

# DRAFT OFFICIAL PLAN FOR THE DESBARATS TO ECHO BAY PLANNING AREA

This Official Plan serves the Desbarats to Echo Bay Planning Area  
comprised of the Townships of:

Johnson • Tarbutt • Laird • Macdonald, Meredith and Aberdeen Additional

Prepared By:



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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 Planning Board and is based on an understanding of past and future trends and the values of the community. 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 Planning Area.

**PART C (General Environmental Policies)** contains the policies dealing with lakes, rivers and streams, floodplains and hazardous slopes throughout the Planning Area. 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 Planning Area.

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



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## **PART A – THE VISION AND LAND USE CONCEPT**

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### **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 Desbarats to Echo Bay Planning Area, comprised of the Townships of Johnson, Tarbutt, Laird and Macdonald, Meredith and Aberdeen Additional. The planning area is comprised of approximately 50,000 hectares of land, an extensive Great Lakes shoreline, 20 inland lakes, two serviced settlement areas and an established resource and agricultural area.*

*The residents of this area enjoy a good quality of life and consider the maintenance of the rural and shoreline character of this regional area to be an important aspect in protecting this quality of life over the long term. There are certain aspects and characteristics that contribute to a good quality rural lifestyle including the natural environment, the people, the agricultural and rural areas, the open scenic countryside, wooded areas, and the shoreline of Lake George and the North Channel on Lake Huron. The Planning Area is also 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.*

*The primary growth areas in the Planning Area are the settlements of Echo Bay and Desbarats. Both settlements provide opportunities to accommodate a wide range of new land uses to accommodate the housing and employment needs of existing and future residents. It is estimated that the population of the Planning Area could increase by up to 600 people in the next twenty years related in part to new young families to the area, out-migration from the City of Sault Ste. Marie and Southern Ontario and the opportunity for lifestyle based housing in the Planning Area.*

*This Official Plan also 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.*



## **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 the area'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 green spaces, agricultural lands, water resources, and terrestrial landscape as resources that contribute to the natural character of the planning area.

The policies of this Plan also recognize the challenges created by Provincial interests in agricultural and natural areas and attempts to manage these issues. This Plan 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 the Planning Board's vision for sustainable development. Together, these policies will help future development in the Townships adapt to the impacts of climate change at the local level.

### **A2.2 Economic Sustainability**

A sustainable economic future for the Planning Area will be made possible by ensuring a stable and sound fiscal position of the local Townships to support services required by their citizens. In part, this will be achieved through sound fiscal management and re-enforcement that this a rural community, serviced by two primary settlements.

This Plan will encourage entrepreneurial spirit and investment opportunities based in agriculture and rural land use. Planning Board believes that the combination of mixed-use in the settlement combined with a 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 Planning Board 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 need or depend on may be found within larger urban centres.

## **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 Townships 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 Planning Area.
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 protect provincially significant wetlands and significant coastal 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 Planning Area.

### **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 characterized 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 may create compatibility issues with agricultural and normal farm practices, 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 communities that have evolved in some shoreline areas of the Planning Area.**

#### **A3.3.2 Strategic Objectives**

1. To restrict incompatible land uses 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 the shoreline communities.
4. To recognize the importance of public access to the waterfront 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.

### **A3.4 The Settlements**

#### **A3.4.1 Strategic Objectives**

1. To recognize the settlements of Echo Bay and Desbarats as settlement areas and to direct the majority of new growth to these areas.

2. To encourage a broad range of housing in the settlements in an effort to address affordability and the housing needs of young and old.
3. To allow a mix of commercial and industrial land uses in appropriate areas of the settlements and to plan to accommodate these uses in a compatible manner.
4. To provide and support a range of recreational and cultural amenities and uses to accommodate the needs to residents.
5. To maximize the use of existing infrastructure and services.

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## **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 Planning Area.

### **A4.1 Settlement**

The *Settlement* designation identifies the existing settlement areas of Desbarats and Echo Bay.

### **A4.2 Mixed-Use**

The *Mixed-Use* designation applies to lands in the Echo Bay settlement area which have historically been planned and developed for a range of employment and service commercial uses.

### **A4.3 Rural**

The *Rural* designation generally includes all of the rural area in the Planning Area which are located outside of the prime agricultural area, the shoreline and the settlements.

### **A4.4 Aggregate Extraction**

The *Aggregate Extraction* designation includes authorized for mineral aggregate extraction in accordance with the *Planning Act* and *Aggregate Resources Act*.

### **A4.5 Agricultural**

Lands designated *Agricultural* comprise the prime agricultural area of the Planning Area and is comprised primarily of existing agricultural lands and areas contiguous to active farmland which are intended to support and sustain regional agri-business over the long-term.

### **A4.6 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.

### **A4.7 Crown Land**

The *Crown Land* designation applies to those lands that are owned by the Crown.

**A4.8 Environmental Protection**

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

**A4.9 Open Space**

The *Open Space* designation applies to municipal-owned lands which are maintained for use as public parkland and/or recreational facilities.

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## **PART B – LAND USE DESIGNATIONS**

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### **B1 SETTLEMENT**

#### **B1.1 Purpose**

The purpose of the *Settlement* designation is to:

- a) recognize the stable and compatible mix of primarily residential land uses which are located in the settlement areas of Desbarats and Echo Bay;
- b) encourage the provision of a full range of housing opportunities that are affordable and meet local and regional housing needs;
- c) promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of residential redevelopment and intensification, where appropriate; and,
- d) ensure that the settlements accommodate a variety of complementary and compatible land uses to serve the needs of residents.

#### **B1.2 Location**

The *Settlement* designation applies to the settlements of Desbarats and Echo Bay as identified on Schedules A1 and A2 to this Plan.

#### **B1.3 Permitted Uses**

Permitted uses in the *Settlement* designation include:

- a) single detached dwellings;
- b) ~~accessory~~ **additional** dwelling units in single-detached dwellings subject to Section B1.4;
- c) semi-detached dwellings;
- d) duplex dwellings;
- e) townhouse multiple and apartment dwellings subject to Section B1.5;
- f) home occupations subject to Section B1.6;



- g) bed and breakfast establishments in single detached dwellings, subject to Section B1.7;
- h) complementary uses such as residential care facilities, rooming houses, daycare centres and small-scale institutional, commercial, industrial and open space uses, subject to Sections B1.8 and B 1.9; and,
- i) existing uses and minor expansions thereto.

#### **B1.4 Accessory ~~Additional~~ Dwelling Residential Units**

~~Accessory dwelling~~ **Additional residential** units are considered to be a form of affordable housing and ~~may~~ **shall** be permitted in single detached dwellings, **semi-detached dwellings and townhouse dwellings and accessory** detached garages in the *Settlement* designation, subject to zone regulations that will include but not be limited to:

- a) compliance with the Ontario Building and Fire Codes as well as applicable provisions of the Municipality's Zoning By-law;
- b) adequate **lot size;** ~~parking for both dwelling units;~~
- c) suitable connection to **municipal** water and sanitary services; and,
- d) the accessory dwelling unit being designed and located in such a manner to not have an impact on the character of the surrounding neighbourhood.

#### **B1.5 Townhouse, Rooming House, Multiple and Apartment Dwellings**

Townhouse dwellings may be permitted in the *Settlement* designation, subject to re-zoning. In considering a zoning by-law amendment and a site plan to permit a new townhouse development, Council shall have regard to the criteria provided in this Section.

Rooming and boarding houses may also be permitted in the *Settlement* designation subject to the criteria below and provided the total number of occupants of the rooming house does not exceed 6 persons. Where an applicant proposes to establish a rooming or boarding for more than 6 persons, the zoning approval shall be subject to the Temporary Use permissions under the Planning Act and this Plan.

Multiple unit developments and apartment buildings may be permitted in the *Settlement* designation provided the maximum density of such developments generally does not exceed 20 units per net residential hectare and the maximum building height does not exceed three storeys. The maximum density may be increased, subject to an amendment to the implementing zoning by-law, provided

the lot is suitable for the proposed building and provided the increase in density is compatible with surrounding land uses and can be physically accommodated.

In considering a zoning by-law amendment and a site plan to permit a townhouse, rooming/boarding houses, multiple apartment development, Council shall be satisfied that the proposal:

- a) respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
- b) can be easily integrated with surrounding land uses;
- c) will not cause or create traffic hazards or an unmanageable level of congestion on surrounding roads;
- d) is located in proximity to community facilities, such as parks, schools, open spaces or the downtown;
- e) is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site; and,
- f) can be serviced by municipal sewer and water services which are planned and available within the Settlement Area.

