



TOWNSHIP OF WILMOT

Council Meeting Agenda

Monday, June 26, 2017

Regular Council Meeting

Council Chambers

7:00 P.M.

- 1. MOTION TO CONVENE INTO CLOSED SESSION (IF NECESSARY)**
- 2. MOTION TO RECONVENE IN OPEN SESSION**
- 3. MOMENT OF SILENCE**
- 4. ADDITIONS TO THE AGENDA**
- 5. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT**
- 6. MINUTES OF PREVIOUS MEETINGS**

6.1 Council Meeting Minutes May 29, 2017.

Recommendation

THAT the minutes of the following meetings be adopted as presented:

Council Meeting May 29, 2017.

- 7. PUBLIC MEETINGS**
- 8. PRESENTATIONS/DELEGATIONS**
 - 8.1 BIG Flag Presentation**
- 9. REPORTS**
 - 9.1 CAO – no reports**

9.2 CLERK'S SERVICES**9.2.1 REPORT NO. CL 2017-10****Draft of Proposed New By-law Regarding Dog Designations,
Establishment of Appeal Committee and Appeal Process****Recommendation**

THAT Report No. CL2017-10, dated June 26, 2017, prepared by the Director of Clerk's Services and the Senior MLEO, outlining the proposed inclusion of dog designations and the establishment of an Appeal Committee/Process to be incorporated into the Township's Regulatory Dog Control By-law, be received for information,

AND FURTHER that staff garner public feedback on the draft changes and return to Council with the key findings of the community's input and final recommendations.

9.2.2 REPORT NO. CL 2017-14**Conveyance of Municipal Property
Former Wilmot Community Pool Facility
Located at 439 Waterloo Street, New Hamburg****Recommendation**

THAT the municipal property legally described as Part Lot 1, Plan 885, Wilmot, Being Part 2 on 58R-1153 which has also been described as Part 3 on 58R-9275, Township of Wilmot, be conveyed to the Waterloo Region District School Board pursuant to the terms of the Land Transfer and Restoration Agreement and further;

THAT the Mayor and Director of Clerk's Services be authorized to execute all associated documentation.

9.2.3 REPORT NO. CL 2017-15**Noise By-law Exemptions****Ingrid and Mark Drinkwalter and
New Hamburg'er and Beer Festival****Recommendation**

THAT Council approve a Noise By-Law Exemption for Ingrid and Mark Drinkwalter on July 29, 2017 from 7:00 p.m. to 12:00 midnight for a private event located on their property at 1323A Queen Street, Unit 39, New Dundee;

AND FURTHER, THAT Council approve a Noise By-law Exemption for the New Hamburg'er and Beer Festival on September 23, 2017 from 5:30 p.m. to 11:00 p.m. for a public event occurring on Peel Street and Mill Street, north of Huron Street, New Hamburg.

9.3 FINANCE**9.3.1 REPORT NO. FIN 2017-26****2017 Final Tax Levy****Recommendation**

THAT report FIN 2017-26 prepared by the Director of Finance, regarding the 2017 Final Tax Levy By-law be received.

9.4 PUBLIC WORKS**9.4.1 REPORT NO. PW-2017-11****2017 Sidewalk Program****Recommendation**

THAT the tender received from Chad Hartman Construction , to complete the 2017 Sidewalk Program, with a subtotal excluding HST of \$36,156.00, be accepted.

9.4.2 REPORT NO. PW-2017-12**2017 Supply of Hot Mix Asphalt****Recommendation**

THAT the tender received from Coco Paving Inc. to complete the 2017 Supply of Hot Mix Asphalt, with a subtotal excluding HST of \$49,775.00, be accepted.

9.4.3 REPORT NO. PW-2017-13**New Hamburg'er and Beer Festival (Road Closures)****Recommendation**

THAT the recommendations for road closures as per the attached sketch of report PW-2017-13 to support the newly established "New Hamburg'er and Beer Festival," in downtown New Hamburg be approved.

9.5 DEVELOPMENT SERVICES**9.5.1 REPORT NO. DS 2017-10****Proposed Official Plan Amendments (2017):**

- 1. Proposed OPA 9 - Conformity Review**
- 2. Proposed OPA 10 - Settlement Boundary Rationalization Exercise**

Recommendation

THAT Council direct staff to:

1. Give Notice of a Special Meeting of Council, open to the Public, to discuss the revisions that may be required to bring the Township Official Plan into conformity with Provincial plans and to discuss the settlement boundary rationalization exercise; and,
2. Circulate Report DS 2017-10 dated June 26, 2017 to the Region of Waterloo and prescribed public bodies with respect to the revisions that may be required.

9.6 FACILITIES AND RECREATION SERVICES – no reports

9.7 FIRE – no reports

9.8 CASTLE KILBRIDE – no report

10. CORRESPONDENCE

10.1 Grand River Conservation Authority - GRCA Current, June 2017

Recommendation

THAT Correspondence Item No. 10.1 be received for information.

11. BY-LAWS

11.1 By-law No. 2017-27 – Being a By-Law to Establish the 2017 Final Tax Levy, the 2017 Rates of Taxation and to Provide for the Payment of Taxes by Instalments

11.3 By-law No. 2017-28 – By-law to Appoint a Fire Chief for the Township of Wilmot – Rod Leeson

Recommendation

THAT By-law Nos. 2017-27 and 2017-28 be read a first, second and third time and finally passed in Open Council.

12. NOTICE OF MOTIONS

13. QUESTIONS/NEW BUSINESS/ANNOUNCEMENTS

14. BUSINESS ARISING FROM CLOSED SESSION

15. CONFIRMATORY BY-LAW

15.1 By-law No. 2017-29

Recommendation

THAT By-law No. 2017-29 to Confirm the Proceedings of Council at its Meeting held on June 26, 2017 be introduced, read a first, second, and third time and finally passed in Open Council.

16. ADJOURNMENT

Recommendation

THAT we do now adjourn to meet again at the call of the Mayor.



TOWNSHIP OF WILMOT

Council Meeting Minutes

Monday, May 29, 2017

Regular Council Meeting

Council Chambers

7:00 P.M.

Members Present: Mayor L. Armstrong, Councillors A. Junker, P. Roe, B. Fisher, J. Gerber and M. Murray

Staff Present: Chief Administrative Officer G. Whittington, Director of Clerk's Services B. McLeod, Deputy Clerk D. Mittelholtz, Director of Facilities and Recreation Services S. Nancekivell, Director of Development Services H. O'Kafka, Acting Fire Chief B. Otterbein, Director of Finance P. Kelly, Curator/Director of Castle Kilbride T. Loch, Manager of Planning/EDO A. Martin, Engineering Technician A. Duncan, Recreation Programmer L. Smith

- 1. MOTION TO CONVENE INTO CLOSED SESSION (IF NECESSARY)**
- 2. MOTION TO RECONVENE IN OPEN SESSION**
- 3. MOMENT OF SILENCE**
- 4. ADDITIONS TO THE AGENDA**

- 4.1 BYLAWS – Item 11.2 By-law No. 2017-24 – Zone Change Application 04/17, Heidi Faul, Part of Lots 143 – 145 and Part of James St. (closed), Plan 532A, Part 1, Plan 58R-12297, 320 Waterloo Street, New Hamburg**

Resolution No. 2017-101

Moved By: A. Junker

Seconded By: M. Murray

THAT Item 11.2 be added to the agenda under BYLAWS – By-law No. 2017-24 – Zone Change Application 04/17, Heidi Faul, Part of Lots 143 – 145 and Part of James St. (closed), Plan 532A, Part 1, Plan 58R-12297, 320 Waterloo Street, New Hamburg.

CARRIED.

5. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

None disclosed.

6. MINUTES OF PREVIOUS MEETINGS

6.1 Council Meeting Minutes May 8, 2017.

Resolution No. 2017-102

Moved by: B. Fisher

Seconded by: P. Roe

THAT the minutes of the following meetings be adopted as presented:

Council Meeting May 8, 2017.

CARRIED.

7. PUBLIC MEETINGS

8. PRESENTATIONS/DELEGATIONS

8.1 Youth Action Council Update

Lacey Smith, Recreation Programmer introduced the Youth Action Council (YAC) who provided Council with an update of their activities. The members of YAC summarized for Council how they have grown, what their mission is and their ultimate goal of the community a better place. Members of YAC highlighted the organizations objectives, their plan in meeting those objectives and how they have met their previously stated goals. They gave an overview of the events organized for the past year with an emphasis on Youth Week. YAC spoke about their volunteering efforts and the progress of Volunity as a community program. They concluded their presentation by advising Council on their plans for the coming year.

The Members of YAC taking part in the presentation include: Emily Loch, Kassidee Fleiszig, Tyler Pereira, Evan Denney, Josh Desjardins, Sarah Rath and Jessica Pereira.

Rachel Schieckoff was also part of the presentation who co-facilitates the group with Miss Smith.

Councillor J. Gerber commented how he enjoys the YAC presentations and that he is looking forward to working with YAC in the future.

Councillor A. Junker thanked YAC for their work and assistance at the Living Well Festival. He commended the Recreation Programmer for her efforts.

Mayor L. Armstrong thanked YAC for their presentation and noted his appreciation at seeing Wilmot's youth stepping up as volunteers in their community.

9. REPORTS

9.1 CAO – no reports

9.2 CLERK'S SERVICES – no reports

9.3 FINANCE – no reports

9.4 PUBLIC WORKS

9.4.1 REPORT NO. PW-2017-09

Weiss Municipal Drain Construction

Resolution No. 2017-103

Moved by: J. Gerber

Seconded by: B. Fisher

THAT the tender submitted by Van Gestel Excavating Services for the construction of the Weiss Municipal Drain in the amount of \$34,496.00, plus HST, be accepted.

CARRIED.

The Engineering Technician highlighted the report.

9.4.2 REPORT NO. PW-2017-10

Bridge Appraisal Program

Resolution No. 2017-104

Moved by: M. Murray**Seconded by: A. Junker**

THAT the quotation submitted by K. Smart Associates Limited to complete the 2017 Bridge Appraisal Program in the amount of \$17,670.00, plus HST, be accepted.

CARRIED.

9.5 DEVELOPMENT SERVICES

9.5.1 REPORT NO. DS 2017-09

Zone Change Application 04/17

Heidi Faul

Part of Lots 143 – 145 and Part of James St. (closed), Plan 532A

Part 1, Plan 58R-12297

320 Waterloo Street, New Hamburg

Resolution No. 2017-105

Moved by: J. Gerber**Seconded by: B. Fisher**

THAT Council approve Zone Change Application 04/17 made by Heidi Faul, affecting Part of Lots 143 – 145 and Part of James St. (closed), Plan 532A being Part 1, Plan 58R-12297, to:

1. permit a residential building containing six dwelling units
2. reduce the minimum front yard setback from 7.6m to 6.1m, and
3. to reduce the flankage yard setback from 6.0m to 5.0m.

CARRIED.

The Manager of Planning highlighted the report.

The Manager of Planning confirmed for Councillor B. Fisher that the units in the building would be for rent as the applicant has not filed a condominium application.

In response to Councillor B. Fisher, the Manager of Planning clarified that the site plan indicated two snow storage areas for the property will allow for continued use of ten parking spaces during winter months.

Councillor J. Gerber noted that the applicant appears to have addressed many of the concerns raised during this process. He indicated that the development is consistent with an adjacent building and the Official Plan designation for Waterloo Street which includes mixed types of residential buildings.

The Manager of Planning confirmed for Councillor P. Roe that the large tree noted by one of the neighbours is on the abutting plaza property.

The Manager of Planning further clarified for Councillor A. Junker that the proximity of the development, and its construction, should not impact the tree but that staff cannot comment on what may happen in the future.

Mayor L. Armstrong asked if anyone wished to address Council on this matter.

Mr. L. Fleiszig inquired if this Zone Change Amendment would be applicable to all of Williams Street. The Manager of Planning confirmed that the Amendment would be site specific, for the subject property only. He further clarified that the application is the trigger for the Amendment to the By-law and that Council Meetings are the venue for considering such changes.

The Manager of Planning reiterated for Mr. Fleiszig that the details of application, including drawings have been made available on the Township's website and in-person at the Township Offices.

Ms. J. Holita expressed to Council her concerns for the type of fence being constructed and its inability to keep exhaust fumes from entering the abutting property. The Manager of Planning clarified that the intent of the fence was not to deal with exhaust fumes and that it would not be part of the site plan control process. He advised that concerns related to exhaust fumes would be more appropriately direct to another agency such as the Ministry of the Environment.

The Manager of Planning reviewed with Ms. Holita the sketch included with the report including the location of trees and shrubbery that are proposed to be planted.

Mayor L. Armstrong clarified for Ms. Holita and Mr. Fleiszig that the lines on the building on the site plan sketch indicate the roof lines.

9.6 FACILITIES AND RECREATION SERVICES**9.6.1 REPORT NO. PRD 2017-04****Award of Tender – Replacement of Parks Maintenance
Tractor****Resolution No. 2017-106****Moved by: M. Murray****Seconded by: A. Junker**

THAT Ayr Turf and Trac be awarded Tender 2017-15 to supply a new four wheel drive compact utility tractor/loader with snow blower attachment to the Facilities & Recreation Services Department – Parks Division, for the bid price of \$63,625.00 plus applicable taxes.

CARRIED.

The Director of Facilities and Recreation Services confirmed for Councillor P. Roe that the brand of tractor being purchased is Kubota.

In response to Councillor B. Fisher, the Director of Facilities and Recreation Services advised that the tractor will be used for parks operations including the moving of aggregate, sand and top soil and the blowing and pushing back of snow.

9.6.2 REPORT NO. PRD-2017-05**RFP 2017-08****Scott Park Playground Replacement****Resolution No. 2017-107****Moved by: P. Roe****Seconded by: A. Junker**

THAT Openspace Solutions Inc. be awarded the contract for the Scott Park Playground Replacement project as per their proposal dated April 27, 2017 for the bid price of \$76,921.50 plus applicable taxes.

CARRIED.

The Director of Facilities and Recreation Services noted a typo in the report. Under Financial Considerations, the funds were approved under the 2017 Budget, not the 2016 Budget.

9.6.3 REPORT NO. PRD-2017-06

RFP 2017-11

**Engineered Design, Supply and Installation of a Permanent
Back-up Power Supply for the New Dundee Community
Centre and the St. Agatha Community Centre**

Resolution No. 2017-108

Moved by: A. Junker

Seconded by: P. Roe

THAT Wagler Electric be awarded the contract to Design, Supply and Install a Permanent Back-up Power Supply for the New Dundee Community Centre and the St. Agatha Community Centre in accordance with their proposal dated May 17, 2017 for the bid price of \$118,025.00 plus applicable taxes.

CARRIED.

The Director of Facilities and Recreation Services noted that Wagler Electric has worked on similar projects in Wilmot Township in the past with satisfactory results.

Councillor A. Junker expressed his appreciation for this project moving forward to ensure residents have a place to go to in a storm or emergency that is in, or close to, their community.

Mayor L. Armstrong noted the short time period for the project to be completed.

9.7 FIRE – no reports

9.8 CASTLE KILBRIDE

9.8.1 REPORT NO. CK 2017-04

**RFP 2017-14 Consulting Services to prepare an Arts and
Culture Master Plan**

Resolution No. 2017-109**Moved by: P. Roe****Seconded by: A. Junker**

THAT TCI Management Consultants be awarded the RFP for Consulting Services to prepare an Arts and Culture Master Plan, as per their proposal dated May 5, 2017 in the amount of \$23,964.48, net of HST rebate.

CARRIED.

The Curator/Director of Castle Kilbride highlighted the report.

Councillor A. Junker concurred with the comments of the Curator/Director of Castle Kilbride with regards to the consultant and their willingness to engage with as many residents as possible. He stated that this Plan will be of great benefit to the Township when completed.

Councillor P. Roe echoed the statements of Councillor A. Junker and expressed his hope that the Township resources will be utilized to promote resident engagement.

10. CORRESPONDENCE**11. BY-LAWS**

11.1 By-law No. 2017-23 – By-law to Appoint A Municipal Law Enforcement Officer, Keaton Foster

11.2 By-law No. 2017-24 – Zone Change Application 04/17, Heidi Faul, Part of Lots 143 – 145 and Part of James St. (closed), Plan 532A, Part 1, Plan 58R-12297, 320 Waterloo Street, New Hamburg

Resolution No. 2017-110**Moved by: B. Fisher****Seconded by: M. Murray**

THAT By-law Nos. 2017-23 and 2017-24 be read a first, second and third time and finally passed in Open Council.

CARRIED.

12. NOTICE OF MOTIONS**13. QUESTIONS/NEW BUSINESS/ANNOUNCEMENTS**

- 13.1 Mayor L. Armstrong confirmed for Councillor J. Gerber that staff can be directed to investigate the dog waste receptacle program that the City of Waterloo is involved in.
- 13.2 Mayor L. Armstrong confirmed that, in the absence of a Director of Public Works that the Division Managers are working with the CAO with regards to departmental operations.
- 13.3 Mayor L. Armstrong clarified for Councillor J. Gerber that the members of public who addressed Council with regards to the Zone Change Application did not require a motion since the item they wished to comment on was on the Agenda and he had asked if anyone wished to address Council on that matter.
- 13.4 Mayor L. Armstrong noted the recent success of two events in the Township, the Mennonite Relief Sale and the first Petersburg Optimist's Breakfast in the Park for the summer.
- 13.5 Councillor J. Gerber announced that the annual Firefighters Father's Day Breakfast will take place at the New Hamburg Fire Station on June 11, 2017
- 13.6 Councillor A. Junker noted the recent success of the New Dundee Victoria Day Celebrations. He requested that Mayor L. Armstrong convey his thanks to Regional staff for their efforts in arranging an earlier waste pick-up on that day.

Mayor L. Armstrong noted that there had been some communication issues between the Region and the contractor that delayed confirmation of the waste pick-up strategy for that day, but that it was ultimately a success.

The Fire Chief confirmed for Council that the Fire Department can have some difficulty in navigating streets during such events which is why they use strategic planning and alternate vehicles for that day.

Councillor A. Junker commended the efforts of the Fire Department for their display in the park which was well received by the children and provides good public education.

- 13.7 Councillor A. Fisher announced that 600 trout had been added to the Mill Pond in Baden for the annual Fishing Derby taking place on Saturday, June 3, 2017.
- 13.8 Mayor L. Armstrong invited all members of Council and staff to attend the Prime Ministers Path statue unveiling taking place on June 29, 2017. He advised that two statues will be unveiled and that the first Castle Summer Concert will take place following the unveiling.

14. BUSINESS ARISING FROM CLOSED SESSION

15. CONFIRMATORY BY-LAW

15.1 By-law No. 2017-24

Resolution No. 2017-111

Moved by: M. Murray

Seconded by: A. Junker

THAT By-law No. 2017-24 to Confirm the Proceedings of Council at its Meeting held on May 29, 2017 be introduced, read a first, second, and third time and finally passed in Open Council.

CARRIED.

16. ADJOURNMENT (8:01 P.M.)

Resolution No. 2017-112

Moved by: M. Murray

Seconded by: P. Roe

THAT we do now adjourn to meet again at the call of the Mayor.

CARRIED.

Mayor

Clerk



Township of Wilmot ***REPORT***

REPORT NO. CL2017-10

TO: Council

PREPARED BY: Barbara McLeod, Director of Clerk's Services
Derek Wallace, Senior MLEO

DATE: June 26, 2017

SUBJECT: Draft of Proposed New By-law Regarding Dog Designations,
Establishment of Appeal Committee and Appeal Process

Recommendation:

THAT Report No. CL2017-10, dated June 26, 2017, prepared by the Director of Clerk's Services and the Senior MLEO, outlining the proposed inclusion of dog designations and the establishment of an Appeal Committee/Process to be incorporated into the Township's Regulatory Dog Control By-law, be received for information,

AND FURTHER that staff garner public feedback on the draft changes and return to Council with the key findings of the community's input and final recommendations.

Background:

As Council is aware, Township By-law No. 2008-01 governs the keeping of dogs and the licensing / conditions of kennel operations.

The existing by-law as it relates to dogs that have allegedly bitten any person or domestic animal provides that a duly appointed Officer of the Township may issue a Muzzle/Leash Order against the owner/keeper of the dog while said dog is on any property in the Township including the premises of the owner of the dog. The Order sets out the conditions which remain in effect until: an action under the provisions of the *Dog Owners' Liability Act* (DOLA) has concluded; it is deemed by the Officer that the dog in question is otherwise innocent of such a bite or attack; or otherwise at the discretion of the Officer, Council, Clerk or designate.

When a Township Officer becomes aware, either through his own investigation or as a

result of information received by him from any source, that a dog has allegedly bitten or attacked a person or animal, absent of any mitigating factor, the process involved unfolds as follows:

- A thorough investigation is carried out by the Officer to interview and obtain statements from victims/complainants, witnesses and dog owner/s including medical/veterinary, rabies inoculation information (if known), and any other information pertinent to the incident,
- the Regional Health Department is notified if a dog bite breaks the skin of a person,
- citizens are advised of their rights to pursue a charge under DOLA or seek compensation in a civil suit
- *The municipality may pursue prosecutions under DOLA
- The municipality may issue an Order to Muzzle/Leash the dog
- The municipality may charge the dog owner, (if known) for a dog running at large if the animal is determined to have been on property other than its owner's premises

*While a municipality or individual may pursue court action under DOLA, this tends to involve lengthy proceedings and complications/confusion for the public on prosecution and follow up to ensure orders are monitored and enforced.

Discussion:

There are approximately 2,000 registered dogs on the Township's data base. While the majority of dog owners within the Township are responsible dog owners, on average over the last decade, Township staff encounter approximately 10 incidents per year wherein dogs have been aggressive and/or dog bites have occurred. The provisions within the existing by-law do not provide for a process that includes a designation of a dangerous, potentially dangerous, restricted or prohibited dog that explicitly states the requirements of owning/keeping said dog/s, nor does it provide for the establishment and governance of an appeal committee to review the merits of an order and to hold hearings for the dog owners who have received an order and wish to appeal.

The population has increased along with the number of dogs in the Township and staff are of the opinion that it is prudent for the Township to update the existing regulatory Dog Keeping By-law to include dog designations. This is based on the practices of neighbouring municipalities and public opinion from parties involved with occurrences in the Township. The update will allow the Township to have more control over the process, timing and flexibility over conditions placed on the keeping of dogs to ensure public safety. Pet guardians will be held responsible for the proper supervision of dogs who truly pose a serious risk to people or to other animals. At the same time, the Township must be mindful of the rights of pet guardians and afford them due process with the creation of a Committee with delegated authority to hear appeals. The proposed Committee would be comprised of members of the public, including a veterinarian (where possible), who are appointed by Council. Clerk's Services will provide a staff member to act as liaison to the

Committee. Specific rules and procedures are proposed and form part of this Report and By-law.

The following proposed amendments to the by-law are outlined below:

SECTION 1 - DEFINITIONS:

1.6 Containment of Dog on Property – means that a Dog shall be contained on a property by means of one of the following:

- (i) an enclosure or fenced area that prevents the Dog from leaving the property;
- (ii) a physical restraint such as a chain or other similar means;
- (iii) an Electronic Containment Device; or
- (iv) where such property is located within an area zoned for agricultural use, any reasonable means that prevents the Dog from being At Large.

1.9 Dangerous Dog – means:

- (i) a Dog that, in the absence of any Mitigating Factor, has attacked, bitten, or caused injury to a person, anywhere other than on the premises of the Owner, or has demonstrated a propensity, tendency or disposition to do so;
- (ii) a Dog that, in the absence of any Mitigating Factor, has injured a domestic animal, anywhere other than on the premises of the Owner; or
- (iii) a Dog, previously designated as a Potentially Dangerous Dog, that is kept or permitted to be kept by its Owner in violation of the requirements for such Dog.

1.10 Designation – means that an Animal Control Officer has determined that a Dog is a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog and has designated it as such under this By-law.

1.11 Designation Notice – means a written notice to an Owner of a Dog advising them as to any Designation or Requirements in relation to their Dog.

1.12 Dog Designation Appeal Committee – means a committee appointed by Township Council to hear any appeals arising from the Designation of a Dog or any Requirements imposed on a Dog.

1.16 Electronic Containment Device – means an electronic system whereby an underground cable placed around the perimeter of an area transmits an electric shock to the Owner's Dog if the Dog attempts to leave such area, such system not to be located or used within four hundred (400) metres of a school property.

1.20 Mitigating Factor – means a circumstance which excuses aggressive behavior of a Dog and, without limiting the generality of the foregoing, may include circumstances where:

- (i) the Dog was, at the time of the aggressive behavior, acting in defence to an attack by a person or animal;
- (ii) the Dog was, at the time of the aggressive behavior, acting in defence of its young;
- (iii) the Dog was, at the time of the aggressive behavior, acting in defence to a person or animal trespassing on the property of its Owner; or,
- (iv) the Dog was, at the time of the aggressive behavior, being teased, provoked or tormented.

**The new by-law is not breed-specific, however while the existing by-law has contained provisions pertaining to pitbulls since 2005, pursuant to the Dog Owner's Liability Act and the Public Safety Related to Dogs Statute Law Amendment Act, 2005 further definition in the by-law is proposed as outlined in this report.*

***1.27 Pit Bull Dog** – means a Dog of any age which can be identified by the Animal Control Officer as a Dog of one or more of the following breeds or mixed breeds, namely:

- (i) an American Pit Bull Terrier;
- (ii) a Staffordshire Bull Terrier;
- (iii) an American Staffordshire Terrier; or,
- (iv) a Dog that has an appearance and physical characteristics that are substantially similar to those of Dogs referred to in any clauses (i) to (iii).

1.29 Potentially Dangerous Dog - means a Dog that, in the absence of any Mitigating Factor, chases or approaches any person or domestic animal, anywhere other than on the property of its Owner, in a menacing fashion or apparent attitude of attack, including, but not limited to behavior such as growling or snarling;

***1.32 Prohibited Dog** – means

- (i) a Pit Bull Dog which is not a Restricted Dog;
- (ii) a Pit Bull Dog previously Designated as a Restricted Dog, that is kept or permitted to be kept by its Owner in violation of the Requirements for such Dog; or

- (iii) a Dog, previously designated as a Dangerous Dog, that is kept or permitted to be kept by its Owner in violation of the Requirements for such Dog.

***1.33 Restricted Dog** – means a Pit Bull Dog that:

- (i) was owned by a resident of Ontario on the day subsection 1 (16) of the *Public Safety Related to Dogs Statute Law Amendment Act, 2005* came into force, namely August 29, 2005 or,
- (ii) was born in Ontario before the end of the 90-day period beginning on the day subsection 1 (16) of the *Public Safety Related to Dogs Statute Law Amendment Act, 2005* came into force, namely November 29, 2005.

1.34 Requirements – means any conditions that may apply to a Dog under this By-law, including any conditions prescribed by an Animal Control Officer.

SECTION 2 - ANIMAL CONTROL OFFICERS

2.1 Council may appoint an Animal Control Officer(s) whose duty it shall be to:

- (vi) prescribe Designations of Dogs as necessary, and prescribe any Requirements that shall apply to a Dog that is subject to a Designation;

SECTION 3 - OWNER REQUIREMENTS

3.3 Maximum Length of Leash – Designated Dog: In the case where a Dog is subject to a Designation under this By-law, no person shall use a Leash on said Dog if the Leash exceeds 1.8 metres (6 feet), regardless of whether such Requirement is explicitly stated.

3.6 Containment of Dog: An Owner of a Dog shall fulfill all requirements of this By-law relating to Containment of Dog on Property.

3.7 Electronic Containment Device: An Owner may use an Electronic Containment Device to keep a Dog contained if:

- (i) A sign is posted in a clearly visible fashion near all entryways to the property, indicating that an Electronic Containment Device is in use;

- 3.8 **Dog Bites:** No Owner of a Dog shall permit the dog to bite or attack a person or domestic animal in the absence of any Mitigating Factors.

- (ii) The Dog is not a Potentially Dangerous Dog, Dangerous Dog or Restricted Dog; and
- (iii) The Electronic Containment Device is not located or used within three metres (3m) of the boundary of the property.

SECTION 5 - DOG DESIGNATIONS: GENERAL

- 5.1 **Designation:** An Animal Control Officer shall have the authority to designate a Dog as a Dangerous Dog, a Potentially Dangerous Dog, a Restricted Dog or a Prohibited Dog if the Animal Control Officer has reason to believe that the Dog falls within the definitions as set forth in Section 1.

- (i) The Designation may be based upon:
 - (a) the written complaint of a citizen who is willing to testify that the Dog has acted in a manner which causes it to fall within the definition of a Dangerous Dog or Potentially Dangerous Dog, as set forth in Section 1; or,
 - (b) a Dog bite report filed with the Animal Control Officer/Authority; or,
 - (c) actions of the Dog witnessed by any Animal Control Officer; or,
 - (d) other relevant evidence.

- 5.2 **Notice Requirements:** Any Owner whose Dog is designated as a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog shall be served with a Designation Notice by an Animal Control Officer. Such Designation Notice to include:

- (i) A statement that the Animal Control Officer has reason to believe that the Dog is a Potentially Dangerous Dog, a Dangerous Dog, a Restricted Dog or a Prohibited Dog, as the case may be;

- (ii) The Requirements that the Owner must comply with in accordance with this By-Law and when such Requirements take effect; and,
- (iii) A statement that the Owner of the Dog who has received the Designation Notice, has the right to a request for appeal, provided that such request for appeal is made within seven (7) days of receiving the Designation Notice.

- 5.3 **Service of Notice:** Any Designation Notices served by the Animal Control Officer may be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail to the Owner's last known address, shall be deemed received on the fifth (5th) business day after the date of mailing.
- 5.4 **Compliance with Designation:** Every Owner and subsequent Owner of a Dog that is subject to a Designation shall comply with each of the Requirements of such Designation and any other Requirements pursuant to this By-law.
- 5.5 **Multiple Requirements within Designation:** If an Owner fails to comply with more than one Requirement under this By-law or under any Designation Notice, failure to comply with each such Requirement constitutes a separate offence under section 21.1.
- 5.6 **Request for Appeal:** Any Owner of a Dog who has received a Designation Notice under Section 5, may submit a written request for an appeal to the Dog Designation Appeal Committee. No fee shall be charged for the appeal.
- 5.7 **Appeal Deadline:** Any request for appeal under Section 5.6 shall be submitted to the Township Clerk within seven (7) business days of the date the Owner received the Designation Notice.
- 5.8 **Requirements In Effect:** A request of the Owner of a Dog for an appeal hearing under this subsection does not act as a stay of any Requirement.

SECTION 6 - DOG DESIGNATIONS: POTENTIALLY DANGEROUS DOG, DANGEROUS DOG, OR RESTRICTED DOG:

- 6.1 **Requirements:** Where the Animal Control Officer designates a Dog as a Potentially Dangerous Dog, a Dangerous Dog or a Restricted Dog and serves the Owner with a Designation Notice stating such Designation, the Designation Notice may require any or all of the following Requirements be fulfilled by the Owner:

- (i) to keep the Dog, when it is on the lands and premises of the Owner, confined;

- (ii) to keep the Dog within the Owner's Dwelling and under the effective control of an adult;
- (iii) to keep the Dog in an enclosed pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimeters (1 foot), or as otherwise approved by the Animal Control Officer. The pen shall provide humane shelter for the Dog while preventing it from escaping and preventing entry therein of unsupervised children;
- (iv) to keep the Dog under effective Restraint or under effective Restraint with a Leash, at all times when it is not confined in accordance with subsection 6.1(i), or when it is off the Owner's lands and premises;
- (v) to keep the Dog caged, penned or otherwise under Restraint, or under the control of an adult, when children under the age of 16 are in the Owner's Dwelling;
- (vi) to securely attach a Muzzle to the Dog at all times when it is not confined on the Owner's lands and premises, or when it is off the Owner's lands and premises;
- (vii) to provide the Animal Control Officer with the new address and telephone of the Owner within two (2) business days of moving the Dog;
- (viii) to provide the Animal Control Officer with the name, address and telephone number of the new Owner within two (2) business days of selling or giving away the Dog;
- (ix) to advise the Animal Control Officer within two (2) business days of the death of the Dog; to advise the Animal Control Office forthwith if the Dog has run At Large or has bitten or attacked any person or animal;
- (x) to purchase and display, at the entrance to the Owner's Dwelling which a person would normally approach, or at any other place on the property as directed by the Animal Control Officer, a warning sign or warning signs approved by the Animal Control Officer. The sign(s) shall be posted as approved by the Animal Control Officer and in such a manner that it/they cannot be easily removed. The sign posted at the entrance which a person would normally approach must be clearly visible to a person approaching the entrance;
- (xi) to have the Dog inoculated to provide immunization against rabies and to provide proof satisfactory to the Animal Control Officer that such procedures have been performed;
- (xii) to provide a copy of the Designation Notice to any person who keeps or harbors the Dog;
- (xiii) to cause the Dog to wear the tag or tag(s) provided by the Animal Control Officer at all times; The fee for such Designated Dog tag shall be at twice the rate of a regular tag as stated in the Township's Fees and Charges By-law;
- (xiv) to provide, to the Animal Control Officer, within the timeframe specified by the Animal Control Officer, proof that the Owner holds and maintains a policy of liability insurance in the amount of two million dollars, for injuries caused by the Owner's designated Dog. The Township shall be named as additionally insured. It is the responsibility of the Owner to inform the Township for any cancellation, termination or expiration of the policy. The policy shall be in force at all times during the Dog's life; and
- (xv) to satisfy any other Requirements that the Animal Control Officer may prescribe.

6.2 **Dangerous Dogs:**

- (i) **Additional Requirements:** In addition to the Requirements set out in section 6.1, the Designation Notice for a Dangerous Dog may also prohibit the Owner from keeping or harbouring the Dog in a Multiple Unit Dwelling.
- (ii) **Exception:** Notwithstanding subsection 6.2. (i), where the Owner's Dwelling is a Multiple Unit Dwelling, the Designation Notice may permit, at the discretion of the Animal Control Officer, the Dog to be kept or harboured at another location approved by the Animal Control Officer.

6.3 **Additional Requirements for Restricted Dogs:** In addition to the Requirements set out in section 6.1, the Designation Notice for a Restricted Dog may also:

- (i) prohibit the Owner from keeping or harbouring the Dog in a Multiple Unit Dwelling;
- (ii) if the Restricted Dog has a litter of puppies, require the Owner to notify the Animal Control Officer, within two (2) business days of the birth of the puppies; and
- (iii) if the Restricted Dog has a litter of puppies, require the Owner to deliver the offspring to the Pound within seven (7) days of the birth of the puppies to be Disposed of in accordance with the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended, or any regulations thereunder.

SECTION 7 DOG DESIGNATION - PROHIBITED DOGS

7.1 No person shall keep or harbor or permit a person to keep or harbour a prohibited Dog.

SECTION 8 IMPOUNDMENT OF DOGS

8.1 **Impoundment by Animal Control Officer:** Any Dog may be seized and impounded by an Animal Control Officer if it is:

- (i) At Large;
- (ii) a Prohibited Dog;
- (iii) an unregistered Restricted Dog;
- (iv) a Dangerous Dog or Potentially Dangerous Dog if it is determined by the Animal Control Officer to be in violation of any Requirements under this By-law;
- (v) alleged to have bitten any person, and is ordered impounded by the Regional Medical Officer of Health in accordance with the *Health Protection and Promotion Act*, R.S.O., 1990, C. h. 7;

- (vi) suspected of being rabid, and is ordered impounded by the Regional Medical Officer of Health in accordance with the *Health Protection and Promotion Act*, R.S.O. 1990, C.h.7; or,
- (vii) behaving, or have behaved in a manner that is in contravention of any Township By-law;.

8.3 Length of Impoundment:

- (i) The Pound shall keep any impounded Dog for, at a minimum, the redemption period established by the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended, or any regulations thereunder.
- (iii) **Potentially Dangerous Dog, Dangerous Dog, or Restricted Dog:** the Animal Control Officer may refuse to release an impounded Potentially Dangerous Dog, Dangerous Dog or Restricted Dog to its Owner or to any other adult person if the Animal Control Officer is not satisfied that the Owner or other person is aware of and will comply with the Requirements for keeping the Dog;

8.5 Release of Dog: An Animal Control Officer may release an impounded Dog to an Owner at any time unless otherwise directed by this By-law.

8.6 Conditions for Release: An Animal Control Officer may require any of the following of the Owner prior to releasing the Dog, and may refuse to release the Dog until such conditions are met:

- (i) that the Dog be licensed for the current year.
- (ii) payment of any Pound and maintenance fees;
- (iii) payment for the cost of any vaccination or medical treatment administered; or,
- (iv) reimbursement of any costs incurred by the Pound during impoundment of the Dog.

SECTION 9 - SALE AND DESTRUCTION OF DOGS

9.1 Power to Dispose or Sell:

- (i) Unless otherwise directed in this By-law, if a Dog has been impounded and has not been restored to its Owner, where the Owner is known to the Township and has received notification of such impoundment, within the

redemption period established by the *Animals for Research Act, c. A.22*, as amended, or any regulations thereunder, and in accordance with Section 9, the Dog may be:

- (a) Disposed of by the Pound in a humane manner; or
 - (b) Sold by the Pound.
- (iii) **Notice of Designation:** when selling or disposing of a Dog pursuant to this By-law, the Animal Control Officer shall give any known Designation Notice and resulting Requirements relating to that Dog to a person prior to transferring Ownership of the Dog to that person.
- 9.2 **Power to Destroy:** Notwithstanding subsection 9.1, the Township Pound may cause a Dog to be destroyed at any time:
- (ii) if the Dog has not been claimed within the redemption period established by the *Animals for Research Act, R.S.O. 1990, c. A.22*, as amended, or any regulations thereunder, in which case the dog may be destroyed upon the expiry of the redemption period.
 - (iii) If the Dog is a Potentially Dangerous Dog, Dangerous Dog, or Restricted Dog and after fourteen (14) days, if the Animal Control Officer is not satisfied that the Owner or any other person claiming the Dog will comply with the Requirements for keeping the Dog;
 - (iv) If the Dog is a Prohibited Dog; or
 - (v) If the Dog is rabid.
- 9.3 **Impoundment Costs:** The Owner of every Dog impounded, if known, whether or not the Dog is claimed by the Owner from the Pound, shall be liable for the payment of the Pound fee, the boarding fee, and any euthanasia and disposal fees applicable, and shall pay all fees on demand to the Pound.

SECTION 10 - DOG DESIGNATION APPEAL COMMITTEE

- 10.1 A Dog Designation Appeal Committee is hereby established to hear appeals of Designations and Requirements.

- 10.2 The Dog Designation Appeal Committee shall be composed of such persons, not fewer than three (3), as Township Council considers advisable.
- 10.3 The members of the Dog Designation Appeal Committee shall generally hold office for the term of Township Council. Township Council shall have the full power and discretion to appoint or remove members from the Dog Designation Appeal Committee.
- 10.4 The remuneration rate for the members of the Dog Designation Appeal Committee shall be \$50.00 per meeting plus the standard municipal mileage rate.
- 10.5 The members of the Dog Designation Appeal Committee shall select a Chair from among themselves. When the Chair is absent through illness or otherwise, the Dog Designation Appeal Committee may appoint another member as Acting Chair.
- 10.6 A majority of the members of the Dog Designation Appeal Committee constitutes a quorum for transacting the Dog Designation Appeal Committee's business.
- 10.7 Township Clerk's Services shall provide a staff liaison for the Dog Designation Appeal Committee who shall keep on file, the records of all official business of the Dog Designation Appeal Committee, including records of appeals and minutes of all decisions respecting those appeals.
- 10.8 The Dog Designation Appeal Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Dog Designation Appeal Committee considers advisable.
- 10.9 The Owner of a Dog who received a Designation Notice from an Animal Control Officer or other duly appointed officer, designating such Dog as a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog, may request an appeal of such Designation, or any of the Requirements imposed, by making a request in writing to the Township Clerk within seven (7) business days of receipt of such Designation Notice.
- 10.10 The Dog Designation Appeal Committee shall hold a hearing pursuant to the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended, which shall be open to the public, within thirty (30) business days of the Clerk's receipt of the request for a hearing or as soon thereafter as practicable.
- 10.11 When a Dog has been designated by the Animal Control Officer or other duly appointed officer as a Potentially Dangerous Dog, a Dangerous Dog or a Restricted or a Prohibited Dog, and when a hearing has been requested, the Dog

Designation Appeal Committee may do any of the following:

- (i) confirm or rescind the Designation;
- (ii) substitute its own Designation of the Dog as a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog; and/or
- (iii) substitute its own Requirements, including any Requirements the Dog Designation Appeal Committee may tailor to the specific circumstances before it, or uphold or vary the Requirements imposed by the Animal Control Officer.

10.12 Any decision of the Dog Designation Appeal Committee is final.

10.13 Where a person has requested a hearing and does not appear at the appointed time, the Dog Designation Appeal Committee may dismiss the hearing as abandoned or, where it has cause to believe it would be beneficial, may adjourn the hearing to allow the Dog Owner an opportunity to be present.

10.14 If the hearing is dismissed as abandoned by the Dog Designation Appeal Committee, the Designation and Requirements set out by the Animal Control Officer in the Designation Notice shall be considered confirmed by the Dog Designation Appeal Committee and there shall be no further right to appeal.

SECTION 12. LICENSING OF DESIGNATED DOGS

12.1 Every Owner of a Dog that is subject to a Designation and that resides within the Township shall comply with the following Requirements:

- (i) **Five-Day Period:** Every Owner of a Dog subject to a Designation shall cause the Dog to be registered and licensed annually on or before the 31st day of March or within five (5) days of becoming an Owner of such Dog; and
- (ii) **Proof of Liability Insurance:** Upon application for a licence, if the Owner of a Dog subject to a Designation has been required by the Animal Control Officer to maintain a policy of liability insurance under subsection 6.1 (xiv), the Owner shall not be granted a licence unless he or she has provided, with the licence application, proof of said liability insurance, which must cover the twelve month period during which the licence will apply.

SECTION 20 ADMINISTRATION AND ENFORCEMENT

20.1 Power: Any Animal Control Officer may enter on land at any reasonable time for the purpose of enforcing this By-law.

20.2 Inspection Powers of Animal Control Officer: For the purpose of an inspection under this By-law, the Animal Control Officer may:

- (i) require the production for inspection of documents or things relevant to the inspection;
- (ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (iii) require information from any person concerning a matter related to the inspection; and,
- (iv) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

20.3 Remedial Powers: Where any act or thing required to be done in accordance with this By-law is not done, the Township and/or its agent(s) may cause the matter or thing to be done and recover the costs of doing so by adding the costs to the tax roll of the property and collecting them in the same manner and with the same priority as municipal taxes.

20.4 Prohibition on Obstruction: No person or persons shall obstruct, hinder, delay or prevent the Animal Control Officer, or Medical Officer of Health, or any person acting under his or her direction or instructions, in the exercise of any power conferred or the performance of any duty imposed by this By-law.

SECTION 22 LIABILITY

22.1 No Liability: The Township, its agents and servants, and the Animal Control Officer/designate shall not be liable for damages or compensation for any Dog destroyed or sold under the provisions of this By-law and no such damages or compensation shall be paid to any person.

SUMMARY:

Municipalities are directly responsible for animal control under the Municipal Act. The legislation creates public expectation that municipalities will enforce conditions to minimize the danger and distress experienced by citizens and other domestic animals by holding negligent dog owners accountable. DOLA and municipal by-laws that emulate this provincial act share these common goals. Across Ontario there are many municipalities that have amended their animal control by-laws to address issues with dangerous dogs and dog bites. Within the Region, all three cities and The Township of Woolwich have incorporated this into their by-laws. From a staff perspective, it is judicious to replace the Township's Dog Keeping By-law along with an updated set fine schedule to penalize those who do not comply with the new changes.

It is also important to develop and provide a formal appeal committee/process to dog owners whose dogs have been designated as dangerous, potentially dangerous, restricted or prohibited dogs and who have the right to be heard through a hearing process.

An online survey relative to the proposed changes to the By-law will be posted to the Township's website with promotion through social media and digital signage - wherein the public will be encouraged to submit feedback. This planned approach is intended to consider the community's input to support changes that will promote responsible dog ownership, help to prevent dog bites and mitigate risks associated with dangerous dogs.

Following public consultation, staff will bring forward a report to Council with the key findings of the input acquired, with recommendations on how the Township can effectively respond to incidents of dog bites and dangerous or potentially dangerous dogs.

Staff have developed a Standard Operating Procedure (SOP) for Dangerous Dog Investigations that staff will follow as a guideline that will provide clarity and direction regarding the enforcement and investigation of dogs engaged in a dangerous act.

The proposed update to the By-law has also provided the opportunity to make minor housekeeping revisions that do not materially alter the By-law.

The full draft by-law incorporating all of the proposed changes highlighted within this Report, is attached.

Strategic Plan Conformity:

The actions identified in the Report are in conformity with the Township's Strategic Plan by ensuring people's safety, thereby continuing to allow for an enjoyable quality of life, as well as engaging the community through the communication of municipal matters and the strengthening of customer service.

Financial Considerations:

Upon Council approval of the proposed changes to the By-law, the set fine schedule forms part of the By-law, and will become in force and effect upon approval by the Attorney General's Office.

In order to recover the administrative costs associated with Designated Dogs, the annual licence rate will be twice the prescribed rate of a standard Dog Licence as outlined in by-law 2012-04 (Fees and Charges). The amount of designated dogs within the municipality will be reviewed annually, and subsequently incorporated into budget estimates.

Any other costs incurred to be in compliance with Designated Dog requirements, shall be borne by the dog owner.

Conclusion:

That Report No. CL2017-10, prepared by the Director of Clerk's Services and the Senior Municipal Law Enforcement Officer/Animal Control Officer, be received for information;

AND FURTHER that staff garner public feedback on the proposed changes and return to Council with the key findings of the input and final recommendations.

Barbara McLeod
Director of Clerk's Services

Derek Wallace
Senior MLEO

Grant Whittington
Reviewed by CAO

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2017 - 14

BEING A BY-LAW OF THE CORPORATION OF THE TOWNSHIP OF WILMOT
TO REGULATE DOGS AND LICENSE DOG KENNELS
AND TO REPEAL BY-LAW NO. 2008-01.

WHEREAS Section 11(3) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, provides for the authority for lower tier municipalities to pass by-laws to regulate animals;

AND WHEREAS Section 8(3) of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, provides that a by-law under Section 11 respecting a matter may:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter; and,
- (c) provide for a system of licences respecting the matter.

AND WHEREAS the *Animals for Research Act*, R.S.O. 1990, Chapter A.22, Section 20, provides for rules and regulations that must be followed for the keeping of Dogs in a municipal pound;

AND WHEREAS Regulation 557 of the *Health Protection and Promotion Act*, R.S.O. 1990, Chapter H.7, provides for the isolation of animals suspected of being carriers of rabies, at municipal expense;

AND WHEREAS the *Ontario Society for the Prevention of Cruelty to Animals Act*, R.S.O., 1990, Chapter O.36, provides special powers to help animals in distress;

AND WHEREAS Section 103 (1), of the *Municipal Act, 2001*, S.O. 2001, Chapter 25, provides that municipalities may pass by-laws with respect to the being at large or trespassing of animals and the seizure, impounding and sale of such at large or trespassing animals within the municipality;

AND WHEREAS Section 11 of the *Dog Owners' Liability Act*, R.S.O. 1990, Chapter D.16, provides for rules and regulations that must be followed for the keeping of Dogs;

AND WHEREAS Section 12 of the *Dog Owners' Liability Act*, R.S.O. 1990, Chapter D.16, names municipal law enforcement officers as Peace Officers under the Act;

AND WHEREAS it is considered desirable to pass a by-law relating to animal control within the Township of Wilmot.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:

1. DEFINITIONS

- 1.1 **Animal Control Officer** - means a Municipal Law Enforcement Officer, a Provincial Offences Officer, or persons appointed by the Township to carry out the provisions of this By-law;
- 1.2 **At Large** - means that an animal shall be deemed at large when found in any place other than the premises at which they are habitually kept, if Not Under the Control of Any Person, and an animal shall not be deemed to be under the control of any person unless accompanied by an attendant who is exercising control over the animal at all times;

- 1.3 **Boarding Kennel** – means a place or facility licensed by the Township where more than three (3) and up to a maximum of fifty (50) Dogs are housed, groomed, kept or boarded for purposes other than breeding;
- 1.4 **Body Length** – means the length of the Dog measured from the point of the nose to the tip of the fully extended tail when the Dog is fully stretched out;
- 1.5 **Breeding Kennel** – means a place or facility licensed by the Township where more than three (3) and up to a maximum of fifty (50) Dogs that are registered or eligible for registration with an association incorporated under the *Animal Pedigree Act* (Canada), R.S. 1985, c.8 (4th Supp.), or any successor legislation are bred or raised;
- 1.6 **Containment of Dog on Property** – means that a Dog shall be contained on a property by means of one of the following:
- (i) an enclosure or fenced area that prevents the Dog from leaving the property;
 - (ii) a physical restraint such as a chain or other similar means;
 - (iii) an Electronic Containment Device; or,
 - (iv) where such property is located within an area zoned for agricultural use, any reasonable means that prevents the Dog from being At Large.
- 1.7 **Council** – means the Council of The Corporation of the Township of Wilmot;
- 1.8 **Crossbred** – means a Dog whose sire and dam are of two different breeds;
- 1.9 **Dangerous Dog** – means:
- (i) a Dog that, in the absence of any Mitigating Factor, has attacked, bitten, or caused injury to a person, anywhere other than on the premises of the Owner, or has demonstrated a propensity, tendency or disposition to do so;
 - (ii) a Dog that, in the absence of any Mitigating Factor, has injured a domestic animal, anywhere other than on the premises of the Owner; or;
 - (iii) a Dog, previously designated as a Potentially Dangerous Dog, that is kept, or permitted to be kept, by its Owner in violation of the requirements for such Dog.
- 1.10 **Designation** – means that an Animal Control Officer has determined that a Dog is a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog and has designated it as such under this By-law;
- 1.11 **Designation Notice** – means a written notice to an Owner of a Dog advising them as to any Designation or Requirements in relation to their Dog;
- 1.12 **Dog Designation Appeal Committee** – means a committee appointed by Township Council to hear any appeals arising from the Designation of a Dog or any Requirements imposed on a Dog;
- 1.13 **Dispose** – means to sell, adopt out or destroy;
- 1.14 **Dog** - means any member of the species *canis familiaris*, greater than twelve (12) weeks of age, but does not include a Guide Dog, Service Dog or Police Work Dog;

- 1.15 **Dwelling** – means a room or group of rooms occupied as a home or residence;
- 1.16 **Electronic Containment Device** – means an electronic system whereby an underground cable placed around the perimeter of an area transmits an electric shock to the Owner's Dog if the Dog attempts to leave such area, such system not to be located or used within four hundred (400) metres of a school property;
- 1.17 **Fees and Charges By-Law** – means the current by-law of the Township to establish fees and charges pursuant to the *Municipal Act, 2001*, S. O. 2001, Chapter 25, as amended;
- 1.18 **Guide Dog** or **Service Dog** - means a Dog **required** as a guide for a blind person and having the qualifications prescribed by the regulations under the *Blind Persons' Rights Act* or a Dog **required** by the person for reasons relating to his or her disability – as defined under *Ontario Regulation 429/07* under the *Accessibility for Ontarians with Disabilities Act, 2005*;
- 1.19 **Leash** – means a lead or tether that is designed to keep a Dog safely restrained and under the control of an accompanying person;
- 1.20 **Mitigating Factor** – means a circumstance which excuses aggressive behavior of a Dog and, without limiting the generality of the foregoing, may include circumstances where:
- (i) the Dog was, at the time of the aggressive behavior, acting in defence to an attack by a person or animal;
 - (ii) the Dog was, at the time of the aggressive behavior, acting in defence of its young;
 - (iii) the Dog was, at the time of the aggressive behavior, acting in defence to a person or animal trespassing on the property of its Owner; or
 - (iv) the Dog was, at the time of the aggressive behavior, being teased, provoked or tormented.
- 1.21 **Multiple Unit Dwelling** – means all Dwellings other than single-detached or semi-detached Dwellings, and includes Dwellings where rooms are leased to a party that is unrelated to the owner or primary tenant;
- 1.22 **Muzzle** – means a humane fastening or covering device placed over a Dog's mouth to prevent it from biting;
- 1.23 **Not Under the Control of Any Person** – means not held on a Leash by the Owner or any other person or not tied up or contained;
- 1.24 **Officer** – means an Animal Control Officer;
- 1.25 **Owner** - means any person, group of persons, partnership or corporation who possesses or harbours Dogs; "owns" or "owned", shall have a corresponding meaning, and shall include a person or persons who are temporarily the keeper of animals and where the Owner is a minor, the person responsible for the custody of the minor;
- 1.26 **Person** or **Persons** - means any individual or firm, incorporated group, business entity, or club to whom the context can apply;
- 1.27 **Pit Bull Dog** – means a Dog of any age which can be identified by the Animal Control Officer as a Dog of one or more of the following breeds or mixed breeds, namely:
- (i) an American Pit Bull Terrier;

- (ii) a Staffordshire Bull Terrier;
 - (iii) an American Staffordshire Terrier; or
 - (iv) a Dog that has an appearance and physical characteristics that are substantially similar to those of Dogs referred to in any clauses (i) to (iii).
- 1.28 **Police Work Dog** - means a Dog trained to aid law enforcement Officers and which Dog is actually being used for law enforcement purposes; for the protection of the public, including the investigation of crime and the apprehension of criminals;
- 1.29 **Potentially Dangerous Dog** – means a Dog that, in the absence of any Mitigating Factor, chases or approaches any person or domestic animal, anywhere other than on the property of its Owner, in a menacing fashion or apparent attitude of attack, including, but not limited to behavior such as growling or snarling;
- 1.30 **Pound** - means such premises and facilities designated by the Township for the purposes of impounding and caring for animals taken up by the Township in violation of this By-law;
- 1.31 **Poundkeeper** - means a person or agency designated for the Township to administer the Pound;
- 1.32 **Prohibited Dog** – means
- (i) A Pit Bull Dog which is not a Restricted Dog;
 - (ii) A Pit Bull Dog previously Designated as a Restricted Dog, that is kept or permitted to be kept by its Owner in violation of the Requirements for such Dog; or,
 - (iii) A Dog, previously designated as a Dangerous Dog, that is kept or permitted to be kept by its Owner in violation of the Requirements for such Dog.
- 1.33 **Restricted Dog** – means a Pit Bull Dog that:
- (i) was owned by a resident of Ontario on the day subsection 1(16) of the *Public Safety Related to Dogs Statute Law Amendment Act, 2005* came into force, namely August 29, 2005; or,
 - (ii) was born in Ontario before the end of the 90-day period beginning on the day subsection 1(16) of the *Public Safety Related to Dogs Statute Law Amendment Act, 2005* came into force, namely November 29, 2005.
- 1.34 **Requirements**- means any conditions that may apply to a Dog under this By-law, including any conditions prescribed by an Animal Control Officer;
- 1.35 **Purebred** - means a Dog registered or eligible for registration with an Association incorporated under the *Animal Pedigree Act* (Canada).
- 1.36 **Restraint** - means a Dog is on a Leash or otherwise restrained and under the control of a responsible person.
- 1.37 **Township** – means The Corporation of the Township of Wilmot.
- 1.38 **Zoning By-law** – means the current comprehensive Zoning By-law 83-38, as amended, of the Township.

2. ANIMAL CONTROL OFFICERS

2.1 Council may appoint an Animal Control Officer(s) whose duty it shall be to:

- (i) issue fines in the manner set forth in this By-law, attached as **Schedule 'A'**;
- (ii) maintain accurate records, of all licences issued pursuant to this By-law and such records must include the Dog Owner's name, address, the serial number of the Dog tag licence and copies of documents produced showing proof of rabies vaccination and proof of breed;
- (iii) provide to Council quarterly reports outlining the activities such as complaints and fines issued;
- (iv) inspect licensed kennels once per year, as a minimum or more frequently as required;
- (v) seize and impound Dogs found to be running At Large;
- (vi) prescribe Designations of Dogs as necessary, and prescribe any Requirements that shall apply to a Dog that is subject to a Designation; and,
- (vii) carry out any other provisions of this By-law as required.

3. OWNER REQUIREMENTS

3.1 **No Running At Large**: No person shall allow a Dog to run At Large within the Township.

3.2 **Exemptions**: A Dog shall not be considered running At Large if it is:

- (i) a Guide Dog;
- (ii) a Service Dog; or,
- (iii) a Police Work Dog;

providing it is actively engaged in the performance of its trained duties.

3.3 **Maximum Length of Leash – Designated Dog**: In the case where a Dog is subject to a Designation under this By-law, no person shall use a Leash on said Dog if the Leash exceeds 1.8 metres (6 feet), regardless of whether such Requirement is explicitly stated.

3.4 **Removal and Disposal of Dog Excrement**: Every person who owns, harbors, possesses or is in control of any Dog within the Township, shall remove forthwith and dispose of, in a sanitary manner, any excrement left by said Dog on any property in the Township other than the premises of the Owner of the Dog.

3.5 **Exception**: Vision impaired persons with a Guide Dog or special needs persons with a Service Dog are exempt from the provisions of subsection 3.4 when not on the premises of the Owner of the Dog.

3.6 **Containment of Dog**: An Owner of a Dog shall fulfill all requirements of this By-law relating to Containment of Dog on Property.

3.7 **Electronic Containment Device**: An Owner may use an Electronic Containment Device to keep a Dog contained if:

- (i) A sign is posted in a clearly visible fashion near all entryways to the property, indicating that an Electric Containment Device is in use;
- (ii) The Dog is not a Potentially Dangerous Dog, Dangerous Dog or Restricted Dog; and
- (iii) The Electronic Containment Device is not located or used within three metres (3m) of the boundary of the property.

- 3.8 **Dog Bites:** No Owner of a Dog shall permit the dog to bite or attack a person or domestic animal in the absence of any Mitigating Factors.
- 3.9 **Agricultural Property:** No Owner of a Dog shall cause or permit his or her Dog to become a public nuisance by:

- (a) persistently barking at or chasing persons, vehicles, domestic animals, livestock, poultry, or other animals kept on an agricultural property;

4. RABID DOGS

- 4.1 **Immediately Destroyed:** The Owner of a rabid Dog shall immediately have the Dog destroyed and delivered to the Pound.
- 4.2 **Costs:** If the Pound destroys the rabid Dog, any costs associated with this action are to be borne by the animal Owner.

5. DOG DESIGNATIONS: GENERAL

- 5.1 **Designation:** An Animal Control Officer shall have the authority to designate a Dog as a Dangerous Dog, a Potentially Dangerous Dog, a Restricted Dog or a Prohibited Dog if the Animal Control Officer has reason to believe that the Dog falls within the definitions as set forth in Section 1.

- (i) The Designation may be based upon:
 - (a) The written complaint of a citizen who is willing to testify that the Dog has acted in a manner which causes it to fall within the definition of a Dangerous Dog or Potentially Dangerous Dog, as set forth in Section 1;
 - (b) A Dog bite report filed with the Animal Control Officer/Authority; or
 - (c) Actions of the Dog witnessed by any Animal Control Officer; or
 - (d) Other relevant evidence.

- 5.2 **Notice Requirements:** Any Owner whose Dog is designated as a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog shall be served with a Designation Notice by an Animal Control Officer. Such Designation Notice is to include:

- (i) A statement that the Animal Control Officer has reason to believe that the Dog is a Potentially Dangerous Dog, a Dangerous Dog, a Restricted Dog or a Prohibited Dog, as the case may be;
- (ii) The Requirements that the Owner must comply with in accordance with this By-Law and when such Requirements take effect; and
- (iii) A statement that the Owner of the Dog who has received the Designation Notice has the right to a request for appeal, provided that such request for appeal is made within seven (7) days of receiving the Designation Notice.

- 5.3 **Service of Notice:** Any Designation Notices served by the Animal Control Officer may be provided by hand delivery or prepaid registered mail and, in the event of service by prepaid registered mail to the Owner's last known address, shall be deemed received on the fifth (5th) business day after the date of mailing.

- 5.4 **Compliance with Designation:** Every Owner and subsequent Owner of a Dog that is subject to a Designation shall comply with each of the

Requirements of such Designation and any other Requirements pursuant to this By-law.

- 5.5 **Multiple Requirements within Designation:** If an Owner fails to comply with more than one Requirement under this By-law or under any Designation Notice, failure to comply with each such Requirement constitutes a separate offence under section 21.1
- 5.6 **Request for Appeal:** Any Owner of a Dog who has received a Designation Notice under Section 5, may submit a written request for an appeal to the Dog Designation Appeal Committee. No fee shall be charged for the appeal.
- 5.7 **Appeal Deadline:** Any request for appeal under Section 5.6 shall be submitted to the Township Clerk within seven (7) business days of the date the Owner received the Designation Notice.
- 5.8 **Requirements In Effect:** A request of the Owner of a Dog for an appeal hearing under this subsection does not act as a stay of any Requirement.

6. **DOG DESIGNATIONS: POTENTIALLY DANGEROUS DOG, DANGEROUS DOG OR RESTRICTED DOG**

- 6.1 **Requirements:** Where the Animal Control Officer designates a Dog as a Potentially Dangerous Dog, a Dangerous Dog or a Restricted Dog and serves the Owner with a Designation Notice stating such Designation, the Designation Notice may require any or all of the following Requirements be fulfilled by the Owner:

- (i) to keep the Dog, when it is on the lands and premises of the Owner, confined;
- (ii) to keep the Dog within the Owner's Dwelling and under the effective control of an adult;
- (iii) to keep the Dog in an enclosed pen constructed with a secure top and sides and either a secure bottom effectively attached to the sides or sides embedded in the ground to a minimum depth of 30 centimeters (1 foot), or as otherwise approved by the Animal Control Officer. The pen shall provide humane shelter for the Dog while preventing it from escaping and preventing entry therein of unsupervised children;
- (iv) to keep the Dog under effective Restraint or under effective Restraint with a Leash, at all times when it is not confined in accordance with subsection 6.1(i), or when it is off the Owner's lands and premises;
- (v) to keep the Dog caged, penned or otherwise under Restraint, or under the control of an adult, when children under the age of 16 are in the Owner's Dwelling;
- (vi) to securely attach a Muzzle to the Dog at all times when it is not confined on the Owner's lands and premises, or when it is off the Owner's lands and premises;
- (vii) to provide the Animal Control Officer with the new address and telephone of the Owner within two (2) business days of moving the Dog;
- (viii) to provide the Animal Control Officer with the name, address and telephone number of the new Owner within two (2) business days of selling or giving away the Dog;
- (ix) to advise the Animal Control Officer within two (2) business days of the death of the Dog; to advise the Animal Control Office forthwith if the Dog has run At Large or has bitten or attacked any person or animal;
- (x) to purchase and display, at the entrance to the Owner's Dwelling which a person would normally approach, or at any other place on

the property as directed by the Animal Control Officer, a warning sign or warning signs provided by the Animal Control Officer. The sign(s) shall be posted as approved by the Animal Control Officer and in such a manner that it/they cannot be easily removed. The sign posted at the entrance which a person would normally approach must be clearly visible to a person approaching the entrance;

- (xi) to have the Dog inoculated to provide immunization against rabies and to provide proof satisfactory to the Animal Control Officer that such procedures have been performed;
- (xii) to provide a copy of the Designation Notice to any person who keeps or harbors the Dog;
- (xiii) to cause the Dog to wear the tag or tag(s) provided by the Animal Control Officer at all times. The fee for such Designated Dog tag shall be at twice the rate of a regular tag as stated in the Township's Fees and Charges By-law;
- (xiv) to provide, to the Animal Control Officer, within the timeframe specified by the Animal Control Officer, proof that the Owner holds and maintains a policy of liability insurance in the amount of two million dollars, for injuries caused by the Owner's designated Dog. The Township shall be named as additionally insured. It is the responsibility of the Owner to inform the Township for any cancellation, termination or expiration of the policy. The policy shall be in force at all times during the Dog's life; and
- (xv) to satisfy any other Requirements that the Animal Control Officer may prescribe.

6.2 **Dangerous Dogs:**

- (i) **Additional Requirements:** In addition to the Requirements set out in section 6.1, the Designation Notice for a Dangerous Dog may also prohibit the Owner from keeping or harbouring the Dog in a Multiple Unit Dwelling.
- (ii) **Exception:** Notwithstanding subsection 6.2. (i), where the Owner's Dwelling is a Multiple Unit Dwelling, the Designation Notice may permit, at the discretion of the Animal Control Officer, the Dog to be kept or harboured at another location approved by the Animal Control Officer.

6.3 **Additional Requirements for Restricted Dogs:** In addition to the Requirements set out in section 6.1, the Designation Notice for a Restricted Dog may also:

- (i) prohibit the Owner from keeping or harbouring the Dog in a Multiple Unit Dwelling;
- (ii) if the Restricted Dog has a litter of puppies, require the Owner to notify the Animal Control Officer, within two (2) business days of the birth of the puppies; and
- (iii) if the Restricted Dog has a litter of puppies, require the Owner to deliver the offspring to the Pound within seven (7) days of the birth of the puppies to be Disposed of in accordance with the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended, or any regulations thereunder.

6.4 **Restricted Dog – Requirement to Register Dog:** Every person who is the Owner of a Restricted Dog shall cause said Dog to be registered with an Animal Control Officer within two (2) days of owning the Restricted Dog. Registration of a Restricted Dog is in addition to the annual licensing of said Dog.

6.5 **Failure to Register Restricted Dog:** Every Owner of a Restricted Dog who fails to register said Dog with an Animal Control Officer will be

required to pay a fine in accordance with the set fine Schedule of this By-law.

7. DOG DESIGNATION - PROHIBITED DOGS

- 7.1 No person shall keep or harbor, or permit a person to keep or harbor, a Prohibited Dog.

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8. **IMPOUNDMENT OF DOGS**

8.1 **Impoundment by Animal Control Officer:** Any Dog may be seized and impounded by an Animal Control Officer if it is:

- (i) At Large;
- (ii) a Prohibited Dog;
- (iii) an unregistered Restricted Dog;
- (iv) a Dangerous Dog or Potentially Dangerous Dog if it is determined by the Animal Control Officer to be in violation of any Requirements under this By-law;
- (v) alleged to have bitten any person, and is ordered impounded by the Regional Medical Officer of Health in accordance with the *Health Protection and Promotion Act*, R.S.O., 1990, C. h. 7;
- (vi) suspected of being rabid, and is ordered impounded by the Regional Medical Officer of Health in accordance with the *Health Protection and Promotion Act*, R.S.O. 1990, C.h.7; or,
- (vii) behaving, or have behaved in a manner that is in contravention of any Township By-law.

8.2 **Impoundment by Any Person:** Any person may capture a Dog running At Large or trespassing on his or her property and deliver it to the Animal Control Officer or Pound.

8.3 **Length of Impoundment:**

- (i) The Pound shall keep any impounded Dog for, at a minimum, the redemption period established by the *Animals for Research Act*, R.S.O. 1990, c. A.22, as amended, or any regulations thereunder.
- (ii) **Female Dog in Heat:** any female Dog found to be running At Large who is in heat may be held by the Animal Control Officer until no longer in heat, up to a maximum of twenty-one (21) days with the costs of such impoundment to be borne by the Owner of such Dog.
- (iii) **Potentially Dangerous Dog, Dangerous Dog, or Restricted Dog:** the Animal Control Officer may refuse to release an impounded Potentially Dangerous Dog, Dangerous Dog or Restricted Dog to its Owner or to any other adult person if the Animal Control Officer is not satisfied that the Owner or other person is aware of and will comply with the Requirements for keeping the Dog.
- (iv) **Prohibited Dog:** the Animal Control Officer may Dispose of an impounded Prohibited Dog in a humane manner as soon as practicable.
- (v) **Suspected Rabid Dog:** the Animal Control Officer may keep an impounded Dog that is suspected of being rabid under supervised quarantine for a period as set out in an order of the Regional Medical Officer of Health and in accordance with the *Health Protection and Promotion Act*, R.S.O., 1990, c.H.7, or any successor legislation.

8.4 **Power to Immunize Against Rabies:** Any impounded Dog that is not wearing a tag for the current year may be given an inoculation by the Poundkeeper to provide immunization against rabies.

8.5 **Release of Dog:** An Animal Control Officer may release an impounded Dog to an Owner at any time unless otherwise directed by this By-law.

8.6 **Conditions for Release:** An Animal Control Officer may require any of the following of the Owner prior to releasing the Dog, and may refuse to release the Dog until such conditions are met:

- (i) That the Dog be licensed for the current year;

- (ii) Payment of any Pound and maintenance fees;
- (iii) Payment for the cost of any vaccination or medical treatment administered; or
- (iv) Reimbursement of any costs incurred by the Pound during impoundment of the Dog.

9. SALE AND DESTRUCTION OF DOGS

9.1 Power to Dispose or Sell:

- (i) **General:** Unless otherwise directed in this By-law, if a Dog has been impounded and has not been restored to its Owner, where the Owner is known to the Township and has received notification of such impoundment, within the redemption period established by the *Animals for Research Act, c. A.22*, as amended, or any regulations thereunder, and in accordance with Section 9, the Dog may be:
 - (a) Disposed of by the Pound in a humane manner; or
 - (b) Sold by the Pound.
- (ii) **Proceeds of Sale:** The proceeds from the sale of any Dog by the Pound shall belong to the Pound.
- (iii) **Notice of Designation:** when selling or disposing of a Dog pursuant to this By-law, the Animal Control Officer shall give any known Designation Notice and resulting Requirements relating to that Dog to a person prior to transferring Ownership of the Dog to that person.

9.2 Power to Destroy: Notwithstanding subsection 9.1, an Animal Control Officer may cause a Dog to be destroyed at any time:

- (i) if the Dog is injured, and in a licensed veterinarian's opinion it would be inhumane to wait for the Dog to be reclaimed or sold;
- (ii) if the Dog has not been claimed within the redemption period established by the *Animals for Research Act, R.S.O. 1990, c. A.22*, as amended, or any regulations thereunder, in which case the dog may be destroyed upon the expiry of the redemption period;
- (iii) if the Dog is a Potentially Dangerous Dog, Dangerous Dog, or Restricted Dog and after fourteen (14) days, if the Animal Control Officer is not satisfied that the Owner or any other person claiming the Dog will comply with the Requirements for keeping the Dog;
- (iv) if the Dog is a Prohibited Dog; or
- (v) if the Dog is rabid.

9.3 Impoundment Costs: The Owner of every Dog impounded, if known, whether or not the Dog is claimed by the Owner from the Pound, shall be liable for the payment of the Pound fee, the boarding fee, and any euthanasia and disposal fees applicable, and shall pay all fees on demand to the Pound.

10. DOG DESIGNATION APPEAL COMMITTEE

10.1 A Dog Designation Appeal Committee is hereby established to hear appeals of Designations and Requirements.

10.2 The Dog Designation Appeal Committee shall be composed of such persons, not fewer than three (3), as Township Council considers advisable.

10.3 The members of the Dog Designation Appeal Committee shall generally hold office for the term of Township Council. Township Council shall have the full power and discretion to appoint or remove members from the Dog Designation Appeal Committee.

- 10.4 The remuneration rate for the members of the Dog Designation Appeal Committee shall be \$50.00 per meeting plus the standard municipal mileage rate.
- 10.5 The members of the Dog Designation Appeal Committee shall select a Chair from among themselves. When the Chair is absent through illness or otherwise, the Dog Designation Appeal Committee may appoint another member as Acting Chair.
- 10.6 A majority of the members of the Dog Designation Appeal Committee constitutes a quorum for transacting the Dog Designation Appeal Committee's business.
- 10.7 Township Clerk's Services shall provide a staff liaison for the Dog Designation Appeal Committee who shall keep on file, the records of all official business of the Dog Designation Appeal Committee, including records of appeals and minutes of all decisions respecting those appeals.
- 10.8 The Dog Designation Appeal Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the Dog Designation Appeal Committee considers advisable.
- 10.9 The Owner of a Dog who received a Designation Notice from an Animal Control Officer or other duly appointed officer, designating such Dog as a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog, may request an appeal of such Designation, or any of the Requirements imposed, by making a request in writing to the Township Clerk within seven (7) business days of receipt of such Designation Notice.
- 10.10 The Dog Designation Appeal Committee shall hold a hearing pursuant to the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22, as amended, which shall be open to the public, within thirty (30) business days of the Clerk's receipt of the request for a hearing or as soon thereafter as practicable.
- 10.11 When a Dog has been designated by the Animal Control Officer or other duly appointed officer as a Potentially Dangerous Dog, a Dangerous Dog, a Restricted Dog or a Prohibited Dog, and when a hearing has been requested, the Dog Designation Appeal Committee may do any of the following:
- (i) confirm or rescind the Designation;
 - (ii) substitute its own Designation of the Dog as a Potentially Dangerous Dog, Dangerous Dog, Restricted Dog or Prohibited Dog; and/or
 - (iii) substitute its own Requirements, including any Requirements the Dog Designation Appeal Committee may tailor to the specific circumstances before it, or uphold or vary the Requirements imposed by the Animal Control Officer.
- 10.12 Any decision of the Dog Designation Appeal Committee is final.
- 10.13 Where a person has requested a hearing and does not appear at the appointed time, the Dog Designation Appeal Committee may dismiss the hearing as abandoned or, where it has cause to believe it would be beneficial, may adjourn the hearing to allow the Dog Owner an opportunity to be present.
- 10.14 If the hearing is dismissed as abandoned by the Dog Designation Appeal Committee, the Designation and Requirements set out by the Animal Control Officer in the Designation Notice shall be considered confirmed by

the Dog Designation Appeal Committee and there shall be no further right to appeal.

11. LICENSING OF DOGS (TAGS)

11.1 Every person who is the Owner of a Dog shall:

- (i) within ten (10) days after the Dog comes into his or her possession;
or,
- (ii) after the Dog has reached the age of 12 weeks,

whichever is the later, cause the Dog to be licenced for a period which will expire on the 31st day of December in each year in which the same was issued.

11.2 Every person residing within the limits of the Township, being the Owner of a Dog shall, on or before the 31st day of March in each and every year cause such Dog to be registered with an Animal Control Officer or Treasurer, or designate, and shall procure a licence therefor, which license shall expire on the 31st day of December in each year in which the same was issued.

11.3 Every Owner of a Dog shall cause a Dog tag to be securely affixed on the Dog at all times (until the tag is renewed or replaced) bearing figures or marks indicating that the licence fee as hereinafter set out has been paid for the current year. Said tag shall be supplied by an Animal Control Officer, or designate, upon the payment of the licence fee.

11.4 A record shall be kept by the Township showing the name and address of the Owner and the serial number of the Dog tag.

11.5 Upon application for a licence, the Township may require the Owner to produce a certificate signed by a practicing veterinarian that the Dog has been inoculated with an anti-rabies vaccine within a period of twenty-four (24) or thirty-six (36) months, dependent on the type of vaccination received, immediately preceding the date of the application for the licence.

11.6 The Dog tag shall bear the serial number and the year in which it was issued and no person shall remove the tag from a licensed Dog; however, said Dog tag may be removed while the Dog is being lawfully used for hunting.

11.7 No Dog licence shall be transferable within the corporate limits of the Township provided said licence was issued by the Township in the first instance.

11.8 In the event a Dog tag is lost, an Owner shall apply for a replacement Dog tag and shall pay the fee as set out more particularly in the Fees and Charges By-law.

11.9 At such time the Township deems necessary, a Dog canvasser(s) may be employed to issue and collect fees for Dog licences and collect data for the continued maintenance of the Dog database.

11.10 That it is hereby imposed and shall be collected by an Animal Control Officer or Treasurer, or designate, from the Owner of every Dog or the Owner of a kennel in the Township, an annual license fee.

11.11 Notwithstanding the provisions of this By-law, the Treasurer of the Township, or designate, is authorized and directed to have Dog and kennel licences for sale in his/her office and the Treasurer, or designate, shall have the same authority as an Animal Control Officer to collect

licence fees, issue licences and supply tags. All licence fees collected by an Animal Control Officer, Dog canvasser or designate shall be paid to the Treasurer within one (1) month of the receipt thereof together with an appropriate explanatory statement.

- 11.12 An Owner of a Guide Dog, Service Dog or Police Dog, upon providing proof that the Dog has been trained and certified as such, shall be granted an exemption to the licence fee.

12. LICENSING OF DESIGNATED DOGS

- 12.1 Every Owner of a Dog that is subject to a Designation and that resides within the Township shall comply with the following Requirements:

- (i) **Five-Day Period**: Every Owner of a Dog subject to a Designation shall cause the Dog to be registered and licensed annually on or before the 31st day of March or within five (5) days of becoming an Owner of such Dog; and
- (ii) **Proof of Liability Insurance**: Upon application for a licence, if the Owner of a Dog subject to a Designation has been required by the Animal Control Officer to maintain a policy of liability insurance under subsection 6.1 (xiv), the Owner shall not be granted a licence unless he or she has provided, with the licence application, proof of said liability insurance, which must cover the twelve month period during which the licence will apply.

13. NUMBER OF DOGS

- 13.1 **Maximum Number of Dogs Per Dwelling**: Subject to the provisions of this By-law, no person shall keep or permit to be kept, more than three (3) Dogs on his or her property. For the purpose of this paragraph, puppies that have not been weaned shall not be counted in determining the number of Dogs on the premises.

- 13.2 **Exceptions**: Section 13.1 of this By-law shall not apply to:

- (i) an animal hospital owned and operated by a veterinarian licensed by the Ontario Veterinary Association;
- (ii) a pet store;
- (iii) an Ontario Humane Society Shelter or the Pound which complies with this By-law;
- (iv) a licenced kennel;
- (v) circuses; or
- (vi) educational facilities

14. LICENSING OF KENNELS

- 14.1 Council shall issue licences for all new and expanded kennels, which may be subject to certain conditions, as determined and imposed by Council. The aforesaid conditions imposed by Council shall remain in full force and effect until Council agrees to rescind said conditions.

- 14.2 New kennel licences shall only be issued by Council once Council is satisfied that the site plan required in Section 8.7 has been completed in accordance with the specific standards for kennels contained in this By-law.

- 14.3 Notwithstanding any other provision of this By-law, if a kennel existed before this By-law came into effect, and Council approved said kennel subject to certain conditions, which may have included specifying a set number of Dogs allowed in said kennel, all of those conditions shall remain in full force and effect, unless Council rescinds those conditions.

- 14.4 Every Owner of a kennel shall apply for and pay a licence fee in accordance with the provisions of the Fees and Charges By-Law.
- 14.5 Conditional kennel licences may be granted by the Clerk when a change of Ownership occurs, within the corporate limits of the Township, subject to the following process:
- (i) an application fee shall be established under the Fees and Charges by-law;
 - (ii) a written request shall be submitted to the Clerk along with the appropriate application fee; and
 - (iii) the conditional licence shall be subject to the closing transaction of the property
- 14.6 Each kennel must conform to the provisions of the Township's Zoning By-law and no kennel, shall be erected contrary to the provisions of such Zoning By-law.
- 14.7 An application for a kennel licence shall be submitted in the proper form, including a detailed site plan and the appropriate fee to the Township.
- 14.8 Applications for a new kennel in the Township will only be permitted where purebred/registered/recognized/Crossbred breeds are being maintained.
- 14.9 No kennel shall be located within a minimum of one hundred fifty (150) metres (492 feet) of any adjacent habitable building, building used for the keeping of livestock (as defined in Zoning By-law) or any road allowance excluding buildings of the Owner of the property on which the kennel is located. The kennel facility must be separate from all other facilities.
- Separate from all other facilities shall mean:
- (i) a separate entrance way;
 - (ii) a solid wall, of impermeable material, separating the kennel facility from habitable facilities or facilities used for the keeping of livestock; and,
 - (iii) separate ventilation and duct work.
- 14.10 Any applications for a new and expanded kennel shall be subject to circulation within one hundred fifty (150) metres of all property boundaries upon which a kennel is located and a public meeting for a decision by Council as to whether or not a licence shall be granted.
- 14.11 The Owner/operator of a kennel shall erect and install a fence, minimum height of four (4) feet, around every pen, run or exercise yard. Such fence is to be constructed to prevent visibility from the exterior and to provide acoustical barriers where necessary, as determined by the Township.
- 14.12 No person shall operate a kennel except in accordance with the terms and conditions of the kennel licence issued by the Township.
- 14.13 After having given notice in writing, the Township may, at any time, cancel a kennel licence when it is of Council's opinion that the continued operation of the kennel is not in the best interest of the Township. Such grounds for cancellation shall include unresolved problems of noise, sanitation, care of Dogs, or uses other than permitted by the kennel licence.
- 14.14 The written notice described in Subsection 8.13 shall be delivered in person or mailed by prepaid registered mail to the registered Owner of the

kennel.

