designation in Natural Sites of County Significance, or on adjacent lands within 120 metres, only if it has been demonstrated through an environmental impact study, in accordance with Section 5.6, that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.
- 2. Notwithstanding policy 1 above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and new and existing buildings associated with farming operations are permitted on adjacent lands without an environmental impact study.

#### 5.5.6 Significant Woodlands and Vegetation Cover

According to the PPS, *woodlands* are defined as “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.” Significant woodlands in the United Counties have values, both natural and human. The more obvious values are that they:

1. help to moderate climate, as temperature and moisture are influenced by respiration of trees and shrubs and by their shading;
2. provide oxygen to the atmosphere while reducing carbon dioxide, via photosynthesis;
3. clean air pollutants;
4. prevent soil erosion and stabilize slopes;
5. help to maintain good surface water quality;
6. provide habitat for a diverse range of species;
7. retain water and may recharge ground water;
8. yield economic products including lumber, firewood, maple syrup and mushrooms;
9. provide recreational activities such as wildlife observation, hiking, and hunting;
10. contribute to the beauty and visual diversity of the urban and rural landscape; and,
11. provide an attractive setting for rural residential development.

The United Counties have used the GIS approach developed by the Kemptville District of the Ministry of Natural Resources and Forestry to identify significant woodlands. This approach utilizes digital woodlands data and takes into consideration the important characteristics of the woodlands.

The boundaries of the significant woodlands identified on Schedule B were produced using digital data which has not been ground checked. Accordingly, there may be areas identified as significant woodlands that may not actually be so, as well as areas which may be significant woodlands that have not been mapped. In this regard, site assessments will be an important part of environmental impact studies to verify site conditions.

The criteria used to determine the significance of woodlands was developed by the Kemptville District of the Ministry of Natural Resources and Forestry and include woodland size, woodland interior (core habitat that is 100 m from woodland edge), proximity to other significant habitats, linkages, riparian areas, uncommon characteristics and old woodlands.

In terms of vegetative cover, this Plan recognizes that preserving vegetation along waterways, on sites subject to development and along roadways contributes to the overall health of the area and helps lessen the environmental impact of development and improve the visual appeal of newly developed areas. Development proposals shall be required to preserve vegetative cover or replace vegetative cover when removal cannot be avoided.

This Plan supports the retention or restoration of the natural vegetative buffer adjacent to all watercourses as the means of protecting water resources and its related ecological function from the negative impacts of development. The Plan also recognizes that woodlands and forests have great ecological significance. Property owners may benefit from the Managed Forest Tax Incentive Program which is a voluntary program that provides lower property taxes to participating landowners who agree to conserve and actively manage their forests.

Forests are a renewable resource if harvested in a sustainable manner. Forestry management is sustainable when it maintains and enhances the long-term health of forest ecosystems to the benefit of all living things, while providing environmental, economic, social and cultural opportunities for the benefit of present and future generations. Sustainable forest management refers to management regimes applied to forest lands which maintain the productive and renewal capacities as well as the genetic, species and ecological diversity of forest ecosystems.

Property owners have the right to harvest forest resources on their lands. This Plan encourages forestry management in accordance with the Eastern Ontario Model Forest Code of Forestry Practice.

To mitigate potential impacts due to site alteration and tree cutting in lands identified as containing significant woodland, Council may adopt appropriate by-laws to prohibit or regulate the placing, dumping, removal or regrading of topsoil or fill, and the destruction or injuring of trees.

#### 5.5.6.1 Significant Woodland General Policies

The policies governing development in significant woodlands are as follows:

1. The establishment of single dwellings on existing lots of record shall be permitted, subject to all of the relevant policies of this Plan.
2. Development (subdivisions, site plan, zoning amendments, minor variances, consents) and site alteration within significant woodlands may take place in accordance with the underlying land use designation shown on Schedule A to this Plan only when it has been demonstrated through an Environmental Impact Study carried out in accordance with the policies of Section 5.6 and prepared by a qualified professional that there shall be no negative impacts on the natural features or ecological functions of the woodland.
3. Development (subdivisions, site plan, zoning amendments, minor variances, consents) and site alteration within 120 m of a significant woodland, may take place in accordance with the land use designation shown on the Schedule to this Plan only when it has been demonstrated through an Environmental Impact Study carried out in accordance with the policies of Section 5.6 and prepared by a qualified professional, that there shall be no negative impacts on the natural features or ecological functions of the woodland. This is not a setback requirement, but rather a requirement for a review of development proposals within the 120 metres adjacent lands.
4. Notwithstanding policy 1 above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings and structures associated with farming operations are permitted on adjacent lands without an environmental impact assessment.
5. Agricultural forestry activities such as maple syrup production and the harvesting of trees in accordance with accepted forestry practices, the establishment of new recreational trails for non-motorized and motorized vehicles on existing roads or logging trails are considered as appropriate activities in woodlots and therefore are permitted without an environmental impact study. Such activities are to be carried out in an environmentally sensitive manner so as to preserve the overall woodlot function.
6. The Larose Forest is a publicly owned and managed forest which in addition to its importance as significant woodland has historical and cultural value. The Larose Forest is also identified as a Natural Site of County Significance. Larose Forest boundaries as shown on Schedule B under **Landform Specific Land Use Policies - Larose Forest and Natural Sites of County Significance** – may be amended or adjusted without the need for an Official Plan amendment provided that such modifications are implemented when the United Counties acquire or sell a property and subject to the confirmation of the Planning and Forestry Department.

Forest management occurring on all United Counties properties is certified to the standards of the Forest Stewardship Council (FSC) under the Eastern Ontario Model Forest group certification umbrella (Certificate #SW – FM /COC 000 232). The forest management is governed by a Forest Management Plan, a 5 Year Operation Plan and a Protection and Development Plan.

Notwithstanding the underlying land use designation, only forestry activities (as described in Policy 3 above), development which is directly related to the management, improvement and promotion of woodlands such as an ecology centre, educational facilities, interpretation centre, ecotourism centre, entrepreneurship centre, workshops and storage buildings and any related office and administration facilities shall be permitted in the area specifically identified as part of the Larose Forest on Schedule B.

#### 5.5.6.2 Vegetative Cover General Policies

At a regional level, several studies indicate that a reduction of the regional forest cover below 30 % results in a significant reduction in biodiversity. It is estimated that the current percentage of forest cover in Prescott and Russell is approximately 26 %. The percentage of residual forest and natural forest corridors in the landscape has a significant impact on the presence of species within a region. Therefore, if the landscape contains a large proportion of forest, this will benefit the regional habitat and greater diversity will result. The reduction of forest cover causes the reduction or the disappearance of many animal species that require forest habitats. On the other hand, non-forest species and species who inhabit forest edges multiply. Globally, the loss of forest cover results in a loss of biological diversity.

Deforestation is the permanent removal of forest cover from an area and the conversion of this previously forested land to other uses. Deforestation can be attributed to several factors such as the clearing of land for urban development, transportation corridors, recreation, forest industries and natural resource extraction industries. The clearing of land for agriculture is one of the major causes of deforestation in Prescott and Russell. Rising global market demand and high prices for commodities are the driving factors of enticement to deforestation and it is becoming a rising trend of regional significance in Prescott and Russell.

Council recognizes the importance of protecting an adequate forest cover for the region. Although the *Municipal Act*, 2001 provides the framework that enables local and upper tier municipalities the power to adopt tree cutting and tree conservation by-laws, Council for the time being, will continue to carefully monitor this situation by using updated DRAPE imagery and promote the benefits of proper forest management practices. New development will be subject to the following policies:

1. This Plan shall require the retention and/or establishment of mature tree cover and native shrubs and vegetative cover on lands within 15 metres of a high water mark of a water resource in order to protect the riparian and littoral zones and associated habitat, prevent erosion, siltation and nutrient migration, maintain shoreline character and appearance, and minimize the visual impact of development. Notwithstanding the 15 metre vegetative buffer, a water access area of a maximum of 9 metres width may be permitted provided the natural shoreline is disturbed as little as possible and the balance of the water front outside of the access area is maintained in a natural state. Within the natural vegetative buffer, the pruning of trees for viewing purposes or the removal of trees for safety reasons may be permitted provided the intent of the policy is maintained. All other policies and approvals for work near water resources shall apply and shall be subject to site plan approval.



2. In rural areas, retaining existing natural vegetation along public roads shall be encouraged. Developers shall be encouraged to remove as little vegetation as possible when establishing roads, building sites and servicing facilities. Specific provisions relating to protection of vegetation may be incorporated into site plan agreements. The retention of natural vegetation is not meant to include noxious weeds or invasive species.
3. In urban areas, selective protection of significant trees or shrubs shall be promoted. Provisions relating to protection of vegetation may be incorporated into subdivision or site plan agreements.
4. The County and local municipalities shall ensure that trees along municipal road allowances and on other municipal property are preserved while allowing appropriate maintenance and the removal of trees which may constitute a safety hazard. Any private removal of trees on municipal property shall require the approval of Council.
5. Applications for subdivisions, Official Plan and Zoning By-law amendments, minor variances or site plan control may be supported by a Tree Preservation Plan. Such a plan shall:
  - a) retain as much natural vegetation as possible, especially along watercourses, on steep slopes, in valued woodlots, in areas linking green spaces and along roadways;
  - b) determine which stands of trees or individual trees warrant retention based on a preliminary assessment;
  - c) outline measures for the protection of those trees or stands of trees being retained during construction;
  - d) describe the area and nature of tree loss and compensation measures proposed. Such compensation measures may include off-site plantings;
  - e) indicate tree planting or vegetative cover required to provide protection for stream courses or steep slopes;
  - f) investigate the use of native species in tree planting strategies and shall discourage monoculture;
  - g) provide guidelines for property owners on the importance and care of trees on their property;
  - h) consider the impact on the environment during and after construction, and propose mitigation measures where there is substantial alteration of the existing tree cover on the site;
  - i) natural features/functions may be protected and enhanced by incorporating them into public open spaces and recreational pathways.

### 5.5.7 Fish Habitat

According to the PPS, fish habitat is defined as: “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.” Healthy aquatic communities are generally a good indicator of environmental health. The harmful alteration, disruption or destruction of fish habitat is prohibited under the *Fisheries Act*. It is the United Counties intention to encourage improvement of productive capacity of this habitat. The extent and significance of fish habitat shall be determined in consultation with the Conservation Authority under their agreement with the Department of Fisheries and Oceans, having regard for the Subwatershed Plans and Studies where applicable. The Ministry of Natural Resources and Forestry (MNRF) manages fish populations (Fisheries Manager) for the Province of Ontario and should be consulted to determine what fish community information may be available for a specific location. The MNRF also sets timing windows for works in water across the province of Ontario and should be consulted for this information and

associated authorizations related to fish populations. Fish habitat identification as shown on Schedule B may be amended or adjusted from time to time without the need for an Official Plan amendment provided that such adjustments are obtained from MNRF and OMAFRA as identified in the most current available data. The fish habitat identified on Schedule B shall include all rivers, lakes, watercourses and municipal drain. Development and site alteration shall not be permitted in areas of fish habitat, except in accordance with relevant provincial and federal requirements.

Rivers, municipal drains and all other watercourses in the United Counties are either direct or indirect fish habitat. The policies governing fish habitat protection are as follows:

1. No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat. Development and site alteration shall not result in a net loss of fish habitat, result in harmful alteration, disruption, degradation or destruction of fish habitat or negatively impact fish passage.
2. Development and site alterations shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Where development is proposed within 120 metres of an area of fish habitat as identified on Schedule B or adjacent to an area of fish habitat identified through consultation with the South Nation Conservation or the federal Department of Fisheries and Oceans it must be demonstrated through an environmental impact study carried out in accordance with Section 5.6 that there will be no negative impacts on the natural feature or on the ecological functions for which the feature is identified.
3. Notwithstanding policy 1 above, the cleaning of municipal drains shall be permitted provided that such is carried out in accordance with acceptable standards, and that, where required, the authorization of the Department of Fisheries is obtained.
4. Notwithstanding policy 1 above extensions or enlargements of existing buildings and structures in the adjacent land area to an identified Fish Habitat may be permitted provided that it is demonstrated to the satisfaction of the appropriate regulatory agency or approval authority that such extension or enlargement will have no negative impact on the fish habitat as demonstrated by an Environmental Impact Study undertaken in keeping with Section 5.6 of this Plan.
5. It is the policy of this Plan to encourage the re-establishment of naturally vegetated buffer strips along water bodies and headwater areas.
6. Although storm water management and drainage measures are often located some distance from a watercourse these measures can impact the water quality and quantity of the watercourse and affect fish habitat. When evaluating storm water management and drainage activities, consideration shall be given to impacts upon fish habitat.
7. Development or site alteration in or within 120 metres of fish habitat shall be assessed by the appropriate Conservation Authority in accordance with their responsibilities under the *Fisheries Act*. Any demonstrated harmful alteration, destruction or disturbance of fish habitat will require the prior written approval of the Minister of Fisheries and Oceans for Canada.

#### **5.5.8 Significant Valleylands**

Significant Valleylands are natural areas that occur in a valley or other landform depression that have water flowing through or standing for some period of the year. Significant Valleylands are the natural drainage systems for the watersheds and as such, they provide an appropriate



context for planning and evaluating water related resources. The Natural Heritage Reference Manual provides more detail and direction related to Significant Valleylands and their identification. Given the geological history of the United Counties, valleylands have not been identified.

Significant Valleylands shall be subject to the policies of the underlying land use designation. Where valleylands are identified through consultation with the MNRF or by an EIS triggered by another policy of this Plan, they shall be subject to the policies of this Section and may be mapped accordingly on Schedule B through an amendment to this Plan.

Development or site alteration proposed in a Significant Valleyland shall be subject to the completion of an EIS prior to development or site alteration. Development or site alteration in a Significant Valleyland shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Development and site alteration shall not be permitted on land adjacent to a Significant Valleyland unless it has been demonstrated that there will be no negative impacts on the Significant Valleyland or on their ecological functions. For the purposes of this policy, the extent of adjacent land shall be 120 metres from the stable top of bank of the Significant Valleyland. In accordance with Section 5.6, an EIS shall be required for all development proposals on adjacent lands or abutting areas identified as being the Significant Valleyland.

Prior to considering development and/or site alteration on or within adjacent lands to a Significant Valleyland, the County, in consultation with the Conservation Authority and MNRF, shall be satisfied that the EIS demonstrates that there will be no negative impacts on the habitat values upon which the species depend directly and indirectly, and any related ecological functions.

#### **5.5.9 Water Protection and Enhancement**

The water resource is crucial in the United Counties of Prescott and Russell as it is the source of drinking water for the vast majority of our communities and our rural population.

Several communities also rely on surface water (i.e. the South Nation River and the Ottawa River) as their source of drinking water. In addition to residential uses, ground water is crucial for the watering of livestock, farm irrigation and commercial and industrial uses.

A number of problems involving both quality and quantity of ground water supply have been identified in the United Counties. Ground water contamination from bacteria, nitrates, petroleum and chemicals, salt, pesticide use and naturally present contaminants have occurred in many areas of Prescott and Russell. Water supply problems exist in the Townships of Russell and, Alfred-Plantagenet and in several areas in the Nation Municipality.

It is Council's position that the United Counties of Prescott and Russell and its constituent municipalities have an obligation to consider the impact of development and land use on ground water in order to ensure the long term viability of this resource.

It is Council's intent to initiate a hydrogeological aquifer capability pre-screening tool with respect to groundwater resource protection and use. This tool would consist of an assessment of aquifer capability in terms of expected groundwater quantity and quality to assist in evaluating the development potential of a property.

The Township of Alfred and Plantagenet is aware of water supply issues for more than one hundred rural residential homes in a sector located East of the Urban Policy Area boundary limits of the Village of Wendover more specifically identified as properties along Principale Street up to the intersection with County Road 17 and along Lamarche Street East and Lamarche Street West. The source of drinking water in that stretch of municipal road is a mix of groundwater and surface (Ottawa River) water supplies. Although the water supply issues have not been documented yet, a more permanent and viable solution to find safe drinkable water for those homeowners is a concern for both the Counties and the local municipality. The distribution of municipal water will be allowed in that sector of the Township without an amendment to this plan provided an assessment study is completed and a Local Improvement under the *Ontario Municipal Act* is reached between the Township and the affected homeowners.

The following policies shall apply:

1. The United Counties of Prescott and Russell will work in partnership with senior and local levels of government, environmental agencies and the private sector to develop a water resources data base which identifies sensitive ground water recharge areas, sensitive hydro-geological areas and areas with known ground water quality and quantity constraints.
2. Council will proceed with an amendment to this Official Plan in order to implement site specific ground water protection or improvement land use policies based on the detailed data base developed through the implementation of policy 5.5.9 (1) above and will identify these areas as Natural Heritage Policy Area on Schedule B.
3. The United Counties of Prescott and Russell will work in partnership with senior and local levels of government, environmental agencies and the private sector to enforce provincial regulations on private septic field and water well construction.
4. Industrial or commercial developments which require large amounts of ground water will be required to undertake a hydrogeology study conducted by qualified hydrogeology engineers which addresses the impact of the proposed development on the quantity and quality of the water supply for existing development in the general area of the development site.
5. New commercial and/or industrial operations which take and bottle water for commercial purposes are prohibited. Existing operations are recognized as legal non-conforming uses. Any expansion of such operations will require an amendment to this Plan.
6. The United Counties of Prescott and Russell will work in partnership with senior and local levels of government and environmental agencies to develop an education program aimed at reducing ground water consumption and pollution.

#### **5.5.9.1 Source Water Protection Plan**

The Source Water Protection Plan of Raisin-South Nation Source Protection Region came into effect on April 1<sup>st</sup>, 2015. The Source Water Protection Plan intends to protect the municipal sources of drinking water. The Plan identifies risks to local drinking water sources and developed policies to mitigate the level of risks.

The approved Source Water Protection Plan of Raisin-South Nation Source Protection Region provide mapping of areas that contribute water, or are in close proximity to municipal drinking water supplies, that are vulnerable. These areas consist of well head protection areas (WHPA) and intake protection zones (IPZ), as shown on Schedule C. Wellhead Protection Areas are classified from A to D and Intake Protection Zones are classified as 1 or 2. These classifications

allow for varying degrees of management relative to the vulnerability of the drinking source, and the length of time groundwater or surface water within the area will take to reach the municipal drinking-water supply. The WHPAs and IPZs shown on Schedules C 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 County and local municipalities will support and participate in initiatives that implement the Clean Water Act, as required, and ensure coordination amongst local municipalities. As approval authorities, the County and local municipalities will require development to adhere to the Source Protection Plans.

Local municipalities shall amend their Local Official Plan and Comprehensive Zoning By-laws and may also adopt other development controls to protect WHPAs and IPZs in accordance with the approved Source Water Protection Plan of Raisin-South Nation Source Protection Region to direct new development to appropriate areas where it would not pose a threat to drinking water.. Local municipalities shall implement the WHPAs and IPZs zones, as shown on Schedule C, as constraint in the Local Official Plan and Comprehensive Zoning By-laws mapping.

Local municipalities shall prohibit high risk activities from establishing within WHPAs and IPZs and ensure that permitted uses can be established within an acceptable level of risk to groundwater quality and quantity. For example, local municipality could ban new waste disposal sites near municipal wells, or chemical storage facilities upstream from a surface water intake.

The County and local municipalities shall consult with the Risk Management Office for any project proposed under the *Planning Act* or the Building Code in the WHPAs and IPZs zones, to screen proposed activities in the vulnerable area prior to applying for approvals, i.e. building permit, zoning change, minor variance, site plan control. An application shall be considered as complete until such time as the notice from the Risk Management Official is received by the County of the local municipality.

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:

- a) Council will 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.
- b) 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.
- c) 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.
- d) Council may consider the development of programs offering financial incentives to protect and maintain groundwater and surface water quality.
- e) 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*.

- f) 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.
- g) 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.

#### 5.5.9.2 Groundwater Recharge Areas

Areas in the United Counties may be identified as Groundwater Recharge Areas. Zoning By-law provisions may be adopted to restrict land uses in such areas to those which pose no threat to the quality of the existing resource. In addition areas may be identified where the state of the groundwater resource is unacceptable for development purposes.

Within the limits of the Groundwater Recharge Area when identified and as shown on Schedule B, permitted uses shall be restricted to those uses which will not result in negative impacts on the groundwater resource and uses existing as of the date of passing of this Official Plan. New or expanded development shall be subject to consultation with the Ministry of Environment and Climate Change or its delegate.

Studies suggest the potential for a groundwater recharge area in and around the Jessup's Falls Escarpment area. Additional investigation is required to accurately determine the extent of such a feature. Pending the completion of investigations in accordance with Section 5.5.9, Schedule B identifies as "Potential Groundwater Recharge Area" the approximate location of a potential area of groundwater recharge. The Potential Groundwater Recharge Area will be included in areas for study in the development of the water resources database to be completed pursuant to Section 5.5.9(1).

#### 5.5.10 River Corridors

Prescott and Russell enjoys the presence of two great and historical rivers, the Ottawa River and the South Nation River. These natural features contributed in a significant way to our region's history and in many ways have defined our settlement pattern. Development along these river corridors has continued throughout our history and as a result there are fewer and fewer opportunities for public access to these water bodies. This section of the Plan seeks to encourage the preservation of shoreline areas in order to enhance the recreational and economic benefits which can be derived from enhanced public access and the preservation of natural shoreline states.

The following land use policies shall apply in addition to the policies of the applicable land use designation along the shorelines of the Ottawa and South Nation Rivers.

1. Where development or improvements are proposed which would require shoreline alterations a permit under the Ministry of Natural Resources and Forestry's *Public Lands Act* and or approval under the Ontario Regulation 724/94 administered through the South Nation Conservation may be required.
2. Where new development lots are created, dwellings and sewage disposal systems shall be set back a minimum of 30 metres from the high water mark with non-disturbance of the native soils and very limited removal of shoreline vegetation.

