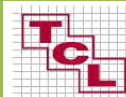




Township of Johnson Official Plan

Consolidation with Modifications November 6, 2009



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SCHEDULES

SCHEDULE “A” – Land Use and Roads

Township of Johnson Official Plan

1.0 Basis

This is the first Official Plan to be adopted by the Council of the Corporation of the Township of Johnson. The Township of Johnson has had experience in planning matters since the late 1970's however, when initiatives were taken to introduce procedures for subdivision development and later the preparation of a Land Use Strategy and a Zoning By-law. The Zoning By-law was adopted by council in 1981 and was approved by the Ontario Municipal Board.

There are several reasons for which the Township of Johnson is interested in preparing an Official Plan:

- The municipality wishes to convert its Land Use Planning Strategy into a formally approved document suitable for providing guidance to the orderly development of the municipality;
- Ongoing requirements for community improvement may be addressed through statements in the Official Plan for identifying and providing direction on improvements to deficiencies in infrastructure within the hamlet of Desbarats;
- In association with community improvement, the current policy statement on property standards can be incorporated into the Official Plan;
- The municipality is experiencing pressures for waterfront residential development which have precipitated concerns for water quality on inland lakes as well as the relationship of permanent and seasonal development along the Lake Huron shoreline and outlying islands to wetlands and other shoreline amenities;
- The Official Plan provides an opportunity to incorporate statements of provincial interest as well as other provincial interests, particularly in the case of Johnson Township with respect to foodlands, flood plains, aggregates and affordable housing;
- The Ministry of Natural Resources has recently prepared a Shoreline Management Plan and is encouraging municipalities to incorporate pertinent policy features of that plan into their respective planning documents;
- Official Plan provides an opportunity for incorporating economic development initiatives to strengthen the economic base of the municipality;

- The plan will provide the basis for establishing a road classification system and procedures for developing new roads or assuming existing roads into the municipal road network, particularly private roads; and
- The plan will provide the rationale for updating zone regulations currently in effect.

The Township of Johnson is a rural municipality whose economic base and heritage is closely tied to agriculture and seasonal tourism given its strategic location along the St. Joseph Channel and the preferred living environment this offers to owners of seasonal residential dwellings. More recently, the widening of Highway 17 to four (4) lanes has made the Township easily accessible to commuter traffic to Sault Saint Marie. The Township is located in the District of Algoma and is bordered in the south by the St. Joseph Channel of Lake Huron, on the east by the Township of Plummer Additional, on the west by the Township of Tarbutt and Tarbutt Additional and on the north and northwest by the Township of Macdonald, Meredith and Aberdeen and Laird Townships respectively.

The population has and will remain stable. For planning purposes, it is reasonable to plan for a threshold of 850. Population growth is influenced more by in-migration from people choosing a rural living environment than by natural increase. Since 19.9% of the population is 55 years and over, there will be an ongoing need to monitor housing needs and other services for seniors. Affordable housing for all income groups should be monitored given that fully 15.5% are persons in low income family units and 14.5% of households pay in excess of 30% for shelter costs (1986).

Growth in employment opportunities within the municipality has been limited. Employment is currently heavily linked to service industries and to primary industry with transportation and manufacturing also playing significant roles. Service industry employment will reflect the strength of the economy vis-à-vis tourism, highway commercial trade and other service centre function of Desbarats. Maintaining or strengthening the present employment base may depend on the Township's evolving role as a dormitory community to those inclined to commute to Sault Ste. Marie. Again, preference for the aesthetic and environmental amenities offered by the Lake Huron Shoreline, outlying archipelago and inland lakes will play a significant role in future decisions on economic development.

Housing types will remain principally single family while the Hamlet of Desbarats may serve as host to other types of low density and medium density housing. A need for on-going home renewal or improvements to the residential building stock throughout the Township will be required under the auspices of a Property Standards Program. This will ensure the integrity of the building stock.

Pressure for future land development will occur in essentially three (3) areas:

- Along the St. Joseph Channel and to a lesser extent the outlying archipelago;

- Inland lakes; and
- Hamlet of Desbarats.

Development will be substantially residential in nature and may be expected to continue to be a mix of permanent and seasonal residential uses at an average of 4 new housing starts a year. The recent installation of communal water sewer services in the Hamlet of Desbarats provides opportunities for the infill of approximately 42 additional units. The pattern of development by severance is expected to continue although limitations on shoreline frontage make development by plan of subdivision a preferred alternative to ensure good utilization of a scarce land base. Permanent development will occur on more accessible shoreline with public road access while pressure for seasonal development on private roads is expected on more remote shore frontage. The central area of the Township will remain the principle area for agricultural activities. It is not expected that there will be major land use conflicts between agriculture and non-farm residential or non-farm related land uses.

The pattern of land use development is rounded off in giving consideration to resource uses such as mineral aggregates, wetland areas, shoreline environmental protection areas and deer yards. Forest resources are minimal.

The thrust of carrying out a balanced menu of capital works will continue. In this way, Council will be able to continue to maintain a high quality system of municipal roads and bridges, community facilities...particularly parks and recreation. The capital works program will focus primarily on continued improvement to the road system. Other foci include waterfront development along the Desbarats River and the development of landfill facilities. Inter-municipal cooperation in this regard can introduce the opportunity for a program for the reduction, reuse, recycling and recovery of waste materials in keeping with provincial objectives to encourage municipalities to recycle up to 25% of their waste by 1992 and 50% by the year 2000.

Resource based interests comprising provincial policy statements and other resources will have a major influence on planning decisions by the municipality. Class 2-4 capability lands for agriculture have previously been identified and will be protected as per the Provincial Policy Statement for foodland production.

Mineral aggregate resources are limited. Several known gravel pits, particularly those on Archibald Road will be protected for their resource value.

The flood level along the Lake Huron shoreline is known and developments will be protected from potential flood damage.

The recent initiative by the Ministry of Natural Resources with respect to the development of a Shoreline Management Plan and the identification of Shore Environment Protection Areas (SEPA's) will be incorporated into the Plan to protect unique or sensitive areas for species maintenance, preservation of unique flora and fauna, preservation of unique topographical, physiographical, archaeological, historical and

cultural sites and representative environments. Several SEPA's have been identified along the Lake Huron shoreline for protection as well as influence areas in around these SEPA's. Other wetlands in the interior although unclassified will also be protected.

Regard will be had for other natural resource features such as the extensive deer yard covering most of the north half of the municipality and heritage resources which have been identified round and about the municipality. Fisheries and waterfowl areas fall within the purview of conservation practices as does the recognition of a limited number of parcels of Crown land.

This Plan will set out policies to ensure that no development and site alteration is permitted in significant wetlands, significant coastal wetlands, and significant habitat of endangered and threatened species. This Plan will also ensure that development and site alteration is not permitted in significant wildlife habitat unless it has been demonstrated that there will be no impact on the natural feature or its ecological function. No development and site alteration will be permitted in fish habitat, except in accordance with provincial and federal requirements

The sensitivity of inland lakes to despoliation through overdevelopment will necessitate a stringent approach by requiring water quality analysis as a pre-requisite to further development.

The planning period for the Plan is ten (10) years. Revisions may be anticipated at five (5) year intervals as part of the statutory review under the Planning Act and as part of the ongoing monitoring of policies and their implementation.

A five (5) year review was conducted from January to July of 2006. One public meeting was held in the Township on February 16, 2006 and February 23, 2006. Community Workshops took place at these public meetings on topics that included Lake Management Plans, Private Roads, and Business Park/Employment Area. Internet based resources were utilized to obtain public input on modifications to the Official Plan. A survey was also administered to assess the need and scope of policies to regulate recreational vehicles on individual lots within the Township. An open house was held on April 14, 2007 and a statutory public meeting was held on May 14, 2007 to consider public input on the draft official plan.

This Plan preserves and strengthens the existing settlement pattern by directing the majority of new growth and development to the Hamlet Policy Area. This Plan also preserves and strengthens the Rural Policy Area in the Township by directing uses and activities that relate to the management or use of resources and resource based recreational activities to these areas. The Plan recognizes that limited residential development and other rural land uses may also be permitted in the Rural Policy Area in the Township.

2.0 General Development Policies

2.1 INTRODUCTION

The following policies and associated Schedule “A”, Land Use and Roads Plan are intended to apply to the Township of Johnson as a whole and are to be taken into consideration along with the policies that apply to specific land use designations. The five (5) year review (2006) of the Plan established a number of modifications that were implemented to improve Township planning procedures.

- 2.2** The Plan will provide for a level of community services and a scale of development appropriate for a population of 850.

2.3 Planning Period

The Planning period for this Plan is ten (10) years.

In March of 2005 a new Provincial Policy Statement was released introducing policies that Municipalities province wide must be consistent with.

The Provincial Policy Statement is a key part Ontario’s policy-led planning system. It sets the policy foundation for regulating the development and use of land. The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

- 2.4** New development must take into consideration the importance of conserving the balance between the agricultural heritage of the Township, rural life styles as enjoyed by permanent and seasonal dwellers and the role of the Hamlet of Desbarats as the focal point for community, commercial and cultural services.

2.5 Accessory Uses

Uses which are normally accessory to a land use within a policy area are permitted.

2.6 Affordable Housing

Council will provide for affordable housing by:

1. Continuing to monitor the need for social assisted housing for families and seniors through periodic surveys and in cooperation with area municipalities. Where specific needs are identified, Council will work with

the Ministry of Housing and the Ministry of Municipal Affairs or housing authorities to meet identified needs; and

2. Establishing minimum targets for the provision of housing that is affordable to low and moderate income households in the Township. Council will maintain an appropriate supply of residential land, facilitate residential intensification and redevelopment and permit all types of housing to help implement their affordable housing targets. Council will also encourage and work with the public, private and not-for-profit sectors to deliver affordable housing. Progress towards this target will be monitored on an annual basis and assessed when this Plan is reviewed in accordance with the Planning Act.

2.7 Cash-in-lieu of Parkland

Cash-in-lieu of parkland may be used to acquire or develop public parks or public recreational uses. Cash-in-lieu may be required for residential severances or residential subdivisions at the rate of 5% or for commercial or industrial severances at the rate of 2% of the value of the land set out in Section 42, 51 and 53 of the Planning Act.

2.8 Development Criteria

The following criteria will apply in considering the compatibility and appropriateness of any new development or redevelopment when reviewing applications for consent, when reviewing applications for rezonings, when considering amendments to this Plan and in considering, where applicable, the requirements for site plan control under Section 41 of the Planning Act:

1. The provision of safe access onto or from an adjacent public highway or private road;
2. Access and manoeuvring of emergency vehicles in providing protection to public and private properties;
3. Adequate access to and provision of off-street parking;
4. Barrier free access to public and commercial buildings and designated parking spaces;
5. Availability of municipal services and the cost of upgrading such services including fire protection, street lighting, roads and winter maintenance, waste disposal, community facilities and recreation. Within the Hamlet of Desbarats, these services also include communal water and sewer and stormwater management;

6. Adequate grade, drainage and erosion control. A stormwater management plan, subject to the satisfaction of Council and the provincial agency having jurisdiction, may be required to address water quality control;
7. The screening, buffering or fencing of aesthetically displeasing or dangerous land uses or open storage;
8. The provision of landscaping the creation of privacy and open space areas around buildings and other uses, buffering features (such as a berm, wall, fence, landscaping features, or a combination of these features), and the establishment of setbacks to maintain proper distance between buildings to ensure land use compatibility with surrounding land uses;
9. Adequate exterior lighting and noise control. Reference may be made to the “Noise Assessment Criteria in Land Use Planning” guideline in considering noise control;
10. The control of signs and advertising such that they are in scale with the intended use and in accordance with the Township of Johnson sign By-law;
11. Protection of the environment by avoiding air, soil and water pollution.

More specifically, all applications for the approval of: i) plans of subdivision, consents and site plans; as well as, ii) proponents of residential and non-residential development using greater than 50,000 litres per day of water and/or generating more than 4,500 litres per day of sewage shall prepare the following: a hydrological investigation including an environmental impact evaluation, satisfactory to the Ministry of Environment, (which shall address potable groundwater quality, adequate groundwater yield, negligible groundwater quality and quantity interference, soil suitability, and sufficient area available for effluent treatment); or, confirmation from the approval authority and/or its designate that the proposed water supply and sewage disposal systems are adequate for the proposed development provided site conditions are suitable for the long-term provision of such services and sufficient reserve sewage system capacity for hauled sewage is available. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services; recognizing that individual lot consents will likely be subject to the latter.

Wells shall be constructed in accordance with Ontario Regulation 903 and water supply shall meet the water quality parameters as set out in Ontario’s Drinking Water Objectives. On-site sewage disposal systems

shall be constructed in accordance with the requirements of Part VIII of the Environmental Protection Approval Authority.

Where private communal water and/or sewage systems is/are proposed, the Municipality shall attain ownership, operation and maintenance of the proposed system(s) provided site conditions are suitable for the long-term provision of such services and sufficient reserve sewage system capacity for hauled sewage is available. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services. Reference shall be made to Ministry of the Environment Guideline D-5-2, Application of Municipal Responsibility for Communal Water and Sewage Services.

Where development is proposed with private sewage systems on water bodies, approval of the development will be subject to a Lake Development Capacity Calculation. The public body having jurisdiction will assess the effects of the proposal on Desbarats Lake, Caribou Lake, Diamond Lake, Gordon Lake and Round Lake respectively and development will be limited to that level which results in no change to the trophic category of the lake.

The development of “wet” industries on private subsurface sewage systems (i.e. industry requiring water in its processes for cooling, washing, production and manufacturing) are discouraged as well as other industries which handle, store or otherwise utilize substances that could constitute a threat to groundwater resources in the event of a leak or spill.

Applications for lot creation on privately owned and operated individual or communal systems generating more than 4,500 litres of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report;

11A. Site Decommissioning and Clean-up

Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities, spills, lands associated with rail line operations, and mill sites.

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

Applications for the development or redevelopment of sites that are identified as being contaminated or potentially contaminated shall be

restored and rehabilitated in compliance with the Environmental Protection Act or any other applicable legislation (including the requirement for a Record of Site Condition).

