

Township of McMurrich/Monteith

New Official Plan

DRAFT FOR PUBLIC MEETING

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Prepared by:

Rick Hunter





McMurrich/Monteith

New Official Plan

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Schedule 'B1' – Natural Heritage Features

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Schedule 'C' – Development Constraints

Schedule 'D' – Transportation and Infrastructure

Appendix '1' – Aggregate Resources

Appendix '2' – Wildland Fire

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McMurrich/Monteith

New Official Plan

NOTE: Text in Red is from the current Official Plan.

Text in **Black** is new or modified wording.

Draft September 5, 2019

Section 1 Introduction and Structure of the Plan

1.1 Context

- 1.1.1 The Township of McMurrich/Monteith is in the southeast section of the District of Parry Sound. The Township of McMurrich was incorporated in 1891; the Township of McMurrich/Monteith, as it is currently configured, was incorporated in 1998.
- 1.1.2 The Official Plan is a land use planning document which provides guidance for the physical development of the Township while having regard for social, economic and environmental matters.
- 1.1.3 The Plan sets out goals and implementation policies and schedules within a municipal planning framework and identifies how development applications and municipal initiatives will be reviewed and evaluated.
- 1.1.4 The Plan guides development in the Township over the next 20 years. The Plan will be reviewed at least every ten (10) years to determine the need to change any of the policies of the Plan.
- 1.1.5 The policies of this Plan are implemented by the decisions of Council and the Planning Board, and through the zoning by-law and other regulatory by-laws adopted by Council from time to time.
- 1.1.6 Public works and planning decisions are required to conform to the requirements of the Official Plan.

1.2 Structure of the Plan

- 1.2.1 The following text, Section 1 to 8, and schedules constitute the Official Plan.

1.2.2 Land use designations are the tools that link policies to the development that occurs on the ground. Assigning a designation to an area determines how it may be developed over the planning period by defining certain requirements and prohibitions that implement the Official Plan policies. A full range of policies apply to these designations.

1.2.3 Four land use designations are identified on Schedule 'A':

- Settlement Areas
- Rural
- Shoreline
- Crown Land/Wilderness

1.2.4 In addition, within the Shoreline designation, there are two Special Policy Areas identified on Schedule 'A':

- Axe Lake Eco-development
- Horn Lake Development

1.2.5 Schedules 'B1' and 'B2' provide a natural heritage Features overlay, identifying where a number of significant natural heritage features have been identified including:

- Wetlands
- Areas of Natural and Scientific Interest
- Fish habitat
- Significant Wildlife Habitat
- Provincial Conservation Reserves

1.2.6 Schedule 'C' identifies constraints to development, including assessment areas around waste disposal sites and existing licensed aggregate operations.

1.2.7 Schedule 'D' identifies the existing transportation and trails network in the Township.

1.2.8 Appendix '1' identifies sand and gravel resources and Appendix '2' identifies Wildland Fire

1.2.9 The Plan is to be read in its entirety, and all relevant policies applied as appropriate.

1.3 Basis of the Plan

1.3.1 Population growth patterns in the Municipality are similar to those in other rural and resource rich areas: slow growth in permanent population levels with increasing pressures for seasonal development, especially along the shorelines of the many lakes in the area.

1.3.2 The Township has three settlement areas: Sprucedale, Bear Lake and Whitehall. These areas have been identified based on existing development patterns and are recognized for their historic roles in the development of the Township. Residential and commercial development will continue to be permitted in these areas at a level that is more intense than that permitted in the Rural and Shoreline designations, however, the potential for additional residential and commercial development in these locations is limited (primarily due to servicing constraints).

1.3.3 The Plan recognizes that the Township has a limited employment base that is distributed throughout the Township.

1.3.4 The Township is interested in expanding its planning program to prepare for anticipated development pressures to ensure that its rural character is maintained, while at the same time encouraging growth and diversification of local economic/employment opportunities that are currently based primarily on natural resources and tourism. The intent of this Plan is to provide for a settlement pattern that encourages additional development in the identified settlement areas, focusing primarily on Sprucedale, while recognizing that there are servicing constraints to the potential for development in these areas. Limited low density rural and seasonal residential development will continue to be allowed in the Rural and Shoreline designations.

1.3.5 This Plan reflects the principles of managing change and promoting development to stimulate economic growth, while protecting resources and public health.

1.3.6 According to Statistics Canada, the permanent population of the Township increased from 779 in 2011 to 824 in 2016, a 5.8% increase. It is anticipated that this growth will continue during the time frame of this Plan. In 2016, there were 385 occupied private dwellings (permanent homes), over 97% of which were single detached dwellings. There were an estimated 366 seasonal dwellings in the Township.

1.4 Legislative Authority

1.4.1 The Official Plan is developed under the authority of Section 17 of the *Planning Act*.

1.4.2 All development must be consistent with the Provincial Policy Statement 2014/2019 or any successor documents, as well as within the context of this Plan.

1.4.3 This Plan conforms with the Growth Plan for Northern Ontario.

1.4.4 The Province of Ontario also requires the Township in carrying out its responsibilities under the *Planning Act*, to have regard to provincial interests. The Province has developed resource documents such as land use compatibility, natural heritage, cultural heritage and natural hazards guidelines that will be used as a resource in the review of *Planning Act* applications.

1.4.5 All other provincial statutes that should be consulted regarding land use decisions by Council will be applied, where appropriate.

1.4.6 This Official Plan replaces the McMurrich/Monteith Official Plan, which was adopted August 5, 2003, and approved by the Ministry of Municipal Affairs and Housing on January 15, 2007, and has been in effect since February 6, 2007.

Section 2 Managing Change

2.1 Goals

2.1.1 The goals of the Plan are inter-related statements of the Township's long term vision, and provide a foundation for the more detailed land use policies contained in this Plan. The goals are:

- 2.1.1.1 to maintain and enhance the existing features of the rural community, which include a mix of natural resource uses and low density, randomly located dwellings in a predominantly rustic setting;
- 2.1.1.2 to provide adequate housing for current and future, permanent and seasonal, populations;
- 2.1.1.3 to promote an orderly and sustainable pattern of development;
- 2.1.1.4 to preserve and protect important water resources, natural features and sensitive areas from incompatible land uses and activities;
- 2.1.1.5 to recognize constraints to development and direct development away from features such as low lying areas that are subject to flooding, areas of significant wildlife habitat areas of archaeological significance, and mineral resources;
- 2.1.1.6 to provide a level of municipal services and infrastructure consistent with the basic needs and financial resources of the Township and its aging population; and,
- 2.1.1.7 to encourage growth and diversification of the economic base of the Township to increase employment opportunities, and to increase land values and the tax base.

2.2 Objectives

2.2.1 Population and Household Growth

- 2.2.1.1 The permanent population in the Township of McMurrich/Monteith will continue to grow slowly and be distributed between the Settlement Area of Sprucedale and the Rural and Shoreline designations.

2.2.1.2 Household growth will primarily be a result of an increase in the seasonal population.

2.2.1.3 The Township will accommodate the expected population and household growth while maintaining the rural character of the area.

2.2.2 Economy

2.2.2.1 Growth and diversification of the local economy is desirable.

2.2.2.2 Existing tourism and tourism-related businesses, as well as other complementary and non-intrusive commercial and industrial ventures are encouraged to expand.

2.2.2.3 New tourist commercial activities will be directed to appropriate locations in the Shoreline area.

2.2.2.4 Land extensive commercial, recreational and industrial uses will be directed to appropriate sites in the Rural designation.

2.2.2.5 The number and variety of home based businesses will be increased.

2.2.3 Housing

2.2.3.1 Single detached residential housing will remain the dominant housing type.

2.2.3.2 Existing residential development may be augmented by second residential units appropriate to house seniors and young families in Rural and Settlement Areas.

2.2.4 Community Services

2.2.4.1 Services will be provided at a level that is appropriate to the needs and rural nature of the Township, and consistent with the Township's financial resources. Joint use agreements, with other municipalities and with the private sector, may be used to secure a variety of services.

2.2.5 Infrastructure

2.2.5.1 Significant expansion of municipal infrastructure is not anticipated.

- 2.2.5.2 All development shall have private on-site water and sewage disposal systems. Confirmation that a suitable water supply exists and that an adequate sewage disposal system may be or has been installed is required.
- 2.2.5.3 Municipal or communal water or sewer services will not be developed.
- 2.2.5.4 The improvement of infrastructure (roads, parks, and other facilities) to better service the existing population is encouraged.
- 2.2.5.5 Improved public access to Township water resources is encouraged and will be considered as part of the review of development applications.

2.2.6 Natural Environment

- 2.2.6.1 Protection and enhancement of the natural environment are important considerations in making land use decisions.
- 2.2.6.2 Development will be directed away from significant natural heritage features and natural and man-made hazards including but not limited to flood plains, unstable slopes, aggregate resources, significant portions of the habitat of threatened and endangered species, fish habitat, provincially significant wetlands, significant wildlife habitat, Areas of Natural and Scientific Interest and abandoned mine sites.
- 2.2.6.3 Significant natural heritage features and functions within the Township will be protected.

2.3 Growth Management

- 2.3.1 The Township's existing development pattern consists of: three identified settlement areas; open space and low density residential development along the shoreline of its lakes, interspersed with some commercial development; a rural area of agricultural uses, limited low density residential development, resource related uses, and limited commercial and industrial uses; and large wilderness area consisting of Crown land. The continuation of this development pattern is envisioned and promoted.

- 2.3.2 Sprucedale is a Settlement Area that will continue to be a focus for community activities. The predominant use of land is residential, but commercial, community facilities, recreational, open space and industrial uses may be developed and expanded. Development is based on the provision of private, individual water and sewage disposal services.
- 2.3.3 The establishment and expansion of community hubs where access to community services such as health, social, recreational and other resources are centralized, are encouraged throughout the Township with a particular focus on Sprucedale.
- 2.3.4 Due to servicing constraints, significant residential and commercial development is not anticipated within any of the Settlement Areas. Intensification and redevelopment within the Settlement Areas is encouraged, subject to the provision of satisfactory private, individual water and sewage disposal services and Water Quality policies.
- 2.3.5 Properties located on the shores of rivers, lakes and streams shall be used for resource-based recreational uses such as low intensity tourism or tourism related in nature, water-based commercial uses such as marinas and recreational dwellings.
- 2.3.6 Development in the rural areas of the Township shall be oriented primarily for resource related uses and limited residential development. Development shall be located on publicly owned, year-round maintained roads, and will be permitted in a low density, dispersed pattern. Rural Areas are designated giving priority to resource-based development such as mining, forestry and agriculture and to give secondary consideration to rural residential and recreational land uses. The Plan is to foster compatibility between competing rural land uses. However, those uses such as resource-based developments will have prioritized consideration.

2.4 Climate Change

- 2.4.1 Climate change can be defined as the long-term change in average weather conditions, including temperature, wind patterns and precipitation. This change needs to be taken into consideration in planning for development to ensure the Township remains resilient to the impacts of climate change from health, social, economic and environmental perspectives.

