



OFFICIAL PLAN
for the
*THE CORPORATION OF THE
TOWNSHIP OF
TARBUTT & TARBUTT
ADDITIONAL*

Adopted By By-law

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THE STRUCTURE OF THE PLAN

This Official Plan is divided into five parts, each of which is described below.

PART A (Vision, Goals and Strategic Objectives and Land Use Concept) contains the vision of the Plan. This vision was prepared with Council and is based on an understanding of past and future trends and the values of Township residents. The goals and strategic objectives that form the basis of the Plan flow from the vision. These goals and strategic objectives establish the framework for the remaining policies in the Plan. This section of the Plan also describes how the vision is implemented through a series of land use designations.

PART B (Land Use Designations) contains the land use policies that apply to lands in the Township.

PART C (General Environmental Policies) contains the policies dealing with lakes, rivers and streams, floodplains and hazardous slopes throughout the Township. In addition, policies that specify the requirements for water resource and environmental impact studies are contained in this section.

PART D (General Development Policies) contains policies that deal with land use planning matters such as servicing, transportation, cultural heritage resources and consent policies. These policies apply to the whole of the Township.

PART E (Plan Implementation and Administration) describes how the policies of the Official Plan will be implemented.



PART A – THE VISION AND LAND USE CONCEPT

A1 THE COMMUNITY VISION

This Official Plan is a land use policy document that is intended to provide guidance and leadership with respect to future growth and development within the Township of Tarbutt and Tarbutt Additional.

The residents of Tarbutt and Tarbutt Additional enjoy a good quality of life and consider the maintenance of the status quo to be an important aspect in protecting this quality of life over the long term. In the Township there are certain aspects and characteristics that contribute to the high quality rural lifestyle including the natural environment, the people, the agricultural and rural areas, the open scenic countryside, wooded areas, and the shoreline of the North Channel on Lake Huron. Tarbutt and Tarbutt Additional also is distinguished by its unique landforms and rich history that in part is founded upon agriculture and resource industries. These are the qualities that, taken together, create an identity that is highly valued by the residents.

This Official Plan provides for a range of compatible land uses in the agricultural and rural areas. It is the intent of the Plan to protect and maintain the agricultural and rural areas and restrict land use that could undermine the continued functioning of and compatibility within the agricultural and rural areas. It is also the intent of this Plan to protect and support natural systems in part by maintaining a natural rural landscape integrated with farm and resource activities.

It is estimated that the population of the Township could increase by up to 125 people in the next twenty years primarily on a potential increase in the number of retirees from Sault St. Marie and the opportunity for lifestyle based housing in the Township. The Township will also attract young families seeking a rural lifestyle. In addition recent in-migration by Mennonite families further emphasizes the quality of the rural and agricultural lifestyle that can be accommodated in the Township.

This Plan anticipates the development of additional agricultural, rural and recreational residential development as well as rural service and tourist related uses will accommodate the needs of all residents and contribute to the Township's future economic outlook.



A2 SUSTAINABILITY

Official Plans are premised on principles of sustainability. This means the Community will try to meet the needs today without unreasonably compromising opportunities for future generations to meet their own needs.

The policies of this Plan are founded on the premise that a sustainable community is composed of the following three principle elements in balance:

- i) The Environment: a connected system of environmental features that support a healthy ecosystem;
- ii) The Economy: a strong, rural based economy that contributes within a regional context; and,
- iii) The Socio-Cultural Fabric: a strong sense of culture and heritage and the provision of affordable public services and amenities.

A2.1 ENVIRONMENTAL SUSTAINABILITY

This Plan identifies a number of defining environmental features that contribute to Tarbutt and Tarbutt Additional's natural heritage system. The protection of these features is an important principle in this Plan.

This Plan contains policies that recognize the character of Tarbutt and Tarbutt Additional's green spaces, agricultural lands, water resources, and terrestrial landscape as resources that contribute to the natural character of the Township.

The policies of this Plan also recognize the challenges created by Provincial interests in agricultural and natural areas and attempts to manage these issues. Tarbutt and Tarbutt Additional will support innovative and sustainable development policies and practices to protect the natural environment and help reduce greenhouse gas emissions.

Energy conservation and the encouragement of innovative energy supply alternatives are components of Tarbutt and Tarbutt Additional's vision for sustainable development. Together, these policies will help future development in the Township adapt to the impacts of climate change at the local level.

A2.2 ECONOMIC SUSTAINABILITY

A sustainable economic future for Tarbutt and Tarbutt Additional will be made possible by ensuring a stable and sound fiscal position for the Township to support services required by its citizens. In part, this will be achieved through sound fiscal management and re-enforcement that the Township is a rural community, rather than an urban community.



The Township will encourage entrepreneurial spirit and investment opportunities based in agriculture and rural land use. The Township believes that its rural lifestyle and live-work opportunities will contribute in a small but meaningful way to Regional economic sustainability.

A2.3 SOCIAL SUSTAINABILITY

The policies of this Plan are intent on fostering a good quality of life for all residents by supporting a healthy, rural lifestyle, characterized by clean air, local food production, open space and connectivity with nature. The Township does not anticipate these characteristics will change in a significant way over the life of this Plan and recognizes that many of the social services which citizens may require will be found within urban areas.



A3 GOALS AND STRATEGIC OBJECTIVES

A3.1 THE ENVIRONMENT

A3.1.1 Goal

It is the goal of this Plan to protect significant natural heritage features and functions in the Township while recognizing that resource industries are important to local and provincial economies.

A3.1.2 Strategic Objectives

1. To protect significant environmental features and their associated ecological functions.
2. To ensure that an understanding of the natural environment factors into land use decision-making in the Township.
3. To ensure that land use planning contributes to the protection, maintenance, conservation and enhancement of groundwater resources.
4. To prevent changes to the water quality through the assessment of hydrological and hydrogeological impacts upon watercourses, lakes, aquifers and wetlands caused by land use.
5. To prohibit the degradation of Provincially Significant Wetlands and the habitats and ecological functions they provide.
6. To encourage the protection of an open space system that links environmental and recreational resources in the Township.

A3.2 RURAL AND AGRICULTURAL AREAS

A3.2.1 Goal

It is the goal of this Plan to maintain and promote the open space character of the rural and agricultural areas, which currently accommodate farms, agricultural-related industry, resource industry, country homes, recreational uses and a landscape dominated by agricultural fields and forests.

A3.2.2 Strategic Objectives

1. To permit agri-business and secondary uses that support local producers and contribute to the local economy.



2. To protect the agricultural and rural land base by regulating lot creation and land uses which are less compatible with rural and agricultural uses.
3. To encourage the development of low-intensity resource related recreational and eco-tourism uses in the rural areas, provided the use has a minimal impact on the character of the rural area and is properly sited.
4. To avoid the intrusion of land uses that are incompatible with the rural character and/or resource activities of the area.

A3.3 THE SHORELINE

A3.3.1 Goal

It is the goal of this Plan to protect the character of shoreline areas in the interest of supporting riparian ecosystems and to support the recreation based community that has evolved in some shoreline areas of the Township.

A3.3.2 Strategic Objectives

1. To restrict rural land use in shoreline areas in the interest of maintaining compatibility with recreation-related uses and protecting sensitive habitat areas proximate to shoreline areas.
2. To recognize that the shoreline is a primary focus for recreation and lifestyle related land uses.
3. To permit development and redevelopment that is suited to the land, compatible in its surroundings and in keeping with the general character of existing shoreline community.
4. To recognize the importance of public access to the North Channel and to work with landowners and agencies in an effort to improve access to the shoreline.
5. To place a high value upon natural and diverse vegetation in the shoreline and to protect such vegetation where planning approvals provide opportunities to do so.



A4 THE LAND USE CONCEPT

The following land use designations are designed to reflect major land uses presently occurring or that are anticipated to occur in the Township.

A4.1 RURAL

The *Rural* designation generally includes all of the rural areas as well as aggregate extraction areas on the Township.

A4.2 AGRICULTURAL

Lands designated *Agricultural* are the site of primarily existing agricultural uses and includes lands classified by the Province as Prime Agricultural Lands or Prime Agricultural Areas in accordance with the Provincial Policy Statement (2014). In addition to lands recommended by the Province, the *Agricultural* designation also includes additional lands considered to be prime agricultural lands by the Township.

A4.3 SHORELINE

The *Shoreline* designation applies to all lands in proximity to the waterfront which include lands developed for recreation-based uses, residential uses as well as natural areas.

A4.4 CROWN LAND

The *Crown Land* designation applies to those lands that are owned by the Crown and to which local planning policy is not applicable.

A4.5 ENVIRONMENTAL PROTECTION

The *Environmental Protection* designation identifies significant natural features which are intended to be protected from incompatible land use.



PART B – LAND USE DESIGNATIONS

B1 RURAL

B1.1 PURPOSE

The purpose of the Rural designation is to:

- a) permit uses which support the community;
- b) protect the rural character of the Township and maintain those elements which contribute to the open space character of the countryside;
- c) prevent the intrusion of land uses which are incompatible with the rural character and/or resource activities of the area;
- d) encourage rural land uses and associated activities that contribute to the economy of the Township; and,
- e) ensure that the scale of development is compatible with the role and function of the rural area.

B1.2 LOCATION

The *Rural* land use designation applies to the majority of land within the planning area that is not otherwise placed in one of the other land use designations for this Official Plan as shown on Schedule A to this Plan.

B1.3 PERMITTED USES

- a) agricultural uses, agricultural related uses and on-farm diversified uses;
- b) single detached dwellings on existing lots;
- c) garden suites in accordance with Section E1.2;
- d) bed and breakfast establishments;
- e) home occupations and home industries subject to Section B1.5.1 of this Plan;
- f) farm related exhibitions and agri-tourism subject to Section B1.5.8 of this Plan;



- g) veterinary clinics, abattoirs and uses which support agri-business;
- h) commercial dog kennels subject to Section B1.5.10 of this Plan;
- i) open space and recreational uses, such as trails;
- j) small-scale accommodation facilities subject to Section B1.5.9 of this Plan;
- k) forestry and resource management uses;
- l) uses related to recreation and tourism such as outfitting posts and eco-tourism uses;
- m) golf courses;
- n) small-scale public uses;
- o) community based institutional uses such as schools, places of worship and cemeteries subject to Sections B1.5.4 & 1.5.5 of this Plan;
- p) commercial and industrial uses which serve the rural community and are compatible in a rural environment subject to Section B1.5.6;
- q) the extraction of stone, gravel, sand and other aggregates and associated operations such as crushing, screening, washing and recycling and aggregate storage subject to Section B1.6;
- r) mineral exploration and mining activities authorized under the Mining Act subject to Section B1.7;
- s) waste disposal sites, recycling facilities, transfer stations, landfill sites and private or public septage and sewage treatment and storage lagoons licensed by the Ministry of the Environment; and,
- t) wayside pits and quarries, portable asphalt plants and concrete plants for specific road works undertaken by a public authority in the area.

B1.4 DEVELOPMENT POLICIES

B1.4.1 The Creation of New Lots for Rural Residential Purposes

In keeping with historic trends, the Township anticipates that only a limited amount of new lot creation will occur in the Rural designation. Such lot creation shall be guided by the following criteria:

- a) A maximum of 2 new lots may be severed from a lot that existed in its current form on July 8, 1986, provided the original lot has an area of at least 10 hectares;



- b) the severed and retained lands should maintain a minimum frontage on a public road of 45 metres and a minimum lot area of 1 hectare;
- c) the boundary of the severed lot complies with the minimum distance required by the Minimum Distance Separation I Formulae; and,
- d) the proposed lot(s) comply with the criteria set out in Section D4.2.1 (General Consent Policies) of this Plan.

B1.4.2 New Infilling Lots

In addition to Section B1.4.1, no more than two infilling lots may be created from a parcel in the Rural designation that existed on the date this Plan was approved, provided:

- a) the original lot has a minimum frontage of 90 metres and a minimum lot area of 2.0 hectares;
- b) the lot is to be located between two residences or vacant lots which existed on the date this Plan was approved on lots that are situated on the same side of the road and are approximately 300 metres apart;
- c) the lot to be created has a minimum area of 1 hectare and a minimum frontage of 45 metres on an improved, assumed public road maintained on a year round basis; and,
- d) the proposed lot complies with the policies in Section D4.2.1.

B1.4.3 Original Lots of Record

Original Township lots of record may be severed along original lot lines, provided such lots abut a public road assumed for maintenance purposes. Original Township lots that do not abut a public road may also be severed along original lot lines provided the severed and retained lots have access via a legal right-of-way and the owner enters into a consent agreement with the Township. In cases where such lots can be provided access to a public road at reasonable cost, Council may require the owner to upgrade the requisite road to Township standards for assumption and maintenance purposes.

Notwithstanding Section B1.4.1 (d) of this Plan, original Township lots of record severed in accordance with this section shall be eligible for subsequent severance under Section B1.4.1 of this Plan, except where such lots do not abut a public road.

B1.4.4 Farm Consolidations and Boundary Adjustments

Boundary adjustments or farm consolidations may be considered where the effect of the boundary adjustment or consolidation is to improve the viability of the farm operation provided:



- a) no new lot is created; and,
- b) the viability of using the lands affected by the application for agricultural uses is not adversely impacted if the application is approved.

B1.4.5 Minimum Distance Separation Formulae

New agricultural livestock buildings as well as non-farm development shall comply with the Minimum Distance Separation Formulae I and II.

B1.5 RURAL DEVELOPMENT POLICIES

B1.5.1 Home Occupations and Home Industries

Home occupations are typically professional work and service activities that are carried out within the residential dwelling or accessory building that typically do not involve the retail sale of goods and services. In addition, such uses generally occupy a limited portion of the gross floor area of the dwelling and shall not change the character of the dwelling or its surroundings. Home occupations will be defined and regulated through provisions in the Township's Zoning By-law.

