



TOWNSHIP OF SABLES-SPANISH RIVERS

OFFICIAL PLAN

Consolidated with Modifications

Approved May 28, 2020



Tunnock Consulting Ltd.

Tunnock Consulting Ltd.

287 Three Bay Road

PERTH ON K7H 3C7

Tel. (613) 464-8805

e-mail: gtunnock@tunnockconsulting.ca

File P-2870

As Approved with Modifications
May 28, 2020
Township of Sables-Spanish Rivers Official Plan
TABLE OF CONTENTS

1.0	INTRODUCTION	1
1.1	Introduction and Utilization	1
1.2	Authority	1
1.3	Title and Components	2
1.4	Interpretation	2
1.5	Agency Names and Responsibilities	3
1.6	Planning Period, Review and Amendments	3
1.7	How to Use This Plan	5
2.0	BASIS OF THE OFFICIAL PLAN	7
2.1	General	7
2.2	Provincial Planning System	7
2.3	Municipal Restructuring and Planning Documents	7
2.4	Population Growth	8
2.5	Settlement Pattern	8
2.6	Economic Growth	9
2.7	Public Health and Safety	10
2.8	Natural Heritage Features	10
2.9	Public Service Facilities and Infrastructure	10
2.10	Cultural Heritage and Archaeological Resources	11
2.11	Resource Management	11
2.12	Energy	11
2.13	Climate Change	11
2.14	Coordination	11
3.0	GENERAL DEVELOPMENT POLICIES	12
3.1	General Statement	12
3.2	Provision of Municipal and Public Service Facilities	12
3.3	Infilling and Intensification	12
3.4	Existing and Non-Conforming Uses	13
3.5	Lots of Record	14
3.6	Fringe Development and the Built Form	14
3.7	Plans of Subdivision, Consents and Part-Lot Control	15
3.7.1	Plans of Subdivision	15

3.7.2	Subdivision and Consent Review Criteria	15
3.7.3	Part-Lot Control	22
3.8	Lots Fronting on Both Water and Road	22
3.9	Shoreline Structures	22
3.10	Transportation, Transportation and Infrastructure Corridors	23
3.10.1	Provincial Highways	24
3.10.2	Township Roads.....	25
3.10.3	Private Roads	28
3.10.4	Resource Access Roads.....	29
3.10.5	Transportation Corridors	29
3.10.6	Infrastructure Corridors.....	30
3.11	Communications, Utilities and Services, Energy and Air Quality	30
3.11.1	Communications, Utilities and Services	30
3.11.2	Energy Conservation.....	31
3.11.3	Air Quality	32
3.11.4	Climate Change.....	32
3.12	Water Supply and Sewage Disposal	34
3.12.1	Policy Overview.....	34
3.12.2	Municipal Water and Sewer Services	35
3.12.3	Individual On-Site Sewage and Water Services	37
3.12.4	Private Communal Water and Sewage Systems and Responsibility Agreements	39
3.13	Storm Water Management and Drainage.....	40
3.14	Waste Disposal Facilities	41
3.14.2	Policies.....	41
3.15	Cultural Heritage and Archaeological Resources	43
3.15.2	Cultural Heritage and Archaeological Resources, Policies.....	43
3.16	Environmental Protection Area - Flood Plains and Lands with Development Constraints	47
3.16.1	Policies - Flood Plains and Natural Hazards.....	47
3.17	Organic Soils and Other Hazardous Sites	50
3.17.1	Policies.....	50
3.18	Contaminated Sites	51
3.18.1	Policies - Site Decommissioning and Clean-up	51
3.19	Noise and Vibration	52
3.19.1	Policies.....	52
3.20	Mine Hazards	53
3.20.1	Mine Hazards	53
3.21	Community Improvement Policies	53
3.21.1	Description.....	53
3.21.2	Goal.....	54
3.21.3	Characteristics of a Community Improvement Area.....	54
3.21.4	Objectives for Community Improvement	54
3.21.5	Phasing Community Improvement	55
3.21.6	Implementation of Community Improvement	55

3.22	Natural Heritage Features	56
3.22.1	Natural Heritage Features	56
3.22.2	Definitions.....	57
3.22.3	Natural Heritage Features Policies.....	57
3.23	Wildland Fires.....	64
3.24	Forest Fire Management Measures	65
3.25	Public Spaces, Recreation, Parks, Trails and Open Space.....	66
3.26	Housing Policy.....	67
3.26.1	Housing Policies	67
3.27	Coordination	70
4.0	COMMUNITY DEVELOPMENT - LAND USE POLICIES.....	73
4.1	General.....	73
4.2	Land Use Designations	73
4.3	Urban Residential District.....	74
4.4	Hamlet Residential District	78
4.5	Mobile Home Residential District	80
4.5.1	Planning Principles	80
4.5.2	Zoning	82
4.6	Commercial District.....	83
4.7	Industrial District	84
4.8	Rural Area.....	91
4.8.1	Development Concept.....	91
4.9	Rural Area - Residential Uses	92
4.10	Resource Recreation District	96
4.11	Rural Area – Commercial Uses	103
4.12	Rural Area - Salvage Yard Use	105
4.13	Rural Area – Waste Disposal facilities Designation.....	106
4.14	Rural Area – Resource Uses	106
4.15	Crown Land	106
4.16	Conservation Uses	107
4.17	Remote Development.....	107
4.18	Recreational Vehicles	107
4.19	Kennels	110
5.0	RESOURCE MANAGEMENT	111
5.1	Agricultural Resource Lands	111
5.2	Mineral Aggregate Resources	115
5.2.1	Policies.....	115
5.2.2	Permitted Uses	115
5.2.3	Influence Area and Separation Distance.....	116
5.2.4	Site Development of Pits and Quarries	116
5.2.5	Review of Applications and Site Development Policies	117
5.2.6	Wayside Pits and Quarries	117
5.2.7	Portable Asphalt/Concrete Plants.....	118

5.2.8	Resource Identification or Depletion and Rehabilitation	118
5.2.9	Mineral Aggregate Resource Conservation	119
5.2.10	Extraction in Prime Agricultural Areas	119
5.3	Mineral Resources	121
5.3.1	Definitions.....	121
5.3.2	Policies.....	121
5.3.3	Mineral Resources as a Constraint.....	121
5.3.4	New Mines	122
5.3.5	Rehabilitation.....	122
5.3.6	Influence Area.....	122
5.3.7	Resource Depletion	122
5.3.8	Implementation	123
5.4	Forestry	124
6.0	THE TOOLS OF IMPLEMENTATION	125
6.1	Introduction.....	125
6.2	Keynote Policy for Public Engagement.....	125
6.3	Inputs to Planning Decisions	125
6.4	How the Public Engagement Process Will Work	127
6.5	Public Engagement Under the Planning Act	127
6.6	Private Consultation Strategies	127
6.7	Planning Applications.....	128
6.7.1	Types of Applications	128
6.7.2	Studies and Reports.....	128
6.7.3	Information, Permits, Approvals.....	129
6.8	Building Code Act	129
6.9	Municipal Property Standards.....	130
6.10	Development Charges Act	130
6.11	Amendments to the Official Plan (Section 17 and 22, Planning Act)	130
6.12	Public Works (Section 24, Planning Act)	130
6.13	Acquisition of Land (Section 25, Planning Act).....	130
6.14	Community Improvement (Section 28, Planning Act)	130
6.15	Zoning By-law (Section 34, Planning Act).....	131
6.16	Holding By-law (Section 36, Planning Act)	131
6.17	Community Benefits Charges (Section 37, Planning Act)	132
6.18	Interim Control (Section 38, Planning Act).....	132
6.19	Temporary Use By-laws (Section 39, Planning Act).....	132
6.20	Site Plan Control (Section 41, Planning Act)	132
6.21	Parkland Dedication (Section 42, Planning Act)	133
6.22	Non-Conforming Uses (Sections 44 and 45, Planning Act)	134
6.23	Minor Variances.....	135
6.24	Land Division, Part-Lot Control and Deeming (Sections 50-53, Planning Act)	135
6.25	Accessory Uses	135
6.26	Interpretation.....	135

APPENDIX 1	137
APPENDIX 2 WATERFRONT PLAN	156
APPENDIX 3	158
LAND USE SCHEDULES	159

TOWNSHIP OF SABLES-SPANISH RIVERS

OFFICIAL PLAN

1.0 INTRODUCTION

1.1 Introduction and Utilization

1. The Official Plan of the Sables-Spanish Rivers Planning Area is a legal document containing the objectives and policies established primarily to manage and direct physical change of the Township of Sables-Spanish Rivers and the effects on the social, economic, built and natural environment.
2. All decisions affecting land use planning shall be consistent with the most current Provincial Policy Statement and shall comply with the Growth Plan for Northern Ontario, 2011 (e.g. Official Plan amendments, zoning by-law amendments, subdivisions, consents, minor variances). Sections of the Plan are cross referenced where they are to be used in conjunction with each other or for the convenience and understanding of the reader.

1.2 Authority

The Official Plan of the Sables-Spanish Rivers Planning Area was prepared under the authority of *Section 16* of the *Planning Act* which states that:

1. An official plan shall contain,
 - A. goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it, or an area that is without municipal organization;
 - B. a description of the measures and procedures for informing and obtaining the views of the public in respect of,
 - i. proposed amendments to the official plan or proposed revisions of the plan,
 - ii. proposed zoning by-laws,
 - iii. proposed plans of subdivision, and
 - iv. proposed consents under section 53
2. An official plan may contain,

- A. a description of the measures and procedures proposed to attain the objectives of the plan;
- B. a description of the measures and procedures for informing and obtaining the views of the public in respect of planning matters not mentioned in clause (1.2.1 b).

Also, "the Council of a municipality may elect to follow the prescribed processes and develop materials prescribed for the preparation of an Official Plan".

1.3 Title and Components

- 1. This policy document shall be known as the "Official Plan for the Township of Sables-Spanish Rivers" and is hereinafter referenced to as the Official Plan or the Plan.
- 2. **The Official Plan consists of the following text and Schedules 'A1, A2 and A3' which make up the Land Use Plan.**
- 3. Background statements, illustrations and appendices included in this document are provided for information purposes only and do not constitute a formal part of the Official Plan.

1.4 Interpretation

- 1. It is intended that the boundaries of the land use designations shown on **'Schedules A1, A2 and A3'**, be considered as approximate. Boundaries are to be considered absolute only where clearly bounded by roads, railways, rivers or streams or other geographical barriers. Amendments to the Official Plan will not be required in order to make minor adjustments to the boundaries of land use designations or features or other symbols nor to the location of roads, provided that in all cases, the general intent of the Plan is preserved. Such minor deviations may not be reflected on the **Land Use Plan**.
- 2. It is intended that all figures and numerical quantities herein shall be considered as approximate unless otherwise stated. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.
- 3. For the purposes of this Plan, it is interpreted that an existing use as of the date of approval of this Plan refers to the land presently or actually in use and not necessarily the total land area or land holding of the property owner.
- 4. It is intended that buildings, structures, uses etc., that are normally incidental, accessory or essential to a permitted use will also be allowed even though not

specifically stated in the land use policies. (*Example: a home based business which is accessory to a residential dwelling, or an administrative office which is accessory to a campground or retail business.*)

5. Where examples of permitted uses are provided for in the land use policies of this Plan, it is intended to indicate the possible range of uses considered appropriate and not to be interpreted as all-encompassing unless otherwise stated as such. However, all uses shall be in conformity with the general intent and policies of the general land use designations of this Plan.
6. Where an *Act* or regulation or portion of an *Act* or regulation is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may supersede the *Act* or regulation so named.
7. This Plan utilizes words or terms defined in the Provincial Policy Statement of April 2014. These definitions shall apply in the interpretation of the policies of this Plan and their application to development proposals and planning applications.
8. Where reference is made in this Plan to an original document which provides more accurate information in the interpretation of this Plan, reference shall be made to the original document, where necessary, in implementing the policies of this Plan.
9. The indication of any proposed roads, infrastructure, and municipal services in the policy text or on the Land Use Plan Schedules will not be interpreted as a commitment by the Township to provide the features within a specified time frame. Minor adjustments to the location of these features do not require an amendment to the plan if the intent of the plan is maintained.

1.5 Agency Names and Responsibilities

From time to time, the names of various government or other agencies may change. In addition, responsibilities may shift from agency to agency. The names of the various agencies responsible for the many programs, regulations and approvals are given in this Plan as of the adoption date of this Plan. It is not intended that the Plan be amended each time a change in a name or responsibility occurs. Rather, this Plan shall be interpreted so as to refer to those agencies named, or to their successors, as conditions dictate.

1.6 Planning Period, Review and Amendments

1. The Planning Period for this Official Plan is intended to be 25 years (to 2045). The Plan will be subject to a review from time-to-time to ensure that the goals

and objectives are being achieved and the policies are practical. It is the intent of Council that a special meeting of Council, open to the public be held not less frequently than once every five years pursuant to *Section 26* of the *Planning Act* to discuss the revisions that may be required. Revisions to the Official Plan will be made to ensure that it conforms with provincial plans or does not conflict with them, as the case may be; has regard to the matters of provincial interest listed in section 2 of the *Planning Act*, and is consistent with policy statements issued under subsection 3 (1) of the *Planning Act*.

2. The review shall not be deemed to prevent any person or applicant from making an application under Section 22 of the *Planning Act* to amend the Plan. Applications for amendments to this Plan by the public or amendments initiated by Council will be considered in accordance with the requirements of the *Planning Act*. Applications submitted by the public must be complete and where required by this Plan, be supported by studies, information or reports to determine conformity with the Plan and consistency with the Provincial Policy Statement.
3. Where the policies of this Plan require consultation, or where consultation is required under the *Planning Act*, the Township and/or the applicant shall consult with the Ministry of Municipal Affairs and Housing where the Ministry is the approval authority and shall consult with the prescribed public bodies. Applicants shall pre-consult with the Township on all development applications.

The Township intends to use the prescribed procedures set out in the *Planning Act* and associated Ontario Regulations for public consultation for official plan amendments, zoning by-law amendments, holding by-laws, temporary use by-laws, minor variances, plans of subdivisions, condominiums and consents. The Township will also use the prescribed procedures under the *Planning Act* for the review and update of the zoning by-law.

4. Where studies or assessments are required under this Plan, it is Council's responsibility is to ensure that decisions made based on the outcomes and recommendations of these studies or assessments are consistent with the Provincial Policy Statement.
5. Council will convene public meetings to consider an amendment to the Official Plan prior to adopting an amendment, but may decline to have a meeting if they refuse to adopt the amendment or the application is not deemed to be complete.
6. Amendments will be required for a change in a land use designation shown on the **Schedules 'A1, A2 and A3', Land Use Plan** or for changes in the policy or text of the

Plan. An amendment will not be required for typographic changes, numbering or formatting of the Plan.

7. Where an application is filed for an official plan amendment, a zoning by-law amendment or a plan of subdivision under Ontario Regulations 543/06, 544/06, 545/06 respectively, the applicant shall submit a proposed strategy for consulting with the public with respect to the request. The proposed consultation strategy shall be a requirement of submitting a complete application. The strategy shall be undertaken and completed prior to any required public meeting or hearing required by the *Planning Act* for an official plan amendment, a zoning amendment or a plan of subdivision. The applicant shall submit a report or letter to the Clerk of the Township and the consultation report shall provide the following information:

- The method(s) of consultation was/were used.
- Who was consulted?
- The result of the consultation.

Applicants may use one or more of the methods of consultation (*e.g. telephone or mail-out survey, on-line survey, social media, meeting with neighbours, on site open house, radio interview, on-site billboard with project description and contact information, meeting with band council*).

1.7 How to Use This Plan

Applicants should consider the following steps in using this Plan:

1. Locate the property proposed for development on the appropriate **Schedules 'A1, A2 or A3'** to the **Land Use Plan**. Use the legend to determine which land use designation the property is located in.
2. Use the Table of Contents to locate the policies that apply to the specific land use designation. Review the policies to determine which land uses are permitted and the planning principles that apply in undertaking any development. Review also, the **General Development Policies** of **Section 3.0** since they generally apply to all land uses.
3. If application is being made for a plan of subdivision, the policies of **Section 3.7 - Subdivisions, Consents & Part-Lot Control** should be examined.
4. If the property is located close to a water body or a natural heritage feature or area on the **Land Use Schedule**, reference should be made to **Section 3.22 - Natural Heritage Features**. Similarly, if the property is located in or close to an area designated for agriculture, mineral potential or mineral aggregates, the policies in **Sections 5.1, 5.2 or 5.3** of the Plan should be considered.

5. Other key Sections of the Plan which should be considered include:
- **Section 3.12 - Water Supply and Sewage Disposal** which sets out the requirements for water supply and sewage disposal;
 - **Section 3.10 - Transportation** which sets out the requirements for access onto a provincial highway, township road or private road;
 - **Sections 3.15 - Cultural Heritage and Archaeological Resources, 6.9 and Appendix 1** which sets out the requirements for undertaking an archaeological assessment.

For the convenience of the reader, all federal and provincial statutes referred to in this Plan are shown in *italics*. Cross references are shown in **bold script**.

2.0 BASIS OF THE OFFICIAL PLAN

2.1 General

The Official Plan is based on merits of good land use planning principles as well as various factors, trends, circumstances that were identified as the background for the preparation of the basis, intent and policies of this Plan.

2.2 Provincial Planning System

The *Planning Act* sets out the ground rules for land use planning in Ontario. The *Act* provides the basis for the Provincial Policy Statement which sets out land use matters that are of provincial interest. The Provincial Policy Statement, which is intended to be read in its entirety, promotes a policy-led system intended to:

1. Build strong healthy communities by managing and directing land use to achieve efficient and resilient development and land use patterns, by coordinating and integrating land use decision making with other orders of government, agencies and boards, by ensuring land use compatibility, by providing for a mix of land uses and a range and mix of housing types and densities and by integrating development with planned infrastructure and public service facilities.
2. Protect resources (*e.g. natural heritage features and areas, water, agricultural areas, minerals, mineral aggregates*) for their economic use and/or environmental benefits, by conserving cultural heritage and archaeological resources; and
3. Reduce the potential for public cost or risk to Ontario's residents by directing development away from areas where there is a risk to public health or safety, or of property damage.

This policy statement is the basis for provincial interests reflected in the policies of this Plan as well as the procedures for the review of planning applications set out in the *Planning Act* and various *Ontario Regulations* enacted under the authority of the *Act*.

In addition, this Plan recognizes the responsibilities and opportunities the Province has or may provide for the Township of Sables-Spanish Rivers in decision-making on land use planning matters. These include but are not limited to land severance, exempting official plan amendment approvals, regulating and controlling land uses through zoning, site plan control and other planning tools and municipal plan review.

2.3 Municipal Restructuring and Planning Documents

The Township of Sables-Spanish Rivers is a restructured municipality. The Township of The Spanish River, the Towns of Massey and Webbwood and the previously unincorporated geographic townships of Tennyson, Gough, Shakespeare and McKinnon were restructured as the Township of Sables-Spanish Rivers on July 1, 1998. An initiative

of the first Council of the new municipality was to prepare an Official Plan and comprehensive zoning by-law to replace and/or update Planning documents currently in place. The following is the status of current Official Plan and zoning by-law coverage in the Sables-Spanish Rivers Planning Area.

The Sables Spanish Rivers Official Plan was adopted on November 28, 2001.

The Official Plan was finally approved by the Minister of Municipal Affairs and Housing on February 3, 2003. The Township adopted a comprehensive zoning by-law to implement the Official Plan.

The official plan was subsequently updated and approved with modifications on September 16, 2010 and the zoning by-law was updated to implement changes to the Plan on November 10, 2010 (By-law 2010-51).

2.4 Population Growth

The population has remained relatively stable over the last thirty-five years within the Sables-Spanish Rivers Planning Area (e.g., 3,350 (1981) to 3,214 (2016)). The Plan provides for a potential population of 3,900 by the end of the Planning Period in 2045 recognizing that growth will be largely driven by in-migration associated with retirement and/or economic development initiatives. This is exclusive of a seasonal residential population of approximately 750 residents.

2.5 Settlement Pattern

Future growth in the municipality will occur through significant opportunities for settlement in the three designated urban areas (Massey, Webbwood, Walford), through the attraction of waterfront residential development and through limited development in the rural area. The settlement pattern, while permitting these opportunities, will not compromise the conservation of the natural resource base, the protection of the natural environment nor the ability of the municipality to deliver and maintain cost-effective infrastructure and public services. Of the total vacant lot supply of 714 lots (June 2017) in the Township, of which 77 are rural residential building lots, a further 28 are located on or adjacent to some 12 key lakes in the municipality (does not include complete inventory of lakes). The vacant land supply includes a further 108 residential building lots in Massey, 32 serviced building lots in Webbwood and 8 in Walford.

Within this predominantly rural setting there are three urban communities. Of these, Massey is the largest and offers the most extensive scope and mix of land uses and public services. Webbwood offers a smaller but diverse mix of land uses while Walford is predominantly residential. The role of the two larger urban communities will be to provide a basic level of commercial and public service uses which caters to local residents and the tourist industry. The land supply for development within the three urban settlement areas is

considered to be adequate for the planning period. Expansion of the settlement area boundaries is not intended within the planning period. However, no official plan amendment(s) for the expansion of the settlement areas will be considered unless a comprehensive review is first undertaken. The three settlement areas shall be the focus of growth and development and measures promoted to encourage their resilience, sustainability, vitality and regeneration.

The Plan provides for an adequate land supply within the Planning Area for residential development. The housing demand is projected to be between 9 and 15 permanent residential dwellings per annum to 2045 depending on the rate of growth and 3-5 seasonal dwellings units per annum over the same period. A target of 75% growth will apply to the settlement areas and the balance in the rural area.

To encourage diversity in the supply of housing by promoting a full range of housing types and densities to meet projected requirements shall be provided, including the provision of affordable housing that is appropriate to people living with low income and people with special needs. A target of one quarter of all new dwellings units built in the Township should meet the definition of affordable in the Provincial Policy Statement (see Appendix 1).

The land use pattern will be rounded out with provision for resource related uses (agriculture, forestry, mineral aggregate extraction and mining), and related land use activities. The Plan also makes provision for other rural-based land uses (e.g. outdoor recreation, waste management sites, utilities etc.).

2.6 Economic Growth

Major employment sectors (2006) included business, finance and administration (15.8%), health, social and educational services (14.1%), primary industries (11.0%), manufacturing (12.1%), wholesale and retail trades (20.0%) which together employed 73% of the population. The total labour force 15 years and over was 1,500 (1996) and 1,445 in 2006.

While there is no formal structure for economic development in the Planning Area, the municipality is a participant in the La Cloche Manitoulin Business Association Corporation (LAMBAC).

LAMBAC is a community-based non-profit corporation whose objectives are to facilitate job creation and business expansion, entrepreneurship and community development, and to offer small business loans (over \$1 million annually to small businesses) and which includes a focus on providing seniors' housing and supporting tourism and the arts industries.

The future prospects for economic development will be dependent on the ability and initiatives of residents and decision makers alike to harness and manage its human,

financial and natural resource base in creating or sustaining employment. The Plan provides a positive framework by conserving the natural resource base for its economic value and by supporting or providing land use activities which create new employment in tourism, service commercial uses, home based businesses etc. Catering to the evolving market of pre and post retirees is also a significant target. Water is an important resource as well from the standpoint of recreational activities and waterfront-oriented development. Long term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes. This Plan supports and complies with the Growth Plan for Northern Ontario and associated development activities.

2.7 Public Health and Safety

Physical constraints to development and issues of public safety will influence where and why development should not take place due to flooding and erosion hazards, (**Section 3.16**), hazardous sites (**Section 3.17**), mine hazards (**Section 3.20**), bedrock, contaminated sites (**Section 3.18**) wildland fires and the impacts of climate change (e.g. severe rain events, power outages, wildland fires etc.). Policies to ensure safe development are essential ingredients to the Plan. The Plan also provides measures to ensure land use compatibility as it impacts on public health and safety through the spatial separation of residential areas from industrial and resource extraction activities to protect against health risks to air and water quality and disturbance due to noise.

2.8 Natural Heritage Features

Part of the heritage of the area is a deep respect for the environment and the amenities of natural habitat areas. The Plan sets out policies to ensure that there are no adverse impacts to the conservation of the environment and the ecological functions associated with endangered and threatened species, fish and wildlife habitats and wetlands (see **Section 3.22**).



2.9 Public Service Facilities and Infrastructure

Public service facilities and infrastructure are generally adequate and have residual capacity to support further growth and development. Development within Massey and Webbwood is dependent on the provision of piped services. Maintenance of the network of roads is key to the growth and settlement policies of the Plan. However, private roads are strictly controlled to avoid long term public expenditures for their potential assumption. The Plan recognizes the need to correlate and integrate the Township's Asset Management Plan with planning for infrastructure and public service facilities. The Plan also recognizes the need and promotes measures to encourage active transportation.

2.10 Cultural Heritage and Archaeological Resources

Recognition, conservation and management of the historical legacy of Indigenous culture, rural pioneer settlements and water based development are addressed through a policy on cultural heritage and archaeological resources (see **Section 3.15**).

2.11 Resource Management

The Planning Area is endowed with renewable and non-renewable resources important to the economic base of the community. The Plan permits and supports agricultural land use activities, designates mineral aggregate resources including active pits and quarries and reserves, identifies lands having mineral potential for future mineral extraction and identifies and encourages forestry as a land use activity (see **Sections 5.1 - 5.4**).

2.12 Energy

The Plan encourages the initiation of alternative and renewable energy systems (see **Section 3.11.2**).

2.13 Climate Change

The Plan recognizes climate change as a global phenomenon characterized by a gradual warming of the planet that has caused severe weather events; consequently, the Plan encourage and provides measures designed to reduce carbon emissions and to plan for the impacts of climate change (see **Section 3.11.4**).

2.14 Coordination

Land use planning decisions affect and are affected by many stakeholders and by shared landscapes and resources. A coordinated, integrated and comprehensive approach to land use planning which considers these and other criteria will lead to more equitable and well-rounded decision-making. The Plan includes policies for integrated land use planning with other orders of government, agencies and Indigenous communities (see **Section 3.27**).

3.0 GENERAL DEVELOPMENT POLICIES

The following general development policies shall apply throughout the Sables-Spanish Rivers Planning Area.

3.1 General Statement

It shall be a policy of Council to ensure that all development shall take place in accordance with the land use designations and policy statements of this Plan. The zoning by-law and any amendments thereto shall be enacted only in conformity with the policies of this Plan.

3.2 Provision of Municipal and Public Service Facilities

It shall be a policy of Council to ensure that municipal and other public service facilities are coordinated, efficient and cost effective and integrated with land use planning and the asset management plan so that they are financially viable over their life cycle and adequate to meet current and projected needs of service the residents of the Planning Area and that the capacity of these services are monitored on an ongoing basis in order to determine whether new development can be accommodated within the present servicing capacity. Such services shall include municipal water and/or sanitary sewers and storm water management facilities, transportation, waste disposal, recreation and park facilities, schools and fire and police services. Existing infrastructure and public services will be optimized prior to considering new services and opportunities for adaptive re-use will be considered, wherever feasible. Council will also provide for changes to the built environment that are designed to reflect the built environment as a determinant of health and well-being for community members. Examples include improving accessibility for those with disabilities, promoting active transportation, segregating non-compatible land uses away from schools and public facilities. Where new public services are proposed or existing services are relocated, Council will endeavor to co-locate such facilities in community hubs to facilitate service integration, and to also strategically locate public service facilities to support the effective and efficient delivery of emergency management services. Council will consult with and circulate applications for development to agencies which deliver public services not provided by the municipality.

3.3 Infilling and Intensification

It shall be a policy of Council to encourage infilling on vacant lots and to encourage the *intensification* of residential and non-residential buildings and sites within the settlement areas of Massey and Webbwood. Opportunities for intensification and redevelopment shall be promoted where it can be accommodated through existing building stock, infill and existing vacant lots, including brownfield sites. Consideration for such initiatives shall recognize the availability of existing *infrastructure*. Councils

target for *intensification* is to encourage development on lots/land identified in the vacant land supply while recognizing local servicing limitations of *partial services* such that provision will be made for development in the form of infilling and minor rounding out of existing development on *partial services* where it is within the reserve system capacity of those services and where site conditions are suitable for the long-term provision of such services with no negative impacts. (See also Section 3.18 Contaminated Sites.)

3.4 Existing and Non-Conforming Uses

Nothing in this Plan shall affect the continuance of uses legally established under the provisions of any zoning by-law in force on the date of approval of this the Plan or other legally established land uses including uses that do not conform with the land use designations as shown on **Schedules 'A1, A2 and A3', Land Use Plan**. Nothing in this Plan shall prevent the reconstruction of legal non-conforming uses which are inadvertently destroyed by a natural cause (e.g. fire, flood, earthquake, subsidence), nor prevent the maintenance, repair or strengthening of any building to a safe condition. This shall not prevent Council from encouraging residents to rebuild where they are not susceptible to a natural or human made hazard (e.g. outside of a flood plain).

It is the intention of this Plan that non-conforming uses, where they exist, should eventually cease to exist. It may be desirable, however, to permit the extension, enlargement or change of a non-conforming use to a similar or more compatible use subject to the following planning principles:

1. The extension or enlargement does not aggravate the non-conforming situation or the enjoyment of neighbouring uses. The use of buffering or screening techniques may be used to mitigate the impacts of development.
2. The extension or enlargement is in reasonable proportion to the existing use and to the land on which it is to be located.
3. The proposed extension or enlargement will not create undue noise, vibration, fumes, smoke, dust, odours, glare from lights, environmental hazards or other public health or safety concerns.
4. Traffic and parking conditions in the vicinity will not be adversely affected and traffic impacts will be kept to a minimum by the appropriate design of ingress and egress points to and from the site and by improvement of site conditions especially in proximity to intersections.
5. Adequate provisions have been or will be made for off-street parking and loading facilities where they apply.
6. Infrastructure and public services such as roads, waste disposal, school bussing, fire protection etc. are adequate or can be made adequate.

3.5 Lots of Record

1. Lots of record are legally created parcels or tracts of land that can legally be conveyed and, for the purposes of this Plan, are deemed to include lots in a registered plan of subdivision, parcels created by consent, in accordance with the *Planning Act* and/or any other distinct and separate holding, the deed to which is registered in the Land Titles Office.
2. Lots of record, which are vacant and which existed on the date of adoption of this Plan, may be used for building purposes provided that prior to a building permit being issued the Township is satisfied that:
 - A. The lot complies with the policies of this Plan for access to lots i.e. frontage on a public or private road, water access etc. (see **Section 3.10 - Transportation**);
 - B. Sewage disposal facilities and potable water can be provided on the lot to the satisfaction of the public body having jurisdiction (see **Section 3.12 - Water Supply and Sewage Disposal**);
 - C. The use complies with the provisions of the **Community Development** policies of this Plan (see **Section 4.0**);
 - D. The lot meets the relevant planning principles of this Plan for specific land use designations and the zoning standards of the implementing zoning by-law; and
 - E. An absolute minimum lot size may be established in the zoning by-law for development on a lot of record.