#### **B1.6 Home Occupations**

Home occupations are typically professional or service oriented work activities that are carried on within the residential dwelling or accessory building that typically do not involve the retail sale of goods not produced on the premises. Such uses will be permitted as-of-right in the implementing Zoning By-law, subject to certain criteria.

Where a home occupation is proposed on lands that have access to a Provincial highway, the Ministry of Transportation shall be consulted to determine if a land use permit is necessary for access and/or signage.

#### **B1.7 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;
- b) preserves the character of the dwelling as a private residence; and,
- c) is licensed annually in accordance with Township licensing requirements, where applicable.

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.

### **B1.8 Daycare Centres and Small-Scale Institutional Uses**

Daycare centres and small-scale institutional uses which serve the community, such as public and private schools, housing for seniors, 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 scale, massing and siting of the development is compatible and consistent with development on adjoining lands; 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.

### **B1.9 Residential Care Facilities**

Residential care facilities are defined as residential facilities which accommodate residents who have a range of emotional, psychiatric, physical, developmental, or social problems who live in a 24-hour supervised setting, and receive both room and board and assistance with daily living.

There are a variety of residential care facilities which are generally categorized as group homes, second level boarding/lodging homes, or treatment centres, depending upon their program, funding, size, operator, or Provincial licensing as it may apply. The Zoning By-law shall provide specific definitions for these residential care facilities as well as performance standards. New programs may emerge over time depending upon Provincial funding and licensing, and further amendments to the Zoning By-law may be required as warranted.

This Plan supports the provision of an adequate regional supply of residential care facilities subject to appropriate funding from senior government agencies, the provision of adequate community services for clients and proper siting of such facilities in accordance with the polices of this Plan.

### **B1.10 Commercial and Industrial Uses**

Small-scale commercial and industrial uses which serve the community, such as retail uses, professional and personal services, food service and accommodation, indoor storage, auto and highway service and shops and services related to skilled trades may be permitted in the *Settlement* area

designation subject to a zoning by-law amendment which will require the applicant to justification and consideration of the following issues:

- a) the use will not cause or create traffic hazards or an unacceptable level of congestion on abutting or surrounding roads;
- b) the scale, massing and siting of the development is compatible and consistent with development on adjoining lands and lands can be suitably developed and graded in a manner which manages post-development stormwater impacts;
- c) the use can be appropriately serviced with a water supply and a private septic system or connection to a public wastewater treatment system; and,
- d) the use is located on a site that has adequate land area to incorporate required parking, safe access and turning movements, and landscaping on-site.

The development of new small-scale commercial and industrial uses will be guided by Parts C, D and E of this Plan and such uses may be subject to site plan control.

**B1.11 Lot Creation**

Lot creation to accommodate new residential, commercial or industrial uses shall be guided by the plan of subdivision or consent policies outlined in Section D5 of this Plan.

**B1.12 Implementing Zoning By-law**

All lands in the *Settlement* designation shall be placed in appropriate Residential, Commercial, Industrial, Institutional and/or Open Space zones in the implementing Zoning By-law.

## **B2 MIXED-USE**

### **B2.1 Purpose**

The purpose of the *Mixed-Use* designation is to recognize existing commercial and employment uses on lands within the Echo Bay settlement area and provide policies to ensure future expansion and redevelopment of this area will be orderly and safe.

### **B2.2 Permitted Uses**

Permitted uses on lands designated *Mixed-Use* include:

- a) auto service and sales;
- b) restaurants;
- c) accommodation facilities;
- d) service commercial uses;
- e) contracting businesses and shops;
- f) uses involving skilled trades;
- f) retail uses;
- g) storage and/or warehousing establishments;
- h) bulk fuel storage and sales;
- i) manufacturing and processing uses;
- j) institutional uses; and,
- k) accessory retail, office and accommodation uses within principle buildings.

### **B2.3 Form of Development**

It is the intent of this Plan that development within the *Mixed-Use* designation be comprehensively planned to ensure that servicing and access can be adequately addressed.

### **B2.4 Development Policies**

Proposed new uses in the *Mixed-Use* designation shall require a zoning by-law amendment in cases where lands are not pre-zoned to accommodate

development. In the consideration of an application for a zoning by-law amendment, the following issues will need to be justified by the proponent and considered by Council

- a) adequate parking and loading facilities are provided on the site;
- b) such uses are designed to provide or maintain a desirable gateway to the community;
- c) new or redeveloping uses incorporate landscaping to enhance the site and surrounding area;
- d) outdoor storage areas are substantially screened from view;
- e) the use can be accommodated on private or partial services which may require an assessment of sewage effluent demands and a hydrogeological study;
- f) all options respecting shared access from the road are reviewed and implemented, where feasible;
- g) parking areas are oriented to the rear or side of the lot so the primary building is prominent; and,
- h) where a proposed use abuts or is located in proximity to an existing residential use, fencing, landscaping, berming or a combination of these design elements will be utilized to ensure that there is adequate screening between the uses.

The development of new uses in the *Mixed-Use* designation will also be guided by Parts C, D and E of this Plan and such uses may be subject to site plan control.

## **B2.5 Cannabis Production Facilities**

Facilities designed for the indoor production and processing of cannabis may be permitted in the *Mixed-Use* designation subject to a zoning by-law amendment. In the consideration of an application for a zoning by-law amendment, the following information will be required as part of a complete application and for Council's consideration:

- a) A business plan articulating all of the requisite Federal licensing requirements and describing the number of plants to be grown as well as the nature of production and processing operations;
- b) A site plan of the land and building(s);

- c) A context plan identifying surrounding land use within 500 metres of the proposed facility;
- d) A functional servicing study;
- e) A hydrogeological study; and,
- f) Any other technical studies to be determined on the basis of a review and consideration of the above submission requirements.

**B2.6 Zoning By-law Implementation**

All lands within the *Mixed-Use* designation shall be placed in an appropriate Commercial or Industrial Zone in the implementing Zoning By-law.

## **B3 RURAL**

### **B3.1 Purpose**

The purpose of the *Rural* designation is to:

- a) protect the rural character of the Planning Area and maintain those elements which contribute to the open space character of the countryside;
- b) prevent the intrusion of land uses which are incompatible with the rural character and/or resource activities of the area;
- c) encourage rural land uses and associated activities that contribute to the economy of the Planning Area; and,
- d) ensure that the scale of development is compatible with the role and function of the rural area and does not conflict with local and regional agri-business.

### **B3.2 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.

### **B3.3 Permitted Uses**

- a) agricultural uses, agricultural related uses and on-farm diversified uses;
- b) single detached dwellings and ~~accessory dwelling~~ **additional residential** units in accordance with Section B3.5.2;
- c) garden suites in accordance with Section E1.2;
- d) home occupations and home industries subject to Section B3.5.1;
- e) bed and breakfast establishments subject to Section B3.5.3;
- f) agri-tourism uses subject to Section B3.5.8;
- g) commercial dog kennels subject to Section B3.5.9;
- h) passive open space and recreational uses, such as trails;
- i) forestry and resource management uses;
- j) small-scale public uses;



- k) community based institutional uses such as schools, places of worship and cemeteries subject to Sections B3.5.4 & 3.5.5 of this Plan;
- l) commercial and industrial uses which serve the rural community and are compatible in a rural environment subject to Section B3.5.6;
- m) 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;
- n) wayside pits and quarries, portable asphalt plants and concrete plants for specific road works undertaken by a public authority in the area; and,
- o) existing landfill sites.

### **B3.4 Development Policies**

#### **B3.4.1 The Creation of New Lots**

In keeping with historic trends, future lot creation for rural residential use will only be accommodated by the consent process rather the plan of subdivision or plan of condominium process. Such lot creation shall be guided by the following criteria:

- a) A maximum of 3 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 5 hectares;
- b) the severed and retained lands should maintain a minimum frontage on a public road of 50 metres and a minimum lot area of 1 hectare;
- c) the boundary of the severed lot shall comply 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.

#### **B3.4.2 New Infilling Lots**

In addition to Section B3.4.1, 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 existing dwellings or 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 200 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.

### **B3.4.3 Original Lots of Record**

Original Township lots of record which were laid out in the original survey and are have merged in title 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, Planning Board will seek input from the Township with respect to the feasibility of upgrading the requisite road to municipal standards for assumption and maintenance purposes.

