

- d. facilitate research into the local natural heritage and identify methods for its preservation, enhancement and utilization.
4. Council may utilize available government funding assistance programmes to assist in the implementation of natural heritage conservation policies. Council, where appropriate, shall co-operate with other levels of government, as well as with private agencies and individuals, in the conservation of local natural heritage resources. Council shall co-ordinate its heritage plans and programs with the heritage plans and programs of senior levels of government.
5. Where necessary and appropriate, Council may acquire, restore and appropriately manage natural heritage property on a selective basis.
6. Council will consult with, and involve, local residents in natural heritage planning and programs.
7. Council will continually review and update natural heritage policies, plans and programs, with a comprehensive review to occur in conjunction with the Official Plan review.

5.1.1 AREAS OF NATURAL AND SCIENTIFIC INTEREST

Areas of Natural and Scientific Interest (ANSI) mean areas of land and water containing natural features which have been identified as having value related to natural heritage protection, scientific study or education. The identification of candidate ANSIs shall be determined in consultation with the Ministry of Natural Resources.

1. The Ministry of Natural Resources is responsible for identifying candidate ANSIs.
2. Development may be permitted in areas of natural and scientific interest provided it does not negatively impact on the natural features or ecological functions for which the area has been identified.
3. Where development or site alteration is proposed within 120 m of the boundary of the ANSI, the proponent shall provide the Township with an Environmental Impact Statement (EIS) that demonstrates that there will be no negative impacts on the ANSI or on its ecological function. Where warranted by site and species-specific factors, development proposals further than 120 m from significant portions of the ANSI may also require an Environmental Impact Statement.

5.1.2 ENDANGERED AND THREATENED SPECIES

The *Endangered Species Act* (ESA) prohibits the killing, harming, harassment, capture, or taking of a species at risk, and the damaging or destroying of their habitat. The presence of Species at Risk shall be identified through the use of the Natural Heritage Information Centre (NHIC) provincial database, and through consultation with Ministry of Natural Resources staff. MNR is the lead agency responsible for approving the delineation of Habitat for Threatened and Endangered species and administering the provisions of the *Endangered Species Act*.

1. Anyone undertaking an activity is responsible for ensuring that the activity does not contravene the *Endangered Species Act*. Development or site alterations must be planned and considered in accordance with the provisions of the Act. Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
2. Each development or site alteration will require an appropriate level of assessment for habitat of threatened or endangered species. The assessment begins with an NHIC Species at Risk Screening and discussion with MNR. If endangered or threatened species or their habitats are known or likely to occur on site, an appropriate level of ecological site assessment should be completed by a qualified person and appropriate mitigation measures put in place as established through the Endangered Species Act regulations and policy.
3. Locations of habitat for threatened and endangered species are considered sensitive values. To protect the value, known habitat for threatened and endangered species is not shown on the schedules to this Plan.

5.1.3 FISH HABITAT

The Township of Ear Falls supports the management of fisheries. Such management has important economic, social and environmental benefits. It is also recognized that the Ministry of Natural Resources (MNR) has a lead role in supporting planning authorities in carrying out their responsibilities and that Fisheries and Oceans Canada (DFO) is the delegated authority to authorize alteration, disruption and destruction of fish habitat. Under that *Federal Fisheries Act*, fish habitat is defined as spawning grounds and nurseries, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. According to this definition, many waterways may serve as fish habitat.

1. Although not shown as Environmental Protection Areas, it is recognized that all lakes and watercourses in the Township are considered to be fish habitat. In reviewing any planning application, the Township shall consult mapping provided by the Ministry of Natural Resources to determine the relative significance of the fish habitat area.
2. Where development will result in the harmful alteration, disruption, or destruction of fish habitat, prior authorization from the federal Department of Fisheries and Oceans is required under the federal *Fisheries Act*.
3. Natural features shall dominate the shoreline, with the Municipality generally requiring that up to 90 percent of the front 30 metres of a lot be maintained in a natural vegetative buffer. Site alteration and disturbance of vegetation within 30 metres of the shoreline shall be limited to minor alterations to accommodate access trails, docks, water pumping equipment or restoration work.

The Municipality shall also encourage, through planning approvals and other mechanisms such as landowner education, the use of Best Management Practices for shoreline development, including measures such as the following:

- a. locating on-site sewage systems where native soils are deepest, and at the furthest

- b. distance possible from the shoreline;
 - b. minimizing the clearing of natural vegetation on the site, particularly along the shoreline;
 - c. reducing lot grading;
 - d. using grassed swales and/or vegetated filter strips on lots that require ditching to control runoff;
 - e. directing roof leaders to rear yard ponding areas, soak away pits or to cisterns or rain barrels; and
 - f. sump pumping foundation drains to rear yard ponding areas and infiltration trenches.
4. The minimum setback requirement may be reduced to 20 m where it is demonstrated that the proposal satisfies Policy 2.1.6 of the Provincial Policy Statement (2005).

5.1.4 WETLANDS

Wetlands are essential components of ecosystems that contribute to the high quality of the environment. Wetlands control and store surface water to assist in flood control, function as sediment traps to improve water quality, provide habitat for a variety of plant and animal species, and function as recharge areas for groundwater resources. Wetlands mean lands that are seasonally or permanently covered by water as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

1. The Ministry of Natural Resources is responsible for classifying wetlands, which are shown on Appendix A.
2. Any wetlands that are identified as provincially significant may be added to this Plan without an amendment. Minor changes to the boundaries of any identified provincially significant wetlands shall not require an amendment to the Official Plan.
3. Development and site alteration not permitted on or within 30 m of a wetland unless it is demonstrated through an Environmental Impact Statement (EIS) that the development or site alteration will not result in a negative impact on the wetland feature or its functions.
4. Where development and/or site alteration is proposed within 120 m of the boundary of a provincially significant wetland, the proponent may be required provide the Township with an Environmental Impact Statement (EIS), prepared by a qualified professional and in accordance with the Environmental Impact Statements section of this Plan, which demonstrates that there will be no negative impacts on the wetland or its ecological function. Where warranted by site and species-specific factors, development proposals further than 120 m from portions of a wetland may also require an Environmental Impact Statement. MNR is responsible for reviewing and accepting EISs relating to development and/or site alteration next to provincially significant wetlands.
5. Any change or interference within or adjacent to the provincially significant wetland will require a permit from the Ministry of Natural Resources.

6. Where the provincially significant wetland areas are in private ownership, public use and access to these lands for any purpose is not permitted without the consent of the owner.
7. New utilities/facilities shall be located outside of wetlands, where possible.

