



Township of O'Connor

Final Draft Official Plan April 2018

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PLANNING | DESIGN | LANDSCAPE ARCHITECTURE

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1 INTRODUCTION

This document, and the attached schedules, constitutes the Official Plan of the Township of O'Connor. This Plan replaces the Official Plan, and all amendments thereto, of the Township Official Plan adopted in 2001. This Plan was passed under Section 17 of the Planning Act and applies to all lands within the corporate boundaries of the Township. It is designed to govern for the period 2018-2028.

1.1 OBJECTIVES OF THIS PLAN

The Township is committed to encouraging new development that maintains and improves the quality of life of residents. In addition to responding to matters of provincial interest, Council has set the following objectives:

- a. To maintain, where possible and appropriate, the rural and natural character of the Township which provides serenity, privacy and spaciousness;
- b. To create an environment which enhances the physical, social and economic well-being of the residents of the Township;
- c. To manage change and promote efficient cost-effective development and land use patterns which stimulate economic growth and protect the environment and public health; and
- d. To protect natural heritage features and cultural heritage resources for their economic use and/or environmental benefit, and for the benefit and enjoyment of present and future residents.

1.2 PURPOSE & EFFECT OF THIS PLAN

The Planning Act mandates that all planning authorities prepare and adopt an Official Plan. In addition to fulfilling this statutory requirement, the Official Plan of the Township is designed to achieve a number of purposes, namely to:

- a. Establish, in general terms, the type, form, intensity, character and desired pattern of land use and the approach to ensuring the wise management of the resource base;
- b. Establish a Township-wide growth management strategy;
- c. Provide a consistent basis for actions and decisions on all matters relating to the use of land, development, redevelopment and physical improvement of the Township;
- d. Inform the general public, private interests, and business of the intended nature and direction of the use of land, development, redevelopment and physical improvements in the Township; and
- e. Provide a framework for the implementation of the Township's powers and authority under the Planning Act, and other relevant statutes.

1.3 RELATIONSHIP TO OTHER PLANS

This Plan is one component of the policy-led planning system in Ontario. The Province through the Planning Act, Provincial Policy Statement, Growth Plan for Northern Ontario, and various ministerial guidelines and standards establishes the framework for land use planning and development in Ontario. Specifically the Provincial Policy Statement establishes province-wide policy-directives, these policies direct Official Plans across the Province while the Growth Plan for Northern Ontario, establishes specific direction for physical growth and economic development in Northern Ontario. This Plan is consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario. In the event of conflict, the Provincial Policy Statement and the Growth Plan for Northern Ontario prevail.

1.4 INTERPRETATION OF THIS PLAN

Policies relating to the interpretation of specific components of this Plan are discussed in this Section.

1.4.1 Land Use Boundaries

The boundaries of land use designations are shown on the schedules of this Plan and are considered to be approximate. Where the boundaries are defined by roads, railways or similar physical features, they shall be considered to be absolute.

1.4.2 Accessory Uses

Where a use is permitted in a given designation, uses accessory to the said use shall be deemed to be permitted. The Zoning By-law shall establish regulations to determine what constitutes an accessory use and the circumstances under which they are permitted.

1.4.3 Numbers

Numerical figures in this Plan are considered approximate. Minor deviations from these figures may be acceptable without the need for an amendment to the Plan provided the general intent and spirit of the Plan are maintained.

1.4.4 Statutes / By-laws / Plans

Where any Act, By-law, Standard, Plan or other document is referred to in this Plan, such references shall be interpreted as referring to any and all subsequent amendments, revisions, or successors. In no case shall the policies of this Plan relieve individuals from having to adhere to any other requirement of the Township or other statutory authority.

1.4.5 Defined Terms

It is intended that all terms herein contained be interpreted with the same generality as

Official Plans are accustomed except where defined herein. Where a term is not defined in this Plan but is defined in the Provincial Policy Statement or the Growth Plan for Northern Ontario, that definition will govern.

2 GROWTH MANAGEMENT

Growth management is the method by which the Township regulates development in an attempt to ensure that land is used efficiently and that development does not outpace the Township's ability to provide the services and infrastructure needed to meet the demands of its population. Growth management is also used to protect the natural environment, natural resources, and agricultural lands from unregulated growth. This section outlines the growth management strategy of the Township.

Goals & Objectives

The following goals and objectives shall guide the growth management strategy for the Township to:

- a. Direct the majority of future growth to areas served by an existing road network to limit the costs to the Township and avoid the urbanization of the countryside;
- b. Preserve and protect natural heritage features and areas and prime agricultural lands; and,
- c. Make efficient use of land and the capital investment in infrastructure made by the Township and other levels of government.

2.1 GROWTH MANAGEMENT STRATEGY

Census data from 2016 calculates the population of the Township to be 663. The population had declined by 10% since the 1996 population of 739, or a decline of approximately 0.5% per year. The Township's population is expected to remain stable, with the possibility of limited growth due to interest in rural properties. It is the policy of this Plan that future population growth shall be accommodated in areas served by an existing road network.

2.1.1 New Settlement Areas

The Township is entirely rural and does not contain any designated Settlement Areas, such as a hamlet, village, or town. This Plan aims to preserve the rural character of the Township, and as such no new Settlement Areas shall be permitted.

2.1.2 Creation of New Lots

Given the limited services that exist in the Township, new development that requires the creation or extension of new roads and / or the construction of new public infrastructure is generally discouraged. Applications for development that will result in the creation of new infrastructure, such as roads or culverts, shall require a Financial Implementation Plan, to be prepared at the proponent's expense, detailing the phasing and financial implication of such costs to the Township.

It is anticipated that the majority of lot creation will continue to be through the Consent process. Section 53 of the Planning Act allows subdivision of land through a Consent application where a Plan of Subdivision is not necessary for the proper and orderly development of the Township. Where subdivision by Consent is proposed, a parcel held under unity of ownership as of November 1, 1997 may be subdivided into a maximum of two parcels, exclusive of the retained parcel, except for the purpose of boundary adjustment, partial discharge of mortgage, easements and rights-of-way.

Notwithstanding policies of this plan that limit the number of parcels that may be created through a Consent process, adjacent parcels previously held under unity of ownership prior to March 31, 1979 that have since merged on title are defined for purposes of the Planning Act as one lot. Such parcels, where 64 hectares (160 acres) or more in area, may be subdivided into a maximum of three parcels, exclusive of the retained parcel, except for the purposes of boundary adjustment, partial discharge of mortgage, easements and rights-of-way.

In the rare instances where the creation of more than two parcels is proposed, or where new Township infrastructure is required, a Plan of Subdivision application will be required, as detailed in Section 9.2 (Plan of Subdivision / Condominium) of this Plan.

Depending on the nature of the lot creation and infrastructure being proposed, additional studies and approvals may be required, as established in this Plan and / or relevant provincial legislation, policy, and guidelines.

The Province of Ontario has delegated authority for the approval of land division in the Township to the Lakehead Rural Planning Board.

The lot creation policies of this Plan shall be reviewed at the next Plan review under Section 26 of the Planning Act.

3 LAND USE DESIGNATIONS

This section establishes the policies for the land use designations shown on Schedule A (Land Use).

3.1 RURAL AREA

The Rural Area designation constitutes the land base of the Township. Primarily composed of natural areas and agricultural operations, portions of the Rural Area have been converted in the past for other uses such as rural residential development and some industrial / commercial and recreational uses. The location of the lands designated Rural Area is illustrated on Schedule A (Land Use).

Goals & Objectives

The following goals and objectives shall guide the use of land and maintain the character of the Rural Area to:

- a. Preserve and protect the rural character and the scenic quality of the rural landscape; and
- b. Permit a wide range of uses compatible with rural character and rural servicing levels.

3.1.1 Permitted Uses

The primary use of land in the Rural Area shall be for: rural residential uses; rural commercial and industrial uses; forestry; recreation and open space uses; conservation uses; agricultural uses and agriculture-related uses. Secondary uses in the Rural Area may be permitted provided they will not negatively impact the rural character or planned servicing levels in the Rural Area and shall include: home occupations; home industries (including animal kennels); bed and breakfast establishments; on-farm diversified uses; group homes; secondary dwelling units; and garden suites.

3.1.2 Rural Residential Uses

Rural residential uses shall be limited to a single-detached dwelling on a lot. New rural residential lots shall be permitted, provided that the lot is sized to the minimum area necessary for the residence and the installation of a private water supply and sanitary sewage disposal system. Generally residential lots must be a minimum of 2 hectares, or have a lot frontage of a minimum of 90 metres. As established in Section 8.1 (Water and Sewage) of this Plan, submission of a hydrogeological study may be required prior to the creation of new rural residential lots.

3.1.3 Rural Commercial & Industrial Uses

Rural commercial and industrial uses are uses that provide services and goods to and in

support of mineral mining and mineral aggregate extraction, processing of forest products, agricultural operations, agri-tourism, and outdoor recreation uses. New rural commercial and industrial uses shall only be permitted through a Zoning By-law Amendment and subject to the following policies:

- a. Appropriate buffering shall be provided where the use is located adjacent to a sensitive land use;
- b. There is no adverse impact on the amenity and character of the rural area; and
- c. Adequate on-site parking is provided, if required.

Appropriate buffering for new rural commercial and industrial uses shall be determined in accordance with Ministry of the Environment and Climate Change D-Series Guidelines D-1 and D-6. Section 4.6 (Industrial Uses) of this Plan provides detailed policies regarding appropriate buffering.

The Zoning By-law shall contain a General Industrial zone that shall provide specific regulations detailing permitted uses, scale, intensity, buffering, and parking.

3.1.4 Agricultural Operations

Agricultural operations shall be promoted and protected in the Rural Area, and include such uses as: growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre including poultry and fish; aquaculture; apiaries; agro-forestry; and maple syrup production. The principle of normal farm practice, as defined by the Farming & Food Protection Act, shall be upheld when addressing complaints with respect to noise, odour, dust and similar nuisances brought against farmers in the Township.

3.1.5 Forestry

Forestry uses shall be permitted in the Rural Area designation, including the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation, and protection and production of water supplies. Forestry shall be permitted as-of-right in the Rural Area; however the processing of forest products is considered a Rural Commercial & Industrial Use, and shall be subject to the policies of this Plan, including Section 3.1.3 (Rural Commercial & Industrial Uses), and applicable zoning regulations governing such uses.

Forestry activities on Crown lands within the Township are subject to policies and regulations under the Crown Forest Sustainability Act, governed by the Ministry of Natural Resources and Forestry.

3.1.6 Bed and Breakfast

Bed and breakfast establishments may be permitted in any zone in which a residential use is permitted subject to the following policies:

- a. Location on an open road maintained year-round by the Township or the Ministry of Transportation;
- b. Having sufficient site area to accommodate any proposed on-site recreation amenities and adequate on-site parking; and
- c. Being clearly secondary to the main use of the dwelling and conducted by those residing in the dwelling.

3.1.7 Home Occupations

Home occupations consist of businesses operated by a resident from the premises of his or her own home. Home occupations shall be permitted provided they are clearly secondary to the main residential use of the lot. Such activity is to be conducted entirely within the dwelling by those residing in the dwelling, plus not more than one person who is not a resident thereof, and provided it does not create a nuisance or potential nuisance or detract in any way from the character, peace and enjoyment of the area within which it is situated.