14.15 No person shall operate or continue to operate a kennel without a valid licence.

14.16 All kennel licences shall be valid for a one-year period commencing on the date of issuance (typically January 1st) and expiring on December 31 of the same year.

14.17 Breeding kennels:

- (i) may only license, keep or raise purebred/registered or recognized breeds of Dogs;
- (ii) may contain only a maximum number of fifty (50) Dogs, subject to compliance with the requirements contained in this By-law.

14.18 Boarding kennels:

- (i) may contain only a maximum number of fifty (50) Dogs, subject to compliance with the requirements contained in this By-law.

14.19 Unsold puppies will be counted towards the total number of Dogs kept at a kennel upon reaching four (4) months of age.

14.20 No licence will be issued to any kennel operator that does not comply with the by-law.

15. KENNEL CONDITIONS

15.1 Every person who owns and operates a kennel shall construct the kennel facilities in accordance with the following regulations:

- (i) No animal shall be kept in unsanitary conditions including an accumulation of feces, odour, insect or rodent infestation.
- (ii) The kennel building shall have floors and walls made of sealed concrete or other impermeable material (including rigid plastic); wire floors will not be permitted.
- (iii) The floor of the kennel building shall be self-draining with a maximum five (5) minute drain time.
- (iv) The yards and runways associated with kennel operation shall be completely enclosed with a fence as required in Subsection 8.11 of this By-law.
- (v) Every kennel shall be properly equipped with accessible fresh water and adequate feed both in clean, properly sized containers to maintain animals in a healthy condition.
- (vi) Every kennel shall be provided with adequate natural or artificial light, proper ventilation and sufficient heat to maintain healthy conditions.
- (vii) Every kennel shall be provided with adequately shaded, open air runs, properly fenced to maintain control of the Dogs and with adequate space to accommodate the breed of Dog being housed.
- (viii) Every kennel shall be constructed to provide the following individual pen minimum space per Dog:
 - (a) less than 12 kgs - 0.75 sq.m. per Dog
 - (b) 12 - 30 kgs - 1.20 sq.m. per Dog
 - (c) 31 - 50 kgs - 2.23 sq.m. per Dog
 - (d) more than 50 kgs - sufficient space for the animal to stretch or stand to its full body height and full body length (minimum 2.0 sq.m. per Dog)

16. BREEDING KENNEL CONDITIONS

- 16.1 Every kennel Owner/operator shall maintain the whelping bitch in separate accommodation from the balance of the Dogs in the kennel and shall provide 2 ½ times the size of the whelping bitch.
- 16.2 The whelping box shall be constructed with four sides and floor made from impermeable materials. Within the box, breed specific measures should be taken to prevent accidental suffocation of the puppies by the bitch.
- 16.3 Adequate supplemental heat shall be provided.
- 16.4 All breeding kennels shall provide sufficient designated space for the proper enrichment and socialization of puppies to be offered for sale.
- 16.5 Every kennel Owner/operator shall provide a separate outdoor run for the whelping bitch to prevent transfer of diseases from other adult Dogs to the puppies.

17. RECORDS

- 17.1 Every person who operates a kennel shall maintain records of the following minimum information:
 - (i) The names and addresses of the Owners of all Dogs cared for at the kennels;
 - (ii) The dates of arrivals and departures of the individual Dogs from the kennels;
 - (iii) Breeding and identification records of all whelping bitches and stud Dogs and the resulting litters;
 - (iv) The names and addresses of the purchasers of the individual puppies; and,
 - (v) Veterinarian records on individual Dogs maintained in the kennel.

18. KENNEL INSPECTIONS/POSTING OF LICENCE

- 18.1 Every person who holds a kennel licence or the Owner/operator of the kennel shall, at all reasonable hours, be open to inspection by an Animal Control Officer, an agent or inspector from the Ontario Society for the Prevention of Cruelty to Animals or other such person trained in the area of disease control and sanitation as may be appointed by the Council. Routine inspections will be conducted annually, with sufficient notice being given to the kennel Owner/operator.
- 18.2 Every person who holds a kennel licence or the Owner/operator of the kennel shall keep the licence posted in a conspicuous place on the premises and shall, when so requested by any person authorized by the Township, produce such licence for inspection.

19. EXEMPTION PROCESS BEYOND FIFTY (50) DOG RESTRICTION

- 19.1 An exemption granted to expand the number of Dogs permitted in a kennel operation beyond the fifty (50) maximum capacity shall be subject to the following process:
 - (i) an application fee shall be established under the Fees and Charges By-law;
 - (ii) the application fee to expand shall be in addition to the initial fee for approval of a kennel operation;
 - (iii) the applicant shall provide a written request and submit the appropriate application fee to the Clerk;

- (iv) notice of the application shall be circulated by personal service or prepaid first class mail to every Owner of land within 150 metres of all property boundaries upon which a kennel is located;
- (v) notice of the application including an explanation of the proposed expansion of Dogs, the date, time and location of the public meeting to consider the application shall be given by publication in a newspaper that is of sufficient circulation in the area to which the application applies; and,
- (vi) the application shall be subject to an inspection prior to Council approval.

20. ADMINISTRATION AND ENFORCEMENT

20.1 **Power:** Any Animal Control Officer may enter on land at any reasonable time for the purpose of enforcing this By-law.

20.2 **Inspection Powers of Animal Control Officer:** For the purpose of an inspection under this By-law, the Animal Control Officer may:

- (i) require the production for inspection of documents or things relevant to the inspection;
- (ii) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (iii) require information from any person concerning a matter related to the inspection; and,
- (iv) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

20.3 **Remedial Powers:** Where any act or thing required to be done in accordance with this By-law is not done, the Township and/or its agent(s) may cause the matter or thing to be done and recover the costs of doing so by adding the costs to the tax roll of the property and collecting them in the same manner and with the same priority as municipal taxes.

20.4 **Prohibition on Obstruction:** No person or persons shall obstruct, hinder, delay or prevent the Animal Control Officer, or Medical Officer of Health, or any person acting under his or her direction or instructions, in the exercise of any power conferred or the performance of any duty imposed by this By-law.

21. OFFENCE

21.1 **Contravention:** Every person or Owner who contravenes any provision of this By-law is, upon conviction, guilty of an offence and is liable to a fine recoverable under the Provincial Offences Act, R.S.O., 1990, c.P.33, as amended, or any successor legislation.

22. LIABILITY

22.1 **No Liability:** The Township, its agents and servants, and the Animal Control Officer/designate shall not be liable for damages or compensation for any Dog destroyed or sold under the provisions of this By-law and no such damages or compensation shall be paid to any person.

23. SEVERABILITY

23.1 **Continued Force and Effect:** Should any part of this By-law be declared by a court to be invalid, the remaining provisions shall remain in full force and effect, and the by-law shall be read as if the offending section has been struck out.

24. SHORT TITLE

24.1 This by-law may be cited as the Dog Control By-law.

25. PASSING

25.1 This by-law shall come into effect and By-law No. 2008-01 will be rescinded upon final approval of the Set Fine Schedule by the Ministry of the Attorney General.

READ a First and Second time this day of , 2017.

READ a Third time and finally passed in Open Council this day of , 2017.

Mayor

Clerk

DRAFT

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2017-14

PART I PROVINCIAL OFFENCES ACT

TITLE: DOG CONTROL BY-LAW

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE	
	Allowing dog to run at large	3.1	\$85.00	
	Failing to remove dog waste	3.4	\$85.00	
	Failing to prevent dog from chasing or barking at persons, vehicles, domestic animals, livestock, poultry or other animals kept on agricultural property	3.9	\$85.00	
	Failing to comply with muzzle order	6.1 vi	\$200.00	
	Failing to licence designated dog for current year	6.1 xiii	\$200.00	
	Failure to confine potentially dangerous dog	6.1 i	\$200.00	
	Failure to keep potentially dangerous dog within dog owner's dwelling and under effective control	6.1 ii	\$200.00	
	Failure to keep potentially dangerous dog under control and under leash	6.1 iv	\$200.00	
	Failure to advise Township of moving potentially dangerous dog	6.1 vii	\$200.00	
	Failure to advise Township of information of new owner of potentially dangerous dog	6.1 viii	\$155.00	
	Failure to advise Township of death of potentially dangerous dog	6.1 ix	\$155.00	
	Failure to advise Township that potentially dangerous or dangerous dog has bitten or attacked a person or domestic animal	6.1 ix	\$200.00	
	Failure to display warning sign for potentially dangerous dog	6.1 x	\$155.00	
	Failure to vaccinate potentially dangerous dog against rabies	6.1 xi	\$155.00	
	Failure to provide a copy of potentially dangerous dog designation to a person who is keeping or harbouring the dog	6.1 xii	\$155.00	
	Failure to cause potentially dangerous dog to wear potentially dangerous dog tag	6.1 xiii	\$155.00	
	Failure to provide Township with proof of liability insurance for potentially dangerous dog	6.1 xiv	\$155.00	
	Failure to confine dangerous dog	6.1 i	\$200.00	
	Failure to keep dangerous dog within dog owner's dwelling and under effective control	6.1 ii	\$200.00	
	Failure to keep dangerous dog under control and under leash	6.1 iv	\$200.00	
	Failure to confine and control a dangerous dog in the presence of children in the dog owner's dwelling	6.1 v	\$200.00	

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE	
	Failure to advise Township of moving dangerous dog	6.1 vii	\$200.00	
	Failure to advise Township of information of new owner of dangerous dog	6.1 viii	\$200.00	
	Failure to advise Township of death of potentially dangerous dog	6.1 ix	\$200.00	
	Failure to advise Township that dangerous dog has bitten or attacked a person or domestic animal	6.1 ix	\$200.00	
	Failure to display warning sign for dangerous dog	6.1 x	\$200.00	
	Failure to vaccinate dangerous dog against rabies	6.1 xi	\$200.00	
	Failure to provide a copy of dangerous dog designation to a person who is keeping or harbouring the dog	6.1 xii	\$200.00	
	Failure to cause potentially dangerous dog to wear dangerous dog tag	6.1 xiii	\$200.00	
	Failure to provide Township with proof of liability insurance for dangerous dog	6.1 xiv	\$200.00	
	Failure to confine restricted dog	6.1 i	\$200.00	
	Failure to keep restricted dog within dog owner's dwelling and under effective control	6.1 ii	\$200.00	
	Failure to keep restricted dog under control and under leash	6.1 iv	\$200.00	
	Failure to confine and control a restricted dog in the presence of children in the dog owner's dwelling	6.1 v	\$200.00	
	Failure to advise Township of moving restricted dog	6.1 vii	\$200.00	
	Failure to advise Township of information of new owner of restricted dog	6.1 viii	\$200.00	
	Failure to advise Township of death of restricted dog	6.1 ix	\$200.00	
	Failure to advise Township that restricted dog has bitten or attacked a person or domestic animal	6.1 ix	\$200.00	
	Failure to display warning sign for restricted dog	6.1 x	\$200.00	
	Failure to vaccinate restricted dog against rabies	6.1 xi	\$200.00	
	Failure to provide a copy of restricted dog designation to a person who is keeping or harbouring the dog	6.1 xii	\$200.00	
	Failure to cause restricted dog to wear dog tag	6.1 xiii	\$200.00	
	Failure to provide Township with proof of liability insurance for restricted dog	6.1 xiv	\$200.00	
	Failure to confine prohibited dog	6.1 i	\$200.00	
	Failure to keep prohibited dog within dog owner's dwelling and under effective control	6.1 ii	\$200.00	
	Failure to keep prohibited dog under control and under leash	6.1 iv	\$200.00	
	Failure to confine and control a prohibited dog in the presence of children in the dog owner's dwelling	6.1 v	\$200.00	
	Failure to advise Township of moving prohibited dog	6.1 vii	\$200.00	
	Failure to advise Township of information of new owner of prohibited dog	6.1 viii	\$200.00	
	Failure to advise Township of death of prohibited dog	6.1 ix	\$200.00	
	Failure to advise Township that prohibited dog has bitten or attacked a person or domestic animal	6.1 ix	\$200.00	
	Failure to display warning sign for prohibited dog	6.1 x	\$200.00	

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE	
	Failure to vaccinate prohibited dog against rabies	6.1 xi	\$200.00	
	Failure to provide a copy of prohibited dog designation to a person who is keeping or harbouring the dog	6.1 xii	\$200.00	
	Failure to cause prohibited dog to wear dog tag	6.1 xiii	\$200.00	
	Failure to provide Township with proof of liability insurance for prohibited dog	6.1 xiv	\$200.00	
	Keeping dangerous dog in a multiple unit dwelling or a lodging house	6.2 i	\$200.00	
	Keeping restricted dog in a multiple unit dwelling or a lodging house	6.3 i a	\$200.00	
	Failure to advise Township within two working days of birth of puppies from a restricted dog	6.3 i b	\$200.00	
	Failure to deliver offspring to restricted dg to the Township Pound Facility within seven days of birth of offspring	6.3 i c	\$200.00	
	Failing to register restricted pit bull	6.4	\$350.00	
	Keeping a prohibited dog	7.1	\$200.00	
	Failing to procure a dog licence	11.1	\$85.00	
	Failing to register dog within ten (10) days of ownership of dog	11.1	\$85.00	
	Failing to attach dog tag at all times	11.3	\$85.00	
	Failing to advise Township of change of address	11.4	\$85.00	
	Keeping more than three (3) dogs on premises	13.1	\$170.00	
	Operating kennel – fail to pay licence fee	14.4	\$300.00	
	Failing to keep an animal in a sanitary condition	15.1 i	\$150.00	
	Failing to provide floors and walls made of sealed concrete or other impermeable material	15.1 ii	\$150.00	
	Failing to provide self-draining floor	15.1 iii	\$150.00	
	Failing to keep yards and runways completely enclosed in kennel	15.1 iv	\$150.00	
	Failing to equip kennel with accessible fresh water and/or adequate feed	15.1 v	\$495.00	
	Failing to provide kennel with adequate natural or artificial light	15.1 vi	\$150.00	
	Failing to provide kennel with proper ventilation	15.1 vi	\$150.00	
	Failing to provide kennel with sufficient heat	15.1 vi	\$495.00	
	Failing to provide adequate shaded open air runs	15.1 vii	\$495.00	
	Failing to provide adequate space to accommodate the breed of dog being housed	15.1 vii	\$150.00	
	Failing to provide a kennel having individual pen minimum space per dog	15.1 viii	\$150.00	
	Failing to maintain the whelping bitch in a kennel in separate accommodation	16.1	\$495.00	
	Failing to provide a 2-1/2 times the size of the whelping bitch space	16.1	\$495.00	
	Failing to construct a whelping box with four sides and a floor made of impermeable materials	16.2	\$495.00	
	Failing to provide adequate supplemental heat for the whelping bitch space	16.3	\$495.00	

	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
	SHORT FORM WORDING	PROVISION CREATING OR DEFINING OFFENCE	SET FINE	
	Failing to provide sufficient designated space for puppies	16.4	\$495.00	
	Failing to maintain records	17.1	\$300.00	
	Failing to permit an inspection	18.1	\$150.00	

Note: the general penalty provision for the offences listed above is section 17.1 of bylaw 2017-14, a certified copy of which has been filed.



Township of Wilmot **REPORT**

REPORT NO.	CL2017-14
TO:	Council
PREPARED BY:	Barbara McLeod, Director of Clerk's Services Scott Nancekivell, Director of Facilities & Recreation Services
DATE:	June 26, 2017
SUBJECT:	Conveyance of Municipal Property Former Wilmot Community Pool Facility Located at 439 Waterloo Street, New Hamburg

Recommendation:

THAT the municipal property legally described as Part Lot 1, Plan 885, Wilmot, Being Part 2 on 58R-1153 which has also been described as Part 3 on 58R-9275, Township of Wilmot, be conveyed to the Waterloo Region District School Board pursuant to the terms of the Land Transfer and Restoration Agreement and further;

THAT the Mayor and Director of Clerk's Services be authorized to execute all associated documentation.

Background:

As Council is aware, On January 16, 2017 Wilmot Township Council approved the Parks, Facilities & Recreation Services Master Plan. One function of the plan was to review the current inventory of municipal recreation facilities within the Township and evaluate the existing uses and any potential future use by the community. With respect to the former Wilmot Community Pool building, the Master Plan deemed the facility as surplus to the current and future needs of the Township.

By resolution on April 10, 2017, Council declared the above lands to be surplus to the needs of the Township and authorized the Director of Clerk's Services and the CAO to proceed accordingly.

Discussion:

As a result of the recommendations of the Study, the CAO, Director of Facilities & Recreation Services and the Director of Finance met with the Waterloo Region District School Board ('the Board') to discuss the potential disposition of the lands. Subsequently, the Township entered into negotiations to convey the former aquatic facility property back to the Board. A Draft of the Land Transfer and Restoration Agreement between the Township and the Board, outlining the terms of the conveyance, environmental site assessments, restoration and if necessary, any environmental remediation, including formal cost-sharing conditions, has been prepared and reviewed by the CAO, Director of Facilities & Recreation Services and the Director of Clerk's Services and is nearing finalization at the time of this Report. The By-law to Authorize the signing of the Land Transfer/Restoration Agreement will be brought forward to Council in the near future once it is received by staff.

Pursuant to By-law No. 95-54, Being a By-law to Govern the Sale of Real Property, an appraisal and survey of the subject lands have been obtained and are on file with the Clerk's Services Department.

Appropriate public notice of the land disposition and conveyance to the Board was placed in accordance with By-law No. 95-54, advising the public of the date of the Council meeting at which the matter would be considered. At the time of this Report, there have been no inquiries related to the land transfer.

The demolition process of the facility is intended to be completed prior to the start of this year's school season and the closing date of the transfer to the Board is to occur on or before October 2, 2017.

Strategic Plan Conformity:

The disposition of the subject lands implements the recommendations contained within the Parks, Facilities & Recreation Services Master Plan and the public notification process ensures the communication of municipal matters.

Financial Considerations:

As identified within the Land Transfer and Restoration Agreement, the demolition and conveyance of this property will be cost shared between the Board and the Township.

As the property owner during the course of demolition and disposition, all project costs will be paid in full by the Township of Wilmot, and subsequent billing will occur to the school board for their share. The expenditures and receipt of funding from the board are to occur upon the closing of the land transaction. The Township portion of costs will be funded from the Infrastructure Reserve Fund – Facilities.

Conclusion:

That the municipal property legally described as Part Lot 1, Plan 885, Wilmot, Being Part 2 on 58R-1153 which has also been described as Part 3 on 58R-9275, Township of Wilmot, be

conveyed to the Waterloo Region District School Board subject to the terms of the Land Transfer and Restoration Agreement and further;

THAT the Mayor and Director of Clerk's Services be authorized to execute all associated documentation.

Scott Nancekivell
Director of Facilities and Recreation Services

Barbara McLeod
Director of Clerk's Services

Grant Whittington
Reviewed by CAO



Township of Wilmot **REPORT**

REPORT NO. CL2017-15

TO: Council

PREPARED BY: Dawn Mittelholtz, Deputy Clerk

DATE: June 26, 2017

SUBJECT: Noise By-law Exemptions
Ingrid and Mark Drinkwalter and
New Hamburg'er and Beer Festival

Recommendation:

THAT Council approve a Noise By-Law Exemption for Ingrid and Mark Drinkwalter on July 29, 2017 from 7:00 p.m. to 12:00 midnight for a private event located on their property at 1323A Queen Street, Unit 39, New Dundee;

AND FURTHER, THAT Council approve a Noise By-law Exemption for the New Hamburg'er and Beer Festival on September 23, 2017 from 5:30 p.m. to 11:00 p.m. for a public event occurring on Peel Street and Mill Street, north of Huron Street, New Hamburg.

Background:

Township of Wilmot Noise By-law 98-21 prohibits excessive noise in the Township that is likely to disturb residents. Historically, Council has provided opportunities for exemptions to this By-law for the purpose of community events and special occasions for both private and public functions. Residents or event organizers seeking an exemption are required to circulate a notice to all neighbours within 150 feet of the property advising them of when Council will be considering the request.

Discussion:

Clerk's Services staff have recently received requests for Noise By-law Exemptions for two separate events. The first event is a private function to celebrate the 25th Wedding Anniversary of Ingrid and Mark Drinkwalter at their home on Cottage Lane. Mr. and Mrs. Drinkwalter made a similar request ten years ago and no concerns were raised at the time by the neighbours in conjunction with the event. Neighbours have been circulated a notice and no comments have been received by staff at the time of writing this report.

The second Noise By-law Exemption Request is for the New Hamburg'er and Beer Festival. The organizers have been working with staff with regards to this public event occurring in downtown New Hamburg on Peel Street and Mill Street, north of Huron Street. Neighbours have been notified and no comments have been received by staff at the time of writing this report. If this becomes an annual event and no concerns regarding noise are raised, staff can investigate the addition of the New Hamburg'er and Beer Festival to the By-law for Permanent Noise By-law Exemptions.

Strategic Plan Conformity:

By allowing exemptions to the Noise By-law and ensuring residents are notified as such, the Township is supporting community events and celebrations, strengthening customer service and communicating municipal matters. By working with event organizers for the New Hamburg'er and Beer Festival, the Township is integrating volunteers and involving community groups and investing in our downtowns and commercial areas.

Financial Considerations:

There are no fees or costs associated with the granting of Noise By-law Exemptions.

Conclusion:

Staff recommend that both Noise By-law Exemptions be granted.

Dawn Mittelholtz
Deputy Clerk

Barbara McLeod
Director of Clerk's Services

Grant Whittington
Reviewed by the CAO

Dear Council members,

June 26, 2017

We are planning a combined 50th birthday and 25th wedding anniversary party for Saturday, July 29th, 2017. We have hired a steel drum band for playing during the late afternoon as well as a 2-piece band for the evening hours. We expect approximately 100 people to attend. We are asking to obtain an exemption to the noise by-law for this event.

We reside on 1323A Queen Street, Unit 39, which is outside of New Dundee. We live on 5.5 acres of land and our closest neighbour is approximately 1000 feet away. We plan to have the band play from 7 pm - 1 am, not directly facing any neighbours and will be considerate of neighbours by turning the music down after midnight.

We have notified our surrounding neighbours of this event and the letter they received is attached for your review. They have been given the opportunity to object to this noise exemption and to voice any objections to the Township by June 21st.

Thank you for your consideration.

Ingrid and Mark Drinkwalter
1323A Queen St. Unit 39
New Dundee, Ont. N0B 2E0
226-444-2413

Dear Council

New Hamburg'er and Beer Festival is a community event to raise funds for both the New Hamburg Board of Trade Christmas lights and a local Service Club. This is a non-profit event and the funds will be split 50/50 with the NHBOT and the local Lions club and any other organization needed to support with volunteers.

This initiative is being sponsored by The New Hamburg Board of Trade and features Craft Beers from around the Region. We are also attempting to bring locally grown foods prepared by our local restaurants.

We want to showcase our beautiful community and locally crafted beers and foods.

This event is scheduled for Saturday September 23rd, 2017 and there are two sections.

Section One: Harvest Table – Prepaid ticket for a Medieval Style community dinner event where the community will dine together along one long table on Mill St. This is being catered by The Imperial Market Eatery and will run from about 5:30 to 7:30pm. Dinner includes beer tastings or wine tastings (pop tasting for youth).

Section Two: Burger and Beer Festival – pay at the door and runs noon to 11pm. There will be food vendors in this section and craft brewery representation from around Waterloo Region.

The enclosed letter is being distributed to the local residents notifying them of the event and our intent to apply for a noise exemption on these evenings.

We welcome your support and hope to see you there.

Sincerely,

Sherry Robinson and Dan Vandermolen



Township of Wilmot **REPORT**

REPORT NO.	FIN 2017-26
TO:	Council
PREPARED BY:	Patrick Kelly CPA, CMA Director of Finance
DATE:	June 26, 2017
SUBJECT:	2017 Final Tax Levy

Recommendation:

That report FIN 2017-26 prepared by the Director of Finance, regarding the 2017 Final Tax Levy By-law be received.

Background:

Council approved the 2017 Municipal Budget on February 13, 2017. The approved Budget includes a total Tax Levy for municipal purposes of \$7,505,405, representing an increase of 1.70% over the 2016 Levy. By-law 2017-21, was approved by Council on May 8, 2017, giving Finance staff the authority to issue the final tax bills for 2017.

Discussion:

The final tax bills are historically generated and issued to residential classes in early June of each calendar year. As such, By-Law 2017-21 was prepared, and indicated a proposed due date of June 30th for the first instalment. However, due to delays in the receipt of critical information from Online Property Tax Analysis (OPTA), staff were unable to issue tax bills in time to allow for the June 30th due date.

OPTA is responsible for the completion of data reconciliation with MPAC, to ensure that all change events on properties within the municipality are processed according to a pre-determined cut-off date. A comprehensive audit of this information is then completed by OPTA staff to ensure data is ready and accurate for the calculation of Schedule 2 data on final tax bills.

Schedule 2 data pertains to residential and farm tax classes and shows the year over year change in taxes levied, from 2016 to 2017, comprised strictly of the actual taxes, excluding any special charges or credits. It is further broken down by the municipal levy change, regional levy change and education levy change, and by any tax change due to reassessments. This data is a legislative requirement on final tax bills and for Wilmot and several other jurisdictions, calculations are derived from data provided by OPTA.

The new Final Tax Levy By-Law provided in this Council agenda has removed the prescribed due dates, allowing for due dates to be set at the discretion of the Treasurer. The anticipated due date for instalment 1 of the final tax bills will be July 31, 2017.

Strategic Plan Conformity:

This report is aligned with the Strategic Plan goal of being an engaged community through the communication of municipal matters, by providing the rates of taxation required to raise the 2017 tax levy.

Financial Considerations:

The tax levy is utilized to fund both the operating and capital expenses of the Township of Wilmot, as identified within the 2017 budget.

Conclusion:

Upon Council's approval of the by-law, staff will prepare final tax bills to the ratepayers in the Township. Staff will provide notice to the public via website, media releases, digital signage and social media to ensure all ratepayers are aware of the revised due date.

Patrick Kelly CPA, CMA
Director of Finance

Grant Whittington
Reviewed by Chief Administrative Officer



Township of Wilmot *REPORT*

REPORT NO.: PW-2017-11

TO: Council

PREPARED BY: Alastair Duncan CET, Engineering Technician

DATE: June 26, 2017

SUBJECT: 2017 Sidewalk Program

Recommendation:

That the tender received from Chad Hartman Construction , to complete the 2017 Sidewalk Program, with a subtotal excluding HST of \$36,156.00, be accepted.

Background:

The sidewalk removal and replacement program will occur in New Hamburg and Baden.

Discussion:

We received tenders to complete the annual sidewalk removal and replacement program and the tender results, plus applicable taxes, are as follows:

<u>Bidder</u>	<u>Located</u>	<u>Price</u>
Chad Hartman Construction,	St Pauls	\$36,150.00
Euro Landscape Construction & Grounds Inc.	Etobicoke	\$43,333.28
Hardscape Concrete and Interlock,	Paris	\$44,350.00
Vista Contracting Ltd.	Cambridge	\$47,495.00
Aloia Bros. Concrete Contractors Ltd.	Toronto	\$61,875.00
5 Star Paving (Cambridge) Inc.	Cambridge	\$74,456.70
Steed and Evans Ltd.	St. Jacobs	\$91,604.00

Strategic Plan Conformity:

Maintaining our infrastructure ensures a prosperous economy for our municipality.

Financial Considerations:

The approved 2017 Capital Budget includes \$75,000 for the removal/repairs of deficient sidewalks with funding provided by the General Levy.

Conclusion:

That the tender submitted by Chad Hartman Construction be approved by Council.

Alastair Duncan, CET
Engineering Technician

Grant Whittington
Reviewed by CAO



Township of Wilmot *REPORT*

REPORT NO.: PW-2017-12

TO: Council

PREPARED BY: Alastair Duncan CET, Engineering Technician

DATE: June 26, 2017

SUBJECT: 2017 Supply of Hot Mix Asphalt

Recommendation:

That the tender received from Coco Paving Inc. to complete the 2017 Supply of Hot Mix Asphalt, with a subtotal excluding HST of \$49,775.00, be accepted.

Background:

The 2017 supply of hot mix asphalt will be used in various maintenance operations throughout the Township road network.

Discussion:

We received tenders for the supply of hot mix asphalt from various hot mix suppliers and the tender results are as follows:

<u>Bidder</u>	<u>Located</u>	<u>Price</u>
Coco Paving Inc.	Petersburg	\$49,775.00
Steed Evans	St Jacobs	\$61,757.50
Brantco Construction	Cambridge	\$150,000.00

Strategic Plan Conformity:

Maintaining our infrastructure ensures a prosperous economy for our municipality.

Financial Considerations:

The approved 2017 Operational Budget includes \$100,000.00 for the removal/repairs of deficient pavement structures within the Township existing road infrastructure network with funding provided by the General Levy.

Conclusion:

That the tender submitted by Coco Paving Inc. located in Petersburg be approved by Council.

Alastair Duncan, CET
Engineering Technician

Grant Whittington
Reviewed by CAO



Township of Wilmot *REPORT*

REPORT NO.: PW-2017-13

TO: Council

PREPARED BY: Alastair Duncan CET, Engineering Technician

DATE: June 26, 2017

SUBJECT: New Hamburg'er and Beer Festival (Road Closures)

Recommendation:

That the recommendations for road closures as per the attached sketch of report PW-2017-13 to support the newly established "New Hamburg'er and Beer Festival," in downtown New Hamburg be approved.

Background:

Township staff was approached in early 2017 about the possibility of a new community event to be held in New Hamburg, on a combination of Municipal roads and private property. The municipally own roads are Mill Street (Huron Street to Burns Street) and Peel Street (Seyler Street to Burn Street).

Discussion:

The residents of Wilmot have historically shown support for community driven events. Township staff have reviewed the proposed road closures and have no issues with the proposal.

Strategic Plan Conformity:

By supporting this event the Township will continue supporting community driven events and celebration, this event will also promote the downtown core in New Hamburg and it local businesses. This event will continue the trend of Wilmot Township of being a cohesive, vibrant and welcoming countryside community. The proceeds from this event will directly be divide amongst the volunteer groups and organizations assisting in this event, the remaining funds are towards the purchase new Christmas lights for downtown New Hamburg.

Financial Considerations:

There are no major financial considerations.

Conclusion:

Township Staff support the proposed road closures and recommend approval to allow the event to proceed on its anticipated September 23rd, 2017 date.

Alastair Duncan, CET
Engineering Technician

Grant Whittington
Reviewed by CAO



Township of Wilmot

REPORT

REPORT NO.	DS 2017-10
TO:	Council
PREPARED BY:	Harold O'Krafka, Director of Development Services Andrew Martin, Manager of Planning/EDO
DATE:	June 26, 2017
SUBJECT:	Proposed Official Plan Amendments (2017): 1. Proposed OPA 9 - Conformity Review 2. Proposed OPA 10 - Settlement Boundary Rationalization Exercise

Recommendation:

That Council direct staff to:

- 1. Give Notice of a Special Meeting of Council, open to the Public, to discuss the revisions that may be required to bring the Township Official Plan into conformity with Provincial plans and to discuss the settlement boundary rationalization exercise; and,**
- 2. Circulate Report DS 2017-10 dated June 26, 2017 to the Region of Waterloo and prescribed public bodies with respect to the revisions that may be required.**

Background:

The Official Plan outlines Council's long-term policy direction to guide future development within the Township in accordance with the provisions set forth in the Planning Act. The land use strategies and policies of the Official Plan are the tools that allow to the Township to manage change towards a desired future. It is intended that the Official Plan will ensure that adequate public services are available for the health, safety and convenience of the residents of the Township and will encourage the development of a desirable community.

The current Township of Wilmot Official Plan was adopted by Council on July 21, 2003 and approved, with modifications, by the Region of Waterloo on July 7, 2004. At this time staff are proposing two amendments to the Official Plan: the first being an amendment to bring the Official Plan into conformity with the new Regional Official Plan and Provincial policy documents; and, the second amendment being a boundary rationalization amendment in accordance with the new Regional Official Plan.

The following background is intended to provide context to the history leading up to these amendments being proposed to the Township Official Plan.

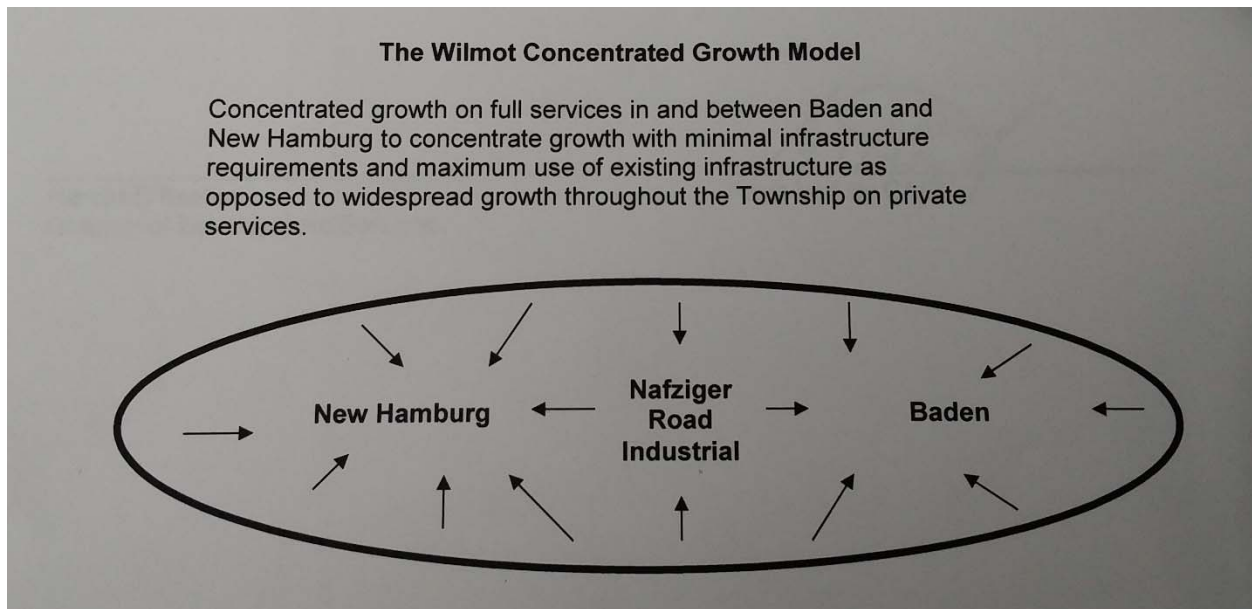
Regional Growth Management Strategy

At the time the Township was preparing its current Official Plan in 2003 the Region was also working on its long term version at the Regional scale which began with its initiation of the Regional Growth Management Strategy (RGMS) in 2002.

The Township was an active participant in the RGMS and provided detailed comments at several stages in the development of the strategy.

Notably, in response to the Phase 1 report of the study the Township provided staff report PB 2002-31 highlighting concerns that the document appeared to “conceptually shrink wrap” Baden and New Hamburg which did not correspond to historical or ongoing long term planning for growth in Wilmot Township at the time. That report highlighted Wilmot’s commitment to Smart Growth for Wilmot Township with Baden and New Hamburg representing a ‘combined growth node’ for the Township which would allow for the long term consolidation of infrastructure and services in a cost effective manner.

In response to Phase 2 of the study Township staff expressed some satisfaction that the Region had moved in the direction of recognizing the Wilmot’s stated plan for long term growth but were concerned that the Region continued to fall short of the Township’s expressed desire that Baden and New Hamburg be planned to physically connect over time. As a result the Township advanced the Wilmot Concentrated Growth Model to the Region as illustrated below:



From PB 2003-07

In June of 2003 the Township provided its response to Phase 3 – the Recommended Regional Growth Management Study and again expressed its desire that the Region provide the opportunity for Wilmot to achieve its long term plan within the context of Smart Growth for Waterloo Region. The response highlighted that “the Township’s vision has changed over time. In the early 1990’s the focus of growth in Wilmot was the westerly and southerly expansion of

New Hamburg towards Perth County and south of Highway 7 & 8. Today (2003) based on local public input and preliminary servicing analysis it is clear that the corridor from Snyder's Road to the 7 & 8 is an entirely logical focus for both short term and long term growth".

Staff pointed out the RGMS promoted a long term vision for Wilmot that appeared to conflict with the vision of the elected Council of Wilmot Township and was, in its current form at that time, a cause for significant concern.

The RGMS was accepted by the Region as a background study to "inform" the new Regional Official Plan and as such was never subjected to an opportunity for formal public or agency appeal.

The Township Official Plan (2003)

In July of 2003 the Township adopted its current Official Plan. The document was based on the community's long term desire to effect the Wilmot Concentrated Growth Model and upon approval of that document by the Region in July 2004 it faced no appeals.

The 2005 Provincial Policy Statement (PPS)

The PPS was issued under Section 3 of the Planning Act and came into effect on March 1, 2005. It replaced the 1996 Provincial Policy Statement and provides overall direction on matters of provincial interest related to land use planning and development in Ontario. The most significant change was the movement away from requiring municipalities to 'have regard to' policy statements into a new environment of requiring them to 'be consistent with' policy statements.

The 2005 Places to Grow Act (P2G)

The Places to Grow Act was introduced to allow the Ontario government plan for growth in a coordinated and strategic way. It gave them the authority to:

- designate any geographic region of the province as a growth plan area
- develop a growth plan in consultation with local officials, stakeholders, public groups, and members of the public
- develop growth plans in any part of Ontario

The legislation intended to ensure that growth plans issued under it would reflect the needs, strengths and opportunities of the communities involved, and promote growth that balanced the needs of the economy with the environment.

The 2006 Growth Plan for the Greater Golden Horseshoe

Prepared and approved under the Places to Grow Act (2005) this plan took effect on June 16, 2006. The Growth Plan was established to better manage growth in the Golden Horseshoe to the year 2031 and applied to all municipalities in the Greater Golden Horseshoe including Wilmot Township which represents the most westerly boundary. It is intended to guide decisions on a wide range of matters including transportation, infrastructure planning, land use planning, urban form, housing, natural heritage and resource protection in the interest of managing growth while promoting economic prosperity.

Planning Act 2006

In 2006 the Planning Act was amended to provide additional tools to municipalities including allowing municipalities to list, in their Official Plans, the various studies and pre-consultation requirements necessary for an application to be deemed 'complete'. Additional powers related to limit appeals of private amendments to expand urban boundaries and removing employment lands together with additional site plan control powers were also included.

The New Regional Official Plan

In 2008 the Region initiated a review of the Regional Official Policies Plan (ROPP) to update the document, implement the RGMS and to bring the Regional Plan into conformity with changes in Provincial Policies.

As part of the update the Region prepared a Land Budget to determine the need for additional designated lands to accommodate the forecasts for population and employment growth. The RMOW considered the availability of land within the Region as a whole and determined that sufficient land was designated to accommodate growth to 2029.

The new Regional Official Plan (ROP) was adopted by Regional Council on June 16, 2009 and approved by the Ministry of Municipal Affairs and Housing, with modifications on December 22, 2010.

Subsequently the document was appealed by several parties and following a lengthy hearing the Ontario Municipal Board approved the ROP, with additional modifications, on June 18, 2015.

The ROP sets out growth and direction for the Region as a whole to 2031. In addition to setting population and employment targets for area municipalities the ROP contains new policies governing local decision making.

Most critical to Wilmot Township was the limitation within the new plan on greenfield expansions during the horizon of the plan – as the land budget had indicated no additional lands were required. The inclusion therefore of policies allowing the rationalization of existing greenfield lands was critical to providing for greenfield growth in Wilmot to 2031. Rationalization of existing boundaries combined with heightened requirements for intensification within existing built up areas will provide the necessary lands to accommodate the growth of Wilmot's population to 28,500 by 2031.

In addition the Plan introduces the Countryside Line (CSL) and the Protected Countryside.

The CSL is intended to reflect a hardedge to growth as defined by the RGMS however the ROP provides the opportunity for the Township to, on a one time basis, exercise its own discretion to define lands inside and outside the line with the provision that there be no net gain of developable lands inside the CSL.

The Protected Countryside is intended to preserve much of the eastern half of the Township which lies above the Waterloo Moraine and effectively acts as a Greenbelt of sorts to slow the westerly expansion of the City of Waterloo and City of Kitchener.

The 2014 Provincial Policy Statement (PPS)

The PPS was issued under Section 3 of the Planning Act and came into effect on April 30, 2014. The PPS replaced the 2005 Provincial Policy Statement as overall direction on matters of provincial interest related to land use planning and development in Ontario. In releasing the new PPS the Province stated that while the PPS 2005 policies were “fundamentally sound” revisions were needed to “better integrate economic, social and environmental considerations, respond to rural and northern challenges, clarify some policies to better support implementation and to provide direction for emerging issues.”

Bringing Wilmot's Official Plan into Conformity with the ROP and Provincial Policies

Upon the final approval of the new ROP staff of the Township and Region began working on the review of Wilmot's Official Plan to identify what policy changes would need to be implemented to conform to the ROP. As a higher order document, in cases of conflict the Regional document supersedes Wilmot's current document and as such it is ideal for the documents to align.

In addition to the conformity review considerable effort has been expended by Wilmot staff and the staff of Wellesley and Woolwich to complete boundary rationalization exercises in accordance with the policies of the ROP.

A more detailed summary of the two proposed amendments follows below but the process to consult, consider and implement the proposed amendments will be as follows.

Step 1: Special Meeting of Council – Open to the Public

A Special Meeting of Council will be held on August 28, 2017 in accordance with the requirements of the Planning Act, open to the Public, to discuss the revisions that are required to bring the Township Official Plan into conformity with Provincial policies as well as to discuss the proposed settlement boundary rationalization exercise and provide an opportunity for public input on the subjects.

Step 2: Public Open House

A Public Open House, in accordance with the provisions of the Planning Act, will be held in early September at the Township Offices to provide an opportunity for the Public to review and ask questions about the proposed amendments.

Step 3: Formal Public Meeting

A formal Public Meeting, in accordance with the provisions of the Planning Act, will be held in late September to provide an opportunity to make representations in respect of the proposed amendments.

In all instances traditional Notices placed in the New Hamburg Independent, Baden Outlook and Ayr News will be supplemented with Notices on the Township website, Township digital signboards and via the Township's twitter feed to maximize public exposure to the process.

All documentation on the two proposed amendments will be available from the Township website and hard copies will be made available for review during normal business hours at the Development Services counter.

Following the formal Public Meeting, staff will review and consider Public and Agency input on the proposed amendments and prepare a report and recommendation to Council on the amendments and any revisions that are required as a result of the public process.

Should Council adopt the amendments they would then be forwarded to the Region for approval.

While proposed OPA 9 (the Conformity Review 2017) would not require an amendment to the ROP, proposed OPA 10 (the Settlement Boundary Rationalization Exercise 2017) would result in the need for an amendment to the ROP in respect of modifying the boundaries of the CSL and the boundaries of the Township Urban Areas, Baden and New Hamburg.

Approval of the local amendments would therefore be subject to successful completion of the necessary ROP amendment.

New/Updated 2017 Growth Plan for the Greater Golden Horseshoe

Subsequent to the finalization of this document the Province has now released its new Growth Plan for the Greater Golden Horseshoe 2017 which will take effect on July 1, 2017. Through the review and consideration of proposed OPA 9 the effects of the new Growth Plan will be considered and any necessary modifications will be duly identified and incorporated into the document for public consideration prior to adoption.

Discussion:

Proposed OPA 9 – Conformity Review (2017)

Attached as Appendix A to this report is the Draft Official Plan Amendment – Conformity Exercise dated June 2017. The document has been prepared to assist the reader in viewing the proposed changes in the context of the current Township Official Plan. Any text shown in **red text** illustrates new policies or wording and is accompanied by a text box highlighting the relationship of the change ie “New ROP Conformity” etc... Any text shown in ~~striketrough~~ illustrates deleted text.

While most policy revisions are minor in nature there are some more notable changes as follows:

Chapter 1: Plan Framework

The most significant change to Chapter 1 is the addition of the new forecasts for Population and Employment Growth to 2031.

Chapter 2: Planned Township Structure

Conformity to the ROP and the Growth Plan represent the majority of changes in Chapter 2. Introduction of policies related to the CSL, urban boundary expansion, limiting the conversion of employment areas to non-employment areas and reurbanization targets are all included in this Chapter.

New policies related to the designation of the Township Urban Growth Centre in Baden (in accordance with the ROP) as the focus for accommodating reurbanization and higher-density mixed use development in a more compact urban form have also been included.

Chapter 3: The Countryside

Chapter 3 policies have been largely revised to conform to the ROP and introduce the new Protected Countryside designation and associated policies.

Chapter 4: Housing Policies

Introduction of new housing policies to conform to the ROP and provincial policies. Most notable is the introduction of policy direction to permit the addition of one self-contained residential unit in any detached, semi-detached, row house or ancillary structure save and except where infrastructure is inadequate to accommodate it.

Chapter 5: Community Improvement Policies

Minor changes to policies to reflect Planning Act reforms.

Chapter 6: General Land Use Policies

Primarily the changes in Chapter 6 are related to ROP conformity. Many of the changes relate to improved walking and cycling policies and integration of the Wilmot Trails Master Plan and Implementation Guidelines.

In addition changes related to the deletion of new communal wastewater treatment systems and revised water supply policies are included together with policies related to Accessibility and Renewable/Alternative energy systems in accordance with the PPS.

Chapter 7: Mineral Aggregate Resource Areas

Chapter 7 has been substantively rewritten to conform to the ROP. Specifically new policies related to the establishment of new aggregate operations and the assessment of cumulative impacts of aggregate operations have been added.

Chapter 8: Environmental Management Policies

Chapter 8 has also been substantively rewritten to conform to the ROP. In particular Source Water Protection Policies have been added to protect the Township of Wilmot's significant groundwater resources.

Chapter 9: Cultural Heritage Resource Management

Modifications to this section have been made to conform to the ROP, including cultural heritage landscape policies.

Chapter 10: Implementation and Interpretation

Changes to Chapter 10 include a mix of ROP conformity matters and Planning Act reforms. Notably policies related to 'complete' applications and the increase in the permitted time for a garden suite approval from ten years to 20 years have been added.

Schedule A:

Schedule A is a new Schedule of Additional Information which may be required by the Township of Wilmot in order to deem a development application complete.

Schedule B:

Schedule B has been updated to include all new roadways assumed by the Township, and any roadways renamed since the 2003 Official Plan.

Glossary of Definitions:

Considerable modifications to ensure definitions are consistent between the Township Official Plan and the ROP.

Mapping:

Numerous changes are found on all maps as a result of the rationalization exercise undertaken which forms OPA 10.

Proposed OPA 10 – Settlement Boundary Rationalization (2017)

Explanation of Rationalization

Policies 2.B.7, 2.B.8, and 6.G.9 of the ROP establish the process for the boundary rationalization of the CSL, Rural Settlement Areas, and Township Urban Areas.

The CSL represents the long-term boundary between the existing Urban Area/Township Urban Areas and the countryside. In Wilmot, this line represents the area of long term growth beyond the current boundaries of the Township's Urban Areas, Baden and New Hamburg.

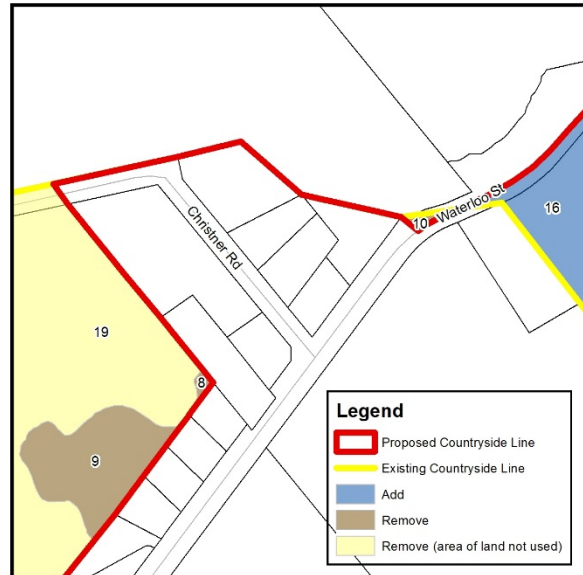
Rural Settlement areas are existing smaller settlements such as villages that comprise of a limited mix of residential and non-residential land uses that primarily serve the local community. Township Urban Areas, located within the CSL, are intended to serve as the primary area of growth for the Township.

The exercise of rationalization looks at modifying boundaries to reflect logical areas of growth recognizing environmental, servicing and other development constraints. The process involves a push-pull process where the boundaries are pulled from one area and pushed out equally in another area. The end result of the rationalization process is that the volume of developable land contained within the CSL and the Rural and Urban Areas is unchanged, but the location of the boundaries is proposed to be altered to implement the Township's historic and long term vision

of future growth occurring on full municipal services between the Urban Areas of Baden and New Hamburg.

Countryside Line

The proposed modifications to the CSL are illustrated on the map titled Countryside Line Modifications attached to this report. The illustration to the right provides an explanation of the colours and lines used in the map. The yellow line is the existing CSL as illustrated in the ROP and the red line represents the proposed CSL. The map further illustrates the parcels of land that would either be removed from or added to the land volume contained within the CSL. The numbers correspond with a table on the map providing a brief description of the reason for removal or addition; each number is described in more detail within subsequent paragraphs of this report.



ROP Policy 2.B.7(d) sets out that the rationalization may not exchange provincially constrained environmental areas for unconstrained developable areas. Areas of land proposed to be removed are illustrated in light yellow and brown. The light yellow areas are identified as provincially constrained environmental areas in the ROP – that is they are wetlands, woodlands, significant valleys etc. These areas represent the lands between the existing CSL and the proposed CSL that are proposed to be removed, but for which the volume of land is not being added elsewhere.

The brown areas are the lands between the existing CSL and the proposed CSL that are proposed to be removed from the CSL and for which the volume of land is used in the area where the CSL is proposed to be expanded. The blue areas are the lands between the existing CSL and the proposed CSL where the boundary is proposed to be pushed out. The area of the brown lands to be removed is greater than the blue lands to be added resulting in no net increase in the amount of land located within the CSL in accordance with ROP Policy 2.B.7(c).

Rural Settlement Areas and Township Urban Areas

Proposed modifications to the Rural Settlement Areas and Township Urban Areas are illustrated on twelve maps attached to this report and identified by the applicable Rural Settlement Area (RSA) or Township Urban Area (TUA) name. The illustration to the right provides an explanation of the colours and lines used in the map. The purple dotted line is the existing RSA or TUA boundary as illustrated in the current Township Official Plan and the orange dotted line represents the proposed RSA or TUA boundary. The map further illustrates the parcels of land that are proposed to be either removed from or added to an RSA or TUA as well as undeveloped lands for which the designation may be swapped with other lands in an RSA or TUA. The numbers correspond with a

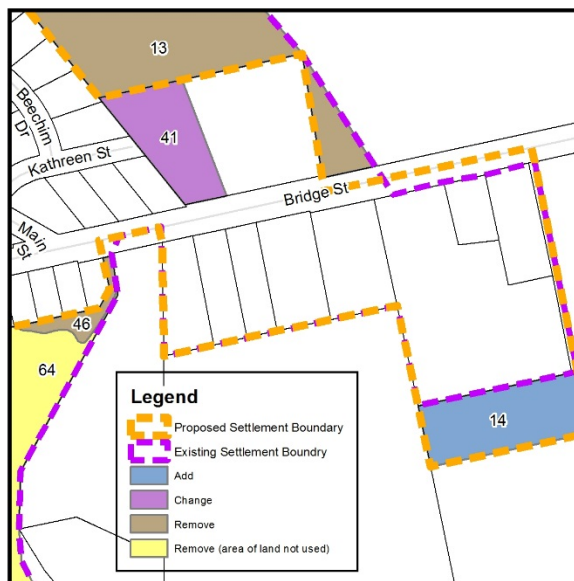


table on the map providing a brief description of the reason for removal or addition; each number is described in more detail within subsequent paragraphs of this report.

ROP Policy 2.B.7(d) sets out that the rationalization may not exchange provincially constrained environmental areas for unconstrained developable areas. With respect to lands removed from an RSA and added to a TUA, ROP Policy 2.B.8 (b) sets out that the rationalization may not result in an increase in the amount of developable land with a broader scope of constraints than just provincially constrained environmental areas. Areas of land proposed to be removed are illustrated in light yellow and brown. Areas where the designation of undeveloped lands is being swapped with other lands in an RSA or TUA are illustrated in purple. In the case of a TUA, the light yellow areas are identified as provincially constrained environmental areas in the ROP – that is they are wetlands, woodlands, significant valleys etc. These areas represent lands proposed to be removed from the TUA, but for which the volume of land is not being added elsewhere. In the case of an RSA, the light yellow represents the same lands as the TUA, but also includes non-provincially constrained environmental areas including wetlands and floodplain.

The brown areas are the lands that are proposed to be removed from an RSA or TUA and for which the volume of land is being transferred primarily to a TUA, with some minor additions to RSA's to recognize logical boundaries. The blue areas are the lands being added to an RSA or TUA. The purple areas are undeveloped lands for which the designation is being swapped with other lands in an RSA or TUA. The area of the brown lands to be removed along with purple lands being swapped is equal to the blue lands to be added resulting in the amount of developable land in accordance with ROP Policy 2.B.7(c) and 2.B.8(b).

Proposed Rationalization

The following paragraphs describe each of the proposed rationalization changes and is broken out into CSL, RSA, and TUA changes.

Countryside Line Rationalization

The following notes further explain the rational for each of the proposed changes on the Countryside Line Modifications map.

- Parcel 1:* The current CSL boundary does not follow the property line; this adjustment aligns the CSL with property lines.
- Parcel 2:* This parcel represents the correction of the boundary to follow the centre line to be consistent with location of the CSL regionally.
- Parcel 3-5:* Along with Parcels 7-10, these parcels reflect the removal of the undevelopable land between the future greenfield development of the New Hamburg TUA and the existing boundary of the Luxemburg RSA. Each numbered parcel represents lands that are not provincially constrained environmental areas.
- Parcel 6:* This parcel reflects the removal of the undevelopable land between the future greenfield development of the New Hamburg TUA and the existing boundary of the Luxemburg RSA. The lands are identified as provincially constrained environmental areas, so the volume of these lands is not added elsewhere.
- Parcels 7-10:* Along with Parcels 3-5, these parcels reflect the removal of the undevelopable land between the future greenfield development of the New Hamburg TUA and the existing boundary of the Luxemburg RSA. Each numbered parcel represents lands that are not provincially constrained environmental areas.
- Parcel 11:* This parcel represents the correction of the boundary to follow the centre line to be consistent with location of the CSL regionally.
- Parcel 12:* These lands are proposed to be brought into the CSL to align with the Township's historic and long term vision of future growth occurring on full municipal services between Baden and New Hamburg.
- Parcel 13:* These lands are proposed to be brought into the CSL to provide the ability for varying interconnections of streets, trails and infrastructure between the existing Activa development and the future growth areas north and west of the existing Activa development.
- Parcel 14:* These lands consist of over 17ha of designated greenfield land that are constrained due to the presence of floodplain and wetlands however are not considered provincially constrained environmental areas. This volume of land is more suitably moved to accommodate a modification to the TUA where development can occur. The proposed boundary would follow property lines of existing developed lands.
- Parcel 15:* These lands may provide an opportunity for future employment lands for the Township of Wilmot, but are not required at the present time. The lands are not presently designated with the Baden TUA and are not part of the Protected

Countryside. If it is determined through a future Municipal Comprehensive Review that additional employment lands are required, the ROP provides the opportunity for future modifications to the CSL where the line does not coincide with the Protected Countryside.

- Parcel 16:* Given the removal of Parcel 15, the logical boundary of the CSL would follow Nafziger Road. This parcel includes the developed portion of the Wilmot Recreation Complex (WRC) lands as well as the provincially constrained environmental areas. The lands are not anticipated to provide future greenfield growth and as such it is logical to remove them from within the Countryside Line boundary. Given these lands are already developed or are constrained, the volume of these lands is not added elsewhere.
- Parcel 17:* Given the removal of Parcel 15, the logical boundary of the CSL would follow Nafziger Road. Parcel 1 includes the undeveloped designated greenfield lands of the Wilmot Recreation Complex (WRC). The lands are not anticipated to provide future greenfield growth and as such it is logical to remove them from within the Countryside Line boundary.
- Parcel 18:* The current CSL boundary does not follow the property line; this adjustment aligns the CSL with property lines.
- Parcel 19:* This parcel represents the correction of the boundary to follow the centre line to be consistent with location of the CSL regionally.
- Parcel 20:* The current CSL boundary does not follow the property line; this adjustment aligns the CSL with property lines.

The following table is a summary of the additions and removals of land to and from the Countryside Line. As shown, the area within the Countryside line is less than the present area. This difference is a result of the removal of constrained lands between the future greenfield development of the New Hamburg TUA and the existing boundary of the Luxembourg RSA as well as the removal of developed and constrained WRC lands that ROP Policy 2.B.7 does not permit to be added elsewhere.

Countryside Line Rationalization Summary (ha)	
Remove	-184.68
Add	142.17
Difference	-42.51

Legend

Proposed Countryside Line

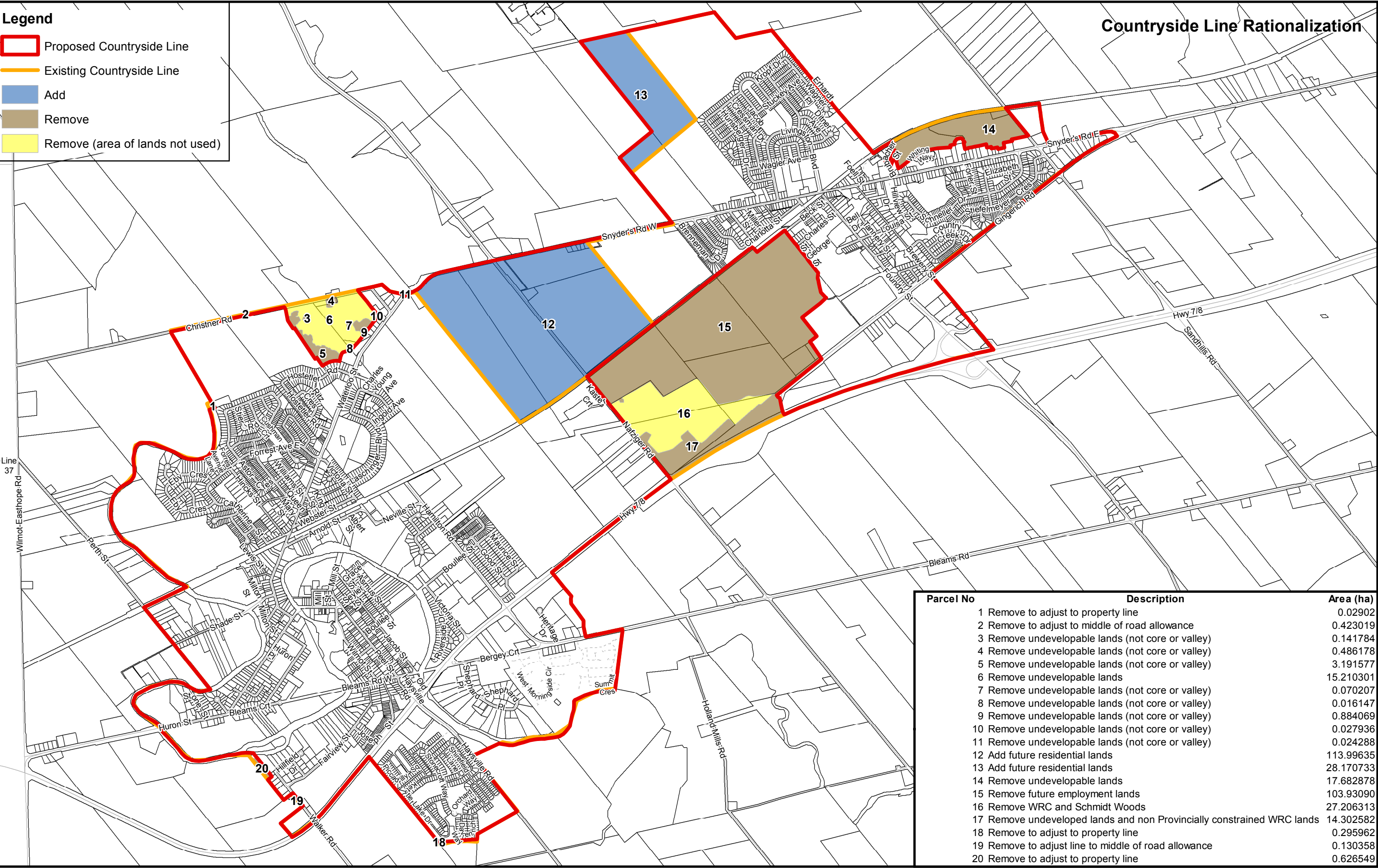
Existing Countryside Line

Add

Remove

Remove (area of lands not used)

Countryside Line Rationalization



Parcel No	Description	Area (ha)
1	Remove to adjust to property line	0.02902
2	Remove to adjust to middle of road allowance	0.423019
3	Remove undevelopable lands (not core or valley)	0.141784
4	Remove undevelopable lands (not core or valley)	0.486178
5	Remove undevelopable lands (not core or valley)	3.191577
6	Remove undevelopable lands	15.210301
7	Remove undevelopable lands (not core or valley)	0.070207
8	Remove undevelopable lands (not core or valley)	0.016147
9	Remove undevelopable lands (not core or valley)	0.884069
10	Remove undevelopable lands (not core or valley)	0.027936
11	Remove undevelopable lands (not core or valley)	0.024288
12	Add future residential lands	113.99635
13	Add future residential lands	28.170733
14	Remove undevelopable lands	17.682878
15	Remove future employment lands	103.93090
16	Remove WRC and Schmidt Woods	27.206313
17	Remove undeveloped lands and non Provincially constrained WRC lands	14.302582
18	Remove to adjust to property line	0.295962
19	Remove to adjust line to middle of road allowance	0.130358
20	Remove to adjust to property line	0.626549

Rural Settlement Area Rationalization

The following notes further explain the rational for each of the proposed changes on the Rural Settlement Area maps.

Haysville

Parcel 65: This parcel is proposed to be added to the Haysville RSA to follow the property line of 3565 Huron Road. There are no Minimum Distance Separation (MDS) 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).

Parcel 66: This removal involves a small portion of a larger property, 3464 Huron Road that is located outside of the Haysville RSA. This removal would reflect the zoning and designation of the remainder of the property. Given the environmental constraints of the property, the volume of these lands is not added elsewhere.

Parcel 67: This parcel of land involves 4 properties that are presently within the Haysville RSA, but which are non-developable due to the presence of floodplain. The adjust boundary will follow the existing property lines of developed parcels and the road allowance. Given the environmental constraints of the property, the volume of these lands is not added elsewhere.

Lisbon

Parcel 1: This removal involves a small portion of a larger property, 1376 Lisbon Road that is located outside of the Lisbon RSA. This removal would reflect the zoning and designation of the remainder of the property. This portion of land, on its own, is not developable, so the removal does not impact the subject property, but the designation provides greater opportunity elsewhere within the Township.

Luxemburg

Parcel 38: This removal involves a small portion of a larger property, 1041 Christner Road that is located outside of the Luxemburg RSA. This removal would reflect the zoning and designation of the remainder of the property. Given the environmental constraints of the property, the volume of these lands is not added elsewhere.

Mannheim

Parcel 63: Together with Parcel 64, this parcel involves removal of undevelopable land on Shadybrook Court from the Mannheim RSA. Zoned Zone 11 (Open Space), this portion of the property is identified as a provincially constrained environmental area. Given the environmental constraints of the property, the volume of these lands is not added elsewhere.

Parcel 64: Together with Parcel 63, this parcel involves removal of undevelopable lands on Shadybrook Court from the Mannheim RSA. Zoned Zone 11 (Open Space), this portion of the property is not located within the provincially constrained environmental area, but on its own remains undevelopable with the volume of land having greater opportunity elsewhere within the Township.

New Dundee

Parcel 68: Within the current Township Official Plan, Alder Lake is located within the New Dundee RSA. Through the proposed rationalization exercise, the boundary is proposed to be pulled back to the property lines of parcels abutting the lake. This removal involves a small portion of a larger property, 86-1323 Queen St that is located outside of the New Dundee RSA. This removal would reflect the zoning and designation of the remainder of the property. Given the environmental constraints of the property, the volume of these lands is not added elsewhere.

Parcel 69: Together with Parcel 70, this parcel involves removal of undevelopable land from 328 Main Street and 1290 Bridge Street. Zoned Zone 1 (Agricultural), this portion of the property is located within the floodplain of the Alder Creek. Given the environmental constraints of the property, the volume of these lands is not added elsewhere.

Parcel 70: Together with Parcel 69, this parcel involves removal of land from 328 Main Street and 1290 Bridge Street. Zoned Zone 1 (Agricultural), this portion of the property is not environmentally constrained. Due to limited water supply and the absence of municipal sewage disposal (and the preclusion of the use communal sewage disposal systems in the ROP) the lands do not have potential to support development densities required by provincial growth plans. The volume of land has greater opportunity elsewhere within the Township.

Parcel 71: This parcel involves the exchange of designations between properties within the New Dundee RSA. This parcel represents a portion of an existing Dry Industrial/Commercial property that is naturally divided in two segments by a drainage course. The one portion of the property, 1300 Bridge Street, is developed with a light industrial operation. The subject portion of the property abuts an existing residential street and, due to the natural divide of the property and the limited ability to gain access to this portion of the property except by way of a Kathreen Street, the lands would more logically provide residential opportunities and the terminus of the residential street. The residential designation would be shifted from other RSA removals and the existing Dry Industrial/Commercial designation shifted to Parcel 72.

Parcel 72: This parcel of land is subject to official plan amendment application 02/09 and zone change application 05/09 which proposed to change the designation of and zoning of this land to industrial to reflect its historic use as part of the New Dundee Creamery/Parmalat operation and to allow the lands to be added to the existing

abutting dry industrial/commercial operations. The volume of dry industrial/commercial designation is gained from Parcel 71 and other rationalization opportunities elsewhere in the Township. There are no MDS 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).

Parcel 73: Together with Parcels 74-76, this parcel represents a small unconstrained area that is part of a larger environmentally constrained parcel of land, 1335 Bridge Street. By itself, Parcel 73 has no development opportunity and would more logically be excluded from the New Dundee RSA. The proposed boundary adjustment after removals of Parcels 73-76 would follow the rear property lines of existing development properties in New Dundee. This volume of land has greater opportunity elsewhere within the Township.

Parcel 74: Together with Parcels 73 and 75-76, this parcel represents a significant portion of 1335 Bridge Street that is identified as being within the floodplain of the Alder Creek. The land is proposed to be removed in order that the New Dundee RSA boundary can be more appropriately located. Given the environmental constraints of the property, the volume of these lands is not added elsewhere.

Parcel 75-76: For the same reasons as Parcel 73, this land is proposed to be removed from the New Dundee RSA and the volume of land added elsewhere within the Township where it has greater opportunity.

Parcel 77: This parcel is proposed to be added to the New Dundee RSA to follow the property line of 1577 Bridge Street. There are no MDS 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).

Petersburg

Parcel 51: Together with Parcel 52, this portion of 1600 Snyder's Road East is proposed to be removed to align the RSA boundary with the rear property lines of the abutting properties to the east along Snyder's Road East. The existing Petersburg RSA involves exclusion of the back portion of properties on Cecil Kennedy Court as a result of MDS impacts from the neighbouring poultry operation. The existing boundary did not end at a property line, so the adjustment proposed by Parcel 51 and 52 would provide for a more logical location of the RSA boundary. Unlike Parcel 52, this parcel is not environmentally constrained, so the volume of land will be added elsewhere within the Township where it has greater opportunity.

Parcel 52: As discussed with Parcel 51, this parcel reflects a logical realignment of the Petersburg RSA. The land contained within this parcel are identified as floodplain and as such the volume of these lands is not added elsewhere.

Parcel 53: This parcel is proposed to be added to the Petersburg RSA to follow the property line of 1720 Snyder's Road East. There are no MDS 1 implications (that is, the

existing Petersburg RSA is already located closer to a neighbouring livestock operations than the proposed adjustment).

Parcel 54: This parcel is proposed to be added to the Petersburg RSA to follow the property line of 1176 Notre Dame Drive and to reflect the boundary contained within the zoning by-law. There are no MDS 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).

Parcel 55: This parcel is proposed to be added to the Petersburg RSA to follow the occupied portion of 1136, 1142 and 1154 Notre Dame Drive and to reflect the boundary contained within the zoning by-law. There are no MDS 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).

Philipsburg

Parcel 2: This parcel is proposed to be added to the Philipsburg RSA to follow the property line of 3382 Erb's Road. There are no MDS 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).

Parcel 3: This parcel is proposed to be removed from the Philipsburg RSA to follow the property lines of 3346 Erb's Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. Given the lands are zoned and used agriculturally, the volume of designated land can more appropriately be utilized elsewhere in the Township.

Parcel 4: Together with Parcel 5, this parcel is proposed to be removed from the Philipsburg RSA to follow the property lines of 2242 Nafziger Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. This portion of the property is located within the floodplain of a tributary of the Nith River and as such is undevelopable and as such, the volume of these lands is not added elsewhere.

Parcel 5: Together with Parcel 4, this parcel is proposed to be removed from the Philipsburg RSA to follow the property lines of 2242 Nafziger Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. This portion of the property, alone, has no development potential as it does not have frontage on a municipal road. The volume of designated land can more appropriately be utilized elsewhere in the Township.

Parcel 6: This parcel is proposed to be added to the Philipsburg RSA to follow the property line of a presently vacant lot on Nafziger Road. The northerly property line reflects the previously interpreted boundary of the Philipsburg RSA. There are no MDS 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).

- Parcel 7:* Together with Parcel 8, this parcel is proposed to be removed from the Philipsburg RSA to follow the property lines of 3218 Erb's Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. Zoned Zone 1 (Agricultural), this portion of the property is not environmentally constrained, but due to the absence of municipal services and the ROP's preclusion of the use communal sewage disposal systems the lands do not have potential to support development densities required by provincial growth plans. The volume of land has greater opportunity elsewhere within the Township.
- Parcel 8:* Together with Parcel 7, this parcel is proposed to be removed from the Philipsburg RSA to follow the property lines of 3218 Erb's Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. The land contained within this parcel is within the floodplain of the Nith River and as such the volume of these lands is not added elsewhere.
- Parcel 9:* Together with Parcel 10, this parcel is proposed to be removed from the Philipsburg RSA to follow the property lines of vacant farm lands on the south side of Erb's Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. The land contained within this parcel is within the floodplain of the Nith River and as such the volume of these lands is not added elsewhere.
- Parcel 10:* Together with Parcel 9, this parcel is proposed to be removed from the Philipsburg RSA to follow the property lines of vacant farm lands on the south side of Erb's Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. Zoned Zone 1 (Agricultural), this portion of the property is not environmentally constrained, but due to the absence of municipal services and the ROP's preclusion of the use communal sewage disposal systems the lands do not have potential to support development densities required by provincial growth plans. The volume of land has greater opportunity elsewhere within the Township.
- Parcel 11:* Together with Parcels 12-15, this parcel is proposed to be removed from the Philipsburg RSA to follow the property lines of 3265 and 3301 Erb's Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the properties. The land contained within this parcel is within the floodplain of a tributary of the Nith River and as such the volume of these lands is not added elsewhere.
- Parcel 12-15:* Together with Parcel 11, these parcels are proposed to be removed from the Philipsburg RSA to follow the property lines of 3265 and 3301 Erb's Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the properties. Zoned Zone 1 (Agricultural), these portions of the properties are not environmentally constrained, but the size of and location of the parcels would not support development. The volume of land has greater opportunity elsewhere within the Township.

Shingletown

- Parcel 56:* This parcel is proposed to be removed from the Shingletown RSA. The boundary adjustment is to provide a consistent northerly limit of the Shingletown RSA. The proposed boundary is in line with the majority of the northerly property lines of lands within Shingletown. The volume of land has greater opportunity elsewhere within the Township.
- Parcel 57:* This parcel is proposed to be removed from the Shingletown RSA. The parcel involves 2000, 2078A, 2078C, and 2112 to 2158 Bleams Road. The modification is to align the boundary with property lines. The volume of land is not developable in its present location or configuration and has greater opportunity elsewhere within the Township.
- Parcel 58-60:* These parcels are proposed to be added to the Shingletown RSA. The parcel involves several properties, 2103, 2125, 2135, and 2155 Bleams Road. The modification is to align the boundary with property lines and the boundary contained within the zoning by-law. There are no MDS 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).
- Parcel 61:* This parcel is proposed to be removed from the Shingletown RSA. The boundary adjustment is to provide a consistent southerly limit of the Shingletown RSA. The proposed boundary is in line with the majority of the southerly property lines of lands within Shingletown. The volume of land has greater opportunity elsewhere within the Township.
- Parcel 62:* This parcel is proposed to be removed from the Shingletown RSA to follow the property of 2229 Bleams Road, to remove the existing split designation of the property and to reflect the inability to develop the lands. The completion of a hydrogeological investigation on a neighbouring property identified that no additional lots could be supported in this area due to the proximity of a municipal water supply well. The volume of land has greater opportunity elsewhere within the Township.

St. Agatha

- Parcel 16:* This parcel is proposed to be removed from the St. Agatha RSA to follow the property lines of vacant farm lands on the south side of Erb's Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. Zoned Zone 1 (Agricultural), this portion of the property is not environmentally constrained. Due to the absence of available municipal water supply and municipal sewage disposal (and the preclusion of the use communal sewage disposal systems in the ROP) the lands do not have potential to support development densities required by provincial growth plans. The volume of land has greater opportunity elsewhere within the Township.

Parcel 17-18: These parcels are proposed to be removed from the St. Agatha RSA to follow the boundary of the existing occupied portion of 1809 Erb's Road. The existing St. Agatha boundary is somewhat arbitrary as it relates to 1809 Erb's Road as this property is much larger in area than those lands contained within the RSA. The proposed boundary surrounds the developed portion of the property in turn providing a more logical limit to the RSA. Due to the absence of available municipal water supply and municipal sewage disposal (and the preclusion of the use communal sewage disposal systems in the ROP) the lands do not have potential to support development densities required by provincial growth plans. The volume of land proposed to be removed has greater opportunity elsewhere within the Township.

Parcel 19: Together with Parcels 20 and 21, this parcel of land is proposed to be removed from the St. Agatha RSA. The current boundary divides 1788 Notre Dame Drive, with a portion being located within the RSA, but the majority located outside. The existing boundary does not follow a logical boundary when it comes to existing use of 1788 Notre Dame Drive. The proposed modification would shift the RSA boundary such that the agricultural portion of 1788 Notre Dame Drive is removed from the RSA leaving the residential component within. This portion of the property is not environmentally constrained. Due to the absence of available municipal water supply and municipal sewage disposal (and the preclusion of the use communal sewage disposal systems in the ROP) the lands do not have potential to support development densities required by provincial growth plans. The volume of land has greater opportunity elsewhere within the Township.

Parcel 20: Together with Parcels 19 and 21, this parcel of land is proposed to be removed from the St. Agatha RSA. The reasoning from removal is the same as that discussed with Parcel 19. This parcel, however reflects the boundary of a wetland and, given its environmental constraint, volume of these lands is not added elsewhere.

Parcel 21: Together with Parcels 19 and 20, this parcel of land is proposed to be removed from the St. Agatha RSA. The reasoning from removal is the same as that discussed with Parcel 19. The volume of land has greater opportunity elsewhere within the Township.

Parcel 22: Together with Parcel 23, this parcel is proposed to be removed from the St. Agatha RSA to follow the property lines of 1675 Erb's Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. Zoned Zone 1 (Agricultural), this portion of the property is not environmentally constrained, but the size of the unconstrained portion of the property could not support development on private services. The volume of land has greater opportunity elsewhere within the Township.

Parcel 23: Together with Parcel 22, this parcel is proposed to be removed from the St. Agatha RSA to follow the property lines of 1675 Erb's Road, to reflect the boundary

contained within the zoning by-law and to remove the existing split designation of the property. The land contained within this parcel is identified as floodplain and as such the volume of these lands is not added elsewhere.

Parcel 24: This parcel is proposed to be removed from the St. Agatha RSA to follow the property lines of 1617 Erb's Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. Zoned Zone 1 (Agricultural), this property is not environmentally constrained, but due to the absence of municipal services and the ROP's preclusion of the use communal sewage disposal systems the lands do not have potential to support development densities required by provincial growth plans. The volume of land has greater opportunity elsewhere within the Township.

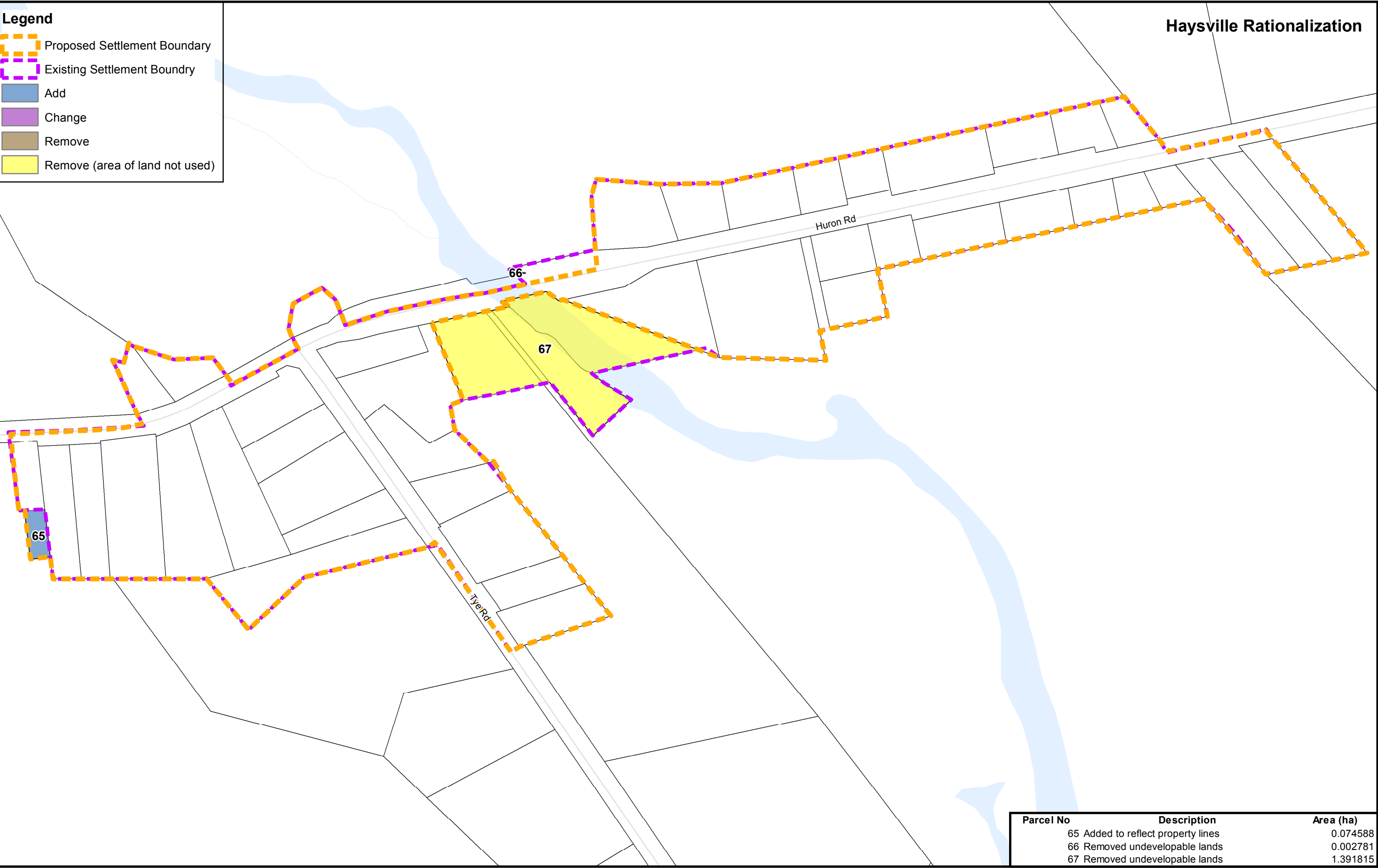
The following table is a summary of the additions and removals of land to and from the Township RSA's. This summary should be read together with TUA and Rationalization summary tables.