5.2 CULTURAL HERITAGE RESOURCES

Council recognizes the importance of cultural heritage resources, which are defined in the Provincial Policy Statement. The goal for cultural heritage preservation is to ensure that such heritage resources in the Township are managed in a responsible manner so as to perpetuate their functional use while maintaining their heritage value and benefits to the community.

1. In order to achieve this goal, Council may consider the following objectives:
 - a. prevent the demolition, destruction, or inappropriate alteration of cultural heritage resources;
 - b. encourage development which is adjacent to a cultural heritage resource to be of an appropriate character and use;
 - c. encourage and foster public awareness, participation and involvement in the preservation, improvement and utilization of the cultural heritage resource; and,
 - d. facilitate research into the local cultural heritage.
2. Council will consult with, and involve, local residents in heritage planning and programs.
3. Council may utilize available government funding assistance programmes to assist in the implementation of cultural heritage conservation policies. Council, where appropriate, shall co-operate with other levels of government, as well as with private agencies and individuals, in the conservation of local cultural heritage resources.
4. Council may prepare a Cultural Heritage Management Plan (CHMP). The CHMP would include a comprehensive inventory of known archaeological sites, and archaeological potential areas, as well as heritage buildings, heritage districts and cultural heritage landscapes located within the Township.
5. Council shall maintain a cultural heritage resource database for land use planning purposes resulting in inventories of any significant provincially registered archaeological sites, mapped archaeological potential areas, heritage buildings or districts and/or cultural heritage landscapes located in the township.
6. Council may, by by-law, define the municipality, or any area or areas within the municipality, as an area to be examined for designation as a heritage conservation district, or designate an area within the municipality as a heritage conservation district.

7. The municipal clerk is required to maintain a register of all property designated under Part IV of the Ontario Heritage Act. In addition, the municipality or its MHC will maintain an inventory of all properties that are not designated but have been identified as being of cultural heritage value or interest.
8. Council shall have regard for cultural heritage resources in the undertaking of municipal public work or when developing land and/or properties owned by the Township. When necessary, Council will require satisfactory measures and assessments to mitigate any adverse impacts to significant heritage resources.

5.2.1 ARCHAEOLOGICAL RESOURCES

Archaeological Resources include artifacts, archeological sites and marine archaeological sites. Significant Native and non-Native cemeteries or unmarked burial sites may be considered as archaeological resources.

Council recognizes that there may be archaeological remnants of and historic habitation, or areas containing archaeological potential within the Township. Council or the Township will obtain available archaeological site data locations from the Ontario Archaeological Sites Database maintained by the Ministry of Tourism, Culture and Sport under the provisions of a municipal-provincial data sharing agreement, for the purpose of heritage conservation planning. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*. Archaeological resource areas are determined through the use of provincial screening criteria, or potential mapping developed based on the known archaeological record or features within the Township and is usually developed with a licensed archaeologist. Such criteria include features such as proximity to water, current or ancient shorelines, sandy soils, rolling topography, the remains of any building, structure, place, activity, or cultural feature or object such as unusual landforms, portage routes or other places of past human settlement, which due to the passage of time, are on or below the surface of land or water and are significant to history and understanding of a people or place.

1. Council may require archaeological assessments conducted by archaeologists licensed under the Ontario Heritage Act, as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential. Archaeological assessment reports by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Tourism, Culture and Sport, as well as licensing requirements developed under the *Ontario Heritage Act*.
2. If an archaeological assessment determines that an archaeological resource is present on a site, the resource shall be documented and conserved to the satisfaction of the Ministry of Tourism, Culture and Sport through excavation or preservation in situ prior to final approval of the development proposal.
3. Any alteration to known archaeological sites shall only be performed by licensed archaeologists. Council shall require archeological assessments conducted by archaeologists licensed under the *Ontario Heritage Act*, as a condition of any development proposal affecting areas containing a known archaeological site or considered to have

archaeological potential.

4. Council shall, prior to approving a development proposal, require a marine archaeological assessment to be conducted by a licensed marine archaeologist to the satisfaction of the Township, and the Ministry of Tourism, Culture and Sport, pursuant to the Ontario Heritage Act. Any marine archaeological resource that is identified must be reported to the Ministry of Tourism, Culture and Sport immediately. The Ministry shall determine whether the resource is left in situ or removed through excavation, by licensed marine archaeologists. Preservation in situ is generally the preferred alternative.
5. The Township may prepare an Archaeological Management Plan (AMP). In the event that a AMP is prepared, a study will be undertaken by a licensed archaeologist retained by the Township to develop a comprehensive inventory and mapping of known archaeological sites, and areas of archaeological potential.

Aggregate Resources

6. The Township may require an archaeological assessment for any construction activity associated with aggregate resources if the subject property is located in an area of archaeological potential or near a known archaeological site.

Human Cemetery and Burial

7. Council shall consult appropriate government agencies when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the *Heritage Act* and the *Cemeteries Act* shall apply.

5.2.2 BUILT HERITAGE RESOURCES & CULTURAL HERITAGE LANDSCAPES

Built Heritage Resources means one or more building(s), structure(s), monument(s), installation(s) or remain(s) of cultural heritage value or interest. Built heritage resources are generally associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the *Ontario Heritage Act*, or listed by local, provincial or federal jurisdictions.

Cultural Heritage Landscape means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual cultural heritage resources such as structures, spaces, archaeological sites and natural elements of cultural heritage value or interest. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*, and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

Built Heritage Resources

1. The *Ontario Heritage Act* will be utilized to conserve, protect and enhance the built heritage resources in the Township through the designation of individual properties and through the identification of these properties on the Schedule B to this Plan. The Township shall

- encourage the conservation, protection and rehabilitation of cultural heritage resources, as well as encourage and foster public awareness, participation and involvement in the conservation of these resources.
2. A Municipal Heritage Committee may be established pursuant to the *Ontario Heritage Act* to advise and assist Council on heritage property designation matters. In addition, Council may wish to expand the role of the heritage advisory committee to advise on other matters of local cultural heritage conservation.
 3. Where development or site alteration is proposed on a property containing a designated heritage building or district (Part IV or V of the *Ontario Heritage Act*), or on a property fronting on or directly abutting a property containing a designated heritage building or district (Part IV or V of the *Ontario Heritage Act*), the Township may require the applicant to undertake a heritage impact assessment conducted by a qualified professional with expertise in cultural heritage resources. The assessment would be required to:
 - a. identify the positive and adverse impacts on the heritage resource that may be expected to occur as a result of the proposed development;
 - b. describe mitigation measures that may be required to prevent, minimize or mitigate the adverse impacts; and
 - c. demonstrate that the proposed development will not adversely impact the defined cultural heritage value of the property, and/or its streetscape/neighbourhood.
 4. Where development or site alteration affects Cultural Heritage Resources, the Township may enter into registered agreements under the *Planning Act* with the owners of designated heritage properties when it deems that financial securities are necessary to ensure the retention and conservation of heritage properties as part of a development.

