



BY-LAW 2024-16

Being a By-law to adopt the new Township of McGarry Official Plan

Whereas Section 17 (22) of the *Planning Act R.S.O. Ch. P.13*, as amended, enables Council to pass a by-law to adopt an Official Plan;

And whereas the Township has prepared an Official Plan;

And whereas the Township during the preparation of the new Official Plan, ensured that the Public, Indigenous Communities, and the Province were consulted, and all required information was made available to the Public and Indigenous Communities in accordance with the Planning Act;

And whereas a special meeting was held, open to the public, on November 10, 2020 in accordance with Section 17(15)(d) to introduce the review process and discuss the revisions that may be required;

And whereas the pre-consultation with the Ministry of Municipal Affairs and Housing (MMAH) and partner ministries on April 21, 2021, and a draft was provided to the Ministry on July 18, 2022, and no comments were received on the draft document from the Ministry;

And whereas the Township provided notice regarding the Open House and Public Meeting;

And whereas the Township conducted the statutory Open House on October 19, 2023 in accordance with the Planning Act to give the public an opportunity to make representations in respect of the proposed new Official Plan;

And whereas the Township conducted the statutory Public Meeting on April 9, 2024 in accordance with the Planning Act to give the public an opportunity to make representations in respect of the proposed new Official Plan;

And whereas the Council has reviewed the input from the Ministry and the Public;

And whereas the Corporation of the Township of McGarry, upon completion of the requirements set out under the Planning Act, deems it appropriate to adopt a new Official Plan;

Now therefore the Council of the Corporation of the Township of McGarry enacts as follows:

1. By-law No. 2010-01 and the Official Plan for the Township of McGarry, and amendments thereto, are hereby repealed at such time as the new Official Plan for the Township comes in full force and effect.
2. The Official Plan of the Township of McGarry, consisting of the attached text and Schedules, is hereby adopted.
3. The Clerk is authorized and directed to make an application to the Ministry of Municipal Affairs and Housing for approval of the aforesaid Official Plan for the Township of McGarry.
4. This By-law shall come into force in accordance with the provisions of the *Planning Act*.

Read a first and second time this 9th day of April 2024.

Read a third time and finally passed this 9th day of April 2024.



Bonita Culhane
Mayor



Karine Pelletier
Clerk-Treasurer



Township of McGarry Official Plan

As Adopted by Council

April 9, 2024



TOWNSHIP OF
McGarry

JL Richards
ENGINEERS • ARCHITECTS • PLANNERS

Prepared for:
The Township of McGarry
27 Webster Street; P.O. Box 99
Virginiatown, ON POK 1X0

Tel: (705-634-2145)

Prepared by:
J.L. Richards & Associates Limited
Engineers • Architects • Planners
314 Countryside Drive
Sudbury, ON P3E 6G2

JLR 28717-001

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1 Introducing the Township of McGarry Official Plan

The Township of McGarry (Township) has initiated a new Official Plan (Plan) for the municipality. The Plan is enabled under Section 17 of the *Planning Act* (Act), as amended. With the adoption of this Plan, the Township will repeal the existing Official Plan which was adopted in 2010, by the Council of McGarry Township, and amendments thereto. The adoption of this Plan will create a new Official Plan for the Township.

1.1 Basis of the Plan

1.1.1 Purpose of the Plan

The purpose of this Plan is to provide guidance and direction for development and planning decisions within the Township of McGarry to the 2047 planning horizon. Decisions that affect an area's growth and development have long-lasting impacts. Ultimately, such decisions should result in a liveable community that is economically and environmentally sustainable.

The Plan is meant to enable development that contributes to the long-term enhancement of McGarry's land base and prosperity and to direct development to where it poses the least risk to areas of local and provincial significance.

The goal is to formulate policies that are easy to interpret and apply and that logically guide development. This Plan will be implemented through a new Zoning By-law for the Township and will provide a basis for other municipal by-laws and Plans to regulate the development and use of land.

All planning decisions are required to conform to the Official Plan as per Section 24(1) of the Act.

1.1.2 Legislative Context

The *Planning Act* requires that municipalities have Official Plans which contain goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, and natural environment of the municipality. The Act also identifies matters of provincial interest, which are further defined by the 2020 Provincial Policy Statement (PPS). This Plan was drafted, reviewed, and adopted in conformity with the requirements of the Act and is consistent with the 2020 PPS and other policy statements issued under the Act.

The Plan conforms to the 2011 Growth Plan for Northern Ontario (GPNO) and aims to build upon those strategic directions identified in the GPNO to strengthen Northern Ontario.

The Plan will be reviewed in accordance with the *Planning Act* and may also be amended by the municipality to reflect changing circumstances or new priorities in the interim. When amendments are made to the Plan, appropriate amendments will also be made to implementing by-laws so that any such by-law is in conformity with the Plan.

1.2 The Township of McGarry

McGarry is a Township with approximately 579 residents (2021, StatsCan) which contains the communities of Virginiatown and Kearns. It is located in northeastern Ontario, within the Timiskaming District, about 40 km east of Kirkland Lake, and directly bordering Quebec, west of Rouyn-Noranda. Highway 66, a major highway linking the communities from Matachewan and Kirkland Lake, eastward to the Quebec border, runs through the Township.

McGarry is a scenic area, largely oriented to outdoor activities such as cross-country skiing, hunting, fishing, snowmobiling and ATV trails. The Township has several lakes inside its borders, with amenities near the northeast arm of Larder Lake. The Township is a very opportune area for tourism, as the plan will discuss in Section 2.3.2.

Historically, this area has been supported by the mining industry. Gold was reported to be found underground as early as the 1800s, by Chief Ignace Toneré of the Temagami First Nation. A stake was claimed by J.T Kearns in 1907. Consequently, gold was extracted by various mining companies over the years and claims are still being staked. Virginiatown served as a housing community for the working miners in the Township and as a bedroom community to nearby Kirkland Lake.

Over the years, the mining industry's contributions to the local economy have been cyclical, and the Township looks to diversify the economy. Though there is still potential to develop mines in the area, emphasis has been placed on diversifying the economy.

Today the Township is contemplating the possible reopening of the Kerr-Addison Mine as its current owner, Gold Candle, is undertaking exploration and drilling to evaluate mineralization remaining around the historic workings and to explore for new zones of mineralization. Since the acquisition, Gold Candle has conducted remediation work to address legacy mining impacts. Gold Candle provides regular updates to the Township and the potential redevelopment of the Kerr-Addison Mine.

There is not yet sufficient data to determine if reopening the Kerr-Addison mine is economically and technically feasible. If a mining project is to go forward, it is estimated that the process for designing, permitting, and building a mine would take at least eight to ten years. Given the location of the mine, in the centre of the community, if that was to occur, a thorough collaborative consultation process will be required regarding land use and the future layout and development of the Township.

1.2.1 Township Vision

Through the consultation process for the concurrent Strategic Plan Update, a Vision and Mission statement was drafted that identifies how community members and Council see the Township of McGarry:

Vision:

"We envision a proud, thriving, eco- friendly community that is safe and welcoming for all ages ."

Mission:

The Township will promote the attraction and retention of residents and businesses by supporting an affordable, attractive quality of life and pursuing local investment in a sustainable manner ."

1.2.2 Township Issues, Goals, and Objectives

The Township is currently in the process of preparing an updated Strategic Plan.

The Strategic Plan outlines the issues, goals, and objectives of the Township, and serves to guide and inform future land use planning decisions. This Plan will provide the land use planning policy to support the Township's strategic objectives found in this plan, as outlined below.

Goal A) Promote the Township and build relationships to attract residential and economic investment

The Township's desire for future residents and businesses will draw upon networking, marketing, and working together regionally.

- *Maintain a publicly available and online list of local properties available for redevelopment or rehabilitation with potential for in-demand local amenities, e.g. gas stations, grocery stores;*
- *Discuss economic development approaches with local/regional municipalities*
- *Establish an Attraction and Retention Strategy to attract new residents based on affordability, access to nature, and sense of community*

Goal B) Become an attractive Township to draw visitors and make residents proud

The projects in this goal relate to improving aesthetic attraction and property maintenance, as well as provide opportunities to attract visitors who come to appreciate the natural beauty of the area. These include:

- *Optimize the marina and lake pavilion space for seasonal and year-round use*
- *Seek interested commercial operations to establish recreational activities at the waterfront*
- *Work with the Province and other stakeholders to rehabilitate mine tailing areas around the beach*
- *Set up volunteer services and provide local incentives to encourage landscaping, yard clean up, and maintenance on private or institutional properties*

Goal C) Meet community needs for infrastructure and services

The Township aspires to provide the necessary delivery of municipal and private services (water and roads are the priority, along with internet connectivity) as well as a level of infrastructure to support existing and attract new community and commercial services.

- *Prioritize and maintain existing infrastructure, updating the Asset Management Plan*
- *Identify opportunities for expanded healthcare services*
- *Explore shared transportation services*
- *Improve connectivity between the three communities*

Goal D) Offer diverse opportunities and amenities for social and active living

The Township seeks to provide recreational and social opportunities for all ages.

- *Identify opportunities for small scale investments into "social infrastructure"*
- *Develop a Recreation Master Plan to outline longer-term plans for new facilities and recreation activities in the Township and establish capital funding needs.*

Goal E) Strengthen Economic Resources and Strategies for the Township

The Township will build a complement of tools to support its economic development goals.

- *Pursue grants and funding opportunities for the Township*
- *Strengthen relationships with mining industry for local employment, capital investment partnership, and philanthropic opportunities.*
- *Establish a community development committee for local business owners and operators*

2 General Policies

2.1 Community Structure

The Township generally consists of two settlement areas where the focus of development, services, and private lands are located. This is designated as the Urban Settlement Area (Virginiatown, North Virginiatown, and Kearns). The remainder of the Township consists of rural and crown lands, including the area of Cheminis.

2.1.1 Urban Settlement Area

The Urban Settlement Area maintains the general land use pattern from the Township's existing Plan, supports the Township's vision to entice residents and businesses to the municipality, allows the Township to maximize economic development opportunities that are supported by the GPNO, and makes efficient use of existing municipal infrastructure.

2.1.2 Rural Area

Rural lands within the Township are a mix of waterfront, natural resource areas, privately held lands, and Provincial Crown Lands. These areas will be promoted for a variety of uses including, but not limited to, limited rural residential uses, public recreation, commercial tourism, cottaging and waterfront development, agricultural uses, industrial uses, and the sustainable management or use of resources.

2.2 Growth Management

Growth management in the Township is based on accommodating most of the growth to the year 2047 in the Urban Settlement Area through:

- a) Land use intensification, where possible, and having regard for the timely and efficient use of existing infrastructure;
- b) The evaluation of growth-related infrastructure costs and financial implications of proposed works;
- c) Directing development to areas suitable for the provision of hard and soft municipal services;
- d) Encouraging a mix of housing types and tenures; and
- e) Maintaining an adequate supply of vacant designated land to enable choice and flexibility, while recognizing the growth projected for the planning horizon and the need to develop in an orderly, efficient, timely, and affordable manner.

The District of Timiskaming is projected to have low population growth over the 25-year planning period (2021-2046). The OMF population projections indicate an initial increase and then general decline in overall population of the Timiskaming District from 2020 to 2046. The population of seniors are projected to be between 27% and 32% for the duration of 2020-2046, which is relatively large, especially in comparison to the decline in the proportion of the population represented by children aged 0-14, projected in the same years. When reviewing McGarry's share of the District population, an initial growth and subsequent decrease in population is projected, to represent an average projected growth of 66 persons or 33 households over the planning period. However, the population projections do not take into account recent demographic changes due to

the global Covid-19 pandemic increasing work-from-home and out-migration from Ontario's large cities to smaller urban and rural areas across the province. The Township has seen greater interest in development opportunities and in-migration to the community following the Covid-19 pandemic.

The primary means for reviewing the adequacy of the Township's supply of land and expansions to the Urban Settlement Area will be the 10-year review process. Proposed amendments to the Plan to expand the Urban Settlement Area in advance of the 10-year review process will be evaluated for public benefit on the basis of the following criteria:

- a) Sufficient opportunities for growth are not available through intensification, redevelopment, and designated growth areas to accommodate the projected needs over the identified planning horizon;
- b) The infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
- c) The need for growth at the proposed location, based on the rationale outlined in a comprehensive review;
- d) The costs and benefits of permitting growth at the proposed location; and
- e) The implications for municipal servicing and other services.

Notwithstanding the above, the Township may adjust the Urban Settlement Area boundary outside of a comprehensive review provided that there is no net increase in settlement area lands, the adjustment supports intensification and redevelopment, and the lands are appropriately serviced.

2.3 Economic Development

The economy of the Township of McGarry has historically been dependant and continues to be on natural resources such as mining, as 23% (StatsCan, 2016) of the employed population of the Township is employed in that sector. Supporting those industries, others work in the government, retail, service, health care, and education sectors.

The location of the Township serves as a gateway welcoming nearby visitors from Quebec and providing access for locals to visit Mount Cheminis (Mont Chaudron) on the other side of the provincial border. The proximity of Mount Cheminis and multiple lakes within the Township serve as opportunities for tourism destination for fishing, hunting, and outdoor enthusiasts from all over Ontario. This section will outline diversification avenues of the economic base for long-term economic prosperity. The following are key economic objectives during the planning period.

2.3.1 Highway Commercial Business

Highway 66 is part of the Trans-Canada that connects Highway 11 to Highway 117 in Quebec. A portion of the highway within the Township was relocated in 2017 due to long-term geo-technical risks associated with the former Kerr-Addison mine. The highway was relocated north with a 3.4 km route to bypass the abandoned Kerr-Addison mine. Traffic now bypasses North Virginiatown and Virginiatown communities, still allowing for interconnectivity. The corridors along the previous location of Highway 66 at the entrance to Virginiatown and in Kearns along the present route are identified as commercial, which allows for visibility, interaction, and expenditures with the travelling/local public.

