

## **1.0 INTRODUCTION**

### **1.1 Preface**

The first Official Plan for the Community of Hazelbrook was prepared in 2004. Prior to that date all development was controlled by the Provincial Government pursuant to the Planning Act Regulations. This document represents the first formal review of the Hazelbrook Official Plan.

### **1.2 Purpose**

The Official Plan for the Community of Hazelbrook is a formalized statement of Goals, Objectives, Policies and Plan Actions approved by Community Council concerning the nature, extent and pattern of land use and development within the Community until the year 2024.

The Community's Goals as set out in the Plan indicate overall policy direction while the Objectives and Policies deal with specific topics and issues. Plan Actions are statements indicating specific initiatives or actions which will be undertaken to implement the Plan's Policies and Objectives.

The Official Plan guides the physical, social and economic development of the Community. It provides the policy framework for the Community's Development Bylaw and policy direction for Council's actions in relation to economic development initiatives; public works; social progress; municipal services; environmental standards; and fiscal management.

### **1.3 Planning Area**

The Official Plan covers all the geographic area contained within the legal boundaries of the Community of Hazelbrook. Although the Plan formally addresses only those matters which arise within the Community's legal boundaries, consideration has also been given to the Community's relationship with neighbouring municipalities, adjacent rural areas, the region and the province as a whole.

### **1.4 Legal Enablement**

The Community of Hazelbrook derives the majority of its powers from the *Municipalities Act* and the *Planning Act*. The *Planning Act* empowers Council to appoint a Planning Board, adopt (and amend) an Official Plan and subsequently to adopt implementing land use and development bylaws. The *Municipalities Act* empowers Council to make other bylaws and/or to implement programs, actions or strategies to help implement other aspects of the Official Plan,

### **1.5 Official Plan Review**

An Official Plan is intended to be a dynamic planning tool and should therefore be subject to regular periodic review and/or amendment. The Official Plan will therefore be monitored on an ongoing basis to ensure its

compatibility with changing circumstances. A formal, comprehensive review shall be undertaken every five years. The next review shall take place in 2014 or as soon as possible after that date given the Community's resources.

## **1.6 Plan Content**

The *Planning Act, R.S.P.E.I. 1988, Cap P-8* requires that an Official Plan shall include:

- a statement of economic, physical, social and environmental objectives;
- a statement of policies for future land use, management and development, expressed with reference to a specified period not exceeding fifteen years; and
- proposals for its implementation, administration and the period review of the extent to which the objectives are achieved.

This document contains seven sections:

1. Introduction
2. The Community of Hazelbrook
3. Economic Development
4. Future Development Goals
5. Objectives, Policies and Plan Actions
6. General Land Use Plan (Map), and
7. Implementation

The first section deals with the purpose, scope and legal enablement for the Official Plan. The second section provides a description of the Community. The third section provides a framework for economic development. The fourth section provides a broad summary of how the Community desires to see its development unfold in the future. The fifth section is the core of the document, stating objectives, policies and intended actions for specific topics. The sixth section includes the General Land Use Plan or Official Plan Map. The last section sets out the process for administering and implementing the Official Plan and Development Bylaw.

## **2.0 THE COMMUNITY OF HAZELBROOK**

### **2.1 Location**

The Community of Hazelbrook lies directly to the east of the Town of Stratford in Queen's County. The Trans Canada Highway (Rte 1) bisects the Community from east to west. It is the primary connection between the Provincial Capital, Charlottetown, and the Wood Islands Ferry connection to Nova Scotia. Rte 1 also provides the major transportation route between Charlottetown and a significant portion of King's County.

Topography is moderate with no significant features, such as major rivers, valleys, hills or escarpments.

## **2.2 History**

Towards the end of the 18<sup>th</sup> century, settlers from England and Scotland came to Pownal Bay and inhabited the area known as Lot 48 or Wadman's Creek, which is now known as Hazelbrook. The settlers built a road which was improved by the government between 1840 and 1850 and was further upgraded in 1924. In 1956 the Trans Canada Highway was built through the middle of Hazelbrook, essentially dividing the Community in half. The CNR railroad was built in 1904 to connect Murray Harbour to Charlottetown. It operated through the Community for roughly 50 years until it was abandoned.

