



# DORION

## Canyon Country

*Redline version as modified by the Minister of Municipal Affairs and Housing  
by decision dated December 9, 2022; in effect as of December 10, 2022*

*Red underline indicates an addition to the text;*

*~~Red strikethrough~~ indicates a deletion*

*Superscript numbers<sup>x</sup> indicate modification number*

## 2022

# OFFICIAL PLAN

***Minister's Modified Version – December 2022***



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## Section **ONE**

# **INTRODUCTION**

This Official Plan is comprised of this body of text and Schedules A, Schedules B1 and B2.

### **1.1 Background**

The Township of Dorion was incorporated in 1969, and is a rural municipality (also referred to as Township) situated in the Robinson-Superior Treaty area (Treaty 60) in the District of Thunder Bay abutting the Township of Shuniah to the south; unorganized geographic townships to the north and west; and Black Bay of Lake Superior to the east. This area is included in the National Marine Conservation Area.

In spite of the decline of forest industry and agriculture since the early 2000's, according to the 2016 Census Data employment is still largely characterized by two natural resource extraction industry categories, making up 34% of total employment (24% employed in the agriculture, forestry, fishing and mining sector and 10% in the mining, quarrying). 24% of employment is within the health care and social assistance sector; and the remainder of main employment provided by the elementary school, EarlyON Child and Family Centre, Dorion Fish Culture Station, Township services, Ouimet Canyon Provincial Park, private tourist/hospitality properties, Greenwich Wind Farm, and East-West Tie transmission line is indicative of employment diversification in the Township.

The Township covers approximately 19,969 hectares. The Trans-Canada Highway

(Highway 11/17), Canadian Pacific and (decommissioned) Canadian National Railway lines, TransCanada pipeline, and several hydro corridors traverse the Township generally in a north-south alignment. Part of the new East-West Tie Transmission Line route also runs across the north-west part of the Township, away from the main corridor.

A concentration of residential, commercial and institutional activity exists within an area of settlement that is focussed on Dorion Loop Road, and that extends east along Highway 17 and

north along existing Township roads. More isolated rural land use exists beyond this concentration. Generally, these land uses are located within the easterly portion of the Township. The majority of the westerly portion of the Township is Crown Land (see Schedule B1).

### 1.2 Purpose and Effect of the Official Plan



The purpose of this Official Plan is to establish clear and practical objectives and policies to guide future physical change within the Township of Dorion for a projected 25-year time horizon, having regard for relevant social, economic and environmental matters. Periodic revisions and/or updates will be made to this document, including ten-year mandatory reviews, as required by the Planning Act.

Planning authority for the preparation of an Official Plan is assigned directly to Council, and once such a plan has been approved; all public works, municipal by-laws, and planning approvals shall be consistent with the Official Plan.

Notwithstanding, Council may:

- a) Investigate and consider public works that are not consistent with this Plan, but not undertake such works until consistent.
- b) Adopt an amendment to this Plan and thereafter enact a Zoning or other by-law that is not consistent, but that will be consistent when the relevant official plan amendment is finalized and comes into force and effect.

### 1.3 Objectives of the Plan

The Plan is based upon the following objectives:

- a) To maintain, where possible and appropriate, the rural and natural resource character of the Township which has provided serenity, privacy, spaciousness, and utility;
- b) To create an environment which enhances the physical, social, and economic well-being of residents of the Township;
- c) To manage change and promote efficient, cost-effective development and land use patterns which focus development upon the defined settlement area; stimulate economic growth; and protect the environment and public health;
- d) To improve physical services and community facilities to satisfy the needs of the Township, while maintaining a density of development appropriate to private, individual on-site servicing;
- e) To encourage community improvement;
- f) To plan for the housing needs and requirements of present and future residents, including affordable and mixed housing options in the Township;
- g) To strengthen existing commercial areas and encourage the establishment of new industry and commerce suitable for the Township;
- h) To protect natural heritage features, areas and systems and their associated ecological functions so that they can be enjoyed by future generations and serve as a legacy to all peoples within the Township;
- i) To support the transportation system in way that is convenient, safe, and economic;
- j) To provide policies, guidelines and criteria for evaluating development proposals;
- k) To establish a framework for the Township's Zoning By-Law;
- l) To encourage a healthy financial position for the Township;
- m) To encourage a moderate rate of population growth and to accommodate new residents without disrupting the character of the Township or burdening area services and facilities;
- n) To encourage participation in the planning process;

- o) To protect the surface and groundwater supplies of the Township from incompatible uses that may contaminate or harm;
- p) To support the management of fish, wildlife, and forest resources for their long-term economic, social, and environmental benefits to the present and future residents of the area;
- q) To strengthen and protect the existing agricultural base of the Township;
- r) To reduce the potential for public cost or risk by directing development away from areas where there is a risk to public health and safety or of property damage;
- s) To create policies which are consistent with the Provincial Policy Statements issued under the Planning Act and which conform to or do not conflict with the Places to Grow - Growth Plan for Northern Ontario.
- t) To work with the adjacent communities on matters of common interest, which may include but are not limited to: economic development, transportation, infrastructure, natural heritage features, areas and systems, food security, agri-food networks, water resources protection;
- u) To consider the causes and effects of climate change and mitigation or adaptation measures in planning decisions;
- v) To identify and conserve significant cultural heritage resources; and to preserve or enhance viewscales and/or unique features that create a sense of place identified by the community which includes those identified by Indigenous communities.

#### ***1.4 Responsibilities of Council***

The Council of the Corporation of the Township of Dorion has responsibilities with regard for this Plan as follows:

- a) To prepare, manage and administer this Official Plan.
- b) To review and update this Plan every 10 years from the date of approval.
- c) To consult with the relevant provincial ministries through the Ontario Ministry of Municipal Affairs and Housing, engage relevant Indigenous communities, and engage the community when processing amendments to this Official Plan.

- d) To be consistent with the Provincial Policy Statement , to have regard for matters of Provincial interest, and to conform to or not conflict with the Places to Grow - Growth Plan for Northern Ontario in the preparation of this Plan and any amendments to this Plan.
- e) To advise and secure views of the public, local authorities/agencies/boards in respect of this Plan and any amendments hereto.
- f) To pass by-laws which make this Official Plan a part of a comprehensive planning framework.
- g) To only carry out public works and to pass by-laws that conform to this Plan.
- h) To be the final authority for interpretation of this Plan.
- i) To develop and maintain a transportation system that is convenient, safe, and economical and accessible to all residents, including those with disabilities.

Creator: Didier Desrosiers



### 1.5 Responsibilities of Others

Private interests are typically made to adhere to the policies of an Official Plan through the enactment of a Zoning By-Law, and through the application of other planning powers and planning approvals in compliance with this Plan.

Senior government agencies and offices administering their various mandates are acknowledged as being exempt from this Plan. Notwithstanding, such agencies and offices are encouraged to have regard for the plan and the municipal planning program that is described within it.

Council recognizes that the use and development of Crown Lands will take place in accordance with the land use and management policies of the Ministry of Northern Development Natural Resources and Forestry (NDMNR). Where a change in Crown Land use is proposed, or where patent is to be issued to new private lands, the Township requests that the Ministry will consult with the Township and have regard for the policies of this Plan.

Development proposals or human activities that occur on land and water may also be subject to other approvals or regulations such as those required under the Environmental Assessment Act, Aggregate Resources Act, Mining Act, Ontario Water Resources Act, Municipal Act, Endangered Species Act, Environmental Protection Act, Conservation Authorities Act, and Building Code Act.

This Official Plan must be read in its entirety to determine the relevant objectives and policies in each land use planning scenario.

### 1.6 Basis for the Official Plan



The Township has experienced a slow but steady population decrease over the past 20 years with a trend towards a slower population decrease and thus more stable population since 2006. Over the past 20 years (eight consecutive census periods; 1976 to 2016) the Township showed an average yearly decline of 1%.

The 2016 population was 316 people, which is a decline of 22 people or 6.5% since its last census in 2011 (338 people).

The result is a supply of building lots exceeding the life of this Plan.

A separate Background Report containing more detailed information is available on-line or from the Dorion Township office.

The formulation of this Official Plan document also included a review of planning files and records; information from provincial ministries and partner agencies, review of best practices in other jurisdictions, recorded minutes of public meetings, and written and verbal comments.

The Official Plan policies are premised upon the principles of good planning, and the requirements of the Provincial Planning Act, including the Provincial Policy Statement (PPS) and Growth Plan for Northern Ontario.



**2.1 General**

In order to promote and implement the objective of an orderly, and practical land use pattern, land use designations are established in the Official Plan.

Appropriate zones that will articulate the full breadth of permitted land uses and establish appropriate regulations are to be established in the implementing Comprehensive Zoning By-Law (see also section 4.1.7 Zoning By-Law).

Site Plan Approval shall be required for larger or more complex development applications that require mitigation measures to avoid or reduce negative impacts or adverse effects (see section 3.10.1).

Where appropriate, other land use planning implementation tools may be used in place of, or in addition to site plan control (see section 4).

Such land use designations are identified on Schedule A; and shall be as follows:

- Rural (RU)
- Settlement Area (SA)
- Environmental Protection (EP)
- Waste Disposal (WD)

Wherever a use is permitted, it is intended that uses, buildings, and/or structures normally incidental, accessory, and/or essential to that use shall also be permitted.

All dwellings shall be considered permanent; and therefore, all applicable Building Code provisions will apply accordingly; and all servicing standards shall apply (see section 3.3.1).

Any seasonal residential zoning shall be directly related to status of road maintenance (see section 3.2.1.4).

The following land uses are permitted in any land use designation, except in Waste Management Lands, provided that Council considers them to be necessary, compatible (see section 3.10) and in conformity with the intent of this Plan;

- a) Neighbourhood parks and open space areas where the primary uses are active and passive parks, open space, conservation, community gardens and neighbourhood-scaled public recreation.
- b) Existing and new electrical power facilities, railway, highway, pipelines, utilities, and/or roads, in accordance with such setbacks and standards as are established in the implementing Zoning By-law.
- c) Flood control features and facilities.

In all Designations, development is permitted in accordance with the General Development Policies of this Plan in Section 3 and Implementation tools in Section 4.

In order to facilitate the broad range of uses and opportunities in the Township, Council shall make use of site-specific zoning amendments at the time that development initiatives are brought forward. Such amendments shall provide an avenue for Council to evaluate proposed land uses and to identify and remedy potential land use conflicts to ensure that development is compatible (section 3.10) with surrounding land uses and the servicing potential of the land before any approval is given.

## 2.2 Rural



Generally, it is the intent of Council to maintain the rural character of the Township, and to permit natural resource use and recreation-based land use activities that support tourism and which are compatible with adjacent land uses, characteristics, rural servicing and infrastructure. Accordingly, the Rural (RU) area designation as identified on Schedule A shall be a low density, multi-purpose area in which a variety of land uses may be accommodated.

It is the intent of Council that future growth in the RU designation will be controlled to prevent problems that may result when development occurs in areas not adequately supplied with services and other public works, and to avoid excessive costs for such works in the future.

The primary uses expected in the RU designation include: tourist services, agricultural, agricultural-related including cannabis production facilities, on-farm diversified uses, forestry and forestry-related uses, aggregate/mineral exploration and/or extraction activities, alternative energy development, resource-based recreational uses, cemetery use, conservation use, limited residential use including home occupations, seasonal (resourced-based recreational) residential use, commercial, institutional, and industrial uses, kennels, portable asphalt and concrete plants and other rural land uses. See Section 3 General Policies (outside of Settlement Area) which also apply, in particular, the Ontario Ministry of Food and Agriculture Minimum Distance Separation (MDS) requirements under Section 3.1.3 Agriculture.

### 2.3 Settlement Area



The Dorion Settlement Area (SA), as identified on Schedule A is that portion of the Township that intended to be the focal point for community growth and development, and the primary location of new development.

Given the projected population decline over the life of this Official Plan, Council does not anticipate or support implementation of municipal sewer and water systems, in accordance with PPS section 1.6.6. If circumstances dramatically change, a Comprehensive Review either before or at the next Official Plan update can be undertaken to evaluate the need for communal sewer and/or municipal water service; and the applicable Official Plan policies will be updated to reflect the change in servicing and development goals.

The primary uses expected in the SA designation include: tourist services, individual alternative energy development (wind turbine and solar facilities of three kilowatts or less), recreational uses, conservation uses, residential uses including home occupations, commercial, and institutional.

Complementary uses in the SA designation should be co-located in hubs where possible.

Applications to change the boundary of the SA designation shall be supported by an appropriately scaled Comprehensive Review to justify the change.

## 2.4 Environmental Protection



The Environmental Designation only applies to those land for which there are resources or hazards which have been evaluated and/or deemed by the Province or Council to warrant protection from development.

The designation will be implemented by different zones, depending on what value is being protected.

In accordance with the Provincial Policy Statement, the Township intends to protect:

- the diversity, connectivity, and long-term ecological function of natural features such as wetlands and coastal wetlands; (see also section 3.4 Natural Heritage and 3.9 Water Resource Protection)
- significant areas of natural scientific interest; (see section 3.4 Natural Heritage) and,
- areas that contain significant archaeological or cultural resources; (see Section Cultural Heritage 3.4 and Archaeology section 3.8.3).

Environmental Protection (EP) designated areas are identified on Schedule A.

Uses permitted within EP areas will be in accordance with the policies specific to the value being protected (see Section 3 General Development Policies) and also may include compatible uses such as existing uses, shoreline and floodplain protection work, fisheries and wildlife management, conservation work, existing agriculture, passive recreation and parks, and forestry in the form of reforestation and regeneration, excluding commercial logging and managed woodlots.

Development that is proposed within or adjacent to (i.e., within 120 metres or less) EP areas will not be permitted unless such initiative can demonstrate that there will be no negative impact or adverse effects on the feature and/or function being protected, in accordance with the policies of this Plan; such as preparation of a Preliminary Ecological Study and/or Environmental Impact Study (see section 3.10.3). The LRCA must be contacted for any development with 30 m of a wetland as this is now part of the Regulated Area (in addition to 15 on either side of a watercourse and 30 m from the highwater mark of any other waterbody. See Schedule B1).

Any applications to re-designate EP lands may need an Environmental Impact Study (see section 3.10.3). However, where deemed suitable by Council after consultation with the Lakehead Region Conservation Authority (LRCA) and/or the Province, boundaries of the EP area may be adjusted depending upon the feature or function being protected. Where such

changes occur, the appropriate abutting land use designation shall apply and the Comprehensive Zoning By-law shall be amended accordingly. The Official Plan Schedules will be updated at the time of review to illustrate change.

There is no public obligation to either change the designation of, or to purchase any lands within the EP designation.

EP lands may not be considered acceptable as part of a parkland dedication pursuant to the Planning Act.

## 2.5 Waste Disposal



A Township-operated solid, non-hazardous waste disposal/sanitary landfill site exists within the Township in Lot 3, Conc. V. This site has been shown on Schedule A as a Waste Disposal (WD) land use designation and on Schedule B1 with an approximate 500 m development constraint buffer. This is the only waste disposal/landfill site within the Township intended for the twenty-five year time horizon of this Plan. Currently, the expected lifespan is 13.5 years. Accordingly, Dorion is currently working with the Ministry of Environment, Conservation and Parks (MECP) to expand capacity and thus extend the lifespan. Additionally, the Township is actively working with the Ministry of Northern Development, Natural Resources and Forestry (MNDMNR) in extending the current Land Use Permit for the waste disposal site seeking opportunities for acquiring land for a new site.