Township RSA Rationalization Summary (ha)						
RSA	Remove Res	Remove Non-Res	Add Res	Add Non-Res	Net Res	Net Non-Res
Haysville	0.0	0.0	0.0	0.0	0.0	0.0
Lisbon	-0.1	0.0	0.0	0.0	-0.1	0.0
Luxemburg	0.0	0.0	0.0	0.0	0.0	0.0
Mannheim	-0.1	0.0	0.0	0.0	-0.1	0.0
New Dundee	-16.0	-0.6	0.8	1.2	-15.2	0.6
Petersburg	0.0	0.0	0.5	0.0	0.4	0.0
Philipsburg	-6.5	0.0	0.2	0.0	-6.4	0.0
Shingletown	-1.7	0.0	0.2	0.0	-1.5	0.0
St. Agatha	-7.6	0.0	0.0	0.0	-7.6	0.0
Total	-32.1	-0.6	1.6	1.2	-30.5	0.6

Legend

- Proposed Settlement Boundary
- Existing Settlement Boundry
- Add
- Change
- Remove
- Remove (area of land not used)

Haysville Rationalization

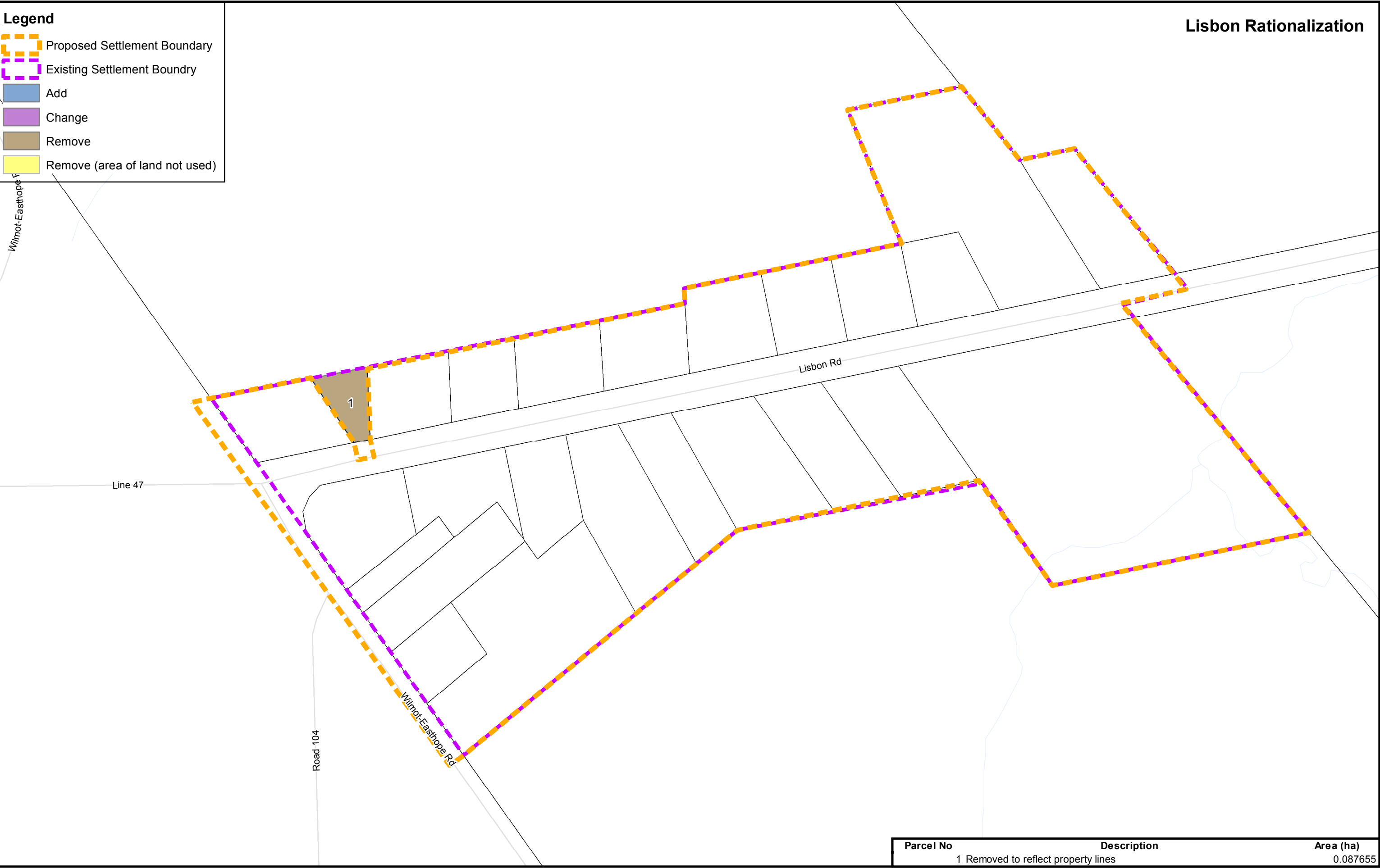


Parcel No	Description	Area (ha)
65	Added to reflect property lines	0.074588
66	Removed undevelopable lands	0.002781
67	Removed undevelopable lands	1.391815

Legend

- Proposed Settlement Boundary
- Existing Settlement Boundry
- Add
- Change
- Remove
- Remove (area of land not used)

Lisbon Rationalization



Parcel No	Description	Area (ha)
1	Removed to reflect property lines	0.087655

Legend

- Proposed Settlement Boundary
- Existing Settlement Boundry
- Add
- Change
- Remove
- Remove (are of land not used)

Luxemburg Rationalization

Christner Rd

Waterloo St

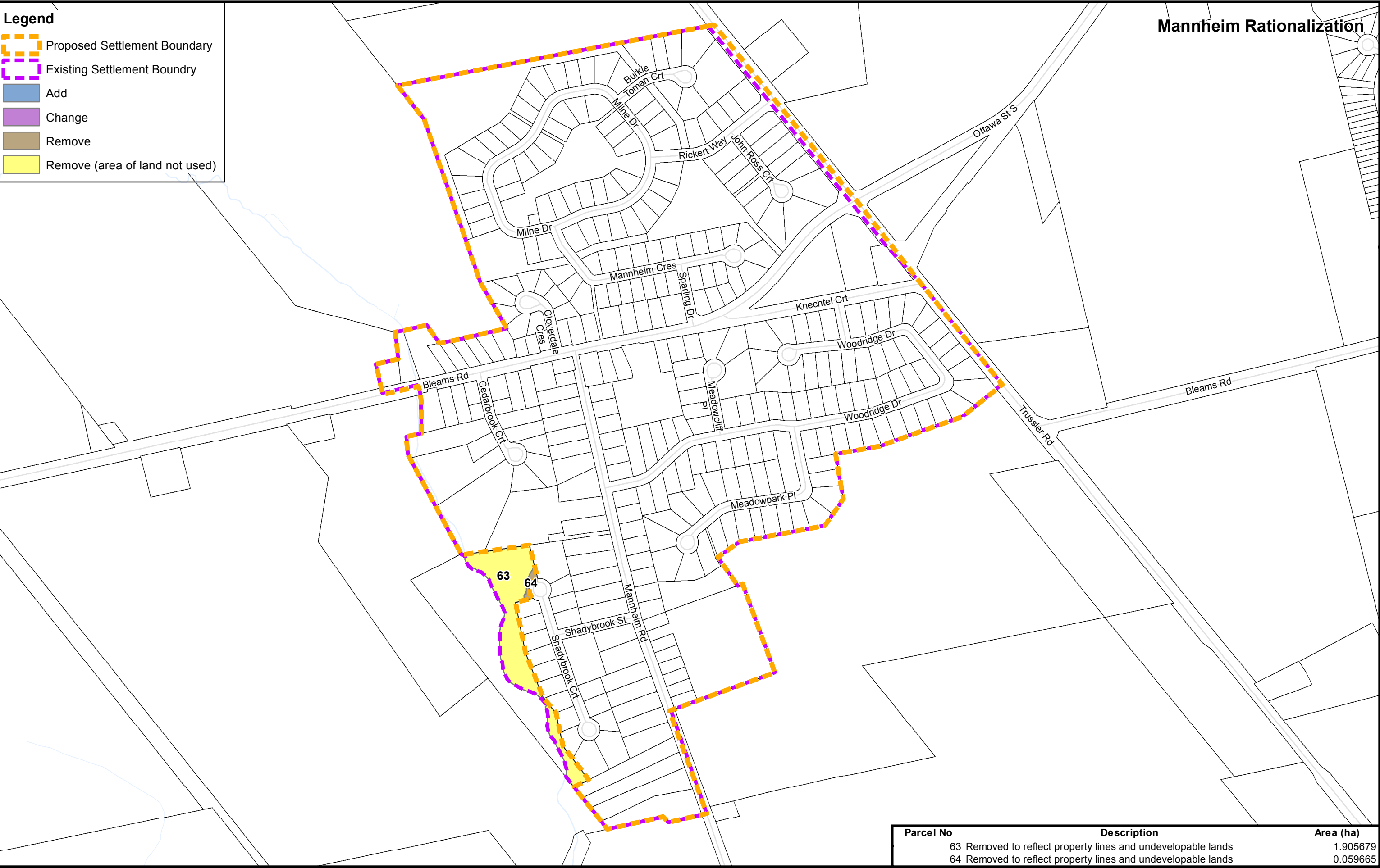
38

Parcel_No	Description	Area (ha)
38	Removed to reflect zoning, property lines, and undevelopable lands	0.184323

Legend

- Proposed Settlement Boundary
- Existing Settlement Boundry
- Add
- Change
- Remove
- Remove (area of land not used)

Mannheim Rationalization

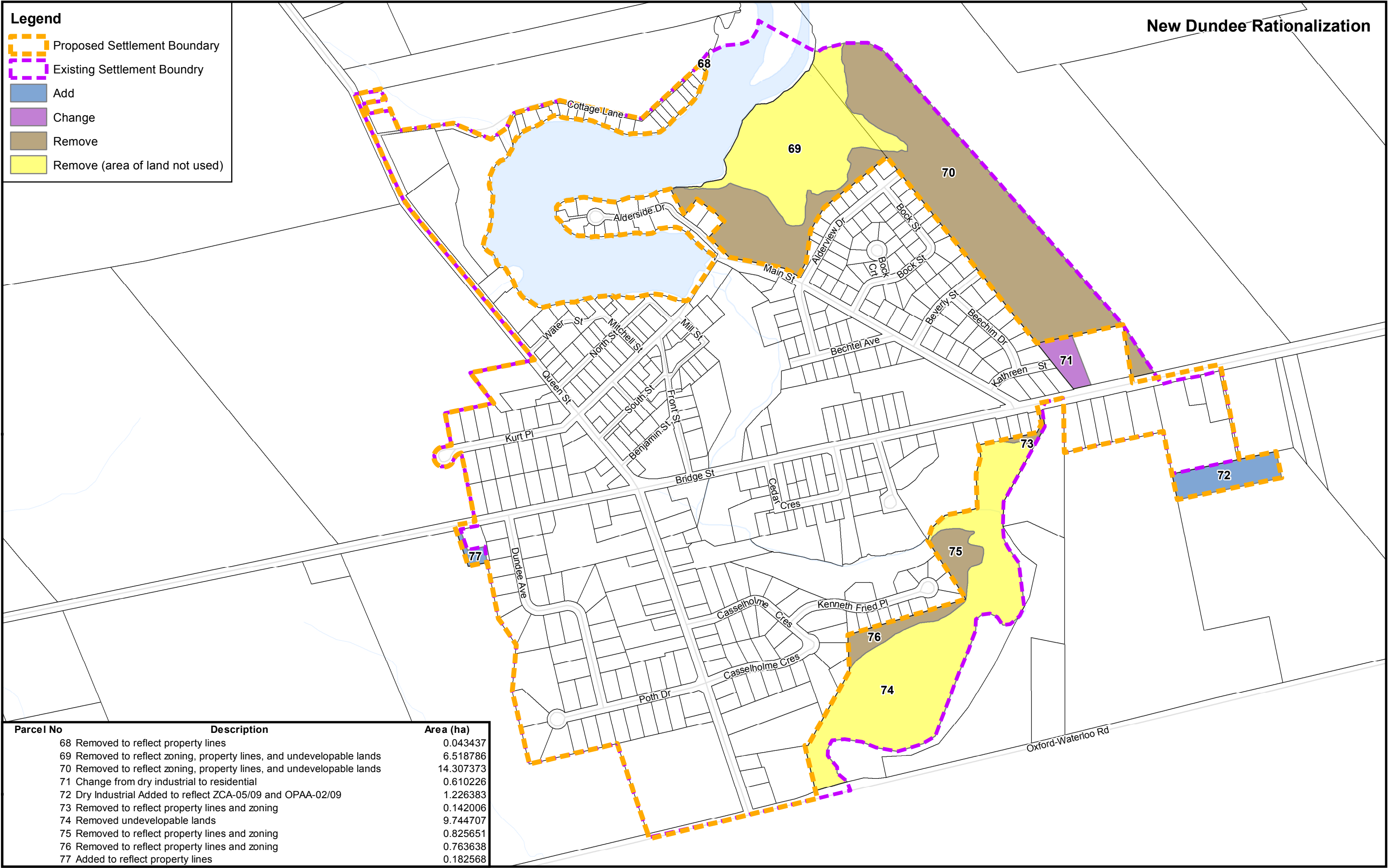


Parcel No	Description	Area (ha)
63	Removed to reflect property lines and undevelopable lands	1.905679
64	Removed to reflect property lines and undevelopable lands	0.059665

Legend

- Proposed Settlement Boundary
- Existing Settlement Boundry
- Add
- Change
- Remove
- Remove (area of land not used)

New Dundee Rationalization

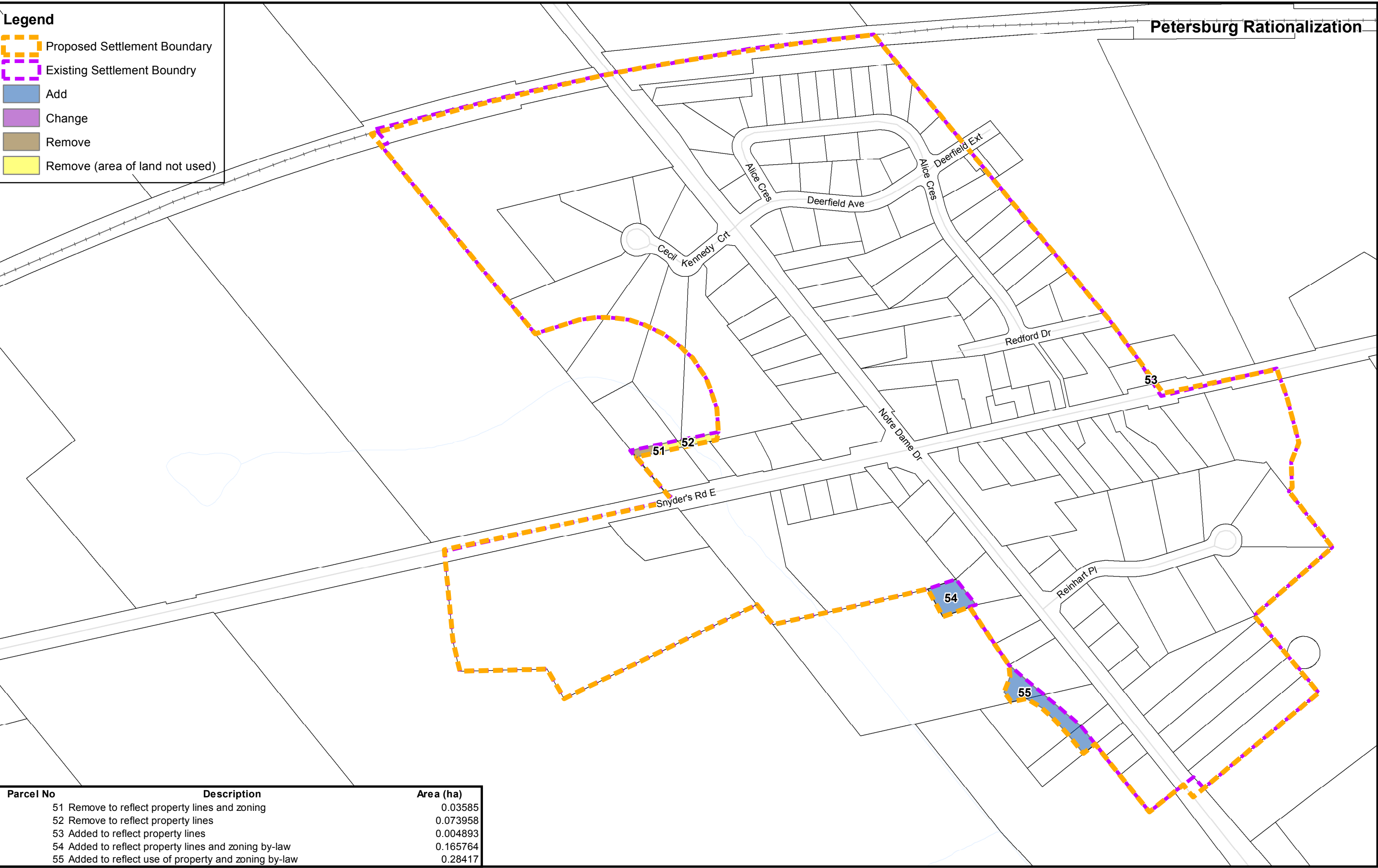


Parcel No	Description	Area (ha)
68	Removed to reflect property lines	0.043437
69	Removed to reflect zoning, property lines, and undevelopable lands	6.518786
70	Removed to reflect zoning, property lines, and undevelopable lands	14.307373
71	Change from dry industrial to residential	0.610226
72	Dry Industrial Added to reflect ZCA-05/09 and OPAA-02/09	1.226383
73	Removed to reflect property lines and zoning	0.142006
74	Removed undevelopable lands	9.744707
75	Removed to reflect property lines and zoning	0.825651
76	Removed to reflect property lines and zoning	0.763638
77	Added to reflect property lines	0.182568

Legend

- Proposed Settlement Boundary
- Existing Settlement Boundry
- Add
- Change
- Remove
- Remove (area of land not used)

Petersburg Rationalization

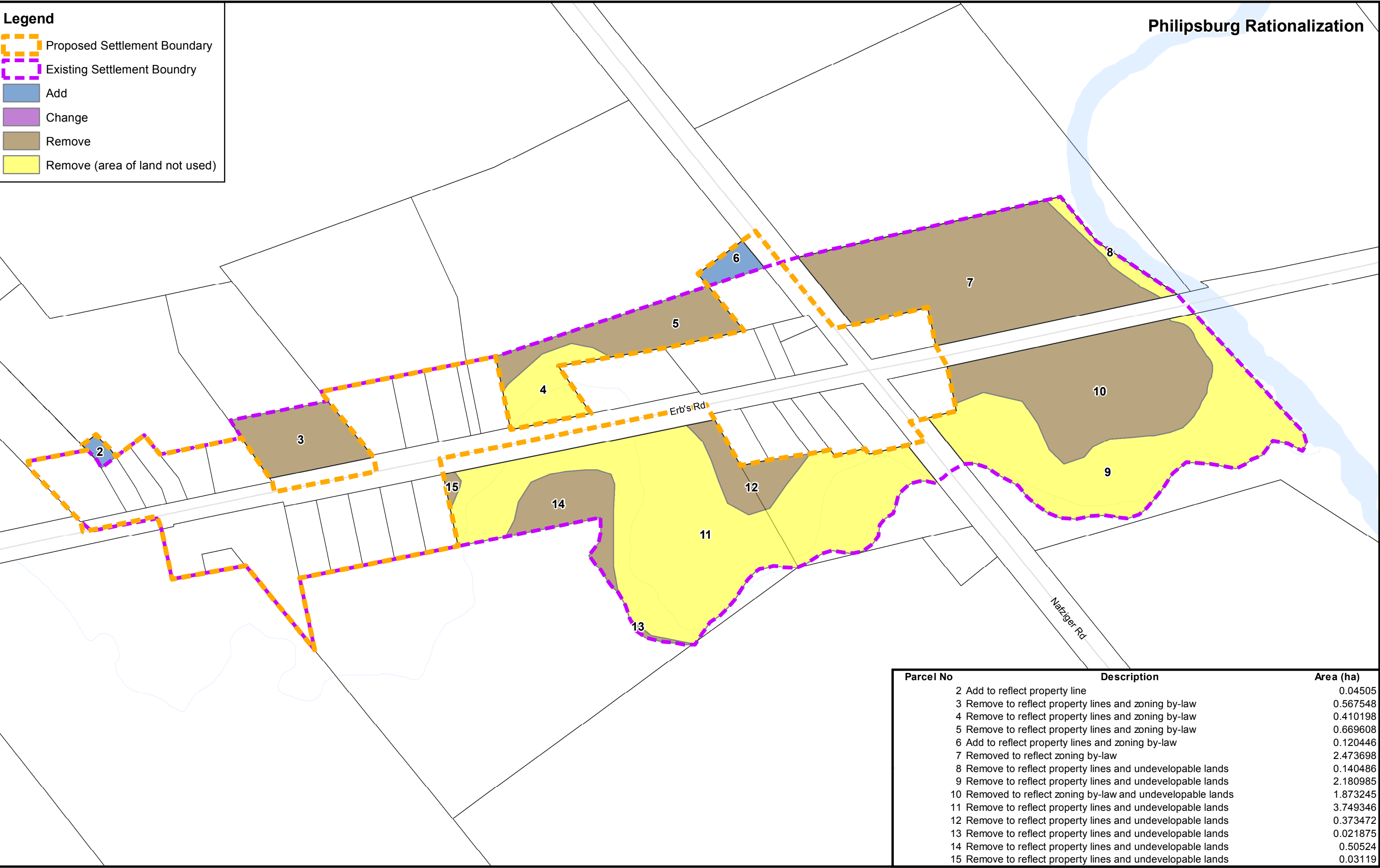


Parcel No	Description	Area (ha)
51	Remove to reflect property lines and zoning	0.03585
52	Remove to reflect property lines	0.073958
53	Added to reflect property lines	0.004893
54	Added to reflect property lines and zoning by-law	0.165764
55	Added to reflect use of property and zoning by-law	0.28417

Legend

- Proposed Settlement Boundary
- Existing Settlement Boundry
- Add
- Change
- Remove
- Remove (area of land not used)

Philipsburg Rationalization





Legend

Proposed Settlement Boundary

Existing Settlement Boundry

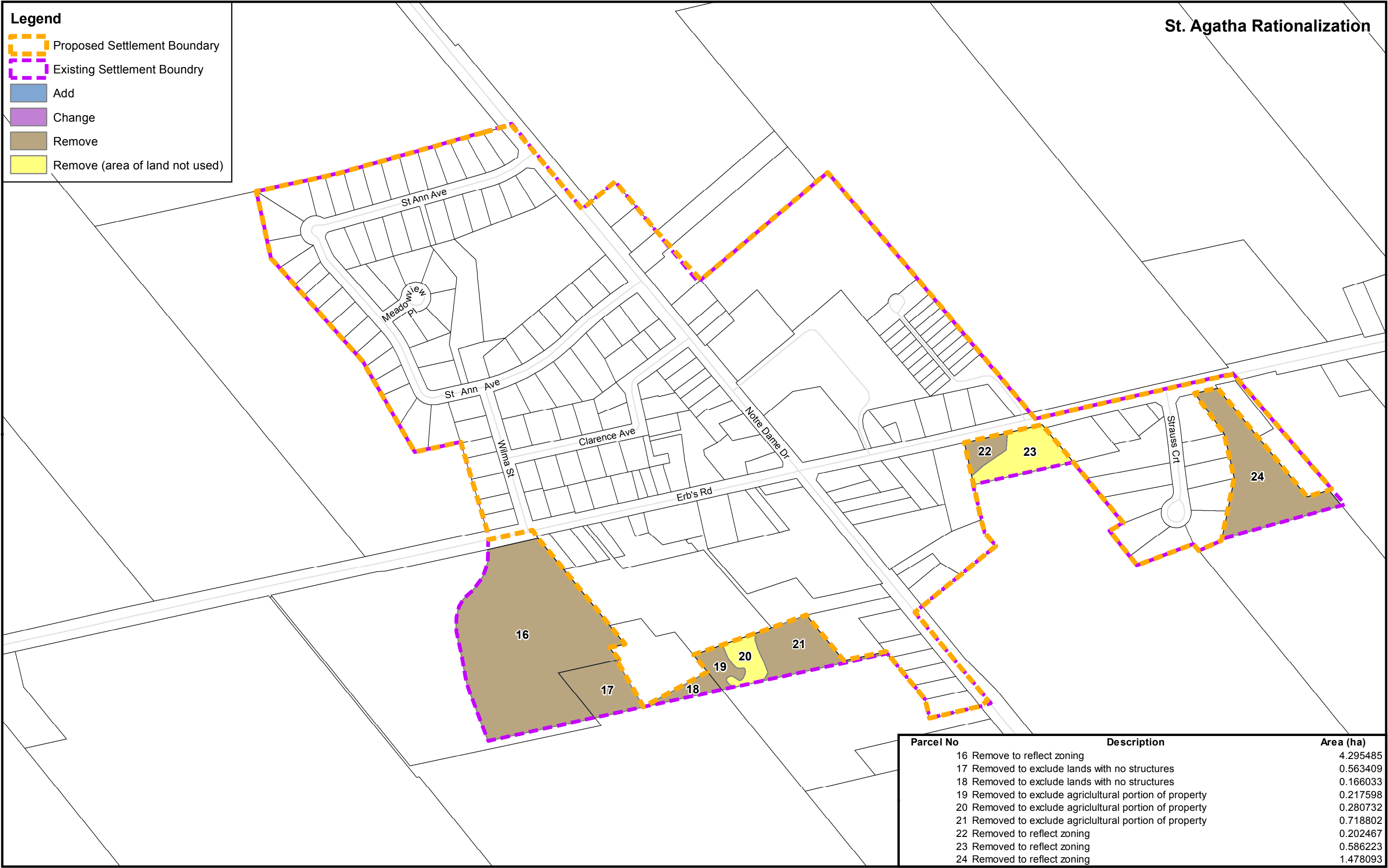
Add

Change

Remove

Remove (area of land not used)

St. Agatha Rationalization



Parcel No	Description	Area (ha)
16	Remove to reflect zoning	4.295485
17	Removed to exclude lands with no structures	0.563409
18	Removed to exclude lands with no structures	0.166033
19	Removed to exclude agricultural portion of property	0.217598
20	Removed to exclude agricultural portion of property	0.280732
21	Removed to exclude agricultural portion of property	0.718802
22	Removed to reflect zoning	0.202467
23	Removed to reflect zoning	0.586223
24	Removed to reflect zoning	1.478093

Township Urban Area Rationalization

The following notes further explain the rational for each of the proposed changes on the Township Urban Area maps.

Baden

Parcel 39: This parcels represents about 24% of the residentially designated lands removed from the RSA's and elsewhere within the TUA's. The west boundary of the parcel is the western property line of 1012 Snyder's Road West along with the MDS 1 setback from the equestrian operation at 1056 Snyder's Road West. The northern boundary is established based on the amount of available land to designate while providing space for roads and infrastructure to connect with Parcel 40.

Parcel 40: This parcel represents about 19% of the residentially designated lands removed from the RSA's and elsewhere within the TUA's. The western boundary is proposed to follow the existing property line. The northern boundary passes slightly within the Grand River Conservation Authority's regulated area and remains just south of an identified wetland. The eastern boundary is the MDS 1 setback from the dairy operation at 65B Brubacher Street.

Parcel 41: This parcel involves three properties that are largely undevelopable due to environmental constraints that are not considered to be provincially significant. Despite their constraints, the lands are presently identified as part of the Designated Greenfield Area (DGA) and therefore form part of the land area used in determining densities of greenfield development. Given the environmental constraints and development impacts from the abutting railway, the DGA designation is more appropriately designated elsewhere.

The eastern half of this parcel forms part of a three way designation change proposed by the Estate of Harold and Enid Schmidt. The residential designation from Parcel 41 is proposed to be shifted to Parcel 42; the existing industrial designation of Parcel 42 is in turn shifted to Parcel 45; the existing agricultural designation from Parcel 45 is then shifted back to Parcel 41.

Parcel 42: This parcel has historically been part of a larger farming operation and has not been used for industrial purposes despite its existing designation. As part of the settlement of the Schmidt Estate and as described with Parcel 41, the designation of these lands is proposed to be shifted to a more logical location while assuming a more appropriate residential designation.

Parcel 43: This parcel represents about 1.5% of the residentially designated lands removed from the RSA's and elsewhere within the TUA's. This area would push the Baden TUA boundary out to fill the area between Parcel 42 and the edge of Township owned future trail lands and in turn providing a logical limit to the TUA boundary. There are no MDS 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).

- Parcel 44:* This parcel is presently designated industrially. The land is entirely floodplain that is not considered to be provincially significant. The area of this DGA is proposed to be shifted where development of employment uses can actually occur.
- Parcel 45:* This parcel represents about 92% of the non-residentially designated lands removed from the RSA's and elsewhere within the TUA's (the other 8% shifted to the New Dundee RSA). The most northerly boundary represents the furthest extent that the line could be shifted based on the amount of available land to designate. The remainder of the north and east boundary of the parcel is approximately the GRCA's buffer from the floodplain. The west boundary is an existing property line along with an existing fence row. A portion of this designation is made up from the three way shift explained with Parcel 41 and 42. There are no MDS 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).
- Parcel 46:* This parcel is part of the DGA, but is located within the floodplain and as such has not been, and is not able to be, developed industrially despite its existing designation. The area of this DGA is proposed to be shifted where development of employment uses can actually occur with the proposed Open Space designation reflecting its lack of development potential.
- Parcel 47:* This parcel, along with Parcels 48-50, represent the removal of WRC lands which are presently identified as DGA. This parcel represents the undeveloped portion of the WRC lands the soccer fields and non-provincially significant wooded areas south of the WRC access road). There are no plans to develop these lands as intended by the DGA designation nor would the restrictions of the Ministry of Transportation support development of these lands. As a result, the volume of land has greater opportunity elsewhere within the Township.
- Parcel 48:* This parcel, along with Parcels 47 and 49-50, represent the removal of WRC lands which are presently identified as DGA. This parcel represents the developed portion of the WRC lands along with the woodlot identified as a provincially constrained environmental area. The volume of these lands is not added elsewhere.
- Parcel 49-50:* This parcel, along with Parcels 47 and 49-50, represent the removal of WRC lands which are presently identified as DGA. This parcel represents the DGA lands between the existing TUA boundary and the limit of the provincially constrained environmental area (woodlot). On their own, these lands have not developable and as a result, the volume of land is proposed to be shifted where it has greater opportunity elsewhere within the Township.

New Hamburg

- Parcel 25-26:* Together with Parcel 27, these residentially designated parcels are proposed to be removed from the New Hamburg TUA to follow the property lines of two larger

properties fronting Christner Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. Zoned Zone 1 (Agricultural), these parcels are not environmentally constrained, but on their own are not developable. The volume of land has greater opportunity elsewhere within the Township at this time.

Parcel 27: Together with Parcels 25 and 26, this residentially designated parcel is proposed to be removed from the New Hamburg TUA to follow the property lines of the rest of the property that fronts Christner Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. This parcel is identified as a provincially constrained environmental area and as such the volume of these lands is not added elsewhere.

Parcel 28: Together with Parcel 29, this residentially designated parcel is proposed to be removed from the New Hamburg TUA to follow the property lines 1122 Waterloo Street, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. Zoned Zone 1 (Agricultural), this parcel is not environmentally constrained, but on its own is not developable. The volume of land has greater opportunity elsewhere within the Township.

Parcel 29: Together with Parcel 28, this residentially designated parcel is proposed to be removed from the New Hamburg TUA to follow the property lines 1122 Waterloo Street, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. This parcel is identified as a provincially constrained environmental area and as such the volume of these lands is not added elsewhere.

Parcel 30: This parcel represents about 45% of the residentially designated lands removed from the RSA's and elsewhere within the TUA's. The north boundary follows the limit of the floodplain in that area. The east boundary follows the existing property line as well as a 300m setback from the Nachurs Alpine operation. There are no MDS 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).

Parcel 31: This parcel presently forms part of the DGA, however it is not actually located within the New Hamburg TUA and is presently designated agriculturally. Together with Parcels 32 and 33, this parcel is proposed to be removed from the DGA to follow the property lines of 3466-3470 Bleams Road. The volume of land has greater opportunity to be developed for residential purposes elsewhere within the Township.

Parcel 32: Together with Parcel 31 and 33, this industrially designated parcel is proposed to be removed from the New Hamburg TUA to follow the property lines 3466-3470 Bleams Road. The volume of land has greater opportunity to be developed for non-residential purposes elsewhere within the Township.

- Parcel 33:* This parcel presently forms part of the DGA, however it is not actually located within the New Hamburg TUA and is presently designated agriculturally. Together with Parcels 31 and 33, this parcel is proposed to be removed from the DGA to follow the property lines of 3466-3470 Bleams Road. The volume of land has greater opportunity to be developed for residential purposes elsewhere within the Township.
- Parcel 34:* This residentially designated parcel is proposed to be removed from the New Hamburg TUA to follow the southerly limit of the Stonecroft Development. The parcel is part of the Township owned block of land in this area and has not potential for development. The volume of land has greater opportunity to be developed for residential purposes elsewhere within the Township.
- Parcel 35:* This parcel of land is presently designated for residential purposes and forms part of the DGA. Due to topography of the lands, servicing of the property is difficult to achieve and is extremely involved given the proximity to other existing unserviced residential properties north and west of the parcel. The property has been designated, in part for residential purposes for more than 30 years and entirely for the last 14 years. The lands have not proceeded to any stage of development and as such it is more logical to shift their designation to an area where development can more readily be achieved. The lands would remain within the CSL allowing that at some point in the future they could be added back into the TUA if development is pursued.
- Parcel 36-37:* These residentially designated parcels are proposed to be removed from the New Hamburg TUA to follow the property lines 2292 Walker Road, to reflect the boundary contained within the zoning by-law and to remove the existing split designation of the property. Due to the absence of municipal sewage disposal and the ROP's preclusion of the use communal sewage disposal systems the lands do not have potential to support development densities required by provincial growth plans. The volume of land has greater opportunity elsewhere within the Township.

The following table is a summary of the additions and removals of land to and from the Township TUA's.

TUA Rationalization Summary (ha)						
TUA	Remove Res	Remove Non-Res	Add Res	Add Non-Res	Net Res	Net Non-Res
Baden	-32.7	-12.2	44.4	13.8	11.7	1.6
New Hamburg	-17.0	-2.2	35.8	0.0	16.6	-2.2
Total	-49.7	-14.4	80.2	13.8	28.3	-0.6

The following table is a summary of the final rationalization numbers for all of the additions and removals from both the Township RSA's and TUA's. As shown, the amount of designated residential and non-residential lands resulting from the rationalization process does not exceed the existing amount of designated land.

Rationalization Summary (ha)						
Settlement Type	Remove Res	Remove Non-Res	Add Res	Add Non-Res	Net Res	Net Non-Res
Rural Settlement Areas	-32.1	-0.6	1.6	1.2	-30.5	0.6
Township Urban Areas	-49.7	-14.4	80.2	13.8	30.5	-0.6
Total	-81.8	-15.0	81.8	15.0	0.0	0.0

Legend

Proposed Settlement Boundary

Existing Settlement Boundry

Add

Change

Remove

Remove (area of land not used)

Baden Rationalization

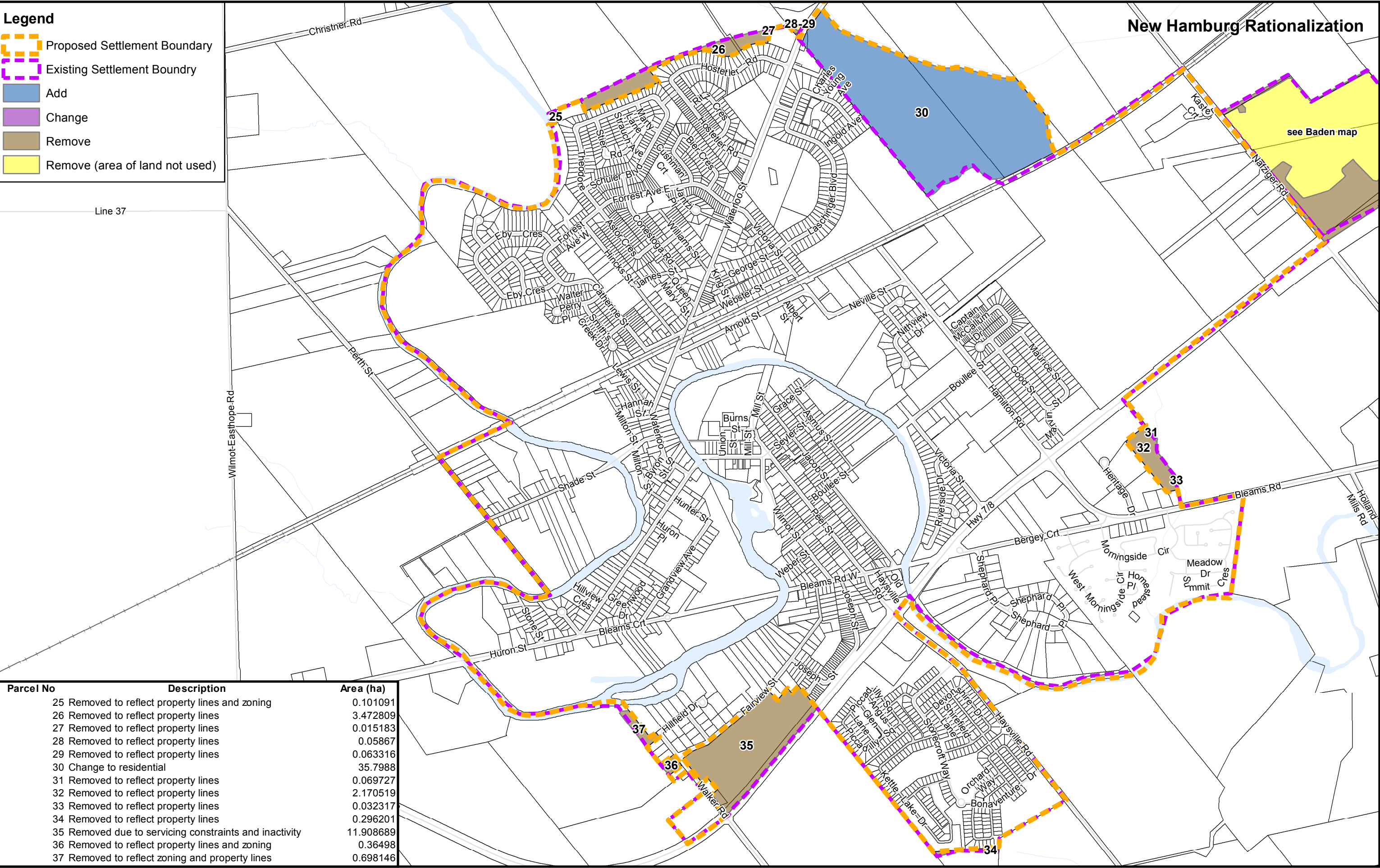
The map displays a residential area with various streets including Snyder's Rd W, Snyder's Rd E, Wagner Ave, Kingston Blvd, Brubacher St, Sandhills Rd, Elizabeth St, Schneller Dr, Stiefelmeyer Cres, Village Green Way, Gingerich Rd, Hwy 7/8, Natziger Rd, and others. Land parcels are numbered 39 through 50. The map uses color-coding to indicate land status: blue for 'Add', purple for 'Change', brown for 'Remove', and yellow for 'Remove (area of land not used)'. Dashed orange lines represent the 'Proposed Settlement Boundary', and dashed purple lines represent the 'Existing Settlement Boundry'. A note in the bottom left corner says 'see New Hamburg map'.

Parcel No	Description	Area (ha)
39	Add to Baden Urban Area (MDS 1 based on existing residential impact)	19.153692
40	Add to Urban Res based on MDS1 and GRCA regulation limit	15.096169
41	Removed from constrained lands and/or to reflect zoning	17.741691
42	Change industrial designation to residential	8.901607
43	Change to Residential	1.251316
44	Remove industrial undevelopable lands	1.114606
45	Change designation to Industrial	13.772805
46	Change industrial designation to open space	2.180479
47	Removed from undeveloped WRC lands	14.302905
48	Removed WRC / Schmidt Woods	26.426013
49	Removed from undeveloped WRC lands	0.157601
50	Removed from undeveloped WRC lands	0.510579

Legend

- Proposed Settlement Boundary
- Existing Settlement Boundry
- Add
- Change
- Remove
- Remove (area of land not used)

New Hamburg Rationalization



Strategic Plan Conformity:

The proposed Official Plan Amendments serve to ensure that all four goals of the Wilmot Township Strategic Plan are met through continued, effective long term planning to 2031 and beyond. Those goals are that we are an engaged community; that we have a prosperous economy; that we protect our natural environment; and, that we enjoy our quality of life.

Financial Considerations:

Expenditures for completion of the Official Plan Update have been anticipated in the Wilmot Capital Budget (RMOW consulting fee) and Operating Budget (advertising, postage, staff time).

Conclusion:

In conclusion, two Official Plan Amendments are proposed to bring the Township Official Plan into full conformity with the Regional Official Plan and Provincial planning policy documents and to implement the Township's vision for the location of short term and long term growth through a rationalization of settlement boundaries and designation of greenfield lands and intensification districts.

Staff recommend that Council give direction to circulate this report and draft amendments to the Region of Waterloo and prescribed public bodies in respect to the revisions that may be required and further direct staff to give notice of a Special Council Meeting, open to the public, to be held to consider the necessary revisions to the Official Plan on August 28, 2017.

Harold O'Krafka, MCIP RPP
Director of Development Services

Andrew Martin, MCIP RPP
Manager of Planning/EDO

Grant Whittington
Reviewed by CAO

REPORT DS 2017-10

APPENDIX A

JUNE 26, 2017



TOWNSHIP OF WILMOT

DRAFT OFFICIAL PLAN AMENDMENT

CONFORMITY EXERCISE

JUNE 2017

This document has been prepared for information purposes to assist the reader in viewing the proposed changes in the context of the current Township Official Plan. Any text shown in **red text** illustrates new policies, wording or corrections of errors or omissions. Any text shown in ~~striethrough~~ illustrates deleted text.

TABLE OF CONTENTS

CHAPTER 1: PLAN FRAMEWORK	6
1.1 INTRODUCTION	6
1.2 PURPOSE	6
1.3 REGIONAL AND PROVINCIAL PLANNING FRAMEWORK	8
1.4 OTHER STATUTORY APPROVALS	9
1.5 GENERAL INTERPRETATION	10
1.6 GOALS	10
1.7 POPULATION AND EMPLOYMENT	13
CHAPTER 2: PLANNED TOWNSHIP STRUCTURE	15
2.1 URBAN AREAS	15
2.2 RURAL SETTLEMENT AREAS	15
2.3 THE COUNTRYSIDE	15
2.4 COUNTRYSIDE LINE	16
2.5 BADEN AND NEW HAMBURG URBAN AREAS	16
2.5.1 <i>General Policies</i>	16
2.5.2 <i>Reurbanization Target</i>	17
2.5.3 <i>Designated Greenfield Areas</i>	18
2.5.4 <i>Urban Area Expansions</i>	19
2.5.5 <i>Urban Core Area/Urban Growth Centre Designations</i>	20
2.5.6 <i>Urban Residential Designation</i>	22
2.5.7 <i>Highway Commercial Designation</i>	22
2.5.8 <i>General Industrial Designation</i>	23
2.5.9 <i>Light Industrial Designation</i>	23
2.5.10 <i>Special Policy Area for the New Hamburg Urban Area (August 16, 1990)</i>	24
2.6 RURAL SETTLEMENT AREAS	26
2.6.1 <i>General Policies</i>	26
2.6.2 <i>Settlement Residential Designation</i>	28
2.6.3 <i>Settlement Core Area Designation</i>	29
2.6.4 SPECIFIC RURAL SETTLEMENT AREA POLICIES	30
2.6.5 <i>Dry Industrial/Commercial Designation</i>	31
2.7 ECONOMIC DEVELOPMENT	32
CHAPTER 3: THE COUNTRYSIDE.....	35
3.1 PURPOSE	35
3.2 PRIME AGRICULTURAL AREA AND RURAL AREAS	37
3.3 FARM PARCEL CREATION/ALTERATION	40
3.4 AGRICULTURE-RELATED USES	41
3.5 ON-FARM DIVERSIFIED USES	42
3.6 FARM-RELATED RESIDENTIAL DEVELOPMENT	43
3.7 NON-FARM-RELATED DEVELOPMENT	45
3.7.2 <i>Recreation and Tourism Designation</i>	45
3.7.3 <i>Rural Institutional Uses</i>	46

3.7.4	<i>Severances for Woodlands/Conservation Lands</i>	47
3.8	THE PROTECTED COUNTRYSIDE	48
CHAPTER 4: HOUSING POLICIES		50
4.1	GENERAL POLICIES	50
4.2	RANGE AND MIX OF HOUSING TYPES	50
4.3	ASSISTED AND SPECIAL NEEDS HOUSING	53
4.4	SENIORS' HOUSING	53
CHAPTER 5: COMMUNITY IMPROVEMENT POLICIES		54
5.1	GENERAL POLICIES	54
CHAPTER 6: GENERAL LAND USE POLICIES		56
6.1	LAND USE COMPATIBILITY	56
6.2	CONTAMINATED SITES	57
6.2.3	<i>Reuse of Brownfield and Greyfield Sites</i>	58
6.3	MINIMUM DISTANCE SEPARATION I AND II	58
6.4	NOISE	58
6.5	PARKING, ACCESS AND LOADING FACILITIES.....	59
6.6	URBAN DESIGN GUIDELINES	59
6.7	TRANSPORTATION PLANNING	59
6.7.1	<i>General Policies</i>	60
6.7.2	<i>Road Hierarchy</i>	60
6.7.3	<i>Township Roads</i>	61
6.7.4	<i>Transportation Impact Studies</i>	62
6.7.5	<i>Road Design and Construction</i>	63
6.7.6	<i>Emergency Access</i>	64
6.7.7	<i>Railways</i>	64
6.7.8	<i>Public Transit</i>	65
6.7.9	<i>Cycling Routes and Pedestrian Paths</i>	65
6.7.10	<i>Truck Routes</i>	66
6.7.11	<i>Scenic Roads</i>	67
6.8	INFRASTRUCTURE AND SERVICING PLANNING	67
6.8.1	<i>Wastewater Servicing</i>	67
6.8.2	<i>Water Supply</i>	69
6.8.3	<i>Waste Management</i>	70
6.9	STORMWATER MANAGEMENT	71
6.10	MAJOR UTILITY CORRIDORS OR RIGHTS-OF-WAY	71
6.11	OPEN SPACE, MAJOR RECREATION, AND RECREATION AND TOURISM FACILITIES.....	72
6.11.1	<i>General Policies</i>	72
6.11.2	<i>Parkland and Open Space Acquisition</i>	74
6.12	FIRE PREVENTION AND SUPPRESSION SERVICES	76
6.13	ACCESSIBILITY STANDARDS.....	76
6.14	ENERGY SUPPLY	76
CHAPTER 7: MINERAL AGGREGATE RESOURCE AREA		76

7.1	PURPOSE	77
7.1.2	<i>Existing Mineral Aggregate Operation</i>	80
7.2	NEW MINERAL AGGREGATE APPLICATIONS.....	82
7.3	WAYSIDE PITS AND QUARRIES, PORTABLE ASPHALT AND CONCRETE PLANTS	88
7.4	EXTRACTION BELOW THE WATER TABLE	89
7.5	REHABILITATION OF AGGREGATE OPERATIONS.....	90
7.6	CONSERVATION OF MINERAL AGGREGATE RESOURCES.....	91
CHAPTER 8: ENVIRONMENTAL MANAGEMENT POLICIES.....		92
8.1	THE GREENLANDS NETWORK.....	99
8.1.1	<i>General Policies</i>	99
8.1.2	<i>Landscape Level Systems</i>	100
8.1.3	<i>Core Environmental Features</i>	102
8.1.4	<i>Fish Habitat</i>	104
8.1.5	<i>Supporting Environmental Features</i>	104
8.1.6	<i>Environmental Linkages</i>	107
8.2	ENVIRONMENTALLY CONSTRAINED LANDS	111
8.3	WATERSHED PLANNING	113
8.3.1	<i>General policies</i>	114
8.3.2	<i>Watershed Studies</i>	116
8.4	<i>Environmental Impact Statement</i>	116
8.4.1	<i>General Policies</i>	116
8.4.2	<i>Environmental Impact Statements for Supporting Environmental Features</i>	119
8.4.3	<i>Environmental Impact Statements for Fish Habitat</i>	119
8.5	ENVIRONMENTAL STEWARDSHIP	119
8.5.1	<i>Biodiversity</i>	119
8.5.2	<i>Managing Woodland Resources</i>	120
8.5.3	<i>Land Stewardship</i>	120
8.6	SOURCE WATER PROTECTION	121
8.6.1	<i>Source Water Protection Areas</i>	121
CHAPTER 9: CULTURAL HERITAGE RESOURCE MANAGEMENT		123
9.1	GENERAL POLICIES	123
9.2	HERITAGE REGISTRY	124
9.3	DESIGNATION OF HERITAGE PROPERTIES	125
9.4	CULTURAL HERITAGE LANDSCAPES.....	126
9.5	CULTURAL HERITAGE IMPACT ASSESSMENTS	126
9.6	ARCHAEOLOGICAL RESOURCES.....	128
9.7	CEMETERIES AND BURIAL PLACES	129
CHAPTER 10: IMPLEMENTATION AND INTERPRETATION.....		130
10.1	LOCAL/REGIONAL JURISDICTION	130
10.2	INTERPRETATION	130
10.3	AMENDMENTS TO THIS PLAN	132
10.4	ZONING BY-LAW	133
10.5	MONITORING AND REVIEW	133

10.6	FINANCIAL MANAGEMENT	134
10.7	PUBLIC PARTICIPATION.....	135
10.8	IMPLEMENTATION GUIDELINES.....	135
10.9	DEVELOPMENT APPLICATION REVIEW	136
10.10	SITE PLAN CONTROL.....	138
10.11	HOLDING PROVISIONS	139
10.12	PROPERTY STANDARDS BY-LAW	141
10.13	CONDITIONAL ZONING	142
10.14	INTERIM CONTROL BY-LAW	142
10.15	BONUSING	142
10.16	ENACTMENT OF MISCELLANEOUS BY-LAWS.....	143
10.17	CONSTRUCTION OF PUBLIC WORKS.....	143
10.18	USES PERMITTED IN ALL DESIGNATIONS	143
10.19	LAND USES PROHIBITED IN ALL DESIGNATIONS.....	144
10.20	EXISTING USES	145
10.21	TEMPORARY USES.....	146
10.21	SPECIAL POLICY AREAS.....	146
TABLE 1: TOWNSHIP POPULATION AND HOUSEHOLD FORECAST		12
SCHEDULE 'A': ADDITIONAL INFORMATION		147
SCHEDULE 'B': DESIGNATED ROAD ALLOWANCES.....		149
GLOSSARY OF DEFINITIONS.....		156
MAPS		
MAP 1	Context Map	
MAP 2.1	Planned Township Structure	
MAP 2.2	Designated Greenfield Areas	
MAP 3	Environmental Constraint Areas	
MAP 4.1	Baden Urban Area	
MAP 4.2	New Hamburg Urban Area	
MAP 5.1	Foxboro Green Settlement Area	
MAP 5.2	Haysville Settlement Area	
MAP 5.3	Lisbon Settlement Area	
MAP 5.4	Luxemburg Settlement Area	
MAP 5.5	Mannheim Settlement Area	
MAP 5.6	New Dundee Settlement Area	
MAP 5.7	Petersburg Settlement Area	
MAP 5.8	Philipsburg Settlement Area	
MAP 5.9	Shingletown Settlement Area	
MAP 5.10	St. Agatha Settlement Area	
MAP 5.11	Sunfish Lake Settlement Area	
MAP 5.12	Wilmot Centre Settlement Area	
MAP 6.1	Transportation	
MAP 6.2	Cycling Routes	

MAP 7	The Greenlands Network
MAP 8	Source Water Protection Areas
MAP 9	Mineral Aggregate Resource Areas
MAP 10	The Countryside

CHAPTER 1: PLAN FRAMEWORK

1.1 INTRODUCTION

~~The Township of Wilmot is located in south-western Ontario and is one of seven lower tier municipalities which comprise the Regional Municipality of Waterloo. While rural in character, the Township's 26,590 hectares also embraces two larger urban environments and a number of smaller settlement areas.~~

~~The Township contains an abundance of significant natural areas including the Nith River, numerous, Regionally designated Environmentally Sensitive Policy Areas and Locally Significant Natural Areas. In addition, the Township contains a variety of natural resources, including prime agricultural lands and aggregate resources.~~

The Township of Wilmot is one of seven Area Municipalities that comprise the Regional Municipality of Waterloo as shown on Map 1. While predominantly rural in character, the township's 26,590 hectares also embrace a variety of urban communities, including the Baden and New Hamburg Urban Areas and twelve Rural Settlement Areas located throughout the surrounding Countryside.

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The township also contains an abundance of *environmental features* that form part of a broader Greenlands Network described in the Regional Official Plan. The Greenlands Network, which consists of *woodlands*, *wetlands*, the Nith River and several other natural areas, provides a range of habitats while supporting the environmental health of the township.

In addition, the township also includes a diverse range of natural resources, including productive farm lands, rich groundwater resources and significant *mineral aggregate resources* that support agriculture, tourism, recreation and aggregate extraction uses. These valuable renewable and non-renewable resources are essential for the long-term economic prosperity and quality of life of the township.

1.2 PURPOSE

~~This document comprises the Official Plan for the Township of Wilmot. This Official Plan replaces the Official Plan of the Wilmot Planning Area, adopted by Township Council November 24, 1980 and approved by Regional Council on March 11, 1981. All of the approved Official Plan amendments are incorporated into this Official Plan. The text and Schedules constitute the Official Plan.~~

Housekeeping

This document consisting of text and maps constitutes the Official Plan for the Township of Wilmot.

The Official Plan outlines Council's long-term policy direction to guide future development within the Township. This Plan has been prepared and enacted in accordance with the provisions set forth in the Planning Act.

The Plan establishes the direction for development initiated by both the public and private sectors. The land use strategies and policies of this Plan are the tools that allow the Township to manage change towards a desired future. To be effective, it is incumbent on Township Council to ensure that development proceeds in accordance with the objectives of this Plan. It is intended that this Plan will ensure that adequate public services are available for the health, safety and convenience of the residents of the Township and will encourage the development of a desirable community. ~~which is efficient and economical for all Wilmot residents.~~

Planning Act
Reforms

Planning a community is an ongoing process. Objectives and policies must be subject to periodic review to make the Plan an effective and meaningful instrument. Consistent with the requirements of the Planning Act, Council shall, ~~not less than once every five years, convene a public meeting to determine the need to revise this Official Plan.~~ **review and revise this Official Plan as required under the Planning Act to ensure it conforms with the Regional Official Plan and any Provincial Plans, and that it is consistent with the Provincial Policy Statement.**

Although the policies adopted are to guide changes in the physical structure of the Township, such changes should be in harmony with social needs, economic needs, municipal financial capabilities, environmental considerations and the management of natural resources. The Official Plan, therefore, contains much more than a set of land use controls.

The main purposes of the Plan are to:

- i) provide a formal statement of the Township's intentions relating to growth management until the year ~~2016~~ **2031** and beyond;
- ~~ii) establish a policy framework for maintaining and enhancing the long term physical, agricultural, environmental, social, economic, natural and heritage resources while promoting the sustainable growth of the Township;~~
- ii) establish a policy framework for maintaining and enhancing the township's valuable agricultural, environmental, natural and *cultural heritage resources* while promoting the development of a *liveable and sustainable community with a strong economy*;**
- iii) provide a legal framework to guide public and private decisions relating to the development and the provision of ~~infrastructure and community services~~ **roads, watermains, sewers, community infrastructure and other services** within the Township; ~~and,~~
- iv) reflect local initiatives and circumstances unique to Wilmot Township as a whole and of specific areas within the Township in particular;
- v) provide a policy framework for establishing zoning by-laws to set Township**

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regulations and standards; and

- vi) build on and implement the policies of the Regional Municipality of Waterloo and the Province of Ontario, including the Regional Official Plan, the Growth Plan for the Greater Golden Horseshoe, and the Provincial Policy Statement.

1.3 — ~~RELATIONSHIP BETWEEN WILMOT OFFICIAL PLAN AND REGIONAL OFFICIAL POLICIES PLAN~~

1.3 REGIONAL AND PROVINCIAL PLANNING FRAMEWORK

~~The Township of Wilmot is a municipality within the Regional Municipality of Waterloo as created by The Regional Municipality of Waterloo Act 1972.~~

~~On December 19, 1995 the Minister of Municipal Affairs and Housing granted approval to the Regional Official Policies Plan for the Regional Municipality of Waterloo. The Regional Official Policies Plan forms the framework within which the Township of Wilmot Official Plan was prepared. The Township's Plan must conform to the Regional Official Policies Plan; however, the policies in it can be more restrictive.~~

~~The Official Plan of the Township of Wilmot was prepared pursuant to the provisions of the Planning Act and the Regional Official Policies Plan.~~

Land use planning in the township is guided and implemented through a hierarchy of Regional, provincial and Township planning documents. Collectively, these documents provide a framework for comprehensive, long-term planning that supports the creation of *sustainable* communities with a high quality of life. The general purpose of each of the documents and how they influence planning in the township are described below:

1. **The Regional Official Plan** – this document is the Official Plan for the Regional Municipality of Waterloo. It was adopted by Regional Council on June 16, 2009 and subsequently approved, with modifications, by the Ontario Municipal Board on June 18, 2015. The Regional Official Plan establishes the overall policy framework for planning within the region and therefore plays a significant role in shaping the township. It allocates future population and employment growth to the township, determines the *reurbanization* target and the density targets for the Designated Greenfield Areas set out in this Plan, and plays a critical role in coordinating infrastructure investments and other matters while allowing for effective local decision-making. The Regional Official Plan also ensures that provincial interests in planning matters, as expressed in the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe, are appropriately addressed. Interpretation of the policies in the Regional Official Plan is the responsibility of Regional Council.
2. **Growth Plan for the Greater Golden Horseshoe (Growth Plan)** – this Provincial Plan was prepared and approved under the Places to Grow Act, 2005 and took effect on June 16, 2006. The Growth Plan was established to better manage growth in the Greater Golden Horseshoe to the year 2031. It applies to all of the municipalities within the

Housekeeping

Greater Golden Horseshoe including the Township of Wilmot. The Growth Plan is intended to guide decisions on a wide range of matters, such as transportation, infrastructure planning, land use planning, urban form, housing, natural heritage and resource protection, in the interest of better managing growth while promoting economic prosperity. Any planning decision of Township Council must conform to the Growth Plan as implemented through the Regional Official Plan.

3. **Provincial Policy Statement** – this document was issued under Section 3 of the Planning Act and came into effect April 30, 2014. It provides overall policy direction on matters of provincial interest related to land use planning and development in Ontario. In particular, it contains a set of policies that support appropriate development while protecting natural resources, public health and safety, and the quality of the natural environment. The policies of the Provincial Policy Statement are to be read in conjunction with the Growth Plan. Under the Planning Act, any planning decision of Township Council must be consistent with the Provincial Policy Statement.
4. **Township of Wilmot Official Plan** - this Plan functions as a link between the policies of the Regional Official Plan, the Growth Plan, the Provincial Policy Statement and the municipal objectives of the Township. This Plan provides policies to guide both development and infrastructure investment within the Township. In accordance with Section 27 of the Planning Act, this Plan must conform with the Regional Official Plan, however, the policies in this Plan may be more restrictive on the same subject, but may not be more permissive than the policy direction established by the Regional Official Plan. Interpretation of the policies in this Plan is the responsibility of Township Council.
5. **Township Zoning By-laws** – Township zoning by-laws are adopted in accordance with Section 34 of the Planning Act. These by-laws are used to implement the policies of this Plan and provide standards for individual developments within the broader planning context. Under the Planning Act, any zoning by-laws adopted by Township Council must conform to the policies of this Plan.

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1.4

OTHER STATUTORY APPROVALS

In situations where statutory approvals may be required under provincial legislation other than the Planning Act (e.g., Ontario Water Resources Act, Environmental Protection Act, Conservation Authorities Act, etc.), consultations directly with the responsible Ministry to determine any necessary requirements and/or conditions are encouraged. Compliance with such conditions, however, does not mean acceptance or approval of a land use issue governed by this Official Plan. All applicable policies and/or tests of this Plan must be met.

The Planning Act further provides that where an Official Plan is in effect, no public work shall be undertaken and no by-law passed for any purpose unless it is in conformity with the Official Plan.

The Township will, wherever feasible, fulfill the requirements of the Environmental

Assessment Act and other associated Planning Act processes concurrent with the processing of development applications *development applications* to avoid delays in development approvals.

1.5

GENERAL INTERPRETATION

The following section is intended to assist the reader in the general interpretation of this Plan. Chapter 10 sets out the detailed provisions on how the policies of this Plan are to be interpreted and implemented.

This Plan, including the introductory text, goals, policies, definitions and schedules, is intended to be read in its entirety, and all relevant policies are to be applied to each situation. Where the terms “Township” or “Region” are capitalized, they refer to the Corporations of the Township of Wilmot or the Regional Municipality of Waterloo respectively. Where the terms “township” or “region” are used in lowercase letters, they refer to the geographic area comprising the Township of Wilmot or the Regional Municipality of Waterloo respectively.

Policies in this Plan that use the word “will” or “shall” express a mandatory course of action. Where the words “encourage” or “may” are used, it indicates that the Township requires consideration be given to the policy, but not necessarily compliance in all instances. Such policies are intended to provide direction and support for achieving the overall goals of this Plan. Italicized terms in this Plan are defined in the Glossary. Defined terms are intended to capture both the singular and plural of forms of these terms. For undefined terms, the normal meaning of the word applies

1.5

1.6

GOALS

The Official Plan for the Township of Wilmot is a statement of planning policies intended to guide future physical, social and economic development within the Township. The goals of the Plan are described below.

I. Agriculture

To preserve and protect a vital rural/agricultural area in the Township of Wilmot not only for the production of food and other products, but also as an important component of the Township's economic base, a source of employment and as a basis for the Township's rural community.

II. Settlements

To provide for a variety of communities which satisfy people's settlement needs consistent with sound planning practice and provide for a range of housing types which are accessible, affordable, and appropriate to the needs of the residents while minimizing the costs of providing the requisite services.

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To foster the development of compact, vibrant and *complete communities* that provide for a range of accessible and *affordable* housing appropriate to the needs of residents while minimizing the costs of providing the requisite services.

III. Environment

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To ~~enhance, protect and where feasible, rehabilitate~~ *maintain, enhance or wherever feasible restore* the quality of the environment and the long-term health of the ecosystems represented in the Township while providing for the changing needs of the population. All other goals should attempt to satisfy the requirements of the environmental goal so as to improve the quality of life for residents.

IV. Transportation

To promote the continued development and coordination of an integrated transportation network that is safe, efficient, environmentally sensitive, and which balances the needs of cyclists, *pedestrians*, motor vehicles and rail users.

V. Services

To provide and maintain a high level of municipal services for the various areas of the Township in accordance with economic, social, and environmental considerations.

VI. Natural Resources

To recognize and optimize the use of the Township's natural resources through management based on sound economic, social and environmental guidelines.

~~VII. Heritage Resources~~

~~To encourage the recognition of buildings, structures and cultural landscapes having historical and architectural significance and to perpetuate their value and benefit to the community.~~

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VII. Cultural Heritage Resources

To protect, *conserve* or wherever feasible, rehabilitate and/or reuse the *cultural heritage resources* of the township.

VIII. Community Improvement

To promote the coordinated implementation of community improvement by way of the maintenance, rehabilitation, and redevelopment of the physical environment in a coordinated and fiscally prudent manner.

IX. Economic Development & Financial Stability

To promote the development of the Township's economic potential by ensuring the continued expansion of economic opportunities and diversification of the economic base, in accordance with the policies of this Plan.

X. Commercial and Industrial Employment Activities

To provide for a broad range of commercial and industrial employment activities and services to meet the diverse needs of the township's residents, businesses and institutions, as well as those from the surrounding areas, and to generate employment opportunities within a strong commercial structure focused on the ~~Core Areas~~ Township's Urban Growth Centre and other appropriately located major commercial and industrial areas.

XI. Parkland, Open Space & Recreation

To provide for recreation needs by maximizing recreation opportunities on existing and future open space areas and recreational facilities, while planning and implementing for an integrated parkland and trail system to meet the present and future need of the Township's residents.

XII. ~~Fringe~~ Countryside Areas

~~To maintain distinct boundaries between urban and rural areas of the Township and neighbouring municipalities.~~

To maintain distinct boundaries between the Township's urban areas and the surrounding Countryside as well as neighbouring municipalities.

XIII. Housing

To provide for an appropriate range and mix of housing types, including *affordable housing*, to meet the diverse needs of existing and future residents.

XIV. Accessibility for Persons with Disabilities

To improve accessibility for persons with disabilities by identifying, preventing and removing land use barriers which restrict their full participation in society.

XV. Energy Conservation

To promote land use and development patterns that support energy conservation and efficiency, improved air quality, and climate change mitigation and adaptation.

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Conformity

New PPS
Consistency

1.6 POPULATION

1.7 POPULATION AND EMPLOYMENT

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The Township population and household employment forecasts contained in Table 1 of this Plan are taken from Regional forecasts contained in the Regional Official Policies Plan. These population and household employment forecasts will be used in all planning, *infrastructure and community infrastructure*, and other studies undertaken by or for the Township. Longer term forecasts may be used if based on the Regional population and household employment Forecast.

Table 1: Township Population and Household Forecast

	2001	2016
Population Forecast	15,710	22,300
Household Forecast	5,470	8,000

Table 1: Population and Employment Forecast

	2006	2031
Population	17,700	28,500
Employment	6,730	10,000

Notes

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1. Population figures in this table show “census-based population plus 4% under coverage.” As such, it does not include university and college students who temporarily reside in the township (either in student residences or other accommodation) to study at post-secondary institutions.
2. All population and employment in this table represent mid-year figures.
3. The above figures are intended to be forecasts. The amount or timing of development of lands within the Baden and New Hamburg Township Urban Areas is not to be restricted on the basis that the forecasts in Table 1 could be exceeded. This statement is not intended to restrict or otherwise prevent the Township from implementing staging/phasing policies for purposes unrelated to the forecasts in Table 1, consistent with the policies of this Plan.

1.7 Residential Growth Strategy

1.7.1 In conjunction with the approval of this Plan, and any future reviews of the policies and

mapping of this Plan in accordance with the provisions of Policies 10.3.4 and 10.3.5 of this Plan, Township Council will adopt by resolution, a Residential Growth Strategy which will be used in determining the need for expansion of Rural Settlement Areas.

1.7.2 The purpose of the Residential Growth Strategy is to:

- a) update the inventory of existing vacant residential land in the Township based on current planning commitments;
- b) project future land requirements to accommodate projected household growth in the Township; and
- c) determine if the designation of additional lands is justified based on this inventory.

1.8 Employment Land Strategy

The Employment Land Strategy is intended to guide the designation of additional lands to meet projected commercial and industrial growth within the Township.

1.8.1 In conjunction with the approval of this Plan, and any future reviews of the policies and mapping in accordance with the provisions of Policies 10.3.4 and 10.3.5, Township Council will adopt, by resolution, an Employment Land Strategy which will be used in determining the need for expansion of commercial and industrial areas.

1.8.2 The Township will maintain an employment land inventory including available lot sizes and, from time to time, update this inventory taking into consideration new development, expansions and intensification of existing properties.

1.8.3 Notwithstanding Policy 1.8.1, where the review of the employment land inventory completed in accordance with Policy 1.8.2 demonstrates that additional lands are required to meet the short and medium term industrial and commercial growth projections, Township Council may revise the Employment Land Strategy to provide for the designation of additional lands to meet these needs subject to the policies in this Plan.

CHAPTER 2: URBAN AND RURAL SETTLEMENT AREA POLICIES

CHAPTER 2: PLANNED TOWNSHIP STRUCTURE

The Township has two distinct types of settlement areas. These include the Baden and New Hamburg Urban Areas and the Rural Settlement Areas. This section establishes the general land uses that will be permitted within each of these areas. Policies relating to Open Space Uses and Major Recreation Uses are contained in Chapter 6 and Environmental Constraints associated with these settlement areas is contained in Chapter 8.

This Plan supports the development of a Planned Township Structure consisting of three distinct areas as designated on Map 2.1. These areas include: 1) Urban Areas; 2) Rural Settlement Areas; and 3) the Countryside. The following section outlines the general land uses that will be permitted within each of these areas.

To guide the direction of future growth within the township, this Plan also delineates a Countryside Line around the Baden and New Hamburg Urban Areas as shown on Maps 2.1 and 10. The Countryside Line is intended to serve as a long-term boundary between the existing Baden and New Hamburg Urban Areas and the Countryside.

2.1 URBAN AREAS

2.1.1 The Baden and New Hamburg Urban Areas are designated on Maps 2.1, 2.2, 4.1 and 4.2 of this Plan. This urban designation, which corresponds with the “Township Urban Areas” designation in the Regional Official Plan, will be planned to accommodate a broad range and mix of land uses and serve as the primary focus for population and employment growth in the Township to the year 2031. Future development within these urban areas will occur within the Designated Greenfield Area and in the *built-up area* through *reurbanization*. Specific policies relating to the Baden and New Hamburg Urban Areas are outlined in Section 2.5.

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2.2 RURAL SETTLEMENT AREAS

2.2.1 Rural Settlement Areas are designated on Maps 2.1 and 5.1 to 5.12 inclusive of this Plan. This urban designation identifies the township’s smaller settlement areas that generally comprise a limited mix of land uses serving primarily the local community. These rural communities are intended to provide opportunities for living and working in the Countryside, and also play a key role in the economic health of the township. Most of the township’s Rural Settlement Areas have historically been developed on private wells and individual wastewater services and will therefore experience limited growth and change in the future. Specific policies for the Rural Settlement Areas are set out in Section 2.6.

2.3 THE COUNTRYSIDE

2.3.1 The Countryside is designated on Maps 2.1 and 10 and includes all of the rural and agricultural lands located outside of the Baden and New Hamburg Urban Areas, Rural

Settlement Areas, and the Recreation and Tourism designation. This area also includes a broad band of *environmental features* and productive agricultural lands designated as the Protected Countryside. The Protected Countryside designation is intended to permanently protect these valuable areas from future urban development. Specific policies for the Countryside and the Protected Countryside designations are outlined in Chapter 3.

2.4 COUNTRYSIDE LINE

2.4.1 The Countryside Line is designated on Maps 2.1 and 10 of this Plan. The Countryside Line represents the long-term boundary between the existing Baden and New Hamburg Urban Areas and the Countryside. Under the Regional Official Plan, where the Countryside Line coincides with the Protected Countryside designation as shown on Maps 2.1 and 10, the Countryside Line will be considered a permanent boundary.

~~2.1~~

2.5 BADEN AND NEW HAMBURG URBAN AREAS

2.5.1 General Policies

~~2.1.1~~ 2.5.1.1 The Baden and New Hamburg Urban Areas will be the primary focus of future residential, ~~industrial~~ **employment** and commercial growth within the Township.

~~2.1.2~~ The Baden and New Hamburg Urban Areas will primarily include residential, commercial, ~~industrial~~, institutional, recreational and open space land uses.

2.5.1.2 Development within the Baden and New Hamburg Urban Areas will provide for a range of residential, commercial, employment, institutional, recreational and open space land uses. Future development within this designation will occur on municipal water and wastewater services in accordance with the policies set out in Section 6.8.

~~2.1.3~~ Expansions to the Baden and New Hamburg Urban Areas may be permitted through an amendment to this Plan and to the Regional Official Policies Plan. Any expansion to these Urban Areas will be subject to the provisions in Section 7.3.2 in the Regional Official Policies Plan.

2.5.1.3 In preparing or reviewing planning studies, or in reviewing *development applications* or *site plans*, the Township will ensure that development occurring within the Baden and New Hamburg Urban Areas is planned and developed in a manner that:

- a) supports the Planned Township Structure described in this Plan;
- b) uses municipal water and wastewater services;
- c) contributes to the creation of *complete communities* with development patterns, densities and an appropriate mix of land uses that supports walking, cycling and the use of transit, where planned to be available in the future;

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- d) protects the natural environment, and surface water and groundwater resources;
- e) *conserves the township's cultural heritage resources* and supports the adaptive reuse of historic buildings;
- f) respects the scale, physical character and context of established neighbourhoods in areas where *reurbanization* is planned to occur;
- g) facilitates residents' access to locally grown and other healthy foods in neighbourhoods;
- h) promotes building designs and orientations that incorporate energy conservation features; and
- i) promotes land uses and development patterns that are *freight-supportive*.

~~2.1.4~~ 2.5.1.4 A comprehensive *community planning process* will be required prior to the designation of extensive new areas of development in the Baden and/or New Hamburg Urban Areas.

2.5.2 Reurbanization Target

2.5.2.1 In accordance with the Regional Official Plan, new residential development occurring within the *built-up areas* of Baden and New Hamburg will be counted towards the achievement of the Region's minimum annual residential *reurbanization* target of 45 percent. This target applies to the Region of Waterloo as a whole and will be measured by the Region on average across the entire Built-Up Area designated in the Regional Official Plan.

The Township will contribute to achieving the Region's minimum annual residential *reurbanization* target by planning to achieve, by 2017 and for each year thereafter, a minimum annual *reurbanization* target of 30 percent within the Township.

2.5.2.2 The Township will phase in and achieve the *reurbanization* target of this Plan by:

- a) identifying areas where *reurbanization* may occur, including *brownfield* sites and *greyfield* sites, and determining the appropriate type and scale of development within those areas;
- b) encouraging *reurbanization* throughout the *built-up area*, where appropriate;
- c) recognizing the Township's Urban Growth Centre as a focus for social, economic and cultural activities in the township;
- d) supporting the creation of secondary suites throughout the township in accordance with the housing policies of this Plan;

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- e) promoting the efficient use of land, resources, *infrastructure* and *community infrastructure*;
- f) avoiding the need for unnecessary and/or uneconomical expansion of *infrastructure*; and,
- g) encouraging development appropriate to the type of water and wastewater systems which are planned or available.

2.5.2.3 The Township will not approve any *development applications* to reduce the net residential density in areas planned for medium or high density housing, if the reduction in density will significantly impact the ability to achieve the *reurbanization* target and the density target for the Designated Greenfield Areas set out in Sections 2.5.2 and 2.5.3 of this Plan.

2.5.2.4 The Township will encourage the provision of new dwelling units in the *built-up areas* of the Baden and New Hamburg Urban Areas through infill, conversion where appropriate, *reurbanization* compatible with surrounding uses, except where *infrastructure* is inadequate or there are significant physical constraints.

2.5.3 Designated Greenfield Areas

2.5.3.1 The township's Designated Greenfield Areas are designated on Map 2.2 of this Plan. This designation identifies lands within the Baden and New Hamburg Urban Areas that are outside the *built boundary*.

2.5.3.2 The Township, in collaboration with the Region, will ensure that development occurring in Wilmot's Designated Greenfield Areas will be planned and developed to:

- a) conform to the policies of Section 2.E of the Regional Official Plan;
- b) provide a development pattern and road network that supports the integration of transit services, where planned to be available in the future; and
- c) support development on municipal water and wastewater services.

2.5.3.3 The Regional Official Plan establishes a region-wide minimum density target of 50 residents and jobs combined per hectare measured over the entire Designated Greenfield Area designated in the Regional Official Plan. The Township will contribute to achieving this density target by ensuring that Wilmot's Designated Greenfield Areas are planned and developed to achieve the following density targets:

- i) areas serving primarily a residential function will meet or exceed a minimum, average density of 45 residents and jobs combined per hectare on lands not subject to a plan of subdivision application as of June 16, 2006; and

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- ii) areas serving solely an employment function (serviced) will meet or exceed a minimum, average density of 40 jobs per hectare;

The above density targets will be measured in accordance with the methodology established in the Regional Official Plan, which excludes only *provincially constrained environmental areas*.

2.5.3.4 The Township will develop phasing policies in this Plan and other strategies for Designated Greenfield Areas to ensure a logical and orderly progression of development, and, if necessary, stage the development of Designated Greenfield Areas to ensure that growth within the *built-up area* appropriately supports the achievement of the *reurbanization* target of this Plan.

2.5.3.5 The Township may prepare urban design guidelines for development within Designated Greenfield Areas.

2.5.4 Urban Area Expansions

2.5.4.1 Future expansions to the boundaries of the Baden and New Hamburg Urban Areas are only permitted onto lands within the Countryside Line designated on Maps 2.1 and 10 of this Plan, and will be subject to the following:

- a) the expansion is justified through the preparation of a Regional Land Budget completed by the Region as part of a *municipal comprehensive review* of the Regional Official Plan, or the completion of a *municipal comprehensive review* as otherwise initiated by the Region of Waterloo;
- b) the *reurbanization* target and the density targets contained in this Plan and the Regional Official Plan have been met or exceeded, or it can be clearly demonstrated that achievement of such targets will not be hindered by the proposed expansion;
- c) sufficient opportunities to accommodate the population and employment forecast in this Plan, through *reurbanization* and development of existing Designated Greenfield Areas, are not available:
 - i) within the region as a whole as determined by the Region; and
 - ii) within the township to accommodate the growth allocated to the Township by the Regional Official Plan.
- d) the expansion provides sufficient lands for a time horizon not exceeding 20 years, using the *reurbanization* target, the density targets and other policies in this Plan;
- e) the existing or planned *infrastructure* and *community infrastructure* required to

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accommodate the proposed expansion can be provided is financially viable over its life-cycle, can be provided in an environmentally sustainable manner and is consistent with any applicable Township and/or Regional *infrastructure* master plans;

- f) the expansion is of a sufficient size to be developed as a *complete community* by itself, or can be integrated with existing development to contribute to a *complete community*;
- g) any applicable *watershed studies* have been completed prior to the approval of the expansion;
- h) the expansion considers the potential impacts on any adjacent agricultural operations, including any reductions in tillable soils or pasture land, or alterations to the configuration of tillable lands that negatively impact the long-term viability of the agricultural operations;
- i) the expansion conforms to the *minimum distance separation formulae*;
- j) the expansion is accompanied by detailed environmental and servicing studies as required by the policies of this Plan;
- k) the proposed expansion will maintain, or move significantly towards, a minimum of one full-time job per three residents within the Baden and New Hamburg Urban Areas; and
- l) the expansion complies with all other applicable policies of this Plan and the Regional Official Plan.

