



## Township of Gillies

**DRAFT Official Plan - June 2024**

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## Land Acknowledgement

The Township of Gillies respectfully acknowledges that the lands on which we live and work are the traditional lands of the Anishinabek Nation and the traditional territory of Fort William First Nation, signatory to the Robinson-Superior Treaty of 1850.

As partners with First Nations communities, the Métis Nation of Ontario, and Inuit people, the Township is committed to the common vision of a healthy, safe and sustainable community.

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# 1 Introduction

## 1.1 General

The Township of Gillies is located within the Planning Area of the Lakehead Rural Planning Board in the District of Thunder Bay in Northwestern Ontario. Gillies is located west and south of the City of Thunder Bay and is bordered by the Municipality of Neebing to the south and east, Geographic Township of Lybster (unincorporated) to the west, and the Township of O'Connor to the north.

The preparation of this Official Plan (the "Plan") began in 2023 and has involved many dedicated and committed people with an interest in the future of the Township of Gillies. The consultation and engagement process has resulted in a Vision for the future of the Township that is expressed in this Plan. The Vision is based on a series of planning principles that are intended to:

- / protect the natural environment;
- / encourage economic development;
- / conserve the Township's natural resources;
- / direct new development to appropriate locations; and,
- / protect the Township's rural character.

This text document, along with the attached schedules, constitutes the Official Plan of the Township of Gillies, replacing the Township Official Plan adopted in 2009 and all subsequent amendments. The Plan applies to all lands within the corporate boundaries of the Township. The purpose, goals, objectives and policies contained in this Plan are intended to guide land use, development and infrastructure decisions of the Township for the next 30 years.

## 1.2 Structure of the Official Plan

The Official Plan is divided into seven parts, each of which is described below.

- / **PART 1 (Introduction)** contains the Community Vision, Goals, and Objectives for the Township, and the Purpose and Effect of the Plan. The Community Vision is based on an understanding of past and future trends, as well as the aspirations of the Township's residents. The goals and strategic objectives that form the basis of the Plan flow from the Vision and establish the framework for the remaining policies in the Plan.
- / **PART 2 (Growth Management)** contains policies for how the Township is intended to grow over the next 25 years.
- / **PART 3 (General Development Policies)** contains policies that address land use planning matters such as general residential uses, age-friendly planning, cultural heritage resources and the subdivision of land. These policies apply to the whole of the Township.
- / **PART 4 (Infrastructure)** contains policies that apply to the infrastructure of the Township, including water and sanitary servicing, transportation networks, and community facilities.
- / **PART 5 (Land Use Designations)** contains the land use policies that apply to lands within the Township.

- / **PART 6 (General Environmental Policies)** contains policies addressing development in relation to natural features, in floodplains, and on hazardous slopes throughout the Township. In addition, this section contains policies specifying submission requirements for development applications, including water resource and stormwater management reports and environmental impact studies.
- / **PART 7 (Plan Implementation and Administration)** describes how the policies of the Official Plan will be implemented and administered.

### 1.3 The Community Vision

The primary purpose of the Township of Gillies Official Plan is to provide a basis for managing growth in a manner that is reflective of the character, diversity, and civic identity of the Township of Gillies. This Official Plan is a land use management policy document that is intended to assist local decision-makers in administering long-term growth and development of the Township. It is the intent of this Official Plan to provide the Township Council with the tools to consider and mitigate change with an understanding of the qualities that make Gillies a desirable place to live, work, and visit.

The Official Plan contains policies which intend to ensure that the high quality of life in Gillies is maintained for residents. The rural area, an open scenic countryside, and abundant natural features are distinctive characteristics of the Township. It is the intent of the Plan to permit development on rural lands that is compatible with this character, role and function of the area.

This Plan anticipates that the existing pattern of development will not change substantially in the future, however the Plan encourages the development of additional residential dwellings and a variety of uses to accommodate the needs of an aging population and contribute to the Township's local economy.

### 1.4 Goals and Objectives

The goals and objectives of this Plan form the foundation of planning principles and provide direction to guide detailed policies and programs. The goals reflect the present and future needs and values of the Council and the residents of the Township.

#### 1.4.1 Goals

The goals of this Official Plan are to:

- (1) Protect and maintain the rural character and quality of life in the Township;
- (2) Establish policies which manage and direct physical change and the effects on the social, economic and natural environment, of the Township, over the next 25 years;
- (3) Secure the health, safety, convenience and welfare of the residents of the Township;
- (4) Ensure the Township's resources are efficiently used and natural features protected;

- (5) Provide policies which will encourage the expansion and diversification of the local economic base;
- (6) Provide policies that guide development that is environmentally compatible and supports sustainable development;
- (7) Inform the residents of the Township of the policies that affect the development of land; and,
- (8) Provide a guiding framework for implementing by-laws and for decisions of local boards, commissions, committees and other authorities.

#### **1.4.2 Objectives**

- (1) Actively seek and encourage new development that maintains the rural quality of life, maintains the health of existing businesses, and diversifies the economy.
- (2) Encourage patterns of development which facilitate the provision of local services with minimal or no impact on local finances.
- (3) Preserve and enhance, where possible, the environmental quality of the community, minimize impacts of land uses on the natural environment and protect the integrity of ecosystems.
- (4) Township Council shall encourage recreational opportunities that are compatible with the natural environment and are economically feasible.
- (5) Township Council shall have regard for the importance of natural resources within the Township with respect to the contribution to the economic, social, and well being of the Township and its residents.
- (6) Township Council shall encourage the creation of housing which is affordable, accessible, adequate, and appropriate to the full range of household types in the Township, and shall encourage that an adequate supply of land is available to meet the housing needs of the residents of the Township.
- (7) Township Council shall seek to improve accessibility for persons with disabilities and for an aging population, and shall encourage their full participation in the community.

### **1.5 Purpose and Effect**

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

- (1) Establish, in general terms, the type, form, intensity, character and desired pattern of land use and the approach to ensuring the wise management of the resource base;
- (2) Establish a clear Township-wide growth management strategy, including guidance for land division;



- (3) Provide a consistent basis for actions and decisions on all matters relating to the use of land, development, redevelopment and change within the Township;
- (4) Inform the general public, private interests, and businesses of the intended nature and direction of the use of land, development, redevelopment and physical improvements in the Township; and,
- (5) Provide a framework for the implementation of the Township's powers and authority under the Planning Act, and other relevant statutes.

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## 2 Growth Management

Growth management is the method by which the Township plans for new development to ensure that land is used efficiently, and that development does not outpace the Township's ability to provide the services and infrastructure needed to meet the demands of its population. Growth management also serves to maintain community character and ensure development is directed to appropriate areas. This section outlines the growth management strategy of the Township.

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

- (1) Direct the majority of future growth to areas served by the existing and planned road network to limit the costs to the Township and avoid overdevelopment of the countryside;
- (2) Direct growth to lands outside of protected areas for natural heritage features and natural resources;
- (3) Identify and protect lands with potential for resource extraction; and,
- (4) Make efficient use of land and the capital investment in infrastructure made by the Township and other levels of government.

### 2.2 Growth Management Strategy

Census data from 2021 calculates the population of the Township of Gillies to be 441, decreasing by 7.0% from a population of 474 in 2016. The population has generally declined since 2006, at which time the population was 544. The Township's population is expected to remain generally stable, with the possibility of limited fluctuations. It is the policy of this Plan that any future population growth shall be accommodated in areas served by an existing road network.

#### 2.2.1 Settlement Areas

The Township is entirely rural and does not contain any designated Settlement Areas, as defined by the Provincial Planning Statement (PPS). As such, it is the intention of this Plan to conserve the rural character of the Township and no new Settlement Areas shall be created.

##### Policies

- (1) Council shall not identify or establish any new settlement areas within the Township.
- (2) While not anticipated, unforeseen circumstances during the planning horizon may warrant consideration of establishing a new settlement area. Before formally identifying the settlement area, the Township shall:
  - (a) Demonstrate that the infrastructure and public services to support the envisioned development are planned or available;
  - (b) Ensure that the settlement area meets all policies and criteria in the Provincial Planning Statement;



- (c) Undertake an amendment to this Official Plan to formally establish the settlement area.
- (3) Due to flooding restrictions, the Township shall not establish the hamlet of Hymers as a settlement area. Additional growth in the existing hamlet area of Hymers shall be limited due to the location of lands which are prone to flooding along the Whitefish River which traverses the village. Lands inside the hamlet shall be subject to the policies of this Plan.

### 2.2.2 Rural Areas

The character of the Township is rural, particularly in the absence of any settlement areas. Development in the community is generally composed of low-density land uses on large lots, serviced with private water and sanitary infrastructure, with generous open spaces and natural features throughout. Context-appropriate development is permitted in these areas, in accordance with the policies of this Plan.

#### Policies

- (1) The Township shall manage development in rural areas to ensure development is safe, context-appropriate, and meets the needs of the community.
- (2) Within rural areas, development shall be directed to appropriate areas, in accordance with the policies of this Plan, to preserve natural heritage features and natural resources and avoid natural and human-made hazards.

### 2.2.3 Lot Creation

Much of the growth in the Township is anticipated to be generated through the creation of new lots. Land division may occur through a Plan of Subdivision or Consent process under the Planning Act, or a Plan of Condominium under the Condominium Act. The Lakehead Rural Planning Board has authority for land division in the Township.

#### Policies

- (1) Growth through lot creation shall be permitted in accordance with the policies of this Plan.
- (2) New lot creation shall generally be directed to lands already serviced with public roads. New road infrastructure may be warranted in exceptional circumstances where:
  - (a) Growth rates in the Township warrant investment in an expanded road network;
  - (b) The scale of expansions to the road network is limited only to the extent required to accommodate future growth;
  - (c) Expansions to the road network are designed to be efficient, with consideration for the financial well-being of the Township;
- (3) Where land division is proposed, new lots shall have adequate size and frontage to enable appropriate individual on-site water servicing.

- (4) Where a development proponent proposes new roads or public infrastructure, the Township may require a Financial Implementation Plan, prepared at the proponent's expense, detailing the phasing and financial implications to the Township.

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## 3 General Development Policies

### 3.1 General Residential Policies

#### 3.1.1 Additional Dwelling Units

Additional units, which may take the form of apartments within a dwelling or in an ancillary building on a residential property, are an affordable and market-based housing type that can enhance housing options for current and future residents of the Township.

##### Policies

- (1) Up to two additional dwelling units are permitted on lots developed with a dwelling provided that:
  - (a) The land use designation permits the principal dwelling unit;
  - (b) The additional dwelling units may be located within the main building or a permitted ancillary structure;
  - (c) There is adequate private water and sanitary servicing capacity to accommodate the additional dwelling(s).
- (2) Additional dwelling units shall share water and sanitary services with the principal dwelling, and must meet health and safety standards, the Ontario Building Code, Fire Code, and other applicable legislation.
- (3) Notwithstanding the policies of this section, where a lot contains a garden suite, only one additional dwelling unit is permitted.
- (4) An additional dwelling unit shall not constitute an independent principal dwelling and shall not be accommodated on a separate lot through a land division process. The Zoning By-law shall establish standards to govern compatibility with the principal dwelling and surrounding character.

#### 3.1.2 Garden Suites

Garden suites consist of a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

##### Policies

- (1) A garden suite may be permitted in any designation that permits residential uses through the passing of a Temporary Use By-law under Section 39.1 of the Planning Act.
- (2) A Temporary Use By-law to permit a garden suite may only be considered where:
  - (a) The lot is sufficiently large to accommodate the garden suite and its required water and wastewater servicing, in accordance with health and

safety standards, the Ontario Building Code, Fire Code and other applicable legislation; and,

- (b) The garden suite shall be located on the same lot accommodating the primary dwelling; and,
- (3) A Temporary Use By-law passed by Council may establish a condition of approval requiring the owner of the suite or any other person to enter into an agreement with the Township that addresses matters that Council considers necessary or advisable, including:
  - (a) Occupancy of the garden suite,
  - (b) Removal of the garden suite at the end of the temporary period, and
  - (c) Posting of securities for actual or potential costs to the Township.

## **3.2 Home Occupations and Home Industries**

Home occupations are professional work and service activities that are carried out within a residential dwelling or accessory building that typically do not involve the retail sale of goods.

Home industries are small-scale industrial and commercial uses that are accessory to a rural residential dwelling and may also support the agricultural industry in the area. Generally, home industries shall be small in scale, conducted primarily within an accessory building to the principal dwelling by those residing in the dwelling. Home industries may include, but are not limited to, woodworking shops, small engine repair, animal kennels, auto body repair, welding, carpentry or machine shops, or agriculture-related uses that involve the processing or transportation of regionally-produced agricultural crops or other products.

### **3.2.1 Home Occupation Policies**

- (1) Home occupations shall be permitted provided they are clearly secondary to the main residential use of the lot and do not create a nuisance as a result of noise, hours of operation, odour, traffic generation or other impacts.
- (2) Activities in a home occupation are to be conducted entirely within the dwelling by those residing in the dwelling, plus not more than one person who is not a resident thereof.
- (3) Home occupations shall not adversely impact on the enjoyment of surrounding properties, the provision of municipal services, and the quality of the environment.
- (4) The Zoning By-law shall include provisions for home occupations to ensure functional and visual compatibility with surrounding residential uses. The provisions may address characteristics including scale, number of employees, parking, signage, physical changes to the dwelling, limitations on mechanical equipment, outdoor storage, or other elements related to safety, convenience or enjoyment of neighbouring properties.

### 3.2.2 Home Industry Policies

- (1) Home industries shall be permitted provided they do not detract from the primary agricultural or residential use of the property and do not create a nuisance as a result of noise, hours of operation, odour, traffic generation or other impacts.
- (2) The accessory retail sales of products produced in the home industry is permitted.
- (3) The implementing Zoning By-law shall regulate home industries through provisions, which may include:
  - (a) the building accommodating the home industry is located within the existing farm-building cluster, if located on an active farm property;
  - (b) the home industry complies with MECP D-Series Guidelines;
  - (c) the home industry is not a Class III industry as defined by the MECP D-Series Guidelines;
  - (d) any open storage associated with the home industry is limited and screened from view;
  - (e) the home industry has a limited number of employees, as specified in the Zoning By-law; and,
  - (f) the retail component is clearly accessory to the home industry use and does not detract from the primary use of the property.
- (4) The development of a new home industry may be subject to a Site Plan Control application.
- (5) Where a home industry does not conform to policies or zoning regulations intended to limit its scale or impacts, the Township shall require a Zoning By-law Amendment application to permit the industry as a primary use in accordance with the policies of this Plan.