The Township may consider permitting sewage drying beds to provide a local solution to campground/RV and local septic tank pumping requirements.

Dorion will also consider proposals for private sewage disposal services.

A minimum separation distance of 500 metres will be maintained from the boundary of any waste disposal site, and any proposed subdivision, consent or building permit application within such separation distance shall be required. All such applications shall be supported with appropriate studies prepared by a qualified consultant assessing the potential of ground water contamination and gas migration and any adverse effects in accordance with applicable Provincial legislation and MECP guidelines. Adverse effects may include contaminated water supply, leachate, methane gas, rodents, vermin or other related impacts.

No use shall be made of land, or by land covered with water, which has been used for a waste disposal site for a period of 25 years from the date wherein the lands cease to be utilized for

waste disposal purposes, unless such use is approved by the MECP, in accordance with Section 46 of the Environmental Protection Act.

Where a waste disposal site is no longer in use, such site shall be rehabilitated in accordance with the site closure/rehabilitation plan approved by the MECP.

Best management practices in the area of waste diversion shall be pursued in order to extend the lifespan of the existing landfill site. Any change or expansion to existing landfill sites or development of new landfill sites will be in accordance with applicable legislation and MECP D-series guidelines.



Any new waste disposal sites and facilities will be planned and maintained to ensure the sanitary, economic, efficient and most environmentally appropriate disposal of waste, in accordance with Provincial legislation and MECP D-series guidelines.



## Section **THREE GENERAL DEVELOPMENT POLICIES**



### 3.1 Economic Development



It is Council's intent to encourage the expansion and diversification of the Township's economic base in order to maximize employment opportunities which attract and retain population and to increase the tax base to build long-term economic resiliency. In doing so, a balance of commercial and residential lands shall be made available.

Development should maximize free ecological benefits provided by nature by conserving the natural contours and drainage features of the land where possible, consider the impacts of climate change, encourage a sense of place by promoting well-designed built form and site design which incorporates cultural heritage resources and landscapes, and optimize the long-term availability and use of land resources, infrastructure and public service facilities.

Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.

New development shall not adversely affect the economy or financial position of the Township; and any new infrastructure and/or public service facilities will be integrated and coordinated with land use and asset management planning so that they are financially viable over their lifecycle.

Given the importance of natural resources and farmland in economic development, along with a small and declining population and no planned municipal servicing, there is no designated Employment Area as defined by the PPS; rather the policies in the

Council shall ensure that appropriately zoned land is available for a variety of agricultural-related, commercial, institutional and industrial activities. In particular, larger lots and properties aligning onto the Provincial Highway will be encouraged to develop while protecting existing and planned corridors and rights of ways for infrastructure. Tourist resources including waterbodies and/or areas of outstanding scenic or other such resource will be encouraged to develop while protecting natural heritage features and cultural heritage resources.

Settlement Area and Rural Area remain flexible to accommodate a mix of development that is compatible (see section 3.10).

The nature and location of resource activity is closely regulated by the policies and programs of the Province mainly through the MNMNR. It is the policy of this Plan to:

- a) Encourage the continuation and expansion of forestry activity within the Township while ensuring compatibility with adjacent land uses and the natural environment to the fullest extent possible;
- b) Encourage the continuation and expansion of exploration and mining and aggregate activity within the Township, while balancing environment protection with continued viability and protection of existing sensitive land uses, features and functions;
- c) Assist in the protection of commercial fishing resources by protecting habitat;
- d) Assist in the protection of commercial trapping through habitat protection and ensuring that development is compatible with local trapping practices;
- e) Assist in the protection of commercial tourism through promotion of resource-based tourism, and protection surrounding environmentally sensitive lands upon which the tourism industry is reliant.



### 3.1.1 Mineral and Mineral Aggregate Activities

Council intends to encourage economic development by permitting mining and mineral exploration, and aggregate extraction and exploration uses in the Rural land use designation, where compatible (see section 3.10) in appropriate zones.

#### 3.1.1.1 Mineral Activities



Known mineral deposits are shown on Schedule B1 as a constraint.

Development in areas of known mineral deposits or those that are designated by the Province as significant areas of mineral potential or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if: resource use would not be feasible; or the proposed land use or development serves a greater long-term public interest; and issues of public health, public safety and environmental impact are addressed.

New mineral exploration and mining are regulated primarily by other levels of government.

However, to ensure the development is compatible (see section 3.10) with existing features and existing and planned development, proponents and approval agencies shall consult with the Township of Dorion while considering applications for new and expanding mineral extraction operations and mineral exploration activities.

New mineral extraction operations are permitted through re-zoning the appropriate NDMNRF approval process, in accordance with the Mining Act.

The site plan shall include the requirements under the Mining Act and the following (if not already required by the Act):

- The legal limits of the property, contours, dimensions, site area, location, and the extent of any adjacent property owned by the applicant;
- The existing use of land and the location and use of all buildings;
- Existing and anticipated grades of extraction, extent of extraction area, buffering; and structures lying within 300 metres of the property that is the site of the extractive operation;

- The location, height, dimensions, and use of all buildings or structures, and location of machines existing or proposed to be erected on the property;
- All entrances and exits;
- Limits of development, road plan, water drainage, storage and management, location of stockpiles;
- Completion of ground and surface water studies to assess the impact of the extraction operation (both during and post), any water taking, and the return of process water upon the areas water resources; and,
- Progressive and ultimate rehabilitation plan including topography, contours, grading, stabilization of banks, fill, drainage, and re-vegetation.

Mine plan approval including a closure plan rests with ENDM prior to commencement of advanced exploration activities and/or mining operations.

In addition to section 3.10 Compatible Development, new mineral resource operations shall use best practices and technologies to minimize impacts on sensitive land uses, and environmental , economic and environmental well-being, including public health.

New mineral resource operations are subject to the same policies as new and expanding aggregate operations in section 3.1.1.2 Mineral Aggregate with respect to impact assessment, contingency plans, Rehabilitation Master Plan, Municipal By-Laws under the Municipal Act, performance agreements, and costs.



Influence areas and separation distances will be used to avoid incompatible land uses. An influence area is not a strict buffer or setback area where development is automatically prohibited. Within the influence area, development may be permitted where it is clearly demonstrated through technical studies conducted by a qualified person that adverse effects will be mitigated; including demonstrating that the quality and quantity of ground water on adjacent properties or lands will not be compromised where excavation occurs above below the water table.

Adjacent lands may also include those which fall in adjoining municipalities or unincorporated townships. Any new mining operation proposal for which any negative effects may impact the Township of Dorion resources and/or its residents shall include input from the Township based on the policies within this Official Plan.

Proponents should demonstrate how conservation of cultural heritage resources shall occur when considering the establishment of new areas for mineral extraction or exploration or when considering the establishment of new operations of the expansion of existing operations. Any adverse effects or negative impacts shall be mitigated.

Council recognizes that the development of mineral resources on Crown Land is the responsibility of the MNDMNR. Prior to issuing permits for development, the Province or agencies of the Province are encouraged to have regard for this Official Plan, and to consult with the Township to ensure compatibility (see above and section 3.10).

Lands that have been subject to mining or exploration activities shall be required to be rehabilitated to accommodate subsequent land uses. Progressive rehabilitation should be undertaken wherever feasible.

### 3.1.1.2 Mineral Aggregate



The Township of Dorion falls within the Designated areas under the Aggregate Resources Act (ARA) which means that private land aggregate operations are governed by the ARA administered by the MNDMNR for either new or expanding permit/quarry operations.

Schedule B1 identifies those lands in the rural area of the Township which have known deposits of mineral aggregate resources.

Mineral aggregate extraction operations and exploration and are encouraged where compatible (see section 3.10).

All new mineral aggregate extraction operations, exploration and the expansion of existing mineral aggregate operations to additional lands shall require amendment to the Zoning By-Law.

New mineral aggregate operations are permitted in the Rural designation, where compatible.

New or expanding mineral aggregate extraction operations shall not adversely affect existing and future adjacent land uses.



Blasting operations shall be in compliance with MECP Guidelines NPC - 119 for Blasting.

New or expanding mineral aggregate operations shall require site plan consultation with the Township. In addition to or in accordance with the Aggregate Resource Act requirements, site plans shall illustrate the area to be worked; type of work included in the operations, including batching, crushing or recycling, truck traffic counts, haul routes; related setback and/or buffering; any earth berms that are created; and rehabilitation of existing areas of the pit that are exhausted of material.

New or expanding mineral aggregate operations, including pit and quarry operations of any size shall be undertaken in a manner which minimizes social and environmental adverse effects mitigation measures identified in appropriate technical studies undertaken by a qualified person.

Studies shall include but not be limited to traffic (including traffic impact and safety), noise, vibration, dust and other contaminants/emissions, environmental impact assessment, cultural heritage assessments and ground and surface water impact studies to determine the influence area of the operation. These are not intended to duplicate those required by the ARA licence approval process. However, the ARA Standards do not stipulate the need for traffic impact; and the standards are not consistent with normal planning considerations that may be required by the Township. Therefore, they need to be in the Official Plan to be included as licence evaluation criteria for the Township. This is particularly true for those newly-designated sites that were given a licence and a zone without studies, or those that are legal non-conforming and are expanding without impact assessment studies that would have otherwise been required. Ontario Land Tribunal members can no longer require proponents to produce Traffic Safety/Impact Studies, therefore the requirement needs to be in the Official Plan.

Council will review and comment on any new applications through the ARA process using the criteria in this policy; and may pass by-laws under the Municipal Act and/or enter into agreements with the developer that would address:

- a) Arrangements for rehabilitation;
- b) The posting of a performance bond or letter of credit to ensure that rehabilitation is completed;
- c) Financial assurances that polluted water from washing or screening is not discharged into any creek or watercourse; and if so, means for restoration;
- d) Timing of blasting, crushing, recycling, batching or other noise-creating operations;
- e) Protection of the water table;
- f) Adequate buffering and separation distances based on results of technical studies under the ARA and this Plan; and/or
- g) No pit or quarry shall be established within 20 metres of a road allowance.

Any issues or assessment related to depth of extraction shall be addressed under the ARA.

Study requirements supporting compatible development (see section 3.10) shall be coordinated with those which may be required under the ARA; and shall include contingency plans for addressing adverse effects that may arise in the future; for example, noise, groundwater, dust, emissions, contamination, traffic, visual, vibration and/or any other emission or contaminant.

Existing mineral aggregate operations and exploration shall be permitted to continue without the need for an Official Plan amendment or rezoning in accordance with the respective Aggregate Resources Act licence specifications as long as the zoning reflects the full range of uses reflected in the license and appropriate studies have been completed to ensure setbacks and any other mitigation measures are in place.

Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land uses which are compatible with existing land uses and features, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration. Where there are more than two licenced mineral aggregate operations within 1km of each other comprehensive rehabilitation planning is encouraged.

Extraction operations should conserve resources including use of accessory aggregate recycling facilities within an operation where feasible and zoned.

Any costs required for improvement to a public property or rehabilitation due to a new or expanded pit or quarry shall not be at public expense.

Council shall discourage incompatible land uses, development and activities both on site and on lands adjacent to a pit or quarry or known deposits of aggregate resources that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.



### 3.1.2 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants

Wayside pits or quarries are considered to be temporary pits or quarries that are opened and used by a public roads body solely for the purpose of a particular project or contract, and are not located on a road right of way.

Wayside pits or quarries shall be permitted in the Rural area, without the need for amendment to the Official Plan and Zoning By-Law except: in existing built-up areas within 120 metres of an existing residential lot; near Environmental Protection areas in accordance with the applicable policies; or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.



Wayside pits and quarries used on public authority contracts shall be permitted in all areas subject to the above exceptions.

Prior to establishing a wayside pit or quarry the Ministry of Transportation (MTO) and/or the MNDMNRF are encouraged to consult with the Township with respect to such matters as location, life span, and extent of excavation.

Wayside pits or quarries shall be rehabilitated upon completion of use.

Portable asphalt plants and concrete plants used on public authority contracts will be permitted in all designations outside the Settlement Area designation, without the need for Official Plan amendment, Zoning By-Law amendment under the Planning Act, except in areas of existing development or particular environmental sensitivity which have been determined to be incompatible with such portable asphalt or concrete plant use, subject to the following:

- a) A setback of not less than 200 metres shall be maintained between any portable asphalt or concrete plant and any existing dwelling unit.
- b) The portable asphalt or concrete plant shall typically be associated with a single contract and shall be dismantled and removed as soon as the contract or the relevant portion thereof is completed.
- c) Site rehabilitation is required upon removal of a portable asphalt or concrete plant.

A portable asphalt and concrete plant shall be defined as a facility with equipment to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and shall include stockpiling and storage of bulk materials used in the process; where the location of such plant is not permanent and the facility is constructed to be dismantled and moved to locations as required in association with a particular single contract for road construction.

### 3.1.3 Agriculture



No primary agricultural lands or Provincially-designated specialty crop areas are located within the Township; and as such there is no PPS-defined agricultural system. However, it is Council's intent to promote economic health and long-term viability of the agriculture located in the Township because it plays an important role in creating a healthy, liveable and environmentally resilient region in the face of climate change and an unstable world economy by can offering local employment opportunities and healthy food.

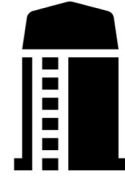
Agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices are supported in accordance with provincial standards, with the exception of cannabis production and related uses which are subject to zoning and site plan control.

Within both the Rural Area and Settlement Area designations, there are areas that are currently used for agricultural purposes.

Permitted uses generally include those uses of land, buildings or structures for activities such as or similar to the growing of crops (including cannabis), agro-forestry, biomass, fruit production, permaculture, homesteading, aquaculture, tree syrup production, greenhouse crops and mushrooms, nursery and horticultural crops, raising of livestock and other animals such as birds/poultry, fur bearing animals including deer and elk, fish and honey bees, storage of manure, and accommodations for full-time farm labour when size and nature of the operation requires additional employment.

Agriculture-related uses are farm-related commercial and industrial uses that are directly related to farm operations in the area, support agriculture which is the primary use, and that require close proximity to agricultural uses.

Subject to compatibility and site plan control where mitigation measures require implementation, on-farm diversified uses are secondary to the principle agricultural use, and include, but are not limited to, on-site sales through on-farm stores that sell value added agricultural products resulting from agricultural uses, agri-tourism uses, home occupations, home industries, and uses that produce value-added agricultural products with the exception of the sale of cannabis or cannabis products which is currently prohibited (see section 3.1.5.8 Cannabis Retail Outlets - Commercial).



The general principles to be considered in the development of agriculture-related and on-farm diversified uses are:

- a) proposed uses shall be compatible (see section 3.10) with, and shall not hinder, surrounding agricultural operations.
- b) no uses considered to be a health hazard under the Health Protection and Promotion Act shall be permitted;
- c) requirements of the appropriate approval agency related to water supply, disposal of wastes and emissions including noise, dust and vibration are satisfied;
- d) the physical structure of commercial buildings should be in keeping with the scale and form of buildings in the agricultural area;
- e) signage and outside storage of goods or materials will be controlled so as to minimize the visual impact of such uses from adjacent roads and properties;
- f) adequate buffering shall be provided to a sensitive use; and
- g) other sources of conflict to surrounding agricultural operations will be considered, such as adverse traffic impacts; and
- h) proposed uses shall comply with the applicable Minimum Distance Separation (MDS) formulae, as amended from time to time, established by the Province to minimize odour conflicts between livestock facilities and development.