Home industries are small-scale industrial uses that are accessory to rural uses and/or a single detached dwelling. Such uses may also support the agricultural industry in the area. These uses should not detract from the primary use of the property for rural or residential purposes. Home industries may include welding, carpentry or machine shops, or agriculturally related uses that involve the processing or transportation of regionally produced agricultural crops or other products. The accessory retail sales of products produced in the home industry is also permitted. The repair, storage or sale of motor vehicles is not considered to be a home industry. Home industries will be defined and regulated through provisions in the Township's Zoning By-law.

B1.5.2 Accessory Apartments

Accessory apartments are considered to be an affordable housing choice and up to one (1)¹ may be permitted in single detached dwellings or within an accessory building thereto¹ in the *Rural* designation, In considering such an application, Council shall be satisfied that:

- a) the apartment will comply with the Ontario Building and Fire Codes as well as applicable provisions of the Township's Zoning By-law;
- b) adequate parking is available on the lot for both dwelling units; and,
- c) the water supply and private sewage system are appropriate to sustain the accessory apartment.



B1.5.3 Bed and Breakfast Establishments

Bed and breakfast establishments are permitted in single detached dwellings, provided the bed and breakfast establishment:

- a) is located within the principal residence of the owner/operator; and,
- b) preserves the character of the dwelling as a private residence;
- c) adequate parking is available on the lot for the residential use and the bed and breakfast; and,
- d) the water supply and private sewage system are appropriate to sustain the bed and breakfast.

The implementing Zoning By-law shall define a bed and breakfast establishment and may further detail the conditions under which a bed and breakfast establishment may be permitted. Notwithstanding Section B1.5.3 a), a bed and breakfast may be permitted in a detached accessory building subject to a zoning by-law amendment, but shall not be permitted in a camper, trailer or mobile home.

B1.5.4 Small-Scale Institutional Uses

Small-scale institutional uses which serve the community, such as public and private elementary schools, community centres, and places of worship may be permitted by a Zoning By-law Amendment provided Council is satisfied that:

- a) the use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads;
- b) the water supply and private sewage system are appropriate to sustain the use; and,
- c) the use is located on a site that has adequate land area to incorporate required parking, pick-up and drop-off area, recreational facilities (if required), landscaping and buffering on-site.

B1.5.5 Cemeteries

In accordance with the Cemeteries Act, cemeteries may be permitted in the Rural designation subject to an amendment to the implementing Zoning By-law. A cemetery may include a crematorium as an accessory use. Before considering such an amendment, Council shall be satisfied that:

- a) the size of the cemetery and the accessory uses are appropriate for the area;



- b) the use can be accessed by roads which are designed to accommodate high volumes of traffic in short periods of time; and,
- c) the applicant has fulfilled applicable technical requirements of the Cemeteries Act.

For the purpose of this a Plan, a “Municipal Approval” that is required to obtain an approval under the Funeral, Burial and Cremation Services Act shall take the form of an approved zoning by-law amendment.

B1.5.6 Rural Commercial and Industrial Uses

The development of a rural commercial or industrial use that serves the needs of the rural area or recreational residents and visitors may be permitted, provided:

- a) the subject lands have a minimum lot area of 5 hectares;
- b) the use is associated with and/or secondary to an active farm operation;
- c) that any open storage associated screened from view; and,
- d) the majority of the products offered for sale, in terms of monetary value, are produced or manufactured locally or in conjunction with an agricultural, an agricultural-related or a secondary use.

The development of a new commercial use on a farm property shall be subject to a Zoning By-law Amendment and may be subject to Site Plan Control.

B1.5.7 Agricultural Research and Training Establishments

The development of agricultural research and training establishments is encouraged in the Township. Such uses may be permitted subject to rezoning, provided Council is satisfied that:

- a) the use is related to and will benefit the agricultural industry;
- b) the use will assist in the furthering of knowledge in the agricultural sector of the economy; and,
- c) the use will assist the farm community through training and the identification of new methods and procedures.

B1.5.8 Agri-tourism

This Plan supports the development of uses that promote the importance of the agricultural and rural community. On this basis, uses such as artist studios, pancake houses, farm machinery and equipment exhibitions, farm tours, holiday-related exhibitions and small-scale educational or interpretive establishments that



focus on farming instruction or agri-tourism are permitted in the Rural designation. Such uses shall be encouraged to locate within existing clusters of farm buildings, where possible.

B1.5.9 Small-Scale Accommodation Uses

New small-scale accommodation uses including lodges, inns, hunting lodges, campgrounds or eco-tourism establishments may be permitted subject to an amendment to the implementing Zoning By-law. For the purposes of this Plan, the size and density of such uses shall be regulated by the Township's Comprehensive Zoning By-law and shall also be subject to Site Plan Control in accordance with Section E1.4 of this Plan

Before considering an amendment to the Zoning By-law to permit a small scale accommodation use in the Rural designation, Council shall be satisfied that the proposed use:

- a) is compatible with the rural character of the area;
- b) can be designed and sited to blend in with the topography and setting on the lot;
- c) is located on a lot having an area of no less than 5.0 hectares;
- d) is located where it would have little or no impact on agricultural operations;
- e) can be serviced with an appropriate water supply and means of sewage disposal in accordance with Ontario Building Code or Ministry of Environment requirements;
- f) is to be accessed by municipal roads that can accommodate the increased traffic generated by the proposed use;
- g) parking and traffic can be suitably accommodated on-site;
- h) will not cause a traffic hazard as a result of its location on a curve or a hill; and,
- i) can be appropriately buffered from adjacent residential or agricultural uses.

B1.5.10 Commercial Dog Kennels

Commercial dog kennels may be permitted in the Rural designation subject to an amendment to the implementing zoning by-law. Before considering such an amendment, Council shall be satisfied that:



- a) the size of the proposed dog kennel is appropriate for the area;
- b) the building housing the dog kennel and the associated dog runs is set back at least 100 metres from lot lines;
- c) the use is located at least 500 metres from lands located in the *Agriculture* or *Shoreline* designations;
- d) the noise emanating from the kennel will not have an adverse impact on the enjoyment of adjacent properties;
- e) an appropriate animal waste management plan is put in place; and,
- f) an undue concentration of dog kennels does not already exist in the general vicinity of the proposed kennel.

A new dog kennel shall also be subject to a Site Plan Agreement in accordance with Section E1.4 of this Plan.

B1.6 AGGREGATE RESOURCES OVERLAY

B1.6.1 Intent

Tarbutt and Tarbutt Additional has historically contributed to the regional need for aggregate resources used in road construction and manufacturing of aggregate related products. For this reason Schedule C identifies the location of existing lands licensed for aggregate extraction as well as the location of Primary and Secondary Aggregate Resources and Nipissing diabase^{2a} in the Township. Schedule A to this Plan also reflects the location of primary and secondary aggregate resources through the Aggregate Resources Overlay designation, the purpose of which is to identify lands primarily within the *Rural* designation which are considered to have the greatest potential to be used for aggregate extraction purposes. However, notwithstanding the location or extent of the Aggregate Resources Overlay designation, the following policies apply to the entire *Rural* designation with respect to the protection and extraction of aggregate resources in the Township.

B1.6.2 Relationship between this Plan and the Ministry of Natural Resources

All aggregate operations on private land require a license while those on Crown land require a permit under the Aggregate Resources Act (ARA), given that the purpose of the ARA is the regulate the operation of aggregate operations in Ontario. In the Township of Tarbutt and Tarbutt Additional it is recognized that the Ministry of Natural Resources licenses and regulates mineral aggregate operations under the Aggregate Resources Act. It is therefore the intent of this Plan to ensure that there is open and transparent consultation between the



appropriate Provincial Ministries and agencies, the proponent of the mineral aggregate operation, Council and members of the public before licenses are issued or modified, in order to ensure that new mineral aggregate operations or expansions of existing operations are carried out in a manner that minimizes social and environmental impacts and is consistent with the goals and objectives of this Plan.

B1.6.3 Development Adjacent to Existing Extractive Operations

When new development (through a Planning Act Application is proposed within 1,000 metres of a pit or quarry, Council shall be satisfied that the proposed use is compatible with the operation of the pit or quarry for reasons of public health, public safety or environmental impact and that it will not preclude or hinder the expansion or continued use of the pit or quarry. In order to address this issue, the proponent may be required to retain a qualified professional to complete an impact assessment in accordance with the MOE Guidelines, specifically MOE Publication NPC-300 and the D-Series Guidelines.

Where the application for development affects lands identified on Schedule C as Primary and Secondary or Nipissing Diabase Aggregate Resources, the proponent will also be required to address the criteria in Section B1.6.6 of this Plan.

B1.6.4 New Mineral Aggregate Operations or Expansions to Existing Operations

All new mineral aggregate operations and/or expansions to existing mineral aggregate operations shall require an Amendment to the Zoning By-law, with the exception that any quarry or pit that extracts aggregate from below the water table shall also be subject to an Official Plan Amendment. All such applications shall be supported by studies that address:

- a) the effect of the operation of the mineral aggregate resource use on:
 - i) the natural heritage features and functions on the site and in the area;
 - ii) nearby communities;
 - iii) agricultural resources and activities;
 - iv) the character of the area;
 - v) the quality and quantity of groundwater and surface water in the subwatershed;
 - vi) the cultural heritage resources in the area;



- vii) significant geologic formations on the site and in the area;
 - viii) where blasting is necessary as part of the operation, the groundwater recharge functions on the site and in the immediate area assessed by a hydrogeological study;
 - ix) surface water features in the area; and,
 - x) nearby wells used for drinking water purposes.
- b) the suitability of the proposed haul routes in accordance with Section B.1.6.5;
 - c) the effect of the noise, odour, dust and vibration generated by the proposed use assessed in accordance with the MOE Guideline NPC-300 and the D-Series guidelines;
 - d) how the natural features and functions on the site and in the area can be protected and/or enhanced as part of the design of the pit and/or after the pit has been progressively rehabilitated;
 - e) how the impacts from the proposed pit or quarry will be mitigated in order to lessen those impacts; and,
 - f) how the site will be progressively rehabilitated to accommodate subsequent land uses after the extraction is completed.

B1.6.5 Haul Routes

The primary haul routes identified in this Official Plan shall be Highway 548 and Highway 17. Hardwood Drive and MacLennan Road south of Highway 17 and Hardwood Drive shall be secondary haul routes servicing existing licensed pits and quarries, however any new or expanding pit or quarry may utilize MacLennan Road or Hardwood Drive only after the Township has conducted a road impact assessment at the proponent’s cost to determine if road upgrades are necessary to accommodate additional heavy truck traffic. Should roads improvements or upgrades be necessary, the cost for such upgrades will be borne by the proponent of the pit or quarry. The establishment of any other haul route in the Township to serve a pit or quarry shall require an Official Plan Amendment.

B1.6.6 Development of Other Uses in the Aggregate Resource Overlay

The protection of known high quality mineral aggregate resources shall take precedence, wherever possible, over any development or land use that would preclude its future extraction.

On this basis it is the intent of this Plan that the lands located in or adjacent to the Aggregate Resource Overlay in Schedule A be protected from development



or land uses that may hinder the effective and/or economical extraction of aggregate in the future. However, there may be cases where the economical and/or physical extraction of aggregate is not feasible and/or appropriate. In such cases, new lots or other development or land use permitted by this Plan on lands so designated may be permitted, if it can be shown to the satisfaction of Council that:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long term public interest; and,
- c) issues of public health, public safety and environmental impact are addressed.

B1.6.7 Rehabilitation

The progressive rehabilitation of all pits and quarries in the Township is a goal of this Plan. Wherever possible, Council will work with pit and quarry operators and the Ministry of Natural Resources to ensure that all licenses have progressive rehabilitation plans.

If a site is to be rehabilitated to a natural state, it is the intent of this Plan that natural self-sustaining vegetation and hydrologic features be established and restored. If the site was formerly used for agricultural purposes it is the intent of this Plan that substantially the same land area and soil capability for agriculture is restored.

B1.6.8 Mineral Aggregate Resource Conservation

Mineral aggregate resource conservation shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.^{2d}

B1.6.9 Wayside Pits and Wayside Quarries

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.

B1.7 MINERAL RESOURCES

B1.7.1 Intent

It is the intent of Council to work with the Ministry of Northern Development and Mines (MNDM) to obtain information regarding mineral resources, to identify areas of mineral potential and abandoned mine sites and to protect mineral resources for long term use.

B1.7.2 Permitted Uses

For the purpose of this Official Plan, mineral mining operations are those facilities designed and authorized under the Mining Act to extract metallic minerals such as ore, gold and copper, or non-metallic minerals such as graphite, mica or talc. Mineral mining operations include above and below ground work, open pits and quarries as well as associated processing, transportation, waste and tailing storage, and directly related activities all regulated in accordance with the Mining Act. Mineral mining excludes pits and quarries used for mineral aggregate extraction authorized under the Aggregate Resource Act.

B1.7.3 Quality of Resources in Tarbutt and Tarbutt Additional

In the preparation of this Plan, the Township consulted with the Ministry of Northern Development and Mines and it was determined that an area of land within the municipal boundary has provincially significant mineral potential. Proposed development should be carefully considered to avoid conflicting land uses.

B1.7.4 Development Policies

Mineral mining and related activities will only be permitted outside of significant natural heritage features and the shoreline designation. The compatibility of mining activities with surrounding land use designations will determine the specific nature of permitted mining and mining related activities.

The establishment of mining related activities shall be subject to the requisite approvals required under the Mining Act and the Environmental Protection Act and any other applicable Provincial and Federal statute or regulation. Mining operations and accessory uses may also be subject to zoning regulations by the Township.

B1.7.5 Abandoned Mine Sites

The location of abandoned mine sites are shown on Schedule A. When development is proposed within 1,000 metres of an abandoned mine hazard there is potential for impact on a proposed development. The Township and proponent shall consult with the Ministry of Northern Development and Mines^{3a} in



order to assess the nature of hazards and what technical studies may need to be completed to determine whether the land is suitable for the type of development proposed and that the development does not interfere with any rehabilitation, maintenance or monitoring requirement for the mine workings/hazards. There is also an AMIS site (07961) in Lot 12A of Johnson Township approximately 150 m east of the Township boundary.

