



# OFFICIAL PLAN

of the

# MUNICIPALITY OF HIGHLANDS EAST -HALIBURTON-



# TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>1</b>
The Municipality of Highlands East Official Plan	1
<b>THE STRUCTURE OF THE PLAN</b>	<b>2</b>
PART 1 Vision and Land Use Concept	2
PART 2 Development Policies	2
PART 3 Land Use Designations	2
PART 4 Transportation Policies	2
PART 5 Implementation and Interpretation	2
<b>PART 1- THE VISION, PRINCIPLES AND LAND USE CONCEPT</b>	<b>3</b>
1.1 Vision	3
1.2 Principles	3
1.3 Land Use Concept	7
<b>PART 2 - DEVELOPMENT POLICIES</b>	<b>9</b>
2.1 General Development Policies	9
2.2 Division of Land	15
2.3 Environmental and Water Quality Impact Policies	18
<b>PART 3 - LAND USE DESIGNATIONS</b>	<b>29</b>
3.1 Rural	29
3.2 Settlement Area	39
3.3 Shoreline	41
3.4 Aggregate Resource	51
3.5 Environmental Protection	55
3.6 Crown Land	58
<b>PART 4 - TRANSPORTATION</b>	<b>59</b>
4.1 Road Network	59
4.2 Road Assumptions	58
4.3 Municipal Road Maintenance	60
4.4 Development on Provincial Highways	60
4.5 Development of New Private Roads	60
4.6 Closing and Conveyance of Road Allowances	61
4.7 Active Transportation	61

<b>PART 5 - IMPLEMENTATION AND INTERPRETATION</b>	<b>63</b>
5.1 Existing Uses	63
5.2 Maintenance and Occupancy By-laws	63
5.3 Zoning By-law	63
5.4 Temporary Use By-laws	63
5.5 Holding Provisions	64
5.6 Site Plan Control	64
5.7 Heritage Conservation	66
5.8 Technical Studies and Peer Reviews	67
5.9 Community Improvement	67
5.10 Public Parkland	71
5.11 Non-conforming Uses	72
5.12 Interpretation	73
5.13 Monitoring	76
5.14 Public Works	76
5.15 Zoning By-law Amendments	76
5.16 Development Permit System	76
5.17 Minor Variance	78
5.18 Pre-consultation and Complete Applications	79
5.19 Official Plan Review	80

## **SCHEDULES**

Schedule A – Land Use

Schedule B – Environmental Features

Schedule C - Transportation

Schedule D – Aggregate Resources/Metallic Mineral Potential and Abandoned Mine Sites

## **APPENDICES**

Appendix 1 – Glossary of Terms

Note – this is an office consolidation to the Official Plan for the Municipality of Highlands East compiled on January 7, 2016. Where necessary, reference should be made to the original Official Plan and OPA 1.

---

## INTRODUCTION

---

The Municipality of Highlands East in the County of Haliburton was created as a result of a Minister's Order under Section 25.2 (6) (b) of the Municipal Act, which was passed on October 6, 2000. The Order amalgamated the former Townships of Glamorgan, Monmouth, Cardiff and Bicroft into the new Municipality of Highlands East. The Municipality has a total area of about 700 square kilometres.

This Official Plan was originally approved in 2004 and was subsequently updated in 2011 to reflect current Provincial policy and legislation as well as to conform with the County of Haliburton Official Plan. As part of the Official Plan Review, a Background Report was prepared and received by Council in April 2010 and several opportunities for public consultation were held during the process of updating the Official Plan.

---

## THE STRUCTURE OF THE PLAN

---

The Official Plan is divided into five parts, each of which is described below:

### **PART 1 – VISION AND LAND USE CONCEPT**

This Part of the Plan contains the Vision of the Municipality of Highlands East. This Vision was prepared by Council and is based on an understanding of past and future trends and the wishes of the citizens of Highlands East. The principles that form the foundation for this Plan flow from the Vision. These principles establish the framework for the planning policies contained in the Plan. This section of the Plan also describes how the Vision is to be implemented through a series of land use designations.

### **PART 2 – DEVELOPMENT POLICIES**

This Part of the Plan contains planning policies that generally apply across the entire Municipality. Examples include policies dealing with the Environmental and Water Quality as well as Land Division policies.

### **PART 3 – LAND USE DESIGNATIONS**

This Part of the Plan contains policies which are applicable to specific land use designations as applied by the Official Plan.

### **PART 4 – TRANSPORTATION POLICIES**

This Part of the Plan contains policies that define the transportation network in the Municipality and how it is intended to be utilized.

### **PART 5 – IMPLEMENTATION AND INTERPRETATION**

This Part describes how the Vision and policies of the Plan will be implemented. It contains an explanation of the various “tools” that may be utilized to help ensure the objectives of this Plan can be attained.

---

## PART 1 – THE VISION, PRINCIPLES AND LAND USE CONCEPT

---

### **1.1 VISION**

1.1.1 Highlands East is a clean, friendly rural Municipality comprised of several settlements and many shoreline communities. The citizens of Highlands East are proud of the culture and heritage in Haliburton and also enjoy a good quality of life because of the clean air as well as the lakes, rivers, forests and hills that define the natural character and identity of Highlands East.

1.1.2 Highlands East will maintain or improve the environment and water quality in the Municipality and will welcome new residents and recreational visitors to share and appreciate the natural setting and character of the community. Highlands East will encourage entrepreneurial spirit and partnerships and will work to provide more employment opportunities to existing and future generations. Highlands East will support the health and well-being of all residents by promoting and encouraging an accessible, healthy and active community. In Highlands East it is a priority to plan and manage change in a manner that will provide the greatest protection and benefit to the natural features that are so fundamental to the quality of life in this community.

### **1.2 PRINCIPLES**

The following principles are provided to further articulate the Vision and provide a basis for the policy framework contained in this Plan.

#### **1.2.1 Growth and Settlement**

1.2.1.1 The Municipality's resident population is expected to increase by up to 500 persons over the next twenty (20) years, which is the planning horizon for this Official Plan. The majority of this population increase will be accommodated within existing settlement areas as designated in this Plan as well as within the rural area.

1.2.1.2 A limited amount of rural residential development, in the form of individual lots may be permitted in the rural area of the Township to accommodate resident growth, however such lot creation in shoreline areas will continue to be focused upon resource based recreational uses. The development of new residential subdivisions in the rural area will not be necessary to accommodate resident growth given the housing opportunities in the Settlement Areas, the supply of vacant rural lots and the severance policies in this Plan which provide opportunities for limited rural lot creation.

- 1.2.1.3 The growth projection in Section 1.2.1.1 does not account for new housing and population growth that is attributed to resource based recreational use of the extensive shoreline and rural areas in the Municipality and which comprises residents that do not consider Highlands East to be a place of permanent residency. In 2010, it was estimated the recreation-based, non-residential population was about 8,400, which utilized a housing stock of about 3,200 dwelling units. This Plan encourages further growth and investment of the resource based recreation community and anticipates that further housing growth in this community could lead to the development of between 300 and 600 additional dwellings over the next 20 years. This new development is anticipated to be accommodated primarily within shoreline areas on vacant lots or in new recreation based development approved through the policies of this Plan.
- 1.2.1.4 Cottage conversion is anticipated to have an impact on the dynamics of growth management in Highlands East but not to a significant extent. The areas that are anticipated to experience a higher rate of cottage conversion will be lake communities that are proximate to urban centres and have year round road access.
- 1.2.1.5 At the time this Plan was being updated, the County of Haliburton was in the process of undertaking a Growth Management Strategy. In preparing this study, the Municipality encourages the County to consider the opportunity presented by an aging demographic and the role that the County can play in accommodating resident and recreational growth attributed to retirees seeking out housing options suited to a retirement lifestyle. The Municipality of Highlands East wishes to seize economic and social opportunities that may be available as a result of the aging population. When the results of this study have been incorporated by an Amendment to the County Plan, the Municipality of Highlands East will, if necessary, amend the growth management policies of this Plan.

## **1.2.2 The Natural Environment and the Lakes**

- 1.2.2.1 The natural environment and the lakes have and will continue to define the social and economic character of Highlands East. It is a priority for this Plan to protect the natural resources of the Municipality in order to allow their continued use and enjoyment by future generations. Council will respect the environment and will follow the principle of sustainability, and will consider the cumulative impacts of planning decisions, while recognizing that development proposals cannot be addressed on an individual basis in isolation from past and future decisions. Council will place a high priority on the protection of lands with significant environmental features and their associated functions.
- 1.2.2.2 The quality of the Municipality's water bodies and its natural environment are two of its greatest assets. These factors are essential to the quality of life as well as the Municipality's continued viability as a tourist area. Policies in this Official Plan will assist in the evaluation and impact assessment of proposed land use development and site alteration to ensure the maintenance and protection of water

quality, natural resources, wetlands, wildlife, fisheries and fish habitat in the Municipality.

1.2.2.3 Changes to water quality and hydrological and hydrogeological characteristics of watercourses, which include the headwaters, as well as lakes, aquifers and wetlands are to be minimized and no development is permitted that will result in a negative impact to the functions and processes of these features.

1.2.2.4 Land uses in proximity to the shoreline area of inland lakes and rivers will be regulated in an effort to minimize impacts upon lake water quality and to protect shoreline and riparian areas from degradation.

### **1.2.3 The Economy**

1.2.3.1 The economy of the area has traditionally been based on forestry, mining and tourism. Employment statistics indicate that these sectors continue to drive the local economy. On this basis, the Municipality will encourage and promote a local economy focused on rural land use, which includes resource and service industries, recreation and tourism, and will encourage sustainable forms of recreation that promote healthy lifestyles. This Plan is intended to encourage new development which will improve economic and employment conditions in the Municipality while ensuring that the quality of the environment is maintained.

1.2.3.2 Given the trends in regional and Provincial demographics toward an aging population, this Plan views these changes as an opportunity to diversify the economy of the Municipality by encouraging home based business and the development of new recreation and service sector uses in the Municipality.

### **1.2.4 The Rural Area**

1.2.4.1 Rural lands within the Municipality will retain their natural character and will be utilized for a compatible mix of resource uses, resource-based recreation uses and limited residential development.

1.2.4.2 Every effort should be made to permit the continued functioning of the natural systems in the permanent countryside, to maintain the rural pattern of large land holdings, to preserve a landscape dominated by open space, wooded areas agricultural land, and encourage the conservation and maintenance of natural habitat areas.

1.2.4.3 The Municipality and the Ministry of Natural Resources will work together to ensure good stewardship of Crown land resources.

### **1.2.5 Municipal Infrastructure**

1.2.5.1 New public works within the Municipality will be guided by the policies of this Plan. Council may provide additional services through community improvement



initiatives as long as the benefits, financial or otherwise, of adding services outweighs the direct cost to the Municipality.

## **1.2.6 Sustainability**

The policies of this Plan are founded on the premise that a sustainable community is composed of the following three principle elements in balance:

- i) The Environment: a connected system of environmental features that support a healthy ecosystem;
- ii) The Economy: a strong, diversified and resilient economy that provides a variety of employment opportunities for citizens and is attractive to commercial and industrial investment; and,
- iii) The Socio-Cultural Fabric: a strong sense of culture and heritage and the provision of affordable public services and amenities.”

1.2.6.1 This Plan identifies a number of defining environmental and topographical features that contribute to the Municipality’s extensive natural heritage system. The protection of these features is a key underlying principle in this Plan.

This Plan contains policies that recognize the character of the Municipality’s green forested spaces, water resources, and terrestrial landscape as resources that contribute to the natural near-north character of the Highlands.

The policies of this Plan also recognize the challenges created by Provincial interests in resource extraction in natural areas and attempts to manage these issues.

1.2.6.2 A sustainable economic future will be more achievable if Council maintains a stable and sound fiscal position for the Municipality to support programs and services for citizens.

The need for economic sustainability is strongly articulated through the vision, goals and policies in this Plan that encourage entrepreneurial spirit and diverse employment opportunities based in resources, recreation and tourism and technology. Also critical to economic sustainability is to retain a skilled and adaptable work force through opportunities for higher education and skills training.

1.2.6.3 Social sustainability addresses the basic community need for housing, education, health care, employment, food, safety, security and cultural and recreational opportunities. The policies of this Plan support all citizens in achieving a respectable quality of life through the development of a healthy community and the provision of necessary human services and programs.

Individual needs vary with age, income, ability, skills, background and interests. As communities change and grow, there is additional pressure to provide for

these needs and ensure communities remain healthy and that a high quality of life is maintained.

The provision of human services comes from several agencies including the Province (hospitals and health care facilities), school boards (education) while the Municipality is responsible for fire services, libraries, community facilities, parks, and recreational amenities. In addition, human services are provided by other private sector or quasi-public institutions, such as private schools, places of worship, and community service groups. Continued coordination and partnership among all human service providers is essential to the social-cultural health of the residents of Highlands East.

The Municipality values the health and well-being of its residents. Decisions in land use planning related to transportation, recreation and economic development can support and foster the creation of a healthy, active and accessible community. The policies of this Plan recognize that health is an important element in building an economically viable, socially vibrant and environmentally sustainable community.

### **1.3 LAND USE CONCEPT**

There are 6 designations that apply to lands throughout the Municipality. These designations are shown on Schedule A attached to and forming part of this Plan. A summary of each is provided below:

#### **1.3.1 Environmental Protection**

The Environmental Protection designation is intended to include the following significant features as identified by the Ministry of Natural Resources through their Natural Resource Verification Information System (NRVIS):

- Provincially significant wetlands;
- Locally significant wetlands;
- Areas of Natural and Scientific Interest;
- Significant portions of habitat of endangered or threatened species;
- Significant wildlife habitat areas; and,
- Other areas that have been determined to be environmentally sensitive as a result of a development review process

Schedule 'B' to the Plan identifies the above-mentioned features as well as a number of other features of environmental significance which should be protected from incompatible development. These features include:

- Moose concentration areas
- Deer concentration areas
- Deer wintering areas
- Fish spawning areas and sanctuaries

- Fish habitat

### **1.3.2 Shoreline**

The Shoreline designation identifies all lands which share an association with the lake or the waterfront. This area was generally defined as all land within a 300 metre proximity of a lake but may vary depending on topographic features, roads, and existing development that shares an association with the lake. Lands in the Shoreline designation may be developed or may exist in a natural state.

### **1.3.3 Settlement Area**

The Settlement Area designation applies to the following hamlets and settlements in Highlands East:

- Cardiff Village
- Wilberforce
- Highland Grove
- Tory Hill
- Gooderham

### **1.3.4 Rural**

The Rural designation applies to all lands in the open countryside which are not characterized by the presence of significant environmental features or aggregate resources. The Rural designation includes Crown lands and patent lands, however the policies of this Plan are not directly binding upon Crown lands, unless such lands are transferred to private ownership.

### **1.3.5 Aggregate Resource**

The Aggregate Resource designation applies to existing pit operations licensed under the Aggregate Resources Act.

### **1.3.6 Crown Land**

The Crown Land designation applies to lands, which remain in the ownership and jurisdiction of the Province of Ontario and to which the policies of this Plan do not directly apply.

---

## 2.0 DEVELOPMENT POLICIES

---

The following policies shall be considered through the review of any development approval including public and private works, in the Municipality.

### **2.1 GENERAL DEVELOPMENT POLICIES**

#### **2.1.1 Public Uses**

2.1.1.1 Public utilities, public road and railway right-of-ways, public parks and other essential public or institutional uses shall be permitted within all land use designations with the exception of Environmental Protection provided that the use is necessary in the area and measures are taken to ensure compatibility with the surrounding land use and the natural environment. Electric power facilities may be permitted in all designations provided that all the planning of such facilities is carried out having regard for the other policies of this Plan.

#### **2.1.2 Healthy, Active Communities**

2.1.2.1 Measures that promote a healthy and active community are strongly encouraged within the municipality. Such measures include, but are not limited to, the facilitation of pedestrian movement within settlement areas, improving accessibility for persons with disabilities and the elderly, providing a range of parks and open space areas, accommodating a range and mix of land uses within appropriate areas, focusing growth within settlement areas, avoiding land use patterns which cause or lead to environmental degradation, and accommodating alternate forms of transportation where appropriate and feasible.

#### **2.1.3 Housing**

2.1.3.1 Council shall encourage the development of a variety of forms of housing to meet the needs of its residents having regard for the Provincial Policy Statement. The provision of affordable housing, assisted housing and rental housing to meet local demand will be encouraged by Council. To further encourage the development of alternate forms of housing, the Municipality may participate in County, Provincial or Federal housing programs. These forms of housing shall be directed to the settlements provided that they are compatible with the surrounding land uses and environment, and satisfy other requirements of this Plan.

#### **2.1.4 Waste Disposal Sites and Former Waste Disposal Sites**

2.1.4.1 Waste Disposal Sites and former waste disposal sites are indicated on Schedule A to this Plan and shall be recognized in the implementing Zoning By-law. These

sites, and lands within a 500 metre radius of the landfill site may be utilized for designated uses without an Official Plan Amendment, provided the Municipality, in consultation with the Ministry of Environment and Energy, is satisfied that there are no environmental problems which may make the lands unsuitable for the proposed use.

- 2.1.4.2 Lands within 500 metres of either an active or inactive waste disposal site will be zoned with a Holding (H) symbol in the Zoning By-law. In order to remove an 'H', the applicant should be able to demonstrate that the water supply of the proposed development will not be negatively impacted and that there are no other problems such as leachate, methane gas or other gas, contaminants, rodents and vermin.
- 2.1.4.3 Section 2.1.4.2 shall not apply to minor additions or the development of accessory buildings to an existing use located within 500 metres of an active or inactive waste disposal site.
- 2.1.4.4 New lot creation should not be permitted on or within 500 metres of an active waste disposal area nor within 30 metres of a non-operating waste disposal site which requires technical controls for leachate and/or gas.
- 2.1.4.5 Re-use of land(s) used for waste disposal purposes within 25 years of the date waste was last deposited will require approval in accordance with Section 46 of the Environmental Protection Act, R.S.O. 1990.
- 2.1.4.6 Permitted uses in lands identified as a Waste Disposal Site on Schedule A shall include the storage or disposal of solid or liquid waste. The establishment of a new waste disposal site shall proceed in accordance with the Environmental Assessment Act and shall require the preparation of an EIS in accordance with Section 2.3.3 and an amendment to this Plan.