Cultural Heritage Landscapes

5. Council shall protect and enhance the distinguishing qualities and character of cultural heritage landscapes. Council shall encourage the identification and conservation of significant rural roads with historic and / or heritage landscape qualities.
6. Council may designate, under the Ontario Heritage Act, one or more heritage conservation districts within the municipality. Significant cultural heritage landscape features and heritage attributes may be included within a heritage conservation district.

5.3 MINERAL AGGREGATE RESOURCES

The Provincial Policy Statement states that mineral aggregate resources shall be protected for long-term use. Mineral Aggregate Resources are defined as gravel, sand, clay, rock, or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes. There are currently no lands identified as significant mineral aggregate resources in the Township.

1. The Township of Ear Falls may undertake an Aggregate Resource Inventory to identify the areas with high and moderate aggregate potential for aggregate use. The study will assess the resources and recommend, as appropriate, new policy directions on the aggregate

resources.

2. Until such time that the Plan is amended to incorporate the Aggregate Resource Inventory, all applications for development beyond the townships may be reviewed to determine the aggregate potential of the lands.
3. As they are identified, it is the intent of this Plan to protect the viability of Mineral aggregate resources, where feasible. On lands identified as mineral aggregate resources and adjacent to mineral aggregate resources, development of other land uses shall be permitted, provided that:
 - a. extraction of the resource is not feasible;
 - b. the proposed use serves a greater long-term public interest; and
 - c. issues of public health, safety and environmental impact are addressed.
4. Any cultural heritage resource occurring in an area of mineral aggregate resource potential shall be protected in accordance with the relevant policies of this Plan and applicable legislation.

5.4 MINERAL MINING RESOURCES

The Provincial Policy Statement directs that mineral mining resources shall be protected for long-term use. Mineral mining resources are defined as metallic (e.g. gold) and non metallic (e.g. graphite) resources. Mineral mining resources are identified on Appendix B.

1. It is the intent of this Plan to protect those areas with mineral mining potential.
2. On lands identified as Mineral Mining Resources on Appendix B and on lands adjacent to mineral mining resources, development of other land uses shall be permitted, provided that:
 - a. extraction of the resource is not feasible;
 - b. the proposed use serves a greater long-term public interest; and
 - c. issues of public health, safety and environmental impact are addressed.
3. Any Cultural Heritage Resources occurring in an area of mineral mining potential shall be protected in accordance with the relevant policies of this Plan and applicable legislation.

SECTION 6 INFRASTRUCTURE AND SERVICES

6.1 MUNICIPAL SERVICES

1. It is the policy of this Plan that the townsite of Ear Falls be serviced by full municipal water and sewage systems. It is not the intent of this Plan to provide municipal services outside of the Ear Fall townsite.
2. The use of existing municipal services should be optimized, wherever feasible, before consideration is given to extending municipal services. The Municipality shall encourage infill and redevelopment in areas where there is existing sufficient capacity.
3. These systems shall be designed, constructed and maintained to standards acceptable to the Ministry of the Environment.
4. Allocation of sewage and water treatment capacity shall occur at the time of draft approval of Plan of Subdivision. Conditions of approval may require developments to be staged so that sewage capacity is not allocated prematurely.

6.2 PRIVATE SERVICES

1. All proposals for development outside of the Townsite may be considered on private water and septic systems which are acceptable to the Northwestern Health Unit, the Township, and/or the appropriate Provincial agency.
2. New lots shall generally be 1.0 ha unless a smaller lot size can otherwise be supported by technical information pertaining to the physical characteristics and hydrogeology of the site in accordance with MOE D-Series guidelines and prepared by qualified professionals.
3. Prior to the granting of any planning approval for development dependant on groundwater, Council shall require the proponent to demonstrate that the site is capable of supporting an adequate drinking water supply as well as the proposed method of septic system.
4. Where multi-lot/unit development greater than 5 lots/units is proposed on the basis of servicing by methods other than full municipal sewage services, the preparation of a hydrogeological assessment is required to confirm that an acceptable quality and adequate quantity of drinking water is available. The assessment must be prepared by qualified professionals and should provide technical guidance on private wells.
5. Where multi-lot/unit development greater than 5 lots/units is proposed on the basis of servicing by methods other than full municipal sewage services, the preparation of a Servicing Options Study to investigate the feasibility of servicing by municipal sewage services and, in the case of development proposed on individual on-site services, by communal sewage services, shall be required in accordance with Ministry of the Environment Guidelines before the development is approved.
6. Where a Servicing Options Study has concluded that multiple lot/unit development serviced by individual on-site sewage services is appropriate, proposals for development or

redevelopment serviced in this manner shall be assessed for the potential impacts on groundwater in accordance with the requirements of Ministry of the Environment technical guidelines on individual on-site sewage systems. In considering impacts, the Township may require a hydrogeological assessment, according to MOE Guidelines, that considers among other matters the cumulative impacts of development on the sustainability of groundwater resources.

6.3 PARTIAL AND COMMUNAL SERVICES

Development serviced by partial services is defined as development connected to one communal service or full municipal service where the other connection will be to an individual on-site system.

1. Development serviced by partial services will be discouraged except where necessary to address failed services. New development shall not be permitted on the basis of partial services.
2. Development supported by communal water supply or communal sewage disposal / treatment systems for residential development shall not be permitted within the Municipality.

6.4 MUNICIPAL ROADS

1. Council intends on maintaining a safe and efficient road system for the movement of people and goods throughout the Township, and to and from the region. This road system should be adequate to safely serve the Township but should not be over extended or developed to a standard, which would result in a financial burden.
2. Any road construction shall take place in an environmentally sound manner where erosion is minimized and sediments are prevented from entering streams. As a condition of a development proposal, the Township may require a drainage plan at the expense of the proponent to identify potential impacts on the streams and creeks. Municipal roads will be planned and constructed in accordance with the Municipal Class Environmental Assessment requirements under the *Environmental Assessment Act*.
3. Township roads are maintained by Township and intended to carry a low to moderate volume of traffic, and have a minimum right-of-way of 20 metres.
4. The Township of Ear Falls does not intend to extend the municipal road system except in the Townsite, Industrial and Commercial designations. The Township will not normally approve, construct, accept or maintain new roads in other designations which only accommodate the creation of residential lots, except that extensions to existing roads may be allowed provided that they meet Ministry of Transportation of Ontario standards, and provided this does not unduly expand the requirements for municipal services.
5. Resources roads are built and maintained by resource and tourism developers, and maintenance of these roads shall not be the responsibility of the Township.
6. All new highways and roads shall be constructed to MTO standards. Prior to the assumption of any road by the Township, the road shall be constructed to MTO standards. Unless it is in

the general interest of the public, private roads shall not be assumed by any public agency and no municipal responsibility for access, snow clearance, maintenance or use by school buses is acknowledged.