One additional temporary farm residence in addition to those permitted in the Additional Unit section 3.2.1.2 of this Plan may be permitted for staff, farm partners, or family members required for the efficient operation of a viable farm operation. Any additional farm residences that may be required shall be movable; not on a permanent foundation; and subject to the acquisition of a temporary use permit in accordance with Section 4.1.5 (Temporary Use By-Law) herein. These

additional farm residences are to be considered part of the farm unit and need not be on separately transferable lots.

In the Rural designation<sup>1</sup>, New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the applicable MDS formulae.

Such lands will be protected from intrusion of urban type land uses; and any new land use requiring a Planning Act or Building Code Act approval will be subject to the application of MDS Formulae, particularly with respect to severances and rezoning.

However, within the Settlement Area designation, where agricultural lands cease to be utilized for normal farm practices as defined by the PPS, a full array of land use opportunities may be considered in accordance with this Official Plan.

Normal farm practices as defined by the PPS means a practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or make use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under the Act.

### 3.1.4 Industrial Development



Council intends to balance residential growth with industrial and commercial growth to supply employment, assessment, and services.

Dorion may offer attractive sites to industries requiring relatively large, unserviced properties, relatively low water consumption, railway access, or convenient access to natural resources. Industrial activities such as these are typically project-specific; and will therefore be addresses on a merit basis by rezoning at the time that they are proposed to ensure uses are compatible with existing or planned uses and compatible with existing landscape features and functions.

Permitted uses typical of industrial use include those which are scaled to available rural servicing including, but not limited to manufacturing, small-scale processing of forest products such as a saw mill/planer operation, assembling, fabricating, servicing, government services, transportation, communication, business services, medical and/or other health laboratories, processing, warehousing, storage of goods and raw materials, transshipment or repair; and may include accessory office, cafeteria or other employee services, and related commercial

use. A dwelling for a caretaker may also be permitted. MECP D-series Guideline Class I industrial uses are permitted in the Rural and Settlement Area designations. Class II & III are directed to the Rural designation.

While it is considered an industrial use, waste disposal sites are only permitted in the Waste Disposal designation.

Uses that are incidental or ancillary to industrial operations, such as open storage of goods, retailing or wholesaling may be permitted where compatible.

To ensure compatible development (see also section 3.10), wherever new industrial use developments that abut residential, institutional, recreational, or other sensitive uses, a study will be required in accordance with the direction provided by the MECP Guideline D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses, that address the adequate buffering and separation distance and other mitigation measures such as landscaping, plantings, and fencing, in order to minimize the impact or adverse effects (see section 3.1.1) of the industrial activity including visual appearance.

Adequate off-street parking and loading spaces shall be provided in all industrial developments, along with the MTO Freight-Supportive Guidelines.

Larger scale industrial development may be subject to site plan control to ensure parking, traffic movement, land use compatibility and servicing.

### 3.1.5 Commercial Development



Council intends to balance residential growth with industrial and commercial growth to supply employment, assessment, and services. Larger scale or complex commercial development may be subject to site plan control to ensure parking, traffic movement, land use compatibility and servicing.

### 3.1.5.1 Dorion Loop Lands

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It shall be the intent of Council to encourage new commercial development serving local residential needs be contained within the Dorion Loop Road portion of the Settlement Area designation shown on Schedule A.

It is the intent of Council to encourage a wide variety of highway, service, and tourist commercial use along Highway 11/17, particularly on those lands within the Dorion Loop Road portion of the Settlement Area. Uses include a broad range of tourist/hospitality related uses such as variety stores, offices, personal, medical, business and government service establishments and/or uses that might require large properties or frontages such as service stations, tourist establishments, hotels, motels, restaurants, grocery stores, gift shops, building supplies.

See also, MTO policies in section 3.6.2 and MTO's Freight Supportive Guidelines.



### 3.1.5.2 Highway 11/17 Lands and Rural Designation Lands

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Lands that are located along Highway 11/17 and lands in the Rural designation may be used for the uses permitted in the Settlement Area designation on the Dorion Loop, as well for campgrounds and similar activities, particularly related to scenic areas.

All new development adjacent to Highway 11/17 (existing and proposed) will be subject to the safety and geometric requirements and permits of the Ministry of Transportation. Where appropriate, service roads will be encouraged.

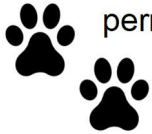
See MTO Corridor Management Policies in section 3.6.2 and MTO's Freight Supportive Guidelines.

New proposed commercial activity along Highway 11/17 will require approval from the Ministry of Transportation for construction of entrances onto the Provincial Highway, and such approval shall be required prior to consideration of planning approvals that may be involved in the development initiative. Where appropriate, service roads may be encouraged.

### **3.1.5.3 Hunting and Trapping**

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The hunting and trapping of fur bearing animals is considered a commercial use, and a permitted use throughout the Township. It is only to be undertaken by those individuals licensed through the MNDMNRF. The construction and use of trapping cabins by licensed trappers may also be a permitted use in the Rural designation subject to zoning.



### **3.1.5.4 Accessory Residential Units**

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Residential units accessory to permitted commercial uses, and/or rental residential units in the same building as permitted commercial uses may be permitted. Where a residential use is permitted as an accessory to a commercial use and the commercial use is terminated, the residual residential use shall not be treated as an illegal use, but rather shall be permitted to continue to be uses notwithstanding the fact that the previous, or any subsequent commercial use that it was/would be accessory to no longer exists.



### **3.1.5.5 Seasonal and/or Transient Tourist Trailer or Cabin/Tent Campgrounds**

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The Township is supportive of campground development.

Development of transient and/or seasonal tourist trailer, cabin or tent campsites is subject to zoning and site plan approval; and shall require a minimum lot area of five hectares.

Drinking water shall meet the requirements of the Safe Drinking Water Act; and septic systems must meet the requirements of the Ontario Building Code, in accordance with Thunder Bay District Health Unit (TBDHU) approval. Communal systems are not permitted.

See sections 3.9 Water Resource Protection, 3.9.3 Shoreline Development, 3.10 Compatible Development.

Lakeside transient and/or seasonal tourist trailer development is limited by natural heritage features, lake capacity and compatibility with existing and planned adjacent uses (see section 3.9.3 Shoreline Development).

Storage of trailers in the off-season may be permitted as part of a campground operation, along with accessory uses such as administrative uses, local convenience store, laundry services, recreation areas, etc.

#### **3.1.5.6 Short-Term Accommodation and Home-Sharing**

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The Township intends to support home-sharing or short-term accommodation to promote local economic development and provide opportunity for diversity in local accommodations while limiting potential impacts to existing residential uses. Although it is considered economic development for the purposes of this Plan, it does not require and should not be in commercial zoning.

Short-term accommodation shall be permitted in both designations as set out in a Municipal Act by-law for any period less than increments of thirty (30) consecutive calendar days in the entire main unit of any main dwelling, up to a maximum of 180 days in a single calendar year.

Short-term accommodation shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit or similar commercial or institutional use; all of which require commercial zoning and site plan control as needed for implementation of mitigation measures.

All home-share dwellings shall be Ontario Building Code (OBC) and Fire Code compliant; meet drinking water the requirements of the Safe Drinking Water Act; and septic systems must meet OBC in accordance with TBDHU approval.

Council may consider a home-sharing licensing program.

### 3.1.5.7 Home-Based Business

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The intent of the home occupation policy is to generally permit home-based business in both the RU and SA designations; as defined in the Zoning By-Law. Although home-based businesses are considered economic development for the purposes of this Plan, they do not require and should not be in commercial zoning.

A home-based business is a private, legal business activity undertaken in the home that preserves the dominant character of the neighbourhood; is clearly secondary to a principle use; and is compatible with the land and adjoining residential properties, particularly in terms of noise, vibration, dust, odour, visual impacts, contaminants or other emissions. It is operated only by a person residing within the dwelling unit. It may be a home occupation or home industry.

Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future without the review and approval of the Ministry of Transportation; and that an additional entrance will not be permitted to accommodate home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.

Home-based business policies are implemented through zoning regulations and site plan control where implementation of mitigation measures is required.

A home-based business shall never become a legal non-conforming commercial use.

### 3.1.5.8 Cannabis/Marijuana Retail Outlets

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Recreational cannabis/marijuana retail outlets are legal in Ontario and regulated by the Province. The Township has no authority in selecting locations at this time; and has opted out.

However, if the Province considers approving a location in Dorion in the future, recreational cannabis outlets are encouraged to locate in the commercial zones, in accordance with development standards and the other policies of this Plan; including adequate separation distances from each other and from locations where youth may congregate.

Council may regulate cannabis/marijuana production facility. Facilities must comply with the Environmental Protection Act, O. Reg. 153/04 Records of Site Condition.

### 3.1.6 Institutional Development



It is the intent of Council that new institutional development generally be directed to the Dorion Loop Road portion of the Settlement Area (see Schedule A) unless directly related to rural or resource functions and/or activities that warrant alternative location.

Institutional uses may include, but are not limited to recreation spaces or facilities, places of worship or cultural centres, cemeteries, community centres, libraries, fire halls, government offices including law enforcement detachments, medical centres/hospitals/wellness centres, pre-schools, school nurseries, day cares and schools and government work yards.

Larger or more complex developments are subject to site plan control to ensure adequate parking, lighting, truck turn-around and other aspects of compatible development.

See also section 3.6.2 MTO policies and MTO Freight Supportive Guidelines.

## 3.2 Housing and Residential Uses

### 3.2.1 Housing



Housing in Dorion is inherently affordable using the PPS definition of affordable where the City of Thunder Bay is the regional market area.

According to Statistics Canada (2016) there are no homeowners or renters in the Township of Dorion paying more than 30% of their gross annual income on shelter; and the average house values are more than 25% less expensive than in the City of Thunder Bay.

The Thunder Bay District Social Services Administration Board (TBDSSAB) is responsible for preparation of the regional housing and homelessness plan. The “Under One Roof: Housing and Homelessness Plan” includes general objectives to meet demand in the City given its role as a regional services hub. In contrast, there are no social housing units located in Dorion.

Due to the following factors, development of affordable housing units is not anticipated in Dorion at the time of Official Plan preparation:

- relatively high average income in the Township coupled with inherently affordable housing referenced above;
- primarily single-detached housing developed by consent; and
- proximity of a full range of social services in the City of Thunder Bay.

Affordable housing in Dorion is primarily delivered in the form of additional units and garden suites.

However, Council intends to encourage a range of housing options throughout the Township, including residential facilities (see Section 3.2.1.3). The Township shall specifically encourage the provision of affordable housing should the need be identified by the TBDSSAB; and may acquire and/or hold lands, survey, clear, grade, or otherwise prepare lands for the purposes of providing housing in accordance with this and other stated housing objectives.



Council shall also encourage housing intensification in the Settlement Area designation, unless it is resource-based recreational dwellings or residential lots created by consent in the Rural designation.

Council will consider leasing or otherwise disposing of lands at a nominal consideration for housing projects that target specific social or other housing aspects in the community should need be identified by the TBDSSAB.

For farm-related additional units, refer to section 3.1.3 Agriculture.

### **3.2.1.1 Garden Suites**

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Garden suites or tiny homes shall be permitted as a residential use in both the Settlement Area and Rural area subject to compatibility (see section 3.10) and servicing; through either a zoning amendment or a Temporary Use By-Law in accordance with Section 4.1.5. Garden suites are small, portable, residential units that are removed from the site when no longer needed; and that are compatible with existing uses; and can be safely serviced with private, individual, on-site services in accordance with TBDHU approval.

### **3.2.1.2 Additional Units**

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Also known as secondary dwelling units, one additional unit shall be permitted in an existing residential dwelling and one additional unit shall be permitted in an existing ancillary structure which meet the Ontario Building Code Standards in both land use designations only if sufficient private, individual on-site servicing can be demonstrated with confirmation from the TBDHU.

Additional Units and Garden Suites are not permitted in seasonal residential use zones.

### **3.2.1.3 Residential Facilities**

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Residential facilities shall be permitted in all areas in which residential dwellings are permitted.

For the purposes of this Plan, a residential facility provides accommodation for residents who by reason of emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. Staff may also reside in the facility.

Residential facilities shall have sufficient off-street parking to accommodate the vehicles of the residents, staff and visitors.

Residential uses may be allowed on existing lots of record and through consents in the Rural and Settlement Area in accordance with the lot creation policies (see section 4.1.1) of this Plan.

### 3.2.1.4 Lot Creation for Housing

Creation of more than four lots (3 new lots plus 1 residual) shall proceed by plan of subdivision or plan of condominium; and is only permitted in the Settlement Area designation.

Creation of lots for seasonal residential use is limited to specifically zoned areas in the Rural designation located on Lake Superior, the Wolf River, and larger inland lakes and/or areas where travelled roads are only maintained in the summer months.

No back-lot development shall be permitted within a draft plan of subdivision or condominium development.

See also section 4.1.1 for land division policies, and 3.3.1 for servicing requirements.

## 3.3 Municipal Servicing

Council intends that the provision of municipal services and facilities to be in an orderly way and to provide an adequate level of public service and facilities in the Township, in accordance with local Asset Management.

Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

### 3.3.1 Sewage and Water Services



It is the intent of Council that communal sewer and/or water service, including municipal piped water and sewage shall not be provided within the Township for the life of this Official Plan, in accordance with section 1.6.6 of the PPS. Council will review this policy at the time of Official Plan review, and initiate amendments if such services are determined to be desirable through a Comprehensive Review.

The current and intended source of potable water within the Township is private, on-site individual wells. Lot sizes shall be sufficiently large to ensure that private wells remain the only source of water in the foreseeable future. New lots shall have a minimum lot size of 1.0 hectare. Smaller lot sizes will only be permitted if a hydrogeological assessment demonstrates that site conditions are suitable for the long-term provision of such services with no negative impacts.<sup>2</sup> Wells must be installed and maintained in accordance with Ontario Regulation 903 under the

Ontario Water Resources Act. A surface water supply may also be utilized, in accordance with the Safe Drinking Water Act disinfection guidelines.

Private, individual Class IV septic systems shall be the primary means of sewage disposal in the Township. All sewage disposal systems must be approved by the TBDHU for systems producing less than 10,000 litres per day and the MECP for systems producing 10,000 or more litres per day.



Prior to creation of new lots, the Township or holder of the Environmental Compliance Approval must confirm sufficient management capacity for hauled sewage.

Commercial and Industrial development shall be restricted to dry uses only, unless demonstrated that it can be provided by private, on-site services with no negative impacts.

See, in particular, sections 4.1.1 Lot Creation 4.1.2 Studies, and 4.1.3 Complete Application.

### 3.3.2 Roads



It is the intent of Council to provide and maintain a safe and efficient public road network within the Township, adequate to serve the needs of the Township and its occupants. Such road network shall typically involve roads that are open and maintained on a year-round basis, but shall also include summer roads that are primarily used to facilitate local traffic and which are maintained only during the summer months.