### 3.3 Bed and Breakfast Establishments

- (1) Bed and breakfast establishments shall be permitted in any designation in which residential uses are permitted.
- (2) The Zoning By-law shall define and Bed and Breakfast establishment and shall include provisions regulating bed and breakfast establishments, which may require that a bed and breakfast establishment:
  - (a) Is located within the principal residence of the owner/operator;
  - (b) Is located on a property with frontage on a road maintained year-round by the Township or the Ministry of Transportation;

- (c) Is located on a lot with sufficient site area to accommodate any proposed on-site recreation amenities and adequate on-site parking;
- (d) Conserves the character of the dwelling as a primarily residential use; and,
- (e) Is licensed annually in accordance with a municipal lodging and/or bed and breakfast licensing by-law, where applicable.

### **3.4 Residential Care Facilities**

Residential care facilities are defined as residential facilities which accommodate residents who live in a supervised setting and receive room and board, as well as assistance with daily living. There are a variety and range of residential care facilities which may be categorized as group homes, second level boarding/lodging homes, transitional care facilities, or treatment centres, depending upon their program, funding, size, operator, and/or Provincial licensing. The following policies apply to residential care facilities:

#### **Policies**

- (1) Residential care facilities may be permitted in any designation in which residential uses are permitted, up to a maximum occupancy of five (5) residents, beyond which a Zoning By-law amendment may be required.
- (2) The Zoning By-law shall provide specific definitions for these residential care facilities as well as performance standards. New programs may emerge over time, depending upon Provincial funding and licensing, and further amendments to the Zoning By-law may be required, as warranted.
- (3) This Plan supports the provision of an adequate regional supply of residential care facilities subject to appropriate funding from senior government agencies, the provision of adequate community services for clients and proper siting of such facilities in accordance with the policies of this Plan.

### **3.5 Age-Friendly Planning**

The Township supports age-friendly planning practices and their relationship to land use. The policies below seek to create a community that is accessible and accommodating of residents of all ages:

#### **Policies**

- (1) Council shall encourage the provision of age-friendly social and physical environments to enhance the independence and quality of life for all people, including.
  - (a) Infrastructure;
  - (b) Municipal services; and
  - (c) Municipal programs.

- (2) Land use decisions shall facilitate the creation of accessible, inclusive, and age-friendly communities.
- (3) Council shall identify opportunities to better support people of all ages and abilities in the Township.
- (4) Planning decisions shall consider the health, wellness and security of all residents to enable them to remain in their community as long as possible.
- (5) Development proponents are encouraged to employ universal design principles and best practices to create healthier and safer communities.
- (6) Long-term care homes and seniors-appropriate housing, including residential care facilities and transitional care facilities, are important elements of the housing spectrum, and the Township shall encourage the development of these housing typologies as a contribution to a range of dwelling types in the community.

### **3.6 Public Uses**

Public uses may include land, buildings or structures intended for the provision of programs or services, provided or subsidized by a government or other body, including public service facilities, electric power generating and distribution facilities, or infrastructure.

#### **Policies**

- (1) Public uses shall be permitted in all land use designations.
- (2) Notwithstanding policy 1, public uses are discouraged from locating within the Use Limitation Overlay, unless approved through an Environmental Assessment process under federal or provincial legislation.

### **3.7 Cultural Heritage and Archaeological Resources**

Cultural Heritage and Archaeological Resources are tangible resources which define the historical and present social and physical character of the Township and its residents. They foster civic pride among citizens, and provide connections to the Township's past. Although the Township has not designated any heritage resources under the Ontario Heritage Act to date, nor identified any archaeological resources, the following policies are established to provide a framework for future cultural heritage planning, as applicable.

#### **3.7.1 General Policies**

The Township shall guide the planning, development, redevelopment, and improvement of cultural heritage and archaeological resources by:

- (1) Protecting, conserving, and enhancing the Township's significant cultural heritage resources, significant cultural heritage landscapes, and archaeological resources;
- (2) Recognizing that the maintenance of the Township's cultural heritage and archeological resources will contribute to the conservation of the Township's character;



- (3) Ensuring that the nature and location of cultural heritage and archaeological resources are known and considered before land use planning decisions are made;
- (4) Increasing public awareness of the importance of cultural heritage resources to the community;
- (5) Mitigating development impacts by preventing the demolition, destruction, and inappropriate site alteration or use of significant cultural heritage resources;
- (6) Encouraging development adjacent to significant cultural heritage resources to be of an appropriate scale and character; and,
- (7) Engaging with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

### **3.7.2 Built Cultural Heritage Resources & Cultural Heritage Landscapes**

Built Cultural Heritage Resources include buildings, structures, and monuments, while Cultural Heritage Landscapes are a defined geographical area of heritage significance that has been modified by human activities. Both are valued by a community and are of significance to the understanding of the history of a people or place.

#### **3.7.2.1 Protection**

- (1) Council shall use its authority under the Ontario Heritage Act and the Planning Act, including zoning for archaeology, holding zones, conditions of approval, and site plan agreements, to protect, conserve and enhance its cultural heritage resources. Council shall encourage development and redevelopment which is sensitive to cultural heritage resources, uses these resources, and is respectful of these resources.

#### **3.7.2.2 Inventory & Designation**

- (1) Council may designate individual properties under Part IV of the Ontario Heritage Act, and Heritage Conservations Districts under Part V of the Act.
- (2) The Township shall maintain a register of all property it designates under the Ontario Heritage Act. In addition, the Township shall maintain an inventory of all properties that are not designated but have been identified as being of cultural heritage value or interest.
- (3) Council may identify and prepare an inventory of Cultural Heritage Landscapes. Cultural Heritage Landscapes may include existing rural and agricultural areas, heritage conservation districts, historic hamlets, and heritage roads. Once prepared, the Township will consider designating Cultural Heritage Landscapes through an Official Plan Amendment(s).

### **3.7.2.3 Alterations to Heritage Resources & Adjacent Lands**

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

### **3.7.2.4 Retention / Relocation of Cultural Heritage Resources**

- (1) Council shall encourage the retention of buildings, structures, or monuments of architectural and/or historical significance in their original locations, whenever possible.
- (2) All options for on-site retention shall be considered before approval is given for relocation to another site. These options include:
  - (a) integration within new development areas;
  - (b) adaptive re-use of the building in its original location; and,
  - (c) relocation of the building on the development site.

### **3.7.2.5 Demolition / Destruction**

- (1) The demolition or destruction of designated cultural heritage resources shall generally not be permitted. Prior to considering such a request, Council shall require the applicant to:
  - (a) Submit accurate and complete information pertaining to the structural condition of the building or structure, with respect to the Ontario Building Code; and,
  - (b) Any other relevant information to determine the feasibility of restoring, as opposed to demolishing, the building or structure.
- (2) Council shall engage the services of a qualified professional to review any required documentation or reports and conduct a heritage impact assessment prior to granting a demolition permit.

### **3.7.2.6 Township-Owned Heritage Resources**

- (1) Where warranted, the Township shall protect, restore, and maintain cultural heritage resources under its ownership to express its commitment to the protection and preservation of these resources, to enhance the identity and character of the Township and to provide an example of the merits of quality restoration and maintenance.

### **3.7.2.7 Assistance**

- (1) The Township may itself utilize and encourage the utilization of available government funding assistance programs to assist in the implementation of cultural heritage conservation policies. Council, where appropriate, shall

cooperate with other levels of government, as well as with private agencies and individuals, in the conservation of local cultural heritage resources.

#### **3.7.2.8 Awareness**

- (1) The Township shall take measures to increase public awareness of significant cultural heritage resources, which can be encouraged through a variety of means including the:
  - (a) Identification and designation of potential cultural heritage resources;
  - (b) Maintenance of historic records and archives; and/or,
  - (c) Appointment of a municipal heritage committee to advise and assist Council on Parts IV and V of the OHA.

#### **3.7.3 Protection of Archaeological Resources**

Archaeological resources include artifacts, archaeological sites, and marine archaeological sites identified and evaluated by archaeological fieldwork. Archaeological resources are subject to the following policies.

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

#### **3.7.3.2 Archaeological Assessments**

Archaeological resource areas are determined through the use of provincial screening criteria, or potential mapping developed based on the known archaeological record or features within the Township and is usually developed with a licensed archaeologist. Areas of archaeological potential can be found in areas close to water, current or ancient shorelines, rolling topography, unusual landforms or areas of known historic settlement.

- (1) Development applications that meet one or more provincial criteria shall be required to undertake an archaeological assessment to the satisfaction of the Province prior to the development approval. Archaeological assessment by a licensed consultant archaeologist is required when a known or suspected cemetery or burial site is affected by development or public works.
- (2) Council shall require Archaeological Impact Assessments and the preservation or excavation of significant archaeological resources in accordance with Provincial regulations established by the Ministry of Citizenship and

Multiculturalism, as well as licensing regulations referenced under the Ontario Heritage Act. The need for impact assessments will be determined in conjunction with development applications through the use of provincial screening criteria and qualified mapping of the inventories. Archeological Impact Assessments completed in conjunction with a development application will be referred to the Ministry of Citizenship and Multiculturalism for review and approval.

- (3) Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Citizenship and Multiculturalism and the Ministry of Public and Business Service Delivery and Procurement when an identified historic human cemetery, or marked or unmarked human burial is affected by land use development. In these cases, the provisions of the Ontario Heritage Act and the Cemeteries Act shall apply.

## **3.8 Subdivision of Land**

This section contains policies to guide land division in the Township. Other policies of this Official Plan remain operable. The Lakehead Rural Planning Board is the approval authority for all forms of land division in the Township.

### **3.8.1 Preferred Means of Land Division**

Under the Planning Act, land division by Plan of Subdivision is the preferred means of land division. In general, a Plan of Subdivision application is necessary if:

- (1) the creation or extension of infrastructure, including roads, is required to facilitate the subdivision; or,
- (2) the development will be constructed in multiple phases and/or will extend beyond a two-year timeframe; or,
- (3) complexities in the development warrant the creation of an agreement between the landowner and the Township; or,
- (4) the Township requires the landowner to post securities or surety bonds to ensure development is completed in accordance with the terms of the development approval; or,
- (5) five or more new lots, exclusive of the retained lot, are being created.

### **3.8.2 General**

#### **Policies**

- (1) Subdivision of land in the Township may proceed by Plan of Subdivision, Plan of Condominium, Consent, or Part Lot Control exemption.
- (2) The Township shall not permit subdivision of land unless the qualities and condition of the lands are suitable for the intended use or permitted use.
- (3) New lots shall comply with the applicable requirements of the Zoning By-law. Where a proposed lot does not comply with applicable zoning provisions, the

Township may require a Zoning By-law Amendment as a condition of lot creation.

- (4) All new lots shall have direct frontage on an open and publicly-maintained road, unless otherwise permitted by this Plan.
- (5) New lots fronting on private roads is discouraged. In exceptional circumstances, new lots may be permitted on private roads, subject to the following criteria:
  - (a) The private road is already in existence and was legally established;
  - (b) The private road connects to a public road maintained year-round by the Township;
  - (c) The conditions of the private road are suitable to accommodate the proposed lot(s), including permitting access by emergency vehicles; and
  - (d) The owners of all existing and proposed properties fronting onto the private road shall enter into a Private Roads Agreement with the Township, which shall govern maintenance arrangements, connections to public road(s), snow clearing responsibilities, and similar matters.
- (6) The subdivision of land for non-aggregate uses on land shown as Mineral Aggregate Resource Area on Schedule A shall be subject to the policies of the Aggregate Resource Area section of this Plan.
- (7) The subdivision of land shall not be permitted in any hazardous site or land that could be unsafe as a result of naturally occurring or human-made hazards, unless the following can be demonstrated to the satisfaction of the Township:
  - (a) That the hazard will not result in public health, safety or potential property damage;
  - (b) That no new hazards are created or existing hazards aggravated; and
  - (c) That no adverse environmental impacts will result from the development.

### **3.8.3 Plans of Subdivision / Condominium**

**The Plan of Subdivision process shall be the preferred method of land division in the Township. Due to the historical and projected scale of development and land division activity in the Township, Plans of Subdivision are anticipated to be rare, with small-scale severances anticipated to be more common. The following policies apply to Plans of Subdivision and Plans of Condominium.**

#### **Policies**

- (1) The Township may require a Plan of Subdivision application to be submitted to the Lakehead Rural Planning Board if the proposed land division satisfies any of the criteria listed in Section 3.8.1.

- (2) All land division, including Plans of Subdivision, shall reflect the rural character of the Township, in accordance with the policies of this Plan.
- (3) All lot sizes in a Plan of Subdivision shall be appropriate for the land use(s) proposed and its corresponding servicing needs. All lots shall be a minimum of 2 hectares in area, unless otherwise permitted in this Plan, and shall conform with the servicing policies of this Plan.
- (4) A Plan of Subdivision application shall not be construed as an application to establish a settlement area, nor shall an application seek permission to establish development densities, built form, or a development pattern that is inconsistent with the prevailing rural character of the Township.
- (5) A condominium system of ownership tenure involves the legal delineation of areas under private ownership and common areas administered by a Condominium Corporation. Plans of Condominium are permitted in the Township and are governed by the Condominium Act. No implementing by-law for this Plan, including the Zoning By-law, shall apply different standards to a development on the basis of condominium tenure.

#### **3.8.3.2 General Criteria**

- (1) In addition to legislative requirements, a Plan of Subdivision or Condominium shall:
  - (a) Conform with the applicable goals, objectives, policies and land use designations of this Plan;
  - (b) Be consistent with the Provincial Planning Statement and the Growth Plan for Northern Ontario;
  - (c) Conform with any applicable Zoning provisions, servicing standards, secondary plans, and design guidelines / standards of the Township;
  - (d) Have regard for the input received from circulated public bodies and agencies, and neighbouring property owners and residents;
  - (e) Incorporate design direction, recommendations or mitigation measures included in required plans and studies; and,
  - (f) Consider future corridor width of provincial highways, in cases where the proposed subdivision is adjacent to, or in the vicinity of, a provincial highway.
- (2) Additional plans and studies may be required for a complete Plan of Subdivision or Plan of Condominium application.
- (3) As a condition of approval of a Plan of Subdivision or Plan of Condominium application, the Lakehead Rural Planning Board may require the applicant to enter into an agreement with the Township to govern provision of services, land dedications, construction processes, development phasing, posting of financial securities, or other matters considered by the Planning Board to be reasonable.

### **3.8.3.3 Lifting of Part-Lot Control**

- (1) Where land lies within a registered Plan of Subdivision, the Township may enact a by-law to lift part-lot control provisions of the Planning Act to create new lots or reconfigure existing lots.
- (2) Applications to lift part-lot control shall be evaluated against the provisions of the Planning Act and the policies of this Plan.

### **3.8.3.4 Deeming**

- (1) Council may by by-law deem Plans of Subdivision (or parts thereof) registered for eight years or more not to be Plans of Subdivision within the meaning of the Planning Act where such a measure would advance the goals and objectives of this Plan.