## **2.1.5 Water and Waste Water Servicing**

- 2.1.5.1 It is the primary objective of this Plan to safeguard environmental protection and to provide an adequate supply of potable water by ensuring that appropriate servicing is provided for new development or redevelopment within the Municipality. Currently, the only settlement having full municipal water and sewer services is Cardiff Village (Bicraft). The other settlements identified on Schedule "A" are serviced by private septic systems and wells, however municipal and water and wastewater servicing would be preferred in these areas, where feasible. Consideration shall be given to future forms of servicing including full municipal or communal servicing for all development proposals greater than five lots/units, however partial servicing is discouraged.
- 2.1.5.2 New development and redevelopment proposals consisting of 5 or more lots/units shall provide the following information with a development application:
  - i) A description of the proposal;

- ii) A Stormwater Management Report prepared in accordance with the Stormwater Management Practices Planning and Design Manual (1994) or its successor as prepared by the Ministry of the Environment;
- iii) A Servicing Options Report to determine the most appropriate form of water and waste water servicing to ensure environmental protection. The Servicing Options Report shall include a Hydrogeological Assessment which:
  - a) confirms that water quality and quantity is sufficient to service the development and will not adversely impact groundwater supplies servicing existing development;
  - b) determines that the proposed land use and private sewage disposal systems will not adversely impact groundwater or surface water quality or quantity;
  - c) recommends a minimum lot area;
  - d) provides other recommendations that may be implemented by the developer to ensure that the quality of surface and groundwater supplies will be maintained over the long term.

2.1.5.3 New development and redevelopment proposals with sewage flows in excess of 10,000 litres per day shall prepare a Reasonable Use Study in accordance with MOE Guideline B-7 and shall obtain a Certificate of Approval from the Ministry of the Environment in accordance with Water Resources Act.

2.1.5.4 The use of new technology in sewage disposal systems is encouraged by this Plan, providing such systems have been approved by the Ministry of the Environment or their delegate.

## **2.1.6 Municipal Assumption of Servicing Systems**

Where full municipal or communal servicing is appropriate, the Municipality may be responsible for the ownership, maintenance and operation of the system(s) on a user pay basis. Certain types of development will require a responsibility agreement between the developer/owner and the Municipality. Such agreements will specify the Municipality's role in assuming the ownership, operation and maintenance of systems whose owners fall into default. However, this does not mean that the Municipality has any obligation to accept communal services. Where a development is for a resource-based recreational use, the developer/owner may own, operate or manage the servicing system(s).

## **2.1.7 Source Water Protection**

2.1.7.1 It shall be a policy of this Plan to maintain compatibility between sensitive land uses such as residential uses and municipal wells and facilities such as industrial

uses, commercial uses, sewage treatment plants and aggregate extraction activities. Measures including land use separation shall be provided between incompatible land uses in accordance with the guidelines of the Ministry of Environment and Energy. Technical studies may be required to demonstrate compliance with Provincial guidelines.

### **2.1.8 Dry Uses**

- 2.1.8.1 Full municipal sewer and water servicing is the preferred alternative for large scale industrial and commercial uses. However, the Municipality only has one full service settlement area and therefore this Plan anticipates that primarily smaller industrial uses of a 'dry' nature will be accommodated in the Municipality. Generally a 'dry use', reflects those uses which produce domestic sewage only, do not use water for processing and typically handle less than 10,000 litres per day of sewage effluent. Where a use is proposed which will produce more than 10,000 litres per day of sewage effluent, a Reasonable Use Assessment will be required to be completed to the satisfaction of Council and the Ministry of the Environment prior to the approval of such a use.

### **2.1.9 Mining of Mineral Resources**

- 2.1.9.1 For the purpose of this Official Plan, mining includes above ground and underground work, pits and quarries used for mineral extraction as well as associated processing, transportation, waste and tailings storage, and directly related activities. However, mining excludes pits and quarries used for aggregate extraction as authorized under the Aggregate Resources Act.
- 2.1.9.2 Mineral exploration and mine development will be encouraged, where compatible with adjacent land uses, through the identification of mineral deposits and areas of mineral potential. An amendment to the Official Plan and Zoning By-law will be required to identify areas of mining potential and/or to establish a new mining operation. Prior to the establishment of new mining operations, Council may require the owner(s) to enter into agreement(s) with respect to issues such as haul route usage and maintenance.
- 2.1.9.3 The establishment of a mining operation shall also be subject to the approval of the Ministry of Northern Development and Mines under the Mining Act and the Environmental Protection Act.

### **2.1.10 Group Homes and Community Care Facilities**

- 2.1.10.1 Group homes and community care facilities may be permitted in all designations that permit residential development, subject to the provisions of the Zoning By-law. The Zoning By-law may define specific terms and classes of group homes and establish locational and size criteria for such facilities.

### **2.1.11 Hunt Camps**

- 2.1.11.1 For the purpose of this Official Plan, hunt camps are defined as an existing seasonal camp used for hunting and fishing and which may or may not have direct access an assumed public road.
- 2.1.11.2 Prior to the issuance of a building permit for a hunt camp on lands which do not have access to an assumed public road, the Municipality shall require the applicant to confirm that access to the subject lands is legal and/or authorized, and in doing so, the Municipality may require the owner of the camp to enter into a private road agreement.
- 2.1.11.3 The transfer of a hunt camp from the Crown to private ownership shall be subject to an official plan amendment and a zoning by-law amendment. The intent of the rezoning is to consider an exemption from the lot creation policies and established zoning requirements for the creation of new lots. It will also be a requirement of any planning approval that the structure(s) and septic system comply with the Ontario Building Code Act and that appropriate agreements with respect to access to services be executed with the Municipality.

### **2.1.12 Public Recreational Trails**

- 2.1.12.1 There is presently a number of public recreational trails established in the Municipality which accommodate a range of recreational uses such as walking, biking and snowmobiling. These trails play an important role in the social and economic growth of the Municipality and the County and Council also recognizes the value of these facilities in contributing to the health and well-being of residents and visitors. Therefore the maintenance and orderly expansion of the Municipality's trail system is encouraged by this Plan through development applications reviewed in accordance with the policies of this Plan, as well as the establishment of partnerships and efficient use of resources.
- 2.1.12.2 It is anticipated that additional planning will occur in the Municipality with respect to the trail system and a future strategy for trail development may be incorporated into this Plan by an Official Plan Amendment. However, publicly owned trails which existed on the date this Plan was adopted may be added to Schedule C without an amendment to this Plan and shall be placed in an Open Space Recreation (OSR) Zone.

### **2.1.13 Land Use Compatibility**

It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries in addition to uses adjacent to waste disposal sites or sewage treatment facilities. It is a policy of this Plan that incompatible land uses be separated or otherwise buffered from each other in accordance with Provincial standards and guidelines. Where a proposed development is located adjacent to a potentially incompatible land use, an assessment of the compatibility of the proposal maybe required by



Council in accordance with the Ministry of Environment D-Series Guidelines, or its successor, to the satisfaction of Council or Council and the appropriate agencies and shall include recommendations on how the impacts can be mitigated. The approval of development proposals shall be based upon the achievement of adequate distances and the recommendations of the required studies. Where practical and enforceable, such distances or other recommendations may be implemented through zoning or site plan agreements.

#### **2.1.14 Brownfield Sites And Contaminated Lands**

Brownfields refer to lands that may be contaminated as a result of historical industrial or commercial uses.

If the site location of a proposed use is known or suspected to be contaminated, Council shall require the proponent to prepare a study prepared in accordance with the Ministry of Environment guidelines which determines the nature and extent of the contamination and the identification of a remedial plan if required. Where the need for remediation is identified, the site shall be restored and a Record of Site Condition be obtained as a condition to any development approval. A Record of Site Condition shall be required regardless of whether a change in land use designation is proposed.

Council may also place a Holding symbol on such lands until it is acceptably cleaned up and/or decommissioned in accordance with Ontario Regulation 153/04 of the *Environmental Protection Act*. The removal of a Holding symbol on Brownfield lands shall be conditional on the verification of final site conditions and registration of the Record of Site Condition on the Province's Brownfields Site Registry.

#### **2.1.15 Energy Conservation**

The Municipality is supportive of development designed to minimize energy consumption through site plan or building design which maximizes the use of passive solar energy and other alternative energy sources. The Municipality also encourages and supports energy conservation, and alternative and renewable energy sources developed in accordance with Provincial and Federal legislation, policies and regulations and which are compatible with the natural environment and the nature of rural land use characterized in this Official Plan.

## **2.2 DIVISION OF LAND**

### **2.2.1 Plans of Subdivision**

2.2.1.1 Council shall consider only those Plans of Subdivision which conform to the general policies and land use designations of this Plan.

2.2.1.2 Applications for Plans of Subdivision shall take into consideration and clearly demonstrate:

- i) the environmental impact the proposed plan will have on the existing natural environment as it affects the subject lands, the abutting lands within at least 90 metres of the development, adjacent water bodies and wetlands, and other water bodies and/or wetlands within the Municipality and downstream of the subject lands.
- ii) the economic benefits and costs for the Municipality resulting from the proposed plan; and,

2.2.1.3 Plans of Subdivision shall provide access onto an assumed public road maintained year-round or a common element road within a Plan of Condominium.

2.2.1.4 Applications for residential subdivisions are subject to Section 2.1.5 Water and Waste Water Servicing.

2.2.1.5 The minimum lot sizes shall comply with the regulations for the zone in which the Plan of Subdivision is located or as determined by the Servicing Options Report prepared in accordance with Section 2.1.5.

### **2.2.2 Consents**

2.2.2.1 Council shall only support applications for consent which conform to the general policies and land use designations of this Plan.

2.2.2.2 Consent Policies Applicable in all Designations:

- i) Consents shall only be considered when the benefits to the Municipality outweigh the costs for providing any additional services.
- ii) Consents will generally only be supported if the land fronts on an assumed public road which is currently publicly maintained on a year-round basis.
- iii) Any proposal for consent from a lot of record existing as of the date of adoption of this Plan, which results in more than five lots, including the retained parcel, shall require a Plan of Subdivision.

- iv) The parcel of land to be created by consent, the parcel of land to be retained, and the proposed use shall conform to all applicable provisions and regulations of the Municipality's Zoning By-law.
- v) Consents shall not be granted where access may create a traffic hazard because of limited sight lines on curves or grades. A traffic impact assessment may be required where a safety hazard may be created by the creation of a new lot.
- vi) The size of any new lot created by consent should be appropriate for the proposed use and should respect environmental features such as deer and moose habitat. Site-specific Zoning By-law Amendments may be utilized to ensure the area of new lots are appropriate for the intended use.
- vii) In determining whether a consent is to be granted, regard shall be had for such matters as the dedication of land or cash levies for park purposes, the dedication of land for future road widening and related agreements.
- viii) Consents may only be considered when it has been established by the local Kawartha, Haliburton Pine Ridge District Health Unit and/or the Crowe Valley Conservation Authority that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain sufficient potable water and to permit the installation of an adequate means of sewage disposal for both the severed and retained parcels.
- ix) Consents which alter lot lines may be permitted provided no new lot is created. In considering applications to alter lot lines, Council may, as a condition of consent, require that any resulting area of non-compliance be subject to site-specific zone regulations.
- x) Consents shall not be granted where the proposed lot would not conform with the Minimum Distance Separation Formula established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time. .
- xi) Consents shall not be permitted in low-lying areas, in wetlands and adjacent lands, in areas susceptible to erosion, flooding, or within significant wildlife, fish and/or biological areas unless it is demonstrated that there is a sufficient building site including necessary setbacks outside of these areas and that there will be no negative impact on the natural features or functions of the area. Council may require the preparation of a scoped Site Evaluation Report address specific environmental matters such as impacts on lands adjacent to a wetland.
- xii) Consents shall not be granted where access to, or the use of backlands would be compromised or restricted.

- xiii) Reports may be requested from affected agencies where a proposed consent to sever may impact on the applicable jurisdiction of the agency.
- xiv) Consents in the vicinity of existing or former waste disposal sites shall be subject to Section 2.1.4.
- xv) Regard shall be had for the impact of proposed lot creation on cultural and heritage resources as outlined in Section 5.7.
- xvi) Lots which require the construction of internal roadways and their dedication to the Municipality may only be permitted by way of a Plan of Subdivision or Plan of Condominium.
- xvii) Lots which have frontage on a public road and on a shoreline shall comply with minimum frontage requirements specified in the Zoning By-law for the frontage on a road and along the shoreline.
- xviii) Consents to separate lots legally merged in title may be permitted provided documentation can be furnished to confirm that the lands were previously separate, conveyable parcels. In considering applications to separate merged lots, Council may, as a condition of consent, require the lots to be subject to site-specific zone regulations and/or site plan control.

## **2.3 ENVIRONMENTAL AND WATER QUALITY IMPACT POLICIES**

### **2.3.1 Technical Reports**

2.3.1.1 It is a priority for Council to make planning decisions that accurately assess potential impacts on environmental features and water quality. As such, in some instances the land use policies of this Plan will require the preparation and submission of technical reports to demonstrate that a development proposal will not adversely impact the environment, including the water quality of a lake or lakes within a watershed. The following policies establish the Municipality's requirements and expectations with respect to the preparation of information necessary to assess a development proposal.

### **2.3.2 Role of an Environmental Impact Study (EIS)**

2.3.2.1 All major development proposals, including Official Plan Amendments and Plans of Subdivision, shall require an Environmental Impact Study to be prepared and submitted at the applicant's expense. The Municipality may also conduct a peer review of the applicable study at the applicant's expense.

### **2.3.3 Contents of an EIS**

2.3.3.1 Environmental Impact Studies shall employ the most current and acceptable techniques and reflect a watershed approach for the determination of developmental impacts on the lake(s) and surrounding ecosystem and shall include or address the following matters:

- i) provide a description of the proposed undertaking or development objective;
- ii) describe the natural features and ecological functions of the area potentially affected directly and/or indirectly by the undertaking, and their sensitivity to development;
- iii) identify lands that support environmental attributes and/or functions that may qualify the lands for designation within the Environmental Protection designation;
- iv) identify the direct and indirect effects to the ecosystem that might be caused by the undertaking;
- v) identify any environmental hazards (i.e. slope, flooding, contaminants) that need to be addressed or protected;
- vi) identify any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;

- vii) in the case of development within 300 metres of a lake, the EIS shall also provide a Lake Impact Assessment prepared to the satisfaction of the Municipality in consultation with the Ministry of Environment and the Ministry of Natural Resources. The purpose of the Assessment is to demonstrate that the proposed development will not impair the water quality of the lake or compromise MOE water quality objectives;
- viii) prepare a Management Plan (MP) identifying how the adverse effects will be avoided or minimized over the construction period and life of the undertaking and how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the MP. The MP shall also establish drainage infiltration systems as well as buffers and setbacks adjacent to watercourses, lakes, valleys, wetlands and vegetation to protect the natural feature and its attributes and/or function from the effect of development.

### **2.3.4 Agency Consultation**

- 2.3.4.1 In the review of the redesignation or major development proposal, Council shall consult with the Ministry of Natural Resources, the Ministry of Environment and Energy, and the Crowe Valley Conservation Authority to ensure that the redesignation or development proposal is consistent with applicable Provincial policies and regulations.

### **2.3.5 Vegetative Cover and Development Setbacks in the Shoreline**

- 2.3.5.1 New development in the shoreline shall be sensitive to the preservation of tree cover and vegetation wherever possible so as to prevent erosion, siltation and possible nutrient migration. Development occurring on lots created after this Official Plan came into effect on December 7, 2004, which are located on a water body, shall be set back a minimum of 30 metres from the high water mark. This includes any main buildings and the filter bed and mantle associated with a private septic system. Site alteration and disturbance of vegetation is not permitted within the 30 metre setback except for minor alterations to accommodate access trails, docks, water pumping equipment or restoration work.

### **2.3.6 Lake Management Plans and Strategies**

- 2.3.6.1 This Official Plan is intended to be Council's primary planning document in managing all land uses, including land use and development in the shoreline areas. However, Council encourages the preparation of Lake Management Plans and Strategies to articulate lake specific principles and goals outlined in this Plan.
- 2.3.6.2 Council supports the preparation of Lake Management Plans and Strategies that assess issues such as recreational carrying capacity, water quality, shoreline

development, vegetation retention and health, shoreline erosion, cottage conversion and septic system maintenance and inspection and other issues important to lake communities. Such Plans are also encouraged to establish monitoring programs and/or remediation programs to be primarily implemented by local residents and stakeholders such as the Municipality, the County and the Province.

2.3.6.3 The Vision, Principles and policy framework of this Official Plan demonstrate the Municipality's commitment to managing its lakes and therefore it is a policy of this Plan that Lake Management Plans or Strategies serve as a tool to establish/improve good land stewardship practices amongst those who live in lake communities.

2.3.6.4 Council will consider amendments to the Official Plan or zoning by-law where Lake Management Plans or Strategies formulate policies not already addressed by this Plan. Where all or part of a Lake Management Plan or Strategy is proposed to be incorporated by an amendment to this Plan and/or the zoning by-law, the following requirements must be met:

- i) It must be prepared by a qualified professional(s);
- ii) It must be demonstrated that an extensive program of public consultation has been facilitated;
- iii) It must have regard for the Provincial Policy Statement, the County of Haliburton Official Plan as well as applicable Provincial guidelines and regulations; and,
- iv) It must be consistent with the Vision and Principles of the Highlands East Official Plan as well as the Objectives for the Shoreline designation.

