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• community planning • building administration • adult education and training • municipal restructuring

P-1556

February 17, 2010

Township of Stone Mills Official Plan Revisions of February 17, 2010

Changes are shown in green script or as strikethrough. The following changes arise out a final review if the draft Official Plan Amendment, input from Township staff and input from the Ministry of Municipal Affairs and Housing (i.e. *Green Energy Act, 2009*). The changes which follow appear in the February 17, 2010 version of the Official Plan. Some of the changes are editorial in nature to provide clarification.

Section 1.5.1 (p. 12)

Stone Mills has its challenges and its opportunities. The challenges are to provide for a growth management strategy that protects the rural resource base yet recognizes the servicing constraints in the hamlet areas. The challenges are to conserve the many river corridors and natural heritage features and areas to ensure there is a balance between ecology and settlement. The challenges are to sustain and support the growth of the hamlets as healthy communities offering commercial, social, recreational and educational services to the residential neighbourhoods they support. The challenges are to protect the groundwater and surface water resources from land-use activities that could contaminate this precious resource.

Section 2.1.12 (p. 17)

~~Replace Develop standards and guidelines for alternative energy systems.~~ **with Encourage the development of renewable energy systems**

Section 2.2.1.11 (p. 18)

Single detached dwellings are the predominant form of housing. There are no piped municipal services. ~~to allow for multiple housing projects.~~

Section 3.2.1.1 (p. 23)

To specify appropriate “adjacent lands” policies which will provide for the maintenance and protection of the natural heritage features and areas identified.

Section 3.2.1.1 (p. 28)

To encourage the planning, design and development of *renewable energy systems and alternative energy systems* as a means to reducing the dependence on fossil fuels and to protect the environment.

Section 4.3.2.1 (p. 43)

Policies for Commercial and Industrial Uses

- a. Commercial and industrial uses will, where appropriate, be encouraged to locate in areas designated for growth such as hamlet areas and the business park so as to retain the integrity of agricultural lands and to promote the continuation of viable centers.

The nomenclature for the Ministry of Northern Development and Mines has been replaced with the new ministry name Ministry of Northern Development, Mines and Forestry wherever it occurred in the text.

Section 4.4.3 (p. 56)

- a. Existing lots of record ~~created in accordance with the *Planning Act*~~ may:
 - be used for a single unit dwelling house provided the lot fronts on an open and publicly maintained road and meets the requirements of Part 9, Section 11.0 of this Plan; and
 - be used for a seasonal dwelling house where access is via an un-maintained municipal road, an existing private road, or a right-of-way constructed to a standard acceptable to the Township.

~~Section 4.4.3 (p. 57), Section 4.4.4 b. (p. 57), Section 4.4.5 a. i. (p. 59), Section 4.4.6 i. (p. 61), Section 4.4.7 c. iv. (p. 63), Section 4.4.9 h. (p. 66), Section 4.5.3 c. (p. 68), Section 4.7.3 iii (p. 73), Section 7.5.2 g. (p. 125)~~

- a. ~~The lot shall be serviced with individual on-site water and sewage services where site conditions are suitable for the long-term provision of such services. The provisions of Section 5.13.2 shall apply in the protection of water resources. This may require a hydrogeological investigation and terrain analysis assessment study designed to assess the potential risk to groundwater. Reference shall be made to Ministry of the Environment, Guideline D-5-4, Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment, and Guideline D-5-5, Technical Guideline for Private Wells: Water Supply Assessment in undertaking the appropriate assessment. Approval of new lots shall include sufficient off-site reserve sewage system treatment capacity for hauled sewage. Stormwater and waste disposal services having adequate capacity to service the development shall be required.~~

Section 4.4.6 f. (p. 61)

- a. The minimum lot area shall be 0.8 ha [2 ac.] and the minimum lot frontage shall be 61 meters. The building envelope lot area of 0.8 hectares of land shall be located outside hazardous areas (i.e.: lands subject to flooding, steep and/or unstable slopes or other physical hazard which renders the site unsuitable for

development). Greater lot areas may be required where soil and ground water conditions warrant.