### **3.8.3.5 Energy Efficiency and Air Quality**

- (1) The Township encourages subdivision design that supports energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through a land use and development pattern which:
  - (a) maximizes energy efficiency and conservation;
  - (b) considers the mitigating effects of vegetation and green infrastructure; and,
  - (c) maximizes vegetation and opportunities for new vegetation within the subdivision area.

## **3.8.4 Consents**

In some instances, a Plan of Subdivision application is not necessary, and the Planning Board may consider the creation of new lots through a Consent process. Section 53 of the Planning Act allows subdivision of land through a Consent application where a Plan of Subdivision is not necessary for the proper and orderly development of the Township. It is anticipated that the majority of lot creation will continue to be through the Consent process, as administered by the Lakehead Rural Planning Board. The following policies apply to Consent applications:

- (1) Where subdivision by Consent is proposed, a parcel held under unity of ownership as of October 1, 1997 is not subdivided by Consent into more than four (4) parcels, exclusive of the retained parcel, except for the purpose of boundary adjustment, partial discharge of mortgage, easements and rights-of-way;
- (2) Where consent has been granted for only four or fewer lots, including the retained lot(s), from a parcel held under unity of ownership as of October 1, 1997, the potential for an additional Consent in conformity with this Plan shall remain with the retained parcel unless the retained parcel cannot be severed under the existing provisions of this Plan and the Zoning By-law.



#### **3.8.4.2 General Criteria**

- (1) The Lakehead Rural Planning Board shall evaluate the need for a Consent against the criteria in the Planning Act and in accordance with the policies of the Growth Management section of this Plan.
- (2) In addition to Planning Act criteria, land division by Consent shall:
  - (a) Conform with the applicable goals, objectives, policies and land use designations of this Plan;
  - (b) Be consistent with the Provincial Planning Statement and the Growth Plan for Northern Ontario;
  - (c) Conform with the Zoning By-law, servicing standards, secondary plans, and design guidelines / standards of the Township;
  - (d) Have regard for the input received from circulated public bodies and agencies and neighbouring property owners and residents;
  - (e) Satisfy conditions imposed to the granting of the Consent, which may include the requirement to enter into an agreement and / or post financial security; and,

#### **3.8.4.3 Adjusting & Correcting Lot Boundaries**

- (1) The granting of Consent for the purposes of adjusting or correcting lot boundaries or to convey land to an abutting lot shall be permitted provided:
  - (a) The conveyance does not lead to the creation of an undersized or irregularly shaped lot(s), or a lot that is contrary to the provisions of the Zoning By-law unless the by-law is amended or a variance granted;
  - (b) Following provisional Consent approval, the lands being conveyed are registered in the same name and title as the lands to which they are being added;
  - (c) It is stipulated in the granting of the Consent that any subsequent conveyance or transaction of the affected land parcels shall require Consent approval; and,
  - (d) The lot boundary correction is consistent with the requirements under the provincial Minimum Distance Separation (MDS) criteria between sensitive uses and agricultural operations.

#### **3.8.4.4 Consents for Mortgage Purposes**

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

#### **3.8.4.5 Consents for Easements**

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

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## 4 Infrastructure

### 4.1 Water and Sewer Servicing Strategy

Infrastructure is the basic physical and organizational arrangement required for the Township to function. Some community infrastructure is provided and maintained directly by the Township, such as roads and culverts, while water and septic servicing infrastructure is the responsibility of property owners.

#### 4.1.1 General Policies

The Township shall guide the planning, development, redevelopment and improvement of servicing and infrastructure by:

- (1) Ensuring that servicing and infrastructure are planned and designed to ensure long-term fiscal and environmental sustainability through advanced design standards, asset management programs, and provisions for efficient, cost-effective operations;
- (2) Protecting the health, safety and wellbeing of the citizens and property within the Township;
- (3) Ensuring that development does not impede the Township's ability to provide infrastructure and servicing;
- (4) Promoting green infrastructure, energy efficiency, and conservation, where feasible;
- (5) Preparing for the impacts of climate change; and,
- (6) Ensuring that development is strategically located to support the effective and efficient delivery of emergency management services.

The Township does not maintain public water services or sewage services. As such, all development is required to be serviced by individual on-site sewage services and individual on-site water services. The following policies relate to both existing and planned infrastructure requirements of the Township.

#### 4.1.2 Private Services

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

##### 4.1.2.2 Requirements for Individual Septic Systems

- (1) Private individual septic tanks and tile field systems are the primary means of sewage disposal in the Township. All new individual private sewage disposal systems require the approval of the Thunder Bay District Health Unit, and/or other approval authority, as identified by the Township of Gillies.

- (2) To accommodate an individual on-site sewage service, lots must be of an appropriate size and configuration in accordance with the policies of this Plan, unless a smaller lot size can otherwise be supported by technical information pertaining to the physical characteristics and hydrogeology of the site in accordance with guidelines of the Ministry of the Environment, Conservation and Parks and prepared by qualified professionals.
- (3) A development plan for any type of on-site sewage services, such as a septic tank system or leaching pit, shall be completed in accordance with Ontario Regulation 358 of the Environmental Protection Act and approved by the Thunder Bay District Health Unit, and/or the Ministry of the Environment, Conservation and Parks.
- (4) Large sewage disposal systems with design flows greater than 10,000 Litres per day shall have a hydrogeological assessment completed in accordance with the Ministry of the Environment, Conservation and Parks Sewage Guidelines and shall be submitted to the Ministry for review and approval.

#### **4.1.2.3 Requirements for Drinking Water**

- (1) Private individual wells are the primary means of water supply in the Township.
- (2) Where an application for Zoning By-law Amendment will have the effect of increasing water demands on a property, the Township may require that the development proponent demonstrate that adequate potable water is available, in the form of a written report from a recognized testing laboratory.
- (3) Drinking water supply wells shall be installed in accordance with Ontario Regulation 903 of the Ontario Water Resources Act.

#### **4.1.3 Multi-unit Development**

- (1) Where multi-unit development is proposed for five (5) or more units or lots, a hydrogeological assessment is required by Ministry of the Environment, Conservation and Parks D-5 Guideline to confirm that an acceptable quality and adequate quantity of drinking water is available. The assessment must be prepared by a qualified professional and should provide technical guidance on private wells.
- (2) Communal sewage systems may be considered where multi-unit development is proposed for five (5) or more units or new lots, exclusive of the retained parcel. The policies of this Plan are intended to ensure that lot sizes and conditions are adequate to allow the safe and efficient operation of septic systems.

#### **4.1.4 Permit to Take Water**

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

## 4.2 Stormwater Management

Stormwater management is the planning, design and implementation of systems that mitigate and control the impacts of human-made changes to the run-off and other components of the hydrologic cycle. The following policies apply to ensure safe and effective stormwater management in the Township.

### Policies

- (1) Stormwater management shall be planned in a manner which:
  - (a) is integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long-term;
  - (b) minimizes, or, where possible, prevents increases in stormwater volume and contaminant loads;
  - (c) minimizes erosion and changes in water balance, and prepares for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
  - (d) mitigates risks to human health, safety, property and the environment;
  - (e) maximizes the extent and function of vegetative and pervious surfaces; and,
  - (f) promotes stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low-impact development.
- (2) The Township shall promote naturalized stormwater management facilities, constructed with gentle slopes. Applications for large-scale developments may be required to be supported by a stormwater quality / quantity management study. The content and depth of the study shall be determined when the development is proposed. The planning and design of stormwater facilities should be undertaken in accordance with guidelines published by the Ministry of the Environment, Conservation and Parks.
- (3) In order to control flooding, ponding, erosion and sedimentation and to protect water quality and aquatic habitat or other natural habitat which depend on watercourses and other waterbodies for their existence, all commercial, industrial, institutional and residential development proposals of five (5) or more new lots, exclusive of the retained parcel, or more shall be supported by a Stormwater Management Report. Stormwater Management Reports may also be required on a site-specific basis, depending on the nature of the development.
- (4) Where a Stormwater Management Report is required by this Plan, the Report shall be prepared by a qualified professional to the satisfaction of Council, the Lakehead Region Conservation Authority, or other approval authorities, as appropriate. Additionally, a Stormwater Management Report shall:

- (a) provide recommendations on a stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including a 1:100-year storm event;
  - (b) document the possible impacts of development on watershed flow regimes, including their interconnection with groundwater resources;
  - (c) provide recommendations on how to maintain pre-development water quality and improve run-off, where appropriate;
  - (d) document the means by which stormwater volume control will be provided; and,
  - (e) determine and describe the necessary measures required to be undertaken during construction to mitigate the potential negative impact of development.
- (5) Where a Stormwater Management Report determines that a stormwater management pond is required to service a Plan of Subdivision or Plan of Condominium:
- (a) The pond block shall be zoned accordingly in the implementing Zoning By-law to recognize the potential for flooding;
  - (b) Maintenance of a stormwater management pond shall be the responsibility of:
    - (i) The benefitting landowners in a subdivision, which may be established through a landowners agreement required as a condition of subdivision approval; or
    - (ii) The condominium corporation, in a Plan of Condominium.

#### **4.2.2 Green Infrastructure**

Green infrastructure refers to natural and human-made elements that provide ecological and hydrological functions and processes. Examples of green infrastructure include natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

- (1) The Township of Gillies is supportive of green infrastructure and initiatives that are of a minimal impact to the environment. In reviewing Planning Act applications, including Plans of Subdivision and Site Plan Control applications, the Township shall encourage development proponents to incorporate green infrastructure elements, where possible and appropriate.

### **4.3 Transportation**

#### **4.3.1 General**

##### **Policies**

- (1) Development or lot creation may only be permitted where direct access to a public road maintained year-round is provided, unless otherwise permitted by this Plan.
- (2) Development in transportation corridors that could preclude or negatively affect the use of the corridor for its identified purpose shall be prohibited.
- (3) The Township shall encourage the preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics, including for active transportation.
- (4) The Township encourages the co-location of linear infrastructure, where appropriate, including roads and utilities.

### 4.3.2 Provincial Highways

Provincial highways include highways under the jurisdiction of the Ministry of Transportation, and includes Highways 588, 595 and 608, as identified on Schedule A.

#### 4.3.2.1 Primary Purpose

- (1) The primary purpose of provincial highways is to move people and goods between destinations within and beyond the Township. Access to provincial highways is restricted to allow the highways to fulfill their primary purpose.
- (2) This Plan protects current and planned highway infrastructure for transportation to be freight supportive and facilitate the movement of major goods.

#### 4.3.2.2 Entrances & Access Points

- (1) Direct access onto a provincial highway will be restricted. A new Ministry of Transportation entrance permit is required prior to the installation, change of use, or change of construction, of an access to a provincial highway. A new entrance permit is also required when there is a change of property ownership.
- (2) In accordance with Ministry of Transportation policy, one entrance for each lot-of-record fronting onto a highway will be permitted, provided it meets the requirements of Ministry of Transportation access management practices and principles.
- (3) Entrances to provincial highways serving home occupations or home industries shall require the approval of the Ministry of Transportation. The property owner will be required to:
  - (a) obtain an entrance permit from the Ministry of Transportation;
  - (b) acknowledge the permitted use of the entrance;
  - (c) acknowledge that the entrance cannot be converted to a commercial entrance in the future;



- (d) acknowledge that an additional entrance will not be permitted to accommodate the home occupation or home industry.
- (4) Severance applications intended to enable a separate entrance for a home occupation or industry shall be prohibited.
- (5) Back lot development is not permitted to use another entrance for access to a provincial highway.

#### **4.3.2.3 Development Adjacent to Provincial Highways**

- (1) Development and site alteration adjacent to provincial highways shall be subject to Ministry of Transportation approval and Building & Land Use Permit requirements, including installation or alteration of above- or below-ground structures, grading, drainage alteration, fences, or installation of side road entrances. Transportation Impact Studies and/or Stormwater Management Reports may be required.
- (2) For developments in the vicinity of a highway, the Ministry of Transportation may require submission of a Transportation Impact Study that addresses the impacts to the highway or adjacent properties as well as identifying any associated highway improvements required to mitigate those impacts. Any required highway improvements are the responsibility of the developer. The report must be acceptable to the Ministry prior to development proceeding.
- (3) For development in the vicinity of a highway, the Ministry of Transportation may require submission of a drainage / stormwater management report that addresses impacts to the highway or downstream properties and the mitigation measures required to alleviate those impacts. Mitigation measures are the responsibility of the developer. The report must be acceptable to the Ministry prior to the development proceeding.

#### **4.3.2.4 Snowmobile & Recreational Trails**

- (1) Snowmobile and Recreational trails along or crossing provincial highways may be considered, and shall require the prior approval of the Ministry of Transportation. The Ministry requires any proposed new trail to demonstrate that there is no feasible alternative route and that there will be no negative impact to the highway infrastructure, operations, maintenance, and safety.

#### **4.3.2.5 Adjacent Outdoor Storage**

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

### **4.3.3 Township Roads**

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

#### **4.3.3.1 Primary Purpose**

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

#### **4.3.3.2 Road Width**

- (1) Township roads are intended to be used year-round and carry a low to moderate volume of traffic. As such, they shall have a designed minimum right-of-way width of 20 metres.
- (2) The Township may pursue land acquisitions for road widening purposes through planning approvals where the existing road allowance is less than 20 metres. Applications in which widenings may be taken include Plan of Subdivision, Site Plan Control, and Consent applications.
- (3) Where a road widening is taken, the amount of land to be taken shall generally be taken in equal amounts from both sides of the subject road measured from the centreline of the road, except where circumstances may warrant an alternative approach.

#### **4.3.3.3 Entrances & Access Points**

- (1) Entrances and access points onto Township roads shall require approval from the Township.
- (2) Access points shall be located to minimize safety hazards on Township Roads. Access shall not be permitted where safety hazards could result due to poor sight lines, proximity to a traffic intersection or other hazard, or the traffic flow characteristic of the road.

#### **4.3.3.4 New Roads**

- (1) The Township shall not construct, accept, or maintain new roads, unless supported by the policies of this Plan.
- (2) Where the construction of a new road or the extension of an existing road is warranted, the road shall:
  - (a) Be designed and constructed to a standard approved by the Township;
  - (b) Be suitable for assumption into the Township road system;
  - (c) Be designed to be efficient and effective, including:
    - (i) prioritizing straight alignments;
    - (ii) avoiding sharp or excessive curves; and
    - (iii) Integrating into the existing road system to enhance connectivity, where appropriate.

- (d) Consider and avoid natural or human-made features or hazards in determining the alignment of the road; and
  - (e) Be constructed in accordance with the requirements of the Environmental Assessment Act, as applicable.
- (3) The costs of design and construction of new roads or extensions to existing roads shall be the responsibility of the development proponent.
  - (4) Unless it is clearly in the public interest, private roads will not be assumed by the Township. In exceptional cases where the Township agrees to assume the private road, the road shall be improved to reflect municipal standards for design, drainage, and safety.