7. New public highways shall, wherever possible:
 - a. avoid traversing recreation areas, environmental protection areas, hazard areas or areas of special scenic potential, except to provide access for recreational or conservation or environmental purposes;
 - b. be compatible with the existing road system;
 - c. minimize land severances;
 - d. attempt to minimize disruptions to residents of the Township.

6.5 PROVINCIAL HIGHWAYS

1. Provincial highways include highways under the jurisdiction of the Ministry of Transportation of Ontario, and shall be deemed to include : Highways 105, 657, and 804 as identified on Schedule A.
2. The primary purpose of provincial highways is to move people and goods between centres and through the Township. Access to provincial highways is restricted to allow them to fulfill that primary purpose. The legal basis for highway access control is established in the provisions of the *Public Transportation and Highway Improvement Act*.
3. Service roads for new commercial and industrial development may be required along certain provincial highways in order to reduce the number of access points. The provision of service roads shall be encouraged, where appropriate, and shall be designed in accordance with the Ministry of Transportation requirements. New development will be encouraged to access local roads and service roads where possible.
4. Direct access onto a provincial highway will be restricted. Development shall be encouraged to utilize local roads and service roads wherever possible. Where access is a possibility, it will only be considered to those properties that meet the requirements of MTO's access management practices and principles.
5. In addition to all the applicable municipal requirements, all proposed development located adjacent to, and in the vicinity of, a provincial highway within MTO's permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will also be subject to MTO approval. Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to, or in the vicinity of, a provincial highway or interchange / intersection within MTO's permit control area will be subject to MTO's policies, standards and requirements.

6. A transportation study, otherwise known as a traffic impact study, will be conducted to address both the impact of any new development upon the provincial highway system, as well as any associated highway improvements that are required prior to the approval of any secondary plans, development plans, or subdivisions.
7. MTO's policy is one highway entrance for one lot of record. Back lot development cannot use another entrance for access to a provincial highway.
8. Any new proposed access connection (i.e. public road or signalized intersection) onto a provincial highway shall meet MTO's access management practices and principles.
9. Any proposals for snowmobiles or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation.
10. A drainage / stormwater management report / plan shall be prepared by the proponent and reviewed and approved by MTO for those developments located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and / or downstream properties.
11. Outdoor storage and loading areas should be visually screened or appropriately located so as not to be visible to the travelling public.
12. For highway safety reasons, wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade.
13. Only those lands that are compatible with the operation of a patrol yard will be permitted to locate adjacent to and in close proximity to the existing patrol yard located on the south side of Highway 105 between Nymark Drive and Manitou Drive, and legally described as Parts 1 to 4 inclusive, Plan KN 9327.

6.6 PORTABLE ASPHALT AND PORTABLE CONCRETE PLANTS

A portable asphalt plant means a small portable facility with equipment designed to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process. A portable concrete plant means a small portable facility with equipment designed to produce concrete, and includes stockpiling and storage of bulk materials used in the process. Portable asphalt plants and portable concrete plants are not of permanent construction, but are designed to be dismantled and moved to another location as required.

1. Portable asphalt plants and portable concrete plants used by a public road authority or their agents, shall be permitted throughout the Municipality, subject to the land use compatibility section of this plan. The portable asphalt and concrete plants are to obtain or have an existing air approval under the Environmental Protection Act., Portable asphalt plants and portable concrete plants shall not be permitted in the following locations:
 - in the townsites;

- in Environmental Protection Areas;
 - on Hazard Lands; or
 - where severe environmental disruption will occur.
2. Portable asphalt plants and portable concrete plants shall be permitted without an amendment to this Plan or to the Zoning By-law. The Township of Ear Falls requests to be given adequate notice and an opportunity to provide comments regarding the opening of the plant.
 3. Portable asphalt plants and portable concrete plants shall be removed from the site upon completion of the road project.

6.7 PUBLIC WORKS AND UTILITIES

1. All public works and all telecommunication, natural or artificial gas and electrical power facilities, including all works as defined in the *Power Corporation Act*, such as transmission lines, transformer and distribution stations, shall be permitted throughout the Township, provided that such development satisfies the provisions of The *Environmental Assessment Act*, including regulations made under the said Act and any other relevant statutes. Public works will be undertaken according to the requirements of the Municipal Engineers Association's Municipal Class Environmental Assessment.

6.8 WAYSIDE PITS AND QUARRIES

1. For the purposes of this Plan, wayside pits and quarries are temporary pits and quarries opened and used by a public road authority solely for the purpose of a particular project or contract of road construction, and not located on the road right-of-way.
2. Wayside pits and quarries opened for the construction and maintenance of public roads, shall be permitted throughout the Planning Area, without an amendment to this Plan or its implementing Zoning By-Law, except in existing built-up areas, areas zoned Residential, within 120 metres of any existing residential lot, near Environmental Protection Areas, and where severe environmental disruption will occur.
3. Prior to the establishment of a wayside pit or quarry, the Ministry of Natural Resources and/or the Ministry of Transportation is encouraged to consult with the Township in respect to such matters as the location, life span and extent of the proposed excavation.
4. No excavation shall be permitted within 30 metres of a public road allowance or common road or 30 metres from a provincial highway, unless a progressive rehabilitation program to restore that distance has been approved by the Township and/or the Ministry of Natural Resources.
5. A buffer zone of existing trees or a temporary berm shall be maintained, wherever possible, to screen any wayside pits and quarries from the road or adjacent properties.
6. Wayside pits and quarries shall be sloped and rehabilitated to provincial standards following completion of a project.

SECTION 7 IMPLEMENTATION AND ADMINISTRATION

7.1 IMPLEMENTATION OF OFFICIAL PLAN

1. This Official Plan shall be implemented by means of the powers conferred to Council of the Township of Ear Falls by the *Planning Act*, and other applicable statutes. In particular, the Plan shall be implemented through:
 - a. the preparation, adoption and enforcement of a Zoning By-Law;
 - b. the preparation, adoption and enforcement of a Property Maintenance and Occupancy Standards By-Law;
 - c. a municipal capital works program, and the acquisition, development and sale of land by the Township;
 - d. the site plan control, subdivision, consent, zoning and minor variance processes;
 - e. the powers of Council; and
 - f. participation in programs funded by senior levels of government such as for housing or community improvement.
2. No development or activities shall occur which contravene the intent and policies of this Official Plan. Developments or activities deemed beneficial to the Township, but not in conformity with the Plan, shall require an amendment to the Official Plan before proceeding.

