



**TOWNSHIP OF
McGARRY
OFFICIAL PLAN**



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LAND USE PLAN, SCHEDULE “A”

TOWNSHIP OF MCGARRY

OFFICIAL PLAN

1 INTRODUCTION

McGarry (population 674 - 2006) is a culturally diverse community, whose vision is to: diversify and strengthen its economic base; improve and maintain the quality of community services and housing types; and develop a positive visual image while maintaining a high quality of life closely linked to its rural setting. The community recognizes the challenges associated with its northern location, small population and limited employment base. Transportation and utility costs are higher as a result of being a remote community. Residents must travel to other communities such as Kirkland Lake, Rouyn-Noranda and Temiskaming Shores for educational, commercial, social and medical services which cannot be provided locally. Human resources (volunteers) can easily be over-extended in organizing and sustaining community activities.

The community was historically dependent on the mining industry. While the industry declined for many years, renewed exploration and the potential for four mines in the area, one of which is in McGarry, could revitalize the local economy. The potential development of the Armistice Mine, west of Virginiatown and others in the area could generate a demand for more than 100 new jobs when these gold mines become operational. This provides an opportunity for McGarry to act as the host community for meeting the housing needs, other community services and filling part of the labour force requirements for the mine.

McGarry is a community very much oriented to the out-of-doors and whose visual image is enhanced by its scenic setting along the shoreline of the northeast arm of Larder Lake. The community enjoys an extensive system of snowmobile and ATV trails which connect to other communities. As a winter community, cross country skiing is also popular. Hunting and fishing are common activities and big game is very much evident in the area.

McGarry is a safe community for children and adults alike and this atmosphere is conducive to raising families.

The community has adequate capacity for municipal water and sewer services for twice the population and adequate waste disposal capacity for the next ~~15 years~~ 9-10 years, as of the date of adoption of this plan.¹

The Official Plan sets out the community's vision for the next 20 years. Vision 2025 is a blueprint for positive growth and development that builds on the aspirations of community leaders. Forecasted growth will increase the population to 1,000.

The Plan sets out the framework for economic diversification, supports the community's business retention strategy and provides for a flexible approach to home based businesses. Positive growth will require an adequate land supply. This will be met through the

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development or redevelopment of existing lots of record within the three town sites (Virginiatown, North Virginiatown and Kearns). This includes lands needed to create an identifiable commercial core in Virginiatown and commercial areas along Highway 66. In providing for a balance of opportunities for residential development, the Plan establishes the framework for lakefront residential development on Larder Lake, Barber Lake and Bear Lake.

The Plan provides for a full range of housing types, with an emphasis on affordable housing. Affordable housing for seniors is viewed as essential in encouraging retirees to remain in the community.

Water is a precious resource for sustaining health and as an aesthetic attraction to community development. The Plan incorporates a wellhead protection strategy.

2 BASIS OF THE OFFICIAL PLAN

Growth and Settlement

The Plan is based on sustaining, at the very least, the existing population of 674, retaining existing businesses and the range of existing educational, social, health care, recreational and cultural services essential to a community of this size. With the operational start-up of the Armistice Mine just inside of the western boundary of the community, the potential for other mining development and initiatives to diversify the economic base through tourism, McGarry has the potential for positive population growth. A planned population target of 1,000 will suffice to accommodate a modest increase in employment in the mining sector of some 100 jobs. The target population can be fully supported by the surplus capacity the community has for water, sewer and waste disposal.

McGarry's settlement pattern is exclusively urban and this pattern will continue to predominate. Consideration will be given, however, to the feasibility of limited lakefront recreational development in the rural area.

Land Supply

A 20 year residential land supply of 150 lots consisting of 50 - 75 existing vacant serviced lots and 60 - 80 urban infill and lakefront lots will be adequate to meet the population target. The anticipated demand will require the release of lands owned by the private sector for development. Lakefront lots on Larder Lake, Barber Lake, Tourene Lake, and Bear Lake will be dependent on the release of lands owned by mining interests and the development of other privately owned lands. Residential development will include both cottage and permanent homes. The land supply for urban residential development is contiguous to existing development in predominantly residential neighbourhoods. The distribution of the existing vacant lot supply includes individual lots or clusters of lots with small frontages which can be consolidated into larger lots as follows: serviced lots including 25 - 40 lots in Kearns, 10 - 15 lots in North Virginiatown and 15 - 20 lots in Virginiatown. The shoreline between the Virginiatown town site and Larder Lake has the potential for 20-25 large lakefront lots which can be fully serviced. The balance of the residential lot supply of some 50 lots could be met through the development (by subdivision) of lands contiguous to 24th-27th Avenues, respectively in North Virginiatown and lands between Virginiatown and Kearns along the water and sewer utility corridors which have the potential to be brought on-stream on full services.

The long-term land supply for commercial development will be met through development on some 15-20 existing lots of record along Connel Avenue, Webster Street and at the intersection of Webster Street and Highway 66 in Virginiatown. The latter includes the redevelopment of a former public school site (bluefield) and a hydro site (brownfield). The commercial land supply also includes 18 vacant lots in Kearns along the Highway 66 corridor.

The community is well endowed with institutional and public service facilities (e.g. arena, library, medical centre/OPP, education and local government buildings). The community has developed parks or playgrounds and open space areas in each of the three urban centres and is working towards the development of a recreational trail system as a community asset. A boat launch and park facility on Larder Lake is gradually being upgraded to meet increased demands for water access². Additional institutional or public service facilities are not required to meet projected growth in the community in the short-term. However, with an aging population, the need for additional services for seniors will continue to evolve.

The basis for the industrial land supply would be met through the development of mine properties for mineral operations and other rural resource-based activities (e.g. forestry, mineral aggregates). Redevelopment of the former Kerr-Addison mine, considered to be a significant mine hazard and brownfield site may not be economically feasible and would create land use conflicts with the adjacent, largely residential town sites.

Housing

There is a limited range of housing types available in the community as (90.8% singles – 2006) and consequently, there is a need to increase the supply of medium and higher density housing to meet the needs of those entering the housing market and those retiring and downsizing. Housing for seniors is required. The basis of the Plan is to provide for a full range of housing types and densities to meet a range of income groups and to provide for a seniors residence. The housing supply will be met through a combination of residential intensification and contiguous compact development.

Infrastructure

The community has an adequate uncommitted capacity for municipal water (75% residual capacity) and sewage services (40% residual capacity) and waste disposal services with 9-10 years. With the exception of the rural resource-based industrial uses and rural-based waterfront development, all development will occur on full municipal water and sewer services. The network of 36 km of Township roads is adequate and is subject to a program of regular maintenance and reconstruction. Highway 66 serves as a main street for the community. However, given concerns over adjacent mine hazards, MTO is proposing to realign this provincial transportation route to the north of North Virginiatown. There are no private roads in the municipality which provide access to development nor is the Plan intended to make provision for private road development.

The Township is criss-crossed by numerous resource access roads (logging) which are not a municipal responsibility and are not intended to be designated as access routes to development.

Alternative 'green' energy sources will be investigated as a means to offset existing high energy costs in the community.

Public Service Facilities

The Municipality operates a fire service out of a fire station located in Virginiatown. A recently acquired new fire vehicle serves to upgrade the Township's fire suppression capabilities provided through a volunteer fire fighting force. Fire suppression is, however, a shared responsibility as embodied in a fire services agreement with the Ministry of Natural Resources. The Ministry is responsible for non-structural fire suppression of some 7,690 ha while the municipality provides services in the town sites, along Highway 66, the Raven Mountain Road and the Cheminis Road, an area of some 721 ha. The Township also has a mutual aid agreement with adjacent municipalities.

Strategic Plan

The Township has prepared a strategic plan which sets out a vision statement and the community's aspirations for its future. The Vision statement: 'A clean safe, thriving community, offering a rich quality of life.' is a useful guide to frame both land use planning and other initiatives.

Economic Development

The diversification of the economic base is essential to the long-term economic prosperity of McGarry. The Official Plan builds on the Township's Strategic Plan by reinforcing a number of initiatives including: community improvement and a property standards strategy designed to improve the visual image of the community; upgrading the municipal boat launch and development of a marina; developing the community as a tourism destination; providing a flexible approach to home-based business development in meeting the needs for local commercial services; encouraging mining development; and pursuing a business retention strategy.

Healthy Community

Healthy communities integrate the physical, social and economic needs of the community. The Official Plan sets out the policy framework for the physical and economic development of McGarry. The Plan also identifies programs, activities and other matters which are important to the social make-up of the community and contribute to a healthy community.

Natural Heritage

Living with nature is a fact of life in McGarry and the intent of the Plan is to protect significant natural heritage features or areas which have been identified as provincially or locally important. Features include Larder Lake as a cold water lake, numerous areas of moose habitat, a pervasive number of unclassified wetlands, fish spawning and nesting sites and the McGarry Forest Conservation Reserve.

Cultural Heritage

The basis of the Plan is to establish a protocol for conserving archaeological resources in the advent of ~~major~~³ development proposals and for the potential conservation of other built heritage resources and cultural heritage landscapes. This includes the conservation of the Pearl Beach aboriginal site, a provincially significant heritage feature. The municipality intends to identify buildings of mining heritage value that could be designated under the Ontario Heritage Act.

Resource Management

While the area has an abundance of natural resources i.e. forest, aggregates, mineral and water, existing development does not encroach on any of these resources. Well over 95% of the land base of the municipality has been identified as having high mineral potential, a reflection of the legacy of the community as a mining camp. An estimated 15% of the same land base is host to mineral aggregate resources of both high and low quality. Mineral aggregate resources are located along the eastern border and are remote from any development. Forestry activities are also evident in the Township. The Plan does identify areas of mineral potential, and areas of mineral aggregate resources and sets out a strategy for source protection of water given the dependence on groundwater for the domestic water supply and the location of the municipal well adjacent to the Ontario-Quebec border (e.g. much of the wellhead protection area is on the Quebec side of the border). While the Township acknowledges that the Official Plan does not apply to Crown Lands, which occupy some 30% of the land base, land use planning decisions by Crown agencies are expected to be undertaken in consultation with the Municipality.

Natural and Human-Made Hazards

No development has occurred within any known flood-plains or on lands with any significant development constraints or mine hazards. Past mining activities has left a legacy of some ~~17~~ ¹⁹ mine hazards including two major tailings beds and mine workings associated with the former Kerr-Addison mine. The basis of the Plan is to ensure that reasonable setbacks are established for development adjacent to water bodies, to direct development away from steep slopes or unstable soils, and to establish suitable separation distances from conflicting land uses, and most particularly, to ensure that the development or redevelopment of lands near former mine sites are safe.

3 PURPOSE OF THE OFFICIAL PLAN

The purpose of this Official Plan is to set out goals, objectives, policies and implementation measures for development in the Township of McGarry for the next 20 years (2009-2029) while having regard for the effects on the social, economic and natural environment of the municipality.

4 GOALS OF THE OFFICIAL PLAN

To achieve a compact and energy efficient land use pattern that optimizes the use of available or planned infrastructure (roads, water, sewage, waste disposal, utilities) and public service facilities (schools, health care, recreation and cultural facilities, fire, police and emergency services).

To achieve densities and development standards which are cost effective and compatible with the prevailing and emerging character of the settlement areas in Kearns, Virginiatown and North Virginiatown and to provide an adequate supply of housing to meet a range of needs.

To provide for the long-term prosperity of McGarry through policies which encourage new business and tourism development, community improvement, the retention of existing businesses and which supports activities, programs and measures for sustaining a healthy community.

To provide policy direction on appropriate measures for the assessment and possible implementation of alternative sources of energy in conjunction with ensuring that measures are taken to improve air quality and the community's sustainability.