A church, school and local store were also built in the early 1900's. With the influence of the growing population centre in Charlottetown the store and the school were closed. The Hazelbrook Baptist Church was unfortunately demolished in 2007 due to physical deterioration which made the building unuseable.

## **2.3 Recent History and Development**

Hazelbrook started out as a farming community and largely remains so today. While the number of true full time farmers has declined both locally and across Prince Edward Island, Hazelbrook still remains primarily a farming community.

Hazelbrook's proximity to the City of Charlottetown places it well within the Charlottetown "commuter-shed". Non-farm residential and commercial development has progressed quite slowly, however, when compared to the neighbouring Town of Stratford.

Since January 2000, only 17 building permits have been issued. Five of these were for residential homes, two were for storage buildings, 1 for commercial development and five for garages. Only very few applications to subdivide land have been submitted since January 2000, but unfortunately precise records are limited. Since 2000, five single family dwellings, 2 storage buildings, 4 additions and 5 accessory garages have been constructed.

Much of this slow pace of development may be explained by development restrictions placed by the Province in 1994. It is also apparent, however, that most development exists along the Trans Canada Highway, which has been subject to Arterial Highway access restrictions for many years. There are only 3 other roads in the community and much of the land is essentially inaccessible by road.

## **2.4 Special Planning Area Regulations**

As noted above, the limited accessibility of much of the land in Hazelbrook, the long term access restrictions on the Trans Canada Highway and the

relative lack of paved accessory roads has certainly played a major role in limiting residential and commercial development.

In 1993 as part of the Provincially initiated Municipal Reform process in the Greater Charlottetown and Summerside Areas, the Provincial Government imposed Special Planning Area (SPA) Regulations which enforced a development freeze in the rural areas directly adjacent to the two major urban regions. Hazelbrook fell under the Stratford Region Special Planning Area.

While some limited development was allowed, communities with Official Plans were forced to adopt severe development restrictions which to a large extent removed most of the community's autonomy and control. Some communities, such as Winsloe South, responded by abandoning their Official Plan. Others, like Hazelbrook, continued to operate under a confusing arrangement with duplicated regulations and severely curtailed authority. The result was very slow rates of development and a great deal of confusion and frustration. At the same time uncontrolled and unserved residential development continued at an increased rate just beyond the SPA.

As part of the current Official Plan Review, all 13 communities affected by the SPA regulations in the Charlottetown, Stratford and Cornwall Areas joined together, hired a consultant and submitted a report to the Provincial Government on the future of the SPA. A series of public consultation meetings were also held as part of this process.

The report resulted in an agreement with the Provincial Government whereby Official Plans in the SPA could effectively be removed from the regulatory restrictions provided that the Plans and Bylaws effectively restrict large scale urban style developments from spilling over into these rural communities.

This Official Plan review has been prepared in conformance with the standards imposed by the Provincial Government and upon its approval the Community of Hazelbrook is no longer bound by the specific provisions of the SPA regulations. From the date of approval of this Plan and the implementing Bylaw all development in the Community is no longer affected by the SPA Regulations.

## **2.5 Present Land Use**

The Community of Hazelbrook is roughly 1,900 acres in size. The Community is bisected from east to west by the Trans Canada Highway (TCH), with the majority of the land mass lying to the north of the TCH. Most of the farms to the north of the TCH are relatively narrow and deep, extending from the TCH to the northern boundary of the Community. While most of the Community remains in active agricultural production, there are significant tracts of woodland to the north and some scrub vegetation, particularly adjacent to the two major streams.

Most residential and all commercial development is located along the Trans Canada Highway. A significant cluster of homes exists along the MacLennan Rd. south of the TCH and there are a few homes on the Gay Rd. (most homes

on the Gay Rd. are located outside of the municipality) and the Jones Rd. Much of the Jones Rd., however, remains unpaved and undeveloped.

As part of the 2004 Official Plan, a Land Use Survey was conducted. Very few changes in land use have occurred since that date. Table 1 presents a summary of various land uses existing in 2004. Of the 71 residences identified, 16 or 23% were classified as farm homesteads. The remainder would be classified as “non-farm” residences.