3. For existing lots of record, new development should be set back 30 metres if possible, otherwise as far back as the lot permits again with non-disturbance of the native soils and very limited removal of shoreline vegetation.
4. When reviewing development proposals for land abutting the shoreline, Council or the local approval authority may require that lands be dedicated for public purposes which will preserve public access to the water body and where possible shall ensure that such lands be accessible from a public road.
5. Encourage local municipalities to protect opened and unopened road allowances and public right of ways which lead to shoreline areas in order to preserve the potential for future public access.
6. When reviewing subdivision, consent and site plan applications consider the impacts of the development on the visual access to the waterbody and ensure that the appearance of the development, when viewed from the waterbody, complements the natural setting.
7. Where development proposes shoreline alterations a development permit may be required from the federal Department of Fisheries and Oceans or its delegate.
8. Large development proposals (i.e. greater than 5 lots, resort/condominium development) must be supported with a site evaluation report in consultation with the Ministry of the Environment. This is to ensure water quality protection. The study should take into consideration the existing water quality of the water body, surface water run-off, impact and loadings of phosphorous from septic systems, type of soils, stormwater management and nature of vegetation.
9. Local municipalities may enact Tree Cutting By-laws and or Site Alteration By-laws to control or prevent the degradation of shoreline areas which could be caused by the removal of vegetation or the disturbance of native soils.

#### 5.5.11 Other Natural Heritage Areas

Nothing within this Section would preclude lands that have been deemed by the Provincial Government and/or the County and/or local municipalities to have significant ecological functions or features that have or have not been designated on Schedule 'A' and/or Schedule 'B' from being recognized in the implementing Zoning By-law. These lands may include significant portions of the habitat of endangered and threatened species, significant woodlands, significant wildlife habitat, fish habitat and significant areas of natural and scientific interest. Development will require the preparation of an Environmental Impact Study, in accordance with Section 5.6 of this Plan, if it is proposed to be located in or within 120 metres of Areas of Natural and Scientific Interest, significant wildlife habitat, and significant woodlands.

Natural Heritage lands shall be placed in the appropriate zoning classification in the local implementing Zoning By-law.

#### 5.5.12 Infrastructure

1. New or expanded infrastructure shall only be permitted within the Natural Heritage System where it is clearly demonstrated through an environmental assessment process under the *Environmental Assessment Act* that it is the preferred location for the infrastructure, and that the alternatives are all evaluated having regard for the relevant policies of the Official Plan.



2. Where the preferred alternative is located within or adjacent to the Natural Heritage System, an Environmental Impact Study, approved by the County and/or local municipalities, shall be completed to further assess potential impacts, identify mitigation requirements, and determine appropriate compensation where impacts cannot be mitigated.
3. The County and/or local municipalities and other relevant public authorities shall include methods for minimizing impacts when reviewing proposals to construct transportation, communication, sewerage or other infrastructure in the Natural Heritage System.
4. Where there is more than one type of infrastructure, the rights-of-way shall be combined, wherever feasible, to reduce the extent of the intrusion into the area.
5. As conditions of approving infrastructure projects in or adjacent to the Natural Heritage System natural heritage areas, the County and/ or local municipalities may well require specific mitigation and rehabilitation measures and/or compensation that are identified in the approved Environmental Impact Study, to address potential impacts on the damage to natural features and functions caused by the construction or maintenance of the infrastructure.

#### **5.5.13 Public Ownership / Acquisition**

1. It is not intended that all natural heritage areas shall be purchased or otherwise brought into public ownership, nor that all such lands shall be open and accessible for public use. It may be determined, however, that certain areas should be in public ownership or accessible for recreational uses, where appropriate. In such cases, the County or the local municipalities or other agencies shall explore options for purchasing, or otherwise acquiring, managing or providing access to these lands.
2. The County or the local municipalities may develop a program for the long term acquisition of natural heritage areas. Acquisition may occur as properties become available, primarily through the following methods: purchase, dedication, and donation.
3. Council and/or local Council may accept gifts of ecologically sensitive lands in accordance with the provisions of the Ecological Gifts Program administered by Environment Canada, or any other similar program administered by the Provincial or Federal Governments. There are also Conservation Authority Foundations and other organizations which may be requested by the County or the local municipalities to play a role in the acquisition or management of natural heritage and hazard lands for the public good.

#### **5.5.14 Stewardship**

1. Where natural heritage areas are privately owned, the United Counties and the local municipalities will encourage individual property owners to provide for their protection and conservation. In this regard, the United Counties and the local municipalities may use the following techniques:
  - a) Stewardship agreements;
  - b) Conservation easements;
  - c) Education programs to inform landowners of maintenance and stewardship options available to protect or rehabilitate natural features and ecological functions;

- d) Encouraging the establishment of land trusts and the utilization of existing land trusts, as well as other mechanisms to purchase land and to rehabilitate, create or conserve natural heritage areas;
  - e) Modification of property tax assessment and/or facilitation of the Provincial Conservation Land Tax Incentive Program or the Managed Forest Tax Incentive Program; and
  - f) Any other suitable techniques.
2. Where natural heritage areas are owned by the United Counties and/or the local municipalities, the United Counties and the local municipalities will encourage community groups and individuals to take an active role in their protection, rehabilitation and enhancement. The County and/or local municipalities may develop programs to facilitate community involvement in the protection and rehabilitation of these areas.

## 5.6 ENVIRONMENTAL IMPACT STUDIES

### 5.6.1 Introduction

Potential negative impacts will be examined through a process of environmental impact assessment, carried out on a case by case basis, prior to development approval.

The preparation of an environmental impact study (EIS) may be required for submission prior to the approval authority making a formal decision on a planning application (eg. Official Plan amendment, zoning amendment, site plan control, subdivision, consent, etc.) to assess the negative impacts on the natural features and the ecological functions of the area in question.

The terms of reference and guideline for an Environmental Impact Study will be determined by the United Counties in consultation with the Ministry of Natural Resources and Forestry and with the Conservation Authority. The Ministry of Natural Resources and Forestry is responsible to review the EIS for species at risk and the *Endangered Species Act* and approve the habitat delineation of endangered and threatened species. The Conservation Authority will assist the United Counties in the review of Environmental Impact Studies.

Generally, Environmental Impact Studies, when required, will be considered as required information for a “complete” planning application.

### 5.6.2 Scoped Environmental Impact Study

The County or the local municipalities may consider reducing an Environmental Impact Study to a scoped study if the proposal is:

1. minor in nature (i.e. construction of a single detached dwelling and/or accessory buildings on an existing lot, minor site alteration or minor changes in existing land use) where the natural features that triggered the EIS requirement are not located on the subject property;
2. located in an area where previous studies are sufficient to provide the necessary technical information to assess a proposal;
3. A lot severance from the property where the lot to be severed is already developed and/or is located outside the adjacent distance to the natural features, and the retained



- parcel is either already developed or new development will be prohibited on the remnant parcel created by the severance; and
4. minor changes in existing land use that will not result in any significant physical changes to the property.

The need for a Scoped Environmental Impact Study will be confirmed through preconsultation with the County and/or local municipality early in the development review process, based on a preliminary screening for natural environment features within, and adjacent to the study area, which may involve a checklist that can be completed by the applicant in consultation with the County and/or local municipality or other appropriate approval authority. The MNRF shall work with the County to include species at risk and their habitat as per the *Endangered Species Act* to be considered in the development of the scoped Environmental Impact Study (EIS) checklist.

If the scoped study indicates that there may be some potential impacts that warrant a more complete review, a full site Environmental Impact Study shall be prepared.

### 5.6.3 Full Environmental Impact Studies

Where a full site Environmental Impact Study is required, the study must be prepared by a qualified professional with expertise in environmental science. Terms of reference will be prepared to guide the development of an EIS, however, generally the statement will:

1. define the nature and the boundaries of any significant features and ecological functions on or adjacent to the site;
2. describe the location, extent, and nature of development;
3. describe the relationship of these features and functions to the proposed development and adjacent lands;
4. demonstrate how and where development can proceed without negative impact on the natural values which make the area significant;
5. describe any mitigation or compensation proposals designed to alleviate or eliminate impacts.

Where land identified as Natural Heritage is under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.

### 5.6.4 Management and Rehabilitation Priorities

The County and the local municipalities will encourage rehabilitation and enhancement measures that protect the ecological function and integrity of the Natural Heritage areas. Watershed and Sub-watershed Plans can provide guidance for the types of measures that may be identified through Environmental Impact Studies, the Environmental Assessment process, or other environmental studies or programs. Rehabilitation and enhancement measures may be implemented through conservation master plans or woodland management plans on publicly-owned land and through stewardship and conservation programs for privately-owned lands.

1. The County and the local municipalities' highest priority for rehabilitating and enhancing the Natural Heritage System shall be those areas linking or adjacent to natural heritage areas that are subject to flood or erosion hazard constraints.

2. With respect to specific components of the Natural Heritage areas, the County and the local municipalities' management and rehabilitation priorities are:
- a) Wetlands - to protect the natural features and ecological functions of all Provincially and locally Significant wetlands.
  - b) Significant Woodlands and Woodlands - to protect existing ecosystem features and functions, to increase the amount of interior forest habitat, and to retain or restore linkages between isolated natural areas.
  - c) Marginal and abandoned agricultural land.
  - d) River, Stream and Ravine Corridors - to protect existing ecosystem features and functions, maintain water resource functions, and to rehabilitate eroded banks and channels.
  - e) Upland Corridors - to retain or create linkages between isolated natural areas.
  - f) Wildlife Habitat - to protect wildlife habitat.
  - g) Fish, Riparian Habitat - to protect, rehabilitate and/or create fish and riparian habitat, and to encourage a net gain of productive capacity of fish habitat, where possible.
  - h) Potential Naturalization Areas - to restore or replace connections between and within vegetation patches, riparian corridors and wildlife habitat.
  - i) Groundwater Recharge Areas, Headwaters and Aquifers – to protect hydrological functions and source water.

## 6 PUBLIC HEALTH AND SAFETY

### 6.1 INTRODUCTION

Our natural landscape and resources are constantly being shaped and reshaped by naturally occurring physical and ecological processes. These landscapes and resources only become a hazard when people and structures are located within them or are affected by them. As such environmental conditions occasionally represent significant constraints to the development of land such that there can exist a significant threat to people's health and safety. Constraints to development are primarily related to hazardous conditions such as the existence of floodplains, erosion hazards, the presence of unstable slopes or slopes subject to retrogressive land slides and geological formations such as Karst topography where the bedrock is subject to the development of sinkholes. To a lesser extent, development may be restricted on the basis of existing site contamination or noise concerns.

The preparation of these development constraint policies was undertaken with the objective of integrating them with other policy areas, primarily those policies addressing natural heritage sectors. Issues surrounding water quality and quantity, wetlands, fisheries and woodlands are closely related to development constraints. As such these policies should not be read in isolation.

For instance, development is prohibited in a floodplain or in areas subject to slope failure because it can result in changes to natural conditions that may actually endanger areas previously unaffected. Promoting quality of life and self sufficiency for our citizens requires that all development be carried out in a manner which ensures that life, safety and economic welfare be protected.

Accordingly, this Plan shall carefully regulate land uses in and around areas identified as having natural or human-made hazards to protect public health or safety or property.

### 6.2 OBJECTIVE

It is the objective of these policies to permit only suitable development, which does not pose a danger to public safety or health or result in property or environmental damage, in areas subject to development constraints.

The use of areas related to hazardous conditions shall be directed towards the following objectives:

1. Minimize the possibility of property damage, social disruption and danger to life from flooding, by restricting the uses and activities permitted on lands susceptible to flooding and/or erosion processes.
2. Direct development to areas outside of hazardous lands adjacent to rivers and watercourses which are impacted by flooding hazards and/or erosion hazards, as well as other hazardous sites.
3. Through acquisition and agreement, provide for the use of floodplain lands as public open space.
4. Define and regulate natural hazards as permitted by provincial natural hazard management policies and the *Conservation Authorities Act* including, but not limited to floodplain areas, slope hazards and erosion hazards.
5. Minimize the risk to public safety and to property due to erosion and slope instability.

6. Minimize the potential for contaminated lands to create a hazard to public health and safety, to property or to the natural environment.
7. Encourage the restoration of contaminated lands.

### 6.3 IDENTIFYING HAZARD AREAS

Accurate mapping showing the location of areas characterized by health and public safety hazards and/or by constraints for development is of crucial importance in order to ensure informed decisions by approval authorities when considering development applications. The limits of hazard areas shown on Public Health and Safety Schedule C were identified on the basis of information provided by the Ontario Ministry of Natural Resources and Forestry and the Ministry of Northern Development and Mines (floodplains, unstable slopes and former mineral extraction sites) and the South Nation Conservation (floodplains, unstable slopes and retrogressive landslide areas). The Ministry of Environment and Climate Change has provided information respecting contaminated sites such as closed landfill sites. However the mapping of these sites will be completed over time as more accurate information respecting exact locations becomes available and included in the county geographic information system (GIS) data base.

Efforts have been made through this Plan to identify lands subject to potential environmental hazards and constraints. New information or detailed site examination may result in additional lands being identified as having environmental hazards and constraints. If such hazards and constraint lands are identified through a comprehensive program, Council shall incorporate the identified new lands into this Plan through an Official Plan Amendment. In cases where hazards and constraints are identified on a site specific basis, only an amendment to the Zoning By-law shall be required to identify the land.

### 6.4 GENERAL

Hazardous areas are identified on Schedule C on the basis of the particular characteristics which pose a threat to public health and safety which may result should these areas be developed. The constraints include areas subject to flooding, areas affected by unstable slopes, organic soils and unstable bedrock, areas subject to retrogressive landslides, erosion hazards, contaminated sites and abandoned pits and quarries.

Where hazard land mapping is complete, it is shown on Schedule C. However, it is recognized that hazardous conditions may exist which are not shown on Schedule C.

As such the United Counties of Prescott and Russell Planning Department may undertake a hazard land mapping study in order to ensure that the hazard land data base is updated. In undertaking this study the Planning Department will consult with the Ministry of Natural Resources and Forestry and the Ministry of Environment and Climate Change prior to preparing terms of reference for the study. In reviewing development applications the approval authority shall consult with the South Nation Conservation to ensure that there are no natural hazards. Where hazardous conditions exist in areas which are not identified on Schedule C development shall be subject to those policies in this Section which are deemed by the approval authority to be the most appropriate.

## **6.5 HAZARDOUS LANDS – FLOODING AND EROSION**

### **6.5.1 Defining Areas Subject to Floods and Erosion**

The floodplain area shown on Schedule C includes all areas known to be subject to 1 in 100 year flood events. These areas have been identified and mapped by the South Nation Conservation, by the Ministry of Natural Resources and Forestry (in those areas which are outside the South Nation River watershed) and by the United Counties (in those areas where flooding events are known).

It is recognized that flood plains and erosion hazards may exist which are not designated on Schedule C, particularly along the Ottawa River and its tributaries. In reviewing development applications, the approval authority shall require that the proponent of a development demonstrate that there are no flood hazards and erosion hazards prior to the submission of the development application for formal review and processing. Where it is determined that flood hazards or erosion hazards exist, the policies in this section shall apply regardless of the fact that the flood hazard or erosion hazard may not be identified on Schedule C.

### **6.5.2 Permitted Uses**

Notwithstanding the underlying designation on Schedule A, development and site alteration is prohibited in flood plains, except in accordance with the following:

1. Repairs and minor additions to buildings and accessory buildings, which do not affect flood flows, will be permitted where there is existing non-conforming development and such development shall be subject to site plan control.
2. Uses which by their very nature must be located within the flood plain and will not affect the hydrology or hydraulics of the flood plain may be permitted.
3. Works required for flood and/or erosion control and passive recreational and/or open space non-structural uses which do not affect the hydrology or hydraulics of the flood plain may be permitted.
4. Uses such as agriculture, forestry, conservation, wildlife management and similar activities will be permitted provided that no associated buildings and structures are located in the floodplain and the use does not adversely affect the ability of the flood plains to pass floodwaters.
5. Any new development or structures within the floodplain will require the approval of the appropriate Conservation Authority.
6. No new septic systems are permitted within the floodplain. Notwithstanding this policy there may be situations with existing development where a replacement septic system within the floodplain may be necessary.
7. Where new lots are being created, part of which will be located in the floodplain, there must be a sufficient area of land outside of the floodplain to place the buildings and services in accordance with the policies of this Plan and the provisions of the Zoning By-law, as well as any other applicable regulations.
8. In the floodplains, it will be the policy of the County and the local municipality to encourage the retention of natural vegetation.

9. The placement or removal of fill in any floodplain will require the approval of the appropriate Conservation Authority.
10. Where there is an existing lot of record located entirely within the floodplain or where an acceptable building envelope outside of the floodplain does not exist, such lot shall not be developed.
11. Areas that would be rendered inaccessible to people or vehicles during times of flooding hazards shall not be developed unless it has been demonstrated that the site has safe access appropriate for the nature of the development.
12. Development and site alteration shall not be permitted within the floodplain regardless of whether an area of inundation contains high points of land not subject to flooding.
13. Development is prohibited in the flood plain for:
  - a) uses associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding or failure of floodproofing measures or protection works or erosion;
  - b) essential emergency services such as fire, police, ambulance stations and electrical substations that could be impaired in the case of flooding or failure of flood protection works and/or erosion; and,
  - c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances and outdoor industrial storage.

### 6.5.3 Flood line mapping

Detailed flood line mapping studies have been completed for the South Nation River and a portion of its tributaries. It is recognized that not all floodplain areas are identified on watercourse where a flood line study has not been completed, the landowner may be required to undertake a detailed flood line study.

For those floodplain areas where no engineered flood line is available minor adjustments to the boundary of the floodplain may be considered without an amendment to this Plan provided that the applicant can demonstrate to the satisfaction of the County and the Conservation Authority that such changes are appropriate. Development may then be in accordance with the policies of the land uses designation of Schedule A.

### 6.5.4 Development within the Floodplain

Development in the floodplain is regulated under the *Conservation Authorities Act* (pursuant to the relevant “Development, Interference with Wetlands and Alteration to Shorelines and Watercourses” regulation enacted under Section 28 of the *Conservation Authorities Act*) and will require written permission from the appropriate Conservation Authority or the Ministry of Natural Resources and Forestry (for areas outside of a Conservation Authority) in addition to a building permit from the local municipalities.

### 6.5.5 Zoning

The zoning of floodplain lands will reflect the restricted use of these lands, and will prohibit any new development, with the exception of existing uses and minor additions and/or renovations to



existing structures. A permit may be required from the appropriate Conservation Authority or the Ministry of Natural Resources and Forestry (for areas outside of a Conservation Authority) and floodproofing may be required.

#### 6.5.6 Development and Site Alterations

In accordance with the underlying designation on Schedule A, development and site alterations may be permitted in areas subject to erosion related hazards which are not located in the flood plain.

1. All new development and site alterations on hazardous lands must achieve all of the following: the hazards must be safely addressed and the development and site alteration is carried out in accordance with the established standards and procedures;
2. new hazards are not created and existing hazards are not aggravated;
3. no upstream or downstream adverse impacts will result;
4. vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies. This Plan defines safe access as the primary access to the property, such that the access road (private or public) would not be flooded by more than 0.3 metres of water during a 1:100 year flood elevation; and
5. the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

### 6.6 UNSTABLE SLOPES, UNSTABLE BEDROCK AND ORGANIC SOILS

#### 6.6.1 Policies

Development and site alteration in areas identified on Schedule C as having unstable slopes, i.e. lands with a slope stability factor of safety of 1.5 or less, unstable bedrock or organic soils is prohibited except by site-specific Zoning By-law amendment. Unstable bedrock includes areas known as Karst topography. Karst topography is an area of limestone plain marked by sinks, or karst holes, interspersed with abrupt ridges and irregular protuberant rock, usually underlain by caverns and underground streams. This irregular topography is developed by the solution of surface and ground water eroding limestone.

Site specific zoning amendments are not required where the *Building Code Act* addresses the requirements for development in areas of unstable slopes as shown on Schedule C. Site-specific Zoning By-law amendments to permit construction of a building or structure may be passed only if all of the following conditions are met:

1. development may be permitted in accordance with the underlying designation in areas of unstable slopes as shown on Schedule C with appropriate development setbacks as provided in a joint report prepared by the Ministry of Natural Resources and Forestry and the Ministry of Northern Development and Mines;
2. sufficient soils and engineering information is made available to indicate that, although the site is identified as having unstable slopes, organic soils or unstable bedrock, it is in fact suitable or can be made suitable for development using accepted scientific and engineering practices;



3. alterations to the site will not result in increased hazards or cause adverse environmental effects on or off-site;
4. the land use designation on Schedule A permits the proposed development.
5. A developer may be required to produce an engineer's geotechnical slope evaluation, at their expense, for any new development proposed in the vicinity of erosion hazards and slopes.
6. Development on existing lots of record containing erosion hazards and slopes shall be subject to the following:
  - a) Where possible, the development shall be placed outside of the erosion hazard limits.
  - b) Where there is insufficient area to place the development outside of the erosion hazard limits, development shall only proceed where an assessment, approved by the Conservation Authority, prepared by a qualified geotechnical engineer determines the property can be safely developed. A geotechnical evaluation must contain erosion control measures associated with all structural, landscaping and surface drainage components of the development of the property.
7. Notice, as required by the *Planning Act* R.S.O. 1990 c.P. 13, as amended and its regulations, will be provided with respect to any Zoning By-law amendment to which this section applies.