Section 4.4.9.2 d. (p. 65)

- a. New Resort Commercial development ~~may will~~ necessitate an agreement with the Township to cover such items as road maintenance, garbage collection, or other appropriate matters of concern to the Township. A site plan containing the road layout, lot sizes, recreational facilities and any other information that the Township deems necessary shall be provided.

Section 4.5.2 (p. 67)

4.5.2 Permitted Uses

The Hamlet designation shall ~~provide for~~ allow a mixture of residential and local service uses ~~that include~~. ~~Low density residential uses, a maximum of two (2) apartments above the first floor of a retail commercial, day nurseries, senior citizen's housing, commercial and limited industrial uses which are primarily intended to serve the residents of the hamlet and the surrounding rural area; also home occupations, based businesses, bed and breakfast establishments as a home occupation use, public and private parks, institutions and community facilities such as schools, churches, and municipally owned offices and facilities. municipal offices, assembly halls, arenas, and municipal works garage. Low density residential and limited multi-residential uses will be allowed to co-exist with other uses. In mixed use buildings, Council will encourage street level uses to be retained for commerce and other uses where public access is readily required.~~

~~Multi-residential forms of development including an apartment-in-a-house may be considered provided sewage and water services are sustainable and comply with Sections 5.13.2 and 4.5.3 (c) and provided the location of these forms of housing is compatible with surrounding land uses. Low profile buildings will be preferred.~~

Section 4.5.3 d. (p. 68)

- d. New ~~single~~ lots will be required to have a minimum lot area of ~~0.4~~ 0.8 hectares [2 ac.] for development on individual wells and private subsurface sewage disposal systems while multiple lot development or subdivisions shall not have lots with an average lot area less than 0.8 ha [2.0 ac] or a unit density of less than 1 unit per net hectare [2.47 ac.]; (a net hectare is the total area of a subdivision less the area required for roads). ~~Lot sizes shall be adequate for any mixed land uses and mixed use buildings.~~

Section 4.5.5 e. (p. 72)

- e. One residential unit may be permitted as an accessory use in connection with a ~~commercial or industrial use~~ where required for security purposes only. If a

commercial or industrial use is combined with a residential use, the minimum lot area shall not be less than that required for a residential use.

Section 5.3.1 b. (p. 85)

Group homes must meet the requirements of the appropriate authorities regarding the provision of acceptable onsite quantity and quality of water and sewage disposal facilities. **The provisions of Section 5.13.2 shall apply in the protection of water resources.**

Section 5.9 (p. 94)

WAYSIDE PITS AND QUARRIES

The establishment of wayside pits and quarries is permitted in the Agricultural, Aggregate, and Rural Policy Areas of the Township without the necessity of an amendment to the Official Plan or the Zoning By-law. A portable asphalt/concrete plant is permitted within a Wayside Pit or Quarry subject to compliance with the policies herein on portable asphalt/concrete plants.

Section 5.12 (pp. 98-103)

5.2 POLICIES FOR ENERGY AND AIR QUALITY

The intent of this Plan is to **encourage the development of renewable energy systems and provide appropriate measures for the assessment and possible implementation of alternative energy systems** (i.e. renewable resources of wind, water, solar, etc.) in conjunction with ensuring that measures are taken to improve air quality. ~~This Plan shall not apply to a renewable energy undertaking as defined in the *Green Energy and Green Economy Act, 2009*. A renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project, as defined in subsection 1 (1) of the *Planning Act* is exempt from the provisions of the *Planning Act* except as set out in subsection 62.0.2 of the *Act*. Council will encourage a consultative process in the installation of renewable energy systems. Development of renewable energy systems will be encouraged to have regard to safe access to a lot, setbacks that are consistent with zoning standards, adequate lot size, access to and conservation of other natural resources (i.e. agricultural land, minerals, mineral aggregates and natural heritage features and areas) and visual compatibility with surrounding land uses.~~

