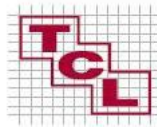




# Township of Hilliard Official Plan

November 2009



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# TOWNSHIP OF HILLIARD OFFICIAL PLAN

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# **TOWNSHIP OF HILLIARD OFFICIAL PLAN**

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## **SECTION 1 - INTRODUCTION**

The Township of Hilliard, incorporated in 1910, is in the heart of the 'Little Clay Belt'. With a population of 222 (2006 Census) and a land area of 91.17 km<sup>2</sup> (35 square miles), the Township lies in an idyllic setting with rolling topography and beautiful watercourses and offers a quiet, safe and friendly setting that is attractive to families and to retirees. It is culturally diverse as home to both French and English households. Agriculture is the mainstay of its economic base as 60% of the land area is under active production, where 30% is wetland or under the jurisdiction of the Crown, and 10% is residential.

The community initiated the preparation of its first Official Plan in the fall of 2007. This document is intended to set out a blueprint for growth and development with a 20 year time horizon. In seeking to retain its rural character, the Plan focuses on attracting development as a predominantly residential community within a rural agricultural setting and by improving its economic base by promoting its abundant resources, ample good quality and tilled farmland, inexpensive land, quiet and safe lifestyle, good roads, beautiful landscape and establishing new employment lands at the south of the community.

## **SECTION 2 – BASIS OF THE PLAN**

The basis for the policies of the Official Plan is as follows:

- Modest and well managed growth enabling the population to stay stable or increase slightly with a target of 200-250 people;
- Within Hilliard, there are several lots totaling 1,335.5 ha (3,300 ac) available for immediate development which represents an ample supply of lands which can be utilized for residential uses for the next 20 years assuming current development trends continue. The housing supply will be supplemented through mainly new lot creation or redevelopment of existing sites within the rural area of the community.
- Additional land (parcels) that could be used for commercial or light industrial uses;
- A well developed road system consisting of 94.5 km of municipal year-round maintained public roads connected to two provincial highways;
- A landfill site shared with the Village of Thornloe with a 40 year life span (based on the addition of 300 m<sup>3</sup> annually);
- Protection of some 3,655 ha (9,031.64 ac) of prime agricultural land for a variety of farming operations including beef, dairy, and cash crops. Measures will include designation of the resource as a specific land use designation, application of the Minimum Distance Separation formulae, encouraging normal farming practices and respecting the Nutrient Management Act, 2002;
- Instituting measures for source water protection;
- Instituting measures to improve drainage flows and discharge in the built-up area of the Township;
- Recognition of the potential for wind turbines and other sources as alternative energy sources;
- Recognition of the value of protecting air quality;
- Recognition of the mineral potential within the bedrock reserves underlying the community;
- Protecting the natural heritage features and areas that have been identified;
- Protecting development from significant natural hazards such as flooding and slope stability along the major watercourses in the Township. There are no human-made hazards that warrant policies.

The Plan will also include implementation features as part of the ‘planning tool box’. These will include policies for land division, zoning, site plan control, community improvement, parkland dedication and other appropriate measures.

The applicable components of the Provincial Policy Statement (March 2005) will also be incorporated into the policy fabric of the Plan to ensure that land use decisions will be consistent with provincial interests.

(Note: words or phrases which are shown in ***bold italicized script*** are defined in the Provincial Policy Statement (2005) and reference should be made to these definitions in interpreting the policies of this Plan.)

### **SECTION 3 – GOAL AND OBJECTIVES**

The goal of the Official Plan is to create a vibrant, visually attractive community where residents want to live, where they feel safe in raising their families, and where agriculture continues to be a healthy industry.

The objectives of the Official Plan include:

- Conserving *prime agricultural land* for foodland production and for its contribution to the Municipality's economic base;
- Creating opportunities for employment growth through home based businesses, *secondary uses* on farms, small scale commercial services, peat extraction and value-added activities;
- Achieving positive, well managed growth through the addition of new housing and provision for commercial and industrial development;
- Developing a source water protection strategy;
- Instituting measures for the management of natural resources such as agriculture, minerals, mineral aggregates and the potential extraction of peat;
- To ensure that all development is adequately serviced with *sewage and water services*, that servicing options are considered in planning for new development or redevelopment and that the servicing is sustainable over the long-term;
- Provide for *alternative energy systems* as a means to conserve energy;
- Conserve built heritage resources, cultural heritage landscapes and archeological resources; and
- Facilitate community improvement.

## **SECTION 4 – ADMINISTRATIVE POLICIES**

### **4.1 Title and Application**

This document shall be cited as the “Official Plan of the Township of Hilliard” and may variously be referred to as the ‘Official Plan’ or the ‘Plan’. The Official Plan applies to all lands within the corporate limits of the Township of Hilliard.

### **4.2 Components of the Plan**

The Plan consists of the text and Schedule ‘A’. Schedule ‘A’ is intended to illustrate the application of the policies to the geographic area of the municipality.

### **4.3 Application of the Provincial Policy**

This Plan is consistent with the Provincial Policy Statement. It is the intent of Council that all land use decisions will be consistent with this Plan and with the Provincial Policy Statement.

### **4.4 Amendments to the Plan and Other Planning Applications**

Amendments to the Plan may be initiated by application or by Council in compliance with the requirements of the *Planning Act*. Council intends to consult with the public prior to making a decision on a planning application. This may be in addition to any required statutory public meeting. Applications for development for an official plan amendment, a zoning by-law amendment, subdivision, consent or site plan control shall be reviewed for completeness. The municipality/approval authority will not consider an application complete or may refuse an application where studies or other information required by this Plan or the *Planning Act* are not submitted as part of the application. These studies or information may include, but are not limited to:

- A servicing options report
- A hydrogeological study and terrain analysis or water assessment report including an assessment of the carrying capacity or appropriate density of development
- A drainage and/or stormwater management report
- An Impact Assessment for a natural heritage feature or area
- An Archaeological Assessment
- An Environmental Impact Study for an alternative energy facility
- A resource impact report for development in proximity to a waste management facility, industrial use or mineral/mineral aggregate use including an assessment of impacts within an influence area



- A traffic study
- A mine hazard rehabilitation assessment
- A contaminated site assessment report (environmental site audit/assessment)
- A noise and/or vibration study
- A source protection study including a groundwater impact and/or surface water impact study
- A MDS I or II calculation
- A minimum separation distance calculation for an industry, waste management facility, pit or quarry
- An off-site septage haulage report
- A geotechnical study
- A market study
- A flood plain management/slope stability report/geotechnical report
- A renewable or alternative energy report for a solar, biomass, geothermal, passive, hydro or wind energy facility
- A visual impact assessment report for an alternative energy facility

These studies may be in addition to other requirements set out in Ontario Regulations 543/06, 544/06, 545/06 or 547/06.

Council/the approval authority may refuse to accept an application as complete in the absence of required studies in support of an official plan amendment, a zoning by-law amendment, or a subdivision application.

#### **4.5 Five year Review**

This Plan will be reviewed every five years in accordance with the *Planning Act* and may be amended at any time to ensure consistency with applicable provincial policies.

#### **4.6 Interpretation**

1. It is intended that the boundaries of the land use designations shown on Land Use Plan, Schedule “A” be considered as approximate. Boundaries are to be considered absolute only where clearly bounded by roads, railways, rivers or streams or other geographical barriers. Amendments to the Official Plan will not be required in order to make minor adjustments to the boundaries of land use designations or features or other symbols nor to the location of roads, provided that in all cases, the general intent of the Plan is preserved. Such minor deviations may not be reflected on the Land Use Plan, Schedule “A”.
2. It is intended that all figures and numerical quantities herein shall be considered as approximate unless otherwise stated. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.