2.3.6.5 As part of the assessment of a proposed amendment to the Official Plan and/or zoning by-law, Council may undertake peer reviews of Lake Management Plans or Strategies and their associated background or technical studies.

### **2.3.7 Cold Water Lakes at Capacity**

2.3.7.1 The following lakes have been identified by the Ministry of Environment and Energy and the Ministry of Natural Resources as at capacity cold water lake trout lakes where the nutrient loadings have already reached or exceeded the lake's capacity:

- i) Inlet Bay and Joe Bay (Paudash Lake)
- ii) Eels Lake
- iii) Deer Lake
- iv) Hudson Lake
- v) Pusey (Dark) Lake
- vi) Diamond Lake

- vii) Monmouth Lake
- viii) Wilbermere Lake
- ix) Esson Lake
- x) Stormy Lake
- xi) Glamor Lake
- xii) Mountain Lake
- xiii) Silent Lake
- xiv) Koshlong Lake
- xv) Buckskin Lake

2.3.7.2

Council will not consider any application that involves the creation of a new lot, residential units, or any non-residential development on the shorelines of lakes which have been identified as being “at capacity” except in consultation with the Ministry of Environment and the Ministry of Natural Resources and under one of the following special circumstances:

- i) the tile fields on each new lot are set back at least 300 metres from the highwater mark of the lake, or such that drainage from the tile fields would flow at least 300 metres to the lakes; or,
- ii) the tile fields on each new lot are located such that they would drain into the drainage basin of another waterbody, which is not at capacity; or,
- iii) to separate existing, habitable dwellings, each having a separate septic system, provided that the land use would not change; or,
- iv) the proposed new use has a scale and density that is less than currently exists on site, and shall demonstrate a net reduction of the phosphorus loading on the lake. Prior to any redevelopment being approved, the Lake Impact Assessment shall be completed to the satisfaction of the Municipality, the Ministry of Natural Resources and the Ministry of the Environment. The Lake Impact Assessment shall among other things, provide recommendations on implementation tools related to hydro-geology, soils and vegetation matters on site; or,
- v) the proposed development is to be serviced with full municipal sewage services and appropriate storm water management design is incorporated on-site; or,
- vi) the proposed new development is non-residential, includes appropriate stormwater management design, and it does not involve or require any new individual on-site or communal sewage system disposal systems, nor any expansion of existing systems; or,
- vii) where appropriate authority or regulation such as a site alteration by-law, site plan control by-law, development permit by-law and/or a tree-cutting by-law under the Municipal Act are in place and where a site specific soils



investigation, prepared by a qualified professional, demonstrates that phosphorous can be retained in deep, native, acidic soils on-site, to the satisfaction of the Ministry of the Environment.

### **2.3.8 Cold Water Lakes Near Capacity**

2.3.8.1 The North Bay of Paudash Lake has been identified by the Ministry of Natural Resources and Ministry of the Environment as being near capacity. New lot creation or expanding commercial development will not be permitted on this lake unless the EIS prepared in accordance with Section 2.3.3 demonstrates that such development will not compromise MOE water quality objectives. A 30-metre setback is required for new development occurring on lots created after this Plan came into effect on December 7, 2004. This setback is intended as a natural buffer area and therefore disturbance of soils and vegetation is not permitted except for minor alterations to accommodate access trails, docks, water pumping equipment or restoration work.

### **2.3.9 Recreational Carrying Capacity**

2.3.9.1 In considering major development proposals on a lake such as marinas, plans of subdivision/condominium, multiple consents, resorts, and significant commercial re-development projects, Council shall have regard for the ability of the lake to accommodate additional recreational users. In having regard for this issue, Council recognizes that the manner and intensity in which lakes are used in the Municipality varies. Recreational carrying capacity on lakes with over 40 ha of surface area shall generally be based on a ratio of one unit for each 2.5 ha of surface area. On lakes having less than 40 ha of surface area, recreational carrying capacity shall be based on a ratio of 1 unit for each 4.0 ha of surface area. Density above these guidelines may be permitted subject to the preparation of a Boating Impact Study. In reviewing such a study, Council shall be satisfied that the proposed development will not cause the recreational carrying capacity of the lake to be exceeded in an unreasonable manner. Council may utilize zoning regulations or provisions in a site plan or development agreement in conjunction with any development approval to mitigate social impacts related to the recreational use of lakes.

### **2.3.10 Moose and Deer Concentration Areas**

2.3.10.1 Schedule 'B' identifies Moose and Deer Concentration Areas as well as Deer Wintering Areas. These areas are recognized for their role in providing habitat to these species. New development in these areas should be generally compatible with these important habitat areas and the removal of vegetation shall be sensitive to the role of these areas.

### **2.3.11 Fish Habitat, Spawning Area and Sanctuaries**

2.3.11.1 Schedule 'B' identifies areas of Fish Habitat as well as Spawning Areas and Sanctuaries. These areas also represent vital habitat areas for fish species in the Municipality, the preservation of which is in keeping with the environment-first philosophy of this Plan. Where development, which includes lot creation, is proposed within 30 metres of these features or their associated streams, Council may require mitigative measures to be undertaken to prevent negative impacts and ensure no net loss of these features. These measures may include increased setbacks for new development. Schedule 'B' is not intended to constitute a conclusive spatial summary of fish habitat in the Municipality.

### **2.3.12 Endangered and Threatened Species**

2.3.12.1 An endangered species is a species listed on the Species At Risk in Ontario List (SARO List), O. Reg. 230/08 of the Endangered Species Act that is at risk of extinction throughout all or a portion of its Ontario range, if limiting factors are not reversed. A threatened species is a native species that is at risk of becoming endangered through all or a portion of its Ontario range. The 'significant habitat' is the area of land that is necessary for the maintenance, survival and/or recovery of naturally occurring or re-introduced populations of endangered or threatened species.

According to data provided by the Ministry of Natural Resources, the following endangered and threatened species have the potential to be found in the Municipality:

- i) Spotted Wintergreen (E)
- ii) Engelmann's Quillwort (E)
- iii) Butternut (E)
- iv) American Ginseng (E)
- v) Whip-poor-will (T)
- vi) Chimney Swift (T)
- vii) Peregrine Falcon (T)
- viii) Least Bittern (T)
- ix) Flooded Jellyskin (T)
- x) Blanding's Turtle (T)
- xi) Eastern Musk Turtle (T)
- xii) Eastern Hog-Nosed Snake (T)
- xiii) Pale-bellied Frost Lichen (T)
- xiv) Bobolink (T)
- xv) Cerulean Warbler (T)
- xvi) Barn Swallow (T)
- xvii) Eastern Meadowlark (T)
- xviii) Little Brown Myotis (E)
- xix) Northern Myotis (E)

The above list of threatened and endangered species has been incorporated with

this policy for information purposes and was accurate at the time this Official Plan was approved. Notwithstanding, in all cases the Species at Risk in Ontario list (SARO) prepared by the Ministry of Natural Resource shall prevail and shall be the primary confirmation for endangered and threatened species in the Township.

The Ontario Ministry of Natural Resources is responsible for approving and defining significant habitat of endangered species and threatened species. For significant habitat of endangered species and threatened species, identified by the Ministry of Natural Resources in the Municipality of Highlands East, the following policies will apply:

- a) An Environmental Impact Study must be undertaken by the proponent to confirm the presence of any endangered species and threatened species and/or their significant habitat.
- b) Development and site alteration shall not be permitted in the significant habitat area of endangered species and threatened species.
- c) Development and site alteration on adjacent lands to the significant habitat of an endangered species or threatened species is not permitted, unless it has been demonstrated (through appropriate evaluation) that there will be no negative impacts on the natural features or their ecological functions. "Adjacent to" will generally mean within 20 metres of such habitat unless it is determined through the consideration of appropriate information or studies that a greater or lesser distance should be considered for particular species or site.
- d) Development proponents should exercise due diligence to ensure that any activities being contemplated would not contravene the Endangered Species Act, 2007, that came into effect on June 30, 2008.

### **2.3.13 Floodplain Management**

2.3.13.1 Although floodplains have not been mapped in the Township, it is the intent of this Plan that no development or site alteration be permitted within the floodway of a river or stream system. The following policies shall apply to development proposed on lands susceptible to flooding under regional storm conditions:

- i) Development will generally be directed to areas outside of hazardous lands adjacent to a river or stream system that is impacted by flooding hazards.
- ii) Development and site alteration will not be permitted within the floodway of a river or stream system.

- iii) Development and site alteration may be permitted within the flood fringe of a river or stream system where flood depths and velocities would be less severe than those experienced within the floodway. Generally, lands located above the 1:100 year storm elevation and below the Regional Storm Event (Timmins storm of 1961) elevation would represent the flood fringe area. Development will only be permitted within the flood fringe provided all of the following criteria can be achieved:
  - a) an engineered study by a qualified professional must be completed which demonstrates how the hazards can be safely addressed and the development and site alteration can be carried out in accordance with established standards and procedures;
  - b) new hazards will not be created and existing hazards not aggravated;
  - c) no adverse environmental impacts will result;
  - d) vehicles and people have a means of safely entering and exiting the area during times of flooding and other emergencies; and,
  - e) the development does not include institutional use or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

In the absence of regulated floodline mapping, the Municipality may apply zoning control over lands proximate to major rivers and streams in an effort to restrict development and site alteration in the floodplain. In addition, any Planning Act approval to facilitate new development in areas known to be floodprone shall be subject to the criteria set out in this Section.

### **2.3.14 Groundwater Resources**

- 2.3.14.1 The Municipality will be active in protecting groundwater resources. This will be accomplished through good land use planning and through the assessment and analysis of groundwater resources where partnerships or grants are available to conduct such work. The policies of this Plan may require the preparation of a Hydrogeological Assessment to be completed to support development applications which may impact groundwater resources.

### **2.3.15 Hazardous Slopes**

The following policies shall apply to new development and lot creation proposed in association with steep slopes and ravines.

- i) Development will not be permitted on slopes that are subject to active erosion or historic slope failure.

- ii) Development should be sufficiently setback from the top of bank of slopes greater than 1 in 3. The development setback distance shall be determined in consultation with the Municipality's consultant Engineer and/or Surveyor subject to the following criteria:
  - a) soil type and groundwater patterns;
  - b) vegetation type and cover;
  - c) severity of slope; and,
  - d) nature of development.
- iii) In some instances, where a sufficient development setback cannot be achieved, the proponent may be required to provide a slope stability analysis as a prerequisite to any development. The analysis shall be prepared to the Municipality's satisfaction.

### **2.3.16 Provincially and Locally Significant Wetlands**

2.3.16.1 Provincially and locally significant wetlands identified on Schedule B are to be protected and maintained in their natural state. The preservation of existing vegetation and the maintenance of the natural drainage of these wetlands is a priority.

2.3.16.2 Where studies support the identification of additional Provincially or locally significant wetlands after this Plan is adopted, the Schedules to this Plan may be modified by an amendment to this Plan or through the Official Plan Review process. However, given that very few of the wetlands in the Municipality have been evaluated by the Ministry of Natural Resources, minor refinements to the boundaries of a wetland may be permitted without an Official Plan Amendment.

2.3.16.3 The County of Haliburton, in conjunction with the Ministry of Natural Resources, has prepared a wetland features map that identifies additional wetlands not shown on the Schedules to this Plan. When environmental studies are undertaken in accordance with the policies of this Plan, Council will require the County wetland mapping to be assessed and recommendations provided on whether additional wetlands area shown on the County mapping should be identified on the Schedules to this Plan.

### **2.3.17 Adjacent Lands**

Adjacent lands are the lands adjacent to an environmental feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within:

- a) 120 metres of the boundary of a Provincially Significant Wetland, or wetland that has been evaluated by the Ministry of Natural Resources;
- b) 50 metres from the boundary of a Provincially or Regionally Significant Area of Natural and Scientific Interest (Life Science or Earth Science);
- c) 50 metres from significant wildlife habitat including a habitat of an endangered or threatened species and where scientific data has determined a different setback the greater of the two will be required, and;
- d) 30 metres from the following fish habitat areas:
  - i) a watercourse with no defined bed and banks or intermittent stream;
  - ii) a non-meandering stream with defined bed and banks;
  - iii) a meandering stream

No development or site alteration shall be permitted on these adjacent lands unless an Environmental Impact Study and/or a sub-watershed study and/or a geotechnical study and/or a Site Evaluation Report is completed and approved by Council, subject to the comments of the appropriate agencies. The requirements for an Environmental Impact Study are contained in Section 2.3.3 (Contents of an EIS) of this Plan. The requirements for a Site Evaluation Report are contained in Section 3.4.4 (Site Evaluation Report) of this Plan.

The scale and the contents of the required studies shall be determined at the time the development is proposed. The width of the adjacent lands may be increased/decreased, depending on the feature and the nature of the proposed development. This determination shall be made in consultation with the appropriate agencies at the time the development is proposed.

### **2.3.18 Watershed Plans**

2.3.18.1 A watershed is an area of land that drains into a river, lake or other water body. Unlike municipal boundaries, watershed boundaries are defined by nature and, as a result, watersheds often overlap a number of jurisdictions. The Municipality of Highlands East is comprised of portions of 3 watersheds.

2.3.18.2 The intent of watershed and sub-watershed plans is to provide direction and target resources for the better and effective management and restoration of a given watershed. Such plans are intended to:

- i) serve as a guide for improving water quality, reducing flood damage and protecting natural resources in a watershed;

- ii) assess watershed health and identify problems and remedial actions to prevent deterioration of the health of the watershed; and,
- iii) provide an opportunity for multiple jurisdictions with divergent priorities to coordinate their efforts and accept their responsibility for the impact their actions have both on upstream and downstream areas.

2.3.18.3 Council shall have regard to the above when making decisions on the priority given to the preparation of watershed and sub-watershed plans. The responsibility for preparing watershed and sub-watershed plans rests primarily with the Ministry of Environment in conjunction with local conservation authorities, local municipalities and the County of Haliburton. It is the intent of this Plan that Council assist the relevant agency in the preparation of these plans. However, it is recognized that, due to the size of the Municipality and the funding limitations of all levels of government, the preparation of watershed plans and sub-watershed plans is long-term prospect.

### **2.3.19 Regulation of Development on the Lake Bed**

2.3.19.1 In accordance with the vision, objectives, shoreline and environmental policies of this Plan, Council considers the protection of the lakes and lake environs to be a major priority. As a further measure to minimize the impact of recreational use on the lakes, it is a policy of this Plan to control the placement of buildings and structures on lakes. Specifically, this policy is aimed at restricting the construction of boathouses and similar enclosed structures from being built on the lakebed or as a floating structure attached to the shoreline near the water's edge. This policy is premised on the fact that most of the Highlands East lakes are small and are characterized by lots with modest frontages and the development of buildings and structures outward into the lake would have irreconcilable impacts on the natural character of these lakes. On this basis, the Municipality will establish zone regulations to restrict development on the lakebed. This policy is not intended to restrict docks.

---

## 3.0 LAND USE DESIGNATIONS

---

### **3.1 RURAL**

#### **3.1.1 Objectives**

- 3.1.1.1 To protect the rural character and prevent the intrusion of land uses which are incompatible with the resource activities of the area or which will require an increase in the level of services provided by the Municipality.
- 3.1.1.2 To recognize and protect areas with capability to accommodate forestry, recreation, agriculture and other resource oriented uses.
- 3.1.1.3 To encourage forms of rural economic development that serve local or tourist needs and that are compatible and appropriate in the Rural area of the Municipality.
- 3.1.1.4 To support and foster the development of a healthy and active rural community.

#### **3.1.2 Permitted Uses**

- 3.1.2.1 Permitted uses in those areas designated Rural as shown on Schedule A include recreation uses, trails and public parks, residential uses, home based business and home industries, local and tourist commercial operations, small scale industrial uses, agricultural uses, forestry and resource management, institutional uses, community facilities, wayside pits and quarries including portable asphalt plants, waste disposal sites, and existing uses.

#### **3.1.3 New Residential Development**

- 3.1.3.1 Residential development may include single-detached dwellings or duplexes, garden suites in accordance with Section 3.1.5 and accessory uses associated with rural residential development.
- 3.1.3.2 Residential development is generally discouraged in the Rural designation however limited lot creation may be permitted in the Rural designation by way of consent in accordance with the Division of Land section of this Plan. All such lots must generally front upon assumed public roads maintained year-round. The creation of Plans of Subdivision/Plans of Condominium in the Rural designation is not permitted unless the Plan forms part of a new or expanding tourist commercial resort. In such cases an Official Plan Amendment will be required.



- 3.1.3.3 The creation of residential lots should not result in strip development along improved public roads.
- 3.1.3.4 Given the supply of existing vacant lots in the Municipality, it shall be a policy in the Rural designation that no more than two lots may be severed from an existing lot with an area of at least 40 hectares or is the whole of an original Township lot. Where an existing lot has had two or more prior severances, no additional lot creation is permitted, except where the proposed lot constitutes an infill lot.
- 3.1.3.5 For the purpose of Section 3.1.3.4, an infill lot is defined as a lot which is located between two residences located on the same side of the road and existed on the date this Plan was approved and are not more than 200 metres apart.
- 3.1.3.6 In considering an application for consent in the Rural designation, the policies of Section 2.2.2 shall apply. The area of new lots created in the Rural area shall generally be between 0.8 and 2.0 hectares to ensure the lot is appropriate for residential use and to assist in maintaining the character of the rural area. However, larger lot areas may be considered where the proposed use requires a large land area such as a home industry or hobby farm.
- 3.1.3.7 Notwithstanding sub-sections 3.1.3.1 to 3.1.3.6, original Township lots of record may be severed along original lot lines, provided such lots abut a public road assumed for maintenance purposes. Original Township lots that do not abut a public road may also be severed along original lot lines provided the severed and retained lots have access via a legal right-of-way and the owner enters into a private road agreement with the Township. In cases where such lots can be provided access to a public road at reasonable cost, Council may require the owner to upgrade the requisite road to Township standards for assumption and maintenance purposes.

