

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

Credit: David Welwood, J.L. Richards & Associates Limited

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

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

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## **1 THE VISION AND LAND USE CONCEPT**

### **1.1 BASIS OF THE PLAN**

- 1) The purpose of the Official Plan is to set forth land use and planning policies for the Debarats to Echo Bay Planning Area (Planning Area) over the next 25 years;
- 2) The Official Plan policies sets the guidelines for sustainable development within the Planning Area that is environmentally and economically viable;
- 3) The goal is to formulate policies that are attainable and adapted to the natural, historical, environmental, and economic context of the Planning Area;
- 4) All planning decisions are required to conform to the Official Plan as per Section 24(1) of the *Planning Act*.

### **1.2 LEGISLATIVE BASIS**

- 1) The *Planning Act* requires that municipalities have Official Plans which contain goals, objectives and policies established primarily to manage growth and direct physical change;
- 2) The *Planning Act* identifies matters of Provincial Interest, further defined in the Provincial Planning Statement 2024 (PPS);
- 3) This guiding document was reviewed, and adopted in conformity with the requirements of the *Planning Act* and the PPS;
- 4) The Official Plan conforms to the Growth Plan for Northern Ontario (2011) that provides guidance to align provincial decision-making and investment in Northern Ontario. The strategic directions include the diversification of traditional resources-based industries, supporting workforce education and training, integrating infrastructure investments and planning, and supporting indigenous population's participation in the economy. The Official Plan aims to consolidate these strategic directions in policy;
- 5) The Official Plan will be reviewed in accordance with the *Planning Act* and be amended by the Planning Board. Amendments to the Official Plan are made in line with zoning by-law amendments so that implementing by-law are always consistent with the Official Plan.

### **1.3 THE COMMUNITY VISION**

This Official Plan (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.

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 housing and employment needs of existing and future residents. It is estimated that the population of the Planning Area could increase by up to 1,139 persons between 2021 and 2051. This increase is 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.

#### **1.4 LAND ACKNOWLEDGMENT**

Desbarats to Echo Bay Planning Area is located on ~~the unceded territory of~~ the traditional territory of the Anishinaabe and known as Bawating. Bawating is the home of Garden River First Nation, Batchewana First Nation, and the Historic [Sault Ste. Marie](#) Métis Council.

The Planning Board honours the land of ~~the First Nation~~[Indigenous](#) peoples and their valuable past and present contribution to this land.

#### **1.5 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.

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

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

### **1.5.2 Environmental Sustainability**

This Plan identifies a number of defining environmental features that contribute to the area's quality of life. 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 protect Provincial interests in land use planning as reflected in section 2 of the *Planning Act* including the protection of natural resources such as agricultural lands, natural heritage features, and mineral aggregate resources. 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.

### **1.5.3 Economic Sustainability**

A sustainable economic future for the Planning Area will be made possible by ensuring stable and sound fiscal positions of the local Townships to support the 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 settlement areas, Desbarats and Echo Bay.

This Plan will encourage entrepreneurial spirit and investment opportunities based in agriculture and rural land use. [The](#) Planning Board believes that the

combination of mixed-use in the settlements, combined with a rural lifestyle and live-work opportunities, will contribute in a small but meaningful way to regional economic sustainability.

#### **1.5.4 Social Sustainability**

The policies of this Plan are intended to foster 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 planning horizon and recognizes that many of the social services which citizens need or depend on may be found within larger urban centres.

### **1.6 GOALS AND STRATEGIC OBJECTIVES**

#### **1.6.1 The Environment**

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.

- 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~~protect water quality through ~~measures such as~~ 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.
- 7) To mitigate greenhouse gas emissions and support climate change adaptation measures.

#### **1.6.2 Rural and Agricultural Areas**

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.

- 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.

### **1.6.3 The Shoreline**

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.

- 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 appropriate for 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 on the shoreline and to protect such vegetation where planning approvals provide opportunities to do so.

### **1.6.4 Settlement Areas**

It is the goal of this Plan to direct the majority of growth and development in the Planning Area to the Echo Bay and Desbarats settlement areas.

- 1) To recognize Echo Bay and Desbarats as settlement areas and to direct the majority of new growth to these areas;
- 2) To encourage a range of housing forms in the settlements in an effort to address affordability and the housing needs;
- 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;
- 6) To promote compact development and mixed-uses in support of complete communities.

The Planning Board may identify and promote the redevelopment of designated and vacant and/or underutilized sites, including surplus municipal lands and buildings, and areas in transition in the settlement areas of Desbarats and Echo Bay taking into account existing building stock and the availability of suitable existing or planned infrastructure and public service facilities to accommodate projected needs. These areas may be redeveloped in accordance with the policies of this Plan.

#### **1.6.5 Affordable Housing**

[Affordable housing, in the case of ownership housing, refers to the least expensive of housing for which the purchase price results in annual accommodation costs less than 30% of gross annual household income for low and moderate income households, or housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the Planning Area. In the case of rental housing, affordable housing refers to the least expensive of a unit for which the rent is less than 30% of gross annual household income for low and moderate income households, or a unit for which the rent is at or below the average market rent of a unit in the Planning Area.](#)

It is the intent of this Plan to ensure that existing and new residents have access a range of housing options including affordable housing choices.

Partnerships with the Algoma District Social Services Administration Board are encouraged to develop affordable housing supply. An affordability target of 20% of the total housing supply is established for the purpose of this Plan.

To this end this Plan accommodates a wide range of housing types in the Villages and provides for additional residential units and other forms of intensification,

which will contribute towards affordability objectives.

Each local Township will maintain an appropriate supply of residential land, facilitate residential intensification and redevelopment, where appropriate, and permit a variety of housing types to help meet affordable housing targets.

Township Councils will encourage and work with the public, private, and not-for-profit sectors to deliver affordable housing.

## **1.7 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.

### **1.7.1 Village**

The Village designation applies to the existing settlement areas of Desbarats and Echo Bay but not including the Mixed-Use designation.

### **1.7.2 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.

### **1.7.3 Rural**

The Rural designation generally includes all of the rural area in the Planning Area which are located outside of the Agricultural area, the Shoreline and the settlement areas.

### **1.7.4 Agricultural**

Lands designated Agricultural comprise the prime agricultural area of the Planning Area and are 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.

### **1.7.5 Shoreline**

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

### **1.7.6 Environmental Protection**

The Environmental Protection designation applies to lands that contain physical characteristics which could cause significant property damage or loss of life if development was permitted (i.e., floodplains, fish habitat, organic soils, etc.).

### **1.7.7 Open Space**

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

## **2 LAND USE DESIGNATIONS**

### **2.1 VILLAGE**

The Village designation will support a mix of uses including residential, commercial, institutional and open spaces. The predominant use of land in the Village designation is residential, however a mixed commercial core area is present in both the Desbarats and Echo Bay settlement areas. The Village designation allows for a variety of housing types and densities, in addition to facilities and services such as schools, parks, places of worship, community services, and local neighbourhood-oriented commercial uses, which are integral to and supportive of a residential environment.

The Village designation permits a variety of housing types and accommodates and encourages a variety in size, design, tenure, accessibility, and affordability to meet the housing needs of the Township. The implementing Zoning By-law will provide zones that are categorized by dwelling type and include performance standards.

#### **2.1.1 Permitted Uses:**

- 1) Low density residential uses are permitted including single detached dwellings, semi-detached dwellings, and duplex dwellings.
- 2) Additional residential units and group homes are considered residential uses and are permitted in accordance with the policies of this Plan.
- 3) Medium to high density buildings (i.e. triplex, fourplex, row or block townhouses, apartments, and multi-residential buildings) are also permitted, subject to the following considerations:
  - a) The type and size of the development;
    - i) The adequate provision of services and parking;
    - ii) Proposed buffering provisions that shall serve to minimize any potential adverse effects on adjacent properties;
    - iii) The design of the development in relation to the character, scale, massing, height, and streetscape features of adjacent buildings.
  - b) Seniors housing including seniors' apartment buildings, assisted living facilities, and long-term care facilities are permitted. Related commercial uses may also be permitted. The development of any new seniors' facility and related commercial uses, including the conversion of an existing building, may require a site-specific Zoning By-law Amendment and Site Plan Control.

- 4) Additional needs housing including group homes, crisis care and shelters are permitted in the Village designation.
- 5) Affordable housing is promoted in accordance with the policies of this Plan and the Algoma District Services Administration Board Housing and Homelessness Plan.
- 6) Existing mobile home parks are permitted in accordance with the policies of this Plan.
- 7) Tiny homes are permitted in accordance with the policies of this Plan and the Ontario Building Code.
- 8) Bed and breakfasts are permitted in accordance with 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.

Complementary land uses may be permitted in the Residential area where they are compatible with the residential environment, including parks and open space and institutional and community facility uses.

- 9) Home-based businesses are permitted in the Residential area, subject to the policies of this Plan, and may require approval of a site-specific Zoning By-law Amendment.
- 10) Mixed-use and small-scale commercial uses are permitted within the Village designation and are generally focused in the following locations:
  - a) in Echo Bay commercial uses may be permitted in the area along ~~Old~~ Highway 17 ~~B~~ north of Church Street and south of the Loon Dollar Monument, and along Church Street between ~~Old~~-Highway 17 ~~B~~ and Lake Street.
  - b) In Desbarats in the core area around the intersection of Lake Huron Drive and Main Streets.
- 11) Other neighbourhood-serving commercial uses and personal services uses may be permitted in the Village designation, where they serve the immediate needs of nearby residents and are compatible with the surrounding residential area, subject to a site-specific Zoning By-law Amendment. The Zoning By-law may set out additional performance standards including floor area, height, parking, and landscaping requirements. Local commercial uses may be subject to Site Plan Control. Compatibility will be assessed based on the following:
  - a) Potential affects to the character of the surrounding residential area;

- b) Noise and traffic generation; and
- c) Overall number of local commercial uses, location, and design.

### **2.1.2 Policies**

- 1) New residential development must be compatible with the existing physical character of established neighborhoods, with consideration given to the size and configuration of lots, building setbacks, building height, and other provisions applied to nearby properties under the Zoning By-law.
- 2) New development will occur within and adjacent to the existing built-up areas in settlement areas. Emphasis will be placed on achieving a mix of uses and densities that allows for the efficient use of land, infrastructure and public service facilities.
- 3) Where expansion onto vacant, undeveloped lands is proposed, the following phasing policies will be considered at the time of the application review:
  - a) The proposed development represents a contiguous expansion within the settlements areas;
  - b) The proposed development represents a logical utilization of existing municipal infrastructure and public services;
  - c) The proposed development completes or rounds out existing neighborhoods with respect to road connections, waterline looping, and public services facilities such as schools and recreation facilities;
  - d) The area is experiencing growth pressure, as evidenced by adjoining development and the available supply of lots/units in existing registered and draft approved plans of subdivision/condominium; and
  - e) Land supply requirements and intensification targets will be monitored and reviewed on a five-year basis.
- 4) The redevelopment of under-utilized commercial or institutional sites for housing is encouraged.
- 5) Development of additional needs housing and supportive housing including accessibility features will be supported in areas that have access to community amenities, services and health care.
- 6) New subdivisions and redevelopment in the Village shall demonstrate conformity with the targets for the provision of medium to high density housing in Section 4.7.1 of this Plan.

## 2.2 MIXED-USE

The Mixed-Use designation permits a variety of commercial and light industrial uses. It is the intent of this Plan to promote the growth of the business function of this area by promoting the expansion of retail, office, public uses, light industrial and institutional uses.

### 2.2.1 Permitted Uses:

- 1) Permitted commercial and institutional uses shall include, but not be limited to, retail operations, service commercial uses, offices, restaurants, motels and hotels, personal and related services, tourist services and facilities, entertainment uses, institutions, government and public operations, and general business activities appropriate to the settlement areas.
- 2) Industrial uses may be permitted subject to adequate separation distances as per [MECP-Provincial](#) Guidelines when proposed near sensitive land uses and subject to the following:
  - a) Separation distances will vary depending upon the nature of the proposed industrial use. The approval of development proposals shall be based upon the achievement of adequate separation distances and the recommendations of the required studies. The intent of this Plan is to group industrial uses so as to maximize their compatibility and minimize any negative impacts on nearby residential or other sensitive land uses.
  - b) Permitted industrial uses shall include, but not be limited to, transportation, warehousing, processing, manufacturing, logistics operations, distribution, fabricating, and storage. In addition, certain other compatible uses are permitted, such as commercial uses accessory to industrial uses, commercial uses primarily serving the industrial area, wholesale uses, office uses, other quasi-industrial, or service or business uses, and commercial uses which require large sites for storage.
  - c) Cannabis Production Facilities may be permitted in the Mixed-Use designation subject to a zoning by-law amendment in accordance with the following criteria:
    - i) Cannabis production facilities shall be setback at least 300 metres from sensitive land uses, including but not limited to hospitals, places of worship, playgrounds and dwelling units and/or zones where these uses may be permitted, with the exception of a residence located on the same lot as a cannabis facility.

- ii) Cannabis production facilities shall not be permitted within 500 metres of a school or daycare facility.
- iii) The application shall be in accordance with Section 4.4.

### **2.2.2 Policies**

- 1) 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.
- 2) 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;
  - 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;
  - i) land use compatibility will be achieved in accordance with Provincial guidelines;
  - j) Development in the Mixed-Use designation will be subject to site plan control; and
  - k) The phasing policies of [Section 2.1.2](#) shall apply to new development

in the Mixed-Use designation.

## 2.3 RURAL

Lands designated as Rural are intended to protect the natural amenities of the area and provide opportunities for recreation, tourism, agriculture, timber, wildlife, and resource-based activities, and limited residential development. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage landscape.

### 2.3.1 Permitted Uses

- 1) Permitted uses include low density residential uses, agricultural uses, agriculture related uses, on-farm diversified uses, rural institutional, commercial and industrial uses, resort commercial uses, resource-based uses, such as forestry, mining and mineral aggregate, cemeteries, conservation, open space, natural resource management activities and linear open space trails are permitted in the Rural area, subject to the policies of this Plan.
- 2) Agri-tourism uses and agricultural research and training establishments as per [Section 4.2](#) are permitted.
- 3) Hunt camps are considered to be seasonal camps used for hunting and fishing, in accordance with the following policies:
  - a) A new hunt camp may be constructed on patent lands ~~or Crown lands~~ that do not have direct access to a public road, but where safe access is provided, subject to provincial and local requirements;
  - b) Where access to a new hunt camp is proposed by means other than direct access to a maintained Municipal Road or Provincial Highway the property owners shall be required to enter into an agreement with the applicable Township to recognize the proposed access and absolve the applicable Township of any liability associated with the access;
  - c) Development standards for hunt camps will be defined in the Zoning By-law; and,
  - d) The transfer of a hunt camp from the Crown to private ownership shall be subject to a Zoning By-law Amendment. The intent of the amendment is to consider an exemption from the established zoning requirement for the creation of new lots. It will also be a requirement of the amendment that the structure(s) and septic system comply with the *Ontario Building Code Act*.

### 2.3.2 Policies

Policies:

- 1) The agricultural system and agri-food network will be promoted, in accordance with [Section 4.2](#) of this Plan.
- 2) All development in the Rural designation shall comply with the Minimum Distance Separation Formulae, as amended from time to time.

#### 2.3.2.2 Rural Residential

- 1) Low density residential uses are permitted in accordance with the following policies:
  - a) rural residential development will be compatible with the character of the surrounding existing uses, provided no additional public services, including the extension or creation of full or partial services would be required; [and](#),
  - b) one single detached dwelling is permitted on any existing vacant legal lot of record, provided that it fronts onto a road that is publicly owned and maintained year-round, a road developed through a vacant land condominium, or where it can be demonstrated that there is legal access onto the property; ~~[and](#),~~
  - ~~c) an individual mobile home unit or individual modular home unit is permitted as a single detached dwelling unit provided it is constructed in accordance with the Ontario Building Code.~~
- 2) Additional residential units are permitted in accordance with [Section 4.1](#).

#### 2.3.2.3 Agriculture in the Rural Designation

Agricultural uses, including farm operations, agriculture-related uses, on-farm diversified uses, and normal farm practices, are permitted, including small-scale agricultural uses, such as homesteading. Agricultural uses shall be subject to the following policies:

- 1) new land uses, the expansion of existing land uses, the creation of lots, and new or expanding livestock facilities must be compatible with their surroundings and comply with the minimum setbacks required to achieve land use compatibility with other rural land uses as described in [Section 3.4 Land Use Compatibility](#), including compliance with the Minimum Distance Separation Formula; and,
- 2) new land uses, the expansion of existing land uses, the creation of new lots,

must protect and enhance rural natural heritage features and areas as described in [Section 3.4 Land Use Compatibility](#). Existing agricultural uses are permitted to continue in and adjacent to natural heritage features and areas.

#### 2.3.2.4 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:

- 1) the subject lands have a minimum lot area of 4 hectares;
- 2) the floor area of the use ~~does not exceed 300 m<sup>2</sup> and is~~ [limited in size and](#) is compatible with surrounding uses;
- 3) the use is a dry use which can be accommodated on a Class 4 septic system approved by the Algoma Public Health Unit;
- 4) the use does not require extensive open storage or parking, and where open storage or parking is required, it is incidental to the primary use and screened from view;
- 5) retail or wholesale shall not be a principal use but may be permitted where it is limited in scale and offers goods and products produced on-site; and,
- 6) the development of a new commercial or industrial use shall be subject to a Zoning By-law Amendment and Site Plan Control.

#### 2.3.2.5 Resource-Based and Resource-Related Uses

Resource-related uses are permitted in accordance with the following policies:

- 1) Resource-related uses include forestry, mineral aggregate operations and mineral mining operations, as well as exploration and advanced exploration. Existing resource-related uses are permitted and will be recognized in the Zoning By-law. New resource-related uses are encouraged and will be permitted through a Zoning By-law Amendment;
- 2) New land uses, the expansion of existing uses and the creation of new lots must have frontage on a road, be adequately serviced, comply with the minimum setbacks required to achieve land use compatibility with other rural land uses as described in [Section 3.4 Land Use Compatibility](#), and protect and enhance rural natural heritage features and areas as described in [Section 3.6-8 Natural Heritage Features and Areas](#);
- 3) Forestry operations are encouraged to follow sound forest management practices and shall be set back from all shorelines an appropriate distance

Field Code Changed

so that clearing and cutting operations do not impact the visual quality and character of the shoreline. ~~Clear cutting shall be prohibited within 500 metres of the shoreline of Lake George or Lake Huron, unless carried out in accordance with sound forest management practices, and maintain appropriate vegetation buffers; and;~~ and,

- 4) New land uses and the expansions that substantially increase the useability of an existing use will be subject to Site Plan Control.

