

AMENDMENT NO. 1
TO THE OFFICIAL PLAN FOR THE
MUNICIPALITY OF WHITESTONE
OFFICIAL PLAN UPDATE
(Five Year Review)

CERTIFICATE FOR AMENDMENT NO. 1

TO THE MUNICIPALITY OF WHITESTONE OFFICIAL PLAN

AMENDMENT NO. 1 to the Official Plan to the Municipality of Whitestone Official Plan was adopted by the Council of the Municipality of Whitestone by By-law No. ____-2013 in accordance with the provisions of section 17 of the Planning Act on _____, 2013.

Clerk

OFFICIAL PLAN AMENDMENT NO. 1

MUNICIPALITY OF WHITESTONE

Statement of Components

PART 1 - THE PREAMBLE does not constitute part of this amendment.

PART B - THE AMENDMENT, consisting of the text and schedules constitutes Amendment No. 1 to the Official Plan for the Municipality of Whitestone

PART C - THE APPENDICES do not constitute part of this Amendment. The Appendices contain the background material, planning considerations and public involvement associated with this Amendment.

OFFICIAL PLAN AMENDMENT NO. 1 – MUNICIPALITY OF WHITESTONE

PART A – PREAMBLE

Purpose

The purpose of this Amendment is to update the policies of the Official Plan for the Municipality of Whitestone as part of a five year review in accordance with section 26 of the Planning Act.

The Amendment adds, amends, replaces and deletes a number of general and specific policies of the Official Plan.

Official Plan Amendment No. 1 also replaces Schedule 'A' – Land Use Plan and adds Schedules identifying natural heritage features.

The Amendment applies to the lands in the whole of the Municipality of Whitestone.

Basis for the Amendment

1. The Municipality of Whitestone has been incorporated for 12 years. It continues to operate under its first time official plan that was adopted shortly after its incorporation.
2. The Official Plan has been working well although it has been five years since its approval by the province.
3. The Council of the Municipality of Whitestone has held a number of public meetings on the need to update its official plan. These meetings were held on various dates over the past year including:

July 23, 2011
August 27, 2011
October 1, 2011
May 15, 2012
August 20, 2012
September 17, 2012
October 16, 2012
November 19, 2013
4. The current official plan was prepared before the latest Provincial Policy Statement (February, 2005). This revised policy reflects the latest Provincial Policy Statement.
5. The Ministry of Municipal Affairs and Housing held a joint meeting with the Council of the municipality and relevant provincial ministries to review policy interests for each of the ministries.

6. A number of provincial ministries submitted data and information regarding matters of provincial interest. These submissions have been considered as part of this amendment.
7. General data on population, land uses and waterbodies have been collected as part of this official plan amendment. This data is attached as an appendix to this plan.
8. The land division policies for rural areas in Whitestone have been working well. However, the policies need some slight language adjustments to reflect the ability to apply for consents on lands that were created from a land division application so long as all other applicable policies and relevant planning considerations are met.
9. Servicing policy in Whitestone is in need of reorganizing and clarifying the application of sewer and water priorities for the municipality.
10. Rental cottages have emerged as an issue in some instances in Whitestone. There have been occasions where concerns have been expressed over the impact of some rental cottage use on the quiet enjoyment of adjoining residential properties due to increased intensity of uses on these rental properties including traffic, security, environmental impacts and other objections. The municipality is interested in adopting a policy regime that does not prohibit rentals but regulates and controls these land uses.
11. The official plan must reflect and be consistent with the Provincial Policy Statement and matters of provincial interest. In order to reflect all of the Provincial Policy Statement, a special policy approach has been devised to recognize the natural heritage components of the Provincial Policy Statement. This approach is intended to reflect a balance between social-economic interests and environmental protection interests.
12. The Municipality is now designated under the Aggregate Resources Act. Any new pit operations will need to be licensed pursuant to that Act and the policy of the municipality will need to reflect that legislation.
13. The policies relating to waterfront development have been reorganized to reflect a more comprehensive approach to shoreline protection and lakefront stewardship to ensure the preservation of water quality and natural features. Water quality experts as well as 35 years of lake planning experience has been incorporated in to the plan.

PART B – SPECIFIC AMENDMENT

1.0 Introductory Statement

Part B – The Amendment consisting of the following text and Schedules “A” and “B” constitutes Amendment No. 1 to the Official Plan for the Municipality of Whitestone.