8. Karst Topography

Karst topography generally forms on limestone and dolostone plains and is marked by sink or karst holes, interspersed with abrupt ridges and irregular protuberant bedrock that is commonly underlain by caverns and solution-enhanced joints and bedding planes that influence the flow of surface and ground waters. Due to the nature of its formation, karst terrains are continuously changing and are controlled by past and present climatic and local weather conditions. Karst conditions develop where soluble bedrock has been eroded by water to create solutionally enlarged fractures, allowing very rapid water flow. Surface water may rapidly penetrate to groundwater, carrying with it bacteria and other contaminants, and once groundwater is contaminated in a karst area, it can be transferred very rapidly from the point of contamination to a water supply well, springs and wetlands. This potential for rapid groundwater contamination is a hydrogeologic risk of karst. Due to its geological nature, karst topography as well as its hydrogeologic risk present potential hazards to human safety which must be mitigated through development controls and approvals.

Where information is available areas shown on Schedule C to this plan as being karst topography are considered to be potential development constraint areas. It is recognized that the mapping is approximate and identifies areas of potential environmental constraint to development that must be addressed prior to development occurring. The identification of karst topography on Schedule C falls into two categories: Known karst and inferred karst.

Known karst refers to observed, measured field data, or data from published reports. Key features include karren, cave types and associated precipitates, sinkholes, and disappearing streams. Carbonate bedrock with no cover, or a thin or permeable cover can also be susceptible to the formation of karst.

Inferred karst refers to regions of carbonate bedrocks units highlighted as most vulnerable or susceptible to karstification, where direct field observations have not yet been made by karst experts. Inferred karst is a natural extrapolation of the known karst areas for given rock units.

Development shall generally be directed to areas outside of karst topography unless the effects and risk to public safety are minor so as to be managed or mitigated. In areas suspected to have karst topography, the following shall be undertaken for any *Planning Act* application to assess for the presence of karst topography and to mitigate against any potential hazard:

a) Phase 1- Karst Desktop Study and Site Visit

A desktop evaluation and site visit, to be undertaken by a qualified geoscientist or engineer with knowledge and experience in identification of karst topography and karst hydrogeologic risk, and any other experts that may be required. The evaluation shall be undertaken to determine the potential for the presence of karst hazard. The desktop evaluation shall include but not be limited to the search and review of the following information:

- i) Mapping that shows historic and present day karst, ground and bedrock topography, physiography, hydrology, Quaternary and Paleozoic bedrock geology, glacial tills / drift thickness and partial aquitards;
- ii) Publicly available well records, as well as existing engineering, geological (including oil / gas and geotechnical well records), hydrogeologic, hydrologic, geographic, agricultural studies and land use publications;
- iii) Surface water and groundwater well record data to determine the position of the water table to predict the general pattern of flow from recharge risk areas and anticipated discharge points (eg: springs) and seasonal fluctuations, rainfall records, river discharge data, water chemistry data;
- iv) Comparison of mapping using historic and recent air photos and / or satellite imagery to determine changes in the landscape that may have resulted from karstification and subsurface drainage and / or anthropogenic changes;
- v) A visit to the property to provide comparison to historic air photo and / or satellite imagery to evaluate changes in the landscape.

If the Phase 1 evaluation determines that karst is not present and there is no karst risk, no further study of karst is required in support of a *Planning Act* application. Should the evaluation identify the presence of karst features and / or karst terrain characteristics and / or karst risk or hazard, a Phase 2 evaluation will be required.

The County or the local municipality may request for a Phase 1 evaluation to be undertaken as part of a complete application for a *Planning Act* application on lands not identified as karst topography on Schedule C if there is locally known information or evidence (e.g. reports or documentation) suggesting the potential presence of karst.

Based on detailed guidelines developed by the local municipality (created in consultation with the County, relevant ministries and agencies), the local municipality may request for a Phase 1 evaluation to be undertaken as part of a

development proposal requiring the issuance of a building permit within its jurisdiction.

b) Phase 2- Field-Based Karst Investigation

In areas where a Phase 1 evaluation has identified the presence of karst features and / or karst formation characteristics and / or karst risk or hazard, a field-based karst evaluation and karst hydrogeological evaluation shall be required. The evaluation is to be undertaken by a qualified geoscientist or engineer with knowledge and experience in the identification of karst topography and karst hydrogeologic risk and any other experts that may be required.

A terms-of-reference shall be completed in consultation with the appropriate approval authority and / or any relevant agencies, with input from experts in karst hazards as may be required (and which may include structural and / or hydrogeological components) which outlines the investigation type that will be undertaken for the subject lands. The types of field work required for a Phase 2 investigation will be determined based on the areal extent and complexity of the proposed development sought by the *Planning Act* application relative to the risk or potential for impacts related to karst. The types of field work that may be required include, but are not limited to, the following:

- i) Passive Geologic/Geomorphologic Methods - primarily for the detection and mapping of sinkholes and caves;
- ii) Soil Probing - to determine the risk of soil subsidence;
- iii) Video documentation of wells or inspection of representative rock samples – to identify enlarged fractures;
- iv) Rock Core Drilling and Well Records - to determine the karstic nature of the bedrock groundwater;
- v) Dye-Tracer Studies - to determine the sources, speed and direction of shallow potable water movement within bedrock.

If a Phase 2 – Field-Based Karst Investigation confirms the presence of a karst risk and / or karst hazard, a Phase 3 – Mitigation analysis shall be required in support of a *Planning Act* application.

c) Phase 3 - Mitigation

In areas where a Phase 2 evaluation confirms the presence of a risk and / or karst hazard, a geotechnical study and land use compatibility study shall be undertaken by a qualified geoscientist or engineer with knowledge and experience in the identification of karst topography and karst hydrogeologic risk and any other experts that may be required. The studies shall be required to:

- i) Assess the impacts and risks of rapid surface and groundwater contamination posed by the *Planning Act* application and/or construction restrictions due to unstable bedrock conditions and if groundwater users, springs and/or wetlands are likely to be impacted by karst risk and noted or anticipated karst hazards;
- ii) Assess the impact, and the geographic extent of the impact, any groundwater pumping associated with the *Planning Act* application might have in lowering the water table, and any related impact on existing water wells, springs and wetlands;

- iii) Assess which wells, springs and wetlands would potentially be at risk from the *Planning Act* application;
- iv) Recommend, if possible, best management practices for potentially affected landowners and water consumers, including a reporting procedure for suspected contamination, particularly after heavy rain;
- v) Advise on how to reduce the risk of contaminated recharge;
- vi) Identify compatible land use activities for which the karst topography does not pose a hazard, including identifying incompatible industrial and waste management uses that may contaminate the groundwater and alter the water table;
- vii) Establish any required construction restrictions due to demonstrated threat of potential groundwater contamination and rapid, undiluted groundwater contamination hazard;
- viii) Establish any required development restrictions including limiting blasting, construction that would create excessive weight, and the alteration of drainage that could compromise underlying caves or buried sinkholes;
- ix) Establish, where necessary, a karst feature buffer to restrict development around a specific hazard.

The County or local municipality shall utilize the karst investigations, and other studies submitted as part of a complete application, to inform a recommendation on the *Planning Act* application. The County or local municipality may seek the peer review of karst investigations to ensure it is satisfied with the information.

Notwithstanding the above, institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on lands determined to have unstable slopes, unstable bedrock or organic soils.

### 6.6.2 Geotechnical Assessments

1. Geotechnical assessments, hydrogeological studies, river morphology studies, erosion control plans and/or other supporting technical studies will be required to satisfy the tests set out in the "Hazardous Sites Technical Guide", MNRF, 2006. The studies will:
  - a) accurately delineate the Riverine Erosion Hazard Limit;
  - b) identify existing erosion and/or slope instability hazards;
  - c) assess the impact of the proposed development on existing hazards;
  - d) assess the potential for the proposed development to create new hazards;
  - e) identify measures to safely avoid the potential hazards, including appropriate development setbacks from the Erosion Hazard Limit;
  - f) identify and address any associated impacts that development adjacent to the Erosion Hazard Limit will have on components of the Natural Heritage System.
2. The County and local municipalities shall require that the geotechnical assessment and other technical studies be completed by qualified professional and to its satisfaction, in consultation with the relevant Conservation Authority and other public agencies, prior to the approval of an Official Plan Amendment, Zoning By-Law Amendment, subdivision application, consent application or site plan application.

3. A geotechnical assessment and other required technical studies may be completed as part of an Environmental Impact Study in accordance with Section 5.6 of this Plan.

## **6.7 POTENTIAL RETROGRESSIVE LANDSLIDE AREAS**

### **6.7.1 Policies**

In areas subject to potential retrogressive landslides as shown on Schedule C, the following shall apply:

1. Lands identified as “Potential Retrogressive Landslide Area” are areas which may be subject to slippage and possible landslides. Some forms of development within this area may aggravate the potential for landslide activity, thereby endangering life and property.
2. An area identified as subject to retrogressive landslides has been established on the basis of Report N° 981-009 (Potential Retrogressive Landslide Mapping Update, South Nation River, Casselman to Lemieux, Ontario) prepared by Morey Houle Chevrier Engineering Ltd.
3. The Potential Retrogressive Landslide Area is indicated on Schedule C. The limits of this area represent lands subject to potential landslide activity, based on the best and most current engineering information available. Council notably relies on the information contained in Report N° 981-009 by Morey Houle Chevrier Engineering Ltd. whose methodology and results are also agreed upon by the Ministry of Natural Resources and Forestry and the South Nation Conservation. It is understood that the line contained in the Report is a study line which is subject to change upon more detailed investigation being performed.
4. The Potential Retrogressive Landslide Area is recognized as a development constraint on lands which can be developed in accordance with the underlying designation shown on Schedule A. The erection of new buildings or structures, or the expansion of existing buildings or structures, shall not be permitted unless supported by detailed geotechnical investigation completed by a registered geotechnical engineer qualified to work in Ontario, showing that such erection or construction of buildings or structures, or expansions thereto may take place without risk.
5. An approval authority may recommend a land severance, approve a rezoning, or grant a construction permit, and the Committee of Adjustment may consider granting a minor variance, to allow development with the Potential Retrogressive Landslide Area if the request is supported by detailed geotechnical investigation by a registered geotechnical engineer qualified to work in Ontario, showing that the property may be safely developed, and that the necessary works to protect the property from landslide activity without creating risks for adjoining properties can be carried out.
6. Measures taken to stabilize slopes or modify the shoreline along the South Nation River and its tributaries are subject to an Environmental Impact Study where such works or modifications are within 30 meters of the shoreline. The type of Environmental Impact Study required may vary. It is Council’s policy to require an Environmental Impact Study subject to consultation with the Ministry of Natural Resources and Forestry, Northern Development and Mines and the South Nation Conservation on the scope of the evaluation required.
7. It shall be the policy of Council that an approval authority consult with the South Nation Conservation before taking any decision on any planning application received under



- sub-section 5 above. The geotechnical investigation which accompanies the application shall form part of this consultation. This geotechnical investigation shall be conducted in accordance with the Criteria for Geotechnical Investigations in Landslide Potential Areas (or its successor documents) provided by the South Nation Conservation.
8. An approval authority, upon recommending or approving a request which is adequately supported by geotechnical investigation as specified in subsection 5 above for development on lands within the Potential Retrogressive Landslide Area, shall ensure or cause to be ensured that all protective measures set out as part of the said geotechnical investigation to protect that lands from landslide activity, have been carried out to full completion before any building permit is granted. Such protective measures may be incorporated within a site plan agreement under the site plan provisions of this Plan. Site plan control shall be applicable to all uses and all development within the Potential Retrogressive Landslide Area.
  9. Where geotechnical investigation on a site specific or area wide basis supports a proposed development within the Potential Retrogressive Landslide Area, and such development is deemed acceptable to the Council of the Nation Municipality and the South Nation Conservation, such development may proceed by way of a zoning amendment, without an amendment to this Official Plan.
  10. The implementing Zoning By-law shall demarcate the Potential Retrogressive Landslide Area and zone all lands contained therein as Study Area. The Implementing Zoning By-law shall also set out the associated setbacks from the shoreline. Where a zoning amendment under Subsection 9 alters the outline of the Study Area on the Zoning Schedule as a result of protective works, slope stabilization, site plan control or a geotechnical report as provided for in this policy, such alteration to the line shall be deemed to conform to this Official Plan, provided the amendment is in conformity with the Official Plan and the policies of Section 6.7 in all other respects. For greater clarity, the intent of this “deeming to conform” provision is to recognize that a Zoning By-law amendment shall not be placed in non-conformity with the Official Plan solely because it alters the outline of the Study Area.
  11. The policies of this section shall be implemented and interpreted in accordance with other relevant policies of this Plan. In addition, the following provisions shall apply:
    - a. Any applicant for a planning approval shall submit to the appropriate approval authority, the name of the geotechnical engineer conducting the required geotechnical investigations.
    - b. All applications for site plan, severance, rezoning, minor variance or construction permit, shall be circulated to the Chief Building Official of the Nation Municipality, and the South Nation Conservation for review and comments.
    - c. All applications shall be subject to the requirements of the *Planning Act* for notification.
    - d. For the purposes of site plan control, the site plan shall set out:
      - the location of all buildings and structures, proposed or existing;
      - detailed engineering drawings of all protection works or stabilization measures designed to mitigate the landslide hazard;
      - details of landscaping;
      - provisions for grading and drainage;
      - the Environmental Impact Study, where applicable;in addition to all other applicable requirements under Section 7.4.3 of this Plan.
    - e. All buildings or structures shall be reviewed for conformity to the requirements of the Ontario Building Code.



- f. No occupancy permit under the *Building Code Act* or *Planning Act* shall be issued until the building or structure for which such a permit is applied for has been inspected and found to be in conformity with the requirements of the site plan and the *Building Code Act*.
- g. For the purposes of section 6.7 of the Plan, the following definitions shall apply:
  - DEVELOPMENT shall mean: [a] a new lot and/or an increase in the number of permitted units on a lot; [b] the construction, erection or placing of a building or structure; activities such as site grading, excavation, removal of top soil or peat, and the placing or dumping of fill; drainage works, except for the maintenance of existing municipal and agricultural drains; [c] the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof; [d] the creation of new dwelling units including redevelopment and intensification.
  - SHORELINE shall mean, for the purposes of this section of the Plan and for the purposes of the implementing Zoning By-law, the shoreline of the South Nation River during average normal water levels observed outside of the spring thaw or storm events.

## 6.8 CONTAMINATED SITES

### 6.8.1 Closed Waste Disposal Sites

Closed Waste Disposal Sites have been identified on Schedule C on the basis of information provided by the Ministry of Environment and Climate Change.

Development may proceed in accordance with the policies of the underlying land use designation subject to Ministry of Environment and Climate Change Guideline D-4 “Land Use on or near Landfills and Dumps” and the following policies:

1. In reviewing development applications within 500 metres of a site identified as a closed waste disposal site an Environmental Site Assessment (ESA) shall be required by the approval authority in order to ensure that there is no evidence of potential safety hazards which may be caused by landfill-generated gases, ground and surface water, contamination by leachate, odour or litter, potential fires, surface runoff and vectors, and vermin. Particular attention shall be given to the production and migration of methane gases. An ESA documents the previous uses of the property and provides an assessment of the site to identify actual or potential hazards. The ESA shall be undertaken using established principles and procedures.
2. Where the ESA confirms environmental problems the proponent will be required to undertake additional studies which shall demonstrate that the site is appropriate for development or can be rehabilitated in order to mitigate known or suspected hazards and to establish procedures for site rehabilitation prior to the final approval of the proposed development.
3. Land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used shall not be developed or re-developed unless an approval has been obtained under Section 46 of the *Environmental Protection Act*.

### 6.8.2 Site Decommissioning and Clean-Up

It is the intent of Council to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Prior to Council's approval of an Official Plan Amendment and prior to the approval of a Zoning By-law amendment, subdivision, condominium, consent or other planning application by the appropriate approval authority on a site that is potentially contaminated or is contaminated, the proponent shall document the present and past use of the site and surrounding lands, engage professional assistance in the analysis of soils, ground waters and surface waters as required in consultation with the Ministry of Environment and Climate Change and shall prepare a remedial action plan in accordance with "Ontario Regulation 153/04, Record of Site Condition" where the contaminants are in concentrations above Ministry established acceptable concentrations. A Ministry of Environment and Climate Change "Record of Site Condition" may be required to confirm that a site is suitable for its intended use. The proponent shall ensure the supervision of excavation and soil handling activities during site clean-up.

Where planning applications are not required, Council may require a proponent of development to consult with the Ministry of Environment and Climate Change on the suitability of site development.

### 6.8.3 Other Contaminated Sites

1. Contaminated sites are defined as sites where the environmental condition of the property, i.e. the quality of the soil or ground water, may have the potential for adverse effects to human health or the natural environment. To assist in the implementation of policies regarding contaminated sites, Council, in partnership with other agencies and levels of government, will undertake the development of a GIS inventory of sites known or strongly suspected to be contaminated.
2. While the identification of potentially contaminated sites is important in the planning application review process, the policies in this section should not be interpreted as a commitment on the part of the County and the local municipalities to identify all contaminated sites or properties. Rather, the objective of the County is to responsibly utilize available information in the development application review process in order to help ensure that development takes place only on sites where the environmental conditions are suitable for the proposed use of the site. Current mapping showing contaminated sites was not available at the time this Official Plan was drafted. In reviewing development applications the approval authority may require the undertaking of an ESA.
3. The proponent will be required to document previous uses of a property or properties that are subject of a development application and/or properties that may be adversely impacting the property that is subject of a development application in order to assist in the determination of the potential for site contamination.
4. An affidavit will be required from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 1 Environmental Site Assessment (ESA) has been completed in accordance with Ontario Regulation 153/04, as amended from time to time, as follows:
  - a) For all other development applications under the *Planning Act* where a property or properties have been identified through the approval authority's development review process as potentially contaminated due to previous or existing uses on or adjacent

- to the property. A phase I ESA documents the previous uses of the property and provides an assessment of the actual or potential soil or groundwater contamination on the site.
5. Where a Phase 1 ESA indicates that the property or properties that are subject of a development application under the *Planning Act* may be contaminated, the County and the local municipalities will require the application to be supported by an affidavit from a qualified person, as defined by provincial legislation and regulations, confirming that a Phase 2 ESA has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 2 ESA provides a sampling and analysis of the property to confirm and delineate the presence of soil or groundwater contamination at the site or confirm the absence of contamination at the site.
  6. For a property or properties that have been identified through the approval authority's development review process as potentially contaminated due to previous or existing uses on or adjacent to the property and where the approval authority determines that there is a proposed change in land use to a more sensitive use, the approval authority will:
    - a) Require as a condition of development approval, verification to the satisfaction of the approval authority from a qualified person, as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the approval authority, or provincial legislation and/or regulations:
      - i. filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry;
      - ii. submission to the approval authority of a Declaration signed by the qualified person acknowledging that the approval authority may rely on the statements in the RSC; and,
      - iii. submission by the property owner to the approval authority of proof that the Ministry of Environment and Climate Change (MOECC) has acknowledged receipt of the RSC.
    - b) Establish conditions of development approval to ensure receipt of satisfactory verification of suitable environmental condition as per Policy i. above;
    - c) Where applicable, utilize the holding provisions of the *Planning Act* to ensure receipt of satisfactory verification of suitable environmental condition as per Policy i. above.
  7. Where an RSC has been made a condition of planning approval, a building permit may be issued in regard to a property or properties on a phased basis to allow for site assessment and remediation/risk management.
  8. Where the approval authority is deeded, land for public highways, road widening, parks, storm water management, easements, or for any other purpose, the approval authority may require, as a condition of transfer, verification to the satisfaction of the approval authority from a qualified person, as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including, where required by the approval authority or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry, and submission by the owner to the approval authority of proof that the MOECC has acknowledged receipt of the RSC.

9. For instances where contamination from a property or properties extends onto a municipal right-of-way and filing of a RSC in the Environmental Site Registry is not possible, the approval authority may issue a building permit in regard to this property or properties on a phased basis contingent on the execution and implementation of an Off-Site Management Agreement or Remedial Action Plan that remediates/manages contamination in the right-of-way to the satisfaction of the approval authority.
10. Where a gasoline station site is being redeveloped and there is no change in use to a more sensitive use, the approval authority will require that a letter of continued use from the Technical Standards and Safety Authority be provided. For instances where contamination extends onto a municipal right-of-way, the approval authority will require that an Off-Site Management Agreement and Remedial Action Plan be implemented to the satisfaction of the approval authority prior to issuance of the building permit.
11. The approval authority will not consider an RSC as acknowledged by the MOECC until either:
  - a) It has been confirmed that the RSC will not be audited by the MOECC; or,
  - b) It has been confirmed that the RSC has passed the MOECC audit.
12. The proponent will be required to restore the site and to make it suitable for the proposed use in accordance with the recommendations of any required technical studies prior to development or land use change.

#### **6.8.4 Brownfield Redevelopment**

Brownfield sites are 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. The United Counties and/or local municipalities shall identify and promote opportunities for intensification and redevelopment of brownfield industrial sites. Private sector investment in the re-use and/or redevelopment of underutilized and/or abandoned brownfield industrial lands will be encouraged.

### **6.9 OTHER HEALTH AND SAFETY CONCERNS**

#### **6.9.1 Noise and Vibration**

1. Noise and vibration impacts shall be addressed for new sensitive land uses adjacent to existing railway lines, airport, highways, sewage treatment facilities, waste management sites, industries, or aggregate extraction operations, or other stationary or line sources where noise and vibration may be generated. Council may require the proponent to undertake noise and/or vibration studies to assess the impact on existing or proposed sensitive land uses within minimum distances identified in Ministry of Environment and Climate Change guidelines including Publication NPC – 300, Stationary and Transportation Sources – Approval and Planning. Noise and/or vibration attenuation measures will be implemented, as required, to reduce impacts to acceptable levels and the recommendation shall be incorporated into a development agreement which may include subdivision or site plan control agreements.