7.2 AMENDMENTS AND VARIANCES

1. The Official Plan shall be subject to a continual review by Council. Whenever it is necessary to refine existing policies or amend, delete or add policies based on new information or trends, this shall be done by amendment to the Official Plan.
2. In keeping with the statutory requirements of the *Planning Act*, the Township will forward all applications to amend the Official Plan to the Ministry of Municipal Affairs and Housing, within 30 days of receiving the application, for their review and comment.
3. Building permits shall not be issued for activities or developments which do not conform with the policies of this Plan and/or the regulations of the Zoning By-Law.
4. The procedure for informing and securing the views of the public in respect of Official Plan and Zoning By-Law amendments, shall follow the provisions of the applicable sections of the *Planning Act*, as amended.
5. Council, in considering an amendment to the Official Plan or Zoning By-Law, a minor variance or development application shall have regard for the following factors, among others:
 - a. the impact on adjacent and nearby land uses;
 - b. the overall land use compatibility;
 - c. the character of the surrounding area;
 - d. the impact on the environment;
 - e. the capacity of existing services;

- f. the impact on roads, services and utilities;
- g. the proposed parking and loading facilities;
- h. the noise and traffic generated;
- i. the general intent and purpose of the Official Plan and Zoning By-Law;
- j. the desirability and appropriateness of the use;
- k. the benefits to the township.
- l. the impact to heritage resources.
- m. the comments of any agency that has been consulted with respect to the application.

7.3 RE-USE OF CONTAMINATED / BROWNFIELD SITES

Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have similar potential.

1. Where development or any change in land use to a more sensitive use is being proposed on lands that may be contaminated, a Phase I and/or Phase II Environmental Site Assessment by a qualified professional and in accordance with Ontario Regulation 153/04 is required, in accordance with Provincial guidelines and be submitted along with the development application prior to giving any consideration to the development proposal. In some cases, where site remediation requirements are known and feasible, planning approvals using a Holding Zone may be considered.
2. Development of any contaminated site shall not be permitted until the site is remediated, to the satisfaction of the Township, and subject to the submission to the Township of a Ministry of the Environment acknowledged Record of Site Condition.

7.4 ENVIRONMENTAL IMPACT STATEMENT

1. An environmental impact statement may be required for extensive new commercial, industrial and recreational development projects, as determined by Council.
2. In determining what is considered to be an extensive development, regard shall be had to 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 amenity of the Township.
3. Where required, an Environmental Impact Statement (EIS) shall be prepared by an individual(s) with appropriate environmental qualifications, and shall include, but not be limited to:
 - a. a description of the existing natural environment, including natural features and ecological functions, that may be affected by the proposed development;
 - b. a description of the potential impacts of the proposed development on the natural features and the ecological functions for which the area is identified;
 - c. suggested development alternatives that would avoid these impacts or, if impacts cannot be avoided recommended mitigation measures, including proposed implementation methods; and
 - d. recommended monitoring activities.



4. Where required, no planning approval will be granted until an EIS has been completed to the satisfaction of Council. Where necessary, other agencies or individuals with environmental expertise may be consulted to assist in the review of Environmental Impact Assessments.
5. In accordance with the natural heritage policies of this plan, where natural heritage features are identified, development and site alteration shall not be permitted within the distances from the feature specified in the table below, unless an EIS demonstrates that there will be no negative impacts on the natural heritage features or on its ecological functions.

NATURAL HERITAGE FEATURE OR AREA	ADJACENT LANDS WIDTH (distance from feature for considering potential negative impacts)
Significant wetlands	120 m
Significant wildlife habitat	120 m
Significant areas of natural and scientific interest – life science	120 m
Significant areas of natural and scientific interest – earth science	50 m
Fish habitat	120 m

Scoped EIS

6. In cases where the development constitutes a relatively minor undertaking (such as construction on a single residential lot), or one that minimally encroaches within the adjacent lands zone, municipal planning staff can exercise some discretion and request that the proponent prepare a scoped EIS or a preliminary ecological site assessment. This typically involves a simple checklist approach of planning issues that only addresses the key issues identified at the initial assessment stage.

Full Site EIS

7. For more complex proposals, such as plans of subdivisions/condominiums, and resort/recreational developments (e.g., marinas), a full site EIS is the appropriate mechanism for demonstrating that development can meet the test of municipal and provincial natural heritage policies. Components of a full site EIS typically include consideration of the following:
 - a. a detailed description of the natural heritage attributes of the study area, including terrain setting; soils; geology; groundwater and surface water resources; vegetation communities; fish and wildlife communities and habitat; and delineation of the precise boundaries of the natural heritage feature(s);
 - b. a characterization of the existing ecological, hydrological, and hydrogeological functions performed by the significant feature(s);
 - c. a detailed description of the proposed development, including building type and density, servicing (septic system, water supply) and infrastructure (roads, stormwater management, etc.);
 - d. modelling of the potential impacts (direct, indirect and cumulative) of the development on the natural and physical environment;
 - e. the identification and evaluation of measures/options to avoid, reduce or otherwise mitigate impacts to meet the standard of no loss of feature and function;

- f. the selection of a preferred mitigation/rehabilitation strategy;
 - g. a summary of predicted net effects after the application of mitigation compared to overall environmental targets and standards; and
 - h. an evaluation of the need for and the elements of a monitoring program to assess the effectiveness of the preferred mitigation/rehabilitation strategy.
8. Additional guidance regarding the specific technical requirements of an EIS and the approach that should be taken for the preparation of an EIS within the context of a typical municipal planning process are discussed further in MNR's Natural Heritage Reference Manual.

