

OFFICIAL PLAN FOR THE TOWNSHIP OF EAST GARAFRAXA



**OFFICE CONSOLIDATION
May 2025**

This Office Consolidation has been prepared for the purposes of convenience only. Please refer to the Official Plan and any amendments to the Official Plan as approved by the Minister and/or the County and/or the Ontario Land Tribunal (formerly the Ontario Municipal Board and Local Planning Appeal Tribunal) as the case may be to ensure complete accuracy.

TOWNSHIP OF EAST GARAFRAXA OFFICIAL PLAN

AND

APPROVED OFFICIAL PLAN AMENDMENTS

| Amendment No. | Date of Adoption by Council | Date of Approval by Approval Authority | Description |
|----------------------|---|---|---|
| OFFICIAL PLAN | December 14, 2004 | October 26, 2005 (Ministry of Municipal Affairs and Housing (MMAH)) | Township of East Garafraxa Township Wide |
| OPA 1 | November 3, 2006 and repealed June 24, 2008 | N/A | Township of East Garafraxa to redesignate lands from Agricultural to Rural and Rural to Agricultural |
| OPA 2 | October 9, 2007 | June 12, 2008 (Ministry of Municipal Affairs and Housing (MMAH)) | Township of East Garafraxa Redesignation of certain lands from Agricultural to Rural |
| OPA 3 | January 27, 2009 | Pending | Township of East Garafraxa Renewable Energy Policies |
| OPA 4 | October 13, 2010 | June 24, 2016 (Ministry of Municipal Affairs and Housing (MMAH)) | Township of East Garafraxa Greenbelt Plan & Growth Plan Conformity |
| OPA 5 | July 24, 2018 | September 13, 2018 (County of Dufferin) | Township of East Garafraxa to redesignate lands from Agricultural to Extractive Industrial Special Policy 2 and EP |
| OPA 6 | Non-decision | January 14, 2019 (Local Planning Appeal Tribunal (now the Ontario Land Tribunal)) | Township of East Garafraxa to redesignate lands from Agricultural to Extractive Industrial Special Policy 3 and EP; and a portion of EP to Extractive Industrial |

| Amendment No. | Date of Adoption by Council | Date of Approval by Approval Authority | Description |
|----------------------|--|---|---|
| | | | Special Policy 3 as an interim designation |
| OPA 7 | May 28, 2019 | July 11, 2019 (County of Dufferin) | Lot 4, Plan 103 and Part of Mary St. To redesignate from Community Institutional to Community Residential |
| OPA 8 | December 22, 2020, as modified per Schedule A of County of Dufferin By-law 2021-19 | April 8, 2021 (County of Dufferin) | Township of East Garafraxa Township wide County of Dufferin Official Plan, the Credit Valley-Toronto and Region Central Lake Ontario Source Protection Plan & the Grand River Source Protection Plan Conformity |
| OPA 9 | July 19, 2022 | October 13, 2022 (County of Dufferin) | Township of East Garafraxa Township wide More Homes for Everyone Act - process planning applications |
| OPA 10 | December 10, 2025 | February 13, 2025 | 182198 20 Sideroad, West Part Lot 20, Parcels 6 and 7, Concession 12 To provide an exception to the Rural designation to permit a reduced minimum lot area of 1 hectare for the proposed severed lot due to the location of the Canivet Municipal Drain and the intent to avoid fragmenting the municipal drain. |

MINISTERS APPROVAL

OFFICIAL PLAN
FOR THE
TOWNSHIP OF EAST GARAFRAXA

The Official Plan for the Township of East Garafraxa which was adopted by the Council of the Corporation of the Township of East Garafraxa, on the *14th* day of *December 2004*, by By-law Number 59-2004 is hereby approved in accordance with Section 17 of The Planning Act, R.S.O. 1990, c.P.13, as amended, as the Official Plan for the Township of East Garafraxa.

October 26, 2005

DATE

THE CORPORATION
OF THE
TOWNSHIP OF EAST GARAFRAXA
BY-LAW NUMBER 59-2004

The Council of the Corporation of the Township of East Garafraxa in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended, hereby ENACTS as follows:

1. THAT the Official Plan for the Township of East Garafraxa, being the attached text and Schedules A, A-1, A-2 and B is hereby adopted.
2. THAT the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of the aforementioned Official Plan for the Township of East Garafraxa and to provide such information as required by Section 17 (7) of The Planning Act, R.S.O., 1990, c.P. 13, as amended.
3. THAT this By-law shall come into force and take effect on the day of passing thereof, subject to receiving the approval of the Minister of Municipal Affairs.
4. AND THAT upon approval of this Plan by the Minister of Municipal Affairs, the Official Plan for the Township of East Garafraxa approved by the Minister on July 20, 1981 is hereby rescinded.

Enacted and passed this 14th day of December 2004.

J. Earl Lennox
MAYOR

Susan M. Stone
CLERK

Certified that the above is a true copy of By-law No. 59-2004 as enacted and passed by the Council to the Corporation of the Township of East Garafraxa on the ____ day of _____ 2004.

CLERK

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SCHEDULE E - Greenbelt Natural Heritage Features

SCHEDULE F – Source Water Protection Areas

1.0 INTRODUCTION

1.1 INTENT OF THE PLAN

This Official Plan is intended to form the foundation for decisions that are to be made by Council, members of the public and government agencies with respect to future land use in the Township of East Garafraxa, while providing members of the public with a sense of assurance as to the future development of their lands and the lands around them.

This Official Plan is also intended to ensure that public works are undertaken by Township or County authorities, or by private developers, that comply with the provisions of this Official Plan.

The policies of this Official Plan are intended to make information regarding the future development pattern of the Township available to the public, in order to reduce land speculation that arises when residents and land developers are not advised of the development policies and plans of the Township.

The basic intent of this Official Plan is to guide future development to areas where it is most suited and to protect the physical and natural resources of the Township in order to allow for their continued use and enjoyment. This Official Plan is intended to manage land use change in a manner that has the greatest positive impact on the Township.

This Official Plan establishes the pattern which development within the Township of East Garafraxa should follow until 2036. In accordance with the Planning Act, this Plan will be reviewed in accordance with the Planning Act every ten years after it comes into effect as a new official plan, and every five years thereafter, to determine whether the Basis has changed and whether the Official Plan continues to represent appropriate guidelines for future land use in the Township.

OPA No. 8

1.2 BACKGROUND INFORMATION

This Plan replaces the Official Plan that was approved by the Minister of Municipal Affairs on July 20th, 1981.

This Plan has been developed following the preparation of detailed background studies. In preparing this Official Plan, the Council of the Township of East Garafraxa has had regard for the policies of the Provincial Government contained in the Provincial Policy Statements, 1996, 2005 and 2014, as amended. Further, the Township has amended the Plan to be consistent with the Provincial Policy Statement, 2020 which updated the Provincial Policy Statements 2014.

OPA No. 8

This Plan has been amended to conform to the Greenbelt Plan 2005, the Growth Plan for the Greater Golden Horseshoe 2006, and the County of Dufferin

Official Plan (adopted 2014, approved 2015 and consolidated 2017). In 2017, the Province brought into effect the Greenbelt Plan, 2017 and in 2019, the Growth Plan for the Greater Golden Horseshoe, 2019, Consolidation 2020 (Growth Plan). All planning decisions must conform to the Greenbelt Plan 2017 and the Growth Plan. Through a future amendment, the Township will update this Official Plan to ensure that all policies conform with the Greenbelt Plan 2017 and the Growth Plan.

1.3 STRUCTURE

1.3.1 The Basis

The Basis of the Plan describes the basic assumptions, observations and forecasts that have been derived from a comprehensive background study and extensive public input. This section is included to provide an understanding of the circumstances that the policies of the Plan are intended to address.

1.3.2 Principles and Objectives

The Principles and Objectives of this Plan establish the primary direction for the future of the Township of East Garafraxa. Should uncertainty or conflict arise in the interpretation or implementation of this Plan, reference should be made to the Principles and Objectives.

1.3.3 Future Land Use

The designations on Schedule A, Schedule A-1, and Schedule A-2, graphically depict the future land use throughout the Township. The policies in this section describe how development will occur within the different land use designations.

1.3.4 Development Criteria

This section contains general development policies that act as the primary guidelines to be used in considering all development proposals and public works projects. It establishes a series of tests or criteria that must be satisfied prior to any development occurring in the Township. This part of the Plan addresses the form of development and the relationships between development, the natural environment and the residents of the Township. Schedule B graphically depicts features that must be considered through the development process, while Schedule F identifies Source Water Protection Areas, Schedule D identifies those lands that are within the Greenbelt Plan and Schedule E outlines Greenbelt Natural Heritage Features.

1.3.5 Implementation and Interpretation

The Implementation and Interpretation section of this Plan describes the development approval process and planning tools that the Township may use to implement the policies of this Plan. It outlines how the planning process in the Township will work and what form of regulations may be used to ensure that development occurs in a manner consistent with the policies of the Plan.

2.0 BASIS

This section of the Official Plan identifies the primary factors that have been considered during the preparation of this Plan. Should any of these factors substantially change, this Official Plan should be reviewed to determine whether major policy or land use designation changes are warranted.

2.1 The Township will experience increased growth pressure as the Greater Toronto Area continues to grow and areas of the Oak Ridges Moraine and Niagara Escarpment limit growth to the south.

2.2 Growth forecasts and allocations in the County of Dufferin Official Plan establish that the permanent population of the Township will continue to rise with a population forecast of 3,150 residents in 2031 and 3,180 residents in 2036 and an employment forecast of 570 jobs to the years 2031/2036.”

OPA No. 4
& 8

2.3 Council and the public have indicated a commitment to respect the natural heritage features and unique landscape character of the Township and to maintain the sense of community.

2.4 The Township of East Garafraxa contains many significant environmental areas and features. The valley systems, significant forest areas, provincially and locally significant wetlands, Areas of Natural and Scientific Interest, Greenbelt Natural Heritage System and other natural areas in the Township provide habitat for a wide range of species.

2.5 The Township of East Garafraxa contains vulnerable areas associated with municipal wells located in the boundaries of the Credit Valley and Grand River Source Protection Areas. All development within vulnerable areas shall conform with the applicable Source Protection Plan and the source water protection policies of this Plan.

OPA No. 8

2.6 Council has indicated a commitment to protect Agriculture and agricultural lands. Farm operations within the Township have become larger. There have also been a significant number of small scale farms established. Agriculture plays an important role in the economy of the Township, it's heritage and the open landscape character. Prime agricultural areas must be protected for future agricultural use so that the economy and character of the Township is also preserved.

2.7 Opportunity for home occupations, home industries and self-employment are factors affecting the demand for rural and small community residences.

2.8 The Township is committed to implementing the policies of the Greenbelt Plan and to achieving the goals and objective of that Provincial Plan, where it applies within East Garafraxa.

OPA No. 4

3.0 MISSION AND PRINCIPLES

3.1 MISSION

The Township's Mission Statement is:

In East Garafraxa our future is built on a commitment to respect our natural heritage, our sense of community and the land while enhancing our opportunities for growth.

This Mission is reflected in the Principles, Objectives and Policies of this Official Plan. No development should be approved that would contradict the Mission Statement.

3.2 PRINCIPLES

The following expresses the fundamental principles on which this Plan is based.

3.2.1 Cost effective development and land use patterns that stimulate economic growth and protect the resources of the Township will be encouraged. Settlement areas will be the focus of residential growth. Residential development will generally be discouraged in the *Agricultural* area.

3.2.2 The preservation of the quality of life, the quality of the environment and prime agricultural areas is significant in the Township. Natural features will be enhanced and protected. Prime agricultural areas will be maintained, protected and enhanced.

3.2.3 The financial health of the Township and economic opportunities for present and future inhabitants will be guided through the growth management policies of this Plan.

OPA No. 8

4.0 OBJECTIVES

The objectives of this Official Plan establish the fundamental policies that will guide future development in the Township of East Garafraxa. Each of the objectives is equally important when considering future development. Where situations of uncertainty or conflict arise in the interpretation or implementation of this Plan, reference should be made to these objectives.

- | | |
|---|--|
| 4.1 | To uphold health and safety within the Township of East Garafraxa and to encourage a healthy social relationship amongst existing and future residents. |
| 4.2 | To encourage economic and social development that is compatible with existing development and the environment and that will provide a viable and sustainable future for the Township. |
| 4.3 | To recognize the importance of agriculture in the Township, protecting the land and ensuring that agricultural operations can be sustained through changing market conditions, technological advancements and economic fluctuation. |
| 4.4 <div style="border: 1px solid black; padding: 2px; display: inline-block;">OPA No. 4</div> | To maintain and protect the natural heritage features in the Township, including the Greenbelt Natural Heritage System, in a manner that recognizes ecosystem functions and contribution to the natural landscape. |
| 4.5 | To provide a level of service that recognizes the financial resources and rural nature of the Township. |
| 4.6 <div style="border: 1px solid black; padding: 2px; display: inline-block;">OPA No. 8</div> | To ensure all land use decisions conform with the applicable Source Protection Plan and the source water protection policies of this Plan to protect the quality and quantity of groundwater and surface water and the functions of the water systems throughout the Township. |
| 4.7 | To protect high potential aggregate resources and woodlands for their long term use. |
| 4.8 | To provide opportunities for growth primarily in Marsville, and to a limited extent, in Orton. |
| 4.9 | To protect cultural and archaeological resources in the Township and provide opportunities for tourism and recreation. |
| 4.10 | To encourage growth in the employment area. |

5.0 FUTURE LAND USE

It is intended that lands within the Township of East Garafraxa shall be used and/or developed in accordance with the policies in this Plan and with the land use pattern as indicated on the following Schedules:

OPA No. 4
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- Schedule A Township of East Garafraxa Land Use and Transportation
- Schedule A-1 Community of Marsville Land Use and Transportation
- Schedule A-2 Community of Orton Land Use and Transportation
- Schedule B Environmental Features
- Schedule D Greenbelt
- Schedule E Greenbelt Natural Heritage Features
- Schedule F Source Water Protection Areas

All of the Schedules, including Schedule B – Environmental Features, form part of the Official Plan. The Land Use Plans establish the land use pattern in a general manner for the entire Township in accordance with the following land use designations:

- Agricultural
- Rural
- Estate Residential
- Community
- Greenbelt Protected Countryside
- Employment Area
- Extractive Industrial
- Environmental Protection
- Open Space

The Community designation is further described in the following designations:

- Community Residential
- Community Institutional
- Community Commercial
- Employment Area

The Greenbelt Protected Countryside designation is further described in the following designations:

- Greenbelt Protected Countryside – Agricultural
- Greenbelt Protected Countryside – Rural
- Greenbelt Protected Countryside – Estate Residential
- Greenbelt Protected Countryside – Employment Area
- Greenbelt Protected Countryside – Extractive Industrial
- Greenbelt Protected Countryside – Environmental Protection

5.1 AGRICULTURAL

5.1.1 Identification

OPA No. 8

Lands designated *Agricultural* are shown on Schedule A, A-1 and A-2 and in the County of Dufferin Official Plan. It is intended that this designation reflect predominately agricultural areas, where soils are primarily Classes 1, 2 and 3 as defined by the Canada Land Inventory of Soil Capability for Agriculture, areas with significant agricultural infrastructure and areas where the existing fragmentation of the land or surrounding land uses have not limited the future agricultural use of the land.

5.1.2 Objectives

- a) To encourage all forms of agriculture and protect the long-term ability of farming operations to adapt to changing markets conditions.
- b) To maintain scenic values and agricultural heritage of lands and buildings in the *Agricultural* area.
- c) To preserve large parcel sizes and minimize the intrusion of non-agricultural uses into agricultural areas.
- d) To encourage a best management approach to farming and farm planning to prevent farming practices which may be harmful to the environment or health of residents.

5.1.3 Permitted Uses

OPA No. 4
& 8

The primary use of land in the *Agricultural* designation shall be agricultural uses and normal farm practices that include the use of lands, buildings or structures for the growing of crops; including nursery, biomass and horticultural crops; raising of livestock and other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agroforestry; and maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storage, and value-retaining facilities subject to the provisions outlined in this Plan.

In addition to agriculture, the following uses shall also be permitted;

OPA No. 8

OPA No. 4

- a) One single-detached residential dwelling per lot,
- b) One secondary residential unit within an existing or new home, and an additional secondary residential unit in an existing or new accessory building, are permitted subject to meeting the requirements of Section 9.1.5 of this Plan including the requirements of the Ontario Building Code, where permitted by the Township zoning By-Law, and consideration of such matters as lot size public health, safety, servicing and parking,
- c) Accommodation for full time farm labour when the size and nature of the operation requires additional employment, subject to Policy 5.1.5 of the Plan,

| | |
|------------------|--|
| OPA No. 8 | d) Home occupations and home industries, |
| | e) Small scale agriculturally or other rural-related home industries, |
| OPA No. 8 | f) Forestry, conservation uses, wildlife and fisheries management and passive recreational uses, |
| | g) Produce stands, accessory to an agricultural operation, |
| | h) Public transportation and utility facilities that must be located in the <i>Agricultural</i> designation due to their function, |
| OPA No. 4 & 8 | i) Small-scale commercial and industrial operations that benefit, by the nature of the operation, from being located in close proximity to agricultural uses, |
| OPA No. 8 | j) On-farm diversified uses which include, but are not limited to: home occupations, home industries, and those uses which add value to farm produce such as the processing, preserving, storing and packaging of the farm's products on the farm property, sales outlets for agricultural products produced on the farm, and agri-tourism uses such as farm machinery and equipment exhibitions (on a temporary basis) and other special events and facilities for such events, farm tours, petting zoos, hay rides and sleigh rides, processing demonstrations, pick-your-own produce establishments, small-scale farm theme playgrounds for children and small-scale educational establishments that focus on farming instruction. On-farm diversified uses are secondary to the principal agricultural use of the property and are limited in area. Proposed on-farm diversified uses will be compatible with, and will not hinder, surrounding agricultural operations and may be subject to site plan control, |
| | k) Wayside pits and quarries and portable asphalt plants used on public authority contracts, subject to the Aggregate Resources Act. |
| OPA No. 8 | l) Accessory buildings, structures and facilities and site modifications required to accommodate permitted uses, |
| | m) Watershed management and flood and erosion control projects and parklands development carried out or supervised by a public agency; and, |
| OPA No. 8 | n) The legally licensed production of marihuana shall only be permitted as a specialized agricultural use on lands in the <i>Agricultural</i> designation on a lot with a minimum size of 10 hectares subject to a zoning bylaw amendment and site plan control. Through the rezoning process the Township will be satisfied that compatibility with adjacent land uses can be achieved through approaches such as the installation and operation of odour and light mitigation systems, odour and light control, maintenance and monitoring plans, maintaining appropriate setbacks from sensitive receptors and a waste management plan. |

5.1.4 Severance Policies

Severances of any existing habitable dwellings surplus to a farm operation resulting from a farm consolidation shall be permitted provided that:

OPA No. 4
& 8

- i) The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- ii) New residential dwellings shall be prohibited on the remnant parcel of farmland created by the severance; and,
- iii) The surplus farm dwelling will be subject to minimum distance separation formulae where deemed applicable.

OPA No. 8

Farm consolidation means the acquisition of an additional farm parcel or parcels to be operated as one farm operation.

OPA No. 4

- b) Lot creation for *infrastructure* may be permitted where the facility or corridor cannot be accommodated through the use of easements or right-of-way.

OPA No. 4
& 8

- c) A maximum of one lot may be severed per original farm of approximately 60 hectares or greater. The consent may be granted to only create an agricultural parcel, where both the severed and retained parcels are a minimum of 20 hectares in size or to recreate original Township lots each long the originally surveyed lot lines.

OPA No. 4
& 8

- d) The proposed lot must also comply with the policies set out in Section 8.2 Lot Creation, and Section 8.3 Technical Consents of this Plan.

