OFFICIAL PLAN
CONSOLIDATION

FOR THE

TOWNSHIP OF HARLEY

PN: 0332/2
DRAFTED: 15 December 2004

THE PLANTARIO GROUP LTD.

EAST YORK, ONTARIO

TABLE OF CONTENTS

SECTION			PAGE
1	INTRODUCTION		
	(1)	Title of By-law	1
	(2)	Contents of Plan	1
	(3)	Scope of Plan	1
	(4)	Purpose of Plan	2
2	BASIC AND OBJECTIVES		
	(1)	Basic of Plan	3
	(2)	Objectives of Plan	4
3	SERVICE POLICIES		
	(1)	Water Supply and Sewage Disposal	8
	(2)	Solid Waste Disposal	10
	(3)	Roads	12
	(4)	Utilities and Public Safety	15
	(5)	School	16
	(6)	Parks and Recreation	16
4	LAND DIVISION POLICIES		
	(1)	Guidelines for Subdivision Approval	18
	(2)	Guidelines for Land Severance Approval	20
5	GENERAL LAND USE POLICIES		
	(1)	Standards and Agreements	28
	(2)	Site Conditions	28
	(3)	Building Requirements	31
	(4)	Site Amenities	33
	(5)	Non-Conforming Uses	34
	(6)	Conversion of Uses	38
	(7)	Public Uses	38
	(8)	Accessory Uses	39
	(9)	Crown Lands	39
	(10)	Group Homes	39

TABLE OF CONTENTS Cont'd

SECTION			PAGE
5	GENERAL LAND USE POLICIES Cont'd		
	(11)	Heritage Conservation	40
	(12)	Energy Conservation	40
	(13)	Housing	41
	(14)	Wetlands	41
6	LAND USE POLICIES		
	(1)	Land Use Plan	42
	(2)	Environmental Protection	42
	(3)	Agriculture	45
	(4)	Rural	54
7	IMPLEMENTATION		
	(1)	General	64
	(2)	Application Processing Fee By-law	64
	(3)	Land Use Controls	64
	(4)	General Controls	68
	(5)	Development Charges By-law	72
8	INTERPRETATION		
	(1)	Land Use Boundaries and Roads	73
	(2)	Quantities	73
	(3)	Metric Units	73
	(4)	Agency Names and Responsibilities	73
	(5)	Legislation	74
9	ADMINISTRATION		
	(1)	Plan Information	75
	(2)	Plan Review	75

TABLE OF CONTENTS Cont'd

SECTION			PAGE
9	ADMINISTRATION Cont'd		
	(3)	Plan Amendments	75
	(4)	Development Review	76

SCHEDULE	FOLLOWING PAGE
A	76

OFFICIAL PLAN CONSOLIDATION

TOWNSHIP OF HARLEY

This document is not to be considered a legal document, but rather a reference to reduce the confusion with the number of documents presently in place. Where there is a question of status for a property, reference must be made to the original documents. The consolidation includes the following documents:

1. The Official Plan as approved by the Minister of Municipal Affairs and Housing on 30 August 1985, and is shown in the base type.

2. The Official Plan Amendment No. 1 as approved by the Director of the Plans Administration Branch, Ministry of Municipal Affairs and Housing on 29 May 1987, and is shown in italic type with a reference - Amendment No. 1.

3. The Minister's Modifications to the Official Plan Amendment No. 1 which formed part of the approval, dated 29 May 1987, and is shown in bold and italic type with a reference (A) Minister's Mod.

4. The Official Plan Amendment No. 2 as approved by the Director of the Plans Administration Branch, Ministry of Municipal Affairs and Housing on 23 March 1988, and is shown in italic type with a reference - Amendment No. 2.

5. The Official Plan Amendment No. 3 as approved by the Director of the Provincial Planning and Environmental Services Branch, Ministry of Municipal Affairs and Housing on 26 May 1999, and is shown in italic type with a reference - Amendment No. 3.

6. The Minister's Modifications to the Official Plan Amendment No. 3 which formed part of the approval, dated 26 May 1999, and is shown in bold and italic type with a reference (B) Minister's Mod.

SECTION 1

INTRODUCTION

(1) TITLE OF PLAN

This Plan may be cited as the "Harley Township Official Plan".

(2) CONTENTS OF PLAN

Sections 1 through 9 of the text, together with the following schedule:

SCHEDULE A - LAND USE

constitute the Harley Township Official Plan.

(3) SCOPE OF PLAN

(a) PLANNING AREA:

This Plan applies to all lands in the Corporation of the Township of Harley.

(b) PLANNING PERIOD:

Amendment No. 3

The policies and schedule contained in this Official Plan cover a Planning Period to the year *2008*.

(c) EFFECT ON PUBLIC SECTOR:

Once this Plan is in effect, Section 24 of the Planning Act will require any public works undertaken in the Township and any by-law passed by the Council of the Corporation of the Township of Harley for any purpose, with certain exceptions, to conform to this Plan.

(d) EFFECT ON PRIVATE SECTOR:

Although this Official Plan is a legal document, it cannot control or regulate the use of land by the private sector until such time as it is implemented by zoning by-laws passed pursuant to Section 34 of the

Planning Act, and by other by-laws passed pursuant to the Planning Act and other Provincial statutes.

(4) PURPOSE OF PLAN

The purpose of this Plan is to provide a straightforward, comprehensive policy framework to guide, in a consistent and predictable manner, the physical development of land in the Township throughout the Planning Period. This Plan was prepared to assist both the public and private sectors' decision-making in land use matters. The public sector may use the Plan to identify public undertakings which will be required and to assign appropriate budget, timing and "locational priorities to such undertakings. The public sector will also be better able to assess proposals brought before them. The private sector, by being informed of the plan for development, may make decisions on their operations in the context of known public policies. In addition, this Plan will provide a basis for zoning and other by-laws which Council will enact to regulate the development of land in the Township.

SECTION 2

BASIS AND OBJECTIVES

(1) BASIS OF PLAN

In preparing this Plan, it was necessary to undertake a number of planning studies of the Township. These planning studies examined factors which could affect the type, location and rate of development and other land use changes in the Township, and reviewed various capabilities to sustain or accommodate such potential changes. These findings were used as a basis for the policies and schedule contained in this Plan and are summarized as follows:

(a) IMPORTANCE OF AGRICULTURE:

Agriculture plays a major role in the Township's economy. This Plan is based on the assumption that agricultural activities within the Township will not alter significantly during the Planning Period, and as such, continue to be a major influence on the Township's economy. The Township is rural in nature and it is expected to remain so during the life of this Plan.

(b) IMPORTANCE OF NATURAL RESOURCES:

Amendment No. 3

The various natural features in the Township, including forested areas, varying topography, streams, wetlands *and non-aggregate mineral resources* aggregates will continue to influence economic activities and land use in the Township, but to a lesser extent than agriculture.

(c) POPULATION PROJECTION:

Amendment No. 3

This Plan provides for an increase in the Township's population from the 1991 total of 593 persons to approximately 620 persons by 2008.

(d) INFLUENCE OF NEARBY COMMUNITIES:

The proximity of the Township to the Tri-Town Area and Earlton will continue to result in pressure for non-farm related residential development. The Township provides an attractive rural setting for those families preferring a rural lifestyle. Township residents will continue to rely upon the Tri-Town Area and Earlton as service centres to meet employment, recreational, social and retail needs.

Amendment No. 3

(e) ENVIRONMENTAL PROTECTION:

All development must recognize the need to protect, maintain and/or improve identified significant environmental features and areas, including both natural and cultural heritage areas.

(f) INDUSTRIAL AND COMMERCIAL DEVELOPMENT:

To ensure continuance of the present level of service, Council shall encourage industrial and commercial development which is compatible with the Township's rural nature, while providing new taxation sources which minimize escalating cost of services on the residential tax base.

(g) HOUSING:

To maintain an adequate supply and range of quality housing types to meet the needs for the existing and future residents, Council shall encourage the provision of additional housing units, preserve and maintain the existing housing stock while maximizing its physical resources.

(h) PROVINCIAL POLICY STATEMENTS:

This Plan recognized the role and importance of Provincial Policy Statements in the future development of the Township.

(2) OBJECTIVES OF PLAN

The following objectives are the policy statements upon which the general development policies, the land use policies and the land use designations for the Township are based:

(a) MAINTENANCE OF MUNICIPAL FINANCIAL WELL-BEING:

Only development which will provide sufficient revenue to keep the additional cost of providing required municipal services to a minimum shall be permitted. In this respect, a healthy economic balance shall be maintained between the costs occasioned by development and the

municipal tax benefits derived from such development.

(b) PRESERVATION OF AGRICULTURAL LAND:

This Plan shall preserve lands with high agricultural capability for agricultural purposes and protect established farming operations from the effects of development which would inhibit agricultural production.

(c) MANAGEMENT OF NATURAL RESOURCES:

Amendment No. 3

The land use management of most natural resources will be in accordance with the policies and programs of the Ministry of Natural Resources and the Ministry of Northern Development and Mines. Areas of good forestry shall be preserved for forestry use, while compatible uses such as certain recreational uses will be allowed, where possible. Aggregate and non-aggregate mineral resources shall be protected from development which would prejudice the economical development of these resources.

(d) ENCOURAGEMENT OF INDUSTRIAL AND COMMERCIAL DEVELOPMENT:

Industrial and commercial development requiring minimal services shall be encouraged in appropriate locations in order to strengthen the local economy, supplement employment opportunities and improve the tax base of the Township provided, however, that such development is compatible with the environment and land capabilities.

(e) ACCOMMODATION OF PROJECTED POPULATION:

Amendment No. 3

The population growth which has been projected for the life of this Plan shall be accommodated primarily in the form of *single detached* dwelling units. Development shall be dictated by the location of land use constraints and resources throughout the Township.

(f) ENHANCEMENT AND PRESERVATION OF ENVIRONMENT:

Particular care will be exercised to ensure that development does not occur on lands which are environmentally unstable and on lands

containing sensitive features.

Amendment No. 3

Development shall be directed away from significant environmental features and areas of hazardous lands. Development which proceeds shall coordinate with and facilitate implementation of related servicing strategies, watershed plans, groundwater protection objectives, cultural heritage impact assessments and remedial action plans to mitigate adverse effects to the overall environment.

(g) ENERGY CONSERVATION:

Council shall encourage the efficient use and conservation of energy supplies in the Township.

(h) MAINTENANCE OF BUILDINGS:

Existing buildings and structures which are substandard should, over time, be repaired or removed. Methods for dealing with such problems include maintenance and occupancy by-laws, provisions for the enactment of which are contained in this Plan. It is intended, however, that undue hardship to affected property owners should not result from the enforcement of any such by-law.

Amendment No. 3

(i) HOUSING:

Council shall consider the preparation of Housing Policy Statements, either individually or as part of the local Housing Authority, and update its Property Standards By-law on a regular basis.

(j) PROVINCIAL POLICIES:

All development shall take into consideration existing and future Statements to ensure provincial concerns are recognized and implemented in an orderly manner. As provincially significant areas, features or resources are identified by a Ministry, the areas, features or resources shall be identified by this Plan and protected in accordance with the Policy Statement.

B Minister's Mod 1

Notwithstanding other policies of this Plan, if the policies of this Plan require consultation with government agencies for development applications under the Planning Act, the Township and/or applicant shall consult with the Ministry of Municipal Affairs and Housing where the Ministry of Municipal Affairs and Housing is the approval authority.

Where the Official Plan has been drafted to require an evaluation, demonstration or other action by one or more government agencies, the policy should generally be interpreted to mean that it is the Township's responsibility to ensure regard has been had for provincial policies.

SECTION 3 SERVICE POLICIES

Amendment No. 3

(1) *WATER SUPPLY AND SEWAGE DISPOSAL*

(a) *PRIVATE PIPED SERVICES:*

Where a development on a private piped service is proposed, Council shall determine, on a case-by-case basis, the feasibility of such development.

(b) *INDIVIDUAL PRIVATE SYSTEMS:*

This Plan requires all development proposed on private water supply and sewage disposal systems to be approved by the Timiskaming Health Unit and/or the Ministry of Environment and Energy in accordance with the Environmental Protection Act, and/or the Ontario Water Resources Act and the following policies before such development or development approval shall be permitted:

(i) *Water Supply Systems*

Each proposed water source and supply system shall meet the applicable quality and quantity guidelines of the Ministry of Environment and Energy and the Ontario Drinking Water Objectives to the satisfaction of the Ministry. If, in the opinion of the Ministry, it appears that the operation of a proposed water supply system will impair the water supply to existing development and/or the natural environment in the vicinity, an assessment of local groundwater conditions, as to adequate groundwater quality and adequate groundwater yield, shall be prepared, at the expense of the developer, for review and approval by the Ministry, before approval will be given to the proposed system.

(ii) *Sewage Disposal Systems*

The preferred method of sewage disposal shall be a septic tank and tile bed system. If, in the opinion of the Health Unit, or where applicable, the Ministry of Environment and Energy, a site appears to have unsuitable soil, drainage, or other conditions which could adversely affect the operation of a

Amendment No. 3

proposed sewage disposal system, tests shall be prepared to show negligible groundwater quality interference, soil suitability and sufficient available area for effluent treatment, at the expense of the developer, for review and approval by the Health Unit and/or the Ministry, before approval will be given to the proposed system.

(iii) *Large Developments*

It is preferred to have new development of more than 5 lots on communal systems, however, individual private services may be provided where the developer prepares a Servicing Report which justifies their use. The Report, to be prepared by, and at the expense of the developer, is to be reviewed and approved by the Ministry of Environment and Energy. The Report shall include background data, a discussion of the options and their evaluation, the selection of a preferred option, the anticipated effects and their mitigation methods, plus a proposed monitoring plan, as applicable.

Where a Servicing Report, which is approved by the Ministry of Environment and Energy, recommends development, (usually by Plan of Subdivision) on individual private services, the Ministry will then require an Environmental Impact Assessment Report to be prepared by, and at the expense of the developer, for review and approval by the Ministry. The Report is to demonstrate potable groundwater quality, adequate groundwater yield, negligible groundwater quality interference, soil suitability, and sufficient available area for effluent treatment.

B Minister's Mod 2

Where large developments of more than five lots are proposed, development shall proceed in accordance with relevant provincial servicing guidelines and legislation.

Amendment No. 3
B Minister's Mod 2
Amendment No. 3

Where a private sewerage system, which handles more than ***10,000 litres*** *per day is proposed, a Hydrogeological Impact Report shall be required which demonstrates soil suitability and sufficient available area for the effluent treatment and site suitability. The Report shall be prepared by, and at the expense*

Amendment No. 3

of the developer, for review and approval by the Ministry of Environment and Energy.

(iv) *Waterfront Development*

Where lot creation is proposed on waterbodies, with a private sewage system approved by the Health Unit and/or Ministry of Environment and Energy, approval of the development will be subject to a Lake Development Capacity Calculation. The Ministry will assess the effects of the proposal on the waterbody, and development will be limited to that level which results in no change to the trophic category of the lake.

(v) *Substandard System Improvements*

Residents shall be encouraged to participate in any programs designed to upgrade or replace existing substandard individual water supply and/or sewage disposal systems.

(2) SOLID WASTE DISPOSAL

(a) OPERATION:

The Corporation shall continue to use the existing active land-fill site for solid waste disposal purposes, in accordance with the regulations of the Ministry of the Environment. Solid waste shall not be disposed of in any other location unless the site has been approved by the Ministry of the Environment.

Amendment No. 3

The Municipality shall as a means of extending the life-expectancy of the existing site, review its Operations Plan for the purpose of developing policies for the implementation of a Recycling Plan which reduces the demand for new disposal areas.

(b) ACTIVE AND CLOSED SITES:

Council shall give careful consideration to development applications proposed within five hundred (500) metres of an active or closed waste

disposal site because of potential hazards.

Before approving any such application, Council shall consult with the Ministry of the Environment, and upon the recommendation of the Ministry, require that the applicant provide additional information on one or more of the following:

- ground water quality;
- drainage from the waste disposal site;
- subsurface gases;
- animal pests;
- noise; and
- air quality.

Should Council, in consultation with the Ministry of the Environment, conclude that the proposed development is subject to any one of the above-noted hazards, the application shall not be approved unless effective remedial measures are available and will be undertaken by the applicant.

Amendment No. 3

The active site is located in the north half of Lot 12, Concession I, while the closed site is located in the north half of Lot 9, Concession VI.

(c) FUTURE SITES:

Amendment No. 3

The existing active landfill site shall be monitored on a regular basis in consultation with the Ministry of Environment and Energy, and at least six (6) years prior to reaching capacity, studies will be undertaken to select a new location.

Expansion of the existing landfill, or the establishment of a new landfill site require approval of the proposed site from the Ministry as to the location, characteristics of the operation, buffer planting and screening, etc. in accordance with the Environmental Protection Act and the Environmental Assessment Act and the Regulations passed thereunder.

(3) ROADS

(a) FUNCTION;

Council shall ensure that the Township road system continues to facilitate the satisfactory movement of people, goods and through traffic in harmony with the Provincial highway system.

(b) JURISDICTION AND RESPONSIBILITY:

It shall be the responsibility of the Province to adequately maintain and improve, where necessary, the Provincial and secondary highways within the Township. All other existing roads within the Township, except privately owned roads, shall be the responsibility of Council.

Provincial roads shall be designed and maintained in accordance with the Ministry of Transportation and Communications' standards. Municipal roads shall be designed and maintained in accordance with municipal standards and policies of Council.

Amendment No. 3

It is not intended that existing roads which are classified as not improved will be assumed by any public agency, unless it is clearly in the public interest and meets the Ministry of Transportation's standards for assumption. No responsibility for the provision of access, snow removal, maintenance or use by school buses on a seasonal or year-round basis is acknowledged for not improved roads, by such public agencies.

(c) ACCESS TO DEVELOPMENT:

The development of land shall be permitted only where access to and frontage on an improved road is available or established as a condition of a development approval.

Access to an improved road under Provincial jurisdiction shall be subject to the Ministry of Transportation and Communications' "Access Control Policies". Access to an improved road under municipal jurisdiction shall be subject to Council issuing an entrance permit.

Amendment No. 3

Notwithstanding the above, for not improved roads, Council may impose conditions for development based upon a study of the aspects of the particular road. All conditions must be met prior to any development taking place.

(d) IMPLEMENTATION:

Amendment No. 3

The location of improved or not improved roads shall be identified in the Zoning By-law. Improved roads shall include Provincial highways and municipally maintained roads (acceptable to the Ministry of Transportation for subsidy purposes) which are maintained year-round. Other roads shall be classified as not improved.

