

3.1 Agricultural Land Resource

INTRODUCTION

Agriculture in Oxford County has maintained its position as an extensive user of land and an industry of significant importance to the local economy. Approximately 91 percent of agricultural land in the County is within Classes I, II and III agricultural land capability and in 2001, 89 percent of the total County land base was devoted to agricultural production. Over 2000 farms reported total gross farm receipts of over \$556 million in 2001 and based on the total value of products sold, Oxford County farms were, on average, the second most productive in Ontario. In 2001, the agricultural industry was the third most important employer in the County. These facts indicate the importance of agriculture as an element of the local economy and that based on the land resource and capital investment, the County of Oxford will continue to be one of the most important agricultural areas in the Province. It is recognized however that the Canadian agriculture industry is undergoing a fundamental restructuring process which is challenging all farm operators with such problems as declining farm populations and commodity prices, increasing competition, changing consumer preferences and increasing environmental requirements. The response to these issues by the agricultural industry has been to increase farm size and the intensity to which the land is utilized.

In order to assist the agriculture industry to respond to these challenges, County Council and Area Councils are committed to providing the support possible through the land use planning process by recognizing Oxford County as an area of prime agricultural land and protecting the land base for farming as well as minimizing the potential for conflict and land price competition between farm and non-farm uses. County agricultural policies support farm operators by allowing them to work at other secondary activities on the farm, and thereby obtain supplementary sources of income. In general, County policies will support the agriculture industry by recognizing the value of the land base for current and future food and fibre production and by providing clear guidance that prime farmland will be preserved.

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3.1.1 Goal for Agricultural Policies

County Council shall ensure that prime agricultural lands are preserved for food and fibre production by avoiding the fragmentation of the land base, by minimizing conflict between agricultural and non-agricultural uses and by supporting the needs of the agricultural community by permitting land uses which are complementary to and supportive of agriculture.

3.1.2 Strategic Approach

In order to manage *development* in the rural areas of the County in a manner which is supportive of a strong agriculture industry, it is the strategic aim of County Council and the Area Councils to:

IDENTIFY AND
PROTECT
AGRICULTURAL
AREAS

Preserve and protect lands designated as Agricultural Reserve on all Land Use Schedules for agricultural and resource extraction uses, and particularly, farming uses.

PROTECT BROAD
AGRICULTURAL
AREAS

Adopt the Canada Land Inventory mapping for Agricultural Capability at the scale of 1:50,000 as the means to identify and preserve broad agricultural areas rather than pockets of high capability soils.

MINIMIZE
CONFLICT WITH
FARM OPERATIONS

Prevent situations of land use conflict in the agricultural designations by careful management of non-farm uses, including rural residential *development*, recreational uses, commercial and industrial uses and aggregate resource extraction.

PART-TIME
FARMING

Recognize that there is a continuing role for part-time farmers and protect such farm operations in the same manner as farms that support full-time farm operators.

SECONDARY ON-
FARM USES

Support and promote the establishment of secondary on-farm uses as a means of allowing the farmer to create a small business to supplement family income.

ALTERNATIVE
AND/OR
RENEWABLE
ENERGY SYSTEMS

Support and promote the establishment of small scale *alternative and/or renewable energy systems*, where appropriate. Larger scale *alternative and/or renewable energy systems*, which require a location in a prime agricultural area, may also be supported in appropriate locations which minimize potential negative impacts on agricultural lands and surrounding uses.

AMENDMENT No. 139

PROTECTION OF
THE ENVIRONMENT

Ensure that land uses within the agricultural designations are subject to the policies in Section 3.2, Environmental Resource Policies.

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MONITORING

Monitor provincial, national and international agricultural policies in order to determine whether the land use policies affecting agriculture in this Official Plan are consistent with efforts at other levels of government to provide for a sustainable agriculture industry.

3.1.3 Land Use Designation and Mapping

The agricultural policies apply to the policy area identified as Agricultural Reserve on all Township Land Use Schedules.

AGRICULTURAL RESERVE DESIGNATION

The policy areas described as Agricultural Reserve on the Land Use Schedules contain the lands most suitable for agricultural production and are recognized as prime agricultural areas. The priority use within this policy area is for all forms of agricultural pursuits. Proposals to change the use of land to non-agricultural uses will be restricted in accordance with the policies of this Plan.

MAPPING INTERPRETATION

Lands designated Agricultural Reserve on the Land Use Schedules are intended to identify and protect broad agricultural areas of high agricultural capability notwithstanding that at a parcel scale the property or portions thereof may be Class IV to VII land capability. In implementing the policies of this Plan, the County of Oxford will utilize the Canada Land Inventory mapping for Land Capability at a scale of 1:50,000.

3.1.4 Policies for Agricultural Uses in the Agricultural Reserve

The policies in this Section apply to agricultural uses in the Agricultural Reserve land use designation in the County of Oxford.

3.1.4.1 Permitted Uses

The following land uses are permitted in the Agricultural Reserve as shown on Schedules B-1, E-1, N-1, S-1 and Z-1, subject to the policies of Section 3.2, Environmental Resource Policies, 3.3, Cultural Resource Policies, and Section 3.4, Resource Extraction policies, as appropriate.

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AGRICULTURAL USES

The primary uses permitted in the agricultural designation are farming, which may include general farming, animal or poultry operations including *regulated farms*, cash crop farming, specialty cropping, *woodlands*, market gardening, tobacco farming, ginseng, nurseries, aquaculture, orchards, greenhouses, apiaries, mushroom production, horticulture, agro-forestry, animal breeding and agricultural research, together with agricultural residential uses required for the farm and farm buildings and structures necessary to the farming operation.

All livestock and poultry farms will be subject to the policies of Section 3.1.4.2 that incorporate *Minimum Distance Separation Formula II* and provisions for *regulated farms*.

AGRICULTURE-RELATED USES

Agriculture-related uses permitted in the Agricultural Reserve designation include agricultural commercial and agricultural industrial uses, subject to the policies of Section 3.1.4.6 of this Plan.

SECONDARY USES

Secondary uses permitted in the agricultural designation include: any home occupation as set out in this Plan and the Zoning By-Law of the Area Municipality, conservation uses, public works yards, small scale rural and small scale on-farm *alternative and/or renewable energy systems* and limited rural lot creation. New *infrastructure* may be permitted within the Agricultural Reserve designation only if it has been approved through an environmental assessment process. All secondary uses are subject to the specific policies guiding their location and development as contained in this Plan.

AMENDMENT No. 139

INTERIM USES

Sand and gravel, oil, gas and gypsum extraction and ancillary uses are also permitted as interim uses in accordance with the policies in Section 3.4, Resource Extraction Policies.

ALL USES

Uses permitted will comply with the Environmental Resource Protection policies and the Environmental Constraints policies of Section 3.2.

3.1.4.1.1 Home Occupations

HOME OCCUPATIONS

Within the Agricultural Reserve, part of a farm residence or accessory structure may be used for the purpose of a home occupation provided that such home occupation is a small scale business activity which is clearly secondary to the agricultural use of the property and is carried on by a resident of the dwelling. Where more than one dwelling exists on a farm lot, a home occupation may only occupy one dwelling or accessory structure.

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Residential dwellings or accessory structures associated with non-farm residential *development* and residential uses ancillary to agriculturally related commercial and industrial uses in the Agricultural Reserve may be used for the purpose of a home occupation provided that:

- such home occupation is a business activity which is clearly secondary to the residential use;
- the home occupation is carried on by a resident;
- the home occupation does not generate noise, odour, traffic or visual impacts that may have an adverse effect on adjacent properties.

The Zoning By-Law will permit home occupations within the implementing zone category and may contain provisions to regulate the kinds of activities to be allowed, floor area limits, number of employees, open storage, sale of goods or materials, parking, signage or other evidence of the business activities.

PERMITTED USES AND DEVELOPMENT CRITERIA

3.1.4.1.2 Small Scale Alternative and/or Renewable Energy Systems

AMENDMENT No. 139

Small scale *alternative and/or renewable energy systems*, which are secondary and ancillary to the principal use of the property may be permitted in accordance with the policies of Section 3.1.5.5.1.

3.1.4.1.3 Special Policies

AMENDMENT No. 130

The following policies apply, in addition to the relevant policies of this section, to specific permitted uses. These specific policies provide guidance to the development of these sites.

3.1.4.1.3.1 Part Lot 10, Concession 15 (East Zorra) Township of East Zorra-Tavistock

AMENDMENT No. 130

Notwithstanding the policies of Section 3.1.4.1.2 the 10.4 ha (25.7 ac) parcel of land, forming Part of Lot 10, Concession 15 (East Zorra) in the Township of East Zorra-Tavistock, located immediately west of the 16th Line and south of Oxford Road 33, may be used for a 1.0 ha (2.47 ac) on-farm *solar energy system* use located in the southwest corner of the subject property.

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Performance Standards

AMENDMENT No. 130 The following performance standards shall govern the on-farm solar energy generating system of this special agricultural area:

- AMENDMENT No. 130 • The on-farm *solar energy system* shall be limited to a maximum area of 1.0 ha (2.47 ac).
- AMENDMENT No. 130 • The on-farm *solar energy system* shall be subject to a site plan control by-law pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended, requiring an agreement between the Township of East Zorra-Tavistock and the owner.
- AMENDMENT No. 130 • The site plan agreement shall address, but is not limited to, the following:
 - fencing of the area required for the on-farm solar energy system;
 - landscaping;
 - grading; and
 - any additional requirements as determined by the County and/or Township of East Zorra-Tavistock.

AMENDMENT No. 130 It is intended that the development of the on-farm *solar energy system* shall be by a zoning by-law amendment restricting the uses on the property and keeping the lands within an agricultural zoning.

3.1.4.1.3.2 Part Lot 5, Concession 3 (West Zorra)
Township of Zorra
(Southwest corner of Road 74 and the 35th Line)

AMENDMENT No. 164 Notwithstanding the policies of Section 3.1.4.1, *Permitted Uses*, that parcel of land described as Part Lot 5, Concession 3 (West Zorra) in the Township of Zorra and located at the southwest corner of Road 74 and the 35th Line may be used for the storage and stockpiling of aggregate materials.

AMENDMENT No. 218 3.1.4.1.3.3 Part Lot 11, Concession 12 (Blenheim)
Township of Blandford-Blenheim

LOCATION The lands to which this subsection applies comprise approximately 41.5 ha (102.5 ac) on Oxford Road 8 and are described as Part Lot 11, Concession 12 (Blenheim) & Part 2, 41R-4842, Township of Blandford-Blenheim. The lands are located on the south side of Oxford Road 8, east of Washington Road, and are municipally known as 927150 Oxford Road 8.

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POLICIES	<p>Notwithstanding Section 3.1.4.1, Permitted Uses, or any other relevant policies of the Official Plan, an on farm-diversified use, consisting of a special events facility and accessory uses, shall be permitted within the northeast portion of the subject property.</p> <p>The special event facility shall be considered a Type A land use for the purpose of the Minimum Distance Separation Formulae.</p> <p>Further, it is intended that development shall be implemented through an amending Zoning By-law, together with site plan control, to address relevant provisions including, but not limited to, scale, setbacks and <i>Minimum Distance Separation Formulae</i> requirements.</p>
AMENDMENT No. 218	
AMENDMENT No. 234	3.1.4.1.3.4 Part Lot 1, Concession 1 (West Oxford) Township of South-West Oxford
LOCATION	<p>The lands to which this subsection applies comprise approximately 79.8 ha (197 ac) with frontage on Karn Road and are described as Part Lot 1, Concession 1 (West Oxford) in the Township of South-West Oxford. The lands are located on the south side of Karn Road, west of the City of Woodstock.</p>
POLICIES	<p>Notwithstanding Section 3.1.4.1, <i>Permitted Uses</i>, or any other relevant policies of the Official Plan, a non-agricultural use, consisting of a special events facility and accessory uses, shall be permitted within the northwest portion of the subject property.</p> <p>Further, and notwithstanding any Minimum Distance Separation (MDS) calculations to the contrary, the required MDS between a special events facility and the existing livestock operation located to the immediate west and further identified as 564836 Karn Road, shall be 520 metres (1,705 ft). Parking areas accessory to a special events facility will not be subject to MDS requirements.</p> <p>It is intended that <i>development</i> will be implemented through an amending Zoning By-law, together with site plan control, to address relevant provisions including, but not limited to, scale, setbacks and <i>Minimum Distance Separation Formulae</i> requirements.</p>
AMENDMENT No. 234	

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3.1.4.2 *New or Expanding Livestock or Poultry Operations*

NEW OR EXISTING
MODIFIED OR
EXPANDED
LIVESTOCK
FACILITIES

When the establishment of a new livestock or poultry housing structure or manure storage facility or the modification for enlargement of an existing livestock or poultry housing structure or manure storage facility is proposed, *Minimum Distance Separation Formula II* must be satisfied prior to the issuance of a building permit.

REGULATED
FARMS

The County of Oxford recognizes the importance of the agricultural industry to the County's economy and that large livestock farms are important in the agricultural sector with respect to food production and local economic impacts. In addition to the protection of agricultural lands, the County also recognizes the importance of minimizing conflicts between farm operations and non-farm uses, as well as providing for the protection of environmental resources, including water resources.

The County is totally dependent upon groundwater supplies for human, animal and industrial consumption. As such, having regard for the inter-relationships that exist between water quality and land use is considered an important component of the agricultural policies of this Plan.

GROUND AND
SURFACE WATER
PROTECTION

In the interests of protecting the quality of ground and surface water, new *regulated farms* and existing livestock or poultry farms expanding to the scale of a *regulated farm* will be required to:

- prepare a nutrient management strategy and/or plan;
- demonstrate that the *regulated farm* has adequate manure storage capacity;
- satisfy the requirements of *Minimum Distance Separation Formula II* and established setbacks from subsurface drains, water wells and surface water; and
- establish the suitability of the proposed site for a livestock barn and/or nutrient storage facility

in accordance with the requirements of the Nutrient Management Act, 2002, and regulations, as amended, or the effective municipal by-law prior to the issuance of a building permit. Area Councils shall implement such requirements through municipal Nutrient Management By-laws and comprehensive Zoning By-laws, until such time as these by-laws are superceded by regulations pursuant to the Nutrient Management Act, 2002.

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EXISTING LIVESTOCK FARMS

Existing livestock or poultry farms not currently subject to the Nutrient Management Act, 2002, are encouraged to prepare a nutrient management plan and ensure that they have adequate manure storage in the interests of proactive groundwater and surface water protection.

ENVIRONMENTAL POLICIES

Proposals to develop new or expanding livestock or poultry operations shall also comply with the policies of Section 3.2, Environmental Resource Policies.

3.1.4.3 Existing Under-Sized Agricultural Parcels

OBJECTIVES

To ensure that the primary function of existing undersized agricultural land parcels is for agricultural purposes.

To permit accessory residential uses only where the principal agricultural function of the undersized parcel is not compromised.

To ensure that regulated agricultural operations on small lots are not harmful to the environment.

POLICIES

POLICY INTENT

It is recognized that there are numerous small agricultural land holdings in the agricultural designations. It is the intent of this Plan that such parcels will primarily be utilized for agricultural pursuits and as such do not constitute sites for non-agriculturally related *development*.

PARCEL SIZE

Area Councils shall establish minimum farm parcel sizes in the Zoning By-Law. An undersized farm parcel is smaller than the established zoning standard and will require an amendment to the Zoning By-Law of the Area Municipality prior to the *development* of farm buildings, structures or accessory residential uses.

To assist in the implementation of this Section, existing parcels within the Agricultural Reserve designation that are greater than 1 ha (2.47 acres) in area, but not more than 16 ha (39.5 acres) and that are occupied by an existing dwelling shall generally be zoned in an appropriate restrictive agricultural zoning category in the Area Zoning By-law.

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PERMITTED USES	<p>Existing undersized agricultural parcels may be used for a primary use permitted in Section 3.1.4.1, including the <i>development</i> of farm buildings or structures or accessory residential uses, except that larger, more intensive livestock farms shall not generally be permitted on an undersized agricultural parcel. The zoning provisions of the area municipal zoning by-law shall implement this limitation.</p>
	<p>3.1.4.3.1 Development Criteria for Existing Undersized Agricultural Parcels</p>
DEVELOPMENT CRITERIA	<p>Prior to the <i>development</i> of an existing undersized agricultural parcel for agricultural use, the following criteria shall be satisfied:</p>
VIABILITY	<p>A new farming operation shall only be established on an undersized agricultural parcel where it has been demonstrated that the proposed farm will be economically viable within a period of 5 years.</p>
FARM PLAN	<p>The applicant shall provide information necessary to evaluate the viability of a new farming operation on an undersized parcel. Information pertaining to the scale and nature of the operation, projected revenues, expenses, financing and any other criteria deemed to be relevant to the proposal shall be provided to the satisfaction of the County of Oxford, at the expense of the applicant.</p>
THIRD PARTY REVIEW	<p>Proposals will be evaluated by the Ministry of Agriculture, Food and Rural Affairs or other professional knowledgeable in farm economics and management, at the expense of the proponent. The purpose of the third party review is to provide the County and/or Area Municipality with an objective opinion regarding the information and analysis pertaining to viability in accordance with the Ministry's interpretation of a viable operation.</p>
MANURE DISPOSAL	<p>The storage and disposal of manure shall be in accordance with the requirements as set out in the Nutrient Management Act, 2002, and/or the appropriate By-laws of the Area Municipalities.</p>
COMPATIBILITY	<p>Proposals to create new livestock and poultry farms must satisfy <i>Minimum Distance Separation Formula II</i>.</p>
ENVIRONMENTAL POLICIES	<p>Proposals to develop existing under-sized agricultural parcels shall comply with the policies of Section 3.2, Environmental Resource Policies.</p>

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SERVICE LEVELS

Private water and on-site sewage facilities for the agricultural use will be established in accordance with the requirements of the County and the Board of Health and the policies contained in Section 3.2, Environmental Resource Policies, relating to water quality and quantity, as appropriate.

AGREEMENT OR SPECIAL ZONING

Where a proposal to develop an undersized agricultural parcel satisfies the development criteria of this Section and conforms with all other relevant policies of the Official Plan, the construction of an accessory residential building may be permitted in accordance with the following:

Where the *development* of farm outbuildings is proposed, the proponent enter into an agreement with the municipality, prior to the *development* approval, requiring that the construction of the proposed farm buildings be complete prior to the construction of any residential building. Alternatively, the municipality shall include a provision in the implementing zoning by-law requiring that the construction of the proposed farm buildings be complete prior to the construction of a residential building.

Where no farm outbuildings are proposed, the implementing zoning by-law shall include an “H” holding provision prohibiting the construction of a residential building until the proponent has demonstrated, to the satisfaction of the Area Municipality, that the first two years of the approved farm plan has been implemented. Upon meeting this requirement, the “H” symbol will be removed by the Area Municipality.

DWELLING LOCATION

AMENDMENT No. 27

Any accessory residential dwelling will be situated in close proximity to any farm buildings, and will utilize the same driveway, and will satisfy the *Minimum Distance Separation Formula 1* requirements.

ACCEPTABLE ACCESS

AMENDMENT No. 27

Any accessory residential dwelling will be located on a property that has frontage on a public road maintained year round at a reasonable standard of construction.

NON-AGRICULTURAL USES

Where a non-agricultural land use is proposed on an existing undersized agricultural land parcel, such use will comply with Section 3.1.5.

3.1.4.4 Severances for Farming Purposes

OBJECTIVES

PARCEL SIZE

To provide for parcel sizes appropriate to the type of agricultural uses common to the area and to ensure flexibility for farm operators to engage in differing types of viable agricultural operations.

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VIABILITY	To ensure that where farm parcels are created, they are capable of sustaining viable agricultural operations.
MINIMIZE FRAGMENTATION	To minimize farmland fragmentation and minimize the creation of irregularly shaped agricultural parcels.
COMPATIBILITY	To ensure that <i>Minimum Distance Separation Formula II</i> is satisfied.
PROVINCIAL CRITERIA	To incorporate Provincial criteria for evaluating agricultural consents into the decision process.
	3.1.4.4.1 Farm Consolidation
POLICIES	The following criteria will be used to determine the acceptability of proposals to sever agricultural land for farm consolidation purposes, where the land being conveyed is to be legally consolidated with an abutting existing farm property, to form one parcel under identical ownership:
FARMING PURPOSES	<ul style="list-style-type: none">• Farming must be the intended use of the land being conveyed and/or the land being retained;
FLEXIBILITY	<ul style="list-style-type: none">• Flexibility shall be achieved, such that farm parcels remain sufficiently large to permit a change in the commodity produced, scale of operation, diversification or intensification;
SIZE	<ul style="list-style-type: none">• Suitability of farm parcel size and configuration to the type of agriculture in the area as well as the farm parcel size typically associated with the type of agriculture proposed;
FRAGMENTATION	<ul style="list-style-type: none">• Severances affecting predominately Class I to III agricultural capability soils should not result in further land fragmentation;
COMPATIBILITY	<ul style="list-style-type: none">• Consents for farm consolidation purposes must satisfy <i>Minimum Distance Separation Formula II</i>;
	The Ministry of Agriculture, Food and Rural Affairs may be consulted to evaluate the compliance with these farm severance criteria.
WOODLANDS	<i>Woodlands</i> are to be maintained as part of a farm parcel and should not be severed unless the <i>woodland</i> is to be acquired for preservation or conservation purposes through conveyance to or purchase by the County of Oxford and/or other public authorities.

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FARM PLAN	The applicant shall generally be required to submit a farm plan to assist with the evaluation of the severance application and to demonstrate farm viability, where any of the farm lots resulting from the consolidation proposal are less than 30 hectares (75 acres). Such farm plans shall be prepared and evaluated in accordance with the policies of Section 3.1.4.3.1.
ENVIRONMENTAL POLICIES	Proposals to consolidate farm parcels may have an impact on environmental quality or may be subject to environmental constraints and shall comply with the policies in Section 3.2, Environmental Resource Policies.
ZONING	Proposals to consolidate farm parcels shall satisfy the 'General Agricultural Zone' provisions of the Area Municipal Zoning By-law. Restrictions prohibiting the <i>development</i> of a new residential dwelling on either the severed or retained parcels shall not be applied in zoning, provided that the newly consolidated parcel and the retained parcel conform to the provisions of the zoning by-law of the Area Municipality.
POLICIES	3.1.4.4.2 Creation of Farm Parcels The following criteria will be used to determine the acceptability of proposals to sever agricultural land for the creation of new farm parcels:
FARMING PURPOSES	• Farming or conservation must be the intended use of the land being conveyed and the land being retained;
COMPATIBILITY	• Consents for the creation of new farm parcels must satisfy <i>Minimum Distance Separation Formula II</i> ;
FLEXIBILITY	• Flexibility shall be maintained, such that farm parcels remain sufficiently large to permit a change in the commodity produced, scale of operation, diversification or intensification;
SUITABILITY	• Suitability of farm parcel size and configuration to the type of agriculture in the area as well as the farm parcel size typically associated with the type of agriculture proposed.
FRAGMENTATION	• Severances affecting predominately Class I to III agricultural capability soils should not result in further land fragmentation;
	The Ministry of Agriculture, Food and Rural Affairs may be consulted to evaluate the compliance with these farm severance criteria.

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FARM PLAN	The applicant shall generally be required to submit a farm plan to assist with the evaluation of the severance application and to demonstrate farm viability, where either the lot to be severed or the lot to be retained is less than 30 hectares (75 acres). Such farm plans shall be prepared and evaluated in accordance with the policies of Section 3.1.4.3.1.
SITE SPECIFIC CRITERIA	In considering the proposed consent, regard shall be had for the following site specific criteria: <ul style="list-style-type: none">• the amount of workable land in comparison to total parcel size;• the size and configuration of the proposed parcels for tillage or livestock purposes;• the presence of farm buildings or structures to support the proposed use;• the farm parcel shall have frontage on a public road maintained year round at a reasonable standard of construction.
EXISTING SUPPLY OF PARCELS	Proposals to establish a new farm parcel may be required to demonstrate that nearby parcels of a similar size are unavailable;
WOODLANDS	<i>Woodlands</i> are to be maintained as part of a farm parcel and should not be severed unless the <i>woodland</i> is to be acquired for preservation or conservation purposes through conveyance to or purchase by the County of Oxford and/or other public authorities.
ENVIRONMENTAL POLICIES	Proposals to create new farm parcels which may have an impact on environmental quality or may be subject to environmental constraints shall comply with the policies in Section 3.2, Environmental Resource Policies.
ZONING	At a minimum, the parcel to be severed and the parcel to be retained shall satisfy the General Agricultural zone provisions of the Area Municipal Zoning by-law.

3.1.4.4.3 Conditions For Agricultural Consents

The Land Division Committee may impose appropriate conditions on the granting of a consent in order to ensure the legitimacy of the agricultural component of the consent. Such conditions may include, but are not limited to, the following:

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- where buildings or structures proposed in a farm plan are necessary to comply with the policies of this Plan, approval may be subject to substantial completion of such buildings or structures, prior to the stamping of deeds;
- the prohibition of residential structures on the proposed lot through a site specific zoning;
- a condition for a severance agreement requiring the construction of proposed farm outbuildings prior to the construction of any residential buildings;
- requirement for all or some part of a farm plan to be in place prior to the stamping of deeds including the planting of any required crops;
- measures to assist in environmental enhancements including topsoil preservation and water quality maintenance as set out in Section 3.2, Environmental Resource Policies.

3.1.4.4.4 Easements, Rights-of-Way, Correction of Title and Boundary Adjustments

Consent for severances involving farmlands may be given for the following purposes:

- to create or alter any private easement or right-of-way;
- to correct or confirm valid title for a lot which is held in distinct and separate ownership;
- to make minor adjustment to the legal boundaries of lots to conform to existing patterns of exclusive use and occupancy or to rectify problems created by the encroachment of buildings, structures, private water supply or private sewage disposal facilities on abutting lots.

AMENDMENT No. 231

3.1.4.4.5 Special Policies

The following policies apply, in addition to the relevant policies of this section, to the specific severances for farming purposes. These specific policies provide guidance to the *development* of these sites.

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3.1.4.4.5.1 Part Lot 24, Concession 1 (North Oxford) Township of Zorra

LOCATION The lands to which this subsection applies comprise approximately 20.2 ha (50 ac) with frontage on 45th Line and are described as Part of Lot 24, Concession 1 (North Oxford), Township of Zorra. The lands are located on the southwest corner of Oxford Road 2 (Road 68) and 45th Line, and are municipally known as 454949 45th Line.

POLICIES Notwithstanding Section 3.1.4.4.1 or any other relevant policies of the Official Plan, approximately 9.0 ha (22.3 ac) of vacant land may be severed from the subject property by means of a consent approved by the County Land Division Committee provided that the lands are consolidated with the adjacent property to the immediate west. The Area Municipal Council may rezone the lot to be retained to recognize the lot as an undersized agricultural parcel.

AMENDMENT No. 231

3.1.4.4.5.2 Part Lot 12, Concession 3 (Dereham) Township of South-West Oxford

LOCATION The lands to which this subsection applies comprise approximately 12.8 ha (31.5 ac) with frontage on Plank Line and are described as Part Lot 12, Concession 3 (Dereham), Township of South-West Oxford. The lands are located on the east side of Plank Line, between McBeth Road and Ebenezer Road, and are municipally known as 333502 Plank Line.

POLICIES Notwithstanding Section 3.1.4.4.1 or any other relevant policies of the Official Plan, approximately 11.3 ha (27.8 ac) of vacant agricultural land may be severed from the subject property by means of a consent approved by the County Land Division Committee provided that the lands are consolidated with the adjacent property to the immediate north. The Area Municipal Council may rezone the lot to be severed to recognize the lot as an undersized agricultural parcel, including appropriate provisions limiting the development of the lands in accordance with Agricultural Reserve policies of the Official Plan, and rezone the lot to be retained to recognize the lot as a non-farm rural residential parcel.

AMENDMENT No. 246

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3.1.4.4.5.3 Part Lot 21, Concession 5 (North Dorchester) Township of Zorra (Banner)

LOCATION The lands to which this subsection applies comprise approximately 20.5 ha (51.8 ac) with frontage on Road 60 and are described as Part Lot 21, Concession 5 (North Dorchester), Township of Zorra. The lands are located on the south side of Road 60, between 15th Line and 17th Line (Oxford Road 45), and are municipally known as 602814 Road 60.

POLICIES Notwithstanding Section 3.1.4.4.1 or any other relevant policies of the Official Plan, approximately 20 ha (50.7 ac) of vacant agricultural land may be severed from the subject property by means of a consent approved by the County Land Division Committee provided that the lands are consolidated with the adjacent property to the immediate west. The Area Municipal Council may rezone the lot to be retained to recognize the lot as a non-farm rural residential parcel.”

AMENDMENT No. 247

3.1.4.5 Policies for Farm Residential Uses

OBJECTIVES These policies apply to proposals for on-farm dwellings accessory to the farming operation.

To permit the *development* of on-farm dwellings required to support the farm activity.

To ensure that new dwellings will be established only for people associated with the farm activity.

To ensure that farm dwellings are not permitted to be severed from the *farm unit*, except through farm consolidation in accordance with the policies of Section 3.1.4.5.2.

POLICIES

RESIDENCES ONLY
ACCESSORY TO
THE FARM

Within the Agricultural Reserve designation, residential uses on the *farm unit* will be accessory to farming operations and shall be permitted only as part of the farm. Area Zoning By-Laws may prohibit the establishment of accessory residential uses to lots having frontage on a public road, maintained year round at a reasonable level of construction.

AMENDMENT No. 27

Notwithstanding this policy, *garden suites* are also permitted in the Agricultural Reserve designation subject to the policies of Section 10.3.9.

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CRITERIA FOR ADDITIONAL ON- FARM RESIDENCES

Additional dwelling units may be permitted on the *farm unit* in the form of temporary dwellings such as mobile homes or modular dwellings, permanent detached dwellings including bunkhouses or converted dwellings through a minor variance granted by the Area Committee of Adjustment. A converted dwelling shall be a permitted use in the implementing zone category. Preference will be given to temporary dwellings.

3.1.4.5.1 Development Criteria for Farm Residential Uses

Applications for additional dwelling units shall, in the opinion of the Area Council, satisfy the following criteria:

- the type of the farm warrants the need for an additional dwelling unit in terms of requiring close proximity for farm personnel for the farm operations;
- the size and scale of the *farm unit* in terms of land area and livestock or poultry currently warrants the need for an additional dwelling unit;
- the size of the farm parcel is in keeping with the policies of Section 3.1 of the Official Plan and the provisions of the Zoning By-Law of the Area Municipality; and
- the number of existing farm-related dwellings already on the *farm unit* cannot adequately serve the needs of the farm operation.
- the principal farm dwelling unit is occupied by the farmer, a retired farmer or hired help or family members directly involved with the farming activity;
- the additional dwelling unit is demonstrated to be necessary for hired help or family members directly involved with the farming activity or is required for farm retirees;
- an adequate supply of water and sanitary waste disposal system are provided to the satisfaction of the Oxford County Board of Health; and
- the location of the proposed additional farm dwelling is in conformity with the policies of Section 3.2, Environmental Resource Policies.

AMENDMENT No. 27

County of Oxford Official Plan

REQUIREMENTS FOR PERMANENT DWELLINGS

Where the proposed additional farm dwelling is intended to be a permanent dwelling unit, the new dwelling will generally be located in close proximity to the existing dwelling and farm buildings and will be encouraged to use the existing driveway for access except in instances where farm safety issues would be better addressed by a separate access. Permanent dwellings will satisfy the *Minimum Distance Separation Formula 1*.

REQUIREMENTS FOR TEMPORARY DWELLINGS

Where the proposed additional farm dwelling is intended to be a temporary dwelling such as a mobile dwelling unit or a modular dwelling unit, the Committee of Adjustment of the Area Municipality shall require the applicant to enter into an agreement with the municipality to address issues such as installation, maintenance, removal, period of occupancy and other matters deemed appropriate to ensure the dwelling is farming related and temporary in nature.

Temporary dwellings must satisfy the requirements of *Minimum Distance Separation Formula 1* (MDS 1) or not further reduce an existing insufficient setback relative to MDS 1.

3.1.4.5.2 Surplus Farm Residences

On-farm dwellings are to be considered as part of the *farm unit* and consent to sever any surplus farm dwellings will not be permitted by the Oxford County Land Division Committee, unless the proposal involves a farm consolidation in accordance with the policies of Section 3.1.4.4.1 and complies with the policies of Section 3.1.5.4.2.

EXCEPTION

Notwithstanding the above policy, a surplus second or additional farm dwelling may be severed from the farm where such dwelling is located within a designated *settlement* as shown on Schedule C-3, Settlement Strategy Plan, and satisfies the policies for residential *development* in the *settlement* area.

3.1.4.6 **Agricultural Commercial and Agricultural Industrial Uses**

OBJECTIVES

RELATED TO THE FARM OPERATION

To ensure that agricultural commercial or agricultural industrial uses are related to the farm operation and are required in close proximity to the farm operation.

MINIMIZE LAND AREA

To minimize the amount of prime agricultural land which is converted to agricultural commercial and agricultural industrial uses.

County of Oxford Official Plan

MINIMIZE LAND
USE CONFLICT

To ensure that agricultural industrial and agricultural commercial uses are limited in scale and compatible with agriculture and existing land uses.

3.1.4.6.1 Development Criteria for Agricultural Commercial or Agricultural Industrial Uses

NEW USES

Agricultural industrial and agricultural commercial uses that are related to the farm operation and require a location in close proximity to the farm operation are considered to be agricultural-related uses, in accordance with the Provincial Policy Statement (PPS). Such uses may be considered in a prime agricultural area, where the policies of this section can be satisfied.

The Area Council may permit the establishment of new agricultural commercial and agricultural industrial activities subject to a site specific amendment to the Area Municipal Zoning By-law supported by planning and technical studies to address the following criteria:

DIRECTLY
RELATED TO
AGRICULTURE

Proposed agricultural commercial and agricultural industrial uses must demonstrate that the predominant activity will be related to the farm operation where the use is to be established and unable to function successfully or properly without a location in close proximity to that farm operation. Uses which do not satisfy these criteria will be directed to designated *settlement* areas to reinforce the traditional community and service functions of these areas.

SPECIFIC USE

Only proposals stating a specific use will be considered by the Area Council or the Oxford County Land Division Committee. To ensure that a proposed use is limited in scale and that the land area proposed for a specific agricultural commercial or agricultural industrial activity will be consistent with the requirements of the proposed use, any proposal for such a use shall be accompanied by a detailed site plan showing the location of buildings and structures; septic beds; areas for parking, storage and landscaping; lot grading and drainage, points of access; and any other information deemed to be relevant to the proposal.

County of Oxford Official Plan

LOCATION

Agricultural commercial and agricultural industrial uses shall generally be developed on the same parcel as the farm operation to which such use is related. Proposals to establish a new agricultural commercial or agricultural industrial use on any other parcel shall only be permitted where the applicant has demonstrated that locating on the parcel containing the farm operation to which such use is related is not suitable or feasible for the proposed use. Where such justification has been provided, to the satisfaction of the Area Council, the use shall be directed to the following preferred locations:

- designated *settlements*;
- existing agricultural commercial or agricultural industrial, non-farm rural residential, commercial, industrial or institutionally zoned parcels, or parcels made unsuitable for agriculture by former land uses, such as aggregate extraction; or
- a parcel comprising part of the *farm unit* containing the farm operation to which the proposed agricultural commercial or agricultural industrial use is related.

TRAFFIC ISSUES

The location of agricultural commercial and agricultural industrial uses shall not create a traffic hazard due to proximity to bridges, railway crossings, curves or grades or any other potential traffic hazard and agricultural commercial and agricultural industrial uses shall be located on a road capable of accommodating the access and the nature of the traffic anticipated to be generated, according to the authority with jurisdiction over the road.

SCALE

Agricultural commercial and agricultural industrial uses shall be limited in scale so that they do not hinder surrounding agricultural operations or other existing land uses. Appropriate scale limitations for such uses shall be established through the site specific amendment to the Area Zoning By-Law and may include limits on total floor area for associated buildings and structures, number of employees, open storage, sale of goods and materials and other provisions necessary to limit the overall type and scale of use.

COMPATIBILITY

New or enlarged agricultural commercial and agricultural industrial uses shall be located in conformity with *Minimum Distance Separation Formula 1*.

SERVICE LEVELS

Private water and on-site sewage facilities for an agricultural commercial or agricultural industrial use will be established in accordance with the requirements of the County and the Board of Health and the policies contained in Section 3.2, Environmental Resource Policies, relating to water quality and quantity, as appropriate.

County of Oxford Official Plan

Proposed uses that meet the requirements of Section 34 of the Ontario Water Resources Act are required to obtain a “Permit to Take Water” from the Ministry of the Environment.

ENVIRONMENT

Agricultural commercial and agricultural industrial proposals, shall comply with the policies of Section 3.2, Environmental Resource Policies and Section 3.3 Cultural Resource Policies.

MINERAL AND PETROLEUM RESOURCES

Agricultural commercial and agricultural industrial proposals shall comply with the policies of Section 3.4, Resource Extraction Policies.

SITE PLAN APPROVAL

All agricultural commercial and agricultural industrial *developments* shall be subject to site plan approval to address considerations such as set-backs, building location, buffering and screening, and, subject to the nature of the use, containment facilities for on-site spills.

SEVERANCES

Agricultural commercial and agricultural industrial uses are to be considered part of the farm operation and the severance of an agricultural commercial or agricultural industrial use from the farm parcel upon which it is located, shall not be permitted.

EXISTING AGRICULTURAL RELATED USES

Agricultural related uses located on a separate parcel from a farm operation and recognized by Agricultural Business zoning in the Area Zoning By-Law, as of January 14, 2009, may be permitted to re-develop for the following uses, subject to a site specific Zoning By-Law amendment:

- an agricultural commercial or agricultural industrial use, in accordance with the policies of this section;
- uses permitted in the standard Agricultural Business Zone in the Area Zoning By-Law and other uses which are related to, or generally supportive of, agriculture; and
- an industrial or commercial use, provided that any re-development is limited to a specific use or uses.

Such redevelopment shall continue to be subject to the other policies of this section.

3.1.4.6.2 Special Policies

The following policies apply, in addition to the relevant policies of this section, to the specific accessory residential uses. These specific policies provide guidance to the *development* of these sites.

County of Oxford Official Plan

3.1.4.6.2.1 Part Lot 28, Conc. 10 (East Nissouri) Township of Zorra

AMENDMENT No. 20

A 2 ha (5 ac.) parcel of land, forming part of Lot 28, Concession 10 (East Nissouri) in the Township of Zorra, located on the west side of County Road 119 between Road 92 and Road 96 be exempt from the *Minimum Distance Separation Formula 1* requirements of Section 3.1.4.6 of the County Official Plan for the purpose of establishing a farm implement dealership on the subject property.

3.1.4.6.2.2 Part Lots 17 & 18, Concession 3 (East Oxford) Township of Norwich

LOCATION

AMENDMENT No. 180

The lands to which this subsection applies are described as Part Lots 17 & 18, Concession 3 (East Oxford), in the Township of Norwich. The lands are located on the east side of County Road 59, between Old Stage Road and Pattullo Avenue and are comprised of 70.5 ha (174.2 ac) of area.

POLICIES

AMENDMENT No. 180

Notwithstanding Section 3.1.4.6.1 or any other relevant policies of the Official Plan, an existing agriculturally-related industrial use may be separated from the larger farm holding by means of a consent approved by the County Land Division Committee.

3.1.4.6.2.3 Part Lots 9 & 10, Concession 12 (East Zorra), Township of East Zorra-Tavistock

LOCATION

AMENDMENT No. 193

The lands to which this subsection applies are described as Part Lots 9 & 10, Concession 12 (East Zorra), in the Township of East Zorra-Tavistock. The lands are located at the southeast corner of County Road 59 and County Road 33 and comprise a lot area of approximately 49.8 ha (123.2 ac).

POLICIES

AMENDMENT No. 193

Notwithstanding Section 3.1.4.6.1 or any other relevant policies of the Official Plan, an agriculturally-related use, comprising a maximum of 6.5 ha (16.2 ac), may be separated from the larger farm holding by means of a consent approved by the County Land Division Committee.

*This section renumbered
as part of the Fall 2020
consolidation.*

3.1.4.6.2.4 Part Lots 17 & 18, Concession 1 (Dereham), Township of South-West Oxford

LOCATION

AMENDMENT No. 208

The lands to which this subsection applies comprise approximately 51.8 ha (128 ac) and are described as Part Lots 17 & 19, Concession 1 (Dereham), in the Township of South-West Oxford. The lands are located on the north side of Salford Road, west of the Village of Salford and are municipally known as 383747 Salford Road.