B1.8 IMPLEMENTING ZONING BY-LAW

All lands in the Rural designation shall be placed in a Rural (RU) Zone in the implementing zoning by-law.

The implementing Zoning By-law shall place all existing licensed aggregate operations in a Mineral Aggregate Resource One (MAR1) Zone that permits quarries and sand and gravel extraction operations. The Zoning By-law may also place lands located within the Aggregate Overlay in a more restrictive zone which limits the range of land uses that could occur in such areas.

The implementing zoning by-law may contain substantial setbacks for extraction operations from adjoining properties designated for residential purposes by this Plan, municipal right-of-ways and property boundaries.



B2 AGRICULTURAL

B2.1 PURPOSE

The purpose of the *Agricultural* designation is to:

- a) protect land suitable for agricultural production from development and land uses unrelated to agriculture;
- b) permit uses which support the agricultural community;
- c) prevent the intrusion of land uses which are incompatible with the agricultural/or resource activities of the area;
- d) encourage agricultural land uses and associated activities that contribute to the economy of the Township; and,
- e) ensure that the type and scale of development is compatible with land use in the agricultural area.

B2.2 LOCATION

The *Agricultural* land use designation applies to lands in the Township which are considered to be prime agricultural lands by the Ministry of Agriculture, Food and Rural Affairs and also include other lands considered by the Township to be locally important agricultural lands.

B2.3 PERMITTED USES

- a) agricultural and nursery uses;
- b) single detached dwellings on existing lots;
- c) bed and breakfast establishments;
- d) on-farm diversified uses such as home occupations, home industries, or industrial, commercial and institutional uses subject to the provisions of Sections B2.5.1 and B2.5.2 of this Plan;
- e) agriculture-related commercial and industrial uses such as veterinary clinics, abattoirs and uses which support agri-business subject to Section B2.5.3;
- f) open space and passive recreational uses;
- g) farm related exhibitions and agri-tourism subject to Section B2.5.4 of this Plan;



- h) forestry and resource management uses;
- i) small-scale public uses;
- j) the extraction of stone, gravel, sand and other aggregates and associated operations such as crushing, screening, washing and aggregate storage subject to Section B1.6 of this Plan;
- k) mineral exploration and mining activities authorized under the Mining Act subject to Section B1.7 of this Plan;
- l) accessory residential uses on farm properties subject to Section B2.5.6 of this Plan; and,
- m) wayside pits and quarries, portable asphalt plants and concrete plants for specific road works undertaken by a public authority in the area.

B2.4 DEVELOPMENT POLICIES

B2.4.1 The Creation of New Lots in the Agricultural Designation

In accordance with the intent of this Plan to maintain the agricultural land base in the Township. The majority of the new residential development is directed to the Rural Area and vacant building lots. However, while lot creation within the *Agricultural* designation is generally discouraged, a lot may be created in the *Agricultural* designation provided Council is satisfied of the following:

- a) That the severed and retained lots are of a size appropriate for the type of agricultural uses typical in the area and are sufficiently large enough to maintain flexibility for future changes in the type or size of agricultural operations;
- b) That a lot for agriculture-related uses will be limited to a minimum size needed to accommodate the use and sustain appropriate sewage and water services;
- c) That the purpose of the application is to sever a residence surplus to a farming operation as a result of a farm consolidation. Council shall ensure that the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services, and that a new residential dwelling will not be a permitted use on any vacant remnant parcel of farmland created by such a severance.
- d) That an infrastructure facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- e) The boundary of the severed lot complies with the minimum distance required by the Minimum Distance Separation I Formulae;



- f) The purpose of the application is to separate original lots of record that have inadvertently merged in title, provided that the application conforms with policy (h); and
- g) The proposed lot complies with the criteria set out in Section D4 (General Consent Policies) of this Plan.
- h) For the purposes of sub-sections a) and f), although the preferred lot size of the severed and retained lots for agricultural uses is generally 40 hectares, Council and the Planning Board may permit severed and retained lots appropriate for the uses common in the area and are sufficiently large enough to maintain flexibility for future changes.

B2.4.2 Farm Consolidations and Boundary Adjustments

Boundary adjustments or farm consolidations may be considered where the effect of the boundary adjustment or consolidation is to improve the viability of the farm operation provided:

- a) no new lot is created; and,
- b) the viability of using the lands affected by the application for agricultural uses is not adversely impacted if the application is approved.

B2.4.3 Minimum Distance Separation Formulae

New agricultural livestock buildings as well as non-farm development shall comply with the Minimum Distance Separation Formulae I and II.

B2.5 AGRICULTURAL RELATED AND ON-FARM DIVERSIFIED USES

B2.5.1 Home Occupations and Home Industries

Home occupations are typically professional work and service activities that are carried out within the residential dwelling or accessory building that typically do not involve the retail sale of goods and services. In addition, such uses generally occupy a limited portion of the gross floor area of the dwelling and shall not change the character of the dwelling or its surroundings. Home occupations will be defined and regulated through provisions in the Township's Zoning By-law.

Home industries are small-scale industrial uses that are accessory to rural uses and/or a single detached dwelling. Such uses may also support the agricultural industry in the area. These uses should not detract from the primary use of the property for rural or residential purposes. Home industries may include welding, carpentry or machine shops, or agriculturally related uses that involve the processing or transportation of regionally produced agricultural crops or other products. The accessory retail sales of products produced in the home industry is also permitted. The repair, storage or sale of motor vehicles is not considered to



be a home industry. Home industries will be defined and regulated through provisions in the Township's Zoning By-law.

B2.5.2 On-Farm Diversified Uses on Farm Properties

The development of a commercial, industrial or institutional use as an accessory or secondary use on a farm property is permitted, provided:

- a) the use is located on the farm property and is associated with and secondary to a farm operation;
- b) any retail component is limited in floor area;
- c) the majority of the products offered for sale are locally produced or are derived from local produce or are manufactured on the farm property; and,
- d) any building housing an institutional use is located amongst or proximate to the cluster of farm buildings and only serves the needs of the surrounding agricultural and rural community.

The development of a new commercial use or industrial on a farm property shall be subject to a Zoning By-law Amendment and may be subject to Site Plan Control.

B2.5.3 Agricultural-Related Uses

The development of an agricultural-related commercial or industrial land use as an independent, primary use in the Agricultural designation may be permitted, provided:

- a) the use serves and supports the needs of the rural and agricultural community as a primary business activity;
- b) the use is compatible with agricultural land use;
- c) the use is directly related to local agri-business; and,
- d) any retail or office component is limited in floor area;

The development of a new agricultural-related commercial or industrial use shall be subject to a Zoning By-law Amendment and may be subject to Site Plan Control.



B2.5.4 Agricultural Research and Training Establishments

The development of agricultural research and training establishments is encouraged in the Township. Such uses may be permitted subject to rezoning, provided Council is satisfied that:

- a) the use is related to and will benefit the agricultural industry;
- b) the use will assist in the furthering of knowledge in the agricultural sector of the economy; and,
- c) the use will assist the farm community through training and the identification of new methods and procedures.

B2.5.5 Farm Related Exhibitions

This Plan supports the development of uses that promote the importance of the agricultural and rural community. On this basis, uses such as artist studios, pancake houses, farm machinery and equipment exhibitions, farm tours, holiday-related exhibitions and small-scale educational or interpretive establishments that focus on farming instruction or agri-tourism are permitted in the *Agricultural* designation. Such uses shall be encouraged to locate within existing farm buildings, where possible.

B2.5.6 Accessory Residential Uses

Accessory apartments located within an existing dwelling shall be permitted subject to zone regulations with respect to such uses. In addition, the establishment of one additional dwelling unit on a farm property for farm help is permitted, provided the lands are appropriately zoned to permit such a second dwelling. Prior to considering an application for rezoning, Council shall be satisfied that the second dwelling unit:

- a) is required for farm help;
- b) will be located within the existing farm-building cluster;
- c) can be connected to the existing private sewage and water supply;
- d) will be designed and/or located to be compatible or otherwise blend in with the farm operation.

Council may require that the development of an accessory residential use to a farm property to be subject to Site Plan Control. In no case, shall any residential use established in accordance with this policy be subdivided or severed from the original parcel on which it was constructed. Furthermore, a trailer, camper or mobile home shall not be utilized for a second dwelling.



B2.6 IMPLEMENTING ZONING BY-LAW

All lands in the *Agricultural* designation shall be placed in an Agricultural (A) Zone in the implementing zoning by-law. Agricultural related uses and secondary uses will be zoned in an appropriate Agricultural Exception Zone.



B3 SHORELINE

B3.1 PURPOSE

The purpose of the *Shoreline* designation to:

- a) ensure that new recreation-based and limited residential^{5a} development is consistent with the scale and character of the shoreline residential area;
- b) ensure that the impacts of new development on natural heritage features, groundwater and surface water resources in the area are minimized;
- c) minimize the impact of any new development on the natural shoreline while maintaining or enhancing the extent of natural vegetation in the shoreline area.

B3.2 LOCATION

The *Shoreline* designation as shown on Schedule A to this Plan applies to shoreline areas adjacent to the North Channel as well inland lakes in the Township.

B3.3 PERMITTED USES

Permitted uses in the *Shoreline* designation will be focused on recreation-based resources uses such as recreational dwellings,^{5b} single detached dwellings, bed and breakfast establishments, home occupations as described in B1.5.1, as well as open space maintained for passive public use as well as mainland parking areas, boat launches and docks. Tourist commercial uses such as campgrounds, trailer parks or marinas are not contemplated in the Shoreline designation and may only be considered through an Official Plan Amendment.

B3.4 DEVELOPMENT POLICIES

B3.4.1 Undeveloped Land

The *Shoreline* designation includes lands which are still in their natural state and are primarily undeveloped. The inclusion of these lands in the *Shoreline* designation does not imply that all of these lands will ultimately be developed for residential or commercial uses. However, it is a policy of this Plan to ensure that the future use of these lands is consistent with the objectives of the *Shoreline* designation.



B3.4.2 Existing Residential Development on Private Roads

Lands in the *Shoreline* designation that do not have frontage and direct access to a public road that is assumed and maintained by the Township or other public authority and maintained year round shall be placed in a Limited Service Residential Zone in the Zoning By-law. The rezoning of land from the Limited Service Residential Zone to a zone that does not distinguish between service levels may be considered by Council, provided the following criteria are met:

- a) The lot being rezoned shall have frontage on, and direct access to, a public road maintained year round by the Township or other public authority;
- b) The private road that abuts the lot(s) to be rezoned is brought up to Township road standards at no cost to the Township;
- c) The cost to the Township of providing road maintenance is off-set by additional assessment generated by the properties that have frontage on and direct access to the portion of the road that is to be assumed by the Township;
- d) The dwelling(s) and structures on the lot(s) to be rezoned shall comply with all applicable building and construction standards;
- e) The dwelling(s) on the lot(s) to be rezoned shall be serviced by a private well on the same lot or an appropriate water supply;
- f) The dwelling(s) on the lot(s) to be rezoned shall be serviced by an appropriate means of sewage disposal that is designed to serve a permanent residence and which has obtained the approval of the Township or its delegate;
- g) The fire department and other emergency service providers confirm that the lot to be rezoned can be serviced year round by emergency service vehicles; and,
- h) The lot(s) to be rezoned complies with all applicable Zone provisions in the implementing Zoning By-law.

B3.4.3 Preferred Means of Land Division

Land division by Plan of Subdivision/Condominium rather than consent, shall generally be deemed necessary if:

- a) the extension of an existing public road or the development of a new public road is required to access the proposed lots or units; or,



- b) the area that is proposed to be developed is not considered to be infilling; or,
- c) a Plan of Subdivision/Condominium is required to ensure that the entire land holding or area is developed in an orderly manner; or,
- d) more than three new lots/units are being created.

B3.4.4 New Residential Plans of Subdivision

In order to maintain the existing character of the shoreline area and to ensure that new development has direct access to the water, new Plans of Subdivision or Condominium within the *Shoreline* Designation shall only be considered if the majority of the lots within the Plan abut the shoreline and have direct access or frontage on a public road or a road owned and maintained by the Condominium Corporation that has access to a public road.

Prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that:

- a) The proposed Plan of Subdivision is of a scale and density that is compatible with existing development in the shoreline community;
- b) A Servicing Options Report, which shall include a Hydrogeological Study, is completed to the satisfaction of Council and all applicable Provincial or County agencies;
- c) The Environmental Impact Study, prepared in accordance with Section B5.8, which shall include a site-specific Lake Impact Assessment, is completed to the satisfaction of Council and all applicable Provincial or County agencies;
- d) Measures to preserve the integrity of the shoreline and the tree cover on the site are included within the Management Plan required under Section 2 and are reflected in the Plan, the Zoning By-law Amendment and/or within a Subdivision Agreement;
- e) Parkland areas are sited at appropriate locations to provide access to the shoreline. However, where the dedication of parkland would not reasonably serve the needs of the local community, Council may consider accepting cash-in-lieu to improve existing parks or purchase more appropriate lands for parkland purposes on the lake subject to development.



B3.4.5 New Residential Lots By Consent

- a) Where a Plan of Subdivision is not required in accordance with Section 3.4.3, new residential lots may be created by the consent process, having regard for Section D4.2. Backlot development is generally discouraged but may be permitted if the severed and retained lots have a minimum area of 5 hectares with at least 200 metres of frontage on a public road assumed by the Township for year round maintenance. Backlot may also be subject to special zoning requirements and/or consent agreements dealing with matters including but not limited to building location, lighting and vegetation removal.
- b) Where sensitive fish and wildlife habitat areas and spawning areas have been identified on Schedule 'B', consent applications within 120 metres of these areas must be able to demonstrate that these areas will not be adversely impacted by lot creation.
- c) New shoreline lots should meet or exceed the applicable provisions of the Zoning By-law including shoreline vegetation areas and increased setbacks for septic systems.
- d) New residential lots shall front on a public road maintained throughout the year by the Municipality. However, Council may consider the creation of a new lot on a private road with a registered right-of-way generally not exceeding 1,000 metres from the proposed lot to a year round municipally maintained road.
- e) Where the dedication of parkland would not serve the needs of the local community, Council may consider accepting cash-in-lieu to improve existing parks or purchase more appropriate lands for parkland purposes.
- f) The creation of new island lots with water access only may be permitted in accordance with the policies of this Plan and provided an appropriate mainland area is registered in title with the island lot to accommodate a shoreline parking and landing area. Such areas may be subject to special zoning and/or site plan control.
- g) The lot area is at least 0.8 hectares unless a hydrogeological study is undertaken which demonstrates that a smaller lot area is appropriate.