To manage the community's renewable, non-renewable, water, natural heritage and cultural heritage resources in a responsible manner through the development of policies, tools and practices designed to identify, protect, conserve, enhance or utilize these resources over the short and long-term and which provide for the transition to other land uses where a non-renewable resource has been depleted.

To safeguard the public and the natural environment from natural and human-made hazards (i.e. mine hazards) through the development of policies, tools and processes to identify, evaluate, prevent or protect against such hazards.

To make decisions affecting land use planning matters which are consistent with the Provincial Policy Statement.

5 OBJECTIVES OF THE OFFICIAL PLAN

To provide and maintain an adequate supply of land for residential uses, employment uses (commercial, industrial), institutional uses, public service facilities, parks and open space uses to meet projected growth and development demands for the planning period of 20 years (200892029).

To provide for a full range of housing types and densities to meet demographic and market requirements of current and future residents of McGarry while maintaining at all times at least a ten year supply of land designated and available for new residential development and a three year supply of lots in draft and/or registered plans.

To designate land uses in the urban settlement areas (three town sites) of McGarry which will accommodate development and redevelopment, having regard for the health, safety, convenience and needs of the present and future population.

To allow development where it can be adequately serviced within the existing capacity or planned expansion, upgrading or improvement of public service facilities (municipal administration, fire, police, health care, educational, health care, recreational, cultural and social services) and infrastructure (water, sewage, storm water, roads and waste disposal).

To protect sensitive land uses (dwellings, health care and educational facilities) from incompatible land uses and to avoid or resolve existing land use conflicts.

To protect the air quality of the community while encouraging alternative energy sources and a sustainable community.

To conserve and protect natural heritage features and areas and the attributes of the natural landscape in the design, development and maintenance of land uses and land use activities.

To provide the land use planning framework to sustain existing employment and encourage and stimulate new economic development.

To institute measures for the evaluation of known or potentially contaminated (brownfield) sites and their restoration to a condition suitable for reuse, development or redevelopment.

To protect and conserve cultural heritage resources, which includes archaeological sites, built heritage resources and cultural heritage landscapes.⁵

6 COMMUNITY DEVELOPMENT

6.1 MCGARRY URBAN SETTLEMENT AREA

The Urban Settlement Areas of Virginiatown, North Virginiatown and Kearns as shown on the Land Use Plan, Schedule "A" shall be the focus of future growth, development and redevelopment within the community.

6.2 LAND USE PATTERN

The land use pattern shall be made up of a mix of land uses which consist of specific land use designations including a Residential Area, a Commercial Area, an Industrial Area, a Public Services Facility Area and a Parks and Open Space Area. Other land uses or features may be common to all land use categories depending on their characteristics or servicing requirements such as infrastructure and areas having natural hazards.

6.3 RESIDENTIAL AREA

6.3.1 Permitted Uses

On lands designated as Residential Area on the Land Use Plan, Schedule "A" Residential uses permitted shall include a full range of housing types and densities appropriate to a small urban-centered community. These include single and two-unit dwellings, mobile homes, row or town housing, boarding houses, apartments, retirement homes, group homes and crisis housing (e.g. temporary residence for persons requiring emergency shelter). Garden suites, as defined in the *Planning Act*, may be permitted by a temporary use by-law. In-law suites or an apartment-in-a-house may be permitted where appropriately zoned.

Accessory uses may include a bed and breakfast establishment and a home based business. Accessory buildings and structures to any of the foregoing uses shall be permitted. Other uses may include places of worship.

6.3.2 Planning Principles

- 6.3.2.1 The lot size and frontage must be adequate for the intended use.
- 6.3.2.2 The lot shall be serviced with municipal water, sewage, stormwater and waste disposal services having adequate capacity to service the development.
- 6.3.2.3 The lot shall have frontage on and direct access onto a public road constructed to municipal standards.
- 6.3.2.4 Housing types and densities may be segregated to maintain compatibility and consistency in the character of the area in which they are located. For example,

- mobile homes should be grouped or clustered separately from other housing types. A senior's residence should be located closer to public service and commercial facilities. Approximately 70 % of the housing should be developed as low density (singles, two-unit and mobiles), while 30% should be allocated for medium and higher density. The municipality will endeavour to ensure that 25% of the housing is made affordable to low and moderate income households.
- 6.3.2.5 As a target, the available land supply for residential purposes should not be less than 50 lots/units at all times. The minimum supply target for the planning period is 150 lots/units. The municipality will maintain a minimum ten year supply of land available for residential development and a three year supply of land suitably zoned to facilitate immediate residential development.
- 6.3.2.6 Land development shall generally be by plan of subdivision. This shall not prevent land division by consent on infill lots or blocks or where consent will facilitate development within the urban settlement area (Virginiatown, North Virginiatown and Kearns).
- 6.3.2.7 Land development shall occur in a contiguous and compact fashion through infill on existing lots of record and by rounding out development on Greenfield areas. In Virginiatown, the urban settlement area includes the southerly extension of the town site to the shore of Larder Lake to provide for lakefront residential lots. In North Virginiatown the residential area will be rounded out through the northerly extension of 24th through 27th Avenues and by the easterly extension of the town site south of 27th Street along the water and sanitary sewer line corridors.
- 6.3.2.8 A bed and breakfast establishment may be permitted in a single detached dwelling provided there is an adequate area for parking and health unit approvals, where required, are obtained.
- 6.3.2.9 Home based businesses may be permitted as an accessory use in either the principle dwelling or an accessory building, provided that the use is legal, that the use is clearly secondary to the residential use and does not create a nuisance to neighbours (i.e. noise, traffic, signs), and that adequate parking is available.
- 6.3.2.10 Group homes are generally defined as a single housekeeping unit in which three to ten persons, excluding supervisory or operating staff, live together under responsible supervision and which is licensed and/or approved under provincial statutes and comply with municipal by-laws. The Township may establish a registry for group homes and may govern separation distances between group homes.
- 6.3.2.11 Retirement homes or continuum-of-care facilities may be established in the residential area as a measure to meet the housing needs for seniors in the community.

6.3.3 Implementation Measures

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- 6.3.3.1 The Township will zone lands to control the types and densities of housing, accessory uses and non-residential uses in the Residential Area. The Township may use Section 39 of the *Planning Act* to enact a temporary use by-law for a garden suite. This *Act* may also be used to enter into an agreement to control the occupancy of the garden suite.
- 6.3.3.2 The Township may use site plan control for ~~larger~~⁶ multiple housing projects, for group homes and for any lakefront residential development. Site plan and zoning controls may be used to mitigate the impacts of non-residential uses (i.e. public service uses) on adjacent residential uses (e.g. increased setbacks, landscaping, and screening).
- 6.3.3.3 The Township may take advantage of provincial and/or federal housing programs to facilitate the delivery of affordable housing.
- 6.3.3.4 All development shall meet the requirements of the Ontario Building Code.
- 6.3.3.5 Residential may occur through intensification and the redevelopment or retrofitting of non-residential buildings.
- 6.3.3.6 All residential development and other sensitive land uses will only be permitted where they are shown to be compatible with industrial land uses, waste and sewage disposal facilities and mineral aggregate operations as demonstrated through the application of the appropriate Ministry of the Environment Guidelines.⁷

6.4 COMMERCIAL AREA

6.4.1 Permitted Uses

On lands designated as Commercial Area on the Land Use Plan, Schedule "A" permitted uses shall include a full range of retail, personal service uses, automotive, recreational and resort commercial uses.

Except for an automotive use, residential uses may be permitted in the same building as a permitted commercial use.

New residential uses may be permitted where compatible with commercial uses. Other uses may include places of worship. Accessory buildings and structures to any of the foregoing uses shall be permitted.

6.4.2 Planning Principles

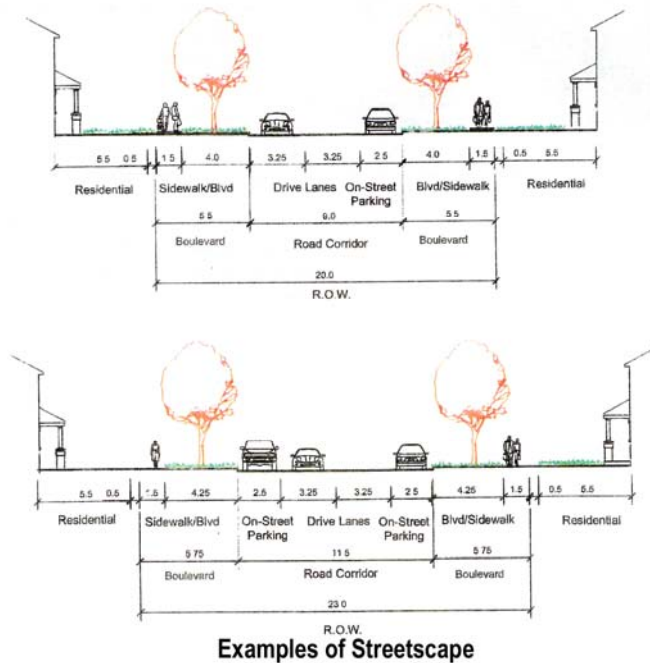
- 6.4.2.1 The lot size and frontage must be adequate for the intended use. This should include provision for parking, loading, landscaping, outside storage and potential future expansion of any commercial use.

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6.4.2.2 The lot shall be serviced with municipal water, sewage, stormwater and waste disposal services having adequate capacity to service the development.

6.4.2.3 The lot shall have frontage on and direct access onto a public road constructed to municipal standards.

6.4.2.4 The intent of this Plan is to provide for the development of an identifiable downtown along Connel Avenue and Webster Streets in Virginiatown, to cluster commercial uses at the intersection of Webster Street and Highway 66 and to encourage a linear commercial area along Highway 66 in Kearns.



A compact form of development will be encouraged in the downtown of Virginiatown which has the character of a conventional ‘main street’ (e.g. zero lot line or mall style) and creates a sense of place that is inviting to the public.

The main street will be planned for vehicular and pedestrian access. Streetscaping may include on-street parking, wide sidewalks which are accessible for those with disabilities (barrier free access), street furniture (benches, waste receptacles), pedestrian-scale lighting and landscaping.

The emphasis on commercial development in the heart of the downtown should be at least 50% retail stores. Auto-oriented services should be directed to frontage on Highway 66.

6.4.2.5 Development along Highway 66 is subject to the approval of the Ministry of transportation. Studies may be required to assess traffic impacts, requirements for entrances, setbacks and storm drainage. Where lots have access to a Township Road, access will be directed to the Township Road.

6.4.3 Implementation Measures

6.4.3.1 The Township will zone lands to control the types and densities of commercial development.

- 6.4.3.2 The Township may use site plan control to ensure high quality development, to provide for on-site servicing and to provide for buffering or landscaping between commercial uses and residential uses.
- 6.4.3.3 Complete applications may include the requirements for studies to satisfy traffic safety and servicing concerns with respect to Provincial and Municipal interests.

6.5 INDUSTRIAL AREA

6.5.1 Permitted Uses

On lands designated Industrial Area on the Land Use Plan, Schedule “A” a full range of industrial uses including mineral mining operations are permitted. Industrial uses) will be restricted to areas which will not conflict with sensitive land uses per the Ministry of the Environment Guideline, D-6, Compatibility Between industrial Facilities and Sensitive Land Uses.

Accessory buildings and structures to any of the foregoing uses shall be permitted.