**Map 1**  
**Present Land Use**

**TABLE 1**  
**LAND USE – 2004**



|                           |                       |
|---------------------------|-----------------------|
| FIM Enterprises           | Storage Facility      |
| Happy Red's Train Station | Dairy Bar & Gift Shop |
| Diversified Divers Inc.   | Retail/Service        |
| Duffy's Auto Centre Ltd.  | Auto Service Centre   |

|                                     |             |
|-------------------------------------|-------------|
| <b>Institutional Establishments</b> | <b>Type</b> |
|-------------------------------------|-------------|

|                           |        |
|---------------------------|--------|
| Hazelbrook Baptist Church | Church |
|---------------------------|--------|

|                                  |             |
|----------------------------------|-------------|
| <b>Industrial Establishments</b> | <b>Type</b> |
|----------------------------------|-------------|

|                      |                 |
|----------------------|-----------------|
| Maintenance Services | C & D Dump Site |
|----------------------|-----------------|

The most obvious anomaly in this list is the C & D site. This site has been a major source of concern in the community since it was established in 2000. The site is located just south of the TCH and the former CNR rail right-of-way. The site has been plagued by odor problems and several fires which burned out of control for extended periods. Homeowners close to the site remain very concerned over potential effects on their groundwater. Odor and smoke problems can affect many landowners depending on the strength and direction of prevailing winds. Truck traffic and noise from equipment is also a concern to neighbours.

This facility has been strongly opposed by the Community since its establishment. There are ongoing questions about the appropriateness and even the legality of the Provincial permit issued for its operation and its

access directly onto the Trans Canada Highway. There is also no plan for the closure or remediation of the site.

Since 2004, the Happy Red's dairy bar and craft shop has been closed and the building has been moved. The site is now occupied by J.R.'s Used Car Sales. Diversified Divers is located just to the east of this business and is also on the south side of the TCH. Duffy's Auto Centre is located on the south side of the TCH just to the west of the Jones Rd. and FIM Enterprises is located about one-half kilometer to the west.. No other commercial or industrial uses have been established since 2004 other than possible "in-home" operations which are not licensed and are difficult to identify.

## **2.6 Population**

Population figures for Hazelbrook were obtained for 1991 and 2001. In 2006 it was difficult to extract precise population numbers from the Canada Census but based on building permit activity very little change is believed to have occurred.

**TABLE 3**

**POPULATION 1991 – 2001**

| <b>1991</b> | <b>2001</b> |
|-------------|-------------|
| 215         | 239         |

Essentially current population trends are believed to be quite static with very minor growth. The land use policies reflected in this Plan will ensure that population growth will remain at low rates for the foreseeable future.

## **2.7 Municipal Services/Infrastructure**

### **2.7.1 Sewage Treatment/Collection**

All properties in Hazelbrook rely on individual on-site wastewater treatment systems.

### **2.7.2 Central Water**

There are no municipally owned or privately owned central water systems in Hazelbrook. All properties are dependent on individual wells. Management and control of any potential sources of groundwater or surface water contamination is therefore of paramount concern.

### **2.7.3 Solid Waste**

As with all municipalities on Prince Edward Island, all solid waste management in Hazelbrook is handled by the central Island Waste Management program.

### **2.7.4 Fire Protection**

The Community of Hazelbrook purchases fire protection services from the Crossroads Rural Fire Department. Rates and levels of service are established by the Department which operates on a volunteer basis.

### **2.7.5 Police Protection**

Police protection in Hazelbrook is provided by the RCMP under the provisions of the Provincial Policing contract. Policing fees are covered under the Provincial Tax Assessment.

## **2.8 Transportation**

All roads in the Community of Hazelbrook are owned and maintained by the Provincial Government. The Trans Canada Highway is by far the most travelled route and is part of the Province's arterial highway system. Local streets include the Jones Road which is unpaved for much of its length and relatively short distances of the Gay Road and the MacMillan Road. The Mill Road also adjoins the Community for a short distance north of the Trans Canada Highway.