2.4.2 The Township supports development and management practices that address climate change mitigation and adaptation. Development considerations include but are not limited to:

- i) the reduction of greenhouse emissions;
- ii) the improvement of air, water and soil quality;
- iii) promotion of compact development form, in appropriate situations;
- iv) the promotion of green infrastructure; and
- v) the promotion of design and orientation which:
 - a. maximizes energy efficiency and conservation;
 - b. considers the mitigating effects of vegetation; and
 - c. maximizes opportunities for the use of renewable energy systems and alternative energy systems.

2.4.3 The Township supports public education, awareness and engagement activities that identify climate change and its local impacts and will undertake appropriate action.

2.4.4 The Township will continue to plan for infrastructure that will accommodate climate changes including, but not limited to, more severe storm events, flooding, drought, and wider temperature fluctuations.

Section 3 Land Use Designations

3.1 Settlement Areas

3.1.1 Identification

3.1.1.1 Settlement Areas have been designated based on historic development and include Sprucedale, Bear Lake, and Whitehall. These areas have developed predominantly for residential purposes, with some commercial, institutional and other community uses. Due to servicing constraints, limited development is anticipated in these areas; they have been identified as nodes of existing development and are recognized for their historic significance and as areas with the potential for smaller lot sizes than required elsewhere in the Township.

3.1.2 Principles

3.1.2.1 The maintenance of the residential character and promotion of an efficient residential development pattern are basic principles for the Settlement Areas.

3.1.2.2 Community oriented institutional, commercial and retail establishments, which complement the residential character of the areas, will also be encouraged to locate within the Settlement Areas.

3.1.2.3 The development of an efficient residential pattern is encouraged through residential intensification and infilling, based on private individual sewer and water services.

3.1.2.4 Regardless of a property's identification in a Settlement Area, the Shoreline policies of this Plan shall apply to any lot with frontage on a shoreline located within an identified Settlement Area.

3.1.3 Permitted Uses

3.1.3.1 Permitted uses will be identified in the zoning by-law, and will generally be limited to:

- i) a single detached dwelling;
- ii) a semi-detached or duplex dwelling;

- iii) an apartment dwelling;
- iv) small scale commercial businesses including home occupations, home industries, and bed and breakfast establishments;
- v) community institutional, commercial and retail establishments;
- vi) tourist commercial and retail establishments;
- vii) recreational uses; and,
- viii) any use in connection with government utilities or departments.

3.1.3.2 Certain other uses may be appropriate on land in the Settlement Area designations, however, their potential for off-site impacts cannot be determined in advance and should be reviewed on a site-by-site basis. Uses such as four-plex dwellings, garden suites, institutional developments or small scale industrial operations will be allowed by site specific zoning amendment but will not require an amendment to this Plan so long as municipal water and sewer services would not be required and the general intent of the Plan is maintained.

3.1.4 Development Policies

3.1.4.1 Settlement Area boundaries, as shown on Schedule 'A', are based on natural and man-made features and shall be considered general in nature. If a development proposal is submitted which is largely within the boundaries of the Settlement Area, the boundaries shall be interpreted to include the whole of the development without requiring an amendment to this Plan.

3.1.4.2 Settlement Area lots should be of sufficient dimension and size to accommodate the use proposed, related structures, and on-site water and sewage disposal systems.

3.1.4.3 The minimum lot area shall be 0.2 hectare (0.5 acre) with a minimum frontage of 30 metres (100 feet) for the creation of new residential lots; minimum standards for commercial uses will be established in the Zoning By-law.

3.1.4.4 Growth should be encouraged in depth, rather than in linear strips along existing roads.

- 3.1.4.5 Consents may be permitted within a Settlement Area provided the proposed development intensifies or expands existing development and the lot is suitable for the use proposed. Where a consent is proposed in an area which has not previously been developed, it shall promote the orderly development of the area; a plan indicating potential future development patterns for the area may be requested.
- 3.1.4.6 Duplex dwellings, semi-detached dwellings and apartment dwellings that can be serviced with private on-site water and sewage disposal systems will be permitted in the Settlement Areas, provided servicing approval has been obtained from the appropriate authority(s). A Servicing Options Statement and/or hydrogeological study will be required prior to the development of 5 or more lots or dwelling units.
- 3.1.4.7 Commercial development includes uses which are economically dependent on or associated with vehicular traffic, uses that cater to the rural and/or local economy, and uses that cater to the tourist industry. Commercial uses should be encouraged to locate in the Settlement Areas in compact nodes, at major road intersections, and grouped in such a manner that the surrounding rural landscape and scenic views are retained. An adequate buffer shall be provided where a commercial use(s) abuts a residential use(s), to protect the amenities of the residential use. Access to commercial properties should be restricted in number and limited to safe locations; adequate off-street parking shall be provided.
- 3.1.4.8 Development of a scale which would require additional municipal services or change the character of the Settlement Area will require an amendment to this Plan.
- 3.1.4.9 The installation of a municipal water supply and sewer system will not be considered for the life of this Plan and will only be considered in a Settlement Area for reasons of public health and safety and when the density of development is sufficient to economically permit the construction of such systems.

3.2 Shoreline

3.2.1 Identification

3.2.1.1 Lands that abut and extend approximately 150 metres (500 feet) inland from recreational waterbodies, and all islands, are designated Shoreline, generally as shown on Schedule 'A'.

3.2.2 Principles

3.2.2.1 The development of Shoreline property for residential, tourist commercial, and public open space uses is permitted.

3.2.2.2 Development is permitted in locations where demands on public services will be minimized, and where development will most effectively use or help pay for existing services. No development will be approved on lakes rated at development capacity.

3.2.3 Permitted Uses

3.2.3.1 Permitted uses include:

- i) a single detached dwelling;
- ii) waterfront landings;
- iii) commercial facilities for tourists that include accommodations, recreational facilities, marinas;
- iv) institutional uses; and,
- v) open space and conservation uses.

3.2.3.2 Accessory uses such as home occupations and bed and breakfast establishments, may be permitted in conjunction with permitted principal uses, provided they are located on a year-round municipally maintained road.

3.2.3.3 Non-residential uses will be located in separate zones in the Zoning By-law. Other uses, including home industry, commercial or industrial developments, will require an amendment to this Plan.

3.2.4 Development Policies

- 3.2.4.1 Shoreline lots should be of sufficient dimension and size to accommodate the use proposed, related structures, and on-site water and sewage disposal systems. All surface water supplies used for domestic drinking purposes should be filtered and treated to Provincial standards.
- 3.2.4.2 The minimum lot area shall be .4 hectares (1 acre) with a minimum water frontage of 60 metres (200 feet) for the creation of new residential lots; minimum standards for commercial uses will be established in the Zoning By-law.
- 3.2.4.3 Buildings and structures shall be located a minimum of 20 metres (66 feet) from the normal or controlled high water mark of a waterbody, except:
- i) minor accessory buildings or structures and marine related facilities, which shall be located as detailed in a Zoning By-law;
 - ii) septic tile beds, which shall be located a minimum of 30 metres (100 feet) from the high-water mark of a waterbody; and,
 - iii) where terrain constraints and property dimensions make such setbacks unfeasible and where a lesser setback will be in keeping with the general intent of the Plan.
- 3.2.4.4 The restoration, preservation and protection of the natural shoreline is encouraged. Tree cover and vegetation should be retained wherever possible, to maintain the visual and environmental integrity of the Shoreline. Where development is proposed, a natural undisturbed buffer is recommended at the water's edge to:
- i) a minimum distance inland of 7.5 metres (25 feet) from the shoreline; and,
 - ii) a minimum coverage of three-quarters of the water frontage.
- 3.2.4.5 Construction mitigation measures and stormwater management techniques may be required to minimize impacts on water quality.

- 3.2.4.6 The height of any structure should be appropriate to its setting and terrain, including slope, tree cover, setbacks, and architecture, and generally shall not exceed the height of the tree canopy.
- 3.2.4.7 Subdued exterior lighting is encouraged so as not to interfere with the privacy and night vision of those using the waterways, and the habitat of nocturnal animals.
- 3.2.4.8 Commercial development in Shoreline areas shall generally take one of the following forms:
- i) tourism development consisting of those commercial uses which provide lodging, accommodation, and recreational facilities for the vacationing public;
 - ii) marina development, as regulated under the Environmental Protection Act, consisting of facilities located on a waterway which provides services such as docking, storage for boats and boat accessories, services, and repairs, and may include accessory uses that are complementary to the primary marina use (including snowmobile sales and service facilities); and,
 - iii) institutional uses consisting of lodging and accommodation facilities for members or clients.
- 3.2.4.9 Limited expansion, enlargement, or redevelopment of existing commercial establishments may be permitted.
- 3.2.4.10 New tourism related commercial development may be allowed by a site-specific Zoning amendment but will not require an Official Plan amendment so long as the general intent of the Plan is maintained. Tourist commercial establishments consist of a full range of commercial facilities operated by a central management to provide lodging, accommodation, recreation facilities and/or related services for the traveling public.
- 3.2.4.11 The following guidelines will be used in the evaluation of tourism related commercial proposals:
- i) the property is large enough to accommodate the proposal;

- ii) the proposal blends in with the existing waterfront setting and terrain, taking into account slope, vegetative cover, aesthetics, compatibility, and access;
- iii) on-site water and sewage disposal systems have the capacity to properly service the proposal; and,
- iv) access routes shall be able to accommodate the additional traffic that will be generated.

3.2.4.12 Integrated on-site recreation facilities shall be a component of any resort commercial development. Public use of resort facilities, particularly recreational and docking facilities, is encouraged. Joint use agreements may be considered as part of any commercial development or redevelopment proposal.

3.2.4.13 A boathouse will be permitted as an accessory structure within the Shoreline areas of the Township. The use of a boathouse for residential purposes is prohibited. These structures must comply with the policies and regulations of the Township, the Department of Fisheries and Oceans and the Ministry of Natural Resources and Forestry. Specific regulations for boathouse structures will be established in the Township's Zoning By-law.

3.2.5 Additional provisions for Islands

3.2.5.1 All islands are part of the Shoreline designation, and new lots on islands will be required have a minimum lot area of 1 hectare.

3.2.5.2 No development will be permitted on islands less than 0.8 hectares (2.0 acres) in size unless:

- i) the island is greater than 0.4 hectare (1.0 acre) in area;
- ii) it can be demonstrated that the shape, size, soil and tree cover, and surrounding environmental characteristics make it suitable for the proposed development;
- iii) it can be demonstrated that the property can accommodate a private on-site sewage disposal system;
- iv) the visual impact of the development can be minimized; and,

3.2.5.3 Waste disposal facilities, mainland parking and docking facilities are required to the satisfaction of Council.

3.2.6 Additional provisions for Waterfront Landings

3.2.6.1 Waterfront landings are privately owned parcels of land that provide alternative long-term access for water access properties. They are not intended for use as large storage facilities, marina(s), or commercial use(s). New waterfront landings shall remain small in scale and shall provide:

- i) parking facilities that are accessory to the principal water access use;
- ii) sufficient docking facilities to service associated water access property(s); and,
- iii) natural buffering of parking facilities from adjacent uses and from the water.

3.2.6.2 Other Waterfront Landings criteria will be provided in the Zoning By-law.

3.2.7 Special Policy for Axe Lake Eco-Development

3.2.7.1 The lands subject to the provisions of this section are identified on Schedule 'A', and are described as Part of Lots 1, 2 & 3, Concessions 1 & 2, Monteith.