3. For the purposes of this Plan, it is interpreted that the existing use refers to the land presently or actually in use and not necessarily the total land area or land holding of the property owner.
4. Where examples of permitted uses are provided for in the land use policies of this Plan, it is intended to indicate the possible range of uses considered appropriate and not to be interpreted as all-encompassing unless otherwise stated as such. However, all uses shall be in conformity with the general intent and policies of the general land use designations of this Plan.
5. Where an Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may supersede the Act so named.
6. Reference shall be made to the Provincial Policy Statement, March 1, 2005 for terms defined and used in this Plan. These terms are ***bold italicized*** in the text of this Plan.
7. Where the interpretation of this Plan may benefit from reference to an original document, e.g. *Canada Land Inventory for Agricultural Capability*, the reference document may be used provided it does not detract from the general intent of the Plan.

#### **4.7 Consultation**

In addition to consultation with the public, Council may consult with any relevant federal or provincial department, agency or municipality in seeking technical advice or input on a proposed planning application prior to making a decision. Documents used to support a land use planning decision by Council will be made available to the public prior to a decision and will constitute part of the public record should there be an appeal to the Ontario Municipal Board.

## SECTION 5 – COMMUNITY DEVELOPMENT

### 5.1 Development Concept

There are no settlement areas within the Township. While the past may show that there was a settlement area within the Township, currently there are few opportunities for development due to the large tracts of land owned by one or two land owners, the amount of land available, and the limited opportunities for growth. The intent of this plan is to provide opportunities for residential development within the rural area and to ensure that the rural character and serenity of the area is retained. Within the Township a mix of land uses will be permitted and encouraged. Agricultural uses will be the predominant land use. Rural residential uses will be the primary non-resource related use. Other land uses will include new commercial uses appropriate to a rural setting, industrial uses and *public service facilities* near the existing municipal uses such as the park, skating rink, playground, and community hall(s).

Commercial uses should be directed to locations along Highway 569.

In addition to the tracts of land available for rural residential development, the land base will be dedicated to resource uses. A large portion of the land base will be designated as a *prime agricultural area*.

*Development* will only be permitted where it can be serviced by an *individual on-site sewage service* and a potable water supply is available (See also Section 8.3 – Source Protection).

### 5.2 Rural Area

Within the Rural Area land use designation as illustrated on Schedule “A”, the following policies set out the scope of permitted uses, planning principles and implementation measures that apply to new development, redevelopment and intensification.

#### 5.2.1 Permitted Uses

1. *Residential Uses* shall include a mix of housing types including single detached dwellings, and two-unit dwellings. Apartments-in-houses, in-law and garden suites will also be permitted. Housing styles may include modular homes and double wide mobile homes. Existing single-wide mobile homes will be permitted.
2. *Home Based Businesses* may be permitted as an accessory use in either the principle dwelling or an accessory building, provided that the use is legal, that

the use is clearly secondary to the residential use and does not create a nuisance to neighbours (i.e. noise, traffic, signs), and that adequate parking is available.

3. *A Bed & Breakfast Establishment* may be permitted in a single detached dwelling provided there is an adequate area for parking and health unit approvals, where required, are obtained.
4. *Commercial Uses* shall include convenience and service commercial uses which meet the needs of the community or provide services to the traveling public.
5. *Wind Turbines and Alternative Energy System Infrastructure* which is compatible with *Agricultural Uses* (See also Section 8.2 - Energy and Air Quality).
6. *Industrial Uses* shall be limited to light industrial uses (i.e. Ministry of the Environment - Class I). Any proposals for larger-scale industrial uses (Class II or III) must be located in proximity to the Highway 11 corridor and meet the distance separation and influence area criteria set out by the MOE for *sensitive land uses*. Class II and III uses will require an amendment to this Plan.
7. Prospecting and mineral exploration.
8. *A Wayside Pit or Quarry, Portable Asphalt and Portable Concrete Plant* on public contracts.
9. *Public Service Uses* shall include parks and playgrounds, the community hall, and other *public service facilities*.

### **5.2.2 Planning Principles**

The following planning principles shall be used in the development of lands in the Rural Area:

1. The lot size and frontage must be adequate for the intended use. This includes the main building, accessory buildings and structures, parking/loading (if required), and on-site services (i.e. well and sewage disposal) provided site conditions are suitable for the long-term provision of such services and sufficient reserve sewage system capacity for hauled sewage is available (see Section 6.1). The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services. Preference will be given to lots with 61 m frontage (200 ft.) but development will be permitted

on existing lots of record that have 30 m (100 ft.) frontage where they can accommodate the proposed use.

2. The lot shall have frontage on and direct access onto a public road constructed to municipal standards and maintained year-round.
3. Commercial uses should be directed to larger lots and higher-travelled roads. To ensure compatibility between residential and commercial uses, Council may require screening or buffering and increased setbacks (e.g. hedge, fence, separation distance, parking area etc.).
4. Industrial sites other than Class I Industries shall generally be directed to the south end of the Township near Highway 11.
  - a. To ensure compatibility, measures will include the requirement for an Influence Area as set out by the Ministry of the Environment for Class I, II, or III industrial uses between industrial uses and sensitive land uses (reciprocally) and shall be incorporated into the implementing zoning by-law. *Sensitive land uses* shall not be permitted within the influence area unless it is clearly demonstrated that any *adverse effects* are clearly and fully mitigated to the satisfaction of Council and, where applicable, environmental approvals have been obtained from the Ministry of the Environment. The influence area shall be measured from the nearest point of the property line of an industrial use and the nearest point of the property boundary of the sensitive land use. The influence area for a Class I Industry shall be 70 m (230 ft.), for a Class II Industry 300 m (984 ft.) and for a Class III Industry 1,000 m (3,280 ft.). Separation distances, as set out in the Ministry of the Environment Guideline D-6, Compatibility Between Industrial Facilities and Sensitive Land Uses, shall also apply. Reference should also be made to Guideline D-1.

- b. For the purposes of this Plan, Industrial Uses are described as:

**Class I Industry - Light Industrial Uses**, shall mean a place of business for a small scale, self contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and/or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply.

**Class II Industry - *Medium Industrial Uses***, shall mean a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions, e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products and/or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, and a contractor's yard.

**Class III - *Heavy Industrial Uses***, shall mean a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit the potential adverse effects on the environment or the surrounding areas and public health.

Open storage shall be appropriately screened from adjacent properties and any public street.

- c. The lot area shall be sufficiently large to accommodate the intended use including parking, on-site manoeuvring of vehicles, loading, storage of materials and wastes, access by emergency vehicles and landscaping.
- d. Building coverage and height control standards will be set out in the implementing zoning by-law. Building height shall not exceed the equivalent of four storeys.
- e. Site plan control shall apply in governing the massing and layout of buildings and storage areas, waste disposal areas, access, parking and loading, lighting, drainage, utilities and services, landscaping for any new industry or for extensions to existing industries and other such provisions of the Planning Act, as amended from time to time. (See Section 9.2 – Site Plan Control.)
- f. Services shall be evaluated to determine if they are adequate to meet the requirements for industrial development (e.g. water supply and sewage disposal, waste management, fire protection and roads) provided site conditions are suitable for the long-term provision of such services and sufficient reserve sewage system capacity for hauled sewage is available. Only 'dry-industries' shall be permitted. 'Dry-industries' are industries which do not consume large quantities of water for their processing or manufacturing operations (i.e. with an average daily effluent flow of less

than 4,500 litres/day/lot and consisting of domestic wastes only. No industrial/commercial process water will be considered as a dry use). The processing of mineral aggregates is exempt from the restrictions on 'dry industries'.