### **2.8.1 Pedestrian Circulation**

Hazelbrook currently has no sidewalks. The Canadian National Railroad right-of-way runs through the Community but it is currently under a farmers co-operative lease (which expires April 2, 2015). There are currently no active plans for developing the Confederation Trail through the Community, but this remains a topic of conversation in the Community.

## **2.9 Parks and Recreation**

There are no Community or privately owned parks or recreational facilities in the Community of Hazelbrook. Residents must rely on the recreational facilities available in Pownal, Stratford and Charlottetown.

## **3.0 FUTURE DEVELOPMENT GOALS**

### **3.1 Introduction**

The Goals presented in this Section are broad statements indicating the overall shared vision of Hazelbrook's Council, residents and property owners in terms of the future evolution and development of the Community. The Goals

provide a framework and general direction for subsequent, more detailed statements which follow.

### **3.2 Future Development Concept**

The Community of Hazelbrook is first and foremost an agricultural community. While limited non-farm residential development has occurred, all residents of Hazelbrook cherish and wish to preserve the unique rural character of their Community. Quality of life, rural lifestyle and a high standard of environmental protection are priority concerns.

The challenge will be to maintain these rural values in the face of urban development pressures spilling over from Charlottetown and Stratford.

The Future Development Concept reflected in this Official Plan would see the Community maintain and enhance its high quality rural lifestyle while accommodating limited non-farm development which will not conflict with or undermine the interests of established residents and farmers. The Community also strongly supports the protection of the Trans Canada Highway as a vital and efficient element of the Provincial Arterial Highway System.

### **3.3 Goals**

#### **3.3.1 General**

- To enhance the appeal of Hazelbrook as a place to live.
- To protect and enhance the current lifestyle and rural character of the Community.

#### **3.3.2 Social**

- To foster social interaction and healthy lifestyles for all residents of the Community.
- To protect the health and safety of all residents.
- To provide limited housing opportunities which will permit a moderate level of population growth.

#### **3.3.3 Economic**

- To protect the long term viability of farming in the Community.
- To accommodate business development opportunities directly related to agriculture.
- To accommodate very limited non-agricultural related commercial development.
- To severely limit any non-resource based industrial development or large scale commercial development.

#### **3.3.4 Physical**

- To establish a plan for future development which minimizes potential land use conflicts.
- To encourage the maintenance of a safe and efficient vehicular circulation system in the Community.
- To encourage the maintenance of a high standard of physical appearance for all properties in the Community.

### **3.3.5 Environmental**

- To protect the quality and supply of groundwater and surface water resources in and adjacent to the Community.
- To protect air quality.
- To encourage responsible waste management.
- To encourage energy conservation and use of alternate energy sources.

## **4.0 OBJECTIVES, POLICIES AND ACTIONS**

### **4.1 Introduction**

This Section represents the policy core of the Official Plan. Within the broad policy framework laid down by the previous section, the following Objectives provide more precise statements which address specific issues and concerns within the Community.

Policies and Plan Actions outline the proposed course of action to achieve the performance targets described in the Objectives. Policies indicate with some precision the approach the Community will take in pursuing its Objectives. Plan Actions are concrete measures which implement that approach.

### **4.2 Agriculture**

Agriculture has been the predominant land use in the Community of Hazelbrook for well over 100 years and it will continue to dominate the economy and way of life for the foreseeable future. While the number of full time farmers has declined and a significant amount of the land is now farmed by non-resident farmers, farming will continue to be the dominate land use for the period of this plan and beyond.

While there are inevitable minor conflicts between farmers and non-farm residents, the Community accepts these minor issues as part of our rural lifestyle.

## **OBJECTIVES**

- To protect the long term viability of farming in the Community.
- To minimize conflicts between farmers and non-farm residents.

## **POLICIES**

### **Policy PA-1: Zoning**

It shall be the policy of Council to designate an Agricultural Zone which will protect farm and forestry lands from the intrusion of conflicting land uses and serve to discourage the conversion of primary resource lands into non-resource use.

#### **Plan Action:**

- The Development Bylaw shall designate all those lands currently in agriculture use as an Agricultural (A1) Zone.
- Council shall work with the local farming community and residents to minimize land use conflicts.