~~5.2.1 Renewable and Alternative Energy Systems~~

~~5.2.1.1 **Renewable energy systems** which are encouraged and promoted may include but are not limited to:~~

- ~~○ **Active solar energy facilities:** 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.~~

- ~~Biomass energy facilities: 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 (see also Outdoor Furnaces).~~
- ~~Geothermal energy facilities: Heat from the earth's core can be used to generate electricity. It can also be used directly (with heat pumps) to heat and cool buildings.~~
- ~~Passive solar energy facilities: Passive solar energy is incorporated into energy efficient building and landscape design, e.g. window placement to heat retaining walls and floors.~~
- ~~Small hydro facilities: Small hydro projects will generate power by using falling water at an average capacity of 20 megawatts or less. A 'run-of-the-river' project also uses falling water by directing water to the turbine using pipes, rather than dams.~~
- ~~Wind Energy facilities: 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.~~

~~5.2.1.2 The development of new *renewable energy systems* within the Township are categorized according to the following scale of production:~~

- a. ~~Micro Scale: Shall mean any renewable system that:

 - ~~Is classified as a 'Category A' project as defined by Ontario Regulation 116/01 for Electricity Projects; and~~
 - ~~Has 10kW or less of nameplate generating capacity; and~~
 - ~~Does not exceed 17 m in height~~~~
- b. ~~Small Scale: Shall mean any renewable energy system that:

 - ~~Is classified as a 'Category A' project as defined by Ontario Regulation 116/01 for Electricity Projects; and~~
 - ~~Has 50 kW or less of nameplate generating capacity; and~~
 - ~~Does not exceed 38 m in height~~~~
- c. ~~Medium Scale: Shall mean any renewable energy system that:

 - ~~Is classified as a 'Category A' project as defined by Ontario Regulation 116/01 for Electricity Projects; and~~
 - ~~Exceeds 50 kW of nameplate generating capacity; and~~
 - ~~Is between 39 m and 60 m in height~~~~

- d. ~~Large Scale: Shall mean any renewable energy system that:~~
- ~~• Is classified as a ‘Category B’ or ‘Category C’ project as defined by Ontario Regulation 116/01 for Electricity Projects. These projects are subject to an Environmental Assessment (Category B) or an individual Environmental Assessment (Category C) according to the *Environmental Assessment Act*, as amended.~~
 - ~~• Exceeds 61 m in height~~

~~5.2.1.3 All new or expanded **renewable energy systems** are subject to site plan control in compliance with Section 9.8 of this Plan.~~

~~5.2.1.4 Where a height limit has been established in this section, the height shall be measured from the base of the structure to the highest point of the structure. In the case of a wind turbine, this means that the height is measured from the average grade level upon which the base/foundation sits to the tip of the blade at its highest point.~~

~~5.2.1.5 The implementing zoning by law shall contain provisions that generally limit the number of small scale, medium scale and large scale **renewable energy systems** per property to one. This policy is interpreted to mean a single turbine or solar panel array, rather than an interconnected series of turbines as part of a wind or solar farm. The installation of more than one **renewable energy system** per property may be permitted subject to the approval of either a zoning by law amendment or a minor variance depending upon the nature and scale of the proposal. Any application to increase density beyond **one renewable energy system** per property shall consider what, if any, cumulative impacts will result to the adjacent landowners, the general area, or the Township as a result of multiple installations. Despite the above, this policy is not meant to limit properties from having more than one small, medium or large scale **renewable energy system** on the property where site characteristics are suitable and the cumulative impacts have also been addressed.~~

~~5.2.1.6 Prior to the development of new or expanded **renewable energy systems** in Hazardous Lands for a small hydro facility only, an amendment to the Township’s zoning by law will be required which conforms to the Hazardous Lands policies of this Plan and the requirements of any Conservation Authority having jurisdiction.~~