3.2.7.2 These provisions establish site specific regulations to permit the development of the property for a maximum of twenty residential lots, as well as a minimum of four blocks held in common element condominium for open space, natural buffer, dock access and private road purposes.

3.2.7.3 The Axe Lake Eco-Development represents a form of development that protects the significant natural features of Axe Lake and its shoreline.

3.2.7.4 The development of the property shall be in accordance with the decision of the Ontario Municipal Board dated April 19, 2013, under Board File PL110735.

- 3.2.7.5 Minor adjustments to the draft plan subdivision and draft plan of common elements condominium may be considered where the intent of the OMB decision and the applicable provisions of this Plan are maintained.
- 3.2.7.6 Access to the lands and the individual lots will be from a private common element condominium road, maintained to the standards outlined in the subdivision/condominium agreement. The Township is not responsible for maintenance of any access roads into the property.
- 3.2.7.7 The Township, at its sole discretion, may permit the upgrading of a roadway on the municipal road allowance between Lots 3 and 4, between Axe Lake Road and the entrance to the condominium access road, and may require the maintenance of such roadway to be the responsibility of the condominium corporation, as outlined in the subdivision/condominium agreement.
- 3.2.7.8 A subdivision/condominium agreement shall be entered into with the Township to ensure the installation of public and on-site services, drainage, the conservation of natural heritage features and other matters.

3.2.8 Special Policy for Horn Lake Development

- 3.2.8.1 The lands subject to the provisions of this section are identified on Schedule 'A' and are described as Part of Lots 16 to 19, Concession 4, Monteith.
- 3.2.8.2 These provisions establish site specific regulations to permit the development of the property for a maximum of 52 shoreline residential vacant land condominium units, a common element road, natural open space and water access points.
- 3.2.8.3 The development of the property shall be in accordance with the decision of the Southeast Parry Sound District Planning Board dated November 17, 2014, under Board File S-03/14.
- 3.2.8.4 Adjustments to the draft plan of condominium may be considered where the intent of this Plan is maintained.

- 3.2.8.5 Access to the individual residential condominium units and other common lands will be from a private common element condominium access road, maintained to the standards outlined in the condominium agreement. The Township is not responsible for maintenance of any access roads into the property.
- 3.2.8.6 The Township, at its sole discretion, may permit the construction and/or upgrading of a roadway on the municipal road allowance between Lots 15 and 16, Concessions 3 and 4, Monteith and where the roadway connects to Axe Lake Road and may require the maintenance of such roadway to be the responsibility of the condominium corporation, as outlined in the condominium agreement. Alternatively, the applicants shall be responsible for the construction of a public road, to the standards of the Township.
- 3.2.8.7 The applicants shall be responsible for the upgrading of any municipal roads and any stream crossings or bridges along Axe Lake Road, west of the intersection with West Bear Lake Road to provide year round municipal maintenance.
- 3.2.8.8 Prior to final approval of the draft plan of condominium, the following reports shall be submitted and approved by the Township:
- Stage 2 Archaeological Assessment;
 - Storm water management plan including lot grading and drainage plans;
 - A Financial impact assessment which demonstrates that services and municipal infrastructure are adequate or can be provided in a financially sustainable manner;
 - Hydrogeological report;
 - Final Lakeshore Capacity Assessment;
- 3.2.8.9 Public access to the shoreline of Horn Lake from the road allowance between Lots 15 and 16, Monteith shall be provided.
- 3.2.8.10 Development will be subject to site plan control.
- 3.2.8.11 A condominium agreement shall be entered into with the Township and shall contain all requirements, financial and otherwise for the

installation of public and on-site service, drainage, the conservation of natural heritage features, road access, mitigation measures from the Environmental Site Assessment report and other matters.

3.3 Rural

3.3.1 Identification

3.3.1.1 The Rural designation applies to most of the land in the Township and generally includes all lands that are not designated Shoreline, Settlement Area or Crown Land/Wilderness.

3.3.2 Principles

3.3.2.1 The preservation and promotion of the rural character of the Township and the maintenance of the open countryside are basic principles applicable to all development in the Rural designation.

3.3.2.2 To reinforce the impression of an open and natural landscape, the development pattern will continue to be characterized by large wide lots with varying setbacks.

3.3.2.3 The dominant consideration in addressing Rural development proposals will be the impact on the rural character of the Township. Preservation of the open, natural appearance of the countryside will be a priority.

3.3.3 Permitted Uses

3.3.3.1 Permitted uses include:

- i) a single detached dwelling;
- ii) a semi-detached or duplex dwelling;
- iii) a hunt camp;
- iv) accessory businesses including home occupations, home industries, and bed and breakfast establishments;
- v) agricultural uses and agriculture-related and secondary agriculture uses including uses that produce value added agricultural products from the farm operation on the property;
- vi) forestry uses;

- vii) existing extractive operations;
- viii) uses in connection with government utilities or departments; and,
- ix) resource management uses.

3.3.3.2 Certain other uses may be appropriate on land in the Rural designation, however, their potential for off-site impacts cannot be determined in advance and should be reviewed on a site-by-site basis. Uses such as commercial and industrial ventures, country estate subdivisions, garden suites, institutional developments, major recreation uses, multiple unit dwellings or resource based operations including peat harvesting, may be allowed by site specific zoning amendment but will not require an amendment to this Plan so long as the general intent of the Plan is maintained.

3.3.3.3 Examples of commercial and industrial ventures that may be appropriate in the Rural area include restaurants, retail stores and accommodation facilities so long as Council can be satisfied that:

- i) the proposed use is compatible with the character of the area;
- ii) adequate water, sewer, parking, loading facilities and landscaping can be provided on-site and applicable approvals can be obtained;
- iii) the use shall not have a negative impact on the enjoyment and privacy of neighbouring properties; and
- iv) the proposed use is accessed by a publicly maintained year round road that can accommodate the additional traffic generated by the proposed development.

3.3.4 Development Policies

3.3.4.1 Lot areas and frontages will be sufficient to retain the traditional development pattern and character of the area in which the development is proposed. In this regard, the following provisions apply:

- i) lot frontages will not be less than 60 metres (200 feet) on a year-round maintained municipal road, nor lot areas less than 1.0 hectare (2.5 acres); and,

- ii) a variety of larger lot areas and frontages will be encouraged in any development proposal to enhance the rural character of the Township.

3.3.4.2 Variable setbacks, rights-of-way, larger or smaller frontages, and/or limits to building heights or building envelopes, may be implemented through the Zoning By-law, in order to further the rural design principles of this Plan.

3.3.4.3 In general, applications for new lot creation will be subject to the following criteria:

- i) a maximum of 4 lots (including severed and retained parcels) may be created per original 40 hectare (100 acre) parcel in existence when the original Official Plan came into effect (February 7, 2007), provided that the average lot area is 10 hectares (25 acres), the average lot frontage is 100 metres (330 feet) and the minimum lot area is not less than 1.0 hectares (2.5 acres);
- ii) on parcels of land in existence when the original Official Plan came into effect (February 7, 2007) that are smaller than 40 hectare (100 acres), the maximum number of lots created shall be determined on the basis of an average lot area of 10 hectares (25 acres) and an average lot frontage of 100 metres (330 feet);
- iii) lots may be considered on smaller parcels of land in existence when the original Official Plan came into effect (February 7, 2007) provided the lot frontage is not less than the average frontage of lots on the same side of the road as the proposal; and,
- iv) any lot in existence when the original Official Plan came into effect (February 7, 2007) and that fronts on a year round municipally maintained road may be divided into a maximum of two lots, so long as minimum frontages and areas in Section 3.3.4.1 can be met.

3.3.4.4 Lot creation should incorporate the following design considerations:

- i) the lots will maintain the character of the area in which they are being developed;
- ii) the physical features of the property will be maintained and major earth moving projects will be discouraged;

- iii) if the property subject to a consent application is located partially or completely within a Natural Feature area shown on Schedule 'B1' or 'B2', or in another natural feature discussed in Section 5, specific measures may be required to protect the natural feature(s) on, or in the vicinity of, the site;
- iv) the lots shall have sufficient area to accommodate an on-site sewage disposal system and a potable water supply;
- v) entrances shall not create a traffic hazard; and,
- vi) the appearance of a continuous row of residential development will be discouraged.

3.3.4.5 All farm and non-farm development will comply with the Minimum Distance Separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development.

3.3.4.6 When residential development is proposed, Zoning amendment, subdivision, consent, and site plan control processes may be used to ensure that the proposed development is in keeping with the rural character of the area.

3.3.4.7 Accessory home businesses are expected to occur either as home occupations or as home industries as defined in the Zoning By-law. Such uses may be recognized where they would be at a scale consistent with existing uses, and where there would be no nuisance effects on surrounding properties, no significant environmental impacts, and no significant increase in traffic. Site plan control may be used in cases where a home business is recognized by Council.

3.3.4.8 Existing extractive operations include known public or private pits or quarries where extraction or harvesting has occurred in the last ten (10) years.

3.3.4.9 New aggregate operations and expansion of existing operations will require site plan control and a rehabilitation program, and will not be permitted without confirmation that environmentally sensitive or Shoreline designation areas will not be negatively impacted. All development will comply with Ministry of environment D Series Guidelines.

- 3.3.4.9.1 Sand and gravel are recognized as important resources in the Township and should be protected from encroachment of incompatible uses. Secondary and Tertiary sand and gravel deposits in the Township are shown on Appendix '1'. The Zoning By-law will identify and zone all existing pits and quarries for protection, however, it is difficult to identify all locations that may include deposits of mineral aggregates.
- 3.3.4.9.2 New incompatible land uses and activities adjacent to existing pits and quarries is discouraged. Extractive operations are generally considered comparable to Class III industrial facilities and therefore sensitive land uses should be situated according to Ministry of the Environment's D Series Guidelines on Land Use Compatibility, particularly D-6 – Compatibility between Industrial Facilities and Sensitive Land Uses.
- 3.3.4.9.3 Studies may be required to establish a new sensitive land use within the potential influence area of an existing industrial facility or a new industrial use whose potential influence area will impact an existing sensitive land use.
- 3.3.4.9.4 When considering applications for development, regard shall be had for the protection of land for future extraction of mineral aggregate resources, particularly in the areas identified on Appendix '2'.
- 3.3.4.9.5 New or expanded pits and quarries will not require an amendment to this Plan, however, will require an amendment to the Zoning By-law and will require an Environmental Impact Assessment to be completed by the applicant to the satisfaction of the Township and site plan agreements are entered into with the Township.
- 3.3.4.9.6 A building or structure which is used on a temporary basis as a hunt camp for hunting, trapping, fishing or other recreational activities, may be permitted within the Rural designation. A hunt camp shall not be required to front on a public road and may be serviced by any type of sewage disposal system approvable under the *Building Code Act*.

3.3.4.9.7 Prior to considering amending the Zoning By-law for a major recreation use, such as a golf course, Council shall be satisfied that:

- i) the development can be designed and sited to blend in with the rural character of the area and adequately buffered from adjacent residential development;
- ii) appropriate guarantees are in place to ensure that the impacts of private on-site water and sewage disposal systems on surrounding properties are monitored and that sufficient financial securities are available to correct negative on-site and off-site impacts on the quality or quantity of the groundwater, surface waters, fish and wildlife habitat, and other natural heritage and/or environmental values; and,
- iii) the proposed use is accessed by a publicly maintained year round road that can accommodate the additional traffic generated by the proposed development.