6.5.2 Planning Principles

- 6.5.2.1 The intent of this Plan is to recognize existing industrial development such as the mineral mining operation immediately west of Virginiatown and the influence of a similar mineral mining operation just outside of the western boundary of McGarry Township in the Township of Larder Lake. The expansion or further development of mineral mining operations will be subject to the Mining and Environmental Assessment Acts, respectively and to the requirements of Guideline D-6 - Compatibility Between Industrial Facilities and Sensitive Land Uses, Ministry of the Environment). The Guideline will also apply to ancillary operations and uses to a mineral mining operation. The land use designation west of Virginiatown applies to the lands around the project site of the existing mineral mining operation (based on the mine’s closure plan). Activities within the designation are expected to comply with provincial guidelines and approvals for this mining operation. Council recognizes that mining claims have been staked for a much larger area than the project site. Mining exploration activities are recognized where they are permitted under the *Mining Act*. Expansion of the mineral mining operations beyond the current area or the establishment of new operations will require and amendment to this Plan. The cessation of mining activities or changes of industrial uses will be subject to periodic review by the Township (i.e. five year review of the official plan) and may trigger an amendment to the Plan.



The intent of this Plan is to also establish policies for potential industrial development that might apply to a future area designated by amendment to the Plan.

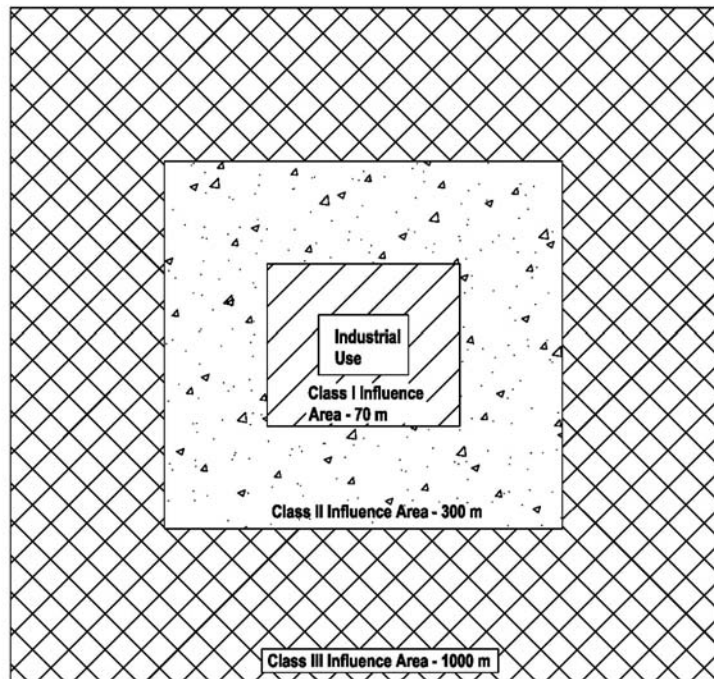
6.5.2.2 The lot size and frontage must be adequate for the intended industrial and ancillary use(s). This should include provision for parking, loading, landscaping, outside storage and potential future expansion of any industrial use.

6.5.2.3 The lot shall be serviced with water, sewage, stormwater and waste disposal services having adequate capacity to service the development. The extension of municipal water and sewer services to service a rural-based industrial area ~~is not anticipated~~ will not be permitted⁸.

6.5.2.4 The lot shall have frontage on and direct access onto a public road constructed to municipal or provincial standards, whichever is applicable.

6.5.2.5 New industrial development shall comply with the recommended minimum separation distances set out in D-6 - Compatibility Between Industrial Facilities and Sensitive Land Uses, Ministry of the Environment, namely: Class I - 20 m, Class II - 70 m and Class III - 300 m. Distances shall normally be measured between the lands designated as Industrial Area and the closest committed or proposed sensitive land use (i.e. residential, health care facility, educational facility). An exception may be made for an on-site separation distance on the industrial property where the intervening activities do not present an adverse effect on a sensitive land use (i.e. employee parking, landscaping, buffer area).

Influence Area Surrounding Industrial Uses



6.5.2.6 An influence area describes an area where an adverse effect from an industry may be experienced by a sensitive land use. Development of an industrial or sensitive land use within an influence area may only be permitted where technical studies (e.g. noise and vibration, air quality) indicate the absence of a problem or where it can be mitigated or (i.e. no adverse effect). The influence areas set out in the Ministry of the Environment guideline are: Class 1 - 70 m, Class II - 300 m and Class III - 1,000 m. **In exceptional circumstances, separation distances greater than the outside limit of**

potential influence areas identified in this plan will be recommended. Studies may be required even if a separation distance beyond the potential influence area is proposed.⁹

- 6.5.2.7 Outdoor storage, parking, loading, waste receptacles, lighting and signage shall be visually screened (e.g. fence, vegetation) or appropriately located in a way as to not negatively affect residential properties or other sensitive land uses.
- 6.5.2.8 No industrial uses shall be permitted in or within 1 km of the wellhead protection area as set out in Section 11.2 of this Plan.

6.5.3 Implementation Measures

- 6.5.3.1 The Township will zone lands to control the types and densities of industrial development.
- 6.5.3.2 The Township may use site plan control to ensure high quality development, to provide for on-site servicing and to provide for buffering or landscaping between industrial uses and other land uses.
- 6.5.3.3 All development shall comply with the Ontario Building Code.
- 6.5.3.4 The Township will establish a protocol for consultation with the Ministry of Northern Development and Mines on technical and other concerns related to mineral mining operations and their impacts on other land use activities in the municipality.

6.6 PUBLIC SERVICE FACILITIES AREA

6.6.1 Permitted Uses

On lands designated Public Service Facilities Area on the Land Use Plan, Schedule "A" the permitted uses shall include a public service facility (e.g. municipal administration building, fire station, police station, school, municipal recreational facility, health care facility).

Accessory buildings and structures to any of the foregoing uses shall be permitted.

The intent of the Plan is to recognize the variety of public service facilities in the community (i.e. municipal office, public works garage, school, arena/library/community hall, fire station/ambulance station, medical centre/OPP office, tourist centre). This Plan does not anticipate the expansion of current



facilities or new facilities in the short term. However, the following planning principles will apply to new or expanding facilities.

6.6.2 Planning Principles

- 6.6.2.1 The lot size and frontage must be adequate for the intended use. This should include provision for parking, on-site traffic circulation, loading, landscaping and potential future expansion of any public service facility. Parking facilities may be shared among two or more facilities.
- 6.6.2.2 The lot shall be serviced with municipal water, sewage, stormwater and waste disposal services having adequate capacity to service the development.
- 6.6.2.3 Points of access to a public road may be designed to serve one or more uses. Access points and on-site traffic movements should be designed to facilitate the flow of traffic and access for fire protection purposes. In designing the facilities, consideration should be given to pedestrian linkages in an attempt to encourage walking and cycling among and between facilities and the community, particularly for youth.
- 6.6.2.4 Facilities will be integrated with parks, open space areas and recreational trails wherever feasible.
- 6.6.2.4 The design of new facilities or expansions to existing facilities shall ensure that proper separation distances from incompatible land uses are maintained or adequately mitigated.



6.6.3 Implementation Measures

- 6.6.3.1 The Township will zone lands to control the types and densities of public service facilities.
- 6.6.3.2 The Township may use site plan control to ensure high quality development, to provide for on-site servicing and to provide for buffering or landscaping and the creation of a 'campus-like setting'.
- 6.6.3.3 All development shall comply with the Ontario Building Code.

6.7 PARKS AND OPEN SPACE AREA

6.7.1 Permitted Uses

Parks, playgrounds, sports fields and open spaces are areas designed and developed for the public for recreation, leisure, fitness and aesthetic appreciation. These areas may also serve as habitat areas and linkages for wild life. They are essential to a

healthy community. Within lands designated as Parks and Open Space Area on the Land Use Plan, Schedule "A" the scope of permitted uses shall include parks, playgrounds, sports fields, recreational trails, walkways, public beach areas, boat launches, marina, campgrounds, conservation areas and reserves, stormwater management facilities, cemeteries, golf courses and open space.

Accessory buildings and structures to any of the foregoing uses shall be permitted.

6.7.2 Planning Principles

- 6.7.2.1 Parks and open space uses should be adequately sized to accommodate user needs with provision being made for their potential expansion. Where applicable, provision shall be made for adequate parking.
- 6.7.2.2 Where ancillary facilities to a park or open space area include the need for water or sewage disposal services, the lot shall be serviced with water and sewage services having adequate capacity to service the development. On-site individual water and sewage disposal may be permitted for parks and open space uses outside of the McGarry Urban Settlement Area where they comply with the relevant legislation i.e. Ontario Water Resources Act or Ontario Building Code. The lot shall also be designed for stormwater management and, where applicable, waste disposal services.
- 6.7.2.3 Facilities designed for public use should have access from a public road.
- 6.7.2.4 Lands for parks and open space uses may be acquired through parkland dedication and land acquisition (including the acquisition of Crown Land).
- 6.7.2.5 The intent of this Plan is to conserve and add to the system of recreational trails for single and multi-use. This includes the development of a walkway/trail connecting the three town sites. Single use passive trails for walking, hiking and cross-country skiing shall be restricted to non-motorized uses.
- 6.7.2.6 McGarry intends to be a snowmobile and 4-wheel off-road friendly community. Controls will be imposed, however, to protect residential areas from undue motorized traffic. Trail crossings of Highway 66 require the approval of the Ministry of Transportation.
- 6.7.2.7 It is the intent of this Plan that provision will be made for maintaining public access to water bodies.
- 6.7.2.8 The municipal boat launch is an important water access point to Larder Lake. Council's intent is to expand this facility to include a marina. The associated parking area may be designated for accommodating those who have water-access only lots on Larder Lake. The waterfront complex may also include commercial recreational uses oriented to aquatic activities.

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- 6.7.2.9 Particular care will be taken to protect the water quality of Larder Lake in planning and developing lakefront services (e.g. marina, recreational commercial uses). Council may impose controls on fuel storage and refuelling activities and other activities which may have an impact on water quality.

6.7.3 Implementation Measures

- 6.7.3.1 Lands may be acquired through parkland dedication under the Planning Act (5% for residential or 2% for commercial/industrial).
- 6.7.3.2 Lands will be appropriately zoned to distinguish the types or use of permitted uses in the Parks and Open Space Area. Site Plan control may be used for the development of recreational commercial facilities, marinas and similar ventures.
- 6.7.3.3 All development shall comply with the Ontario Building Code.

6.8 MCGARRY RURAL AREA

The McGarry Rural Area as shown on the Land Use Plan, Schedule "A" shall be an area where the scope of permitted uses shall relate primarily to the management or use of resources, resource-based and other recreational activities (e.g. golf course), limited rural and¹⁰ lakefront residential development and other rural land uses typically located in a rural area. Since close to one-third of the rural area is Crown Land, the Province is largely responsible for resource management and the regulation of land use activity. New land development will be based on a cooperative and coordinated approach between the Province and the municipality where the disposition of Crown Land is required for future development purposes. ~~First Nation interests will also be accommodated. Council will ensure that Aboriginal rights and interests are reflected in making land use decisions.~~¹⁰

6.9 LAND USE PATTERN

The land use pattern shall be made up of a mix of land uses which consist of specific land use designations including Lakefront Recreational Area, Waste Management Area, Industrial Area and Natural Resources Area. Other land uses or features may be common to all land use categories depending on their characteristics or servicing requirements such as infrastructure and natural hazards. ~~Residential development is not permitted in the Rural Area other than in a Lakefront Recreational Area.~~ Limited residential development may be permitted by consent or on existing lots of record in the Rural Area along the Cheminis Road and Highway 66 provided such development does not conflict with the resource management policies of this Plan and complies with Section 12.5 with respect to provincial and local access requirements to a public road.¹¹

6.9.1 Hunt Camps and Fish Camps

Hunt and fish camps are considered to be structures for short term accommodation (i.e. weekends or during hunting and fishing season) and are distinguished from cottages which

are intended for vacations and more extended periods of occupation. Hunt and fish camps shall be permitted in the Rural Area of the municipality where arrangements are made for sewage disposal and where legal access can be obtained (i.e. public road, resource access road or right-of-way). Hunt Camps and fish camps may not be converted to a seasonal dwelling unless the lands are designated as Lakefront Recreational. Properties may be zoned to permit such uses. Council does not intend to provide services to hunt and fish camps.