2.3.2 Support and Advance the Tourism Sector

Tourism is an important sector that has the potential for further growth in the Township of McGarry. The Township has taken steps to developing and maintaining boat launches, the marina, creating snowmobiling & ATV trails to improve recreational areas and increase tourism. Areas continue to be designated Lakefront Recreational Area to permit tourist commercial development and additional actions to support tourism have been identified in the Township's Strategic Plan.

2.3.3 Support for Area Resource Extraction – Mining and Aggregates

The Township of McGarry continues to host former mining operations, particularly the Kerr-Addison mine, McGarry mine, and Baber-Larder properties. These span 2.4 kilometres on the Cadillac Larder Lake Break, considered one of the world's most prolific gold structures. Gold Candle is presently drilling at the Kerr-Addison property in hopes of re-commencing gold mining operations. The Township maintains regular communications with Gold Candle to determine the extent of potential operations and their impact on the Township.

2.3.4 Business Retention and Expansion

The retention and expansion of existing businesses is an important part of economic development programs by ensuring that local issues are addressed to enable businesses to remain as viable enterprises in the community and expand operations. Doing so will help maintain and grow the local tax base.

2.3.5 Attract Visitors and New Residents

McGarry Township has been successful in attracting young families and visitors to the small and welcoming community. With the relocation of Highway 66, and a revitalized, functional and maintained website, the community should now develop a brand that can be used on all new community signage and future communication materials (e.g. website, Jamboree advertising, etc.) to take the next steps in attracting visitors and new residents.

2.3.6 Encourage and Promote Entrepreneurship

Entrepreneurship involves creating a business idea and turning that idea into a real business – creating new goods and services based on new technologies, innovative ideas, or simply unsatisfied market demand. Supporting entrepreneurship is a key part of its economic development and critical to the development of a vibrant and creative local economy. This plan permits home based businesses as a critical entrepreneurial opportunity, provided that land use compatibility is ensured with the residential area.

2.4 Community Improvement

The community improvement provisions of the *Planning Act* provide the opportunity to plan and coordinate comprehensive physical improvements. Community improvement policies are intended to give municipalities a mechanism to address deficiencies and offer incentives within designated areas in a coordinated and comprehensive fashion and to encourage private investment activity and physical improvements in these areas.

- 1) It is the Township's intention to encourage improvements to the quality of existing development, community facilities, and public services, particularly within the Urban

Settlement Area, to provide those additional community facilities as circumstances and finances permit.

- 2) It is intended that community improvement policies will serve the following objectives:
 - a) Support the Township's economic and community development activities through the enabling of financial incentives, including tax-increment grants and other incentives;
 - b) Support brownfield remediation and redevelopment;
 - c) Support the creation of seniors and affordable housing, and purpose-built rental housing units;
 - d) Encourage residential intensification opportunities, such as mixed use and infill developments, and accessory apartments;
 - e) Improve the Township's visual image and condition;
 - f) Encourage the preservation, rehabilitation, renewal, and reuse of heritage resources;
 - g) Provide for the continued social and economic viability of the Township, in particular through the encouragement of locating services and amenities in the Township;
 - h) Provide an environment that is attractive to new investment for residential, commercial, and industrial properties; and
 - i) Encourage the ongoing maintenance, rehabilitation, redevelopment, upgrading, and improvement of the physical environment, within a framework of sound fiscal management.
- 3) The Township will maintain a municipal-wide "Community Improvement Project Area" designation within its municipal limits. The Township may identify and establish by by-law a specific Community Improvement Project Area.
- 4) The Township may undertake a Community Improvement Plan (CIP) which may include design guidelines, incentive programs, and a schedule of works for the maintenance, rehabilitation, repair, and development of public and privately-owned facilities and lands.

2.5 Climate Change

2.5.1 Sustainability

- 1) Council shall promote sustainability through energy conservation, water conservation, air quality improvement, and waste reduction by:
 - a) Initiating, participating, and cooperating in programs, including public education and awareness;
 - b) Encouraging infill and intensification of existing built-up areas and the efficient use of existing infrastructure;
 - c) Incorporating energy conservation measures and encouraging environmental design standards, such as LEED, into site and building design;
 - d) Encouraging the use of walking, bicycling, and carpooling as alternatives to private automobile use;
 - e) Promoting design and orientation of subdivisions and developments which maximize the use of alternative or renewable energy systems at appropriate locations;

- f) Encouraging the reuse and multiple uses of treated water, including stormwater;
- g) Encouraging the planting of native trees, shrubs, and other ground vegetation for temperature reduction and infiltration;
- h) Encouraging development proposals to provide adequate waste disposal, recycling, and composting facilities;
- i) Supporting innovative waste collection and diversion programs; and
- j) Supporting the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive reuse of older and existing building stock; and
- k) Ensuring that infrastructure and public service facilities are provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.

2.5.2 Adaptive Design for Climate Change

- 1) Council shall encourage community infrastructure and proposed developments that take into account the potential impacts from climate change by promoting the following:
 - a) The protection, enhancement, and restoration of significant natural heritage features and areas;
 - b) Green industries and green building technologies and construction practices;
 - c) Environmental designs and retrofits of buildings and infrastructure that reduce the quantity and improve the quality of stormwater runoff;
 - d) The incorporation of active transportation networks and linkages in proposed developments;
 - e) Tree planting and innovative green space designs that reduce energy use through shading and sheltering;
 - f) The planting of native and non-native, non-invasive tree and vegetation species in proposed developments that are resilient to climate change and reduce carbon footprints;
 - g) Artificial shading in appropriate locations;
 - h) Greater use of permeable surfaces and pervious pavement, where appropriate, to reduce flood risk and strains on sewer and stormwater infrastructure;
 - i) The establishment of community gardens in suitable locations that have maximum exposure to sunlight; and
 - j) Public education and awareness of measures to reduce the effects of climate change.

2.6 Quality of Place

Land use decisions supported by this Plan promote a natural and built environment that foster an excellent quality of life for residents through quality of place.

- 1) The Township supports development that encourages a sense of place, promotes well-designed built form and cultural planning, and conserves features that help define character, including built heritage resources and cultural heritage landscapes.
- 2) The Township will support accessibility within all aspects of land use planning, including by:
 - a) encouraging housing providers to design and develop barrier-free housing; and
 - b) working with community-based accessibility organizations to improve accessibility in the Township.

2.7 Housing

2.7.1 Affordable Housing

The Township's 2018 Strategic Plan identified affordable housing as a strength of McGarry. However, some threats were recognised, such as lack of supportive group housing for the aging population and possible mining operations which may result in housing relocation for locals. Additionally, the Strategic Plan reported approximately 19.7% of residents require major housing repairs (2016). The Township may participate in federal and provincial housing programs designed to provide assistance to housing services and may collaborate with the District of Timiskaming Social Services Administration Board (DTSSAB) and other agencies as appropriate, to identify and respond to housing needs in the community.

- 1) Affordable housing shall be encouraged through infilling and intensification where servicing is appropriate, by encouraging non-profit housing, and an appropriate mix of housing types and low to high densities. Council will encourage affordable rental housing accommodation in existing and new housing stock. Additional dwelling units and garden suites shall be considered a form of affordable housing.
- 2) The Township will target a 5% ratio of affordable housing units in all new development.
- 3) Affordable is based on the definition in the PPS.
- 4) Council is encouraged to work co-operatively with local and nearby First Nations and Indigenous communities such in promoting and planning for affordable housing.
- 5) Shared housing arrangements, such as single room occupancy, shared housing with support, and shared ownership arrangements are permitted throughout the Township.

2.7.2 Additional Dwelling Units

Additional Residential Units (also known as secondary units, accessory apartments, basement apartments, or in-law suites) are self-contained dwelling units, located within and subordinate to an existing dwelling unit and/or within an accessory building.

- 1) The Planning Act authorizes additional residential units by permitting on a parcel of residential land having municipal water and sewer services: (a) the use of two residential units in a detached house, semi-detached house, or rowhouse, if all buildings and structures ancillary to the house cumulatively contain no more than one residential unit; (b) the use of three residential units in a detached house, semi-detached house or rowhouse, if no building or structure ancillary to the house contains any residential units; and (c) the use of a residential unit in a building or structure ancillary to a detached house, semi-detached house, or rowhouse, if the house contains no more than two residential units and no other building

or structure ancillary to the house contains any residential units. Additional dwelling units will be permitted throughout the Township in any land use designation that permits a residential use, provided that they comply with the Ontario Building and Fire Codes and they can be accommodated with the proper servicing in accordance with Section 5.2.1 of this Plan.

- 2) Additional dwelling units shall be prohibited from being severed from the lot containing the primary residential use.
- 3) The Zoning By-law will provide regulations in accordance with the *Planning Act*.

2.7.3 Garden Suites

Garden suites are one-unit detached residential structures containing bathroom and kitchen facilities that are ancillary to existing residential structures and designed to be portable. They provide an affordable housing option that supports changing demographics, allows for aging in place, and provides opportunities for reasonably-priced accommodation.

- 1) Garden suites shall be permitted in conjunction with a single-detached dwelling throughout the Township, provided that: they comply with the Ontario Building and Fire Codes; they can be accommodated with the proper servicing; and they are compatible with surrounding land uses.
- 2) A garden suite may only be permitted through a temporary use By-law and the use shall not exceed twenty (20) years from the date of passing the by-law. Extensions for further periods of not more than three years each during which the temporary use is authorized may be granted by Council by By-law in accordance with the *Planning Act*.
- 3) The Zoning By-law shall include regulations for unit size, setbacks, on-site parking, and other performance standards.
- 4) Council may require the property owner to enter into an agreement dealing with such matters related to the temporary use of the garden suite, including:
 - a) The installation, maintenance, and removal of the garden suite;
 - b) The period of occupancy of the garden suite by any persons named in the agreement; and
 - c) The monetary or other form of security that may be required for actual or potential costs related to the garden suite.

2.7.4 Group Homes

A group home is a single housekeeping unit in a residential dwelling in which people (excluding supervisory staff or the receiving body) live together under responsible supervision consistent with the particular requirements of its residents. The home is licensed or approved under provincial statutes and in compliance with municipal by-laws.

- 1) Group homes are a residential use and shall be permitted in all land use designations which permit residential uses. They shall be encouraged, but not limited, to locate in proximity to community services and facilities that may serve residents. Council will provide input to the provincial licensing or approval authorities on any applications for group homes in the Township.

2.7.5 Mobile Homes and Mobile Home Parks

Mobile homes are considered a form of affordable housing, and are similar to a single detached dwelling. Mobile homes will be regulated in the Zoning By-law in terms of permitted locations and performance regulations.

Mobile home parks may be permitted in appropriate locations as an alternative to traditional forms of housing. The Zoning By-law will address where such parks may be permitted.

- 1) Mobile home parks shall generally be developed, owned, and operated as a single unit. Ownership and maintenance of internal roads, services, common elements, open space areas, and buildings shall be the responsibility of the owner.
- 2) Any new Mobile Home Park will be subject to Site Plan Control. Such a review shall consider such factors as proposed land uses, densities, servicing, utilities, internal design, aesthetics, landscaping, and the physical relationship of the mobile home park to existing adjacent development.
- 3) Access points shall be limited in number and designed to minimize conflict with pedestrian and vehicular traffic.

3 Land Use Policies

3.1 General Policies Applicable to all Designations

3.1.1 Community Gardens, Greenhouses, and Temporary Farmers' Markets

The Township supports community gardening and greening efforts to allow for growing local food, enhancing community aesthetics, and providing quality green spaces within the Township.

- 1) Community gardens, small-scale greenhouses, and temporary farmers' markets will generally be permitted in all land use designations, provided that: the design and siting of any buildings and structures are in keeping with the character of the surrounding area; sufficient parking is available; and the community garden or greenhouse use will not detract from the primary function and use of the area.
- 2) Commercial greenhouses are not included in the above policy and shall be located in the Employment or Rural designations.

3.1.2 Home-Based Businesses

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

- 1) Home-based businesses are permitted in any land use designation that permits a residential use, subject to performance standards that will be established in the Zoning By-law.
- 2) Where permitted, home-based businesses shall be secondary to the residential use of the property and shall not generate adverse impacts on surrounding properties. Home-based businesses which can no longer be considered secondary to the residential use of the property shall be subject to a Zoning By-law Amendment or required to relocate to an appropriately zoned commercial or industrial site.
- 3) Home-based businesses located along Highway 66 shall require the approval of MTO. Typically, MTO will require that the property owner obtain a building and land use, entrance, and/or sign permit. As a condition of these permits, MTO requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future if MTO's safety requirements are not met and that an additional entrance will not be permitted to accommodate a home-based business.

3.1.3 Institutional and Community Facility Uses

- 1) Institutional and community facility uses, such as schools, public parks, day care centres, hospitals, fire stations, police stations, museums, churches, libraries, community centres, recreational facilities, service clubs, federal and provincial government uses, and similar public or quasi-public uses will generally be permitted in all land use designations, provided that the design and siting of the buildings and structures are in keeping with the character of the surrounding area and the use will not detract from the primary function of the area.
- 2) Proposed institutional and community facility uses will be subject to the following policies:
 - a) The land is suitable for the proposed use;
 - b) The use can be adequately serviced;
 - c) Adequate off-street parking, loading, and landscaping shall be provided; and

- d) Significant traffic generators shall be appropriately located so that surrounding uses are not adversely affected.
- 3) Institutional and community facility uses shall be regulated through the Zoning By-law.
- 4) Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness, facilitate service integration, and permit active transportation.
- 5) The Township has identified the need for a Recreational Master Plan to provide a strategic and coordinated approach to investment in recreational infrastructure. Once such Plan is in place, recreational projects should follow the Recreational Master Plan.