Notwithstanding Section B3.4.1 (a) of this Plan, original Township lots of record severed in accordance with this section shall be eligible for subsequent severance under Section B3.4.1 of this Plan, except where such lots do not abut a public road.

For the purpose of this policy an original lot of record is described as a quarter section having a lot area of 64.75 hectares (160 acres).

### **B3.4.4 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.

### **B3.4.5 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.

### **B3.5 Rural Development Policies**

#### **B3.5.1 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 not produced on the premises. 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 local 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 local Township's Zoning By-law.

#### **B3.5.2 ~~Accessory Dwelling~~ Additional Residential Units**

~~Accessory dwelling~~ Additional residential units are considered to be an affordable housing choice and up to one (1) may be permitted in single detached dwelling and one (1) may be permitted within an accessory building thereto in the *Rural* designation subject to local zone regulations which shall address but are not limited to:

- a) the dwelling unit will comply with the Ontario Building and Fire Codes as well as applicable provisions of the local Township's Zoning By-law;
- b) **adequate lot area**; ~~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 dwelling unit(s).

#### **B3.5.3 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 B3.5.3 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.

#### **B3.5.4 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.

#### **B3.5.5 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. For the purpose of this policy, 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 and site plan agreement.

### **B3.5.6 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 4 hectares;
- b) the floor area of the use does not exceed 300 m<sup>2</sup> and is compatible with surrounding uses;
- c) the use is a dry use which can be accommodated on a Class 4 septic system approved by the Algoma Public Health Unit;
- d) the use does not required extensive open storage or parking and where open storage or parking is required it is incidental to the primary use and screened from view; and,
- e) retail or wholesale shall not be a principle use but may be permitted where it is limited in scale and offers goods and products produced on-site.

The development of a new commercial or industrial uses shall be subject to a zoning by-law amendment and a site plan agreement.

### **B3.5.7 Agricultural Research and Training Establishments**

The development of agricultural research and training establishments may be permitted in the Planning Area. 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 regional agricultural community through training and the identification of new methods and procedures.

### **B3.5.8 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 may be permitted in the *Rural* designation as an on-farm accessory use subject to a Zoning By-law Amendment. Such uses shall be encouraged to locate within existing clusters of farm buildings, where possible. For the purpose of this policy agri-tourism does not include accommodation or camping, the racing or demolition of vehicles, sporting events or concerts.

### **B3.5.9 Commercial Dog Kennels**

Commercial dog kennels may be permitted in the *Rural* designation subject to regulations of the local zoning by-law intended to address compatibility with adjacent surrounding land use.

### **B3.5.10 Cannabis Production Facilities**

Facilities designed for the indoor or outdoor production and processing of cannabis are not permitted in the *Rural* designation except by an official plan and zoning by-law amendment. In the consideration of an application for a zoning by-law amendment, the following information will be required as part of a complete application and for Council's consideration:

- a) A business plan articulating all of the requisite Federal licensing requirements and describing the number of plants to be grown as well as production and processing operations;
- b) A site plan of the land and building(s);
- c) A context plan identifying surrounding land use within 1,000 metres of the proposed facility;
- d) A functional servicing study;
- e) A hydrogeological study; and,
- f) Any other technical studies to be determined on the basis of a review and consideration of the above submission requirements.

### **B3.6 Implementing Zoning By-law**

The implementing Zoning By-law shall generally zone lands in the *Rural* designation in a Rural (RU) Zone, but local zoning by-law may establish other Rural zone categories such as Rural Residential (RR) or Rural Industrial (RM).

An existing aircraft maintenance facility and landing strip located in Plan H759 RCP Lot 15, Plan H759 RCP Lot 16 Pt, 20, 21 Pt RCP Plan 1M498 BLK 12 Pt RP 1R1796 Pt 1RP 1R2228 Pt 1 Pt and Plan H759 RCP Lot 17 is recognized as

a permitted use by this Plan and shall be zoned in a manner that reflects the existing use and buildings.

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## **B4 AGGREGATE EXTRACTION**

### **B4.1 Purpose**

The purpose of the *Aggregate Extraction* designation is to:

- a) identify lands authorized for the extraction of mineral aggregates;
- b) protect mineral aggregate operations from development and activities that would preclude or hinder their efficient operation and future expansion; and,
- c) require progressive and final rehabilitation of lands utilized for the extraction of mineral aggregate.

### **B4.2 Location**

The *Aggregate Extraction* land use designation applies to existing lands licensed under the Aggregate Resources Act for mineral aggregate extraction as shown on Schedules A and D to this Plan.

### **B4.3 Permitted Uses**

The extraction of stone, gravel, sand and other aggregates and associated operations such as crushing, screening, washing and recycling and aggregate storage.

### **B4.4 Development Policies**

#### **B4.4.1 Intent**

The Desbarats to Echo Bay Planning Area has historically contributed to the regional need for aggregate resources used in road construction and manufacturing of aggregate related products. For this reason Schedule D identifies the location of Primary Aggregate Resources and Nipissing Diabase in the Planning Area.

#### **B4.4.2 Relationship between this Plan and the Ministry of Natural Resources and Forestry**

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 to regulate the operation of aggregate operations in Ontario. In the Desbarats to Echo Bay Planning Area it is recognized that the Ministry of Northern Development, Mines, Natural Resources and Forestry 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, the local Township 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.

#### **B4.4.3 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 MECP Guidelines, specifically MECP Publication NPC-300 and the D-Series Guidelines.

Where the application for development affects lands identified on Schedule D as Primary Resource Areas or Nipissing Diabase Aggregate Resources, the proponent will also be required to address the criteria in Section B4.6 of this Plan.

#### **B4.4.4 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 this Plan and the local Zoning By-law. 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.4.5;
  - 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.

#### **B4.5 Haul Routes**

The primary haul routes identified in this Official Plan shall be Highway 548 and Highway 17. In the Township of Tarbutt, 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 Planning Area to serve a pit or quarry shall be addressed through an Official Plan Amendment.

#### **B4.6 Development of Other Uses**

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 resources identified in Schedule D shall 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.

#### **B4.7 Rehabilitation**

The progressive rehabilitation of all pits and quarries in the Planning Area is a goal of this Plan. Wherever possible, the local Council will work with pit and quarry operators and the Ministry of Natural Resources and Forestry 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.

#### **B4.8 Mineral Aggregate Resource Conservation**

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

#### **B4.9 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.

#### **B4.10 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 sand

and gravel extraction operations and a Mineral Aggregate Resource Two (MAR2) Zone which permits quarries.

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.

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## **B5 AGRICULTURAL**

### **B5.1 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 Planning Area; and,
- e) ensure that the type and scale of development is compatible with land use in the agricultural area.

### **B5.2 Location**

The *Agricultural* land use designation applies to lands in the Planning Area 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 local Township to be locally important agricultural lands.

### **B5.3 Permitted Uses**

- a) agricultural uses;
- b) single detached dwellings and ~~accessory dwelling~~ **additional residential** units;
- 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 B5.5.1 and B5.5.2 of this Plan;
- e) agriculture-related commercial and industrial uses such as veterinary clinics, abattoirs and uses which support agri-business subject to Section B5.5.3;
- f) open space and passive recreational uses;
- g) farm related exhibitions and agri-tourism subject to Section B5.5.4 of this Plan;

- h) forestry and resource management uses;
- i) small-scale public uses;
- j) wayside pits and quarries, portable asphalt plants and concrete plants for specific road works undertaken by a public authority in the area.

## **B5.4 Development Policies**

### **B5.4.1 Consent Policies in the Agricultural Designation**

Lot creation within the *Agricultural* designation is generally not permitted, however consent applications which meet one or more of the criteria below may be considered by Planning Board:

- a) To create a farm parcel where 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) To sever an existing, habitable residence surplus to a farming operation as a result of a farm consolidation. Planning Board shall require that the lands subject to the application are owned by a farm operator who resides and farms in the Planning Area and that the new lot will be limited to a minimum size needed to accommodate the residential use and appropriate sewage and water services. Furthermore, where the severance of the surplus farm dwelling is approved, Planning Board will require that a farm parcel is zoned in manner that does not permit a dwelling.
- c) To create an infrastructure facility or corridor that cannot be accommodated through the use of easements or rights-of-way.
- d) To separate historic lots of record that have inadvertently merged in title.
- e) For the purposes of sub-sections a), although the preferred lot size of the severed and retained lots for agricultural uses is generally 40 hectares, 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.