### **Policy PA-2: Livestock Operations**

It shall be the policy of Council to protect existing livestock operations from residential encroachment, but also to protect existing residents from the encroachment of new large-scale livestock operations.

#### **Plan Action:**

- The Development Bylaw shall restrict any new residential development from locating within five hundred feet (500 ft.) of an existing livestock operation.
- The Development Bylaw shall prohibit any new intensive livestock operation from locating within five hundred feet (500 ft.) of any existing residences.
- Council will endeavour to ensure that all livestock operations in the Community comply fully with all Provincial regulations in relation to manure handling and storage and other matters.

### **Policy PA-3: Riparian Zones**

It shall be the policy of Council to support the protection of the Provincially designated Riparian Zones adjacent to streams and wetlands in the Community.

#### **Plan Action:**

- Council will work with the Provincial Government to ensure that designated Riparian Zones adjacent to streams and wetlands are appropriately protected and managed.

#### **4.3 Residential Development**

It is not the desire of the residents of Hazelbrook to see the Community evolve into a suburban style community dominated by large scale residential developments, commercial or industrial uses. Some limited residential development is desirable, however, to maintain the social health of the Community and to accommodate the desires of established rural families.

##### **OBJECTIVES:**

- To minimize the extent to which large scale unserved residential development may occur.
- To minimize conflicts between residential development and any non-resource commercial or industrial developments.
- To accommodate a limited amount of unserved residential development.
- To promote high standards of property maintenance and appearance.
- To accommodate a range of residential units provided that they are architecturally compatible and can be adequately serviced.

##### **POLICIES:**

###### **Policy PR-1: Zoning**

It shall be the policy of Council to not designate a specific zone for residential development but to permit a limited amount of residential development in the Agricultural Zone under certain circumstances.

###### **Plan Action:**

- All existing residences in the Community shall be included in the Agricultural (A1) Zone.
- The Agricultural (A1) Zone shall permit limited, on-site serviced residential development subject to certain conditions related to setbacks from established farming operations, safe access and environmental sustainability.
- The Development Bylaw shall limit the total number of lots to be subdivided from an existing parcel to 5 lots.

###### **Policy PR-2: Minimum Lot Sizes**

It shall be the policy of Council to establish minimum residential lot sizes for the Agricultural Zone.

**Plan Action:**

- In the Agricultural Zone residential lot sizes shall be a minimum of 1 acre and shall be of an adequate size to accommodate the installation of a second tile field in order to better ensure the long term sustainability of the system.

**Policy PR-3: Undersized Lots**

It shall be the policy of Council to permit the development of existing undersized lots under certain conditions.

**Plan Action:**

- The Zoning and Subdivision Control Bylaw will permit the development of existing undersized lots provided that a licensed engineer has certified both the design and installation of the on-site wastewater treatment system.

**Policy PR-4: Strip Development**

It shall be the policy of Council to regulate the number of uncontrolled accesses in order to control strip development.

**Plan Action:**

- The Development Bylaw shall limit the number of accesses to one (1) for every six hundred and sixty feet (660') of road frontage, or portion thereof.
- Where this would limit the total number of lots to less than five (5), the Bylaw shall permit the establishment of a public road servicing up to five (5) lots, provided that safe sight distance can be obtained.
- The Bylaw will also enable the creation of “panhandle” lots which share a single access.

**Policy PR-5: Mobile Homes**

It shall be the policy of Council to prohibit the location of mobile homes in the Community. Mobile home parks will also be prohibited in the Community.

**Plan Action:**

- The Development Bylaw shall permit the location of mini-homes where they are architecturally compatible with adjacent homes.
- Mobile homes and Mobile Home parks shall be prohibited in the Community.

**Policy PR-6: Accessory Apartments**

It shall be the policy of Council to permit the addition of an accessory apartment to any single family dwelling provided that the exterior of the residence retains an appropriate single family appearance and the lot has suitable septic disposal capabilities, or is centrally serviced.

**Plan Action:**

- The Zoning and Subdivision Control Bylaw will permit the addition of an accessory apartment to any single family dwelling provided that adequate parking spaces are provided, the apartment has safe fire exits and meets all requirements of the fire marshal, the exterior of the residence retains an appropriate single family appearance and the lot and septic system have been certified to be able to sustain the additional wastewater treatment demand.