5.1.5 Development Policies

In addition to the Development Criteria in Section 7, the following policies shall apply:

OPA No. 8

- a) A temporary dwelling unit may be permitted with an amendment to the Zoning By-law, in close proximity to the existing cluster of farm buildings, as a temporary use on a farm of at least 10 hectares, where the nature of the farm operation requires farm families or employees to be accommodated on the farm.
- b) In order to encourage the retention of existing agricultural buildings, Council may pass a Temporary Use By-law in accordance with Section 9.1 of this Plan, to permit an agricultural building that existed on the date of approval of this Plan to be used for a non-agricultural purpose, as a temporary use, provided that the intent of this Plan is met. In considering such development, Council will ensure that:
 - i) the exterior of the building is maintained and that the rural character of the surrounding lands is not changed. Prior to approving such development, Council shall require a report and preliminary building plans prepared by a professional architect or

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| | <p>engineer outlining the extent of building renovations being proposed in order to ensure that the renovations required will comply with the Building Code.</p> |
| OPA No. 4 | <ul style="list-style-type: none"> ii) the proposed use does not adversely affect the continuation of agricultural uses on the surrounding lands; iii) Council may extend the Temporary Use By-law pursuant to the provisions of the Planning Act; iv) the use does not adversely impact the character of the surrounding lands in terms of noise, odour, dust or traffic; and, v) the building complies with the requirements of the Building Code for the form of occupancy proposed. |
| | <p>c) Site Plan Control will be applied to all institutional, industrial, recreational and commercial uses or temporary uses to ensure that the development is integrated into the rural environment and that the exterior of the building is not changed to indicate that a non-agricultural use is occurring within the building;</p> |
| OPA No. 4 & 8 | <p>d) Site specific limited non-residential uses within the Agricultural designation may be permitted by way of an amendment to this Plan, subject to an application and submission of appropriate studies, including an Agricultural Impact Assessment which demonstrates that the proposed use complies with the Provincial minimum distance separation formulae and a report justifying the use ,demonstrating all of the following:</p> |
| OPA No. 4 & 8 | <ul style="list-style-type: none"> i) The impact of the proposal on surrounding agricultural uses and how impacts will be mitigated to the extent feasible and the use will not be located in an area that may have an impact on the future efficient and logical expansion of any settlement areas, |
| OPA No. 8 | <ul style="list-style-type: none"> ii) the need for the proposed use in the Township within the planning horizon of this Plan and the amount of land available for that use within existing designated areas, iii) the amount of land required for the proposed use, |
| OPA No. 4 | <ul style="list-style-type: none"> iv) alternative locations have been evaluated and: <ul style="list-style-type: none"> a. there are no reasonable alternative locations which are in areas not designated Agriculture, and b. there are no reasonable alternative locations in areas designated Agricultural on lands with lower agricultural priority, |
| OPA No. 8 | <ul style="list-style-type: none"> v) The ability of the existing and proposed uses to meet the requirements of the Provincial minimum distance separation formulae. |

OPA No. 8

- e) Applications to permit development in the Agricultural designation will be serviced with adequate sewage and water services. New agriculture-related commercial or industrial uses or other non-agricultural uses must demonstrate by way of appropriate technical assessment that the location will be able to supply water in adequate quantity and quality and sustain a sewage treatment and disposal and stormwater management system in accordance with the applicable legislated requirements.

OPA No. 4
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- f) Extraction of minerals, petroleum resources and mineral aggregate resources may be permitted in accordance with Section 5.6. Such uses may be permitted by way of an amendment to this Plan wherein the use is permitted with the underlying designation remaining *Agriculture*.

OPA No. 4

- g) The redesignation of land from the Agricultural designation is only permitted for the expansion of a settlement area and subject to policy 5.4.5 (f).

5.1.6 Zoning

- a) *Agricultural* lands will be zoned in an appropriate category in the implementing Zoning By-law.

OPA No. 4

- b) Farm-related commercial and farm related industrial uses will be placed in a separate Zoning category.

OPA No. 8

Where an existing habitable farm residence is rendered surplus as a result of farm consolidation and land is severed as a result of a surplus farm dwelling, the retained farm parcel shall be zoned to prevent further residential development. In addition, the new lot shall be limited to a minimum size needed to accommodate the use and appropriate sewage and water services.

OPA No. 8

- c) All new and expanding livestock buildings and manure storage facilities will be required to meet the Provincial minimum distance separation formulae. New land uses and proposed lot creations must meet the Provincial minimum distance separation formulae. However, in locating new livestock buildings and manure storage facilities consideration will be given to the relationship to adjacent vacant lots to ensure a reasonable building envelope is maintained on adjacent properties.

5.2 RURAL

5.2.1 Identification

OPA No. 8

Lands designated *Rural* are shown on Schedule A, A-1 and A-2 and reflect designations in the County of Dufferin Official Plan. *Rural* lands include areas having low agricultural soil capability or areas where lot fragmentation or surrounding land uses limit the long-term availability of lands for agricultural activities. The *Rural* designation may also include agricultural operations that are not located within the *Agricultural* designation.

5.2.2 Objectives

- a) To encourage agriculture and preserve the long term continuation of farming operations in the *Rural* areas,
- b) To maintain the open landscape character,
- c) To encourage a best management approach to farming and farm planning; and
- d) To provide opportunities for rural land uses that require separation from other uses, but which have a minimal impact on agricultural and environmentally sensitive lands.

OPA No. 8

5.2.3 Permitted Uses

The permitted uses in the *Rural* designation shall be:

- a) Agriculture and normal farm practices that include the use of lands, buildings or structures for the growing of crops, including nursery biomass and horticultural crops; raising of livestock and other animals for food, fur or fibre, including game poultry and fish; aquaculture; apiaries; agroforestry; and maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storage, and value-retaining facilities subject to the provisions outlined in this Plan.
- b) Single-detached residential dwellings;
- c) One secondary residential unit within an existing or new home, and an additional secondary residential unit in an existing or new accessory building, are permitted subject to meeting the requirements of Section 9.1.5 of this Plan including the requirements of the Ontario Building Code, where permitted by the Township Zoning By-Law, and consideration of such matters as lot size, public health, safety, servicing and parking.
- d) Small scale commercial and industrial uses that serve the *Agricultural* and *Rural* areas including resource-based and forestry uses, subject to an amendment to the Zoning By-law;
- e) On-farm diversified uses which include, but are not limited to: home occupations, home industries, and those uses which add value to farm produce such as the processing, preserving, storing and packaging of the farm's products on the farm property, sales outlets for agricultural products produced on the farm, and agri-tourism uses such as farm machinery and equipment exhibitions (on a temporary basis) and other special events and facilities for such events, farm tours, petting zoos, hay rides and sleigh rides, processing demonstrations, pick-your-own produce establishments,

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OPA No. 8

small-scale farm theme playgrounds for children and small-scale educational establishments that focus on farming instruction. On-farm diversified uses will be compatible with, and will not hinder, surrounding agricultural operations and may be subject to site plan control;

- f) Recreational, agri-tourism and tourism related uses, and bed and breakfasts, provided that any use does not negatively impact the natural environment or reduce the scenic qualities of the *Rural* area;
- g) Small scale public uses such as schools, churches, cemeteries and community halls servicing the local community;
- h) Small scale institutional uses which service the local residents and depend on the rural community and environment to support their function;
- i) Small scale recreational and tourism related uses such as passive parks and trail uses provided that any detrimental impact of these uses on the scenic qualities and natural environment is kept to a minimum;
- j) Forest, conservation uses, wildlife and fisheries management and passive recreation uses;
- k) Conservation areas, reforestation areas, watershed management and flood and erosion control or parkland development projects carried out or supervised by a public agency;
- l) Wayside pits and quarries and portable asphalt plants subject to the Aggregate Resources Act;
- m) Accessory buildings, structures and facilities and site modifications required to accommodate those uses permitted in the Rural designation;
- n) Agriculture-related commercial and agriculture-related industrial uses that are small in scale, support agriculture and are directly related to the farm operations in the area and benefit from being located in close proximity to farm operations, such as grain drying handling and storage facilities, abattoirs, livestock marketing or sales yard, a seed cleaning plant, an agricultural produce warehouse or similar agri-business, as well as operations providing direct products and/or services to farm operations as a primary activity. Proposed agriculture-related uses will be compatible with, and will not hinder, surrounding agricultural operations.

OPA No. 8

OPA No. 8

- o) Recreational, agri-tourism and tourism related uses, and bed and breakfasts, provided that any use does not negatively impact the natural environment or reduce the scenic qualities of the Rural area;
- p) Transportation and utility facilities;
- q) Industrial or commercial uses associated with the management or use of resources, subject to an official plan amendment for a site specific permission;
- r) Rural land uses that cannot be located in a settlement area owing to matters such as compatibility and subject to an official plan amendment for a site specific permission;
- s) The legally licensed production of marihuana shall only be permitted as a specialized agricultural use on lands in the Rural designation on a lot with a minimum size of 10 hectares subject to a zoning bylaw amendment and site plan control. Through the rezoning process the Township will be satisfied that compatibility with adjacent land uses can be achieved through approaches such as the installation and operation of odour and light mitigation systems, odour and light control, maintenance and monitoring plans, maintaining appropriate setbacks from sensitive receptors and a waste management plan; and
- t) Accommodation for full time farm labour when the size and nature of the operation requires additional employment subject to Policy 5.1.5 of the Plan.

5.2.4 Severance Policies

New lots may be created for the following purposes;

OPA No. 8

- a) In accordance with the policies of Sections 5.1.4, a maximum of three severances from any original Township lot of approximately 40 hectares, where the severed and retained lots are at least 10 hectares. However, the maximum of three severances will include any severance for a surplus farm dwelling in accordance with the policies of Section 5.1.4 a).
- b) In addition, new lots may be created to permit infilling in rural residential areas where the following conditions exist:
 - i) a lot may be created between two existing non-farm agricultural dwellings which are on similar sized lots on the same side of the road and are not more than 100 metres apart, or a single lot extension of an existing cluster of three or more lots each having less than 100 metres of frontage on the same side of the road, and where such dwellings existed prior to January 1st, 2003;

- ii) creating lots of approximately 2 hectares in size within existing clusters of existing lots of 4 hectares to 12 hectares as of the date of adoption of this Plan.
- c) In addition to the lot creation policies in Section 8.3, the following policies shall apply:
 - i) the proposed retained and severed lands will have at least 60 metres of frontage.
 - ii) Where lands have been used for the spreading of bio-solids in the previous five years, a report confirming no residual contaminants shall be required in accordance with Section 7.3.
 - iii) the land shall not further restrict the ability of an adjacent farming operation to comply with its approved Nutrient Management Plan.
 - iv) New lots shall reflect the physical characteristics of the land and the lot pattern in the immediate vicinity and shall not adversely affect agricultural uses in the Township.
 - v) Natural heritage features should not be fragmented where practical.

5.2.5 Development Policies

In addition to the Development Criteria in Section 7, the following policies shall apply:

- a) In assessing applications for any development severance, priority over the application will be given to the preservation of nearby agricultural operations.
- b) New residential developments of more than three lots shall be directed to lands designated *Community* or *Estate Residential* within the Official Plan.
- c) Small scale, industrial and commercial developments in the *Rural* area shall be designed to maintain the historical and cultural character of the Township and will not create or add to a negative impact on the environment, adjacent sensitive land uses or traffic patterns. In order to encourage the retention of existing agricultural buildings, Council may pass a Temporary Use By-law in accordance with Section 9.1 of this Plan, to permit an agricultural building that existed on the date of approval of this Plan to be used for a non-agricultural purpose, as a temporary use, provided that the intent of this Plan is met. In considering such development, Council will ensure that:
 - i) the exterior of the building is maintained and that the rural character of the surrounding lands is not changed. Prior to approving such development, Council shall require a report and preliminary building

OPA No. 4

OPA No. 8

plans prepared by a professional architect or engineer outlining the extent of building renovations being proposed in order to ensure that the renovations required will comply with the Building Code;

- ii) the use does not adversely impact the rural character of the surrounding lands in terms of noise, odour, dust or traffic;
- iii) the proposed use does not adversely affect the continuation of agricultural uses on the surrounding lands;
- iv) the building complies with the requirements of the Building Code for the form of occupancy proposed; and,
- v) applications to permit new commercial or industrial uses must demonstrate by way of appropriate technical assessment that the location will be able to supply water in adequate quality and quantity and sustain a sewage treatment and disposal system in accordance with the applicable legislated requirements.

Council may extend the Temporary Use By-law or may pass a By-law to permit the permanent use of the lands after three years where it has been demonstrated that the use satisfies the Objectives in Section 4.0 and 5.2.2 of this Plan.

- d) Site Plan Control will be applied to all industrial, recreational and commercial uses to ensure that the development is integrated into the rural environment and to ensure that agricultural buildings used for non-agricultural purposes are retained. In addition, outdoor storage areas and the storage/removal of on-site generated waste shall be developed in a manner to ensure protection and screening from all adjacent roads and residential uses.

OPA No. 8

- e) The scale of non-residential uses in the *Rural* area shall be restricted by the amount of sewage effluent generated by the use. Small scale uses shall be defined as those uses which generate less than 10,000 litres of sewage effluent daily. Uses which generate larger volumes of sewage, or which generate non-domestic or hazardous effluent shall generally not be permitted in the *Rural* area and shall require an amendment to this Plan which will include the submission of technical studies that addresses the feasibility of water and sewage services.

OPA No. 8

- f) New developments in the *Rural* designation, with the exception of agricultural operations and wayside pits and quarries, shall not result in traffic, noise, odour or dust which would change the character of the *Rural* area. Where required by the Township as a basis for their evaluation of a new development, the proponent will submit an impact assessment and remediation plan for any use that may have the ability to compromise or contaminate the subject lands or to create or potentially create environmental stress.

OPA No. 8

- g) An appropriate separation distance, based on the Ministry of Environment, Conservation and Parks relevant guidelines related to land use compatibility, will be established between a rural industrial land use and any sensitive land use. This separation distance shall be enforced through a zoning amendment and/or site plan control.
- h) The development of recreational facilities in the *Rural* area shall respect the open landscape characteristic and environmentally sensitive lands. Significant alteration of these features shall not be permitted in order to accommodate a recreational use. The development of recreational facilities that generate more than 10,000 litres per day of sewage effluent shall require an amendment to this Plan which will include the submission of technical studies that addresses the feasibility of water and sewage services.
- i) Golf Courses may be developed in the *Rural* designation by amendment to this Plan where the Development Criteria in Section 7.0, the Objectives in Section 4.0, and the criteria set out in Section 9.7 have been satisfied. In addition, the development or expansion of golf courses shall comply with the following criteria;
- a. road access shall be from a paved public roadway system;
 - b. water for irrigation shall be obtained from surface run-off and surface sources rather than sub-surface sources;
 - c. the natural topography of the landscape shall be maintained except for minor modifications required for buildings, parking areas, tees and greens;
 - d. a buffer strip of undisturbed vegetation of not less than 15 metres shall be maintained adjacent to natural watercourses. Where the watercourse is identified as a cold water stream on Schedule B, a buffer strip not less than 30 metres shall be required.
 - e. where development occurs within a valley or stream corridor, modification to the contours shall maintain the predevelopment characteristics of the flood plain;
 - f. applications shall be accompanied by the following:
 - i. a site and grading plan;
 - ii. a hydrogeological report;
 - iii. a landscape analysis and landscaping plan;
 - iv. an environmental analysis;
 - v. a traffic impact analysis;
 - vi. a supply and demand analysis; and
 - vii. any other requirements of Council.
 - g. golf courses shall be designed to comply with the Audubon Golf Course certification program.

- j) New development proposed in or adjacent to high potential aggregate deposits or areas designated as Extractive Industrial shall not preclude or hinder the establishment of new operations or access to the resources.

5.2.6 Zoning

OPA No. 4
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- a) The Zoning By-law shall place lands in the appropriate Zone to recognize the different uses permitted within this designation.
- b) The Zoning By-law shall require all new and expanding livestock and manure storage facilities to meet the Provincial minimum distance separation formulae and that new residential development and proposed lot creations meet the Provincial minimum distance separation formulae. However, in locating new livestock buildings and manure storage facilities consideration will be given to the relationship to adjacent vacant lots to ensure a reasonable building envelope is maintained on adjacent properties.

5.2.7 Rural Special Policy 1 (RU-1)

OPA No.10

The following policies are applicable to Rural Special Policy 1 (RU-1):

For the lands municipally known as 182918 20 Sideroad, Concession 12, West Part Lot 20, Parcels 6 and 7, only one (1) new lot may be created with a minimum lot area of 1 ha.

5.3 ESTATE RESIDENTIAL

5.3.1 Identification

OPA No. 4

The *Estate Residential* designation is intended to recognize existing estate residential lots in plans of subdivision and areas designated *Estate Residential* prior to June 16, 2006.

5.3.2 Objectives

OPA No. 8

- a) To identify areas where estate residential subdivisions have occurred in the Township.
- b) To provide a basis for the evaluation of any applications for development or redevelopment in existing Estate Residential areas.

5.3.3 Permitted Uses

OPA No. 8

The predominant use of land in the *Estate Residential* designation shall be single-detached residences on large lots and/or at low density. One secondary residential unit within an existing or new home, where permitted by the Township zoning by-law; and an additional secondary residential unit in an existing or new accessory building are permitted subject to meeting the requirements of Section 9.1.5 of this Plan including the requirements of the Ontario Building Code, where permitted by the Township Zoning By-law, and consideration of such matters as lot size, public health, safety, servicing and parking. Other uses permitted in the *Estate Residential* designation include:

OPA No. 8

- a) Public parks and recreational facilities
- b) Public utilities
- c) Home occupations.

5.3.4 Severance Policies

New development in the *Estate Residential* designation shall occur by Plan of Subdivision. There shall be no lots created by severance in the *Estate Residential* designation. Lots within plans of subdivision which have been created through the subdivision approval process shall not be further divided into new lots.

5.3.5 Development Policies

In addition to the Development Criteria in Section 7, the following policies shall apply:

OPA No. 8

- a) Lot size and density shall minimize land consumption and reduce servicing costs. In addition to the Development Criteria in Section 7, lot size, pattern and density shall be supported and determined by a detailed hydrogeological study and other studies as determined and completed to the satisfaction of Council to address planning considerations such as design, servicing of the site and stormwater management.
- b) Lots shall be well proportioned. The depth of any lot should not exceed four times the frontage.
- c) The existing topography or vegetation shall provide sufficient screening so that a minimum number of dwellings can be viewed directly from main roads and the visible landscape remains unimpaired. Where the existing topography and vegetation provides no visual buffering adjacent to existing roads, tree screening and earth berms shall be provided in order to shield dwellings from passing traffic and to create as much privacy and enclosure as possible.

- d) Council may require a Tree Preservation Plan to preserve existing mature trees and provide for reforestation so that a substantial proportion of the area of each lot is tree covered.
- e) The natural topography, surface drainage pattern and vegetative cover shall be an essential consideration in the layout of the road system, lot pattern and design of proposed units.
- f) Lands to be developed for estate residential purposes shall have direct access to an external paved road system. Access to individual lots or units shall be from paved internal public roads.
- g) New development proposed in or adjacent to high potential aggregate deposits or areas designated as Extractive Industrial shall not preclude or hinder the establishment of new operations or access to the resources.

5.3.6 Zoning

Estate Residential lots shall be placed in an Estate Residential Zone, which will reflect an appropriate range of uses and regulations for these lots.

Site specific Zones may be used to reflect the results of the studies prepared in support of any development application.

5.4 COMMUNITY

5.4.1 Identification

The existing communities of Marsville and Orton in the Township provide an important residential, commercial and social function to residents of the Township. The boundaries of the *Community* areas of the Township of East Garafraxa are identified on Schedule A, A-1 and A-2.

A mix of residential, commercial, open space, environmental protection and small scale institutional uses are encouraged within the *Community* boundaries.

5.4.2 Community Designations

Within the Communities there are three specific designations that apply only to the lands within the *Community* boundaries as shown on Schedules A-1 and A-2. These designations are:

- *Community Residential*
- *Community Commercial*
- *Community Institutional*

Lands not designated with a *Community* designation that falls within the *Community* boundaries are subject to the policies of the respective designation.

Within the Communities the Employment Area, Open Space, Rural and Environmental Protection designations may also apply as shown on Schedules A-1 and A-2.

5.4.2.1 Community Residential

Land in the *Community Residential* designation may be used for the following:

- a) Single-detached residential dwellings;
- b) One secondary residential unit within an existing or new home, where permitted by the Township zoning by-law; and an additional secondary residential unit in an existing or new accessory building are permitted subject to meeting the requirements of Section 9.1.5 of this Plan including the requirements of the Ontario Building Code, where permitted by the Township Zoning By-Law, and consideration of such matters as lot size, public health, safety, servicing and parking.
- c) Dwelling types other than single detached residential dwellings subject to an amendment to this plan;
- d) Home occupations; and
- e) Public parks and open space.

OPA No. 8

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OPA No. 8

Lot size and density in *Community Residential* areas shall minimize land consumption and reduce servicing costs. In addition to the Development Criteria in Section 7.0 and Growth Management policies in Section 8.0, lot size, density and pattern shall be supported and determined by a detailed hydrogeological study and other studies as determined and completed to the satisfaction of Council to address planning considerations such as design, servicing of the site and stormwater management.

Residential development by registered plan of subdivision will be encouraged. However, infilling or minor expansions through the creation of lots by severance may be permitted subject to the approval of the sewage and water services by the appropriate authority.