3.4 Crown Land/Wilderness

3.4.1 This designation applies to all lands in the Township that are owned by the Crown.

3.4.2 It is recognized that the policies of this Plan are not binding on undertakings carried out on Crown Lands by the Crown or its agents. Council will encourage senior levels of government to comply with the policies of this Plan wherever possible. While regulation of Crown lands is outside the jurisdiction of the municipality, the provisions of this Plan are intended to facilitate the utilization of fish, wildlife, minerals and vegetation for economic purposes while ensuring that the quality of the natural environment is maintained, and to facilitate the orderly development and conservation of land and water resources.

3.4.3 The Township supports the development of Crown land for Provincial Parks and Conservation Reserves, to increase the wilderness recreational opportunities available to the residents and visitors of the Township. Other uses and activities supported on Crown managed land include forestry, mining, mineral aggregate extraction, fish and wildlife management, Provincial and Candidate Parks management, management of areas of natural and scientific interest, outdoor recreation and general management of Crown land and water resources.

- 3.4.4 In the event that the disposition of Crown owned land to private ownership occurs, such lands shall be deemed to be in the Rural designation, unless such lands are located within the boundaries of a Rural Settlement Area in which case the lands will be designation Rural Settlement Area, or are located within 150 metres of an accessible shoreline of a waterbody, in which case the lands will be designated Waterfront. An amendment to the Official Plan for such purposes shall not be required.
- 3.4.5 Private activities on Crown Lands are subject to the provisions of this Plan and are subject to the specific policies of Section 3.3 (Rural).
- 3.4.6 Where the Province acquires new Crown lands, which will be placed in the Wilderness designation.
- 3.4.7 The objectives and policies of the Plan for these areas are based on the land-use direction of the Ministry of Natural Resources and Forestry as described in the Crown Land Use Atlas for Ontario.
- 3.4.8 The provision of outdoor recreation opportunities and the development of resources for the social and economic benefit of residents and visitors shall be encouraged on lands designated as “Wilderness”.

Section 4 Natural Features and Constraints

4.1 General

- 4.1.1 Effective management of natural resources and protection of the natural environment are important to the future of the Township. The Township will exercise strong management in this regard, while recognizing there are several other public and private agencies that also have a mandate to concentrate on certain natural features.
- 4.1.2 For the purposes of this Section, development shall mean 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:
- Activities that create or maintain infrastructure authorized under an Environmental Assessment process; or
 - Works subject to the Drainage Act; or
 - Works related to conservation purposes
- 4.1.3 Significant natural features are identified on Schedules 'B1' and 'B2'. Hazards and constraints are identified on Schedule 'C'.
- 4.1.4 Development and site alteration will be directed away from areas that may contain significant natural features, environmental constraints and/or other hazards. It is not intended that all areas identified would necessarily be excluded from development, rather that the protection and enhancement of natural features and public safety be primary considerations for any development proposal on or near these lands.
- 4.1.5 Development on land identified as containing a Natural Feature(s) will be accomplished in such a way as to protect the environment while preventing hazardous conditions from developing.
- 4.1.6 In cases where the impact of a development proposal cannot be sufficiently mitigated, uses may be limited to conservation and hazard protection.
- 4.1.7 It is intended that site plan control, subdivision agreement, Zoning, and other By-laws will establish further requirements for development in areas containing Natural Features.

4.2 Significant Natural Heritage Features

4.2.1 Identification of Significant Natural Heritage Features

4.2.1.1 Schedules 'B1' and 'B2' provide a Natural Heritage Features overlay, identifying where a number of significant natural heritage features have been identified and include:

- Wetlands: this includes provincially significant wetlands that have been identified by the Ministry of Natural Resources and Forestry and other potentially significant wetlands;
- Areas of Natural and Scientific Interest: this includes areas identified by the Ministry of Natural Resources and Forestry;
- Fish Habitat: this includes cold water fisheries lakes and areas identified by the Ministry of Natural Resources and Forestry as Type 1 Fish Habitat
- Significant Wildlife Habitat: includes areas identified by the Ministry of Natural Resources and Forestry as Stratum 2 Deer Wintering Habitat and Moose Aquatic Areas.

4.2.1.2 The identification of Natural Heritage Features on Schedules 'B1' and 'B2' may be further refined or modified without formal amendment of the Plan as additional information becomes available, upon site inspection of individual properties or through supporting documentation.

4.2.1.3 Policies are also included in this Section with respect to the habitat of endangered and threatened species as identified by the Ministry of Natural Resources and Forestry. Due to the sensitive nature of these habitat areas, they are not included on Schedules 'B1' or 'B2'. A list of endangered and threatened species within the Township will be maintained within the Municipal Natural Heritage Register, and the Ministry of Natural Resources and Forestry is to be contacted with respect to the presence of such known habitat on a property.

4.2.1.4 Adjacent lands contiguous to significant natural heritage features are lands within the following distances from the features:

- Provincially Significant Wetlands and Other Potentially Significant Wetlands – 120 metres (394 feet)
- Areas of Natural and Scientific Interest (life science) – 120 metres (394 feet)
- Areas of Natural and Scientific Interest (earth science) – 50 metres (164 feet)
- Fish Habitat – 120 metres (394 feet)
- Significant Wildlife Habitat – 120 metres (394 feet)

4.2.1.5 For the purposes of a specific development application, the adjacent lands contiguous to a specific feature may be varied from these standards, where documented and justified to Council’s satisfaction.

4.2.2 Wetlands

4.2.2.1 Wetlands are environmentally sensitive areas which require special protection because of their role in the ecosystem. Wetlands are defined as 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.

4.2.2.2 Periodically soaked or wet lands being used for agricultural purposes are not considered to be wetlands for the purposes of this definition.

4.2.2.3 Very few of the wetlands in the Township have been evaluated by the Ministry of Natural Resources and Forestry. Many of these unevaluated wetlands may be locally, regionally or provincially significant. These features on the landscape have the likelihood to support habitat of endangered and threatened species and should be adequately considered in accordance with provincial and federal requirements.

4.2.2.4 The Province has identified three Provincially Significant Wetlands, which may also be part of ANSI’s or Conservation Reserves. (Axe Lake Wetland, Doe Lake Marsh and Bear Lake Peatlands).

- 4.2.2.5 Within Provincially Significant Wetlands, development and site alteration shall not be permitted.
- 4.2.2.6 Prior to development or site alteration occurring on adjacent lands to a Provincially Significant Wetland, a satisfactory Environmental Impact Study (EIS), in accordance with the policies of this Plan, shall be undertaken to demonstrate that there will be no negative impacts on the natural features or ecological functions of the wetland.
- 4.2.2.7 Where development is proposed within an unevaluated wetland identified on Schedule 'B1', screening of the development will be undertaken as follows:
- Where a development proposal will extend into the identified wetland area, the applicant will undertake a site assessment to accurately delineate the wetland boundaries. If the development is determined to occur within the wetland, then the applicant will undertake an Environmental Impact Study (EIS) in accordance with the policies of this Plan to demonstrate that there will be no negative impacts to the wetland feature or its ecological function.
 - Where a development proposal is located within the adjacent lands to an unevaluated wetland, the applicant will undertake a scoped Environmental Impact Study (EIS) demonstrating that there will be no negative impacts to the wetland feature or its ecological function.
- 4.2.2.8 Although wetland areas in the Township requiring Environmental Protection have been delineated, existing wetland information is general in nature and has been presented on a large scale. Thus, development may be permitted in limited circumstances if the development proposal can be supported by evidence that the wetland area is not as extensive as current information suggests. Each development proposal must demonstrate, to the satisfaction of Council, that:
- i) the vegetation type and cover indicate that the property is not seasonally or permanently under water nor does it have a water table close to or at the surface;

- ii) the elevation of the development site varies significantly from the surrounding property;
- iii) the soil is stable;
- iv) the area being considered for development does not contain any slopes over 20%; and
- v) the nature and scale of the proposed development will not have a negative impact on existing drainage patterns, nor on fish and wildlife that may be present.

4.2.2.9 The impact of peat harvesting on the environment shall be evaluated prior to harvesting being permitted, and the harvesting of peat deposits shall be controlled. The harvesting of peat is prohibited in wetlands identified as Provincially Significant.

4.2.3 Areas of Natural and Scientific Interest (ANSI)

4.2.3.1 There is one Life Sciences ANSI in the Township (Axe Lake Wetland), which is also identified as a candidate Earth Sciences ANSI. In addition, there are three candidate Life Sciences ANSI's (Sprucedale Bog, Bear Lake Peatlands, Doe Lake Marsh).

4.2.3.2 Uses permitted in an ANSI are limited to:

- i) conservation uses; and,
- ii) sustainable forestry uses.

4.2.3.3 The area in and around Axe Lake as an area of Provincial significance is required.

4.2.3.4 Development shall be managed in order to protect the natural features of the area.

4.2.3.5 Development and site alterations may be permitted in or on adjacent lands to the Axe Lake ANSI if it has been demonstrated through appropriate studies that there will be no negative impacts on the natural features or ecological functions for which the area is identified.

4.2.3.6 The creation of any new lot in an ANSI shall not be permitted.

4.2.4 Fish Habitat

4.2.4.1 Fish habitat is recognized as a valuable resource in the Township from recreation, economic, environmental and aesthetic perspectives.

4.2.4.2 Proposals for the development of lands in or adjacent to fish habitat may require an impact assessment that will consider the effect that the proposal will have on fish habitat, and methods by which negative impacts on the habitat can be eliminated or minimized. Council shall discourage development where it cannot be demonstrated that the anticipated negative environmental impacts can be eliminated or sufficiently minimized.

4.2.4.3 Schedule 'B2' identifies known Type 1 Fish Habitat.

4.2.4.4 The Ministry of Natural Resources and Forestry has identified the following lakes as being Cold water lake trout lakes, with naturally reproducing lake trout populations.

- Buck Lake
- Doe Lake
- Rainy Lake
- Round Lake

4.2.4.5 Council shall consult with the Ministry of the Environment and Climate Change and the Ministry of Natural Resources and Forestry as part of the development approval process for development applications on lakes listed in Section 4.2.4.4 to determine the appropriateness of the development proposed, and the need for the proponent to undertake an Environmental Impact Study.

4.2.5 Habitat of Endangered and Threatened Species

4.2.5.1 Council recognizes the importance and value of the endangered and threatened species in the Township and supports their protection

4.2.5.2 The habitat of several threatened and endangered species is found in the Township. Due to the sensitive nature of this habitat, their location remains confidential and the Ministry of Natural Resources and Forestry are to be contacted to confirm their presence on specific properties. A

list of endangered and threatened species, as provided by the Ministry of Natural Resources and Forestry, is contained within the Township's Municipal Natural Heritage Register.

- 4.2.5.3 Development and site alteration shall not be permitted in the habitat of threatened and endangered species, except in accordance with provincial and federal requirements. Ultimately, it is the responsibility of the property owner to ensure that on-site development does not contravene the Acts.
- 4.2.5.4 Where a property contains potential habitat for any threatened or endangered species and is subject to a development application for lot creation or rezoning that would generally increase the intensity of use of the development on a property, an Environmental Impact Study (EIS) will be required to determine whether the property contains habitat of threatened or endangered species. Should the EIS confirm the presence of habitat of threatened or endangered species, the recommendations of the EIS will be implemented as a condition of approval.