Contaminated sites may be placed in a holding zone in the municipality's zoning By-law (where the principle of development or land use has already been established). Where a holding zone is used, the "H" may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in compliance with the Environmental Protection Act or any other applicable legislation;

11B. Minimum Distance Separation for Sensitive Land Uses

(i) Waste Disposal Site

No land use shall be permitted within 30 m [98.4 ft] of the perimeter of a fill area and no sensitive land use shall be permitted within 500 m [1,640ft] of the perimeter of the fill area of the municipality's waste disposal site to the property line of the sensitive land use, unless the proponent of any development can demonstrate that any adverse effects or risks to public health and safety have been evaluated and that necessary remedial measures are taken or that a lesser distance separation is appropriate. The municipality's waste disposal site is a 69 ha [170.5 ac] site located on Lot 7 and Part of Lot 24, H-797 and Part 1, Block 12A, Parcel 1518, Township of Johnson of which a 9.3 ha [23 ac] area is approved for the waste disposal operation;

(ii) Sewage Disposal Facility

No sensitive land use shall be permitted within 250 m [850 ft] from the periphery of the odour producing source structure (waste stabilization pond) to the property line of the sensitive land use;

(iii) Sensitive Land Uses

For the purposes of the minimum distance separation, sensitive land uses shall include a residential use, including the associated outdoor amenity area, a senior citizen home, a school, a day care facility, a hospital, a church, a campground and outdoor recreational uses e.g. park or playground, golf course;

- a)** All applications for development of a sensitive land use within 50 m [164 ft] of Highway 17 and or the main CPR rail line should be accompanied by a noise feasibility study, prepared by a qualified consultant and to the satisfaction of

the Township, shall demonstrate that noise levels can be reduced to meet provincial standards. The conclusions and recommendations of this study shall be implemented through conditions of the development approval;

- b) All applications for the development of a sensitive land use within 50 and 300 m [164 ft and 984.3 ft] of Highway 17 and or the main CPR rail line should be accompanied by an acoustical study, prepared by a qualified consultant and to the satisfaction of the Township, shall demonstrate that noise levels can be reduced to meet provincial standards. The conclusions and recommendations of this study shall be implemented through conditions of the development approval; and
- c) The distances from the noise source shall be measured from the nearest edge of the transportation source to the nearest boundary line of the development proposal;

- 12. Protection of natural and wildlife habitats, natural resource features, scenic vistas and retention of tree cover;
- 13. Conservation of renewable and non-renewable resources;
- 14. Protection of prime agricultural areas for Agricultural Purposes;
- 15. New land uses, including the creation of lots, and new or expanding livestock operations shall comply with the Minimum Distance Separation Formulae (MDS) to minimize odour conflicts between livestock facilities and development. For the purposes of this Plan, the MDS I will not apply to existing lots of record of less than 1 ha [2.47 ac] nor to development in the village of Desbarats. Cemeteries shall be classified as Type B land use, and existing non-farm residential uses may be replaced where destroyed by a catastrophic event and will be exempted from MDS I and MDS II. MDS I shall not limit the expansion of an existing use or the construction of accessory buildings and structures on the property;
- 16. Adequacy of school board to accommodate new development or redevelopment and the provision or availability of school bussing;
- 17. Heritage Conservation;
- 18. Discouraging strip development;

- 19.** Consideration of the policy on the environmental protection of new residential development adjacent to railways as it affects lands adjacent to CP Rail in the municipality;

Developers may be required to carry out noise and/or vibration assessments and determine control measures which are satisfactory to the approval authority and the municipality in meeting the recommended sound limits; and

- 20.** In considering applications for consent, Council will in addition to having regard to the above criteria consider the following additional matters:

- a) Council shall establish that a plan of subdivision is not necessary and shall in general discourage applications which create three (3) or more new lots from the original parcel;
- b) The size and shape of the retained lot or the severed lot should be appropriate for the use proposed and in no case shall any parcel be created which does not conform to the provisions of this Official Plan and the implementing Zoning By-law;
- c) A consent should not be granted where it would result in the land locking of any parcel of land;
- d) Consents may be recommended for technical reasons including lot additions, lot adjustments or validation of title;
- e) The provisions for consents shall be in addition to more specific policies governing consents for certain land uses within this Plan; and
- f) The creation of new lots will only be permitted if there is confirmation of sufficient reserve sewage and water system capacity within municipal sewage and water services and/or private communal sewage and water services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.

2.9 Group Homes

Group Homes will be permitted anywhere in the municipality provided they are provincially licensed and/or approved for funding, comply with municipal by-laws and are compatible with surrounding land uses. A group home is defined as a single housekeeping unit in a residential dwelling in which three to ten persons excluding supervisory staff or receiving household live as a unit under responsible

supervision consistent with the particular needs of its residents. A minimum distance separation between group homes may be permitted in the zoning by-law. Appropriate provincial government agencies (including the Ministry of Health, the Ministry of Community and Social Services, and the Ministry of Correctional Service) shall be consulted when a group home is being proposed;

2.10 Heritage

Council recognizes the importance of conserving heritage features of significant natural, architectural and archaeological interest and shall encourage and require, where necessary, the preservation and conservation of such features in considering proposals for development or redevelopment. Within the municipality these include, but are not limited to;

1. The Suddaby grist mill site;
2. Nanabozho's Butt: an odd shaped rock outcrop that is the locale for Ojibwa folklore located in the west side of Kensington Point in the first bay, northwest of Kensington Point Marina;
3. Devil Island Manitou located on Devil's Island in the St. Mary's River, of significance to native culture;
4. Ripple Rocks, a unique geological formation located on Highway 17, west of Desbarats;
5. The Desbarats caves; and
6. Spring water sources.

All development permitted by the land use policies and designations of this Plan shall have regard for cultural heritage resources and shall, wherever possible, incorporate these resources into any plans which may be prepared for such new development. In addition, all new development will be accommodated in a manner which preserves and enhances the character of the context in which cultural heritage resources are situated. The Ontario Heritage Act will be utilized to conserve, protect and enhance the cultural heritage resources of the municipality.

Heritage resources will also be protected by:

7. Encouraging and providing for the identification, restoration, protection, maintenance and enhancement of cultural heritage resources. This will also include cultural heritage and archaeological resources related to First Nations peoples;

- 8.** Sites of archaeological potential are identified using screening criteria developed by the Ministry of Culture including proximity to water, ancient shorelines, rolling topography, unusual landforms and any locally known significant heritage areas such as portage routes or other places of past human settlement. All Archaeological Site Assessments will be submitted to the Ministry of Culture for review and approval, prior to any development proceeding. Development and site alteration will be permitted on lands containing archaeological resources or areas of archaeological potential, if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site;
- 9.** Considering ways and means in which Council may co-operate in the conservation and/or preservation of cultural heritage resources, including utilization of the Ontario Heritage Act in the following ways;

 - a)** Council may establish a Municipal Heritage Committee (MHC) with the goals and objectives of such a committee to identify and consider cultural heritage resources throughout the Township; and
 - b)** Council may designate properties, districts and areas having historic and architectural value or interest in the Township under Parts IV and V of the Ontario Heritage Act;
- 10.** Encouraging the preparation of comprehensive inventories of cultural heritage resources and cultural heritage resource master plans in the Township;
- 11.** Requiring that in any proposed plan of subdivision and prior to the undertaking of any public work, private development, consent or zoning by-law amendment, consideration is given to the possible effects and impacts of such works or development on cultural heritage resources and that such impacts, where identified, are appropriately mitigated;
- 12.** Requiring an archaeological impact assessment carried out by an archaeologist licensed under the Ontario Heritage Act, when any public work, private development, consent or zoning by-law amendment will affect an area containing a known archaeological site or cemetery or an area considered to have archaeological potential (see list above);
- 13.** Considering where appropriate, the passing of archaeological zoning by-laws under Section 34 of The Planning Act, to be adopted for the purpose of preserving identified significant archaeological sites;
- 14.** Where feasible and desirable, incentives may be provided to land developers in exchange for preservation of significant cultural heritage resources. This can be accomplished by permitting increased densities,

density transfers, tax incentives, assistance through a trust fund, heritage conservation easements and/or other means considered appropriate for heritage resource conservation;

15. Where significant archaeological resources must be preserved on site, only development and site alteration which maintains the heritage integrity of the site may be permitted;
16. Where, through development, a site is identified to contain an unmarked burial site or new archaeological features, the municipality shall contact the Ministry of Culture. The Ministry of Small Business and Consumer Services –Cemeteries Regulation Unit and the OPP shall also be contacted with respect to the discovery of burial sites and unmarked cemeteries and matters related to the Cemeteries Act;
17. Development and site alteration may be permitted on adjacent lands to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved;
18. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alterations; and
19. The Municipality recognizes that there may be a need for archaeological preservation on site or rescue evacuation of significant archaeological resources, when such resources are identified through the development process. Council may consider archaeological resource preservation on site to ensure that the integrity of the resource is maintained.

2.11 Home Industries

Home Industries including small scale fabrication or manufacturing, service industries such as appliance repairs or a school bus operation and cottage industries may be permitted as an accessory use to a residential use in the agricultural or rural policy area provided the use is accessory and is compatible with surrounding land uses. Such uses are clearly secondary to the residential use, must be non-obtrusive, nor unsightly, must not generate undue noise or create health or safety hazards and must be compatible with surrounding land uses. Home industries shall comply with all applicable environmental standards (e.g., on-site storage of waste or hazardous materials). Such industries may be subject to a site specific zoning amendment and may be zoned as a temporary use as permitted under Section 39 of the Planning Act.

2.12 Home Occupations

Home occupations providing professional or personal services may be permitted as accessory uses to any permanent residential use provided the home occupation is within the dwelling and provided such uses are clearly secondary to the residential use, must be non-obtrusive, nor unsightly, must generate undue noise or create health or safety hazards and must be compatible with surrounding land uses. Parking, signage, location and size of the home occupation will be governed through the zoning by-law.

2.13 Lake Management Plans

Lake Management Plans (LMPs) are an essential planning tool to effective environmental stewardship of lakes and rivers in the Township. Council recognizes the need to develop LMPs for all lakes experiencing development pressures. It is also recognized that there are a number of stakeholders who have a role to play i.e. property owners, cottage/lake associations, environmental partnerships, agencies and the Township. A cooperative and coordinated approach is necessary in developing and implementing LMPs. Technical data and information is important, but so is the process in preparing an LMP as well as public education. The public must understand the importance of lake management planning and build protection and conservation practices into their daily living. The Lake Management planning area should include the watershed for the subject water body or all lands within 300 m [984 ft] of the shoreline.

Lake Management Plans will include a number of components including:

- A lake capacity assessment to determine the carrying capacity for existing and new development and the opportunities to improve or enhance water quality;
- An inventory of existing and proposed development by type, characteristics of sewage and water services;
- A shoreline capability assessment to determine lands which are suitable for development given such features as slope, vegetation cover, depth of overburden, the presence sensitive natural heritage features and areas;
- A resource inventory of water quality, vegetation, fish and wildlife habitat, geology;
- resource inventory phosphorus and oxygen levels;
- land tenure (existing seasonal and permanent land uses, existing approved but vacant lots, development proposals);
- shoreline and recreational capability (slopes, soil types, access);
- water quality enhancement measures;
- An assessment of fish habitat;
- The nature of public access to and use of the lake for aquatic and boating activities;

- Road access to shoreline development;
- Flood plain management;
- Shoreline management principles that provide for appropriate development setbacks and the retention/conservation or restoration of natural features;
- Septic tank re-inspection;
- Criteria for controlling seasonal to permanent conversions and commercial to residential conversions;
- Implementation and monitoring; and
- Public education

Lake management plans will be prepared as a partnership initiative with stakeholder groups with preference being placed on lakes experiencing development pressures. It is the intent of Council to explore funding options for the preparation of Lake Management Plans.

Lakes at Capacity and Lake Trout Lakes

Where lakes are determined to be at capacity, the creation of new lots, by either consent or plan of subdivision, that are within 300 m [984 ft] of the highwater mark of these lakes, or their tributaries, shall be prohibited except where the lake capacity for development is assessed with the Lakeshore Capacity Model as outlined in the Ministry of the Environment Lakeshore Capacity Assessment Handbook

2.14 Land Locked Lands

New development will not be permitted which land locks abutting parcels. Council may, where necessary and principally for exiting development, permit the frontage of lots to be reduced to provide access to lands which may potentially be locked and may establish a minimum width in the zoning by-law.

2.15 Lots of Record

Except for lots which are subject to flooding, lots of record which are vacant may generally be used for building purposes provided they front on a publicly maintained road and can be adequately serviced satisfactory to servicing standards of the Ministry of Environment and Energy and/or its designate. An absolute minimum lot size may be established in the zoning by-law for lots of record.

2.16 Mineral Resources

Introduction

The Ministry of Northern Development and Mines has determined that the Provincial Policy Statement has application to the Township. The Ministry has

mapped the occurrence of mining activities. The Abandoned Mines Inventory (AMIS) contains information related potential mine hazards. The intent of the Plan is to provide a policy framework that ensures that new development does not impede access to mineral resources.

Policies

1. It is a policy to recognize the importance of mineral resources for their economic value to the Township. For the purposes of the Plan, parts of the Township has been identified a number of sites in the Mineral Deposit Inventory (MDI) and areas having mineral potential. Finally, the Ministry has identified a number of abandoned mines or mine hazards. The MDI and AMIS points and mineral potential areas are illustrated on Schedule "A" to the Land Use Plan;

2. **Mine Hazards**

The Mines and Minerals Division of the Ministry of Northern Development and Mines will be consulted for technical information on all development proposals that involve lands within 1 kilometre of an identified Mine Hazard or in areas indicated to have significant mineral potential;

3. **New Mines**

It is a policy that the establishment of new mines shall be subject to the approval of the Ministry of Northern Development and Mines under The Mining Act and The Environmental Protection Act and will require an amendment to the zoning by-law in the Rural Policy Area and the Mineral Aggregate Policy Area. Permitted uses within the area subject to the zoning by-law amendment shall include mineral mining operations and ancillary uses;

4. **Rehabilitation**

It shall be a policy that past producing mining operations or active mining operations shall be subject to the provisions of The Mining Act with respect to rehabilitation and/or closure. Rehabilitation shall be planned to accommodate subsequent land uses after extraction and other related activities have ceased and wherever feasible, progressive rehabilitation should be undertaken;

5. **Influence Area**

It is a policy to recognize an influence area as a means of protecting existing sensitive land uses and other potentially non-compatible land uses

in the vicinity of proposed mining operations from a land use conflict and reciprocally to protect mining operations from the encroachment of incompatible land uses. Development may be permitted in the influence area only where the impacts of mining operations can be properly mitigated. For the purposes of this Plan, the influence area shall be generally 1,000 m [3,280 ft]. The establishment or modification of the influence area should be carried out in consultation with the Ministry of Northern Development and Mines and the Ministry of the Environment and may be done without amendment to this Plan; and

6. Resource Depletion

Where the mineral resource has been depleted and the mine or lands associated with the mining operation have been rehabilitated or closed in accordance with plans approved by the Ministry of Northern Development and Mines, these lands may revert to an alternative resource use where there is an overlapping designation with the mining resource lands designation or alternatively where such is not the case, the lands may be redesignated by amendment to this Plan provided that such redesignation does not prejudice mining operations or mineral resource operations or other resource lands on adjacent properties.

2.17 Non-Conforming Uses

Nothing shall prevent the continuation of legally established existing uses. Legally existing non-conforming uses may continue but will be phased out over the long term. Extensions or enlargements should only be permitted where there is no negative impact on surrounding uses such as noise, traffic, appearance, health or safety concern.

2.18 Portable Asphalt Plants

Portable asphalt plant means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stock piling and storage of bulk materials used in the process and which is not a permanent construction, but is designed to be dismantled and moved to another location as required.