County of Oxford Official Plan

POLICIES

Notwithstanding Section 3.1.4.6.1 or any other relevant policies of the Official Plan, a parcel of land intended for an agricultural-related use, comprising approximately of 1.0 ha (2.5 ac), may be separated from the larger farm holding by means of a consent approved by the County Land Division Committee, at such a time as the proposed agricultural-related use, being a dairy processing facility, has been constructed. The existing single detached dwelling will be permitted as accessory to the agricultural-related use.

AMENDMENT No. 208

3.1.4.6.2.5 Part Lot 8, Concession 6 (North Norwich) Township of Norwich

LOCATION

The lands to which this subsection applies comprise approximately 15.37 ha (37.9 ac) on Maple Dell Road and are described as Part Lot 8, Concession 6 (North Norwich), Township of Norwich. The lands are located on the northwest corner of Maple Dell Road and Highway 59, and are municipally known as 265721 Maple Dell Road, Township of Norwich.

AMENDMENT No. 248

POLICIES

Notwithstanding Section 3.1.4.6 – *Agricultural Commercial and Agricultural Industrial Uses*, or any other relevant policies of the Official Plan, an agricultural-related use, consisting of a farm implement dealer, shall be permitted on the southerly 10 ha (25 acres) portion of the subject property. For the purposes of this Section, a farm implement dealer shall mean the use of land, buildings or structures where farm vehicles and equipment are stored for the purpose of sale, lease or hire and where farm vehicles and equipment are repaired or serviced. The sale and repair of items, including turf equipment that is clearly accessory to the primary use shall also be permitted.

The said farm implement dealer shall also be subject to a reduced Minimum Distance Separation I setback to the neighbouring livestock barn to the south of 270 m (885.8 ft).

Further, it is intended that development shall be implemented through an amending Zoning By-law, together with site plan control, to address relevant provisions including, but not limited to, size of buildings, setbacks and parking requirements.

AMENDMENT No. 248

County of Oxford Official Plan

3.1.5 Policies for Non-Agricultural Uses in the Agricultural Reserve

The policies in this section apply to non-agricultural uses in the Agricultural Reserve land use designation in the County of Oxford.

OBJECTIVES

NO CONFLICT WITH
AGRICULTURAL
GOAL

To permit expanded or new non-agricultural uses only where such uses do not conflict with the "Goal for Agricultural Policies" as set out in Section 3.1.1.

SECONDARY
IMPORTANCE

To ensure that non-agricultural uses in Agricultural designations remain clearly secondary to the principal function of food and fibre production of these areas.

DIRECT TO
SETTLEMENTS

To direct non-agricultural uses to designated *settlements* as a first priority.

POLICIES

DEFINITION

For the purposes of this Section, "Non-Agricultural Uses" include commercial, industrial, institutional, *infrastructure*, public works yards, recreational and residential uses that are not directly related to or supportive of agriculture.

GENERAL INTENT

It is the intent of this Plan that within the Agricultural designations, the use of prime agricultural land for agricultural, mineral, petroleum and environmental resources will be given a higher priority in land use decision making than its use for non-agricultural uses.

3.1.5.1 Commercial/Industrial and Institutional Uses

NEW USES

In order to maintain the agricultural land resource for agriculture and related uses and to ensure that new commercial, industrial and institutional uses develop on an appropriate level of services, new non-agricultural commercial, industrial and institutional uses will not be permitted within the Agricultural Reserve designation.

GROUP HOMES

Notwithstanding the above, a group home for three to ten residents excluding staff or the receiving family which is licensed or approved under provincial statute may be permitted within a dwelling that existed as of the date of adoption of this Plan (December 13, 1995), by site specific rezoning within the Agricultural Reserve designation subject to meeting the following criteria:

- the group home use will be secondary to the principal farm use of the property;

County of Oxford Official Plan

- compliance with *Minimum Distance Separation Formula 1* is required for the group home;
- existing or proposed water and on-site sewage services are adequate or will be adequate to serve the facility, in accordance with the requirements of the County and the Board of Health and the policies of Section 3.2, Environmental Resource Policies relating to water quality and quantity, as appropriate.

EXISTING USES

Non-agricultural commercial, industrial or institutional uses recognized by existing zoning on the date of the adoption of this Plan (December 13, 1995) which are located in the Agricultural Reserve designation will be considered as permitted uses. Area Councils may permit minor expansion or minor change in use and the Land Division Committee may consider the granting of consents for existing uses to permit the expansion of the use or readjustment of property boundaries provided that:

SERVICES

Existing or proposed services including water supply, on-site sewage facilities, surface drainage and road access are adequate or will be made adequate to serve the proposed *development* to the satisfaction of the Area Council and/or County Council.

On-site sewage and water facilities shall satisfy the requirements of the County and the Board of Health and the policies of Section 3.2, Environmental Resource Policies relating to water quality and quantity, as appropriate.

Proposed uses that meet the requirements of Section 34 of the Ontario Water Resources Act are required to obtain a "Permit to Take Water" from the Ministry of the Environment.

COMPATIBILITY

The proposal will be compatible with existing land uses in the vicinity in terms of noise, odour, emissions, vehicular traffic, and visual intrusion and may be required to satisfy *Minimum Distance Separation Formula 1* in situations where greater conflicts with agriculture may result. Proposals may be subject to site plan approval to ensure land use compatibility.

ENVIRONMENT

Proposals shall comply with the policies of Section 3.2, Environmental Resource Policies and Section 3.3, Cultural Resource Policies.

ALTERNATIVE AND/OR RENEWABLE ENERGY SYSTEMS Amendment No. 139

Small scale *alternative and/or renewable energy systems*, which are secondary and ancillary to the principal use of the property may be permitted in accordance with the policies of Section 3.1.5.5.1.

County of Oxford Official Plan

3.1.5.1.1 Special Policies

The following policies apply, in addition to the relevant policies of this section, to the specific commercial or industrial uses. These specific policies provide guidance to the *development* of these sites.

3.1.5.1.1.1 Part Lots 25 & 26, Conc. 2, (West Oxford) Township Of South-West Oxford

A 24.3 hectare (60 acre) parcel of land lying in part of Lots 25 and 26, Concession 2 (West Oxford) which is located south of Robinson Road, west of Wallace Line and north of Wilson Line in the Township of South-West Oxford may be used for a truck transport terminal.

Servicing

It is intended that *development* on the property shall take place on full municipal services (municipal *centralized water supply and waste water treatment systems*).

Performance Standards

The following performance standards shall govern the *development* of the subject property:

- the access points to the subject property shall be designed in a manner which will minimize the danger to vehicular traffic;
- *development* of the subject lands shall be subject to site plan control in accordance with the provisions of the Planning Act and shall deal with such matters, but not be restricted to, lighting, landscaping and fencing, disposal of storm water and location and surfacing of parking facilities. A storm water management plan shall be prepared by the proponent and be acceptable to the Upper Thames River Conservation Authority, the Ministry of Transportation and the Township of South-West Oxford;
- a wellhead protection plan for Well No. 11 of the Ingersoll Public Utility Commission outlining protection measures, construction techniques and on-going monitoring shall be prepared by the proponent and be acceptable to the County of Oxford and the Ingersoll Public Utility Commission;
- a waste water collection and treatment system employed by the truck washing facility shall be prepared by the proponent and be acceptable to the County of Oxford.

Amendment No. 7

County of Oxford Official Plan

3.1.5.1.1.2 Lot 8, Concession 3 (North Norwich) Township Of Norwich

A 3.2 hectare (eight acre) parcel of land lying in the south part of Lot 8, Concession 3 (North Norwich) Township of Norwich with frontage on the west side of Highway No. 59 may be utilized for a warehouse and distribution centre for printed material and accessory office facilities. A single-family dwelling for a caretaker, watchman, owner or other person employed on the site may also be permitted.

3.1.5.1.1.3 Lot 8, Concession 7 (Dereham) Township Of South-West Oxford

A one hectare (2.5 acre) parcel of land lying in part of Lot 8, Concession 7 (Dereham) which is on the east side of Highway No. 19 where it intersects with the road allowances between Lots 7 and 8 in the Township of South-West Oxford may be used for a wholesale and retail warehouse outlet for antique tractors and parts, and a regional supply warehouse for custom fireplace products and drainage supplies.

3.1.5.1.1.4 Lot 2, Concession 5 (West Zorra) Township Of Zorra

A four hectare (10 acre) parcel of land lying in part of Lot 2, Concession 5 (West Zorra) which is on the east side of County Road No. 6 just north of Highway No. 2 in the Township of Zorra may be used for a general warehouse and truck depot.

3.1.5.1.1.5 Lot 1, Concession 3 (West Oxford) Township Of South-West Oxford

A 1.87 hectare (4.6 acre) parcel of land lying in part of Lot 1, Concession 3 (West Oxford) which is located on the southwest corner of the intersection of County Road No. 12 and the Old Stage Road in the Township of South-West Oxford may be used for a lawn care franchise in addition to those uses already permitted on the subject property.

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3.1.5.1.1.6 Lot 7, Concession 8 (Dereham) Township Of South-West Oxford

A parcel of land approximately 3 hectares lying in part of Lot 7, Concession 8 (Dereham) which is located on the southeast corner of Highway No. 19 and Airport Road, north of Spittler Creek, may be utilized for processing, warehousing, storage and related office and retail uses for a nut, confectionery and baking supplies operation. Additional permitted uses may include the retail sale of giftware, greeting cards and stationary, party and paper goods, natural food supplements, tourist souvenirs, fireworks and the use of vending machines for the sale of food to the public for immediate consumption. The sale of articles of clothing (except for souvenir t-shirts and sweatshirts) and any dolls or doll related items shall not be permitted. Additional permitted uses shall not collectively occupy more than 25% of the floor area of the building or structure.

AMENDMENT No. 35
AS AMENDED BY OMB
ORDER 1124

3.1.5.1.1.7 Lot 1, Concession 3 (West Oxford) Township Of South-West Oxford

A 3.2 hectare (eight acre) parcel of land lying in part of Lot 1, Concession 3 (West Oxford) which is located on the northwest corner of the intersection of County Road No. 12 and the Old Stage Road in the Township of South-West Oxford may be used for a machine shop primarily oriented to serving the agricultural and forestry enterprises in addition to those uses already permitted under Section 3.1.4.6.

It is intended that an accessory dwelling unit may be permitted within this special agricultural industrial area and shall be located to the immediate west of the proposed industrial building and the same zone as that proposed for the agricultural industrial use. Such dwelling shall be restricted to the owner, caretaker, watchman or other persons employed in the agricultural industrial operation.

3.1.5.1.1.8 Lot 18, Concession 3 (East Oxford) Township Of Norwich

Notwithstanding the policies of Section 3.3.1.4, two parcels of land totaling 12.75 hectares (31.5 acres) situated in part of Lot 18, Concession 3 (East Oxford), Township of Norwich with frontage on the east side of Highway No. 59 may be used for aggregate and construction related processing, manufacturing and distribution in addition to uses permitted on the subject property by this Plan. Permitted activities include but are not limited to crushing, screening, washing, asphalt batching and concrete ready-mix and associated business office and maintenance activities.

County of Oxford Official Plan

3.1.5.1.1.9 Lot 11 And Part Lot 10, Conc. 11 (Blenheim) Township Of Blandford-Blenheim

A parcel of land consisting of Lot 11 and the northwest quadrant of Lot 10, Concession 11 (Blenheim), Township of Blandford-Blenheim, may be used for the following specific uses to accommodate the use of the lands by a religious order, or orders, that function as a single entity on said property. It is intended that the non-agricultural uses as well as the residential uses shall be located within the existing developed area of the *farm unit* which comprises approximately 5.6 hectares (13.8 acres) which fronts on Concession Road No. 12 and is located in the north half of Lot 11, Concession 11 (Blenheim). The *farm unit* shall generally be operated as a single entity by a religious order, or orders that reside on the lands. It is also intended that the policies of Section 3.2.8, shall apply, where applicable.

AMENDMENT No. 170

Land Use

A maximum of 20 dwelling units will be permitted. New dwelling units will be located in the existing developed area of the *farm unit* and will be of the modular home type. The modular dwellings shall be removed from the site at such time as the *farm unit* ceases to be operated as a single entity by a religious order, or orders.

AMENDMENT No. 170

In addition to those agricultural uses permitted on the subject property, additional farm related commercial and industrial services, school, nursery school, limited manufacturing and a business office, as specified in the site specific zoning by-law may be allowed. Manufacturing shall be limited to those uses permitted through the implementing Zoning By-Law and shall be of a dry industrial nature, characterized by minimal water requirements for their processing, cooling or equipment washing and which do not discharge large quantities of waste water.

AMENDMENT No. 170

Servicing

Notwithstanding the policies of Section 5.5.3 to the contrary, *development* on the property shall take place on a private well and a private *communal waste water treatment* plant as approved by the County of Oxford and the Ministry of the Environment. The owner will enter into an appropriate agreement with the Township of Blandford-Blenheim which shall address the operation and maintenance of the private *communal waste water treatment* plant and the decommissioning and/or removal of the plant in the event that the religious order vacates the subject property.

AMENDMENT No. 170

County of Oxford Official Plan

Performance Standards

- AMENDMENT No. 170 The following performance standards shall govern the *development* of this special agricultural area:
- AMENDMENT No. 170 • the residential dwellings and non-agricultural related uses along with agricultural related uses will be considered to be part of the *farm unit* and consent to sever such uses from the *farm unit* will not be permitted;
 - AMENDMENT No. 170 • adequate off-street vehicle parking areas shall be provided which will permit the parking of vehicles clear of any road allowance and permit adequate manoeuvring of vehicles within such parking areas;
 - AMENDMENT No. 170 • the access points to such parking areas shall be designed in a manner which will minimize the danger to vehicle and pedestrian traffic;
 - AMENDMENT No. 170 • open storage areas shall be effectively screened from adjacent land uses and from Concession Road 12;
 - AMENDMENT No. 170 • the residential dwellings and non-agricultural related uses shall be clearly secondary to the existing farm operation and shall not change the agricultural character of the *farm unit* nor create a public nuisance in particular regard to noise, traffic and/or parking;
 - AMENDMENT No. 170 • the residential uses and non-agricultural related uses shall be subject to a site plan control by-law pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended, requiring the entering into of an agreement between the Township and the owner ;
 - AMENDMENT No. 170 • the residential dwellings and non-agricultural related uses shall be limited to the existing developed area along Concession Road No. 12 to an area of approximately 5.6 hectares (13.8 acres);
 - AMENDMENT No. 170 • new residential dwellings shall be of a modular type which will be removed at such time as the farm unit ceases to be operated as a single entity by the religious order, or orders;
 - AMENDMENT No. 170 • it is intended that *development* shall be by a zoning by-law amendment restricting the uses on the property and keeping the lands within an agricultural zoning.

County of Oxford Official Plan

3.1.5.1.1.10 Part Lot 10, Concession 1 (North Oxford) Township Of Zorra

AMENDMENT No. 1

A 0.63 hectare (0.89 acre) parcel of land lying in part of Lot 10, Concession 1 (North Oxford) which is located south of the property on the southwest corner of the intersection of Road 68 and the 31st Line may be used for a public garage for the repair of trucks and trailers, wagons and farm vehicles.

3.1.5.1.1.11 Part Lots 13, 14 & 15 Conc. 11 (Blenheim) Township Of Blandford-Blenheim

A 238.8 hectare (590 acre) parcel of land consisting of Part Lots 13, 14 and 15, Concession 11 (Blenheim) in the Township of Blandford-Blenheim, may be used for the following specific on-farm diversified uses to accommodate the Community Farm of the Brethren. It is intended that the non-agricultural uses as well as the residential uses shall be located within the existing developed area of the *farm unit*.

- A maximum of 20 dwelling units within one or more buildings will be permitted to accommodate members of the Community Farm of the Brethren.
- In addition to those agricultural uses already permitted on the subject property, additional on-farm diversified uses, including the manufacturing of down bedding and accessory retail outlet, an egg noodle processing plant, a construction business and a gear cutting business may be allowed in the site specific zoning by-law. The on-farm diversified uses shall be of a dry industrial nature, characterized by minimal water requirements for their processing, cooling or equipment washing and which do not discharge large quantities of waste water. Each on-farm diversified use shall directly involve the farm operators and resident on-farm family members and each use shall be limited to one additional full-time employee.
- The residential uses and non-agricultural related uses shall be subject to a site plan control by-law pursuant to Section 41 of the Planning Act, R.S.O. 1990, as amended, requiring the entering into of an agreement between the Township and the Community Farm.
- It is intended that *development* shall be by a zoning by-law amendment restricting the uses on the property and keeping the lands within an agricultural zoning.

AMENDMENT No. 38

County of Oxford Official Plan

3.1.5.1.1.12 Part Lot 14, Concession 6 (North Norwich) Township of Norwich

AMENDMENT No. 96

A 0.4 hectare (1.0 acre) parcel of land consisting of Part Lot 14, Concession 6 (North Norwich) Township of Norwich, may be used for a private school. The private school shall be serviced by on-site private water and sanitary facilities. The private school shall be permitted to serve the needs of the local community who are dependent on horse drawn vehicles as their primary means of transportation. The private school shall be attended solely by children from that community.

AMENDMENT No. 221

3.1.5.1.1.13 Part Lot 8, Concession 11 (East Zorra) Township of East Zorra-Tavistock

LOCATION

The lands to which this subsection applies comprise approximately 7.5 ha (18.6 ac) with frontage on Highway 59 and are described as Part Lot 8, Concession 11 (East Zorra), in the Township of East Zorra-Tavistock. The lands are located on the west side of Highway 59, between Oxford Road 17 and Oxford Road 33 and are municipally known as 595459 Highway 59.

POLICIES

Notwithstanding Section 3.1.5.1 or any other relevant policies of the Official Plan, a place of worship and a private school may be developed on the subject lands and may be severed into two parcels by means of a consent approved by the County Land Division Committee. The creation of the lot shall only be permitted for the uses that are permitted by this policy.

AMENDMENT No. 221

3.1.5.2 Recreational Uses

Subject to an Official Plan amendment in accordance with the policies of Section 3.1.6, land extensive recreational uses that require a rural location with unique physical features may be permitted within prime agricultural areas.

PROHIBITED USES

New or expanded campgrounds or seasonal trailer parks are prohibited. Existing campgrounds or seasonal trailer parks may be recognized in the municipal zoning by-laws.

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EXISTING USES

Existing recreational uses that are recognized by existing zoning as of January 14, 2009, which are located in the Agricultural Reserve designation will be considered as permitted uses. Except for those uses subject to prohibition, Area Councils may permit minor expansion or minor change in use and the Land Division Committee may consider the granting of consents to permit the expansion of the use or adjustment of property boundaries without amendment to this Plan. Such proposals shall be evaluated in accordance with the policies for existing uses in Section 3.1.5.1 of this Plan.

3.1.5.2.1 Accessory Residences

For recreational uses permitted by Official Plan amendment or for *existing* uses, a maximum of one permanent residence may be permitted accessory to a permitted recreational use subject to the following criteria:

LOCATION

Any permitted accessory residence will be located in conformity with *Minimum Distance Separation Formula I*.

AGREEMENT

Where the *development* of a new accessory residential dwelling is proposed, the proponent will enter into an agreement with the municipality requiring the establishment of the recreational use to be completed prior to the construction of the residential dwelling.

SEVERANCE OF ACCESSORY RESIDENCES

Any residential dwelling is considered as an accessory part of the recreational activity and as such consent to sever a residential dwelling from the balance of the lands will not be permitted.

3.1.5.2.2 Special Policies

The following policies apply, in addition to the relevant policies of this section, to the specific recreational uses. These specific policies provide guidance to the *development* of these sites.

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3.1.5.2.2.1 Part Lot 19, Concession 3 (East Oxford) Township Of Norwich

A 28.3 hectare (70 acre) parcel of land consisting of Part Lot 19, Concession 3 (East Oxford), Township of Norwich, which is located immediately west of County Road 59 and consists of the non-developed lands between Pattullo Avenue and Old Stage Road, may be used for an active recreational use, specifically a golf course, within the area identified as a Sand and Gravel Resource Area in Appendix 2-1. All other criteria in the County of Oxford Official Plan to assess an application to permit an active recreational use shall be complied with. In addition, *development* of a golf course shall follow the environmental guidelines established by the Royal Canadian Golf Association.

AMENDMENT No. 40

3.1.5.2.2.2 Lot 7, Concession 6 (North Norwich)

Notwithstanding the policies for recreational uses in Agricultural Reserve Areas established in Section 3.1.5.2, a 22 hectare (54 acre) parcel of land consisting of Part Lot 7, Concession 6 (North Norwich), Township of Norwich, which is located on the east side of Highway 59 and south side of Airport Road, may be used for an active recreational use, specifically a 9-hole golf course. All other criteria in the County of Oxford Official Plan shall be complied with to assess an application to permit an active recreational use.

Amendment No. 73

3.1.5.3 Infrastructure and Public Works Yards

Infrastructure will be permitted to be established in the Agricultural Reserve designation in accordance with the criteria of Section 5.2. Public works yards may be permitted in the Agricultural Reserve designation, subject to the policies of Section 3.2, Environmental Resource Policies.

3.1.5.4 Rural Residential Uses

POLICY INTENT

Non-farm rural residential *development* is considered to be incompatible with agriculture such that it can create conflicts with farming activities. Therefore, it is the intent of this Plan to permit only limited non-farm rural residential *development* in locations within the Agricultural Reserve designation which will not conflict with the Goal for Agricultural Policies as set out in Section 3.1.1. In keeping with the Goal for Agricultural Policies, existing non-farm rural residential uses will be encouraged to re-develop for agricultural and related uses, subject to the policies of this Section.

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GARDEN SUITES

As an alternative to new non-farm rural residential *development* for farm retirees, *garden suites* are also permitted in the Agricultural Reserve designation subject to the policies of Section 10.3.9.

ALTERNATIVE AND/OR RENEWABLE ENERGY SYSTEMS Amendment No. 139

Small scale *alternative and/or renewable energy systems*, which are secondary and ancillary to the principal residential use may be permitted in accordance with the policies of Section 3.1.5.5.1.

3.1.5.4.1 Redevelopment for Agricultural Uses

Existing non-farm parcels that:

- contain an *existing* dwelling unit;
- are located outside of a designated *settlement*;
- are greater than 1.0 ha (2.47 acres) in area; and
- are zoned for residential, commercial, industrial or institutional use

may be rezoned to allow agricultural uses in accordance with the following policies:

PERMITTED USES

Where existing non-farm residential parcels are proposed to be used for a primary use permitted in Section 3.1.4.1, the *development* of farm buildings or structures or the keeping of livestock, poultry or fish will be permitted according to the following criteria:

SERVICING

Existing or proposed water supply and on-site sewage facilities are adequate or will be made adequate to serve the proposed agricultural use and any accessory residential use to the satisfaction of the Area Municipality and the County.

On-site sewage and water facilities shall also satisfy the requirements of the County and the Board of Health and the policies of Section 3.2, Environmental Resource Policies relating to water quality and quantity, as appropriate.

COMPATIBILITY

Proposals to create new livestock or poultry farms will be evaluated to determine their compatibility with neighbouring land uses and will be subject to applicable nutrient management regulations or by-laws.

MINIMUM DISTANCE SEPARATION FORMULA II

Proposals involving the construction of new farm buildings or structures to house livestock or poultry must satisfy *Minimum Distance Separation Formula II*.

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SUITABILITY

The type of agricultural use proposed is suitable to the type of agriculture in the area as well as the farm parcel size typically associated with such agricultural use. Regard shall be had to the suitability of the parcel size and configuration to the type of agricultural use proposed.

WOODLANDS

Woodlands are to be maintained as part of a parcel and are not to be severed unless the *woodland* is to be acquired for preservation or conservation purposes through conveyance to or purchase by the County of Oxford and/or other public authorities.

ENVIRONMENTAL POLICIES

Proposals to establish farming operations shall comply with the policies of Section 3.2, Environmental Resource Policies.

3.1.5.4.2 Process for Evaluating Non-Farm Rural Residential Development

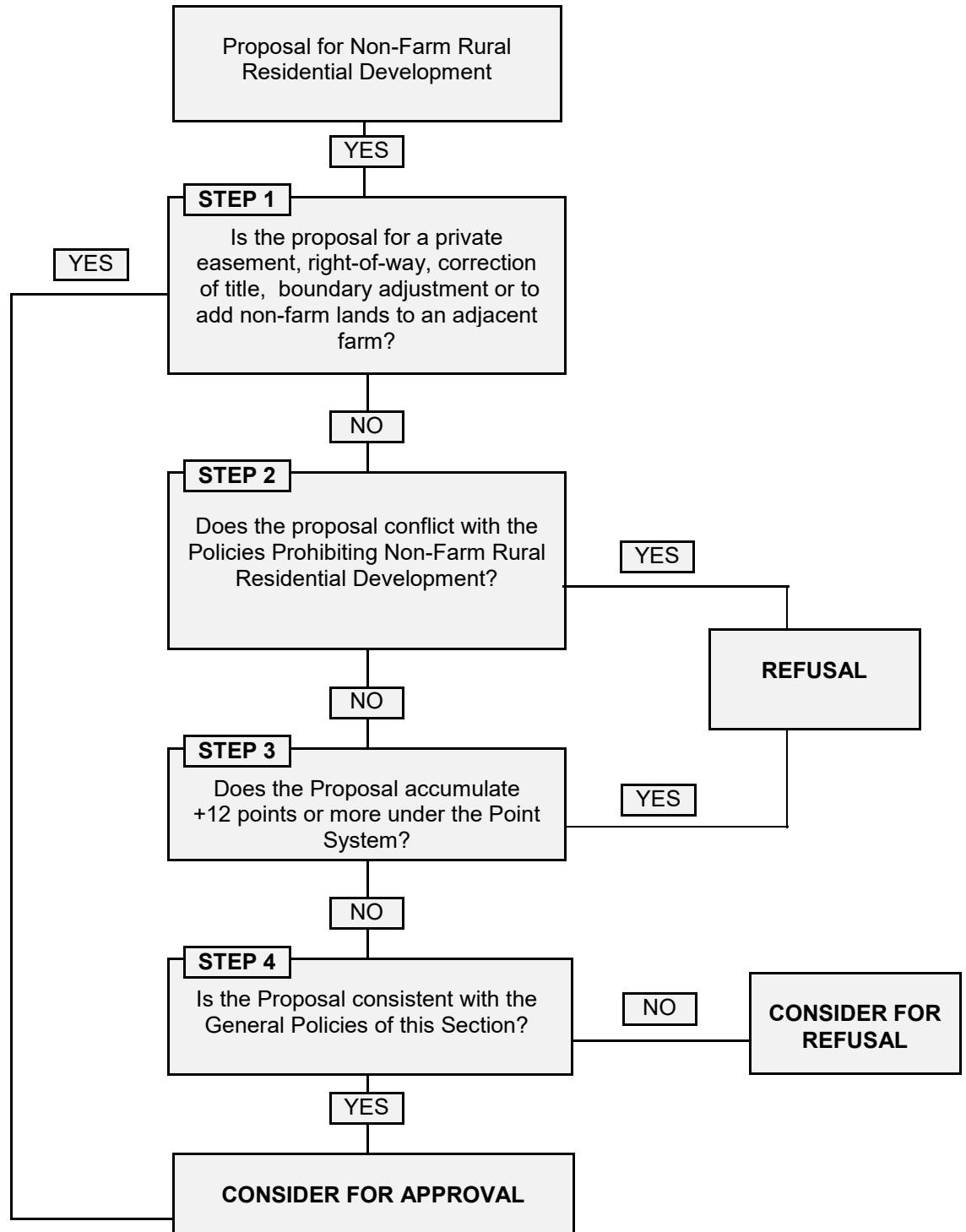
The decision-making framework in Figure 2 consists of four steps and has been adopted to evaluate non-farm rural residential *development* proposals in the following land use designations: Agricultural Reserve, Environmental Protection Area, Open Space, Future Urban Growth and Quarry Area. The decision-making framework also applies to non-farm rural residential proposals affecting lands identified as Quarry Resource Area, Sand and Gravel Resource Area, Oil and Gas Resource Area, Gypsum Resource Area, and Well Head Protection Areas.

Figure 2 is intended to form part of the Official Plan for the County of Oxford and should be interpreted as part of the text of this section.

Proposals for non-farm rural residential *development* include both the severed and retained parcels in the case of consent and subdivision applications and lands subject to rezoning for residential purposes in the case of zoning amendment applications.

County of Oxford Official Plan

FIGURE 2: DECISION-MAKING FRAMEWORK FOR NON-FARM RURAL RESIDENTIAL DEVELOPMENT



County of Oxford Official Plan

3.1.5.4.3 Step 1: Consents for Easements, Rights-of-Way, Correction of Title and Boundary Adjustments

Consents for severance affecting lands used for non-farm rural residences may be given for the following purposes:

- to create or alter any private easement or right-of-way;
- to correct or confirm valid title for a lot zoned for residential use which is currently recognized in the Zoning By-Law and which was previously held in distinct and separate ownership but has since merged with an adjacent parcel;
- to make minor adjustments to the boundaries between abutting lots;
- to conform to existing patterns of exclusive use and occupancy or to rectify problems created by the encroachment of buildings, structures, private water supply or private sewage disposal facilities on abutting lots;
- to permit the conveyance of non-farm residential lands to an adjacent farming operation to be held in one ownership and to be used for farming purposes,
- proposals which have the effect of adding agricultural land to an existing residentially zoned property will satisfy the policies relating to maximum lot size in Section 3.1.5.4.6.

AMENDMENT NO. 27

AMENDMENT NO. 27

STEP 2: POLICIES
PROHIBITING NON-
FARM RURAL
RESIDENTIAL
DEVELOPMENT

3.1.5.4.4 Step 2: Policies Prohibiting Non-Farm Rural Residential Development

The following policies indicate circumstances that would prohibit non-farm rural residential *development*. Approval to develop lands for non-farm rural residential *development* outside of the *settlement* designations through severance, subdivision or rezoning will be denied should any of the following circumstances be present:

UNSATISFACTORY
PRIVATE SERVICES

The proposal is evaluated in accordance with the requirements of the County and the Board of Health and the policies of Section 3.2, Environmental Resource Policies, as appropriate, and it is determined that an on-site sewage disposal system cannot operate satisfactorily on the proposed site or that an adequate supply of potable water is not available on the proposed site.

County of Oxford Official Plan

<i>NO ROAD FRONTAGE</i>	The proposal has no direct frontage on a permanent public road maintained year-round at a reasonable standard of construction.
<i>ONLY DWELLING</i>	<p>The proposal involves the severance of:</p> <ul style="list-style-type: none">• the only dwelling accessory to an agricultural industrial or agricultural commercial or non-agricultural use, including recreational, institutional, industrial or commercial uses; or• the only farm dwelling contained on the lot. <p>This prohibition does not apply to proposals to retain an only farm dwelling existing at the date of adoption of this Official Plan (December 13, 1995) through farm consolidation.</p>
<i>PROPOSALS NOT INVOLVING FARM CONSOLIDATION</i>	The severance of a lot for non-farm rural residential use in the Agricultural Reserve designation, other than those resulting from a farm consolidation, shall be prohibited.
<i>IN ENVIRONMENTAL PROTECTION AREA</i>	The proposal is to sever land that does not contain a residential dwelling, where the land to be severed is wholly contained within an area designated Environmental Protection Area as defined in Section 3.2.4.
<i>IN WELL HEAD PROTECTION AREA</i>	Well Head Protection Area – The proposal would result in a non-farm rural residential lot, any part of which is within the 100 metre (328 foot) radius or the two-year time-of-travel capture zone for a municipal well, as identified in this Plan, where the said lot would require the installation of a private septic system and/or private well.
<i>IN FLOOD PLAIN</i>	The proposal is to sever land that does not contain a residential dwelling, where the land to be severed is wholly contained within an area designated Open Space and further identified as a Flood Plain according to policies in Section 3.2.8.1.
<i>IN QUARRY RESOURCE AREA</i>	The proposal is wholly contained within an area identified as a Quarry Area or a Quarry Resource area according to Section 3.4.
<i>IN SAND AND GRAVEL RESOURCE AREA</i>	The proposal is wholly contained within an area identified as a Sand and Gravel Resource Area by the Ministry of Natural Resources.
<i>IN FUTURE URBAN GROWTH AREAS</i>	The proposal is wholly contained within a Future Urban Growth Area as identified on Schedule C-3, and referred to in Chapter 4.0, Growth Management Policies, unless the proposed use is a large scale business use.

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3.1.5.4.5 Step 3: Application of the Point System

For proposals that are not prohibited in Step 2, the County Land Division Committee and Area Councils will apply the point system described below. It is the intent of this Plan to apply the point system to both new and existing *development*, that is, to the creation of new lots and the rezoning of existing lots.

Non-farm rural residential *development* proposals identified on Table 1 will be evaluated consistently and impartially through use of a point system and a set of policies. The point system is designed to evaluate such proposals on the basis of agricultural land preservation, location, land use compatibility and environmental compatibility. The point system should be used in conjunction with the goals and strategic approach of the agricultural, environmental resource, and aggregate resource policies of this Plan.

POINT SYSTEM DESCRIPTION

The point system consists of a number of site assessment factors which are each weighted numerically. The weighting of each factor is intended to reflect the level of importance in supporting the goals and objectives for agricultural, environmental resource and aggregate resource policies of this Plan.

The site assessment factors are not intended to be unilaterally applied to all proposals. Table 1 indicates the titles of the site assessment factors and the situations in which they are to be applied. The proposal types identified in Table 1 are the most common.

In assessing proposals using the point system, points are accumulated based on each applicable factor. If the number of points accumulated is +12 or greater, the non-farm rural residential *development* is prohibited. If the number of points accumulated is less than +12, Area Councils and the County Land Division Committee will further assess the proposal based on Step 4, the general policies outlined in this Section prior to making a decision.

Minimum Distance Separation Formula 1 is to be applied as indicated in the point system.

Notwithstanding the policies of Section 1.5, Interpretation, for the purposes of the application of the point system, the numerical references and measurements are intended to be absolute.

3.1.5.4.5.1 Point System Site Assessment Factors

The following site assessment factors shall be applied to assess proposals for non-farm rural residential *development*:

County of Oxford Official Plan

A) LAND CAPABILITY FOR AGRICULTURE

The intent of this factor is to assist with the preservation of broad agricultural areas containing prime agricultural land.

A proposal shall be assigned the following points related to land use capability for agriculture as defined by the Canada Land Inventory. The County Land Division Committee and Area Councils will utilize the Canada Land Inventory mapping for land capability at a scale of 1:50,000. Site specific soil evaluations prepared by the applicant will not be considered in assigning points for land capability for agriculture.

<u>Class</u>	<u>Points</u>
I	+10
II	+10
III	+10
IV	+ 6
V	+ 4
VI	+ 2
0	+ 5

B) SURROUNDING AGRICULTURAL LAND USE

The intent of this factor is to prevent land use conflicts between farming operations and non-farm rural residential uses.

A proposal that is within 300 metres (984 feet) of an agricultural use will be assigned +10 points.

A proposal that does not satisfy the requirements of *Minimum Distance Separation Formula I* will be assigned an additional +5 points.

Notwithstanding the above policy, in the case of a farm consolidation, +5 points will only be applied where a proposal for severance of a surplus farm dwelling does not comply with the requirements of MDS I from a livestock and/or manure storage facility located on the severed parcel to be added to the abutting farm.

MEASUREMENT OF DISTANCE

Measurement will be taken along the straight line distance between any lot lines associated with the proposed non-farm rural residential *development* and:

- the nearest boundary of lands utilized for agriculture including *woodland*;
- the building(s) or feedlot area which houses or is capable of housing livestock or poultry or the manure storage facility, whichever is a lesser distance.

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**TABLE 1: APPLICATION OF SITE ASSESSMENT FACTORS
OF THE POINT SYSTEM BY TYPE OF PROPOSAL**

SITE ASSESSMENT FACTORS OF POINT SYSTEM							
Proposal Type	Land Capability	Surrounding Extractive Land Use	Surrounding Agricultural Land Use	Access to Major Road	Traffic Safety	Surplus Dwelling	Heritage
Severance of an existing residential dwelling on land designated Environmental Protection Area or Open Space	X ¹	X	X	X	X		
Severance of a surplus second or additional farm dwelling(s) made surplus through farm consolidation.	X ¹	X	X	X	X	X	X
An industrial, commercial, or institutional lot for rezoning to residential use.	X ^{1,2}	X	X	X	X		X

1 Where the proposed new lot contains lands in excess of 1.0 hectares (2.5 acres).

2 Where the proposed new lot contains lands in excess of 1.0 hectares (2.5 ac); consideration should be given to rezoning the property as an under-sized agricultural parcel in accordance with Section 3.1.4.3 or, where a residential dwelling exists on the property, in accordance with Section 3.1.5.4.1.

Table amended by Amendment No. 27

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FIGURE 3: POINT SYSTEM SUMMARY

FACTOR	POINTS														
<p>A) <u>Land Capability for Agriculture</u></p> <p>A proposal shall be assigned the following points related to land use capability for agriculture as defined by the Canada Land Inventory.</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: right;">Class 1</td> <td style="text-align: right;">+10</td> </tr> <tr> <td style="text-align: right;">2</td> <td style="text-align: right;">+10</td> </tr> <tr> <td style="text-align: right;">3</td> <td style="text-align: right;">+10</td> </tr> <tr> <td style="text-align: right;">4</td> <td style="text-align: right;">+ 6</td> </tr> <tr> <td style="text-align: right;">5</td> <td style="text-align: right;">+ 4</td> </tr> <tr> <td style="text-align: right;">6</td> <td style="text-align: right;">+ 2</td> </tr> <tr> <td style="text-align: right;">0</td> <td style="text-align: right;">+ 5</td> </tr> </table>	Class 1	+10	2	+10	3	+10	4	+ 6	5	+ 4	6	+ 2	0	+ 5	
Class 1	+10														
2	+10														
3	+10														
4	+ 6														
5	+ 4														
6	+ 2														
0	+ 5														
<p>B) <u>Surrounding Agricultural Land Use</u></p> <p>A proposal which is within 300 metres (984 feet) of an agricultural use.</p> <p style="text-align: right;">+ 10</p> <p>In <u>addition</u>, a proposal for severance of a surplus farm dwelling which does not satisfy the requirements of MDS I from a livestock and/or manure storage facility located on the retained lands resulting from the severance:</p> <p style="text-align: right;">+ 5</p>															
<p>C) <u>Surrounding Extractive Resource Land Use</u></p> <p>A proposal which is within 500 metres (1,640 feet) of one or more of the following situations:</p> <ul style="list-style-type: none"> • a designated Quarry Area • an identified Limestone Resource • an identified licensed sand and gravel pit • an identified Sand and Gravel Resource Area <p>or within 75 metres (246 feet) of an active Oil or Gas production well or compressor facility</p> <p style="text-align: right;">+ 5</p>															
<p>D) <u>Access to Major Roads</u></p> <p>Proposals on land with vehicle access to any County road or Provincial highway.</p> <p style="text-align: right;">+ 2</p>															
<p>E) <u>Traffic Safety</u></p> <p>The intent of this factor is to prevent traffic hazards by discouraging access onto roads where there is limited visibility.</p> <p style="text-align: right;">+2</p>															
<p>F) <u>Surplus Farm Dwelling</u></p> <p>Where abutting farms are proposed to be legally consolidated into one parcel under identical ownership, a proposal to retain a habitable dwelling existing at the date of adoption of this Official Plan:</p> <p style="text-align: right;">-2</p>															
<p>G) <u>Heritage</u></p> <p>The proposal involves the severance or rezoning of buildings or structures that are designated pursuant to the Ontario Heritage Act.</p> <p style="text-align: right;">-2</p>															

Figure amended by Amendment No. 27

County of Oxford Official Plan

C) *SURROUNDING
EXTRACTIVE
RESOURCE LAND
USE FACTOR*

The intent of this factor is to prevent land use conflicts between resource extraction activities and non-farm rural residential uses.

A proposal which is within 500 metres (1,640 feet) of one or more of the following situations:

- a designated Quarry Area;
- an identified Limestone Resource;
- the licensed area of an identified licensed sand and gravel pit;
- an identified Primary or Secondary Sand and Gravel Resource Area;

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or within 75 metres (246 feet) of:

- an active Oil or Gas production well or compressor facility

will be assigned +5 points.

*MEASUREMENT OF
DISTANCE*

Measurement will be taken along the straight line distance between any lot lines associated with the proposed non-farm rural residential *development* and:

- the nearest point of the Quarry Area designation;
- the nearest point of the Limestone Resource;
- the nearest point of the licensed area within an identified licensed sand and gravel pit, as shown on the Operational Plan of the license;
- the nearest point of the Sand and Gravel Resource Area;
- the nearest active Oil or Gas production well or compressor facility.