2. Notwithstanding policy 1 above existing and proposed agricultural uses and normal farm practices, as defined in the *Farm and Food Production Protection Act*, 1998, shall not be required to undertake noise and or vibration studies.

### 6.9.2 Incompatible Land Uses

Every effort shall be made to prevent or minimize future land use conflicts which can arise when incompatible land uses develop in close proximity to one another. In reviewing any development application, the County and the local municipalities shall be satisfied that the proposed use will be, or can be made to be compatible with surrounding uses in accordance with the Ministry of Environment and Climate Change's Guidelines on Land Use Compatibility (Guidelines D-1, D-2, D-4 and D-6 and any other relevant or future MOECC Guideline documents). Compatibility may be achieved in a variety of ways. It may be a separation distance which is appropriate to the particular uses. It may be buffering features such as a berm, wall, fence or landscaping, or a combination of these features. It may also consist of an intervening land use which would be compatible with both of the conflicting uses. Where buffering provisions are the means to be used to ensure compatibility, such provisions will be determined through the implementing Zoning By-law and site plan approval process. Buffering may also be achieved by the natural physical features of the land.

## 6.10 WILDLAND FIRE HAZARDS

Certain lands within the County have been identified as areas that may be unsafe due to the presence of *hazardous forest types for wildland fire*. Development will generally be directed to areas outside lands identified as a high to extreme risk for *wildland fire*, unless the risk may be appropriately mitigated.

It is the policy of the County that:

- a) 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. Potential forest hazard classifications for wildland fire identified as high to extreme risk for wildland fire are illustrated on Appendix 1. Appendix 1 is provided for information purposes and is intended to provide a screening tool for identifying areas at risk for wildland fire. Where updated and/or more detailed assessments are undertaken, Appendix 1 may be revised without requiring an amendment to this Plan.
- b) Development may be permitted in lands with hazardous forest types for wildland fire where risk is mitigated in accordance with the wildland fire assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry.
- c) Local municipalities are encouraged to implement more detailed guidelines to address natural hazards associated with wildland fires, and in conformity with the policies of this Plan.

## 7 IMPLEMENTATION

### 7.1 INTRODUCTION

The following policies are provided to guide the implementation of the Official Plan. The policies are divided into seven categories as follows:

- 7.2 General
- 7.3 Permitted Uses
- 7.4 Development Control
- 7.5 Economic Development
- 7.6 Social Policies
- 7.7 Cultural Heritage Policies
- 7.8 Administration of the Official Plan

### 7.2 GENERAL

The policies of this Plan shall be implemented by the County, the consent approval authority, local municipalities, and local Committees of Adjustment through the powers conferred upon them by the *Planning Act*, R.S.O. 1990, the *Municipal Act*, 2001, the *Development Charges Act*, 1997, the *Building Code Act*, R.S.O. 1992, as amended, and any other applicable statutes of the Province of Ontario;

The decisions of the County Council, the Consent Approval Authority, local municipal Councils, and local Committees of Adjustment in respect to planning matters must be consistent with and in conformity to the relevant policies of this Official Plan;

Pursuant to Section 24(1) of the *Planning Act*, R.S.O. 1990, no public work shall be undertaken and no by-law shall be passed by the County or a local municipality for any purpose that does not conform to the intent and policies of this Official Plan;

County Council and local municipal Councils may acquire, hold, lease or dispose of land for the purposes of implementing any policies of this Official Plan subject to the provisions of the *Planning Act*, R.S.O. 1990, the *Municipal Act*, 2001, and any other applicable statutes of the Province of Ontario; and

All forms of development agreements regarding subdivisions, consents, condominiums, variances and site plans are required to conform to the policies of this Official Plan.

### 7.3 PERMITTED USES

The following general policies are related to various types of land uses permitted throughout the planning area regardless of the land use designation.



### **7.3.1 Accessory Uses**

Wherever a use is permitted in the land use designation, it is intended that uses, buildings or structures incidental, accessory or essential to the use shall also be permitted.

### **7.3.2 Existing Land Uses and Non-Conforming Uses**

All uses which were legally in existence at the effective date of this Plan shall be allowed to continue as such.

Existing uses which do not conform with the relevant provisions contained in this Plan shall be deemed non-conforming uses. The long-term objective of this Plan is to relocate, eliminate, or replace these non-conforming uses with uses which are permitted in the relevant land use designation.

A local Council may recognize a non-conforming use and zone it in accordance with the existing use provided that:

1. the zoning by-law does not permit any change of use or performance standard that might aggravate, increase or enlarge the non-conforming status detrimental to adjacent complying uses;
2. the use does not constitute a danger to surrounding uses or persons by virtue of its hazardous nature or the traffic flow generated;
3. the use does not pollute the air, water or soil to the detriment of the health or comfort of the surrounding land uses;
4. the use does not interfere with the orderly development or enjoyment of adjacent lands in accordance with this Plan.

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

Where a non-conforming use is discontinued, the lot may be rezoned in accordance with the policies and intent of this Plan, or to permit a similar use provided that the local Council is satisfied that the use is similar to the discontinued use and provided that the provisions of section 7.3.2 items 1 to 4 are met.

Existing non-conforming buildings or structures which are destroyed or damaged may be reconstructed to their former dimensions provided work is commenced within 12 months of the date of destruction.

An existing building or structure which is zoned as a non-conforming use may be reconstructed or strengthened to a safe condition, provided the external dimensions and use of the building or structure are generally not changed.

Non-conforming uses located in a flood plain area which are damaged or destroyed by flooding may only be reconstructed in accordance with the requirements of the South Nation Conservation or the Ministry of Natural Resources and Forestry.

### 7.3.3 Extension or Enlargement under Section 34(10) of the *Planning Act*, R.S.O.1990

Where a property is not zoned in accordance with the existing use, the extension or enlargement of such use may be considered by local Councils through the passing of a Zoning By-law pursuant to Section 34(10) of the *Planning Act* or by the Committee of Adjustment under Section 45 of the *Planning Act* provided that the intent and purpose of the Official Plan are maintained and subject to the following guidelines:

1. The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses.
2. The extension or enlargement should be in a reasonable proportion to the existing use and to the land on which it is to be located.
3. Any extension or enlargement involving land should be minor in relation to the total property. Any major change or adjustment shall require an amendment to this Plan.
4. The proposed extension or enlargement shall not create undue noise, vibration, fumes, smoke, dust, odours, traffic generation nor glare from lights.
5. Adequate buffering, setbacks and other measures necessary to reduce or mitigate any impact shall be required and where possible shall be extended to the existing use.
6. Traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of site conditions especially in proximity to intersections.
7. Adequate provisions have been or will be made for off-street parking and loading facilities.
8. Municipal services such as storm drainage, roads, sewer and water are adequate or can be made adequate.
9. Neighbouring land owners will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.
10. The Committee of Adjustment may permit a change in use to a similar use or more compatible use.

The development of existing undersized lots may be permitted in accordance with the relevant provisions of the zoning by-law provided that where the development is on private services the size, configuration and, where applicable, the soil structure of the lot is appropriate for the long term provision of services.

A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the zoning by-law. In such cases the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the zoning by-law.

### 7.3.4 Minor Variance or Permission

Section 45 of the *Planning Act* authorizes a Committee of Adjustment to grant variances and permission for enlargements or extensions or changes in the use of lands, buildings or structures to a similar or more compatible use. A Committee may approve applications provided that (1) general intent and purpose of the Official Plan are maintained, (2) the general intent and purpose

of the Zoning By-law are maintained, (3) the variance is minor and (4) the proposed use of land, building or structure is desirable for appropriate development.

### 7.3.5 Lots of Record

Except for lots which are subject to development constraints such as flooding or unstable slopes, lots of record which are vacant may generally be used for building purposes in accordance with the policies of this Plan and the regulations of local zoning by-laws provided they front on a year round publicly maintained road and can be adequately serviced. Lots of record which are subject to development constraints may be developed provided the constraint may be mitigated in accordance with other relevant policies in this Plan.

### 7.3.6 Public Uses

Public utility facilities subject to the requirements of the *Environmental Assessment Act* may be permitted in all land use designations of this Plan and are not subject to the restrictions listed in 7.3.6 items 1 to 7 below.

Other public utility and municipal services and facilities are permitted in all land use designations as shown on the accompanying land use schedules, provided that:

1. such use is necessary in the area, that it can be made compatible with its surroundings and that adequate measures are taken to ensure land use compatibility;
2. adequate off-street parking and loading facilities are provided;
3. the construction of permanent buildings is discouraged in all areas which have been identified as environmentally sensitive;
4. new power and telecommunication services shall be encouraged to be located underground, wherever possible;
5. the municipal water treatment plants will be permitted in any land use designation subject to all necessary approvals being obtained from the Ministry of Environment and Climate Change and be appropriately zoned in the implementing Zoning By-law;
6. in areas designated Agriculture, public uses and utilities will be encouraged to locate, wherever possible, in areas of lower agricultural capability or in a manner so as to minimize any negative impacts on agricultural activities;
7. the general intent of the policies of this Plan is satisfied.

Notwithstanding the power of the Federal and Provincial Governments to undertake public works by authority granted under statutes other than the *Planning Act*, Council shall endeavour to ensure that such development follows the general intent of this Plan and is compatible, as far as practicable, with the type, quality and character of development in the area in which it is proposed. Council encourages the Federal and Provincial Governments to consult with them whenever a use of land or public work is proposed which is not permitted by this Plan, in order that the proposal may be evaluated with regards to its effect on the achievement of the goals and objectives of this Plan and on the provision of Counties' services and facilities.

Public uses are permitted in provincially significant wetlands only in keeping with Section 5.5.1 of this Plan. Public uses are not permitted in areas of Endangered or Threatened Species habitat. Where public uses are to be located on lands adjacent to natural heritage or resource

designations, such public uses shall not result in a negative impact on the natural features or ecological functions for which the area is identified.

## 7.4 DEVELOPMENT CONTROL

### 7.4.1 Plans of Subdivision

A plan of subdivision application will be reviewed on the basis of technical, environmental and planning and design considerations. The following is a list of some of the types of studies which may be required. Though this list summarizes the types of studies commonly required for plans of subdivision in Prescott & Russell, it is not necessarily exhaustive, and other studies may be required in certain situations.

Technical considerations relate to the following requirements:

1. The application must be complete in accordance with the requirements of Section 51 (17) and applicable regulations under the *Planning Act*, R.S.O.1990;
2. The application must conform to the policies of this Official Plan;
3. Consideration of local zoning and other regulations;
4. Application of local and County development charges or servicing charge backs where applicable.

Environmental documentation which should accompany the submission of application for draft plan approval, relate to the following requirements:

1. Evidence respecting the availability and suitability of water and waste water services including where appropriate the preparation of a hydrogeological study, terrain analysis and an impact assessment report in accordance with the Ministry of Environment and Climate Change guidelines and regulations;
2. Preparation of a servicing options statement;
3. Preparation of a stormwater drainage plan;
4. Preparation of a grading plan;
5. Preparation of a sediment and erosion control plan;
6. Completion of studies required under the natural resources policies of this Plan as stated in Part 3.

Planning and Design Considerations include the following:

1. Lot and block configuration;
2. Compatibility with adjacent uses;
3. Road access, street layout and pedestrian amenities;
4. Parks and open space amenities;
5. Easement and right-of-way requirements;
6. Justification of the need for the Subdivision;

7. In considering a draft plan of subdivision, regard shall be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act*, R.S.O. 1990;
8. Emergency and secondary accesses.

The County and the local municipalities will use subdivision approval processes to ensure control over the subdivision of land. All plans of subdivision applications must conform to the requirements of this Plan. As part of the approval process, certain requirements may be imposed as a condition to the approval of a plan of subdivision, and the owner may be required to enter into an agreement with the the local municipalities before final approval.

When a proposed plan of subdivision is within the Ministry of Transportation permit control area as noted in Section 3.3.1, the Ministry of Transportation requires early consultation with the municipality and developer in order to ensure proposed new road connections to the provincial highway are consistent with the requirements of the Public Transportation and Highway Improvement Act (PTHIA) and the Ministry's Access Management Guideline. Under the PTHIA, the municipality is required to obtain the consent of the Minister of Transportation to open, close or divert any road entering upon or intersecting a provincial highway.

The Approval authority will, in giving draft approval to plans of subdivision or condominium which have access to full or partial municipal water and/or sewage services, provide that approval will lapse not more than 3 to 5 years from the date draft approval is given, in accordance with section 51 (32) of the *Planning Act*, R.S.O. 1990, as amended. The Approval authority may, in giving approval to plans of subdivision or condominium which will employ private services, provide that approval will lapse at the expiration of a period of time to be specified by the approval authority in accordance with section 51 (32) of the *Planning Act*, R.S.O. 1990, as amended.

Council may pass by-laws to exempt properties from part-lot control, subject to the provisions of the *Planning Act*.

Council may, by by-law, deem any plan of subdivision, or part thereof, not to be a registered plan of subdivision, subject to the provisions of the *Planning Act*.

#### **7.4.1.1 Influence Area**

1. Plans of Subdivision on Lands Beyond the 300 metres Influence Area as shown on Schedule A, and defined in Section 2.4.4, are subject to Section 2.4.4, policy 2.

#### **7.4.2 Consents**

It is the policy of this Plan that lot creation in excess of three lots, including the retained lot, from the original lot shall take place by Plan of Subdivision. For the purposes of this policy the original lot is defined as the lot as it existed as of:

May 22, 1996 - in the Town of Hawkesbury, the Township of Russell, the Nation Municipality, the Village of Casselman and Champlain Township;

June 22, 1999 - in the Township of Alfred-Plantagenet and the Township of East Hawkesbury; and the City of Clarence-Rockland

Exceptions to the policy limiting the number of lots which can be created by consent may also be granted by the approval authority to modify lots and blocks within an approved plan of

subdivision, or within the limits of an Urban Policy Area or a Community Policy Area where the approval authority is satisfied that there is no need to proceed through the subdivision process.

Consents may also be granted to permit a lot enlargement, easements, corrections of deeds, quit claims, and minor boundary adjustments provided that no new lot is created. Vertical consents (commonly known as Strata Plans) are not permitted.

Council also recognizes that the Township of East Hawkesbury does not have the opportunity to direct growth to serviced communities as the villages in that municipality do not have municipal water or sewer services. Lot creation by consent may be permitted for up to 3 lots excluding the retained lot from the original parcel as defined above in order to provide additional flexibility for the provision of East Hawkesbury's housing needs.

The following criteria shall apply when considering consent applications.

1. The size, configuration and, where applicable, the soil structure of a proposed lot shall be appropriate for the long term provision of services and the applicant shall provide sufficient information to the consent authority to this effect. The approval authority may require that this information shall be in the form of a hydro-geological study, prepared by a qualified professional, and must demonstrate that the aquifer can provide a long term sustainable water supply of acceptable quality and quantity, as well as providing evidence through testing, that the soil conditions can accommodate the effluent load from a septic field along with its replacement area. Such a study shall recommend a minimum lot size, which shall be used in evaluating the proposed consent. Regardless of the recommendation contained in such a study, municipalities may impose a minimum lot size in the implementing zoning by-law.
2. The consent granting authority will ensure that there is sufficient capacity in existing water and waste water services including capacity to treat hauled sewage from private communal or individual septic systems prior to granting a consent to create a new lot.
3. All lots created shall have frontage on a year round publicly maintained road with at least one side of the lot which physically abuts the public road.
4. The proposed lot shall be compatible with adjacent land uses and shall not result in a traffic hazard as a result of limited sight lines on curves or grades.
5. All consents shall comply with the Minimum Distance Separation formulae developed by the Ontario Ministry of Agriculture, Food and Rural Affairs.
6. A consent which has the effect of land locking another parcel is not permitted.
7. A consent which contributes to or extends strip development or which results in scattered development shall generally be refused.
8. Access to interior land will be protected by ensuring that 20 metre wide openings for future road allowances are provided at strategic locations.
9. The consent approval authority will ensure that the development of the proposed and retained lots can occur in accordance with the natural heritage policies of this Plan. No development will be permitted on provincially significant wetlands or the significant habitat of endangered or threatened species, in keeping with the relevant policies of this Plan. Development on other natural heritage features and areas addressed in Section 3.3 of this



Plan, lands adjacent to such features, or lands adjacent to provincially significant wetlands or the significant habitat of endangered or threatened species can occur only where an Environmental Impact Study conducted in keeping with Section 5.6 of this Plan shows there will be no negative effects on the natural heritage feature or area and its ecological function. The Environmental Impact Study is to accompany the application submission.

10. The consent approval authority will ensure that the development of the proposed and retained lots can occur in accordance with the mineral extraction policies of this Plan where lot creation is proposed on lands adjacent to Mineral Aggregate Resource Policy Areas.
11. Consents will not be granted in areas which may be affected by development constraints as described in Part VI of this Plan.
12. The lot being severed and the lot being retained shall conform to the provisions of this Plan and the implementing Zoning By-law.
13. A maximum of one new lot may be created per consent application.
14. **Hydrogeological and terrain analysis studies**
  1. Hydrogeological and terrain analysis studies prepared to the satisfaction of the approval authority will be required as part of any consent application for any lot proposed with a lot area equal to or less than 0.4 ha. In areas where a hydrogeological aquifer capability pre-screening tool has been completed as per Section 5.5.9, a water assessment report prepared to the satisfaction of the approval authority is required for any proposed lot greater than 0.4 ha. The study(s) shall be prepared by a qualified professional and submitted to the approval authority prior to an application for Consent being submitted. The approval authority shall provide pre-consultation on the content of any report submitted and advise if the report addresses all of the required information prior to the submission of a Consent application. To obtain approval of a hydrogeological study, terrain analysis study or a water quality analysis study, the report shall to a minimum, address the following:
    - a. Wherever possible, the approval authority shall require the testing of at least one well on a property. In addition, the report must consider all wells within 300 meters of the proposed well location. Where there is no well on a property, a representative well may be used provided that such representative well shall be within 250 metres of the location of the proposed well. A representative well must also have a recognized well record.
    - b. The tested water shall conform to all Ministry of Environment and Climate Change requirements for private wells (including the health parameters as outlined in Tables 1 and 2 of the Ministry of Environment and Climate Change D-5-5 Guidelines (August 1996) , as amended).
    - c. Satisfy the approval authority that the aesthetic parameter(s) above the permitted value, as outlined in Table 3 of the Ministry of Environment and Climate Change D-5-5 Guidelines (August 1996) can be treated and that an acceptable treatment and monitoring program is being proposed.
    - d. Demonstrate that the new lot can achieve a minimum well yield of five (5) imperial gallons per minute.
    - f. Satisfy the approval authority that the aquifer can provide a long term sustainable water supply of acceptable quality and quantity, as well as providing evidence

through testing, that the soil conditions can accommodate the effluent load from a septic field along with its replacement area.

2. Notwithstanding the policy set out in 1 above, the approval authority shall at all times have the authority to require a hydrogeological study or terrain analysis for any proposed lot where the consent authority has concerns about the quality of water or quality of soils.
  3. The use of surface water for a potable water system is not acceptable unless the system will be a communal system to be assumed by the local municipality.
15. In considering a consent, regard shall be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act*, R.S.O. 1990 with necessary modifications.
  16. All consent applications with lands fronting on Ministry of Transportation highways or within right of ways controlled by the Ministry shall meet the Ministry's minimum frontage requirements in order to qualify for access permits.

The County and the local municipalities will use consent approval processes to ensure control over the subdivision of land. All consent applications must conform to the requirements of this Plan. As part of the approval process, certain requirements may be imposed as a condition to the approval of a consent, and the owner may be required to enter into an agreement with the local municipalities before final approval.

#### **7.4.2.1 Influence Area**

1. Consents on Lands beyond the 300 m Influence Area as shown on Schedule A and defined in Section 2.4.4, are subject to Section 2.4.4, policy 2.

#### **7.4.2.2 Rear-Lot Development**

The creation of rear-lot development (flag-shaped lots) shall be discouraged for residential purposes unless the following urban design considerations are addressed:

1. Access to the new project shall be wide enough to provide:
  - a) separate pedestrian/vehicular access;
  - b) sufficient space beside the driveways for landscaping and fencing to buffer the adjacent properties;
  - c) adequate space at the street curb for garbage and blue box pickup;
  - and,
  - d) snow storage for the clearing of these driveways.
2. In laying out a rear-lot development project, care should be taken to avoid creating front to back relationships between existing and proposed dwelling units. To support privacy, the front doors of the new units should not face onto the rear yards of existing homes. As well, depending on the scale of the development and the building types proposed internally, front doors should face front doors.
3. Where existing dwellings fronting onto the street are not incorporated into the infill project, adequate land should be retained in the rear yard of these dwellings to provide:
  - a) appropriate outdoor amenity space;

- b) adequate separation distance between the existing houses and the habitable areas of the infill project;
- c) sufficient space for landscaping in the rear yards for visual separation if required; and,
- d) parking and vehicular access for the existing houses, so as not to introduce parking into the front yards of the existing house.

#### **7.4.2.3 Consent Policies for Land within the Agricultural Resource Policy Area**

Within the Agricultural Resource Policy Area designation, land severances may be granted in accordance with the policies of the Agricultural Resource Policy Area designation and the following policies.

1. The division of land in the Agricultural Resource Policy Area designation shall take place by the consent to land severance process only. No subdivisions will be permitted in the Agricultural Resource Policy Area designation.
2. The following five (5) categories of consents are permitted:
  - a) farm consents to land severance;
  - b) surplus residential consents to land severance;
  - c) lot line adjustments;
  - d) farm-related industrial and commercial severances;
  - e) infrastructure.
3. The creation of new residential lots within the Agricultural Resource Policy Area designation shall not be permitted except in accordance with policy 7.4.2.3.2.