**4.4 Commercial Development**

In terms of maintaining Hazelbrook’s highly prized lifestyle, large scale commercial development is not viewed as necessary or desirable. The current limited level of commercial development in the Community is well accepted by local residents, however, and some moderate growth would be desirable providing that safe access can be established and there are no negative impacts on neighbouring residences or farms. A somewhat higher level of local services and commercial assessments could have beneficial effects.

**OBJECTIVES:**

- To limit large scale non-resource commercial development.
- To minimize potential land use conflicts between commercial development and local residents and landowners.
- To accommodate limited commercial development where it poses no risks to neighbouring properties and can contribute to strengthening the Community’s rural lifestyle.
- To protect the interests of established commercial developments where they do not pose public safety or health risks and where they are compatible with neighbouring land uses.
- To ensure public input into decisions affecting future commercial development in the Community.

**POLICIES:**

**Policy PC-1: Zoning**

It shall be the policy of Council to zone all established commercial uses in the Development Bylaw as “commercial” unless they pose safety concerns or create land use conflicts with neighbouring properties.

**Plan Action:**

- All current commercial developments, other than “in-home occupations” shall be designated as Commercial (C1) zones in the Zoning and Subdivision Control Bylaw.
- No new large scale non-resource based commercial developments shall be permitted.
- Any new small scale non-resource commercial developments shall be processed as a Development Bylaw amendment but shall not require an Official Plan amendment.
- Resource-based commercial developments, such as feed mills or saw mills, shall be considered as “special permit uses” within the Agricultural (A1) Zone and may be approved provided that safe access can be provided and no land use conflicts will be created for neighbouring properties.

**Policy PC-2: Buffers**

It shall be the policy of Council to establish adequate buffer areas adjacent to any new commercial development (or expansion) in order to minimize any negative effects on adjacent properties.

**Plan Action:**

- The Development Bylaw shall establish minimum buffer area requirements, ie. setbacks, screening, etc. for any new or expanded commercial developments in order to mitigate negative impacts on adjoining properties.

**4.5 Industrial Development**

The residents and Council of the Community of Hazelbrook consider non-resource based industrial developments to be highly undesirable and inappropriate land uses in the Community. Experience has shown that such facilities can produce very negative consequences such as heavy truck traffic, noise, odors, smoke and may pose risks to ground and surface water quality.

**OBJECTIVES:**

- To strictly limit any further development of non-resource industrial developments in the Community.
- Where such facilities currently exist, to limit these operations and encourage their removal from the Community.

**POLICIES:**

### **Policy PM-1: Zoning**

It shall be the policy of Council to not zone any land under the Development Bylaw for industrial use. Limited resource based industrial uses may be permitted in the Agricultural (A1) Zone under certain conditions.

#### **Plan Action:**

- The Development Bylaw will not zone any land for Non-Resource based Industrial uses.
- Where any Non-Resource based Industrial uses currently legally exist, they will become “non-conforming uses”. Their expansion or intensification will be strictly limited and if the operation ceases to be active for a period of 12 consecutive months, it shall not be re-established. Any change of use must be to a use permitted in the designated land use zone.
- Council shall closely monitor any existing Industrial uses and notify the Provincial Government of any operating concerns which could represent a health or safety risk or significant nuisance to neighbouring properties.
- Resource-based Industrial Uses shall be identified as “special permit uses” within the Agricultural (A1) Zone and may be approved provided that safe access can be provided and no land use conflicts will be created for neighbouring properties.

#### **4.6 Transportation**

Significant volumes of traffic pass through the Community of Hazelbrook and both the safety of the travelling public and the efficiency of the Province’s main arterial highway are major priorities for Council. Council strongly supports the current access restrictions to the Trans Canada Highway and is also concerned about maintaining safe access to other roads in the Community.

#### **OBJECTIVES:**

- To promote the safety of the travelling public..
- To maintain the safety and efficiency of the Trans Canada Highway.
- To limit unsafe turning movements on all roads in the Community.
- To ensure a high level of maintenance on all roads in the Community.
- To limit strip development.