#### **2.3.2.6 Creation of New Rural Residential Lots**

In keeping with historic trends, future lot creation for rural residential use shall be guided by the following criteria:

- 1) A maximum of 3 new lots may be severed through the consent process from a lot that existed on the date of adoption of this Official Plan, ~~provided the original lot has an area of at least 5 hectares;~~
- 2) the severed and retained lands ~~should maintain a minimum frontage on a public road of 60 metres and have~~ a minimum lot area of 1 hectare ~~unless a hydrogeological study is submitted which determines that site conditions are suitable for the long-term provision of individual on-site water and sewage services with no negative impacts;~~
- 3) the boundary of the severed lot shall comply with the minimum distance required by the Minimum Distance Separation Formulae;
- 4) new rural residential lots must have frontage on a road that is publicly owned and maintained year round and is or can be adequately serviced by hydro, waste collection, school busing, police services, fire services and paramedic services;
- 5) new rural residential lots must be compatible with their surroundings and comply with the minimum setbacks required to achieve land use compatibility with other rural land uses as described in [Section 3.4 Land Use Compatibility](#);
- 6) new rural residential lots must protect and enhance rural natural heritage features and areas as described in [Section 3.8 Natural Heritage Features and Areas](#); and,
- 7) the proposed lot(s) comply with the criteria set out in [Section 4.12.2](#) (General Consent Policies) of this Plan.
- 8) Rural estate subdivisions may be permitted through an Official Plan Amendment, Rezoning and Plan of Subdivision and/or Condominium to ensure that the proposed development meets local and Provincial land use

planning interests and objectives.

### 2.3.2.7 New Infilling Lots

In addition to ~~Section 2.3.2.5~~ [Section 2.3.2.6](#), no more than two infilling lots may be created from a parcel in the Rural land use designation that existed on the date this Plan was approved, provided:

- 1) the original lot has a ~~minimum frontage of 90 metres and a~~ minimum lot area of 2.0 hectares;
- 2) the lot is to be located between two existing dwellings or lots which existed on the date this Plan was approved and which are located on the same side of the road and are approximately 200 metres apart;
- 3) the lots to be created ~~and retained each has have~~ 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 ~~in compliance with the implementing Zoning By-law~~; and,
- 4) the proposed lot complies with the policies in ~~Section 4.6~~ [Section 4.12](#).

### 2.3.2.8 Original Lots of Record

Policies:

- 1) Original Township lots of record which were laid out in the original survey and have been merged in title may be severed along original lot lines, provided such lots abut a public road assumed for maintenance purposes.
- 2) 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.
- 3) In cases where such lots can be provided access to a public road at reasonable cost, ~~the~~ Planning Board will seek input from the [local](#) Township with respect to the feasibility of upgrading the requisite road to municipal standards for assumption and maintenance purposes.
- 4) Notwithstanding Paragraph 1), original Township lots of record severed in accordance with this section shall be eligible for subsequent severance under [Section 2.3.5](#) of this Plan, except where such lots do not abut a public road.
- 5) 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) ~~or~~ [32.37](#)

[hectares \(80 acres\).](#)

### **2.3.2.9 Rural 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:

- 1) the use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads;
- 2) the water supply and private sewage system are appropriate to sustain the use; and,
- 3) 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.

### **2.3.2.10 Cemeteries in the Rural Designation**

In accordance with the *Cemeteries Act*, cemeteries may be permitted in the Rural land use 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:

- 1) the size of the cemetery and the accessory uses are appropriate for the area;
- 2) the use can be accessed by roads which are designed to accommodate high volumes of traffic in short periods of time;
- 3) the applicant has fulfilled applicable technical requirements of the *Cemeteries Act*; and
- 4) 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.

## **2.4 AGRICULTURAL**

The Agricultural land use designation applies to lands in the Planning Area which are considered to be a prime agricultural area or prime agricultural lands.

Lands designated Agricultural are areas where prime agricultural land predominates, which includes Canada Land Inventory (CLI) Classes 1, 2, and 3

soils in this order for protection and, therefore, have potential for agricultural production, areas demonstrating a concentration of farming activity, as well as pockets of lesser valued soils within the greater context of a prime agricultural area. A Land Evaluation and Area Review (LEAR) study was undertaken to define the extent of the Agricultural land use designation on Schedule 'A'.

The Planning Board [and local Townships](#) recognizes the importance of agriculture to the area's economy and importance for its food security.

#### **2.4.1 Permitted Uses**

- 1) Agricultural uses such as the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment;
- 2) limited on-farm diversified including those that are secondary to the principal agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses;
- 3) agriculture-related uses including, a residential dwelling associated with a farm, farm-related commercial and industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.
- 4) open space and passive recreational uses;
- 5) farm related exhibitions and agri-tourism subject to Section 2.4 of this Plan;
- 6) forestry and resource management uses;
- 7) additional residential units associated with a residential dwelling;
- 8) Schools, churches and cemeteries that service the immediate rural community relying on horse-drawn vehicles as the primary means of transportation shall also be permitted in accordance [Section 2.3.2.8](#)[Section 2.3.2.9](#).
- 9) Aggregate Extraction in Agricultural land use designation is permitted as an interim use provided that the site will be rehabilitated back to an agricultural

use, in accordance with the requirements of ~~Section 3.5.83-6-6~~.

Field Code Changed

### 2.4.2 Policies

Policies:

- 1) Support the protection of the Agricultural area by preventing fragmentation and loss of the agricultural land base.
- 2) Ensure compliance with the Minimum Distance Separation (MDS) formulae, as amended by the Province from time-to-time.
- 3) Protect Agricultural areas for long-term use for agriculture.
- 4) Permit all sizes and intensities of agricultural uses and normal farm practices in accordance with Provincial standards.
- 5) An additional residential unit on a farm is permitted in accordance with [Section 4.1-5](#).
- 6) ~~Negative impacts on the agricultural system where non-agricultural land uses may encroach into the Agricultural area will be avoided.~~ ~~Impacts from any new or expanding non-agricultural uses on the Agricultural area will be avoided.~~ If avoidance is not possible, such adverse impacts may be required to be minimized or mitigated through an agricultural impact assessment or equivalent analysis based on provincial guidance.

### 2.4.3 Lot Creation in the Agricultural Designation

Lot creation within the Agricultural designation is discouraged, however consent applications which meet one or more of the criteria below may be considered by Planning Board:

- 1) 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;
- 2) For the purposes of sub-section 1), 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;
- 3) To accommodate an agriculture-related use, provided the lot is limited to the minimum size required to accommodate the proposed use and individual on-site water and individual on-site sewage services;

- 4) To sever a new residential lot for an existing, habitable residence surplus to a farming operation subject to the following criteria:
  - a) Planning Board shall require that the lands subject to the application are owned by a bona fide farmer who resides and farms in the Planning Area;
  - b) The new lot will be limited to a minimum size needed to accommodate the residential use and appropriate sewage and water services;
  - c) The remaining farm parcel shall be re-zoned to prohibit residential uses.
- 5) To create an infrastructure facility or corridor that cannot be accommodated through the use of easements or rights-of-way;
- 6) A lot with an additional residential unit may only be severed as a residence surplus to a farm consolidation, in accordance with [Section 2.4.3](#);
- 7) Notwithstanding the above policies, lot adjustments may be permitted for legal or technical reasons.

#### **2.4.4 ~~Agricultural~~-Agriculture-Related and On-Farm Diversified Used**

##### **2.4.4.1 On-Farm Diversified Uses on Farms Properties**

The development of a commercial, industrial or institutional use as an accessory or secondary use on a farm property is permitted subject to a Zoning By-law Amendment under to the following criteria:

- 1) The on-farm diversified use is compatible with and will not hinder surrounding agricultural operations;
  - a) The on-farm diversified use is limited in area to a maximum of 2% of the property area, up to one hectare;
  - b) Lot area and coverage for On-Farm Diversified Uses shall be in accordance with the Province's Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas, as amended.
- 2) The following on-farm diversified uses shall be permitted as of right with any agricultural use:
  - a) Farm vacations;
  - b) Bed and breakfast establishments;

- c) Occasional agricultural demonstrations such as plowing matches or livestock shows or similar events.
- 3) 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.

#### 2.4.4.2 ~~Agricultural~~**Agriculture-Related Uses**

The development of ~~agricultural~~**agriculture**-related commercial or industrial land use as an independent, primary use in the Agricultural designation may be permitted, subject to a Zoning By-law Amendment and a site plan agreement provided:

- 1) is compatible with surrounding agricultural uses and does not hinder the agricultural uses;
- 2) provides suitable buffering between adjacent residential uses;
- 3) would not create adverse impacts to natural features or watercourses which could not be mitigated;
- 4) does not require large volumes of water or generate large amounts of effluent;
- 5) has a maximum area of 2% of the lot area of the subject property up to a maximum of 1 hectare;
- 6) is directly related and secondary to the primary agricultural use;
- 7) the subject lands have a minimum lot area of 4 hectares;
- 8) the floor area of the use ~~does not exceed 300 m<sup>2</sup>~~**is limited in size** and is compatible with surrounding uses;
- 9) the use is a dry use which can be accommodated on a Class 4 septic system approved by the Algoma Public Health Unit;
- 10) the use does not require 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,
- 11) retail or wholesale shall not be a ~~principle-principal~~ use but may be permitted where it is limited in scale and offers goods and products produced on-site.

## 2.5 SHORELINE

The Shoreline designation as shown on Schedule 'A' to this Plan applies to lands generally within 300 metres from North Channel and Lake George, as well as inland lakes in the Planning Area, and as provided herein:

- 1) The Shoreline designation and its policies shall not extend within the limit of a settlement area;
- 2) Lands which physically relate to the Shoreline area, although extending beyond 300 metres from a water body shall be deemed to be within the Shoreline designation.
- 3) Lands which do not physically or functionally relate to the Shoreline area, although within 300 metres of the waterbody shall not be deemed to be within the Shoreline designation.
- 4) When determining if the lands physically or functionally relate to the waterfront, the following criteria will be considered:
  - a) The extent to which the lands or the existing or proposed use of the lands are associated with the Shoreline area.
  - b) The existence of topographic features or other terrain constraints (e.g., wetlands, hazard lands) which would limit or orient the proposed use of the land toward or away from the waterbody; and
  - c) The presence of man-made features (e.g., highways, railway rights-of-way, which would orient the proposed use of land toward or away from the water.
- 5) It is intended that new development and re-development reflects an appropriate scale and character and respects natural features and riparian ecosystems in the shoreline; to reduce impacts of new development on natural heritage features, groundwater and surface water resources in the area are minimized; and to minimize the impact of any new development on the natural shoreline while maintaining or enhancing the extent of natural vegetation in the shoreline area.

### 2.5.2 Permitted Uses

- 1) Low density residential uses, resort commercial uses, open spaces, marinas, and parks are permitted in the Shoreline designation, subject to the policies of this Plan;
- 2) Low density residential uses, including single detached dwellings and recreational dwellings, are permitted in accordance with the following

policies:

- a) new low density residential development shall be compatible with the existing and planned character of the area, serviced with individual water and sanitary services appropriate for existing and planned infrastructure and public service facilities;
- b) development standards for low density residential development shall be set out in the Zoning By-law; and
- c) one single detached dwelling or one recreational dwelling is permitted on any existing vacant legal lot of record, provided that it fronts onto a road that is publicly owned and maintained year round, except as provided for in [Section 4.10.7.4](#).

### 2.5.3 Policies

- 1) 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 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.
- 2) Lands in the Shoreline designation not having frontage and direct access to a public road shall be placed in a zone that recognizes the limited nature of services provided.
- 3) No new development or site alteration, with the exception of shoreline structures, shall be permitted within 30 metres of the [shoreline high-water mark of surface water features](#). Within this setback, a natural vegetation buffer (“ribbon of life”) ~~shall~~ should generally be maintained on shoreline properties in a natural state, subject to the following:
  - a) Site Plan Control will be used to require a natural vegetation buffer on lands within the 30 metres setback, having a depth not less than 15 metres along the shoreline or watercourse.
  - b) Within the natural vegetation buffer, the cutting or removal of trees, shrubs or groundcover will not be permitted except for the removal of dead or diseased trees, debris or noxious or invasive plants, or where a landscaped corridor not greater than 9 metres in width is required for access between the dwelling and the shoreline.
  - c) Township Councils may require that a plan prepared by a professional competent in shoreline landscaping be engaged to prepare a shoreline vegetation management plan suitable for conserving and sustaining

**Commented [RE1]:** Comment from Planning Board:

Would render most waterfront lots legal non-conforming  
Severely limits reasonable redevelopment – garages, sheds, bunkies, saunas, etc.

No clear distinction between:

- new shoreline development, and
- redevelopment of existing legal lots

the natural environment.

- d) 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.
- e) 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.
- f) Subject to any the approval requirements of the local municipality Township Planning Board, the Ministry of Natural Resources Province, 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.
- g) In some cases, it is recognized that landowners may apply to seek relief from the required shoreline setback where the subject property is an existing undersized lot. In reviewing such cases, the Committee of Adjustment shall be satisfied that the reduction will not adversely impact environmental features or functions, and:
  - i) The proposed setback is reasonable based on the size, shape and/or topography of the lot; or
  - ii) Mitigative measures have been provided in the form of remediation, naturalization or more restrictive zone regulations; and,
  - iii) The proposed addition or replacement building conforms with [Section 3.7](#) of this Plan (Natural Hazards).
- 4) Guest cabins may be permitted in the Shoreline designation as an accessory use to the principal residential use and shall be subject to zone regulations and/or Site Plan Control at the discretion of the Township. Guest cabins are not dwelling units nor are they Additional Residential Units, but rather are accessory, detached single-storey buildings designed for temporary sleeping accommodations and generally lack cooking facilities and sanitary facilities.

Commented [RE2]: Comment from Planning Board

Broad consultation triggers (e.g., DFO) applied to "adjacent lands" – I highly doubt we will be getting feedback and/or approval from the DFO for development – again, what about smaller items like garages, sheds, bunkies, etc. – if they fit within the zoning (% of lot coverage), can meet the setbacks, and have sufficient approvals from APH if anything is septic related then why do we need DFO weigh-in?

- 5) Shoreline access will be provided for the public when new subdivisions are proposed along shorelines. It is a goal of the [Planning Board/Local Townships](#) and Councils that 1 public access point should be provided for every 1 kilometre of shoreline.

### **2.5.3.2 Island Development**

Island properties are located throughout the Planning Area, including in the Townships of Johnson, Tarbutt, and Laird.

~~6)1)~~ The Zoning By-law shall require larger lot sizes for islands and will place existing island lots in a specific zoning category. No additional lot creation shall be permitted on the islands unless such lots are accompanied by 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.

~~7)2)~~ 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. The Planning Board and local Townships believe 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, in accordance with [Section 4.12.4](#), 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.

~~8)3)~~ 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

Commented [RE3]: Which Townships does this section apply to?

proposal and provide comments. Local Councils will consider the policies of this plan such as protection of environmental features, hazard lands, and conservation of cultural heritage ~~and archaeological~~ resources as appropriate.

#### **2.5.4 Lot Creation in the Shoreline Designation**

Land division by Plan of Subdivision/Condominium shall generally be deemed necessary if:

- 1) 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
- 2) the area that is proposed to be developed is not considered to be infilling. 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; or,
- 3) a Plan of Subdivision/Condominium is required to ensure that the entire land holding or area is developed in an orderly manner; or,
- 4) more than three new lots/units are being created.

##### **2.5.4.2 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.

Plans of Subdivision or Condominium are considered by the Province as the approval authority.

Prior to the consideration of an application for Plan of Subdivision, ~~the Planning Board shall require~~ the applicant shall provide the following as part of a complete application:

- 1) A Plan of Subdivision or Plan of Condominium in the shoreline shall occur in accordance with Section 4.12.1 of this Official Plan.
- 2) 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;
- 3) 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;

- 4) 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;
- 5) An Archaeological Assessment prepared in accordance with Provincial standards and guidelines and an Acknowledgement from the [Ministry of Citizenship and Multiculturalism Province](#);
- 6) A stormwater drainage plan;
- 7) 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-Township](#) 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,
- 8) Other studies and/or technical materials to be determined at the time of pre-consultation discussions between the [Planning Board Province](#), the local [municipality-Township](#), and the proponent.

#### 2.5.4.3 New Residential Lots by Consent

- 1) 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 4.12.2](#). 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, [including larger lot area and lot frontage requirements](#), Site Plan Control and/or consent agreements dealing with matters including but not limited to building location, lighting and vegetation removal.
- 2) Development adjacent to natural heritage features such as fish habitat or significant wildlife habitat shown on Schedule 'B' shall be in accordance with [Section 3.7](#).
- 3) 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.
- 4) New residential lots shall front on a public road maintained throughout the year by the Municipality. However, the Planning Board may consider the creation of a new lot on a private road with a registered right-of-way

**Commented [RE4]:** Comment from Planning Board

This is just simply far too large (I'd be interested to see how many properties in my municipality that are even this big that aren't designated AG.

Eliminates many reasonable rural infill opportunities

Inconsistent with existing lot patterns and servicing

generally not exceeding 1,000 metres from the proposed lot to a year-round municipally maintained road.

- 5) 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.
- 6) 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.
- 7) The lot area is at least ~~0.81~~ hectares unless a hydrogeological study is undertaken which demonstrates that a smaller lot area is appropriate.
- ~~8)~~ Development within 120 metres of a wetland, the shoreline of any lake or a river, or stream valley that has depressional features whether or not it contains a watercourse.
- ~~8)9)~~ The Planning Board may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity.

### **2.5.5 Lake Management Planning**

Lake Management Plans (LMPs) are an essential planning tool to effective environmental stewardship of lakes and rivers in the Planning Area. The Planning Board and local Townships recognizes the need to develop LMPs for all lakes experiencing development pressures. It is also recognized that there are a number of stakeholders who have a role to play i.e. property owners, cottage/lake associations, environmental partnerships, agencies and the Townships. A cooperative and coordinated approach is necessary in developing and implementing LMPs. Technical data and information is important, but so is the process in preparing an LMP, as well as public education. It is essential for the public to recognize the value of lake management and incorporate protection and conversation practices into their daily lives.