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D) *ACCESS TO
MAJOR ROADS*

The intent of this factor is to discourage access to relatively high speed roads in the interests of traffic safety and to facilitate the efficient movement of large volumes of traffic.

A proposal on land with vehicle access to any County road or Provincial Highway will be assigned +2 points for any new access proposed, unless an existing access is to be decommissioned to the satisfaction of the authority with jurisdiction over the road.

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E) TRAFFIC SAFETY

The intent of this factor is to prevent traffic hazards by discouraging access onto roads where there is limited visibility.

A proposal on land adjacent to a road providing vehicle access that could create a traffic hazard because of limited sight line on curves or grades will be assigned +2 points unless the traffic hazard situation can be mitigated by moving the access, obtaining an easement from an adjacent parcel, using a shared driveway or by other means as identified by the authority having jurisdiction over the road.

F) SURPLUS FARM DWELLING

This factor recognizes that, in cases of farm consolidation, second or additional permanent dwellings legally existing at the time of adoption of this Official Plan may be considered to be surplus to the *farm unit*.

Where abutting farms are proposed to be legally consolidated to form one parcel, under identical ownership, a proposal to retain a habitable second or additional dwelling existing at the date of adoption of this Official Plan on December 13, 1995 will be assigned -2 points. Points will not be deducted where the farm consolidation results in the only farm dwelling being severed or retained as a separate lot.

G) HERITAGE

The intent of this factor is to recognize and preserve heritage residential buildings in the agricultural areas of the County in accordance with the policies in Section 3.2.7.5 of this Plan.

A proposal involving:

- the creation of a lot for a farm dwelling made surplus through a farm consolidation proposal; or
- the rezoning of industrial, commercial or institutional land for residential use

which contains a building or structures that have been designated by an Area Municipality through its Local Architectural Conservation Advisory Committee pursuant to the Ontario Heritage Act will be assigned -2 points.

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3.1.5.4.6 Step 4: General Policies

For proposals that have accumulated less than +12 points in the point system, the following criteria shall apply prior to a land-use decision. Land-use decisions for proposals which have accumulated less than +12 points shall be consistent with the goal and strategic approach for agriculture in the County and will comply with the policies of Section 3.2, Environmental Resource Policies and Section 3.3, Cultural Resource Policies.

ENVIRONMENTAL PROTECTION AREAS

Land use decisions for non-farm rural residential proposals on lands within or *adjacent* to significant wildlife habitat, significant *valleylands*, significant *woodlands*, life science areas of significant natural and scientific interest or locally *significant natural heritage features* designated as Environmental Protection Area shall be subject to the outcome of an approved Environmental Impact Study as set out in Section 3.2.6.

Where lands proposed for non-farm rural residential *development* are adjacent to a Provincially Significant Wetland, Section 3.2.4.1 will apply in addition to Section 3.2.6.

Where lands proposed for non-farm rural residential *development* are adjacent to a *watercourse* identified as fish habitat, Section 3.2.4.2.3 will apply in addition to Section 3.2.6.

Where lands proposed for non-farm rural residential *development* are adjacent to significant portions of the habitat for *threatened or endangered species*, Section 3.2.6 will apply.

Required Environmental Impact Studies for non-farm rural residential proposals are subject to the Environmental Impact Study interpretation policies of Section 3.2.6.3. Conditions for *development* of non-farm rural residential uses shall be imposed as recommended by the Environmental Impact Study.

AREAS WITHIN THE OPEN SPACE DESIGNATION

Proposals for non-farm rural residential *development* on lands contained within the Open Space designation must be assessed according to the criteria in Section 3.2.5, prior to a land use decision.

For proposals on lands contained partially within a flood plain, where a building envelope consistent with the requirements of the Zoning By-Law of the Area Municipality exists outside of the flood plain, Section 3.2.8.1 and 3.2.8.2 also apply.

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Conditions for *development* of non-farm rural residential uses shall be imposed to satisfy the requirements of the Open Space designation.

OTHER ENVIRONMENTAL OR CULTURAL RESOURCES

Proposals for non-farm rural residential *development* shall be consistent with the provisions relating to environmental resources as established in Section 3.2.7.1, Locally Important Environmental Features, 3.2.7.3, Soil Preservation and 3.3.1, Heritage Resources.

ENVIRONMENTAL CONSTRAINTS

Proposals for non-farm rural residential *development* shall be subject to the policies relating to Environmental Constraints as established in Section 3.2.8, and demonstrate that any identified constraints can be avoided.

HUMAN-MADE CONSTRAINTS

Proposals for non-farm rural residential *development* shall be subject to the policies relating to Human-made Constraints as established in Section 3.3.2, and demonstrate that any identified constraints can be avoided or adequately mitigated prior to approval.

POLICIES FOR THE PROTECTION OF WATER Q UALITY AND QUANTITY

Proposals for non-farm rural residential *development* shall comply with the policies of Section 3.2.7.2.3, Water Quality, as appropriate, and the requirements of the County and the Board of Health regarding the establishment of a potable water supply and on-site sewage facilities. Prior to *development* approval, applicants will be required to provide acceptable evidence that the proposed water supply is adequate and satisfies the Ontario Drinking Water Standards and that sewage can be acceptably attenuated on the proposed lot and will have no *negative effects* on wells located on adjacent and down-gradient properties.

MAXIMUM LOT SIZE

New or expanded non-farm rural residential lots will be as small as is practical in order to preserve the County's agricultural land base. Severance proposals to create new or expanded lots for non-farm rural residential *development* will generally not exceed .8 hectares (two acres). Proposals seeking to sever parcels larger than this limit will only be permitted where it can be demonstrated that the additional area is required to accommodate a private water supply or on-site sewage facilities, where the topography of the area has limitations for agriculture or where the proposed lots are physically isolated by natural features such as streams.

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CONDITIONS OF APPROVAL

The County Land Division Committee or Area Councils may impose conditions of approval or may restrict land uses pertaining to a non-farm rural residential *development* proposal in accordance with the policies of this Plan to ensure that all necessary works or facilities required to achieve conformity are incorporated into the *development*.

CONSENT vs PLAN OF SUBDIVISION

Applications proposing more than 5 lots, including the remnant parcel will be required to develop by Plan of Subdivision. All Plan of Subdivision applications affecting property in the designations permitting agricultural land uses will be evaluated using the policies and point system contained in this Section and the policies of Section 10.3.3.

AMENDMENT No. 215

3.1.5.4.7 Special Policies

The following policies apply, in addition to the relevant policies of this section, to the specific rural residential uses. These specific policies provide guidance to the development to of these sites.

3.1.5.4.7.1 Part Lot 22, Concession 3 (North Dorchester) Township of Zorra

LOCATION

The lands to which this subsection applies comprise approximately 40 ha (100 ac) with frontage on Road 64 and are described as Part Lot 22, Concession 3 (North Dorchester) in the Township of Zorra. The lands are located on the south side of Road 64, between 15th Line and 17th Line.

POLICIES

Notwithstanding Section 3.1.5.4 or any other relevant policies of the Official Plan, a parcel of land with frontage on Road 64 intended for non-farm rural residential use, comprising approximately of 0.4 ha (1 ac), may be separated from the larger agricultural holding by means of a consent approved by the County Land Division Committee. The said parcel shall be located at the northeast corner of the larger farm holding and MDS I shall not apply to the creation of the lot.

The creation of the lot noted above shall only be permitted where an existing non-farm rural residential lot located on lands described as Part Lot 22, Concession 3 (North Dorchester) in the Township of Zorra and located on the north side of Road 62, between 15th Line and 17th Line has been merged with the abutting farm holding, the dwelling located on the said lot has been removed and the zoning of the residential lot has been amended to permit agricultural use.

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AMENDMENT No. 215

The County Land Division Committee will ensure, through conditions of consent and any other means deemed to be appropriate, that the above-noted merger and dwelling removal is completed prior to the completion of the consent for the new lot on Road 64.

AMENDMENT No. 139

3.1.5.5 Alternative and/or Renewable Energy Systems

DESCRIPTION

In recognition of the emerging importance of the use of *alternative and/or renewable energy systems* and the economic and environmental benefits they may provide, the establishment of *alternative and/or renewable energy systems* within the Agricultural Reserve designation may be permitted in appropriate locations in accordance with the following policies.

3.1.5.5.1 Small Scale Alternative and/or Renewable Energy Systems

DEFINITION

Small scale *alternative and/or renewable energy systems* refer to smaller scale, non-commercial systems that are secondary to the principal use of the property. These systems are primarily intended to off-set or replace on-site energy consumption, but may also supply electricity to the grid.

For the purposes of implementation, small scale *alternative and/or renewable energy systems* which may be permitted in the Agricultural Reserve designation have been divided into two categories: small scale rural systems and on-farm systems.

The establishment of small scale rural and on-farm *alternative and/or renewable energy systems* in the Agricultural Reserve designation shall be in accordance with the following general and scale specific policies:

GENERAL
POLICIES

COMPATIBILITY

All small scale *alternative and/or renewable energy systems* shall be designed and constructed to be buffered and/or separated from *sensitive land uses* to prevent adverse effects and to minimize risk to public health and safety.

ENVIRONMENTAL
POLICIES

All small scale *alternative and/or renewable energy systems* shall comply with the policies of Sections 3.2, Environmental Resource Policies, 3.3, Cultural Resource Policies, 3.4 Aggregate Extraction Policies and all other relevant policies of this Plan.

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SMALL SCALE RURAL SYSTEMS

Unless otherwise indicated, small scale rural *alternative and/or renewable energy systems* may be permitted as accessory to any permitted use within the Agricultural Reserve designation, provided that they:

- are clearly secondary and ancillary to the principal use of the property;
- are located on or adjacent to existing on-site buildings, wherever possible; and
- do not create an adverse impact on surrounding land uses.

TYPES OF SYSTEM PERMITTED

The types of small scale rural *alternative and/or renewable energy systems*, that may be permitted in accordance with the policies of this section, include:

- building mounted *solar energy systems*;
- ground installed *solar energy systems* that do not generally occupy more than 10% of the lot area, to a maximum of 100 m² (1,076 ft²);
- biogas energy systems, which are accessory to a farm operation in an agricultural zone and use only agriculturally sourced input material originating from the farm upon which the system is located;
- *biomass energy systems*, used primarily for the heating of on-site buildings and structures, with a *nameplate generating capacity* not exceeding 250 kilowatts; and
- geothermal energy systems.

MINIMUM DISTANCE SEPERATION FORMULA

Biogas energy systems involving an anaerobic digester and using manure as an input, shall be located in compliance with MDS II.

ZONING

It is not intended that the full range of system types or the maximum system scale shall be permitted in every zone. Where deemed appropriate, Area Councils may permit small scale rural *alternative and/or renewable energy systems* in the implementing zoning category and, where permitted, shall include provisions to restrict the type and scale of such systems and ensure compliance with Provincial and Federal requirements. These provisions may include size and height limitations, minimum setbacks, location of buildings and structures, restriction on off-site inputs, maximum generation capacities, parking and access and any other controls necessary to limit the overall size and scale of such systems and associated off-site impacts.

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Small scale *alternative and/or renewable energy systems* that do not comply with the specific requirements for such systems established in the Area Municipal Zoning By-Law, may be permitted through a site specific Zoning By-Law amendment, provided that the Area Council is satisfied that the use and scale would comply with the policies for small scale rural systems.

SITE PLAN APPROVAL

Small scale rural *alternative and/or renewable energy systems* may be placed under site plan control to address location of buildings, structures and facilities, parking and access, screening and buffering, stormwater management and drainage and any other identified site design considerations.

ON-FARM SYSTEMS

On-farm *alternative and/or renewable energy systems* refer to small scale systems which are secondary to a farm and do not alter the principal use of the property for farming, but which exceed the scale permitted for small scale rural *alternative and/or renewable energy systems*.

The establishment of an on-farm *alternative and/or renewable energy system* shall only be permitted through a site specific amendment to the Zoning By-Law of the Area Municipality, in accordance with the following policies:

TYPES OF SYSTEM PERMITTED

The types of on-farm *alternative and/or renewable energy systems* that may be permitted include:

- ground installed *solar energy systems* that exceed the scale permitted for small scale rural systems, but do not exceed 10% of lot area, to a maximum of 1 ha (2.5 ac);
- on-farm biogas energy systems, using exclusively agriculturally sourced input materials, but not all of which originate from the farm upon which the system is located;
- on-farm mixed biogas energy systems, as regulated under the Nutrient Management Act, as amended; and
- on-farm *biomass energy systems* having a *nameplate generating capacity* of less than 1 megawatt.

REVIEW CRITERIA

The establishment of an on-farm *alternative and/or renewable energy system* shall satisfy the following criteria:

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- the system shall be clearly secondary and ancillary to the farm operation. For the purposes of establishing an on-farm system, the owner of the farm on which the system is located must reside on the property and must be actively involved in the farm operation;
- the total land area occupied by such systems shall not generally exceed 10% of the lot area, or 1 ha (2.5 ac), whichever is the lesser, and shall be limited to the minimum area necessary for the proper operation of the system; and
- the operation of the system shall be undertaken as part of the farm operation and as such, all new buildings, structures or facilities used or constructed for the system shall generally be located in close proximity to the principal farm building complex.

SOLAR ENERGY SYSTEMS

Proposals for on-farm *solar energy systems* shall be required to demonstrate that there will be no adverse affects on *sensitive land uses* or concerns with public safety caused by reflection from the system.

BIOMASS ENERGY SYSTEMS

Proposals for on-farm *biomass energy systems* shall be required to submit a noise and emissions study to demonstrate that emissions from the proposed system, including, but not limited to noise, dust, odour, water, wastewater, storm drainage and solid waste disposal will not have an adverse effect on the environment or on *sensitive land uses*, and comply with all applicable Ministry of Environment requirements and guidelines, prior to approval.

MINIMUM DISTANCE SEPERATION FORMULA

Biogas energy systems involving an anaerobic digester and using manure as an input, shall be located in compliance with Minimum Distance Separation Formula II (MDS II).

EXISTING VACANT LOTS

The applicant shall be required to demonstrate that *existing* vacant lots, which do not form part of the lands subject to the application and are zoned to permit the construction of a *sensitive land use*, shall retain a suitable building envelope for such use without being subjected to adverse effects from the proposed system.

TRAFFIC

The proposal shall not create traffic hazards and the road infrastructure shall be capable of accommodating the traffic associated with the construction of the facility and its ongoing operation, in accordance with the requirements of the authority with jurisdiction over the road(s). Applicants may be required to submit a traffic impact study and/or haul route analysis to assist in this determination.

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SERVICE LEVELS

If required, private water and on-site sewage facilities will be established in accordance with the requirements of the County and the Board of Health and the policies contained in Section 3.2, Environmental Resource Policies, relating to water quality and quantity, as appropriate.

SUPPORTING STUDIES AND INFORMATION

Applications for new or expanded on-farm *alternative and/or renewable energy systems* shall be accompanied by planning and technical studies, reports and other supporting information deemed necessary to address the policies of this Plan and fulfill other information requirements of the County and/or Area Municipality. All studies and reports shall be prepared and signed by qualified professionals.

The nature and scope of the required studies, reports and supporting information shall be determined through pre-consultation with County and Area Municipal staff, staff from other review agencies and any other body or qualified individual, as deemed appropriate by the County and/or Area Municipality.

A third party review of any or all supporting studies, reports and information may be required at the request of the County and/or Area Municipality. Such a review will be undertaken by a qualified third party appointed by the County and/or Area Municipality. The supporting studies, reports and information and any required third party reviews will be at the expense of the applicant.

ZONE PROVISIONS

Provisions to restrict the type and scale of on-farm systems and ensure compliance with Provincial and Federal requirements shall be established through the Area Municipal Zoning By-Law and/or through the site specific zoning by-law amendment. These provisions may include size and height limitations, minimum setbacks, location of buildings and structures, restriction on off-site inputs, maximum generation capacities, parking and access and other controls necessary to limit the overall size and scale of such systems and associated off-site impacts.

Area Council may require the addition of a Holding Provision (H) to the implementing Zoning By-Law Amendment, in accordance with Section 36 of the Planning Act, to require that matters such as registration of a site plan agreement, receipt of final Federal and Provincial Approvals and any other requirements of the Area Municipality, have been addressed prior to removal.

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SITE PLAN APPROVAL

To ensure that the land area proposed for the system will be consistent with the requirements for the use, proposals shall be accompanied by a detailed site plan showing the location of all existing and proposed buildings and structures; wells and septic beds; areas for parking, storage and landscaping; points of access; and any other information deemed relevant to the proposal.

On-farm *alternative and/or renewable energy systems* shall be subject to site plan control to address those matters noted above and other site design considerations identified through the development review process.

3.1.5.5.2 Larger Scale Alternative and/or Renewable Energy Systems

DESCRIPTION

Alternative and/or renewable energy systems, which exceed the size or scale permitted for small scale systems in Section 3.1.5.5.1, may only be permitted in the Agricultural Reserve designation in accordance with the policies of Section 3.1.5.5.3, Larger Scale Solar Energy Systems and Section 3.1.5.5.4, Larger Scale On-Farm Biogas Energy Systems, as well as the following general policies.

All other larger scale *alternative and/or renewable energy systems*, such as larger scale biomass and biofuel energy systems, will generally be directed to industrial areas within designated *settlements*, in accordance with the policies of Section 3.2.7.4.1 pertaining to larger scale *alternative and/or renewable energy systems*.

Proposals to permit larger scale *alternative and/or renewable systems* in the Agricultural Reserve designation, other than those permitted by the policies of this section, shall only be considered through an amendment to this Plan. Such an amendment shall be reviewed in accordance with the policies of Section 3.1.6., Official Plan Amendments in the Agricultural Reserve, and be supported by planning justification and technical studies required to address the policies of this Plan and any other anticipated land use compatibility issues, to the satisfaction of the County and Area Municipality.

COMPATIBILITY

The system shall be designed and constructed to be buffered and/or separated from *sensitive land uses* to prevent adverse effects and to minimize risk to public health and safety.

BELOW GRADE INFRASTRUCTURE

Whenever possible, new private on-site transmission and distribution facilities and electricity corridors shall be located below grade and otherwise comply with the infrastructure policies contained in Section 5.2 of this Plan.

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PROXIMITY TO AIRPORTS

The system shall not cause a potential aviation safety hazard and shall be sited and designed to the satisfaction of Transport Canada, NAV Canada and the airport authority. Applicants shall consult with operators of airports and aerodromes/airstrips in the vicinity to identify any additional aviation safety considerations, including Transport Canada and NAV Canada guidelines, and how they are to be addressed.

MANAGEMENT PLAN

A management plan shall be submitted for the proposed project which provides detail on matters including, but not limited to, construction, traffic management, decommissioning and mechanisms for ensuring related securities are in place to cover the cost of decommissioning, emergency management, operational and complaint resolution protocols, certification and design standards and preventative maintenance.

The complaint resolution protocol required as part of the management plan shall establish complaint procedures for such potential issues as noise, stray voltage and shadow flicker and how such complaints would be addressed.

TRAFFIC

The proposal shall not create traffic hazards and the road infrastructure shall be capable of accommodating the traffic associated with the construction of the facility and its ongoing operation, in accordance with the requirements of the authority with jurisdiction over the road(s).

ENVIRONMENTAL ASSESSMENT ACT

To the extent possible, any requirements under the Ontario and/or Federal Environmental Assessment Acts shall be integrated with the planning approval process through:

- expanding the scope of documentation beyond that required under the Environmental Assessment Act(s) to include additional information required to assess the proposal under the Planning Act;
- coordinating public consultation and information requirements under both processes with the County and/or Area Municipality;

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- deferring Planning Act approvals until such time as:
 - i) A notice of completion has been issued under the Environmental Screening Process and the required public and agency review period has been completed; and
 - ii) copies of all comments and any elevation requests received during the public and agency review period, under the Environmental Screening Process, have been provided to the County and/or Area Municipality, and they are satisfied that any identified planning issues have been appropriately addressed.
- the addition of Holding Provisions to the implementing Zoning By-Law Amendment, in accordance with Section 36 of the Planning Act, to require that all final Federal and Provincial Approvals be obtained, prior to removal.

CUMULATIVE EFFECTS

Prior to establishing more than one *alternative and/or renewable energy system* on a property, the applicant shall be required to demonstrate that potential cumulative effects on adjacent properties, the surrounding areas and the County and Area Municipality have been considered and addressed.

EXISTING VACANT LOTS

The applicant shall be required to demonstrate that *existing* vacant lots, which do not form part of the lands subject to the application and are zoned to permit the construction of a *sensitive land use*, shall retain a suitable building envelope for such use without being subjected to adverse effects from the proposed system.

SERVICE LEVELS

If required, private water and on-site sewage facilities for larger scale *alternative and/or renewable energy systems* will be established in accordance with the requirements of the County and the Board of Health and the policies contained in Section 3.2, Environmental Resource Policies, relating to water quality and quantity, as appropriate.

Proposed uses that meet the requirements of Section 34 of the Ontario Water Resources Act are required to obtain a “Permit to Take Water” from the Ministry of the Environment.

ENVIRONMENTAL POLICIES

The system shall comply with the policies of Sections 3.2, Environmental Resource Policies, 3.3, Cultural Resource Policies, 3.4, Aggregate Extraction Policies and all other relevant policies of this Plan.

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SUPPORTING STUDIES AND INFORMATION

Applications for new or expanded larger scale *alternative and/or renewable energy systems* shall be accompanied by planning and technical studies, reports and other supporting information deemed necessary to address the policies of this Plan and fulfill other information requirements of the County and/or Area Municipality. All studies and reports shall be prepared and signed by qualified professionals.

The studies, reports and supporting information required and the nature and scope of such studies, reports and information shall be determined through pre-consultation with the County and Area Municipality, Provincial Ministries, Conservation Authority and any relevant agencies or public bodies.

A third party review of any or all supporting studies, reports and other information may be required at the request of the County and/or Area Municipality. Such a review will be undertaken by a qualified third party appointed by the County and/or Area Municipality. The supporting studies and any required third party reviews will be at the expense of the applicant.

ZONING PROVISIONS

Setbacks from road allowances, lot lines, buildings and structures, maximum height provisions and any other provisions necessary to ensure compliance with Provincial and Federal Requirements and to control on and off-site adverse effects shall be established in the Area Zoning By-Law and/or incorporated into the site specific Zoning By-Law Amendment.

Area Council may require the addition of a Holding Provision (H) to the implementing Zoning By-Law Amendment, in accordance with Section 36 of the Planning Act, to require that matters such as registration of a site plan agreement, receipt of final Federal and Provincial Approvals and any other requirements of the Area Municipality, have been addressed prior to removal.

SITE PLANNING

Site plan control shall be required to ensure larger scale energy systems are sited to minimize disruption to agricultural land and potential off-site adverse effects on surrounding land uses and to address the location of buildings, structures and facilities, parking and access, screening and buffering, lighting, stormwater management and drainage and any other identified site design considerations or mitigation measures.

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AGREEMENTS UNDER THE MUNICIPAL ACT AND OTHER LEGISLATION

In addition to any approvals and agreements that may be required under the Planning Act, County Council and/or Area Council may also require the owner/applicant to enter into agreements under the Municipal Act, or other applicable legislation, in order to provide amenities, securities and/or assurances to the municipality that are deemed necessary to address any issues and/or required mitigation measures identified through the development review process.

3.1.5.5.3 Larger Scale Solar Energy Systems

DESCRIPTION

Larger scale *solar energy systems* generally refer to systems with ground installed facilities that occupy more than 1.0 ha (2.5 ac) of land.

Area Councils may permit the establishment of larger scale *solar energy systems* within the Agricultural Reserve designation through a site specific amendment to the Area Zoning By-Law, provided the following policies have been addressed.

GENERAL POLICIES

Larger scale *solar energy systems* shall comply with the general policies for larger scale *alternative and/or renewable energy systems* contained in Section 3.1.5.5.2, in addition to the system specific policies of this Section.

PROXIMITY TO SETTLEMENTS

Proposals located in proximity to a Serviced Village or Large Urban Centre identified on Schedule C-3 of the Official Plan shall demonstrate that the proposed location of the system will not negatively impact the potential for future *settlement* expansions which may be required to accommodate projected growth during the planning period.

NOISE STUDY

Proposals shall be required to demonstrate compliance with Ministry of the Environment noise requirements for any transformers or other equipment, notwithstanding any exemptions from the Ministry of the Environment Certificate of Approval requirements which may be provided for agricultural or residential uses.

AGRICULTURAL IMPACT ASSESSMENT

An agricultural impact assessment shall be required to demonstrate that:

- the subject lands do not comprise a specialty crop area;
- there are no reasonable alternatives which avoid prime agricultural areas;

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- there are no reasonable alternative locations on lands with lesser agricultural capability or on lands left less suitable for agriculture by existing or past development;
- the amount of agricultural land required for the system has been minimized to the extent possible; and
- the proposed location, siting, design and construction of the system minimizes potential disruption to agricultural lands and uses, normal farm practices and any other agricultural considerations, to the extent possible.

REFLECTION STUDY

Applicants shall submit a reflection study to demonstrate that there will be no adverse effects on *sensitive land uses* and that public safety will not be compromised.

3.1.5.5.4 Larger Scale On-Farm Biogas Energy Systems

DESCRIPTION

Larger scale on-farm biogas energy systems refer to on-farm biogas systems utilizing a minimum of 50 percent, by volume, of agriculturally sourced input materials, and exceeding the size or scale requirements for on-farm biogas energy systems permitted in Section 3.1.5.5.1, but with a *nameplate generating capacity* of less than 5 megawatts.

Given that such systems are associated with a farm operation and require a location in close proximity to agricultural operations, Area Councils may permit the establishment of such systems within the Agricultural Reserve designation through a site specific amendment to the Area Zoning By-Law, provided the following policies have been addressed.

GENERAL POLICIES

Larger scale on-farm biogas energy systems shall comply with the general policies for larger scale *alternative and/or renewable energy systems* contained in Section 3.1.5.5.2, in addition to the system specific policies of this Section.

MINIMUM DISTANCE SEPERATION FORMULA AND NUTRIENT MANAGEMENT

Larger scale on-farm biogas energy systems shall be required to locate in conformity with *Minimum Distance Separation Formula II*, where manure is used as an input, and comply with all applicable requirements of the Nutrient Management Act, as amended.

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ADVERSE EFFECTS

Proposals for larger scale on-farm biogas energy systems shall be required to demonstrate that emissions from the proposed system, including, but not limited to noise, dust, odour, water, wastewater, storm drainage and solid waste disposal will not have an adverse effect on the environment or on *sensitive land uses*, and comply with all applicable Ministry of Environment requirements and guidelines, prior to approval.

3.1.6 Official Plan Amendments in the Agricultural Reserve

REVIEW CRITERIA

Proposals to amend the Official Plan to permit the establishment of new non-agricultural uses in the Agricultural Reserve designation or the expansion of a *settlement* will be considered according to the following requirements. Such proposals shall prepare and submit planning and technical studies addressing these requirements. *Settlement* expansions shall only be considered through a *comprehensive review*.

For new non-agricultural uses, the proposal shall state the specific use and contain a detailed site plan showing the location of buildings and structures, private water and sanitary services, areas for parking, storage and landscaping, lot grading and drainage, road access and any other information deemed to be relevant to the proposal.

JUSTIFICATION ANALYSIS

Compelling evidence exists that the proposed *development* should be located outside of a designated *settlement* or Open Space designation or that the proposed extension of the *settlement* is justified. In this regard the following considerations will be addressed:

- there is a demonstrated need within the planning period for additional land to be removed from agricultural production and re-designated, given the nature and capacity of undeveloped land use designations within nearby designated *settlements* or within other land use designations;;
- the nature of the proposal and whether the use requires special locational requirements or physical features that are only available in prime agricultural areas;
- the amount of land proposed for the new *development* will be consistent with the requirements of the proposed use;

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AMENDMENT No. 27

- the amount of land proposed for *settlement* extension is justified considering population, household and labour force projections for the Area Municipality and land use density factors for the planning period of this Plan, including opportunities for *intensification* and redevelopment.

AMENDMENT No. 27

- any land proposed for the *settlement* extension is a logical expansion of the *settlement*.

AMENDMENT No. 27

- the long-term suitability and feasibility of the proposed site for *centralized waste water and/or water supply facilities* or private water and private septic systems is demonstrated to the satisfaction of the County and the Board of Health. Proposed uses on private services that meet the requirements of Section 34 of the Ontario Water Resources Act are required to obtain a Permit to Take Water from the Ministry of the Environment.

SERVICING IMPLICATIONS

AMENDMENT No. 27

The level of servicing planned or available for the proposed *development* or expansion is consistent with the servicing hierarchy established in Section 5.5.3 of this Plan for *centralized waste water and/or water supply facilities*. *Infrastructure* and *public services* which are planned or available are suitable for the *development* or expansion over the long term and protect public health and safety.

AMENDMENT No. 27

Uses proposing accommodation for more than two units will require connection to a *centralized waste water and water supply facility* in accordance with County criteria. Individual septic tanks and wells will not be permitted.

AGRICULTURAL IMPACT

AMENDMENT No. 27

To assess agricultural impact, new non-agricultural uses and *settlement* expansion proposals in prime agricultural areas shall demonstrate that:

- the lands do not comprise specialty crop areas;
- there are no reasonable alternatives which avoid prime agricultural areas;
- there are no reasonable alternatives on lands with lesser agricultural capability or on lands left less suitable for agriculture by existing or past *development*;
- MDS I is satisfied;
- Impacts from the new use or *settlement* expansion on nearby agricultural operations are mitigated to the extent possible.

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<i>TRAFFIC</i>	The proposed new use or <i>settlement</i> expansion shall not create traffic hazards and the road infrastructure shall be capable of accommodating the new use or expansion, in accordance with the requirements of the authority with jurisdiction over the road(s).
<i>ENVIRONMENT</i>	The proposal is consistent with the policies of Section 3.2, Environmental Resource Policies and Cultural Heritage Policies of Section 3.3.
<i>MINERAL AND PETROLEUM RESOURCES</i>	The proposal will not conflict with the policies of Section 3.4, Resource Extraction Policies.
<i>GROWTH MANAGEMENT</i>	For proposals for <i>settlement</i> expansion, the proposal shall be consistent with the policies of Chapter 4, Growth Management Policies.
<i>POLICY IMPLICATIONS</i>	The proposal is acceptable regarding the ability to achieve the Goal for Agricultural Policies as set out in Section 3.1.1, the precedent to be established for other sites within the County and the ability to implement planned land uses in the vicinity.

3.2 Environmental Resource Policies

INTRODUCTION

Nearly two centuries of agricultural settlement and urban development have introduced environmental change to Oxford County that has been both significant and swift in ecological terms. During this period, forest cover has been reduced from 75 percent to 12 percent of the County land base, while 75 percent of the original *wetlands* have been drained. These changes have transformed the natural environment of Oxford County into a patchwork of progressively smaller and increasingly isolated natural area remnants. These changes are not particular to Oxford County, but are indicative of landscape change over this period throughout southwestern Ontario. These changes, while providing many economic benefits, have also served to demonstrate the value of *woodlands* and *wetlands* in maintaining a healthy environment and a desirable quality of life.

Environmental policies in this Plan not only recognize the value of remnant natural areas and provide for their basic protection but also build on the concept of a *Natural Heritage System* of linked natural areas through a series of corridors. The *Natural Heritage System* is considered an integral part of the social and economic systems in the County. The policies of this Plan promote *development* that, wherever possible will enhance, not deteriorate, the ecological and social systems on which people depend.

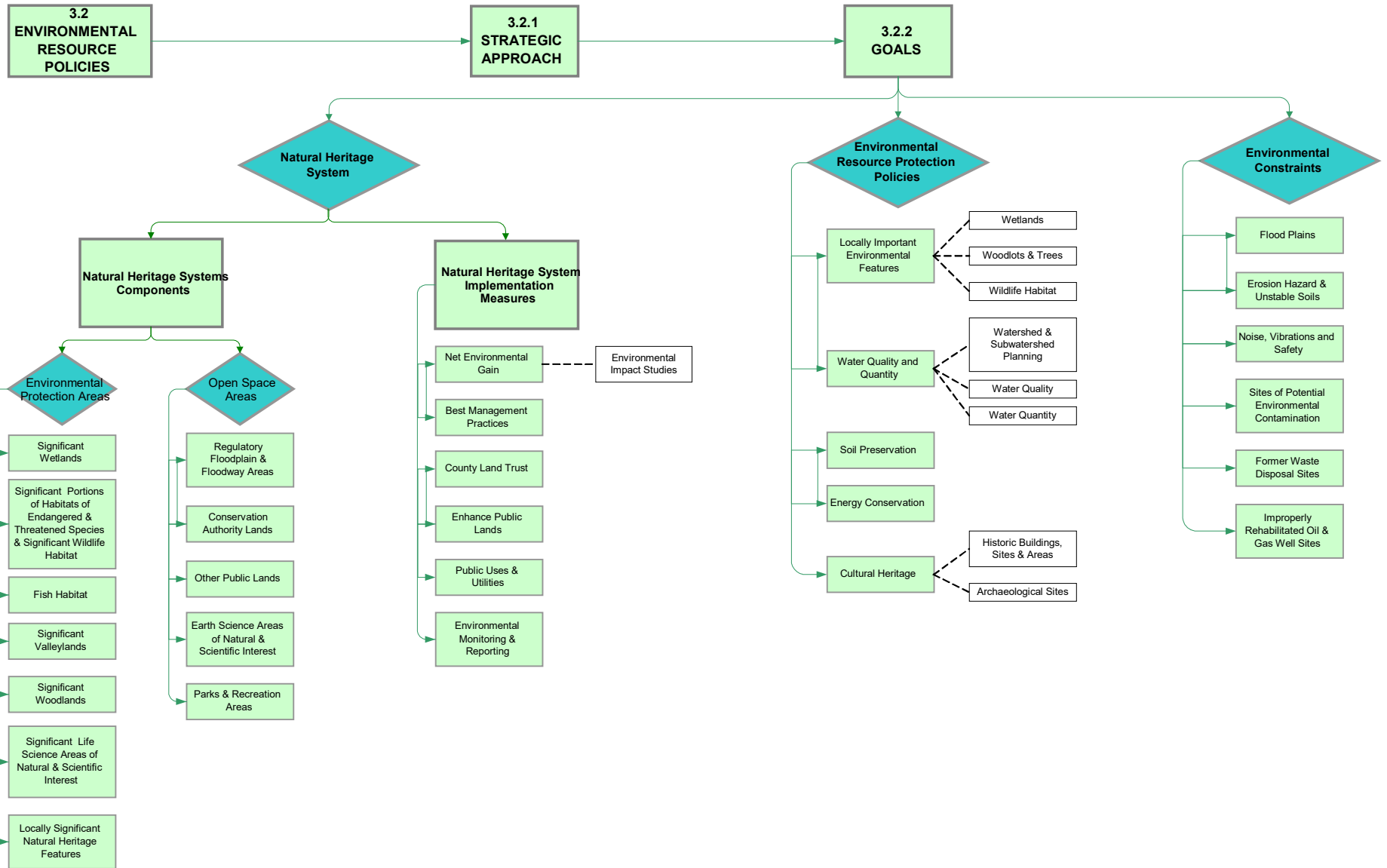
To achieve goals such as maintaining water quality, resource and energy conservation, natural areas preservation, and in order to create high quality living environments, the policies of this Section are intended to be applied to all land use decisions in the County of Oxford.

3.2.1 Strategic Approach

OVERVIEW

The County's strategic approach to environmental management is based on three major policy initiatives illustrated in Figure 4. The first initiative identifies the County's *Natural Heritage System*, consisting primarily of the Environmental Protection and Open Space designations. The incorporation of Natural Heritage objectives and

Figure 4 - Framework for the Environmental Management Policies



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policies into the Official Plan provide a comprehensive, integrated perspective on the conservation of the natural environment in Oxford County.

The second initiative consists of general environmental resource protection policies that create opportunities for environmental enhancement and seek to minimize the adverse effects of *development*. Where possible, the policies seek to achieve a net improvement to environmental quality as a result of *development* and land use. These policies pertain to such resources as surface and ground water, soils, energy, *wildlife habitat* and natural features that may not be within the designated Environmental Protection or Open Space areas.

The third initiative focuses on environmental constraints and establishes policies to alleviate natural hazards to public health and safety. Environmental constraint areas of high risk are identified and appropriate *development* standards are established for those areas.

3.2.2 Goals for Environmental Resource Policies

COMPREHENSIVE GOAL

County Council shall adopt a comprehensive, integrated approach to environmental management in order to protect the quality of the natural environment through the land use planning process. This approach shall consider the ways in which human and natural systems interact, and result in *development* which enhances the ecological and social systems on which humans depend.

SPECIFIC GOALS

County Council and the Area Councils will strive to:

NET ENVIRONMENTAL GAIN

Achieve *net environmental gain* through the protection and conservation of existing natural features, the maintenance of existing *ecological functions* and the creation of new environmental features, wherever possible.

IDENTIFY AND PROTECT SIGNIFICANT NATURAL AREAS

Preserve and protect lands and water identified by the Province, County and Area Municipalities as *significant natural heritage features and areas* by designating such features as Environmental Protection Areas on the Land Use Schedules.

DEVELOP THE NATURAL HERITAGE SYSTEM

Ensure the viability of protected natural areas through the *development* of the *Natural Heritage System* by linking environmentally protected areas and open spaces via a series of natural or open space corridors.

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ENCOURAGE NATURALIZATION AND MAINTENANCE OF ECOLOGICAL FUNCTIONS

Encourage naturalization or the re-establishment of native indigenous vegetation, self-sustaining ecological processes, and biodiversity throughout the *Natural Heritage System* in order to maintain *ecological functions*.

INTEGRATE WITH OTHER SYSTEMS

Integrate the *Natural Heritage System* with broader regional systems performing a similar function, such as through watershed planning.

GROUNDWATER PROTECTION

Identify wellhead protection areas for municipal wells and highly vulnerable aquifers and provide for the protection and conservation of groundwater resources to secure a long-term potable water supply for County residents and industry.

SURFACE WATER PROTECTION

Identify important *surface water features* and provide for the protection and conservation of surface water resources to secure long-term hydrologic stability and healthy aquatic habitat.

ENVIRONMENTAL IMPACT CONTROL

Ensure minimization or prevention of *negative impacts* on environmental features by prohibiting incompatible *development* and, where appropriate, requiring an Environmental Impact Study prior to *development* and implementing necessary mitigation measures as a condition of *development*.

PRESERVATION OF TREES

Take a comprehensive approach to tree and *woodland* preservation within the County by incorporating a range of measures to maintain and, wherever possible, increase the amount of forest cover within the County.

FACILITATE SAFE AND HEALTHY CONDITIONS

Facilitate a safe and healthy environment by identifying various environmental constraints applying land use restrictions or, where appropriate, requiring effective mitigating measures as a requirement of *development*.

ENERGY EFFICIENCY

Reduce the stresses placed on the environment by managing consumption of resources through energy efficient planning and design.

ENVIRONMENTAL MONITORING AND REPORTING

Establish a baseline measurement and report on the state of the County's environment based on representative indicators of the quality of the air, land, water and biotic components of the County ecosystem and periodically report on changes in environmental quality as measured by such indicators.

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3.2.3 Natural Heritage System

DESCRIPTION AND PURPOSE

The *Natural Heritage System* is the unifying concept for the conservation of the natural environment in Oxford County and represents a conceptual image or vision of a county-wide green network. The approach is based on the understanding that natural area remnants, once part of a continuous natural landscape, should be linked in order to facilitate the ecological exchanges and biodiversity, which ensure their long-term maintenance and enhancement.

The *Natural Heritage System* concept provides a long-term planning framework for co-ordinating environmental conservation in Oxford County. Such conservation efforts will provide ecological, aesthetic, educational, economic, recreational and health benefits to County residents.

OBJECTIVES

TO DEVELOP THE NATURAL HERITAGE SYSTEM

To develop the *Natural Heritage System* in Oxford County on a continuous basis through the use of special studies and conditions on *development* to identify and designate additional *significant natural heritage features and areas* and open space areas.

PROTECT AND ENHANCE

To protect and enhance the features comprising the *Natural Heritage System* by prohibiting incompatible *development*, controlling the environmental effects of *development*, and in relation to fisheries, ensuring that, wherever possible, *development* or *site alteration* results in a *net environmental gain* to the County.