3.1.4 Public Infrastructure and Utilities

- 1) Public infrastructure uses and utilities, such as power (excluding alternative energy systems and renewable energy systems), water services, roads, railways, telecommunications, but not including waste disposal sites, will generally be permitted in all land use designations, provided that such use or utility is necessary and appropriate in the location and is compatible with surrounding uses.
- 2) Municipal water and sewage treatment plants will be permitted in any land use designation, subject to all necessary approvals being obtained from the Ministry of the Environment, Conservation and Parks (MECP), and being appropriately zoned in the Zoning By-law. The relative location of sewage treatment plants and sensitive uses shall follow applicable MECP Guidelines.
- 3) Utility improvement is an ongoing process requiring replacement of existing facilities and creation of new sites for utility-related functions, such as transformer stations, pumping stations, valve stations, etc. Council shall actively seek to coordinate the siting of these utilities within rights-of-way and the coordination among utilities in order to avoid unnecessary duplication of rights-of-way or easements.
- 4) Each utility company should be consulted in the development, design, and approval stages for new development or redevelopment to allow time to plan for utility provisions.
- 5) Planning for infrastructure, electricity generation facilities and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so they are:
 - a) financially viable over their life cycle, as demonstrated through asset management planning; and
 - b) available to meet current and projected needs.

3.1.5 Wayside Pits and Quarries, Portable Asphalt Plants, and Portable Concrete Plants

Wayside pits and quarries, portable asphalt plants, and portable concrete plants are temporary operations established by or on behalf of a public road authority on short notice solely to fulfill an immediate road construction or maintenance need.

- 1) Wayside pits and quarries, portable asphalt plants, and portable concrete plants are permitted throughout the Township without the need to amend this Plan or the Zoning By-law except in areas determined to be incompatible with extraction and associated activities

including areas of existing sensitive land uses or environmental sensitivity such as designated natural heritage features or defined adjacent lands.

- 2) Adequate buffering and visual screening shall be provided to minimize any adverse effect of dust and noise on adjacent roads, land uses, waterbodies, and watercourses. Sites are regulated in accordance with the *Aggregate Resources Act*, but may be subject to Site Plan Control.
- 3) An archaeological assessment may be required if the subject site is located in an area of archaeological potential.

3.2 Urban Settlement Area

The Urban Settlement Area of McGarry of Virginiatown, North Virginiatown, and Kearns functions as a centre for growth, development, and urban activities. It is the service centre for the Township and is where municipal water and sewer services are provided. The Urban Settlement Area will be the focus of residential, commercial, employment, institutional, entertainment, and cultural uses.

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

The policies of Section 5.2 apply regarding servicing.

3.2.1 Residential

The Residential area is the focus of residential development, which is the majority of the development in the Township. It allows for a variety of housing types and densities, in addition to facilities and services such as schools, parks, places of worship, community services, and local neighbourhood-oriented commercial uses which are integral to and supportive of a residential environment.

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

- 1) Low density residential uses are permitted including single detached dwellings, semi-detached dwellings, and duplex dwellings.
- 2) Additional dwelling units, garden suites, group homes, and emergency shelters are considered residential uses and are permitted in accordance with the policies of this Plan.
- 3) Medium to high density buildings (i.e. triplex, fourplex, row or block townhouses, apartments, and multi-residential buildings) are also permitted, subject to the following considerations:
 - a) The type and size of the development;
 - b) The adequate provision of services and parking;
 - c) Proposed buffering provisions that shall serve to minimize any potential adverse effects on adjacent properties;

- d) The design of the development in relation to the character, scale, massing, height, and streetscape features of adjacent buildings.
- 4) Multi-residential development that is designed for occupancy by seniors, including seniors' apartment buildings, assisted living facilities, and long-term care facilities is permitted. Related commercial uses may also be permitted. The development of any new seniors' facility and related commercial uses, including the conversion of an existing building, may require a site-specific Zoning By-law Amendment and Site Plan Control.
- 5) Affordable housing is promoted in accordance with the policies of this Plan.
- 6) Tiny homes are permitted in accordance with the policies of this Plan and the Ontario Building Code.
- 7) Complementary land uses may be permitted in the Residential area where they are compatible with the residential environment, including parks and open space and institutional and community facility uses.
- 8) Home-based businesses and bed and breakfast establishments are permitted in the Residential area, subject to the policies of this Plan,. Such businesses will be set out in the Zoning By-law however, in some cases may require approval of a site-specific Zoning By-law Amendment. All such uses shall be compatible with the residential area.
- 9) Local commercial uses and personal services uses may be permitted in the Residential area, where they are compatible with the surrounding residential area, and may require a site-specific Zoning By-law Amendment. The Zoning By-law may set out additional performance standards including floor area, height, parking, and landscaping requirements. Local commercial uses may be subject to Site Plan Control. Compatibility will be assessed based on the following:
- a) Potential affects to the character of the surrounding residential area;
 - b) Noise and traffic generation; and
 - c) Overall number of local commercial uses, location, and design.
- 10) Rezoning applications related to the conversion of surplus institutional buildings, surplus space within occupied institutional buildings, and lands held by institutions to facilitate other uses, including employment and light industrial, fabrication uses, will be considered based on the following criteria:
- a) The need for such lands or buildings for other public uses, and their long-term value to the community;
 - b) The compatibility of the proposed uses with surrounding land uses and the intent of the policies in this Plan with respect to the proposed use. In particular the Township will have regard to Environmental Compliance Approvals (ECA) and/or separation distances for light industrial/fabrication uses in proximity to sensitive uses;
 - c) For conversion to residential uses, the appropriateness of the proposed density; and
 - d) The adequate provision of services and access for the proposed use.

3.2.2 Commercial

The Commercial area is generally located on Webster Street and Connell Avenue in Virginiatown which were in close proximity to the previous Highway 66 location. In other parts of the Settlement Area the Commercial Area is along Highway 66. This area permits a variety of commercial and institutional uses in addition to medium and high-density residential uses. It is the intent of this Plan to encourage growth of the business function of this area by promoting the expansion of retail, office, and public uses and encourage investment in community improvements.

- 1) Permitted commercial and institutional uses shall include but not be limited to retail operations, offices, restaurants, motels and hotels, personal and related services, tourist services and facilities, entertainment uses, institutions, government and public operations, and general business activities appropriate to the Urban Settlement Area.
- 2) Large format retail may be considered along Highway 66, subject to adequate servicing, parking, landscaping, and MTO approval. A Zoning By-law Amendment and supporting traffic impact study may be required.
- 3) In recognition of the existing character of the area, low to medium density residential development shall be permitted. Home-based businesses may be permitted, accessory to an existing residential use. Accessory dwelling units may be permitted in the Employment area, when accessory to a commercial or institutional use. Mixed-use buildings that provide for the integration of two or more permitted uses, other than industrial, shall also be permitted.
- 4) Medium and high-density multi-residential development may be permitted subject to land use compatibility and may require Zoning By-law Amendment and Site Plan Control.
- 5) A compact form of development will be encouraged in downtown Virginiatown which has the conventional character of a 'main street' with zero lot line setbacks and creates an inviting sense of place. Streetscaping may include on-street parking, wide and accessible sidewalks, street furniture, and pedestrian scale lighting and landscaping.
- 6) Appropriate landscaping and buffering shall be provided along road frontages and along boundaries with residential uses. In order to promote a denser, more urban environment in the community core, reduced parking requirements may be considered.
- 7) Uses may be subject to Site Plan Control.
- 8) Improvements to the Commercial Area will be encouraged by such means as CIPs enabled by Section 2.4 of this Plan, business improvement areas, redevelopment, renovation, and land assembly programs, and by the construction of new commercial and institutional or mixed used buildings.

3.2.3 Open Space

The Open Space designation applies to large parkland areas and land holdings for community facility uses within the Urban Settlement Area, in particular on and adjacent to the Virginiatown Community Centre and recreational infrastructure in Virginiatown and Kearns. These areas are planned to continue to provide a range of active and passive recreational opportunities.

The Township may consider developing a Parks and Recreation Master Plan to further coordinate development of recreational facilities.

3.3 Employment

The Employment area is generally located west of Virginiatown at the Armistice Mine Site and east of Kearns, both locations along Highway 66. The Employment area will be protected and preserved for current and future uses, including its proximity to goods movement corridors, and shall allow for a variety of commercial and industrial uses which provide employment in the Township. It is the intent of this Plan to encourage growth of the business function of this area by promoting the expansion of commercial and industrial uses and by encouraging investment in community improvements.

- 1) These areas do not have municipal services, and permitted uses shall be dry uses and site conditions shall be suitable for the long-term provision of individual on-site sewage services and water services.
- 2) Where industrial uses are proposed on or near adjacent sensitive lands, separation distances and/or studies shall be required in support of the proposed development. The approval of development proposals shall be based upon the achievement of adequate separation distances and the recommendations of required studies, in compliance with Section 4.8.
- 3) Permitted industrial uses shall include but not be limited to railyards and transportation, warehousing, processing, manufacturing, logistics operations, distribution, fabricating, and storage. In addition, certain other compatible uses are permitted, such as commercial uses accessory to industrial uses, commercial uses primarily serving the industrial area, wholesale uses, office uses, other quasi-industrial, or service or business uses, and commercial uses which require large sites for storage.
- 4) Industrial uses shall be placed in an Industrial zoning category in the implementing Zoning By-law. Performance standards shall also be included that separate, screen, or otherwise buffer adjacent sensitive land uses from open storage areas, noise, odour, and other impacts. Open storage will be screened such that it is not visible from a provincial highway, municipal road, or adjacent residential uses.
- 5) Uses may be subject to Site Plan Control.
- 6) Improvements to the Employment area will be encouraged by such means as CIPs, business improvement areas, redevelopment, renovation, and land assembly programs, and by the construction of new commercial buildings.
- 7) Re-use of surplus institutional buildings/space in the Residential designation may be considered for employment uses subject to land use compatibility, in accordance with Policy 11 of Section 3.2.1.
- 8) No industrial operations shall be permitted within 1 km [0.6 miles] from a wellhead protection area.

3.4 Rural

Lands designated as Rural are intended to protect the natural amenities of the area and provide opportunities for rural and other agricultural and resource-based activities, limited rural residential, limited rural commercial and industrial (through rezoning), and outdoor recreation and tourism. Some rural lands within the Township are Crown Lands.

3.4.1 Rural Residential Uses

- 1) Recreational dwellings and limited low density residential development is permitted in the Rural designation and shall generally be single detached dwellings. The conversion of existing single detached dwellings into semi-detached or duplex dwellings may be permitted in accordance with the provisions of the Zoning By-law.
- 2) Rural residential development shall not require municipal water or sewer services. The lot must have the capability to provide an appropriate sewage disposal system and water supply with both quantity and quality suitable for domestic uses.
- 3) Development shall be located to ensure that the impact on natural heritage features will be minimal.
- 4) Where the number of lots being proposed requires that the development will be by plan of subdivision, the policies of Section 6.4.1 shall be followed.
- 5) Mobile home parks are permitted in accordance with the policies of this Plan.

3.4.2 Rural Commercial Uses

Most commercial development will take place in the Urban Settlement Area recognized in this Plan. However, it is anticipated that there may still be a need or desire for commercial development in the Rural area. In particular, areas along Highway 66 may be appropriate for rural commercial activities.

- 1) Rural commercial uses which provide for the basic and immediate needs of the rural population and of tourists and the travelling public shall be permitted. Permitted rural commercial uses shall include, but not be limited to, resort and recreation commercial uses, tourist facilities, auction barns, farm-related commercial and convenience commercial, flea markets, golf courses, and other highway commercial uses.
- 2) Proposed rural commercial uses shall be subject to the following:
 - a) The use must be appropriate for the proposed location and be compatible with surrounding land uses;
 - b) Access will be carefully controlled in order to avoid creating any traffic hazard;
 - c) Appropriate landscaping, screening, and buffering shall be provided;
 - d) Adequate parking and loading spaces will be provided;
 - e) Advertising signage and outdoor storage of goods and materials will be appropriately controlled;
 - f) The uses will be placed in a separate category in the Zoning By-law;
 - g) The uses shall be dry uses and site conditions shall be suitable for the long-term provision of individual on-site sewage services and water services.
- 3) Development may be subject to Site Plan Control.

3.4.3 Agricultural Uses

Agricultural uses, including farm operations, agriculture-related uses, on-farm diversified uses, and normal farm practices, are permitted in the Rural designation. For clarity, the growing of cannabis is considered to be an agricultural use.

- 1) New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with Minimum Distance Separation (MDS) Formulae and will be placed in the proper zoning category.
- 2) The Township recognizes that the MDS guidelines provide options for municipalities. The application of MDS scenarios where flexibility exists will be established in the implementing zoning by-law, as appropriate.
- 3) Existing agricultural uses are permitted to continue in and adjacent to natural heritage features.

3.4.4 Forestry

Forestry activities are permitted in the Rural designation. The Township is part of the MNDMNF's Timiskaming Forest Management Plan (FMP) area for 2021-2031. The Township will actively liaise with MNDMNR and provide input to FMPs and any other Management Statements as they relate to the Township's interests.

- 1) Forestry-related activities such as processing and wood using manufacturing will only be permitted by amendment to the zoning by-law.
- 2) Forest management practices will be regulated by MNDMNR under the sustained yield principle, FMPs and Management Statements.
- 3) Timber harvest practices will be controlled and large clear-cut logging operations may be restricted in the vicinity of watercourses in order that wildlife habitats may be protected and the forest and recreation amenity maintained.

3.4.5 Mineral Mining

The Township of McGarry is crossed by the major structure of the Larder Lake-Cadillac Deformation Zone. This structure is a major feature which helped the circulation of mineralizing fluids in the area. The entire Township is characterized as having a very high (90-100 out of 100) Metallic Mineral Potential Estimation Tool (MMPET) index for lode gold deposits. Presently, there is mining activity for gold within the Township and there are nineteen (19) abandoned mine hazards related to past mining activity.

Mining activity is regulated by the *Mining Act* and administered by MNDMNR. Various Acts administered by the MECP and other Federal and Provincial legislation also apply. As such, this Plan does not regulate mining exploration or underground mining operations. Notwithstanding, surface operations associated with mines may be subject to the *Planning Act*, this Plan, and MECP guidelines respecting incompatible uses.