3.1.8 Home Industries

Home industries may be permitted in any zone in which a residential use is permitted through a Zoning By-law Amendment. Home industries shall be small scale, conducted primarily within an accessory building to the main dwelling by those residing in the dwelling, plus not more than three (3) persons who are not a resident thereof, and provided it does not generate adverse impacts on surrounding properties. Home industries may include: wood working shops, small engine repair, animal kennels, auto repair, auto body repair, tradesmen / contractor's shops, and blacksmith shops. Home industries which can no longer be considered secondary to the residential use of the property shall be required to relocate to a site zoned to permit industrial uses.

3.1.9 On-Farm Diversified Uses

On-farm industrial uses such as feed mills, grain drying facilities, fertilizer blending stations, and abattoirs, shall be permitted in association with an agricultural operation subject to a Zoning By-law Amendment. On-farm commercial uses such as stables, greenhouses, fruit and vegetable stands, market gardens, and nurseries may be permitted as-of-right in association with an agricultural operation. All parking shall be located on site. Additionally, these uses may be regulated through Site Plan Control.

Where one of the above-noted uses is proposed as an independent operation (i.e. not associated with an agricultural operation) it shall be considered a rural commercial &

industrial use and subject to the policies and regulations governing those uses.

3.1.10 Secondary Dwelling Units

Secondary dwelling units provide additional residential living space, either as a distinct dwelling unit incorporated by interior renovation within an existing detached house or within a permitted ancillary structure. Secondary dwelling units are permitted on lots developed with a single-detached dwelling provided that:

- a. The principal dwelling unit is located in a designation that permits the residential use;
- b. The secondary dwelling unit is located within the main building or permitted ancillary structure (e.g. a detached garage);
- c. There is adequate private water and sewer capacity to accommodate the secondary dwelling;
- d. The secondary dwelling unit would not otherwise qualify as a garden suite; and
- e. Only one secondary dwelling unit is permitted on a lot.
- f. Second units must meet health and safety standards and be in accordance with Section 8.1 (Water & Sewage) of this Plan, the Ontario Building Code, Fire Code, and other applicable legislation.

The Township shall be satisfied that the secondary dwelling unit does not constitute a second independent principal dwelling on the lot. Standards shall be established in the Zoning By-law to govern compatibility with the main dwelling and neighbourhood character.

3.1.11 Garden Suites

Garden suites consist of a one-unit, self-contained and portable detached residential structure that is ancillary to and on the same lot as a detached dwelling. The placement of a second dwelling on a lot is prohibited, with the exception of a garden suite or a secondary suite. A garden suite may be permitted subject to:

- a. The provisions of Section 39.1 of Planning Act;
- b. The lot being sufficiently large enough to accommodate the garden suite and its required servicing; and,
- c. A Temporary Use By-law being passed, in accordance with the Planning Act, along with an agreement with the Township that addresses occupancy of the garden suite, its removal at the end of the temporary period, and the posting of security to ensure due performance.
- d. Garden Suites must meet health and safety standards and be in accordance with Section 8.1 (Water & Sewage) of this Plan, the Ontario Building Code, Fire Code and other applicable legislation.

3.1.12 Existing Institutional Uses

The Township recognizes a number of existing institutional uses such as the Township office, churches, and the important function they serve. These uses shall be recognized in the Zoning By-law as conforming uses and expansions may be permitted without amendment to this Plan.

3.1.13 Recreation & Open Space Uses

Recreation and Open Space uses include provincial parks, conservation areas, research stations, campgrounds, hunting and game preserves, golf courses, and various other passive recreational uses. Secondary uses such as a club house and other uses functionally associated with an open space use shall also be permitted. These uses may be regulated by a Site Plan Control By-law. The Zoning By-law shall contain an appropriate Open Space zone that shall provide specific regulations detailing permitted uses, buffering, and parking.

3.1.14 Mineral Mining & Mineral Aggregate Resources

Mineral Aggregate Resources include gravel, sand, clay, earth, shale, stone, limestone granite, rock and other material prescribed under the Aggregate Resources Act. New aggregate operations (pits and quarries) require authorization under the Aggregate Resources Act, as administered by the Ministry of Natural Resources and Forestry and shall require a Zoning By-law Amendment.

Appropriate separation distances for proposed and existing aggregate operations are usually determined on a site-specific basis. The potential influence area can be 1,000 metres and the minimum separation distance is 300 metres (for Class III Industrial uses) between the extraction / excavation area and any zone permitting residential or other sensitive land uses. Where technical studies confirm a smaller actual influence area, the required separation distance may be equal to or greater than the actual influence area.

In considering any Zoning By-law Amendment to permit a new mineral aggregate extraction operation, the Township shall require:

- a. Consideration of the effects of the operation on the natural environment, including fish habitat;
- b. A land compatibility study which considers surrounding land uses and possible adverse effects from noise, dust, and vibration. In the absence of studies, pits and quarries should be treated as Class III industrial facilities and new sensitive land use developments are required to meet the separation requirements for Class III facilities in Ministry of Environment and Climate Change's Guideline D-6: Compatibility Between Industrial Facilities and Sensitive Land Uses. Blasting

operations shall be in compliance with Ministry of the Environment and Climate Change Guidelines NPC-119 for Blasting;

- c. The completion of ground and surface water studies to assess the impact of the extraction (both during and post extraction), any water taking, and the return of aggregate wash water upon the area's water resources;
- d. An archaeological assessment completed by a qualified professional to address potential cultural heritage resources;
- e. A traffic study which considers main haulage routes and proposed truck traffic to and from the site; and
- f. A site plan which includes the following information:
 - i. The legal limits of the property, contours, dimensions, site area, location, and the extent of any adjacent property owned by the applicant;
 - ii. The existing use of land and the location and use of all buildings and structures lying within 300 metres of the property that is the site of the extractive operation;
 - iii. Existing and anticipated grades of extraction, extent of extraction area, setbacks from the limits of extraction to the property line, and screening and buffering;
 - iv. The location, height, dimensions, and use of all buildings or structures, and location of machines existing or proposed to be erected on the property;
 - v. All entrances and exits;
 - vi. Limits of development, road plan, water drainage, storage and management, and location of stockpiles;
 - vii. Progressive and ultimate rehabilitation plan including topography, contours, grading, stabilization of banks, fill, drainage, and re-vegetation.

3.1.15 Mineral & Aggregate Processing

Mineral and Aggregate processing is considered an accessory use to an operation and may be permitted provided setbacks for buildings, machinery and equipment from lot lines is determined on a site specific basis in consultation with the Township and with the Ministry of the Environment and Climate Change through the issuance of an Environmental Compliance Approval (ECA). Existing operations shall be permitted to continue without an Official Plan Amendment or Zoning By-law Amendment.

3.1.16 Waste Disposal Facilities

The Township will require an Official Plan Amendment for the establishment of any new waste disposal facilities. Expansion of the existing waste disposal facility will require a Zoning By-law Amendment. The Township will evaluate applications based on a completed Environmental Assessment or an Environmental Screening Report under the Environmental Assessment Act, prepared by a qualified professional, considering such

items as the:

- a. Rationale for the undertaking;
- b. Potential impact on the Township's commitment to waste reduction, reuse and recycling;
- c. Potential community, public health, transportation, environmental, visual, financial and land use impact of the facility;
- d. Use of mitigation measures, such as buffers and setbacks, to address potential land-use conflicts;
- e. Potential impacts and mitigation measures related to roads and haul routes to the facility;
- f. Environmental monitoring of the facility; and
- g. The end use of the facility.

Buffering distances for development around waste disposal facilities are established in Section 4.4 (Waste Disposal Facilities and Contaminated Sites) of this Plan.

Notwithstanding the requirement for a study, the following compatible uses do not require a study: utilities, waste-processing facilities, transportation routes, forestry activities, and gravel pits, quarries and other mining activities.

4 DEVELOPMENT CONSTRAINTS

The Township recognizes that there are certain areas and features (both natural and human-made) throughout the planning area that have the potential to cause damage, harm, or nuisance to people and property. As such, this Plan restricts, and in some cases prohibits, development in hazardous areas and near features which may be unduly impacted by climate change in accordance with established guidelines and criteria. The location of these lands and features are illustrated on Schedule B (Development Constraints) of this Plan.

Goals & Objectives

The following goals and objectives shall guide the planning, development, redevelopment and improvement of areas subject to hazard lands and regulated area development constraints to:

- a. Protect the personal safety and property of the citizens of the Township;
- b. Implement the guidelines and requirements of public bodies and other authorities when making land use decisions; and,
- c. Apply guidelines and requirements of public bodies and other authorities.

4.1 REGULATED AREA (LRCA)

Regulated Areas are identified on Schedule B (Development Constraints) of this Plan. These lands are considered potentially hazardous or hazardous and pose a risk to life and property as a result of their susceptibility to flooding, erosion, or subsidence; and the presence of steep slopes and organic / poorly drained soils. Other lands in the Township characterized by wetlands or other inherent physical limitations to development may also constitute Regulated Area lands. Such lands are regulated by the Lakehead Region Conservation Authority (LRCA).

4.1.1 Lands Affected

Lands shown as Regulated Area are general limits. The actual limits of Regulated Areas shall be more precisely determined at the time of development or, on an 'as required' basis using the most recent mapping of the LRCA, a site inspection, more detailed mapping and supporting technical studies.

4.1.2 Uses Permitted

While the use of land within the Regulated Area designation shall be governed by the policies applying to the applicable underlying land use designation, it is generally intended that these lands be maintained in their natural state and managed to protect adjacent uses from any physical hazards and their effects. Notwithstanding the above, uses normally associated with waterfronts, such as docks, boathouses, marinas and marina facilities,

parks and recreation facilities, and other uses compatible in floodplains, are permitted while institutional uses and essential emergency services shall not be permitted.

The following development activities shall require a permit and approval by the LRCA:

- a. The construction, reconstruction, erection or placing of a building or structure of any kind;
- b. Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- c. Site grading;
- d. The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; or
- e. Straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland.

Notwithstanding the previous policies, buildings and structures on lands designated as Regulated Area are generally prohibited with the exception of the following:

- a. Open space / recreational and agricultural uses, excluding permanent buildings and structures;
- b. Water-oriented recreational uses and related structures and other appurtenances which would not obstruct the passage of flood waters or debris;
- c. Storage yards and parking areas with the exception of any materials which are explosive, buoyant, corrosive, flammable or a potential pollutant; and,
- d. Approved structural works used for flood and erosion-sediment control.

4.1.3 Existing Buildings & Structures

The enlargement and / or reconstruction of existing buildings and structures in the Regulated Area designation shall be permitted subject to the approval of the LRCA. Minor additions or extensions to existing buildings and structures may be permitted by the LRCA and the Township, subject to appropriate flood-proofing elevations and measures and compliance with the Zoning By-law. The LRCA shall determine whether the proposed addition is minor in nature and specify the level of flood-proofing required.

4.1.4 Destruction by Natural Causes

If partial or total destruction of a building or structure occurs due to flood, fire or other natural disaster, such building or structure may be rebuilt subject to the approval of the LRCA. In the floodplain, reconstruction shall be limited to the building or structure's former basic dimensions and used for the same purposes as existed before its destruction subject to the approval of the LRCA.

4.1.5 Evaluation of Development Proposals

Where development is proposed in the Regulated Area designation, at the time of application, the proponent may be required to undertake the appropriate flood-line, Environmental Impact Study (EIS), hydro-geotechnical and geotechnical studies, field work, and mapping necessary to provide the technical information necessary to evaluate the proposal in accordance with the following:

- a. The degree of existing or potential physical hazard;
- b. The potential impact of these hazards on proposed buildings, structures or additions thereto;
- c. The proposed methods by which these impacts may be overcome in a manner consistent with accepted resource management practices and engineering techniques;
- d. Minimum building setbacks in relation to the kind, extent, and severity of both the existing and potential hazard;
- e. Ingress / egress such that vehicular and pedestrian movement is not restricted during times of flooding and erosion hazards; and
- f. Potential impacts on marine cultural heritage resources.

