

- v) Notwithstanding the land use designations on Schedule “A”, development will not be allowed to proceed in areas identified by this section as containing waste until the requirements of the Ministry of the Environment are satisfied.

When the above described concerns have been satisfied, a former solid waste landfill site shall be rezoned in an appropriate zone classification reflecting the proposed use of the property, removing a Holding “H” zone provision.

Section 46 of the Environmental Protection Act applies to the lands where waste was deposited (i.e., lands within the perimeter of the fill area). Section 46 states that “No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be used unless the approval of the Minister for the proposed use has been given.

#### **4.14 ENVIRONMENTAL PROTECTION**

Lands designated as Environmental Protection on Schedules “A” are environmentally sensitive and include lands subject to natural hazards, natural heritage features and areas, and areas of groundwater or surface water discharge and recharge. Lands designated as Environmental Protection are primarily intended for preservation and conservation of the natural land and/or environment, and should be managed in such a fashion as to protect these features and areas from incompatible development. Conversely these policies serve to ensure that new development is protected from physical hazards. The environmental hazards and/or values associated with such lands act as constraints for development. Where possible, the approximate extent and location of environmentally sensitive areas have been identified and designated as “Environmental Protection” on Schedule “A” ”.

##### **4.14.1 Other Sensitive Lands That Are Not Designated As “Environmental Protection”**

Not all lands having environmentally sensitive features are designated as “Environmental Protection” on the Land Use Plan – Schedule “A” ”, due to the size and/or sensitivity of the feature, the degree of hazard it creates, or a lack of information. During the review of development proposals lands with sensitive features may be identified. Depending on their significance and/or hazardous nature, such features shall be protected. An application to

develop on or adjacent to such a feature shall be subject to the applicable policies of Section 3.9 “Natural Environment Policies” of this Plan.

#### **4.14.2 Natural Hazards Areas**

The Environmental Protection designation identifies natural hazard areas and features which may pose a threat to life and property due to inherent characteristics, including lands susceptible to flooding and erosion hazards a shoreline, river or stream system , hazardous sites associated with unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography), as well as areas along the Lake Ontario Shoreline which are subject to flooding, wave up-rush and dynamic beach hazards.

#### **4.14.3 Hazardous Lands Along Rivers, Streams and Valleys**

Hazardous lands along river, stream and valleyland systems means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits. Hazardous lands associated with a river, stream or valleyland systems are identified, mapped and regulated by Lower Trent Conservation.

Uses permitted within hazardous lands along river, stream and valleyland systems shall be generally limited to agricultural uses and forestry uses, conservation, fish and wildlife management areas, passive public or private recreational uses, flood or erosion control facilities, and minor accessory structures relating to these uses, and uses legally existing at the time of approval of this plan.

Development and site alteration along river, stream and valleyland systems shall generally be directed to areas outside of these hazardous lands.

Development and site alteration is not permitted within a floodway, regardless of whether the area of inundation contains high points of land not subject to the flooding hazard.

Development and site alteration shall not be permitted in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards or erosion hazards, unless it has been demonstrated that the site has safe access. Safe access standards will be determined in consultation with Lower Trent Conservation.

Development and site alteration may be permitted within a floodway and/or an area that does not have safe access when:

- i) The development and/or site alteration is limited to uses which by their nature must locate within the floodway to the satisfaction of Lower Trent Conservation; or
- ii) Where development is a minor addition or a passive non-structural use which does not affect the control of flooding to the satisfaction of Lower Trent Conservation; and
- iii) Where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards as determined by Lower Trent Conservation.

When an existing legal non-conforming building or structure that is sited entirely within, or partially within, hazardous lands along river, stream or valleyland systems is destroyed in a manner not related to the inherent hazard, the Municipality shall permit the building or structure to be reconstructed in consultation with the Conservation Authority.

Hazardous lands associated with river, stream and valleyland systems within the Municipality are designated as Environmental Protection on Schedule “A” to this Plan. Lower Trent Conservation will be consulted to determine the landward extent of other hazardous lands associated with river, stream and valleyland systems that are currently not identified on the Schedules to this Plan.

#### **4.14.3.1 Prohibited Uses**

Notwithstanding the policies of 4.14.3, development shall not be permitted to locate in hazardous lands associated with river, stream or valleyland systems where the use is:

- i) An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.
- ii) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency

as a result of flooding, the failure of floodproofing measure and/or protection works, and/or erosion, and

- iii) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

#### **4.14.3.2 Two-Zone Floodplain Areas**

For the purposes of this Plan, flood plains will be considered as one-zone flood plain areas unless otherwise designated by the Municipality and Lower Trent Conservation. When a one-zone flood plain area is applied, the entire flood plain is considered the floodway.