B3.4.6 Shoreline Access and Parking

The *Shoreline* designation includes a number of island lots and lots which are accessible only by water. Currently there is no formal public or private parking area to accommodate mainland parking/docking for water access lots. Council believes that the provision of an appropriate parking area or areas to



accommodate the needs of the shoreline community is important and is prepared to work with citizens to address this issue. In attempting to address this issue, options may include but are not limited to:

- a) The establishment of public or private parking and docking areas;
- b) The requirement for agreements to confirm suitable mainland docking prior to the issuance of building permits for new dwellings or new lot creation;
- c) The establishment of a parkland dedication by-law to acquire funds to acquire and/or improve shoreline lands for public parking; and,
- d) The granting of easements to mainland residential lots to provide parking and dockage for no more than one water access lot, subject to the approval of a zoning by-law amendment, provided the mainland lot has a minimum of 45 metres of shoreline frontage and a minimum lot area of 0.4 hectares.

Where any public initiative to address water access parking involves the expenditure of public funds or the use of public lands and such initiative is not subject to a Planning Act approval, Council will schedule an open public meeting to allow members of the public to learn about the proposal and provide comments. Council will consider the policies of this plan such as protection of environmental features, hazard lands, and cultural heritage and archaeological resources as appropriate.

B3.4.7 Shoreline Setbacks

It shall be a policy of Council to protect lake and riparian ecosystems by encouraging, to the greatest degree possible, the retention of shoreline areas in a natural vegetated state. In this regard, the Zoning By-law will establish an appropriate setback to restrict the placement of buildings and structures within the shoreline area. New development on vacant lots of record adjacent to shorelines must maintain a setback consistent with the established building line of adjacent development. New shoreline lots shall be required to maintain a minimum 30 metre setback from the high water mark.

Reconstruction, replacement and minor additions to legally existing buildings will be permitted provided such changes do not result in further encroachments into the shoreline setback. In addition, subdivision agreements, site plan control agreements may be utilized to further minimize impacts on natural shoreline features.

Filling, dredging and/or other shoreline alterations within 30 metres of fish habitat areas is prohibited and may be subject to enforcement by the Federal Department of Fisheries and Oceans. Subject to the approval of Council, the



Ministry of Natural Resources and the Federal Department of Fisheries and Oceans, new development may be approved in shoreline areas, adjacent to and within the required setback, subject to a satisfactory Environmental Impact Study being completed, which shows that development will not have a negative impact.

In some cases it is recognized that landowners may apply to seek relief from the required shoreline setback. In reviewing such cases, the Committee of Adjustment or Council shall be satisfied that the reduction will not adversely impact environmental features or functions, and:

- a) The proposed setback is reasonable based on the size, shape and/or topography of the lot; or
- b) Mitigative measures have been provided to ensure the intent of Section B3.7.4.1 is maintained.

B3.4.8 Island Recreational

Islands and island lots are considered to be part of the shoreline community and shall be placed in the *Shoreline* designation. However, the Zoning By-law shall require larger lot sizes for islands and will place existing island lots in the Limited Service Residential (LSR) Zone. No additional lot creation shall be permitted on the islands unless such lots are accompanied with a mainland parking and docking area that is attached to the title of the island lot.

B3.4.9 Guest Cabins

Guest cabins or bunkies may be permitted in the *Shoreline* designation as an accessory use to a residential use. Guest cabins and/or bunkies shall be limited in height and floor area and shall be subject to special zone regulations and may be subject to site plan control. It is not the intent of this policy to permit second dwelling units on lots in the shoreline area.

B3.4.10 Legal Non-Compliant Lots and Boundary Adjustments

Boundary adjustments and lot additions that increase the lot frontage or lot area of an existing legal non-compliant lot shall not, as a condition of consent, require a zoning by-law amendment to legalize the resultant non-compliant lot area or frontage provided the area of the lot is a minimum of 929 square metres (10,000 square feet). This policy also applies to new lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision.

The creation of new lots for residential purposes shall also comply with Section D4 (General Consent Policies) of this Plan.

B3.4.11 Plan of Subdivision/Plan of Condominium Policies

In addition to the policies in Section B3.4.4, new development by Plan of Subdivision or Plan of Condominium in the shoreline shall occur in accordance with Section D4.3.

B3.4.12 Private Roads

It is not the intent of this Plan to provide municipal services such as snowplowing and maintenance to lots fronting on these types of roads. On this basis, all lots that do not have frontage on and direct access to a public road that is assumed and maintained year round for public use shall be placed in a Limited Service Residential Zone in the implementing zoning by-law. All development in the Limited Service Residential Zone shall be subject to Section D2.3.3 of this Plan.

In situations where landowners would like the Township to assume a private road and maintain it for year round usage, the affected lots will have to be rezoned, provided Council is satisfied that the following criteria have been met:

- a) The private road that abuts the lot(s) to be rezoned shall be surveyed and confirmed by a Township Engineer to have been brought up to the Township's standard for new road construction at no cost to the Township;
- b) The lot(s) being rezoned shall abut and have direct access to, the upgraded road;
- c) The dwelling on the lot(s) to be rezoned shall be serviced by a private well on the same lot or an appropriate water supply;
- d) The dwelling on the lot(s) to be rezoned shall be serviced by an appropriate means of sewage disposal;
- e) The lot(s) to be rezoned complies with all applicable zone provisions in the implementing zoning by-law; and,
- f) The road has been surveyed by an Ontario Land Surveyor and assumed by Municipal Act By-law for year round maintenance.

B3.4.13 Public Open Space

The Official Plan recognizes the following locations within the Shoreline designation as being public open space:

- a) The Women's Institute Park, described legally as Lot 1, Plan M-247, PCL 2046 ACS; and,



- b) The Old Port Findlay Dock extending into the water from Port Findlay Road.

These areas have historically been used by the general public in a passive manner and the nature of use will continue subject to monitoring by the Township. These areas will be zoned as Open Space recognizing only existing use and any change of use to these public lands and facilities shall require a Zoning By-law Amendment.

Unopened road allowances leading to the water's edge are also considered to be public space and as a priority, will be maintained as such. However the stopping up and closure of such road allowances may be considered by Council without amendment to this Plan.

B3.5 IMPLEMENTING ZONING BY-LAW

All lands that are used for residential purposes and which have frontage on a public road that is maintained year-round shall be placed in a Shoreline Residential (SR) Zone in the implementing zoning by-law.

Lands that are used for residential purposes, but which front on a private road shall be placed in a Limited Service Residential Zone in accordance with Section B3.4.12 (Private Roads).

Lands that are used for commercial or institutional uses shall be placed in appropriate zones that recognize the use. All undeveloped land in the shoreline area that is designated Shoreline shall be placed in a Shoreline Exception Zone. Permitted uses in this zone shall be restricted to uses that legally existed on the date the implementing zoning by-law comes into effect.



B4 CROWN LAND

B4.1 PURPOSE

The purpose of the *Crown Land* designation is to identify lands in the Township which are Crown land and which the Township has no regulatory control over in accordance with the Planning Act.

B4.2 LOCATION

The *Crown Land* designation as shown on the Schedule A to this Plan applies to a small area of Crown land in the Township, primarily located in the northern portion of the Township.

B4.3 PERMITTED USES

The Township has no authority to regulate land use on Crown land, but encourages Federal and Provincial governments and agencies to be consistent with the policies of this Plan as it relates to the issuance of tenure, occupational authority and permitted undertakings on Crown Land. Where Crown lands are transferred to private ownership the permitted uses of the *Rural* designation shall apply.

B4.4 DEVELOPMENT POLICIES

Where lands are proposed to be patent in accordance applicable legislation and regulations, an Official Plan Amendment will not be required unless the proposed uses are not permitted in accordance with the *Rural* policies of this Plan. Where Crown lands become patent, a Zoning By-law Amendment will be required to recognize the use or uses proposed for the patent land. In reviewing a Zoning By-law Amendment, in this context, Council will expect the proponent to conform to other applicable policies in this Plan.

B4.5 IMPLEMENTING ZONING BY-LAW

All lands within the *Crown Land* designation shall be placed in a Crown Land (C) Zone.



B5 ENVIRONMENTAL PROTECTION

B5.1 PURPOSE

The purpose of the *Environmental Protection* designation is to:

- a) maintain and enhance the ecological integrity of the natural heritage system;
- b) eliminate the potential for the loss or fragmentation of Provincially significant wetlands and the habitats and ecological functions they provide; and,
- c) provide the tools to properly assess development applications located in close proximity to environmentally sensitive features and areas.

B5.2 LOCATION

The *Environmental Protection* designation is intended to include the following components of the Township's Natural Heritage System:

- a) All significant wetlands and coastal wetlands confirmed by the Ministry of Natural Resources;
- b) Other smaller wetland areas that have not been evaluated by the Ministry but which serve an important role in natural drainage and as habitat for wildlife;
- c) Habitat of endangered or threatened species; and,
- d) Any other area that has been determined to be environmentally significant as a result of a planning approval process.

Lands designated *Environmental Protection* are shown on Schedule A to this Plan. The individual components of the Environmental Protection designation are shown on Schedule B to this Plan.

B5.3 PERMITTED USES

Permitted uses on lands designated *Environmental Protection* are limited to conservation and passive recreational uses that do not require development or site alteration. For the purposes of B5.2 a) and b) above, works and infrastructure that by their nature must be located within the floodway, such as flood and erosion control works are permitted. For the purposes of this section, a golf course or similar land use is not a passive recreational use. Proposals for the development of buildings and structures accessory to permitted uses are required to be accompanied by a supporting Environmental Impact Study which



demonstrates, that no negative impact on the natural features or their ecological functions will occur due to the proposed development. Nothing in this Section is intended to limit the ability of existing agricultural uses to continue on lands that are designated *Environmental Protection*. Similarly, existing forestry and existing woodlot management activities are not intended to be prohibited but are encouraged to comply with good forest management practices as recommended or endorsed by the Ministry of Natural Resources and the Ontario Forestry Association.

B5.4 GENERAL POLICIES APPLYING TO THE ENVIRONMENTAL PROTECTION DESIGNATION

B5.4.1 Use of Lands in Private Ownership

Where any land within the Environmental Protection system is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

B5.4.2 Adjacent Lands

Adjacent lands are the lands adjacent to an environmental feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within:

- a) 120 metres of the boundary of a Provincially significant wetland or coastal wetland that has been confirmed by the Ministry of Natural Resources;
- b) 120 metres from the boundary of a Provincially or Regionally Significant Life Science Area of Natural and Scientific Interest;
- c) 120 metres from the boundary of significant wildlife habitat;
- d) 120 metres of a habitat of any endangered or threatened species and where scientific data has determined a different setback the greater of the two will be required;
- e) 50 metres from the boundary of any Provincially or Regionally Significant Earth Science Area of Natural and Scientific Interest; and,
- f) 120 metre from the boundary of Fish Habitat.

No development or site alteration shall be permitted on these adjacent lands without Council approval of a zoning by-law amendment, site plan, development permit or other appropriate planning approval which is accompanied by an Environmental Impact Study which evaluates and assesses the ecological



function of the adjacent lands and demonstrates that there will be no negative impacts on the natural features or on their ecological functions. The requirements for an Environmental Impact Study are contained in Section B5.8 (Requirements for an Environmental Impact Study) of this Plan.

The scale and the contents of the required studies shall be determined at the time the development is proposed. The width of the adjacent lands may be increased/decreased, depending on the feature and the nature of the proposed development. This determination shall be made in consultation with the appropriate agencies at the time the development is proposed.

B5.5 DESCRIPTION OF COMPONENTS OF THE ENVIRONMENTAL PROTECTION DESIGNATION

The Natural Heritage System represents a network of natural areas that continues to exist after the area was settled and the lands and waters that support the ecological functions critical to the survival of these areas. Below is a description of those components of the natural heritage system that are within the Environmental Protection designation.

B5.6 WETLANDS

Wetlands are lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface, as shown on Schedule B. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. Wetlands play a very important role in the natural heritage system, since they:

- a) provide habitat for plants and animals;
- b) store water for groundwater recharge purposes;
- c) trap sediments, nutrients and contaminants thereby improving downstream water quality;
- d) provide corridors for plant and animal movements; and,
- e) provide flood control and protect shorelines from erosion.

There are three types of wetland features in this Plan which have been identified on Schedule B. These include marshes, swamp and muskeg. It is possible that other wetland features may exist in the Township that have not been identified on Schedule B. In cases where other features are identified in conjunction with a planning approval, the policies of this Section shall apply.

Development and site alteration shall not be permitted in significant wetlands and significant coastal wetlands. There are portions of two wetland complexes in the



Township that have been evaluated by the Ministry of Natural Resources and have been classified as being part of a Provincially Significant Wetland. These are the Kensington Point and the Maskinonge Bay Wetland Complexes. Within these wetland areas, development and site alteration shall not be permitted. There are a number of other wetlands in the Township that have either not been evaluated by the MNR or do not meet the criteria to be considered Provincially significant. These wetlands are identified on Schedule B and also form part of the Environmental Protection designation shown on Schedule A. Proposals for development and site alteration in these wetland features may be permitted subject to the completion of the Environmental Impact Study (EIS) which shall include a wetland evaluation to confirm that such local wetlands do not meet the criteria to be confirmed as Provincially Significant.