3.6 Fringe Development and the Built Form

Council will discourage fringe development around the fringe of settlement areas where it is more appropriately located within those settlement areas (i.e. Massey, Webbwood or Walford). Council intends to provide for the preservation of the rural atmosphere and rural living environment of the Planning Area. Council will conserve a low density built form consistent with the current urban and rural settlement pattern. Within the settlement areas building heights will be restricted to a maximum of four storeys while lot frontages and lot areas should not vary by more than 25%. Development standards will be promoted which facilitate intensification such as infill on vacant lots and underutilized developed lots; through redevelopment; and through a compact form, while avoiding or mitigating risks to public health and safety (e.g. ensuring proper building separation for fire safety, protecting water sources from septic contamination, attenuating noise and air quality emissions etc.). The zoning by-law will be utilized to ensure consistency in lot coverage, setbacks, density and other related standards. The adaptive reuse or repurposing of the existing building stock will be encouraged while also conserving the heritage character of the current architectural styles wherever feasible. The built form will seek to preserve public places and connectivity to open space, parks and trail systems essential to a healthy community. Within the rural area Council will also conserve a low density character

through large lots and zone standards that address lot coverage, setbacks and height controls.

3.7 Plans of Subdivision, Consents and Part-Lot Control

3.7.1 Plans of Subdivision

Land development shall generally take place by plan of subdivision in the urban settlement areas (Massey, Webbwood, and Walford) and for waterfront residential development where more than four lots/units are proposed. Development by plan of subdivision may be used for large lot residential development in the Rural Area. Consents shall otherwise be the method of land division.

An application for a plan of subdivision shall be in accordance with the requirements of the *Planning Act*. Additional information may be required in assessing the appropriateness and the location of the subdivision.

It shall be the policy of Council to consider for approval, only those plans of subdivision which comply with the policies of this Plan and which, to the satisfaction of the Council, can be supplied with adequate and cost effective, coordinated, and efficient infrastructure and public service facilities.

3.7.2 Subdivision and Consent Review Criteria

Provisions relating to the granting of consents and the approval of subdivisions are set out in Sections 51 and 53 of the *Planning Act*. Council shall be consistent with the Provincial Policy Statement in addition to the following subdivision and consent review criteria checklist which is intended to be used by Council in the review of consent applications or in the review of plans of subdivision applications (see also Sections **4.9.2 (F)** and **4.10 (9)** for subdivisions in the **Rural District** and **Resource Recreation District** respectively.

1. The application shall be complete (see **Section 6.7**) and shall include a sketch and the prescribed application fee and shall comply with the requirements of the *Planning Act* and associated Ontario Regulation 544/06, as amended for the filing, review, notice and decision procedures; □
2. The sketch shall show the lands to be severed and the lands to be retained, existing and proposed lot dimensions, lot areas and buildings, natural physical features (water bodies, slopes, tree cover) and sufficient information to be able to easily locate the land. The draft plan of subdivision shall illustrate all the requirements of Section 51 (17 of the *Planning Act*;

3. The proposed use of the lands to be subdivided shall be a use permitted in the underlying land use designation (e.g. refer to the Official Plan **Land Uses Plan Schedules** to determine designation and then refer to corresponding list of permitted uses for that designation in the text of this Plan);

□

□

4. Up to three consents may be granted for a lot existing as of the date of approval of this Plan (February 3, 2003) (excluding the retained lot).

□

5. The lot(s) to be developed (and any lands to be retained) must meet the requirements of the zoning by-law, e.g.:

- Lot size for buildings, accessory uses,
- Lot size for sewage disposal systems
- Parking, snow storage
- Lot frontage and depth
- Setbacks from roads, water bodies, wetlands
- Sufficient land area to allow development where constraints exist such as topography, soils (organic), rock, slope, wetland;

□

(See also Section 4.9.2 A for minimum lot area policy)

6. The lot(s) must meet the influence area or special setback requirements where the intended use of the lot(s) is/are for a sensitive land use (see definition in **Section 4.7**) e.g., a dwelling, daycare facility, educational facility or health care facility, church, campground, and other land uses as required. Reference should be made to the following Sections of this Plan for further explanation:

- **3.14 - Waste Disposal Sites**
- **3.16 - Flood Plains**
- **3.19 - Noise and Vibration**
- **3.20 - Mine Hazards**
- **3.22 - Natural Heritage Features**
- **4.7 - Industrial District**
- **5.1 - Agricultural Resource Lands (Minimum Distance Formulae I and II)**
- **5.2.4 - Mineral Aggregates** (pits and quarries)
- **5.3.6 - Mineral Resources**

□

7. The application shall be supported by studies or other information which may be required to determine whether the application will comply with the policies of this Plan, or to justify the reduction of required setbacks; ☐

Reference should be made to the above listing (subsection 6) for requirements e.g.: ☐

- Mitigation of industrial impacts ☐
- Mitigation of waste disposal impacts ☐
- Mitigation of negative impacts to cultural heritage and archaeological resources ☐
- Verification of non-impact on sensitive surface and ground water features and their related hydrologic functions ☐
- Mineral aggregate operation ☐
- Plan/measures for rehabilitation of *mine hazards* ☐
- Assessment of mineral potential ☐
- Impact Assessment/mitigation measures for *natural heritage features and areas* ☐
- Flood proofing measures ☐
- Noise or acoustical study ☐
- Record of Site Condition (contaminated sites) (see **Section 3.18, Contaminated Sites**) ☐

In the absence of appropriate mitigation, the application will be refused. The intent of the Plan is to ensure satisfactory compatibility between the proposed land use and existing land uses;

8. The application should be supported with information or a certificate of approval or evidence to verify suitability of the lot(s) for sewage disposal. This may include approval for a connection to *municipal water services* or *municipal sewage services*, where available, an *individual on-site sewage* or *water service* or a *private communal sewage* or *water service*, or a hydrogeological study. In approving consents, the Township shall confirm that there is sufficient availability of off-site *reserve sewage system capacity* for (hailed sewage) for any

individual on-site sewage service in the municipal septage disposal facility. (See **Section 3.12, Water Supply and Sewage Disposal**);

9. The application should be supported with information to verify suitability of the water supply (quantity and quality);

□

10. The lot(s) shall have frontage on and direct access to a year round maintained public road unless otherwise exempted as follows:

- New lot creation on existing private roads will only be permitted where provisions are made as a condition of development approval for the progressive upgrading, reconstruction or improvement, and ongoing maintenance of the private road. Upgrades or improvements may include but are not limited to ditching, stormwater controls, reducing grades, gravelling, paving and extending width or height clearances or providing laybys for safe passage by emergency vehicles. Council will use the enabling authority of the *Planning Act* and the *Municipal Act* to require agreements with one or more landowners designed to achieve improvements and maintenance of private road infrastructure;
- A lot for any seasonal residential use may be created having access to a publicly maintained seasonal road;
- ***Development*** with water access only may be granted for seasonal residential dwellings provided there is adequate docking and parking facilities on the mainland of the same water body; and
- Lots for non-habitable buildings or structures associated with forestry, mining, mineral aggregate operations and telecommunications may be accessed by private roads.

□

11. Where the lot(s) proposed front/fronts on a provincial highway or is located within the Ministry's permit control area, prior approval must be obtained for access from the Ministry of Transportation. Also, where the Ministry has identified the need for a road widening, the necessary land shall be dedicated as a condition of approval (see also **Section 3.10.1**). The applicant must receive approval

□

from the municipality for the location and installation requirements for an entrance and/or culvert for access onto any public road;

12. The access or entrance to any lot should not create a traffic hazard e.g. on a curve or a hill where a driver's sight line is blocked or impaired. To improve the safety of roads in the area, sight distances should be maintained on corner lots. To achieve this for a corner lot, no lot should be created where any structure, berm, fence, tree, hedge or shrub with a height exceeding 1 m [3.2 ft.] above the finished grade of the road is within the triangular space measured: (a) along the street lines for a distance of 10 m [32.8 ft.] from their point of intersection, and (b) along the street line and railway right-of-way for a distance of 30 m [98.4 ft.] from their point of intersection; ☐
13. Where the potential for *archaeological resources* or lands containing archaeological resources has been identified or *development or site alteration* is proposed on *adjacent lands* to a *protected heritage property*, an archaeological or heritage impact assessment shall be required. The applicant shall consult with the municipality, and where archaeology is concerned, the Ministry of Tourism, Culture and Sport (see **Section 3.15, Cultural Heritage and Archaeological Resources**); ☐
14. *Development* will not be permitted which has the effect of limiting access to back lands for future development or which have the effect of creating land locked parcels for either the severed or retained lot; ☐
15. *Development* will not be approved in areas where the undue extension of municipal or public service facilities would be required (e.g., extension of a public road or school bus route) or does not coincide with the intent of the Township's Asset Management Plan; ☐
16. *Development* will not be granted for the creation of a new lot(s) on a water body where the lake has reached its development capacity and no residual capacity exists for that water body except in accordance with Section 4.10(3.A);
17. *Development* may not be approved which would interfere with a public facility such as a park, road, transportation ☐

and infrastructure corridor, source of water or similar facility:

18. Ensure that non-residential uses (industrial, commercial, institutional uses) comply with other relevant policies of this Plan. Non-residential uses more appropriate to a rural setting should be directed to a location outside of urban areas; ☐
19. Ensure that lots in the built-up areas are proportioned to appropriately fit within the lotting pattern and serve to enhance the viability of the urban areas. (See also policies for infilling and intensification - **Section 3.3**); ☐
20. Ensure that the design of rural non-farm residential development is appropriate for the site and surrounding area and creates a minimal impact on the natural environment; ☐
21. Ensure that lots on which a mobile home is proposed shall be judged on the same criteria as those for conventional dwellings; ☐
22. Despite the provisions of this Plan, no lot shall be created with more than one dwelling or mobile home erected thereon except where the provisions for additional residential units or garden suite apply; ☐
23. Lots should not be created which have the effect of generating scattered or strip development, thereby increasing the cost of providing municipal services; ☐
24. Subdivision development will take into consideration barrier-free design; ☐
25. Consideration shall be given as to whether the subdivision is premature, and in the public interest and whether all other criteria of Section 51 (24) of the *Planning Act* have been met. ☐
26. Despite the criteria outlined in '1' to '25' above, consents may be granted for the following purposes:
 - To correct lot boundaries;
 - To convey additional land to an adjacent lot provided the conveyance does

not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used;

- To clarify title to the land;
- Where the effect of the severance does not create an additional building lot;
- To permit an easement;
- To permit a severance for municipal or other government purposes; or
- To permit the discharge of a mortgage which does not have the effect of creating a new lot.

27. Conditions may be imposed by Council in the granting of consents and the approval of subdivisions and condominiums which may include but not be limited to the following:

- A zoning amendment under the zoning by-law under Section 34 of the *Planning Act* or a minor variance under Section 45 of the *Planning Act*;
- Site plan control;
- The dedication of land for parkland purposes or cash-in-lieu of parkland;
- The conveyance of land or conveyance for easements for utilities, access control or drainage;
- The construction or upgrading of roads, road widening or the installation of drainage or storm water facilities and culverts;
- The establishment of buffer strips and landscaping;
- The installation of water supply or sewage disposal systems and requirements for waste management;
- The entering into of an agreement including provisions for financial guarantees;
- Demolition of buildings or structures and/or measures to remediate the property due to hazardous or contaminated conditions;
- Implementation of mitigation measures to ensure compatibility amongst land uses (e.g. separation distances, noise, blasting and odour attenuation, landscape and visual buffers);
- Provisions for adequate drainage or storm water management, and requiring the submission of a survey or reference plan of survey;
- Conservation and/or protection of natural heritage features and areas;
- Conservation of cultural heritage and archaeological resources;
- Establishment of wildland fire buffers;
- Facilitating the delivery of affordable housing.

28. Procedures for processing consent and subdivision applications may include but not be limited to:

- Applicant(s) shall pre-consult with the Municipality;
- Applicant files a complete application with the Clerk;
- Notice of the application will be circulated in accordance with the *Planning Act*;

- Undertaking a site inspection;
- Council may also seek technical input from other selected agencies;
- The application will be reviewed for compliance to the policies of this Plan, the Provincial Policy Statement and the regulations of the implementing zoning by-law;
- Council may seek a Planning Report from a qualified Planner;
- Council will convene a public meeting in accordance with the *Planning Act* to consider the application;
- Council will issue a decision and may impose conditions of approval (provisional consent or draft approval):
- Decision is advertised (circulated) as required by the *Planning Act*;
- Applicant shall enter into a consent or subdivision agreement where required as a means to implement the conditions;
- Applicant has up to one year to fulfill provisions of conditional consent; Consent is granted upon fulfillment of conditions and submission of deed or instrument for stamping (certificate); and
- The conveyance must occur within two years from the date the certificate is given or consent will lapse

3.7.3 Part-Lot Control

Part-lot control may be used for existing plans of subdivision where it is necessary to realign lot boundaries, to clarify or grant title, to exact specific servicing requirements as a condition of consent such as a road widening or to further control internal development on a lot. A deeming by-law may be passed by a Council under Section 50 (4) of the *Planning Act* for a plan of subdivision or part thereof that has been registered for eight years or more and where Council deems it appropriate to apply subdivision control to the lands under Section 50(3) of the *Planning Act*. A deeming by-law may be used to consolidate undersized lots to create a more suitable larger land holding.

3.8 Lots Fronting on Both Water and Road

Where a lot fronts on both a water body and a street, the lot line abutting the water body and the lot line abutting the road must meet both the minimum lot frontage requirements.

3.9 Shoreline Structures

The policies of this section shall apply to shoreline structures abutting any lake or water body:

1. With the exception of docks and (wet) boat houses, all shoreline structures shall be constructed within the confines of the property boundaries of a lot;

2. Shoreline structures including single storey boat houses, boat ports and float plane hangars shall be limited to a maximum width, height and length as set out in the zoning by-law;
3. Construction of a storey addition for any shoreline structure shall not be permitted;
4. Interior finishing or occupancy of any portion of a boat house or boat port for use or occupancy as a dwelling or additional residential unit shall not be permitted;
5. Saunas or steam baths shall not be serviced by a pressurized water system;
6. Floating structures, cribs and docks (of less than 15 m² [161.5 ft.²]) in floor area shall be subject to municipal review while structures exceeding this area shall require permits from the appropriate regulatory authority;
7. The type of docks shall generally be limited to floating, cantilevered or post dock construction. Other types of docks may be permitted where it is demonstrated that they will not have a negative impact on fish habitat. Docks shall be built of non- toxic building materials. The size, location and impact on navigation safety of docks may be regulated by the zoning by-law and in no case shall limit or restrict safe navigation. The shoreline below the high water mark shall not be permanently altered through the construction of shoreline structures except to accommodate the placement or use of docks as approved by the authority having jurisdiction;
8. No shoreline structure which will destroy fish habitat shall be permitted [see **Section 3.22(3)**];
9. Other shoreline structures may include a gazebo, utility or storage shed, deck or viewing area subject to the standards set out above (with the exception of size); and
10. Shoreline structures shall be permitted in a front yard on lots having water frontage provided that such uses meet appropriate zoning standards. Shoreline structures may require additional approvals from the Ministry of Natural Resources and Forestry and the Federal Department of Fisheries and Oceans.

3.10 Transportation, Transportation and Infrastructure Corridors

Transportation infrastructure is made up of provincial highways, township roads, private roads, resource access roads, recreational trails and snowmobile trails while transportation and infrastructure corridors consist of many features such as the Rail Line, roads, sidewalks, trail systems and hydroelectric power and other utility transmission lines.

3.10.1 Provincial Highways

Highway 17, as shown on the **Land Use Plan Schedules**, is classified as a 2B Arterial designed to carry high volumes of through traffic.

In addition to all the applicable municipal requirements, all proposed **development** located in the permit control area of Highways 17 and 553 will be subject to the Ministry of Transportation (MTO) approval under the *Public Transportation and Highway Improvement Act*. Any new areas in the municipality identified for future development that are located adjacent or in the vicinity of Highways 17 and 553 and/or intersection within MTO's permit control area under the *Public Transportation and Highway Improvement Act* will be subject to MTO's access management policies, standards and requirements. Direct access will be discouraged and often prohibited. Access to provincial highways is restricted and **development** shall only be permitted where the applicable approvals/permits have been obtained. This may include a traffic study. Any new roads proposed to be connected to a provincial highway are subject to provincial approval including spacing requirements between intersections. Noise and vibration studies, illumination studies and stormwater management studies may be required by MTO prior to considering whether development should be approved within the permit control area adjacent to Highways 17 and 553. Reference should be made to *Stormwater Management Requirements for Land Development Proposals* for stormwater management studies.

Highway 553 is a 4 Local provincial highway (outside of Massey) and is also subject to the requirements and permits of the Ministry of Transportation.

Cycle routes will only be permitted on Provincial highways after an analysis of the impact on safety and traffic operations has been reviewed and approved by MTO.

For the purposes of this Plan the MTO permit control area is set out in the following diagram

An MTO permit is required if you want to ...	Within this distance ...
Place a building, structure, entrance or any road	45 m of the limit of any highway 180 m of the centre point of any intersection (on King's Highways) 395 m of the centre point of any interchange (on controlled-access highways)
Place a sign	400 m of the limit of the highway
Major developments (or uses i.e. shopping centre, stadium, fair ground, race track, drive-in theatre or any other purpose that causes persons to congregate in large numbers)	800 m of the limit of the highway

Development adjacent to a Provincial Highway shall also comply with the following criteria:

1. **Subdivisions**
Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that the lots back onto the provincial highway and front onto a local internal street.
2. **Outdoor Storage**
Outdoor storage and loading areas should be visually screened or appropriately located and not visible to the travelling public, to ensure these uses are not a distraction to the travelling public.
3. **Home Base Businesses**
Entrances serving home based business, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future and that an additional entrance will not be permitted to accommodate the home based business, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.
4. **Entrances**
Only one highway entrance for each lot of record will be permitted. MTO will not allow a second entrance for a property owner whose land lies beyond the permit control area and wants access to a provincial highway via another property owner's entrance. With respect to back lots associated with lake front development, MTO will not permit the use of other property owners' entrances and will require that new cottages or developments only be permitted to access the provincial highway from existing public roads or new public roads that meet MTO's access management practices and principles.
5. **Patrol Yards**
Land uses in the vicinity of an MTO patrol yard may be restricted or prohibited where the land use conflicts with the operation of the patrol yard.
6. **Wind Farms**
Wind farms and associated wind turbines placed within MTO's permit control area will be required to obtain all necessary permits and meet all setback requirements prior to any construction commencing

3.10.2 Township Roads

1. Classification of Roads

For the purposes of this Plan, the classification of Township roads shall

include the following:

- A. Township Roads which are maintained year round
- B. Township Roads which are seasonally maintained
- C. Township Roads which are unmaintained

The classification system for Township roads as set out above is illustrated on the **Land Use Plan Schedules** to this Plan.

2. **Year Round and Seasonally Maintained Township Roads**

The primary function of Township roads will be to provide access to abutting properties. Standards for new road construction will include a minimum of 20 m [66 ft.] right-of-way engineered design and layout, appropriate drainage and construction. Roads on lands under plan of subdivision may be assumed by the Township provided the standards for road construction have been satisfactorily met.

Council may post seasonally maintained roads with signs to indicate that maintenance is limited. Where such roads are classified and posted with a sign, Council will not be obliged to provide winter control services. Development on a seasonal road will be limited to a seasonal land use only.

There is no obligation by Council to convert a seasonally maintained road to a year-round maintained road. Council may, however, undertake or request a cost-benefit analysis (e.g. assessment of the operational costs of maintaining roads and extending infrastructure or services such as ambulance, fire, police, utilities, school bussing) to determine the impact of such a conversion. Where Council is satisfied that potential development is justifiable, the status of the road may be changed to year-round. As a condition of the change of status, Council may require one or more applicants to share the cost of improving the road to an acceptable standard. The status of the road may be changed without an amendment to this Plan. In making a decision on the change of status Council may also consult with school boards to determine whether any additional costs to school busing are reasonable.

3. **Unmaintained Roads**

Council recognizes that there are municipal roads which are abandoned and are no longer maintained by the municipality. Where such roads have been abandoned, it is not the intent of Council to maintain these roads or to permit development on such roads. Council may give consideration to new development (i.e., creation of a new lot, change in land uses, construction of a building) provided that the road is upgraded and maintained to a municipal standard and provided Council is satisfied that the operational costs of maintaining the road or extending infrastructure or services such as ambulance,

fire, police, utilities, school bussing, will be reasonably offset by property tax revenues.

4. **Unassumed and Unopened Road Allowances**

Council recognizes that the public may use unassumed or unopened road allowances for access by vehicles or for use as snowmobile or recreational vehicles even though they are not maintained by the Township. Council is under no obligation to maintain such roads, but may require an agreement for their use or maintenance. Council may open a road allowance or assume a road where the road is developed to municipal standards in accordance with **Section 3.10.2 (2)** above and provided Council is satisfied that the operational costs of maintaining the road will be reasonably offset by property tax revenues.

5. **Road Maintenance and Improvements**

Construction or maintenance of existing Township roads and bridges or crossing structures will continue to be based on a regular program of capital expenditures as set out from time-to-time by Council and which are set out in greater detail in the Township's Asset Management Plan. The Asset Management Plan will be used in determining the roads and bridges maintenance program and the assumption of new roads including unmaintained and private roads (i.e. the number of kilometers of hard surfaced roads may be increased with priority being given to roads with higher traffic volumes and/or the need for improvements to meet contemporary design and safety standards and road improvements may be undertaken to improve the efficiency, function and safety of roads). Maintenance of existing roads and the construction of new roads will be based on life-cycle costing to ensure that the asset is financially viable over its life cycle.

Road maintenance and improvements of municipal roads including the addition of roads to the municipal road system shall be deemed to be in conformity with section 24 of the *Planning Act*. This shall not limit the authority of the Township to designate truck routes, fire routes and the installation of parking lanes as may be required.

Council may undertake or require the installation of sidewalks to an acceptable standard. In general, however, sidewalks will be limited to urban settlement areas.

Council may require a traffic impact study to be undertaken by the proponent of development where it is anticipated that additional traffic will have an impact on the safety and efficiency of a road. Where the transportation system is not adequate to accommodate a proposed development, Council may require as a condition of approval:

- A. Reasonable improvements to the system by the proponent of the development;
- B. Financial contributions towards undertaking the necessary improvements;
- C. The dedication of a right-of-way for a future road or a road widening of an existing road.
- D. Adding bicycle lanes, or services for horse-drawn vehicles or undertaking other measures to promote active transportation.

6. **Culverts and Entrance Permits**

A properly installed culvert and/or entrance permit will be required, where applicable, for any new access to a Township road. The installation or replacement of culverts will be to acceptable standards for drainage to the satisfaction of the municipality.

7. **Utility Location**

Council shall ensure, wherever possible, that all future utilities are located within a municipal road allowance.

3.10.3 Private Roads

- 1. A private road is defined as a road under private ownership which serves two or more legally conveyable lots and may include a right-of-way registered on title. *(A driveway, by contrast, provides access to only one property or legally conveyable lot, despite the length of the driveway.);*
- 2. Private roads are intended to provide access to abutting properties including existing lots of record;
- 3. As a first priority, development shall be focused on municipally owned and maintained roads. No new private roads will be permitted, except where the private road is internal to a plan of condominium and the private road is connected externally to a public road. No extensions to existing private roads will be permitted. While new development on existing private roads is discouraged, it may be permitted in exceptional circumstances, in accordance with OP Policy 3.7.2(10);
- 4. Council may assume a private road where the standards meet the design and construction requirements for township roads or are constructed to an alternative standard acceptable to Council, and where the road allowance is dedicated (transfer of title) to the municipality and is surveyed. If it is physically

impossible to widen an existing substandard private road or reduce any existing grade to 8%, Council may, as part of its risk assessment, accept a lesser width or greater grade. Prior to deciding on the assumption of a private road, Council may require a cost- benefit analysis to determine if the operational costs of assuming and maintaining the road will be offset by property tax revenues. The costs for upgrading a private road to a township standard will typically be borne by the adjacent property owners e.g. survey, legal and construction costs;

5. An existing lot may be used or developed for a use permitted which does not have frontage on a public road provided that the lot has a legal access (e.g. right-of- way) registered on title;
6. Council assumes no responsibility for providing access, snow removal or the maintenance of private roads nor is any responsibility acknowledged for the provision of school busing. Where Council provides for emergency services, private roads will be required to meet a minimum standard of construction and maintenance. Upgrades or improvements may include but are not limited to ditching, stormwater controls, reducing grades, gravelling, paving and extending width or height clearances or providing laybys for safe passage by emergency vehicles. Council may at its sole discretion, register notice on title or require that an owner enter into an agreement acknowledging that the municipality will not be responsible for the repair or maintenance of private roads and that the municipality is under no obligation to provide fire protection, police, ambulance or other emergency services; and
7. Council may require signs to be installed to identify private roads, restrictions on their use and that passage is at the risk of the user.

3.10.4 Resource Access Roads

1. For the purposes of this Plan, resource access roads as shown on the **Land Use Schedules** are intended to provide access to resource-based land uses such as forestry, mineral or mineral aggregate extraction and are generally not intended to provide access to residential or commercial land uses. Except for the West Branch Road which provides access to the north side of Birch Lake, new lot creation for seasonal residential or commercial uses on Resource Access Roads will not be permitted; and
2. Resource access roads are expected to be maintained by private enterprise under lease or other arrangements with the Crown.

3.10.5 Transportation Corridors

1. It is the intent of this Plan that existing transportation corridors for road and rail be protected from land use activities which may interfere with the function and safe operation of these corridors including Highway 17 and the Huron Central Rail Line (see also Section 3.19 – Noise and Vibration); and

2. It is the intent of this plan that the network of the Trans Ontario Provincial Trails (TOPS) snowmobile system be protected. It is recognized that the TOPS routing as shown on the land use plan may change from time-to-time. However, an amendment to this Plan is not required for changes to this routing so long as the intent of this policy is upheld. Any trail crossings of provincial highways will, however, require the prior approval of the Ministry of Transportation. For safety reasons, trails running along an MTO right-of-way will not be permitted.
3. The intent of the Plan is to protect transportation corridors and rights-of-way from development or land uses that would negatively affect the use of the corridor for the purpose it was identified. New development proposed on adjacent lands to an existing or planned corridor shall be made compatible with and supportive of the long-term purposes of the corridor and will be designed to avoid, mitigate or minimize any negative impacts on and from the corridor.
4. Non-motorized routes will be protected or developed wherever feasible as a means to facilitate active transportation (e.g. sidewalks, bicycle routes and trails including the TransCanada and Voyageur Trails). Signage will be installed to alert motorists of the need for shared roadways with cyclists, pedestrians and horse-drawn vehicles.
5. Abandoned corridors, such as a rail corridor will be retained in the public domain for reuse, particularly as a recreational trail.

3.10.6 Infrastructure Corridors

It is the intent of this Plan that existing infrastructure corridors for utilities be protected from land use activities which may interfere with the function and safe operation of these corridors (see also Section 3.19 – Noise and Vibration).

3.11 Communications, Utilities and Services, Energy and Air Quality

3.11.1 Communications, Utilities and Services

It is the policy of Council to provide for the development of electric power facilities, gas, oil and communications facilities in all land use designations without an amendment to this Plan. The design and installation of communications facilities, utilities and services will be integrated and coordinated with land use decisions to ensure that such facilities meet current and projected needs that consideration is given to designs that withstand the impacts of climate change, that they incorporate green technology wherever possible, and that such facilities and services are efficient and cost effective. Council intends to work with the responsible private and public related agencies in order to provide for the installation of such facilities for any proposed

development while minimizing the disruption to existing development or to the environment. Agencies will have regard for the relevant policies of this Plan in installing energy and communications utilities. For example, utility corridors and communications towers should be set back from existing or proposed development as a measure of public safety. The installation of any facilities shall be installed in compliance with the applicable environmental standards and may be subject to the *Environmental Assessment Act*. Administration or service buildings associated with utility installations shall respect the appropriate zoning standards of the zone in which they are located. Communication towers, sub-stations, dams, administration buildings and similar utility installations are subject to site plan control (see **Section 6.20 - Site Plan Control**).

It is the policy of Council to encourage the joint use of public rights-of-way or utility corridors in order to ensure the orderly development of major electric power lines, oil and gas pipelines and communications lines.

Council will encourage, where economically feasible, that utility and transmission lines be installed underground in residential areas so as to minimize their adverse visual impact on the environment.

3.11.2 Energy Conservation

1. Council will promote the use of renewable energy systems and alternative energy systems, where feasible, in accordance with provincial and federal requirements. In particular, Council will promote the use of micro-alternate energy sources and micro-generation technologies which do not require provincial approval such as roof-mounted solar panels, micro-wind turbines, geothermal and other non-fossil fuel systems.
2. Council, in conserving energy, may encourage energy audits and implementation measures to retrofit the existing stock i.e. upgrading of windows, fixtures, energy efficient furnaces, etc.;
3. Council may take advantage of Provincial or Federal Government funding to achieve a more energy efficient community;
4. It is a policy of Council to encourage non-vehicular movement (pedestrian) within the community;
5. It is the intent of Council to encourage the installation of: energy efficient solid fuel burning appliances; proper, energy efficient insulation; water conserving fixtures, etc. This may be achieved through a program of public education;
6. Council will encourage sustainability measures in land use planning through promoting energy-efficient land use development, alternative energy systems, reuse, reduction and recycling, adaptive reuse of buildings, healthy lifestyles that

emphasize cycling and pedestrian travel and the use of locally produced consumer and food products.

7. Council will optimize the use of existing infrastructure by avoiding the unnecessary construction or extension of the existing road network. The focus of development will be on rural infill along the existing road network.
8. Council will develop a fleet replacement strategy through the timely replacement of existing vehicles and equipment with more fuel efficient vehicles and by sharing equipment with other municipalities wherever possible.
9. Council will encourage and facilitate the development of rural transportation services designed to replace or reduce the use of individual cars, and increase commuter car-pooling and car-sharing.
10. Council will examine by-laws and processes to identify and address possible barriers to renewable energy and energy conservation.
11. Council will use municipal websites to advise citizens of funding programs and incentives for energy-related home renovation and energy conservation measures.
12. Council will establish an energy budget and targets to reduce energy consumption and to reduce the use of fossil fuels.
13. Council will promote the use of energy saving technologies in building construction for new non-residential buildings with the objective of creating net zero buildings. This will be in addition to net zero objectives of the *Ontario Building Code* for residential buildings.
14. Council will promote vegetation retention strategies to conserve heat loss, provide shelter belts and reduce erosion.

3.11.3 Air Quality

Council will support measures to sustain or improve air quality by encouraging the use of non-fossil fuel energy sources, by encouraging pedestrian and cycling travel and by ensuring that fugitive (dust, odour, particulate) emissions from industries and other sources are adequately treated and meet provincial protocols.

3.11.4 Climate Change

Climate change is recognized as a global phenomenon characterized by a gradual warming of the planet that has caused severe weather events, the destruction of infrastructure, negative impacts on agriculture and threatening the biodiversity of our ecosystems. The international community has responded with initiatives to reduce

greenhouse gasses or carbon emissions through reduction in the use of fossil fuels. Governments at all levels are engaged in both mitigation efforts and adaptation measures designed to cope with the impacts of climate change.

1. **Climate Change Keynote Policy**

To undertake and encourage measures designed to reduce carbon emissions and to plan for the impacts of climate change.

2. **Reducing Carbon Emissions**

Council is committed to reducing carbon emissions through the following measures or initiatives:

3. **Transportation:**

- Promoting carpooling and supporting rural carpooling through establishing car parks at major commuting intersections along Highway 17.
- Improving opportunities for cycling through the designation and signage of cycling routes through the planning area and by encouraging provincial initiatives to provide cycling lanes on provincial highways.
- Encouraging the development of rural transportation services and shuttle services for multiple occupancy through the use of mini-vans, buses.