#### **4.3.3.5 Temporary Construction Facilities for Roads**

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

#### **4.4 Community Facilities**

- (1) The existing services provided by the volunteer fire department, the Ontario Provincial Police and other provincial agencies are considered adequate to meet the needs of the residents of the Township.
- (2) The existing school facilities within the Township and the school boards' jurisdictions fulfill the educational needs of the residents for the foreseeable future.
- (3) The Township encourages the joint use of recreational facilities between the community at large and the school boards where appropriate.

#### **4.5 Recreation and Open Space**

- (1) The existing recreation and open space facilities that are available to the residents of the Township are considered suitable. However, the Township encourages the provision of additional public and private recreational and open space facilities, where appropriate, for the use of residents and visitors.
- (2) New public and private recreational opportunities shall not provide an undue financial burden on the Township.

## 4.6 Other Infrastructure

### 4.6.1 Energy Generation & Telecommunication Systems

The location of energy generation and telecommunication systems is often dictated by factors outside of the control of the Township or development proponents, such as access to infrastructure, environmental requirements, and the legislation and policies of higher-order governments.

#### Policies

- (1) The Township encourages energy and telecommunication utilities to consider the following factors when selecting sites for infrastructure development:
  - (a) Minimizing adverse impacts on surrounding industrial or agricultural land uses;
  - (b) Maximizing the distance from residences and residential land uses;
  - (c) Avoiding natural features and areas, including hazard lands;
  - (d) Avoiding areas of topographical prominence, to minimize any negative visual impacts; and,
  - (e) Ensuring that access requirements are sensitively integrated.

### 4.6.2 Alternative Energy Generation

Alternative energy generation infrastructure such as biogas, biomass, landfill gas, waste biomass, or other types of alternative energy generation represent sustainable forms of energy generation, but may also create land use impacts. The following policies apply to alternative energy generation:

#### Policies

- (1) Alternative energy generation facilities that require a renewable energy approval (REA) may be permitted, subject to a Zoning By-law Amendment. Applications for the development of alternative energy facilities will be evaluated against the following criteria:
  - (a) The facility will not generate undue land use impacts as a result of noise, odours, fumes, lighting, or other elements, in accordance with the Land Use Compatibility policies of this Plan;
  - (b) Any new transmission capacity required by proposed alternative energy generation facilities can be reasonably accommodated;
  - (c) Adequate visual screening is provided; and,
  - (d) The lot size is sufficient to accommodate potential future expansion.

- (2) Alternative energy generation facilities are encouraged to provide a minimum setback of 20 metres from all property lines, providing a natural vegetative buffer or landscaped buffer along the public road frontage.
- (3) Proposals for small-scale alternative energy generation facilities not subject to an REA from the province will be evaluated for appropriateness and compatibility.

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## 5 Land Use Designations

Land use designations establish policies for land uses and development with the intention of allocating uses efficiently, avoiding land use conflicts, protecting resources, and achieving an attractive and efficient development pattern consistent with a rural setting. Land use policy designations are shown on Schedule “A” of this Plan.

### 5.1 Rural Area Designation

The Rural Area land use designation constitutes the primary land base of the Township and is composed of residential areas, commercial and industrial uses, institutional uses, agricultural operations, resource conservation and extraction, and other rural uses.

The intent of the Rural Area designation is to protect the rural character and environment of the Township by supporting resource-based and non-resource-based development. As rural areas are inherently defined by a range of land uses, a general Rural Area designation allows for flexibility in developing appropriate land uses over time.

#### 5.1.1 General

- (1) Land uses in the Rural Area designation shall include residential, commercial, institutional, industrial, open space, and agriculture uses, in accordance with the policies of this Plan.
- (2) Development in the Rural Area designation shall proceed in accordance with the policies of the Land Use Compatibility section of this Plan.
- (3) Lot creation and development within the Use Limitation Area and along the Whitefish River shall be in accordance with other policies of this Plan and Section 5.1.2.
- (4) Forest resources provide a significant economic, social and environmental benefit in the form of income from forest products, recreation, education, soil and water conservation, wildlife habitats, buffers between land uses, and natural amenities. Lands used for forestry purposes as defined by the Forestry Act includes the production of wood and wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, recreation and protection and production of water supplies. Forestry uses shall be allowed without an amendment to the Zoning By-law.
- (5) Forestry activities on Crown lands within the Township are subject to policies and regulations under the Crown Forest Sustainability Act, governed by the Ministry of Natural Resources and Forestry.
- (6) Large-scale processing of forest products is considered an Industrial use, and shall be subject to the policies of the Industrial designation. However, small-scale processing of forest products, such as portable sawmill operations, is permitted in the Rural designation, provided that no equipment or machinery is located:
  - (a) within 300 metres of a residential lot or a lot used for recreational, institutional or commercial uses; and

- (b) within 30 meters of any road or road allowance.

### 5.1.2 Residential Uses in the Rural Area

The Township of Gillies includes rural residential uses to support community housing needs, with a concentration of existing residential uses in Hymers. The policies in this section are intended to recognize these existing land uses and to ensure that new rural residential development occurs in an orderly manner.

#### Policies

- (1) Rural residential uses shall permit one primary dwelling per lot. Additional dwelling units and other residential land uses shall be permitted in accordance with the policies of this Plan.
- (2) The implementing Zoning By-law shall establish a range of “Rural” and “Village Residential” zones to apply appropriate development standards to rural residential land uses.
- (3) New lot creation for rural residential uses shall be permitted in accordance with the policies of this Plan and provided that the lot is sized to the minimum area necessary to accommodate the proposed uses and supporting private water supply and sanitary sewage disposal systems.
- (4) In recognition of their significant servicing requirements, new mobile home parks shall not be permitted.
- (5) To protect for public health and safety, the Zoning By-law shall limit habitation of recreational vehicles to a specified timeframe during a calendar year.
- (6) A remote cottage dwelling may be permitted in the Rural Area designation, subject to a Zoning By-law Amendment. In addition to other policies of this Plan, an application for a remote cottage shall be evaluated against the following criteria:
  - (a) The remote cottage shall be located on an existing lot of record with a minimum area of 8 hectares;
  - (b) Access to the existing lot of record is provided by one of the following, designed for a minimum three-season access:
    - (i) A private road, in accordance with the policies of this Plan;
    - (ii) A registered right-of-way easement; and
    - (iii) Crown Land, with documented permission for access.
  - (c) Accessory buildings to the remote cottage are not permitted, except for a pit privy;
  - (d) The building footprint of the remote cottage shall not exceed 65 square metres; and



- (e) Recreation activity associated with the remote cottage shall not extend onto adjacent private lands without permission from the affected landowner.

### 5.1.3 Commercial Uses in the Rural Area

The Township of Gillies includes commercial and light industrial uses that provide goods and services to residents and visitors in appropriate locations. The policies in this section are intended to recognize these existing land uses and to ensure that new rural commercial and light industrial development occurs in an orderly manner.

#### Policies

- (1) The implementing Zoning By-law shall establish a “Commercial” zone to apply appropriate development standards to rural commercial and light industrial land uses. Permitted uses in the Commercial zone may include auto service and sales, convenience stores, restaurants, wholesale establishments, storage and/or warehousing establishments, retail uses, retail food stores, garden centres, and other similar uses.
- (2) Development proposals for new commercial uses may be subject to an amendment to the implementing Zoning By-law. In considering an application, Council shall be satisfied that:
  - (a) Adequate parking and loading facilities are provided on the site, in accordance with the applicable Zoning By-law provisions;
  - (b) Adequate landscaping is provided to enhance the aesthetics of the site and surrounding area, delineate parking areas, improve drainage, and provide visual screening, where necessary;
  - (c) Outdoor storage areas are substantially screened from view from neighbouring properties and the public roadway;
  - (d) The proposed use can be adequately serviced with an appropriate water supply and means of sewage disposal;
  - (e) Where a light industrial use is proposed, the application shall be subject to the Land Use Compatibility policies of this Plan; and
  - (f) Where a proposed commercial use abuts, or is in close proximity to, an existing residential use, fencing, landscaping, berming or a combination of these features shall be utilized to ensure that there is adequate screening between the uses.
- (3) Commercial uses which generate high volumes of traffic or heavy truck traffic should be located on properties with frontage on a provincial highway, or in areas with proximate access to a provincial highway. Small-scale commercial uses or recreational commercial uses may be located on properties with frontage on provincial highways or Township roads that are maintained year-round.

- (4) All commercial development shall be planned to have adequate water and sanitary services and vehicular access/egress.

#### 5.1.4 Agriculture Uses in the Rural Area

The Rural Area land use designation permits agricultural uses as a principal land use. Additionally, agriculture-related uses and on-farm diversified uses, as defined by the Provincial Planning Statement, are similarly permitted by the policies of this section.

Agricultural uses allow for the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre including poultry and fish; aquaculture; apiaries; agro-forestry; and maple syrup production.

Agriculture-related uses include farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity.

On-farm diversified uses are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agritourism uses, and uses that produce value added agricultural products.

#### Policies

- (1) Agriculture uses, agriculture-related uses, and on-farm diversified uses shall be permitted in the Rural Area designation.
- (2) The implementing Zoning By-law shall establish a “Rural” zone that permits agriculture uses, agriculture-related uses, and on-farm diversified uses. The Zoning By-law shall contain provisions to ensure that agriculture-related uses and on-farm diversified uses are compatible, appropriately located, and of a reasonable scale that preserves the primary agriculture context.
- (3) On-farm industrial uses such as feed mills, grain drying facilities, fertilizer blending stations, and abattoirs, shall be permitted in association with an agricultural operation, subject to a Zoning By-law Amendment. Council shall evaluate applications in accordance with the policies of this plan and the requirements of the Ontario Ministry of Farming, Agriculture, and Agribusiness.
- (4) On-farm commercial uses such as stables, greenhouses, fruit and vegetable stands, market gardens, and nurseries may be permitted as-of-right in association with an agricultural operation, provided all parking associated with the on-farm commercial use is provided on site.
- (5) Agri-tourism uses that promote the enjoyment, education or activities related to the farm operation shall be permitted in the Rural zone.
- (6) Where ground-mounted solar facilities are proposed on a property that accommodates an agricultural use, the solar facilities shall be accessory to the agricultural use.

- (7) New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the Land Use Compatibility policies of this Plan, including minimum distance separation (MDS) formulae and guidelines, as amended.
- (8) Where lot creation is proposed on lands accommodating farm operations, the proposed lot shall avoid the most productive portion of the farm, where possible and in accordance with MDS formulae and guidelines.
- (9) The principle of normal farm practice, as defined by the Farming & Food Production Protection Act, shall be upheld when addressing complaints with respect to noise, odour, dust and similar nuisances brought against farmers in the Township.

### 5.1.5 Institutional Uses in the Rural Area

The Rural Area designation contains Institutional uses that provide services and gathering places for residents. Examples of institutional uses include cemeteries, municipal services, schools, including the Whitefish Valley Public School, places of worship, and lands used by Provincial departments and agencies.

#### Policies

- (1) The implementing Zoning By-law shall establish an "Institutional" Zone to apply appropriate development standards to institutional uses in the Rural Area designation. The Institutional zone shall apply to properties accommodating existing institutional land uses.
- (2) New institutional land uses may be permitted subject to a Zoning By-law Amendment. When evaluating an application for a new institutional land use, the Township shall consider whether:
  - (a) the use is compatible with the rural character of the Township;
  - (b) the location is appropriate for the proposed use;
  - (c) the site has been designed to provide for safe access and egress;
  - (d) adequate off-street parking will meet the demands of the proposed use; and
  - (e) adequate water and sanitary services are provided.
- (3) In accordance with the Provincial Planning Statement and the Cemeteries Act, cemeteries are permitted in the Rural Area designation. New cemeteries or expansions to existing cemeteries shall be subject to a Zoning By-law Amendment. A cemetery may include, as an accessory use, a mausoleum and/or a crematorium. When evaluating an application for a new cemetery, the Township shall be satisfied that:
  - (a) the size of the cemetery and the accessory uses are appropriate for the lands and the surrounding area; and

- (b) the use can be accessed by roads which are designed to accommodate high volumes of traffic in short periods of time.

### 5.1.6 Open Spaces

The intention for Open Spaces in the Township is to encourage active and passive recreational uses which are compatible with the character of the Township. The Township will promote recreation and tourism-based development and ensure that new recreational uses are properly planned, located, and serviced, and will not have a negative impact on the environmental and hydrogeological features, conservation areas, and other protected areas and natural resources.

#### Policies

- (1) The implementing Zoning By-law shall establish an “Open Space” zone with appropriate development standards for open space and recreational uses. The Open Space zone shall be applied to existing open space uses in the Zoning By-law.
- (2) Permitted uses in the Open Space designation include provincial parks, conservation areas, conservation reserves, research stations, campgrounds, hunting and game preserves, golf courses, and various other passive recreational uses. Secondary uses such as a club house and other uses functionally associated with an open space use shall also be permitted.
- (3) The Open Space land use designation should be characterized by uses, buildings and structures which are compatible with, integrate into, and do not dominate, the natural setting.
- (4) The Township shall encourage the joint use of recreational facilities and Open Spaces between the community at large and the school boards, where appropriate.
- (5) Proposals to develop new Open Space uses, or proposals to expand existing uses onto lands which are not designated Open Space, shall require amendments to the Official Plan and Zoning By-law. Expansions to existing uses within the Open Space designation shall require an amendment to the implementing Zoning By-law.
- (6) New public and private recreational opportunities and Open Spaces shall not provide an undue financial burden on the Township.
- (7) The Township shall encourage the adaptive reuse of undeveloped or underdeveloped sites to accommodate new recreation and open space uses. Adaptive reuse of brownfield sites may be considered, subject to the policies of this Plan for contaminated lands.
- (8) Applications for Official Plan and Zoning By-law Amendments shall be subject to the following criteria:
  - (a) the proposed use or expansion is compatible with the rural character of the area and adheres to the Land Use Compatibility policies of this Plan;

- (b) the development appropriately designed, sited, and integrated with surrounding land uses;
- (c) the proposed use or expansion is located where it will not impact existing agricultural operations on adjacent lands;
- (d) the existing and proposed use or expansion can be serviced with an appropriate water supply and means of sewage disposal, if required;
- (e) the proposed use can be accessed by public roads that can accommodate the increased traffic generated by the proposed use; and, the proposed use can be appropriately buffered from adjacent residential uses.

## 5.2 Industrial Area

The Industrial Area designation permits heavy industrial uses that provide employment opportunities and economic development for the Township. Heavy industrial uses, by their nature, generate noise, fumes, odours or other noxious impacts that require mitigation when located in proximity to sensitive land uses.