Such studies shall be required at the time of application. The approval of the LRCA shall be required and may only be given where the control of flooding, erosion, pollution or the conservation of land will not be affected by the development.

4.1.6 Zoning

Appropriate regulations shall be established in the Zoning By-law restricting development in the Regulated Area. Such zone, zones, or overlays shall be developed in consultation with the LRCA and shall have regard for their regulatory authority.

4.2 WILDLAND FIRE HAZARDS

Where new development is proposed on lands which are subject to wildland fire risk:

- a. 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.
- b. Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry.
- c. 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 a high

to extreme risk for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.

- d. Wildland fire mitigation measures which would result in development or site alteration shall not be permitted in areas where natural heritage features (significant wetlands, significant wildlife habitat, areas of natural and scientific interest, etc.) occur unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

A map of Potential Forest Hazard Classifications for Wildland Fire in the Township is included as Appendix B to this Plan. The Township will conduct a more thorough assessment of wildland fire areas within the Township boundaries and prepare a corresponding Community Wildland Fire Protection Plan. The Plan will include a base map indicating areas of high risk for wildfire and establish mitigation strategies to prevent forest fires. When this assessment is completed, the results may be mapped and included as an Appendix to this Plan or added to Schedule B (Development Constraints).

4.3 MINING HAZARDS

Mine hazards include areas where the operation of mines or former mines has left the lands in a hazardous state, and are shown on Schedule B (Development Constraints). Mine hazards include any feature of a former mine defined in the Mining Act or any related ground disturbance that has not been rehabilitated (e.g. contaminant, mine shaft, pits). Mine hazards may pose a threat of injury and potential loss of life if they are not mitigated or rehabilitated.

4.3.1 Consultation with Northern Development & Mines

The Township shall require applicants for any proposed new development within 1 km of a mine hazard symbol to consult with the Ministry of Northern Development and Mines regarding the nature of the hazard, and any remediation measures that may be required under the Mining Act.

4.3.2 Development Requiring Rehabilitation / Mitigation

While the underlying land use designation shown on Schedule A (Land Use) shall apply, no development or site alteration shall proceed on a mining hazard until rehabilitation measures to address and mitigate known or suspected hazards have been completed to the satisfaction of the Township and the Ministry of Northern Development and Mines. Additionally, the policies contained in the Potentially Contaminated Sites of this Plan shall apply to lands that may be contaminated due to the presence of mine tailings.

4.3.3 Development of a New Mine

In order to assess any potential negative effects on groundwater, a hydrogeological study

shall be complete prior to commencing the operation of any mine site. The hydrogeological study shall be submitted to the Ministry of the Environment and Climate Change for review and approval.

Any presence of private drinking water supply (DWS) wells within 500 m of radius of the Site shall be assessed during the hydrogeological study and potential risks to the private DWS wells determined.

A groundwater sampling and monitoring program shall be implemented during the operation of any mine site. In addition, a background groundwater quality should be established before initiating the operation of a mine site. Any Site Plan Control and Rehabilitation Plan shall be completed in accordance with the Ontario Regulation 240/00 and submitted to the Ministry of the Environment and Climate Change for review and approval.

Upon site closure, an environmental site assessment (including surface and subsurface soil and groundwater investigations) shall be completed in areas (i.e. on-site storage tank nest area, milling area, process building, etc.) where potential contaminants of concern (PCOCs) were handled, stored and used at the Site. Any contaminated areas shall be rehabilitated in accordance with applicable regulations and guidelines. Environmental Site Assessment reports and Remediation Action Plans shall be submitted to the Ministry of the Environment and Climate Change for review and approval.

4.4 WASTE DISPOSAL FACILITIES & CONTAMINATED SITES

Due to the potential for methane gas, leachate migration, soil degradation and instability in soils on, and adjacent to, operating and closed landfill sites and other contaminated sites (often referred to as 'brownfield' sites) measures are required to ensure public health and safety. In accordance with the Environmental Protection Act, prior to any approval being given for a change in use to a more sensitive land use on contaminated, or potentially contaminated sites, an Environmental Site Assessment shall be completed and a Record of Site Condition filed with the Ministry of Environment and Climate Change and the Township.

4.4.1 Waste Disposal Facilities

No use shall be made of any closed waste disposal facility for a period of 25 years from which such land ceased to be used as a waste disposal facility without the approval of the Minister of Environment and Climate Change, as stipulated by the Environmental Protection Act.

In accordance with Ministry of the Environment and Climate Change Guideline D-4, no land use may take place within 30 metres of the perimeter of a fill area, and a total buffer area of 60-100 metres is encouraged.

Within 500 metres of the perimeter of an operating or closed waste disposal facility or any other known waste disposal facility, an environmental site assessment (including surface and subsurface soil and groundwater investigations) in accordance with Ontario Regulation 153/04 and Ministry of the Environment and Climate Change Guideline D-4 shall be required and submitted at the time of application or prior to the issuance of a building permit, as the case may be. No land use shall be permitted within this 500-metre buffer, unless a study by a qualified professional demonstrates that no negative impacts to health or safety will result.

Any new or expanding waste disposal facilities shall be designed in accordance with Ontario Regulation 232/98 and the Ministry of the Environment and Climate Change Landfill Standard. Design Plans for new or expanding waste disposal facilities shall be submitted to the Ministry of the Environment and Climate Change for review and approval. In addition:

- a. In order to assess any potential negative effects on groundwater, a hydrogeological study shall be completed before establishing the waste disposal facility. The hydrogeological study shall be submitted to the Ministry of the Environment and Climate Change for review and approval.
- b. Any presence of private DWS wells within a radius of 500 metres around the facility shall be assessed during the hydrogeological study and potential risks to the private DWS wells determined.
- c. A groundwater sampling and monitoring program shall be implemented during the operation of any new or expanded waste disposal facility in accordance with O.Reg. (232/98) and the Ministry of the Environment and Climate Change Landfill Standard. In addition, a background groundwater quality should be established before initiating the operation of a waste disposal facility.
- d. A contaminated attenuation zone (CAZ) shall be established for any waste disposal facility, in accordance with the Ministry of the Environment and Climate Change Guideline 8-72.
- e. Design Operation and Closure Plans shall be completed and submitted to the Ministry of the Environment and Climate Change for review and approval.

4.4.2 Contaminated Sites

As per the Environmental Protection Act, prior to any approval being given for a change in use to a more sensitive land use on contaminated, or potentially contaminated sites, an

Environmental Site Assessment shall be completed and a Record of Site Condition filed with the Ministry of the Environment and Climate Change and the Township.

Decommissioning and / or remediation of the site may be required. Development shall not be permitted which may result in health or safety risks to the public or future occupants as a result of previous uses or activities.

As per the Environmental Protection Act, a property owner may file a Record of Site Condition (RSC) on the Environmental Registry (Ministry of the Environment and Climate Change) and Township if the applicable standards are met for soil, groundwater and sediment. An initial environmental assessment (Phase One ESA) in accordance with O. Reg. 153/04 is required to determine the likelihood that contaminants have affected the property. A more detailed environmental site assessment (Phase Two ESA) in accordance with O. Reg. 153/04 may be required to determine the concentrations of contaminants on the property. The RSC is mandatory to be filed with the Ministry of the Environment and Climate Change if changes of property land use are planned by the property owner.

The Phase Two ESA should demonstrate that the property meets the applicable site condition standards or property-specific standards established by a Risk Assessment (RA), which should be approved by the Ministry of the Environment and Climate Change. A Certificate of Property Use (CPU), which will require the property owner to take certain risk management actions or refrain from doing certain things on the property, may be issued by the Ministry.

4.5 LIVESTOCK FACILITIES & MANURE STORAGEES

Based on the standards established by the Ministry of Agriculture & Food, sensitive land uses such as residential and institutional uses are not appropriate in close proximity to livestock facilities, such as barns and manure storages in the 'Rural Area'. Such uses have the potential to create odour nuisance for sensitive land uses and may subsequently restrict a farmer's ability to expand their operation.

4.5.1 Minimum Distance Separation Formulae

All development in the Rural Area shall comply with the Minimum Distance Separation Formulae (MDS) I and II, as established and amended by the Province. Said formulae shall be implemented through its inclusion in the Zoning By-law. The administration / interpretation of the formulae shall be guided by implementation guidelines as established by the Province.

4.5.2 Reductions to MDS

While the administration / interpretation of MDS formulae shall be guided by the

implementation guidelines as established by the Province, it may be desirable in certain circumstances to reduce a required MDS. This can be accomplished through either a Zoning By-law Amendment or Minor Variance. Reductions to MDS will generally be restricted to situations where a reduction in the setback will result in an overall improvement over the existing separation distance, or when the reduction will result in an overall environmental improvement over the existing separation distance.

4.6 INDUSTRIAL USES

Based on D-Series Guidelines established by the Ministry of the Environment and Climate Change, sensitive land uses such as residential and institutional uses may not be appropriate in close proximity to certain classes of industrial facilities, as such uses can create a nuisance for the sensitive land use (i.e. noise, vibration, dust, odour, etc.). In turn, sensitive land uses can inhibit industry ability to operate or expand based on their industry standards, as well as those established by the Province.

4.6.1 Influence Areas

Where a proposed industrial use has the potential to cause nuisance or adverse impacts to a sensitive land use, the applicant shall be required to complete an analysis of potential impacts following the D-1 and D-6 Guidelines established by the Ministry of the Environment and Climate Change. Said analysis shall be required at the time of application. Mitigation measures, setbacks, performance measures or other recommendations from the analysis shall be implemented. The same shall apply to a sensitive land use proposed in proximity to an industrial use.

The following minimum separation distances shall apply between industrial uses and residential or other sensitive land uses:

- Class I Industries – 20 metres
- Class II Industries – 70 metres
- Class III Industries – 300 metres

In the absence of a technical study that identifies an actual influence area, separation distances required between industrial uses and residential or other sensitive land uses shall reflect the following potential influence areas:

- Class I Industries – 70 metres
- Class II Industries – 300 metres
- Class III Industries – 1,000 metres

4.6.2 Noise

If a sensitive use is proposed near a major facility, a noise feasibility study will be required when:

- a. The sound levels resulting from surface transportation noise affecting the proposed lands exceed the noise criteria by more than 10 dBA; or
- b. The proposed lands are within 100 metres from a principal railway line right-of-way or 50 metres from a secondary main railway line right-of-way.

Detailed noise studies are required when:

- c. The sound levels resulting from surface transportation noise affecting the proposed lands exceed the noise criteria by more than 5 dBA; or
- d. The proposed lands are within 500 metres from a principal main railway line right-of-way, 250 metres from a secondary main railway line right-of-way, or 100 metres from other railway lines.

4.7 PATROL YARDS

Development on lands in proximity of patrol yards will be compatible with the use and activity occurring at these sites.

4.8 NATURAL HERITAGE FEATURES & AREAS

Natural heritage features and areas, as described under Section 6 of this Plan, shall be protected for the long term. The following features and areas are shown on Schedule B (Development Constraints):

- a. Significant wildlife habitat
- b. Known habitat of endangered and threatened species (generalized to 1-kilometre grids)
- c. Fish habitat
- d. Areas of Natural and Scientific Interest (ANSIs)
- e. Provincially Significant Wetlands (PSWs)

4.9 PROVINCIAL PARKS & CONSERVATION AREAS

Provincial Parks and Conservation Areas are vital and treasured assets that protect naturalized areas for future generations. In addition to safeguarding areas of unique natural features and habitats, Parks and Areas also provide valuable opportunities for recreational activities for residents and visitors to Ontario.