4. **Energy Efficient Buildings and Vehicles:**

- Reducing energy consumption through municipal building retrofits.
- Promoting zero-emission and green building design.
- Undertaking replacement of municipal vehicles alternative fuel vehicles.
- Supporting establishment of new vehicle electric charging stations.

5. **Renewable Energy:**

- Promoting and supporting the development of renewable energy sources on a commercial and individual scale through wind, solar, geothermal, biogas and micro-hydro systems.

6. **Food Security:**

- Encouraging local food production through measures such as farmer's markets, farm stands, waste food recycling, and community gardens.

7. **Waste Management:**

- Promoting recycling of non-organic wastes.
- Reducing waste disposal in landfill sites through waste diversion, recycling and re-use.

8. **Agriculture and Forestry:**

- Promoting best farm practices by farmers through reducing nitrous oxide emissions through improved fertilizer use, crop rotation, modified tillage and residue and manure management
 - Encouraging fuel switching through use of biomass, solar, wind or micro-hydro sources.
 - Provision of alternative fuel production through feedstock from wood pellets, biomass etc.
9. **Carbon Capture:**
- Sustaining high level of forest cover for carbon capture.
10. **Well Built Communities and Infrastructure:**
- Ensuring that all development is directed away from lands susceptible to flooding and erosion through severe climate events.
 - Designing road infrastructure and stormwater management facilities to protect against severe weather events and to facilitate evacuation.
 - Encouraging compact urban-based development designed to take advantage of renewable energy sources (i.e. wind, solar, geothermal) and which minimizes travel distances to community facilities, shopping and employment areas.
11. **Emergency Preparedness**
- Council will review emergency preparedness plans on a regular basis giving consideration to:
- Types of impacts such as floods, forest fires, mud slides
 - Evacuation routes from low lying lands
 - Communication services during emergency events
 - Provision of generators or alternative energy supplies
 - Location and provisioning of evacuation centres

3.12 Water Supply and Sewage Disposal

3.12.1 Policy Overview

The Provincial Policy Statement identifies a servicing hierarchy of which full municipal sewage and water services are the preferred form of servicing for urban areas and rural settlement areas. Communal water and sewage services are identified by the Provincial Policy Statement as being the preferred means of servicing multiple lots/units in areas where full municipal sewage and water services are not available, planned or feasible. Individual on-site systems are to be used where the use of communal systems is not feasible and where site conditions are suitable for the long term provision of such services with no *negative impacts*. Partial services (where there is a connection to a one communal service or full municipal service where the other connection is to an

individual on-site system) shall only be permitted where they are necessary to address failed **individual on-site sewage services** and **individual on-site water services** in existing development and within **settlement areas** to allow for infilling and minor rounding out of existing development on **partial services** provided that the development is within the **reserve sewage system capacity** and **reserve water system capacity** and site conditions are suitable for the long-term provision of such services with no **negative impacts**.

It is the intent of Council, in being consistent with the Provincial Policy Statement, to balance the servicing needs of the area with the character of development. In Massey and Webbwood, infill development will be permitted on existing partial services (see **Section 3.3 - Infilling and Intensification**). In the hamlet of Walford, where the density of development is lower, servicing will be on the basis of **individual on-site sewage services** and **individual on-site water services** and will be limited to infilling and minor rounding out of existing development. This reflects the character of the area as well as the intent to avoid densities which may necessitate the installation of piped services. This may not preclude the need for communal systems for larger scale development.

At the time of the official plan review or update, the Township will assess the long-term impacts of **individual on-site water services** in Webbwood and **individual on-site sewage services** in Massey on the environmental health and character of these settlement areas and the feasibility of private communal services for future multi-unit/lot development. A similar assessment will be undertaken for Walford with respect to **individual on-site sewage services** and **individual on-site water services**.

Where applicable, Council will have regard for Ontario's *Safe Drinking Water Act* and associated regulations where applicable, which is intended to ensure that Ontarians have access to a safe drinking water supply. This legislation applies both to municipally owned and operated water supply systems as well as private communal systems.

3.12.2 Municipal Water and Sewer Services

1. It is the policy of Council to ensure that development within Massey and Webbwood respectively, is serviced with municipal piped water or sewer services (e.g. partial services) within the limits of the service area. This shall occur on the basis of infill (see **Section 3.3 - Infilling and Intensification**). In the review of planning applications, it is Council's intent to ensure that there is sufficient reserve water or sewage system capacity for future development. Council may allocate uncommitted reserve capacity where appropriate as a means to control the location and phasing of development. Development elsewhere within any designated settlement area shall be subject to a servicing options report to assess the most appropriate method for providing water supply and sewage disposal.
2. **Wellhead Protection**

Wellhead protection shall be required for a municipal water supply or a communal supply. This shall include the definition of a geographic area or zone surrounding a well (wells) that coincides with a time-of-travel (TOT) or the time taken for contaminants to travel through the soil to reach the aquifer. A two year TOT will be required in setting the limits of the protection zone. Alternatively, a minimum distance separation distance or setback may be established in consultation with the Ministry of the Environment, Conservation and Parks. “Sentry” wells may be required as an early warning monitoring system for water quality. Contaminants which will be restricted or prohibited within the protection zone include bulk fuel, bulk chemical/organic fertilizer, or manure storage. The provisions listed under subsection 3 [A] - [E] below (aquifer protection) shall apply where applicable.

3. **Aquifer Protection**

In areas identified as having aquifer vulnerability, land uses may be restricted which have the potential to contaminate the aquifer. Proponents of development shall be required to clearly demonstrate to Council’s satisfaction that protection measures will be implemented. Such measures may include one or more of the following measures:

- (i) Installation of professionally designed retention basins (examples, concrete holding tank, clay liner) for the storage of toxic and other substances including fuels, fertilizers, salt, manure, landfills, putrescible waste disposal septage etc.;
- (ii) Undertaking a development impact assessment to determine any “adverse effects” (as defined in the *Environmental Protection Act*) on the aquifer for such uses as auto wrecking and salvage yards, septage and waste stabilization lagoons, warehousing of industrial chemicals, metal finishing operations, gasoline service stations, snow disposal sites, dry cleaning establishments, manufacturing or storage of pesticides and herbicides, manufacturing of batteries, engines or electrical equipment, fiberglass, plastics, synthetic resins, paints and varnishes, adhesives and pharmaceuticals, incineration operations/facilities;
- (iii) Establishing a spills emergency plan and/or emergency measures plan;
- (iv) Establishing an aquifer protection trust fund to mitigate any adverse effect or a spill affecting or which has the potential to affect an aquifer;
- (v) Capping of any abandoned well as a prerequisite to new development;
- (vi) Production of a “Record of Site Condition” report in compliance with O. Regulation 153/04 as a prerequisite to the redevelopment of any contaminated site (see also **Section 3.18 - Contaminated Sites** of this

Plan).

- (vii) Entering into a site plan agreement which sets out the details, amongst other matters prescribed by Section 41 of the *Planning Act*, for drainage and storm water management, waste and materials storage, the location of buildings and structures relative to any wells or aquifer recharge or discharge areas and the long term maintenance of any buildings or structures containing materials or products which may have the potential to contaminate an aquifer.

4. **Webbwood Sewage Lagoon**

The minimum separation distance for development between the Webbwood Sewage Lagoon and any *sensitive land uses* surrounding this facility shall be 100 m [328 ft.]. The distance separation shall be measured from the nearest edge of any active waste stabilization pond (lagoon) to the nearest property boundary of any *sensitive land use*. Where the proposed separation distance is less than prescribed by this Plan or the zoning by-law, a justification report shall be provided using the Ministry of the Environment's Guideline D-2, Compatibility between Sewage Treatment and Sensitive Land Use.

3.12.3 Individual On-Site Sewage and Water Services

1. Lands throughout the Planning Area outside of service areas within settlement areas may be serviced by ***individual on-site sewage services*** provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Planning applications for new development shall be supported with information satisfactory to meeting the approval requirements under the *Building Code Act* or the *Ontario Water Resources Act*: e.g.
 - A. Where the total effluent discharged by a sewage system or systems is 10,000 liters/day (2,200 gallons/day) or less, and the system will be entirely within the bounds of the lot, the approvals will be governed by the *Building Code Act* as administered by the Sudbury & District Health Unit;
 - B. Where the total effluent discharged by a sewage system or systems is greater than 10,000 liters/day (2,200 gallons/day), the approval authority will be the Ministry of the Environment, Conservation and Parks. The associated hydrogeological study shall demonstrate soil suitability, sufficient area for effluent treatment and site suitability for the disposal system;
 - C. A water supply assessment report may be required for proposals using a groundwater source to demonstrate that there is an adequate supply (quantity and quality) and that there will be no interference from sewage

disposal or draw down of the water table. (*Reference should be made in this regard to the Ministry of the Environment, Conservation and Parks's "Water Management - Goals, Policies, Objectives and Implementation Procedures" know as the Provincial Water Quality Objectives".*)

Consideration shall be given to the cumulative impact of development on the available water supply. A water budget for users may be required in this regard;

- D. Where a hydrogeological and/or water supply assessment study is required to assess the potential risk to groundwater or requirement for services, reference shall be made to Ministry of the Environment, Conservation and Parks, Guideline D-5-4, Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment, in undertaking the appropriate assessment. Approval of new lots developed on *individual on-site sewage services* shall include sufficient off-site *reserve sewage system capacity* for hauled sewage.
2. For plans of subdivision on privately owned and operated individual or communal septic systems, where more than five lots or units are proposed, a servicing options report and a hydrogeological report in accordance with Ministry of the Environment, Conservation and Parks D-5 Guidelines will be required. Both of the above types of reports will also be required for subdivisions with less than five lots or units, where more than 4,500 liters of effluent per day would be produced;
3. Well construction standards will be required to meet Ontario Regulation 903 for lands serviced with an *individual on-site water services* (i.e. well); and
4. Industrial and commercial development is encouraged by this municipality. Where such development is proposed that uses water in the manufacturing process, the proponent shall consult the Ministry of the Environment, Conservation and Parks. Where industrial or commercial uses are proposed on the basis of private on-site sewage services or private on-site water services, these uses shall be restricted to dry industrial and commercial uses, unless demonstrated through a hydrogeological assessment, prepare to the satisfaction of Council by a qualified professional in accordance with applicable MECP guidelines, procedures, and standards, that adequate on-site sewage and water services can be provided with no *negative impacts*.

For the purposes of this policy, "dry industrial or commercial uses" are defined as those uses in which only the disposal of domestic waste of employees is permitted and treated; no industrial wastes wash or cooling waters or process wastes are permitted.

3.12.4 Private Communal Water and Sewage Systems and Responsibility Agreements

Council may consider new private communal services (water and/or sewage) for multiple lot/unit development (six or more lots/units).

Prior to considering the need for a new private communal system, Council shall be satisfied that the following criteria are considered:

1. That the proposed density of development is essential to the viability of the project and that other development or servicing options have been thoroughly considered i.e. different location, method of servicing, acquisition of a larger land holding etc., and that as a result, the only reasonable or economical alternative is a communal system;
2. That the potential for remedial measures has been adequately investigated with respect to health related matters i.e. well contamination, nutrient management, and that no reasonable or economical alternative exists for resolving such health concerns than to install a communal system;
3. That the Ministry of the Environment, Conservation and Parks has issued an order under the *Environmental Protection Act* requiring the installation of a communal system and/or the proposed communal system qualifies for Environmental Compliance Approval from the Ministry;
4. That the proposed owner/operator has prepared an appropriate business plan to establish an appropriate cost structure for the installation and operation of the communal system(s); and
5. That a financial security can be established i.e. trust fund, to offset potential capital or operational costs arising from the default of the operator.

Where such a system is deemed to be necessary based on the above criteria and is approved, Council will assume responsibility or ownership after the issuance of an Environmental Compliance Approval. (*Note: this may include a Permit to Take Water under the Ontario Water Resources Act.*) Council may choose to operate the system or may consider entering into a Municipal Responsibility Agreement for the operation and maintenance of the system on a private basis subject to the approval of the Ministry of the Environment, Conservation and Parks. The Municipal Responsibility Agreement shall contain financial assurance provisions which will ensure funds for operation and routine maintenance as well as a secured fund for capital improvements should repair or replacement of the facility become necessary. In addition, the legal agreement shall set out the following:

1. Operating and Maintenance Standards.
2. A definition of Default.
3. An outline of remedial action.

4. Registration on title of the subject property.

5. Easements, where required.

Council will assume responsibility for the communal system should the system fail or should the operator fail to operate or maintain the system according to the agreement and will utilize the financial security as needs be in the operation/repair of the communal system.

3.13 Storm Water Management and Drainage

It is Council's policy that storm water management shall be integrated as a component of the development approval process particularly for subdivisions, multiple lot/unit residential development, commercial, industrial and institutional and in the design and implementation of stormwater *infrastructure* for urban settlement areas as a preventative approach (rather than relying solely on end-of-pipe quality control) to protecting water resources (quality and quantity).

The principles which Council intends to utilize in its approach to storm water management are enumerated as follows:

1. That natural hydrological characteristics are maintained, and where possible, enhanced as the means to protecting the base flow of watercourses;
2. That the natural infiltration of water on lands which are developed is maximized;
3. That proposed development will not result in increased downstream flooding or erosion or an increase in contaminant loads or cause adverse effects on receiving waters during construction and post- construction;
4. To ensure that alterations to natural drainage systems are prohibited or at least minimized by maximizing the retention of natural vegetation and by leaving stream channels in their natural form;
5. That fish and wildlife habitat is protected, enhanced or restored including habitat linkages where affected by the discharge or outlet of drainage facilities;
6. That a sustainable environmental approach is utilized in protecting water resources which will be implemented through minimizing changes in water balance and erosion, by maximizing the extent and function of vegetative and pervious surfaces and by using stormwater management best practices including attenuation and re-use, and low impact development;
7. That water quality will be monitored on an ongoing basis as the means to evaluating the effectiveness of storm water management practices;
8. That a construction mitigation plan is instituted to prevent stream borne sediments, changes in flow or other adverse characteristics from affecting the ecological functions or other impacts on receiving waters during construction;
9. That the post construction phase shall include rehabilitation continued

maintenance of *infrastructure* and preferably, a monitoring program and

10. That risks to human health and safety and property damage are not increased.

It is the intent of Council to incorporate storm water management controls into the development review and approval process. Proponents of development will be required to plan for and undertake storm water management which complies with the above principles as well as any master drainage plan. This may require a sub-watershed management plan for large tracts of land or a storm water site management plan and construction mitigation plan. Proponents shall utilize best management practices where they are consistent with and will achieve the Township's water quality and quantity targets. Depending on the size and scope of a particular development, Council may require the preparation of a master drainage plan

In the interim (prior to the development of a master drainage plan), proponents will be expected to assess the impact of the development on the receiving stream and to utilize a mix of site level, conveyance and end-of-pipe best management practices for the development.

Improvements to storm sewer mains e.g. replacement, or extensions are anticipated as part of the regular program of maintenance by the Township and are deemed to comply with this Plan.

Storm water management plans for development adjacent to a provincial highway shall be submitted to the Ministry of Transportation for their review and approval.

Reference documents for storm water management include:

- A. Introduction to Stormwater Management Planning and Design:
<http://www.ontario.ca/environment-and-energy/understanding-stormwater-management-introduction-stormwater-management>
- B. Stormwater Management Planning and Design Manual 2003:
<http://www.ontario.ca/environment-and-energy/stormwater-management-planning-and-design-manual>
- C. Stormwater Pollution Prevention Handbook 2001:
<https://archive.org/details/std01076383.ome>

3.14 Waste Disposal Facilities

3.14.2 Policies

1. **Existing or New Sites**

Existing active or inactive or new sites (public or private) within the Planning Area may only be operated, expanded or closed in accordance with current

provincial environmental standards and approvals. Waste disposal activities may include facilities for recycling, composting, hazardous waste control and ancillary activities in accordance with the Environmental Compliance Approval. New sites, including sites for septage disposal, will require an amendment to this Plan and will require approval under the *Environmental Protection Act* and/or *Environmental Assessment Act*. Prohibited wastes shall include nuclear wastes, hazardous or pathological wastes. Sites may include transfer sites used for the temporary storage of waste materials.

2. **Closed Sites**

Closed sites may be used for other purposes subject to meeting requirements of the *Environmental Protection Act (Section 46 Order)*. In general, no buildings or other uses shall be made of land or land covered by water which has been used as a waste management facility within a period of 25 years from the year in which the site was closed without the prior approval of the Minister of the Environment and Climate Change. Closure plans should provide for the progressive rehabilitation of a site.

3. **Influence Area**

Council recognizes that waste management facilities may have an impact on adjacent land uses. An influence area surrounding the waste management facility will be set out in the implementing zoning by-law to recognize the potential for adverse effects between the existing waste management facility and other land uses. No ***development*** shall be permitted on or within 30 m [98.4 ft.] of the licensed fill area of an active waste disposal facility or area. Unless a specific setback distance is otherwise established by the Environmental Compliance Approval, development proposed beyond the 30 m [98.4 ft.] but within an influence area of 500 m [1,640 ft.] of the licensed fill area of an active waste disposal facility or area shall be accompanied by an environmental impact statement that demonstrates that the proposed development will not be negatively impacted by the waste disposal facility (e.g. leachate, methane gas, rodents, vermin, odours, fire etc.) Where recommended by the impact statement, measures to mitigate any ***adverse effects*** will be required as a condition of development. (See reference document for Guideline D-4 below.)

4. **Designation on Land Use Plan**

Waste Disposal sites are identified on, **Schedules 'A1 - A3', Land Use Plan** as a land use designation.

5. **Development to Have Adequate Capacity**

Council, in the review of planning applications, will ensure that there is sufficient capacity to accommodate the waste disposal needs of the proposed development. Council will continue to monitor the capacity of the existing sites and will undertake improvements as required (e.g. expand sites or implement operational plans, to maintain adequate capacity for future development).

Council will monitor the environmental impacts of sites to ensure that there is no off-site migration of leachate.

6. **3 R's**

Council supports a program to reduce, reuse and recycle waste products.

(Reference document: *Guideline D-4, Land Use on or Near Landfills and Dumps*, Ministry of the Environment, Conservation and Parks.)

3.15 Cultural Heritage and Archaeological Resources

The intent of this Plan is to conserve "***built heritage resources, cultural heritage landscapes and archaeological resources***". Built heritage resources means one or more ***significant*** buildings, structures, monuments, installations, or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are generally located on property that has been designated under Parts IV and V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers. A cultural heritage landscape means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may involve features such as structures, spaces, archaeological sites and natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to heritage conservation districts designated under the *Ontario Heritage Act*; and villages, parks, gardens, battlefields, main streets, and neighborhoods, cemeteries, trail ways and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site). ***Areas of archaeological potential*** "means areas with the likelihood to contain ***archaeological resources***. Methods to identify archaeological potential are established by the province, but municipal approaches which achieve the same objectives may also be used. The *Ontario Heritage Act* requires archaeological potential to be confirmed through archaeological fieldwork.

3.15.2 Cultural Heritage and Archaeological Resources, Policies

It is a policy of Council to consider cultural heritage resource conservation in all land use planning decisions to ensure that ***significant built heritage resources and significant cultural heritage landscapes are conserved*** for current and future generations. To implement this policy, Council shall:

1. Provide for the identification, restoration, protection, maintenance, management, and enhancement of cultural heritage resources of local, provincial or federal significance or designation. (*Examples: Water Wheel (Denvic Lake), Birch Lake Dam.*) This may be achieved through a co-operative and co-ordinated approach

with senior level governments and Indigenous communities;

2. Consider ways and means in which Council may co-operate in the conservation and/or preservation of cultural heritage resources, including utilization of the *Ontario Heritage Act* in the following ways:
 - A. Council may appoint and vest a Municipal Heritage Advisory Committee with responsibility for developing criteria for the potential identification and designation of ***significant built heritage resources***, ***significant cultural heritage landscapes*** and the establishment of one or more heritage conservation districts under the *Ontario Heritage Act*. The Committee will contribute to the establishment of management policies for the long-term protection and conservation of cultural heritage resources, particularly any ***heritage attributes*** that have been identified during the creation of a heritage resource inventory. This may include the preparation of a heritage master plan and an archaeological master plan. Council will consult with Indigenous people in the preparation of such plans.
 - B. Council may designate individual properties, heritage conservation districts, cultural heritage landscapes and areas having cultural heritage value or interest in the Planning Area under Parts IV and V of the *Ontario Heritage Act*. Owners of designated properties shall not alter the property without filing an application and receiving the written consent of Council;
 - C. Council may create one or more heritage conservation districts based on the following criteria:
 - (i) Any collection or grouping of buildings, properties, streets or open spaces that as a result of their location, landscape setting, historic use, ***archaeological resources***, or architecture are collectively ***significant*** to the community and/or are of cultural heritage value. Such buildings may or may not be designated under Part 4 of the *Ontario Heritage Act*;
 - (ii) An area with a special character with an integrity of its own that distinguishes the area from other areas of the community and represents a certain aspect of, or era in the development of the Municipality which is worthy of being maintained and protected such as a town centre, waterfront or lakeshore area or original residential area or neighbourhood;
 - (iii) A defined boundary identifying a portion of the Municipality within which all properties are protected from inappropriate changes impacting their recognized cultural, historic or architectural values through the use of policies, by-laws and design guidelines.

- (iv) An area that has been identified or defined for its *heritage attributes* by the Municipal Heritage Advisory Committee;
- 3. Council may develop or facilitate the preparation of an inventory of cultural heritage resources in the Planning Area. More particularly, in accordance with Section 27 of the *Ontario Heritage Act*, the Clerk of the municipality will maintain a municipal register of cultural heritage resources designated under Part IV and Part V of the *Ontario Heritage Act* of all properties designated under the Act. The Register may include properties considered by Council to be of cultural heritage value or interest;
- 4. Council may undertake a Cultural Heritage Management Plan which includes but not limited to:
 - A. Comprehensive cultural heritage resource mapping, archaeological potential mapping, and inventories;
 - B. Identification & evaluation of cultural heritage resources, cultural facilities, and organizations;
 - C. Strategies for conserving and enhancing these identified resources;
 - D. Programs to foster interpretation and promotion;
 - E. Education and public participation in cultural heritage conservation.
- 5. Council with the advice of the Ministry of Tourism, Culture and Sport, may undertake the preparation of an Archaeological Management Plan. The Plan will identify and map known archaeological sites registered with the Ontario Archaeological Sites Database, as well as areas within the municipality having archaeological potential. The Plan may also outline policies, programs and strategies for the conservation of archaeological resources.
- 6. Council will require a heritage impact assessment to be conducted by a qualified professional whenever a development has the potential to affect a protected heritage property/cultural heritage resource impacts, where identified or assessed through a heritage impact assessment conducted by a qualified professional, are appropriately mitigated.
- 7. Council will require that an archaeological impact assessment be carried out by an archaeologist licensed under the *Ontario Heritage Act* and which is in compliance with the 2011 Standards and Guidelines for Consultant Archaeologists as well as any terms and conditions of an archaeological license, when any development and site alteration will affect a property containing a known archaeological site or cemetery or an area considered to have archaeological potential or is within 250 m [820 ft.] of a provincially registered or known archaeological site or is considered to have archaeological potential (see **Section 6.9**).

Archaeological potential areas within the Township will be determined through

provincial screening criteria or through criteria developed by a licensed archaeologist and can include properties along shorelines within 300 m [984 ft.] of primary lakes and rivers (e.g. Spanish River), along favorable physiographical and cultural characteristics such as pockets of sandy soils, raised topography, or unusual land forms such as mounds or caves, and any locally known significant heritage areas such as portage routes or places of past settlements or information derived from local stakeholders and Indigenous peoples. Any alteration to known archaeological sites shall only be performed by a licensed archaeologist;

8. ***Development and site alteration*** will not be permitted on ***adjacent lands*** to a ***protected heritage property*** without a heritage impact assessment conducted by a qualified professional that demonstrates that the proposed development will not negatively impact the purpose or character of the heritage resource and demonstrates that the ***heritage attributes*** of the ***protected heritage property*** will be protected;
9. **Marked and Unmarked Burial Sites:** Where, through development, a site is identified to contain an unmarked burial site or new archaeological features, the municipality shall contact the Ministry of Tourism, Culture and Sport, the Ontario Provincial Police and Indigenous communities. The *Funeral, Burial and Cremation Services Act* shall apply;
10. **Heritage Conservation Incentives:** Where feasible and desirable, incentives may be provided to land developers in exchange for the preservation of significant cultural heritage resources. This can be accomplished by permitting increased densities, density transfers, tax incentives, assistance through a trust fund, heritage conservation easements and/or other means considered appropriate for heritage resource conservation.
11. **Marine Archaeological Resources:** Council shall require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* if partially submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft, bridge abutments and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.
12. Council may implement the policies for cultural heritage and archaeological conservation through one or more of the following means:
 - A. The passing of archaeological zoning by-laws under Section 34 of the *Planning Act*, to be adopted for the purpose of preserving identified significant archaeological resources on site;
 - B. Applying site plan control pursuant to Section 41 of the *Planning Act*;
 - C. Incorporating heritage conservation through the preparation of a community improvement plan (per Section 28 of the *Planning Act*).

- D. Partnering with organizations and senior levels of government in identifying, protecting and conserving heritage resources. Examples could include grants or loans for repairs or restoration of heritage properties.
- E. Supporting the reduction of waste construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive re-use of older and existing building stock.
- F. Approving energy retrofits of heritage buildings without compromising the heritage integrity of the building.
- G. Ensuring that public works projects and other municipal initiatives comply with the cultural heritage policies of this Plan as a condition of approval.

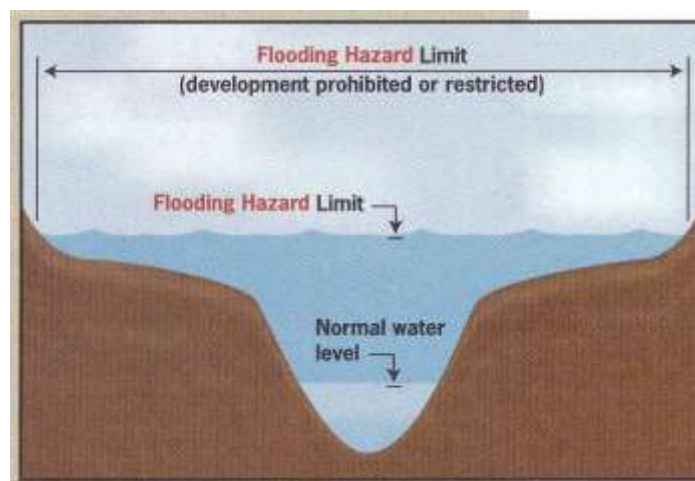
3.16 Environmental Protection Area - Flood Plains and Lands with Development Constraints

3.16.1 Policies - Flood Plains and Natural Hazards

1. The following are recognized as representing the *flooding hazard* in the Planning Area where flood plain elevations have been established:
 - A. Agnew Lake: flood plain elevation (regulatory flood) is 262.98 m.
 - B. Spanish River: flood plain elevation (regulatory flood) is 177.3 m.

(See illustration for *flooding hazard*)
2. Lands at or below the flood plain elevation as shown on the Land Use Plan as an Environmental Protection Area designation are considered to be in the *flood plain* and are subject to flooding or *flooding hazard*.

Illustration of Flooding Hazard



3. No ***new buildings*** are permitted to be constructed within any area impacted by a ***flooding hazard*** and/or ***erosion hazard*** except flood control structures, wharf or dock, boat slip, boat house, or a marine structure. Other public and private activities not including the construction of buildings including the construction of roads, conservation uses, agriculture, public recreation (recreational trails), water supply, waste water management, may be permitted in the ***flood plain*** subject to the approval of Council and where deemed necessary, shall meet a ***flood proofing*** and ***access standard***.

No use, building or structure which involves the disposal, manufacture, treatment or storage of hazardous ***substances*** (e.g. toxic, ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities), nor any ***institutional use*** or an essential emergency service (e.g. fire, police, ambulance stations and electrical substations) shall be permitted to be constructed, enlarged or expanded in a flood plain.

4. ***Extensions or enlargements*** to existing habitable or other buildings located in the ***flood plain*** (other than an institutional use or essential emergency service) may be permitted where it is clearly demonstrated to Council through engineering or other studies, that the flooding hazard can be overcome and it has been demonstrated that the site has safe access for the nature of the development and that the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards with respect to ***flood proofing, protection works standards, and access standards***, that vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, that new hazards are not created and existing hazards are not aggravated and that no adverse environmental impacts will result. As an additional measure, any building openings shall be located above the flood elevation.
5. In areas of the Planning Area where the flood plain has not been determined, the setback of habitable buildings and non-residential buildings and sewage disposal systems from the shoreline or high water mark shall be 30 m [98.4 ft.] and the provisions of **Section 3.16.2 (2)** shall apply. The setback provisions may be reduced or be waived without amendment to this Plan where the river bank or adjacent lands constitute an escarpment, bluff or other topographic feature that distinctively separates the river valley from the surrounding lands and Council is satisfied that a hazard will not be created or can be safely addressed (e.g. through engineering or other studies, that the hazard can be overcome).
6. Measuring Setbacks:
 - A. The required 30 m [98.4 ft.] setback on Agnew Lake and the Spanish River shall be measured from the limit of the flood elevation set out in Section 3.16.2.1. The flood elevation contour should be established on a property by a qualified Ontario Land Surveyor.
 - B. For a shoreline property on a water body which does not have an

established flood plain elevation, the 30 m [98.4 ft.] setback should be measured from the normal high water mark and may be distinguished or identified by changes in vegetation patterns or water stains/marks on rock outcrops.

- C. Other hazardous sites may include lands which if developed, may create a risk to property damage, loss of life and social disruption (e.g. steep slopes, lands subject to slumping or subsidence). Hazardous sites may be unstable, poorly drained or have any other physical condition or impairment which can lead to the deterioration of man-made structures thereon. Development on or adjacent to such lands may be considered where it is clearly demonstrated to Council through engineering or other studies, that the hazard can be overcome, that no new hazard is created or existing hazards are not aggravated and no adverse impacts will result.
- D. Where land which is designated as an **Environmental Protection Area** is under private ownership, this Plan does not indicate that this land will necessarily remain as such indefinitely, nor shall it be construed as implying that such areas are free and open to the general public or will be purchased by the municipality or other public agency. An application for the redesignation of lands designated **Environmental Protection Area** for other purposes may be given due consideration by Council after taking into account:
 - C. The existing environmental and/or physical hazards.
 - D. The potential impacts of these hazards.
 - E. The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering hazards.

There is no public obligation, however, either to redesignate by amendment to this Plan, or purchase any land if there is an existing or potential hazard that would be difficult or costly to overcome

- E. Where new development is proposed on a site, part of which has physical or environmental constraints, such land shall not necessarily be acceptable for parkland dedication under *Section 42* of the *Planning Act*. All lands conveyed to the municipality shall be in a physical condition satisfactory to Council.
- F. Minor changes to the boundary of the **Environmental Protection Area** may be permitted without an amendment to this Plan where consideration has been given to:
 - C. The existing environmental hazards.
 - D. The potential impact of these hazards.
 - E. The proposed methods by which such impacts may be overcome in

a manner consistent with accepted engineering practices; and

- F. The costs and benefits in monetary terms of any engineering works and/or resource management practices required to overcome these impacts.

There is no public obligation, however, either to change the delineation of an Environmental Protection Area if the environmental hazard would be costly or difficult to overcome.