B5.7 HABITAT OF ENDANGERED, THREATENED SPECIES

An endangered species is a species listed in the Regulations under the Endangered Species Act that is at risk of extinction or extirpation throughout all or a portion of its Ontario range, if limiting factors are not reversed. A threatened species is a native species that is at risk of becoming endangered through all or a portion of its Ontario range. The habitat of endangered and threatened species is protected either through general or regulated habitat as prescribed by the Endangered Species Act. Threatened or endangered species are listed by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and Committee on the Status of Species at Risk in Ontario (COSSARO). The habitat^{6f} is the area that is directly or indirectly necessary for the maintenance, survival and/or recovery of naturally occurring or re-introduced populations of endangered, or threatened species.

According to data provided by the Ministry of Natural Resources, the following endangered and threatened species have the potential to be found in the Township:

- i) American Chestnut (E)
- ii) Butternut (E)
- iii) Golden Eagle (E)
- iv) Henslow's Sparrow (E)
- v) King Rail (E)
- vi) Kirtland's Warbler (E)
- vii) Loggerhead Shrike (E)
- viii) Redside Dace (E)
- ix) Shortnose Cisco (E)
- x) Wood Turtle (E)
- xi) American White Pelican (T)
- xii) Blanding's Turtle (T)
- xiii) Bobolink (T)
- xiv) Chimney Swift (T)
- xv) Lake Sturgeon (T)



- xvi) Least Bittern (T)
- xvii) Peregrine Falcon (T)
- xviii) Shortjaw Cisco (T)
- xix) Whip-poor-will (T)

This list may be updated from time to time, and any other identified endangered or threatened species will be protected by the policies of this Plan. Proponents should contact the Ministry of Natural Resources and Forestry for the most up-to-date information.⁶⁹

The Ontario Ministry of Natural Resources is responsible for approving and defining habitat of endangered species and threatened species. For habitat of endangered species and threatened species in the Township of Tarbutt and Tarbutt Additional, the following policies will apply:

- a) An Environmental Impact Study must be undertaken by the proponent to confirm the presence of any endangered species and threatened species and/or their habitat.
- b) Development and site alteration shall not be permitted in the habitat area of endangered species and threatened species except in accordance with Provincial and Federal requirements.
- c) Development and site alteration on adjacent lands to the habitat of an endangered species or threatened species is not permitted, unless it has been demonstrated (through appropriate evaluation) that there will be no negative impacts on the natural features or their ecological functions. "Adjacent to" will generally mean within 120 metres of such habitat unless it is determined through the consideration of appropriate information or studies that a greater or lesser distance should be considered for particular species or site.
- d) Development proponents should exercise due diligence to ensure that any activities being contemplated would not contravene the Endangered Species Act, 2007, that came into effect on June 30, 2008.

B5.8 REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STUDY

Where the policies of this Plan require that an Environmental Impact Study (EIS) be prepared, such an EIS shall be prepared in accordance with the requirements of this section.



B5.8.1 Purpose of an EIS

The purpose of an EIS is to:

- a) collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant environmental feature(s);
- b) make an informed decision as to whether or not a proposed use will have a negative impact on the critical natural features and ecological functions of the Township; and,
- c) evaluate the existing and potential forest resources on the property and the effect of the proposed uses on those resources.
- d) Where the focus of study is adjacent lands as defined by this Plan, the EIS shall evaluate the ecological function of the adjacent lands and demonstrate that there will be no negative impacts on natural features or ecological functions.

Any EIS required by this Plan must describe the critical natural features and ecological functions, identify their significance and sensitivities and describe how they could be affected by a proposed use. The EIS should give consideration to the relevant aspects and inter-relationships of various components of the natural heritage system on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore the critical natural features and ecological functions of the natural heritage system.

Any EIS must be approved by Council, in addition any other appropriate agencies, before a planning application that facilitates the development that is subject to the EIS is accepted by Council.

B5.8.2 Contents of an EIS

The EIS shall include a description of:

- a) the proposed undertaking;
- b) the natural features and ecological functions of the area potentially affected directly and indirectly by the undertaking, and an assessment of their sensitivity to development;
- c) any lands that support environmental attributes and/or functions that may qualify the lands for designation within the *Environmental Protection* designation;
- d) the direct and indirect effects to the ecosystem that might be caused by the undertaking;



- e) any environmental hazards (i.e. slope, flooding contaminants) that need to be addressed as part of the design and how they will be addressed;
- f) any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
- g) how the proposed use affects the possibility of linking core areas of the natural heritage system by natural corridors that may or may not be identified on the schedules to this Plan; and,
- h) a Management Plan (MP) identifying how the adverse effects will be avoided or minimized over the construction period and the life of the undertaking and how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the MP. The MP shall also establish the limits of buffers and setbacks adjacent to watercourses, waterbodies, valleys, significant wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development.

B5.8.3 What an EIS Should Demonstrate

The EIS should demonstrate, where applicable, that the proposed use will:

- a) not discharge any substance that could harm air quality, land, groundwater, surface water and associated plant and animal life;
- b) be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies, surface water features and associated plant and animal life;
- c) not cause erosion or siltation of watercourses or changes to watercourse morphology;
- d) not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
- e) not cause an increase in flood potential on or off the site;
- f) improve/maintain/enhance/restore/rehabilitate the natural condition of affected watercourses, and protect/enhance/restore/rehabilitate aquatic and fish habitat;
- g) not significantly affect the scenic qualities of the area;
- h) not encourage the demand for further development that would negatively affect wetland function or contiguous wetland areas;



- i) enhance and restore endangered terrestrial and aquatic and fish habitat where appropriate and feasible;
- j) not create unacceptable levels of noise, dust, odour or vibration that will have an adverse impact on the permitted uses of neighbouring properties;
- k) not interfere with the function of existing or potential natural corridors;
- l) not lead to a significant reduction in the forest resource or interior forest habitat in an area; and,
- m) not lead to species loss or negative impacts on endangered or threatened species and/or their habitat.

In addition, the EIS shall demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features that are identified on Schedule B to this Plan or the ecological functions for which the area is identified.

B5.9 IMPLEMENTING ZONING BY-LAW

The boundaries of natural heritage features that are represented as the *Environmental Protection* designation on Schedule A were derived from the Ministry of Natural Resources and represent the most accurate mapping available to the Township at the time this Plan was prepared. This same mapping is intended to be utilized in the implementing Zoning By-law however, minor changes to the boundary may be facilitated by a Zoning Amendment, provided the Official Plan is updated at the time of a five-year review.

Where any application is made to amend the boundary of an area identified as Provincially Significant Wetland, in the Zoning By-law, the application shall be circulated to the Ministry of Municipal Affairs and Housing and Notice of application is to be given to MMAH pursuant to Ontario Regulation 545/06 (5(10)).

The implementing zoning by-law shall also specify that all buildings and structures be set back an appropriate distance from the boundary of an Environmental Protection Zone as required under B5.4.2. A reduction in the setbacks will require either an Amendment to the implementing zoning by-law or a minor variance subject to the comments of the appropriate agencies. Matters to be considered in reviewing an application to reduce the setback include:

- a) the nature and stability of the soils;
- b) the nature and stability of the vegetation and cover;



- c) the slope of the land;
- d) the nature of existing and proposed drainage patterns;
- e) the nature of the fish and wildlife that may be present; and,
- f) the scale of the proposed development.

Council shall be satisfied that the proposed development can be accommodated without there being a negative impact on the features and functions of the corridor and in a safe manner.



PART C – GENERAL ENVIRONMENTAL POLICIES

C1 OBJECTIVES

It is the intent of this Plan to:

- a) recognize and protect all significant rivers, streams and other bodies of water and significant natural heritage features in the Township from development that may have an impact on their function as an important component of the natural heritage system;
- b) ensure that development does not occur on lands that are unstable or susceptible to flooding;
- c) ensure that development does not occur on hazardous slopes;
- d) protect the quality of water available for drinking water purposes.
- e) identify what is required to support an application for development in an area that is considered to be environmentally sensitive; and,
- f) identify what information is required to support an application that may have an impact on the hydrogeological resources of the Township.

C2 ENVIRONMENTAL FEATURES NOT INCLUDED IN THE ENVIRONMENTAL PROTECTION DESIGNATION

C2.1 LAKES, RIVERS AND STREAMS

All of the lakes, rivers and streams in the Township as shown on the schedules to this Plan are considered to be environmentally significant since they:

- a) contain fish habitat areas;
- b) function as corridors for migrating wildlife habitat movement and vegetation dispersal;
- c) serve to maintain the quality and quantity of surface and ground water resources; and,
- d) assist in the improvement of air quality.



It is the intent of this Plan to protect all lakes, rivers and streams from incompatible development to minimize the impacts of such development on their function. No development/site alteration is permitted within the flooding hazard limit, as defined by the 100 year flood, or within the Erosion Hazard limit, as defined by a qualified person and sealed/stamped by a professional engineer in accordance with the provincial guidelines outlined in the Ministry of Natural Resources Guide to Understanding Natural Hazards (2001). The top of bank shall be determined by an Engineer and/or Surveyor.

C2.2 FISH HABITAT

Fish habitat means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. Development and site alteration is shall not be permitted in fish habitat unless in accordance with provincial and federal requirements. Development and site alteration may be permitted adjacent to fish habitat if it can be demonstrated through an EIS that such development and site alteration will have no negative impact on the feature or its ecological function.⁷ Fish Habitat is not specifically identified on the Schedules to this Official Plan; therefore applicants must consult with the appropriate authority (the Federal Department of Fisheries and Oceans) when proposing any development on lands adjacent to water. For the purpose of this section, lands adjacent to fish habitat are defined, as being within 120 metres of a fish habitat area.

C2.3 WOODLANDS AND VALLEYLANDS

Woodlands and valleylands have not been specifically placed in the *Environmental Protection* designation. However, these areas greatly contribute to the character of the Township as a whole and provide key wildlife habitat and important linkages to other environmental features such as wetlands. It is a policy of this Plan that such areas be retained in their natural state, whenever possible and appropriate, as a condition of a Planning Act development approval. A tree cutting by-law shall not be passed without a specific assessment of the objectives and impacts of a tree cutting by-law together with opportunity for public comment.

C2.4 AREAS OF SIGNIFICANT WILDLIFE HABITAT

A wildlife habitat area is an area where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. In some cases, these areas may be considered significant due to the ecological importance of features, functions, representation or amount, thereby contributing to the quality and diversity of an identifiable geographic area.

Wildlife habitat areas shown on the Schedule B to this Plan include significant wildlife habitat areas such as moose wintering areas, staging areas, aquatic spawning areas and nesting sites. As new information becomes available, other



wildlife habitat areas may become known and added to Schedule B. This new information will be considered at the time a development application is submitted and/or when the Official Plan is reviewed.

New development may be permitted within areas of significant wildlife habitat or the adjacent lands if it can be demonstrated through an EIS that such development will have no negative impact on the feature or the ecological function. For the purposes of this plan, it is anticipated that development applications will require an EIS if proposed within 120 metres of a significant wildlife habitat.

C2.5 OTHER AREAS IDENTIFIED THROUGH A PLANNING PROCESS

It is anticipated that there will be areas of land where a detailed planning approval process or Provincially initiated study has identified an environmental or topographical feature that should be protected from development. These areas may have been identified at the time of the review of a development application or may have been identified as being sensitive as part of a Secondary Plan process. Examples of such areas in the Township include low and wet areas that have not been identified on Schedule B. The identification of new such areas would only occur through the review of a major development application requiring an amendment to this Plan. New environmental features which are identified will be added to Schedule B in one of two ways: by an Official Plan Amendment for that purpose or at the time of the Official Plan review; whichever is most expeditious.

C3 WATER RESOURCE MANAGEMENT

At the present time, all areas of the Township obtain drinking water from private wells or from the lake. It is a policy of this Plan to protect existing sources of drinking water for future use.

On this basis, all development applications for Plan of Subdivision or Plan of Condominium, or Planning Act applications relating to new commercial, industrial or institutional use, shall be supported by a Water Resource Management (WRM) report.

The WRM Report shall be prepared by a hydrogeological professional to the satisfaction of the Township and the appropriate agencies. The purpose of the WRM Report is to investigate the impacts of the proposed development on water quality and quantity and provide recommendations on:

- a) how to maintain or enhance the natural hydrological characteristics of the water resource;
- b) how to minimize or eliminate the effect of the proposed use on the groundwater recharge function;



- c) how to minimize or eliminate the effect of the proposed use on the quality and quantity of drinking water in adjacent private and municipal wells;
- d) how to maintain or enhance linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;
- e) whether it is required to monitor water budgets for groundwater aquifers and surface water features; and,
- f) how to ensure that the quality of the watercourses affected by the development are maintained.

Where additional approvals are required such as a Permit to Take Water or a license, the WRM shall identify such requirements.

C4 STORMWATER MANAGEMENT

All commercial, industrial, institutional and residential development (five lots or more) proposals shall be supported by a Stormwater Management (SWM) report. The content and depth of the SWM report shall be determined when the development is proposed.

The SWM Report shall be prepared by a qualified professional to the satisfaction of Council and the appropriate agencies and be prepared in accordance with The Stormwater Management Practices Planning and Design Manual (2003) or its successor and shall:

- a) provide recommendations on a stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the 1:100 year Timmins storm event;
- b) document the possible impacts of development on watershed flow regimes including their interconnection with groundwater resources;
- c) provide recommendations on how to maintain pre-development water quality and improve run-off where appropriate;
- d) document the means by which stormwater volume control will be provided;
- e) determine and describe the necessary measures required to be undertaken during construction to mitigate the potential negative impact of development, and after construction to minimize erosion risks and risks to human health and safety and property damage;



- f) provide for the maximum extent and function of vegetation and pervious surfaces; and,
- g) confirm if any external agency approvals or permits are required for the stormwater plan.

Stormwater management facilities for condominium developments and other large single uses may be privately owned and maintained. Agreements with the local Council may be required as a condition of approval, to provide for their continued maintenance.

C4.1 IMPLEMENTING ZONING BY-LAW

All stormwater management facilities in a Plan of Subdivision shall be placed in the Environmental Protection Zone in the implementing zoning by-law to reflect the potential for these lands to be flooded and to ensure that their intended use is recognized.