2.1.5

2.5.5

Urban Core Area/Urban Growth Centre Designations

2.1.5.1

The Urban Core Area designation shown on Map 4.1 and Map 4.2 will be the primary focal point of the Baden and New Hamburg Urban Areas. The purpose of the Urban Core Area designation is to provide for a full range of residential, commercial, institutional and other service uses in the Baden and New Hamburg Urban Areas.

2.5.5.1

The Urban Growth Centre is shown as an overlay designation on Map 4.1. This overlay designation includes the traditional urban core area of Baden, and also identifies lands in Baden that will be the focus for accommodating *reurbanization* and higher-density *mixed-use development* in a more compact urban form. Future development in the Urban Growth Centre will be in accordance with the underlying land use designations shown on Map 4.1, and will be planned and designed to:

- a) accommodate additional population and compatible employment growth consistent with Baden's increasing role as the focus for social, economic and cultural activities in the township;

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- b) facilitate and promote *reurbanization* to support the achievement of the minimum *reurbanization* target of this Plan;
- c) provide a diverse and compatible mix of land uses, including residential and employment uses to support a vibrant community;
- d) generally achieve higher densities while ensuring an appropriate transition of built form to adjacent areas
- e) serve as the township's focal point for investment in institutional and local *human services* as well as commercial, recreational, cultural and entertainment land uses; and
- f) provide for development patterns that support the integration of Regional transit services, where planned to be available in the future.

~~2.1.5.2~~ **2.5.5.2** Future commercial development in the ~~Baden and New Hamburg Urban Areas~~ township will be encouraged to locate within the ~~Urban Core Area~~ **Urban Core Area** and the **Urban Growth Centre** designations. Minor service commercial or convenience commercial land uses may be permitted in other land use designations. In addition, specific commercial uses as noted in Policy ~~2.1.7.3~~ **2.5.7.3** of this Plan may be located in the Highway Commercial designation.

~~2.1.5.3~~ **2.5.5.3** ~~Major expansions~~ **Expansions** to the ~~Baden and/or New Hamburg Urban Core Area~~ and the **Urban Growth Centre** designations may be permitted through an amendment to this Plan. Any development that proposes to expand the Urban Core Area and the **Urban Growth Centre** designations will:

- a) be accompanied by a justification analysis which provides the need for the expansion;
- b) be compatible with the surrounding land uses;
- c) minimize or, if feasible, prevent, the impacts on ~~Environmental Areas and Heritage Resources~~ **elements of the Greenlands Network and cultural heritage resources** in accordance with the policies in this Plan; and
- d) be accompanied by detailed environmental and servicing studies as required by the policies of this Plan.

2.5.5.4 Within the Urban Growth Centre overlay designation, the redesignation of a property within an *employment area* to a designation that permits non-employment uses is considered a conversion under the Provincial Growth Plan and may only occur as part of a *municipal comprehensive review* completed in accordance with Policy 2.7.2.

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~~2.1.5.4~~ **2.5.5.5** The Township Zoning By-law will regulate specific uses in the Urban Core Area designation, **and in the Urban Growth Centre overlay designation.**

2.1.6

2.5.6 Urban Residential Designation

~~2.1.6.1~~ **2.5.6.1** The Urban Residential designation applies to areas within the Baden and New Hamburg Urban Areas where the predominant use of land is for housing and related land uses. The purpose of the Urban Residential designation is to provide for a range of residential and *accessory uses* in order to accommodate current and future residential demands. A mix of housing types and densities will be encouraged in this designation in accordance with Section 4.2 and 4.3 of this Plan.

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~~2.1.6.2~~ **2.5.6.2** The Township Zoning By-law will regulate the type and density of residential development and specific secondary uses in the Urban Residential designation.

2.1.7

2.5.7 Highway Commercial Designation

~~2.1.7.1~~ **2.5.7.1** The Highway Commercial designation permits commercial uses that primarily serve vehicular traffic and the travelling public and that rely heavily upon such traffic for their economic existence. Highway Commercial uses are to be located within the ~~New Hamburg Township~~ **Urban Area.**

~~2.1.7.2~~ **2.5.7.2** The Township Zoning By-law will regulate specific uses in the Highway Commercial designation.

~~2.1.7.3~~ **2.5.7.3** Major commercial development or redevelopment, including large space users ~~with an Urban Core Area function~~ such as food stores, department, or furniture stores as well as retail uses requiring large enclosed or open storage areas such as, but not limited to, building supplies and warehouse outlets, will require an amendment to this Plan in order to designate additional Highway Commercial areas. The following information will be required to support a *development application* to designate new Highway Commercial area:

- a) identification of the potential impact of the proposed development on the surrounding land uses;
- b) data indicating market need and whether the proposed development will adversely affect the viability of the **associated Urban Core or Urban Growth Centre;**
- c) transportation impact studies, noise impact studies and any other appropriate studies.

~~2.1.7.4~~ **2.5.7.4** Access points to Highway Commercial areas shall be limited in number and designed in a manner that will minimize the danger to both vehicular and *pedestrian* traffic and may be further restricted by the *Province*, the Township or the Regional Municipality of

Waterloo. Shared access with similar adjacent development will be encouraged. No new accesses to a Provincial Highway will be permitted.

~~2.1.7.5~~ **2.5.7.5** Adequate off-street parking facilities shall be provided for all permitted uses. Payment-in-lieu of parking, as per the Planning Act, shall not be permitted.

~~2.1.7.6~~ **2.5.7.6** All development on lands designated Highway Commercial ~~within the New Hamburg Urban Area~~ shall be fully serviced by municipal water and wastewater systems.

~~2.1.7.7~~ **2.5.7.7** All development **within the Highway Commercial designation** shall be subject to ~~Site Plan~~ **Site Plan** Control.

~~2.1.8~~

2.5.8 General Industrial Designation

~~2.1.8.1~~ **2.5.8.1** The General Industrial designation applies only to lands located within the Baden and New Hamburg Urban Areas which have municipal water and wastewater servicing.

~~2.1.8.2~~ **2.5.8.2** The predominant use of land **within the General Industrial designation** shall be for industrial uses that require open storage of goods and materials such as manufacturing, processing, assembling, repairing, wholesaling, warehousing, trucking and storage.

~~2.1.8.3~~ **2.5.8.3** No residential uses shall be permitted in a General Industrial designation.

~~2.1.8.4~~ **2.5.8.4** All development **within the General Industrial designation** shall be subject to ~~Site Plan~~ **Site Plan** Control.

~~2.1.8.5~~ **2.5.8.5** Specific uses within the General Industrial designation will be regulated through the Township Zoning By-law.

~~2.1.9~~

2.5.9 Light Industrial Designation

~~2.1.9.1~~ **2.5.9.1** The Light Industrial designation applies only to lands located within the Baden and New Hamburg Urban Areas which have municipal water and wastewater servicing and are compatible with surrounding *sensitive land uses*.

~~2.1.9.2~~ **2.5.9.2** Permitted light industrial uses include: office uses and small-scale, self-contained industrial uses that produce and/or store a product where there is a low probability of fugitive emissions.

~~2.1.9.3~~ **2.5.9.3** Council may also permit community, cultural and recreational uses in the Light Industrial designation without an amendment to this Plan provided they are adequately buffered from uses that produce potential nuisances, such as noise, odour, dust, vibration or heavy traffic, ~~as defined by the Ministry of the Environment or other relevant agency~~ **in accordance with any applicable provincial policy or guideline.**

~~2.1.9.4~~ **2.5.9.4** Commercial uses to be permitted within Light Industrial areas shall not include retail outlets, which provide for day-to-day retail shopping needs normally found in the Core Area or Urban Growth Centre designations, nor for the location of shopping centres or the type of retail shopping that would normally be found within Highway Commercial areas.

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~~2.1.9.5~~ **2.5.9.5** The Township Zoning By-law will regulate specific uses in the Light Industrial designation.

2.5.10 Special Policy Area for the New Hamburg Urban Area (August 16, 1990)

2.5.10.1 This Plan designates certain lands along the Nith River as a Special Policy Area as shown on Map 4.2 (New Hamburg Urban Area). These lands are part of the historic centre of New Hamburg and special policies are required for the continued economic and social viability of the area.

2.5.10.2 An area within the Special Policy Area exists and functions as a hydraulic *floodway*. This hydraulic *floodway* is the minimum area required to pass the *regulatory flood* and obstruction of the hydraulic floodway would create adverse effects in the form of increased flood levels and velocities. No new buildings, structures or fill shall be permitted in the hydraulic *floodway*. Surface parking may be permitted in the hydraulic *floodway*. New overnight parking shall not be permitted in the hydraulic *floodway*.

2.5.10.3 Commercial *development* and *redevelopment* shall be dry floodproofed to the *regulatory flood* elevation. Where it is demonstrated that it is not feasible to dry floodproof to the regulatory flood elevation a reduction in the dry *floodproofing standard* shall be permitted but in no case shall the reduction be to less than the *one hundred year flood* elevation with a requirement for *wet floodproofing* to the *regulatory flood* elevation. The minimum floor level for commercial *development* or *redevelopment* shall be the *one hundred year flood* elevation.

Major renovation of commercial uses shall be permitted. The intent of this policy is that major renovations shall be floodproofed to the *regulatory flood* elevation. Where this is not feasible a reduction in flood protection requirements may be permitted but in no case shall the reduction be to less than the *one hundred year flood* elevation.

Minor renovation of commercial uses shall be permitted provided that the minimum floor level is equal to or higher than the existing floor level and provided that the building or structure is floodproofed to an elevation equal to or higher than the existing one.

2.5.10.4 Except where *safe parking* and *safe access* can be provided to the *regulatory flood* elevation new residential dwelling units shall not be permitted except above commercial uses and shall be limited to one storey. Along Huron and Peel Streets new residential uses in upper stories shall be permitted in keeping with the existing streetscape. The minimum habitable floor space shall be located above the *regulatory flood* elevation.

New residential units shall be created only where *safe access* can be provided at the *one hundred year flood* elevation as the minimum. The determination of *safe access* shall be made by the Grand River Conservation Authority in an evaluation of flood depths and flood flow velocities in accordance with provincial policy.

Minor renovations to existing buildings used solely for residential purposes shall be permitted provided that minimum floor level is at or above the existing elevation of the ground floor.

- 2.5.10.5 New *development* associated with substances of a chemical, hazardous or toxic nature which may pose an unacceptable threat to public safety if damaged as a result of flooding or failure of floodproofing measures shall not be permitted to locate in the Special Policy Area.
- 2.5.10.6 Protective services such as police, fire, utility and public works yards and major electrical substations shall not be located in the Special Policy Area. Existing facilities will not be permitted to expand or extend without the approval from the Township and the Grand River Conservation Authority and any *major renovation* shall meet the provincial requirements for *safe access*/egress for emergency vehicles. Council shall consider the relocation of the existing fire station.
- 2.5.10.7 New nursing homes, hospitals, homes for the aged, senior citizen apartments, group homes for people with a disability, day care centres, or other similar uses for which flooding could pose a significant danger to the inhabitants shall not be permitted to locate in the Special Policy Area.
- 2.5.10.8 Non-residential institutional *development*, *redevelopment* and major renovations such as church and libraries shall be wet floodproofed to the *regulatory flood* elevation. It is the intent of the policy that this *development*, *redevelopment*, or *major renovation* shall be dry floodproofed to the *regulatory flood* elevation where feasible but in no case shall the *dry floodproofing* requirement be reduced to less than the *one hundred year flood* elevation.

Minor renovation of non-residential institutional uses shall be floodproofed to an elevation equal to or higher than the existing elevation of the ground floor.
- 2.5.10.9 No basements or expansion to basements shall be permitted where flooding is greater than 0.5 meters.
- 2.5.10.10 Where practical new building services such as electrical, and heating systems shall be located above the *regulatory flood* elevation but where this is not feasible building services shall be floodproofed to the satisfaction of the Grand River Conservation Authority.

2.5.10.11 Special Policy Area Implementation

It is the policy of Council that the Special Policy Area policies shall be implemented in the following ways:

- 2.5.11.2 Zoning By-law No. 86-51, passed by Township Council on September 29, 1986, added the (f) symbol as a suffix to the zone symbol to identify lands which are flood susceptible. All lands within the Special Policy Area therefore are zoned with the (f) suffix. The (f) suffix indicates that the lands are subject to the Grand River Conservation Authority Regulations for Fill, Construction and Alterations to Waterways.
- 2.5.11.3 *Site plan* applications for *development* within the Special Policy Area shall not be considered for approval until such time as the Township of Wilmot has been notified of the approval of the Grand River Conservation Authority as required under their Fill, Construction and Alterations to Waterways regulation. Approved *site plans* shall conform to the Grand River Conservation Authority permit with respect to matters governed by S.41 of the Planning Act such as lot grading and drainage. Upon completion of the building or structure, the Township or the Grand River Conservation Authority may require a letter of compliance by a professional engineer verifying that the flood proofing measures have been implemented as required and are in conformity with the policies of this plan.
- 2.5.11.4 Building permits shall not be issued until such time as the Township of Wilmot has been notified of the approval of the Grand River Conservation Authority.
- 2.5.11.5 The Township will continue to maintain the flood contingency plan and to cooperate with the Grand River Conservation Authority in the operation of the New Hamburg flood warning system. The flood warning system shall contain provisions to ensure timely evacuation of vehicles.

2.2

2.6

RURAL SETTLEMENT AREAS

2.6.1

General Policies

2.2.1

~~The purpose of the Township's Rural Settlement Areas is to provide for residential, associated commercial, institutional, recreational and open space land uses.~~

2.6.1.1

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The Rural Settlement Areas designation applies to the township's smaller settlement areas that are typically serviced with private wells and individual wastewater services. These areas will be planned to provide a limited mix of residential, associated commercial, institutional, recreational, open space and dry industrial uses serving primarily the local community.

2.2.2 2.6.1.2

The identified Rural Settlement Areas within the township are designated as shown on Maps ~~6.1 to 6.12~~ 5.1 to 5.12 of this Plan and are as follows

Housekeeping

1. Foxboro Green Settlement Area
2. Haysville Settlement Area
3. Lisbon Settlement Area
4. Luxemburg Settlement Area
5. Mannheim Settlement Area
6. New Dundee Settlement Area
7. Petersburg Settlement Area
8. Philipsburg Settlement Area
9. Shingletown Settlement Area
10. St. Agatha Settlement Area
11. Sunfish Lake Settlement Area
12. Wilmot Centre Settlement Area

2.6.1.3

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Where an existing lot is partially located within a Rural Settlement Area and partially within the Countryside, the part of the lot located outside the Rural Settlement Area will be zoned for *agricultural uses* in accordance with the policies in this Plan. Consent applications to sever the lot along the boundary of the Rural Settlement Area so as to create a new *non-farm lot* outside the Rural Settlement Area will not be permitted.

2.6.1.4

Within a Rural Settlement Area, proposed development will:

- a) conform to the policies of Section 2.6 of this Plan;
- b) be compatible with the surrounding land uses; and
- c) be accompanied by detailed environmental and servicing studies as required by the policies of this Plan.

2.2.2.1

~~Development applications that propose to expand a Rural Settlement Area for residential purposes will require an amendment to this Plan and will:~~

- ~~a) conform to Chapter 4 of this Plan;~~
- ~~b) conform to the Township Residential Growth Strategy in accordance with Section 1.7 of this Plan;~~
- ~~c) consider existing property configurations, patterns of existing land use, and natural and constructed features in the Rural Settlement Area;~~
- ~~d) consider the impact of the proposed development on the adjacent agricultural operations including any reductions in tillable soils or pasture land, or alterations to the configuration of tillable lands that negatively impact the long term viability of the agricultural operations;~~
- ~~e) conform to the Minimum Distance Separation;~~

- ~~f) consider the impact of the proposed development on Environmental Areas and Heritage Resources in accordance with the policies of this Plan;~~
- ~~g) not be permitted utilizing individual wastewater treatment systems and private wells; and;~~
- ~~h) be accompanied by detailed environmental and servicing studies as required by the policies of this Plan.~~

2.6.1.5 The expansion of existing Rural Settlement Areas will not be permitted, except as provided for in Policies 2.6.1.6, 3.8.4 and 8.1.2.18.

2.6.1.6 The Township, in collaboration with the Region, may consider permitting a minor expansion to a Rural Settlement Area for non-residential uses to accommodate the future needs of the Township. Any such expansions will require an amendment to this Plan and will only be considered as part of a *municipal comprehensive review* of this Plan and the Regional Official Plan where:

- a) sufficient opportunities to accommodate the proposed non-residential use are not currently available within the Baden and New Hamburg Urban Areas or Rural Settlement Areas;
- b) the site is zoned for the specific use;
- c) within the within the Prime Agricultural Area:
 - i) the land does not comprise a *specialty crop area*;
 - ii) there are no reasonable alternatives that avoid the Prime Agricultural Area;
 - iii) there are no reasonable alternatives on lower priority agricultural lands in the Prime Agricultural Area.
- d) the potential impacts on any surrounding agricultural operations are mitigated to the extent possible; and
- e) the minor expansion complies with all other applicable policies in this Plan.

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2.6.1.8 The designation of new Rural Settlement Areas will not be permitted.

~~2.2.3~~

2.6.2

Settlement Residential Designation

~~2.2.3.1~~ **2.6.2.1** The Settlement Residential designation is applied to areas where the predominant use of land is for housing and related residential land uses within Rural Settlement Areas identified in this Plan. The purpose of the Settlement Residential designation is to

provide for current and future housing demands in Rural Settlement Areas through mixed forms of residential development.

~~2.2.3.2~~ **2.6.2.2** The Township Zoning By-law will regulate the specific type and density of residential development and specific secondary uses in the Settlement Residential designation.

2.2.4

2.6.3 Settlement Core Area Designation

~~2.2.4.1~~ **2.6.3.1** The purpose of the Settlement Core Area designation is to provide for a mix of residential and commercial uses. This Plan encourages a range of housing types, commercial and compatible uses in Settlement Core Areas.

~~2.2.4.2~~ **2.6.3.2** The Township Zoning By-law will regulate specific uses in the Settlement Core Area designation.

~~2.2.4.3~~ **2.6.3.3** Expansions to the Settlement Core Area designation may be permitted through an amendment to this Plan. Any development that proposes to expand a Settlement Core Area will:

- a) be accompanied by a justification analysis which justifies the need for the expansion and considers the amount of land in other locations within the Baden and New Hamburg Urban Areas and Rural Settlement Areas available for development;
- b) minimize or, if feasible, prevent the impact of the expansion on ~~Environmental Areas, Agricultural Resource Areas, and Heritage Resources~~ **the Greenlands Network, Prime Agricultural Areas, and cultural heritage resources** in accordance with the policies in this Plan; and
- c) be accompanied by detailed environmental and servicing studies as required by the policies of this Plan.

~~2.2.4.4~~ ~~Within a Rural Settlement Area, proposed development will:~~

- ~~a) conform to the policies of Section 2.7 of this Plan;~~
- ~~b) be compatible with the surrounding land uses; and~~
- ~~c) be accompanied by detailed environmental and servicing studies as required by the policies of this Plan.~~

~~2.2.4.5~~ **2.6.3.4** Proposed development **within Rural Settlement Areas** for the purposes of commercial and service uses will be encouraged to locate within the Settlement Core Area designation ~~of Rural Settlement Areas.~~

Housekeeping

~~2.2.4.6~~ ~~Expansions to Rural Settlement Areas for non-residential purposes will require an~~

amendment to this Plan and will only be permitted provided that the proposed amendment:

- a) ~~be accompanied by a justification analysis which gives consideration to the amount of land in the Rural Settlement Areas and the Baden and New Hamburg Urban Areas available to accommodate the proposed non-residential development in relation to the anticipated land requirements;~~
- b) ~~considers the suitability of the area for the expansion in comparison to other reasonable alternatives available elsewhere in the Township;~~
- c) ~~conforms to the Minimum Distance Separation;~~
- d) ~~considers the impact of the proposed expansion on the Environmental Areas and Agricultural Resource Areas in accordance with the policies of this Plan; and,~~
- e) ~~be accompanied by detailed environmental and servicing studies as required by the policies of this Plan.~~

2.2.5

2.6.4

SPECIFIC RURAL SETTLEMENT AREA POLICIES

2.2.5.1 2.6.4.1 *Sunfish Lake Settlement Area*

2.2.5.2 2.6.4.1.2 Notwithstanding ~~Policy 2.2.3~~ **the policies within Section 2.6.2**, development and re-development within the Sunfish Lake Settlement Area shall be restricted to *seasonal* dwellings only, except for those properties which directly abut either Berlett's Road (Township Road No. 2) or which abut Cedar Grove Road or which were used as principal dwellings prior to January 1, 1982. The properties with principal dwellings permitted in accordance with this policy are shown on Map 5.11 and are legally described as follows:

- a) Part 29, Plan 58R-3682;
- b) Part 31, Plan 58R-3682;
- c) Part 37, Plan 58R-3682;
- d) **Parts 1 and 2 58R-165560**
- e) Part 61, Plan 58R-3682;
- f) Part 62, Plan 58R-3682;
- g) Part 63, Plan 58R-3682;
- h) Part 24, Plan 58R-3682 now described as; Part 1, Plan 58R11891 and, Part 2, Plan 58R-11891.
- i) Part 27, Plan 58R-3682

Housekeeping

2.2.5.3 2.6.4.1.3 Except for those properties which now have direct access to either Berlett's Road or Cedar Grove Road, all access to the properties within the Settlement Boundary shall continue to be provided by private rights-of-way. All maintenance or works or costs required for these rights-of-way shall be the sole responsibility of the property

owners.

- ~~2.2.5.4~~ **2.6.4.1.4** The conversion of *seasonal* dwellings to principal dwellings shall not be permitted within the Sunfish Lake Settlement Area.
- ~~2.2.5.5~~ **2.6.4.1.5** Future development within the Sunfish Lake Settlement Area shall take place in accordance with the applicable policies of Section ~~2.2.3~~ **2.6.2**.
- ~~2.2.5.6~~ **2.6.4.1.6** No new lots shall be created within the Sunfish Lake Settlement Area, either through severance or through the approval of plans of subdivision. Severance applications to:

- a) to create or alter any easement or right-of-way; or
- b) to correct or confirm valid title for a lot which has been previously recognized and held in distinct and separate ownership; or

Housekeeping

- c) to make minor adjustment to the legal boundaries of lots so as to conform to existing patterns of exclusive use and occupancy, or to rectify problems created by the encroachment of buildings, structures, private water supply or private sewage disposal facilities on *abutting* lots,

may be considered on their merits and may be supported by the Township if it does not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act.

- ~~2.2.5.7~~ **2.6.4.1.7** No building permits for any properties within the Sunfish Lake Settlement Area shall be issued unless the property owner has supplied the Township with the written approval of the Grand River Conservation Authority for the proposed building.

- ~~2.2.5.8~~ **2.6.4.1.8** In order to minimize *adverse* effects on the lake and on the surrounding area, any ~~application for development or re-development~~ **development application** must include specific plans showing how drainage and runoff will be controlled during and after construction, and these plans must be approved by the Township and Grand River Conservation Authority prior to the issuance of a building permit.

2.2.6

2.6.5 Dry Industrial/Commercial Designation

- ~~2.2.6.1~~ **2.6.5.1** The Dry Industrial/Commercial designation only applies to lands located within Rural Settlement Areas.

- ~~2.2.6.2~~ **2.6.5.2** The Dry Industrial/Commercial designation provides for a range of light industrial and secondary uses that do not require significant quantities of water or generate significant quantities of wastewater within their processes and are deemed not to be obnoxious uses.

- ~~2.2.6.3~~ **2.6.5.3** Commercial uses permitted within Dry Industrial/Commercial areas shall not include

retail outlets, which provide for day-to-day retail shopping needs normally found in the Settlement Core Area, ~~or the Urban Core Area~~ **or the Urban Growth Centre designations**, nor for the location of shopping centres or the type of retail shopping that would normally be found within Highway Commercial areas.

~~2.2.6.3.1~~ **2.6.5.4** Section ~~2.2.6.3~~ **2.6.5.3** shall not apply to the lands identified as Part of Lot 7, Concession South of Erb's Road (municipally known as 1782 Notre Dame Drive in St. Agatha).

~~2.2.6.4~~ **2.6.5.5** The recycling of animal products or a rendering plant will not be permitted **within the Dry Industrial/Commercial designation**.

~~2.2.6.5~~ **2.6.5.6** The Township Zoning By-law will regulate specific uses in the Dry Industrial/Commercial designation.

2.7 ECONOMIC DEVELOPMENT

2.7.1 The Township will promote opportunities for economic development and community investment-readiness by:

- a) providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving *employment areas* for current and future uses ensuring the necessary *infrastructure* is provided to support current and forecasted employment needs;
- d) encouraging business partnership arrangements;
- e) nurturing the growth of small businesses by permitting secondary uses and home occupations in accordance with the policies in this Plan;
- f) promoting education and skills training within the community;
- g) supporting and promoting local food and the *sustainability* of agri-food and agri-product businesses by protecting agricultural resources and minimizing land use conflicts;
- h) promoting energy conservation and providing opportunities for development of *renewable energy systems* and *alternative energy systems*, including district energy;

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- i) promoting the sourcing of materials, products and natural resources from close to market locations in order to minimize the energy required to transport materials and products; and
- j) protecting *employment areas* in proximity to *major goods movement facilities and corridors* for employment uses that require those locations.

2.7.2

The Township will not permit the redesignation of lands within existing *employment areas* to non-employment uses, except through a *municipal comprehensive review* where it has been demonstrated that:

- a) there is a need for the redesignation;
- b) the Township will meet the employment forecast allocated to it in Table 1 of this Plan;
- c) the redesignation will not adversely affect the viability of the subject *employment area*, and achievement of the *reurbanization* target, the density targets for the Designated Greenfield Areas and other policies in this Plan;
- d) there is existing or planned *infrastructure* to accommodate the proposed redesignation;
- e) the lands are not required over the long-term for the employment purposes for which they are currently designated; and
- f) any cross-jurisdictional issues have been considered.

2.7.3

For the purposes of implementing Policy 2.7.2, *retail commercial centres* are considered non-employment uses.

2.7.4

The Township will maintain an employment land inventory including available lot sizes and, from time to time, update this inventory taking into consideration new development, expansions and *reurbanization* of existing properties.

2.7.5

The Township will support the development of a strong and diverse local food system by:

- a) providing for a mix of land uses, including food destinations within close proximity to each other to facilitate residents' access to locally grown and other healthy foods;
- b) establishing zoning regulations to permit *temporary farmers' markets*, wherever appropriate, in existing and newly planned neighbourhoods, particularly in areas

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where access to locally grown food and other healthy food products may currently be limited; and

- c) encouraging home and community gardens throughout the township.

2.3 Future Land Use Area

This Plan recognizes the potential of lands located in the northeast corner of the New Hamburg Urban Area for future residential, commercial and industrial development in the Township. These lands are not anticipated to be required to accommodate growth prior to the year 2016, but may be required to accommodate growth beyond this timeframe subject to the availability of municipal water and wastewater services and the other policies in this Plan.

This Plan, therefore, recognizing this potential area of future development, adopts the following policies:

- 2.3.1 The recognition of lands in this Plan as Future Land Use Area is not to be considered as a land use designation on such lands. The land use designation for such properties in this Plan will remain Agricultural Resource Area.
- 2.3.2 The recognition of lands within the Future Land Use Area is intended only as an indication of a potential major use area and it is not intended through this recognition to be a commitment or an undertaking by the Township to permit or approve development of this land or any part thereof unless and until this Plan is amended to specifically permit development.
- 2.3.3 Use of the lands within the defined area will be restricted to agricultural purposes unless otherwise specifically recognized for other purposes by an amendment to this Plan and the Regional Official Policies Plan.

CHAPTER 3: AGRICULTURAL RESOURCE AREA POLICIES

CHAPTER 3: THE COUNTRYSIDE

3.1 PURPOSE

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The township's Countryside is comprised of a diverse range of valuable natural resources, including agricultural lands, *woodlands*, *mineral aggregate resources* and groundwater recharge areas. These valuable assets support an array of economic activities and are essential for the long-term prosperity, quality of life and environmental health of the township. The policies of this Plan therefore seek to maintain and wisely maintain these valuable natural resources for both future and current generations.

The township contains significant areas of land which have historically been, and remain, devoted primarily to agriculture. Policies relating to agricultural lands are based on the recognition that agriculture is important to the Township's economy. The Township also recognizes that the ~~nature~~ *economic climate* of farming is changing and that additional activities, such as ~~on-farm business activities~~ *on-farm diversified uses*, can be carried out ~~within the Agricultural Resource Area designation without having an impact on the preservation of agricultural land or interfering with agricultural land use practices.~~ *on farms to support the viability of local agriculture in the township.*

This Plan designates a large portion of the township's agricultural lands as Protected Countryside. This designation identifies a unique concentration of productive farmlands, significant mineral aggregate deposits, sensitive *environmental features*, and major groundwater recharge areas including portions of the Waterloo Moraine. The Protected Countryside is intended to permanently protect these critical areas from urban development and inappropriate rural activities, while providing for the continued uses of the lands for agriculture, mineral aggregate extraction and other appropriate rural uses.

The township's Countryside also supports a variety of privately owned and operated recreation and tourism uses, including campgrounds, trailer parks, golf courses and other activities. These uses provide significant economic benefits and offer recreational and tourism opportunities for both visitors and residents of the township.

3.2 General Policies

3.2.1 ~~Farming, small scale on-farm business activities, farm related non-residential uses, mineral extraction and forestry will be the primary activities permitted in the Agricultural Resource Area. Notwithstanding the above, the Agricultural Resource Area designations will not apply to lands designated for non-farm uses in this Plan.~~

3.2.2 ~~Non-farm related development within the Agricultural Resource Area will be subject to Policy 3.6 and 3.7 of this Plan.~~

3.2.3 ~~Where lands are designated as Agricultural Resource Area on Maps 2 and 11 and Environmentally Constrained Lands on Map 3, uses permitted within the Agricultural Resource Area designation will be subject to the restrictions as established through the policies contained in Sections 8.1 and 8.2 of this Plan.~~

3.2.4 ~~The Township may permit the creation of one (1) or more new lots for the purposes of infilling non farm related residential units within any existing settlement which has not been designated as a Rural Settlement Area by this Plan, provided that:~~

~~a) non farm related residential lots only are created between two (2) existing non-farm related residential units or lots that are separated by a distance of not more than 100 metres on the same side of an open public road. The measurement of the 100 metres shall be as determined according to the following:~~

~~i) measurement is established between two points located along the centre line of the existing right-of-way of an open public road and which points are determined by a line drawn from the centre of such unit and perpendicular to the public road;~~

~~ii) the distance between the two points is measured along the public road through intersecting public roads;~~

~~iii) the point of reference on an adjoining and undeveloped non farm related residential lot is determined by the mid-point along the public road; and~~

~~b) the units or lots conform to the Minimum Distance Separation.~~

3.2.5 ~~Notwithstanding the provisions of Policies 5.1.1.6 and 5.1.3.2 of the Regional Official Policies Plan, a new farm or new lot shall not be deemed to have been created where consent is given for the following purposes:~~

~~a) to create or alter any easement or right of way;~~

~~b) to correct or confirm valid title for a lot which has been previously recognized and held in distinct and separate ownership;~~

~~c) to make minor adjustment to the legal boundaries of lots so as to conform to existing patterns of exclusive use and occupancy, or to rectify problems created by the encroachment of buildings, structures, private water supply or private sewage disposal facilities on abutting lots;~~

~~d) to make a lot boundary adjustment between two abutting non farm lots recognized by the Township Zoning By-Law that does not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act; or~~

e) ~~to make a lot boundary adjustment between an abutting farm and non-farm lot which results in a substantial increase in the long term agricultural viability of the farm operation, and does not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act.~~

3.2.6 ~~The planning and location of utility corridors, lines, towers and associated uses shall, wherever possible, respect the intent of this Plan which is to protect and preserve existing and potentially productive agricultural land to the greatest extent possible. Such uses should be encouraged to locate in areas having poorer soils and should be located and designed so as to minimize disturbance to existing farm operations. Such uses shall not require an amendment to the implementing Zoning By-law.~~

3.2.7 ~~The construction of new farm-related residential and new/expanded livestock barns or manure storage facilities will conform to the Minimum Distance Separation Formulae and the Nutrient Management Act.~~

3.2 PRIME AGRICULTURAL AREA AND RURAL AREAS

3.2.1 The Prime Agricultural Area and Rural Areas designations are shown on Map 10.

3.2.2 The Prime Agricultural Area designation identifies areas where *prime agricultural lands* predominate. This designation includes areas of *prime agricultural lands* and associated areas of Canada Land Inventory Class 4 to 7 soils, and additional areas where there is a local concentration of farms that exhibit characteristics of ongoing agriculture.

3.2.3 The Rural Areas designation identifies areas where Canada Land Inventory Class 4 to 7 soils predominate, and which are typically characterized by one or more of steep slopes, *environmental features* and/or existing *non-farm lots*.

3.2.4 Notwithstanding Policy 3.2.1, the Prime Agricultural Area and Rural Areas designations will not apply to any *existing non-farm lots*.

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The primary land uses permitted in the Prime Agricultural Area and Rural Areas designations will be *agricultural uses, agriculture-related uses and on-farm diversified uses*.

3.2.6 Within the Prime Agricultural Area and Rural Area designations, all types, sizes and intensities of *agricultural uses* and *normal farm practices* will be promoted and protected in accordance with provincial standards.

3.2.7 Non-farm-related development within the Prime Agricultural Area and Rural Areas designations will be subject to Policy 3.7 of this Plan.

3.2.8 *Mineral aggregate operations* may be permitted as an interim use in the Prime Agricultural Area and Rural Areas designations in accordance with the policies in Chapter

7.

3.2.9 Within the *Environmentally Sensitive Landscape* designation as shown on Map 4, Policies 8.1.2.5 to 8.1.2.13 supersede the policies in this Chapter to the extent of any conflict.

3.2.10 *Development applications* to create a new rural residential lot(s) within the Prime Agriculture Area and Rural Areas designations, or which would otherwise result in the creation of a new rural residential lot(s), will not be permitted except in accordance with Policies 3.2.11 and 3.2.12.

3.2.11 Within the Rural Areas designation, the Township may permit the creation of one or more new rural residential lots for the purposes of infilling within an existing grouping of rural residential lots that have not been designated as a Rural Settlement Area by this Plan, provided that:

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- a) the existing grouping of lots accommodating the proposed infilling lot(s) presently consists of a grouping of four or more rural residential lots, with each such lot separated from each other by no more than 100 metres on the same side of an open public road;
- b) the measurement of the 100 metre separation distance is determined in accordance with the *rural residential infilling formulae*;
- c) the new lot has a maximum area of one hectare, except where natural features or existing lot patterns justify inclusion of additional lands;
- d) the new lot is not located within a Source Water Protection Area where individual wastewater treatment systems are identified as a prohibited use in accordance with the policies of Chapter 8; and
- e) the new lot can be appropriately serviced by private wells and individual wastewater treatment systems.

3.2.12 Within the Prime Agricultural Area or Rural Areas designations, where two or more farm parcels are to be merged in title into one ownership, with each lot having one dwelling, a new lot may be created for the dwelling surplus to the needs of the merged farm provided that:

- a) the surplus dwelling is designated by the Township as a heritage property under the Ontario Heritage Act; and
- b) the new lot has a maximum area of one hectare, except where natural features or existing lot patterns justify the inclusion of additional lands.

3.2.13 Notwithstanding the lot creation policies of this Chapter, a new farm or new lot shall not be deemed to have been created where consent is given for the following purposes:

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- a) minor adjustments to lots so as to permit conformity with existing patterns of exclusive use and occupancy, or to rectify problems created by the encroachment of buildings, structures, private wells or individual wastewater treatment systems on *abutting* lots, provided that such adjustments do not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act;
- b) minor adjustments to the boundaries of two adjoining *non-farm lots* recognized by the Township's Zoning By-law, provided that such adjustments do not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act;
- c) minor adjustment to the boundaries between an adjoining farm and a *non-farm lot* that does not decrease the size of the farming operation;
- d) acquisitions of land for *infrastructure*, where the need for the project has been demonstrated through an *Environmental Assessment* or other appropriate study and the facility or corridor cannot be accommodated through the use of easements or rights-of-way;
- e) addressing legal or technical matters such as easements, rights-of-way, corrections of deeds, and quit claims that do not result in the creation of a separate lot, except where such easements or rights-of-way are intended to facilitate the construction of new buildings or structures on a vacant lot of record otherwise undevelopable due to a lack of frontage onto a public road. Consents for such easements will be considered an application to create a new lot and will be subject to the provisions set out in Policy 3.3.1 as applicable; or
- f) severing from each other two or more rural lots that have unintentionally merged in title, provided the severances reflect the original lot lines.

3.2.14 The planning and location of utility corridors, lines, towers and associated uses shall, wherever possible, respect the intent of this Plan which is to protect and preserve existing and potentially productive agricultural land to the greatest extent possible. Such uses should be encouraged to locate in areas having poorer soils and should be located and designed so as to minimize disturbance to existing farm operations. Such uses shall not require an amendment to the implementing Zoning By-law.

3.2.15 The Township will endeavor to support environmentally sustainable agriculture by assisting farmers in the development of individual Environmental Farm Plans to minimize soil degradation, protect the quality and quantity of water resources, improve the management of potential on-site pollution sources and to maintain, enhance or, where feasible, restore the *ecological functions* of elements of the Greenlands Network.

3.3 FARM PARCEL CREATION/ALTERATION

~~3.3.1 Where a new farm is proposed to be created, or where part of an adjoining farm is to be severed and merged in title with an existing farm, the development application will comply with the following:~~

- ~~a) each resultant farm that is created must have a minimum area of 40 hectares; or~~
- ~~b) resultant farms having less than a minimum of 40 hectares will:~~
 - ~~i) be of a size appropriate for the type of agricultural use(s) proposed. Such development applications will be evaluated by the Ministry of Agriculture and Food, or other professional(s) knowledgeable in farm economics and management to determine if the proposed farm is of sufficient size and nature to be reasonably expected to sustain a commercially viable operation as an independent farm unit, and for flexible re-use for agricultural purposes in the event of business failure; and~~
 - ~~ii) be permitted by a site specific zoning by-law amendment.~~

3.3.1 *Development applications to create a new farm parcel, or reconfigure existing farm parcels within Prime Agricultural Area or Rural Areas, where lands are severed from one farm parcel and conveyed as a lot addition to an adjoining farm and held in one ownership, will comply with the following:*

- a) each resultant farm that is created must have a minimum area of 40 hectares; or
- b) resultant farms having less than a minimum of 40 hectares will:
 - i) be of a size appropriate for the type of *agricultural uses* common in the area; and
 - ii) be sufficiently large enough to sustain an economically viable farm operation and to maintain flexibility for future changes in the type or size of agricultural operations; and
 - iii) be permitted by a site specific zoning by-law amendment.

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3.3.2 The Township may consult with the Region, the *Province*, or other professionals knowledgeable in farm economics and management, at the applicant's expense, to evaluate the farm severance for conformity with the provisions of this Plan.

3.3.3 This Plan recognizes that there are many existing farm parcels within the Prime Agricultural Area and Rural Areas that are less than 40 hectares in area. These undersized parcels are considered as *agricultural uses* except where otherwise provided for in this Plan.

3.4 ~~Farm-Related Non-Residential Uses~~

3.4.1 ~~Development applications for farm-related non-residential uses in the Agricultural Resource Area designation will require an amendment to the Township Zoning By-law and comply with the following:~~

- ~~a) will conform to the Zoning By-law;~~
- ~~b) not be located on Prime Agricultural Lands as defined in the Glossary to this Plan;~~
- ~~c) be prohibited in a woodlot except where an exception from the Regional Tree By-law has been obtained;~~
- ~~d) prevent or minimize impacts on Environmental Areas in accordance with policies in Chapter 8 of this Plan; and~~
- ~~e) the use does not impact any adjacent agricultural operations and/or sensitive land uses including consideration of the Ministry of Environment Land Use Compatibility Guidelines.~~

3.4 AGRICULTURE-RELATED USES

3.4.1 *Development applications to establish an agriculture-related use within the Prime Agricultural Area and Rural Areas designations may be permitted through an amendment to the Township Zoning By-law, provided that the proposed use:*

- a) conforms to the Zoning By-law and policies of this Plan;
- b) minimizes the amount of land removed from agricultural production and is suitable for the site in comparison to other reasonable alternatives available in the township, including sites with poorer agricultural soils or where fragmented or smaller lots and/or a mix of *non-farm lots* may already exist;
- c) be prohibited in *woodlands* except where an exception from the Regional Woodland Conservation By-law has been obtained;
- d) prevents or minimizes impacts on the Greenlands Network in accordance with policies in Chapter 8 of this Plan;
- e) mitigates any potential land use conflicts with adjacent farms and other land uses and complies with the *Province's* guidelines on land use compatibility; and
- f) can be appropriately serviced by private wells and individual wastewater treatment systems.

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3.5 On-farm Business Activities

3.5 ON-FARM DIVERSIFIED USES

3.5.1 ~~On-Farm Businesses may be permitted on farm parcels within the Agriculture Resource Area designation subject to provisions in the Zoning By-law to regulate the nature and scale of the operations. The provisions of the Zoning By-law shall ensure that On-Farm Businesses are minor activities relative to the farming operation to provide for supplementary farm income such that the farm remains valued for its agricultural capability.~~

On-farm diversified uses may be permitted on farm parcels within the Prime Agricultural Area and Rural Areas designations subject to provisions set out in Policy 3.5.2. The Township Zoning By-law will regulate the nature and scale of the operations to ensure the farm remains valued for its agricultural capability.

3.5.2 ~~On-farm businesses shall be limited to service businesses, repair businesses (not including the repair or sale of automobiles) and the primary processing of agricultural products (e.g., sawmill). Secondary processing and/or manufacturing operations such as furniture making/cabinetry shall not be permitted as an on-farm business.~~

3.5.2 The Township may permit the establishment of an *on-farm diversified use* provided that the proposed use:

- a) is clearly secondary to the principal agricultural use of the property, is limited in area and does not undermine the agricultural nature of the area;
- b) is clustered with the main farmstead such that any new buildings, structures or facilities associated with the proposed use, except road produce stands, can be integrated with the farm operation should the *on-farm diversified use* cease to exist;
- c) remains zoned for agricultural purposes;
- d) does not include automotive sales and/or repair;
- e) does not adversely affect any adjacent *sensitive land uses* with respect to noise, dust, fumes, odours, refuse matter or any other waste products; and
- f) is not detrimental to the environment and complies with the environmental policies in Chapter 8 of this Plan.

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3.5.3 *An on-farm diversified use established in accordance with Policy 3.5.2 may permit the minor retailing of products directly from the farm, provided that sales are limited to those goods produced or manufactured primarily on the farm.*

~~3.5.3~~ **3.5.4** ~~On-Farm businesses shall~~ *On-farm diversified uses may* be subject to *site plan* control.

~~3.5.4~~ **3.5.5** Consents shall not be granted for any ~~on-farm business activity~~ *on-farm diversified uses* created in accordance with this ~~policy~~ *Plan*.

~~3.5.5~~ Notwithstanding Policy ~~3.5.2~~, ~~on-farm business activities proposing the primary processing of agricultural products will:~~

- ~~a) not undermine the agricultural nature of the area;~~
- ~~b) not adversely affect any adjacent sensitive land uses with respect to noise, dust, fumes, odours, refuse matter or any other waste products; and~~
- ~~c) not be detrimental to the environment and shall comply with the environmental policies in Chapter 8 of this Plan.~~

3.6 FARM-RELATED RESIDENTIAL DEVELOPMENT

~~3.6.1 To accommodate full-time farm employees, including members of the farm household, or to aid retiring farmers, the construction of temporary farm-related residential unit by means of a mobile home, or the conversion of an existing farm-related residential unit to create a second dwelling unit, may be permitted on a farm. Consents will not be granted for any second farm-related residential units created in accordance with this policy. It is an objective of this Plan that second farm-related residential units be clustered with the farmstead.~~

3.6.1 *Additional permanent or temporary farm-related residential units may be permitted on a farm by site-specific zoning by-law amendment in order to accommodate full-time farm employees, including members of the farm household directly involved in the farm operation, provided that:*

- a) the size, nature and productive capacity of the farm operation warrant additional farm employment for extended periods of time such that additional on-site accommodation is considered necessary;*
- b) any new permanent dwellings will be limited to bunkhouses or the conversion and/or expansion of existing farm-related residential units;*
- c) any new temporary dwelling will be located near the existing farm buildings and will be removed if they are no longer required to accommodate farm employees;*
- d) the site can be appropriately serviced by private wells and individual wastewater treatment systems; and*
- e) no new lot is created.*

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3.6.2 Notwithstanding Policy 3.6.1, the Township will permit the addition of one self-contained, residential unit (i.e., secondary suites) in a single detached dwelling located on a farm, except where infrastructure is inadequate or there are significant physical constraints.

3.6.3 Consents to sever a new lot will not be granted for any *farm-related residential units* established in accordance with this policy. It is an objective of this Plan that *farm-related residential units* will be clustered with the farmstead.

3.7 Non-Farm-Related Residential Development

3.7.1 The creation of lots for non-farm-related residential uses, or lot additions from a farm to an abutting non-farm-related residential lot, will not be permitted within the Agricultural Resource Area designation except in accordance with Policy 3.2.4.

3.8 Non-Farm-Related Non-Residential Development

3.8.1 The creation of lots for non-farm-related non-residential uses will not be permitted within the Agricultural Resource Area except in accordance with Policies 3.2.4. For the purpose of determining whether a new lot is being created through a development proposal, regard will be had to the provisions of Policy 3.2.5.

3.8.2 Expansions to existing recreational and/or institutional uses may be permitted in the Agricultural Resource Area designation subject to a site-specific amendment to this Plan. Such development applications will comply with the following:

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- a) the lots accommodating the proposed expansion will not be located within the Prime Agricultural Areas designation;
- b) the need for the proposed expansion in the Agricultural Resource Area is justified taking into consideration the nature of the proposed use and the availability of lands designated within the Baden and New Hamburg Urban Areas, Rural Settlement Areas, and Agricultural Resource Areas for such uses;
- c) the amount of land proposed to be designated and zoned is the minimum appropriate for the requirements of the proposed use based on the nature of the proposed use;
- d) conformity with the Minimum Distance Separation;
- e) the use is clearly demonstrated to be compatible with the adjacent agricultural operations; and
- f) submission of environmental and servicing studies as required by the policies of this Plan.

3.8.3

~~Minor additions to, or intensification of existing industrial, commercial, recreational and/or institutional uses located outside of a Rural Settlement Area, or minor changes in use thereof, may be permitted. Minor expansions to lot areas may be permitted where:~~

- ~~a) — consideration is given to both the size of the lot addition and the impact of the proposed development on surrounding agricultural uses; and~~
- ~~b) — the lot addition does not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act.~~

3.7

NON-FARM-RELATED DEVELOPMENT

3.7.1

Within the Prime Agricultural Area and Rural Areas designations, minor intensification of *existing* industrial, commercial, recreational and/or institutional uses, including minor changes to the uses thereof, may be permitted within the limits of the existing property.

3.7.2

Recreation and Tourism Designation

3.7.2.1

The Recreation and Tourism designation is shown on Map 10. The predominate use of land within this designation shall be for both passive and active recreation and tourism uses, such as trails, parks, golf courses, playing fields, campgrounds, trailer parks and other similar uses compatible with the surrounding Countryside.

3.7.2.2

The Township Zoning By-law will regulate specific uses within the Recreation and Tourism designation.

3.7.2.3

Within the Rural Areas designation, *development applications* to establish a Recreation and Tourism use may be permitted by an amendment to this Plan, provided that:

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- a) any buildings associated with the use are small-in-scale and do not include overnight guest accommodation, with the exception of campgrounds or trailer parks;
- b) the use is compatible with surrounding agricultural operations;
- c) the use minimizes the amount of land removed from agricultural production;
- d) the use complies with other policies of this Plan regarding mineral aggregate extraction, source water protection, the Greenlands Network, and water and wastewater servicing; and
- e) for proposed golf courses, the proponent submits a Best Management Practices report to the satisfaction of the Township that outlines measures to minimize irrigation, fertilizer and pesticide use requirements through use of Integrated Pest

Management, promotes native and naturalized vegetation and minimizes active use areas.

3.7.2.4 Within the Rural Areas designation, *development applications* to sever new lots for Recreation and Tourism uses established in accordance with Policy 3.7.2.3 may be permitted, provided that:

- a) the new lot will be limited to a minimum size needed to accommodate the use;
- b) the severance will not result in an undersized farm that may not be commercially viable, as determined in accordance with Policy 3.3.1;
- c) the lands to be severed have been designated and zoned in this Plan and the Zoning By-law to permit only the proposed use; and
- d) the new lot can be appropriately serviced by private wells and individual wastewater treatment systems.

3.7.2.5 Within the Rural Areas designation, *development applications* to expand the lot areas of *existing* Recreation and Tourism uses may be permitted, provided that:

- a) the *existing* use is not a legal non-conforming use;
- b) there is a demonstrated need for the additional land area;
- c) the use minimizes the amount of land that is removed from agricultural production;
- d) the expansion does not adversely affect the ability of surrounding agricultural operations to carry out *normal farm practices*; and
- e) the severance will not result in an undersized farm that may not be commercially viable, as determined in accordance with Policy 3.3.1.

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3.7.3 Rural Institutional Uses

3.7.3.1 Within the Rural Areas designation, *development applications* to establish a *rural institutional use* may be permitted by an amendment to the Township's Zoning By-law provided that:

- a) there is a demonstrated need for the use to locate within the Rural Areas designation; and
- b) the use is in conformity with Policy 3.7.2.3 (a) to (d).

3.7.3.2 In order to preserve and support the historic, social and cultural needs of a unique segment of the Region's community which relies on horse-drawn vehicles as their primary means of transportation, the Township may permit the establishment of small-scale schools, places of worship and associated cemeteries within the Prime Agricultural Area or Rural Areas designations by an amendment to the Zoning By-law. In the Prime Agricultural Area, an alternative locational analysis must also be completed and the policies of Section 3.7.2.3 (b) to (d) apply.

3.7.3.3 *Development applications* to sever new lots for a *rural institutional use* established in accordance with Policy 3.7.3.1, or a small-scale school, place of worship and associated cemetery established in accordance with Policy 3.7.3.2, may be permitted provided that:

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- a) the new lot will be limited to a minimum size needed to accommodate the use;
- b) the severance will not result in an undersized farm that may not be commercially viable, as determined in accordance with Policy 3.3.1;
- c) the severed lands are zoned in the Township's Zoning By-law to permit only the proposed institutional use; and
- d) the new lot can be appropriately serviced by private wells and individual wastewater treatment systems.

3.7.3.4 Within the Prime Agricultural Area or Rural Areas designations, *development applications* to expand the lot area for a *rural institutional use* established in accordance with Policy 3.7.3.1, or a small-scale school, place of worship and associated cemetery established in accordance with Policy 3.7.3.2, may be permitted provided that:

- a) the *existing* use is not a legal non-conforming use;
- b) there is a demonstrated need for the additional land area;
- c) the use minimizes the amount of land removed from agricultural production;
- d) the expansion does not adversely affect the ability of surrounding agricultural operations to carry out *normal farm practices*; and
- e) the severance will not result in an undersized farm that may not be commercial viable, as determined in accordance with Policy 3.3.1.

3.7.4 Severances for Woodlands/Conservation Lands

3.7.4.1 The creation of lots specifically for the purpose of conserving *environmental features* or elements of the Greenlands Network as designated on Map 7 of this Plan, may be permitted only where such lands are designated by this Plan and zoned to prohibit any use not related to conservation, and are covered by a conservation easement granted in

favour of the Region, the Township or conservation organization acceptable to the Region. The creation of such lots will not be permitted where the configuration of the remnant parcels will create the potential for new *non-farm lots*, or result in farms which may not be commercially viable in accordance with Policy 3.3.1 of this Plan.

3.8 THE PROTECTED COUNTRYSIDE

New ROP Conformity

- 3.8.1 The Protected Countryside is designated by the Region on Map 7 of the Regional Official Plan. A portion of the Protected Countryside is located in the township and is shown on Map 10 of this Plan. This designation identifies a continuous band of *environmental features* and agricultural lands within the region and the township that are to be permanently protected from urban development. Lands within the Protected Countryside contain a large concentration of *prime agricultural lands, woodlands, watercourses, lakes, portions of the Nith River valley, wetlands, Environmentally Sensitive Landscapes, Regional Recharge Areas, mineral aggregate resources* and portions of the Waterloo Moraine. The Protected Countryside is intended to permanently protect these valuable areas from urban development, while providing for the continued use of the lands for agriculture, environmental and other appropriate rural uses, including appropriate access to *mineral aggregate resources* and other natural resources, in conformity with the policies in this Plan and the Regional Official Plan.
- 3.8.2 Land uses within the Protected Countryside will be regulated in accordance with the underlying policies of the Prime Agricultural Area, Rural Areas or Landscape Level Systems as designated in this Plan.
- 3.8.3 Expansions of the Baden and New Hamburg Urban Areas or Rural Settlement Areas will not be permitted into the Protected Countryside, except as provided for in Policy 3.8.4.
- 3.8.4 Minor expansions of Rural Settlement Areas located within the Protected Countryside designation may be permitted to facilitate the enlargement of an *existing* employment, recreational or institutional use subject to the *municipal comprehensive review* provisions of this Plan and the Regional Official Plan. Such expansions will not be permitted where the lands subject to the expansion proposal are also designated as *Environmentally Sensitive Landscape* in this Plan.
- 3.8.5 The designation of lands as Protected Countryside will not affect *agricultural uses* and associated *normal farm practices* as defined in applicable provincial legislation and regulations in conformity with this Plan and the Township's Zoning By-law, and statutes, policies and regulations of other government agencies, including agricultural drainage through municipal or agreement drains.
- 3.8.6 Nothing in this Plan shall prevent the owner of a legal lot of record located within the Protected Countryside designation from obtaining a building permit to construct or enlarge a house, accessory building or farm structure, provided it is in conformity with

all other Township, Regional, and Grand River Conservation Authority requirements and regulations.

CHAPTER 4: HOUSING POLICIES

4.1 GENERAL POLICIES

New ROP
Conformity

- 4.1.1 The Township will maintain a ten year supply of land designated and available for new residential development and residential intensification **the ability to accommodate residential growth for a minimum of 10 years taking into account the density and reurbanization targets of this Plan, and, if necessary, lands which are designated and available for residential development.**
- 4.1.2 The Township will maintain where new development is to occur, ~~at least a three year supply of residential units with servicing capacity in draft approved or registered plans~~ **land with servicing capacity sufficient to provide at least a three year supply of residential units available through land suitably zoned to achieve the density and reurbanization targets of this Plan, and land in draft approved and registered plans.**
- 4.1.3 The Township will give priority to the approval of *development applications* which provide housing types that are needed within the community.
- 4.1.4 The Township will encourage a high level of repair and maintenance in the existing housing stock by taking advantage of federal, provincial and Regional housing programs, adopting and implementing *Community Improvement Plans*, and by enforcing property standards by-laws. ~~and in accordance with Chapter 5.~~
- ### 4.2 RANGE AND MIX OF HOUSING TYPES
- 4.2.1 The Township will provide for a full range of housing types, tenures and densities in all designations where residential land uses are permitted in order to accommodate the needs of current and future residents. The Township will:
- a) provide opportunities for ~~residential intensification and redevelopment through conversion or infill~~ **reurbanization within the built-up area**, except where *infrastructure* is inadequate or there are significant physical constraints;
 - b) promote the efficient use of land in new residential developments and in redeveloping areas; and
 - c) support and encourage innovative lot configurations and housing designs **and construction techniques.**
- 4.2.2 ~~The Township will provide for opportunities for affordable ownership and rental housing by:~~
- a) ~~providing opportunities through the designation and appropriate zoning of land for a minimum of 30% of new housing to be smaller lot single detached units, semi-detached units, plexes, townhouses and apartments;~~

- ~~b) providing opportunities for mixed uses in new residential developments and in redeveloping areas;~~
- ~~c) encouraging the conversion of single detached units to plexes, the provision of housing above commercial and office space in Core Areas, and the use of accessory apartments and garden suites; and~~
- ~~d) supporting the development of private and public non-profit housing.~~

4.2.2

The Township will plan and provide for the development of *affordable housing* in both home ownership and rental housing, to meet the various physical, social, economic and personal support needs of future and current residents by:

New ROP Conformity

- a) requiring, wherever appropriate, where a *development application* proposing residential uses is submitted for a site containing two hectares or more of developable lands, a minimum of 30 percent of new residential dwelling units to be planned in forms other than single detached and semi-detached dwellings, and may include housing forms such as street front townhouses and multiple residential units, in accordance with Section 3A of the Regional Official Plan.
- b) integrating compact, *mixed-use* development in new residential developments and redeveloping areas;
- c) supporting the construction of assisted housing, not-for-profit and *affordable* private sector residential units; and
- d) permitting the addition of one self-contained, residential unit (i.e., secondary suites) in detached, semi-detached and row houses, and ancillary structures located on the same lot in both existing and newly developing residential neighbourhoods, except where *infrastructure* is inadequate or there are significant physical constraints.

4.2.3

The Township will collaborate with the Region and other agencies in the preparation of the Region's Community Action Plan for Housing and the Homelessness to Housing Stability Strategy.

4.2.4

The Township will endeavour to provide a range of planning and regulatory incentives that encourage *affordable housing*.

4.3

Density Targets

4.3.1

The following definitions shall apply for the purpose of calculating residential density in the Baden and New Hamburg Urban Areas:

- a) Gross Residential Hectare

Means the area of land, measured in hectares, utilized for residential dwelling units including the lot areas, local residential streets, local parks including walkways and bicycle ways, public and separate elementary schools, places of worship and other institutions such as day care centres and nursing homes, convenience commercial facilities and local municipal facilities such as hydro substations. This area excludes boundary roads (defined herein to mean roads forming the boundary of a residential area) and widenings, Environmentally Constrained Lands and other major existing uses unrelated to the community such as cemeteries.

b) Net Residential Hectare:

Means the area of land, measured in hectares, utilized for residential building lots. Net Residential density for multiple unit dwellings shall be calculated on the basis of land used for the buildings, private roads and driveways, parking areas and landscaping and amenity areas related to the specific development.

c) Floor Area shall be defined through the Zoning By-law.

4.3.2 The gross residential density for the Baden and New Hamburg Urban Areas will be approximately 12.5 units per gross residential hectare (approximately 5 units per gross residential acre). Net residential density on a particular site may be permitted to a maximum of 60 units per net residential hectares (24.3 units per acre) provided sufficient services are available, the development is compatible with proposed or existing surrounding land uses and is consistent with the objectives and policies of this Plan. Higher density development may be considered by site specific amendment to the Township Official Plan.

4.3.3 The Township will encourage the development of new housing units in existing built up areas, specifically in the Baden and New Hamburg Urban Areas and the Rural Settlement Areas. Development in existing built up areas will be supported through infill, conversion,

4.4 Barrier Free Housing and Group Homes

4.4.1 The Township will encourage and support housing for people with disabilities, such as barrier free housing, group homes and other types. The Township will encourage that such housing be located in close proximity to employment nodes, services and other amenities.

4.4.2 Proposed residential development in the Baden and New Hamburg Urban Areas will be encouraged to include a portion of ownership and rental dwellings that provide barrier free access to people with mobility limitations.

4.4.3 Group Homes will be permitted within all residential designations in this Plan.

4.3 ASSISTED AND SPECIAL NEEDS HOUSING

4.3.1 Proposed residential development in the Baden and New Hamburg Urban Areas will be encouraged to include a portion of ownership and rental dwellings that provide barrier-free access to people with mobility limitations.

4.3.2 The Township will permit *special needs housing* in all residential areas, including areas with access to medical facilities, *employment areas*, social services, *human services*, other *special needs housing* and amenities, subject to the policies of this Plan. The Township Zoning By-law shall not distinguish between the users of *special needs housing* on the basis of personal characteristics.

New ROP
Conformity

4.5

4.4 SENIORS' HOUSING

4.5.1 The Township will encourage and support seniors' housing projects that allow seniors to "age-in-place" and remain active in the community for as long as possible. Any form of seniors' housing should be located in close proximity to commercial and retail areas, community and recreational facilities, institutional uses and parks/open space areas.

4.5.2 The Township will encourage other forms of housing for seniors such as ~~homes for the aged~~ retirement homes, rest homes, nursing homes, long-term care facilities and other seniors housing complexes.

CHAPTER 5: COMMUNITY IMPROVEMENT POLICIES

5.1 GENERAL POLICIES

~~5.1.1 Council may establish community improvement project areas in accordance with Section 28 of the Planning Act, in order to provide for the ongoing rehabilitation and maintenance of specific areas of the Township.~~

5.1.1 Council may pass a by-law to designate part of, or the entire township, as a Community Improvement Project Area in accordance with Section 28 of the Planning Act. Within a designated Community Improvement Project Area, Council may prepare and adopt a *Community Improvement Plan* to promote maintenance, rehabilitation, revitalization, remediation and/or conservation of selected lands, buildings and/or communities.

5.1.2 Council will consider the characteristics of an area to be designated for community improvement. A Community Improvement Project Area will have one or more of the following characteristics:

- a) the presence of conflicting land uses;
- b) the presence of buildings in need of renovation, rehabilitation, improvement or replacement;
- c) deficiencies in terms of open spaces, parks, community facilities or landscaping;
- d) a significant deterioration of *infrastructure*; and/or
- e) deficiencies in terms of flood protection.

Planning Act
Reforms

5.1.3 In order to provide for the rehabilitation of a Community Improvement Project Area, ~~with an approved~~ *Community Improvement Plan*, Council may:

- ~~a) provide for the preparation of a community improvement plan for the area;~~
- ~~b) a) acquire land within the community improvement project area and clear, grade or otherwise prepare the land for community improvement;~~
- ~~c) b) construct, repair, rehabilitate or improve buildings on land that has been acquired by Council;~~
- ~~d) c) sell, lease or otherwise dispose of land that has been acquired by Council;~~
- ~~e) d) provide grants or loans to property and building owners within the Community Improvement Project Area;~~
- ~~f) e) enforce by-laws and policies dealing with property maintenance; and~~

- g) f) encourage the private sector and the public to become involved with initiatives in community improvement project areas.

5.1.4

The Township may provide grants, loans or other assistance as deems appropriate for the purposes of carrying out programs as described in Regional Community Improvement Plans.

Planning Act
Reforms

CHAPTER 6: GENERAL LAND USE POLICIES

6.1 LAND USE COMPATIBILITY

6.1.1 The Township will encourage development that is compatible with the location, density and other characteristics of surrounding land uses. Compatibility will address both the impacts of surrounding land uses on the proposed development, as well as impacts of the proposed development on surrounding land uses. Factors that will be used to assess the compatibility of a proposed development include:

- a) the density, scale, height, massing and visual impact of surrounding buildings and the proposed development;
- b) the preservation of the natural environment and ~~built heritage resources~~ *cultural heritage resources*;
- c) the continued visibility and viability of adjacent land uses;
- d) *pedestrian*, cyclists, and vehicular movement and linkages, and parking requirements;
- e) landscaping, setbacks, sun and shadow effects, wind effects, signage, lighting and buffering of proposed and existing developments;
- f) noise, dust, odours or vibrations generated by surrounding land uses as well as the proposed development; and
- g) traffic generated by surrounding land uses and the proposed development.

New ROP
Conformity

6.1.2 ~~The Township will minimize the impacts on and by new and existing industrial facilities by restricting sensitive land uses in industrial areas. Compatible uses may be encouraged as a buffer between sensitive land uses and industrial areas, where the intervening use is compatible within both industry and the sensitive land use.~~

The Township will prevent or minimize potential *adverse effects* from odour, noise and other contaminants, and risks to public health and safety due to the encroachment of *sensitive land uses* and potentially incompatible uses on one another. Compatible uses may be encouraged as a buffer between *sensitive land uses* and industrial areas, where the intervening use is compatible within both industry and the *sensitive land use*.

6.1.3 Effective separation distances for minimizing the impacts of industrial activities on surrounding ~~land uses~~ *sensitive land uses* will be ~~established~~ *applied* by the Township in consultation with the ~~applicant~~ *Region* and the ~~Ministry of Environment or its delegated authority~~ *the Province's land use compatibility guidelines*.

6.1.4 The proponent of a development proposed within 500 metres of a landfill site, 300

metres of an aggregate operation or 1,000 metres of a quarry will be required to undertake an impact assessment to determine the impacts due to noise, dust, odour and possible effects to water resources.

6.1.5 Pursuant to the Environmental Protection Act, the Township will require written approval from the ~~Ministry of the Environment~~ **Province** prior to consideration of a *development application* within areas formerly used as waste management facilities.

6.1.6 The Township, in consultation with the Region and the ~~Ministry of Environment~~ **the Province**, will consider the *adverse* effects associated with the operation of wastewater treatment facilities or systems on *sensitive land uses* during the development approval process and may require the appropriate use of separation distances or other mitigation measures.

6.1.7 The Township, **in consultation with the Region and the Province**, may require separation distances, ~~in consultation with the Region and the Ministry of Environment~~ berming, screening, fencing, and/or other appropriate buffers to minimize both visual and noise impacts of a proposed development.

6.1.8 The Township will require appropriate implementation of safety measures such as setbacks, berms and security fencing and warning signs as conditions of approval for *development application* adjacent to ~~railways~~ **rail facilities** in consultation with the appropriate railway authority.

6.1.9 **All site lighting, when required, shall be designed to create safe outdoor environments and to minimize glare and impact to night sky, public view and surrounding properties.**

6.2 CONTAMINATED SITES

6.2.1 ~~Where a development application is submitted on or adjacent to lands which are identified by the Ministry of the Environment, or its delegate, as a known, suspected or potentially contaminated site, approval of the application or the issuance of draft approval or provisional consent, as the case may be, will comply with the Regional Municipality of Waterloo's Protocol for the Review of Development Applications on or Adjacent to Lands which are Known, Suspected or Potentially Contaminated Sites, as amended.~~

New ROP
Conformity

Planning approvals will be subject to the submission of a Record of Site Condition for any *development application* proposed on, or adjacent to, a known or potentially contaminated site, in accordance with the provisions of the Regional Implementation Guidelines for the Review of Development Applications On or Adjacent to Known and Potentially Contaminated Sites.

6.2.2 The closure of landfill sites and other facilities identified under the Environmental Protection Act are subject to the closure conditions of a Certificate of Approval.

6.2.3 Decommissioning of Sites

Potentially contaminated sites may include buildings, lands or structures which, for reasons of public health and safety or environmental quality, may have the potential for adverse effects to human health or the natural environment. Their rehabilitation is encouraged as part of this Plan.

6.2.3 Reuse of Brownfield and Greyfield Sites

The Township encourages the reuse of any identified *brownfield sites* or *greyfield sites* to support *reurbanization* and make better use of existing land and *infrastructure*.

6.3 MINIMUM DISTANCE SEPARATION I AND II

~~All farm operations and buildings and all non-farm uses and structures permitted by the Agricultural Resource Area policies of this Plan will comply with the Minimum Distance Separation (MDS) I and II formulae or other Provincial regulations. The MDS varies according to the type and size of livestock operation. Around settlement areas and other uses (such as active recreational or institutional uses), the MDS calculations result in larger separation distance requirements~~

6.3.1 New land uses, including the creation of separate lots, expansions of existing lots and the development of new or expanding livestock facilities will comply with the *minimum distance separation formulae* and the Nutrient Management Act. The completion of Nutrient Management Plans according to Best Management Practices shall meet provincial legislation or a municipal requirement prior to the issuance of building permits for certain types and sizes of operation. Where provincial legislation permits, the Township may pass a by-law to encourage higher standards of environmental responsibility.

New ROP
Conformity

~~6.3.2 All proposed development, or any new/expanded livestock barns and manure storage facilities will conform to the Minimum Distance Separation (MDS) and the Nutrient Management Act.~~

6.4 NOISE

6.4.1 Prior to the approval of *development applications* in any area with the potential to be adversely affected by traffic, rail and stationary noise, the Township shall require a noise feasibility study be undertaken to the satisfaction of the Region ~~and~~ **and/or** the Township by a qualified professional which demonstrates that appropriate abatement measures will be provided as set out in ~~Section 11.9 of the Regional Official Policies Plan~~ **the Regional Official Plan** and the Region's Implementation Guidelines for Noise Policies.

6.4.2 ~~The Township will encourage the use of passive noise mitigation measures, where ever possible, as a means of reducing the use of structural measures such as noise barriers.~~

The Township will require consideration of the use of *passive noise attenuation measures* during the preparation of *development applications*, as a preferred means of reducing the use of structural mitigation measures such as noise barriers.

6.4.3 Any required noise abatement measures will be implemented through the development approval process and may include the following:

- a) use of increased setbacks;
- b) specific siting of buildings and land uses;
- c) incorporation of special building design techniques such as height, configuration, internal layout, window locations and window construction; and/or,
- d) use of special building materials and techniques; and/or.
- e) use of sound barriers such as walls, fencing, or landscaped berms.

6.5 PARKING, ACCESS AND LOADING FACILITIES

6.5.1 All uses shall be supplied with adequate off-street parking and, in the case of institutional, commercial and industrial uses, adequate off-street loading facilities. Access points to off-street parking or loading areas shall be limited in number and designed in a manner that provides for the adequate and safe movement of vehicular or *pedestrian* traffic.

6.5.2 While it is the general intent of this Plan that development or redevelopment satisfy the minimum parking standards of the Township, where this is not possible and the Township still is in support of the proposed development, Council may allow a parking exemption pursuant to Section 40 of the Planning Act. Parking exemptions will not be permitted for Highway Commercial development.

6.5.3 Access for all new habitable buildings shall be designed so that emergency vehicles and *pedestrian* movement is not prevented during a flood in order that safe access/evacuation is ensured.

6.6 URBAN DESIGN GUIDELINES

6.6.1 Urban design guidelines are used to ensure that development contributes to the well being of residents and enhances the positive aspects of the community character. Urban design policies will be considered by a future Implementation Guideline in accordance with Policy 10.8 of this Plan.

6.7 TRANSPORTATION PLANNING

This section establishes the general transportation policies for the Township of Wilmot.

A convenient, safe and functional road network is the key element in facilitating the movement of both people and goods to and from the various areas within the Township and neighbouring municipalities. The Township will provide and maintain a road network that is integrated with Provincial and Regional roads, to accommodate current and anticipated traffic volumes so as to ensure the efficient movement of people and goods throughout the Township.

The Township will also endeavour to implement transportation demand management strategies to assist in reducing the demand for roadways and the total number of vehicle trips. Such strategies may include encouraging more *sustainable* travel choices through the integration of *infrastructure* and policies supportive of walking, cycling, transit, carpooling and other forms of human-powered transportation.

6.7.1 General Policies

6.7.1.1 To minimize the impact of development on Provincial and Regional Road systems, the Township will:

New ROP
Conformity

- a) apply Provincial and Regional conditions on *development applications* with respect to the operation of the respective road networks as part of development approvals under the Township's jurisdiction;
- b) require *site plan* and plan of subdivision designs to have regard for the needs of cyclists, *pedestrians* and future transit for access to the site; and
- c) provide for the design and construction of an integrated road system.

6.7.1.2 The Township will encourage the use of Provincial and Regional Roads for long range or through traffic movement.

6.7.1.3 The Township will implement the applicable recommendations of the Regional Cycling Master Plan, the Regional Transportation Master Plan, the Regional Pedestrian Master Plan and the Regional Pedestrian Charter through the review of *development applications* and *site plans*.

6.7.1.4 Through the review of *development applications*, the Township may provide reduced parking standards for developments within the Baden and New Hamburg Urban Areas where the applicant agrees to incorporate transportation demand strategies as part of the proposed development.

6.7.2 Road Hierarchy

6.7.2.1 The Township will recognize a hierarchy of roads of the following systems:

- a) Provincial Highways: All *development applications* which are located adjacent to a Provincial Highway, as designated on Map 7 6.1 of this Plan are subject to the

geometric and safety requirements and permits of the Ministry of Transportation Ontario;

Housekeeping

- b) Regional Roads: All *development applications* which impact an existing or proposed Regional Road as designated on Map 7 6.1 of this Plan, are subject to the policies of the ~~Regional Official Policies Plan~~ **Regional Official Plan** and appropriate Regional Implementation Guidelines;
- c) Primary Township Roads: are principal roads serving the joint functions of facilitating traffic movement throughout the Township, providing direct access to *abutting* land uses, and connecting to the Provincial and Regional road system. All *development applications* which impact an existing or Proposed Primary Township Road Corridor as designated on Map 7 6.1 of this Plan, or proposing the development of a new Primary Township Road are subject to the policies of this Plan, and appropriate Township implementation guidelines; and
- d) Local Township Roads: facilitate internal traffic movement in Rural Settlement Areas and the Baden and New Hamburg Urban Areas as well as local traffic outside of these areas. Local Township Roads provide access to *abutting* land uses and are not intended to accommodate the movement of traffic throughout the Township.

6.7.3 Township Roads

6.7.3.1 Existing Local Township Roads, Primary Township Roads, and Proposed Primary Township Road Corridors are designated as shown on Map 7 6.1 of this Plan.

6.7.3.2 The Township will develop and maintain an on-going program of maintenance and improvement of the Township Road System taking into consideration both the function of the roadway and its impact on the surrounding environment.

6.7.3.3 The Township recognizes that Primary Township Roads have a traffic carrying function beyond the immediate area and will protect this function by:

- a) giving preference to traffic movement on paved roads;
- b) limiting the number and location of accesses to locations where adequate site distances are achievable in accordance with Township standards. Access design will be in accordance with Township Road Entrance Guidelines;
- c) requiring, where necessary, the dedication of land to provide for future road expansions; and,
- d) requiring appropriate building set backs in the Township Zoning By-Law.

6.7.3.4 Any new roads created through the development approval process must meet Township

standards, and will be assumed by the Township, where appropriate, once constructed in accordance with these standards.

6.7.3.5 Where a *development application* may impact a proposed Township Road Corridor, the Township may:

- a) consider the proposed development as premature until transportation planning and *Environmental Assessment* studies are completed by the Township;
- b) require the proponent to undertake planning and *Environmental Assessment* studies for the transportation corridor, to the satisfaction of the Township, in conjunction with the processing of the *development application*; or
- c) approve the *development application* if it would not compromise the *Environmental Assessment* requirements.

6.7.3.6 The following changes to the classification or jurisdiction of roads shown on Map 7 6.1 may be made without amendment to this Plan:

- a) minor modification to the designations, such as a change in classification which does not significantly change the function of the road;
- b) temporary changes to the designations, such as a change in jurisdiction for the purpose of land dedication or road construction; and,
- c) selection of the alignment for a Proposed Primary Township Road Corridor that is consistent with the corridor shown on Map 7 6.1.

6.7.3.7 The Township will require road widenings from all lands contained within *development applications* and/or *site plans*, where the existing road allowance is less than the Designated Road Allowance shown on Schedule 'B', or where an additional widening is required in accordance with Policy 6.7.5.4. Any such road widenings will be obtained by dedication prior to, or as a condition of, the approval of the *development application* and/or *site plan*, in accordance with the provisions of the Planning Act.

Housekeeping

6.7.3.8 For the purposes of the site plan control provisions of the Planning Act, each Township Road described in Schedule 'B' will constitute a "highway to be widened", and the designated Regional Road Allowance plus the road widenings specified in Policy 6.7.3.7 will constitute the "extent of the proposed widening".

~~6.7.4~~ ~~Traffic Study Requirements~~

6.7.4 **Transportation Impact Studies**

6.7.4.1 Where a *development application* or *site plan* is likely to generate significant traffic volumes on a Township Road, or where the application is proposing the creation of new Township Roads, ~~traffic impact analyses, land dedications, and other measures may be~~

~~required as a condition of approval to the satisfaction of the Township~~ **the applicant will be required to submit a Transportation Impact Study to the satisfaction of the Township. Based on the results of the Transportation Impact Study, the applicant may be required to dedicate land for road widenings and undertake other road improvements to mitigate the impacts of the proposed development on the Township's road system.**

6.7.4.2

New ROP
Conformity

Where a *development application* is likely to generate significant traffic volumes on Regional Roads, the applicant will be required to submit a ~~study to the satisfaction of the Region, in accordance with the Regional Implementation Guideline relating to the preparation of traffic impact studies and Policy 11.5.6 of the Regional Official Policies Plan.~~ **Transportation Impact Study to the satisfaction of the Region, in accordance with the Regional Transportation Impact Study Guidelines and the policies of the Regional Official Plan.**

6.7.4.3

Where a *development application* will impact upon existing or planned Regional Roads, ~~traffic impact analyses~~ **transportation impact studies**, land dedications, noise attenuation and other measures will be required in accordance with ~~Policy 11.4.3 of the Regional Official Policies Plan~~ **the Regional Official Plan.**

6.7.4.4

Where a *development application* will impact upon existing or planned Provincial Roads, ~~traffic impact analyses~~ **transportation impact studies**, land dedications, noise attenuation and other measures may be required by the ~~Provincial Ministry of Transportation~~ **Province.**

6.7.4.5

Where a *development application* is affected by road improvements which are subject to a ~~Municipal Class Environmental Assessment~~ **an Environmental Assessment**, the *Environmental Assessment* will be completed to the extent required before approval of the *development application* by the Township or the Region.

6.7.5

Road Design and Construction

6.7.5.1

The construction of any new Township Roads will conform to recommended standards outlined in the Township Construction Guidelines, and will be subject to the approval of the Township. Where Township roads intersect Regional or Provincial roadways, the Township will co-operate with the respective road authority to ensure that the design of the Township road complements the design of the intersecting roadway.

6.7.5.2

Any costs associated with road design, construction and/or transportation improvements resulting from a proposed development which has not been provided for in the Township's Development Charges By-Law, will be the responsibility of the applicant.

6.7.5.3

Where a development application is affected by road improvements requiring land acquisition, the acquisition of this land must be secured prior to, or as a condition of, the approval of the development application by the Township or the Region.

6.7.5.4 In addition to requiring road widenings to secure the Designated Road Allowances shown in Schedule 'B', the Township may require road widenings as a condition of approval of a *development application* and/or *site plan*, for the following purposes:

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

6.7.5.3 Where a *development application* or *site plan* requires the granting of easements and/or the dedication of land for sidewalks, bicycle pathways, transit stops, public transit rights of ways, Township Roads, Regional Roads, roundabouts and utilities, the dedication of this land must be secured prior to, or as a condition of, the approval of the *development application* or *site plan* by the Township or the Region.

6.7.5.4 The provision of cycling and *pedestrian* amenities associated with transportation demand management, such as bicycle racks, *pedestrian* lighting, or street furniture that are required by the Township or the Region through a *development application* or *site plan*, will be the financial responsibility of the applicant, unless funding is available through other sources satisfactory to the Township and/or the Region.