- G. In the implementing zoning by-law, existing uses as of the date of the approval of this Plan (February 3, 2003) in the *flood plain* shall be recognized as conforming uses despite their designation as Environmental Protection Area. Council shall discourage the expansion or enlargement of any existing use beyond the limits recognized by the zoning by-law except where it may be qualified under **Section 3.16.2 (3)** above.

The Schedules to the zoning by-law shall illustrate the areas affected by flooding and the flood elevations, where they have been determined.

On lands or a property which is subject to a ***flood*** ***hazard***, the Municipality will not be obliged to rezone or issue a building permit where there is an insufficient (residual) area on the lot to provide for a reasonable building envelope for construction.

- H. Council may use Site Plan Control for any land use in the Environmental Protection Area designation (see **Section 6.20 - Site Plan Control**).

See **Section 3.11.4** for policies for natural hazards and climate change.

3.17 Organic Soils and Other Hazardous Sites

3.17.1 Policies

1. For the purposes of this Plan, organic soils are described as those soils normally formed in a water saturated environment (e.g. wetland) where the soil is not exposed to the air for a sufficient enough time to permit the breakdown of vegetative material. As a result, these soils may not contain sufficient strength to support a building or structure.
2. Organic soils, as shown on the land use plan, shall be considered as a constraint to development and no development shall be permitted including the installation of sewage disposal systems in organic soils unless the hazard can be overcome using acceptable engineering techniques, safe access and egress is assured during emergencies and no new hazards or adverse environmental impacts will occur and where applicable, the standards set out in the *Building Code* can be met.

3. ***Institutional uses and hazardous substances*** or essential emergency services are not permitted on organic soils.
4. ***Development*** will generally be directed away from ***hazardous sites*** such as lands with steep slopes, rocky conditions or low lying or marshy lands.

3.18 Contaminated Sites

3.18.1 Policies - Site Decommissioning and Clean-up

1. Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, disposal of excess soil, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential. Potentially contaminated sites are shown on the **Land Use Plan Schedules** with a symbol.

It is a policy to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Measures to be taken by Council and/or the approval authority and the proponent include the following:

- A. The identification and inventory of sites by the municipality of where existing and past uses may have contributed to the presence of contaminants.
- B. Applications for the development or redevelopment of sites that are identified as being contaminated or potentially contaminated shall be accompanied by a Ministry of the Environment, Conservation and Parks Record of Site Condition prepared in compliance with *O. Regulation 154/03* and if necessary, a site remediation plan prepared in accordance with the Record of Site Condition: A Guide on Site Assessment, the Cleanup of *Brownfield Sites* and the Filing of Records of Site Condition: <http://www.ontario.ca/environment-and-energy/guide-site-assessment-cleanup-brownfields-filing-records-site-condition>. Mandatory filing of a Record of Site Condition in the Contaminated Sites RSC Registry: http://www.ene.gov.on.ca/environment/en/subject/brownfields/STDPRO_D_075742.html is required for any change in land use to a more sensitive use in accordance with Ontario Regulation 153/04. Phase I Environmental Site Assessments (ESA) should be carried out at sites which may be contaminated and Phase 2 ESAs should be completed if required.

Where a gasoline station site is being redeveloped to a more sensitive land use, the approval authority shall require a clearance letter from the Technical Standards and Safety Authority (TSSA).

Reference should be made to Regulation 153/04 as amended by O. Reg. 407/19 in the disposal of excess soil (see <https://www.ontario.ca/page/management-excess-soil-guide-best-management-practices>).

- C. Site plan control may be used as a measure to enhance site decommissioning and remediation. (See **Section 6.20 - Site Plan Control**).
- D. Contaminated sites may be placed in a holding zone in the municipality's zoning by-law. However, the feasibility of remediation to the proposed new use should be determined prior to establishing the holding zone. Where a holding zone is used, the "H" may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in accordance with a site remediation plan and subject further, to the submission to the municipality of a Ministry of the Environment, Conservation and Parks Record of Site Condition.

3.19 Noise and Vibration

3.19.1 Policies

1. All applications for development of a *sensitive land use* (e.g. residential use, daycare, education or health care facility) within 50 m [164 ft.] of Highway 17 and/or the main Huron Central Rail Line or within 1,000 m [3,280 ft.] of a stationary noise source not associated with an industry (i.e., hydro transformer or gas compressor station) should be accompanied by a noise feasibility study prepared by a qualified consultant and to the satisfaction of the municipality. The study shall demonstrate whether noise and vibrations levels can be reduced to meet provincial standards in accordance with the Ministry of the Environment, Conservation and Parks Publication NPC 300, Environmental Noise Assessment Guideline.
2. All applications for development of a sensitive land use (e.g. residential use, daycare, education or health care facility) within 50 m [164 ft.] and 300 m [984 ft.] of Highway 17 and/or the main Huron Central Rail Line or within 1,000 m (3,280 ft.) of a stationary noise source not associated with an industry (i.e., hydro transformer or gas compressor station) should be accompanied by an acoustical study prepared by a qualified consultant and to the satisfaction of the municipality. The study shall demonstrate how noise and vibrations levels can be reduced to meet provincial standards in accordance with the Ministry of the Environment, Conservation and Parks Publication NPC 300, Environmental Noise Assessment Guideline. The conclusions and recommendations of this study shall be implemented through conditions of the development approval.
3. These policies do not apply to infill on Lots of Record.

3.20 Mine Hazards

3.20.1 Mine Hazards

Lands shown by a symbol on the **Land Use Plan Schedules** have been identified as a mine hazard.

Any proposed development within one (1) km (0.6 miles) of a mine hazard feature will require review to determine the need for a detailed geo-technical evaluation. A technical review carried out by a duly qualified individual, typically a qualified professional engineer (although some risks may not be covered by an engineering discipline (i.e. chemical contamination) may be required to determine the risk to public health and safety posed by each location and also the degree to which recent or historic rehabilitation activity impacts upon that risk. The Township will consult with the Ministry of Northern Development and Mines to determine when a technical study related to a *mine hazard* is required prior to approving any development, the requirements and scope for undertaking the study and the required qualifications of any professional required to undertake a study. The recommendations of any technical study or report required above may be in addition to other requirements that may need to be addressed before development can proceed. The Township will require that the procedures for site rehabilitation and mitigation of public health and safety hazards be underway or completed prior to approval of the development application. The procedures shall be consistent with the Mine Rehabilitation Code of Ontario set out in 1. O. Reg. 240/00, s.4 (1). Through studies and in consultation with the Ministry of Northern Development and Mines and mining companies, the Township may refine the boundaries of sites. Proponents of development may be exempted from technical studies where prior studies have served to define the limits, rehabilitation, remedial and/or mitigation characteristics or requirements for a particular area or location. Studies may be required for a single development or for a major development such as a plan of subdivision. Despite the above, a circumferential distance of one (1) km will apply to all known or future mine hazards for the purpose of determining the potential impact on development and any associated rehabilitation, remedial or mitigation requirements.

3.21 Community Improvement Policies

3.21.1 Description

Community improvement may be generally defined as encompassing all those activities, both public and private, which maintain, rehabilitate and redevelop the existing physical environment to accommodate the social and economic priorities within the community. The undertaking of Community Improvement Programs is a major priority of Council. The built-up part of Massey, Webbwood and Walford are hereby designated as a priority Community Improvement Area as set out on the **Land Use Plan Schedules**. Council also intends that the balance of the Township be considered a Community Improvement Area.

3.21.2 Goal

The goal of Council is to encourage community improvement by developing a strong planning framework to guide community improvement activities in order to maintain the community as a desirable, safe and healthy place in which to live.

3.21.3 Characteristics of a Community Improvement Area

Community Improvement Areas are identified where one or more of the following characteristics are exhibited:

1. A deterioration or deficiency of such municipal services such as a lack of piped water supply and sewage disposal facilities, substandard or obsolete pipes, pumping or treatment equipment due to age, substandard roads and sidewalks, inadequate and insufficient street lighting;
2. A deterioration or deficiency in public services and recreational facilities such as a lack of facilities including parks, a ball diamond and tennis courts, substandard community centre and library facilities;
3. Poor housing, the lack of affordable housing or building conditions due to age, appearance and the inability to meet current energy, structural or other property standards;
4. Poor drainage conditions such as ponding in low lying and flat areas and inadequate drainage or ditching;
5. Land use conflicts such as incompatible land uses and poor access; and
6. To redevelop *brownfield sites*.

The Community Improvement Areas shown on the **Land Use Plan Schedules** for Massey, Webbwood and Walford delineate areas which exhibit one or more of the above characteristics and where Council intends to direct its major community improvement efforts.

The boundaries of these Community Improvement Areas shall be considered flexible and minor adjustments deemed necessary for the desirable development of the Community Improvement Area may be permitted in the specific by-laws designating Community Improvement Project Areas under *Section 28 (2)* of the *Planning Act* without an amendment to this Plan, provided the general intent of the Plan is maintained.

Other areas of the Township exhibiting similar characteristics will be considered as candidate areas for community improvement.

3.21.4 Objectives for Community Improvement

In undertaking Community Improvement, the objectives of Council are:

1. To maintain or improve social services, public utilities and social and

recreational facilities;

2. To improve conditions in older, predominantly residential neighbourhoods occupied by low and moderate income households;
3. To improve the property and business tax base by encouraging economic expansion and new development by both the private and public sectors;
4. To encourage investment and improvement in the maintenance and rehabilitation of existing buildings and structures in commercial and residential areas including heritage buildings; and
5. To redevelop ***brownfield sites*** as a means optimize the use of existing ***infrastructure*** provide an incentive for economic development and improve the image of the community. This may include the repair, restoration or redevelopment of brownfield sites, environmental site assessment, environmental remediation, development and redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes or for improving energy efficiency, buildings, structures, works, improvements and facilities.
6. To increase the supply of affordable housing.

3.21.5 Phasing Community Improvement

In the phasing of Community Improvement, it is a policy of Council:

1. To undertake improvements in Community Improvement Project Areas designated under *Section 28 (2)* of the *Planning Act*;
2. To integrate Community Improvement Projects into other municipal improvement programs;
3. To determine specific Community Improvement Project priorities and the budget allocation as part of the annual budgeting process; and
4. To undertake improvements in the Community Improvement Project Areas based on; the number and severity of the deficiencies; the benefits of the improvement to the project area and the municipality; the degree of municipal Council commitment and public support for the project; and the financial resources available.

3.21.6 Implementation of Community Improvement

The following is the program for implementation:

1. To designate Community Improvement Project Areas under *Section 28 (2)* of the *Planning Act*;
2. To prepare and adopt Community Improvement Plans under *Section 28 (4)* of the *Planning Act* for the areas designated as Community Improvement Project Areas;

3. In the preparation of a community improvement plan, Council shall consult with residents of the Community Improvement Project Area and other affected local stakeholders;
4. To use public funds acquired through appropriate municipal, provincial and federal programs to assist in implementing the Community Improvement policies of this Plan. Council may issue debentures for the purposes of implementing community improvement projects;
5. To enforce the Property Standards By-law in accordance with the *Planning Act*;
6. To provide for affordable housing.
7. To provide support for heritage conservation by enacting, if required, a By-law to designate properties of cultural heritage value or interest in accordance with the *Ontario Heritage Act*;
8. To acquire, clear, grade or otherwise prepare land for the purpose of undertaking community improvements;
9. To encourage the rehabilitation of private buildings and the improvement of private property by advising owners of rehabilitation programs and by providing advice and guidance on energy conservation, the conservation and maintenance and the rehabilitation of buildings and structures;
10. To encourage public participation in the preparation of a Community Improvement Project Plan by holding a public meeting and encouraging any person or agency to make written or verbal representation to any proposed Plan or amendment thereto; and
11. Subject to the *Planning Act*, Council may make grants or loans towards the cost of implementing the community improvement plan to the registered owners or assessed owners of lands or tenants of lands and buildings and/or to issue grants or loans to the registered owners or assessed owners related to orders issued under Section 15.1 of the *Building Code Act* and in conformity with the community improvement plan and may use financial incentives as provided for under the Municipal Act.

3.22 Natural Heritage Features

3.22.1 Natural Heritage Features

Natural heritage features and areas are those areas which are important for their environmental and social values as a legacy of the natural landscapes of the area. Collectively, the individual natural heritage features and areas within a given Planning Area form a ***natural heritage system***. It is intended that the particular features identified in Sables-Spanish Rivers will be conserved for their natural heritage value. Known

Natural Heritage Features are shown on **Schedules ‘A1 - A3’, Land Use Plan**. Additional features or areas may be added to the inventory where the basis of the information is adequate to determine the nature and importance of the feature (e.g. assessment of the significance of an unclassified wetland using the provincial Wetland Evaluation Manual). Such information may be incorporated as part of a regular update of this Plan or by a specific amendment. Where a known *natural heritage feature and area* is not identified on the **Land Use Schedules** to this Plan, this shall not preclude the requirement for an Impact Assessment in the review of any planning application.

3.22.2 Definitions

For the purposes of this Plan, the following definitions, from the Provincial Policy Statement shall be utilized in the application of the *Natural Heritage Features and Areas* policies: *Adjacent Lands, Areas of Natural and Scientific Interest (ANSI), Coastal Wetland, Development, Ecological Function, Endangered Species, Fish, Fish Habitat, Habitat of Endangered Species and Threatened Species, Natural Heritage Features and Areas, Natural Heritage System, Negative Impacts, Provincial and Federal Requirements, Significant, Site Alteration, Threatened Species, Wetlands, and Wildlife Habitat*.

3.22.3 Natural Heritage Features Policies

3.22.3.1 Natural Heritage Features

Natural Heritage Features and Areas which have been designated in Sables-Spanish Rivers include, but are not limited to:

- A. Spawning areas for pike, muskie and perch on the North Channel.
- B. Salmon spawning in Salter.
- C. Sensitive nesting sites (heron rookeries) in Victoria, Salter, Harrow, Shakespeare, May, McKinnon, and nesting sites for osprey, red shouldered hawk, and goshawk).
- D. Moose aquatic feeding areas (Victoria, Gough, Tennyson, Shakespeare, McKinnon, Harrow), and later winter moose habitat (Tennyson, Gough, Shakespeare, McKinnon).
- E. Cold and warm water fisheries (Victoria, Tennyson, Gough, Salter, Harrow, May, McKinnon, Shakespeare).
- F. Walleye spawning areas (Victoria, Gough, McKinnon, Harrow, Shakespeare, Hallam).
- G. Bass spawning (Gough).
- H. Spanish River (warm water stream).
- I. Deer Yard Stratum 1 and 2 (Victoria, Salter, May, Harrow, Hallam, McKinnon).
- J. Habitats of significant fauna and flora (Victoria, Tennyson, Harrow).
- K. Significant wetland (portion of Spanish River Delta Marsh, Victoria Township, Section 42)
- L. Any relevant species of special concern, provincially rare species, and habitats and/or vegetation communities identified in MNRF’s Significant Wildlife

Habitat Criteria Schedule for Ecoregion 5E.

- M. Lake Trout Lakes including: LaCloche Lake, Wright's Lake, Birch (Gough) Lake, Kecil Lake, Long Lake and Round Lake.

The Bald Eagle, Barn Swallow, Bobolink, Eastern Meadowlark, Peregrine Falcon, Short-eared Owl, Lake Sturgeon, Massasauga (snake), Eastern Musk Turtle, Northern Map Turtle, Northern Myotis and Snapping Turtle have been identified as species at risk in the Planning Area.

Such *natural features and areas*, parks and conservation areas are illustrated the **Land Use Plan Schedules** with an appropriate symbol to identify particular features. Although occurrences of species at risk and habitats are not included on the Land Use Plan Schedules, due to data sensitivity, the Township will consider species at risk when screening planning applications and prior to application approval. There is potential that suitable/significant habitat persists in the Township and the list of species at risk is subject to change as new information is gathered. The Township will contact the Ministry of Natural Resources and Forestry periodically to update known occurrences of species at risk in the Township in order to assist with accurate and effective screening of development applications. The evaluation process to be followed will be dependent on the type of *natural heritage feature or area* and will be as set out in **Figure 1**. Proponents of development will be required to follow Steps 1 through 3 of the diagram Evaluation Process having reference to the triggers and components of an Environmental Impact Study (EIS), where a technical study is required.

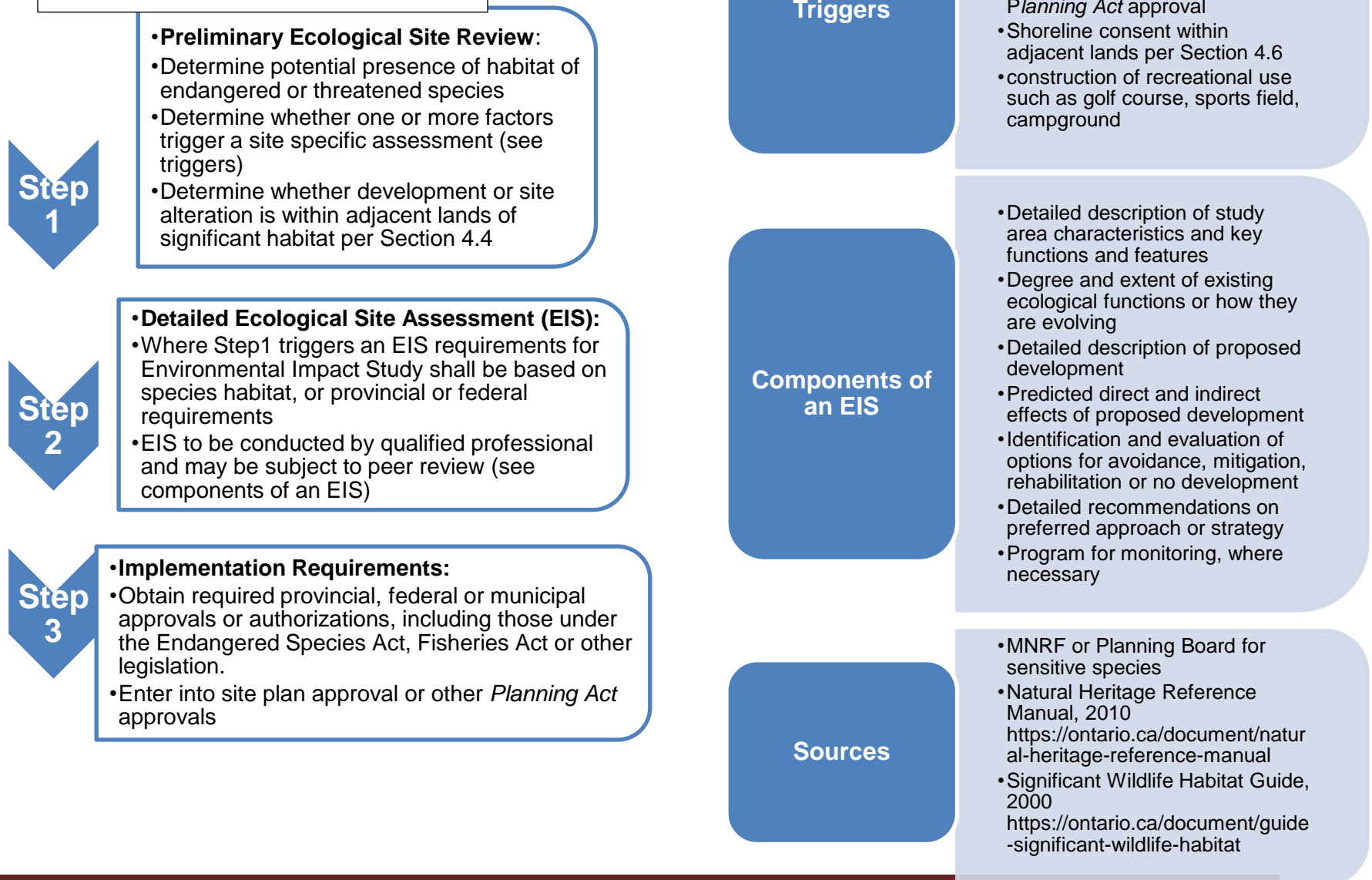
2. **Wetlands, Wildlife Habitat, Areas of Natural and Scientific Interest**

It is a policy of Council to protect and manage the identified *wetlands* as ecosystems which are important as habitat for a variety of plant and animal species, for water quality, flood control and water storage and recharge areas and for their value for passive recreation.

Development and *site alteration* shall not be permitted in *significant wetlands and significant coastal wetlands* in Ecoregion 5E but may be permitted on their *adjacent lands*, only if it has been demonstrated through the preparation of an Impact Assessment as required in **Section 3.22.3.5 Impact Assessment** of this Plan, that there will be no *negative impacts* on the natural features or on the *ecological functions* for which the area is identified or as determined by reference to the Significant Wildlife Habitat Technical Guide (MNR, October 2000) <https://ontario.ca/document/guide-significant-wildlife-habitat> and the Natura Heritage Reference Manual, 2010 <https://ontario.ca/document/natural-heritage-reference-manual>.

Development and *site alteration* shall not be permitted in *significant wildlife habitat, significant areas of natural and scientific interest* and *coastal wetlands* not classified as *significant* in Ecoregion 5E unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*. The requirements set out in **Section 3.22.3.5 Impact Assessment** shall apply.

**Figure 1 - Evaluation Process
(PPS Definitions Apply)**



For the purposes of this policy, *adjacent lands* to *significant wetlands*, *significant coastal wetlands*, *significant wildlife habitat* and *significant areas of natural and scientific interest (ANSI) – life science* include an area of 120 m [394 ft.], or 50 m [164 ft.] in the case of ANSI – earth science . In addition to satisfying **Section 3.22.3.5 Impact Assessment**, any new *development* or *site alteration* proposed on *adjacent lands* shall also satisfy the land use policies of the underlying land use designation as shown on **Schedules ‘A1 A3’, Land Use Plan**.

Blanding’s Turtles, a threatened species known to occur in Sables-Spanish Rivers Township, prefer wetland habitats. MNR should be consulted regarding any development applications affecting wetlands (as well as prior to any road maintenance, including grading, as the turtles may also be adversely affected by such activities).

3. **Fish Habitat**

It is a policy of Council to protect designated cold and warm water bodies and fish spawning areas for their fish *habitat* values. *Development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal* requirements. It is a policy to provide for a net gain of productive capacity wherever possible. More specifically, *development* and *site alteration* in and adjacent to *fish habitat* shall not result in:

- A. A net loss of fish habitat.
- B. The harmful alteration, disruption, degradation or destruction of fish habitat.
- C. The restriction of fish passage.
- D. Additional dissolved oxygen.

For the purposes of this policy, adjacent lands to *fish habitat* include a distance of 120 m [394 ft.] from the shoreline abutting the affected water bodies. Prior to permitting any *development or site alteration*, on adjacent lands to *fish habitat*, the proponent, (or a governmental authority where the governmental agency is the proponent), shall undertake an Impact Assessment as described in **Section 3.22.3.5** below.

4. **Endangered and Threatened Species**

Development and *site alteration* shall not be permitted in habitat of *endangered species* and *threatened species* except in accordance with *provincial and federal* requirements but may be permitted on the *adjacent lands* of *endangered species* or *threatened species* for uses in the adjacent land use designation, only if it has been demonstrated through the preparation of an impact assessment as required in **Section 3.22.3.5 - Impact Assessment** of this Plan, that there will be no *negative impacts* on the natural features or on the *ecological functions* for

which the area is identified.

For the purposes of this policy, ***adjacent lands*** to endangered or threatened species include an area as determined by reference to the Significant Wildlife Habitat Technical Guide (MNR, October 2000). In addition to satisfying **Section 3.22.3.5 - Impact Assessment**, any new ***development*** or ***site alteration*** proposed on ***adjacent lands*** shall also satisfy the land use policies of the underlying land use designation as shown on **Schedule ‘A1 - A4’, Land Use Plan**.

5. **Impact Assessment**

Council will require an impact assessment for ***development*** and ***site alteration*** proposed in designated Natural Heritage Features and ***adjacent lands***. An Impact Assessment (IA) will be prepared by a qualified professional to support planning applications such as Official Plan amendments, zoning by-law amendments, plans of subdivision, consent etc., prior to the approval of the proposed ***development*** or ***site alteration***. Where the impact of the ***development*** and/or ***site alteration*** cannot be mitigated, it will not be permitted.

An Impact Assessment (IA) is intended to provide for an assessment of the potential impact of a proposed ***development*** or ***site alteration*** on a particular natural heritage feature and shall be used to determine whether the proposed ***development***, redevelopment or ***site alteration*** should or should not be permitted. The IA will be undertaken by the proponent of ***development*** and/or ***site alteration***.

The components of the IA shall be tailored to the scale of development and may range from a simplified assessment (scoped assessment) to a full site assessment. *(For example, a single detached dwelling may only require a scoped assessment while a subdivision, multiple unit residential complex, major commercial or industrial development, golf course etc. will require a full site assessment).* Council may consult with the Ministry of Natural Resources and Forestry in determining information requirements and the type and content of an IA. The following is intended to provide a guideline on the potential scope of an IA:

- Detailed description of study area characteristics and key functions and features
- Degree and extent of existing ecological functions or how they are evolving
- Detailed description of proposed development
- Predicted direct and indirect effects of proposed development
- Identification and evaluation of options for avoidance, mitigation, rehabilitation or no development
- Detailed recommendations on preferred approach or strategy

- Program for monitoring, where necessary

(Note: Reference may be made to the Natural Heritage Reference Manual, Addressing Impacts of Development on Natural Heritage Features and Areas, MNRF, <https://ontario.ca/document/natural-heritage-reference-manual> for further guidance on the scope of an Impact Assessment.

Council may consult with a public authority to assist with the technical review and findings of an IA. Council may also engage such professionals as are required for the purpose of reviewing the Impact Assessment report. Costs will normally be recovered from the applicant.

6. **Implementation Measures**

Council may use zoning, site plan control and the provisions of the *Municipal Act* (site alteration controls) as measures to implement recommendations or results of an Impact Assessment or to govern the spatial relationship of buildings and structures to natural heritage features.

7. **Provincial Resource Lands**

Council recognizes the importance of conserving natural features of ecological, recreational or other values on Crown Land to the residents of Ontario for the following features:

- A. River aux Sables (waterway) Provincial Park.
- B. Gough Outwash Forest Conservation Reserve.
- C. Shakespeare Forest Reserve.
- D. La Cloche Ridge Conservation Reserve.
- E. Spanish River.
- F. Chutes Provincial Park

These natural features and provincial parks are shown on the **Land Use Plan Schedules** to this Plan. It is the intent of Council to work with provincial agencies to ensure the mutual compatibility of land uses and activities between Provincial Resource Lands and abutting properties.

3.23 Wildland Fires

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 fires* (see Appendix 2) except where the risk can be acceptably mitigated based on MNRF *wildland fire assessment and mitigation standards*. Forest fire management techniques or plans may be required as a condition of approval including site plan approval. Property owners will be encouraged to develop plans using the priority zone system.

Priority Zone 1 is the area within 10 m of a dwelling or main building where flammable vegetation should be removed (i.e. small trees and shrubs, dead and dying trees, deadfall, woodpiles/firewood, ground litter/debris, dead organic matter, needles), and by keeping grass mowed, trees pruned and thinned and replacing conifers with hardwood species. Add a fuel break or increase distance for slopes adjacent to buildings.

Priority Zone 2 is the area within 10 m to 30 m of a dwelling or main building where fuel sources should be reduced so that combustion cannot be supported and fire intensity is reduced. Tree canopy should be thinned so crowns of trees do not touch. Thin understory and prune lower branches. Remove concentration of over mature, dead and dying trees. Reduce number of evergreen trees. Increase 30 m distance for slopes.

Priority Zone 3 is the area within 30 m to 100 m of a dwelling or main building where fuel sources should be reduced but not eliminated so fires can be low intensity and more readily extinguished. Keep deciduous trees in mixed-woods forest to hinder fire spread. On sloped area extend zone 3 further downslope.

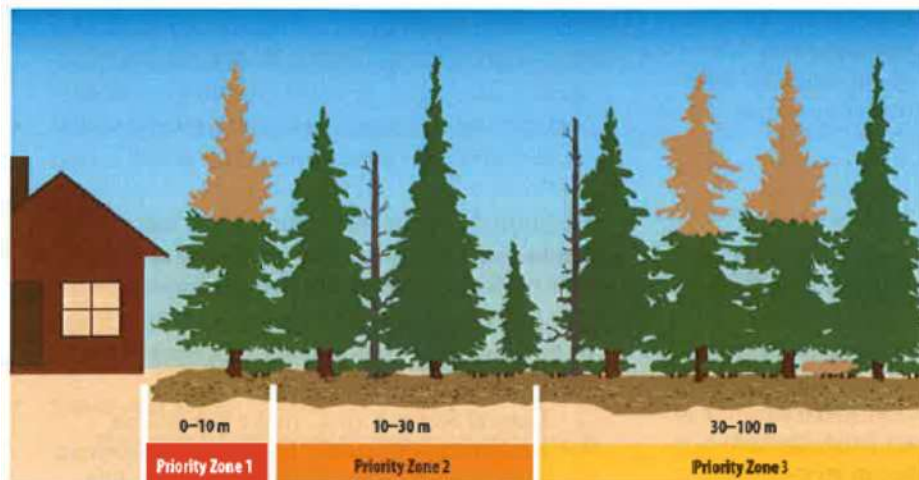


Figure 7-1.
The vegetation around a home within the three priority zones *before* the application of vegetation management techniques to establish defensible space (not to scale)⁷¹

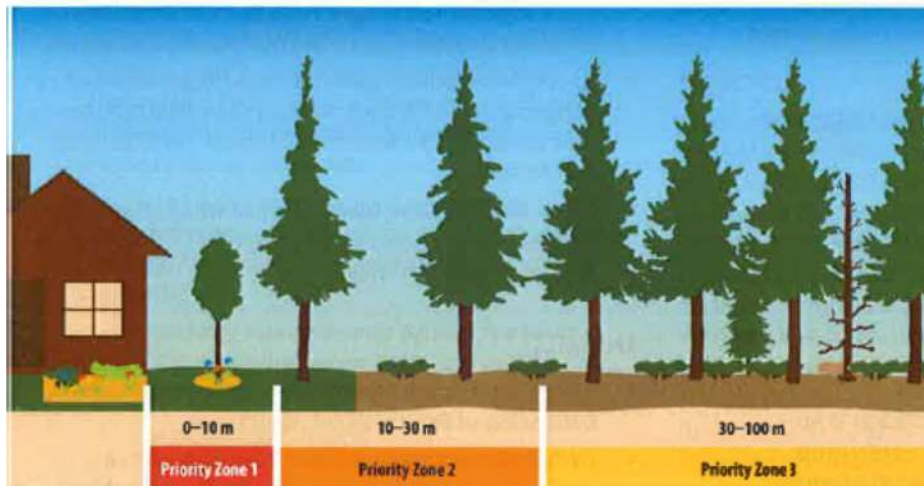


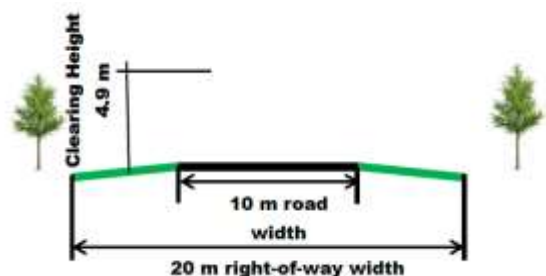
Figure 7-2.
The vegetation around a home within the three priority zones *after* the application of vegetation management techniques to establish defensible space (not to scale)⁷²

(Source: *Wildland Fire Risk Assessment and Mitigation Reference Manual*, April 2017)

3.24 Forest Fire Management Measures

Forest fire management measures may be instigated by the municipality in considering such criteria as:

1. Ensuring proper road access for emergency vehicles and for escape (e.g., construction standards, width, bearing capacity, height clearance - see diagram).
2. Evaluating fire response capabilities.
3. Determining the location of emergency water sources.