Where an individual requests the addition or extension of an improved road, or the reclassification of a not improved road to an improved road, such addition or extension, or reclassification shall be justified by a detailed study, undertaken at the Applicant's expense, of the planning, financial and legal implication of the proposal on the Corporation. Where Council considers it appropriate, that is clearly in the public interest and feasible, in consultation with the Ministry, the road will be assumed by Council and incorporated into its road network. No Official Plan Amendment will be required in this situation, however, an amendment to the comprehensive Zoning By-law shall be required.

In those situations where Council does not wish to assume the road into its network, but still considers development appropriate based upon the Applicant's detailed study, an Official Plan Amendment would be required to specifically list the not improved road as a road on which development could take place. An amendment to the comprehensive Zoning By-law shall also be required.

(e) LAND ACQUISITION FOR ROAD PURPOSES:

Where land is required for road widening, road extensions, road rights-of-way, prevention of landlocked parcels, bridge construction, intersection or railway crossing improvements, such land shall be obtained for the appropriate agency in the course of approving land severances, plans of subdivision and development application. Any

proposals to widen, extend or improve roads in the Township should take into account the scenic factors and natural attributes of adjacent lands, particularly trees which may be on or near a road allowance.

(f) IMPROVEMENTS:

In order to maintain a satisfactory road system, the Province and Council shall pursue a program to maintain their roads in a good state of repair and undertake intersection, bridge and crossing improvements.

(i) Roads

It is intended that, wherever possible, improvements in the form of improved road alignments, surfaces, pavement widths and the establishment of adequate road allowances will be undertaken.

(ii) Intersections, Bridges and Crossings

It is intended that, wherever possible, as new traffic conditions warrant, improvements in the form of jog eliminations, sight triangles, regulation of turning movements, proper signage, installation of traffic signals, and marking of traffic lanes will be undertaken.

In addition, wherever possible, as new traffic conditions or structural conditions warrant, improvements in the form of bridge repairs will be undertaken.

No development of lands shall be approved in close proximity to an intersection or railway crossing which is scheduled for improvement until the improvement has been sufficiently designed to determine the land required for such improvement.

(iii) Culverts

It is intended that culvert extensions and replacements shall be undertaken as required, subject to the approval of the Township's Road Superintendent.

Amendment No. 3

(iv) *Permits*

In addition to all the relevant municipal requirements, all development adjacent to Provincial highways is also subject to the requirements and permits of the Ministry of Transportation.

(4) UTILITIES AND PUBLIC SAFETY

(a) REQUIREMENTS FOR DEVELOPMENT:

Before giving its approval to any development proposal, Council shall be assured by the appropriate agencies that utilities (such as electricity and telephone), fire protection and police protection necessary to serve the proposed development will be provided without placing undue financial obligations on taxpayers. When small-scale development is involved, such as that resulting from land severance activity, the proposed development should be located in an area where such services already exist and are economically feasible to maintain.

(b) UTILITY CORRIDORS:

Council shall ensure that residents are aware of any new proposals for power transmission corridors. Any new development which is proposed in the vicinity of such facilities shall be designed so as to reduce any potential conflicts between the proposed use and existing facilities.

(c) LANDS FOR EASEMENTS AND EMERGENCY ACCESS:

Where land is required for utility easements or emergency access, such land shall be obtained for the appropriate agency in the course of approving land severances, plans of subdivision and development applications.

(5) SCHOOLS

(a) ACCOMMODATION PLANNING:

School boards having jurisdiction in the Township shall determine, in conjunction with Council, the size and timing of required new educational facilities or the need to close an existing facility. At such time as the school boards have completed long-range accommodation planning, their proposals may be added to this Plan by amendment.

(b) REQUIREMENTS FOR DEVELOPMENT:

Before any development which will generate additional pupils is approved. Council shall be assured that the necessary pupil accommodation and any required school busing will be provided.

(6) PARKS AND RECREATION

(a) PARKLAND CONVEYANCES:

Council shall require as a condition of approval for the division of land under Section 50 or 52 of the Planning Act that the owner convey 2% of such lands for park or public recreational purposes in the case of land proposed for commercial or industrial purposes and 5% in all other cases.

Lands having environmental problems may not be acceptable. All lands conveyed to the Township for park or other public recreational purposes shall be approved by Council. Where a watercourse adjoins such lands, adequate space for access to the lands shall be provided for maintenance and operation purposes.

(b) CASH-IN-LIEU OF PARKLAND:

As an alternative to Section 3(6)(a) of this Plan, Council may require the payment of money to the value of the land otherwise required to be conveyed in lieu of such conveyance. Such amount of payment of the

value of the land shall be determined in accordance with the provisions of Sections 50 and 52 of the Planning Act.

All such monies collected by the Corporation shall be used in accordance with Section 50(12) of the Planning Act.

(c) PARKLAND REQUIREMENTS:

Due to the present nature of the lands and the nature, scale and density of development in the Township, no lands for parks or public recreation purposes need be acquired. However, the development of outdoor recreation activities shall be encouraged throughout the Township.

Council shall expend monies to develop and maintain the municipal field and facilities located in Hanbury for public recreational purposes.

SECTION 4

LAND DIVISION POLICIES

Amendment No. 3

(1) *GUIDELINES FOR SUBDIVISION APPROVAL*

(a) *REQUIREMENTS FOR PLANS OF SUBDIVISION:*

With the exception of land severances granted by the consent-granting authority, all other land division in the Township shall take place by registered plan of subdivision. A plan of subdivision shall conform to this Plan and shall normally be required in the following instances:

- *where more than 3 lots are to be created on a land holding as recorded in the records of the land registry office on the date of adoption of this Plan;*
- *where a new road or an extension to an existing road is required; or*
- *where it is necessary to ensure that surrounding lands are developed in a proper and orderly fashion.*

(b) *GENERAL SUBDIVISION POLICIES:*

It shall be the policy of Council to recommend to the Ministry of Municipal Affairs for draft approval only those proposed plans of subdivision which conform to this Plan. In considering a proposed plan of subdivision, Council shall be guided by the relevant objectives and policies of this Plan.

(i) *Land Use Compatibility*

The land use designations and policies of this Plan shall be utilized to ensure compatibility between the type of development proposed for the subdivision and the land uses, both existing and future, in the surrounding area, plus major transportation, utility and industrial facilities.

Council should seek the Ministry of Natural Resources' opinion as to waterbodies' ability to support proposed subdivisions, and the Ministry of Environment and Energy's opinion on the

Amendment No. 3

potential impact of proposed subdivisions on waterbodies' water quality.

(ii) *Development Patterns*

The development pattern of a proposed subdivision shall mesh with existing development and roads on adjacent lands. To ensure that undeveloped lands adjacent to the proposed subdivision will not become landlocked, or have difficulty obtaining access, the proposed development pattern shall make provision for rights-of-way for access to adjacent lands. Rights-of-way shall be developed to municipal standards and dedicated as public roads. Wherever possible, the layouts of proposed lots and roads should conform to the topography of the site while utilizing energy planning design considerations.

Proposed subdivisions shall be modified to avoid interfering with diminishing wildlife and fish habitats and ensure the extensive use of tree planting and berming to enhance the natural environment.

(iii) *Provision of Services*

Council shall ensure that the proposed subdivision will be provided with all necessary services and amenities in accordance with the relevant policies of Section 3 of this Plan.

(iv) *Site Conditions*

Council shall ensure that the proposed subdivision can be developed in accordance with the relevant policies of Section 5(2) and Section 5(4) of this Plan.

(v) *Zoning*

Proposed subdivisions shall not be zoned for their intended uses until draft approval has been received from the Ministry of Municipal Affairs.

Amendment No. 3

(c) SUBDIVISION APPLICATIONS:

All applicants seeking approval of proposed plans of subdivision in the Township shall complete Council's "APPLICATION FOR PLAN OF SUBDIVISION" and shall comply with the conditions and procedures thereof, notwithstanding, that formal application for approval of a Plan of Subdivision must be made to ***the approval authority.***

B Minister's Mod 3

Prior to submitting the subdivision application to Council, the applicant shall discuss all aspects of the application with the approval authority.

Amendment No. 3

(2) GUIDELINES FOR LAND SEVERANCE APPROVALS

It is a policy of this Plan that Council shall only recommend approval of those proposed severances which conform to this Plan and, in particular, to those policies set out below. When considering land severance proposals in the Township, the consent-granting authority shall be guided by these same policies.

(a) CONDITIONS FOR LAND SEVERANCE CONSIDERATION:

Prior to considering any land severance application, the consent-granting authority shall establish that a plan of subdivision is not necessary in accordance with the requirements of Section 4(1)(a) of this Plan.

(b) GENERAL SEVERANCE POLICIES:

(i) Land Use Compatibility

The proposed use of the lot to be severed shall conform to the land use designations shown on Schedule A hereto and the land use policies of this Plan. Where an amendment to an implementing zoning by-law is required for proposed uses of either the severed or the retained parcel, the proposed use shall be compatible with surrounding uses.

Amendment No. 3

(ii) *Development Patterns*

To avoid the creation of landlocked parcels, no severance shall be approved which will result in the severed or retained parcel of land being landlocked, unless such landlocked parcel is to be consolidated with an abutting property which abuts and has access to an improved road in accordance with Section 3(3) of this Plan. No severance shall be approved where access is unavailable via an improved road.

Direct access to an improved road under Provincial jurisdiction shall be discouraged where an alternative access to an improved road under municipal jurisdiction is available. If such alternative access is not available, the consent-granting authority shall ensure that any approval of the severance will be conditional upon the issuance of an entrance permit by the Ministry of Transportation.

If access to an improved road under municipal jurisdiction is requested, the consent-granting authority shall require confirmation from the Municipality that the road in question is an improved road and that it is prepared to issue any required entrance permit.

Each application shall be reviewed to ensure no traffic hazard is created by its approval.

Where the need for road widening, extension or rights-of-way have been identified, the consent-granting authority shall ensure that the necessary land is to be dedicated as a condition of severance approval.

Severance applications which create scattered strips of development throughout the Township shall not be recommended by Council to the consent-granting authority.

Amendment No. 3

(iii) *Provision of Services*

Council shall ensure the proposed severance will be provided with all necessary services and amenities in accordance with the relevant policies of Section 3 of this Plan.

In particular, prior to approving any severance on private services, where the property contains an existing building, the consent-granting authority shall require the confirmation of the Timiskaming Health Unit or where applicable, the Ministry of Environment and Energy, that the existing water supply and sewage disposal facilities are functioning properly. If, in the opinion of the Health Unit or where applicable, the Ministry, such facilities are not properly functioning, the consent-granting authority shall ensure that any approval of the severance shall be conditional upon the improvement or replacement of malfunctioning facilities to the satisfaction of the Health Unit and/or Ministry.

B Minister's Mod 4

No development is permitted within 30 metres of a landfill site. Prior to approval of development proposed within 500 metres of the boundary line of a closed or active landfill site, the application shall be required to prepare a methane/gas leachate study in accordance with the Ministry of Environment Guideline.

Amendment No. 3

The authority shall be assured by the appropriate agencies that necessary utilities and fire and police protection will be provided to the proposed lot prior to approving any severance. In addition, the severed lot shall be located in an area where such services are economically feasible to provide and maintain.

B Minister's Mod 5

Council shall ensure that adequate school facilities are available to accommodate additional development within the municipality. In addition to the policies in Section 3(3)(b), Council shall consider school bussing requirements as part of their review and assessment of any development proposal.

Amendment No. 3

No severance shall be approved unless as a condition of the consent, the Municipality acquires lands by conveyances, or money to the value of the lands otherwise required to be conveyed in lieu of such conveyance.

(iv) *Site Conditions*

Any lot created by severance shall comply with the relevant policies of Section 5(2) of this Plan. These policies shall apply to both the severed and retained portions of the subject property, but need not apply to portions which are to be consolidated with an abutting property.

(v) *Zoning*

Where a proposed severance does not conform to the implementing zoning by-law, the severance approval shall be conditional upon rezoning for the appropriate use.

(vi) *Exceptions*

Notwithstanding the above, consents may be granted for the following purposes, without affecting the number of severances permitted from land holding in accordance with Section 4(1)(a) and the particular land use designation:

- *to correct lot boundaries;*
- *to clear title;*
- *to convey additional land to an adjacent lot, provided the conveyance does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being used; and*
- *to provide easements or rights-of-way.*

Amendment No. 3

(c) SEVERANCES IN ENVIRONMENTAL PROTECTION DESIGNATIONS:

Once lands are appropriately designated, no further severances shall be granted in areas designated Environmental Protection on Schedule A hereto unless:

- *the severance is to create a use which is permitted in the Environmental Protection designation; or*
- *the lands designated Environmental Protection are only a part of the total lands to be severed and the proposed use is to be developed on lands not designated Environmental Protection.*

(d) SEVERANCES IN AGRICULTURE DESIGNATIONS:

For lands designated Agriculture on Schedule A hereto, all new development shall comply with the Minimum Separation Distance requirements under the Agricultural Code of Practice. As well, notwithstanding Section 4(1)(a), a maximum of two severances may be permitted from a land holding as recorded in the records of the land registry office on the date of adoption of this Plan.

(i) <u>Non-Residential</u>

Preference will be given to farm-related non-residential severances where:

- *both the severed and retained portions are to be used for agricultural purposes and, in the opinion of Council and the Ministry of Agriculture, Food and Rural Affairs, both portions constitute economically viable farm units; or*
- *the severed portion is to be consolidated with an abutting farm while the retained portion is to be used for agricultural purposes provided, in the opinion of Council and the Ministry of Agriculture, Food and Rural Affairs, the retained portion constitutes an economically viable farm unit; or*

Amendment No. 3

- *where a separate site is required for the operation of commercial or industrial uses which are directly related to agriculture and require a location in proximity to farm operations, the severance shall be permitted provided such developments are:*

- *directed to those lands where soils exhibit lower agricultural capabilities;*

- *located in the vicinity of other operations already established;*

- *small-scale operations servicing the needs of the local population; and*

- *located on lots which are kept to a minimum size for the purpose for which it is being used.*

(ii) *Residential*

Preference will be given to farm-related residential severances which provide:

- *a lot for an existing surplus residential unit created by the consolidation of two farms; or*

- *a lot for the personal use of a retiring farmer who has been farming a substantial number of years and who is retiring from an active working life.*

No residential severance shall be granted unless such developments are:

- *located on lots which are kept to a minimum size; and*

- *directed to those lands where soils exhibit lower agricultural capabilities.*

Amendment No. 3

Additional dwellings for full-time farm help shall not be permitted to be severed, unless considered surplus through farm consolidation.

(e) SEVERANCES IN RURAL DESIGNATIONS:

For lands designated Rural on Schedule A hereto, all new development shall comply with the Minimum Separation Distance requirements under the Agricultural Code of Practice.

(i) Non-Residential

B Minister's Mod 6

Notwithstanding Section 4(1)(a), no more then three non-residential severances may be permitted for commercial or industrial development from a land holding as recorded in the records of the Land Registry Office on the date of adoption of this plan, in the North half of Lots 8 and 9, Concession IV, and the south half of Lots 7 and 8, Concession V.

Amendment No. 3

Preference will be given to non-residential severances where:

- *both the severed and retained portions are to be used for agriculture or agriculturally related uses; or*
- *the severed portion is to be consolidated with an abutting farm, while the retained portion is to be used for agriculture purposes; or*
- *a separate site is required for commercial or industrial uses provided such developments:*
- *are operations servicing the needs of the local populations; and*
- *are directed to those areas where lands exhibit low resource potential; and*
- *are kept to a minimum lot size for the purpose for which it is being used; and*

Amendment No. 3

- *will not prejudice the future orderly development of adjacent lands; or*

- *a separate site is required for an extractive industrial operation, provided such developments are directed to only those lands where the resource is located and the site is rezoned.*

(ii) *Residential*

Preference will be given to residential severances which:

- *are directed away from those lands containing viable farm operations; and*

- *are directed to those areas where lands exhibit low resource potential; and*

- *are located on lots which are kept to a minimum size; and*

- *will not prejudice the future orderly development of adjacent lands.*

SECTION 5 GENERAL LAND USE POLICIES

(1) STANDARDS AND AGREEMENTS

Council shall ensure, through the adoption of an implementing Zoning By-law in accordance with Section 34 of the Planning Act and through the use of the Building Code Act, that adequate standards are met for all development. Building conditions shall be regulated through the adoption of a Maintenance and Occupancy By-law in accordance with Section 31 of the Planning Act.

All areas in which development is to take place shall be adequately serviced in accordance with the standards set from time to time by Council.

(2) SITE CONDITIONS

(a) LOT SIZE AND SHAPE:

Any lot to be developed shall be of a size and shape which is suitable:

- to accommodate the proposed use in accordance with the relevant lot area and lot frontage provisions of the implementing zoning by-laws;

- to permit the siting of any buildings, structures and other on-site amenities (including landscaping areas, buffering, entrances, parking, delivery, loading and open space) in accordance with the relevant provisions of the implementing zoning by-laws; and

- to permit the installation of water supply and sewage disposal facilities which meet the requirements of the Ministry of the Environment and/or the local Health Unit and Council.

(b) DENSITY:

The maximum density of a residential development shall be controlled by implementing zoning by-laws.

(c) LAND USE COMPATIBILITY:

To ensure satisfactory compatibility between the proposed land uses and the existing land uses in the surrounding areas, Council shall verify that the proposed use complies with the relevant land use designations and policies of this Plan.

Amendment No. 3

All new land uses, and the expansion of existing land uses in the vicinity of an active or closed waste disposal site shall be reviewed by Council in consultation with the Ministry of Environment and Energy. The Ministry may require an Environmental Impact Assessment Report, prepared by, and at the expense of the Applicant, to be submitted for review and approval by the Ministry prior to permitting any development.

The area of influence around certain facilities or land uses, which are subject to emissions of a nuisance nature, where exposed to residential of other similar sensitive uses, should be minimized through the use of environmental control measures to supplement practical emission controls.

(d) VEGETATION CLEARING NEAR WATERCOURSES:

Amendment No. 3

In order to minimize harmful nutrients from entering the waterbodies, and in order to avoid possible erosion, consultation with the Ministry of Natural Resources shall occur prior to selective clearing of vegetation to perpetuate desirable species, to encourage regeneration or reduce fire hazards, above or below the high water mark fronting any property.

A work permit, issued by the Ministry of Natural Resources, is required prior to any work involving cutting which commences along a shoreline in accordance with the Public Lands Act.

(e) SOIL AND DRAINAGE:

Development should only be permitted on lands where soil and drainage conditions are, or can be made, suitable to permit the proper siting and development of the proposed uses. In addition, development should not

pose any adverse affects on the soil or drainage of an adjoining property.

Amendment No. 3

Council, in consultation with the Ministry of the Environment, may require the preparation of Stormwater Control and Management Plans in accordance with Ministry Guidelines that appropriately address the protection and enhancement of pre-development hydrological and water quality regimes.