Cedar Falls Conservation Area is located within the Township, and Kakabeka Falls Provincial Park is located directly adjacent to the Township's eastern boundary. It is the policy of this Plan to protect the ecological and functional integrity of these sensitive areas, and minimize any negative impacts from development on these areas.

5 ECONOMIC & COMMUNITY DEVELOPMENT

5.1 ECONOMIC DEVELOPMENT

Economic development refers to any actions undertaken to support the economic and social well-being of the Township. Opportunities to increase employment, support local business, and attract new industries contribute to overall community well-being, and aid in sustaining population growth, expanding local assessment and tax revenues, and provide increased markets for goods and services in the Township.

Goals & Objectives

The following goals and objectives shall guide the planning, development, redevelopment and improvement of the Township to:

- a. Actively participate in the development of the local economy;
- b. Ensure an adequate range and supply of housing;
- c. Participate in community improvement programmes where needed; and
- d. Promote sustainability efforts and programmes in the Township.

5.1.1 Supporting Business

The Township shall encourage the expansion and diversification of the Township's economic base in order to maximize employment opportunities and increase the tax base. In particular, priority economic sectors such as agriculture and forestry shall be promoted.

5.1.2 Economic Development Strategy

The Township may undertake an Economic Development Strategy to assist in articulating the economic development goals and objectives of the Township. This Strategy may be completed with regional partners and may focus on business attraction and retention programmes.

5.1.3 Engaging Local Groups

Opportunities to engage local community groups and volunteer organizations to assist in economic development efforts, such as beautification, business promotion, and increasing community pride / awareness may be considered.

5.1.4 Infrastructure Needs

The Township shall improve and maintain, to the extent its resources and priorities permit, the infrastructure necessary to meet the needs of industry in the Township and shall protect industrial uses from the unwarranted encroachment of land uses which have the potential to create land use incompatibilities and conflicts.

5.1.5 Community Design & Built Form

The Council of the Township aspires to principles of good community design for a rural context, and recognizes the importance of built form. In general, elements of built form, such as building setbacks and maximum building heights, will be implemented through the Zoning By-law.

5.1.6 Community Hubs

The Township supports the co-location of public service facilities in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration and active transportation.

The principal community hub in the Township is centred around the intersection of Highway 595 and Broome / Whittaker Road, and includes the Township Municipal Office, Community Hall, Township Garages, and Fire Hall. The Township of O'Connor does not contain a settlement area, and the encouragement of community hubs in this section shall be interpreted to support the co-location of uses in a rural context.

5.2 COMMUNITY IMPROVEMENT

The community improvement provisions of the Planning Act provide the primary mechanism for the Township to directly intervene in the marketplace to offer incentives to citizens and businesses to advance economic development and cultural priorities and foster the development and redevelopment of land in the Township.

Goals & Objectives

The following goals and objectives shall guide the development and administration of community improvement in the Township to:

- a. Improve the physical appearance and environmental condition of the Township;
- b. Support redevelopment and the rehabilitation of brownfield sites and other underutilized lands for other purposes to make more efficient use of existing infrastructure;
- c. Assist in attracting new business and residents to the Township; and
- d. Encourage the development of affordable housing, assisted seniors housing and housing for special needs.

5.2.1 Authority to Create a Community Improvement Plan (CIP)

Council may pass a by-law designating a Community Improvement Project Area under the Planning Act. The boundary of the Project Area may be the whole Township, or any part thereof. Subsequently, the Township may develop a comprehensive program for the preservation, rehabilitation, reuse, and redevelopment of one or more Community

Improvement Project Areas.

5.2.2 CIP Project Area

In determining the location of a Community Improvement Project Area and the preparation of a Community Improvement Plan, one or more of the following conditions may exist:

- a. Inadequate appearance of buildings, streetscaping, landscaping and other site features;
- b. Poor local physical services such as roads, storm water drainage, lighting, and hydro;
- c. The presence of land use conflicts such as incompatible, unsightly land and / or non-conforming land uses;
- d. Natural heritage resources in need of preservation or renewal;
- e. Built heritage resources in need of conservation;
- f. Inadequate mix of housing types;
- g. Known or perceived environmental contamination; and
- h. High industrial, commercial or residential vacancy rates.

5.2.3 CIP Programs / Incentives

In the implementation of a community improvement program within the selected Community Improvement Area, it is the policy of Council:

- a. To undertake community improvement in accordance with the provisions of the Planning Act, as amended;
- b. To use public funds acquired through appropriate Township, provincial and federal programs to assist in implementing the community improvement policies of this Plan;
- c. To acquire, clear, grade or otherwise prepare land for the purpose of undertaking community improvements;
- d. To encourage the relocation of incompatible land uses;
- e. To encourage the rehabilitation of private buildings and the improvement of private property by advising owners of government subsidies and programs; and, by providing advice and guidance on energy conservation and the maintenance and rehabilitation of buildings and structures; and
- f. Ensure community improvement plans encourage the preservation, rehabilitation, renewal and reuse of heritage resources.

5.3 HOUSING

Housing constitutes a basic human need and the provision of adequate and affordable housing, which meets the needs of all segments of society, is a goal of the Township. Council recognizes that adequate housing opportunities aids in encouraging population

and economic growth.

Goals & Objectives

The following goals and objectives shall guide the development, redevelopment and improvement of housing in the Township, to:

- a. Maintain at all times an adequate supply of housing in terms of dwelling types, tenure and affordability;
- b. Encourage the provision of a wide variety of housing types to meet community needs; and
- c. Pursue the eradication of substandard housing in the Township.

5.3.1 Housing Stock

A variety of housing types and tenure shall be encouraged to meet the needs, affordability and preferences of existing and future residents which will be articulated in the Zoning By-law. Notwithstanding this, it is the policy of this Plan that mobile home parks shall not be allowed in the Township, as the density and servicing requirements are not compatible with the desired rural environment.

5.3.2 Housing for Special Needs

Within the limits of its financial resources and statutory authority, the Township shall use its best efforts, to ensure that an adequate supply of housing is available for those with special needs. As applicable, Council will endeavour to coordinate with applicable boards and other agencies on housing matters within the Township.

5.3.3 Substandard Housing

The Township shall use its legislative authority under the Municipal Act and the Building Code Act, to adopt and enforce minimum standards for occupancy and may participate in programs designed to eradicate substandard housing conditions.

5.3.4 Affordable Housing

The Township shall encourage the adequate provision of a full range of affordable housing opportunities. This may include support for, or involvement in income-g geared housing and housing co-operatives. Additionally, to aid in its accessibility and development, secondary suites shall be permitted in single, semi and townhouse dwellings as well as accessory buildings, subject to Section 3.1.10 (Secondary Dwelling Units) of this Plan and the requirements of the Zoning By-law.

6 THE NATURAL ENVIRONMENT

The health of the natural environment is directly tied to the health of the Township community and its residents. Natural heritage features and areas such as woodlands and wetlands provide wildlife habitat and contribute to air and water quality. The natural environment also provides the Township with a source of drinking water and other natural resources such as mineral aggregate resources with their associated economic value.

Goals & Objectives

The following goals and objectives shall guide the conservation, planning, and development of the natural environment to:

- a. Protect the natural environment and its areas, features and resources from development and / or incompatible development;
- b. Ensure a healthy environment and improved quality of life through the protection and enhancement of the natural environment, and its areas, features and resources; and
- c. Encourage compatible development in keeping with environmental, social and economic goals.

6.1 NATURAL HERITAGE FEATURES & AREAS

Natural heritage is a system composed of natural heritage features and areas, which are linked by natural corridors. Natural heritage features, areas and corridors are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems.

6.1.1 Location

Natural heritage features and areas consist of a variety of features and areas including wetlands, woodlands, areas of natural & scientific interest (ANSI), river systems and wildlife habitats. The actual location and limits of natural features and areas shall be determined through consultation with the Township, the LRCA and / or the Province.

Where development is proposed within, or adjacent to, these features and areas, the proponent may be required to undertake appropriate field work, mapping and complete an Environmental Impact Study (or equivalent study) to provide the information necessary to evaluate the proposal. For the purposes of this Section, “adjacent” can be defined as lands up to 120 metres from the edge of the feature, unless otherwise specified.

6.1.2 Commitment

The Township shall ensure the protection of the natural environment when exercising its authority under the Planning Act, and may seek appropriate technical guidance when

required.

6.1.3 Maintenance & Restoration

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and groundwater features. When the opportunity exists, such as through parkland dedication, the Township shall examine opportunities to improve and / or rehabilitate natural heritage features and areas.

6.1.4 Environmental Impact Study

Where development is proposed as noted in subsections 6.1.5 to 6.1.10 of this Official Plan, the proponent shall be required to submit an Environmental Impact Study (EIS), prepared by a qualified professional, at the time of application. An EIS is a study prepared in keeping with established procedures to identify and assess the impacts of development on a specified feature or system. Approval of the EIS shall rest with the Township in consultation with the Ministry of Natural Resources and Forestry, subject to the following policies:

- a. Where development is proposed within or adjacent to Natural Heritage Features as noted in subsections 6.1.5 to 6.1.10 below, the proponent will be required to provide an EIS, prepared by a qualified environmental specialist. The EIS shall include but not be limited to:
 - i. A description of the existing natural environment, including natural features and ecological functions that may be affected by the proposed development or site alteration;
 - ii. A description of the potential impacts of the proposed development on the natural environment;
 - iii. Suggested development alternatives that would avoid these impacts, or, if impacts cannot be avoided, recommended mitigation measures, including proposed implementation measures; and
 - iv. Recommended monitoring activities.
- b. Where required, no planning approval will be granted until an EIS has been completed to the satisfaction of Council. Where necessary, the Lakehead Region Conservation Authority and the Ministry of Natural Resources and Forestry should be consulted to assist in the review of an EIS. Where a peer review by a qualified environmental specialist is necessary, the cost of this review shall be the responsibility of the proponent.
- c. In cases where the development constitutes a relatively minor undertaking (such as construction on a single residential lot) or development that barely encroaches within the adjacent lands zone, municipal planning staff may exercise some discretion and

request that the proponent prepare a scoped EIS. This typically involves a simple checklist approach of planning issues that only addresses the key issues identified at the initial assessment stage.

- d. For more complex proposals, such as plans of subdivision / condominiums, and resort / recreational developments (e.g. marinas), a full site EIS is the appropriate mechanism for demonstrating that development can meet the test of municipal and provincial natural heritage policies. Components of a full site EIS typically include consideration of the following:
 - i. A detailed description of the natural heritage attributes of the study area, including: terrain setting; soils; geology; groundwater and surface water resources; vegetation communities; fish and wildlife communities and habitat; and delineation of the precise boundaries of the natural heritage feature(s);
 - ii. A characterization of the existing ecological, hydrological and hydrogeological functions performed by the significant features;
 - iii. A detailed description of the proposed development, including building type and density, servicing (sewage disposal, water supply) and infrastructure (roads, stormwater management, etc.);
 - iv. A prediction as to potential impacts (direct, indirect and cumulative) of the development on the natural and physical environment;
 - v. The identification and evaluation of measures / options to avoid, reduce or otherwise mitigate impacts to meet the standard of no loss of feature and function;
 - vi. The selection of a preferred mitigation / rehabilitation strategy;
 - vii. A summary of predicted net effects after the application of mitigation compared to overall environmental targets and standards; and
 - viii. An evaluation of the elements required and need for a monitoring program to assess the effectiveness of the preferred mitigation / rehabilitation strategy.