2.0 Specific Amendment

2.1 Map Schedules

Schedule 'A' – Land Use Plan to the Official Plan is hereby amended by deleting the Schedule and replacing it with:

- a) Schedule 'A' – Ardbeg – Sheet No. 1
Land Use
- Schedule 'A' - Wahwashkesh – Sheet No. 2
Land Use
- Schedule 'A' – Maple Island – Sheet No. 3
Land Use
- Schedule 'A' – Dunchurch – Sheet No. 4
Land Use
- b) Schedule 'B' – Ardbeg – Sheet No. 1
Natural Heritage
- Schedule 'B' – Wahwashkesh – Sheet No. 2
Natural Heritage
- Schedule 'B' – Maple Island – Sheet No. 3
Natural Heritage
- Schedule 'B' – Dunchurch – Sheet No. 4
Natural Heritage

2.2 Text Amendments

2.2.1 SECTION 1.0 TITLE AND COMPONENTS OF THE PLAN is hereby amended by deleting the section after the first sentence of the fifth paragraph and adding a new paragraph as follows:

“The Plan includes Goals, Objectives, general development policies and land use policies. There are two map schedules attached to and considered to be part of the official plan. Schedule 'A' is the Land Use Plan and Schedule 'B' identifies the Natural Heritage Features for the Municipality of Whitestone.”

2.2.2 SECTION 2.0 PURPOSE OF THE PLAN is hereby amended by deleting the last three paragraphs and adding the following paragraphs:

“The Official Plan is prepared under the provincial Planning Act and as such is in accord with those matters identified as matters of provincial interest under Section 2 of the Act. The Official Plan has been prepared to be consistent with the Provincial Policy Statement prepared under Section 3 of the Planning Act that came into effect on March 1, 2005.

The Plan also recognizes the Northern Ontario Growth Plan that has been prepared as a provincial plan under the Places to Grow Act.”

SECTION 4.0 – BASIS OF THE PLAN

2.2.3 SUBSECTION 4.04 hereby amended by replacing the table with the following table:

| | |
|--|-----------------|
| Whitestone Population | 918 |
| Permanent Dwellings | 416 |
| Seasonal Dwellings | 1317 |
| 2012 Assessment | \$459,970,600 |
| Crown land (80% of land area) | 56,783 hectares |
| Parks (includes Conservation Reserves) | 16,321 hectares |
| Water | 12,014 hectares |
| Patented Land | 18,833 hectares |
| Total Land Area | 91,937 hectares |
| Municipal Roads | 106.45 km |

Source: Statistics Canada, Assessment Records, MTIG

2.2.4 Subsection 4.10 is hereby amended by deleting this subsection and replacing with:

“Public consultation has been an extensive part of the official plan program for the Municipality of Whitestone. Given the nature, geography and the young age of the municipality, extra care has been taken to ensure open access to problems, issues and concerns are understood before new policy has been prepared.”

2.2.5 Subsection 4.11 is amended by adding the following to the end of the section:

“These agencies have included first nations.”

SECTION 5.0 – OBJECTIVES OF THE PLAN

2.2.6 Subsection 5.05 is amended by deleting the words **“but not to the degree that new uses are denied an opportunity in the Municipality”**.

2.2.7 A new subsection 5.19 is added as follows:

“5.19 Protecting cultural heritage resources in accordance with the PPS.”

SECTION 6.0 – GROWTH AND SETTLEMENT PATTERN

2.2.8 Subsection 6.02 Year Round Population is amended by inserting the word **“either”** after the word **“centres”** and inserting the word **“corridors”** after the number **“11”** in the first paragraph, second line.

2.2.9 Subsection 6.02 Year Round Population is amended by replacing the first sentence of the second paragraph with the following:

“As a relatively new municipality that is small in population spread over a large region, it is difficult to qualify any emerging growth issues.”

2.2.10 Subsection 6.02 Year Round Population is amended by replacing the third paragraph with the following:

“Year round population growth is likely to occur in the communities, along the waterfront and in the rural areas in accordance with the performance standards for each of these land use areas. The council of the municipality will encourage year round population growth in each of these sectors in accordance with the policies of this plan.”

SECTION 7.0 – GENERAL ECONOMIC POLICY

2.2.11 Subsection 7.01 is amended by replacing the word “of” with the word “on” and by adding the words “or on sensitive land uses” after the word “environment” in subsection 7.01.

2.2.12 Subsection 7.04 is amended by deleting the word “serious”.

SECTION 8.0 – GENERAL DEVELOPMENT POLICY

2.2.13 Subsection 8.01.3 is amended by replacing the words “may be” with the word “will”, replacing the words “principles set out in Section 8.03 for subdivisions” with the words “policies set out in this Plan. Consents shall have regard to these items set out under Section 51(24) of the Planning Act.”

2.2.14 Subsection 8.01.4 is amended by replacing the first sentence with the following:

“The land division authority would generally interpret the consent policy on any given application to limit the creation of up to 3 new lots and a retained lot. Subsequent applications for consents for these lands may be considered so long as the general principles and standards respecting new lot creation are maintained.”

2.2.15 Subsection 8.02 New Lot Standards is amended by replacing the words “will be expected to” with the word “must” in the first paragraph.

2.2.16 Subsection 8.02 New Lot Standards is amended by adding the following after (d):

“(e) so long as the proposal has regard to matters of provincial interest, the PPS and all other applicable policies of the Official Plan.

When considering any of the above exceptions, a minor variance or zoning by-law amendment may be required to meet the strict requirements of the zoning by-law.”