Lake Management Plans will include:

- 1) a lake capacity assessment to determine the carrying capacity for existing and new development and the opportunities to improve or enhance water quality;
- 2) an inventory of existing and proposed development by type, characteristics of sewage and water services;

- 3) A shoreline capability assessment to determine lands which are suitable for development given such features as slope, vegetation cover, depth of overburden, the presence sensitive natural heritage features and areas;
- 4) a resource inventory of water quality, vegetation, fish and wildlife habitat, geology;
- 5) resource inventory phosphorus and oxygen levels;
- 6) land tenure (existing seasonal and permanent land uses, existing approved but vacant lots, development proposals);
- 7) shoreline and recreational capability (slopes, soil types, access);
- 8) water quality enhancement measures;
- 9) an assessment of fish habitat;
- 10) the nature of public access to and use of the lake for aquatic and boating activities;
- 11) road access to shoreline development;
- 12) floodplain management;
- 13) shoreline management principles that provide for appropriate development setbacks and the retention/conservation or restoration of natural features;
- 14) septic tank re-inspection;
- 15) criteria for controlling seasonal to permanent conversions and commercial to residential conversions;
- 16) implementation and monitoring; and
- 17) public education.

Lake Management Plans ~~will~~may be prepared as a partnership initiative with stakeholder groups with preference being placed on lakes experiencing development pressures. It is the intent of the Planning Board and Township Councils to explore funding options for the preparation of Lake Management Plans.

### 2.5.6 Lakes at Capacity and Lake Trout Lakes

Lakes at capacity and Lake Trout Lakes where lakes are determined to be at capacity, the creation of new lots, by either consent or plan of subdivision, that are within 300 metres of the highwater mark of these lakes, or their tributaries,

**Commented [RE5]:** Comment from Planning Board

No clarity if funding is unavailable – again, my worry here is about committing ourselves to something, but only if funding is available? Available to who? Each municipality? The Board? The applicants?

shall be prohibited except where the lake capacity for development is assessed with the Lakeshore Capacity Model as outlined in the [Ministry of the Environment Province's Lakeshore Capacity Assessment Handbook](#).

There are specific circumstances outlined in the Lakeshore Capacity Assessment Handbook when development may be allowed on at-capacity lakes or on lakes that have modeled or measured dissolved oxygen concentrations that are less than [MECP's provincial](#) criterion for Lake Trout Lakes.

Development applications should only be allowed if the following circumstances exist:

- 1) Lot creation is to separate existing habitable dwellings, each of which is on a lot that is capable of supporting a Class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake;
- 2) Where all new tile fields would be located such that they would drain into a drainage basin which is not at capacity; or
- 3) Where all new tile fields would be set back at least 300 metres from the shoreline of lakes, or such that drainage from the tile fields would flow at least 300 metres to the lake.

## 2.6 ENVIRONMENTAL PROTECTION

The Environmental Protection designation applies to lands which contain physical characteristics, which could cause significant property damage or loss of life if development was permitted.

The Environmental Protection designation is intended to include the following features:

- Lands subject to flooding or erosion hazards;
- Organic soils;
- Dynamic beach hazards.

Policies:

- 1) 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.
- 2) Lands designated in Environmental Protection are subject to the policies of

[Section 3.8 Natural Heritage Features and Areas](#) and [Section 3.7 Natural Hazards](#) of this Plan.

- 3) 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.

## 2.7 OPEN SPACE

The Open Space designation applies to all municipally, provincially and federally owned lands that are intended for parks, natural areas and waterfront, outdoor recreational and institutional spaces. The Open Space designation as shown on the Schedule 'A' to this Plan applies to municipal parks, buildings and facilities held in public ownership.

Policies:

- 1) 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.
- 2) 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.
- 3) 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. ~~The Planning Board has chosen to identify~~ These lands [have been identified](#) as Open Space in the Plan as it is a source of community pride that such lands are protected in public ownership.
- 4) 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.

The above list is not exclusive, and an Official Plan amendment is not required when new public spaces are acquired. 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.

- 5) 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.
- 6) Commercial uses which are accessory to the primary use of open space such as snack bars or concession stands, or farmers markets may be permitted, provided that the general intent and spirit of the Open Space designation is maintained.
- 7) As a condition of development, redevelopment, consent, plan of subdivision, or plan of condominium, local Councils will require the dedication of land for park or recreational purposes in accordance with the provisions of Section 42 of the *Planning Act*. At the Township's discretion they may require cash-in-lieu of parkland.
- 8) The conveyance of land for bicycle and pedestrian pathways is encouraged during development application review.
- 9) All major recreational uses shall be subject to Site Plan Control, except for recreational uses owned by the Township.

### 3 ENVIRONMENT AND NATURAL RESOURCES

#### 3.1 OBJECTIVES

It is the intent of this Plan to:

- 1) 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 ecological functions;
- 2) ensure that development does not occur on lands that are unstable or susceptible to flooding;
- 3) ensure that development does not occur on hazardous slopes;
- 4) protect the quality of water available for drinking water purposes;
- 5) identify what is required to support an application for development in an area that is considered to be environmentally sensitive; and,
- 6) identify what information is required to support an application that may have an impact on the hydrogeological resources of the Planning Area.

#### 3.2 BROWNFIELD SITES AND CONTAMINATED LANDS

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. The Planning Board [and local Townships](#) supports the restoration and re-use of brownfield sites, where feasible and where such re-use is aligned with other policies of this Plan.

While such lands represent a potential hazard due to real or potential environmental contamination, opportunities for brownfield redevelopment may exist.

Policies:

- 1) 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.
- 2) In considering applications for development, the following procedures shall apply:

- a) The ~~Planning Board~~ local Township 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) ~~The Planning Board will require~~ All applications for plans of subdivision ~~to shall~~ 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 the~~ planning applications ~~to shall~~ 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 the Environment, Conservation and Parks (MECP) Province~~ 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.
- k) All contaminated lands may be subject to Site Plan Control and/or holding provisions in the zoning by-law.

### 3.3 HUMAN-MADE HAZARDS

- 1) Development on, abutting or adjacent to lands affected by human-made hazards, may be permitted only if rehabilitation measures to community address and mitigate known or suspected hazards are under-way or have been completed.
- 2) Sites with contaminants in land or water shall be addressed and remediated as necessary prior to any activity on site associated with proposed use such that there will be no adverse effects.
- 3) Policies pertaining to abandoned mine sites are addressed in [Section 3.6.1](#).
- 4) Brownfields and contaminated lands policies are addressed in [Section 3.2](#).

### 3.4 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.

Policies:

- 1) 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.
- 2) 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 and the Planning Board, in accordance with [MECP-Provincial D-Series Guidelines](#), specifically, [MECP-Provincial Publication NPC-300](#) or its successor. Where a proposed use cannot satisfy the minimum requirements of the applicable [MECP-provincial 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.
- 3) In reviewing any development application, Council ~~and the Planning Board~~ shall be satisfied that the proposed use will be, or can be made to be, compatible with surrounding uses in accordance with Provincial guidelines.
- 4) Influence areas and minimum separation distances between industrial land uses and sensitive land uses will be determined in accordance with Provincial Guideline D-6: Compatibility between Industrial Facilities and

Sensitive Land Uses. Proponents may be required to provide supporting technical studies, prepared by qualified individuals in accordance with Provincial guidelines, to assist in the evaluation of proposed developments and, where applicable, to determine influence areas, address potential impacts, and identify appropriate separation distances and other mitigation measures.

- 5) In the absence of technical studies, prepared according to Provincial Guideline D-6 which identify an actual influence area, the minimum separation distances required between industrial uses and residential or other sensitive land uses shall be:
  - a) Class I Industries: 70 metres;
  - b) Class II Industries: 300 metres; and
  - c) Class III Industries: 1,000 metres.
- 6) With the support of technical studies, prepared under Provincial Guideline D-6, the following minimum separation distances in accordance with Provincial guidelines shall apply between industrial uses and residential or other sensitive land uses:
  - a) Class I Industries: 20 metres;
  - b) Class II Industries: 70 metres; and
  - c) Class III Industries: 300 metres.
- 7) Separation distances between potentially conflicting land uses shall be measured in accordance with Provincial Guideline D-6.
- 8) Separation distances between sensitive land uses and sewage treatment facilities shall be measured in accordance with Provincial Guideline D-2.
- 9) Where residential or other sensitive land uses are proposed in proximity to aggregate operations or lands zoned to permit future aggregate operations, the standards for Class III Industries shall apply.
- 10) New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with Minimum Distance Separation Formulae, as amended from time to time.
- 11) Separation distances or appropriate remedial measures will be established in the Zoning Bylaw or through development approval processes.
- 12) Residential areas, and other sensitive land uses, such as hospitals and

nursing homes, will be protected from undesirable air quality and excessive noise/vibration through good land use planning, Site Plan Control, and building design. Proponents may be required to carry out noise and/or vibration assessments or other technical studies and determine control measures, which are satisfactory to Council, in meeting the Provincially recommended sound and vibration limits in accordance with Provincial Environmental Noise Guideline NPC-300 or its successors.

- 13) For any proposed residential development or other sensitive land use in close proximity to a major source of noise, vibration, or emissions, such as a provincial highway, an airport, a railway, or aggregate operation, or where a development which could be a major source of noise proposes to locate in close proximity to existing residential development or other sensitive land use, the proponent may be required to conduct a noise, vibration, and/or emissions study. The study shall be prepared in accordance with Provincial guidelines, including NPC-300, satisfactory to the local Council and the recommendations may be incorporated into a site plan control agreement. The local Council will consider any potential noise problem in determining the appropriateness of the proposed development.
- 14) Uses proposed within these buffer areas may be subject to noise feasibility and/or detailed noise studies in accordance with NPC-300 or its successors.
- 15) New agricultural livestock buildings as well as non-farm development shall comply with the Minimum Distance Separation Formulae I and II.
- 16) Development adjacent to Abandoned Mine Information System (AMIS) sites shown on Schedule 'C 1D' shall be in accordance with the policies of Section [3.6.13-7.1](#).

### **3.5 MINERAL AGGREGATE RESOURCES**

Mineral aggregate extraction is regulated by the *Aggregate Resources Act*. Consideration also needs to be given to the *Environmental Protection Act* (EPA) and [MECP Provincial Guidelines](#).

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 'C 1D' identifies areas of potential mineral aggregate resources, including the location of Primary Aggregate Resources and Nipissing Diabase in the Planning Area.

In the Desbarats to Echo Bay Planning Area it is recognized that the [Ministry of Energy, Northern Development and Mines Province](#) licenses and regulates mineral aggregate operations under the *Aggregate Resources Act*. All aggregate operations on private land require a license while those on Crown land require a

permit under the *Aggregate Resources Act*.

Policies:

- 1) Aggregate resources shall be considered and protected when making land use planning decisions.
- 2) In areas of mineral aggregate potential shown on Schedule 'D-C', development and activities that would preclude or hinder the establishment of new operations or access to the resource are not permitted unless:
  - a) the resource use would not be feasible, demonstrated by a qualified professional;
  - 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.
- 3) Proposed new or expanding pits and quarries on patent land will be subject to a Zoning By-law Amendment. The supporting information shall include, but not necessarily be limited to, the following:
  - a) The location, nature and extent of the aggregate resource;
  - b) The nature and location of adjacent land uses;
  - c) The location of access and haul routes;
  - d) Reports from qualified professionals regarding traffic, haulage routes, separation distances, noise, blasting, hydrogeology, drainage, environmental impact, an archaeological assessment completed by a licensed archaeologist and acknowledgement letter from the Ministry of Citizenship and Multiculturalism/Provincial Ministry having authority, heritage impact assessment and any other relative matters;
  - e) Mining—Aggregate extraction or quarry plans and supporting information related to site development, landscaping and buffering, operations, decommissioning and progressive and final site rehabilitation; and
  - f) Initiatives proposed to be undertaken for mineral aggregate resource conservation such as the use of accessory aggregate recycling facilities within operations.

4) Notwithstanding Policy 3) above, proposed new or expanding pits and quarries

on Crown land are regulated under the *Aggregate Resources Act* and do not require a Zoning By-law Amendment.

5) Where there is no existing development, the minimum influence area for an aggregate operation is intended to offer mutual protection from encroachment by incompatible uses for both sensitive uses and extraction activities. Where an application for development occurs within 500 metres of an existing bedrock quarry operation or 300 metres of an existing aggregate pit operation, the applicant shall be required to assess the impact of the proposed development on the mineral aggregate resource and mineral aggregate operation. Where the proposed development is for a sensitive land use, the influence area shall be 1000 metres.

~~In the absence of detailed studies the minimum influence area shall be:~~

~~g) Pits above the water table: 150 metres~~

~~h) Pits below the water table: 300 metres~~

~~i) Quarries: 1000 metres~~

4)6) The influence area may be reduced following submission and acceptance of appropriate studies and mitigation plans to the Planning Board and/or local Township showing how compatibility is to be achieved between the potentially conflicting uses. In all cases, a minimum separation distance of 300 metres between existing pits/quarries and new sensitive land uses shall be maintained.

5)7) 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.

6)8) The progressive rehabilitation of all pits and quarries in the Planning Area is a goal of this Plan. Wherever possible, the local Township will work with pit and quarry operators and the Ministry of Natural Resources Province to ensure that all licenses have progressive rehabilitation plans.

7)9) 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.

~~8)~~10) In accordance with the *Aggregate Act* and permitting process, progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction and to mitigate negative impacts to the extent possible.

~~9)~~11) 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.

~~10)~~12) The implementing Zoning By-law shall place all existing licensed aggregate operations in an appropriate zone.

~~11)~~13) The implementing Zoning By-law may contain substantial setbacks for extraction operations from adjoining properties designated for residential purposes by this Plan, municipal rights-of-way and property boundaries.

### 3.6 MINERAL RESOURCES

Mineral exploration and mining are approved land uses on Crown lands within the Planning Area and in Rural and Agricultural designations. Areas having high potential for the discovery of mineral resources are shown as a constraint on Schedule '~~D-C~~ 1' to this Plan, which is highlighted by the trace of the Nipissing Diabase. Ontario Mineral Inventory (OMI) points, appearing on Schedule 'C 1', are also indicators of mineral potential.

Policies:

- 1) It is a policy to recognize the importance of mineral resources for their economic value to the Townships. For the purposes of the Plan, parts of the Townships have been identified in the Mineral Deposit Inventory (MDI) Ontario Mineral Inventory (OMI) and as containing areas having with mineral potential. Finally, the Ministry-Province has identified a number of abandoned mines or mine hazards. The MDI-OMI and AMIS points and mineral potential areas are illustrated on Schedule "A" to the Land Use Plan;
- 2) It shall be a policy that past producing mining operations or active mining operations shall be subject to the provisions of *The Mining Act* with respect to rehabilitation and/or closure. Rehabilitation shall be planned to accommodate subsequent land uses after extraction and other related

activities have ceased and wherever feasible, progressive rehabilitation should be undertaken;

- 3) Where the mineral resource has been depleted and the mine or lands associated with the mining operation have been rehabilitated or closed in accordance with plans approved by the [Ministry of Northern Development and Mines Province](#), these lands may revert to an alternative resource use where there is an overlapping designation with the mining resource lands designation or alternatively where such is not the case, the lands may be redesignated by amendment to this Plan provided that such redesignation does not prejudice mining operations or mineral resource operations or other resource lands on adjacent properties.

### 3.6.1 Abandoned Mine Sites

Mine hazards may include any feature of an operating or abandoned mine, abandoned aggregate pit or quarry, or any related disturbance of the ground that has not been rehabilitated to the prescribed standard, posing a risk to human safety, environment, and property.

The location of mine hazards are shown on Schedule '[C 1D](#)'. When development is proposed within 1,000 metres of a mine hazard there is potential for impact on a proposed development. The local Township ~~and proponent~~ shall consult with the [Ministry of Mines Provincial Ministry having authority](#) 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.

Any development on, abutting or adjacent to lands affected by mine hazards, shall be supported by a technical study undertaken by a qualified professional that:

- 1) identifies any potential safety hazard;
- 2) demonstrates that the site can be rehabilitated to mitigate the known or suspected hazard;
- 3) establishes procedures for site rehabilitation and mitigation of the safety hazard; or,
- 4) provides evidence that potential hazards do not exist on the site.

## 3.7 NATURAL HAZARDS

It is the intent of the Planning Board and [local Townships Councils](#) to minimize the risk to public safety and to property by restricting development within areas identified

as being susceptible to natural hazard processes, such as flooding, erosion, and wildland fire.

- 1) Development is strictly prohibited in areas of natural hazards for:
  - a) Uses associated with hospitals, nursing homes, schools, and day cares, where there is a threat to safe evacuation of the sick, the elderly, persons with disabilities, or the young during an emergency as a result of flooding, failure of flood-proofing, and/or erosion;
  - b) Essential emergency services such as fire, police, ambulance stations, and electrical substations that could be impaired in the case of flooding, failure of flood protection works, and/or erosion; and
  - c) Uses associated with the disposal, manufacture, treatment, or storage of hazardous substances and outdoor industrial storage.
- 2) Decisions should also consider the potential of climate change to increase risks associated with natural hazards.

### **3.7.1 Flood Hazards**

There are two types of flood hazards: (1) those associated with Lake Huron, the St. Mary's River and Lake George, and (2) those associated with other surface water features in the community.

The Official Plan applies a one zone concept to the delineation of floodplain zones. The Environmental Protection designation as shown on Schedule A may also contain coastal wetlands, fish habitat, organic soils and other sensitive areas.

- 1) The regulatory floodline elevation applicable to lands abutting Lake Huron, Lake George and the St. Mary's River in the Planning Area is 177.8 metres C.G.D plus a 15-metre horizontal allowance for wave uprush.
- 2) Where a proponent is proposing to develop in close proximity to a watercourse or waterbody where a floodplain mapping study has not been completed, the proponent may be required to undertake a detailed flood line study.
- 3) Development shall not be permitted within the floodplain except for:
  - a) Flood and/or erosion control structures;
  - b) Shoreline stabilization;
  - c) Minor additions and/or renovations to existing structures which do not

affect flood flows;

- d) Minor recreational facilities which, by their nature, must locate near watercourses; or
  - e) Uses such as agriculture, forestry, conservation, wildlife management, and similar activities, provided that no associated buildings and structures are located on the floodplain.
- 4) For existing structures within the floodplain:
- a) Those structures existing within the floodplain on the date of the adoption of this Plan may be recognized as permitted uses in the implementing Zoning By-law. The improvement, expansion, alteration, and replacement of existing structures lying in a floodplain may be permitted by site-specific amendment to the Zoning By-law provided that existing hazards are not aggravated, and the additions are considered to be minor.
  - b) The expansion and replacement of existing structures shall be located in the least flood susceptible area and consist of minor additions and/or renovations to reduce risk to public health and safety.
  - c) For the purposes of this policy, the cumulative gross floor area of all additions/expansions cannot exceed 50% of the existing floor area of the building or structure which existed on the adoption date of this Plan. Appropriate flood protection measures will require the approval of the [MNR Province](#).
- 5) Should dynamic beaches be confirmed within the Planning Area, development shall not be permitted in a dynamic beach hazard.