- 1) Permitted uses in the Rural area may include mining and mining-related uses, mineral aggregate uses, smelting and refining uses, pits and related uses, and accessory uses and structures associated with mining. For lands to be used for a mineral mining operation, an amendment to the Zoning By-law shall occur where such lands are not pre-zoned.
- 2) In considering an amendment to the Zoning By-law to permit a mining or mining-related use or the expansion of an existing use, the Township will consider:

- a) The impact on the environment, particularly new mining operations, which must be located where there will be little or no impact on natural heritage features and areas;
 - b) Indirect impacts on utilities and services;
 - c) The impact on surrounding land uses;
 - d) The aesthetic appearance of the proposed development; and
 - e) The benefit of the mining or mining-related use.
- 3) This Plan recognizes the concept of an influence area in order to offer mutual protection from incompatible uses for sensitive land uses or the extraction and processing activities in areas protected for mineral mining operations. Unless a detailed study recommends otherwise, 1,000 metres from the edge of a mining operation will be considered as an influence area. Development proposals will be considered based on studies of compatibility, environmental impact assessment, groundwater, noise, dust, vibration, and other appropriate matters.
- 4) Past producing mining operations or active mining operations are subject to the provisions of the *Mining Act* with respect to rehabilitation and/or closure.

3.4.6 Aggregate Extraction

The Township is characterized by Precambrian geology; however, there is no data on existing aggregate resources in the Township. Aggregates such as sand, gravel, and other materials are non-renewable resources. Aggregate resource extraction should be considered an interim land use. Currently, there are two operational aggregate pits in the Township of McGarry, namely the Waste Disposal Site and Larder Lake #53 located in the southeast of the Township.

Appropriate rehabilitation measures shall be used to rehabilitate sites to a subsequent productive use compatible with surrounding land uses. The Plan provides for the introduction of new pits and quarries. The potential impacts of pits and quarries on other land uses are also taken into account.

Pits and quarries are regulated under the *Aggregate Resources Act*; however, the Township is not designated under the *Aggregate Resources Act*. Therefore, the *Aggregate Resources Act* and associated regulations apply to Crown Land, but do not generally apply to private land in the Township, unless subject to reservations under the *Public Lands Act*.

- 1) Should mineral aggregate resource deposits be identified, in these areas and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
 - a) The resource use would not be feasible; or
 - b) The proposed land use or development serves a greater long-term public interest; and
 - c) Issues of public health, public safety, and environmental impact are assessed.
- 2) It is the intention of the Township to protect, wherever possible, aggregate resources and aggregate extraction and to ensure that the resources are utilized in accordance with proper controls.

- 3) Proposed new or expanding pits and quarries will be subject to a Zoning By-law Amendment. The supporting information from the applicant shall include, but not necessarily be limited to, the following:
- a) The location, nature, extent, and economic potential of the mineral deposit;
 - b) The nature and location of adjacent land uses;
 - c) The location of access and haulage routes;
 - d) Reports from qualified professional regarding traffic, haulage routes, separation distances, noise, blasting, hydrogeology, drainage, environmental impact, archaeological assessment, heritage impact assessment, and any other relevant matters; and
 - e) Mining or quarry plans and supporting information related to site development, landscaping and buffering, operations, decommissioning, and progressive and final site rehabilitation.
- 4) Where supported by appropriate technical studies, a separation distance from an aggregate operation to a sensitive land use lesser than the identified influence area may be permitted; however, the minimum required separation distance shall be no less than:
- a) 300 metres from a pit; or
 - b) 500 metres from a quarry.
- 5) No mineral aggregate operations shall be permitted within 1 km [0.6 miles] from a wellhead protection area.

3.4.7 Outdoor Recreation and Tourist Commercial Uses

McGarry values its natural surroundings, and provides recreational and snowmobile trails throughout the Township. There is opportunity for local, regional, and broader use of these areas for outdoor recreation and tourist commercial uses.

- 1) Outdoor recreation uses including sports and recreation clubs, tourist facilities, shoreline parks, boat launches, nature trails, and wildlife reserves are permitted in the Rural designation, in addition to recreational and tourist commercial uses such as marinas, golf courses, campgrounds, bed and breakfast establishments, antique outlets, tent and trailer parks, and other such uses in accordance with the following:
- a) Outdoor recreation uses shall be appropriate for the proposed location and be compatible with surrounding uses;
 - b) Adequate parking and loading spaces shall be provided;
 - c) Advertising signage and outdoor storage of goods and materials will be appropriately controlled; and
 - d) Outdoor recreation uses shall be zoned in the implementing Zoning By-law and may be subject to Site Plan Control.
- 2) Hunt camps 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 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.

3.5 Shoreline

The Shoreline area shall be defined as those lands, extending inland 150 metres from waterbodies and watercourses within the Township. Lands which do not physically or functionally relate to the waterbody, although within 150 metres, will be deemed not to be within the Shoreline designation. Development on all lands within 300 metres of a waterbody or inflowing stream has the potential to impact that waterbody.

The Township's Shoreline areas are composed of significant natural features, wilderness landscapes, and characterized by minimal development. The Township encourages development to occur in a responsible manner while protecting and preserving the significant natural heritage features and ecological functions of the shoreline areas.

- 1) The existing lakeshore/rural character of Shoreline areas will be recognized and maintained.
- 2) Limited residential development or a hunt camp may be permitted on an existing lot of record, provided the policies herein can be met.
- 3) Development may only be permitted where appropriate servicing (water and sewage) and access can be provided, in accordance with those sections of this Plan.
- 4) All buildings, structures, and tile fields will be set back at least 30 metres from the high water mark.
- 5) When replacing existing buildings, structures, and tile fields, a 30 metre setback should be maintained. A reduction in the 30 metre setback may be considered through a Minor Variance to the Zoning By-law.
- 6) Natural vegetation within the 30 metre setback shall be disturbed as little as possible, consistent with passage, safety, and provision of views and ventilation. Pruning and maintenance of healthy vegetation is encouraged.
- 7) 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.
- 8) In order to implement these policies and to protect the natural shoreline, Council may use the policies of this Plan, the provisions and standards in the Zoning By-law, Site Plan Control, and the issuance of building permits.

3.5.1 Lakefront Recreational Area

The Township has identified the following lakes as having potential for lakefront recreational development: Bear Lake, Tourene Lake, the southwestern side of Barber Lake, the eastern side of Larder Lake, and Island U. Other Shoreline Areas may be designated for lakefront recreational development through amendment to this Plan.

- 1) 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).
- 2) The Township's marina and beach facilities on the west side of Larder Lake may be developed for tourist commercial uses, subject to any mitigating measures required by the adjacent mine hazard.
- 3) 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:
 - a) Development shall be assessed using the Lake Capacity Assessment Handbook (2010) 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;
 - b) 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;
 - c) Conserving natural heritage features and areas: An Impact Assessment will be required to assess the impact on any significant natural heritage feature or area
 - d) Determining the demand for specific uses such as lakefront residential development;
 - e) 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;
 - f) If the subject lands contain known archaeological resources or areas of archaeological potential, lots developed by a plan of subdivision will be subject to an archaeological assessment; and
 - g) Crown Land disposition shall be determined.
- 4) The lot size and frontage must be adequate for the intended use. The minimum lot area for a residential lot shall be 1 ha [2.47 ac] and 2 ha [5 ac] for a commercial recreational use.
- 5) Multiple unit developments (e.g., 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.
- 6) 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. The most up-to-date phosphorus removal technology will be required.
- 7) Approval of new lots developed on individual on-site sewage services shall include sufficient off-site reserve sewage system treatment capacity for hauled sewage.
- 8) Lots 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.

- 9) Prior to approval, the feasibility of providing utilities shall be determined (i.e. hydro, telephone). Alternative energy systems will be permitted.
- 10) 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.
- 11) 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.

3.5.2 Lakes-at-Capacity

No new lots will be created by consent or plan of subdivision on a lake at capacity, except in accordance with the Lake Capacity Assessment Handbook (2010). At this time no lakes have been identified as at-capacity.

There are specific circumstances outlined in the Lakeshore Capacity Assessment Handbook (2010) when development may be allowed on at-capacity lakes or on lakes that have modeled or measured dissolved oxygen concentrations that are less than MNDMNR's criterion for lake trout lakes.

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

3.6 Crown Land

Approximately half of the land within the Township is Crown Land, administered by the MNDMNR. Crown Land does not represent a land use designation.

While the Crown is not bound by the policies or land use designations of this Plan, the Township will work with the Province to determine the future use and development of Crown Lands. The Province is encouraged to consult with the Township when making land use decisions concerning Crown Lands. This Plan shall be binding on any lands that cease to be Crown Lands, either by sale or transfer into private ownership, or tenanted development via leases or land use permits.

Mineral exploration and mining are approved activities on Crown Lands. Under the *Mining Act*, MNDMNR is responsible for the administration of mineral rights.

3.6.1 McGarry Township Forest Conservation Reserve

The McGarry Township Forest Conservation Reserve is a 1,434 ha parcel of Crown land that is situated southeast of Virginiatown and is located within McGarry and McFadden Townships. The

McGarry Township Forest Conservation Reserve will be managed under a Statement of Conservation Interest (SCI). Lands in this area are intended to allow for natural ecosystems, processes, and features to operate undisturbed with minimal human interference while providing educational, research and recreational activities. The Township will work with the Province to determine the future use and development within the McGarry Township Forest Conservation Reserve.

4 Natural Environment, Cultural Heritage, and Public Health & Safety

4.1 Water Resources

Among other resources, lakes, streams, and rivers support the natural environment and vibrant aquatic communities. Water resource issues arise from various forms of human activity. Demands on water resources can contribute to degraded aquatic communities, the loss of well water supply, aquifer contamination, deteriorating lake water quality, flooding, and erosion, which all impact the quality of life in the Township.

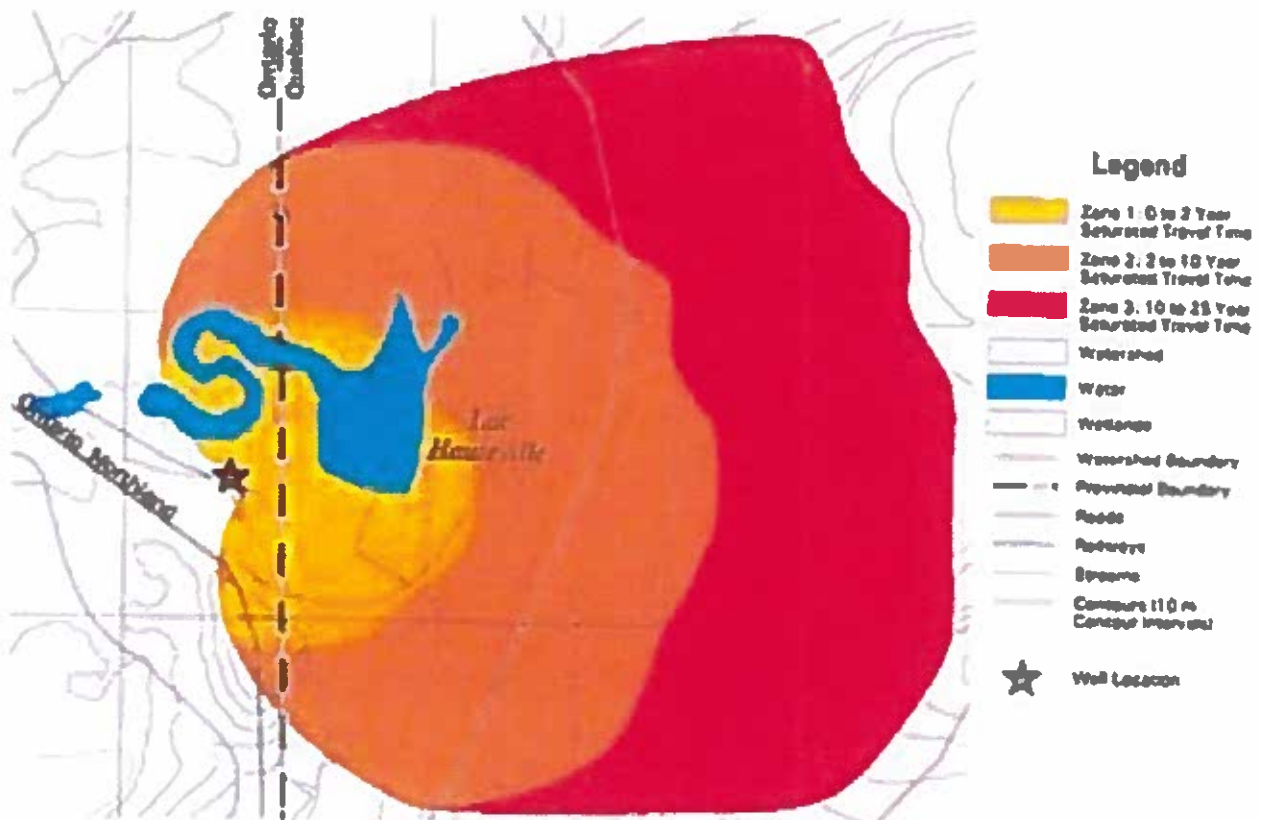
The protection of water resources from contamination and degradation associated with certain land uses and activities is an important element to maintaining the quality of life experienced by existing residents and businesses and supporting future growth. Integrating land management and the protection of water resources allows for the continuance of a clean environment, solid tourism and economic development, and healthy community.

Water resources are addressed from a number of perspectives in this Plan. Natural heritage policies address water quality and quantity through the protection of natural heritage features and areas such as lakes, rivers, streams, waterway corridors, and fish habitat. Water resources are also protected through stormwater, water supply, and sewerage policies.

- 1) Council will seek to protect, improve, and/or restore groundwater and surface water resources through its planning approval processes. Council will also promote efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality.
- 2) Development and site alteration will be restricted, and development approaches may be required in or near sensitive surface water features and sensitive groundwater features in order to protect, improve, and/or restore these features and their related hydrologic functions.
- 3) Shoreline development shall follow the policies of this Plan that aim to protect, improve, and restore water quality and quantity.