2.2.17 Subsection 8.03 Subdivisions is hereby deleted and replaced with the following:

“8.03 Servicing

8.03.1 Sewage

8.03.1.1 Presently, all development in the Municipality is on individual private septic systems. This will likely continue to be the means of treating sewage in Whitestone.

8.03.1.2 The Municipality and the land division authority must be satisfied that any land proposed for development must be suitable for the installation of private septic systems.

8.03.1.3 The standards for new lots and the design of any septic systems must meet current provincial requirements in accordance with relevant published guidelines or statutory provisions (M.O.E. – D Series).

8.03.1.4 Individual on-site sewage systems may be used for any new development of five lots or less.

8.03.1.5 The Municipality may consider a communal sewage service where a servicing option study has been prepared by a qualified consultant that concludes that a communal system is appropriate.

8.03.1.6 Any communal sewage system must comply with the M.O.E.’s D-5 Series Guidelines and the responsibility for any maintenance or liability of the system must be arranged to the satisfaction of the municipality.

8.03.1.7 The land division authority will require confirmation that a licensed sewage hauler has available capacity for the haulage and disposal of any septic waste as a condition of development.

8.03.1.8 A septic system impact study will be required for commercial, industrial, institutional or other uses that produce in excess of 10,000 litres per day. Development proposals that produce waste in excess of 10,000 litres per day will require an Environmental Compliance Approval issued under Section 53 of the Water Resources Act. The M.O.E.’s D-5-4 Guidelines recommend that proposals for more than five lots where the lot sizes are to be less than 1.0 hectares, include the need to prepare a hydrogeological study.

- 8.03.1.9** In accordance with Planning Act Regulation 544/06, any plan of subdivision that would permit five or more lots on privately owned and operated individual septic system an/or would permit fewer than five lots on privately owned and operated individual septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed will require a servicing options and hdrogeological report.
- 8.03.1.10** There are additional policies relating to the provision of sewage systems that apply for new development proposed adjacent to recreational waterbodies – See Section 13.
- 8.03.1.11** The Municipality of Whitestone supports a septic system reinspection program to ensure that septic systems are functioning correctly. These reinspections will be done in conjunction with the local associations and the approval authority where funds are available.
- 8.03.2** **Water Supply**
- 8.03.2.1** Domestic water supplies for properties in the municipality come from surface waters or individual wells. All property owners are responsible for individual water treatment.
- 8.03.2.2** Any applications for land division proposing more than 5 lots or units will be required to undertake hydrogeological investigations in accordance with provincial guidelines.
- 8.03.2.3** In order to prevent any cross contamination of groundwater supplies, the zoning by-law will prescribe standards that comply with provincial guidelines. (See M.O.E.'s D-5-4 Guidelines.)
- 8.03.2.4** Any development proposing more than five lots on individual groundwater supplies will be required to undertake groundwater assessments to confirm the long term availability of groundwater.
- 8.03.2.5** In accordance with Ontario Regulation 544/06, any plan of subdivision that would permit more than five lots on privately owned and operated individual wells will require a servicing options and a hydrogeological report.
- 8.03.2.6** Any development proposed on the basis of communal supplies must comply with the standards of the province and any maintenance, responsibilities and liabilities must be to the satisfaction of the municipality.

8.03.2.7 The M.O.E. D-Services Guidelines recommend that any multi lot development that proposes new lots using individual septic systems and wells that are less than 1.0 hectare in size be required to prepare a hydrogeological study to ensure the lot is suitable to accommodate water and sewer.

8.03.2.8 All private water supplies should be treated or disinfected to ensure that the water is potable and aesthetically adequate.

8.03.3 Drainage

A preliminary storm water management or drainage report shall be included with the subdivision application or a statement from the applicant how drainage will be managed on the lands.

A storm water management plan shall include:

- (i) how the drainage complies with a storm water management policy; or
- (ii) an analysis of the watershed drainage including the identification of floodplains, an analysis and an evaluation of the management of storm water, its impact on the proposed development including recommendations to the Municipality.”

SECTION 9.0 – ROADS AND TRANSPORTATION

2.2.18 Subsection 9.01.1 is amended by replacing the subsection after the second sentence with the following:

“Any proposed new entrance or any change to the use or design, if an existing entrance will require a permit from the ministry of Transportation and must meet operational and safety criteria of the M.T.O. Noise studies may be required for sensitive land uses within 50m of a provincial highway right of way or within 100m of a provincial highway. The M.O.E. Noise Guidelines, LU-131 Series and the NPC-series Guidelines as well as MTO’s Environmental Guide for Noise (2006) provides guidance on noise studies.”

2.2.19 Subsection 9.01.2 is amended by inserting the word “operational” before the word “qualities” in the first paragraph.

2.2.20 Subsection 9.01.2 is amended by replacing the word “Transportation” with the word “Environment” in the third paragraph.

2.2.21 Subsection 9.02.1 is amended by inserting the word “limited” before the word “new”, by inserting the word “waterfront” after the word “new” and by inserting the words “section 9.06 and” after the words “determined by”.