### **3.1.4 Existing Development on Private Roads**

- 3.1.4.1 Existing residential uses in the rural designation which do not front on and have direct access to a public road may be placed in the Limited Service Residential (LSR) Zone in the Zoning By-law. The rezoning of land from the Limited Service Residential (LSR) Zone to a Zone that does not distinguish between service levels may be considered, provided the following criteria are met:
- i) The lot being rezoned shall have frontage on, and direct access to, a public road maintained year round by the Municipality or other public authority;
  - ii) The private road that abuts the lot(s) to be rezoned is brought up to Township road standards at no cost to the Municipality;
  - iii) The cost to the Township of providing road maintenance is off-set by additional assessment generated by the properties that have frontage on and direct access to the portion of the road that is to be assumed by the

Municipality;

- iv) The dwelling(s) and structures on the lot(s) to be rezoned shall comply with all applicable building and construction standards;
- v) The dwelling(s) on the lot(s) to be rezoned shall be serviced by a private well on the same lot or an appropriate water supply;
- vi) The dwelling(s) on the lot(s) to be rezoned shall be serviced by an appropriate means of sewage disposal that is designed to serve a permanent residence and which has obtained the approval of the MOE or their delegate;
- vii) The fire department and other emergency service providers confirm that the lot to be rezoned can be serviced year round by emergency service vehicles; and,
- viii) The lot(s) to be rezoned complies with all applicable Zone provisions in the implementing Zoning By-law.

### **3.1.5 Garden Suites**

3.1.5.1 Garden suites may be permitted in the Rural designation as an accessory use to a detached dwelling, subject to the approval of a Temporary Use By-law.

3.1.5.2 Prior to the approval of a Temporary Use By-law for a Garden Suite, Council shall ensure that:

- i) the Garden Suite can be accommodated on the existing septic system and water supply available on the lot;
- ii) the Garden Suite complies with Building Code regulations and all applicable provisions of the Zoning By-law; and,
- iii) The applicant has entered into an agreement with the Municipality and posted applicable securities to ensure the structure will be removed upon expiry of the Temporary Use By-law.

### **3.1.6 New Commercial Uses in the Rural Designation**

3.1.6.1 Commercial development shall generally directed to the settlements, however consideration may be given to the establishment of space extensive or service commercial uses in the Rural designation that serve the traveling public, the resource sector or the rural community. These uses may be permitted subject to a rezoning and site plan control with consideration being given to the nature of the development and the impact on the surrounding environment.

3.1.6.2 Applications for new commercial development in the Rural designation shall be considered with regard to:

- i) the physical suitability of the site for the proposed use;
- ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and the provision of adequate off-street parking facilities as required by the Municipality's Zoning By-law;
- iii) the compatibility of the proposed use with surrounding land uses;
- iv) an assessment of environmental impacts of the development; and,
- v) justification with respect to why the proposed use could not locate in a Settlement designation.

### **3.1.7 Home Based Business and Home Industries**

3.1.7.1 Home occupations are typically professional work and service activities that are carried out within the residential dwelling or accessory building that typically do not involve the sale of goods not produced on the premises. Such uses will be permitted as-of-right in the implementing Zoning By-law, subject to certain criteria.

Home industries are small-scale industrial uses that are accessory to a rural residential use. These uses should be screened from view and should not detract from the rural residential character of the lot or the surrounding area. Home industries may include welding, carpentry or machine shops, or agricultural related uses that involve the processing or transportation of regional produce or other products. The accessory retail sale of products produced in the home industry is also permitted. The repair, storage or sale of motor vehicles is generally not considered to be a home industry. Home industries will be permitted as-of-right in the implementing Zoning By-law, provided:

- a) the home industry is located on a lot that has a minimum area of 2.0 hectares and is separated from the lot line of any residential dwelling at least 300 metres or a lesser distance as determined through a technical assessment in accordance with the MOE D-Series Guidelines;
- b) the home industry is not a Class 3 industry as defined by the MOE D-Series Guideline;
- c) any open storage associated with the home industry is limited and screened from view;
- d) the home industry has a limited number of employees; and,

- e) the home industry is clearly accessory to a residential use and does not detract from the primary use of the property.

The development of a new home industry may be subject to Site Plan Control.

### **3.1.8 Buffering**

- 3.1.8.1 Buffering, including noise attenuating and visual screening measures, shall be provided for the purpose of reducing or eliminating the adverse effects of the commercial use on existing or proposed adjacent residential type uses. Council will require these measures to be illustrated on any site plan accompanying an application to develop a new commercial use.

### **3.1.9 Services**

- 3.1.9.1 New commercial development and the expansion of existing development shall take place in accordance with Section 2.1.5 (Water and Waste Water Servicing) of this Plan.

### **3.1.10 Conversion of Recreational Commercial Uses to Residential**

- 3.1.10.1 The conversion of an existing cabin or tourist establishment to a permanent dwelling, a recreational dwelling or condominium development shall be subject to rezoning which is supported by a Servicing Options Report preparing in accordance with Section 2.1.5 and an EIS prepared in accordance with Section 2.3.3. Such uses shall also be subject to site plan approval.

### **3.1.11 New Golf Courses and Recreational Uses in the Rural Designation**

- 3.1.11.1 The development of new golf courses and recreational uses may be permitted in the Rural designation subject to the policies contained in Section 3.1.6 regarding the establishment of new commercial uses in the Rural designation. Such uses may be permitted subject to an amendment to the Zoning By-law which is supported by a Servicing Options Report prepared in accordance with Section 2.1.5 and an EIS prepared in accordance with Section 2.3.3 and a hydrogeological report. New golf courses and recreational uses shall also be subject to Site Plan Control and where such uses incorporate a residential component, an Amendment to the Plan will be required in accordance with Section 3.1.3.

### **3.1.12 New Industrial Uses in the Rural Designation**

- 3.1.12.1 New industrial development may be permitted subject to a rezoning and site plan approval. Industrial development will include uses which are not compatible within the Settlement designation. Council will have regard for Ministry of Environment Guideline D-6 (Compatibility between Industrial Facilities and Sensitive Land Uses) in considering a zoning amendment to permit a new industrial use. Such uses shall respect the rural nature of the Municipality and may include industrial warehousing,

transport terminals, contractor's yards sawmills, planing mills, lumber yards, concrete plants, manufacturing and/or assembly operations. The Zoning By-law will establish provisions for accessory uses which may include a residence for an owner or caretaker, and associated office and retail facilities.

3.1.12.2 Applications for new industrial development shall be considered with regard to the following:

- i) the physical suitability of the site for the proposed use including ingress and egress to the site;
- ii) the compatibility of the proposed use with surrounding land uses, which may require a noise impact assessment to ensure that Ministry of Environment guidelines are adhered to;
- iii) the provision of adequate off-street parking and loading space to service the proposed establishment, as required by the Municipality's Zoning By-law;
- iv) a rationale with respect to why the proposed use could not locate in a Settlement designation;
- v) Any new industrial development shall front on an assumed public road which is maintained on a year-round basis;
- vi) Industrial uses which are considered to be obnoxious in nature will be defined in the Zoning By-law and may not be permitted in the Municipality; and,
- vii) Where the proposed use will be located within 120 metres of an environmental feature identified on Schedule B, an Environmental Impact Study shall be prepared in accordance with Section 2.3.3 of this Plan and submitted with the application for an amendment to the Zoning By-law for new space extensive industrial uses to ensure that the proposed use will have no detrimental impacts on significant environmental features.

### **3.1.13 Buffering**

3.1.13.1 Buffering, including noise attenuating and visual screening measures, shall be provided for the purpose of reducing or eliminating the adverse impacts of the industrial use on existing or proposed adjacent residential type uses.

3.1.13.2 The buffer may take the form of an open space separation created to the satisfaction of the Ministry of Environment, a berm, wall, fence, or vegetation plantings, or a combination of these features which would be most suitable in achieving its intended purpose. Buffering measures shall be illustrated on any site plan accompanying an application to develop a new commercial use.

### **3.1.14 Services**

3.1.14.1 Industrial development shall generally take place on individual wells and septic systems with the approval of the Haliburton Kawartha Pine-Ridge District Health Unit and/or the Ministry of Environment and Energy.

3.1.14.2 Where a proposed industrial use is not considered by Council to be a 'dry' use, a Servicing Options Report as outlined in Section 2.1.5 (Water and Waste Water Servicing) of this Plan may be required to ascertain the most appropriate form of servicing to foster environmental protection.

### **3.1.15 Existing Mobile Home Parks**

3.1.15.1 Existing recreational and permanent mobile home park uses and associated uses are permitted in the *Rural* designation. Any changes in existing uses which significantly increase the occupancy of these parks may be subject to an Official Plan Amendment in accordance with Section 3.1.11 and a Zoning By-law Amendment and shall be subject to Site Plan Control.

### **3.1.16 Agricultural Uses**

3.1.16.1 Agriculture is recognized as a traditional rural use which contributes to the character, landscape and viability of the rural designation. Traditional agricultural uses as well as specialized uses such as maple sugar operations, hobby farms, equestrian facilities, nurseries, and game farms are permitted in the Rural designation, subject to zone regulations. The Municipality encourages the preservation of existing agricultural uses. All farm and non-farm development will comply with the Minimum Distance Separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time.

### **3.1.17 Forestry Uses**

3.1.17.1 Forestry uses are permitted in the *Rural* designation as long as the use respects the guidelines for the resource as provided by the Ministry of Natural Resources and the applicable by-laws of the Municipality. The Zoning By-law will define forestry uses as well as related uses that are industrial in nature and therefore require an amendment to the Zoning By-law to be permitted in the *Rural* area.

### **3.1.18 Institutional Uses**

3.1.18.1 Government facilities, places of worship, and other public uses which reflect the rural character of the Municipality may be permitted in the *Rural* designation subject to an amendment to the Zoning By-law and Site Plan Control to ensure that the facility is compatible with the surrounding land uses and blends into its natural surroundings.

### **3.1.19 Wayside Pits and Quarries**

3.1.19.1 Wayside pits and quarries are short-term land uses which are used for a specific government road construction project. These uses shall be permitted in the Rural designation, subject to the provisions of the Aggregate Resources Act.

### **3.1.20 Aggregate Resource Overlay**

3.1.20.1 Primary and secondary resource areas which have been evaluated or determined by the Province as having potential for the extraction of unconsolidated aggregate resources have been identified on Schedule 'D' to this Plan as Aggregate Resources Overlay. Lands identified within the Aggregate Resource Overlay designation are still subject to the policies of the underlying designation, however lands with potential for aggregate extraction should be protected from development or land uses that may preclude or hinder the effective and/or economical extraction of aggregate in the future.

Notwithstanding, there may be cases where the economical and/or physical extraction of aggregate is not feasible and/or appropriate. In such cases, development or land use permitted by the policies of the underlying designation of this Plan on lands within the Aggregate Resources Overlay may be permitted, if it can be shown to the satisfaction of Council that:

- a) the resource use would not be feasible; or,
- b) there is not enough aggregate in the area to justify its economical extraction; or,
- c) the proposed land use or development serves a greater long term public interest; and,
- d) issues of public health, public safety and environmental impact are addressed.

### **3.1.21 MINERAL RESOURCES OVERLAY**

3.1.21.1 It is the intent of Council to work with the Ministry of Northern Development and Mines (MNDM) to obtain information regarding mineral resources, to identify areas of mineral potential and abandoned mine sites.

3.1.21.2 For the purpose of this Official Plan, mining is understood to include above and below ground work, pits and quarries used for mineral extraction, as well as associated processing, transportation, waste and tailing storage, and directly related activities. Mining excludes pits and quarries used for aggregated extractions as part of the aggregate policies.

3.1.21.3 Areas of known mineral deposits and/or areas of mineral potential are identified in

the Mineral Resource Overlay Designation on Schedule “D” to this Plan. Where new information is made available to the Municipality as potential mineral deposit areas, this information may be added to Schedule “D” by Amendment, or at the time of an Official Plan Review.

3.1.21.4 Mining and related activities will only be permitted outside of identified settlement areas. The compatibility of mining activities with surrounding land use designations will determine the specific nature of permitted mining and mining related activities.

3.1.21.5 The establishment of mining related activities shall be subject to the approval of MNDM under the Mining Act and the Environmental Protection Act and will require an amendment to the Official Plan and Zoning By-law.

3.1.21.6 An influence area will be used as a means of protecting existing land uses in the vicinity of proposed mining operations from a land use conflict and reciprocally to protect Areas of Mining Potential and mining operations from the encroachment of incompatible land uses. Development may be permitted in the influence area only where the impacts of mining operations can be properly mitigated. The influence areas shall be 1,000 metres (3,280 feet). The establishment or modification of the influence area should be carried out in consultation with the Ministry of Northern Development and Mines and the Ministry of Environment and may be done without an amendment of this plan.

### **3.1.22 Abandoned Mine Sites**

3.1.22.1 When a development is proposed within 1,000 metres of an abandoned mine hazard as identified on Schedule ‘D’ to this Plan, there is potential for impact on a proposed development development. The Municipality and proponent shall consult with MNDMF – Regional Land Use Geologist in order to assess the nature of hazards and what technical studies may need to be completed to determine whether the land is suitable for the type of development proposed and that the development does not interfere with any rehabilitation, maintenance or monitoring requirement for the mine workings/hazards.

### **3.1.23 Waste Disposal Sites**

3.1.23.1 Only those sites approved by the Ministry of Environment and Energy and the Municipality shall be used for the disposal or storage of solid or liquid waste. Such sites shall be operated to the standards established by the Ministry of the Environment. Expansions to existing sites or the development of new sites shall require approval under the Environmental Assessment Act and Environmental Protection Act concurrent with an amendment to the Zoning By-law.

### **3.1.24 Commercial Dog Kennels**

3.1.24.1 Commercial dog kennels may be permitted in the *Rural* designation provided the



lands do not abut the shoreline of a lake and subject to an amendment to the implementing Zoning By-law. Before considering such an amendment, Council shall be satisfied that:

- a) the size of the proposed dog kennel is appropriate for the area;
- b) the building housing the dog kennel and the associated dog runs is set back at least 100 metres from lot lines;
- c) the use is located at least 500 metres from lands within the *Settlement* designation or any lot which abuts the shoreline of a lake;
- d) the noise emanating from the kennel will not have an adverse impact on the enjoyment of adjacent properties;
- e) an appropriate animal waste management plan is put in place; and,
- f) an undue concentration of dog kennels does not already exist in the general vicinity of the proposed kennel.

A new dog kennel shall also be subject to a Site Plan Agreement in accordance with Section 5.6 of this Plan.

### **3.1.25 Cemeteries**

3.1.25.1 In accordance with the Cemeteries Act and its appurtenant regulations cemeteries may be permitted in the *Rural* designation subject to an amendment to the implementing Zoning By-law. A cemetery may include, a crematorium as an accessory use. Before considering such an amendment, Council shall be satisfied that the applicant has prepared all of the requisite material required under the provisions of the Cemeteries Act, including the ability to set aside a reserve fund for long-term maintenance. Cemeteries will be subject to site plan control and may be subject to other agreements concerning long-term maintenance and responsibility in order to protect the taxpayer from the prospect of cost and liability associated with the maintenance of an open or closed cemetery. This Section is not intended to be used as a guide to the establishment of a pet cemetery. Pet cemeteries are not permitted under this Plan, as the Municipality is not equipped with Provincial legislation or regulation to ensure this land use would be appropriately regulated.

### **3.1.26 Zoning**

3.1.26.1 Rural uses shall be zoned in a number of zone classifications in the Municipality's Zoning By-law. The Zoning By-law will establish zone regulations for permitted uses within each zone classification.

## **3.2 SETTLEMENT AREA**

### **3.2.1 Objectives**

- 3.2.1.1 To encourage mixed use development in the Municipality to occur within the settlements of Cardiff Village, Wilberforce, Highland Grove, Gooderham and Tory Hill.
- 3.2.1.2 To enhance the character and identity of the settlements.
- 3.2.1.3 To promote the settlements as service centers in the Municipality which provide a range of housing opportunities.
- 3.2.1.4 To promote and facilitate the settlements as places where walking and biking can be safely accommodated.

### **3.2.2 Permitted Uses**

- 3.2.2.1 Permitted uses in those areas designated as *Settlement Area* as shown on Schedule A shall include: residential uses; commercial uses; light industrial uses; institutional uses, bed and breakfasts, home occupations, community facilities including parkland and trails and group homes.

### **3.2.3 Relationship to the Shoreline Designation**

- 3.2.3.1 It is recognized that many properties with the *Settlement Area* designations have frontage on a lake. In such instances the permitted uses, zoning regulations and development policies of the *Shoreline* designation as they relate to lake capacity and retention of shoreline vegetation shall take precedence over the *Settlement Area* policies.

### **3.2.4 New Residential Development**

- 3.2.4.1 Residential development within the *Settlement Area* designation shall reflect the character of the community and shall occur by consent or by registered Plan of Subdivision as a natural and orderly extension to existing development.
- 3.2.4.2 The proposed method of servicing for new development or redevelopment in the Settlement Area designation shall be supported by a Servicing Options Report as outlined in Section 2.1.5 (Water and Waste Water Servicing) completed to the satisfaction of Council and other applicable authorities.
- 3.2.4.3 New development within the *Settlement Area* designation is encouraged to accommodate active transportation needs, make an efficient use of land and infrastructure and provide for a range/mix of land uses.