### 3.7.2 Erosion, Unstable Soils and Unstable Slopes

In some instances, the nature of the soil can be hazardous, particularly if it is susceptible to erosion and collapse. This Plan recognizes that there are areas of land in the Planning Area that have soils unsuitable for normal building practices, thus posing a risk to public safety and property. Final decisions on matters relating to unstable slopes are subject to [the MNR Provincial](#) approval. Development will not be permitted where there is an unacceptable risk to public health or safety or of property damage.

Policies:

- 1) Development shall generally be directed, in accordance with guidance developed by the Province, to areas outside of:
  - a) Hazardous lands adjacent to river, stream and small inland lake systems

which are impacted by erosion hazards; and

- b) Hazardous sites.
- 2) Development and site alteration shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard;
  - 3) Except as prohibited in Subsection 3.7.1, development and site alteration may be permitted in those portions of hazardous land and hazardous sites where risks to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:
    - a) Development and site alteration is carried out in accordance with protection works standards, and access standards;
    - b) Vehicles and people have a way of safely entering and exiting the area during times of erosion and other emergencies;
    - c) New hazards are not created and existing hazards are not aggravated; and
    - d) No adverse environmental impacts will result.
  - 4) In order for development to be permitted in these areas, the Planning Board and/or the local Townships will require a geotechnical study and/or slope stability study to support applications made under the *Planning Act*. The geotechnical study, and/or slope stability study, or a coastal erosional study if the development is along the North Channel of Lake Huron, must be in accordance with the Ministry of natural resources (now Ministry of Natural Resources) Province's Technical Guides for Natural Hazards.

### 3.7.3 Climate Change

The Planning Board and the local Townships 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*.

~~The Planning Board and~~ Local Townships Councils shall promote energy conservation, water conservation, air quality improvement, and waste reduction by:

- 1) Initiating, participating, and cooperating in programs, including public education and awareness;

- 2) Encouraging infill and intensification of existing built-up areas and the efficient use of existing infrastructure;
- 3) Incorporating energy conservation measures and using environmental design standards, such as LEED, into site and building design;
- 4) Encouraging the use of walking, bicycling, and carpooling as alternatives to private automobile use;
- 5) Promoting design and orientation of subdivisions and developments, which maximize the use of alternative or renewable energy systems, such as solar and wind energy, at appropriate locations;
- 6) Encouraging the reuse and multiple uses of treated water, including stormwater;
- 7) Encouraging the planting of native trees, shrubs, and other ground vegetation for temperature reduction and infiltration;
- 8) Encouraging development proposals to provide adequate waste disposal, recycling, and composting facilities;
- 9) Supporting innovative waste collection and diversion programs; and,
- 10) Supporting the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive reuse of older and existing building stock.
- 11) ~~The Planning Board and Local Townships Councils~~ shall encourage community infrastructure and proposed developments that take into account the potential impacts from climate change by promoting the following:
  - a) The protection, enhancement, and restoration of significant natural heritage features and areas;
  - b) Green industries and green building technologies and construction practices;
  - c) Environmental designs and retrofits of buildings and infrastructure that reduce the quantity and improve the quality of stormwater runoff;
  - d) The incorporation of active transportation networks and linkages in proposed developments;
  - e) Tree planting and innovative green space designs that reduce energy use through shading and sheltering;

- f) The planting of native and non-native, non-invasive tree and vegetation species in proposed developments that are resilient to climate change and reduce carbon footprints;
- g) Artificial shading in appropriate locations;
- h) Greater use of permeable surfaces and pervious pavement, where appropriate, to reduce flood risk and strains on sewer and stormwater infrastructure;
- i) The establishment of community gardens in suitable locations that have maximum exposure to sunlight; and,
- j) Public education and awareness of measures to reduce the effects of climate change.

#### 3.7.4 Wildland Fire

The [MNRFP](#) Province has reviewed and classified hazardous forest types for wildland fire that are associated with the risk of high to extreme wildland fire.

- 1) 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 as shown on Appendix '2.1'.
- 2) 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 [MNRFP](#) Province.
- 3) Proponents submitting a planning application may be required to undertake a site review to assess 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.
- 4) Areas with the presence of hazardous forest types for wildland fire are a proposed site plan control area.
- 5) Wildland fire mitigation measures shall not be permitted in significant wetlands and significant coastal wetlands.
- 6) 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.

## 3.8 NATURAL HERITAGE FEATURES AND AREAS

### 3.8.1 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:

- 1) 120 metres from the boundary of fish habitat;
- ~~4)2)~~ 300 metres from the boundary of an inland lake trout lake (at capacity) on the Canadian Shield;
- ~~2)3)~~ 120 metres of the boundary of a Provincially significant wetland or coastal wetland that has been confirmed by the ~~Ministry of Natural Resources~~Province;
- ~~3)4)~~ 120 metres from the boundary of an Area of Natural and Scientific Interest (ANSI) (life science), or 50 metres from the boundary of Area of Natural and Scientific Interest (ANSI) (earth science); and,
- 5) 120 metres from the boundary of significant wildlife habitat;
- ~~4)6)~~ 120 metres from an unevaluated wetland or unevaluated coastal wetland.
- ~~5)7)~~ Adjacent lands to habitat of endangered and threatened species is dependent on the particular species, as per the regulations of the *Endangered Species Act*.

### 3.8.2 Policies

- 1) No development or site alteration shall be permitted on these adjacent lands without ~~Planning Board and Township Council~~ approval of a Zoning By-law Amendment, Site Plan Control, 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 3.6.8 (Requirements for an Environmental Impact Study) of this Plan.~~
- 2) 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.

Commented [RE6]: This section was removed.

### 3.8.2.2 Fish Habitat

Fish habitat includes water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas.

The Planning Area's shorelines, streams, and lakes support a variety of fisheries. However, these habitats are vulnerable to degradation from a variety of sources. MNR is the provincial fisheries manager and shall be consulted to determine what fish community information may be available for a specific location prior to development.

No detailed fish habitat mapping has been completed for the Planning Area. Therefore, all water features such as permanent or intermittent streams, headwaters, seasonally flooded areas, municipal or agricultural surface drains, lands, and ponds (except human-made), shall be considered fish habitat unless it is demonstrated to the satisfaction of the Planning Board or local Township that the feature does not constitute fish habitat as defined by the *Fisheries Act*. Fish habitat can be identified using procedures in MNR's the Province's Natural Heritage Reference Manual. Serious harm to fish that are part of a commercial, recreational, or ~~Aboriginal/Indigenous~~ fishery or harm to fish that support such a fishery is prohibited under the *Fisheries Act*. ~~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.~~

Policies for protecting fish habitat are as follows:

- 1) Development and site alteration shall not be permitted in fish habitat unless in accordance with provincial and federal requirements.
- 2) 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.
- 3) Development and site alteration shall not be permitted within 30 metres of fish habitat, except in accordance with relevant provincial and federal requirements. Development that proposes a decrease to the 30 metre setback shall only take place where it has been demonstrated, through a fish habitat assessment, that a net environmental gain of the productive capacity of the area will be achieved. In this assessment, a fish habitat biologist shall be required to provide a detailed impact analysis exploring development design and location options for the purpose of clearly demonstrating avoidance of any predicted harmful impacts. ~~Fish habitat is not specifically identified on the Schedules to this Official Plan; therefore, applicants must consult with the appropriate authority, the Federal~~

### 3.8.2.3 Habitat of Endangered, Threatened Species

An endangered species is an organism that lives in the wild in Ontario but is facing imminent threat of extinction or extirpation. A threatened species is an organism that lives in the wild in Ontario, is not endangered, but is likely to become endangered if steps are not taken to address the factors threatening the species. A special concern species, lives in the wild in Ontario, is not endangered or threatened, but may become threatened or endangered due to a combination of biological characteristics and identified threats.

It is commonly accepted that habitat loss is one of two main reasons that a species is threatened by extinction. Preserving habitat is crucial to the survival of threatened or endangered species, as well as biodiversity and sustainability. Generally, the location of such habitat is not shown on land use schedules due to the sensitivity of the species.

Policies:

- 1) Development and site alteration is not permitted in the habitat of endangered and threatened species, except in accordance with provincial and federal requirements; and
- 2) The Townships will advise proponents of their obligations under the *Endangered Species Act* and that where any new endangered or threatened species occurrence is identified, any development or site alteration activities must immediately cease, and the Province of Ontario must be contacted.
- 3) No development or site alteration shall be permitted on adjacent lands to habitat of an endangered or threatened species except in accordance with provincial and federal requirements.

### 3.8.2.4 Wetlands and Coastal Wetlands

Wetlands, including coastal wetlands, require protection from incompatible development to protect the important water-related functions they provide. Wetlands filter pollutants and sediments and reduce shoreline erosion; functions which help keep our waterbodies clean and healthy. Wetlands can also have a role in groundwater recharge and discharge and help reduce flooding hazards. Finally, wetlands often provide important habitat for fish and wildlife.

Many of the environmental functions performed by a particular wetland are specific to the watershed within which the wetland is located. Wetland occurrence and sensitivity of individual wetlands will, therefore, be determined by the watershed planning process.

Provincially significant wetlands can be identified, evaluated and delineated by ~~MNRFP~~ Provincial staff or by other qualified professionals, provided that they use the approved Ontario Wetland Evaluation System (OWES) methodology and have received ~~MNRFP~~ training in the use of the Province's OWES. A wetland evaluation, re-evaluation or mapping update will be considered complete and final once a trained wetland evaluator attests that they have undertaken an evaluation in accordance with OWES. These wetlands merit special attention during land use planning to ensure that their significant features and functions are protected.

Coastal wetlands are defined as any wetland that is located on one of the Great Lakes or their connecting channels or any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometers upstream of the 1:100 year floodline of the large water body to which the tributary is connected.

Policies:

- 1) Development and site alteration shall not be permitted on lands adjacent to unevaluated wetlands and coastal wetlands and provincially significant wetlands ~~and coastal wetlands~~ and other natural heritage features unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological function.
- 2) 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 Natural Resources Province as being significant:
  - a) Stobie Creek (Johnson);
  - b) Kensington Point Wetland Complex (Johnson and Tarbutt);
  - c) Maskinonge Bay Wetland Complex (Tarbutt and Laird);
  - d) Lake George (Laird and ~~MacDonald~~ Macdonald, Meredith and Aberdeen Additional); and,
  - e) Echo Bay (~~MacDonald~~ Macdonald, Meredith and Aberdeen Additional).

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, including coastal wetlands. 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

**Commented [RE7]:** Does this include coastal wetlands?

wetland features, [including coastal wetlands](#), may be permitted subject to the completion of the Environmental Impact Study (EIS) by a qualified individual [which demonstrates that there will be no negative impacts on the natural features or their ecological functions](#), before Approval ~~which~~ shall include a wetland evaluation [completed by a qualified professional](#) in accordance with the Ontario Wetland Evaluation System (OWES) standards, 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.

Shall any Provincially Significant Wetland be identified; the policies of this section shall apply without an amendment to the Official Plan.

### **3.8.2.5 Requirements for an Environmental Impact Study**

~~Requirements for Environmental Site Assessment and Environmental Impact Studies are provided in Appendix '1' to this Plan.~~

### **3.8.2.6 ~~3.8.2.5~~ Significant Areas of Natural and Scientific Interest (ANSI)**

Areas of Natural and Scientific Interest (ANSI) are areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Policies:

- 1) Development and site alternation shall not be permitted within or adjacent to significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- 2) Should an ANSI be confirmed on a later date within the Planning Area, development in or adjacent to a significant ANSI shall not be permitted unless it has been demonstrated by a study completed by a qualified individual that there will be no negative impacts on the natural features or their ecological functions.

### **3.8.2.7 ~~3.8.2.6~~ Significant Wildlife Habitat**

A significant 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 also includes habitats of species of special concern and other sensitive species, as listed in the Province's Species at Risk in Ontario list.](#)

**Commented [RE8]:** Are these mapped in the schedules?

**Commented [DW9R8]:** MNRF data package referse to the Desbarats Loraine Ripple Rock as an Earth Science ANSI so it should be added to schedule B.

Known significant wildlife habitat areas shown on 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.

Policies:

- 1) New development and site alteration in and adjacent to significant wildlife habitat should only be permitted if it has first demonstrated that there will be no significant negative impacts on its natural features or the ecological functions.
- 2) Development and site alteration is not permitted in areas of significant wildlife habitat or adjacent to such habitat unless an EIS, including a wildlife habitat assessment, carried out by a qualified professional has demonstrated that there shall be no negative impact on the habitat or its ecological function. In the case of adjacent lands, the ecological function of the adjacent lands must also be evaluated. The recommendations of an EIS shall be implemented through a site-specific Zoning By-law Amendment and Site Plan Control to ensure that no negative impacts will occur.
- 3) Planning applications that would result in site alteration on lands outside the boundary of a settlement area and where there is potential for significant wildlife habitat to be present shall be required to submit a preliminary ecological site assessment to determine if there is significant wildlife habitat present on the site as part of a complete application. Such assessment should generally be required where a planning application proposes:
  - a) Creation of more than three lots through either consent or plan of subdivision;
  - b) Change in land use, not including the creation of a lot;
  - c) Shoreline consent along an inland lake or large river that is within 120 metres of an existing lot of record or a lot described in an application for subdivision or consent; or,
  - a)d) Construction for recreational uses (e.g., golf courses, serviced playing fields, serviced campgrounds, and ski hills) that require large-scale modification of terrain, vegetation, or both.

### ~~3.8.2.8~~ 3.8.2.7 Normal Farm Practices

Nothing in this Section is intended to limit the ability of existing agricultural uses to continue.

### 3.9 WASTE DISPOSAL AREAS

There are three waste disposal areas 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.

Waste disposal activities may include facilities for recycling, composting, hazardous waste control and ancillary activities in accordance with the Certificate of Approval. Waste disposal areas may include transfer sites utilized for the temporary storage of waste materials.

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 tons of municipal waste. The ECA approval number for the site in ~~MaeDonaldMacdonald~~, Meredith and Aberdeen is A561302 which has a capacity of 264,000 cubic metres. The ECA approval number for the site in Laird is A561202. [No amendments to this Plan are required should the ECA for each landfill site be updated.](#)

Policies:

- 1) Prior to approving new development, the local Township must be satisfied that waste generated by new development can be accommodated by the local Township's landfill.
- 2) Township Councils will promote the three R's: 'reduce', 're-use' and 'recycle', and will explore ways of increasing the lifespan of the existing waste disposal site.
- 3) Existing landfill sites will be utilized for as long as it is economically, environmentally, and technically feasible.
- 4) Landfill sites will be established to meet projected needs, including disposal sites for special types of solid waste such as hauled sewage, as regulated under the *Environmental Assessment Act (EAA)*.
- 5) Landfill sites will be closed and monitored in accordance with the requirements of the Provisional Certificate of Approval and applicable Provincial standards and requirements.
- 6) The expansion of or the establishment of a new solid waste management site onto land not currently designated for waste management use will require an amendment to this Plan. Such an expansion will require an EIS, and be subject to appropriate Provincial standards and requirements,

including the *EPA* and the *EAA*.

## 4 GENERAL DEVELOPMENT POLICIES

### 4.1 ADDITIONAL RESIDENTIAL UNITS

An Additional Residential Unit is a self-contained dwelling unit which may be located within a permitted single detached dwelling, semi-detached dwelling, or townhouse / row-house, and as a unit accessory to the principal residential building. Additional Residential Units by definition have independent cooking, sleeping, and sanitary facilities as well as independent outdoor access. On a fully serviced parcel of land in a settlement area, additional residential units are generally permitted as-of-right, subject to the policies of this section.

Policies:

- 1) Within the Village designation, a maximum of two Additional Residential Units shall be permitted on a residential lot containing a detached dwelling, semi-detached dwelling or townhouse dwelling. Such Additional Residential Unit(s) may be located:
  - a) Within the primary single detached, semi-detached or townhouse dwelling; and/or
  - b) Within a detached accessory building that is ancillary to the primary dwelling unit on the lot. A maximum of one (1) Additional Residential Unit may be permitted in a detached accessory building.
- 2) Notwithstanding section 1) Where a garden suite exists, only one (1) Additional Residential Unit within the principal dwelling shall be permitted.
- 3) ~~Only one (1) Additional Residential Unit may be permitted within a single detached dwelling in the Shoreline designation. Local Townships may limit the number of . An Additional Residential Units within an accessory structure in the Shoreline designation may be permitted through an amendment to the in their Zoning By laws. Additional Residential Units may be permitted in the Shoreline designation through an amendment to the Zoning By-law, demonstrating that:~~
  - a) ~~Individual on-site sewage services are adequate to service the primary dwelling and the Additional Residential Unit over the long term with no negative impact;~~
  - b) ~~The Additional Residential Unit shall comply with the lake capacity policies of Section 2.5.6 of this Plan;~~
  - c) ~~Where located in a detached accessory building, the Additional Residential Unit shall not be located within 30 metres of the high-water~~

mark of surface water features; and,

a)d) A natural vegetation buffer shall be maintained in a natural state on lands within the 30-metre setback, having a depth not less than 15 metres.

3)4) On a lot in the Rural or Agricultural land use designations, up to two (2) Additional Residential Units shall be permitted provided that, where two (2) Additional Residential Units are proposed, at least one of these Additional Residential Units is located within or attached to the principal dwelling, and any Additional Residential Unit shall:

- a) Comply with the minimum distance separation formulae;
- b) Are compatible with, and would not hinder, surrounding agricultural operations;
- c) Have appropriate sewage and water services;
- d) Address any public health or public safety concern;
- e) Are limited in scale and located within, attached to, or in close proximity to the principal dwelling or farm building cluster; and
- f) Minimize land taken out of agricultural production.

4)5) The Additional Residential Unit shall be compatible with the principal building and the unit size shall be generally subordinate to the principal residence.

5)6) ~~Local Townships may limit the number of~~ No additional driveways shall be permitted for an Additional Residential Unit in their Zoning By-law. The Additional Residential Unit shall be appropriately integrated into the existing dwelling with minimal visual impact on surrounding lands and the streetscape.