5.4.2.2 Community Commercial

Commercial uses within the communities should be of a size and nature that reflects the role of the community as a local service centre. Commercial uses that attract tourism are also encouraged provided that the size of these uses is in keeping with the character of the community. Permitted commercial uses shall include:

- a) retail stores and food services;
- b) automotive and service uses
- c) professional and administrative offices;

- d) residential uses accessory to commercial uses;
- e) larger retail uses serving the agricultural community, and,
- f) existing residential uses

All new Commercial uses shall be subject to site plan control.

5.4.2.3 Community Institutional

Community Institutional uses are intended to provide a focus for social activities within the Township and to serve the Community and surrounding areas.

Permitted uses include:

- a) public schools;
- b) places of worship;
- c) community halls;
- d) municipal facilities;
- e) public parking areas;
- f) medical facilities; and,
- g) day care facilities.

OPA No. 8

It is recognized that not all services and facilities that provide public services are owned and operated by public authorities or agencies. Where private facilities are proposed, those facilities shall be subject to site plan control.

OPA No. 8

Notwithstanding any other provisions of Section 5.4.2.3, it is recognized that the existing Township works yard on the west side of 13th Line south of County Road 3 in Marsville is an interim use. Upon the lands ceasing to be used for Community Institutional purposes, the lands shall be designated as Community Residential without requiring any further amendment to the Official Plan, and shall be shown as such on subsequent mapping of Schedule "A-1" to this Official Plan.

5.4.3 Drainage

Council shall require that proposals for new development within the Community of Marsville and Orton be accompanied by an evaluation of drainage issues.

5.4.4 Severance Policies

Development within the *Community* shall generally occur by Plan of Subdivision. Infilling lots and development consisting of a maximum of three lots may be created by consent.

5.4.5 Development Policies

In addition to the Development Criteria in Section 7, the following policies shall apply within the *Community* designation:

- a) the rate of growth in each *Community* shall not exceed that provided for in Section 8.
- b) Expansion of legally existing uses in *Community* areas, which are incompatible due to noise, odour or other emissions, will be discouraged.
- c) New development shall be designed to maintain the small-town character of Marsville and Orton. The built form and building materials should reflect the Communities' character. Greater attention will be given to streetscape and landscape elements on developments within the *Community* areas including the promotion of active communities. Site Plan control may be used to regulate development in a manner that reflects the character of the community and respects the neighbouring uses.
- d) Development standards in the *Community* of Marsville and Orton shall be in accordance with the Townships Road and Development Standards and detailed design criteria established by Council for use in development review.
- e) Community development shall be planned to provide a continuous open space and parks system within the community. Parks that serve the Communities should be linked through Environmental Protection corridors.
- f) Expansions to the boundary of these settlement areas are subject to a countywide municipal comprehensive review pursuant to the Growth Plan and the County of Dufferin Official Plan policies regarding settlement area boundary expansions, once in force and effect.

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5.4.6 Zoning

OPA No. 8

The zoning in the implementing Zoning By-Law should reflect the direction provided by the applicable land use designations in this Plan.

The Zoning By-law will be used to limit uses and floor space as well as providing specific regulations that will ensure that new development is compatible and in keeping with the general character of the Communities.

5.5 EMPLOYMENT AREA

5.5.1 Identification

OPA No. 8

Employment Areas are used for larger scale industrial and commercial development. They have high exposure to traffic and are easily accessible. The following policies shall apply to those lands having an *Employment Area* designation on Schedules A, A-1 and A-2:

5.5.2 Objectives

OPA No. 8

- a. To encourage dry industrial and commercial development that will provide a variety of opportunities for employment and economic growth in the Township of East Garafraxa.
- b. To direct and focus large-scale commercial and industrial uses to specific areas in the Township where those uses will benefit from roadway exposure and be compatible with adjacent land uses.
- c. To provide development criteria to minimize potential land use conflicts and ensure an attractive and functional employment area.

5.5.3 Permitted Uses

Lands in the *Employment Area* designation may be used for the following.

- a. manufacturing, assembly, clean processing, recycling, warehousing and materials storage, including contractors yards, transportation terminals, and other similar facilities associated with buildings and structures;
- b. accessory retail sales, offices, cafeterias and other accessory uses that are smaller in scale and that are located on the same lot as the primary industrial use to which they are incidental;
- c. free-standing business oriented sales, service and office operations such as vehicle, machinery and equipment sales, service and leasing operations, printing, telecommunication and electronic data processing facilities, and vehicle fuel retailing operations;
- d. business and professional offices;
- e. specialized retail outlets;
- f. restaurant facilities;
- g. hotels and motels;
- h. open space, recreation uses;

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| OPA No. 8 | i. fire halls, police and ambulance stations, utilities and similar public facilities; |
| | j. automotive commercial uses, such as service stations, automotive sales and service, including mechanical and body repair, recreational vehicle or trailer sales and service, car rental outlet; |
| | k. building materials outlets, gardening supply, nursery centres, and other similar uses; |
| OPA No. 8 | l. existing legal residential uses; |
| OPA No. 4 | m. one accessory dwelling unit; and |
| OPA No. 8 | n. The legal licensed production of marijuana shall only be permitted on lands in the Employment Area designation in lands in an Industrial or Business Park Zone in an enclosed building subject to a zoning by-law amendment and site plan control. Through the rezoning process the Township will be satisfied that compatibility with adjacent land uses can be achieved through approaches such as the installation and operation of odour and light mitigation systems, odour and light control, maintenance and monitoring plans, maintaining appropriate setbacks from sensitive receptors and a waste management plan. |

5.5.4 Prohibited Uses

Prohibited uses include the following:

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| | a. scrap, salvage or wrecking yards or facilities; |
| | b. the manufacture of asphalt and petroleum refinery operations; |
| | c. the extraction or storage of hazardous or potentially hazardous materials; |
| | d. the extraction or storage of mineral aggregates; |
| | e. noxious uses; |
| | |
| OPA No. 8 | f. new residential lots and other sensitive uses, not ancillary to the primary employment uses including schools, places of worship and hospitals; and. |
| | g. Activities within a vulnerable area prohibited in accordance with Section 57 of the Ontario Clean Water Act, 2006. |

5.5.5 Severance Policies

- a. new lots shall be of a sufficient size to accommodate the appropriate sewage and water systems, on-site storm water management, parking, loading and buffering from adjacent uses.
- b. new lots should not be created without consideration for area wide storm water and transportation impacts of the development.

- c. where the proposed development requires the extension of municipal roads or other services, a plan of subdivision shall be required. Subsequent development by part lot control or consent will be considered only where servicing and land use compatibility issues can be addressed.

5.5.6 Development Policies

- a. Site Plan control will be used to regulate development in a manner that reflects the character of the community and respects surrounding land uses. Site plan control will be used to incorporate the following features:
 - i. increased setbacks along the road having the greater standard of design and construction to provide adequate areas for landscaping and buffering;
 - ii. building design that reflects the rural character of the Township;
 - iii. landscaping designed by a professional landscape architect;
 - iv. signs and lighting that minimize the visual impact on surrounding uses.
- b. Any application to re-designate lands in the Employment Area within Marsville to permit non-employment uses will only be considered through a municipal comprehensive review in accordance with the Growth Plan and the County Official Plan where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

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5.5.7 Buffering

All *Employment Area* uses shall minimize the noise, visual, traffic, pollution and other related nuisances and hazards arising there from. Industrial uses that are in proximity to non-industrial uses shall provide to the satisfaction of the Township, a combination of the mitigation measures to reduce any potential negative impacts that the development may have on these non-industrial uses. These measures may include landscaping, fencing or berming between potentially incompatible uses; and; appropriate building design and siting.

Where residential land or other sensitive land uses are within the distances identified below from proposed Employment Area uses, an assessment of the potential impact of the industrial use and mitigation measures to prevent adverse effects that may be experienced shall be required in accordance with the Ministry of Environment, Conservation and Parks Guidelines:

OPA No. 8

| | <u>TYPE OF USE</u> | <u>AREA OF INFLUENCE</u> |
|----|---|--------------------------|
| a) | Class III (Heavy industrial uses) Large scale manufacturing or processing industries, characterized by major annoyances and high probability of fugitive emissions | 1000 metres |
| b) | Class II (Medium industrial uses) Medium scale processing and manufacturing including outdoor storage, associated with minor annoyances including noise, odour, dust, vibrations and low probability of fugitive emissions | 300 metres |
| c) | Class I (Light industrial uses) Small scale, self-contained plants or buildings having a low probability of fugitive emission, and has no outdoor storage | 70 metres |

Where an impact assessment study recommends larger setbacks, such larger setbacks shall be considered the appropriate minimum setbacks for industrial development from residential or other sensitive land uses. Should a technical assessment be undertaken that demonstrates, that either the full distance is not required and/or mitigation measures will be applied to minimize any anticipated adverse effects, site-specific notification shall be implemented to deal with future changes in uses which would not normally require rezoning.

5.5.8 Infrastructure and Amenities

OPA No. 8

Development in the *Employment Area* designation shall be designed so as to incorporate the following through the site plan control process:

- a. water supply servicing;
- b. sanitary sewage servicing;
- c. appropriate storm drainage works;
- d. appropriate outdoor lighting, sidewalks, walkways and landscaping;
- e. off-street parking, including parking for the disabled, loading, service and other similar areas that have routes, roadway access and internal driving aisles accessible at all times and that ensure that all vehicle movements are accommodated off the public roads while being compatible with adjacent land uses; and,
- f. any other services, works or consideration the Township may deem appropriate or that are required elsewhere in this Plan.

5.5.9 Zoning

Employment Areas will have commercial, industrial and institutional zoning to reflect the existing uses and provide for reasonable expansions to those uses.

The Zoning By-law shall contain provisions including adequate setbacks from specific land uses, property lines, parking and loading requirements, landscaped area or buffering requirements, prohibition of nuisances, and regulations for outside storage.

5.5.10 New Employment Land Designation

OPA No. 4

New land to be designated as *Employment* is directed to settlement areas only.

5.6 EXTRACTIVE INDUSTRIAL

5.6.1 Identification

OPA No. 8

This Plan recognizes all existing pits, other than wayside pits, with licenses issued in accordance with the Aggregate Resources Act. Licensed pits are designated *Extractive Industrial*. New *Extractive Industrial* operations, including peat extraction operations, will require an amendment to this Plan. The following policies outline conditions under which pits, quarries and peat extraction activities may operate and expand and where new extractive operations may be considered.

OPA No. 8

High Potential Aggregate Resources are also identified on Schedule “B” so that such areas can be protected for long term use. However, the identification of such areas does not presume that all lands located in such areas are suitable for the establishment of new pits and quarries or expansions of existing pits and quarries. Further, it is recognized that there is potential for establishment of pits and quarries outside the identified areas. Any application for a pit or quarry will require an Official Plan amendment regardless of location.

5.6.2 Objectives

OPA No. 8

a. To identify areas where extractive operations presently exist in the Township and to protect them from activities that would preclude or hinder their continued use or expansion.

b. To identify and protect high potential aggregate resources for their future use from potentially incompatible uses.

OPA No. 8

c. To provide criteria for the future development of extractive operations in order to minimize their impact on the natural landscape and existing land uses.

d. To provide for the progressive rehabilitation of extractive operations to an appropriate after-use.

5.6.3 Permitted Uses

OPA No. 8

The predominant use of land in the Extractive Industrial designation shall be for the extraction of gravel, sand, other aggregate or mineral resources and peat. Permitted uses include;

OPA No. 8

- a. Existing aggregate extraction operations, licensed in accordance with the Aggregate Resources Act including those Aggregate extraction operations designated under Official Plan Amendments 5 (Tri-County) and 6 (Greenwood);
- b. Existing uses;
- c. Agricultural operations;
- d. Peat extraction;
- e. Forest, fisheries and wildlife management;

OPA No. 8

- f. Outdoor recreational uses that require little terrain or vegetation modification and few, if any, buildings or structures;
- g. Public roads and infrastructure

OPA No. 8

- h. Wayside pits and quarries and portable asphalt plants.
- i. Watershed management and erosion control projects carried out or supervised by a public agency.

OPA No. 8

Mineral aggregate resource conservation uses will also be permitted. However, accessory uses to aggregate operations such as asphalt plants and redi-mix plants are not permitted as of right. Any such use shall require a site-specific Official Plan amendment, and a zoning by-law amendment. Further, such uses will only be considered accessory to the use as established in Section 5.6.3.a), and if approved must cease when the use as set out in Section 5.6.3.a) ceases.

5.6.4 Severance Policies

New lots in the Extractive Industrial designation shall be discouraged. The consolidation of existing parcels in the Extractive Industrial designation shall be encouraged.

5.6.5 Development Policies

OPA No. 8

Development of new *Extractive Industrial* uses outside of lands in the *Extractive Industrial* designation shall proceed by Official Plan Amendment only. When considering applications for new aggregate resource extraction uses, preference shall be given to those areas identified as High Potential Aggregate Resources on Schedule B in accordance with the policies of Section 5.6.10.

When considering applications for peat extraction, Council shall require the submission of detailed site, staging and after-use plans to the satisfaction of Council in consultation with the Conservation Authority.

In addition to the Development Criteria in Section 7, the following policies shall apply to the development of new extractive operations, the expansion of existing extractive operations and/or amendments to existing operation:

OPA No. 8

- a. In order to preserve the scenic beauty and amenity of the area, and protect the surrounding sensitive uses, extractive operations will generally be restricted to areas that can be screened from the public view and buffered through the use of berms and other mitigation measures in accordance with Section 5.6.5 i).
- b. *Extractive Industrial* operations will generally be setback from any adjoining residential property and lands designated *Estate Residential* and *Community Residential* designation. Where a proposed extractive industrial operation is proposed within 300 metres of sensitive land where land use compatibility issues may arise, Council will require studies that will assess the potential impacts of aggregate uses on the adjoining lands and will establish buffer areas and distances based on the results of those studies
- c. No quarry, excavation of aggregate or peat shall occur within 30 metres of the limit of any road right-of-way and 15 metres from any adjoining property line unless the adjoining property is also zoned for *Extractive Industrial* uses in which case the setback may be eliminated.
- d. Residential development, other than development on existing lots or draft plan approved lots, and other forms of development that may be incompatible with the extractive industrial operation, will not be permitted to establish within 120 metres of licensed extractive areas.

OPA No. 8

- e. All extractive industrial uses must satisfy the requirements of the Ministry of Environment, Conservation and Parks with regard to use and impact on ground and surface water, disposal of liquid wastes, noise vibration, dust and control of air pollution and other matters, and the requirements of the Aggregate Resources Act. However, complete rehabilitation is not required where there is a substantial quantity of mineral aggregate resources below the water table warranting extraction or the depth of the planned extraction in a quarry makes restoration of pre-agricultural capability unfeasible and other alternatives have been considered by the applicant and found unsuitable and rehabilitation in the remaining area is maximized.

OPA No. 8

- f. Aggregate extraction may occur in *Agricultural* area through an amendment to this Plan provided that it is established through a rehabilitation plan that the agricultural rehabilitation of the site will be carried out and approximately the same acreage and average soil capability for agriculture are restored.

| | | |
|-----------|-------|---|
| | g. | Wherever possible, rehabilitation shall be progressive as the extraction proceeds. Where it is not practical to rehabilitate immediately to the planned after use, interim rehabilitation shall occur. |
| | h. | Extractive operations including wayside pits and associated haul routes shall satisfy the following criteria: |
| OPA No. 8 | i) | The protection of sensitive ecological, geological, historic and archaeological sites or areas on or, adjacent to the proposed site, |
| OPA No. 4 | ii) | The protection of surface and groundwater resources with respect to quality and quantity, |
| | iii) | The mitigation, to the extent feasible, of impacts on surrounding agricultural operations and lands in <i>Agricultural</i> areas, |
| | iv) | The minimization of adverse impact of extractive and accessory operations on existing and approved residential development, |
| OPA No. 8 | v) | The preservation of the natural and cultural landscapes and significant built heritage resources and adjacent lands on or adjacent to the proposed site as much as possible during extraction and after rehabilitation, |
| | vi) | Maximum safety and the prevention of traffic conflicts on haul routes. |
| OPA No. 8 | vii) | A haul route plan which places a priority on the use of provincial Highways, County Roads or, if required, Township Roads which will be brought up to a standard acceptable to the Township including paving, |
| | viii) | The Minimization of impacts through the removal and placement of fill, topsoil or overburden; and, |
| | ix) | Conformity with the provisions of Clean Water Act, 2006, the policies of the applicable Source Protection Plan and the source water protection policies of this Plan for vulnerable areas. |
| OPA No. 8 | i. | As a condition of the license, the extractive operation shall be screened and buffered while it is in progress and such screening and buffering shall be substantially established prior to extraction in a manner compatible with the surrounding visual environment and in consultation with the Township. Screening shall consider snow load and satisfy the following criteria: |
| | i) | Overburden material supplemented with native tree and shrub plantings should be utilized for screening purposes. |

- ii) Tree screen plantings are to be of compatible species and sizes to permit only very limited visual contact from the surrounding landscape. Native species should be used wherever possible.
- iii) All plantings should be properly maintained to ensure continued survival and good growth rates.
- vi) Where an existing forest is to be considered as an effective screen along the perimeter of the site, provisions shall be included in the Aggregate License protecting the forested area being used as a natural screen.

OPA No. 8

- j. After extraction has ceased, progressive and final rehabilitation will be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to minimize impacts, to the extent possible. Final rehabilitation will take into consideration the pre-extraction land use designation and conditions, and compatibility with the character of the surrounding land uses and approved land use designations. The rehabilitation plan should demonstrate that the plan is consistent with the policies of this Plan. Wherever possible, rehabilitation shall be progressive as the extraction proceeds. Where it is not practical to rehabilitate immediately to the planned after use, interim rehabilitation shall occur.

OPA No. 8

- k. For the purposes of this Plan a wayside pit or quarry shall mean:
a temporary pit or quarry opened and used by or for a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

OPA No. 8

- l. An application for a wayside permit shall be accompanied by;
 - i) confirmation of the specific road projects for which the aggregate is required;
 - ii) a sketch map drawn to scale indicating property features, present pit areas, excavation faces, areas to be excavated and other areas to be used; and,
 - iii) a rehabilitation statement or plan compatible with the proposed operation and land use in the area. Lands designated as Agricultural shall be rehabilitated as per Section 5.6.5 f).

OPA No. 8

- m. The opportunity to use existing aggregate including abandoned pits shall be encouraged.
- n. All areas used for either wayside pits and quarries, portable asphalt plants and portable concrete plants will be rehabilitated in accordance with Section 5.6.5.

5.6.6

OPA No. 8

Extractive Industrial Special Policy 1 (MX-1) for East Half Lot 2, Concession 17, West Half Lot 2, Concession 16, and West Half of Lot 2, Concession 18

The following policies are applicable to Extractive Industrial Special Policy 1 (MX-1):

On the above-noted properties, a processing plant for aggregate material and/or concrete batching plant will be permitted, but shall not be located within 90 metres of an existing residence or property zoned for residential purposes and within 30 metres of any boundary of the property on which the operation is being carried out. Council may at its discretion reduce these requirements.

5.6.7

OPA No. 5

Special Policy 2(MX-2) for East Part of Lots 2, 3, and the West Part of Lot 3, Concession 18

The following policies are applicable to Extractive Industrial Special Policy 2 (MX-2):

- i. Extraction of sand and gravel shall be permitted as an interim land use together with crushing, processing, washing, screening and haulage of the extracted aggregate;
- ii. Extraction shall be permitted to a maximum depth of 1.5 m above the established groundwater table, i.e. pit above water table;
- iii. Limited importation, being no more than 5% per annum of the annual production, is only permitted as part of blending of aggregate with such blending limited to the importation of sand and gravel, but the recycling and/or importation of concrete and/or asphalt shall not be permitted;
- iv. The area disturbed on the site shall be limited as much as possible through the use of staged stripping, extraction and progressive rehabilitation operations, with a maximum disturbed area to be 32.2ha;
- v. Development Agreement(s) shall be entered into with the Township and the County of Dufferin to the satisfaction of each respective municipality;
- vi. The importation of topsoil only for the purposes of backfilling for final rehabilitation slopes - and with all other importation of fill prohibited save and except for iii. above or as specifically authorized otherwise as per the Development Agreement with the Township;
- vii. The hours of operation shall be as per the Development Agreement with the Township;
- viii. Uses such as a permanent or portable concrete batch plant or permanent or portable asphalt batch plant or any other extractive industrial use not specifically permitted or enumerated above shall not be permitted;
- ix. Agricultural use is permitted as set out in the implementing zoning by-law;
- x. Rehabilitation **shall** to be to an agricultural condition;

- xi. Upon the agricultural rehabilitation being final and the surrender of the licence being accepted by the Ministry of Natural Resources and Forestry, the interim designation for Extractive Industrial Special Policy 2 shall cease and shall be removed from Schedule "A" to the Official Plan for the Township of East Garafraxa and the underlying Agricultural designation shall remain and shall be shown on the subsequent mapping of Schedule "A" to the Official Plan for the Township of East Garafraxa.