The Ministry of Transportation of Ontario will advise the Township of any major projects and will discuss with Council, potential locations for portable asphalt plants. Sites used for portable asphalt plants will be rehabilitated to their former agricultural capability, where applicable.

All portable asphalt plants must have a certificate of Approval from the Ministry of Environment and Energy and must meet the minimum distance separation of that Ministry.

Each operating site must be approved by the District Officer of the Ministry of Environment and Energy before the plant is operated.

2.19 Property Standards

The maintenance and upgrading of residential, commercial, industrial and other buildings will be encouraged through such measures as subsidized programs of home renewal and through the adoption and enforcement of a Municipal Property Standards By-law. The By-law will be administered with the emphasis on fire, structural and health and safety of the occupants or users of the building. The By-law may also be used to regulate unsightly yards or properties. Particular regard will be had for buildings which are deserted or abandoned within the municipality. Council may also assist from time-to-time through such measures as arranging for removal of derelict vehicles, spring clean-up, weed control and beautification of municipal properties.

2.20 Public Service Facilities and Infrastructure

Public uses such as schools, churches and community facilities are an integral part of the land use pattern. These will be permitted in both Rural and Hamlet Policy Areas of the municipality with preference for a location in the Hamlet of Desbarats in recognizing its role as a service centre for the municipality. Utility installations are permitted throughout the municipality but are encouraged to locate in areas of lower agricultural capability in the Agricultural Resource Lands. All such uses except electric power facilities, poles, lines and towers will be subject to site plan control.

Council will endeavour to make recreation facilities accessible to disabled users and will provide opportunities for public access to shorelines where practical.

If the development of electric power facilities should occur, it shall occur in an orderly manner, as such it is Council's policy that electric power facilities are permitted in all land use designations without an amendment to the plan provided that the planning of all such facilities and activities are carried out having regard to other policies of the plan. Furthermore, Ontario Hydro shall consult with the municipality on the location of any new electric power facilities and land and buildings owned or under license by Ontario Hydro and used for executive, administrative or retail purposes.

1. Educational, Fire, Police and Health Care Facilities

Educational facilities (schools), fire, police and health care facilities are available to residents of the Township. However, some of these facilities are centred in adjacent urban areas such as the City of Sault Ste. Marie. The

intent of the Plan is to ensure that there is adequate capacity of such facilities to accommodate projected growth over the Planning Period.

The policy of this Plan is to monitor the impact of development applications on the residual capacity of public service facilities by consulting and circulating applications for comment to agencies which deliver these services.

2. Water Supply and Sewage Disposal

a) Policy Overview

The Provincial Policy Statement identifies a servicing hierarchy of which full municipal water and sewage disposal services are the preferred form of servicing for urban areas. It is the intent of Council, in being consistent with this statement, to balance the servicing needs of the area with the character of development.

In the Rural Policy Area, low density development will continue to prevail and on-site (private) services will continue to be the basis for servicing. The exception will be larger scale commercial developments such as a recreational vehicle park or campground, where communal services may be required.

Where applicable, Council will have regard for Ontario's Safe Drinking Water Act and Clean Water Act and other Provincial legislation, where applicable, which is intended to ensure that Ontarians have access to a safe drinking water supply;

b) Municipal Water and Sewer Services

It is the intent of Council to ensure that the density of development within the Hamlet Policy Area be of a density which caters to smaller lot patterns and are fully-serviced. However, it is the intent of Council to ensure that the density of development within the Rural Policy Area of the Township does not result in the need for piped water and sewer services. In the review of planning applications, it is Council's intent to ensure that the lot sizes are sufficiently large to make them self-sustaining for the purposes of water supply and sewage disposal;

c) Individual On-Site Systems

Lands throughout the Rural Policy Area may be serviced by individual on-site (private) sewage disposal systems. Planning applications for new development shall be supported by a terrain

analysis or an assimilation capacity study satisfactory to meeting the approval requirements of the applicable legislation, e.g.:

- i. Where the total effluent discharged by a sewage system is 10,000 litres/day/lot (2,200 gallons/day/lot) or less, and the system will be entirely within the bounds of the lot, the approvals will be governed by the Building Code Act;
 - ii. Where the total effluent discharged by a sewage system is greater than 10,000 litres/day/lot (2,200 gallons/day/lot), the approval authority will be the Ministry of the Environment. The associated hydrogeological study and terrain analysis shall demonstrate soil suitability, sufficient area for effluent treatment and site suitability for the disposal system;
 - iii. A water supply assessment report may be required for proposals using a groundwater source (i.e. well); to demonstrate that there is an adequate supply (quantity and quality) and that there will be no interference from sewage disposal or draw down of the water table. (Reference should be made in this regard to the Ministry of the Environment's Guideline D-5-4, Technical Guideline for Individual On-Site Sewage Systems.) Consideration shall be given to the cumulative impact of development on the available water supply. A water budget for users may be required in this regard; and
 - iv. Provided site conditions are suitable for the long-term provision of such services and sufficient reserve sewage system capacity for hauled sewage is available. The determination of sufficient reserve sewage system capacity for individual on-site sewage services shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services. It is the intent of the Council to investigate the options for the determination of treatment capacity from private services in the implementation of this policy;
- d) Applications for lot creation on privately owned and operated individual or communal systems generating more than 4,500 litres of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report;
- e) Well construction standards will be required to meet Ontario Regulation 903 for lands serviced with an on-site (private) water supply (i.e., well);

f) Communal Services

Council may consider communal services for multiple lot development (six or more lots/units) for permanent residential or non-residential development. Where such a system is approved, Council will assume responsibility or ownership after the issuance of a Certificate of Approval. (Note: this may include a Permit to Take Water under the Ontario Water Resources Act.) Council may choose to operate the system or may consider entering into a legal agreement for the operation and maintenance of the system on a private basis subject to the approval of the Ministry of the Environment. Council will assume responsibility for the communal system should the system fail or should the operator fail to operate or maintain the system according to the agreement. (Reference should be made to MOE Guideline D-5-2, Application of Municipal Responsibility for Communal Water and Sewage Services, 1995.)

For the purposes of this Plan, Communal Services means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water, but which are not connected to full municipal sewage and water services; are for the common use of six or more residential or non-residential lots or units; and are owned, operated, and managed by the Township, another public body, a condominium corporation or single owner under an agreement pursuant to the Planning Act;

3. Storm Water Management and Drainage

It is Council's policy that storm water management shall be required for all development in the Hamlet Policy Area as a preventative approach (rather than relying solely on end-of-pipe quality control) to protecting water resources (quality and quantity) and outside of urban settlement areas where deemed appropriate.

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

- a) That natural hydrological characteristics are maintained, and where possible, enhanced as the means to protecting the base flow of watercourses;
- b) That the natural infiltration of water on lands which are developed is maximized;
- c) That proposed development will not result in increased downstream flooding or erosion or cause adverse effects on receiving waters;

- d) To ensure that alterations to natural drainage systems are prohibited or at least minimized by maximizing the retention of natural vegetation and by leaving stream channels in their natural form;
- e) That fish and wildlife habitat is protected, enhanced or restored including habitat linkages where affected by the discharge or outlet of drainage facilities;
- f) That a sustainable environmental approach is utilized in protecting water resources; and
- g) That water quality will be monitored on an ongoing basis as the means to evaluating the effectiveness of storm water management practices.

It is the intent of Council to incorporate storm water management controls into the development review and approval process. Proponents of development will be required to plan for and undertake storm water management which complies with the above principles. This may require a sub-watershed management plan for large tracts of land or a storm water site management plan. Proponents should utilize best management practices where they are consistent with and will achieve the Township's water quality and quantity targets (to be developed in consultation with MOE) such that there is no net decline in water quality. Depending on the size and scope of a particular development, Council may require the preparation of a master drainage plan. Council will consult with MOE, if applicable, in the review of these plans.

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

2.21 Public Works

Public works may be carried out which conform to this Official Plan. Examples of public works include municipal roads, a municipal drain or a municipal water system and municipal sewage system.

2.22 Recreational Vehicles or Mobile Homes (Approved by OMB – June 15, 2011)

Recreational Vehicles may be permitted as a recreational use and shall be subject to the same development standards as conventional dwellings.

1. Definition of Recreational Vehicles

Recreational Vehicles, which are also known as travel trailers, motor homes, campers and trailers for the purposes of the Plan, are defined as follows: means any vehicle constructed that is suitable for being attached to a motor vehicle for the purpose of being drawn or is propelled by the motor vehicle and is capable of being used for the living, sleeping or eating accommodation of persons on a temporary, transient or short term basis, even if the vehicle is jacked up or its' running gear is removed. A recreational vehicle does not include a mobile home as defined in the *Planning Act*, a park model trailer or a manufactured home as governed by the *Building Code Act*.

This definition does not apply to prevent the storage of boats, boat or vehicle trailers, personal water craft, snowmobiles, all terrain vehicles (ATVs) or other recreational equipment normally stored or parked on a lot.

2. Policies for Recreational Vehicles on Vacant Lots of Record

Recreational Vehicles (RV) may be permitted as a recreational use on a vacant lot of record in the Rural Policy Area provided the RV adheres to the following conditions:

- a) The purpose of an RV is to provide for a temporary living accommodation that is recreationally oriented and is not to be used for a permanent or year-round residential dwelling.
- b) Decks, Enclosures, roof-overs, extensions or additions to a RV shall not be permitted unless such structures or construction has been specifically designed or pre-engineered for the RV by a manufacturer or after-market manufacturer and are capable of being removed. No such structures shall be permitted which have the effect of rendering the RV as a permanent structure or a permanent residential dwelling on a lot or site.
- c) RVs shall adhere to the lot area, sewage disposal, building setbacks and other zoning requirements of the Zoning By-law as they apply to a conventional building (see Section 2.27.1 and 2.27.2). RVs shall only be permitted on lands designated Rural Policy Area on the Land Use Plan Schedule and only where the lands are zoned to permit an RV.
- d) Owners of RVs shall obtain approval for a sewage disposal system from the Algoma Public Health as a condition prior to placing their RV on a vacant lot.
- e) Individual RV's shall only be permitted where they are adequately serviced with a potable water supply, and with an on-site sewage disposal system as approved under the *Building Code Act*. Such

sewage disposal system shall be in addition to any self-contained or on board holding tanks. The intent of the Plan is to avoid the illegal discharge of sewage or grey water on any lands occupied by a RV.

- f) RVs may be located on lots adjacent to permanent dwellings provided they take the appropriate measures to minimize the visual impact through screening or buffering (see provisions for site plan control).
- g) Recreational vehicles on individual lots shall be subject to site plan control. Site plan control may be used to govern walls, fences, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands, the installation of individual on-site water and sewage disposal services, access to the lands and grading and drainage controls. RVs shall comply with Section 2.25 Site Plan Control of this Plan.
- h) Recreational Vehicles may be permitted on shoreline properties based on the previous criteria and also the following criteria:
 - The RV is set back at least 30 m [98.4 ft] from the high water mark in compliance with Sections 2.27.1 and 2.27.2 of this Plan.
 - The RV does not negatively impact the view of the waterfront for adjacent properties
- i) Accessory uses to a recreational vehicle shall not include a sleep cabin or a second RV on a lot.
- j) A recreational vehicle shall not be permitted on a lake deemed to be at capacity except in accordance with Section 2.13, of this Plan.

3. Policies for Recreational Vehicles on Lots Created by Consent

An RV may be permitted on a lot created by consent in the Rural Policy Area provided the lot created complies with Sections 2.8.11, 2.8.20, 2.13 and 2.25 of this Plan.

4. Policies for Recreational Vehicles on Lots Occupied by a Residential Use

An RV may be stored, but otherwise not used on a lot occupied by a permanent or seasonal dwelling in the Hamlet Policy Area and in the Rural Policy Area provided the RV meets all of the applicable zone requirements for an accessory use.

5. Licensing

RV's may be licensed by the Township under the authority of the Municipal Act. The licensing by-law may specify the period and conditions of occupancy and the permit fees for recreational vehicles. Licensing provisions shall not apply to RV's where they are stored only and not used.

6. Property Standards

Council may utilize a Property Standards by-law under the Building Code Act to regulate the maintenance of properties, buildings and structures used for RV's or accessory thereto.

2.23 Residential Intensification and Redevelopment

Residential intensification and redevelopment (i.e. redevelopment of brownfield sites, development of vacant or underutilized lots, in-fill development and the conversion or expansion of non-residential building stock for residential uses) where municipal water and sewer services can support the proposed development are the primary method for new residential development. Plans of subdivision are the preferred method of residential development on lands designated for future growth in the Hamlet Policy Area. Consents are a method of residential development on lands in the built up area and on lands designated for future growth in the Hamlet Policy Area, where they can be supported by sewage and water services. Consents can help meet intensification opportunities in the built up area by increasing lot densities where they can be supported by sewage and water services.

2.24 Shoreline Alterations and Docking Facilities

The construction of any dock, wharf, boat house, pier, retaining wall or other structure or works along the shorelines of inland lakes or Lake Huron shall be subject to prior approval by the Ministry of Natural Resources.

It is the intent of Council to require the establishment and/or retention of a natural vegetation buffer on lands within 15 m [49.2 ft] of the shoreline of a lake or a tributary. In situations where the natural vegetation buffer will be reduced to accommodate the expansion of an existing building, the replanting of an area equivalent or greater than the area required for the expansion, will be required.

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

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

2. Shoreline structures including single storey boat houses, boat ports and float plane hangars shall be limited to a maximum width as regulated by the zoning by-law;
3. Construction of a second storey addition for any shoreline structure shall not be permitted;
4. Interior finishing or occupancy of any portion of a boat house or boat port for use or occupancy as a dwelling shall not be permitted;
5. Saunas or steam baths shall not be serviced by a pressurized water system. (See also setback requirements below);
6. Floating structures, cribs and docks (of less than 15 m² [161.5 ft²]) in area shall be subject to municipal review and review by MNR while structures exceeding this area shall require permits from the appropriate regulatory authority;
7. The type of docks shall generally be limited to floating, cantilevered or post dock construction. Other types of docks may be permitted where it is demonstrated that they will not have a negative impact on fish habitat. Docks shall be built of non-toxic building materials. The size of docks may be regulated by the zoning by-law and in no case shall limit or restrict safe navigation. The shoreline below the high water mark shall not be permanently altered through the construction of shoreline structures except to accommodate the placement or use of docks as approved by the authority having jurisdiction;
8. No shoreline structure which will destroy fish habitat shall be permitted;
9. Other shoreline structures may include a gazebo, utility or storage shed, deck or viewing area subject to the standards set out above (with the exception of size); and
10. Shoreline structures shall be permitted in a front yard subject to meeting appropriate zoning standards (i.e., the minimum setback for structures other than boat houses and docks, shall be 30 m [98.4 ft]).

2.25 Site Plan Control

Where the use of site plan control is provided for in this plan, this shall enable Council to require any person or corporation to enter into an agreement to provide for any of the matters set out in Section 41 of the Planning Act regarding site plan control such as:

1. Area of Application

All lands within the Waterfront District designation shall be designated as a Site Plan Control Area.