C5 HAZARD LAND POLICIES

C5.1 STEEP SLOPES AND RAVINES

The following policies shall apply to development proposed in association with steep slopes and ravines.

- a) Development will not be permitted on slopes that are subject to active erosion or historic slope failure.
- b) Development shall be sufficiently setback from the top of bank of slopes greater than 1 in 3. The development setback distance may be determined in consultation with an engineer and/or surveyor subject to the following criteria:
 - i) soil type and groundwater patterns;
 - ii) vegetation type and cover;
 - iii) severity of slope; and,
 - iv) nature of development.
- c) In some instances, where a sufficient development setback cannot be achieved, the proponent will be required to provide a slope stability analysis as a prerequisite to any development. The analysis shall be prepared by a qualified professional to the satisfaction of Council.



C5.2 NATURAL HAZARDS

C5.2.1 The regulatory floodline elevation applicable to lands abutting Lake Huron in the Township of Tarbutt and Tarbutt Additional is 178.4 metres C.G.D. This figure was derived by adding a vertical wave uprush of 0.5 metres to the known 100 year Peak Instantaneous Flood Elevation of 177.9 metres C.G.D.

C5.2.2 Development will generally be directed to areas outside of hazardous land adjacent to the floodline elevation specified in Section C5.2.1 as well as river and stream systems and small inland lake systems^{8a} which are impacted by flooding and/or erosion hazards, and hazardous sites. Hazardous sites may consist of steep slopes, unstable soils, organic soils, and unstable bedrock. Where development is proposed within or partly within these features, the development proponent shall submit a technical study prepared by a qualified professional to the satisfaction of the appropriate approval authority which demonstrates the following:

- a) the hazard can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result;
- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and,
- e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

Recommendations made in the technical report(s) will be implemented through the planning process. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.

C5.2.3 Development and site alteration within a floodway is prohibited, except for that development and site alteration which, by its very nature, must be located within a floodway. A floodway is the area of a floodplain where there is the greatest likelihood of damage being caused in the event of an extreme flood event.

Where development and site alteration is proposed in the vicinity of flooding hazards, a detailed engineering study will first confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the approval authority that it can occur safely on the subject lands outside of the flooding hazard, and not upon lands which are high points surrounding by the flooding hazard. Lands impacted by flooding



hazards will be zoned appropriately to prohibit development and site alteration, except for that development and site alteration which must, by its very nature, be located within a floodway.

C5.2.4 Climate Change Risks

The Township will consider the potential impacts of climate change that may increase the risk associated with natural hazards.

C5.3 HAZARDOUS SITES

Hazardous sites are defined as lands that could be unsafe for development due to naturally occurring hazards such as unstable soils (organic soils) or bedrock and dynamic beaches.

In the event that development is proposed within an area characterized by these conditions, a technical study shall be prepared by a qualified professional to determine whether the risks created by the hazard can be managed or mitigated in accordance with Provincial standards. In doing so the criteria in Section C5.2 shall apply.

C5.4 HAZARDOUS SUBSTANCES

Uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted in any land use designation in this Plan.

C5.5 WILDLAND FIRE

- a) Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.
- b) Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry.
- c) Proponents submitting a planning application may be required to undertake a site review to assess for the risk of high to extreme wildland fire behaviour on the subject lands and adjacent lands (to the extent possible). If development is proceeding where high to extreme risk for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.
- d) Areas with the presence of hazardous forest types for wildland fire are a proposed site plan control area.



- e) Wildland fire mitigation measures shall not be permitted in significant wetlands and significant coastal wetlands.
- f) Wildland fire mitigation measures shall not be permitted in significant wildlife habitat, significant areas of natural and scientific interest or coastal wetlands (non-provincially significant) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

C6 WASTE DISPOSAL AREAS

The Township does not currently operate an open waste disposal site within its municipal boundaries given that the Township jointly owns a landfill site with Johnson Township that is located in Johnson Township. It is a policy of this Plan to ensure the residents of Tarbutt and Tarbutt Additional are provided with a safe and cost efficient waste management program. The Ministry Certificate of Approval for the current landfill will expire during the life of this Plan, however it is Council's intent to sustain the current landfill through practices such as diversion, composting and recovery. In the event a new landfill site is proposed within Township boundaries, an amendment to this Plan will be required. The requirement for an Official Plan Amendment shall not apply to a communal sewage lagoon or septage facility, however, the proponent a Zoning By-law Amendment shall be required and the proponent will be guided by MOE Guideline D-2: Compatibility Between Sewage Treatment and Sensitive Land Uses.

There is one closed landfill site located in the Township which is identified on Schedule A. The creation of new lots or the development of new uses or new or enlarged buildings or structures within 500 metres from the boundary of the fill area of this closed landfill site, may be permitted provided an assessment is completed to determine:

- a) the impact of any potential methane gas migration;
- b) whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the waste disposal site;
- c) potential traffic impacts;
- d) whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the waste disposal site; and,
- e) the impact of the proposed use on leachate migration from the landfill site.



The studies required to support a development application within the assessment area shall be prepared by a qualified professional and may be scoped based on the type and/or scale of the development proposed. In undertaking such an assessment, proponents shall be guided by Ministry of Environment Guideline D-4 Land Use On or Near Landfills and Dumps.

All lands within the assessment area shall be subject to a Holding provision in the implementing zoning by-law. The lifting of a Holding provision permitting the development of any new use or primary buildings or structures within the assessment area shall not occur until Council is satisfied that all of the studies required have been satisfactorily completed. It is not the intent of this policy to require assessment for minor additions or renovations to existing uses.

In cases where an amendment to the Official Plan and/or Zoning By-law is required to permit a proposed use, appropriate studies dealing with the matters set out above shall be submitted for Council's consideration.

C7 LAND USE COMPATIBILITY

It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries in addition to uses adjacent to waste disposal sites or sewage treatment facilities. It is a policy of this Plan that incompatible land uses be separated or otherwise buffered from each other, and on this basis, land use permissions set out in this Plan should not be viewed as being as-of-right. Where a proposed development is located adjacent to a potentially incompatible land use, an assessment of the compatibility of the proposal may be required by Council in accordance with the Ministry of Environment D-Series Guidelines, specifically MOE Publication NPC-300 or its predecessor. Where a proposed use cannot satisfy the minimum requirements of the applicable MOE guidelines or its successor, or the potential impacts of the proposed use cannot be mitigated, the use will not be permitted. The approval of development proposals shall be based upon the achievement of adequate distances and the recommendations of the required studies. Where practical and enforceable, such distances or other recommendations may be implemented through zoning or site plan agreements.

C8 CONTAMINATED SITES

If the site of a proposed use is known or suspected to be contaminated, Council shall require the proponent to prepare a study prepared in accordance with the Ministry of Environment guidelines which determines the nature and extent of the contamination and the identification of a remedial plan if required. Where the need for remediation is identified, the site shall be restored and a Record of Site Condition be obtained before development approvals are granted. A Record of Site Condition shall be required regardless of whether a change in land use designation is proposed.



Council may also place a Holding symbol on such lands until it is acceptably cleaned up and decommissioned in accordance with Ontario Regulation 153/04 of the *Environmental Protection Act*.

The final approval of development applications on brownfield lands shall be conditional on the verification of final site conditions and registration of the Record of Site Condition (RSC) on the Province's Brownfields Site Registry.

C9 TOP SOIL REMOVAL AND COMMERCIAL FILL

The removal of top soil or filling of land for commercial purposes shall not be permitted in the Township and Council will prepare an appropriate By-law to regulate such activity and site alteration.



PART D – GENERAL DEVELOPMENT POLICIES

D1 WATER AND SEWER SERVICING STRATEGY

D1.1 OBJECTIVES

It is the intent of this Plan to:

- a) ensure that public health and the natural environment is protected;
- b) ensure that new development is carried out in a manner which respects the environmental policies of this Official Plan;
- c) identify the preferred means of servicing in the Township;
- d) ensure that all servicing options are considered when major new development is proposed; and,
- e) ensure that appropriate agreements are in place before development on private communal services occurs.

D1.2 PREFERRED MEANS OF SERVICING

The Township does not maintain a municipal water or sanitary sewer system and does not foresee the need for such a system in the time horizon of this Official Plan. On this basis, the preferred means of servicing lands in the Township is private, individual, on-site water and sewage systems.

D1.3 POLICIES FOR WATER AND SEWER SERVICING

D1.3.1 Well Construction

Wells shall be constructed and maintained as required by Ontario Well Regulation 903 pursuant to the *Ontario Water Resources Act*.

D1.3.2 Sewage Disposal System Construction

Any individual on-site sewage disposal system with over 10,000 litres per day in capacity requires the approval of the Ministry of the Environment and Climate Change.



D1.3.3 Site Conditions

- a) Individual on-site water systems (wells) and individual on-site sewage services (e.g., septic systems) may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

- b) Lot creation may only be permitted where there is confirmation of sufficient reserve sewage system capacity, which includes treatment capacity for hauled sewage from individual on-site sewage services. This may include a letter from a licensed sewage hauler confirming that there is adequate capacity for hauled sewage from the site.⁹



D2 TRANSPORTATION

D2.1 OBJECTIVES

It is the intent of this Plan to:

- a) facilitate the safe movement of both people and goods to and from the various communities within the Township;
- b) ensure that new development does not create a traffic hazard;
- c) reduce the financial burden of road maintenance upon the general taxpayer by ensuring heavy users of local roadways share in maintenance costs;
- d) ensure appropriate right-of-way widths for all existing and proposed roads; and,
- e) restrict development on non-winter maintained roads, private roads and individual rights-of-way.

D2.2 TYPES OF ROADS

D2.2.1 Township Roads

Township roads are those roads that are assumed and maintained for public use by the Township of Tarbutt and Tarbutt Additional and are identified on Schedule C to this Plan. Access to and usage of these roads is subject to the jurisdiction of the Township.

D2.2.2 Township Roads - Seasonal

Township Roads - Seasonal are those roads that are owned by the Township but are not maintained on a year-round basis. Access to and usage of these roads is subject to the jurisdiction of the Township and the Township may restrict new building and development on such roads.

D2.2.3 Private Roads

Private roads are access routes located on private property and maintained by private individuals, Corporations or Associations. Such roads generally provide access to more than one property. It is the policy of this Plan to restrict the expansion of new private roads or individual rights-of way for the purpose of facilitating new lot creation, with the exception of an expansion required to provide legal access to an existing land-locked parcel.



Private roads will not be assumed and maintained by the Township unless the road is brought up to municipal standards and assumed by the Township on a year-round basis. The cost of bringing such a road up to municipal standards shall be borne by the landowners that will benefit from the year round maintenance of the road.

The construction or expansion of a dwelling unit or any building containing a permitted non-residential use on a lot that is accessed only by a private road may be permitted, subject to Section D2.3.3

D2.2.4 Roads on Crown Land

The Township supports the public use of roads and trails on Crown land for recreation and resource-related uses, however the Township will not expend financial resources to maintain, upgrade or assume such roads. Improvements or capital works proposed for such roads must be authorized by the Ministry of Natural Resources. Where Planning Act approvals are sought for lands that require or are dependent on access over Crown land, such approvals will be contingent on the proponent obtaining support from the Ministry of Natural Resources for the use of Crown land for access.

D2.2.5 Unopened Municipal Road Allowances

An unopened municipal road allowance is land that has been surveyed or identified for use as a public road, but has never been improved, maintained or utilized as a public road. The Township does not intend to improve these road allowances for public use, but where the improvement of an unopened road allowance would yield a substantial public benefit, Council will consider the provision of long-term maintenance provided the cost to upgrade the unopened road allowance is borne by landowners who would directly benefit from the improvement.

Council intends to retain all unopened road allowance, but may consider the closing and conveyance of an unopened road allowance only in accordance with Section D2.3.4.

D2.2.6 Provincial Highway

Highway 17 and Highway 548 are Provincial highways and all development abutting these highways is subject to the requirements of the Ministry of Transportation. Development on lands adjacent to Provincial highways should be designed to avoid, mitigate, or minimize negative impacts on the corridor's primary function as a people and goods movement facility over the long-term.

New development will be discouraged from locating on lands adjacent to these highways and direct access onto a provincial highway will be restricted with the exception of lands zoned for industrial or commercial use.



New development shall also be required to maintain a 50 metre noise buffer from the highway, wherever feasible. Land uses proposed within the 50 metre noise buffer shall be subject to noise feasibility and/or detailed noise studies in accordance with the Ministry of the Environment's "Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation".

D2.3 ROAD POLICIES

D2.3.1 Right-of-Way Widths

The minimum right-of-way width for all municipal roads shall generally be 20 metres. Every effort will be made to secure this right-of-way width as a condition of Planning Act approvals. In addition, where road deviations are known to exist, Council will secure such deviations through Planning Act approvals.

D2.3.2 Traffic Impact Studies

Traffic impact studies may be required by Council to support a development application. The intent of such a study is to ensure that the proposed development can be designed and sited to ensure that the impacts of the development on the adjacent road network are addressed.

D2.3.3 Conditions Under Which Development is Permitted on Private Roads

All lots that front on a private road shall be placed in a Limited Service Residential (LSR) Zone in the implementing zoning by-law. These lots shall also be subject to Site Plan Control. Council may restrict new development on a vacant lot until a Site Plan Agreement is entered into between the landowner and the local Township.

It is not the intent of this policy to control the siting of building or structures on the lot, unless it is deemed by Council that issues relating to buffering, building placement and/or drainage should be dealt within the context of a Site Plan Agreement.

Prior to considering a Site Plan Agreement, Council shall be satisfied that:

- a) The use of the lot is permitted by the implementing zoning by-law;
- b) The lot and all buildings and structures on the lot comply with the implementing zoning by-law; and,
- c) The sewage disposal system is operating in accordance with current standards and that the use is serviced by an appropriate water supply on the same lot.