##### **7.4.2.3.1 Farm Consents**

Farm lot size shall be maintained as large as practical and farm consents to land severance shall only be considered where the Consent Approval Authority is satisfied that the lots be:

1. of a size appropriate for the type of agricultural uses common in the area; within the United Counties of Prescott and Russell, both the severed and retained parcels shall be generally 40 hectares in size, and;
2. sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations;
3. the proposed consent does not create or promote inappropriate agricultural land fragmentation;
4. the farm buildings either existing or proposed will be sufficiently separated from buildings on adjacent lots to comply with the Minimum Distance Separation Formulae II as amended from time to time.

##### **7.4.2.3.2 Surplus Residential Consents**

Surplus residential consents may be considered for a farm dwelling made surplus to a farming operation as a result of farm consolidation. Farm consolidation means the acquisition of additional farm parcels to be operated as one farm operation. Final approval of a consent shall

require that the new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The Consent Approval Authority shall impose a condition on the severance of the surplus farm dwelling which shall require a Zoning By-law amendment prohibiting the construction of a new residential dwelling on the farmland parcel rendered vacant as a result of the severance. Local municipalities may request a condition on the Consent Approval Authority decision to sever to require the registration of a covenant on the title of the property stating that the lot is adjacent to an agricultural area and may, therefore, be subjected to noise, dust, odours and other nuisances associated with agricultural activities.

#### **7.4.2.3.3 Lot Line Adjustments**

Severance for boundary adjustments between agricultural holdings may be permitted for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments provided that no new lot is created.

#### **7.4.2.3.4 Farm Related Industrial and Commercial Consents**

In accordance with the policies of this Plan, other non-residential uses specifically referred to in Section 4 of this Plan may be permitted within the Agricultural Resource Policy Area designation. In granting consents related to such uses, regard shall be had for the policies of Section 4 and the following:

1. a consent may be considered to allow the establishment of agricultural service and supply industries and other such uses as may be permitted provided such use does not adversely affect any adjacent farming operation and that the proposed use will comply with the Minimum Distance Separation I Criteria as amended from time to time and is compatible with adjacent land uses;
2. a lot created for a farm related industrial or commercial use shall be conditional upon such use being small in scale and directly related to the farm operation and required in close proximity to the farm operation;
3. a lot created under the provisions of this Section shall be conditional on the approval of an amendment to the implementing Zoning By-law rezoning the lands within an appropriate zone classification.

#### **7.4.2.3.5 Infrastructure**

In accordance with the policies of this Plan, a consent may be considered for an infrastructure where the facility or corridor cannot be accommodated through the use of easements or right-of-way.

#### **7.4.2.4 Infill Lots in Rural Residential Clusters**

Exceptions to the policy limiting the number of lots, which can be created by consent, may also be granted by the approval authority to permit an infill lot in existing rural residential clusters. A rural residential cluster shall mean distinct groupings of at least four (4) non-farm residential dwellings developed on small lots along the same side of an existing road and located in the Rural Policy Area land use designation as identified on Schedule 'A' of this Plan.

Notwithstanding subsection 7.4.2 of this Plan, **one** additional infill consent in order to create a new residential lot may be granted within a rural residential cluster, subject to the following criteria:

1. The infill lot shall meet the consent application criteria of subsection 7.4.2 and all other applicable policies of this Plan;

2. The infill lot shall have a frontage upon, and access to an open public road, which is maintained on a year-round basis, other than Provincial Highways, County Primary Artery or County Major Collector Roads as identified on Schedule 'D' of this Plan;
3. The infill lot shall constitute a residential lot to be created between two existing non-farm residential dwellings, which are located on lots created on or before May 23, 2006, which are separated by a distance of not more than 100 metres on the same side of the road.
4. Infill lots should be restricted in size in order to preserve other lands in larger blocks for agricultural uses or environmental purposes. Infill lots should be developed to an approximate maximum size of one hectare. The minimum continuous linear lot frontage abutting the open public road of the severed lot and of the retained lot shall not be less than 30 metres each. Further, the minimum lot area of the severed lot and of the retained lot shall not be less than 4 000 square metres each.

The location of the proposed infill lot shall be such that it will not have a negative impact on the surrounding agricultural lands and farming operations. The infill lot shall conform to the Minimum Distance Separation Formulae as amended from time to time. Further, the proposed dwelling must be situated such that it is no closer to the neighbouring livestock and/or farm operation than the existing dwellings.

#### 7.4.3 Site Plan Control

It is the intent of this plan that an appropriate policy framework be provided which will allow and encourage local Councils to use site plan control to enhance the quality of new development or redevelopment in conjunction with other applicable controls such as zoning and the Ontario Building Code.

The objective is to provide for the use of site plan control to ensure functional and aesthetically pleasing, safe development and redevelopment throughout the United Counties.

1. In order to achieve the goal, local Councils may adopt a Site Plan Control By-law which provides for the following:
  - a) The submission of site plans for review;
  - b) The application of appropriate engineering and site development standards;
  - c) Reducing or eliminating land use incompatibility between new and existing development;
  - d) Ensuring that approved developments are built and maintained as set out in the site plan agreement;
  - e) Ensuring that the development occurs in accordance with the environmental impact study 5.6 recommendations.

The entire geographical area of the United Counties of Prescott and Russell shall be considered a Site Plan Control Area pursuant to the provisions of Section 41(2) of the *Planning Act*, R.S.O. 1990.

2. Site Plan Control may be applied to the following land uses:
  - a) All uses permitted within any commercial, industrial or institutional zone;
  - b) Parking lots or a grouping of three or more trailers;
  - c) A residential dwelling consisting of three (3) or more dwelling units;

- d) Mobile home parks;
  - e) All development subject to the policies of Section 5;
  - f) All development located in areas subject to Section 6.7 - Potential Retrogressive Landslide Areas;
  - g) Heritage properties designated under the *Ontario Heritage Act*.
3. The following uses are exempt from site plan control:
- a) One and two-unit dwellings and buildings, structures accessory thereto and additions or alterations thereto which are within zones which permit residential uses unless such dwellings are located in areas subject to Section 5 or Section 6.7.
  - b) Garden Suites.
  - c) Mineral extraction operations
  - d) Buildings and structures required for agricultural operations.

Where the development proposal is within the permit control areas for the Ministry of Transportation as identified in Section 3.3.1, the municipality shall consult with the Ministry for comments on the proposed plan based on the requirements of the Public Transportation and Highway Improvement Act (PTHIA) and the Ministry's Access Management Guideline with respect to the placement and type of access driveways, setback requirements and required studies. The Ministry of Transportation must accept and approve the required studies and plans, and issue all necessary permits prior to the issuance of any development permits from the municipality.

Site plan control is intended to be used where the type of development proposed or the features of the particular site require the assurance of a consistent standard of development, safe and efficient vehicular and pedestrian movement, compatibility between land uses and appropriate placement and provision of services and drainage regarding the development of buildings, structures and other proposed features. It is also intended that site plan control shall be used to regulate such matters as the exterior design of buildings and structures, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design.

In addition, local Councils will use site plan control to implement sustainable design elements on any adjoining highway under its jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

4. In imposing site plan control, local Councils will seek to regulate the general site design of the property and, when appropriate, the conceptual design of all buildings and structures on the property. Local Site Plan Control By-laws shall stipulate when and what type of drawings are required. Floor plan, elevation and cross-section drawings of each proposed building may be required. In accordance with the provisions of Section 41(7) of the *Planning Act, R.S.O. 1990*, a local municipality may require the owner of land to provide to the satisfaction of and at no expense to the municipality any or all of the following:
- a) Widenings of highways that abut the land;
  - b) Access to and from the land;
  - c) Off-street vehicular loading and parking facilities;



- d) Pedestrian access;
- e) Lighting facilities;
- f) Landscaping and other facilities for the protection of adjoining lands;
- g) Facilities and enclosures for the storage of garbage and other waste material;
- h) Required municipal easements;
- i) Grading of lands and disposal of storm water;
- j) Emergency and secondary accesses.

Site plan control may be used to require the dedication of land for road widenings as indicated on Schedule D. Land for road widenings will be taken equally from either side and will not exceed a width of 5 metres from either adjacent property. Additional lands for widening to provide corner triangles at all road intersections may also be required.

In the review of site plan applications, local municipalities may circulate to public bodies and/or qualified professional for their comments prior to the approval of any site plan or site plan agreement.

Local Councils shall have regard for the enabling authority of Section 41 of the *Planning Act* with respect to the matters which may be addressed under site plan control, the entering into one or more agreements for the provision of any or all of the facilities, works or matters as provided for by the Act and the maintenance thereof and for the registration of such agreements against title to the land. Local Council will also have regard to the requirements of the United Counties of Prescott and Russell Public Works Department and the Ministry of Transportation with respect to road widenings, safe access and the provision of storm drainage facilities.

Where the development proposal is adjacent to a watercourse local Councils shall consult with the appropriate Conservation Authority for their comments on the proposed site plan.

Where the development proposal is adjacent to a County Road, local Councils shall consult with the United Counties of Prescott and Russell for their comments on the proposed site plan.

#### **7.4.4 Development Criteria**

Local Councils shall consider the following development criteria when reviewing the compatibility and appropriateness of any new development or redevelopment, when considering amendments to local Zoning By-laws and in considering, where applicable, the requirements for site plan control under Section 41 of the *Planning Act*:

1. The provision of safe access onto or from a local or county road or provincial highway.
2. Adequate access to, and provision of, off-street parking.
3. Barrier-free access to public and commercial buildings and the designation of parking spaces for physically challenged persons.
4. Access and manoeuvring of emergency vehicles in providing protection to public and private properties.
5. The availability of municipal services and the cost of upgrading such services including water, sewage treatment facilities, fire and police protection, street lighting, roads and winter maintenance, waste disposal, community facilities and recreation.

6. Adequate grade drainage or storm water management and erosion control.
7. The screening, buffering or fencing of aesthetically displeasing or dangerous land uses or open storage. A buffer may be open space, a berm, a wall, a fence, plantings, a land use different from the conflicting uses but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose.
8. The provision of landscaping, the creation of privacy and/or open space areas around buildings and other uses, and the establishment of setbacks to maintain proper distance separation between new development and natural heritage sites, natural hazards and resource areas and development constraints such as noise and vibration.
9. Adequate exterior lighting for access and parking areas for public or private use such as in commercial, industrial, institutional and multiple residential development.
10. The control of signs and advertising such that they are in scale with the intended use and with surrounding uses.
11. Protection of the environment by avoiding air, soil or water pollution.
12. The adequacy of school board facilities to accommodate new development or redevelopment and the provision or availability of school bussing.
13. Protection or enhancement of natural resource values.
14. Conserving cultural heritage resources.
15. The physical suitability of the land for the proposed use.

#### 7.4.5 Dark Skies Policies

The high quality of darkness of the night skies in the County is a defining element of the rural character of the area. “Dark Skies Friendly” lighting is described as the practice of installing and maintaining outdoor lighting fixtures that direct sufficient light downward and minimizes light trespass and blinding glare. Dark Skies Friendly lighting enhances the safety of citizens and increases the security of property.

Exterior lighting is used to illuminate roadways, parking lots, yards, sidewalks and pathways, public meeting areas, work sites and home and building exteriors. Dark Skies Friendly lighting increases the visibility of hazards, improves the safety of citizens and provides a sense of security in the community. The County and the local municipalities benefit from responsible, well-designed lighting in the following ways:

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

Poor lighting can give rise to:

- glare which can severely hamper the vision of drivers, pedestrians and cyclists and which can reduce security by producing dark shadows;
- light trespass which may direct light onto neighbouring properties and into windows thereby reducing privacy;
- sky glow which directs lighting upwards and undermines the integrity of night sky resources. Sky glow symbolizes wasted energy and washes out our view of the night sky;

- energy waste which increases operating and environmental costs associated with energy production.

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

- a) All development applications may be required to include a photometric plan of the site showing the proposed design light levels, along with details the exterior light fixtures proposed to be used at the site.
- b) Light spillage from new development and redevelopment projects onto adjacent properties and roads shall be avoided. The target light levels at the development property’s boundaries shall be 0.0 foot-candles.
- c) All exterior light fixtures shall be properly shielded to prevent glare and to direct light downwards and onto the development property.
- d) Light wattages may have to be reduced where reflective surfaces on the site may cause secondary (reflected) glare and light trespass.
- e) These policies may be implemented through the subdivision and site plan approval processes.
- f) Council may enact a Dark Skies By-law in order to further implement these policies.

#### **7.4.6 Planning Impact Analysis**

Planning Impact Analysis may be used to evaluate applications for an Official Plan amendment and/or zone change, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses. Depending upon the situation, other criteria may also be considered. County and/or municipal staff may request that the applicant provide a planning rationale, conducted by a qualified professional, which may consider the criteria specified under Section 7.4.6.1 of this Plan.

##### **7.4.6.1 Scope of Planning Impact Analysis**

Planning Impact Analysis may be undertaken by a qualified professional in accordance with the provisions for Official Plan amendment and/or zone change applications per the *Planning Act*. Proposals for changes in the use of land which require the application of Planning Impact Analysis may be evaluated on the basis of criteria relevant to the proposed change. Other criteria may be considered through the Planning Impact Analysis to assist in the evaluation of the proposed change. Where an Official Plan amendment and/or zone change application is being considered, the following criteria may be considered:

- a) compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;
- b) the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;
- c) the supply of vacant land in the area which is already designated and/or zoned for the proposed use;
- d) the proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services;
- e) the need for affordable housing in the area, and in the local municipality as a whole, as determined by the Housing policies of Section 7.6;

- f) the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;
- g) the extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;
- h) the location of vehicular access points and their compliance with the County and/or municipal road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on municipal streets or regional roads, on pedestrian and vehicular safety, and on surrounding properties;
- i) the exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;
- j) the potential impact of the development on surrounding natural features and heritage resources;
- k) constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;
- l) compliance of the proposed development with the provisions of the County and local municipality's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;
- m) measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets and/or roads which have been identified as part of the Planning Impact Analysis;
- n) impacts of the proposed change on the transportation system;
- o) results and recommendations of a Heritage Impact Assessment may be considered as a criteria in the decision making process to ensure that the preservation or significant built heritage resources are maintained;
- p) hydrogeological and/or geotechnical studies to assess the potential impact on source water aquifers; and
- q) conformity with the *Planning Act*, Provincial Policy Statement and other applicable legislation.

#### **7.4.7 Facility Accessibility Guidelines and Design Standards**

The purpose of these guidelines and standards is to meet the needs of persons with disabilities in a meaningful way. It is to include all persons who may have a spectrum of disabilities whether it be mobility, cognitive, hearing or vision impaired, limited dexterity or stamina.

Council intends to stay on top of technological advances and new construction practices, as well as changes to barrier free design requirements of the *Ontario Building Code* and the CSA Standard B651-Barrier Free Design.

It is the intent of Council to incorporate these design standards for all newly constructed and retrofitted facilities owned, leased or operated by Council, to the extent practical. Development, whether new construction or retrofitted, will be encouraged to design to these standards, to the extent practical. At a minimum, facility accessibility design standards shall be consistent with the *Ontario Building Code*, as amended.

#### **7.4.8 Safety and Security Criteria**

When reviewing development applications, ensure that safety and security measures are considered through such means as:

1. sufficient lighting in spaces intended for public use after dark to support the kind of activities envisioned for that space;
2. signs and an overall pattern of development that supports users' sense of orientation and direction;
3. preservation of clear lines of sight for persons passing through the space;
4. attention to the proposed mix of uses and their proximity to each other to ensure they are complementary;
5. the routing and design of bicycle and pedestrian routes so that they are accessible to populated areas.

#### **7.4.9 Parkland Dedication, Cash-in-lieu of Parkland and Cash-in-lieu of Parking**

Cash-in-lieu of parkland may be used to acquire or develop public parks or public recreational uses. Cash-in-lieu may be required for residential severances or residential subdivisions at the rate of up to 5% or for commercial or industrial severances at the rate of up to 2% of the value of land or may, in lieu of such conveyance, require that land included in the plan of subdivision be conveyed 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 determined as set out in Section 42 or 51 or 51.1 of the *Planning Act*.

Cash-in-lieu of Parking: A local municipality may enter into an agreement to exempt an owner or occupant from the need to provide and maintain parking facilities as required under the zoning by-law. Such agreement shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.

#### **7.4.10 Holding Provisions**

The use of Holding provisions in accordance with Section 36 of the *Planning Act* R.S.O. 1990 is permitted. A municipality may adopt holding provisions and when doing so shall clearly state the conditions which must be met prior to the removal of the "H" designation by the local Council. The use of Holding provisions shall conform to the policies of this Official Plan.

The following have been established as objectives for using holding provisions in a Zoning By-law:

1. To assist in the phasing of development and/or redevelopment;
2. To co-ordinate development and/or redevelopment with the provision of water, sanitary sewage, storm sewer and other services;
3. To control development and/or redevelopment which may necessitate special design considerations;
4. To forestall development and/or redevelopment until such time that stated planning related criteria can be satisfied.

To aid in the selection of sites or areas that may be subject to holding provisions, the following locational criteria are identified:

1. lands in a built-up area which are undeveloped;
2. lands which are unserviced;
3. lands which do not have adequate access or frontage onto a public roadway;
4. lands which are adjacent to hazardous, noxious, temporary or otherwise undesirable uses or activities; and
5. lands which are near or fronting onto public roads which are subject to hazardous conditions or are inadequate to handle current traffic volumes.

Removal of the holding provisions shall be accomplished by the adoption of an amending By-law in accordance with the provisions of Section 36 of the *Planning Act*, R.S.O. 1990 and related regulations.

Removal of the holding provisions shall occur only after Council is satisfied that all prescribed conditions or criteria have been satisfied.

It is intended that holding provisions shall be implemented by means of a local municipality's implementing Zoning By-law. Land or lands shall be zoned for its/their intended use and the holding symbol (H) shall be added as a suffix, separated from the principal zone by a hyphen. The Zoning By-law shall specify the uses of land permitted and any regulations applying to the land during the time for which the holding provisions are in place. Conditions or criteria that are to be satisfied before the holding provisions can be removed shall be clearly stated in the Zoning By-law.

#### **7.4.11 Temporary Use By-laws**

A Temporary Use By-law is a By-law passed by a local municipal Council for the purpose of allowing a use that is otherwise prohibited by that municipality's Zoning By-law. A Temporary Use By-law must define the land or lands to which it applies and it shall prescribe the period of time during which it is in effect, which period of time shall not exceed three years from the day of passing of the By-law except in the case of a "Garden Suite" where a Temporary Use By-law cannot exceed a period of twenty years. A local municipal Council may extend the period of time during which a temporary use is permitted by passing further By-laws, each of which shall not be in effect for more than three years.

The following criteria shall apply where a Temporary Use By-law, pursuant to the authority of Section 39 of the *Planning Act*, R.S.O. 1990, is used by local municipalities in the implementation of the Official Plan:

1. Temporary Use By-laws may be passed to permit uses which do not conform with the Official Plan provided that the temporary use will not affect the ability of the land in question to be used for the purposes intended in the Official Plan;
2. The proposed use shall be compatible or can be made compatible with the surrounding land uses;
3. Required services shall be adequate for the proposed use;
4. Access and parking shall be appropriate for the proposed use;



5. The proposed use is of a temporary nature and will not require any major construction or extensive capital investment on the part of the owner or that the owner will not experience undue hardship in reverting the original use upon termination of the temporary provisions.

#### 7.4.12 Interim Control By-laws

Interim Control By-laws may be passed by local municipal Councils in accordance with the provisions of Section 38 of the *Planning Act* for the purpose of controlling the use of land, buildings and structures within specifically identified areas for a specific period of time (i.e. not exceeding one year in length with provision for extending the time period for a total time period of not more than two years).

Prior to passing an Interim Control By-law, it is first necessary for a local municipal Council to pass a resolution directing that a review or study be undertaken in respect to land use planning policies in the municipality or in any area or areas thereof. It is intended that any Interim Control By-law be passed in order to adequately control development in a designated area while the review or study is being completed. Where an Interim Control By-law ceases to be in effect, a local municipal Council may not for a period of three years pass a further Interim Control By-law that applies to any lands to which the original Interim Control By-law applied.

#### 7.4.13 Community Improvement

The intent of the Community Improvement policies is to achieve and maintain a standard of municipal services for the Urban Policy Area and the Community Policy Area and Trade and Industry Policy Area designations which provides for the safety and convenience of residents and visitors and is within the financial capacity of local municipalities. The policy objectives are as follows:

1. To upgrade and maintain all essential municipal services and community facilities.
2. To ensure that community improvement projects are carried out within the built up areas of the United Counties.
3. To ensure the maintenance of the existing building stock.
4. To preserve heritage buildings.
5. To encourage private sector investment and the strengthening of the economic base.
6. To enhance the visual appearance of Community Improvement Areas.
7. To redevelop brownfield sites.

A part or the whole of a built-up area within the Urban Policy Area or the Community Policy Area and the Trade and Industry Area designations may be designated as a Community Improvement Project Area in a local Official Plan or by amendment to this Plan, based on the following criteria:

1. That there is evidence of a need to improve municipal services such as roads, sidewalks, street lighting, parking, sanitary and storm sewers, water supply, parks and recreation, community facilities, the waterfront areas or street scraping. Improvements may apply to some or all of the above services.
2. That the phasing of improvements corresponds to the timing of improvements by the county and/or senior governments and is within the financial capability of the local municipality.

3. That a significant number of buildings in an area show signs of deterioration and need of repair.
4. That improvement to the visual appearance or aesthetics be required.
5. That improvements will have a significant impact on strengthening the economic base of the community.