- g.** Industrial traffic shall be directed to and from industrial areas by designated roads and provincial highways.
- h.** Environmental Approvals shall be obtained where required from the public authority having jurisdiction.
- i.** The zoning by-law shall be utilized to set out appropriate separation distances as per the Ministry of the Environmental Guidelines D-1 and D-6 or provide for influence areas between industrial uses *and sensitive land uses* depending on the industrial classification. These distances may be reduced or development may be permitted in an influence area where any *adverse effects* are satisfactorily mitigated.

(Reference should be made to the Ministry of the Environment's Guideline D-6 on Compatibility Between Industrial Facilities and Sensitive Land Uses. Reference should also be made to Guideline D-1.)

- 5.** Council will ensure that development in the Rural Area does not detract from the rural heritage and character of the area.
- 6.** All farm and non-farm development in the Rural Area shall comply with the Minimum Distance Separation Formulae established by the Province in order to minimize odour conflicts between livestock facilities and development.
- 7.** The available land supply is intended to provide opportunities for affordable housing.

### **5.2.3 Implementation Measures**

- 1.** Council will zone lands to control the types of housing, accessory uses and non-residential uses in the Rural Area.
- 2.** Council may use site plan control under Section 41 of the *Planning Act* to address the details of development for non-residential uses such as the layout of parking, drainage, landscaping, lighting, exterior design (including the character, scale, appearance and design features of buildings and their sustainable design), sustainable design elements (set out in Section 41(4) (e) such as vegetation materials, waste and recycling and bicycle parking and on-site waste storage. The municipality may require the applicant to enter into a site plan control agreement. (See Section 9.2 – Site Plan Control.)

3. Council may take advantage of provincial and/or federal housing programs to facilitate the delivery of affordable housing.
4. All development shall meet the requirements of the Ontario Building Code.
5. Consents and part-lot control may be used to facilitate development or realign lot boundaries, where required.

### 5.3 Agricultural Lands

For the purposes of this Plan, the Agricultural Lands designation is divided into two separate designations: A1 and A2. The intent is to identify the *prime agricultural area* as defined in the Provincial Policy Statement, 2005 where the A2 designation is intended to identify lands which are being used for agricultural purposes. The A2 designation would permit severances to be created for residential uses provided they meet the criteria outlined in Section 9.7. Within the Agricultural land use designations as illustrated on Schedule “A”, the following policies set out the scope of permitted uses, planning principles and implementation measures that apply to development or land use.

#### 5.3.1 Permitted Uses

1. *Agricultural Uses* including the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fiber, including poultry and fish, aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures. Including accommodation for full-time labour when the size and nature of the operation requires additional employment.
2. *Secondary Uses* including a home based business and uses that produce value-added agricultural products from the farm operation on the property.
3. *Agricultural-Related Uses* including those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.
4. *Existing Uses* as of the date of adoption of this Plan.
5. *Wind Turbines and Alternative Energy System Infrastructure* which is compatible with *Agricultural Uses* (See also Section 8.2 - Energy and Air Quality).
6. *A Wayside Pit or Quarry, Portable Asphalt and Portable Concrete Plant.*



7. *Public Utilities and Infrastructure* (i.e. waste stabilization pond/lagoon, municipal drains – for drains, see Section 6.2).
8. Prospecting and mineral exploration.

### 5.3.2 Planning Principles

The following planning principles shall be used for lands in the Agricultural Lands designation:

1. A second dwelling unit may be permitted on a farm where the size and the nature of the operation require additional employment. This may include accommodation for a family or non-family member. A second unit shall be permitted through a zoning amendment (or temporary use by-law).
2. New land uses, including the creation of lots, and new or expanding livestock operations shall comply with the *Minimum Distance Separation Formulae* (MDS). For the purposes of this Plan, the MDS I will not apply to existing lots of record and existing non-farm residential uses may be replaced where destroyed by a catastrophic event will be exempted of MDS I and II. MDS I shall not limit the expansion of an existing residential use or the construction of accessory buildings and structures on the property.
3. *Secondary uses* on agricultural lands are encouraged as a means to strengthen and diversify the agricultural industry and to supplement farm income. The Township shall ensure that such uses are compatible with *agricultural uses* and shall not hinder surrounding agricultural operations. Criteria used to evaluate the compatibility include: the type and scale of use; that the use, where it is located on a farm, is clearly secondary to the main farm operation.
4. Normal farming practices are encouraged and supported.
5. New lot creation may only be permitted for, in addition to policies of Section 9.7:

#### A. A1 – Land Severances

- I. Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:
  - i. *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;

- ii. **agriculture-related uses**, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- iii. **a residence surplus to a farming operation** as a result of farm consolidation provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- iv. **Infrastructure**, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- v. Lot adjustments in **prime agricultural areas** may be permitted for **legal or technical reasons**.

**B. A2 – Land Severances**

- I. Lot creation in prime agricultural, secondary areas (A2) is generally discouraged and will be permitted only in the following situations:
  - i. new lots for **agricultural uses** may be permitted provided that they are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operation;
  - ii. new lots may be permitted for **agriculture-related uses**; and
  - iii. new lots for residential uses may be permitted for:
    - 1. a farm retirement lot;
    - 2. a residence surplus to a farming operation; and
    - 3. residential infilling.

Any new lot for residential uses will be limited to a minimum size needed to accommodate the residence and an appropriate sewage and water system.

- II. New land uses, including the creation of lots, and new or expanding livestock facilities will comply with the **minimum distance separation formulae**.
- III. In A2 designated areas, **agricultural uses** and normal farm practices will be promoted and protected.

**C. Lot adjustments may be permitted for *legal or technical reasons*.**

- D. In *prime agricultural areas* (A1) and on *prime agricultural land*, extraction of mineral aggregates is permitted as an interim land use provided that rehabilitation of the site will be carried out whereby substantially the same areas and same average soil quality for agriculture is restored. On *prime agricultural lands*, complete agricultural rehabilitation is not required if:
- I. There is a substantial quantity of mineral aggregates below the water table warranting extraction or the depth of planned extraction in a quarry makes restoration or pre-extraction agricultural capability unfeasible;
  - II. Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Classes 4 to 7 soils, resources on lands identified as *designated growth areas*, and resources on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Classes 1, 2 and 3; and
  - III. Agricultural rehabilitation in remaining areas will be maximized.

### 5.3.3 Implementation Measures

1. Council will zone lands to control *agricultural uses* and other land uses permitted in the Agricultural Lands A1 or A2 designation.
2. All development shall meet the requirements of the Ontario Building Code.
3. Council will work with the farm industry to improve drainage or maintain existing drains as per the procedures under the *Drainage Act*.

## 5.4 Aggregate Resource Area

Within the Aggregate Resource Area land use designation as illustrated on Schedule “A”, the following policies set out the scope of permitted uses, planning principles and implementation measures that apply to this land use.

### 5.4.1 Permitted Uses

1. A *mineral aggregate operation* including a pit or quarry provided it does not contravene the zoning by-law nor is in contravention of other relevant legislation and associated facilities used in the extraction, transport, beneficiation, processing and recycling of *mineral aggregate resources* and derived products such as asphalt and concrete or the production of secondary or value-added products.

2. A *wayside pit or quarry, portable asphalt plant, a portable concrete plant*
3. Peat Extraction
4. An *agricultural use* excluding any permanent buildings.
5. Prospecting and mineral exploration.
6. Accessory uses, buildings and structures but excluding a residence.