3.2.3.1 Natural Heritage System Components

LAND USE DESIGNATIONS

The primary means of identifying and protecting the County *Natural Heritage System* is through the incorporation of such lands in the following land use designations:

ENVIRONMENTAL PROTECTION DESIGNATION

The Environmental Protection Area designation contains those lands which perform important *ecological functions* and/or protect biological diversity and life supporting systems that would be lost or degraded if such areas were altered. The priority within this policy area is to preserve and enhance important environmental areas and features while protecting them from land use impacts that would detrimentally alter their size and physical form, impair their ecological, hydrologic or hydrogeologic functions or degrade their quality.

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The location of designated Environmental Protection Areas, for which data are available, is generally shown on the Land Use Schedules and the Environmental Features Schedule C-1. Environmental Protection Areas include the following *significant natural heritage features and areas*:

- Significant *wetlands*,
- Significant habitat of *endangered species or threatened species* and other significant *wildlife habitat*,
- fish habitat,
- significant *valleylands*,
- significant *woodlands*,
- significant *life science areas of natural and scientific interest*.

The Environmental Protection designation also applies to locally significant natural heritage features. For the purposes of this Plan, the term significant has the same meaning as in the Provincial Policy Statement, 2005.

Policies applying to Environmental Protection Areas are outlined in Section 3.2.4.

Identification of Environmental Protection Areas does not imply an intention on the part of the County to acquire such lands nor to make such areas accessible to the public at large. Environmental Protection Area boundaries are general in nature. The interpretation of their actual delineation will be consistent with Section 1.5.

OPEN SPACE DESIGNATION

The Open Space designation recognizes the role of hazard, conservation and public and private recreational lands in maintaining environmental quality within the County. The priorities in this policy area are to:

- minimize hazards to human health or safety;
- minimize property damage;
- provide linkages connecting the *Natural Heritage System*; and to
- provide opportunities for both private and public recreation.

The location of designated Open Space Areas, for which data are available, is shown on the Land Use Schedules and on the Environmental Features Schedule C-1. Open Space Areas include:

- Regulatory Flood Plains and *Floodways* where Two Zone Flood Plain policies apply,
- Conservation Authority lands and other public lands,
- Earth Science Areas of Natural and Scientific Interest, and

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- Parks, pathways and recreation areas.

Policies applying to Open Space Areas are outlined in Section 3.2.5.

Identification of Open Space areas in this Plan does not imply an intention on the part of the County to acquire such lands nor to make such areas accessible to the public at large.

3.2.3.2 Building the Natural Heritage System

INTENT TO ADD TO
THE NATURAL
HERITAGE SYSTEM

It is the intent of the County of Oxford to designate additional Environmental Protection Areas and Open Space areas in the Official Plan by means of amendments as new environmental data and information become available through the *development* process or by special studies.

In particular, for the purposes of implementing Provincial policy, the County will co-ordinate the completion of a study or studies in cooperation with the Area Municipalities, the Province, and the Conservation Authorities with jurisdiction to:

- Establish appropriate definitions and to identify significant *woodlands*, significant *wildlife habitat* and significant *valleylands* for which data are not yet available; and
- adopt policies and revisions to Schedule C-1 and/or other mapping to be included by amendment to the Official Plan to provide appropriate conservation, protection and enhancement of such areas.

Notwithstanding the policy above, the Environmental Features Schedule C-1, the Development Constraints Schedule, C-2 and the Land Use Schedules can be modified to identify additional Open Space lands without amendment to this Plan, where they consist of:

- Regulatory Flood Plain,
- *Floodways* where Two Zone Flood Plain policies apply,
- Conservation Authority lands and
- other public lands, including parks and pathways.

NOTIFICATION

All landowners affected by additional Environmental Protection Areas will be individually notified as part of any Official Plan amendment process.

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3.2.3.3 *Natural Heritage System Implementation Measures*

DESCRIPTION A number of implementation measures are identified for the preservation and protection of the *Natural Heritage System*. Such measures shall be used as a guide in the expansion of the *Natural Heritage System* as well as during the *development* review process.

NET ENVIRONMENTAL GAIN To achieve a *net environmental gain*, the County and Area Municipalities will first seek to avoid *development* or *site alteration*, including mineral resource extraction, that permanently impairs *significant natural heritage features and areas*.

Any *development* approval on lands within or *adjacent* to the Environmental Protection designation shall be conditional upon enhancement and remediation measures as determined by an Environmental Impact Study in accordance with Section 3.2.6. An Environmental Impact Study may be required for *development* proposed within the Open Space designation.

BEST MANAGEMENT PRACTICES All *development* or *site alteration* occurring within the County of Oxford within or *adjacent* to the features forming the *Natural Heritage System* shall minimize and, where possible, prevent *negative effects* associated with *development* by incorporating *best management practices* for stormwater management, erosion and sedimentation controls, tree-saving plans and other such site design and servicing measures.

CREATE COUNTY LAND TRUST The County shall investigate the feasibility of establishing a Conservation Land Trust for the acceptance of monetary and/or land gifts for the purposes of conservation of the natural environment or protection of groundwater. Where such a Land Trust is established, it will be administered by County Council or a non-profit corporation established by County Council.

ENHANCE PUBLIC LANDS Public ownership of natural areas is one of the best means of environmental protection. In recognition of this, all public lands established for conservation purposes that are held in public ownership shall be designated as either Environmental Protection or Open Space Areas, as appropriate. Management policies and plans shall be developed by the County to preserve and enhance the ecological diversity and functionality of County-owned conservation lands.

PUBLIC USES AND UTILITIES Where public *infrastructure* and utilities are proposed, County Council and Area Councils and any other public authority will incorporate measures identified in any required environmental assessment

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process to mitigate impacts of the proposal on environmental features and functions. The County when making comments to any approval authority pertaining to a utility or communications facility proposal within or *adjacent* to an Environmental Protection Area will request that enhancement and remediation measures be required.

ENVIRONMENTAL MONITORING AND REPORTING

The County shall periodically monitor and report on the state of the *Natural Heritage System* to provide an indication of overall environmental quality and suggest improvements to policies and practices.

3.2.4 Environmental Protection Area

OBJECTIVES

PROTECT AND ENHANCE

To ensure the long-term protection, conservation and enhancement of designated Environmental Protection Areas.

CONTROL DEVELOPMENT

To prohibit uses incompatible with the objective above and ensure that *development* permitted within or *adjacent* to Environmental Protection Areas adheres to environmental planning principles.

ENHANCE DEVELOPMENT REVIEW

To require Environmental Impact Studies within or adjacent to Environmental Protection Areas as part of the *development* review process, where appropriate, to assess the sensitivity of the area and its functions and ensure that possible *development* or *site alteration* activities will not detrimentally impact the area.

3.2.4.1 Description and Criteria for Designation of Environmental Protection Areas

DESCRIPTION

The Environmental Protection Area designation applies to *significant natural features and areas*. Where these features are known, an Environmental Protection designation has been applied.

The location of existing Environmental Protection Areas is designated on the Land Use Schedules and on the Environmental Features Schedule C-1, with the exception of fish habitat.

Significant natural heritage features and areas designated Environmental Protection include:

- significant *wetlands*;
- significant habitat of *endangered species or threatened species* and other significant *wildlife habitat*;

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- fish habitat;
- significant *valleylands*;
- significant *woodlands*, and
- significant *life science areas of natural and scientific interest*.

Environmental features of local significance, that are known, have been designated as Environmental Protection Areas. These significant natural heritage features have been judged to demonstrate one or more of the following characteristics:

- Plant and/or animal associations which are unusual or of high quality on a County-wide basis or provincially or nationally;
- Habitats which have limited representation in the County, province or nation, based on faunal or floral species, or are small remnants of once larger areas which have virtually disappeared;
- The area functions as an important habitat for water birds and/or waterfowl for nesting and/or migratory stopover;
- The area contains an unusual diversity of habitat types, or plant and animal species within a single habitat type, due to a variety of geomorphological features, soils, water and microclimatic effects;
- Areas that are large and relatively undisturbed thereby having potential to provide suitable habitat to a greater variety of species and to those species intolerant of human disturbance;
- The site provides linkage within a system of larger habitable areas enabling the movement of wildlife among those areas; or
- Areas serving vital *ecological functions* such as significant groundwater discharge and recharge areas, and areas contributing to the maintenance of surface and ground water quality and quantity.

3.2.4.1.1 Permitted Uses Within and Adjacent to Environmental Protection Areas

PERMITTED USES WITHIN ENVIRONMENTAL PROTECTION AREAS

Subject to the policies of Section 3.2.4.2, uses that may be permitted within the Environmental Protection Area designation corresponding to *significant natural heritage features and areas* will be limited to the following:

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- activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- minor additions to existing buildings developed and located on existing cleared land in accordance with the Zoning By-Law;
- a building or structure that is intended for flood or erosion control or is normally associated with proper management of the natural environment as approved by the Area Municipality, the County of Oxford, the Conservation Authority, and the Ministry of Natural Resources;
- passive recreation, such as recreational walking trails approved by the Area Municipality and the County, in consultation with the Conservation Authority with jurisdiction;
- established agricultural activities on existing cleared areas, including cropping practices, livestock husbandry and existing buildings and structures associated with such farming activities. This includes the land application of nutrients in accordance with the prevailing nutrient management regulations or by-laws.
- lot creation in agricultural areas for farming purposes in accordance with the policies of Section 3.1.4.4 and 3.1.5.4 provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within the feature;
- facilities for the production of maple syrup and honey;
- harvest of timber in accordance with good forestry management practices and in conformity with the County Woodland Conservation By-Law;
- use of the area for an approved wildlife, *wetland* or fishery management project as approved by the Conservation Authority with jurisdiction and/or the Ministry of Natural Resources; or
- use of the area for passive environmental education and research.

PERMITTED USES
ADJACENT TO
ENVIRONMENTAL
PROTECTION
AREAS

Subject to the policies of Section 3.2.4.2, *development* or *site alteration* on lands *adjacent* to Environmental Protection Areas shall be consistent with the permitted uses of the underlying land use designation.

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3.2.4.1.2 Prohibited Uses Within Environmental Protection Areas

PROHIBITED USES WITHIN ALL ENVIRONMENTAL PROTECTION AREAS

The following uses or activities are prohibited on lands designated as Environmental Protection Areas:

- a pit or quarry;
- a wayside pit or quarry;
- buildings or structures associated with oil and gas extraction;
- buildings or structures associated with gypsum mining;
- buildings or structures associated with commercial or industrial uses;
- topsoil or peat extraction;
- a landfill site;
- farm buildings or structures used for the housing of livestock, including manure storage or similar structures;
- abattoirs and dead stock storage, removal or composting operations;
- land application of nutrients, in all Environmental Protection Areas, except for existing cleared areas where agricultural activities are already established; or
- stormwater management facilities in significant *wetlands*.

EXISTING USES

Notwithstanding the above-noted prohibitions, existing uses are permitted within this designation. Such uses may expand or undergo a change in use, subject to the provisions of the existing zoning.

3.2.4.2 Development Review Policies for Environmental Protection Areas

EXTENDED NOTIFICATION REQUIREMENTS

Public notification requirements under the Planning Act may be extended where *development* or a change in the use of land is proposed within or *adjacent* to an Environmental Protection Area in order to reflect the broader public interest in the maintenance of environmental quality.

OTHER ENVIRONMENTAL POLICIES

In addition to the policies of Section 3.2.4.2, the policies of Section 3.2.7 and/or 3.2.8 may also apply to *development* within or *adjacent* to all Environmental Protection Areas.

Where lands designated Environmental Protection Area are affected by two or more of these Sections of the Plan, the most restrictive policies will apply.

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DEVELOPMENT APPLICATIONS

Where *development* may be permitted within or *adjacent* to an Environmental Protection Area and an Environmental Impact Study is required, such *development* shall be subject to a site-specific zoning by-law amendment, in addition to any other appropriate *development* applications that may be required.

3.2.4.2.1 Significant Wetlands

DESCRIPTION

Wetland classes and boundaries have been identified according to the evaluation methodology adopted by the Province of Ontario.

The Ministry of Natural Resources is responsible for the evaluation and identification of significant *wetlands*. The Ministry is also responsible for determining the boundaries of significant *wetlands* and *wetland* complexes. Significant *wetlands* are identified on the Environmental Features Schedule, C-1.

ADJACENT LANDS

-*Adjacent* lands shall be defined as those lands within 120 metres (394 feet) of a significant *wetland* area and, in the case of *wetland* complexes, within 120 metres (394 feet) of individual *wetlands* comprising the complex.

PERMITTED USES

The only permitted uses in a significant *wetland* include silvicultural practices, including harvest of timber in accordance with good forestry management practices and the Woodland Conservation By-law and limited lot creation in agricultural areas in accordance with Section 3.2.4.1.1. All other *development* and *site alteration* within the boundaries of a significant *wetland* shall be prohibited.

Development or *site alteration* may be permitted on lands *adjacent* to significant *wetlands* provided an Environmental Impact Study is prepared in accordance with Section 3.2.6 and the policies of this Section. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

ADDITIONAL E.I.S. CRITERIA

In addition to the requirements of Section 3.2.6, the Environmental Impact Study for lands *adjacent* to a significant *wetland* will examine the merits of the proposed *development* to ensure that such *development* will not result in any of the following:

- loss of *wetland* functions both hydrological and ecological;
- subsequent demand for future *development* which will *negatively impact* on existing *wetland* functions;
- conflict with existing site-specific *wetland* management practices; and
- loss of contiguous *wetland* area.

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3.2.4.2.2 Significant *Wildlife Habitats*

DESCRIPTION

Species mapping for the habitat of *endangered or threatened species* and other significant *wildlife habitat* areas recognized by the Province is not included in the County Official Plan, except for those habitat areas that are located within other environmentally protected features designated as Environmental Protection Area. Where significant habitat areas are identified through the *development* review process, the following policies will apply, regardless of the underlying land use designation.

The Ministry of Natural Resources is responsible for identifying the location of the habitat of *endangered or threatened species* and the County is responsible for identifying other significant *wildlife habitat* areas. Significant *wildlife habitat* areas are identified based on:

- the extent of wildlife,
- the diversity of habitat,
- the existence of linkages between habitat areas; or
- where wildlife species may be concentrated for periods of their life cycle such as deer yards, denning and wintering grounds, heronries or migratory staging areas.

ADJACENT LANDS

-Adjacent lands shall be defined as those lands within 100 metres (328 feet) of the species location for the habitat of *endangered or threatened species*.

For other significant *wildlife habitat*, *adjacent lands* shall be defined as those lands within 50 metres (164 feet) of the habitat area.

PERMITTED USES WITHIN HABITAT FOR THREATENED OR ENDANGERED SPECIES

Within an area where the Ministry of Natural Resources has identified significant habitat for *threatened or endangered species*, *development* and *site alteration* shall be prohibited with the exception of limited lot creation in agricultural areas as set out in Section 3.2.4.1.1.

E.I.S. REQUIREMENTS FOR LANDS ADJACENT TO HABITAT FOR THREATENED OR ENDANGERED SPECIES

Development or *site alteration* may be permitted on lands *adjacent to habitat for threatened or endangered species* where an Environmental Impact Study prepared in accordance with Section 3.2.6 has confirmed the location and geographic extent of the habitat area and demonstrates that the proposal will not result in *negative effects* on the habitat area. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

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E.I.S. REQUIREMENTS WITHIN OR CONTIGUOUS TO OTHER PROVINCIAL SIGNIFICANT WILDLIFE HABITAT AREAS

Where other significant *wildlife habitat* has been identified, *development* and *site alteration* within and on lands *adjacent* to such areas will require the preparation of an Environmental Impact Study in accordance with Section 3.2.6 to confirm the location and geographic extent of such habitat areas and to demonstrate that the proposal will not result in *negative effects* on the habitat area. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

3.2.4.2.3 Fish Habitat

DESCRIPTION

This plan recognizes the importance of healthy aquatic eco-systems for the long-term recreational, economic, environmental, and social benefits of the residents of Oxford County. Accordingly, it is a policy of this plan to permit *development* where it does not harmfully alter, disrupt, or destroy fish habitat.

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ADJACENT LANDS

Adjacent lands shall be defined as those lands within 50 metres (164 feet) of the edge of a *surface water feature*. The identification of fish habitat and *adjacent lands* will be at the discretion of the Conservation Authority with jurisdiction.

E.I.S. REQUIREMENTS AND CRITERIA

Proposed *development* or *site alteration* which is within or adjacent to identified Fish Habitat areas shall require the preparation of an Environmental Impact Study approved by the approval authority for the administration of the aquatic habitat provisions of the Fisheries Act and of Provincial Policy. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

Notwithstanding the above, limited lot creation in agricultural areas as set out in Section 3.2.4.1.1 may be permitted without the need for an Environmental Impact Study, provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within or adjacent to the habitat area.

In addition to the policies of Section 3.2.6, an Environmental Impact Study for Fish Habitat areas shall include:

- as a first priority, proposed revisions or modifications to the project to avoid *negative impacts* to fish habitat and especially fish habitat sustaining species at risk or a fishery,
- determination of appropriate mitigation measures, such as setbacks for *development*, to establish vegetative buffer strips for the protection of fish habitat areas, and

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- specification of compensation for loss of fish habitat or net gain through near-site replacement of habitat, off-site replacement of habitat or on-site increase of habitat productive capacity.

3.2.4.2.4 Significant *Valleylands*

IDENTIFICATION

Conceptually, *valleylands* consist of natural areas occurring in a valley or other landform depression that has water flowing through or standing for some period of time. Until such time as the study identifying significant *valleylands* contemplated in Section 3.2.3.2 is completed, significant *valleylands* are represented by the outer limits of the following features:

- the lands associated with a Regulatory Flood Plain, or a *Floodway* and *Flood Fringe* in the case of a Two Zone Flood Plain, or
- a Fill Zone established by a Conservation Authority with jurisdiction, except in the case of the Upper Thames River Conservation Authority, where erosion hazard lands are used to represent significant *valleylands*.

These features are shown on Schedule C-1, as significant *valleylands*. At a property scale, these features may not be a reliable indicator of significant *valleylands*. The presence of significant *valleylands* in a particular *development* proposal will be confirmed by the Conservation Authority with jurisdiction during the development review process.

The policies of this Section recognize the complementary natural heritage values of these hazard lands. There is substantial overlap between significant *valleylands*, as defined in this Section, and areas identified as habitat of *threatened and endangered species*.

ADJACENT LANDS

Adjacent lands shall be defined as those lands within 50 metres (164 feet) of lands representing a significant *valleyland*.

E.I.S. REQUIREMENTS AND OTHER APPLICABLE POLICIES

Development and *site alteration* may be permitted on lands within and *adjacent* to significant *valleylands* where an Environmental Impact Study prepared in accordance with Section 3.2.6 demonstrates that the proposal will not cause a *negative impact* on the significant *valleyland*; and where the policies of Sections 3.2.8.1 (Flood Plain Policies) and 3.2.8.2 (Erosion Hazard and Unstable Soils) are satisfied, as appropriate.

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Notwithstanding the above, limited lot creation in agricultural areas as set out in Section 3.2.4.1.1 may be permitted without the need for an Environmental Impact Study, provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within or adjacent to the significant *valleyland*.

3.2.4.2.5 Significant *Woodlands*

DESCRIPTION

Until such time as the study identifying significant *woodlands* contemplated in Section 3.2.3.2 is completed or identification of this feature occurs through the *development* approval process, such *woodlands* have not been identified in this Plan.

In accordance with Provincial Policy, significant *woodlands* are characterized by the Province the basis of:

- the size of the feature;
- the occurrence of other significant features;
- the provision of important *ecological functions* such as biodiversity, linkage, buffering, or water quality;
- the composition, age, or site quality results in a feature which is uncommon to the County; and
- *woodland* economic and social values.

ADJACENT LANDS

Adjacent lands shall be defined as those lands within 50 metres (164 feet) of an identified significant *woodland*.

E.I.S REQUIREMENTS

Development and *site alteration* within and on lands *adjacent* to a significant *woodland* will require the preparation of an Environmental Impact Study in accordance with Section 3.2.6 which demonstrates that the proposal will not result in a *negative impact* on the *woodland*. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

Notwithstanding the above, limited lot creation in agricultural areas as set out in Section 3.2.4.1.1 may be permitted without the need for an Environmental Impact Study, provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within or *adjacent* to the *woodland*.

3.2.4.2.6 Significant *Life Science Areas of Natural and Scientific Interest*

DESCRIPTION

Life science areas of natural and scientific interest (ANSI) include representative segments of specific types of forests, valleys, prairies and *wetlands*, their native plants and animals and their supporting

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environments. They contain relatively undisturbed vegetation and landforms and associated species. Significant *life science ANSI's* include the most significant and best examples of the natural heritage features in the Province and many correspond with other *significant natural heritage features and areas* such as *wetlands, valleylands* and *woodlands*. The Ministry of Natural Resources is responsible for identifying significant *life science ANSI's*. Where *life science ANSI's* are known, they are identified on the Environmental Features Schedule C-1.

ADJACENT LANDS

Adjacent lands shall be defined as those lands within 50 metres (164 feet) of an identified *life science ANSI*.

E.I.S. REQUIREMENTS

Development or *site alteration* within and on lands *adjacent* to a *life science ANSI* will require the preparation of an Environmental Impact Study, in accordance with Section 3.2.6, which demonstrates that the proposal will not result in a *negative impact* on the ANSI. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

Notwithstanding the above, limited lot creation in agricultural areas as set out in Section 3.2.4.1.1 may be permitted without the need for an Environmental Impact Study, provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within or adjacent to the ANSI.

3.2.4.2.7 Locally Significant Natural Heritage Features

DESCRIPTION

Environmental features of local significance, that are known, have been designated as Environmental Protection Areas. These significant natural heritage features have been judged to demonstrate one or more of the characteristics listed in Section 3.2.4.1.

ADJACENT LANDS

Adjacent lands shall be defined as those lands within 50 metres (164 feet) of an identified *Locally Significant Natural Heritage feature*.

E.I.S. REQUIREMENTS

Development or *site alteration* within or *adjacent* to locally significant natural heritage features will be permitted only when it has been demonstrated in an Environmental Impact Study prepared in accordance with Section 3.2.6 that the proposed *development* or *site alteration* will not result in a *negative impact* on the protected features. Construction proposals for new or expanding farm buildings or structures shall also require an Environmental Impact Study.

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Notwithstanding the above, limited lot creation in agricultural areas as set out in Section 3.2.4.1.1 may be permitted without the need for an Environmental Impact Study, provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within or *adjacent* to the heritage feature.

3.2.4.3 Special Policy Areas

SPECIFIC DEVELOPMENT POLICIES

In specific areas, the Environmental Protection Area policies may be varied to accommodate the unique characteristics of an area. Environmental Protection Areas where specific policies apply are identified as follows:

3.2.4.3.1 Brick Wetlands, City of Woodstock

LIMIT OF DESIGNATION

The location of lands designated Environmental Protection Area on Schedules C-1 and W-1, Land Use Plan, City of Woodstock, which are associated with the Brick Wetlands are more precisely delineated by the Environmental Impact Study modified and adopted by Woodstock Council on February 17, 1994, and shown on Appendix 3. Proposals to modify the boundary of the Environmental Protection designation will be required to complete an Environmental Impact Study in accordance with Section 3.2.4.1. As a condition of *development* for lands adjacent to the Environmental Protection designation associated with the Brick Wetlands Complex, thicket plantings and fencing will be required to be placed along the perimeter of the designation to define the boundaries of the Environmental Protection Area and to reduce human intrusion into the area.

PERMITTED USES

Notwithstanding the policies of Section 3.2.4, within the Environmental Protection designation associated with the Brick Wetlands Complex, the conservation and enhancement of soils, *wetland* area and *wildlife habitat*, and the establishment of storm water management facilities approved by the City, the Ministry of Natural Resources, and the Upper Thames River Conservation Authority, shall be the only permitted uses. Storm water management facilities will not be permitted within the boundaries of any Wetland Area. Maintenance and repair activities associated with storm water management facilities and utilities within such designation shall also be permitted. It is intended that existing agricultural activities within the Environmental Protection designation associated with the Brick Wetlands Complex will cease when *development* on lands adjacent to the Environmental Protection

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designation occurs in accordance with Section 7.2.4 and 7.3.3.4. It is intended that these agricultural lands will be allowed to naturally regenerate. The timing of the cessation of agricultural activity will be determined through necessary *development* agreements between the City and the property owner.

STORM WATER MANAGEMENT

In accordance with the Brick Wetlands Environmental Impact Study adopted by City Council, storm water management for both water quantity and quality is required to maintain *wetland* functions. The following storm water management facilities will be required within the Environmental Protection designation associated with the Brick Wetlands Complex:

- The City of Woodstock will ensure that a storm water diversion channel along the south side of the Canadian National Railway tracks for lands east of Springbank Avenue is established to carry peak storm water flows to the west and maintain water elevations of approximately 1.15 metres (3.8 feet) during the 1:100 year storm event at post-construction. The exact location of the diversion channel will be established by the City of Woodstock in consultation with the Ministry of Natural Resources and the Upper Thames River Conservation Authority. The diversion channel will be located and constructed in such a fashion that impacts to *wetland* vegetation, *wildlife habitat*, and/or breeding activity are minimized. The diversion channel and any facilities designed to direct storm water to it will consist of grassed or vegetated areas as opposed to hard surface materials. The diversion channel shall be constructed to coincide with *development* which occurs in accordance with Sections 7.2.4 and 7.3.3.4 which is adjacent to the Environmental Protection Area designation.
- As a condition of *development*, the City of Woodstock will require *best management practices* water quality control facilities at the inflow areas to the *wetland* identified in the Brick Wetlands Environmental Impact Study report adopted by City Council. The final location and design of the water quality control facilities will be to the satisfaction of the City, the Ministry of Natural Resources and the Upper Thames River Conservation Authority. Runoff that is conveyed to any such facility will primarily be along vegetated drainage swales. Required water quality control facilities will be dedicated to a public authority by the proponent

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following a three-year monitoring period that demonstrates to the receiving authority that the operation of the facility is consistent with predicted values. Water quality control facilities shall be required to be established prior to any site grading or construction on lands subject to the policies of Sections 7.2.4 and 7.3.3.4 which are adjacent to the Environmental Protection Area designation.

PUBLIC EDUCATION

The City of Woodstock will establish a program for public education for property owners within the drainage shed of the Brick Wetlands to inform people as to the potential impacts upon the *wetlands* that may result from yard maintenance activities, pesticide applications, the disposal of materials in storm drains, and similar activities.

MONITORING

The City of Woodstock, in conjunction with the Ministry of Natural Resources and the Upper Thames River Conservation Authority, will establish a monitoring program for the Brick Wetlands Complex using the Brick Wetlands Environmental Impact Study report approved by City Council as a baseline to measure changes in water quantity and quality, vegetation, wildlife and aquatic life over time.

AMENDMENT No. 219

3.2.4.3.2 Part Lot 26, Concession 3 (Dereham)
Township of South-West Oxford

LOCATION

The lands to which this subsection applies comprise approximately 41.39 ha (111.2 ac) with frontage on McBeth Road and are described as Part Lot 26, Concession 3 (Dereham) in the Township of South-West Oxford. The lands are located on the south side of McBeth Road, between Pigram Line and Culloden Line.

POLICIES

Notwithstanding any policies of the Official Plan to the contrary, a parcel of land comprising not less than approximately 44 ha (108.9 ac) with frontage on McBeth Road may be severed from the larger holding by means of a consent by the County Land Division Committee where the said parcel is to be conveyed to the Thames Talbot Land Trust, or other similarly purposed and incorporated non-profit organization, for conservation purposes.

For the purposes of this subsection, MDS I shall not apply with respect to the separation between any new lot line associated with the retained lands resulting from the above-noted consent and any existing barn on the severed lands.

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The County Land Division Committee will ensure, through zoning, conditions of consent and/or any other means deemed to be appropriate, that the above-noted conveyance is completed prior to the completion of the consent, including any conditions that may be necessary regarding the retained lands resulting from the conveyance.

AMENDMENT No. 219

3.2.5 Open Space Area

OBJECTIVES

MAINTAIN
ECOLOGICAL
FUNCTIONS

To maintain and enhance important *ecological functions* such as the linking of Environmental Protection Areas, the storage and filtration of ground and surface water, and soil conservation.

CONSERVE
CONSTRAINT
AREAS

To recognize the role of those lands having natural constraints to *development* in the conservation of the natural environment; and,

OPPORTUNITIES
FOR RECREATION

To provide opportunities for both active recreation and the passive enjoyment of the environment in its natural state.

TO PROVIDE
LINKAGES

To encourage the use of the Open Space designation to incorporate pedestrian and cycling pathways into proposed and, where feasible, existing *development* in order to link such *development* to other components of the Natural Heritage System or to areas of commerce and employment.

3.2.5.1 Description and Criteria for Designation of Open Space Areas

DESCRIPTION

The Open Space designation applies to the following areas:

Regulatory Flood Plain Areas, *Floodways* where Two Zone Flood Plain policies apply, Conservation Authority lands, and other public lands, Earth Science Areas of Natural and Scientific Interest, and parks, pathways, recreation areas and stormwater management facilities.

Open Space Area designations are shown on all Land Use Schedules.

3.2.5.1.1 Permitted Uses in Open Space Areas

PERMITTED OPEN
SPACE USES:
SETTLEMENT
AREAS

Uses which may be permitted to establish within Open Space areas in designated *settlements* shall be limited to:

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- Active and passive recreation including hiking/cycling pathways, parks, conservation areas, sportsfields, golf courses, swimming areas, arenas and other leisure areas;
- Enjoyment of the environment in its natural state including the conservation of soils, fisheries and wildlife, and the preservation of natural features which are distinctive and/or valued by the community;
- enhancement of the urban environment through the introduction of greenspace areas, pathways and corridors into the built environment;
- structures that are accessory or ancillary to the Open Space use, such as accessory residences, a golf "pro" shop, a clubhouse, refreshment stand, bleachers, swimming pool, change-house, or structures that are integral to the recreational use of the land.

PERMITTED OPEN SPACE USES: RURAL AREAS

Uses which may be permitted to establish within Open Space areas outside of designated *settlements* shall be limited to:

- enjoyment of the environment in its natural state including the conservation of soils, fisheries and wildlife, and the preservation of natural features which are distinctive and/or valued by the community;
- established agricultural activities on existing cleared areas and existing buildings and structures associated with such farming activities. This includes the land application of nutrients in accordance with the prevailing nutrient management regulations or by-laws;
- mineral aggregate extraction and oil and gas extraction in accordance with the policies of Section 3.4 except within Earth Science Areas of Natural and Scientific Interest;
- harvest of timber in conformity with the County Woodland Conservation By-Law;
- recreational uses requiring a rural location with unique physical features including hunting or fishing clubs, golf courses, cross-country ski-clubs, walking trails and other passive forms of recreation;

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- structures that are accessory or ancillary to a permitted recreational use and the expansion of structures that are accessory to an existing agricultural use .

EXISTING USES

Notwithstanding the above, existing uses are permitted within this designation. Such uses may expand or undergo a change in use, subject to the provisions of the existing zoning.

GREATER RESTRICTIONS APPLY

Notwithstanding any of the uses or structures permitted in the Open Space designation in this Section, where such area is associated with:

- a Regulatory Flood Plain,
- *Floodways*, where the Two Zone Flood Plain policies apply,
- in areas subject to erosion hazard, or
- in areas of unstable soils,

the policies of Section 3.2.8.1 and 3.2.8.2 take precedence.

3.2.5.2 Development Review Policies for Open Space Areas

ENVIRONMENTAL IMPACT STUDY

Where *site alteration*, *development* or a change in the use of land is being proposed within an Open Space area, an Environmental Impact Study, in accordance with Section 3.2.6, may be required to demonstrate that the proposed *development* or use will not result in a *negative impact*.

For guidance in determining whether an Environmental Impact Study is necessary, the County of Oxford and/or Area Municipalities will consult with the Conservation Authority with jurisdiction. Reference should be made to the policies permitting exemption for Environmental Impact Studies in Section 3.2.6.2.

OTHER ENVIRONMENTAL POLICIES

In addition to the policies of this Section, the policies of Section 3.2.4.2, 3.2.7 and/or 3.2.8 may also apply to *development* or *site alteration* within the Open Space designation. Where lands designated Open Space are affected by two or more of these Sections of the Plan, the most restrictive policies will apply.

DEVELOPMENT APPLICATIONS

Where *development* or *site alteration* requiring an Environmental Impact Study is proposed within an Open Space designation, such *development* may be subject to a site-specific zoning by-law amendment, in addition to any other appropriate *development* applications that may be required.

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ZONING

Councils of the Area Municipalities may differentiate between types of Open Space uses in the Zoning By-law by establishing separate zones for active and passive Open Space uses. A passive zone may be established for uses such as pathways, greenspace areas, parks and corridors. A separate Recreational zone may be established for the more active recreational uses, such as a golf course or an arena, that are permitted within this designation. Agricultural and aggregate extraction zones may also apply to lands within the Open Space designation, where such activities are established.

DEVELOPMENT CRITERIA

In addition to the policies of Section 3.2.5.2.1 as appropriate, the following criteria shall be satisfied prior to recommending the approval of *development* or *site alteration* within the Open Space designation:

- only proposals stating a specific use will be considered and the land area proposed for the *development* will be considered with the needs of the proposed use;
- satisfactory mitigation measures shall be identified to protect the identified natural hazards associated with the subject property from the proposed *development*;
- satisfactory mitigation, enhancement, and remediation measures shall be identified and may include vegetated buffers or strips, retention of areas with existing native vegetation and creation of naturalized stream corridors to achieve protection and improvement of ecological features and/or functions;
- the area covered by structures shall be minimized and parking areas shall not be paved. Such facilities shall be set back from the edge of streams and located away from sites of natural vegetation;
- proposed grading and drainage plans shall maintain existing surface water flows to areas of natural vegetation;
- on-site drainage and stormwater management facilities shall be planned and designed in accordance with the policies of Section 3.2.7.2;
- the proposal will satisfy *Minimum Distance Separation Formula I*;

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- Private water and on-site sewage facilities for an Open Space use will be established in accordance with the requirements of the County and the Board of Health and the applicable policies contained in Section 3.2 relating to water quality and quantity, as appropriate.

Proposed uses that meet the requirements of Section 34 of the Ontario Water Resources Act are required to obtain a Permit to Take Water from the Ministry of Environment.

- the location of and access to the proposed *development* shall not create a traffic hazard due to proximity to bridges, railway crossings, curves or grades or other potential traffic hazards, and shall be located on a road capable of accommodating the volume of traffic anticipated to be generated by the proposed use;
- the proposed *development* will be compatible with existing and planned land uses in the vicinity in terms of noise, odour, dust, light and hours of operation.

SITE PLAN CONTROL

Any lands designated for Open Space uses are a proposed Site Plan Control Area. The Area Councils may pass a site plan control by-law designating such lands as an area of Site Plan Control pursuant to the Planning Act. Recreational proposals shall be subject to site plan control.

SEVERANCES OR CHANGE IN LAND USE

Where an application is made to create lots through either the severance or subdivision process, in the Open Space designation outside the designated *settlement* areas, the policies of the Agricultural Reserve designation in Section 3.1 will apply, as appropriate.

Where an application is made to create lots through either the severance or subdivision process, in the Open Space designation within designated *settlement* areas, the relevant policies of the *settlement* area will apply, as appropriate.

3.2.5.2.1 Earth Science Areas of Natural and Scientific Interest (ANSI)

PROTECTION OF EARTH SCIENCE A.N.S.I.'s

Development and *site alteration* within an earth science ANSI identified on the Environmental Features Schedule C-1 shall be permitted provided that the following criteria are satisfied:

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- that the proposed *development* or *site alteration* conserves the topography, stratigraphic exposures and other geologically defining features for which the area was identified; and
- that the proposed site design and planning will preserve the character of the geological features on which the Ministry of Natural Resources has based its classification.

3.2.5.3 *Special Policy Areas*

SPECIFIC DEVELOPMENT POLICIES

In specific areas, the Open Space policies may be varied to accommodate the unique characteristics of an area. Open Space Areas where specific policies apply are identified as follows:

3.2.5.3.1 Part Lot 36, Concession 12 (East Nissouri) Township of Zorra

A parcel of land, approximately 1.8 hectares (4.4 acres) in area, which is located on the east side of the road allowance between Concessions 11 and 12, in the vicinity of the southwest corner of Lot 35 and specifically described as Part 1 on Reference Plan 41R-4654, may be used for non-farm rural residential purposes utilizing the house existing at the date of passing of this Plan.

It is intended that *development* of this non-farm rural residential use will be focused on the residential dwelling that is existing at the time of passing of this Plan. The purpose of this policy is to allow the restoration of the existing dwelling plus additions and any new residential dwelling will not be permitted.

This non-farm rural residential use is within 300 metres (984 feet) of an existing livestock operation. The purchaser(s) (owner/occupant(s)) shall enter into a severance agreement with the Township of Zorra. This severance agreement shall include a warning clause informing the purchaser(s) (owner/occupant(s)) of the proximity of this livestock operation and other agricultural operations in the general vicinity.

No future severance of this property to create an additional non-farm rural residential lot shall be allowed.

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3.2.5.3.2 West Side of Oxford Road 4, North of Township Road 3, Part Lot 13, Concession 3 (Blandford) City of Woodstock

AMENDMENT No. 113
AS AMENDED BY OMB
PL0706886

Notwithstanding subsection 3.2.5.1.1 – Permitted Open Space Uses: Settlement Areas, on those lands identified as Part Lot 13, Concession 3 in the former Township of Blandford, now in the City of Woodstock and located on the west side of Oxford Road 4, north of Township Road 3 and commonly referred to as the Memorial Forest, permitted uses will be limited to:

- enjoyment of the environment in its natural state including the conservation of soils, fisheries and wildlife, the preservation of natural features which are distinctive and/or valued by the community, and tree planting;
- uses accessory and/or ancillary to the above.

AMENDMENT No. 113
AS AMENDED BY OMB
PL0706886

AMENDMENT No. 113
AS AMENDED BY OMB
PL0706886

3.2.5.3.3 Parts 1, 2 and 3, Reference Plan 41R-8474, (Town of Ingersoll)

AMENDMENT No. 151
AS APPROVED BY OMB
PL100540

Notwithstanding the policies of Section 3.2.5.1.1, the 2.24 ha (5.5 ac) parcel of land, forming Parts 1, 2, and 3, Reference Plan 41R-8474, in the Town of Ingersoll, located north of Innes Street, between Wonham Street North and Jura Lane, municipally known as 156 Innes Street, may be used for an elementary school.

3.2.5.3.4 Lots 6, 6A, 7, 7A, 8 & 8A, Plan 279 (Town of Ingersoll)

LOCATION

The lands to which this subsection applies are described as Lots 6, 6A, 7, 7A, 8 & 8A, Plan 279, in the Town of Ingersoll. The lands are located at the north side of Holcroft Street West, between Thames Street South and Wonham Street South and comprises an area of approximately 1.8 ha (4.5 ac) of area.

AMENDMENT No. 194

POLICIES

Notwithstanding Section 3.2.5.1 or any other relevant policies of the Official Plan, the following uses shall be permitted on those lands identified as having reference to this subsection:

- a single detached dwelling; and
- uses accessory and/or ancillary to the above.

AMENDMENT No. 194

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3.2.6 Environmental Impact Studies

OBJECTIVES

TO DEFINE THE
FEATURE

To define and describe the natural heritage feature as well as the functions and processes associated with allowing the feature to exist in a natural state.

ASCERTAIN
IMPACTS

To ascertain the potential magnitude of impact on the environment from *development*, land use and activity.

ENSURE
MITIGATING
MEASURES

To anticipate and avoid adverse effects and ensure the undertaking of measures that mitigate the potential adverse effects of a *development*, land use or activity on the environment.

3.2.6.1 Adjacent Lands

As a guide, Adjacent lands for each environmentally protected feature are measured in terms of the distance from the feature where an Environmental Impact Study is required:

<i>Significant Natural Heritage Feature</i>	Distance from Feature where an E.I.S. is Required
Significant <i>Valleylands</i>	50 metres (164 feet)
Habitat of <i>Endangered or Threatened Species</i>	100 metres (328 feet) from the boundary of the feature sustaining the species
Significant <i>Woodlands</i>	50 metres (164 feet)
Life Science Areas of Natural and Scientific Interest	50 metres (164 feet)
Significant Wildlife Habitat	50 metres (164 feet)
Fish Habitat	50 metres (164 feet) from the edge of a <i>watercourse</i> , pond, lake or reservoir
Locally <i>Significant Natural Heritage Features</i>	50 metres (164 feet)
Provincially Significant Wetlands	120 metres (394 feet) from the outer boundary of the wetland unit or individual units in the case of complexes
Where more than one natural heritage feature exists, boundaries shall be overlapped and used to generate one outside boundary.	