The Township intends to support the Province's regional transportation plan to connect communities in northwestern Ontario; particularly to provide affordable transportation to regional service centres.

It is not the intent of Council to expand the existing municipal road network.

Except for tourism and resource related development all new development shall align onto a public road that is maintained on a year-round basis. However, Council may approve plan of condominium private road development situations that do not include a public road.

New roads within a commercial or industrial use plan of subdivision will be provided for in an implementing subdivision agreement.

Within the Settlement Area designation, minor road extensions may from time to time be accepted by the Township.

Where new road construction is involved, such construction shall be to a standard acceptable to the Township, which standard shall ensure that emergency vehicles can traverse such road to service the related lands; and that snow removal, snow storage, utilities, drainage and space for maintenance can occur.

Nothing herein shall be construed as obligating the Township to accept any private road, either existing or new, and such a decision shall be at the total discretion of Council.

Council may, from time to time consider closing and selling to abutting owners portions of existing road allowances. Such decisions shall be at the discretion of Council, in accordance with required closing procedures set out in legislation and municipal procedural by-laws. However, shoreline allowances and road allowances leading to crown land, parks, rail corridors, etc., will not generally be sold as they provide public access to important shared resources and economic development opportunities.

For private lands greater than 1 km from a travelled public road, no new lots shall be created; and no new construction shall be permitted due to inaccessibility for emergency and Building Code inspection services.

For existing cottages, there shall be no expectation on the part of the remote cottage owner that the Township will ever attempt to take over responsibility for any private road accessing such lands.

Nor does the Township in any manner assure or otherwise guarantee the cottage owner legal access to any remote cottage – the responsibility for such shall rest entirely and completely with the remote cottage owner. Similarly, the Township advises that it may not be able to provide emergency services to such remote locations.

Building permits for additions or renovations to existing cottages constructed before 1981 (date of first zoning by-law) will only be issued where proof of date of construction has been provided, and timely and accessible transportation to the site be available for inspection. A signed and notarized legal affidavit may be accepted as proof of date of construction.

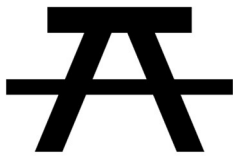


### 3.3.3 Other Public Services and Facilities

It is Council's intent to support the continued existence of schools in the Township. This is one of many basic elements that support the defined Settlement Area.

Council also encourages the continued co-location of public facilities or hubs.

### 3.3.4 Parkland, Open Space, Parks, Trails, Public Spaces, and Recreation



Council shall require, as a condition to the approval of a plan of subdivision or a severance, that land in an amount not exceeding, in the case of land proposed for commercial or industrial purposes, 2% or cash in lieu, or in the case of land proposed for all other purposes, 5% or cash in lieu, shall be conveyed to the Township for park or other public recreational purposes, including active transportation.

Where lands proposed for such dedication are of insufficient size or of poor quality, Council shall not be obligated to accept such lands, and the ultimate decision as to the dedication of lands or cash in lieu shall be made by Council.

Where cash has been accepted as a parkland dedication, such funds shall be maintained in a separate account and utilized only for parkland acquisition or other public recreational purpose.

Open space activity areas are expected to be lands wherein the predominant use of land shall be for open or outdoor recreation, activity or other such use. Open space within the Settlement areas is expected typically to include parks, recreation/activity areas, passive recreation spaces, and active transportation; but may include also recreational buildings (either private or public), such as arenas/rinks, curling clubs, mini-putt or driving ranges.

The Township shall seek to provide open space and recreational facilities in conjunction with future residential development by way of required park dedications where feasible, or shall purchase and develop local park facilities as funds become available and need is determined to exist.

Council may choose to fund parks and other facilities using a community benefit initiative, implemented through a zoning by-law and regulated through a Community Benefits By-Law.

Where lands are zoned as open space and are held under private interest, the Plan does not intend that such lands will necessarily remain as open space indefinitely. Nor shall such designation or zoning imply that such lands are free and open to the general public, or that it will be purchased by the Township or other public agency.



Opportunities for creating or connecting Parkland, Open Space, Parks, Trails, Public Spaces, and Recreation shall be protected, including decommissioned railway corridors, shoreline and other road allowances in order to protect or create access to important shared resources and potential economic development opportunities.

Any proposals for snowmobile or trail crossings of provincial highways will require the prior approval of the MTO. Trails running along the right of way of a provincial highway are not permitted with the exception of those in accordance with the 2018 MTO Province-wide Cycling Network Study.

### 3.4 Natural Heritage



Council recognizes that all undeveloped and developed areas of the Township may be suitable habitat for wildlife habitat, habitat of endangered or threatened plants and/or animal species, animal movement corridors/connections, wetlands, fish habitat, and any Areas of Natural Scientific Interest (ANSI) that may be identified by MNDMNR (currently there are no known ANSIs in Dorion), which are important for their environmental and social values, including ecological services, such as storm water management.

In accordance with the PPS, it is the intent of the following policies to protect natural features and areas for the long term.

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 ground water features.

In this respect, all lakes, rivers, and streams within the Township; designated Trout lakes, Hurkett Cove Wetlands; and the Wolf River Coastal Wetlands have been specifically identified (see Schedule B1) as resources that should be protected. Hurkett Cove in particular features Provincially Significant Wetlands and a Coastal Wetland.

Setbacks and other protection and/or mitigation measures will be implemented through zoning and other implementation tools in Section 4 such as site plan control.

#### 3.4.1 Significant Wildlife Habitat



Significant wildlife habitat includes habitats of seasonal concentrations of animals, rare vegetation communities or specialized habitat for wildlife, habitat of species of conservation concern, and animal movement corridors.

Development and site alteration shall not be permitted in or adjacent to significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. An Environmental Impact Study (EIS) will be required where development may impact significant wildlife habitat or adjacent lands to significant wildlife habitat (see section 3.10.3 EIS).

Adjacent lands to a significant wildlife habitat are defined as 120 metres from the boundary of the feature.

Preliminary ecological assessments will be conducted when development and/or site alteration is proposed to determine if the proposed development is within or adjacent to significant wildlife habitat. Preliminary assessments will be based on existing MNDMNR mapping and Natural Heritage Reference Manual, Significant Wildlife Habitat Technical Guide and Criteria for Ecoregion 3W, existing local knowledge, and preliminary field visits.

Where preliminary assessments indicate the likely presence of significant wildlife habitat, the local MNDMNR office will be contacted for review of the information and an Environmental Impact Study (EIS) may be required (see section 3.10.3).

#### 3.4.2 Threatened and Endangered Species



Development and site alteration shall not be permitted in habitat of species listed on the Species at Risk in Ontario as endangered or threatened.

Development or site alteration within or adjacent to endangered and threatened species habitat will not be permitted, unless it is demonstrated that applicable Provincial and Federal requirements have been satisfied.

Where a property contains potential habitat for any threatened or endangered species and is subject to a development application for lot creation or rezoning that would generally increase the intensity of use of the development on a property, an EIS (see section 3.10.3) will be required to confirm whether the property contains habitat of threatened or endangered species. Results of the EIS will be implemented as a condition of approval.

Any persons undertaking activity within habitat of an endangered or threatened species is responsible to contact the MECP to determine whether conditions under the Endangered Species Act apply.

Where a habitat regulation under the Endangered Species Act is in place for a species, the regulated habitat is considered to be significant, threatened, or endangered species habitat for the purposes of the PPS.

### 3.4.3 Wetlands and Coastal Wetlands



Wetlands provide important water quality and quantity management services in addition to important habitat and social value.

In all development, existing site features, including wetlands shall be incorporated to wherever possible to preserve permanent, cost-effective ecological storm water management and other services.

The five major types of wetlands are coastal, swamps, bogs, marshes and fens.

Most of the wetlands in Dorion are unevaluated; and thus, their significance is unknown.

With the exception of Hurkett Cove Provincially Significant Wetland, the Township does not contain any evaluated wetlands. Any wetlands evaluated in the future will be indicated on Schedule B1 Development Constraints and be designated as Environmental Protection if they are Provincially Significant. Such wetlands will be subject to the regulations administered by the LRCA, and a permit from the LRCA may be required prior to development.

A wetland evaluation will be undertaken and submitted to NDMNRF or LRCA before any planning approvals are processed for development in or adjacent to (i.e., within 30 metres) wetlands that have not been evaluated, but that have characteristics or contain components that are typical of a significant wetland (e.g., significant species or functions). Results will define types and location of permitted uses.

Development or site alteration within or adjacent to (i.e., within 120 metres) Provincially Significant Wetlands shall not be permitted unless it has been demonstrated in an Environmental Impact Study (EIS) (section 3.10.3) that no negative impacts on the natural features or ecological functions of the wetlands will result.

Development and site alteration in a significant coastal wetland is not permitted.

Development and site alteration adjacent to (i.e., within 120 metres) a coastal wetland shall not be permitted unless it has been demonstrated in an EIS that there will be no negative impacts to ecological or hydrological function of the wetland.

#### 3.4.4 Fish Habitat



Council supports the management of fisheries, and recognizes that such management has important economic, social and environmental benefits.

Council recognizes the mandates of the Federal Department of Fisheries and Oceans and the MNDMNR in protecting and preserving fish habitat.

For the purposes of this policy, adjacent lands shall be defined as all lands within 120 metres of the normal high-water mark of any watercourse or waterbody. All water features, including permanent and intermittent streams, headwaters, wetlands, municipal or agricultural surface drains, lakes and ponds are considered fish habitat unless it can be demonstrated in a report that the feature does not constitute a fish habitat as defined by the Fisheries Act, in which case this policy would apply.

Where permitted by all other applicable policies of this Plan, development and site alteration may be permitted adjacent to fish habitat, provided that the ecological function of adjacent lands has been evaluated through an EIS (section 3.10.3) and it has been demonstrated that there will be no negative impacts on the fish habitat or its ecological functions.

Riparian vegetation is important in moderating stream temperatures.

The following setbacks for the removal of vegetation will be maintained where development is allowed to proceed within the 120 metre buffer: a minimum of 30 metre setback from cold water lakes and streams, and a minimum 15 metre setback from cool and warm water lakes and streams.

The MNDMNRF has identified the following Trout lakes within the Township: Cavern, Innes, MacIntosh, Minner, Nolan and Wiggins which are shown on Schedule B1.

Where such lakes have reached development capacity according to the MNDMNRF Shoreline Development Capacity Assessment Handbook, a 300 m development setback shall be maintained.

### 3.5 Hazard Lands



The intent of the Hazard Land policies is to mitigate public health and safety risks and/or prevent property damage and social disruption from known natural and human-made hazards.

Development shall be directed away from known natural environmental hazards such as flood susceptible areas, shoreline erosion areas, poor drainage, steep, talus or unstable slopes, dynamic beach hazards, high wildland fire risk areas, uranium and radon occurrences or other physical conditions which act as a constraint to development.

Development shall be directed away from known human-made hazards, including contaminated land, abandoned mines, contaminated soil, and any other human-made constraints to development (see also section 3.5.2 Human-Made Hazards).

Known hazards are shown on Schedule B1.

#### 3.5.1 Natural Hazards



Development is generally discouraged in lands containing natural hazards, including areas of erosion prone lands.

The control of land uses adjacent to watercourses, wetlands, Lake Superior, inland lake shorelines and near other hazards, such as talus slopes, is under the jurisdiction of the LRCA. Because proximity to watercourses, wetlands and other hazards can change over time, the approximate regulated area as shown on the Schedules may change over time.

These areas are shown as LRCA “Approximate Regulated Area” and “Lake Superior Shoreline Regulated Area” on Schedule B1 Constraints Map.

Development that may be considered in lands containing natural hazards include shoreline protection works, docks, boathouses, floodplain protection works (see Floodplain section 3.5.1.1 below), fisheries management, wildlife management, waterfowl production, mineral exploration (see section 3.1.1), agricultural uses (section 3.1.3) and public or private parks 3.3.4.

Existing uses shall be recognized including agricultural uses. Expansions to such uses will be discouraged; however, reconstruction and/or minor alterations to existing buildings and structures, and additions or extensions which are not likely to incur significant flood damage, and will not result in impediments to flow or floodwater storage, may be considered by the Township and the proposed development is subject to approval by Council and the LRCA.

Where required under the Lakes and Rivers Improvement Act, the Public Lands Act, or the Conservation Authorities Act prior written authorization from the Province and/or LRCA must be obtained.

Development and site alteration, including the movement of fill may be permitted in those portions of land containing natural hazards where the effects and risk to public safety are minor, are compatible (see section 3.10) with surrounding land uses, and satisfy the following:

- a) A description of the hazard land feature and existing physical characteristics;
- b) A description of the proposed development and potential adverse effects of the hazard on the proposed development;
- c) A description of the costs and benefits in terms of economic, social and environmental terms of any engineering works and/or resource management practices needed to mitigate the potential adverse effects;
- d) An evaluation of alternatives including locations for the proposal;
- e) The effects and risk to public safety are minor and can be managed or mitigated in accordance with provincial standards;
- f) New hazards shall not be created and existing hazards shall not be aggravated;
- g) No adverse effects to protected natural features or surrounding land use;
- h) Vehicles and people have a way of safely entering or exiting the area during times of flooding, erosion, and other emergencies;
- i) An evaluation of alternatives including locations for the proposal; and
- j) The work to be completed in accordance with O. Reg. 153/04 Brownfields Regulation, and if necessary, submission of a Record of Site Condition where the proposal is located on a contaminated site.
- k) The Township will be provided with written approval from the LRCA.

Development shall not be permitted in to locate in lands containing natural hazards where the use is:

- residential, commercial or industrial use;
- an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- essential services such as that provided by fire, police and ambulance stations and electrical substations;
- alteration to the shoreline of Lake Superior or inland lake;
- interference with a wetland; or
- uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Examples of development include (but are not limited to):

- The construction, reconstruction, erection or placing of a structure of any kind,
- Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
- The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere,
- Site grading, or
- Any alteration to a watercourse including culvert, bridge and boat launch installation, repairs or replacements.

### 3.5.1.1 Flood Plain

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Flood Plain areas, as defined by this Plan, include:

- Lands along the shoreline of Lake Superior to an elevation of 183.9 metres above sea level (GSC datum);
  - With the exception of docks, boat lifts, and boat ramps, construction shall not normally be permitted in Flood Plain areas. The Flood Plain, as defined by this Plan, shall be zoned as Flood Plain in the implementing Zoning By-law; permitted uses shall be more specifically defined in that document;
- All watercourse including river, stream and creek floodplains are determined using the greater of the 100 year storm or the Timmins Regional Storm.

For Flood Plain areas where there is no engineered flood plain mapping, applications for Zoning By-law amendment to allow development and site alteration will be considered on an individual basis, provided that such proposals are supported by engineered designs, to the satisfaction of the Township, demonstrating that the site is safe for development in spite of naturally occurring hazards, such as flooding and erosion.

Property owners are encouraged to provide a coordinated approach to the use of land and management of water in areas subject to flooding in order to minimize social disruption in consultation with the Province and the LRCA.

No development shall be permitted within floodplain areas, with the exception of flood and erosion control works, dock, marinas and boat launches, and passive park uses that will not affect flood flows and where a permit, if required, has been issued by the LRCA.

Development on lands affected by floodplain areas must be accessible in accordance with the MNDMNRF guidelines. Site alteration is not permitted in areas that would be rendered inaccessible to people and vehicles during times of hazard.