4.2.6 Significant Wildlife Habitat

- 4.2.6.1 It is the intent of the Plan to protect areas identified as winter deer habitat. Proposals for the development of lands within or adjacent to a deer yard will be reviewed on a site specific basis.
- 4.2.6.2 New lot creation in deer wintering areas will only occur if each new lot has a minimum lot size of 90 metres of frontage and 90 metres of depth. Where deer wintering habitat is restricted to a narrow fringe along the lakeshore, a minimum of 120 metres of frontage will be required for new shoreline lots. Alternate lot sizes may be appropriate if an evaluation prepared by a qualified specialist indicates that winter deer habitat does not exist on the site or that the proposed lot sizes will not adversely impact the deer habitat, with the costs of such evaluation to be borne by the applicant. In deer wintering areas, the removal of vegetation should be minimized. Wildlife habitat assessment may be required to properly locate new development and site alteration (buildings, driveways) to ensure that no negative impacts occur.

4.2.6.3 An impact assessment may be required to be prepared by the applicant to determine if the proposal will result in an adverse impact on the deer population. Upon completion of said assessment, special provisions such as larger lot sizes, increased frontages, restrictions on the removal of vegetation and/or reduced building envelopes may be considered and implemented through site plan control.

4.2.6.4 Development and site alteration shall not be permitted in significant wildlife habitat or on adjacent lands unless it has first been demonstrated by the submission on an EIS that there will be no negative impacts on the habitat or its ecological functions.

4.2.7 Crown Land Conservation Reserves

4.2.7.1 The Bear Lake Peatland Conservation Reserve is located north of the Bear Lake Settlement Area and west of the Sprucedale Settlement Area. The site consists of approximately 4050 hectares (10,000 acres) of Crown land located mainly within the geographic townships of Monteith and Spence, with small portions in McMurrich and Ryerson townships.

4.2.7.2 The Reserve is an extensive peat land and bog habitat. It is a Provincially significant wetland that includes areas of treeless bogs similar to those found in Ontario's far north. The Reserve also contains a variety of significant plants and birds, and provides excellent moose habitat.

4.2.7.3 This Plan recognizes the importance of the Bear Lake Peatland Conservation Reserve and encourages the protection of this area.

4.2.7.4 The Monteith Forest Conservation Reserve and Axe Lake Wetland Conservation Reserve are also recognized by this Plan.

4.2.8 Municipal Natural Heritage Register

4.2.8.1 Certain significant natural heritage features are not appropriate for designation on Schedules 'B1' or 'B2' either because their locations may well change in the short to medium term, or because they could be prone to vandalism or destruction if their locations were known to the general public.

4.2.8.2 With the assistance of the Ministry of Natural Resources and Forestry, the Township will maintain a register of the following:

- List of endangered and threatened species and a general description of their habitat, which may be located within the Township.
- List of species of conservation concern and a general description of their habitat and known occurrences, which may be located within the Township.

4.3 Water Resources

4.3.1 The Township recognizes the importance of maintaining and improving the quality and quantity of groundwater and surface water. As such, the function of watercourses and sensitive ground water recharge/discharge areas, aquifers and head water areas will be protected or enhanced. All major development applications, including plans of subdivision and water taking industries, shall be supported by hydrological and terrain analysis reports and nitrate impact assessments where there may be an impact on ground or surface water resources. An impact assessment of development on a surface waterbody will also be required for major development adjacent to a waterbody. These studies, among other matters, will address the impacts of the proposed development on ground and surface water resources.

4.3.2 Development, including septic system leaching beds, and site alteration will be set back from all watercourses within the Township in order to protect the natural features and functions of the watercourse, provide riparian habitat, and minimize the risk to public safety and property. In general, development and site alterations should be set back a minimum of 30 metres (100 feet) from the high-water mark of lakes, rivers and streams. In cases where these setbacks are not achievable, the greatest setback possible will be required.

4.4 Forestry and Forest Management

4.4.1 **Forest management will be encouraged on both public and private lands in order to assist forest-based industry in the Township.**

4.4.2 Forest areas are to be preserved and increased to the greatest extent possible.

- 4.4.3 The Township recognizes the importance of forestry operations and encourages sound forest management practices, as per current legislation and regulations, on all lands in the Township.
- 4.4.4 Restoration and tree planting efforts should be directed to areas that would create or re-establish natural corridors such as river and stream riparian areas.

4.5 Biodiversity and Invasive Species

- 4.5.1 The Township recognizes the importance of biodiversity to the health and well being of the various ecosystems found in the township and their collective role in ensuring the environment remains healthy and natural for future generations.
- 4.5.2 Biodiversity is to be preserved by protecting isolated populations, species at the margins of their distributions, species at risk, and their associated habitats and connections.
- 4.5.3 Opportunities for biodiversity enhancement, such as habitat creation and improvement and the utilization of native species in planting should be considered in the development and redevelopment of properties and in municipal undertakings.
- 4.5.4 Efforts and programs, such as education, awareness and monitoring, directed at minimizing the potential for invasive species to impact biodiversity are to be encouraged.
- 4.5.5 Site evaluation reports and Environmental Impact Studies prepared in support of a development application shall address biodiversity and include a review for invasive species on the property and if present, provide mitigation measures to address the invasive species.

4.6 Landscape Conservation

- 4.6.1 The conservation of the overall natural landscape, tree cover and vegetation will preserve the natural appearance, character and aesthetics of the area and protect the natural heritage of the Township. Natural features provide economic, environmental and social benefits. They contribute to the conservation of biological diversity, to the maintenance of the quality of the air, land and water, and are critical elements of the quality of life in the Township.

- 4.6.2 Significant natural landscape features such as watercourses, heights of land, rock faces or cliffs, waterfalls, rapids, beaches, vistas and panoramas, and landmarks should be conserved. Development should be located and designed to protect these features. Where feasible, dedication or acquisition of such land for the purpose of conservation is encouraged. Conservation easements are promoted to protect these features.
- 4.6.3 Important scenic sites as well as the scenic character of road, pedestrian, river, lake, boating and portage routes should be preserved, and development and site alteration should occur in a manner that maintains those scenic values.
- 4.6.4 The lake horizon, being both the shoreline and the tree line along a lake, are recognized as important contributors to a lake's character and landscape. When viewed from the water, the visual impact of development is an important consideration in maintaining the character of a waterbody. The natural environment is intended to be the dominant landscape feature around a waterbody. Disturbance on lots should be limited and minimized and the maximum amount of vegetation should be retained on a lot. Vegetation should be maintained along the shoreline and on skylines, ridge lines or adjacent to the top of rock cliffs. The extent of shoreline structures should be limited and structural development that would create a new skyline or ridgeline above the tree canopy will not be permitted.

Section 5 Development Constraints

5.1 General (hazards, natural and man-made)

5.1.1 Hazardous lands mean properties or lands that could be unsafe for development due to naturally occurring processes or human made hazards where there is an unacceptable risk to public health or safety or of property damage.

5.2 Floodplains

5.2.1 The erection of buildings or structures, or the removal or placing of fill of any kind, shall be prohibited except where such buildings or structures are intended for flood or erosion control or bank stabilization. Minimal development of shoreline structures (docks, boat ramps) may be permitted.

5.2.2 Similarly, development should not be permitted on other lands not specifically identified, but where flooding is known to occur. In these instances, development may be permitted after the proponent has undertaken studies to confirm that development in that location can occur in a safe manner with no impact to existing development up or down stream.

5.2.3 The following development shall not be permitted to locate within an identified Floodplain or where flooding is known to occur:

- An institutional use associated with hospitals, nursing homes, pre-school nurseries, day care and schools, where there is a threat to the 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 measures or protection works or erosion;
- An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, failure of flood proofing measures or protection works or erosion; and,
- Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

5.2.4 The Township recognizes the importance of effective flood plain management in order to prevent loss of life, property damage, and social disruption in the event of a regulatory flood. The regulatory flood elevation (flood plain) is based on the

higher of the 1:100 year flood and the level of flooding that would occur under a storm modeled on the Timmins (1961) storm. Development will be directed to areas outside of lands recognized as flood plains.

- 5.2.5 New development and site alteration (including buildings, structures, removal or placing of fill) will be prohibited in all flood plains, except for minor expansions of existing non-conforming uses (such as a deck), structures necessary for flood or erosion control or development that, by its nature, is required to be located adjacent to water.
- 5.2.6 Any development proposed adjacent to a floodplain will require a study by a qualified specialist, to be conducted at the expense of the developer, to definitively determine the elevation and extent of the flood plain before approval for the development will be considered.
- 5.2.7 The regulatory flood levels include Doe Lake, at 296.91 metres GCD (including a 1.0m wave uprush in storm events).
- 5.2.8 There is currently no engineered flood plain information available for the Township. Until such information is developed and incorporated into the Environmental Protection policies, marginal refinements to flood plain boundaries may be made without an amendment to the Official Plan, provided they are in keeping with the original intent of the Environmental Protection policies.
- 5.2.9 New lots may be created by consent or plan of subdivision along a flood plain boundary where there is adequate development area outside the flood plain in each proposed lot and where there would be safe access during times of flooding.
- 5.2.10 The Zoning By-law implementing this policy will zone flood plains in a separate restrictive land use category.

5.3 Waste Disposal Sites

- 5.3.1 The Township will continue to use the existing waste disposal site located at Lot 12, Concession 10 in the geographic Township of McMurrich. Arrangements for the disposal of solid wastes will be reviewed, from time to time, by Council.

- 5.3.2 The establishment of new waste disposal or waste treatment facilities including landfill or recycling facilities, salvage yards, sewage lagoons, or sites used for the disposal of wastes from septic or holding tanks, shall require an amendment to the Official Plan, in order to address feasibility, site suitability, traffic, and haul routes, and to assess and prevent adverse impacts from odour, noise and other contamination. No such facility will be located within 500 metres (1640 feet) of development other than compatible uses such as an aggregate operation, a forestry use or a suitable industrial use where it can be demonstrated that ground water is potable for domestic uses in the long term and there is no potential for adverse impacts from gas or leachate migration.
- 5.3.3 No reuse of a closed waste disposal site or a site used for the disposal of wastes may be undertaken for a period of 25 years without the consent of the MOEE under Section 46 of the *Environmental Protection Act*.

5.4 Contaminated Sites

- 5.4.1 Sites that may have been contaminated due to a previous land use will not be rezoned to a sensitive land use and/or may be placed in a Holding Zone, until such time as a Record of Site Condition has been undertaken to the satisfaction of the Township.
- 5.4.2 Where a change in land use is proposed, and the present use has the potential to have caused environmental contamination, the site shall be decommissioned and/or cleaned up to the satisfaction to the Province, prior to any approval of a development application.

5.5 Influence areas

- 5.5.1 Schedule 'C' identifies potential influence areas around aggregate operations and waste disposal sites, based on MOE D-series guidelines.
- 5.5.2 The development of new uses or new or enlarged buildings or structures within an identified influence area may be permitted provided an assessment is completed to determine, where applicable:
- whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the adjacent land use.

- Whether human health will be adversely affected by ground and surface water contamination or gas migration; and
- That there are no other environmental or human health and safety issues associated with the site that would make the lands unsuitable for development.