#### **POLICIES:**

### **Policy PT-1: Trans Canada Highway**

It shall be the policy of Council to strongly support the current Highway Access Regulations and to limit uncontrolled access onto the TCH.

#### **Plan Action:**

- Council shall ensure that any development application which proposes to access the Trans Canada Highway shall first obtain an access permit from the Provincial Government.
- Council shall discourage the approval of any new access to the TCH which could present a traffic hazard or serve to reduce the efficiency of the highway.

### **Policy PT-2: Strip Development**

It shall be the policy of Council to adopt regulations which limit strip development in the Community.

#### **Plan Action:**

- The Development Bylaw shall adopt the “ten chain rule” which will limit new accesses to one for each 660 feet of road frontage, or portion thereof.
- Where this is not sufficient to accommodate the needs of the developer, one of these accesses may be used to create a public road which will provide internal access.

### **Policy PT-3: Maintenance**

It shall be the policy of Council to work with the Provincial Government to ensure that all roads in the Community are maintained in good condition.

#### **Plan Action:**

- Council will meet with officials from the Provincial Government on an annual basis to discuss road maintenance priorities in the Community.

## **4.7 Environment**

All properties in the Community of Hazelbrook are dependent on individual wells and on-site sewage treatment systems. Proper installation and maintenance of these systems is therefore of critical importance to the entire Community. The Community is also concerned about the protection of surface water resources and air quality.

### **OBJECTIVES:**

- To protect the quality and quantity of ground and surface water resources.
- To protect air quality.
- To encourage the use of alternate energy systems.

**POLICIES:**

**Policy PE-1: Septic Systems and Wells**

It shall be the policy of Council to work with the Provincial Government to ensure that all on-site sewage treatment systems and wells in the community are installed at a high standard and are appropriately maintained. Where systems are abandoned Council shall endeavour to ensure that the systems are removed and proper abandonment techniques are utilized.

**Plan Action:**

- The Development Bylaw shall require that all new on-site treatment systems and wells are approved by the Provincial Government.
- Council will encourage all property owners to perform regular maintenance on their on-site systems.
- If problems develop with the installation and/or maintenance of on-site systems Council may consider the implementation of a Waste Water Management District and establish higher standards for system installation and maintenance.

**Policy PE-2: Point Sources of Pollution**

It shall be the policy of Council to work with the Provincial Government to identify and control potential point sources of groundwater and surface water pollution.

**Plan Action:**

- Council will work with the Provincial Government to help identify potential point sources of pollution such as underground and above ground petroleum storage, pesticide and fertilizer storage, other chemical storage, manure storage, etc.

**Policy PE-3: Alternative Energy Systems**

It shall be the policy of Council to encourage the use of alternate energy systems in the Community.

**Plan Action:**

- A windmill enabling section will be added to the Development Bylaw.
- Council will endeavour to encourage the use of alternate energy systems in the Community and will work to reduce or eliminate any regulatory hurdles which may be in place.

#### **4.8 Special Planning Area Regulations**

At the time of approval of this Official Plan the Community of Hazelbrook remained under the Stratford Region Special Planning Area Regulations. This Plan was prepared in conformance with Section 63 (10) of these regulations.

#### **5.0 GENERAL LAND USE PLAN**

The General Land Use Plan is a conceptual representation of the direction Council envisions land use patterns emerging over the next fifteen years. It lays the foundation and establishes the direction for the Zoning Map in the Development Bylaw, which is normally more precise in terms of boundaries and land use designation. The Zoning Map must, however, conform to the General Land Use Plan.

In formulating the General Land Use Plan, Council has applied the following criteria:

- land use conflicts shall be minimized.
- commercial development shall be limited and directed toward established commercial clusters.
- new accesses to the Trans Canada Highway shall be limited.
- no new large scale residential development is envisaged.
- agriculture shall remain the dominant land use in the community.
- industrial development shall be discouraged unless directly related to the primary sector.
- all other relevant policies and principles included in this Plan shall be implemented.