2. Application Requirements

When an application is received for the development or redevelopment of a lot or parcel of record or for the disposition of a shoreline road allowance within the Site Plan Control Area, the application shall be complete and shall be accompanied by a site plan which shows:

- a) The location of all existing or proposed buildings, structures, accessory buildings and sewage disposal systems with an indication of accurate dimensions and setback distances from lot lines and from an abutting watercourse or lake; and
- b) The approximate location of all natural and artificial features on the subject land (e.g. roads, drainage ditches, wells, watercourses, banks, slopes, wetlands, wooded areas etc.) including the location of wells and septic tanks on adjacent properties.

3. Site Plan Control Measures

Site Plan Control shall apply to the following:

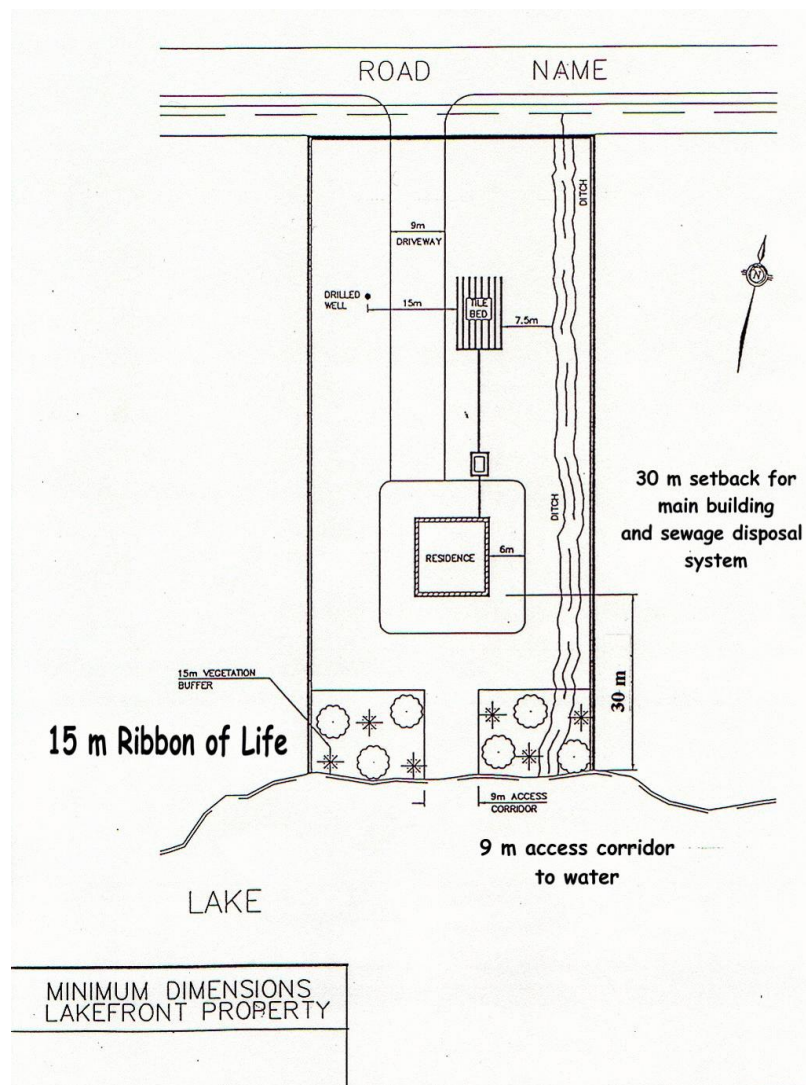
- a) The siting of sewage disposal system components;
- b) The siting of water supplies particularly drilled or dug wells;
- c) Proposed site drainage;
- d) House and/or building siting;
- e) Requirements for the protection, conservation and/or re-vegetation of the shoreline riparian zone;
- f) Siltation and erosion controls; and
- g) Site grading and replacement of fill.

Clearing of vegetation shall only be permitted above the high water mark.

4. Natural Vegetation Buffer

When a Site Plan Control Agreement is required for development or redevelopment on lands which front on a lake or on a major tributary, a natural vegetation buffer of not less than 15 m [49.2 ft] in depth along the

shoreline or watercourse shall be identified on the site plan. The cutting or removal of trees, shrubs or ground cover will not be permitted within the natural vegetation buffer except for the removal of dead or diseased trees, debris or noxious plants or where a landscaped corridor not greater than 9 m [29.5 ft] in width is required for access between the dwelling and shoreline. Council may require that a professional competent in shoreline landscaping be engaged to prepare a shoreline vegetation management plan suitable for conserving and sustaining the natural environment (see illustration p. 30).



Safeguard your health and health

The Ribbon of Life

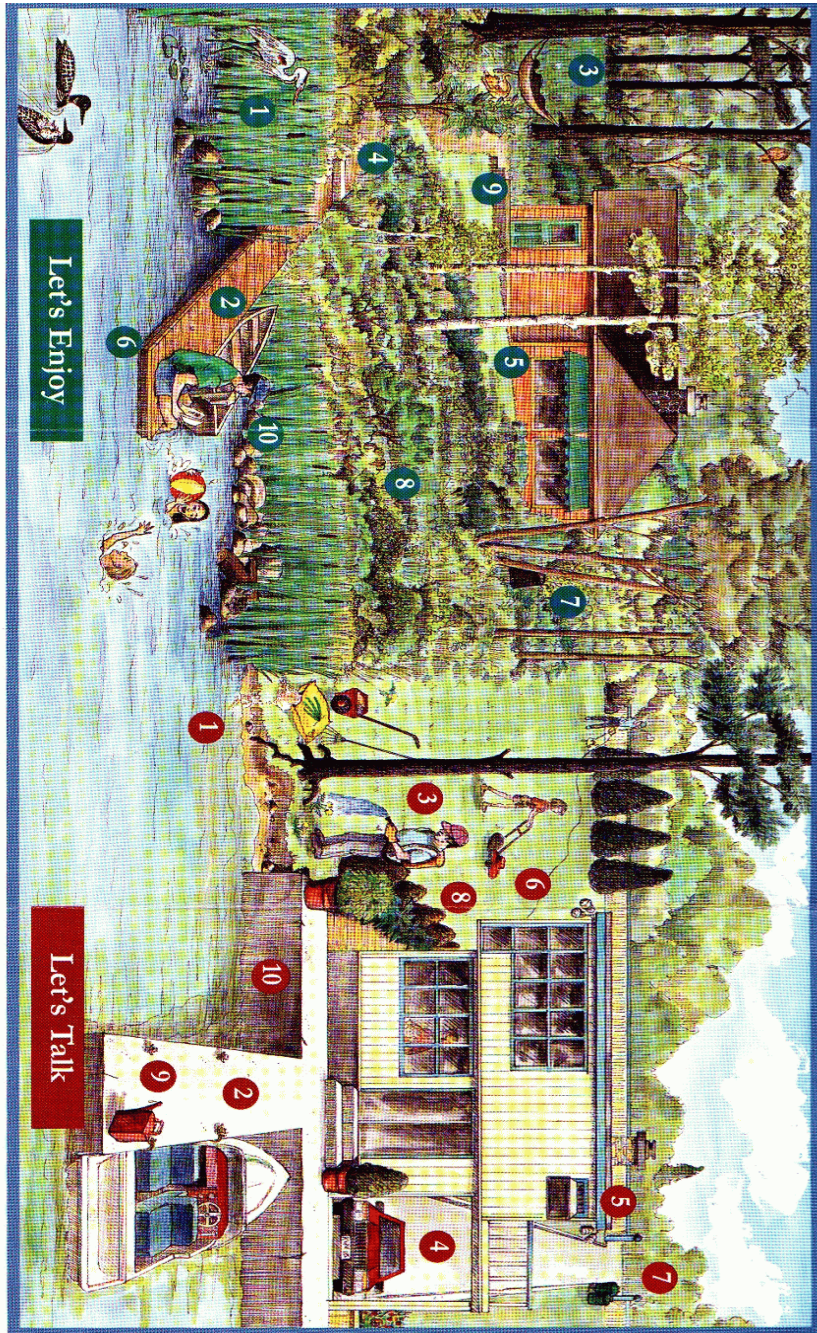
The shoreline, where land, water, and air meet, is a vital link providing plants and wildlife the resources they need for life. We, too, rely on shorelines for sustenance. Communities have grown up along the water's edge and we continue to return to the shore to rest and restore our spirits.

Those of us who live by water experience its magic every day. Our health, our children's health, and the long term value of our waterfront property depend on how we care for the shore — the "ribbon of life."

Twelve Simple Steps to Keep Your Paradise Intact

- Keep the lot well-kept — never clearcut.
- Protect shoreline vegetation; replant areas lacking shrubs and trees with native species.
- Start a buffer strip by leaving some grass uncut near the water.
- Build at least 30 metres away from the shore
- Give clear instructions to your contractors and monitor their work.
- Avoid spilling fuels, antifreeze, paint thinner or other chemicals on land or water — clean up fast!
- Don't use fertilizers, pesticides, or herbicides near the water.
- Use only phosphate-free soaps, detergents and cleaners in your home.
- Pump out your septic tank regularly — every two to three years.
- Extend the life of your septic system by avoiding tank additives and minimizing water consumption.
- Refuel your boat with care — don't spill a drop.
- Watch your boat's wake — it causes erosion!

Note: Always check with your local Conservation Authority or Ontario Ministry of Natural Resources office before building or making changes to your shoreline.



Let's Enjoy

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

Let's Talk

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

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5. Site Plan Control – Additional Information

Where deemed necessary, in accordance with the site plan control guidelines, Council, or its designate, may require additional site information, which may include:

- a) A soils report which identifies site soil characteristics including soil type, depth, leaching characteristics, depth to water table, and mitigation measures for any soil deficiency related to a proposed use. The soils report may also address slope stability and erosion concerns based on the nature of the proposal and existing site conditions. This report should be verified by a soils analyst or consultant with demonstrated competence in soils analysis. A water quality impact study which shows the impact of the proposed use on water quality and how this impact can be effectively minimized;
- b) A fisheries habitat assessment, satisfactory to the Department of Fisheries and Oceans (DFO), of the existing shoreline or stream with recommendations on how the existing habitat conditions can be preserved and/or enhanced; and
- c) A screening plan showing how the proposed uses will be screened from view or how the existing aesthetic landscape of the waterfront will be preserved or enhanced.

2.26 Water Access

To improve public access to Lake Huron, Council will require the dedication of parkland having water access as a condition of approving subdivisions along the shoreline. In considering the appropriateness of future access points, consideration will be given to such criteria as adequacy of the size of the parcel, slope and topography, distance separation from adjacent residential uses, suitability of the property for storage of boat trailers and vehicles and convenience and safety of access from the lot to a public road. Council may acquire additional lands for water access within shoreline subdivisions or in other areas along Lake Huron through the use of funds obtained as part for the cash-in-lieu provisions of this Plan.

2.27 Waterfront Conservation

Conservation of the natural environment shall be instituted by Council through the following measures:

1. Requiring that all sewage disposal systems (septic tanks and tile fields or filter beds), main buildings and recreational vehicles be set back a minimum of 30 m [98 ft] from the high water mark of any water body.
2. Placing parking areas power lines, sewage systems, buildings and shoreline structures (gazebos, saunas, utility sheds) a minimum of 30 m [98.4 ft] from the shoreline and behind the natural vegetation buffer;
3. Conserving natural heritage features (e.g., wetlands, fish habitat, nesting areas). An Impact Assessment will be required for development which is proposed adjacent to or within a Natural Heritage Feature or Area as identified on the Land Use Schedule prior to approval of development;
4. Requiring the pump-out of sewage disposal systems on a regular basis to remove solids, and by requiring the upgrading of sub-standard sewage disposal systems as a condition of a rezoning or redevelopment. (Note: a by-law may be enacted under the Municipal Act governing pump-outs.);
5. Controlling the size and location of boat houses and docks through standards set out in the zoning by-law;
6. Preparing Lake Management Plans for lakes affected or potentially affected by development. A Lake Management Plan should consist of the following components:
 - Resource inventory of water quality, vegetation, fish and wildlife habitat, geology;
 - Phosphorus and oxygen levels;
 - Land tenure (existing seasonal and permanent land uses, existing approved but vacant lots, development proposals);
 - Shoreline and recreational capability (slopes, soil types, access);
 - Capacity for future development, if any, for residential and non-residential uses; and
 - Water quality enhancement measures.

(See also **Section 2.14** for Lake Management Plans and **Section 7.0** for Natural Heritage Features – Fish Habitat)

2.28 Wayside Pits and Quarries

Wayside pits and quarries are permitted throughout the municipality without rezoning except for areas of existing development and environmentally sensitive areas (such as flood plains, wetlands or a shore environmental protection area). Wayside pits and quarries shall operate in accordance to the latest standards of the Ministry of Natural Resources and will not pollute any creek or water course as a result of washing or screening. Portable asphalt and concrete plants shall be permitted as part of a wayside pit and quarry.

Wayside pits will be rehabilitated to substantially their former agricultural capability.

Wayside pits or quarries are not permitted within Desbarats.

2.29 Official Plan Schedules

Schedule “A”, Land Use and Roads, constitutes part of the Official Plan and is to be interpreted in conjunction with the written text.

The boundaries between land use designations, as shown on Schedule “A”, are general only and are not intended to define the exact limits of each designation. It is intended, therefore, that amendments to the Plan will not be required in order to make minor adjustments to the approximate land use boundaries, provided the general intent and purpose of the Plan are maintained.

2.30 Holding Zone Provisions

Pursuant to Section 36 of the Planning Act, Holding Zones may be utilized in the implementing Zoning By-law where the use of land is clearly established and servicing capacity exists where there are municipal services, but where details have yet to be determined. Such details may address one or more of the following:

1. Appropriate phasing of development or redevelopment;
2. Restriction of development until the adequate services are extended or provided;
3. Implementation of policies for location or development which require special design features.
- ;
4. With respect to contaminated sites, in particular, the “H” may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in accordance with a site remediation plan and subject further, to the submission to the municipality of a Ministry of Environment and Energy acknowledged Record of Site Condition; and
5. To facilitate site redevelopment for a contaminated site once the principle of site clean-up has been demonstrated through an engineer’s report, acceptable to the Ministry of Environment and Energy and Council.

Council, at any time, may designate any zone or part of a zone as a Holding Zone in order to meet one of the above-mentioned objectives. A Holding Zone shall be identified by using the symbol “H” following any zoning category.

Removal of the Holding symbol from the zoning category may be initiated by a member of the public or by Council. Prior to Council's approval to remove the Holding symbol, Council shall be satisfied that the conditions for the removal of the holding symbol have not been met.

With respect to contaminated sites, in particular, the "H" may be removed upon receipt of a report approved by the Ministry of Environment and Energy that the appropriate level of remediation for a contaminated site has been achieved.