6.1.5 Areas of Natural & Scientific Interest (ANSI)

Areas of Natural and Scientific Interest are areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education. Development may be permitted in Areas of Natural and Scientific Interest, provided it does not negatively impact on the natural features or ecological functions for which the area has been identified. Where development of site alteration is proposed within or on the adjacent lands (within 120m of the boundary) of the ANSI, the proponent shall provide the Township with an Environmental Impact Study (EIS) that demonstrates that there will be no negative impacts on the ANSI or on its ecological function.

6.1.6 Endangered & Threatened Species

The Endangered Species Act (ESA) prohibits the killing, harming, harassment, capture, or taking of a Species at Risk, and the damaging or destroying of their habitat. Anyone undertaking an activity is responsible for ensuring that the activity does not contravene the ESA. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

- a. The Township shall ensure every application for development or site alteration provides an appropriate level of assessment for the identification of threatened or endangered species habitat within or adjacent to the project area.
- b. Any person undertaking an activity within a habitat of an endangered or threatened species is responsible for contacting the MNRF to determine whether conditions under the ESA apply.

6.1.7 Fish Habitat

Development and site alteration shall not be permitted in fish habitat, except in accordance with provincial and federal requirements.

- a. Development and site alteration shall not be permitted on adjacent lands to fish habitat unless it is demonstrated in an EIS that there will be no negative impacts on the habitat or its ecological functions.
- b. Where development may proceed adjacent to fish habitat, a 30-metre setback from the shoreline shall be maintained as a natural vegetative buffer. Site alteration and disturbance of vegetation within 30 metres of the shoreline shall be limited to minor alterations to accommodate access trails, docks, water pumping equipment or restoration work.

6.1.8 Provincially Significant Wetlands

Where development and / or site alteration is proposed within 120 metres of the boundary of a provincially significant wetland, the proponent may be required to provide the Township with an EIS, prepared by a qualified professional, which demonstrates that there will be no negative impacts on the wetland or its ecological function. PSWs will be subject to the regulations administered by the LRCA, and a permit from the Authority may be required to allow regulated activities.

6.1.9 Evaluated Wetlands

The Township currently does not contain any evaluated wetlands. Any evaluated wetlands identified in the future will be indicated on Schedule B (Development Constraints). Such

wetlands will be subject to the regulations administered by the LRCA, and a permit from the Authority may be required to allow regulated activities.

If a wetland is identified, and has characteristics or contains significant species or functions that are typical of a significant wetland on or adjacent to a proposed development, a wetland evaluation assessment will be undertaken by a qualified professional and subsequently reviewed by the MNRF to determine its significance.

6.1.10 Significant Wildlife Habitat

Wildlife habitat is considered significant where it is ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identified area.

Development and site alteration shall not be permitted in or adjacent to (within 120 metres) significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

An Environmental Impact Study (EIS) will be required where development may impact significant wildlife habitat or adjacent lands (120 metres) to significant wildlife habitat.

The habitat of Special Concern species and other sensitive species should be considered as significant wildlife habitat, as defined in the Natural Heritage Reference Manual. Special Concern species are formally listed in MNRF's Species at Risk in Ontario (SARO) list.

6.1.11 Zoning

Appropriate zoning shall be established in the Zoning By-law recognizing the varying degree of protection provided to natural heritage features and areas in this Plan. Overlays, in conjunction with zones, may be used.

6.2 MINERAL AGGREGATE, MINERAL MINING & PETROLEUM RESOURCES

There are limited mineral mining and mineral aggregate resources in the Township and no evidence of commercially viable deposits of petroleum. Notwithstanding this, it is recognized that these resources may exist within the Township and shall be protected for long-term use. The following policies shall apply to petroleum resources and mineral aggregate resources, which are shown on Schedule B (Development Constraints).

6.2.1 Protection of Viability

Where feasible, the viability of mineral mining, mineral aggregate, and petroleum

resources will be protected from uses that may compromise the future extraction. On lands identified as being potential resource areas, development of other land uses shall be permitted, provided that:

- a. Extraction of the resource is not feasible;
- b. The proposed use serves a greater long-term public interest; and
- c. Issues of public health, safety and environmental impact are addressed.

6.2.2 Non-Resource Extraction Uses

Non-resource extraction uses such as forestry, agriculture, agricultural-related industrial and commercial and secondary uses, conservation, and fish and wildlife uses shall be permitted, provided that these uses will not preclude future extraction of the resource.

6.3 SHORELINE DEVELOPMENT

Where new development is proposed along the shoreline of the Whitefish River, a minimum undisturbed natural vegetated buffer of 10 metres will be required adjacent to the shoreline to minimize the impacts of development on water quality. The provision of non-development setbacks and natural vegetated buffers of up to 30 metres will be encouraged, and may be required where there is potential for greater impacts on water quality.

The Township may also encourage, through planning approvals and other mechanisms such as landowner education, the use of Best Management Practices for Shoreline Development, including the following measures:

- a. Locating on-site sewage systems where native soils are deepest, and at the furthest distance possible from the shoreline. A minimum setback of 30 metres for sewage systems is recommended whenever possible;
- b. Minimizing the clearing of natural vegetation on the site, particularly along the shoreline;
- c. Reducing lot grading;
- d. Using grassed swales and / or vegetated filter strips on lots that require ditching to control runoff;
- e. Reducing hardened surfaces and promotion of infiltration of stormwater; and
- f. Directing roof leaders to rear yard ponding areas, soakaway pits, or to cisterns or rain barrels.
- g. Sump pumping foundation drains to rear yard ponding areas and infiltration trenches.

7 CULTURAL HERITAGE

Cultural Heritage Resources are tangible resources which provide the context of the social and physical make-up of the Township and its residents. They foster civic pride among citizens, and provide connections to the Township's past. Although the Township has not designated any heritage resources under the Ontario Heritage Act to date, the following policies are established to provide a framework for future heritage planning, as applicable.

Criteria for Determining Cultural Heritage Value or Interest

- a. The property has designed value or physical value because it:
 - i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
 - ii. Displays a high degree of craftsmanship or artistic merit; or
 - iii. Demonstrates a high degree of technical or scientific achievement.
- b. The property has historic value or associative value because it:
 - i. Has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to a community;
 - ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or
 - iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.
- c. The property has contextual value because it:
 - i. Is important in defining, maintaining or supporting the character of an area;
 - ii. Is physically, functionally, visually or historically linked to its surroundings; or
 - iii. Is a landmark.

Goals & Objectives

The following goals and objectives shall guide planning, development, redevelopment and improvement of cultural heritage to:

- a. Protect, conserve and enhance cultural heritage resources;
- b. Increase public awareness of the importance of cultural heritage resources to the community;
- c. Respect private property rights in the protection of cultural heritage resources; and,
- d. Consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.

7.1 BUILT HERITAGE RESOURCES & HERITAGE LANDSCAPES

Built Heritage Resources include buildings, structures and monuments, while Heritage Landscapes are features such as public spaces, cemeteries, parks, natural features,

views and vistas. Built Heritage Resources and Heritage Landscapes are subject to the following policies:

7.1.1 Protection

The Township shall use its powers under the Ontario Heritage Act and the Planning Act including zoning for archaeology, holding zones, conditions of approval and site plan agreements to protect, conserve and enhance its cultural heritage resources. Development and redevelopment which is sensitive to cultural heritage resources, uses these resources, and is respectful of these resources shall be encouraged.

7.1.2 Inventory & Designation

The Township may designate individual properties under Part IV of the Ontario Heritage Act (OHA), and heritage conservations districts under Part V of the OHA, and is required to maintain a register of all property it designates under the OHA. In addition, the Township will maintain an inventory of all properties that are not designated but have been identified as being of cultural heritage value or interest.

7.1.3 Alterations to Heritage Resources & Adjacent Lands

Development, redevelopment and site alteration to a designated heritage resource or on lands adjacent to a designated heritage resource shall only be permitted where it has been evaluated and demonstrated by a heritage professional that the heritage attributes of the resource will be conserved. Mitigating measures and / or alternative development approaches may be required in order to conserve the heritage attributes of the affected resource.

7.1.4 Demolition / Destruction

The demolition or destruction of designated cultural heritage resources shall generally not be permitted. Prior to considering such a request, the Township shall require the applicant to:

- a. Submit accurate and complete information pertaining to the structural condition of the building or structure, with respect to the Ontario Building Code; and
- b. Any other relevant information to determine the feasibility of restoring as opposed to demolishing the building or structure.

The Township shall engage the services of a qualified professional to review any required documentation or reports and conduct a heritage impact assessment prior to granting a demolition permit.

7.1.5 Township-Owned Heritage Resources

The Township shall protect, restore and maintain cultural heritage resources under its

ownership to express its commitment to the protection and preservation of these resources, to enhance the identity and character of the Township and to provide an example of the merits of quality restoration and maintenance.

7.1.6 Assistance

Council may utilize available government funding assistance programs to assist in the implementation of cultural heritage conservation policies. Council, where appropriate, shall cooperate with other levels of government, as well as with private agencies and individuals, in the conservation of local cultural heritage resources.

7.1.7 Awareness

Measures to increase public awareness of cultural heritage resources shall be encouraged through a variety of means including the:

- a. Identification and designation of potential cultural heritage resources;
- b. Maintenance of historic records and archives;
- c. Appointment of a municipal heritage committee to advise and assist Council on Parts IV and V of the OHA.

7.2 ARCHAEOLOGICAL RESOURCES

Archaeological resources include artifacts, archaeological sites, and marine archaeological sites identified and evaluated by archaeological fieldwork.

7.2.1 Protection of Archaeological Resources

Development, redevelopment and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the archaeological resources have been conserved by removal and documentation, or by preservation on-site. Council will obtain available archaeological site data locations from the Ontario Archaeological Sites Database maintained by the Ministry of Tourism, Culture and Sport for the purpose of heritage conservation planning. Where archaeological resources must be preserved on-site, only development, redevelopment and site alteration which maintain the heritage integrity of the site may be permitted.

7.2.2 Archaeological Assessments

Archaeological resource areas are determined through the use of provincial screening criteria, or potential mapping developed based on the known archaeological record or features within the Township and is usually developed with a licensed archaeologist. Development applications that meet one or more provincial criteria shall be required to undertake an archaeological assessment to the satisfaction of the Province prior to the development approval. Archaeological assessment by a licensed consultant archaeologist

is required when a known or suspected cemetery or burial site is affected by development or public works.

8 INFRASTRUCTURE & SERVICING

Infrastructure is the basic physical and organizational arrangement required for the Township to function. Some community infrastructure is provided directly by the Township, such as roads and culverts, while water and septic servicing infrastructure is the responsibility of property owners. The following policies relate to both the existing and planned infrastructure requirements of the Township.

Goals & Objectives

The following goals and objectives shall guide the planning, development, redevelopment and improvement of servicing and infrastructure to:

- a. Ensure that servicing and infrastructure are planned and designed to ensure long term fiscal sustainability through advanced design standards, asset management programs, and provisions for efficient, cost-effective operations;
- b. Protect the health, safety and wellbeing of the citizens and property within the Township;
- c. Ensure that development does not out-pace the Township's ability to provide infrastructure and servicing;
- d. Promote green infrastructure, energy efficiency and conservation where feasible;
- e. Consider impacts of climate changes; and
- f. Ensure that development is strategically located to support the effective and efficient delivery of emergency management services.