6)7) Requirements for servicing, parking, access, landscaping and amenity areas shall be met.

7)8) The Additional Residential Unit shall comply with the Ontario Building Code and the *Ontario Fire Code*.

8)9) ~~The use of a~~ Local Townships may prohibit the use of a mobile home unit as an Additional Residential Unit ~~shall be prohibited in their Zoning By-law.~~

9)10) An Additional Residential Unit shall not be permitted on hazardous lands or on private or seasonally maintained roads.

~~10)11)~~ On lands without full municipal services in settlement areas or on lands designated Shoreline, an Additional Residential Unit shall not require separate services from the primary dwelling unit. Separate services from the primary dwelling unit proposed for the Additional Residential Unit in these areas may be considered on a site-specific basis, subject to an amendment to the implementing Zoning By-law, and in compliance with the provisions of the Zoning Zy-law with respect to shared services.

~~11)12)~~ A Sewage Disposal Suitability Report may be required where an Additional Residential Unit is proposed on a lot serviced with individual sewage disposal systems or partial services. Well water records or designated appropriate authority for sewage systems may be necessary prior to granting a building permit.

## 4.2 AGRICULTURAL SYSTEM

The Planning Board and the local Townships uses an agricultural systems approach in the planning for a viable and thriving agri-foods sector. This includes the agricultural land base, which consists of both the Agricultural and Rural designations, and the agri-food network. The agri-food network includes crucial elements to farm viability, such as regional infrastructure and transportation operations, farms, agricultural services, farm markets, distributors, primary processing, and related services and assets important to the local farming community.

Policies:

- 1) It is a policy of the Planning Board and the local Townships to promote a geographically contiguous agricultural land base to promote the long-term economic prosperity and productive capacity of the agri-food network.
- 2) It is a policy of the Planning Board and the local Townships to support opportunities for local food, and to facilitate near-urban and urban agriculture and to foster a robust agri-food network.

### 4.2.2 Agricultural Research and Training Establishments

- 1) The development of agricultural research and training establishments may be permitted in the Rural and Agricultural designations. Such uses may be permitted subject to an amendment to the Zoning By-law, provided that the ~~Planning Board and Township Council~~ are 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.

#### **4.2.3 Agri-Tourism**

This Plan supports the development of uses that promote the importance of the agricultural and rural community. On this basis, permitted uses in the Rural and Agricultural designations shall include 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 other agri-tourism uses may be permitted. Bed and breakfast establishments, farm vacations, and occasional agricultural demonstrations, such as plowing matches may be permitted as-of-right in the implementing Zoning By-laws. Other agri-tourism uses may require an amendment to the Zoning By-law. Agri-tourism 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.

### **4.3 BED AND BREAKFAST ESTABLISHMENTS**

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

- 1) is located within the principal residence of the owner/operator;
- 2) preserves the character of the dwelling as a private residence; and,
- 3) is licensed annually in accordance with local Township licensing requirements, where applicable.

### **4.4 CANNABIS PRODUCTION FACILITIES**

Facilities designed for the indoor or outdoor production and processing of cannabis may be considered outside of settlement areas by an official plan and zoning by-law amendment. In the consideration of an application for an official plan and zoning by- law amendment, the following information will be required as part of a complete application and for local Township Council's consideration:

- 1) 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;
- 2) A site plan of the land and building(s);
- 3) A context plan identifying surrounding land use within 1,000 metres of the

proposed facility;

- 4) A functional servicing study;
- 5) A hydrogeological study; and,
- 6) A lighting plan
- 7) Any other technical studies to be determined on the basis of a review and consideration of the above submission requirements.

## 4.5 CROWN LANDS

Crown Lands are lands owned by the Crown and regulated under the *Public Lands Act*. Crown Lands are identified on Schedule 'A' to the Official Plan, however, the policies of this Plan are not intended to apply to Crown Lands.

## 4.6 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

### 4.6.1 ~~Cultural-Built Heritage Resources and Cultural Heritage Landscapes~~

The Planning Board ~~and local Townships~~ recognizes the importance of cultural heritage resources within the Planning Area. Therefore, the Planning Board and local Townships will encourage the conservation of cultural heritage resources, which includes their identification, conservation, protection, management, and use. ~~Cultural heritage resources include archaeological resources, built heritage resources, and cultural heritage landscapes—restoration, maintenance, and enhancement of cultural heritage resources.~~ All ~~new development and site alteration~~ permitted by the policies of this Plan shall ~~have regard for~~ conserve cultural heritage resources and will make every attempt to incorporate these resources into any development plans. In addition, all development will be planned in a manner that preserves-conserves and enhances the context in which cultural heritage resources are situated.

~~Cultural heritage landscapes refer to a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. Several individual heritage features such as structures, spaces, archaeological sites, and natural elements, together form a significant landscape, distinctive from that of its constituent elements or parts. Built heritage resources include significant buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history, and identified as being important to a community.~~

~~Cultural heritage sites include, but are not restricted to, built heritage resources and cultural heritage landscapes that relate to the presence of First Nations and~~

Indigenous communities.

~~Council recognizes the importance of cultural heritage resources and will encourage the identification, conservation, restoration, and enhancement of these resources.~~ Council supports awareness and participation with the public and ~~First Nations~~Indigenous communities surrounding cultural heritage resources, through the implementation of the following policies.

Policies:

- 1) Protected heritage property, which ~~main~~ may contain built heritage resources or cultural heritage landscapes, shall be conserved, subject to the recommendations of a Heritage Impact Assessment (HIA) ~~or other technical cultural heritage studies prepared by a qualified professional.~~
- 2) The Municipal Clerk in the local Townships shall maintain a Register of Properties which will include properties that have been designated under Part IV and V of the *Ontario Heritage Act*. The Register of Heritage Properties shall be available on a publicly accessible website and be regularly updated to ensure effective conservation.
- 3) The Planning Board and local Townships shall consult existing registers and maps identifying built heritage resources and cultural heritage landscapes when reviewing development applications.
- 4) Non-designated properties that Township Council believes to be of cultural heritage value or interest may also be included on the municipal heritage register, in accordance with the relevant provisions of the *Ontario Heritage Act*.
- 4)5) Development or site alteration is not permitted adjacent to protected heritage property, unless the proposed development and site alteration has been assessed and it has been demonstrated that the heritage aspects attributes of the protected heritage property ~~are~~ will be conserved. A Technical cultural heritage studies, such as a Heritage Impact Assessment (HIA), prepared by a qualified professional may be required to support the application. shall be required where development is proposed adjacent to a protected heritage property, conducted by a qualified professional with expertise in cultural heritage resources to:
  - a) Identify the positive and adverse impacts on the heritage resource that may be expected to occur as a result of the proposed development;
  - b) Describe mitigation measures that may be required to prevent, minimize, or mitigate the adverse impacts; and

~~e) Demonstrate that the proposed development will not adversely impact the defined cultural heritage value of the property, and/or its streetscape/neighbourhood.~~

6) Local Townships shall conserve cultural heritage resources when undertaking public works or environmental projects. Technical cultural heritage studies may be required to mitigate any adverse impacts.

7) The *Ontario Heritage Act* may be utilized to conserve, ~~protect, and enhance significant~~ cultural heritage resources within the local Townships through the designation, by by-law, of individual properties, and/or by designating areas as heritage conservation districts, ~~and/or landscapes sites.~~ Prior to the designation of a heritage conservation district, the local Township Council:

a) Should pass a by-law defining an area or areas to be examined for future designation as a heritage conservation district;

b) Should prepare a study for the area or areas to determine the feasibility of designation, the delineation of the district boundaries, an evaluation of the area's heritage character, and guidelines for future conservation and planning.

~~2)8)~~ The local Township Council may also establish a Municipal Heritage Committee (MHC) pursuant to Section 28 of the *Ontario Heritage Act* to advise and assist on matters relating to Part IV and V of the *Ontario Heritage Act* and such other cultural heritage matters as the Council may specify by by-law.

~~3)9)~~ Applicants shall consult First Nations/Indigenous communities where cultural heritage resources involve First Nations/Indigenous heritage sites or burial grounds or cultural heritage resources that are of cultural heritage value or interest to Indigenous communities. The applicant shall seek the First Nation's/Indigenous community's advice on the manner in which these resources ~~and features~~ are to be dealt with/conserved.

10) The Planning Board and the local Townships shall engage early with consider the interests of First Nations and Indigenous communities to ensure their interests are considered when conserving built-cultural heritage resources ~~and cultural heritage landscapes.~~

~~4)11)~~ In partnership with Indigenous communities, the Planning Board and local Townships will engage early and develop a protocol and collaborative process for conserving cultural heritage resources that may be of interest to Indigenous communities.

#### 4.6.2 Archaeological Resources

The Planning Board and local Townships recognize that there may be terrestrial and/or marine archaeological sites or areas of archaeological potential within the boundaries of the Planning Area. The Planning Board and local Townships will obtain available archaeological site data locations from the Ontario Archaeological Sites Database maintained by the Province under the provisions of a data sharing agreement with the Province for the purpose of cultural heritage conservation planning.

Areas of archaeological potential ~~is~~ are determined through the application of criteria established by the Province ~~or an Archaeological Management Plan~~. The Planning Board and local Townships will consult existing registers and maps identifying archaeological resources and areas of archaeological potential when reviewing development applications. ~~Such criteria include known archaeological sites, proximity to water, current or ancient shorelines, cemeteries, sandy soils, rolling topography, unusual landforms, historic transportation features such as portage routes, places of past human settlement, or places significant to history and understanding of a people or place. Significant First Nations and non-First Nations cemeteries or unmarked burial sites may also be considered as archaeological resources.~~

- 1) In the event that human remains or cemeteries are encountered during site assessment or development, all work shall cease and the site shall be secured. The appropriate authorities shall be notified and the required provisions under the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* shall be followed. All relevant ~~First Nations~~Indigenous communities shall be consulted for input where any burial site or remains is considered to be of potential ~~First Nations~~Indigenous origin. The applicant and/or Council shall seek the ~~First Nation's~~Indigenous community's advice on the manner in which these resources and features are to be dealt with. The Planning Board and Township Councils may require that the development proponent retain archaeologists licensed under the *Ontario Heritage Act* to assess or monitor the site and recommend conservation strategies.
- 2) Where proposed development or site alteration is planned to be located on lands with ~~significant~~ archaeological resources or is planned to be within an area ~~considered to have~~of archaeological potential based on provincial screening criteria, an Archaeological Assessment prepared by a licensed archaeologist in the Province of Ontario shall be prepared, ~~as well as an~~and Acknowledgement ~~a~~ letter from the ~~Ministry of Citizenship and Multiculturalism~~Province indicating that the associated report has been entered into the Ontario Public Register of Archaeological Reports should be included. ~~These should be prepared~~ to the satisfaction of the Planning Board, local Townships and any impacted ~~First Nations~~Indigenous

communities.

- 3) Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*.
- 4) The Planning Board and the local Townships shall consider the interests of ~~First Nations and~~ Indigenous communities in conserving archaeological resources.

#### **4.6.3 Marine ~~Heritage~~ Archaeological Resources**

Policies:

- 1) A marine archaeological survey-assessment to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* may be required if shoreline or in-water works are proposed on lands with marine archaeological resources or within areas of marine archaeological potential, partially or fully submerged marine features or items of cultural heritage value are identified and impacted by shoreline and waterfront developments. A letter from the Province should also be included indicating that the associated report has been entered into the Ontario Public Register of Archaeological Reports. The Province's Criteria for Evaluating Marine Archaeological Potential checklist should be used to determine if an area has marine archaeological potential.
- ~~2) Any marine archaeological resource that is identified must be reported to the Ministry of Heritage, Sport, Tourism and Cultural Industry (MHSTCI) immediately. MHSTCI shall determine whether the resource shall be left on location or may be removed, through excavation, by licensed marine archaeologists.~~

### **4.7 GROWTH MANAGEMENT**

#### **4.7.1 Growth Management Strategy**

The policies of this plan strive to ensure efficient and cost-effective coordination between the growth management framework and the provision of systems of networks and infrastructure.

Growth management in the Planning Area is based on accommodating growth until the year 2051 in through:

- 1) Land use intensification, where possible, having regard for the timeline and efficient use of existing infrastructure;

- 2) The evaluation of growth-related infrastructure costs and the financial implications of the proposed works, thereby aligning land use planning with municipal asset management plans;
- 3) Directing development to areas suitable for the provision of hard and soft municipal services;
- 4) The following targets apply to the housing mix in new residential development within the Echo Bay and Desbarats settlement areas over the planning period:
  - a) Low Density Residential – 80%
  - b) Medium Density Residential – 20%
- 5) Maintaining an adequate supply of land to accommodate appropriate range and mix of land uses and develop in an orderly, efficient, timely and affordable manner to meet projected needs for a time horizon of 25 year;
- 6) Maintaining at all time the ability to accommodate residential growth for a minimum of 15 years through intensification, redevelopment and if necessary, lands which are designated and available for residential purposes.

Based on the Background report, the Planning Area is anticipated to experience annual population growth of 0.85% over the planning horizon (2021-2051), attributed to the projected increase in Algoma District’s population over this same period.

Based on the population share of Algoma District population for the Townships within the Planning Board Area, a forecasted population increase of 1,139 inhabitants and an additional 418 private occupied dwellings from the 2021 Census figures is expected by 2051. Table 1 below shows the project population estimates for local Townships and the Planning Area as a whole over the planning horizon.

Table 1 Projected population estimates for local Townships and the Planning Area

<u>Local Township</u>	<u>2026</u>	<u>2031</u>	<u>2036</u>	<u>2041</u>	<u>2046</u>	<u>2051</u>
<u>Macdonald, Meredith, and Aberdeen Additional</u>	<u>1,706</u>	<u>1,733</u>	<u>1,780</u>	<u>1,830</u>	<u>1,886</u>	<u>1,949</u>

<a href="#">Tarbutt</a>	<a href="#">646</a>	<a href="#">656</a>	<a href="#">674</a>	<a href="#">693</a>	<a href="#">714</a>	<a href="#">738</a>
<a href="#">Laird</a>	<a href="#">1,264</a>	<a href="#">1,284</a>	<a href="#">1,319</a>	<a href="#">1,356</a>	<a href="#">1,398</a>	<a href="#">1,444</a>
<a href="#">Johnson</a>	<a href="#">844</a>	<a href="#">858</a>	<a href="#">881</a>	<a href="#">906</a>	<a href="#">934</a>	<a href="#">965</a>
<b><a href="#">Total</a></b>	<b><a href="#">4,460</a></b>	<b><a href="#">4,531</a></b>	<b><a href="#">4,654</a></b>	<b><a href="#">4,785</a></b>	<b><a href="#">4,932</a></b>	<b><a href="#">5,095</a></b>

#### 4.7.2 Settlement Areas Adjustment and Expansion

Policies:

- 1) In considering any privately initiated requests to expand or modify the boundaries of any designated Village or establish a new settlement area, the Township shall consider the following matters in accordance with the policies of this Plan and provincial policy statements issued under Sections 2 and 3 of the *Planning Act*:
  - a) The need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;
  - b) If there is sufficient capacity in existing or planned infrastructure and public service facilities (e.g., schools, hospitals, community recreation facilities, or other facilities which provide services such as social assistance, recreation, police and fire protection, healthcare, childcare, and educational programs, including elementary, secondary, post-secondary, long-term care services, and cultural services);
  - c) Whether the applicable lands comprise specialty crop areas, being lands within the Agricultural designation of this Plan where specialty crops are grown (e.g., tender fruits, grapes, other fruit crops, vegetable crops, greenhouse crops, or crops from agriculturally developed organic soil), resulting from:
    - i) Soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and
    - ii) A long-term investment of capital in areas such as crops, drainage, infrastructure, and related facilities and services to produce, store, or process specialty crops.
  - d) The evaluation of alternative locations which avoid prime agricultural areas, and where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in prime agricultural

areas;

- e) Whether the expanded settlement area complies with the minimum distance separation formulae, as developed by the Province and amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities;
- f) Whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis and based on provincial guidance; and,
- g) Whether the new or expanded settlement area provides for the phased progression of ~~urban~~ development in a settlement area.

#### **4.8 HOME-BASED BUSINESSES**

Home-based businesses are an important means of realizing small business start-ups and self-employment.

Policies:

- 1) Home-based businesses are permitted in any land use designation that permits a residential use, subject to performance standards that will be established in the Zoning By-law.
  - a) Where permitted, home-based businesses shall be secondary to the residential use of the property and shall not generate adverse impacts on surrounding properties. Home-based businesses which can no longer be considered secondary to the residential use of the property shall be subject to a Zoning By-law Amendment or required to relocate to an appropriately zoned commercial or industrial site.
  - b) Home-based businesses located along Provincial highways shall require the approval of MTO. Typically, MTO will require that the property owner obtain a building and land use, entrance, and/or sign permit. As a condition of these permits, MTO requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future if MTO's safety requirements are not met and that an additional entrance will not be permitted to accommodate a home-based business.
  - c) Home-Based Businesses in the Agricultural designation shall conform with the policies in [Section 2.4.4](#) (Agricultural Related Uses and On-Farm Diversified Uses).

## 4.9 ECONOMIC DEVELOPMENT

The Planning Board [and local Townships](#) recognizes that the economic base of the municipalities is dependent principally on agriculture and service industry activities related to Health care and social assistance, agriculture and related agricultural uses, construction and manufacturing. To a certain extent, highway commercial trade and service centres function of the villages of Desbarats and Echo Bay provide a potential opportunity for the development of local economy.

The Planning Board [and local Townships](#) also recognizes the Planning Area's strategic location and environmental amenities in providing an attractive rural living environment for a commuter population and seasonal residences, both factors of which have an impact on the economic base.

It is the intent of the Planning Board [and local Townships](#) to promote the economic base to:

- promote economic development activities consistent with the current economic base and environment amenities.
- work in association with other municipalities and associations or agencies in undertaking economic development.

Policies:

The Planning Board [and local Townships](#) will undertake several measures to sustain or strengthen the economic base including:

- 1) Protection of agriculture as the economic mainstay of the Planning ~~Board~~ [Area](#) and encouraging the development of farm related agro-business and industries;
- 2) Encouraging water-oriented commercial development while continuing to sustain the environmental amenities of shoreline areas;
- 3) Encouraging and facilitating approvals for highway and rural commercial and local commercial development in Desbarats and Echo Bay. Provincial highway access controls will apply and may limit or prohibit access onto Highway 17. Prior approval of the ~~Ministry of Transportation of Ontario~~[Province](#) will be required;
- 4) Undertaking community improvement projects within the villages of Desbarats and Echo Bay;
- 5) Encouraging the development of home occupations and home industries;
- 6) Encouraging and supporting social assisted housing developments for

seniors, families and other specialized groups; and

- 7) Allocating funds from the municipal budget to implement economic measures.
- 8) Measures for implementation include:
  - a) Participating in senior government funding programs.
  - b) Encouraging existing and new businesses or industries to access funding opportunities for economic development.