#### 5.4.2 Planning Principles

The following planning principles shall be used for lands in the Mineral Aggregate Resources designation:

1. ***Mineral aggregate operations*** shall be subject to the requirements and approvals provided for under the *Aggregate Resources Act* if this Act is applied to the Municipality. In the interim, Council may institute controls, where appropriate (e.g. designating haul routes, controlling entrance and exit locations, noise abatement, and hours of operation) where they are authorized under provincial statutes.
2. A separation distance and an influence area shall be established as a means to avoid incompatible land uses. The influence area is an area where impacts may occur or be experienced from ***mineral aggregate operations***. Consequently, the intent of the policy is to determine the impacts and to assess whether they can be mitigated (within the influence area) to an appropriate level when measured against provincial standards. The assessment of impacts and the feasibility of locating a *sensitive land use* closer to a ***mineral aggregate operation*** or vice versa shall be determined through technical studies conducted by a qualified professional. Specific buffer distances, setbacks and other mitigation measures should be determined by the study in complying with the Ministry of the Environment's D-6 Series Guidelines on Land Use Compatibility or its successor. For the purposes of this plan the separation distance from the boundary line of the quarry property and the property line of the nearest ***sensitive land use*** shall be 500 m (1,640 ft.), while the influence area shall be 1,000 m (3,280 ft.).
3. Council, as a condition of approval or zoning of the site for any new or expanding operation, may require a study, conducted by a qualified professional, on the quality and quantity of ground water on adjacent properties, so that the water resource is not compromised as a result of mineral aggregate extraction activities taking place or proposed below the water table. The onus for mitigation shall rest with the proponent. Where the ***pit or quarry***

is initially established, the applicant shall take all the necessary steps to mitigate negative impacts. Where a residential or other *sensitive land use* is proposed within an influence area adjacent to an existing *pit* or *quarry*, the proponent or applicant shall be responsible for all mitigating measures such as berms, fencing, setbacks etc. which shall be accommodated within the proponent's property.

4. For development proposed within the influence area, a study conducted by a qualified professional will be required to demonstrate that impacts such as noise, dust, and vibration can be adequately mitigated.
5. **Development** will not be permitted on or adjacent to the **mineral aggregate operation** which would preclude or hinder access to the resource, the expansion or continued use of the resource, or which is incompatible for reasons of public health or safety or environmental impact. New **development** may be permitted on or adjacent to lands designated as Mineral Aggregate Resources where Council is satisfied that the extraction of the resource is not feasible (e.g. commercially viable), the proposed use serves a greater long-term public interest, and matters of public health or safety and environmental impacts can be addressed.

#### 6. Peat Extraction

Peat extraction is encouraged as an economic activity. Peat extraction activities, however, shall not lead to or cause negative impacts to the conservation or protection of any adjacent wetlands or any other **natural heritage feature or area**. Council may regulate peat extraction activities within the authority granted by the *Planning Act*, the *Drainage Act* or the *Municipal Act*, e.g. significant natural heritage feature or area. A hydrology study (see also Section 8.3) and an Impact Assessment (see also Section 8.1.3) will be required prior to any rezoning or approval of a peat extraction operation. The Municipality may also enact a site alteration by-law under the *Municipal Act* and may use site plan control under the *Planning Act*. (See Section 9.2 – Site Plan Control.)

### 5.4.3 Implementation Measures

1. Council will zone lands to control **mineral aggregate operations** and other land uses permitted in the Mineral Aggregate Resources designation.
2. Council will seek the designation or regulation of the *Aggregate Resources Act* to the Township of Hilliard.
3. Council may seek technical advice from the Ministry of Natural Resources with respect to procedures for regulating the **mineral aggregate operation**.

4. All development shall meet the requirements of the Ontario Building Code.

## SECTION 6 – MUNICIPAL SERVICES AND INFRASTRUCTURE

### 6.1 Sewage and Water Services

In the Rural Area, low density development will continue to prevail and on-site (private) services will continue to be the basis for servicing. The exception will be larger scale commercial developments such as a recreational vehicle park or campground or industrial developments such as a Class II or III, where communal services may be required.

Council will have regard for Ontario's Safe Drinking Water Act and Clean Water Act and other Provincial legislation, where applicable, which is intended to ensure that Ontarians have access to a safe drinking water supply.

#### a. Individual On-Site Systems

- i. Lands throughout the Township may be serviced by ***individual on-site sewage services***. Planning applications for new development shall be supported by a terrain analysis or an assimilation capacity study satisfactory to meeting the approval requirements of the applicable legislation: e.g.
  1. Where the total effluent discharged by an ***individual on-site sewage service*** is 10,000 litres/day/lot (2,200 gallons/day/lot) or less, and the service will be entirely within the bounds of the lot, the approvals will be governed by the *Building Code Act*.
  2. Where the total effluent discharged by an ***individual on-site sewage service*** is greater than 10,000 litres/day/lot (2,200 gallons/day/lot), the approval authority will be the Ministry of the Environment. The associated hydrogeological study shall demonstrate soil suitability, sufficient area for effluent treatment and site suitability for the disposal system.
  3. A water supply assessment report may be required for proposals using a groundwater source, (i.e. water well), to demonstrate that there is an adequate supply (quantity and quality) and that there will be no interference from sewage disposal or draw down of the water table. (Reference should be made in this regard to the Ministry of the Environment's "Water Management - Goals, Policies, Objectives and Implementation Procedures" known as the Provincial Water Quality Objectives".) Consideration shall be given to the cumulative impact of development on the

available water supply. A water budget for users may be required in this regard.

4. Holding tanks will only be permitted as an upgrade to an existing holding tank installation where upgrading through the use of a Class 4 system is not possible due to site slope, lot size or clearance limitations or to remedy an unsafe system or where no other servicing option is feasible.
  5. Development will only be permitted where site conditions are suitable for the long-term provision of such services and sufficient reserve sewage system capacity for hauled sewage is confirmed. The determination of sufficient **reserve sewage system capacity** shall include treatment capacity for hauled sewage **from private communal sewage services** and **individual on-site sewage services**.
  6. The Municipality will work towards the preparation of a municipal septage plan which will define the service area and determine the available treatment and disposal options including:
    - The level of treatment
    - The available uncommitted reserve septage treatment capacity in public or private treatment facilities to service existing and projected demands from on-site and private communal septage systems. Demand will consider the type and volume of septage and land application, where applicable.
    - The available facilities (sewage treatment plants and lagoons) in the District of Temiskaming which accept septage and modifications which may be required to accommodate septage
    - Dewatering trenches
    - A List of approved/licensed haulers in the District and the status of their Certificates of Approval.
  7. Water intensive land uses will not generally be permitted such as uses with an average daily effluent flow of greater than 4,500 litres/day/lot and consisting of domestic wastes or which include industrial/commercial cooling or processing.
- ii. Well construction standards will be required to meet Ontario Regulation 903 for lands serviced with an on-site (private) water supply (i.e. water well).

b. Communal Services



Council may consider *private communal sewage services* for multiple lot development (six or more lots/units) for permanent residential development. Where such a system is approved, Council will assume responsibility or ownership after the issuance of a Certificate of Approval. (Note: this may include a Permit to Take Water under the Ontario Water Resources Act.) Council may choose to operate the system or may consider entering into a legal agreement for the operation and maintenance of the system on a private basis subject to the approval of the Ministry of the Environment. Council will assume responsibility for the communal system should the system fail or should the operator fail to operate or maintain the system according to the agreement. (Reference should be made to MOE Guideline D-5-2, Application of Municipal Responsibility for Communal Water and Sewage Services, 1995.)

For the purposes of this Plan, *private communal sewage services* means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water, but which are not connected to full municipal sewage and water services; are for the common use of six or more residential or non-residential lots or units; and are owned, operated, and managed by the Township, another public body, a condominium corporation or single owner under an agreement pursuant to the *Planning Act*.

## 6.2 Stormwater Management

There are no stormwater management facilities or engineered drainage facilities in the Township. Council may undertake the preparation of a Master Drainage Plan as a means to address drainage concerns. In the interim, Council may institute controls for stormwater management through development approvals. This may require a study or assessment of flows, discharge outlets, grade control and the impacts on water quality and water quantity.