The objectives of Stormwater Control and Management Plans shall be to prevent the loss of life, minimization of community disruption and property damage due to erosion and flooding, and the maintenance and enhancement of surface and groundwater resources sufficient for aquatic life, recreation and other uses.

(f) ENVIRONMENTAL PROBLEM AREAS:

Environmental problem areas include all lands which have soils, topography, drainage or similar environmental features as well as features of conspicuous value such as biological, geological, historical and cultural interests, which may be hazardous to development, or where these features may be damaged or destroyed by development.

Environmental problem areas may be identified as development is proposed or as a detailed study is undertaken. As a result, it may be necessary to create new land use designations to recognize the environmental problem area by amendment to this Plan.

Amendment No. 3

To ensure development compatibility in environmental problem areas, Council shall, in consultation with the Ministry of Natural Resources require that a study, or an engineering report be conducted, at the expense of the applicant, to determine the impact of such development and its ability to enhance and, where necessary and possible, conserve or restore the natural features.

Where development is proposed on a shoreline, studies would be required on the development's impact on water quality, fish and wildlife habitat and the existing vegetation.

Amendment No. 3

(g) AGGREGATE AND NON-AGGREGATE MINERAL RESOURCE AREAS:

Aggregate and non-aggregate mineral resource areas includes all lands which have aggregate and mineral potential established thereon.

The Township has been generally classified as having low potential, however, as development is proposed or as detailed studies are undertaken, it may be necessary to recognize selected areas to protect the resource.

When considering any development applications which would take place in a resource area, Council shall assess each application as follows:

- *whether extraction would be feasible on the property;*
- *whether the proposed use will hinder future extraction; and*
- *whether the proposed use is of a higher priority than the extraction of the resource in serving the long term interest of the public.*

(h) SITE DECOMMISSIONING:

Where a change in land use is proposed and the present use has the potential to have caused environmental contamination, the site shall be decommissioned and/or cleaned up prior to receiving the Ministry of Environment and Energy's recommendation for approval of the new use. The decommissioning/cleanup shall be undertaken in accordance with Ministry Guidelines.

(3) BUILDING REQUIREMENTS

(a) MAXIMUM BUILDING AREAS:

The portion of any lot permitted to be covered by buildings shall be established by implementing zoning by-1aws.

(b) MINIMUM SETBACKS FROM ROADS:

Setbacks of buildings, structures and other facilities from roads shall be provided, in accordance with implementing zoning by-laws. Such setbacks should be sufficient to allow appropriate landscaping and to permit the parking and movement of vehicles clear of any road allowance.

(c) MINIMUM SETBACKS FROM WATERCOURSES:

B Minister's Mod 7

With the exception of boathouses and similar water-oriented uses, all buildings shall be set back from waterbodies in accordance with implementing zoning by-laws. Setbacks for new development should be sufficient to preserve the visual impression that such waterbodies are undeveloped and to reduce the physical impact on aquatic environment such as wetlands, fish habitat, water quality and quantity and flood plains.

(d) MINIMUM SETBACKS FROM PROPERTY LINES:

Setbacks of buildings, structures and other facilities from property lines shall be provided, in accordance with implementing zoning by-laws, to give some measure of privacy and to enhance compatibility with neighbouring land uses.

Amendment No. 3

(e) MINIMUM SETBACKS FROM PIPELINES:

All buildings and structures must be setback from the limits of the TransCanada Pipeline in accordance with the implementing zoning by-law.

Amendment No. 3

(f) MINIMUM SEPARATIONS:

The separation of buildings, structures and other facilities shall be controlled by implementing zoning by-laws.

Amendment No. 3

(g) MAXIMUM HEIGHTS:

The maximum height of a building, structure or other facilities shall be controlled by implementing zoning by-laws.

(4) SITE AMENITIES

(a) LANDSCAPING AREAS:

The minimum areas required to be set aside on each lot for landscaping purposes shall be established by implementing zoning by-laws.

(b) BUFFERING:

As a condition of approval for the development of any non-residential use, Council may require the developer to comply with the following additional requirements along that side of a lot which adjoins a non-compatible use:

- provision of increased building setbacks;
- provision of planting strips, fencing, berms and/or grassed areas;
- deflection of lighting and signs; and
- prohibitions on parking, delivery, loading and open storage.

(c) ENTRANCE DRIVEWAYS:

The location of entrances should not create traffic hazards because of concealment by curves, grades or other visual obstructions. Entrances should be limited in number and designed so as to minimize the dangers to vehicular and pedestrian traffic in the vicinity. Further requirements for the location, width and surface treatment for entrances and driveways on each lot may be established by implementing zoning by-laws.

(d) PARKING:

Off-street parking areas shall be provided for the applicable uses as required by implementing zoning by-laws.

(e) OPEN STORAGE:

Open storage shall be controlled by implementing zoning by-1aws.

Amendment No. 3

(f) AIR QUALITY, NOISE AND VIBRATION:

Residential areas, and other uses of similar sensitivity will be protected from situations of undesirable air quality and excessive noise/vibration. Development applicants may be required to carry out noise and/or vibration assessments and determine control measures, which are satisfactory to the Municipality and the Ministry of the Environment in accordance with the Environmental Protection Act.

New residential development and new buildings for public assembly which abut, or are in close proximity to railway or highway rights-of-way will only be permitted in accordance with the Ministry of the Environment's Noise Guidelines. This may require studies to be undertaken by the Applicant, at his cost, to determine the impact of the rail line operation or highway on the proposed development, and may result in attenuation and safety measures such as setbacks, fencing and/or berms being a condition of approval for a consent, plan of subdivision, etc. In addition, an Offer of Purchase and Sale/Lease Agreement may be used to provide notice regarding the potential for noise. The implementing zoning by-law shall identify setback requirements.

(5) NON-CONFORMING USES

Any land use in the Township which existed on the date of approval of this Plan, but which does not conform to the land use designations shown on Schedule A, should cease to exist in the long term. In special instances, however, it may be acceptable to permit the extension or enlargement of such uses in order to avoid unnecessary hardship. It is the intention of this Plan that

such extensions and enlargements shall be dealth with through the use of Section 34(10) or Section 44 of the Planning Act.

(a) SECTION 34(10) OF THE PLANNING ACT;

In accordance with Section 34(10) of the Planning Act any application for the extension or enlargement of an existing use which is not permitted by implementing zoning by-laws (hereinafter called a "non-conforming use") shall be dealt with in the following manner:

(i) Feasibility of Acquisition

Council shall determine the feasibility of acquiring the property concerned at the time of application or possibly at some future date and of holding, selling, leasing or redeveloping the property in accordance with the provisions of the Planning Act. At the same time, consideration shall be given to the possibility of relocating the use under consideration to a designated and zoned location where it would be able to function and produce under improved conditions in accordance with the policies of this Plan.

(ii) No Amendment to Official Plan

If, after investigation, municipal acquisition of the property does not appear to be feasible but the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use. Council may consider passing a zoning by-law amendment pursuant to Section 34(10) of the Planning Act. Such Amendment may then be passed without amending this Plan, provided it complies with the policies of Section 5(5)(a)(iii) of this Plan.

(iii) Report and Requirements

Prior to making any decision on the application and, in particular, before passing a zoning by-law amendment, Council will obtain a report on various aspects of the matter and be satisfied that those of the following requirements which are

relevant to the specific application for the extension or enlargement of the non-conforming use are, or will be, fulfilled in order to safeguard the wider interest of the general public:

- the proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of this Plan and the requirements of any zoning by-law applying to the area;

- the proposed extension or enlargement shall be in appropriate proportion to the size of the non-conforming use;

- an application, which would affect the boundary areas of different land use designations on Schedule A, will only be processed under these policies if it can be considered as a "minor deviation" permitted under the flexibility of Section 8(1) hereof without the need for an amendment to this Plan;

- the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic-generating capacity;

- no zoning by-law amendment shall be passed if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;

- the neighbouring conforming uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and by regulations for alleviating adverse effects caused by outside storage, lighting or advertising signs. The above measures shall be applied to the proposed extension or enlargement and wherever

feasible, shall also be applied to the established use in order to improve its compatibility with the surrounding area;

- traffic generation and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriately designed ingress and egress points to and from the site and by the improvement of sight conditions, especially in proximity to intersections, so as to provide maximum safety for pedestrian and vehicular traffic;

- adequate provisions have been or will be made for off-street parking, delivery and loading facilities; and

- applicable services such as water supply, sewage disposal, storm drainage and roads are adequate or can be made adequate.

(iv) Notification of Ratepayers

In cases where a zoning by-law amendment is not required, Council shall, prior to a final decision on the matter, notify all property owners in the area affected by each application for the extension or enlargement of a non-conforming use, in order to obtain their views.

(v) Council Decision

Council will not pass a zoning by-law amendment pursuant to Section 34(10) of the Planning Act before being satisfied as to the policies contained in Section 5(5)(a)(iii) hereof.

(b) SECTION 44 OF THE PLANNING ACT:

Council may, under Section 43 of the Planning Act constitute and appoint a Committee of Adjustment to hear and make decisions under Section 44 of the Planning Act for authorizing minor variances from the

provisions of an implementing zoning by-law; to permit enlargements or extensions of non-conforming uses; and to permit the change of a non-conforming use to another use if, in the opinion of the Committee, the proposed use is similar to or more compatible than the existing use, and provided the general intent and purpose of this Plan and implementing zoning by-laws are maintained.

Council may, under Section 44(3) of the Planning Act, empower the Committee to grant minor variances from the provisions of any by-law of the Corporation that implements this Plan, or from such special by-laws of the Corporation as are specified and that also implement this Plan.

(6) CONVERSION OF USES

Like other forms of development, the conversion from one permitted land use type to another within the same designation on Schedule A to this Plan will be carefully evaluated by Council. Such conversions will only be permitted when the conversion is in compliance with the policies of this Plan.

If a proposed use does not conform to the implementing zoning by-law, a by-law amendment to permit such use may be passed by Council and approved in accordance with Section 34 of the Planning Act prior to the conversion.

(7) PUBLIC USES

Except as provided specifically elsewhere in this Plan, it shall be the policy that road and railroad rights-of-way and local utilities such as gas lines, pipelines, electrical lines and telephone lines and local public parks are permitted in all land use designations shown on Schedule A, provided that the location of such rights-of-way, facilities and parks are approved by Council; that it is necessary in the area; that it can be made compatible with its surroundings; and that adequate measures are taken to ensure this compatibility.

Notwithstanding the above, all existing electric power facilities and the development of new electric power facilities operating at 50 kilovolts and above, or facilities that transform from above 50 kilovolts to less than 50 kilovolts, including all works as defined in the Power Corporation Act, shall be permitted in all land use designations shown on Schedule A and shall be considered to conform to the policies of this Plan, provided that such development satisfies the provisions of the Environmental Assessment Act and the Regulations passed thereunder.

Ontario Hydro shall be required to consult with Council regarding the location of new electric power facilities.

(8) ACCESSORY USES

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

(9) CROWN LANDS

Amendment No. 3

The policies of this Plan are not binding on undertakings carried out on Crown lands by the Crown or its agents. However, Council will encourage senior levels of government to comply with the policies of this Plan, wherever possible. Therefore, the use of Crown lands in the Township will generally be in accordance with the Land Use Guidelines and other plans as constituted from time to time by the Ministry of Natural Resources. Where development is proposed on Crown lands, which have been disposed of in fee simple, an amendment to this Plan will be required prior to the development of the lands unless such uses are already permitted under the appropriate designation in this Plan.

(10) GROUP HOMES

Group homes may be permitted in single-family dwelling houses throughout the Township. Group homes, where three to ten residents (excluding staff or the receiving family) live as a family under responsible supervision consistent with

the requirements of the residents, must be licensed or approved under Provincial statute and in compliance with all municipal by-1aws.

(11) HERITAGE CONSERVATION

Amendment No. 3

All new development permitted by the land use policies and designations contained in this Plan shall have regard for archaeological sites, buildings and structures of historical and architectural significance and areas and landscapes of historic and scenic interests *which represent or reflect the patterns of settlement or use of the landscape over a long period of time. Historical buildings, structures and landscapes all possess unique qualities which transcend mere facade restoration and strive to enrich the Township's cultural heritage and maintain a special identity within the Township.* Wherever possible, such heritage resources will be incorporated into any site plan or design that may be prepared for such new development within the Township. Encouragement shall be given to conservation, protection, renovation, rehabilitation and re-use of heritage resources.

Amendment No. 3

Council recognizes that there may be archaeological remnants of prehistoric and early historic habitation within the Township. Council will, in consultation with the Ministry of Culture, Tourism and Recreation, encourage archaeological surveys by archaeologists licensed pursuant to the Ontario Heritage Act, to ensure the preservation, rescue excavation and conservation of significant archaeological resources which might be affected in any future development.

(12) ENERGY CONSERVATION

When considering a development application, Council shall deal with the land use issues in a way which is sensitive to energy conservation in order to give the public both certainty and encouragement to propose energy conservation measures. Council shall support development proposals which have incorporated energy conservation measures (such as the solar orientation of streets, lots and buildings and landscaping to reduce space heating/cooling loads) and have suggested innovative structural designs while complying with the relevant provisions of Section 3 of this Plan. In order to encourage more efficient proposal designs, Council shall support site specific zoning amendments or minor variances in order to accommodate the energy

conservation measures.

Amendment No. 3

(13) *HOUSING*

Detailed policies, programs and goals shall be established in the Housing Statement, as adopted and amended from time to time by Council. The Housing Statement shall include objectives and policies related to:

- *the conservation and maintenance of the existing housing stock of all types;*
- *the encouragement of additions and improvements to the housing stock by new development, and redevelopment;*
- *the provision of housing for special needs groups; and*
- *coordinating and monitoring activities in the housing field, and factors of supply, demand and senior government programs.*

Council shall assist the local Housing Authority in any studies which are undertaken to determine the need for assisted housing, particularly senior citizen housing which would accommodate the Municipality's aging population for the purpose of setting targets, and these targets shall be monitored by the Municipality regularly.

(14) *WETLANDS*

At this time there has been no evaluation or designation of wetlands in the Municipality. Therefore, as provincially significant wetlands are identified by the Ministry of Natural Resources, they shall be identified and protected in accordance with the Provincial Wetlands Policy Statement by Amendment to this Plan.

SECTION 6 LAND USE POLICIES

(1) LAND USE PLAN

The land resources of the Township shall be developed in accordance with the land use plan shown on Schedule A hereto and the policies contained in this Plan. Schedule A establishes the general pattern of development by dividing the Township into the following land use designations:

Amendment No. 3

Environmental Protection
Agriculture
Rural

(2) ENVIRONMENTAL PROTECTION

The policies for the areas designated "ENVIRONMENTAL PROTECTION" on Schedule A hereto are as follows:

(a) GENERAL POLICIES FOR ENVIRONMENTAL PROTECTION DESIGNATIONS:

(i) Development Patterns

Development shall be restricted on lands designated Environmental Protection. Lands designated Environmental Protection shall include all lands which are susceptible to flooding, erosion or bank failure, or which contain environmental features which, if developed, would result in property damage and/or loss of life.

Notwithstanding Section 5(5) of this Plan, enlargements or extensions to non-conforming uses on lands designated Environmental Protection shall be discouraged.

(ii) Development Requirements

To ensure proper development of each site in Environmental Protection designations, all development shall comply to the relevant policies of Section 5 of this Plan.

(b) POLICIES FOR NON-RESIDENTIAL USES IN ENVIRONMENTAL PROTECTION DESIGNATIONS:

(i) Uses Permitted

The main land uses permitted in Environmental Protection designations may include agriculture, nursery gardening, flood and erosion control works, conservation areas, outdoor recreation facilities, wildlife management areas, low intensity parks and similar uses.

(ii) Uses Prohibited

No buildings or structures shall be permitted within Environmental Protection designations except where such are intended for flood or erosion control or are normally associated with watercourse protection works or bank stabilization projects and are approved by Council, in consultation with the Ministry of Natural Resources.

The placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be prohibited in flood plains or in areas subject to periodic flooding unless the written consent of the Ministry of Natural Resources and/or Municipal Engineer have been obtained.

(iii) Plan Amendment Considerations

Where any lands within Environmental Protection designations are under private ownership, this Plan does not intend that such lands will necessarily remain under Environmental Protection designations indefinitely. It shall be construed as implying neither that such areas are free and open to the general public nor that such lands will be purchased by the Corporation or other public agency. If the Council or other public agency does not wish to acquire these lands at the time when application for their redesignation for other purposes is duly completed and submitted, then such application may be given due consideration by Council if the proposal complies with the fol1owing policies:

- To ensure that any development which takes place within Environmental Protection designations is compatible with the natural environment, Council shall assess each development application to see that the proposal will enhance and, where necessary and possible, conserve or restore the natural features. In this regard. Council may require that a study be conducted, at the expense of the applicant, to determine the environmental impact of such development. Notwithstanding the above, no municipal environmental impact study shall be required for any undertaking which has been authorized pursuant to the Environmental Assessment Act.

- An application for the development of lands within Environmental Protection designations will only be considered if an engineering report, prepared for Council and paid for by the applicant, demonstrates that the environmental problem associated with the subject lands can be remedied. Such report should include:

  - a description of the environmental problem;

  - the potential effects of the problem;

  - the proposed methods for remedying the problem in a manner consistent with accepted engineering techniques and resource management practices; and

  - certification that such problem will not be transferred to another area.

  If any development requires remedial works to overcome an environmental problem. Council may request that the applicant enter into an Agreement with the Township whereby the applicant carries out the work to the satisfaction of the Ministry of Natural Resources at the applicant's expense.

There is no public obligation, however, either to redesignate or to purchase any land if there is an existing or potential environmental problem that would be difficult or costly to overcome.

Lands deemed suitable for development by Council, in consultation with the Ministry of Natural Resources and based on an Engineering Report, will not require a plan amendment to redesignate the lands. Where such changes occur, the appropriate abutting land use designation shall apply and the implementing zoning by-law shall be amended accordingly.

(iv) Mapping Changes

Whenever any flood control or other remedial works or detailed flood mapping studies are undertaken which result in significant changes in the Environmental Protection designation, Schedule A to this Plan will be, in conjunction with the Ministry of Natural Resources, accordingly amended.

(v) Zoning

Areas designated Environmental Protection shall be placed in an Environmental Protection zone by implementing zoning by-laws. Such by-laws may contain general and specific provisions to regulate development in and adjacent to areas having environmental problems.