3.2.6.2 *Circumstances Where an Environmental Impact Study May be Waived*

CIRCUMSTANCES
WHERE E.I.S. NOT
REQUIRED

Notwithstanding the requirements for an Environmental Impact Study in Section 3.2.4.2, one will not be required under the following circumstances:

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<i>SPECIFIC USE</i>	<p>Where the proposal involves one or more of the following specific uses:</p> <ul style="list-style-type: none">• minor expansions to facilities for the production of maple syrup and honey;• harvest of timber in conformity with the County Woodland Conservation By-Law or an equivalent Area Municipal by-law;• use of the area for an approved wildlife, <i>wetland</i> or fishery management project or for environmental education and research, as approved by the Conservation Authority with jurisdiction and/or the Ministry of Natural Resources.
<i>AGENCY WAIVER</i>	<p>Where the proposal has been circulated to relevant Provincial agencies and/or the Conservation Authority with jurisdiction, and such agencies and organizations have indicated no concern which warrants the preparation of an Environmental Impact Study.</p>
<i>ENVIRONMENTAL ASSESSMENT ACT</i>	<p>When <i>infrastructure</i> has been approved in accordance with an environmental assessment process and has undergone a systematic process of examining effects on the environment;</p>
<i>AGGREGATE RESOURCES ACT</i>	<p>Where an Aggregate Resources Act application has been submitted and the supporting documentation has been reviewed and approved by the relevant Provincial agencies;</p>
<i>COMPREHENSIVE E.I.S. OR WATERSHED PLAN</i>	<p>Where detailed development criteria have been applied to a site through a Comprehensive Environmental Impact Study or a Watershed or Sub-watershed Study approved by the County and/or the Area Municipality.</p>
<i>FARM SEVERANCES</i>	<p>Where severance proposals which extend into an Environmental Protection Area have been made in accordance with Section 3.1.4.4, for the creation of new farm parcels or for farm consolidation, an Environmental Impact Study will not be required provided that the zoning by-law or other development controls prohibit the establishment of buildings or structures within and <i>adjacent</i> to the Environmental Protection Area designation.</p>
<i>MINOR ADDITIONS</i>	<p>Where the proposal constitutes a minor addition to existing buildings developed and located on existing cleared land in accordance with the Zoning By-Law.</p>

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BUILDINGS AND
STRUCTURES
ACCESSORY TO AN
EXISTING
RESIDENTIAL USE

Buildings or structures accessory to an existing residential use, in accordance with the Area Municipal Zoning By-law, may be permitted without an Environmental Impact Study.

3.2.6.3 *Environmental Impact Study Requirements*

SCOPING THE EIS

Prior to undertaking an Environmental Impact Study, the applicant shall consult with appropriate County guidelines, Provincial Ministries or Provincial guidelines, the Conservation Authority with jurisdiction or any other agency or body or qualified individual deemed appropriate for the purpose of defining and scoping the study requirements. This scoping exercise will establish the Terms of Reference for the required Environmental Impact Study.

ENVIRONMENTAL
IMPACT STUDY
REQUIREMENTS

Environmental Impact Study requirements to be considered in the scoping exercise described above, include, but are not limited to, the following:

- a description of the proposal and of the existing natural environment that will be affected or that might reasonably be affected, either directly or indirectly;
- definition of the geographic area to be included in the study;
- the environmental effects that might reasonably be expected to occur including any potential for groundwater or surface water degradation;
- a recommendation as to whether the *development* should be permitted as proposed or whether alternatives to the proposed *development* should be considered;
- identification of measures to achieve a *net environmental gain* for fisheries resources and recommendations as to how such measures can be incorporated into the proposed *development*; and
- a monitoring plan to measure the potential effects on the environment.

In addition to the above, where an Environmental Impact Study is required for *development* or *site alteration* associated with a significant *wetland* and/or Fish Habitat, the policies of Sections 3.2.4.2.1 and 3.2.4.2.3 apply as appropriate.

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3.2.6.4 *Protection Measures*

Where an Environmental Impact Study is required, such study may recommend a number of protective measures for County Council and/or Area Council consideration, including but not limited to, the following:

- acquisition of the area for preservation or conservation purposes through conveyance to or purchase by the County of Oxford and/or other public authorities;
- negotiating conservation easement agreements with the landowner, or an agreement for private preservation or management of the property, in whole or in part, according to sound environmental principles;
- requesting the Conservation Authority with jurisdiction to investigate such areas with the intention of determining if the flood, fill, construction and alteration to waterways regulations under the Conservation Authorities Act apply;
- imposing conditions on *development* requiring protection, remediation, and where possible, enhancement measures such as the re-naturalization of stream corridors, creation of wildlife linkages and ecological buffer strips composed of native plant and tree species and the remediation of degraded ecosystems;
- use of protection oriented incentives such as density bonusing to reduce land requirements for *development* on properties containing such areas;
- encouraging protection of such areas through multiple ownership structures such as condominium and co-operative housing;
- accepting such land as a contribution toward parkland dedication requirements as set out under the Planning Act;
- invoking any other statutory authority enabling the acquisition and/or protection of such areas;
- requesting the Area Municipality to invoke any statutory authority enabling the protection of such areas.

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3.2.6.5 Environmental Impact Study Review and Interpretation

THIRD PARTY REVIEW

Unless otherwise specified in this Plan, an Environmental Impact Study will be subject to a third party review at the expense of the applicant. Such review will be undertaken by a qualified third party appointed by the County and/or Area Municipality. Unless otherwise specified, the qualified third party will be the Conservation Authority with jurisdiction. The purpose of the third party review is to provide the County and/or Area Municipality with an objective opinion regarding the study itself and particularly the recommendations contained therein.

Such third party review may be undertaken more than once, should the applicant wish to make revisions to the Environmental Impact Study. The applicant will be responsible for all costs associated with the third party review process.

INTERPRETATION OF THE EIS

Where an Environmental Impact Study, that has been reviewed by a third party, has demonstrated that a proposed *development* or *site alteration* will have a *negative impact* on the identified environmental features, that cannot be acceptably mitigated, County Council and/or the Area Municipal Council will consider such proposal not to be in conformity with this Plan.

Where an Environmental Impact Study, that has been reviewed by a third party, has demonstrated that the *negative effects* associated with the proposed *development* or *site alteration* can be acceptably mitigated and/or the proposal will result in a *net environmental gain*, County Council and/or the Area Municipal Council may consider such proposal to be in conformity with this Plan.

Where the proposal is considered to be in conformity with this Plan, County Council and/or the Area Municipal Council shall implement the mitigation and enhancement measures recommended by the reviewed Environmental Impact Study through zoning or conditions of subdivision, land severance or site plan control or other legislated means.

3.2.7 General Policies for Environmental Resource Protection

INTRODUCTION

The policies of this Section are intended to apply to a range of environmental resources which may enhance the *Natural Heritage System* in the County. Policies are provided for locally important environmental features identified through the review of *development* applications.

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These policies are followed by policies for the protection and conservation of surface and groundwater resources, soils preservation, and energy conservation.

3.2.7.1 Locally Important Environmental Features

POLICY INTENT	Locally important environmental features have important local and regional functions and where such features are identified during the development review process, it is intended that measures will be taken to protect them, where feasible.
OBJECTIVES <i>MAINTAIN ENVIRONMENTAL BENEFITS</i>	To maintain, in the implementation of <i>development</i> or site alteration, the ecological, aesthetic, educational, economic, recreational and health benefits which are provided by natural features for the local inhabitants of an area.
POLICIES	Locally important environmental features include non provincially significant or unevaluated <i>wetlands</i> , <i>surface water features</i> , <i>woodlands</i> and natural corridors and <i>wildlife habitat</i> that have not been identified as significant. These features have not been designated as Environmental Protection Areas.
CONSERVATION MEASURES <i>INNOVATIVE DESIGN APPROACHES</i> <i>PARKLAND DEDICATIONS</i>	County Council and/or Area Council shall consider the following conservation measures for the protection of locally important environmental features: <ul style="list-style-type: none">• density bonusing, zoning variances and other measures to create flexibility in site design and planning to promote the conservation of locally important environmental features.• a locally important environmental feature may be accepted as a portion of the parkland dedication requirements of the Planning Act.
ENVIRONMENTAL IMPACT STUDY	Where <i>site alteration</i> or <i>development</i> or a change in the use of land is being proposed within or immediately adjacent to a locally important environmental feature, an Environmental Impact Study, in accordance with Section 3.2.6, may be required to demonstrate that the proposed <i>development</i> or use will not result in a <i>negative impact</i> on the feature.

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For guidance in determining whether an Environmental Impact Study is necessary, the County of Oxford and/or Area Municipalities will consult with the Conservation Authority with jurisdiction. Reference should also be made to the policies permitting exemption for Environmental Impact Studies in Section 3.2.6.2.

3.2.7.1.1 Non Provincially Significant and Unevaluated *Wetlands*

DESCRIPTION AND INTENT

It is estimated that 75 percent of the original *wetland* areas in the County have been drained. Significant *wetlands* are designated Environmental Protection Area on Schedule C-1 and the policies of Section 3.2.4.2 apply. Non significant *wetlands* are considered to be of local importance. It is a policy of County Council to encourage the retention of non significant and unevaluated *wetland* areas.

CONSERVATION MEASURES

In addition to the conservation measures of Section 3.2.7.1, County Council or Area Council may impose conditions on the approval of *development* to avoid or minimize *wetland* loss. Such conditions may include the incorporation of locally significant *wetlands* into parkland areas, requiring compensation for the loss of *wetland* habitat through the establishment of artificial *wetlands* in other locations, and the creation of artificial *wetlands* for the purposes of stormwater management.

GRCA WETLAND POLICY

Within the Grand River watershed, additional policies apply to non-provincially significant *wetlands* and unevaluated *wetlands* in accordance with the GRCA Wetland Policy, 2003.

ENVIRONMENTAL IMPACT STUDY

For the purpose of an Environmental Impact Study, *adjacent lands* for non provincially significant *wetlands* and unevaluated *wetlands*, are considered to be 120 metres (394 feet) from the outer boundary of the *wetland* unit.

3.2.7.1.2 *Woodlands* and Trees

WOODLAND AND TREE PRESERVATION TARGETS

It is estimated that forest cover is approximately 12 percent in the County. County Council adopts a target of increasing forest cover in the County to at least 15 percent over the life of this Plan.

County Council will encourage the retention and enhancement of *woodlands* and trees in both the *settlement* areas and rural areas of the County.

CONSERVATION MEASURES – RURAL AREAS

In addition to the policies of Section 3.2.7.1, County Council and/or Area Council shall consider the following policies for woodland protection in rural areas:

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SEVERANCES

Woodlands are to be maintained as part of a farm parcel and severance of a woodlot will comply with Sections 3.1.4.4 and 3.1.5.

MINERAL RESOURCE EXTRACTION

Proposals for mineral resource extraction within or *adjacent* to a *woodland* will be consistent with Section 3.4.1.6.

CONSERVATION MEASURES - SETTLEMENTS

In addition to the conservation measures of Section 3.2.7.1, County Council and/or Area Council shall consider imposing the following measures as conditions of approval to *development* within *settlements*,:

- requiring the preparation of a baseline inventory and tree saving plans indicating trees to be maintained, removed and relocated in the course of *development* or *site alteration* as well as trees to be planted;
- requiring site plan control to address the layout and siting of buildings and structures on individual lots to maximize tree-saving;
- establishing requirements for the use of deciduous and coniferous native plant species in any required tree plantings;
- requiring new tree planting on boulevards and on lands to be dedicated as parkland;
- restrictions to *site alterations* prior to final plan registration to ensure tree saving measures are complied with.

PUBLIC WORKS

Plans for the construction and/or widening of County roads shall include the planting of trees on abutting properties where such planting will not interfere with road safety or maintenance and where the land owner's permission is given.

Where road reconstruction and maintenance is proposed, the County shall consider alternative road and pavement widths and standards so as to minimize the cutting of trees.

Where tree cutting is necessary, tree replacement shall be a minimum ratio of two trees for each tree lost in connection with the widening or construction of County roads.

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UPDATING AND MAINTAINING A COUNTY TREE- CUTTING BY-LAW

County Council shall maintain and enforce a Woodland Conservation By-Law and shall periodically review the County Woodland Conservation By-Law to ensure that it reflects the current understanding of responsible and good forestry management practices and environmental stewardship of *woodland* areas and contains adequate provisions for its enforcement.

3.2.7.1.3 Locally Important Habitat Areas

LOCALLY IMPORTANT HABITAT AREAS AND NATURAL CORRIDORS

The County recognizes that wildlife resources such as breeding areas, wintering areas, and other elements of *wildlife habitat* and natural corridors are important natural resources which provide specific functions in the provision and maintenance of healthy *wildlife habitats*.

To the extent that these areas are identified during the *development* review process, efforts shall be made to protect them from the impacts of *development* or *site alteration* through appropriate mitigative techniques. In considering *development* approval, the conservation measures of Section 3.2.7.1 will apply, as appropriate.

3.2.7.2 *Water Resources*

POLICY INTENT

The County is totally dependant upon groundwater for its water supplies. It is the intent of this Plan that land use planning contributes to the protection, improvement or restoration of the quality and quantity of water.

OBJECTIVES

WATERSHED MANAGEMENT

To ensure that land use planning contributes to the protection, maintenance and enhancement of water and related resources and aquatic ecosystems on an integrated watershed management basis.

WATER QUALITY AND QUANTITY

To maintain, and where practical, enhance surface and groundwater resources, in sufficient quality and quantity to meet the needs of existing and future users.

WATER CONSERVATION

To the extent practical, ensure all land use decisions promote water conservation and support the efficient use of water resources.

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3.2.7.2.1 Watershed and Subwatershed Planning

DESCRIPTION

County Council and Area Councils recognize and support watershed and sub-watershed planning as a means of integrating water management, environmental management and land use planning on an ecosystem basis. The boundaries of watersheds and sub-watersheds provide natural limits for managing the interconnections and relationships between human activities and ground and surface water features and environmental resources.

GOALS

The goals of watershed planning are to:

- protect human health through the protection of current and future sources of drinking water in conjunction with the drinking water source protection planning process of the Clean Water Act, and
- protect the ecological and hydrological integrity of the watershed.

PARTICIPATION IN WATERSHED/ SUBWATERSHED PLANNING

The County of Oxford will participate and may contribute financially to watershed and sub-watershed planning studies within or affecting portions of the County in co-operation with the Conservation Authorities of jurisdiction, Provincial Ministries, Area Municipalities, other organizations, and where such studies cross municipal jurisdiction, adjacent municipalities.

PRIORITIES FOR WATERSHED OR SUB-WATERSHED STUDIES

County Council in conjunction with the Conservation Authority with jurisdiction, the affected area municipality and relevant Provincial agencies will jointly determine the priorities for the completion or updating of publicly funded watershed or sub-watershed studies based on the following criteria:

- the significance and sensitivity of the surface water, groundwater and natural heritage features and their associated ecological and hydrological functions;
- the pressures for *development* within the County;
- the current degree of environmental impact or degradation; and
- the availability of funds.

PUBLIC PARTICIPATION

County Council and the Conservation Authority with jurisdiction will ensure that adequate public notification and involvement are provided to residents of the County during the preparation of watershed and sub-watershed planning studies affecting any part of the County.

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INCORPORATE STUDY FINDINGS IN THE OFFICIAL PLAN

Where a watershed or sub-watershed study is completed and approved, the County will re-evaluate and, where necessary, amend this Plan to incorporate new or revised water resource management and environmental policies.

CONSERVATION AUTHORITY AGENCY COMMENTS

Where a watershed or sub-watershed study is completed and approved, the Conservation Authority with jurisdiction will incorporate study findings, implementation strategies and recommendations into their agency comments on all *development* applications pertaining to lands within the affected study area.

DEVELOPMENT APPLICATION REQUIREMENTS

Where a sub-watershed study is completed and approved by County Council or the affected Area Council, applicants seeking approval of a *development* application will be required to submit a site plan, as part of a complete application, addressing matters such as:

- surface water drainage,
- proposed sediment and erosion control measures,
- location of proposed buildings and structures, and
- location and design of any *infrastructure*, facilities or plantings required to implement sub-watershed study recommendations.

MONITORING

Where a watershed or sub-watershed study is completed and implemented, the County and/or Area Municipality will participate in programs, initiatives or procedures to monitor the success of the resulting plan or policies.

STUDY REQUIREMENTS

Where watershed or sub-watershed studies affecting portions of the County are planned, the following criteria should be addressed:

- establish watershed and/or sub-watershed boundaries;
- identify the location, extent, sensitivity and significance of natural heritage features, surface water features and groundwater features;
- identify ecological and hydrologic functions;
- establish goals and objectives for public health and safety, aquatic life, resource management, flood plain management, urban, agricultural and other land uses;
- identify areas for protection, rehabilitation and/or enhancement including recommended management strategies and implementation measures for these areas;

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- identify conditions to enable *development* to maintain linkages and related functions among surface water features, groundwater features, hydrologic functions and natural heritage features;
- establish a monitoring program.

3.2.7.2.2 Stormwater Management Policies

An application for approval of *development* may be required to submit a stormwater management plan and report as part of a complete application. Where a stormwater management report is required, such report shall be prepared by a qualified individual at the proponent's expense. The following information should be addressed in the stormwater management report:

STORMWATER
MANAGEMENT
REPORT

- a plan for the provision of stormwater drainage facilities to accommodate the proposed *development*, including consideration of:
 - using at-source infiltration;
 - minimizing stormwater volumes and contaminant loads; and
 - maximizing the extent of vegetative and pervious surfaces.
- an assessment of the receiving *watercourse*, to define the minimum criteria for water quality;
- lot grading plans for the proposed *development*;
- an assessment of the pre-*development* and post-*development* discharge of water during all run-off conditions including flood conditions on any *watercourse*. Post-*development* flows should not exceed pre-*development* conditions;
- an assessment of the proposed *development* on the water quality of any system or *watercourse* and identifying means of reducing run-off and improving the quality of any run-off that is unavoidable;
- an assessment of the ability of the receiving waters to assimilate the stormwater with respect to both water quality and quantity;
- the means of controlling erosion, sedimentation and stream bank stability using the best available construction and management practices both during and after the construction of the *development*;

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- an assessment of how *development* will maintain or enhance the minimum baseflow of a receiving *watercourse* and maintain storage levels during periods of minimum baseflow for flow augmentation.

Stormwater management plans will be consistent with the concepts and technological requirements established by the Province through its stormwater management quality guidelines and planning and design manual.

STORMWATER RETENTION AND DETENTION FACILITIES

Where new *development* will require facilities for the temporary storage of stormwater during storm events, such facilities shall be designed in accordance with the technical standards established by the Area Municipality, the Conservation Authority with jurisdiction and/or the Province and will also meet the following requirements:

DESIGN CRITERIA

- stormwater management areas will be on lands dedicated to the Area Municipality and will be over and above any land required to be dedicated for park purposes under the Planning Act, unless the Council of the Area Municipality, by resolution, accepts a portion of the lands required for stormwater management facilities as parkland dedication;
- facilities will generally be designed in a manner which will result in gentle sloping, shallow retention ponds that will not typically require fencing for security purposes and which can be utilized for park purposes during dry periods;
- a landscaping plan approved by the Area Council will be required for all stormwater retention and detention facilities. All required landscaping, in accordance with the approved plan, shall be installed at the proponent's cost within two years of registration of the subdivision plan;
- stormwater management facilities located in parking areas shall be designed such that the maximum depth of water, at any time, shall not exceed 300 mm (1 foot).
- stormwater management facilities for new *development* will not be permitted in a Regulatory Flood Plain;
- stormwater management facilities for new *development* will generally be located within areas designated for *development* or within the Open Space designation.

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THIRD PARTY REVIEW

At the discretion of the Area Municipality, the storm water management report will be subject to a third party review, at the expense of the proponent. The Conservation Authority with jurisdiction will be circulated the stormwater management report for review and comment prior to development approval and may function as the third party reviewer.

APPROVAL

A stormwater management report will require the approval of the Area Municipality in consultation with the Conservation Authority with jurisdiction prior to *development* or *site alteration*, in accordance with the policies of this Plan. Where required, a Certificate of Approval for stormwater management facilities shall be obtained from the Ministry of Environment.

3.2.7.2.3 Water Quality

In accordance with the Clean Water Act and Provincial policy, the County will identify and protect all municipal drinking water supplies as well as vulnerable aquifer areas.

The protection of municipal drinking water supplies from contamination associated with certain land uses is important to securing a long-term potable water supply for existing residents and businesses and for future growth. The County has identified areas within which certain land uses and activities may pose a risk to the quality of municipal drinking water supplies. These are well head protection areas. Land uses and activities within well head protection areas will be managed in accordance with approved Source Protection Plans developed pursuant to the Clean Water Act and its Director's Rules and Regulations.

Well head protection areas (WHPAs) have been defined by the County for each active or soon to be commissioned municipal well or well field serving Oxford County. A 100-metre (328-foot) radius around the well head and four time-related capture zones were modeled and mapped for the municipal wells: 0 – 2 year; 2 – 5 year; 5 – 10 year and 10 – 25 year or steady state capture zones.

In addition to the municipal WHPAs, the County will identify significant groundwater recharge areas and highly vulnerable aquifer areas through the drinking water source protection process lead by the Source Protection Committees with jurisdiction in the County. Policies to protect, improve or restore these vulnerable areas and their hydrologic functions will be developed based on the approved Source Protection Plans applicable within the County.

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Until such time as approved Source Protection Plans are available, the following policies apply to protect water quality.

3.2.7.2.3.1 Municipal Well Head Protection Area Policies

IDENTIFICATION OF WELL HEAD PROTECTION AREAS

WHPAs are shown on the Well Head Protection Area Plan, Schedule C-5 and the respective Area Municipal plans, Schedules B-5, E-4, N-3, S-3, Z-4, W-6, I-6 and T-5.

INTENT TO UPDATE WHPA MAPPING

The WHPAs have been mapped by the County, using information generated by groundwater protection studies prepared on the County's behalf. New information may result in a change in the geographic extent of an existing WHPA or a new WHPA for a new municipal supply well. Abandonment of a municipal supply well will indicate the need to remove a WHPA.

Changes to the extent of a WHPA or removal of a WHPA, will be reflected on the Well Head Protection Area Plan, Schedule C-5 and the appropriate Area Municipal schedule without amendment to this Plan.

An amendment to this Plan is required to incorporate a WHPA for a new municipal supply well. Such Official Plan amendment shall be undertaken in conjunction with the Class Environmental Assessment process.

SPECIAL PROTECTION CATEGORY

WHPAs shown on Schedule C-5 and the respective area municipal plans, Schedules B-5, E-4, N-3, S-3, Z-4, W-6, I-6 and T-5, will be interpreted as a special protection category in which the lands may be utilized in accordance with the underlying land use designation, subject to the policies of this Section.

SPECIAL PROTECTION CATEGORY INTERPRETATION

In determining the location of lands within the WHPAs, the following rules shall apply:

- properties located wholly within a WHPA shall be subject to the applicable restrictions; any parcel 1 hectare (2.5 acres) in size or smaller that has any part of it within a WHPA shall be deemed to be within the WHPA;
- properties having parts lying within more than one time-of-travel zone within a WHPA shall be subject to the restrictions applicable to the closer time-of-travel zone, unless the property is greater than 1 hectare (2.5 acres) in size and the developed or developable portion of the property is outside of this capture zone;

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- properties having parts lying both in and out of a WHPA shall be subject to the restrictions applicable to the capture zone of the WHPA affecting the property, unless the property is greater than 1 hectare (2.5 acres) in size and the developed or developable portion of the property is outside of the WHPA, in which case the WHPA policies will not apply.

PROHIBITED LAND USES

Until such time as this Plan is amended to incorporate approved Source Protection Plans, the following land uses shall be prohibited from being established within any WHPA or part thereof, as indicated:

- new facilities for the disposal, storage, handling, transfer, processing and/or recycling of any solid or liquid wastes, including landfills and waste transfer stations, but shall not include the use of approved clean, inert materials as fill for land *development* purposes;
- mass carcass disposal;
- oil and gas drilling and production;
- petroleum products refining;
- outdoor storage of road salt or other de-icing materials and dumping of salt-laden snow;
- new *development* utilizing a private septic system and/or private well within the 100-metre (328-foot) radius or the 0 – 2 year time-of-travel zone, excluding farm severances in accordance with Section 3.1.4.4 provided that the zoning by-law or other *development* controls prohibit the establishment of buildings or structures within this area;
- sewage treatment plants, waste lagoons or effluent discharge in the 100-metre (328-foot) radius or the 0 – 2 year time-of-travel zone;
- manure storage facilities and anaerobic digesters, using manure as an input, in the 100-metre (328-foot) radius or the 0 – 2 year time-of-travel zone;
- abattoirs, slaughtering plants or rendering facilities in the 100-metre (328-foot) radius or the 0 – 2 year time-of-travel zone;
- new sand and/or gravel pits in the 100-metre (328-foot) radius or the 0-2 year time-of-travel zone;
- asphalt or concrete batching plants in the 100-metre (328-foot) radius or the 0-2 year time-of-travel zone;
- new quarry operations in the 100-metre (328-foot) radius or the 0-10 year time-of-travel zones;
- geothermal energy systems in the 100-metre (328-foot) radius or the 0 – 2 year time-of-travel zone.

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This prohibition does not apply to existing uses established as of the date of this amendment (November 12, 2008).

LAND USE RESTRICTIONS - GENERAL

Until such time as this Plan is amended to incorporate approved Source Protection Plans, the land use restrictions for *development* within WHPAs, as indicated throughout this Plan shall apply.

AGGREGATE RESOURCES

Proposed aggregate extraction operations affecting WHPAs, or parts thereof, shall be subject to the use restrictions and performance requirements of Section 3.4 to this Plan.

RURAL LOT CREATION

Proposed rural lot creation for non-farm rural residential purposes affecting WHPAs, or parts thereof, shall be subject to the use restrictions and performance requirements of Section 3.1.5.4 to this Plan.

ENVIRONMENTAL SITE ASSESSMENTS OR REMEDIAION PROJECTS

For all environmental site assessments or remediation projects on lands within a municipal wellhead protection area, the County requires results of analytical testing to be compared to the Ministry of Environment Table 2 Standards for Land Use in a Potable Groundwater Condition as outlined in Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act, as amended.

PERFORMANCE REQUIREMENTS

In addition to any of the foregoing requirements and any land use policies and *development* criteria contained in this Plan, the following performance requirements shall also apply to proposals on lands subject to development within WHPAs:

ABANDONED WELLS

- Prior to *development*, proponents will be required to carry out an investigation for unused water and oil and gas wells on the subject lands and provide for the proper abandonment of same, in accordance with the policies of Section 3.3.3.4 of this Plan and/or relevant Provincial legislation and regulations.

REMOVAL OF UNDERGROUND STORAGE TANKS OR SEPTIC SYSTEMS

- Prior to *development*, proponents will be required to carry out an investigation on the subject lands for underground storage tanks or unused septic systems and provide for the removal and/or proper decommissioning of same.

ENVIRONMENTAL PROTECTION

- WHPAs, or parts thereof, that are identified through the *development* review process to be sensitive to the potential effects of *development* may be designated Environmental Protection Area.

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WATER QUANTITY

- *Development* proposals within a WHPA will be required to satisfy the water quantity policies of Section 3.2.7.2.4.

BEST MANAGEMENT PRACTICES

- The County and/or Area Municipalities will use whatever legal authorities are available to ensure the implementation, maintenance and monitoring of structural *best management practices* that are identified during the development review process for new and expanding non-residential uses within WHPAs.

3.2.7.2.3.2 General Water Quality Protection Policies

GENERAL WATER QUALITY PROTECTION POLICIES

The following water quality protection policies will apply in all areas of the County. These policies are in addition to those of Section 3.2.7.2.3.1.

LAND USE

The performance requirements of Section 3.2.7.2.3.1 may be applied to *development* proposals in vulnerable aquifer areas.

NATURAL DRAINAGE SYSTEMS

Natural drainage systems will be promoted in the design of new subdivisions. *Surface water features* will be left as much as possible in their natural state incorporating existing and newly naturalized vegetative buffers. County and Area Councils will be satisfied that any proposed modifications to a natural *surface water feature* are necessary and are acceptable to the Conservation Authority with jurisdiction and/or the appropriate Provincial Ministries.

BUILDING AND LOT SETBACKS FROM RIPARIAN LANDS

The following measures for water quality maintenance and enhancement purposes may be applied as conditions of approval in situations where proposed *development* abuts a *watercourse*:

- the use of a setback from the top of the bank of the *watercourse* to the nearest property line;
- the acceptance of riparian lands and of lands immediately adjacent as part of the required parkland dedication;
- the use of site planning to situate building and parking area locations away from the riparian lands and to address stormwater flows;
- the requirement to incorporate erosion and sedimentation control measures during construction;

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- for industrial, commercial, institutional and residential *development* a requirement for the establishment of permanent filter strips and other measures to improve stormwater quality as part of the landscaping requirements;
- the requirement to retain existing vegetation and to add new indigenous plantings to achieve a natural buffering corridor adjacent to the *watercourse*. County Council and/or Area Council may consult with the Ministry of Natural Resources and/or the Conservation Authority with jurisdiction to determine the appropriate buffer width;
- requiring measures such as the fencing of riparian lands and restricting individual access from properties abutting such lands as a means of discouraging alterations to natural vegetation.

LIVESTOCK AND POULTRY FARMS

In the interests of protecting the quality of ground and surface waters in Oxford County, new or expanding livestock and poultry operations shall satisfy the policies of Sections 3.1.4.2 and 3.2.7.2.3.1, as appropriate.

RURAL LAND SEVERANCE

The Oxford County Land Division Committee may impose conditions on the granting of a consent in order to address potential water quality issues. Such conditions may include but will not be limited to the following:

- *surface water features* be fenced to prevent livestock access;
- the establishment of buffer or filter strips adjacent to *surface water features* and drainage systems;
- the establishment of appropriate setbacks for buildings, structures, wells or wastewater disposal facilities from lot lines, municipal and private wells, *natural heritage features* and *watercourses*.

DEVELOPMENT APPROVAL

As part of the *development* approval, County Council and/or the Area Council shall implement development control measures recommended through the *development* review and consultation process.

Implementation of such measures will be accomplished by Official Plan amendment, zoning by-law amendment or through conditions of zoning, subdivision, land severance or site plan control or other legislated means, as appropriate.

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3.2.7.2.4 Water Quantity

In accordance with the Clean Water Act and Provincial policy, the County will take measures to protect, improve or restore the quantity of water in order to ensure that a sufficient quantity of water is available to meet the needs of County residents, business and industry and the farming community and to maintain base flows in streams.

The identification and risk assessment of significant groundwater recharge areas will be undertaken through the drinking water source protection process lead by the Source Protection Committees with jurisdiction in the County. Policies to protect, improve or restore these vulnerable areas and their hydrologic functions will be developed based on the approved Source Protection Plans applicable within the County.

Until such time as approved Source Protection Plans are available, the following policies apply to protect water quantity.

3.2.7.2.4.1 Water Quantity Policies for Centralized Water Supply Systems

MUNICIPAL WATER SERVICES

Proponents of the *development* of high water uses on a *centralized water supply system* will be required to disclose the following information prior to *development* approval:

- a description of how the proposed use will comply with the County of Oxford Sewer Use By-Law;
- the preparation of a disclosure report specifying the nature of the use proposed, its associated services and facilities, the activities and operations to be conducted on-site and the estimated volumes of water required for the activities and operations in terms of litres per day on an average annual basis as well as identification of peak periods and peak water demands; and
- identification of water conservation measures.

High water uses include those uses requiring 25,000 litres of water or more per day, on an average annual basis for uses proposed on the *centralized water supply systems* serving Woodstock, Ingersoll or Tillsonburg.

High water uses include those uses requiring 5,000 litres of water or more per day, on an average annual basis for uses proposed on any other *centralized water supply systems* within the County.

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The County Public Works Department will assess the information supplied by the proponent and advise as to whether the *centralized water supply system* has the capacity to supply the use.

CONSULTATION

County Council and/or the Area Council shall consult with Provincial Ministries, the Conservation Authority with jurisdiction or any other agency or body or qualified individual deemed appropriate for the purpose of evaluating *development* applications and supporting information. Appropriate consideration will be given to the cumulative effects of *development* and water taking on the *centralized water supply system*.

Any fees resulting from such consultation will be charged to the proponent as part of the fee structure for the *development* review process.

DEVELOPMENT APPROVAL

Where the supporting information, demonstrates acceptable water use in accordance with the objectives of this Plan, County Council and/or the Area Municipal Council may consider such proposal to be in conformity with this Plan.

Development approval shall be conditional upon the implementation of water conservation measures recommended through the *development* review and consultation process, as appropriate. Implementation of such measures will be accomplished through conditions of zoning, subdivision, land severance or site plan control or other legislated means.

3.2.7.2.4.2 General Water Quantity Policies

AVAILABLE SUPPLIES

Prior to approving *development*, County Council and Area Councils shall be satisfied that sufficient water supplies which meet the health criteria of the Ontario Drinking Water Standards are or can be made available to serve the *development*.

The Oxford County Land Division Committee may require confirmation of potable water supply prior to granting conditional consent.

WATER-TAKING/ DEWATERING

Proposed uses that meet the requirements of Section 34 of the Ontario Water Resources Act, as amended, are required to obtain a "Permit to Take Water" from the Ministry of Environment prior to or as a condition of *development* approval.

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WATER CONSERVATION INCENTIVES

Area Councils, as a means of encouraging water conservation through building and site design, may permit density bonusing for *developments* incorporating water conservation measures.

INFILTRATION

The County will encourage the provision of stormwater infiltration measures as a means of recharging the aquifers of the County, where appropriate.

WATER RESTRICTION BY- LAWS

The County shall establish and maintain water restriction by-laws in areas where municipal water supplies exist in order to reduce water use, particularly during periods of peak demand.

WATER RATE STRUCTURES

The County shall establish and maintain water rate structures for municipal water supplies that are based on full cost recovery, are consistent with the principle of water conservation and provide for groundwater protection and conservation initiatives.

WATER METERING

Where feasible, the County shall establish and maintain water metering of municipal water supplies as a measure to conserve water and as a basis for establishing water rate structures.

PUBLIC EDUCATION

The County may establish and maintain a public education program to promote water conservation in both domestic and industrial activities.

3.2.7.2.5 *New Municipal Supply Wells*

MUNICIPAL SUPPLY WELLS

As required, the County shall follow the Class Environmental Assessment process prior to establishing a new municipal supply well, including the following measures:

- where possible, select well sites that minimize the potential effects from surface activities, including land uses and surface water, on the well water quality;
- undertake modeling consistent with the Director's Rules and Regulations of the Clean Water Act, 2006 to define the wellhead protection area (WHPA) for the proposed well; and
- identify availability, quantity and quality of water sources for existing and proposed uses in the study area.

The County may enter into negotiations with land owners adjacent to the proposed well site regarding the use of alternative protection measures that may be required to protect the quality and quantity of the new municipal supply well and the land owner's private supply well, including such matters as compensation for changes in land use or land management practices.

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3.2.7.3 Soil Preservation

POLICY INTENT

It is the intent of the County and Area Municipalities that the County's land resource and particularly the topsoil should be conserved so that it may sustain future generations. Accordingly, the policies of this section apply to all forms of *development* and land use throughout the County.

INTRODUCTION AND OBJECTIVE

Topsoil and peat extraction often occurs within locally significant *wetlands*. Loss of *wetland* functions and loss of agricultural potential can result from such extraction if appropriate reclamation or rehabilitation of the land does not take place. It is the intent of this Plan to require the regulation of topsoil and peat extraction operations in the County.

OBJECTIVES

To protect and enhance the soil resources of Oxford County by regulating the nature, timing and extent of site grading including but not limited to prior to and during the construction process.

To regulate peat and topsoil extraction operations to ensure that appropriate rehabilitation occurs.

TOPSOIL PRESERVATION BY-LAW OR GRADING BY-LAW

The County of Oxford and/or any Area Council may draft and implement a Topsoil Preservation By-Law, or Grading By-law pursuant to the Municipal Act, to restrict the removal of topsoil or peat from a site without a permit. Any such By-Law may provide for erosion and sedimentation controls, and site rehabilitation, and may regulate the nature, timing and extent of site grading.

3.2.7.3.1 Development Review Policies for Soil Preservation

EROSION HAZARD AND UNSTABLE SOILS

Policies relating to erosion hazard and unstable soils are provided in Section 3.2.8.2.

PEAT AND TOPSOIL EXTRACTION

Policies relating to peat and topsoil extraction are set out in Section 3.2.7.3.2

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EROSION CONTROL MEASURES

As a condition of *development* approval, County Council and/or Area Council will require measures to reduce/mitigate soil erosion including:

- the seeding of topsoil stockpiles during construction;
- restricting grading and *site alteration* activities prior to the completion of a subdivision agreement; and
- the incorporation of measures such as windbreaks, grassed swales, and other filtration measures in appropriate areas.

PUBLIC WORKS

All public works shall incorporate, where necessary, measures to reduce/mitigate soil erosion and measures to conserve topsoil.

3.2.7.3.2 Topsoil and Peat Extraction

WHERE PERMITTED

Topsoil and peat extraction will be permitted within the Agricultural Reserve designation on the Land Use Schedules subject to the policies in this section.

TOPSOIL PRESERVATION BY-LAW OR GRADING BY-LAW

No Zoning By-Law shall contain provisions permitting new or expanded topsoil or peat extraction operations until a Topsoil Preservation By-Law or Grading By-law pursuant to the Municipal Act and consistent with the policies of this Plan is adopted by the Area Municipality to regulate such extraction by requiring a permit from the Area Municipality.

INFORMATION TO SUPPORT PERMIT APPLICATION

Any Topsoil Preservation By-Law or Grading By-law passed to regulate peat and topsoil extraction shall require the following information to be evaluated prior to the issuance of a permit for extraction, such information to be provided at the expense of the proponent:

ENVIRONMENTAL IMPACT STATEMENT

The submission of an Environmental Impact Study in accordance with the policies of Section 3.2.6 is required in support of an extraction permit. In addition to the requirements of Section 3.2.6, the Environmental Impact Study shall also address:

- the effects on surface water drainage and water quality and the identification of measures to minimize potential *negative effects*;
- the effects on groundwater quantity and quality and the identification of measures to minimize potential *negative effects*;
- reduction in flood storage capacity;
- the presence of any features designated Environmental Protection Area and the policies of Section 3.2.4.2 regarding *development* or *site alteration* for such features .

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METHOD, PHASING AND TIMING

Plans showing the existing features and the proposed operational plan, including the method and the phasing and timing of the extraction operation.

COMPATIBILITY

Measures to ensure compatibility with nearby land uses including extraction setbacks, buffering measures, potential noise and dust sources and the location of haulage routes.

REHABILITATION AND AFTER-USE

Plans showing the proposed rehabilitation scheme and after-use, including the nature, phasing and type of rehabilitation of the land which is proposed and the feasibility of the rehabilitation scheme and after-use.

AFTER-USE PRIORITIES

In all instances where new or expanding topsoil or peat extraction operations are permitted, a sufficient natural soil base shall be retained to facilitate rehabilitation for the after-uses described below.

The following after-use priorities are established in order of priority where topsoil or peat extraction is permitted:

WETLAND RECLAMATION

Rehabilitation of the site including revegetation to create a new *wetland* resource.

REFORESTATION

Rehabilitation of the site through natural succession and the planting of a variety of trees and vegetation designed to increase biological diversity and *wildlife habitat*.

AGRICULTURAL CROPLAND

Rehabilitation for agricultural purposes excluding pastureland.

CONSULTATION

The Area Municipality may consult with the appropriate Provincial Ministries and/or the Conservation Authority with jurisdiction for assistance in evaluating the technical feasibility of a proposed rehabilitation scheme.

The proponent will be responsible for all costs associated with such consultation.

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AMENDMENT No. 139

3.2.7.4 Energy Efficiency and Air Quality

POLICY INTENT

More compact urban forms, a structure of nodes and corridors and energy efficient design and orientation can reduce the cost of transportation, increase the efficiency of hard and soft services, realize space-heating efficiencies, and reduce *development* pressure on surrounding agricultural and environmental features. Integration of residential and employment uses in appropriate locations within urban areas can reduce auto-dependency and provide opportunities for land use *intensification*.

It is the intent of this Plan that all new *development* shall be subject to policies promoting compact urban form, a structure of nodes and corridors and energy efficient design and orientation in order to facilitate energy efficiency and improved air quality. The establishment of *alternative and/or renewable energy systems* of an appropriate type, size and scale will also be permitted in suitable locations within *settlements* and the Agricultural Reserve designation.

OBJECTIVES

REDUCE AND
CONSERVE

To promote a more compact urban form, a structure of nodes and corridors and *intensification* in appropriate locations with appropriate levels of services.