6.10 LAKEFRONT RECREATIONAL AREA

6.10.1 Permitted Uses

On lands designated as Lakefront Recreational Area on the Land Use Plan, Schedule “A” the permitted uses may include seasonal and year-round residential uses, and recreational commercial uses such as commercial tourist and resort facilities (e.g. fly-in, water access or road access).

The intent of this Plan is to provide for lakefront recreational development on lands designated on Schedule “A” (e.g. lands within 300 m of the north shore of Bear Lake, Tourene Lake and Barber Lake and the south shore of Larder Lake) or through an official plan amendment where the planning principles for this type of development can be met. This type of development is viewed in part as an economic development initiative.



6.10.2 Planning Principles

6.10.2.1 As a condition of the development, Council may require a lake management plan. The lake management plan may be used to determine suitable areas for development based on any or all of the following components:

- ~~determining the development capacity of the lake (based on the Ministry of the Environment's Lakeshore Capacity Model). Development will not be permitted which leads to a decline in water quality or a change in the trophic level of a lake.~~ Future development of designated Lakefront Recreational Areas shall be assessed using the Ontario Ministry of the Environment's Lakeshore Capacity Model which is based on phosphorous levels. Where determined capacity is met or exceeded, new development will not be supported, and any existing development will be encouraged to act to manage phosphorous contributions in order to maintain or to reduce phosphorous levels in the lake.¹²

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- undertaking a shoreline assessment to determine the most suitable sites for residential lots i.e. slope, soil type and cover, vegetation cover, drainage, conservation of fish habitat and other sensitive habitat.
- conserving natural heritage features and areas. An Impact Assessment will be required to assess the impact on any significant natural heritage feature or area.
- lot size. Lot sizes shall not be less than 1 ha.
- on-site water and sewage disposal. Lots shall be self sustaining from a servicing standpoint. ~~Clusters of more than five~~¹³ lots must be suitable for servicing over the long-term. The most up-to-date phosphorus removal technology will be required.
- providing for access. ~~Access shall be by a road constructed to an acceptable municipal standard. The lot shall have frontage on and direct access onto a public road constructed to municipal standards.~~¹⁴
- determining the feasibility of providing utilities (i.e. hydro, telephone). Alternative energy systems will be permitted.
- determining the demand for specific uses such as lakefront residential development.
- conservation or protection of natural resources. The location of lakefront residential development should not interfere with the potential access to or development/extraction of natural resources such as minerals and mineral aggregates.
- ~~clusters of more than five lots~~ If the subject lands contain known archaeological resources or areas of archaeological potential¹⁵ developed by a plan of subdivision will be subject to an archaeological assessment.
- Crown Land disposition shall be determined.

, Other lands may be designated through an amendment to this Plan.

6.10.2.2 On lands designated for Lakefront Recreational on Schedule “A”, the lot size and frontage must be adequate for the intended use. The minimum lot area for a residential lot shall be ~~0.8 ha [2 ac.]~~ 1 ha [2.47 ac.]¹⁶ and 2 ha [5 ac.] for a commercial recreational venture. Multiple unit developments (i.e. e.g.¹⁷ fractional ownership, tourist chalets or similar uses) shall not exceed a density of one unit/0.6 ha [1.5 ac.] or greater where determined by a hydrogeological study and terrain analysis. Sewage disposal systems shall be set back 30 m [98.4 ft.] from the highwater mark. Shoreline features and vegetation shall be left in their natural state for the first 30 m [98.4 ft.] from the lake except for a pathway or access to the lake (i.e. to a dock). Pruning and maintenance of health vegetation is strongly encouraged. Larger shore activity areas may be established for recreational commercial uses provided that clearing along to shoreline does not exceed 30% of the shoreline frontage.

6.10.2.3 The lot shall be serviced with water and sewage disposal systems which are suitable for the long-term provision of such services. This may require a hydrogeological and water supply assessment study designed to assess the potential risk to groundwater.

Reference shall be made to Ministry of the Environment, 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 treatment capacity for hauled sewage. Stormwater and waste disposal services having adequate capacity to service the development shall be required.

- 6.10.2.4 The characteristics of the physiology of the lot should include slopes not exceeding 6%, 60% mature vegetation coverage, soils and overburden suitable for the installation of a sub-surface sewage disposal system and locations which are directed away from significant fish habitat, wildlife habitat and wetland areas.
- 6.10.2.5 The lot may be developed as a water access only on Larder Lake, but shall otherwise have frontage on and direct access onto a public road constructed to municipal standards. Provisions shall be made for parking at a suitable water access point for water access lots through a lease, zoning or other long-term arrangements.
- 6.10.2.6 Development will be prohibited on lands adjacent to a water body where the water body has reached or may reach its development capacity (based on the Ministry of the Environment's Lakeshore Capacity Model) except where one or more of the following conditions exists:
- The tile fields on each new lot are set back at least 300 m [984 ft.] from the shoreline of the lake ~~or such that the drainage from the tile fields would flow at least 300 m [984 ft.] before reaching the lake.~~¹⁸
 - The tile fields on each new lot are located such that it would drain into the drainage basin of another water body which is not at capacity.
 - To separate existing, habitable buildings which were included in the original capacity calculation, each having a separate sewage disposal system, provided that the land use would not change, and

The proposed new use complies with Section 6.10.2.3 of this Plan.

6.10.3 Implementation Measures

- 6.10.3.1 Lands will be appropriately zoned to distinguish the types or use of permitted uses in the Lakefront recreational Area. Site Plan control may be used for the development of lakefront land uses.
- 6.10.3.2 All development shall comply with the Ontario Building Code including approvals for on-site sewage disposal systems or where require, the Environmental Protection Act.

- 6.10.3.3 Council may require studies to be undertaken in support of a complete application including lake capacity, lake management, a hydrogeological and water supply assessment, archaeological assessment, environmental impact statement.

6.11 WASTE MANAGEMENT AREA

6.11.1 Permitted Uses

On lands designated as Waste Management Area on the Land Use Plan, Schedule "A" the scope of permitted uses shall include landfill and recycling facilities and sites, septage haulage and disposal sites, waste materials haulage and disposal sites and nutrient management.

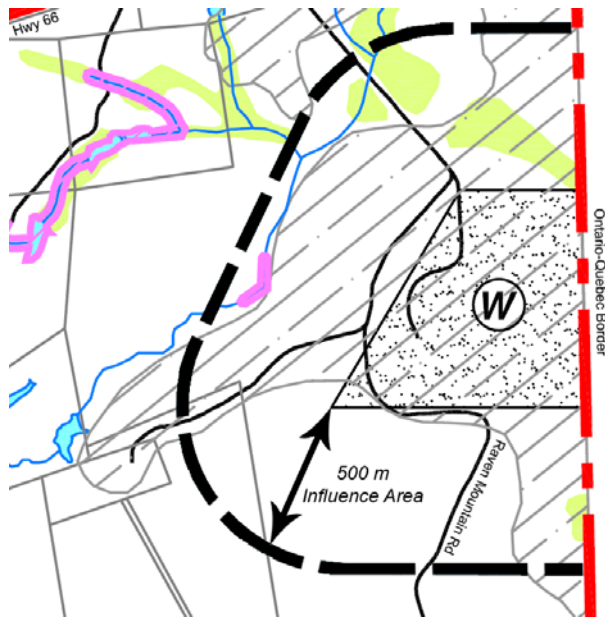


Accessory buildings and structures to any of the foregoing uses shall be permitted. It is the intent of this Plan that the municipality's landfill site be used for domestic waste disposal and that the licensed fill area be expanded in response to its diminishing capacity and new development proposals. It is also the intent of the municipality to move towards the formal establishment of a recycling program (See Ministry of Environment Guideline D-4 Land Use on or Near Landfills and Dumps).

6.11.2 Planning Principles

- 6.11.2.1 All waste must be disposed of at an approved waste management facility. Existing active or new sites (public or private) may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals. Site development shall make provision for the progressive rehabilitation and reuse of the site.
- 6.11.2.2 Waste management systems may include facilities for recycling, composting, hazardous waste control, transfer sites and ancillary activities operated in accordance with a valid Certificate of Approval. New sites, sites for septage disposal and transfer stations will require an amendment to this Plan and will require approval under the *Environmental Protection Act*. Provincial and municipal approvals will be required for the hauling and disposal of waste materials and sewage and septage. Prohibited wastes shall include nuclear wastes, hazardous or pathological wastes. Sites may include transfer sites used for the temporary storage of waste materials. The municipality will monitor the impact of sites to ensure that there are no off-site adverse impacts (e.g. landfill generated gases, ground and surface water contamination by leachate, odour, litter, vehicular traffic, dust, noise, vectors and vermin, and visual impact).

- 6.11.2.3 The municipality will use a 500 m [1,640 ft.] radius (see Land Use Plan, Schedule “A” for illustration) as the influence area for requiring impact studies and will establish provisions in the zoning by-law or use site plan control to establish an appropriate separation distance from an active or closed landfill site (i.e. 30 m [98.4 ft.]) from the boundary of the licensed footprint. Within an influence area, which may be considered as a study area, factors to be considered in assessing whether development proposals should be approved include, but are not limited to, landfill generated gases, ground and surface water contamination by leachate, odour, litter, vehicular traffic, dust, noise, vectors and vermin, and visual impact. These matters shall be addressed in a technical report.



- 6.11.2.4 Closed or inactive sites, whether public or private, 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 may be permitted on lands 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. Closure plans should provide for the progressive rehabilitation of the site.
- 6.11.2.5 As a condition of approval for any lakefront recreational development or other rural development which depends on individual on-site sewage disposal, the applicant shall demonstrate that there is adequate capacity for hauled sewage from the proposed development.

6.11.3 Implementation Measures

- 6.11.3.1 The municipality will maintain a valid Certificate of Approval for its landfill site and will monitor impacts as required by the Ministry of the Environment. The Township intends to investigate options for expanding capacity for waste management services beyond the end of the lifespan of the existing landfill site (e.g. 2018) (e.g. 9-10 years or approximately 2018)¹⁹.
- 6.11.3.2 In support of a complete application, Council may require studies or technical information to assess the impact of a development proposal on the residual capacity of the Township’s Waste Management Facility.

6.12 NATURAL RESOURCES AREA

6.12.1 Permitted Uses

The Natural Resources Area is predominantly made up of Crown Land. These lands are generally accessible and open to the public and are areas where mining exploration is prevalent. These are also areas in which reforestation has occurred and where the natural landscape is host to habitat for fish and wildlife. The intent of the Plan is to conserve these areas for their natural resource value. Resource-based land use activities in the Natural Resources Area includes: mineral aggregate resources, mineral resources, forestry and agriculture. Other features include natural heritage features and areas. Non-resource related activity will not be permitted except where qualified i.e. lakefront recreational development. ~~First Nation interests will also be accommodated.~~ Council will ensure that Aboriginal rights and interests are reflected in making land use decisions.²⁰

Permitted uses shall include resource uses subject to the following policies.

6.13 MINERAL AGGREGATE RESOURCE AREA

6.13.1 Permitted Uses

On lands designated as Mineral Aggregate Resource Area on the Land Use Plan, Schedule "A" the scope of permitted uses shall include a mineral aggregate operation, asphalt and concrete plants, mineral aggregate processing facilities and administration buildings or structures, wayside pits or quarries forestry use, conservation use, peat extraction and associated accessory uses.

Accessory buildings and structures to any of the foregoing uses shall be permitted.

6.13.2 Planning Principles

6.13.2.1 On Crown Lands, approvals for pit and quarry operations, including wayside pits and quarries, shall remain within the jurisdiction of the Province.