### **3.2.5 Expansion to a Settlement Boundary**

3.2.5.1 Where an expansion to the Settlement is proposed, a Comprehensive Review of this Official Plan shall be required and the following will need to be provided:

- i) A pre-consultation meeting with the County of Haliburton;
- ii) A Servicing Options Report prepared in accordance with Section 2.1.5;
- iii) An Environmental Impact Study prepared in accordance with Section 2.3.3;
- iv) A Growth Management Assessment determining the need for additional residential development given the availability of vacant lots in the Municipality; and,
- v) Additional studies as required to ensure a potable water supply, protection of groundwater and sustainable development.

### **3.2.6 Commercial, Light Industrial and Home Based Business**

3.2.6.1 Commercial and light industrial uses shall be permitted in the *Settlement Area* designation where such uses are compatible with surrounding land uses and the general character of the Settlement Area. Such uses will be identified in the Municipality's Zoning By-law.

3.2.6.2 Home based businesses, including bed and breakfasts shall be permitted in the *Settlement Area* designation and shall be regulated by the Municipality's Zoning By-law.

3.2.6.3 The conversion of a residential use to a commercial or light industrial use shall require a zoning by-law amendment to ensure the proposed use will be compatible with surrounding uses.

### **3.2.7 Zoning**

3.2.7.1 Settlement Area uses shall be zoned in separate zone classifications in the Municipality's Zoning By-law.

### **3.3 SHORELINE**

#### **3.3.1 Objectives**

- 3.3.1.1 To identify shoreline communities which are comprised of resource-based recreational uses and existing shoreline lands still in their natural state.
- 3.3.1.2 To ensure that the quality of the lake and river environment is maintained or improved.
- 3.3.1.3 To provide for environmentally sound development in shoreline areas.
- 3.3.1.4 To ensure the natural state of the shoreline is maintained to the greatest extent possible.

#### **3.3.2 Permitted Uses**

- 3.3.2.1 Permitted uses in those areas designated as *Shoreline* as shown on Schedule 'A' are comprised of resource-based recreational uses which include parkland and trails, single detached residential dwellings and accessory bed and breakfasts and home occupations, marinas and recreation-based tourist commercial uses which are compatible with surrounding uses.

#### **3.3.3 Residential Development Policies**

Many dwellings in the Shoreline designation are capable of being utilized on a year-round or semi-permanent basis. It is the intent of this Plan that both seasonal and permanent occupancy will be permitted in these areas and the Implementing Zoning By-law will not define, regulate or differentiate between seasonal and permanent use of residential, recreation-based dwellings.

- a) New residential development shall consist primarily of single detached dwellings on separate lots. New lots should have at least 60 metres of straight-line, shoreline frontage and road frontage and a lot area of 1 hectare or as approved in accordance with Section 2.2 of the Plan. Larger lots may be required in areas where environmental or physical constraints exist on the lands and on narrow channels (less than 120 metres (400 ft.)) or small water bodies, or in deer wintering areas or sensitive fish habitat. All new lots on islands shall have a straight-line, shoreline frontage of 120 metres and an area of 1.2 hectares and shall have a private mainland parcel of land for staging, parking and/or dockage.
- b) All new residential development shall utilize sewage disposal systems that incorporate soils capable of retaining phosphorus to prevent its migration into the lake;

- c) One guest cabin may be permitted in the *Shoreline* designation as an accessory use to a residential use provided the lot has a minimum area of 0.5 hectare. Specific regulations for guest cabins shall be provided in the Implementing Zoning By-law.

### **3.3.4 Private Roads**

- a) All lots that do not have frontage on and direct access to an assumed public road that is maintained year round shall be placed in a Limited Service Residential Zone in the Implementing Zoning By-law.
- b) Rezoning of lands within the Limited Service Residential Zone to a Zone that does not distinguish between service levels may be considered by Council provided the following criteria are met:
  - i) The lot(s) being rezoned shall have frontage on, as well as direct access to, a public road maintained year-round by the Municipality or on a private road controlled by a condominium corporation;
  - ii) The dwelling(s) on the lot(s) to be rezoned shall comply with all building and construction standards that apply to dwellings to be used on a year-round basis;
  - iii) The dwelling(s) on the lot(s) to be rezoned shall be serviced by a private well on the same lot or an appropriate water supply;
  - iv) The dwelling(s) on the lot(s) to be rezoned shall be serviced by an appropriate means of sewage disposal that is designed to serve a year-round residence and which has obtained the approval under Part 8 of the *Ontario Building Code* or has obtained a Certificate of Approval issued by the Ministry of the Environment;
  - v) The emergency services confirm, in writing, that the dwelling(s) on the lot(s) to be rezoned can be serviced year round by emergency vehicles; and,
  - vi) The lot(s) to be rezoned complies with all applicable Zone provisions in the Implementing Zoning By-law.

### **3.3.5 Limits of Shoreline Development**

It is the intent of this Plan that new development in the *Shoreline designation* be directed to lands that are physically suitable for development in their natural state in an effort to maintain the area's unique character. Creating lands that are suitable for development by blasting or filling the natural landscape or dredging the lake bottom shall not be permitted.

New residential development in the *Shoreline* designation shall be limited to small-scale subdivisions, condominium or minor infilling by consent. New backlot development is not permitted except where the creation of such backlots *comprise* part of a greater shoreline development which ensures lake access to backlots or where the creation of such lots would constitute a severance from an original lot of record in accordance with Section 3.1.3.4 of this Plan.

Any Amendment to this Plan that has the effect of permitting additional residential development, wholly outside of but adjacent to the Shoreline designation, will only be considered as part of a review of the extent and limits of the existing Shoreline designation for the entire lake. The review shall also determine the extent to which development within existing designated land would consume available development capacity on the lake and is carried out as part of a comprehensive Official Plan Amendment for the whole lake under consideration for development.

### **3.3.6 Site Evaluation Report**

Applications for new lot creation within the *Shoreline* designation will include a Site Evaluation Report, which shall provide the following information:

- a) A description of the nature of the lands, the development proposal, and the natural and physical context of the site;
- b) Site specific information such as slope and soil characteristics, vegetation, drainage, erosion and flooding characteristics;
- c) A plan identifying suitable locations for a driveway, building envelope, septic location, shoreline amenity and docking area and existing vegetation to be retained;
- d) Environmentally sensitive areas shall be identified, including wetlands, fish habitat, and wildlife habitat;
- e) Potential impacts of the development should be identified including lake water quality impacts, storm water quality and quantity impacts, erosion, vegetation, habitat, shoreline and visual/aesthetic impacts;
- f) The Site Evaluation Report shall assess the constraints to development and address how the constraints can be managed or mitigated effectively through the utilization of appropriate development control techniques including site plan control; and,
- g) The report shall also address the appropriateness of the proposed development and its ability to satisfy the goals of this Plan and shall be prepared in accordance with the policies of this Plan and specifically Section 3.3.12 to Section 3.3.16 of this Plan.

### **3.3.7 Bed And Breakfast Establishments**

New bed and breakfast establishments may be permitted by way of an Amendment to the Implementing Zoning By-law and subject to Site Plan Control in accordance with the policies of Section 5.6 of this Plan.

### **3.3.8 Preservation of Vegetation**

New development in the shoreline shall be sensitive to the preservation of existing tree cover and vegetation so as to prevent erosion, siltation and possible nutrient migration and help maintain wildlife habitat. Development shall be set back a minimum of 20 metres from the high water mark for existing lots and 30 metres for new lots created after this Plan came into effect on December 7, 2004. Site alteration and disturbance of vegetation within the 20 metre setback shall be limited to minor alterations to accommodate access trails, docks, water pumping equipment or restoration work. Performance standards respecting the protection of the vegetative buffer and the amount and type of development permitted to encroach within the buffer shall be administered through Site Plan Control.

### **3.3.9 Tourist Commercial Uses**

It is the intent of this Plan to provide for the continuation of existing tourist establishments and resort commercial uses and, where feasible, to support the further development of this component of the local economic base in keeping with market demands related to changing lifestyles and leisure activities.

The tourist commercial uses permitted in the *Shoreline* designation shall be limited to small-scale tourist establishments and resorts, or other similar uses and facilities which are privately owned and operated to provide accommodation on a temporary basis such as rental cabins and housekeeping cottages, lodges, motels, marinas or other similar recreational commercial uses. Ancillary uses and activities, such as indoor and outdoor recreational facilities, retail commercial uses of a convenience nature, or eating establishments which primarily serve the needs of persons using the tourist commercial use shall also be permitted. Residential accommodation shall also be permitted for the accommodation of the owner or caretaker or other similar personnel and staff members.

In reviewing an application to rezone land for a Tourist Commercial use, Council shall consider the following matters:

- a) Regard shall be had for the layout and design of resort commercial areas such that the internal road pattern provides for the adequate movement of vehicular traffic. Access points to and from public roads shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.
- b) It is the intent of this Plan to encourage increased setbacks of large-scale development from the shoreline. Setbacks for buildings, structures and

uses requiring proximity to the water such as docks, boathouses, marina service facilities and water pumping equipment shall be identified in the Zoning By-law.

- c) It shall be the policy of this Plan that resort commercial uses which provide accommodation, will provide a minimum of five percent of the gross area associated with those resort commercial uses as improved outdoor areas. For the purposes of this Plan, improved outdoor areas shall mean lands, which have been graded and leveled and, as may be necessary, sodded or seeded or otherwise enhanced so as to provide suitable areas and facilities for the use and enjoyment of visitors or patrons.
- d) An application for development of a resort commercial use which requires an amendment to either this Plan or the Implementing Zoning By-law shall be accompanied by a hydrogeological report with respect to the adequacy of groundwater supplies and the ability of the soils to sustain development on the basis of private services. All private water supply and effluent treatment systems shall be installed in accordance with the authority responsible for their approval. Sewage treatment systems shall require tertiary treatment.
- e) In considering an application for an amendment to permit the development of a resort commercial use, Council shall have regard for the physical suitability of the site, the adequacy of vegetative cover, the location of the proposed site relative to the land use policies and designations contained in this Plan.  
  
Specific regard shall also be had for such matters as the provision of adequate setbacks, buffer planting and landscaped open space, the design and location of off-street parking facilities and access points, and the location of signs and outdoor lighting so as to provide for a reasonable degree of compatibility with adjacent land uses.
- f) An application for the development of a resort commercial use shall be accompanied by a site plan prepared in accordance with the provisions of Section 5.6 of this Plan.
- g) Notice of applications to amend the By-law to permit new commercial uses shall be given to property owners within 400 metres (1200 ft) of the subject lands and to the President or appointed contact person of any Cottage or Shoreline Associations. Wherever possible public meetings for these proposals shall be held during the summer season, between May 1 and October 15.
- h) Council will exercise caution in establishing the density of new tourist commercial developments and will ensure that the density of such development is compatible with existing shoreline uses and of a scale appropriate to the lake where it is proposed. Density standards will be



established through the Zoning Amendment process with consideration for the maximum number of occupants that can be accommodated, rural servicing standards, lot size, lot frontage, lake size, existing lake uses compared to the types of recreational uses and amenities proposed.

- i) Tourist Commercial development that intends to offer water-related activities such as lake based lessons, fishing, water-skiing or wake boarding, will be required to provide a Lake Impact Study to evaluate the compatibility of the proposed use(s) with the lake and its existing shoreline community. The study will demonstrate that any social and environmental impacts caused by the proposed water-related activities are compatible with existing recreational uses and the recreational carrying capacity of the lake. The recommendations of the study will be implemented through a development agreement or such other agreements as Council deems necessary.

### **3.3.10 Fractional Ownership**

Densities permitted for developments based on fractional ownership shall be based on the nature and built form of the development. Developments in the form of individual cottages shall meet the frontage and density requirements for residential uses. Developments in the form of tourist resorts with communal facilities and commercial services shall be based on the policies for tourist commercial developments and shall be subject to a zoning amendment to a tourist or shoreline commercial zone.

### **3.3.11 Undeveloped Land**

The *Shoreline* designation includes lands that are still in a natural state and are primarily undeveloped. The inclusion of these lands in the *Shoreline* designation does not imply that all of these lands will ultimately be developed for those uses permitted by the *Shoreline* designation. It is a policy of this Plan to ensure that the future use of these lands is consistent with the objectives and policies of the Shoreline designation, specifically Sections 3.3.12 to 3.3.16. Proposals for significant or major new developments that are not anticipated by this Plan in terms of use, form, scale or height, shall require an amendment to this Plan.

### **3.3.12 Design Objectives in Shoreline Areas**

It is anticipated that the shoreline areas will see some degree of change during the life of this Plan as a result of redevelopment and expansion of aging recreational dwellings. In an effort to ensure that the shoreline areas evolve in a manner that is respectful of the existing character of shoreline areas, it is the desire of Council to create and encourage a high quality of built form that is sensitive to lake heritage. On this basis, the following are objectives of this Plan relating to waterfront design:

- to promote development which is based on good design and

environmental principles;

- to enhance the unique character of the Municipality's waterfront areas by encouraging high quality design that is complementary and compatible with existing development;
- to minimize the extent of site alteration necessary to accommodate new development;
- to exercise appropriate municipal development control in order to achieve a consistently high quality of site, building and landscape design;
- to be sensitive to the impact of light and sound on the lake environment; and,
- to protect significant natural heritage values and ecological functions.

### **3.3.13 Design Guidelines in Shoreline Areas**

- a) The design of new buildings should achieve a complementary design relationship to existing buildings, while accommodating a diversity of architectural styles, building materials, subdued lighting, energy conservation techniques and innovative built forms.
- b) The design of all buildings shall have regard to appropriate setbacks and the protection or provision of vegetative buffers along the lakefront. Buildings should be massed to recognize appropriate scale and provide an appropriate building height at the waterfront and be designed to provide visual variety and interest. Generally, building features such as canopies, decks, and varying facade materials and stepbacks should be used to reinforce a lake friendly scale.
- c) Buildings in the *Shoreline designation* will be designed and constructed to blend in to the natural environment. In this regard, the Zoning By-law implementing this Official Plan may include regulations that will:
  - i) limit lot coverage up to a maximum of 10 percent of the lot area within the front 60 metres of the lot;
  - ii) limit the size of the waterfront dwellings based on the height of the dwelling;
  - iii) limit the expansion and additions to existing dwellings where the building does not comply with the By-law performance standards including shoreline setbacks;
  - iv) establish standards to direct and mitigate development on lands containing steep slopes including defining steep slopes or a range of slopes, regulating building placement and height based on the nature of the slope, regulating structures including stairs used to provide access to the water, and prohibiting development

- on lands over a certain slope;
  - v) limit the height of buildings within the front 60 metres of a lot to ensure that the building height does not intercept the natural tree line when viewed from the water;
  - vi) limit the size of docks to a maximum percentage of the shoreline frontage of the lot or a defined size, whichever is greater; and,
  - vii) width, height and setback standards in the implementing Zoning By-law will limit the visual impact of detached accessory buildings on adjacent lands and on the natural quality of the shoreline.
- d) Council will designate all lands within the *Shoreline* designation as a Site Plan Control area.

### **3.3.14 Shoreline Natural Area Design and Tree Preservation**

- a) A minimum of 90 percent of the front 20 metres of a lot should be maintained in a natural vegetative state.
- b) Vegetation buffers and landscaping are a major contributor to a quality lakefront. A high quality of natural area preservation and landscape design will be required to enhance the visual aesthetics of development and to enhance the site and waterfront compatibility.
- c) Landscaping shall be used to screen or buffer development from adjacent uses, and mitigate the visual impact of the development, where necessary.
- d) Landscape materials shall be selected for their ecological characteristics. Native species are encouraged, and invasive species or species requiring use of pesticides, herbicides and fertilizers shall be discouraged.
- e) Landscaping can play an important role in delineating a site's side yards and often provides a visual break. Existing natural areas between uses should be preserved wherever possible.
- f) Significant treed areas on a development site shall generally be preserved, maintained and integrated into the new landscape design.
- g) Landscaping requirements shall be implemented through Site Plan Control and/or a Tree Cutting By-law.

### **3.3.15 Waterfront Servicing**

- a) Site and building services and utilities such as wells, sewage treatment systems, waste storage/pumping facilities, air conditioning equipment,

satellite dishes, propane storage tanks, outdoor furnaces and hydro equipment and telephone transformers shall be located and/or screened from the lake and adjacent residential dwellings or other sensitive land uses, in order to buffer their visual and operational effects.

- b) Site access, service areas and loading areas shall be located away from the lake so as to minimize disruption or conflicts with adjacent land uses. Sidewalks and other pedestrian routes shall be visually screened as necessary from public views. Screening should be designed to use natural vegetation, landscaping and/or solid fencing. Loading and service areas should be buffered for noise and lighting impacts, particularly when located adjacent to residential areas.
- c) It is recognized that with some commercial land use, there may be a need to accommodate some limited outside storage or staging areas, particularly for uses such as marinas and campgrounds. These storage areas should be organized and designed to reduce their potential negative impacts. Therefore, open processing and storage areas should be located in the rear or side yards and screened from public view, or from views from adjacent properties, using fencing and/or landscaping.

### **3.3.16 Waterfront Development Approvals**

- a) The Waterfront Design policies of this Plan, shall be considered in the shoreline area.
- b) The Municipality shall exercise its authority through zoning, site plan approval and/or the development permit process to encourage a high quality of building and landscape design and may prepare a Site Plan Manual to assist in implementing the design policies of this Plan.
- c) The Municipality shall ensure that its municipal By-laws are regularly reviewed and amended to reflect the design policies of this Plan.

### **3.3.17 Shore Road Allowances**

- 3.3.17.1 Council shall continue to offer those lands to be purchased, which have historically been identified as shoreline road allowances. Council may also establish agreements with prospective purchasers to maintain the natural vegetative state of the shoreline or to require existing buildings and structures located on the shore road to be removed. Where existing buildings are located on the shore road and cannot be removed, an Amendment to the Zoning By-law shall be required to address areas of non-compliance with the Implementing Zoning By-law.