2.2.22 Subsection 9.03.1 is amended by deleting the section and replacing it with the following:

“9.03.1 New development will be encouraged to minimize direct access on to major roads and highways. Where new development is proposed on major roads and highways, internal roads will be preferred, or shared driveways to preserve the efficiency of these road ways. In all instances, new access on to or off of major roads and highways will be required to have adequate sight lines for safety.”

2.2.23 Subsection 9.03.2 is amended by inserting the word **“major”** before the word **“arterial”**.

2.2.24 Subsection 9.04.4 is amended by replacing the word **“are”** with the words **“or impacts on natural heritage features”** in the first line.

2.2.25 Subsection 9.04 Municipal Road Allowance is amended by adding the following subsection:

“9.04.6 Where an abutting owner requests to use or authorize a historical use of a portion of a road allowance for any use permitted by this plan, the municipality may consider the request subject to the following:

- (i) there is no immediate access use for the road allowance;**
- (ii) the use is authorized by the municipality, that may include an agreement;**
- (iii) the land owner is aware of the potential removal of any buildings or structures on short term notice;**
- (iv) circulation of the request to adjacent owners that may have an interest; and**
- (v) compliance with the zoning by-law.”**

2.2.26 Subsection 9.05 Municipal Road Standards is amended by adding the following policies:

“9.05.6 The Municipality may vary the standards up or down to reflect the level of use so long as the determined standard has been established by a professional engineer or qualified consultant.

9.05.7 Year round road service will not be provided on seasonal roads until such roads are upgraded to year round standards at no cost to the municipality.”

2.2.27 Subsection 9.06.1 is amended by deleting the word “no” before the word “jurisdiction”.

2.2.28 Subsection 9.06.2 is amended by adding the following sentence to the end of the subsection:

“These lands may be placed in a limited service zone in the implementing zoning by-law.”

2.2.29 Subsection 9.06.3 is amended by replacing the words “In considering the” with the words “When reviewing new lot creation involving the”.

2.2.30 Subsection 9.06.4 is amended by replacing the word “Township” with the word “Municipality” in two places and by adding the following to the end of the subsection:

“In this type of agreement council will ensure a maintenance program is in place for the private road.”

2.2.31 Subsection 9.06.5 is amended by inserting the word “new” before the word “roads” and by inserting the words “as common elements” after the word “roads”.

2.2.32 Subsection 9.06 Private Roads is amended by adding the following policy:

“9.06.6 The Municipality is aware of the abundance of ratepayers that access their properties by means of private or unassumed roads. The Municipality has adopted a program to assist in offsetting private road maintenance costs when funds are available.”

2.2.33 Subsection 9.08.3 is amended by replacing the word “will” with the word “may”.

2.2.34 Subsection 9.12.1 is amended by replacing the word “will” with the word “may”.

2.2.35 SECTION 9.0 ROADS AND TRANSPORTATION is amended by adding the following subsection:

“9.13 Navigational Impacts

9.13.1 The Council of the Municipality is aware of a number of nuisances that are created by watercrafts that generate damaging wakes in terms of the environmental, noise, safety and enjoyment to others. The municipality may take whatever steps are necessary and reasonably available to preserve the quiet enjoyment, safety and aesthetics of its waterfront neighbourhoods.”

SECTION 10.0 – GENERAL PARKS AND OPEN SPACE

- 2.2.36 Subsection 10.02 is amended by adding the words **“and that results in no negative impacts on natural features or their ecological functions”** to the end of (d).
- 2.2.37 Subsection 10.02 is amended by deleting the word **“and”** from (g) and by inserting the word **“;and”** to the end of (h) and by adding the following (i):
- “(i) a stormwater management plan.”**

SECTION 11.0 – HOUSING AND SPECIAL LAND USES

- 2.2.38 Subsection 11.07.3 is amended by adding the words **“including treatment capacity for hauled sewage from a licensed sewage hauler”** to the end of the subsection.
- 2.2.39 Subsection 11.07.4 is amended by replacing this subsection with the following:
- “11.07.4 Any consideration of the conversion of seasonal dwellings to year round dwellings and the relative change in nutrient loading on the water quality of a recreational waterbody will be assessed in accord with the Lakeshore Capacity Assessment Handbook.”**
- 2.2.40 Subsection 11.08.1 is amended by replacing the word **“ten”** with the number **“20”**.
- 2.2.41 SECTION 12.0 – **“NATURAL RESOURCES”** is amended by renaming the heading to **“NATURAL HERITAGE”**
- 2.2.42 A new subsection 12.01.1 to 12.01.5 is added as follows:

“12.01.1 The Municipality of Whitestone recognizes that there are a number of known as well as unknown natural heritage features in the municipality. It is also understood that there is legislation, regulations, provincial policies, guidelines and manuals prescribing measures to recognize, protect and preserve these natural heritage features. This plan recognizes the responsibility of the municipality together with its associated approval authorities to make decisions that reflect these legislative and policy requirements.