2.31 Planning Applications

Applications for development for an official plan amendment, a zoning by-law amendment, site plan control, subdivision or consent shall be reviewed for completeness. The Township will not consider an application complete where the application form is not filled out in full and where studies or other information required by this Plan or the *Planning Act* are not submitted as part of the application. These studies or information may include, but are not limited to:

- ☐ A servicing options report
- ☐ A municipal servicing capacity report for water and/or sanitary sewage system
- ☐ A hydrogeological study and terrain analysis report or water assessment report including an assessment of the carrying capacity or appropriate density of development
- ☐ A drainage and/or stormwater management report
- ☐ An Impact Assessment for a natural heritage feature or area
- ☐ An Archaeological Assessment
- ☐ A resource impact report for development in proximity to a waste management facility, industrial use or mineral/mineral aggregate use including an assessment of impacts within an influence area
- ☐ A source protection study including a groundwater impact and/or surface water impact study
- ☐ A traffic study
- ☐ A market study
- ☐ A mine hazard rehabilitation assessment
- ☐ A contaminated site assessment report (environmental site audit/assessment)
- ☐ A noise and /or vibration study
- ☐ A flood plain management/slope stability/geotechnical report
- ☐ A cost benefit analysis for the assumption of a private road
- ☐ A source water protection study including a groundwater impact and/or surface water impact study
- ☐ A lake capacity analysis
- ☐ A MDS I or II calculation

- A minimum separation distance calculation for an industry, waste management facility, pit or quarry
- An off-site septage haulage report

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

The Township may require pre-consultation through the adoption of a By-law under the *Planning Act*. All applicants proposing development are encouraged to pre-consult with the Township prior to filing an application.

3.0 Hamlet Policy Area

3.1 GOAL

To develop the Hamlet of Desbarats as a service centre for the surrounding rural community in providing commercial and community facilities and serviced residential lands.

OBJECTIVES

- 3.2** To ensure an adequate supply of serviced residential land by the private sector.
- 3.3** To provide for development in keeping with the scale and character of the Hamlet.
- 3.4** To improve the range of community facilities.
- 3.5** To maintain the attractiveness of the Hamlet and the condition of the housing stock through a program of community improvement.

POLICIES

- 3.6** The principle land uses within the Hamlet of Desbarats will include residential, commercial, institutional and open space.

The Hamlet Policy Area is a proposed Site Plan Control Area, pursuant to Section 41 of the Planning Act.

- 3.7** A pattern of mixed uses will be recognized in the Hamlet, principally in the core area around the intersection of Lake Huron and Main Streets. Larger blocks of vacant land surrounding the core area will be developed on the basis of individual land uses of which residential will be the principle use. The Zoning By-law may be used to classify individual types of land use in the Hamlet.
- 3.8** Development in the Hamlet will be on the basis of municipal water and sewage services. For any new development, confirmation of sufficient confirmation of sufficient reserve sewage and water system capacity within municipal sewage and water services and/or private communal sewage and water services is required. The determination of sufficient reserve sewage system capacity shall include

treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.

- 3.9** Development will be preferably by plan of subdivision. Infill or development by land severance will be permitted where convenient and practical, where municipal servicing standards can be met and where zoning standards can be met.

The majority of new growth in the Hamlet Policy Area will occur through infill, intensification and redevelopment in the built up area, which will occur before or at the same time as, but not after, development on any lands that may be designated for future growth in the Hamlet Policy Area. Progress towards this target will be monitored and assessed when this Plan is reviewed in accordance with the Planning Act. New development occurring on lands that may be designated for future growth in the Hamlet Policy Area will occur adjacent to the built up area and make the most efficient use of infrastructure and public service facilities.

Council may consider the expansion of the Hamlet Policy Area only at the time of a comprehensive review and only where it has been demonstrated that:

1. Sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;
2. The infrastructure and public service facilities which are planned or available are suitable for the development over the long term and protect public health and safety;
3. In prime agricultural areas (Agricultural Resource Lands A-1):
 - a) The lands do not comprise specialty crop areas;
 - b) There are no reasonable alternatives which avoid prime agricultural areas; and
 - c) There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas; and
4. Impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.

Housing

- 3.10** A variety of housing types will be permitted including a predominance of low density single and two-unit dwellings. Medium density row housing and small

block multiples are also permitted where the land area is sufficient to support such development and particularly where they will help to meet the need for affordable housing.

- 3.11** Vacant blocks of land may be acquired and developed by the municipality for residential purposes.
- 3.12** The Hamlet will be the preferred location for the specialized housing needs for seniors and households and may be addressed through participation in assisted housing programs on a joint or individual municipal basis.
- 3.13** Site plan control may be used for medium density housing, small block multiples and specialized housing projects including proposals which propose less than twenty-five dwelling units for which Subsection 41(5) of the Planning Act may apply.

Commercial

- 3.14** A range of retail, personal and service commercial uses, professional offices and other commercial uses appropriate to the scale of development will be permitted in a mixed land use setting focused on the core of the Hamlet.
- 3.15** Existing residential properties may be converted to commercial uses or may be a mix of commercial and residential. Such conversions may only be permitted where they are compatible with adjacent land uses.
- 3.16** Highway commercial uses oriented to the traveling public may be permitted where they are compatible with adjacent land uses.
- 3.17** Conversions or new commercial developments or redevelopment will be subject to site plan control to protect the character of any adjacent residential or other uses.

Open Space

- 3.18** A Community Recreation Complex is recognized as the principle recreational area for the Hamlet of Desbarats and the surrounding rural area. Council will continue to develop and may expand this facility.
- 3.19** A waterfront park may be developed along the Desbarats River.
- 3.20** Other natural amenities such as water courses, the shoreline and boulevards will be appropriately protected in the course of the development of private and public lands.

3.21 Community Improvement

GOAL

The Community Improvement provisions of the Planning Act allow municipalities to prepare community improvement plans for designated community improvement project areas that require community improvement as the result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. Once a community improvement plan has been adopted by a Township and is in effect, the Township may offer grants, loans and financial incentives to encourage private sector investment. The Township may also undertake a wide range of actions for the purpose of carrying out the community improvement plan.

3.22 Policies

1. General

The Township will maintain and promote an attractive and safe living and working environment through community improvement. To this end, community improvement will be accomplished through the:

- a) Designation by by-law of Community Improvement Project Area(s), the boundary of which may be part or all of the settlement areas of the Township;
- b) Preparation, adoption and implementation of a Community Improvement Plan(s) within a designated Community Improvement Project Area(s), pursuant to the Planning Act and the Community Improvement Policies set out in this Plan;
- c) Ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by deficient/obsolete/deteriorated buildings, deficient municipal recreational or hard services, and social, community, or economic instability;
- d) Establishment of programs to facilitate municipal and private sector rehabilitation and redevelopment that addresses identified economic development, land development, environmental, energy efficiency, housing, and/or social development issues/needs;
- e) Pursuant to Section 28 of the Planning Act, Council may offer grants and loans to pay for all or part of the cost of rehabilitating lands and buildings in conformity with the Community Improvement Plan;

Pursuant to Section 365.1 of the Municipal Act, Council may also offer tax assistance.”

2. Community Improvement Project Areas

The designation of Community Improvement Project Areas shall be based on one or more of the following conditions being present:

- a) Brownfields Redevelopment**
 - i.** Known or perceived environmental contamination and sites identified as brownfields. *Brownfield sites* are sites where the environmental condition of the property and the quality of the soil or groundwater, particularly on former industrial and waste-disposal sites, may have the potential for adverse effects to human health or the natural environment. *Brownfield sites* are defined in the Provincial Policy Statement as: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant;
 - ii.** Vacant lots and underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base or the public infrastructure; and
 - iii.** Other barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings.
- b) Hamlet Improvements**
 - i.** Buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, in need of preservation, restoration, repair, rehabilitation, energy efficiency or renewable energy improvements, or redevelopment;
 - ii.** Vacant lots and underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base or the public infrastructure;
 - iii.** Deficiencies in physical infrastructure including but not limited to utilities, streetscapes and/or street lighting, municipal parking facilities, sidewalks, curbs, or road state of repair;
 - iv.** A concentration of obsolete or aging low-density land uses, vacant lots, surface parking lots and/or abandoned buildings;

c) General Community Improvement

- i.** Deficiencies in community and social services including but not limited to public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities and support services;
- ii.** Vacant lots and underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base or the public infrastructure;
- iii.** Opportunities to improve the mix of housing types;
- iv.** Any other environmental, energy efficiency, social or community economic development reasons.
- v.** Redevelopment of brownfield sites.

d) Community Improvement Plans

Community Improvement Plans may be prepared and adopted to:

- i.** Facilitate the renovation, repair, rehabilitation, remediation, redevelopment or other improvement of lands and/or buildings;
- ii.** Facilitate the development of mixed use buildings, or the introduction of a wider mix of uses;
- iii.** Facilitate the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreational amenities;
- iv.** Facilitate residential and other types of infill and intensification;
- v.** Facilitate the construction of a range of housing types and the construction of affordable housing;
- vi.** Upgrade and improve municipal services and public utilities such as storm sewers, roads and sidewalks;
- vii.** Contribute to the ongoing viability and revitalization of downtowns and other areas that may require community improvement;
- viii.** Improve environmental and energy consumption conditions;

- ix. Facilitate the redevelopment of brownfield sites;
- x. Facilitate and promote community economic development; and
- xi. Improve community quality, safety and stability.

e) Implementation

In order to implement a Community Improvement Plan in effect within a designated Community Improvement Project Area, the Township may undertake a range of actions as described in the Community Improvement Plan, including:

- i. The municipal acquisition of land and/or buildings within the Community Improvement Project Areas where a Community Improvement Plan has been adopted, approved and is in effect, and the subsequent;
- ii. Clearance, grading, or environmental remediation of these properties;
- iii. Repair, rehabilitation, construction or improvement of these properties;
- iv. Sale, lease, or other disposition of these properties to any person or governmental authority;
- v. Other preparation of land or buildings for community improvement;
- vi. Offering grants and loans to pay for all or part of the cost of rehabilitating lands and buildings in conformity with the Community Improvement Plan;
- vii. Pursuant to Section 365.1 of the Municipal Act, Council may also offer tax assistance;
- viii. Application for financial assistance from senior level government programs; and
- ix. Participation in senior level government programs that provide assistance to private landowners for the purposes of community improvement;

All developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies

contained in this Plan, applicable Community Design Plans, the Zoning-By-law, Property Standards By-laws, and all other related municipal policies and by-laws.

The Township shall be satisfied that its participation in community improvement activities will be within the financial capabilities of the Township.

3.23 IMPLEMENTATION

General

The program for implementing policies in the Hamlet Policy Area consists of the following actions:

1. Land acquisition for waterfront development and for the expansion of the Community Recreation Complex facility;
2. Undertaking a housing needs survey once every four to five years to assess the need for social assisted housing for seniors and families;
3. Preparing a Site Plan Control By-law and adopting Site Plan Control Standards;
4. Preparing and adopting a Property Standards By-law;
5. Designating by by-law a Community Improvement Project Area or Areas;
6. Allocating funds from the municipal budget on an ongoing basis for community improvement;
7. Participation in senior government funding programs for community improvement;
8. Working with local community organizations and service clubs in providing for community improvement;
9. Preparing a Zoning By-law or amending the existing Zoning By-law to create zones and development standards for various uses;
10. Evaluating development applications for conformity to policies;
11. Enforcing the Ontario Building Code; and
12. Consultation with the Ministry of the Environment and/or its designate on the adequacy of water and/or sewage services.

4.0 Agricultural Resource Lands

GOAL

- 4.1 To preserve and protect the best capability soils for foodland production and to protect and encourage intensive farming operations.
- 4.2 To recognize that in the Township there are two separate Agricultural Resource Land designations: A1 and A2.

OBJECTIVES

- 4.3 To sustain farming and farm related activities as a significant component of the economic base of the municipality.
- 4.4 To discourage incompatible uses.

POLICIES

- 4.5 Lands designated Agricultural Resource Lands (A-1) on Schedule 'A' comprise *prime agricultural lands* and will be preserved as the principal areas for foodland production. Other lands which are actively farmed will also be protected.
- 4.6 Agricultural uses and related activities are permitted as the predominant land uses. Forestry is also permitted land use activity.

1. Secondary Uses

Secondary uses on agricultural lands are encouraged as a means to strengthen and diversify the agricultural industry and to supplement farm income. The Township shall ensure that such uses are compatible with agricultural uses and shall not hinder surrounding agricultural operations. Criteria used to evaluate the compatibility include: the type and scale of use; that the use, where it is located on a farm, is clearly secondary to the main farm operation.

- 4.7 Agriculture-related uses are also permitted provided they are compatible with agricultural activities, are directly related to agriculture and necessary in close proximity to farm operations and provided that alternative locations outside of Agricultural Resource Lands are not available and there are no reasonable alternative locations in *prime agricultural areas* to locate such uses upon lower priority agricultural soil capability lands. Such uses must be compatible with agricultural activities and shall comply with the Minimum Distance Separation

Formulae I and 11 and wherever possible, should be encouraged to locate on lands with lower soil capability (see also **Section 2.8.15**).

4.8 A1 – Land Severances

1. Removal of Land from Prime Agricultural Areas for Limited Non-Residential Uses

The exclusion of prime agricultural land (Canada Land Inventory Class 1, 2 and 3 soils) from the Agricultural Resource Lands A-1 designation, for limited non-residential uses, may only be permitted provided that the following criteria and procedures are met:

- a)** An Official Plan Amendment will be required to exclude any land from the Agricultural Resource Lands A-1 designation as shown on Schedule A and to re-designate the land for the proposed limited non-residential use;
- b)** A zoning by-law amendment will be required to rezone the lands for the proposed limited non-residential use;
- c)** The proponent must pre-consult with the Municipality on the proposed limited non-residential use;
- d)** The applicant must submit a Land Use Justification Report that addresses but is not limited to the following matters:
 - i.** The type of limited non-residential land use proposed, the land area, the location and lot dimensions and building envelope required for the use as well as a description of the surrounding land uses and distance separation of the proposed limited non-residential land use to any livestock facilities and manure storage facilities;
 - ii.** Existing and past uses of the land;
 - iii.** The type and quality of the soil for agricultural production and soil conditions (i.e., stoney, wet etc.), topographic relief and vegetative cover if other than agricultural crop on the lands proposed for the limited non-residential use;
 - iv.** There is a demonstrated need within the planning horizon of the Official Plan for additional land to be made available to accommodate the proposed limited non-residential land use;

- v. There are no reasonable alternative locations for the proposed use which avoid designated Agricultural Resource Lands A-1 lands as shown on Schedule A;
 - vi. There are no reasonable alternative locations on lower priority agricultural lands (Canada Land Inventory Class 4, 5, 6 and 7 soils) within the Agricultural Resource Lands A-1 designation shown on Schedule A;
 - vii. The lot and land area required will be minimized to an area only necessary for the proposed limited non-residential land use; and
 - viii. Compliance with the Minimum Distance Separation Formula I;
- e) The Municipality may require a peer review of the Land Use Justification Report;
 - f) The cost of the Land Use Justification Report and any peer review which the Municipality may require will be borne by the applicant.
2. Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons; and
 3. Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:
 - a) *Agricultural uses*, provided that the lots are of a size appropriate for the type of *agricultural use(s)* common in the area and are sufficiently large to maintain flexibility for future changes in the type of agricultural operations;
 - b) *Agricultural-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
 - c) A residence surplus to a farming operation as a result of farm consolidation, provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
 - d) *Infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

4.9 A2 – Land Severances

1. Lot creation in secondary *prime agricultural areas* (A2) is generally discouraged and will be permitted only in the following situations:
 - a) New lots for *agricultural uses* may be permitted provided that they are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operation;
 - b) New lots may be permitted for *agriculture-related uses*; and
 - c) New lots for residential uses may be permitted for:
 - i. A farm retirement lot;
 - ii. A residence surplus to a farming operation; and
 - iii. Residential infilling.