### **3.3.18 Shoreline Setbacks**

3.3.18.1 In shoreline areas, Council will encourage a minimum setback of 30 metres for new development on vacant lots of record and redevelopment or expansions to existing buildings and structures, which are subject to a planning approval. In cases where this is not achievable, the greatest setback possible will be required. New shoreline lots created after this Plan came into effect on December 7, 2004 shall be subject to a 30 metre shoreline setback for development as specified in Section 2.3.5.

3.3.18.2 In some cases, it is recognized that landowners may apply to seek relief from the required shoreline setback. Relief from the shoreline setback shall only be considered through a zoning by-law amendment. In reviewing applications for a reduction in the shoreline setback, Council shall be satisfied that the reduction will not adversely impact environmental features or functions, and:

- i) The proposed setback is reasonable based on the size, shape and/or topography of the lot; or,
- ii) Mitigative measures have been provided to ensure the intent of Section 2.3.5 is maintained.

### **3.3.19 Zoning**

Shoreline uses shall be zoned in separate zone classifications in the Municipality's Zoning By-law and provisions will be established to regulate issues such as density and setbacks.

### **3.4 AGGREGATE RESOURCE**

**3.4.1** The Aggregate Resource designation includes all lands licensed for aggregate resource extraction by the Ministry of Natural Resources and are currently zoned for such purpose. Aggregate resources are generally not plentiful in the Municipality; therefore, development of the subject land for other purposes shall be restricted to preserve these deposits for the future road building requirements of the Municipality and other levels of government.

#### **3.4.2 Objectives**

3.4.2.1 To recognize and protect lands with potential for aggregate resource extraction as well as existing aggregate operations.

3.4.2.2 To minimize conflicts between existing or potential aggregate extraction operations and other land uses.

3.4.2.3 To ensure that extractive activities are carried out with minimal environmental or social cost.

#### **3.4.3 The Aggregate Resources Act**

On January 1, 2007, the Municipality of Highlands East was designated under the Aggregate Resources Act (ARA). At the time that Amendment #1 to this Plan was prepared, there were 12 ARA licenses and 3 Crown land permits for aggregate extractive operations in the Municipality. These sites are identified on Schedule A. New sites or expansions to existing sites in the Rural designation will require an Amendment to this Plan.

The following policies are intended to provide guidance to the community, Council and proponents of aggregate operations with respect to the establishment of new operations or the expansion of existing operations.

#### **3.4.4 Relationship between this Plan and the Ministry of Natural Resources**

It is recognized that the Ministry of Natural Resources licenses and regulates mineral aggregate operations under the *Aggregate Resources Act* in the Municipality of Highlands East. It is the intent of this Plan to ensure that there is open and transparent consultation between the appropriate Provincial Ministries and agencies, the proponent(s) of the mineral aggregate operation, the community and Council before licenses are issued or modified, in order to ensure that new mineral aggregate operations or expansions to existing operations are carried out in a manner that is consistent with the goals and objectives of this Plan.

### **3.4.5 Development Adjacent to Existing Extractive Operations**

When new development (through a Planning Act application) is proposed within 300 metres of a pit or 500 metres of a quarry within the *Aggregate Resource* designation, Council shall be satisfied that the proposed use is compatible with the operation of the pit or quarry. In order to address this issue, the proponent will be required to retain a qualified professional to complete an impact assessment of noise and vibration levels in accordance with Publication NPC-119 (MOE) or any successor of this publication.

### **3.4.6 New Mineral Aggregate Operations or Expansions to Existing Operations**

All new mineral aggregate operations and/or expansions to existing mineral aggregate operations shall require an Amendment to the Official Plan and Zoning By-law. All such applications shall be supported by studies that address:

- a) the effect of the mineral aggregate extractive operation on:
  - i) the natural heritage features and functions on the site and in the area proximate to the proposed site. For the purpose of this sub-section natural heritage features include lakes and major navigable waterways;
  - ii) nearby residents;
  - iii) recreational resources and activities;
  - iv) the character of the area;
  - v) the quality and quantity of groundwater and surface water in the sub-watershed;
  - vi) the built or cultural heritage resources in the area including cultural heritage landscapes, archaeological sites and areas of archaeological potential as identified by Council or as confirmed by the Ministry of Culture;
  - vii) significant geologic formations on the site and in the area;
  - viii) where blasting is necessary as part of the operation, the groundwater recharge functions on the site and in the immediate area assessed by a hydrogeological study;
  - ix) surface water features in the area; and,
  - x) nearby wells used for drinking water purposes, which have the potential to be impacted by extractive activities.
- b) the location and suitability of the proposed haul routes;
- c) the effect of the noise, odour, dust and vibration generated by the proposed use assessed in accordance with the MOE's D-Series Guidelines and other applicable Provincial regulations;
- d) how the natural features and functions on the site and in the area can be

protected and/or buffered during the operation of the facility and/or after the facility has been progressively rehabilitated;

- e) that the proposed facility will not impact Endangered Species or the habitat of Endangered Species as required by the Endangered Species Act;
- f) how the impacts from the proposed pit or quarry will be mitigated in order to lessen those impacts; and,
- g) how the site will be progressively and finally rehabilitated to accommodate subsequent land uses after the extraction is complete.

### **3.4.7 Conservation and Reuse of Aggregate Resources**

The reuse and recycling of concrete, asphalt, brick, glass and other suitable materials should be utilized to conserve aggregate materials, provided such reuse and recycling is permitted in the Zoning By-law and the storage of such material can be accommodated in a manner that is safe and does not pose a contamination risk. Zoning provisions will limit the amount of recyclable material that may be brought into a licensed site to limits that can be utilized in a reasonable timeframe to prevent stockpiling and the potential abandonment of such material. For the purpose of this policy, the storage of tires and plastics will not be permitted.

### **3.4.8 Rehabilitation**

The progressive and final rehabilitation of all pits and quarries in the Municipality is an expectation of this Plan. Wherever possible, Council will work with pit and quarry operators and the Ministry of Natural Resources to ensure that all licenses have progressive rehabilitation plans and where applicable, are actively completing site rehabilitation and restoration.

If a site previously existed in a natural state, it is a requirement of this Plan that natural self-sustaining vegetation and hydrologic features be established and restored.

### **3.4.9 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants**

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an amendment to this Plan, rezoning, or development permit under the Planning Act in all areas of the Township, except residential areas and environmentally sensitive areas including those areas designated as *Environmental Protection*, and provided that they are consistent with the Provincial Policy Statement.



### **3.4.10 Implementing Zoning By-law**

The implementing Zoning By-law shall place all existing licensed aggregate operations and all aggregate permits in a Mineral Aggregate Resource One (MAR1) Zone that permits quarries and sand and gravel extraction operations.

## **3.5 ENVIRONMENTAL PROTECTION**

### **3.5.1 Objectives**

- 3.5.1.1 To maintain and enhance the ecological integrity of environmental and natural heritage features in the Municipality.
- 3.5.1.2 To eliminate the potential for the loss or fragmentation of significant wetlands and the habitats and ecological functions they provide.
- 3.5.1.3 To implement the environmental principles in this Official Plan.

### **3.5.2 Description of the Environmental Protection Designation**

3.5.2.1 The *Environmental Protection* designation primarily is comprised of lands having environmental significance such as Provincially and locally significant wetlands and Areas of Natural and Scientific Interest as shown on Schedule "B" to this Plan. However the *Environmental Protection* designation may also include natural hazard lands such as floodplains, steep slopes or lands characterized by any other physical condition which makes them physically unsuitable for development. General policies relating to these features can be found in Section 2.3.

3.5.2.2 Lands designated *Environmental Protection*, as shown on Schedule A, are intended for protection and conservation of the natural land and/or environment. These lands should be managed to complement adjacent land uses and should be protected in their natural state. The *Environmental Protection* designation is based upon resource mapping provided by the Ministry of Natural Resources and additional hazard lands may be added to Schedules A or B by an amendment to this Plan.

### **3.5.3 Permitted Uses**

- 3.5.3.1 Permitted uses in the *Environmental Protection* designation are limited to those uses which do not diminish the natural environment or the habitats of the fish or wildlife therein such as resource management uses and wildlife conservation areas.
- 3.5.3.2 No permanent buildings or structures shall be permitted, except those required for flood and erosion control and which have obtained applicable approval from the Ministry of Natural Resources Natural Resources or Department of Fisheries.

### **3.5.4 Development**

- 3.5.4.1 Within the areas designated *Environmental Protection*, the preservation and enhancement of the natural environment will take precedence over all other uses and therefore development within the Environmental Protection designation shall

not be permitted. However, where it has been demonstrated through the completion of an EIS in accordance with Section 2.3.3 that specific lands should not be placed in the *Environmental Protection* designation and can accommodate development, such lands may be redesignated by an Official Plan Amendment.

3.5.4.2 In addition development proposals on lands within 120 metres of a Wetland identified on Schedule “B” to this Plan, and on lands which connect individual wetland areas, shall be subject to the preparation of an EIS in accordance with Section 2.3.3 and shall specifically ensure that the development will not result in:

- i) The loss of wetland functions;
- ii) Conflict with existing wetland management practices; or;
- iii) The loss of contiguous wetland area or wetland complex.

### **3.5.5 Parkland Dedication**

3.5.5.1 The Municipality is under no obligation to accept *Environmental Protection* lands as part or all of a parkland dedication in accordance with the Planning Act.

### **3.5.6 Redesignation**

3.5.6.1 Where privately owned lands are designated *Environmental Protection* in this Plan, it does not mean that this land will necessarily remain as such indefinitely, nor shall it mean that such lands are free and open to the general public or will be purchased by the Municipality or another public agency.

3.5.6.2 Where a feature is deemed not to be environmentally significant or environmentally sensitive by the Municipal Council, in consultation with the Crowe Valley Conservation Authority and the Ministry of Natural Resources, such lands may be redesignated at the time of an Official Plan Review or by an Official Plan Amendment.

3.5.6.3 Minor refinements to the boundaries of the *Environmental Protection* designation will be considered by Council, in consultation with the Ministry of Natural Resources and/or Crowe Valley Conservation Authority. Minor refinements shall be facilitated by a Zoning By-law Amendment, but shall not require an Official Plan Amendment.

### **3.5.7 Zoning**

3.5.7.1 *Environmental Protection* lands shall be zoned in a separate zone classification in the Municipality’s Zoning By-law.

### **3.5.8 Non-Conforming Uses**

3.5.8.1 The expansion of any non-conforming uses in the *Environmental Protection* designation shall be subject to a Minor Variance. The expansion of such uses may only be considered provided the expansion does not adversely affect the ecological integrity of the natural lands, fisheries and wildlife habitat, and areas of biological or ecological significance exhibited by the feature. The expansion of non-conforming uses in floodplains is prohibited.

3.5.8.2 The replacement of non-conforming buildings and uses in the Environmental Protection designation may be permitted provided the replacement does not adversely affect the ecological integrity of the natural lands, fisheries and wildlife habitat, and areas of biological or ecological significance in the area.

## **3.6 CROWN LAND**

### **3.6.1 Purpose**

The purpose of the *Crown Land* designation is to identify lands in the Municipality which are Crown land and which the Municipality has no regulatory control over in accordance with the Planning Act.

### **3.6.2 Location**

The *Crown Land* designation is shown on Schedule A to this Plan.

### **3.6.3 Permitted Uses**

The Municipality has no authority to regulate land use on Crown Land, but encourages Federal and Provincial governments and agencies to be consistent with the policies of this Plan as it relates to the issuance of tenure, occupational authority and permitted undertakings on Crown Land.

### **3.6.4 Development Policies**

Where lands are proposed to be patent in accordance with applicable legislation and regulations, an Official Plan Amendment will not be required but a Zoning By-law Amendment will be required to recognize the uses or uses proposed for the patent land. In reviewing a Zoning By-law Amendment, in this context, Council will expect the proponent to conform to other applicable policies in this Plan.

### **3.6.5 Implementing Zoning By-law**

All lands within the Crown Land designation shall be placed in a Crown Land (C) Zone or Rural (RU) Zone in the implementing Zoning By-law.

---

## 4.0 TRANSPORTATION

---

### 4.1 ROAD NETWORK

4.1.1 The transportation network as indicated on Schedule C generally reflects the existing relationship between land use and transportation routes in the Municipality.

#### 4.1.2 Objectives

4.1.2.1 To create a safe and efficient transportation network within the Municipality which integrates all available modes of travel, including active modes of transportation, into a comprehensive network.

4.1.2.2 To allow for the free flow of traffic along the Provincial highways and the County road system.

4.1.2.3 To minimize municipal costs for upgrading and maintaining roadways through the adoption of a Roads Policy.

4.1.2.4 The road network is based on the following functional network of roads:

- i) Provincial highways are existing roadways under the jurisdiction of the Ministry of Transportation. They are designed to facilitate the movement of large volumes of traffic through the Municipality. The creation of new access points and the proposed alteration of any existing entrances along provincial and secondary highways are subject to the approval of the Ministry of Transportation.
- ii) County roads are under the jurisdiction of the County of Haliburton and are designed to provide the dual function of carrying medium traffic volumes from provincial and secondary highways to Municipal roads.
- iii) Municipal roads are subject to the jurisdiction of the Municipality of Highlands East. These roads generally carry lower volumes of traffic which are used to access residential properties and businesses. In some cases, municipal roads provide access to roads which are privately maintained and forestry access roads.
- iv) Private roads and privately maintained right-of-ways are roads which are generally open to the public but whose maintenance and responsibility has not been assumed by the Municipality of Highlands East. These roads

are therefore, maintained privately usually by those individuals who obtain access to their properties over the subject roadways. These roadways are generally capable of carrying limited volumes of traffic.

- v) Historic trails are roads which were the transportation routes of early settlers to the Municipality. It is Council's intent, wherever possible, to preserve these lands as historical and recreational resources.

Council will continue to identify historical trails in the Municipality and may identify and update these roads on Schedule C for information purposes without an amendment to the Plan.

- vi) Forestry access roads are roads constructed over Crown Land which are generally open to the public but belong to the Crown.

## **4.2 ROAD ASSUMPTIONS**

- 4.2.1 The Municipality shall not assume any roadway which does not meet minimum acceptable standards which are reflected in the Municipality's Assumption of Roads Policy. The assumption of such a road must be clearly in the public interest. No roadway shall be assumed by the Municipality which would place an undue financial and/or servicing burden on the Municipality.

## **4.3 MUNICIPAL ROAD MAINTENANCE**

- 4.3.1 All roads assumed by the Municipality are not necessarily maintained on a year-round basis. Roads which are presently maintained on a year-round basis shall continue to be so maintained. Those Municipal roads which are currently maintained on an occasional or seasonal basis shall generally continue to be so maintained. Roads shall be improved and maintained as deemed necessary by Council.

## **4.4 DEVELOPMENT ON PROVINCIAL HIGHWAYS**

- 4.4.1 Any development proposed adjacent to or within the permit control area of the MTO, a Provincial Highway will be subject to the geometric and safety requirements of the Ministry of Transportation and will require building and land use permits along with entrance and sign permits prior to construction or site grading.

## **4.5 DEVELOPMENT OF NEW PRIVATE ROADS**

- 4.5.1 The development of new private roads will not be permitted unless such private road is developed as part of a Plan of Condominium or resort.

## **4.6 CLOSING AND CONVEYANCE OF ROAD ALLOWANCES**

4.6.1 Unopened road allowances will be retained by the Municipality and may be used to accommodate future transportation needs, if warranted.

4.6.2 Notwithstanding, Section 4.6.1, Council may pass by-laws to close any portion of an opened or unopened road allowance in accordance with the Municipal Act, and in doing so, the Municipality may convey ownership of some or all of the lands.

4.6.3 Prior to considering the closure and conveyance of any road allowance, Council will consider the following criteria:

- i) If the road allowance to be closed provides an existing or potential public access to a lake or river by leading to the water's edge, Council must be satisfied that there is an adequate alternate public access to the water body in proximity to the road allowance to be closed; and,
- ii) If the road allowance is used or intended to be used by a formalized recreational trail organization, as indicated on the Schedules or Appendices to this Plan, it must be demonstrated that the closure will not be detrimental to the greater trail network.

4.6.4 Where the Municipality is requested to close and convey any portion of a road allowance, Council may, as a condition of such conveyance, require any of the following:

- i) The exchange of other property to provide appropriate land or water access;
- ii) Notification of such closure and conveyance in accordance with By-law 13-2003 passed in accordance with the Municipal Act;
- iii) The subject lands to be rezoned;
- iv) The removal or structural repair of buildings or structures; or
- v) The prospective owner of such lands to assume responsibility for all costs associated with the closure including the preparation of a survey and all legal documents necessary to effect the land transfer.

## **4.7 ACTIVE TRANSPORTATION**

4.7.1 Highlands East recognizes the positive role that active transportation can play in improving mobility as well as the health and quality of life within the community. On this basis Council supports the development of walking and/or cycling routes within the Municipality. Resources such as the Haliburton County Cycling Plan may be used as a basis to support future strategies and measures designed to implement active forms of transportation in the community.





---

## 5.0 IMPLEMENTATION AND INTERPRETATION

---

### 5.1 EXISTING USES

- 5.1.1 Land uses existing on the date of approval of this Plan, which do not conform to the land use designations shown on Schedule A, may be recognized in implementing Zoning By-law, but the zoning on such lands shall not be further amended except in conformity with the Plan.

### 5.2 MAINTENANCE AND OCCUPANCY BY-LAWS

- 5.2.1 Council may enact a By-law pursuant to, Property Maintenance and Occupancy Standards of the Building Code Act, to establish standards for maintenance and occupancy for all buildings and structures.