The Municipality in collaboration with Lower Trent Conservation may designate two-zone flood plain areas in accordance with Provincial Guidelines and Procedures, where significant urban land uses currently exist within the flood plain, and where there is potential for further infilling and redevelopment with no adverse impact on flood flows. Two-zone floodplain areas include the flood fringe and the flood way. Development and site alterations within the floodway of a two-zone floodplain area will not be permitted.

Where a two-zone floodplain area has been designated, the Municipality will establish provisions in the applicable Zoning By-law to permit development in the flood fringe subject to appropriate floodproofing standards. Two-zone floodplain areas will be in conformity with mapping approved by Lower Trent Conservation. Approved two-zone floodplain areas are shown on Schedule D to this Plan.

Prior to any development or site alteration within a two-zone floodplain area, the Municipality will consult with Lower Trent Conservation to determine the appropriate two-zone floodplain area standards. These standards may include, but are not limited to the following:

- i) Development and site alteration is carried out in accordance with floodproofing standards and protection works standards as required in the two-zone floodplain area;
- ii) Vehicles and people have a way of safely entering and existing the area during times of flooding, erosion and other emergencies;
- iii) New natural hazards are not created and existing natural hazards are not aggravated; and
- iv) No adverse environmental impacts will result.

Where strict adherence to a one-zone flood plain area or two-zone flood plain area policy framework would result in significant social and economic impacts to the Municipality, a special policy area may be established by the Province in collaboration intended to allow for new or intensified development and site alteration within a flood plain if feasible opportunities for development and site alteration exist outside of the flood plain that are otherwise in conformity with the policies of this Plan.

Special Policy Areas will be developed in accordance with the criteria and procedures for approval established by the Province, and will require an amendment to this Plan.

#### **4.14.4 Hazardous Lands along the Lake Ontario Shoreline**

Hazardous lands adjacent to the shoreline of Lake Ontario include the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard. Lake Ontario hazardous lands are identified, mapped, and regulated by Lower Trent Conservation. Uses permitted within hazardous lands along the Lake Ontario shoreline shall be generally limited to conservation, fish and wildlife management areas, passive public or private recreational uses, flood or erosion control facilities, and uses legally existing at the time of approval of this Plan.

Development and site alteration along the Lake Ontario shoreline shall generally be directed to areas outside of these hazardous lands.

Development and site alteration is not permitted within the dynamic beach hazard.

Development and site alteration shall not be permitted in areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access. Safe access standards will be determined in consultation with Lower Trent Conservation.

Development and site alteration may be permitted within a dynamic beach hazard and/or an area that does not have safe access when:

- i) The development and/or site alteration is limited to uses which by their nature must locate within the dynamic beach hazard to the satisfaction of Lower Trent Conservation; or

- ii) Where development is a minor addition or a passive non-structural use which does not affect dynamic beach hazard processes to the satisfaction of Lower Trent Conservation; or
- iii) Where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards as determined by Lower Trent Conservation.

When an existing legal non-conforming building or structure that is sited entirely within, or partially within, hazardous lands along the Lake Ontario shoreline is destroyed in a manner not related to the inherent hazard, the Municipality shall permit the building or structure to be reconstructed only if the Conservation Authority having jurisdiction authorizes the reconstruction.

The Municipality acknowledges the need for long-term monitoring of the shoreline processes associated with Lake Ontario. When the capacity is available, the Municipality, in collaboration with the Province and Lower Trent Conservation, will undertake shoreline management plans to re-evaluate and identify the extent of these hazardous lands. The priorities and process for developing and updating shoreline management plans will be a collaborative approach. The implementation of shoreline management plans will require an amendment to this Plan.

#### **4.14.4.1 Uses Prohibited**

Notwithstanding the policies of 4.14.4, development shall not be permitted to locate in hazardous lands associated with the Lake Ontario Shoreline where the use is:

- i) An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.
- ii) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion, and
- iii) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

#### **4.14.5 Additional Hazard Lands**

Where lands with inherent hazardous sites or hazards that are not regulated by the Conservation Authority, such as steep slopes not associated with a watercourse or the shoreline of Lake Ontario, the Municipality shall as part of the review of applications under the Planning Act, require the preparation of appropriate studies by a qualified individual to:

- i) Identify and map the extent of the hazard;
- ii) Assess the existing and future stability of the hazard and the potential risks of development and site alteration;
- iii) Identify appropriate setbacks from the hazard; and identify other mitigation measures necessary to protect the site and the public as appropriate.