Amendment No. 1

(3) AGRICULTURE

The policies for areas designated "AGRICULTURE" on Schedule A hereto are as follows:

(a) GENERAL POLICIES FOR AGRICULTURE DESIGNATIONS:

(i) Development Patterns

The development pattern should be directed to the protection of good agricultural land for agricultural purposes on a long-term basis. Good agricultural lands shall be defined as lands having Class 2, 3 or 4 soil capability for agriculture, as defined by the Canada Land Inventory, which are accessible from the existing road system and additional areas where farms exhibit characteristics of ongoing viable agriculture.

Where the agricultural capability of a given site is in question, Council, in consultation with the Ministry of Agriculture and Food, shall have the site inspected and shall utilize the results of that inspection in determining the appropriate land use for the site.

The development patterns should be directed away from lands exhibiting high resource potential. Where the resource potential of a given site is in question, Council, in consultation with the *Ministry of Northern Development and Mines*, Ministry of Natural Resources and the Ministry of Agriculture and Food, shall have the site inspected and shall utilize the results of that inspection in determining the appropriate land use for the site.

Amendment No. 3

(ii) Development Requirements

To ensure the adequate and economical provision of services and the proper development of each site in Agriculture designations, all development shall comply with the relevant policies of Sections 3 and 5 of this Plan. Land division within Agriculture designations shall be in accordance with the policies contained in Section 4 of this Plan.

(b) POLICIES FOR AGRICULTURAL USES IN AGRICULTURE DESIGNATIONS:

(i) Uses Permitted

Amendment No. 3

The agricultural uses permitted in Agriculture designations may include farming operations and accessory buildings and structures and farm-related *single detached dwellings*.

A bona-fide farmer, as determined by the Ministry of Agriculture and Food, may have additional dwellings, including a bunkhouse or trailer, for individuals working on the farm full-time, with the approval of Council; however, a consent to convey shall not be permitted. The additional dwellings in such cases shall remain the property of the farm owner unless such dwelling is considered surplus through farm amalgamation. The services for all existing dwellings, plus the new dwelling, shall be approved by the Ministry of the Environment or the local Health Unit.

(ii) Farm Building Location

Amendment No. 3

The location of new farm buildings and structures shall comply wit the minimum distance separation criterial outlined in the Agricultural Code of Practice, as amended from time to time, and the implementing zoning by-laws.

(iii) Zoning

Agricultural uses will normally be placed in an agriculture zone by implementing zoning by-laws. Council may, where necessary, consider establishing a special agriculture zone for the control and protection of specialized farms. Other special agriculture zones may be applied to nurseries and similar agricultural uses which do not require as large an area as conventional farming operations.

(c) POLICIES FOR CONSERVATION, FORESTRY AND RECREATIONAL USES IN AGRICULTURE DESIGNATIONS:

(i) Uses Permitted

The conservation, forestry and recreational uses permitted in Agriculture designations may include conservation areas, forestry operations, snowmobile trails and riding trails and similar recreational uses which do not require buildings or other structures on the lands and do not alter the soil and/or topography adversely. Also permitted will be land uses considered to be appropriate by the Ministry of Natural Resources, only insofar as those uses shall apply to Crown properties.

(ii) Zoning

Conservation, forestry and recreational uses may be placed in an agriculture zone by implementing zoning by-laws.

(d) POLICIES FOR RESIDENTIAL USES IN AGRICULTURE DESIGNATIONS:

(i) Uses Permitted

Amendment No. 3

The residential uses permitted in Agriculture designations may include farm-related *single detached dwellings* and home occupations and home industries.

(ii) Restricted Locations

Amendment No. 3

Farm-related *single detached dwellings* shall be restricted as follows:

- development shall not be permitted in close proximity to any specialized farming operations such as piggeries, feed lots, poultry farms or fur farms; and

- development shall not occur on or near lands in close proximity to disposal operations in accordance with Section 3(2) of this Plan or other potentially incompatible uses.

(iii) Home Occupations and Home Industries

Home occupations and home industries shall be strictly regulated to ensure their compatibility with the residential use.

(iv) Zoning

Amendment No. 3

Farm-related *single detached dwellings*, home occupations and home industries may be placed in an agriculture or rural zone by implementing zoning by-laws.

(e) POLICIES FOR COMMERCIAL AND INDUSTRIAL USES IN AGRICULTURE DESIGNATIONS:

(i) Uses Permitted

The commercial and industrial uses permitted in Agriculture designations may include uses directly related to agriculture and necessary in proximity to farm operations. These uses include livestock assembly points, grain drying, storage for fresh produce, custom machining operations and sprayers and any other similar uses which may be deemed by Council, in consultation with the Ministry of Agriculture and Food, as necessary and appropriate in Agriculture designations.

(ii) Uses Prohibited

Amendment No. 3

Uses that do not conform to the *Health Protection and Promotion Act*, the Environmental Protection Act and/or the Ontario Water Resources Act and any Regulations passed thereunder shall be prohibited.

(iii) Restricted Locations

Commercial and industrial uses shall be:

- directed to lands where soils exhibit lower agricultural capability;
- directed away from active agricultural lands;
- preferably directed to a Rural designation or grouped together and not scattered throughout Agriculture designations; and
- small-scale operations with a limited number of employees servicing the needs of the local population.

(iv) Scale of Operations

Lots shall be of adequate size to permit the location of the commercial or industrial use in an unobtrusive manner.

(v) Zoning

Commercial and industrial uses may be placed in separate zoning categories by implementing zoning by-laws.

Amendment No. 1

(f) POLICIES FOR EXTRACTIVE USES IN AGRICULTURE DESIGNATIONS:

(i) Uses Permitted

[Amendment No. 3]

The main land uses permitted may include quarrying and the extraction of sand, gravel and other mineral aggregates and wayside pits and wayside quarries [plus non-aggregate minerals]. Accessory facilities may be provided tor crushing, screening, aggregate storage and equipment maintenance.

[Amendment No. 3]

Pits and quarries, [mining operations] and wayside pits and wayside quarries shall only be permitted provided they are

Amendment No. 1

issued a permit by the Ministry of Natural Resources pursuant to the Mining Act to establish on Crown lands or provided pit and quarry operators have entered into an Agreement with the Township pursuant to the Corporation's Pits and Quarries Control By-law to establish on patent lands.

Amendment No. 3

Processing operations, including portable asphalt plants used by a public road authority or their agent are permitted subject to the following:

- *a certificate of approval from the Ministry of Environment and Energy must be obtained, where required;*
- *the Ministry of Environment and Energy's minimum separation distance must be complied with;*
- *plants shall be removed from the site upon completion of the public project; and*
- *sites used for a plant shall be rehabilitated back to their former agricultural use.*

Amendment No. 1

(ii) Uses Prohibited

[Amendment No. 3]

Uses that do not conform to the [Mining Act, the Aggregates Resources Act, the Health Protection and Promotions Act,] the Environmental Protection Act and/or the Ontario Water Resources Act, and any regulation passed thereunder, shall be prohibited.

(iii) Environmental Considerations

[A Minister's Mod 2]

[Amendment No. 3]

*Any operations determined to be located in **[environmental problem areas]** shall comply with the policies contained in Section 5(2)(f) of this Plan and the Ministry of the Environment's guidelines for blasting noise and vibrations.*

Amendment No. 1

(iv) *Additional Regulations*

Council may enact additional regulations pursuant to the provisions of the Municipal Act to regulate the operation of pits and quarries, [mining operations] by amending the Township's Pits and Quarries Control By-law.

[Amendment No. 3]

(v) *Rehabilitation*

All extractive operators shall ensure the rehabilitation of their site is carried out and substantially the same acreage and average soil capability for agriculture are restored on the site.

Amendment No. 3

The Mining Act contains very stringent rehabilitation requirements that provide for rehabilitation plans to be submitted and approved, plus fees are to be paid to the Ministry of Northern Development and Mines to provide for any failure to rehabilitate the mining operations site.

A Minister's Mod 3
Amendment No. 1

(vi) *Zoning*

[Amendment No. 3]

Pit and quarry [and mines] uses shall be placed in an industrial zone which permits extractive operations by implementing zoning by-laws.

[Amendment No. 3]

Any site where new pit or quarry [and mines] uses are proposed or a major expansion to an existing site is proposed will require a zoning by-law amendment. No such amendment shall be enacted until an appropriate Agreement has been entered into with the owner in accordance with the Township's Pits and Quarries Control By-law.

Wayside pits and wayside quarries may be placed in agriculture and rural zones by implementing zoning by-laws so an to preclude the necessity o£ rezoning for new wayside pits or wayside quarry uses.

The permitted processing operations may be placed in a special extractive industrial zone by implementing zoning by-laws.

A Minister's Mod 3

[Amendment Mo. 3]

When considering Zoning By-law amendments far expansions to and/or new pits and quarries [and mines], Council, in consultation with the appropriate authority, shall evaluate these rezoning requests based on the following criteria:

- ***impact of traffic densities/truck routes to be used;***
- ***proposed buffering/screening and the effect the buffering and screening may have on the lands;***
- ***effect on drainage and water table;***
- ***proximity to surrounding land uses;***
- ***the impact of blasting and noise vibrations on surrounding land uses;***
- ***setbacks from other uses and the effect setbacks may have on the surrounding lands;***
- ***the physical characteristics of the site;***
- ***the availability of sites for the disposal of wastes; and***
- ***the conformity with other legislation and regulations.***

(g) POLICIES FOR WASTE DISPOSAL OPERATIONS IN AGRICULTURE DESIGNATIONS:

(i) Uses Permitted

The waste disposal operations permitted in Agriculture designations shall include sanitary landfill sites.

(ii) Sanitary Landfill Sites

New operations require approval of the proposed site from the Ministry of the Environment and Council as to the location, characteristics of the operation, buffer planting and screening,

etc., in accordance with the Environmental Protection Act and the Environmental Assessment Act.

(iii) Re-use of Site

No use shall be made of lands which have been used for the disposal of waste within a period of twenty-five (25) years from the time such land ceases to be used as a waste disposal site.

(iv) Zoning

Waste disposal uses may be permitted in a separate waste disposal industrial zone by implementing zoning by-laws.

Amendment No. 1

(4) RURAL

The policies for areas designated "RURAL" on Schedule A hereto are as follows:

(a) GENERAL POLICIES FOR RURAL DESIGNATIONS:

(i) Development Patterns

The development pattern should be directed away from lands where existing farms exhibit characteristics of ongoing viable agriculture and lands exhibiting high resource potential.
Where the resource potential of a given site is in question, Council, in consultation with the Ministry of Natural Resources

Amendment No. 3

and the Ministry of Northern Development and Mines, shall have the site inspected and shall utilize the results of that inspection in determining the appropriate land use for the site.

Amendment No. 3

Existing extractive operations are located in the southern half of Lot 4, Concession VI and northern half of Lot 3, Concession VI. Future development, incompatible with these extractive operations, shall be prohibited from the vicinity of these locations.

(ii) Development Requirements

To ensure the adequate and economical provision of services and the proper development of each site in Rural designations, all development shall comply with the relevant policies of Sections 3 and 5 of this Plan. Land division within Rural designations shall be in accordance with the policies contained in Section 4 of this Plan. All development shall comply with the minimum distance separation requirements of the Agricultural Code of Practice and the implementing zoning by-laws.

(b) POLICIES FOR AGRICULTURAL USES IN RURAL DESIGNATIONS:

(i) Uses Permitted

Amendment No. 3

The agricultural uses permitted in Rural designations may include farming operations and accessory buildings and structures and *single detached farm-related dwellings*.

Amendment No. 3

A bona-fide farmer, as determined by the Ministry of Agriculture and Food, may have an additional dwelling, including a bunkhouse or trailer, for individuals working on the farm full-time, with the approval of Council. The services for all existing dwellings, and any new dwellings, shall be approved by the Ministry of the Environment or the local Health Unit.

(ii) Zoning

Agricultural uses will normally be placed in a rural or agriculture zone by implementing zoning by-laws. Council may, where necessary, consider establishing a special rural or agriculture zone for the control and protection of specialized farms. Other special rural or agriculture zones may be applied to nurseries and similar agricultural uses which do not require as large an area as conventional farming operations.

(c) POLICIES FOR CONSERVATION, FORESTRY AND RECREATIONAL USES IN RURAL DESIGNATIONS :

(i) Uses Permitted

The conservation, forestry and recreational uses permitted in Rural designations may include conservation areas, forestry operations, snowmobile trails and riding trails and similar recreational uses. Also permitted will be land uses considered to be appropriate by the Ministry of Natural Resources, only insofar as those uses shall apply to Crown properties.

(ii) Zoning

Conservation, forestry and recreational uses may be placed in a rural or agriculture zone by implementing zoning by-laws.

(d) POLICIES FOR NON-FARM RESIDENTIAL USES IN RURAL DESIGNATIONS:

(i) Uses Permitted

Amendment No. 3

The non-farm residential uses permitted in Rural designations may included *single detached dwellings* and home occupations and home industries.

(ii) Restricted Locations

Non-farm residential uses shall be restricted as follows:

- development shall not be permitted in close proximity to any specialized farming operations such as piggeries, feed lots, poultry farms or fur farms; and

- development shall not occur on or near lands in close proximity to disposal operations in accordance with Section 3(2) of this Plan or other potentially incompatible uses.

(iii) Home Occupations and Home Industries

Home occupations and home industries shall be strictly regulated to ensure their compatibility with the residential use.

(iv) Zoning

Non-farm residential uses, home occupations and home industries may be placed in a rural zone by implementing zoning by-laws.

(e) POLICIES FOR PUBLIC AND INSTITUTIONAL USES IN RURAL DESIGNATIONS:

(i) Uses Permitted

Amendment No. 3

The public and institutional uses permitted in Rural designations may include such uses as cemeteries, churches *and accessory dwellings*, community halls, fire halls, municipal offices, municipal garages, parks, recreational trails and recreational facilities.

Amendment No. 2

In addition, a sawmill shall be permitted in Lot 8, Concession IV.

(ii) Zoning

Public and institutional uses may be placed in appropriate open space or institutional zones by implementing zoning by-laws.

(f) POLICIES FOR COMMERCIAL AND INDUSTRIAL USES IN RURAL DESIGNATIONS:

(i) Uses Permitted

The commercial and industrial uses permitted in Rural designations may include such uses as abattoirs, carpentry shops, electrical shops, metalworking shops, plumbing shops, welding shops, woodworking shops, school bus agencies,

Amendment No. 3

commercial garages, trucking businesses, service *and repair* shops and any other similar use which may be deemed by Council as necessary and appropriate.

(ii) Accessory Residential Uses

One residential unit may be permitted as an accessory use to a permitted commercial or industrial use, except where the nature of the main use would be hazardous for the close proximity of a residence. In such hazardous conditions, a residential dwelling may be permitted, but separated by a safe distance.

(iii) Uses Prohibited

Uses that do not conform to the Public Health Act, the Environmental Protection Act and/or the Ontario Water Resources Act and any Regulations passed thereunder shall be prohibited.

(iv) Restricted Locations

Commercial and industrial uses shall be directed away from active agricultural lands.

Amendment No. 3

Lands in the north half of Lots 8 and 9, Concession IV and the south half of Lots 7 and 8, Concession V shall generally be given priority to accommodate new large-scale commercial and industrial development in order to minimize the overall impact on the environment and local resources related to the agricultural and resource base of the Municipality and to discourage scattered development.

(v) Scale of Operations

Lots shall be of adequate size to permit the location of the commercial or industrial use in an unobtrusive manner.

(vi) Zoning

Commercial and industrial uses may be placed in separate zoning categories by implementing zoning by-laws.

Amendment No. 1

(g) POLICIES FOR EXTRACTIVE USES IN RURAL DESIGNATIONS;

(i) Uses Permitted

The main land uses permitted may include quarrying and the extraction of sand, gravel and other mineral aggregates and wayside pits and wayside quarries, [plus non-aggregate minerals]. Accessory facilities may be provided for crushing, screening, aggregate storage and equipment maintenance.

[Amendment No. 3]

[Amendment No. 3]

Pits and quarries, [mining operations] and wayside pits and wayside quarries shall only be permitted provided they are issued a permit by the Ministry of Natural Resources pursuant to the Mining Act to establish on Crown lands or provided pit and quarry operators have entered into an Agreement with the Township pursuant to the Corporation's Pits and Quarries Control By-law to establish on patent lands.

[Amendment No. 3]

Processing operations, including concrete batching and asphalt-making, [plus mineral processing plants] may be permitted, provided that these operations are compatible with surrounding land uses and will, in no way, retard the rehabilitation of the pit or quarry for other uses.

(ii) Uses Prohibited

[Amendment No. 3]

Uses that do not conform to [the Mining Act, the Aggregates Resources Act, the Health Protection and Promotions Act], the Environmental Protection Act and/or the Ontario Water Resources Act, and any regulations passed thereunder, shall be prohibited.

Amendment No. 1

(iii) *Environmental Considerations*

A Minister's Mod 2

Any operations determined to be located in ***environmental problem areas*** *shall comply with the policies contained in Section 5(2)(f) of this Plan and the Ministry of the Environment's guidelines for blasting noise and vibrations.*

(iv) *Additional Regulations*

Council may enact additional regulations pursuant to the provisions of the Municipal Act to regulate the operation of pits and quarries, [mining operations] by amending the Township's Pits and Quarries Control By-law.

[Amendment No. 3]

Amendment No. 3

(v) *Portable Asphalt Plants*

Processing operations, including portable asphalt plants used by a public road authority or their agent are permitted subject to the following:

- *a certificate of approval from the Ministry of Environment and Energy must be obtained, where required;*
- *the Ministry of Environment and Energy's minimum separation distance must be complied with;*
- *plants shall be removed from the site upon completion of the public project; and*
- *sites used for a plant shall be rehabilitated back to their former use.*

Amendment No. 3
Amendment No. 1

[(vi)] *Zoning*

[Amendment No. 3]

Pit and quarry [and mines] uses shall be placed in an industrial zone which permits extractive operations by implementing zoning by-laws.

Amendment No. 1
[Amendment No. 3]

Any site where new pit or quarry [and mines] uses are proposed or a major expansion to an existing site is proposed will require a zoning by-law amendment. No such amendment shall be enacted until an appropriate Agreement has been entered into with the owner in accordance with the Township's Pits and Quarry Control By-law.

Wayside pits and quarries may be placed in agriculture and rural zones by implementing zoning by-laws so as to preclude the necessity of rezoning for new wayside pit or wayside quarry uses.

The permitted processing operations may be placed in a special extractive industrial zone by implementing zoning by-laws.