5.6.8

OPA No. 6

Special Policy 3 (MX-3) for East Half of Lot 1, Concession 18 (East Pit) and West Half of Lot 2, Concession 17 (West Pit)

The following policies are applicable to Extractive Industrial Special Policy 3 (MX-3):

- i. Extraction of sand and gravel shall be permitted as an interim land use together with primary crushing, processing, screening as set on the Site Plan(s) together with the conveyance of the extracted aggregate from the East Pit to the abutting licenced Pit (Licence No. #80956), and from the West Pit to the abutting licenced Pit (Licence No. #10606) for final crushing, processing and screening at the processing plants in those abutting licenced Pits;
- ii. No haulage of aggregate directly from the East Pit or from the West Pit to the Township roads is permitted, (as the aggregate is to be conveyed to the abutting licenced Pits, with the aggregate then being hauled from those abutting licenced Pits using the 17th Line entrances and haulroute);
- iii. Extraction shall be permitted to a maximum depth of 1.5 m above the established groundwater table, i.e. pit above water table;
- iv. Importation of sand and gravel, concrete and/or asphalt shall not be permitted;
- v. The area disturbed on the site shall be limited as much as possible through the use of staged stripping, extraction and progressive rehabilitation operations, with a maximum disturbed area to be 20 ha for each of the East Pit and West Pit;
- vi. Development Agreement(s) shall be entered into with the Township and the County of Dufferin to the satisfaction of each respective municipality;
- vii. The importation of topsoil, soil and fill is not permitted save except as specifically authorized as per the Development Agreement with the Township;
- viii. The hours of operation shall be as per the Development Agreement with the Township;
- ix. Uses such as a permanent or portable concrete batch plant or permanent or portable asphalt batch plant or any other extractive industrial use not specifically permitted or enumerated above shall not be permitted;
- x. Agricultural use is permitted as set out in the implementing zoning by-law;

- xi. Rehabilitation shall be to an agricultural condition;
- xii. Upon the agricultural rehabilitation being final and the surrender of the licence being accepted by the Ministry of Natural Resources and Forestry, the interim designation for Extractive Industrial Special Policy 3 shall cease and shall be removed from Schedule “A” to the Official Plan for the Township of East Garafraxa and the underlying Agricultural designation shall remain and shall be shown on the subsequent mapping of Schedule “A” to the Official Plan for the Township of East Garafraxa.

5.6.9 Zoning

Existing *Extractive Industrial* uses will be zoned specifically in the Zoning By-law. New extractive uses will require an amendment to the Zoning By-law.

5.6.10 High Potential Aggregate Resources

OPA No. 8

High Potential Aggregate Resources are identified on Schedule “B” so that such areas can be protected for long term use. However, the identification of such areas with this overlay designation does not presume that all lands located in such areas are suitable for the establishment of new pits and quarries or expansions of exiting pits and quarries. Further, it is recognized that there is potential for establishment of pits and quarries outside the identified areas. Any application for a pit or quarry will require an Official Plan amendment regardless of location.

Where lands are identified with the overlay designation “High Potential Aggregate Resource” on Schedule “B”, Council shall consider applications for development in accordance with the applicable land use designation on Schedule “A” to this Plan. In addition, the impact of applications for non-aggregate uses, with the exception of agricultural uses, on the ability to extract aggregates from the lands prior to permitting such uses shall also be considered. Non-aggregate uses will only be permitted where it can be demonstrated that those uses will not preclude or hinder the expansion or continued use of an existing aggregate operation, the establishment of new aggregate operations or access to the aggregate resources. Such applications will be supported by studies that demonstrate that aggregate resource use would not be feasible, or that the proposed land use or development serves a greater long term public interest; and issues of public health, public safety and environmental impact are addressed.

5.6.11 Petroleum Resources

OPA No. 8

Throughout the Township there is the potential for the exploration, discovery and production of petroleum resources. While activities associated with petroleum resources rarely involve Planning Act controls, the issue of new development encroaching on known deposits and existing producing well areas will be reviewed by the Township in conformity with the policies of Section 4.4.4 of the County Plan.

5.7 ENVIRONMENTAL PROTECTION

5.7.1 Identification

The *Environmental Protection* designation includes lands that are environmentally sensitive and those used for outdoor recreation. The outdoor amenities of the Township include passive parks and trails. The *Environmental Protection* designation includes:

- a. Areas with physical constraints to development such as poor drainage, organic soils, flood susceptibility, erosion, steep slopes or any other physical condition which is hazardous to potential development;
- b. Fish habitat;
- c. Significant portions of the habitat of threatened or endangered species and other areas of significant wildlife habitat;
- d. Areas of Natural or Scientific Interest (ANSI);
- e. Environmentally Sensitive Areas (ESA);
- f. Wetlands;
- g. Significant woodlands; and
- h. Valleylands; and
- i. Rivers, lakes, streams and creeks.

OPA No. 8

These areas are shown as, *Environmental Protection* on Schedule A, A-1 and A-2. Environmental Features are identified in greater detail on Schedule B to the Official Plan. Additional direction is also provided through the policies in Section 5.9, Greenbelt Protected Countryside and Section 7, Development Criteria.

OPA No. 8

5.7.2 Objectives

- a. To protect and enhance the *Environmental Protection* areas and natural heritage features in the Township of East Garafraxa and foster the creation of a connected natural heritage system;
- b. To establish criteria regarding the scope, content and evaluation of Environmental Impact Assessments undertaken in support of development within and adjacent to important natural features in the Township and to prohibit development where the proposal would have a negative impact on the functions, features or linkages of the *Environmental Protection* areas as per Section 7 of this Plan;
- c. To encourage the maintenance and improvement of public and privately

OPA No. 8

OPA No. 8

owned lands to provide for a sustainable natural ecosystem throughout the Township; and,

OPA No. 8

- d. To protect human life and property from water related hazards such as flooding and erosion, including the potential impacts of climate change that may increase the risk associated with such hazards.

5.7.3

Permitted Uses

Uses permitted within the *Environmental Protection* designation include:

OPA No. 4

- a. Existing agricultural operations and expansions to existing agricultural buildings and structures, and accessory uses to both;

- b. Legally existing uses;

OPA No. 8

- c. Single-detached dwellings on existing lots including home occupations subject to rezoning where such zoning satisfies the requirements of this Plan;

- d. Passive recreation uses such as nature viewing and trail activities, that do not require buildings or structures or involve the use of motorized vehicles and do not adversely affect the environment, soil or topography or impact on nearby agricultural uses;

- e. Forest, wildlife and fisheries management and archaeological activities;

- f. Essential transportation and utility facilities;

- g. Passive recreational and eco-tourism related uses such as trails and interpretive facilities; and,

OPA No. 8

- h. Essential watershed management and flood and erosion control projects carried out or supervised by a public authority.

The *Environmental Protection* designation recognizes existing uses. New agricultural operations will not be permitted if located entirely within the *Environmental Protection* designation.

5.7.4

Severance Policies

New lots shall not be permitted within the *Environmental Protection* areas except through acquisition by a public body. Severances may be permitted for the purpose of correcting title or enlarging existing lots.

Creation of three lots or less adjacent to or partially including lands designated *Environmental Protection* will require the preparation of a scoped Environmental Impact Assessment, as outlined in Section 7.7 of this Plan and prepared to the satisfaction of Council.

5.7.5 Development Policies

In addition to the Development Criteria in Section 7, the following policies shall apply:

- a. Council encourages the continued development of and improvement to the trails and passive recreational uses in the Township provided that they are in harmony with the open landscape character and are sensitive to the natural environment.
- b. Golf courses may be developed to include lands designated *Environmental Protection* by amendment to this Plan, provided that the Environmental Protection lands are adequately buffered to prevent intrusion by persons using the adjacent lands and the provisions of Section 5.2.5(j) are met.
- c. Development proposed in or adjacent to an area designated Environmental Protection will require an Environmental Impact Assessment to demonstrate that there will be no negative impacts on the features and functions of the Environmental Protection area. Buffering of the features and a setback for development may be required to mitigate predicted impacts and will be established by the Township in consultation with the appropriate Conservation Authority to ensure no negative impacts on natural features or their ecological functions or areas of physical and environmental hazard.
- d. The Township will seek technical advice of the appropriate review agencies, including the appropriate Conservation Authorities when dealing with development proposals in or adjacent to this designation, and such review shall be at the cost of the applicant.
- e. Where new development is proposed on a site that includes areas designated *Environmental Protection* such lands shall not be included as part of the dedication for parkland provided for in the Planning Act.
- f. In considering development proposals on lands containing important natural heritage features and ANSI's shown on Schedule B, Council may require the conveyance of portions of the natural heritage features to a public agency or otherwise setting the lands aside for non-development purposes.
- g. Any development of permitted uses within *Environmental Protection*, as identified on Schedule A, A-1 and A-2, should be such that the ecological, educational or interpretive values of such areas are substantially maintained and there is no net loss of the natural heritage features as established through an Environment Impact Assessment.
- h. All development adjacent to the *Environmental Protection* areas shall be subject to Site Plan Control. Site Plan Control may not be required for a

OPA No. 8

OPA No. 8

OPA No. 8

single detached dwelling on an existing lot of record.

OPA No. 4

- i. Notwithstanding the foregoing, nothing in this Plan is intended to limit the ability of existing agricultural uses to continue on lands designated *Environmental Protection*.

OPA No. 8

- j. Where an EIS determines the boundaries of the Environmental Protection designation or the natural features are more correctly shown on more detailed mapping, the boundaries on Schedules “A” and “B” may be refined without an amendment to this Plan and the policies of the abutting designations shall apply.

5.7.6 Zoning

The Zoning By-law will recognize legally existing uses within the *Environmental Protection* designation and may provide for limited expansions of those uses. Environmentally sensitive lands will be recognized through an environmental protection zone. New development within *Environmental Protection* will require an Amendment to this Plan and the Zoning By-law except where, at the time of adoption of this Plan, plans for development have been approved by the appropriate authority.

5.8 OPEN SPACE

5.8.1 Identification

- a. To encourage parks throughout the Township.
- b. To provide sufficient lands to meet the recreational needs of the population; and,
- c. To protect sensitive environments within the Township.

5.8.2 Permitted Uses

OPA No. 8

- a. The *Open Space* designation includes, public parks including community parks, neighbourhood parks, parkettes and open space linkages. Lands designated *Open Space* shall be used primarily for active and passive recreational purposes.
- b. Community recreation centres and ancillary commercial uses, public utilities and stormwater management facilities may also be permitted on lands designated *Open Space*.

5.8.3 Severance Policies

Lands designated Open Space should only be divided where it is necessary to do so in order to improve the lands for public parks and open space uses.

5.8.4 Development Policies

- a. The intent of the *Open Space* designation is to establish an identifiable and continuous open space network through the Township. The open space network is intended to integrate, wherever possible, environmental features with parks to provide opportunities for active and passive recreation.
- b. Certain lands included within the *Open Space* designation are shown on Schedule A, Schedule A-1 and Schedule A-2. The actual locations, configurations and boundaries of the Community Park, Neighbourhood Parks, Parkettes and open space linkages shall be established in plans of subdivision and in the zoning by-law.
- c. All lands dedicated to the Township shall be conveyed in a physical condition acceptable to Council. When an open watercourse is involved in an area to be dedicated, Council may require that easements for access to and maintenance of watercourses be dedicated to the Township as a condition of approval.
- d. Parks or portions thereof may be designed to include stormwater quantity/quality control features. Where stormwater quantity/quality control features are included in parks, the design of such features will be subject to the approval of the Township, in consultation with the Conservation Authority. The stormwater control features portion of the park shall not be included as part of the parkland dedication.
- e. Where any lands included within the *Open Space* designation are under private ownership, it shall not be construed that these sites are free and open to the public, nor that they will be acquired by the Township or any other authority.
- f. Neighbourhood parks are identified as *Open Space* on Schedule A, Schedule A-1 and Schedule A-2. They are expected to provide a mix of active and passive recreational activities and may incorporate a community recreation centre. Neighbourhood parks are to be located adjacent to schools, natural areas and/or environmental features wherever possible. Neighbourhood parks must have sufficient frontage on a public road to ensure visual contact with the entire park;

5.8.5 Zoning

Open Space uses will be placed in a separate zone.

5.9

GREENBELT PROTECTED COUNTRYSIDE

5.9.1

Designations and Definitions

OPA No. 4

- a. The policies of Section 5.9 shall apply to all lands within the Greenbelt Area boundary as shown on Schedule “A” Land Use and Transportation, Schedule “D” Greenbelt, and Schedule “E” Natural Heritage Features. Schedule “A”, Schedule “D” and Schedule “E” are to be read together for lands subject to the Greenbelt Protected Countryside designation.

OPA No. 4

- b. Schedule “D” Greenbelt identifies the lands subject to the Greenbelt Protected Countryside designation and the Greenbelt Natural Heritage System. Schedule “E” identifies natural features within the Greenbelt. The land use designations identified on Schedule “A” Land Use and Transportation are pre-existing and these designations are continued as per the Implementation Policies of the Greenbelt Plan 2005 as well as the Growth Plan.

- c. Existing land use designations on Schedule “A” Land Use and Transportation that are subject to the Protected Countryside designation on Schedule “D” Greenbelt include a “Protected Countryside” prefix attached to the existing land use designation. As such, within the Greenbelt Protected Countryside there are six (6) specific designations that apply only to the lands within the Greenbelt Protected Countryside as shown on Schedule “A” and Schedule “D”. These designations are:

- i. Greenbelt Protected Countryside – Agricultural
- ii. Greenbelt Protected Countryside – Rural
- iii. Greenbelt Protected Countryside – Estate Residential
- iv. Greenbelt Protected Countryside – Employment Area
- v. Greenbelt Protected Countryside – Extractive Industrial
- vi. Greenbelt Protected Countryside – Environmental Protection

OPA No. 4

Each land use designation listed above may also be within the Greenbelt Natural Heritage System, as shown on Schedule “E” Greenbelt Natural Heritage Features and shall be subject to the Greenbelt Natural Heritage System policies within Section 5.9 of this Plan.

- d. Activities related to the use of renewable resources are permitted in the Greenbelt Protected Countryside subject to the policies of the Greenbelt Plan 2005 and all other applicable legislation, regulations and municipal planning documents, including the Provincial Policy Statement. All such uses shall be undertaken in accordance with the applicable recommendations, standards or targets of any relevant watershed plan or water budget.

- e. For all words or phrases in italics in Section 5.9 of this Plan, please refer to the Definitions section of the Greenbelt Plan 2005.

5.9.2

Existing Uses

- a. Existing, legally established land uses are permitted within the Greenbelt Protected Countryside and nothing in Section 5.9 of this Plan shall apply to prevent the use of any land, building or structure for a purpose otherwise prohibited by the Greenbelt Plan 2005, if the land, building or structure was lawfully used for that purpose on December 16, 2004 and continues to be used for that purpose.
- b. Nothing in Section 5.9 of this Plan shall prevent the construction of a single detached dwelling on a lot of record, provided the lot of record met the relevant zone requirements for such purpose as of December 16, 2004 or where an application for an amendment to the Zoning By-law was required as a condition of a severance granted prior to December 14, 2003 and such application did not proceed.
- c. Expansions to existing buildings and structures, accessory structure or uses, and/or conversions of legally existing uses to a similar use which will bring the use into closer conformity with Section 5.9 of this Plan and the Greenbelt Plan 2005, are permitted provided all of the following criteria can be met:
 - (i) No new municipal services are required;
 - (ii) The use does not expand into *key natural heritage features* or *key hydrologic features*, unless there is no alternative, in which case expansion shall be directed away from the feature to the maximum extent possible and shall be limited in scope, and kept within close proximity to the existing structure; and,
 - (iii) The impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible.
- d. Expansions to existing agricultural buildings and structures, residential dwellings, and accessory uses to both, may be considered within *key natural heritage features and key hydrologic features* if it is demonstrated that:
 - (i) There is no alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible; and,
 - (ii) The impact of the expansion or alteration on the feature and its function is minimized to the maximum extent possible.
- e. Expansion, maintenance and/or replacement of existing infrastructure is permitted, subject to subsection d) above and to the infrastructure policies of Section 4.2 of the Greenbelt Plan 2005.

OPA No. 4

5.9.3 Greenbelt Natural Heritage System and Key Natural Heritage and Key Hydrological Features

OPA No. 4

The Greenbelt Natural Heritage System is an overlay. Underlying land use and related policy, in addition to the policies of this section, continue to apply. The Greenbelt Natural Heritage System shown on Schedules “D” and “E” identifies the boundaries of the Greenbelt Natural Heritage System which are fixed.

- a. The Greenbelt Natural Heritage System within the Protected Countryside may include key natural heritage features and/or key hydrologic features, as defined in the Greenbelt Plan 2005. *Key natural heritage features* include: areas of *significant* habitat of *threatened species*, *endangered species* and *special concern species*; *fish habitat*; *wetlands*; *Life Science Areas of Natural and Scientific Interest (ANSIs)*; *significant valley lands*; *significant woodlands*; *significant wildlife habitat*; *sand barrens*, *savannahs* and *tallgrass prairies*; and *alvars*. *Key hydrologic features* include: *permanent and intermittent streams*; *lakes* and their littoral zones; *seepage areas* and *springs* and *wetlands*.

OPA No. 4

The boundaries of *key natural heritage features* and ~~key hydrologic features~~ and minimum vegetation protection zones are mapped on Schedule “E” Greenbelt Natural Heritage Features.

Other lands containing these features and any associated vegetation protection zones may be identified through appropriate studies such as a watershed/sub-watershed plan, natural area inventory or natural heritage evaluation.

OPA No. 4

Detailed delineation of *key natural heritage features*, *key hydrologic features* and *vegetation protection zones* will be undertaken through the review and approval of development applications under the *Planning Act* or the *Condominium Act, 1998* including consultation with the appropriate Conservation Authority.

- b. For land within a *key natural heritage feature* or a *key hydrologic feature* the following policies apply:
 - (i) *Development* or *site alteration* is not permitted in *key natural heritage features* and *key hydrologic features* within the Greenbelt Natural Heritage System, including any associated *vegetation protection zone*, with the exception of:
 - a. Forest, fish and wildlife management;
 - b. Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest and after all alternative have been considered; or

- c. *Infrastructure*, aggregate, recreational and *existing uses*, as described by and subject to the general policies of Section 4 of the Greenbelt Plan 2005;
- (ii) *In the case of wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams*, lakes and significant woodlands, the vegetation protection zone shall be a minimum of 30 metres wide measured from the outside boundary of the key natural heritage feature or key hydrologic feature;
- (iii) A proposal for new *development* or *site alteration* within 120 metres of a *key natural heritage feature* within the Greenbelt Natural Heritage System or a *key hydrologic feature* anywhere within the Protected Countryside, requires a natural heritage evaluation to the satisfaction of the Township which shall identify a *vegetative protection zone* that:
 - a. Is of sufficient width to protect the *key natural heritage feature* or *key hydrologic feature* and its functions from the impacts of the proposed change and associated activities that may occur before, during and after construction, and where possible, restore or enhance the feature and/or its function; and
 - b. Is established to achieve, and be maintained as *natural self-sustaining vegetation*;
- (iv) Expansions to existing agricultural buildings and structures and farm and non-farm dwellings, together with accessory uses, are permitted in *key natural heritage features*, subject to the existing use policies of Section 5.9.2 of this Plan;
- (v) Notwithstanding the policies of Section 5.9.3 b) iii) above, new buildings and structures for agricultural uses will be required to provide a 30 metre *vegetation protection zone* from a *key natural heritage feature* or *key hydrologic feature*, but may be exempted from the requirement to provide natural self-sustaining vegetation if the land is, and will continue to be used for agricultural purposes. Despite this exemption, agricultural uses should pursue best management practices to protect and/or restore *key hydrologic features* and *key natural heritage features* and functions; and
- (vi) Beyond the Greenbelt Natural Heritage System within the Greenbelt Protected Countryside, *key natural heritage features* are not subject to the natural features policies of Section 5.9.3 b) of this Plan but are subject to the applicable policies of Section 7 of this Plan and the Provincial Policy Statement;

- (vii) Beyond the Greenbelt Natural Heritage System within the Greenbelt Protected Countryside, *key hydrologic features* are subject to the natural features policies of Section 5.9.3 b) of this Plan.
- c. The full range of existing and new agricultural, agricultural related and secondary uses and normal farm practices are permitted within the Greenbelt Natural Heritage System, subject to policy 5.9.3 d) below.
- d. With the exception of new buildings or structures for agricultural, agricultural related and secondary uses, new *development* or *site alteration* within the Greenbelt Natural Heritage System, as permitted by the policies of this Plan and the Greenbelt Plan 2005, shall demonstrate that:
 - (i) There will be no negative effects *on key natural heritage features* or *key hydrologic features* or their functions;
 - (ii) *Connectivity* between *key natural heritage features* and *key hydrologic features* is maintained, or where possible enhanced for the movement of native plants and animals across the landscape;
 - (iii) The removal of other natural features not identified as *key natural heritage features* and *key hydrologic features* should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible; and
 - (iv) The disturbed area of any site does not exceed 25 percent, and the impervious surface does not exceed 10 percent, of the *total developable area*, except for uses described in and governed by Section 4.1.2 and 4.3.2 of the Greenbelt Plan 2005. With respect to golf courses, the disturbed area shall not exceed 40 percent of the site.
- e) Where non-agricultural uses are contemplated within the Greenbelt Natural Heritage System applicants shall demonstrate that:
 - (i) At least 30 percent of the *total developable area* of the site will remain or be returned to *natural self-sustaining vegetation*, subject to the specific standards established in Section 4.3.2 of the Greenbelt Plan 2005;
 - (ii) *Connectivity* along the system and between *key natural heritage features* or *key hydrologic features* located within 240 metres of each other is maintained or enhanced; and
 - (iii) Buildings or structures do not occupy more than 25 percent of the *total developable area* and are planned to optimize the

compatibility of the project with the natural surroundings.