4. Ensuring buildings are well spaced and properly sited (e.g., north and east facing slopes or flatter terrain and construction with fire resistant materials).
5. Identifying the location of roads which may act as fire barriers or fire breaks.
6. Encouraging fire-wise landscaping.
7. Establishing distance separations between buildings and densely wooded areas, particularly tree species with high ignition factor.
8. Establishing setbacks or limiting distances from nearby fire risks (e.g., railways, campgrounds etc.).

3.25 Public Spaces, Recreation, Parks, Trails and Open Space

Council will promote the development of a healthy and active community in the design and development of public spaces, recreation, parks, trails and open spaces through such measures as:

1. Working with local stakeholders and the community to provide parks, trails and leisure facilities that are aesthetically pleasing, multipurpose, multi-season and appeals to all ages and skill levels in order to attract and retain residents, especially young adults and families and to enhance tourism development.
2. Planning public spaces and facilities that are safe and which encourage physical activity, wellness, informal use opportunities and which are gathering points for social interaction and community events. The design and connectivity of public parks, open spaces and trails shall be undertaken giving consideration to best practices for crime prevention through environmental design principles, and promoting off-road trails and transportation linkages.
3. Considering the needs of a diverse and aging population through the provision of washrooms, seating, shade/shelter, drinking fountains, pathways, lighting and picnic areas.
4. Implementing the Municipality's accessibility plan and provincial protocols or legislation for persons with disabilities.

5. Promoting designs that provide for sustainable maintenance, that use durable and robust materials.
6. Incorporating native and drought resistant vegetative features.
7. Providing for community gardens for local food production.
8. Encourage the design and display of public art.
9. Encourage the co-location of parks and recreation facilities with schools.
10. Engage the private sector and non-profit organizations through public-private partnerships in the design, development, operation and maintenance of recreation facilities, parks and playgrounds and trails.
11. Facilitate *active transportation* and community connectivity

3.26 Housing Policy

The delivery of affordable housing is the mandate of the Manitoulin-Sudbury District Services Board (MSDSB) within the framework of Ontario's Housing Policy Statement, *The Housing Services Act (2011)*, and the provincial Long-Term Affordable Housing Strategy (LTAHS). The MSDSB prepared a Housing and Homelessness Plan in 2014 and continues to work towards the implementation of that plan. The MSDSB administers 45 social housing units in the Township of Sables-Spanish Rivers in addition to other programs designed to assist low and moderate income households to access affordable housing. A major focus is the Direct Shelter Subsidy Program (DSS) which provides financial assistance to families and seniors to enable them to stay in their homes. The latter provides an alternative to the construction of new affordable housing units in the Municipality.

3.26.1 Housing Policies

1. **Keynote Housing Policy**
To provide an adequate and sustainable supply of housing to meet current and projected needs over the 25 year planning period.

2. **Range of Housing Types – Urban Settlement Areas**

The range of permitted housing types in the urban settlement areas includes a full range and mix of housing types and densities including housing options that may encourage the delivery of affordable housing and housing for the homeless such as multi residential buildings and uses, life-lease housing, co-ownership housing, co-operative housing, community land trusts, tiny houses.

3. **Range of Housing Types – Rural Area**

The range of permitted housing types in the rural area includes:

- A. Single and 2-unit dwellings including mobile homes, group homes, and innovative housing types which meet *Ontario Building Code* standards;
- B. Permitting two residential units in primary dwellings (i.e. single detached, semi-detached, or rowhouse) and the use of a residential dwelling in an ancillary building or structure except on seasonal residential lots, on ‘at-capacity’ lakes, on *hazardous sites* and lots lacking sustainable sewage systems;
- C. Multiple unit dwellings, by rezoning where designed to meet unique housing needs for Indigenous, homeless and older persons, or which meet identified social housing and *special needs*;
- D. Portable housing for garden suites;
- E. Low density housing that includes life-lease housing, co-ownership housing, co-operative housing, community land trusts, tiny houses.

4. **Housing Targets**

Council’s projected housing targets are to provide for 15 new permanent and 3-5 seasonal dwellings per year in meeting the projected demand for housing. The housing targets are intended to be met through the following:

- A. To embrace the Manitoulin-Sudbury District Services Board (MSDSB) target for *affordable* rental and *affordable* home ownership based on the *regional market area* (see definition in Appendix 1) and facilitate the delivery of *affordable* housing through collaborative planning with the MSDSB;
- B. To target the existing vacant lot supply as the primary source for new housing;

- C. To direct the focus of housing development to the urban settlement areas where appropriate levels of infrastructure and public service facilities are or will be made available to support current and projected housing needs;
 - D. To permit and facilitate all forms of **residential intensification** (e.g. using vacant or underutilized lot supply, conversion or repurposing non-residential buildings, conversion of single detached dwellings to multiple units, facilitating the use of upper story commercial buildings for residential occupancy, providing for additional unit dwellings).
5. **Housing Densities**
 Low density housing will be the prevailing housing type on sustainable **individual on-site water and sewage services**. A range of housing densities will be permitted in the residential district in the urban settlement areas where appropriate levels of infrastructure and public service facilities are or will be made available.
6. **Implementation Strategy**
 Measures to implement housing policies will include:
- A. Monitoring the residential land supply to provide for 15-20 housing starts annually;
 - B. Updating Municipal zoning by-laws to permit additional residential units by authorizing:
 - (i) The use of two residential units in a detached house, semi-detached house or rowhouses; and
 - (ii) The use of a residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse
 - (iii) Introducing standards for rezoning for multiple units and innovative housing types while conserving existing lot area and frontage standards;
 - C. Ensure sufficient lands are suitably zoned to meet the long-term housing supply needs of the Township;
 - D. Working with (MSDSB) to obtain implement programs for **affordable** housing and for meeting unique housing needs;
 - E. Applying site plan control for multiple unit residential buildings with 6 or more dwelling units;
 - F. Facilitating the conversion of **brownfield sites** for housing;
 - G. Respecting community development and design criteria and policies of this Plan for all residential development activity;
 - H. Conserving the integrity of **built heritage resources** and **cultural heritage landscapes** in approving housing development(s);
 - I. Directing **development** where it optimizes the use of existing roads, **infrastructure** and **public service facilities**;
 - J. Encouraging cost-efficient, energy efficient and compact housing types;

- K. Facilitating the delivery of housing for *special needs* including group homes, crisis care, shelter for the homeless, and housing for older persons.

3.27 Coordination

Land use planning decisions affect and are affected by many stakeholders and by shared landscapes and resources. A coordinated, integrated and comprehensive approach to land use planning which considers these and other criteria will lead to more equitable and well-rounded decision-making.



1. **Managing Growth and Development**
Council in conjunction with area municipalities will monitor population, employment and housing development having regard to trends across the District of Sudbury and in Northern Ontario with the intent of reflecting growth projections as they affect the Planning Area. (See also 3.26 Housing Policies)
2. **Economic Development Planning and Housing**
Council in conjunction with area municipalities will collaborate on matters of economic development planning and programming with the La Cloche Manitoulin Business Association Corporation (LAMBAC).and regional stakeholders such as businesses, government, the Manitoulin-Sudbury District Social Services Board (MSDSB) with respect to housing, education organizations and Indigenous communities.
3. **Transportation and Infrastructure Corridors**
Land use planning will be integrated with the protection of existing and planned corridors and rights-of-way for transportation, rail services, electricity generation facilities and transmission systems, gas and oil pipelines, recreational trails (e.g. Great Lakes Waterfront Trail, TransCanada Trail) and portages with the intent to minimize or avoid *negative impacts* on services from *development* or *redevelopment*. Development setbacks may be imposed to protect the integrity of an



infrastructure corridor.

4. **Public Service Facilities**

Council in conjunction with area municipalities will collaborate with the City of Elliot Lake and the Town of Blind River, the respective boards of education and health care agencies in planning for institutional, educational, social, health care and emergency management services required to meet current and projected growth and development needs.

5. **Ontario Provincial Police**

Council will provide for on-going communication with the Ontario Provincial police regarding public safety, crime, community safety zones and social issues in the Municipality.

6. **Forest and Parks Management**

Council in conjunction with area municipalities will collaborate with the Ministry of Natural Resources and Forestry in the management of land use and conservation practices in provincial parks (e.g. Chutes Provincial Park, River Aux Sables Waterway Park, Gough Outwash Forest, Shakespeare Forest, LaCloche Ridge and Park) and in commercial forestry operations and management.

7. **Indigenous Interests**

Council in conjunction with area municipalities will collaborate and coordinate land use planning matters with indigenous communities and will consult with respect to the conservation of *archaeological resources* and *cultural heritage landscapes*. Council will work with the Serpent River First Nation and the Sagamok Anishnawbek First Nation to establish a protocol for consultation on the conservation of *archaeological resources* and *cultural heritage landscapes*.



8. **Growth Plan for Northern Ontario**
Council will ensure that the policies of this Plan are in accordance with the Growth Plan for Northern Ontario and associated development activities.

9. **Resource Management**
Council will mutually consult with other and other orders of government with respect to land use decisions which have overlapping impact notably with the protection of provincial interests in the management and development of natural resources (e.g. agriculture, *minerals*, mineral aggregates, forestry, the *natural heritage system*, *watersheds*, water resources, and energy resources).



4.0 COMMUNITY DEVELOPMENT - LAND USE POLICIES

4.1 General

The following section sets out the land use policies for the Planning Area and should be read together with the **Land Use Plan Schedules** which form part of this Plan. The Plan sets out policies for future development as well as redevelopment while giving due consideration to the management of renewable and non-renewable resources within the Planning Area such as agricultural lands, mineral resources, mineral aggregate resources, forestry and recreational resources.

4.2 Land Use Designations

Within the Planning Area, the following Land Use Designations including their respective land uses shall apply:

1. Urban Residential District (see **Section 4.3**)
2. Hamlet Residential District (see **Section 4.4**)
3. Mobile Home Residential District (see **Section 4.5**)
4. Commercial District (see **Section 4.6**)
5. Industrial District (see **Section 4.7**)
6. Rural Area (see **Section 4.8**)
7. Resource Recreation District (see **Section 4.10**)

Land uses permitted in the Planning Area on Rural Lands include:

1. Mineral Resource Constraint Overlay (see **Section 5.3**)
2. Lands identified as having Natural Heritage Features (see **Section 3.22**) including Provincial Parks
3. Crown Land (see **Section 4.15**)
4. Waste Disposal Facilities (see **Section 3.14**)
5. Mineral Aggregate Resources (see **Section 5.2**)
6. Environmental Protection Area (see **Section 3.16**)

The following sections of this Plan set out the policies for each of the land use districts.

4.3 Urban Residential District

1. Permitted Uses

Permitted uses in the **Urban Residential District** designation as shown on the **Land Use Plan Schedules** shall include:

- A. **Residential uses:** single detached and two unit dwellings, group homes and garden suites. Two unit dwellings shall include semi-detached dwellings, duplexes and converted dwellings (maximum of three units).

Multiple housing types such as small block apartment buildings (maximum of three storeys), town housing and older persons housing may be permitted by infill (see **Section 3.3 -Infilling and Intensification and Section 3.26.1.4 Housing Targets**) subject to the lot size being adequate to support such development on water supply and sewage disposal-services (see **Section 3.12.2 Municipal Water Supply and Sewage Services**), that safe access can be achieved and that this type of housing is compatible with surrounding uses;

Permitting two residential units in primary dwellings (i.e. single detached, semi-detached, or rowhouse) and the use of a residential dwelling in an ancillary building or structure except on lots lacking sustainable sewage systems.

Permitting housing options to meet housing demand and provide for affordable housing and housing for the homeless such as multi residential buildings and uses, life-lease housing, co-ownership housing, co-operative housing, community land trusts, tiny houses.

- B. **Local Commercial uses** such as a convenience store which serve the day- to-day needs of residents or uses which cater to the tourist industry (examples include an antique store, craft shop, restaurant, bed and breakfast). The intent of the Plan is to also recognize other existing commercial uses;
- C. **Home Based Businesses** provided they do not create a public nuisance (e.g. noise, electrical interference, excessive traffic, odour etc.). For the purposes of this Plan, a home based business is defined as a privately operated legal business located within a residential dwelling or an accessory building by the occupant or owner thereof and which is compatible with the character of a residential setting and which is an accessory use or clearly secondary to the principal residential use.

Home based businesses shall be encouraged as a means of providing local

services, to providing an incubator for new businesses and as a means to providing more specialized services to a broader clientele (see also **Section 3.10.1** for criteria for home based businesses adjacent to a provincial highway);

- D. **Garden suites** which are defined as a one-unit detached (portable) residential structure containing bathroom and kitchen facilities that is ancillary (accessory) to an existing residential structure and that is designed to be portable. Garden suites are intended for people who are largely capable of living independently but who, by virtue of their age or because of a disability require some support to live on their own. Council may provide opportunities for garden suites on a site specific basis provided the lot is of a sufficient size and the unit can be properly serviced (water supply and sewage disposal); and
- E. Public Service uses such as schools, parks and open space, community gardens, places of worship and government services (see also Section 3.22.6 Public Spaces).

2. **Development Densities**

Residential development shall be permitted in compliance with the following densities:

- A. Single detached dwellings of up to 15 units per hectare [6.07 units/ac.];
- B. Converted dwellings and two-unit dwellings of up to 25 units per hectare [10.12 units per ac.];
- C. Small block apartments of up to 35 units per hectare [14.17 units per ac.]; and
- D. Up to 27 units per hectare [10.93 units per ac.] for town housing and up to 50 units per hectare [20.14 units per ac.] for seniors' housing or special housing projects.
- E. Density calculations shall take into account the provisions for second residential units (see section 4.3.1).

3. **Conversions and Intensification**

The conversion (intensification) of residences shall be permitted to occur up to a maximum of three units per dwelling. Any proposed conversions exceeding this number may be permitted by means of an amendment to the zoning by-law. In considering an amendment, Council shall ensure the adequacy of off-site parking facilities, safe access, adequate water supply and sewage disposal (see **Section 3.12 - Water Supply and Sewage Disposal**) as well as the potential impact of a

conversion on the roads system and other related facilities.

Conversion of non-residential buildings to a residential use may also be permitted where the lot size is deemed adequate for off-street parking, where the project can be adequately serviced with water supply and sewage disposal services (see **Section 3.12**), where the conversion complies with **Section 3.18 – Contaminated Sites** and where the use is compatible with surrounding land uses.

4. **Site Development and Zoning Standards**

The following site development and zoning standards shall apply to residential and non-residential uses in the Urban Residential District:

- A. The lot size shall be sufficient to allow for open space on the lot for a driveway, accessory buildings, light, air and access to the rear of the lot.
- B. The lot can be adequately service with water supply and sewage disposal (see **Section 3.12 - Water Supply and Sewage Disposal**).
- C. The development of the lot will be in keeping with the street profile and other characteristics of the neighbourhood. Home based businesses with provincial highway access will be subject to Ministry of Transportation approval (see **Section 3.10.1**).
- D. Provisions shall be made in the implementing zoning by-law to classify individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking, signs, landscaping, etc.). Where commercial uses are located adjacent to residential uses, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts with adjacent or nearby residential uses.
- E. Garden Suites shall be subject to a Temporary Use by-law adopted under the ***Planning Act*** which shall define the area to which it applies and the time period for which the use shall be permitted which shall not exceed 20 years from the day of the passing of the by-law and may require a homeowner proposing a garden suite to enter into an agreement with the municipality under the ***Planning Act*** to govern the appearance and maintenance and stipulate the removal of the garden suite when the occupant (named in the agreement) moves out, is deceased or the temporary use by-law expires (see **Section 6.19 - Temporary Use By-laws**).
- F. Public open space should be provided within 300 m [984 ft.] of any

residential development (see also **Section 3.25 Public Spaces**).

- G. Council will encourage development to occur on existing approved lots before considering new development.
- H. New development should be contiguous to existing development and development should be planned to be compact to permit cost-effective servicing.
- I. Lots shall have frontage on and direct access onto a public road.
- J. New development should proceed by Plan of Subdivision except for infill on vacant or underutilized lots of record or through the re-subdivision of existing lots or blocks in accordance with the consent policies of this Plan (**see Section 3.7.2 - Subdivision and Consent Review Criteria**). Council may control development through phasing and the allocation of servicing capacity within the limitations of the policies for infill on partial services.
- K. To ensure compatibility with the character of the Residential District, public service and local commercial uses will normally be located on larger lots with direct access onto a major street. Site plan control may be used to address the details of development such as the location of parking and loading areas, landscaping, drainage, fire routes, on-site waste storage, services and lighting.
- L. The use of storage containers will be strictly controlled and may be permitted only where the Municipality is satisfied that the requirements of the *Ontario Building Code* are met and that any such containers do not constitute a visual impact or drainage impact that negatively affects neighbouring properties.
- M. Where possible, new development in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.

5. **Site Plan Control**

Multiple residential developments of 6 units or more, commercial uses and public service uses may be subject to site plan control (see **Section 6.20 - Site Plan Control**).

4.4 Hamlet Residential District

The Hamlet of Walford shown as a designation on **Land Use Schedule 'A1'** is a predominantly residential community whose development is dependent on servicing with individual on-site (water and sewer) services.

1. Permitted Uses

Permitted uses shall include:

- A. **Residential Uses** including single detached and two-unit dwellings and permitting two residential units in primary dwellings (i.e. single detached, semi-detached, or rowhouse) and the use of a residential dwelling in an ancillary building or structure except on lots lacking sustainable sewage systems. Permitting housing options to meet housing demand and provide for affordable housing and housing for the homeless such as multi residential buildings and uses, life-lease housing, co-ownership housing, co-operative housing, community land trusts, tiny houses.
- B. Public Service Uses such as schools, parks and open space, places of worship and government services (see also **Section 3.25 Public Spaces**).
- C. **Commercial Uses** which are compatible with surrounding residential uses and serve the day-to-day needs of area residents (e.g. convenience store, bait dealer, craft store, etc.).
- D. **Home Based Businesses** provided they do not create a public nuisance (e.g. noise, electrical interference, excessive traffic, odour etc.). For the purposes of this Plan, a home based business is defined as a privately operated legal business located within a residential dwelling or an accessory building by the occupant or owner thereof and which is compatible with the character of a residential setting and which is an accessory use or clearly secondary to the principal residential use.

Home based businesses shall be encouraged as a means of providing local services, to providing an incubator for new businesses and as a means to providing more specialized services to a broader clientele.

- E. All existing uses as of the date of the approval of this Plan (February 3, 2003) shall be permitted to continue.

(See also **Section 3.10.1** for criteria for home based businesses adjacent to a provincial highway.)

2. Planning Principles

Land use planning principles to be considered in providing for all development within the Hamlet District include:

- A. The lot size shall be sufficient to allow for open space on the lot for a driveway, accessory buildings, light, air and access to the rear of the lot;
- B. The lot can be adequately service with water supply and sewage disposal (see **Section 3.12 - Water Supply and Sewage Disposal**);
- C. The development of the lot will be in keeping with the street profile and other characteristics of the neighbourhood;
- D. Provisions shall be made in the implementing zoning by-law to classify individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking, signs, landscaping, etc.). Where commercial uses are located adjacent to residential uses, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts with adjacent or nearby residential uses;
- E. Council will encourage development to occur on existing approved lots of record and on newly created lots which have frontage on and direct access to a public road;
- F. To ensure compatibility with the character of the Hamlet District, public service uses will normally be located on larger lots with direct access onto a major street. Site plan control may be used to address the details of development such as the location of parking and loading areas, landscaping, drainage, fire routes, on-site waste storage, services and lighting (see **Section 6.20 - Site Plan Control**).
- G. The use of storage containers will be strictly controlled and may be permitted only where the Municipality is satisfied that the requirements of the *Ontario Building Code* are met and that any such containers do not constitute a visual impact or drainage impact that negatively affects neighbouring properties.
- H. Where possible, new development in older established areas of historic, architectural, or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas.

4.5 Mobile Home Residential District

The **Mobile Home Residential District** designation as shown on the **Land Use Plan** shall mean that the predominant use of the land shall be for mobile homes and other land uses that are compatible with mobile home residential development.

Permitted Uses

The Mobile Home Residential District designation shall mean that the predominant use of land in the areas so designated shall be for Mobile Home Parks for permanent year round occupancy. For the purposes of this Plan, mobile homes are considered to be transportable factory built single detached dwelling units suitable for occupancy, designed to be transported on their own wheels and chassis and arriving at the site ready for occupancy apart from incidental operations such as location on foundation supports, which meet the requirements of *The Building Code*, and connection to service utilities. In addition, accessory uses such as parks and playgrounds shall be permitted. Park Model Units may also be permitted as defined in *The Building Code*.

The intent of this Plan is to recognize existing mobile home parks and to permit new parks in accordance with the following planning principles.

4.5.1 Planning Principles

Mobile Home Parks shall be properly laid out and in considering applications for mobile home parks, Council shall be satisfied with respect to the following principles:

1. Consideration shall only be given to Mobile Home Park developments that represent a high standard of quality, have adequate resources to provide their own planning controls and amenities, that are sufficient in size and are designed with due regard to all planning aspects;
2. Mobile Home Park developments should adapt to individual site conditions, type of market to be served, reflect advance site planning techniques and be adaptable to the trends in the design of the mobile home itself. Site planning which integrates the mobile home park and individual mobile home units to the terrain, existing vegetation, other natural site features and rock formations is preferred. Favourable views or vistas should be conserved;
3. The site should be separated from commercial and industrial uses and the proposed Mobile Home Park should not conflict with the density and character of adjacent development;

4. Mobile homes proposed in locations such as scenic areas, should be planned to minimize their impact on the quality of the environment and surroundings;
5. Provision shall be made for adequate off-street parking, landscaping and buffering, the standards of which shall be established in the implementing zoning by-law and through the use of site plan control (see **Section 6.20 - Site Plan Control**);
6. All streets shall be constructed to an acceptable municipal standard;
7. Mobile homes should be arranged in planned groups or clusters and not more than one mobile home shall be located on a designated mobile home site on-a lot;
8. A wide variety of mobile home sites and shapes should be provided to accommodate mobile homes and park model units of differing sizes including expandable and double wide units and park model units. The placement of individual units should also be varied to avoid monotony;
9. Servicing shall be in accordance with **Section 3.12 - Water Supply and Sewage Disposal** and may include individual (on-site) or communal services;
10. Not less than 10 % of the gross site area shall be devoted to recreational facilities, generally provided in a central and accessible location. In large developments (more than 100 units), recreation facilities may be decentralized with at least one area large enough for activities such as a small sports field soft. Recreation areas may include space for community buildings, as well as community recreational facilities. Recreation areas should be bordered by a fence or hedge or definable separation where it is desirable to control access to the area or separate the area from traffic or nearby mobile home sites. Recreation areas should be appropriately landscaped to give a pleasing appearance;
11. Vacant mobile home sites lots in parks, shall not be allowed to become weed covered and overgrown and shall comply with the Municipality's Property Standards By-law;
12. To ensure adequate control, each new development shall require an amendment to this Plan and to the implementing zoning by-law and shall be subject to a site plan control agreement. In addition, Council shall require that the applicant submit the following information so that Council can assess the full impact of such proposed development: (See **Section 6.20 - Site Plan Control**)
 - A. The area and dimension of the land to be developed;
 - B. An overall fully dimensioned plan showing the location and size of all mobile home sites, service buildings, communal facilities, roads, walks

and parking areas and the details of water supply and sewage disposal facilities per the requirements of **Section 3.12 - Water Supply and Sewage Disposal**;

- C. Details of the individual mobile home sites showing the location and size of the mobile home stand, service connections, patio areas, storage buildings, fences and landscaping;
 - D. Details with respect to storm water management and drainage;
 - E. Full details of site development and landscaping with special attention to grading and overall surface drainage patterns;
 - F. Details of surrounding developments with special attention to existing and proposed zoning and land use patterns; and
 - G. An indication of the proposed Mobile Home type, size and design of units.
13. Despite the above, on separate lots of record outside of a designated mobile home park, only one (1) mobile home per lot shall be permitted as set out in *Section 46 (2)* of the *Planning Act*;
14. The Property Standards By-law shall be used to ensure that mobile home developments are kept in a state of good repair; and
15. The use of storage containers will be strictly controlled and may be permitted only where the Municipality is satisfied that the requirements of the *Ontario Building Code* are met and that any such containers do not constitute a visual impact or drainage impact that negatively affects neighbouring properties.

4.5.2 Zoning

Mobile Home Parks shall be permitted by amendment to this Plan and shall be included in a separate zoning category in the implementing zoning by-law. Zoning is intended to reflect the development criteria set out above as well as to establish standards appropriate to the scale of rural development (e.g. lot size, setbacks, lot coverage, parking, landscaping or buffering etc.).

4.6 Commercial District

The **Commercial District** designation as shown on **Schedules ‘A2’ and ‘A3’, Land Use Plan** is intended to provide opportunities for commercial development within Massey and Webbwood. While the predominant land use will be commercial, a mixed land use approach is intended to allow for residential development to occur in the **Commercial District** as well. This will support the well-being of these downtowns as “people places”.

1. Permitted Uses

Within the **Commercial District** land use designation as illustrated on **Schedules ‘A1 and ‘A2’, Land Use Plan**, permitted uses shall include retail stores, personal service uses (examples: hair care, pet care, repair shops, computer services), business offices, financial services, uses which are dependent on the traveling public or substantial traffic flows or which are important to tourism. Examples include automotive uses (auto and recreational vehicle sales and services), accommodation, eateries, convenience and small scale retail stores, gift shops, antique stores and tourist commercial uses. Residential uses include existing dwelling and dwelling units and new residential units in accordance with the applicable policies of **Section 4.3 (4)** of this Plan. Development may also consist of mixed use buildings where the commercial component is typically at street level.

2. Planning Principles

Land use planning principles to be considered in providing for all development in the Commercial District include:

- A. Ensuring that the lot size is adequate for the proposed use e.g. parking and loading, private services, storage, signage, landscaping and buffering;
- B. Ensuring that the lot/use of land can be adequately serviced with water and sewage services (see **Section 3.12 - Water Supply and Sewage Disposal**);
- C. That provision is made in the implementing zoning by-law to classify individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking etc.). Where commercial uses are located adjacent to or in the vicinity of residential uses, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts with adjacent or nearby residential uses;
- D. Providing for frontage on and direct access to a public road. Access onto Highway 17 is restricted and governed by the Ministry of Transportation

(see **Section 3.10.1 - Provincial Highways**);

- E. Automotive uses and larger scale commercial uses (building supply, public storage) shall generally be directed to the Highway 17 corridor (rather than secondary roads within the urban settlement areas);
- F. All commercial uses shall be subject to site plan control (see **Section 6.20 - Site Plan Control**);
- G. While the Plan envisions a mixed use approach, preference will be given to the build-up or clustering of commercial uses;
- H. The use of storage containers will be strictly controlled and may be permitted only where the Municipality is satisfied that the requirements of the *Ontario Building Code* are met and that any such containers do not constitute a visual impact or drainage impact that negatively affects neighbouring properties; and
- I. The character of the existing built form and significant built heritage resources will be maintained through compact development with low rise buildings and common setbacks. Repurposing existing building stock will be encouraged.

4.7 Industrial District

1. Permitted Uses

On **Schedules ‘A1- A3’, Land Use Plan**, lands designated as Industrial District may be used for the following scope of permitted uses:

Class I Industry - Light Industrial

Means a place of business for a small scale, self-contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in the daytime only with infrequent movement of products and /or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply.

Class II Industry - Medium Industrial

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odours, dust and/or vibration. Shift operations occur and there is frequent movement of products and /or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs/lumber), warehousing, contractor's yard.

Class III Industry - Heavy Industrial

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit and potential adverse effects on the environment or the surrounding areas and public health.

- A. New industrial development shall proceed by amendment to this Plan and shall have regard to the planning principles listed below for industrial development. Existing uses as of the date of the approval of this Plan (February 3, 2003) may be expanded where there are compatible to adjacent land uses and *adverse effects* can be mitigated;
- B. Ancillary uses excluding residential uses. Such uses may include the incidental retailing or wholesaling of goods and services produced, manufactured or offered and which have been produced on the premises. The scale of ancillary commercial uses should be a relatively minor component of the primary industrial use; and
- C. Uses will not be permitted which are considered to represent a significant health or safety risk to the residents of Sables-Spanish Rivers or the environment by reason of noise pollution, or pollution of the environment or by virtue of any other adverse environmental impact.

2. Planning Principles

- A. Industrial development shall be directed away from the residential district. Preference will be given to locations along the Highway 17 corridor. Access onto Highway 17 is, however, restricted and governed by the Ministry of Transportation (see **Section 3.10.1 - Provincial Highways**). Class III Industrial uses are restricted to the Rural district;
- B. An Influence Area as set out by the Ministry of the Environment,

Conservation and Parks (MOECC) for Class I, II and Class III industrial uses shall apply between industrial uses and sensitive uses (**reciprocally**) and shall be incorporated into the implementing zoning by-law. ***Sensitive land uses*** [see definition in **Section 4.7 (4)**] shall not be permitted within the influence area unless it is clearly demonstrated through technical studies that any ***adverse effects*** [see definition in **Section 4.7(4)**] are clearly and fully mitigated to the satisfaction of Council and, where applicable, environmental approvals have been obtained from the Ministry of the Environment, Conservation and Parks. The influence area shall be measured from the nearest point of the property line of an industrial use and the nearest point of the property boundary of the sensitive land use. The influence area for a Class I Industry shall be 70 m [230 ft.], for a Class II Industry 300 m [984 ft.] and for a Class III Industry 1,000 m [3,280 ft.]. The minimum separation distance between a Class I industry and a sensitive use shall be 20 m [65.6 ft.], for a Class II industry 70 m [230 ft.] And for a Class III industry 300 m [984 ft.]; (Note: reference shall be made to Guidelines D-1: Land Use Compatibility and Guideline D-6: Compatibility Between Industrial Facilities and Sensitive Land Uses. See diagrams for Influence Area and separation distances <https://www.ontario.ca/page/d-6-compatibility-between-industrial-facilities>.)

- C. Open storage shall be appropriately screened from adjacent properties and any public street and provincial highways (see also **Section 3.10.1 Provincial Highways**);
- D. The lot area shall be sufficiently large to accommodate the intended use including parking, on-site maneuvering of vehicles, loading, storage of materials and wastes, access by emergency vehicles and landscaping;
- E. Building coverage and height control standards will be set out in the implementing zoning by-law. Building height shall not exceed the equivalent of four storeys;
- F. Site plan control shall apply in governing the massing and layout of buildings and storage areas, waste disposal areas, access, parking and loading, lighting, drainage, utilities and services, landscaping for any new industry or for extensions to existing industries (see **Section 6.20 - Site Plan Control**);
- G. Services shall be evaluated to determine if they are adequate to meet the requirements for industrial development e.g. on-site water and sewer (see **Section 3.12 - Water Supply and Sewage Disposal**), waste management, fire protection and roads;

- H. Industrial traffic shall be directed to and from industrial areas by designated roads and provincial highways (see also Section 3.10.1 Provincial Highways for access control requirements);
- I. Environmental Approvals shall be obtained where required from the public authority having jurisdiction (see **Appendix 1**); and
- J. The zoning by-law may be utilized to set out appropriate separation distances or provide for influence areas between industrial uses and sensitive land uses depending on the industrial classification and in accordance with the policies of this Plan. These distances may be reduced or development may be permitted in an influence area where any ***adverse effects*** (as defined in the *Environmental Protection Act*) are satisfactorily mitigated.
- K. The use of storage containers will be strictly controlled and may be permitted only where the Municipality is satisfied that the requirements of the *Ontario Building Code* are met and that any such containers do not constitute a visual impact or drainage impact that negatively affects neighbouring properties.