~~5.2.1.7 The installation of wind testing/meteorological towers established prior to the installation of a wind energy system shall require the approval of a temporary use by law and site plan approval.~~

~~5.2.1.8 The development of a new or expanded large or medium scale renewable energy system requires a project specific amendment to the Township’s zoning by law. Renewable energy systems may be permitted through the use of conditional zoning in accordance with Section 34(16) of the *Planning Act* and implementing~~

~~regulations where it can be demonstrated that the proposed land use will not result in any adverse effects and the conditions could be fulfilled. Conditional zoning may also require an agreement for such matters as decommissioning and operational maintenance, and emergency service protocols. Despite the above, conditional zoning can only be used until the associated *Planning Act Regulations* have come into force and effect. Conditional zoning shall only be used in accordance with Provincial regulations notwithstanding any other provision in this Plan. Nothing in the above clause is intended to prevent renewable energy applications from being processed prior to the implementing regulations being in place.~~

~~5.2.1.9 — New or expanded renewable energy systems should be designed and constructed to minimize impacts on agricultural operations as well as being buffered and/or separated from *sensitive land uses* to prevent adverse effects from odour, noise and other contaminants and to minimize the risk to public health and safety.~~

~~5.2.1.10 — New or expanded *renewable energy systems* should be designed and constructed to minimize impacts on significant *natural heritage features and areas*, existing *mineral aggregate operations* and areas of aggregate reserves and mineral potential. An Impact Assessment (IA) to investigate potential negative impacts and recommend mitigation is required for all *renewable energy* systems proposed on or adjacent to *natural heritage features and areas* including species at risk and their habitat (see **Section 5.14.3**). Where *development* of a *renewable energy system* is proposed on an area of mineral aggregate resources or mineral potential it must be demonstrated that no reasonable alternative exists.~~

~~5.2.1.11 — The *development* of a new or expanded medium or large scale wind project or a new medium or large scale non-wind based renewable energy systems requires an amendment to this Plan due to their variable nature, significant size and potential land use incompatibility impacts. The *development* of a micro or small scale alternative energy system project will be subject to pre-consultation with the Township to determine the need for an amendment to this Plan.~~

~~5.2.1.12 — The *development* of new or expanded non-wind based micro, small or medium scale energy generation facilities are permitted in all land use designations except for provincially significant natural heritage features and areas, mineral aggregate resource areas. Development of such systems in the Agricultural designation should be located and designed to prevent the loss of food production.~~

~~5.2.1.13 — The *development* of new or expanded wind energy systems are subject to all policies in this Plan and are permitted as follows:~~

~~a. Micro Scale Wind Energy System~~

- ~~• Micro scale wind energy systems are permitted in Agricultural, Rural Area, Industrial (Business Park) and Hamlet designations~~

- ~~The implementing zoning by law shall contain provisions to regulate micro wind energy systems.~~

~~b. Small Scale Wind Energy Systems~~

- ~~Small scale wind energy systems are permitted in the Agricultural, Rural Area, Industrial (Business Park) and Hamlet designations~~
- ~~Small scale wind energy systems are permitted in Hamlet areas where they are located within and industrial or commercial zoned area and are subject to the policies of this plan~~
- ~~The implementing zoning by law shall contain provisions to regulate small scale wind energy systems.~~

~~c. Medium Scale Wind Energy Systems~~

- ~~Medium scale energy systems are generally permitted in the Rural Area where they meet the policies of this plan~~
- ~~The implementing zoning by law shall contain provisions to regulate medium wind energy systems.~~

~~d. Large Scale Wind Energy Systems~~

- ~~Large scale wind energy systems are generally permitted in the Rural Area of this Plan subject to the policies of this Plan~~
- ~~The implementing zoning by law shall contain provisions to regulate large wind energy systems.~~

~~5.2.1.14 Applicants for the *development* of a *renewable energy system* shall be required to submit studies as may be required under the above policies or Section 9.19 of this Plan.~~