### **B5.4.2 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.

### **B5.4.3 Minimum Distance Separation Formulae**

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

## **B5.5 Agricultural Related and On-Farm Diversified Uses**

### **B5.5.1 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 local 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 local Township's Zoning By-law.

### **B5.5.2 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 an active 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 on-farm diversified use on a farm property shall be subject to a Zoning By-law Amendment and may be subject to Site Plan Control. For the purpose of this Plan, commercial event barns and banquet facilities are not considered to be an on-farm diversified use, with the exception of seasonal facilities designed to promote and market maple syrup.

### **B5.5.3 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 subject lands have a minimum lot area of 4 hectares;
- b) the floor area of the use does not exceed 300 m<sup>2</sup> and is compatible with surrounding uses;
- c) the use is a dry use which can be accommodated on a Class 4 septic system approved by the Algoma Public Health Unit;
- d) the use does not required extensive open storage or parking and where open storage or parking is required it is incidental to the primary use and screened from view; and,
- e) retail or wholesale shall not be a principle use but may be permitted where it is limited in scale and offers goods and products produced on-site.

The development of a new agricultural-related use shall be subject to a zoning by-law amendment and a site plan agreement.

### **B5.5.4 Agricultural Research and Training Establishments**

The development of agricultural research and training establishments may be permitted in the Planning Area. 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.



### **B5.5.5 Accessory Dwelling Additional Residential Units**

Accessory dwelling Additional residential units are considered to be an affordable housing choice and up to one (1) shall be permitted within an existing single detached dwelling and one (1) shall be permitted within an accessory building thereto in the Agricultural designation subject to local zone regulations that will include but not be limited to:

- a) will be located within the existing farm-building cluster and will be an incidental or secondary component of the accessory structure;
- b) the accessory dwelling Additional residential unit is not located in a livestock building and is compliant with the Ontario Building Code;
- 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 dwelling units on 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.

### **B5.5.6 Cannabis Production Facilities**

Facilities designed for the indoor or outdoor production and processing of cannabis are not permitted in the *Agricultural* designation except by an official plan and zoning by-law amendment. In the consideration of an application for a zoning by-law amendment, the following information will be required as part of a complete application and for Council's consideration:

- a) A business plan articulating all of the requisite Federal licensing requirements and describing the number of plants to be grown as well as production and processing operations;
- b) A site plan of the land and building(s);
- c) A context plan identifying surrounding land use within 1,000 metres of the proposed facility;
- d) A functional servicing study;
- e) A hydrogeological study; and,

- f) Any other technical studies to be determined on the basis of a review and consideration of the above submission requirements.

#### **B5.6 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.

## **B6 SHORELINE**

### **B6.1 Purpose**

The purpose of the *Shoreline* designation to:

- a) ensure that new development and re-development reflects an appropriate scale and character and respects natural features and riparian ecosystems in the shoreline;
- b) ensure that the impacts of new development on natural heritage features, groundwater and surface water resources in the area are minimized; and,
- 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.

### **B6.2 Location**

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

### **B6.3 Permitted Uses**

Permitted uses in the *Shoreline* designation will primarily include recreation-based resource uses such as recreational dwellings, single detached dwellings together with accessory buildings and structures. Public open space as well as mainland parking areas, boat launches and docks maintained by a public authority are also permitted. 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.

### **B6.4 Development Policies**

#### **B6.4.1 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 and/or subdivided. 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.

#### **B6.4.2 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 a municipality or other public authority and maintained year round shall be placed in a Limited Service Residential Zone in the local 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 the local Township Council, subject to consideration of the following criteria:

- a) The lot being rezoned shall have frontage on, and direct access to, a public road maintained year round by the local 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 local Township;
- c) The cost to the local 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 local 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.

#### **B6.4.3 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.

For the purpose of criteria b), infilling shall be defined as the creation of up to three new lots on an existing road between existing developed parcels generally not further than 300 metres apart.

#### **B6.4.4 New Residential Plans of Subdivision**

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, Planning Board shall require the following as part of a complete application:

- a) A Plan of Subdivision confirmed by an Ontario Land Surveyor designed in a manner that protects natural features and functions and is compatible with existing development in the shoreline community;
- b) A Servicing Options Report, which shall include a Hydrogeological Study and which shall confirm that all lots can be serviced by a Class 4 sewage treatment system;
- c) An Environmental Impact Study which may also require a site-specific Lake Impact Assessment and Management Plan to ensure the protection of natural features and functions throughout the construction and post-construction phase of development;
- d) An archaeological study prepared in accordance with Provincial standards and guidelines;
- e) A stormwater drainage plan;
- f) 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, the local municipality may consider accepting cash-in-lieu to improve existing parks or purchase more appropriate lands for parkland purposes on the lake subject to development; and,

- g) Other studies and/or technical materials to be determined at the time of pre-consultation discussions between the Planning Board, the local municipality and the proponent.

#### **B6.4.5 New Residential Lots By Consent**

- a) Where a Plan of Subdivision is not required in accordance with the policies of this Plan, new residential lots may be created by the consent process, having regard for Section D5.2. 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 local Township for year round maintenance. Backlots 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, Planning Board 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, the local Township 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 a dedicated 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.

#### **B6.4.6 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, the local 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.

#### **B6.4.7 Shoreline Setback**

It shall be a policy of this Plan 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 a minimum 30-metre setback for principle buildings and structures within the shoreline area.

Reconstruction, replacement and minor additions to existing lawful buildings may be permitted provided such changes do not result in further encroachments into the shoreline setback and represent the most reasonable option to accommodate development on the lot. In addition, mechanisms such as subdivision agreements, consent agreements, site plan agreements, and site alteration by-

laws may be utilized by the local municipalities to further minimize impacts on natural shoreline features.

Filling, dredging, blasting and/or other shoreline alterations within 30 metres of fish habitat areas is discouraged and may be subject to enforcement by the Federal Department of Fisheries and Oceans. Subject to the approval of the local municipality or Planning Board, the Ministry of Northern Development and Mines and 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 in the form of remediation, naturalization or more restrictive zone regulations; and,
- c) The proposed addition or replacement building conforms with Section C5.2 of this Plan (Natural Hazards).

#### **B6.4.8 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 registered to the title of the island lot as an easement and is dedicated for use as a parking area through the local zoning by-law.

#### **B6.4.9 Guest Cabins**

Guest cabins may be permitted in the *Shoreline* designation as an accessory use to a residential use and shall be subject to zone regulations and/or site plan control at the discretion of the local municipality. Guest cabins are not dwelling units **nor are they additional dwelling units** and further it is not the intent of this policy to permit ~~accessory~~ **additional** dwelling units on lots in the *Shoreline* designation, given many lots are sub-standard in size and are accessible only by private roads.



#### **B6.4.10 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 D5 (General Consent Policies) of this Plan.

#### **B6.4.11 Plan of Subdivision/Plan of Condominium Policies**

In addition to the policies in this Section, new development by Plan of Subdivision or Plan of Condominium in the shoreline shall occur in accordance with the General Consent Policies of this Official Plan.

#### **B6.4.12 Public Open Space**

The Official Plan recognizes the following locations 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.
- c) Tower Lake;
- d) Centennial Park;
- e) Finn's Bay Road North Wharf; and,
- f) Laird Fairgrounds

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 where it is safe and feasible, may be maintained in a manner to support passive public use. However, unauthorized use of road allowances leading to water will not be recognized or permitted by this Plan and the stopping up and closure of such road allowances will generally not be supported by local municipalities.

## **B6.5 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 (LSR) Zone.

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.

## **B7 CROWN LAND**

### **B7.1 Purpose**

The purpose of the *Crown Land* designation is to identify lands in the Planning Area which are Crown land. Lands under water are also subject to the policies of this Section but such will not be shown in the Crown Land designation on the schedules to this Plan.

### **B7.2 Location**

The *Crown Land* designation is shown on the Schedule A to this Plan and also includes lands covered by water.

### **B7.3 Permitted Uses**

This Official Plan recognizes land uses which are authorized on Crown Lands under the *Public Lands Act*. Local Zoning By-laws will generally restrict land use on Crown Lands and on lands covered by water but will recognize and regulate uses which are incidental to authorized uses in the Planning Area, such as docks. In addition land use and activity undertaken by the Province or Crown as part of the mandate of a Provincial Ministry or Department shall not be subject to zone regulation.

### **B7.4 Development Policies**

Where lands are proposed to be patent in accordance applicable legislation and regulations, an Official Plan Amendment and a Zoning By-law Amendment will be required to recognize the use or uses proposed for the patent land.