~~6.7.5.4~~ 6.7.5.5 As part of the completion of a Community Plan or review of *development applications* adjacent to Regional and Township roads, the Township will encourage innovative designs to support cycling, *pedestrian* and future transit access and maintain the integrity of the respective road systems.

6.7.6 Emergency Access

~~6.7.6.1~~ The Township will require all development applications to be in accordance with the Regional Municipality of Waterloo's Emergency Access Guidelines.

~~6.7.6.2~~ 6.7.6.1 The Township will require as a condition of development a *development application* or *site plan* approval, the submission of detailed drawings indicating the emergency access to be provided at all phases of the development for review and approval by the Township. Emergency accesses will be provided at the expense of the developer at no cost to the Township.

6.7.7 Railways

6.7.7.1 The Township will encourage the grade separation of main rail lines and Primary Township roads identified on Map 7 6.1 of this Plan.

6.7.7.2 The Township will encourage access to rail service within Industrial/Commercial Areas of the Township.

6.7.7.3 The Township will discourage the extension of railway lines adjacent to, or within residential areas.

6.7.7.4 The Township will cooperate with the Region and other agencies to protect and where feasible, acquire abandoned rail corridors for their future use as transit, walking, cycling, and utility corridors.

6.7.7.5 The Township will require berming, setbacks, screening or fencing, safety and noise attenuation features where development is proposed *abutting* railway rights-of-way, as appropriate, as required in ~~Regional Official Plan Policies 7.7.2.2 and 11.9~~ **the Regional Official Plan** and in consideration of any comments received from the *abutting* rail authority in response to a circulation required under the Planning Act.

6.7.7.6. The Township will require that any vibration sensitive development within 75 metres of a rail line must address vibration concerns, which may include the submission of a vibration study and the implementation of appropriate mitigation measures, to the satisfaction of the Township, and in consideration of any comments received from the *abutting* rail authority in response to a circulation required under the Planning Act.

6.7.8 Public Transit

6.7.8.1 The Township supports planning for the future extension of transit services to accommodate its growing population and as such will cooperate with the Region in reviewing the feasibility of extending transit services to the Township.

6.7.8.2 ~~The Regional Municipality of Waterloo will, from time to time, review the economic feasibility and demand for a public transit service. If at any time this review determines the issue warrants additional consideration, the Regional Municipality of Waterloo will undertake an appropriate transit study. Where appropriate, policy changes resulting from the study may be incorporated by amendment to this Plan.~~

Housekeeping

Where appropriate, the Township will incorporate any required policy changes resulting from the transit services review noted in Policy 6.7.8.1 by amendment to this Plan.

6.7.9 Bicycle ~~Cycling~~ Routes and Pedestrian Paths

6.7.9.1 The development of ~~bicycle~~ **cycling** routes and *pedestrian* paths will be encouraged where practical and safe. ~~The Township will cooperate with the Region on the implementation of the Regional Cycling Master Plan.~~ **The Township will give priority to the cycling routes identified on Map 6.2 of this Plan, the Wilmot Trails Master Plan and Implementation Guidelines, and to the *pedestrian* paths identified in the Regional Pedestrian Master Plan.**

6.7.9.2

The Township will encourage the development of a system of bicycle routes and pedestrian paths to link major public open space, schools, areas of employment and activity centres, and to provide for recreational needs of Township residents.

The Township will identify and encourage opportunities for enhanced *pedestrian* and cycling environments which contribute to opportunities for walking and cycling for purposes of convenient travel, recreation, health, environmental and economic reasons, and promoting physical activity through the review of *development applications* and *site plans*. Examples of such measures may include:

- a) integrating *pedestrian* and cycling facilities into developments;
- b) ensuring local parks are *pedestrian*-friendly, safe and accessible, wherever feasible and appropriate;
- c) implementation of Crime Prevention Through Environmental Design (CPTED) principles; and
- d) encouraging implementation of guidelines supportive of *pedestrian* and cycling activity in accordance with the provisions of the Canadian Institute of Transportation Engineers' guidelines for promoting *sustainable* transportation through site design.
- e) providing consistent information and signage systems to support exploration, discovery and travel throughout the township by foot and bicycle;
- f) securing dedications for trail corridors; or
- g) providing *pedestrian* and cyclist connections to local schools, community centres, or future transit stops, where transit is being planned in the future.

New ROP
Conformity

6.7.9.3

Draft Plans of Subdivision or other *development applications* will provide for *pedestrian* paths and/or bicycle *cycling* routes connecting open space areas where appropriate.

6.7.10

Truck Routes

6.7.10.1

To provide for the safe and efficient movement of trucks through and within the Township, and to minimize the impact of heavy trucks on residential areas, the Township will:

- a) encourage heavy truck traffic to utilize Provincial, Regional, and Primary Township roadways;
- b) prohibit truck traffic on all Local Township Roads, except in cases of local delivery and only in the absence of alternative acceptable routing.

6.7.11 Scenic Roads

6.7.11.1 The Township may identify Scenic Road Corridors through amendment to this Plan where:

- a) they have unique structural, topographic and visual features;
- b) they are adjacent to an area containing unique vegetation or species, including mature tree cover or enclosure;
- c) contiguous lands function as a wildlife corridor;
- d) the adjacent landscape or built structures have been identified as ~~heritage features of historical or architectural significance~~ *cultural heritage resources of cultural heritage value or interest*; or
- e) the road is located within an approved or proposed Heritage Conservation District *or Cultural Heritage Landscape*.

New ROP
Conformity

6.7.11.2 Where necessary, prior to designating a Scenic Road Corridor, the Township will undertake necessary planning, transportation and traffic studies to identify alternative routes for existing or future high volume and high speed traffic.

6.7.11.3 The scenic values including the view from Township or Regional Roads to prominent heritage buildings or natural landscape features will be preserved where feasible.

6.7.11.4 Where feasible, the scenic values of designated Scenic Road Corridors will be maintained, and preserved *and protected* by the Township when undertaking road improvements.

6.8 INFRASTRUCTURE AND SERVICING PLANNING

6.8.1 ~~The Township will ensure that all new development is provided with adequate and effective water, wastewater and storm water facilities designed and constructed in accordance with sound engineering and environmental practices.~~

The Township, in conjunction with the Region, will ensure that all new development is serviced by adequate and effective water, wastewater and storm water facilities in accordance with sound engineering practices and technologies that aim to protect human health and the natural environment.

6.8.1 Wastewater Servicing

6.8.1.1 ~~Wastewater treatment for any development proposed within the Township will be in accordance with the policies contained in Section 10.2 of the Regional Official Policies~~

Plan, with the following exceptions:

- a) ~~development proposing infill within Rural Settlement Areas which are not serviced by communal water supply systems will need to demonstrate to the satisfaction of the Township and the Regional Municipality of Waterloo that a private wastewater system can operate satisfactorily on the site; and~~
- b) ~~notwithstanding any policies in this Plan to the contrary, the creation of new infill lots in the Baden and New Hamburg Urban Areas serviced on individual wastewater services may be permitted only in the following circumstances:~~
 - i) ~~the proposed infill lots are located within the areas illustrated as Special Policy 6.8.1.1 b) on Maps 4 and 5 of this Plan; and~~
 - ii) ~~it is not feasible to service the proposed infill lots on full municipal wastewater services in accordance with Policy 10.2.1.3 of the Regional Official Policies Plan.~~

The Township will evaluate wastewater servicing options for *development applications*, based on the following order of priority:

- a) extension of servicing from municipal wastewater services, unless it can be demonstrated to the satisfaction of the Township and the Region that such a servicing option is not feasible; and
- b) new individual wastewater treatment systems, except where such systems are not permitted in accordance with Policy 6.8.1.2 b).

6.8.1.2 Notwithstanding Policy 6.8.1.1, *development applications* proposing the use of new individual wastewater treatment systems:

- a) may be permitted to support the development of new infill lots in the Baden and New Hamburg Urban Areas within the areas illustrated as Special Policy Area 6.8.1.2 a) on Maps 4.1 and 4.2; and
- b) will not be permitted within the Designated Greenfield Areas designation illustrated on Map 2.2, or within the areas designated as Wellhead Protection Sensitivity Area 1 or High Microbial Risk Management Zones on Map 8.

6.8.1.3 Prior to the approval of any *development applications* proposing the use of individual wastewater treatment systems, studies prepared in accordance with the provisions of the Regional Implementation Guideline for Source Water Protection Studies and approved by the Region, must have demonstrated that such system(s) can operate satisfactorily on the site over the long-term and will not have a negative impact on groundwater resources.

New ROP
Conformity

6.8.1.4 *Development applications* proposing alternative individual wastewater treatment systems will only be permitted where the proposed lot size would accommodate a conventional individual wastewater treatment system.

6.8.1.5 When reviewing *development applications* in the Baden and New Hamburg Urban Areas, the Township will ensure that no such development is recommended for approval if the Region determines that there is insufficient reserve capacity in the municipal wastewater services.

6.8.2 Water Supply

6.8.2.1 ~~Water servicing for any development will be in accordance with the servicing hierarchy policies contained in Section 10.3 of the Regional Official Policies Plan, with the following exceptions:~~

- ~~a) notwithstanding any policies in this Plan to the contrary, the creation of new infill lots in the Baden and New Hamburg Urban Areas serviced on individual water services may be permitted only in the following circumstances:~~
 - ~~i) the proposed infill lots are located within the areas illustrated as Special Policy 6.8.2.1 a) on Maps 4 and 5 of this Plan; and~~
 - ~~ii) it is not feasible to service the proposed infill lots on full municipal water services in accordance with Policy 10.3.1.3 of the Regional Official Policies Plan.~~

The Township will evaluate water supply servicing options for *development applications*, based on the following order of priority:

- a) extension of servicing from municipal water services, unless it can be demonstrated to the satisfaction of the Region that such a servicing option is not feasible; and
- b) new private wells, except where such wells are not permitted in accordance with Policy 6.8.2.2 b).

6.8.2.2 Notwithstanding Policy 6.8.2.1, *development applications* proposing the use of new private wells:

- a) may be permitted to support the development of new infill lots in the Baden and New Hamburg Urban Areas within the areas illustrated as Special Policy Area 6.8.2.2 a) on Maps 4.1 and 4.2; and

New ROP
Conformity

b) will not be permitted within the Designated Greenfield Areas designation illustrated on Map 2.2, or within the areas designated as Wellhead Protection Sensitivity Area 1 or High Microbial Risk Management Zones on Map 8.

6.8.2.2 The Township will discourage non-residential development which requires significantly large quantities of water for its current or future operation.

6.8.2.3 The Township will encourage and support water conservation practices particularly in the fields of reduction of consumption, avoidance of wasteful practices, and water recycling.

6.8.2.4 The Township recognizes that the provision of an adequate and assured supply of potable water is a basic necessity to all residents of the Township and the Region, and that although supply of water is a Regional responsibility, the Township will, through its representatives at the Regional level, strive to assure such supply.

6.8.2.5 The Township will encourage Regional authorities to study and consider the possible effect of lowering water tables on the agricultural economy prior to developing new sources of ground water taking in the Township.

6.8.2.6 The Township, when considering development proposals in areas where municipal water supply is provided, will assure that no such development is recommended for approval if the Region determines that there is insufficient capacity in the water supply system.

6.8.2.7 When reviewing *development applications* in the Baden and New Hamburg Urban Area, the Township will ensure that no such development is recommended for approval if the Region determines that there is insufficient reserve capacity in the municipal water services.

6.8.2.8 Prior to the approval of any *development applications* that propose the use of private wells as a servicing option, studies undertaken in accordance with the provisions of the Regional Implementation Guideline for Source Water Protection Studies, must have demonstrated that such wells can operate satisfactorily on the site over the long-term and not negatively affect groundwater resources.

New ROP
Conformity

6.8.2.9 Where a *development application* proposes the use of private wells to supply potable water, only drilled wells with appropriate surface casing will be permitted.

6.8.3 Waste Management

6.8.3.1 The Township will co-operate with the Region to co-ordinate the collection and haulage of waste and materials for recycling and composting to Regional waste management facilities and maximize opportunities for local composting and waste recycling.

6.9 STORMWATER MANAGEMENT

6.9.1 The submission of stormwater management plans may be required as a condition of ~~development or site plan approval~~ *development application or site plan approval*. All stormwater management plans shall be prepared by a professional engineer and submitted to the Township and the Grand River Conservation Authority for approval in accordance with the Township Stormwater Management Guidelines, approved Master Drainage Plans and Watershed Studies, and any applicable current best management practices. In addition, where lands drain to a Regional facility or a Provincial Highway, stormwater management plans shall also be submitted to the satisfaction of the Regional Municipality of Waterloo and/or the Provincial Ministry of Transportation.

New ROP
Conformity

6.9.2 A landscaping plan approved by the Township will be required for all stormwater retention and detention facilities. All required landscaping will be installed in accordance with the approved plan, at the cost of proponent.

6.9.3 The Township may require Stormwater Management facilities to be dedicated to the Township as a condition of ~~development or site plan approval~~ *development application or site plan approval*. Stormwater Management facilities conveyed to the Township must be designed, constructed and maintained in accordance with the approved Stormwater Management Plan.

Housekeeping

6.9.4 The Township may, where appropriate, require fencing around Stormwater Management facilities as a condition of development or *site plan* approval. Notwithstanding the above, the Township strongly encourages the development of stormwater management facilities which can serve as natural amenities and will discourage the development of stormwater management facilities which require fencing.

6.9.5 The Township will ensure insofar as possible that storm water run-off from both urban and rural areas and the discharge from municipal drains, tile drains and joint farm drains will be managed to reduce the possibility of down stream flooding or flooding of adjacent lands, and to ensure that the discharge of storm water into existing water courses, streams or rivers will not add substantially to the pollution or channel degradation of these water courses.

6.10 MAJOR UTILITY CORRIDORS OR RIGHTS-OF-WAY

6.10.1 The Township adopts the following policies relative to the construction or creation of major utilities, communication or service corridors proposed to cross the Township:

- a) All public utility, road, communication or service corridors, rights-of-way or installations that legally exist at the time of the approval of this Official Plan shall be considered to be in conformity therewith.
- b) The construction or creation of any new or additional major utility, road, communication or service corridors, rights-of-way or installations which include

transforming distributing and regulatory facilities (with the exception of minor expansions) through, under or upon lands within the Township and the construction of major water control structures shall be considered to be in contravention of this Official Plan unless and until such project has been approved pursuant to the provisions of the Environmental Assessment Act.

- 6.10.2 Disposal sites for liquid or solid wastes (but not including publicly owned and operated sewage treatment plants or sites for the land application of septic system wastes which have been approved by the Ministry of the Environment), major utilities corridors, major new road or rail rights-of-way and major water control structures will only be permitted in conformity with the policies of the Regional Official Policies Plan and the policies of this Plan.

- 6.10.3 The encroachment of *abutting* land uses onto Ontario Hydro, Interprovincial Pipeline and other utility easements are subject to the approval of the respective agency and the Township.

Housekeeping

- 6.10.4 The Township will confirm, as part of the development review process, that utility providers are able to provide services to support the proposed development in a timely manner and that, if required, appropriate locations for large utility equipment and utility clusters sites have been determined.

~~6.11 Open Space, Parks and Recreational Facilities~~

6.11 OPEN SPACE, MAJOR RECREATION, AND RECREATION AND TOURISM FACILITIES

The Township recognizes the importance of parks, open space, and recreational and tourism facilities in providing the conservation and protection of significant natural features and in providing recreational opportunities for its residents. The Township will provide and maintain sufficient space for both active and passive recreational pursuits by combining the provision of parkland, sports fields, community facilities, and natural areas to satisfy the recreational needs of all ages and lifestyles, in a manner that reflects the Township's growth and financial priorities.

Housekeeping

6.11.1 General Policies

- 6.11.1.1 ~~The Open Space designation will be applied to lands that have been identified as Environmental Areas in accordance with Policy 8.1.1.1 and which are located within the Baden or New Hamburg Urban Areas or the Rural Settlement Areas. Lands designated Open Space are illustrated on Maps 4, 5, and 6.1 through to 6.12 inclusive in this Plan.~~

The Open Space designation will be applied to any lands forming part of the Greenlands Network identified in Section 8.1 and which are located within the Baden or New Hamburg Urban Areas or the Rural Settlement Areas. Lands designated as Open Space are illustrated on Maps 4.1, 4.2 and 5.1 to 5.12 inclusive in this Plan.

- 6.11.1.2 The Major Recreation designation will be applied to all or portions of the following uses:

conservation areas, major public parks, ~~privately owned recreation areas~~, appropriate heritage features, fairgrounds, ~~golf courses, camping facilities and recreational trailer parks~~. Lands designated Major Recreation are identified on ~~Maps 2, 4 and 5~~ **Maps 4.1, 4.1 and 4.2**.

- 6.11.1.3** The Recreation and Tourism designation will be applied to all or portions of the following uses: ~~privately owned recreation areas, golf courses, camping facilities and recreational trailer parks~~. Lands within the Recreation and Tourism designation are identified on Map 10.
- 6.11.1.34** Where lands are designated as Open Space on any map in this Plan and ~~as Environmentally Constrained Lands on Map 3~~ **as an element of the Greenlands Network illustrated on Map 7**, uses permitted within the Open Space designation will be subject to the restrictions as established through the policies contained in Chapter 8 of this Plan.
- 6.11.1.45** Where lands are designated as Major Recreation on ~~Maps 2, 4 and 5~~ **Maps 4.1, 4.1 or 4.2** and Environmentally Constrained Lands on Map 3, uses permitted within the Major Recreation designation will be subject to the policies contained in this Section and Section 8.2 of this Plan.
- 6.11.1.56** Specific uses within the Open Space, ~~and~~ Major Recreation **and Recreation and Tourism** designations will be regulated through the Township Zoning By-law.
- 6.11.1.67** The Township will actively seek to provide a balanced system of recreational and leisure opportunities through the development of parks, open space and recreational facilities that provide opportunities for physical recreation, socialization, cultural pursuits, community identification, nature appreciation and education.
- 6.11.1.78** Where feasible, the Township will facilitate partnership arrangements, joint ventures and facility sharing with the school boards, other institutions and community groups to expand the supply of parks, open space, and recreational facilities.
- 6.11.1.89** The Township ~~may undertake a~~ **will periodically review and update its** Parks and Recreation Master Plan on a Township-wide basis to **maintain a current** inventory of existing parkland, open space, and recreational facilities, identify deficiencies, and provide recommendations for future acquisition/development of parkland, open space and facilities.
- 6.11.1.910** The Township will encourage the development of a system of linked green space, open space and trails throughout the Township relying on existing parklands, corridors associated with watercourses, utility corridors, conservation areas, schools and the co-operation of private landowners.
- 6.11.1.1011** The Township will encourage the development of a system of bicycle routes and *pedestrian* paths to link major public open space, schools and activity centres, and to provide for recreational needs of Township residents in accordance with Section 6.7.9 of

this Plan.

- 6.11.1.11¹² The Township will encourage and work with the Grand River Conservation Authority, the Region, other agencies and the public to make lands available for recreational purposes such as cross-country skiing and hiking trails.

6.11.2 Parkland and Open Space Acquisition

6.11.2.1 The Township may acquire and/or protect Parkland and Open Space Areas as follows:

Housekeeping

- a) lease or purchase land at an appropriately negotiated price;
- b) ~~enter into any agreements, or enact a zoning by-law to preserve Open Space in accordance with the policies contained in Section 8.1 of this Plan;~~
- b) enter into any agreements, easements or enact a zoning by-law to preserve *woodlands* and conservation lands in accordance with Policy 3.7.4.1 of this Plan;
- c) require in accordance with the provisions of the Planning Act, the dedication of land for parkland purposes of up to 2 percent of the land proposed for commercial or industrial development as a condition of draft approval of Plan of Subdivision or the granting of a consent to sever;
- d) require in accordance with the provisions of the Planning Act, the dedication of land for parkland purposes of up to 5 percent of the land proposed for all other forms of development as a condition of draft approval of Plan of Subdivision or the granting of a consent to sever; ~~or~~

Planning Act
Reforms/
Housekeeping

- e) require in accordance with the provisions of the Planning Act, that dedication of land in a plan of subdivision proposed for residential purposes be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed; or
- f) the Township may require cash-in-lieu of all or part of the required parkland dedication where:
 - i) the required land dedication fails to provide an area of suitable shape, size or location for development of public parkland;
 - ii) the required dedication of land would render the remainder of the site unsuitable or impractical for development;
 - iii) it is determined that existing park and recreational facilities in the immediate area of the proposed development are adequate to serve the projected increase in population; or

Planning Act
Reforms/
Housekeeping

- iv) funds are required to acquire, upgrade or expand land, parks or recreational facilities elsewhere in the Township to meet the needs of the projected population.

6.11.2.2 The amount paid for cash-in-lieu of parkland dedication will be in accordance with provisions of the Planning Act, and be placed in a fund to be expended solely for the purchase of additional parkland, open space or recreational lands and/or facilities.

6.11.2.3 The Environmentally Constrained Lands **designated on Map 3 of this Plan** will generally not be accepted as part of a dedication for parkland pursuant to the Planning Act.

6.11.2.4 The Township may accept ownership of ~~woodlots~~ **woodlands** and other environmental constrained lands areas for protecting the natural area for passive recreation and education uses.

6.11.2.5 Lands conveyed to the Township for active parkland and other recreational facilities may be required to meet minimum standards (to the satisfaction of the Township) in terms of drainage, grading and site condition.

6.11.2.6 Major Urban Greenlands are relatively large, publicly accessible parklands or open spaces located within urban areas that are owned and maintained by the Region, Township or the Grand River Conservation Authority. These urban greenlands are valued for their environmental, hydrological, recreational, and public health benefits, and are intended to help maintain a balance between the built and natural environment in urban areas.

6.11.2.7 The Township, in collaboration with the Region and the Grand River Conservation Authority, will designate any Major Urban Greenlands identified in the township in accordance with the Regional Official Plan, and establish associated policies for these areas in this Plan to:

New ROP
Conformity

- a) provide long-term protection from inappropriate development;
- b) require development on adjacent lands to not have an *adverse effect* on the valued characteristics of Major Urban Greenlands;
- c) facilitate public access to the Major Urban Greenlands through connections with cycling and *pedestrian* facilities; and
- d) provide for recreational and/or visitor services, wherever appropriate.

6.11.2.8 The Township will collaborate with the Region, the Grand River Conservation Authority and other stakeholders in the development and implementation of an Urban Greenlands Strategy that identifies a system of natural areas and open spaces, including Major Urban Greenlands, that enhance quality of life and public health within the township.

6.12 FIRE PREVENTION AND SUPPRESSION SERVICES

- 6.12.1 The Township will not approve any *development application* which cannot be provided with adequate fire protection services.
- 6.12.2 The Township will consider, where appropriate, entering into agreements with adjacent municipalities for providing fire prevention and suppression services.
- 6.12.3 The Township will undertake fire prevention and safety programs in an effort to reduce fatalities, injuries and property damage.
- 6.12.4 The Township may require the provision of fire reservoirs as a condition of development or *site plan* approval, where such facilities are warranted to provide adequate fire protection.
- 6.12.5 Where the provision of a fire reservoir is required in accordance with Policy 6.12.4, detailed drawings will be submitted according to Township standards, illustrating the siting, design and access provisions must be approved by the Township prior to the approval of the proposed development.

6.13 ACCESSIBILITY STANDARDS

- 6.13.1 The Township will develop and incorporate, wherever appropriate, accessibility policies and regulations through the Zoning By-law and *site plan* guidelines in accordance with the provisions of the Accessibility for Ontarians with Disabilities Act.

6.14 ENERGY SUPPLY

- 6.14.1 The Township will, where feasible, provide opportunities for the development of energy supply, including electricity generation facilities and transmission and distribution systems, to accommodate current and projected needs.
- 6.15.1 The Township will promote *renewable energy systems* and *alternative energy systems*, where feasible, in accordance with *provincial and federal requirements*.

New PPS

CHAPTER 7: MINERAL AGGREGATE RESOURCE AREA

7.1 PURPOSE

~~The purpose of this designation is to identify and protect mineral aggregate resources within the Township, where possible, from any development which would prevent the future recovery of mineral aggregate supplies. The policies outlined below are designed to ensure the future supply of these materials to the general area, ensure the proper and orderly extraction of deposits, encourage efficient land management practices, minimize disruption and ensure rehabilitation of exhausted sites.~~

New ROP
Conformity

Portions of the township include *mineral aggregate resources* in the form of naturally occurring sand and gravel deposits. These aggregate resources provide material used in the construction of buildings and *infrastructure*. They also have the potential to support secondary industries that provide employment opportunities within the township.

To support the township's economic and growth needs, this Plan seeks to protect *mineral aggregate resources* for long-term use. The policies outlined below also provide for the orderly extraction of *mineral aggregate resources* as close to markets as possible, and for the optimum utilization of this resource within the township, while preventing or minimizing the potential impacts of *mineral aggregate operations* on surface water and groundwater resources, surrounding communities, *cultural heritage resources, environmental features and ecological functions*, and agricultural lands and operations.

7.1.1 Designation and Protection

~~7.1.1.1 Mineral Aggregate Resource Areas are designated as shown on Map 10 of this Plan. Mineral Aggregate extraction is a permitted use both within and outside the Mineral Aggregate Resource Area, subject to the policies of this Plan.~~

7.1.1.1 Mineral Aggregate Resource Areas are designated on Map 9 of this Plan. These areas have been identified by the *Province* as having a high potential to contain *mineral aggregate resources*. The identification of these resources in this Plan does not presume that all lands within these areas are suitable for *mineral aggregate operations*.

7.1.1.2 Extraction of *mineral aggregate resources* may be permitted in areas outside the Mineral Aggregate Resource Area, where there is a sufficient quantity and quality of resources to warrant extraction, as demonstrated to the satisfaction of the *Province*, the Region, and the Township and subject to the policies of this Plan.

~~7.1.1.2 The Township will encourage the extraction of mineral aggregate resources prior to the development of land and protect Mineral Aggregate Resource Areas from land uses which are incompatible with future extraction except where it is shown that:~~

~~a) — extraction would not be feasible;~~

~~b) the proposed land use or development serves a greater long term interest of the general public than does extraction; or~~

~~c) the proposed land use or development would not significantly preclude or hinder future extraction.~~

7.1.1.3 The Township will prohibit development in areas located within or adjacent to Mineral Aggregate Resource Areas, which would preclude or hinder the establishment of *mineral aggregate operations* or access to the resources, except where:

New ROP
Conformity

a) extraction would not be feasible;

b) the proposed land use or development serves a greater long term interest of the general public than does extraction; and

c) issues of public health, safety and environmental impacts are appropriately addressed.

7.1.1.4 Any new developments proposed within a Mineral Aggregate Resource Area in accordance with Policy 7.1.1.3 will minimize the amount of land needed for development to retain as much of the *mineral aggregate resource* potential as possible.

7.1.1.5 The Township encourages the recovery of *mineral aggregate resources* through the sequential use of developable land, whereby *mineral aggregate resources* are extracted prior to, or in conjunction with, development of the land.

7.1.1.6 The Township will plan for and regulate the subsequent use of rehabilitated *mineral aggregate operations* in accordance with the policies in this Plan

~~7.1.1.3~~ 7.1.1.7 The Township will regulate uses associated with aggregate extraction through the Zoning By-law as follows:

a) permit *accessory uses* associated with aggregate extraction operations and processing activities such as crushing, screening, washing, stockpiling, blending with recycled asphalt or concrete materials, storage, weigh scales, parking and office facilities;

~~b) require site specific zoning to permit ancillary land uses such as asphalt plants, concrete plants and aggregate transfer stations subject to:~~

b) require site specific Zoning By-law amendments to permit ancillary land uses such as asphalt plants, concrete plants and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:

- i) the protection of adjoining lands from the negative effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;
- ii) the protection of the environment from negative effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
- iii) access being obtained directly to a road capable of carrying the anticipated truck traffic; and,
- c) ~~notwithstanding b) above, ancillary land uses will be prohibited in Wellhead Protection Sensitivity Areas as described in Section 5.2.1.1 of the Regional Official Policies Plan.~~

New ROP
Conformity

notwithstanding b) above, ancillary land uses will not be permitted where they are identified as a prohibited use in accordance with the Source Water Protection policies in Section 8.6 of this Plan and Chapter 8 of the Regional Official Plan.

- 7.1.1.4 ~~The Township recognizes all existing licensed pits and quarries as legal uses of land and will endeavour through the policies of this Plan to ensure their continued viability and use for extractive purposes in accordance with license requirements established under the Aggregate Resources Act. The Township will ensure that appropriate zoning is maintained to recognize licensed mineral aggregate extraction operations as a permitted use.~~
- 7.1.1.5 ~~No new pits or quarries will be permitted in Environmental Preservation Areas or Environmentally Sensitive Policy Areas.~~
- 7.1.1.6 ~~Any new aggregate operations and subsequent rehabilitation located between the top of bank plus the applicable regulatory setbacks and the Nith River, will only be permitted where it is demonstrated to the satisfaction of the Ministry of Natural Resources, the Region and the Grand River Conservation Authority that the extraction proposal and subsequent rehabilitation of the lands will result in a net environmental gain.~~
- 7.1.1.7 ~~New mineral aggregate extraction below the water table will only be permitted in accordance with Regional Official Policies Plan Policies 5.3.8 and 5.3.10.~~
- 7.1.1.8 ~~New mineral aggregate extraction on Prime Agricultural Lands as defined in the Glossary in this Plan may be permitted as an interim use provided that for areas remaining above the water table agricultural rehabilitation is maximized.~~
- 7.1.1.9 ~~Notwithstanding Policy 7.1.1.8, new mineral aggregate extraction on Prime Agricultural Lands may be permitted without rehabilitation to an agricultural use subject to the provisions of Policy 5.3.12 of the Regional Official Policies Plan.~~
- 7.1.1.10 ~~The Township will co-operate with the Ministry of Natural Resources and the Region to ensure that all appropriate conditions on the license or notes on the site plan required~~

~~under the Aggregate Resources Act and/or conditions of development application approval under the Planning Act are imposed and enforced.~~

~~7.1.1.11 The Township will encourage and co-operate with the owners of licensed extractive operations to achieve orderly phased extraction of licensed areas based on practices that promote minimal active mining areas and progressive rehabilitation.~~

~~7.1.1.12 The Township will encourage the construction of intra-pit road systems and new roads intended for aggregate traffic so as to lessen the impact of aggregate traffic on local residents and sensitive land uses.~~

7.1.2 Existing Mineral Aggregate Operation

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7.1.2.1 The Township recognizes existing *mineral aggregate operations* as legal uses of land and will endeavour through the policies of this Plan to ensure their continued viability and use for extractive purposes in accordance with license requirements established under the Aggregate Resources Act. The Township will ensure that appropriate zoning is maintained to recognize existing licensed *mineral aggregate operations* as a permitted use, and all new development in the vicinity of an existing *mineral aggregate operation* will be subject to Policy 7.1.1.3. The Township will zone existing licensed *mineral aggregate operations* appropriately in the Zoning By-law to permit aggregate extraction.

7.1.2.2 *Development applications* to expand the boundaries of the licensed area of an existing *mineral aggregate operation*, or to increase the depth of extraction, will be subject to all policies in this Plan applicable to new *mineral aggregate operations*, as provided in Section 7.2, in addition to any requirements of the Aggregate Resources Act.

7.1.2.3 Where the licensee has circulated an application to expand an existing licensed *mineral aggregate operation* or to increase the depth of extraction which does not require the approval of a *development application*, the Township will review and provide comments on the application to the *Province* in the context of all relevant policies in this Plan that would apply to an application for a new *mineral aggregate operation*.

7.1.2.4 *Development applications* to expand an existing *mineral aggregate operation* located on lands designated as *Environmentally Sensitive Landscapes*, as shown on Map 7, will only be supported where:

- a) it can be demonstrated to the satisfaction of the Region and the *Province* that substantial progress has been made in the rehabilitation to viable after-use of the disturbed area within the existing licensed area; and
- b) the total active extraction area of the original licensed area and the proposed expansion area is not increasing over the long term. A lesser standard may be considered where it can be demonstrated that the overall rehabilitation goals of the site can be more effectively achieved by deferring rehabilitation until a later stage of the *mineral aggregate operation*.

- 7.1.2.5 The Township will co-operate with the aggregate industry in the development and maintenance of an inventory of all existing *mineral aggregate operations* within the Township. This inventory will be updated periodically to help monitor aggregate extraction activities in the Township.

7.2 New Mineral Aggregate Applications

~~7.2.1 Where the approval of a development application is required prior to the establishment of a new aggregate extraction operation or expansion to an existing operation, the applicant will organize a pre-submission consultation meeting with the Region, the Grand River Conservation Authority, and the Township to identify the study requirements necessary for the appropriate evaluation of the application and the process to be followed.~~

~~7.2.2 Where the approval of a development application is required prior to the establishment of a new aggregate extraction operation or expansion to an existing operation, Township support for the zone change application will be subject to the following:~~

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- ~~a) the submission of a traffic study for approval by the Township and/or the Region indicating potential transportation impacts from the proposed extraction operation on the Regional and/or Township Road system;~~
- ~~b) if required, the submission of an Environmental Impact Statement in accordance with Chapter 8 of this Plan;~~
- ~~c) demonstration that the proposed rehabilitation is consistent with the policies of the Regional Official Policies Plan and this Plan;~~
- ~~d) the submission of all reports required by the Ministry of Natural Resources in accordance with the Aggregate Resources Act, and the Region in accordance with the policies of the Regional Official Policies Plan;~~
- ~~e) the Township being satisfied that the following conditions will be dealt with through the site plan approved under the Aggregates Act, or other appropriate means:~~
 - ~~i) ensuring adequate buffers and/or screenings along road right-of-ways, or adjacent to any existing or proposed residences or as determined through the approval of required studies, adjacent to sensitive land uses to the satisfaction of the Township;~~
 - ~~ii) that no new excavation or processing will take place until all required buffers and/or screenings have been constructed;~~
 - ~~iii) that no water or washing or screening operations will be discharged into any water course;~~

- ~~iv) that the applicant in cooperation with the Township will establish all haul routes for truck traffic,~~
- ~~v) that required road improvements identified through the transportation study noted in a) above are in place and the Township is satisfied that any road improvements are in place prior to the removal of aggregates from the site; and,~~
- ~~vi) that no new excavation or processing will take place until all required fencing and/or security measures have been put in place.~~

~~7.2.3 Where a development application is not required to permit a new aggregate extraction operation or expansion to an existing operation, the Township will ask the Ministry of Natural Resources to request the submission of the appropriate studies noted in Policy 7.2.2 as part of the aggregate license and site plan approval process.~~

7.2 NEW MINERAL AGGREGATE APPLICATIONS

~~7.2.1 New *mineral aggregate operations* will require a site-specific amendment to the zoning by-law, the approval of which will be subject to all applicable policies of this Plan and the Regional Official Plan, in addition to any requirements for a license under the Aggregate Resources Act. Site-specific zoning by-law amendments approved under this policy will apply only to the boundary of the licensed area, and will limit the depth of extraction to that which is specified on the proposed *site plan*.~~

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~~7.2.2 New mineral aggregate extraction within the Prime Agricultural Area and Rural Areas designation may be permitted as an interim use, subject to the policies of this Plan, provided that agricultural rehabilitation is maximized.~~

~~7.2.3 Within the Prime Agricultural Area designation as shown on Map 10, new *mineral aggregate operations* proposing extraction below the water table will require an amendment to this Plan and the Regional Official Plan to identify the area of extraction below the water table on Map 8. Such amendment will be subject to the policies in Section 7.4 and all other applicable policies in this Plan.~~

7.2.1.1 Required Technical Information

~~7.2.1.2 *Development applications* to permit a new *mineral aggregate operation*, expand an existing operation, or increase the depth of extraction, will only be permitted where the following studies have been submitted to the satisfaction of the Township, the Region or the appropriate agency having jurisdiction over the issue addressed by the study:~~

- ~~a) noise, dust and vibration studies demonstrating that the proposed operation is appropriately designed, buffered and/or separated from any surrounding *sensitive land uses* to prevent any *adverse effects*;~~

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- b) a hydrogeological study in accordance with the provisions of the Regional Implementation Guideline for Source Water Protection Studies, demonstrating, to the satisfaction of the Region, that the proposed operation will have no negative impacts on the quality and quantity of any surface water or groundwater resources;
- c) a Transportation Impact Study in accordance with the policies of this Plan, indicating how the proposed operation will address any potential impacts on Township roads, Regional roads and Provincial Highways;
- d) an *Environmental Impact Statement* prepared in accordance with the policies of this Plan, where the proposed *mineral aggregate operation* is *contiguous* to a Core Environmental Feature, or within or *contiguous* to a Supporting Environmental Feature;
- e) an *archaeological assessment* and/or *Cultural Heritage Impact Assessment* in accordance with the policies of this Plan;
- f) information on the estimated lifespan of the *mineral aggregate operation* and demonstration that the final rehabilitation plan is consistent with the policies in this Plan and the Regional Official Plan; and
- g) any other studies identified by the Township to meet requirements of a complete application under the provisions of the Planning Act.

7.2.1.3 To avoid potential overlap among the studies required under Policies 7.2.1.2, 7.4.1 and similar studies that may be required by the Province, the Region or the Grand River Conservation Authority, the Township will require the applicant to participate in a *pre-submission consultation meeting* with each of these agencies prior to the submission of any supporting studies. The purpose of this *pre-submission consultation meeting* will be to identify the specific policy requirements of each of the agencies in each of the substantive areas being studied under Policy 7.2.1.2 and 7.4.1 such that a single study can satisfy all of the requirements identified by the agencies.

7.2.1.4 The studies identified in Section 7.2.1.2 will be required to take into account the potential *cumulative impacts* that may result from a proposed new *mineral aggregate operation* when added to other past, present and proposed future *mineral aggregate operations* in the vicinity of the proposed new operation. The appropriate level of detail, analysis, boundaries and baseline data to be used in the *cumulative impacts* assessment will be determined by the Township, the Region, the Grand River Conservation Authority and the applicant as part of the *pre-submission consultation meeting* provided for in Policy 7.1.4.2.

7.2.2

Review Criteria

7.2.2.1

New *mineral aggregate operations* will not be permitted on lands designated as Core Environmental Features, except in accordance with the following:

- a) within *Habitat of Endangered Species and Threatened Species* where authorized in accordance with *provincial and federal requirements*;
- b) within *Significant Woodlands, Significant Wildlife Habitat, Environmentally Significant Valley Features* and/or *Significant Areas of Natural and Scientific Interest*, new *mineral aggregate operations* may be permitted where the features consists of habitats that can be effectively replaced or restored within a reasonable period of time, such as:
 - i) areas of crop or pasture;
 - ii) plantation;
 - iii) early successional habitat;
 - iv) areas of high disturbance;
 - v) areas of low ecological diversity with high percentage of non-native species;
 - vi) small areas of non-Provincially significant marsh or thicket wetland;
 - vii) old field meadow;
 - viii) hedgerows;
 - ix) minor areas on the perimeter of the features; or
 - x) drainage swales; and
- c) the owner/applicant must demonstrate to the satisfaction of the Region that:
 - i) the portion of the Core Environmental Feature affected by the mineral aggregate extraction will be replaced or restored within a reasonable period of time with habitat of greater extent and/or ecological value as part of the rehabilitation plans, to promote, where possible, a net ecological gain, or in the case of *Habitat of Endangered Species and Threatened Species*, compliance with *provincial and federal requirements* have been achieved;
 - ii) there will be no *adverse environmental impacts* to the *environmental features* or *ecological functions* and connectivity of the residual areas of the Core Environmental Feature;
 - iii) the quantity, quality and direction of local surface water and groundwater will be maintained or enhanced; and
 - iv) the extraction of *mineral aggregate resources* will be completed, and the area will be rehabilitated, as early as possible in the life of the operation.

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- 7.2.2.2 New *mineral aggregate operations* may be permitted within a Source Water Protection Area as shown on Map 8 of this Plan, except where such uses are prohibited in accordance with the source water protection policies in Section 8.6 of this Plan and in Chapter 8 of the Regional Official Plan.
- 7.2.2.3 New *mineral aggregate operations* proposed *contiguous* to Core Environmental Features as designated on Map 7 of this Plan, may be permitted, provided that there will be no *adverse environmental impacts* to their features or *ecological functions* and *Environmental Linkages*.
- 7.2.2.4 The Township Zoning By-law will include site-specific regulations to restrict extraction below the water table where hydrogeological *cumulative impacts* assessments, prepared in accordance with Policy 7.4.1 b), have not demonstrated to the Region's satisfaction the acceptability of such extraction from a surface water and groundwater perspective.
- 7.2.2.5 New *mineral aggregate operations*, or *wayside pits and quarries*, may be permitted within *Environmentally Sensitive Landscapes* as shown on Map 7, in accordance with the policies in Section 9.C of the Regional Official Plan, where it can be demonstrated to the satisfaction of the Township, in consultation with the Region, the *Province* and the Grand River Conservation Authority, that:
- a) notwithstanding Policy 8.1.10, where extraction is proposed *contiguous* to a Core Environmental Feature, there will be no *adverse environmental impacts* to their features or landscape level *ecological functions* and connectivity;
 - b) where extraction is proposed within or *contiguous* to the following features, which are not included within a Core Environmental Feature:
 - i) rivers, stream valleys, *floodplains*, or associated *hazardous lands* or *hazardous sites*;
 - ii) *fish habitat*;
 - iii) meromictic and kettle lakes;
 - iv) *Significant Wildlife Habitat*; or
 - v) savannas, tallgrass prairies, rare *woodland* types, cliffs, alvars, sand barrens, marl seeps, bogs and fens;
- there will be no *adverse environmental impacts* to their features or landscape level *ecological functions* and connectivity, although extraction may be considered in habitats which can be effectively replaced or restored in a short to medium time scale such as areas of crop or pasture land, young plantation, early

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successional *woodland*, small areas of non-provincially *significant* marsh or thicket *wetland*, old field meadow, hedgerows and drainage swales; and

- c) the quantity and quality of local surface water and groundwater regimes can be maintained or enhanced.

7.2.2.6 Where a new *mineral aggregate operation* is proposed on lands designated as an *Environmentally Sensitive Landscape* as designated on Map 7 of this Plan, the Township will recommend to the *Province* that the Natural Environment Report required under the Aggregate Resources Act also address the following objectives:

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- a) natural habitat that would be lost from the site will be replaced with equivalent habitat on the property or on adjacent lands, and no less than 35 per cent of the licensed area remaining above the water table after extraction will be rehabilitated to sustainable natural *woodland* habitat representative of the landscape in which it is located;
- b) the quantity and quality of surface and groundwater regimes and aquatic ecosystems remaining after, or created by, extraction will be rehabilitated to sustainable natural aquatic ecosystems representative of the landscape in which they are located;
- c) the health, diversity, size, *ecological function* and connectivity of major natural features remaining within the proposed licensed area will be maintained and, where possible, enhanced before, during and after the extraction of aggregate resources;
- d) the rehabilitated area will be maximized and the disturbed area minimized on an ongoing basis during the life-cycle of the pit operation; and
- e) rehabilitation of any area once occupied by natural features, or identified as potential enhancement/restoration and/or *Environmental Linkage* areas is completed as early as possible in the life of the extraction operation.

7.2.2.7 *Development applications* that would establish an ancillary use to a *mineral aggregate operation* will only be permitted where applicable studies identified in Policy 7.2.1.2 demonstrate to the satisfaction of the Township and/or the Region that the proposed use will mitigate any potential *adverse effects*.

7.2.2.8 Prior to the establishment of a new *mineral aggregate operation*, Township support for the zone change application will be subject to the following:

- a) the submission and acceptance of any required studies identified in Policies 7.2.1.2 and 7.4.1;

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- b) demonstration that the proposed rehabilitation is consistent with the policies of this Plan and the Regional Official Plan;
- c) the submission of all reports required by the Ministry of Natural Resources in accordance with the Aggregate Resources Act; and
- d) the Township being satisfied that the following conditions will be dealt with through the *site plan* approved under the Aggregate Resources Act, or other appropriate means:
 - i) to ensure provision of adequate buffering and/or screening along road rights-of-way, or adjacent to any existing or proposed sensitive uses, and implementation of any other necessary mitigation measures as determined through the approval of required studies to prevent where possible, or minimize any potential *adverse effects* on the surrounding *sensitive land uses*, to the satisfaction of the Township;
 - ii) that no new excavation or processing will take place until all required buffers and/or screenings have been installed;
 - iii) that no water or washing or screening operations will be discharged into any water course;
 - iv) that the applicant, in co-operation with the Township and the Region, will establish all haul routes for truck traffic;
 - v) that any required road improvements identified through the Transportation Impact Study noted in 7.2.1.2 above are in place prior to the removal of aggregates from the site; and,
 - vi) that no new excavation or processing will take place until all required fencing and/or security measures have been put in place.

7.1.5.10 The Township will encourage the construction of intra-pit road systems and new roads to support the movement of *mineral aggregate resources* so as to lessen the impact of truck traffic on Township roads and *sensitive land uses*.

7.1.5.12 The Township will collaborate with the Region and the *Province* to ensure that all appropriate requirements resulting from the review of an application for a *mineral aggregate operation* are imposed and enforced as:

- a) conditions on the license or notes on the *site plan* required under the Aggregate Resources Act, including but not limited to spill protection measures to prevent discharges to surface water and groundwater resources from on-site fuel storage, vehicle or equipment repair and equipment operation, and spills from salt storage, use and transfer, and other best management practices; and

- b) regulations in site-specific zoning by-laws, development agreements and conservation easements, as may be applicable.

7.3 ~~Wayside Pits~~

~~7.3.1 New wayside pits for public authority contracts may be considered in all land use designations without the need for an amendment to the Zoning By-law, with the exception of those areas immediately adjacent to, or within the Baden and New Hamburg Urban Areas, Rural Settlement Areas or within Environmental Areas as described in Section 8.1 of this Plan.~~

7.3 WAYSIDE PITS AND QUARRIES, PORTABLE ASPHALT AND CONCRETE PLANTS

7.3.1 The removal or leveling of a hill containing aggregate for the purpose of increasing or improving lands for *agricultural uses* will be permitted in any land use designation without the need for a zoning by-law amendment provided that no excavation occurs below the average grade of land surrounding the hill. Such extraction is subject to support of the Region, the Township and the issuance of a wayside permit by the Ministry of Natural Resources.

7.3.2 The Township will request the Ministry of Natural Resources to include a notification on wayside permits for lands adjacent to Supporting Environmental Features that the Township should be contacted prior to excavation to obtain information on how to mitigate impacts on the Supporting Environmental Features.

7.3.4 *Wayside pits and quarries, portable asphalt plants and portable concrete plants* for the exclusive temporary use of a public road authority operating under an approved permit will be permitted on a temporary basis in all land use designations, without amendment to this Plan, or the Zoning By-law, except where:

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- a) the use would be located within or adjacent to an area of existing development that would be incompatible with aggregate extraction and associated activities;
- b) the use would be located within a Core Environmental Feature as designated on Map 7; or
- c) the use is identified as a prohibited use by the policies of this Chapter.

7.3.5 *Portable asphalt plants and portable concrete plants* will be discouraged on lands containing active agricultural operations. If asphalt or concrete for a public road project cannot be obtained from an existing asphalt or concrete plant, attempts should be made to locate the portable plant in *wayside pits and quarries*, vacant industrial sites, or on inactive or less productive agricultural lands.

- 7.3.6 *Portable asphalt plants and portable concrete plants* will obtain appropriate approvals from the *Province* pursuant to the Environmental Protection Act and will include provisions to prevent spills of petroleum chemicals to surface and groundwater resources.

7.4 EXTRACTION BELOW THE WATER TABLE

- 7.4.1 In addition to all other applicable policies of this Plan, including the requirement for an amendment to this Plan and the Regional Official Plan in accordance with Policy 7.2.3, mineral aggregate extraction below the water table will only be permitted where:

- a) on lands identified as *prime agricultural lands* within Prime Agricultural Areas, it is demonstrated to the satisfaction of the Township and the Region that there is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction;
- b) in a *specialty crop area*, there is a substantial quantity of *high quality mineral aggregate resources* below the water table warranting extraction;
- c) the completion of a hydrogeological *cumulative impacts* assessment demonstrates that the removal of the resource and the subsequent rehabilitation of the lands will not negatively impact the quantity and quality of the surface or groundwater resources and relevant natural heritage features. Such studies will be completed to the satisfaction of the Township, the Region, the *Province* and the Grand River Conservation Authority.
- c) if necessary and feasible to protect groundwater quality, post-extractive drainage is directed away from the resulting pond, the slopes of the pond are stabilized with appropriate native species, and a pond planting plan is prepared and implemented to the satisfaction of the Township and the Region;
- d) on lands identified as *prime agricultural lands*, other alternatives have been considered by the applicant and found unsuitable, and agricultural rehabilitation in remaining areas will be maximized. The consideration of other alternatives will include investigation as to the availability of alternative resources on lands identified as Canada Land Inventory Class 4 to 7 soils, resources on lands committed to future urban uses, and resources on *prime agricultural lands* where rehabilitation to agriculture is feasible. Where no other alternatives are found, *prime agricultural lands* will be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Class 1, 2, and 3 lands; and
- e) it is demonstrated to the satisfaction of the Township and the Region that agricultural rehabilitation in remaining areas will be maximized, and that the site will be rehabilitated in accordance with the policies in Section 7.1.8 of this Plan.

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7.4.2 Where the results of a hydrogeological *cumulative impacts* assessment indicate that mineral aggregate extraction below the water table may have a negative impact on the quantity or quality of groundwater in an area, the Township will restrict extraction below the water table by means of a site-specific zoning by-law regulation in accordance with Policy 7.2.2.4. The purpose of this restriction is to maintain the depth of residual over burden necessary to protect the quality and quantity of groundwater.

7.4.3 Where the extraction of a proven significant quantity of *high quality mineral aggregate resources* located below the water table is not permitted in accordance with Policy 7.4.1 and 7.4.2, this resource will continue to be protected from land uses incompatible with its future extraction.

7.4 ~~Rehabilitation of Existing or Abandoned Aggregate Pits~~

7.4.1 ~~The Township will cooperate with land owners, the Region, pit operators, the Ministry of Natural Resources in efforts to rehabilitate existing and/or abandoned pits and quarries to reduce or eliminate dangerous or hazardous conditions and return the pit site to a suitable land use as determined by the Township in conformity with the policies of this Plan and Policies 5.3.11 and 5.3.12 of the Regional Official Policies Plan.~~

7.5 REHABILITATION OF AGGREGATE OPERATIONS

7.5.1 The Township will co-operate with land owners, the Region, pit operators, and the Ministry of Natural Resources in efforts to rehabilitate existing and/or abandoned pits and quarries to reduce or eliminate dangerous or hazardous conditions and return the pit site to a suitable land use as determined by the Township in conformity with the policies of this Plan and the Regional Official Plan.

7.5.2 All proposals for new *mineral aggregate operations*, including *wayside pits and quarries*, will include a rehabilitation plan to the satisfaction of the Township and the Region, ensuring that:

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- a) progressive rehabilitation will be carried out whenever feasible so that depleted areas are restored while extraction continues in other areas of the site;
 - b) final rehabilitation will comply with the land use designations contained in this Plan or the Regional Official Plan, and be compatible with the character of surrounding land uses;
 - c) within the Prime Agricultural Area and Rural Areas designations, rehabilitation to agriculture will be the first priority, as follows:
 - i) within the Prime Agricultural Area, substantially the same land area will be rehabilitated back to an agricultural condition to allow for the same range and productivity of crops common in the area; and

- ii) within Rural Areas, rehabilitation of the site will be carried out so that substantially the same land area and same average soil quality for agriculture are restored; and

- d) where mineral aggregate extraction has occurred below the water table, rehabilitation will be in accordance with Policy 7.4.1 c) to protect groundwater quality.

7.5.3

In the Prime Agricultural Area designation, rehabilitation to agriculture will be the first priority. Notwithstanding this, complete agricultural rehabilitation within the Prime Agricultural Area and Rural Areas designations not be required where:

- a) the depth of extraction makes restoration of pre-extraction agricultural capability impractical;
- b) hydrogeological investigations completed in accordance with the policies in this Plan and the Regional Official Plan, have demonstrated to the satisfaction of the Township and the Region that agricultural rehabilitation is not desirable due to groundwater protection requirements;
- c) the Region, in collaboration with the *Province*, the Grand River Conservation Authority and the Township, have determined a suitable post-extractive use in conformity with the policies in this Plan and the Regional Official Plan; and
- d) aggregate extraction would remove natural features such as *woodlands, wetlands* and watercourses on lands not otherwise protected by the Greenlands Network policies of this Plan and the Regional Official Plan, in which case these natural features will be restored and, where possible, enhanced.

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7.5.4

Where multiple *mineral aggregate operations* are located in close proximity to one another, the Township will collaborate with the Region, the *Province*, the Grand River Conservation Authority and the affected applicants to jointly develop *comprehensive rehabilitation* plans for multiple properties.

7.6

CONSERVATION OF MINERAL AGGREGATE RESOURCES

7.6.1

The Township will ensure that *mineral aggregate resource conservation* will be undertaken, including through the use of aggregate recycling facilities within operations, wherever feasible.

CHAPTER 8: ENVIRONMENTAL MANAGEMENT POLICIES

Jurisdiction over environmental matters is divided among the federal, provincial and municipal levels of government. To ensure that effective environmental planning and stewardship is practiced, cooperation between various agencies, including Federal and Provincial Ministries, the Regional Municipality of Waterloo, Area Municipalities, and the Grand River Conservation Authority is essential. Policies related to Environmental Areas, Environmentally Constrained Lands, Watershed Planning, and Environmental Impact Statements are encompassed in this section.

Jurisdiction over environmental matters is divided among different levels of government. Effective environmental planning and stewardship requires the co-operation of several different agencies and organizations, including federal and provincial ministries, the Region, the Township, and the Grand River Conservation Authority. Policies related to the Greenlands Network and *environmental features*, Environmentally Constrained Lands, Watershed Planning, and *Environmental Impact Statements* are encompassed in this section.

The Township will attempt to adhere to the following principles when practicing environmental management:

- 1) environmental awareness is essential to the development and maintenance of a *sustainable* community;
- 2) environmental standards for development must be established not only to prevent or minimize ~~negative environmental impacts~~ *adverse environmental impacts*, but also where feasible, to enhance *environmental features* and functions;
- 3) watershed and subwatershed planning is an effective tool for establishing policies in advance of urban development to protect the *environmental features* and functions of a watershed; and
- 4) the rich native *biodiversity* of the Township must actively be ~~conserved and enhanced~~ *maintained, enhanced and restored wherever feasible*.

8.1 Environmental Areas

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~~Environmentally significant areas provide economic, ecological and social benefits and contribute to overall quality of life by maintaining air, land and water quality, as well as by providing biological diversity. The maintenance and enhancement of the ecological integrity of any landscape is therefore vital. The ecological functions and interconnections that occur in significant environmental areas should be preserved to maintain the integrity of the landscape. Furthermore, development in these areas must be compatible to ensure natural features and functions are conserved and enhanced.~~

8.1.1 General Policies

- 8.1.1.1 Environmental Areas include:
- ~~Environmental Preservation Areas,~~

- Environmentally Sensitive Policy Areas;
- Provincially Significant Wetlands;
- Fish habitat;
- Sensitive groundwater recharge and discharge areas, headwaters and aquifers;
- Locally Significant Natural Areas;
- Significant Woodlands;
- Significant Valleylands; and,
- Significant Natural Corridors

8.1.1.2 Where development is proposed on lands that have not been adequately evaluated or classified to identify Environmental Areas, a Natural Habitat Network Inventory will be prepared by the applicant, in accordance with Regional Official Policies Plan Policy 4.1.1 and 4.1.12.

8.1.1.3 The acquisition of Environmental Areas by the Township or other public agencies will be promoted wherever feasible.

8.1.2 Environmental Preservation Areas, Provincially Significant Wetlands and Environmentally Sensitive Policy Areas

8.1.2.1 Environmental Preservation Areas, Provincially Significant Wetlands, and Environmentally Sensitive Policy Areas are designated as illustrated on Map 1 and 2 of the Regional Official Policies Plan, and identified for information purposes on Map 8 of this Plan. The boundaries of Environmental Preservation Areas, Provincially Significant Wetlands, and Environmentally Sensitive Policy Areas may be refined, and areas added or deleted within the Regional Official Policy Plan, without amendment to this Plan.

8.1.2.2 Map 8 will be updated periodically to reflect changes in Environmental Preservation Areas, Provincially Significant Wetlands, and Environmentally Sensitive Policy Areas boundaries, however, the boundaries set in the Regional Official Policies Plan will be used to interpret the policies of this Plan.

8.1.2.3 Environmental Preservation Areas, Provincially Significant Wetlands, and Environmentally Sensitive Policy Areas will be designated as Environmentally Constrained Lands in accordance with Section 8.2 of this Plan and illustrated for land use purposes on Maps 3, 4, 5 and 6.1 to 6.12 inclusive.

8.1.2.4 Development is not permitted within Environmental Preservation Areas, Provincially Significant Wetlands, or Environmentally Sensitive Policy Areas. Development proposed contiguous to an Environmental Preservation Areas, Provincially Significant Wetlands, or Environmentally Sensitive Policy Areas is subject to the provisions of Section 4.2, Section 4.4, and Section 4.3 respectively of the Regional Official Policies Plan, including the submission of an Environmental Impact Statement for review by the Region.

8.1.2.5 Except at the discretion of the owner, Environmental Preservation Areas, Provincially Significant Wetlands, and Environmentally Sensitive Policy Areas which are privately

owned are not for use by the public.

8.1.3 Fish Habitat

8.1.3.1 The Federal Department of Fisheries and Oceans or its delegate will identify Fish Habitat.

8.1.3.2 Any development proposed contiguous to designated fish habitat area will require the preparation and submission of an Environmental Impact Statement, in accordance with the Policy 8.4 of this Plan and shall identify opportunities for compensation for loss of fish habitat through near site replacement of habitat, off site replacement of habitat or on-site increase in habitat capacity the satisfaction of the Federal Ministry of Fisheries and Oceans or its delegate.

8.1.3.3 The Township may permit development contiguous to designated fish habitat where it is demonstrated to the satisfaction of the Federal Ministry of Fisheries and Oceans or its delegate, through the submission of an Environmental Impact Statement, that the proposed development will not harmfully alter, disrupt or destroy fish habitat.

8.1.3.4 If an Environmental Impact Statement demonstrates that any development could result in negative impacts to fish habitat or in a net loss of the productive capacity of fish habitats, such development will be prohibited, unless it can be compensated for, with such compensation being authorized, by the Federal Ministry of Fisheries and Oceans or its delegate.

8.1.3.5 The Township will support a net gain in the productive capacity of fish habitats through such measures as enhancing or rehabilitating watercourses and creating or recreating fish habitat.

8.1.3.6 Watershed studies will be used to provide guidance to implement fishery policy and the specification of protective mitigation measures.

8.1.3.7 Any requirements imposed through an Environmental Impact Statement must be implemented by the proponent to the satisfaction of the Federal Ministry of Fisheries and Oceans or its delegate.

8.1.4 Wellhead Protection Sensitivity Areas, Sensitive Groundwater Recharge Areas, Discharge Areas, Headwaters, and Aquifers

8.1.4.1 Wellhead Protection Sensitivity Areas related to potable water supply are designated as illustrated on Map 4 of the Regional Official Policies Plan and illustrated for information purposes on Map 9 of this Plan. Wellhead Protection Sensitivity Areas are subject to the provisions of Section 5.2 of the Regional Official Policies Plan.

8.1.4.2 Where sensitive groundwater recharge areas, discharge areas, headwaters, or aquifers not fulfilling the criteria for designation as Wellhead Protection Sensitivity Areas in

accordance with Section 5.2 of the Regional Official Policies Plan, are identified through the completion of a watershed study or other appropriate study, consideration will be given to protecting such areas from development in accordance with the recommendations contained in the approved watershed study (see Section 8.3 of this Plan for watershed study requirements).

- 8.1.4.3 Where sensitive groundwater recharge areas, discharge areas, headwaters, or aquifers not fulfilling the criteria for designation as Wellhead Protection Sensitivity Areas in accordance with Section 5.2 of the Regional Official Policies Plan, are identified through the completion of an appropriate field or watershed study as required by Policy 4.1.12 of the Regional Official Policies Plan, the submission of an Environmental Impact Statement to the satisfaction of the Regional Municipality of Waterloo and the Grand River Conservation Authority will be necessary to determine areas where no development will be permitted, and areas where development may be permitted subject to appropriate mitigation measures.

8.1.5 Locally Significant Natural Areas

- 8.1.5.1 Locally Significant Natural Areas are designated as shown on Map 8 of this Plan.

- 8.1.5.2 It is the intent of the Township to preserve, protect and, where appropriate, enhance Locally Significant Natural Areas. Any development within or adjacent to a Locally Significant Natural Area must have regard for the conservation and enhancement of the significant features and functions of the Locally Significant Natural Area in accordance with the policies of this Plan.

- 8.1.5.3 A Locally Significant Natural Area is a natural area not warranting designation as an Environmental Protection Area, Environmentally Sensitive Policy Area or Provincially Significant Wetland and which:

- a) is identified by the Ministry of Natural Resources as a locally significant wetland, including all non-provincially significant wetlands identified by the Ministry of Natural Resources; or
- b) is identified as a locally significant woodland in the woodland strategy to be completed pursuant to Section 8.1.6.1 of this Plan and Policy 4.1.8 of the Regional Official Policies Plan; or
- c) is identified as a locally significant natural corridor by a study completed in accordance with Section 8.1.8 of this Plan; or
- d) is identified as a locally significant valleyland by a study completed in accordance with Section 8.1.7 of this Plan; or
- e) is identified as a locally significant wildlife habitat area by a study completed in accordance with Section 8.1.9 of this Plan; or

- ~~f) is identified by the Grand River Conservation Authority as a cold or warm water fishery or is identified as a wetland; or~~
- ~~g) provides a connection or acts as a buffer or supporting area to other designated natural areas, thus maintaining ecological connection between communities; or~~
- ~~h) performs vital hydrogeological functions, such as serving as headwaters of a stream, groundwater recharge and discharge areas; or~~
- ~~i) fulfils at least three of the following criteria:~~
 - ~~i) is a good quality, representative example of a particular type of ecosystem native to the Township;~~
 - ~~ii) contains uncommon or rare ecological communities such as old growth forests, savannas, prairies, bogs, fens, meadows and so on;~~
 - ~~iii) is a natural area of over 1.0 hectare (2.5 acres);~~
 - ~~iv) supports a moderate to high diversity of native species and ecological communities due to varied topography, microclimates, soils, and/or drainage;~~
 - ~~v) contains nationally, provincially, or regionally significant species;~~
 - ~~vi) contains “special” physical features (e.g. landforms, springs, fossils);~~
 - ~~vii) is important or has the potential for ecological research, education and/or passive recreation due to location or features; or~~
 - ~~viii) has a high aesthetic or scenic value in the Township.~~

~~8.1.5.4 The submission of an Environmental Impact Statement in accordance with Section 8.4, for review by the Township in consultation with the Region and the Grand River Conservation Authority will be required for all development proposed within or adjacent to a Locally Significant Natural Area. For the purposes of interpretation of this policy, adjacent will be defined as lands within 50 metres of the boundary of the Locally Significant Natural Area.~~

~~8.1.5.5 Where an Environmental Impact Statement submitted in accordance with Policy 8.4 demonstrates that the proposed development will not have significant negative impacts upon the significant features and functions of the Locally Significant Natural Area, the Township may, subject to appropriate conditions, approve or recommend approval of the application without amendment to this Plan.~~

~~8.1.5.6 Where an Environmental Impact Statement, submitted in accordance with Section 8.4,~~

demonstrates that a development may have an adverse environmental impact upon the environmentally significant features and functions of the Locally Significant Natural Area, the Township will undertake one of the following:

- a) ~~negotiate an agreement with the owner of the land to implement conditions of approval, or requiring the dedication of land to protect lands supporting the environmentally significant features and functions of the Locally Significant Natural Area;~~
- b) ~~request the Province, the Regional Municipality of Waterloo, and/or the Grand River Conservation Authority to use powers within their jurisdiction to enable acquisition or protection of the Locally Significant Natural Area;~~
- c) ~~encourage public and/or private agencies to acquire by purchase all or the affected portion of the Locally Significant Natural Area;~~
- d) ~~require the owner of the land to grant a Conservation Easement in favour of the Township which provides for the protection of the Locally Significant Natural Area;~~
~~or~~
- e) ~~refuse the application.~~

- 8.1.5.7 ~~The interpretation and definition of the limits of a Locally Significant Natural Area and adjacent lands will be the responsibility of the Township in consultation with the Region and the Grand River Conservation Authority;~~
- 8.1.5.8 ~~Locally Significant Natural Areas which are privately owned are not for use by the public, except at the discretion of the owner.~~
- 8.1.5.9 ~~Where a Locally Significant Natural Area is subsequently designated by the Region as an Environmental Preservation Area, Environmentally Sensitive Policy Area or Provincially Significant Wetland, the provisions of Section 8.1.2 will apply, respectively.~~
- 8.1.5.10 ~~Where lands are identified through a watershed or other appropriate field study as fulfilling the criteria for a Locally Significant Natural Area designation in accordance with Policy 8.1.5.3, an amendment to this Plan will be considered to designate such lands as a Locally Significant Natural Area.~~
- 8.1.5.11 ~~Where the Township, in consultation with Region and/ or the Grand River Conservation Authority determines that the preparation of an Environmental Impact Statement, for development proposed in or adjacent to a Locally Significant Natural Area, would serve no useful purpose, it may waive the requirement to complete such a study, subject to terms and conditions of approval that the Township may deem appropriate to conserve natural features.~~

8.1.6 Significant Woodlands

8.1.6.1 The Township will participate in a study with the Region, the Ministry of Natural Resources, the Grand River Conservation Authority, and other Area Municipalities, and in consultation with affected landowners, to address the following:

- a) the establishment of a definition for "significant woodlands";
- b) the identification of significant woodlands;
- c) recommendation of significant woodlands fulfilling the criteria of Environmentally Sensitive Policy Areas for designation as Environmentally Sensitive Policy Areas by amendment to the Regional Official Policies Plan; and,
- d) recognition of significant woodlands not fulfilling the criteria of Environmentally Sensitive Policy Areas in accordance with c) above for designation as Locally Significant Natural Areas and Environmentally Constrained Land by amendment to this Plan.

8.1.7 Significant Valleylands

8.1.7.1 The Township will participate in a study with the Region, the Ministry of Natural Resources, the Grand River Conservation Authority, and other Area Municipalities, and in consultation with affected landowners address the identification and protection of Significant Valleylands.

8.1.7.2 Locally significant valleylands identified through the study noted in Policy 8.1.7.1 or other appropriate study will be designated as Locally Significant Natural Areas and Environmentally Constrained Lands by amendment to this Plan.)

8.1.8 Significant Natural Corridors

8.1.8.1 ~~The Township will participate in a study with the Region, the Ministry of Natural Resources, the Grand River Conservation Authority, and other Area Municipalities, and in consultation with affected landowners, to address the following:~~

- a) ~~establishment of a definition of "significant natural corridors"; and~~
- b) ~~identification of Significant Natural Corridors.~~

8.1.8.2 Locally significant natural corridors identified in accordance with the provisions of Policy 8.1.8.1 b) above or other appropriate studies will be designated as Locally Significant Natural Areas by amendment to Map 8 of this Plan and will be designated as Environmentally Constrained Lands on Maps 3, 4 and 6.1 through 6.12 inclusive.

8.1.9 ~~Significant Wildlife Habitat Areas~~

8.1.9.1 ~~The Township will participate in a study with the Regional Municipality of Waterloo, the Ministry of Natural Resources, the Grand River Conservation Authority, and other Area Municipalities, and in consultation with affected landowners, to identify and protect, conserve or enhance the features and functions of significant wildlife habitat areas.~~

8.1.9.2 ~~Significant wildlife habitat areas identified in accordance with Policy 8.1.9.1 or other appropriate studies, not fulfilling the criteria for designation as Environmental Preservation Areas, Environmentally Sensitive Policy Area, or Provincially Significant Wetlands under the Regional Official Policies Plan, will be designated as Locally Significant Natural Areas and Environmentally Constrained Lands by amendment to this Plan.~~

8.1 THE GREENLANDS NETWORK

The township contains a diverse range of *environmental features* that form part of a broader Greenlands Network described in the Regional Official Plan. This natural system provides economic, ecological and social benefits and contributes to the overall quality of life in the township. It also supports and enhances air, land and water quality, and maintains biological diversity. The maintenance, enhancement and restoration of the *ecological function* and *hydrological function* of the Greenlands Network is therefore vital.

8.1.1 General Policies

8.1.1.1 The Greenlands Network is comprised of the following elements:

- a) Landscape Level Systems;
- b) Core Environmental Features;
- c) *fish habitat*;
- d) Supporting Environmental Features; and
- e) *Environmental Linkages*.

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8.1.1.2 *Development applications or site alteration* will be prohibited on lands where elements of the Greenland Network have not been adequately identified and evaluated through a *watershed study* or any other appropriate natural heritage review, until such time as an *Environmental Impact Statement* has been prepared by an applicant in accordance with the policies of this Plan and/or the Regional Official Plan, to identify and evaluate any such elements located on the subject lands and, wherever appropriate, *contiguous* lands.

- 8.1.1.3 The acquisition of elements of the Greenlands Network by the Township, the Region or other public agencies will be promoted wherever feasible.
- 8.1.1.4 Interpretation of the boundaries of the elements that make up the Greenlands Network, as required to support the review of *development applications*, will be achieved through the completion of *Environmental Impact Statements*, *watershed studies*, or other appropriate studies accepted by the Township, the Region and other public agencies having jurisdiction.
- 8.1.1.5 Any boundary interpretations of the Greenlands Networks not generally in conformity with the boundaries shown on Map 7 of this Plan will require an amendment to this Plan and/or the Regional Official Plan as applicable.
- 8.1.1.6 Illegal acts resulting, or having resulted, in a reduction in the form or function of an *environmental feature* within the Greenlands Network, including but not limited to such acts as tree removal, *wetland* filling or draining, or the diverting of watercourses, will not be recognized as existing conditions within the development review process. Restoration of the damaged area may be required prior to, or as a condition of, approval of any *development applications*.
- 8.1.1.7 Elements of the Greenlands Network that are privately owned are not for use by the public, except at the discretion of the owner.

8.1.2 Landscape Level Systems

- 8.1.2.1 Landscape Level Systems are recognized within the Greenlands Network as large-scale *environmental features* or as *significant* concentrations of *environmental features*. These areas are designated by the Region on Map 4 of the Regional Official Plan and on Map 7 of this Plan. Landscape Level Systems consist of:

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- a) *Environmentally Sensitive Landscapes*;
- b) Significant Valleys; and
- c) Regional Recharge Areas.

- 8.1.2.2 The Region may revise the boundaries of Landscape Level Systems through future amendments to the Regional Official Plan. The Township will update the boundaries of these areas in conformity with the Regional Official Plan as part of the statutory review of this Plan. Where there is a discrepancy between the boundaries of Landscape Level Systems shown in this Plan and the Regional Official Plan, the boundaries shown in the Regional Official Plan will be used to implement the policies of this Plan.

- 8.1.2.3 The designation of lands as Landscape Level Systems will not affect *agricultural uses* and associated *normal farm practices* as defined in applicable provincial legislation and regulations in conformity with this Plan, applicable Zoning By-laws, statutes, policies and

regulations of other government agencies, including agricultural drainage through municipal or agreement drains.

- 8.1.2.4 The Township will maintain, enhance or, wherever feasible, restore the scenic qualities of Township Roads within Landscape Level Systems.

Environmentally Sensitive Landscapes

- 8.1.2.5 *Environmentally Sensitive Landscapes* identify broad areas within the Region with distinct geographical and ecological characteristics and compositions that support and sustain a range of *ecological functions*. A portion of the Region's Laurel Creek Headwaters *Environmentally Sensitive Landscape* is located within the township as designated on Map 7 of this Plan.

- 8.1.2.6 All *development applications* within *Environmentally Sensitive Landscapes* are subject to all applicable policies of this Chapter and Chapter 7 of the Regional Official Plan.

- 8.1.2.7 Future expansions of the Baden and/or New Hamburg Urban Areas, Rural Settlement Areas are not permitted within or into *Environmentally Sensitive Landscapes*.

- 8.1.2.8 The creation of new lots for *non-farm-related residential units* within *Environmentally Sensitive Landscapes* is only permitted within Rural Settlement Areas.

- 8.1.2.9 The Township Zoning By-law will not permit the land uses identified in Policy 7.B.10 of the Regional Official Plan within *Environmentally Sensitive Landscapes* outside of Rural Settlement Areas.

- 8.1.2.10 Where *development or site alteration* is proposed on lands within or *contiguous* to an *Environmentally Sensitive Landscape*, the applicant will be required to submit an *Environmental Impact Statement* which addresses landscape impacts in addition to any other requirements in accordance with the policies in Section 8.4 of this Plan.

- 8.1.2.11 Where construction of a road on a new right-of-way, widening or upgrading of an existing roadway, construction or upgrading of a trunk sewer, trunk watermain, gas pipeline or electrical transmission line, wastewater treatment facility, waste management facility or groundwater taking project is proposed within or *contiguous* to an *Environmentally Sensitive Landscape*, the submission of an *Environmental Impact Statement*, or other appropriate study, in accordance with the policies in Section 8.4, which evaluates landscape level impacts, will be required.

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- 8.1.2.12 Nothing in this Plan will prevent the owner of a legal lot of record in an *Environmentally Sensitive Landscape* from obtaining a building permit to construct or enlarge a single detached dwelling, accessory building or *farm* structure, provided it is in conformity with all other Township, Region and Grand River Conservation Authority policies and regulations.

- 8.1.2.13 The designation of an *Environmentally Sensitive Landscape* will not affect existing aggregate extraction and processing operations licensed under the Aggregate Resources Act.

Significant Valleys

- 8.1.2.14 Significant Valleys are designated on Map 7 of this Plan. This designation identifies valleys of the Nith River and Speed River, which are together nationally recognized as a Canadian Heritage River. Significant Valleys comprise the entire river channel within the region and run up to the point where the slope of the valley begins to grade into the surrounding upland.
- 8.1.2.15 All *development applications* within or *contiguous* to Significant Valleys will be in accordance with the policies of this Chapter and Chapter 7 of the Regional Official Plan.

Regional Recharge Areas (Environmental Protection)

- 8.1.2.16 Regional Recharge Areas are designated on Map 7 and Map 8 of this Plan. This designation identifies large *environmental features* consisting of considerable deposits of sand and gravel that allow for the infiltration of substantial quantities of rainfall and snowmelt deep into the ground. Regional Recharge Areas serve to sustain a wide range of aquatic habitats and ecosystems within the Greenlands Network, and also serve to replenish deep underground aquifers that serve as a source for a significant share of the township's drinking water.

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- 8.1.2.17 Expansions of the Baden and/New Hamburg Urban Areas or Rural Settlement Areas will not be permitted onto lands designated as Regional Recharge Areas, except as provided for in Policy 8.1.2.18 of this Plan and the policies of the Regional Official Plan.
- 8.1.2.18 Minor expansions of Rural Settlement Areas located within Regional Recharge Areas may be permitted to facilitate the enlargement of an *existing* employment, recreational or institutional use subject to the provisions of the Regional Official Plan. Such expansions will not be permitted where the lands subject to the expansion proposal are also designated as *Environmentally Sensitive Landscape*.
- 8.1.2.19 *Development applications* within Regional Recharge Areas on lands already designated for urban development in this Plan may be permitted in accordance with the policies of this Plan and Section 7.B of the Regional Official Plan.

8.1.3 Core Environmental Features

- 8.1.3.1 Core Environmental Features identify those *environmental features* that are provincially or regionally *significant*. These features are the most *significant* elements of the regional landscape in terms of maintaining, protecting and enhancing *biodiversity* and important *ecological functions*.

8.1.3.2

Core Environmental Features are designated by the Region on Map 4 of the Regional Official Plan and on Map 7 of this Plan. This designation applies to lands that meet the criteria set out in the Regional Official Plan as:

- a) *Habitat of Endangered Species and Threatened Species;*
- b) *Provincially Significant Wetlands;*
- c) *Environmentally Sensitive Policy Areas;*
- d) *Significant Woodlands;*
- e) *Environmentally Significant Valley Features; or*
- f) *Significant Areas of Natural and Scientific Interest.*

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8.1.3.3

The Region may revise the boundaries of Core Environmental Features through future amendments to the Regional Official Plan. The Township will update the boundaries of these areas in conformity with the Regional Official Plan as part of the statutory review of this Plan. Where there is a discrepancy between the boundaries of Core Environmental Feature shown in this Plan and the Regional Official Plan, the boundaries shown in the Regional Official Plan will be used to implement the policies of this Plan.

8.1.3.4

Development or site alteration will not be permitted within Core Environmental Features, except for:

- a) forest, fish or wildlife management and conservation;
- b) flood or erosion control projects demonstrated to be in the public interest and for which no other alternative is feasible;
- c) minor alterations to legal non-conforming land uses within Core Environmental Features;
- d) *infrastructure* projects in accordance with the policies of the Regional Official Plan; or
- e) new *mineral aggregate operations* in accordance with the policies of Chapter 7 of this Plan, and the policies of the Regional Official Plan.

Any development application or site alteration for the above uses will require the submission of an *Environmental Impact Statement*, to the satisfaction of the Township, the Region, the Grand River Conservation Authority and/or the *Province* as appropriate, to determine the mitigation measures to be implemented, as appropriate, through the development review process.

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8.1.3.5 *Development or site alteration* projects will only be permitted on lands *contiguous* to a Core Environmental Feature where an *Environmental Impact Statement*, or similar study, submitted in accordance with the policies in Section 8.4 has determined to the satisfaction of the Township, the Region, the Grand River Conservation Authority and/or the *Province*, as appropriate, that approval of the proposed *development* or *site alteration* would not result in *adverse environmental impacts* on the features and *ecological functions* of the Core Environmental Feature.

8.1.3.6 Except at the discretion of the owner, Core Environmental Features that are privately owned are not for use by the public.

8.1.4 Fish Habitat

8.1.4.1 *Fish Habitat* will be identified through *watershed studies*, *Environmental Impact Statements* or other appropriate studies accepted by the Township and other public agencies having jurisdiction.

8.1.4.2 *Development or site alteration* will not be permitted within *fish habitat*, except in accordance with *provincial and federal requirements*.

8.1.4.3 *Watershed studies*, *Environmental Impact Statements* and other appropriate studies will be used to determine appropriate means to implement fishery policy and the specification of protective mitigation measures.

8.1.4.4 Any requirements imposed through *watershed studies*, *Environmental Impact Statements* and other appropriate studies must be implemented by the proponent to the satisfaction of the Federal Ministry of Fisheries and Oceans or its delegate.

8.1.5 Supporting Environmental Features

8.1.5.1 Supporting Environmental Features are designated on Map 7 of this Plan. These *environmental features* do not meet the criteria for designation as Landscape Levels Systems or Core Environmental Features but which are locally significant. Supporting Environmental Features play an important role in maintaining the *ecological functions* provided by the Greenlands Network and will be maintained, enhanced or, wherever feasible, restored.