The United Counties may, at its discretion, participate in community improvement plans which are prepared and implemented by any of the local municipalities within the United Counties of Prescott and Russell. Such participation may include, but is not necessarily limited to, the provision of grants, loans or other financial or in-kind assistance directly related to those financial incentive programs contained within the community improvement plan of a local municipality. Furthermore, such participation, the scale of assistance and its duration, will be on terms established by the United Counties. It is also the intention of County Council to develop an operating policy with respect to participation in community improvement plan incentive programs which may limit the County's involvement to certain type of programs.

#### **7.4.14 Maintenance and Occupancy Standards**

It is the policy of Council to maintain the physical condition of the existing building stock by encouraging local Councils to adopt and enforce a Municipal Property Standards By-law as enacted under Section 15.1 of the *Building Code Act*, R.S.O. 1990, as amended.

Local Councils may further support property maintenance and safe occupancy by:

1. Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties.
2. Maintaining municipally owned buildings, properties and community facilities and providing or maintaining municipal services in good repair.
3. Using or encouraging the use of associated legislation such as the Ontario Fire Code for the retrofit of buildings and Part 11 of the Ontario Building Code also respecting the retrofit of buildings.
4. By adopting a Property Maintenance and Occupancy Standards By-law under the provisions of Section 15.1 of the *Building Code Act*, R.S.O. 1992, as amended.
5. Appointing a Property Standards Officer to enforce the By-law and by the appointment of a Property Standards Committee under the provisions of Section 15.6 of the *Building Code Act*, R.S.O. 1992, as amended.

Complementary to the enforcement of standards on private properties, County Council and all local municipal Councils in the United Counties are encouraged to undertake to keep all municipally owned properties in a fit and well maintained condition and to provide or maintain in good repair municipal services such as roads and sidewalks.

#### **7.4.15 Building Permits**

In accordance with the provisions of Section 8 of the *Ontario Building Code Act*, R.S.O. 1992, as amended, it is a policy of this Plan that building permits will not be issued where the proposed construction does not conform to the provisions of the local municipality's implementing Zoning By-law.

#### 7.4.16 Zoning By-law

It is a policy of this Plan that all municipal Zoning By-laws shall conform to the policies of this Official Plan. Following adoption of this Plan and its subsequent approval by the Ministry of Municipal Affairs and Housing, local municipal Zoning By-laws shall be brought into conformity with the policies of this Plan. This may be accomplished through the Zoning By-law Amendment process or through a comprehensive update of a municipality's existing Zoning By-law.

Zoning shall be the primary means for implementing the Official Plan. As set out in Section 34 of the *Planning Act*, the Zoning By-law will regulate the use of land, the erection and use of buildings and structures, yard requirements, setbacks, parking and loading space requirements, and to protect significant wildlife habitat, wetlands, hazard lands, significant woodlands, and areas of natural or scientific interest.

#### 7.4.17 Increased Height and Density Provisions

1. Local Council may pass Zoning By-laws in accordance with the *Planning Act* to permit an increase in the maximum height or density of a development, in exchange for the provision of such facilities, services or matters as are set out in the By-law within Urban or Community area designation as shown on Schedule A.
2. The owners of the subject lands shall address one or more of the following requirements to the satisfaction of the local Council in order to be eligible for increases in the height and/or density of development beyond that otherwise permitted.
  - a) the provision of affordable housing, assisted housing or housing for those with special needs;
  - b) the provision of community facilities, such as parks, with a special emphasis on waterfront lands, day nurseries or community centres;
  - c) the preservation of architectural, historic, archaeological and scenic features;
  - d) the dedication or provision of open space, recreation facilities, waterfront lands or open space trails;
  - e) the provision of energy conservation and environmental performance measures.
2. The increased height and density provisions will be implemented through the implementing Zoning By-law. The Zoning By-law will outline the detailed development standards upon which the bonus provisions will be based and identify the areas or zone classifications where such bonus provisions may apply. In no case shall density bonuses exceed thirty-five percent (35%) of the maximum residential density permitted in this Plan, or the local Official Plan, as applicable, for the lands in accordance with the designation and subject policies.
4. In all cases, the facilities, services or matters provided in exchange for increased height or density of a development project shall be directly linked to the nature of the development and shall be located on the lands which are being developed.
5. The transfer of increased height and density provisions from one site to another site or from one project to another project shall not be permitted.

6. In all cases, development resulting from the application of increased height or density provisions shall meet all other applicable Zoning By-law provisions and regulations.
7. Before passing Zoning By-laws to allow an increase in height or density of a development project, local Council will review the implementation of increased height and density provisions of the *Planning Act* having regard to the following specific matters:
  - a) the type or types of development to which increased height or density provisions may apply;
  - b) area or areas of the local municipality where these provisions may apply;
  - c) the facilities, services or matters which may be provided in exchange for increased height or density;
  - d) the extent of the increases in height and density which may be granted.
8. In all cases, development resulting from the application of increased height or density provisions shall be compatible with adjacent uses and meet the general intent and purpose of this Plan.
9. The facilities, services and matters which are to be provided shall be commensurate with the increased height or density which may be granted for each development project.
10. As a condition to the application of increased height or density provisions to a proposed development, the owner of the subject land will be required to enter into an agreement with local Council to be registered against the title to the land. The agreement will deal with the facilities, services, or matters that are to be provided, the timing of their provision, and the increase in height or density to be given.

#### **7.4.18 Information Required For Residential Intensification**

An applicant proposing a residential intensification development, as defined in Section 7.4.17 of this Plan, within the Urban or Community area designation, or requesting Bonus Zoning, shall be required to submit the following detailed reports:

##### **7.4.18.1 Neighbourhood Character Statement**

A detailed statement of the character of the existing neighbourhood that demonstrates how the proposed development respects the character of the existing neighbourhood shall be submitted by the applicant. This inventory of urban design characteristics shall include a review of structures and the natural environment within the surrounding neighbourhood. Although the extent of the area to be reviewed can be established at the pre-consultation stage, it shall include an area consisting of a minimum 120 metres radius from the subject site. The conceptual design of the project needs to be based on specific built form principles which guide what it is that the project wants to achieve. The Neighbourhood Character Statement shall incorporate the following items:

1. Character and Image:
  - a) description of the existing street character;
  - b) description of the project in the context of the neighbourhood;
  - c) visual components; and,
  - d) retention and role of natural environment.

2. Site Design:
  - a) the location of buildings, as well as their orientation to the street edge and sidewalks;
  - b) the location of building entrances;
  - c) how the design relates to its site and greater surrounding area;
  - d) views in to and out of the site – how does the building function as a view terminus – provide pedestrian perspectives (at-grade views) and important views; and,
  - e) vehicular and pedestrian circulation.
3. Servicing:
  - a) accessibility and connectivity of the site to the adjacent neighbourhood, community facilities and destinations, including consideration of the circulation for automobile, pedestrians, cyclists
  - b) and persons with disabilities;
  - c) access to transit;
  - d) shared service locations, parking, ramps, drop-offs, service areas for garbage, loading, utilities, etc;
  - e) capacity of water and sewage system; and
  - f) protection of source water aquifers.

#### **7.4.18.2 Compatibility Report**

As part of an application for residential intensification, the applicant shall be required to provide a detailed statement of the compatibility of the project, to demonstrate that the proposed project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood. The conceptual design of the project shall incorporate the following items:

1. Built Form Elements:
  - a) how the building(s) addresses the street;
  - b) street wall and treatment of grade level;
  - c) rooftop and cornice lines;
  - d) location of entrances and other openings;
  - e) relationship of the building(s) to the street at intersections;
  - f) design for comfort and safety (i.e., privacy, lighting, sun and wind protection, etc); and
  - g) dark skies friendly design and lighting.
2. Massing and Articulation:
  - a) at-grade openings;
  - b) setbacks;
  - c) transition to adjacent uses / buildings, and among buildings within the site;
  - d) transition of scale;
  - e) street proportion / street sections (building to street ratio);
  - f) shadowing caused by mid-rise and tall buildings should be minimized and impacts on adjacent private amenity areas (natural light and privacy for example) should be minimized; and
  - g) energy efficient and passive solar design.
3. Architectural Treatment:
  - a) style;
  - b) details;
  - c) materials;

- d) colour; and
- e) exterior lighting.

#### **7.4.19 Other By-laws**

By-laws passed by Council under the authority of the *Municipal Act* or any other Act may implement the policies of this Plan. For instance, By-laws dealing with the regulation of derelict motor vehicles, wrecking yards, pits and quarries, trailers or signs may be passed by Council where considered appropriate. Any such By-law shall conform to this Plan.

#### **7.4.20 Construction of Public Works**

Certain policies of this Plan will be implemented through the construction of public works. No public works will be undertaken that do not conform to the intent and purpose of this Plan.

#### **7.4.21 Land Acquisition**

Council or local Council may acquire and hold land within a municipality for the purpose of developing any feature of this Plan. Council or local Council may also sell, lease or otherwise dispose of such land when no longer required in accordance with the *Municipal Act* and other relevant provisions of this Plan.

#### **7.4.22 Outdoor Storage**

Where applicable, local zoning by-law shall contain provisions regarding the outdoor storage and loading areas associated with commercial and industrial land uses that are adjacent to provincial highways which shall be visually screened or appropriately located and not visible to the travelling public to ensure these uses are not a distraction to the travelling public.

#### **7.4.23 Supporting Studies, Information and Materials for Development applications**

It shall be the policy of Council that:

1. Council or local Council may pass a by-law requiring that preconsultation occur prior to the submission of any Official Plan amendment, Zoning By-law amendment, plan of subdivision, condominium or consent application and any subsequent studies referenced in this section.
2. Certain supporting studies, information and materials shall be required as part of a development approval process or as part of a detailed planning study as identified throughout this Plan. The need and timing of such supporting studies, information and materials shall be determined by the County or local municipality on a site-specific basis in consideration of the site's land use context and regard to the policies of this Plan.
3. Applicants seeking development approval shall be advised of the required supporting studies, information and materials as part of the pre-application consultation process or, if subsequently deemed necessary, prior to scheduling a prescribed public meeting.



4. At the time of the submission of an application for an Official Plan Amendment, Zoning By-law Amendment, plan of subdivision/condominium, minor variance, or consent, the County or local municipality may require an applicant to submit any of the following information, as applicable:
  - a) Deed and/or Offer of Purchase;
  - b) Topographic Plan of Survey;
  - c) Site Plan (Conceptual);
  - d) Floor Plan and/or Elevations;
  - e) Record of Site Condition (RSC);
  - f) Functional Servicing Report;
  - g) Approved Class Environmental Assessment;
  - h) Geotechnical Study;
  - i) Tree Survey;
  - j) Draft Plan of Subdivision;
  - k) Condominium Description; and/or
  - l) Other materials relevant to the development and lands impacted by the proposed development approval application.
5. During the pre-application consultation process for an Official Plan amendment, Zoning By-law amendment, draft plan of subdivision/condominium, or consent application, the County or local municipality may identify that the applicant is required to submit any of the following supporting studies at the time of the submission of an application, in accordance with the policies outlined in this Plan and/or accepted professional standards and/or guidelines as applicable:
  - a) Retail Market Impact Study;
  - b) Municipal Financial Impact Assessment;
  - c) Urban Design Strategy;
  - d) Land and/or Marine Archaeological Impact Assessment;
  - e) Hydrogeological Study;
  - f) Groundwater Impact Assessment;
  - g) Environmental Impact Study (EIS);
  - h) Record of Site Condition (RSC);
  - i) Phase I Environmental Site Assessment (ESA);
  - j) Site Screening Questionnaire, where a Phase 1 Environmental Site Assessment is not required;
  - k) Noise and/or Vibration Study;
  - l) Transportation Impact Study;
  - m) Parking Study;
  - n) Servicing Options Report;
  - o) Stormwater Management Plan;
  - p) Planning Rationale Report;
  - q) Heritage; Impact Assessment;
  - r) Archaeological Assessment;
  - s) Lighting Study;
  - t) Architectural Design and Massing Drawings that address Signature Architecture and Tall Building Guidelines;
  - u) Shadow Study; and/or
  - v) Other studies relevant to the development and lands impacted by the proposed development approval application.
6. Support Studies may vary in scope, depending upon the size, nature and intent of the development approval application and the site's land use planning context. Applicants of

development approval applications shall be advised by the County or local municipality of the required supporting study contents during the pre-application consultation process.

7. When the pre-application consultation process for a proposed development approval application identifies the need for one or more support studies, the application shall not be considered complete for processing purposes until the required supporting studies, information and materials are prepared and submitted to the satisfaction of the County or local municipality and/or the Conservation Authority. Notification of a complete application shall be given to the applicant and all other parties by the Council or local Council in accordance with the *Planning Act*.
8. Council or local Council shall ensure that supporting studies, information and materials provided by an applicant of a development approval application that has submitted a complete application for development approval shall be made available to the public for review.
9. Refer to Section 3.3.1 for Ministry of Transportation requirements for developments that are proximate to Ministry Highways. Under the authority of the Public Transportation and Highway Improvement Act (PTHIA), the Ministry may require a property owner and/or municipality to undertake a traffic impact study and a stormwater management report and subsequently the design and construction of warranted highway improvements related to a proposed land use development, at their cost, in connection with the terms and conditions for the issuance of a PTHIA permit.

#### **7.4.24 Development Control and Cultural Heritage**

Development control can be applied to a property which is designated under the *Ontario Heritage Act*, or not designated but is considered to be of cultural heritage value or interest. Development control in this context can include, but is not limited to, demolition control and site plan control.

#### **7.4.25 Minimum Distance Separation Formula**

New land uses, including the creation of lots and new or expanding livestock facilities, shall comply with the Minimum Distance Separation (MDS) Formula. The Minimum Distance Separation Formula is applicable in zones and designations where livestock is a permitted use. Local municipalities are encouraged to implement these guidelines in the Comprehensive Zoning By-law.

The MDS I or II formula will not apply to the reconstruction of a building or structure (including livestock and/or manure storage facility) if in whole or part destroyed by a catastrophe providing the new or reconstructed building or structure is built no closer than before the catastrophe to any land use, building or structure described in the MDS Implementation Guidelines, and does not result in an increase in Factor A (odour Potential), B (nutrient Units), C (orderly Expansion) and/or D (Manure or Material Form in a Storage Facility) as described in the MDS Implementation Guidelines, as amended from time to time.

For the purposes of implementing the MDS II formula, cemeteries shall be considered a Type B land use. However, other cemeteries that are closed and receive low levels of visitation shall be considered a Type A land use. Where a cemetery is located on the same lot as a new/expanded livestock facility, the MDS II formula will not apply.

It is the policy of this Plan to encourage local municipalities to apply MDS I through building permit on existing lots. Local municipalities applying MDS I shall implement in the Comprehensive Zoning By-law for lands designated in this Plan as Agriculture Resource and Rural Policy Areas that setback requirement for non-livestock related building construction. Where a local municipality applies MDS I to development on existing lots, minor variances to MDS I distances can be considered based on site specific circumstances. Circumstances that meet the intent, if not the precise distances of MDS I, or mitigate environmental impacts, may warrant further consideration.

The MDS II regulations shall apply to all lots of record.

## **7.5 ECONOMIC DEVELOPMENT**

### **7.5.1 Introduction**

Council recognizes that the economic base of the United Counties is dependent upon a mix of commercial, service industries, manufacturing activities, tourism, cultural industries and agriculture. Council's intent is to establish a framework in which to encourage new economic growth and new employment generation while sustaining existing economic strengths.

### **7.5.2 Goal Statement for Economic Development**

To sustain the strengths of the existing economic base and to broaden the United Counties employment base in order to encourage economic development activities which will further strengthen and diversify the economic base of our communities.

### **7.5.3 Objectives for Economic Development**

The economic objectives are:

1. To sustain and to build on the existing strength of the commercial, industrial, agricultural and tourism and cultural sectors of the regional economy.
2. To undertake initiatives to stimulate new employment generation.
3. To work cooperatively with senior governments, local municipalities and community groups in promoting and undertaking economic development activities.

### **7.5.4 General Economic Development and Promotion Policies**

In addition to specific land use policies elsewhere in this Plan, Council will undertake several measures to sustain, strengthen and diversify the economic base including:

1. Implement as quickly as possible subject to financial capabilities the infrastructure policies included in Part 3 in order to facilitate the planning of water, waste water and waste management services in order to ensure an adequate supply of potable water and sewage treatment capacity for both residential and non-residential uses.
2. Providing a policy framework which facilitates the planning and delivery of municipal services necessary for the development or redevelopment of lands for commercial, industrial and other employment generating activities.

3. Expediting planning and other approvals necessary at the Counties' level to permit the development of lands or construction of new buildings associated with economic development.
4. Supporting community improvement programs.
5. Undertaking regional based projects designed to support sectoral development.
6. Encouraging and facilitating employment in the construction industry through expediting the approvals of plans of subdivision, encouraging the rehabilitation of heritage buildings, encouraging the retrofit of the existing building stock and by encouraging the recycling of funds in the Financial Help for Home Repairs program provided by the Canadian Mortgage and Housing Corporation or any subsequent, similar program.
7. Introducing a program of community promotion through better signage on Counties' roads.
8. Allocating funds for the development of promotional literature and multi-media promotional materials.
9. Initiating a Business Needs Study.
10. Encouraging an "Open for Business" philosophy towards economic opportunities in the design of municipal by-laws regulating and licensing businesses.
11. Encouraging the development of home based businesses.
12. Implementing the Five County Trails Map on a phased basis.
13. Promoting the development of existing business parks.
14. Taking advantage of the *Community Economic Development Act* as a means to stimulating and facilitating community based economic development.
15. Encouraging local municipalities to promote job creation and increase municipal accountability by providing for the recovery of development costs related to new growth by enacting development charge by-laws under the *Development Charges Act, 1997*.
16. Encouraging and supporting efforts to attract regional scale processing plants, including a federally approved livestock processing plant, by agreeing to receive and review any necessary amendments to the Official Plan at the County or local level.
17. Promoting the planning and implementation of a tourist destination riparian corridor along the Ottawa River between Chute-à-Blondeau and Rockland as per the concept developed in the report of the Plania firm submitted in January 2013 entitled "Opportunity study - Ottawa River tourism destination corridor".
18. Initiating an innovative process of collaboration and land use planning that will resonate within the urban and rural communities of the County seeking a sustainable and diversified tax base. The development of a Prescott Russell Area Partnership (PRAP) shall inspire action and change that will benefit local government practice in the United Counties. The PRAP collaborative process shall create a culture of shared success which will allow each community to grow individually under the umbrella of regional sustainability by the endorsement of a regional vision for long-term growth and development.

### **7.5.5 Home Based Business**

Home based businesses are permitted in all areas where residential uses are permitted subject to the provisions of the implementing Zoning By-law and other by-laws established by local Councils as well as the principles set out herein. Permitted uses shall include, but are not limited to professional, administrative and consulting services, office uses, computer technology uses, instructional services, distribution sales offices and, arts and crafts. Home based businesses shall be:

1. clearly accessory, secondary, incidental and subordinate to the permitted residential use;
2. compatible with surrounding residential and/or non-residential uses;
3. regulated by local Councils through provisions contained within zoning by-laws.

Home based businesses of an industrial nature, such as a carpentry shop, tinsmith shop, welding shop etc., may be permitted as an accessory use to a principal residential. Local Councils may however restrict these types of home based businesses to specific non-residential zones.

Entrances serving home occupations, industry or businesses located adjacent to a provincial highway will require the approval of MTO. Typically, MTO will require that the property owner obtain an entrance permit and a sign permit, if necessary. Depending on the location of the entrance, as a condition of these permits MTO may require the property owner to acknowledge that the use of the existing entrance cannot be converted to a commercial entrance in the future, and that an additional entrance will not be permitted to accommodate that home occupation, industry or business. In addition, MTO may not be prepared to support a future severance that would result in a separate entrance to a business and one for a residential parcel.

### **7.5.6 Cultural Tourism**

Investment in businesses, facilities and organizations which promote and integrate local cultural assets with opportunities for agricultural diversification, retail, tourism and other goods and services, shall be encouraged as a priority economic development goal of the County. The United Counties and/or local municipalities shall identify and promote opportunities for agri-tourism, cultural tourism, heritage enrichment through education and new cultural businesses, events and festivals.

## **7.6 SOCIAL POLICIES**

### **7.6.1 Affordable Housing**

Council and local Councils will provide for affordable housing by enabling a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the United Counties by:

1. Monitoring the need for social assisted housing for households and seniors through periodic surveys in co-operation with area municipalities. Where specific needs are identified, Council will work with the Ministry of Municipal Affairs and Housing and the Social Services Department of the United Counties of Prescott and Russell to meet identified needs.