L. Conversion of Industrial Lands

The Township may permit conversion of lands within the Industrial District to non-industrial uses through a comprehensive review, only where it has been demonstrated that the land is not required for industrial uses over the long term and that there is a need for the conversion and that sites being converted to more sensitive uses are properly screened under the *Environmental Protection Act* and a Record of Site Condition is filed, where necessary.

3. Adverse Effects

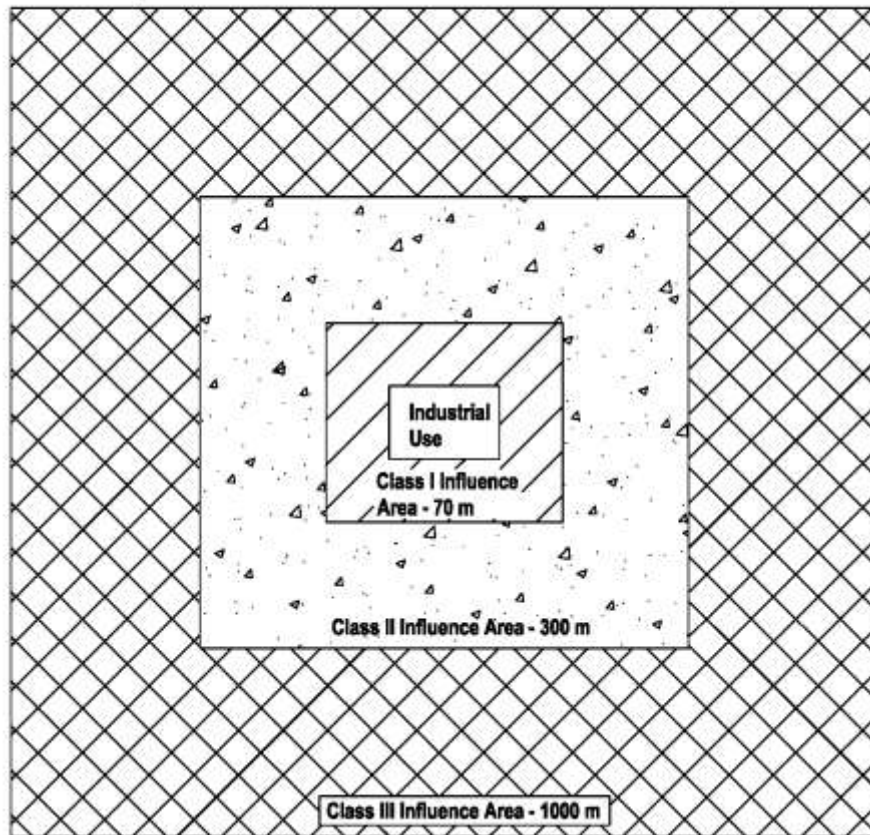
Adverse effects, for the purposes of this Plan, shall be as defined in the *Environmental Protection Act*, and in the Provincial Policy Statement as follows:

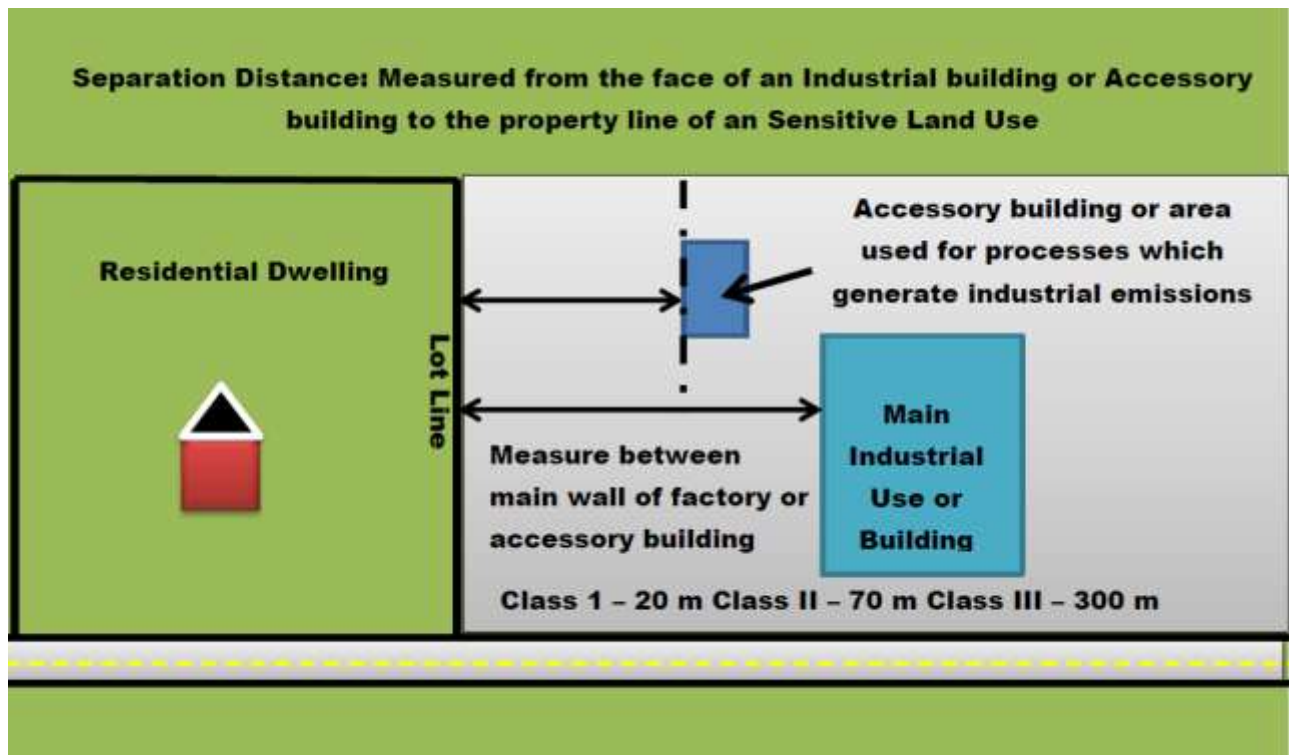
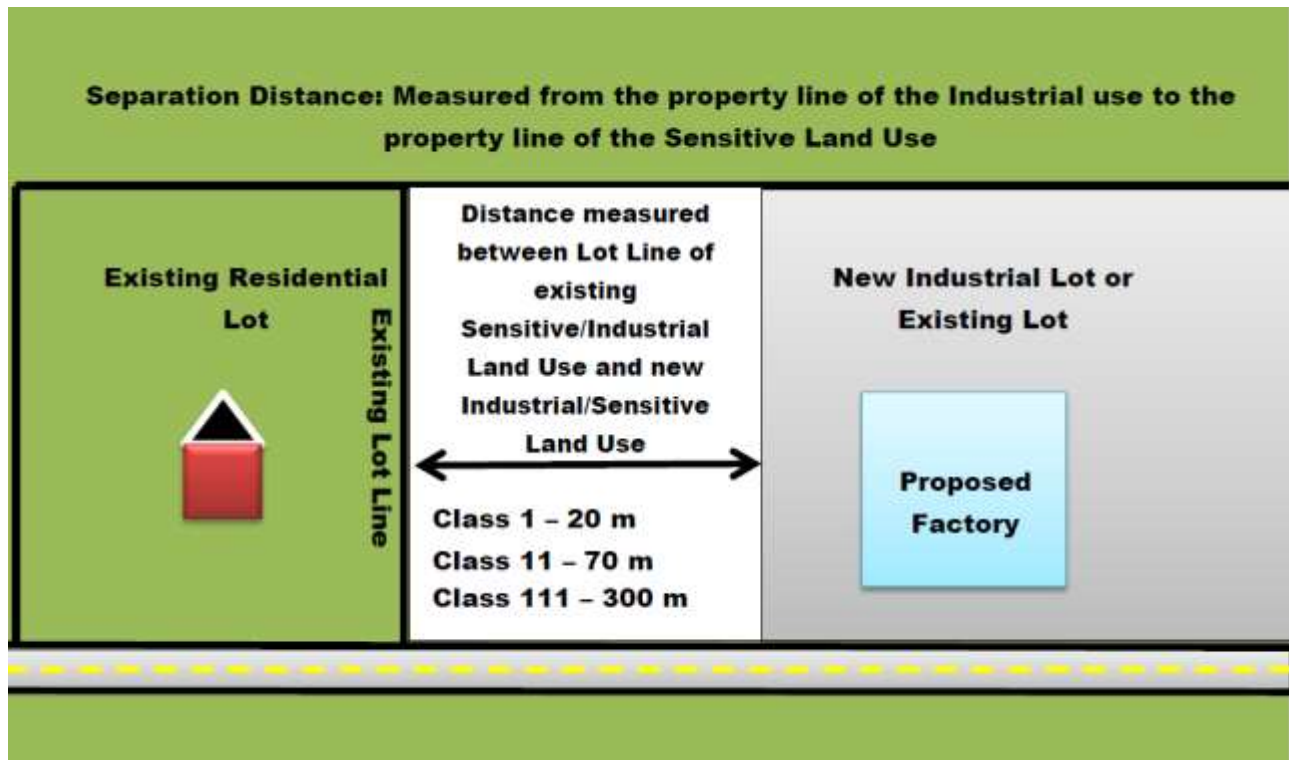
Means one or more of:

- A. Impairment of the quality of the natural environment for any use that can be made of it;
- B. Injury or damage to property or plant and animal life;
- C. Harm or material discomfort to any person;

- D. An adverse effect on the health of any person;
- E. Impairment of the safety of any person;
- F. Rendering any property or plant or animal life unfit for use by humans;
- G. Loss of enjoyment of normal use of property; and
- H. Interference with normal conduct of business.

Influence Area Surrounding Industrial Uses





4. **Sensitive Land Uses**

Sensitive Land Uses, for the purposes of this plan, shall be as defined in the Provincial Policy Statement as:

Means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. *Sensitive land uses* may be a part of the natural or built environment. Examples include: residences, day care centres and educational and health facilities.

5. **Exceptions**

Within Massey, a mixed commercial-industrial use shall be recognized on the west side of Carl Albert Street. Expansion of this use shall require an amendment to this Plan.

4.8 Rural Area

4.8.1 Development Concept

Within the **Rural Area**, the Plan provides for a supply of land for limited rural residential and recreational oriented land uses. Rural residential includes both permanent and seasonal land uses. The predominant focus will be on waterfront development on the many lakes and water bodies within the Township. The Plan also provides for development in other parts of the rural area. It is anticipated that all development will be serviced with individual on- site water and sewage disposal services subject to the requirements of Sections 3.12.1 and 3.12.3 of this Plan and that initiatives will be undertaken to upgrade older systems as a means to improving water quality.

Recreational activities will include recreational commercial establishments (campgrounds, lodges, golf courses, marinas and outdoor recreational uses) normally located in a rural setting as well as commercial uses which cater to the traveling public. The Plan also makes provision for other rural uses typically found in a rural area.

The intent of the Plan is to provide opportunities for industrial development through the establishment of criteria for industrial uses (see **Section 4.7 - Industrial District**)

The Plan makes provision for waste management facilities as an essential municipal service.

The Plan recognizes the economic value of renewable and non-renewable resources within the **Rural Area** (e.g. agriculture, mineral aggregates, minerals and forestry), and the need for stewardship and wise use and management of these resources. The Plan provides for resource development and measures for avoiding or minimizing the land use conflicts which may arise from such development. Although these land use activities form part of the Rural Area, it is the Resource Uses Policies of this Plan which are used to govern such uses.

Planning principles will apply to all development to ensure that development is environmentally sustainable and is complementary to the physical and scenic attributes of the natural environment.

4.9 Rural Area - Residential Uses

1. Permitted Uses

In areas designated Rural Area on Schedule 'A1', limited rural residential development shall be permitted and shall include single detached housing and two-unit dwellings whose occupancy may be seasonal or permanent. Housing types may also include multiple dwellings in compliance with **Section 3.26.1** of this Plan and mobile homes and park model units on individual lots, and permitting low density housing that includes life-lease housing, co-ownership housing, co-operative housing, community land trusts, tiny houses. The additional residential unit policies of **Section 3.26.1.3** shall also apply. Recreational vehicles are not considered to be a form of housing, but rather for short term recreational-oriented accommodation.

Accessory uses may include a home based business or a bed and breakfast establishment subject to **Section 3.10.1.3** of this Plan.

*(Note: Rural residential uses do not include residential uses adjacent to i.e. within 300 m [984.2 ft.] of a water body. Such development is governed by policies in **Section 4.10 - Resource Recreation District** designation.)*

2. Planning Principles

- A. To maintain the rural character of the area, the minimum lot size for residential development shall be 1 ha [2.47 ac.] with a minimum frontage of 80 m [262.4 ft.] and which can be adequately serviced with individual on-site water and sewage disposal services subject to the requirements of Sections 3.12.1 and 3.12.3 of this Plan. Council may require a servicing options report as a means to determine the most appropriate option for servicing (on-site services or communal services) (see **Section 3.12- Water Supply and Sewage Disposal**). Only one dwelling per lot shall be permitted (except for a garden suite as per **Section 4.3 (D)** and **Section 6.19** of this Plan). Notwithstanding this policy an additional residential unit shall be permitted subject to section 3.26.1.3 of this Plan;
- B. Development will generally be directed to the existing network of year round maintained township (public) roads provided the area is serviced with hydro and school bussing;
- C. The ***Minimum Distance Formulae I and II*** of the Ministry of Agriculture and Food in effect at the time, shall apply to proposed development in the vicinity of any active or inactive livestock facility (livestock barn where animals or poultry are housed or could be housed), a manure storage facility and to the proposed development of a livestock facility within the

vicinity of existing development as a means to maintaining an adequate separation distance between residential uses and farming operations. Generally, rural residential development will be discouraged near active farming operations in the **Rural Area**. See also **Section 5.1** for MDS requirements;

- D. All residential development shall respect the influence area or separation distance requirements in this Plan for mineral aggregates, waste disposal facilities or industrial uses. Dwellings to be erected shall be of sufficient size and value such that a financial burden will not be placed upon the Township. Innovative housing types will be permitted which meet the requirements of the *Ontario Building Code* and where they provide opportunities to meet the affordable housing policies of this Plan;
- E. Provision shall be made for safe access to a lot by avoiding entrances on curves, grades or where there are limited sight lines;
- F. Large scale development by plan of subdivision will be discouraged in the Rural Area. Consideration may be given to estate-like residential subdivisions of 5-15 lots which provide an alternate residential living environment in a natural setting. Proposed development of this type shall meet the following development criteria:

Developers will be expected to design the subdivision with a view to complementing and enhancing natural landscapes, emphasize scenic vistas, conserve ecological attributes, natural vegetation and the wilderness setting;

- (i) That the minimum lot size shall be 1 ha [2.47 ac];
- (ii) That convenient access is provided, for the subdivision from a public road maintained year round by the municipality;
- (iii) That access to individual lots shall be, wherever possible, from publicly owned and maintained internal secondary roads (except in the case of a vacant land condominium, where internal roads may be private) and accessed from an existing or proposed Township Roads, or a Provincial Highway (see **Section 3.10.1 - Provincial Highways** for access control requirements). However, certain exceptions may be considered where topographic constraints are encountered;
- (iv) That the lots are well proportioned and of regular shape and dimension. Long narrow lots shall not be permitted;

- (v) That the dwellings to be erected are of sufficient size and value such that a financial burden will not be placed upon the Township. Innovative housing types will be permitted which meet the requirements of the *Ontario Building Code* and where they provide opportunities to meet the affordable housing policies of this Plan;
- (vi) That servicing can be provided in accordance with **Section 3.12 - Water Supply and Sewage Disposal**. In particular, the quality and quantity of groundwater, where this is the source of supply, shall be verified. Where communal services are proposed, proponents of development are expected to present a costing package to the Municipality which details the capital and long term operational costs of developing and maintaining services and the associated tax revenue requirements (see **Section 3.12.4 - Communal Services**);
- (vii) That dwellings shall be set back sufficiently from the edge or embankment of a water body in order to ensure adequate structural stability and to avoid adversely affecting the visual amenity of the landscape;
- (viii) That all lots have frontage on and direct access to a publicly owned and maintained road (except in the case of a vacant land condominium, where internal roads may be private) developed to municipal standards;
- (ix) That no buildings are erected on any part of any lot subject to the danger of flooding, subsidence or erosion or other natural hazards (see also **Sections 3.16, 3.17 and 3.18**);
- (x) That the future development of other lands in the immediate vicinity is not prejudiced by the proposed development, especially by the proposed road patterns;
- (xi) That in cases where the existing topography and/or vegetation provides no protection adjacent to main peripheral roads, tree screening and earth berms shall be provided in order to protect dwellings from passing traffic and to create as much privacy and enclosure as is possible;
- (xii) That existing trees and vegetative cover shall be preserved. A landscape plan shall be submitted to illustrate measures for the conservation or re-vegetation of the subdivision; and

- (xiii) That subdivisions in the Rural Area of this type will not be located within the fringe of the urban settlement areas where they may potentially require the extension of piped services.
- G. Lands in the Rural Area which are adjacent (i.e. within 300 m [984.2 ft.]) to an inland lake and the Spanish River (outside of the Massey urban settlement area) are not intended to be intensively developed (e.g. consents or a plan of subdivision or a major commercial use) without an amendment to this Plan in accordance with the provisions of **Section 4.10 - Resource Recreation District**. This is not intended to prevent the issuance of a building permit on an existing lot of record in accordance with the provisions of **Section 3.5 - Lots of Record** of this Plan. Council may limit - the type of development adjacent to water bodies through zoning controls.
- H. The built form of the rural area will be maintained through low density, low rise development on large lots serviced with sustainable water and sewage services.
- I. The use of storage containers will be strictly controlled and may be permitted only where the Municipality is satisfied that the requirements of the *Ontario Building Code* are met and that any such containers do not constitute a visual impact or drainage impact that negatively affects neighbouring properties.

4.10 Resource Recreation District

1. Introduction

Council recognizes that inland lakes and other water bodies, such as the Spanish River within the Township of Sables-Spanish Rivers are valuable recreational and environmental resources and as such should be protected from development that might cause further deterioration of their water quality. This Plan further recognizes that the Township of Sables-Spanish Rivers also has an obligation to adjacent municipalities who share the water bodies with them as well as the existing residents and tourist camp operators located on these water bodies, to protect the water bodies by advocating a sensible land use policy for the use of the waterfront and surrounding environment.

Council also recognizes that many residents depend on these water bodies as the sole source of drinking water, that the shoreline of these water bodies has a special aesthetic appeal for the development of seasonal and limited residential uses; and that the general population wishes to see that special care is taken through strict lake/river and watershed development controls to maintain or improve the existing level of water quality, aesthetics and fishery quality.

Further, Council recognizes that the ecology of lakes and rivers is an intricate system of living and non-living components which represents a highly valued community resource.

Phosphorus is recognized as the basic nutrient that controls eutrophication. Eutrophication is the main threat to deteriorating resource quality. Eutrophication is at least partially controllable through planning policy.

It is the intent of Council that this Plan strictly control or limit the nature and extent of development along the shoreline of water bodies, including second tier or back lot development, development on islands in, development along watercourses flowing into lakes/rivers and development in their respective watersheds in general. It is the objective of these controls to maintain or improve the existing level of water quality, aesthetic and recreational quality to improve the fisheries, particularly, cold water fisheries or lake trout lakes. While maintaining this commitment to protecting the water quality, limited waterfront residential development or the commercial equivalent will be permitted based on the exercise of appropriate controls on the siting of buildings and structures, including tile beds, and the use of the best available technology for phosphorus removal.

It is also the intent of Council to provide for the development of lake management plans over the longer term as a means to establishing the capacity for future development, if any. The objective of the lake management plans will be to

determine a water quality level for phosphorus and a water quality level for dissolved oxygen to protect water quality and maintain the habitat necessary for the survival of lake trout in sensitive lakes or the fishery in other lakes. These Lake Management Plans will also set out standards for development for both existing lots and future lots.

In the interim period, a lake's capacity for development will be assessed using the Lakeshore Capacity Model as outlined in the Ministry of the Environment, Conservation and Parks's Lakeshore Capacity Assessment Handbook. There is no Ministry of the Environment, Conservation and Parks concerns regarding additional capacity for Agnew Lake.

The **Resource Recreation District** land use designation is shown on **Land Use Schedule 'A1'**.

2. **Permitted Uses**

Permitted uses within the **Resource Recreation District** designation include seasonal and limited residential and recreational commercial uses such as campgrounds, recreational vehicle parks, marinas, tourist lodges, golf courses and restaurants. Accessory uses may include a sleep cabin as a detached building or as a loft over a garage provided the cabin is not equipped with sanitary or cooking facilities. Where a lot is occupied by both a dwelling and sleeping cabin, a garden suite shall not be permitted. Additional residential units are not permitted.

3. **Lake Development**

The Ministry of the Environment, Conservation and Parks's Lakeshore Capacity Assessment Handbook <https://www.ontario.ca/document/lakeshore-capacity-assessment-handbook-protecting-water-quality-inland-lakes> shall be used to determine the capacity of any lake in any of the five watersheds to accommodate further development. This shall include proposed development on lands designated as Resource Recreation District and all other lands within 300 m [984.2 ft.] of the shoreline of the lake and associated tributaries.

The intent of the Plan is to direct shoreline development into those areas designated as **Resource Recreation District**. Where the lands designated **Resource Recreation District** approach full build-out, new areas may be designated by amendment to this Plan where it is determined that there is remaining development capacity in accordance with the following criteria.

A. **Lakes Deemed to be at Capacity**

Development will be prohibited on lands adjacent to a lake where the lake

has reached its development capacity except where one or more of the following conditions exists:

- (i) To separate existing habitable dwellings each or which is capable of supporting a Class 4 sewage disposal system provided the land use would not change and there would be no net increase in phosphorus loading; or
- (ii) Where all new septic tile fields are located so that they drain into a drainage basin that is not at capacity; or
- (iii) Where all new tile fields would be set back at least 300 lineal meters from the shoreline (see diagram for non-impact lot); or
- (iv) Where the natural drainage from the tile field would flow at least 300 meters to the lake; or
- (v) Where there are deep soils native to the site (undisturbed and over 3 meters in depth) meeting a specified chemical composition and hydrologic conditions acceptable to the Ministry of Environment, Conservation and Parks as outlined in the Lakeshore Capacity Assessment Handbook. This approach requires site-specific soils investigations by a qualified professional and, if implemented, long-term monitoring and use of planning tools and agreements that would ensure long-term maintenance of specified conditions as described in the Lakeshore Capacity Assessment Handbook.
- (vi) The proposed new use complies with the relevant policies of this Plan.

These development restrictions are not applicable, however, to existing registered vacant lots as of July 1, 2001.

- (vii) Kecil Lake has been determined to be “at capacity” based on mean volume-weighted hypolimnetic dissolved oxygen levels that fall below 7 mg/L. additional phosphorus loading has the potential to negatively impact lake trout habitat. The additional phosphorus loadings from development on Lang Lake (immediately upstream of Kecil Lake) would have the potential to be transported downstream, thus further degrading optimal conditions to support a lake trout fishery. The policies in this section of the official plan shall apply to lands adjacent to both Kecil and Lang Lakes.

B. Lakes Deemed to have Additional Capacity

On lakes identified as having additional capacity, development may be permitted on existing registered lots of record as well as lots created by plan of subdivision or by consent. This may also include a change of use (i.e. conversion of a seasonal residence to a permanent residence) or other

approval under the *Planning Act* (e.g. rezoning for a recreational commercial use). The Municipality shall maintain a detailed inventory of existing development and vacant registered lots on each lake. This information is absolutely necessary to manage and allocate the remaining development capacity.

This inventory shall include the monitoring of conversions of seasonal to permanent residences and the consequential changes to the development capacity from any development that may impact on water quality.

C. **Lake Management Plans**

It is the intent of this Plan that **Lake Management Plans** be developed with priority being given to those lakes that are the most accessible for development and/or already exhibit significant development. The scope of the **Lake Management Plan** should include a defined development limit, an assessment of the physiography of the shoreline for development, the measures for conservation of the natural heritage features in and around the water body and a management strategy for the maintenance or improvement of the water quality e.g. water quality targets, septic tank inspections/retrofit, storm drainage etc.

4. **Lot Size, Frontage and Physiography**

The minimum lot size for new lot creation shall be 1 ha [2.47 ac.] and the minimum lot frontage shall be 80 m [262.4 ft.]. Lots shall be properly proportioned (e.g. have sufficient depths), to accommodate the safe installation of a water supply and sewage disposal system. The topography and slope of lots should be conducive to development. Preference will be given in new lot creation on lands with a slope of 6% or less and with a soil mantle exceeding 0.5 m [1.64 ft.] or more. Development on lands which are substantially bare bedrock, swampy or low lying will be discouraged or prohibited.

Existing lots of record which are less than 1,950 m² [20,990 ft.²] will be considered unsuitable for development. Council, however, encourages undersized lots to be consolidated with adjacent lots to create larger lots, which may then have the potential for development.

5. **Setbacks for Sewage Disposal Systems**

The minimum setback for on-site subsurface sewage disposal beds from the shoreline of a lake or the bank of a watercourse flowing into a lake shall be 30 m [98.4 ft.]. Minor variances to the minimum setback for on-site subsurface sewage disposal beds may be considered provided such applications are accompanied by a

report prepared by a competent professional engaged in the science and design of subsurface sewage disposal systems that clearly indicates that a minor variance is justified.

6. **Zoning**

Applications to amend the zoning by-law in order to permit the conversion of seasonal dwellings to permanent dwellings may be approved in accordance with all of the applicable policies for the **Resource Recreation District** designation of this Plan.

Provisions shall be made in the implementing zoning by-law to classify individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking etc.). Where recreational commercial uses are located adjacent to residential uses in the **Resource Recreation District** designation, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts with adjacent or nearby residential uses;

7. **Recreational Commercial Uses and Non-Residential Uses**

Non-residential lots may be created provided the impact on the water quality objectives is not greater than the equivalent number of residential lots. Where non-residential lots are created, this equivalent number shall be deducted from whatever residual number of lots remains on the date the application is accepted by the municipality.

8. **Phosphorus Removal Technology**

All new development within 300 m [984.3 ft.] of a lake or major tributary shall utilize a sewage disposal system which incorporates the best available technology for phosphorus removal as approved by the province. Phosphorous removal technology cannot be used to justify development on lakes that are defined as being at capacity based on the Lakeshore Capacity Assessment Model.

9. **Consents**

Consents for lots shall be reviewed in accordance with the policies contained in **Section 3.7.2 -Subdivision and Consent Review Criteria** of this Plan.

10. **Plans of Subdivision**

Applications for plans of subdivision or condominium developments shall be accompanied by an impact report which shows the impact of the proposed use on water quality. New lot or dwelling unit creation by plan of subdivision or condominium shall only be considered where there is no net increase in potential

phosphorus export from the existing land use and where there is no adverse effect on water quality (**See also Section 3.7.1 - Plans of Subdivision.**)

11. **Vegetation Buffer**

It is the intent of Council to require the establishment and/or retention of a natural vegetation buffer on lands within 15 m [49.2 ft.] of the shoreline of a lake or a tributary. Where sensitive or vulnerable water features are present, the buffer should be 30 m or more. In situations where the natural vegetation buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area required for the expansion, will be required (see illustration in **Appendix 2**). See requirements for **Site Plan Control** in **Section 4.10 (14)**.

12. **Access**

Access may be a water access (for seasonal residential development only), provided the lake has a public access point and there is sufficient land to provide for parking on the mainland. Confirmation of barge service and sufficient reserve and treatment capacity for hauled sewage will be a prerequisite for the creation of water-access-only lot. Access by road (for all permitted uses in the **Resource Recreation District** designation) shall be subject to the policies of **Sections 3.10.2, 3.10.3 and 3.10.4** of this Plan.

13. **Conversions**

Conversions from seasonal to permanent residential uses may be permitted in accordance with the following criteria:

- A. The minimum lot size shall be 1 ha [2.47 ac.];
- B. Year round services such as school busing, fire and police protection and snow plowing are already being provided;
- C. The sewage disposal system shall meet the prescribed sewage disposal system standards set out in the *Building Code* and the system must be set back a minimum of 30 m [98.4 ft.] from the high water mark;
- D. The lands must be appropriately zoned;
- E. The lot must have frontage on and direct access to a year-round maintained public road; and
- F. The conversion will not result in the lake reaching its development capacity.

14. **Site Plan Control (see also Section 6.20)**

Site Plan Control may be applied to the following items as required:

- A. The siting of sewage disposal components;
- B. The siting of water supply system components, particularly drilled or dug wells;
- C. Proposed site drainage;
- D. House and/or building siting;
- E. Requirements for the protection, conservation and/or revegetation of the shoreline riparian zone e.g. vegetation buffer;
- F. Siltation and erosion controls; and
- G. Site grading and replacement of fill.

4.11 Rural Area – Commercial Uses

Commercial uses may be permitted on a limited basis within the **Rural Area** subject to the following development criteria:

1. Permitted Uses

Permitted uses shall include commercial uses which are dependent on the traveling public or substantial traffic flows or which are important to tourism. Examples include automotive uses (auto and recreational vehicle sales and services), accommodation, eateries, convenience and small scale retail stores, gift shops, antique stores and tourist commercial uses. Residential uses may be permitted as accessory uses excluding 2nd residential units.

2. Planning Principles

Land use planning principles to be considered in providing for all commercial uses in the Rural Area include:

- A. Ensuring that the lot size is adequate for the proposed use (e.g. parking and loading, private services, storage, signage, landscaping and buffering);
- B. Ensuring that the lot/use of land can be serviced (see **Section 3.12 - Water Supply and Sewage Disposal**).
- C. That provisions are made in the implementing zoning by-law to classify individual types of land use and to set out the zone requirements for development (e.g., lot size, frontage, setbacks, height, parking etc.). Where commercial uses are located adjacent to residential uses, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts with adjacent or nearby residential uses;
- D. The location of commercial uses should be justified with a business or marketing plan. Isolated locations will generally be discouraged;
- E. Providing for frontage on and direct access to a public road. Access onto Highway 17 is restricted and governed by the Ministry of Transportation. (See **Section 3.10.1 - Provincial Highways**);
- F. Automotive uses and larger scale commercial uses (building supply, public storage) shall generally be directed to the Highway 17 corridor (rather than secondary roads within the urban settlement areas). **Access**

onto Highway 17 is restricted and governed by the Ministry of Transportation. (See **Section 3.10.1 - Provincial Highways**); and

- G. All commercial uses shall be subject to site plan control (see **Section 6.20 - Site Plan Control**).

4.12 Rural Area - Salvage Yard Use

Because of the potential land use conflicts associated with this type of land use, the intent of the Plan is to direct these uses to locations which minimize the impact on surrounding or adjacent land uses through an amendment to this Plan.