Additional studies may be required to delineate floodplain areas.

The LRCA must be contacted for any development within 30 m of the edge of a wetland.

Furthermore, no Building Permit will be issued without written approval from the LRCA for lands within 15 m of a watercourse or 15 m from the shoreline of an inland lake, or 15 m landward and 1 km lakeward from the 100- year flood level on Lake Superior, land within 120 m of a significant wetland, or land within 15 m of other hazards regulated by the LRCA.

### 3.5.1.2 Wildland Fire Risk



The Township intends to protect its residents from wildland fire risks and costs.

Accordingly, development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire, shown on the MNDMNRF Potential Hazardous Forest Types for Wildland Fire shown on Schedule B2.

Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the MNDMNRF. The wildland fire assessment shall be required as part of a complete application.

### 3.5.1.3 Uranium and Radon Gas Occurrences



Where new construction proposals for any residential, commercial or institutional buildings are in areas identified on Schedule B1 as being located in an area with significant uranium potential and are to be serviced by private drilled wells, proponents shall ensure that:

- a) groundwater from the drilled well is tested by an accredited laboratory for uranium concentration;
- b) results are provided to the Township of Dorion and the Thunder Bay District Health Unit;
- c) where concentrations exceed the Ontario Drinking Water Standard (O. Reg. 169/03) for uranium, proponents should consult with the Thunder Bay District Health Unit on treatment options, and for advice about further radionuclide testing.

Where new construction proposals for residential and/or commercial buildings are in areas identified on Schedule B1 as being located in an area with significant uranium potential, it is recommended that the proponent determine the potential for radon soil gas ingress. If radon gas is identified as a problem, soil gas control measures shall be incorporated as per Section 9.13.4 of the Building Code.

### 3.5.2 Human-Made Hazards

#### 3.5.2.1 Potentially Contaminated Sites and Brownfields



Potentially contaminated sites or contaminated sites commonly known as “brownfields” typically involve lands that were previously used for industrial, transportation, or utilities purposes, including some commercial uses where fuel storage and/or dispensing occurred. Such sites will be mapped by the Township; but will not be a Schedule to this Official Plan.

Where planning approvals are required prior to the development of any property which may have been contaminated by previous uses, Council shall require the proponent to submit a Record of Site Conditions, prepared by a qualified consultant in accordance with the MECP guidelines, and acknowledged by the MECP.

Where site remediation requirements are known and feasible, planning approvals using a Holding Zone may be considered. In these instances, the remediation of the site and the submission of a Record of Site Condition acknowledged by the MECP will be required prior to the removal of the holding symbol. In the interim, uses permitted on such properties will be restricted to existing land uses.

To prevent contamination, when tendering contracts that may include the management or movement of excess soil, Township (and others) who procure services related to excess soil management, should consider incorporating the MTO best management practices as requirements. Procurement documentation should specify the need for a Soil Management Plan at a Source Site, and the need to identify the appropriateness of Receiving Site(s) based on a Fill Management Plan. This is recommended to ensure that, before the transportation of excess soil to a Receiving Site or a Temporary Soil Storage Site, the owner and operator of the Source Site is aware of excess soil management considerations and the ultimate destination(s) of the excess soil, in accordance with O. Reg. 406/19.

### 3.5.2.2 Mine Hazards

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Mine hazards are shown on Schedule B1. Where abandoned mining operations exist as part of lands proposed for development or within 1 000 metres of lands proposed for development, Regional Land Use Geologist – Northwest will be consulted so that the most up to date information and advice can be provided to the Township in the interest of public health and safety. The Regional Land Use Geologist may involve other technical experts within MNDMNR as required to assist with evaluation of the hazard. Evaluation and remediation of the hazard will be undertaken as required by applicable Provincial legislation.

Where rehabilitation requirements are known and are feasible, known mine hazards and adjacent lands may be zoned with a Holding Zone. In these instances, rehabilitation of the site in accordance with the requirements of the Mining Act will be required prior to the removal of the holding symbol. In the interim, uses permitted on such properties will be restricted to existing land uses.

### 3.6 Corridor Management

#### 3.6.1 TransCanada Pipelines



TransCanada Pipelines Limited operates high pressure natural gas pipelines within its rights-of-way which cross through the Township and is identified on Schedule B1 to this Plan. Any development within 200 metres of TransCanada's facilities may affect the safety and integrity of the pipelines.

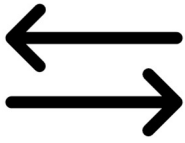
TransCanada is regulated by the National Energy Board which, in addition to TransCanada, has a number of requirements regulating development in proximity to the pipelines. This includes approval requirements for activities on or within 30 metres of the right-of-way such as excavations, blasting and any movement of heavy equipment. New development can result in increasing the population density in the area which may result in TransCanada being required to replace its pipeline to comply with CSA Code Z662. Therefore, the Township shall require early consultation with TransCanada for any development proposals within 200 metres of its facilities.

A setback of 10 metres shall be maintained from the limits of the right-of-way for all permanent structures and excavations. A reduction in the 10 metre setback will only be considered if it can be demonstrated, to TransCanada's satisfaction, that it will not compromise the safety and integrity of the pipeline and if all necessary Township approvals are obtained.

The Township will encourage the development of TransCanada's right-of-way for passive parkland or open space purposes subject to TransCanada's easement rights.

Provincial Highway 11/17 includes the existing highway corridor, as well as the proposed controlled access highway corridor for the proposed re-alignment of Highway 11/17. The area that has been identified by the Province as future controlled access highway is shown on Schedule B1 Constraints, and identified shall be protected from development that would jeopardize the future viability of the intended highway program.

### 3.6.2 Highway 11/17 Ministry of Transportation Policies



The Ministry of Transportation advises that its corridor management strategy for the Highway 11/17 corridor does not support new entrances onto this section of the Provincial Highway.

Due to the four-laning the new highway alignment is a designated Controlled Access Highway (CAH). Such a CAH has restrictions including that direct private and commercial access will not be permitted.

Direct access onto a provincial highway will be restricted. Proposals can be circulated to Ministry of Transportation to define exact requirements.

Development shall be encouraged to utilize local roads wherever possible. Where highway access is a possibility, it will only be considered to those properties that meet the requirements for the Ministry of Transportation's access management practices and principles, including its Freight-Supportive Guidelines (under a separate cover, available from the MTO). In general site planning for non-residential uses shall consider movement of good, including transport truck turning radii, docking, etc.

In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within the Ministry of Transportation's permit control area will also be subject to Ministry of Transportation approval. Early consultation with the Ministry of Transportation is required to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the Township identified for future development that are located adjacent to or in the vicinity of a provincial highway or interchange/ intersection within the Ministry of Transportation's permit control will be subject to the Ministry of Transportation's policies, standards and requirements.

Where lot or unit creation is proposed or where planning approvals are required to facilitate a development of residential or other sensitive land uses in close proximity to provincial highways the submission of a noise impact assessment, to identify appropriate noise mitigation measures, may be required. Where required, such an assessment shall be completed by a qualified consultant; and shall describe noise levels anticipated and mitigation measures needed to achieve provincial standards for indoor noise levels.

Where planning approvals are required to facilitate residential or other sensitive uses within 250m of Provincial highways, proposals will be assessed to ensure applicable sound level limits, as set out in MECP's Environmental Noise Guideline NPC-300, can be achieved. Detailed noise studies, prepared by a qualified acoustical consultant, may be required to address potential noise sources which impact the site. Where required, detailed noise studies

will be completed in accordance with the requirements of MECP's Environmental Noise Guideline NPC-300, and will be subject to the review and approval of Council. Detailed noise studies may also be required for residential and other sensitive uses proposed in proximity to other roads.

A transportation study otherwise known as a traffic impact study may be required to address both the impact of new development on the provincial highway system, as well as any associated highway improvements that are required prior to approval of the development. Entrances serving home occupations, industry or businesses located adjacent to the provincial highways require the approval of Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future without the review and approval of the Ministry of Transportation, and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.

Outdoor storage and loading areas in the vicinity of a provincial highway must be visually screened or appropriately located so as not be visible to the travelling public.

The Ministry of Transportation's policy is one highway entrance for one lot of record. Back lot development cannot use another entrance for access to a provincial highway.

Any new proposed access connection onto a provincial highway shall meet the Ministry of Transportation's access management practices and principles.

Any proposals for snowmobile or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails running along the right of way of a provincial highway are not permitted with the exception of those in accordance with the 2018 MTO Province-wide Cycling Network Study.



A drainage/storm water management report shall be prepared by the proponent; and reviewed and approved by the Ministry of Transportation for development located adjacent to or in the vicinity of a provincial highway whose drainage would impact the highway and/or downstream properties via the highway right of way.

For highway safety reasons wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.

All proposed development within 150 metres of a Provincial Highway right of way may be required to undertake noise studies consistent with the requirements of the Ministry of Transportation and/or the MECP and shall implement the findings of such studies.

In addition, all new development will be subject to the geometric, setback, frontage, and safety requirements of the Ministry of Transportation.

Only those lands that are compatible with the operation of a patrol yard will be permitted to locate adjacent to, and in close proximity to, an MTO patrol yard.

### 3.6.3 East-West Tie



The NextBridge East-West Tie transmission project is a 450 km double-circuit 230 kV transmission line connecting the Lakehead Transfer Station in the Municipality of Shuniah which is adjacent to Dorion, to the Wawa Transfer Station located east of the Town of Wawa.

The East-West Tie Transmission Corridor runs through the north-western part of the Township of Dorion as well as the southern part as shown on Schedules A, B1 & B2.

From the east, it runs parallel existing hydro but splits to the north to avoid property destruction (residential, Provincial park).

Existing land use includes temporary and permanent access roads required for construction, operation and maintenance. Temporary storage yards, construction offices, laydown yards and construction camps are also expected. No information for setbacks was provided by Enbridge despite multiple requests.

Maintenance activities will include: regular inspection of the transmission line and infrastructure, vegetation management along the right-of-way.

The project will be operated on a continuous basis for an indeterminate time period. Retirement (or decommissioning) is not anticipated.



### 3.7 Community Improvement



Community improvements may be generally defined as encompassing all those activities, both public and private, which maintain, rehabilitate or redevelop the existing physical environment of the Township to accommodate the social and economic priorities within the community.

The intent of Council is to encourage community improvement by developing a strong planning framework to guide community improvement activities in order to maintain the Township as a desirable place to live, work, and/or invest.

Community improvement objectives include:

- a) To safeguard the health, convenience, welfare, and enjoyment of both residents and visitors by improving social, cultural, and recreational facilities and services;
- b) To plan and provide park, open space, areas and facilities that are aesthetically pleasing and that enhance the physical environment and the image of the Township, and that meet the needs, interests, and capabilities of the residents of the Township
- c) To improve the Township's physical environment by participating in and/or encouraging programs which improve municipal physical services; facilities; streetscape; and by encouraging private land owners to upgrade their properties.
- d) To protect and improve the economic well-being of the Township and its residents by encouraging or participating in programs that will promote new employment; new capital investment; and new assessment base.
- e) Conserve cultural heritage resources and facilitate their conservation, improvement and adaptive re-use in a manner that contributes to the community character.

Community improvement areas may be selected and described where one or more of the following characteristics are exhibited;

- a) The condition and appearance of buildings, streetscape, landscaping or other such features do not meet the Property Standards / Maintenance and Occupancy By-law requirements.
- b) The condition and adequacy of local physical services requires upgrading, including roads, lands, storm water drainage, lighting, and hydro.

- c) The conditions and adequacy of local recreational services such as parks, arenas, play equipment, trails, beaches, sports fields, camping facilities, water access points, fairgrounds or community centres are in need of upgrading.
- d) The conditions and adequacy of local social and/or cultural facilities such as libraries, community halls, and museums are in need of upgrading.
- e) The present uses of land conflicts, have poor access, or poor design or similar considerations requiring address.
- f) Environmental protection measures or actions are needed.
- g) Lands are to be acquired, cleared, graded, or otherwise prepared for the purposes of the community, or existing incompatible land uses are being re-located.
- h) Properties that contain known cultural heritage resources or that have the potential to be of cultural heritage value or interest.

Community improvement area boundary includes the entire Township.

The following considerations shall be taken into account in the phasing of community improvements:

- a) Improvements which will most substantially increase the safety, stability, and aesthetic quality of the community shall be undertaken first.
- b) Input from the community, typically sought out in the form of public meetings shall be valued and given a high priority.
- c) Wherever possible disruptions to the community will be limited.
- d) Council shall be satisfied before undertaking a project that it can reasonably finance and afford the Township's share of costs.
- e) Wherever possible, community improvement projects will be integrated into other municipal improvement programs, to lever additional senior government funding.

Council shall identify a list of prioritized capital and community improvements on an annual basis.

### **3.8 Cultural Heritage and Archaeology**



It is Council's intent to support the promotion, conservation and enhancement of cultural heritage and archaeological resources; and understands that these resources are essential for encouraging a sense of place. Cultural heritage resources help link a community to its history, stories, memories, beliefs and accomplishments.

### *3.8.1 Indigenous Culture and Heritage*

The Township of Dorion is situated in the Robinson-Superior Treaty also known as Treaty 60 area. Although it is a municipal level of government, incorporated Townships are created under the provincial government's Municipal Act; and have an obligation to acknowledge the land and the people who occupied it and cared for it for thousands of years before non-Indigenous settlers arrived.

Council intends to engage with Indigenous communities, which include the Métis, and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

The Township recognizes the Indigenous traditional use of the waterways, shorelines and lands in and around the Township's boundaries.

Where appropriate, the Township will work closely with Indigenous partners to identify, protect, conserve or promote Indigenous cultural resources, including hunting, fishing, trapping, gathering for food, plants for medicines, social and cultural purposes

### *3.8.2 Built Heritage Resources and Cultural Heritage Landscapes*



Significant built heritage resources and significant cultural heritage landscapes shall be conserved. All new development and site alteration permitted by the land-use policies and designations of this Plan shall conserve cultural heritage resources and shall incorporate these resources into any new development plans. In addition, all new development shall be planned in a manner that preserves and enhances the context in which cultural heritage resources are situated. Cultural heritage resources include, but are not restricted to, archaeological sites, cemeteries and

burials, buildings and structural remains of historical and architectural value, and human-made rural, village, heritage landscapes, and areas of cultural landscapes of historic interest.

The Township shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The Ontario Heritage Act and its provisions will be utilized to conserve, protect and enhance the heritage of the Township through the designation by by-law of individual properties, conservation districts and/or landscapes, and archaeological sites. A Municipal Heritage Committee may also be established pursuant to Act to advise and assist Council on conservation matters related to heritage resources.

To recognize and protect built and cultural heritage resources, the Township may also utilize:

- zoning
- demolition control by-laws
- interim control by-laws
- height and setback restrictions / site plan control
- subdivision development agreements
- financial incentives such as Community Improvement Plans
- heritage conservation easements; and,
- grants and loans for heritage conservation.

The Township shall have regard for the conservation of all significant cultural heritage resources during the undertaking of municipal public works or environmental assessment projects. When necessary, satisfactory measures and/or heritage impact assessments will be required to mitigate any adverse impact to significant resources as outlined by the heritage conservation policies contained within this Plan. Council shall have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.