2. Encouraging infill and housing intensification particularly in urban core areas. This may be achieved through the conversion of single detached dwellings to multiple units, through re-development at higher densities, through land severances on large under-utilized lots which create opportunities for development on the severed lot (subject to the relevant policies elsewhere in this plan) and through infill on vacant lands. Section 7 will apply when considering housing intensification and infill.
3. Ensuring a minimum 10-year supply of residential land at all times.
4. Working with the development industry to ensure that a 3-year minimum supply of registered or draft approved lots and blocks for new residential development is available at all times.
5. Monitoring population projections and the residential development targets discussed in Part 2 of this Plan.
6. Making provision for alternative housing types such as garden suites and accessory dwelling units as stated in this Section.
7. Within the Urban Policy Area, encouraging cost-effective development standards and densities for new residential development to reduce the cost of housing.
8. Encouraging the local municipalities to support regional targets by developing policies which contribute to an adequate mix of housing, including tenure and type.
9. Encouraging the local municipalities, builders and other involved in new housing development to consider building small lot singles, linked bungalows, maisonettes, quad / six-plexes, and other affordable housing forms.
10. Encouraging the local municipalities in high growth areas to consider implementing inclusionary zoning policies to help create affordable housing opportunities in their communities.
11. Encouraging the local municipalities to promote the creation of rental housing using tools/initiatives such as adaptive reuse, with an emphasis in village areas, especially in existing commercial buildings experiencing ongoing vacancies.
12. Discouraging the conversion of rental units to condominium and the demolition of affordable private rental housing, where appropriate.
13. Striving to ensure that at least 10% of new residential units resulting from new residential development and residential intensification through conversion of non-residential structures, infill and redevelopment, to be affordable housing.
14. Reviewing the affordable housing component in any new development where 25 or more single and/or semi-detached dwelling units or 50 or more multi-family dwelling units are proposed. The County will ensure that new subdivision development will provide a variety of housing types and densities to support the County housing targets.
15. Implementing through the local municipalities Comprehensive Zoning By-law a definition of affordable housing as per the Provincial Policy Statement. The affordable housing annual targets for new construction of rental ownership units shall be as follows:
  - West: 48 to 68 units
  - Central-East: 33 to 47 units
  - Hawkesbury: 10 to 14 units



16. Implementing through the local municipalities Comprehensive Zoning By-law accessory apartments as a permitted as-of-right use in new and existing development areas as appropriate. In the Rural and Agricultural Policy Areas affordable housing opportunities are not readily available. Accessory apartments will be the most likely means of increasing housing affordability in the Rural and Agricultural Policy Areas.
17. Encouraging local municipalities to promote intensification and infill in settlement areas as per Section 2 of this Plan, as an affordable housing option that meets the needs of low income home owners and renters.
18. Encouraging the local municipalities to evaluate their group home by-laws to ensure that they are not acting as an inappropriate barrier to the development of supporting housing.
19. Supporting the development, at appropriate locations, of residential facilities that meet the housing needs of persons requiring specialized care.
20. Supporting the endeavours of non-profit groups to develop non-profit and co-operative housing projects.
21. Coordinating through an OPA the implementation of the Housing and Homeless Plan being prepared by the regional service manager.
22. Considering any recommendations set in the Housing and Homelessness Plan, as deemed appropriate.

### **7.6.2 Group Homes**

A group home is defined as a single housekeeping unit in a residential dwelling, which is registered with the local municipality, in which 3 to 10 residents (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under provincial statute and is in compliance with municipal by-laws.

A group home shall be permitted in all land use designations which permit residential uses.

A group home shall be permitted in a single detached dwelling or a semi-detached or duplex dwelling provided that both units are occupied by one group home operation and that the total number of residents does not exceed ten (10).

An accessory dwelling unit or a garden suite shall not be permitted on the same lot as a licensed group home.

### **7.6.3 Garden Suites and Secondary Units**

Garden Suites and Secondary Units: It is a policy of this Plan to provide opportunities for accessory dwelling units such as apartments in detached dwelling units, semi-detached units, and rowhouses or the installation of a temporary detached housekeeping unit (garden suite) on the same lot as the principal single detached dwelling. In substantiating the appropriateness of a proposed accessory dwelling or garden suite, the proponent shall:

1. demonstrate compliance to the Ontario Building Code.

### 7.6.3.1 Garden Suites

Garden suites shall be subject to local zoning by-laws and shall be further governed by a Temporary Use By-law under Section 39 of the *Planning Act*.

### 7.6.3.2 Second Units

The County encourages the permission of second residential units within all single detached, semi-detached, and townhouses dwelling units. If an accessory dwelling unit is not located in the principal dwelling unit, then the second residential unit may be within an accessory structure on the property.

Local municipal official plans and implementing zoning by-laws will contain detailed policies and requirements relating to second residential units which shall be implemented “as of right” provided they are compliant with other relevant provincial requirements.

### 7.6.4 Community Hubs

The County supports the development of community hubs throughout the County as a means of optimizing the use of public service facilities, providing access to social, recreational and cultural services, and integrating service delivery.

## 7.7 CULTURAL HERITAGE POLICIES

### 7.7.1 Protecting our Cultural Heritage

It is the policy of Council to recognize and conserve cultural heritage resources, including heritage buildings and structures, Cultural Heritage Landscapes, archaeological resources and other cultural heritage resources, and to promote the maintenance and development of an appropriate setting within, around and adjacent to all such resources.

Areas of archaeological potential are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the County. Such criteria include features such as proximity to water such as current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement.

Council may consider archaeological preservation on site, to ensure that the integrity of the resource is maintained. The heritage integrity of archaeological resources can be preserved by adopting Archaeological Zoning by-laws under section 34 of the *Planning Act*, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.

Council shall:

- protect cultural heritage resources within their jurisdiction by using the *Ontario Heritage Act* for designation or conservation agreements;
- establish and keep a municipal register; and
- establish a municipal heritage committee that will advise local council on heritage matters.

Council shall maintain a cultural heritage resource database and/or heritage management plans for land use planning, resulting in inventories (which has an unofficial status by contributing to the municipal register without taking its place) of significant heritage buildings, heritage districts, cultural heritage landscapes, archaeological sites, and archaeological potential areas located within the County. The heritage resources policies of this plan shall apply when:

- conserving heritage buildings, cultural heritage landscapes and archaeological resources that are under municipal ownership and/or stewardship;
- conserving and mitigating impacts to all significant cultural heritage resources, when undertaking public works;
- respecting the heritage resources identified, recognized or designated by federal and provincial agencies;
- respecting the heritage designations and other heritage conservation efforts by local municipalities.

Properties may be identified by:

- Designation under Parts IV, V or VI of the *Ontario Heritage Act*;
- Protection through a heritage easement, entered into under the *Ontario Heritage Act*;
- Recognition by council as having cultural heritage value;
- Recognition by the Ontario Minister of Culture as a provincial Heritage Property under Part III of the *Ontario Heritage Act*; or,
- Designation by the National Historic Sites and Monuments Board as a National Historic Sites.

Council shall encourage local Council to:

- Protect cultural heritage resources within their jurisdiction by using the *Ontario Heritage Act* for designations or conservation agreements;
- Establish and keep a municipal register; and,
- Establish a municipal heritage committee that will advise local council on heritage matters.

Council shall require that identified heritage resources not yet listed in the municipal heritage register or Heritage Register are evaluated and conserved, as appropriate, through any legislated planning or assessment processes, including the *Planning Act*, the *Environmental Assessment Act*, the *Ontario Heritage Act* and the *Cemeteries Act*.

Council shall use criteria established by Provincial regulation under the *Ontario Heritage Act* for determining cultural heritage value or interest and for identifying and evaluating properties for listing in the Heritage Register and for designation under Part IV of the *Ontario Heritage Act*. Council may permit development and site alteration on adjacent lands located to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. A heritage impact assessment, conducted by a qualified professional, will be required to determine if any adverse impacts will result from a proposed development. Mitigative measures and/or alternative development approaches may be required for the conservation of heritage attributes of a protected heritage property. Council shall ensure that lower tier municipal official plans have policies consistent with the heritage policies developed in this County official plan. The *Ontario Heritage Act* may be utilized to conserve, protect and enhance any significant cultural heritage resources located within the County.

### 7.7.2 Archeological and Heritage Planning

Council shall obtain updated archaeological site mapping from the Ministry of Culture under the provisions of a municipal-provincial data sharing agreement, and update this database as new archaeological sites are identified from land development and on the Provincial archaeological sites database. Council may undertake the preparation of an Archaeological or Cultural Heritage Master Plan with the assistance of the Ministry of Culture.

Council shall consult appropriate government agencies, including the Ministry of Tourism, Culture and Sport, and the Ministry of Consumer Services, when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the *Heritage Act* and the *Funeral, Burial and Cremation Services Act* shall apply. The County will contact the Algonquins of Ontario as well as the Ministry of Tourism, Culture and Sport and the Ministry of Consumer and Business Relations where a previously undiscovered site is identified to contain an unmarked burial site.

The County recognizes the importance of cultural heritage resources within the County. Therefore, the County will encourage the identification, conservation, protection, restoration, maintenance and enhancement of cultural heritage resources. All new development permitted by the policies of this Plan shall have regard for cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner which preserves and enhances the context in which cultural heritage resources are situated.

Cultural heritage resources include, but are not restricted to, significant built heritage, cultural significant heritage landscapes, archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, and human-made rural, village and urban districts or landscapes of historic and scenic interest.

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

- 300 metres of a known archaeological site; of a primary water source such as a lakeshore, river or large creek; of an ancient water source identified by a beach ridge, river bed; of a secondary water source such as a wetland, march, small creek, spring;
- 10 metres of a cemetery dating prior to 1945 (WWII);
- Elevated topography (knolls, drumlins, eskers, plateaus, etc);
- Pockets of sandy soil in a clay or rocky area;
- Unusual land formations (mounds, caverns, waterfalls etc);
- An extractive area (for food or scarce resources);
- Non-aboriginal settlement features (monuments, cemeteries);
- Historic transportation features (road, rail, portage);
- Designated property (refer to Municipal Heritage Committee);
- Local knowledge associated to property with historic events, activities or occupations.

#### 7.7.2.1 Archaeological Assessments

Council shall require archaeological assessments to be carried out by consultant archaeologists licensed under the *Ontario Heritage Act* as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential.

Archaeological assessment reports prepared by licensed consultant archaeologists are to be in compliance with the 2011 Standards and Guidelines for Consultant Archaeologists as set out by

the Ministry of Tourism, Culture and Sport, as well as the terms and conditions of an archaeological license under the *Ontario Heritage Act*.

Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*.

Council views the preservation of archaeological sites in an intact condition as the preferred means for the mitigation of impacts to archaeological sites. Archaeological excavation as a means for the mitigation of impacts will only be considered when it is demonstrated that preservation is not possible.

#### **7.7.2.2 Marine Archaeological Resources**

Council recognizes that, within its boundaries, there may be marine archaeological remains from the pre-historic period through the modern era up to the last 50 years. These marine archaeological resources may include the remains of ships, boats, vessels, artifacts from the contents of boats and belongings of crew or passengers, weaponry, parts of ship construction, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value. The remains may currently be under water or were, at one time, under water but are no longer submerged.

Council shall, prior to approving a development proposal, require a marine archaeological assessment to be conducted by a licensed marine archaeologist, pursuant to the *Ontario Heritage Act*.

#### **7.7.3 Promotion of Cultural Heritage**

Council shall promote the cultural values of the communities within the County through the identification and support of the full range of cultural assets of the County. These assets include buildings and lands, rivers and natural heritage, but also activities, organizations, festivals and events. Council supports a view of culture as community heritage, shared values, traditions and beliefs, as well as discrete sectors of the economy which are important contributors to future wealth. The latter include performing arts, visual arts, literary arts, crafts, heritage, design arts, communications media, electronics arts and civic arts.

Council may from time to time create and maintain a cultural assets inventory for purposes of identifying, protecting, nurturing and promoting connections between cultural assets, heritage conservation, and economic development.

Council will pursue ways of integrating and supporting the full range of agro-tourism and cultural initiatives including the implementation of the County's culture plan. Cultural development will support and complement broader economic development and tourism initiatives within both the urban and rural areas.

#### **7.7.4 Cultural Resources and Waterfront Development**

In considering applications for waterfront development, Council shall ensure that cultural heritage resources both on shore and in the water are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.

### **7.7.5 Accessibility and Heritage Conservation**

In attaining its goal for establishing a barrier-free environment to county and municipally-owned property, Council shall provide access solutions in a manner that respects the cultural heritage value or interest of a protected property. Council recognizes that standardized designs may not always suffice and that each heritage property will require unique accessibility plans to ensure that alterations do not adversely affect the heritage attributes. Council encourages this practice for privately-owned heritage buildings that are open to and used by the public.

### **7.7.6 Waste Reduction / Adaptive Re-use**

Council shall support the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive reuse of older and existing building stock.

### **7.7.7 Energy Efficiency and Heritage Conservation**

Retrofits for achieving energy efficiency will only be undertaken in a heritage building where it is demonstrated that retrofitting can be accomplished without compromising the heritage integrity of the building.

### **7.7.8 Property Maintenance and Occupancy Standards By-law**

Property Maintenance and Occupancy Standards By-law provisions will be utilized wherever possible for the protection of cultural heritage resources. Council shall ensure that the application of this by-law is not detrimental to the conservation of heritage resources. Council may also amend this by-law to prescribe minimum standards for the maintenance of heritage attributes for properties designated under the *Ontario Heritage Act*.

### **7.7.9 Algonquins of Ontario**

The Algonquins of Ontario have an historical and cultural interest in lands along the Ottawa River and South Nation River and Castor River; as well as the Jessups Falls and Alfred Bog area and a current interest in the Larose Forest. The County and/or the local municipality will engage the Algonquins of Ontario on the following:

- a) Input and possible participation in Stage 2 Archaeological Assessment required for land use planning or development purposes where a Stage 1 Assessment or the provisions of Section 7.7.2 indicate areas of historical interest or potential for encountering aboriginal artifacts;
- b) Consultation on Archaeological Studies related to proposed developments where areas of Algonquin interest and/ or Native Values and/or the potential for aboriginal artifacts to be encountered have been identified;
- c) Consultation prior to the approval of Council of future Official Plan amendment or site plan approval where an Archaeological Assessment has shown the potential for aboriginal artifacts to be encountered.



## 7.8 ADMINISTRATION OF THE OFFICIAL PLAN

### 7.8.1 Amendments to this Official Plan

1. Amendments to this Plan shall be considered in accordance with related policies elsewhere in this Plan. In general, amendments will only be considered when they are justified and when the required supportive information is provided as stated in the policy sector proposed for revision. Council shall consider all complete applications to amend this Official Plan, and shall notify the public, the Ministry of Municipal Affairs and Housing and other agencies in accordance with the requirements of the *Planning Act*. Proposed amendments to this Plan shall be accompanied by sufficient information to allow Council to fully understand and consider the following:
  - a) the impact of the proposed change on the achievement of the stated goals, objectives and policies expressed in this Plan.
  - b) the need for the proposed change.
  - c) the effect of the proposed change on the need for public services and facilities.
  - d) applications to amend this Plan shall include a planning rationale report for the proposed change, prepared by the proponent. This shall include, but not be limited to, information regarding the proposed use, servicing, density if applicable, floor area if applicable, lot layout, site plans as appropriate and applicable, and the above criteria outlined in this Section of this Plan. The County may waive the requirement for a planning rationale report for minor and/or site-specific amendments.
  - e) any specific Official Plan amendment procedures and supporting information requirements as outlined in the policies of this Plan shall apply in the consideration of the application and the completeness of the application, in accordance with the requirements of the *Planning Act*.
3. In addition when considering amendments which affect the use of a specific site or sites, Council shall consider:
  - a) whether there is a need to add the site or sites to the lands already designated for the proposed use;
  - b) the physical suitability of the land for the proposed use;
  - c) the manner in which the proposed amendment is consistent with Provincial Policy issued under the *Planning Act*, and prevailing Provincial policy and regulations, and the policies of this Plan;
  - d) the impacts of the proposed amendment on the provision of and demand for municipal services, infrastructure and facilities;
  - e) the impact of the proposed amendment on surrounding land uses, the transportation system, municipal services and community amenities and services;
  - f) the impact of the proposed amendment on cultural heritage resources and/or Natural Heritage Features;
  - g) the impact of the proposed amendment on the financial sustainability of the County and/or local municipality; and
  - h) any other information determined by the County, in consultation with the appropriate agencies, to be relevant and applicable.

3. The provisions of the *Planning Act* with respect to Official Plans apply similarly to amendments, including the approval of the Minister or the Ontario Municipal Board, as the case may be. When amendments are made to the Official Plan, appropriate amendments may also be required to the implementing By-laws so that any such By-law is in conformity with the Plan.

### 7.8.2 Consultation

Council shall undertake a community consultation program for all amendments to and reviews of the Plan. The consultation process shall include timely provision of adequate information as well as opportunities for members of the public to discuss this information with Counties' staff and to present views to Council and to local Councils.

Council shall provide notification of any amendment to this Plan in accordance with the requirements of the *Planning Act*, and may consider additional notice to ensure that the potentially affected residents in the County are aware of the amendment.

Council shall pass a by-law requiring pre-submission consultation on privately-initiated applications processed under the *Planning Act*.

Council recognizes that the provisions of the *Planning Act* require it to take action on a development application within a prescribed period of time, subject to the application being complete and the provision of adequate information regarding the proposal being available to the public and Council so that informed decisions can be made.

As provided for in the *Planning Act*, Council shall provide the opportunity for interested citizens and organizations to present submissions on the Plan no less than every five years after the Plan comes into effect. Through this process, Council shall revise and accordingly amend the Plan to ensure that the policies: remain realistic and appropriate with regard to changing social, economic and environmental circumstances; conform or do not conflict with provincial plans; have regard to matters of provincial interest; and are consistent with any policy statements issued under subsection 3(1) of the *Planning Act*.

### 7.8.3 Alternative Dispute Resolution

Land use issues can be contentious, with the potential for conflict arising over existing land uses or proposals to change policies or land uses. If properly managed, conflict can be a catalyst for positive change. Through the *Planning Act*, the Province is encouraging the use of alternative dispute resolution techniques in order to reduce the number and duration of Tribunal hearings.

Council supports the use of alternative dispute resolution techniques in an effort to improve the efficiency, clarity, and speedy resolution of appeals to planning applications and reduce the number of hearings. Where a local municipality has determined that mediation, conciliation or other dispute resolution techniques is appropriate to resolve appeals relating to the adoption and approval of official plans, official plan amendments, zoning by-law amendments, plans of subdivision, consents and other *Planning Act* applications, it shall give to the Counties an invitation to participate in the dispute resolution.

#### **7.8.4 Procedural Guidelines**

From time to time, Council may adopt procedural guidelines in order to assist the County, local municipality, municipal staff and the public in effectively dealing with such matters as subdivisions, consents and site plan control. These guidelines, while not forming part of the Official Plan, will assist with its implementation.

#### **7.8.5 Review and Monitoring of the Official Plan**

Council shall at regular intervals of not more than five years, determine whether there is a need to revise this Plan, or parts thereof, to ensure that:

1. the Plan's goals and objectives remain valid and realistic in light of prevailing circumstances;
2. the Plan's policies are adequate for the achievement of its goals and objectives.

In order to facilitate the review of this Plan, Council will monitor the achievement of its objectives and the effectiveness of its policies.

Council shall maintain the County geographic information system for planning and management purposes, and provide updated mapping information and analyses related to planning issues and Plan policies.

In response to any changes in the regulatory environment, changes to the planning policies of the Province of Ontario or other planning initiatives, Council may initiate an amendment process at any time.

Where judicial or quasi-judicial decisions, including those of the Ontario Municipal Board, materially impact the County's interpretation or intent in the policies of this Plan, Council may choose to initiate a review of any or all of the policies at any time.

#### **7.8.6 Land Use Designation Boundaries**

The boundaries of the land use designations established by this Plan and as shown on Schedule "A" (Land Use Designation) are intended to be approximate and shall be considered as absolute only where they coincide with roads, railway lines, rivers, lot lines shown in an implementing Zoning By-law, or other clearly defined physical feature.

Where land use designation boundaries are considered as approximate, amendments to this Plan will not be required in order to make minor adjustments to the boundaries provided that the general intent and purpose of the Plan are maintained. Such minor adjustments shall be determined by Council and will not need to be incorporated into the land use schedules.

Where the land use boundaries are considered as absolute, the location of the boundaries is not open to interpretation and an amendment to this Plan will be required in order to deviate from or change these boundaries.

### **7.8.7 References to Statutes**

Where any Act or portion of any Act is referred to in this Plan, such references shall be interpreted as referring to the stated Act or portion of the Act and any subsequent changes to or renumbering of these sections of such Act.

### **7.8.8 References to Ministries and Review Agencies**

Throughout this Official Plan, references are made to various Provincial Ministries and agencies in regard to the review of and/or input on various types of planning issues and development proposals. While such references are considered to be current at the date of adoption of this Official Plan, it is acknowledged that changes may occur as a result of ongoing changes in the planning and application review processes in the Province of Ontario. No amendment to this Plan is required in order to acknowledge such changes; however, it is the intent of the County to update such Ministry and agency references at the time that general reviews and updates of the County Official Plan are undertaken.

### **7.8.9 Interpretation of figures, quantities and uses**

It is intended that all figures and quantities herein shall be considered as approximate unless stated otherwise. Amendments to the Official Plan will not be required where Council is satisfied that the variance from the figure or quantity is minor and that the intent of the policy in question is met.

Provided that the purpose and intent of the Plan are not affected, the following technical revisions to the Plan are permitted without an Official Plan Amendment:

- a) Changing the labelling, numbering, cross-referencing and arrangement of the text, tables and schedules;
- b) Revise base map information;
- c) Altering punctuation or language for consistency; and
- d) Correcting grammatical, mathematical, typographical, dimensional and boundary errors.

Where examples of permitted uses are provided for in the land use policies of the Plan, it is intended that these be recognized as representative examples as opposed to a definitive and/or restrictive list of uses. The implementing zoning by-laws shall ensure that all permitted uses are consistent with the intent of this Official Plan.

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## 8 SITE SPECIFIC EXCEPTIONS

### 8.1 URBAN POLICY AREA - SITE SPECIFIC EXCEPTIONS

#### 8.1.1 (Reserved)

### 8.2 COMMUNITY POLICY AREA - SITE SPECIFIC EXCEPTIONS

#### 8.2.1 (Reserved)

### 8.3 TRADE AND INDUSTRY POLICY AREA - SITE SPECIFIC EXCEPTIONS

#### 8.3.1 Special Policies – Ivaco Rolling Mills

Lands associated with an existing heavy industrial use, the Ivaco Rolling Mills (IRM), located in Champlain Township, have been designated as Trade and Industry Policy Area. The designated area includes lands owned by the industry as well as adjacent lands which were designated industrial in the former Township of Longueuil's Official Plan. The following policies address the future expansion potential of this existing use and provide additional policies which shall apply to adjacent lands which are located within Ivaco's Influence Areas. This Plan defines two Influence Areas on lands adjacent to Ivaco's operations and as shown on Schedule A:

- a) 300 metres Influence Area: represents all lands located within 300 metres of Ivaco's Heavy Industrial zoned lands.
- b) Lands beyond the 300 metres Influence Area: represents all lands located beyond 300 metres and within 600 metres from Ivaco's Heavy Industrial zoned lands.