6.13.2.2 Lands designated as Mineral Aggregate Resource Area on the Land Use Plan, Schedule "A" are lands identified by the Province as having granular material (sand and gravel), which have not been tested. The intent of the Plan is to ensure that they are protected for resource development in the future.

6.13.2.3 Mineral aggregate operations shall be subject to the requirements and approvals provided for under the applicable legislation. This shall include any separation distance from any sensitive land use that may be imposed under any license issued or a separation distance imposed from a mineral aggregate reserve ~~i.e. 300 m [984.2 ft.] from a pit or 500 m [1,640 ft.] from a quarry.~~ Separation distances shall be calculated in accordance with the Ministry of the Environment's D-6 Land Use

Guideline.²¹ Measurement of the separation distances shall be from the boundary of the Mineral Aggregate Resource Area designation shown on the Land Use Plan, Schedule "A" to the closest property line of a sensitive land use (i.e. residential, educational facility, health care facility).

- 6.13.2.4 Development may be permitted within an influence area (as determined by a study) where technical studies demonstrate that there will be no impact or that the impact of a mineral aggregate operation (noise, dust, vibration) can be mitigated to the level of a trivial impact, and that the quality and quantity of groundwater supplying the sensitive use will not be compromised.
- 6.13.2.5 Non-mineral aggregate resource uses will not be permitted adjacent to or in known deposits of mineral aggregate resources where they would preclude or hinder the establishment of new operations or access to the resource unless it is demonstrated that the resource use would not be feasible, or the proposed land use development serves a greater long-term interest and issues of public health, public safety and environmental impact are addressed.
- 6.13.2.6 Lands which are depleted shall be **progressively**²² rehabilitated to accommodate a subsequent land use or for a sequential natural resource use and shall take surrounding land uses into consideration.
- 6.13.2.7 Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted without the need for an official plan amendment or rezoning in the McGarry Rural Area except on lands with a particular environmental sensitivity (i.e. significant natural heritage feature or area) or in areas of existing development. Operators of aggregate processing equipment such as crushers and screening plants will require a Certificate of Approval from the Ministry of the Environment and location approval from the District office of the Ministry of the Environment.
- 6.13.2.8 No mineral aggregate operations shall be permitted within 1 km [0.6 miles] from a wellhead protection area.

6.13.3 Implementation Measures

- 6.13.3.1 Pits and quarries, licensed/authorized under the applicable legislation shall be rezoned for extraction and associated accessory uses in the zoning by-law, generally, to the extent of the licensed boundary. In the interim, lands within any Mineral Aggregate Resource Area designation which are not zoned for a pit or quarry will be placed in an appropriate zone category to protect the lands from sterilization by new development. Zoning standards shall include the relevant separation distances between pits and quarries and sensitive land uses.
- 6.13.3.2 In support of a complete application, Council may require studies or technical information to assess the impact of a mineral aggregate resource area on an

alternative or sensitive land use, noise, traffic or to assess the commercial or economic value of the resource.

6.14 AGRICULTURAL USES

There are no lands utilized or identified as prime agricultural lands in the Natural Resources Area. The intent of this Plan is to permit agricultural uses, agriculture-related uses and secondary uses provided they do not conflict with a residential use.

The Minimum Distance Separation (MDS) Formulae I and II of the Ministry of Agriculture, Food and Rural Affairs shall be applied to reduce incompatibility concerns about odour from livestock facilities and/or manure storage facilities and any development. The MDS Formulae II will not apply to the rebuilding of a building destroyed by natural causes (e.g. fire, flood), provided that the rebuilding does not further diminish the applicable distance separation.

6.15 MINERALS

6.15.1 Mineral Potential

Areas of Mineral Potential are not shown on the Land Use Plan, Schedule "A" since the entire municipality is recognized as an area having **high provincially significant**²³ mineral potential. The intent of this Plan is to encourage geological surveys, exploration, development and mineral production within the areas of high mineral potential. In the mining sequence, it is also the intent to ensure the proper closure and rehabilitation of depleted mines or mineral mining operations prior to any subsequent land use. All mineral mining operations will be undertaken in compliance with the Mining Act and other relevant legislation.



Mineral mining operations will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. However, the Township will seek the cooperation of the mining industry in minimizing or avoiding adverse impacts of mineral mining operations in and around the built urban form or on lands designated **or proposed**²⁴ for lakefront recreational uses and to this extent intends to achieve the best balance between the economic mining to McGarry and the development of a healthy, livable and safe community. More specifically, on lands designated as Residential Area, Commercial Area and Lakefront Recreational, mineral mining operations will be limited to exploration activities. Mineral mining operations involving the development and operation of a mine may only be permitted subject to an amendment to this Plan within these designations **(if on private lands)**²⁵. In areas not designated for urban development, a technical report will be required to substantiate the need for non-resource related development within or adjacent to known areas of mineral potential.

New or expanded mining operations and exploration activities should incorporate reasonable operational protocols and mining techniques to mitigate the impacts of drilling, blasting, and other related activities on any adjacent sensitive land uses and other land uses. For the purposes of this Plan, mineral mining operations are considered to be a Class III industry and are subject to the Ministry of the Environment Guidelines D-1 and D-6 in applying separation distance and influence area requirements. The actual influence area will be determined by technical studies as required by the guidelines.

Rehabilitation to accommodate subsequent land uses will be required after extraction and other related activities have ceased. Progressive rehabilitation will be undertaken where feasible (see also Mine Hazards)

6.15.2 Implementation Measures

- 6.15.2.1 The Municipality will establish appropriate standards in the zoning by-law to govern separation distances and setbacks for mineral mining operations.

6.16 NATURAL HERITAGE FEATURES AND AREAS

6.16.1 Scope

Natural Heritage Features and Areas are those features which are important for their environmental and social values as a legacy of the natural landscapes in the area. These include:

- significant wetlands (provincially and locally significant)
- fish habitat
- significant ~~portions of the~~²⁶ habitat of endangered and threatened species
- significant wildlife habitat
- significant areas of natural and scientific interest
- species at risk



The Ministry of Natural Resources has identified areas of significant wildlife habitat for moose, waterfowl nesting sites and fish spawning areas. Larder Lake has been classified as a cold water lake and is an important lake trout lake. The landscape is also occupied by numerous unclassified wetlands that are also important to the ecological functions of the natural community. Highly sensitive features and species at risk are not illustrated although they are considered to be part of the natural environment and will be considered in reviewing development applications.

6.16.2 Planning Principles

- 6.16.2.1 The intent of this Plan is to provide appropriate measures for the protection of features which have been identified and to encourage further study and classification.
- 6.16.2.2 It is the intent of this Plan to protect and enhance natural heritage features and areas as part of the land use decision-making process.
- 6.16.2.3 Council, in association with the Ministry of Natural Resources and other interested parties, will continue to work towards the identification, classification, and evaluation of natural heritage features and areas.
- 6.16.2.4 Development and site alteration will not be permitted in the significant habitat of endangered and threatened species as may be identified from time-to-time.
- 6.16.2.5 Development and site alteration may be permitted in significant or unclassified wetlands, significant wildlife habitat and areas of natural and scientific interest where it has been demonstrated that there will be no negative impacts on the natural features or the ecological functions for which an area or areas have been identified.
- 6.16.2.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
- 6.16.2.7 An Impact Assessment study may be required for any of the Natural Heritage Features which are shown on the Land Use Plan, Schedule "A" using the Significant Wildlife Habitat Technical Guide, (MNR, 2000) and other technical evaluation criteria, where appropriate.
- 6.16.2.8 The components of an Impact Assessment (IA) study are as follows:
- description of the study area and landscape context;
 - description of the development proposal;
 - identification of those natural heritage features and functions likely to be affected by the development proposal;
 - assessment of the potential or cumulative impacts of the proposed development on key natural heritage features and functions;
 - identification of mitigation requirements and monitoring requirements, where applicable;
 - quantification of residual impacts (those that cannot be mitigated) if any; and
 - recommendations

6.16.3 Implementation Measures

- 6.16.3.1 Applicants for development shall submit a complete application as required under *The Planning Act* with supporting information to include the completion of an

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Impact Assessment study for any proposed development within or adjacent to a significant Natural Heritage Feature which may be shown on the Land Use Plan, Schedule "A" or otherwise identified as part of the development process.

- 6.16.3.2 Council may consult technical agencies for comments on the terms of reference or results of such studies. Council may also engage such professionals as are required for the purpose of reviewing an Impact Assessment study (peer review). Costs will normally be recovered from the applicant for development.
- 6.16.3.3 Council may use zoning or site plan control as a means to implement the requirements for conservation of natural heritage features and/or the mitigation of adverse impacts.

7 ECONOMIC DEVELOPMENT

7.1 Introduction

McGarry's size, its traditional reliance on a single industry and its strong cultural character provide it with a strong sense of community that offers a number of opportunities and some challenges for the community's goal of social and economic diversification. The intent of this Plan is to set a supportive framework for building community capacity to identify and seize diversification opportunities. The Official Plan builds on the community's Strategic Plan ¹.

7.2 Vision Statement

The vision statement of the Strategic Plan is: 'A clean safe, thriving community, offering a rich quality of life.' is a useful guide to frame both land use planning and other initiatives.

7.3 Goals

The goals of the Strategic Plan are:

- Respect and build on its unique history;
- Maximize communication, cooperation and collaboration within the community;
- Work with surrounding communities in support of economic development efforts;
- Improve the economic outlook of the Township of McGarry;
- Promote the development of jobs in the community;
- Provide a range of affordable high quality services for people of all ages;
- Generate trust and unity throughout the community;
- Improve the lifestyle of residents; and
- Improve community infrastructure.

7.4 Diversification Initiatives

7.4.1 Structure for Economic Development

The Kirkland & District Community Development Corporation (KDCDC) (as an arm's length organization to municipal Council) will serve as an important organization to assist in the implementation of the diversification strategy. At the municipal level, several committees have been established to address economic development, provide recreational services and administer property standards

7.4.2 Community Improvement

¹ The McGarry Community Strategic Plan 2005

Community improvement will provide for the upgrade of municipal infrastructure (roads, water, sewer, sidewalks etc.) and public service facilities such as the Municipal Office as key public sector investments. Incentives may be provided to facilitate and encourage private sector investment in the rehabilitation and retrofitting of housing and commercial buildings. Property standards will be emphasized as a measure to improve the visual image of the community and as a means to sustain the assessment base.



7.4.3 Tourism and Related Business Opportunities

This strategy will provide for building a market which builds on the natural and developed attributes of the area such as Mount Cheminis (Mt. Chaudron), Tourist Centre, heritage walking trail, aboriginal heritage, sport fishery and aquatic activities on Larder Lake, snowmobiling and ATV trails and other services that will focus on the natural beauty and ecological attributes of the area such as the McGarry Township Forest Conservation Reserve as well as passive outdoor recreation (e.g. canoeing). In recognizing the importance of accommodation within the community this Plan supports the Bed & Breakfast industry and the expansion of accommodation services. Finally, the Township proposes to develop municipal facilities along the Larder Lake south of Virginiatown through improvements to the boat launch, development of a marina and the installation of public washrooms.



7.4.4 Motorized Recreational Activity Tourism

A well developed snowmobile industry and an evolving ATV/off-road vehicle industry use well established trail systems in and around McGarry. The intent of the Plan is to recognize the importance of the trail system for its tourism and economic value, keeping in mind issues of public health and safety and the protection of the environment.

7.4.5 Senior's Retirement Facilities

The strategy is to provide for the development of housing and services oriented to seniors.

7.4.6 Township Beautification Program

The visual image of a community has an indelible impact on visitors as well as residents. The strategy is to use property standards as a backdrop to encouraging community pride in maintaining properties, buildings and structures

7.4.7 Business Retention

The intent of this strategy is to retain the scope of existing businesses and services within the community and to encourage public support of the local business community (e.g. 'buy local' campaign).