8.1.5.2 Supporting Environmental Features are areas that meet the following criteria:

- a) is designated by the Ministry of Natural Resources as a locally significant *wetland*, including all non-provincially Significant Wetlands designated by the Ministry of Natural Resources and the Grand River Conservation Authority; or
- b) is identified as a locally significant *woodland*; or

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- c) is identified as a locally significant *Environmental Linkage* by a study or studies completed in accordance with Policy 8.1.6.1 of this Plan; or
- d) is identified as a locally significant valley; or
- e) is identified as a locally significant *wildlife habitat* area; or
- f) is identified as a permanent or intermittent watercourse; or
- g) provides a connection or acts as a buffer or supporting area to *environmental features*, thus maintaining ecological connection between communities; or
- h) performs vital hydrogeological functions, such as serving as headwaters of a stream, groundwater recharge and discharge areas; or fulfils at least three of the following criteria:
 - i) is a good quality, representative example of a particular type of ecosystem native to the Township;
 - ii) contains uncommon or rare ecological communities such as old growth forests, savannas, prairies, bogs, fens, meadows and so on;
 - iii) is a natural area of over 1.0 hectare (2.5 acres);
 - iv) supports a moderate to high diversity of native species and ecological communities due to varied topography, microclimates, soils, and/or drainage;
 - v) contains nationally, provincially, or regionally *significant* species;
 - vi) contains “special” physical features (e.g. landforms, springs, fossils);
 - vii) is important or has the potential for ecological research, education and/or passive recreation due to location or features; or
 - viii) has a high aesthetic or scenic value in the Township.

8.1.5.3 The submission of an *Environmental Impact Statement* for review by the Township in consultation with the Region and the Grand River Conservation Authority will be required for all *development* proposed within or adjacent to a Supporting Environmental Feature, not already prohibited through Grand River Conservation Authority Policy. For the purposes of interpretation of this policy, “adjacent” will be defined as lands within 50 metres of the boundary of the Supporting Environmental Feature

8.1.5.4 Where an *Environmental Impact Statement* demonstrates that the proposed *development* will not result in *adverse environmental impacts* upon *environmental*

features and functions of a Supporting Environmental Feature identified in this Plan, the Township may, subject to appropriate conditions, approve or recommend approval of the application without amendment to this Plan.

8.1.5.5 Where an *Environmental Impact Statement*, submitted in accordance with the policies of Section 8.4, demonstrates that *development* may have an *adverse environmental impact* upon the *environmental features* and functions of a Supporting Environmental Feature, the Township will undertake one of the following:

- a) negotiate an agreement with the owner of the land requiring conditions of approval, or dedication of land to protect lands supporting the environmentally significant features and functions of the Supporting Environmental Feature;
- b) request the *Province*, the Region, or the Grand River Conservation Authority to use powers within their jurisdiction to enable acquisition or protection of the Supporting Environmental Feature;
- c) encourage public and/or private agencies to acquire all or the affected portion of the Supporting Environmental Feature;
- d) require a Conservation Easement; or,
- e) refuse the application.

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8.1.5.6 Where a Supporting Environmental Feature is subsequently designated by the Region as a Landscape Level Feature or a Core Environmental Feature, the provisions of Policies 8.1.2 and Policy 8.1.3 will apply, respectively.

8.1.5.7 Where lands are identified through a *watershed study* or other appropriate field study as fulfilling the criteria for a Supporting Environmental Feature designation in accordance with Policy 8.1.5.2, an amendment to this Plan will be considered to designate such lands as a Supporting Environmental Feature.

8.1.5.8 Where the Township, in consultation with Region and/ or the Grand River Conservation Authority determines that the preparation of an *Environmental Impact Statement*, for *development* proposed in or adjacent to a Supporting Environmental Feature, would serve no useful purpose, it may waive the requirement to complete such a study, subject to terms and conditions of approval that the Township may deem appropriate to conserve natural features.

8.1.5.9 The interpretation and definition of the boundaries of a Supporting Environmental Feature and *contiguous* lands will be determined by the Township in consultation with the *Province*, the Region and the Grand River Conservation Authority.

8.1.5.10 Supporting Environmental Features that are privately owned are not for use by the public, except at the discretion of the owner.

8.1.5.11 The Township will, in consultation with the *Province*, the Region, the Grand River Conservation Authority and affected landowners, will provide for the protection, enhancement or, wherever feasible, restoration of *Environmentally Significant Recharge Areas* and *Environmentally Significant Discharge Areas*, not fulfilling the criteria for designation as Regional Recharge Areas.

8.1.5.12 Where *Environmentally Significant Discharge Areas* and/or *Environmentally Significant Recharge Areas* sustain a Core Environmental Feature as documented through a study prepared in accordance with the policies of the Regional Official Plan, the Township will:

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- a) not permit *development* or *site alteration* within or *contiguous* to the *Environmentally Significant Discharge Areas* and/or *Environmentally Significant Recharge Areas*, except where it has been determined to the satisfaction of the Region and/or other applicable agencies that the *development* or *site alteration* would not result in *adverse environmental impacts* on the features and *ecological functions* of the Core Environmental Feature; and
- b) ensure that any proposed public *infrastructure* projects will avoid *Environmentally Significant Discharge Areas* and *Environmentally Significant Recharge Areas*, wherever feasible. Where it is not feasible to avoid these areas, the construction of the *infrastructure* project will be designed to maintain the *hydrologic functions* that sustain Core Environmental Features.

8.1.5.13 Lands within river or stream valleys, *floodplains*, *wetlands*, watercourses, lakes or *hazardous lands*, or lands within 120 metres of *Provincially Significant Wetlands* and *wetlands* greater than or equal to two hectares, or lands within 30 metres of *wetlands* less than two hectares, are regulated by the Grand River Conservation Authority. *Development* or *site alteration* within these Regulated Areas will require a permit from the Grand River Conservation Authority in accordance with the applicable regulations approved under the Conservation Authorities Act.

8.1.6 Environmental Linkages

8.1.6.1 *Environmental Linkages* are areas intended to provide opportunities for plant and animal movement within and between *environmental features*, support hydrological and nutrient cycling, and contribute to the overall ecological integrity of the Greenlands Network. The Township, in consultation with the Region, Grand River Conservation Authority and other stakeholders, will assist in identifying *Environmental Linkages* through appropriate studies as determined by the Region or Grand River Conservation Authority.

8.1.6.2 The Township will require the incorporation of any *Environmental Linkages*, identified in accordance with the policies of this Plan and the Regional Official Plan, into the design of new *development* to maintain, enhance or, wherever feasible, restore the *Environmental Linkages* within and between *environmental features*.

8.1.6.3

The Township will enhance *Environmental Linkages*, where appropriate, by restoring natural habitat on lands owned by the Township.

8.1.6.4

The Township will encourage the naturalization of inactive sections of parks and open space areas under the jurisdiction of other agencies and in private ownership, wherever appropriate, to enhance *Environmental Linkages*.

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8.2

Environmentally Constrained Lands

Environmentally Constrained Lands consist of hazard lands and lands with higher order environmental significance (e.g. ESPAs). Hazard lands are characterized by physical and environmental constraints such as steep slopes, organic soils, erosion susceptibility, floodplains, other geophysical limitations and their associated buffers and setbacks. This section is intended to prevent the loss of life and minimize property damage and social disruption through the restriction of land use activities on lands susceptible to erosion or flooding, while permitting limited development on lands where it is determined to be appropriate and safe. Lands identified as Environmentally Constrained Lands are intended primarily for the preservation and conservation of the land and environment.

8.2.1

Environmentally Constrained Lands are designated as illustrated on Map 3 of this Plan. This designation also applies to the Environmental Areas identified on Map 8 as being of Provincial or Regional significance, or identified as a locally significant woodland, valleyland, natural corridor, or wildlife habitat area. The Environmentally Constrained Lands designation also applies to all lands with potential hazards to urban-related development as identified on Maps 3, 4, 5, and 6.1 to 6.12 inclusive of this Plan.

8.2.2

Uses within the Environmentally Constrained Lands designation may include agriculture, conservation, passive recreational uses, and forestry and wildlife management. Additional uses may be permitted within the buffer and setback areas subject to such uses conforming to the policies contained in Sections 8.1 and 8.2 of this Plan.

8.2.3

Lands identified on Map 3 as being within Environmentally Constrained Lands will be zoned in the Township Zoning By-Law to prohibit buildings or structures. Building setbacks from lands shown as Environmentally Constrained Lands will be established and/or modified where appropriate, in consultation with the Grand River Conservation Authority.

8.2.4

Where Environmentally Constrained Lands contain all or a portion of an Environmental Area identified in Section 8.1.1.1, the more restrictive policies will apply.

8.2.5

Within Environmentally Constrained Lands, no development will be permitted except:

- a) where development is proposed through a Township Zoning By-law amendment within the buffer or setback area and a study of the hazard has demonstrated to the

satisfaction of the Grand River Conservation Authority that the hazardous condition for which the land has been designated can be mitigated through accepted engineering practices;

- b) ~~buildings or structures intended for erosion control, normally associated with management of the natural environment, or operated by a public authority. All such buildings and structures must be approved by the Grand River Conservation Authority, the Township and where appropriate, the Region; and~~
- c) ~~the creation of lots which extend into Environmentally Constrained Lands provided that the Township Zoning By law prohibits the establishment of structures or outdoor storage on that portion of the lot located within the Environmentally Constrained Area, provided that the lot creation will not result in subsequent demand for development which would negatively impact the Environmentally Constrained Area.~~

8.2.6 ~~Where development is proposed that would result in a change in use or expansion of an existing building or structure within an Environmentally Constrained Area, the following uses will not be permitted:~~

- a) ~~institutional uses such as hospitals, nursing homes, senior citizens residences, schools for the education of children or persons with physical/mental challenges, day care centres, residential care facilities or other similar uses which would pose a threat to the safety of the inhabitants in an emergency situation;~~
- b) ~~the provision of essential services such as police, fire, ambulance, major electrical substations, or telephone substations;~~
- c) ~~the manufacture, use or storage of substances of a chemical, hazardous or toxic nature, which could pose a threat to public safety if damaged as a result of flooding or failure of flood protection measures;~~
- d) ~~fully enclosed underground parking facilities; and~~
- e) ~~private sewage disposal systems.~~

8.2.7 ~~Structures which are replaced or reconstructed as a result of fire or other unusual loss will be constructed and/or flood proofed to the satisfaction of the Grand River Conservation Authority.~~

8.2.8 ~~Subject to Policy 8.2.7, minor expansions and alterations may be made to existing buildings and structures located within that portion of the Environmentally Constrained Lands identified by the Grand River Conservation Authority as Regulatory Flood Plain, provided that:~~

- a) ~~it is approved by the Grand River Conservation Authority;~~

- ~~b) it has received appropriate fill permits;~~
- ~~c) no new dwelling units or buildings are constructed or created;~~
- ~~d) no new floor space is created below the elevation of the first floor, including new basements; and~~
- ~~e) the renovations, additions, and/or alterations are flood proofed in accordance with the requirements of the Grand River Conservation Authority.~~

~~8.2.9 Outdoor industrial storage is prohibited within that portion of the Environmentally Constrained Areas identified by the Grand River Conservation Authority as Regulatory Flood Plain.~~

~~8.2.10 The placing or removing of fill of any kind, whether originating on the site or elsewhere, will not be permitted within lands defined by schedule under the Conservation Authorities Act, unless approved by the Grand River Conservation Authority.~~

~~8.2.11 An application to amend this Plan to remove or revise the Environmentally Constrained Lands designation will be given due consideration by the Township in consultation with the public, the Grand River Conservation Authority, the Region and other relevant agencies, taking into account:~~

- ~~a) existing environmental and/or physical hazards;~~
- ~~b) potential impacts of these hazards on existing and proposed development;~~
- ~~c) proposed methods by which these impacts will be overcome in a manner consistent with accepted engineering techniques and resource management practices; and~~
- ~~d) the monetary, social, and biological costs and benefits of proposed engineering work and/or resource management practices needed to overcome these impacts.~~

~~8.2.12 The acquisition of Environmentally Constrained Lands by the Township or other public agencies will be promoted wherever feasible.~~

8.2 ENVIRONMENTALLY CONSTRAINED LANDS

Environmentally Constrained Lands identify areas that will generally be restricted from development. These lands contain physical characteristics that could be unsafe to development due to naturally occurring hazards, such as flooding, erosion or slope failures. To prevent the loss of life and minimize property damage and social disruption, this Plan seeks to direct development away from these natural occurring hazards, except where it is determined to be appropriate and safe. The Grand River Conservation Authority is a key partner in this effort through the administration of its policies and regulations under the [Conservation Authorities Act](#).

8.2.1 Environmentally Constrained Lands are designated on Map 3 of this Plan. This designation applies to *hazardous lands* and *hazardous sites* identified and regulated by the Grand River Conservation Authority. The Township will update the boundaries of the Environmentally Constrained Lands designation in consultation with the Grand River Conservation Authority as part of the statutory review of this Plan.

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Permitted uses within the Environmentally Constrained Lands designation may include agriculture, conservation, passive recreational uses, and forestry and wildlife management.

8.2.3 Lands identified on Map 3 as being within the Environmentally Constrained Lands designation will be zoned to prohibit new buildings or structures. Setbacks from lands shown as Environmentally Constrained Lands will be established and/or modified where appropriate, in consultation with the Grand River Conservation Authority.

8.2.4 Where Environmentally Constrained Lands contain all or a portion of an element of the Greenlands Network identified in this Chapter, the more restrictive policies will apply.

8.2.5 Within the Environmentally Constrained Lands designation, *development* or *site alteration* will not be permitted within:

- a) *hazardous lands* which are impacted by *flooding hazards* and/or *erosion hazards*;
- b) erosion access allowances, which will not be less than six metres;
and
- c) *hazardous sites*;

except where:

- i) a special policy area has been approved by the *Province*; or
- ii) the *development* is limited to land uses that, by their nature, must locate within the *floodway*, including flood and/or erosion control works, structures necessary for conservation, water supply, wastewater management, or minor additions or

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passive non-structural uses which do not affect flood flows and meet all applicable Grand River Conservation Authority policies; or

- iii) a *two-zone policy area* has been designated in accordance with the policies of the Regional Official Plan to permit *development* or *site alteration* in the *flood fringe*, and the effects and risk to public safety are minor so as to be managed or mitigated in accordance with the *Province's* standards, as determined by the demonstration and achievement of all of the following:

- a) *development or site alteration* is carried out in accordance with *floodproofing standards, protection works standards, and access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and *existing* hazards are not aggravated; and
- d) no *adverse environmental impacts* will result.

8.2.6 Notwithstanding Policy 8.2.5, *development* proposing the following land uses will not be permitted within *hazardous lands* and *hazardous sites*:

- a) an institutional land use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of *floodproofing standards* or *protection works standards*, or erosion;
- b) an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations, which would be unacceptably impaired during an emergency as a result of flooding, the failure of *floodproofing standards* or *protection works standards*, or erosion;
- c) land uses associated with the disposal, manufacture, treatment or storage of *hazardous chemicals and/or substances*;
- d) fully enclosed underground parking facilities unless otherwise permitted in Grand River Conservation Authority policy; and,
- e) new private sewage disposal systems.

8.2.7 Structures which are replaced or reconstructed as a result of fire or other unusual loss will be constructed and/or flood proofed to the satisfaction of the Grand River Conservation Authority.

8.2.8 Subject to Policy 8.2.5, minor expansions and alterations may be made to existing buildings and structures located within that portion of *hazardous lands* or *hazardous*

sites identified by the Grand River Conservation Authority as Regulatory Floodplain, provided that:

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- a) it is approved by the Grand River Conservation Authority;
- b) it has received the appropriate Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit;
- c) no new habitable floor space is created below the elevation of the first floor, no new basement is proposed, and any crawl space is non-habitable and designated to facilitate services only;
- d) the renovations, additions, and/or alterations are flood proofed in accordance with the requirements of the Grand River Conservation Authority; and
- e) and all other applicable Grand River Conservation Authority policies are met.

8.2.9 Outdoor storage is prohibited within that portion of *hazardous lands* or *hazardous sites* identified by the Grand River Conservation Authority as Regulatory Floodplain.

8.2.10 An amendment to this Plan will not be required for minor revisions to the boundaries of the *hazardous lands* and *hazardous sites* designations, where such revisions are supported by technical studies approved by the Grand River Conservation Authority.

8.2.11 The acquisition of *hazardous lands* or *hazardous sites* by the Township or other public agencies will be promoted wherever feasible.

8.2.12 The Township will require detailed hydrogeological and/or geotechnical studies to assess potential risks to persons, buildings, structures, or public *infrastructure* occasioned by groundwater discharge or high water tables prior to *development*. Such studies should demonstrate that engineering solutions designed to protect structures from the effects of groundwater discharge and high water tables will be effective, will not require significant on-going maintenance to remain effective, and will not divert or impede natural groundwater flows so as to create hazards or annoyances to adjacent lands and buildings. Where *discharge constraint areas* are identified in the above studies, they will be identified through an amendment to this Plan and/or in Community Plans.

8.2.13 The Township will consider the potential impacts of climate change that may increase the risks associated with natural hazards.

8.3 WATERSHED PLANNING

A component of environmental management is Watershed Planning for drainage basins. This provides a unique opportunity to understand the characteristics of ground and surface water resources, evaluate interrelated natural habitats, identify appropriate

locations for development, and establish measures to prevent adverse impacts on natural systems. Watershed planning also recognizes that the Region and Township are part of a larger natural system.

The Township recognizes the direct relationship between human activities and impacts on water and other natural resources. Planning from a watershed perspective allows recommendations to be made concerning land use Planning Actions and conditions of development approval the Township can implement to prevent or minimize those impacts.

8.3.1 General policies

8.3.1.1 The Township will participate in co-operation with other municipalities, the public, landowners, the Grand River Conservation Authority, the Region, provincial ministries and other interested agencies in the completion of *watershed studies* for watersheds within the Township.

8.3.1.2 Priorities and guidelines for the completion of publicly funded *watershed studies* will be determined in accordance with Section ~~3.1~~ 7.F of the Regional Official Policies Plan.

8.3.1.3 The Township will ~~consider amendments to this Plan~~ **amend this Plan, as required**, to implement appropriate recommendations from a *watershed study*.

8.3.1.4 The Township will ~~consider applicable~~ **implement appropriate** recommendations of a *watershed study* ~~not implemented through amendment to this Plan~~, during the development approval process.

8.3.1.5 *Watershed studies* will be used to identify potential impacts of change on water budget, peak run off flows, run off volumes, time distribution of stormwater run off, flood levels and velocities, *floodplain* storage, existing storm water management facilities, capacities of existing downstream works, *floodplain* buildings and structures, erosion and sedimentation of stream systems, surface water quality, groundwater quantity and quality, water supply aquifer, infiltration, recharge, discharge, baseflow, *wetlands*, significant *woodlands* and other ecosystems, significant flora and fauna, including ~~rare, endangered, and threatened species and associated habitat~~ **Habitat of Endangered Species and Threatened Species**, aquatic habitat and fisheries, recreation, consideration and recommendation of rehabilitation measures for a system which is already impacted; and other environmental aspects determined as part of the terms of reference for the watershed study.

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8.3.1.6 ~~Terms of reference for watershed studies will include the delineation of detailed targets and objectives for resource management, environmental protection, stormwater management practices, and monitoring, and identification of significant natural features, including identification of Environmental Areas, and the determination of areas where no development will be permitted or where more detailed Environmental Impact Statements may be required to assess development proposals.~~

The Township, the *Province*, the Region, and the Grand River Conservation Authority, in consultation with affected landowners and the general public, will jointly determine the terms of reference for *watershed studies*. At a minimum, the terms of reference for a *watershed study* will include:

- a) identification, maintenance, restoration and, wherever feasible, enhancement of *environmental features, groundwater features, surface water features and ecological functions* which are necessary for the ecological and hydrological integrity of the *watershed*;
- b) identification, maintenance, enhancement and, wherever feasible, restoration of *Environmental Linkages* among *environmental features* and *ecological functions, groundwater features* and surface water features;
- c) determination of areas where *development* or *site alteration* will be prohibited to:
 - i) protect actual and potential municipal water services and identified *vulnerable* areas; and
 - ii) maintain, or, enhance wherever feasible, restore sensitive and *vulnerable* surface water and *groundwater features*, and their *hydrologic functions*, and *floodplains*;
- d) protection of the quality, quantity, distribution and direction of flow of existing surface and groundwater processes;
- e) identification of stormwater management practices that maintain or enhance the quality, quantity and distribution of stormwater including infiltration measures, and minimize stormwater volumes and contaminant loads;
- f) identification of areas where site specific *Environmental Impact Statements* may be required for the review of *development applications* in accordance with the policies of the Regional Official Plan. Wherever feasible, a *watershed study* should partially fulfill the *Environmental Assessment* requirements for major *infrastructure* works to be located within that *watershed*, and/or comprehensive *Environmental Impact Statements* for all or part of the *watershed*; and
- g) develop a monitoring plan and define roles and responsibilities for pre-, during- and post-construction monitoring to determine and address the impact of development on the Greenlands Network and surface and groundwater resources.

8.3.1.7

The Township will support, and participate in, Regional initiatives to undertake *watershed studies* under the policies of the Regional Official Plan. Such studies are intended to both minimize *adverse environmental impacts*, including cross-jurisdictional and cross-*watershed* impacts, and to maintain, enhance or, wherever feasible, restore

the Greenlands Network. Such studies will also be used to direct enhancement of the water system, maintenance or improvement of the health of watercourses and to identify natural hazards.

8.3.1.8 The Township will require the finalization of a *watershed study* prior to adopting any Community Plans or amendments to this Plan that would permit significant areas of development within a *watershed*.

8.3.1.9 Where a *watershed study* relates to matters of Regional interest, the Township will ensure that the relevant portions of the *watershed study* are first approved by the Region, prior to Township Council adoption of an Official Plan amendment or Community Plan that would implement the recommendations of the *watershed study*.

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8.3.2 Watershed Studies

Policies relating to specific *watershed studies*, including the Alder Creek Watershed Study and Upper Strasburg Creek Subwatershed Plan Update (2008), will be considered by future amendment to the Township as part of the next statutory review of this Plan.

8.4 Environmental Impact Statement

An *Environmental Impact Statement* is a document describing the effects of proposed activities on the "Environment," in this case, is defined as the natural and physical environment and the relationship of people with that environment. This means that the "environment" considered in an *Environmental Impact Statement* includes land, water, air, structures, living organisms, environmental values at the site, and the social, cultural, and economic aspects. An "impact" is a change in consequence that results from an activity. Impacts can be positive or negative or both. An *Environmental Impact Statement* describes impacts, as well as ways to "mitigate" impacts. To "mitigate" means to lessen or remove negative impacts. Therefore, an *Environmental Impact Statement* is a document that describes the impacts on the environment as a result of a proposed action. It also describes impacts of alternatives as well as plans to mitigate the impacts.

8.4.1 General Policies

~~8.4.1.1 Environmental Impact Statements will be required in accordance with the policies of this Plan and the Regional Official Policies Plan, to identify and evaluate the potential effects of proposed development on Environmental Areas. An Environmental Impact Statement will identify the nature and extent of potential impacts; recommend methods for preventing, minimizing or mitigating impacts; opportunities for enhancing Environmental Areas; specify required modifications to a proposal; and determine appropriate buffer zones. The need for, scope and adequacy of Environmental Impact Statements will be determined by:~~

~~a) the Ministry of Natural Resources for development applications potentially affecting~~

the habitat of endangered species;

- ~~b) the Grand River Conservation Authority for development applications potentially affecting Provincially Significant Wetlands which are not ESPAs;~~
- ~~c) the Region, for development applications potentially affecting Environmental Preservation Areas, Environmentally Sensitive Policy Areas, or Regionally Significant Natural Corridors;~~
- ~~d) the Township in consultation with the Grand River Conservation Authority and the Region for development applications potentially affecting other Environmental Areas identified as Locally Significant Natural Areas including Locally Significant Wetlands, Locally Significant Woodlands, Locally Significant Valleylands, Locally Significant Natural Corridors and areas of significant wildlife habitat.~~

8.4.1.1

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An Environmental Impact Statement will be required in accordance with the policies of this Plan to identify and evaluate the potential effects of a proposed development or site alteration on elements of the Greenlands Network, and recommend means of preventing, minimizing or mitigating these impacts, as well as enhancing or restoring the quality and connectivity of elements of the Greenlands Network. An Environmental Impact Statement may also be used to identify and evaluate elements of the Greenlands Network and interpret the boundaries of these elements based on ecological considerations. The Township, the Province, the Region, and the Grand River Conservation Authority will co-ordinate the requirements for the preparation of an Environmental Impact Statement.

8.4.1.2

~~The Township may require the submission of a Comprehensive Environmental Impact Statement where:~~

- ~~a) the proposed development may affect a variety of Environmental Areas as described in Section 8.1;~~
- ~~b) multiple contiguous properties containing Environmental Areas are proposed for development;~~
- ~~c) a Community Plan is being undertaken; or~~
- ~~d) environmental studies are required to support the expansion of the Baden and/or New Hamburg Urban Areas or Rural Settlement Area boundaries.~~

8.4.1.2

The Township may require the submission of a single comprehensive Environmental Impact Statement where:

- a) development or site alteration is proposed on multiple contiguous properties containing elements of the Greenlands Network;*

- b) a Community Plan or other comprehensive *community planning process* is being undertaken; or
- c) environmental studies are required to support the proposed expansion of the Baden and/or New Hamburg Urban Areas or Rural Settlement Areas boundaries; or
- d) the extent of a *development application* and its anticipated impacts on the Greenlands Network are anticipated by the relevant agency(ies) to be substantial.

8.4.1.3 Where an *Environmental Impact Statement* is required, it will be prepared by a qualified professional and submitted with the *development application* for review in accordance with Policy 8.4.1.1 of this Plan and ~~with the current Regional Implementation Guidelines for the preparation of Environmental Impact Statements.~~ *with the provisions of the Regional Greenlands Network Implementation Guideline.*

8.4.1.4 A ~~reduction in the scope and/or content of the Environmental Impact Statement may be authorized by Regional Council, where the impacts of a development application are expected to be limited in area and/or scope, or where other environmental studies fulfilling the requirements of an Environmental Impact Statement have previously been prepared.~~

8.4.1.4 The need for, and scope of the *Environmental Impact Statement*, will be determined in collaboration with the Region, the *Province*, and the Grand River Conservation Authority by:

- a) the *Province*, for *development or site alteration* potentially affecting *Habitat of Endangered Species and Threatened Species*, or;
- b) the Region, for *development or site alteration* potentially affecting:
 - i) Landscape Level Systems, not including Significant Valleys;
 - ii) Core Environmental Features; or
 - iii) *Environmentally Significant Discharge Areas* and/or *Environmentally Significant Recharge Areas* that sustain Core Environmental Features.
- c) the Grand River Conservation Authority for Significant Valleys, *Provincially Significant Wetlands* located outside *Environmentally Sensitive Policy Areas* and *wetlands* not identified as provincially *significant*, including *unevaluated wetlands*;
- d) the Township for *development applications* potentially affecting Supporting Environmental Features and other elements of the Greenlands Network; and
- e) the Federal Department of Fisheries and Oceans, or its delegate, for *fish habitat*.

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- 8.4.1.5 The submission of an *Environmental Impact Statement* will not be required by the Township where an *Environmental Assessment* or alternative environmental review is being undertaken as part of a comprehensive planning process, provided the *Environmental Assessment* or alternative environmental review fulfils the requirements of an *Environmental Impact Statement*.

8.4.2 Environmental Impact Statements for Supporting Environmental Features

- 8.4.2.1 Where an *Environmental Impact Statement* is required for Supporting Environmental Features in accordance with Policy 8.1.5.3, it will be prepared by a qualified professional and submitted with the *development application* to the Township for review in consultation with the Region. Where the Supporting Environmental Feature is a Locally Significant Wetland, the Township will consult with the Grand River Conservation Authority.

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- 8.4.2.2 *Environmental Impact Statements* for development affecting Supporting Environmental Feature will be prepared in accordance with the Regional Greenlands Network Implementation Guideline.

- 8.4.2.3 Where the Township, in consultation with the Region and the Grand River Conservation Authority determines that the preparation of an *Environmental Impact Statement*, for *development* proposed in or adjacent to a Supporting Environmental Feature, would serve no useful purpose, the Township may waive the requirement to complete such a study, subject to terms and conditions of approval that the Township may deem appropriate to conserve natural features.

8.4.3 Environmental Impact Statements for Fish Habitat

- 8.4.3.1 Any development proposed *contiguous* to designated *fish habitat*, will require the preparation and submission of an *Environmental Impact Statement* for review by the Federal Department of Fisheries and Oceans, or its delegate.

8.5 ENVIRONMENTAL STEWARDSHIP

8.5.1 Biodiversity

- 8.5.1.1 The Township highly values its rich *biodiversity*, and will encourage the conservation and enhancement of the native diversity of the natural environment.
- 8.5.1.2 The Township will co-operate with the Region in the development and maintenance of an environmental database to document the occurrence and distribution of significant species and other features.
- 8.5.1.3 The Township will encourage the use of native species appropriate to the Township and will discourage the use of non-native or invasive species in accordance with the Regional

list of Native Trees and Shrubs and Non-Native Species, when planning within or *contiguous* to the Greenlands Network.

8.5.1.4 The Township will, where feasible, promote the use of native species of trees, shrubs and prairie vegetation for plantings along Township Roads.

8.5.2 Managing Woodland Resources

8.5.2.1 The Township, in collaboration with the Region, will minimize the impact of *development* on *woodlands* by proposing alternative locations for proposed land uses and/or through the implementation of appropriate mitigation measures.

8.5.2.2 The Township will consider the importance of *woodlands* during the development review process, giving consideration to:

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a) the potential impact of the proposed land use on the *ecological functions*, productivity or potential productivity of the *woodland* for commercial timber production;

b) the impact of the proposed land use on the extent and distribution of *woodland* cover in the in which the subject land is situated; and

c) opportunities to restore or re-establish productive forest habitats consisting of native species following the completion of the proposed *development*.

8.5.2.3 The Township will consider the adoption of a Tree Preservation By-law to prohibit or regulate the destruction or injuring of trees in *woodlands* less than four hectares in area.

8.5.3 Land Stewardship

8.5.3.1 The Township, in co-operation with the Region, encourages landowners to maintain, enhance or, wherever feasible, restore *environmental features* on their property through measures including conservation easements, buffers and wherever appropriate, fencing.

8.5.3.2 The Township will endeavour to secure ownership of elements of the Greenlands Network in conjunction with recreational areas, and to prepare management plans for these lands to maintain, enhance or, wherever feasible, restore their *ecological functions*.

8.5.3.3 The Township will implement the use of native trees and shrubs, as identified by the Region, when planting within or *contiguous* to elements of the Greenlands Network, and will encourage individuals and agencies to do likewise.

- 8.5.3.4 The Township will, wherever feasible and appropriate, use species native to the region in plantings along Township Roads and on the grounds of Township facilities, stormwater management facilities and park naturalization projects.

8.6 SOURCE WATER PROTECTION

The township is reliant on groundwater resources to supply the majority of its drinking-water. Protecting existing and future sources of drinking-water from incompatible land uses and from contamination that could hinder groundwater recharge is essential to maintaining human health, economic prosperity and a high quality of life. The Township will maintain and wherever feasible, enhance the quality and quantity of water infiltration and recharge to groundwater aquifers. The Township will support the Region in implementing land use planning decisions to protect the quality and quantity of drinking-water resources, and to limit *development* and *site alteration* that could adversely affect drinking-water supplies drawn from the Grand River and from groundwater resources.

8.6.1 Source Water Protection Areas

- 8.6.1.1 Source Water Protection Areas are designated on Map 8 of this Plan. These areas are significant in that they contribute water, or are in close proximity to municipal water service wells and surface water intakes that are *vulnerable* to contamination and/or depletion from incompatible land uses. Within the township, Source Water Protection Areas consist of: 1) Wellhead Protection Sensitivity Areas; 2) High Microbial Risk Management Zones; and 3) Regional Recharge Areas.

- 8.6.1.2 Wellhead Protection Sensitivity Areas are classified from 1 to 8, as designated on Map 8 of this Plan. This classification allows for varying degrees of management relative to the *vulnerability* of the underlying groundwater to contamination, the importance of the well to the capacity of the municipal water services, and the length of time groundwater within the area will take to reach the municipal water service well.

- 8.6.1.3 High Microbial Risk Management Zones identify areas where the underlying groundwater is the most *vulnerable* to disease causing organisms. These zones surround municipal water service wells supplied by Groundwater Under the Direct Influence of Surface Water (GUDI). GUDI wells draw groundwater that is directly connected to and dependant upon, surface water in locations where contaminants in the surface water may not be filtered adequately by the overlying soil or subsurface before entering the well.

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- 8.6.1.4 Regional Recharge Areas identify areas that will be protected from land use practices and *hazardous chemicals and/or substances* that could negatively impact the quality and quantity of water within and available to the aquifers that contribute to municipal water services.

- 8.6.1.5 The Township will review and update its Zoning By-Law to prohibit land uses that may pose a risk to Source Water Protection Areas in accordance with Chapter 8 of the Regional Official Plan.
- 8.6.1.6 *Development applications* within Source Water Protection Areas will be reviewed in accordance with the source water protection policies outlined in Section 8A of the Regional Official Plan.
- 8.6.1.7 New water taking will not be permitted for any new or expanding uses within the Baden and/or New Hamburg Urban Areas.
- 8.6.1.8 New water taking in quantities greater than 50,000 litres per day may be permitted outside of the Baden and New Hamburg Urban Areas and Source Water Protection Area designations through a site specific zoning by-law amendment, provided that the application is substantiated by further study in accordance with Regional Official Plan Policy 8.A.7.
- 8.6.1.9 Where the source water protection policies in the Regional Official Plan require one or more studies to be submitted in support of a *development application*, such studies will be completed in accordance with the Section 8A of the Regional Official Plan and the Regional Implementation Guideline for Source Water Protection Studies to the satisfaction of the Region. Studies submitted by the applicant will demonstrate that the proposed use will not negatively impact the quantity and/or quality of drinking-water resources in Source Water Protection Areas for the *development application* to receive approval.
- 8.6.1.10 The Township, in consultation with the Region, the *Province* and the Grand River Conservation Authority will provide advice to land owners to promote good stewardship practices for lands and water within Source Water Protection Areas.
- 8.6.1.11 The Township will, in collaboration with other public agencies having jurisdiction, provide input into and implement the *Province's* Source Water Protection Plan.
- 8.6.1.12 The Township will amend this Plan to conform to an approved provincial Source Protection Plan, as required.

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CHAPTER 9: HERITAGE RESOURCE MANAGEMENT

CHAPTER 9: CULTURAL HERITAGE RESOURCE MANAGEMENT

Built heritage resources consist of historic buildings, structures, artifacts, rivers, roads, districts and sites including streetscapes, landscapes, cemeteries, and burial places. Cultural heritage landscapes are geographic areas which have been created or modified through human activity and include such features as scenic vistas and lookouts. The Township recognizes the importance of these built heritage resources and cultural heritage landscapes and the roles that they play in making the Township a place of historic and cultural interest to both local residents and visitors to the area. The Township supports the identification and sensitive management of local heritage resources, by encouraging the restoration, protection, maintenance and enhancement of heritage resources, including natural and made features which have historic, cultural, architectural, archeological, palaeontological, or natural significance.

The Township of Wilmot has a rich and diverse cultural heritage, including a range of historic buildings and cemeteries, unique *Cultural Heritage Landscapes* and diverse archaeological sites. The Township recognizes the importance of these *cultural heritage resources* and the role they play in making the township a place of historic and cultural interest to both local residents and visitors alike. The policies of this Chapter therefore seek to identify, protect and manage the township's *cultural heritage resources* in a manner that retains their heritage values, attributes and integrity.

9.1 GENERAL POLICIES

9.1.1 The Township will set an example to the community by promoting the preservation and enhancement of heritage resources by regulating the demolition, removal or inappropriate alteration of historic features including natural and made features which have historic, cultural, architectural, archeological, palaeontological, or natural significance. These features may include properties, buildings, structures, monuments, artifacts, rivers, roads, districts and sites including streetscapes, landscapes cemeteries and burial places.

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9.1.1 The Township will set an example to the community by *conserving* and enhancing *cultural heritage resources* using the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, the Funeral, Burial and Cremation Act and the Municipal Act.

9.1.2 The Township Council will establish and maintain a Municipal Heritage Committee to provide consultation regarding the designation, demolition, or alteration of buildings, structures, *landscapes* and sites of architectural or historic interest or significance.

9.1.3 The Township may coordinate the creation and delivery of financial incentive programs for the promotion, preservation, restoration and rehabilitation of *cultural heritage resources*.

9.2 Inventory of Heritage Resources

9.2

HERITAGE REGISTRY

9.2.1

The Township, in consultation with the Wilmot Heritage Committee, will prepare, publish and periodically update a *Heritage Registry* of the Township's *cultural heritage resources*. The *Heritage Registry* will include:

- a) properties that are designated under the Ontario Heritage Act;
- b) properties that are protected by a heritage easement or covenant under the Ontario Heritage Act;
- c) properties that are identified by the Grand River Conservation Authority or in Regional, provincial or federal heritage inventories;
- d) non-designated properties that have been identified as having cultural heritage value or interest.

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9.2.1 9.2.2

~~The Township shall seek the advice of the Municipal Heritage Committee to assist and advise Council on heritage resource management issues and in the preparation and publication of an Inventory of Heritage Resources including: heritage resources of Federal, Provincial and Regional interest, archaeological areas, properties which have been designated pursuant to the Ontario Heritage Act; historic sites, cemeteries, properties, buildings, structures or elements of these with archaeological, historic or architectural value or interest, which in the opinion of the Township, satisfies at least two of the following criteria:~~

The Township, in consultation with the Wilmot Heritage Committee, will determine what *cultural heritage resources* should be included on the *Heritage Registry*. In order to be included on the *Heritage Registry* a *cultural heritage resource* must satisfy at least two of the following criteria:

- a) it dates from an early time period in the development of the Township;
- b) it is a good, representative example of the work of an outstanding local, regional, provincial, national or international architect, engineer, builder, designer, landscape architect, interior designer or sculptor and is well preserved;
- c) it is associated with a person who is recognized as having made a significant contribution to the Township's social, cultural, political, economic, technological or physical development or as having materially influenced the course of local, regional, provincial, national or international history;
- d) it is directly associated with an historic event which is recognized as having local, regional, provincial, national or international importance;
- e) it is a well preserved example and illustration of the Township's social, cultural,

political, economic or technological development history;

- f) it is a well preserved, representation of construction methods now rarely used;
- g) it is a well preserved and representative example of its architectural style or period of building;
- h) it is a well preserved and outstanding example of architectural design;
- i) it terminates a view or otherwise makes an important contribution to the landscape or streetscape of which it forms a part;
- j) it is generally well recognized as a historic Township landmark;
- k) it is a well preserved example of outstanding historic interior design;
- l) it is an example of a rare or otherwise important historic feature of good urban design or landscaping, or streetscaping; or
- m) it makes an important contribution to the urban/rural composition given its unique aesthetic or picturesque qualities.

~~9.2.2~~ **9.2.3**

The Township will encourage the preservation, restoration and integration of ~~heritage resources~~ **cultural heritage resources** into the design of new developments.

9.3

DESIGNATION OF HERITAGE PROPERTIES

9.3.1

The Township will regulate the demolition, removal or alteration of buildings of historic and architectural interest or value included in the ~~Inventory of Heritage Resources~~ **Heritage Registry**. For these purposes Council may:

- a) pass by-laws to designate properties including buildings or structures of historic and architectural interest or value; and will not permit the demolition, removal or alteration of these buildings or structures, pursuant to the Ontario Heritage Act;
- b) pass by-laws providing for the acquisition by purchase, lease or otherwise of any property or part thereof, designated in accordance with Policy 9.2.1, or for the expropriation of any such property;
- c) protect the ~~heritage resource~~ **cultural heritage resource** by entering into any easement agreement or covenant with the owner of a designated property, or register and enforce any easement or covenant with the land registry office against a designated property, in accordance with Policy 9.2.1; or
- d) designate areas of architectural and historic significance as Heritage Conservation Districts, pursuant to the Ontario Heritage Act. The features that give the area its

New ROP
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distinctive character and contribute to the area's merit as a Heritage District shall be preserved. These may include the placement and relationship of buildings, the scale and character of the building groups, the architectural details of the buildings, natural areas, vistas and streetscapes and the unique historical, social or cultural association of the area.

9.3.2 Heritage Conservation Districts may include, but are not limited to areas where:

- a) a significant number of the buildings reflect an aspect of the history of the community by nature of location and historical significance of setting;
- b) significant number of the buildings are of a style or architecture or a method of construction to be significant historically or architecturally at a local, regional, provincial, national or international level;
- c) district contains other important physical, archaeological, environmental, cultural or aesthetic characteristics that in themselves do not constitute sufficient grounds for the designation of a Heritage Conservation District, but which lend support in evaluating the criteria for designation; or
- d) the district is an area of special association that is distinctive within the Township and, as a result, contributes to the character of the entire community.

9.4 CULTURAL HERITAGE LANDSCAPES

9.4.1 *Cultural heritage landscapes* are defined geographic areas of heritage significance, which have been created or modified through human activity and are valued by the community. It involves a grouping of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a *significant* type of heritage form, distinctive from that of its constituent elements or parts.

9.4.2 The Township will identify, document, and designate Cultural Heritage Landscapes and establish associated policies to conserve these areas in accordance with the policies in the Regional Official Plan and the Regional Implementation Guideline for Cultural Heritage Landscape Conservation.

9.4 ~~Statements of Impact~~

9.5 CULTURAL HERITAGE IMPACT ASSESSMENTS

~~9.4.1 9.5.1 A Heritage Impact Statement will be required by the Township for any proposed development that includes or is contiguous to a heritage resource identified in the Inventory of Heritage Resources. The Township, in consultation with the Ministry of Culture, may scope or waive the requirement for a Heritage Impact Statement where the scale and nature of the proposed development is such that no useful purpose would be served by the completion of the Heritage Impact Statement. The Township will consider conservation alternatives for any proposed development in the following order~~

New ROP
Conformity

of preference:

A *Cultural Heritage Impact Assessment* will be required by the Township for any proposed *development* or *site alteration* that includes or is *contiguous* to a property designated under the Ontario Heritage Act or that includes a non-designated *cultural heritage resource* that is identified in the *Heritage Registry*. The Township, in consultation with the Municipal Heritage Committee may scope or waive the requirement for a *Cultural Heritage Impact Assessment* where the scale and nature of the proposed development is such that no useful purpose would be served by the completion of the *Cultural Heritage Impact Assessment*. The Township will consider conservation alternatives for any proposed development in the following order of preference:

New ROP
Conformity

- a) rehabilitate and incorporate the ~~heritage resource(s)~~ *cultural heritage resource* and its surrounding context into the proposed development;
- b) recognize and incorporate the ~~heritage resource(s)~~ *cultural heritage resource* and its surrounding context into ~~the proposed~~ development ~~applications~~ in a manner which does not conflict with the ~~heritage resource~~ *cultural heritage resource*;
- c) promote the use of scale and design in new developments which blends harmoniously with existing heritage resources;
- d) promote the re-use of the resource, building, or building elements where the heritage resource cannot be *conserved* intact; and
- e) require, prior to approving a *development application* that would result in the destruction of a heritage resource, that the applicant provide measured drawings, a land use history, photographs and other available documentation of the heritage feature in its surrounding context and, if feasible, relocate the ~~heritage resource~~ *cultural heritage resource*.

9.5.2

Cultural Heritage Impact Assessments will include, but may not be limited to:

- a) historical research, site analysis and evaluation;
- b) identification of the *significance* and heritage attributes of the *cultural heritage resource*;
- c) description of the proposed *development* or *site alteration*;
- d) assessment of *development* or *site alteration* impacts;
- e) consideration of alternatives, mitigation and conservation methods;
- f) schedule and reporting structure for implementation and monitoring; and

g) a summary statement and conservation recommendations.

9.5.3 Where a *Cultural Heritage Impact Assessment* relates to a *cultural heritage resource* of Regional interest, the Township will ensure a copy of the assessment is circulated to the Region for review. In this situation, the *Cultural Heritage Impact Assessment* submitted by the applicant will be completed to the satisfaction of both the Township and the Region.

9.5.4 Where a *development application* includes, or is adjacent to, a cultural heritage resource of Regional interest which is not listed on the *Heritage Registry*, the applicant will be required to submit a *Cultural Heritage Impact Assessment* to the satisfaction of the Region.

~~9.4.2~~ 9.5.6 The Township will encourage measures which enhance public appreciation and visibility of heritage features.

~~9.4.3~~ 9.5.7 The Township, where feasible, will facilitate the restoration, rehabilitation, use and maintenance of ~~heritage resources~~ *cultural heritage resources* located within public open space for any purpose compatible with the existing or proposed function of the public space.

~~9.4.4~~ 9.5.8 The Township will assess the impact of proposed road construction, improvements and other public works ~~abutting heritage resources~~ *cultural heritage resources* identified in the ~~Inventory of Heritage Resources~~ *Heritage Registry*, and provide in the project design for the mitigation of any negative impacts.

9.5.9 The Township will consider the interests of Aboriginal communities in conserving cultural heritage and *archaeological resources*.

~~9.5~~

9.6 ARCHAEOLOGICAL RESOURCES

~~9.5.1~~ 9.6.1 The Township will include archaeological areas identified in Federal, Provincial and Regional inventories in the ~~Inventory of Heritage Resources~~.

New ROP
Conformity

During the review of *development applications* and/or *site plans*, the Township and/or the Region will require the applicant to submit an *archaeological assessment* conducted by a licensed archaeologist in accordance with the provisions of the Regional Archaeological Implementation Guideline following the Ministry of Tourism, Culture and Sport Standards and Guidelines, to the satisfaction of the *Province*, where *archaeological resources* and/or areas of *archaeological potential* have been identified in the Region's Archaeological Master Plan.

~~9.5.2~~ 9.6.2 In the approval of development applications, the Township will consider the potential presence of archaeological resources in consultation with the Region and in accordance with ~~Regional Official Policies Plan Policies 6.2.10 and 6.2.11.~~

Where an *archaeological assessment* identifies a *significant archaeological resource*, the Township will require the applicant to *conserve the significant archaeological resource* by:

- a) ensuring the site remains undeveloped and, wherever appropriate, designated as Open Space in this Plan; or
- b) removing the *significant archaeological resource* from the site by a licensed archaeologist, prior to site grading or construction.

9.6

9.7

CEMETERIES AND BURIAL PLACES

~~9.6.1~~ **9.7.1**

All licensed, private, abandoned or legally closed cemeteries will be designated in the Township’s ~~Inventory of Heritage Resources~~ *Heritage Registry* and will be encouraged to be retained in their original condition and location.

New ROP
Conformity

~~9.6.2~~ **9.7.2**

Where burial places are encountered during any excavation activity, the provisions of the Cemeteries Act and its regulations will apply.

CHAPTER 10: IMPLEMENTATION AND INTERPRETATION

Implementation and interpretation is the part of the planning process which involves putting the plan into effect by allocating resources such as staff, public works and capital budget programming.

10.1 LOCAL/REGIONAL JURISDICTION

~~10.1.2~~ 10.1.1 This Plan is a legal document prepared in accordance with the statutory powers and responsibilities vested in the Township by the *Province* and the Region. All public works carried out in the Township **and all municipal by-laws passed for any purpose** must conform to this Plan.

~~10.1.3~~ 10.1.2 This Plan will be used as the basis for actions on planning matters within Township jurisdiction.

~~10.1.4~~ 10.1.3 The effect of federal and provincial legislation in granting exemptions from compliance under this Plan for specified undertakings is acknowledged. However, the Township will strive through consultation to gain the full support of federal and provincial and Regional agencies in attaining the objectives of this Plan.

~~10.1.5~~ 10.1.4 Other government agencies will have regard to this Plan in preparing and administering plans and programs which may affect the Township.

~~10.1.6~~ 10.1.5 The private sector is encouraged to refer to this Plan when developing plans and programs which affect areas of Township interest.

~~10.1.7~~ 10.1.6 ~~The Township considers the policies of this Plan, as approved by the Region, to be appropriate Township interpretations consistent with policies adopted by the Region, and having regard for Provincial Policy Statements adopted by the Province under the authority of the Planning Act.~~

Housekeeping

The Township considers the policies of this Plan, as approved by the Region, to be appropriate Township interpretations consistent with the Provincial Policy Statement, and in conformity with the Regional Official Plan and the *Province's* Growth Plan for the Greater Golden Horseshoe.

~~10.1.8~~ 10.1.7 References to specific sections within the Regional Official ~~Policies~~ Plan (~~ROPP~~) are made within this Plan. These references, if amended, deleted or renumbered, shall not create the need to amend this Plan. The reference shall be interpreted to incorporate the relevant changes to the ~~ROPP~~ **Regional Official Plan**.

10.2 INTERPRETATION

10.2.1 This Plan was prepared by the Township of Wilmot in accordance with the Planning Act, and is to be read in conjunction with the Regional Official ~~Policies~~ Plan.

10.2.2 ~~Maps 1, 2, 3, 4, 5, 6.1 through 6.12 inclusive, 7, 8, 9, 10, 11 and 12 are Schedules to this Plan and constitute part of this Plan. These maps must be read in conjunction with each other and the policies of this Plan. For the purposes of interpretation of the policies of this Plan relating to Environmental Preservation Areas, Provincially Significant Wetlands, Environmentally Sensitive Policy Areas, and Wellhead Protection Sensitivity Areas regard must be had to Maps 1, 2 and 4 of the Regional Official Policies Plan.~~

Housekeeping

The text, tables, maps, schedule and glossary of terms contained in this Plan constitute the Township's Official Plan. This Plan is intended to be read in its entirety, and all relevant policies, maps and schedules are to be applied to each situation.

10.2.3 The policies contained in this Plan are intended to provide a statement of the intentions of Township Council. If clarification of any policy is necessary, reference should be made to the preambles and goals of this Plan.

10.2.4 Where differences of opinion arise as to the meaning of any part of this Plan, an interpretation may be made by Township Council after hearing all interested parties. Where such interpretation is not accepted by any interested corporation or person, such corporation or person is free to apply to the Courts or other body having jurisdiction for a judicial interpretation.

10.2.5 Where a parcel of land is subject to one or more designations on a map in this Plan, development proposals will be reviewed in accordance with all the policies of the applicable designation, but where conflict exists between these policies, the more restrictive policies will prevail to the extent of the conflict. **In the case of a discrepancy between the policies and the related map, the policies will take precedence. In the event of a conflict between this Plan and the Regional Official Plan, the more restrictive provision will apply.**

Housekeeping

10.2.6 ~~Where boundaries of any designation on Maps 2, 3, 4, 5 and 6.1 to 6.11 inclusive coincide with physical features, roadways, property boundaries and other defined geographical features, the boundary will be deemed to be the centre line of that feature.~~

New ROP
Conformity

The boundaries shown on the maps in this Plan will be interpreted as follows:

- a) the urban land use designations as shown on Maps 2.1, 4.1, 4.2 and 5.1 to 5.12 will be interpreted as being definitive;
- b) where the boundaries of the Baden and New Hamburg Urban Areas and Rural Settlement Areas coincide with such physical features as roadways, rivers and other defined geographical features, the boundaries will be deemed to be the centre line of that feature;
- c) the environmental land use designations as shown on Map 7, are based on more detailed mapping contained in the Region's Implementation Guideline entitled

“Technical Appendix for Landscape Level Systems and Core Environmental Features”. The interpretation of these boundaries will be in accordance with the provisions set out in the Regional Official Plan; and,

- d) the boundaries of the various natural resource areas as shown on Maps 3, 7, 8, 9 and 10 will be interpreted through the development review process.

10.2.7 Where any Act or portion of an Act is referred to in the Plan, such references shall be interpreted to refer to any subsequent renumbering of the sections in the Act and/or changes in the date of the Act.

10.3 AMENDMENTS TO THIS PLAN

10.3.1 Notice of amendments to this Plan will be given in accordance with the procedures as provided for in the Planning Act.

10.3.2 In considering amendments to this Plan, the Township will be guided by the following:

- a) the need for the proposed change;
- b) the effect of the proposed change on the demand for Township services and facilities;
- c) the implications the amendment may have on other policies of the Plan;
- d) the impact of the proposed change on the Township’s ability to achieve the goals and policies **and density and reurbanization targets** expressed in this Plan, or on other Township policies, programs or interests; and
- e) the impact of the proposed change on the Region’s ability to achieve the principles and policies expressed in the Regional Official ~~Policies~~ Plan, or on other Regional policies, programs or interests.

New ROP
Conformity

10.3.3 Technical revisions to this Plan will not require an amendment to this Plan provided they do not change the intent of the Plan. Technical revisions include:

- a) **changing the numbering, cross-referencing and arrangement of the text, tables and schedules;**
- b) **altering punctuation or language for consistency; and**
- c) **correcting grammatical, dimensional and boundary, mathematical or typographical errors.**

Housekeeping

~~10.3.4 The Township will, not less than every five years, convene a public meeting to determine the need to revise this Plan in accordance with the provisions of the Planning Act.~~

10.3.5 The Township will revise this Plan as required no less frequently than every five years, to ensure that:

- a) the policies, density and *reurbanization* targets of this Plan are being met or exceeded;
- b) the goals and policy directions remain realistic and appropriate with regard to changing social, economic, environmental and technological circumstances;
- c) this Plan conforms with applicable Provincial Plans and the Regional Official Plan, or does not conflict with them;
- d) the Plan remains consistent with the Provincial Policy Statement; and
- e) this Plan is consistent with any judicial decisions, Ontario Municipal Board decisions and/or changes to provincial legislation.

~~10.3.3 The Township will undertake a review of the policies of this Plan where judicial decisions, Ontario Municipal Board decisions, and/or changes to legislation or Provincial Policy Statements warrant such a review. The Township will consider amendments to this Plan as appropriate to implement the results of this review.~~

~~10.3.5 A comprehensive review of the fundamental principles of this Plan will be conducted following the comprehensive review of the Regional Official Policies Plan.~~

10.3.6 If the Township replaces this Plan with an another new Official Plan, the Township will initiate the revisions set out in Policy 10.3.5 no less frequently than 10 years after the new Official Plan comes into effect, and every five years thereafter.

10.4 ZONING BY-LAW

10.4.1 It is intended that the Council of the Township shall bring a comprehensive Zoning Bylaw into effect in accordance with the provisions of the Planning Act. Such by-law shall zone land in accordance with the proposals contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures.

10.5 MONITORING AND REVIEW

10.5.1 It is the intent of this Plan to provide for continuous monitoring and review to ensure that this Plan remains current and addresses significant issues or changes in planning thought, to ensure the effectiveness, viability and relevance of the objectives and policies of this Plan.

10.5.2 To provide information for the on-going evaluation of policies, and comprehensive

reviews of this Plan, the Township will assist where feasible, in the Region's efforts to carry out a program of research to identify the changing social, economic and physical needs of the residents of the Region and the consequences of technological improvements that may affect the programs and policies of the Region.

10.5.3 The Township will monitor characteristics and trends in the growth and change of major land uses and demographics in the township including:

Housekeeping

- a) the supply of existing and potential housing stock by type, including *affordable housing*, to accommodate the varying needs of the township's residents;
- b) the supply of vacant employment land to accommodate job creation in keeping with the employment forecasts in this Plan; and
- c) the general demographic, economic, employment, social and technological information and trends that may affect aspects of this Plan.

~~10.5.3 10.5.4 This information will be used in the review of this Plan as provided for in Policy 10.3.4 and 10.3.5. If a review of this Plan identifies appropriate changes to the Plan, then amendments will be brought forward for Council consideration in accordance with the provisions of the Planning Act.~~

The information collected through Policy 10.5.3 will be used in the review of this Plan as provided for in Policy 10.3.5 and Policy 10.3.7. If a review of this Plan identifies appropriate changes to the Plan, then amendments will be brought forward for Council consideration in accordance with the provisions of the Planning Act.

10.6 FINANCIAL MANAGEMENT

10.6.1 The implementation of this Plan must be financially viable. This Plan shall be managed to ensure that the required capital expenditures to provide the services for development and improvement are paid in an equitable and appropriate manner. The Township plays a role in ensuring optimal service delivery and in implementing the Plan. The following policies shall apply to financial management and implementation of this Plan:

- a) the Township shall recover all eligible growth-related capital costs through development charges, in accordance with provincial legislation;
- b) the Township may pass development charges by-laws that apply to the Township, as a whole and/or that apply to specific geographic areas within the Township; and
- c) *development applications* or proposals that otherwise comply with the relevant policies of this Plan may be refused on the basis of financial impact and burden on the Township, if suitable mitigation measures are not available.

10.7 PUBLIC PARTICIPATION

- 10.7.1 The Township will provide opportunities for public participation in the development, implementation and monitoring of Township planning policies in accordance with this Plan, the Planning Act, the Environmental Assessment Act and other relevant legislation.
- 10.7.2 In public participation programs associated with a ~~comprehensive~~ **statutory** review of this Plan, or major amendments hereto, the Township will endeavour to:
- a) solicit public input through the public participation program;
 - b) demonstrate how comments from the public have been considered in the development of planning policy and decisions; and
 - c) ensure that the public participation process is flexible to allow for changes as necessary.

10.8 IMPLEMENTATION GUIDELINES

- 10.8.1 Implementation Guidelines are recognized as statements adopted by resolution of Council which detail the manner in which policies established in this Plan will be implemented. The content and scope of these Implementation Guidelines are determined by the Township, and will be in conformity with the provisions of this Plan and the Regional Official ~~Policies~~ Plan and amendments thereto and will be prepared in consultation with the Region, appropriate agencies and the public.
- 10.8.2 Implementation Guidelines will not be used to introduce new policy directions, which could be used for the basis for denying applications under the Planning Act, or for interfering with the natural justice rights of landowners or the public.
- 10.8.3 Implementation Guidelines may include, but are not limited to:
- a) strategic plans;
 - b) watershed and master drainage plans; and
 - c) results of a *community planning process* not adopted by amendment to this Plan.
 - d) staging programs for public works;
 - e) servicing design criteria;
 - f) transportation standards and priorities; and
 - g) technical documentation.

10.8.4 An opportunity will be provided to all persons having an interest in a proposed Implementation Guideline to make representations to Council or to a Committee of Council.

10.8.5 Prior to the adoption of any specific Implementation Guideline in accordance with the provisions of this Section, any actions taken by the Township relating to such matters will be in accordance with existing practices previously approved by Council.

~~10.8.6 Implementation Guidelines are subject to the approval of the Region where they are deemed by the Region to affect matters of Provincial or Regional significance.~~

10.9 DEVELOPMENT APPLICATION REVIEW

10.9.1 The Township will provide comments to the Region, adjacent municipalities or other applicable agencies with respect to matters of Township significance or interest relating to *development applications* submitted in accordance with the Planning Act or other provincial or federal legislation. These comments will be provided in accordance with the procedures established by the *Province*, the Ontario Municipal Board or other legal authority.

~~10.9.2 Preliminary Official Plan Amendments and Zone Change Applications will not be accepted for circulation by the Township in the absence of a complete application satisfying the requirements of all applicable legislation, and will not be approved prior to the completion of appropriate environmental assessments in accordance with the Environmental Assessment Act.~~

The Township may, by by-law, require *a pre-submission consultation meeting* between the applicant, the Township, the Region and other appropriate agencies prior to the submission of applications for official plan amendment, zoning by-law amendments, or *site plan* applications in accordance with the Planning Act.

10.9.3 In accordance with the provisions for complete applications under the Planning Act, the Township will require the following additional information and material to assist in the review of applications for official plan amendments, zoning by-law amendments or *site plan* applications:

Planning Act Reforms

- a) a completed application form;
- b) the prescribed application fee;
- c) prescribed information and material as required under the Planning Act;
- d) a planning report outlining how the proposed application is consistent with this Plan, the Regional Official Plan, Provincial Plans, the Provincial Policy Statement and any other applicable planning document or statutes;

- e) appropriate drawings, concept plans and/or plans of survey; and
- f) any studies and reports listed in Policy 10.9.3 that may be necessary to review the application as determined by the Township or other agencies through a *pre-submission consultation meeting*, except consent applications.

10.9.4 In considering applications for official plan amendments, zoning by-law amendments or *site plan* applications, the Township may require the *other information and materials* listed in Schedule 'A' identified through a *pre-submission consultation meeting*, in order for the applications to be deemed complete at the discretion of the Township.

10.9.5 Any studies or reports submitted in accordance with Policy 10.9.3 will subject to the following requirements to be deemed complete:

- a) the content and necessity of the information will be in keeping with the scope and complexity of the application;
- b) the information must be prepared by a qualified professional retained by and at the expense of the applicant;
- c) the information must be in accordance with any applicable Township, Regional or provincial guidelines; and
- d) the information must be submitted in an appropriate digital format, if requested by the Township.

10.9.6 The Township may conduct a peer review of the reports and studies listed in Policy 10.9.3 where necessary, to determine whether the quality of the submission is satisfactory. Such peer reviews will be completed by an appropriate agency or professional consultant retained by the Township at the applicant's expense. The Township may refuse the studies and reports if it considers the quality of the submission unsatisfactory.

10.9.7 The Township may refuse to accept or further consider applications for official plan amendments, zoning by-law amendments, or *site plan* application in the absence of a complete application satisfying the requirements of all applicable legislation and this Plan and this Official Plan. , and will not approve such applications prior to the completion of appropriate *Environmental Assessments* in accordance with the Environmental Assessment Act.

~~10.9.3~~ 10.9.8 The Township will encourage, in consultation with the Region and other appropriate agencies, the review of draft approved subdivisions every three years to determine if the draft approval should be maintained, and as a result of this review, modify the conditions of draft approval as required.

~~10.9.4~~ 10.9.9 The Township Council may consider delegating, where appropriate, approval authority

and the ability to recommend conditions of approval to appropriate delegates as a means to streamline the development approvals process.

~~10.9.5~~ The Township ~~will require pre-submission consultation between the applicant, the Township, the Region and other appropriate agencies prior to submission of a development application in accordance with the Planning Act.~~

~~10.9.6~~ The Township ~~may deem applications to amend this Plan and amendments to the Township Zoning By-law, premature for acceptance for processing under the Planning Act in the absence of demonstrated pre-consultation between the applicant, the Township, the Region and other appropriate agencies.~~

~~10.9.7~~ **10.9.10** The Township encourages the concurrent submission and processing of related *development applications*.

~~10.9.8~~ **10.9.11** The Township, in consultation with the Region and other appropriate agencies, will develop guidelines for the review of *development applications* which:

- a) establish and monitor general time frames and procedures for development approvals;
- b) identify means of increasing the efficiency and effectiveness of the planning approval process;
- c) update approval procedures based on the review; and
- d) annually prepare a report to Council on the results of the review.

~~10.9.9~~ **10.9.12** The Township will maintain a Development Applications in Process Status Report and report to Council annually with the results.

10.10 SITE PLAN CONTROL

10.10.1 All lands within the Township shall be deemed to be a ~~Site Plan~~ **Site Plan** Control Area and shall be applicable to all development excluding:

- a) development proposed in conjunction with farm operations, farm buildings (except for commercial greenhouses), and the residence of the farm operator for agricultural purposes; and
- b) single detached, semi-detached, and duplex dwellings, except where such dwellings are:

Housekeeping

- i) proposed within or contiguous to lands designated as Open Space or any of the ~~Environmental Areas~~ **elements of the Greenlands Network** identified in Section ~~8.1.1~~ **8.1** of this Plan; or

ii) included in a draft plan of condominium application, or forming part of a zero lot line, linked housing, or other similar innovation in housing developments.

10.10.2 ~~Drawings showing plan, elevation and cross-section views may be required for all buildings to be erected, including all buildings to be used for residential purposes regardless of the number of units within the Site Plan Control Area outlined in Policy 10.10.1 above.~~

Housekeeping

Drawings showing plan, elevation and cross-section views may be required for all proposed development and adjacent buildings to be erected, including all buildings to be used for residential purposes regardless of the number of units within the *Site Plan* Control Area outlined in Policy 10.10.1 above. Any required elevation drawings will include matters of massing, conceptual building design, interior walkways and the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access, as well as matters relating to exterior and *sustainable* design including, without limitation, the character, scale, appearance and design features of buildings, and the *sustainable* design elements on any adjoining street or highway under the Township's jurisdiction set out in Section 41(4)(e) of the Planning Act.

10.10.3 Widening of highways may be required as a condition of *site plan* approval for all development within the ~~Site Plan~~ *Site Plan* Control Area *abutting* Local or Primary Township Roads described in Schedule 'A' – Designated Road Allowances.

10.10.4 The Township may enter into such agreements as may be necessary to secure appropriate conditions of *site plan* approval pursuant to the provisions of the Planning Act.

10.10.5 The Township Council shall consult with the Region when considering applications for *site plan* approval to ensure that Regional conditions requested pursuant to the provisions of the Planning Act are appropriately satisfied.

10.11 HOLDING PROVISIONS

10.11.1 Holding provisions may be utilized by the Township for those situations where it is necessary or desirable to zone lands for development in advance of the fulfillment of specific requirements and conditions, and where the details of the development have not yet been fully resolved. These details include:

Housekeeping

- a) ~~environmental contamination clean-up;~~ a Record of Site Condition being submitted to the *Province*, and any associated remedial works of properties, where remedial work is required to allow the continued use or reuse of a site;
- b) ~~environmental impact analysis;~~ measures to appropriately protect the natural environment;

Housekeeping

- c) phasing of development or future subdivision of lands;
- d) the provision of school sites;
- e) ~~the provision of water and wastewater services and road works;~~ **the provision of municipal infrastructure;**
- f) ~~the completion of archaeological assessments; or~~ **measures to appropriately conserve cultural heritage resources;**
- g) ~~the completion and implementation of noise studies.~~ **demonstrating compliance with the Province's D-Series Guidelines and other applicable provincial guidelines on land use compatibility;**
- h) **completion and registration of any development agreement under Section 37 of the Planning Act that is satisfactory to the Township; and**
- i) **completion and registration of any cash-in-lieu of parking agreement under Section 40 of the Planning Act that is satisfactory to the Township.**

10.11.2 Holding provisions will be applicable to all land use categories in this Plan and may be applied through the Township Zoning By-Law to any zoning category or specific land use within a zoning category.

10.11.3 Holding provisions may be applied Township wide, to portions of the Township such as lands within a specific service area, catchment area, drainage shed, service pressure zone, Rural Settlement Area, the Baden and New Hamburg Urban Areas, or on a site specific basis.

10.11.4 Implementation of Township-wide holding provisions may be by way of both general Township Zoning By-Law and/or site specific Zoning By-Laws, and do not require amendment to this Plan to enact a holding by-law or remove the holding symbol.

10.11.5 Interim uses permitted while the holding provision is in place shall include:

- a) existing uses; and
- b) other uses deemed appropriate by Township Council which do not adversely affect the future development potential of the lands consistent with the rationale for which the holding provision has been applied.

10.11.6 In order to use the holding symbol under these policies, the following requirements will be clearly outlined in the implementing Zoning By-Law:

- a) conditions that must be met before the holding symbol is removed; and,

- b) applicable criteria for assessing that a requirement or condition has been met.
- c)

10.12 PROPERTY STANDARDS BY-LAW

10.12.1 Township Council may pass a by-law to establish minimum property standards to conserve sustain and protect existing and future development of the Township. The Property Standards By-law, applicable to all properties, shall contain requirements with respect to:

- a) garbage disposal;
- b) pest prevention;
- c) structural maintenance of buildings;
- d) safety of buildings;
- e) cleanliness of buildings;
- f) services to buildings - plumbing, heating, and electricity;
- g) maintenance of yards, lands, parking, storage, loading and unloading areas, including the removal of rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or material;
- h) maintaining fences, swimming pools, accessory buildings, and signs; and
- i) occupancy standards.

10.12.2 If a Property Standards By-law is passed, the Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Property Standards By-law. The Township shall appoint a property standards committee, in accordance with the Planning Act, for the purpose of hearing appeals against orders of the Property Standards Officer.

10.12.3 The measures to be used generally in achieving the property maintenance program would include an education and public relations program to show people the benefits of continued property maintenance, together with information showing what improvements can be made without increasing assessment.

10.12.4 Complementary to the enforcement of standards on private properties, the Township will undertake to keep in a fit and well-mannered condition all municipally owned properties and structures. (MODIFICATION NO. 95)

10.13 **CONDITIONAL ZONING**

10.13.1 As provided under Section 34 of the Planning Act, the Township has the authority to impose prescribed conditions on a specific property when passing a zoning by-law. To date, the *Province* has not yet passed the necessary regulations that will identify the scope of conditions municipalities may impose on zoning.

Planning Act
Reforms

10.13.2 When regulations have been passed by the *Province* identifying the scope of conditions that municipalities may apply on development, the Township may pass a by-law under Section 34 of the Planning Act to permit the use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location of the building including:

Planning Act
Reforms

- a) requiring an owner of land to which the by-law applies to enter into an agreement relating to the condition;
- b) requiring the agreement to be registered against the land to which it applies, and
- c) enforcing the agreement against the owner and subject to the Registry Act and the Land Titles, any and all subsequent owners of the land.

10.13

10.14 **INTERIM CONTROL BY-LAW**

~~10.13.1~~ **10.14.1** Interim Control By-laws may be used by the Township to restrict development in areas subject to certain studies such as servicing feasibility studies, parkland feasibility studies, etc.

~~10.13.2~~ **10.14.2** In accordance with the Planning Act, where the Council has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the Township, or any defined area or areas, the Council may pass an Interim Control By-law.

~~10.13.3~~ **10.14.3** The By-law may prohibit the use of land, buildings or structures for, or except for such purposes as set out in the By-law.

10.14

10.15 **BONUSING**

~~10.14.1~~ **10.15.1** Council may pass a by-law in accordance the Planning Act, R.S.O. 1990 Chap.P.13, to authorize increases in height and density of development in return for the provisions of certain facilities, services or other matters outlined in the by-law.

~~10.14.2~~ **10.15.2** Such a by-law shall identify areas or Zone categories where the bonus provisions would apply, and shall specify the amount by which the height or density of the development would be permitted to increase. Council will give consideration to proposals to increase the height and/or density for a specific site, but such proposals may not necessarily be granted.

~~10.14.3~~ **10.15.3** When considering such proposals, Council shall have due regard to the compatibility and scale of the proposed development in relation to the existing land uses, and to the *cumulative impact* resulting from granting bonuses in the general area.

~~10.14.4~~ **10.15.4** The facilities, services, or other matters that are required in the by-law may include, but shall not be limited to, the provisions of *affordable housing* units to meet established housing targets, day care centres/facilities, parkland beyond the legislated requirements, hard servicing facilities (sanitary and storm sewers and watermains) above and beyond those required to service the development, increased buffering or landscaping, the use or re-use of vacant land and/or buildings (particularly in the Urban/Settlement Core Areas), the preservation of heritage buildings and/or *Cultural Heritage Landscapes*, the provisions of community or recreational facilities, open space, and the redevelopment of lands.

~~10.14.5~~ **10.15.5** Generally, the use of this Section shall only be considered in conjunction with medium and/or high density residential developments, and/or *mixed-use* commercial/residential projects.

10.15

10.16 ENACTMENT OF MISCELLANEOUS BY-LAWS

~~10.15.1~~ **10.16.1** Council will review legislation pertaining to or affecting the use or redevelopment of land and, where necessary, amend existing by-laws or pass new by-laws to ensure that such matters are properly regulated and controlled.

10.16

10.17 CONSTRUCTION OF PUBLIC WORKS

~~10.16.1~~ **10.17.1** The construction of public works within the Township shall be carried out in accordance with the policies of this Plan.

10.17

10.18 USES PERMITTED IN ALL DESIGNATIONS

~~10.17.1~~ **10.18.1** The following uses will be permitted in all designations within the Township except where they are expressly prohibited or precluded by any other policy of this Plan or the Regional Official Policies Plan:

- (a) Public roads, railway lines, public parks and other non-intensive recreational facilities, public utilities such as local water supply, sewage, and drainage facilities, gas, telephone and cable television transmission utility services, subject to any regulatory requirements such as the provisions of the Environmental Assessment Act. The location of such uses should be justified and the use should be compatible with the surrounding uses.
- (b) *Electric Power Facilities*

The development of electric power facilities shall occur in an orderly manner to

facilitate the efficient and reliable provision of adequate electric power. Such facilities are permitted provided that:

- (i) the provisions of the Environmental Assessment Act, including regulations made under the Act, and any other relevant statute are satisfied;
- (ii) the relevant Hydro utility takes into account the Township's Official Plan policies in developing their own programs;
- (iii) Township Council is consulted prior to conducting any undertaking.

(c) *Telecommunications Facilities*

In locating new telecommunications facilities and transmission towers and related above-ground *infrastructure*, the locational and design requirements of the facility shall be balanced with the need to preserve the natural and cultural landscape and minimize the impact on the community. Such facilities may be permitted provided that:

- (i) an adequate public consultation process has been followed;
 - (ii) municipalities within 500 metres of the proposed facility site have been consulted;
 - (iii) a site selection/~~justification~~ **planning** report has been prepared;
 - (iv) the structures have been designed to minimize visual impact and to avoid disturbance of significant natural features;
 - (v) appropriate approvals have been obtained from the relevant public agencies.
- (d) *accessory uses*, buildings and structures

Any use, building or structure which is normally incidental and subordinate to a permitted use shall be permitted on the same lot as the permitted use, subject to the regulations of the Zoning By-law, and provided adequate water supply and waste disposal facilities are available.

~~10.17.2~~ **10.18.2** Uses permitted in all designations will be regulated through the Township Zoning By-law and any applicable legislation.

Housekeeping

10.19 LAND USES PROHIBITED IN ALL DESIGNATIONS

~~10.18.1~~ **10.19.1** The following uses are prohibited in all designations in this Official Plan:

- a) uses that are noxious, polluting either directly or indirectly, or produce or store hazardous substances;

- b) the recycling and/or the storage of contaminated materials;
- c) uses that are prohibited pursuant to the provisions of the Environmental Protection Act.

~~10.18.2~~ **10.19.2** The Zoning By-law shall incorporate provisions setting out those uses which are prohibited in all zone categories.

10.20 EXISTING USES

~~10.19.1~~ **10.20.1** Notwithstanding the provisions of this Plan, it is the policy of the Township that any lands used for any legally existing purpose in any designation for which no provision is made by this Plan for such activity to be undertaken, may continue to be used for such purpose.

~~10.19.2~~ **10.20.2** Subject to the provisions of Chapters 2 to 10 inclusive of this Plan, Council may pass by-laws or otherwise facilitate the continuation, extension or enlargement of such uses within the confines of the lands on which the activity is located without amendment to this Plan, provided that:

- a) the existing use is an appropriate use of such lands and its continuation, enlargement or extension will not have a detrimental impact on the surrounding land uses; and
- b) such actions by Council do not provide for the expansion of the existing use onto adjoining lands.

~~10.19.3~~ **10.20.3** Notwithstanding Policy 10.19.1, Council may pass by-laws or otherwise facilitate or encourage the relocation of an existing use where any of the following conditions exist:

- a) the use is located within lands designated as Environmentally Constrained Lands within this Plan and the continuation of this use poses a threat to the health and safety of residents or users of the property;
- b) the *existing* use is incompatible with existing or proposed uses on the surrounding lands;
- c) the buildings, facilities or *infrastructure* of the *existing* use are inadequate, obsolete, or structurally unsound;
- d) the *existing* use would benefit from relocation; or
- e) the site or facilities of the *existing* use are required for public purposes.

10.21 TEMPORARY USES

~~10.20.1~~ **10.21.1** The Municipality may pass a temporary use by-law to allow a use otherwise prohibited by the Zoning By-law. A temporary use by-law will define the land or lands to which it applies, and shall prescribe the period of time during which it is effect, which shall not exceed three years from the day of the passing of the by-law. Council may extend this period by passing further by-laws. Temporary use by-laws shall not be passed for the purpose of permitting uses that are not in conformity with this Plan. In enacting a temporary use by-law, Council shall consider the following:

- a) the compatibility of the proposed use with the surrounding land uses;
- b) the adequacy of any services that may be required for the proposed use;
- c) access and parking requirements;
- d) traffic impacts; and
- e) the conformity of the proposed use with the policies of this Plan.

~~10.20.2~~ **10.21.2** Notwithstanding Policy 10.20.1, the initial by-law authorizing the temporary use of a garden suite may be approved for a period of up to ~~ten~~ **twenty** years..

~~10.20.3~~ **10.21.3** The Township may enter into an agreement with a property owner and/or other parties concerning the temporary use.

~~10.20.4~~ **10.21.4** Where an authorized temporary use is discontinued prior to the expiry of the authorizing by-law, the use will not be resumed.

10.21 SPECIAL POLICY AREAS

~~10.21.1~~ **10.21.1** Special Policy Areas may be established by Council to designate areas subject to specific constraints to development, policy exceptions, or which would require the submission of specific studies prior to consideration of a development approval.