A Minister's Mod 4
Amendment No. 3

When considering Zoning By-law amendments for expansions to and/or new pits and quarries** [and mines], **Council, in consultation with the appropriate authority, shall evaluate these rezoning requests based on the following criteria:

- *impact of traffic densities/truck routes to be used;*
- *proposed buffering/screening and the effect the buffering and screening may have on the lands;*
- *effect on drainage and water table;*
- *proximity to surrounding land uses;*
- *the impact on blasting and noise vibrations on surrounding land uses;*
- *setbacks from other uses and the effect setbacks may have on the surrounding lands;*
- *the physical characteristics of the site;*
- *the availability of sites for the disposal of wastes; and*

A Minister's Mod 4

- ***the conformity with other legislation and regulations.***

Amendment No. 3
A Minister's Mod 5

[(vii)] <u>Rehabilitation</u>

All extractive operators shall ensure the rehabilitation of their site is carried out to a standard compatible with the adjoining lands.

Amendment No. 3

The <u>Mining Act</u> contains very stringent rehabilitation requirements that provide for rehabilitation plans to be submitted and approved, plus fees are to be paid to the Ministry of Northern Development and Mines to provide for any failure to rehabilitate the mining operations site.

(h) POLICIES FOR WASTE DISPOSAL OPERATIONS IN RURAL DESIGNATIONS:

(i) <u>Uses Permitted</u>

The waste disposal operations permitted in Rural designations shall include sanitary landfill sites.

(ii) <u>Sanitary Landfill Sites</u>

New operations require approval of the proposed site from the Ministry of the Environment and Council as to the location, characteristics of the operation, buffer planting and screening, etc., in accordance with the <u>Environmental Protection Act</u> and the <u>Environmental Assessment Act</u>.

(iii) <u>Re-use of Site</u>

No use shall be made of lands which have been used for the disposal of waste within a period of twenty-five (25) years from the time such land ceases to be used as a waste disposal site.

SECTION 7

IMPLEMENTATION

(1) GENERAL

This Plan shall be implemented by means of the powers conferred upon Council and other public agencies by the Planning Act, the Building Code Act, the Public Lands Act, the Municipal Act and such other statutes as may be applicable.

(2) APPLICATION PROCESSING FEE BY-LAW

Council shall prescribe by by-law a tariff of fees for the processing of its "APPLICATION FOR AMENDMENT TO OFFICIAL PLAN AND/OR ZONING BY-LAW" and "APPLICATION FOR PLAN OF SUBDIVISION" and any other application made in respect of planning matters.

Council shall continually monitor its by-law to ensure that the fees reflect the cost of processing each application and shall amend the by-law when necessary.

(3) LAND USE CONTROLS

(a) COMPREHENSIVE ZONING BY-LAW:

A comprehensive zoning by-law, passed pursuant to Section 34 of the Planning Act, shall be brought into effect by Council following adoption of this Plan. Such by-law shall zone land in accordance with the proposals contained in this Plan and will establish regulations to control the use of lands and the character, location and use of buildings and structures.

Comprehensive zoning by-laws shall be subject to the provisions of the Planning Act and the Regulations passed thereunder regarding the period for advanced notice of a public meeting; the means of notification for the public meeting; the persons to be notified regarding the passing of the by-law; and the notification for subsequent meetings should major changes be made to the proposed by-law. Council shall hold all public meetings and may schedule them so that third reading and the final passing of the by-law can be completed at that time.

(i) Zoning of Conforming Land Uses

Land uses existing on the date of approval of this Plan, which conform to the land use designations shown on Schedule A hereto, shall be zoned in accordance with the zoning policies of this Plan which pertain to the appropriate land use designations.

(ii) Zoning of Non-Conforming Land Uses

Land uses existing on the date of approval of this Plan, which do not conform to the land use designations shown on Schedule A hereto, may be recognized for their present use and standards in implementing zoning by-laws but the zoning on such lands shall not be further amended except in conformity with this Plan.

(iii) Zoning of Undeveloped Lands

It is not the intention of Council to zone all lands immediately to conform to the land use designations shown on Schedule A hereto.

Any undeveloped lands whereon Council has made a commitment to development may be zoned in accordance with the zoning policies of this Plan which pertain to the appropriate land use designation. Such commitment of Council shall normally be in the form of an approved land severance and/or a signed subdivision or development agreement. Undeveloped lands in the Rural designation may be zoned to permit infilling or minor extensions of existing development patterns.

(b) ZONING AMENDMENTS:

(i) Applications

When Council receives an application for a development which it considers at that time to be desirable, not premature and in conformity with the policies and designations of this Plan, Council may pass a by-law amending the zoning by-law.

Council may, as a condition of development, require the owner of the land to enter into one or more agreements with the Corporation dealing with the provision, maintenance and use of certain facilities and matters as set forth in the Planning Act. All applications for zoning amendments must be accompanied by Council's "APPLICATION FOR AMENDMENT TO OFFICIAL PLAN AND/OR ZONING BY-LAW" and comply with the conditions and procedures thereof.

(ii) Public Meeting and Notification Procedures

Zoning by-law amendments shall be subject to the provisions of the Planning Act and the Regulations passed thereunder regarding the period for advanced notice of a public meeting; the means of notification for the public meeting; the persons to be notified regarding the passing of the by-law amendment; and the notification for subsequent meetings, should major changes be made to the proposed by-law. Council shall hold all public meetings and may schedule them so that third reading and the final passing of the by-law can be completed at that time.

Where an amendment to the comprehensive zoning by-law to remove a holding symbol is proposed, the procedure shall be in accordance with Section 35(4) of the Planning Act and the Regulations passed thereunder.

(c) PARKLAND CONVEYANCE BY-LAWS:

In accordance with Section 41(1) of the Planning Act, Council shall enact a by-law, applicable to the entire Township, requiring land to be conveyed or money to the value of the land otherwise to be conveyed in lieu of such conveyance, for development or redevelopment of commercial and industrial purposes in an amount not exceeding 2%, and in all other cases 5% for park or other public recreational purposes.

(d) COMMITTEE OF ADJUSTMENT:

Should Council determine a need for the services of a Committee of Adjustment, Council shall pass a by-law in accordance with Section

43(1) of the Planning Act to constitute and appoint a Committee.

If Council determines the need for the Committee to grant minor variances from the provisions of any by-law of the Corporation that implements the Official Plan, or from such by-laws of the Corporation as are specified and which implement the Official Plan, then a by-law shall be enacted in accordance with Section 44(3) of the Planning Act.

(e) MAINTENANCE AND OCCUPANCY BY-LAWS:

Council shall enact a by-law in accordance with Section 31 of the Planning Act to establish minimum standards for the following:

- the physical condition of buildings and structures;
- the physical condition of lands;
- the adequacy of sanitation; and
- the fitness of buildings and structures for occupancy.

The by-law may also require that substandard properties be repaired and maintained to comply with the standards; prohibit the use of substandard property; and require the demolition and clearing of such property where the owner does not intend to repair and maintain it.

Upon enacting a Maintenance and Occupancy By-law, Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the by-law.

Also, Council shall appoint a Property Standards Committee, in accordance with Section 31(11) of the Planning Act for the purpose of hearing appeals against an order issued by the Property Standards Officer.

The measures to be used generally in achieving a property maintenance program would include an education and public relations program to show residents the benefits of continued property maintenance, together with information showing that improvements can be made without

increasing assessment.

Complimentary to the enforcement of property standards on private properties, the Corporation shall undertake to keep in a fit and well-maintained condition all municipally-owned properties and structures, and to provide or maintain in good repair such municipal services as roads, waste disposal sites and parks.

(f) DEMOLITION CONTROL AREA BY-LAWS:

Where a Maintenance and Occupancy By-law is in effect, Council may enact a by-law designating any area within the Township to which the standards of maintenance and occupancy applies to control the demolition of the whole or any part of any residential property within that area.

(g) GRANTS OR LOANS TO REPAIR PROPERTY:

Where a Maintenance and Occupancy By-law is in effect, Council may enact a by-law for providing grants or loans to the registered owner or assessed owners of land, in respect of which a notice has been sent, to help to pay for the whole or any part of the cost of repairs to be done, or the clearing, grading and levelling of the lands, on such terms and conditions as may be prescribed by Council.

(4) GENERAL CONTROLS

(a) BUILDING BY-LAWS:

Council shall review its Building By-law regularly and, where necessary and applicable, update the By-law pursuant to the provisions of the Building Code Act. Council shall also ensure that its Building By-law properly implements the policies of this Plan as reflected in the implementing zoning by-laws.

(b) ENVIRONMENTAL IMPACT ASSESSMENT:

Nothing in this Plan shall allow an undertaking, subject to the Environmental Assessment Act, to proceed except in compliance with

the Act. Council shall not issue any permit, approval or consent that may allow an undertaking, subject to the Act, to proceed without an approval under the Act.

Since the overall intent of this Plan is to protect the Township's amenities and resources. Council or the Provincial government may require investigations as to the effects of significant proposed development.

These investigations shall be required in the form of an assessment of the impact on the environment and shall generally be required for all major or significant development projects including new roads, utilities and transmission lines, dams, and commercial, industrial and recreational developments which may be expected to have a significant or cumulative impact. In determining what is a major or significant development, regard shall be had for the relationship to the surrounding area, the possible effects on water quality, the scale of change that may be caused and the need to preserve the general amenities.

Notwithstanding the above, no such investigations shall be required for any undertaking subject to an environmental impact assessment pursuant to the Environmental Assessment Act. Where the Environmental Assessment Act is applied, the Report shall follow the form required in the Act. Where Council requires a report on a proposed development not subject to the Act, the Report shall include:

- a description of the environment assessed and affected;
- an analysis of the effects of the development;
- a description of the actions necessary to prevent or remedy the adverse effects upon the environment; and
- an evaluation of the advantages and disadvantages of the undertaking in terms of the environment.

These investigative Reports shall be prepared by the agency or developer concerned and, prior to the proposed development's approval, a copy of the Report shall be submitted to Council and to all

other parties who can justify an interest in the matter for their review and comment.

(c) PITS AND QUARRIES CONTROL BY-LAWS:

Amendment No. 1

Council shall review its Pits and Quarries Control By-law regularly and, where necessary and applicable, update the By-law pursuant to the provisions of the Municipal Act. Council shall also ensure that its Pits and Quarries Control By-law properly implements the policies of this Plan as reflected in the implementing zoning by-laws.

(d) PUBLIC WORKS CONSTRUCTION AND LAND ACQUISITIONS:

It is intended that the construction of public works and the public acquisition of land within the Township shall be carried out in accordance with the policies of this Plan. Implementation policies contained in this Plan involve the provision of municipal and community facilities, together with other programs which require public financing. The Plan outlines the nature and scope of these projects, directly or by implication, and would include, for example, development of parks and schools and road improvements.

Insofar as these municipal and community facilities are to be provided by the Corporation, it is intended that a list be compiled for all capital and environmental improvement projects, with cost estimates where possible, relating to land acquisition, development and maintenance. A 5-year Capital Improvement Program will then be developed which the Council could carry out systematically, adopting initially the first year of the program as part of its budget and reviewed annually as part of the capital budget procedure.

The preparation of the program will involve the ranking of projects according to priorities. In order of importance, the general criteria for weighing and ranking proposals are:

- protection of life;
- maintenance of public health;

- protection of property;
- conservation of resources;
- maintenance of physical property;
- provision of public services;
- replacement of obsolete facilities;
- reduction in operating costs;
- public convenience and comfort;
- recreation value;
- economic value;
- social, cultural or aesthetic value;
- promotional value through effect on future development; and
- relative value with respect to other services.

(e) PLANS OF SUBDIVISION:

Council shall adopt an "APPLICATION FOR PLAN OF SUBDIVISION" form and require that all applications for a plan of subdivision be accompanied by a completed form in compliance with the conditions and procedures thereof.

(f) OTHER LEGISLATION:

Amendment No. 3

Council shall review its existing legislation pursuant to the Municipal Act and other relevant Provincial statutes and update, revise or introduce new legislation, where necessary, governing such uses as waste disposal sites, trailers, mobile home parks, salvage yards, signs and business licensing to ensure such uses are properly regulated and controlled.

Amendment No. 3

(5) DEVELOPMENT CHARGES BY-LAW

Council may pass a by-law under the Development Charges Act to assess and recover their anticipated expenses for new growth for both hard and soft services. Council may levy charges against plans of subdivision, consents, condominiums, zoning by-law amendments, minor variances, building permits, and lands exempted from part lot control.

SECTION 8

INTERPRETATION

(1) LAND USE BOUNDARIES AND ROADS

It is intended that the boundaries of the land use designations shown on Schedule A be considered as approximate and absolute only where bounded by roads, railways, water-bodies or other obvious geographical barriers. It is also intended that the location of roads, as indicated on Schedule A, be considered as approximate and not absolute. Therefore, amendments to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the locations of roads, provided the general intent of this Plan is preserved. Such minor deviations will not be reflected on Schedule A.

(2) QUANTITIES

It is intended that all figures and quantities herein shall be considered as approximate and not absolute. An amendment to this Plan will not be required to permit any minor variance from any of the proposed figures or quantities stated herein, provided the general intent of this Plan is preserved.

(3) METRIC UNITS

All measurements used in this Plan are expressed in metric terms.

(4) AGENCY NAMES AND RESPONSIBILITIES

From time to time, the names of various government agencies may change. In addition, responsibilities may shift from agency to agency. The names of the various agencies responsible for the many programs, regulations and approvals are given in this Plan as of the date of adoption of this Plan. It is not intended to amend this Plan each time a name change or function shift occurs. Rather, this Plan shall be interpreted so as to refer to those agencies named, or to their successors, as conditions dictate.

(5) LEGISLATION

From time to time. Provincial legislation may be replaced by new legislation bearing a new name. In addition, every ten (10) years, all the statutes of Ontario are revised and all sections of the many Acts of the Legislature are renumbered to reflect any additions or deletions made in each Act in the previous decade. The names and sections of the various Acts used in this Plan, except the Planning Act which was replaced by new legislation in 1983, are in accordance with the Revised Statutes of Ontario, 1980 (R.S.O. 1980) as of the date of adoption of this Plan. It is not intended to amend this Plan each time an Act is renamed or when new consolidations of the statutes are issued. Rather, this Plan shall be interpreted so as to refer to those Acts of the Legislature named or to their successors, as conditions dictate.

Amendment No. 3

Where amendments have been introduced into this Plan, reference has been made to the appropriate name and section of legislation specifically referred to in the amendment.

SECTION 9

ADMINISTRATION

(1) PLAN INFORMATION

Following approval of this Plan, Council will arrange to have this Plan reproduced and made available in order to inform the general public of the policies and proposals contained herein.

(2) PLAN REVIEW

(a) CONTINUING REVIEW:

It is intended that this Plan will be subject to continuing review by Council. Should the basis or objectives of this Plan or other economic, social or technical conditions be significantly altered, the Plan will be amended to reflect the altered conditions.

(b) SPECIAL REVIEW:

Not less frequently than every five (5) years following the approval of this Plan, Council shall hold a special meeting of Council, open to the public, for the purpose of determining the need for revision of this Plan, its policies and schedule.

Prior to this special meeting, notice shall be given in accordance with Section 26(2) of the Planning Act.

(3) PLAN AMENDMENTS

(a) CONDITIONS FOR AMENDMENTS:

When development which would require an amendment to this Plan is proposed, such amendment shall only be considered if it is supported by substantial evidence to justify such an amendment. Applicants must complete Council's "APPLICATION FOR AMENDMENT TO OFFICIAL PLAN AND/OR ZONING BY-LAW" and comply with the conditions and procedures thereof.

(b) PUBLIC MEETING AND NOTIFICATION PROCEDURES:

Official Plan amendments shall be subject to the provisions of the Planning Act and the Regulations passed thereunder regarding the period for advanced notice of a public meeting; the means of notification for the public meeting; the persons to be notified regarding the intention to amend the Official Plan and the notification for subsequent meetings, should major changes be made to the proposed amendment. Council shall hold all public meetings and may schedule them so that third reading and the final passing of the by-law to adopt the Official Plan amendment can be completed at that time.

Amendment No. 3

(c) ALTERNATIVE NOTICES:

Notice for public meetings for technical amendments to the Plan, or for the creation of a consolidated plan should at least be two (2) days prior to the meeting. The following shall be considered technical in nature:

- *the creation of a consolidated Official Plan provided that only existing approved amendments and Minister's Modifications are added to the Plan;*
- *the updating or deleting of section reference to the Planning Act;*
- *the renumbering of sections in the Plan; and*
- *the correction of grammatical or typographical errors provided they do not result in changes in policy.*

(4) DEVELOPMENT REVIEW

Council shall establish the following Development Review Process Guideline for the review of all applications received. Where additional studies are required, or should additional information be required of the Applicant, Council may notify the Applicant in writing, of the need for an extension to the times provided herein.

Amendment No. 3

Phase I - Screening the Application

This Phase shall be limited to a period not exceeding 45 days, at the end of which, the Municipality must have determined whether an application is incomplete and/or premature, or the application will proceed to the next Phase.

At this stage, Council may grant an approval-in-principal should additional studies be required of the Applicant in order for Council to make a recommendation of approval.

Phase II - Review

This Phase shall be limited to a period not exceeding 60 days, at the end of which, the Municipality must have prepared the appropriate report/document and circulated it to the appropriate agencies, departments, etc., and have consulted with the public were required.

Phase III - Decision

This Phase shall be limited to a period not exceeding 45 days, at the end of which, the Municipality must decide to approve, refuse or modify an application. Council shall consider the comments received in Phase II in determining the appropriate action to take.

54-OP-0099-005

OFFICIAL PLAN AMENDMENT NO. 5

TOWNSHIP OF HARLEY

By-law 2006-17



PN: 0331/52
DRAFTED: 3 May 2006
ENACTED:

THE PLANTARIO GROUP LTD.

EAST YORK, ONTARIO

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING
APPROVAL OF AMENDMENT

This Amendment to the Official Plan of the Township of Harley Official Plan, which has been adopted by the Council of the Township of Harley, is hereby approved.

....

(Date) (Signature)

SWORN DECLARATION

Subsection 17(28) of the Planning Act

Applicant: **Township of Harley**
Municipality: **Township of Harley**
MMAH File No.: **54-OP-0079-005**

I Edouard Landry of the City of Greater Sudbury solemnly declare,

1. That notice of the decision in respect of the above-noted matter made on February 20, 2007 was given as required by subsection 17(35) of the Planning Act on February 20, 2007.

2. That no appeal to the Ontario Municipal Board of the decision in respect of the above-noted matter made on February 20, 2007 was received under subsection 17(36) of the Planning Act within the time specified for submitting an appeal.

and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me

at the City of Greater Sudbury

this 20th day of March, 2007

Commissioner of Oaths

Declarant

DECISION

With respect to Official Plan Amendment # 5 to the Official Plan of the Township of Harley
Subsection 17(34) of the Planning Act

I hereby approve all of Amendment No. 5 to the Official Plan of the Township of Harley adopted by By-law No. 2006-17 subject to the following modifications:

1. Schedule 'A' to Amendment No. 5 for the Township of Harley Official Plan, by deleting and replacing "*Change to Rural OPA No. 3 Minister's Mod 1*" with **"Change to Rural OPA No. 4 Minister's Mod 1"**.