##### ***4.14.5.1 Prohibited Uses***

Notwithstanding the policies of Section 4.14.5, development shall not be permitted to locate in hazardous sites where the use is:

- i) An institutional use associated with hospitals, nursing homes, pre-school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;
- ii) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works and/or erosion; and,
- iii) Uses associated with the disposal, manufacture or storage of hazardous substances.

#### **4.14.6 Water Setbacks**

All development shall be set back sufficiently from the high water mark of any water body or watercourse to ensure the protection of water quality and natural stream and valley lands. As a general policy, and except as otherwise set out in this Plan, development shall be set back a

minimum of 30 metres from all water bodies and watercourses capable of supporting fisheries and as much of the soil and natural vegetation as possible shall be maintained and undisturbed. Within these setbacks, no development should be permitted and site alteration activities should be strictly controlled to ensure protection of fish and fish habitat.

#### **4.14.7 Existing Lots of Record**

The policies of this section shall not be applied to prevent the issuance of a building permit nor necessitate an Environmental Impact Study in support of a building permit on existing lots of record on lands adjacent to an identified natural heritage feature, provided that the lot on which development is to occur is located in a designation other than Environmental Protection, or, if located in the Environmental Protection designation, satisfies all other applicable policies of Sections 3.9 and 4.12 of this Plan. Notwithstanding this policy, an EIS shall be required on an existing lot of record if a change in zoning is required to permit new development.

#### **4.14.8 Lot Creation**

No new lot shall be created by plan of subdivision or consent to a land severance, nor shall any Zoning By-law amendment to permit a change in land use be enacted by Council on lands adjacent to a natural heritage feature unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions, except where all applicable policies of this section are addressed to the satisfaction of the Municipality and the appropriate approval authority.

#### **4.14.9 Review of Provincially Significant Wetlands**

Any new, enlarged, or amended boundaries for Provincially Significant Wetlands shall be identified on Schedule 'A' by way of amendment to this Plan.

Property owners within Provincially Significant Wetlands or on lands adjacent to the wetland shall be consulted by the Municipality prior to an amendment to this Plan to identify new or enlarged Provincially Significant Wetlands. Notice to affected property owners shall be given in accordance with the notice requirements of the *Planning Act*.

Where any new, enlarged or amended boundaries for Provincially Significant Wetlands are established, the MNR will provide updated information to the Municipality. The Municipality will amend this Plan and associated schedules to include these updates.

#### **4.14.10 Open Space Corridors Policies**

Council shall coordinate the planning and development of the waterfront of Presqu'ile Bay in cooperation with the Lower Trent Region Conservation Authority and/or the MNR through the future implementation of a Shoreline Management Plan. The objectives of the Shoreline Management Plan will identify the waterfront along the Bay as a significant resources and landscape element that should be protected in the long term interests of the Municipality. Council will encourage, whenever possible, public access to the waterfront and the view of the Bay shall be maximized.

Wherever possible, Council will identify the natural attributes and character of river valleys by acquiring and enhancing these lands as part of a linear open space corridor linking various components of the Community. The acquisition of these lands may be acceptable as part of the dedication of land for park purposes under Sections 42, 51 or 52 of the *Planning Act, R.S.O., 1990*.

#### **4.14.11 Source Water Areas**

The Municipality draws its municipal water supply for the urban settlement area of Brighton from groundwater sources in the northeast corner of the Spring Valley headwaters area. A Wellhead Protection Area (WPA) has been delineated around these wells extending from the midpoint of Concession III to just beyond the midpoint of Concession IV, and part of Lots 34, 35, 10 and 9 of the former Township of Brighton to protect municipal drinking water supplies and designated vulnerable areas. The designated areas are defined as vulnerable by virtue of their importance as a drinking water source that may be impacted by activities and events. Until such time as the Trent Conservation Coalition and associated Source Protection Planning Committee have developed specific land use policies for wellhead protection zones, the following general policies shall apply.

**4.14.11.1 Permitted Uses**

No development or site alteration shall occur within a 200 meter fixed radius the municipal WPA.

Open space and conservation uses, including, reforestation and other activities connected with the conservation of soil and wildlife shall be the only permitted uses within a WPA.