SCHEDULE 'A' ADDITIONAL INFORMATION

Digital Plan

- Subdivision / Condominium Plans

Cultural

- Archaeological Assessment
- Cultural Heritage Impact Assessment

Environmental

- Aggregate / Mineral Resource Analysis
- Local Air Quality Study
- Salt Impact Assessment
- Salt Management Plan
- Cut & Fill Analysis
- Environmental Impact Statement
- Comprehensive Environmental Impact Statement
- Natural Habitat Inventory
- Environmental Management Plan
- Tree Conservation and Planting Plans
- Provincial and Federal Requirements for Fish Habitat
- Slope Stability Study and Report
- Floodline Delineation Study / Hydraulics Study
- Hydrologic and Hydrogeologic Studies
- Source Water Protection Studies
- Best Management Practices for Development within the Regional Recharge Area
- Best Management Practices for Golf Courses
- Environmental Site Assessment and/or Record of Site Condition
- Cumulative Impact Assessment
- Site Plan, Spill Protection Measures and other Best Management Practices for Mineral Aggregate Operations
- Final Rehabilitation Plan for Mineral Aggregate Operations

Construction, Servicing and Infrastructure

- Preliminary Grading Plan
- Preliminary Stormwater Management Report / Plan and/or update to an existing Stormwater Management Plan
- Soils / Geotechnical Study
- Construction Methods and Spills Protection Measures
- Servicing Options Report
- Development Phasing Plan
- Water and Wastewater Servicing Plans and associated studies
- Hydrogeologic Studies for Privately Serviced Developments
- Impact on Existing Infrastructure Study

Land Use Compatibility

- Air Quality Assessment
- Dust Impact Analysis
- Land Use Compatibility Study
- Landfill Impact Study
- Agricultural Impact Assessment
- Minimum Distance Separation Analysis
- Noise Study
- Odour Impact Assessment
- Vibration Study
- Written Provincial Approval (pursuant to the Environmental Protection Act for development within former waste management facilities)
- Provincial and Federal Requirements for Alternative and/or Renewable Energy Systems and Fish Habitat
- Approval from the Grand River Conservation Authority

Planning

- Affordable Housing Report / Rental Conversion Assessment
- Detailed Property Assessment of Affordable Rental Housing
- Farm Viability Study
- Planning Report
- Land Use Study for Retail / Commercial Land Uses in Support of the Planned Community Structure or Retail / Commercial Impact Analysis
- Retail Commercial Market Impact Study
- Urban Design Report / Brief

Transportation

- Transportation Impact Study
- Transportation System Impact Study
- Parking Analysis
- Pedestrian Route and Sidewalk Analysis
- Roundabout Feasibility Analysis
- Traffic Calming Options Report
- Transit Assessment
- Transportation Demand Management Options Report
- Provincial Requirements and Permits under the Public Transportation Act and Highway Improvements Act
- Environmental Assessment and Other Appropriate Studies for development adjacent to Proposed Township, Regional and Provincial Corridors

SCHEDULE 'B': DESIGNATED ROAD ALLOWANCES

ROAD NAME	FROM	TO	DESIGNATED RD. ALLOWANCE	
			Metres	Feet
			(up to the maximum)	
Beck Street	Queen Street	Foundry Street	20.117	66.00
Bell Drive	Tannery Street	Foundry Street	20.117	66.00
Bettschen Lane	Michael Myers Road	Hunsberger Drive	20.117	66.00
Brenneman Drive	Snyder's Road West	Snyder's Road West	20.117	66.00
Brewery Street	Gingerich Road	Snyder's Road East	20.117	66.00
Brewery Street	Snyder's Road East	South End	20.117	66.00
Brubacher Street	Snyder's Road West	C.N.R. Tracks	20.117	66.00
Charles Street	Foundry Street	Mill Street	20.117	66.00
Charles Street	Mill Street	Queen Street	20.117	66.00
Charlotta Street	Mill Street	Snyder's Road West	20.117	66.00
Christian Street	Snyder's Road West	Charlotta Street	20.117	66.00
Country Creek Drive	Village Green Way	Regional Road 6	20.117	66.00
Ditner Avenue	Isaac Shantz Drive	Honderich Place	20.117	66.00
Elizabeth Street	Snyder's Road East	Schneller Drive	20.117	66.00
Erbach Crescent	Schneller Drive	Forler Street	20.117	66.00
Erhardt Wagner Place	Stuckey Avenue	End	20.117	66.00
Foell Street	Snyder's Road East	End	20.117	66.00
Forler Street	Snyder's Road East	Schneller Drive	20.117	66.00
Geiger Place	Hunsberger Drive	End	20.117	66.00
George Schmitt Court	Stiefelmeyer Crescent	End	20.117	66.00
Goldschmidt Crescent	Stuckey Avenue	Stuckey Avenue	20.117	66.00
Hammacher Street	Stuckey Avenue	Erhardt Wagner Place	20.117	66.00
Hastings Court	Brewery Street	Hastings Court	20.117	66.00
Hillview Drive	Louisa Street	End	20.117	66.00
Honderich Place	Livingston Boulevard	End	20.117	66.00
Hunsberger Drive	Wagler Avenue	Michael Myers Road	20.117	66.00
Isaac Shantz Drive	Livingston Boulevard	Kropf Drive	20.117	66.00
Jacob Cressman Drive	Livingston Boulevard	Michael Myers Road	20.117	66.00
Joseph Lichti Lane	Isaac Shantz Drive	Kropf Drive	20.117	66.00
King William Street	Foundry Street	Tannery Street	20.117	66.00
Kropf Drive	Goldschmidt Crescent	Stuckey Avenue	20.117	66.00
Livingston Boulevard	Snyder's Road West	Snyder's Road West	20.117	66.00
Louisa Street	Foundry Street	Brewery Street	20.117	66.00
Louisa Street	Brewery Street	Hillview Drive	20.117	66.00

ROAD NAME	FROM	TO	DESIGNATED RD. ALLOWANCE	
			Metres	Feet
			(up to the maximum)	
McFadyen Street	Wagler Avenue	Livingston Boulevard	20.117	66.00
Michael Myers Road	Goldschmidt Crescent	Hunsberger Drive	20.117	66.00
Mill Street	Snyder's Road West	Charles Street	20.117	66.00
Miller Street	Charlotta Street	Snyder's Road West	20.117	66.00
Oesch Lane	Wagler Avenue	Wagler Avenue	20.117	66.00
Queen Street	Snyder's Road West	Beck Street	20.117	66.00
Queen Street	Beck Street	Charles Street	20.117	66.00
Queen Street	Charles Street	George Street	20.117	66.00
Roth Avenue	Wagler Avenue	Jacob Cressman Drive	20.117	66.00
Samuel Foster Court	Stiefelemeyer Crescent	End	20.117	66.00
Schneller Court	Schneller Drive	End	20.117	66.00
Schneller Drive	Louisa Street	East End	20.117	66.00
Schneller Drive	East End	Snyder's Road	20.117	66.00
Silver Springs Drive	Brewery Street Exit	Foundry Street	20.117	66.00
St. George Street	Queen Street	End	20.117	66.00
Stiefelmeyer Crescent	Schneller Drive	End	20.117	66.00
Stuckey Avenue	Erhardt Wagner Place	Hunsberger Drive	20.117	66.00
Tannery Street	William Street	End	20.117	66.00
Village Green Way	Brewery Street	Country Creek Drive	20.117	66.00
Wagler Avenue	Livingston Boulevard	Hunsberger Drive	20.117	66.00
Burkle Toman Court	Milne Drive	End	20.117	66.00
Cedarbrook Court	Bleams Road	South End	20.117	66.00
John Ross Court	Rickert Way	End	20.117	66.00
Mannheim Crescent	East End	West End	20.117	66.00
Meadowcliffe Place	Woodridge Drive	North End	20.117	66.00
Milne Drive	Rickert Way	Rickert Way	20.117	66.00
Rickert Way	Trussler Road	Milne Drive	20.117	66.00
Shadybrook Court	Mannheim Road	South End	20.117	66.00
Shadybrook Street	Mannheim Road	Shadybrook Court	20.117	66.00
Sparling Drive	Bleams Road	Mannheim Crescent	20.117	66.00
Woodridge Drive	Mannheim Road	End	20.117	66.00
Albert Street	Arnold Street	End	20.117	66.00
Arnold Street	Waterloo Street	Albert Street	20.117	66.00
Arnold Street	Albert Street	Victoria Street	20.117	66.00
Asmus Street	Boullee Street	End	20.117	66.00
Astor Crescent	Conestoga Road	Conestoga Road	20.117	66.00

ROAD NAME	FROM	TO	DESIGNATED RD. ALLOWANCE	
			Metres	Feet
			(up to the maximum)	
Berger Court	Bleams Road East	Sheppard Place	20.117	66.00
Bier Crescent	Forrest Avenue	Forrest Avenue	20.117	66.00
Bleams Court	Huron Street	East End	20.117	66.00
Bleams Road	West End	Peel Street	20.117	66.00
Bleams Road	Peel Street	Jacob Street	20.117	66.00
Boullee Street	Peel Street	Jacob Street	20.117	66.00
Boullee Street	Jacob Street	Asmus Street	20.117	66.00
Boullee Street	Asmus Street	Hamilton Road	20.117	66.00
Boullee Street	Hamilton Road	Maurice Street	20.117	66.00
Burns Street	Union Street	Mill Street	20.117	66.00
Byron Street	Waterloo Street	Milton Street	20.117	66.00
Captain McCallum Drive	Hamilton Road	End	20.117	66.00
Catherine Street	Steinman Street	Forrest Avenue	20.117	66.00
Centennial Crescent	Huron Street	End	20.117	66.00
Charles Young Avenue	Laschinger Boulevard	End	20.117	66.00
Church Street	Wilmot Street	Peel Street	20.117	66.00
Conestoga Road	James Street	Astor Crescent	20.117	66.00
Daniells Crescent	Eby Crescent	Ebv Crescent	20.117	66.00
Eby Crescent	Catherine Street	Forrest Avenue	20.117	66.00
Fairview Street	Bleams Road	Walker Road	20.117	66.00
Forrest Avenue	Waterloo Street	Catherine Street	20.117	66.00
George Street	King Street	Victoria Street	20.117	66.00
Glen Goebel Court	Joseph Street	End	20.117	66.00
Good Street	Boullee Street	Marvin Street	20.117	66.00
Grace Street	Jacob Street	End	20.117	66.00
Grandview Avenue	Hunter Street	Bleams Road	20.117	66.00
Grant Street	William Street	Conestoga Road	20.117	66.00
Greenwood Drive	Huron Street	End	20.117	66.00
Hamilton Road	Highway 7/8	Boullee Street	20.117	66.00
Hamilton Road	Boullee Street	Neville Street	20.117	66.00
Hannah Street	Milton Street	Waterloo Street	20.117	66.00
Harlew Crescent	Riverside Drive	End	20.117	66.00
Heritage Drive	Bleams Road	North End	20.117	66.00
Hillfield Drive	Walker Road	Riverview Avenue	20.117	66.00
Hillfield Drive	Riverview Avenue	End	20.117	66.00
Hillview Drive	Huron Street	End	20.117	66.00
Hincks Street	Steinman Street	Forrest Avenue	20.117	66.00

ROAD NAME	FROM	TO	DESIGNATED RD. ALLOWANCE	
			Metres	Feet
			(up to the maximum)	
Hostettler Road	Waterloo Street	West End	20.117	66.00
Hunter Street	Huron Street	End	20.117	66.00
Huron Place	Huron Street	End	20.117	66.00
Ingold Avenue	Laschinger Boulevard	End	20.117	66.00
Jacob Street	Bleams Road East	Mill Street	20.117	66.00
James Street	Hincks Street	Conestoga Road	20.117	66.00
Jantzi Place	Forrest Avenue	End	20.117	66.00
Joseph Street	Bleams Road	Fairview Street	20.117	66.00
Laschinger Boulevard	Victoria Street	End	20.117	66.00
Lewis Street	Hannah Street	End	20.117	66.00
Marty Lane	Theodore Schuler Boulevard	Theodore Schuler Boulevard	20.117	66.00
Marvin Street	Hamilton Road	Maurice Street	20.117	66.00
Maurice Street	Boulee Street	Marvin Street	20.117	66.00
Merner Place	Eby Crescent	Eby Crescent	20.117	66.00
Mill Street	Huron Street	Burns Street	20.117	66.00
Mill Street	Burns Street	End	20.117	66.00
Milton Street	Huron Street	Shade Street	20.117	66.00
Milton Street	Shade Street	Hannah Street	20.117	66.00
Nelson Street	Waterloo Street	End	20.117	66.00
Neville Street	Victoria Street	Hamilton Road	20.117	66.00
Nithview Court	Nithview Drive	End	20.117	66.00
Nithview Drive	Hamilton Road	Nithview Court	20.117	66.00
Old Haysville Road	Bleams Road	End	20.117	66.00
Park Place	Victoria Street	End	20.117	66.00
Peel Street	Huron Street	Burns Street	20.117	66.00
Perth Street	Wilmot-North Easthope Road	Shade Street	20.117	66.00
Queen Mary Street	James Street	Waterloo Street	20.117	66.00
Ritz Crescent	Hostettler Road	Hostettler Road	20.117	66.00
Riverside Drive	Victoria Street	End	20.117	66.00
Riverview Avenue	Fairview Street	Hillfield Avenue	20.117	66.00
Seyler Street	Asmus Street	Peel Street	20.117	66.00
Shade Street	Waterloo Street	End	20.117	66.00
Shephard Place	Bergey Court	Bergey Court	20.117	66.00
Spahr Lane	Theodore Schuler Boulevard	Hostettler Road	20.117	66.00
Steinman Street	Waterloo Street	Catherine Street	20.117	66.00

ROAD NAME	FROM	TO	DESIGNATED RD. ALLOWANCE	
			Metres	Feet
			(up to the maximum)	
Stier Road	Theodore Schuler Boulevard	Strauch Avenue	20.117	66.00
Stone Street	Huron Street	End	20.117	66.00
Strauch Avenue	Theodore Schuler Boulevard	Theodore Schuler Boulevard	20.117	66.00
Smith's Creek Drive	Walter Perry Place	Catherine Street	20.117	66.00
Theodore Schuler Boulevard	Forrest Avenue East	Theodore Schuler Boulevard	20.117	66.00
Union Street	Huron Street	Burns Street	20.117	66.00
Victoria Street	Waterloo Street	Arnold Street	20.117	66.00
Victoria Street	Arnold Street	Boulee Street	20.117	66.00
Victoria Street	Boulee Street	Highway 7/8	20.117	66.00
Walter Perry Place	Catherine Street	End	20.117	66.00
Weber Street	Wilmot Street	End	20.117	66.00
Webster Street	Waterloo Street	Victoria Street	20.117	66.00
Williams Street	Waterloo Street	End	20.117	66.00
Wilmot Street	Bleams Road	Huron Street	20.117	66.00
Alderside Drive	Main Street	End	20.117	66.00
Alderview Drive	Bechtel Street	End	20.117	66.00
Bechtel Avenue	Main Street	End	20.117	66.00
Beechim Drive	Beverly Street	Kathreen Street	20.117	66.00
Benjamin Street	Front Street	Queen Street	20.117	66.00
Beverly Street	Main Street	End	20.117	66.00
Bock Court	Bock Drive	End	20.117	66.00
Bock Drive	Main Street	North End	20.117	66.00
Casselholme Crescent	Queen Street	Queen Street	20.117	66.00
Cedar Crescent	Bridge Street	Bridge Street	20.117	66.00
Dundee Avenue	Bridge Street	Poth Drive	20.117	66.00
Frederick Street	North Street	Main Street	20.117	66.00
Front Street	Main Street	Bridge Street	20.117	66.00
Kathreen Street	Main Street	End	20.117	66.00
Kenneth Fried Place	Casselholme Crescent	End	20.117	66.00
Main Street	Queen Street	Bridge Street	20.117	66.00
Meadowbrook Court	Bridge Street	South End	20.117	66.00
Mill Street	Main Street	South Street	20.117	66.00
Mitchell Street	North Street	Main Street	20.117	66.00
North Street	Queen Street	Frederick Street	20.117	66.00
Poth Drive	Queen Street	West End	20.117	66.00

ROAD NAME	FROM	TO	DESIGNATED RD. ALLOWANCE	
			Metres	Feet
			(up to the maximum)	
Queen Street	Bridge Street	Oxford-Waterloo Road	20.117	66.00
Saltzberry Path	Main Street	South Street	20.117	66.00
South Street	Queen Street	Mill Street	20.117	66.00
Water Street	Queen Street	Mitchell Street	20.117	66.00
Alice Street	Deerfield Avenue	Redford Drive	20.117	66.00
Cecil Kennedy Court	Notre Dame Drive	End	20.117	66.00
Deerfield Avenue	Notre Dame Drive	Alice Crescent	20.117	66.00
Redford Drive	East End	West End	20.117	66.00
Reinhart Place	Notre Dame Drive	End	20.117	66.00
Clarence Avenue	Wilma Street	Notre Dame Drive	20.117	66.00
Meadowview Place	St. Ann Avenue	End	20.117	66.00
St. Ann Avenue	Notre Dame Drive	Notre Dame Drive	20.117	66.00
Strauss Court	Erb's Road	South End	20.117	66.00
Wilma Street	Erb's Road	St. Ann Avenue	20.117	66.00
Bean Road	Oxford Road 5	Tye Road	20.117	66.00
Berlett's Road	Wilmot Line	Wilmot-Easthope Road	20.117	66.00
Bethel Road	Puddicombe Road	Trussler Road	20.117	66.00
Bridge Street	Oxford Road 5	Trussler Road	20.117	66.00
Carmel-Koch Road	Wilmot-Easthope Road	Wilmot Line	20.117	66.00
Christner Road	Nafziger Road	Sandhills Road	20.117	66.00
Concession Road	Oxford Road 5	Walker Road	20.117	66.00
Deer Court	Nafziger Road	Bean Road	20.117	66.00
Diamond Road	Oxford Road 5	Oxford-Waterloo Road	20.117	66.00
Gingerich Road	Foundry Street	End	20.117	66.00
Hallman Road	Huron Road	Oxford-Waterloo Road	20.117	66.00
Haysville Road	Highway 7/8	Huron Road	20.117	66.00
Holland Mills Road	Bleams Road	Huron Road	20.117	66.00
Huron Road	Oxford Road 5	Trussler Road	20.117	66.00
Kaster Court	Nafziger Road	End	20.117	66.00
King Street	Webster Street	Waterloo Street	20.117	66.00
Knechtel Court	Trussler Road	Bleams Road	20.117	66.00
Lisbon Road	Wilmot-Easthope Road	Nafziger Road	20.117	66.00
Mannheim Road	Bleams Road	Huron Road	20.117	66.00
Nafziger Road	Deer Court	Bleams Road	20.117	66.00
Oxford Road 5	Highway 7/8	Oxford-Waterloo Road	20.117	66.00
Oxford-Waterloo Road	Oxford Road 5	Trussler Road	20.117	66.00
Pine Hill Road	Huron Road	Bridge Street	20.117	66.00

ROAD NAME	FROM	TO	DESIGNATED RD. ALLOWANCE	
			Metres	Feet
			(up to the maximum)	
Pine Hill Road	Bridge Street	Oxford-Waterloo Road	20.117	66.00
Puddicombe Road	Huron Road	Oxford-Waterloo Road	20.117	66.00
Sandhills Road	Gerber Road	Oxford-Waterloo Road	20.117	66.00
Settlement Road	Gerber Road	Sandhills Road	20.117	66.00
Wilby Road	Nafziger Road	Wilmot Line	20.117	66.00
Wilmot Centre Road	Bleams Road	Huron Road	20.117	66.00
Wilmot Easthope Road	Perth Line	Lisbon Road	20.117	66.00
Wilmot Easthope Road	Lisbon Road	Huron Street	20.117	66.00
Wilmot Line	Cedar Grove Road	Erb's Road	20.117	66.00

GLOSSARY OF DEFINITIONS

Abutting - parcels of land have a common boundary or that a lot borders on a public road.

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

Accessory Use - any land, building or structure that is subordinate to and exclusively devoted to the principal use that is permitted and that is located on the same lot.

Adjacent Lands — ~~lands within 120 metres of a Provincially Significant Wetland, or all lands connecting individual wetland areas within a wetland complex as determined by the Ministry of Natural Resources, or its delegate.~~

Adverse effects – as defined in the Environmental Protection Act; one or more of:

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

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Adverse environmental impacts – changes likely to arise directly or indirectly from development or *site alteration* within or *contiguous* to an element of the Greenlands Network that result in widespread, long-term or irreversible degradation of the *significant* features or impairment of the natural functions of the designated area. Examples of *adverse environmental impacts* include but are not limited to, the following:

- a) fragmentation of substantial reduction in size of an element of the Greenlands network;
- b) significant increase in the perimeter-to-area ratio of an element of the Greenlands network;
- c) disruption of corridors and *Environmental Linkages* to other elements of the Greenlands Network;
- d) substantial alteration of natural topography;

- e) disruption of ecological relationships among significant or representative native species;
- f) increased potential for human or domestic animal intrusion into relatively inaccessible areas;
- g) alteration of the quantity, quality, timing (hydroperiod) or direction of flow of surface water or groundwater within or *contiguous* to an element of the Greenlands Network;
- h) alteration of the structure, functions or ecological interrelationships of a natural habitat which sustain representative community associations of populations of significant species;
- i) reductions in the populations or reproductive capacity of significant species;
- j) mortality in or removal of the predominant vegetation which provides structure to an element of the Greenlands Network;
- k) erosion of soils or deposition of sediment;
- l) compaction or trampling of soils;
- m) increased potential for the introduction of invasive non-native species;
- n) disruption of ecological processes due to increase nocturnal artificial light levels; or
- o) increases in the level and quality of noise.

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Affordable housing –

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

Agricultural uses – means the growing of crops, including nursery, biomass, horticultural and floricultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to *farm greenhouses* livestock facilities, manure storage and value-retaining facilities.

Agri-tourism uses – means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, tours of working farms or any agricultural, horticultural or agri-business operation for the purpose of education, enjoyment, or active involvement in the activities of the farm where the principal activity on the property remains as farming and where products used in the activity are produced on the property or related to farming.

Agriculture-related uses – means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. Such uses may generally include abattoirs, grain drying and storage operations, feed mills, produce auctions or locally grown food and similar uses that provide a direct service to the farm community.

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

Archaeological assessment – the combined background research and field study of a property evaluated as moderate to high on *archaeological potential*. Maps approved by the Province that identify the presence of and interpretation of the *archaeological resources* on the property, and make recommendations for the mitigation of the impacts on the resources. *Archaeological assessments* must be undertaken by a provincially-licensed archaeologist, in accordance with reporting guidelines established by the Province, and must address the entire area of the *development application*.

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

New ROP
Conformity

~~**Archaeological Resource** – the remains of any building, structure, activity, place or cultural feature or object that, because of the passage of time, is on or below the surface of the land or water and is of significance to the understanding of the history of a people or place.~~

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

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

Biodiversity – the variety of life in all its forms. It includes species diversity, ecosystem diversity, and genetic diversity within species.

Brownfield – underdeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict, or vacant.

Built boundary – the limits of the developed portions of the Baden and New Hamburg Urban Areas as defined by the *Province* in accordance with the provisions of the Growth Plan for the Greater Golden Horseshoe.

Built-up area – includes all lands within the *built boundary* of the Baden and New Hamburg Urban Areas as of June 16, 2009 and as established by the *Province*.

Community Improvement Plan – a plan for the community improvement of a Community Improvement Project Area.

Community infrastructure – lands, buildings and structures that support the quality of life for people and communities by providing public services for health, education, recreation, socio-cultural activities, security and safety, and *affordable housing*.

New ROP
Conformity

Community Planning Process – a comprehensive planning exercise for a large area of new development which involves consultation with various agencies and the public. Some elements resulting from a community planning process must be designated in the Official Plan. The results of a community planning process may include the adoption of implementation plans (also referred to as “Community Plans” or “District Plans”) by Township Council.

Complete community – communities that meet people’s needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of employment, local services, a full range of housing and *community infrastructure* including *affordable housing*, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

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

Conserve/Conserved – (for the purposes of Chapter 9 only) the identification, protection, management and use of built heritage resources, *Cultural Heritage Landscapes* and *archaeological resources* in a manner that ensures their cultural heritage values, or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan,

archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

~~**Contiguous**—lands adjoining an Environmental Preservation Area or Environmentally Sensitive Policy Area which are situated in sufficiently close proximity that development could reasonably be expected to produce one or more of the following impacts: alterations to existing hydrological or hydrogeological regimes; clearing of existing vegetation; erosion and sedimentation into the Environmental Preservation Area or Environmentally Sensitive Policy Area; or producing a substantial disruption of existing natural linkages or the habitat of a significant species known to inhabit the Environmental Preservation Area or Environmentally Sensitive Policy Area.~~

Contiguous – lands that are situated in sufficiently close proximity such that development or *site alteration* could reasonably be expected to produce one or more of the following impacts: alterations to existing hydrological or hydrogeological regimes; clearing of existing vegetation; erosion and sedimentation; or producing a substantial disruption of existing natural *Environmental Linkages* or the habitat of a significant species.

Cultural Heritage Impact Assessment – a study to determine if *cultural heritage resources* will be negatively impacted by a proposed *development* or *site alteration*. It can also demonstrate how the *cultural heritage resource* will be *conserved* in the context of redevelopment or *site alteration*. Mitigative or avoidance measures or alternative development approaches may also be recommended.

Cultural Heritage Landscape - a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

Cultural heritage resource – the physical remains and the intangible cultural traditions of past human activities. These include, but are not limited to:

- a) buildings (residential, commercial, institutional, industrial and agricultural);
- b) *Cultural Heritage Landscapes* (designed, organic/evolved);
- c) structures (water tower; bridge, fence and dam);
- d) monuments (cenotaph, statue and cairn);
- e) *archaeological resources*;
- f) cemeteries;
- g) scenic roads;
- h) vistas/viewsheds;

New ROP
Conformity

- i) culturally *significant* natural features (tree and landform);
- j) movable objects (archival records and artifacts); and
- k) cultural traditions (language, stories, music, dance, food, celebrations, arts and crafts).

New ROP Conformity and Housekeeping
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Cumulative impacts – the changes to the environment resulting from a particular activity in combination with the incremental impacts caused by other closely related past, present and reasonably foreseeable future activities. *Cumulative impacts* may reveal that relatively minor impacts associated with a particular activity may contribute to more significant impacts when considered collectively with other activities taking place over a period of time.

Development – (for the purposes of Chapters 8 and 9 only) the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act.

Development – (for the purposes of Sections 2.5.10 and 2.5.11 only) shall mean the construction, erection or placing of buildings or structures on land and includes such site related activities as grading.

~~**Development Application** – in the context of this Plan, development application means an application for approval under the *Planning Act*. Development applications may include applications for approval of the following: Plans of Subdivision; Plans of Condominium; Consent; Part Lot Control Exemption By-laws; Official Plan Amendments; and Zone Change Applications. Development applications do not include Site Plans submitted in accordance with Section 41 of the *Planning Act*.~~

Development application – an application for approval under the Planning Act. Development applications may include applications for approval of the following: Plans of Subdivision; Plans of Condominium; Consent; Part Lot Control Exemption By-Laws; Official Plan Amendments; and Zone Change Applications. Development applications do not include *site plans*.

Discharge Constraint Areas – lands where groundwater naturally discharges to the surface of the soil nor other surface water bodies and may pose a serious constraint to the construction, use and occupancy of land and buildings.

Dry floodproofing – (for the purposes of Sections 2.5.10 and 2.5.11 only) means the use of fill, columns or design modifications to elevate openings in buildings or structures above the *regulatory flood* level or the use of watertight doors, seals, berms/floodwalls to prevent water from entering openings below the *regulatory flood* level.

Ecological function – the natural processes, products or services that living and non-living environments provide or perform within or among species, ecosystems and landscapes, including *hydrologic functions* and biological, physical, chemical and socio-economic interactions.

Employment area – areas designated in this Plan for clusters of businesses and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. These areas include lands designated as Light Industrial and General Industrial.

Endangered species: means a species that is listed or categorized as an “Endangered Species” on the Province’s official Species at Risk list, as updated and amended from time to time.

Environmental Assessment – a process for the authorization of an undertaking under legislation such as the Environmental Assessment Act and the Ontario Energy Board Act.

Environmental features – features of the natural environment, including:

- a) *Habitat of Endangered Species and Threatened Species;*
- b) *fish habitat;*
- c) *wetlands;*
- d) *Provincially Significant Areas of Natural and Scientific Interest, or regionally significant life science Areas of Natural and Scientific Interest;*
- e) *Environmentally Significant Valley Features;*
- f) *Significant Woodlands;*
- g) *Significant Wildlife Habitat;*
- h) *sand barrens, savannas and tallgrass prairies;*
- i) *alvars;*
- j) *permanent and intermittent watercourses;*
- k) *lakes (and their littoral zones);*
- l) *Environmentally Significant Discharge Areas & Environmentally Significant Recharge Areas; and*
- m) *Regional Recharge Areas.*

New ROP
Conformity

Environmental Impact Statement – a study prepared in accordance with established procedures to refine the boundaries of elements of the Natural Habitat Network, identify the potential impacts of a development application on such elements, and recommend a means of preventing or minimizing these impacts through avoidance or mitigation.

Environmental Impact Statement – a study in accordance with established procedures to refine the boundaries of elements of the Greenlands Network, identify the potential impacts of a *development application* on such elements, and recommend a means of preventing or minimizing these impacts through avoidance or mitigation.

Environmental Linkages – areas that connect *environmental features* along which plants and animals can propagate, genetic interchange can occur, populations can move in response to environmental changes and life-cycle requirements, and species can be replenished from other *environmental features*. *Environmental Linkages* can also include those areas currently performing or with the potential to perform, through restoration, linkage functions. Although *Environmental Linkages* help to maintain and improve *environmental features*, they can also serve as important *environmental features* in their own right.

Environmentally Sensitive Landscape – a geographically and ecologically definable landscape that is distinguishable from the surrounding areas by concentration, proximity and overlap of:

- a) designated natural features (such as *Environmentally Sensitive Policy Areas* or *Provincially Significant Wetlands*);
- b) associated natural features (such as stream valleys and specialized habitats), and;
- c) *ecological functions* (such as groundwater recharge areas and ecological corridors or *Environmental Linkages*) which together constitute a heterogeneous landscape mosaic that contributes *significantly* to Regional *biodiversity* conservation.

New ROP
Conformity

An *Environmentally Sensitive Landscape* (ESL) may include lands under active human use or management, but should be predominantly natural, not bisected by major highways, and exclusive of areas irreversibly transformed by concentrated human settlement, or where widespread commitments to development in the form of land use designations have been made in the Township's Official Plan. In recognition of the cultural influences that have shaped, and continue to shape, the township's landscape, ESL's are considered compatible with a number of limited human uses such as legally permitted agricultural, residential, commercial and resource extraction areas.

In addition to protecting regional and local *biodiversity*, providing a wide range of *ecological functions*, and accommodating some human land uses, ESLs also provide continued opportunities for aesthetic enjoyment, low-impact recreation, and scientific, archaeological and/or historical study in the township's Countryside.

Environmentally Sensitive Policy Areas – a natural area identified as regionally *significant* by the Region of Waterloo based on the criteria set out in the Regional Official Plan.

Environmentally Significant Discharge Areas – lands where groundwater discharges to the surface of the soil or to surface water bodies to sustain *wetlands*, fisheries, or other specialized natural habitats.

Environmentally Significant Recharge Areas – lands where water infiltrates into the ground to replenish an aquifer that sustains, in full or in part, *environmental features*.

Environmentally Significant Valley Features – a natural feature within a Significant Valley identified as ecologically important by the Region of Waterloo based on the criteria set in the Regional Official Plan.

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

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

Existing – land uses legally existing in accordance with the Township Zoning By-law.

Existing Built Up Area – an area where development has occurred, but excluding areas of vacant registered or draft approved lots.

Existing Settlement – a grouping of four or more non farm related units or lots not designated as a Rural Settlement Area in this Plan, with each such unit or lot separated from each other by a distance of not more than 100 metres on the same side of an open public road. The measurement of such 100 metres will be as determined according to the following:

- a) measurement is established between two points located along the centre line of the existing right-of-way of an open public road and which points are determined by a line drawn from the centre of such unit and perpendicular to the public road;
- b) the distance between the two points is measured along the public road through intersecting public roads; and
- c) the point of reference on an adjoining and undeveloped non farm related residential lot is determined by the mid-point along the public road.

Farm – a parcel of land on which the predominant activity is farming.

New ROP
Conformity

Farming – includes the growing of crops, and the raising of livestock. Notwithstanding the generality of the foregoing, farming may include fur farming, fruit growing, the keeping of bees, fish farming, poultry farming, vegetable growing, and non retail greenhouses.

Farm Related Non Residential Use – an industrial or commercial use which supports agriculture and needs to be located in proximity to farms, such as farm implement dealerships, grain drying and storage operations, feed mills, abattoirs, non retail greenhouses, and similar uses which provide a direct service to agricultural operations as an exclusive or primary activity.

Farm greenhouse – a building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and other similar agricultural products, under glass, fibreglass or plastic, that are used as inputs on the farm or primary sold off-site at wholesale or retail.

Farm-Related Residential Unit – a dwelling on a farm used as the primary residence for an active and operating farmer, or a dwelling for a full-time farm employee of an active farm on which the dwelling is located.

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

~~**Fish Habitat** – the spawning ground and nursery, rearing, food supply and migration area upon which fish depend to carry out their life processes.~~

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

Flood fringe – for watercourses and small inland lake systems; the outer portion of the *floodplain* between the *floodway* and the *flooding hazard* limit. Depths and velocities of flooding are generally less severe in the *flood fringe* than those experienced in the *floodway*.

Flooding hazard – the inundation of areas adjacent to watercourses and small inland lake systems, and not ordinarily covered by water. The *flooding hazard* limit is the greater of:

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

New ROP
Conformity

~~**Floodplain** – the land area next to a watercourse that is subject to flooding that results from the rainfall during a major storm transposed over a watershed or subwatershed.~~

Floodplain – for watercourses and small inland lake systems; the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

Floodproofing standard – the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate *flooding hazards* along watercourses and small inland lake systems.

Floodway – for watercourses and small inland lake systems; the portion of the *floodplain* where *development* and *site alteration* would cause a danger to public health and safety or property damage. Where a *one-zone policy area* is applied, the *floodway* is the entire contiguous *floodplain*. Where a *two-*

zone policy area is applied, the *floodway* is the contiguous inner portion of the *floodplain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where a *two-zone policy area* applies, the outer portion of the *floodplain* is called the *flood fringe*. In all cases the *floodway* will include areas of inundation that contain high points of land not subject to flooding.

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

New ROP
Conformity

Greyfield – previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that are underutilized, derelict, or vacant.

Gross leasable area – the total floor area designed for tenant occupancy and exclusive use, including basements, upper floors and mezzanines. It is measured from the centre line of joint partitions and from outside wall faces. Gross leasable area is the area on which tenants pay rent, and which produces income for an owner.

Groundwater features – refers to water-related features in the earth's subsurface, including recharge/discharge area, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeology investigations.

Groundwater – the water that moves down into the soil and the underlying strata from the upper layers of soil following rainfall or snow melt. Groundwater is stored in aquifers. The boundary between aquifers and the overlying unsaturated soils is the water table level. Groundwater moves underground in streams or by seepage.

Groundwater Discharge occurs where groundwater seeps into a watercourse, lake or pond through springs or areas.

Groundwater Recharge is the addition of water by natural or artificial processes to the groundwater.

Habitat of Endangered Species and Threatened Species –

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

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

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

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

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

Heritage Conservation – ~~any activity undertaken for the purposes of:~~

New ROP Conformity

- ~~a) identifying heritage resources by finding, selecting and documenting significant attributes and features; or~~
- ~~b) protecting heritage resources from destruction and loss through legal and other means; or~~
- ~~c) interpreting heritage resources by revealing and communicating their meaning and value; or~~
- ~~d) using and managing heritage resources in responsible ways.~~

High quality - primary and secondary sand and gravel and bedrock resources as defined in the Aggregate Resource Inventory.

Heritage Registry – the official list or record of *cultural heritage resource* properties that have been identified as being of cultural heritage value or interest.

Human services – those services that maintain and promote a high quality of life and allow residents to develop to their full potential, including, but not limited to, police services, emergency services, social assistance, pre-employment services, child care, health care and cultural services.

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

Heritage Resources – ~~expressions of living heritage, and real and movable property of cultural or natural heritage importance, where:~~

- a) ~~expressions of living heritage mean the intangible expressions of the traditional culture of a community;~~
- b) ~~real property means natural and cultural lands, areas and corridors and the features thereof, including buildings and other structures, archaeological and paleontological sites, cemeteries and other burial places, areas of natural and scientific interest, landscapes and vistas; and~~
- c) ~~movable property means documents and natural and cultural objects.~~

Individual Wastewater Treatment Systems — autonomous sewage disposal systems, that are owned, operated and managed by the owner of the property upon which the system is located.

Infill — ~~development on vacant lots or underdeveloped lots within a *built up area*.~~

New ROP Conformity
and Housekeeping

Infrastructure — physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: municipal drinking-water supply systems; municipal wastewater systems; stormwater management systems; waste management systems; electric generation, electricity transmission and distribution systems; communications/telecommunications; transit systems and corridors; roads, including Township, Regional, Provincial Highways, and private roadways; *rail facilities*; and oil and gas pipelines and associated facilities.

Liveable — the ability to readily satisfy the majority of one's day-to-day housing, employment, shopping, health, transportation and recreational needs and thereby sustain a high quality of life. A liveable region is one that contains integrated, *ff, mixed-use* communities with distinct senses of place and character that provide people with choices about where they live work and play.

Low and moderate income households —

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

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

Major renovation — (for the purposes of Sections 2.5.10 and 2.5.11 only) shall mean the addition or alteration of a building or structure that increases the size of a building or structure by 50 percent or greater of existing floor area or substantially increases the value of a building.

Mineral aggregate operation – an operation and uses accessory thereto, other than *wayside pits and quarries*, conducted under a license or permit under the Aggregate Resources Act.

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

~~**Minimum Distance Separation** – the separation distance as determined through the Province’s Minimum Separation Distance Formulae I and II to separate uses so as to reduce incompatibility concerns odour from livestock facilities.~~

New ROP Conformity
and Housekeeping

Mineral Aggregate Resource Conservation -

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

Minimum distance separation formulae – the separation distance as determined through the Provincial Minimum Distance Separation Formulae I and II or any other reduced distance satisfactory to the Township and the *Province* through an amendment to a Township Zoning By-law or minor variance application.

Minor renovation – (for the purposes of Sections 2.5.10 and 2.5.11 only) shall mean the addition or alteration of a building or structure that increases the size of a building by less than 50 percent of the existing floor area.

Mixed-use – development of compatible residential and non-residential land uses within the same area or on the same parcel of land. Mixed-use facilitates the provision of a wide range of residential types within close proximity to employment, institutional, social and recreational opportunities.

Municipal comprehensive review – for the purposes of this Plan, or an official plan review, or an official plan amendment, initiated by the Township and/or the Region, as appropriate, which comprehensively applies the policies and schedules of the Provincial Plans and, where applicable, Provincial Policy Statements.

~~**Natural Corridor** – a linking physical feature such as a wetland, watercourse, valleyland, and woodland used as passageways for native plant and animal species and communities and may serve as buffers to protect the integrity of an ecosystem feature and function. The corridor functions as a migratory route, passage between different habitats for animals, pathway for different populations of the same plant or animal species.~~

Noise Sensitive Land Uses — uses which may be adversely impacted by noise from transportation sources, including residential developments, seasonal residential developments, hospitals, nursing/retirement homes, schools, and day-care centres.

Non-Farm-Related Residential Unit – any dwelling unit that does not conform to the definition of a farm-related unit.

Non-farm lot – a parcel of land designated in this Official Plan or zoned in the Township’s Zoning By-law for non-farm purposes.

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

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

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

One-zone policy area – the approach whereby the *floodplain*, as defined by the Regulatory Floodline, is treated as one unit, and approval of all *development applications* are prohibited or restricted.

Passive noise attenuation measures – noise reducing site designs, building layouts, and structural design measures that mitigate noise between *sensitive land uses* and noise generating or other potentially incompatible land uses without the use of structural mitigation measures such as noise attention walls or berms.

Pedestrian – a person moving from place to place, either by foot or by using an assistive mobility device. Pedestrians include residents and visitors of all abilities.

Portable asphalt plants – a facility:

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

Portable concrete plants – a facility:

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

Pre-submission consultation meeting – the opportunity for staff to consult with an applicant prior to the applicant preparing an application, in order to outline the information and materials that the applicant will be required to submit concurrently with the application form and prescribed fees.

~~**Prime Agricultural Area** – an area where prime agricultural land predominates.~~

~~**Prime Agricultural Lands** – lands that include specialty crop lands and/or lands of predominantly Classes 1, 2 and 3 agricultural soils as defined in the Canada Land Inventory or as determined in consultation with the Ministry of Agriculture, Food and Rural Affairs, or its delegate.~~

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

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

Provincial and Federal requirements –

New ROP Conformity

- a) for the purposes of Policy 6.15.1, legislation, regulation, policies and standards administered by federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy systems and ensuring that the necessary approvals are obtained;
- b) for the purposes of Policy 7.2.2.1, legislation and policies administered by federal or provincial governments, where applicable, for the purpose of protecting species at risk and their habitat; and
- c) for the purposes of Policy 8.1.4.2, legislation and policies administered by federal or provincial governments for the purposes of fisheries protection (including *fish* and *fish habitat*), and related, scientifically established standards such as water quality criteria for protecting Lake Trout populations; and

Provincially constrained environmental areas – landscape features where the features are both identified in any applicable official plan or Provincial Plan, and where applicable Provincial Plan or Provincial Policy Statement prohibits development in the features: *wetlands*, *woodlands*, *Significant Valleys*, *Environmentally Significant Valley Features*, *Significant Areas of Natural and Scientific Interest*, *Habitat of Endangered Species and Threatened Species*, *Significant Wildlife Habitat*, and *fish habitat*.

~~**Provincial Policy Statements** – statements of provincial interest under Section 3 of the *Planning Act*.~~

Provincially Significant Wetlands — ~~wetlands determined to be Class 1, 2 or 3 in a seven class system by the Ministry of Natural Resources.~~ an area identified as provincially significant by the Ontario Ministry of Natural Resources using the evaluation procedures established by the Province, as amended from time to time.

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

Region — ~~the corporate entity of the Regional Municipality of Waterloo.~~

Redevelopment – (for the purposes of Sections 2.5.10 and 2.5.11 only) shall mean the removal of buildings or structures from land and the construction or erection of other buildings or structures.

Regulatory Flood – (for the purposes of Sections 2.5.10 and 2.5.11 only) means the flood resulting from the Hurricane Hazel storm centred event, as determined by the Grand River Conservation Authority.

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

Renewable energy systems - means the production of electrical power, heat and/or cooling from a *renewable energy source*.

Retail commercial centres – a group of stores planned and developed as a unit and having a minimum *gross leasable area* of 10,000 square metres.

Reurbanization – describes four distinct types of activity, all or which serve to increase the residential or employment density on sites located within the existing, *built-up area*. The four types of activity captured under the definition of *reurbanization* include:

- a) *infill*: new development on formerly vacant land;
- b) intensification: an expansion in the use of an existing structure or structures that serves to increase the density on a site;
- c) adaptive reuse: a change in the use of a structure, typically from
- d) Redevelopment: the wholesale change or conversion of an area, often involving some form of land assembly and/or demolition, which results in significantly higher density than existed previously.

New ROP Conformity
and Housekeeping

Many of the key opportunities for *reurbanization* are associated with *brownfields* and *greyfields*.

Rural institutional use – institutional uses related to and directly serving the needs of the rural community, such as schools, places of worship and rural community centres.

Rural residential infilling formulae – the measurement of the 100 metre separation distance set out in this Plan will be determined as follows:

- a) measurement is established between two points located along the centre-line of the right-of-way of an open public road and which points are determined by a line drawn from the centre of such unit and perpendicular to the public road;
- b) the distance between the two points is measured along the public road through intersecting public roads; and
- c) the point of reference on an adjoining and undeveloped rural residential lot is determined by the mid point along the public road.

Safe Access – (for the purposes of Sections 2.5.10 and 2.5.11 only) means pedestrian or vehicular access/evacuation routes as determined by the Grand River Conservation Authority in an evaluation of flood depths and velocities in accordance with Provincial policy.

Safe Parking – (for the purposes of Sections 2.5.10 and 2.5.11 only) means that the parking area is not flooded to a depth greater than 0.3 metres with velocity of 3 metres or less.

Seasonal - when referring to the use of a dwelling, means that the dwelling is, or is intended as, a secondary place of residence of the occupant and is not the occupant's principal residence.

Sensitive land uses – buildings, land uses, amenity areas, or outdoor spaces:

- a) Where routine or normal activities occurring at reasonable expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. Sensitive land uses may be a part of the natural or built environment; or
- b) That may be adversely impacted by noise from transportation sources, including: residential developments, *seasonal* residential developments; and hospitals, nursing/retirement homes, schools, and day-care centres.

Significant –

New ROP Conformity
and Housekeeping

- a) in regard to *wildlife habitat*, areas that are ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- b) in regard to regionally significant features and areas comprising the Greenlands Network, area identified as being ecologically important to the region based on the specific criteria established by the Region and described in the associated policies in this Plan;
- c) in regard to *cultural heritage resources*, resources that are valued for the important contribution they make to our understanding of the history of a place, an event or a people;

- d) in regard to *areas of natural and scientific interest*, areas identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the *Province*, as amended from time to time;
- e) in regard to woodlands, areas identified as ecologically important by the Region of Waterloo based on the criteria set out in the Regional Official Plan.

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

Site Plan – ~~applicable to Chapter 7 (Mineral Aggregate Resources) only – a site plan is defined in the licensing process for aggregate extraction operations in accordance with the provisions of the Aggregate Resources Act.~~ applicable to all chapters except Chapter 7 (Mineral Aggregate Resources) – an application under Section 41 of the Planning Act which details building location and design as well as other site specific considerations such as walkways, landscaping, lighting and storage areas.

Special needs housing – any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living.

Specialty crop area – areas designated using guidelines developed by the *Province*, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

New ROP Conformity

Sustainable/sustainability – the ability to meet the needs of both current and future generations by balancing cultural, economic, environmental and social elements through thoughtful, comprehensive and inclusive decision-making. A sustainable township is one that is robust, resilient and strives to live within its natural limits.

Temporary Farmers' Markets – outdoor food stands using temporary structures to sell food products to the public. The foods sold would be primarily from local sources, and may include processed foods such as jams and preserves and other farm-made products. Stand operators could be farmers or staff or volunteers of a business or organization with a permit to operate the stand.

Threatened species: means a species that is listed or categorized as a “Threatened Species” on the Ontario Ministry of Natural Resources’ official Species at Risk list, as updated and amended from time to time.

~~**Township** – the corporate entity of the Township of Wilmot.~~

Two-zone policy area – the approach that selective developed urban areas within the *floodplain*, as defined by the Regulatory Floodline, are considered to be less hazardous than others such that *development applications* could potentially safely occur. The first zone, termed the *flood fringe*, defines the portion of the *floodplain* where development may occur subject to appropriate *floodproofing standards*. The second zone, termed the *floodway*, defines that portion of the *floodplain* where development is prohibited.

Vulnerable/vulnerability – surface water and/or groundwater that can be easily changed or impacted.

~~**Watershed** – for the purposes of this Plan the term *watershed* also includes subwatersheds.~~

Watershed Studies – comprehensive scientific studies of rivers and streams and the lands draining into them. These investigations result in recommendations as to where and how development activity can safely occur so as to minimize flood risks, stream erosion, degradation of water quality, and negative impacts on natural systems. Recommendations may also identify opportunities for ecological enhancement and recreation.

~~**Wellhead Protection Sensitivity Area** – area of land contributing water to a municipal well as identified by the Region.~~

Wet floodproofing – (for the purposes of Sections 2.5.10 and 2.5.11 only) means the use of materials, methods and design measures to maintain structural integrity and minimize water damage in buildings or structures which are intentionally designed to allow floodwaters to enter, as determined by the Grand River Conservation Authority.

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

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

~~**Woodlands** – complex ecosystems of different tree species, shrubs, ground vegetation and soil complexes that provide habitat for many plants and animals. Woodlands is a general term which collectively refers to areas occupied by trees, treed areas, woodlots and forested areas.~~

Woodlands – treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling,

provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the *sustainable* harvest of a wide range of *woodland* products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.

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~~**Woodlot**—as defined by the Regional Tree By-law, wooded areas over two acres (approximately 0.8 hectares) in size with a specified number of trees of a certain size per acre.~~

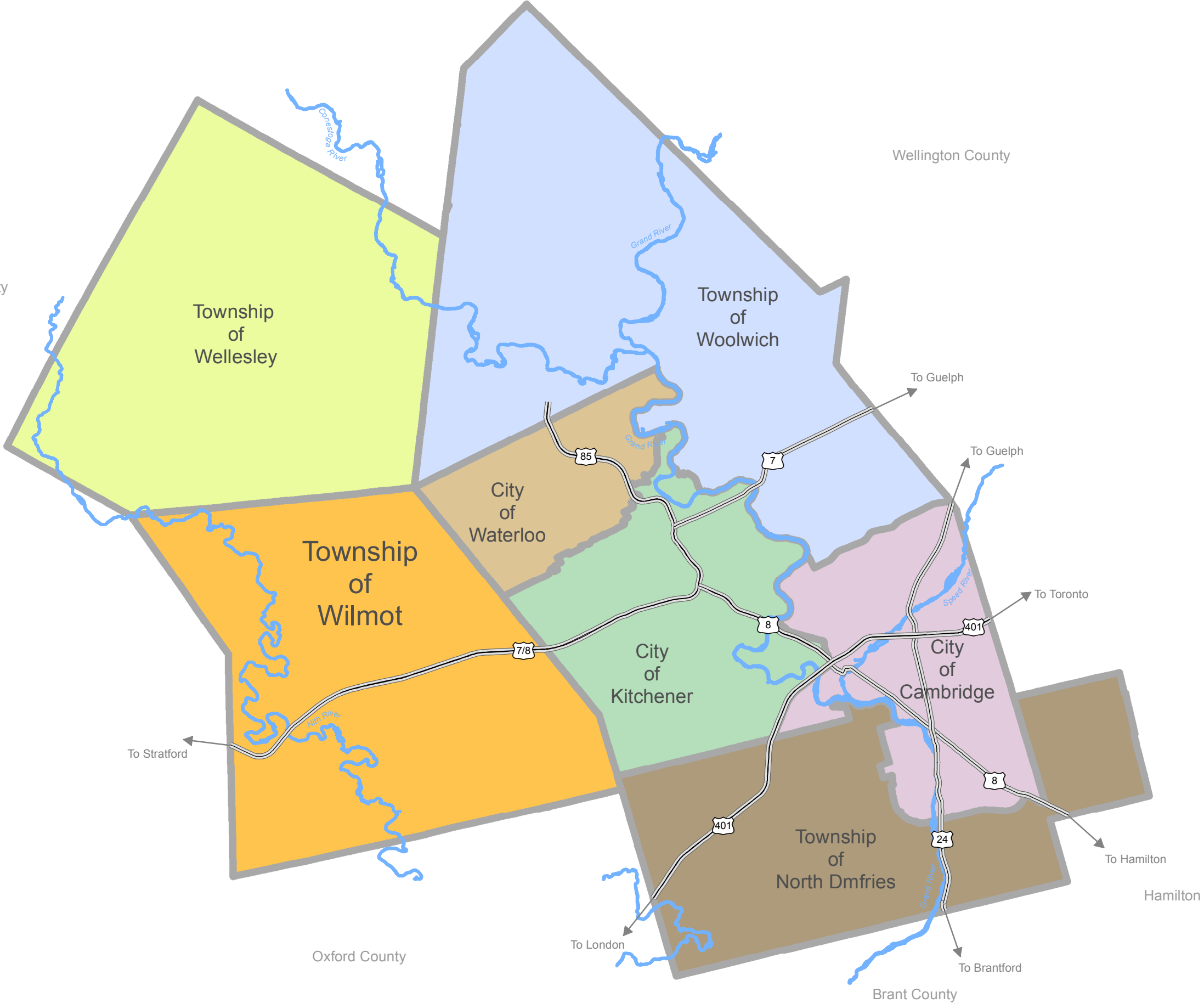


TOWNSHIP
OF WILMOT

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Map 1
Context Map

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2017

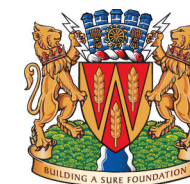
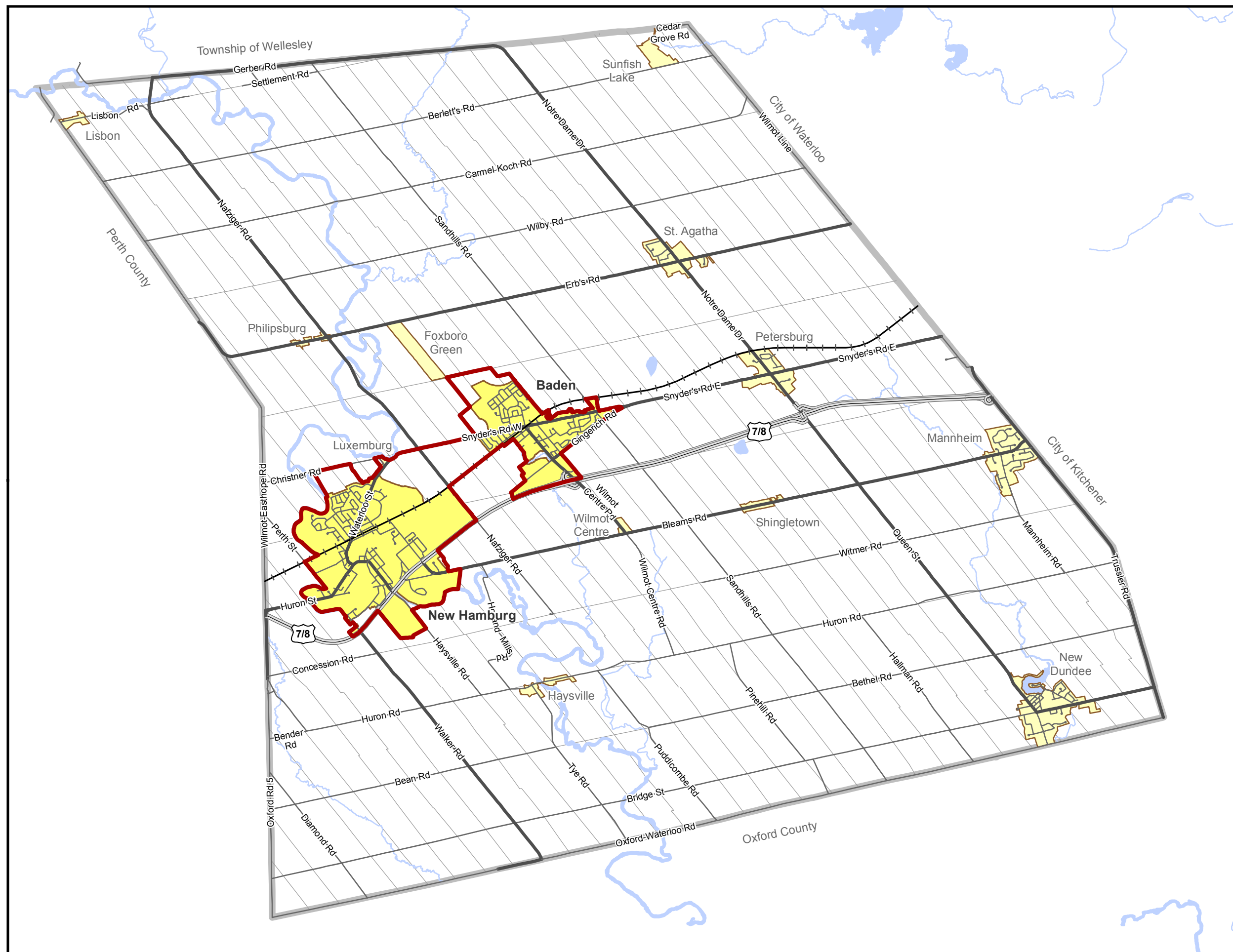


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Map 2.1 Planned Township Structure

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Legend

- Urban Areas
- Rural Settlement Areas
- The Countryside
- Countryside Line
- Provincial Highway
- Regional Road
- Township Road
- Railway
- Municipal Boundry
- Lot or Concession

2017

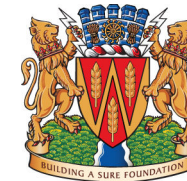


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Map 2.2 Designated Greenfield Areas

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Legend

-  Urban Area Boundary
-  Designated Greenfield Area
-  Built Up Area*

* Built up area includes all lands within the built boundary as established by the province.

2017

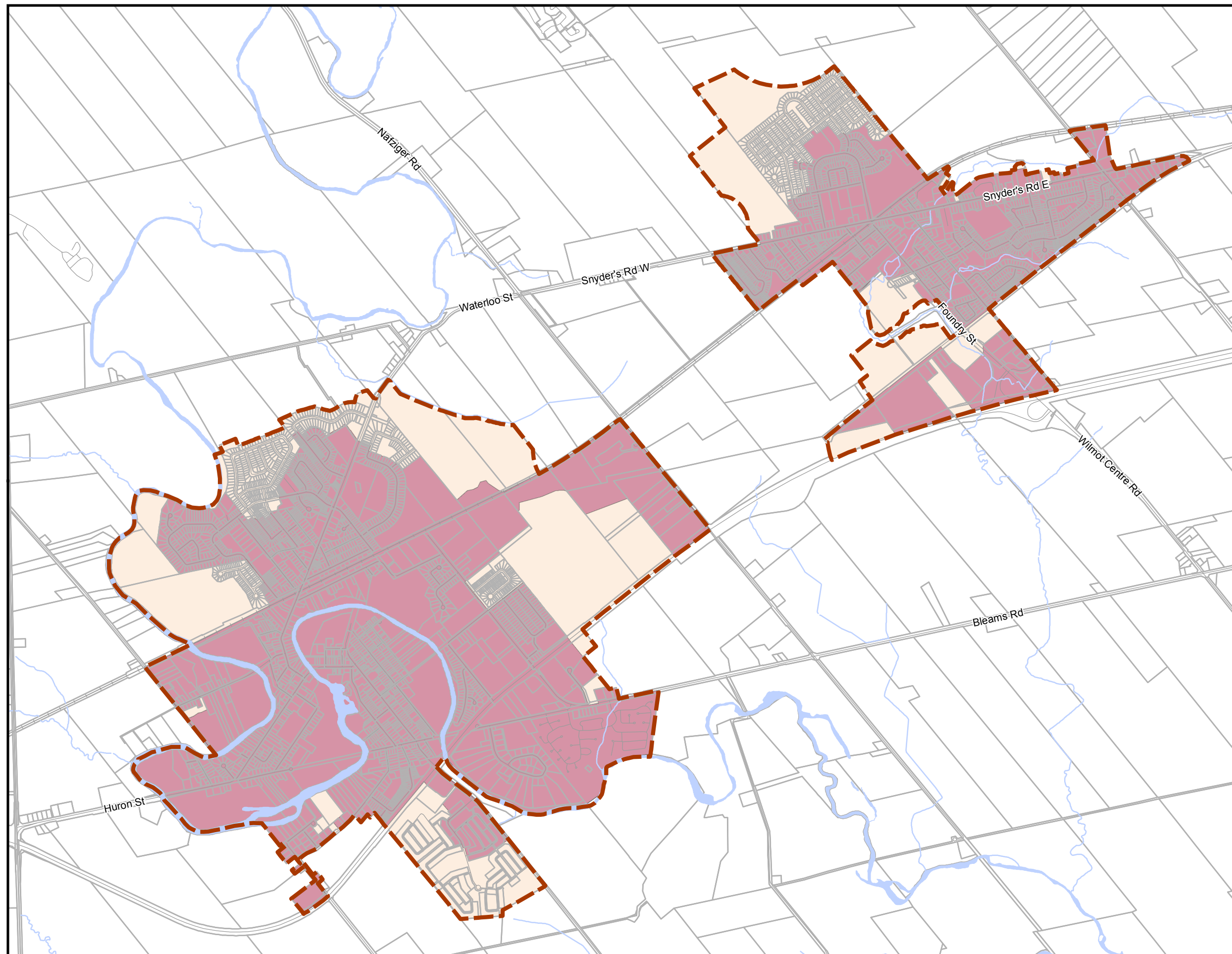


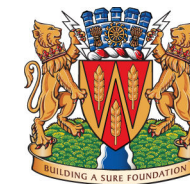
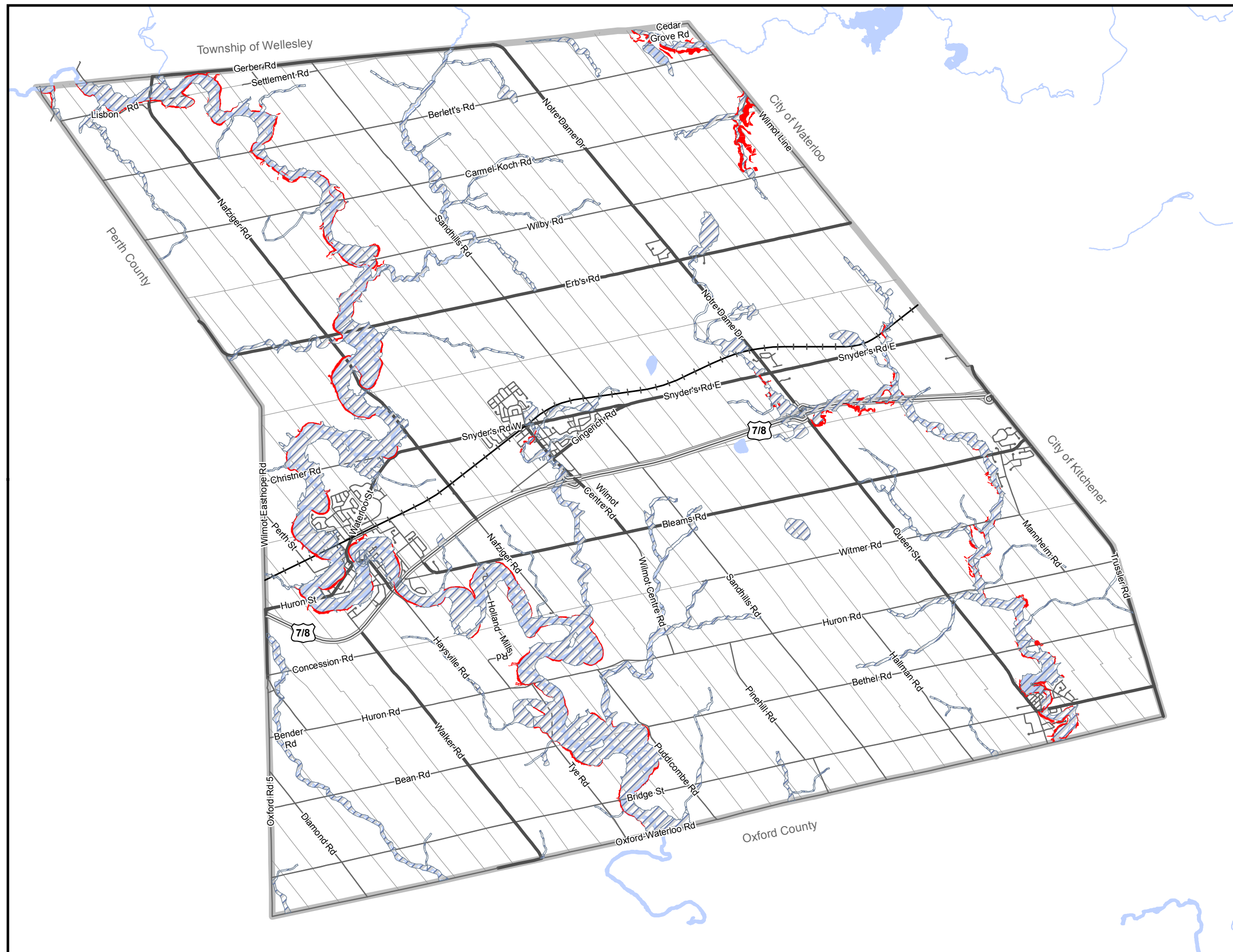
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Map 3 Environmentally Constrained Lands

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Legend

- Erosion Hazards
- Flooding Hazards

2017

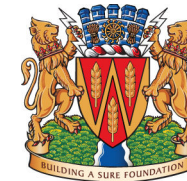


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Map 4.1
Baden Urban Area

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Legend

-  Urban Area Boundary
-  Urban Growth Centre
-  Environmentally Constrained Lands
-  Special Policy Areas
-  Urban Residential
-  Urban Core
-  General Industrial
-  Light Industrial
-  Open Space
-  Major Recreation

2017

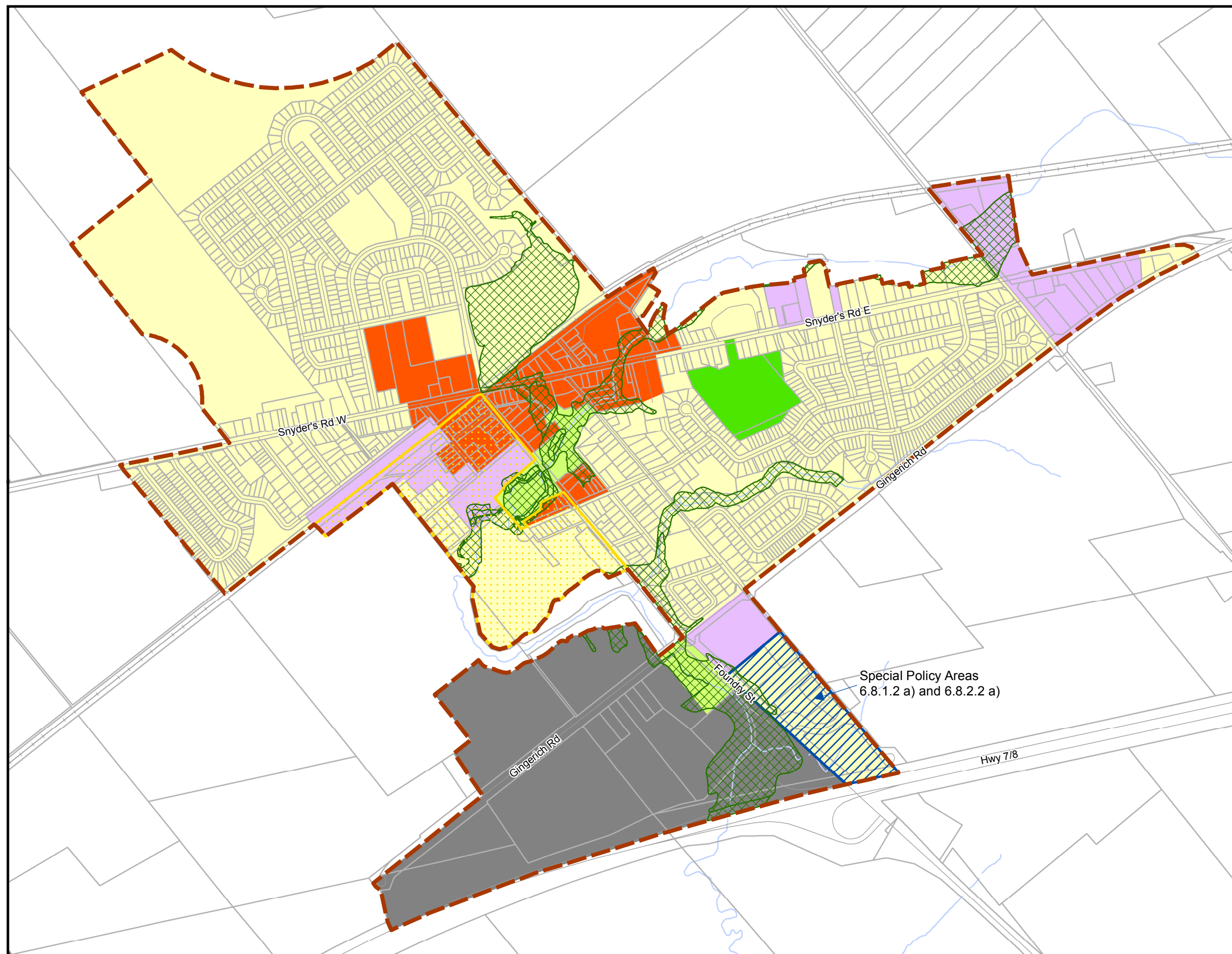


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Map 4.2
New Hamburg
Urban Area

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Legend

- Urban Area Boundary
- Special Policy Area 2.5.10
- Special Policy Areas
- Environmentally Constrained Lands
- Urban Residential
- Urban Core
- General Industrial
- Light Industrial
- Highway Commercial
- Open Space
- Major Recreation

2017

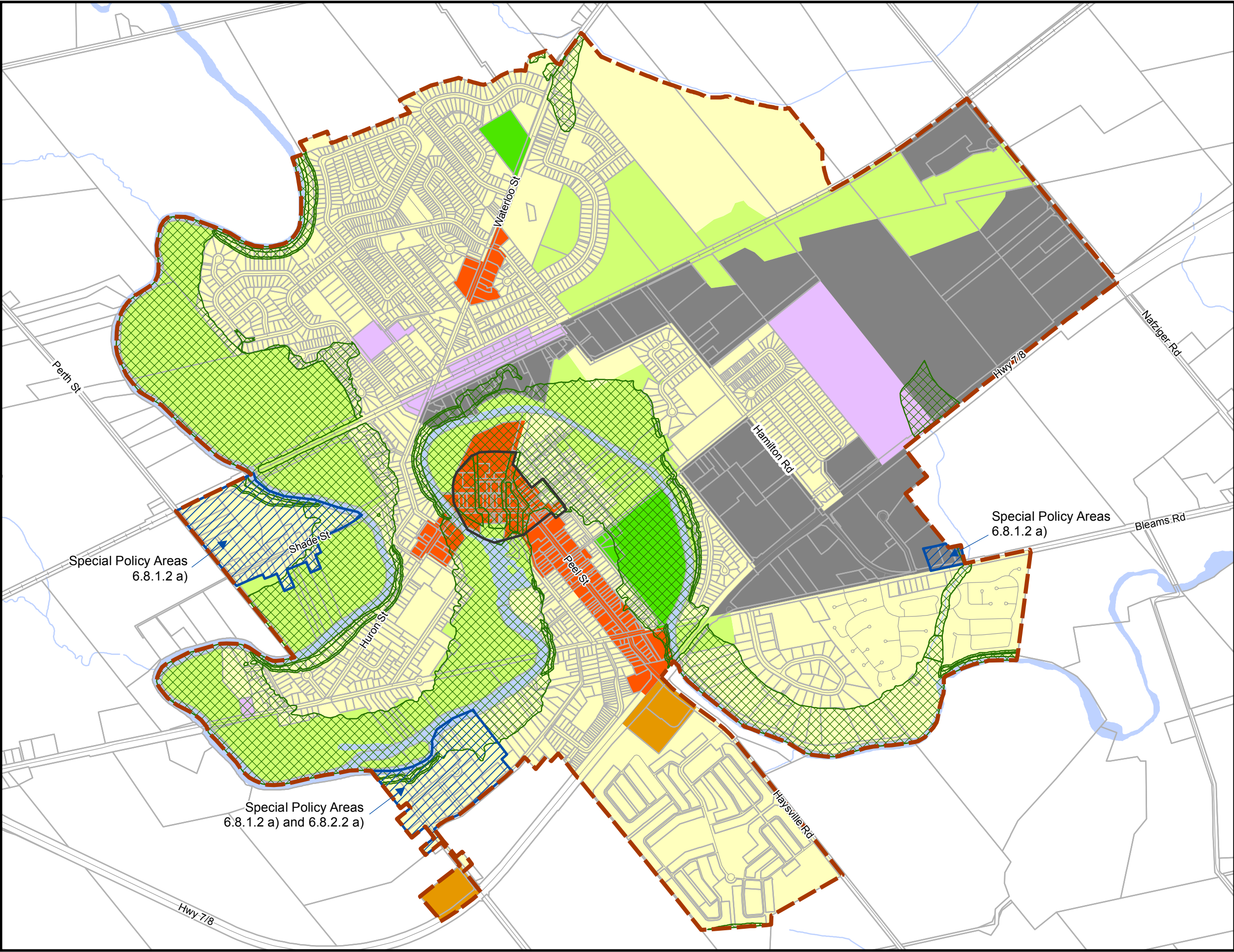


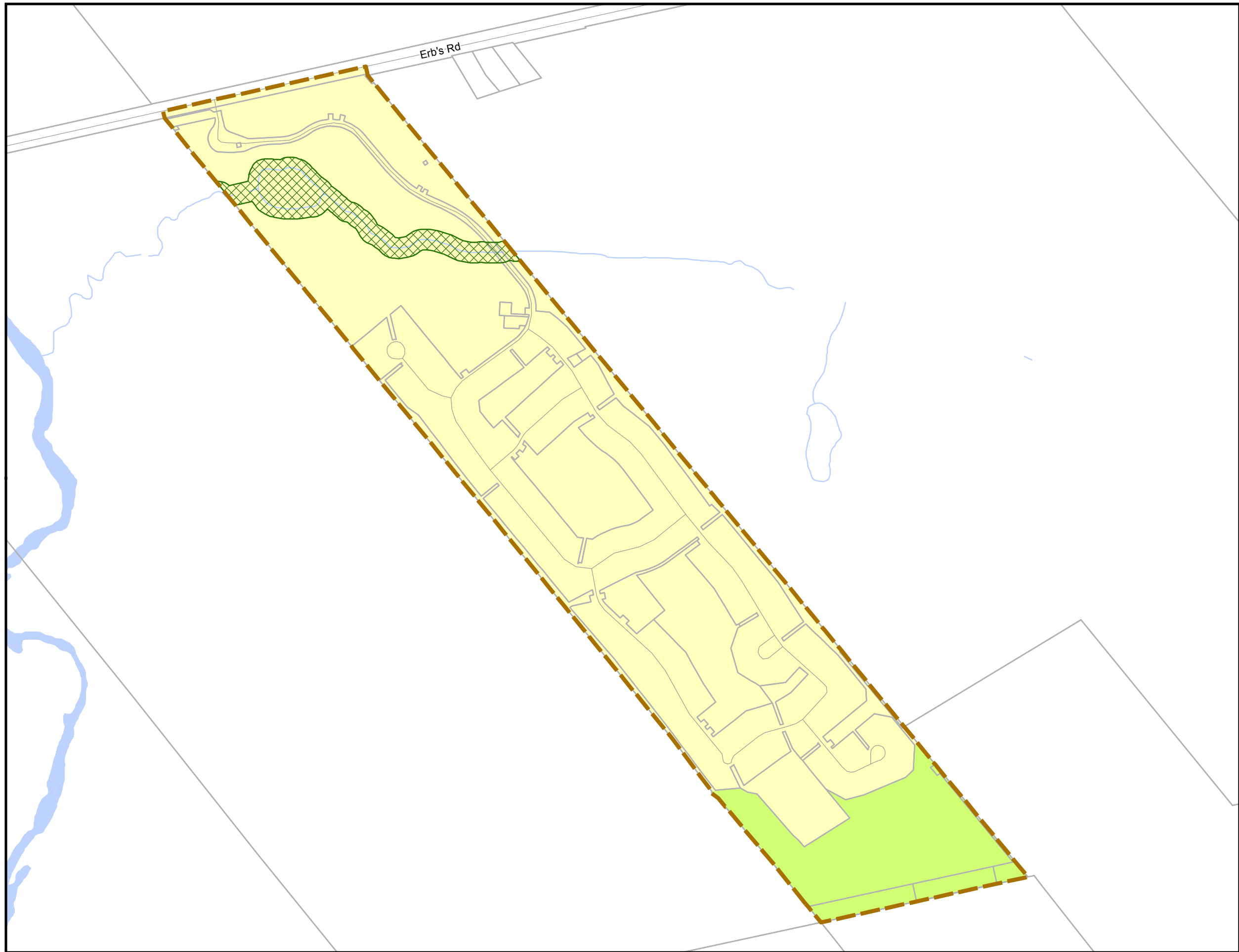
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Map 5.1
Foxboro Green
Rural Settlement
Area

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Legend

-  Rural Settlement Area Boundary
-  Environmentally Constrained Lands
-  Settlement Residential
-  Open Space

2017

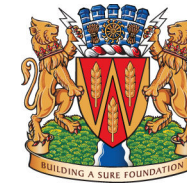


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Map 5.2
Haysville
Rural Settlement
Area

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Legend

-  Rural Settlement Area Boundary
-  Environmentally Constrained Lands
-  Settlement Residential
-  Settlement Core
-  Open Space

2017

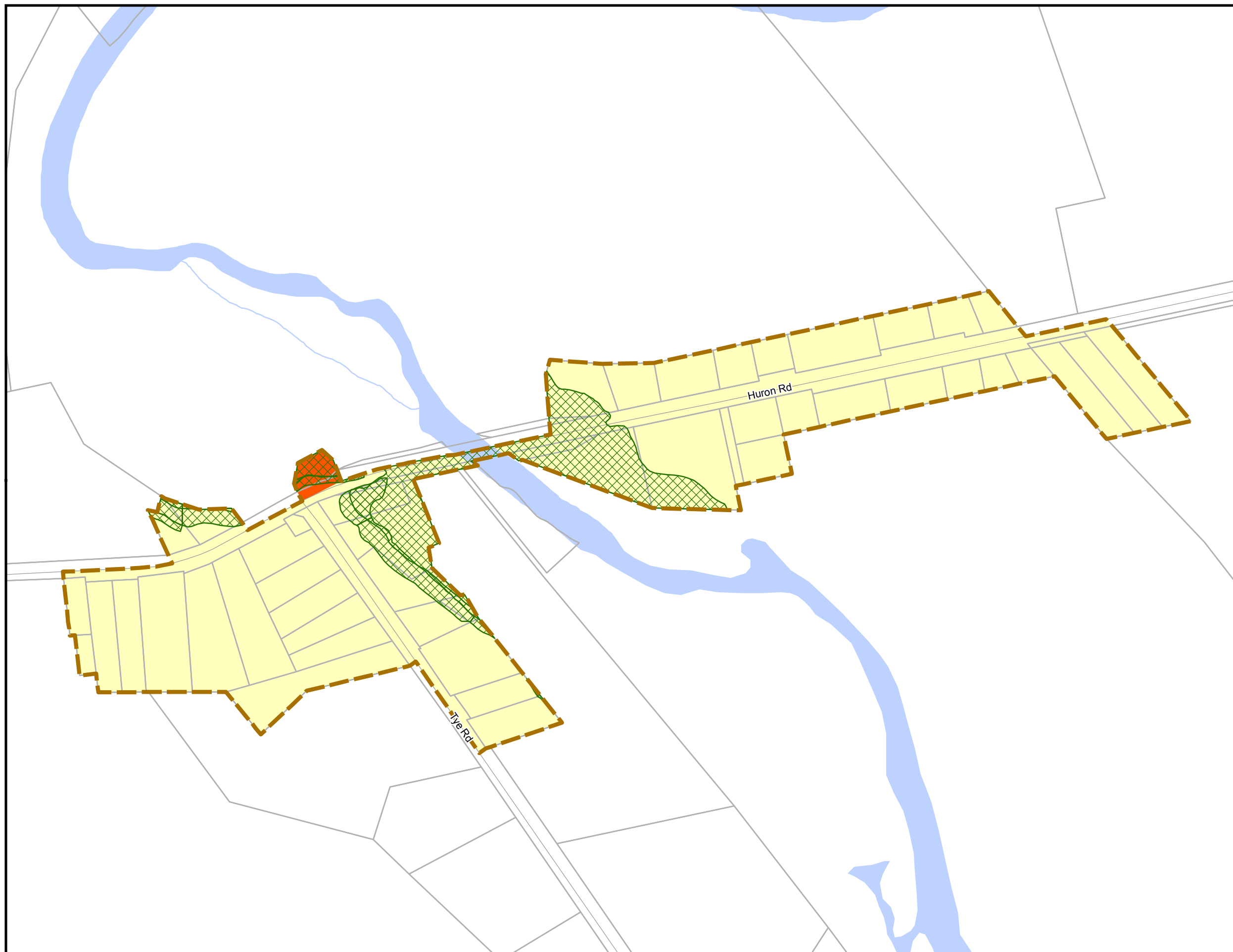


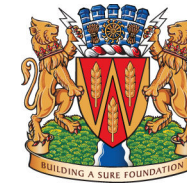
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Map 5.3
Lisbon
Rural Settlement
Area

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Legend

-  Rural Settlement Area Boundary
-  Environmentally Constrained Lands
-  Settlement Residential