8.1 WATER & SEWAGE

The Township does not maintain public water services or sewage services. As such, all development is required to be serviced by individual on-site sewage services and individual on-site water services.

8.1.1 Private Services

Private services consist of one individual, autonomous water supply and wastewater disposal system, normally a well and septic system, owned and maintained by the property owner(s). All proposals for development will require individual on-site sewage services and individual on-site water services that are approved by the Thunder Bay District Health Unit, the Township, and / or the Province.

8.1.2 Requirements for Septic Systems

To accommodate an individual on-site sewage service, new lots shall be a minimum of 2 ha, or have a lot frontage of 90 m, unless a smaller lot size can otherwise be supported by technical information pertaining to the physical characteristics and hydrogeology of the site in accordance with guidelines of the Ministry of the Environment and Climate Change and

prepared by qualified professionals.

A development plan for any type of on-site sewage services, such as a septic tank system or leaching pit, shall be completed in accordance with Ontario Regulation 358 and approved by the Thunder Bay District Health Unit, and the Ministry of the Environment and Climate Change.

Large sewage disposal systems with design flows greater than 10,000 Litres per day shall have a hydrogeological assessment completed in accordance with the Ministry of the Environment and Climate Change Sewage Guidelines and shall be submitted to the Ministry for review and approval.

8.1.3 Requirements for Drinking Water

An adequate supply of water for new lots under 4 hectares (10 acres) in area shall be demonstrated. The potability of the water shall be demonstrated in the form of a written report from a recognized testing laboratory, indicating that the water source is potable.

Drinking Water Supply wells shall be installed in accordance with Ontario Regulation 903.

8.1.4 Multi-unit Development

Where multi-unit development is proposed for five (5) or greater units or lots, a hydrogeological assessment is required by Ministry of the Environment and Climate Change D-5 Guideline is required to confirm that an acceptable quality and adequate quantity of drinking water is available. The assessment must be prepared by qualified professionals and should provide technical guidance on private wells.

8.1.5 Permit to Take Water

Any taking of water shall follow the requirements outlined in the Ontario Water Resources Act, Ontario Regulation 387/04 and the Water Management Policies Guidelines and Provincial Water Quality Objectives.

8.2 STORMWATER MANAGEMENT

In order to control flooding, ponding, erosion and sedimentation and to protect water quality and aquatic habitat or other natural habitat which depend on watercourses and other waterbodies for their existence, stormwater management plans shall be required for any new development consisting of more than four lots, or for commercial or industrial developments with large amounts of impervious area, and may be required in other site-specific basis depending on the nature of the development. Stormwater management will be undertaken in accordance with Ministry of the Environment and Climate Change

Guidelines (Stormwater Management Planning and Design Manual, 2003).

The Township shall promote naturalized stormwater management facilities, constructed with gentle slopes. Applications for development may be required to be supported by a stormwater quality / quantity management study. The planning and design of stormwater facilities should be undertaken in accordance with the Ministry of the Environment and Climate Change Stormwater Management Planning and Design Manual.

8.3 LOCAL ROADS

Council intends on maintaining a safe and efficient road system for the movement of people and goods to, from, and throughout the Township. The road system should be adequate to safely serve the Township but should not be over-extended or developed to a standard that would result in a financial burden.

8.3.1 Primary Purpose

The primary purpose of Township roads is to facilitate local traffic and provide access to development areas. Direct access to Township roads from abutting lots is permitted, provided that all other Official Plan policies are met.

8.3.2 Road Width

Township roads are intended to be used all year and carry a low to moderate volume of traffic. As such they shall have a design minimum right-of-way of 20 m. The Township shall pursue land acquisitions for road widening purposes through development / planning approvals where the existing road allowance is less than 20 m. Typically the amount of land to be taken shall be taken in equal amounts from both sides of the subject road measured from the centreline of the road, except where circumstances may warrant an alternative approach.

8.3.3 Entrances & Access Points

Entrances and access points onto roads shall require approval by the Township. Access shall not be permitted where safety hazards could result due to poor sight lines, proximity to a traffic intersection or other hazard, or the traffic flow characteristic of the road.

8.3.4 New Roads

The Township does not intend to approve, construct, accept, or maintain new roads, except in circumstances where a new configuration of lots warrants a public road. Extensions to existing roads may be allowed, provided that they meet Ministry of Transportation standards. The costs of design and construction of new roads or extensions to existing roads shall be the responsibility of the proponent.

8.4 PROVINCIAL HIGHWAYS

Provincial highways include highways under the jurisdiction of the Ministry of Transportation, and include Highways 590, 595, and 588, as identified on Schedule A (Land Use).

8.4.1 Primary Purpose

The primary purpose of provincial highways is to move people and goods between destinations within and beyond the Township. Access to provincial highways is restricted to allow the highways to fulfill their primary purpose. The legal basis for highway access control is established in the provisions of the Public Transportation and Highway Improvement Act.

8.4.2 Entrances & Access Points

- a. Direct access onto a provincial highway will be restricted. A new Ministry of Transportation entrance permit is required prior to the installation, change of use, or change of construction, of an access to a provincial highway. A new entrance permit is also required when there is a change of property ownership.
- b. It is the Ministry of Transportation's policy to allow one entrance for each lot-of-record fronting onto a highway providing it meets the requirements of Ministry of Transportation access management practices and principles.
- c. Entrances to provincial highways serving home occupations, industry or businesses require the approval of the Ministry of Transportation. The property owner will be required to obtain an entrance permit and acknowledge the permitted use of the entrance while also acknowledging that it cannot be converted to a commercial entrance in the future and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.
- d. Back lot development is not permitted to use another entrance for access to a provincial highway.

8.4.3 Development Adjacent to Provincial Highways

- a. Ministry of Transportation approval / Building & Land Use Permits requirements are in addition to approvals / permits required by any other government or agency.
- b. Ministry of Transportation approvals / Building & Land Use Permits are required prior to the installation or alteration of above- or below-ground structures, grading, drainage alteration, fences, installation of side road entrances, etc.
- c. For developments in the vicinity of a highway, the Ministry of Transportation may

require submission of a transportation impact study that addresses the impacts to the highway or adjacent properties as well as identifying any associated highway improvements required to mitigate those impacts. Any required highway improvements are the responsibility of the developer. The report must be acceptable to the Ministry prior to development proceeding.

- d. For development in the vicinity of a highway, the Ministry of Transportation may require submission of a drainage / stormwater management report that addresses impacts to the highway or downstream properties and the mitigation measures required to alleviate those impacts. Mitigation measures are the responsibility of the developer. The report must be acceptable to the Ministry prior to the development proceeding.

8.4.4 Snowmobile & Hiking Trails

Snowmobile and Recreational trails along or crossing provincial highways may be considered subject to meeting Ministry of Transportation policy. The Ministry requires any proposed trail demonstrate that there is no feasible alternative route and that there will be no negative impact to the highway infrastructure, operations, maintenance, and safety.

8.4.5 Adjacent Outdoor Storage

Outdoor storage and loading areas on lands adjacent to a provincial highway should be visually screened or appropriately located so as not to be visible to the travelling public.

8.5 OTHER INFRASTRUCTURE

In addition to public infrastructure and services, is the infrastructure of other public utilities including electricity and telecommunications. These utilities are operated by public, semi-public and private bodies and provide important and essential services to the Township. The following outlines the Township's policies as they relate to other public utilities.

8.5.1 Energy Generation & Telecommunication Systems

The location of energy generation and telecommunication systems is often dictated by factors outside of the Township's, and the proponent's, control such as access to infrastructure and other environmental requirements. Additionally their development is governed by federal and provincial regulations and policies. In general, this Official Plan does not affect a renewable energy undertaking, in accordance with the Planning Act.

In these instances, the following shall be considered when selecting a site:

- a. Minimizing adverse impacts on agricultural operations;
- b. Maximizing the distance from residences and residential areas;
- c. Avoiding natural features and areas, including hazard lands;
- d. Avoiding areas of topographical prominence, to minimize any negative visual

impacts;

- e. Ensuring that access requirements are sensitively integrated; and,
- f. Avoiding locating in any heritage conservation districts or heritage conservation study areas, as applicable.

8.5.2 Temporary Construction Facilities for Roads

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an amendment to this Plan or a rezoning, except in areas of existing development or particular environmental sensitivity which has been determined to be incompatible with the proposed activities. Upon completion of the road project, the facility and / or excavation shall be removed / rehabilitated and the site restored to its original condition. Public authorities are encouraged to consult with the Township in advance of constructing these facilities.

9 IMPLEMENTATION

This Plan shall be implemented by means of the powers conferred upon the Township by the Planning Act, the Municipal Act, the Ontario Heritage Act and such other statutes as may be applicable from time to time. More particularly, the Plan shall be implemented by the enactment of any Zoning By-laws, Sign By-laws, Site Plan Control By-laws, the granting of Consents and Minor Variances, the approval of Plans of Subdivision and Condominium, the undertaking of community improvement projects, and public works as well as the collective actions of Council, Township staff, private enterprise and the general public. Matters related to the implementation of the Official Plan are addressed in this section.

Goals & Objectives

The following goals and objectives shall guide the implementation of the Official Plan to:

- a. Ensure the Township is able to use the powers conferred upon it by various pieces of legislation;
- b. Provide an equitable and consistent means of implementing the policies of this Plan; and
- c. Encourage public participation and engagement in the planning process.

9.1 REVIEW OF EXISTING BY-LAWS

Upon adoption of this Plan, the Township shall review all existing by-laws governing or affecting the use of land and the erection, alteration and demolition of buildings and structures. Where necessary, the Township shall amend these by-laws or adopt new by-laws as may be required to ensure they are in conformity with this Plan.

9.2 PLANS OF SUBDIVISION / CONDOMINIUM

When development involves the creation of new lots from a larger parcel(s), it is required to go through a Plan of Subdivision process as established in the Planning Act. Plans of Subdivision are anticipated to be rare in the Township, and are mandatory when the creation of more than two lots are proposed, or when new Township infrastructure is required.

All land division in the Township, including Plans of Subdivision, is required to reflect the rural character of the Township. All lot sizes in a Plan of Subdivision shall be minimum of 2 hectares, unless otherwise permitted in this Plan, and shall be serviced with private well and septic systems. A Plan of Subdivision application shall not be construed as an application to establish a settlement area, nor shall an application seek permission to establish development densities, built form, or a development pattern that is inconsistent with the prevailing rural character of the Township.

A condominium system of ownership tenure involves the legal delineation of areas under private ownership and common areas administered by a Condominium Corporation. Plans of Condominium are permitted in the Township and are governed by the Ontario Condominium Act.

The Lakehead Rural Planning Board is the approval authority for Plans of Subdivision / Condominium.

9.2.1 General Criteria

Consideration of a Plan of Subdivision or Condominium by the Township shall be subject to the requirements of the Planning Act and the following criteria:

- a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
- b. Being consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario;
- c. Conformity with any applicable Zoning provisions, servicing standards, secondary plans, and design guidelines / standards of the Township;
- d. The input received from circulated public bodies and agencies and neighbouring property owners and residents;
- e. The submission and approval of all required information / studies, reports and plans, including a Financial Implementation Plan;
- f. The entering into of a Subdivision Agreement with the Township;
- g. The posting of sufficient financial security to ensure due performance and the protection of the Township; and
- h. In cases where the proposed subdivision is adjacent to, or in the vicinity of, a provincial highway, the future corridor width requirements and implications for the design of the subdivision have been considered.