## **4.10 PLANNING FOR INFRASTRUCTURE**

### **4.10.1 Asset Management**

Growth and development in the Planning Area is supported by a comprehensive infrastructure system within each local township which includes, but is not limited to, water and sewage services, roads and trail systems, and waste management. These systems play an important role in defining the Planning Area and ensuring its sustainability, in terms of community health, economic competitiveness, and environmental awareness.

Policies:

- 1) The local Townships will utilize municipal asset management plans to guide the replacement of infrastructure through the use of life cycle costing.
- 2) Planning for infrastructure and public service facilities will ensure that they are financially viable as demonstrated in the local Townships' Asset Management Plans. Optimal use of existing infrastructure and public service facilities shall be made prior to the construction of new infrastructure or public service facilities.

### **4.10.2 Sewage, Water and Stormwater**

The Planning Area contains areas which are fully serviced, partially serviced, and privately serviced by sewer and water.

- 1) The Planning Board and local Townships shall ensure that water and sewage services are provided in a manner that:
  - a) Protects human health and the natural environment;
  - b) Is financially stable and complies with all applicable legislation or approvals;

- c) Is sustainable from the perspective of the water resources upon which services rely;
- d) Municipal water and sewage services are permitted in all land use designations without an amendment to this Plan, providing the planning of such facilities is approved under the provisions of relevant federal and/or provincial legislation;
- e) Private water and sewage service providers shall consult with ~~the Planning Board and~~ local Township during the planning of new facilities; and
- f) Considers opportunities to allocate, and re-allocate if necessary, any unused system capacity in water and sewage services to support efficient use of these services to meet current and projected needs for increased housing supply.

#### 4.10.3 Full Municipal Services

The preferred form of servicing for all development in the Villages areas is full municipal sewer and water services.

Policies:

- 1) 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 settlement areas to be connected to the municipal water and sanitary sewer system. With the exception of minor infilling or rounding out of existing development on partial services located in the Mixed-Use designation provided site conditions are suitable
- 2) Prior to development approval involving significant lot creation and/or development in the Villages, the Planning Board and local Township shall require the preparation and approval of a functional servicing report. Notwithstanding any land use designation, limitations on the capacity or operating performance of the municipal water and sewage systems will be a constraint to further development. ~~The Planning Board and~~ Local Townships will continue to monitor treatment capacities and operational effectiveness of these municipal systems.
- 3) Future investments in municipal infrastructure shall be in accordance with the local Township's Asset Management Plan.
- 4) Where the servicing of new urban-fully serviced development requires extensions and/or improvements to the existing public piped systems, such servicing will generally be financed, constructed, and maintained by the

proponent before being turned over to the local Townships. Where the servicing of new ~~urban-fully serviced~~ development requires improvements to an existing substandard public piped system, the proponent will generally contribute their share towards the total costs of improving the system. Prior to construction, water distribution or sewer collector systems must be approved by the responsible authorities. New lot/unit creation will be subject to the availability of adequate reserve servicing capacity, as determined by local Townships.

- 5) When unallocated servicing capacity does not exist for a proposed development, the Planning Board and local Township may refuse the application or zone the property with a holding symbol not to be removed until such time as adequate servicing capacity becomes available.

#### 4.10.4 Partial Services

Parts of the Echo Bay settlement area designated Mixed Use are serviced with partial municipal water and private sewage services. These areas are planned for continued partial servicing until such time as it is feasible to connect to full municipal services.

Policies:

- 1) Continued use of existing partial services is permitted within the Mixed-Use Designation to allow for infilling and minor rounding out of existing development on partial services, where site conditions are suitable for the long-term provision of such services with no negative impacts.
- 2) The development of existing undersized lots on partial services may be permitted in accordance with the relevant provisions of the Zoning By-law and this Plan, provided that the lot is of an adequate shape and size for partial services and approved by the appropriate authority.

#### 4.10.5 Private Services

The primary means of servicing the area beyond the existing service limits are private services of a variety of types and technologies. Lands outside of the settlement areas are permitted to develop on the basis of private water and sewage services, including the Shoreline, Rural and Agricultural designations.

Policies:

- 1) The extension of municipal water services to areas outside of the settlement areas will only be considered to address an existing water quality problem associated with an existing development or lot of record. A servicing report may be required to identify the most appropriate form of servicing to ensure

**Commented [RE10]:** Comment from Planning Board:

all properties in this area either have full services or no services, there are no partial. The only area that has partial services is in the Defazio subdivision where some parts of Hurley and Margaret have water services only and not sewer.

**Commented [DW11R10]:** Need clarification from Planning Board on the area that is or isn't serviced. Map of serviced and unserved or partially serviced area of Echo Bay should be created.

environmental protection.

- 2) Where development is proposed outside fully serviced areas, the proponent must prove that the soil conditions of the proposed site are suitable for a waste sewage disposal system and that there is a proven source of potable water available.
- 3) The installation of septic systems is subject to the approval of Algoma Public Health Unit provided septage capacity has been confirmed and where site conditions are suitable for the long term. The Health Unit may require a servicing report prior to approval.
- 4) As a result of evolving technology in the field of private sewage disposal systems, the Planning Board and ~~the local~~ Townships do not wish to limit the types of sewage systems that may be considered. However, the Planning Board and ~~the local~~ Townships must be satisfied that any proposed sewage disposal system has the approval of the [Algoma Public Health Unit](#) and/or the Province and that sufficient data exists to indicate that the system will operate properly for the long term, without any negative impact on the natural environment.
- 5) Evaluation of new development will be undertaken using ~~MECP's the Province's~~ Procedure [D-5-4](#) and [D-5-5](#) to ensure that [site conditions are suitable for individual on-site water and sewage services over the long term with no negative impact. ~~drinking water will meet treatable drinking water quality standards for the health parameters.~~](#)
- 6) Where subdivisions are proposed with an average lot size below 1.0 hectare on private services a hydrogeological study shall be required to demonstrate the proposed lots can safely accommodate sewer and water services.
- 7) For consent applications, in certain circumstances, where concerns are identified, the Planning Board may require the proponent to undertake a hydrogeological study or assessment, prior to approval of the severance.
- 8) Where well water is proposed as the source for potable water, the proponent shall provide a report prepared by a qualified professional indicating there is a reasonable expectation that suitable water will be available for the proposed development based on an examination of the water quality and quantity in existing surrounding wells.
- 9) Prior to approving creation of a new lot on private services by plan of subdivision or consent, Council shall require that proponents demonstrate adequate septage treatment capacity by providing a letter, signed by the holder of the Environmental Compliance Approval (ECA) for a treatment facility, indicating that capacity for the development's septage exists.

#### 4.10.6 Stormwater Management

Stormwater management assists in protecting and improving water quality. It controls the quantity of stormwater runoff to reduce erosion and flooding and improves the quality of stormwater runoff.

Stormwater management includes water resulting from storm events or a thaw. Understanding that land use activities directly and indirectly impact stormwater management, such as impervious surfaces (i.e. roads, driveways, rooftops) which prevent infiltration and can lead to forced flow overland, increased flood risk, pollution and erosion, it is important to have adequate stormwater management measures in place.

The intent of the stormwater management policies is to ensure that consideration is given to stormwater management, the quality and quantity of stormwater runoff, and off-site impacts for proposed development. Further, naturalized stormwater management practices to help reduce capital and maintenance costs and to support sustainable practices are encouraged by this Plan.

Policies:

- 1) All commercial, industrial, institutional, recreational and multiple residential development proposals shall be supported by Stormwater Management (SWM) reports. The content and scope of the report shall be determined when the development is proposed.
- 2) ~~The Planning Board and the Townships require that~~ All detailed stormwater design plans shall be completed in accordance with the [provincial](#) guidelines of the current ~~MECP~~ Stormwater Planning and Design Manual for all commercial, industrial, and institutional development, and multiple residential development. Council may recommend additional specific requirements on a case-by-case basis.
- 3) Stormwater management plans for development adjacent to and in the vicinity of a provincial highway must be prepared in accordance with [Ontario Ministry of Transportation \(MTO\) Provincial](#) guidelines and must be reviewed and approved by ~~MTO~~ [the Province](#).
- 4) The Plan will include identification of the receiving waterbody, design objectives to be applied, and a description of the stormwater management practices to be applied, in accordance with the relevant Provincial policies and guidelines. Proponents are encouraged to consult with the relevant ministries and agencies.
- 5) Increases in runoff from development shall be minimized in accordance with best management practices and watershed needs. The impact of any

proposed development on local and area-wide drainage patterns shall be identified. An appropriate method of managing surface runoff shall be developed and implemented as a condition of approval, according to the following policies:

- a) Post-development flow rates shall not exceed pre-development flows;
- b) Plans shall minimize, or where possible prevent or reduce increases in stormwater volumes and contaminant loads;
- c) Retention of existing tree cover and natural vegetation or the provision of grassed and natural areas shall be encouraged to facilitate absorption;
- d) Erosion and siltation control measures shall be included in grading and drainage plans;
- e) Development which could have a significant impact on surface drainage shall provide comprehensive drainage plans showing methods of surface water disposal and any impacts on adjacent or affected properties;
- f) Low Impact Development (LID) alternatives, to manage stormwater as close to its source as possible, will be encouraged, especially for larger scale developments;
- g) Use of best management practices;
- h) Other matters as determined by the [local](#) Townships or the Planning Board;
- i) Alignment with any applicable comprehensive municipal stormwater management plans.

#### **4.10.7 Transportation**

The Planning Area is served by a network of public and private roads, rail corridors, trails and airports.

Policies:

- 1) 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.

- 2) Setbacks from provincial highways, public and private roads will be established through the Zoning By-law.
- 3) ~~The Planning Board and Township Councils will encourage~~ The creation of a transportation system that is safe, energy efficient and appropriate to projected needs, and which supports the use of zero-emissions vehicles will be encouraged.
- 4) 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 ~~4.124.11~~. Where the potential lot does not conform with one or more of the criteria in Section ~~4.124.11~~, the local Council will require any residual lands to be merged with adjoining lands at no expense to the landowner.
- 5) 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.
- 6) Where necessary, the local Township will conduct a Class Environmental Assessment in accordance with the *Environmental Assessment Act* for such undertakings.

#### 4.10.7.2 Provincial Highways

Highway 17, Highway 548 and Highway 638 are Provincial highways and new development proposed on land which are located adjacent to or in the vicinity of a provincial highway or interchange/intersection within MTO's permit control area are subject to ~~the requirements of the Ministry of Transportation~~Provincial requirements.

Policies:

- 1) Development within MTO's permit control area under the *Public Transportation and Highway Improvement Act* (PTHIA) 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.
- 2) New development will be discouraged from locating on lands within MTO's permit control area and subject to MTO-Provincial approval. Direct access

will be discouraged and often prohibited.

- 3) New development shall also be required to maintain a 50 metres noise buffer from the highway, wherever feasible. Land uses proposed within the 50 metres noise buffer shall be subject to noise feasibility and/or detailed noise studies in accordance with the [MECP's Province's](#) "Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation" guidelines.

#### **4.10.7.3 Local Township Roads**

- 1) For the purposes of this Plan, local roads are roads that are owned and maintained by a Township. There are two different classes of local roads within the Planning Area:
  - a) Township Roads that provide year-round access to abutting properties; and
  - b) Seasonal Township Roads that provide access to abutting properties on a seasonal basis as winter maintenance and plowing are not provided.
- 2) Proponents shall consult with ~~the Planning Board and~~ local Township prior to establishing an entrance or access to a municipal road. Direct access to these roads will only be permitted in locations which can accommodate traffic in a safe manner. Where sight deficiencies exist because of curves or grades, no new access will be permitted unless the deficiency is corrected in a manner acceptable to the local Township, at the proponent's expense.
- 3) Standards for new local roads will be based on engineering standards for design, layout, drainage, and construction. Where new local roads are constructed as part of a development, the developer will be responsible for the cost of construction.
- 4) Existing Township Roads having substandard widths or engineering standards and when scheduled for reconstruction, may be reconstructed to currently accepted standards as determined by the Township.
- 5) The Township may consider alternative development standards, including reduced right-of-way widths for development within the settlement areas or other established areas.
- 6) Development proposals adjacent to a local road shall be designed such that outdoor storage and loading areas are visually screened and appropriately located.

7) Local Townships may enter into agreements with adjacent municipalities for

the construction and/or maintenance of local roads that serve as municipal boundaries.

- 8) Where additional land is required for road widenings and extensions, such land will be dedicated wherever possible, when approving draft plans of subdivision or condominium, consents or site plan agreements, without amendment to this Plan.

#### **4.10.7.4 Township Roads - Seasonal**

Seasonal Township Roads 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.

- 1) Seasonal Township Roads may be reclassified to full maintenance local Township Roads provided they are upgraded to currently accepted standards and it will not create a financial burden on the Township. The costs for upgrading a Seasonal Maintenance Local Road will be financed through local improvement, or other means of financing which shall be borne by the abutting owners of the reclassified road.
- 2) In circumstances where development is proposed at or near the terminus of a Seasonal Township Road, the Township may require the benefiting landowner(s) to upgrade and/or construct the road as a condition of development approval.
- 3) The construction of new Seasonal Township Roads or the extension of existing ones is discouraged, subject to the discretion of the local Townships.

#### **4.10.7.5 Private Roads**

- 1) 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.
- 2) 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.

- 3) Lands accessed by and fronting on private roads shall be placed in a zoning category that recognizes the limited nature of service delivery on private roads. The rezoning of land 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 offset 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.

#### **4.10.7.6 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 Natural](#)

[ResourcesProvince](#) for the use of Crown land for access.

#### **4.10.7.7 Unopened Municipal Road Allowances [and Unassumed Roads](#)**

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 [4.10.7.104.9-7-9](#) of this Plan.

[An unassumed road is an existing road located within an unopened road allowance that the local Township has not assumed responsibility over and does not maintain on a year-round or seasonal basis.](#)

[No development is permitted on unassumed roads unless otherwise permitted through an existing agreement or as approved by the local Township Council.](#)

[It is not a policy of this Plan that unassumed roads be upgraded by the local Township.](#)

1) [Subject to the applicable sections of the \*Municipal Act\*, in situations where landowners on an unassumed road request that the local Township assume the unassumed road, the following criteria shall be met prior to the consideration of such request:](#)

- a) [The road to be assumed has direct access to a public road maintained year-round;](#)
- b) [The unassumed road shall be brought up to an appropriate standard, acceptable to the local Township and at no cost to the local Township;](#)
- c) [A road construction agreement between the owner\(s\) and the local Township shall be required at no cost to the local Township; and,](#)
- d) [The lot\(s\) adjacent to the unassumed road be properly rezoned.](#)

#### **4.10.7.8 Traffic Impact Studies**

Traffic impact studies may be required by Planning Board or [local](#) Townships 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.

#### **4.10.7.9 Conditions Under Which Development is Permitted on Private Roads**

All lots that front on a private road shall be placed in a zone to recognize the limited nature of services on private roads in the local Township's implementing Zoning By-law. These lots may also be subject to Site Plan Control. A local Township 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 Township Council that issues relating to buffering, building placement and/or drainage should be dealt within the context of a Site Plan Agreement.

- 1) 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.
  
- 2) The Site Plan Agreement shall contain wording that indicates that:
  - a) the owner acknowledges and agrees that the lot in question does not front on an improved public road;
  - b) the owner acknowledges and agrees that the local Township does not or is not required to maintain or snowplow the said road or street;
  - c) 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,
  - d) 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.

#### **4.10.7.10 Closing and Conveyance of Road Allowances**

- 1) Unopened road allowances will be retained by the local Township and may be used to accommodate future transportation needs, if warranted.
- 2) 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.
- 3) Prior to considering the closure and conveyance of any road allowance, Township 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, Township 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.
- 4) Where the local Township is requested to close and convey any portion of a road allowance, Township Council may, as a condition of such conveyance, require any of the following:
  - a) The exchange of other property to provide appropriate land or water access;
  - b) Notification of such closure and conveyance to abutting landowners in accordance with the authority provided under the *Municipal Act*;
  - c) The subject lands be rezoned;
  - d) The removal or structural repair of buildings or structures; or,
  - e) 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.

#### **4.10.7.11 Railway**

- 1) Development adjacent to railways may require the proponent to provide a noise and/or vibration assessments to determine control measures which are satisfactory to the approval authority.

- 2) Setbacks from the railway right-of-way will be determined in the zoning by-law.
- 3) Development within 300 metres of a railway line is subject to site plan control.