Although Hilliard does not have piped storm sewers, the Township is fortunate to have a network of municipal drains. The system provides drainage for the farm properties and is important for providing good farming conditions. The lands in the municipality are wet and would be unusable for agricultural uses without the network of drains and their branches. The majority of the drainage system is located on the west part of the Township as depicted on Schedule “A” to this Official Plan and serves the many farm operations there. These drains and their branches connect with natural ditches or watercourses which eventually lead to the Blanche River. The community is served by several drains which include:

- Thibault Drain
- Lautem Inc Drain 1983
- Pine Heights Drain
- Forget Chartrand Drain

- Logan Drain
- Laframboise Drain
- Blind Line Drain
- Edwards Drain
- Moose Creek Drain
- Hearn Drain
- Boaudry-Jackson Drain

These drains and any other drains constructed after the adoption of this Plan shall be protected and maintained for the long term due to their importance in enabling the agricultural lands to be productive.

### 6.3 Transportation

Council intends to maintain the existing network of roads and bridge structure with the Township and to ensure safe access to properties through entrance approvals. Council may widen roads through land conveyance requirements where the right-of-way width is less than 20 m (66 ft.).



Provincial highways (11, 569 and 562), as shown on Schedule “A”, are under the jurisdiction of the Province. In addition to all the applicable municipal requirements, all proposed development located in the vicinity of provincial highways will be subject to the Ministry of Transportation (MTO) approval under the *Public Transportation and Highway Improvement Act*. Any new areas in the municipality identified for future development that are located adjacent or in the vicinity of provincial highways and/or intersection within MTO’s permit control area under the *Public Transportation and Highway Improvement Act* will be subject to MTO’s access management policies, standards and requirements. Direct access will be discouraged and often prohibited. Access to provincial highways is restricted and development shall only be permitted where the applicable approvals/permits have been obtained. This may include a traffic study. Any new roads proposed to be connected to a provincial highway are subject to provincial approval including spacing requirements between intersections. Noise and vibration studies may be required prior to considering whether development should be approved adjacent to provincial highways. No new provincial highways are anticipated during the life of this Plan.

The following table summarizes MTO’s permit control area under the *Public Transportation and Highway Improvement Act*:

An MTO permit is required if you want to ...	Within this distance ...
Place a building, structure, entrance or any	<b>45 m</b> of the limit of any highway

road	<p><b>180 m</b> of the centre point of any intersection (on King’s highways)</p> <p><b>395 m</b> of the centre point of any intersection (on controlled-access highways)</p>
Place a sign	<b>400 m</b> of the limit of the highway
<p>Change the use of land in a way that will generate large amounts of traffic</p> <p>All roads are considered to be large traffic generators.</p>	<b>800 m</b> of the limit of the highway

## 6.4 Waste Management

The Township of Hilliard shares the operation of a waste management site with the Township of Thornloe. The life expectancy of the site is approximately 40 years and is depicted on **Schedule “A”, Land Use Plan**.

### 1. Existing or New Sites

Existing active or new sites within the Township may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals. Waste disposal activities may include facilities for recycling, composting, hazardous waste control and ancillary activities in accordance with the Certificate of Approval. New sites, including sites for septage disposal, will require an amendment to this Plan and will require approval under the Environmental Protection Act before an amendment is considered. Sites may include transfer sites utilized for the temporary storage of waste materials.

### 2. Closed or Inactive Sites

Closed or inactive sites may be used for other purposes subject to meeting requirements of the *Environmental Protection Act*. No buildings or other use shall be made of land or land covered by water which has been used as a waste management facility within a period of 25 years from the year in which the site was closed without the prior approval of the Minister of the Environment pursuant to Section 46 of the Environmental Protection Act.

### 3. Influence Area

Council recognizes that waste management facilities may have an impact on adjacent land uses. An influence area surrounding the

waste management facility will be set out in the implementing zoning by-law to recognize the potential for adverse effects between the existing waste management facility and any *sensitive land uses*. No development shall be permitted on or within 30 m (98.4 ft.) of the licensed fill area of an active waste disposal facility or area. Development proposed beyond the 30 m (98.4 ft.) but within an influence area of 500 m (1,640 ft.) of the fill area of an active or closed waste disposal facility or area shall be accompanied by an environmental impact statement that demonstrates that the proposed development will not be negatively impacted by the waste disposal facility (e.g. leachate, methane gas, rodents, vermin, odours, fire etc.). Where recommended by the impact statement, measures to mitigate any adverse impacts will be required as a condition of development. The influence area does not apply to existing lots of record which were created by consent.

The influence area may be reduced where studies have been undertaken and the public authority having jurisdiction is satisfied that there will be no adverse effects on adjacent land uses.

#### **4. Development to Have Adequate Capacity**

Council, in the review of planning applications, will ensure that there is sufficient capacity to accommodate the waste disposal needs of the proposed development. Council will continue to monitor the capacity of the existing sites and will undertake improvements as required, e.g. expand sites or implement operational plans, to maintain adequate capacity for future development.

Council will monitor the environmental impacts of sites to ensure that there is no off-site migration of leachate.

### **6.5 Recreation Services**

Council intends to maintain the existing park along Highway 569 as depicted on **Schedule “A”, Land Use Plan**. Additional funding may be provided through the application of the parkland cash-in-lieu provisions of the *Planning Act* to consent approvals at the rate of 5% for residential uses and 2% for commercial or industrial uses.

## **SECTION 7 – CULTURAL HERITAGE RESOURCES**

### **7.1 Heritage Resources**

Settlement occurred in the Township as early as 1901. While the community has not designated any heritage sites, buildings or landscapes, Council is interested in designating sites which have cultural heritage when they are identified through an archaeological assessment.

### **7.2 Heritage Conservation Intent**

It is the intent of this Plan to manage heritage resources through the pro-active identification, recognition, documentation and protection of these resources, and to conserve heritage resources when making development and infrastructure decisions which may affect those resources. Heritage resources shall include *built heritage resources*, *cultural heritage landscapes* and *archeological resources* which are important to the community or area in which they are located or are recognized for their significance at a provincial or national level. Development will not be permitted adjacent to an identified heritage site or building without an impact assessment and/or approval demonstrating that it will not negatively impact the purpose or character of the heritage resource.

### **7.3 Heritage Resources Designation**

The Municipality may by by-law, designate properties (includes a building or structure) of historical or architectural value under *Part IV* of the *Ontario Heritage Act* or may designate a heritage conservation district under *Part V* of the *Ontario Heritage Act*.

### **7.4 Heritage Committee**

Council may establish a Municipal Heritage Committee for the purposes of identifying and recommending the designation of property(ies) under *Part IV* or *Part V* of the *Ontario Heritage Act*.

### **7.5 Unmarked Burial Sites**

Where, through development, a site is identified to contain an unmarked burial site or new archeological features, the municipality shall contact the Ministry of Culture. The Ministry of Consumer Services – Cemeteries Regulation Unit and the OPP shall also be contacted with respect to the discovery of burial sites and unmarked cemeteries and matters related to the *Cemeteries Act*.

### **7.6 Heritage Conservation Incentives**

Where feasible and desirable, incentives may be provided to land developers in exchange for the preservation of significant cultural heritage resources. This can be accomplished by permitting increased densities, density transfers, tax incentives, assistance through a trust fund, heritage conservation easements and/or other means considered appropriate for heritage resource conservation.

## **7.7 Potential Heritage Resources**

The Blanche River and Pontleroy Creek have been identified by the Ministry of Culture as *areas of archaeological potential* where identified on Schedule “A”, Land Use Plan. Within 300 m (984 ft.) of the identified area on Schedule “A”, and prior to development occurring, the proponent is required to prepare an Archaeological Assessment where development exceeds one lot.