2. Schedule 'A' to Amendment No. 5 for the Township of Harley Official Plan, by matching the symbol used for "CHANGE FROM ENVIRONMENTAL PROTECTION TO AGRICULTURE" with that depicted on the schedule.

3. Schedule 'A' to Amendment No. 5 for the Township of Harley Official Plan, by matching the symbol used for "CHANGE FROM ENVIRONMENTAL PROTECTION TO RURAL" with that depicted on the schedule.

4. Schedule 'A' to Amendment No. 5 for the Township of Harley Official Plan, by clearly identifying the "TOP OF SLOPE" line in the south half of Lot 3, Concession 1.

Dated at Greater Sudbury this 20th of February, 2007

L. Buckham

Lynn Buckham
Regional Director
Northeastern Municipal Services
Ministry of Municipal Affairs and Housing

ADOPTION AND CERTIFICATION OF AMENDMENT

This Amendment to the Official Plan of the Township of Harley was adopted by Council by By-law No. 2006-17. in accordance with the provisions of the Planning Act, R.S.O. 1990, as amended, on the ..12.... day of ..December....., 2006.

THE CORPORATION OF THE TOWNSHIP OF HARLEY

Signed: _____ Signed: _____ (seal)
(Reeve) (Clerk)

I hereby **CERTIFY** that this is the ORIGINAL/DUPLICATE ORIGINAL of Amendment No. 5 to the Official Plan of the Township of Harley as adopted by By-law No.2006-17. of the Township of Harley on the ....12... day of .December....., 2006.

Signed: _____ (seal)
(Clerk)

THE TOWNSHIP OF HARLEY

BY-LAW NO. 2006-17

A BY-LAW TO ADOPT AMENDMENT NO. 5 TO THE OFFICIAL PLAN OF THE TOWNSHIP OF HARLEY

WHEREAS the Council of the Corporation of the Township of Harley deems it in the interest of the Municipality to amend the Official Plan for the Township of Harley;

NOW THEREFORE, the Council of the Corporation of the Township of Harley in accordance with Section 17(22) of the Planning Act, R.S.O. 1990, as amended, **ENACTS** as follows:

1. Amendment No. 5 to the Official Plan of the Township of Harley is hereby adopted.

2. The Clerk is hereby authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of Amendment No. 5 to the Official Plan of the Township of Harley.

3. This By-law shall come into force and take effect on the date of final passing thereof.

THIS BY-LAW read a first and second time this 8 day of August, 2006.

THIS BY-LAW read a third time and passed this 12 day of December, 2006.

Signed: _____ (Reeve) Signed: _____ (Clerk) (seal)

I hereby **CERTIFY** that the above is a true copy of By-law No. 2006-17. as enacted and passed by the Township of Harley on the 12 day of December, 2006.

Signed: _____ (seal)
(Clerk)

TABLE OF CONTENTS

AMENDMENT NO. 5
TOWNSHIP OF HARLEY
OFFICIAL PLAN

SECTION			PAGE
1	INTRODUCTION OF AMENDMENT		
	(1)	Title of Amendment	1
	(2)	Contents of Amendment	1
2	BASIS OF AMENDMENT		2
3	DETAILS OF AMENDMENT		
	(1)	Text Change	5
	(2)	Schedule Change	6

SECTION 1 INTRODUCTION OF AMENDMENT

(1) TITLE OF AMENDMENT

This Amendment may be cited as "Amendment No. 5 to the Official Plan of the Township of Harley".

(2) CONTENTS OF AMENDMENT

Section 3 hereof, and the attached Schedule constitutes Amendment No. 5 to the Official Plan of the Township of Harley.

SECTION 2 BASIS OF AMENDMENT

This Amendment is based upon an Application from a ratepayer.

The original work undertaken to prepare the Township Official Plan, which relates to the Environmental Protection land use designation, was based upon the recommendations of the Ministry of Natural Resources and prepared through air photo interpretation prior to May 1984. At the time of the preparation of the Background Planning Report, Ontario Basic Mapping was not available to the municipality for use in determining an elevation contour line where river flooding and related environmental concerns would be located.

Although this application was for land owned in part of the south half of Lot 2, Concession I, known as Parcel 7216 SST, we have for consistency and convenience purposes also considered other lands in the south half of Lot 2, Concession I identified as Parcel 12169 SST and land located in part of the south half of Lot 3, Concession I identified as Parcels 10532 SST, 14596 SST, 25449 SST and 10904 SST. All of these properties abut and form the land area on the north and east side of the Wabi Creek, in the south half of the concession, where engineering studies have been completed or implied as part of another Study.

In all cases, part of the lands identified above have, at least in part, an Environmental Protection designation on the land. The roadway dividing the lands in Lot 2 from the lands in Lot 3, is known locally as Wabi Road. The roadway is located on the boundary between Township Lots 2 and 3. Part of the roadway was forced to be moved eastward so as to locate on more flat land, thus reducing construction costs and the presence of the creek in the path of the line between Lots 2 and 3, to the south of the original subject land.

The land use activity within Lot 3 is closely related to the farming community. The land is in active agricultural production, or forms part of smaller parcels which have been created by past consents for non-farm residential land uses. Because of the scale of the Official Plan mapping, it is difficult to determine whether the environmental protection line actually includes any part of the two small, more northern, residential lots, but for clarity, they are being mentioned herein. The exception to the agricultural land use in Lot 3, is a part of the most southern parcel abutting the boundary with the geographic Township of Dymond. This land is divided because of the meandering of the watercourse and because of the forced boundary road which has been located so as to pass around the creek and is generally non-productive for agriculture.

Land use activity within Lot 2, is most closely related to the rural community in the south since the size of the parcel to be considered is too small to be a viable farm property and has not been used for farming for many years. The creek meanders through this area and because of the many direction changes isolates the subject property from the larger parcel to the north in Lot 2, Concession I. The northern end of the south half of Lot 2, is used for agricultural purposes and should be retained for that land use.

SECTION 2 BASIS OF AMENDMENT

Since the time of the original work, several engineering studies have been completed in the area of the Wabi Creek which show that the line location for the environmental protection area could be placed closer to the river bed. The most recent study was completed on 17 March 2006, by D. F. Elliott Consulting Engineers Ltd., for the Applicant.

The C.G.D. elevation for the top of the slope produced within the various studies, is not a consistent elevation line. Each study is based upon the determination of the top of the slope location and each study has been examined based upon its individual circumstances. Because the soils in this area are not as stable as most, (varved clays), the engineering recommendations have been consistence in that a 30.0 metres setback from the top of bank has been recommended in all cases. The reasoning for this is to ensure that the stability of the soil nearest the top of the bank is not disturbed.

The reports also recommend a number of conditions for the development of the land which should be noted. These include refraining from:

1. any further clearing of the area between the river and the building setback recommendation from the top of the slope;

2. channelling of surface runoff to the sloped area via drainage outlets or off takes; and

3. building within the 30.0 metre setback allowance from the estimated top of the slope for a main building or secondary buildings and structures.

This Amendment recommends no development below the engineer's determination of the top of the slope in each study, plus in the area of a 30.0 metre setback requirement from the top of the slope. The top of the slope would become the dividing line between the Environmental Protection designation and the Rural or Agriculture designations, as each situation is applied. This change would be recognized on Schedule A to the Official Plan.

In addition, the Plan will require policy changes to incorporate the other recommendations from the engineering reports. These changes are handled through Section 5 of the Plan within the subsections relating to "Standards and Agreements" and "Building Requirements." Policies have been added to restrict the cutting of vegetation between the building setback limit and the water's edge, and to control the channelling of water away from the restricted areas in and around the top of the slope. As well, within Section 6, the land use designation policies for Environmental Protection have been added to through the description of the line for the Environmental Protection designated area.

In relation to this, the Township Zoning By-law currently requires a 30.0 metre setback from the high water mark. With the Municipality using the top of the slope elevation as the Environmental Protection line, then a setback requirement of 30.0 metres, the comprehensive Zoning By-law needs to be amended so as to be in keep with the engineering recommendations. Notwithstanding any other provision in the By-law, a 30.0 metre setback will be required from the Environmental Protection Zone line in both the Rural and Agriculture Zones. In addition, the Schedule to the Zoning By-law also needs to be amended to reflect the new location of the environmental protection line, in accordance with the Official Plan change.

The interpretation of this zone provision change would be that any building or structure must be setback from the top of the slope at least 30.0 metres, but may require an even greater setback depending upon where the property line is in relation to the top of the slope. So the setback would be the greater of 30.0 metres from the top of the slope or the building setback for the zone in which the proposed development is located.

The effect of this Official Plan Amendment will be to reduce the distance from the Wabi Creek which is designated Environmental Protection and to restrict development within the area 30.0 metres from the top of the slope. With this change, more area will be open for development in accordance with the original intent of the land.

This Amendment is based on the planning considerations discussed in the Appendices attached hereto.

Implementation and administration of this Amendment shall be in accordance with the provisions of Sections 7 and 9 of the Official Plan of the Township of Harley respectively. The Amendment shall be interpreted in accordance with Section 8 of the Plan.

SECTION 3 DETAILS OF AMENDMENT

(1) TEXT CHANGE

(a) Section 5(2)(d) of the Township of Harley Official Plan is hereby further amended by the addition of the following new paragraph between the first and second paragraph as follows:

"This restriction to the clearing of vegetation shall be applied in particular along the Wabi Creek, located in the southwest corner of the Township, from the water's edge to the limits of the building setback which is 30.0 metres from the top of the slope elevation. The top of the slope elevation shall be determined by a qualified engineer, at the applicant's expense, prior to any development application being submitted for approval to the appropriate approval authority."

(b) Section 5(2)(e) of the Township of Harley Official Plan is hereby further amended by the addition of the following new paragraph between the first and second paragraph as follows:

"For the area adjacent to the Wabi Creek, no development shall permit the channelling of surface run-off to the sloped area between the water's edge and the limits of the building setback which is 30.0 metres from the top of the slope elevation via drainage outlets or off takes."

(c) Section 5(3)(c) of the Township of Harley Official Plan is hereby further amended by the addition of the following new paragraph at the end thereof as follows:

"For the area along the north and east sides of the Wabi Creek in the south half of Lots 2 and 3, Concession I, engineer's studies have determined that the setback from the Creek for all new development should be 30.0 metres from the top of the slope. The location of the top of the slope shall be determined by a qualified engineer in an Engineering Report, prepared for, and at the expense of, the Applicant, for review by the Municipality."

(d) Section 6(2)(b)(iii) of the Township of Harley Official Plan is hereby further amended by the addition of the following new paragraph between the second and third paragraph as follows:

"For land abutting the north and east sides of the Wabi Creek, engineering studies have shown that the environmental protect line should be the top of the slope as determined by a specific engineer's study. Therefore the line in this area is

considered to follow the top of the slope and shall be labelled as such on Schedule A hereto. A 30.0 metre setback for all buildings and structures shall be required from the top of the slope in order to prevent the disturbance of the soils. Since the stability of the soil on the slope is an environmental concern, the Municipality can assist with the prevention of landslides or slumping through restrictions on the clearing of vegetation from the water's edge to the limits of the building setback and through restricting the channelling of surface run-off to the sloped area between the water's edge and the limits of the building setback via drainage outlets or off takes."

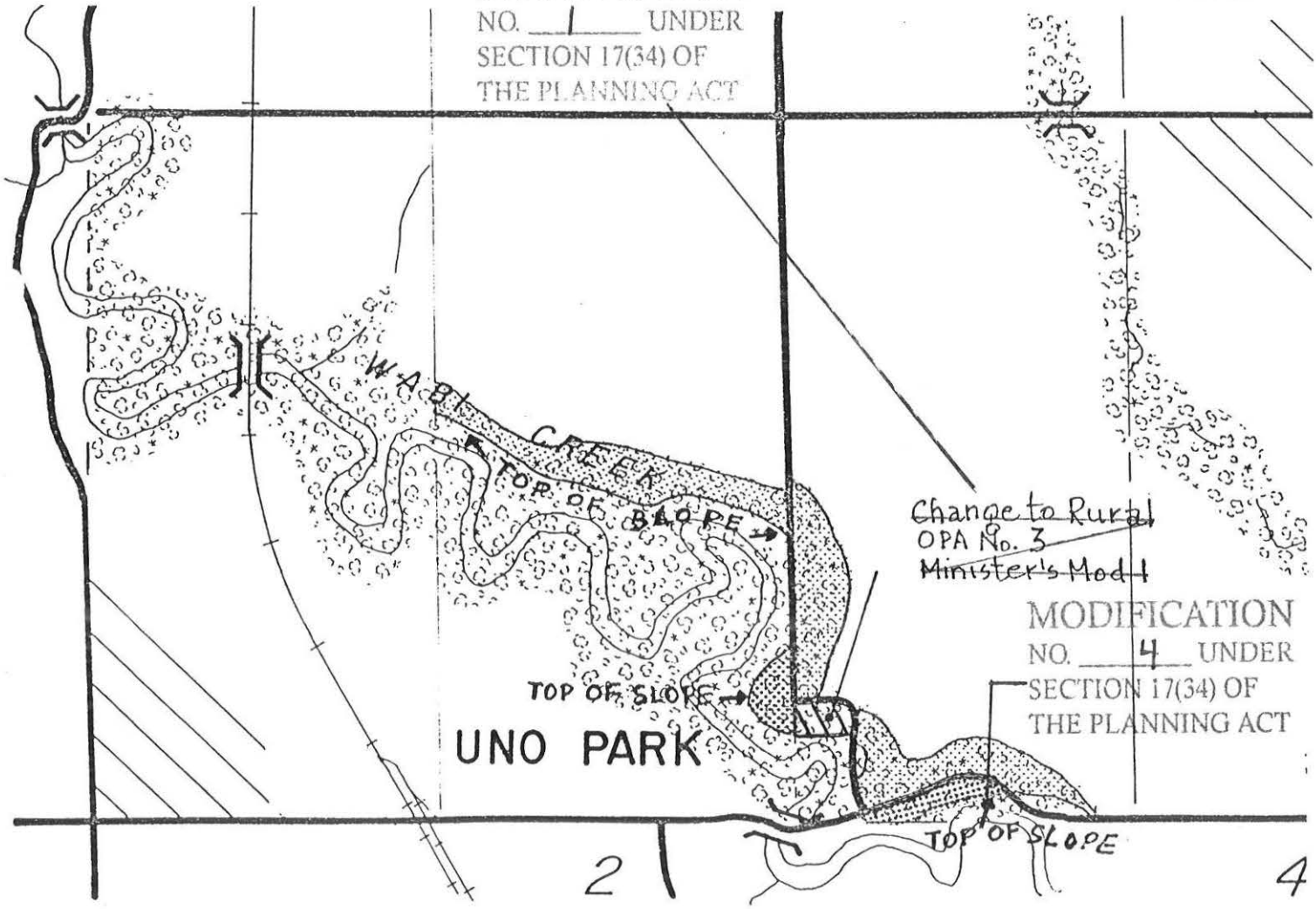
(2) SCHEDULE CHANGE

Schedule A to the Official Plan of the Township of Harley, as amended, is hereby further amended by changing from "Environmental Protection" to "Rural" the land use designation on the land designated "CHANGE FROM ENVIRONMENTAL PROTECTION TO RURAL," and by changing from "Environmental Protection" to "Agriculture" the land use designation on the land designated "CHANGE FROM ENVIRONMENTAL PROTECTION TO AGRICULTURE," both on Schedule 'A' attached hereto.

SCHEDULE 'A'

TO AMENDMENT NO. 5
FOR THE
TOWNSHIP OF HARLEY
OFFICIAL PLAN

MODIFICATION
NO. 1 UNDER
SECTION 17(34) OF
THE PLANNING ACT



MODIFICATION
NO. 4 UNDER
SECTION 17(34) OF
THE PLANNING ACT

METRES
500 0 500

MODIFICATION
NO. 2 UNDER
SECTION 17(34) OF
THE PLANNING ACT

CHANGE FROM ENVIRONMENTAL PROTECTION TO AGRICULTURE

CHANGE FROM ENVIRONMENTAL PROTECTION TO RURAL

MODIFICATION
NO. 3 UNDER
SECTION 17(34) OF
THE PLANNING ACT

THE PLANTARIO GROUP LTD.
9 Crescent Place - Suite 2109
EAST YORK, Ontario
M4C 5L8
(416) 698-3655

DWG NO.: 0331/52 - A
DRAFTED: 3 May '06

APPENDICES

AMENDMENT NO. 5
TOWNSHIP OF HARLEY
OFFICIAL PLAN

The following Appendices are not intended to form part of the approved Amendment, but are included for the purpose of supplying supplementary information in support of the policies and proposals contained within the Amendment.

APPENDICES

OFFICIAL PLAN AMENDMENT NO. 5

TOWNSHIP OF HARLEY

PN: 0331/52
DRAFTED: 3 May 2006

THE PLANTARIO GROUP LTD.