7.4.8 Home Based Businesses

The policies of this Plan are intended to support entrepreneurs in developing home based businesses that can provide needed services to residents that cannot be supported in a conventional commercial setting.

7.4.9 Mining

Economic diversification includes McGarry continuing as a host community for mineral mining operations and also in providing housing, commercial, educational, health care, social and recreational services for other mineral mining operations in the area.

7.4.10 Lakefront Recreational Development

The potential exists for attracting retirees to the community through providing housing and services that focus on the cultural and scenic amenities of the area. This Plan provides the impetus for the development of this concept from a land use standpoint.

7.5 Implementation Measures

Implementation is dependent on community leadership through Council and the Regional Economic Development Association in carrying out these initiatives. The Community Development policies of this Plan are intended to provide the land base for supporting these and potentially other initiatives, although it is recognized that amendments may be required for unanticipated land use activities.

8.0 A HEALTHY COMMUNITY

8.1 Goal

To build on existing attributes in sustaining McGarry as a healthy and safe community.

8.2 Strategy for a Healthy Community

The following components make up the strategy for sustaining a healthy community for McGarry. These components will be considered by Council and the community in making land use and other decisions affecting the day-today life of the community.

Components of a healthy community consist of:

- Making recreational facilities available at affordable rates to users and instituting timetables that make those facilities most accessible to users, particularly the arena.
- Recognizing the importance and diversity of recreational and leisure services and working to maintain and improve the quality of these services in meeting the ongoing needs of the community.
- Developing a network of recreational trails and promoting their use for healthy activities such as walking, jogging, cross-country skiing. Maintaining and upgrading trails for snowmobiling and 4-wheel vehicles.
- Ensuring that buildings, services and activities are accessible to people with disabilities.
- Ensuring that police services provide 24/7 protection for all residents.
- Establishing Community Safety Zones in areas determined to need protection i.e. larger number of pedestrian traffic
- Building into community decisions, the particular needs of youth, such as establishing a youth Council.
- Providing leadership in formulating solutions to community development by encouraging collaboration, communication, cooperation and commitment amongst community organizations.
- Encouraging residents of the community to support local commercial services through a “shop local” campaign.
- Building “community spirit” through consultation on community decisions and promoting decisions which strengthen the health and economic base of McGarry.
- Working to increase the range and variety of basic services for residents e.g. pharmaceutical and medical supplies, retail and personal clothing services, home repair services (e.g. plumbing, heating, electrical and renovation).
- Protecting water resources used for domestic supply.



MINISTER'S MODIFIED COPY OF OFFICIAL PLAN

- Protecting vistas, natural shorelines, vegetation and the scenic qualities that make McGarry an attractive community to live in and to visit.
- Emphasizing the value and importance of seniors as a resource to the community and promoting inter-generational activities.
- Maintaining a safe community through maintaining programs for anti-bullying, neighbourhood watch and the safety of youth on the streets and public places.
- Promoting the maintenance and upkeep of public and private buildings and properties including the municipal beach.
- Promoting and making the use of community facilities such as the arena available to the community.
- ~~Protecting and conserving heritage buildings and sites.~~ Protecting and conserving cultural heritage resources.²⁷

8.3 Implementation Measures

- 8.3.1 Planning applications will be evaluated for their impact on sustaining a healthy community.
- 8.3.2 Advocating and seeking senior level government participation and funding.

9 NATURAL AND HUMAN-MADE HAZARDS

9.1 Flood Plains

9.1.1 No new buildings are permitted to be constructed within the flood plain except flood control structures, approved infrastructure e.g. storm water outlets and marine structures (e.g. dock, boat house, sea plane base). In particular, no use, building or structure which involves the storage of hazardous or toxic materials e.g. ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities, nor any institutional use or essential service shall be permitted to be constructed, enlarged or expanded in a flood plain.



9.1.2 The flood plain has not been determined for water bodies within the municipality. However, a flood elevation of 287 m [941.6 ft.] has been established for Larder Lake based on the regulated flows in the lake. All development on the shoreline of Larder Lake, except as otherwise exempted, shall be constructed above the flood elevation of 287 m [941.6 ft.]. In the absence of detailed mapping the setback on all other water bodies of habitable buildings, non-residential buildings and sewage disposal systems from the shoreline or high water mark shall be set back 30 m [98.4 ft.]. The setback provisions may be reduced or be waived without amendment to this Plan where technical evidence is provided that establishes a flood plain elevation and that development will be located above the said elevation. Lands may be zoned to regulate development with respect to the flood elevation and to control setbacks on all other water bodies.

9.2 Physical Constraints

9.2.1 Development shall generally be directed away from lands having significant development constraints such as steep or unstable slopes, organic soils, marshy or low lying lands or unstable bedrock unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the *Building Code* can be met and provided that no adverse environmental impact will result.

9.3 Contaminated Sites

9.3.1 Scope

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, 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.

9.3.2 It is the intent of this Plan to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse such that there will be no adverse effect on subsequent land users.

9.3.3 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 acknowledged Record of Site Condition and if necessary, a site remediation plan prepared in accordance with the "Guidelines for Use at Contaminated Sites in Ontario".

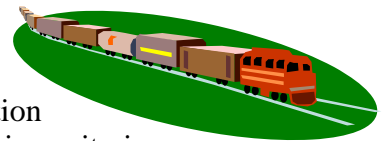
Where the Record of Site Condition indicates that remediation work is necessary, the approval authority shall require as a condition of approval of development or redevelopment that appropriate action is taken to implement the components of the site remediation plan.

9.3.4 Site plan control may be used as a measure to enhance site decommissioning and remediation (See Section 13.2 - Site Plan Control).

9.3.5 Contaminated sites may be placed in a holding zone in the municipality's zoning By-law. 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 acknowledged Record of Site Condition (See Section 13.3 - Holding Zones).

9.4 Noise and Vibration

9.4.1 Applications for development adjacent to major noise sources such as a railway, industry, mineral aggregate operation or highway will be subject to a noise and vibration study using criteria set out in the Ministry of the Environment's Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation. The study shall demonstrate whether noise and vibrations levels can be reduced to meet provincial standards. The conclusions and recommendations of this study shall be implemented through conditions of the development approval.



9.5 Mine Hazards

9.5.1 Description

Mine hazards are any feature of a mine defined in the Mining Act or any related disturbance of the ground that has not been rehabilitated. These mine hazards may pose a threat of injury or loss to the structures on the land and by people who use the land if they are not appropriately rehabilitated or mitigated in accordance with the Mining Act. It is recognized that the severity of the hazard varies, depending on past mining activity ranging from minor exploratory sampling to large mining operations (i.e. shafts, drifts,

raises, open pits). As such, the risk of reuse of the property may range from negligible or to so severe that the property cannot be rehabilitated. There may also be circumstances where rehabilitation or remediation of a site is required subsequent to the closure and development/redevelopment of the property by a non-mining owner. Ongoing chemical and/or geo-technical monitoring of rehabilitated mining hazards is also important since deterioration may occur. Examples include settling of sand used in filling a shaft or raise, subsidence, and mine tailings. Consequently, development on, abutting or adjacent to lands affected by mine hazards or former mineral mining operations will only be permitted if rehabilitation measures to address and mitigate known or suspected hazards are underway or complete, such that that no risk to public health and safety exists.

9.5.2 AMIS Data and Policies

The Ministry of Northern Development and Mines (MNDM) has conducted an evaluation (not interpreted to be a risk management assessment) of the hazard features associated with some 19 sites located within the Township and found in the Ministry's Abandoned Mines Information System (AMIS) database (which may not include other unknown or undocumented sites). **The AMIS sites are illustrated on the Land Use Plan, Schedule 'A' and include an Area identified as an AMIS Zone all of which are considered to be mine hazards.**²⁸ Any proposed development within one (1) km (0.6 miles) of any mine hazard feature except lands within the three town sites outside of the AMIS zone **and any lands within the AMIS Zone**²⁸ 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 MNDM 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. Any required technical report will be at the cost of a mineral rights holder and/or the proponent of development and may be subject to a peer review. For lands within existing approved plans of subdivision in the three town sites, a technical study will not generally be required. Council may however, undertake a study to determine more precisely the lands within the three town sites that will not require a study prior to development or redevelopment.

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. Reference should be made to Schedule "A" with respect to the location of mine hazards including the AMIS Zone and mine tailings hazard lands. 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.

Through studies and in consultation with MNDM 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.

9.5.3 Implementation Measures

- 9.5.3.1 The Township will establish acceptable protocols for consultation with the Ministry of Northern Development and Mines including referrals by applicants for development and access to available literature or other technical documentation that may be of benefit to a proponent. Further, it is the intent of the Township to create a database of mine hazard information to be shared and enhanced in partnership with mining companies, MNDM and the public. These protocols may be appended to the Plan once available.
- 9.5.3.2 The Township may use site plan control or other to regulate development or monitor the long-term impacts of development on, abutting or adjacent to a mine hazard.

10 CULTURAL HERITAGE AND ARCHAEOLOGY

10.1 *Heritage Conservation Intent:* It is the intent of this Plan to manage heritage resources through the pro-active identification, recognition, documentation, protection, conservation and rescue of these resources and to conserve heritage resources when making development and infrastructure decisions which may affect those resources (an example includes the Pearl Beach aboriginal site). Heritage resources shall include built heritage resources, cultural heritage landscapes and archeological resources which are important to the community or area in which they are located or are recognized for their significance at a provincial or national level.

10.2 *Application Review:* In reviewing an application for a zoning amendment, a consent for a commercial, industrial or institutional use or a multi-unit residential building; or subdivision; or in the undertaking of new infrastructure works (e.g. new road, road widening, communal water or sewer system, landfill site), consideration shall be given to the possible effects and impacts of such works on a known heritage resource or on an area of archeological potential (lands where there is a likelihood for the presence of archeological resources based on physiographic or historical features, such as along the shoreline of Larder Lake).

~~A 'known' heritage resource is one which has been designated under the Ontario Heritage Act by the municipality; is a site or building which has been identified or registered by the Ministry of Culture. The municipal clerk shall maintain a register of all property designed under the Ontario Heritage Act. This register may also contain properties that are not designated but are considered by Council to be of cultural heritage value or interest and properties that have heritage conservation easements placed upon them.²⁹ A heritage impact assessment report (prepared by a licensed archeologist qualified professional³⁰) shall generally be required for development adjacent to a known heritage resource (local, provincial or federal), or is. An archaeological assessment shall generally be required for³¹ an area of archeological potential e.g. site which is in close proximity to a lakeshore, within 250m from a known archaeological site³², water body [300 m (984 ft.)] (current or ancient shorelines) or the confluence of major water courses, or within 200 m (656 ft. from a secondary water body), rolling topography, unusual landforms and locally know heritage areas such as portage routes or other places of past human settlement. These distances may be altered subject to the advice or guidelines of the Ministry of Culture. The report shall identify the characteristics and significance of the heritage resource(s), the development impacts and the measures or options for the conservation, mitigation or removal/rescue of the resource. This will include consideration of development on adjacent sites and their impact on any protected heritage property or heritage attributes.~~

10.3 *Unmarked Burial Sites:* Where, through development, a site is identified to contain an unmarked burial site or new archeological features, the municipality shall contact the Ministry of Culture, the Ontario Provincial Police and First Nations. The Ministry of

Consumer Services – Cemeteries Regulations Unit shall also be contacted with respect to the discovery of burial sites and unmarked cemeteries and matters related to the *Cemeteries Act*.