### **B7.5 Implementing Zoning By-law**

All lands within the *Crown Land* designation shall be placed in a Crown Land (C) Zone. Lands covered by water will be subject to general zone regulations designed to restrict buildings and structures extending outward from the water to docks and marine facilities.

## **B8 ENVIRONMENTAL PROTECTION**

### **B8.1 Purpose**

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

- a) protect 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.

### **B8.2 Location**

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

- a) All significant wetlands and coastal wetlands confirmed by the Ministry of Northern Development, Mines, Natural Resources and Forestry;
- 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) the 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 features of the *Environmental Protection* designation are shown on Schedule B to this Plan.

### **B8.3 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. In addition, 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, campground 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.

## **B8.4 General Policies Applying to the Environmental Protection Designation**

### **B8.4.1 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.

### **B8.4.2 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.

#### **B8.5 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.

#### **B8.6 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.

The following wetlands are identified on Schedule B as significant wetlands and/or significant coastal wetlands as they have been evaluated and confirmed by the Ministry of Northern Development, Mines, Natural Resources and Forestry as being significant:

- i) Stobie Creek (Johnson);
- ii) Kensington Point Wetland Complex (Johnson and Tarbutt);
- iii) Maskinonge Bay Wetland Complex (Tarbutt and Laird);

- iv) Lake George (Laird and MM and A); and,
- v) Echo Bay (MM and A).

Within these wetland areas, development and site alteration shall not be permitted. There are a number of other wetlands in the Planning Area that have either not been evaluated by the Province 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 and that critical function provided by these features will be maintained.

### **B8.7 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 is the area that is directly or indirectly if 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 Northern Development, Mines, Natural Resources and Forestry, the following endangered and threatened species have the potential to be found in the Planning Area:

- 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 Northern Development, Mines, Natural Resources and Forestry for the most up-to-date information.

The Ontario Ministry of Northern Development, Mines, Natural Resources and Forestry is responsible for approving and defining habitat of endangered species and threatened species. For habitat of endangered species and threatened species in the Planning Area, 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.

## **B8.8 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.

### **B8.8.1 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 Planning Area;
- c) evaluate the existing and potential forest resources on the property and the effect of the proposed uses on those resources; and,
- 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 prepared to the satisfaction of host Township, and any other appropriate agencies, before a planning application that facilitates the development that is authorized by Planning Board or the host Township.

#### **B8.8.2 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.

### **B8.8.3 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.

### **B8.9 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 data provided by the Ministry of Northern Development, Mines, Natural Resources and Forestry and represent the most accurate mapping available to the Planning Board at the time this Plan was prepared. This same mapping is intended to be utilized in the implementing local Zoning By-law however, minor changes to the boundaries may be facilitated by a Zoning Amendment, provided the Official Plan is updated at the time of a ten-year review.

Where any application is made to amend the boundary of an area identified as Provincially significant wetland or significant coastal 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. 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.

The local 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.

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## **B9 OPEN SPACE**

### **B9.1 Purpose**

The purpose of the *Open Space* designation is to:

- a) identify large land holdings in the Planning Area in public ownership;
- b) ensure that the use and development of open space lands is consistent with the environmental objectives of this Official Plan;
- c) ensure that the residents and tourists have access to a properly planned and accessible parkland system, and;
- d) where applicable, providing safe and connected pedestrian and non-motorized vehicular access to public spaces and shorelines.

### **B9.2 Location**

The *Open Space* designation as shown on the Schedule A to this Plan applies to municipal parks, buildings and facilities held in public ownership.

### **B9.3 Permitted Uses**

Permitted uses in the *Open Space* designation may include parks, playgrounds, recreational trails and uses, sports fields, golf courses, community facilities, interpretive centres, museums, cultural heritage uses, banquet facilities and accessory uses such as washrooms, change rooms, administration offices and vending services.

### **B9.4 Components of the Open Space Designation**

#### **B9.4.1 Community Parks in the Settlement Areas**

Community parks in the Settlement Areas are also considered to be part of the Planning Area's open space system. It is a policy of this Plan that these parks will continue to provide a wide range of recreational opportunities for the residents and visitors.

#### **B9.4.2 Relationship between the Environmental Protection designation and the Open Space designation**

It is recognized that there are lands in the *Open Space* designation which should be designated Environmental Protection given they form part of or are in proximity to a significant Natural Heritage Feature. Where this occurs, as confirmed by Schedule B, the policies of the Environmental Protection designation shall take precedence over the *Open Space* policies, however

existing uses shall be recognized and permitted by this Plan. Planning Board has chosen to identify these lands as *Open Space* in the Plan as it is a source of community pride that such lands are protected in public ownership.

**B9.5 Zoning By-law Implementation**

All lands in the *Open Space* designation shall be placed in an Open Space (OS) Zone in the local implementing Zoning By-law.

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## **PART C – GENERAL ENVIRONMENTAL POLICIES**

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### **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 Planning Area 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 Planning Area.

### **C2 ENVIRONMENTAL FEATURES NOT INCLUDED IN THE ENVIRONMENTAL PROTECTION DESIGNATION**

#### **C2.1 Lakes, Rivers and Streams**

Lakes, rivers and streams in the Planning Area 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 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. 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**

Woodlands have not been specifically placed in the *Environmental Protection* designation. However, these areas greatly contribute to the character of the Planning Area as a whole and provide key wildlife habitat and important linkages to other environmental features such as wetlands. This Plan encourages such areas to be retained in their natural state, whenever possible and appropriate, as a condition of a *Planning Act* development approval and may be subject to site plan control to minimize or mitigate the removal of vegetation. A tree cutting by-law shall not be passed by any local municipality 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.

Significant wildlife habitat areas shown on the Schedule B to this Plan include deer wintering areas, and waterfowl staging areas. 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.

Where development is proposed within or adjacent to deer wintering area, the determination on whether an EIS is necessary will depend on the scale of the development and the extent of tree removals that would occur. Where new development is proposed within or adjacent to a waterfowl staging area an EIS will be required to confirm 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 Planning Area include low and wet areas that have not been identified on Schedule B. The identification of 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**

Residents of the planning area are dependent upon groundwater and surface water. 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 local 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 Planning Board and/or 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 the local Council or Planning Board.

## **C5.2 Natural Hazards**

**C5.2.1** The regulatory floodline elevation applicable to lands abutting Lake Huron in the Planning Area 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 as well as river and stream systems and small inland lake systems 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**

Planning Board and the local Councils will consider the potential impacts of climate change that may increase the risk associated with natural hazards in the review and consideration of matters administered under the Planning Act.

#### **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 requiring a Planning Act approval is proposed within an area where such conditions are known or confirmed, 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.

#### **C5.4 Abandoned Mine Sites**

When a development is proposed within 1,000 metres of an abandoned mine hazard as identified on Schedule D to this Plan, there is potential for impact on a proposed development. The proponent shall consult with a qualified professional and/or the Ministry of Northern Development, Mines, Natural Resources and Forestry 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.

#### **C5.5 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.

## **C5.6 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**

There are three waste disposal sites located in the Planning Area which are identified on Schedule A to this Official Plan. It is a policy of this Plan to ensure the residents of the Planning Area are provided with a safe and cost efficient waste management program.

The Provincial Environmental Compliance Approval (ECA) for the Joint Tarbutt-Johnson landfill located in the Township of Johnson recently obtained an amended Environmental Compliance Approval (Number A561101) which authorized a capacity of 20,000 tonnes of municipal waste. The ECA approval number for the site in MacDonald, Meredith and Aberdeen is A561302 which has a capacity of 264,000 cubic metres. The ECA for the site in Laird in A561202.

Where a new landfill site is proposed within the Planning Area, 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 of a Zoning By-law Amendment shall be required and the proponent will be guided by MOECP Guideline D-2: Compatibility Between Sewage Treatment and Sensitive Land Uses.

There are three closed landfill site located in the Planning Area which are identified on Schedule D. 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 a MOECP D-4 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 the local 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 the local 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, Conservation and Parks (MOECP) D-Series Guidelines, specifically MOECP Publication NPC-300 or its predecessor. Where a proposed use cannot satisfy the minimum requirements of the applicable MOECP 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 BROWNFIELD SITES AND CONTAMINATED LANDS**

### **C8.1 Description**

Brownfield sites are sites where the environmental condition of the property and the quality of the soil or groundwater, particularly on former industrial and waste-disposal sites, may have the potential for adverse effects to human health or the natural environment. Planning Board supports the restoration and re-use of brownfield sites, where feasible and where such re-use is aligned with other policies of this Plan.

