

5.1 General Principles

The Ministry of Natural Resources has identified a Provincial Fish Sanctuary which extends from the Falls downstream for a distance of approximately 1,000 metres. This sanctuary is intended to provide for a protected and high quality spawning habitat for yellow pickerel.

The fish sanctuary is considered sensitive in terms of the conservation and preservation of the natural environment. Regard should be had for the potential impact of development or redevelopment on adjacent lands which would affect the sanctuary.

This Environmentally Sensitive Area is conceptually delineated on Schedule "C", attached to and forming part of this Plan. Development shall be permitted on or adjacent lands subject to an assessment of the impacts and the use of design measures which are sensitive to and retain the natural attributes of the area.

5.2 Permitted Uses

In accordance with the provisions and policies of this Plan, development may be permitted on lands adjacent to the Environmentally Sensitive Area to the extent that the type or magnitude of development is compatible with the environmental conditions or that suitable measures have been undertaken to mitigate any resulting negative impact. The uses permitted shall be in accordance with Schedule "A", the Land Use Plan.

5.3 Policies

Village of Fenelon Falls

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- a. In considering the approval of a development application or an application for an amendment to this Plan and/or the implementing zoning By-law adjacent the area delineated as an Environmentally Sensitive Area on Schedule "C" of this Plan, Council, in conjunction with the Kawartha Region Conservation Authority, the Ministry of Natural Resources and the Trent Severn Waterway, shall give consideration to the need for an analysis of the impact of development on the Environmentally Sensitive Area. Such a study should address the following matters, namely:
- i. the nature of the environmentally sensitive area and the degree of sensitivity having regard for the uniqueness and character of the area;
 - ii. the compatibility of the proposed development with the environmentally sensitive area;

5.3 Policies (cont'd.)

- iii. *the need for and the identification of mitigating measures to cope with the sensitivity of the environmental conditions, and*
 - iv. *the location, extent and nature of development proposed.*
- b. *Where, due to the environmentally sensitive nature of the area, an analysis of the impact of development is considered necessary, no change may be made to the natural environment until such time as the Developer undertakes an assessment of the area in accordance with the requirements of paragraph (a) hereof. Such a report shall be prepared to the satisfaction of Council, the Kawartha Region Conservation Authority, the Ministry of Natural Resources and the Trent Severn Waterway.*
- c. *Where an Environmental Assessment of a proposal is conducted in accordance with the provisions of The Environmental Assessment Act, that assessment shall be considered as having fulfilled the requirements of paragraph (a) of this Section.*
- Where Federal Lands are involved and the Federal Environmental Assessment and Review Process is required, that assessment shall be considered as having fulfilled the requirements of paragraph (a) of this Section.*
- d. *It shall be the policy of this Plan that Council may waive the requirements for a study of the impact of development on an Environmentally Sensitive Area with the concurrence of the Kawartha Region Conservation Authority, the Ministry of*

Natural Resources and the Trent Severn Waterway.

- e. *Lands adjacent to an Environmentally Sensitive Area, identified in this Plan, shall be developed and managed in a manner to protect and complement the nature of the adjacent sensitive area. Regard shall be had for the location, extent and nature of the environmentally sensitive area, the scale of the proposed development, the potential impact on the Environmentally Sensitive Area and the proposed mitigating measures including the adequacy of spatial setbacks and buffers. Council shall consult with the Conservation Authority, the Ministry of Natural Resources and the Trent Severn Waterway in relation to the appropriateness of the proposed mitigating measures.*