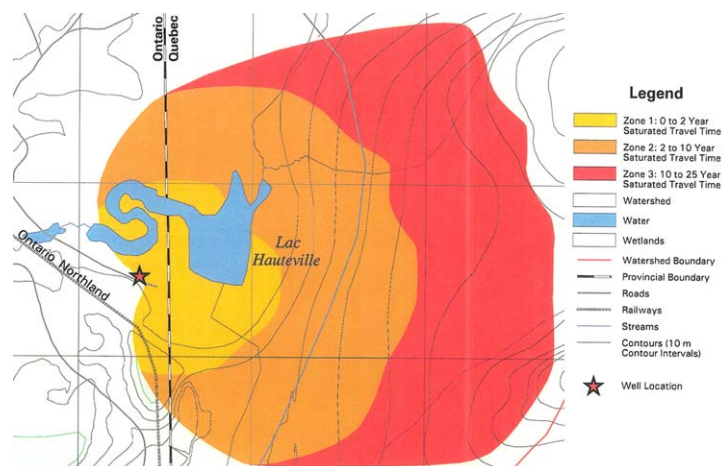
- 10.4 *Heritage Resources Designation*** The Municipality may by by-law, designate properties (includes a building or structure) of historical or architectural value under *Part IV* of the *Ontario Heritage Act* or may designate a heritage conservation district under *Part V* of the *Ontario Heritage Act*.
- 10.5 *Heritage Committee***: The Municipality may establish a Municipal Heritage Committee for the purposes of identifying and recommending the designation of property(ies) under *Part IV* or *Part V* of the *Ontario Heritage Act*.
- 10.6 *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.
- 10.7 *Development and site alteration*** including any public work, private development, consent or zoning by-law amendment, shall not be permitted on adjacent lands to a protected cultural heritage feature or property unless impacts on the cultural heritage feature have been evaluated and provisions are made to minimize or mitigate any impacts.

11 WELLHEAD PROTECTION

11.1 Scope

The Municipality recognizes the importance of its groundwater resource in maintaining the quality of life of residents. Council intends to provide for a sustainable supply of drinking water through an integrated and long-term approach to the protection, improvement or restoration of the quality and quantity of water. Council intends to prohibit, restrict or manage land uses to minimize the risk to potential contamination of the groundwater aquifer. These policies will apply to a Wellhead Protection Area (WHPA) shown on the Land Use Plan, Schedule "A".

A WHPA illustrates three time-related capture zones which were determined through a hydrogeological investigation. These include 0 days - 2 years, 2-10 years and 10-25 years time-of-travel (TOT) with 0 days to 2 years being ranked as the highest level of sensitivity based on the importance of the well to the water supply and the other categories ranked on a descending basis of sensitivity.



A WHPA shall be considered as a special protection area within which certain land uses may or may not be permitted in accordance with the underlying land uses designation and the following policies.

A WHPA may be modified where the geographic extent of this area, or any of the time-related capture zone boundaries are modified through further study, or where a municipal well is abandoned. Establishment of a new WHPA shall be subject to an amendment to this Plan concurrently with the Class Environmental Assessment process.

11.2 Policies

11.2.1 For the purposes of this Plan new development shall only be permitted where such uses are permitted in the underlying land use designation and where a detailed hydrogeological study has been undertaken using protocols acceptable to the Ministry of the Environment. The study shall predict the net groundwater and/or surface water quality impacts likely to occur on down gradient properties and on the municipal well. The cumulative impacts of development in the WHPA will also be addressed in the report. The study report shall include mitigation measures, where necessary, for the design, construction and post-construction monitoring of the proposed use and where the impacts of the use cannot be adequately mitigated within an acceptable risk to groundwater and (surface water) quality to the satisfaction of the Municipality, the use

shall not be permitted. The cost of the disclosure report, the hydrogeological study and the spill prevention and contingency plan will be borne by the proponent.

11.2.2 The proponent may be required to prepare a spill prevention and contingency plan outlining design measures, facilities and procedures to avoid and mitigate the effects of spillage of any contaminants.

11.2.3 Despite the above policies, the municipality may limit other land uses outside of source protection areas, but in the general vicinity where they are considered to have a potential impact on source protection.

11.3 Implementation Measures

11.3.1 Zoning By-law

The zoning by-law shall incorporate appropriate requirements to implement the policies for wellhead protection. The zoning by-law may set out minimum distance separations between a municipal well and any land use, building or structure, whether the use is located within a WHPA or is in the vicinity of a WHPA.

11.3.2 Holding By-law

The Municipality may place any property in the wellhead protection area in a holding by-law for the purposes of meeting any of the performance criteria set out above. The Holding symbol 'H' may be lifted by an amendment, subject to meeting the performance standard.

11.3.3 Site Plan Control

Site plan control may be imposed as a condition of the approval of any use of land within a WHPA. Site plan control shall be used as a means of incorporating mitigating and remedial measures, proper siting, containment, handling, storage or disposal of materials, or design and development of facilities, landscaping or buffering, lot grading and drainage, and site design plans identified through the development review process. As a requirement of maintenance, the Municipality may require a spills contingency plan.

12 INFRASTRUCTURE

12.1 Scope

The intent of this Plan is to ensure that infrastructure is adequate and has the capacity to service existing and proposed development.

In general, municipal roads, road works and water and sewage works shall be planned in accordance with the Municipal Class Environmental Assessment process as approved under the *Environmental Assessment Act*.

In considering servicing options, Council's intent is to not permit private communal systems.

12.2 Municipal Water and Sewage Disposal

All development within the McGarry Urban Settlement Area shall be serviced with municipal water and sewage services or as per the policies of each designation.

The reserve sewage system capacity and reserve water system capacity is adequate for a population exceeding 1,000 and consequently can accommodate expected growth. Capacity calculations may be required from time to time to monitor and assess the reserves for water and sewage based on planning applications for community development.

12.3 Individual On-site Water and Sewage Services

Development in the McGarry Rural Area, where permitted by the policies of this Plan, may be serviced with individual on-site water and sewage systems. Water systems shall comply with *Ontario Regulation 903*, as amended with respect to the construction of water wells. Sewage systems shall conform to the applicable legislation i.e. *Ontario Water Resources Act*, *Building Code Act* or *Environmental Protection Act*, whichever is applicable. This may require a hydrogeological and water supply assessment study designed to assess the potential risk to groundwater. Reference shall be made to Ministry of the Environment, 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 treatment capacity for hauled sewage.

Development on individual on-site sewage and water services shall only be permitted where the water and sewage disposal systems are suitable for the long-term provision of such services.

12.4 Stormwater Management

12.4.1 Scope

Development in both urban and rural areas can change existing conditions such that the quantity and quality of storm water run-off is altered. Storm water management considers both water quantity and quality aspects of storm water run-off where artificial drainage improvements or practices become necessary. The protection and rehabilitation of stream corridors and erosion control along water courses are best approached through an integrated strategy and best management practices.

12.4.2 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 public service facilities and in the design and implementation of storm water infrastructure.

12.4.3 Storm water management shall incorporate an ecosystem approach through the design, construction and post-construction phases. Ecological functions, particularly fish habitat, will be conserved or enhanced.

12.4.4 In the design and construction of storm water management infrastructure best management practices shall be used to ensure:

- That post-development flows, particularly in receiving streams, are maintained at pre-development levels and that the cumulative impacts of development are considered as part of storm water infrastructure design.
- The natural characteristics and quality of water of the receiving streams are maintained or enhanced including sediment control, riparian vegetation and thermal conditions.
- That there will not be any new or increased downstream flooding or erosion.
- That natural habitat areas are protected or enhanced or restored.
- 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.
- That the post construction phase shall include rehabilitation, continued maintenance or infrastructure and preferably, a monitoring program.
- Storm water management infrastructure may be incorporated into parks and open space or green space within and between communities or may be integrated with a wetland complex.
- Storm water management shall incorporate consideration for groundwater recharge and discharge and ensure that groundwater is not negatively impacted.

12.5 Transportation

12.5.1 Provincial Highways

Highway 66 is recognized as a controlled access provincial highway for through traffic. In addition to all the applicable municipal requirements, all proposed development located in the vicinity of Highway 66 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 Highway 66 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 may be required prior to considering whether development should be approved adjacent to Highway 66. No new provincial highways are anticipated during the life of this Plan. However, the potential realignment of Highway 66 may be required in response to public safety concerns over nearby mine hazards.



12.5.2 Municipal Roads

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 a municipality provided the standards for road construction have been satisfactorily met.

The Land Use Plan, Schedule "A" shows the network of municipal roads.

12.5.3 Private Roads

There are no development related private roads. Development on private roads is not permitted except for a condominium development (and where the road is incorporated as a common element to the condominium)³³. Roads constructed to service a condominium development shall meet a municipal construction standard.

12.5.4 Resource Access Roads

For the purposes of this Plan, resource access roads are intended to provide access to resource-based land uses such as forestry, mineral or mineral aggregate extraction and are not intended to provide access to residential or commercial land uses except a hunt or fish camp. Resource roads are expected to be maintained by private enterprise under lease or

other arrangements with the Crown. Resource access roads are shown on the Land Use Plan, Schedule "A". Resource access roads will not be maintained or assumed by the Municipality.

12.5.5 Transportation Corridors

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.

12.5.6 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.

12.5.7 Rail

The rail corridor is recognized as an important economic and transportation linkage through and serving the municipality. Rail-related noise and vibration attenuation and/or the construction of crash barriers/berms (for public safety against derailments) shall be considered in land use decisions for development proposed adjacent to or in the vicinity of the corridor. The use of rail services for the transport of resource based materials (e.g. ore, timber, sand and gravel) and products is encouraged. This may include the construction of a spur line.

13 ENERGY, AIR QUALITY AND SUSTAINABILITY



13.1 Scope

The Municipality recognizes the importance of its air quality as a resource in maintaining the quality of life of residents as well as moving towards a more sustainable community. Council intends to examine different approaches to reach environmental sustainability by encouraging the development of new sources of 'green energy' into the community, together with improving the air quality.

13.2 Planning Principles

13.2.1 The intent of this Plan is to provide appropriate measures for the assessment and possible implementation of alternative sources of energy i.e. renewable resources (wind, water, solar, etc.) in conjunction with ensuring that measures are taken to improve air quality. **The provisions of this section are subject to the provisions set out in the Green Energy and Green Economy Act, 2009. As such, a renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project, as defined in subsection 1 (1) of the Planning Act is exempt from the provisions of the Planning Act except as set out in subsection 62.0.2 of the Act. Council will encourage a consultative process in the installation of renewable energy systems. Development of renewable energy systems will be encouraged to have regard to safe access to a lot, setbacks that are consistent with zoning standards, adequate lot size, access to and conservation of other natural resources (i.e agricultural land, minerals, mineral aggregates and natural heritage features and areas) and visual compatibility with surrounding land uses.**³⁴



13.2.2 Renewable energy sources may include but are not limited to:

- Active solar energy: The sun can be used directly to heat water for pools, homes and industry, to provide space heating and to generate electricity. The sun's energy can also be used to distill water and cook food.
- Biomass energy: The sun's energy is stored in organic materials such as wood, grains and peat. Wood and peat are both burned to provide heat. Grains can be fermented into ethanol and used as a liquid fuel.
- Geothermal energy: Heat from the earth's core can be used to generate electricity. It can also be used directly (with heat pumps) to heat and cool buildings.
- Passive solar energy: Passive solar energy is incorporated into energy efficient building and landscape design, e.g. window placement to heat retaining walls and

floors.