The Site Plan Agreement shall contain wording that indicates that:

- i) the owner acknowledges and agrees that the lot in question does not front on an improved public road;
- ii) the owner acknowledges and agrees that the Township does not or is not required to maintain or snowplow the said road or street;
- iii) the owner acknowledges and agrees that the Township will not take over or assume a private road or street as a Township public road or street unless it has been built according to an appropriate road standard; and,
- iv) the owner acknowledges and agrees that the Township is not liable for any injuries, losses or damages as a consequence of the Township issuing a building permit.

D2.3.4 Closing and Conveyance of Road Allowances

Unopened road allowances will be retained by the Township and may be used to accommodate future transportation needs, if warranted.

Notwithstanding, Council may pass by-laws to close any portion of an opened or unopened road allowance in accordance with the Municipal Act, and in doing so, the Township may convey ownership of some or all of the lands.

Prior to considering the closure and conveyance of any road allowance, Council will consider the following criteria:

- i) If the road allowance to be closed provides an existing or potential public access to a lake or river by leading to the water's edge, Council must be satisfied that there is an adequate alternate public access to the water body in proximity to the road allowance to be closed; and,
- ii) If the road allowance is used by a formalized recreational trail organization, as indicated on the Schedules or Appendices to this Plan, it must be demonstrated that the closure will not be detrimental to the greater trail network.

Where the Township is requested to close and convey any portion of a road allowance, Council may, as a condition of such conveyance, require any of the following:

- i) The exchange of other property to provide appropriate land or water access;

- ii) Notification of such closure and conveyance to abutting landowners in accordance with the authority provided under the Municipal Act;
- iii) The subject lands be rezoned;
- iv) The removal or structural repair of buildings or structures; or,
- v) The prospective owner of such lands to assume responsibility for all costs associated with the closure including the preparation of a survey and all legal documents necessary to effect the land transfer.

D2.3.5 Road Straightening and Re-alignment

The Township will continue a program of straightening and re-aligning roads where it is financially feasible and in the public interest to undertake such work. Where such work requires patent lands to be assumed for the purpose of road construction, the Township will enter into an agreement with a landowner to convey or trade land necessary to facilitate the re-alignment. Where the re-alignment results in the creation of a new lot, Council may allow the lot to be used for uses permitted by this Plan provided the potential lot conforms with the criteria in Section D4.2.1. Where the potential lot does not conform with one or more of the criteria in Section D4.2.1, Council will require any residual lands to be merged with adjoining lands at no expense to the landowner.

Where existing, assumed public roads deviate onto private land or where lands necessary to a future realignment are identified, the Township may acquire such lands or require the owner to enter into agreements for the conveyance of such lands in conjunction with Planning Act approvals.

Where necessary, the Township will conduct a Class Environmental Assessment in accordance with the Environmental Assessment Act for such undertakings.



D3 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

D3.1 OBJECTIVES

It is the intent of this Plan to:

- a) recognize that the maintenance of the Township's heritage resources will contribute to the preservation of the Township's character.
- b) ensure that the nature and location of heritage and archaeological resources are known and considered before land use decisions are made.
- c) prevent the demolition, destruction, inappropriate alteration or use of cultural heritage resources and encourage development which is adjacent to significant cultural heritage resources to be of an appropriate scale and character.
- d) consult and seek the advice of a Heritage Committee or other established heritage organizations when making decisions regarding the conservation of cultural heritage resources in the Township.

D3.2 POLICIES

D3.2.1 Public Works

Public authorities have the ability to make decisions affecting the public realm that can have a positive impact on cultural heritage resources. On this basis, the carrying out of any public work by any Public Authority shall have regard to the retention and protection of identified cultural heritage resources in accordance with the goals and objectives of this Plan.

D3.2.2 Restoration and/or Rehabilitation of Identified Cultural Heritage Resources

It is the intent of this Plan to encourage the restoration or rehabilitation of identified cultural heritage resources by assisting with funding applications, establishing partnerships with agencies or associations. Council may also encourage the restoration and retention of heritage properties through the use of bonusing and density transfers and other means as permitted by the Planning Act. Council may also lead by example by restoring, rehabilitating, enhancing and maintaining municipally owned cultural heritage resources, through appropriate heritage stewardship practices.



D3.2.3 Built Heritage Register

A register of heritage buildings and structures within the Township will be compiled by Council subject to the availability of resources. This register will be comprised of land and buildings that have been designated under the *Ontario Heritage Act* as well as those that Council considers to have local or regional cultural heritage value or interest. Inventoried heritage resources may be considered for designation under the Ontario Heritage Act and/or conservation through the review of any proposed development, subject to all relevant legislation. Council will require a Heritage Impact Assessment to be conducted by a qualified professional whenever a development has the potential to affect a protected heritage property/cultural resource.

D3.2.4 Cultural Heritage Landscape Inventory

In conjunction with Section D3.2.3, Council may also prepare an inventory of cultural heritage landscapes. Landscapes such as existing rural and agricultural areas, historic hamlets, and heritage roads will be identified in the inventory. A cultural heritage landscape is a defined geographical area of heritage significance that has been modified by human activities. Such an area is valued by a community and is of significance to the understanding of the history of a people or place.

D3.2.5 Designation under the Ontario Heritage Act

Council may by by-law designate buildings or land of cultural heritage value pursuant to the *Ontario Heritage Act* and the policies of this Section. Prior to the passage of such a by-law, Council shall be satisfied that:

- a) the building or land is strongly associated with the life of a person who played an integral role in the development of the Township and/or is well-known locally, nationally or internationally;
- b) the building or land has historical value or associative value because it has direct associations with a theme, event, belief, activity, organization or institution that is significant to the community; it yields, or has the potential to yield information that contributes to an understanding of a community or culture;
- c) the buildings or land has design value or physical value because it is rare, unique, representative or early example of a style, type, expression, material or construction method; displays a high degree of craftsmanship or artistic merit; demonstrates a high degree of technical or scientific achievement.
- d) The building or land has contextual value because it is important in defining, maintaining or supporting the character of an area; is physically,



functionally, visually or historically linked to its surroundings, or is a landmark.

D3.2.6 Retention/Relocation of Heritage Buildings

The Township shall encourage the retention of buildings of architectural and/or historical significance in their original locations whenever possible. In cases where heritage buildings are proposed to be altered or relocated, the proponent ~~may~~ shall^{10b} be required to prepare a Heritage Impact Assessment, which shall consider options for on-site retention, including integration within new development areas, adaptive re-use of the building in its original location (e.g. use as a community centre within a residential subdivision), and relocation of the building on the development site.

D3.2.7 Demolition of Built Heritage Resources

The demolition of heritage resources shall be considered to means of last resort and shall therefore require justification. In cases where built heritage resources may be relocated or demolished, Council shall ensure that such heritage resources are documented for archival purposes with a history, photographic record and measured drawings prior to demolition or alteration and that such documentation shall be the responsibility of the applicant in consultation with the Ministry of Culture. Council shall ensure that significant records and documentation will be located in an appropriate repository, such as a municipal archive or library.

Pursuant to the *Ontario Heritage Act*, Council may also refuse to permit the demolition of heritage buildings or structures that have been designated under the *Ontario Heritage Act*.

D3.2.8 Archaeological Assessments

Council recognizes that there may be archaeological remnants of prehistoric and early historic habitation as well as archaeological potential areas throughout the Township. Archaeological sites and resources contained within these areas can be adversely affected by any future development.

Council shall therefore require archaeological impact assessments and the preservation or excavation of significant archaeological resources in accordance with Provincial regulations set out by the Ministry of Culture, as well as licensing regulations referenced under the Heritage Act. The need for impact assessments will be determined in conjunction with development applications through the use of provincial screening criteria, qualified mapping or the inventories referenced earlier in the Section. Areas of archaeological potential can be found in areas close to water, current or ancient shorelines, rolling topography, unusual landforms or areas of known historic settlement.



Archeological assessments completed in conjunction with a development application will be prepared by a licensed professional archaeologist, in accordance with Provincial requirements.

Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer and Business Services when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. In these cases, the provision of the *Ontario Heritage Act* and *Funeral, Burial and Cremation Services Act* shall apply.

Council may also maintain the integrity of archaeological resources by adopting zoning by-laws under Section 34(1) 3.3 of the *Planning Act* to prohibit any land use activities or the erection of buildings or structures on land which is a site of significant archaeological resources.

D3.2.9 Marine Heritage Resources and Features

Council may require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* if partially or fully submerged marine features such as ships, boats, vessels, marine artifacts wharfs, fords, dwellings, aircraft and/or other items of cultural heritage value are identified and may be impacted by shoreline or waterfront development.

In considering applications for waterfront development, Council shall ensure that cultural heritage resources both on shore and in the water are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.

D3.2.10 Aboriginal Communities

It is the intent of the Plan that the Township will consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.



D4 SUBDIVISION OF LAND

This section is intended to contain policies that are to be considered with every application to subdivide land in the Township. Regard shall also be had to the specific policies dealing with lot creation in each land use designation.

D4.1 PREFERRED MEANS OF LAND DIVISION

Land division by Plan of Subdivision, rather than by consent, shall generally be deemed necessary if:

- a) the extension of an existing public road or the development of a new public road is required to access the proposed lots; or,
- b) the area that is proposed to be developed is not considered to be infilling; or,
- c) a Plan of Subdivision is required to ensure that the entire land holding or area is developed in an orderly and efficient manner; or,
- d) more than three new lots are being created.

D4.2 NEW LOTS BY CONSENT

D4.2.1 General Criteria

Prior to considering an application to create a new lot for any purpose, Planning Board shall be satisfied that the proposed lot:

- a) fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) Notwithstanding (a), a lot may be created on a private road with a registered right-of-way extending 1 kilometre or less from an assumed Township road;
- c) will not cause a traffic hazard as a result of its location on a curve or a hill;
- d) can be serviced with an appropriate water supply and means of sewage disposal, including septage disposal;
- e) will not have a negative impact on the drainage patterns in the area;
- f) will be compatible with existing land use abutting and proximate to the proposed lot;
- g) is orderly and appropriate and similar in character to surrounding lots;



- h) will not have a negative impact on the features or their ecological functions of any environmentally sensitive feature in the area or as identified in Schedule B; and,
- i) will not be subject to undue risks due to natural and man made hazards.

D4.2.2 Lot Additions

A consent may be permitted for the purpose of correcting conveyances, adjusting boundaries, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the Council shall be satisfied that the lot addition will not affect the viability of the use of the properties affected as intended by this Plan.

D4.2.3 Lots for Utilities

The creation of new lots for major facilities, marine facilities, public utilities, rail facilities, and communication utilities may be permitted, provided:

- a) the area of the proposed lot is minimized and reflects what is required for the use;
- b) the lot and proposed buildings and structures shall be appropriately designed, buffered, and/or separated from sensitive land uses to prevent or mitigate any adverse impacts from the facility and to ensure the long-term viability of the facility; and,
- c) the implementing zoning by-law, as a condition of Provisional Consent, only permits uses that are related to the utility on the lot.

D4.3 SUBDIVISION/CONDOMINIUM DEVELOPMENT POLICIES

This section is intended to contain general Plan of Subdivision/Plan of Condominium policies that are to be considered with every application for Plan of Subdivision/Plan of Condominium. Regard should also be had to the specific policies dealing with lot creation in each land use designation.

Prior to the consideration of an application for Plan of Subdivision/Plan of Condominium, Council shall be satisfied that:

- a) the approval of the development is not premature and is in the public interest;
- b) the lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities;



- c) there is sufficient reserve sewage system capacity, including treatment capacity of disposal capacity for hauled sewage from private communal systems and individual on-site sewage services;
- d) the density of the development is appropriate for the area;
- e) the subdivision/condominium, when developed, will be integrated with other development in the area;
- f) the subdivision/condominium conforms with the environmental protection and management policies of this Plan;
- g) the proposal conforms to Section 51 (24) of the Planning Act, as amended; and,
- h) where new waterfront development is proposed by Plan of Subdivision or Condominium, the lands must be designated Shoreline.

Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the Township will be required.

D4.3.1 Affordability

It is a policy of this Plan to ensure existing and new residents have access to diverse and affordable housing choices. However, given that all future development will be rural residential development, it is acknowledged that there are limitations to providing a diversity of housing types in the interest of achieving Provincial affordability requirements. This Plan provides for accessory apartments and garden suites, which will contribute towards affordability objectives. In addition, it is a policy of this Plan that a sufficient supply of rural building lots be available in order to keep the cost of rural residential development more affordable.

D4.3.2 Energy Efficiency and Air Quality

Council encourages subdivision design that promotes or derives energy efficiency and improved air quality through land use and development patterns which maximize the use of alternative or renewable energy, such as solar and wind energy as well as the mitigating effects of vegetation.

D4.4 PUBLIC PARKLAND

D4.4.1 Objectives

It is the objective of this Plan to:



- a) establish and maintain a system of public open space and parkland areas that meets the needs of present and future residents;
- b) enhance existing parkland areas wherever possible to respond to changing public needs and preferences;
- c) ensure that appropriate amounts and types of parkland are acquired by the Township through the development process;
- d) encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection; and,
- e) manage the public open space and parkland areas in a manner that is consistent with the environmental objectives of this Official Plan.

D4.5 GENERAL POLICIES APPLYING TO ALL PUBLIC PARKLAND

D4.5.1 Dedication of Land through the Development Process

Council has the authority to require the dedication of five percent (5%) of the land within a residential Plan of Subdivision or consent to be dedicated to the Township as parkland. Two percent (2%) of the land within a non-residential development shall be dedicated as parkland. In lieu of the above requirements, Council may require cash-in-lieu of parkland instead, as deemed appropriate. In the establishment of a Parkland Dedication By-law, Council may determine value on the basis of either the value of raw land on the day prior to draft approval (Provisional Consent) or on the basis of the value of the new lot(s) prior to issuance of a Building Permit.

All lands dedicated shall be conveyed in a physical condition satisfactory to the Township.

Lands within the *Environmental Protection* designation and/or which have been identified as hazard lands shall not be considered as part of the required minimum dedication of parkland pursuant to this section of the Plan.