CONSERVATION
AND DOWNTOWN
REVITALIZATION

To enhance the viability of urban downtown areas through the creation of integrated living, working and shopping environments.

INCREASE NON-
AUTO
TRANSPORTATION

To incorporate alternative, non-auto modes of transportation including cycling, walking and public transit.

ALTERNATIVE
AND/OR
RENEWABLE
ENERGY

To promote the use of alternative and/or renewable energy where feasible, and permit *alternative and/or renewable energy systems* in appropriate locations within settlements and the agricultural reserve designation, in accordance with Provincial and Federal requirements and the policies of this Plan.

DEVELOPMENT
REVIEW POLICIES
PROMOTING
ENERGY
CONSERVATION

The *development* of compact urban form and structure of nodes and corridors shall be taken into consideration in the land use change, subdivision and *development* approvals process. Where appropriate, the following land use *intensification*, design and orientation and integration measures will be promoted:

- infilling on vacant lands, especially in or adjacent to commercial core areas;

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- permitting accessory apartments in appropriate residential and *employment areas*, especially within or adjacent to the central area;
- permitting a mix of residential and employment uses in appropriate locations, especially within or adjacent to the central area;
- locating *development* of higher densities in proximity to public transit routes and providing direct pedestrian access to the transit system from such *development*;
- increasing the overall density of new suburban *development* while providing for flexibility in choice of housing type;
- permitting conversion of residences in and, where appropriate, adjacent to the central core for office space, business and personal services, small business start-up and *cottage industry*;
- providing opportunities for high and medium density residential *development* in the central area;
- supporting residential uses above retail uses;
- supporting the establishment of accessory apartments in neighbourhoods within and adjacent to the central area;
- Incorporating pedestrian and bicycle pathways into proposed *development* that may link into the existing Natural Heritage System or to areas of commerce, employment and recreation and designating such linkages as Open Space.

SITE DESIGN AND PLANNING

Site plan control may be used to incorporate energy conservation measures into the final design. Such measures may include orientation and design of new buildings to maximize passive solar gain and to minimize energy loss through appropriate construction standards and landscaping designed to moderate seasonal climatic variation.

RELAX ZONING AND SITE PLAN REQUIREMENTS

Increased flexibility in zoning and site planning may be considered in order to accommodate variances in building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.

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3.2.7.4.1 Alternative and/or Renewable Energy Systems

The establishment of *alternative and/or renewable energy systems* in the Agricultural Reserve designation shall be in accordance with the policies of Section 3.1.5.5.

The establishment of *alternative and renewable energy systems* within a designated *settlement* shall be in accordance with the following policies:

SMALL SCALE
ALTERNATIVE AND
/OR RENEWABLE
ENERGY SYSTEMS

Alternative and/or renewable energy systems, which are small in scale and primarily intended to off-set or replace on-site energy consumption may be permitted as an accessory use in any implementing zoning category within a designated *settlement*, provided that such systems:

- are secondary and accessory to the principal use of the property;
- are located on or adjacent to existing on-site buildings, wherever possible;
- do not create adverse effects on surrounding land uses; and;
- are consistent with the policies of Section 3.2, Environmental Resource Policies and 3.3, Cultural Resource Policies and all other applicable policies of this Plan.

TYPES OF SYSTEM
PERMITTED

The types of small scale *alternative and/or renewable energy systems* that may be permitted, in accordance with the policies of this section, shall be limited to:

- small scale *solar energy systems* limited to building mounted systems or ground installed systems that do not generally exceed 10% of lot coverage, to a maximum of 100 m² (1,076 ft²) and
- geothermal energy systems.

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ZONING

It is not intended that the full range of system types or the maximum system scale shall be permitted in every zone. In zones where small scale *alternative and/or renewable energy systems* are permitted, the Area Zoning By-Law shall include provisions to restrict the type and scale of such systems and ensure compliance with Provincial and Federal requirements. These provisions may include size and height limitations, minimum lot areas and setbacks, location of buildings and structures, maximum generation capacities, parking and access and any other controls necessary to limit the overall size and scale of such systems and associated off-site impacts.

Small scale *alternative and/or renewable energy systems* that do not comply with the specific type and scale restrictions of this section, may only be permitted through a site specific amendment to the Area Zoning By-Law, provided that Area Council is satisfied that the proposed system would otherwise comply with these policies.

SITE PLAN CONTROL

Small scale *alternative and/or renewable energy systems* may be subject to site plan control to address those matters noted above and other relevant site design considerations.

LARGER SCALE ALTERNATIVE AND/OR RENEWABLE ENERGY SYSTEMS

Alternative and/or renewable energy systems, which do not comply with the policies for small scale systems, may only be permitted within a designated *settlement* in accordance with the policies for industrial uses.

Larger scale *alternative and/or renewable energy systems* will generally require a site specific amendment to the Area Zoning By-Law, supported by planning or technical studies required to demonstrate that the proposed use will comply with all local, Provincial and Federal Requirements and will not create an adverse effect or safety concern for surrounding uses, to the satisfaction of the Area Municipality.

Wind energy systems and larger scale *alternative and/or renewable energy systems* that, in the opinion of Area Council, may represent a significant health or safety risk to the public, employees or the environment by reason of pollution or other adverse effect shall not be permitted.

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3.2.8 Environmental Constraints

INTRODUCTION

Environmental constraints are defined as either naturally occurring or man-made characteristics of the land, water or air which may adversely affect people and property both on and off-site. Such constraints may render an area unsuitable for active use or *development* and/or may require specific studies and mitigative measures to overcome the identified constraint to *development*. Environmental constraints include:

- lands prone to flooding;
- erosion hazard areas;
- unstable soils.

OBJECTIVES

IDENTIFY CONSTRAINT AREAS

To identify lands subject to potential environmental constraints and to establish review criteria, and supporting studies required prior to *development*.

MINIMIZE HAZARDS

To permit only those *developments*, in areas affected by environmental constraints, which do not endanger property or the health or safety of occupants or the public.

POLICIES

SPECIAL PROTECTION CATEGORY

Lands identified as erosion hazard areas and unstable soils, are illustrated on Schedule C-2, with floodplain mapping shown on the Land Use Schedules for each Area Municipality. These environmental constraints will be interpreted as a special protection category in which the lands may be utilized in accordance with the underlying land use designation subject to the policies of this Section.

INTENT TO UPDATE ENVIRONMENTAL CONSTRAINTS DATABASE

New information may result in the identification of additional lands that are subject to environmental constraints and hence the policies of this Section. Where new information is provided that identifies lands subject to the environmental constraints, such lands will be included on the Development Constraints Schedule, C-2 without amendment to this Plan and shall be subject to the policies of this Section.

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3.2.8.1 Flood Plains

POLICY INTENT

The County of Oxford is located within the watersheds of four Conservation Authorities: the Grand River, the Long Point Region, the Catfish Creek and the Upper Thames River as depicted on Figure 5 and Schedule C-1. In addition to the following Official Plan policies, flood plain lands are subject to Fill, Construction and Alteration to Waterways Regulations administered by the relevant Conservation Authority pursuant to the Conservation Authorities Act.

Watercourses with a drainage of less than 125 hectares (309 acres) may not be regulated under the Fill and Construction Regulations pursuant to the Conservation Authorities Act. These areas are, however, subject to the following policies.

REGULATORY FLOODLINE

The Regulatory Floodline is determined by the Conservation Authority with jurisdiction as follows:

Grand River	- Regional Storm (Hurricane Hazel)
Long Point Region	- 100 Year Event
Catfish Creek	- Regional Storm (Hurricane Hazel)
Upper Thames River	- Regulatory Storm (1937 Upper Thames flood)

and is generally depicted on the Land Use Schedules. Lands within the Regulatory Floodline are known as the regulatory flood plain and are designated Open Space.

FLOOD PLAIN MAPPING

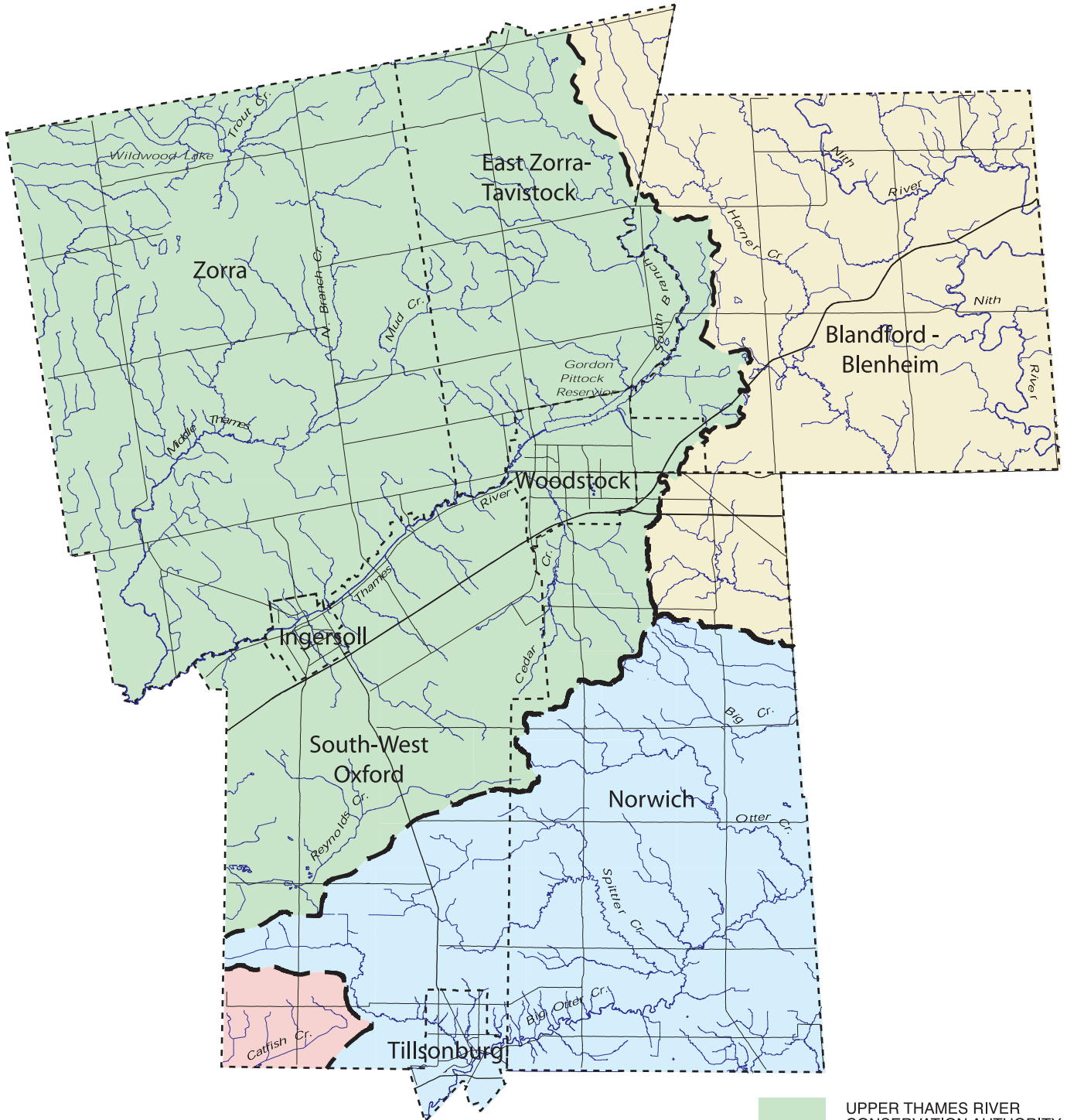
The precise delineation of the regulatory flood plain can be determined from flood plain mapping available from the Conservation Authority with jurisdiction.





As new or revised flood plain mapping is made available from time to time by any Conservation Authority with jurisdiction in the County, such mapping will be used to illustrate the lands identified as being subject to environmental constraints associated with flooding. Where there is a difference between Conservation Authority mapping and an Official Plan Schedule, the Conservation Authority mapping will be deemed to represent the most recent flood plain delineation for the purposes of this Section.

Where engineered flood plain mapping has not been completed, proponents may be required to complete such mapping to the satisfaction of the relevant Conservation Authority prior to *development*. Such mapping will be completed at the proponent's expense.

FIGURE 5

**COUNTY OF OXFORD
CONSERVATION AUTHORITY WATERSHEDS**



-  UPPER THAMES RIVER CONSERVATION AUTHORITY
-  GRAND RIVER CONSERVATION AUTHORITY
-  LONG POINT REGION CONSERVATION AUTHORITY
-  CATFISH CREEK CONSERVATION AUTHORITY



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ZONING OF FLOOD PLAIN AREAS

All lands identified as regulatory flood plain areas shall be identified in the Zoning By-Law in a manner that reflects susceptibility to flooding and restricts the range of uses permitted to those consistent with this Section.

On lands that are zoned to reflect susceptibility to flooding, zone lines may follow actual property lines where practical rather than floodline contours.

SITE PLAN CONTROL

Any lands that are zoned to reflect potential susceptibility to flooding may be subject to site plan approval by Area Councils to ensure that all facilities, works or other matters required to mitigate flooding effects are provided and maintained.

AGREEMENTS/ CONDITIONS OF APPROVAL

Any *development* that is approved in accordance with this Section may be subject to agreements or conditions of approval as permitted in relevant legislation to address flood risk mitigation measures. County Council and/or Area Council may stipulate the following measures as part of any required agreement or condition of approval:

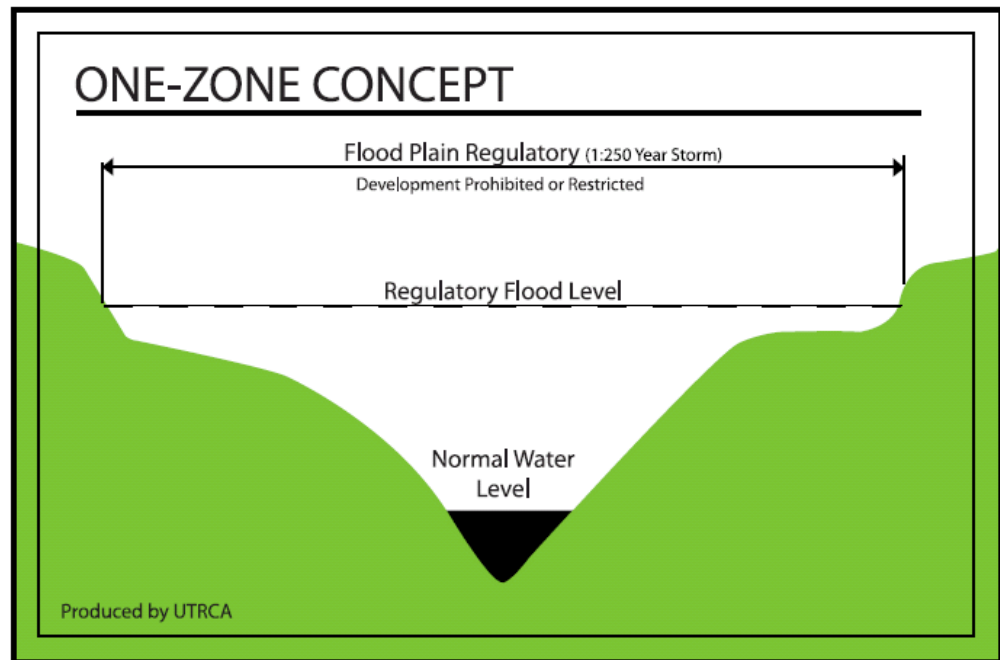
- upon completion of any foundation and prior to further above grade construction that a certificate from an Ontario Land Surveyor or Professional Engineer be provided verifying that all habitable floor space elevation is located above the Regulatory Flood level;
- upon completion of a building or structure that a letter of compliance be provided by a Professional Engineer certifying that all flood proofing measures have been implemented as required.

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3.2.8.1.1 One Zone Flood Plain Policies

DESCRIPTION

In keeping with the Provincial Policies relating to the regulation of development in flood plain areas, the whole of the County of Oxford shall be subject to the following One Zone Flood Plain policies except for those areas identified on Schedules B-4, Village of Plattsville Two Zone Flood and I-5, Town of Ingersoll Two Zone Flood, as Two Zone Flood Plain areas. The graphic below illustrates the concept of a One Zone Flood Plain.



PERMITTED USES

Uses which may be permitted within the regulated flood plain will be limited to:

- flood and/or erosion control structures;
- facilities which by their nature must locate near water or traverse *watercourses*, such as roads, bridges, railways, and other *public services* having an approved hydraulic design acceptable to the Conservation Authority with jurisdiction;
- land uses which are of a passive, non-structural nature and do not adversely affect the ability of the flood plain to pass flood waters, such as recreational trails.

PROHIBITED USES

All other *development* or *site alteration* not explicitly permitted in this Section shall be prohibited in the regulatory flood plain.

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EXISTING USES

Minor expansions or alterations to buildings or accessory structures existing in the regulatory flood plain at the time of adoption of this Plan (December 13, 1995) may be undertaken provided that:

- no adverse effects on the hydraulic characteristics of flood plains will occur as determined by the Conservation Authority with jurisdiction;
- no new dwelling units are created except where the Two Zone Flood Plain policies apply;
- such renovations, additions and alterations including mechanical and electrical services are generally flood proofed to the Regulatory Flood Level, to the satisfaction of the Conservation Authority with jurisdiction;
- a permit is obtained from the Conservation Authority with jurisdiction.

REPLACEMENT STRUCTURES

Structures which are replaced or reconstructed as a result of fire or other loss due to natural causes will generally be flood proofed to the Regulatory Flood elevation to the satisfaction of the Conservation Authority with jurisdiction.

Where a structure is being replaced, a change in the existing building footprint may be considered provided such change would maintain or improve the hydraulic characteristics of the original structure and the footprint is not greater than that of the original structure.

SEPTIC SYSTEMS

Where *development* or redevelopment on private services is permitted by this Plan, private septic systems will be located outside the regulatory flood plain, where feasible. Where such systems cannot be located outside of the regulatory flood plain, approval of the Conservation Authority with jurisdiction and the Board of Health will be required.

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3.2.8.1.2 Two Zone Flood Plain Policies

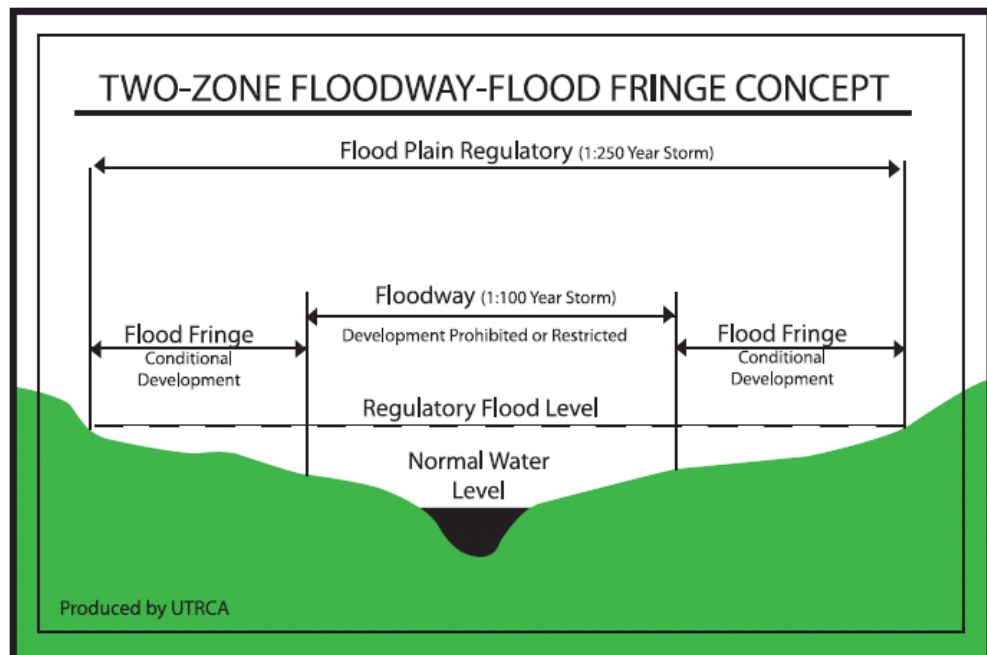
DESCRIPTION

In keeping with the Provincial Policies relating to the regulation of *development* in flood plain areas, Two Zone Flood Plain Policies have been adopted for areas of existing *development* identified on Schedules B-4 and I-5. Any additional Two Zone Flood Plain areas approved during the planning period will be incorporated into this Plan by amendment. Lands within the flood plain in the Two Zone Flood Plain Policy area will be divided into two zones - the *Floodway* and *Flood Fringe* defined as follows and illustrated in the graphic below:

DEFINITIONS

Floodway: the hazardous portion of the flood plain where flood depths and/or velocities are considered to be such that they pose a significant threat to life and/or property. The floodway is that area of the flood plain required for the safe passage of flood flows. In all circumstances the floodway will be approved by the Conservation Authority with jurisdiction based on depth or a combination of depth and velocity parameters.

Flood Fringe: the portion of the outer flood plain between the limits of the floodway as established by the Conservation Authority with jurisdiction and the Regulatory Floodline establishing the limits of the flood plain. Flood depth and velocity is generally less severe in this portion of the flood plain.



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PERMITTED USES - FLOODWAY

Development in the *floodway* will be consistent with the policies of the One Zone Flood Plain area in Section 3.2.8.1.1.

PERMITTED USES - FLOOD FRINGE

The use of the Two Zone Flood Plain concept for lands identified on Schedules B-4 and I-5 may allow for some *development* within the *flood fringe* areas of the flood plain. *Development* in the *flood fringe* will be restricted to infilling, redevelopment, replacement and additions or alterations of buildings and structures existing as of the date of adoption of this Plan (December 13, 1995).

Conversions of non-residential buildings to residential use in the *flood fringe* may be permitted, provided that all of the development criteria of this Section are satisfied.

All *development* in the *flood fringe* will be in conformity with the underlying land use designation.

CRITERIA FOR DEVELOPMENT IN THE FLOOD FRINGE

Prior to permitting *development* on lands identified in Schedules B-4 and I-5 as being within the *flood fringe*, County Council and/or Area Council will ensure that the following criteria are satisfied:

FILL/ALTERATION/ CONSTRUCTION PERMIT

A permit is issued by the Conservation Authority with jurisdiction under the Fill, Construction and Alteration to Waterways Regulation.

FLOODPROOFING

All *development* is suitably floodproofed to the Regulatory Flood Level as determined by the Conservation Authority with jurisdiction.

HABITABLE FLOOR SPACE

All habitable floor space will be constructed above the Regulatory Flood elevation and all essential building services, for example, telephone, electrical, heating will be constructed above or protected to the Regulatory Flood Levels.

UNINHABITABLE FLOOR SPACE

The creation of uninhabitable floor space associated with multiple unit residential, commercial, industrial or other non-residential *development* may be permitted below the Regulatory Flood Elevation. Such areas in multiple unit residential *development* may include foyers, recreation rooms, laundry rooms, storage areas or other uninhabitable floor space typically associated with such *development*. All such floor space will be flood proofed to the Regulatory Flood Level.

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INGRESS/EGRESS

Ingress/egress for all new buildings occupied on a temporary or permanent basis located in the *flood fringe* shall be such that vehicular and pedestrian movement is not prevented in the case of flooding in order that safe access or evacuation is ensured.

3.2.8.1.2.1 Specific Development Policies for Two Zone Areas

In order to provide additional guidance for specific Two Zone Flood Plain Areas, the following policies will take precedence:

PLATTSVILLE

Notwithstanding the criteria for *development* in the *flood fringe*, infilling lots will be permitted to be developed to one metre (3 feet) below the Regulatory Flood Level with the approval of the Grand River Conservation Authority.

Notwithstanding the criteria for *development* in the *Floodway*, vacant lots of record existing at the date of adoption of this Plan (December 13, 1995) which are located in the *Floodway* as identified on Schedule B-4 will be permitted to be developed in accordance with the following:

- a permit pursuant to the regulation made under Section 28 of the Conservation Authorities Act is obtained from the Grand River Conservation Authority;
- basements will not be permitted;
- floodproofing to a minimum of one metre (3 feet) below the Regulatory Flood Level is provided to the satisfaction of the Grand River Conservation Authority; and

3.2.8.1.3 Special Policy Areas

DESCRIPTION

County Council and/or Area Council in accordance with the Provincial Flood Plain Planning Policy, may apply to the Province for the approval of a Special Policy Area status for specific *settlements* or areas of a *settlement*. *Special Policy Area status is intended to recognize unique circumstances whereby portions of the flood plain can be developed or redeveloped in relative safety through adequate attention to flood proofing with minimal adverse effects on the watershed.*

OFFICIAL PLAN
AMENDMENT

On approval of any Special Policy Area, this Plan will be amended to incorporate appropriate policies and schedules to address the following matters:

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- the circumstances under which new *development* will be considered;
- the minimum level of floodproofing required;
- the permitted types and locations of new *development*;
- alternative measures or means of providing increased levels of flood protection; and
- minimum elevations for the provision of safe ingress and egress and for safe haven areas within the Special Policy Area.

3.2.8.2 *Erosion Hazard and Unstable Soils*

POLICY INTENT

Erosion hazards mean the loss of land, due to human or natural processes, that pose a threat to life and property. The *erosion hazard limit* is determined using the one hundred year erosion rate and includes allowances for toe erosion, slope stability and access during emergencies. The erosion hazard component of river and stream systems is intended to address river and stream bank erosion as well as slope stability issues related to the valleys through which rivers flow.

Unstable soils include organic and peat soils formed by the decomposition of vegetative and organic materials into humus. This rotting process can create methane gas and results in soils that erode easily and compress so much they may not be able to support structures.

It is the intent of these policies to permit *development* only where the effects of erosion hazards and unstable soils can be avoided or, in the case of existing *development*, successfully mitigated.

IDENTIFICATION OF CONSTRAINTS

Erosion hazard lands are shown on the Development Constraints Schedule, C-2. *Development* proposed on erosion hazard lands will be subject to the requirements of this Section.

Notwithstanding such identification, County Council and/or the Area Council may impose the requirements of this Section for areas not identified on Schedule C-2, Development Constraints, where erosion hazard potential or unstable soils are identified during the *development* review process.

Unstable soils are identified as organic soils and areas associated with *wetlands* on Schedule C-2, Development Constraints.

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3.2.8.2.1 Erosion Hazard

PERMITTED USES

Land uses that are in conformity with the underlying land use designation may be permitted, subject to satisfying the policies of this Section, except for those uses that are explicitly prohibited.

Existing buildings and structures shall be recognized as permitted uses.

PROHIBITED USES

New institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of *hazardous substances*, including the storage of manure, shall be prohibited in areas subject to erosion hazard.

DEVELOPMENT REVIEW CRITERIA

Prior to permitting proposed new *development* in areas identified as erosion hazard lands on Schedule C-2, County Council and/or the Area Council will be satisfied that potential erosion hazards can be avoided or acceptably mitigated.

A geotechnical study, completed by a qualified geotechnical engineer, shall be prepared to the satisfaction of the Conservation Authority with jurisdiction. For new *development*, the geotechnical study shall satisfy that the erosion hazards can be avoided. In the case of existing *development* undergoing expansion or change of use, such study will determine how the erosion hazard can be mitigated.

As part of the *development* review process, County Council and/or the Area Council, will require proponents to provide a geotechnical report containing the following information:

- the delineation of the *erosion hazard limit* for the subject property;
- for new *development* proposals, a clear indication of that the proposed *development* or *site alteration* can avoid the *erosion hazard limit*; and
- for expansions or change in use to existing *development*, proposed methods to overcome or mitigate the erosion hazard in a manner consistent with accepted resource management and engineering standards and procedures.

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Such report will be prepared by a qualified geotechnical engineer at the proponent's expense and will be consistent with criteria established in the Ministry of Natural Resource's "Natural Hazards Training Manual", or other applicable Ministry guideline and the applicable Conservation Authority policies.

CONSULTATION

County Council and/or the Area Council will consult with the Conservation Authority with jurisdiction prior to *development* approval to:

- confirm the methodology used by the geotechnical engineer to determine the location of the *erosion hazard limit* is satisfactory;
- advise as to whether the erosion hazard can be safely avoided or addressed in accordance with established policies, standards and procedures;
- indicate whether new hazards will be created or existing hazards aggravated as a result of the proposed *development* or *site alteration*;
- confirm that no *negative impacts* will result from the proposed *development* or *site alteration*; and
- confirm that people have a way of safely entering and exiting the subject property during times of flooding, erosion or other emergencies.

Should such consultation result in a fee, the applicant will be required to pay such fee at the time the review is completed and prior to *development* approval.

DEVELOPMENT APPROVAL

Where the Conservation Authority with jurisdiction has confirmed that the consultation criteria identified above can be satisfied for the proposed *development* or *site alteration*, County Council and/or the Area Municipal Council may consider such proposal to be in conformity with this Plan.

Where the proposal is considered to be in conformity with this Plan, County Council and/or the Area Council shall consider implementing the mitigation measures recommended by Conservation Authority with jurisdiction, through conditions of subdivision, land severance or site plan control or other legislated means.

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3.2.8.2.2 Unstable Soils

PERMITTED USES

Land uses which are in conformity with the underlying land use designation may be permitted in proximity to or associated with unstable soils, subject to satisfying the criteria of this Section, except for those uses which are explicitly prohibited.

Existing buildings and structures shall be recognized as permitted uses.

PROHIBITED USES

New institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of *hazardous substances*, including the storage of manure, shall be prohibited in areas identified as containing organic or peat soils.

DEVELOPMENT REVIEW CRITERIA

Due to the variable and complex nature of organic and peat soils, the proponent will be required to prepare a study to verify the location and extent of the unstable soils and to determine the appropriateness and/or feasibility of placing *development* within or over top of organic and/or peat soils. Measures to overcome or mitigate the hazards associated with unstable soils will be identified in the study.

Such study will be prepared by a qualified individual at the proponent's expense and will be consistent with criteria established in the "Natural Hazards Training Manual" and the "MNR Technical Guide for Hazardous Sites" or other applicable Ministry guideline.

CONSULTATION

Where *development* is proposed in proximity to or associated with unstable soils, County Council and/or the Area Council will consult with the Conservation Authority with jurisdiction prior to *development* approval to:

- confirm the location of the unstable soils hazard limit;
- advise as to whether the hazard associated with unstable soils can be avoided or safely addressed in accordance with established standards and procedures;
- indicate whether new hazards will be created or existing hazards aggravated as a result of the proposed *development* or *site alteration*;
- confirm that no *negative impacts* will result from the proposed *development* or *site alteration*;
- confirm that people have a way of safely entering and exiting the subject property during times of flooding, erosion or other emergencies; and

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- identify conditions to *development* approval that will ensure that all facilities, works or other matters stipulated in the study will be provided and maintained.

Should such consultation result in a fee, the applicant will be required to pay such fee at the time the review is completed and prior to *development* approval.

DEVELOPMENT APPROVAL

Where the Conservation Authority with jurisdiction has confirmed that the consultation criteria identified above can be satisfied for the proposed *development* or *site alteration*, County Council and/or the Area Municipal Council may consider such proposal to be in conformity with this Plan.

Where the proposal is considered to be in conformity with this Plan, County Council and/or the Area Municipal Council shall consider implementing the mitigation measures recommended by Conservation Authority with jurisdiction, through conditions of subdivision, land severance or site plan control or other legislated means.

3.0

Natural and Cultural Resource Management Policies

3.3 Cultural Resource Policies

INTRODUCTION

Cultural heritage conservation and mitigation of the effects of human-made constraints from past development assist in achieving high quality living environments. To realize these goals, the policies of this Section are intended to be applied to all land use decisions in the County of Oxford, as appropriate.

3.3.1 Goals for Cultural Resource Policies

COMPREHENSIVE GOAL

County Council shall adopt a comprehensive approach toward maintaining the cultural heritage of the County through the land use planning process. This approach shall also consider the human-made hazards associated with past development, requiring mitigation in order to maintain public health and safety.

SPECIFIC GOALS

County Council and the Area Councils will strive to:

FACILITATE SAFE AND HEALTHY CONDITIONS

Facilitate a safe and healthy environment by identifying various human-made constraints on land and related resources and by applying land use restrictions or, where appropriate, requiring effective mitigating measures as a requirement of *development*.

CONSERVATION OF HERITAGE RESOURCES

Aid the conservation of the County's *heritage resources* by supporting conservation initiatives in Area Municipalities, integrating conservation of heritage resources into the County planning process, and providing leadership through proper stewardship of County-owned heritage resources.

3.3.2 Heritage Resources

POLICY INTENT

County Council and Area Councils shall encourage the preservation and enhancement of properties or areas of historic, architectural, and/or archaeological interest. This will be accomplished through:

- Exercising a leadership role in heritage preservation through municipally-sponsored initiatives;

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- the application of the Ontario Heritage Act and the formation of Local Architectural Conservation and Advisory Committees, Museums and Historical Societies; and
- the establishment of land use policies and regulations to preserve and protect archeological and *heritage resources*.

OBJECTIVES

SUPPORT CONSERVATION INITIATIVES

To encourage initiatives for the preservation and enhancement of the *heritage resources* including buildings, structures, sites, landscapes and heritage conservation districts in the County.

INTEGRATE HERITAGE AND PLANNING

To integrate *heritage resources* conservation into the planning and urban design process.

HERITAGE RESOURCES STEWARDSHIP

To provide leadership in the protection, improvement, utilization and management of *heritage resources* by using County-owned heritage properties as examples of the proper stewardship of such resources.

3.3.2.1 Municipally-Sponsored Preservation Initiatives

MUNICIPAL ACQUISITION

The County or Area Municipality may consider the acquisition, for resale or posterity, of any designated *heritage resource* for which a demolition application has been made, provided:

- the statutory period under the Ontario Heritage Act will expire without a consensus between the Area Council and the owner as to how the property can be conserved; and
- an independent heritage consultant has made a conclusive case that there is an economically viable alternative to demolition; and
- County Council and/or the Area Council considers the resource to be of sufficient heritage value to the community to warrant acquisition.

PUBLIC WORKS

County Council and Area Councils will consider heritage measures in all municipal works projects and will protect *heritage resources* that are affected by such works where feasible.

PUBLIC WORKS MAINTENANCE

The County and Area Municipalities shall consider the potential *negative effects* of public works projects and maintenance, such as sidewalk and road repair, salting, snow removal, and pruning and replacement of plant materials, upon the architectural integrity and visual setting of *heritage resources*.

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SALE OR LEASE OF COUNTY PROPERTY

Any County-owned *heritage resource* which is sold, leased or transferred to another owner or lessee shall be subject to a heritage easement agreement which will guarantee its preservation, maintenance, and use in a manner which respects its heritage significance and, where appropriate, be subject to a heritage restoration agreement which shall require certain restoration works be carried out by the new owner or lessee.

INVENTORY AND PROMOTION

County Council and Area Councils will undertake measures to enhance public appreciation and the visibility of *heritage resources* by:

- Maintaining a comprehensive data base listing of *heritage resources* having historical, cultural, architectural, archaeological or natural significance as contained in Appendix 4 to this Plan; and
- working with the community to develop heritage trails, interpretive plaques, public archives, awards, educational programs and undertake other initiatives deemed appropriate.

3.3.2.2 Historic Buildings, Sites and Heritage Conservation Districts

WHERE *HERITAGE RESOURCE* IS DESIGNATED UNDER THE ONTARIO HERITAGE ACT

Where historic sites, buildings and heritage conservation districts have been designated under the Ontario Heritage Act, the County Council and/or Area Councils may:

- promote the repair, refurbishment and maintenance of the existing structures through the administration of funding programs including those available under the Ontario Heritage Act for the preservation and enhancement of *heritage resources*;
- limit the range of uses permitted within heritage structures and not allow additions or alterations to structures which may detract from the architectural or historical value of the property;
- promote the redevelopment or recycling of designated historical buildings to uses compatible with the historical or architectural character of the building;
- provide for the preservation of historic sites and buildings by discouraging demolitions to the extent of its legislative authority. Where a demolition permit is granted, the recording of the property prior to demolition for historical or archival purposes shall be made a condition of the demolition permit;

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- facilitate public involvement in the selection of historic sites and buildings and in the delineation of areas having historical importance or architectural merit, and
- require a Heritage Impact Assessment where a proposal to alter, demolish, or erect a structure on a property designated under the Ontario Heritage Act is made. Such assessment will outline the context of the proposal, any potential impacts the proposal may have on the *heritage resource*, and any mitigative measures required to avoid or lessen *negative impact* on the *heritage resource*.

PRESERVE ENVIRONMENTAL SETTING

To maintain the integrity and sense of setting of heritage buildings, County Council and Area Councils may preserve and protect the environmental setting as well as physical structures of outstanding architectural or historical value.

3.3.2.3 Development Policies

HERITAGE ZONES AND SITE PLAN CONTROL

Development of heritage resources, and of properties adjacent to *heritage resources*, should be consistent with the historical or architectural significance of the site, and/or the character of the existing area. To achieve such consistency, County Council and/or Area Councils may consider regulating the use, bulk, form, location, setbacks, and other matters of *development* by designating heritage sites and heritage conservation districts in the Official Plan or in the Zoning By-law. Area Councils may require site plan control for properties and areas subject to Heritage zoning.

DEVELOPMENT REVIEW CRITERIA

County Council and Area Councils shall have regard to the following factors when assessing *development* applications that may effect *heritage resources*. Any *development* shall satisfy the following:

- respect the massing, profile and character of adjacent heritage buildings;
- incorporate design features which approximate the width of nearby heritage buildings when constructing new buildings facing the street;
- emulate the established setback pattern on the street;
- be physically oriented in a manner similar to the orientation of existing heritage buildings to the street;

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- minimize shadowing on adjacent heritage properties, particularly on landscaped open spaces and outdoor amenity areas;
- minimize the impact of parking facilities through rear-yard location and/or extensive landscaping and appropriate screening;
- minimize the loss of landscaped open space.

RESIDENTIAL INTENSIFICATION IN HERITAGE CONSERVATION DISTRICTS

Residential intensification shall be encouraged in heritage conservation districts provided such intensification:

- maintains the heritage characteristics of the area;
- maintains the existing landscape and streetscape qualities of those areas and districts, and
- does not result in the loss of any *heritage resources*.

Notwithstanding the above, in areas subject to Heritage zoning, the division of property for the purposes of residential intensification may be prohibited in order to maintain the historical or heritage characteristics of the area.

REGULATORY INCENTIVES

In order to promote and assist with the conservation and adaptive reuse of *heritage resources*, Area Councils may consider incentives such as bonus zoning and relief from parking and zoning regulations when heritage conservation activities are undertaken.

3.3.2.4 *Archaeological Sites*

RESOURCE IDENTIFICATION AND PROTECTION

Where appropriate, applications for *development*, shall be circulated to the Ministry of Municipal Affairs and Housing to be assessed for the potential presence of archaeological resources. Where the potential for such resources has been identified, an archaeological assessment undertaken by a qualified individual will be required to determine the following:

- assess the value of the archaeological resource; and
- assess the impact of the proposed *development* and the recommended methods to be used to protect such archaeological resource or institute measures to avoid or lessen any *negative impact* on the resource.

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County and Area Councils shall not pass by-laws or otherwise facilitate *development* or redevelopment of lands without ensuring such archaeological assessments will be undertaken and subsequently approved. Where appropriate, conditions of approval will be imposed consistent with the findings of the archaeological assessment.

BURIAL SITES AND CEMETERIES

Lands or sites identified as containing the remains of human beings shall not be developed except in accordance with the Cemeteries Act. Such lands shall be evaluated for archaeological and/or historical significance under the Ontario Heritage Act.

3.3.3 Human-made Constraints

INTRODUCTION

Human-made constraints are defined as man-made characteristics of the land, water or air which may adversely affect people and property both on and off-site. Such constraints may render an area unsuitable for active use and/or may require specific studies and mitigative measures to mitigate the identified constraint to *development*. Human-made constraints include:

- sites of potential environmental contamination;
- former waste disposal sites
- lands subject to noise, vibration and emission impacts;
- improperly rehabilitated oil and gas well sites.

OBJECTIVES

IDENTIFY CONSTRAINT AREAS

To identify lands subject to potential human-made constraints and to establish review criteria, and supporting studies required prior to *development*.

MINIMIZE HAZARDS

To permit only those *developments*, in areas affected by human-made constraints, which do not endanger property or the health or safety of occupants or the public.

POLICIES

SPECIAL PROTECTION CATEGORY

Lands identified as former waste disposal sites and abandoned oil and gas wells are illustrated on Schedule C-2. Known sites of potential environmental contamination are shown on Appendix 1. These constraints will be interpreted as a special protection category in which the lands may be utilized in accordance with the underlying land use designation subject to the policies of this Section.