### Policies

- (1) The implementing Zoning By-law shall establish an “Industrial” zone in which heavy industrial uses are permitted, with appropriate provisions regulating built form, setbacks and buffering, and parking requirements. The Industrial Zone shall be applied to properties accommodating existing heavy industrial land uses. Industrial operations that provide goods and services in support of mineral mining and mineral aggregate extraction, processing of forest products, and other similar uses should be located the Industrial designation, and may be subject to a Zoning By-law amendment.
- (2) New industrial uses shall only be permitted through an Official Plan Amendment and Zoning By-law Amendment and subject to the following criteria:
  - (a) The proposal satisfies the policies of this Plan, including Land Use Compatibility policies;
  - (b) Appropriate buffering shall be provided where the use is located adjacent to a sensitive land use;
  - (c) There is no adverse impact on the amenity and character of the rural area;
  - (d) Private services, where required, are provided in a manner which supports protection of the natural environment and minimizes potential risks to human health and safety, in accordance with the policies of this Plan;
  - (e) Outdoor storage areas are substantially screened from the view from the abutting roadway; and,

- (f) Adequate on-site parking is provided.
- (3) The processing of forest products is considered an Industrial use and is subject to the policies of this Plan for Industrial uses, including Land Use Compatibility policies.

### **Waste Disposal Sites**

- (1) The Township contains a waste disposal site which shall be identified and designated Industrial on Schedule A of the Official Plan. The Zoning By-law shall establish a Disposal Industrial zone in which exclusively waste disposal sites and associated uses are permitted.
- (2) Potential future expansion of the current waste disposal site may be limited due to the proximity of the Sitch Creek Clay Till Plain ANSI. This ANSI shall be protected consistent with the policies of this Plan.
- (3) Where decommissioned or former landfill sites exist within the Township, these sites shall be remediated to the satisfaction of the Ministry of the Environment, Conservation and Parks.

## **5.3 Mineral Aggregate Resources**

The Mineral Aggregate Resources land use designation is intended to permit and recognize extraction operations for deposits of gravel, sand, clay, earth, shale, stone, limestone granite, rock and other material prescribed under the Aggregate Resources Act. Existing Mineral Aggregate operations and areas with Mineral Aggregate potential are shown on Schedule A of this Plan.

Schedule A identifies lands designated as Mineral Aggregate Resource areas, as well as mining locations, lands with mineral aggregate deposits, and/or abandoned mines. The following policies apply to lands designated Mineral Aggregate Resource areas.

### **General Policies**

- (1) Mineral aggregate extraction operations shall be permitted in areas of high and moderate aggregate potential, subject to an Official Plan Amendment and Zoning By-law Amendment. Municipal permissions for new mineral aggregate extraction operations shall be in addition to authorization by the Ministry of Natural Resources and Forestry under the Aggregate Resources Act.
- (2) The implementing Zoning By-law shall establish an Extractive Industrial zone that permits exclusively resource extraction activities and associated land uses. All mineral aggregate operations and associated land uses shall be zoned Extractive Industrial in the Zoning By-law.
- (3) No excavation, building, equipment, machinery or stockpiling of material shall be permitted:
  - (a) within 90 metres of a lot line of an adjacent lot used for residential, recreational, institutional or commercial purposes; or
  - (b) within 30 metres of any road or road allowance.

- (4) In considering any application to permit a new mineral aggregate extraction operation, the Township shall require:
- (a) Consideration of the effects of the operation on the natural environment, including fish habitat;
  - (b) A land use compatibility study which considers surrounding land uses and potential adverse effects from noise, dust, and vibration. In the absence of studies, pits and quarries should be treated as Class III industrial facilities in accordance with the Land Use Compatibility policies of this Plan. Blasting operations shall be in compliance with Ministry of the Environment, Conservation and Parks Environmental Noise Guidelines NPC-119;
  - (c) The completion of ground and surface water studies to assess the impact of the operation, both during and after extraction, on any water taking, and the return of aggregate wash water upon the area's water resources;
  - (d) Where deemed to be applicable, an archaeological assessment completed by a qualified professional to address potential cultural heritage resources;
  - (e) A traffic study which considers main haulage routes and proposed truck traffic to and from the site; and,
  - (f) A site plan which includes the following information:
    - (i) The legal limits of the property, contours, dimensions, site area, location, and the extent of any adjacent property owned by the applicant;
    - (ii) The existing use of land and the location and use of all buildings and structures located within 300 metres of the property proposed for the extractive operation;
    - (iii) Existing and anticipated grades of extraction, extent of extraction area, setbacks from the limits of extraction to property lines, and screening and buffering measures;
    - (iv) The location, height, dimensions, and use of all buildings or structures, and location of machines existing or proposed to be erected on the property;
    - (v) All vehicular entrances and exits;
    - (vi) Limits of development, interior vehicle circulation plan, water drainage, storage and management, and location of stockpiles;
    - (vii) Progressive and ultimate rehabilitation plan including topography, contours, grading, stabilization of banks, fill, drainage, and re-vegetation.

- (g) Mineral aggregate processing is considered an accessory use to an operation and may be permitted in the Mineral Aggregate Resources designation, provided adequate setbacks from lot lines are achieved for buildings, machinery and equipment, as determined on a site-specific basis through the issuance of an Environmental Compliance Approval (ECA) by the Ministry of Natural Resources and Forestry.
- (h) Mineral aggregate resource conservation shall be undertaken. This includes through the use of accessory aggregate recycling facilities within operations, where feasible.

### **Wayside Pits and Quarries Policies**

- (1) A wayside pit or wayside quarry means a temporary pit or quarry opened and used by a public road authority or their agent, solely for the purposes of a particular road project or contract of road construction or maintenance. Accessory aggregate processing operations such as crushing, screening, washing and stockpiling of aggregate product are also considered to be permitted uses in a wayside pit or quarry. Any aggregate processing equipment and asphalt plants may not be used in a wayside pit or quarry unless it has been exempted from or has a valid Certificate of Approval under the Environmental Protection Act and the location has been approved by the District Office of the Ministry of the Environment.
- (2) Wayside pits and quarries shall be permitted throughout the Township except for the following:
  - (a) in areas zoned residential;
  - (b) within 250 metres of an existing residential use;
  - (c) within the Use Limitation Area overlay; and,
  - (d) where severe environmental disruption will occur.
- (3) A quarry with blasting operations shall be set back a minimum of 450 metres from a residential building.
- (4) The opening of wayside pits and quarries shall be permitted without an amendment to this Plan or the Zoning By-law provided that the Township of Gillies is given adequate notice and an opportunity to express concern regarding the opening of the pit or quarry.
- (5) The Ministry of Transportation shall ensure that wayside pits and quarries used for its purposes are rehabilitated to the satisfaction of the Township of Gillies. Progressive rehabilitation of wayside pits and quarries shall be encouraged.

### **Portable Asphalt Plant Policies**

- (1) A portable asphalt plant means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in



the process. A portable asphalt plant is not of permanent construction, but is designed to be dismantled and moved to another location as required.

- (2) A portable asphalt plant may not be used within any designation unless it has a valid Certificate of Approval under the Environmental Protection Act and the location has been approved by the District Office of the Ministry of the Environment. Portable asphalt plants used by a public road authority or their agents, shall be permitted throughout the Township, subject to the approval of the Ministry of the Environment, except for the following locations:
  - (a) in areas zoned residential;
  - (b) within 250 metres of an existing residential use;
  - (c) within the Use Limitation Area overlay; and,
  - (d) where severe environmental disruption will occur.
- (3) Portable asphalt plants shall be permitted without an amendment to this Plan of the Zoning By-law provided the Township of Gillies is given adequate notice and an opportunity to express concern regarding the location of the plant.
- (4) Portable asphalt plants shall be removed from the site upon completion of the road project. Sites used for portable asphalt plants within agricultural areas shall be rehabilitated to their former agricultural capability.

#### **Portable Concrete Plant Policies**

- (1) A portable concrete plant means a building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.
- (2) A portable concrete plant may not be used within any designation unless it has a valid Certificate of Approval under the Environmental Protection Act and the location has been approved by the District Office of the Ministry of the Environment. Portable concrete plants used by a public road authority or their agents, shall be permitted throughout the Township, subject to the approval of the Ministry of the Environment, except for the following locations:
  - (a) in areas zoned residential;
  - (b) within 250 metres of an existing residential use;
  - (c) within the Use Limitation Area overlay; and,
  - (d) where severe environmental disruption will occur.
- (3) Portable concrete plants shall be permitted without an amendment to this Plan or the Zoning By-law provided the Township of Gillies is given adequate notice and an opportunity to express concern regarding the location of the plant.

- (4) Portable concrete plants shall be removed from the site upon completion of the road project. Sites used for portable concrete plants within agricultural areas shall be rehabilitated to their former agricultural capability.

## 5.4 Use Limitation Area Overlay

The Use Limitation Area is an overlay applied to lands that contain natural or man-made constraints to development and that may cause loss of life and/or significant property damage if developed without adequate study and resulting remedial action. Such lands include areas of steep and/or unstable rock, erosion prone lands, watercourses and waterbodies (including any lands 15 metres from the top of the bank of a watercourse or waterbody, unless a greater distance is specified), lands containing deep organic soils and exhibiting poor drainage, and abandoned mine sites.

### Policies

- (1) The Use Limitation Area overlay shall be identified on Schedule A of this Plan and represents areas prone to natural hazards. The policies of the overlay remain operable for all development within its boundaries and complement the policies of the underlying policy designation. In the event of a conflict, the policies of the Use Limitation Area overlay take precedence over the policies of the underlying designation. Unless otherwise established in this Plan, the underlying designation beneath the Use Limitation Area overlay shall be Rural Area.
- (2) The implementing Zoning By-law shall establish a Use Limitation Zone to restrict development within the Use Limitation Area overlay.
- (3) Development shall not be permitted in the Use Limitation Area overlay unless an evaluation by a qualified professional demonstrates that the lands can be developed without incurring harm from the identified hazard. Any recommendations in the evaluation shall be incorporated into the development design or conditions of approval.
- (4) Development and site alteration activities regulated by the Lakehead Region Conservation Authority shall be subject to the Authority's permit process, in addition to Township planning jurisdiction.
- (5) The following minor forms of development may be permitted in the Use Limitation Area overlay, subject to authorization from the Lakehead Region Conservation Authority:
  - (a) Facilities which, by their nature, must locate in the Use Limitation Area overlay, such as bridges or flood control works;
  - (b) Minor additions or renovations to existing structures that do not affect flood flows and meet appropriate floodproofing requirements; and,
  - (c) Passive open spaces that do not impact flood flows.
- (6) Development in the Use Limitation Area overlay shall not be permitted where safe access and egress is not available during periods of flooding.

- (7) Institutional uses and essential emergency services shall not be permitted in the Use Limitation Area overlay.
- (8) Appropriate setbacks from steep slopes and unstable bedrock, erosion prone lands and watercourses and water bodies shall be established to the satisfaction of the Lakehead Region Conservation Authority.
- (9) Development applications for lands that are adjacent to the Use Limitation Area overlay may, at the discretion of the Township, require environmental evaluation justifying that the development can occur without being jeopardized by or jeopardizing the abutting use limitation.

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## 6 General Environmental Policies

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

### 6.1 Natural Heritage Features and Areas

Natural heritage is a system composed of natural heritage features and areas, which are linked by natural corridors. Natural heritage features, areas and corridors are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. Natural heritage features and the LRCA regulated area, including the general area of wetlands, floodplains, watercourses, erosion hazards, and associated buffers, are shown on Schedule A.

#### Policies

- (1) Natural heritage features and areas shall be protected for the long term. The following features and areas are shown on Schedule A:
  - (a) Significant wildlife habitat;
  - (b) Known habitat of endangered and threatened species (generalized to 1-kilometre grids);
  - (c) Fish habitat;
  - (d) Areas of Natural and Scientific Interest (ANSIs); and,
  - (e) All waterbodies, watercourses, and wetlands, including unevaluated wetlands and Provincially Significant Wetlands (PSWs).

#### 6.1.1.2 Location

- (1) Natural heritage features and areas include wetlands, woodlands, Areas of Natural & Scientific Interest (ANSI), river systems and wildlife habitats. The actual location and limits of natural features and areas shall be determined through consultation with the Township, the LRCA, and / or the Province.
- (2) Where development is proposed within, or adjacent to, these features and areas, the proponent may be required to complete an Environmental Impact Study (or equivalent study) to provide the information necessary to evaluate the proposal. For the purposes of this Section, "adjacent" can be defined as lands up to 120 metres from the edge of the feature, unless otherwise specified.

#### 6.1.1.3 Commitment

- (1) The Township shall ensure the protection of the natural environment when exercising its authority under the Planning Act, and may seek appropriate technical guidance when required.

#### **6.1.1.4 Maintenance & Restoration**

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

#### **6.1.1.5 Areas of Natural & Scientific Interest (ANSI)**

Areas of Natural and Scientific Interest are areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study, or education. There are two kinds of ANSIs: Life Science ANSIs which are significant representative segments of provincial biodiversity and natural landscapes; and Earth Science ANSIs which are geological in nature and consist of some of the most significant examples of bedrock, fossil and landforms in the Province.

- (1) The Township of Gillies has one Earth Science ANSI directly west of Neva Road, as indicated on Schedule A, known as the Sitch Creek Clay Till Plain ANSI. This Area of Natural and Scientific Interest shall be protected, so that the natural heritage scientific or educational value that generated the designation is not be jeopardized.
- (2) Development in proximity to Areas of Natural and Scientific Interest may be permitted provided it does not negatively impact on the natural features or ecological functions for which the area has been identified. Where development of site alteration is proposed within or on the adjacent lands of the ANSI, the proponent shall provide Council with an Environmental Impact Study (EIS) that demonstrates that there will be no negative impacts on the ANSI or on its ecological function.
- (3) Notwithstanding any policy of this Plan to the contrary, “adjacent lands” shall be defined as an area within 50 metres of an Earth Science ANSI.

#### **6.1.1.6 Endangered & Threatened Species**

The Endangered Species Act (ESA) prohibits the killing, harming, harassment, capture, or taking of a Species at Risk, and the damaging or destroying of their habitat. Anyone undertaking an activity is responsible for ensuring that the activity does not contravene the ESA. The following policies apply to endangered or threatened species:

##### **Policies**

- (1) Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- (2) Council shall ensure every application for development or site alteration provides an appropriate level of assessment for the identification of threatened or endangered species habitat within or adjacent to the project area.

- (3) Any person undertaking an activity within a habitat of an endangered or threatened species is responsible for contacting the Ministry of Natural Resources and Forestry to determine whether conditions under the ESA apply.

#### **6.1.1.7 Fish Habitat**

Fish habitat means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply and migration areas. Fish Habitats are not specifically identified on the Schedules to this Official Plan; therefore applicants must consult with the appropriate authority (MNRF) when proposing any development on lands adjacent to water.