Within designated vulnerable areas permitted uses may include a single detached dwelling, conservation uses, including forestry, reforestation and other activities connected with the conservation of soil or wildlife, a hunt camp, a public use and a public park, provided Council, in consultation with the conservation authority, is satisfied that the proposed uses does not pose a threat to the integrity of the municipal drinking water supply..

**4.14.11.2 Prohibited Uses and Activities**

Land uses which pose a threat to the municipal drinking water supplies shall not be permitted on areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events. Prohibited uses include agricultural uses, land application of road salt, de-icers, bio-solids, organic soil conditioners, or septage, an auto wrecker and/or automobile body shop and repair shops, a cemetery or crematorium, dry cleaners and/or Laundromats, a food processing plant, a gas station, a livestock feed lot, logging operations; a manufacturing facility, a marina, a municipal landfill, pits and quarries, portable or pit toilets, a storage facility for fertilizers, manure, road salt, pesticides and herbicides, fuels and hydrocarbons, solvents, or liquid industrial waste, a warehouse and wayside pits and wayside quarries.

**4.14.12 Detailed Delineation of Environmental Protection Lands**

The boundaries of the Environmental Protection designation are approximate and it is the intent of this Plan that the precise locations will be delineated in the implementing Zoning By-law or at the time of the submission of development applications. Such detailed mapping shall be undertaken in consultation with the local Conservation Authority, Ministry of Natural Resources and other agencies as applicable. In the absence of more detailed mapping, the boundaries of the Environmental Protection designation on Schedule “A” shall be used as a guide in the preparation of the implementing Zoning By-law.

Where it is determined that lands within the Environmental Protection designation are not constrained by natural hazards and do not represent natural heritage features and areas, the development of such lands shall be reviewed on the basis of the adjoining land use designation, the policies of Section 3.9 of this Plan (Protection of Environment), and the general intent and purpose of this Plan. An amendment to Schedule “A” shall not be required to make minor modifications to the Environmental Protection designation provided that the overall intent of the Plan is maintained. The Municipality shall consult with the Conservation Authority and/or the MNR and any other appropriate agency when considering this matter.

#### **4.14.13 Privately Owned Lands**

Where any land designated Environmental Protection is under private ownership, this Plan does not intend that such lands will necessarily remain as such indefinitely. In addition, it shall not be construed as implying that such areas are free and open to the general public or that the Municipality or other government agency will purchase the lands.

#### **4.14.14 Application to Re-Designate**

An application to re-designate Environmental Protection lands for other purposes may be given due consideration by the Municipality in consultation with the Conservation Authority, the MNR or other public agency. Council shall consider the following matters:

- i) The existing environmental and/or sensitive features;
- ii) The potential impacts of these environmentally sensitive lands;
- iii) The potential impacts on natural features and functions;
- iv) The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices; and
- v) The compatibility of the proposed use with adjacent/surrounding land use.

There is no municipal or public obligation to re-designate or to purchase any land if there is an existing or potential environmental hazard.

#### **4.14.15 Park Dedication**

The Municipality may at its sole discretion, choose to accept lands designated Environmental Protection as part or all of a parkland dedication pursuant to the *Planning Act*. The Municipality may also choose not to accept Environmental Protection lands as part or all of the parkland dedication.

#### **4.14.16 Placing and Removal of Fill**

The placing or removal of fill and site alteration are not permitted in lands designated as Environmental Protection, except as specifically permitted by the Conservation Authority in accordance with Regulations.

#### **4.14.17 Zoning By-law Provisions**

It is intended that where flood and erosion susceptible lands are designated as Environmental Protection on Schedule “A” the lands shall be zoned the Environmental Protection Zone and shall be subject to the relevant development restrictions in the implementing Zoning By-law.

Municipal wellhead protection areas are designated as Environmental Protection on Schedule “A”. The lands shall be zoned the Environmental Protection Zone and shall be subject to the relevant development restrictions in the implementing Zoning By-law.

### **4.15 DEFERRED GROWTH AREAS**

The Deferred Growth Area designation applies only to lands within settlement areas for which there are no immediate plans for development.

The Deferred Growth Areas designated on Schedule-”A” are areas that are largely undeveloped or under-developed, primarily for residential use, and are currently serviced by private water and sewage disposal systems.

These areas are intended for long term growth and development on full municipal services in accordance with the staging policies of this Plan, and are not expected for development prior to 2031. It is the general intent of this plan that development within Deferred Growth Areas will only be permitted when warranted by the municipality and when full municipal services are