~~5.2.1.15 Applicants will be required to develop a communications plan suitable for advising the public of proposed alternative energy systems subject to the approval of the Township and may be in addition to any statutory requirements under the *Planning or Environmental Assessment Acts*. This may include a visual impact assessment and a noise impact assessment, the latter to meet the applicable requirements of the Ministry of the Environment NPC-232 and LUP-131.~~

~~5.2.1.16 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 planning justification 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. Facilities constructed as *renewable energy systems* and *alternative energy systems* may be modified in response to new technologies provided they comply with the Township's zoning standards. Such changes shall also be subject~~

~~to site plan control. Host sites for energy systems which are abandoned or decommissioned shall be rehabilitated to a standard acceptable to the Township.~~

~~5.2.1.17 It also the intent of Council to attract new industries which can utilize the resources of the community, rather than relying on imports i.e. value added forest products, production of local produce, increasing the amount of service based industries i.e. adequate number of hotels/restaurants to supply the increase in the tourism industry.~~

Section 5.13.2 (p. 104)

5.13.2 Policies

The quality and quantity of ground water and surface water will be protected, improved or restored through the following measures:

a. Individual On-site Sewage and Water Services

Lots/units which are created or developed shall be serviced with individual on-site water and sewage services, except where otherwise required through a servicing options report. Sewage and water services shall be provided in a manner that can be sustained by the water resources upon which such services rely; which meets all regulatory requirements; and which protect human health and the natural environment. Such services shall only be used where site conditions are suitable for the long-term provision of such services.

To determine if a lot(s)/unit(s) is/are capable of sustaining development, a hydrogeological study and terrain analysis may be required to assess the potential risk to groundwater. When a hydrogeological study and terrain analysis is required, reference shall be made to:

- i. Ministry of the Environment Procedure D-5-4, Technical Guideline for Individual On-Site Sewage Systems: Water Quality Risk Assessment ;
- ii. Ministry of the Environment Procedure D-5-5, Technical Guideline for Private Wells: Water Supply Assessment; and
- iii. Such other standards, protocols or matters that may be considered relevant in consultation with the Ministry of the Environment and/or the Quinte Conservation Authority.

In addition, for applications for the creation of new lots/units, capacity or technical studies shall be submitted to demonstrate:

- iv. Sufficient off-site *reserve sewage system capacity* and treatment for hauled sewage;
- v. Approval for a sewage system under the *Building Code Act*;
- vi. Stormwater management; and
- vii. Waste disposal services.

Section 7.3 (p. 121)

7.3 PLANS OF SUBDIVISION

Plans of subdivision recommended for approval will be required to be in conformity with the general policies and land use designations in this Plan. In evaluating plans of subdivision:

- a. Council will consider the information as specified in Section ~~5 (24)~~ 51 (17) and 51 (24) of the *Planning Act*. Where deemed appropriate, additional information may be required including any studies determined to be required by the Township or the approval authority under **Section 9.19** of this Plan.

Section 7.3 f. Development will require the submission of a servicing options study to determine the appropriate method of sewage and water servicing. If all municipal services are not considered feasible, development will require the submission of a detailed hydrogeological and terrain report that addresses the ability of the site to sustain development on the basis of private or communal services (see also **Section 5.13.2**). Where a communal system is proposed, the developer shall be responsible for the installation of the communal system to the approval requirements of the Township and other approval authorities. Ownership/responsibility by the Township for communal water and sewage systems will be determined on a case by case basis. Communal systems are subject to the ownership/responsibility requirements of the Ministry of Environment. Failure of the Township to consent to ownership of a communal system as required by the Ministry of Environment may result in denial of the planning application. (MMAH - November 30, 2000)

Respectfully Submitted

A handwritten signature in black ink, reading "Glenn Tunnock". The signature is written in a cursive style with a large initial "G" and a long, sweeping underline.

Glenn Tunnock, MPA, RPP