D4.5.2 Use of Monies Received Through the Cash-in-Lieu Process

All monies received under the provisions of Section D4.5.1 should be used for the sole purpose of developing and acquiring public parkland and/or developing recreational facilities in accordance with the Planning Act. This policy shall not prevent Council from acquiring a residential lot in a subdivision which will not be used as parkland but will be held as an asset of the Corporation.

D4.5.3 Parkland Dedication By-law

Council may enact a Parkland Dedication By-law that establishes:



- a) the lands to which the by-law is applicable;
- b) the rate of parkland dedication in accordance with Section D4.5.1 of this Plan;
- c) the development applications which are subject to parkland dedication requirements;
- d) land uses which are exempt from parkland dedication requirements; and,
- e) in the case of cash-in-lieu, whether the value of parkland will be determined on the basis of raw land prior to approvals or on the basis of value of the individual lot(s) prior to issues of a building permit.

D4.6 PARKLAND DEVELOPMENT POLICIES

D4.6.1 Parkland Siting and Design

All public parkland shall:

- a) be as accessible as possible and be open to view on as many sides as possible for safety purposes;
- b) have direct and safe pedestrian access;
- c) incorporate natural heritage features wherever possible into the design of the parkland; and,
- d) be connected, wherever possible, to trail systems, cycling routes and natural heritage corridors.

D5 TECHNICAL STUDIES AND PEER REVIEWS

Where a policy in this Plan requires the submission of technical studies, such studies must be prepared at the applicant's expense by a qualified professional. When technical studies are submitted with a development application, Council may authorize a qualified professional to peer review such studies and provide advice to Council at the applicant's expense.

D6 NORTHERN ONTARIO GROWTH PLAN

The Vision, Goals and Strategic Objectives and land use policies contained in this Plan are consistent with the Provincial Growth Plan for Northern Ontario (2011).



PART E – PLAN IMPLEMENTATION AND ADMINISTRATION

E1 PLAN IMPLEMENTATION

E1.1 ZONING BY-LAWS

The Township's zoning by-law will be updated within three years of the approval of the Official Plan as required by Section 26(9) of the Planning Act.

Where appropriate, and subject to the proper authority under the Planning Act, the Township may use Zoning with Conditions as a planning tool to assist in achieving the goals and policies of this Plan.

E1.2 TEMPORARY USE BY-LAWS

The Township may pass temporary use by-laws permitting:

- temporary housing;
- temporary accommodation facilities;
- temporary tourist uses and facilities;
- garden suites;
- parking lots for a specific one-time event; and,
- industrial uses related to the resource and agricultural base of the area and other similar uses.

These temporary uses may be authorized for a specific time period up to three years and should be applied where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical. A garden suite may be permitted on a property for up to 20 years and may be extended subject to the approval of a subsequent temporary use by-law. However, once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening the implementing zoning by-law.

Prior to the approval of a temporary use Zoning By-law, Council shall be satisfied that the following principles and criteria are met:

- a) The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;



- b) The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;
- c) The proposed use shall not require the extension or expansion of existing municipal services;
- d) The proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads;
- e) Parking facilities required by the proposed use shall be provided entirely on-site;
- f) The proposed use shall generally be beneficial to the neighbourhood or the community as a whole; and,
- g) The owner has entered into an agreement with the Township and/or posted securities, if necessary, to ensure that structures associated with a temporary use provision can be removed upon expiry of the by-law.

E1.3 HOLDING PROVISIONS

In accordance with the Planning Act, Council may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions of the Township have been met. These conditions may be set out in the policies applying to the land use designations in this Plan or may be specified within the language of a zoning by-law amendment. The objective of utilizing a Holding Provision is to ensure that:

- a) the appropriate phasing of development or redevelopment occurs;
- b) development does not proceed until services and utilities are available to service the development; and/or,
- c) agreements respecting the proposed land use or development are entered into.

E1.4 SITE PLAN CONTROL

All areas of the Township are designated as proposed Site Plan Control areas under the provisions of the Planning Act. All uses may fall under Site Plan Control. All lands within designations that permit single detached dwellings are also designated as proposed Site Plan Control areas in accordance with Section 41(5) of the Planning Act.

The following items may be regulated under a site plan agreement:



- a) the massing and conceptual design of proposed buildings;
- b) the relationship of proposed buildings to adjacent buildings, streets, and public areas;
- c) the provision of interior walkways, stairs, elevators, and escalators accessible to the public from streets, open spaces and interior walkways in adjacent buildings;
- d) exterior design including character, scale, appearance, and design features of buildings and their sustainable design;
- e) Sustainable design elements on any adjoining highway including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;
- f) Facilities designed to have regard for accessibility for persons with disabilities.

In addition, major projects related to the production or transmission of energy may also fall under Site Plan Control.

E1.5 COMMUNITY IMPROVEMENT

These policies are intended to provide a basis and mechanism for Council to utilize the provisions of Section 28 of the Planning Act to encourage the planning or replanning, design or redesign, resubdivision, clearance, development, or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or of any them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefore, as may be appropriate or necessary for specific areas of the Township. It may also include the provision of affordable housing.

Council may undertake Community Improvement Plans (CIP) in order to implement the policies of this Plan as municipal finances and other sources of funding permit. Wherever possible Council will seek funding from senior government sources and other partnerships to assist in community improvement programs after clarifying what components of improvement plans will be eligible for Community Improvement grants and loans as prescribed by Section 28(7) and Section 32 of the *Planning Act*.

E1.5.1 Community Improvement Areas

The entire Township of Tarbutt and Tarbutt Additional is considered to be eligible for community improvement initiatives.



E1.5.2 Community Improvement Projects

Community Improvement projects shall include, but not be limited to:

- a) The development of a recreational trail and public uses at or near waterfront areas;
- b) Improvements to road surfaces to enable safe and comfortable travel by pedestrians, bicycles and vehicles;
- c) Projects designed to foster accessibility and active transportation in the community;
- d) Tree planting, remediation and naturalization programs;
- e) The construction and improvement of buildings and structures that promote energy efficiency or accessibility; or,
- f) The preservation, rehabilitation, renewal and reuse of heritage resources.

E1.5.3 Community Improvement Incentives

In order to encourage improvements to private and public lands, Council may offer the following incentives to private landowners:

- a) reduction or elimination of planning or building application fees;
- b) reduction of property taxes to offset increases in assessment and/or penalties on tax arrears;
- c) providing specific grants to property owners to improve the appearance of private land and buildings.

Specific incentives will be approved by a Community Improvement Plan adopted by Council.



E2 NON-CONFORMING USES

E2.1 INTENT OF OFFICIAL PLAN

As a general rule, existing uses that do not conform with the policies of this Plan should gradually be phased out so that the affected land use may change to a use which is in conformity with the goals of the Official Plan and the intent of the implementing zoning by-law. In some instances, where issues of compatibility are not created, it may be necessary and practical to allow the replacement, extension or enlargement of non-conforming uses through the granting of a minor variance or by placing the use in an appropriate zone in the implementing zoning by-law. In such instances, Council shall have regard for the following principles:

- a) The feasibility of acquiring the property for holding, sale, lease or development by the Township for a more appropriate permitted use; and,
- b) The possibility of relocating the non-conforming use to a more appropriate location.

E2.2 ROLE OF THE IMPLEMENTING ZONING BY-LAW

Existing uses which do not conform with the policies of this Official Plan may be zoned in the implementing zoning by-law in accordance with their present use, provided that:

- a) the zoning will not permit any change of use or performance standard that may negatively impact adjoining uses;
- b) the uses do not constitute a danger to surrounding land uses, humans or animals by virtue of their hazardous nature;
- c) the uses do not interfere with the appropriate development of the surrounding lands; and,
- d) when the use is discontinued, rezoning may only take place in accordance with the policies and intent of this Plan.

E3 NON-COMPLYING BUILDINGS, STRUCTURES OR LOTS

A non-complying building, structure or lot is such that it does not comply with the regulations of the implementing zoning by-law.

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance;



- b) complies with all other applicable provisions of this Plan and the implementing zoning by-law;
- c) does not increase the amount of floor area in a required yard or setback area; and,
- d) will not pose a threat to public health or safety.

A non-complying lot in existence prior to the effective date of the implementing zoning by-law that does not meet the lot area and/or lot frontage requirements contained within the implementing zoning by-law, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the applicable policies of this Plan and the implementing zoning by-law, and the buildings or structures comply with all of the other provisions of the implementing zoning by-law.

In addition, as noted in Section D4.2 (New Lots by Consent), new lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision or lots that are made larger as a result of a lot addition shall be deemed to comply with the frontage and area requirements of the implementing zoning by-law.

E4 PRE-CONSULTATION AND COMPLETE APPLICATIONS

In order to ensure that all the relevant and required supporting information pertaining to a planning application is provided at the time of submission, Council and/or Planning Board may, by By-law, require a proponent to attend a pre-consultation meeting with staff prior to the submission of a planning application. Council and/or Planning Board may also establish a fee under Section 69 of the Planning Act to be paid by an individual requesting a pre-consultation meeting.

The purpose of pre-consultation is to ensure a prospective applicant is provided with a basic understanding of the local planning policy and regulation that may be applicable to a planning approval. Prior to attending any pre-consultation application, Council and Planning Board places a responsibility on the proponent to have reviewed applicable Provincial policy, regulation and legislation that may impact a planning application. Council and Planning Board also requires a proponent to attend a pre-consultation with clear and concise information, concept sketches, mapping and/or reference plans to assist in effectively communicating a proposal. The intent of pre-consultation discussions is not to provide an approval, nor certainty of approval.

Subsequent to a pre-consultation meeting, Council and/or Planning Board will determine what supporting information (i.e. reports and studies) is required as part of the complete application submission and inform the proponent of these requirements. Where the proponent requires pre-consultation comments to be



provided in writing, such communication shall be circulated to Council and/or Planning Board as information and become part of the public record.

The following information, at a minimum, shall be required as part of a complete application:

- a) Prescribed application fee;
- b) Completed application form together with requisite authorizations;
- c) Prescribed information and material as required by Planning Act Regulation;
- d) Covering letter, which outlines the nature of the application and details of the pre-consultation meeting (if applicable);
- e) Concept plans and/or drawings; and,
- f) Any studies as identified as necessary through pre-consultation.

Section E4.1 list a range of supporting information that may be required as part of a complete application, to be determined through pre-application consultation with staff.

E4.1 STUDIES THAT MAY BE REQUIRED TO ACCOMPANY A PLANNING APPLICATION

Further to Section E.4 (f), the following are the types of studies that may be required to accompany a Planning Application.

- a) Transportation Impact Study;
- b) Functional Servicing Report and/or Confirmation of Septage Disposal;
- c) Stormwater Management Plan;
- d) Tree Preservation Report and Plan;
- e) Hydrogeological Assessment;
- f) Watershed or Subwatershed Study;
- g) Floodline Delineation Report;
- h) Architectural/Urban Design Study;
- i) Environmental Site Assessment;
- j) Planning Justification Report;
- k) Ministry of the Environment (MOE) Record of Site Condition (RSC);
- l) Contaminant Management Plan;
- m) Environmental Impact Study;
- n) Lake Impact Study;
- o) Archaeological Assessment;
- p) Heritage Impact Assessment;
- q) Wind Study;
- r) Noise Study;
- s) Vibration Study;



- t) Geotechnical Study;
- u) Slope Stability Study;
- v) Market/Retail Impact Study or Analysis;
- w) Viewscape or Shadow Impact Assessment
- x) Conceptual Site Plan and Building Elevations;
- y) Erosion and Sediment Control Plans; or
- z) Any other technical study, report or clearance necessary to support an application.

E4.2 TECHNICAL STUDIES AND PEER REVIEWS

Where a policy in this Plan requires the submission of technical studies, such as an Environmental Impact Study, such studies must be prepared at the applicant’s expense by a qualified professional. When technical studies are submitted to the Township, Council may authorize a qualified professional to peer review such studies and provide advice to Council at the applicant’s expense.

E5 AMENDMENTS TO THE PLAN – PUBLIC NOTICE

Council may eliminate notice to the public and a public meeting for a minor Official Plan Amendment which does the following:

- a) Changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- b) Consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
- c) Corrects grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or maps;
- d) Translates measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed.

In all other instances, notification to the residents of the Township of public meetings held by Council shall be given in accordance with the procedures of The Planning Act.

E6 INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES

The boundaries between land uses designated on the Schedules to this Plan are approximate except where they meet with roads, railway lines, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features and in these cases are not open to flexible interpretation. Where the general intent of



the document is maintained, minor adjustments to boundaries will not require amendment to this Plan.

It is recognized that the boundaries of the *Environmental Protection* and *Hazard* designations may be imprecise and difficult to confirm. Given this reality, Council shall use available resources to determine the extent of the environmental areas on a site by site basis when considering development proposals, in consultation with the appropriate agencies. Any minor refinement to the *Environmental Protection* designation shall not require an Amendment to this Plan.

Where a lot is within more than one designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

E7 DEFINITIONS

For the purposes of interpretation this Plan, the definitions in the *Planning Act*, R.S.O. 1990, the Provincial Policy Statement 2014, and other applicable legislation shall apply. In all other instances terms shall be defined in accordance with common usage and if necessary, reference to the **Canadian Oxford Dictionary, 2nd Edition**.

E8 OFFICIAL PLAN REVIEW PROCESS

The assumptions, objectives and policies of this Plan shall be reviewed and revised no less than every five years after this Plan comes into effect at a meeting of Council, which shall be advertised in accordance with the Planning Act, as amended. The five-year review shall consist of an assessment of:

- a) the continuing relevance of the vision that forms the basis of all policies found in this Plan;
- b) the degree to which the objectives of this Plan have been achieved;
- c) the extent to which lands within the Agricultural designation have been utilized for agricultural purposes;
- d) whether the Township has increased its commercial and industrial assessment in relation to residential assessment;
- e) the Township's role within the District of Algoma and its relationship with other municipalities;
- f) development trends in the District of Algoma and their effect on development in Tarbutt and Tarbutt Additional; and,



- g) the Plan's regard to matters of provincial interest; conformity to provincial plans; and consistency with provincial policy statements.