#### **4.11 RECREATIONAL VEHICLES**

~~A Local Township may regulate Recreational Vehicles (RV) in accordance with the provisions of the Zoning By-law or a by-law passed under the *Municipal Act*.~~

~~may be permitted as a recreational use on a vacant lot of record in the Rural designation provided the following policies are satisfied.~~

~~Policies:~~

- ~~1) The purpose of an RV is to provide for a temporary living accommodation that is recreationally oriented and is not to be used as a permanent or year-round residential dwelling.~~
- ~~2) Decks, enclosures, roof overs, extensions or additions to a RV shall not be permitted unless such structures or construction has been specifically designed or pre-engineered for the RV by a manufacturer or after market manufacturer and are capable of being removed. No such structures shall be permitted which have the effect of rendering the RV as a permanent structure or a permanent residential dwelling on a lot or site.~~
- ~~3) Placement of RVs shall adhere to the lot area, sewage disposal, building setbacks and other zoning requirements of the Zoning By law as they apply to the principal dwelling unit on the property. RVs shall only be permitted on lands designated Rural Policy Area on the Land Use Plan Schedule and only where the lands are zoned to permit an RV.~~
- ~~4) Owners of RVs shall obtain approval for a sewage disposal system from the Algoma Public Health as a condition prior to placing their RV on a vacant lot.~~
- ~~5) Individual RVs shall only be permitted where they are adequately serviced with a potable water supply, and with an on-site sewage disposal system as approved under the *Building Code Act*. Such sewage disposal system shall be in addition to any self contained or on board holding tanks. The intent of the Plan is to avoid the illegal discharge of sewage or grey water on any lands occupied by a RV.~~
- ~~6) RVs may be located on lots adjacent to permanent dwellings provided they take the appropriate measures to minimize the visual impact through~~

~~screening or buffering.~~

- ~~7) RVs within 120 metres of a water body or significant natural heritage feature on individual lots shall be subject to site plan control in accordance with [Section 5.2.5](#) of this Plan. Site plan control may be used to govern walls, fences, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands, the installation of individual on-site water and sewage disposal services, access to the lands and grading and drainage controls.~~
- ~~8) Accessory uses to a recreational vehicle shall not include a sleep cabin or a second RV on a lot.~~
- ~~9) An RV may be permitted on a lot created by consent in the Rural designation provided the lot creation policies of this Plan.~~
- ~~10) An RV may be stored, but otherwise not used on a lot occupied by a permanent or seasonal dwelling in the Village, Agricultural, Rural, Mixed-Use and Shoreline designations, provided the RV meets all of the applicable zone requirements for an accessory use.~~
- ~~11) RVs may be licensed by the Townships under the authority of the *Municipal Act*. The licensing by law may specify the period and conditions of occupancy and the permit fees for recreational vehicles. Licensing provisions shall not apply to RV's where they are stored only and not used.~~
- ~~12) The Townships may utilize a Property Standards by law under the Building Code Act to regulate the maintenance of properties, buildings and structures used for RVs or accessory thereto.~~
- ~~13) Recreational Vehicles on Vacant Lots in the Shoreline Designation~~

~~Recreational Vehicles may be permitted in the Shoreline designation based the criteria in [Section 4.11](#) and also the following criteria must adhere to the following policies.~~

Policies:

- ~~14)1) The RV is set back at least 30 metres [98.4 feet] from the high water mark of any water body.~~
- ~~15) The RV does not negatively impact the view of the waterfront for adjacent properties.~~
- ~~16)2) A recreational vehicle shall not be permitted on a lake deemed to be at capacity except in accordance with [Section 2.5.62.5.5](#) of this Plan.~~

## 4.12 LAND DIVISION

### 4.12.1 Plan of Subdivision and Condominium

Applications for approval of a draft plan of subdivision or condominium will be considered on the basis of the underlying land use designation and the associated policies of this Plan. The ~~Planning Board~~local Townships will process applications for draft plan approval in accordance with the relevant provisions of the *Planning Act* and the Provincial Planning Statement, as amended. Applications that do not conform to the policies of this Plan will not be approved by the approval authority.

A plan of subdivision is required generally when more than five lots are being created, which may require a new municipal road to be created and/or when municipal water and/or sewer services are required to be extended to service the development.

Policies:

- 1) As part of the Draft Plan approval, the following provisions apply:
  - a) The applicant is strongly encouraged to pre-consult with the ~~Planning Board~~local Township, and any other person or agency deemed appropriate prior to applying.
  - b) The applicant shall pay all required application fees when applying for draft plan approval as part of the complete application.
  - c) The ~~Planning Board~~local Township shall ensure that the draft plan of subdivision or condominium is consistent with the Provincial Planning Statement and regard shall be had, among other matters, to the health, safety, and welfare of the present and future inhabitants of the Planning Area and to:
    - i) Determine whether the proposed subdivision or condominium is premature or in the public interest, as determined by the ~~Planning Board~~local Township;
    - ii) the suitability of the land for the purposes for which it is to be used considering the land use and environmental policies of this Plan;
    - iii) the dimensions and shapes of the proposed lots;
    - iv) the area of land that is to be conveyed or dedicated for public purposes;
    - v) the ~~Planning Board and~~ local Township~~municipality~~ which will

consider the policies of this Plan in totality to determine the information required by an applicant to form a complete application for approval of a plan of subdivision; and,

- vi) the provisions of the *Planning Act* relating to subdivision control and condominium, including agreements and part-lot control, will be used by the ~~Planning Board~~local Township to ensure that the land use designations and policies of this Plan are complied with and that a high standard of design is maintained in all development.
- d) The ~~Planning Board and~~ local Townships shall provide input on conditions of approval for plans of subdivision and condominium.
- e) Prior to approval of an application for plan of subdivision or condominium, the ~~Planning Board or~~ local Township will confirm the availability of adequate servicing infrastructure and allocation, waste management, roads/access, and other amenities in accordance with the policies of this Plan.
- f) Lots within a plan of subdivision will either have frontage on a public road or a private road in accordance with [Section 4.10.7.4](#) of this Plan with joint use agreement, to the satisfaction of the ~~Planning Board and~~ local Township Council. The ~~Planning Board~~local Township will consider a plan of subdivision which has only private road access. Plans of condominium will have access to a public road maintained on a year-round basis or have legal access granted over an existing private road; however, it is recognized that development within the condominium plan may occur on private roads.
- g) Where a plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that lots back onto the provincial highway and front onto a local internal street.
- h) Plans of subdivision or condominium will be appropriately phased to ensure orderly and staged development.
- i) All plans of subdivision or condominium will be subject to a subdivision or development agreement between the ~~Planning Board,~~ local Township, and the development proponent.
- j) The ~~Planning Board~~local Township may adopt standards for the development, design, servicing, roads, financing, and other conditions under the subdivision agreement.

- k) Parkland dedication will be provided pursuant to [Section 4.12.4](#) of this Plan.
- l) In approving a draft plan of subdivision, it may be required that the approval lapses at the expiration of a specified time period, being not less than 3 years. The approval time period may be extended, prior to its expiration in accordance with provisions of the *Planning Act*.
- m) The ~~Planning Board of~~ local Township may consider passing a by-law under the provisions of the *Planning Act* to deem registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access, or undesirable location, not to be registered.
- n) The proposed development will be serviced in accordance with the policies of [Section 4.10](#).
- o) The local Township shall require archaeological assessments to be carried out by consultant archaeologists licensed under the *Ontario Heritage Act*, as a condition of any plan of subdivision proposal affecting areas containing an archaeological resource or considered to have archaeological potential.

#### 4.12.2 Consents

##### Policies:

- 1) A consent shall only be considered where a plan of subdivision is deemed to be unnecessary, where the application conforms with the policies of this Plan, is consistent with the Provincial Planning Statement, and the consent will generally not result in the creation of more than five new lots (i.e. 5 severed and 1 retained) on a lot that existed prior to the date of ~~July 8, 1986~~ [September 15<sup>th</sup>, 1998](#) and it does not necessitate the creation of a new municipal road, or the extension of municipal services. In the Shoreline designation no more than 3 new lots are permitted to be created by consent (3 severed and 1 retained).
- 2) Consents are generally limited to:
  - a) new lots that represent minor infilling;
  - b) the mortgaging of land beyond 21 years;
  - c) lot boundary adjustments;
  - d) separating existing legal uses;
  - e) separating a surplus farm dwelling from agricultural lands;

- f) separating lots that have merged on title; and,
  - g) easements or rights-of-way.
- 3) Consent to sever land for the purpose of creating a new lot shall only be granted where:
- a) A Plan of Subdivision has been determined not to be appropriate for the proper and orderly development of the land (i.e., existing water and sewer services, if applicable, roads, ~~garbage collection,~~ school bussing, etc., currently exist);
  - b) the intended use of the severed and retained parcels conform with the intent and policies of this Plan and the regulations of the implementing Zoning By-law unless appropriate zoning by-law amendments or minor variances are granted concurrently;
  - c) the proposed use of the severed parcel(s) is compatible with the abutting land uses;
  - d) there is no extension of municipal services required, unless addressed through a development agreement;
  - e) the application represents an orderly and efficient use of land and the severance would not hinder development of the retained lands;
  - f) under limited circumstances in the Rural designation, where the severed parcel(s) are intended for infilling within existing development clusters, the first priority shall be to locate the severed parcel(s) between existing residential lots that form part of the cluster. As a second priority, the severed parcel(s) may be located beyond the last existing residential lot but across the road from an existing residential lot or lots. As a third priority, the severed parcel(s) may be located beyond the last existing residential lot but only where all services available in the cluster such as electricity, ~~and telephone and garbage collection,~~ are available to the lot and where the development of the lot will not represent a long term increase in municipal costs. Consent for a residence surplus to a farm operation is also permitted in the Rural designation;
  - g) the size and dimensions of the severed parcel(s) and the retained parcel are adequate to accommodate the proposed use or uses;
  - h) adequate access to the severed and retained parcel(s) can be provided from a year-round publicly maintained road in keeping with the transportation policies of this Plan;

- i) access will not create a traffic hazard;
- j) the severed and retained parcels comply with the Minimum Distance Separation (MDS) formulae;
- k) adequate sewage and water servicing can or will be provided in accordance with [Section 4.10](#);
- l) it is feasible with regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses within or adjacent to any development constraint; and
- m) the request, if granted, would not pose an undue financial burden on the applicable municipality.

#### **4.12.3 Technical Consents**

Despite the above, consent may be granted in addition to the consent policies outlined above for a technical severance as follows:

- 1) To correct lot boundaries;
- 2) To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized lot for the purpose for which it is being or will be used;
- 3) To correct title to the land;
- 4) Where the effect of the consent does not create an additional lot;
- 5) To permit an easement;
- 6) To permit a consent for municipal or other public purposes; or
- 7) Where required for public infrastructure.

#### **4.12.4 Public Parkland**

Local Councils are entitled to a dedication of land for park purposes as a condition on any division of land in accordance with the *Planning Act*, through Parkland Dedication By-law.

- 1) The dedication represents a percentage of land area or market value of land, and is calculated at 5% for residential development and 2% for commercial/industrial development. Where land in a draft plan of subdivision or condominium is used for any other purpose, the Planning Board may require conveyance of land for park purposes or equivalent cash-in-lieu on

behalf of the local township at a rate of 5% of the gross area of the land proposed for development.

2) With respect to land proposed for a plan of subdivision that will include affordable residential units or attainable residential units, as defined in the *Development Charges Act*, or residential units described in subsection 4.3(2) of the *Development Charges Act*, the amount of land that may be required to be conveyed for parkland shall not exceed 5% of the land multiplied by the ratio of A to B where:

“A” is the number of residential units that are part of the development or redevelopment but are not affordable residential units, attainable residential units, or residential units described in subsection 4.3 (2) of the *Development Charges Act*, 1997; and

“B” is the number of residential units that are part of the development or redevelopment.

3) The conveyance of land for park purposes or equivalent cash-in-lieu may not be imposed in relation to a subdivision proposed for non-profit housing development, as defined in the *Development Charges Act*.

2)4) A conveyance of land may be required in accordance with Section 51 of the *Planning Act* for the following purposes:

- a) for pedestrian and bicycle pathways;
- b) fronting a waterbody for public access to water;
- c) improvements be completed to sidewalks and road surfaces to enable safe and comfortable travel by pedestrians, bicycles and vehicles; or
- d) to expand and enhance the existing trail network.

3)5) Where lands are dedicated for park purposes, the local councils will use the following criteria to determine acceptability:

- a) The parcel should be well proportioned and usable for either passive or active recreation or for multi-function sites for a variety of users;
- b) Township Councils may refuse to accept land if the parcel is considered too small and there are no opportunities to acquire adjacent parcels to create an open space area of acceptable size;
- c) Every attempt shall be made to integrate existing parks and recreational facilities through a system of open space linkages;

- d) The parcel should be well drained, of gentle slope, easily maintained, and not subject to periodic flooding. More rugged terrain or preservation areas (i.e., floodplains or wetlands) may, however, be incorporated into the park system as an additional contribution if the area is to fulfill a natural, passive, or historical function; and
- e) Every attempt shall be made to prevent the unnecessary removal of trees in the development of playgrounds.

4)6) The decision of whether to accept a parkland dedication or the alternative cash-in-lieu shall be based on the need to acquire as much parkland as required in the area to meet a variety of needs. These funds shall then be placed in a park reserve fund to be applied toward the purchase of other parkland or to improve and maintain existing parks. Cash-in-lieu of land may be requested by the Planning Board in the following situations:

- a) Where there is a public park in the area which is adequate for existing and future population;
- b) Where the required land dedication fails to provide an area of suitable shape, size or location for development as public; parkland;
- c) Where the required dedication of land would render the remainder of the site unsuitable or impractical for development; and/or
- d) Where a municipality is undertaking broader land acquisition strategies for larger parks and it is preferable to have consolidated parkland of a substantial size servicing a wide area.

#### **4.13 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.

## **5 PLAN IMPLEMENTATION AND ADMINISTRATION**

### **5.1 DEFINITIONS**

~~For the purposes of interpretation of this Plan, except where specific definitions may be provided in the Plan, the definitions in the *Planning Act*, R.S.O. 1990, the Provincial Planning Statement 2024, and other applicable legislation shall have applicability. 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. Definitions for terms within this Plan are contained in Appendix 2.~~

### **5.2 PLAN IMPLEMENTATION**

#### **5.2.1 Zoning By-laws**

Each of the local Township Zoning By-law 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 Conditional Zoning as a planning tool to assist in achieving the goals and policies of this Plan.

#### **5.2.2 Temporary Use By-laws**

- 1) A local Township Council may pass temporary use by-laws permitting:
  - a) temporary housing;
  - b) temporary accommodation facilities;
  - c) temporary tourist uses and facilities;
  - d) parking lots for a specific one-time event; and,
  - e) industrial uses related to the resource and agricultural base of the area and other similar uses.
- 2) 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 Township Council to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical.
- 3) Prior to the approval of a temporary use Zoning By-law, Township 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.

### **5.2.3 Interim Control By-laws**

Township Councils may pass Interim Control By-laws to control the use of land, buildings, or structures within designated areas of the Township and in accordance with the provisions of Section 38 of the *Planning Act* in order to prevent or limit development until detailed planning studies for the subject lands are completed and approved by Township Council.

Any Interim Control By-law approved by Township Council shall initially be in effect for a period of up to one year from the date of passing of the by-law but may extend for a maximum of one additional year.

### **5.2.4 Holding Provisions**

In accordance with the *Planning Act*, a local Township 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:

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

### 5.2.5 Site Plan Control

All areas of every Township in the Planning ~~Board Area~~ are designated as proposed Site Plan Control areas under the provisions of the *Planning Act*. All uses may fall under Site Plan Control in accordance with Section 41(5) of the *Planning Act*, with the exception of residential developments with 10 or fewer units, unless located within ~~All lands within~~ 300 metres of a railway line or within 120 metres of a wetland, a shoreline of a lake, river or stream valley whether or not it contains a watercourse , are subject to site plan control 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 when the appearance impacts matters of health and safety;
  - 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) 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;
  - e) Facilities designed to have regard for accessibility for persons with disabilities.
- 2) 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.
  - 3) 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.

### 5.2.6 Community Improvement

These policies are intended to provide a basis and mechanism for a local Township Council to utilize the provisions of Section 28 of the *Planning Act* to encourage the planning or replanning, design or redesign, 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 Township 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, Township 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*.

#### 5.2.6.1 Community Improvement Areas

The entire Desbarats to Echo Bay Planning [Board Area](#) is considered to be eligible for community improvement initiatives.

#### 5.2.6.2 Community Improvement Projects

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

- 1) The development of a recreational trail and public uses at or near waterfront areas;
- 2) Improvements to road surfaces to enable safe and comfortable travel by pedestrians, bicycles and vehicles;
- 3) Projects designed to foster accessibility and active transportation in the community;
- 4) Improvements and beautification of main streets and commercial areas;
- 5) Tree planting, remediation and naturalization programs;
- 6) The development of affordable housing;
- 7) The construction and improvement of buildings and structures that promote energy efficiency or accessibility; or,

- 8) The ~~preservation, rehabilitation, renewal and reuse~~conservation of cultural heritage resources.

#### **5.2.6.3 Community Improvement Incentives**

- 1) 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.
- 2) Specific incentives will be approved by a Community Improvement Plan adopted by the local Council.

### **5.3 NON-CONFORMING USES**

#### **5.3.1 Intent of the 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 Township Council shall have regard for the following principles:

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

#### **5.3.2 Role of the Implementing Zoning By-law**

- 1) 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.

### **5.3.3 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 conform with [Section 4.12](#) of this Plan.

## **5.4 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.

- 1) 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.
- 2) 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.

- 3) In addition, as noted in [Section 4.12.2 \(Consents\)](#), 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.

## 5.5 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, local Township Councils and/or Planning Board strongly encourages proponents to attend a pre-consultation meeting with staff prior to the submission of a planning application. In doing so, the local Township 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 Township 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 Township 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 Township 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 the local Township Council and/or Planning Board as information and become part of the public record.

- 1) 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;
  - f) Any studies as identified as necessary through pre-consultation.
- 2) [Section 5.5.1](#) lists a range of supporting information that may be required as part of a complete application, to be determined through pre-application consultation with staff.

### 5.5.1 Studies That May Be Required to Accompany a Planning Application

~~Further to Section 5.5.1,~~ The following are the types of studies that may be required to accompany a *Planning Act* Application; ~~however this list is not exhaustive.~~

- 1) Transportation Impact Study
- 2) Functional Servicing Report and/or Confirmation of Septage Disposal and Stormwater Management Plan
- 3) Tree Preservation Report and Plan
- 4) Hydrogeological Assessment
- 5) Watershed or Subwatershed Study
- 6) Floodline Delineation Report
- ~~7) Architectural/Urban Design Study~~
- ~~8)7) Environmental Site Assessment~~
- ~~9)8) Planning Justification Report~~
- ~~10)9) Record Site Condition (RSC)~~
- ~~11)10) Contaminant Management Plan~~
- ~~12)11) Environmental Impact Study~~
- ~~13)12) Lakeshore Capacity Assessment~~
- ~~14)13) Archaeological Assessment~~

- ~~15)~~14) \_\_\_\_\_ Heritage Impact Assessment
- ~~16)~~15) \_\_\_\_\_ Wind Study
- ~~17)~~16) \_\_\_\_\_ Noise Study
- ~~18)~~17) \_\_\_\_\_ Vibration Study
- ~~19)~~18) \_\_\_\_\_ Geotechnical Study
- ~~20)~~19) \_\_\_\_\_ Slope Stability Study
- ~~21)~~20) \_\_\_\_\_ Market/Retail Impact Study and Analysis
- ~~22)~~21) \_\_\_\_\_ Viewscape of Shadow Impact Study
- ~~23)~~22) \_\_\_\_\_ Conceptual Site Plan and Building Elevations
- ~~24)~~23) \_\_\_\_\_ Erosion and Sediments Control Plans
- ~~25)~~24) \_\_\_\_\_ Any other study, report, clearance necessary to support an application.