12.01.2 The province has provided information on known natural heritage features and this data has been compiled and added as Schedule ‘B’ to the official plan.

- 12.01.3** The planning board and municipality will use this data as well as additional information that may come forward as part of any application to determine the need for a natural heritage study.
- 12.01.4** The planning board and the municipality will also determine the need for a natural heritage assessment for adjacent lands to demonstrate that there will be no negative impacts on the natural features or on their ecological functions in accordance with the PPS.
- 12.01.5** Plan 42M-625 is a subdivision on the shoreline of Wahwashkesh Lake approved prior to the incorporation of the Municipality of Whitestone. This approval included restrictions in a Minster's Zoning Order to protect a number of specific natural heritage features. This Zoning Order was revoked and it will be the policy of Whitestone to replace these restrictions where relevant and appropriate to continue to protect these features. These restrictions will be included in the implementing zoning by-law."
- 2.2.43 Subsection 12.01 is amended by renumber this subsection as 16.03, by deleting the heading after the word "Land" and by renumber "16.01.1 to 12.01.5" to "16.03.1 to 16.03.5" respectively.
- 2.2.44 Subsection 12.02 Wildlife is hereby deleted in its entirety.
- 2.2.45 Subsection 12.03 Fish Habitat is renumber as subsection 12.01 and 12.03.1, 12.03.1.1 to 12.03.1.7 inclusive are renumbered to 12.01.1, 12.01.1.1 to 12.01.1.7 respectively.
- 2.2.46 Subsection 12.05 Wetlands is amended by renumbering this subsection as 12.02, and renumbering 12.05.1 to 12.05.3 inclusive to 12.02.1 to 12.02.3 respectively.
- 2.2.47 Subsection 12.05.3 (now 12.02.3) is hereby replaced with the following:
- "12.02.3 In accordance with 2.1.3 (b) of the PPS, no development or site alteration is permitted within a provincially significant wetland."**
- 2.2.48 Subsection 12.04 Pits and Quarries is hereby replaced with the following:
- "12.03 Pits and Quarries**
- 12.03.1** The Municipality of Whitestone is now designated under the Aggregate Resources Act. Only those existing aggregate resources that are currently licensed under the Aggregate Resources Act will be recognized in the Municipality's zoning by-law.

- 12.03.2** It is understood that any new pits and quarries proposed in the municipality will be required to comply with the licensing criteria set out in the regulations under the Aggregate Resources Act. Because of the costs associated with undertaking any assessments related to obtaining a new pit or quarry license. Notwithstanding this reality the Municipality supports the establishing of new pits or quarries subject to complying with the Aggregate Resources Act requirements, the Provincial Policy Statement and the implementing zoning by-law.
- 12.03.3** Any new pits or quarries will be required to be rezoned to afford neighbouring property owners an opportunity to assess the aggregate operation proposal. Pit and quarry operations can have similar impacts to sensitive uses as a Class III Industry with a potential influence area of 1000 metres. It will be the policy of the municipality to discourage new incompatible land uses and activities both on site and adjacent to existing pits and quarries, and deposits of mineral aggregates.
- 12.03.4** The province has provided mapping of existing sand and gravel deposits in the municipality. The municipality will make use of this data when assessing any new development to ensure any compatibility issues are regarded as part of a development review. Sensitive land uses will not permitted in close proximity to viable mineral aggregate resources.
- 12.03.5** Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or development permit under the Planning Act in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.”

2.2.49 Subsection 12.04 is hereby added as follows:

“12.04 Mines

- 12.04.1** Mineral resources and mining operations will be protected from activities that would be incompatible for reasons of public health, safety or environmental impact. In areas of known mineral resources or mining activity no development will be permitted that would preclude or hinder viable mining operations. Sensitive uses will be separated and/or buffered from mining operations in accordance with provincial legislation, policies and guidelines.

12.04.2 Mine hazards are any feature of a mine defined in the Mining Act or any related ground disturbance that has not been rehabilitated. Mine hazards may pose a threat of injury and potential loss of life if they are not mitigated or rehabilitated. There are currently three abandoned mine hazard sites (AMIS) in the Municipality of Whitestone. The one kilometre area that surrounds each AMIS point is to be considered a flag to contact the Ministry of Northern Development and Mines when development is proposed within that area. In some cases a smaller area may be justified due to specific characteristics of the hazard. These decisions will be made on a case-by-case basis in consultation with the Ministry of Northern Development and Mines.”

2.2.50 Subsection 12.06 Hazards Lands is hereby amended by renumber the subsection to 12.05 and 12.06.1 to 12.06.7 inclusive is hereby renumber to 12.05.1 to 12.05.7 respectively.

2.2.51 Subsection 12.06.1 (now 12.05.1) is hereby amended by inserting the words **“are based upon the Timmins flood and”** after the word **“Lakes”** in the third paragraph.

2.2.52 Subsection 12.06.5 (now 12.05.3) is hereby amended by adding the following sentence to the end of the subsection:

“Where mapping exists, it will be shown on the schedules to this Plan.”