## SECTION 8 – OTHER RESOURCE FEATURES

### 8.1 Natural Heritage Features and Areas

#### 8.1.1 Scope

*Natural Heritage Features and Areas* are those features and areas which are important for their environmental and social values as a legacy of the natural landscapes of the area and include:

- wetlands (provincially and unclassified)
- *fish habitat*
- *significant* habitat of *endangered and threatened species*
- *significant wildlife habitat*
- *significant areas of natural and scientific interest*
- species of concern as may be identified under the *Endangered Species Act*

These features and areas have been identified through consultation with the Ministry of Natural Resources and are illustrated on the Land Use Plan schedules. These features and areas include the Hilliardton Marsh, a conservation reserve totalling 5,502 ha (13,595.26 ac).

The Ministry has also identified Moose Calving Sites which are classified as significant wildlife habitats an area required to be protected from development.

#### 8.1.2 Planning Principles

1. This Plan provides appropriate measures for protection of the features identified on the land use plan schedules and encourages further study and classification. Other *natural heritage features and areas* may be identified from time to time and shall be considered in making planning decisions.
2. The intent of this Plan is to protect and enhance natural heritage features and areas as part of the land use decision making process.
3. Council in association with the Ministry of Natural Resources and other interested parties will continue to work towards the identification, classification, and evaluation of natural heritage features and areas.
4. *Development* and *site alteration* will not be permitted in *significant* habitat of *endangered and threatened species* or in provincially

significant wetlands, in *significant wildlife habitat* or in *significant areas of natural and scientific interest*.

5. *Development* and *site alteration* shall not be permitted on *adjacent lands* to provincially significant wetlands, the habitat of *endangered or threatened species*, *significant wildlife habitat*, or to areas of natural and scientific interest unless the *ecological functions* of the feature(s) has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural feature(s) or their *ecological functions*. *Development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*. Development will generally be directed away from unclassified wetlands.
6. The habitat of species of concern identified under the *Endangered Species Act* will be conserved and protected from development.

### 8.1.3 Impact Assessment

An Impact Assessment may be required for development in proximity to any of the *natural heritage features and areas* which are shown on **Schedule “A”, Land Use Plan** and for the habitat of species of concern. Applicants will be required to make reference to technical sources in conducting these evaluations such as the Significant Wildlife Technical Guide and the Natural Heritage Training Manual.

The components of an Impact Assessment (IA) should include the following components:

- a) description of the study area and landscape context;
- b) description of the development proposal;
- c) identification of those *natural heritage features and areas* and ecological functions likely to be affected by the development proposal;
- d) assessment of the potential or cumulative impacts of the proposed development on key *natural heritage features and areas* and ecological functions;
- e) identification of mitigation requirements and monitoring requirements, where applicable;
- f) quantification of residual impacts (those that cannot be mitigated) if any; and
- g) recommendations.

The cost of an Impact Assessment and peer review will normally be borne by the applicant. Council may require a peer review of an Impact Assessment.

### 8.1.4 Implementation Measures



Council may use zoning, site plan control and the provisions of the *Municipal Act* (site alteration controls) as measures to implement recommendations or results of an Impact Assessment or to govern the spatial relationship of buildings and structures to natural heritage features and areas. (See Section 9.2 – Site Plan Control.)

## 8.2 Energy and Air Quality

### 8.2.1 Scope

Council recognizes the importance of its air quality as a resource in maintaining the quality of life of residents as well as moving towards a more sustainable community. Studies may be required to assess the impact of development (i.e. industries) on air quality. Council intends to examine different approaches to reach environmental sustainability by encouraging the development of new sources of ‘green energy’ into the community, together with improving the air quality.

### 8.2.2 Planning Principles

The intent of this Plan is to provide appropriate measures for the assessment and possible implementation of alternative sources of energy, (i.e. renewable resources (wind, solar, etc.)) in conjunction with ensuring that measures are taken to improve air quality. The provisions of this section are subject to the provisions set out in the *Green Energy and Green Economy Act, 2009*.

Renewable energy sources may include but are not limited to:

- Active solar energy: The sun can be used directly to heat water for pools, homes and industry, to provide space heating and to generate electricity. The sun's energy can also be used to distill water and cook food. While solar systems are encouraged, a commercial scale solar energy generating facility should not be permitted within lands designated as ‘A1’ (*prime agricultural lands*) on the Land Use Plan without an amendment to this Plan. Small scale solar energy systems which produce electricity primarily for domestic, on-site consumption and which may include a limited sale of electricity to the transmission grid may be permitted as a *secondary use* to an *agricultural use* in lands designated as ‘A1’.
- Anaerobic digestion: A process in which microorganisms break down biodegradable material in the absence of oxygen. The process is widely used to treat wastewater sludges and organic wastes because it provides volume and mass reduction of the input material. As part of an integrated waste management system, anaerobic digestion reduces the emission of landfill gas into the atmosphere. Anaerobic digestion is a renewable energy source



because the process produces a methane and carbon dioxide rich biogas suitable for energy production helping replace fossil fuels. Also, the nutrient-rich solids left after digestion can be used as fertilizer. While anaerobic digester systems are encouraged, large scale anaerobic digesters that utilize substantial off-farm source material will not be permitted within lands designated as 'A1' (*prime agricultural lands*) on the Land Use Plan without an amendment to this Plan. On-farm anaerobic digesters which utilize manure are otherwise considered to be an *agricultural use*.

- Biomass energy: The sun's energy is stored in organic materials such as wood, grains and peat. Wood and peat are both burned to provide heat. Grains can be fermented into ethanol and used as a liquid fuel. While biomass systems are encouraged, large scale biomass energy generating systems should not be permitted within lands designated as 'A1' (*prime agricultural lands*) on the Land Use Plan without an amendment to this Plan.
- Passive solar energy: Passive solar energy is incorporated into energy efficient building and landscape design, e.g. window placement to heat retaining walls and floors. Passive solar systems are encouraged.

- Wind Energy: The energy from the wind can be harnessed by wind turbines and windmills to generate electricity and also to pump water. Wind Turbines require a certificate of approval (Noise) under Section 9 of the *Environmental Protection Act*. Additionally, wind turbine projects greater than or equal to 2 megawatts are made subject to the *Environmental Act* by the *Electricity Projects Regulation (O. Reg. 116/01)*. Proponents must conduct an environmental screening according to the Ministry of the Environment's Guide to Environmental Assessment requirements for Electricity Projects. Commercial scale wind farms will only be permitted by amendment to this Plan and will be directed away from *prime agricultural lands* wherever possible. Wind turbines shall be setback distance measured from the limit of a provincial highway right-of-way equal to the distance of the height of the wind turbine structure plus the length of one blade.



Any proposal for new energy sources shall require proper Ministry (and other agencies) approval(s) as well as documentation supporting/justifying the proposed use. The report shall include information, depending on the source proposed, which indicates possible impacts on surrounding land uses, the environment, and what measures are required to ensure public health and safety and to provide for implementation. The tools available to Council include but are not limited to: Zoning, Site Plan Control, buffering, and Minimum Separation Distances. (See Section 9.2 – Site Plan Control.)

Proposals or the construction of a new power source may require an amendment to this Plan.

Council's intent is to move the community towards sustainability. Any proposal shall require proper documentation and justification for the said sustainability improvement and proper approvals.

Council, in conserving energy, may encourage energy audits and implementation measures to retrofit the existing stock i.e. upgrading of windows, fixtures, energy efficient furnaces, etc. This may include undertaking an energy audit of the existing municipal building stock (i.e. Municipal Hall, etc.)

It is a policy of Council to inform the public and make applications, where deemed appropriate, to the Federal Government in achieving a more energy efficient community.

It is a policy of Council to encourage non-vehicular movement (pedestrian) within the community.

It is the intent of Council to encourage the installation of: energy efficient solid fuel burning appliances; proper, energy efficient insulation; water conserving fixtures, etc. This may be enforced through a property standards by-law.

Council will encourage the retention and efficient use of a recycling program within the community which may include: wastes, plastics, metals, wood, etc.