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INTENT TO UPDATE HUMAN-MADE CONSTRAINTS DATABASE

New information may result in the identification of additional land that is subject to human-made constraints and hence the policies of this Section. Where new information is provided that identifies lands subject to the human-made constraints, such lands will be included on the Development Constraints Schedule, C-2 without amendment to this Plan and shall be subject to the policies of this Section.

3.3.3.1 Noise, Vibration and Safety

POLICY INTENT

The County of Oxford and the Area Municipalities recognize that there may be noise or vibration affecting noise *sensitive land uses* located in proximity to industrial uses, major roads, railways and airports. The objective of this policy is to prevent or minimize the encroachment of noise *sensitive land use* upon industrial land use and vice versa. Noise *sensitive land use* and industrial land use are considered to be incompatible.

Consequently, County Council adopts in accordance with Provincial criteria, the noise level objectives outlined in Table 2 and may require studies addressing the measurement, analysis and mitigation of noise or vibration effects prior to or as a condition of *development*.

In recognition of the safety issues associated with locating sensitive land uses in proximity to railways, additional safety measures will be incorporated into new *development*, as appropriate.

NOISE LEVEL OBJECTIVES

The following noise level objectives apply in Class 1 and 2 (urban) areas and Class 3 (rural) areas in accordance with current Ministry of the Environment guidelines, as revised.

The noise level objectives for the City of Woodstock, the Town of Tillsonburg and the Town of Ingersoll will meet the provincial guidelines for Class 1 areas. The noise level objectives for Serviced Villages will meet the provincial guidelines for Class 2 areas. The noise level objectives for all other lands will meet the provincial guidelines for Class 3 areas.

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TABLE 2

**NOISE LEVEL OBJECTIVES
FOR DEVELOPMENT IN PROXIMITY TO
INDUSTRIAL USES, MAJOR ROADS, RAILWAYS AND AIRPORTS**

Area	Time Period All Days	Source Type			
		Road Traffic Leq	Rail Traffic Leq	Aircraft NEF/NEP	*Stationary Sources Leq
Outdoor Living Area					
Class 1	7am-11pm	55dBA	55dBA	30	50dBA
	11pm-7am	50dBA	50dBA	30	-
Class 2	7am-7pm	55dBA	55dBA	30	50dBA
	7pm-11pm	55dBA	55dBA	30	45dBA
	11pm-7am	50dBA	50dBA	30	-
Plane of Window					
Class 1	7am-7pm	-	-	-	50dBA
	7pm-11pm	-	-	-	47dBA
	11pm-7am	-	-	-	45dBA
Class 2	7am-7pm	-	-	-	50dBA
	7pm-11pm	-	-	-	45dBA
	11pm-7am	-	-	-	45dBA
Class 3	7am-7pm	-	-	-	45dBA
	7pm-11pm	-	-	-	40dBA
	11pm-7am	-	-	-	40dBA
Indoor Living Areas					
Class 1 & 2	7am-11pm	45dBA	40dBA	5	-
Indoor Sleeping Areas					
Class 1 & 2	11pm-7am	40dBA	35dBA	0	-

Source: Ministry of the Environment Publications: LU-131 October 1997, NPC-205 October 1995 and NPC-232 October 1995
* Stationary Sources include Class I, Class II and Class III industrial facilities.

Leq = average sound level
dBA = unit of measurement for sound levels (decibels)

Table 2 forms part of the Oxford County Official Plan. Updates to this table will not require an Official Plan Amendment.

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PROXIMITY TO AIRPORTS

The County and Area Municipalities will apply the Noise Exposure Forecast (NEF) contours published by Transport Canada in zoning regulations when reviewing *development* proposals in proximity to the Tillsonburg Airport so that new *development* is not permitted where people are likely to be exposed to undesirable levels of aircraft noise and vibration or likely to interfere with the movement of aircraft. New *development* between the NEF 25 to 30 contours will require noise and/or vibration attenuation measures and *development* will be prohibited within the NEF 30 contours. The NEF 25 contour for the Tillsonburg Airport is shown on Schedule C-2, Development Constraints.

RESTRICTIONS ON LAND USES

The *development* of noise *sensitive land uses* will not be permitted within the following Provincially subscribed minimum separation distances:

- where such *development* is within 20 metres (65 feet) of an existing or proposed *Class I industrial facility*;
- where such *development* is within 70 metres (230 feet) of an existing or proposed *Class II industrial facility*;
- where such *development* is within 300 metres (984 feet) of an existing or proposed *Class III industrial facility*; and
- where such *development* is within 300 metres (984 feet) of an existing rail yard.

These minimum separation distances apply to lands that are zoned and/or designated for industrial uses.

The same separation distances apply to *development* proposals for Class I, II or III industrial facilities in proximity to existing or proposed noise *sensitive land uses*.

EXCEPTIONS FOR BUILT-UP RESIDENTIAL AND MIXED USE AREAS

Notwithstanding the minimum separation distances, the County and/or Area Municipality may reduce the requirement for the minimum separation distances from industrial facilities or rail yards in areas where infilling or redevelopment for residential or mixed use is taking place, provided that a feasibility assessment is undertaken and that the appropriate attenuation measures are implemented in accordance with the Ministry of the Environment guidelines.

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Notwithstanding the minimum separation distances, the County and/or Area Municipality may reduce the requirement for the minimum separation distances from industrial facilities or rail yards and waive the requirement for feasibility and/or noise studies where infilling or redevelopment for residential or mixed use is proposed:

- on existing lots of record, and
- for the creation of a single lot through the consent process for infilling purposes,

provided that:

- the proposed *development* is no closer to the zoned and designated industrial lands or facilities than existing sensitive land uses in the immediate area;
- existing industrial uses and railway authorities within the prescribed minimum separation distances are notified of the proposed *development* and have been provided with the opportunity to comment; and
- the composition and nature of the industrial land uses within the minimum separation distances are relatively stable and/or there is evidence that these areas are undergoing transition to other more compatible uses.

The County and/or Area Municipality may also permit residential *development* on existing lots of record or through single lot infilling proposals in built-up areas adjacent to:

- Provincial freeways,
- arterial roads,
- railway lines or
- airport

where the noise level may exceed the Noise Level Objectives established in Table 2, where in the opinion of the authority(s) with jurisdiction over the freeway, road railway or airport, such exceedance is acceptable.

RAILWAY SAFETY

Where *development* is proposed adjacent to a railway line, County Council or the Area Council shall require safety measures to be incorporated into the site design including measures such as building setbacks, intervening berms and security fencing. The proponent shall consult with the appropriate railway regarding such safety measures prior to *development* approval.

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3.3.3.1.1 Feasibility Assessment and Detailed Noise and Vibration Study Requirements

NOISE AND VIBRATION, FEASIBILITY ASSESSMENT

County Council and/or Area Council may require a feasibility assessment in accordance with Provincial guidelines to determine potential noise and vibration impact, or combination thereof, on proposed noise *sensitive land uses* in the following circumstances:

CIRCUMSTANCES APPLICABLE

- where such *development* is proposed within 100 metres (328 feet) of a 400-series highway or 50 metres (164 feet) of a Provincial road right-of-way;
- where such *development* is within 300 metres (984 feet) of a railway right-of-way;
- where such development immediately abuts an arterial road and, in the opinion of the authority with jurisdiction over the road, existing or projected traffic volumes warrant such analysis;
- where such *development* is within 100 metres (328 feet) of the intersection of two arterial roads or an arterial and collector road where, in the opinion of the authority(s) with jurisdiction over the road, existing or projected traffic volumes warrant such analysis;
- for such *development* that County Council and/or Area Council have reason to believe such an assessment is necessary, other than in circumstances identified in this policy.

NOISE AND VIBRATION, FEASIBILITY ASSESSMENT IN POTENTIAL INFLUENCE AREAS

County Council and/or Area Council may require a feasibility assessment to determine potential noise and vibration impacts, or combination thereof, within Potential Influence Areas, in accordance with Guideline D-6, "Compatibility Between Industrial Facilities and Sensitive Land Uses" for Class I, II and III industrial facilities or the *development* of noise *sensitive land uses*. For the purpose of this policy, a railyard is considered to be a Class III industrial facility.

DETAILED NOISE STUDY

Where a feasibility assessment indicates that the noise levels exceed the noise level objectives outlined in Table 2, but the proposed *development* is feasible, County Council and/or Area Council shall require the proponent to undertake a detailed noise study which specifies appropriate attenuation measures in accordance with the Ministry of the Environment guidelines.

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Such attenuation measures may include but will not be limited to warning clauses, distance separations, barriers such as berms, acoustical walls or non-residential intervening structures to interrupt the transmission of noise and vibration, and construction techniques such as air conditioning, masonry construction, multiple glazing, restrictions in wall openings, and rubber isolation pads between the foundation and building or combinations thereof.

RAILWAY CONSULTATION

In determining the need for noise and vibration studies in proximity to a railway right-of-way, the County or Area Municipality will consult with the appropriate railway.

COUNCIL WAIVER

Notwithstanding the policies for feasibility assessment of noise and vibration, County Council and/or Area Council may be satisfied that a *development* is feasible if such *development* is proposed within the range of:

- 100 to 500 metres (328 to 1,640 feet) from a 400-series highway right-of-way; or
- 50 to 100 metres (164 to 328 feet) from the rights-of-way of other roads; or
- 100 to 500 metres (328 to 1,640 feet) from principal main railway line; or
- 250 metres (820 feet) from a secondary main railway line,

In such circumstances, County Council and/or Area Council may waive a feasibility assessment. A detailed study of noise and vibration, which identifies appropriate attenuation measures shall be required as a condition of development approval.

QUALIFIED PROFESSIONAL

Where County Council and/or the Area Council requires a feasibility assessment and/or a detailed noise study, such assessment or study shall be undertaken by a qualified professional.

All costs for the assessment and/or study will be borne by the proponent.

THIRD PARTY REVIEW

Prior to development approval, any feasibility assessment and/or detailed noise study prepared in accordance with this section, will be subject to a third party review at the expense of the proponent. Such review will be undertaken by a qualified third party appointed by the County and/or Area Municipality with regard for relevant Ministry of the Environment guidelines and in consultation with the appropriate railway, where applicable.

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ATTENUATION MEASURES REQUIRED

Where a feasibility assessment indicates that the noise level objectives as set out in this Plan or any relevant provincial or federal standard will be exceeded, County Council and/or the Area Council will require attenuation measures as specified in the detailed noise study as a condition of *development* approval. The cost of implementing attenuation measures will be borne by the proponent.

IMPLEMENTATION MEASURES

Attenuation or safety measures identified in a study that has undergone third party review and have been approved by County Council and/or the Area Council shall be implemented through the zoning, variance, subdivision, consent or condominium processes and through site plan control to ensure that all facilities, works or other matters to mitigate noise, vibration and/or safety measures are provided and maintained.

MUNICIPAL REQUIREMENT

The County and/or Area Municipalities, when constructing or widening an arterial road with abutting rear yards, will consider the noise impact of increased traffic volumes on adjacent residential *development* and where necessary and feasible, will include noise attenuation measures.

3.3.3.2 Sites of Potential Environmental Contamination

DESCRIPTION

Suspected sites of potential environmental contamination include sites presently or formerly used for industrial or utility purposes or salvage yards. Some former landfill sites may also be classified as sites of potential environmental contamination. As a result of these uses, contaminants resulting from the disposal of waste materials, raw material storage, maintenance activities and spills may be present on-site, in the soil or within ground and surface waters which may result in health or hazard risks.

DISCLAIMER

Suspected sites of potential environmental contamination and former landfill sites that are known are generally depicted in Appendix 1. This information represents current knowledge, however, the County of Oxford does not warrant that it is complete. This information does not form part of the Official Plan but is provided to assist in determining the nature of the potential human-made constraint.

CONFIRMATION OF SITES OF POTENTIAL ENVIRONMENTAL CONTAMINATION

Any or all of the following information will be used to confirm suspected sites of potential environmental contamination. Such confirmed sites proposed for *development* will be subject to the policies of this Section.

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ACKNOWLEDGEMENT

- Acknowledgement by the owner of any existing or potential contamination, with such information secured through a site screening application developed and included as part of the application for Official Plan amendment, zoning by-law amendment, plans of subdivision and consents;

INVENTORIES

- Staff review of the Land Use and Chemical Occurrence Inventory undertaken by the County of Oxford, information provided by the Ministry of Environment and the results of other studies undertaken by the County or Area Municipalities;

EXISTING LAND USE

- A review of existing land uses; and

OTHER INFORMATION

- Information provided in writing from Area Municipal staff, agencies or the public during the normal processing of the *development* application, which provides a reasonable attribution of the potential for contamination to the subject lands.

PUBLIC PROCESS

Where on-site environmental assessments are required, details regarding the degree of contamination found, and the methods or processes intended to address the contamination will be outlined during any public meeting, as appropriate, prior to approving the *development*.

PERMITTED USES

The County and/or Area Municipality shall permit the *development*, redevelopment or conversion of any lands or buildings of known or potential environmental contamination, subject to the provisions of the Environmental Protection Act and affiliated regulations and upon determination that such *development* will not result in health or safety risks to citizens.

ENVIRONMENTAL SITE ASSESSMENT AND RECORD OF SITE CONDITION REQUIREMENTS

For *development*, redevelopment or conversion of any lands or buildings proposed on a site of potential environmental contamination, the County and/or Area Municipality shall require the proponent to undertake site assessment in accordance with the relevant provisions of the Environmental Protection Act and affiliated regulations and applicable guidelines.

Where deemed necessary, a Record of Site Condition and/or any related remedial action plans shall be prepared in accordance with Part XV.1 of the Environmental Protection Act and affiliated regulations and applicable guidelines. In all cases, where the subject site is wholly or partially within a municipal well head protection area as defined in this Plan, a Record of Site Condition shall be required.

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The cost of site assessment, Record of Site Condition and remedial action plan will be borne by the proponent.

AQUIFERS

For the purpose of implementing the policies of this Section and any applicable Provincial regulations or guidelines for site assessment and remediation, all aquifers within the County will be considered as potable.

QUALIFICATIONS AND CONSULTATION

Site assessments, Records of Site Condition and remedial actions plans, as required, shall be prepared by a qualified individual, as defined in Provincial regulations and guidelines.

The qualified individual may consult with the County, the Area Municipality and the Board of Health, as appropriate in the preparation of required documents.

The proponent shall submit all assessments, records and plans as part of the planning application to the County and/or Area Municipality for consideration in the *development* review process. Prior to *development* approval under the Planning Act, the County and/or Area Municipality may consult with the Ministry of Environment or other qualified individual.

DEVELOPMENT CONDITIONS

Where *development* approval is given, such approval shall be conditional, as appropriate, on measures to ensure that the site restoration work as defined in the Record of Site Condition and/or Remedial Action Plan is carried out. The County and/or Area Municipality will include conditions for subdivision, condominium and severance approvals, enter into development control agreements through the site plan approval process or use zoning by-law holding provisions in order to require that all facilities, works or other matters required by the Record of Site Condition, the Remedial Action Plan and/or the Ministry of Environment be provided and maintained.

In particular, conditions shall require that a qualified person be on-site throughout the duration of excavation and soil handling activities to ensure compliance with Provincial criteria and that a verification sampling program be undertaken following clean-up to confirm that the site has been made suitable for the use proposed.

ZONING

Any lands of known potential environmental contamination may be placed in a holding zone pursuant to the Planning Act to recognize potential *development* constraints.

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PARKLAND DEDICATION

Prior to accepting lands dedicated for park purposes, the Area Municipality may require evidence that no environmental contamination has occurred on the lands. In the event that evidence shows any contamination may have taken place on or adjacent to such lands, the Area Municipality may require the proponent to comply with the requirements of this Section prior to accepting such lands.

MUNICIPAL LAND PURCHASE

Prior to purchasing lands for any purpose, the County and/or Area Municipality may require evidence that no environmental contamination has occurred on the lands. Where evidence shows that environmental contamination may have taken place on or adjacent to such lands, the County and/or Area Municipality may require the vendor to comply with requirements of this Section prior to purchasing such lands.

3.3.3.3 Former Waste Disposal Sites

DESCRIPTION AND DISCLAIMER

Lands which have been identified by the Ministry of the Environment as a Former Waste Disposal site are identified on the Environmental Constraints Schedule, C-2 and in Appendix 1. This information represents the current inventory provided to the County. The County of Oxford does not warrant that it is complete.

SCREEN FOR CONTAMINATED SITES

Prior to undertaking the re-development of a former waste disposal site where waste disposal activity has ceased for a period of 25 years or more, the County and/or Area Municipality will require the proponent to consult with the Ministry of Environment to determine whether redevelopment affecting the former waste disposal site may be assessed in accordance with the Ministry's "Guidelines for Use at Contaminated Sites in Ontario", or its successor, and/or other Acts and Regulations as they may apply. Written confirmation of the Ministry's advice in this regard will be required. In such cases, the application for redevelopment will be considered in accordance with the policies of Section 3.3.3.2, Sites of Potential Environmental Contamination.

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STUDY REQUIRED

Where *development* is proposed within or in proximity to any known former waste disposal site, the proponent shall be responsible for identifying any existing or potential adverse environmental effects and any remedial or mitigative measures. The proponent will also identify ongoing monitoring measures that may be required to ensure ongoing health and safety of humans and the natural environment. Any such study will be conducted by a qualified professional at the expense of the proponent and will be conducted in accordance with relevant guidelines and criteria established by the Ministry of the Environment.

FACTORS TO BE CONSIDERED

Factors to be considered in the *development* of lands within or in proximity to a former waste disposal site include, but are not limited to: landfill generated gases, ground and surface water contamination by leachate, odour, visual impact, ground settlement, soil contamination, hazardous waste and vermin. Particular attention shall be given to the production and migration of methane gas.

PREVIOUS STUDIES

Notwithstanding the policy regarding the evaluation of former waste disposal sites, a proponent may not be required to undertake a formal site evaluation where the County and/or Area Municipality has previously performed or approved such evaluation or where gas migration and/or groundwater monitoring indicates the absence of any adverse effects.

THIRD PARTY REVIEW

Prior to *development* approval, any analysis and any proposed remedial or mitigation measures contained in a study prepared in accordance with this Section will be subject to a third party review at the expense of the proponent. Such review will be undertaken by a qualified individual appointed by the County and/or Area Municipality. Such qualified individual shall consult with the Ministry of the Environment when undertaking the third party review.

The third party review will:

- verify that the relevant criteria in the Ministry of Environment's "Guideline D-4 Land Use On or Near Landfills and Dumps", as amended have been adhered to;
- indicate whether there is potential for off-site contamination and other health-related issues and whether these have been addressed to the satisfaction of the Ministry of Environment;

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- determine whether the identified mitigation measures will protect public health and safety and prevent significant impacts from nuisance effects which may extend beyond the former waste disposal site; and
- indicate to the County and/or Area Municipality any ongoing land use restrictions and/or monitoring measures that are required for the subject property.

PROVINCIAL APPROVAL

Prior to permitting *development* within a former waste disposal site where waste disposal activity has ceased for a period of less than 25 years, the County and/or Area Municipality will require any analysis and any proposed remedial or mitigation measures to be approved by the Ministry of the Environment pursuant to Section 46 of the Environmental Protection Act.

DEVELOPMENT CONDITIONS

Remedial or mitigation measures identified in a study which has undergone third party review and/or approval by the Province shall be implemented by the County and/or Area Municipality.

The County and/or Area Municipality will utilize the subdivision, condominium, severance and site plan approval processes to ensure all facilities, works, monitoring or other matters required are provided and maintained.

ZONING

Any lands identified as a former waste disposal site on Schedule C-2, where waste disposal activity has ceased for a period of less than 25 years, shall be placed in a holding zone pursuant to the Planning Act. Any *development* or change in the use of the land shall require approval of the Ministry of the Environment.

3.3.3.4 Improperly Rehabilitated Oil and Gas Well Sites

CRITERIA

The locations of known oil and gas wells are depicted on Schedule C-2. This information represents the current inventory provided to the County. The County does not warrant that it is complete.

Improperly plugged wells may pose hazards to persons living or working in proximity to the site through the emission of gases and may affect vegetation, surface or groundwater resources due to seepage.

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Where improperly rehabilitated well sites are found during the review of a *development* proposal, the proponent shall be responsible for ensuring such well sites are rehabilitated and properly plugged according to the regulations of the Petroleum Resources Act. The County and/or the Area Municipality will impose conditions of approval in this regard, as appropriate.

3.4 Resource Extraction Policies

INTRODUCTION

Amendment No. 205

3.4.1 Mineral Aggregate Resource

Oxford County contains significant reserves of *mineral aggregate resources*, including bedrock-derived crushed stone and naturally occurring sand and gravel. The presence of high quality aggregate deposits has led to the establishment of significant quarrying and sand and gravel extraction industries in the County. Oxford County has consistently ranked high in total *mineral aggregate resources* production in Ontario and plays an important role in *mineral aggregate resources* production in the Windsor-Woodstock corridor, due largely to extensive deposits of high calcium limestone in Zorra Township which are recognized as the thickest, most uniform and purest limestone in Ontario.

Mineral aggregate resources are a fixed location, non-renewable resource and their effective management is essential to the economy of the County and Province. It is equally important to ensure that *mineral aggregate resources* extraction is environmentally and socially responsible.

The challenge facing Oxford County is to protect *deposits of mineral aggregate resources* for future extraction while similarly protecting agricultural and environmental resources and ensuring that extraction is undertaken in a manner that minimizes social, economic and environmental impacts on the broader community.

While the County is a major producer of *mineral aggregate resources* for the local, area and provincial markets, the locations where the *mineral aggregate resources* have been identified are, for the most part, overlain by *prime agricultural lands*. Some of this resource is also associated with environmental features, including sensitive groundwater resources, and with planned *settlement development*.

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Policies for *mineral aggregate resources* in this Plan have been developed in accordance with Provincial policy which requires that *deposits of mineral aggregate resources* must be protected for long-term use and that extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts. The policies also reflect the importance of integrating the protection of long-term resource supply with other matters of provincial interest related to land use planning and development, including the protection of *prime agricultural areas* and *settlements*, land use compatibility, natural and cultural heritage resources, water and air quality, energy conservation and climate change, public health and safety and long-term economic prosperity.

GOAL

The County of Oxford recognizes that the extraction of *mineral aggregate resources* will continue to be an important industry in the economy of the County and will focus on protecting existing operations and *mineral aggregate resources* from incompatible land uses while ensuring that extraction is carried out in a manner that minimizes negative community, economic and environmental impacts.

Amendment No. 205

Amendment No. 205

3.4.1.1 Strategic Initiatives and Objectives

In keeping with the County Development Strategy and Provincial Policy, the strategic initiatives and objectives of County Council and the Area Councils are to:

RECOGNIZE
IMPORTANCE

Recognize the importance of *mineral aggregate resources* as essential non-renewable natural resources and to ensure the wise use and management of these resources.

IDENTIFICATION
AND PROTECTION

Provide for the identification and protection of existing approved licensed pits and quarries and *deposits of mineral aggregate resources* in the County, as is practical in the context of the County's other land use planning objectives. In particular, in those areas of high quality sand and gravel and limestone resources identified on Appendices 2-1 and 2-2 where there is a high potential for extraction, proposed land uses and *development* in proximity to such resources will be evaluated having regard to land use compatibility with existing or future extraction. This Plan includes policies regarding prohibited uses in proximity to *deposits of mineral aggregate resources* (Section 3.4.1.3.1.3) and incorporates criteria which identify the area within which land use conflict issues must be considered in the context of *development* proposals in 3.4.1.5

OMB Modification
January 11/98

County of Oxford Official Plan

ORDERLY EXTRACTION

Ensure the orderly extraction and optimum utilization of the limestone and sand and gravel resources to provide for local and regional needs and to contribute to provincial needs while minimizing negative environmental, financial, social and land use impacts on the County and its residents.

COMPATIBILITY WITH AGRICULTURE

Protect *prime agricultural areas* for long-term use for agriculture and ensure that as much *prime agricultural land* as possible is kept in agricultural production for as long as possible and that extraction occurs in a coordinated and progressive manner. Impacts from mineral aggregate extraction on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

COMPATIBILITY WITH NATURAL HERITAGE SYSTEM

Ensure, to the greatest possible extent, that *mineral aggregate operations* will protect natural features and areas for the long term and will maintain, restore, or where possible, improve the diversity and connectivity of natural features in an area and the long-term ecological function and biodiversity of the *natural heritage system*. Further, ensure that *mineral aggregate operations* are not permitted within *significant wetlands* and will not otherwise have *negative impacts* on *significant natural heritage features and areas* or their *ecological functions*. *Best management practices* and appropriate mitigative measures shall be incorporated into all pit or quarry license applications, pursuant to the Aggregate Resources Act and/or municipal planning approvals, for new or expanding operations to protect *natural heritage features and areas* and minimize negative impacts on the broader *natural heritage system* during extraction. Positive improvements to the quality and/or areal extent of *natural heritage features and areas* and the broader *natural heritage system* will be achieved through rehabilitation measures.

COMPATIBILITY WITH WATER RESOURCES

Protect, improve or restore the *quality and quantity of water* by ensuring that *mineral aggregate operations* will minimize potential *negative impacts*, protect municipal drinking water supplies and *designated vulnerable areas*; maintain linkages and related functions among *groundwater features, hydrologic functions, natural heritage features and areas* and *surface water features*, and protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive groundwater features*, and their *hydrologic functions*. *Best management practices* and appropriate mitigative measures and/or alternative development approaches shall be incorporated into all pit or quarry license applications, pursuant to the Aggregate Resources Act and/or into associated municipal planning approvals, for new or expanding operations, in order to protect, improve or restore *sensitive surface water features, sensitive groundwater features*, and their *hydrologic functions*.

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COMPATIBILITY
BETWEEN
SETTLEMENT USES
AND AGGREGATE
OPERATIONS

Ensure that where the *mineral aggregate resources* identified on Appendices 2-1 and 2-2 and *settlements* identified on Schedule C-3 are located in proximity to one another, measures are incorporated in all new pit or quarry license applications to minimize potential conflict between existing and potential *mineral aggregate operations* and *settlement* uses. This Plan incorporates policies (Section 3.4.1.5) which identify the area within which land use compatibility issues must be considered for both *mineral aggregate operations* and *development* in proximity to existing *mineral aggregate operations* and identified resource areas.

OMB Modification
January 11/98

MINIMIZE
COMMUNITY
IMPACTS

Improve *mineral aggregate resources* conservation and management in Oxford County through cooperation between the aggregate industry and other stakeholders with a view to facilitating efficient aggregate operations and minimizing negative impacts on *settlements* and the rural/agricultural community with respect to the municipal transportation system; *natural heritage features and areas* and the *natural heritage system*; the quality and quantity of surface water and groundwater and on domestic and municipal drinking water supplies; agricultural resources and operations; noise, dust and particulate matter and air quality; cultural heritage resources; and other social and economic impacts.

CONSULTATION
AND PUBLIC
ENGAGEMENT

Ensure timely pre-consultation with the County and Area Municipalities and other relevant agencies for the purpose of identifying issues to be addressed through the Aggregate Resources Act and municipal planning application process and developing strategies for public consultation.

And further, to ensure that the public and other relevant stakeholders are engaged during the design and operation of *mineral aggregate operations* as well as after-use planning and rehabilitation for any proposed new or expanding *mineral aggregate operations*.

PUBLIC
EDUCATION AND
AWARENESS

Work cooperatively with the Province, Conservation Authorities, other relevant agencies, the public and the mineral aggregate extraction industry to increase public awareness of the location and importance of *mineral aggregate resources* in Oxford County.

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REHABILITATION

Ensure that the extraction of *mineral aggregate resources* is viewed as an interim use of land and that the timely and progressive rehabilitation of pits and quarries is carried out in a manner that promotes land use compatibility in the context of surrounding land uses and designations. The County is committed to the rehabilitation of *prime agricultural lands* to an *agricultural condition* as a first priority as well as the restoration and, where possible, improvement of the *natural heritage system* in accordance with the concept of *net environmental gain*. *Comprehensive rehabilitation* in areas with concentrations of *mineral aggregate operations* shall be encouraged.

Amendment No. 205

Amendment No. 205

3.4.1.2 Land Use Designations and Mapping

EXTRACTION AREAS

The location and extent of *deposits of mineral aggregate resources* in Oxford County is identified on the Land Use Schedules and in the Appendices to this Plan, including those areas designated for extraction purposes. Specifically, the following measures have been adopted to identify and protect *mineral aggregate resources* and to facilitate extraction:

QUARRY AREA

Lands designated Quarry Area on Schedules S-1 and Z-1 include existing licensed areas and adjacent lands where new or expanded quarries may be considered without an Official Plan amendment. Revisions to Schedules S-1 and Z-1 which would add to or extend the Quarry Area designation require an amendment to this Plan.

LIMESTONE RESOURCE AREA

The area shown on Appendices 2-1 and 2-2 and Schedules S-1 and Z-1 as the Limestone Resource Area identifies those lands within and beyond the Quarry Area designation where a limestone resource has been identified by the Province. The Limestone Resource Area beyond the Quarry Area designation identifies the lands where possible future extraction activity is most likely to be proposed through an amendment to this Plan. The Limestone Resource Area is identified for reference purposes and does not represent a land use designation.

Policies for *development* within the Limestone Resource Area have been developed with a view to minimizing possible conflicts between future extraction operations and other land uses. The boundary of the Limestone Resource Area on Appendices 2-1 and 2-2 and Schedules S-1 and Z-1 may be revised or additional lands may be identified to reflect other areas of high potential limestone extraction if more detailed and/or updated information from the Province becomes available.

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SAND AND GRAVEL RESOURCE AREA

The areas shown on Appendices 2-1 and 2-2 as the Sand and Gravel Resource Area are those lands where high quality sand and gravel deposits exist and represents the area where possible future extraction activity is most likely to occur.

Policies for *development* in the Sand and Gravel Resource Area have been developed to minimize possible future conflicts between sand and gravel extraction and other uses. The boundary of the Sand and Gravel Resource Area may be revised or additional lands may be identified as Sand and Gravel Resource Area without amendment to this Plan, to reflect other areas of high potential sand and gravel extraction, if more detailed and/or updated information becomes available from the Province.

The Sand and Gravel Resource Area is identified on Appendices 2-1 and 2-2 for reference purposes and does not represent a land use designation. Further, it is not intended that sand and gravel extraction be limited to the Resource Areas identified on the above-noted appendices, as sand and gravel extraction is permitted within all land use designations outside of *settlements* in accordance with the relevant policies of this Plan.

LIMESTONE AND SAND & GRAVEL EXTRACTION

Lands currently licensed for limestone and/or sand and gravel extraction are identified as Licensed Pits on Appendix 2-2. It is intended that Appendix 2-2 will be updated as new limestone and sand and gravel operations are licensed or revisions to existing licenses occur which add to or extend the boundaries of licensed pits, following the approval of an amendment to the Official Plan and/or the Zoning By-law and the subsequent issuance of a license by the Ministry of Natural Resources and Forestry.

Appendix 2-2 will also be updated where limestone and/or sand and gravel extraction licenses are surrendered or permanently revoked without the need to amend the Official Plan.

Amendment No. 205

Amendment No. 205

3.4.1.3 Mineral Aggregate Resource Extraction Policies

3.4.1.3.1 Uses Permitted and Prohibited

3.4.1.3.1.1 Quarry Area

PERMITTED USES

Within the Quarry Area designation, the following uses shall be permitted:

- during the operational life of the aggregate operation, the extraction of limestone and sand and gravel;

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- during the operational life of the aggregate operation, the manufacturing, processing, mixing, storage and handling of products requiring the limestone and/or sand and gravel extracted from the licensed areas;
- during the operational life of the aggregate operation, all accessory uses, buildings and structures essential to the above, including crushing, screening, washing, stockpiling and the storage, blending and handling of recycled aggregates; weigh scales; maintenance, repair and fuel storage for vehicles related to the extraction operation; parking; and office facilities;
- during the operational life of the aggregate operation, aggregate recycling operations and uses ancillary to the extraction of limestone and sand and gravel, such as asphalt and concrete batching plants, aggregate transfer stations and similar uses, may be permitted within licensed extraction operations subject to site-specific zoning;
- agricultural uses in accordance with the policies of Section 3.1.4 and *infrastructure* and *public service facilities* permitted in accordance with the policies of Sections 3.1.5.3 and 5.2, subject to the applicable policies of this section;
- all uses permitted in accordance with the policies of Section 3.2, Environmental Resource Policies, subject to the applicable policies of this section;
- any operations incidental to progressive rehabilitation of the lands.

3.4.1.3.1.2 Sand and Gravel Resource Extraction

PERMITTED USES

During the operational life of the aggregate operation, the extraction of sand and gravel and all accessory uses, buildings and structures essential to this use, as outlined in, and in accordance with, Section 3.4.1.3.1.1 above are permitted within all land use designations outside of *settlements* in accordance with the relevant policies of this Plan.

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During the operational life of the sand and gravel extraction operation, aggregate recycling operations and uses ancillary to the extraction of sand and gravel, such as asphalt and concrete batching plants, aggregate transfer stations and similar uses, may be permitted within licensed extraction operations subject to site-specific zoning.

Any operations incidental to progressive rehabilitation of the lands are also permitted.

3.4.1.3.1.3 Prohibited Uses

PROHIBITED USES

Within the Quarry Area designation, and within the Limestone Resource Area and the Sand and Gravel Resource Area as identified on the schedules and appendices of this Plan, new non-agricultural commercial, industrial or institutional non-farm rural residential and/or active recreational uses shall not be permitted.

OMB Modification
April 17/98

New *agriculture-related uses* shall not be permitted within the Quarry Area designation on Schedules S-1 and Z-1. Such uses may be permitted within the Limestone Resource Area and the Sand and Gravel Resource Area on Appendices 2-1 and 2-2, where it can be demonstrated that such uses will not preclude or hinder the expansion or continued use of mineral aggregate extraction operations.

Notwithstanding the foregoing, these uses may be permitted in accordance with the relevant policies of this Plan where extraction has been completed and where rehabilitation is occurring subject to the rehabilitation policies of this Section. Further, *development* within, or expansions to, *settlements* shall comply with the applicable policies contained in Section 3.4.1.5.

3.4.1.3.1.4 General Use and Zoning

ALL USES

In addition to the policies of Section 3.4, all uses permitted in Sections 3.4.1.3.1.1 and 3.4.1.3.1.2 shall comply with the applicable policies of Section 3.2, Environmental Resource policies, Section 3.3 Cultural Resource Policies and all other applicable policies of this Plan.

TEMPORARY
BATCHING PLANTS
FOR PUBLIC ROAD
CONSTRUCTION

Notwithstanding any provisions of this Plan regarding permitted uses, temporary and portable asphalt or concrete batching plants for public road construction purposes will be permitted in accordance with Section 3.4.1.7 – *Wayside Pits and Quarries/Abandoned Pits and Quarries*, 'Temporary Asphalt Plants'.

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ZONING

Existing *mineral aggregate operations* licensed under the Aggregate Resources Act will be zoned accordingly in the Area Municipal Zoning By-law(s).

Area Municipal Zoning By-Laws shall be structured to recognize the existence of the underlying Limestone Resource Area and the possible future extraction of the resource.

No Zoning By-law amendment for a new or expanding mineral aggregate extraction operation, including the establishment of any new ancillary use, shall be passed until such time as the County and/or Area Municipality are satisfied that the proposal is in compliance with the strategic initiatives, objectives and policies of this Plan.

The County and/or Area Municipality may consider the use of Temporary Zoning provisions for aggregate recycling facilities or for uses that are ancillary to and not essential to support mineral aggregate extraction operations, including asphalt or concrete batching plants, aggregate transfer stations or related facilities that are not required for the mineral aggregate extraction operations, to ensure that such uses are established and operated only in conjunction with licensed operations.

Where lands have been zoned to permit a mineral aggregate extraction operation, either before or after the coming into effect of this provision, the Area Municipality will generally rezone said lands for agricultural use, or other intended permanent use for such lands, consistent with the approved rehabilitation plan under the Aggregate Resources Act for the lands, at such time as the mineral aggregate extraction operation has ceased and the licence has been surrendered.

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AGREEMENT FOR TRUCK TRAFFIC AND HAUL ROUTES

Where a truck traffic and haul route assessment has been completed in accordance with Section 3.4.1.3.2, the owner/operator of the mineral resource extraction operation may be required to enter into an agreement with the County and/or Area Municipality that addresses issues including, but not limited to:

- monitoring of truck traffic to and from the extraction operation and compliance with the use of an approved and/or agreed-upon truck haul route(s);
- the obligations of the said owner/operator with respect to maintenance of the roads associated with the truck haul route; and
- penalties for non-compliance.

The approved and/or agreed-upon haul route and/or the approved and/or agreed-upon traffic plan for each mineral resource extraction operation shall be included in the agreement as a schedule forming part of the agreement.

3.4.1.3.2 Development Review Policies

LIMESTONE EXTRACTION IN THE QUARRY AREA DESIGNATION

Within the Quarry Area designation, new or expanding limestone extraction operations will require an amendment to the Area Municipal Zoning By-law.

LIMESTONE EXTRACTION OUTSIDE THE QUARRY AREA

New limestone extraction operations located outside of the Quarry Area designation, as shown on Schedules S-1 and Z-1, will require an amendment to this Plan to re-designate such lands from the underlying land use designation to the Quarry Area designation or an equivalent site-specific Agricultural Reserve designation.

SAND AND GRAVEL EXTRACTION

Within those land use designations where sand and gravel extraction is permitted, an amendment to the Area Municipal Zoning By-law will be required for any new or expanding sand and gravel extraction operation.

APPLICATIONS FOR ANCILLARY USES

The establishment of any new ancillary use within a licensed mineral aggregate extraction operation, or any new aggregate recycling facility, will require an amendment to the Area Municipal Zoning By-law. The Area Municipality may use Temporary Zoning provisions for such uses in accordance with Section 3.4.1.3.1.4

CRITERIA FOR APPROVAL

Prior to the approval of an amendment to the Official Plan and/or the Area Municipal Zoning By-law to allow a new or expanding mineral aggregate extraction operation, County Council and/or the Area Municipal Council, as applicable, shall be satisfied that:

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CONSISTENT WITH
THE OFFICIAL PLAN

The proponent has demonstrated that the proposal is consistent with the principles, strategic initiatives, objectives and policies of this Plan;

IMPACTS AND
CUMULATIVE
IMPACTS

Impacts, and *cumulative impacts*, as applicable, have been assessed and found to be acceptable relative to the potential adverse effects on:

- the municipal transportation system;
- the *natural heritage features and areas* and on the broader *natural heritage system*;
- the quantity and quality of surface water and groundwater and on domestic and municipal water supplies;
- agricultural resources and operations;
- potentially affected residents and the community regarding noise, dust, particulate matter, air quality, traffic and other potential social and economic impacts; and
- cultural heritage resources;

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AFTER-USE
PRIORITIES

The proposed after-use is in conformity with the After-Use Priorities and Rehabilitation Policies of Section 3.4.1.3.4 and is compatible with existing and proposed land uses in the surrounding area;

NET
ENVIRONMENTAL
GAIN

The proposed rehabilitation plan will provide *net environmental gain* in accordance with the policies of Section 3.4.1.3.6;

REHABILITATION

The proposed rehabilitation plan is technically feasible, environmentally sound and would be in compliance with the permitted uses and policies of the underlying land use designation or applicable overlay.

LICENSING
REQUIREMENTS

In addition to the foregoing, the County and/or Area Municipality will receive confirmation that:

- The Ministry of Natural Resources and Forestry (MNR) has provided verification to the proponent that the MNR has no objections to the licence application for a new or expanded mineral aggregate extraction operation subject, to the required amendment to the Official Plan and/or the Area Municipal Zoning By-law being approved;
- The Ministry of Environment and Climate Change (MOECC) is satisfied that the applicant has demonstrated that compliance with the Ministry's requirements regarding noise, vibration, particulate and any other air emissions requirements have been or can be satisfied; and

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- Confirmation that all of the requirements of the MOECC and the Conservation Authority having jurisdiction with respect to relevant environmental concerns, including surface and groundwater quality and quantity have been or can be met.

ANCILLARY USES

For proposals to rezone lands to permit an aggregate recycling use, an aggregate transfer station or a use that is ancillary to and not essential to the extraction of limestone and sand and gravel, Area Municipal Council shall be satisfied that:

- the proposed ancillary use is adequately buffered to ensure land use compatibility;
- issues such as noise, dust, particulate emissions, odour, vibration, lighting and storage have been adequately addressed;
- no significant adverse effects on the quantity and quality of surface water and groundwater and on domestic and municipal water supplies will result;
- no significant *negative impacts* on *natural heritage features and areas* and on the broader *natural heritage system* will result; and
- where extraction is proposed below the water table, a permitted aggregate recycling use, aggregate transfer station and/or ancillary use shall be located in such a way that surface and groundwater resources will not be significantly impacted.