- f) Within a *key natural heritage feature* or *key hydrologic feature*, renewable natural resource activities should be carried out in a manner that maintains or, where possible, improves these features and their functions.
- g) Where regulations or standards of other agencies or levels of government exceed the standards related to key natural heritage features or key hydrologic features in this Plan, such as may occur with hazardous lands under section 28 of the Conservation Authorities Act or with fisheries under the Federal Fisheries Act, the most restrictive provision or standard applies.

OPA No. 4

5.9.4 Policies for Land Designated Greenbelt Protected Countryside - Agricultural

For lands designated Greenbelt Protected Countryside – Agricultural the following policies shall apply:

- a. Section 5.1 of this Plan applies with the exception of Section 5.1.5 c) and d);
- b. Lands shall not be re-designated for non-agricultural uses;
- c. Uses related to infrastructure, natural resources and cultural heritage resources are permitted subject to the policies of Sections 4.2, 4.3 and 4.4 of the Greenbelt Plan 2005;
- d. Pursuant to Section 4.6 of the Greenbelt Plan 2005, lots may only be created for the following purposes:

OPA No. 4

- (i) Agricultural uses in accordance with section 5.1.4 (d) and in compliance with Sections 5.1.4 a) and 8.4 of this Plan;

OPA No. 4

- (ii) Severances of any dwellings surplus to a farming operation resulting from a farm consolidation provided that the residence was an existing use as of December 16, 2004 shall be permitted in accordance with Sections 5.1.4 a) and b) and in compliance with Section 8.4 of this Plan.
- (iii) Minor lot adjustment or boundary additions, provided they do not create a separate lot for a residential dwelling and there is no increased fragmentation of a *key natural heritage feature* or *key hydrologic feature*;
- (iv) Acquiring land for infrastructure purposes, subject to the infrastructures policies of Section 4.2 of the Greenbelt Plan 2005; or

- (v) Facilitating conveyances to public bodies or non-profit entities for natural heritage conservation provided it does not create a separate lot for a residential dwelling.

5.9.5 Policies for Land Designated Greenbelt Protected Countryside - Rural

For lands designated Greenbelt Protected Countryside – Rural the following policies shall apply:

- a) Section 5.2 of this Plan applies;
- b) Non-agricultural uses and recreational uses are permitted subject to the policies of Sections 4.1.1 and 4.1.2 of the Greenbelt Plan 2005;
- c) Uses related to infrastructure, natural resources and cultural heritage resources are permitted subject to the policies of Sections 4.2, 4.3 and 4.4 respectively of the Greenbelt Plan 2005;
- d) Lots may be created by consent in accordance with Section 5.2.4 of this Plan and Section 8.4 of this Plan.

OPA No. 4

5.9.6 Policies for Land Designated Greenbelt Protected Countryside - Extractive Industrial

For lands designated Greenbelt Protected Countryside – Extractive Industrial the following policies shall apply:

- a) Section 5.6 Extractive Industrial of this Plan applies; however, sub-section 5.6.3 (f) regarding permission for outdoor recreational use applies subject to section 4.1 Non-Agricultural Uses of the Greenbelt Plan;
- b) New or expanding extractive industrial operations may be permitted on lands that are not designated Extractive Industrial within the Greenbelt Protected Countryside - Agricultural designation, subject to all other applicable legislation, regulations and policies of this plan including the requirement of a site specific amendment to this plan.
- c) When operators are undertaking rehabilitation of *mineral aggregate operation* sites in the Greenbelt Protected Countryside the following provisions shall apply:
 - (i) The disturbed area of a site shall be rehabilitated to a state of equal or greater *ecological value*, the long-term ecological integrity of the entire site will be maintained or restored, and to the extent possible improved;
 - (ii) If there are *key natural heritage features* or *key hydrologic features* or if such features existed on the site at the time of application on the site:

OPA No. 4

OPA No. 4

| | |
|---------------|---|
| | <ul style="list-style-type: none"> a. The health, diversity and size of these <i>key natural heritage features</i> and key hydrologic features will be maintained or restored and, to the extent possible, improved so as to promote a net gain of ecological health; and b. Any permitted extraction of mineral aggregates that occurs in a feature will be completed, and the area will be rehabilitated, as early as possible in the life of the operation; |
| | <ul style="list-style-type: none"> (iii) Aquatic areas remaining after extraction are to be rehabilitated to be representative of the natural ecosystem suitable for the eco-district, so that the combined terrestrial and aquatic rehabilitation in remaining areas shall meet the intent of Section 5.9.6 b) (ii) of this Plan; (iv) Outside the Greenbelt Natural Heritage System, and except as provided in Sections 5.9.6 b) (i), (ii) and (iii), final rehabilitation will appropriately reflect the long-term land use of the general area taking into account applicable policies of the Greenbelt Plan and, to the extent permitted under the Greenbelt Plan, policies of this Official Plan and other provincial policies; |
| OPA No. 4 | |
| OPA No. 4 | <ul style="list-style-type: none"> d) Within the Greenbelt Natural Heritage System, no new mineral aggregate operation and no wayside pits or quarries, or any ancillary or accessory use thereto shall be permitted in the following key natural heritage features and key hydrologic features: <ul style="list-style-type: none"> (i) Significant Wetlands; (ii) <i>Significant habitat of Endangered Species and Threatened Species</i>; and (iii) Significant Woodlands unless the woodland is occupied by a young plantation or early successional habitat (as defined by the Ministry of Natural Resources and Forestry). In this case, the application must demonstrate that the specific provisions of Sections 5.9.6 c) (ii), 5.9.6 c) (iii) and 5.9.6 h) (iii) have been addressed and that they will be met by the operation; |
| OPA No. 4 & 8 | |
| OPA No. 4 | <ul style="list-style-type: none"> e) Within the Greenbelt Natural Heritage System, an application for a new <i>mineral aggregate operation</i> or new wayside pits or quarries may only be permitted in other <i>key natural heritage features</i> and <i>key hydrologic features</i> not identified in Section 5.9.6 c) and its associated <i>vegetation protection zone</i> where the application demonstrates how: <ul style="list-style-type: none"> (i) The Water Resource System will be protected or enhanced; and (ii) The specific provisions of Sections 5.9.6 c) (ii), 5.9.6 c) (iii) and 5.9.6 h) (iii) have been addressed and that they will be met by the operation; and |

OPA No. 4

- f) Within the Greenbelt Natural Heritage System, any development application for a new *mineral aggregate operation* or the expansion to an existing *mineral aggregate operation* shall be required to demonstrate:
 - (i) How the *connectivity* between *key natural heritage features* and *key hydrologic features* within, adjacent or affected by operations on the site will be maintained before, during and after the extraction of mineral aggregates;
 - (ii) How the operator could immediately replace any habitat that would be lost from the site with equivalent habitat on another part of the site, or on adjacent lands;
 - (iii) How the Water Resource System will be protected or enhanced; and
- g) Within the Greenbelt Natural Heritage System, any application for the expansion of an existing *mineral aggregate operation* may be permitted in the Greenbelt Natural Heritage System, including *key natural heritage features* and *key hydrologic features*, and in any associated *vegetation protection zones* only if the related decision is consistent with the Provincial Policy Statement; and
- h) Within the Greenbelt Plan Natural Heritage System the following provisions apply to final rehabilitation:
 - (i) Where there is no underwater extraction, an amount of land equal to that under natural vegetated cover prior to extraction and no less than 35% of each license is to be rehabilitated to a forest cover representative of the natural ecosystem in that particular eco-district;
 - (ii) Where there is underwater extraction, no less than 35% of the lands not subject to extraction below the water table of each license is to be rehabilitated to forest cover, which shall be representative of the natural ecosystem in that particular eco-district; and
 - (iii) Rehabilitation shall be implemented so that the *connectivity* of the *key natural heritage features* and *key hydrologic features* on the sites and on adjacent lands will be restored or maintained, and to the extent possible, improved.

5.9.7 Policies for Land Designated Greenbelt Protected Countryside - Estate Residential

OPA No. 4

For lands designated “Estate Residential” on Schedule “A” to this Plan and also shown as Greenbelt Protected Countryside/ Greenbelt Natural Heritage System on Schedules “D” and “E” to this Plan are subject to the Estate Residential policies within Section 5.3 of this Plan.

Development applications to implement this designation shall, where possible, seek to achieve or improve conformity with the Greenbelt Plan, in accordance with section 5.2.1 of the Greenbelt Plan.

5.9.8 Policies for Land Designated Greenbelt Protected Countryside - Employment Area

OPA No. 4

For lands designated “Employment Area” on Schedule “A” to this Plan and also shown as Greenbelt Protected Countryside/ Greenbelt Natural Heritage System on Schedules “D” and “E” to this Plan are subject to the Employment Area policies within Section 5.5 of this Plan.

Development applications to implement this designation shall, where possible, seek to achieve or improve conformity with the Greenbelt Plan, in accordance with section 5.2.1 of the Greenbelt Plan.

5.9.9 Policies for Land Designated Greenbelt Protected Countryside - Environmental Protection

For lands designated “Environmental Protection” on Schedule “A” to this Plan and also shown as Greenbelt Protected Countryside / Greenbelt Natural Heritage System on Schedules “D” and “E” to this Plan the policies of Sections 5.7 and 5.9 of this Plan apply.

5.10 SOURCE WATER PROTECTION

5.10.1 Source Protection Plan Conformity

OPA No. 8

The Clean Water Act, 2006 was enacted to protect existing and future sources of municipal drinking water. It requires the development and implementation of Source Protection Plans (SPPs) for Source Protection Areas throughout Ontario. It also requires the Province, Conservation Authorities and municipalities to develop and implement policies to manage the reduction and/or elimination of threats to sources of municipal drinking water. The policies of this Plan have been amended to conform with the applicable SPPs.

All planning applications shall be reviewed in conformity with this Plan, the applicable Dufferin County Official Plan policies and the applicable SPP to ensure proposed development will not pose a risk to existing and future municipal water

sources. The applicable SPPs are:

- a) Grand River Source Protection Plan (GRSPP); and,
- b) Credit Valley, Toronto and Region, Central Lake Ontario (CTC) Source Protection Plan which contains the Credit Valley Source Protection Plan (CVSPP).

As required by the Clean Water Act, 2006, any decision made by the Township under the Planning Act, Condominium Act, 1998, or Building Code Act shall conform with significant threat policies set out in the applicable SPP and have regard to other policies set out in the applicable SPP.

Vulnerable areas within the Township include Wellhead Protection Areas (WHPAs). The following policies apply only to those vulnerable areas and issues contributing areas in the Township of East Garafraxa that are identified in the applicable SPPs and are shown on Schedule F. The WHPAs identified on Schedule F to this Plan are intended to function as an overlay on the primary land use designations.

5.10.2

Groundwater and Surface Water Protection

OPA No. 8

The Township will work in partnership with the Province, County of Dufferin and the Conservation Authorities to minimize and prevent negative impacts on groundwater and surface waters from existing and/or proposed incompatible land uses and activities.

5.10.3

Municipal Wellhead Protection Areas: General

OPA No. 8

Within WHPAs land use activities that include a significant drinking water threat may be restricted or prohibited as outlined in the applicable SPPs.

Wellhead Protection Areas (WHPA) means the area around a municipal drinking water well that may be vulnerable to threats to water quality or quantity in accordance with the following.

- a) For water quality threats, the size and delineation of the WHPAs are determined by how quickly water travels underground to the well, measured in years, as outlined below:

WHPA-A: 100 m radius surrounding a well;

WHPA-B: 0 – 2 year Time of Travel;

WHPA-C: 2 – 5 year Time of Travel;

WHPA-D: 5 – 25 year Time of Travel; and,

WHPA-E: Surface Vulnerability Zone – the vulnerable area for groundwater supplies which are under the direct influence of surface water. The area is calculated on a two hour travel time of surface water to well.

- b) Issue Contributing Area (ICA): An area within a WHPA where existing or trending concentration of a parameter (i.e. sodium, nitrate) or a pathogen at a municipal well would result in the deterioration of the quality of water for use as a source of drinking water. ICAs in the Township are associated with the Town of Orangeville wells.
- c) WHPA: Q1: A cone of influence around a well that is estimated by calculating the level of drawdown in an aquifer under existing land use and pumping rates. This area can also include the whole of cones of influence of all other wells that intersect the area.
- d) WHPA:Q2: The WHPA:Q1 (cone of influence) and any area where a future reduction in recharge would significantly impact the area.

5.10.4

Municipal Wellhead Protection Areas: Prohibited/Restricted Activities

OPA No. 8

Land uses which include one or more of the following activities may be prohibited, or restricted and require a risk management plan in accordance with Section 57, 58 and 59 of the Clean Water Act in any WHPA identified on Schedule F where they are or would be a significant municipal drinking water threat as determined by the Risk Management Official (RMO):

- a) The establishment, operation, or maintenance of a waste disposal site within the meaning of Part V of the Environmental Protection Act;
- b) The establishment, operation or maintenance of an on-site system that collects, stores, transmits or disposes of sewage;
- c) The use of land for the discharge from a stormwater management facility;
- d) The application of agricultural source material (ASM) to land;
- e) The storage of ASM;
- f) The management of ASM;
- g) The application of non-agricultural source material (NASM) to land;
- h) The handling and storage of NASM;
- i) The application of commercial fertilizer to land;
- j) The handling and storage of commercial fertilizer;
- k) The application of pesticide to land;
- l) The handling and storage of pesticide;
- m) The application of road salt;
- n) The handling and storage of road salt;
- o) The storage of snow;
- p) The handling and storage of fuel;

- q) The handling and storage of a dense non-aqueous phase liquid (DNAPLs) (excluding incidental volumes for personal/domestic use);
- r) The handling and storage of an organic solvent;
- s) The management of runoff that contains chemicals used in the de-icing of aircraft;
- t) The use of land as livestock grazing or pasturing land where the number of animals on the land at any time is sufficient to generate nutrients at an annual rate that is greater than 0.5 nutrient units/acre; and,
- u) An outdoor confinement area, or a farm animal yard provided that such uses are prohibited in WHPA-A, unless approval for such use is obtained through the Nutrient Management Act and the use is permitted in the Zone in which it is proposed.

Land uses which include the following activities may pose a threat to the quantity of municipal drinking water sources, and may be restricted in accordance with the policies of this Plan and the policies of the applicable SPP:

- a) An activity that takes water from an aquifer or surface water body without returning the water taken to the same aquifer or surface water body; and,
- b) An activity that reduces the recharge of an aquifer.

5.10.5

Land Use Prohibitions, Regulations, and Restrictions within WHPAs

OPA No. 8

The significance of any of the drinking water threats listed in Section 3.13.4 of this Plan is determined based on a number of factors, including the characteristics of the use/activity and where it occurs or is planned to occur within a WHPA. The policies of the applicable SPP set out whether a significant drinking water threat is to be prohibited or regulated in accordance with Sections 57 and 58 of the Clean Water Act, 2006 and the applicable SPP.

Notwithstanding the land uses permitted by the underlying land use designation in this Plan:

- a) Permitted land uses that involve activities that include a significant drinking water threat within a WHPA identified in Schedule F to this Plan may be either prohibited or regulated by the SPP;
- b) These activities include, but are not limited to, the use of Dense Non-Aqueous Phase Liquids (DNAPL's). DNAPL's are described as chemicals that are both denser than water and do not dissolve readily in water. Because of these traits, DNAPLs tend to sink below the water table and only stop when they reach impenetrable bedrock. The presence of DNAPLs is considered a significant threat if they occur anywhere within the five year time of travel of a WHPA as detailed in the SPPs.

- c) Development which proposes the construction of impervious surfaces within WHPAs shall consider the impact of the application of road salt in accordance with the policies of the applicable SPP.
- d) Where the Township has determined through pre-screening that there is the potential for a significant drinking water threat, the RMO shall review the proposal and determine if there would be a significant drinking water threat, and the RMO will provide direction with respect to whether the processing of the application may proceed or whether or the application may not proceed due to the potential for a significant drinking water threat. The RMO shall have regard to the policies of the applicable SPP and, where applicable, the policies of Sections 5.10.6, 5.10.7 and 5.10.8.

5.10.6

WHPA – Q1/WHPA – Q2

OPA No. 8

The following policies are applicable to areas identified as “WHPAQ1/WHPA-Q2” on Schedule F of this Official Plan:

- a) “WHPA-Q1” is the area where activities that take water without returning it to the same aquifer may be a threat. Where a threat is identified, new development or site alteration shall only be permitted where it has been demonstrated that any increase in water demand beyond the allocated demand is sustainable as determined by the Ministry of Environment, Conservation and Parks in accordance with the applicable source Protection Plan and Ontario Water Resources Act. “
- b) “WHPA-Q2” is an area delineated through a Tier 3 Water Budget and Water Quantity Risk Assessment as being an area that includes a WHPA-Q1 and an area where a future reduction in recharge would significantly impact the WHPA-Q1 area. Within a WHPA-Q2 Area, a Water Balance Study, or similar study, may be required to the satisfaction of the Township, in accordance with the applicable SPP, and in consultation with the Conservation Authority and/or Township staff, in order to demonstrate that pre-development recharge rates will be maintained. In instances where pre-development recharge rates cannot be maintained, proponents will be required to provide for off-site recharge enhancement elsewhere within the WHPA-Q2 commensurate with the predicted loss of recharge attributable to the proposed development.
- c) The use of best management practices such as low impact development to maintain pre-development recharge rates for non-major development or site alterations in a WHPA-Q2 (as identified in the applicable SPP) assigned a moderate risk level will be implemented.

Planning Approval Authorities shall examine municipal water supply servicing constraints including servicing capacity and the maintenance of the hydrological integrity of municipal wells as part of its municipal comprehensive review when considering settlement area expansions.

5.10.7

Infrastructure Restrictions in WHPAs

OPA No. 8

- a) New private or municipal sewage system infrastructure should be located, wherever possible, outside of all WHPAs. New systems that must be located within WHPAs may be considered where compliance with the policies set out in Section 13 of this Plan and the applicable SPP has been demonstrated.
- b) No new lots requiring septic systems, including holding tanks or utilizing sub-surface disposal, governed under the Building Code Act shall be created where the activity would be a significant drinking water threat.
- c) The use of land for the establishment of facilities for the storage of sewage shall be prohibited where the activity would be a significant drinking water threat in a WHPA-A.
- d) Where a new small on-site sewage system could be a significant municipal drinking water threat on a lot located within a WHPA, development may only be permitted where the lot is of a sufficient size to accommodate a small, on-site sewage system designed and constructed in accordance with the standards of the Ontario Building Code. Existing lots of record as of the date of Ministry of Environment, Conservation and Parks' approval of the applicable SPP are not subject to this policy. Large private septic systems (greater than 10,000 L of effluent treated per day) may only be permitted in WHPAs where it has been demonstrated through an Environmental Assessment or similar process that the location is acceptable and the safety of the municipal drinking water system will not be compromised.
- e) The location, design and construction of stormwater management facilities within WHPAs shall be permitted in compliance with the applicable SPP. However, the use of land for the establishment of a new stormwater management facility shall be prohibited where the discharge (including infiltration) of stormwater would be into a significant threat area in a WHPA-A and all stormwater management facilities shall direct discharge of stormwater outside of WHPAs where the activity would be a significant municipal drinking water threat. The use of best management practices such as low impact development will be encouraged for all developments.
- f) The establishment of new parking lots in excess of 2 000 m² utilizing the application of road salt shall be prohibited in a WHPA-A.