4.2 Source Water Protection

Source Water for the Township is acquired from a spring in the ground located close to the northeast border of Township, directly east of the railroad track, close to the Ontario-Quebec border (much of the wellhead protection area is on the Quebec side of the border). The Township 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 the Wellhead Protection Area (WHPA) shown on the Schedules.



The WHPA illustrates three time-related capture zones which were determined through a hydrogeological investigation. These include 0 days to 2 years, 2 to 10 years, and 10 to 25 years time-of-travel (TOT) with 0 days to 2 years being ranked as the highest level of sensitivity.

The WHPA shall be considered as a special protection area within which certain land uses may be restricted in accordance with the underlying land uses designation and the following policies.

- 1) 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.
- 2) 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 MECP. 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 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, 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.

- 3) 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.
- 4) Despite the above policies, the Township may limit land uses outside of the WHPA, but in the general vicinity where they are considered to have a potential impact on source protection.
- 5) 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.
- 6) Properties within the WHPA may be placed in a holding or special zone for the purposes of meeting any of the performance criteria set out above.
- 7) 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 Township may require a spills contingency plan.

4.3 Natural Heritage

The Township encourages the long-term protection and enhancement of natural heritage features and areas. Natural heritage features and areas are lands that represent the legacy of the natural landscape of the area and as a result have important environmental and social value. This Plan identifies natural heritage features by way of overlays.

4.3.1 Habitat of Endangered and Threatened Species

Habitat of Endangered Species and Threatened Species are defined based on the *Endangered Species Act* and the Species at Risk in Ontario (SARO) list. Proposals for development and site alteration shall be screened for areas of documented occurrences of endangered and threatened species including general and regulated habitats and shall be required to demonstrate compliance with the *Endangered Species Act*. In order to protect the exact location of such habitat or species, MECP shall be consulted for further information.

- 1) Where there is potential habitat of endangered and/or threatened species, an ecological site assessment (ESA) will be required in support of a planning application. Development and site alteration shall not be permitted in the Significant Habitat of Endangered or Threatened Species subject to the authorization under the *Endangered Species Act*.

4.3.2 Significant Wetlands

Wetlands are areas of swamps, bogs, marshes, or fens which are valuable in their natural state for biological, social, or hydrological reasons. Provincially Significant Wetlands have been evaluated based on their functions and features and classified according to their significance by MNDMNR.

No Provincially Significant Wetlands have been identified in the Township as of the date of adoption of this Plan. Despite this, it is possible for Provincially Significant Wetlands to exist. Should any Provincially Significant Wetlands be identified in the future without the need for an amendment to this Plan identifying the Provincially Significant Wetland, the policies of this section shall apply.

- 1) Development and site alteration within Provincially Significant Wetlands is not permitted. The only permitted uses shall be:
 - a) Open space and passive recreational uses which do not involve site alterations and do not adversely affect the natural features or ecological functions of the wetland;
 - b) Conservation uses which improve the ecological functions of the wetland; and
 - c) Uses of a scientific or educational nature.
- 2) Development and site alteration shall not be permitted on adjacent lands within 120 metres of a Provincially Significant Wetland unless an Environmental Impact Study (EIS), which is carried out by a qualified professional in accordance with Section 4.4 of this Plan, has evaluated the ecological function of the adjacent lands and has demonstrated that there shall be no negative impact on the natural features or their ecological function.

4.3.3 Significant Wildlife Habitat

Significant wildlife habitat identified in the Planning Area includes:

- a) Moose Feeding and Aquatic Feeding Areas; and
- b) Moose Calving Areas; and
- c) Stick Nests.

The above-noted features may or may not be shown on the Schedules.

- 1) Development in areas of significant wildlife habitat or within 120 metres of significant wildlife habitat shall be permitted only where an EIS, which is carried out by a qualified professional in accordance with Section 4.4 of this Plan, has demonstrated that there shall be no negative impact on the habitat or its ecological function. In the case of adjacent lands, the ecological function of the adjacent lands must also be evaluated.
- 2) Mitigation measures beyond 120 metres of the feature may be required to ensure no negative impact on the habitat or its ecological function.
- 3) Planning applications that would result in site alteration for lands outside the boundary of a settlement area and where there is potential for significant wildlife habitat to be present, shall be required to submit a preliminary ESA to determine if there is significant wildlife habitat present on the site as part of a complete application.

4.3.4 Fish Habitat

The Township's shorelines, streams, and lakes support a variety of recreational fisheries. However, these habitats are vulnerable to degradation from a variety of sources. MNDMNR is the provincial fisheries manager and shall be consulted to determine what fish community information may be available for a specific location prior to development. Known fish spawning areas are indicated on the Schedules to this Plan.

Serious harm to fish that are part of a commercial, recreational, or Aboriginal fishery or harm to fish that support such a fishery is prohibited under the *Fisheries Act*.

- 1) Development and site alteration shall not be permitted in identified fish habitat except in accordance with provincial and federal requirements.
- 2) Development and site alteration shall not be permitted within 30 metres of fish habitat, except in accordance with relevant provincial and federal requirements. Development that proposes a decrease to the 30 metre setback shall only take place where it has been demonstrated, through a fish habitat assessment, that a net environmental gain of the productive capacity of the area will be achieved. In this assessment, a fish habitat biologist shall be required to provide a detailed impact analysis exploring development design and location options for the purpose of clearly demonstrating avoidance of any predicted harmful impacts.
- 3) Development in areas within 120 metres of fish habitat shall be permitted only where an EIS, which is carried out by a qualified professional in accordance with Section 4.4 of this Plan, has demonstrated that there shall be no negative impact on the habitat or its ecological function. In the case of adjacent lands, the ecological function of the adjacent lands must also be evaluated.

4.3.5 Areas of Natural and Scientific Interest

Areas of Natural and Scientific Interest (ANSIs) are areas of land and water containing natural landscapes or features, which have been identified as having values related to protection, appreciation, scientific study, or education. No ANSIs have been identified as of the date of adoption of this Plan. Despite this, it is possible for ANSIs to exist in the Township.

- 1) Development and site alteration shall not be permitted within ANSIs or on adjacent lands within 120 metres of an ANSI unless an EIS, which is carried out in accordance with Section 4.4 of this Plan by a qualified professional, has demonstrated that there shall be no negative impact on the adjacent lands or their ecological function.

4.3.6 Land Stewardship

The importance of land stewardship in the municipality is recognized and the Township shall:

- 1) Encourage, support, and initiate, as appropriate, public education and awareness initiatives for the protection, rehabilitation, and enhancement of natural heritage features;
- 2) Encourage innovative development patterns and techniques that support and strengthen natural heritage features; and
- 3) Encourage land stewardship options, including protecting private lands through easements, purchase, tax incentives, and dedication to land trusts to preserve and enhance natural heritage features.

4.4 Environmental Impact Studies

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

4.5 Cultural Heritage

4.5.1 Cultural Heritage Resources

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

Cultural heritage sites include built heritage resources and cultural heritage landscapes that relate to the presence of First Nations and Indigenous communities.

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

- 1) All new development permitted by this Plan shall conserve significant cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner which preserves and enhances the context in which cultural heritage resources are situated.
- 2) Where development or site alteration is proposed on a property containing a designated heritage building or heritage conservation district (Parts IV and V of the *Ontario Heritage Act*), or on a property fronting on or directly abutting a property that is designated as a heritage building, a Heritage Impact Assessment (HIA) shall be required. The HIA shall be conducted by a qualified professional with expertise in cultural heritage resources to:
 - a) Identify the positive and adverse impacts on the heritage resource that may be expected to occur as a result of the proposed development;
 - b) Describe mitigation measures that may be required to prevent, minimize, or mitigate the adverse impacts; and
 - c) Demonstrate that the proposed development will not adversely impact the defined cultural heritage value of the property, and/or its streetscape/neighbourhood.
- 3) A HIA may be required when a proposed development appears to impact cultural heritage resources which are not designated but which have the potential for cultural heritage value or interest, including adjacent lands contiguous to a protected heritage property.
- 4) The *Ontario Heritage Act* may be utilized to conserve, protect, and enhance significant cultural heritage resources within the Township through the designation, by by-law, of individual properties, heritage conservation districts, and/or landscapes sites. The Township Council may also establish a Municipal Heritage Committee (MHC) pursuant to Section 28 of the *Ontario Heritage Act* to advise and assist on cultural heritage matters.

- 5) Applicants shall consult First Nations where cultural heritage resources involve First Nations heritage sites or burial grounds. The applicant shall seek the First Nation's advice on the manner in which these resources and features are to be dealt with.

4.5.2 Archaeological Resources

Archaeological potential is determined through criteria established by the province. Such criteria include known archaeological sites, proximity to water, current or ancient shorelines, cemeteries, sandy soils, rolling topography, unusual landforms, historic transportation features such as portage routes, places of past human settlement, or places significant to history and understanding of a people or place. Significant First Nations and non-First-Nations cemeteries or unmarked burial sites may also be considered as archaeological resources.

- 1) In the event that human remains or cemeteries are encountered during site assessment or development, all work shall cease and the site shall be secured. The appropriate authorities shall be notified and the required provisions under the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* shall be followed. All relevant First Nations communities shall be consulted for input where any burial site or remains is considered to be of potential First Nations origin. The applicant and/or Council shall seek the First Nation's advice on the manner in which these resources and features are to be dealt with. The Township Council may require that the development proponent retain archaeologists licensed under the *Ontario Heritage Act* to assess or monitor the site and recommend conservation strategies.
- 2) Where a development proposal or waterfront development or site alteration is located on lands with significant archaeological resources or is within an area considered to have archaeological potential, a licensed archaeologist, through archaeological fieldwork, shall determine which stages of assessment are required.
- 3) A Phase I Archaeological Assessment in accordance with requirements of the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) shall be required to determine the nature and extent of the resources on the site. The study shall be conducted by an archaeologist licensed under the *Ontario Heritage Act* and shall be submitted to Council and the MHSTCI prior to development approval.
- 4) Where resources are found on site, further investigations through a Phase II and potentially Phase III Archaeological Assessment may be required. The study may identify the need for archaeological preservation in situ or rescue excavation of significant archaeological resources as a result of development proposals. In situ preservation is preferred to ensure that the integrity of the resource is maintained. If the site is determined to be significant the development may be prohibited.
- 5) Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*.
- 6) The Township shall consider the interests of First Nations and Indigenous communities in conserving cultural heritage and archaeological resources.

4.5.3 Marine Heritage Resources

- 1) A marine archaeological survey to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* may be required if partially or fully submerged marine features

or items of cultural heritage value are identified and impacted by shoreline and waterfront developments.

- 2) Any marine archaeological resource that is identified must be reported to the MHSTCI immediately. MHSTCI shall determine whether the resource shall be left on location or may be removed, through excavation, by licensed marine archaeologists.

4.6 Natural Hazards

It is the intent of Council to minimize the risk to public safety and to property by restricting development within areas identified as being susceptible to natural hazard processes, such as flooding, erosion, and wildland fire.

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

4.6.1 Flooding Hazards

Flood plain management policies are intended to prevent the loss of life, to minimize property damage and social disruption, and to encourage a coordinated approach to land use and water management.

For the purpose of this Plan, a flood plain shall mean low lying lands adjacent to the all the lakes, and watercourse corridors defined by the 1:100 year flood plus wave up-rush where applicable or defined by specific right-to-flood levels.

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.

- 1) 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].
- 2) 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].
- 3) 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.

- 4) Lands may be zoned to regulate development with respect to the flood elevation and to control setbacks on all other water bodies.
- 5) Development shall not be permitted within the flood plain except for:
 - a) Flood and/or erosion control structures;
 - b) Shoreline stabilization;
 - c) Minor additions and/or renovations to existing structures that do not adversely affect flood flows, for uses which by their nature must locate within the flood plain;
 - d) Minor recreational facilities which, by their nature, must locate near watercourses; or
 - e) Uses such as agriculture, forestry, conservation, wildlife management, and similar activities, provided that no associated buildings and structures are located on the flood plain.

4.6.2 Erosion, Unstable Soils, and Steep Slopes

Erosion, unstable soils, and steep slopes can cause the loss of land, such that the land may be unable to support structures, and therefore pose a threat to life and property. Development shall only be permitted where the effects of such hazards can be avoided or successfully mitigated.

While areas that are susceptible to erosion, unstable soils, and steep slopes have not been mapped, this issue should be considered at the time of development review and site assessment.

- 1) Land uses that are in conformity with the underlying land use designation may be permitted, subject to satisfying the policies of this Section, except for those uses that are explicitly prohibited. Existing buildings and structures shall be recognized as permitted uses.
- 2) A geotechnical study shall be required for proposed development on sites with potential for erosion, unstable soils, or steep slopes. The study shall be completed by a qualified geotechnical engineer, consistent with criteria established in MNDMNRF guidelines. For new development, the geotechnical study shall satisfy that the hazards can be avoided. In the case of existing development undergoing expansion or change of use, such study will determine how the hazard can be mitigated.

4.6.3 Wildland Fires

Wildland fire hazard and associated risks are created when human activity and development intersect with forested areas. The MNDMNRF has reviewed and classified hazardous forest types for wildland fire that are associated with the risk of high to extreme wildland fire.

- 1) Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by MNDMNRF. Wildland fire assessment mapping for the Township has been included in Appendix B.
- 2) In the absence of detailed municipal assessments, proponents submitting a planning application may be required to undertake a site review to assess for the presence of areas of high to extreme risk for wildland fire on the subject lands and adjacent lands (to the extent

possible). If development is proceeding where high to extreme risk for wildland fire is present, measures should be identified by proponents to outline how the risk will be mitigated.

- 3) Lands determined to be of high to extreme risk for wildland fire may be designated as Site Plan Control areas.
- 4) Wildland fire mitigation measures which would result in development or site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, or in the habitat of endangered and threatened species except in accordance with provincial and federal requirements.

4.7 Human-Made Hazards

4.7.1 Abandoned Mine Sites

Mine hazards may include any feature of a mine or any related disturbance of the ground that has not been rehabilitated, posing a risk to human safety and property. 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. Mine hazards from the Abandoned Mine Information System (AMIS) are shown on the Schedules to this Plan. Two major tailings beds associated with the former Kerr-Addison mine are also included.