Any new lot for residential uses will be limited to a minimum size needed to accommodate the residence and an appropriate sewage and water system.
2. New land uses, including the creation of lots, and new or expanding livestock facilities will comply with the minimum distance separation formulae; and
3. In Agricultural Resource Lands ‘A2’ designated areas, agricultural uses and normal farm practices will be promoted and protected.

4.10 The requirements for minimum distance separation of the Minimum Distance Separation Formulae I and II shall apply to all farm and non-farm development in order to minimize conflicts between livestock facilities and development (see also Section 2.8.15).

4.11 As an alternative to creating a separate lot, a second lodging unit in an existing dwelling may be permitted for the extended family or for farm help.

4.12 In considering applications for severance, Council will ensure that the physical or efficient operation or machinery or production of a farm or adjacent farms are not adversely affected wherever possible, new residential lots shall be located on poorer quality farm land.

4.13 The designation of agricultural lands for agricultural activities shall not prevent other existing uses within this policy area to continue. However, none of these

existing uses shall be permitted to expand if Council should determine that there will be an adverse impact on agricultural activities.

Aggregate extraction is permitted in the Agricultural Resource Lands and shall be subject to the policies of Section 6.0 of this Plan. A minimum distance separation may be required to avoid conflict with adjacent land uses. A rehabilitation plan for the aggregate operation for new sites will be required to ensure the re-establishment of an agricultural use of similar acreage and quality of soil.

- 4.14** Existing vacant lots of record which are large enough to be farmed shall be preserved for agricultural uses. These and smaller lots will be encouraged to be consolidated into larger farm holdings.
- 4.15** Agricultural Resource Lands are proposed Site Plan Control Areas pursuant to Section 41 of the Planning Act, specifically farm-related commercial and industrial uses are subject to site plan control.
- 4.16** New municipal drains as well as the ongoing maintenance of existing drains will be actively encouraged and financially supported.

4.17 IMPLEMENTATION

The Program for implementing policies in the Agricultural Resource Lands consists of the following actions.

- 1.** Review of severance applications circulated by the Ministry of Municipal Affairs for conformity to severance policies;
- 2.** Processing requests for municipal drains under the Drainage Act and the Tile Drainage Act;
- 3.** Adhering to the Minimum Distance Separation formula I and II. Having regard to the Nutrient Management Act, 2002 and by promoting and protecting normal farm practices;
- 4.** Processing site plan applications;
- 5.** Consulting with the Ministry of Agriculture and Food to determine if severances in the Agricultural Resource Lands will jeopardize the protection of agricultural lands;
- 6.** Enforcement of the Ontario Building Code;
- 7.** Amending the Zoning By-law to provide for the range of permitted uses and appropriate standards for their development; and

8. Consultation with the Ministry of the Environment and Energy and/or its designate on the adequacy of water and/or sewage services (see also **Section 2.8-11**).

5.0 Rural Policy Area

GOAL

- 5.1** To encourage activities relating to the management or use of resources, resource based recreational activities, limited residential development and other rural land uses.

OBJECTIVES

- 5.2** To ensure orderly and logical growth.
- 5.3** To conserve and protect natural and renewable resources.
- 5.4** To minimize incompatible land uses.
- 5.5** To minimize adverse environmental impacts.
- 5.6** To encourage optimum use of the land base along shoreline areas by encouraging a shift from development by severance to development by subdivision.

POLICIES

- 5.7** Within the Rural Policy Area, the following major land uses will be recognized.
- 1.** Rural Residential;
 - 2.** Seasonal Residential;
 - 3.** Commercial;
 - 4.** Waste Disposal;
 - 5.** Open Space;
 - 6.** Industrial; and
 - 7.** Agriculture and Forestry.

In determining the appropriateness of the location of new development, Council will have regard to the following criteria:

- 1.** That the proposed development adheres to the Development Criteria set out in **Section 2.8** of this Plan;

2. That the development will not impose financial burden on the municipality through unnecessary extension or improvement of roads and/or other services;
3. That proposed uses are compatible with existing uses and that land use conflicts are avoided or minimized;
4. That commercial and industrial uses are generally to be located close to built-up areas or to the market areas which they serve. Such uses should also be in locations with good visibility and convenient access from well-maintained public roads;
5. That seasonal residential development be located in areas with convenient public access to water bodies which can support aquatic and leisure activities; and
6. That rural residential subdivision be located contiguous to or in close proximity to existing permanent residential development such as existing shoreline development areas and the existing Hamlet Area.

5.8 Types of land uses will generally be distinguished through their respective zone categories in the Zoning By-law.

5.9 Rural development shall be characterized as low density. Lot sizes shall be appropriate for each intended land use. Lot size criteria will be based on environmental standards for private services. Site development requirements for buildings, structures, parking access, landscaping, optimizing the utilization of the land base and maintaining suitable separation distances shall be in keeping with the character of the rural landscape.

Recognizing the existing municipal water and sewage systems, residential development shall be encouraged to be directed to the Hamlet Policy Area, subject to the policies outlined in **Section 2.0** and **Section 5.0**.

5.10 Rural residential and seasonal residential development will occur primarily through infilling on existing lots of record. Limited new rural residential and seasonal residential lots may be created through subdivision or consent, provided that they have frontage on a public road that is maintained year round and can be adequately serviced. Where limited new rural residential and seasonal residential lots are proposed adjacent to a surface water feature, such as a lake, the proposed lots will maintain water quality and water quantity and not negatively impact fish habitat.

5.11 All farm and non-farm development will be protected and may be enlarged where compatible with surrounding land uses where the standards of Minimum Distance Separation Formulae I and II be complied with (see also **Section 2.8.15**).

- 5.12** Forestry activities such as timber management and timber harvesting activities on Crown land, woodland improvement agreements with private property owners and improvement in the forest as a natural resource shall be recognized and encouraged. Related outdoor recreational activities such as snowmobiling, hiking, sports fishing, camping, hunt camps and similar activities are also recognized as uses in the rural policy area.

Rural Residential

- 5.13** Rural residential development shall be for single and two-unit dwellings.
- 5.14** The minimum lot size for rural residential lots shall generally be 1 ha [2.47 ac],
- 5.15** Rural residential lots shall take advantage of topographic and natural features and other amenities which enhance the siting of dwellings, economize on the construction and maintenance of roads and services and minimize conflicts with adjacent land uses particularly resource uses such as mineral aggregate deposits, wetlands and farmland.
- 5.16** Reasonable evidence of the suitability of rural residential lots for private water and sewage services will be required provided site conditions are suitable for the long-term provision of such services and sufficient reserve sewage system capacity for hauled sewage is available. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.
- This may include test results from a licensed well driller, a certificate of approval or sewage system from the Health Unit or a hydro geological or similar study conducted in accordance with Ministry of Environment and Energy requirements (see also **Section 2.8-11**).
- 5.17** Rural residential lots may only be created where they front on and have direct access to a publicly owned and maintained road.
- 5.18** Limited scale rural residential development along the shoreline of inland lakes (Diamond, Desbarats, Gordon, Caribou and Round only), may only be permitted where is clearly demonstrated that such development does not have a negative impact on the water quality or the capacity of the lake to sustain such development.
- 5.19** Mobile homes on individual lots except by subdivision may be permitted as a form of rural residential development and shall meet the same standards established for all rural residential development.
- 5.20** Rural residential development along the shorelines or in the vicinity of shoreline areas shall be principally by plan of subdivision.

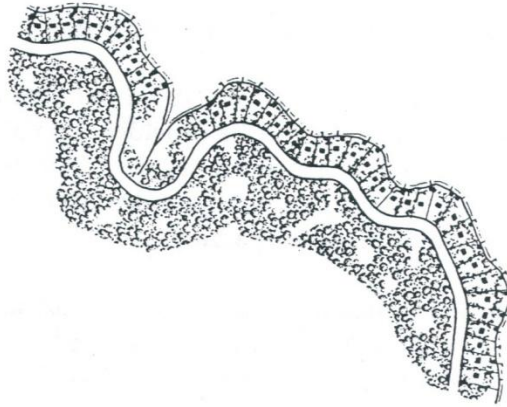
For the purposes of this Plan, back shore development means the second tier of development along the shore usually separated from the shoreline by a road and a single tier of lots or development. As a guideline, development which is located or proposed which is other than the second tier or more than 300 m [984 ft] from the shoreline is not considered to be back shore development.

Specialized Housing

- 5.21** Specialized housing projects such as multiple dwelling condominium developments may be considered by way of amendment to the Official Plan. A symbol to designate a specific location may be used in this regard. Such developments will have regard for the development criteria as set out in the General Development Policies of this plan.

Illustrations (next page)

Single Tier



Cluster Pattern



Seasonal Residential Development

- 5.22** Seasonal Residential Development shall be water oriented as well as consist of only single dwelling units. Seasonal residential dwellings are identified as a secondary place of residence and not the principal place of residence of the owner or occupier.
- 5.23** The minimum lot size for seasonal residential lots shall be 1 ha [2.47 ac].
- 5.24** Seasonal residential development may be permitted on public or private roads. Development on existing private roads shall be restricted to infill on existing lots of record in accordance with **Section 8.9** and **Section 8.18** of this Plan.

5.25 Seasonal residential development may be created by land severance or by plan of subdivision although preference will be given to seasonal residential subdivisions to maximize the utilization of shoreline frontage.

5.26 Seasonal residential development may be permitted on islands provided they can demonstrate and assure that they have adequate public access from the mainland including public parking and docking facilities.

Where public parking is not available on the road allowance or provided for by the municipality, parking shall be provided within close proximity to the public access by means of an easement registered on title, under Section 51 of the Planning Act, indicating that arrangements have been made with the land owner for the provision of off-street parking.

5.27 Conversions of seasonal residential to rural residential will be discouraged unless located on a public road maintained year round by the municipality and where other municipal services are normally available.

5.28 Seasonal residential development along the shoreline of inland lakes (Diamond, Desbarats, Gordon, Caribou and Round only) may only be permitted where it is clearly demonstrated that such development does not have a negative impact on the water quality or the capacity of the lake to sustain such development.

5.29 Seasonal development will be designed to take advantage of topographic and natural features and other amenities which enhance siting of dwellings and which in particular minimize conflicts with resource uses. Reasonable evidence of the suitability of seasonal residential lots for private water and sewage services will be required (see also **Section 2.8-11**).

Commercial

5.30 Commercial land uses in the Rural Policy Area (except Highway Commercial) shall be those uses which are better served by a rural location and cannot readily be located in the Hamlet of Desbarats.

5.31 Highway commercial uses which serve the traveling public and the trucking industry such as service stations, repair garages, hotels, restaurants and uses which require large land areas and highway exposure such as sales outlets, dealerships, fresh fruit markets may be permitted principally along Highway 17. Provincial highway access controls will apply and may limit or prohibit direct access onto the highway.

5.32 Recreational and tourist commercial uses such as marinas, golf courses, campgrounds, bed and breakfasts, antique outlets, tent and trailer parks may be permitted where they can be compatibly integrated with other rural land uses and

can take advantage of topography, tree cover, scenic vistas and other natural amenities.

5.33 Large scale multiple commercial uses such as shopping malls are not permitted.

5.34 Commercial uses in the Rural Policy Area are identified as proposed Site Plan Control Areas, pursuant to Section 41 of the Planning Act, and shall be subject to site plan control.

5.35 Industrial

Policies

1. Permitted Uses

Within areas designated Rural Policy Area on Schedule “A”, Land Use Plan permitted uses include resource based industries, resource related industries, value added industries, storage, wholesale and distribution services and repair services. Any industrial development proposed within 300 m [984.2 ft] of the shoreline of a water body shall be subject to the policies of this Plan;

2. Planning Principles

Industrial development shall be directed away from the residential uses, sensitive uses and natural heritage features and areas. The applicant shall clearly justify the appropriateness of the proposed location for an industrial use having regard for all of the Planning Principles set out in this section of the Plan. Development of new industrial uses shall generally proceed by amendment. Existing uses may be expanded where there are compatible to adjacent land uses and adverse effects can be mitigated;

- a)** An Influence Area as set out by the Ministry of the Environment for Class I, II, or III industrial uses shall apply between industrial uses and sensitive land uses (reciprocally) and shall be incorporated into the implementing zoning by-law. Sensitive land uses shall not be permitted within the influence area unless it is clearly demonstrated that any adverse effects are clearly and fully mitigated to the satisfaction of Council and, where applicable, environmental approvals have been obtained from the Ministry of the Environment. The influence area shall be measured from the nearest point of the property line of an industrial use and the nearest point of the property boundary of the sensitive land use. The influence area for a Class I Industry shall be 70 m [230 ft], for a Class II Industry 300 m [984 ft] and for a Class III Industry 1,000 m [3,280 ft]. Separation distances as set out in Ministry of the Environment Guideline D-6,

Compatibility Between Industrial Facilities and Sensitive Land Uses, shall also apply. Reference should also be made to Guideline D-1.

For the purposes of this Plan, a Class III Industrial Use is described as:

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

- b)** Open storage shall be appropriately screened from adjacent properties and any public street;
- c)** The lot area shall be sufficiently large to accommodate the intended use including parking, on-site manoeuvring of vehicles, loading, storage of materials and wastes, access by emergency vehicles and landscaping;
- d)** Building coverage and height control standards will be set out in the implementing zoning by-law. Building height shall not exceed the equivalent of four storeys;
- e)** Site plan control shall apply in governing the massing and layout of buildings and storage areas, waste disposal areas, access, parking and loading, lighting, drainage, utilities and services, landscaping for any new industry or for extensions to existing industries;
- f)** Services shall be evaluated to determine if they are adequate to meet the requirements for industrial development e.g. water supply and sewage disposal, waste management, fire protection and roads, provided site conditions are suitable for the long-term provision of such services and sufficient reserve sewage system capacity for hauled sewage is available. Only 'dry-industries' shall be permitted. 'Dry-industries' are industries which do not consume large quantities of water for their processing or manufacturing operations (i.e. with an average daily effluent flow of less than 4,500 litres/day/lot and consisting of domestic wastes only. No industrial/commercial process water will be considered as a dry use). The processing of mineral aggregates is exempt from the restrictions on 'dry industries';

- g) Industrial traffic shall be directed to and from industrial areas by designated roads and provincial highways;
- h) Environmental Approvals shall be obtained where required from the public authority having jurisdiction;
- i) The zoning by-law shall be utilized to set out appropriate separation distances or provide for influence areas between industrial uses and sensitive land uses depending on the industrial classification. These distances may be reduced or development may be permitted in an influence area where any adverse effects (as defined in the Environmental Protection Act) are satisfactorily mitigated; and

(Reference should be made to the Ministry of the Environment's Guideline D-6 on Compatibility Between Industrial Facilities and Sensitive Land Uses.)