- (1) For the purpose of this section, lands adjacent to fish habitat are defined as being within 120 metres of a fish habitat area. Filling, dredging and/or other shoreline alterations on lands adjacent to fish habitat areas is prohibited and may be subject to enforcement by the MNRF, Federal Department of Fisheries and Oceans, and/or the LRCA.
- (2) Development and site alteration shall not be permitted in fish habitat, except in accordance with provincial and federal requirements.
- (3) Development and site alteration shall not be permitted on adjacent lands to fish habitat unless it is demonstrated in an Environmental Impact Study that there will be no negative impacts on the habitat or its ecological functions and, where applicable, Fisheries and Oceans Canada has authorized such development or works in accordance with the Fisheries Act.
- (4) Where development may proceed adjacent to fish habitat, a 30-metre setback from the shoreline shall be maintained as a natural vegetative buffer. Site alteration and disturbance of vegetation within 30 metres of the shoreline shall be limited to minor alterations to accommodate access trails, docks, water pumping equipment or restoration work.
- (5) Subject to the approval of Township, the Ministry of Natural Resources and Forestry and the Federal Department of Fisheries and Oceans, new development may be approved in shoreline areas, adjacent to and within the required setback, subject to a satisfactory Environmental Impact Study being completed, which demonstrates that development will not have a negative impact on Fish Habitat. The requirement of an Environmental Impact Study will be at the discretion of the Township.

#### **6.1.1.8 Wetlands**

Wetlands are lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four types of wetlands are swamps, marshes, bogs and fens. Wetlands play a very important role in the natural heritage system, since they:

- (1) provide habitat for plants and animals;
- (2) store water for groundwater recharge purposes;

- (3) trap sediments, nutrients and contaminants thereby improving downstream water quality;
- (4) provide corridors for plant and animal movements; and,
- (5) provide flood control and protect shorelines from erosion.

#### **Policies**

- (1) Wetlands within the Township are shown on Schedule A. These wetlands have either not been evaluated or do not meet the criteria to be considered Provincially significant.
- (2) The Township does not contain any Provincially Significant Wetlands, however wetlands may be evaluated by the Ministry of Natural Resources and Forestry and be classified as Provincially Significant Wetlands. Any Provincially Significant Wetlands identified in the future will be indicated on Schedule A. Such wetlands will be subject to the regulations administered by the Lakehead Region Conservation Authority, and a permit from the Authority may be required to allow regulated activities. Any application for the alteration of a boundary of a Provincially Significant Wetland, either as an increase or a decrease, must be approved by a Qualified Wetland Evaluator.
- (3) Where development and / or site alteration is proposed within 120 metres of the boundary of a Provincially Significant Wetland, the proponent shall be required to provide the Township with an Environmental Impact Study, prepared by a qualified professional, which demonstrates that there will be no negative impacts on the wetland or its ecological function. PSWs will be subject to the regulations administered by the LRCA, and a permit from the Authority may be required to allow regulated activities.

#### **6.1.1.9 Significant Wildlife Habitat**

A wildlife habitat area is an area where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or nonmigratory species. In some cases, these areas may be considered significant due to the ecological importance of features, functions, representation or amount, thereby contributing to the quality and diversity of an identifiable geographic area.

#### **Policies**

- (1) No significant wildlife habitat areas are identified by this Plan. However, should new information become available, and / or other wildlife habitat areas may become known, these areas will be added to Schedule A. This new information will be considered at the time a development application is submitted and/or when the Official Plan is reviewed.
- (2) Development and site alteration shall not be permitted in or adjacent to (within 120 metres) significant wildlife habitat except in accordance with provincial and federal requirements and it has been demonstrated that there will be no negative impacts on the natural features or their ecological

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

- (3) The habitat of Special Concern species and other sensitive species should be considered as significant wildlife habitat, as defined in the Natural Heritage Reference Manual. Special Concern species are formally listed in MNR's Species at Risk in Ontario (SARO) list.
- (4) Species of Conservation Concern (SCC), the habitat of these species, as well as any identified Values and Features, shall be protected and any development and/or site alteration shall not be permitted except in accordance with provincial and federal requirements.

## **6.2 Environmental Impact Study (EIS)**

Where the policies of this Plan require submission of an Environmental Impact Study (EIS), the EIS shall be prepared in accordance with the requirements of this section.

### **6.2.1 Purpose of an EIS**

- (1) The purpose of an EIS is to:
  - (a) collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant environmental feature(s);
  - (b) make an informed decision as to whether or not a proposed use will have a negative impact on the critical natural features and ecological functions of the Township; and,
  - (c) evaluate the existing and potential forest resources on the property and the effect of the proposed uses on those resources.
- (2) Where the focus of study is adjacent lands, as defined by this Plan, the EIS shall evaluate the ecological function of the adjacent lands and demonstrate that there will be no negative impacts on natural features or ecological functions.
- (3) Any EIS required by this Plan must describe the critical natural features and ecological functions, identify their significance and sensitivities and describe how they could be affected by a proposed use. The EIS should consider the relevant aspects and inter-relationships of various components of the natural heritage system on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore the critical natural features and ecological functions of the natural heritage system.
- (4) Any EIS must be prepared to the satisfaction of the Township and any other applicable approval authority before final approval of a planning application.

### **6.2.2 Contents of an EIS**

- (1) The EIS shall include a description of:



- (a) the proposed undertaking and study area boundaries;
- (b) the natural features, ecological functions, linkages, and other natural processes of the area potentially affected directly and indirectly by the undertaking, and an assessment of their sensitivity to development;
- (c) the direct and indirect effects to the ecosystem that might be caused by the undertaking;
- (d) how the development design responds to any environmental hazards, including slopes, flooding, or contamination;
- (e) any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
- (f) how the proposed use(s) affects the possibility of linking core areas of the natural heritage system by natural corridors that may or may not be identified on the schedules to this Plan; and,
- (g) a Management Plan identifying:
  - (i) how the potential adverse effects will be avoided or minimized over the construction period and the life of the undertaking;
  - (ii) how environmental features and functions will be enhanced, where appropriate, and,
  - (iii) describing the net effect of the undertaking after implementation of the Management Plan.
- (2) The Management Plan shall also establish the limits of buffers and setbacks adjacent to watercourses, waterbodies, valleys, significant wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development.

### 6.2.3 What an EIS Should Demonstrate

- (1) The EIS should demonstrate, where applicable, that the proposed use(s) will:
  - (a) not discharge any substance that could harm air quality, groundwater, surface water and associated plant and animal life;
  - (b) be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies, surface water features and associated plant and animal life;
  - (c) not cause erosion or siltation of watercourses or changes to watercourse morphology;
  - (d) not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;

- (e) not cause an increase in flood potential on or off the site;
  - (f) maintain/enhance/restore/rehabilitate the natural condition of affected watercourses, and protect/enhance/restore/rehabilitate aquatic and fish habitat;
  - (g) not encourage the demand for further development that would negatively affect wetland function or contiguous wetland areas;
  - (h) enhance and restore endangered terrestrial or aquatic and fish habitat, where appropriate and feasible;
  - (i) not interfere with the function of existing or potential natural corridors;
  - (j) not lead to a significant reduction in the forest resource or interior forest habitat in an area; and,
  - (k) not lead to species loss or negative impacts on endangered, threatened or vulnerable species and/or their habitat.
- (2) In addition, the EIS shall demonstrate that there will be no negative impacts resulting from the proposed use on significant natural features or the ecological functions for which the area is identified.

## **6.3 Mineral Aggregate Areas, and Petroleum and Mining Resource Areas**

Known mineral aggregate, petroleum, and mining resource areas are identified on Schedule A, which are intended to be protected for their long-term use and economic growth. The following policies shall apply to mineral aggregate areas, and petroleum and mining resource areas.

### **6.3.1 Protection of Viability**

#### **Policies**

- (1) Mineral and petroleum resource operations, deposits, and areas of potential mineral and petroleum resources shall be protected from incompatible land uses. Where there is a known presence of high-quality aggregate deposits, the Township of Gillies will identify these lands in the Official Plan to ensure these areas are compatible with potential extraction operations and associated land uses while also precluding incompatible development and land uses.
- (2) Legally existing mineral and petroleum resource operations, pits and quarries and their associated facilities are permitted and identified on Schedule A to this Plan. The implementing Zoning By-law will also recognize existing pits and quarries for their continued use and operations.
- (3) On lands identified as being potential resource areas, development of other land uses shall be permitted, provided that:
  - (a) Extraction of the resource is not feasible;

- (b) The proposed use serves a greater long-term public interest; and,
  - (c) Issues of public health, safety and environmental impact are addressed.
- (4) Rehabilitation of mineral and petroleum resources lands shall be required after extraction and other related activities have ceased.

### 6.3.2 Non-Resource Extraction Uses

#### Policies

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

## 6.4 Water Resource Management

Water Resource Management is process of planning, developing, and managing water resources, in terms of both water quantity and quality, across all water uses. It is the intent of this Plan that Water Resource Management be undertaken in a manner that protects and conserves water sources, quality, and quantity, in accordance with the below policies.

#### Policies

- (1) At the present time, all of the Township's residents obtain drinking water from private wells. Existing sources of drinking water shall be protected for future use.
- (2) All development applications for Plan of Subdivision or Plan of Condominium, relating to new commercial, industrial, and institutional uses shall be supported by a Water Resource Management (WRM) Report. A WRM Report shall be prepared by a hydrogeological professional to the satisfaction of the Township and any other applicable approval authorities.
- (3) A WRM Report required in Policy 2 shall investigate the impacts of a proposed development on water quality and quantity and provide recommendations on:
- (a) how to maintain or enhance the natural hydrological characteristics of the water resource;
  - (b) how to minimize or eliminate the effect of the proposed use on the groundwater recharge function;
  - (c) how to minimize or eliminate the effect of the proposed use on the quality and quantity of drinking water in adjacent private and municipal wells;
  - (d) how to maintain or enhance sensitive groundwater recharge/discharge areas, aquifers and headwater areas;
  - (e) whether it is required to monitor water budgets for groundwater aquifers and surface water features; and,

- (f) how to ensure that the quality of the watercourses affected by the development are maintained.

## 6.5 Hazard Lands

Hazard lands are properties or lands which could be unsafe for development due to naturally occurring processes. These lands may include areas containing steep slopes, bodies of water, rivers, streams, ravines, wildland fire hazards, and other natural hazards. It may also include lands which contain human made hazards.

### 6.5.1 Steep Slopes and Ravines

#### Policies

- (1) Development shall not be permitted on slopes that are subject to active erosion or historic slope failure. Development shall be sufficiently set back from the top of bank of slopes. The development setback distance may be determined in consultation with an engineer and/or surveyor subject to the following criteria:
  - (a) soil type and groundwater patterns;
  - (b) vegetation type and cover;
  - (c) severity of slope; and,
  - (d) nature of development.
- (2) In some instances, where a sufficient development setback cannot be achieved, the proponent will be required to provide a slope stability analysis as a prerequisite to any development. The analysis shall be prepared by a qualified professional to the satisfaction of the Township.

### 6.5.2 Natural Hazards

- (1) Development will generally be directed to areas outside of hazardous land adjacent to the shoreline of inland lakes, rivers, and stream systems which are impacted by flooding and/or erosion hazards, and other hazardous sites. Hazardous sites may consist of steep slopes, unstable soils, organic soils, and unstable bedrock.
- (2) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on hazardous lands or hazardous sites.
- (3) Where development is proposed within or partly within a natural hazard feature identified in policy 1, the development proponent may be required to submit a technical study prepared by a qualified professional, to the satisfaction of the appropriate approval authority, which demonstrates that:
  - (a) the hazard can be safely addressed, and the development and site alteration are carried out in accordance with established standards and procedures;

- (b) new hazards are not created and existing hazards are not aggravated;
  - (c) no adverse environmental impacts will result;
  - (d) vehicles and people will have a means of safely entering and exiting the area during times of flooding, erosion and other emergencies; and,
  - (e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.
- (4) Recommendations made in the technical report(s) shall be implemented through the planning process. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.
- (5) A floodway consists of those areas, usually low lands adjoining watercourses, which have been or may be subject to flooding hazards. Development and site alteration within a floodway is prohibited, except for development and site alteration which, by its very nature, must be located within a floodway.
- (6) Where development or site alteration are proposed in the vicinity of flooding hazards, a detailed engineering study shall confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the Township or Planning Board and LRCA that it can occur safely on the subject lands outside of the flooding hazard, and not upon lands which are high points surrounded by the flooding hazard. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for development and site alteration which must, by its very nature, be located within a floodway.

### 6.5.3 Wildland Fire Hazards

Hazardous forest types for wildland fire are forest types assessed as being associated with the risk of high to extreme wildland fire, generally being forested areas which are composed of a certain type and condition of vegetation. Changes to the landscape present an inherent risk to the public, such as the encroachment of development into forested areas associated with high to extreme risk. The Township may require wildland fire assessments to evaluate wildland fire risk factors of an area or site through continued collaboration with the MNRF.

#### Policies

- (1) Development shall generally be directed to areas outside of lands that are unsafe due to the presence of hazardous forest types for wildland fire.
- (2) In certain circumstances, development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.
- (3) In the absence of a detailed assessment prepared for the Township, proponents submitting a planning application may be required to undertake a site review to assess for the presence of areas of high to extreme risk for wildland fire on the lands proposed for development and, to the extent

possible, adjacent lands. If development is proceeding where a high to extreme risk for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.

- (4) Wildland fire mitigation measures which would result in development or site alteration shall not be permitted in areas where natural heritage features occur, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions in accordance with the policies of this Plan.

#### 6.5.4 Human-Made Hazards

##### Policies

- (1) Human-made hazards may occur on lands which include, but are not limited to, former mineral mining operations, mine hazards, and former mineral aggregate operations.
- (2) Development and site alteration on, abutting, or adjacent to these lands shall be supported by a study that:
  - (a) Identifies potential safety hazards;
  - (b) Demonstrates that the site can be rehabilitated to mitigate the known or suspected hazard; and
  - (c) Establishes measures to address and mitigate known or suspected hazards.
- (3) The Township shall require applicants for any proposed development within 1,000 metres of a mine hazard to consult with the Ministry of Mines regarding the nature of the hazard and any remediation measures that may be required under the Mining Act.
- (4) Development shall be restricted in areas of past mining activity until it is demonstrated to the satisfaction of the Ministry of Mines that the area does not constitute an abandoned mine hazard or until measures have been taken to address and mitigate known or suspected abandoned mine hazards that may impact on the proposed development.
- (5) If the site of a proposed use is known or suspected to be contaminated, the Township shall require the proponent to prepare a study prepared in accordance with the Ministry of the Environment, Conservation and Parks guidelines which determines the nature and extent of the contamination and the identification of a remediation plan, if required.
- (6) Prior to granting approvals to allow for development on any property which may be contaminated, the Township shall require the submission of a Record of Site Condition, prepared by a qualified person in accordance with the Ministry of the Environment, Conservation and Parks Guidelines, and acknowledged by the Ministry. The Township may require the submission of a Record of Site Condition as a condition of development approval.