- 1) Any proposed development within one (1) kilometre of a known mine hazard is required to:
 - a) Consult with MNDMNRF;
 - b) Conduct an impact assessment to determine whether hazards exist and, if so, whether suitable mitigation can be undertaken to allow development to occur; and
 - c) Undertake such rehabilitation measures as required to address and mitigate the hazard such that no risk to public health and safety.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) Mine hazards shall be rehabilitated and safety hazards mitigated prior to the approval of new development.
- 6) 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.

- 7) 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.

4.7.2 Contaminated Sites

Contaminated sites are those lands where the environmental condition of the property has been harmed through past activities. While such lands represent a potential hazard due to real or potential environmental contamination, opportunities for brownfield redevelopment may exist. The redevelopment of abandoned or underutilized industrial and commercial sites is consistent with policies encouraging increased intensification and redevelopment in built-up areas.

Contaminated sites are not mapped as part of this Plan.

- 1) Prior to development on a site that is known or suspected to be contaminated, a Phase I Environmental Site Assessment (ESA) will be required.
- 2) Where a Phase I ESA reveals that a site may be contaminated, a Phase II ESA will be required, in accordance with the relevant provincial regulations, to be prepared by a qualified professional to determine the location and concentration of one or more contaminants on the proposed development site.
- 3) Remediation may be required as a condition of approval, where necessary, to the appropriate MECP standards.
- 4) A Record of Site Condition (RSC) may be required prior to, or as a condition of, development approval on a site which may be or is contaminated in accordance with the *Environmental Protection Act* and relevant provincial legislation or their successors. An RSC is required where a land use is changing to a more sensitive use. The RSC details requirements related to site assessment and cleanup and must be acknowledged by the MECP and uploaded to the Brownfields Environmental Site Registry, confirming that the site has been made suitable for the proposed use. The RSC and MECP acknowledgment will be provided to the Township Council prior to final development approval and issuance of building permits.
- 5) Management of excess soils shall be in accordance with O.Reg. 406/19 On-Site and Excess Soil Management.
- 6) All contaminated lands may be subject to Site Plan Control and/or holding provisions in the Zoning By-law.
- 7) Township Council may consider financial and other incentives through a CIP to promote the redevelopment and reuse of brownfield properties that are subject to environmental constraints.

4.7.3 Waste Disposal Sites and Waste Management

The existing or prior use of lands for waste management may have an effect on future land use and use of adjacent lands. Within the Township, there are one open and two closed waste disposal sites.

The following are the existing landfill sites listed in the MECP landfill sites database as part of the Landfill Inventory Management Ontario (LIMO):

**The Township of McGarry
Official Plan**

Certificate of Approval (COA) and Issuance	Site Name/Client	Location	Status
A572401 10-Aug-71	Client Name: The corporation of the Township of McGarry	Mining Claim 32626	Closed
A572402 20-Aug-80	Site Name: McGarry Township Municipal Waste Disposal Site	South part of Sand-Gravel Reserve, Mining Claim L 40808	Open
A572403 19-Nov-80	Client Name: Chiminis Lumber Limited	Near Foxearth Lake	Closed

Development within proximity to Waste Management Sites will be carefully regulated to minimize land use conflicts and the potential for any adverse impacts.

- 1) Development proposals within 500 metres of any open, closed, or inactive Waste Management Site will be accompanied by a study prepared by the proponent that meets the requirements of the MECP Guideline D-4: Land Use on or Near Landfills and Dumps. The study will address any mitigation measures required.
- 2) Use of any closed Waste Management Sites, including buffer areas, will be in accordance with the Certificate of Approval and Section 46 of the *Environmental Protection Act* requiring the approval of the Minister.
- 3) The expansion of existing sites will be permitted subject to the appropriate MECP approvals in accordance with the Environmental Assessment and Environmental Protection Acts and implemented through amendments to the Zoning By-law, if necessary.
- 4) The location of new Waste Management Sites as determined by the Township's Waste Management Plan will not require an amendment to this Plan. New Waste Management Sites will be in accordance with MECP requirements, and depending on the volume, shall require approvals under the *Ontario Environmental Assessment Act*, following Ontario Regulation 101/07, as amended from time to time. When considering a new or expanding landfill site, the Township shall review the following:
 - a) Waste disposal sites shall avoid natural hazards and shall be located an adequate distance away from any natural heritage feature or any existing or proposed residential, commercial, institutional, open space, outdoor recreation uses, or other sensitive land use. A report from a qualified professional which establishes appropriate separation distances based on site-specific considerations will be required for new waste disposal sites.
 - b) All waste disposal sites shall be located and operated so that the contamination of any ground or surface water supply does not occur.
 - c) All waste disposal sites shall be set back a sufficient distance from a public road so that all functions related to the operation of the site can be carried on within the site so that there is no unsightly appearance visible from the road. Landscaping and buffering may be required.

- d) All waste disposal sites shall be located so that ingress and egress points do not create a traffic hazard.
- 5) Wherever practical and feasible, methane or other greenhouse gas emissions from waste management operations will be captured and used as an alternative energy source. Additional opportunities for other renewable energy undertakings on any of the waste management sites will be supported.
- 6) Council understands the role that waste reduction and diversion efforts play in increasing the life expectancy of the existing waste disposal site and promoting a sustainable community. Township Council has initiated recycling programs in the community and will continue to encourage initiatives aimed at waste reduction and diversion.

4.8 Land Use Compatibility

Noise, vibration, odour, and other contaminants resulting from certain uses can impact adjacent land uses, and the residents, businesses, and visitors of the Township. Managing these adverse effects is important to ensuring the health and well-being of residents and the compatibility of neighbouring uses so as not to create conflicts.

- 1) In reviewing any development application, Council shall be satisfied that the proposed use will be, or can be made to be, compatible with surrounding uses in accordance with MECP guidelines.
- 2) Influence areas and minimum separation distances between industrial land uses and sensitive land uses will be determined in accordance with MECP Guideline D-6: Compatibility between Industrial Facilities and Sensitive Land Uses. Proponents may be required to provide supporting technical studies, prepared by qualified individuals in accordance with MECP guidelines, to assist in the evaluation of proposed developments and, where applicable, to determine influence areas, address potential impacts, and identify appropriate separation distances and other mitigation measures.
- 3) In the absence of technical studies, prepared according to MECP Guideline D-6 which identify an actual influence area, the minimum separation distances required between industrial uses and residential or other sensitive land uses shall be:
 - a) Class I Industries: 70 metres;
 - b) Class II Industries: 300 metres; and
 - c) Class III Industries: 1,000 metres.
- 4) With the support of technical studies, prepared under MECP Guideline D-6, the following minimum separation distances in accordance with MECP guidelines shall apply between industrial uses and residential or other sensitive land uses:
 - a) Class I Industries: 20 metres;
 - b) Class II Industries: 70 metres; and
 - c) Class III Industries: 300 metres.
- 5) Separation distances between potentially conflicting land uses shall be measured in accordance with MECP Guideline D-6.

- 6) Separation distances between sensitive land uses and sewage treatment facilities shall be measured in accordance with MECP Guideline D-2.
- 7) Where residential or other sensitive land uses are proposed in proximity to aggregate operations or lands zoned to permit future aggregate operations, the standards for Class III Industries shall apply.
- 8) New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with MDS Formulae, as amended from time to time.
- 9) Separation distances or appropriate remedial measures use will be established in the Zoning By-law or through development approval processes.
- 10) Residential areas, and other sensitive land uses, such as hospitals and nursing homes, will be protected from undesirable air quality and excessive noise/vibration through good land use planning, Site Plan Control, and building control. Proponents may be required to carry out noise and/or vibration assessments or other technical studies and determine control measures, which are satisfactory to Council, in meeting the MECP's recommended sound and vibration limits in accordance with MECP Environmental Noise Guideline NPC-300 or its successors.
- 11) For any proposed residential development or other sensitive land use in close proximity to a major source of noise, vibration, or emissions, such as a provincial highway, an airport, a railway, or aggregate operation, or where a development which could be a major source of noise proposes to locate in close proximity to existing residential development or other sensitive land use, the proponent may be required to conduct a noise, vibration, and/or emissions study. The study shall be prepared in accordance with Provincial guidelines, including NPC-300, satisfactory to Township Council and the recommendations may be incorporated into a development agreement. Council will consider any potential noise problem in determining the appropriateness of the proposed development.
- 12) Uses proposed within these buffer areas may be subject to noise feasibility and/or detailed noise studies in accordance with NPC-300 or its successors.
- 13) Where planning approvals are required for the development of residential or other sensitive land uses within one kilometre of an airport, an impact assessment addressing noise in accordance with NPC-300 and other potential impacts will be required. Impact assessments shall be completed by a qualified consultant and shall describe mitigation measures required to achieve provincial standards for aircraft noise criteria.

5 Infrastructure

Growth and development are serviced in the Township through a system of infrastructure, which includes roads, trail systems, water and sewage services, waste management, and shared services. These systems play an important role in defining the Township and ensuring its sustainability, in terms of community health, economic competitiveness, and environmental awareness. The policies of this Plan strive to ensure the efficient and cost-effective coordination between the growth management framework and the provision of systems of networks and infrastructure.

The Township's Asset Management Plan (AMP, 2016) provides an assessment of the Township's assets, including their condition and replacement value. The Township currently has \$40.62 million in assets, with a substantial portion of those assets (paved roads, sewer and water network, bridges and culverts in fair or poor condition. In addition, the Township's sewage lagoon has been operating at or over capacity since at least 2018 and requires changes to this facility to accommodate continued occupancy and growth of the community. The AMP has also identified linear infrastructure to be in need of substantial work. All development proposals will need to be reviewed with respect to servicing and infrastructure requirements in coordination with the Township's AMP to review the lifecycle costs of growth-related infrastructure and ensure investments in capital and operating costs are financially sound.

- 1) Extensions to existing infrastructure may proceed without amendment to this Plan provided the extension is to improve the local road or infrastructure system. Minor extensions may be permitted for development purposes provided that the road or service extension is constructed to municipal standards at no cost to the Township and that Council is satisfied that the extension and subsequent operations and maintenance costs are justified.
- 2) 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*.
- 3) Future investments in infrastructure shall be coordinated with the Township's AMP.

5.1 Transportation

5.1.1 Municipal Roads

- 1) Proponents shall consult with the Township prior to establishing an entrance or access to a municipal road. Direct access to these roads will only be permitted in locations which can accommodate traffic in a safe manner. Where sight deficiencies exist because of curves or grades, no new access will be permitted unless the deficiency is corrected in a manner acceptable to the Township, at the proponent's expense.
- 2) Standards for new municipal roads will be determined by the Township for engineered design, layout, drainage, and construction. Where new municipal roads are constructed as part of a development, the developer will be responsible for the cost of construction.
- 3) The Township may consider alternative development standards, including reduced right-of-way widths for development within the Urban Settlement Area or other established areas.

- 4) Development proposals adjacent to a municipal road shall be designed such that outdoor storage and loading areas are visually screened and appropriately located.

5.1.2 Private Roads

Private Roads are roads that are not owned or maintained by the Township or Province and that service two or more properties in separate ownership. A private road may include a right-of-way registered on title or may be created by plan of common elements condominium. In contrast, a driveway provides access to only one property or legally conveyable lot, despite the length of the access.

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

5.1.3 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 Schedules. Resource access roads will not be maintained or assumed by the Township.

5.1.4 Provincial Highways

Highway is a provincial highway that goes through or adjacent to Virginiatown, North Virginiatown, and Kearns. Highway 66 is owned and maintained by the MTO. Accordingly, right-of-way widths and setbacks will be determined by the MTO.

- 1) All proposed development located within MTO's permit control area under the *Public Transportation and Highway Improvement Act (PTHIA)* is subject to MTO approval. Any areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway or interchange/intersection within MTO's permit control area will be subject to MTO's policies, standards, and requirements. Direct access will be discouraged and often prohibited.
- 2) MTO's Permit Control Area for entrances, buildings, and land use applies around Highway 66 as follows:

An MTO permit is required if you want to ...	Within this distance ...
Place a building, structure, entrance, or any road	45 metres of the limit of any highway 180 metres of the centrepoint of an intersection with the highway
Place a sign	400 metres of the limit of the highway
Major developments or uses (i.e. shopping centre, stadium, fair ground, race track, drive-in theatre, or any other purpose) that cause persons to congregate in large numbers	800 metres of the limit of the highway

- 3) For development along Highway 66 which may be subject to additional MTO requirements and standards, particular attention should be given to the orientation and design of any proposed development to ensure it complements and contributes to the character of the area.
- 4) Development proposals adjacent to a provincial highway shall be designed such that outdoor storage and loading areas are visually screened and appropriately located.
- 5) For proposals that may generate large amounts of traffic within the permit control area, the MTO may require a proponent to prepare a traffic impact assessment in accordance with MTO guidelines.
- 6) Council supports and encourages active transportation and would support paved shoulders on roads under provincial jurisdiction to assist the Township in allowing for active transportation to meet its healthy, sustainable community goals.

5.1.5 Active and Recreational Transportation

A shift towards active lifestyles, accessible communities, and increasing demands for sustainable modes of transportation presents a need for a useful and accessible walking, cycling, and skiing network in the Township. This Plan recognizes that pedestrian, bicycle, and ski trails and paths contribute to healthy communities and supports such sustainable modes of travel. The Township encourages the development and enhancement of pedestrian and shared use of non-motorized trails and bicycle routes.

In particular the closure and rerouting of the old Highway 66 provides an opportunity to create an active transportation connection between the three communities of the Township and should be pursued and maintained as such.