5.36 Waste Management Policies

1. Existing or New Sites

Existing active or new sites within the Township may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals. Waste disposal activities may include facilities for recycling, composting, hazardous waste control and ancillary activities in accordance with the Certificate of Approval. New sites, including sites for septage disposal, will require an amendment to this Plan and will require approval under the Environmental Protection Act before an amendment is considered. Sites may include transfer sites utilized for the temporary storage of waste materials;

2. Closed or Inactive Sites

Closed or inactive sites may be used for other purposes subject to meeting requirements of the *Environmental Protection Act*. No buildings or other use shall be made of land or land covered by water which has been used as a waste management facility within a period of 25 years from the year in which the site was closed without the prior approval of the Minister of the Environment pursuant to Section 46 of the Environmental Protection Act;

3. Influence Area

Council recognizes that waste management facilities may have an impact on adjacent land uses. An influence area surrounding the waste management facility will be set out in the implementing zoning by-law to

recognize the potential for adverse effects between the existing waste management facility and any sensitive land uses. No development shall be permitted on or within 30 m [98.4 ft] of the licensed fill area of an active waste disposal facility or area.

Development proposed beyond the 30 m [98.4 ft] but within an influence area of 500 m [1,640 ft] of the fill area of an active or closed waste disposal facility or area shall be accompanied by an environmental impact statement that demonstrates that the proposed development will not be negatively impacted by the waste disposal facility (e.g. leachate, methane gas, rodents, vermin, odours, fire etc.) Where recommended by the impact statement, measures to mitigate any adverse impacts will be required as a condition of development. (See MOE Guideline D- 4 Land Use On or Near Landfills and Dumps). The influence area does not apply to existing lots of record in either an approved plan of subdivision or which were created by consent.

The influence area may be reduced where studies have been undertaken and the public authority having jurisdiction is satisfied that there will be no adverse effects on adjacent land uses; and

4. Development to Have Adequate Capacity

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

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

5.37 IMPLEMENTATION

The program for implementing policies in the Rural Policy Area consists of the following actions:

1. Evaluating development applications for conformity with policies;
2. Consulting with the Ministry of Natural Resources on resource concerns particularly mineral aggregates i.e. review of license application, lake capacity and natural resource features. Working with the Ministry of the Environment to establish a benchmark for water quality on inland lakes;

3. To consult with the Ministry of the Environment with respect to matters of waste disposal;
4. To implement measures for site plan control;
5. To establish appropriate zones for each respective use and associated zone standards;
6. To enforce the Ontario Building Code and Farm Building Code; and
7. Consultation with the Ministry of the Environment and/or its designate on the adequacy of water and/or sewage services.

6.0 Mineral Aggregates Policy Area

GOAL

- 6.1** To manage aggregate resources by controlling and regulating operations, requiring rehabilitation, minimizing adverse impacts on the environment and protecting the resource from incompatible land uses.

POLICIES

- 6.2** It is a policy that mineral aggregate resources will be protected for their resource value through the designation of active pits and quarries and mineral aggregate reserves as a Mineral Aggregate Policy Area (see Schedule 'A', Land Use Plan for Mineral Aggregate Policy Area) and the provision for the recovery of these resources, wherever feasible.

This shall also include wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority although they are not required to be specifically designated.

- 6.3** Lands which are depleted of mineral aggregate resources or lands which are subject to phasing of the extraction shall be rehabilitated for subsequent use and rendered safe e.g. shaving slopes etc. Progressive and final rehabilitation shall be required and shall take surrounding land use and approved land use designations into consideration, while interim *mineral aggregate operations* shall be designed to promote land use compatibility and accommodate subsequent land uses.

6.4 Permitted Uses

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

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

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

6. Crushers, screeners, asphalt plants, concrete plants and recycling operations are permitted where they have been certified and the site approved by the Ministry of the Environment; and
7. Passive recreation uses not including buildings or structures provided they are not part of a *mineral aggregate operation*.

6.5 Influence Area

It is a policy to recognize an influence area as a means of protecting against incompatible land uses in the vicinity of proposed pits and quarries and to protect existing pits and quarries from encroachment from other incompatible land uses. It is the intent of Council to discourage incompatible land uses in areas surrounding Mineral Aggregate Policy Areas. For the purposes of this plan, the influence area shall be considered to be:

1. 500 m [1,640 ft] for quarries with a minimum separation distance of 300 m [984.2 ft]; and
2. 300 m [984.2 ft] for pits with a minimum separation distance of 70 m [229.6 ft]

Measurement of the distances shall be from the boundary of the Mineral Aggregate Resources land use designation shown on the Schedule "A", Land Use Plan. The extent of the influence area may be modified in consultation with the public body having jurisdiction without amendment to this plan.

Within the influence area, and outside of the minimum separation distance (of 300 m or 70 m respectively), development may be permitted where it is clearly demonstrated by the proponent that impacts such as noise, dust, vibration can be mitigated and the quality and quantity of ground water on adjacent properties will not be compromised where excavation activities are below the water table.

6.6 Site Development of Pits and Quarries

Applicants will be required to comply with the requirements of the Aggregate Resources Act (Aggregate Resources of Ontario Provincial Standards, Version 1.0, 1987) for the submission and preparation of aggregate applications. This document includes application standards for site plan reports, prescribed conditions and notification and consultation. Applicants are encouraged to consult with the Municipality in addition to fulfilling the requirements for making an application for a license and in obtaining related approvals.

6.7 Review of Applications

Council will review applications under the Aggregate Resources Act in areas subject to the Act for compliance with the relevant policies of this Plan to ensure that the resource is protected and that adequate measures are undertaken to mitigate impacts of pit and quarry operations on sensitive land uses and to address the impacts of operations on the municipal road infrastructure.

6.8 Wayside Pits and Quarries

It is a policy to permit wayside pits and quarries.

A wayside pit or wayside quarry means a temporary pit or a quarry opened and used on a public authority contract or their agent, solely for the purpose of a particular project or contract of road construction or maintenance.

Wayside pits and quarries are permitted throughout the Township without an amendment to this Plan or to the zoning by-law except in areas designated as Hamlet Policy Area or on environmentally sensitive lands which have been determined to be incompatible with extraction and associated activities.

6.9 Portable Asphalt/Concrete Plants

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

Portable asphalt/concrete plants, used by a public road authority or their agents, shall be permitted throughout the Township without an amendment to this plan or to the zoning by-law. *Portable asphalt/concrete plants* are not permitted in areas designated as a Hamlet Policy Area or on environmentally sensitive lands.

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

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

1. Portable asphalt/concrete plants will be removed from the site upon completion of the construction project;
2. All portable asphalt/concrete plants must have a Certificate of Approval from the Ministry of the Environment; and
3. Sites used for portable asphalt/concrete plants within the agricultural area shall be rehabilitated to their former agricultural capability.

6.10 Resource Identification or Depletion

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

6.11 Mineral Aggregate Operations on Prime Agricultural Land

Mineral Aggregate Operations shall be permitted as an interim use on *prime agricultural lands* provided that rehabilitation of the excavated areas will be carried out so that substantially the same areas and the same average soil quality for agriculture are restored except where a substantial part of the excavation is below the water table and rehabilitation of the agricultural capability is infeasible other alternatives have been considered and found unsuitable and agricultural rehabilitation in the remaining areas is maximized.

6.12 IMPLEMENTATION

The program for implementing policies in the Mineral Aggregates Policy Area consists of the following actions;

1. Plans submitted for licensing will be reviewed for conformity to land use policies and the Aggregated Resources Act;
2. Any extraction activity within the Township will be subject to the provisions of the Aggregate Resources Act and this will include a process of municipal review; and
3. Council will ensure that when considering applications for redesignation, rezoning, plans of subdivision or land severances, in Mineral Aggregate Policy Areas, regard will be had for the need to protect land for the future extraction of mineral aggregate resources as shown on the Ministry of Natural Resources reference maps and this will be accomplished in consultation with Ministry staff.

7.0 Natural Heritage Features and Areas

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

Natural heritage features and areas are shown on the Land Use Plan Schedules.

POLICIES

7.1 Provincially and Locally Significant Wetlands and Significant Coastal Wetlands and Significant Wildlife Habitat

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

Development and site alteration shall not be permitted in any *provincially significant* or *significant coastal wetland* identified on Schedule 'A' to this Plan.

Development and site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. Council may require an impact assessment for *Development and site alteration in locally significant wetlands* (see **Section 7.1.6** – Impact Assessment).

Development and site alteration shall not be permitted on adjacent lands to any *provincially significant wetlands*, *significant coastal wetlands* or *significant wildlife habitat* unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Reference shall be made to the ministry of Natural resources, Significant Wildlife Habitat Technical Guide, 2000, in conducting evaluations. See **Section 7.1.6** – Impact Assessment.

It is the intent of Council to conserve deer yards as part of the natural ecology of the Township and to ensure that land use decisions consider the conservation of deer yard habitat.

1. Fish Habitat

It is the intent of Council to protect the lakes in the Township in accordance with the Fisheries Act. *Development and site alteration* shall not be permitted in *fish* habitat except in accordance with *provincial and federal requirements*. *Development and site alteration* may be permitted in and adjacent to (adjacent lands) fish habitat on water bodies and their associated tributaries provided it has been demonstrated through the preparation of an Impact Assessment as required in **Section 7.1.6** - Impact Assessment of this Plan, that there will be no negative impacts on the fish habitat or on the ecological functions for which the area is identified and provided that development and site alteration is in accordance with provincial and federal requirements.

It is a policy to provide for a net gain of productive capacity wherever possible. More specifically, development and site alteration in and adjacent to fish habitat shall not result in:

- Net loss of fish habitat;
- The harmful alteration, disruption, degradation or destruction of fish habitat; and/or
- Restriction of fish passage

For the purposes of this policy, adjacent lands to fish habitat include a distance of 30 m [98.4 ft] from the shoreline abutting sensitive habitats. Council recognizes that fish habitat areas are not limited to the above noted lakes and Council may require an Impact Assessment for development abutting the shoreline of other water bodies in the Township.

Prior to permitting any development or site alteration, as defined, the proponent, (or a governmental authority where the governmental agency is the proponent), shall undertake an Impact Assessment as described in **Section 7.1.6** below;

2. Endangered and Threatened Species

Significant habitat of *endangered or threatened species* will not be shown on the Official plan Schedules. However, Council will ensure that the Ministry of Natural Resources' endangered and threatened species mapping is consulted in the review of all proposals for development or site alterations and that the following policies are addressed.

No *development or site alteration* is permitted within *significant* habitat of *endangered and threatened species*. *Development and site alteration* of land uses in the adjacent land use designation may be permitted on the

adjacent lands of *endangered or threatened species*, only if it has been demonstrated through the preparation of an Impact Assessment as required in **Section 7.1.6** - Impact Assessment of this Plan, that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified;

3. Woodlands and Agricultural Lands

Council encourages the conservation of woodlands throughout the Township and may require such conservation through the use of site plan control and the enactment of a tree cutting by-law.

Nothing in Section 7.1 of this Plan is intended to limit the ability of existing agricultural uses to continue;

4. Updates to Information on Natural Heritage Features and Areas

New *natural heritage features and areas* or related information may be identified from time to time. It is the intent of Council that new features/areas/information is incorporated into this Plan, where appropriate by way of an amendment or as part of the five year review; and

5. Impact Assessment

Where required in this Plan, an Impact Assessment (IA) will be prepared to support planning applications such as Official Plan amendments, zoning by-law amendments, plans of subdivision, consent etc., and prior to the approval of the proposed development or site alteration. Where the impact of the development and/or site alteration cannot be mitigated, it will not be permitted.

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

The components of the IA shall be tailored to the scale of development and may range from a simplified assessment (scoped assessment) to a full site assessment. For example, a single detached dwelling may only require a scoped assessment while a subdivision, multiple unit residential complex, major commercial or industrial development, golf course etc. will require a full site assessment. Council may consult with the MNR in determining information requirements and the type and content of an IA.

The following is intended to provide a guideline on the potential scope of an IA:

- a description of the study area and landscape context;
- description of the development proposal;
- identification of those features and functions likely to be affected by the development proposal;
- assessment of the potential impacts of the proposed development on key features and functions;
- identification of mitigation requirements and monitoring requirements;
- quantification of residual impacts (those that cannot be mitigated) if any; and
- review and decision

Council may undertake a peer review or may consult with a public authority to assist with the technical review and findings of an IA. The cost of an IA or peer review will be borne by the applicant.

Reference documents: Natural Heritage Reference Manual, MNR, 1999 and the Significant Wildlife Habitat Technical Guide, 2000, MNR may be used for impact assessments i.e. see section on addressing impacts of development on *natural heritage features and areas*.

7.2 IMPLEMENTATION

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

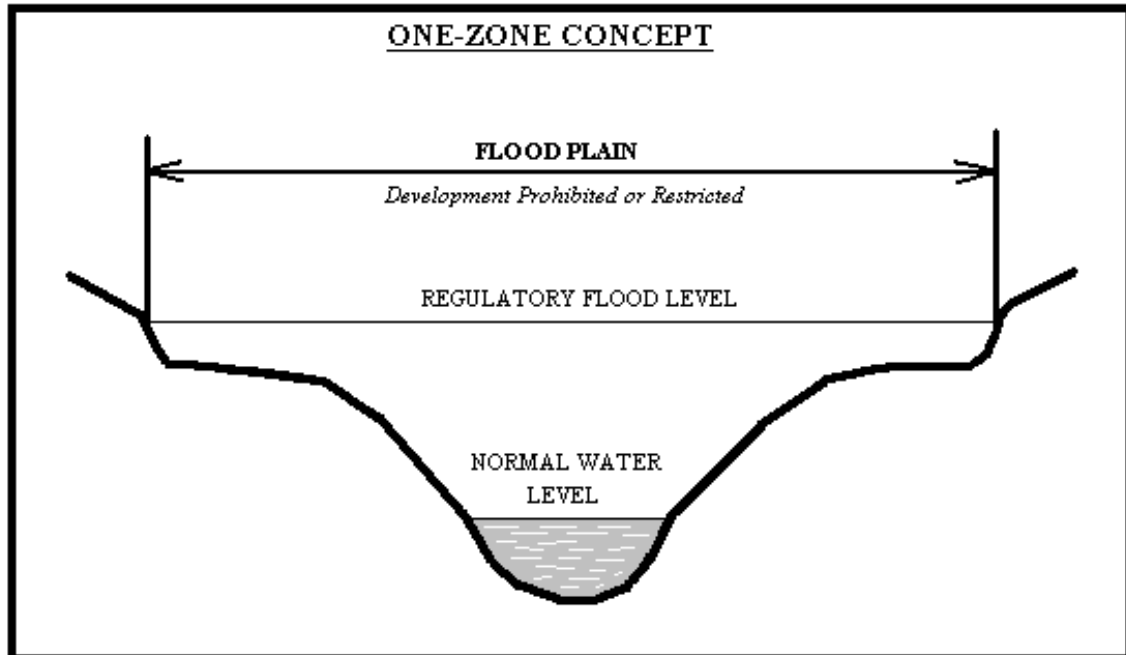
8.0 Natural and Human Made Hazards

POLICIES

8.1 Flood Plains

The following are recognized as representing the one hundred year flood (One-Zone Concept) in the Township where *flood plain* mapping has been prepared. This Plan recognizes *hazardous lands* adjacent to Lake Huron (Great Lakes) and *hazardous lands* adjacent to *river, stream and small inland lake systems* (see illustration of one zone concept).