5.10.8

Development Approvals

OPA No. 8

- a) Where development is proposed within a WHPA which could potentially pose a risk to a municipal water source and which requires approval under the Building Code Act, Planning Act or Condominium Act, 1998, the proposal will require review by the RMO. This requirement will be established as a condition of the submission of a complete application in accordance with the provisions of Section 9.8 of this Plan.

- b) In addition to any requirements pursuant to the Building Code Act, for all applications made under the Planning Act or Condominium Act, 1998 within WHPAs, a Section 57, 58 or 59 Notice under the Clean Water Act, 2006 from the RMO shall be required for an application to be deemed complete. The Section 57, 58 or 59 Notice is required because certain activities within WHPAs, as set out in the approved SPPs, may be prohibited, restricted or require a risk management plan. This requirement shall be established as a condition of the submission of a complete application in accordance with the provisions of Section 9.8 of this Plan.
- c) In addition to any requirements pursuant to the Building Code Act, for all applications made under the Planning Act or Condominium Act, 1998 within WHPAs, a master environmental servicing plan (MESP) that addresses stormwater pond discharges and sanitary sewers and related pipes may be required at the discretion of the Township.
- d) All new development within WHPAs, shall be subject to Site Plan Control as described in Section 9.3 of this Plan.

6.0 TRANSPORTATION AND UTILITIES

This section should be read in conjunction with Schedule A - Land Use and Transportation, Schedule A-1 and Schedule A-2.

6.1 MUNICIPAL STANDARDS

The Township will not open or maintain roadways that are not constructed to municipal standards. New roads developed within plans of subdivisions will be constructed to Township standards by those developing the lands at the applicants expense. All new plans of subdivision shall be accessible from a paved road system.

OPA No. 8

- a) The Township, as a condition of development or redevelopment for any development application including plans of subdivision or condominium, site plan approval, severances, and Official Plan and zoning amendments, may require lands for the purpose of road widening to be dedicated to the appropriate authority having jurisdiction in accordance with the policies of this Plan. Additional lands in excess of the typical right-of-way widths may also be required to be conveyed for works related to, but not limited to, extensive cut/fill operations, intersection improvements, bridges, sight triangles, and drainage and buffering improvements. Where possible, equal amounts of widening will be required from either side of the road allowance, but in specific cases, it may be necessary to deviate from this policy where physical characteristics of the land make it impossible. In such cases, it may be necessary to acquire more than half or even all of the total required widening from one side in order to attain the full width required.
- b) Sight triangles shall be provided at all intersections as follows, or as required by the roads authority:
 - i) Intersections between Township and Township Roads
- 10.0 m by 10.0 m
 - ii) Intersections between Township and County Roads
- 15.0 m by 15.0 m
 - iii) Intersections between County Roads and County Roads
- 30.0 m by 30.0 m
- c) All new septic system tile fields shall be kept to a minimum 10 metres back from all original County and Township road allowances to protect the Township from relocation costs during any road rebuilding operations.
- d) All entrances onto Township roads must meet Township entrance standards.

6.2 COUNTY ROADS

- a) Wherever possible, County Roads shall have a minimum 30.5 metre (100') Road Allowance. Existing County road allowances less than 30.5 metres wide may require widening where possible to bring them up to standard.
- b) Access to County Roads shall be permitted in accordance with County policies and design criteria.

6.3 TOWNSHIP ROADS

- a) All Township side roads and concession roads shall have a minimum 26 metre road allowance. In certain areas a wider Road Allowance may be required to provide sufficient area to ensure proper grades and stabilization of slopes due to topography or environmental conditions. The Township will require dedication of lands to achieve this road allowance width as a condition of land division or site plan approval.
- b) Local roads within plans of subdivisions and in community areas shall have a minimum 20 metre road allowance. Within settlements a narrower right-of-way may be permitted in order to preserve the character of the community and mature trees.

OPA No. 8

6.4 PRIVATE ROADS

New building lot creation by severance or subdivision will not be permitted on private roads.

Building permits will not be issued for lands that do not have frontage and safe and adequate access to a year-round maintained municipal road.

6.5 ROAD IMPROVEMENTS

- a) The Township shall assess existing roads and intersections with a view to improve such aspects as grade, alignment, sight distance, access and traffic flow.
- b) The Township shall monitor the condition of roads and bridges and plan for their repair or replacement as will be required to maintain the road system.

6.6 DEVELOPMENT POLICIES

OPA No. 8

The following development criteria shall apply to all transportation and utility facilities, for lands within the Greenbelt the policies of the Greenbelt Plan also apply:

- a) All new and reconstructed transportation and utility facilities shall be designed and located to minimize impacts to the environment and be consistent with the objectives of this Plan. Site and design guidelines include the following:
 - i) In plans of subdivision, grading and tree removal should be minimized where possible through sensitive road alignment.
 - ii) New Roads should be designed to ensure that there are no negative up or down stream flood impacts and will remain flood free under Regional Storm conditions.
 - iii) Finished slopes should be graded to a 3 to 1 slope or less and covered with vegetation. Large cuts should be terraced to minimize surface erosion and slope failure.
 - iv) Site rehabilitation should use native species of vegetation and blend into the surrounding landscape.
 - v) Vegetation screens should be used where feasible provided that they do not interfere with vision or create problems with blowing snow.
 - vi) Transportation and utility structures should be sited and designed to minimize visual and environmental impacts. The effects of blowing snow shall be considered in all road design.
 - vii) A development setback from the top of bank for utility structures will be required to minimize visual impacts.
 - viii) The visual impact and environmental impact of utility structures should be minimized by siting, structural design, coloration, landscape planting and other mitigation techniques.
 - ix) The Township or County road standards may be modified to accommodate physical, environmental or natural features.
 - x) New road systems should be through roads. The use of cul de sacs shall be discouraged.
- b) New transportation and utility facilities such as gas, telephone, cable services should avoid *Environmental Protection Areas* wherever possible. However, these uses shall be permitted in all designations.
- c) Wherever possible, communication facilities shall utilize existing towers and share facilities.
- d) For lands shown as Greenbelt Protected Countryside/Greenbelt Natural Heritage System on Schedules “D” and “E” to this Plan, the Greenbelt Plan shall apply.

OPA No. 4
& 8

7.0 DEVELOPMENT CRITERIA

The following policies apply to all of the lands within the Township of East Garafraxa. Due to the scale of the mapping, the precise limits of the environmental features and exact locations of contaminated and hazard lands shall be determined by on-site inspection by the appropriate authority.

In addition to meeting all applicable Federal, Provincial, County and Township requirements including health and servicing requirements, and having regard for the Provincial Policy Statement issued under Section 3 of the Planning Act, all applications for development and land division will be subject to the following policies:

7.1 AGRICULTURAL LIVESTOCK OPERATIONS

OPA No. 4

All types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards. Livestock operations are permitted, where it has been demonstrated that it would:

OPA No. 8

- a) meet the Provincial minimum distance separation formulae; and
- b) meet the requirements of the Nutrient Management Act.

7.2 AREAS OF NATURAL AND SCIENTIFIC INTEREST

OPA No. 8

In accordance with the Provincial Policy Statement, development and site alteration will only be considered in ANSIs and on lands within 120 metres of an ANSI where it has been demonstrated there will be no negative impacts on the natural features or their ecological functions through the following:

- i) an Environmental Impact Assessment has been prepared;
- ii) the development does not significantly alter the natural topography or geological features of the earth science ANSI;
- iii) the development does not result in negative impacts on the natural features or ecological functions or cause harmful disruption to any life science ANSI;
- iv) methods are employed to minimize the impact of the use on the values for which the site has been identified;

7.3

COMPATIBILITY

OPA No. 4

New development must be compatible with surrounding land uses. Proposals for development requiring *Planning Act* approval, may be required to provide an assessment of the impact of the proposed development on the adjacent land uses including noise, odour, dust, traffic, character, scale and the visual impact of the proposal. Impacts from new or expanding non-agricultural uses on surrounding agricultural operation and lands shall be mitigated to the extent feasible.

OPA No. 8

In particular, major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, to minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Where avoidance is not possible, the Township shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:

- i) There is an identified need for the proposed use;
- ii) Alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
- iii) Adverse effects to the proposed sensitive land use are minimized and mitigated; and
- iv) Potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

OPA No. 8

To satisfy these criteria, where industrial and large scale commercial uses locate in the vicinity of sensitive land uses, such as schools and residential development, studies shall be required to assess the impact of these uses and to provide recommendations regarding appropriate setback distances and mitigation measures in accordance with the provisions of Section 5.5.7 of this Plan.

7.4

CUMULATIVE IMPACTS

Development may be permitted where:

- a) The long-term capacity of the site can support the use without a negative impact on environmental features, functions and attributes such as, water quantity and quality, natural vegetation, soil, wildlife, population, visual character and cultural heritage features;

- b) The cumulative impact of development will not have detrimental effects on the environment including water quality and quantity, vegetation, soil, wildlife, and the natural landscape;

7.5

DEER YARDS

- a) Within and adjacent to the deer yards shown on Schedule B, development shall only be permitted where it can be demonstrated to the satisfaction of Council that the development will not remove critical deer wintering habitat. Development should avoid areas of dense conifer cover. The Township may seek technical advice or a peer review or review by the appropriate review agencies and such review shall be at the cost of the applicant.
- b) Where any development and site alteration is proposed within significant deer habitat areas shown on Schedule B, Council shall require the submission of an Environmental Impact Assessment prepared by a qualified biologist. The recommendations of that report may be implemented through site specific zoning and site plan control.

7.6

ENVIRONMENTAL IMPACT ASSESSMENT

OPA No. 8

- a) An Environmental Impact Assessment or Study shall be required where development and site alteration is within or adjacent to a Natural Heritage Feature as shown on Schedule B. Adjacent to shall generally mean lands contiguous to a natural heritage feature or area. For the Purposes of this Official Plan, the extent of adjacent lands are determined to include all lands within a specified distance of the boundary of the natural heritage features of areas. This specified distance is proposed within 120 metres of a Provincially Significant Wetland, 120 metres of the significant habitat of threatened and endangered species, or where they are proposed in or adjacent to other wetlands, significant forest areas, significant wildlife habitat, significant valleylands, significant Areas of Natural and Scientific Interest or fish habitat. Further, for the purposes of this section, adjacent to is defined as:
- 30 metres for any other wetlands
 - 50 metres for significant forest areas
 - 50 metres for significant wildlife habitat
 - 50 metres for significant valleylands
 - 30 metres for fisheries habitat
 - 120 metres for significant Areas of Natural and Scientific Interest.

OPA No. 8

No development or site alteration shall be permitted in a natural heritage feature or on adjacent lands unless the ecological function of the feature and the adjacent lands has been evaluated and it has been demonstrated through an Environmental Impact Assessment that there will be no negative impact on the natural features or their functions.

OPA No. 8

b) All Environmental Impact Assessments shall be undertaken by qualified professionals in accordance with the policies of this Plan and shall include a description and analysis of the following, as well as addressing any other requirements established by the Township:

- i) The proposed development;
- ii) The boundaries of the natural features and ecological functions of the area potentially affected directly and indirectly by the development;
- iii) The sensitivity of the features and functions to development;
- iv) The direct and indirect effects to the ecosystem that might be caused by the development;
- v) Any environmental hazards (i.e. slope, flooding contaminants) that need to be addressed as part of the development;
- vi) Identification and evaluation of measures to avoid and minimize impacts and mitigation measures to be employed before and after development Including the identification of potential linkages between and among natural heritage features and areas and surface and groundwater features to support the implementation of the Township's natural heritage system;
- vii) A Management Plan identifying how adverse effects will be avoided or minimized over the construction period and the life of the undertaking; and, how environmental features and functions will be enhanced where appropriate. The Management Plan should describe the net effect of the undertaking after implementation of the Management Plan. The Management Plan shall also establish the limits of buffers and/or setbacks adjacent to the environmental resource; and
- viii) Any monitoring that may be required to ensure that mitigating measures are achieving the intended goals.

OPA No. 8

c) Where major developments such as subdivisions or developments that require an Official Plan Amendment are proposed detailed Environmental Impact Assessments shall be undertaken by qualified professionals and shall contain specific detailed information regarding the hydrogeological, and biological functions and linkages related to the following features:

- i) wetlands;
- ii) habitat of endangered and threatened species;
- iii) fish habitat;
- iv) deer yards;
- v) significant forested areas;
- vi) valley and stream corridors;
- vii) significant wildlife habitat;
- viii) Areas of Natural and Scientific Interest; and,
- ix) A key hydrologic feature in the Greenbelt Protected Countryside.

OPA No. 8

- d) Minor development proposals requiring rezoning, minor variance, consent to sever land or site plan approval may only need to be supported by a Scoped Environmental Impact Assessment as determined by the Township, in consultation with the appropriate Conservation Authority. A Scoped Environmental Impact Assessment shall identify and address all of the issues that would be studied in a Detailed Environmental Impact Assessment. A Scoped Environmental Impact Assessment may take the form of a letter or a checklist prepared by a qualified professional provided there is little or no impact associated with the proposed development.

OPA No. 8

- e) Prior to approving a development on the basis of an Environmental Impact Assessment, Council, in consultation with the appropriate Conservation Authority and other appropriate agencies, shall be satisfied that the proposed use will:

- i) not discharge any substance that could harm air quality, groundwater, soil, surface water and plant and animal life or human health;
- ii) be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies and plant and animal life;
- iii) not cause erosion or siltation of watercourses or changes to watercourse morphology;
- iv) not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
- v) not cause an increase in flood potential on or off the site;

- vi) maintain, enhance or restore the natural condition of affected watercourses and protect aquatic habitat;
- vii) not encourage the demand for further development that would negatively affect wetland function or contiguous wetland areas;
- viii) enhance and restore endangered terrestrial and aquatic habitat where appropriate and feasible; and
- ix) demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features that are identified on Schedule B to this Plan.

7.7 FISH HABITAT

Water resources and vegetation abutting watercourses will be maintained in a clean and healthy condition to protect aquatic life and functions. Development adjacent to significant fish habitat areas shall demonstrate the following to the satisfaction of Council:

- a) net gain or no net loss of productive capacity of fish habitat;
- b) maintenance of minimum base flow of watercourses;
- c) maintenance of existing watercourses in a healthy natural state;
- d) maintenance of vegetative buffers in accordance with the sensitivity of the fishery resource and development criteria; and,
- e) best available construction and management practices shall be used to protect water quality and quantity, both during and after construction. Treatment of surface run-off to maintain water quality and hydrological characteristics in receiving watercourses shall meet the standards established by the Ministry of Environment, Conservation and Parks and Ministry of Natural Resources and Forestry.

OPA No. 8

7.8 FLOOD PLAINS

The following development criteria shall apply to development proposed within flood plains, as identified on Schedule B, and confirmed by the appropriate Conservation Authority:

- a) No building or structure shall be permitted in any areas susceptible to flooding, except watershed management and flood and erosion control projects and accessory buildings, structures, facilities and site modifications carried out or supervised by a public agency.
- b) Watershed management and flood and erosion control projects shall be carried out in accordance with the standards, policies or guidelines of the

Ministry of Natural Resources and Forestry and/or Conservation Authority. Where possible, such projects should be designed and located to avoid or minimize the impact on wetlands, wildlife habitat, source areas, streams, steep slopes and other areas of visual and environmental significance.

- c) When considering a new project, the implementing authority shall consider the number, distribution and location of flood and erosion control works within the watershed in terms of their cumulative effect on the objectives of the applicable designation and watershed management policies/activities of the Ministry of Natural Resources and Forestry and the Conservation Authority

7.9

FOREST AREAS

- a) Significant Forest Areas include but are not limited to, county Forests, all woodlands 40 ha in size or larger and all forest stands that are in excess of 60 years of age and 4.0 ha in size. Only County Forests are currently shown on Schedule B – Environmental Features. The identification of other significant forest areas shall be undertaken through the completion of an Environmental Impact Assessment, as outlined in Section 7.7 of this Plan. In addition to those items outlined in Section 7.7, an assessment of forested areas shall be undertaken to determine:

- i) The size of the overall woodland feature;
- ii) Whether the woodland is dominated by trees in excess of 60 years of age; and,
- iii) The ecological functions of the woodland including the provision of interior habitat, provision of linkages to, or overlap with other natural heritage features and woodland diversity.

Schedule 'B' will be updated as additional significant forest areas are identified. The following policies shall further apply to significant forest areas:

- i) Disturbance of Significant Forest Areas should be minimized. Significant forests should generally be maintained as public or private open space.
- ii) Prior to development and site alteration occurring in, and adjacent to Significant Forest Areas, an assessment of the forest area and the impact of the proposed development of the natural functions of that area shall be prepared by a qualified biologist to the satisfaction of Council and the County. Proposed developments in significant forest areas shall have site plan agreements containing specific management details regarding the protection of existing trees.

- iii) Existing tree cover or other stabilizing vegetation should be maintained on slopes in excess of 25 per cent (1 in 4 slopes); and,
 - iv) The cutting of trees will be regulated by a tree cutting By-law passed by the County of Dufferin or the Township.
- b) Wherever possible, existing forested areas, tree lines and hedge rows shall be preserved, except where the removal of vegetation will result in lands being added for agricultural use.

7.10 SIGNIFICANT HABITAT AREAS

OPA No. 8

- a) Habitat of rare and vulnerable species considered significant wildlife habitat and the significant habitat of threatened and endangered plant and animal species of which are identified by the Ministry of Natural Resources and Forestry shall be protected. Should additional habitat areas be identified in the Township, Schedule B shall be revised to include those areas.
- b) No development and site alteration is permitted within the significant habitat of threatened and endangered species. Where development and site alteration are proposed within 120 metres of the significant habitat of threatened and endangered species, Council shall require the submission of an Environmental Impact Assessment Report, as outlined in Section 7.7 of this Plan.
- c) Development and site alteration proposed in or within 50 metres of significant wildlife habitat as related to the habitat of rare and vulnerable species, or found to be acceptable with such areas shall be designed so as to:
 - i) ensure that there will be no negative impacts on the natural features or ecological functions on the particular plant or animal species, as identified by on-site elevation;
 - ii) maintain wildlife corridors and linkages with adjacent areas; and,
 - iii) enhance wildlife habitat wherever possible.

7.11 HAZARD LANDS

OPA No. 8

Schedule B identifies some potential hazards. These areas and areas within 100 metres of hazard areas, including pits, quarries, waste disposal sites, floodplains, contaminated soils, unstable soils, steep slopes and organic soils, will not be considered for development unless it is demonstrated to the satisfaction of Council, in consultation with the Ministries of Natural Resources and Forestry and Environment, Conservation and Parks that the development can occur without potential threat to life, property or the environment.

7.12

CULTURAL HERITAGE RESOURCES

OPA No. 8

In order to protect the integrity of potentially sensitive sites, cultural heritage resources in the Township are not shown on a map. The cultural heritage resources of the Township include archaeological resources, built heritage resources, and cultural heritage landscapes. Council will consider utilization of its authority under the Ontario Heritage Act to designate individual properties under Part IV. The Township will also maintain a register of all properties listed or designated under the Ontario Heritage Act. Development and site alterations may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alterations which maintain the heritage integrity of the site will be permitted.

OPA No. 8

Where an application is made to develop a significant or potentially significant site or lands in the vicinity of a significant or potentially significant site, the following development criteria shall apply:

OPA No. 8

a) Care shall be taken to preserve known archaeological sites or areas of high archaeological potential and no development or site alteration will be permitted on such sites or areas unless significant archaeological resources have been conserved;

OPA No. 8

b) Archaeological assessments carried out by archaeologists licensed under the Ontario Heritage Act will be required as a condition of any development proposal affecting areas containing a known archaeological site, or considered an area of archaeological potential, a known or suspected cemetery or burial site or applications for shoreline development.”; and

OPA No. 8

c) Significant built heritage resources and significant cultural heritage landscapes should be retained. To determine whether such actions are feasible, consideration shall be given to both economic and social benefits and costs. Council may require a heritage impact assessment report prepared by a professional heritage consultant and/or archeologist where development is proposed on a site containing cultural heritage resources. Such an assessment will recommend mitigation and conservation measures.