1. Permitted Uses

On lands designated for a salvage yard, the uses shall include the storage, crushing, dismantling, recycling, sorting or transfer of vehicles, building materials, non-hazardous wastes, junk and other materials and shall include the incidental retail, shipping and receiving of such materials. Accessory uses may include storage buildings, crushing or processing equipment, waste storage facilities and administration facilities.

2. Amendment

New scrap, junk, salvage or wrecking yards shall be located on lands designated for these purposes by an amendment to this Plan. Existing sites may also be recognized which comply with the intent of the following planning principles.

3. Planning Principles

In considering applications for amendments to this Plan to designate an area for scrap, junk, salvage or wrecking operations or an extension to an existing area, Council shall amongst other matters give consideration to the following planning principles:

- A. The general need and desirability of the type of operation proposed;
- B. The location of the proposed site relative to the land use and development policies in this Plan;
- C. The suitability of the topography and soils relative to the proposed uses;
- D. That insofar as is practical, scrap, junk, salvage and wrecking operations will generally be restricted to areas not exposed to public view;
- E. The adequacy of existing or proposed roads to provide access to the site and capacity to support truck traffic;
- F. That provisions have or will be made to obtain approvals under the *Environmental Protection Act*, if required, to assure the minimization of pollution to air soil and water and the adequate control of noise, dust,

fumes, vibration or other emissions;

- G. That adequate provision is made for fencing, buffering or berming the operation; and
- H. The entering into of a Site Plan Control Agreement under the *Planning Act* (see **Section 6.20 - Site Plan Control**).

4. Land Use Compatibility

The provisions of Section 4.7.2 B. shall apply to ensure land use compatibility between a Salvage Yard Use and a *sensitive land use*.

5. Zoning

Provisions shall be made in the implementing zoning by-law to regulate salvage yards. As new salvage yards require an amendment to this plan, they will also require an amendment to the implementing zoning by-law.

4.13 Rural Area – Waste Disposal facilities Designation

Waste disposal facilities as shown on the Land Use Plan, are permitted as a separate land use designation in accordance with the policies of Section 3.14 - Waste Disposal Facilities of this Plan.

4.14 Rural Area – Resource Uses

Any uses set out in **Section 5.0 Resource Management** of this Plan are permitted in the **Rural Area**.

4.15 Crown Land

It is recognized that Council does not have the jurisdiction to enforce the provisions of this Plan as it relates to Crown land since Crown lands are recognized as falling under the purview and responsibility of the Provincial government. However, it is expected that Council and Provincial Ministries will work cooperatively in achieving the objectives and spirit of this Plan particularly with respect to the review of development applications. It is expected that Crown lands proposed to be released for private development not be released by the Crown without prior consultation with the Council and the redesignation of such lands be in conformity with the Official Plan, where required by this Plan. Generally, the release of Crown land for non-resource related development is not encouraged except where there are no alternative private lands available for such development or where the lands are required to achieve the economic development objectives of this Plan (see **Section 2.6 -**

Economic Growth). It is also the intent of Council to minimize or avoid land use conflicts or conflicts in resource development since inter-agency cooperation is essential to maximizing the potential of natural resources within the Planning Area.

Council is cognizant of the many resource attributes on Crown Land within the Planning Area and wishes to ensure a balanced approach to resource management to ensure that resource development is optimized for the economic health of the area while taking into consideration the ecological functions of natural heritage features (e.g. wildlife and fish habitat).

Council recognizes the interest of Indigenous communities in traditional and other land uses on Crown Land and will support and ensure that they are appropriately consulted in land use planning decisions.

4.16 Conservation Uses

It is a policy to permit conservation uses which may include any activity which is designed to enhance or improve ecosystems within the Planning Area. Programs for wildlife management are encouraged as well as activities related to wildlife and conservation interpretation.

4.17 Remote Development

It is a policy to recognize certain specific land uses which are part of the rural landscape. These uses are characterized as self-sustaining and are not dependent on services provided by public authorities. It is a policy to permit such uses in undeveloped, remote or generally inaccessible areas within the Planning Area on a limited basis. Such uses include a trappers' cabin associated with a registered trap line or a fishing and hunt camp. A fishing and hunt camp may be permitted under a leasehold arrangement with the Crown or as a single use on patented land.

4.18 Recreational Vehicles

1. Development Concept

The intent of the Plan is to allow for the development of Recreational Vehicle Parks and Campgrounds and to allow recreational vehicles on a limited basis on individual lots as a means to accommodating this type of land use. It is expected that recreational vehicle parks would be operated on a seasonal basis (e.g. May – October) and closed during the winter months. The purpose of a Recreational Vehicle is to provide temporary living accommodation on a seasonal basis that is recreationally oriented. Recreational vehicles are not intended to be a substitute for a permanent dwelling. The Plan allows for the overwintering or storage of

recreational vehicles in these parks. Recreational vehicles will not be permitted on lots bordering the Spanish River within the urban settlement area of Massey.

2. **Recreational Vehicle - Definition**

Recreational Vehicles, which are also known as travel trailers, campers and trailers are for the purposes of this Plan, defined as follows: means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle (i.e. self-propelled) and is capable of being used for the living, sleeping or eating accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its running gear is removed. Recreational vehicles may include a bus which has been converted for accommodation but does not include a mobile home nor shall it apply to limit the storage of boats, personal water craft, snowmobiles or other recreational equipment.

3. **Recreational Vehicle Parks and Campgrounds**

Recreational vehicles, as defined above, shall be permitted within a Recreational Vehicle Park or campground on land zoned for this purpose in the implementing Zoning By-Law. Recreational Vehicle Parks shall be a permitted use in the Rural Area and may include campgrounds for tents and day use activities.

4. **Recreational Vehicles as a Seasonal Use**

Recreational Vehicles may be used only for temporary accommodation on a seasonal basis (e.g. over the summer months). Occupancy is intended to be for recreational purposes and not for long term or permanent accommodation. Such vehicles may be stored in a designated park over winter provided they are not occupied.

5. **Recreational Vehicles on Individual Lots**

One Recreational vehicle may be stored as an accessory use on any property zoned for a seasonal or permanent dwelling and may be used for recreation purposes while located on such a property provided the accommodation is temporary or seasonal only. The municipality may limit the period of occupancy (e.g. so many days within a calendar month).

Recreational vehicles may be permitted on an individual lot zoned for that purpose, provided the lot is of an adequate size for the use, for on-site servicing (see Section **3.12 - Water Supply and Sewage Disposal**) and will not create a land use conflict with a neighbouring residential or other use.

6. **Licensing**

Recreational Vehicles may be licensed by the Municipality under the authority of the *Municipal Act*.

7. **Planning Principles for Recreational Vehicle Parks and Campgrounds**

In considering applications for amendments to the Zoning By-law to zone an area for a Recreational Vehicle Park and/or campground, the Council shall, amongst other matters, give consideration to the following planning principles:

- A. The type of facility proposed and what uses or facilities in addition to recreational vehicle sites are proposed (e.g., camping, picnicking, swimming);
- B. The number of recreational vehicles and camp sites and the duration of occupancy;
- C. The location of the proposed site relative to the land use and other development policies in this Plan;
- D. The appropriateness of the topography, soils and vegetative cover of the site relative to the proposed uses;
- E. The compatibility of the proposed use with existing and anticipated surrounding uses. The setting for these parks should include recreation oriented amenities (e.g. lake frontage, mature tree cover, proximity to wildlife, access to or proximity to recreational trails etc.);
- F. The adequacy of existing or proposed roads to provide access for traffic and recreational vehicles to the site;
- G. The proposed water supply and sewage disposal systems proposed shall comply with **Section 3.12 - Water Supply and Sewage Disposal**. A communal system may be considered as an option for servicing where the need is demonstrated through a servicing options report. Water usage and sewage disposal shall take into consideration provisions for shower, rest room and laundry facilities;
- H. The adequacy of additional services to be provided such as hydro, gas etc.;
- I. Any additional facilities or uses proposed to be included such as eating facilities, retail commercial facilities, other commercial uses, recreational facilities (e.g. sports fields, community pavilions etc.). Generally, such uses

shall be planned and developed as accessory uses to the park;

- J. The adequacy of open space, parking facilities, buffering, storage etc. Planning for trails and linkages for multiple use and to provide for active and healthy lifestyles and community connectivity will be required as an integral component to campground design.
- K. The development plan prepared by the applicant shall illustrate the details of the layout of the proposed development including phasing and the ultimate plan; and
- L. A maximum of 12 campsites per 0.4 ha [0.98 ac.] shall be permitted for campgrounds and a beach or other recreational area of 10 m² [107.6 ft.²] per campsite, shall be provided.

8. **Site Plan Control**

Recreational Vehicles shall be subject to a Site Plan Control Agreement under the *Planning Act* (see **Section 6.20 - Site Plan Control**).

9. **Zoning**

Provisions shall be made in the implementing zoning by-law to regulate Recreational Vehicles in parks or campgrounds utilized for recreational vehicles or on individual lots.

4.19 Kennels

As this use has the potential to create land use conflicts with adjacent land uses, it is the policy of Council to require an amendment to the zoning by-law to control the location of kennels. The zoning by-law may establish a minimum separation distance between a kennel, a dog run and any adjacent land use which may be sensitive. A kennel may be associated with a veterinarian establishment or may be operated commercially (i.e. boarding facility).

5.0 RESOURCE MANAGEMENT

5.1 Agricultural Resource Lands

1. The intent of the Plan is to protect the long-term future of agriculture by recognizing the importance of Canada Land Inventory (CLI) Class 2-4 soils and by permitting a full range of on-farm diversified and agricultural-related land uses in ***prime agricultural areas*** as well as within the **Rural Area** and shall include ***specialty crop areas*** where designated using guidelines by the Province.
2. ***Agricultural uses*** shall mean the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the nature and size of the operation requires additional employment.
3. Associated activities to agriculture will be encouraged and promoted including ***agriculture-related uses***, ***agri-tourism*** and ***on-farm diversified uses*** (e.g. home base businesses, farm vacation facilities), and uses that produce value-added agricultural products (e.g. cheese production, craft breweries). ***Agriculture-related uses*** will generally be directed to lesser productive lands and areas where they are compatible and do not hinder surrounding agricultural operations. ***Agri-tourism*** and ***on-farm diversified*** uses will be directed to existing farm dwellings or within an existing farm building cluster and located away from field operations.
4. The intent of the Plan is to also support of sustainable farming practices and research, the support of the culture of the farming community and by maintaining strong environmental standards. Activities that will be encouraged include:
 - The preparation and compliance with nutrient management plans.
 - Preparation and implementation of environmental farm plans.
 - The use of best management and ***normal farm practices*** with special



consideration for the impacts of aquaculture and the impact on local water resources.

- The protection, restoration and management of natural areas such as woodlots, *wetlands*, stream and river valleys.
- On-farm energy production as an energy source for farming operations.

No provision in the above agricultural policies or the natural heritage policies of this Plan is intended to limit the ability of ***agricultural uses*** to continue.

5. The MDS formulae I and II shall apply, specifically, Document, Publication 853, as amended from time to time by the province including Sections 3, 4, 5 and all definitions. <http://www.omafra.gov.on.ca/english/landuse/mds.htm>. Development shall comply with the Minimum Distance Separation Formulae I and II, whichever is applicable. MDS I shall apply to all lots created after March 1, 2017. MDS I setbacks shall apply to existing lots created prior to March 1, 2017 which are used exclusively for residential purposes, and vacant lots which have a lot area greater than 2 ha. Where a lot is being created for a residence surplus to a farming operation, MDS I applies in relation to a livestock facility on the lot from which the surplus dwelling is being severed; MDS I does not apply in relation to livestock facilities that are situated on lots other than the lot from which the surplus dwelling is being severed. MDS I and II shall not apply to agriculture-related uses or on-farm diversified uses with the exception of a food service such as an on-farm tea room or food concession. For purposes of MDS II, cemeteries that are closed or which receive low levels of visitation or have no place of worship which shall be classified as a Type A land use. All other cemeteries subject to MDS I or MDS II shall be considered (Type B land use).
6. Farm operators will be encouraged to not seek consents which may interfere with agricultural productivity.
7. ***Development*** which is incompatible with normal farm practices will be discouraged in the vicinity of viable farming operations.
8. Lot creation on *prime agricultural areas* is discouraged and may only be permitted for:
 - A. ***Agricultural uses***, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
 - B. ***Agriculture-related uses***, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services* with no ***negative impacts***;

- C. A *residence surplus to a farming operation* as a result of farm consolidation, provided that:
- (i) the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services* with *no negative impacts*; and
 - (ii) the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
- D. *Infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- E. Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.
- F. The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 5.1.8 (c).
- G. Non-agricultural uses shall not be permitted on Agricultural Resource Lands except for:
- (i) The extraction of *minerals*, and *mineral aggregate resources*, in accordance with policies 5.2 and 5.3; or
 - (ii) limited non-residential uses, provided that all of the following are demonstrated:
 - the land does not comprise a *specialty crop area*;
 - the proposed use complies with the *minimum distance separation formulae*;
 - there is an identified need within the planning horizon provided for additional land to be designated to accommodate the proposed use; and

- alternative locations have been evaluated, and
- there are no reasonable alternative locations which avoid *prime agricultural areas*; and
- there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

H. Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

9. Lot creation on agricultural lands in the **Rural Area** on lands other than in a *prime agricultural area* will be subject to **Section 3.7 Plans of Subdivision, Consents and Part-Lot Control** of this Plan.

5.2 Mineral Aggregate Resources

Mineral Aggregate Resources: means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other materials prescribed under the *Mining Act*.

5.2.1 Policies

1. It is a policy that mineral aggregate resources will be protected for their resource value for long-term use through the designation of active pits and quarries and mineral aggregate reserves as a Mineral Aggregate Resources area (see **Land Use Schedule 'A1'**) and without the need to demonstrate the need or supply/demand analysis. This (designation) area includes Areas of Primary Significance, Licensed Resources, Unlicensed Resources and Mineral Aggregates (Nipissing Diabase).

This shall also include wayside pits and quarries although they are not required to be specifically designated (see Section 5.2.7).

2. For the purposes of this Plan, the Township is designated under the *Aggregate Resources Act*.
3. Council shall conserve cultural heritage resources when considering the establishment of new areas for mineral mining or when considering the establishment of new operations or the expansion of existing operations. When necessary, Council will require satisfactory measures to mitigate any negative impacts on cultural heritage resources.

5.2.2 Permitted Uses

It is a policy that the permitted uses within areas designated as part of the Mineral Aggregate Resource include the following:

1. Pits and quarries;
2. ***Wayside pits and quarries;***
3. An ***agricultural use*** excluding any permanent buildings;
4. Forestry excluding any permanent buildings;
5. Uses associated with pit and quarry operations such as crushing facilities, stock piles, screening operations, asphalt plants and aggregate transfer or recycling

operations provided they do not prevent the opening of a pit, quarry, wayside pit or quarry; and

Crushers, screeners, asphalt and concrete plants and recycling operations are permitted where they have approval from the Ministry of the Environment, Conservation and Parks;

6. Passive recreation uses; and
7. Existing *mineral mining operations*.

5.2.3 Influence Area and Separation Distance

1. It is a policy to recognize an influence area as a means of protecting against incompatible land uses in the vicinity of proposed pits and quarries and to protect existing pits and quarries from encroachment from other incompatible land uses. It is a policy of Council to discourage incompatible land uses in areas surrounding lands designated Mineral Aggregate Resources on the Land use Plan Schedules Areas. For the purposes of this plan, the influence area shall be established by appropriate technical studies (e.g. noise, dust, vibration and hydrological). For both pits and quarries, the potential influence area is considered 1,000 m [3,280 feet], with a recommended minimum separation distance of 300 m [984.2 feet] dependent on a technical study or as otherwise approved by license under the *Aggregate Resources Act*
2. Measurement of the distances shall be from the boundary of the Mineral Aggregate Resources land use designation shown on the **Land Use Schedule 'A1'**. The extent of the influence area may be modified in consultation with the public body having jurisdiction without amendment to this plan.
3. Within the influence area, and outside of the recommended minimum separation distance (of 300 m), development including *sensitive land uses* may be permitted where it is clearly demonstrated (through a Resource Management Report), that impacts such as noise, blasting, dust, vibration have been or will be mitigated and the quality and quantity of ground water on adjacent properties will not be compromised; and
4. The recommended separation distances shall apply on a reciprocal basis in establishing a new pit or quarry in the vicinity of an existing *sensitive land use* (as defined in **Section 4.7 (4)** of this Plan).

5.2.4 Site Development of Pits and Quarries

Mineral aggregate operations shall be subject to the requirements and approvals provided

for under the *Aggregate Resources Act* and any related provincial or federal approvals. Applicants will be required to comply with the *Aggregate Resources of Ontario Provincial Standards, Version 1.0, 1997* in the submission and preparation of aggregate applications under the *Aggregate Resources Act* including any required separation distance between a **mineral aggregate operation** and a **sensitive land use** or sensitive receptor. Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts on surrounding land uses and the natural environment.

5.2.5 Review of Applications and Site Development Policies

Council will review applications under the *Aggregate Resources Act* for compliance with the relevant policies of this Plan to ensure that the resource is protected from development that would preclude or hinder their expansion or which would be incompatible for reasons of public health, public safety or environmental impact and that adequate measures are undertaken to mitigate impacts of pit and quarry operations on surrounding land uses and to address the impacts of operations on the municipal road infrastructure. Existing mineral aggregate operations shall be permitted without the need for an official plan or zoning amendment. Where a license for extraction or operation ceases to exist, or for known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

1. Resource use would not be feasible;
2. The proposed land use or development serves a greater long-term public interest; and
3. Issues of public health, public safety and environmental impact are addressed.

5.2.6 Wayside Pits and Quarries

It is a policy to permit wayside pits and quarries.

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

Wayside pits and quarries are permitted throughout the Planning Area without an amendment to this Plan or to the zoning by-law except in areas designated as a designated settlement area (Massey, Webbwood, and Walford) or on environmentally sensitive lands which have been determined to be incompatible with extraction and associated activities.

5.2.7 Portable Asphalt/Concrete Plants

It is a policy to recognize portable asphalt/concrete plants as an important part of aggregate operations.

Portable asphalt/concrete plants, used by a public road authority or their agents, shall be permitted throughout the Planning Area without an amendment to this plan or to the zoning by-law. Portable asphalt/concrete plants are not permitted in areas designated as a designated settlement area (Massey, Webbwood, and Walford) or on lands designated **Environmental Protection**.

If asphalt or concrete for a public road project cannot be obtained from an existing asphalt/concrete plant, attempts should be made to locate the portable plant in a wayside pit, vacant industrial site, the highway right-of-way, or on inactive or less productive agricultural lands.

Portable asphalt/concrete plants are subject to the following provisions:

1. Portable asphalt/concrete plants will be removed from the site upon completion of the project.
2. All portable asphalt/concrete plants shall also require a location approval by the district manager of the Ministry of the Environment, Conservation and Parks.
3. Sites used for portable asphalt/concrete plants within the agricultural area shall be rehabilitated to their former agricultural capability.

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; and which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

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

5.2.8 Resource Identification or Depletion and Rehabilitation

It is a policy that an amendment is required to this Plan to designate mineral aggregate resource lands not currently identified or conversely to redesignate existing lands wherein

the resource has been depleted. In any redesignation, consideration shall be given to the following criteria.

1. Evidence, provided by the applicant, indicating that the aggregate extraction is unfeasible due to quality, quantity, other development constraints or that the resource has been depleted;
2. The necessity of the land use change in comparison to the necessity of conserving the aggregate resource e.g. development of the land will not sterilize the use of resources on adjacent lands, the lands are not natural heritage features (wetlands, habitat areas);
3. The reason for the choice of location and the consideration given to alternate locations on non-aggregate land;
4. The consideration given to the option of sequential land use, in which the aggregate is removed prior to the development of the land for the proposed use; and
5. Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration. Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations in an area.

5.2.9 Mineral Aggregate Resource Conservation

Mineral aggregate resource conservation shall be undertaken, including through the use of aggregate recycling facilities within operations, wherever feasible. Examples include asphalt paving or recycling road building materials and recycling concrete aggregates from construction demolition.

5.2.10 Extraction in Prime Agricultural Areas

1. In *prime agricultural areas*, on *prime agricultural land*, extraction of *mineral aggregate resources* is permitted as an interim use provided that the site will be rehabilitated back to an *agricultural condition*.
2. Complete rehabilitation to an *agricultural condition* is not required if:
 - A. Outside of a *specialty crop area*, there is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;

- B. In a *specialty crop area*, there is a substantial quantity of *high quality mineral aggregate resources* below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
- C. Other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as *designated growth areas*, and resources on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Class 1, 2 and 3 lands; and
- D. Agricultural rehabilitation in remaining areas is maximized.

5.3 Mineral Resources

5.3.1 Definitions

Mineral Deposits: means areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

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

Minerals: means metallic minerals and non-metallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

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

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

Mine hazard: means any feature of a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated.

5.3.2 Policies

It is a policy to recognize mineral resource lands as those lands shown on **Land Use Schedule 'A1'** which exhibit a mineral potential rating. The mineral potential rating known as Metallic Mineral Potential Estimation Tool (MMPET) is intended to be a guideline in interpreting policies set out in **Section 5.3.3 - Mineral Resources as a Constraint** as well as other policies applying to rural development within the Planning Area. The intent of the Plan using MMPET is to protect minerals for long-term use.

5.3.3 Mineral Resources as a Constraint

It is a policy that mineral resource lands be recognized as a development constraint overlay. This shall mean that mineral resource-related uses such as exploration, development and *mineral mining operations* and ancillary uses shall be permitted where they meet the development criteria set out in this Plan and the requirements of applicable law (i.e. *Environmental Assessment Act*, *Mining Act* etc.).

Lands shown as a “Mining Operation on Crown Lands” overlay on Land Use Schedule “A1” are recognized as such to ensure that land use compatibility is addressed for the proposed development of any sensitive land uses in the vicinity of these lands. The provisions of **Sections 4.7 – Industrial District** and **5.3.6 – Influence Area** shall apply to any such proposed development.

5.3.4 New Mines

It is a policy that the establishment of new mines shall be subject to the approval of the Ministry of Northern Development and Mines under the *Mining Act* and the *Environmental Protection Act* and/or *Environmental Assessment Act* and will require an amendment to the Official Plan and an amendment to the zoning by-law. Permitted uses within any potential Mine Designation shall include *mineral mining operations* and ancillary uses.

New mines shall be considered as a Class III Industry and the provisions of **Section 4.7 - Industrial District** shall apply to the development of a mine.

5.3.5 Rehabilitation

It shall be a policy that active mining operations shall be subject to the provisions of the *Mining Act* with respect to rehabilitation and/or closure, such that subsequent land uses can be accommodated after extraction and other related activities have ceased. This shall include progressive rehabilitation, wherever feasible.

5.3.6 Influence Area

It is a policy to recognize an influence area as a means of protecting against incompatible land uses in the vicinity of active mining operations and to protect mining operations from encroachment from other incompatible land uses. It is a policy of the Council to discourage or prohibit incompatible land uses adjacent to a *mineral mining operation*. Development may be permitted in the influence area where it is clearly demonstrated through technical studies that the impacts of mining operations can be properly mitigated. For the purposes of this Plan, the influence area shall be generally 1,000 m [3,280 ft.]. The establishment or modification of the influence area should be carried out in consultation with the Ministry of Northern Development and Mines and the Ministry of the Environment, Conservation and Parks and may be done without amendment to this Plan.

5.3.7 Resource Depletion

Where the mineral resource has been depleted and the mine or lands associated with the mining operation have been rehabilitated or closed in accordance with plans approved by

the Ministry of Northern Development and Mines, these lands may revert to an alternative resource use where there is an overlapping designation with the mining resource lands designation or alternatively where such is not the case, the lands may be redesignated by amendment to this Plan provided that such redesignation does not prejudice mining operations or mineral resource operations or other resource lands on adjacent properties (see also **Section 5.3.8.2**).

5.3.8 Implementation

Measures to achieve policies of the Council respecting *mineral resources* are as follows:

1. In the review of planning applications (i.e. plan of subdivision, zoning or official plan amendment), Council shall consult or circulate to the Ministry of Northern Development and Mines where the proposed development is located within lands identified as having medium to high mineral potential. *[Reference may also be made to mapping provided by the Ministry of Northern Development and Mines (geological map based on MNDM Dataset MRD 126 - revised 1:250,000 scale bedrock geology of Ontario, OGS, 2006 and related geology mapping accessible at www.ontario.ca/geology) which identifies sites in the Mineral Deposit Inventory (MDI)] or MMPET.*
2. The proponent of development may be required to provide appropriate information to Council to demonstrate that the proposed development:
 - A. Will not preclude or hinder the establishment of new mining operations;
 - B. That the resource use would not be feasible; or
 - C. That the proposed land use or development serves a greater long-term public interest; and
 - D. That issues of public health and safety and environmental impacts are addressed.

5.4 Forestry

1. The intent of the Plan is to recognize the importance of forests as a renewable and sustainable resource within the Planning Area. This includes recognition of timber harvesting and silviculture activities of commercial timber operators licensed by the Ministry of Natural Resources and Forestry, and private property owners operating under the *Forestry Act, 1990*.
2. In recognizing the importance of the forest resource within the Municipality, it is a policy to both support and help co-ordinate the application of forest resource management techniques to ensure compatibility with harvesting, renewal and maintenance operations with other resource attributes, particularly wildlife and *fish habitat*.
3. Tree planting and increasing forest cover will be promoted wherever feasible as part of land use planning decisions (e.g. in association with the restoration of shoreline areas, erosion measures and increasing the tree cover on rural lots). Clearing of natural environment areas is not permitted.
4. A tree retention/planting plan may be required for subdivisions and site plans and will include measures for protection during construction (see also **Section 3.11.4.9**).
5. Existing tree lines along property boundaries should be maintained for wind buffering and to reinforce the aesthetic amenities of the rural area.



6.0 THE TOOLS OF IMPLEMENTATION

6.1 Introduction

There are many “tools” at the disposal of a planning authority in implementing an Official Plan. This Section of the Plan lists those tools required to implement this Plan. Reference is made to a number of different provincial statutes and/or Ontario Regulations. The list does not include all of the enabling authority of all legislation, particularly, those Acts and Regulations which are administered by the federal or provincial government but the list is intended to be reasonably comprehensive.

Over time, amendments are made to legislation which may change the numbering of sections of various Acts or Regulations. These changes should not affect the integrity of the following list nor limit the authority of the municipality to exercise certain controls, unless the legislation is repealed.

6.2 Keynote Policy for Public Engagement

Public engagement will be a way of thinking and acting by governments, planning authorities, stakeholders, communities and ordinary citizens in making informed land use planning decisions in the Municipality.

6.3 Inputs to Planning Decisions

Inputs are recognized as multi-faceted and will depend on a variety of sources as shown in the diagram. Planning decisions must reflect the vision, values and standards reflected in the technical documents as well as the public interest determined through a public engagement process.



6.4 How the Public Engagement Process Will Work

Planning authorities are legally required and will consult with the public when a planning application is received or where Council chooses to initiate an amendment to the official plan or zoning by-law.

6.5 Public Engagement Under the Planning Act

Council intends to use the prescribed procedures set out in the *Planning Act* and associated Ontario Regulations for public consultation for official plan amendments, zoning by-law amendments, holding by-laws, temporary use by-laws, consents, plans of subdivision and condominium, minor variances and validation of title. Council will also use the prescribed procedures under the *Planning Act* for the review and update of the official plan and zoning by-law.

6.6 Private Consultation Strategies

Where an application is filed for an official plan amendment, a zoning by-law amendment or a plan of subdivision/condominium under Ontario Regulations 543/06, 544/06, 545/06 respectively, the applicant shall submit a proposed strategy for consulting with the public with respect the request. The proposed consultation strategy shall be a requirement of submitting a complete application (see Section 6.7).

The strategy shall be undertaken and completed prior to any required public meeting or hearing required by the *Planning Act* for an official plan amendment, a zoning amendment or a plan of subdivision/condominium. The applicant shall submit a report or letter to the Clerk of the Municipality in which the application was filed and the consultation report shall provide the following information:

1. The method(s) of consultation was/were used.
2. Who was consulted?
3. The result of the consultation.

Applicants may use one or more methods of consultation including but not limited to telephone or on-line survey, meeting with neighbouring property owners/tenants, convening an on-site open house, radio interview to explain the project, installing an onsite billboard with a site plan or project description and contact information, meeting with a band council, use of social media (i.e. facebook page, Instagram, twitter account, YouTube video) etc.

6.7 Planning Applications

6.7.1 Types of Applications

The types of planning applications include: [Section of the *Planning* Act shown in (parenthesis)]

1. Official Plan Amendment (22)
2. Zoning By-law Amendment (34)
3. Holding By-law/removal of Holding symbol (36)
4. Temporary Use By-law (39)
5. Site Plan Control (41)
6. Minor Variance/Permission of extension/expansion, change of non-conforming use (45)
7. Consent (53)
8. Plan of Subdivision (51)

Prior to filing an application, applicants will be required to meet with the Municipality where the application is proposed to ascertain the requirements for the submission of applications (e.g. required studies and information, fees, peer review, agency and public consultation etc.)

6.7.2 Studies and Reports

Studies which may be required in support of an application will depend on the type of application and the circumstances. Studies may include, but are not limited to (Sections of the official plan shown in brackets []):

- | | |
|----------------------------------|---|
| 1. Air Quality Study | [3.7.2.6] |
| 2. Archaeological Assessment | [3.7.2.6, 3.7.2.13, 3.15.1.5] |
| 3. Blast Impact Study | [5.2.4] |
| 4. Cost-benefit Analysis | [3.10.2.2] |
| 5. Drainage/Stormwater Report | [3.10.1, 3.13] |
| 6. Environmental Impact Study | [3.7.2.6, 3.14, 3.17, 3.22.3.5, 5.2, 5.3] |
| 7. Flood Line Mapping/Assessment | [3.7.2.6, 3.16] |
| 8. Geotechnical Report | [3.17, 3.20] |
| 9. Hazardous Sites Assessment | [3.17.1] |
| 10. Hydrogeological Study | [3.7.2.6, 3.7.2.8, 3.12.3.1] |
| 11. Hydrological | [3.7.2.6, 3.2.7.9, 3.12.3.1] |
| 12. Heritage Impact Assessment | [3.7.2.13, 3.15.1.4, 3.15.1.6] |

13.	Illumination Study	[3.10.1]
14.	Lake Capacity Assessment	[3.7.2.16, 4.10]
15.	Land Use Compatibility/Influence Area Study	[3.7.2.6, 3.14.1.3, 3.19, 3.20, 4.7.2, 4.12.4, 5.2.4, 5.3.6]
16.	Marine Archaeological Assessment	[3.15.1.9]
17.	Mine Hazard Rehabilitation/remediation Study	[3.7.2.6, 3.20]
18.	Mineral Resource Assessment	[5.3.7, 5.3.8]
19.	Mineral Aggregate Resource Assessment	[5.2.6, 5.2.9]
20.	Minimum Distance Separation	[4.9.2, 5.1.5]
21.	Noise and Vibration Study	[3.7.2.6, 3.19, 4.19]
22.	Public Consultation Strategy	[6.6]
23.	Reserve Capacity Assessment	[3.12.2.1]
24.	Resource Management Report	[5.2.4]
25.	Servicing Options Report	[3.12.2.1, 3.12.4.1]
26.	Traffic Study	[3.10.1, 3.10.2.5]

6.7.3 Information, Permits, Approvals

Information which may be required in support of an application includes:

1.	Endangered Species Act Agreement	[4.3]
2.	Erosion hazard survey	[3.16]
3.	Flooding: establish flood elevation/development Setback	[3.16]
4.	Hauled Sewage Capacity Assessment	[3.7.2.8, 3.13.3.1]
5.	Mineral Operations Rehabilitation Plan	[5.3.5]
6.	Mineral Aggregate Operation Rehabilitation Plan	[5.2.9, 5.2.11]
7.	MTO entrance/land use approval or permit	[3.2.7.11, 3.10.1]
8.	Municipal Entrance Permit	[5.3.2.3]
9.	Record of Site Condition (RSC)	[3.7.2.6, 3.12.2.3, 3.18.1]
10.	Technical Standards and Safety Authority (TSSA): clearance letter	[3.18.1]
11.	Wildfire Assessment and Mitigation Plan	[3.23]

6.8 Building Code Act

All construction shall comply with the relevant provisions of the *Building Code Act*, 1992, S.O. 1992, c.23. Despite the provisions of Section 8 of the *Act*, sewage disposal systems shall be set back from the shoreline of a lake or water body the required distance set out in the zoning by-law.