Lands at or below the *flood plain* elevation (below 178.3 m CGD) along Lake Huron; and a flood allowance for wave uprush and other water related hazards of 15 m [49.2 ft] for lands below the *flood plain* elevation abutting Lake Huron that are impacted by wave uprush and other water related hazards, where determined by Council, based on local knowledge and experience, and in consultation with the Ministry of Natural Resources, are considered to be in the *flood plain* and are subject to flooding.



In lieu of the setback established in Item 1 above, a technical study may be required to confirm the extent of the flood allowance for wave uprush and other water related hazards on impacted lands abutting Lake Huron.

1. No new buildings are permitted to be constructed within the flood plain except flood control structures, or low impact buildings or structures such as a gazebo, wharf or dock, boat slip, boat house, garden storage shed or a marine structure. Other public and private activities including the construction of roads, or new structures necessary for the conservation, public recreation (recreational trails), water supply, waste water management, will be permitted in the *flood plain* subject to the approval of Council and the MNR and where deemed necessary, shall meet a *flood proofing* and *access standard*.

Development including the construction of a building or structure shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

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

No *development or site alteration* shall be permitted that is subject to an *erosion hazard*.

Development and site alteration may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards, as determined by the demonstration and achievement of all of the following:

- a) *Development and site alteration* is carried out in accordance with flood proofing standards, *protection works standards* and *access standards*;
- b) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;

c) New hazards are not created and existing hazards are not aggravated; and

d) No adverse environmental impacts will result;

2. In areas (i.e. within the prescribed fill and construction lines) where Development, Interference with Wetlands and Alteration to Shorelines and Watercourses regulations have been established under the Conservation Authorities Act, a permit shall be required for:

a) The construction, reconstruction, erection or placing of a building or structure of any kind;

b) Any change of use 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; or

d) The temporary or permanent placing, dumping, or removal of any material, originating on the site or from elsewhere.

Such permit shall also be required for changing the channel of any water body or diverting a water course. The permit shall be obtained from and to the satisfaction of the MNR in addition to any permits which may be required from the Township of Johnson;

4. Extensions or enlargements to existing habitable or other buildings located in the flood plain (other than an institutional use) may be permitted where it is clearly demonstrated to Council through engineering or other studies, that the *flooding hazard* can be overcome. Such measures may include flood proofing of a building and ensuring that any openings are located above the flood elevation;

5. Where land which is *hazardous lands* is under private ownership, this Plan does not indicate that this land will necessarily remain as such indefinitely, nor shall it be construed as implying that such areas are free and open to the general public or will be purchased by the Township or other public agency. An application for the *development* of *hazardous lands* for other purposes may be given due consideration by Council after taking into account:

a) The existing environmental and/or physical hazards;

b) The potential impacts of these hazards; and

- c) The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering hazards

An amendment to this Plan may be required for *development* of any hazardous lands.

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

- 6. Where new development is proposed on a site, part of which has physical or environmental constraints, such land shall not necessarily be acceptable for parkland dedication under Section 43 of the Planning Act. All lands conveyed to the Township shall be in a physical condition satisfactory to Council;
- 7. In the implementing zoning by-law, existing uses in *the flood plain* shall be recognized as conforming uses. Council shall discourage the expansion or enlargement of any existing use beyond the limits recognized by the zoning by-law except where it may be qualified under **Section 8.1.4** above.

In the preparation of the zoning by-law, Council shall consult with the MNR to ensure that any Development, Interference with Wetlands and Alteration to Shorelines and Watercourses regulations are adequately reflected in zoning standards and in governing the issuance of building permits. The schedules to the zoning by-law shall illustrate the areas affected by flooding and the fill and construction regulations.

Council may use Site Plan Control for any land use determined to be hazardous lands;

8. IMPLEMENTATION

- (a) Additional inventories and studies may be undertaken by the municipality or the Ministry of Natural Resources to help identify flood plains and other development constraint areas. These may be used in determining boundaries of zones in the Zoning By-law; and
- (b) Where appropriate or required, the municipality will consult with the Ministry of Natural Resources in the review or approval of development applications and determining setbacks and measures to avoid undue risk to life or property.

8.2 Hazardous Sites

Policies

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

Development on *hazardous sites* such as steep or unstable slopes shall be restricted. No development shall be permitted including the installation of sewage disposal systems on steep or unstable slopes unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the Building Code can be met.

3. IMPLEMENTATION

- (a) Additional inventories and studies may be undertaken by the municipality or the Ministry of Natural Resources to help identify flood plains and other development constraint areas. These may be used in determining boundaries of zones in the Zoning By-law; and
- (b) Where appropriate or required, the municipality will consult with the Ministry of Natural Resources in the review or approval of development applications and determining setbacks and measures to avoid undue risk to life or property.

9.0 Roads Policies

GOAL

- 9.1** To achieve a safe and functional road system.

OBJECTIVES

- 9.2** To classify roads according to their purpose.
- 9.3** To ensure safe access to abutting properties.
- 9.4** To maintain the efficiency of through nodes.
- 9.5** To upgrade the road system on an ongoing basis.
- 9.6** To provide measures for converting private roads to public roads.

POLICIES

- 9.7** The road system in the municipality consists of Provincial, Township and private roads as shown on Schedule “A”, Land Use Plan. Township roads are further classified as having year round maintenance or seasonal maintenance.
- 9.8** Seasonally maintained roads are roads where winter maintenance or ploughing is not provided and signs to advise the public of their seasonal status may be installed by Council. Seasonally maintained roads may be classified as year-round maintained at the discretion of Council and without amendment to his plan. Council may upgrade such roads to acceptable municipal standards before they are reclassified.
- 9.9** New development, including subdivisions, shall front on an improved public road maintained year-round. Frontage on a public road may be exempted for an approved condominium development with an internal road system with intersects with a public road or for the infill of seasonal residential dwellings on existing lots of record on existing private roads.
- 9.10** Council will endeavour to minimize traffic hazards by avoiding access to properties on curves, hills or in any other situations where sight lines are limited.

Provincial Highways

- 9.11** Highway 17 is recognized as being subject to provincial highway access controls. Access to individual properties is restricted or prohibited depending on the highway classification and is governed by the Ministry of Transportation of Ontario. Subject to controls under the Public Transportation and Highway Improvements Act, alternative means of access to properties along Highway 17 may be required such as from an intersecting Township road or service road. Restrictions also apply to signs and land uses adjacent to this highway, Prior approval of the Ministry of Transportation of Ontario, will be required.

Township Roads

- 9.12** The primary function of Township roads will be to provide access to abutting properties.
- 9.13** Standards for new road construction will include a minimum of 20 metres right-of-way and engineered design, layout, drainage and construction. Council may require paving of new roads. Where new roads are constructed as part of the development of a plan of subdivision, the developer will be responsible for the cost of new road construction.
- 9.14** Existing roads in the municipality having substandard widths or engineering standards will be constructed to current standards where feasible.
- 9.15** A properly installed culvert will be required for any access to a Township road.
- 9.16** Construction or maintenance on existing Township roads will continue to be based on a regular program of capital works expenditures.
- 9.17** Council may enter into agreements with adjacent municipalities for the maintenance of boundary roads.

Private Roads

- 9.18** Except for condominium developments, new private roads shall not be permitted.
- 9.19** Existing private roads as shown on Schedule "A" may be assumed by By-law by the municipality where they are first improved by private property owners to acceptable municipal standards.

9.20 IMPLEMENTATION

The program for implementing roads policies consists of the following action:

1. The capital works program will incorporate road improvement expenditures on an ongoing basis;
2. The Ministry of Transportation of Ontario will be consulted with respect to proposed development on or near Provincial highways for conformity to provincial land use entrance and sign regulations. Such controls will be administered as part of issuing building permits;
3. Culvert installations for new lots will be administered by the Road Superintendent as part of the building permit process;
4. A Roads Needs Study may be undertaken to prioritize capital expenditures on road improvements;
5. Setback standards will be provided by the Zoning By-law; and
6. Road improvements may be undertaken by means of Local Improvement and Municipal Acts.

10.0 Energy, Air Quality, Water Quality and Water Quantity

10.1 Introduction

Energy, Air Quality, Water Quantity and Water Quality are four of the most vital substances required by a community.

Council recognizes the importance of the Township's air quality as a resource in maintaining the quality of life of residents as well as moving towards a more sustainable community. Studies may be required to assess the impact of development (i.e. industries) on air quality. Council also intends to examine different approaches to reach environmental sustainability by encouraging the development of new sources of "green energy" in to the community.

Water is a precious resource and is vital to all life. Wise management of the quality and quantity of our water resources is required to ensure a sustainable resource for human and livestock consumption; for sustaining terrestrial and aquatic resources; and for industrial, agricultural, domestic and recreational uses. Within the Township of Johnson, water is a key asset to the community, since the many lakes and rivers are an attraction to development and support a sport fishery as well as many other aquatic activities.

Water is also a finite resource. Within a given watershed the movement of water occurs within a hydrologic cycle, but the quantity within this cycle is relatively constant. The components of the cycle include surface and ground water, evapotranspiration and precipitation. Managing the resource requires that consideration be given to this cycle.

The intent of Council is to ensure that the land use policies of this Plan provide for the protection and enhancement of the quality and quantity of ground water and surface water. Council also recognizes that the stewardship of water resources is dependent on a cooperative approach. This includes water users, a variety of other agencies whose mandates vary as well as the Township itself.

POLICIES

10.2 Policies for Water Quality and Water Quantity

Council will undertake to manage water quality and quantity through such measures as:

1. Establishing setbacks for various land use activities to protect the shoreline or lakes and rivers in their natural state as much as is possible.

This is intended to prevent erosion and minimize the discharge of contaminants (i.e., phosphorus, herbicides, sediments) into these water courses;

2. Identifying aquifers, groundwater recharge and discharge areas, and natural springs and providing for their protection. This is expected to occur through the review of Planning applications or undertaking of studies;
3. Controlling discharges to surface and ground water through the application of Best Management Practices for stormwater runoff and land drainage. In general, drainage outfalls into lakes will not be permitted. This is expected to occur through the review of Planning applications and the requirements for site plan control;
4. Promoting conservation practices in the use of water (e.g., water efficient plumbing fixtures)
5. Lake management planning including the setting of development capacities to protect inland lakes and through the upgrading of sewage disposal systems as a condition of approving seasonal-to-permanent conversions and commercial to residential conversions;
6. Monitoring the water quality of inland lakes and rivers;
7. Encouraging residents to pump-out septic tanks on a regular basis;
8. Supporting the use of the latest technologies in sewage disposal systems for minimizing phosphorus discharge;
9. Requiring conformity with Ontario Regulation 903 with respect to the construction of wells;
10. Requiring that new docks, wharves and boat slips be constructed using non-toxic materials;
11. Requiring hydrogeological studies and/or a terrain analysis for major development;
12. Monitoring municipal waste management facilities for leachate migration;
13. Identifying contaminated sites and requiring their clean-up as a condition of redevelopment; and

14. Providing for the safe storage of fuels, chemicals and other toxic contaminants as a condition of site plan control.

10.3 Policies for Energy and Air Quality

1. A renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project, as defined in sub-section 1(1) of the *Planning Act* except as set out in sub-section 62.0.2 of the *Act*;
2. It also the intent of Council to attract new industries which can utilize the resources of the community, rather than relying on imports i.e. value-added forest products, production of local produce, increasing the amount of service based industries i.e. adequate number of hotels/restaurants to supply the increase in the tourism industry;
3. Council, in conserving energy, may encourage energy audits and implementation measures to retrofit the existing stock i.e. upgrading of windows, fixtures, energy efficient furnaces, etc.;
4. It is the intent of Council to inform the public and make applications, where deemed appropriate, to the Provincial or Federal Government in achieving a more energy efficient community;
5. It is the intent of Council to encourage non-vehicular movement (pedestrian) within the community;
6. It is the intent of Council to encourage the installation of: energy efficient solid fuel burning appliances; proper, energy efficient insulation; water conserving fixtures, etc.; and
7. **Alternative and Renewable Energy Systems**

Alternative energy systems and renewable energy systems (e.g. wind turbines) shall be permitted throughout the Township in accordance with Federal and Provincial requirements and standards.

11.0 Economic Development

GOAL

- 11.1** To promote the economic base and encourage economic development activities which strengthen the base.

OBJECTIVES

- 11.2** To promote economic development activities consistent with the current economic base and environment amenities.
- 11.3** To work in association with other municipalities and associations or agencies in undertaking economic development.

POLICIES

- 11.4** Council recognizes that the economic base of the municipality is dependent principally on agriculture and service industry activities related to tourism, highway commercial trade and the service centre function of Desbarats. Council also recognizes the Township's strategic location and environmental amenities in providing an attractive rural living environment for a commuter population and seasonal residences, both factors of which have an impact on the economic base.
- 11.5** Council will undertake several measures to sustain or strengthen the economic base including:
- 1.** Protection of agriculture as the economic mainstay of the municipality and encouraging the development of farm related agro-business and industries;
 - 2.** Encouraging water-oriented commercial development while continuing to sustain the environmental amenities of shoreline areas;
 - 3.** Encouraging and facilitating approvals for highway and rural commercial and local commercial development in Desbarats. Provincial highway access controls will apply and may limit or prohibit access onto Highway 17. Prior approval of the Ministry of Transportation of Ontario will be required;
 - 4.** Undertaking community improvement projects within the Hamlet of Desbarats;
 - 5.** Encouraging the development of home occupations and home industries;

6. Encouraging and supporting social assisted housing developments for seniors, families and other specialized groups; and
7. Allocating funds from the municipal budget to implement economic measures.

11.6 IMPLEMENTATION

Measures for implementation include:

1. Participating in senior government funding programs.
2. Encouraging existing and new businesses or industries to access funding opportunities for economic development.