- (7) The Township may apply a Holding Zone to a site where site remediation requirements are known and feasible, regardless of whether a development application is submitted. In these instances, removal of the Holding Symbol will be conditional upon the remediation of the site and the submission of a Record of Site Condition, acknowledged by the Ministry of the Environment, Conservation and Parks. Prior to remediation, land uses permitted on such properties shall be restricted to existing land uses.

## 6.6 Waste Disposal Hazards

There is one active open waste disposal site in the Township, as shown on Schedule A of this Plan. This site shall be protected to ensure there is adequate capacity to accommodate present and future waste disposal needs.

- (1) The development of new uses or the enlargement of buildings or structures within an area of 500 metres from the boundary of a fill area of an active and/or closed waste disposal site shall be limited. Development may only be permitted with submission of an assessment prepared by a qualified professional that determines:
  - (a) the impact of any potential methane gas migration;
  - (b) whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the waste disposal site;
  - (c) potential traffic impacts;
  - (d) whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the waste disposal site; and,
  - (e) the impact of the proposed use on leachate migration from the landfill site.
- (2) The Township shall evaluate development proposed within 500 metres of a waste disposal site against the Ministry of the Environment, Conservation and Parks D-4 Guidelines (Land Use On or Near Landfills and Dumps) to ensure that the proposed land uses are compatible and do not create adverse impacts.
- (3) The studies required to support a development application within the influence area of a Waste Disposal Site may be scoped based on the type and/or scale of the development proposed, as determined by the Township.
- (4) Township Council shall endeavour to provide residents with safe and cost-efficient waste management systems during the lifespan of this Official Plan and beyond. Although it is not anticipated that a new waste disposal site will be necessary during the life of this Official Plan, in the event a new site is deemed necessary, an amendment to this Plan will be required.

## 6.7 Land Use Compatibility

Some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries, including major facilities and other sensitive land

uses, such as waste disposal sites or sewage treatment facilities. Incompatible land uses shall be separated or otherwise buffered from each other to avoid, minimize, and mitigate any potential adverse effects from odour, noise, and other contaminants, and minimize risk to public health and safety.

## Policies

- (1) Where an industrial use is proposed in proximity to a sensitive land use, or where a sensitive land use is proposed in proximity to an industrial use, the Township may require supporting technical studies to ensure compatibility between the uses. The technical studies will be used to determine influence areas, address potential impacts, and identify appropriate separation distances and other mitigation measures. Studies shall be prepared in accordance with D-Series Guidelines prepared by the Ministry of the Environment, Conservation and Parks.
- (2) Appropriate separation distances for proposed and existing aggregate operations will be determined on a site-specific basis. The potential influence area can be 1,000 metres and the minimum separation distance is 300 metres (for Class III Industrial uses) between the extraction / excavation area and any zone permitting residential or other sensitive land uses. Where technical studies confirm a smaller actual influence area, the required separation distance may be equal to or greater than the actual influence area.
- (3) Separation distances between potentially conflicting land uses shall be measured in accordance with D-Series Guidelines prepared by the Ministry of the Environment, Conservation and Parks. The following minimum separation distances shall apply between industrial uses and residential or other sensitive land uses:
  - (a) Class I Industries 20 metres
  - (b) Class II Industries 70 metres
  - (c) Class III Industries 300 metres
- (4) In the absence of a technical study identifying a site-specific influence area, separation distances required between industrial uses and sensitive land uses shall be:
  - (a) Class I Industries 70 metres
  - (b) Class II Industries 300 metres
  - (c) Class III Industries 1,000 metres
- (5) Where a proposed use cannot satisfy the minimum requirements of the applicable MECP guidelines or its successor, or the potential impacts of the proposed use cannot be minimized and mitigated, the use will not be permitted.



- (6) Proponents may be required to provide buffering measures such as landscaping, plantings and fencing to minimize visual, massing, noise, and other impacts of the industrial activity.

## **6.8 Minimum Separation Distances (MDS)**

- (1) Development in all policy designations shown on the Schedules to this Plan shall comply with the Minimum Distance Separation (MDS) Formulae I and II, as established and amended by the Province.
- (2) MDS formulae shall be implemented through inclusion in the implementing Zoning By-law. The administration / interpretation of the formulae shall be guided by implementation guidelines, as established by the Province.
- (3) While the administration and interpretation of MDS formulae shall be guided by the implementation guidelines as established by the Province, it may be desirable in certain circumstances to reduce a required MDS. A reduction may be accomplished through either a Zoning By-law Amendment or Minor Variance. Reductions to MDS will generally be restricted to the following circumstances:
  - (a) Expansion or replacement of existing structures;
  - (b) Where the variance aids in the reduction of potential odour impacts;
  - (c) Where the variance allows for the mitigation of other environmental impacts; or
  - (d) The varied separation distance is measured to a lot line or road allowance, but allows the achievement of MDS setback requirements from a neighbouring dwelling or other land use.

# 7 Implementation

## 7.1 General

### Policies

- (1) The Township shall implement the policies of this Official Plan through the powers granted through the Planning Act, as amended, and other statutes of the Province of Ontario, as applicable. All planning decisions of Council shall be consistent with the Provincial Planning Statement.
- (2) Pursuant to Section 24(1) of the Planning Act, no public work shall be undertaken and no by-law shall be passed by the Township for any purpose that does not conform to the policies of this Official Plan.
- (3) All development agreements implementing approvals for Plans of Subdivision, Plans of Condominium, Consents, Minor Variances, and Site Plan Control applications shall conform to the policies of this Official Plan.
- (4) The Township may pass a by-law to establish a Committee of Adjustment in accordance with the Planning Act. If established, the Committee can be empowered to approve applications for Minor Variance and Permission. Other applications for land division or land title shall proceed through the Lakehead Rural Planning Board.

## 7.2 Official Plan Review

### Policies

- (1) Following adoption of this Plan, the objectives and policies of this Plan shall be reviewed within 10 years after it comes into effect as a new official plan and at least once every five years thereafter, in accordance with the Planning Act, as amended. The review shall consist of an assessment of:
  - (a) the continuing relevance of the vision that forms the basis of all policies found in this Plan;
  - (b) the degree to which the objectives of this Plan have been achieved;
  - (c) the amount and location of lands available for development;
  - (d) whether the Township has increased the extent of commercial and industrial uses in relation to residential uses;
  - (e) the Township's role and relationship with other nearby municipalities;
  - (f) development trends in the area and their effect on development in the Township; and,
  - (g) the nature of any Provincial planning initiatives and their implications on the Township.

## 7.3 Land Use Controls

The Planning Act grants the Township the power to utilize planning controls for land use and development applications. The policies of this section guide the Township in its deployment of these controls.

### 7.3.1 Zoning By-law

#### 7.3.1.1 General

##### Policies

- (1) Township Council may pass a by-law to delegate its authority to pass certain by-laws of a minor nature to a Committee of Council, a Staff member, or other officer, employee or agent of the municipality. A by-law may delegate some or all of the following types of applications, and may include conditions or triggers for delegation:
  - (a) Minor Zoning By-law Amendments;
  - (b) Lifting of a Holding Provision; and/or
  - (c) Temporary Use By-laws.

#### 7.3.1.2 Enacting of Zoning By-law

##### Policies

- (1) The Township shall enact a comprehensive Zoning By-law under Section 34 of the Planning Act to implement the policies of this Plan by:
  - (a) Prohibiting the use of land, except as permitted by the Zoning By-law;
  - (b) Regulating built form and densities;
  - (c) Restricting development on land that is subject to natural hazards;
  - (d) Prohibiting or regulating development to ensure the protection of natural features, natural resources, heritage resources, or archaeological resources;
  - (e) Regulating the minimum elevation of doors, windows or other openings in buildings or structures;
  - (f) Requiring parking and/or loading facilities on private lands.
- (2) The Comprehensive Zoning By-law shall establish classes of zones appropriate to implement the policies of each land use designation in this Plan, in accordance with their respective policies. Multiple zoning classes may apply within a single land use designation, where appropriate.
- (3) The Township shall regularly undertake a review of the comprehensive Zoning By-Law to ensure that it remains consistent with the policies of this Plan.

### **7.3.1.3 Zoning By-law Amendment and Review**

#### **Policies**

- (1) Council may amend the Zoning By-law in accordance with the provisions of the Planning Act, including in response to private applications for amendment.
- (2) An applicant requesting a Zoning By-law Amendment shall submit materials to the Township in accordance with Regulation 545/06 of the Planning Act. The Township may require other materials in accordance with the policies of this Plan.
- (3) In accordance with the procedures established in the Planning Act, the Township will:
  - (a) Review applications for completeness and notify the applicant of whether all required materials have been received;
  - (b) Post public notifications regarding a Zoning By-law Amendment application;
  - (c) Advertise and hold a Statutory Public Meeting;
  - (d) Circulate a Notice of Refusal or Notice of Passing, as the case may be, to the applicant and any interested parties, in accordance with the Planning Act.

### **7.3.1.4 Minor Variances and Permission**

#### **Policies**

- (1) Where established, the Committee of Adjustment may approve Minor Variances and Permission applications in accordance with Section 45 of the Planning Act and the policies of this Plan.
- (2) Township Council may pass a by-law to introduce criteria for a Minor Variance in accordance with Section 45 of the Planning Act. Any criteria established under this policy shall be subject to public notification requirements, as established in the Act. Where criteria are in force, the Committee of Adjustment shall concurrently apply the four tests of a Minor Variance when considering an application.

### **7.3.1.5 Non-Conforming / Non-Complying Uses and Lots**

Legal non-conforming rights are afforded to landowners under the Planning Act and stipulate that a Zoning By-law cannot prohibit the use of land, a building, or a structure that was lawfully commenced on the date the by-law was passed. As such, a use of land, a building, or a structure that is legal under any current Zoning By-law cannot be rendered illegal upon approval of a new or amended Zoning By-law.

#### **Policies**

- (1) The Township generally encourages the gradual phase-out of existing uses that do not conform with the policies of this Plan so that the affected land use may change to a use which is in conformity with the goals and vision of the Official Plan and the implementing Zoning By-law.
- (2) Despite the intent to phase out non-conforming uses, a non-conforming use may be reconstructed where removed, provided it does not exceed the previous building envelope.
- (3) Where a use proposed to be reconstructed exceeds the previous building envelope, the Township will evaluate the expansion component of the proposal under Section 45(2) of the Planning Act using the following tests:
  - (a) Is the application desirable for appropriate development of the subject property?
  - (b) Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?
- (4) Where a legally existing use of land does not comply with the land use designations and the policies of this Plan, it may be zoned in the Zoning By-law in accordance with the existing use, after due consideration, provided that:
  - (a) The zoning will not permit any change of use or performance standard that may aggravate or cause conflicts with adjacent conforming uses, which may be achieved through the application of a site-specific exception zone to permit the existing use;
  - (b) The use of land will not constitute a danger or nuisance to surrounding uses and persons;
  - (c) There is no undue impacts on the quality of surrounding air or water; and
  - (d) The use does not interfere with the desirable development of the surrounding area that is in conformity with this Plan.

#### **7.3.1.6 Non-Complying Lots**

The following policies apply to lots in existence prior to the effective date of the implementing Zoning By-law that do not meet the lot area and/or lot frontage requirements contained within the implementing Zoning By-law.

##### **Policies**

- (1) A non-complying lot in existence prior to the effective date of the implementing Zoning By-law that does not meet the lot area and/or lot frontage requirements contained within the implementing Zoning By-law may be used and buildings thereon may be erected, enlarged, repaired or renovated, provided:
  - (a) The lot has direct access to a public road;

- (b) The land can be effectively serviced with water and sanitary services, as applicable;
  - (c) The use conforms with the applicable policies of this Plan and the implementing Zoning By-law;
  - (d) the buildings or structures comply with all of the other provisions of the implementing Zoning By-law.
- (2) New lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision, or lots that are made larger as a result of lot addition, shall be deemed to comply with the frontage and area requirements of the implementing Zoning By-law.

### **7.3.2 Temporary Uses**

Pursuant to Section 39 of the Planning Act, the Township may approve the use of land, buildings or structures for a temporary use that is not otherwise permitted by the Zoning By-law.

#### **7.3.2.1 General Policies**

- (1) Council may enact a Temporary Use By-law under Section 39 of the Planning Act, where a short-term use is proposed, considered appropriate, and will be phased-out within the specified timeline.
- (2) Under the Planning Act, the maximum term of a Temporary Use By-law is three years. Subsequent By-Laws granting extensions of up to three may be passed. Once the By-Law has lapsed, the use must cease or otherwise will be considered in contravention of the implementing Zoning By-Law.
- (3) A Temporary Use By-law may be used to authorize garden suites, in accordance with the policies of this Plan.

#### **7.3.2.2 Use & Scope**

- (1) A Temporary Use By-law may be enacted for land in all land use designations without amendment to this Plan.
- (2) The Temporary Use By-law shall describe the area affected and specify the duration for which the use is permitted.

#### **7.3.2.3 Approvals**

- (1) Prior to the approval of a Temporary Use By-law, Council shall be satisfied that the following principles and criteria are met:
  - (a) The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;
  - (b) The proposed use shall not require the extension or expansion of existing municipal roads or other services;

- (c) The proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads; and,
- (d) Parking facilities required by the proposed use shall be provided entirely on site.

### 7.3.3 Interim Control By-law

In accordance with Section 38 of the Planning Act, the Township may enact an Interim Control By-law to prohibit development in an area subject to further study. The Township may use this tool in cases where an affected area requires a more detailed review or study before development can proceed. The By-law restricts the use of lands to its present use until the required studies are completed, at which time the Official Plan and/or Zoning By-law may require an amendment to reflect the findings of the study.

#### Policies

- (1) Where the Township has authorized a review or a study regarding land use planning, Council may adopt an Interim Control By-law to prevent potentially inappropriate development or use of land, pursuant to the Planning Act. The By-law shall specify a time period not to exceed one year for prohibiting the use of land, buildings or structures for, or except for, such purposes as are set out in the By-law.
- (2) The Council of the Township of Gillies may amend an interim control by-law to extend the period of time during which it will be in effect, provided the total period of time does not exceed two years from the date of passing of the Interim Control By-law.

### 7.3.4 Holding Provisions

In accordance with Section 36 of the Planning Act, the Township may enact a Holding Provision By-law, which prohibits all development on an affected property or properties until such time as the Holding Provision is removed.