#### **5.5.2 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.

#### **5.5.3 Requirements for Site Plan Control Applications**

In addition to the above requirements, the following additional complete application requirements may apply to applications for site plan agreements as authorized by the Townships for any commercial, industrial, institutional, or multiple residential use containing 11 or more units. Notwithstanding the above, site plan control applications are required for any land use within 120 metres of a wetland, the shoreline of the St. Mary's River, Lake George, or any inland lake, river, or stream valley with depressional features associated with a river or stream, regardless of whether it contains water. Lastly, site plan control applications are required for any development within 300 metres of a railway line.:

- 1) 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.

- 2) Drawings certified by an engineer and/or architect showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 dwelling units, which drawings are sufficient to display:
  - a) Massing and conceptual design;
  - b) Relationship of the buildings to adjacent buildings, streets and exterior public areas;
  - c) Provision of interior walkways, stairs and elevators, to which the public has access;
  - d) 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;
  - e) 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; and
  - f) Facilities designed to have regard for accessibility for persons with disabilities.
- 3) 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.
- 4) 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.

#### **5.5.4 Public Consultation Strategy**

Public consultation regarding proposed Official Plan amendments, Zoning By-law amendments, plans of subdivision, plans of condominiums and consents, will be undertaken as directed by the *Planning Act* and all relevant regulations.

### 5.5.5 Indigenous Consultation Strategy

The Planning Board and local Townships recognizes the importance of working together with ~~its First Nations and neighbouring~~ Indigenous ~~community communities neighbours~~ and learning from each other and will continue to work on these relationships.

Consultation with ~~First Nations, Indigenous communities, and Metis of Ontario~~ regarding *Planning Act* applications will occur based on the Planning Board and local Townships' knowledge and existing relationships with ~~First Nations Indigenous communities and Metis of Ontario~~ and as directed by the *Planning Act* and all relevant regulations.

## 5.6 AMENDMENTS TO THE PLAN – PUBLIC NOTICE

- 1) Township 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; or
  - d) Translates measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed.
- 2) In all other instances, notification to the residents of the local Township of public meetings held by Township Council shall be given in accordance with the procedures of The *Planning Act*.

## 5.7 INTERPRETATION OF LANDUSE 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.

## **5.8 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).

## **5.9 CROSS-JURISDICTIONAL COORDINATION**

The Planning Board may choose to work with the Province, Townships, First Nations and Indigenous communities, and other agencies when dealing with planning matters within the Planning Area ~~of the Planning Board~~.

## **5.10 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, and then every five years thereafter. The ten-year review shall consist of an assessment of:

- 1) the continuing relevance of the vision that forms the basis of all policies found in this Plan;
- 2) the degree to which the objectives of this Plan have been achieved;
- 3) the extent to which lands within the Agricultural designation have been utilized for agricultural purposes;
- 4) whether the local Township has increased its commercial and industrial assessment in relation to residential assessment;
- 5) the servicing capacities available to accommodate development in the settlement areas;
- 6) the local Planning Area's role within the District of Algoma and its relationship with the rest of the District;



- 7) development trends in the District of Algoma and their effect on development in Desbarats to Echo Bay Planning [BoardArea](#); and,
- 8) the Plan's regard to matters of provincial interest; conformity to provincial plans; and consistency with the Provincial Planning Statement, 2024.



## Appendix 1 – Wildfire Hazard Mapping



## Appendix 2 – Definitions

## **APPENDIX 2 – DEFINITIONS**

### **Access standards**

Methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards.

### **Active transportation**

Human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

### **Additional needs housing**

Any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of additional needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons

### **Adjacent lands**

For the purposes of Section 3.8, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives

### **Adverse effect**

As defined in the *Environmental Protection Act*, one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment to the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;

- g) loss of enjoyment of normal use of property; and,
- h) interference with normal conduct of business.

### **Affordable**

In the case of ownership housing, the least expensive of:

- a) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or,
- b) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the municipality.

In the case of rental housing, the least expensive of:

- a) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or,
- b) a unit for which the rent is at or below the average market rent of a unit in the municipality.

### **Agricultural condition**

In regard to specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained, restored or enhanced.

In regard to prime agricultural land outside of specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture will be maintained, restored or enhanced.

### **Agricultural impact assessment**

The evaluation of potential impacts of non-agricultural uses on the agricultural system. An assessment recommends ways to avoid or if avoidance is not possible, minimize and mitigate adverse impacts.

### **Agricultural system**

A system comprised of a group of inter-connected elements that collectively create a viable, thriving agri-food sector. It has two components:

- a) An agricultural land base comprised of prime agricultural areas, including specialty crop areas. It may also include rural lands that help to create a

continuous productive land base for agriculture; and

- b) An agri-food network which includes agricultural operations, infrastructure, services, and assets important to the viability of the agri-food sector.

### **Agricultural uses**

The growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment.

### **Agri-food network**

Within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; agricultural operations including on-farm buildings and primary processing; infrastructure; agricultural services, farm markets, and distributors; and vibrant, agriculture-supportive communities.

### **Agri-food network**

Within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; agricultural operations including on-farm buildings and primary processing; infrastructure; agricultural services, farm markets, and distributors; and vibrant, agriculture-supportive communities.

### **Agriculture-related uses**

Those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

### **Alternative energy system**

A system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

### **Archaeological resources**

Includes artifacts, archaeological sites and marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of

such resources are based upon archaeological assessments carried out by archaeologists licensed under the *Ontario Heritage Act*.

#### **Areas of archaeological potential**

Areas with the likelihood to contain archaeological resources, as evaluated using the processes and criteria that are established under the *Ontario Heritage Act*.

#### **Areas of mineral potential**

Areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

#### **Areas of natural and scientific interest**

Areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

#### **Brownfield sites**

Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

#### **Built heritage resource**

A building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community.

#### **Coastal wetland**

- a) Any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b) Any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

#### **Compact built form**

A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need

for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses, duplexes, triplexes and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads.

### **Comprehensive rehabilitation**

Rehabilitation of land from which mineral aggregate resources have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of mineral aggregate operations.

### **Complete communities**

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for equitable access to many necessities for daily living for people of all ages and abilities, including an appropriate mix of jobs, a full range of housing, transportation options, public service facilities, local stores and services. Complete communities are inclusive and may take different shapes and forms appropriate to their contexts to meet the diverse needs of their populations.

### **Conserved**

The identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches should be included in these plans and assessments.

### **Cultural heritage landscape**

A defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association.

### **Defined portions of the flooding hazard along connecting channels**

Those areas which are critical to the conveyance of the flows associated with the one hundred year flood level along the St. Marys, St. Clair, Detroit, Niagara

and St. Lawrence Rivers, where development or site alteration will create flooding hazards, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

### **Deposits of mineral aggregate resources**

An area of identified mineral aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using provincial guidance for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

### **Designated and available**

Lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g., secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be designated and available for the purposes of this definition.

### **Designated vulnerable area**

Areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

### **Development**

The creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process or identified in provincial standards; or
- b) works subject to the *Drainage Act*; or
- c) underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*.

### **Dynamic beach hazard**

Areas of inherently unstable accumulations of shoreline sediments along the Great Lakes -St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

### **Ecological function**

The natural processes, products or services that living and non-living

environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socioeconomic interactions.

### **Endangered species**

A species that is classified as “Endangered Species” on the Species at Risk in Ontario List, as updated and amended from time to time.

### **Energy storage system**

A system or facility that captures energy produced at one time for use at a later time to reduce imbalances between energy demand and energy production, including for example, flywheels, pumped hydro storage, hydrogen storage, fuels storage, compressed air storage, and battery storage.

### **Erosion hazard**

The loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

### **Essential emergency service**

Services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

### **Fish**

Fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

### **Fish habitat:**

As defined in the *Fisheries Act*, means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas.

### **Flood plain**

For river, stream and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

## **Flooding hazard**

The inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) along the shorelines of the Great Lakes -St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave effects and other water-related hazards;
- b) along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
  - 1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
  - 2. the one hundred year flood; and
  - 3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof, for example, as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

## **Floodproofing standard**

The combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave effects and other water-related hazards along the shorelines of the Great Lakes St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

## **Freight-supportive**

In regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in provincial guidance or based on municipal approaches that achieve the same objectives.

### **Great Lakes -St. Lawrence River System**

The major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

### **Green infrastructure**

Natural and human-made elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

### **Ground water feature**

Water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

### **Habitat of endangered species and threatened species**

Habitat within the meaning of section 2 of the *Endangered Species Act, 2007*.

### **Hazardous forest types for wildland fire**

Forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Province, as amended from time to time.

### **Hazardous lands**

Property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes -St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits.

Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

### **Hazardous sites**

Property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive

marine clays [leda], organic soils) or unstable bedrock (karst topography).

### **Hazardous substances**

Substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

### **Heritage attributes**

As defined under the *Ontario Heritage Act*, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest.

### **Higher order transit**

Transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways, elevated or surface rail, and commuter rail), light rail, and buses in dedicated rights-of-way.

### **Housing options**

A range of housing types such as, but not limited to single-detached, semidetached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, laneway housing, garden suites, rooming houses and multi-residential buildings, including low-and mid-rise apartments. The term can also refer to a variety of housing arrangements and forms such as, but not limited to, life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, additional needs housing, multi-generational housing, student housing, farm worker housing, culturally appropriate housing, supportive, community and transitional housing and housing related to employment, educational, or institutional uses, such as long-term care homes.

### **Hydrologic function**

The functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Impacts of a changing climate: means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.

### **Individual on-site sewage services**

Sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act*, 1992, that are owned, operated and managed by the owner of the property upon which the system is located.

### **Individual on-site water services**

Individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

### **Infrastructure**

Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications including broadband, transit and transportation corridors and facilities, active transportation systems, oil and gas pipelines and associated facilities.

### **Institutional use**

Land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

### **Intensification**

The development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites and underutilized shopping malls and plazas;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

### **Large inland lakes**

Those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

### **Legal or technical reasons**

Severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

### **Low and moderate income households**

In the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the municipality.

In the case of rental housing, household with incomes in the lowest 60 percent of the income distribution for renter households for the municipality.

### **Low impact development**

An approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It typically includes a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration, and detention of stormwater. Low impact development can include, for example: bioswales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems.

### **Major facilities**

Facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

### **Major goods movement facilities and corridors**

Transportation facilities, corridors and networks associated with the inter-and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes, primary transportation corridors used for the movement of goods and those identified in provincial transportation plans. Approaches that are freight-supportive may be recommended in provincial guidance or based on municipal approaches that achieve the same objectives.

### **Major trip generators**

Origins and destinations with high population densities or concentrated activities which generate many trips (e.g., strategic growth areas, major office

and office parks, major retail, employment areas, community hubs, large parks and recreational destinations, public service facilities, and other mixed-use areas).

### **Marine facilities**

Ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future marine facilities.

### **Mine hazard**

Any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

### **Minerals**

Metallic minerals and nonmetallic minerals as herein defined, but does not include mineral aggregate resources or petroleum resources.

Metallic minerals means those minerals from which metals (e.g., copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g., graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Critical minerals are a subset of raw materials that have specific industrial, technological or strategic applications for which there are a few viable substitutes.

### **Mineral aggregate operation**

- a) Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*;
- b) For lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

### **Mineral aggregate resources**

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate*

*Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

#### **Mineral aggregate resource conservation**

- a) The recovery and recycling of manufactured materials derived from mineral aggregates (e.g., glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) The wise use of mineral aggregates including utilization or extraction of on-site mineral aggregate resources prior to development occurring.

#### **Mineral deposits**

Areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

#### **Mineral mining operation**

Mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

#### **Minimum distance separation formulae**

Formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

#### **Multimodal**

Relating to the availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, higher order transit, rail (such as freight), trucks, air, and marine.

#### **Municipal sewage services**

A sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

#### **Municipal water services**

A municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act*, 2002.

### **Natural heritage features and areas**

Features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

### **Natural heritage system**

A system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be used.

### **Negative impacts**

- a) Potential risks to human health and safety and degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b) In regard to fish habitat, any harmful alteration, disruption or destruction of fish habitat, except where an exemption to the prohibition has been authorized under the *Fisheries Act*;
- c) In regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.
- d) Degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities; and

- e) Any development or site alteration that would compromise or conflict with the planned or existing function, capacity to accommodate future needs, and cost of implementation of the corridor.

### **Normal farm practices**

A practice, as defined in the *Farming and Food Production Protection Act*, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act*, 2002 and regulations made under that Act.

### **Oil, gas and salt hazards**

Any feature of a well or work as defined under the *Oil, Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

### **On-farm diversified uses**

Uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and energy storage systems.

### **One hundred year flood**

For river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

### **One hundred year flood level**

- a) For the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) In the connecting channels (St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c) For large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level

is based on the highest known water level and wind setups.

### **Other water-related hazards**

Water-associated phenomena other than flooding hazards and wave effects which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

### **Partial services**

- a) Municipal sewage services or private communal sewage services combined with individual on-site water services; or
- b) Municipal water services or private communal water services combined with individual on-site sewage services.

### **Petroleum resource operations**

Oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas, other hydrocarbons, and compressed air energy storage.

### **Petroleum resources**

Oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas, other hydrocarbons, or compressed air energy storage.

### **Planned corridors**

Corridors or future corridors which are required to meet projected needs, and are identified through provincial transportation plans, preferred alignment(s) determined through the *Environmental Assessment Act* process, or identified through planning studies where the Ontario Ministry of Transportation, Metrolinx, Ontario Ministry of Energy and Electrification, Ontario Northland, Ministry of Northern Development or Independent Electricity System Operator (IESO) or any successor to those ministries or entities is actively pursuing, or has completed, the identification of a corridor.

Approaches for the identification and protection of planned corridors may be recommended in guidelines developed by the Province.

**Portable asphalt plant**

A facility:

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable concrete plant**

A building or structure:

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Prime agricultural area**

Areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas with a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by a planning authority based on provincial guidance or informed by mapping obtained from the Ontario Ministry of Agriculture, Food and Agribusiness and the Ontario Ministry of Rural Affairs or any successor to those ministries.

**Prime agricultural land**

Specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

**Private communal sewage services**

Means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

**Private communal water services**

A non-municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

### **Protected heritage property**

Property designated under Part IV or VI of the *Ontario Heritage Act*; property included in an area designated as a heritage conservation district under Part V of the *Ontario Heritage Act*; property subject to a heritage conservation easement or covenant under Part II or IV of the *Ontario Heritage Act*; property identified by a provincial ministry or a prescribed public body as a property having cultural heritage value or interest under the Standards and Guidelines for the Conservation of Provincial Heritage Properties; property protected under federal heritage legislation; and UNESCO World Heritage Sites.

### **Protection works standards**

The combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair.

### **Provincial and federal requirements**

Legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including fish and fish habitat), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and

Legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

### **Public service facilities**

Land, buildings and structures, including but not limited to schools, hospitals and community recreation facilities, for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health, child care and educational programs, including elementary, secondary, post-secondary, longterm care services, and cultural services.

Public service facilities do not include infrastructure.

### **Quality and quantity of water**

Measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

**Rail facilities**

Rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.

**Redevelopment**

The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

**Regional market area**

An area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area. Where regional market areas are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

**Renewable energy source**

An energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

**Renewable energy system**

A system that generates electricity, heat and/or cooling from a renewable energy source.

**Reserve sewage system capacity**

Design or planned capacity in a waste water treatment facility, within municipal sewage services or private communal sewage services, which is not yet committed to existing or approved development. For lot creation using private communal sewage services and individual on-site sewage services, reserve sewage system capacity includes approved capacity to treat and land-apply, treat and dispose of, or dispose of, hauled sewage in accordance with applicable legislation but not by land-applying untreated, hauled sewage. Treatment of hauled sewage can include, for example, a sewage treatment plant, anaerobic digestion, composting or other waste processing.

**Reserve water system capacity**

Design or planned capacity in a water treatment facility which is not yet committed to existing or approved development. Reserve water system capacity applies to municipal water services or private communal water services, and not individual on-site water services.

**Residence surplus to an agricultural operation**

One existing habitable detached dwelling, including any associated additional residential units, that are rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

**River, stream and small inland lake systems**

All watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

**Sensitive**

In regard to surface water features and ground water features, means features that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

**Sensitive land uses**

Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

**Sewage and water services**

Includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

**Significant**

In regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant using evaluation criteria and procedures established by the Province, as amended from time to time.

In regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria and procedures established by the Province.

In regard to other natural heritage features and areas, ecologically important in terms of features, functions, representation or amount, and contributing to the

quality and diversity of an identifiable geographic area or natural heritage system.

In regard to mineral potential, an area identified as provincially significant through provincial guidance, such as the Provincially Significant Mineral Potential Index.

In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Criteria for determining significance for the resources identified in section are provided in provincial guidance, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

#### **Site alteration**

Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*.

#### **Specialty crop area**

Areas within the agricultural land base designated based on provincial guidance. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

**Surface water feature**

Water-related features on the earth's surface, including headwaters, rivers, permanent and intermittent streams, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Threatened species**

A species that is classified as "Threatened Species" on the Species at Risk in Ontario List, as updated and amended from time to time.

**Transportation demand management**

A set of strategies that result in more efficient use of the transportation system by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

**Transportation system**

A system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, airports, marine facilities, ferries, canals and associated facilities such as storage and maintenance.

**Valleylands**

A natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**Vulnerable**

Surface and/or ground water that can be easily changed or impacted.

**Waste management system**

Sites and facilities to accommodate waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

**Watershed**

An area that is drained by a river and its tributaries.

### **Watershed planning**

Planning that provides a framework for establishing comprehensive and integrated goals, objectives, and direction for the protection, enhancement, or restoration of water resources, including the quality and quantity of water, within a watershed and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts. Watershed planning evaluates and considers the impacts of a changing climate on water resource systems and is undertaken at many scales. It may inform the identification of water resource systems.

### **Water resource system**

A system consisting of ground water features and areas, surface water features (including shoreline areas), natural heritage features and areas, and hydrologic functions, which are necessary for the ecological and hydrological integrity of the watershed.

### **Wave effects**

The movement of water up onto a shoreline or structure following the breaking of a wave, including wave uprush, wave set up and water overtopping or spray; the limit of wave effects is the point of furthest landward horizontal movement of water onto the shoreline.

### **Wayside pits and quarries**

A temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

### **Wetlands**

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. 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. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

### **Wildland fire assessment and mitigation standards**

The combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Province to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and

property from wildland fire.

### **Wildlife habitat**

Areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

### **Woodlands**

Treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the *Forestry Act* definition or the Province's Ecological Land Classification system definition for "forest."