- 1) The Township shall work with the province, recreational groups, landowners, and other groups towards developing a network of trails and pathways which links destinations in the broader community in order to:
 - a) Improve the sustainability of the transportation system;
 - b) Provide safe, non-motorized access to major activity areas;
 - c) Provide health benefits to residents and visitors; and
 - d) Increase peoples' connections to their community.
- 2) The Township shall also encourage the development of trails and pathways in conjunction with proposed plans of subdivision or development proposals. The feasibility of incorporating trails and pathways into proposed development will be assessed on the basis of the following:
 - a) The continuity of the route system within and between developments;
 - b) The potential linkages that could be provided between major activity areas to encourage usage;
 - c) The minimization of conflicts between motorized and non-motorized travel; and
 - d) Its design in regards to public safety, emergency access, and maintenance.
- 3) Trails or pathways proposed to cross or run along the right-of-way of provincial highways require the approval of MTO.

5.1.5.1 *Recreational and Snowmobile Trails*

It is an objective of the Township to encourage recreation on trails. Trails and snowmobile routes form an important component of the Township's transportation system and economy. Where available, these routes are shown on Schedules, but the location of these routes may change without amendment to the Plan.

- 1) The Township will encourage the creation and maintenance of a linked trail network connecting major activity areas.

5.1.5.2 *Pedestrian and Cyclists*

It is an objective of the Township to encourage accessibility and active transportation.

- 1) Where possible, the Township will encourage the provision of sidewalks and/or paved shoulders on municipal and provincial roads.
- 2) Where Council considers it appropriate, new development or redevelopment will be required to provide pedestrian walkways, sidewalks, bike lanes/paths, and/or bike racks constructed to an appropriate standard.
- 3) When undertaking public works and where appropriate, Council may include the provision of facilities which address the needs of pedestrians and cyclists.
- 4) To encourage pedestrian and cyclist travel, streetscapes and roadways should be safe, convenient, and attractive for pedestrians and cyclists. This may include providing sidewalks; locating commercial uses at street level; encouraging building design that provides shelter, appropriate lighting, street furniture, and landscaping; and providing paved shoulders and bike racks.

5.1.6 *Railway*

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.

5.2 **Water and Sewage Systems**

Township Council will plan the provision of municipal water and sewer services to accommodate growth so that servicing is timely, cost efficient, environmentally sound, and within the financial means of the Township.

- 1) Within the existing municipal servicing area of the Township, urban development or redevelopment shall be on the basis of municipal water and sewer systems. However, outside of the existing serviced area, partial, private, or communal servicing systems may be used where municipal services are not provided to service new development in accordance with the policies of this Plan.

5.2.1 *Full Municipal Services*

The Township provides municipal water and sewer services generally within the Urban Settlement Area, as shown on Schedule A. There is no plan to expand municipal water services within the

Township during the planning horizon. The Township's lagoon has been operating at or over capacity since at least 2018, and the Township is actively pursuing infrastructure projects to address the issue and accommodate continued occupancy and growth of the community. Expansions or locating of a new sewage treatment facility shall comply with MECP Guideline D-2.

- 1) Development for new lot creation and rezoning to a greater intensity of use will be only permitted with confirmation of servicing capacity.
- 2) Priority shall be given to the development of land that is presently serviced by municipal water and sewer systems, or those areas that can most easily be serviced, at minimal expense.
- 3) Prior to development approval involving significant lot creation and/or development, the Township shall require the preparation and approval of a functional servicing report. The Township will continue to monitor treatment capacities and operational effectiveness of these municipal systems.
- 4) Where the servicing of new urban development requires extensions and/or improvements to the existing public piped systems, such servicing will generally be financed, constructed, and maintained by the proponent before being turned over to the Township. Where the servicing of new urban development requires improvements to an existing substandard public piped system, the proponent will generally contribute their share towards the total costs of improving the system. Prior to construction, water distribution or sewer collector systems must be approved by the responsible authorities. New lot/unit creation will be subject to the availability of adequate reserve servicing capacity, as determined by the Township.
- 5) When unallocated servicing capacity does not exist for a proposed development, the Township may refuse the application or zone the property with a holding symbol not to be removed until such time as adequate servicing capacity becomes available.
- 6) The application of a holding symbol in accordance with the policies of Section 6.3.1.1 of this Plan may be implemented until such time as municipal water and sewage systems or additional capacity are available.

5.2.2 Partial Services

While the Urban Settlement Area is serviced with municipal services, there may be instances where partial servicing is proposed.

- 1) Partial services is only permitted within the Urban Settlement Area to allow for infilling and minor rounding out of existing development on partial services, where site conditions are suitable for the long-term provision of such services with no negative impacts.
- 2) Partial services are only permitted in other circumstances to address failed on-site services in existing development.

5.2.3 Private Services

The primary means of servicing the area beyond the existing servicing limits are private services of a variety of types and technologies.

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

- 2) The installation of septic systems is subject to the approval of the Temiskaming Health Unit, provided septage capacity has been confirmed and where site conditions are suitable for the long term. The Health Unit may require a servicing report prior to approval.
- 3) As a result of evolving technology in the field of private sewage disposal systems, the Township does not wish to limit the types of sewage systems that may be considered. However, the Township must be satisfied that any proposed sewage disposal system has the approval of the Health Unit and/or the Province and that sufficient data exists to indicate that the system will operate properly for the long term, without any negative impact on the natural environment.
- 4) Evaluation of new development will be undertaken using MECP's Procedure D-5-5 to ensure that drinking water will meet treatable drinking water quality standards for the health parameters.
- 5) Where subdivisions are created proposed with an average lot size below 1.0 hectare on private services a hydrogeological study shall be required to demonstrate the proposed lots can safely accommodate sewer and water services.
- 6) For consent applications, in certain circumstances, where concerns are identified, the Township may require the proponent to undertake a hydrogeological study or assessment, prior to approval of the severance.
- 7) Only dry industries that do not require large amounts of water for processing, cooling, washing, or manufacturing shall be allowed on individual private sewage systems.
- 8) The application of a holding symbol in accordance with the policies of this Plan may be implemented until such time as appropriate permits are received for the provision of private water and/or sewage systems.

5.2.4 Septage

Septage is the liquid and solid material pumped from a septic tank, cesspool, or other primary sewage treatment source. The Township has an organic waste site that receives this material.

- 1) Prior to approving creation of a new lot on private services by plan of subdivision or consent, Council shall require that proponents demonstrate adequate septage treatment capacity by providing a letter, signed by the holder of the Environmental Compliance Approval (ECA) for a treatment facility, indicating that capacity for the development's septage exists.

5.3 Stormwater Management

Stormwater management assists in protecting and improving water quality. Township Council will ensure that consideration is given to stormwater management, the quality and quantity of stormwater runoff, and off-site impacts for proposed development.

- 1) Development of any property should include consideration for surface and stormwater management respecting the rights of existing properties to enjoy continued drainage. The result of the new development should minimize the rate at which surface water is directed away from the proposed development.

- 2) Prior to development approval, Council may require a stormwater management plan and shall be satisfied that adequate stormwater management and drainage to a suitable outlet (i.e. stormsewers, ditches, etc.) are provided. Township Council may require detailed stormwater design plans completed in accordance with guidelines of the current MECP Stormwater Planning and Design Manual for all commercial, industrial, and institutional development, and residential development of five units or more. Council may recommend additional specific requirements on a case-by-case basis. Council will protect water intake areas.
- 3) Stormwater management plans for development adjacent to and in the vicinity of a provincial highway must be prepared in accordance with MTO guidelines and must be reviewed and approved by MTO.
- 4) The plan will include identification of the receiving waterbody, design objectives to be applied, and a description of the stormwater management practices to be applied, in accordance with the relevant Provincial policies and guidelines. Proponents are encouraged to consult with the relevant ministries and agencies.
- 5) Increases in runoff from development shall be minimized in accordance with best management practices and watershed needs. The impact of any proposed development on local and area-wide drainage patterns shall be identified. An appropriate method of managing surface runoff shall be developed and implemented as a condition of approval, according to the following policies:
 - a) Post-development flow rates shall not exceed pre-development flows;
 - b) Plans shall minimize or prevent increases in contaminant loads;
 - c) Retention of existing tree cover and natural vegetation or the provision of grassed and natural areas shall be encouraged to facilitate absorption;
 - d) Erosion and siltation control measures shall be included in grading and drainage plans;
 - e) Developments which could have a significant impact on surface drainage shall provide comprehensive drainage plans showing methods of surface water disposal and any impacts on adjacent or affected properties; and
 - f) Low Impact Development (LID) alternatives, to manage stormwater as close to its source as possible, will be encouraged, especially for larger scale developments;
 - g) Use of best management practices; and
 - h) Other matters as determined by the Township.
- 6) Stormwater management policies will be required to comply with the *Ontario Water Resources Act*.

5.4 Waste Management

Refer to policies under Section 4.7.3 for Waste Disposal Sites and Waste Management.

6 Implementation

This Official Plan will be implemented by the Township and other approval authorities as appropriate by means of the powers conferred by the *Planning Act*, the *Municipal Act*, and other statutes as may be applicable. In particular, the Official Plan will be implemented by the enactment of zoning, property standards, and occupancy by-laws, the planning tools available to the Township, development control under the *Planning Act*, and the undertaking of public works.

6.1 Monitoring the Plan

Changing conditions may necessitate amendments to this Plan. The policies are based on an interpretation of the Provincial Policy Statement, and the Vision and strategic goals and objectives of the Township. Furthermore, the policies of the Plan are based on a set of assumptions and a regulatory environment that are subject to change over time. Therefore, Plan monitoring and review is required to identify trends in planning issues, to analyze the effectiveness of the policies of the Plan, to allow for adjustments and updating, and to identify the statutory requirements on how and when the Plan is to be reviewed.

6.1.1 Review Procedure

- 1) As provided for in the *Planning Act*, the Township will update the Plan as required and the process will include public consultation to provide the opportunity for interested citizens and organizations to present submissions on the Plan.
- 2) Through this process, the Township will determine the need to amend the Plan to ensure that the policies:
 - a) Remain realistic and appropriate with regard to changing social, economic, and environmental circumstances;
 - b) Conform or do not conflict with provincial plans;
 - c) Have regard to matters of provincial interest; and
 - d) Are consistent with any policy statements issued under subsection 3(1) of the *Planning Act*.
- 3) In response to any changes in the regulatory environment, changes to the planning policies of the Province of Ontario or other planning initiatives, or in response to judicial or quasi-judicial decisions, including those of the Ontario Land Tribunal, the Township may initiate an amendment process at any time.

6.1.2 Amendments to the Plan

Amendments may be made to the Plan when such changes are warranted. The provisions of the *Planning Act* with respect to the Official Plan apply similarly to amendments, including the approval of the Minister or the Ontario Land Tribunal, where applicable and as the case may be. When amendments are made to the Plan, appropriate amendments may also be required to the implementing by-laws so that any such by-law is in conformity with the Plan.

The Township is responsible for adoption of Official Plan amendments. The Township will consider all complete applications to amend this Plan, and will notify the public, the Ministry of Municipal

Affairs and Housing (MMAH), and other agencies in accordance with the requirements of the *Planning Act*.

Applications to amend the Plan may require a planning rationale to demonstrate consistency with Provincial policy and the need for such amendment to the Plan.

6.2 Cross-Jurisdictional Coordination

The Township will coordinate with the Province, area municipalities, First Nations and Indigenous communities, and other agencies when dealing with planning matters that go beyond the boundaries of the Township.

6.3 Planning Administration

6.3.1 Zoning By-law

A Zoning By-law regulates the use of land and erection and use of buildings and structures, to promote the public health, safety, comfort, convenience, and general welfare of residents.

- 1) Following approval of the Plan, Township Council shall enact a new Zoning By-law to implement this Plan that will establish specific zones and permitted uses that reflect the policies and land use designations of this Plan and may regulate minimum and maximum height and density requirements.
- 2) The implementing Zoning By-law shall conform to the policies and designations of this Plan.
- 3) It is not the intent of this Plan to necessarily zone all land for uses designated in this Plan and as such, the Zoning By-law may recognize existing uses and forms of development.
- 4) Areas may be zoned in a holding zone category as provided for in the *Planning Act*, and in accordance with the policies of this Plan.

6.3.1.1 Holding Symbol

Council may pass Zoning By-laws containing 'holding' provisions that prevents development from occurring until they are satisfied that certain conditions have been met. This allows the Council to indicate support for the development in principle, while identifying the need for additional actions prior to development proceeding.

- 1) The holding symbol (H) may be used in the following instances:
 - a) When certain details of development have not yet been determined, or where certain conditions of development have not yet been met, such as, but not limited to, development or servicing agreements with the Township;
 - b) When the level of community services and/or infrastructure is not yet adequate to support the proposed use;
 - c) Where environmental conditions or constraints temporarily preclude development or redevelopment; and
 - d) Where required studies have not yet been approved by the Township.

- 2) The Zoning By-law containing the holding provisions specifies the interim land uses to be permitted, the conditions for removal of the holding provision, and any regulations or restrictions applying to the lands during the time the holding provision is in place; and
- 3) A by-law to remove the holding symbol may be adopted when all the conditions set out in the holding provision have been satisfied.

6.3.1.2 *Temporary Use By-law*

Council may pass a Temporary Use By-law in accordance with Section 39 of the *Planning Act* to allow the temporary use of land, buildings, or structures for a purpose otherwise not permitted by the Zoning By-law for a specific period of time not to exceed three years, or twenty years in the case of a garden suite. The Township may pass subsequent by-laws granting extensions of up to three years.

- 1) A temporary use shall be deemed to conform to the policies of this Plan, and an Amendment to this Plan shall not be required. Notwithstanding, temporary uses shall not be permitted in areas subject to hazards or containing significant natural features.
- 2) The Township may authorize a temporary use on a one-time basis or for a short period of time on a periodic basis, where it is considered inappropriate by the Township to permit the proposed use on a permanent or continuing basis, and where alternatives such as relocation are not practical.
- 3) Council shall consider the following in evaluating temporary uses:
 - a) The proposed use will be of a temporary nature, and will not entail major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original uses upon the termination of temporary use provisions;
 - b) The proposed use will not negatively impact the surrounding land uses and character of the surrounding area;
 - c) The proposed use will be properly serviced and not require the extension or expansion of existing municipal services;
 - d) The proposed use will not create any traffic problems within the surrounding area, or adversely affect the volume and/or type of traffic commonly found on the area's roads;
 - e) The proposed use will provide parking facilities entirely on-site; and
 - f) The proposed use will generally be beneficial to the surrounding community.