7.5 EXISTING AND NON-CONFORMING USES

1. Nothing in the Plan shall affect the continuance of uses which were legally established on the date that the Plan was adopted whether or not they conform to this Plan.
2. The land use schedules and the policies for land use represent a concept for the future land use pattern in the Township. It is recognized, however, that some existing uses of land will not conform with this concept and it is likely that this situation may persist for some time. Moreover, these uses have generally been established for a number of years and a measure of stability exists between them and their neighbours. While a conscientious planning program would not seek to deliberately foster a mixture of uses that were believed to be detrimental to each other, it must recognize that there are many existing situations which can continue without causing any serious adverse results. In some cases it may also be reasonable and practical to allow the replacement or expansion of non-conforming uses.
3. Where a legally existing use of land does not conform with the land use designation shown or to any other applicable policy in this Plan, it may, notwithstanding these policies, be zoned in the Zoning By-Law in accordance with the present use and performance standards, provided:
 - a. the Zoning By-Law will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent conforming uses;
 - b. the use of land does not constitute a danger or nuisance to surrounding uses and persons by virtue of a hazardous nature, poor property conditions, environmental threat, traffic generation or hazard or other detrimental characteristics; and
 - c. the use of land does not interfere with desirable development in adjacent areas that are in conformity with this Plan.
4. where an existing use in one or more of these respects is incompatible, it may be recognized as a legal non-conforming use in the Zoning By-Law.
5. where a use of land does not conform with the land use designation shown, or to any other applicable policy in the Plan, but is nevertheless reasonably compatible with other uses in its vicinity and is a non-conforming use in any Zoning By-Law, it may be permitted to redevelop or expand in order to avoid unnecessary hardship provided:

- a. the expansion or redevelopment will not seriously jeopardize the possibility of future developments in its vicinity that may conform more closely with the intent of the Plan;
 - b. in any such expansion or redevelopment, special efforts are made to enhance the compatibility of the use and to improve amenity and design; and
 - c. the expansion or redevelopment is only permitted by the Committee of Adjustment as a minor variance or by amendment to the Zoning By-Law.
6. Non-conforming uses should eventually cease to exist so that the land affected may change to a use in conformity with the intent of this Plan and the provisions of the Zoning By-Law.

7.6 LAND USE COMPATIBILITY AND BUFFERING

The proposed use of land in the Municipality must be compatible with adjacent land uses. Residential areas, and other uses of similar sensitivity, should be protected from undesirable air quality and excessive noise or vibration through good land use planning and site plan control.

1. Appropriate buffering will be required so that major facilities (such as airports, transportation / transit / rail infrastructure and corridors, intermodal facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries and resource extraction activities) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Where planning approvals are required to accommodate the establishment or expansion of major facilities or sensitive land uses, proposals will be reviewed in accordance with Ministry of Environment (MOE) Guidelines to ensure that land uses will be appropriately designed, buffered, and / or separated from each other to prevent adverse effects from odour, noise, and other contaminants, and minimize risk to public health and safety.
2. The required buffering may include the following:
 - a. vegetation in the form of landscaping, trees, bushes and grassed area;
 - b. screening, such as berms, walks, fences, trellis work or other suitable structures;
 - c. separation distances between uses;
 - d. the prohibition of parking, loading and outside storage adjacent to residential uses; or
 - e. regulations in respect to lighting and signs so that they are deflected away or shielded from residential uses.
3. The Zoning By-Law shall contain provisions with respect to buffering as outlined herein.
4. Where proposed developments may result in potential compatibility concerns, proponents may be required to provide supporting technical studies, prepared by a qualified professional and according to MOE Guidelines, to assist in the evaluation of proposed developments and, where applicable, to determine actual influence areas, address potential impacts, and identify appropriate separation distances or other mitigation measures. If the impacts cannot be minimized to acceptable levels, the proposed development shall not proceed.



Development Next to Sensitive Land Uses

5. For the purposes of this policy, sensitive land uses shall be defined as buildings, amenity areas, or outdoor spaces, where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby facility. Examples include residences, day care centres and educational and health facilities.
6. For the purposes of this section, light industrial uses shall mean a self-contained plant or building with infrequent outputs and low probability of fugitive emissions, where the building or the structure thereby occupied or employed, the process carried on, the materials used or stored, the machinery employed, and the transportation of materials, goods and commodities to and from the premises will not cause injury to or prejudicially affect the amenity of the locality by reason of the appearance of such building, structure, or materials, or by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste paper, waste products, grit, or oil.
7. For the purposes of this section, medium industrial uses shall mean light industrial uses that may have outdoor storage of an open process and/or occasional outputs or fugitive emissions.
8. For the purposes of this section, heavy industrial uses shall mean an industrial use that consists of a large physical size, outdoor storage, continuous movement of products and employees, frequent outputs, or high probability of fugitive emissions, which by reason of the process involved or the method of manufacture or the nature of the materials or goods used, produced, or stored is likely to cause by reason of gas or fumes, dust, objectionable odour, noise or vibration, or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other material, a condition which prejudices the character of the neighbourhood or interferes with or may interfere with the normal enjoyment of any land, building or structure.
9. The recommended separation distances, in accordance with the Ministry of the Environment’s D-6 Guideline – Compatibility Between Industrial Facilities and Sensitive Land Uses are as follows:

	<u>Recommended</u>	<u>Minimum</u>
Class I (Light Industrial)	70 metres	20 metres
Class II (Medium Industrial)	300 metres	70 metres
Class III (Heavy Industrial)	1,000 metres	300 metres

Development proposals, which cannot achieve the recommended separation distances, may be permitted to proceed provided the development is supported by a Detailed Feasibility Study, addressing noise, dust, odour, and provided the development will not be located closer to sensitive land uses than the minimum separation distances identified.

10. The Zoning By-Law will contain provisions that require buffers and separation distances between any uses where there may be conflicts or where one use may detract from the enjoyment and functioning of adjacent uses.
11. Where lot or unit creation is proposed, or where planning approvals are required for the development of residential or other sensitive uses within one kilometre of the airport runway, an

impact assessment addressing noise and other potential impacts will be required. Impact assessments shall be completed by qualified consultant(s) and shall describe mitigation measures required to achieve provincial standards for indoor aircraft noise criteria.

12. In addition, proposed development which, in the opinion of the airport manager or other certifying authority, exhibits the characteristics listed below, shall be considered incompatible with airport operations:
 - a. Impacts the safe movement of aircraft in-flight and along runways, taxiways, taxi lanes, and aprons;
 - b. Produces smoke or steam that could impact airport visibility;
 - c. Produces, or reflects light which may cause a visual distraction to pilots and/or air traffic controllers;
 - d. Attracts wildlife activity either through the primary use or as a by-product of the use;
 - e. Impacts the obstacle limitation surface of the airport;
 - f. Impacts navigation and communication equipment either through their location or construction material;
 - g. Is noise-sensitive and located within close proximity of the maneuvering surfaces or flight path where noise disturbance resulting from aircraft operations is likely.
 - h. Where foreign object damage is either produced on site or is a by-product of the use and could pose a hazard to aircraft and property resulting from wind, prop-wash, jet blast, rotor downwash, and wake vortices.

Livestock Facilities and Manure Storages

13. New land uses, including the creation of lots and new or expanding livestock facilities, will comply with the minimum distance separation formulae, as amended from time to time.

Waste Disposal Sites

14. Applications for planning approvals within 500 metres of a waste disposal site are subject Waste Disposal Site section of this Plan.

Sewage Treatment Facilities

15. Where residential or other sensitive land uses are proposed in close proximity to sewage treatment facilities, separation distances in accordance with current provincial guidelines will be required.