2.2.53 Subsection 12.06.6 (now 12.05.6) is hereby amending by adding the following sentence to the end of the subsection:

“Development and site alteration shall be prohibited in areas with potential erosion hazards unless it has been demonstrated that the site and its access would be safe using the 100 year erosion rate.”

2.2.54 A new subsection 12.06 Environment is added as follows:

“12.06 Environment

12.06.1 This plan recognizes that the Ministry of Environment establishes a number of guidelines to supplement the Province’s air, noise and odour approvals under the Environmental Protection and Ontario Water Resources act. The Municipality will continue to recognize these guidelines when reviewing land use compatibility for any of its planning approvals.

12.06.2 All proposed development in the Municipality of Whitestone shall meet provincial standards for air, ground, light, noise and

water pollution control.

12.06.3 A proponent is responsible for hiring a qualified consultant to conduct Phase 1 and Phase 2 studies on any potentially contaminated sites. If those studies showed that there was contamination on site than it would need to be cleaned up or a risk assessment approach would be taken in order to develop to the proposed use before a Record of Site Condition (RSC) could be filed and acknowledged by MOR. This must all be completed prior to development being approved. An RSC should be filed prior to rezoning approval that set the principle of development and land division decisions and should not be subject to conditions.

12.06.4 **Brownfield Development**

There are properties in the Municipality of Whitestone that may have been contaminated from a historic use of the land. Any proposed development or redevelopment on any land suspected to be contaminated will be the subject of a study by a qualified professional, in accordance with any applicable senior government guidelines, that will investigate and provide a remedial plan as required.

Where the need for any remediation work is confirmed, the proposed restoration work will be completed or implemented prior to any development taking place.

12.06.5 **Land Use Change and Land Use Compatibility**

Changes in land use must be managed with the utmost care. It is a goal of this Plan that no change in land use should be approved that would lead to land use conflicts as a result of incompatible land uses locating near one another (or as a result of new land uses locating in proximity to other features which might create compatibility issues). Therefore all applications for a change in land use shall be assessed with respect to the compatibility of the proposed new use and the impacts or likely impacts of the change in land use on existing or proposed features and uses within the area. The Approval Authority will ensure, through the application of the following land use compatibility policies of this Plan, and through the application of provincial and federal policies and guidelines regarding land use compatibility, that no incompatible land uses are permitted within the Municipality.

The Approval Authority may request, in accordance with this Plan, appropriate studies to address identified and potential issues related to land use compatibility prior to consideration and approval of any planning applications submitted to the Approval Authority. These studies shall be in accord with applicable M.O.E. Guidelines.

12.06.6 Compatibility Between Land Uses

Incompatible land uses are to be protected from one another. While buffers between incompatible land uses may be used to prevent or minimize adverse effects, distance is often the only effective buffer, and therefore adequate separation distance, based on a major facility's influence area, is the preferred method of mitigating adverse effects. The separation distance should be sufficient to permit the functioning of the incompatible land uses without adverse effect occurring. Separation of incompatible land uses should not result in the sterilization of intervening land usage.

12.06.7 Establishing Influence Areas for Industrial Land Uses

In absence of establishing actual areas of influence for industrial land uses, separation distances between industrial and sensitive land uses should be in accord with applicable Ministry of Environment Guidelines.

12.06.8 Development in Proximity to Waste Disposal Sites and Unidentified Waste Disposal Sites

Where new development is proposed within 500 metres of the boundary of any waste disposal site, a feasibility study in keeping with the Ministry of Environment's D-Series Guidelines will need to be prepared by a qualified professional."

2.2.55 SECTION 13.0 – ENVIRONMENT is hereby amended by deleting the section and replacing it with the following:

13.0 WATERFRONT POLICIES

13.01 Definition

13.01.1 All of the lands adjacent to the recreational waterbodies in the municipality are available for waterfront development with the exception of those lands that are constrained by significant ecological, environmental or physical constraints. Generally lands available for waterfront development are those lands designated as Waterfront on Schedule 'A' – Land Use Plan

- 13.01.1** The depth of the lands adjacent to recreational waterbodies varies but generally these lands are intended to be those lands within the first 300 metres or those parcels of land adjacent to the waterbodies.
- 13.02** Form of Development
- 13.02.1** The general form of development includes:
- (a)** low density, single detached residential development;
 - (b)** open space uses;
 - (c)** tourist commercial uses; and
 - (d)** access facilities.
- 13.03** Principles of Waterfront Development
- 13.03.1** The principles of waterfront development are based upon the relevant objectives of this plan.
- 13.03.2** These principles include maintaining the low density residential shoreline density together with occasional tourist commercial uses.
- 13.03.3** The municipality is interested in preserving the character of its waterfront communities.
- 13.03.4** These principles include ensuring that any development complies with any relevant carrying capacity for any particular lake or part thereof.
- 13.03.5** A strong principle in considering any waterfront development will be the protection of natural heritage vales. The municipality will require the assessment of impacts and in particular environmental impacts and protecting against any negative or adverse impacts on any ecological functions.
- 13.03.6** An important principle for the consideration of any waterfront development will be to prevent any negative impacts on water quality or quantity.
- 13.03.7** The municipality shall consider the degree of obtrusiveness of built form to ensure the compatibility of any new development.
- 13.03.8** The municipality shall ensure that all development is evaluated for risks in terms of traffic, navigation, natural or man-made hazards.