6.3.2 *Interim Control By-law*

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

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

6.3.3 Site Plan Control

The entire municipality is designated for Site Plan Control pursuant to the *Planning Act*, and Council may specify exceptions in the Site Plan Control By-law. Notwithstanding, Council may impose Site Plan Control on exempted properties during the development application review process where warranted.

Site plan control may be applied to the exterior design of new buildings for matters relating to sustainable design features, where Council has passed a by-law in accordance with Section 97.1 of the Municipal Act. Site plan control may also be applied to the sustainable design elements on any public road immediately adjoining a property being developed including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, and bicycle parking facilities.

- 1) Where a Site Plan Control By-law is in effect, the proponent will submit for approval such plans or drawings as required by Council. The proponent may also be required to enter into an agreement with the Township to provide and maintain those facilities required on the site plan. Such agreements may be registered against the land to which it applies.
- 2) As noted in this plan, the following uses should be subject to Site Plan Control:
 - a) Mobile home parks
 - b) Wayside pits and quarries, portable asphalt plants, and portable concrete plants
 - c) Multi-residential development in accordance with the Planning Act
 - d) Commercial Designation
 - e) Employment Designation
 - f) Rural Commercial uses
 - g) Outdoor recreation/Tourist Commercial uses
 - h) Lakefront Recreational Area Designation
 - i) Lands that have high to extreme risk for wildland fire
 - j) Contaminated sites
 - k) Lands within the WHPA

6.3.4 Development Permit System

The Township may consider adopting a Development Permit By-law in the future.

6.3.5 Existing Uses

Nothing in this Plan will affect the continuance of uses legally existing on the date this Plan was adopted.

The Township may recognize the existing use of land in the Zoning By-laws. However, the Township will attempt to reduce the number of non-conforming uses whenever and wherever possible according to the policies of this Plan.

6.3.6 Non-Conforming & Non-Complying Uses

6.3.6.1 Non-Conforming Uses

Any legally existing use that does not conform to the relevant policies contained in this Plan will be deemed a legal non-conforming use in terms of this Plan.

- 1) Where an existing non-conforming use is discontinued, any rezoning may only take place in conformity with this Plan.
- 2) Council will use the following guidelines when assessing any application for an extension or enlargement of a use that is considered to be a legal non-conforming use:
 - a) The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses;
 - b) The extension or enlargement should be in reasonable proportion to the existing use and land on which it is to be located;
 - c) The compatibility of the extension or enlargement to surrounding uses with regard to noise, vibration, fumes, smoke, dust, odours, lights, and traffic generation will be examined;
 - d) Adequate buffering, setbacks, and any other measures necessary to reduce the nuisance will be required and, where possible, will be extended to the existing use;
 - e) Proper access to the site will be provided to ensure that no traffic hazards are created;
 - f) Adequate on-site parking and loading spaces will be provided;
 - g) Applicable services, such as storm drainage, water supply, sewage disposal, and roads are adequate or will be made adequate; and
 - h) Neighbouring uses will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.
- 3) An existing building or structure that is zoned as a non-conforming use may be reconstructed or strengthened to a safe condition, provided the external dimensions and use of the building or structure or lands are generally not changed.

6.3.6.2 Non-Complying Uses

Where a legally existing use of land is permitted within the applicable zone in the Zoning By-law, but the lot, buildings, or structures located on the property no longer meet one or more of the provisions or regulations of the applicable zone, due to changes to the Zoning By-law, the use shall be considered to be legal non-complying.

- 1) Applications for the expansion, alteration, or addition of the non-complying use will be considered through the applicable Zoning By-law provisions. An application by way of a Zoning By-law amendment or minor variance, depending on the nature of the proposal, may be required.

6.3.7 Property Standards

It is the intention of Council to support the private efforts of property maintenance and to eliminate any existing hazards to building occupants through the introduction of by-laws specifying standards for all properties within the Township for property maintenance and occupancy under the *Building Code Act*.

6.3.8 Pre-Consultation

Pre-consultation with the approval authority prior to submitting a formal application in order to discuss initial plans, relevant planning policy, and determine the information required to support the

application is recommended. Pre-consultation may also be recommended with appropriate provincial ministries.

- 1) Council encourages pre-consultation for development applications for which the Township is the approval authority. Council may pass a by-law requiring pre-consultation for certain types of applications.

6.3.9 Complete Applications

- 1) When the pre-application consultation process for a proposed development approval application identifies the need for one or more support studies, the application shall not be considered complete for processing purposes until the required supporting studies, information, and materials are submitted to the satisfaction of the Township.
- 2) Notification of a complete application shall be given to the applicant and all other parties in accordance with the *Planning Act*.

6.3.10 Supporting Studies and Information

Council or the approval authority may request additional information when considering development proposals or *Planning Act* applications. Such information may be required as part of a complete application or may be required prior to a decision by the Council or approval authority on a proposed development. Such information may include, but is not limited to, any of the following:

- 1) Hydrogeological and terrain analysis report
- 2) Servicing capacity / feasibility / options study
- 3) Groundwater / source water / surface water impact assessment and/or mitigation plan
- 4) Stormwater management report / drainage plan
- 5) Environmental impact study
- 6) Flood plain assessment
- 7) Slope stability study
- 8) Transportation / traffic impact assessment
- 9) Archaeological or Heritage Assessment
- 10) Natural heritage evaluation
- 11) Noise / dust / vibration / odour study
- 12) Market study
- 13) Concept plan showing planned land use
- 14) Geotechnical assessment of an abandoned mine
- 15) Lakeshore capacity assessment
- 16) Record of site condition
- 17) Erosion and sediment control plan
- 18) Any other study identified in the Plan or by Council

19) Public consultation strategy

For studies required to support development proposals or *Planning Act* applications, Council shall review the studies and may do so internally or through the use of peer reviewers with the cost of such review at the proponent's expense. Where appropriate, Council may also consult with provincial ministries and agencies.

6.3.11 Public Consultation

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

6.3.12 Indigenous Consultation

The Township recognizes the importance of working together with its First Nation and Indigenous community neighbours and learning from each other and will continue to work on these relationships.

Consultation with First Nations, Indigenous communities, and Métis of Ontario regarding *Planning Act* applications will occur based on the Township's knowledge and existing relationships with First Nations, Indigenous communities and Métis of Ontario and as directed by the *Planning Act* and all relevant regulations.

6.4 Land Division

6.4.1 Plan of Subdivision and Condominium

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

- 1) Council shall provide input on municipal conditions of approval for plans of subdivision and condominium.
- 2) Prior to approval of an application for plan of subdivision or condominium, the Township will confirm the availability of adequate servicing infrastructure and allocation, waste management, roads/access, and other amenities in accordance with the policies of this Plan.
- 3) Lots within a plan of subdivision will either have frontage on a public road or a private road in accordance with Section 5.1.2 of this plan with joint use agreement, to the satisfaction of the Township Council. The Township will consider a plan of subdivision which has only private road access. Plans of condominium will have access to a public road maintained on a year-round basis or have legal access granted over an existing private road; however, it is recognized that development within the condominium plan may occur on private roads.
- 4) Where a plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that lots back onto the provincial highway and front onto a local internal street.

- 5) Plans of subdivision or condominium will be appropriately phased to ensure orderly and staged development.
- 6) All plans of subdivision or condominium will be subject to a subdivision or development agreement, as the case may be, between the Township and the development proponent.
- 7) The Township may adopt standards for the development, design, servicing, roads, financing, and other conditions under the subdivision agreement.
- 8) Parkland dedication will be provided pursuant to Section 6.4.3 of this Plan. Land to be dedicated for park purposes must be acceptable to the Township. Under no circumstances will the Township be obligated to accept parklands being offered in a proposed plan of subdivision.
- 9) In approving a draft plan of subdivision, it may be required that the approval lapses at the expiration of a specified time period, being not less than 3 years. The approval time period may be extended, prior to its expiration in accordance with provisions of the *Planning Act*.
- 10) The Township may consider passing a by-law under the provisions of the *Planning Act* to deem registered, undeveloped plans which are inadequate due to matters such as lot size, unsuitable access, or undesirable location, not to be registered.
- 11) The proposed development will be serviced in accordance with the policies of Section 5.

6.4.2 Consents

A consent shall only be considered where a plan of subdivision is deemed to be unnecessary, where the application conforms with the policies of this Plan, is consistent with the Provincial Policy Statement, and the consent will generally not result in the creation of more than five new lots on a lot that existed prior to the date of adoption of this Plan, and it does not necessitate the creation of a new municipal road, or the extension of municipal services.

- 1) Council shall provide input on municipal conditions of approval for consents.
- 2) The proposed severed lot and retained lot shall have frontage and access on to an opened and maintained public road or have private road access in compliance with the policies of this Plan.
- 3) MTO's policy is to allow only one highway entrance for each lot of record fronting onto a provincial highway. MTO will not allow backlots to create a second entrance on the highway. MTO will not support a consent to separate a home-based business from a residential use which would result in separate entrances for the business and residential parcels.
- 4) Lots will not be created which would create a traffic hazard due to limited sight lines on curves or grades.
- 5) The lot area and frontage of both the lot to be retained and the lot to be severed will be adequate for existing and proposed uses and will allow for the development of a use which is compatible with adjacent uses by providing for sufficient setbacks from neighbouring uses and, where required, the provision of appropriate buffering.
- 6) The proposed lot(s) will not restrict the development of other parcels of land, particularly the provision of access to allow the development of remnant parcels in the interior of a block of land.

- 7) The policies of Section 4.3 to evaluate significant wildlife habitat shall be required when there is an application for the creation of more than three lots as per the Natural Heritage Reference Manual.
- 8) The proposed development will be serviced in accordance with the policies of Section 5.
- 9) The parkland dedication policies of Section 6.4.3 will apply.

6.4.2.1 *Technical Consents*

- 1) Despite the above, consent may be granted in addition to the consent policies outlined above for a technical severance as follows:
 - a) To correct lot boundaries;
 - b) To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized lot for the purpose for which it is being or will be used;
 - c) To correct title to the land;
 - d) Where the effect of the consent does not create an additional lot;
 - e) To permit an easement; or
 - f) To permit a consent for municipal or other public purposes.

6.4.3 *Parkland Dedication*

Council is entitled to a dedication of land for park purposes as a condition on any division of land in accordance with the *Planning Act*.

- 1) The dedication represents a percentage of land area or market value of land, and is calculated at 5% for residential development and 2% for commercial/industrial development. Where land in a draft plan of subdivision or condominium is used for any other purpose, the Township may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of 5% of the gross area of the land proposed for development. For development containing an affordable residential unit as defined in subsection 4.1 (1) of the Development Charges Act, the dedication will be calculated in accordance with subsection 51.1 (1.1) of the Planning Act. No dedication or payment in lieu thereof will be required for a non-profit housing development as defined in subsection 4.2 (1) of the Development Charges Act.
- 2) Where lands are dedicated for park purposes, the Township Council will use the following criteria to determine acceptability:
 - a) The parcel should be well proportioned and usable for either passive or active recreation or for multi-function sites for a variety of users;
 - b) Council may refuse to accept land if the parcel is considered too small and there are no opportunities to acquire adjacent parcels to create an open space area of acceptable size;
 - c) Every attempt shall be made to integrate existing parks and recreational facilities through a system of open space linkages;
 - d) The parcel should be well drained, of gentle slope, easily maintained, and not subject to periodic flooding. More rugged terrain or preservation areas (i.e., flood plains or wetlands) may, however, be incorporated into the park system as an

additional contribution if the area is to fulfill a natural, passive, or historical function; and

- e) Every attempt shall be made to prevent the unnecessary removal of trees in the development of playgrounds.
- 3) The decision of whether to accept a parkland dedication or the alternative cash-in-lieu shall be based on the need to acquire as much parkland as required in the area to meet a variety of needs. These funds shall then be placed in a park reserve fund to be applied toward the purchase of other parkland or to improve and maintain existing parks. Cash-in-lieu of land may be requested by the Township Council in the following situations:
- a) Where there is a public park in the area which is adequate for existing and future population;
 - b) Where the required land dedication fails to provide an area of suitable shape, size or location for development as public; parkland;
 - c) Where the required dedication of land would render the remainder of the site unsuitable or impractical for development; and/or
 - d) Where the Township is undertaking broader land acquisition strategies for larger parks and it is preferable to have consolidated parkland of a substantial size servicing a wide area.
- 4) Parkland dedication or cash-in-lieu may be used for the development of the Township's recreational trail networks.

6.5 Interpretation of the Plan

Council shall be responsible for interpreting all aspects of the Plan. When the approval authority is the MMAH, the Township or development proponent may consult MMAH prior to submitting a formal planning application. Where policies may reference specific issues of significance to the Province, MMAH may assist on an as-needed basis.

- 1) As the sections of the Plan are interrelated, it shall be read and interpreted in its entirety.
- 2) Defined terms and words used in this Plan are consistent with those as defined in the 2020 PPS and shall be interpreted as such.
- 3) It is intended that land use boundaries shall be considered as approximate, except where bounded by existing roads, rivers, railways, or other clearly defined features. Minor adjustments may be permitted without amendment provided that the intent of this Plan is maintained.
- 4) Technical amendments to this Plan are permitted without a formal amendment, provided they do not change the intent of the Plan. Technical amendments include:
 - a) Changing the numbering, cross-referencing, and arrangement of the text, tables, schedules, and maps;
 - b) Altering punctuation or language for consistency;
 - c) Correcting grammatical, dimensional, and boundary, mathematical, or typographical errors; and

- d) Adding technical information to maps or schedules.
- 5) Where any Act, Provincial Policy Statement, Growth Plan, Ontario Regulation, and/or guideline, or portion thereof, is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may replace or revise the specified document.
- 6) For the purposes of this Plan, it shall be interpreted that the word "existing" shall mean existing as of the date of the adoption of this Plan.