### 5.3 ZONING BY-LAW

- 5.3.1 Council will amend the Municipality's Zoning By-law to reflect the principles, policies and land use designations contained in this Plan. The amended By-law shall make provision for adequate development standards and establish specific zones and permitted uses which reflect the policies and designations of this Plan. Within each designation, separate zones may be established to ensure that compatible uses will be appropriately grouped.
- 5.3.2 While the Zoning By-law will normally implement the Official Plan directly, it is not intended to zone all land at the outset for the uses designated in this Plan.

### 5.4 TEMPORARY USE BY-LAWS

The Municipality may pass temporary use by-laws for a specific time period up to three years and should be applied where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical. A garden suite may be permitted on a property for up to 20 years. Subsequent by-laws granting extensions of up to three years may also be considered by Council. However, once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening the implementing Zoning By-law.

Prior to the approval of a temporary use Zoning By-law, Council shall be satisfied that the following principles and criteria are met:

- a) The proposed use should be of a temporary nature and should not entail any major construction or investment on the part of the owner so that the

owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;

- b) The proposed use should be reasonably compatible with adjacent land uses and not be out-of-character with the surrounding neighbourhood;
- c) The proposed use should not require the extension or expansion of existing municipal services;
- d) The proposed use should not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads;
- e) Parking facilities required by the proposed use should be provided entirely on-site;
- f) The proposed use should generally be beneficial to the neighbourhood or the community as a whole; and,
- g) The owner has entered into an agreement with the Municipality and/or posted securities, if necessary, to ensure that structures associated with a temporary use provision can be removed upon expiry of the by-law.

## **5.5 HOLDING PROVISIONS**

5.5.1 In accordance with the Planning Act, Council may pass a Zoning By-law that identifies the use of land, but prohibits the actual development of the land until a later date when specific conditions have been fulfilled. These conditions are set out in policies applying to the land use designations in this Plan.

5.5.2 The objective of using a Holding Provision is to ensure that:

- i) The appropriate phasing of development or redevelopment occurs;
- ii) Development does not proceed until services and utilities are available to service the development; and/or,
- iii) Agreements respecting the design of the proposed development or related issues are entered into with the Municipality.

5.5.3 Council, at any time, may designate any Zone or part of a Zone as a Holding Zone by placing an 'H' in conjunction with the Zone symbol in order to meet one of the above-mentioned objectives. During the interim period, when the Holding Zone is in place, uses permitted on the affected lands are limited to existing uses only.

## **5.6 SITE PLAN CONTROL**

5.6.1 All areas of the Township are designated as proposed Site Plan Control areas

under the provisions of the Planning Act. All uses may fall under Site Plan Control. All lands within designations that permit single detached dwellings are also designated as proposed Site Plan Control areas.

The following items may be regulated under a site plan agreement:

- a) the massing and conceptual design of proposed buildings;
- b) the relationship of proposed buildings to adjacent buildings, streets, and public areas;
- c) interior walkways, stairs, elevators, and escalators accessible to the public from streets, open spaces and interior walkways in adjacent buildings;
- d) exterior design including character, scale, appearance, and design features of buildings and their sustainable design;
- e) sustainable design elements on any adjoining highway including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and,
- f) facilities designed to have regard for accessibility for persons with disabilities.

5.6.2 As part of the Site Plan Control process, the dedication (free of all charges and encumbrances) to the appropriate authority for the following road improvements may be required:

- i) Land for widening of a road allowance to Municipal standards. Any road widening obtained under this policy should be taken equally on both sides of the centerline of the existing traveled surface of the road. In circumstances where a road widening must be taken unequally, or in its entirety from one side of the road, only one half will be taken through site plan control;
- ii) A dedication for sight triangles and turning lanes at the intersection of public roads, to meet safety standards as described in the Site Plan Control By-law, may be required to meet applicable municipal standards where such dedication would extend beyond the municipal road allowance widths; and,
- iii) A dedication may also be required for an area necessary to construct grade improvements or separations where the proposed development requires such improvements to accommodate traffic volumes or hazards to the road which the property proposed for development either directly abuts or is immediately adjacent to and extends beyond the municipal

road allowance widths. Such dedication may only be required to the extent that the dedication meets Municipal standards.

## **5.7 HERITAGE CONSERVATION**

- 5.7.1 Council shall encourage the preservation and conservation of heritage and cultural features within the Municipality in accordance with the Cultural Heritage Conservation Guideline (CHCG) and in consultation with the Ministry of Culture.
- 5.7.2 Council recognizes that there may be archaeological remnants of prehistoric and early historic habitation within the Municipality. Where such a site is identified or the Ministry of Culture confirms there is high potential that such a site may exist, Council will require the preparation of an archaeological assessment by a licensed archaeologist prior to or as a condition of approval. Major development applications such as plans of subdivision and commercial resort developments shall prepare an Archaeological Assessment in conjunction with any development application.
- 5.7.3 Council recognizes that archaeological potential will be determined for individual development applications and building permits by the municipality through the use of provincial screening criteria, or qualified mapping developed based on the known archaeological record within the Municipality. Archaeological potential criteria include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, any locally known significant heritage areas such as portage routes or other places of past human settlement.
- 5.7.4 Significant archaeological resources and sites that are identified can be preserved in situ to ensure that the integrity of the resource is maintained, or it can be systematically removed through excavation by a licensed archaeologist. Council can pass an interim control-by-law to restrict development in the interest of protecting an archaeological resource.
- 5.7.5 The Municipality shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Culture (MCL) and the Ministry of Consumer and Business Services (MCBS), when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Heritage Act and the Cemeteries Act shall apply.
- 5.7.6 The Council of the Municipality of Highlands East will encourage the maintenance and preservation of buildings, sites and structures of historical or architectural interest. Council may designate these buildings or areas as Heritage Conservation Areas pursuant to the Ontario Heritage Act in order for conservation options to be considered when there are development-related impacts. Alteration or demolition of designated property may also be postponed until such time as Council is satisfied that the heritage attributes of the property are protected by alternative development proposals.

5.7.7 A Municipal Heritage Committee may also be established pursuant to the Heritage Act to advise and assist Council on conservation matters related to cultural heritage resources.

5.7.8 Public authorities have the ability to make decisions affecting the public realm that can have a positive impact on cultural heritage resources. On this basis, the carrying out of any public work by any Public Authority shall have regard to the retention and protection of identified cultural heritage resources in accordance with the goals and objectives of this Plan and the Cultural Heritage Conservation Guideline.

5.7.9 Where staffing and resources are available, Council shall maintain a cultural heritage resource database for land use planning purposes, resulting in inventories of any significant provincial registered archaeological sites, mapped archaeological potential areas, heritage buildings, heritage districts and/or cultural heritage landscapes located within the Township.

## **5.8 TECHNICAL STUDIES AND PEER REVIEWS**

5.8.1 Where a policy in this Plan requires the submission of technical studies, such as an Environmental Impact Study, such studies must be prepared at the applicant's expense by a qualified professional. When technical studies are submitted to the Municipality, Council may authorize a qualified professional to peer review such studies and provide advice to Council at the applicant's expense.

## **5.9 COMMUNITY IMPROVEMENT**

### **5.9.1 Objectives**

- i) The Municipality of Highlands East shall encourage, private sector efforts to upgrade existing properties and facilities.
- ii) The Municipality of Highlands East shall, where financially feasible, continue to develop and improve municipal physical, social and recreational facilities and services.
- iii) The Municipality of Highlands East shall participate in and/or encourage projects and programs which improve the Municipality's physical and natural environment and expand the economic base.

### **5.9.2 Community Improvement Areas**

#### **5.9.2.1 Definition and Identification**

- a) Community Improvement is generally defined as encompassing all those activities, both public and private, which maintain, rehabilitate and redevelop the existing physical environment to accommodate the social

and economic priorities of the Municipality of Highlands East, within the context of the requirements of the Planning Act.

- b) Community Improvement Policy Areas are designated in compliance with the provisions of the Planning Act and are intended to identify areas in which Community Improvement Plans (CIP) may be undertaken.
- c) All areas designated *Settlement* or *Shoreline* are designated as Community Improvement Project Areas as are any land currently or formerly used for industrial purposes. Specific Community Improvement Areas may be defined by by-law and Community Improvement Plans may be prepared for all or a portion of the defined areas but for clarity, lands located within the Shoreline designation shall not be a focus for intensification as provided in the Community Improvement Policies of this Plan.

#### **5.9.2.2 Community Improvement Goals**

- a) To develop a more attractive, safe, accessible and efficient community for existing and future residents.
- b) To provide for the continued social and economic development of the Municipality;
- c) To provide an environment that is attractive to new investment in the Municipality;
- d) To encourage the ongoing maintenance, rehabilitation, redevelopment, upgrading and improvement of external public and private space.

#### **5.9.2.3 Criteria For Delineating Community Improvement Project Areas**

Areas identified, as Community Improvement Project Areas shall be determined according to the following criteria:

- a) areas that show deficiencies in public services including:
  - i) deficiencies in sewer and water services;
  - ii) deficiencies in storm drainage;
  - iii) deficiencies in roads, sidewalks, street-lighting, and fire hydrants;
  - iv) desired streetscape improvements – boulevard conditions;
  - v) streetscape definition; and,
  - vi) impediments to pedestrian movement.
- b) areas that are deficient in social or recreational services including:
  - i) lack of recreational facilities, including parks, open space and public facilities, playgrounds;
  - ii) under-utilized public recreational facilities;

- iii) architectural or historical significance of sites/areas;
  - iv) lack of a range of housing types; and,
- c) contaminated lands or brownfields which remain undeveloped but which could provide significant opportunity for infill and intensification;
  - d) land, building and structures which possess barriers to accessibility and active forms of transportation;
  - e) areas having inappropriate uses in a particular area, and that exhibit any of the following features:
    - i) presence of conflicting/encroaching land use;
    - ii) general aesthetics of the use/area;
    - iii) availability and suitability of parking facilities (may also be viewed as a public service);
    - iv) under-utilization of land, blocks; and,
    - v) building condition; need for upgrading to meet current standards – availability of land and areas for reasonable expansion of uses in the area.

#### **5.9.2.4 Potential Incentives and Methods of Implementation**

The following highlights a number of methods that may be used by Council to implement various Community Improvement objectives. Ultimately, it shall be the role of the Community Improvement Plan to develop incentives and methods of implementation that are suited to the Community Improvement Area.

##### **a) Participation in Government or Agency Funding Programs**

There are many programs which have been established at all levels of Government which can assist in achieving the Municipality's Community Improvement objectives. These include grant or loan programs, geared both to the private and public sectors. Where recommended through a CIP process, Council supports the use of local grant or loan programs to support CIP objectives, provided such funding is available.

While some programs are tailored to specific types of improvements, others are of general application or apply to a specific type of use. While these programs generally reflect the Provincial or Federal Governments' perception of priorities, they can still be used to advantage by the Municipality when its priorities match those of the program.

##### **b) Use of Full Range of Legislative Authority**

The Municipality may be able to take advantage of powers given to it through a multitude of Provincial statutes. The full use of the Planning Act, Municipal Act, Heritage Act, Ontario Water Resources Act, and many others can all be used to further the Municipality's objectives.



**c) Acquisition**

In designated Community Improvement Areas, the Municipality may acquire, assemble, clear and dispose of lands for purposes which conform to the intent of the Community Improvement Plan. This is a very powerful tool which permits the Municipality to become involved and assist in encouraging redevelopment where private investment may not initially have been interested. This tool is also beneficial in acquiring lands that are incompatible with surrounding land uses, and that may be better located elsewhere in the community.

**d) Property Standards By-law**

The enforcement of a maintenance and occupancy (Property Standards) By-law is important in encouraging private property owners to maintain and improve their property to the level deemed appropriate by the Municipality.

**e) Modification of Zoning Regulations**

In particular areas, zoning provisions can be used to develop a character and/or to encourage private infill development that would add to the tax base of the community while protecting and improving the existing development. Temporary Use By-laws, provisions for Holding By-laws and bonusing provisions can all be used to achieve stated objectives.

**f) Site Plan Control/Development Permits**

Site plan control and/or Development Permits can be an effective tool in encouraging and requiring private development to meet certain municipal objectives (e.g. streetscape improvements, better property access, naturalization, etc.).

**g) Community Groups**

Working with community groups may provide a variety of means of expanding and maintaining a range of public facilities, such as affordable housing or housing geared to seniors.

**h) Heritage Committee**

A local Heritage Committee can play an active role in identifying sites and buildings that contribute to or are representative of the built heritage and character of a community. With the advice of the Committee, Council may identify sites and areas that may be redeveloped with a particular emphasis on heritage preservation in the Community.

## **5.10 PUBLIC PARKLAND**

### **5.10.1 Dedication of Land through the Development Process**

Council will require the dedication of five percent (5%) of the land within a residential Plan of Subdivision or consent to be dedicated to the Township as parkland. Two percent (2%) of the land within a non-residential development shall be dedicated as parkland. In lieu of the above requirements, Council may require cash-in-lieu of parkland instead, as deemed appropriate. In the establishment of a Parkland Dedication By-law, Council may determine value on the basis of either the value of raw land on the day prior to draft approval (Provisional Consent) or on the basis of the value of the new lot(s) prior to issuance of a Building Permit.

All lands dedicated shall be conveyed in a physical condition satisfactory to the Township.

Lands within the *Environmental Protection* designation and/or which have been identified as hazard lands shall not be considered as part of the required minimum dedication of parkland pursuant to this section of the Plan.

### **5.10.2 Use of Monies Received Through the Cash-in-Lieu Process**

All monies received under the provisions of Section 5.10.1 shall be used for the sole purpose of developing and acquiring public parkland and/or developing recreational facilities in accordance with the Planning Act. This policy shall not prevent Council from acquiring a residential lot in a subdivision which will not be used as parkland but will be held as an asset of the Corporation to be sold and used to fund parkland acquisition or improvements.

### **5.10.3 Parkland Dedication By-law**

Council may enact a Parkland Dedication By-law that establishes:

- a) the lands to which the by-law is applicable;
- b) the rate of parkland dedication in accordance with Section 5.10.1 of this Plan;
- c) the development applications which are subject to parkland dedication requirements;
- d) land uses which are exempt from parkland dedication requirements; and,
- e) in the case of cash-in-lieu, whether the value of parkland will be determined on the basis of raw land prior to approvals or on the basis of value of the individual lot(s) prior to issuance of a building permit.

#### **5.10.4 Parkland Siting and Design**

All public parkland shall:

- a) be as accessible as possible and be open to view on as many sides as possible for safety purposes;
- b) have direct and safe pedestrian access;
- c) incorporate natural heritage features wherever possible into the design of the parkland;
- d) be connected, wherever possible, to trail systems, cycling routes and natural heritage corridors.

#### **5.11 NON-CONFORMING USES**

5.11.1 It is anticipated that any land use which legally existed prior to the approval of this Plan, which does not conform to the intended permitted uses of this Plan should cease to exist in the long term. However, in some circumstances Council may consider allowing an extension or enlargement of a non-conforming use. In such cases, Council shall consider the following:

- i) The feasibility of acquiring the property for holding, sale, lease or development by the Municipality for a use which conforms with the intent of this Plan; or,
- ii) The possibility of relocating the non-conforming use to another site.

5.11.2 If a property cannot be acquired or relocated in accordance with Section 5.11.1, the Committee of Adjustment may, without an amendment to this Plan, allow extension to a non-conforming use. In reviewing such an application, Committee shall consider the following:

- i) The size of the extension in relation to the existing operation;
- ii) Whether the proposed extension is compatible with the character of the surrounding area;
- iii) The characteristics of the existing use in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation and the degree to which any of these factors may be increased or decreased by the extension; and,
- iv) The possibilities of reducing adverse effects of the use through buffering, building setbacks, landscaping, site plan control and other means to improve the existing situation, as well as minimize problems from extension.

## **5.12 INTERPRETATION**

### **5.12.1 General**

5.12.1.1 This Plan provides a long range development strategy to guide the future growth in the Municipality of Highlands East. It is intended that amendments to the Plan shall only be required where major changes to the land use pattern and development policies become necessary as a result of changing circumstances.

5.12.1.2 In determining whether or not an amendment to this Plan is required, special regard shall be had to the Vision and Principles of the Plan and to the policies of each land use designation of this document.

### **5.12.2 Land Use Boundaries**

5.12.2.1 The boundaries of land use designations and features identified on the schedules to this Plan are approximate except where they coincide with major roads, railway lines, rivers, transmission lines or other clearly defined physical features. Where the general intent of the Plan is maintained, minor adjustments to boundaries will not require an amendment to this Plan.

5.12.2.2 All numerical figures in the plan should not be interpreted as being absolute and rigid. Minor adjustments will be permitted provided that the intent and spirit of the Plan is maintained.

### **5.12.3 Amendments**

5.12.3.1 An amendment to Schedule A, the Land Use Plan of the Official Plan, is required to permit the establishment of uses other than those included in the Land Use Plan. Each Official Plan Amendment shall contain background studies and a complete justification for the proposed change. The amendment procedures as outlined in specific designations shall also apply.

5.12.3.2 In submitting an application to the Municipality for an Amendment to this Plan, regard shall be had for the following:

- i) the need for the proposed use;
- ii) the suitability of the site for the proposed use, including regard for the impact on cultural heritage resources;
- iii) the compatibility of the proposed use with adjacent and surrounding uses in the Municipality and adjacent municipalities, where applicable;
- iv) the physical suitability of the land and water area to sustain itself in relation to the proposed use giving consideration to:

- a) the existing environmental and/or physical hazards;
  - b) the potential impacts of these hazards; and
  - c) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices.
- v) The location of the area under consideration with respect to:
- a) the adequacy of the existing and proposed highway system in relation to the development of such proposed areas;
  - b) the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto;
  - c) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in accordance with technical reports or recommendations which the Council shall request from any appropriate authority such as the Ministry of Environment and Energy and the Haliburton, Kawartha Pine-Ridge District Health Unit deemed advisable;
  - d) the potential impact of the proposed use on the financial position of the Municipality;
  - e) site design and development criteria;
  - f) integration with future development opportunities on abutting lands;
  - g) the environmental protection of the area; and,
  - h) such other matters as may be required by the Municipality.
- vi) Provincial legislation and regulation, including but not limited to Section 2 of the Planning Act, and any and all provincial policies implemented under authorities found in Section 3 of the Planning Act, including the Provincial Policy Statement, and other Provincial policy and guidelines issued from time to time.
- vii) Consideration of the impacts of the built environment and community design on public health.