The Township may require additional studies, such as a hydrogeological study, for a complete Plan of Subdivision application. Further examples of potential submission requirements are listed in Appendix A.

9.2.2 Part Lot Control

Where land lies within a registered Plan of Subdivision, the Township may consider the adoption of a Part Lot Control By-law to create new lots or reconfigure existing lots, in accordance with the Planning Act, where it is satisfied that any conditions appropriate to the creation and development of such lots are capable of being addressed.

9.2.3 Deeming

The Township may deem Plans of Subdivision (or parts thereof) more than eight years of

age not to be Plans of Subdivision within the meaning of the Planning Act where development of such plans would not be in conformity with this Plan or the Zoning By-law and where development would be detrimental to the Township or neighbouring uses.

9.3 CONSENTS

Section 53 of the Planning Act allows subdivision of land through a Consent application where a Plan of Subdivision is not necessary for the proper and orderly development of the Township. It is anticipated that the majority of lot creation will continue to be through the Consent process. The Lakehead Rural Planning Board is the legally-delegated approval authority for Consent applications.

Where subdivision by Consent is proposed, a parcel held under unity of ownership as of November 1, 1997 may be subdivided into a maximum of two parcels, exclusive of the retained parcel, except for the purpose of boundary adjustment, partial discharge of mortgage, easements and rights-of-way.

When new development involves the creation of a minimal number of lots from a larger parcel(s), the lot creation may be permitted through the Consent process, as established in the Planning Act. In addition to certain types of land division, Consents are also required for certain easements and rights-of-way.

9.3.1 When Appropriate

As established in the Planning Act, lot creation through the Consent process is only appropriate when it has been deemed that a Plan of Subdivision is not necessary. The Township shall evaluate the need for a Plan of Subdivision in accordance with the policies of the Growth Management section of this Plan.

9.3.2 General Criteria

The creation of lots by Consent shall be considered in accordance with the requirements of the Planning Act and the following:

- a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
- b. Being consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario;
- c. Conformity with the Zoning By-law, Servicing Standards, secondary plans, and design guidelines / standards of the Township;
- d. The input received from circulated public bodies and agencies and neighbouring property owners and residents;
- e. The submission and approval of all required information / studies, reports and

plans;

- f. The resolution of issues arising out of the above evaluation through conditions imposed to the granting of the Consent, which may include the entering into of an agreement and / or the posting of financial security; and
- g. The requirements under the provincial Minimum Distance Separation (MDS) criteria between sensitive uses and agricultural operations.

9.3.3 Adjusting & Correcting Lot Boundaries

The granting of a severance for purposes of adjusting or correcting lot boundaries or to convey a relatively modest amount of land to an abutting lot shall be permitted provided:

- a. The conveyance does not lead to the creation of an undersized or irregularly shaped lot(s), or a lot that is contrary to the provisions of the Zoning By-law unless the by-law is amended or a variance granted;
- b. The lands being conveyed are registered in the same name and title as the lands to which they are being added;
- c. It is stipulated in the granting of the Consent that any subsequent conveyance or transaction shall require a future severance; and
- d. The lot boundary correction is consistent with the requirements under the provincial Minimum Distance Separation (MDS) criteria between sensitive uses and agricultural operations.

9.3.4 Consents for Mortgage Purposes

A Consent shall only be granted for mortgage purposes where it is capable of satisfying the appropriate policies of this Plan and the appropriate provisions of the Zoning By-law with respect to the use to which the lands would be put and the dimensions and size of the parcel if the mortgage is foreclosed and a separate lot created.

9.3.5 Consents for Easements

Consents may be granted for easement purposes where the use of land is being conveyed for periods in excess of 21 years subject to whatever conditions may be deemed to be appropriate.

9.4 ZONING

Zoning By-laws govern the use of land, buildings and structures through regulation and are the primary mechanism through which the policies of this Plan will be implemented. The following outlines the Township's policies as they relate to the development and maintenance of a Comprehensive Zoning By-law.

9.4.1 Adoption

The Township shall adopt and thereafter maintain a comprehensive Zoning By-law in conformity with the land use designations and policies of this Plan to establish appropriate regulations to control the use of land and the character, location, and use of buildings and structures in accordance with the authority of the Planning Act.

9.4.2 Uses Deemed to Conform

Some existing uses of land may not satisfy the land use designations and policies of this Plan. To prevent undue hardship, these uses may be zoned as conforming uses in the Zoning By-law provided:

- a. The use was legally in existence as of when this Plan was adopted;
- b. The use does not constitute a danger, nuisance, or a blight with respect to neighbouring uses by virtue of its characteristics or the traffic which it generates; and
- c. Any potential expansions or enlargements would not be detrimental to neighbouring uses.
- d. Where any building or structure associated with such use is situated in a Regulated Area or Hazard Land area, any reconstruction, extension or enlargement of such use shall comply with policies of this Plan governing such areas and the requirements of the LRCA.

9.4.3 Non-conforming Uses

Existing uses of land which do not satisfy the requirements of the previous subsection shall not be recognized as conforming uses in the Zoning By-law. While it is the intent of this Plan that such uses cease to exist in the long term, it may be desirable to permit their extension or enlargement. In these circumstances, permission to extend or enlarge a non-conforming use shall be based on the following considerations:

- a. The proposed extension or enlargement shall not unduly aggravate the situation created by the existence of the use particularly in regard to neighbouring uses, the policies of this Plan and the regulations of the Zoning By-law;
- b. The proposed extension or enlargement is in appropriate proportion to the size of the non-conforming use as it existed on the date of passing of the Zoning By-law;
- c. The characteristics of the non-conforming use and the proposed extension or enlargement with regard potential nuisance shall not add significantly to the incompatibility of the use with the surrounding area;
- d. Neighbouring uses shall be protected, where deemed necessary, by landscaping, buffering or screening, and appropriate setbacks for buildings and structures; and
- e. Traffic and parking conditions in the vicinity shall not be adversely affected by the extension or enlargement. Improvements to existing conditions may be required.

9.4.4 Use of the Holding (H) Symbol

The use of a holding symbol ('H') may be applied in conjunction with any land use zone of the Zoning By-law. The 'H' symbol shall generally be used to prevent or limit the use of land in order to achieve orderly, phased development and to ensure that the servicing and other requirements of this Plan have been met. Removal of the 'H' symbol shall not take place until the following conditions have been satisfied:

- a. A specific proposal has been submitted to and approved by the Township;
- b. The relevant policies of this Plan are satisfied with respect to the use or development being proposed;
- c. Services and utilities have been demonstrated to have sufficient capacity and are available to service the proposed development;
- d. A Plan of Subdivision, where appropriate, has been submitted and has received draft plan approval;
- e. A satisfactory agreement, where deemed necessary, has been entered into with the Township; and
- f. All other conditions which may have been imposed by the Township with respect to any related approval under the Planning Act.

In the interim and until such time as the 'H' symbol is removed, the Zoning By-law may permit uses, buildings and structures which are compatible with neighbouring uses, which would not compromise the ultimate and desirable development of the lands and which are in conformity with this Plan.

9.4.5 Amendments

Applications for amendments to the Zoning By-law shall be evaluated in accordance with the requirements of the Planning Act and the following:

- a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
- b. Being consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario;
- c. Conformity with, Servicing Standards, secondary plans, and design guidelines / standards of the Township;
- d. The input received from circulated public bodies and agencies and neighbouring property owners and residents; and
- e. The submission and approval of all required information / studies, reports and an acceptable concept drawing / plan.
- f. No privately-initiated applications to amend the new zoning by-law for two years after its effective date will be permitted unless the municipality passes a resolution to allow applications during the two-year time-out.

9.4.6 Minor Variances

Applications for minor variances to the Zoning By-law shall be evaluated in accordance with the criteria established in the Planning Act and the following:

- a. Whether compliance with the Zoning By-law would be unreasonable, undesirable or would impose undue hardship;
- b. Whether the variance would result in a detriment, hazard or nuisance that would detract from enjoyment, character or use of neighbouring lands.
- c. No privately-initiated applications for minor variances following the passing of an applicant-initiated zoning by-law amendment for two years after its effective date will be permitted unless the municipality passes a resolution to allow applications during the two-year time-out.

In granting applications for minor variances, conditions may be imposed where necessary to ensure the intent of the above-noted criteria are, or will, be satisfied.

9.5 TEMPORARY USES

The use of land for temporary purposes may be assigned in certain circumstances where a short-term use is proposed, considered appropriate, and to be phased-out. Under the Planning Act the maximum term of a Temporary Use By-law is 3 years.

9.5.1 Use & Scope

The temporary use of land, buildings and structures may be authorized by the Township through the passing of a Temporary Use By-law in accordance with the Planning Act. Such uses may be permitted in all land use designations without amendment to this Plan, with the exception of lands designated 'Natural Environment'. The Temporary Use By-law shall describe the area affected and specify the duration for which the use is permitted.

9.5.2 Criteria

An application for a Temporary Use By-law shall be considered in accordance with the requirements of the Planning Act and the following:

- a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
- b. Being consistent with the Provincial Policy Statement and the Growth Plan for Northern Ontario;
- c. The input received from circulated public bodies and agencies and neighbouring property owners and residents; and
- d. Satisfactory assurances that the land will be returned to its previous state and all buildings and structures removed (where deemed appropriate) upon the lapsing of the period stipulated in the by-law or upon the lapsing of any extension period that

may be granted.

9.6 INTERIM CONTROL

Where the Township has authorized a review or a study is undertaken regarding land use planning, the Township may adopt an Interim Control By-law to prevent potentially inappropriate development or use of land, pursuant to the Planning Act. The by-law shall specify a time period (not to exceed one year) for prohibiting the use of land, buildings or structures for, or except for, such purposes as are set out in the by-law.

9.7 SITE PLAN CONTROL

The Planning Act permits the Township to designate all or part of its territory as a Site Plan Control Area. Within this area certain types of development (typically, commercial, industrial, and institutional) cannot proceed until a Site Plan has been approved by the Township.

To ensure a high standard of development and to provide compatibility with, and protection of, neighbouring uses, new development and significant expansions to existing development shall be subject to the Site Plan Control provisions of the Planning Act.

A Site Plan Control By-law shall be adopted by the Township specifying the lands and type of development where Site Plan Approval shall be required.

9.7.1 Scope

While not generally applied to low density residential and agricultural uses, specific instances may be warranted to reduce impacts and ensure compatibility with the use and neighbouring lands.

9.7.2 General Criteria

Consideration of a plan subject to Site Plan Control by the Township shall be subject to the requirements of the Planning Act and the following criteria being satisfied:

- a. Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
- b. Conformity with the Zoning By-law, Servicing Standards, secondary plans, and design guidelines / standards;
- c. The input received from circulated public bodies and agencies;
- d. The submission and approval of all required information / studies, reports and plans;
- e. The entering into of a Site Plan Agreement with the Township; and
- f. The posting of sufficient financial security to ensure due performance and the

protection of the Township.

9.7.3 Site Plan Agreement

A Site Plan Agreement pursuant to the provisions of the Planning Act shall be required in most instances. Any such agreement shall require the filing of plans with the Township and the posting of financial security to ensure due performance.

9.8 PARKLAND CONVEYANCE

The Planning Act permits the Township to, by by-law applicable to all or part of its territory, require that land be conveyed to the Township for park or other public recreational uses as a condition of development or redevelopment of land.