EAST YORK, ONTARIO

APPENDIX
TABLE OF CONTENTS

SECTION		PAGE
1	SUMMARY OF APPLICATION	
	(1) Location	1
	(2) Size	1
	(3) Present Official Plan Designation	1
	(4) Present Zoning By-law Zone	2
	(5) Present Land Uses	2
	(6) Site Characteristics	3
	(7) Proposed Uses	3
	(8) Proposed Services	3
2	PLANNING CONSIDERATIONS	
	(1) Surrounding Land Uses	5
	(2) Land Use Compatibility	5
	(3) Physical Features	6
	(4) Water Supply and Sewage Disposal	6
	(5) Roads	6
	(6) Utilities and Public Safety	7
	(7) Other Services	7
3	PUBLIC RECORDS	
	(1) Record of Public Notice	8
4	ENGINEERING REPORTS	9

SECTION 1 SUMMARY OF APPLICATION

(1) LOCATION

- the subject land is located in the southwest corner of the Township
- specifically, the subject land includes land on the north and east side of the Wabi Creek within the south half of Lots 2 and 3, Concession I

(2) SIZE

- the land to be included in this amendment is a part of various parcels totaling an area of less than 85.0 hectares
- the parcels of land which we anticipate having some impact within this amendment form only a part of the 85.0 hectares are listed herein as follows
  - in part of the south half of Lot 2, Concession I Parcel 7216 SST and Parcel 12169 SST
  - in part of the south half of Lot 3, Concession I identified as Parcel 10532 SST, Parcel 14596 SST, Parcel 25449 SST and Parcel 10904 SST

(3) PRESENT OFFICIAL PLAN DESIGNATION

- the present designation for the area totaling less than 85.0 hectares is Environmental Protection, Rural and Agriculture as designated on Schedule A to the Plan
- it is anticipated that the change will result in the Environmental Protection designation being removed for part of those lands so as to create land to be designated Rural or Agriculture, depending upon the location of the land, and so as to be developed in accordance with those specific policies being added
- the location of the Environmental Protection designation was determined by the Ministry of Natural Resources through air photo interpretations, and provided to the Consultant for inclusion in the original Official Plan (1985)
- this area was the subject of site specific reviews, conducted on behalf of the Applicant by qualified engineers, which recommended that the environmental protection line be adjusted according to the studies' recommendations

- other recommendations of the engineering studies should be incorporated into the land use policies of the Township Official Plan to ensure compliance with the recommendations

(4) PRESENT ZONING BY-LAW ZONE

- the present zoning for the subject area reflects the same boundary lines found in the Official Plan for the Environmental Protection, Rural and Agriculture designations

- zoning changes to the mapping should reflect the same mapping changes as that which is being proposed in the Official Plan Amendment

- additional zone provisions will be required to accommodate the recommendations of the engineering studies in order to prevent the construction of buildings and structures in the area between the water's edge and the recommended building setback from the top of the slope of 30.0 metres

- a second zone provision change is required to prohibit the cutting of vegetation in the area between the water's edge and the building setback noted above

(5) PRESENT LAND USES

- most of the subject land is currently cleared and used for farmland, however, the land generally within the area between the water's edge and the top of the slope is currently treed

- there are three dwelling houses within the subject area, two non-farm residential uses and one farm residential use

- between Lots 2 and 3, there is a roadway which is the municipal roadway between Lots 2 and 3. The roadway generally follows the line between the lots, except where it was forced to move around because of the topography of the area. There is also a municipal roadway along the boundary between the Townships of Dymond and Harley, again, except where it is forced to move because of the topography of the area

- along the Township Boundary Road, known locally as Uno Park Road, located in part of the south half of Lot 3, Concession I,there is a Northern Telephone switching station and the farm house which contains a construction business

(6) SITE CHARACTERISTICS

- the land to which the designation change is associated with forms the plateau portion of the subject land and can be generally considered as being cleared
- the area between the water's edge and the setback limit is generally treed
- the soils of this area are varved clays and in general are not as stable as other soils found in the Township
- areas below the top of the slope as determined by the Engineer's Studies, show some signs of erosion due to storm water run-off from the land above
- within the subject area, there is also a flood plain along the edge of the waterway, but the high water mark is a substantial distance from the top of the slope in most situations
- some land, particularly the plateau area, has been and continues to be used for agricultural purposes. Most of the land is used as part of cash cropping operations

(7) PROPOSED USES

- the proposed use for the land to which the designation change will apply is for a mix of uses including residential purposes and farm purposes
- the moving of the environmental protection line will still provide for the inclusion of a restricted development area (called Environmental Protection), just that this area will be smaller and closer to the Wabi Creek than it is presently

(8) PROPOSED SERVICES

- where residential land uses are proposed, the applicant will utilize private water and sewerage systems

- where a development application is presented to Council the proposed private sewerage system will require the approval of the local Health Unit, prior to construction. Where a private sewerage system already exists and a development application is presented, the system will require an inspection by the local Health Unit and determination as to whether the system meets the current standards of the Unit, or can be altered so as to meet the current standards

SECTION 2 PLANNING CONSIDERATIONS

(1) SURROUNDING LAND USES

Generally this area of the Township is considered prime farmland and is currently in production. The exception to this is the area of the flood plain and the sloped area rising from the Wabi Creek. This area is not productive farmland and has generally been left in a treed condition do to soil stability concerns.

Within the area there are a number of small parcels of land created by road construction, or the meandering of the creek through the area which are not large enough to be productive farm properties. These parcels often times have, or it is anticipated to have, a non-farm dwelling house located thereon. As well, there is a severance application for land in part of the south half of Lot 3, Concession I, proposing to separate the dwelling house from the farmland through the declaring of the dwelling house as surplus through farm amalgamation.

For those lands within the Township of Dymond, which is the southern border of the subject lands, the same mix of farmland and non-farm residential land uses exist.

(2) LAND USE COMPATIBILITY

Based upon the engineering studies completed for the subject lands, it is recommended that the top of the slope be considered the line between the environmental protection area and the rural or agriculture areas. The additional land which will be added to either the Rural designation or Agriculture designation will be used in accordance with the policies of the plan as they pertain to the specific land use designation.

All engineering studies recommend a 30.0 metre building setback from the top of the slope to provide greater assurance of slope stability. The studies recommend no buildings or structures in this area and that no cutting of the vegetation or channeling of the storm water run-off through the area from the setback requirement to the edge of the water be permitted.

Since there are non-farm dwelling houses existing within the area which prevent the development of new farm animal buildings in close proximity to the houses, the permitting of new residential development may not impact as much as one would anticpate simply because the lots to be developed are existed lots of record and not considered new development within the context of the Ministry of Agriculture and Food's Minimum Distance Separation Formula.

It is proposed as part of this Amendment to retain the productive farmland in the Agriculture designation. The less productive lands and the non-farm lands will generally be placed in the Rural designation.

The change in land use designation will require a review by the Ministry of Natural Resources in accordance with the policies of the Official Plan. The engineering studies are attached hereto as part of the background information supporting the proposed Amendment. These studies will also be forwarded to the Ministry for their consideration.

(3) PHYSICAL FEATURES

The site features for the property were described in Section 1.

(4) WATER SUPPLY AND SEWAGE DISPOSAL

This Amendment in itself will not require the installation of a new private water source or a private sewerage system. However, should the result of this Amendment be that new development is proposed, it will be the responsibility of the local Health Unit to inspect existing systems and insure that the existing systems and any new system being proposed will operate in accordance with the Unit's standards, or can be altered to meet the standards.

(5) ROADS

Access to the land, that is the subject of this Amendment, will be mainly from the forced roadway generally following the line between Lots 2 and 3. However, the large farm fronting the boundary road currently has access to the road between the Townships of Dymond and Harley. Both of these roadways are municipally maintained on a year-round basis.

New access will require review by the Township Road Superintendent to ensure that the proposed site meets the safety and design standards for the Township for access. As well, for all new development, the Superintendent should review the storm water run-off to ensure that the roadway ditching can handle the generated flows without adverse effects on the roadway construction.

(6) UTILITIES AND PUBLIC SAFETY

Hydro and telephone are already provided to all the lands that are being included in this Amendment. New services could be obtained from the lines currently servicing both municipal roadways.

No special fire or policing requirements are anticipated as a result of this proposal. The Ontario Provincial Police are located within twelve kilometres of the site, and there is a Municipal Volunteer Fire Department located to the east and north of the subject land on Highway No. 11, approximately six kilometres away.

(7) OTHER SERVICES

All School Boards serving the Township, indicated during the Official Plan's updating that they can adequately service the area and accommodate new students within their existing facilities and bus routes.

SECTION 3 PUBLIC RECORDS

(1) RECORD OF PUBLIC NOTICE

This Official Plan Amendment was brought to the attention of the public by advertisement in the local newspaper on the ..28..... of .....June....., 2006.

A Public Meeting concerning this Amendment was held on the ..8.... day of .....August....., 2006.

Copies of the Notices of the Public Meeting (as published in the local newspaper) and Minutes of the Public Meeting are available from the Clerk.

D.F. ELLIOTT
Consulting Engineers Ltd.

E-Mail: dfe@nt.sympatico.ca
Telephone: (705) 647-6871
Fax: (705) 647-3198

36 Lakeshore Road, P.O. Box 2524
New Liskeard, Ontario P0J 1P0

April 9, 1997

Mr. Omer Godmaire
R.R. No. 1
New Liskeard, Ontario
P0J 1P0

Attention: Mr. Omer Godmaire

Dear Sir:

Re: Proposed Building Location within
the Environmental Protection Zone

Further to your recent request, we have investigated the impact of the proposed building sites with respect to the environmental protection zone, as designated by the Township Official Plan. Based on our field survey information and our experiences with slope failures in the New Liskeard area, it is our opinion that neither building locations No.1 and No.2 will impinge on environmentally sensitive areas. Furthermore it appears that embankment slopes are stable within the immediate area of study, i.e. exceed 2:1 from maximum high water level. Our recommendations at this time would be as follows:

i) Ensure that the proposed building structure is set back at least 30 metres from the top of bank (we note that both locations No.1 and No.2 are presently measured to be at least 30 metres from top of bank).

ii) Refrain from any clearing of the embankment slope (we note that the slope is now wooded).

iii) Refrain from channeling (concentrating) any surface runoff to the sloped area via drainage outlets/off-takes.

iv) Refrain from building any secondary structures (i.e. garages or storage sheds within the 30 metre set back from top of slope).

.../2

In conclusion we do not feel that either building locations No.1 or No.2 present any threat to slope stability, or vice versa.

It is therefore our opinion that the proposed building locations are environmentally acceptable.

If you have any questions or comments, or require any further information, please contact the undersigned.

Yours very truly,

D.F. ELLIOTT CONSULTING ENGINEERS LTD.

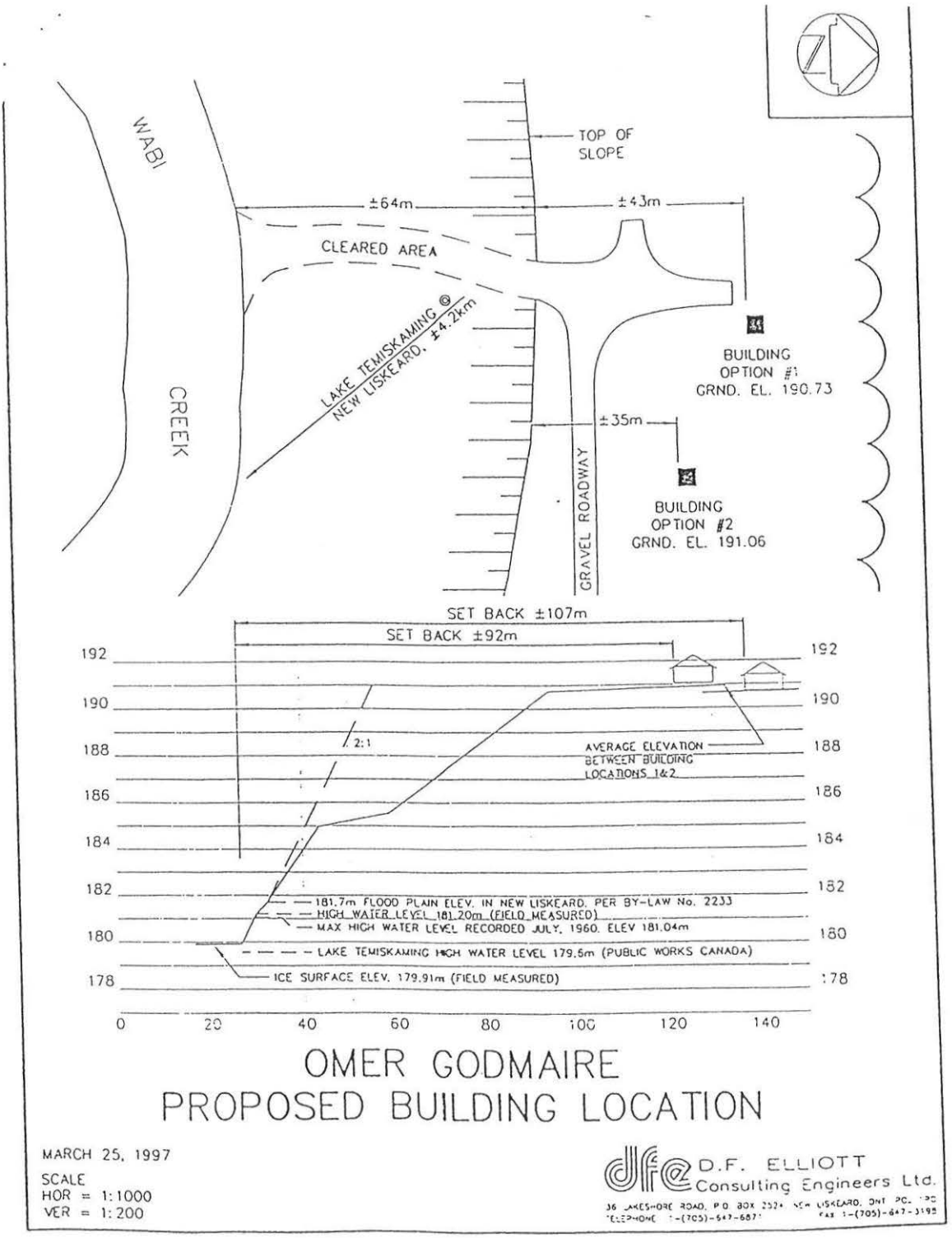
Per:

D.F. Elliott, P.Eng.

DFE/fh
Encls.

cc. Township of Harley
Attention: Mr. M. Lachapelle

cc. Ministry of Natural Resources, Swastika
Attention: Ms. E. Moro



OMER GODMAIRE
PROPOSED BUILDING LOCATION

MARCH 25, 1997

SCALE
HOR = 1:1000
VER = 1:200

D.F. ELLIOTT
Consulting Engineers Ltd.
36 LAKESHORE ROAD, P.O. BOX 2524, NEW LISKEARD, ONT. P0J 1P0
TELEPHONE 1-(705)-647-6871 FAX 1-(705)-647-3195

D.F. ELLIOTT
Consulting Engineers Ltd.

E-Mail: dfe@ntl.sympatico.ca
Telephone: (705) 647-6871
Fax: (705) 647-3198

36 Lakeshore Road, P.O. Box 2524
New Liskeard, Ontario P0J 1P0

March 17, 2006

Mr. Omer Godmaire
RR. No. 1
Newl Liskeard Ontario
P0J 1P0

Attention: Mr. Omer Godmaire

Dear Sir: Re: **Proposed Building Setback Within the Environmental Protection Zone, Lot 2, Con 1 Harley Township**

Further to your request, we have carried out a field survey of the above mentioned property adjacent Wabi Creek and have determined a minimum building setback with respect to the Environmental Protection Zone, as designated by the Township Official Plan. On the attached drawing we have indicated our recommended estimated top of slope and minimum building setback from Wabi Creek. In addition to these recommendations, we note that:

1) You should ensure that any building structures are set back at least 30 meters for the estimated top of slope.

2) You should refrain from any further clearing of the area between the river and top of slope.

3) You should refrain from any channeling (concentrating) of surface runoff to the sloped area via drainage outlets/off takes.

4) You should refrain from building any secondary structures (ie. Garages or storage sheds with the 30 meter set back from the estimated top of slope).

If you have any questions or comments, or require further information, please contact the undersigned.

D.F. ELLIOTT
Consulting Engineers Ltd.

2

E-Mail: dfe@ntl.sympatico.ca
Telephone: (705) 647-6871
Fax: (705) 647-3198

36 Lakeshore Road, P.O. Box 2524
New Liskeard, Ontario P0J 1P0

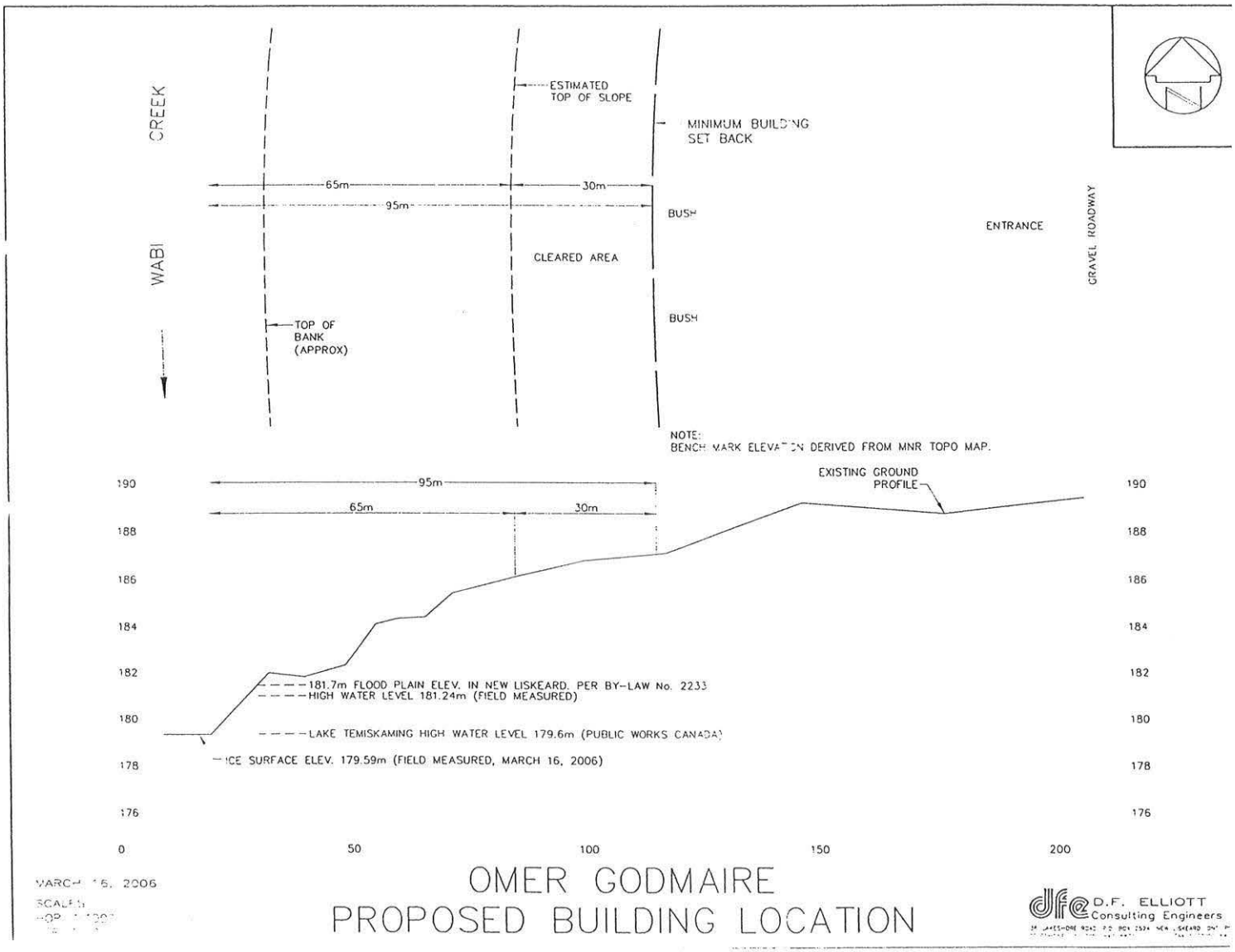
Yours very truly,

D. F. ELLIOTT CONSULTING ENGINEERS LTD.

Per:

D. F. Elliott Peng.

c. Township of Harley, Attention Mr. M. Lachapelle



MARCH 16, 2006

SCALE:

OMER GODMAIRE
PROPOSED BUILDING LOCATION

D.F. ELLIOTT Consulting Engineers

SRQ

Sutcliffe Rody Quesnel Inc.
Engineers & Surveyors
"Service Reliability & Quality since 1906"

May 18, 2006.