### **C8.2 Policies**

Development on any property suspected of having some form of contamination will be permitted only if a Record of Site Condition is provided by the proponent, prepared by a qualified consultant, in accordance with the Environmental Protection Act. Contaminated sites will be restored as necessary prior to permitting any activity on the site to ensure that there will be no adverse effect.

In considering applications for development, the following procedures shall apply:

- a) Planning Board will require applicants to document previous uses of a property or properties that are subject of a planning application and/or properties that may be adversely impacting the property that is subject of a planning application in order to assist in the determination of the potential for site contamination.
- b) Planning Board will require all applications for plans of subdivision to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 1 Environmental Site Assessment (ESA) has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 1 ESA documents the previous uses of the property and provides an



assessment of the actual or potential soil or groundwater contamination on the site.

- c) Where a Phase 1 ESA indicates that the property or properties that are subject of the planning application may be contaminated, the Planning Board will require planning applications to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 2 ESA has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 2 ESA provides a sampling and analysis of the property to confirm and delineate the presence of soil or groundwater contamination at the site or confirm the absence of contamination at the site.
- d) Where it is determined that there is a proposed change in land use to a more sensitive use, the local Township and/or Planning Board will require as a condition of planning approval, verification to the satisfaction of the local Township and/or Planning Board from a qualified person as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the local Township, Planning Board or provincial legislation and/or regulations the filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry, the submission to the local Township or Planning Board of a Declaration signed by the qualified person acknowledging that the local Township and/or Planning Board may rely on the statements in the RSC and, submission by the property owner of proof that the Ministry of Environment, Conservation and Parks (MECP) has acknowledged receipt of the RSC.
- e) Establish conditions of planning approval to ensure receipt of satisfactory verification of suitable environmental condition as per this section.
- f) Where applicable, utilize the holding provisions of the Planning Act to ensure receipt of satisfactory verification of suitable environmental condition.
- g) Subject to the requirements of the *Environmental Protection Act* and O. Reg. 153/04, where an RSC has been made a condition of planning approval, a building permit may be issued in regard to a property or properties on a phased basis to allow for site assessment and remediation/risk management.
- h) Where a local Township is deeded land for public highways, road widening, parks, stormwater management, easements, or for any other purpose, the local Township may require, as a condition of transfer, verification to the satisfaction of the Township from a qualified person as defined by provincial legislation and regulations, that the property or

properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the Township or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry, and submission by the owner to the local Township of proof that the MOE has acknowledged receipt of the RSC.

- i) Subject to the requirements of the *Environmental Protection Act* and O. Reg. 153/04, for instances where contamination from a property or properties extends onto Township land or road allowance and filing of a RSC in the Environmental Site Registry is not possible, the Township may issue a building permit in regard to this property or properties on a phased basis contingent on the execution and implementation of an Off-Site Management Agreement or Remedial Action Plan that remediates/manages contamination in the right-of-way to the satisfaction of the Municipality.
- j) Where a gasoline station site is being redeveloped and there is no change in use to a more sensitive use, the proponent shall be required to provide a letter of continued use from the Technical Standards and Safety Authority. For instances where contamination extends onto Township land or road allowance, the local Township will require that an Off-Site Management Agreement and Remedial Action Plan be implemented to the satisfaction of the local Township prior to issuance of the building permit.

## **C9 TOP SOIL REMOVAL AND COMMERCIAL FILL**

Site alteration, the removal of top soil and/or filling of land may be regulated at the discretion of the local municipalities where authorized by an appropriate Township By-law to regulate such activity and/or site alteration.

## **C10 NOISE AND VIBRATION**

In residential, commercial, industrial areas or major roads where noise or vibration levels are or may exceed the guidelines established by the Ministry of the Environment Conservation and Parks, a noise impact study may be required by Council, prepared in accordance with MECP *D-Series Guidelines*, the MECP *Environmental Noise Guideline NPC-300* and the *Environmental Protection Act* to determine whether development should be permitted.

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## **PART D – GENERAL DEVELOPMENT POLICIES**

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### **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 Planning Area;
- 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 preferred means of servicing in the Planning Area is as follows:

- a) In the settlement of Desbarats and Echo Bay municipal water services and municipal sewage services;
- b) In all other areas in the Planning Area outside of the settlements, development shall be serviced by private, individual, on-site water and sewage systems.

In the Township of Johnson and Macdonald, Meredith and Aberdeen Additional, it shall be required, where feasible, that all new development or redevelopment within the settlements to be connected to the municipal water and sanitary sewer system with the exception of lands located in the *Mixed-Use* designation. Calculations of the operation of the sanitary sewer and water system undertaken in 2018 indicate that the Echo Bay sanitary sewer system was operating at a daily capacity of 34% and the water treatment plan was operating at a daily capacity of 28%. In Desbarats, calculations undertaken in 2021 indicated the sanitary sewer system was operating at a daily capacity of approximately 30% and the water system was operating at a daily capacity of 39%.

Where it is determined that a proposed development cannot be accommodated within the current system or municipal services are not available, planned or feasible, such development may proceed on the basis of private communal sewage and water services. Furthermore, where private communal services are not available, planned or feasible, individual private on-site sewage and water services may be utilized provided that site conditions are suitable for the long-term function of such services and the use of such service is limited to infilling or minor rounding out of the existing settlement. The use of any communal servicing system shall require appropriate securities to be able to be leveraged by the local Township to ensure the municipality is not exposed to financial hardship or liability in the event of the system malfunctions or the ownership group defaults on its maintenance obligations.

The time line for improvements to servicing systems is dependent on new development and approvals for development. Notwithstanding, improvements will be investigated where feasible and a strategy will be developed to ensure that any limitations on capacity will not unduly restrict future growth and development opportunities in the settlements. The planning for improvements shall be cognizant of sustainability within the environment, financial viability, compliance with all regulatory requirements and the protection of human health and the natural environment. Such works may be undertaken and are deemed to conform to this Plan.

### **D1.3 Policies for Water And Sewer Servicing**

#### **D1.3.1 Well Construction**

Private 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 Systems**

All new development or expansion to existing dwellings or uses occurring in the rural area or in the *Mixed-Use* designation which do not have feasible access to the municipal sewage treatment system shall be connected to a Class 4 septic system. Any individual on-site sewage disposal system generating more than 10,000 litres per day requires the approval of the Ministry of the Environment, Conservation and Parks.

#### **D1.3.3 Servicing Policies**

- 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 as confirmed by an approval by Algoma Public Health in the case of septic systems.

- 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.

**D1.4 Servicing of Developments With Five or More Lots On Individual On-Site Servicing**

Proposed development of five or more lots on individual on-site sewage services and/or individual on-site water services shall submit to the satisfaction of the Township and applicable agencies a servicing options study, as well as a hydrogeological study prepared by a qualified professional in accordance with the Ministry of the Environment D-5-4 Guideline “Technical Guide for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment” and the D-5-5 “Technical Guideline for Private Wells: Water Supply Assessment”. All wells must be established in accordance with Ontario Regulation 903 “Wells”.

## **D2 TRANSPORTATION**

### **D2.1 Objectives**

It is the intent of this Plan to:

- a) facilitate the safe movement of both people and goods within and through the Planning Area;
- 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 local Townships and are identified on Schedule C to this Plan. Access to and usage of these roads is subject to the jurisdiction of the individual Township. Township roads may include forced roads which the local Township has jurisdiction over but does not own. In cases where Planning Board is administering an approval under the Planning Act which involves lands which are the subject of a forced road, Planning Board will consult with the local Township to determine if the Township wishes to have the forced road dedicated to the Township as a condition of approval.

#### **D2.2.2 Township Roads - Seasonal**

Township Roads - Seasonal are those roads that are owned by a local Township but are not maintained on a year-round basis. Access to and usage of these roads is subject to the jurisdiction of the local 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 which may be the subject of easements or rights-of-way and are owned 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 extension of new private roads or individual rights-of way for the purpose of facilitating new lot creation, with the exception of an extension required to provide legal access to an existing land-locked parcel.

Private roads will not be assumed and maintained by a local 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 standard shall be borne by the landowners that will benefit from the year round maintenance of the road. This policy shall not compel a local Township to assume any private road.

#### **D2.2.4 Roads on Crown Land**

The local Townships support the public use of roads and trails on Crown land for passive recreational purposes, however the local Townships 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 Province of Ontario. 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 or approval from the Ministry of Northern Development, Mines, Natural Resources and Forestry 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. Such roads will generally not be improved for public use, but where the improvement of an unopened road allowance would yield a substantial public benefit, the local Township 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.