The separation distance between any sewage treatment plant and sensitive land uses shall be 400 metres unless the proponent can demonstrate by way of appropriate studies that the setback may be reduced. The minimum separation distance is 100 metres.

7.7 LAC SEUL MANAGEMENT PLAN

1. When applications are received for development or redevelopment of lands surrounding Lac Seul that are affected by the Lac Seul Management Plan, Council shall have regard for the provisions of this Management Plan.

7.8 PARKLAND CONVEYANCE

1. Municipal parks will be established when sufficient funds have been accumulated from municipal funds and through the provisions of the *Planning Act*, as amended.
2. Council may require a developer to give to the Township, for park purposes, up to 5% of the land he proposes to develop or redevelop for residential purposes, and up to 2% for commercial or industrial projects.
3. All land dedicated for park purposes under the *Planning Act*, as amended, will be conveyed in a physical condition satisfactory to the Township.
4. Where the land dedication is of insufficient size or poorly located to be of use for park purposes, a cash payment of equal value may be given in lieu of the land dedication.
5. Where cash is accepted in lieu of the land dedication, Council shall keep the funds in a special parks account. The funds in this account shall only be used for parkland acquisition or for the acquisition of land for other public recreational purposes.

7.9 PLANNING APPLICATIONS REQUIREMENTS

1. In accordance with the enabling legislation in the *Planning Act*, the Municipality requires applicants to consult with the Municipality prior to formal submission of planning applications. During the pre-consultation, the Municipality shall determine which studies and information the applicant must submit at the time of application submission.
2. Although the *Planning Act* does not require it, proponents are strongly encouraged to consult and engage with the community and Aboriginal groups early in the planning process in order to identify potential issues, opportunities, and mitigation measures for any adverse impacts, prior to finalizing the application(s).
3. Depending on the nature of the proposed development and planning application, the Municipality may require the following studies or additional information to deem applications complete and to properly evaluate a development application. Any such studies, and any peer reviews that may be required, shall be at the expense of the applicant/proponent:
 - Planning Rationale
 - Heritage Impact Assessment
 - Environmental Impact Statement
 - Transportation Impact Study
 - Minimum Distance Separation calculation
 - Drainage/Stormwater Management Report/Plan
 - Geotechnical Study
 - Hydrogeological Study
 - Erosion and Sediment Control Plan
 - Floodline Mapping
 - Noise/Vibration Study
 - Sun-Shadow Study
 - Shoreline Riparian Control Study
 - Ecological Site Assessment

- Lake Capacity Assessment
 - Blasting Impact Study
 - Archaeological Assessment
 - Comprehensive Review
 - Water Quality Impact Assessment
 - Methane Gas/Leachate Assessment
 - Environmental Site Assessment
 - Feasibility, Detailed Noise & Vibration Studies
 - Service Options Study
 - Water Resource Management Report
 - Confirmation of capacity to dispose of hauled sewage
4. Before any development is permitted to proceed, and before any By-Law is passed or land division approved, Council will be satisfied that:
- a. the proposal conforms to the policies of the Official Plan;
 - b. the proposal is compatible with adjacent uses subject to the land use compatibility section of this Plan;
 - c. soil and drainage conditions are suitable to permit the proper siting of buildings;
 - d. appropriate arrangements have been made for water supply, sewage disposal / treatment, storm drainage, waste disposal and any other necessary engineering services;
 - e. minimum traffic hazards will result because of excess traffic generations or limited sight lines on curves or grades;
 - f. the land has access to a publicly owned and maintained road, whether directly, by easement or right-of-way;
 - g. adequate protection and preventive services for persons and property are available, including health, welfare, fire and police;
 - h. appropriate education and recreation facilities are available within a reasonable distance; and
 - i. no hazardous feature of the land exists.

Stormwater Management Report

5. New development shall consider the impacts of stormwater quality and quantity on the lands and waters downstream. Stormwater Management Plans prepared by a qualified professional and consistent with the intent and objectives of the Ministry of the Environment's Stormwater Management Planning and Design Manual shall be required as a condition of development approval for any plan of subdivision, industrial development proposal, or any other large-scale non-residential development within the Municipality. Proposed developments may be required to incorporate stormwater management practices directed to minimizing stormwater volumes and contaminants, and increasing or maintaining the extent of vegetated and pervious surfaces. In some cases, proposed stormwater management facilities may require approval under the Ontario Water Resources Act.

7.10 PROPERTY STANDARDS BY-LAW

1. Council of the Township of Ear Falls shall pass and maintain and enforce a Property Maintenance and Occupancy Standards By-Law pursuant to the *Municipal Act*. The purpose of this By-Law is to encourage the proper maintenance and repair, and establish standards of occupancy for all private property.
2. The By-Law shall require that all sub-standard properties be repaired in conformance with this By-Law or be cleared of all buildings, debris, structures or refuse, and left in a graded and levelled condition. The By-Law shall specify the manner in which it will be administered and enforced.
3. Complementary to the enforcement of minimum standards on private properties, Council 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 municipal services such as roads, sidewalks, and parks.
4. Council shall enforce the provisions of the Ontario Building Code in order to ensure necessary standards of construction in new buildings and structures or in the extension or enlargement of existing buildings and structures.
5. Property Maintenance and Occupancy Standards By-law provisions will be utilized wherever possible for the protection of cultural heritage resources. Council shall ensure that the application of this by-law is not detrimental to the conservation of heritage resources. Council may also amend this by-law to prescribe minimum standards for the maintenance of heritage attributes for properties designated under the Ontario Heritage Act.

7.11 SITE PLAN CONTROL

1. Council may pursuant to the provisions of the *Planning Act*, as amended, designate all or part of the township as a proposed site plan control area in order to more effectively control the development of land. The intent of site plan control is to improve the efficiency of land use and servicing and to encourage a more attractive form of development.
2. All Zones within the boundaries of the Township of Ear Falls are hereby designated as proposed site plan control areas. Council may, by By-Law, designate some or all of the lands in these areas as site plan control areas. The following developments are exempt from site plan control: single family dwellings; two family dwellings; agricultural operations; conservation uses; open space uses; public uses; and public utilities.
3. In areas designated by By-Law as site plan control areas, the applicant for a development, as defined by the *Planning Act*, as amended, shall be required to submit site plans and/or drawings to Council, for Council's approval, which show any or all of the following:
 - a. the location of all buildings and structures to be erected and the location of all facilities and works to be provided in conjunction therewith;
 - b. subject to the provisions of the *Planning Act*, as amended, the widenings of highways that abut on the land, provided that widenings of highways may only be required when this Official Plan has been amended to show or describe the highways to be widened and the extent and location of the proposed widening;