Fire Access routes shall comply with the requirements of the *Ontario Building Code*.
Building Code Act: <https://www.ontario.ca/laws/statute/92b23>

6.9 Municipal Property Standards

Council may enact changes and/or enforce a property standards by-law to ensure a high standard of development, maintenance, improvement and occupancy of residential and non-residential properties in the Municipality. The provisions and procedures of Section 15 of the *Ontario Building Code Act* shall apply. *Building Code Act*:
<https://www.ontario.ca/laws/statute/92b23>

6.10 Development Charges Act

This Official Plan is to be considered as a statement of intent of Council to carry out or authorize to be carried out, various public works which may be subject to a development charge. A development charges by-law may apply to part or all of any Municipality and one or more development charges by-laws may be enacted in any given Municipality as permitted in the Development Charges Act, 1997, S.O. 1997, c. 27.
<https://www.ontario.ca/laws/statute/97d27>

6.11 Amendments to the Official Plan (Section 17 and 22, Planning Act)

Amendments to this Plan may be initiated by application or by the Municipality in compliance with the requirements of the *Planning Act* for changes to the substance of the policies of the Plan or for a change in a land use designation.

Amendments to the text or schedules to this Plan are not required for spelling, grammar, formatting, renumbering, typographic errors, minor changes, a consolidation or minor adjustments to the approximate land use boundaries or to the location of roads provided the general intent of the Plan and policies are maintained.

6.12 Public Works (Section 24, Planning Act)

Public works may only be undertaken where they comply with this Plan. Public works which do not comply shall be governed by Section 24 (3) of the *Planning Act*.

6.13 Acquisition of Land (Section 25, Planning Act)

Council may acquire land for any purpose set out in this Plan and may lease or otherwise dispose of such lands where no longer required.

6.14 Community Improvement (Section 28, Planning Act)

The entire Municipality comprising all lands other than Crown Land within the corporate limits of the Township shall be considered a community improvement area.

Council may designate by by-law the whole or any part of the Municipality as a community improvement project area for the purposes of undertaking community improvement (e.g. repair, replacement, upgrading *infrastructure* and *public service facilities*, improving waterfront areas, repairing, retrofitting, rehabilitating, and constructing buildings, facilitating the delivery of *affordable* housing, rehabilitating *brownfield sites*, improving or rehabilitating *built heritage resources*).

Community improvement will provide measures for barrier-free design and for improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society.

Council may provide financial incentives under the *Planning Act* to encourage and facilitate community improvement (e.g. loans, grants) and the *redevelopment* of *brownfield sites*. Council may acquire, hold, lease, clear, or grade land for community improvement purposes, and may sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan. Council may construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto.

Community improvement may be used to implement the maintenance and or replacement of *infrastructure* and community facilities set out in the municipal asset management plan. Community improvement may be used to facilitate the provision of *affordable* housing (see Section 3.22.7 – Housing Policies).

6.15 Zoning By-law (Section 34, Planning Act)

Council will pass a zoning by-law amendment within three years of the effective (approval) date of this plan to update the comprehensive zoning by-law in in order to regulate the use of land, buildings and structures throughout the Municipality. Where Council carries out the requirements of subsection 26 (9) by simultaneously repealing and replacing all the zoning by-laws in effect in the Municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which Council repeals and replaces them except where Council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. This shall not be deemed to limit the authority of Council to initiate an amendment to the zoning by-law.

6.16 Holding By-law (Section 36, Planning Act)

A holding symbol (i.e. ‘h’) may be used in the zoning by-law in connection with any land use zone, in accordance with Section 36 of the *Planning Act*. The zoning by-law will allow existing uses to continue in areas covered by the holding symbol and will specify the uses to

be permitted, where the principle of development or land use has been established, at such time as the holding symbol is removed by amendment to the by-law. A holding zone may be used to defer development until specified conditions have been met (e.g. to provide adequate *infrastructure* and *public service facilities*, to remediate or rehabilitate contaminated or *hazardous sites*, to limit the use of land in order to achieve the phasing or timing of development, to complete required studies, to ensure that conditions of development or other agreements have been met and to secure financial requirements).

6.17 Community Benefits Charges (Section 37, Planning Act)

Council may enact a community benefits charge by-law for the purpose of funding or providing in-kind support for facilities and services other than those prescribed in a development charges by-law. The scope of facilities shall be set out in a community benefits charge strategy and the municipality shall consult with such persons and public bodies as the municipality feels appropriate in developing the strategy.

6.18 Interim Control (Section 38, Planning Act)

Where Council determines that the policies of this Plan do not provide adequate direction for potential development, an interim control by-law may be passed in accordance with Section 38 of the *Planning Act*, provided that a resolution setting out the terms of reference for a study or review has been previously adopted.

6.19 Temporary Use By-laws (Section 39, Planning Act)

Notwithstanding any other policy of the Official Plan an amendment to the zoning by-law may be passed permitting a temporary use of land, buildings or structures, in defined areas and for a prescribed period of time that is otherwise prohibited by the zoning by-law, in accordance with Section 39 of the *Planning Act*. A temporary use by-law shall be deemed to conform to this Plan, and an amendment to this Plan is not required for a temporary use.

6.20 Site Plan Control (Section 41, Planning Act)

For the purposes of Section 41 of the *Planning Act*, the entire land area within the corporate boundaries of the Township of Sables-Spanish Rivers, as illustrated on Schedules to the Land Use Plan is designated as a site plan control area. Council shall pass or review existing by-laws for the purposes of designating the Municipality as a site plan control area by reference to one or more land use designations. Site plan control shall be used and agreements entered into for the construction and/or maintenance of all of the matters set out in Section 41(7) of the *Planning Act* for land uses or conservation including:

1. Any industrial, commercial or institutional use and including campgrounds and golf courses.

2. Any residential development with (6) six or more housing units.
3. Any *intensification* projects.
4. Facilities designed and intended to have regard for persons with disabilities.
5. The protection of cultural heritage and *archaeological resources* projects.
6. Any lands abutting a lake or water body.
7. The protection of *natural heritage features and areas*.

Site plan control will not apply to development on Crown Land or to *mineral aggregate operations* licensed under the *Aggregate Resources Act*.

Agreements may include the requirements for the provision of sustainable design elements for development or *redevelopment* on any lands adjacent to a street or road under the Municipality's jurisdiction including such elements as trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle facilities.

Council may secure the dedication of land for a road widening or intersection improvements provided that the conveyance requested does not exceed one-half of the deficiency of the width. The conveyance shall apply to the full frontage of the property wherever the deficiency exists. This provision applies to all municipal streets with the urban settlement areas where the width of the road allowance does not meet a minimum of 20 m and to all municipal roads within the rural area where the width of the road allowance does not meet a minimum of 26 m.

Council will consider barrier-free design in site plan control agreements.

6.21 Parkland Dedication (Section 42, Planning Act)

As a condition of development or *redevelopment*, Council may, subject to passing a by-law, require the conveyance of 2 per cent of the land proposed for commercial or industrial development or 5 per cent for residential development or the cash-in-lieu equivalent and the conveyance shall be for park or other public recreational purposes. Land conveyed to the municipality under Section 42 of the *Planning Act* shall be used for park or other public recreational purposes, but may be sold at any time.

Council may reduce the cash-in-lieu payment where Council deems that the applicable criteria for sustainability in this plan have been or will be met through development or *redevelopment* of the lands. *Examples include but are not limited to the installation of*

*renewable or alternate energy source projects, installation of facilities to improve accessibility for disabled persons, provision of **affordable** housing, facilities that provide for **active transportation**, use of advanced technologies for the removal or reduction of phosphorus loading in sewage disposal systems.*

6.22 Non-Conforming Uses (Sections 44 and 45, Planning Act)

1. Non-Conforming Uses

A non-conforming use is a use of land that lawfully existed on the date of adoption of any zoning by-law passed under the *Planning Act*; has continued uninterrupted (or where interrupted, there has been a reasonable attempt to continue the use during the period of discontinuance) and does not conform with the uses permitted in the zone(s) which apply to the subject lands. A non-conforming use may be extended, enlarged or changed to a similar or more compatible use under Section 34(10) or 45(2) of the *Planning Act*, provided that:

- A. It is not reasonable or feasible to cease or relocate the use.
- B. Any incompatibility with surrounding uses is not aggravated.
- C. Surrounding uses are protected by appropriate buffers and other measures to improve the compatibility of the use.
- D. Adequate *infrastructure*, access and parking are provided.
- E. Natural and human-made hazards are addressed.
- F. Development details may be regulated by a development agreement.
- G. Nothing in this Plan shall prevent the reconstruction of a legal non-conforming use which is inadvertently destroyed by a natural cause (e.g. fire, flood, earthquake, subsidence), provided the building is reconstructed on the same building footprint. Council will, however, encourage buildings to be relocated outside of a *flooding hazard* area.

2. Non-Complying Uses

Land uses are considered non-complying where the use does not comply with one or more of the zone regulations in the comprehensive zoning by-law (e.g. lot area, building setbacks, height, parking etc.). The zoning by-law of the Municipality may recognize or permit exemptions to a lot area or frontage or other standard for an existing non-complying use and/or other zone regulation provided the general intent of the policies of the official plan are upheld. Rectifying non-compliances will be encouraged through such measures as *redevelopment* to relocate or reconstruct

buildings and structures to comply with zoning standards; through lot additions or consolidation of lots to increase the lot area or frontage; through demolition or through the use of technologies which mitigate the impact of the non-compliance.

6.23 Minor Variances

Minor variances may be granted which meet the four tests set out in Section 45(2) of the *Planning Act*. The Municipality, as authorized by Section 45 (1.0.1), may prescribe additional criteria to the four tests by passing a by-law under Section 34 of the *Planning Act*.

Minor variances may be granted where a Council empowers the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements the Official Plan or from such by-laws of the Municipality as are specified and that implement the Official Plan.

No person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the zoning by-law was amended (see **Section 6.15**) except if Council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally.

6.24 Land Division, Part-Lot Control and Deeming (Sections 50-53, Planning Act)

The creation of all new lots by plan of subdivision or consent shall comply with the following general requirements and the specific requirements of the applicable land use designation of this Plan (see **Sections 3.7.1., 3.7.2, 3.7.3, and 5.1.8**).

6.25 Accessory Uses

Accessory uses to any permitted main use shall be permitted subject to meeting the relevant policies of the land use designation in which they are proposed. The scope of accessory uses set out in the Plan for various land uses is not intended to limit other accessory uses which are deemed appropriate by the Municipality. In general, an accessory use should not be constructed on a lot prior to the primary use except for a building or structure designed to expedite the construction of the principle use such as a storage building for building materials, construction field office or a recreational vehicle required for temporary accommodation. The scope of accessory uses shall be set out for each of the zones in the implementing zoning by-law.

6.26 Interpretation

1. Boundaries of land use designations and other features on the Land Use Plan are considered approximate except where specifically bounded by a road, rail line,

Municipal boundary or other distinctive boundary and an amendment to the plan will not be required for minor adjustments where the intent of the Plan is upheld.

2. Permitted land uses are not intended to be limited to those prescribed where a range of uses is anticipated.
3. Legal non-conforming uses are permitted to continue.
4. **Appendices 1, 2 and 3** to this Plan do not constitute part of the formal policies but may be utilized to assist with the interpretation of the policies, words and terms used in this Plan in order that the document is consistent with the Provincial Policy Statement.
5. It is intended that all figures and quantities contained in the Plan be considered in the metric form. Amendments will not be required for any reasonable variation from these figures and quantities, provided such variations meet the intent of this Plan.
6. In some instances, overlapping resource areas has resulted in properties that are designated for more than one resource use, such as mining, aggregate extraction, and agriculture. In these cases, existing uses should not preclude sequential land uses that are compatible with the area and whose development complies with the intent of this Plan.

APPENDIX 1

Provincial Policy Statement (2020) -

Definitions

6.3 Definitions

- 6.4 Access standards: means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards.
- 6.5 Active transportation: means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.
- 6.6 Adjacent lands: means a) for the purposes of policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where development would have a negative impact on the corridor or facility. The extent of the adjacent lands may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives; b) for the purposes of policy 2.1.8, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives; c) for the purposes of policies 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of known petroleum resources, mineral deposits, or deposits of mineral aggregate resources where it is likely that development would constrain future access to the resources. The extent of the adjacent lands may be recommended by the Province; and d) for the purposes of policy 2.6.3, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.
- 6.7 Adverse effects: as defined in the Environmental Protection Act, means one or more of: a) impairment of the quality of the natural environment for any use that can be made of it; b) injury or damage to property or plant or animal life; c) harm or material discomfort to any person; d) an adverse effect on the health of any person; e) impairment of the safety of any person; f) rendering any property or plant or animal life unfit for human use; g) loss of enjoyment of normal use of property; and h) interference with normal conduct of business.
- 6.8 Affordable: means a) in the case of ownership housing, the least expensive of: 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area; b) in the case of rental housing, the least expensive of: 1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or 2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.
- 6.9 Agricultural condition: means a) in regard to specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved,

and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and b) in regard to prime agricultural land outside of specialty crop areas, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

- 6.10 Agricultural System: A system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components: a) An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; and b) An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector.
- 6.11 Agricultural uses: means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated onfarm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
- 6.12 Agri-food network: Within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.
- 6.13 Agri-tourism uses: means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.
- 6.14 Agriculture-related uses: means those farmrelated commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.
- 6.15 Airports: means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.
- 6.16 Alternative energy system: means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.
- 6.17 Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.
- 6.18 Areas of archaeological potential: means areas with the likelihood to contain archaeological resources. Criteria to identify archaeological potential are established by

the Province. The Ontario Heritage Act requires archaeological potential to be confirmed by a licensed archaeologist. Areas of mineral potential: means areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

- 6.19 Areas of natural and scientific interest (ANSI): means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.
- 6.20 Brownfield sites: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.
- 6.21 Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that may be designated under Parts IV or V of the Ontario Heritage Act, or that may be included on local, provincial, federal and/or international registers.
- 6.22 Coastal wetland: means a) any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or b) any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.
- 6.23 Comprehensive rehabilitation: means rehabilitation of land from which mineral aggregate resources have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of mineral aggregate operations.
- 6.24 Comprehensive review: means a) for the purposes of policies 1.1.3.8, 1.1.3.9 and 1.3.2.4, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which: 1. is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth or development; and determines how best to accommodate the development while protecting provincial interests; 2. utilizes opportunities to accommodate projected growth or development through intensification and redevelopment; and considers physical constraints to accommodating the proposed development within existing settlement area boundaries; 3. is integrated with planning for infrastructure and public service facilities, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning; 4. confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development; 5. confirms that sewage and water services can be provided in accordance with policy 1.6.6; and 6.

considers cross-jurisdictional issues. b) for the purposes of policy 1.1.6, means a review undertaken by a planning authority or comparable body which: 1. addresses long-term population projections, infrastructure requirements and related matters; 2. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2; and 3. considers cross-jurisdictional issues. In undertaking a comprehensive review the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or development proposal.

- 6.25 Conserved: means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.
- 6.26 Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.
- 6.27 Defined portions of the flooding hazard along connecting channels: means those areas which are critical to the conveyance of the flows associated with the one hundred year flood level along the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where development or site alteration will create flooding hazards, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.
- 6.28 Deposits of mineral aggregate resources: means an area of identified mineral aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.
- 6.29 Designated and available: means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g. secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be designated and available for the purposes of this definition.
- 6.30 Designated growth areas: means lands within settlement areas designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which

have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.

- 6.31 Designated vulnerable area: means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.
- 6.32 Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include: a) activities that create or maintain infrastructure authorized under an environmental assessment process; b) works subject to the Drainage Act; or c) for the purposes of policy 2.1.4(a), underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).
- 6.33 Dynamic beach hazard: means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes - St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.
- 6.34 Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions
- 6.35 Employment area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.
- 6.36 Endangered species: means a species that is classified as “Endangered Species” on the Species at Risk in Ontario List, as updated and amended from time to time.
- 6.37 Erosion hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.
- 6.38 Essential emergency service: means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.
- 6.39 Fish: means fish, which as defined in the Fisheries Act, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.
- 6.40 Fish habitat: as defined in the Fisheries Act, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.
- 6.41 Flood fringe: for river, stream and small inland lake systems, means the outer portion of

the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

- 6.42 Flood plain: for river, stream and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.
- 6.43 Flooding hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water: a) along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other waterrelated hazards; b) along river, stream and small inland lake systems, the flooding hazard limit is the greater of: 1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area; 2. the one hundred year flood; and 3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry; except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).
- 6.44 Floodproofing standard: means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other waterrelated hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.
- 6.45 Floodway: for river, stream and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the floodway is the entire contiguous flood plain. Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.
- 6.46 Freight-supportive: in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

- 6.47 Great Lakes - St. Lawrence River System: means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.
- 6.48 Green infrastructure: means natural and human-made elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.
- 6.49 Ground water feature: means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.
- 6.50 Habitat of endangered species and threatened species: means habitat within the meaning of Section 2 of the Endangered Species Act, 2007.
- 6.51 Hazardous forest types for wildland fire: means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources and Forestry, as amended from time to time.
- 6.52 Hazardous lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.
- 6.53 Hazardous sites: means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography). Hazardous substances: means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.
- 6.54 Heritage attributes: means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).
- 6.55 High quality: means primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).
- 6.56 Housing options: means a range of housing types such as, but not limited to

singledetached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multiresidential buildings. The term can also refer to a variety of housing arrangements and forms such as, but not limited to life lease housing, coownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, housing for people with special needs, and housing related to employment, institutional or educational uses.

- 6.57 Hydrologic function: means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.
- 6.58 Impacts of a changing climate: means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.
- 6.59 Individual on-site sewage services: means sewage systems, as defined in O. Reg. 332/12 under the Building Code Act, 1992, that are owned, operated and managed by the owner of the property upon which the system is located.
- 6.60 Individual on-site water services: means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.
- 6.61 Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.
- 6.62 Institutional use: for the purposes of policy 3.1.5, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.
- 6.63 Intensification: means the development of a property, site or area at a higher density than currently exists through: a) redevelopment, including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas; c) infill development; and d) the expansion or conversion of existing buildings.
- 6.64 Large inland lakes: means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.
- 6.65 Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

- 6.66 Low and moderate income households: means a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.
- 6.67 Major facilities: means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.
- 6.68 Major goods movement facilities and corridors: means transportation facilities and corridors associated with the inter- and intraprovincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.
- 6.69 Marine facilities: means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future marine facilities.
- 6.70 Mine hazard: means any feature of a mine as defined under the Mining Act, or any related disturbance of the ground that has not been rehabilitated.
- 6.71 Minerals: means metallic minerals and nonmetallic minerals as herein defined, but does not include mineral aggregate resources or petroleum resources. Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived. Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).
- 6.72 Mineral aggregate operation: means a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act; b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.
- 6.73 Mineral aggregate resources: means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed

under the Mining Act.

- 6.74 Mineral aggregate resource conservation: means a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and b) the wise use of mineral aggregates including utilization or extraction of on-site mineral aggregate resources prior to development occurring.
- 6.75 Mineral deposits: means areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.
- 6.76 Mineral mining operation: means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.
- 6.77 Minimum distance separation formulae: means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.
- 6.78 Multimodal transportation system: means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.
- 6.79 Municipal sewage services: means a sewage works within the meaning of section 1 of the Ontario Water Resources Act that is owned or operated by a municipality, including centralized and decentralized systems.
- 6.80 Municipal water services: means a municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act, 2002, including centralized and decentralized systems.
- 6.81 Natural heritage features and areas: means features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.
- 6.82 Natural heritage system: means a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying natural heritage systems, but

municipal approaches that achieve or exceed the same objective may also be used.

- 6.83 Negative impacts: means a) in regard to policy 1.6.6.4 and 1.6.6.5, potential risks to human health and safety and degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards; b) in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities; c) in regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and d) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.
- 6.84 Normal farm practices: means a practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act.
- 6.85 Oil, gas and salt hazards: means any feature of a well or work as defined under the Oil, Gas and Salt Resources Act, or any related disturbance of the ground that has not been rehabilitated.
- 6.86 On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agritourism uses, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.
- 6.87 One hundred year flood: for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year. One hundred year flood level: means a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year; b) in the connecting channels (St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred

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

- 6.88 Other water-related hazards: means water-associated phenomena other than flooding hazards and wave uprush which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.
- 6.89 Partial services: means a) municipal sewage services or private communal sewage services combined with individual on-site water services; or b) municipal water services or private communal water services combined with individual on-site sewage services.
- 6.90 Petroleum resource operations: means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons.
- 6.91 Petroleum resources: means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.
- 6.92 Planned corridors: means corridors or future corridors which are required to meet projected needs, and are identified through provincial plans, preferred alignment(s) determined through the Environmental Assessment Act process, or identified through planning studies where the Ontario Ministry of Transportation, Metrolinx, Ontario Ministry of Energy, Northern Development and Mines or Independent Electricity System Operator (IESO) or any successor to those ministries or entities is actively pursuing the identification of a corridor. Approaches for the protection of planned corridors may be recommended in guidelines developed by the Province.
- 6.93 Portable asphalt plant: means a facility a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.
- 6.94 Portable concrete plant: means a building or structure a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.
- 6.95 Prime agricultural area: means areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province.

- 6.96 Prime agricultural land: means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.
- 6.97 Private communal sewage services: means a sewage works within the meaning of section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by a municipality.
- 6.98 Private communal water services: means a non-municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act, 2002 that serves six or more lots or private residences.
- 6.99 Protected heritage property: means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.
- 6.100 Protection works standards: means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair.
- 6.101 Provincial and federal requirements: means a) in regard to policy 2.1.6, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including fish and fish habitat), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and b) in regard to policy 2.1.7, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.
- 6.102 Provincial plan: means a provincial plan within the meaning of section 1 of the Planning Act.
- 6.103 Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. Public service facilities do not include infrastructure.
- 6.104 Quality and quantity of water: is measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.
- 6.105 Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities.
- 6.106 Recreation: means leisure time activity undertaken in built or natural settings for

purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

- 6.107 Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.
- 6.108 Regional market area: refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area. Where regional market areas are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.
- 6.109 Renewable energy source: means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.
- 6.110 Renewable energy system: means a system that generates electricity, heat and/or cooling from a renewable energy source.
- 6.111 Reserve sewage system capacity: means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.6.6, reserve capacity for private communal sewage services and individual on-site sewage services is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the Nutrient Management Act, or disposed of at sites approved under the Environmental Protection Act or the Ontario Water Resources Act, but not by land-applying untreated, hauled sewage.
- 6.112 Reserve water system capacity: means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.
- 6.113 Residence surplus to a farming operation: means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).
- 6.114 Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes: a) redevelopment, including the redevelopment of brownfield sites; b) the development of vacant or underutilized lots within previously developed areas; c) infill development; d) development and introduction of new housing options within previously developed areas; e) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other housing options.
- 6.115 River, stream and small inland lake systems: means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

- 6.116 Rural areas: means a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.
- 6.117 Rural lands: means lands which are located outside settlement areas and which are outside prime agricultural areas.
- 6.118 Sensitive: in regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.
- 6.119 Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.
- 6.120 Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are: a) built-up areas where development is concentrated and which have a mix of land uses; and b) lands which have been designated in an official plan for development over the longterm planning horizon provided for in policy 1.1.2. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.
- 6.121 Sewage and water services: includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.
- 6.122 Significant: means a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time; b) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry; c) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system; d) in regard to mineral potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or

interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act. Criteria for determining significance for the resources identified in sections (c)-(d) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

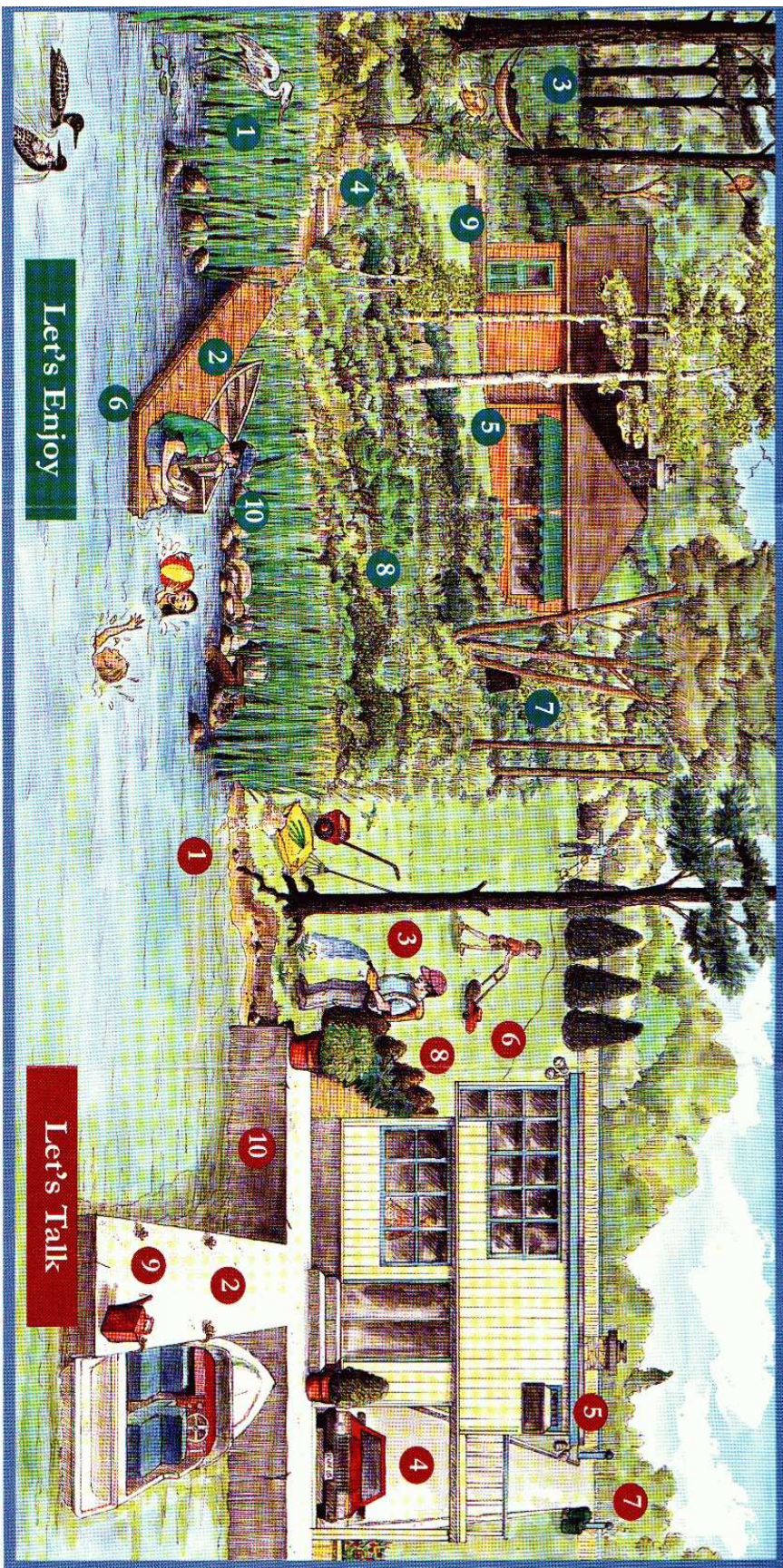
- 6.123 Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site. For the purposes of policy 2.1.4(a), site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).
- 6.124 Special needs: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.
- 6.125 Special Policy Area: means an area within a community that has historically existed in the flood plain and where site-specific policies, approved by both the Ministers of Natural Resources and Forestry and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province. A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain.
- 6.126 Specialty crop area: means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from: a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; b) farmers skilled in the production of specialty crops; and c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.
- 6.127 Surface water feature: means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.
- 6.128 Threatened species: means a species that is classified as "Threatened Species" on the

Species at Risk in Ontario List, as updated and amended from time to time.

- 6.129 Transit-supportive: in regard to land use patterns, means development that makes transit viable, optimizes investments in transit infrastructure, and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, including air rights development, in proximity to transit stations, corridors and associated elements within the transportation system. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.
- 6.130 Transportation demand management: means a set of strategies that result in more efficient use of the transportation system by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.
- 6.131 Transportation system: means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, airports, marine facilities, ferries, canals and associated facilities such as storage and maintenance.
- 6.132 Two zone concept: means an approach to flood plain management where the flood plain is differentiated in two parts: the floodway and the flood fringe.
- 6.133 Valleylands: means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.
- 6.134 Vulnerable: means surface and/or ground water that can be easily changed or impacted. Waste management system: means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.
- 6.135 Watershed: means an area that is drained by a river and its tributaries. Wave uprush: means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.
- 6.136 Wayside pits and quarries: means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- 6.137 Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

- 6.138 Wildland fire assessment and mitigation standards: means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources and Forestry to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.
- 6.139 Wildlife habitat: means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.
- 6.140 Woodlands: means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the Forestry Act definition or the Province's Ecological Land Classification system definition for "forest".

APPENDIX 2 WATERFRONT PLAN



© Rideau Valley Conservation Authority 1998

1. Natural shoreline — great wildlife habitat.
2. Small floating dock — low impact on "ribbon of life."
3. Septic system far from the shore — reduces water pollution.
4. Narrow, gravelled footpath — less chance of erosion.
5. Trimmed trees and adjustable awnings — natural air conditioning with view maintained.
6. You work less — relax more!
7. Kitchen compost — improves your soil's quality.
8. Low-maintenance native plants — provide shoreline buffer.
9. Building — set back from shore and in character with setting.
10. Well-maintained motor — electric, or modern 4-stroke outboard, operated with low wake near shore.

1. Bare shoreline — subject to erosion.
2. Solid dock — destroys wildlife habitat, alters currents, causes erosion elsewhere.
3. Fertilizer spills and chemical run-off from lawn — damage water quality.
4. Paved lane — pollution-laden runoff flows to water.
5. No shade trees — overworked air conditioner adds to electric bill.
6. Removal of natural vegetation — more work for you and more runoff.
7. Collecting lawn clippings — deprives soil of nutrients.
8. Ornamental shrubs — require chemicals and extra work.
9. Poor fuel management — spills are deadly.
10. Hardened shoreline — eliminates "natural filter," degrades water quality, and blocks wildlife access.

APPENDIX 3

Areas of Hazardous Forest Types for Wildland Fires

<https://geohub.lio.gov.on.ca/datasets/fire-potential-hazardous-forest-types-for-wildland-fire>

LAND USE SCHEDULES