- Small hydro: Small hydro projects will generate power by using falling water at an average capacity of 20 megawatts or less. A 'run-of-the-river' project also uses falling water by directing water to the turbine using pipes, rather than dams.
- Wind Energy: The energy from the wind can be harnessed by wind turbines and windmills to generate electricity and also to pump water. ~~Wind Turbines require a certificate of approval (Noise) under Section 9 of the Environmental Protection Act. Additionally, wind turbine projects greater than or equal to 2 megawatts are made subject to the Environmental Act by the Electricity Projects Regulation (O.Reg. 116/01). Proponents must conduct an environmental screening according to the Ministry of the Environment's Guide to Environmental Assessment requirements for Electricity Projects. Wind turbines shall be setback distance measured from the limit of the Highway 66 MTO right-of-way equal to the distance of the height of the wind turbine structure plus the length of one blade.~~³⁵

~~13.2.3 Any proposal for new energy sources shall require proper Ministry (and other agencies) approval(s) as well as documentation supporting/justifying the proposed use. The report shall include information, depending on the source proposed, which indicates possible impacts on surrounding land uses, the environment, and what measures are required to ensure public health and safety and to provide for implementation. The tools available to Council include but are not limited to: Zoning, Site Plan Control, buffering, and Minimum Separation Distances.~~³⁶

~~13.2.4 Proposals or the construction of a new power source may require an amendment to this Plan.~~³⁷

13.2.4 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.

13.2.5 It is a policy of Council to encourage non-vehicular movement (pedestrian) within the community.

13.2.6 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.

13.2.7 Council will encourage initiation of a recycling program within the community which may include: wastes, plastics, metals, wood, etc.



14 PLANNING TOOLS

14.1 Scope

Reference is made in this Plan to various planning tools such as site plan control, holding zones, temporary use by-laws and land division (consents and subdivision control). These tools may be used where they assist Council to enhance or provide for orderly development and to ensure compatibility with adjacent land uses.

14.2 Site Plan Control

For the purposes of Section 41 of the *Planning Act*, the entire Township of McGarry as illustrated on the Land Use Plan Schedule is designated as a site plan control area.

Where the use of site plan control is provided for in this Plan, this shall enable Council to require any person or corporation to enter into an agreement (which can be registered on title) to provide for any of the matters set out in Section 41 of *The Planning Act*. Site plan control will typically apply to new commercial, industrial or public service facilities.

Site plan control provides detailed control of the development of a particular site. Under this provision, Council may require a site plan agreement with a developer outlining details such as parking areas, elevations and grades, landscaping and buffering, storage of wastes, lighting, entrance and exits, road widening and services (water supply and sewage disposal services).

Site plan control may be used to require the conveyance of land for a road widening to achieve the minimum standards for road widths set out in this Plan provided the conveyance does not exceed 5 m [16.4 ft.] on any one side. The conveyance will normally be along the length of the frontage of the property affected and shall be conveyed at no cost to the municipality.

14.3 Zoning

Council shall amend its Zoning By-law to regulate the use of land, buildings and structures within the municipality in accordance with the enabling authority of Section 34 of the *Planning Act*.

14.4 Holding Zones

The Zoning By-law may include holding provisions subject to the enabling authority of Section 36 of the *Planning Act*. Lands which are subject to a holding provision shall be denoted as 'h' following the zone symbol for a particular zone category.

Holding provisions may be applied when the uses that will be developed in the area will be known. However, Council may delay development until specified conditions have

been met i.e. provision of services, remediation of contaminated sites, to control the phasing of development, to complete a Impact Assessment, Heritage Impact Assessment statement, etc. The holding provision will indicate the future use and the use permitted on the site during which the holding provision is in place.

The holding provision shall be removed by amendment to the zoning by-law when Council determines that the conditions have been met.

14.5 Interim Control By-law

Where Council has, by by-law or resolution, directed that a study be undertaken regarding its land use policies for an area or areas within the Planning Area, it may pass an interim control by-law under Section 38 of the *Planning Act* prohibiting the use of the land, buildings or structures within the area defined, except for uses as are set out in the by-law. An interim control by-law shall apply for a limited period of time. When an interim control by-law expires, the prior zoning shall automatically apply, unless a new Zoning By-law is passed.

14.6 Temporary Use By-laws

Council may pass by-laws to authorize the temporary use of land for a purpose that is otherwise prohibited by the Zoning By-law. Council may, therefore, in a By-law passed under Section 39 of the *Planning Act*, authorize a temporary use of buildings or structures for any purpose set out therein. The period of time for a temporary use may be for a period of up to ten years for a garden suite and up to three years in all other cases, both of which are renewable. In considering applications for such temporary uses, Council shall ensure that:

- Such uses are temporary in nature, compatible with surrounding land uses, and will not interfere with the long term development of the area; and
- Appropriate controls are placed in the implementing by-law to adequately regulate the temporary use.

Any use introduced under such a temporary use by-law does not acquire the status as a legal non-conforming use at the expiration of the by-law(s) and at that time must therefore cease.

14.7 Property Standards

Council will administer the property standards by-law under the *Building Code Act* with the objective of maintaining buildings, structures and properties (yards) in the municipality in a good state of repair.

The by-law may be reviewed from time-to-time with respect to the standards for maintenance of buildings and without limiting the foregoing, shall include consideration for:

- the maintenance of yards and accessory buildings
- the maintenance of residential and non-residential buildings and structures
- occupancy standards
- notices and orders
- administration and enforcement procedures

Council's strategy is to commence with the clean-up of yards and the removal of derelict vehicles and subsequently to address the rehabilitation of buildings and structures.

14.8 Land Division and Part-Lot Control

This Plan provides for land division using Part VI of the *Planning Act*. This includes land division by consent e.g. generally the creation of one or two lots, and by plan of subdivision e.g. division of land into multiple lots.

Where the use of land division is provided for in this Plan, this shall enable Council to require any person or corporation to enter into an agreement to satisfy any of the matters or conditions as may be provided for in Section 51 or 53 of the *Planning Act*.

An application for a consent or plan of subdivision shall be in accordance with the requirements of *The Planning Act*. Additional information may be required in assessing the appropriateness of the application. This may include the requirement for special studies such as noise and vibration, archaeological assessment, impact assessment for a natural heritage feature or area, minimum distance separation, influence area etc. Such studies shall be undertaken by the proponent at his/her cost and does not guarantee the approval of any application. Applications may not be further processed until such studies are submitted and deemed to be adequate.

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~~³⁸
- to permit an easement
- to permit a severance for municipal or other government purposes.

Consents for new lot creation may be permitted on a limited basis for rural residential development in accordance with Sections 6.8 and 6.9 of this Plan, provided that a maximum of three lots are created from an original land holding (excluding the retained

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lot) and that the lots comply with all of the applicable zoning standards in the zoning by-law. Any new lots created shall also comply with the requirements of Section 12.3 for on-site individual water and sewage services.

Consents may be granted in the Townsites in support of the infill and intensification policies of Section 6.3.2.6 and 6.3.3.5 of this Plan.³⁸

Part-lot control may be used for existing plans of subdivision where it is necessary to realign lot boundaries to clarify or grant title, exact specific servicing requirements as a condition of consent such as a road widening or to further control internal development on a lot.

14.9 Community Improvement

14.9.1 Community improvement may be used as permitted under Section 28 of the Planning Act.

14.9.2 Community improvement may be used to improve or upgrade infrastructure, public service facilities and to maintain, restore or renew buildings and properties. Council may also use the sustainable community development features of the *Planning Act* such as the restoration or redevelopment of brownfield sites, environmental site assessment, environmental remediation, development and redevelopment, construction and reconstruction of lands and buildings for rehabilitation purpose or for improving energy efficiency, buildings, structures, works improvements or facilities.

Before and After Photos of a Renovated Home



14.9.3 The intent of this Plan is to recognize the entire municipality as a Community Improvement Area.

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- 14.9.4 Within the Community Improvement Project³⁹ Area, Council may undertake or provide for one or more projects through the preparation of a Community Improvement Project Area Plan.
- 14.9.5 Council will use a property standards by-law to provide for the upgrading, maintenance or restoration of buildings and properties.
- 14.9.6 ~~Subject to Provincial approval, Council may make grants or loans towards the cost of rehabilitation of lands and buildings in conformity with the community improvement plan.~~ Council may provide grants, loans or tax assistance towards eligible costs in conformity with the community improvement plan.⁴⁰

14.9.7 Brownfields

Brownfield sites are sites where the environmental condition of the property and the quality of the soil or groundwater, particularly on former industrial and waste-disposal sites, may have the potential for adverse effects to human health or the natural environment. *Brownfield sites* are defined in the Provincial Policy Statement as: 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. The intent of this Plan is to identify and provide for the rehabilitation of brownfields, wherever feasible as a component of community improvement plans.

14.10 Existing 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 the Land Use Plan, Schedule "A". 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 nor prevent the maintenance, repair or strengthening of any building to a safe condition.

It is the intent 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.

14.11 Lots of Record

Lots of record which are vacant may generally be used for building purposes provided they front on and have direct access to a publicly maintained road, or meet the access provisions of this Plan and can be adequately serviced with appropriate sewage disposal and water supply services. An absolute minimum lot size may be established in the Zoning By-law.

14.12 Complete Applications

Amendments to the Official Plan, the Zoning By-law may be initiated by application or by Council in compliance with the requirements of the *Planning Act*. Prior to filing an application, applicants will be required to meet with the Township to ascertain the requirements for the submission of applications (e.g. required studies and information, fees, peer review, agency and public consultation etc.). This may be in addition to any required statutory public meeting. Applications for development for an official plan amendment, a zoning by-law amendment, ~~site plan control~~,⁴¹ subdivision or consent shall be reviewed for completeness. The Township/approval authority will not consider an application complete or may refuse an application where studies or other information required by this Plan or the *Planning Act* are not submitted as part of the application. These studies or information may include, but are not limited to:

- A servicing options report
- A hydrogeological study and terrain analysis or water assessment report including an assessment of the carrying capacity or appropriate density of development
- A drainage and/or stormwater management report
- An Environmental Impact Assessment for a natural heritage feature or area
- An Environmental Impact Study for an alternative energy facility
- An Archaeological Assessment
- A resource impact report for development in proximity to a waste management facility, industrial use or mineral/mineral aggregate use including an assessment of impacts within an influence area
- A traffic study
- A mine hazard rehabilitation assessment
- A contaminated site assessment report (environmental site audit/assessment)
- A noise and/or vibration study
- A source protection study including a groundwater impact and/or surface water impact study
- A MDS I or II calculation
- A minimum separation distance calculation for an industry, waste management facility, pit or quarry
- An off-site septage haulage report
- A geotechnical study

- A municipal servicing capacity report for water and/or sanitary sewage system
- A water supply assessment
- A market study
- A flood plain management/slope stability report
- A lake capacity assessment
- A shoreline capability assessment
- A boat capacity study
- A cost-benefit study and/or a justification report for a private road
- A renewable or alternative energy report for a solar, biomass, geothermal, passive, hydro or wind energy facility
- A visual impact assessment report for an alternative energy facility

- A heritage impact assessment.⁴²

These studies may be in addition to other requirements set out in Ontario Regulations 543/06, 544/06, 545/06 or 547/06.

Council/the approval authority may refuse to accept an application as complete in the absence of required studies in support of an Official Plan amendment, a zoning by-law amendment, a subdivision, consent, ~~or site plan application~~.⁴³

14.13 **Review and Consistency with the Planning Act**

Council's intent is to review planning applications for conformity with this Plan and to ensure that applications are consistent with the provincial plans and the Provincial Policy Statement. This Plan will be reviewed every five years in accordance with the requirements of the *Planning Act*.

15 INTERPRETATION

- 15.1 It is intended that the boundaries of the land use designations shown on Land Use Plan, Schedule "A" 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, Schedule "A".
- 15.2 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.
- 15.3 For the purposes of this Plan, it is interpreted that the existing use refers to the land presently or actually in use and not necessarily the total land area or land holding of the property owner.
- 15.4 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.
- 15.5 Where an Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may supersede the Act so named.
- 15.6 Reference shall be made to the Provincially Policy Statement, March 1, 2005 for terms defined and used in this Plan.