13.03.9 The municipality will encourage the protection of cultural heritage resources in accordance with 2.6 of the PPS.

13.04 Water Quality Protection

13.04.1 The preservation of water quality of recreational waterbodies is paramount to the municipality. The municipality supports the tenets of the guidelines set out in the Lakeshore Capacity Assessment Handbook as well as the former provincial water quality objectives.

13.04.2 The Municipality of Whitestone has three types of waterbodies. Most are warm water lakes that have limited potential for additional development (with some exceptions – see specific lake policies). The Lakeshore Capacity Assessment Handbook (LCAH) has limited direct application to these waterbodies and a policy is proposed to preserve current water quality levels of these waterbodies.

There are five lakes that are lake trout lakes in Whitestone and it is intended that the LCAH be applied subject to any site-specific lake considerations. The five managed lake trout lakes are: Fairholme, Lorimer, Miskokway, Trout and Wahwashkesh

The river systems in Whitestone will be subject to the same water protection measures as the majority of inland lakes.

13.04.3 It is the policy of this plan to encourage an increased front yard setback for sewage disposal systems. The Ontario Building Code requires a clearance of 15 metres. However, for the purposes of mitigating against the potential of phosphorus loading of the waterbody, it is recommended that sewage disposal systems (either conventional septic tank tile field or Ontario Building Code approved filter beds, or tertiary treatment systems) be located at least 30 metres from the shoreline of the lake whenever possible.

13.04.4 To the greatest extent possible, the lot owners and/or their contractors make use of B Horizon soils in constructing their leaching beds given the high and beneficial capabilities of such soils to irreversibly complex phosphorus.

13.04.5 For any imported soils needed to construct the leaching beds, the lot owners and/or their contractors be required to use tested B horizon soil that have high capabilities to retain phosphorus (in the order of 50 milligrams phosphorus per 100 grams of soil), based on electrostatic absorption or binding, and mineralization with reactive iron and aluminum.

- 13.04.6** The area between the shoreline and any development on the lot including the cottage and septic system be maintained in its natural state in order to preserve a buffer of natural vegetation. The restrictions would require that the setback be altered or disturbed as little as possible, and trees should not be cut, nor vegetation cleared within it so that it functions as a natural shoreline buffer, except for access (a reasonable wide pathway to the shoreline), safety, or selective cutting or limbing for the reasonable provision of views from dwelling or cabins (bunkies). The width of the buffer should be the required front yard set out in the zoning by-law or larger should dwellings exceed the minimum required yard.
- 13.04.7** French drains or soakaway pits be used for treating stormwater from hard surfaces (roof-tops) as a method of decreasing potential phosphorus impacts to downgradient surface waters.
- 13.04.8** Prior to the construction of any buildings or septic systems, properly constructed sediment fencing be installed along the inner limit of the required shoreline setback in area adjacent to or downgradient from the proposed site disturbances and construction activities.
- 13.04.9** The sediment fencing be properly maintained until all construction has been completed and the soils have been fully stabilized following construction to avoid excess sedimentation and potential loss of fish and wildlife habitat.
- 13.05** Recreational Capacity
- 13.05.1** The Municipality of Whitestone is aware that inland waterbodies may have limited capacity to accommodate additional waterfront activities like boating, fishing, swimming and other in water recreation. While it is recognized that this aspect of a waterbody use is an extremely subjective analysis, the municipality may require an assessment of the development on the present users of the lake.
- 13.05.2** Marinas and boat access facilities are important elements in a waterfront community. While existing marinas and boat access facilities need protection, new and expanding facilities may have significant impacts on existing waterfront activities. As a result, new marinas and boat access facilities will be required to undertake an assessment to determine the appropriateness and suitability of such uses.

13.06 New Waterfront Commercial Development

13.06.1 This plan recognizes that there are a variety but limited number of commercial land uses along the shores of recreational waterbodies. These include marinas, cottage rentals, campgrounds and isolated historical businesses.

13.06.2 Given the fact that most shoreline areas on the municipality's recreational waterbodies have been developed as low density residential or cottage area, any new commercial development proposed in these areas will have a potential to be incompatible with these existing uses.

13.06.3 Rather than prohibit new commercial uses along the waterfront, the municipality will require a number of studies to ensure that a proposed development is appropriate in terms of need, impacts and any mitigative measures. A zoning by-law amendment would also be required.

13.07 Shoreline Structures and Modifications

13.07.1 The principle objectives of the policies for development in the waterfront area of the Municipality of Whitestone are to preserve, maintain and enhance the natural features of the shoreline and ridgelines.