OPA No. 8

d) New development including reconstruction and alterations should be designed in harmony with the area’s character and the existing cultural heritage features and buildings in terms of mass, height and setback and in the treatment of architectural details, especially on building facades.

e) Where new development involves a heritage feature it should express the feature in some way. This may include one or more of the following:

i) preservation and display of fragments of the former building’s features and landscaping;

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| OPA No. 8 | <ul style="list-style-type: none"> ii) marking the traces of former locations, shapes and circulation lines; iii) displaying graphic and verbal descriptions of the former use; and/or, iv) reflection of the former architecture and use in the new development. |
| OPA No. 8 | <ul style="list-style-type: none"> f) Where development will destroy or significantly alter cultural heritage landscapes or cultural heritage features, actions should be taken to salvage information of the features being lost. Such actions could include archaeological salvage excavation, and the recording of buildings or structures through measured drawings, photographs or their physical removal to an alternative location. |
| OPA No. 8 | <ul style="list-style-type: none"> g) Development or site alteration will not be permitted on adjacent lands to protected heritage properties except where proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected property will be conserved. h) The Township shall engage Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources. |

7.13 MINIMUM DISTANCE SEPARATION FORMULAE

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| OPA No. 4 | <ul style="list-style-type: none"> a) When considering a planning application for lot creation, Official Plan amendment and rezoning or a building permit application, such application must meet the Provincial Minimum Distance Separation Formulae, as amended from time to time. |
| OPA No 8 | <ul style="list-style-type: none"> b) Notwithstanding Policy 7.13 a) above and any other policy in this Official Plan to the contrary, the Minimum Distance Separation Formulae is applied as follows under the following circumstances: <ul style="list-style-type: none"> 1. Does not apply to building permit applications for new dwellings on an existing lots of record that were created prior to March 1, 2017; 2. Does not apply to a surplus farm dwelling consent where the barn is located on a separate lot; 3. MDS1 setbacks from existing livestock facilities and anaerobic digesters will not be applied for land use planning applications establishing new agricultural-related uses and on-farm diversified uses characterized by Type A low density of human occupancy and activities. However, Type B human occupancy or activity such as agri-tourism, food service, accommodation and retail operations shall apply MDS1; |

4. MDS2 setbacks from proposed new or altered livestock facilities and anaerobic digesters will not be applied for land use planning applications establishing new agricultural-related uses and on-farm diversified uses characterized by Type A low density of human occupancy and activities. However, Type B human occupancy or activity such as agri-tourism, food service, accommodation and retail operations shall apply MDS2; and,
5. Existing cemeteries shall be considered a Type A land use for the purpose of MDS2 setbacks.

7.14 PARKLAND DEVELOPMENT

In addition to the permitted uses in any designation, parkland development projects, including any accessory buildings, structures, facilities and site modifications carried out or supervised by a public agency shall be permitted in any designation in the Township of East Garafraxa, with the appropriate zoning.

7.15 STREAM VALLEYS

All buildings and structures shall be set back from the crest of the embankment of any stream valley in order to ensure adequate structural stability, to avoid adversely affecting the visual amenity of the landscape and to protect the quality of the stream and fisheries habitat. The Township shall consult the Conservation Authority when considering the appropriate setback.

No development or alteration of the natural shoreline and shoreline vegetation shall be permitted within 30 metres of the high water mark.

7.16 STEEP SLOPES AND RAVINES

OPA No. 8

Development shall be directed away from areas subject to hazards due to steep slopes, unstable slopes and/or erosion. The following development criteria shall apply to development affecting steep slopes and ravines:

- a) The crest or brow and toe of the slope or ravine shall be established by the means of a site inspection by the Conservation Authority and these lines shall be surveyed, if required, and plotted on proposed development plans.
- b) The Conservation Authority may establish a minimum development setback from the brow or crest and toe of a slope or ravine and no disturbance of grades or vegetation below the crest or brow and above the toe shall occur except for erosion and sedimentation control projects approved by the Conservation Authority.
- c) On existing vacant lots, where the restrictions established by b) above cannot be achieved on a steep slope, the development setback may be reduced or eliminated provided an Engineering Report prepared by a professional soils consultant, is prepared to the satisfaction of the

Conservation Authority and the Township of East Garafraxa. The report shall confirm that the slopes will be stable during and after construction.

- d) Development should be designed in such a way as to minimize the disturbance of and ensure the stability of slopes.

7.17 STORMWATER MANAGEMENT

New and expanding commercial, industrial, recreational and institutional development and residential Plans of Subdivision shall be accompanied by a Stormwater Quantity/Quality Management Report, including consideration of low impact development approaches, prepared by a qualified professional to the satisfaction of the Township and the appropriate Conservation Authority. Stormwater management is to be addressed prior to development with the preparation of a Stormwater Quantity/Quality Management Report. The report shall be prepared in accordance with the Township's design criteria, taking into consideration any applicable stormwater management guidelines or materials of the appropriate Conservation Authority, integration with any planning for sewage and water services, and following:

OPA No. 8

OPA No. 8

- a) The Stormwater Management Planning and Design Manual (2003), or its successor, as prepared by the Ministry of Environment, Conservation and Parks;
- b) Best Management Practices (BMP);
- c) a Stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the 100 year event; and
- d) the effects of development on watershed flow regimes including the interconnection with groundwater resources.

OPA No. 4
& 8

- e) For lands with the Greenbelt Protected Countryside shown on Schedule A, the stormwater management plan shall address the requirements of the Greenbelt Plan.

7.18 TECHNICAL REPORTS

Where this Plan requires that technical reports be submitted in support of a development application, the reports shall be prepared by a professional with the appropriate qualifications at the cost of the developer. Council may retain independent experts to peer review any technical report submitted in support of an application. The costs of the peer review will be borne by the applicant.

7.19 TOWNSHIP USES

OPA No. 4

With the exception of the Agricultural and Environmental Protection designations, the Township of East Garafraxa may use lands for municipal purposes within any of the designations in this Plan. When considering municipal land uses the Township shall ensure that the development of lands is done in accordance with the Development Criteria outlined in this Plan. The foregoing exception does not include transportation and utility facilities which are subject to Section 6.6 of this Plan nor does the exception apply to municipal drains subject to the Drainage Act, R.S.O. 1990, c D.17.

7.20 WASTE DISPOSAL AREAS

- a) Active and inactive waste disposal sites in the Township are identified on Schedule B.
- b) Prior to approving any new development within 500 metres of an active or inactive waste disposal site, the applicant must demonstrate to the satisfaction of Council that there are no environmental problems associated with the site that may make the lands unsuitable for development. In addition, it must be demonstrated that the water supply will not be negatively affected and that there are no other problems such as leachate, gas, other contaminants, rodents or vermin.
- c) Re-use of inactive waste disposal site will require approval in accordance with Section 46 of the Environmental Protection Act.

7.21 WATERSHED MANAGEMENT AND FLOOD CONTROL

In addition to the permitted uses in any designation, water shed management and flood and erosion control projects and accessory buildings, structures, facilities and site modification required to accommodate them, carried out or supervised by a public agency shall be permitted in any designation in the Township of East Garafraxa.

7.22 WATER QUALITY

OPA No. 8

The policies of Section 5.10 with respect to Source Water Protection provide the primary direction with respect to water quality, however, the following development criteria will also be considered for development affecting the water quality of surface and ground water resources:

OPA No. 8

- a) Changes to the natural drainage should be avoided.
- b) No sewage tile field shall be permitted within 30 metres of:
 - i) the high water mark of any waterbody or watercourse;
 - ii) the top of a stream bank or ravine;

- iii) the edge of any wetland; and
- iv) any municipal or private well head

Where this setback cannot be achieved on an existing lot of record the distance may be varied to the satisfaction of the appropriate authority. This setback may be increased depending on physical conditions to ensure that minimum travel time parameters are also met.

- c) A setback for other development will be established from each side of a stream, river, pond, lake or wetland necessary to maintain existing water quality. The width of this buffer shall be determined in consultation with the Conservation Authority and other agencies as required, which shall consider:
 - i) soil type;
 - ii) types and amounts of vegetation cover;
 - iii) slope of the land including existing drainage patterns;
 - iv) fish and wildlife; and,
 - v) nature of the development.
- d) No alteration of the natural grade or drainage shall occur within the setback, where, in the opinion of the implementing authority, such action would adversely affect surface and/or ground water resources.
- e) The cutting of trees within the setback shall be regulated by Site Plan Control or as a condition of consent or subdivision. The cutting of trees shall be permitted in the setback where lands are designated Agricultural, provided that sufficient vegetation is maintained to prevent erosion and provide for leaching and retention of nutrients.
- f) All applications for major development proposals such as subdivisions or commercial, industrial or institutional may be required to be accompanied by a Water Resource Management (WRM) Report. The WRM Report shall be prepared by a qualified professional to the satisfaction of the Township and Conservation Authority and other agencies as may be required. The WRM Report shall address the potential impacts and cumulative impacts on surface and ground water quality and quantity by requiring:
 - i) Maintenance or enhancement of natural hydrological characteristics including baseflow of watercourses;
 - ii) Maintenance or enhancement of sensitive groundwater recharge/discharge areas, aquifer and headwater areas;

OPA No. 8

- iii) The development and monitoring of water budgets for groundwater aquifers;
 - iv) the protection or enhancement of fish and wildlife habitat;
 - v) maintenance of existing drainage patterns where possible; and
 - vi) management of all watercourses within the Township as coldwater streams and respect to water quality and quantity.
- g) During and after development sediment and erosion control measures shall be carried out to the satisfaction of the implementing authority.

7.23

WATER QUANTITY

OPA No. 8

The policies of Section 5.10 with respect to Source Water Protection provide the primary direction with respect to water quantity, however, the following development criteria will also be considered for development affecting the quantity of water resources:

- a) Permitted uses which involve water taking or undertake stream diversions must demonstrate such actions to be an essential part of their operation and shall be of a scale and intensity that will not adversely affect water quality, quantity and the natural environment. The implementing authority may require that studies be undertaken to justify the need and amount of water taking and/or diversions and to mitigate impact on the natural environment.
- b) When considering whether to allow a use that involves water taking or diversion, the implementing authority shall consider the number, distribution, location and intensity of such activities within the watershed in terms of:
 - i) the impact on water quality and quantity;
 - ii) the cumulative effect on the objectives of the Plan and designation; and,
 - iii) the quantity and character of natural streams and water supplies.
- c) Commercial water taking and bottling operations shall be considered an industrial use and shall require an amendment to this Plan.
- d) Commercial, industrial and new agricultural operations requiring in excess of 50,000 litres of water per day shall enter into a development agreement with the Township.
- e) Water for irrigation shall be obtained from surface runoff and surface sources rather than subsurface sources wherever possible.

7.24

WETLANDS

OPA No. 8

- a) There are Provincially significant wetlands within the Township and numerous wetlands that are locally significant or have yet to be evaluated. These areas shall be protected and maintained in a natural state. The Township will consult with the Conservation Authority with respect to the protection of wetlands.

- b) An Environmental Impact Assessment Report shall be required where development is proposed within 120 metres of any Provincially significant wetland or within a locally significant wetland as identified on Schedule B. Development adjacent to wetlands shall only be permitted if it can be demonstrated that it will not result in any negative impact to the natural features or ecological functions of the wetland. A Report may not be required for a single detached dwelling on an existing lot of record.

OPA No. 8

- c) Existing agricultural uses are permitted within wetlands.
- d) Peat extraction shall be prohibited in all wetlands.

7.25

EXCESS SOIL

OPA No. 8

The Township will support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.

8.0 GROWTH MANAGEMENT

All applications for development and land division within the Township of East Garafraxa will be subject to the Growth Management policies of this Plan. These policies deal with managing the rate, location and servicing of growth in the Township.

8.1 POPULATION AND EMPLOYMENT GROWTH

OPA No. 8

In accordance with the Growth Plan for the Greater Golden Horseshoe 2006, (“Growth Plan”) the County of Dufferin and its Member Municipalities, including the Township of East Garafraxa, have prepared a Growth Management Study. The growth forecasts for the lower-tier municipalities within the County of Dufferin are reflected in the County Official Plan and guide planning decisions over the planning horizon. The population forecast for the Township of East Garafraxa is 3,150 residents to the year 2031 and 3,180 residents to the year 2036, and the employment forecast is 570 jobs to the years 2031/2036. The County and the Township will monitor populations and employment growth on an on-going basis in accordance with the policies of the County Plan. The majority of the Township growth will be directed to the Township’s community settlement areas – primarily Marsville and secondarily Orton.

8.2 LOT CREATION

Within this Plan there are land division policies that apply to the various land use designations. The following policies apply to all land division in the Township:

- a) Ribbon or strip development shall be prevented.
- b) The size and configuration of new lots shall be subject to the requirements of this Plan and the implementing Zoning By-law.
- c) The location, design, size and density of lots shall retain the open rural landscape and protect natural features;
- d) New building shall have safe and adequate access and shall front onto a public road that meets current standards of construction and is maintained all year round.
- e) New lots may include a portion of lands containing physical constraints to development such as poor drainage, flood susceptibility and steep slopes. New lots will not be permitted where physical condition may jeopardize public health and safety and where new development may negatively impact the environment.

OPA No. 4
&8

- f) All new lots in Agriculture and/or Rural designations must comply with the Provincial minimum distance separation formulae, save and except for consents under Section 8.5 Technical Consents.

8.3 TECHNICAL CONSENTS

In addition to severances permitted in each designation, consents may be permitted for the following purposes:

OPA No. 4

- i) an easement or right of way;
- ii) a lot addition, deed correction or boundary adjustment which is required for legal or technical reasons and does not create an additional lot or result in a significant reduction of the land area actively farmed;

OPA No. 8

- iii) To recreate original Township lots of each along the originally surveyed lot lines; and,
- iv) Infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way;

8.4 SUBDIVISIONS

Where three or more lots are to be created from a single parcel of land existing as of the date of adoption of this Plan, a plan of subdivision shall be required. Exceptions to this policy may be considered where the proposal would not result in strip development, there are no residual lands resulting from the development and there is no need to extend municipal services including roads. The following policies apply to all development by plan of subdivision:

- a) In considering a proposed plan of subdivision, Council shall ensure that all costs associated with the development of the land are borne by the developer.
- b) All roads within a plan of subdivision shall be constructed to Municipal standards, shall be paved and shall be dedicated to the Township.
- c) Prior to considering a plan of subdivision Council shall require the applicant to submit professional reports addressing the Development Criteria in Section 7 of this Plan,

8.5 PARKLAND DEDICATION

- a) The minimum parkland dedication as part of a plan of subdivision or consent shall not include lands that are unsuitable for parkland development.
- b) As an alternative to parkland conveyance, Council may require the payment of cash in lieu of parkland or an improved park to the satisfaction of Council.

- c) Parkland may be acquired pursuant to the provisions of the Planning Act and by other available means, including:
 - i) using moneys allocated in the Municipal Budget;
 - ii) using donations, gifts, and bequests from individuals or corporations; and/or,
 - iii) using moneys allocated by any authority having jurisdiction.

8.6 MUNICIPAL WATER AND SEWAGE SERVICES

- a) Private sewer and water supplies will continue to be the preferred form of servicing for small scale development outside of communities.
- b) For development within Communities, and for major development outside of the settlement area, a servicing option report will be required to be completed to the satisfaction of Council where:
 - i) full municipal sewage and water services is the preferred form of servicing for urban and rural settlement areas, subject to the Township and the requisite approval authorities having confirmed prior to the preparation of servicing option report that assimilative capacity of the receiving environment for waste water services is available; and
 - ii) communal services are the preferred means of servicing multiple lots/units in areas where full municipal sewage and water services are not or cannot be provided, where site conditions are suitable over the long term; and
 - iii) where the use of communal systems is not feasible development may be serviced by individual on-site systems where site conditions are suitable over the long term; and,
 - iv) partial services are discouraged except where necessary to address failed services or because of physical constraints.
- c) Municipally operated water supplies will be maintained in accordance with Provincial standards. The costs of maintaining municipal water systems shall be borne by the users of the systems. Any expansions or upgrading of the existing municipal water systems or any new municipal water systems shall be constructed at the cost of those who would use the system.
- d) Any proposal to develop lands utilizing communal services shall require an amendment to this Plan. In addition to those matters to be considered in accordance with Section 9.7 of this Plan, Council shall also require a financial impact assessment outlining the long-term capital and operating costs associated with communal services.

9.0 IMPLEMENTATION

9.1 ZONING BY-LAWS

9.1.1 Implementing By-law

This Plan shall be implemented by the passage of Zoning By-laws in compliance with the provisions of this Plan and pursuant to the Planning Act. The implementing By-law will also implement the following policies:

OPA No. 8

- a) It is the intent of this Plan that existing uses that do not conform to the provisions of this Plan, shall, in the long term, be brought into conformity with the provisions of this Plan. However, this Plan is not intended to prevent the continuation, extension or enlargement of uses, including the reconstruction of buildings or structures destroyed through natural disaster such as fire, which do not comply to the provisions of this Plan. After deeming it unfeasible to acquire a non-conforming property so as to bring it into compliance with this Plan through redevelopment, the Township may zone lands to permit the continuation, extension or enlargement of legally existing non- conforming uses provided that Council is satisfied that the zoning shall:

OPA No. 8

- i) have no adverse effect on the present uses of the surrounding lands;
- ii) generally comply with the Provincial minimum distance separation formulae subject to Section 7.14 Minimum Distance Separation Formulae;
- iii) apply to a use that has frontage on a public road which has been assumed for public use as a road and is fully maintained year round including winter snow and ice control, by the Township, County or the Province; and,
- iv) will not detrimentally affect the implementation of this Plan.

OPA No. 4

- v) The zoning of the Garafraxa Woods subdivision lands, as set out in Zoning By-Law 60-2004, as of the date of approval of this Plan is deemed to remain in conformity with this Plan, including OPA 4, as modified and approved.

- b) No provision of this Plan shall be deemed to require Council to zone all lands in the Township in order to permit immediate development of such lands for their designated uses. Therefore the Township may zone lands to reflect existing uses only, where there is insufficient information to determine specific zoning categories or where the development of such lands is considered to be premature or not in the public interest. Such lands

may be zoned in accordance with the provisions of this Plan at such time as there is sufficient information to determine specific zoning categories and the development of such lands is no longer considered to be premature or not in the public interest.

9.1.2 Holding Category

The Township may zone lands to include a holding symbol 'H' as provided for in Section 36 of the Planning Act in conjunction with a specific zoning category in order to specify the permitted uses of such lands at such time as the holding symbol is removed by amendment to the zoning by-law. The use of the lands zoned to include the holding symbol with a specific zoning category may include existing uses and a limited range of uses compatible with the intended future use of the lands.

The use of the holding symbol shall be restricted to the following situations:

- i) Where adequate services are not available but anticipated. At such time as adequate services are available, the Township shall amend the Zoning By-law to remove the holding symbol;
- ii) Where such lands are affected by adverse environmental or other constraints on development which can be resolved to the Township's satisfaction. Upon resolution of the adverse environmental or other constraints on development to the Township's satisfaction, the Township shall amend the Zoning By-law to remove the holding symbol;
- iii) Where the development of such lands may impose adverse financial impacts upon the Township. Upon resolution of such adverse financial impacts to the Township's satisfaction, the Township shall amend the Zoning By-law to remove the holding symbol;
- iv) Where the development of the land requires a development agreement, the Holding provision may be used until such time as the appropriate agreement is completed and registered on title; and,
- v) Where the development is proceeding by Plan of Subdivision, upon the completion of all conditions of Draft Plan Approval, the holding symbol may be removed.

9.1.3 Interim Control By-laws

The Township may pass interim control by-laws pursuant to Section 38 the Planning Act, R.S.O.1990, c.P.13 where the Township has directed that a study of land use planning policies be undertaken.

9.1.4 Temporary Uses

Notwithstanding the policies contained in the Official Plan, Council may authorize the temporary use of land in accordance with Section 39 of the Planning Act, which may not comply with the land use designation as established by the Official Plan, provided that:

- a) Such temporary use is determined to not have any detrimental effect upon the existing land uses in the area; and,
- b) The proposed temporary uses conforms to the noted principles in Section 3.2 of this Plan and the following criteria are met:
 - i) The proposed use shall be of a temporary nature and shall 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 or a use permitted in the land use designation upon the termination of the temporary use provisions;
 - ii) The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;
 - iii) The proposed use shall not require the extension or expansion of existing municipal services;
 - iv) The proposed use shall not create any traffic circulation problems within the surrounding area nor shall it adversely affect the volume and/or type of traffic serviced by the area roads;
 - v) Parking facilities required by the proposed use shall be provided entirely on-site; and,
 - vi) The proposed use shall generally be beneficial to the community.

OPA No. 8

- c) Council may permit the installation of one garden suite on a lot as a temporary dwelling where:

- i) the property owner enters into an agreement with the Township to ensure that the garden suite is occupied and removed when it is no longer required;

- ii) the sewage and water systems can accommodate the garden suite;

OPA No. 8

- iii) the garden suite is limited is size to ensure that it is clearly secondary to the principal dwelling.

- d) Council may pass a temporary use by-law to permit a temporary dwelling unit for full time farm help where:
 - i) Council is satisfied that the nature of the operation requires full time farm help;
 - ii) appropriate sewage and water systems are available for the unit;
 - iii) the dwelling is clearly a temporary building but not a mobile home;
 - iv) an agreement is registered on the title of the land confirming that the dwelling unit will be removed when it is no longer needed.