5.6 Abandoned Mine Hazards

- 5.6.1 Known Abandoned Mine Hazards are identified on Schedule 'C'.
- 5.6.2 Where development is proposed on lands which include, or are abutting, land affected by known mine hazards or former mineral resource operations, the development will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed. The approval authority will require documentation from a development proponent to this effect. Alternatively, confirmation will be required from a qualified professional that the lands proposed for development are not affected by the mine hazard.
- 5.6.3 Where proposed development is confirmed to be affected by a mine hazard and rehabilitation has not occurred or is not underway, depending on the extent of the hazard and the feasibility to mitigate and rehabilitate the hazard, the development may not be able to proceed.
- 5.6.4 Mine tailings are considered mine hazards and are subject to the *Mining Act* and are to be rehabilitated as part of a mine closure plan. The *Mining Act* must be considered prior to using rehabilitated mine waste or tailings for aggregate.

5.7 Wildland Fire

- 5.7.1 Appendix '2' illustrates general mapping provided by the Ministry of Natural Resources and Forestry identifying areas within the Municipality classified as Extreme, High and Needs Evaluation. This mapping is general in nature and may be further delineated on site specific basis.
- 5.7.2 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 Ministry of Natural Resources and Forestry.

5.7.3 Development proponents may be required to undertake an assessment of the risk of high-to-extreme wildland fire behaviour on the subject lands and adjacent lands (to the extent possible). If high to extreme risk for wildland is present, proponents shall be required to implement measures to mitigate the risk.

5.7.4 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.

5.8 Steep Slope and Erosion Areas

5.8.1 Development will be set back from areas exhibiting steep slopes (greater than 40%) or active erosion. The setback distance will be determined on site in consultation with a qualified specialist. A reduction of the setback distance will be considered only when supported by a geotechnical investigation prepared by a soil's expert. The geotechnical investigation shall be prepared to the satisfaction of the appropriate approval authority.

5.8.2 Where development is proposed on areas containing slopes greater than 20% but less than 40%, existing vegetation on sloped areas shall be maintained.

Section 6 General Policies

6.1 General

6.1.1 The following provisions apply throughout the Township to specific circumstances or specific land uses, in addition to the provisions for the specific land use designations identified in Section 4.

6.2 Accessibility

6.2.1 All recreational and community facilities shall provide a suitable means of access for persons with disabilities. All new private development is encouraged to provide similar access.

6.3 Backlot Development

6.3.1 Development on any property within 300 metres (1000 feet) of a waterbody may have an impact on the waterbody.

6.3.2 Where a public road passes through Shoreline and/or Rural designations approximately parallel to a waterbody and within 150 metres of the shoreline, not more than a single-tier of building lots may be permitted between the shoreline and such road.

6.3.3 A second tier of development (backlot development) will only be considered if all of the following conditions apply:

- i) The minimum lot frontage on a publicly owned and maintained road shall be 90 metres (300 feet);
- ii) The minimum lot area shall be 2.0 hectares (5 acres); and,
- iii) The lots comply with the applicable lot creation policy for lots in the Rural designation.

6.4 Cultural Heritage and Building Conservation and Archaeological Resources

6.4.1 The Ontario Heritage Act provides the framework for the conservation of cultural, heritage and archaeological resources within communities in Ontario. The Heritage Act may be utilized to conserve, protect and enhance the cultural heritage resources in the municipality through the designation by-law of

individual properties, conservation districts and heritage areas, and archaeological sites.

- 6.4.2 The Township recognizes that there may be archaeological remnants of prehistoric and early historic habitation within the Township, as well as areas exhibiting archaeological potential. Archaeological potential areas are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the Township and developed by a licensed archaeologist. This criteria includes features such as proximity to water, current of ancient shorelines, rolling topography, unusual landforms, and any locally significant heritage areas such as portage routes or other places of past human settlements.
- 6.4.3 The Township's heritage and archaeological resources should be conserved and enhanced wherever practical. Heritage resources include archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, heritage landscapes, and areas of historic and scenic interest.
- 6.4.4 Council shall, in cooperation with the Ministry of Citizenship, Culture and Recreation and by licensed archaeologists, require archaeological impact assessments, surveys and/or the preservation on site or rescue excavation of significant archaeological resources that might be affected by any future development.
- 6.4.5 Council shall have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.

6.5 Design Considerations

- 6.5.1 Basic design principles will be applied to guide development and preserve the Rural character of the area:
- i) setbacks will be varied from surrounding development;
 - ii) buildings will be sited in relation to natural features rather than the road;
 - iii) natural vegetation will be retained wherever possible;
 - iv) development adjacent to Municipal roads must have adequate sight lines;
- and,

- v) adverse effects of proposed changes to land uses shall be mitigated, as described in the Ministry of the Environment D Series Guidelines.

6.6 Energy Conservation

- 6.6.1 The wise management and conservation of energy resources may be promoted by the Township through various activities. Consideration will be given site plan controls that encourage energy conservation through methods such as the use of landscaping and building orientation to reduce energy costs, and the use of alternative energy sources.

6.7 Special Provisions for Specific Land uses

6.7.1 Accessory Uses

- 6.7.1.1 Wherever a use is permitted in a land use designation, it is intended that uses of land, buildings or structures normally incidental, accessory and essential to that use shall also be permitted.

6.7.2 Bed & Breakfast Establishments

- 6.7.2.1 Bed and breakfast establishments may be permitted as an accessory use within a single detached dwelling provided that:

- i) the physical character of the dwelling is not substantially altered;
- ii) the use does not have a negative impact on the privacy and enjoyment of neighbouring properties;
- iii) the number of rooms available for rent does not exceed three (3); and,
- iv) adequate water, sewage disposal, parking facilities and access are provided on the site.

- 6.7.2.2 The Zoning By-law shall further define a bed and breakfast use and contain other appropriate provisions.

6.7.3 Garden Suites

- 6.7.3.1 Garden suites are temporary self-contained accommodation units for elderly, sick or disabled family members, designed to meet the housing

needs of elderly parents, handicapped family member or other similar individual(s) who may require some support from an occupant of the primary dwelling.

- 6.7.3.2 Garden suites may be permitted on lands with frontage on a publicly maintained year round road where residential development is permitted, subject to compliance with the standards of the Zoning By-law and enactment of a Temporary Use Zoning By-law that may be passed for a period up to 10 years, with the ability to extend the period beyond 10 years.
- 6.7.3.3 The following criteria shall be considered when evaluating a proposal for a garden or secondary suite:
- i) the need for the unit;
 - ii) the lot size and layout in terms of accommodating the unit without unreasonable loss of private outdoor amenity area;
 - iii) the compatibility with adjacent properties in terms of aesthetics, privacy and noise; and,
 - iv) the adequacy of water, sewage disposal, and parking facilities on the site.
- 6.7.3.4 Garden suites will be subject to an agreement with the owner, executed under the provisions of the Municipal Act and will:
- i) address the condition under which the garden suite will be installed, maintained and removed from the property;
 - ii) identify the period of occupancy;
 - iii) require that the suite not be used as a rental dwelling for profit or gain;
 - iv) require that the suite meets all health, safety, servicing and building code standards;
 - v) address the provision of securities to ensure that the conditions of the agreement will be satisfied; and,
 - vi) include any other condition that the Township deems necessary.

6.7.4 Group Homes

6.7.4.1 Group homes may be permitted in all designations which permit residential development, subject to the provisions of the Zoning By-law. The Zoning By-law may differentiate between open custody and closed custody group homes, and shall establish locational and size criteria for group homes.

6.7.4.2 In general, a group home shall be a licensed single housekeeping unit with residents who, by reason of emotional, mental, social, physical or other conditions, require a group living arrangement. The group home should complement and fit in with the character of the surrounding residential community, and may provide accommodation for up to six (6) residents at any one time.

6.7.5 Home Occupations and Home Industries

6.7.5.1 Home businesses are an increasingly important component of the local economy. Privately operated legal businesses may be permitted as a secondary use in residential dwellings (home occupation) and accessory buildings (home industry), provided they maintain the integrity and character of the neighbourhood and are compatible with surrounding uses.

6.7.5.2 The Zoning By-law may incorporate appropriate standards for home occupations and industries through:

- i) identification of the zones which shall permit or regulate various forms of home occupation or home industry;
- ii) restrictions on the number of people who may be employed in the home business;
- iii) limiting maximum floor area of the business;
- iv) requiring continuation of the residential appearance of the building;
- v) regulating of signs; and,
- vi) parking standards.

6.7.5.3 The standards will take into consideration the adequacy of lot size, on-site services and separation distances to ensure compatibility with adjacent land uses.

6.7.6 Hunt Camps

6.7.6.1 Hunt camps, which are used only as a temporary base for hunting, trapping and/or fishing activities, may be permitted within the Rural designation. A hunt camp shall not be required to front on a public road and may be serviced by any type of sewage disposal system approvable under the *Building Code Act*.

6.7.6.2 The policies of this Plan are not binding on undertakings carried out on Crown Land by the Crown or its agents, but the policies of this Plan will be binding on any lands that cease to be Crown lands. Council will encourage all levels of government to have regard to the policies of the Plan wherever possible, and will recognize existing hunt camps on lots that do not meet the size requirements of these policies.

6.7.7 Mobile Homes

6.7.7.1 New mobile home parks are prohibited in the Township.

6.7.8 Second Residential Units

6.7.8.1 The development of second residential units provides opportunities to increase the supply of affordable rental accommodation in the Township. In accordance with the provisions of the *Planning Act*, the Township supports the potential for the establishment of second residential units in single-detached and semi-detached dwellings, or in accessory structures on lots containing single-detached or semi-detached dwellings if the single-detached or semi-detached dwelling contains one (1) residential unit, throughout the Rural and Settlement Areas provided the development:

- a) Is consistent with the applicable residential policies of this Plan;
- b) Meets the requirements of the Ontario Building Code and Fire Code;

- c) Provides sufficient parking in accordance with the Zoning By-law and private amenity space in appropriate locations,
- e) OSSDS and water systems have the capacity to support the use;
- f) The second unit is only permitted within the main residential unit; or a permitted accessory building; and,
- g) No new entrances are required from the road.

6.7.8.2 Where second residential units are established in accessory structures, they will not be subdivided or separated from the main residential dwelling on the property.

6.7.8.3 The zoning by-law will establish specific performance standards for second residential units, consistent with the provisions of this section.

6.7.9 Wayside Pits, Quarries and Portable Asphalt Plants

6.7.9.1 A wayside pit or wayside quarry means a temporary pit or quarry opened and used by or for a public authority or its agent, solely for the purpose of a project or contract of road construction. For the purposes of this Plan, portable asphalt plant means a facility 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, which is designed to be dismantled and moved to another location as required.

6.7.9.2 Wayside pits, wayside quarries and portable asphalt plants are permitted throughout the Township without an amendment to this Plan or the Zoning By-law except in areas of existing development or environmental concern.

6.7.9.3 Plans submitted by applicants for wayside pits, wayside quarries, or portable asphalt plants will be reviewed by the appropriate Provincial agencies. No asphalt plant or aggregate processing equipment shall be permitted without a valid Certificate of Approval under the *Environmental Protection Act* and a location approval issued by the Ministry of the Environment and Energy.