Council shall encourage local utility companies to place equipment and devices in locations which do not detract from the visual character of cultural heritage resources and which do not have a negative impact on the architectural integrity of those resources. Council shall seek the acquisition of easements on properties with heritage significance in order to assure the preservation of these properties in perpetuity.

Council shall ensure that each municipally-owned heritage resource which is sold, leased or transferred to another owner or lessee is subject to a heritage easement agreement which will guarantee its preservation, maintenance, and use in a manner which respects its heritage significance and, when appropriate, is subject to a heritage restoration agreement which shall require that certain restoration works be carried out by the new owner or lessee to a standard acceptable to the Municipal Heritage Committee or other accepted heritage property standard. Council shall ensure that secondary planning studies identify cultural heritage resources which may exist in the area under study and propose means to protect and enhance any significant heritage resources.

The Township may decide to maintain a Register of Heritage Properties which will include properties that have been designated by the Township under Part IV or Part V of the Ontario Heritage Act, and properties that have not been or cannot be designated by Council considers to be of cultural heritage value or interest.

### 3.8.3 Archaeological Resources

Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

Council recognizes that archaeological potential will be determined for individual development applications and building permits through the use of established provincial screening criteria, or qualified mapping developed based on the known archaeological record within the Township.

Archaeological potential criteria include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant

The Township shall require archaeological assessment by archaeologists licensed under the Heritage Act, in areas where there are known archaeological heritage resources and/or areas exhibiting archaeological potential within the municipal boundaries of the Township of Dorion. Alterations to known archaeological sites must only be performed by licensed archaeologists as per provisions under the Heritage Act. Any significant archaeological resource or site identified may be preserved on site, to ensure that the integrity of the resource is maintained, and/or may it be systematically removed through excavation by a licensed archaeologist. The integrity of archaeological resources can be maintained by adopting archaeological zoning by-laws under section 34 of the Planning Act or other similar provisions, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.

heritage areas such as portage routes or other places of past human settlement.

The Township may require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline a waterfront development.

In considering applications for waterfront development, the Township shall ensure that cultural heritage resources both on shore an in the water are not adversely affected. When necessary, satisfactory measures will be required to mitigate and negative impacts on significant cultural heritage resources.

The Township shall ensure adequate archaeological assessment and consult appropriate Indigenous communities and government agencies when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act shall apply.

Council shall enter into a municipal/provincial data sharing agreement in order to obtain data and maps of registered/known archaeological sites located within the Township. In addition, data and maps of any designated or locally significant heritage buildings or structures, mapped areas of archaeological potential and/or cultural landscapes located within the Township shall be maintained as they become available for use in planning review. Council shall regularly update municipal archaeological resource mapping under the provisions of the municipal/provincial data sharing agreement.

Council will regularly update municipal archaeological resource mapping under the provisions of a municipal-provincial data sharing agreement, as new archaeological sites are identified from land development and on the Provincial archaeological sites database. Council, with the advice of the Ministry of Heritage, Sports, Tourism and Culture, may undertake the preparation of an Archaeological Master Plan. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the municipality having archaeological potential. The Master Plan may also outline policies, programs and strategies to protect significant archaeological sites.

Note that to be considered complete, an archaeological assessment report must be entered into the Ontario Public Register of Archaeological reports.

### 3.9 Water Resource Protection



The following policies apply to new development, re-development and expansion of existing uses.

Approval may be required from the LRCA for shoreline development.

See also Section 2.4 Environmental Protection Designation relating to shoreline and riparian areas.

#### 3.9.1 Watershed Scale Planning

The LRCA, unlike other Ontario Conservation Authorities does not have the authority to identify its jurisdiction by the watershed(s); rather it administers the Regulated Areas as covered in other policies of this plan.

As such, watershed-based data to inform development decision-making is not readily available or affordable for small and rural northern municipalities which feature negative, stagnant or very slow growth.

As funding becomes available, the Township, with the LRCA will delineate and assess watersheds that are most vulnerable to development.

Until such time, any new development that triggers an EIS related to riparian features shall also include delineation of the appropriately-scaled watershed(s) where appropriate, in consultation with the LRCA, and potential negative impacts.

In 2009, the Wolf River Watershed Assessment was completed by the LRCA with support from the Federal Government and Lakehead University.

Less than 10% of the Wolf River Watershed lies within the Township Boundary and LRCA boundary.

However, the Hurkett Cove Conservation Area which features the Provincially Significant Coastal Wetland is located at the confluence of the Wolf River and Lake Superior; and is mostly within the Township. It is owned and managed by the LRCA.

The extent of coastal wetland is dynamic; and study recommendations included reassessment by LRCA in 2019 to inform/update emergency flood management plans. Updated wetland boundaries will be reflected in the Schedules (maps) to this Plan.

Currently, the confluence area is included in the EP and RU designations and thus, subject to the applicable policies; and is also subject to the LRCA regulated areas policy and the natural heritage policies of this Plan (section 3.4).

In consideration of the population of Dorion, anticipated development, and the policies that protect waterways and other water bodies; additional watershed studies are not anticipated during the life of this Plan.

### 3.9.2 Watercourses

It is the intent of Council that setbacks be established in the Zoning By-Law along the shorelines of waterbodies and watercourses to protect fish and wildlife habitat, and to assist in protecting the stability of lake and watercourse banks. Site plan control (see section 4.1.4) may be used to implement design features and mitigation measures as required.

See section 3.4 Natural Heritage for development requirements, including setbacks.

### 3.9.3 Shoreline Development



Docks, waterfront structures, and marinas on properties abutting water shall:

- a) be subject to senior government review and approvals relating to lands covered with water,
- b) be subject to Federal government concerns relating to fish habitat,
- c) be designed, constructed and maintained in a manner which contributes to the amenity of the Township and which is capable of withstanding storms, ice and high water conditions,
- d) contain no sanitary facilities unless approved by the appropriate approval authority (i.e., the Thunder Bay District Health Unit),
- e) be located so as to not interfere with navigation or aids to navigation,

- f) be located and constructed so as to minimize impact upon natural vegetation and topography, in accordance with Section 3.4 Natural Heritage.



No plans to divert, channelize or in any way alter an inland natural watercourse shall proceed without prior written authorization from the LRCA and/or Province. Where required under the federal Fisheries Act, prior written authorization from the federal Department of Fisheries and Oceans must also be obtained.

NDMNRF or LRCA will be circulated for comment on shoreline development proposals.

To further protect water resources, shoreline development practices should seek to reduce phosphorous loading to the receiving waterbody for all development and re-development of shoreline properties, including:

- limiting or prohibiting development on or upstream from lakes that are at capacity in accordance with the MECP's Lakeshore Capacity Assessment Model;
- locating structures and on-site sewage systems where native soils are deepest and at the furthest distance possible from the shoreline. A minimum setback of 30 metres for all structures and sewage systems will be implemented through zoning where possible;
- providing a natural vegetated buffer of at least 30 metres from the highwater mark and minimizing the clearing of natural vegetation elsewhere on the site;
- reducing lot grading and hard surfaces;
- using grassed swales and/or vegetated filter strips on lots that require ditching to control runoff;
- directing roof leaders to rear yard ponding areas, soak-away pits or to cisterns or rain barrels;
- sump pumping foundation drains to rear yard ponding areas and infiltration trenches; and
- Any other best management practices found in the MECP Lakeshore Capacity Assessment Handbook, 2010.

#### 3.9.4 Stormwater Management



All new applications for commercial, industrial and institutional developments applications shall include stormwater management plans intended to minimize or prevent contamination load, prevent loss of life, minimize community disruption and property damage, and maintain and enhance surface and ground water resources.

On-site wetlands and topographical features, including vegetative and pervious surfaces shall be used to the greatest extent possible for to reduce development costs and ecological impact.

Stormwater management plans shall be based on best practices, including stormwater attenuation and re-use; and include but not be limited to, landscaping and planting which will be implemented through site plan approval and/or other tools, as needed.

Where required, under the Ontario Water Resources Act, permits, approvals, and registrations may be required for proposed stormwater management facilities.

### 3.9.5 Snow Disposal

Currently, the Township does not generally remove snow from the roads or any Municipally-owned or -run space.

If the status of this should change over the planning horizon of this Plan, snow disposal shall occur without adverse effects to receiving water bodies. A watershed scale shall be considered where appropriate.

The Township shall address location, design, and maintenance of snow deposit sites that are in accordance with the MECP Guidelines on Snow Disposal and De-icing in Ontario.

### 3.10 Land Use Compatibility



Council intends to avoid development that results in land use conflict or that is incompatible.

In order to proceed, all new development requiring a Planning Act approval shall be compatible with existing uses in the vicinity by avoiding or minimizing adverse effects, in accordance with Provincial guidelines.

Where a development initiative has the potential to be incompatible with or cause adverse effects to other land uses/users in the vicinity, appropriate technical studies evaluating compatibility; and mitigation using avoidance, buffering, separation distances or other measures, shall be part of the planning justification in a complete application (see Section 4).

### 3.10.1 Compatible Land Use

According to the MECP D-series Guidelines land use is compatible when an existing or committed land use or activity that can co-exist with a neighbouring use/activity or uses/activities, without either creating or experiencing one or more off-site 'adverse effect(s)'

#### Adverse Effect

- Adverse effects defined as defined in the Environmental Protection Act, means one or more of:
- impairment of the quality of the natural environment for any use that can be made of it;
- injury or damage to property or to plant or animal life;
- harm or material discomfort to any person;
- an adverse effect on the health of any person;
- impairment of the safety of any person;
- rendering any property or plant or animal life unfit for use by humans;
- loss of enjoyment of normal use of property; and
- interference with the normal conduct of business.

#### Potential Adverse Effects

- Potential adverse effects of a proposed development commonly relate to, but are not limited to:
- pattern, scale, massing, design of development, servicing levels of existing and future development;
- visual impacts relating to outdoor storage;
- shadowing and/or lighting and/or visual impacts on surrounding land uses including privacy of adjacent residential uses;
- traffic volume and safety;
- vehicle access and parking;
- hydrological and hydrogeological functions;
- surrounding natural heritage features and cultural heritage resources; and,

- noise, vibration, odour, dust, litter and other contaminants or emissions.

### *Separation of Uses and Buffering*

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In order to achieve compatibility, land use conflicts should be avoided. The encroachment of sensitive land uses (such as residential, educational and health facilities and day care centres) and major facilities (including industries, transportation corridors, airports, intermodal facilities, sewage treatment facilities, operating and former waste disposal sites, and resource extraction activities) on one another is discouraged. Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses.

Where planning approvals are required to accommodate major facilities or sensitive land uses, separation distances, buffering, and other mitigation measures in accordance with MECP Guidelines shall be utilized to prevent potential adverse effects. In some cases, proponents may be required to provide the Township with technical studies, prepared by qualified professionals, to assist in the evaluation of a development proposal and, where applicable, to identify appropriate separation distances, buffering techniques or other mitigation measures to prevent potential adverse effects.

Consideration shall also be given to the extent to which increased site plan requirements can reduce the potential impacts. If the impacts cannot be minimized to acceptable levels, the proposed development should not proceed.

All development shall be in compliance with the Minimum Distance Separation I and II Formulae established by the Province in order to minimize odour conflicts between livestock facilities and sensitive uses.

Adequate buffering shall be provided between commercial, institutional, and industrial uses and more sensitive land uses; particularly nearby residential land uses. Vegetation screening (trees, shrubs, and open space landscaped area), larger setbacks or separation distances based on MECP guidelines, berms, or fencing may be utilized to achieve this objective.

### **3.10.2 Railways and Other Noise and/or Safety Situations**

#### **3.10.2.1 Development Along a Railway Right-Of-Way**



The Township acknowledges the importance of rail infrastructure and recognizes its critical role in long-term economic growth and the efficient and effective movement of goods. Council shall encourage the use of rail for the transport of goods and ensure the continued viability and ultimate capacity of the rail facilities is protected and shall identify and support strategic infrastructure improvements such as targeted grade separations.

All proposed new development within 300 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the Township in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that are identified.

All proposed new development within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction Township in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that are identified.

All proposed new development adjacent to the rail line shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Township in consultation with the railway.

Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms, to the satisfaction of the Township and the railway.

Where applicable, the Township will ensure that sightline requirements of Transport Canada are addressed.

#### **3.10.2.2 New Development Abutting a Rail Yard**

New residential development will not be permitted within 300 metres of a rail yard.

All residential development located between 300 metres and 1,000 metres of a rail yard will be required to undertake noise studies, to the satisfaction of the Township and the railway, to support its feasibility of development and, if feasible, shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.

### 3.10.3 Environmental Impact Study



An Environmental Impact Study (EIS) will identify and evaluate options for avoidance of potential negative environmental effects from a proposed development. Where avoidance is unattainable, the EIS report will explore opportunities for mitigation, contingency and rehabilitation. A proposed development may have to be revised to avoid/mitigate potential negative effects, or may have to be cancelled or suspended until such time as the potential negative effects can be addressed in accordance with the goals and policies of this Plan.

Where preliminary screening indicates there is a potential for impact or adverse effect on any natural heritage value, an Environmental Impact Study (EIS) shall be prepared by a qualified professional in accordance with Provincial Regulation(s).

The EIS shall contain:

- a description of the protected feature and existing physical characteristics (including but not limited to the applicable watershed, ecological, hydrological, hydrogeological functions performed by the significant features; terrain setting; soils; geology; groundwater and surface water resources; vegetation communities; fish and wildlife communities and habitat, known cultural heritage resources), including a statement of quality;
- a description of the proposed development, including building type and density, servicing (sewage disposal, water supply) and infrastructure (roads, stormwater management, etc.); and a prediction of potential direct and indirect adverse effect on the protected feature and/or surrounding land uses (including cumulative impacts and climate change);
- a description of the economic, social and environmental costs and benefits in terms of any engineering works and/or resource management practices needed to mitigate the potential adverse effects (includes identification and evaluation of measures/options to avoid, reduce or otherwise mitigate impacts to meet the standard of no loss of feature and function (no negative impact));
- an evaluation of alternatives including locations for the proposal; and

- confirmation that the proposed development will not cause adverse effects to (or impact) the feature(s) being protected or surrounding land uses;
- description of the qualifications of the person completing the assessment; and,
- an evaluation of the elements required and the need for a monitoring program to assess the effectiveness of the preferred mitigation/rehabilitation strategy.

### 3.11 Climate Change Reduction, Mitigation and Adaptation



It is the intent of the Township to reduce contributions to climate change, mitigate impacts and consider adaptation strategies to address the climate changes that are occurring and that are expected to occur over the 25- year horizon of this Plan.

The Official Plan policies address this intent include: storm water management planning and flood risk management, discouragement of scattered development, promotion of local food production, directing development away from wildland fire risks, natural heritage protection policies which promote consideration of climate change impacts and use of free ecological services such as natural flood and drought attenuation by protecting wetlands; and water resource protection policies featuring protected water bodies and courses.