9.1.5 HOUSING

a) General

OPA No. 8

The Township shall encourage the development of a range and mix of housing options and densities which are appropriate for the Township to meet projected market-based and affordable housing needs of current and future residents including permitting secondary residential units. In addition, the Township will consider assisting in the implementation of the Dufferin County 10 Year Housing and Homelessness Plan where appropriate for the Township having regard for the Township's financial resources.

b) Secondary Residential Units

In accordance with the Planning Act, where a single detached dwelling is a permitted use in the Agricultural, Rural, Estate Residential and Community Residential designations in the Official Plan, the Township may permit one secondary residential unit in a new or existing single detached dwelling and one secondary residential unit in a new or existing accessory building on the same lot subject to, but not limited to, the following requirements:

- i) Applicable fire codes are satisfied;
- ii) where permitted by the Zoning By-law or by amendment to the By-law provided the applicable Building Code, Zoning By-law and other By-law regulations are satisfied, in particular an accessory residential unit shall not be permitted in any area identified as a natural hazard area by the Township, in consultation with the applicable conservation authority;
- iii) the lot is of sufficient size that adequate sewage and water capacity can be provided to support the additional accessory residential unit(s) and satisfy applicable health regulations; and,
- iv) appropriate parking is provided.

c) Special Needs Housing

Special needs housing is defined in the County Official Plan and includes, but is not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities and housing for older persons such as group homes and seniors housing. Such housing may be permitted in all designations with the exception of the Employment Area, Extractive Industrial, and Environmental Protection designations subject to a zoning by-law amendment. The Zoning By-law shall establish regulations for such uses to ensure that the development is compatible with adjacent uses and adequate infrastructure and services are available to accommodate the use.

9.2 NON-CONFORMING USES

- a) The Township of East Garafraxa or a Committee appointed by Council shall be guided by the general intent and purpose of this Plan and the implementing Zoning By-law in making decisions under the Planning Act on applications dealing with non-conforming uses.
- b) This Plan will not limit the authority of the Township to pass a By-law for permitting the extension or enlargement of any land, building or structure which is being legally used, at the time of the passing of such By-law, for a purpose which does not conform with the land use designation of the Official Plan. Such a By-law shall, however, be in conformity with the policies included in this Section of the Official Plan.
- c) Any land use legally existing at the date of approval of this Plan which does not conform with the land use designation shown on Schedule A, A-1 and A-2, Land Use Plan, and termed a 'non-conforming use', should in the long term, cease to exist. In special instances, however, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship, provided the applicant is in conformity with the policies of this Section of the Plan.
- d) A minor variance or zoning by-law amendment for the extension or enlargement of a legally non-conforming use shall not aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the Zoning By-law applying to the areas subject to the following criteria:
 - i) An approved minor variance or by-law amendment to permit the extension or enlargement shall be in an appropriate proportion with respect to what is normally required by the Zoning By-law.
 - ii) The characteristics of the proposed minor variance or the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odour, lighting, aesthetics and traffic generating capacity.

No approval shall be granted if one or more of such nuisance factors will be created or increased so as to add substantially to the incompatibility of the use with the surrounding area. The proposal shall satisfy the requirements of any agency including the Health Unit, the Conservation Authority, the Ministry of Natural Resources and Forestry and the Ministry of Environment, Conservation and Parks;

- iii) Neighbouring conforming uses will be protected where necessary by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances. Where necessary, regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, and similar uses may be required. Such provisions and regulations shall be applied to the minor variance or proposed extension or enlargement and, wherever feasible in order to improve its compatibility with the surrounding area;
- iv) Traffic and parking conditions in the vicinity will not be adversely affected by the granting of the application, and traffic hazards will be kept to a minimum by the appropriate design of entrance and exit points to and from the site and improvements of sight conditions particularly near intersections;
- v) Adequate provisions have been or will be made for off street parking and loading facilities; and,
- vi) That the water supply and sewage disposal facilities, and other necessary municipal services such as roads, are adequate or can be made adequate at the cost of the applicant.

9.3 SITE PLAN CONTROL

9.3.1 Site Plan Control Area

Pursuant to the Planning Act, the Township designates all of the land within the Township as a Site Plan Control Area excepting those lands designated as Extractive Industrial. The Council may pass a By-law designating any portion of the Township as a Site Plan Control Area.

9.3.2 Policies

- a) It is the intention to apply Site Plan Control to all commercial uses, industrial uses, institutional uses, recreational uses, agricultural livestock operations, single detached residential dwellings within estate residential subdivisions and as otherwise provided in this Plan whereby the Township may require drawings provided in Section (c) below.
- b) In addition, all new development within WHPAs, as described in Section 5.10 of this Plan and as shown on Schedule F, shall be subject to site plan control to ensure, where possible:

- i) the extent and location of impervious surfaces such as parking lots, roadways and sidewalks are minimized;
- ii) site grading and drainage is designed to reduce ponding; and,
- iii) run-off is either directed outside of the WHPAs or to storm sewers.

In addition, developments within WHPAs may be subject to site plan control to implement the recommendations of a water balance assessment or similar study to:

- i. maintain pre-development recharge to the greatest extent feasible through best management practices such as Low Impact Development stormwater management approaches; and,
- ii. Minimize impervious surfaces and provide for lot level infiltration.

A salt management plan may also be established as a condition of the submission of a complete application for site plan in accordance with the provisions of Section 9.7 of this Plan.

OPA No. 4

- c) For the purpose of this section of the Plan 'development' and 'redevelopment' shall be the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or golf course.
- d) No development or re-development shall be undertaken within the designated area unless Council has approved one or both of the following:
 - i) site plans showing location of all buildings and structures existing or to be erected and all servicing and utility facilities and works to be provided, all in accordance with this Plan and the implementing Zoning Bylaw;
 - ii) drawings showing plans, elevations and cross-section views for each building to be erected including the massing and conceptual design, the relationship of the buildings to adjacent buildings, streets and exterior public area, and the provision of interior walkways, stairs, elevators, escalators to which the public has access from streets, open spaces and interior walkways in adjacent buildings;
 - iii) a lot grading plan.

- e) In accordance with the Planning Act, the owner of land may be required to enter into a Site Plan Agreement and provide to the satisfaction of Council and at no expense to the Township, any or all of the requirements set out in the Planning Act.
- f) Where a proposed development is within the designated Site Plan Control Area, the dedication free of all charges and encumbrances to the appropriate authority, of the widening needed to achieve the road allowance to meet the Township and County rights-of-way and sight triangle standards may be required along the limit of the subject land as a condition of site plan approval.

9.4 OFFICIAL PLAN AMENDMENTS

9.4.1 Should changing conditions necessitate that this Official Plan be amended, the procedures outlined in the Planning Act and the Regulations thereunder will ensure adequate notification of the general public.

9.4.2 Subject to a public resolution of Township Council, an Official Plan Amendment will not be required to:

- i. Change the numbering or ordering of the Sections in this Official Plan, provided Sections are not added or deleted;
- ii. Consolidate approved Amendments or Map Schedules;
- iii. Correct grammatical or typographical errors which do not affect the intent of the Official Plan's policies or Map schedules;
- iv. Change measurement to different units of measures or correct references to legislation or regulation where the legislation or regulations has been replaced or changed.

9.4.3 An amendment to Schedule A, A-1 and A-2 or the text of this Plan is required to permit the establishment of uses other than those permitted in this Plan. In considering an amendment to Schedule A with a view to designating additional areas for a particular use or changing the designated uses of a particular area, or changing the policies of this Plan, Council shall have due regard to the following criteria which are in addition to those specified in the remainder of this Plan;

- a) the need for the proposed use excepting those amendments to follow for the establishment of new mineral aggregate operations;
- b) the extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development excepting those amendments to allow for the establishment of new mineral aggregate operations;

- c) the physical suitability of the land for such proposed use;
- d) the location of the areas under consideration with respect to;
 - i) the adequacy of the existing and proposed roadway system in relation to the development of such proposed areas;
 - ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety in relation thereto;
 - iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations which the Council shall request from the developer and subject to the requirements of any other appropriate authority;
 - iv) the compatibility of the proposed use with uses in the surrounding area;
 - v) the potential effect of the proposed use on the financial position of the Township; and,
 - vi) the potential effect of the proposed use on the population level and the social character of the community.”

9.5 CAPITAL WORKS PROGRAM

- a) It is intended that the Council will prepare a capital works program in conformity with the proposals and policies of this Plan, in order to assess the immediate and long-term requirements and plan the major expenditures within the financial resources of the Township. The program would be reviewed annually.
- b) The Township may levy against benefiting properties all or part of the cost of municipal services and facilities.

9.6 CONSERVATION AUTHORITY REGULATIONS

OPA No. 8

The following works shall be subject to the Fill, Construction and Alteration to Waterways Regulations, as administered by the Grand River Conservation Authority and the Credit Valley Conservation Authority:

- a) the straightening, changing, diverting or interfering in any way with the existing channel of a watercourse;
- b) the construction of any building or structure in a wetland or in any area susceptible to flooding under regional storm conditions; and
- c) the placing or dumping of fill of any kind in a defined area regulated by the Conservation Authority.

9.7 PROPERTY STANDARDS

9.7.1 The Township may prescribe maintenance standards and the conditions of occupancy for all types of property through a property standards by-law enacted in accordance with the provisions of the Building Code Act.

OPA No. 8

9.7.2 The Township may appoint a Municipal Enforcement Officer who will be responsible for administering and enforcing the property standards by-law.

9.8 PRE-APPLICATION CONSULTATION AND COMPLETE APPLICATION REQUIREMENTS

9.8.1 Mandatory Pre-application Consultation

- a) Prior to the submission of an application for an Official Plan amendment, Zoning By-law amendment, draft plan of subdivision or condominium, site plan approval, consent or variance, applicants shall be required to consult with Township staff and with the staff of the County of Dufferin, the appropriate Conservation Authority and any other agency deemed relevant by the Township. Pre-application consultation with the Township, in consultation with the County, appropriate Conservation Authority and other agencies, shall be mandatory, but may be scoped at the Township's sole discretion.
- b) Where lands which are the subject of a proposed application listed in Section 9.8.1 a) are located in a WHPA as described in Section 5.10 of this Plan and as shown on Schedule F, consultation shall be required with the RMO. This requirement shall be a condition of submission of a complete application, together with a Section 57, 58 or 59 Notice under The Clean Water Act, 2006 from the RMO. In addition, to be declared complete, an application for site plan approval may also require submission of a salt management plan.
- c) The pre-consultation process is intended to identify and scope issues associated with the proposed development and/or change in land use and establish specific requirements for a complete application. The form of pre-consultation shall be scoped based on the application type and context.

- d) Terms of reference or other criteria shall be established for specific studies or other information or material which have been identified as required for a complete application by the Township in consultation with the County, appropriate Conservation Authority or other agencies. The studies or other information or material will be reviewed and evaluated by the Township, in consultation with the County, appropriate Conservation Authority or other agencies, to ensure that the terms of reference or other criteria have been satisfied prior to the Township making a determination that the application is deemed complete.

OPA No. 9

OPA No. 8

e) Any development application shall not be deemed complete by the Township and the time period in which the Council is required to make a decision shall not commence, unless the application is accompanied by:

- i. the prescribed information and material as required under the Planning Act; and,
- ii. all other plans, reports, studies, impact assessments or other information identified through the mandatory pre-consultation process by the Township in consultation with the County, appropriate Conservation Authority and other agencies, and the Township has satisfied itself that these materials have been prepared in accordance with terms of reference or other criteria identified by the Town through the pre-consultation process.

OPA No. 9

f) Only one application for an official plan amendment, zoning by-law amendment, plan of subdivision, plan of condominium, or site plan control shall be deemed complete if applications are submitted concurrently. Each application type will only be processed in sequential order by the Township to provide sufficient time to review the individual application, unless determined otherwise at the Township's sole discretion.

9.8.2 Complete Application Requirements

OPA No. 8

In addition to the requirements identified in the various sections of this Official Plan, the Township may require additional information and material to be submitted as part of a complete application. The following categories identify additional information and material that may be required and the type of studies or documents that may be identified during the pre-consultation process for submission as part of a complete development application:

a) Natural Heritage

The submission of reports, studies and/or drawings, which identify and demonstrate, to the satisfaction of the Township, in consultation with the appropriate Conservation Authority, that there will be no negative impacts on natural heritage features and areas or their ecological functions; and which identify proposed mitigation measures to ensure ecological functions, diversity, and connectivity of natural heritage features and areas are maintained, restored, and where possible enhanced. Any information and material submitted must recognize linkages between and among natural heritage features and areas and surface water features and groundwater features.

This may include, but shall not be limited to:

- i. Environmental Impact Assessment or Study (or scoped Environmental Impact Assessment or Study) within 120 metres of a significant woodland, significant wetland, Life Science ANSI, fish habitat, significant wildlife habitat, significant valleylands, habitat of endangered and threatened species, and within 50 metres of an Earth Science ANSI;
- ii. Environmental Implementation Report;
- iii. Ecological Land Classification;
- iv. Natural Hazard Assessment that addresses flooding and erosion hazards;
- v. Hydrogeological Study;
- vi. Hydrology Study;
- vii. Water Budget;
- viii. Soil Stability and Geotechnical Analysis;
- ix. Tree and/or Vegetation Inventory Report;
- x. Vegetation Compensation Plan;
- xi. Topographical Survey/Slope Analysis; and,
- xii. Geotechnical Report

b) Planning

OPA No. 8

The submission of reports, studies, plans, and/or statements that demonstrate, to the satisfaction of the Township, how the proposed development and/or change in land use is consistent with the applicable provisions of the Provincial Policy Statement, conforms to the Official Plan, conforms to any Provincial Plans that are in effect, and provides an integrated approach to land use planning.

This may include, but shall not be limited to:

- i) Planning Justification Report;
- ii) Statement of Conformity and/or Consistency with applicable policies;
- iii) Employment and/or Residential Lands Needs Analysis;
- iv) Employment Lands Conversion Justification Report;
- v) Conceptual Site Plan Layout; and,
- vi) Detailed Site Plan.

c) Transportation

The submission of reports, studies and/or drawings, which address any change or impact to the transportation network resulting from a proposed development and/or change in land use. Such analyses will demonstrate, to the satisfaction of the Township, how the proposed development can be accommodated by the existing transportation network or where new transportation infrastructure is required. Where an expansion to the existing transportation infrastructure is necessary, such analyses will demonstrate that the expansions will be adequate to accommodate the proposed development.

This may include, but shall not be limited to:

- i) Traffic Impact or Transportation Study;
- ii) Parking Study;
- iii) Transportation Demand Management Plan; and
- iv) Trails Plan for new subdivision development particularly in Marsville and Orton,

d) Servicing

The submission of reports, studies and/or drawings, which demonstrate, to the satisfaction of the Township, that the existing or proposed site servicing is sufficient to accommodate the proposed development and/or change in land use.

This may include, but shall not be limited to:

- i) Water Supply (well) Report;
- ii) Stormwater Management/Drainage Report and Plan; and,
- iii) Private Septic System Report .

OPA No. 8

e) Cultural Heritage Resources

The submission of reports, studies and plans that demonstrate, to the satisfaction of the Township, how a proposed development and/or change in land use will not negatively impact on designated cultural heritage or identified archaeological resources.

This may include, but shall not be limited to;

- i) Cultural Heritage Review;
- ii) Cultural Heritage Impact Assessment;
- iii) Scoped Cultural Heritage Impact Assessment;

- iv) Cultural Heritage Conservation Plan;
- v) Cultural Heritage Landscape Assessment; and,
- vi) Archaeological Assessment

f) Development Impacts

The submission of reports, studies and/or drawings that assess all potential nuisance or safety issues arising from natural and human made hazards which may result from or affect the proposed development and/or change in land use. Such analyses shall demonstrate, to the satisfaction of the Township, that potential nuisances or safety issues can be effectively mitigated.

This may include, but shall not be limited to:

- i) Noise Impact Study;
- ii) Vibration Study;
- iii) Acoustical Design Study;
- iv) Lighting Plan;
- v) Site Screening Questionnaire;
- vi) Phase 1 Environmental Site Assessment;
- vii) Phase 2 Environmental Site Assessment;
- viii) Record of Site Condition; and,
- ix) Agricultural Impact Assessment.

g) Fees and Costs

OPA Nos. 8
& 9

The submission of any fees required by the Township, the County or other public agencies such as the appropriate Conservation Authority. Fees required by the Township and other agencies shall include fees for mandatory pre-application consultation. Such fees shall include any cost for outside consultants retained by the Township to review the information and materials submitted to establish that the information and materials have been prepared in accordance with terms of reference or other criteria identified by the Township in consultation with the County, appropriate Conservation Authority and other agencies through the pre-consultation process. In addition, the applicant shall acknowledge responsibility for any costs incurred by the Township in the processing of the application, including any costs incurred by the Township in support of the applicant for hearings before the Local Planning Appeal Tribunal.

The Township will, within 30 days of receiving a development application, provide notice to the applicant that the application is complete or incomplete. If deemed incomplete, the Township will indicate additional information and material that is required to constitute a complete application.

The date of application shall be the date upon which all required information and material is submitted in a form that is satisfactory to the Township.

The information and material described in this section that may be required to accompany a development application is not intended to preclude the Township from requiring additional reports, studies and/or drawings that may be identified during the development review process if circumstances necessitate the need for such information and material as part of the decision making process.

Where necessary, the Township may retain outside consultants, at the cost of the applicant, to review the information and materials submitted in conjunction with a development application.

10.0 INTERPRETATION

10.1 PLAN BOUNDARIES

The outer limit of the Plan Area and the *Community* designations where abutting a road, lot line or natural features shown on Schedule A, Schedule A-1 and Schedule A-2 are fixed and inflexible and can be changed only by an amendment to this Plan.

10.2 ROAD LOCATIONS

The locations of roads as indicated on the Schedules shall be considered as approximate only. Amendments to this Plan therefore will not be required in order to make minor adjustments or deviations to the location of roads, provided that the general intent of this Plan is maintained.

10.3 USES

Examples of permitted uses as included in this Plan are intended to illustrate the range of activities in each respective land use designation. Wherever a use is permitted, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use shall also be permitted. Specific uses and related regulations shall in any case, be defined for an area at such time as the Zoning By-law comes into effect.

10.4 LAND USE DESIGNATIONS

It is intended that the boundaries of the Land Use categories shown on Schedule A, Schedule A-1 and Schedule A-2 of this Plan, shall be considered as general only, except in the case of roads and other definite physical barriers. They are not intended to define the exact limits of such areas. Minor adjustments may be made in these boundaries for the purpose of any Zoning By-law if appropriate without necessitating an amendment to this Plan. Other than such minor adjustments, no areas or zones, except as provided in this Plan, shall be created that do not conform to this Plan.

Council recognizes that the boundaries of the *Environmental Protection* area on Schedule A, Schedule A-1 and Schedule A-2 of this Plan may be imprecise and may be refined through appropriate environmental studies. The Township shall determine the extent of these Environmental Protection areas on a site-by-site basis when considering development proposals, in consultation with the Conservation Authority. Minor adjustments to the *Environmental Protection* designation can occur without necessitating an amendment to this Plan.

10.5 PLAN REVIEW

The Plan shall be reviewed at least once within five years of its approval by the Township. Should economic or social changes occur which necessitate an earlier review, Council may direct such a review to be undertaken.

10.6 FLEXIBILITY

OPA No. 8

The interpretation of the numerical figures can be varied within 10 per cent of the figures in the text and such minor variation will not require an amendment. The boundaries of land use designations and other features or areas shown on the Schedules will be considered approximate, except where they coincide with roads, railways or other easily recognizable physical features.

10.7 LEGISLATION AND TERMINOLOGY

OPA No. 8

Where this Plan makes reference to legislation, regulations, or the names of Provincial Ministries, agencies or other documents, it is intended to reflect the most current legislation, regulations, or in effect at the time.

10.8 DEFINITIONS

OPA No. 4
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Terms used in this plan that are also found in the Provincial Policy Statement and provincial plans are defined as per the applicable Provincial document. Terms in this Official Plan which are not defined in Provincial documents, but are defined in the County of Dufferin Official Plan are defined as per the County Plan.

In addition, the following definition from the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas, Ministry of Agriculture, Food and Rural Affairs is applicable:

Value retaining facilities are facilities located on farms serve to maintain the quality of raw commodities produced on the farm (i.e., prevent spoilage) to ensure they remain saleable. This includes facilities involving refrigeration (cold storage), controlled-atmosphere storage, freezing, cleaning, grading, drying (e.g. grains, oilseeds, tobacco), as well as simple, bulk packaging that helps maintain the quality of farm commodities. Value-retaining facilities may also include operations that provide a minimum amount of processing to make a farm commodity saleable, such as grading eggs, evaporating maple syrup and extracting honey. Agricultural commodities undergoing value-retaining processes are often shipped in bulk to value-added operations.