6.7.9.4 Discontinued sites will be rehabilitated back to their former use, and any physical plant shall be removed from the site upon completion of the public project.

6.8 Minimum Distance Separation Formulae

6.8.1 All new development shall comply with the Minimum Distance Separation Formulae I or II of the Ministry of Agriculture, Food and Rural Affairs, as may be amended from time to time.

6.9 Land Use Compatibility

6.9.1 Land use compatibility shall be assured by planning so that major facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

6.9.2 Development shall occur in a manner which ensures compatibility with surrounding areas and uses, and shall consider:

- i) minimizing the impact on adjacent residential uses with regard to noise, traffic, emissions and visual appearance when considering the development of off-street parking, loading areas, and garbage disposal facilities; and,
- ii) the use of fencing, screening and/or separation distances to minimize potential adverse impacts between uses.

6.9.3 When a change in land use places, or is likely to plan a major facility of sensitive land use within the area of influence of another less sensitive use, the policies contained within the MOE D Series Guidelines shall be applied to minimize or prevent the exposure of any person, property, plant or animal life to adverse effects associated with the operation of specified facilities.

6.9.4 Uses, which by their nature are offensive, shall be restricted to those locations removed from areas that are predominantly developed for residential purposes or other sensitive land uses. Situations shall be avoided where development may have an adverse effect on adjacent land uses as a result of smoke, noise, odour, dust or other such nuisances.

6.9.5 The MOE D series guidelines will be used to determine the appropriate mitigating measures to be taken, including minimum distance separations.

Section 7 Infrastructure, Services and Utilities

7.1 General

7.1.1 Infrastructure includes the road network, stormwater facilities, waste management facilities, public utilities and services, and trails.

7.2 Transportation

7.2.1 Transportation in the Township is dependant on a network of roads supplemented by a system of recreational trails. It is the intent of Council to ensure that the transportation needs of the Township are accommodated, within the financial capabilities of the Township, through the maintenance of a safe and efficient transportation system.

7.2.2 The Township road system consists of one Secondary Provincial Highway and a local road system. The Municipality recognizes the importance of Highway 518, and supports the development and land division policies of the Ministry of Transportation. Any development proposed adjacent to a provincial highway will be subject to the requirements and permit control of the Ministry of Transportation.

7.2.3 Proper and adequate means of access shall be provided to all new lots. Development shall not be permitted where it would contribute to the demand for public services that are uneconomic to provide, improve, or maintain. Where access is restricted due to a lack of frontage on a year-round publicly maintained road, services may be limited. Areas of limited servicing will be recognized in the accompanying Zoning By-law.

7.2.4 Development is required to front upon and have direct access to a year-round publicly maintained road, except as noted below for any properties in the Shoreline designation,

- i) on an existing privately maintained road with the capacity to handle the additional traffic, where demand for additional municipal services would not be created and where legal right-of-way or access can be determined, and where the establishment of a public road would not be practical or feasible;

- ii) on a minor extension of a an existing privately maintained road, with the capacity to handle the additional traffic, where demand for additional municipal services would not be created, where legal right-of-way or access can be determined, and where the alternative of a public road is not environmentally or economically viable; or,
 - iii) via water access provided that adequate long term waste disposal arrangements, parking, and docking facilities are secured to the satisfaction of the Township.
- 7.2.5 All owners of properties that will be accessed by a private road, or an access road over Crown Land, or extensions to existing private roads, will enter into an agreement with the Township, to be registered on the title of all of these affected properties, to indemnify the Township and all other public bodies of all responsibility for any maintenance of the road and all liability for any use of the road and alleged failure to provide emergency services or any other public services that were not being provided at the time of the creation of the road.
- 7.2.6 The construction and/or maintenance of any roads not in existence at the time of adoption of this Plan will not be the responsibility of the Township.
- 7.2.7 Minimum building setbacks will be set out in the Zoning By-law to allow for adequate right-of-way for all public roads.
- 7.2.8 Unless it is clearly in the public interest, it is not intended that existing private roads be assumed by any public agency and no responsibility for access, snow removal, maintenance or use by school buses is acknowledged.
- 7.2.9 Year-round maintenance will be provided only on roads identified by Council as year round roads; and seasonal road maintenance only will be provided on roads identified by Council as seasonal.
- 7.2.10 All new or existing roads dedicated to the Municipality must be brought up to current Municipal standards prior to being assumed by the Township. Existing seasonally maintained roads must be brought up to an appropriate standard at the cost of the property owners before they will be considered for year-round service.

7.2.11 Where development is proposed on the basis of access over an unmaintained municipal road allowance, Council may permit the development only where the owner enters into an agreement that:

- i. acknowledges that municipal services to the lands may not be available to the lands,
- ii. maintenance of the road is the responsibility of the proponent,
- iii. the Township assumes no liability to provide services to the development, and
- iv. public access over the roadway cannot be prohibited.

7.2.12 The creation of new private roads in the Township will only be permitted if they are created by plan of condominium.

7.3 Water and Sewage Disposal Services

7.3.1 Water and sewage disposal services in the Township are currently provided on a private basis. Any development requiring Municipal and/or communal water and sewer services will not be permitted without an Official Plan Amendment.

7.4 Stormwater Management

7.4.1 Stormwater Management and the potential impacts of stormwater quality and quantity on the lands and waters downstream shall be considered when assessing development applications.

7.4.2 Stormwater Management Plans, consistent with the intent and objectives of the Ministry of the Environment's Stormwater Management Planning and Design Manual, may be required for all commercial, industrial, institutional development and for any large residential developments including plans of subdivision. Proposed developments may be required to incorporate stormwater management practices directed to minimizing stormwater volumes and contaminants and increasing or maintaining the extent of vegetative and pervious surfaces. Additional site-specific requirements may be applied on a case-by-case basis to ensure that the potential off-site impacts of stormwater are addressed.

7.4.3 Where required, under the *Ontario Water Resources Act*, permits, approvals and registrations may be required for proposed stormwater management facilities.

7.5 Waste Management

- 7.5.1 All waste management sites operating in the Township, whether publicly or privately owned, shall be operated in a manner that safeguards the environment and protects nearby residents and sensitive land uses from undue impact. No residential use is permitted in conjunction with a licensed waste management site.
- 7.5.2 All operating waste management sites shall be covered by a current Certificate of Approval issued by the Ministry of Environment under the provisions of the *Environmental Protection Act*.
- 7.5.3 If a new waste management site is proposed to be opened in the Township, an amendment to this Plan will be required. The proponent will be required to submit complete documentation to support the proposal prior to the application being considered by Council.

7.6 Public Utilities and Services

- 7.6.1 Public utility authorities may be permitted to locate all work defined by Provincial Statute in any land use designation provided the use meets the appropriate requirements of the Zoning By-law and conforms to this Official Plan. Such works include roads, buildings, structures or utilities. Public services and utilities will be planned and implemented in accordance with the requirements of the Environmental Assessment Act. The Township shall be advised of plans for new public works before any applications for permits are made.

7.7 Trails

- 7.7.1 Recreational trails play a role in the health and economy of the community. Council will encourage the maintenance of existing, and the establishment of new, public recreational trails in appropriate locations in the Township.

7.8 Municipal Road Allowances

- 7.8.1 No unopened road allowances will be opened by the Township, unless an individual requests that a road allowance be opened, and the road is opened at the individual's expense.

7.8.2 By-laws may be passed to stop up and sell road allowances to abutting owners provided that:

- i) the portion of the road allowance to be closed has no present or foreseeable future municipal use for public travel, public waterfront area, public access and portage, or any other Municipal purpose;
- ii) the portion of the road allowance to be closed does not abut or provide access to significant fish spawning areas, wildlife habitat or other environmentally significant features as identified by the Ministry of Natural Resources and Forestry;
- iii) the portion of the road allowance to be closed does not contain significant historical or cultural features; and,
- iv) only the portion of the road allowance above the controlled or normal high water mark is conveyed out of public ownership.

Section 8 Implementation and Interpretation

8.1 General

8.1.1 The policies in this Plan will be implemented through by-laws enacted by the Township, subdivision agreements, development agreements and site plan agreements, as well as conditions of consent or subdivision/condominium approval.

8.2 Interpretation of Numbers and Boundaries

8.2.1 The boundaries between land uses designated on the Schedules to the Plan are approximate. Where boundaries coincide with roads, railway lines, rivers, transmission lines, lot lines or other clearly defined physical features, they are not open to flexible interpretation. Where the general intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan.

8.2.2 It is recognized that the boundaries of the Natural Heritage Features and Natural Resources and Hazards overlay areas identified in Schedules 'B1', 'B2' and 'C' may be imprecise and subject to change or refinement. The development proponent shall determine, to the satisfaction of the Township, the extent of the environmental areas on a site-by-site basis when considering any development proposal, in consultation with the appropriate agencies. Any refinement to the areas shall not require an Amendment to this Plan.

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

8.2.4 For the purposes of preparing zoning by-laws, subdivision approvals, site plan approvals, and land severances, minor deviations may be permitted without amendment to this Plan provided that such deviations do not alter the intent of this Plan.

8.3 Official Plan Amendments and Review

8.3.1 Amendments

8.3.1.1 While the Plan is intended to provide direction for development, there is recognition that an Official Plan cannot anticipate all forms of development that may be appropriate and desirable in the Township. As such, amendments to the Official Plan may be initiated by the Township at any time, to ensure that the Plan remains current and relevant.

8.3.1.2 Requests for site specific changes to the Official Plan may be considered by Council upon application, and will be evaluated on the basis of the following criteria:

- i) consistency with the principles and policies of the Provincial Policy Statement;
- ii) consistency with the overall intent, goals, objectives and policies of the Official Plan;
- iii) suitability of the site for the proposed land use;
- iv) compatibility of the proposed land use with surrounding uses;
- v) the need for and feasibility of the use, where considered appropriate;
- vi) the impact of the proposal on Municipal services/infrastructure; and,
- vii) the economic benefits and financial implications to the Township.

8.3.2 Review

8.3.2.1 The Official Plan is not a static document and shall be amended periodically to reflect changing conditions and to serve the overall public interest.

8.3.2.2 Council will review the need for changes to the Official Plan at least every ten years. The review will consist of an assessment of:

- i) the relevance of the goals and objectives that form the foundation of this Plan;

- ii) the extent to which the anticipated development pressures have occurred;
- iii) the suitability of the policies applicable to the various land use designations; and,
- iv) the need for revised or new policy initiatives.

8.4 Zoning

8.4.1 Zoning By-law

8.4.1.1 Council will enact a Zoning By-law to zone land in compliance with the provisions contained in this Plan, and to establish criteria to regulate the use of land and the character, location and use of buildings and structures.

8.4.2 Temporary use By-law

8.4.2.1 Council may pass Temporary Use Zoning By-laws permitting temporary housing, accommodation facilities, tourist uses and facilities, parking lots, events, industrial uses related to the resource base of the area, and other similar uses. Such a use may not conform to the Comprehensive Zoning By-law but may be appropriate for the use of the property for a set period of time.

8.4.2.2 The temporary use may be authorized for the time periods provided in the *Planning Act*. At the expiry of the time frame, provided the temporary use has not been extended by By-law, the use must cease.