Furthermore, the Township shall, as much as possible, continue to support energy efficiency and improvement of air quality through land use and development patterns which:

- promote compact form and a structure of nodes and corridors;
- promote the use of public or other alternative transportation modes;
- focus major employment, commercial, and travel- intensive land uses on sites which are well serviced by public or other means of transportation modes or have the capability to be serviced in the future;
- shorten commute distances between employment and housing land uses;
- support the adaptive reuse of existing buildings to reduce landfill waste and reduce energy consumption related to creation of new building materials; and,

- promote design and orientation which maximizes the use of alternative or renewable energy such as solar and wind energy and the mitigating effects of vegetation
- reduce energy use through shading and sheltering, use of native or non-invasive non-native tree and landscaping species, maintain the existing tree canopy to the degree possible in the Settlement Area.
- avoid the creation of impermeable surfaces, and maximize use of existing topography and ecological features which provide services such as surface water run-off/flood attenuation.

### 3.11.1 Renewable Energy



It is the intent of the Township to encourage compatible development opportunities and projects which foster alternative or renewable energy initiatives, both as a source of individual power service and as a commercial undertaking, including access to transportation and distribution systems for energy initiatives.

Alternative energy systems and renewable energy systems may be permitted in accordance with provincial and federal requirements. In rural areas, these systems should be designed and constructed to minimize impacts on agricultural operations.

Individual use of alternative energy supply through wind turbine or solar facilities (wind facilities of 3 kilowatts or less and solar facilities of 10 kilowatts or less) will be permitted in all areas, subject to the Zoning By-Law provisions regulating wind turbine and solar facilities.

Anything larger will be subject to a site-specific amendment to this Official Plan, zoning and site plan approval.

Approvals for wind turbines shall also be in accordance with the Provincial Technical Guideline for Renewal Energy Approvals, Chapter 3: Required Setbacks for Wind Turbines.

The Township will look for opportunities to promote and practice energy conservation, including consideration of initiatives in the annual capital budget which implement or accomplish such.

Greenwich Wind Farm was developed in approximately 2011 but is located on Crown Land, away from residential



development. Dorion is supportive of any future expansions that are compatible with surrounding uses, in accordance with the policies of this Plan.



**4.1 Plan Administration and Implementation**

This shall typically be implemented by the powers that are conferred upon municipalities by The Planning Act, The Municipal Act, and other applicable statutes. These shall include:

- preparation, adoption and enforcement of a Comprehensive Zoning By-Law;
- preparation, adoption and enforcement of a Property Standards By-Law;
- a municipal capital works program and the acquisition, development, and/or sale of land;
- issuance of various planning approvals;
- use of site plan agreements, temporary zoning, interim control, holding zone designation; and
- participation in senior government programs.

The Township wishes also that senior levels of government have regard to this when they conduct activities, programs, or other activities that have a potential adverse effect or negative impact within the Township.

No developments or activities shall occur which contravene the intent and policies of this Plan.

Evaluation of alternatives shall be demonstrated in addition to the evaluation criteria found in the Plan.

Proponents of developments or activities considered beneficial to the Township, but not in conformity with the Plan, shall require an amendment before proceeding.

The Official Plan shall be amended to reflect other Township policies that may impact on land use planning matters in the Municipality.

No privately initiated applications to amend the new for two (2) years after its effective date will be permitted unless the Municipality passes a resolution to allow applications during the two-year time-out.

Council of the Township of Dorion, with the assistance of Township staff and/or such other resources are determined by Council shall be responsible for the interpretation of the and the schedules that are a part of it.

It is intended that this document will be read with the understanding that the text and the schedules represent concepts and relationships rather than absolute and rigid conditions, delineations, or situations. Accordingly, so long as the overall intent remains:

- Land use designations shall represent dominant land uses and intended future uses of land, and shall not preclude the existence of small pockets or isolated instances of other land uses.
- Boundaries that do not coincide with major physical features such as roads, waterbodies, or railway lines are not measurable.
- Numbers shall not be absolute, and may be varied so long as the concept that they represent is maintained.
- Statements of program, objectives or services shall not be construed as a commitment by the Township to act, construct, or otherwise provide within the any certain time limit.

#### **4.1.1 Land Division**

In addition to the above, creation of new lots in Dorion Township shall adhere to the Planning Act Section 51 Plan of Subdivision (or by Plan of Condominium under the Condominium Act) or by Section 53 of Consent including applicable Regulations and the following criteria.

The creation of a new lot or lots shall generally be compatible with the surrounding lot fabric; and does not result in adverse effect or negative impact upon abutting or nearby lands or land uses in accordance with the policies of this Plan.

New lots in Dorion are considered to be for permanent, year-round use, unless otherwise permitted in accordance with the policies of this plan.

For areas that have the potential to be rendered inaccessible to people and vehicles during times of erosion hazards and/or dynamic beach hazards shall receive LRCA approval to confirm that the site has safe access appropriate for the nature of the development and the natural hazard which shall be demonstrated by the applicant.

Creation of new lots for any use shall not be land-locked. All new lots shall have access to an open and travelled public road that is maintained on a year-round basis by the Township, unless for a seasonal use area approved by Council in accordance with the policies of this; or

plan of condominium where the private condominium road is constructed to Township standards to allow safe emergency access, maintenance and placement of utilities and snow storage, and is maintained by the condominium corporation.

Lots shall be proven to be capable of supporting a private, individual, on-site septic sewage system with a letter from the TBDHU; and proof of a water supply delivering a minimum of 18 litres per minute over a one-hour period and which meets the Ontario Drinking Water Quality Standards (implemented through the Ministry of Health and Long-Term Care (MOHLTC) well-water testing services). Should surface water be utilized, it should be treated prior to consumption in accordance with Provincial recommendations.

There must be sufficient treatment capacity and/or plan for hauled sewage as determined by the Township or holder of the Environmental Compliance Approval, referencing the applicable MECP approval.

Development of more than five new lots shall be development through a plan of subdivision or condominium.

Plans of subdivision/condominium for new residential lots, and new multiple residential land uses (such as medium density housing) shall be contained within the Settlement Area. However, residential plans of subdivision and condominium may also be considered for resource-based recreational development outside of the Settlement Area.

Shoreline allowance may be added to the lands being subdivided if it does not impede public access to shoreline or crown land (includes walking along the shoreline, pulling out from the water for a rest on land), at the discretion of the Township. However, where there is an opportunity, protection of public access points to shoreline or other shared community spaces and trail connections shall be a condition of new development. Conditions of approval may include conveyance of shoreline road allowance or beach or waterfront to Municipal ownership in accordance with objectives and policies of this Plan which relate to shoreline access, community connectivity, First Nation or Metis rights and/or economic development.

Where a consent or plan of subdivision/condominium involves lands that function as part of a public road, the Township may, as a condition of approval, require that such lands be identified and surveyed and transferred to the Township, at no cost to the Township.

No negative impact or adverse effects (see section 3.10.1) shall occur on any nearby sensitive lands or features described in the Natural Heritage Policy section 3.4. This shall also include:

- not designing or directing surface drainage systems into such lands;
- including a clause in the condo legal structure (or subdivision) agreement providing that no chemical fertilizers will be utilized on any lot within 100 metres of such lands; and

- where sensitive lands are a part of the lands to be subdivided, such lands shall be zoned as environmental protection zone if they have not already been zoned as such.

Each proposed lot will comply with Minimum Distance Separation (MDS) and MECP D-series guidelines for separation of sensitive and industrial uses, as applicable in all lot creation, as applicable.

#### 4.1.1.1 Consents

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Consents will typically involve infill or the logical and immediate extension of lands abutting other lands that have been developed; or shall involve property adjustment, property consolidation, lot enlargement, partial mortgage discharge, validation, or easements.

The following may be made conditions of approval for consent, in addition to other considerations throughout this Plan:

- demonstrated access, including culvert (as needed) and driveway;
- safe servicing in accordance with section 3.3.1 Sewage and Water servicing;
- lands be dedicated for parkland, or cash in lieu be given;
- that the Zoning By-Law be amended if required;
- that any required Provincial approvals be obtained.

#### *Consents in the Rural Designation ONLY*

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Lot sizes in the **Rural designation** shall be large enough to retain the rural character.

All new lots in the Rural designation shall generally be:

- Located on lots that are a minimum of 4 hectares in size with 90 metres frontage unless the lots are on water in which case, they can be as small as 1 ha with 45 metres road frontage. Anything smaller than 4 ha requires a zone change or minor variance. Anything smaller than 1 ha requires a zone change or minor variance and proof of servicing from TBDHU and/or a supporting hydrogeological report in accordance with MECP guidelines showing capacity for safe servicing and drinking water meets Ontario Drinking Water .

- It must also have sufficient space to accommodate the main use and related accessory uses, including on-site parking and vehicular movement, loading, landscaping, and amenity area, as well as established yard requirements.

The number of **non-residential** severances permitted for properties located in the Rural designation shall be three plus the residual portion of the property, for a total of four lots from any parcel from the date of patent at the registry office.

- Local exceptions, not exceeding one additional lot, may be made by Council for clear and desirable infilling of existing concentrations or clusters of residential properties, and the severance of the extra new lot shall be identified by a Statement of Extra Severance Approval Resolution, supported by a Planning Justification Report (see section 4.1.3 Complete Applications) provided by the applicant.
- in the Statement of Extra Severance Approval Resolution, the Planning Justification Report must demonstrate that the property does not need to be developed by Plan of Subdivision, and that the extra new lot represents infill of an existing concentration of development. Expansion at the boundaries of such concentrations of development shall not be considered under this provision.

### *Consents for Seasonal Use ONLY*

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In addition to the policies of this and the applicable criteria in section 4.1.1 (and 4.1.1.1), new residential lots for **seasonal use only** in the Rural designation will be evaluated against the following additional criteria:

- Permanent residential use, including conversion shall not be permitted, although residential construction and servicing shall be to permanent residential standards under the Ontario Building Code.
- Where the lands are developed as a plan of condominium, a clause in the condominium legal structure shall indicate that the lands shall not be used for permanent residential use.
- The Township may elect to designate new roads for seasonal recreational subdivisions as seasonal roads and may not deliver full year service to such roads.

### *Consents in the Settlement Area ONLY*

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In addition to the policies of this section and the applicable criteria in Section 4.1.1 new lots in the **Settlement Area** designation will be evaluated against the following additional criteria:

- Lot sizes in the Settlement Area designation shall be large enough to retain the low-density character (see Subdivisions below in section 4.1.1.2).
- The number of residential severances permitted for properties located in the Settlement Area designation shall be three plus the residual portion of the property, for a total of four lots from any parcel from the date of patent at the registry office.
- There is no limit to new lot creation in zones which permit commercial, industrial or institutional uses.

Local exceptions, not normally exceeding one additional lot, may be made by Council for clear and desirable infilling of existing concentrations or clusters of residential properties, and the severance of the extra new lot shall be identified by a Statement of Extra Severance Approval Resolution, as supported by the applicant's Planning Justification Report (see section 4.1.3).

Where Council is considering a Statement of Extra Severance Approval Resolution, it shall satisfy itself that the applicant's planning justification report (see section 4.1.3 Complete Applications for Planning Justification Reports) demonstrates that the property does not need to be developed by Plan of Subdivision, and that the extra new lot represents infill of an existing concentration of development. Expansion at the boundaries of such concentrations of development shall not be considered under this provision.

#### **4.1.1.2 Plans of Subdivision**

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In addition to the applicable policies of this and the criteria in section 4.1.1, new subdivisions (including plans of condominium) may be developed with a minimum lot size of 1.0 hectare, and typical frontages of 45 to 60 metres (45 metres is needed for a full mantle in poor, clay type soils).

Furthermore, plans of subdivision/condominium shall also be proven to:

- be in the public interest and be in conformity with the intent and policies of this Plan;
- not be deemed premature, subject to, among other things, consideration of the number of existing vacant lots; and
- be in a location where traffic hazards are avoided.

The Township may enter into a subdivision agreement for development to address items such as construction of road, utilities and other works as determined by Council. Such an agreement shall be registered on title to the lands being developed.

Studies may be required for any proposed plan of subdivision/condominium; and shall include considerations such as:

- Proof of adequate potable water supply meeting the Ontario Drinking Water Quality Standards (implemented through the MOHLTC well-water testing services)
- a hydrogeological assessment and servicing options report prepared in accordance with the requirements of MECP technical guidelines ~~for lots sizes averaging under 1 ha in size~~<sup>3</sup>.
- Confirmation that no adverse effects will occur to existing wells in the general area of the development.
- Determination that soils conditions are capable of supporting the effective operation of septic waste disposal systems for each lot.
- Details of lot grading and drainage, and a plan for storm water management.
- Any other study required by the Township to demonstrate compatible development (see section 3.10 Compatible Development, 4.1.2 Studies and 4.1.3 Complete Application).

The Township may consult with appropriate government agencies prior to recommending any plan of subdivision/condominium.

Plans of subdivision/condominium shall be fully funded by the proponent, including costs of supporting documentation and peer review as determined by the Township.

#### 4.1.2 Studies



In addition to the prescribed information under the Planning Act (sections 45, 51 and 53 with respective Schedules and any applicable Regulations), there may be supporting studies and other documentation required by the Municipality, government bodies or agencies to constitute a complete application (see Section 4.1.3 Complete Application).

Depending on the potential adverse effects of the proposed development studies may include, but are not limited to: a preliminary assessment (to determine if an Environmental Impact Study is required), Environmental Impact Study, Wetland Evaluation (to determine if a wetland is Provincially Significant), Wildlife Habitat Assessment, Fish Habitat Assessment, Groundwater Assessment, Hydrological Study, Hydrogeological Study, Servicing Options Statement, Well-Water Quality Report, Archaeological Assessment, Cultural Heritage Conservation Plan, Cultural Heritage Impact Assessment, Minimum Distance Separation Calculation, Septic and Well Water Capacity Assessment, Stormwater Management Study, Slope Stability Study, Traffic Impact/Safety Study, Noise Impact Study, Vibration Study, Engineering Study, Environmental Site Assessment, Record of Site Condition, Wildland Fire Risk Assessment, Market/ Economic Impact or Feasibility Study (including impacts on surrounding existing uses), Lakeshore Capacity Assessment, area of influence or site-specific aggregate/mineral resource study, visual impact/viewshed study, erosion and sediment control plan, public consultation strategy.

The triggers for these are primarily captured in the General Policies of this or are contained in the application checklist (once it has completed by the Township). However, not every type of development or impact can be anticipated; and in order to remain flexible and open to all types of compatible development, other studies not listed here may be requested by the Township.

Studies shall generally be prepared by a qualified professional; and may require peer review which shall be paid by the proponent, due to a small, generalized Township Staff.

#### 4.1.3 Complete Application



Upon receipt of a formal planning application including the studies identified through mandatory pre-consultation (see section 4.1.4.2) and a mandatory Planning Justification Report described below, the Township shall determine if the required information has been provided, and whether or not the application is complete.

Where the application is considered to be complete the applicant shall be advised in accordance with the Planning Act. Where an application is considered to be incomplete, the applicant shall be advised, including the lacking information in the application.

All Planning Act applications must contain all information prescribed in the Planning Act and its Regulations including:

- The full legal description of the subject lands, municipal address, land use designation, zoning, existing land uses, survey sketch and a key plan including any adjacent property owned by the same person/entity.
- The surrounding land uses, land use designations and zoning.
- The development proposal, including desired land use designation or zoning/zoning amendment/minor variance, etc.