The local Township will 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, Highway 548 and Highway 638 are Provincial highways and new development proposed on land which abuts 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 Highway 17 and on Highways 548 and 638 development will be permitted subject to MTO approval.

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 or forced roads are known to exist, local Townships are encouraged to secure such deviations or forced roads through Planning Act approvals.

### **D2.3.2 Traffic Impact Studies**

Traffic impact studies may be required by Planning Board 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 local Township's implementing zoning by-law. These lots may also be subject to Site Plan Control. A local Council may also 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 the local 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 local Township does not or is not required to maintain or snowplow the said road or street;
- iii) the owner acknowledges and agrees that the local 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 local 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 local Township and may be used to accommodate future transportation needs, if warranted.

Notwithstanding, a 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:

- a) 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,
- b) 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 a local 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 local Townships are encouraged to undertake programs to straighten and re-align 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 local 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, the local 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 local 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 local 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 Planning Area heritage resources will contribute to the preservation of the area'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 Planning Area.

### **D3.2 Policies**

#### **D3.2.1 Recognition Of Cultural Heritage Resources**

According to information provided by the Ministry of Heritage, Sport, Tourism and Culture there are 15 registered archaeological sites in the Planning Area which have potential for local resource significant.

#### **D3.2.2 Conservation Of Cultural Heritage Resources**

The local Townships are encouraged to:

- a) Undertake a comprehensive review of the Township's list of cultural heritage buildings, as well as maintain and update a comprehensive inventory and evaluation of heritage resources.
- b) Identify, research, document, restore, protect, maintain and enhance of heritage resources.
- c) Protect cultural heritage resources and, where feasible, incorporate and encourage measures for their conservation, however significant cultural heritage resources shall be conserved.

- d) Encourage and support individuals and heritage interest groups in recommending potential heritage resources for inclusion on the heritage list of this Official Plan.
- e) Designate individual buildings, structures, sites and landscapes as heritage properties under the *Ontario Heritage Act*.
- f) Ensure that development is adequately and harmoniously integrated and blended with the heritage resources in such a manner as to preserve and enhance the heritage resources. On lands adjacent to a protected heritage property, development and site alteration shall not be permitted unless it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- g) Protect and enhance the distinguishing qualities, features, and character of heritage landscapes, as defined in the Heritage Character Statement of this Plan.
- h) Encourage the retention of yards, gardens, trees, and landscaped grounds of heritage sites.
- i) Identify sites of archaeological potential using provincial screening criteria and guidelines or from a Heritage Resources Master Plan developed in consultation with the Ministry of Heritage, Sport, Tourism and Culture. Further, Council as a condition of any development proposal for a subdivision, major commercial or industrial development, may require an archaeological assessment by a licensed archaeologist (if required by Provincial regulations) and shall facilitate conservation of any archaeological resources and/or the mitigation of possible impacts of any proposed intervention in these sites.
- j) Obtain available archaeological site data from the provincial archaeological database of the Ministry of Heritage, Sport, Tourism and Culture under the provisions of a municipal-provincial data sharing agreement.

### **D3.2.3 Protection and Improvement of Cultural Heritage Resources**

The following potential actions are available to local municipalities:

- a) Encourage owners who wish to protect their property in perpetuity to place a covenant to that effect on the property's title (the Heritage Easement Agreement of the Ontario Heritage Foundation is one example of such a covenant).
- b) Consider implementing a heritage grant program for owners of heritage properties designated under *Part IV* of the *Ontario Heritage Act*.

- c) Consider participating in heritage grant programs or other financial aid programs of other levels of government or of non-governmental organizations.
- d) Enter into heritage easement agreements with owners of designated heritage resources who are recipients of grants.
- e) Undertake public works programs such as tree planting, landscaping, street improvements, and the provision of street furniture, lighting, signage, and other streetscape components, to enhance the surrounding areas of heritage resources.
- f) Require any person who proposes to demolish or alter a designated heritage site to submit plans to Council for approval under the *Ontario Heritage Act*.
- g) Require applicants wishing to demolish properties designated under the *Ontario Heritage Act* to prepare a heritage impact statement to the satisfaction of the local Council.
- h) Designate under the Ontario Heritage Act, one or more heritage conservation districts within a local Township. Significant cultural heritage landscape features and heritage attributes may be included within a Heritage Conservation District.

#### **D3.2.4 Management of Cultural Heritage Resources**

A local Council may:

- a) Establish a citizens heritage advisory committee known as the Municipal Heritage Committee (MHC) to advise and assist the Council on heritage matters.
- b) Provide support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means.
- c) Consult with MHC on all matters and development applications that pertain to heritage resources.
- d) Co-ordinate its heritage planning and programs with other levels of government to avoid duplication of efforts and to reinforce mutual objectives, and to actively pursue demonstration projects.

#### **D3.2.5 Cultural Heritage and Archaeological Resources**

It is a policy to manage cultural heritage and archaeological resources through the pro-active identification, recognition, documentation, protection, conservation and rescue of these resources and to conserve heritage resources when making

development and infrastructure decisions which may affect those resources. Cultural heritage resources shall include built heritage resources, cultural heritage landscapes and archaeological resources which are important to the community or area in which they are located or are recognized for their significance at a regional, provincial or national level.

### **D3.2.6 Development Applications and Infrastructure Works (Public Works)**

In reviewing an application for a zoning amendment, a consent for a commercial, industrial or institutional use or residential development, or in the undertaking of new infrastructure works, consideration shall be given to the possible effects and impacts of such works on a known heritage resource or on an area of archaeological potential. Along the shorelines, waterways and their tributaries, archaeological resources shall be considered where affected by a development proposal.

A 'known' cultural heritage resource is one which has been confirmed by a archaeological report prepared in accordance with Provincial guidelines and registered by the Ministry of Heritage, Sport, Tourism and Culture or is a resource designated under the Ontario Heritage Act by the local municipality; is a site or building which has been identified or registered by the Ministry of Heritage, Sport, Tourism and Culture or; is a site or building identified or registered by Parks Canada. A heritage impact assessment report shall generally be required for development on or adjacent to a known heritage resource (local, provincial or federal). The report shall identify the characteristics and significance of the heritage resource(s), the development impacts and the measures or options for the conservation, mitigation or removal/rescue of the resource.

Where, through development, a site is identified to contain an unmarked burial site or new archaeological features, Council shall contact the Ministry of Heritage, Sport, Tourism and Culture. The Ministry of Government and Services shall also be contacted with respect to the discovery of burial sites and unmarked cemeteries and matters related to the Funeral, Burial and Cremation Services Act.

Planning Board recognizes that there may be a need for archaeological preservation on site or rescue excavation of significant archaeological resources, when such resources are identified through the development process. In doing so the local Council may consider archaeological resource preservation in situ, to ensure that the integrity of the resource is maintained.

Archaeological assessments shall be undertaken by consultant archaeologists licensed under the Ontario Heritage Act, as a complete application requirement or condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential.

### **D3.2.7 Inventories**

An inventory of all known heritage resources may be established and maintained by each local Township to reflect identified resources and provide for their protection through the review of planning applications. This is expected to include the identification and mapping of areas of archaeological potential. The identification and mapping of areas of archaeological potential may occur incrementally (application-by-application basis) or through a comprehensive evaluation e.g. as part of the preparation of a heritage master plan.

### **D3.2.8 Archaeological Management Plan**

Local Councils may prepare an Archaeological Management Plan and/or Cultural Plan which includes but is not limited to:

- a) Comprehensive cultural heritage resource mapping, archaeological potential mapping, and inventories;
- b) Identification and evaluation of cultural heritage resources, cultural facilities, and organizations;
- c) Strategies for conserving and enhancing these identified resources;
- d) Programs to foster interpretation and promotion; and,
- e) Education and public participation in cultural heritage conservation.

### **D3.2.9 Heritage Resources Designation**

Pursuant to the Ontario Heritage Act, and in consultation with the Municipal Heritage Committee, a local Council may, by By-law:

- a) Designate properties to be of cultural heritage value or interest;
- b) Define any area within the Township as an area to be examined for designation as a heritage conservation district; and,
- c) Designate the Township, or any area or areas within the Township as a heritage conservation district.