### **8.3 Source Protection**

The Municipality recognizes the importance of its groundwater resource in maintaining the quality of life of residents. Council intends to provide for a sustainable supply of drinking water through an integrated and long-term approach to the protection, improvement or restoration of the quality and quantity of water. Council intends to prohibit, restrict or manage land uses to minimize the risk to potential contamination of the groundwater resource. Lands to the east of Highway 569 are identified as having low intrinsic susceptibility to groundwater contamination while lands to the west of Highway 569 in the south third and northwest quarter of the Township include lands with a moderately high intrinsic susceptibility.<sup>1</sup>

Protecting the quality and quantity of groundwater is a public health and environmental issue. Groundwater contributes to the base flow of streams and to the quantity and quality of potable water that can be drawn from private wells. Towards safeguarding the integrity of the groundwater resources, the Township proposes to better manage this resource to ensure that flows within natural systems are maintained and that new development can be accommodated within

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<sup>1</sup> Central Temiskaming Area Municipal Groundwater Study, 2002

the system without affecting the supplies (from both quantity and quality standpoints) available to other users.

The quality and quantity of ground water and surface water will be protected, improved or restored by:

- considering impacts of the development of any quarry on the groundwater supply of the Township and in adjacent municipalities;
- working with the Ministry of the Environment and Temiskaming Health Unit to address water quality and quantity issues in the Township, i.e. iron and sulfur, and develop measures protect, enhance or restore water quality;
- working towards the preparation of a Master Drainage Plan and measures for stormwater management;
- requiring, if necessary, a water supply assessment prior to approving new development, to ensure that there is an adequate supply of potable water;
- ensuring future stormwater management practices minimize stormwater volumes and contaminated loads, and maintain or increase the extent of vegetative and pervious surfaces;
- supporting Nutrient Management Planning within the farm community;
- implementing measures on development, where applicable, to protect all drinking water supplies and designated vulnerable areas and protect, improve or restore vulnerable ground water, sensitive ground water features and their hydrological functions;
- promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality (installing water saving devices such as low-flow toilets and efficient showerheads, etc);
- considering the impact of any peat extraction proposal on the groundwater supply and associated hydrology of the lands within and surrounding the proposed area of peat extraction;
- using best management practices in the location, construction and decommissioning of a water well;
- raising public awareness through public educational programs since it is through the voluntary actions and practices of people on a day-by-day basis that water resources are protected (i.e. proper use, storage and disposal of fuels, solvents, and pesticides, regular water well maintenance, installation of water saving plumbing fixtures etc.). Council may work towards developing a 'water ethic' in their communities, i.e. instilling a collective awareness, responsibility, and commitment to protect water on an ongoing basis.

Development and site alteration shall be restricted on or near sensitive ground water features (aquifer recharge areas, discharge areas, springs, etc.) such that these features and their related hydrological functions will be protected, improved or restored. A hydrogeological study will be required for any new or expanding Class II or III industrial use and any automotive service related commercial use to assess the potential impacts on groundwater and the mitigation and monitoring

measures required prior to the approval of such development. The study cost and any peer review costs will be borne by the applicant.

### **8.3.1 Ribbon of Life**

It is the intent of Council to require the establishment and/or retention of a natural vegetation buffer on lands within 30 m (98.4 ft.) of the shoreline of a navigable waterbody. In situations where the natural vegetation buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area required for the expansion, will be required.

## **8.4 Natural and Human-made Hazards**

There are no known human-made hazards in the Township. Natural hazards may be considered to be areas in danger of flooding, unstable soils (e.g. organic soils) or unstable bedrock, whereas human-made hazards may be considered to be abandoned mine hazards, contaminated (brownfield) sites, and lands susceptible to noise and vibration.

### **8.4.1 Lands Susceptible to Flooding Hazards**

*Hazardous lands* are not identified on the Land Use Plan Schedule, but local knowledge and past evidence of flooding may be used in determining the boundaries of the *flooding hazard*. Development shall be directed away from lands which are susceptible to flooding hazards or other natural hazards, such as lands impacted by the backing-up of municipal drains. A study may be undertaken, by a qualified professional to more clearly define the limit of any *hazardous lands* and any associated protection measures prior to development.

### **8.4.2 Physical Constraints**

Development shall generally be directed away from *hazardous sites* such as lands having significant development constraints such as steep or unstable slopes, organic soils, marshy or low lying lands or unstable bedrock unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the *Ontario Building Code* can be met and provided that no adverse environmental impact will result.

Lands along the shoreline of the Blanche River may be unstable. Consequently, a geotechnical study and/or site inspection by a geotechnical engineer may be required to determine if the lands are suitable or can be made suitable for development using accepted scientific engineering practices. This policy shall apply to lands within 30 m (98.4 ft) of the top of slope.

### **8.4.3 Contaminated Sites**

Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities, spills, lands associated with rail line operations, and mill sites.

It is the intent of this Plan to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse such that there will be no adverse effect on subsequent land users.

Applications for the development or redevelopment of sites that are identified as being contaminated or potentially contaminated shall be restored and rehabilitated in compliance with the *Environmental Protection Act* or any other applicable legislation (including the requirement for a Record of Site Condition).

Contaminated sites may be placed in a holding zone in the municipality's zoning By-law (where the principle of development or land use has already been established). Where a holding zone is used, the "H" may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in compliance with the *Environmental Protection Act* or any other applicable legislation.

#### **8.4.4 Noise, Vibration and Land Use Compatibility**

All applications for development of a sensitive land use (e.g. residential use, daycare, education or health care facility) within proximity of Highway 11 or within the influence area of a mineral extraction operation should be accompanied by a noise and vibration feasibility study prepared by a qualified consultant in accordance with Ministry of the Environment Noise Assessment Criteria (LU-131). The study shall demonstrate whether noise and vibrations levels can be reduced to meet provincial standards. The conclusions and recommendations of this study shall be implemented through conditions of the development approval.

The Ministry of the Environment Guideline D-6, Compatibility between Industrial Facilities and sensitive land uses, will be used to assess applications for development of industrial or mineral mining operations prior to approval. The guidelines will be applied on a reciprocal basis.

#### **8.4.5 Mine Hazards**

No development shall be permitted within 1,000 m (3,280 ft.) of a mine hazard unless it is demonstrated to the municipality and/or the Ministry of Northern Development and Mines by appropriate technical evidence that the hazards are insignificant, do not have any impact on the proposed development or that the hazard can be overcome and the hazard can be rehabilitated. Hazards that are identified may be zoned to restrict land uses.

## 8.5 Minerals

*Mineral mining operations* including exploration will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. In areas adjacent to or in known *mineral deposits* and in significant *areas of mineral potential*, which for the purposes of this Plan is the whole of the municipality, *development* that would preclude or hinder the establishment of new operations or access to these resources will only be permitted if:

1. The resource use would not be feasible; or
2. the proposed land use or development serves a greater long term public interest; and
3. Issues that have a potential negative impact on public health, public safety and on the environment are addressed.

The municipality will consult with the Ministry of Northern Development and Mines for technical information and advice in the review of planning applications within the areas of mineral potential.

*Mineral mining operations* and exploration will be permitted subject to the requirements of the *Mining Act*, provincial environmental approvals and local planning approvals. It should be noted that if during exploration for kimberlite deposits something is found to be significant, no development will be permitted within 1,000 m (3,280.8 ft) to ensure that development will not prevent the extraction of that resources.



## **SECTION 9 – PLANNING TOOLBOX**

### **9.1 Scope**

Reference is made in this Plan to various planning tools such as site plan control, holding zones, temporary use by-laws and land division (consents). These tools may be used where they assist Council to enhance or provide for orderly development and to ensure compatibility with adjacent land uses.