A Planning Justification is a report provided by an applicant as part of a complete application under the Planning Act which:

- describes the subject property, its existing physical conditions, and its context within the surrounding community;
- outlines the proposed land use;
- provides an overview of the relevant planning policy and regulations that affect the planning application, including Provincial Policy Statement, Growth Plan for Northern Ontario, the and any other related policy, regulations and guidelines;
- details potential adverse effects or impacts;
- summarizes each of the technical studies triggered by the potential adverse effects or negative impacts;
- details how adverse effects or negative impacts will be minimized or the mitigation measures with contingency plans; and,
- provides planning opinion and justification for the proposed development.

The level of detail for the Planning Justification shall be appropriate to the complexity or potential impact of the proposal; and/or in accordance with relevant policy sections, as determined by the Township.

#### 4.1.4 Consultation

##### 4.1.4.1 Indigenous Community Engagement



The Township of Dorion is situated in the Robinson-Superior Treaty also known as Treaty 60 area. Although it is a municipal level of government, incorporated Townships are created under the provincial government’s Municipal Act and have an obligation to acknowledge the land and the people who occupied it and cared for it for thousands of years before non-indigenous settlers arrived. Also,

the Métis Nation of Ontario (MNO) has established bilateral and tripartite processes with the federal and provincial governments; and in November 2008 signed an MNO-Ontario Framework Agreement with the Government of Ontario. The MNO also has a negotiated accommodation agreement with the provincial government on Métis harvesting rights. Such rights may include the area in and around Township of Dorion that are not privately owned.

The Township shall engage with Indigenous communities and coordinate on local land use planning matters.<sup>4</sup>

**4.1.4.2 Pre-consultation & Community Engagement**



The Planning Act requires that a planning application include certain prescribed information as set out in Planning Act regulation, including information on the application and supporting studies and/or reports, and any related fee.

Having all relevant information and material pertaining to a particular planning application available early in the planning process is essential to making good land use decisions within the timeframe provided by the Planning Act by providing opportunities to resolve potential differences prior to Council's consideration of the matter.

Prior to the submission of an application for an Amendment, Zoning By-Law Amendment, Plan of Subdivision or Condominium, Consent, Minor Variance or Site Plan approval, applicants are required to pre-consult with Municipal staff and complete the application checklist (as available) to determine as accurately as possible which, if any, supporting technical studies or information is required as part of the application and planning justification report, and what level of detail is required. A site visit is also necessary to understand the physical landscape and what the applicant is proposing. Review of a draft application by staff is required prior to submission of a formal application.

The complexity of the supporting studies (see section 4.2) and planning justification shall be appropriate to the level of complexity of the proposed development and gravity of the potential adverse effects, as determined by the Township, who may hire a Registered Professional Planner to provide an opinion.

The Township will follow the public notification procedures regarding planning matters that are contained in the Planning Act and its regulations.

Where mailed information notices concerning a Planning Act application are distributed to abutting property owners, the names and addresses as described in the latest, revised property assessment rolls will be used for notification.

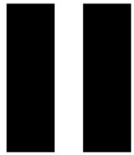
In addition, the Township will use the following mechanisms to promote public participation and informed decision-making:

- the placing of signage on properties undergoing a planning approval process, (e.g., Amendment, Plan of Subdivision/Condominium, Zoning By-law Amendment, Committee of Adjustment application);
- engage Indigenous communities in the preparation of new and in relation to any cultural heritage policies contained in this Plan;
- for applications for Amendment, Zoning By-Law Amendment and Plan of Subdivision/Condominium, a proposed strategy for consulting with the public with respect to the request must be submitted with a complete application (O. Reg. 543/06 para. 26); and
- any other means that the Municipality deems appropriate including electronic communications.

However, Council may eliminate the requirements for public notice of a meeting for a minor Official Plan amendment or Zoning By-law amendment which:

- a) Changes section numbers or the order of text but does not add or delete sections;
- b) Consolidates amendments which have previously been approved;
- c) Corrects typographic, grammatical or mapping errors which do not affect the intent or application of policies or provisions of this Plan; or
- d) Re-words policies or re-illustrates mapping for the purpose of clarification only, without changing the intent or purpose of the policies or mapping.

### 4.1.3 Holding Provisions



Council may enact a zoning by-law that identifies the use of land but which further prohibits the actual development of such lands until a later date when identified conditions have been met.

Council may enact such by-laws in order to:

- identify future intended use;
- stage or phase development consistent with current subdivision agreements;
- provide for the installation of services prior to development occurring;
- allow for the execution of a site plan agreement or subdivision agreement between the Township and the developer;
- where site remediation requirements are known and feasible, ensure that site contamination has been appropriately addressed;
- Ensure that an archaeological assessment, to the satisfaction of the Province, has been undertaken by an archaeologist licensed under the Ontario Heritage Act, and any significant archaeological resources have been conserved by removal and documentation, or preservation on site, to the satisfaction of the Province.

Where a holding provision has been assigned to the zoning of lands, use shall be limited to the uses that are set out within the holding by-law, and typically shall include uses legally existing at the time that the holding by-law is enacted, and some limited range of uses from the Zoning By-Law list of otherwise permitted uses.

The holding by-law shall not serve to prevent accessory buildings, minor additions, or renovations/maintenance/upkeep.

Application of a holding provision may occur on the basis of:

- where existing infrastructure has been determined to be insufficient relative to a proposed development or use;
- where development is contingent upon other matters occurring such as the consolidation of land; the execution of agreements; or the carrying out of a determined study or review, and including the completion of any works that are recommended or determined as necessary by such study or review.

A holding by-law may be removed from all or from a part of the lands to which it applies upon the Township being satisfied that the matters causing the holding provision to have been applied have been adequately resolved.

#### 4.1.4 Site Plan Control



Council may designate all or part of the Township as an area where site plan control applies in order to achieve more effective control of the development of lands, and to:

- obtain drawings of buildings and property layouts, including elevations, buildings and lot plot plan, parking and/or loading space, landscaping, lighting, retaining walls, signs, and to confirm use and activity on the lands, and to ensure that such features are properly designed and installed;
- to obtain easements;
- to ensure that matters such as storm water management, snow removal, lighting, and landscaping are addressed;
- to ensure proper traffic provision and flow within a development;
- to conserve cultural heritage resources;
- to identify, protect, and secure lands needed for road widening and/or easements;
- to detail specific requirements such as noise remediation works, or other such works determined to be required as part of a development approval, in accordance with the Planning Act Section 42.

Council will utilize site plan control for any portion of the Settlement Area, or in any situation where concern has been expressed to the zoning of lands, and where the matters that can be addressed within a site plan agreement can be applied to resolve such concerns.

Where a by-law is enacted applying to such a designation, no building permit will be issued until an appropriate site plan agreement has been entered into. Council may also cause a site plan control agreement to be registered on title.

#### 4.1.5 Temporary Use By-laws



Notwithstanding any other policy of this Official Plan, Council may enact by-laws under the authority of The Planning Act to permit the temporary use of lands, buildings, and/or structures for a use otherwise prohibited in the Zoning By-Law, whether or not such by-law is in conformity with this or not, without an amendment to this Official Plan.

Such a by-law may be considered where:

- the intended use is to exist only for a short period of time;
- such use is to be monitored prior to being considered for a permanent zoning;
- use of an existing building is being accommodated in conjunction with a planned redevelopment for a new use that is consistent with the Zoning By-Law and this and does not constitute a threat to surrounding land uses.

Prior to enacting a temporary use by-law, Council shall satisfy themselves that:

- the lands can accommodate the intended use;
- the use will not impart significant detrimental impacts upon surrounding lands or the natural environment;
- the use will not prejudice future development or redevelopment of the lands;
- safe means of water supply and sewage disposal are available appropriate to the nature of the temporary use and in keeping with prevailing legislative requirements and any water quantity/quality standard in the Plan or otherwise.

Such a by-law shall define the lands to which the by-law applies; set out appropriate regulations which shall apply to the lands and use of the lands; and establish an expiry date, which shall not be greater than three years from the date of passing of the by-law. Council may extend the term of a Temporary Use by-law provided that such extension will not exceed 3 years, and would not jeopardize the long-term development of the lands or the surrounding area in accordance with this Plan.

Where a Temporary Use by-law has expired, the use of land, buildings, and/or structures and all permitted uses under such by-law shall cease to apply, and the previously relevant and current zoning shall prevail and govern the lands and their uses.

Council may consider temporary zoning in order to allow an applicant to establish a home-based business that is not currently located or offered within the Township in order to determine

if there is a market for such business prior to such business establishing a full commercial location. Typically, such rezoning shall not be expected to be extended beyond the initial set time duration.

#### 4.1.6 Interim Control By-law



Council may choose to pass a by-law under section 38 of the Planning Act to restrict the use of land to a use specified in the by-law until any Council-directed (by by-law or resolution) policy reviews or land use studies have been completed to the satisfaction of Council for a period of time set out in the by-law not longer than one year; at which time an extension may be granted for one year or the appropriate land use designation or Zoning By-Law may be established. Timelines are subject to change with legislation changes.

The by-law may prohibit the use of land, buildings or structures on a single property or within an area of the Township.

#### 4.1.7 Zoning By-Law



Council shall repeal the existing Comprehensive Zoning By-law and shall replace it with a new Comprehensive Zoning By-Law that will implement this within three years of final approval.

All amendments to the Comprehensive Zoning By-Law shall be in conformity with this Plan.

To implement the policies, the Comprehensive Zoning By-Law provides regulations to control the use of the lands and use, character and location of buildings and structures built upon the land.

The Township may, in the Comprehensive Zoning By-Law, zone lands into a Special Purpose Zone so as to provide site specific zoning recognition to a particular use of land, with consideration that such land use be in conformity with this and changes that are determined by Council to be desirable and good planning.

No privately initiated applications to amend the new Zoning By-law for two (2) years after its effective date will be permitted unless the Township passes a resolution to allow applications during the two-year time-out.

The Township (approval authority) will have regard to all written and oral submissions received and include in Notices of Decision an explanation of the effect public input had on the planning decision.

The Township may use conditional zoning in accordance with section 34(16) of the Planning Act including requiring that notice registered on title in in order to implement the policies of this Plan once provincial enacting regulations are in place.

The Township may, in a Zoning By-law, permit a use of land or the erection, location or use of buildings or structures subject to one or more prescribed conditions related to the use, erection or location.

The Township may require the owner of the land to which the by-law applies to enter into an agreement with the Township relating to the condition. The agreement may be registered against the land to which it applies and the Township may enforce the agreement against the owner subject to the Registry Act and Land Titles Act, any and all subsequent owners of the land.

### *Minor Variance*

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The Township may approve minor variances for relief from regulations to the Comprehensive Zoning By-law, in accordance with Section 45 of the Planning Act, the rules of procedure and regulations issued by the Minister under the Planning Act and the policies of this .

No privately initiated applications for minor variances following the passing of an applicant initiated Zoning By-law Amendment for two (2) years after its effective date will be permitted unless the Township passes a resolution to allow applications during the two-year time-out.

#### 4.1.8 Property Standards



Council may pass and enforce a Property Maintenance and Occupancy Standards By-law, pursuant to the Building Code, within all or a part of the Township.

Such a by-law shall require that all substandard properties be repaired in conformance with such by-law or be cleared of all buildings, debris, structures, or refuse, and left in a graded and levelled condition.

Complementary with the enforcement of minimum standards on private lands, Council shall undertake to keep in a fit and well-maintained condition, all Township owned properties and structures, and to keep in good repair such Township services as roads, sidewalks, parks, etc.

Council currently has a Property Standards By-law and may establish a property standards committee.

All properties within the Township that are set out in a Property Standards By-Law shall conform to the standards and provisions that are set out in the by-law.

Council may with such a by-law, enact regulations intended to address:

- structural integrity and/or standards for occupancy;
- maintenance of yards and/or open spaces, and in particular to ensure that such lands are well kept, safe, free of debris and/or unsightly materials, equipment, and that the overall yard is in keeping with the surrounding property character;
- the cutting and/or storage of firewood;
- protection of natural and cultural heritage features defined in this; and
- notice requirements, enforcement, and/or administration, including the removal of buildings in accordance with the policies of this.

#### 4.1.9 Condominium Tenure

Lands processed and owned under the Condominium Act shall be considered to be the same as lands processed and held under the Planning Act, and condominium shall be considered to be an aspect of process and tenure and not land use. Condominium approvals may involve consideration of private road allowance that is under the jurisdiction of the resulting condominium corporation. See also section 3.3.2 Roads.

#### 4.1.10 Accessory Uses

Typically, a variety of incidental, secondary, and accessory buildings, structures, or uses are associated with a primary use of land or main building, and implemented by the Comprehensive Zoning By-Law and Building Code.

#### 4.1.11 Existing and Non-Conforming Uses

Nothing in this Plan shall affect the continuance of uses which were legally established at the date that the Zoning By-Law was passed whether or not they conform to this Plan.

The land use schedules and the policies for land use in this Plan represent concepts for the future land use pattern of the Township. It is recognized that some existing uses of land will not conform to these concepts, and it is likely that such uses will persist for some time. It is also recognized that such uses may be capable of existing in harmony or without clear conflict with the general development concept.

Where a legally existing use exists, it may be recognized in the implementing Zoning By-Law provided that:

- The Zoning By-Law will not permit any change of use or performance that would aggravate any situation that is detrimental to conforming uses;
- The use of land does not constitute a danger or nuisance to surrounding uses; and
- The use of land does not interfere with desirable development.

Where an existing use is incompatible with surrounding and desired land use, it may be made a non-conforming in the Zoning By-Law, and in the long term, such uses would be expected to cease to exist and be replaced by a conforming use.

Notwithstanding, a legal non-conforming use may be maintained, repaired, restored to a safe condition or may be redeveloped, if such redevelopment does not seriously jeopardize the possibility of future development of surrounding lands. Such redevelopment will be considered by the Committee of Adjustment.

Where a non-conforming use ceases to be an active use for more than three years, such use shall be considered to have been abandoned, unless extenuating circumstances can be

demonstrated, and thereafter, any future use of the lands and/or building shall be compliant with the Comprehensive Zoning By-Law.

Notwithstanding the long-term intent, a legal non-conforming use is acknowledged to be protected by the Planning Act and may continue to be used in the same manner and for the same purpose.

#### 4.1.12 Related Approvals

Municipalities should be aware of and give consideration to certain uses and kinds of development that have additional and/or related, but separate processes for their approval such as:

- infrastructure development - Environmental Assessment Act
- mineral aggregates extraction - Aggregate Resources Act
- renewable energy facilities and landfills - Environmental Protection Act

There are also provincial frameworks regulating operations and activities that may have the potential for negative impacts on the landscape, such as:

- water-taking - Ontario Water Resources Act (permit to take water)
- tree-cutting, and grading of land - Municipal Act, 2001 (tree cutting and site alteration by-laws)
- removing or damaging certain plants or habitat of certain animals - Endangered Species Act
- dumping of toxic waste - Environmental Protection Act
- development and activities in regulated areas including hazardous lands (floodplains, shorelines, valley lands, wetlands etc.) - Conservation Authorities Act (development and interference regulation)
- building of certain structures - Building Code Act (building permit)

#### 4.1.13 Tariff of Fees



Council shall pass a by-law detailing and prescribing a tariff of fees for planning applications which establishes a fair and equitable fee structure based on actual and/ or anticipated costs incurred by the Townshi[ in the processing of applications.

Council may review and update such costs from time to time and adjust the prescribed fees accordingly.

NOTE: Schedules (maps) to this Official Plan are located on-line and at the Township Office.

## The End