13.07.2 There are a range of accessory buildings and structures that can be expected to be developed along the shoreline of the recreational waterbodies. These structures include saunas, docks, pumphouses, storage buildings and gazebos. These buildings and structures may be allowed in the front yard of shoreline properties subject to the provisions of any implementing zoning by-law, and the applicable policies of this Plan, operation statements or any other applicable approvals of government agencies.

13.07.3 Boathouses are waterfront structures that have significant impacts on the natural landscape of the shorelines along the recreational waterbodies. It is the policy of this Plan not to permit boathouses except through a site specific zoning amendment.

13.07.4 Marinas, boat access facilities, docks, boathouses, boatports and other shoreline structures will not be permitted where they would front onto Type 1 Fish Habitat.”

SECTION 14.0 – COMMERCIAL OR INDUSTRIAL DEVELOPMENT

2.2.56 Subsection 14.02 is amended by adding the words “**in accordance with MOE’s D-Series and Noise Guidelines:**”

2.2.57 Subsection 14.02.4 is amended by replacing the words “**environmentally sensitive area**” with the words “**area having environmental constraints unless it can be demonstrated that there will be no negative impacts on the constraint**”.

SECTION 15.0 – HERITAGE

2.2.58 Subsection 15.03, 15.04 and 15.05 is added as follows:

“15.03 Heritage Impact Assessments

A heritage impact assessment conducted by a qualified professional shall be required whenever a development has the potential to affect a protected heritage property/ cultural heritage resource.

15.04 Archaeological Resources

Archaeological assessments carried out by consultant archaeologists licensed under the *Ontario Heritage Act* shall be required as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential.

Archaeological assessment reports prepared by licensed consultant archaeologists are to be in compliance with the 2011 Standards and Guidelines for Consultant Archaeologists as set out by the Ministry of Tourism, Culture and Sport, as well as the terms and conditions of an archaeological licence under the *Ontario Heritage Act*.

Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*.

The preservation of archaeological sites in an intact condition is the preferred means for the mitigation of impacts to archaeological sites. Archaeological excavation as a means for the mitigation of impacts will only be considered when it is demonstrated that preservation is not possible.

15.05 Marine Archaeological Resources

A marine archaeological assessment conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* may be required if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.”

SECTION 16.0 – LAND USE POLICY AREAS

2.2.59 Subsection 16.01.2 is hereby amended by inserting the words “**and quarries**” after the word “**pits**”.

2.2.60 SECTION 16.02 Waterfront is hereby amended as follows:

deleting subparagraph “16.02.4”;

renumbering “16.02.5” and “16.02.6” as “16.02.4” and “16.02.5” respectively;

deleting subparagraph “16.02.7”, “16.02.9” and “16.02.14”;

add to 16.02.11 after “**Boathouses**” the words “**associated with the commercial use**” and add to the end of the subsection “**and obtaining the necessary approvals from the MNR where required**”;

16.02.13 is amended by inserting the words “**natural heritage and**” before the word “**biophysical**”; and

renumbering “16.02.8”, “16.02.10”, “16.02.11”, “16.02.12”, “16.02.13”, “16.02.15” and “16.02.16” as “16.02.6” to “16.02.13” respectively.

SECTION 17.0 – LAKE SPECIFIC POLICIES

2.2.61 Section 17.01 Bolger/Kashegaba Lakes is amended by:

Renumber first paragraph as “17.01.1”.

Add 17.01.2 and 17.01.3 as follows:

“17.01.2 Access to Kashegaba and Bolger Lakes is increasing at the access facility adjacent to the hydro line at the west end of the lakes. This access point is limited in terms of space for both vehicular and boat parking. The trail or roadway in to the access point is in poor condition and can often be impassable. The municipality recognizes the efforts of lake residents to maintain this access arrangement and it supports this facility so long as the province continues to allow the access so long as it is recognized that the Municipality has no liability or responsibility for this facility.

17.01.3 Any proposal for additional lots on these lakes will be required to demonstrate that adequate parking and docking is available.”

2.2.62 Subsection 17.02 Gooseneck Lake is amended by adding:

“17.02.4 The water quality of Gooseneck is relatively good. However, there are a number of significant constraints to any new lot creation along the shoreline. When new lot creation is proposed, the approval authority will carefully consider impacts and appropriateness based upon the character of the lake and applying best management practices for new development.”

2.2.63 Subsection 17.04.1 is hereby amended by deleting the subsection after the first paragraph.

2.2.64 Subsection 17.06 1 is hereby amended by deleting the subsection after the word **“capacity”** and the sentence **“New lot creation may only be considered in accordance with the LCAH.”**

2.2.65 Subsection 17.06.2 to 17.06.11 inclusive is hereby deleted.

2.2.66 Subsection 17.08.4 is hereby amended by adding the following sentence to the start of the subsection:

“There is limited land available for additional development on Shawanaga Lake for new lot creation although the lake is considered to have excellent water quality.”