### **9.2 Site Plan Control**

Where the use of site plan control is provided for in this Plan, and subject to the adoption of a by-law designating the Township or parts thereof as an area(s) subject to site plan control, this shall enable Council to require any person or corporation to enter into an agreement (which can be registered on title) to provide for any of the matters set out in Section 41 of *The Planning Act*. It is the intent of this Plan that the municipality be subject to site plan control and that site plan control will typically apply to new commercial, industrial, public service facilities, alternative energy systems, and peat extraction operations or as otherwise provided for in this Plan.

Site plan control provides detailed control of the development of a particular site. Under this provision, Council may require a site plan agreement with a developer outlining details such as parking areas, elevations and grades, landscaping and buffering, storage of wastes, lighting, entrance and exits, road widening, exterior design and character and sustainable design elements (e.g. such as vegetation materials, street furniture, waste and recycling and bicycle parking) and services (water supply and sewage disposal services).

Site plan control may be used to require the conveyance of land for a road widening to achieve the minimum standards for road widths set out in this Plan provided the conveyance does not exceed 5 m (16.4 ft) on any one side. The conveyance will normally be along the length of the frontage of the property affected and shall be conveyed at no cost to the municipality.

### **9.3 Zoning**

Council intends to adopt a Zoning By-law to regulate the use of land, buildings and structures within the municipality in accordance with the enabling authority of Section 34 of the *Planning Act*.

### **9.4 Holding Zones**



The Zoning By-law may include holding provisions subject to the enabling authority of Section 36 of the *Planning Act*. Lands which are subject to a holding provision shall be denoted as 'h' following the zone symbol for a particular zone category.

Holding provisions may be applied when the uses that will be developed in the area will be known. However, Council may delay development until specified conditions have been met i.e. provision of services, remediation of contaminated sites, to control the phasing of development, to complete a Impact Assessment, Heritage Impact Assessment statement, etc. The holding provision will indicate the future use and the use permitted on the site during which the holding provision is in place.

The holding provision shall be removed by amendment to the zoning by-law when Council determines that the conditions have been met.

## **9.5 Temporary Use By-laws**

Council may pass by-laws to authorize the temporary use of land for a purpose that is otherwise prohibited by the Zoning By-law. Council may, therefore, in a By-law passed under Section 39 of the *Planning Act*, authorize a temporary use of buildings or structures for any purpose set out therein. This shall include a garden suite. In considering applications for such temporary uses, Council shall ensure that:

- Such uses are temporary in nature, compatible with surrounding land uses, and will not interfere with the long term development of the area; and
- Appropriate controls are placed in the implementing by-law to adequately regulate the temporary use.

Any use introduced under such a temporary use by-law does not acquire the status as a legal non-conforming use at the expiration of the by-law(s) and at that time must therefore cease.

## **9.6 Property Standards**

Council may adopt a property standards by-law under the *Building Code Act* with the objective of maintaining buildings, structures and properties in the municipality in a good state of repair. In the Township of Hilliard property standards would be applied to address concerns such as unkempt properties, uncut grass and noxious weeds and vacant buildings which constitute or may constitute a public health or safety hazard.

The by-law may be reviewed from time-to-time with respect to the standards for maintenance of buildings and without limiting the foregoing, shall include consideration for:

- the maintenance of yards and accessory buildings
- the maintenance of residential and non-residential buildings and structures
- occupancy standards
- notices and orders
- administration and enforcement procedures

## **9.7 Land Division**

This Plan provides for land division using Part VI of the *Planning Act*. This includes land division by consent e.g. the creation of three new lots plus the retained from the original township parcel. For severances in the Agricultural designation, policies in Section 5.3, in addition to the ones below, apply.

1. The minimum lot area shall be 0.8 ha (2 ac) and the minimum frontage shall be 61 m (200 ft.). Smaller frontages may be permitted as determined by Council if the applicant proves that the proposed use may be accommodated on a lot with smaller frontage and the reduced frontage is compensated for, i.e. larger lot size that the minimum, increased lot depth, infilling.
2. The maximum lot area shall be 2 ha (5 ac) and the maximum lot frontage shall be 122 m (400 ft.) unless the applicant can establish that the proposed use is required to be or better suited on a larger lot, as determined by Council.

Where the use of land division is provided for in this Plan, this shall enable Council to require any person or corporation to enter into an agreement to satisfy any of the matters or conditions as may be provided for in Section 51 or 53 of the *Planning Act*.

An application for consent shall be in accordance with the requirements of *The Planning Act*. Additional information may be required in assessing the appropriateness of the application. This may include the requirement for special studies such as noise and vibration, archaeological assessment, impact assessment for a natural heritage feature or area, minimum distance separation, influence area etc. Such studies shall be undertaken by the proponent at his/her cost and does not guarantee the approval of any application. Applications may not be further processed until such studies are submitted and deemed to be adequate.

Consents may be granted for the following purposes:

- to correct lot boundaries,

- to convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used,
- to clarify title to the land,
- where the effect of the severance does not create an additional building lot,
- to permit an easement, and/or
- to permit a severance for municipal or other government purposes.

## **9.8 Community Improvement**

Community improvement may be used as permitted under Section 28 of the Planning Act:

- 9.8.1** Community improvement may be used to improve or upgrade infrastructure, public service facilities and to maintain, restore or renew buildings and properties, improvement of energy efficiency, construction and provision of affordable housing.
- 9.8.2** The intent of this Plan is to recognize the entire Corporate Township of Hilliard as a Community Improvement Area.
- 9.8.3** Within the Community Improvement Area, Council may undertake or provide for one or more projects through the preparation of a Community Improvement project Area Plan. This may include the identification, repair, restoration or redevelopment of brownfield sites, environmental site assessment, environmental remediation, development and redevelopment, construction and reconstruction of lands and buildings for rehabilitation purpose or for improving energy efficiency, buildings, structures, works improvements or facilities. In the preparation of a community improvement plan, Council shall consult with the appropriate approval authority.
- 9.8.4** Council may use a property standards by-law to provide for the upgrading, maintenance or restoration of buildings and properties.
- 9.8.5** Council may make grants or loans towards the cost of rehabilitation of lands and buildings in conformity with the community improvement plan and may use financial incentives as provided for under the Municipal Act.

## **9.9 Existing Uses**

Nothing in this Plan shall affect the continuance of existing uses that do not conform with the land use designations as shown on the Land Use Plan, Schedule "A" Nothing in this Plan shall prevent the reconstruction of legal non-conforming uses which are inadvertently destroyed by a natural cause e.g. fire, flood, earthquake nor prevent the maintenance, repair or strengthening of any building to a safe condition.

It is the intent of this Plan that non-conforming uses, where they exist, should eventually cease to exist. It may be desirable, however, to permit the extension, enlargement or change of a non-conforming use to a similar or more compatible use subject to the following criteria:

- The extension or enlargement does not aggravate the non-conforming situation for neighbouring uses;
- The extension or enlargement is in reasonable proportion to the existing use and to the land on which it is to be located;
- The proposed extension or enlargement will not create undue noise, vibration, fumes, smoke, dust, odours, glare from lights or environmental hazards;
- Traffic and parking conditions in the vicinity will not be adversely affected and traffic impacts will be kept to a minimum by the appropriate design of ingress and egress points to and from the site and by improvement of site conditions especially in proximity to intersections;
- Adequate provisions have been or will be made for off-street parking and loading facilities where they apply;
- Infrastructure and public services such as roads, waste disposal, school bussing etc. are adequate or can be made adequate, where they apply.

## **9.10 Lots of Record**

Lots of record which are vacant and do not pose an unacceptable risk to public health or safety or of property damage may generally be used for building purposes provided they front on and have direct access to a publicly maintained road, or meet the access provisions of this Plan and can be adequately serviced with appropriate sewage disposal and water supply services. An absolute minimum lot size may be established in the Zoning By-law.