#### **5.12.4 Public Participation**

5.12.4.1 Council shall encourage active participation from the citizens of Highlands East

during the preparation of amendments to the Official Plan in accordance with the requirements of The Planning Act.

5.12.4.2 Council may not require notice to be given for a minor Official Plan Amendment which facilitates one or more of the following:

- i) Changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- ii) Consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
- iii) Corrects grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or maps;
- iv) Rewords policies or re-illustrates mapping to clarify the intent of the Plan or make it easier to understand without affecting the intent of the policies or maps; and,
- v) Translates measurements to different units of measure or changes reference to legislation where the legislation has changed.

5.12.4.3 In all other instances, notification to the residents of the Municipality regarding public meetings held by Council shall be taken in accordance with the procedures of the Planning Act and any By-law that may be passed by Council outlining the procedures for the notification to residents.

## **5.13 MONITORING**

5.13.1 Following approval of this Plan, the Clerk shall prepare an annual report to Council outlining how the Plan is being implemented. This report shall include:

- i) the number of lots created in each designation and the proportion of lots created in the Communities in relation to the Rural Areas and the Shoreline Development Areas;
- ii) the number of building permits issued for residential (Settlement, Shoreline and Rural Area designations), as well as industrial and commercial buildings;
- iii) a summary of applications for amendments to this Plan as well as zoning amendments and minor variances;
- iv) population growth in the Municipality; and

The Municipality will also monitor water quality results obtained from all analysis received to determine if any significant changes to water quality as the result of development.

**5.14 PUBLIC WORKS**

5.14.1 The construction of all public works within the Municipality of Highlands East shall be carried out in accordance with the policies of this Plan.

**5.15 ZONING BY-LAW AMENDMENTS**

5.15.1 All amendments to the Municipality of Highlands East Zoning By-laws shall be in conformity with the Official Plan.

**5.16 DEVELOPMENT PERMIT SYSTEM**

The Municipality may, through a By-law passed pursuant to Section 70.2 of the Planning Act, and Regulation 608/06 establish a development permit system for one or more specific areas of the Municipality.

**5.16.1 Lands Subject to Development Permit System**

The following area(s) are described as proposed development permit area(s) and may be designated as such by a Development Permit By-law passed by Council pursuant to the provisions of the Planning Act and its associated regulations:

- a) All lands located within the Shoreline designation as identified on Schedule A of this Plan.

**5.16.2 Intent**

The Municipality has about 3,000 recreational dwelling units located within the Shoreline designation of this Plan. It is anticipated that over the next 20 years at least half of these dwellings will be subject to some level of renovation, expansion or replacement. Given that most of these existing dwellings pre-date zoning regulation, a substantial number of these buildings are characterized by some type of non-compliance. In administering building permit approvals for non-compliant structures, the Municipality has found the minor variance process to be an administratively awkward way to assess and determine if a renovation or expansion proposal is good planning. In the interest of establishing an alternative way to review and make decisions with respect to proposals to expand or modify legal non-compliant buildings in shoreline areas, the Municipality intends to use the following policies to develop a Development Permit System.

**5.16.3 Goals**

In developing and implementing a Development Permit System for lands in the Shoreline designation, the goals are to:

- a) protect lakes and their environs as described in Section -;

- b) minimize disruption to vegetation, fish habitat and other heritage features through management and regulation of development and site alteration;
- c) enact a system that facilitates discussion and collaboration between the Municipality and landowners with a collective goal of protecting or enhancing the health and quality of the lake eco-system; and,
- d) create an efficient approval process that provides for informed decision-making and the execution of binding agreements to occur at the same time.

#### **5.16.4 Scope of Authority**

The Development Permit By-law is intended to be restricted to shoreline residential and shoreline recreational uses, which will be more specifically defined in the Development Permit By-law.

Within the areas for which a Development Permit By-law has been enacted, the Zoning By-law will continue to apply, however zoning regulations relating to building construction may be modified, without the need for a zoning amendment or a minor variance.

#### **5.16.5 Criteria**

The modification of zoning regulations will be dependent on the extent to which criteria established through the Development Permit By-law have been met. Examples of such criteria may include:

- a) the submission of site evaluation reports and/or site plans;
- b) protection, enhancement and/or restoration of shoreline vegetation;
- c) protection, enhancement and/or restoration of critical areas of fish habitat;
- d) in the case of redevelopment or expansion, siting new buildings and structures to achieve greater shoreline setbacks than currently exist;
- e) removal of aging or derelict buildings and structures;
- f) installation of phosphorus retaining or phosphorus removing septic technology; and,
- g) stormwater management designs that restrict or intercept stormwater from flowing directly to the lake.



### **5.16.6 Conditions**

The modification of zoning regulations may require the landowner to fulfill certain conditions established through the Development Permit By-law. Examples of such criteria and conditions may include:

- a) agreeing to conserve certain lands in a natural state;
- b) agreeing to enhance and/or restore critical areas of fish habitat;
- c) agreeing to enhance and/or restore shoreline vegetative buffers;
- d) installing phosphorus retaining or phosphorus removing septic technology; and,
- e) designing on-site stormwater management systems to restrict or intercept stormwater from flowing directly to the lake.

### **5.16.7 Administration**

The Development Permit System in the Municipality of Highlands East will be administered in accordance with O. Reg. 608/06 with the further requirement that a Notice of Complete Application for a Development Permit shall be forwarded to all abutting landowners of the applicant's land at least 10 days prior to Council's consideration of the permit.

### **5.17 MINOR VARIANCE**

Council may appoint a Committee of Adjustment in accordance with Section 44 of the *Planning Act* to consider and/or grant minor variances to the implementing Zoning By-law. In determining whether to approve an application for a minor variance, the Committee of Adjustment will need to be satisfied that the application meets all of the four tests:

- 1) That the requested variance conforms with the general intent of the Official Plan;
- 2) That the requested variance is in keeping with the spirit and intent of the Township's Zoning By-law;
- 3) That the requested variance is appropriate for the desirable development of the lot; and,
- 4) That the requested variance is minor in nature.

In making a determination of whether a variance is minor as required in item four, the Committee of Adjustment should have greater regard for the degree of

impact, which could result from the variance and less regard to the magnitude of numeric or absolute relief sought by the applicant. In addition, applicants who request a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible or not reasonable to comply with.

## **5.18 PRE-CONSULTATION AND COMPLETE APPLICATIONS**

In order to ensure that all the relevant and required supporting information pertaining to a planning application is provided at the time of submission, Council may, by By-law, require a proponent to attend a pre-consultation meeting with staff prior to the submission of a planning application. Council may also establish a fee under Section 69 of the Planning Act to be paid by an individual requesting a pre-consultation meeting.

The purpose of pre-consultation is to ensure a prospective applicant is provided with a basic understanding of the local planning policy and regulation that may be applicable to a planning approval. Prior to attending any pre-consultation meeting, Council places a responsibility on the proponent to have reviewed applicable Provincial policy, regulation and legislation that may impact a planning application. Council also requires a proponent to attend a pre-consultation meeting with clear and concise information, concept sketches, mapping and/or reference plans to assist in effectively communicating a proposal. The intent of pre-consultation discussions is not to provide an approval, nor certainty of approval.

Subsequent to a pre-consultation meeting, the Municipality will determine what supporting information (i.e. reports and studies) is required as part of the complete application submission and inform the proponent of these requirements. Where the proponent requires pre-consultation comments to be provided in writing, such communication shall be circulated to Council as information and become part of the public record.

The following information, at a minimum, shall be required as part of a complete application:

- a) Prescribed application fee;
- b) Completed application form together with requisite authorizations;
- c) Prescribed information and material as required by Planning Act Regulations;
- d) Covering letter, which outlines the nature of the application and details of the pre-consultation meeting (if applicable);
- e) Concept plans and/or drawings; and,

- f) Any studies as identified as necessary through pre-consultation.

The following are examples of supporting information that may be required as part of a complete application, to be determined through pre-application consultation with staff:

- a) Transportation Impact Study;
- b) Functional Servicing Report;
- c) Stormwater Management Plan;
- d) Tree Preservation Report and Plan;
- e) Hydrogeological Assessment;
- f) Watershed or Subwatershed Study;
- g) Floodline Delineation Report;
- h) Architectural/Urban Design Study;
- i) Environmental Site Assessment;
- j) Planning Justification Report;
- k) Ministry of the Environment (MOE) Record of Site Condition (RSC);
- l) Contaminant Management Plan;
- m) Environmental Impact Study;
- n) Lake Impact Study;
- o) Archaeological Assessment;
- p) Heritage Impact Assessment;
- q) Wind Study;
- r) Noise Study;
- s) Vibration Study;
- t) Geotechnical Study;
- u) Slope Stability Study;
- v) Market/Retail Impact Study or Analysis;
- w) Viewscape or Shadow Impact Assessment;
- x) Conceptual Site Plan and Building Elevations;
- y) Erosion and Sediment Control Plans;
- z) Site Evaluation Report; or,
- aa) Boating Impact Study.

## **5.19 OFFICIAL PLAN REVIEW**

- 5.19.1 A comprehensive review of this Plan shall be undertaken at five (5) year intervals by the Municipality to ensure that the vision, objectives and policies are still valid and realistic in light of prevailing circumstances.

# APPENDIX 1

This Appendix is not part of the formal Official Plan

## GLOSSARY OF TERMS

### Accessory

Means a use of land, buildings or structures that is normally incidental or subordinate to the principal use, building or structure located on the same lot.

### Accessibility

Refers to the ease with which a facility or location can be reached by an individual or group of individuals.

### Active Transportation

Means the transport of person(s) and/or goods using human muscle power. Typical forms of active transportation include walking, cycling, canoeing or kayaking.

### Adjacent Lands

Means lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches, which achieve the same objectives.

### Adverse Effects

As defined in the Environmental Protection Act, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and

- h) interference with normal conduct of business.

**Affordable**

Means:

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

**Agricultural Uses**

Means:

- a) growing crops, including nursery and horticultural crops,
- b) raising livestock and other animals, including poultry and fish, for food and fur,
- c) aquaculture, and
- d) agro-forestry and maple syrup production.

**Agriculture-Related Uses**

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

**Alternative Energy Systems**

Means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

### **Archaeological Resources**

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

### **Area of Settlement**

Means an area of land designated in an official plan for urban uses including urban areas, urban policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres or future urban use areas, or as otherwise prescribed by regulation.

### **Areas of Archaeological Potential**

Means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches, which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

### **Areas of Mineral Potential**

Means areas favorable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

### **Areas of Natural and Scientific Interest (ANSI)**

Means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

### **Back Lot**

Means lots that are physically separated from the shoreline by a legally conveyable parcel of patented land that has development potential. Back lots are usually located in a linear fashion along a road which is generally parallel to the shoreline, but may also be located on a road which runs perpendicular to the shore.

### **Brownfield Sites**

Means buildings and/or lands that may be contaminated by virtue of historic use. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

### **Built Heritage Resources**

Refers to one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or

heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

### **Carrying Capacity**

Means the capacity of a site to support a use without substantial negative impact on environmental features such as water quality, natural vegetation, soil, wildlife population and visual attractiveness.

### **Connectivity**

Refers to the degree to which key natural heritage features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs.

### **Conservation**

Means the wise management of the environment in a way, which will maintain, restore, enhance and protect its quality and quantity for sustained benefit to humans and the environment.

### **Cultural Heritage Landscape**

Means a defined geographical area of heritage significance, which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

### **Cumulative Effect**

Means the effect on the environment as a result of the incremental impacts of development when considered in conjunction with other past, present and possible future actions, occurring over a period of time and area.

### **Deeryards**

Means an area where deer concentrate during the winter months.

### **Deposits of Mineral Aggregate Resources**

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

### **Designated Vulnerable Area**

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

### **Development**

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

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the Drainage Act; or
- c) underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act.

### **Easement**

Means a legal interest or right in the land of another, which allows the easement holder specified uses or rights without actual ownership of the land.

### **Ecological Function**

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

### **Employment Area**

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

### **Endangered Species**

Means a species that is listed or categorized as an “Endangered Species” on the Species At Risk in Ontario List (SARO List), O. Reg. 230/08 of the Endangered Species Act, as updated and amended from time to time.

### **Erosion Hazard**

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



## **Fish**

Means fish, which as defined in S.2 of the Fisheries Act, c. F-14, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

## **Fish Habitat**

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

## **Flood Fringe**

When used in reference to rivers, streams and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

## **Flood Plain**

When used in reference to rivers, streams, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

## **Flooding Hazard**

Means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water along river, stream and small inland lake systems, the flooding hazard limit is the greater of:

- i) the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
- ii) the one hundred year flood; and
- iii) a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources; except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

## **Floodproofing Standard**

Means the combination of measures incorporated into the basic design and/or construction of

buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of river, stream and small inland lake systems.

### **Floodway**

When used in reference to river, stream and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the floodway is the entire contiguous flood plain. Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.

### **Ground Water Feature**

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

### **Group Home**

Means a residence that is licensed or funded by a Public Agency for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition, require a group living arrangement for their well being.

### **Habitat of Endangered, Rare and Threatened Species**

Means land that,

- a) is an area where individuals of an endangered species, a rare species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non- migratory species, and
- b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

### **Hazardous Land**

Means property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

**Hazardous Sites**

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

**Hazardous Substances**

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

**Heritage Attributes**

Means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

**Hydrologic Function**

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

**Individual On-Site Sewage Services**

Means individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the Building Code Act, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual On-Site Water Services**

Means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**Infrastructure**

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

**Intensification**

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

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

**Legal or Technical Reasons**

Means severances for purposes such as corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Lot**

Means a parcel of land;

- a) Described in a deed or other document legally capable of conveying an interest in land, or
- b) Shown as a lot or block on a registered plan of subdivision.

**Low and Moderate Income Households**

Means:

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

**Mine Hazard**

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

**Mineral Aggregate Operation**

Means:

- a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto;
- b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and

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

### **Mineral Aggregate Resources**

Means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

### **Mineral Deposits**

Means areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

### **Mineral Mining Operation**

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

### **Minerals**

Means metallic minerals and non-metallic minerals as herein defined, but does not include mineral aggregate resources or petroleum resources.

- a) Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.
- b) Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

### **Minimum Distance Separation Formulae**

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

### **Municipal Sewage Services**

Means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a Municipality.

### **Municipal Water Services**

Means a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002.

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

Means features and areas, including significant wetlands, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

### **Natural Heritage System**

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

### **Negative Impacts**

Means:

- a) degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and
- c) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

### **One Hundred Year Flood**

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

### **Other Water-Related Hazards**

Means water-associated phenomena other than flooding hazards and wave uprush, which act on shorelines. This includes, but is not limited to vessel generated waves, ice piling and ice jamming.

### **Partial Services**

Means:

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

### **Portable Asphalt Plant**

Means a facility:

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

### **Portable Concrete Plant**

Means a building or structure:

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

### **Private Communal Sewage Services**

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

### **Private Communal Water Services**

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

### **Protected Heritage Property**

Means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of

preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

### **Protection Works Standards**

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

### **Provincial Plan**

Means a plan approved by the Lieutenant Governor in Council or the Minister of Municipal Affairs and Housing, but does not include municipal official plans.

### **Provincial Policy Statement**

Means a Statement, issued under Section 3(1) of the Planning Act, which sets out the Ontario government's interests in land-use planning and development and provides policy direction on matters of provincial interest to those involved in land-use planning.

### **Public Service Facilities**

Means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

### **Public Work**

Means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a Municipality or a local board.

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

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

### **Quarry**

Means land or land under water from which consolidated aggregate is being or has been excavated and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under sub-section 1(3) of the *Aggregate Resources Act*.

### **Recreation**

Means leisure time activity undertaken in built or natural settings for purposes of physical activity,



health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

### **Redevelopment**

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

### **Renewable Energy Systems**

Means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

### **Resource Based Recreation Development**

Means development built to accommodate or serve recreational interests constructed in a rural location where such recreational interests can be readily fulfilled.

### **River, Stream and Small Inland Lake Systems**

Means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

### **Rural Areas**

Means lands in the rural area which are located outside *settlement areas*

### **Secondary Uses**

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

### **Sensitive**

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

### **Sensitive Land Uses**

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

## **Settlement Areas**

Means urban areas and rural settlement areas within the Municipality (such as towns, villages and hamlets) that are:

- a) Built up areas where development is concentrated and which have a mix of land uses; and
- b) Lands which have been designated in an official plan for development.

## **Sewage and Water Services**

Refers to municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

## **Significant**

Means:

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

established by the Province, as amended from time to time; and

- g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

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

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

### **Site Alteration**

Refers to activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site. Site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act.

### **Special Needs**

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

### **Surface Water Feature**

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

### **Threatened Species**

A species that is listed or categorized as a "Threatened Species" on the Species At Risk in Ontario List (SARO List), O. Reg. 230/08 of the Endangered Species Act, as updated and amended from time to time.

### **Valleylands**

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

**Vulnerable**

Means surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

**Wave Uprush**

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

**Wayside Pits and Quarries**

Means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**Wetlands**

Means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favored the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Wildlife Habitat**

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

**Woodlands**

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

**Zoning By-Law**

Means a by-law passed under Section 34 of the *Planning Act* to regulate the use of land.