9.8.1 Scope

To aid the acquisition of land for parkland and other public recreational uses, development and redevelopment within the Township shall be subject to the parkland conveyance provisions of the Planning Act. A Parkland Dedication By-law may be adopted by the Township specifying the circumstances in which parkland dedications are to be required.

9.8.2 Cash In-lieu

Where a dedication of land for park purposes would be inappropriate or impractical the Township may permit a proponent to provide a cash in-lieu payment for parkland purposes. The rate of payment shall be in accordance with the provisions of the Planning Act.

9.8.3 Reductions in Cash In-lieu

Where a cash in-lieu dedication is deemed appropriate, it may be reduced accordingly based on the following:

- a. The provision of publically accessible parkland / open space within the proposed development; or
- b. Based on previous conveyances of land or receipt of cash in-lieu monies for previous phases / stages.

9.9 CROWN LANDS

The Ministry of Natural Resources and Forestry has jurisdiction over the administration of Crown land and water within the Township of O'Connor. The following policies apply to these Crown lands:

- a. The MNRF is encouraged to have regard for the policies and schedules of this Plan and to consult with the Township with respect to the use and disposition of Crown lands is required from the MNRF.

- b. Authorization for occupation or use of Crown lands is required from the MNRF.
- c. The Township recognizes that resource management activities on Crown lands and waters are desirable for environmental, social and economic reasons. Resource management activities shall be conducted in accordance with the standards and guidelines established by the Province.
- d. An Official Plan amendment is not required to update the boundaries of Crown lands within the Township.

9.10 DEVELOPMENT CHARGES

The Development Charges Act provides the legal basis for municipalities to impose growth-related levies to aid in the recovery of the capital costs associated with growth such as new roads, water and wastewater systems, and parks and recreation facilities.

9.10.1 Scope

To aid in the recovery of growth related costs, the Township may adopt a Development Charges By-law developed in accordance with the requirements of the Development Charges Act. The amount of the levy, the type of development it applies to, the method of calculation are prescribed by the Development Charges Act.

9.10.2 Exemptions / Reductions

While equitability shall be a key principle in the development and administration of a Development Charges By-law, Council may wholly or partially exempt certain classes of development in order to promote economic competitiveness and job creation. Additionally, Council may exempt areas of the Township from the application of a Development Charges By-law, including community improvement project areas, in order to promote development and redevelopment to meet the goals and objectives of this Plan.

9.11 OTHER BY-LAWS

The Municipal Act, Building Code Act and other legislation provides authority for municipalities to regulate a number of issues related to land use and development in order to promote health and safety and prevent nuisance, among other matters. The following shall provide guidance to the Township when developing new by-laws or revising existing by-laws.

9.11.1 Property Maintenance & Occupancy Standards

The Township may prepare and adopt by-laws to ensure minimum standards of property maintenance and occupancy to protect public health, safety and welfare; to eliminate or avoid unsightly conditions and appearances with respect to buildings, lands and neighbourhoods; and to ensure adequate enjoyment of property. These by-laws may take

the form of property maintenance and occupancy standards adopted under the Building Code Act or the clearing and cleaning of land adopted under the Municipal Act.

9.11.2 Signs & Advertising Devices

To ensure that signs and other advertising devices do not become a nuisance, blight or safety hazard, the Township may prepare and adopt a Signage By-law regulating the placement of signs and other advertising devices on both public and private property as per the Municipal Act. These regulations may govern height, spacing, illumination, permitting, and any other matter that Council determines is in the public interest to regulate.

9.12 CONSULTATION & PARTICIPATION

Consultation and public participation and input is a fundamental requirement of the planning process. The following outlines how the Township intends to ensure adequate information and consultation has taken place prior to making land use planning and development decisions.

9.12.1 General Public

The Township shall comply with the minimum requirements of the Planning Act in informing the public of matters requiring approval under the Act. In addition, the Township will provide notification of planning matters in The Cornerstone newsletter, where appropriate, to ensure that information is widely circulated.

9.12.2 The Applicant

The Township encourages all applicants or potential applicants to consult with the Township prior to submitting any planning application to:

- a. Review for policy and regulatory conformity; and
- b. Provide guidance on the planning process.

As permitted by the Planning Act, the Township may prepare and adopt a by-law to mandate pre-consultation for Official Plan Amendments, Zoning By-law Amendments, and Site Plan Control applications.

9.12.3 Indigenous Engagement

The Township recognizes the unique status of Indigenous Peoples within Canada, and the importance of consultation and an open dialogue with First Nation and Métis communities, both adjacent and regional, when considering land use planning and development decisions. As such, the Township endeavours to continue the open dialogue established with adjacent First Nations and Métis organizations and to build new relationships with

other Indigenous groups in the region.

9.13 COMPLETE APPLICATION

In accordance with the Planning Act, this Plan enables the Township to require other information or material in addition to the information prescribed by the Act. The submission of additional information or materials allows the Township to make informed decisions, and ensures that the public and other bodies have access to all relevant information to participate fully in the planning process.

Applications for an Official Plan Amendment, Zoning By-law Amendment, Consent and Plan of Subdivision may be required to submit materials listed in Appendix A (Submission Requirements for a Complete Application). Studies and reports noted in the Plan are identified as “required” or as “may be required” at the time of application.

9.14 OFFICIAL PLAN UPDATE

In accordance with the requirements of the Planning Act, the Township shall, not less frequently than every 10 years after this Plan comes into effect, review this Plan as required, to:

- a. Ensure that it conforms to provincial policies, and the Planning Act;
- b. Update and review population projections and land needs assessment; and
- c. Ensure that the Plan’s assumptions, policies and designations remain current and relevant.
- d. No privately-initiated applications to amend the new Official Plan for two years after its effective date will be permitted unless the municipality passes a resolution to allow applications during the two-year time-out.

Appendix A:

Submission Requirements for a Complete Application

Depending on the nature of the proposed development and planning application, the Township may require one or more of the following studies or additional information to deem applications complete and to properly evaluate a development application. Any such studies, or peer reviews thereof, shall be at the expense of the applicant / proponent:

- Planning Rationale
- Environmental Impact Study
- Transportation Impact Study
- Minimum Distance Separation (MDS)
- Drainage / Stormwater Management Report / Plan
- Geotechnical Study
- Hydrogeological Study
- Erosion and Sediment Control Plan
- Noise / Vibration Study
- Fisheries Assessment
- Shoreline Riparian Control Study
- Record of Site Condition (RSC)
- Air / Dust Study
- Groundwater Protection Study
- Archaeological Assessment
- Heritage Impact Statement
- Cultural Heritage Evaluation Report
- Public Consultation Strategy

This list of studies is not exhaustive, but rather intended to provide examples of studies that may be required. Additional studies may be required by the municipality and / or Province on a site-specific basis, depending on the nature of the application.

**Appendix B:
Potential Forest Hazard Classifications for
Wildland Fire**

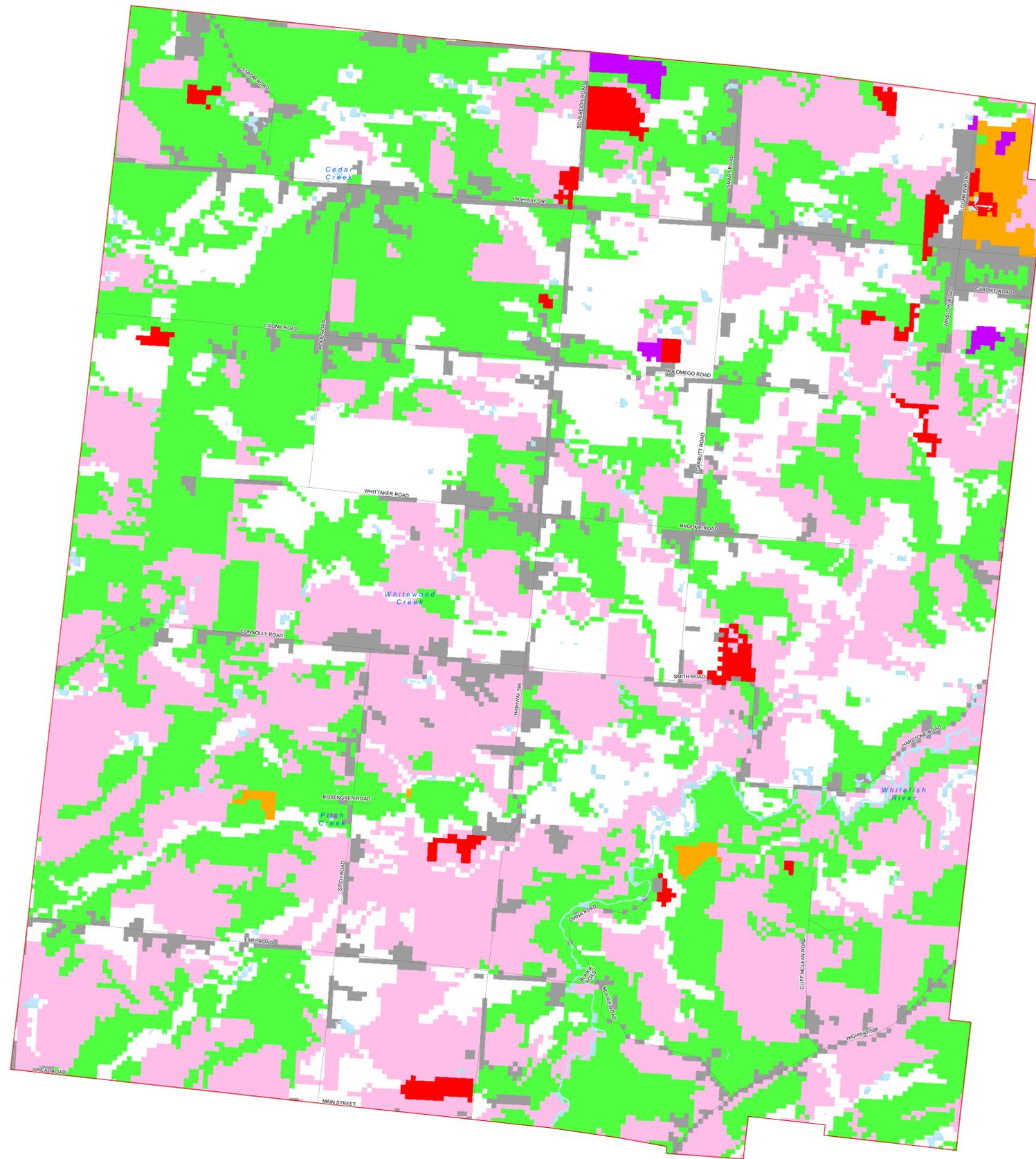


TOWNSHIP OF O'CONNOR

Potential Forest Hazard Classifications for Wildland Fire

Legend

-  Railway
-  Road
-  Extreme
-  High
-  Pine-Needs Evaluation
-  Low -D1 (Hardwoods)
-  Non-Fuel / Unknown
-  Water
-  Moderate - M1/M2 Mixedwoods <50% Conifer



This drawing, map or plan is a graphical illustration only and may contain cartographic errors or omissions. The true positional accuracy of the information shown hereon has not been verified and must not be used as evidence of the location of legal boundaries, township lot fabric, features, routes, or as a guide to navigation. The Ontario Ministry of Natural Resources shall not be liable in any way for the use of or reliance upon this map or any information on this map. NAD 1983 Lambert Conformal Conic.
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 Sources: Land Information Ontario, Aviation, Forest Fire and Emergency Services, and data provided by other Ministries.