#### Policies

- (1) In accordance with the Planning Act, the Township may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions have been met. These conditions will be specified within a Zoning By-law Amendment. The objective of utilizing a Holding Provision is to ensure that:
  - (a) the appropriate phasing of development or redevelopment occurs;
  - (b) development does not proceed until services and utilities are available to service the development;
  - (c) agreements respecting the proposed land use or development are entered into; and/or;

- (d) any conditions described by the Council-approved Holding provisions are met prior to any development or site alteration occurring.
- (2) Upon submission by an applicant of a request to remove a Holding Zone, Council may remove the Holding Zone when it is satisfied that all required conditions or measures specified in the applicable Holding Zone by-law have been completed.
- (3) When a Holding Zone applies, permitted land uses on the affected lands are limited to existing uses.

### **7.3.5 Site Plan Control By-law**

The Planning Act permits the Township to designate all or part of its territory as a Site Plan Control Area. Within this area certain types of development cannot proceed until a Site Plan application has been approved by the Township. The purpose of Site Plan Control is to allow the Township to review and approve functional details of development, including building siting, servicing, access and landscaping.

#### **7.3.5.1 General Policies**

- (1) The Township of Gillies may enact a Site Plan Control By-law under the authority of Section 41 of the Planning Act. Where a by-law is enacted, the entire Township of Gillies shall be established as a Site Plan Control Area.
- (2) Where the Township enacts a Site Plan Control By-law, the By-law shall specify the classes of development subject to Site Plan Control, in accordance with the provisions of Section 41 of the Planning Act.
- (3) A Site Plan Control By-law may require site plans and/or detailed drawings of a proposed development to be submitted for approval by the Township. Submitted drawings may be required to include the information listed in Section 41(4) of the Planning Act.
- (4) The Township may establish conditions to the approval of a Site Plan Control application, in accordance with Section 41(7) of the Planning Act.
- (5) The Township may require the owner of the land subject to an approved Site Plan Control application to enter into an Agreement with the Township to address the provision of required facilities or works, and to ensure that development proceeds in accordance with the approved plans and drawings.

#### **7.3.5.2 General Criteria**

- (1) Consideration of a plan subject to Site Plan Control by the Township shall be subject to the requirements of the Planning Act and the following criteria being satisfied:
  - (a) Conformity with the applicable goals, objectives, policies and land use designations of this Plan;
  - (b) Conformity with the Zoning By-law, Servicing Standards, secondary plans, and design guidelines / standards;



- (c) The submission and approval of all required information / studies, reports, and plans;
- (d) The entering into of a Site Plan Agreement with the Township; and
- (e) Where applicable, the posting of sufficient financial security to ensure due performance and the protection of the Township.

### **7.3.6 Community Benefits Charges By-law**

#### **Policies**

- (1) In accordance with Section 37 of the Planning Act, the Township may enact a Community Benefits By-law that imposes charges against land to pay for the capital costs of facilities, services, and matters required because of development or redevelopment in the area.
- (2) Prior to passing a Community Benefits By-law, a community benefits charge strategy shall be prepared which identifies the facilities, services, and matters that will be funded with community benefits charges.

### **7.3.7 Property Standards By-law**

The Township is committed to the maintenance and development of a safe, healthy and attractive environment.

#### **Policies**

- (1) In recognition of the importance of property conditions, the Township may pass a Property Standards By-law under s. 15.1(3) of the Building Code Act to regulate residential properties, non-residential properties, vacant buildings, vacant lands, open space lands and heritage properties.
- (2) A Property Standards By-law may:
  - (a) prescribe standards for the maintenance and occupancy of property within the Township or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards;
  - (b) require property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in graded and leveled condition.
- (3) Provisions in a Property Standards By-law may be applied to the conservation of cultural heritage resources. The Township shall ensure that the application of the by-law is not detrimental to the conservation of cultural heritage resources.

### **7.3.8 Site Alteration By-law**

#### **Policies**

- (1) In accordance with the Municipal Act, the Township may enact a Site Alteration By-law to regulate certain activities that may impact drainage and vegetation patterns.
- (2) A Site Alteration By-law may:
  - (a) Prohibit or regulate the placing or dumping of fill;
  - (b) Prohibit or regulate the removal of topsoil;
  - (c) Prohibit or regulate the alteration of the grade of the land;
  - (d) Require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land; and
  - (e) Impose conditions to a permit, including requiring the preparation of plans acceptable to the Township relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site.

### 7.3.9 Tree Protection By-law

#### Policies

- (1) The Township may pass a Tree Protection By-Law to prevent the cutting of trees in sensitive areas. Where a Tree Protection By-law is considered, the By-Law shall not be passed without a specific assessment of the impacts of a By-Law, as informed by public comments.

## 7.4 Parkland Dedication

#### Policies

- (1) In accordance with Section 51.1 of the Planning Act, the Township may require the dedication of public parkland as a condition of approval for a Plan of Subdivision. Parkland shall be dedicated at the following required rates:
  - (a) For subdivisions accommodating commercial or industrial uses, 2 percent of the land to be subdivided; or
  - (b) For all other subdivisions, 5 percent of the land to be subdivided; or
  - (c) Where a by-law is enacted in accordance with Policy 2, an amount equal to the alternative rate.
- (2) In accordance with Section 42 of the Planning Act, the Township may enact a by-law establishing an alternative rate of required parkland dedication, which:
  - (a) May not exceed 1 hectare of parkland per 600 residential units;
  - (b) May not exceed 10 percent of land for a development that is five hectares or less; and

- (c) May not exceed 15 percent of the land for a development that is greater than five hectares in area.
- (3) The Township may enact a by-law to permit development proponents to provide cash in-lieu of parkland dedication, which may apply to:
  - (a) The equivalent value of the percentage of land in accordance with the base rates established in Policy 1, where no alternative rate is established; or
  - (b) An alternative rate established in Policy 2, to not exceed 1 hectare of parkland per 1,000 residential units.
- (4) Prior to enacting a by-law under Policies 2 or 3, the Township shall prepare a Parks Plan that examines the need for parkland in the Township. The Parks Plan shall be undertaken in accordance with the direction in the Planning Act and shall address, among other matters:
  - (a) The existing supply and quality of public parkland;
  - (b) Anticipated needs for parkland as a result of population and/or demographic changes;
  - (c) Projected growth and development; and
  - (d) Appropriate rates for parkland dedication.
- (5) All lands dedicated shall be conveyed in a physical condition satisfactory to the Township.
- (6) Pursuant to the Planning Act, lands designated Environmental Protection may not be considered as part of a parkland dedication.
- (7) Where a new development features physical or environmental hazards, the hazard lands shall not be accepted for parkland dedication. Where the lands feature an open watercourse, adequate space shall be provided for maintenance of the watercourse.

## **7.5 Community Improvement**

The provisions in Section 28 of the *Planning Act* allow municipalities to prepare Community Improvement Plans (CIP) for designated Community Improvement Project Areas as the result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.

The *Act* defines community improvement as the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment construction, reconstruction and rehabilitation, improvement of energy efficiency, and the provision of land uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary. Community improvement also includes the provision of affordable housing.

### **Policies**

- (1) The Township may pass a by-law establishing a Community Improvement Plan (CIP) Project Area for the entire Township, or a part thereof.
- (2) Where the Township has passed a by-law establishing a CIP Project Area, the Township may prepare and adopt a Community Improvement Plan in accordance with the provisions of Section 28 of the *Planning Act*. Objectives of a CIP may include:
  - (a) Upgrading and maintaining municipal services and community facilities;
  - (b) Encouraging the maintenance of existing building stock;
  - (c) Encouraging the preservation, rehabilitation, renewal and reuse of heritage resources, including heritage buildings;
  - (d) Encouraging private-sector investment and the strengthening of the economic base;
  - (e) Enhancing the visual appearance of Community Improvement Areas;
  - (f) Promoting the redevelopment of brownfields.
- (3) Implementation of a CIP may include a range of actions in accordance with the *Planning Act*, including:
  - (a) Acquisition of land within the Community Improvement Project Area;
  - (b) Clearing, grading, or other preparation of land;
  - (c) Construction, repair, rehabilitation, or improvement of buildings; and/or
  - (d) Sale, lease, or disposition of land to any person or governmental authority.
- (4) A CIP may include the provision of public funds such as grants or loans to owners, tenants and their assignees to pay for the whole or part of the eligible costs of development or other activities that contribute to the realizing of the plan's objectives.

## **7.6 Municipal Land Administration**

### **Policies**

- (1) The Township may acquire, hold, or dispose of land for the purposes of implementing any policies of this Official Plan, subject to the provisions of the *Planning Act*, and any other applicable statutes of the Province of Ontario.
- (2) The Township may require the dedication of lands for the purpose of widening road rights-of-way or establishing corner sight triangles to improve sightlines for motorists. Land dedications may be required adjacent to any public road, including Township Roads or Provincial Highways. The requirement for a land dedication for the purpose of a road widening or corner sight triangle may be established as a condition of approval for:

- (a) Site Plan Control applications;
  - (b) Plan of Subdivision applications;
  - (c) Consent applications;
  - (d) Lifting of Part-Lot Control applications.
- (3) Where the Township has acquired or holds lands, it may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held.

## **7.7 Crown Lands**

### **Policies**

- (1) The Township of Gillies encompasses a significant amount of Crown Lands and will work with all levels of government to identify lands for potential future residential development, including estate lot subdivisions and seasonal cottage developments.
- (2) The Ministry of Natural Resources and Forestry has jurisdiction over the administration of Crown Lands and waters within the Township of Gillies. The MNRF is encouraged to have regard for the policies and schedules of this Plan and to consult with the Township with respect to the use and disposition of Crown Lands is required from the MNRF.
- (3) Authorization for occupation or use of Crown Lands is required from the MNRF.
- (4) The Township recognizes that resource management activities on Crown Lands and waters are desirable for environmental, social and economic reasons. Resource management activities shall be conducted in accordance with the standards and guidelines established by the Province.

## **7.8 Development Applications**

The Township offers a pre-application consultation service for development proponents. During the pre-application consultation, the Township will provide a list of required plans, studies and other information for evaluating a complete application. Development proponents are also encouraged to consult and engage with the affected community, Indigenous groups, and stakeholders early in the planning process to identify and address potential issues and opportunities.

### **7.8.1 Pre-Application Consultation**

- (1) The Township encourages development proponents to attend a pre-application consultation meeting with Township staff prior to submission of a development application.

### **7.8.2 Complete Applications**

- (1) Development applications shall comply with the complete application submission requirements of the Planning Act and its Regulations.

- (2) To process the application, the Township may require additional information and/or reports, as required by this Plan. The additional information and/or reports will be identified in writing after a pre-application consultation or after review of the development proposal. All required reports must be completed to the satisfaction of the Township or relevant approval authority.
- (3) Where a policy in this Plan requires the submission of technical studies, such studies must be prepared at the applicant's expense by a qualified professional. When technical studies are submitted with a development application, the Township may authorize a qualified professional to peer-review such studies and provide advice to the Township at the applicant's expense.
- (4) Depending on the nature of the proposed development and planning application(s), the Township may require plans and/or studies including, but not limited to:
  - (a) Planning Rationale;
  - (b) Heritage Impact Assessment;
  - (c) Environmental Impact Study;
  - (d) Transportation Impact Study;
  - (e) Minimum Distance Separation analysis;
  - (f) Servicing Options Study;
  - (g) Drainage / Stormwater Management Report / Plan;
  - (h) Geotechnical Study;
  - (i) Hydrogeological Study;
  - (j) Erosion and Sediment Control Plan;
  - (k) Noise / Vibration Study;
  - (l) Shoreline Riparian Control Study;
  - (m) Archaeological Assessment;
  - (n) Record of Site Condition (RSC);
  - (o) Air / Dust Study; and,
  - (p) Groundwater Protection Study.

## **7.9 Public Participation**

Consultation and public participation and input is a fundamental requirement of the planning process. The following policies outline how the Township intends to ensure adequate

engagement with members of the public prior to making land use planning and development decisions:

#### **Policies**

- (1) The Township shall comply with the minimum requirements of the Planning Act in informing and obtaining the views of the public in matters requiring approval under the Act.
- (2) In circumstances in which, in the opinion of the Township, alternative or supplementary methods of public engagement will enhance or exceed the requirements of the Planning Act, the approval authority may use online resources or media to inform members of the public of a planning matter.
- (3) The Township recognizes the unique status of Indigenous Peoples within Canada and the importance of engagement and dialogue with First Nation and Métis communities in the region. When considering land use planning and development decisions of mutual interest, particularly heritage and archaeology matters, the Township will circulate information on the proposal to the affected Indigenous group. Such engagement may complement formal processes by the Province under the principles of the Duty to Consult.

### **7.10 Amendments to the Plan – Public Notice**

#### **Policies**

- (1) The Township may undertake minor amendments to this Plan without providing notice to the public, nor holding a public meeting, in cases including:
  - (a) Changing the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
  - (b) Consolidating previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
  - (c) Correcting grammatical or typographical errors in the Plan which do not affect the intent of policies or maps;
  - (d) Translating measurements to different units of measure;
  - (e) Reflecting changes to legislation titles.
- (2) In all other instances, notification to the residents of the Township of public meetings held by Council shall be given in accordance with the procedures of the Planning Act.

### **7.11 Interpretation of Land Use Designation Boundaries**

#### **Policies**

- (1) The boundaries between land uses designated on the Schedules to this Plan are approximate, except where they meet with roads, railway lines, rivers, pipeline

routes, transmission lines, lot lines or other clearly defined physical features. In such cases, boundaries are not open to flexible interpretation.

- (2) Where the general intent of the document is maintained, minor adjustments to boundaries will not require amendment to this Plan.
- (3) It is recognized that the boundaries of the Use Limitation area may be imprecise and subject to change. The Township shall determine the extent of the Use Limitation area on a site-by-site basis when considering development proposals, in consultation with the Lakehead Region Conservation Authority. Any minor refinement to the Use Limitation area shall not require an Amendment to this Plan.
- (4) Where a lot is within more than one designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

## **7.12 References to Statutes and Agencies**

### **Policies**

- (1) From time to time, Provincial and Federal statutes are amended and section numbers are changed. This Plan shall be interpreted so as to refer to legislation as amended from time to time and shall not require an amendment to this Plan.
- (2) The names and responsibilities of various government ministries, departments and agencies may change over time. Where this Plan references a government ministry, department or agency, the reference shall be interpreted so as to include any successors.

## **7.13 Definitions**

### **Policies**

- (1) For the purposes of interpretation this Plan, the definitions in the Planning Act, R.S.O. 1990, the Provincial Planning Statement, and other applicable legislation shall apply. In all other instances, terms shall be defined in accordance with common usage and if necessary, reference to the Canadian Oxford Dictionary, 2nd Edition.



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**Appendices**

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**Schedules**