### **D3.2.10 Marine Archaeological Resources**

Planning Board or a local 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. Archaeological assessment reports prepared by a

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

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

### **D3.2.11 Aboriginal Communities**

It is the intent of the Plan that the local Township Councils and the Planning Board shall engage and consider the interests of Aboriginal communities in protecting, managing and conserving cultural heritage and archaeological resources.

### **D3.2.12 Archaeological Assessments**

Planning Board acknowledges that there are archaeological remnants of prehistoric and early historic habitation as well as areas of archaeological potential throughout the Planning Area. Archaeological sites and resources contained within these areas can be adversely affected by any future development.

Planning Board and/or the local Townships shall therefore require archaeological impact assessments and the preservation in situ or excavation of significant archaeological resources in accordance with Provincial regulations set out by the Ministry of Heritage, Sport, Tourism and 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 on conjunction with a development application will be referred to the Ministry of Heritage, Sport, Tourism and Culture for review.

Planning Board and the local Councils shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Heritage, Sport, Tourism and 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 Heritage Act and Cemeteries Act shall apply.



A local 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.

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## **D4 MINERAL RESOURCES**

### **D4.1 Intent**

The Planning Area is characterized by areas of mineral resources potential and such resources should be protected for potential future extraction where such extraction would be feasible, compatible and in conformity with other policies of this Plan.

### **D4.2 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.

### **D4.3 Quality of Resources in Desbarats to Echo Bay Planning Area**

In the preparation of this Plan, through consultation with the Ministry of Northern Development, Mines, Natural Resources and Forestry it was determined that all lands within the Planning Area have provincially significant mineral potential.

### **D4.4 Development Policies**

Mineral mining and related activities will only be permitted outside of significant natural heritage features and the *Shoreline, Residential and Mixed-use* designations. 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 local Township.

### **D4.5 Abandoned Mine Sites**

The location of abandoned mine sites are shown on Schedule D. When development is proposed within 1,000 metres of an abandoned mine hazard there is potential for impact on a proposed development. The local Township and proponent shall consult with the Ministry of Northern Development, Mines, Natural Resources and Forestry 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.

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## **D5 SUBDIVISION OF LAND**

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

### **D5.1 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.

### **D5.2 New Lots By Consent**

#### **D5.2.1 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) will not cause a traffic hazard as a result of its location on a curve or a hill;
- c) can be serviced with an appropriate water supply and means of sewage disposal, including septage disposal;
- d) will not have a negative impact on the drainage patterns in the area;
- e) will be compatible with existing land use abutting and proximate to the proposed lot;
- f) is orderly and appropriate and similar in character to surrounding lots;

- g) 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,
- h) will not be subject to undue risks due to natural and man made hazards.

#### **D5.2.2 Technical Consents**

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 a technical consent, the Planning Board shall be satisfied that the lot addition will not affect the viability of the use of the properties affected as intended by this Plan.

#### **D5.2.3 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.

#### **D5.3 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, Planning Board 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.

#### **D5.3.1 Affordability**

It is a policy of this Plan to ensure existing and new residents have access to diverse and affordable housing choices. To this end this Plan accommodates a wide range of housing types in the settlements and provides for accessory dwelling units 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.

#### **D5.3.2 Energy Efficiency and Air Quality**

Planning Board 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.

#### **D5.4 Public Parkland**

##### **D5.4.1 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.

**D5.5 General Policies Applying to all Public Parkland**

**D5.5.1 Dedication of Land through the Development Process**

Planning Board 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, Planning Board may require cash-in-lieu of parkland instead, as deemed appropriate. In the establishment of a Parkland Dedication By-law, the local Township 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 local 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.

**D5.5.2 Use of Monies Received Through the Cash-in-Lieu Process**

All monies received under the provisions of Section D5.5.1 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 a local Township 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 to contribute toward the future funding or development of parkland and park facilities.

**D5.5.3 Parkland Dedication By-law**

The local Townships 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 D5.5.1 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.

## **D5.6 Parkland Development Policies**

### **D5.6.1 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.

## **D6 TECHNICAL STUDIES AND PEER REVIEWS**

Where a policy in this Plan requires the submission of technical studies, which may include a current survey or real property report, such studies must be prepared at the applicant's expense by a qualified professional. When technical studies are submitted with a development application, Planning Board or the local Township may authorize a qualified professional to peer review such studies and provide advice to Planning Board or the local Council at the applicant's expense.

## **D7 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).



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## **PART E – PLAN IMPLEMENTATION AND ADMINISTRATION**

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### **E1 PLAN IMPLEMENTATION**

#### **E1.1 Zoning By-laws**

Each of the local Township zoning by-laws will be updated within three years of the approval of this 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 local 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**

A local 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 local 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, a local Council may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions of the local 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 every Township in the Planning Board 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 location and 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, including solar array and wind turbines may also fall under Site Plan Control.

The implementation and administration of site plan control is the responsibility of each Township who may use discretion in the preparation of a site plan by-law which articulate how site plan control will be administered.

## **E1.5 Community Improvement**

These policies are intended to provide a basis and mechanism for a local 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.

A local 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 Desbarats to Echo Bay Planning Board 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) Improvements and beautification of main streets and commercial areas;
- e) Tree planting, remediation and naturalization programs;
- f) The development of affordable housing;
- g) The construction and improvement of buildings and structures that promote energy efficiency or accessibility; or,
- h) 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, the following are examples of incentives that may be provided 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 the local 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, the local Council shall have regard for the following principles:

- a) The feasibility of acquiring the property for holding, sale, lease or development by the local 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, the local 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. In doing so, the local 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, the local 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. The local Council and Planning Board also requires a proponent to attend a pre-consultation with clear and concise information, legal surveys, 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 assurance of approval.

Subsequent to a pre-consultation meeting, the local 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 local 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, however this list is not conclusive.

- 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, Peer Reviews Agency Comments and Site Visits**

Where a pre-consultation review requires the submission of technical studies, materials or documentation, such studies, materials or documentation must be prepared at the applicant's expense by a qualified professional. The review of technical studies, materials and documentation may also require the Township to engage a qualified professional to peer review such studies at the applicant's expense and/or obtain advice or direction from government or public agencies and/or conduct field evaluation or site visits and such peer review, consultation or site visit shall be undertaken prior to any declaration of a complete application.

#### **E4.3 Requirements for Site Plan Agreements**

Where a In addition to the above requirements, the following additional complete application requirements may apply to applications for site plan agreements as authorized by Section 2.32 for any residential, seasonal residential or recreational use including tourist recreational uses, additional dwelling units and short-term accommodation uses:

- a) Plans certified by an Ontario Land Surveyor showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under Section 41(7)(a) of the Planning Act, including facilities designed to have regard for accessibility for persons with disabilities.
- b) Drawings certified by an engineer and/or architect showing plan, elevation and cross-section views for each building to be erected, which drawings are sufficient to display:
  - Massing and conceptual design.
  - Relationship of the buildings to adjacent buildings, streets and exterior public areas.



- Provision of interior walkways, stairs and elevators, to which the public has access.
  - Matters relating to exterior design, including character, scale, appearance and design features of buildings, and their sustainable design, if required by the Site Plan Control By-Law.
  - sustainable design elements on any adjoining roadway under a Township's jurisdiction, including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, if required by the Site Plan Control By-Law.
  - Facilities designed to have regard for accessibility for persons with disabilities.
- c) Where a Site Plan Control By-Law has been passed, Township Council shall appoint an officer, employee or agent of the Township as an authorized person for the purposes of reviewing plans and drawings as described in subsections (iv) and (v) above.
- d) As a condition of Site Plan approval, Township Council may require the execution of an agreement between the landowner and the Township to ensure that all buildings, structures, works or matters described above, are constructed and maintained.

## **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, except where specific definitions may be provided in the Plan, the definitions in the *Planning Act*, R.S.O. 1990, the Provincial Policy Statement 2020, and other applicable legislation shall have applicability. To this end, the definitions of the Provincial Policy Statement are appended to this Plan for reference purposes. In all other instances terms shall be defined in accordance with common usage and plain language 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 ten years after this Plan comes into effect in accordance with the Planning Act, as amended. The ten-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 local Township has increased its commercial and industrial

assessment in relation to residential assessment;

- e) the servicing capacities available to accommodate development in the settlement areas;
- f) the local Planning Area's role within the District of Algoma and its relationship with the rest of the District;
- g) development trends in the District of Algoma and their effect on development in Desbarats to Echo Bay Planning Board ; and,
- h) the Plan's regard to matters of provincial interest; conformity to provincial plans; and consistency with provincial policy statements.