INFORMATION REQUIRED

In considering an application to amend the Official Plan and/or Zoning By-law to allow any new or expanding mineral aggregate extraction operation, County Council and/or the Area Municipal Council will require the submission of the following information, prepared at the sole expense of the proponent:

AGGREGATE RESOURCES ACT

All of the information required to satisfy the license application requirements and regulations under the Aggregate Resources Act and any other relevant Provincial legislation and regulations.

Such information shall include site plans, existing features plans, operational plans, progressive rehabilitation and final rehabilitation plans and any reports and/or technical studies required by the Provincial approval authorities.

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IMPACTS AND
CUMULATIVE
IMPACTS

A comprehensive land use study/report that assesses the impacts, including *cumulative impacts*, of new and/or expanding extraction operations and ancillary uses. Such study/report will include information and materials prepared by a qualified professional(s) that addresses the following:

- Identification of all relevant policies of the Provincial Policy Statement (PPS) and the Official Plan and an assessment and analysis of how the proposal is consistent with the PPS and conforms to the relevant Official Plan policies.
- An assessment of the cumulative traffic impacts, including a haul route assessment that identifies and provides justification for the selection of the proposed haul route based on an analysis of the traffic impacts on the proposed route relative to alternative routes, taking into consideration the character of the lands adjacent to the proposed haul route and the alternative routes. Such assessment must identify existing and permitted land uses that may be significantly impacted by the preferred haul route and the alternative routes. Where the County and/or Area Municipality has prepared a comprehensive haul route plan that has been incorporated into the Official Plan by amendment, the assessment shall demonstrate how the proposed haul route complies with the said plan.
- An assessment of *natural heritage features and areas* and the broader *natural heritage system* which identifies the form and *ecological functions* of the *natural heritage system* and component natural features and areas and linkages that may be impacted by the extraction operation. The said assessment will detail the nature of the impacts, including *cumulative impacts*, how natural features and areas will be protected for the long term, how the diversity and connectivity of natural features in an area, and the long term *ecological function* and biodiversity of the *natural heritage system* will be maintained, restored or where possible, improved and how the proposal complies with natural heritage policies in Section 3.4.1.6.
- An assessment of water resources which identifies the water resource systems, consisting of *ground water features*, *hydrologic functions*, *natural heritage features and areas* and *surface water features* that may be impacted by the proposed new or expanding extraction operation. The said assessment will consider impacts, including *cumulative impacts*, related to extraction and associated accessory uses and activities (i.e. fuel storage/handling, machinery use, storage of potential

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contaminants and dewatering) on the *quantity and quality of water*. The study/report will detail the nature of potential *negative impacts*, including *cumulative impacts*, and how they can be avoided or minimized to ensure domestic and municipal wells and drinking water supplies and *designated vulnerable areas* are protected and *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive groundwater features* and their *hydrologic functions* are protected, improved or restored.

The assessment of water resources will be scoped accordingly to reflect study requirements for extraction above and/or below the water table in accordance with the Aggregate Resources Act and Provincial Standards.

The assessment of water resources will identify an effective monitoring plan which includes provision for detecting issues that may require mitigation and/or demonstrate that the extraction operation and associated accessory uses and activities are not resulting in significant negative impacts.

- An agricultural impact assessment of surrounding agricultural resources that establishes the areal extent of the assessment and identifies soil quality, describes the agricultural area and uses, identifies all agricultural lands and operations that may potentially be impacted by the proposed extraction operation, the impacts, including *cumulative impacts*, on such agricultural lands and operations and the nature of those impacts, including any limitations on future farming operations and demonstrates that those impacts will be avoided or mitigated to the extent feasible. For extraction operations on *prime agricultural lands* the agricultural impact assessment shall also demonstrate how the site is to be rehabilitated to an *agricultural condition* or, if it is not, why such rehabilitation would be unfeasible, or unsuitable given the other alternatives considered.
- An assessment of noise and vibration impacts, including *cumulative impacts*, which identifies noise and vibration sources, including proposed ancillary activities, and noise and vibration receptors (i.e. sensitive land uses) and outlines the nature of noise/vibration impacts, appropriate attenuation measures and conditions of approval and the overall feasibility of mitigation.
- An assessment of dust and air quality impacts, including *cumulative impacts*, that establishes the background levels of dust and models/assesses the additional dust contributions that

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can be expected from the proposed new or expanding extraction operation and accessory uses. The said assessment will identify the nature of dust impacts on air quality, how the impacts can be mitigated and the feasibility of mitigation.

- An assessment of cultural heritage resources which identifies *archaeological resources* and/or *areas of archaeological potential*, *built heritage resources* and *cultural heritage landscapes* which may be impacted by the proposed new or expanding extraction operation. The said assessment will identify the nature of the impacts, how the impacts can be mitigated and how the resources will be *conserved*.
- An assessment of visual impacts of the proposed new or expanding extraction operation and how the impacts can be mitigated through berms, entrance design, vegetation, landscaping and operational measures such as phasing, screening or equipment or direction of extraction.

The comprehensive land use study/report shall consider the above-noted matters, as appropriate, in the context of the potential social impacts, including *cumulative impacts*, of the proposal on the community. Generally, the overall report and the matters to be assessed will be based on Provincial standards, regulations and guidelines and current best practices, and will identify the nature of the impacts and consider methods of addressing the anticipated impacts of the new and/or expanding extractive operation.

EXTRACTION BELOW THE WATER TABLE

In addition to the requirements for a comprehensive land use study/report identified above, extraction of limestone or sand and gravel proposed below the water table on *prime agricultural lands* will be subject to the following additional requirements:

- The proponent will be required to demonstrate that there is a substantial quantity of mineral aggregate resources below the water table warranting extraction and that the depth of planned extraction in a quarry makes restoration to an *agricultural condition* unfeasible;
- Alternatives to extraction below the water table shall be evaluated by the proponent, including the possibility of utilizing resources on lands with lower capability for agriculture and utilizing resources on *prime agricultural lands* where rehabilitation to an *agriculture condition* is possible. Exceptions to this requirement may be considered for sites adjacent to the *natural heritage system* where it can be

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demonstrated that *natural heritage system* improvements and *net environmental gain* will be better achieved with below water table extraction and a natural heritage focused rehabilitation plan.

The development review policies set out in this section will apply to all applications for extraction below the water table and proposals to amend the site plan of an existing extraction operation to permit extraction below the water table.

PRE-
CONSULTATION
SCOPING AND
THIRD PARTY
REVIEW

The content and scope of the study/report required to assess the impacts, including *cumulative impacts*, of a proposal, as well as the geographic area and the time period for the *cumulative impact* assessment shall be established through a pre-consultation meeting with the County, Area Municipality and any other agencies considered to have an interest in the proposal.

The County and/or Area Municipality may, based on preliminary information provided by the applicant or obtained through other legitimate sources, and in consultation with any relevant agency as appropriate, determine that particular information or materials are not required, taking into consideration factors such as the potential for impacts, location, scale and nature of the proposal.

Further, the County and/or Area Municipality may, depending on the scope and complexity of the application, require third party review of any information, materials or documentation required by the County and/or Area Municipality. The applicant will be responsible for the reasonable costs of the third party review as well as for the costs associated with any additional review resulting from revisions to any original materials that may be required as a result of the third party review.

Where it is determined that a third party review is required, the County and/or Area Municipality will enter into an agreement with the applicant to administer and scope the third party review and set reasonable controls on third party review costs.

3.4.1.3.3 General Policies – Mineral Aggregate Operations and Design

The County and/or Area Municipality will, to the extent feasible, encourage the joint use of processing facilities and activities for multiple mineral aggregate extraction operations where said operations are controlled by a single company.

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The County and/or Area Municipality will encourage and cooperate with the owners of existing extraction operations to facilitate the implementation of the following measures and will request the Ministry of Natural Resources and Forestry to include the following measures as provisions in the approval of new and/or expanding mineral aggregate extraction operations:

- small phases of extraction to limit the amount of disturbed area at any one time and encourage early rehabilitation of extracted areas;
- use of variable berms and vegetative screens where such would complement the natural topography of the area;
- sharing and/or coordination of entrances for abutting extractive operations, where practical and feasible;
- the construction and use of inter-pit road systems between extraction operations, where practical and feasible; and
- such other cooperative mitigation measures as may be appropriate to minimize social, economic and environmental impacts of aggregate operations, including *cumulative impacts* of multiple aggregate operations.

Where compatible rehabilitation plans for abutting extractive operations are approved, the County and/or Area Municipality may support the extraction of setback areas between the shared licence boundary to achieve integrated rehabilitation of the sites in accordance with the policies of Section 3.4.1.3.6.

The County and Area Municipalities will encourage cooperative efforts among aggregate operators with respect to developing mutually satisfactory truck traffic movement plans with a view to facilitating the efficient movement of traffic and minimizing impacts, including *cumulative impacts*, on haul route residents and businesses, and municipal road infrastructure.

The County and Area Municipalities will request that the Ministry of Natural Resources and Forestry ensure that the mitigation measures and other recommendations necessary to address impacts, including *cumulative impacts* outlined in the comprehensive land use study/report, and other studies and reports completed in accordance with Section 3.4.1.3.2, have been evaluated and addressed through the Aggregate Resources Act approval.

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3.4.1.3.4 Public Participation, Input and Consultation

PUBLIC PARTICIPATION

In addition to the information required for consideration of approval of an amendment to the Official Plan and/or Zoning By-law for a new or expanding extraction operation as contained in Section 3.4.1.3.3, the proponent shall submit a plan for public engagement and consultation. The details and content of the said plan will be determined in consultation with the proponent with a view to the scale and potential impact of the proposed new or expanding extraction operation and shall include:

- the geographic area to which notification will be given;
- a detailed description of the information and materials that will be made available;
- a description of the nature of impacts, including *cumulative impacts*, to be expected as a result of extractive operations, including any accessory or ancillary uses, and the means proposed to mitigate those impacts; and
- clearly identified opportunities for input from area residents and the public.

PUBLIC CONSULTATION AND INPUT

County Council and/or Area Council will encourage public input into the preparation of County and/or Area Municipal comments to the Ministry of Natural Resources and Forestry during the review of site plans and license conditions for new or expanding mineral extraction operations.

3.4.1.3.5 After-Use Priorities

AFTER USE PRIORITIES

A significant proportion of the limestone and sand and gravel resource in Oxford County is covered by *prime agricultural lands*. County Council has established the following after-use priorities where mineral aggregate extraction occurs on these lands:

AGRICULTURE

Restoration of the lands to agricultural uses is the first priority, where this is technically feasible. Notwithstanding the foregoing, where natural features or areas would be removed or *negatively impacted* by extraction, the first rehabilitation priority is to restore and, where possible, improve/enhance those features. Such rehabilitation will be undertaken in accordance with the principle of *net environmental gain* in Section 3.4.1.3.6.

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CONSERVATION/
NATURAL
HERITAGE SYSTEM
IMPROVEMENTS

Where it can be demonstrated that completely rehabilitating the area of extraction to an *agricultural condition* is not feasible, and unsuitable given the other alternatives considered, priority shall be given to rehabilitation which will result in significant improvements to the *natural heritage system*, in keeping with the principle of *net environmental gain* in Section 3.4.1.3.6.

3.4.1.3.6 Rehabilitation

INTEGRATED
REHABILITATION

The County and Area Municipalities will work jointly and cooperatively with the aggregate industry, the Ministry of Natural Resources and Forestry, Conservation Authorities and the community to develop integrated rehabilitation plans that focus on restoration and enhancement of the agricultural, rural and ecological resources within a particular resource area.

Where integrated rehabilitation plans have been developed and endorsed by County and Area Councils, all subsequent applications for new or expanded extraction operations shall be required to prepare detailed site rehabilitation plans that are consistent with the integrated rehabilitation plan for the area and the requirements of the Aggregate Resources Act.

Notwithstanding the foregoing, County and/or Area Municipal Council may consider alternative rehabilitation plans that are not strictly consistent with the municipal integrated rehabilitation plan where the proponent can demonstrate that the proposed alternative plan will contribute positively to the restoration and enhancement of the resource area.

Where an integrated rehabilitation plan has not been completed for a particular resource area, the applicant shall demonstrate how the proposed rehabilitation and after-use of the extractive operation will be coordinated and compatible with adjacent licensed extractive operations and other surrounding land uses, to the extent that this is practical and feasible.

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Such rehabilitation will be integrated with adjacent approved plans on the basis of:

- the final elevations of the land,
- the compatibility and consistency of ecological improvements,
- linkages between water features and the *natural heritage system*,
- compatibility of surface drainage systems,
- a phasing strategy,
- other relevant considerations aimed at achieving integration.

Where integrated rehabilitation plans between multiple licenses are approved, County Council and Area Municipal Councils may support mutual extraction to the shared licence boundary.

NET
ENVIRONMENTAL
GAIN

The following initiatives will be promoted through rehabilitation plans for extraction operations to achieve a *net environmental gain*:

- enhancements to groundwater recharge and discharge, where feasible;
- where practical and desirable and, given the location of extraction, interconnections between rivers, flood plain pools and wetland linkages will be created to enhance both on and off-site aquatic habitat;
- ecological diversity, which may include the expansion of fish, amphibian, reptile, mammal, insect, bird and vegetation variety, will be enhanced through rehabilitation by techniques such as topographic variation, creation of micro-climatic zones, providing standing or flowing surface water on a permanent or seasonal basis, providing water bodies that incorporate shallows for fish habitat and reproduction and which have uneven bottoms and low angled, sinuous shorelines, islands and peninsulas to increase the land/water interface. Other measures include the use of native species, natural succession supplemented by clustered planting and the use of a variety of soil types and overburden types;
- where practical, rehabilitation shall be implemented to the benefit of improved water quality and the creation of other natural features such as *wetlands* and upland forests.

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3.4.1.3.7 Severance Policy for Mineral Aggregate Operations

SEVERANCE FOR MINERAL AGGREGATE OPERATIONS

Severance applications for the purpose of an extraction operation or for the severance of a farm residence on lands associated with extraction are to be reviewed in accordance with Section 3.1.4.

Amendment No. 205

Amendment No. 205

3.4.1.4 Deleted by Amendment No. 205

Amendment No. 205

3.4.1.5 Land Use Compatibility

OBJECTIVES

EXISTING OR PLANNED DEVELOPMENT

To ensure that mineral aggregate extraction, including limestone extraction and sand and gravel extraction, is generally compatible with adjacent planned *development* and with existing *development*.

INCOMPATIBLE LAND USES

To discourage the establishment of incompatible land uses within or adjacent to the Quarry Area designation, the Limestone Resource Area, and the Sand and Gravel Resource Areas and adjacent to existing licensed operations outside of these designations and resource areas.

NOTIFICATION

To ensure adequate notification is provided to the public in-keeping with the scale of proposed new and expanded extraction operations.

LAND USE COMPATIBILITY PRINCIPLES

This Plan establishes land use and natural resource priorities for the County and the Area Municipalities which balance the protection of natural resources with other public interests such as ensuring reasonable opportunities for *settlement* growth. It is a principle of the Plan that where aggregate resource extraction and *settlement* development have the potential to conflict with one another due to the proximity between these types of land uses, issues of land use compatibility shall be considered and adequately addressed to minimize such potential conflicts. In this regard:

- Where new extraction is proposed in proximity to an existing *settlement* or other *sensitive land use*, the responsibility for mitigation will be addressed by the pit proponent primarily through the licensing process of the Aggregate Resources Act. Arrangements for mutually satisfactory mitigative measures between extraction and development proponents will be encouraged.

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- Where new *development* is proposed in proximity to existing licensed extraction operations the responsibility for mitigation will primarily be borne by the land developer through the municipal development review process. Arrangements for mutually satisfactory mitigative measures between extraction and *development* proponents will be encouraged.
- Where aggregate resources which have a high potential for future extraction as identified on Appendices 2-1 and 2-2 are located in proximity to vacant or substantially undeveloped lands designated for *settlement* use, there is a reciprocal responsibility to mitigate potential land use conflicts between these uses.

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NOTIFICATION

Public notification requirements under the Planning Act may be extended for amendments to the Official Plan and/or zoning by-law to permit a new or expanded *mineral aggregate* extraction operation or an ancillary use such as an asphalt plant.

3.4.1.5.1 Policies for Extraction Adjacent to Existing/Planned Development

EXTRACTION
ADJACENT TO
EXISTING/PLANNED
DEVELOPMENT

Where new limestone or sand and gravel extraction is proposed within 1000 metres (3,280 feet), in the case of limestone extraction, or 500 metres (1,640 feet), in the case of sand and gravel extraction, of existing or planned development, County Council and/or the Area Municipal Council, in addition to the requirements for redesignation and/or rezoning as set out in this Plan, will provide comments to the Ministry of Natural Resources and Forestry regarding the application for a licence under the Aggregate Resources Act. Such comments will include, where deemed appropriate by the County and/or Area Municipality, a request that specific and significant measures be taken to ensure compatibility and that such measures be imposed as a condition or conditions of the Aggregate Resources Act approval. Such measures may include, but are not limited to increased setbacks and/or berming, significant landscaping and/or planting of mature vegetation in association with berming, the phasing of pit extraction and rehabilitation such that the portion of the pit closest to the *settlement* use proceeds first, operational controls such as the location of screening and crushing equipment, hours of operation and the use of stockpiles for noise attenuation, protection measures for existing public and private wells and any other mitigation measures deemed appropriate.

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In addition to the foregoing, the County and/or Area Municipality will encourage the Ministry to consider appropriate restrictions in areas where extraction activities may constrain the logical expansion of *settlement* boundaries, such as limiting extraction below the water table and/or specifying the type and condition of rehabilitation to ensure that former extraction sites do not preclude or hinder logical *settlement* expansion in the future.

Where warranted, County Council and/or Area Council may request that the Ministry impose a condition of the licence which has the effect of limiting the duration of extraction. This may be considered desirable to minimize the impact on the surrounding environment, depending on such factors as location of the site relative to existing or planned *development*, scale and type of deposit, desirability of stockpiling, and anticipated time of development on the site.

BY-LAWS UNDER
THE MUNICIPAL
ACT

The operations and rehabilitation of licensed pits and quarries are regulated under the Aggregate Resources Act. In order to ensure the compatibility of extraction operations with adjacent land uses through matters not regulated by the Aggregate Resources Act, regulations, licensing conditions or site plans, County Council and/or Area Municipal Councils may pass a by-law or by-laws under the Municipal Act or other appropriate legislation regulating the external aspects of extraction operations such as external haul routes, the condition of entrances and exits beyond the license.

3.4.1.5.2 Policies for Development Adjacent to Existing Operations and Resource Areas

DEVELOPMENT
APPLICATIONS
REQUIRING
CONSULTATION

When considering applications to amend the Official Plan, in accordance with the policies of Section 3.1.6, and/or a Zoning By-law, to permit a minor expansion or minor change in use to an existing non-agricultural commercial, industrial or institutional use or recreational use, in accordance with the policies of Sections 3.1.5.1 or 3.1.5.2 affecting land in, or within 1000 metres (3,280 feet) of a Quarry Area designation or 500 metres (1,640 feet) of an identified Limestone Resource Area or Sand and Gravel Resource Area (as identified on Appendices 2-1 and 2-2), County Council and/or Area Council shall consult with the Ministry of Natural Resources and Forestry to ensure that the opportunity to extract mineral resources from identified resource areas will not be precluded or hindered and that potential land use incompatibilities are minimized.

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3.4.1.5.2.1 Existing Licensed Operations

DEVELOPMENT
ADJACENT TO
SETTLEMENT

Where *development* within a *settlement* designation, other than infilling, is proposed within 300 metres (984 feet) of an approved licensed aggregate extraction operation, the primary responsibility for the mitigation of potential land use conflicts between the use and the aggregate extraction operation will be that of the development proponent. In such circumstances the following policies will apply:

REQUIREMENT
FOR STUDY

When residential *development* or other *sensitive land uses* are proposed, a study (or studies) undertaken by a qualified professional(s) which addresses potential noise, vibration dust and particulate impacts, including *cumulative impacts*, emanating from approved pit operations and ancillary activities, will be completed by the development proponent. Such study (or studies) will be conducted in accordance with Provincial guidelines and will determine appropriate attenuation/mitigation measures including, but not limited to, appropriate setbacks, structural mitigation measures and conditions of approval necessary to adequately address impacts and meet all Provincial guidelines and standards.

SCOPING

Notwithstanding the above, where a proposed residential *development* or other *sensitive land use* is situated within 300 metres (984 feet) of an approved licensed aggregate extraction operation, but is further from existing approved residential *development* or other *sensitive land use* for which a study as described above has been completed, this requirement may be scoped or waived. Prior to a scoping or waiving of the study requirement in the circumstance noted above, the proponent must demonstrate that the measures proposed by the earlier study would not be negated or offset by factors such as topography, possible multiple noise sources, or other factors.

NOISE
ATTENUATION

Residential *development* will only be approved where conditions of approval and other mechanisms are established which will ensure that identified noise attenuation measures will be incorporated into the development approval at the developers expense.

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PROXIMITY

Sensitive uses will generally not be located nearer than 300 metres (985 feet) from the nearest limit of approved licensed extraction activity. Measurement will be taken from the nearest unit location to the nearest licensed extraction limit as shown on the approved site plans. As peripheral portions of the extraction operation are rehabilitated, the separation area may be adjusted to reflect the location of active and approved extraction areas of the pit plan. Deviation from this setback standard will only be permitted where a

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study or studies conducted in accordance with Provincial standards and completed by a qualified professional, or professionals demonstrates that acceptable attenuation can be achieved consistent with Provincial guidelines and where conditions of development approval and other mechanisms are imposed which ensure that identified attenuation/mitigation measures are incorporated into the development approval at the developers expense.

PHASING &
PROGRESSIVE
REHABILITATION

Where feasible in light of servicing requirements, land ownership constraints or natural feature protection, individual subdivisions and the overall community development pattern may be phased such that initial phases of *development* are situated furthest away from pit extraction areas. Progressive rehabilitation of the pit shall precede the *development* or occur simultaneously with it. Where this is not feasible, measures will be incorporated into the residential *development* design that will ensure land use compatibility between the pit operation and the proposed *development*.

SPECIFIC
MEASURES

While the specific measures to mitigate potential land use conflicts between new *development* and existing licensed extraction operations will be determined on the basis of required study and analysis having regard to the specific circumstances at hand, the following measures shall be considered and, where feasible, may be required as part of the *development*:

- The imposition of conditions of development approval to provide visual screening and noise buffering including requirements for building orientation, construction measures for noise attenuation including window placement or other building construction measures.
- The imposition of conditions of *development*, where feasible, that would ensure that prospective purchasers are made aware of nearby aggregate operations and the potential for truck traffic, noise and other impacts, including cumulative impacts, associated with the said operations. Awareness may be facilitated through various instruments, including agreements of purchase and sale, notices registered on title such as within restrictive covenants, or notices on deeds requiring that subsequent owners be informed and warned, in clearly visible signs posted at sales offices and at strategic locations within the *development*.

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- Subdivision design that takes into consideration potential truck traffic and turning movements associated with the extraction operation to avoid, where feasible, potential pit truck and residential traffic problems.
- With the agreement of the owner, the provision of berms, noise barrier fencing, landscaping and other measures over and above the requirements of the aggregate licence under the Aggregate Resources Act on the aggregate property or *adjacent lands at the developer's expense*.

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3.4.1.5.2.2 Unlicensed Aggregate Resources

Where aggregate resources which have a high potential for future extraction, as identified on Appendices 2-1 and 2-2, are located in proximity to vacant or substantially undeveloped lands designated for *settlement* use, both potential aggregate extraction proponents and prospective land *development* interests share the responsibility for ensuring that effective mitigation measures are put in place in approved extraction site plans and within *settlement* design and phasing policies to minimize potential land use incompatibilities between future extractive and *settlement* uses.

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The following measures will be considered to minimize potential land use conflict between *development* and future extraction activities:

AGGREGATE
OPERATIONS

- Any licence application and associated extraction plans approved pursuant to the Aggregate Resources Act may include, but are not limited to, increased setbacks and/or berming, significant landscaping and/or planting of significant vegetation in association with berming, the phasing of pit extraction and rehabilitation such that the portion of the pit closest to the settlement use proceeds first, operational controls such as the location of screening and crushing equipment, hours of operation, the use of stockpiles for noise attenuation, and any other mitigation measures deemed appropriate;
- In addition to the foregoing, the County and/or Area Municipality will encourage the consideration of incorporating appropriate restrictions where proposed extraction activities may constrain the logical extension of settlement boundaries in the future, such as limitations on extraction below the water table or specifying the type and condition of rehabilitation to ensure that extraction sites do not preclude or hinder the logical expansion of settlements;

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SETTLEMENT USES

- Individual subdivisions and the overall community development shall be phased such that initial phases are situated furthest away from potential extraction areas, where feasible, with a view to servicing requirements, land ownership constraints or the protection of natural features;
- Buffering through distance separation, berms and noise barrier fencing, grading to minimize potential noise impact, the introduction of intervening uses which are not noise sensitive, the retention of natural features between the development and future extraction areas, the use of height limitations and other measures will be encouraged to be incorporated into the design of the development;
- The imposition of conditions of development approval to provide visual screening and noise buffering including requirements for building orientation, construction measures for noise attenuation including window placement or other building construction measures; and
- The imposition of conditions of development, where feasible, which would ensure that prospective purchasers are made aware of nearby aggregate operations and of associated noise and truck traffic through such instruments as in agreements of purchase and sale, in notices registered on title such as within restrictive covenants or in terms of deeds requiring that subsequent owners be informed and warned, in clearly visible signs posted at sales offices and at strategic locations within the *development*.

OMB Modification
January 11/98

In such situations, the specific measures for noise and other attenuation/mitigation which may be most appropriate given the specific circumstances will be determined through consultation with a qualified professional(s). As a general principle, that portion of a *settlement* that is situated within 500 metres (1,640 feet) of an aggregate resource with high potential for extraction is deemed to be the area of potential conflict with future extraction and that area where attenuation/mitigation measures will generally be required.

OMB Modification
January 11/98

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OBJECTIVE

PROTECT NATURAL
ENVIRONMENT
AND CULTURAL
HERITAGE

3.4.1.6 Natural and Cultural Features

To conserve and protect the quality of the natural environment and cultural heritage resources by ensuring that mineral aggregate extraction is carried out with a view to minimizing environmental impact, including *cumulative impacts*, and conserving *archaeological resources*, *built heritage resources* and *cultural heritage landscapes*.

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BALANCING RESOURCES

To balance the need to effectively utilize mineral resource deposits with the need to maintain and enhance *natural heritage resources* such as *woodlands, wetlands* and *surface water features*.

POLICIES

When reviewing an application to establish a new/expanded mineral extraction operation, in addition to the policies of Section 3.4.1, County Council and/or Area Municipal Council will be guided by the following policies:

EXTRACTION WITHIN OR ADJACENT TO NATURAL HERITAGE FEATURES AND AREAS

Aggregate extraction operations shall not be permitted within *significant wetlands*. Where an aggregate extraction operation is proposed on *adjacent lands* to *significant wetlands* or *fish habitat*, or within, or on *adjacent lands* to, any other *significant natural heritage feature or area* as identified by the Province and/or by the County (i.e. *significant woodlands, valleylands* and *wildlife habitat*), it must be demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions* and that a *net environmental gain*, consistent with the policies of Section 3.4.1.3.6 will be achieved. Aggregate extraction operations shall not be permitted within *fish habitat* or *habitat of endangered species and threatened species* except in accordance with *provincial and federal* requirements. Compliance with this policy shall be demonstrated through the natural heritage assessment required in Section 3.4.1.3.2.

EXTRACTION WITHIN AND ADJACENT TO OTHER NATURAL FEATURES

In addition to the above policy pertaining to aggregate extraction within, or on *adjacent lands* to, *natural heritage features and areas*, where an aggregate extraction operation is proposed within, or on *adjacent lands* to, the County's *natural heritage system*, as set out in Section 3.2 of this Plan, it must be demonstrated through the comprehensive land use study/report required in Section 3.4.1.3.2 that:

- any *negative impacts* on the *natural heritage system* and its *ecological functions* will be minimized;
- the diversity and connectivity of the natural features and areas comprising the *natural heritage system*, and the long term *ecological function* and biodiversity of the *natural heritage system* will be maintained, restored or where possible, improved; and
- *net environmental gain*, consistent with the policies of Section 3.4.1.3.6 will be achieved.

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Where a proposed aggregate extraction operation will *negatively impact* the *natural heritage system*, County Council and/or the Area Municipal Council will, in consultation with the relevant Provincial Ministries and Conservation Authority having jurisdiction, consider the relative quality and availability of any competing mineral resources, surface natural resources or cultural resources, the *ecological functions* which may be affected, and relevant community and economic factors prior to implementing the necessary Official Plan and/or Zoning By-law amendments.

Where the proposed aggregate extraction operation will have *negative impacts* on the *natural heritage system*, the emphasis for rehabilitation will be on restoring any natural features and areas that were *negatively impacted*, improving the overall ecological function and areal extent of the *natural heritage system* and component natural features and areas and achieving a *net environmental gain*, in accordance with the policies of Section 3.4.1.3.6.

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OBJECTIVES

FACILITATE THE ESTABLISHMENT

To facilitate the establishment of temporary wayside pits and quarries to provide limestone, sand and gravel, and other aggregate products for road construction and maintenance, and other municipal or public projects.

REHABILITATION OF ABANDONED PITS

To promote the rehabilitation of existing abandoned pits and quarries in the County.

POLICIES

WAYSIDE PITS AND QUARRIES

A wayside pit or quarry, as defined by the Aggregate Resources Act, may be established on a temporary basis without the requirement for an Official Plan or Zoning By-law amendment in the County of Oxford, subject to the following provisions:

ENVIRONMENTAL PROTECTION AREA

A wayside pit or quarry shall not be permitted within Environmental Protection Areas as shown on the Land Use Schedules.

EXISTING SETTLEMENTS

A Zoning By-law amendment shall be required to permit a wayside pit or quarry on any lands designated for *settlement* purposes, as identified on Schedule C-3, Settlement Strategy Plan, except where extraction is permitted by the Zoning By-law.

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When considering an application to amend the Zoning By-law for a wayside pit or quarry within a *settlement*, the Area Municipality will be satisfied that appropriate restrictions have been implemented to ensure compatibility with existing land uses in the area and that the proposed extraction will not preclude or hinder the logical development or expansion of the *settlement* in the future.

COMMENTS ON PERMITS

Where notification is received from Ministry of Natural Resources and Forestry regarding an application for a wayside pit or quarry, the County and/or Area Municipality may review such proposal and may request permit conditions to ensure land use compatibility, to ensure no adverse effects on the County and Area Municipal road system, to ensure that significant environmental features, wherever feasible, are maintained and to ensure that the proposed rehabilitation plans are consistent with the policies of this Plan.

Where a wayside pit or quarry is proposed on *adjacent lands* to Environmental Protection Areas as shown on the Land Use Schedules, the County will request that an Environmental Impact Study consistent with the policies of Section 3.2.6 be approved prior to excavation.

TEMPORARY ASPHALT PLANTS

Temporary and portable asphalt plants or concrete batching plants for public road construction purposes will be permitted on a temporary basis without the requirement for an Official Plan or Zoning By-Law amendment in the County of Oxford, provided that an approval pursuant to the Environmental Protection Act is issued by the Ministry of the Environment and Climate Change.

Notwithstanding the above, such uses will not be permitted within lands shown to be Environmental Protection Areas, or lands designated Large Urban Centres, Serviced Villages, Villages, Rural Clusters and Future Urban Growth on the Land Use Schedules.

ABANDONED PITS

By means of co-operation with the owner and appropriate Ministries, County Council and Area Municipal Councils shall encourage the rehabilitation of abandoned pits in accordance Section 3.4.1.3.6 and with a view to reducing or eliminating dangerous or hazardous conditions and returning the site to a useful land use, compatible with surrounding land uses.

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3.4.2 Petroleum Resources

INTRODUCTION

While oil and natural gas are two of Canada's most important non-renewable resources, current petroleum production in Southern Ontario is limited. Oxford County is one of the few significant oil and gas producing counties in the province but production is minor in comparison with demand.

Relatively few wells have been drilled for oil and gas in Oxford County. Little is known of actual reserves, however the entire County is considered as having potential for discovery and production of oil and gas. Areas close to Innerkip and Gobles have known oil and gas reserves and are likely to be explored first. The gas pools in the vicinity of Innerkip are currently active producers of natural gas and the site of considerable drilling activity. Oil and gas exploration, drilling, production and storage are regulated pursuant to the Oil, Gas and Salt Resources Act by the Ontario Ministry of Natural Resources.

OBJECTIVES

RECOGNIZE IMPORTANCE

To recognize the importance of oil and gas as essential non-renewable natural resources and to encourage exploration and effective management of oil and gas production operations.

PROTECT NATURAL ENVIRONMENT

To conserve and protect the quality of the natural environment by ensuring that oil and gas exploration and production are carried out with minimal environmental impact.

MINIMIZE LAND USE CONFLICTS

To minimize land use conflicts resulting from oil and gas production and compressor facilities by discouraging the establishment of incompatible land uses adjacent to oil and gas production and compressor facilities.

REHABILITATION

To ensure oil and gas drilling is viewed as an interim use of land and to encourage rehabilitation of the site to the underlying land use, compatible with surrounding land uses.

POLICIES

WHERE OIL AND GAS FACILITIES PERMITTED

Buildings and structures for oil and gas extraction are permitted uses within the Agricultural Reserve, Open Space, and Quarry Area and Future Urban Growth designations identified on the Land Use Schedules.

WHERE OIL AND GAS FACILITIES PROHIBITED

Oil and gas extraction are prohibited on land designated Environmental Protection or within the 100 metre (328 foot) radius or the 0 – 2 year time-of-travel zone of municipal Well Head Protection Areas on the Schedules of this Plan.

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OIL AND GAS RESOURCE IDENTIFICATION

The known Oil and Gas Resource Areas identified in Appendix 2 indicate those areas with potential oil and gas pools. These areas contain known concentrations of active or abandoned oil and gas wells and identify areas where exploration has determined the resource exists.

Appendix 2 is provided for reference purposes and the identification of the Resource Area is not intended to represent a land use designation. It is not intended that oil and gas drilling be limited to the Resource Areas identified in Appendix 2. Drilling will be permitted throughout the County in accordance with the Oil, Gas and Salt Resources Act and Regulations.

It is intended that Appendix 2 will be updated as new oil and gas wells are licensed under the Oil, Gas and Salt Resources Act by the Ministry of Natural Resources or new oil and gas pools are discovered. The boundary of an Oil and Gas Resource Area may be revised or additional lands may be identified as Oil and Gas Resource Area in Appendix 2 without amendment to this Plan, to reflect other areas of potential oil and gas drilling if more information becomes available.

SEVERANCES

To reduce incompatible land uses adjacent to oil and gas production and compressor facilities, the County shall discourage residential severances within 76 metres (250 feet) of an active oil or gas production well or compressor facility.

LANDS ADJACENT TO ENVIRONMENTAL PROTECTION AREAS

Where a building or structure for oil or gas extraction is proposed *adjacent* to a designated Environmental Protection Area as shown on the Land Use Schedules, County Council and/or Area Council may require an Environmental Impact Study in accordance with the policies of Section 3.2.6.

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3.4.3 Gypsum and Other Mineral Resources

INTRODUCTION

A significant gypsum resource is located near Drumbo in the Township of Blandford-Blenheim. Gypsum is used in the manufacture of wallboard and can also be used as a setting control agent in Portland cement and for fertilizer and soil conditioners.

It is important to identify and protect gypsum and other resources to ensure availability in the future as potential new uses for the resources are discovered.

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OBJECTIVES

RECOGNIZE IMPORTANCE

To recognize the importance of gypsum as an essential non-renewable natural resource and to encourage the effective management of underground gypsum mining operations.

IDENTIFICATION AND PROTECTION

To provide for the identification and protection of gypsum and other resources as information becomes available.

PROTECT NATURAL ENVIRONMENT

To conserve and protect the quality of the natural environment by ensuring that underground mining is carried out with minimal environmental cost.

MINIMIZE LAND USE CONFLICTS

To minimize land use conflicts resulting from underground mining operations by ensuring that extraction is compatible with adjacent existing and planned *development* and by discouraging the establishment of incompatible land uses within or adjacent to the identified Gypsum Resource Area.

REHABILITATION

To ensure that underground mining is viewed as an interim use of land and to encourage rehabilitation and mine closure in a progressive and comprehensive manner.

AFTER-USE

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To ensure that the after-use of lands associated with above-ground structures is compatible with the surrounding land use(s),

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3.4.3.1 Resource Development Policies

GYPSUM RESOURCE IDENTIFICATION

The area identified in Appendix 2 as the Gypsum Resource Area includes the area currently being mined for gypsum. The Resource Area also includes those lands for which leases have been acquired under the Mining Act where there is potential for future extraction.

Appendix 2 is provided for reference purposes and the identification of the Resource Area is not intended to represent a land use designation. It is not intended that gypsum extraction be limited to the Resource Area identified in Appendix 2 but rather underground extraction is permitted where the gypsum resource exists and where Mining Act approvals have been obtained.

It is intended that Appendix 2 will be updated as additional mineral rights are acquired for extraction and new leases are obtained under the Mining Act. The boundary of the Gypsum Resource Area may be revised or additional lands may be identified as Gypsum Resource Area in Appendix 2 without amendment to this Plan, to reflect other areas of potential mining for gypsum as more information becomes available.

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ZONING OF ABOVE-GROUND ACCESSORY USES/ STRUCTURES

Above-ground accessory uses and structures normally associated with underground mining operations such as a mining office, shafthouse and headframe, limited stockpiles and maintenance buildings as required, shall be permitted within the Agricultural Reserve and Open Space designations provided that the above-ground use does not include extensive stockpiling or storage facilities, processing or manufacturing operations. The above-ground accessory uses or structures of the existing mine shall be recognized in the Zoning By-law. Above-ground accessory uses or structures associated with a new or expanded underground mining operation beyond this area shall be subject to a Zoning By-law amendment.

ENVIRONMENTAL PROTECTION AREA

Notwithstanding any underlying resource, above-ground accessory uses or structures to an underground mining operation shall be prohibited in designated Environmental Protection Areas as shown on the Land Use Schedules.

CRITERIA FOR REZONING

Area Council, when reviewing an application to amend the Zoning By-law to provide for an above-ground accessory use to a new or expanded underground mining operation, shall be satisfied that the following criteria are satisfied prior to approving such amendment:

- confirmation from the Ministry of Northern Development and Mines that any studies required for licensing pursuant to the Mining Act are acceptable to the Ministry;
- all approvals for the mining operation have been obtained from the appropriate Ministries;
- the above-ground use or structures are adequately buffered to ensure land use compatibility issues such as noise, odour, dust, vibration, truck traffic, lighting and storage have been adequately addressed;
- environmental concerns such as the effect on surface water and groundwater resources, air quality, and other natural or cultural features have been adequately addressed;
- the road system is capable of carrying the anticipated truck traffic according to the authority having jurisdiction over the road;

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- confirmation from the Ministry of Northern Development and Mines will be required that the proposed rehabilitation scheme as outlined on the Closure Plan is technically feasible. Rehabilitation shall include the safe sealing of mine shafts, stabilization of surface areas above and adjacent to mining activity, elimination of dangerous or hazardous conditions, in order to return the site to a useful land use which is compatible with surrounding land uses;
- the proposed after-use is in conformity with the policies of this Plan and is compatible with existing and proposed land uses in the surrounding area.

NOTIFICATION

Public notification requirements under the Planning Act may be extended where new mining operations requiring above-ground accessory uses and structures are proposed.

LANDS ADJACENT TO ENVIRONMENTAL PROTECTION AREAS

Where above-ground accessory uses or structures associated with underground mining operations are proposed *adjacent* to designated Environmental Protection Areas as shown on the Land Use Schedules, County Council and/or the Area Council may require an Environmental Impact Study in accordance with the policies of Section 3.2.6.

LOCALLY IMPORTANT ENVIRONMENTAL FEATURES

Where the identified resource is overlain by locally important environmental features as set out in Section 3.2.7.1 such as Non Provincially Significant or unevaluated wetlands, *woodlands*, or aquatic and wildlife habitat, the location of above-ground accessory uses or structures for a new or expanded underground mining operation shall, wherever feasible, maintain the integrity of these features and the natural systems which support these features. Prior to approving a zone change to permit such a proposal, the Area Municipality will consult with the Ministries of Northern Development and Mines and Natural Resources in this regard.

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