8.4.2.3 In considering a temporary use, the following criteria apply:

- i) the proposed use is of a temporary nature that can cease without undue hardship;
- ii) the use is compatible with the surrounding area;
- iii) the use conforms with the overall intent, goals, objectives and policies of the Official Plan;
- iv) the use does not require the expansion of municipal services; and,

- v) the site is suitable for the use and will not have any adverse impacts on surrounding properties.

8.4.3 Holding By-law

- 8.4.3.1 The *Planning Act* provides for the use of a Holding symbol (H) in conjunction with any land use zone found within the Zoning By-law.
- 8.4.3.2 Holding By-laws shall be implemented by use of the symbol "H" in conjunction with the land use zones of the Zoning By-law, and may include provisions for interim permitted uses such as existing uses and minor extensions thereto and other uses which are deemed compatible with surrounding land uses and will not adversely affect the future development potential of the land.
- 8.4.3.3 The purpose of the Holding zone is to:
 - i) prevent or limit the use of land in order to achieve orderly development;
 - ii) to ensure that any required studies have been completed;
 - iii) to allow for the implementation of special design features; and,
 - iv) to allow for the entering into of a site plan agreement, where this is a requirement of the development process.
- 8.4.3.4 Generally, the Holding symbol should be applied to vacant land which may eventually be developed, but which is now considered to be premature or inappropriate for immediate development or redevelopment, or may not have adequate infrastructure currently available.
- 8.4.3.5 Application to remove the Holding (H) symbol will be considered in accordance with the provisions of the *Planning Act*, and will include confirmation that the proposed development is no longer premature or inappropriate.

8.4.4 Existing Land Uses

8.4.4.1 Certain uses of land that do not conform with the specific policies of this Plan may be zoned specifically in accordance with their present use and performance standards, provided:

- i) the zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
- ii) the uses are located outside the flood way portion of a river or stream system's flood plain;
- iii) the uses do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate;
- iv) the uses do not pollute air or water to the extent of interfering with the ordinary enjoyment of property; and,
- v) the uses do not interfere with the desirable development or enjoyment of the adjacent area.

8.4.4.2 Any land use existing at the date of the approval of the Zoning By-law that does not conform with the land use designations shown on the Schedules to this Plan, should cease to exist in the long term. In special instances, however, it may be desirable to permit the extension or enlargement of such non-conforming use in order to prevent unnecessary hardship. Such extensions or enlargements will require the approval of the Committee of Adjustment under Section 45 of the *Planning Act*.

8.4.4.3 Any land use which is illegal under the existing approved By-laws of the Township does not become legal by virtue of the adoption of this Plan.

8.5 Lot Creation

8.5.1 Consent

8.5.1.1 The preferred method of land division in the Township will be by means of consent.

8.5.1.2 In addition to specific land use policies, the following criteria shall be applied to the creation of lots by consent:

- i) Council is satisfied that a plan of subdivision is not required for the proper and orderly development of the land;
- ii) conformity with the overall intent, goals, objectives and policies of the Official Plan;
- iii) the lot should be reasonably well proportioned, of regular shape and dimension, and must be of sufficient size and configuration to be serviced by private on-site water and sewage disposal systems;
- iv) the lot must front on an existing year round publicly maintained Township road, except as otherwise permitted in the Shoreline designation;
- v) the lot shall not create a traffic hazard to sight lines, curves, or grades of existing development, as set out in accepted traffic engineering standards; and,
- vi) the lot shall meet Minimum Distance Separation requirements, as established in the Zoning By-law.

8.5.1.3 Exceptions to minimum lot size and access requirements may be considered by the Township where more than one primary, free standing, substantive and structurally sound building legally exists, subject to the general intent and policies of the plan being satisfied.

8.5.1.4 Severances will not be considered where the creation of a new lot may:

- i) be subject to the danger of flooding, erosion, steep slopes, high water tables or other physical hazard;
- ii) have a negative impact on natural features and environmentally sensitive areas of surrounding lands; or,
- iii) be in proximity to extractive industrial operations or areas identified as having aggregate resources.

8.5.1.5 Consent applications may be considered to:

- i) correct lot boundaries; or,

- ii) convey additional lands to an adjacent lot provided the conveyance does not lead to the creation of an additional building lot and/or create an undersized or irregularly shaped lot.

8.5.1.6 Any application for consent to sever for commercial or industrial purposes must also be accompanied by a storm water management report, prepared by a qualified professional to the satisfaction of the Township.

8.5.2 Subdivision Development

8.5.2.1 Any proposal for the creation of 5 (five) or more lots shall proceed by registered plan of subdivision, and is subject to the following:

- i) all applications must be accompanied by a hydrogeology report (which demonstrates that the water quality of the subject and surrounding properties will not be adversely affected and that the impact from the proposed sewage disposal systems will be acceptable), a servicing options report as stipulated in MOEE's D-5-3 Guideline, and a storm water management report (prepared by a qualified professional to the satisfaction of the Township);
- ii) an aquifer evaluation report may be required to confirm that a suitable water supply can be obtained for each proposed lot;
- iii) approval from the appropriate road authority for access to the development, and confirmation of road allowance widenings and reserves will be required at the time of application; and,
- iv) all areas of environmental constraint and significance, including but not limited to those indicated on Schedules 'B1', 'B2' and 'C', shall be investigated and reported on by a qualified professional, the results and recommendations of which shall be implemented through conditions of draft plan approval.

8.5.3 Condominium Description

8.5.3.1 Condominium Descriptions may be used as an alternative to Plans of Subdivision.

8.5.4 Deeming

8.5.4.1 Council may deem any Plan of subdivision, or part thereof, that has been registered for eight years or more, not to be a registered Plan of subdivision pursuant to Section 50 of the *Planning Act*, where the lots cannot meet minimal standards for construction purposes.

8.6 Site Plan Control

8.6.1 All areas of the Township are designated as Site Plan Control areas under the provisions of the Planning Act. All uses in the Township may fall under Site Plan Control.

8.6.2 Site Plan Control shall be utilized by the Township to ensure:

- i) safe, orderly and functional development;
- ii) safe and efficient vehicular and pedestrian access;
- iii) land use compatibility between new and existing development;
- iv) the provision of functional and appealing on-site amenities and facilities such as landscaping, fencing and lighting;
- v) the provision and appropriate placement of required services such as driveways, parking, loading facilities and garbage storage;
- vi) the provision of easements or grading and site alterations necessary for public utilities and site drainage; and,
- vii) the proposed development is built and maintained as approved.

8.6.3 As part of the Site Plan Control process, the dedication (free of all charge and encumbrance to the appropriate authority) for the following road improvements may be required:

- i) Land for a widening of the road allowance to Municipal standards. Any road widening obtained under this policy must be taken equally on both sides of the centre line of the existing traveled surface of the road. In circumstances where a road widening must be taken unequally, or in its entirety from one side of the road, only one-half will be taken through Site Plan Control.

- ii) A dedication for sight triangles and turning lanes at the intersection of public roads, to meet engineering standards as described in the Site Plan Control By-law, may be required to meet applicable Municipal standards where such dedication would extend beyond the road allowance widths stated above.
- iii) A dedication may be required for an area necessary to construct grade improvements or separations where the proposed development requires such improvements respecting traffic volume or hazards to the road onto which the proposed development abuts or is immediately adjacent to, which extends beyond the road allowance widths as stated above. Such dedication may only be required to the extent that the dedication meets applicable Municipal standards.

8.7 Community Improvement

- 8.7.1 The community improvement provisions of the Planning Act provide opportunities to maintain and promote an attractive, well maintained and safe living and working environment through initiatives that will stimulate community improvement, rehabilitation and revitalization.
- 8.7.2 Through community improvement policies and initiatives, Council may give direction to the maintenance, improvement, rehabilitation and upgrading of residential, commercial and industrial areas.
- 8.7.3 Council may designate the whole of any part of the Township as a Community Improvement Area pursuant to the provisions of the Planning Act.
- 8.7.4 Council may adopt a Community Improvement Plan to, among other matters, provide support for community growth and development; upgrade and maintain municipal services, support affordable housing initiatives through conversion of underutilized space, or provide an environment that is attractive to new investment in the Township.

8.8 Property Standards

- 8.8.1 The Township may consider adopting a Maintenance or Occupancy By-law to prescribe requirements for such items as garbage disposal, building safety, and yard maintenance, to assist in implementing the policies of this Plan.

8.9 Existing Development Applications

8.9.1 The policies contained in this Plan will not apply to complete applications for subdivision, consent or zoning that predate the adoption date of this document. However, the applications must be in compliance with current Township standards for land use development, and should maintain the general intent and purpose of the Official Plan as far as possible.

8.10 Parkland Dedication

8.10.1 In considering land division, the Township may require the applicant to dedicate a portion of the gross area being developed for the provision of public open space other than roads.

8.10.2 Parkland dedication requirements will be established in a Municipal By-law, for lands not developed at the time of passage of this Plan.

8.11 Complete Applications and Pre-Consultation

8.11.1 When considering development or redevelopment of land requiring an application under the Planning Act, Council may require the following information and/or studies to be submitted as part of a complete application package:

- Completed application form, including all necessary fees and deposits;
- Copies of the necessary plan or sketch, to scale;
- Evidence of ownership;
- Survey of property, where necessary;
- All necessary reports/studies/plans, which may include:
 - Planning Justification Report
 - Environmental Impact Study
 - Site Evaluation Report
 - Boat Impact Assessment
 - Stormwater Management Report
 - Sediment Control Plan
 - Functional Servicing Report
 - Archaeological Assessment
 - Landscape Plan

- Lighting Plan
- Water Quality Impact Assessment
- Compatibility Studies in accordance with MOECC D-Series Guidelines;
- Minimum Distance Separation calculation; and
- Public Consultation Strategy.

8.11.2 It is strongly encouraged that each applicant consult with the Township prior to submitting an application package to ensure that all necessary information is included.

8.12 Studies

8.12.1 Reports and studies which may be requested as part of the review of a development application requiring an amendment to this Plan, an amendment to the Zoning By-law or a plan of subdivision; may include:

- i) need/demand analysis
- ii) stormwater management plan
- iii) site evaluation report
- iv) archaeological assessment
- v) environmental impact report
- vi) traffic impact study
- vii) hydrogeological report
- viii) noise report
- ix) gas migration report
- x) servicing options report
- xi) fisheries habitat impact assessment
- xii) wetland impact assessment
- xiii) wildlife habitat impact assessment
- xiv) water quality assessment
- xv) biological carrying capacity (lake) report
- xvi) recreational carrying capacity (lake) report
- xvii) soils analysis
- xviii) constraints/opportunities mapping

8.12.2 All required technical reports or studies shall be completed by a specialist qualified in the particular field being investigated. Professional services and studies required for the review of any development application will be provided at the expense of the applicant, and will be provided in such a manner as to allow Council to make an appropriate decision or recommendation in regard to any application.

8.13 Definitions

8.13.1 For the purposes of interpretation of this Plan, the definitions in the Planning Act, the Provincial Policy Statement and other applicable legislation shall apply. In all other instances, terms shall be defined in accordance with common usage and if necessary, reference to the Zoning By-law that implements this Plan.

8.14 Monitoring

8.14.1 The Township will monitor the effect of this plan on an annual basis through an inventory of development activity such as lot creation, building permit activity and land use changes, as well as through review of social, economic and environmental trends.