Mr. Omer Godmaire,
R. R. No. 1,
New Liskeard, Ontario.
P0J 1P0

Dear Sir:

RE: Parcel 10904SST PIN No. 61312-0101(LT), Lot 3, Con 1, Harley Twp.

INTRODUCTION

This letter has been prepared to address the concerns associated with the designation of a portion of the above noted property as an "Environmental Protection Zone" (EP Zone) in the Township of Harley Official Plan. Mr. Godmaire's residence is located within the EP zone, however, it was constructed prior to the implementation of the Official Plan with the EP designation. It is the intent of the owner to sever a portion of the property and have the property rezoned such that the house and workshop are excluded from the EP zone. The purpose of this report is to assess the environmental concerns associated with such rezoning, and comment on any remedial measures necessary to mitigate these concerns.

BACKGROUND

The property in question abuts Wabi Creek in Lot 3, Concession 1, Harley Township. Sutcliffe Rody Quesnel was retained to prepare a site plan of the Godmaire property. A review of the plan prepared under project SN06027 by Sutcliffe Rody Quesnel Inc. (copy enclosed) illustrates the location of the Wabi Creek, and the proximity of the existing buildings on this parcel of land. A review of the plan indicates the following:

a) The river embankment is at a stable slope of approximately 3.5:1.
b) The existing buildings are set back a minimum of 115 m from the top of the creek bank.

..../2

☑ NEW LISKEARD: 9 Wellington St., P.O. Box 1208, New Liskeard, ON P0J 1P0 Tel: (705) 647-4311 Fax: (705) 647-3111
☐ COCHRANE: 136-B Third St., P.O. Box 398, Cochrane, ON P0L 1C0 Tel: (705) 272-4217 Fax: (705) 272-4998
☐ TIMMINS: 670 Airport Road, Suite 202, Timmins, ON P4N 7C3 Tel: (705) 268-4351 Fax: (705) 264-5125
☐ KENORA: Rabbit Lake Road, P.O. Box 1450, Kenora, ON P9N 3X7 Tel: (807) 548-1535 Fax: (807) 548-5914
☐ NORTH BAY: 885 Jet Avenue, P.O. Box 1198, North Bay, ON P1B 8K4 Tel: (705) 474-5033 Fax: (705) 474-6443
TOLL FREE LINE 1-800-461-4584 WEBSITE: www.srqinc.com
Consulting Engineers Ontario Land Surveyors Canada Lands Surveyors

c) The existing property from the buildings to the creek is treed (other than road and lawn areas), on a stable (but significant) slope and is traversed by a municipal road, and an abandoned road. As such this area is not well suited to agricultural uses.
d) There is no evidence of landslides or slumps between the top of the existing riverbank and the existing buildings.
e) The existing buildings have been in place for over twenty-five years and have not adversely affected adjacent properties or the Creek.

Areas of potential concern for rezoning a portion of this property in the EP zone would include erosion/soil stability and flood hazards. The structures have existed on this property for 27 years, and there is no evidence of soil erosion or landslides affecting any portion of the property north of the travelled road. In addition, the structures are located approximately 6 metres above the maximum high water level on the Wabi River and therefore flooding is not a concern. In the past, ice jams have caused floods on the creek (during spring runoff) up to the elevation of the abandoned road, however there is no evidence of flooding impacting the area from the existing road northerly.

RECOMMENDATIONS

It is important that conditions do not change to create potential for erosion in the future. In light of this it is important that the following recommendations are followed:

i) All trees and vegetation remain intact between the existing travelled road and the Wabi Creek on this property.
ii) All drainage from the buildings and lawn area should not be concentrated to drain directly towards the creek embankment.
iii) If the property is rezoned, any future buildings constructed on the property should be set back a minimum of 10 metres from the north limit of the travelled road.
iv) That the municipality establishes a permanent demarcation with respect to defining the EP zone. We have enclosed SRQ plan (Job: SN06027) with an indicator line marked "Top of Slope" at an offset of approximately 60m from the waters edge of Wabi Creek. It is suggested that this line be used to distinguish the EP boundary.

...../3

Sutcliffe Rody Quesnel Inc.
Consulting Engineers, Ontario Land Surveyors, Canada Lands Surveyors
9 Wellington Street, P.O. Box1208, New Liskeard, Ontario, P0J 1P0
Tel: (705)647-4311 Toll Free: 1-800-461-4584 Fax: (705)647-3111

It is our professional opinion that if the above noted recommendations are followed that the severance and rezoning of this property will not cause any adverse effects to the Environmental Protection Zone in Harley Township.

We trust this is the information that you require. If you have any questions regarding the above please contact the undersigned.

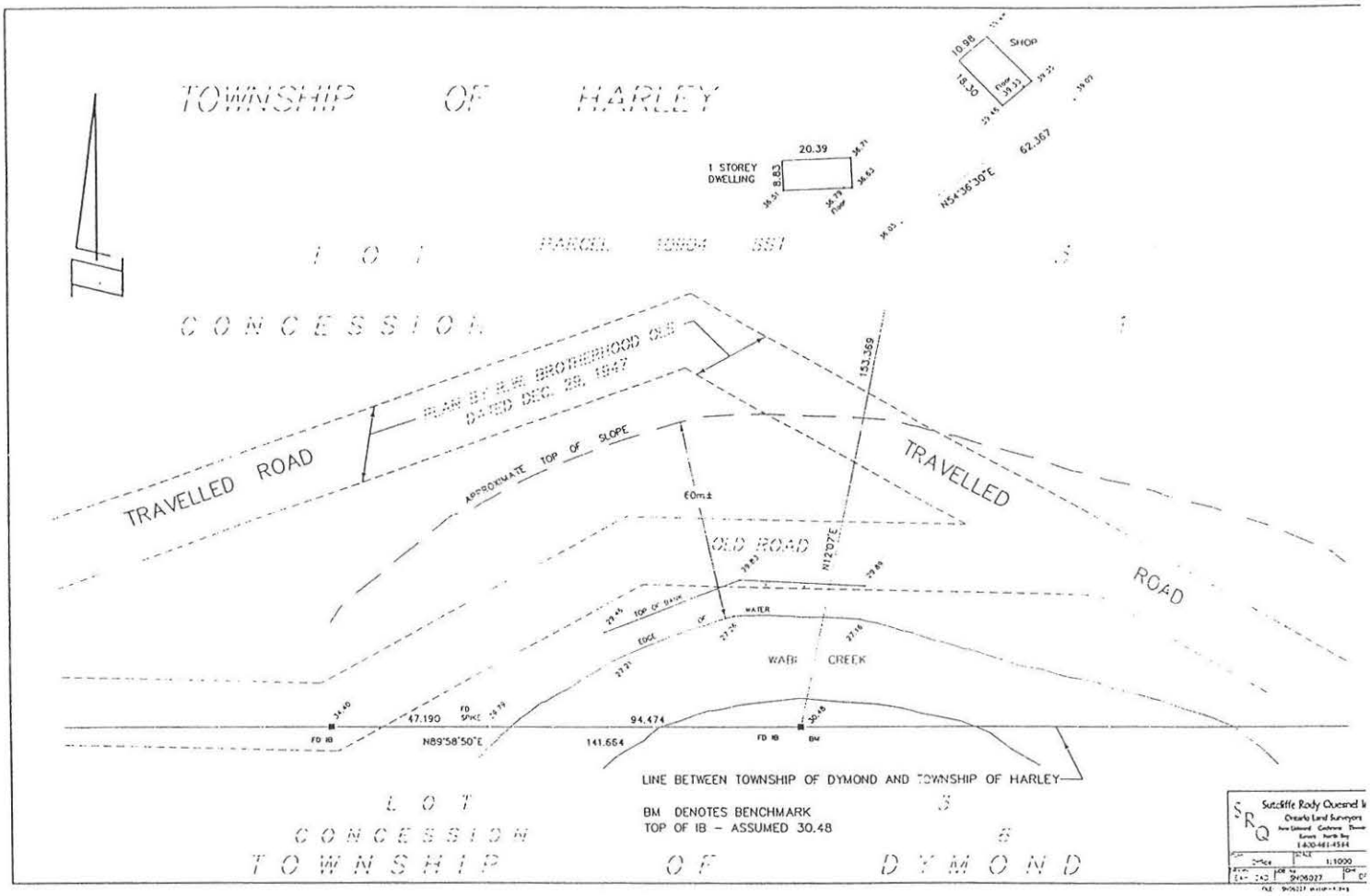
Yours very truly,

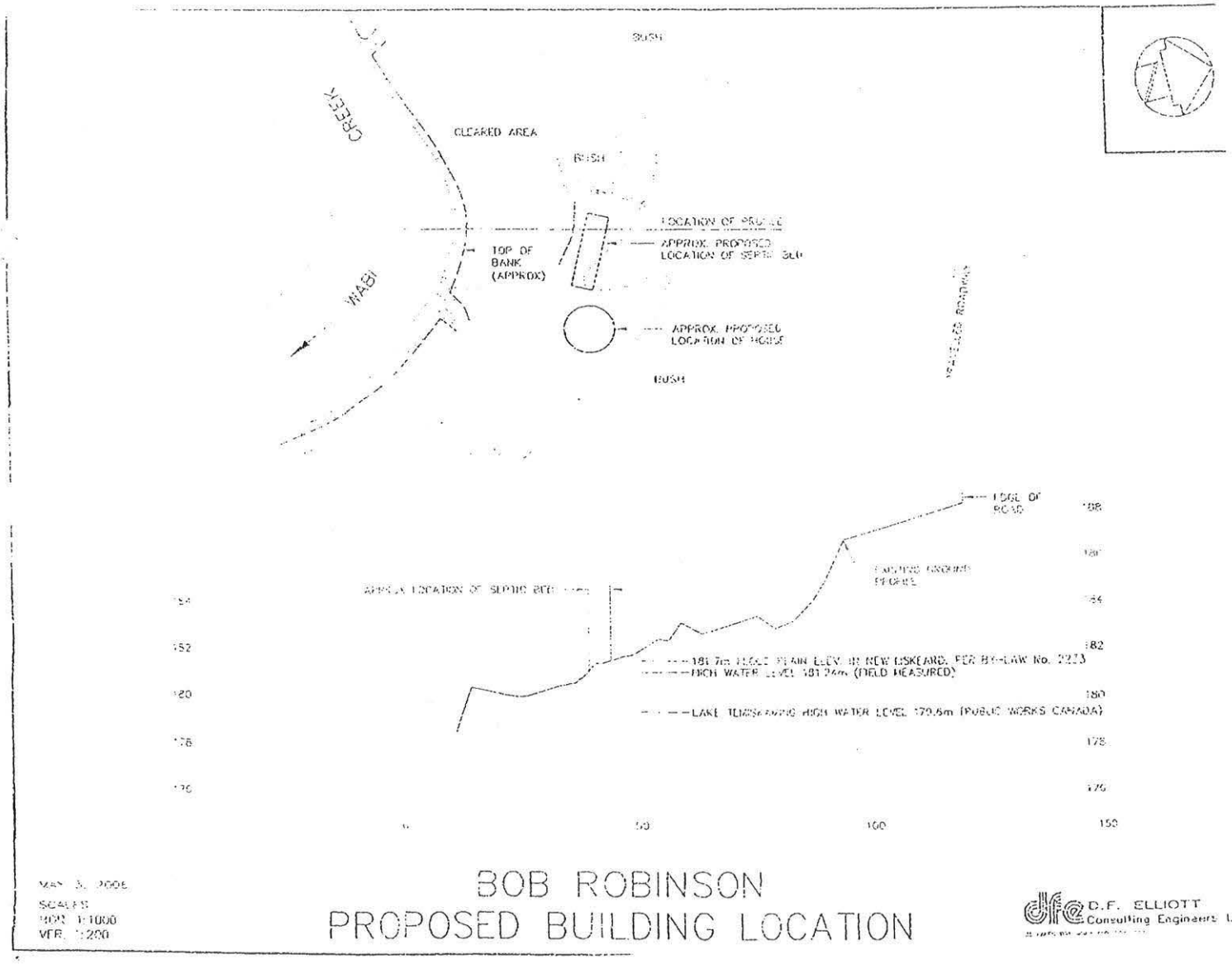
Sutcliffe Rody Quesnel Inc.
Per: H.J. Hawken

H. James Hawken, P. Eng.

Encl
Fn:SN06027-omergodmaire

Sutcliffe Rody Quesnel Inc.
Consulting Engineers, Ontario Land Surveyors, Canada Lands Surveyors
9 Wellington Street, P.O. Box1208, New Liskeard, Ontario P0J 1P0
Tel: (705)647-4311 Toll Free: 1-800-461-4584 Fax: (705)647-3111


TOWNSHIP OF HARLEY
SHOP
1 STOREY DWELLING
20.39
8.83
N54°36'30"E
62.367
LOT
CONCESSION
PLAN BY R.W. BROTHERHOOD OLS DATED DEC. 29, 1947
TRAVELLED ROAD
APPROXIMATE TOP OF SLOPE
60m±
OLD ROAD
N12°07'E
153.369
TRAVELLED ROAD
WATER
WABI CREEK
TOP OF BANK
EDGE OF
47.190
FD SPIKE
94.474
N89°58'50"E
141.664
FD IB
BM
LINE BETWEEN TOWNSHIP OF DYMOND AND TOWNSHIP OF HARLEY
BM DENOTES BENCHMARK
TOP OF IB - ASSUMED 30.48
LOT
CONCESSION
TOWNSHIP OF DYMOND
SRQ
1:1000

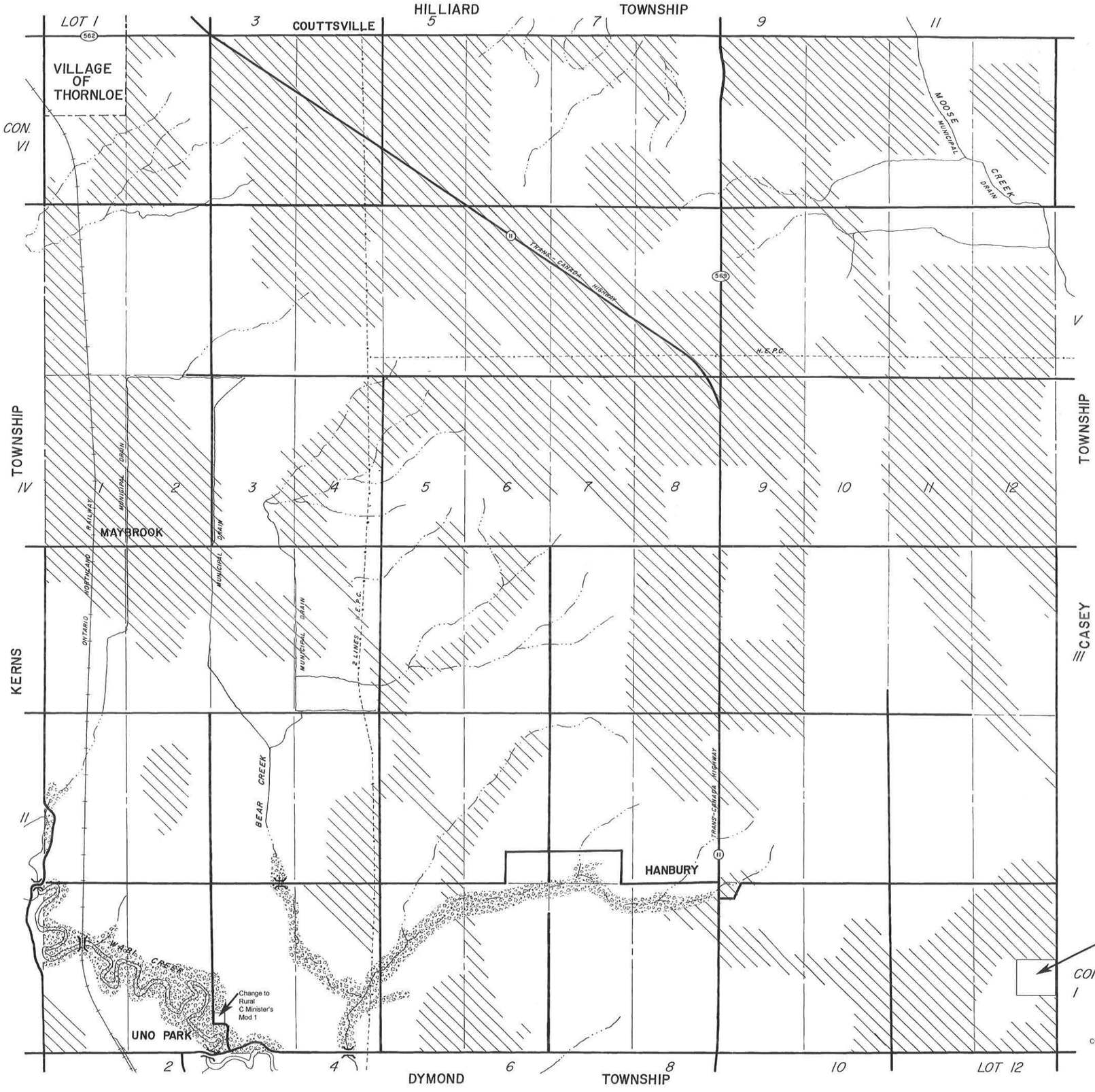


MAY 3, 2006
SCALES
HOR. 1:1000
VER. 1:200

BOB ROBINSON
PROPOSED BUILDING LOCATION

D.F. ELLIOTT
Consulting Engineers Ltd

SCHEDULE A
Land Use
Official Plan
TOWNSHIP OF HARLEY
CONSOLIDATED



LEGEND

- ENVIRONMENTAL PROTECTION
- AGRICULTURE
- RURAL

Added by Amendment No. 3

NOTE: THIS SCHEDULE FORMS PART OF THE OFFICIAL PLAN OF THE TOWNSHIP OF HARLEY AND MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT

METRES
500 0 500 1000

CONSOLIDATED: 31 JAN. 05
REVISED: 30 SEPT. 94
DRAFTED: 14 MAR. 94
DWG. NO. 0332/1 - A3

The Plantario Group
9 Crescent Place - Suite 2109
Toronto, Ontario
M4C 5L8
(416) 698-3655