Ivaco Influence Areas are identified with dashed lines and a "2.4.4" symbol on Schedule A. This Plan recognizes that a 300 metres minimum separation distance is recommended by Ministry of Environment and Climate Change Guideline D-6 and that the Influence Area of a Class III Industrial Facility such as the Ivaco Facility may be up to 1,000 m. Should a study show that adverse effects are experienced further than the described influence areas (i.e. 300 metres Influence Area and Lands Beyond the 300 metres Influence Area), the Official Plan may be amended to recognize the finding of the Study.

#### 1. 300 metres Influence Area Policies

- a) Notwithstanding the permitted uses stated in Section 2.4.3, on lands designated Trade and Industry Policy Area in the Township of Champlain, which lands are currently the site of Ivaco Rolling Mills, the existing heavy industrial use is permitted.
- b) The creation of new residential lots is not permitted.



- c) Sensitive land uses such as residential uses, day care centres and educational and health facilities are not permitted, except for existing uses and for new residential uses to be built on an existing lot of record located on an existing improved street. Sensitive land uses are defined in MOECC Guideline D-6.
- d) Where it is unclear whether the use is sensitive or not, the proponent will be required to submit a study to demonstrate that the use will not be impacted by the IRM facility and that the use will not impact IRM operations.
- e) Ivaco will be notified of all development applications and given the opportunity to provide comment on the application.
- f) Where a lot is partially within the 300 metres Influence Area, the policies a) to e) above only apply to that portion of the lot within the Influence Area.
- g) Existing lots of record identified as parcel numbers (020900700308914, 020900700201100 & 020900700201110) in the land assessment roll, are exempt from policy c). The only permitted sensitive land use will be restricted to single residential units. A covenant will be registered on title to include the provision of a warning notice, noting the site's proximity to Ivaco's facilities and the potential noise, vibration, emissions, and/or other adverse effects which may be experienced on their properties from time to time and IRM will not respond to any complaints raised by these new residences with respect to IRM operations.

## 2. Lands Beyond the 300 metres Influence Area Policies

Draft Plan of Subdivision or consent approval conditions will include the provision of a warning notice on title, noting the site's proximity to Ivaco's facilities and the potential noise, vibration, emissions, and/or other adverse effects which may be experienced on their properties from time to time.

## 3. Municipal Water Service

The provision of municipal water services is permitted on lands located on Part of Plan 15 PT FARM Lot 17, 18 and 19; INCL RP46R391 Part 1 to 8; INCL RP46R419 Part 1 to 15 in the former Township of Longueuil now in the Township of Champlain and further identified as Ivaco Rolling Mills (IRM) with parcel number (020900700304800) in the land assessment roll.

## **8.4 RURAL POLICY AREA – SITE SPECIFIC EXCEPTIONS**

### **8.4.1 Special Policies – Plantagenet High School**

On lands located in lots 6 and 7, concessions 3 and 4 in the former Township of North Plantagenet now in the Township of Alfred and Plantagenet and further identified as the Plantagenet High School property with parcel number (02-31-0200030-29-00) in the land assessment roll, full municipal services are permitted.

**8.4.2 Special Policies – City of Clarence-Rockland Outdoor Theatre**

Notwithstanding the list of permitted uses in policy 4 in 5.5.6, in the City of Clarence-Rockland, on lands located in Lots 26 and 27, Concession 3 in the former Township of Clarence and further identified as a portion of parcel number (03-16-0160030-86-00) in the land assessment roll, an outdoor theatre and accessory buildings for the presentation of a multi-media theatrical pageant by a not for profit corporation, the purpose of which is to raise funds for hospitals and community organizations as well as to promote economic and community development in the United Counties of Prescott and Russell, is permitted. The use may revert to the uses permitted in policy 4 of Section 5.5.6 without amendment to this Official Plan.

**8.4.3 Special Policies – Presqu'île Road Condominium Corporation**

The provision of municipal water services is permitted on lands located in the Prescott Condominium Corporation No. 1 located at 2890 Presqu'île Road, in the Township of Alfred and Plantagenet.

**8.4.4 Special Policies – Nation Municipality Transfer Station**

Notwithstanding the list of commercial and industrial uses permitted in Section 2.5, a biosolids transfer station, processing and storage facility is permitted on the land located on Part of Lot 16, Concession 15, in the former Township of South Plantagenet, now in the Nation Municipality, and identified as parcel number 02-12-0260150-49-00 in the land assessment roll. The use may revert to the uses permitted in Section 2.5 without amendment to this Official Plan.

**8.4.5 Special Policies – Township of Champlain Laurentian Park Subdivision**

The provision of municipal water and waste water services is permitted on lands located on Part of Plan 227, Lots 1 to 20 and on Part of Plan M33, Lots 1 to 15 in the former Township of West-Hawkesbury now in the Township of Champlain and further identified as the Laurentian Park Subdivision.

**8.4.6 Special Policies – Nation Municipality Aquatic Park**

On lands located on Lots 25, 26, 27 and 28 of Concession 4 in the former Township of Cambridge now in The Nation Municipality identified as the Aquatic Park Properties, full services are permitted.

**8.4.7 Special Policies – City of Clarence-Rockland Transfer Station**

Notwithstanding the list of land uses permitted in Sections 2.5.3 and 3.5.2 of the Official Plan, on lands described as Part of Lot 17 of Concession 5 in the former Township of Clarence now in the City of Clarence-Rockland, being Parcel number 03-16-0160050-66-00 in the land assessment roll, the permitted land uses shall also include a waste transfer station for the inter-vehicle transfer of waste and the parking of those vehicles; and an accessory commercial use consisting of the storage and on-site

cleaning and rental of portable toilets. The waste transfer station shall be operated only in accordance with a valid Certificate of Approval issued by the Ministry of Environment and Climate Change. All permitted uses shall be subject to site plan control and shall comply with the Zoning By-Law as amended.

#### **8.4.8 Special Policies – City of Clarence-Rockland Trillium Subdivision**

The lands described as Part of Lot 21, Concession 2 (Old Survey) and Part of Lot C, Concession 6 (New Survey) in the Geographic Township of Clarence now in the City of Clarence Rockland, further identified as parcel number 03-16-0160230-52-50 in the land assessment roll, shall not be subject to subsections 2.2.4 and 2.3.4 of this Official Plan.

#### **8.4.9 Special policies – Domaine Larose**

Notwithstanding the Group Home policies under subsection 7.6.2 of this Official Plan, a Group Home Cluster is permitted on the lot described as part of Lots 16 and 17, Concession 4, in the former Township of Cambridge (1157 Calypso Street), now in The Nation Municipality. The use may revert to the uses permitted in Section 2.5 without an amendment to the Official Plan.

A **Group Home Cluster** shall mean premises used to provide supervised living accommodation as per the requirements of its residents, licensed or funded under the Province of Ontario or Government of Canada legislation, for a maximum of 10 persons total on the premises, exclusive of staff, living together in a housekeeping unit. The housekeeping unit shall consist of the main single detached dwelling unit and a maximum of two accessory dwelling units each located in separate accessory detached buildings.

### **8.5 INFRASTRUCTURES POLICIES – SITE SPECIFIC EXCEPTIONS**

#### **8.5.1 Special Policies – East Hawkesbury – Seasonal Roads**

Notwithstanding policy 4 in Section 3.3.6 (Seasonal Roads), the creation of a new lot by consent is permitted on the land having the following description: Part of Lots 2 and 3 of Concession 7 Gore in the Township of East Hawkesbury.

#### **8.5.2 Special policies – Township of Champlain – Local Street**

Notwithstanding policy 2 in Section 3.3.6 (Local Roads) and criteria 3 of Section 7.4.2 Consents, the creation of a new lot by consent is permitted on the land having the following legal description: Part of Lots 7 and 8 of Concession 6 in the Township of Champlain.

## **8.6 AGRICULTURAL RESOURCE POLICY AREA – SITE SPECIFIC EXCEPTIONS**

### **8.6.1 Special Policies – Nation Municipality Home for the Aged**

Notwithstanding the permitted uses as stated in Section 4.2.3, on lands located in Lot 5 Concession 16 in the former Township of South Plantagenet, now in the Nation Municipality and further identified as parcel number (02-12-026016-01-10) in the land assessment roll, a home for the aged is permitted. Schedule A shall identify the lot in question with a symbol and a reference to this section. The use may revert to the uses permitted in Section 4.2.3 without amendment to this Official Plan.

### **8.6.2 Special Policies – Township of Russell Farm Produce Outlet**

Notwithstanding the permitted uses as stated in Section 4.2.3, on lands located in part of Lot 8 Concession 10, identified as parcel number 03-06-000010-033-10 in the Township of Russell, a farm produce outlet and regional information bureau with associated parking and site services is permitted. The use may revert to the uses permitted in Section 4.2.3 without amendment to this Official Plan.

### **8.6.3 Special Policies – Township of Russell Academic Institution**

Notwithstanding the permitted uses as stated in Section 4.2.3, on lands located in part of Lot 10, Concession 7, identified as parcel number 03-06-000007-033-00 in the land assessment roll in the Township of Russell, an academic institution and athletic facility that provides an approved secondary school education and specialized training in the sport of hockey and includes an arena, administrative buildings, dormitories, teachers and visitors residences as well as related athletic facilities are permitted. In addition to the above noted uses, non-residential uses such as commercial retail and service uses, office uses and uses which meet the needs of the travelling public or which relate to local resources shall also be permitted. The use may revert to the uses permitted in Section 4.2.3 without amendment to this Official Plan.

### **8.6.4 Special Policies – City of Clarence-Rockland School Bus Maintenance Garage**

Notwithstanding the permitted uses as stated in Section 4.2.3, on lands located in part of Lot 1, Concession 6, identified as parcel number 03-16-016006-001-10 in the land assessment roll in the former Township of Clarence now in the City of Clarence-Rockland, a facility that contains a school bus maintenance garage, parking depot and associated administration offices are permitted. The use may revert to the uses permitted in Section 4.2.3 without amendment to this Official Plan.

## **8.7 MINERAL AGGREGATE RESOURCE POLICY AREA – SITE SPECIFIC EXCEPTIONS**

### **8.7.1 Special Policies – City of Clarence-Rockland Ottawa's Limestone Resource Area**

Lots 13, 14, 15 Concession XI within the City of Clarence-Rockland (in the former Township of Clarence) are adjacent to an area designed as a Mineral Aggregate Resource Policy Area (Limestone Resource Area) in the Ottawa Official Plan and as such the policies of 4.3.7 shall apply to these lands.

## **8.8 IMPLEMENTATION – SITE SPECIFIC EXCEPTIONS**

### **8.8.1 (Reserved)**

**THE CORPORATION OF THE UNITED COUNTIES  
OF PRESCOTT AND RUSSELL  
BY-LAW NUMBER 99-36**

**A BY-LAW TO ADOPT THE UNITED COUNTIES OF PRESCOTT AND RUSSELL OFFICIAL PLAN.**

**WHEREAS** pursuant to the provisions of Section 17(13) of the *Planning Act*, Chapter P. 13, R.S.O. 1990, as amended, the Corporation of the United Counties of Prescott and Russell was designated as a Prescribed County by the Minister of Municipal Affairs and Housing by Ontario Regulation 154/95 made under the *Planning Act*;

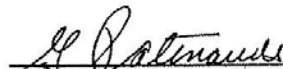
**AND WHEREAS** the Council of the Corporation of the United Counties of Prescott and Russell is required to prepare, adopt and submit an Official Plan to the Minister of Municipal Affairs and Housing for approval;

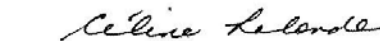
**AND WHEREAS** the Council of the Corporation of the United Counties of Prescott and Russell considers it desirable to adopt an Official Plan for the United Counties of Prescott and Russell;

**NOW THEREFORE BE IT ENACTED** by the Council of the Corporation of the United Counties of Prescott and Russell that:

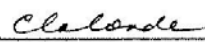
1. The United Counties of Prescott and Russell Official Plan consisting of the attached text and map Schedules "A", "B", "C" and "D" is hereby adopted.
2. The Clerk is hereby authorized to make application to the Minister of Municipal Affairs and Housing for the approval of the United Counties of Prescott and Russell Official Plan.
3. This By-law shall come into force and take effect upon final reading thereof.

**READ A FIRST, SECOND AND DULY PASSED UPON THE THIRD READING THIS 22nd DAY OF JUNE, 1999.**

  
Gaston Patenaude, Warden

  
Jean-Pierre Pître, Clerk  
*Deputy*

I, Céline Lalonde, Deputy Clerk of the Corporation of the United Counties of Prescott and Russell, do hereby certify that the above is a true copy of By-law Number 99-36 enacted by Council on the 22<sup>nd</sup> day of June, 1999.

  
Céline Lalonde, Deputy Clerk



# THE CORPORATION OF THE UNITED COUNTIES OF PRESCOTT AND RUSSELL

## BY-LAW NUMBER 99-36

A BY-LAW TO ADOPT THE UNITED COUNTIES OF PRESCOTT AND RUSSELL OFFICIAL PLAN.

WHEREAS pursuant to the provisions of Section 17(13) of the Planning Act, Chapter P. 13, R.S.O. 1990, as amended, the Corporation of the United Counties of Prescott and Russell was designated as a Prescribed County by the Minister of Municipal Affairs and Housing by Ontario Regulation 154/95 made under the Planning Act;

AND WHEREAS the Council of the Corporation of the United Counties of Prescott and Russell is required to prepare, adopt and submit an Official Plan to the Minister of Municipal Affairs and Housing for approval;

AND WHEREAS the Council of the Corporation of the United Counties of Prescott and Russell considers it desirable to adopt an Official Plan for the United Counties of Prescott and Russell;

NOW THEREFORE BE IT ENACTED by the Council of the Corporation of the United Counties of Prescott and Russell that:

1. The United Counties of Prescott and Russell Official Plan consisting of the attached text and map Schedules "A", "B", "C" and "D" is hereby adopted.
2. The Clerk is hereby authorized to make application to the Minister of Municipal Affairs and Housing for the approval of the United Counties of Prescott and Russell Official Plan.
3. This By-law shall come into force and take effect upon final reading thereof.

READ A FIRST, SECOND AND DULY PASSED UPON THE THIRD READING THIS 22nd DAY OF JUNE, 1999.

Signed by Gaston Patenaude, Warden

Signed by Céline Lalonde, Deputy Clerk

I, Céline Lalonde, Deputy Clerk of the Corporation of the United Counties of Prescott and Russell, do hereby certify that the above is a true copy of By-law Number 99-36 enacted by Council on the 22nd day of June, 1999.

Signed by Céline Lalonde, Deputy Clerk, for Jean-Pierre Pitre, Clerk.

**THE CORPORATION OF THE UNITED COUNTIES  
OF PRESCOTT AND RUSSELL  
BY-LAW NUMBER 2006-25**

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**BEING A BY-LAW TO ADOPT AMENDMENT NO. 14 TO THE OFFICIAL PLAN OF  
THE UNITED COUNTIES OF PRESCOTT AND RUSSELL**

REF: Official Plan Amendment No. 14 pursuant to Subsection 17(22) of the *Planning Act*, R.S.O. 1990 as amended.

**WHEREAS** the Official Plan of the United Counties of Prescott and Russell has been approved by the Ministry of Municipal Affairs and Housing on December 7, 1999;

**AND WHEREAS** following the public meeting held on the 21st of June 2005 Council determined that there was a need to undertake a review of the Official Plan

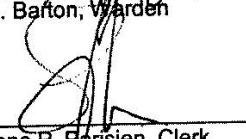
**AND WHEREAS** Official Plan Amendment No. 14 to the United Counties of Prescott and Russell Official Plan represents good planning and conforms with the intent of the Provincial Policy Statement;

**NOW THEREFORE BE IT ENACTED** by the Corporation of the United Counties of Prescott and Russell that:


1. The United Counties of Prescott and Russell Official Plan consisting of the attached text and map Schedules "A", "B", "C" and "D" is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

**DONE AND PASSED** in open Council this 23<sup>rd</sup> day of May, 2006.

  
\_\_\_\_\_  
Gary J. Barton, Warden

  
\_\_\_\_\_  
Stéphane P. Parisien, Clerk

I, Andrée Latreille, Deputy Clerk of the Corporation of the United Counties of Prescott and Russell, do hereby certify that the above is a true copy of By-law Number 2006-25 enacted by Council on the 23<sup>rd</sup> day of May 2006.

  
\_\_\_\_\_  
Andrée Latreille, Deputy Clerk

# THE CORPORATION OF THE UNITED COUNTIES OF PRESCOTT AND RUSSELL

## BY-LAW NUMBER 2006-25

BEING A BY-LAW TO ADOPT AMENDMENT NO. 14 TO THE OFFICIAL PLAN OF THE UNITED COUNTIES OF PRESCOTT AND RUSSELL

REF: Official Plan Amendment No. 14 pursuant to Subsection 17(22) of the Planning Act, R.S.O. 1990 as amended.

WHEREAS the Official Plan of the United Counties of Prescott and Russell has been approved by the Ministry of Municipal Affairs and Housing on December 7, 1999;

AND WHEREAS following the public meeting held on the 21st of June 2005 Council determined that there was a need to undertake a review of the Official Plan

AND WHEREAS Official Plan Amendment No. 14 to the United Counties of Prescott and Russell Official Plan represents good planning and conforms with the intent of the Provincial Policy Statement;

NOW THEREFORE BE IT ENACTED by the Corporation of the United Counties of Prescott and Russell that:

1. The United Counties of Prescott and Russell Official Plan consisting of the attached text and map Schedules "A", "B", "C" and "D" is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

DONE AND PASSED in open Council this 23rd day of May, 2006.

Signed by Gary J. Baston, Warden

Signed by Stéphane P. Parisien, Clerk

I, Andrée Latreille, Deputy Clerk of the Corporation of the United Counties of Prescott and Russell, do hereby certify that the above is a true copy of By-law Number 2006-25 enacted by Council on the 23rd day of May 2006.

Signed by Andrée Latreille, Deputy Clerk

**THE CORPORATION OF THE UNITED COUNTIES  
OF PRESCOTT AND RUSSELL  
BY-LAW NUMBER 2015-44**

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**BEING A BY-LAW TO ADOPT AMENDMENT NO. 27 TO THE OFFICIAL PLAN OF  
THE UNITED COUNTIES OF PRESCOTT AND RUSSELL**

REF: Official Plan Amendment No. 27 pursuant to Subsection 17(22) of the *Planning Act*, R.S.O. 1990 as amended.

**WHEREAS** the Official Plan of the United Counties of Prescott and Russell has been approved by the Ministry of Municipal Affairs and Housing on December 7, 1999;

**AND WHEREAS** following the public meeting held on May 24<sup>th</sup>, 2011 Council determined that there was a need to undertake a review of the Official Plan;

**AND WHEREAS** Official Plan Amendment No. 27 to the United Counties of Prescott and Russell Official Plan represents good planning and conforms with the intent of the Provincial Policy Statement 2014;

**NOW THEREFORE BE IT ENACTED** by the Corporation of the United Counties of Prescott and Russell that:

1. The Official Plan Amendment No. 27 of the United Counties of Prescott and Russell, consisting of the explanatory text, table and attached maps as shown on Schedule "A" attached hereto and forming part of this by-law, be approved and adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

**DONE AND PASSED** in open Council this 26<sup>th</sup> day of August, 2015.

  
Robert Kirby, Warden

  
Andrée Latreille, Clerk

I, Andrée Latreille, Clerk of the Corporation of the United Counties of Prescott and Russell, do hereby certify that the above is a true copy of By-law Number 2015-44 enacted by County Council on the 26<sup>th</sup> day of August, 2015.

  
Andrée Latreille, Clerk

# THE CORPORATION OF THE UNITED COUNTIES OF PRESCOTT AND RUSSELL

## BY-LAW NUMBER 2015-44

BEING A BY-LAW TO ADOPT AMENDMENT NO. 27 TO THE OFFICIAL PLAN OF THE UNITED COUNTIES OF PRESCOTT AND RUSSELL

REF: Official Plan Amendment No. 27 pursuant to Subsection 17(22) of the Planning Act, R.S.O. 1990 as amended.

WHEREAS the Official Plan of the United Counties of Prescott and Russell has been approved by the Ministry of Municipal Affairs and Housing on December 7, 1999;

AND WHEREAS following the public meeting held on May 24th, 2011 Council determined that there was a need to undertake a review of the Official Plan;

AND WHEREAS Official Plan Amendment No. 27 to the United Counties of Prescott and Russell Official Plan represents good planning and conforms with the intent of the Provincial Policy Statement 2014:

NOW THEREFORE BE IT ENACTED by the Corporation of the United Counties of Prescott and Russell that:

1. The Official Plan Amendment No. 27 of the United Counties of Prescott and Russell, consisting of the explanatory text, table and attached maps as shown on Schedule "A" attached hereto and forming part of this by-law, be approved and adopted
2. This By-law shall come into force and take effect on the day of the final passing thereof.

DONE AND PASSED in open Council this 26 day of August, 2015

Signed by Robert Kirby, Warden

Signed by Andrée Latreille, Clerk

I, Andrée Latreille, Clerk of the Corporation of the United Counties of Prescott and Russell do hereby certify that the above is a true copy of By-law Number 2015-44 enacted by County Council on the 26th day of August, 2015

Signed by Andrée Latreille, Clerk

# **SCHEDULES**