2017

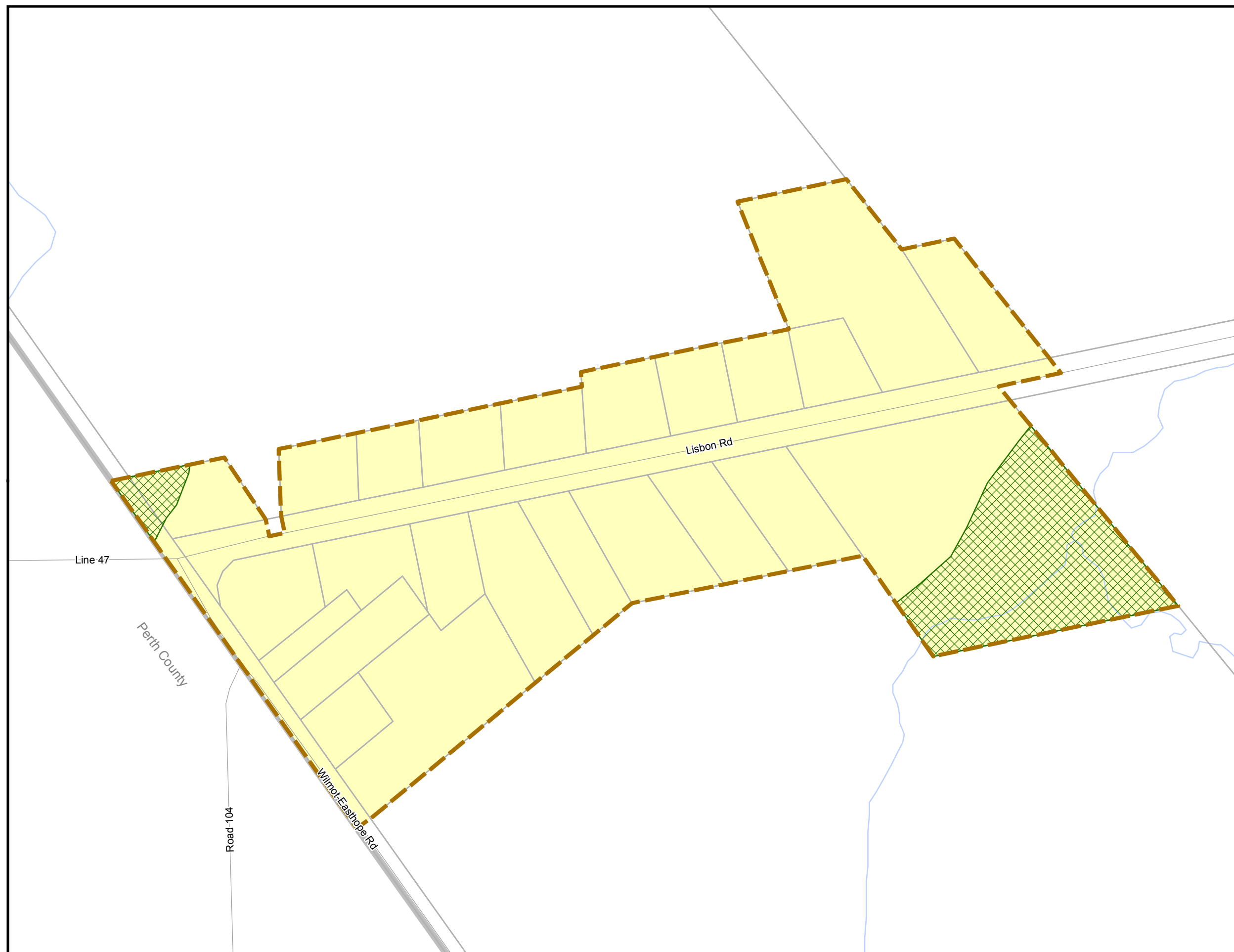


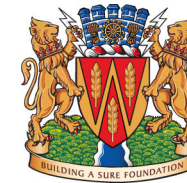
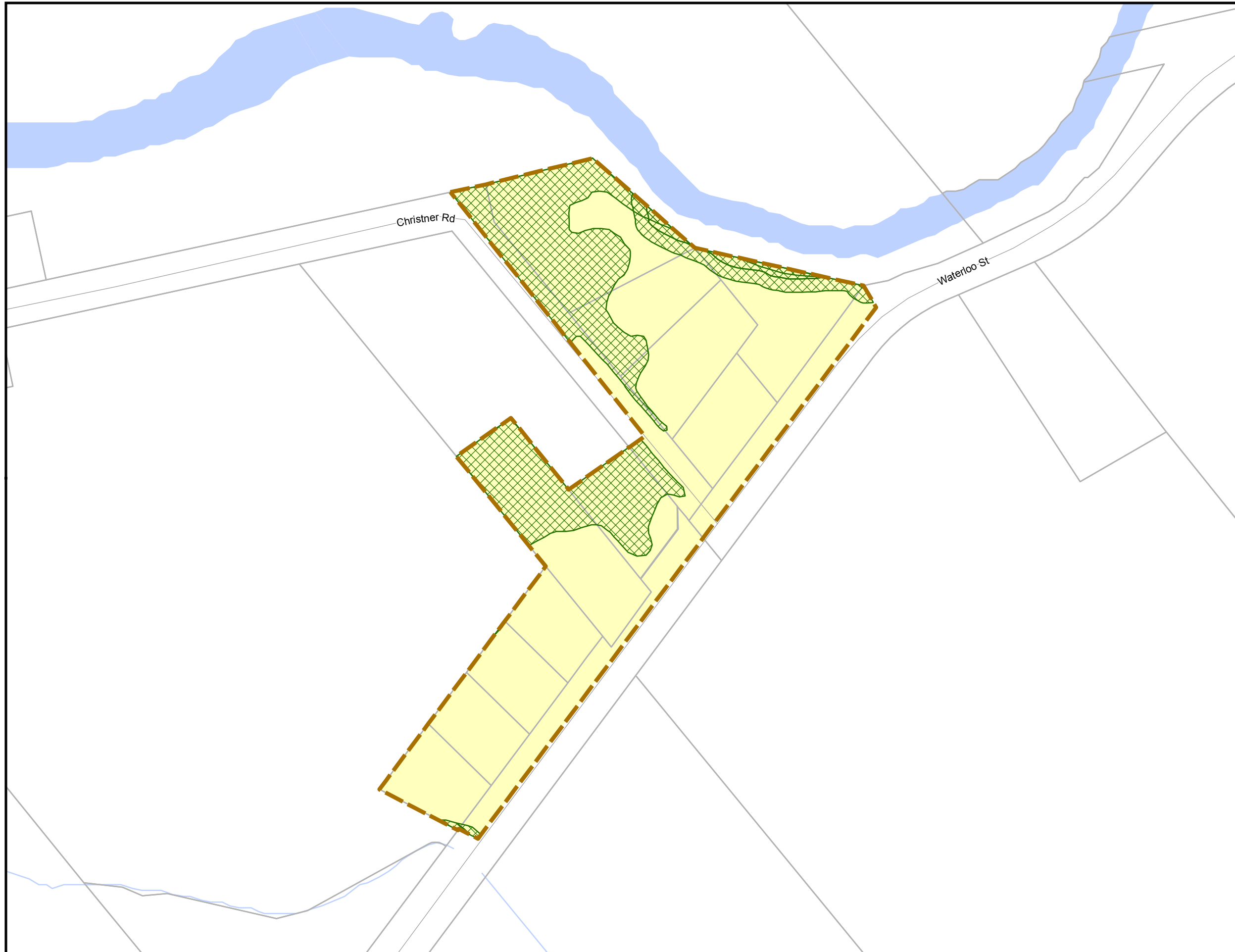
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Map 5.4
Luxembourg
Rural Settlement
Area

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Legend

-  Rural Settlement Area Boundary
-  Environmentally Constrained Lands
-  Settlement Residential

2017

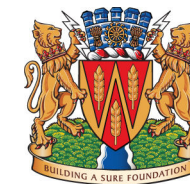
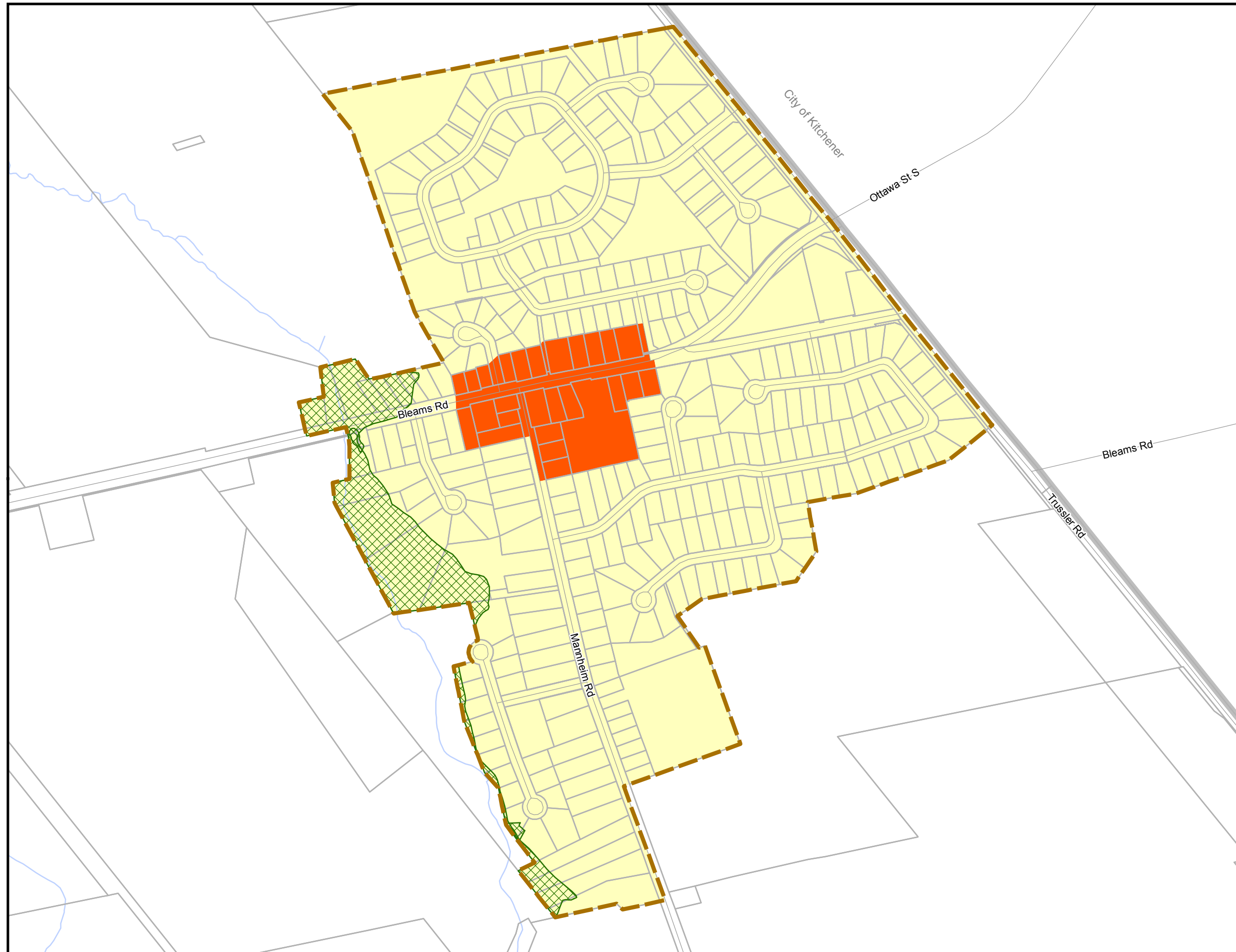


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Map 5.5 Mannheim Rural Settlement Area

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Legend

-  Rural Settlement Area Boundary
-  Environmentally Constrained Lands
-  Settlement Residential
-  Settlement Core

2017

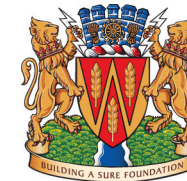


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Map 5.6
New Dundee
Rural Settlement
Area

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Legend

-  Rural Settlement Area Boundary
-  Environmentally Constrained Lands
-  Settlement Residential
-  Settlement Core
-  Dry Industrial/Commercial
-  Open Space

2017

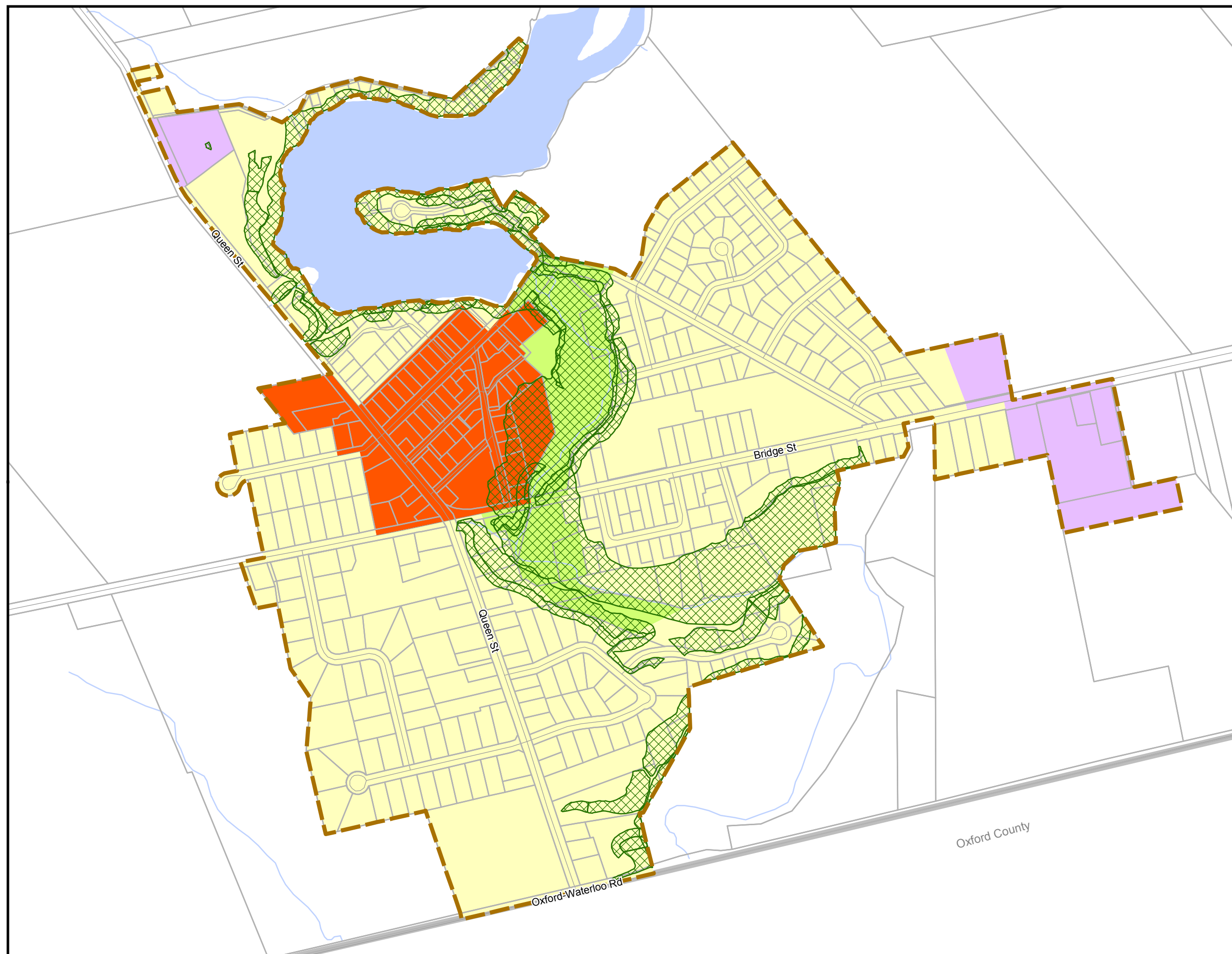


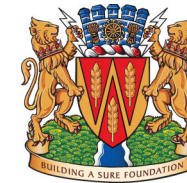
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Map 5.7
Petersburg
Rural Settlement
Area

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Legend

-  Rural Settlement Area Boundary
-  Environmentally Constrained Lands
-  Settlement Residential
-  Settlement Core
-  Dry Industrial/Commercial

2017

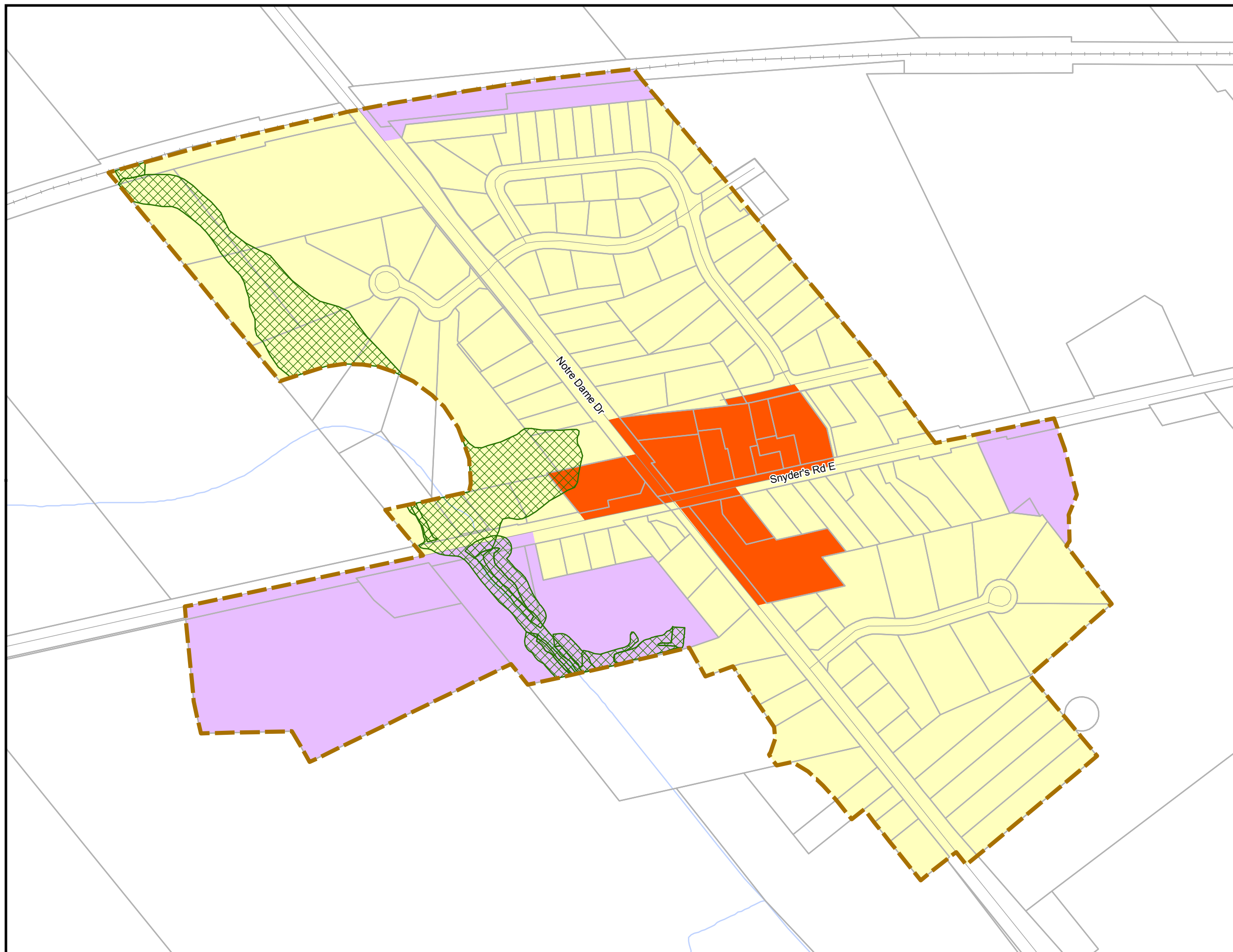


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Map 5.8
Philipsburg
Rural Settlement
Area

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Legend

-  Rural Settlement Area Boundary
-  Environmentally Constrained Lands
-  Settlement Residential
-  Settlement Core

2017

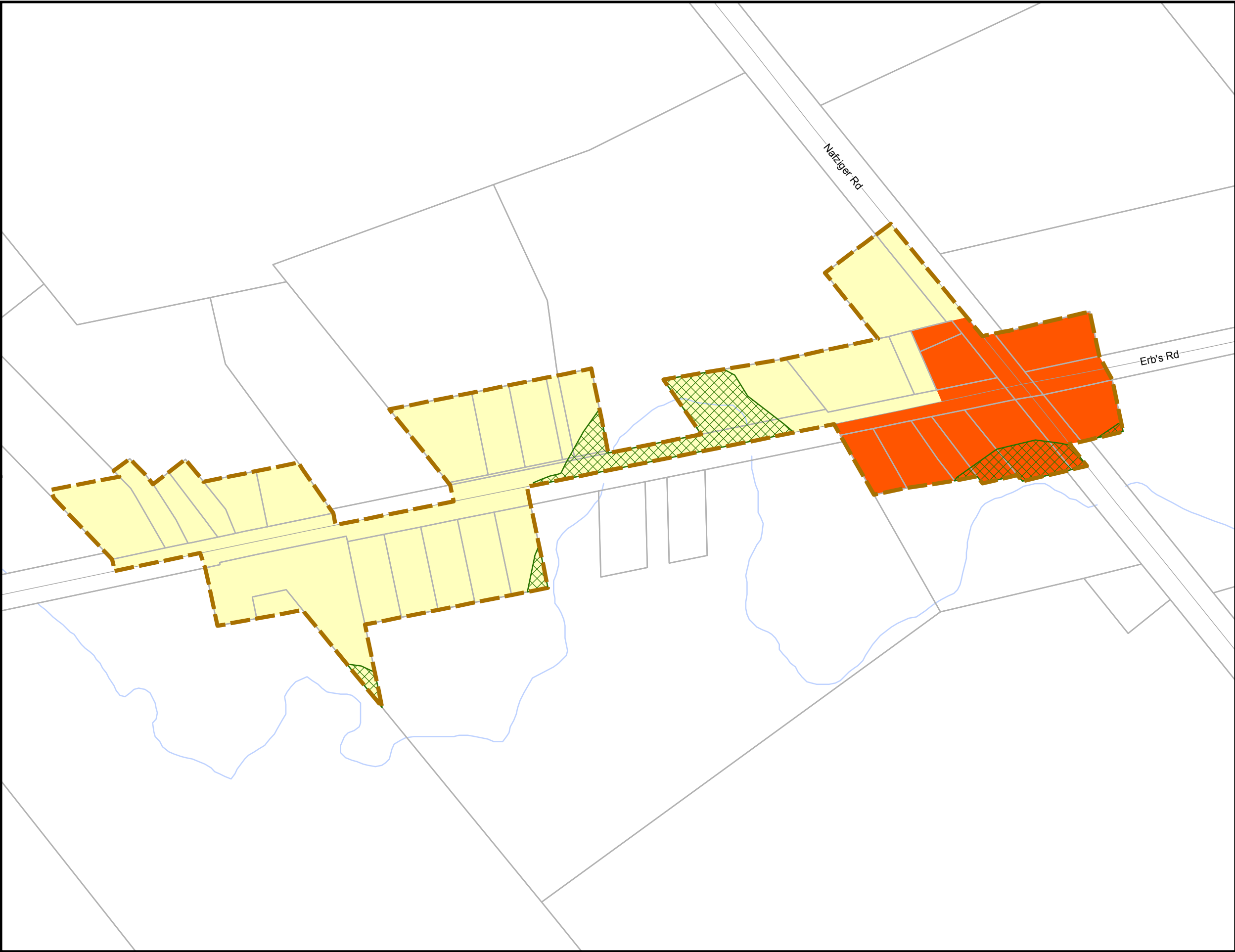


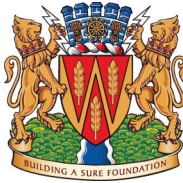
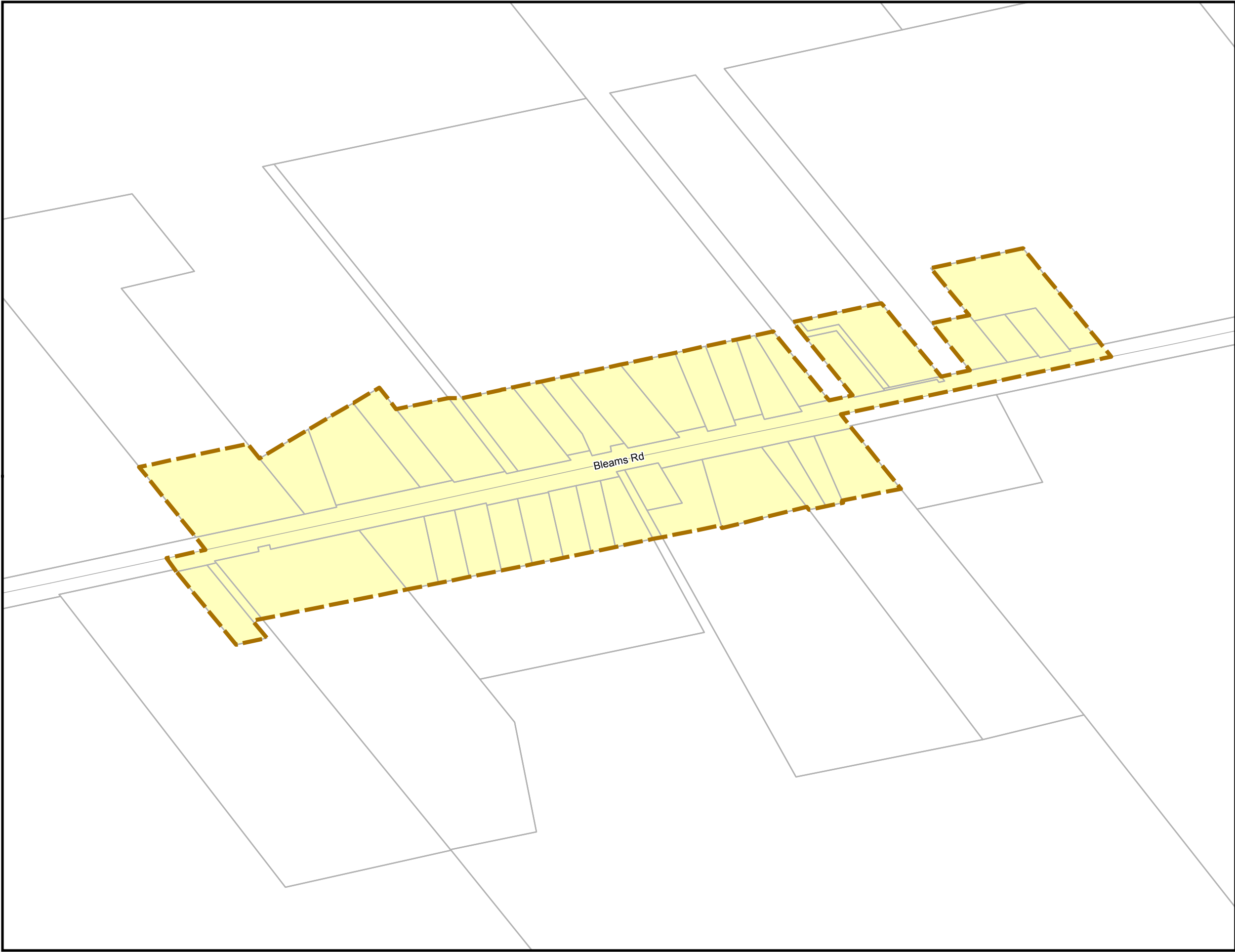
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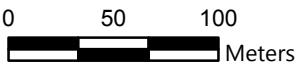
Map 5.9
Shingletown
Rural Settlement
Area

DRAFT

Legend

-  Rural Settlement Area Boundary
-  Settlement Residential

2017



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Map 5.10
St. Agatha
Rural Settlement
Area

DRAFT

Legend

-  Rural Settlement Area Boundary
-  Environmentally Constrained Lands
-  Settlement Residential
-  Settlement Core
-  Dry Industrial/Commercial

2017

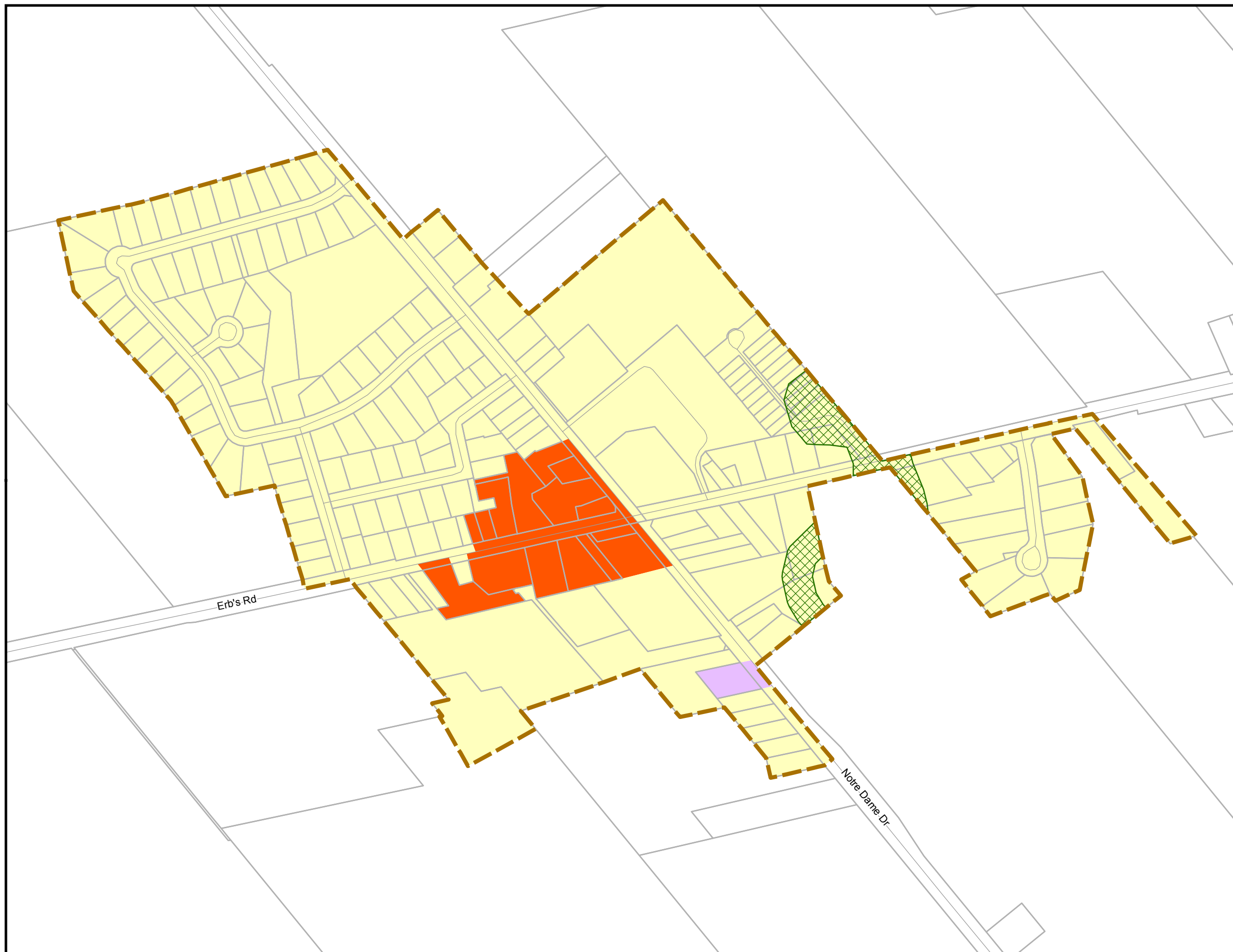


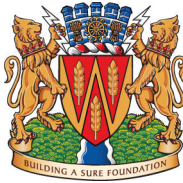
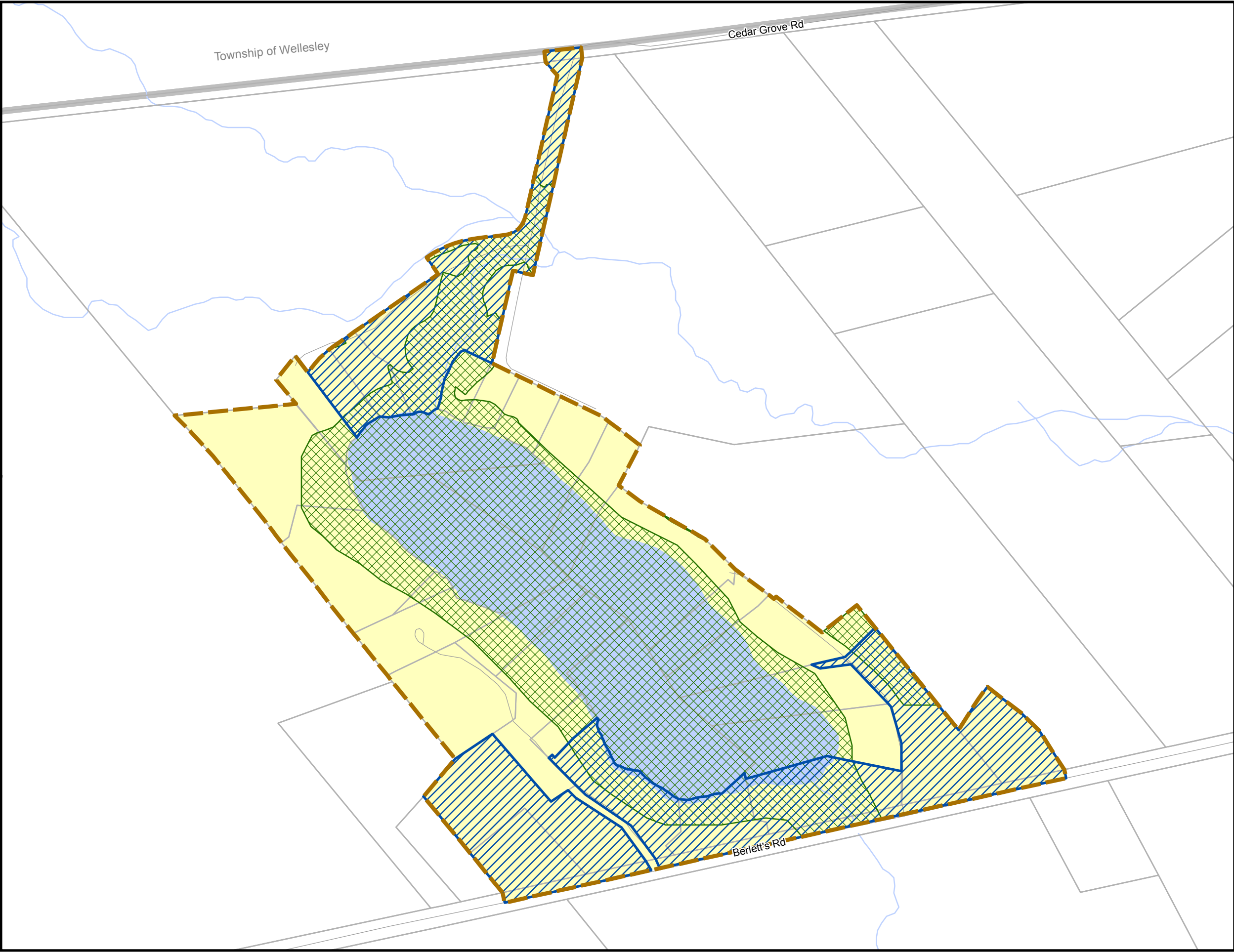
0 70 140
Meters

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TOWNSHIP
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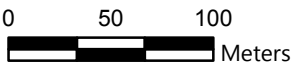
Map 5.11
Sunfish Lake
Rural Settlement
Area

DRAFT

Legend

-  Rural Settlement Area Boundary
-  Special Policy Area 2.6.4.1.2
-  Environmentally Constrained Lands
-  Settlement Residential

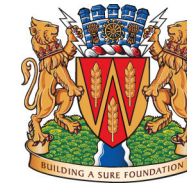
2017



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Map 5.12
Wilmot Centre
Rural Settlement
Area

DRAFT

Legend



Rural Settlement Area Boundary



Settlement Residential

2017

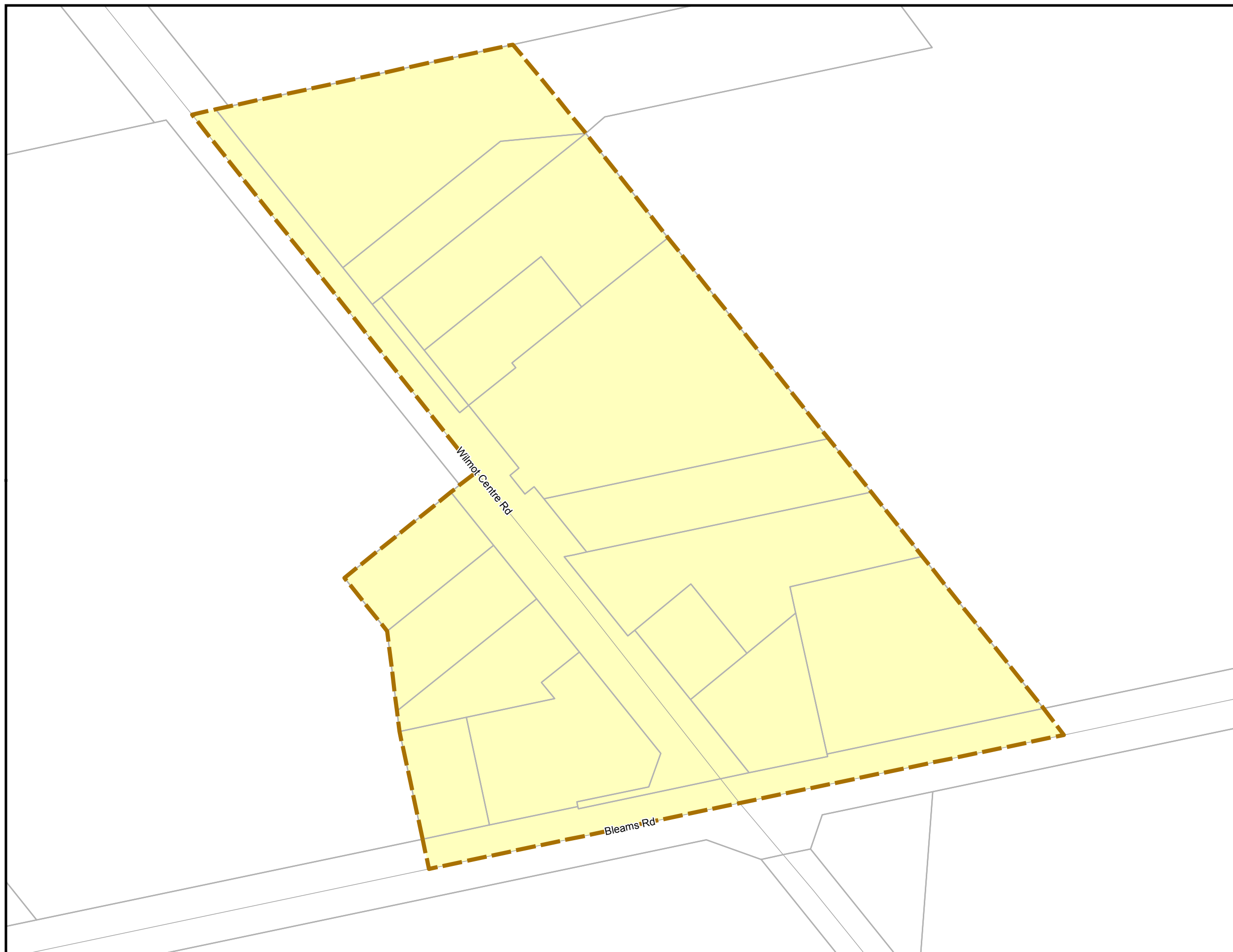


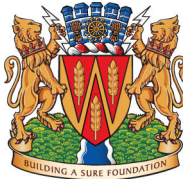
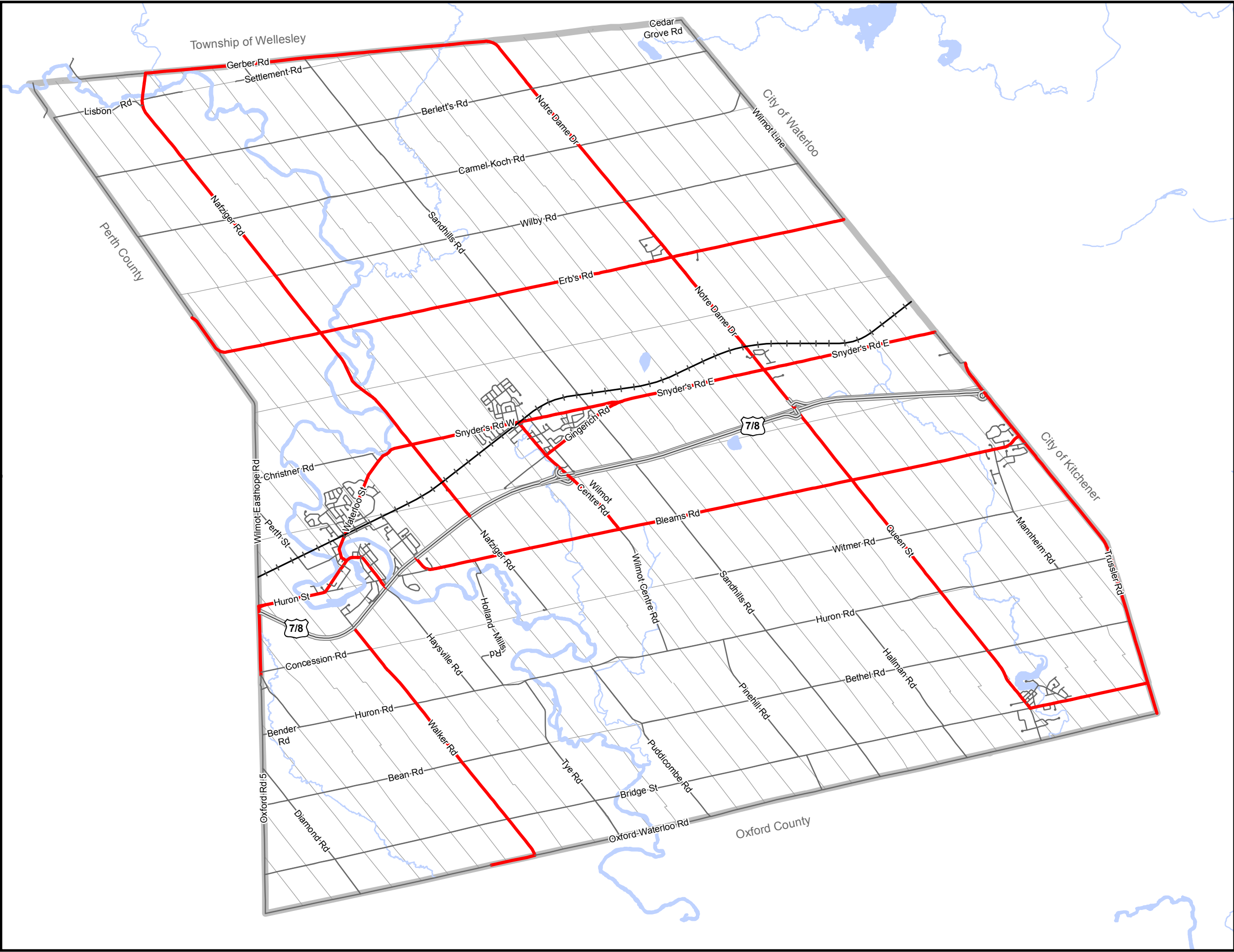
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Meters

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Map 6.1
Transportation

DRAFT

Legend

- Provincial Highway
- Regional Road
- Township Road
- Railway

2017



0 1 2
Kilometers

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Map 6.2 Cycling Routes

DRAFT

Legend

- Existing Cycling Routes*
- Planned Cycling Routes*

*The cycling routes shown on this map reflect the Region of Waterloo Cycling Master Plan adopted by Waterloo Regional Council in 2004 and additional route construction since that time.

2017

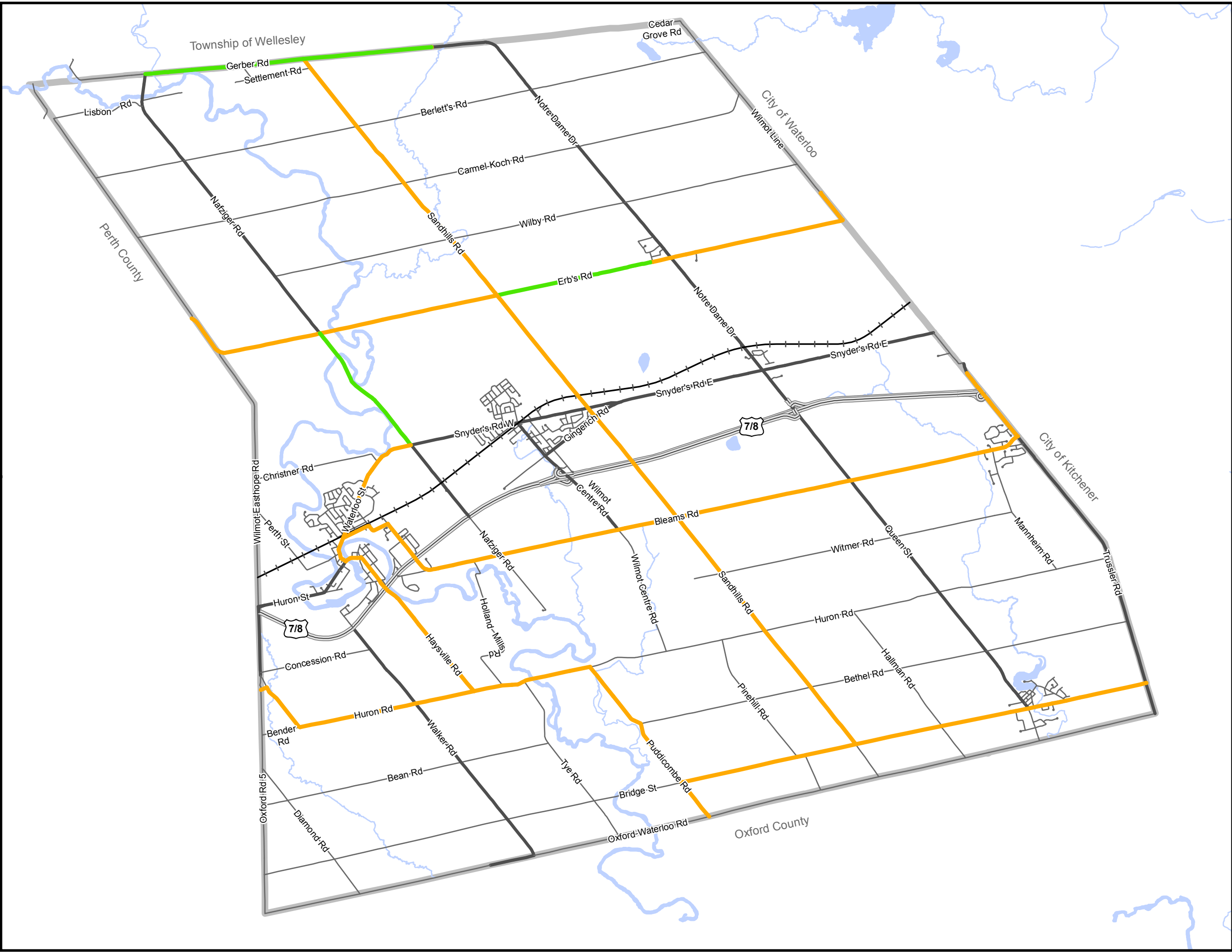


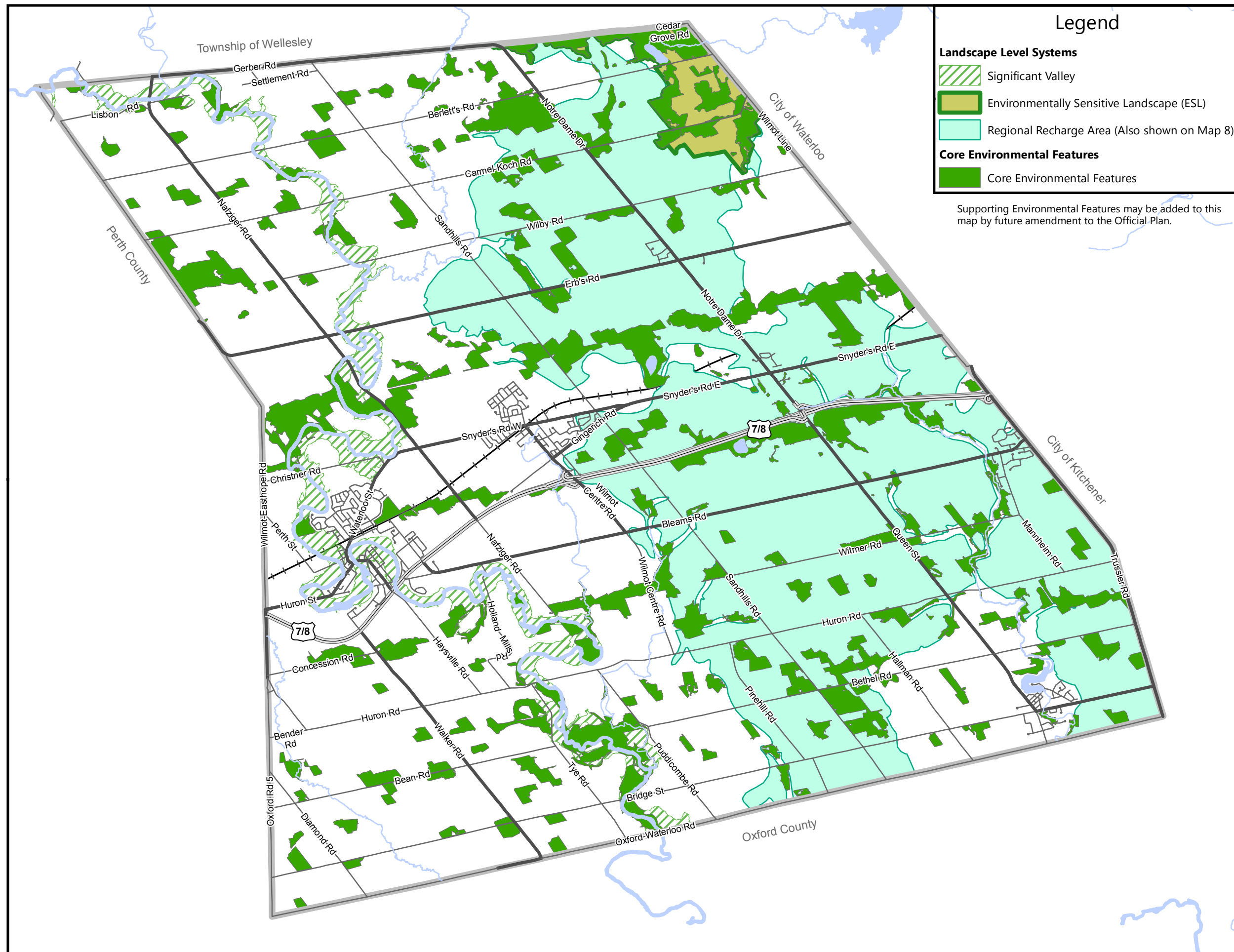
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Kilometers

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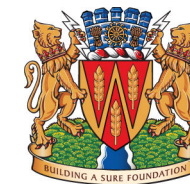
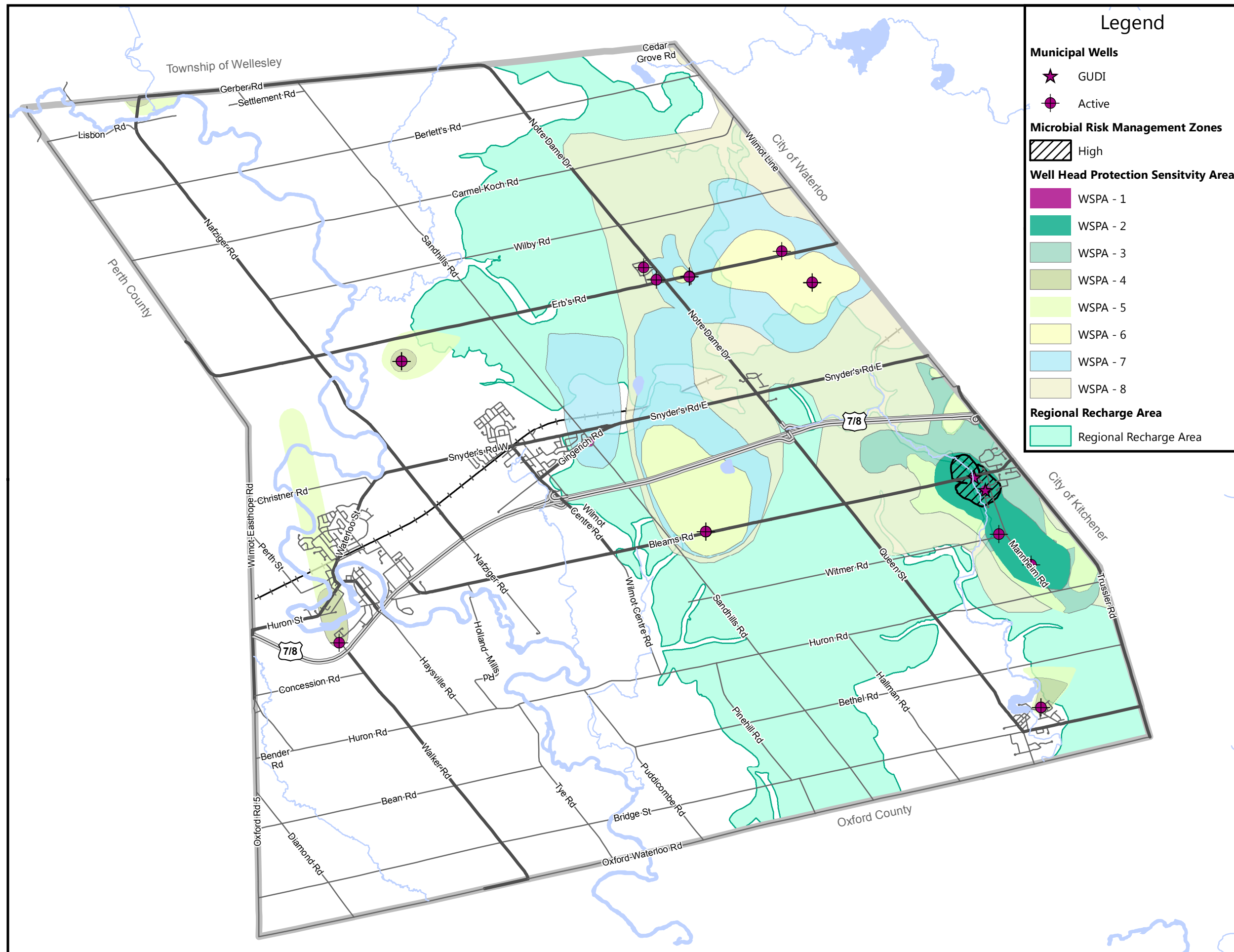
Map 7 The Greenlands Network

DRAFT

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Map 8 Source Water Protection Areas

DRAFT

2017

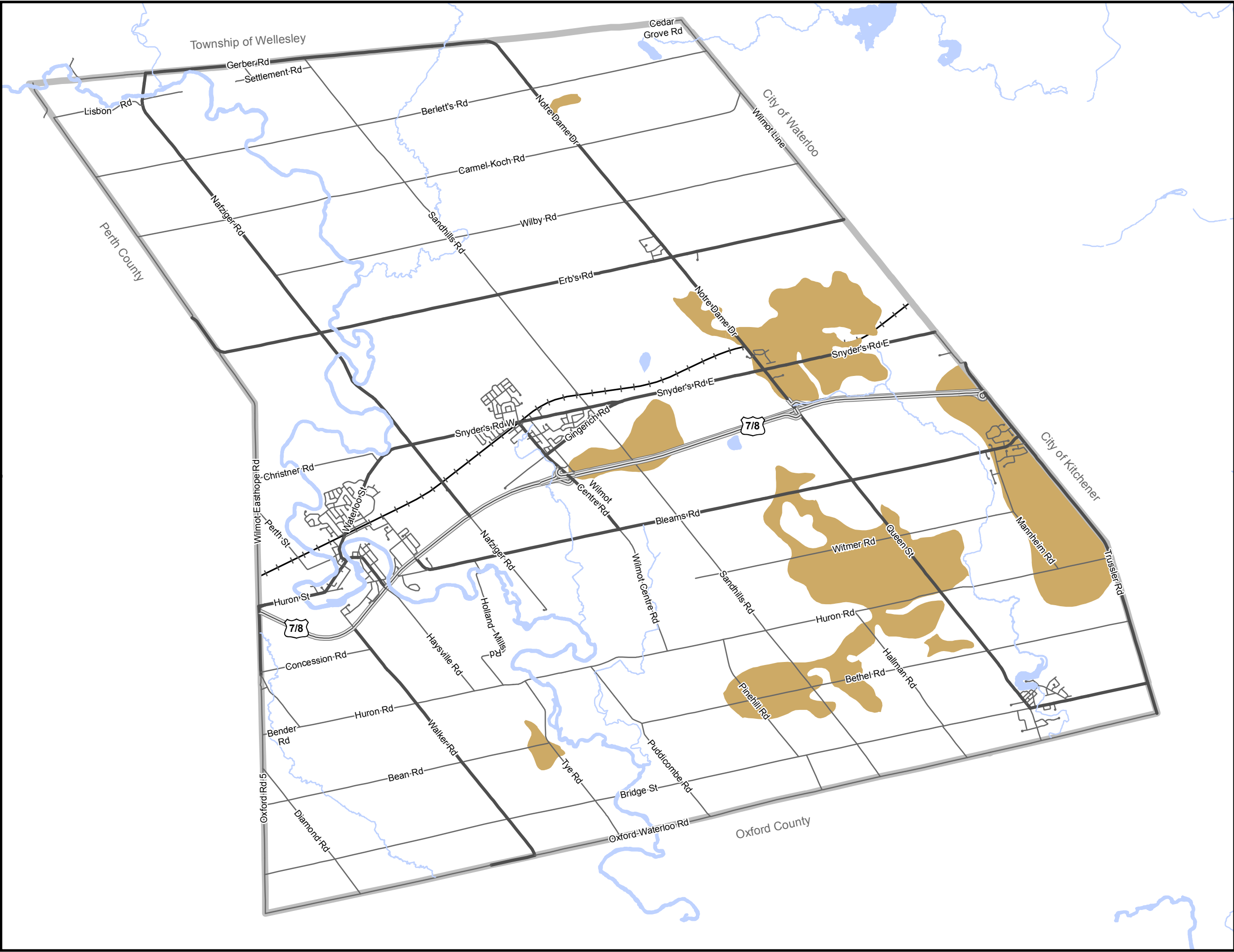


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Kilometers

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Map 9 Mineral Aggregate Resource Areas

DRAFT

Legend

 Mineral Aggregate Resource Area

2017

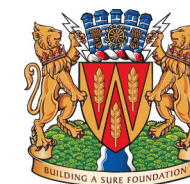
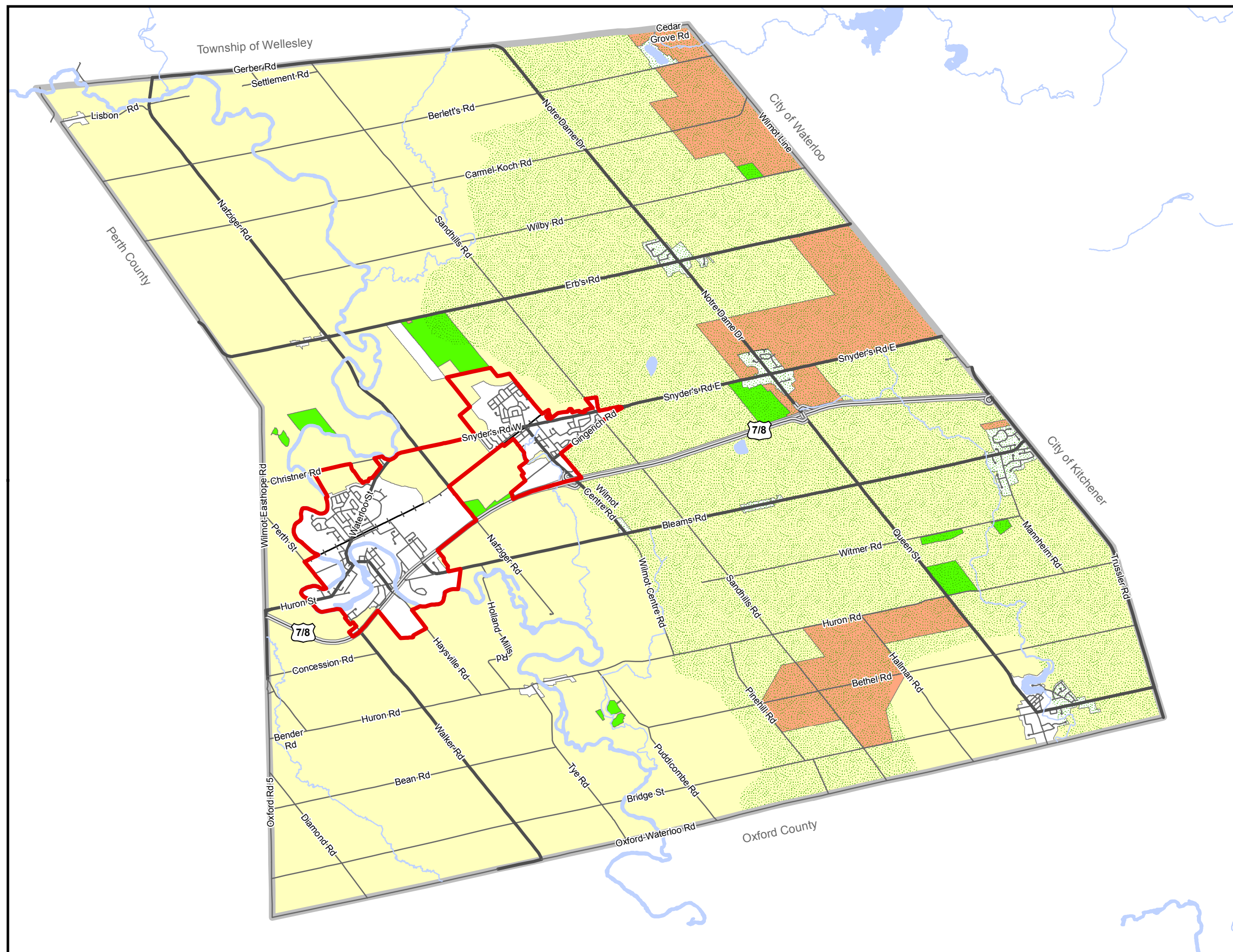


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Kilometers

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Map 10 The Countryside

DRAFT

Legend

-  Countryside Line
-  Protected Countryside
-  Prime Agricultural
-  Rural Areas
-  Urban Areas / Rural Settlement Areas
-  Recreation and Tourism

2017



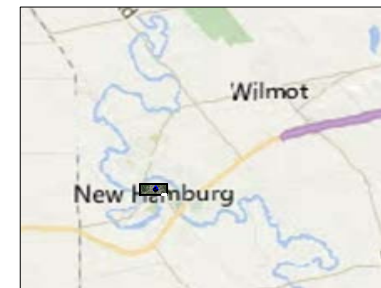
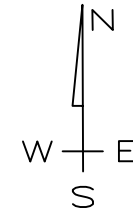
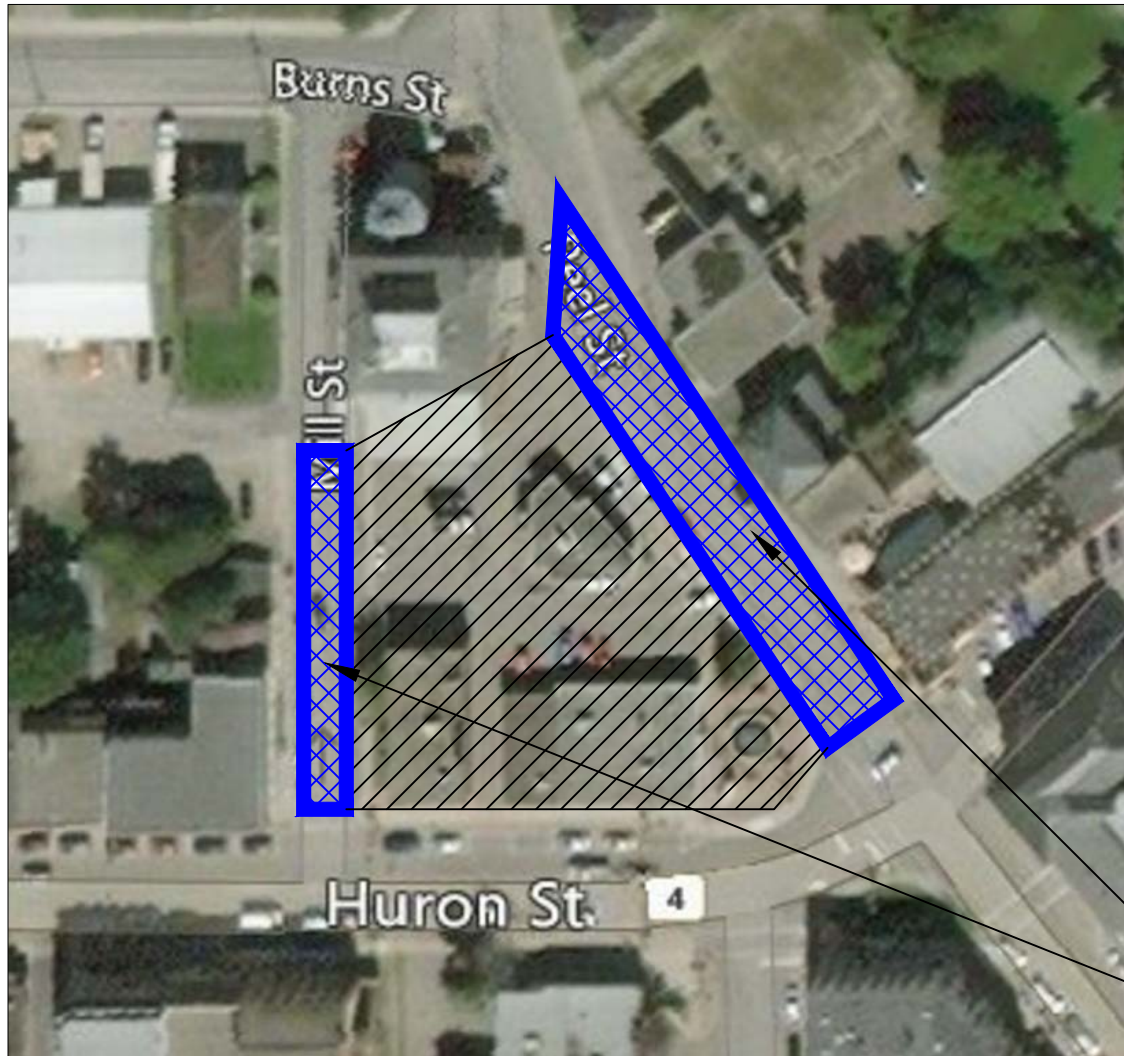
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Kilometers

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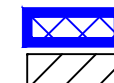
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NEW HAMBURG'ER AND BEER FESTIVAL



LEGEND



PROPOSED ROAD TO BE CLOSED
ADDITIONAL EVENT LOCATIONS

DURATION OF ROAD CLOSURES
9:00am - 11:00pm

NOTES:

Event site to be secured with perimeter fencing
Access will be granted to the event through two points on Huron Street

GRCA Current



June 2017 • Volume 22 Number 6

GRCA General Membership

Chair Helen Jowett

Vice-Chair Chris White

Townships of Amaranth, East Garafraxa, Melancthon and Southgate and Town of Grand Valley

Guy Gardhouse

Townships of Mapleton and Wellington North

Pat Salter

Township of Centre Wellington

Kirk McElwain

Town of Erin, Townships of Guelph/Eramosa and Puslinch

Chris White

City of Guelph

Bob Bell, Mike Salisbury

Region of Waterloo

Les Armstrong, Elizabeth Clarke,
Sue Foxton, Helen Jowett,
Geoff Lorentz, Jane Mitchell,
Joe Nowak, Wayne Roth,
Sandy Shantz, Warren Stauch

Municipality of North Perth and Township of Perth East

George Wicke

Halton Region

Cindy Lunau

City of Hamilton

George Stojanovic

Oxford County

Bruce Banbury

County of Brant

Brian Coleman, Shirley Simons

City of Brantford

Dave Neumann, Vic Prendergast

Haldimand and Norfolk Counties

Bernie Corbett, Fred Morison



www.grandriver.ca

Wet cool weather

Most of the climate stations in the watershed recorded a month's worth of rain during the first week of May, and the month continued to provide lots of rainfall.

A slow-moving weather system May 3 to 5 delivered heavy rainfall to southern Ontario. Rain gauges in the Grand River watershed recorded 60 to 75 mm of rain during this time. This resulted in the closure of the low level bridges in St. Jacobs and Cambridge, as well as a warning about potential flooding in New Hamburg, Ayr and at several seasonal trailer parks along the Grand River.

Many comparisons were made to the May 1974 flood; however, a great deal has changed in flood management within the Grand River watershed since that time. There are many more processes in place to improve outcomes, and the rain arrived more slowly. The reservoirs reduced the peak flows by up to 30 per cent directly downstream of the reservoirs and by about 20 per cent in the central Grand River.

May was also cooler than normal, continuing a trend set this spring.

Water levels in the reservoirs are in the normal operating range, thanks to the high precipitation. Lake Erie continues to be well above the long-term average.

Third annual report of the Water Management Plan

The third progress report on the Grand River Water Management Plan covering 2016 is complete and now posted on the GRCA website.

The plan itself was endorsed in 2014 and compiles actions from 16 partners to advance the plan's goals. Since 2014, members of the Water Managers Working Group, a committee of senior staff representing partner organizations, have been meeting quarterly. Each year the group prepares a report to summarize completed actions and track the progress of those still underway.

This continues the collaborative approach to

water management that got underway several decades ago with two previous water management plans.

Parkhill Dam project consultation underway

The GRCA is planning to build a hydro plant at Parkhill Dam in Cambridge and pre-consultation for an Environmental Assessment of the project is underway.

These pre-consultation meetings are with stakeholders and provide them with information about the project before the Environmental Assessment begins. The meetings are intended to increase awareness of the project. The stakeholder groups include regulating agencies, Six Nations of the Grand, Mississaugas of the New Credit, the City of Cambridge, nearby landowners and others.

The first public information centre to learn more about the project is scheduled for Tuesday, June 27 from 4 p.m. to 8 p.m. at the Cambridge Mill – Falls Room. A second public information centre will be scheduled for September.

If you would like to be added to the contact list to receive information about this project, please email your request to parkhill@grandriver.ca.

GRCF looks back on positive results in 2016

In 2016 the Grand River Conservation Foundation provided nearly \$1.27 million for many types of projects related to the GRCA.

Over the course of the year, donations that ranged from \$5 to \$250,000 were given, mostly by individual donors.

The projects that benefited from these funds include the winter program expansion, the learning grounds at the future site of the new Guelph Lake Nature Centre, park trail improvements, an amphitheatre and natural playground at Shade's Mills, memorial trees and many more.

Grand River Conservation Authority

During the year, the Foundation raised nearly \$1.2 million. Some of this money is held for future projects and some was given out during the year.

Changes to Elora Quarry

The GRCA is taking steps to improve the visitor experience at Elora Quarry this summer, with a focus on increasing public safety and decreasing the overall environmental impact to the park.

The maximum daily capacity of the park has been set at 1,300 guests. On days when maximum capacity is reached, visitors will be encouraged to visit nearby Grand River Parks such as Elora Gorge, Belwood Lake and Guelph Lake, as well as other local attractions.

Most recently, overcrowding of this popular summer swimming location has begun to put significant pressure on the local environment around the park, as well as negatively impact the experience that visitors expect at Grand River Parks.

Subscribe to GRCA events this summer

The GRCA's parks and nature centres, as well as many partners, are offering abundant opportunities to get outside and enjoy nature close to home this summer at GRCA facilities.

These programs are now in full swing. There are more than 40 events listed in June on the GRCA's online calendar at www.grandriver.ca/calendar.

Individuals can subscribe to categories of events that are of interest to them, such as park events, sports events and fishing events. In this way, they will receive an email in their inbox each Wednesday that covers the upcoming events over the next 14 days.

GRCA offering Canoeing 101

Four Grand River Parks are offering the opportunity for local residents to experience a bit of Canadian heritage for Canada 150 by taking Canoeing 101 this summer.

This two-hour introduction to canoeing is available at Shade's Mills (Cambridge), Laurel Creek (Waterloo), Pinehurst Lake (Ayr) and Rockwood. The introductory



There were smiles all around June 6 when the last planting project for spring 2017 was done. The wet spring bodes well for tree survival, but it delayed some plantings, such as this windbreak made up of 400 Norway spruce in Haldimand. All together, about 175,000 trees were planted by the GRCA this spring.

program will help local residents become comfortable in one of Canada's very first modes of transportation — the canoe.

It includes instruction in canoe safety, paddle strokes and basic manoeuvres. It is geared towards new paddlers, or paddlers who would like to refresh their skills and get some help with their strokes. Register with a partner, or by yourself.

The \$20 canoeing sessions start at 6 p.m., but early arrival will allow paddlers to pick up their equipment and meet up with their paddling partner.

Preregistration is required and can be done online at www.grandriver.eventbrite.ca.

This issue of *GRCA Current* was published in June, 2017.

It is a summary of the May 2017 business conducted by the Grand River Conservation Authority board and committees, as well as other noteworthy happenings and topics of interest.

The Grand River Conservation Authority welcomes distribution, photocopying and forwarding of *GRCA Current*.

Next board meeting:
Friday, June 23 at 9:30 a.m.,
GRCA Administration Centre

Subscribe to GRCA Current and other news:
www.grandriver.ca/subscribe

View or subscribe to meeting agendas:
<https://calendar.grandriver.ca/directors>

View or subscribe to GRCA events:
www.grandriver.ca/events

**THE CORPORATION OF THE TOWNSHIP OF WILMOT
BY-LAW NO. 2017-27**

**BEING A BY-LAW TO ESTABLISH THE 2017 FINAL TAX
LEVY, THE 2017 RATES OF TAXATION AND TO
PROVIDE FOR THE PAYMENT OF TAXES BY
INSTALMENTS.**

WHEREAS Section 290 of the Municipal Act, 2001, S.O. 2001, CHAPTER 25, as amended, provides that the Council of a local municipality shall, after consideration of the estimates for the year, pass a by-law to adopt the estimates and levy a separate tax rate on the assessment in each property class;

AND WHEREAS Section 307 of the Municipal Act, 2001, S.O. 2001, CHAPTER 25, as amended, outlines the manner in which taxes shall be assessed against a property, and,

AND WHEREAS the Regional Municipality of Waterloo has provided the 2017 tax ratios and subclass reductions as required by the Municipal Act, 2001, S.O. 2001, CHAPTER 25, as amended,

NOW THEREFORE the Council of the Corporation of the Township of Wilmot hereby enacts as follows:

Definitions

- “Municipal Act” means the Municipal Act, 2001, S.O. 2001, CHAPTER 25, as amended.
- “Person” means a natural person, partnership, association, corporation, legal representative, trustee, trustee in bankruptcy, or receiver.
- “Property Owner” means a person who has legal title or right to a property.
- “Region” means the Regional Municipality of Waterloo.
- “Tax” or “Taxes” means any sum payable as taxes and includes upper tier, lower tier and school board property taxes, local improvement charges, and all other fees that may have been added to the property’s tax roll as outlined in the Municipal Act.
- “Township” means The Corporation of the Township of Wilmot.

Final Tax Levy

- The current estimates for 2017, totalling \$7,505,405, detailed in the 2017 Municipal Budget, approved by Council on February 13, 2017, are used in the creation of the 2017 Township tax rates.
- Every property owner shall be taxed a Final Levy according to the tax rates in this by-law, save and except that portion of taxes raised by the 2017 Interim Levy under Section 317 of the Municipal Act.
- Taxes levied under this by-law shall be payable in multiple instalments, and the dates for payment shall be authorized by the Treasurer.
- Notice of 2017 Final Levy shall be mailed at least 21 days prior to the due date of the 1st Instalment.
- Failure to pay the amount of taxes due on the dates stated above shall constitute default and the provisions of By-law 2012-02 (being a by-law to provide for penalties to be applied to current taxes due and unpaid and for interest to be applied to taxes in arrears) shall be applicable.
- The Treasurer is hereby authorized to mail, deliver or cause to be mailed or delivered, the notice of taxes due to the address of the residence or place of business of the person to whom such notice is required to be given.

- Taxes shall be payable to the Township.
- The Treasurer is authorized to accept part payment from time to time on accounts of any taxes due and to give a receipt for such payment, provided that acceptance of any such payment shall not affect the collection of any percentage charge imposed and collectable under By-law No. 2012-02 in respect of non-payment of any taxes or any class of taxes or of any instalment thereof.

2017 Tax Rates

- The 2017 tax ratios provided by the Region are as follows:

<u>Tax Class Description</u>	<u>Tax Ratio</u>	<u>Tax Class Description</u>	<u>Tax Ratio</u>
Residential	1.0000	Commercial	1.9500
Residential Farmland CI 1	1.0000	Shopping Centre	1.9500
Multi-Residential	1.9500	Industrial	1.9500
New Multi-Residential	1.0000	Industrial Farmland CI 1	1.0000
Farm	0.2500	Landfill	1.7800
Managed Forest	0.2500	Pipeline	1.1613

- The 2017 sub-class reductions provided by the Region are as follows:

<u>Tax Class Description</u>	<u>Sub-Class Reduction</u>
Residential Farmland CI 1	45%
Industrial Farmland CI 1	45%
Excess Land (All Classes)	30%
Vacant Land (All Classes)	30%

- The 2017 tax rates are set as follows:

<u>Tax Code</u>	<u>Tax Code Description</u>	<u>Tax Rate</u>
RT	Residential Taxable: Full	0.00239270
R1	Residential Taxable: Farmland CI 1	0.00131599
MT	Multi-Residential Taxable: Full	0.00466577
NT	New Multi-Residential Taxable: Full	0.00239270
FT	Farm Taxable: Full	0.00059818
TT	Managed Forest Taxable: Full	0.00059818
CT	Commercial Taxable: Full	0.00466577
CU	Commercial Taxable: Excess Land	0.00326604
CX	Commercial Taxable: Vacant Land	0.00326604
XT	Commercial New Construction: Full	0.00466577
XU	Commercial New Construction: Excess Land	0.00326604
XX	Commercial New Construction: Vacant Land	0.00326604
YT	Office Building New Construction Taxable: Full	0.00466577
ST	Shopping Centre Taxable: Full	0.00466577
SU	Shopping Centre Taxable: Excess Land	0.00326604
SX	Shopping Centre Taxable: Vacant Land	0.00326604
ZT	Shopping Centre New Construction: Full	0.00466577
ZU	Shopping Centre New Construction: Excess Land	0.00326604
ZX	Shopping Centre New Construction: Vacant Land	0.00326604
IT	Industrial Taxable: Full	0.00466577
IH	Industrial Taxable: Full, Shared PIL	0.00466577
IK	Industrial Taxable: Excess Land, Shared PIL	0.00326604
IU	Industrial Taxable: Excess Land	0.00326604
IX	Industrial Taxable: Vacant Land	0.00326604
I1	Industrial Taxable: Farmland CI 1	0.00131599
JT	Industrial New Construction: Full	0.00466577
JU	Industrial New Construction: Excess Land	0.00326604
JX	Industrial New Construction: Vacant Land	0.00326604
PT	Pipeline Taxable: Full	0.00277864
HT	Landfill Taxable: Full	0.00425900
E	Exempt	0.00000000

Severability

- If a Court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.

Coming to Force

- This by-law hereby rescinds By-law 2017-21 and shall come into force and take effect on the date of its passage by Council.

READ a first and second time in Open Council this 26^h day of June, 2017.

READ a third time and finally passed in Open Council this 26th day of June, 2017.

Mayor

Clerk

THE CORPORATION OF THE TOWNSHIP OF WILMOT

BY-LAW NO. 2017 - 28

**BY-LAW TO APPOINT A FIRE CHIEF FOR THE
CORPORATION OF THE TOWNSHIP OF WILMOT**

WHEREAS, Section 6.(1) of the Fire Protection Act, 1997, S.O. 1997, c. 4, provides that where a fire department is established for the whole or a part of a municipality, the Council of the municipality shall appoint a fire chief for the fire department;

AND WHEREAS By-law No. 2011-15, Being a By-law to Establish and Regulate the Fire Department for the Corporation of the Township of Wilmot was passed on March 7th, 2011;

**THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE
TOWNSHIP OF WILMOT ENACTS AS FOLLOWS:**

1. That Rod Leeson is hereby appointed as the Fire Chief of the Township of Wilmot Fire Department.
2. That said appointment shall be effective June 26, 2017.
5. That By-law No. 2013-39 is hereby repealed.
6. That this by-law shall take effect and come into force on the date of passage.

READ a first and second time this 26th day of June, 2017.

READ a third time and finally passed in open Council this 26th day of June, 2017.

Mayor

Clerk