**MAP 2**  
**GENERAL LAND USE PLAN**

## **6.0 IMPLEMENTATION**

### **6.1 Administration**

Administration of this Plan shall be the responsibility of Council. Council shall, however, seek the input of Planning Board on matters pertaining to the Plan. The primary implementation tool for this Plan is the Development Bylaw. Aspects of the Plan may also be implemented through other municipal bylaws and regulations, Council's operating policies and procedures, the municipal budget and other appropriate Council actions. Council may also delegate aspects of the implementation of this Plan or the Development Bylaw to a Development Officer appointed by Council.

### **6.2 Development Bylaw**

Immediately upon the approval by the Minister of Community, Cultural Affairs and Labour, Council shall amend its current Zoning and Subdivision Control (Development) Bylaw to be in conformance with the policies and provisions of this Plan, in accordance with the provisions of the *Planning Act*. This revised bylaw shall be referred to as the Community of Hazelbrook Zoning and Subdivision Control (Development) Bylaw.

The Development Bylaw shall set out specific land use zones, permitted uses for each zone, standards and procedures for development and land use, and

standards and procedures for the subdivision and consolidation of land in the Community. The Bylaw may also provide for “conditional” and “special permit” uses. Conditional uses shall be subject to such restrictive conditions as Council deems appropriate. Special Permit uses represent exceptions to the “permitted uses” in each zone and shall be approved at the sole discretion of Council.

### **6.2.1 Approval of Development or Change of Use**

The Development Bylaw shall require any person undertaking any development, change of use of land or premises or subdivision/consolidation of land to apply for a permit using a standard application procedure. Exceptions shall be noted in the Bylaw. Council may attach such conditions as it deems appropriate to any permit in order to ensure conformance with this Plan.

The Bylaw may also require submission of a Construction Plan for the development outlining such details as construction phasing, stockpiling of soil, screening or fencing, erosion or run-off control measures, heavy truck traffic access, hours of operation and any other items which could present a nuisance or hazard during construction.

Once the development is approved, a numbered permit will be issued which must be displayed at the site. The receipt of a development permit does not excuse the applicant from complying with any Provincial or Federal laws in force, such as fire protection, health and safety, sewage disposal, plumbing and electrical installation, disabled access. Council shall maintain liaison with appropriate Provincial officials during the permit issuing process.

### **6.2.2 Development Agreements**

Council may, at its discretion, require the developer of a subdivision or a development to enter into a Development Agreement or Subdivision Agreement. These agreements will contain all conditions which were attached to the building permit or subdivision approval and shall be legally binding on both parties.

### **6.2.3 Variances**

Council may grant a variance to the provisions of the Development Bylaw where strict compliance would represent an inappropriate burden to the developer and where the general intent of this Plan and the Bylaw are upheld.

### **6.3 Budgeting**

While the Development Bylaw and other bylaws passed under the *Municipalities Act* are the primary tools for controlling and directing development activities in the Community, the Community budget is the key policy tool for directing the annual activities of Council. As such, the budget is a key implementation tool for many of the policies and plan actions laid out

in this Plan. To the extent practicable, the budget should conform with the policies of this Plan.

### **6.3.1 Budget Policies**

Council has established the following fiscal policies as a framework to guide decisions on municipal revenues and expenditures:

- Council shall strive to maintain stable and affordable property tax rates.
- Council shall pursue all available options for cost-sharing and maximize financial assistance from other levels of government.
- Council shall pursue a “user pay” approach for programs and services where appropriate.
- Council shall not budget for an operating deficit in any year.
- Any incurred deficit shall be addressed as part of the subsequent annual budget if possible.
- Council shall continue to maintain low staff levels and contract out for specialized services until needs and projected savings warrant additional staffing.

### **6.4 Review**

Council shall on a regular basis review its activities in terms of successful implementation of this Plan.

### **6.5 Amendments**

The Official Plan and Development Bylaw may be amended as circumstances require or in response to requests from the public, provided that all provisions of the *Planning Act* are met.

### **6.6 Appeal Procedure**

Any person who is dissatisfied with a decision of Council in the administration of the Official Plan or the Development Bylaw may, within 21 days of the decision, appeal the decision to the Island Regulatory and Appeals Commission.