- c. subject to the *Public Transportation and Highway Improvement Act*, as amended, facilities to provide access to and from the land such as access ramps, curbs and traffic direction signs;
 - d. off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways;
 - e. walkways and walkway ramps, including surfacing thereof, and all means of pedestrian access;
 - f. facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - g. walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - h. vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - i. easements conveyed to the Township for the construction maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Township or local board thereof on the land; and
 - j. grading or alteration in elevation or contour of the land, and provisions for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
4. The Site Plan Control By-Law shall provide for the owner to enter into one or more agreements with the Township dealing with and ensuring the provision of any or all of the facilities mentioned above, including financial arrangements acceptable to the Township to guarantee the above. The financial guarantee shall be related to the cost of constructing those facilities and works set out in the agreement as the developer's responsibility. As various agreed-upon facilities and works are constructed, the value of the financial guarantee may decrease accordingly.
 5. The Site Plan Control By-Law shall also provide for the maintenance, to the satisfaction of the Township and at the sole risk and expense of the owner, of all of the above-mentioned facilities and works including the removal of snow from access ramps, driveways, parking and loading areas and walkways and, in addition, in the case of mobile home parks, the takeover of environmental services as set out in section 4.10.
 6. The Site Plan Control By-Law shall be utilized wherever possible for the protection of cultural heritage resources by requiring an owner of a property with heritage significance to enter into an agreement with the Township as a condition of development approval.

7.12 TARIFF OF FEES

1. Council shall, pursuant to the provisions of the *Planning Act*, as amended, pass a By-Law to establish a tariff of fees for the processing of planning applications.
2. The tariff of fees By-Law shall establish a fair and equitable fee structure based on the actual or anticipated costs incurred by the Township in processing each type of planning application provided for in the By-Law.
3. Council shall review the tariff of fees By-Law from time to time and revise the tariffs as processing costs change.

7.13 TEMPORARY USE BY-LAW

1. Notwithstanding any other policy of this Plan, Council may pass By-Laws under Section 39 of the *Planning Act*, as amended to permit temporary use of land, buildings, or structures, in defined areas and for prescribed periods of time, for any purpose set out therein. The temporary use By-Law shall be consistent with the intent of the Official Plan. In considering the use of a temporary use By-Law, Council shall ensure that the use is not detrimental to the existing land uses in the area, and that large capital expenditures would not be incurred so that the owner does not experience hardship in reverting to the original use. The temporary use By-Law may apply for a maximum period of three years or ten years in the case of a garden suite.

7.14 LAND DIVISION

The policies outlined herein shall be adhered to by Council of the Township of Ear Falls and any other body which may influence the creation of lots in the Township.

1. The division of privately-owned lands in the Township shall take place in two ways: by registered plan of subdivision or by consent.
2. A heritage and / or archaeological resource impact assessment may be required for any lands to be subdivided. The assessment and the conservation of any significant cultural heritage resources identified through the assessment may be a condition of any consent or subdivision approval or agreement.
3. All information required under the Planning Act shall be submitted by the developer with any draft plan.
4. Lake water should not be used as a source of potable water unless it has been treated and/or disinfected to meet the Ontario Drinking Water Quality Standards. A drinking water well is to be constructed according to Ontario Regulation 903 made under the Ontario Water Resources Act.

Plans of Subdivision

Plans of subdivision are used to create parcels of land in those cases where consents are inappropriate due to number of lots proposed, location, potential effects on adjacent lands, access or the types of services required.

5. All proposed plans of subdivision shall be evaluated in order to determine the suitability of the

land and the location of the proposed use, the effect on public services and facilities, the effect on existing amenities and natural resources, and the effects on existing or potential uses of surrounding lands.

6. The Township may require the developer to enter into an agreement to cover items reasonably related to the development which may not conveniently be regulated by this Plan, the Zoning By-Law, the *Planning Act*, as amended, or the conditions of draft approval.
7. The area, frontage and depth shall be suitable to the use proposed and, where feasible, shall be consistent with adjacent development.
8. Subdivisions will be discouraged where the proposed uses would conflict or interfere with existing nearby uses, particularly in the cases of farm operations, waste disposal sites, heavy industry and other noisy or malodorous activity. All plans of subdivision shall comply with the Provincial Minimum Distance Separation Formulae.
9. Where a plan of subdivision is proposed, the preparation of a hydrogeological assessment is required to confirm that an acceptable quality and adequate quantity of drinking water is available. The assessment must be prepared by qualified professionals and should provide technical guidance on private wells.
10. Where a plan of subdivision is proposed, the preparation of a Servicing Options Study to investigate the feasibility of servicing by municipal sewage services and, in the case of development proposed on individual on-site services, by communal sewage services, shall be required in accordance with Ministry of the Environment Guidelines before the development is approved.
11. Where a plan of subdivision is proposed on the basis of services by methods other than full municipal services, the preparation of a Servicing Options Study to investigate the feasibility of servicing is required, along with proof of hauled sewage capacity.
12. A detailed engineering report may be required for any proposed plan of subdivision, and such a report may include, but is not limited to, the following:
 - a. proof of an adequate supply of potable water and soil conditions satisfactory for the effective operation of a private waste disposal system.
 - b. Where private ground water is to be used to service lots, Council shall be satisfied that appropriate testing has been done to establish that the water meets Ontario Drinking Water Objectives or can be treated to meet these objectives and is available in sufficient quantities to service the proposed development. The Ministry of the Environment does not recommend the consumption of surface water that has not been disinfected and/or treated to meet the Ontario Drinking Water Standards.
 - c. where five or more lots are proposed on private services, the Township may require the submission of a detailed Hydrogeological Report prepared by a qualified professional which addresses the ability of the site to sustain the scale of development on the basis of those services.

- d. for development proposed on full municipal water and sewer services, the proponent must demonstrate that there is sufficient residual capacity in the existing water and sewage treatment plants to service the proposed use, in accordance with provincial guidelines.
 - e. the proponent may be required to submit a traffic study to Council and the Ministry of Transportation, to determine that the road network providing access to the proposed subdivision will have the capacity to support the additional traffic generated by the development.
13. Prior to recommending any plan of subdivision, the Township, in consultation with the appropriate Provincial agencies, shall be satisfied that adequate provisions have been made for storm water management and drainage;
14. Plans of subdivision shall have frontage and/ or access to a publicly-owned and maintained year-round road, whether directly, by easement or right-of-way.
15. Where land being developed abuts a provincial highway, the layout should be designed such that the lots back onto the provincial highway and front onto an internal street.
16. The Township will consult with the Ministry of the Natural Resources on all shoreline subdivisions and commercial developments to ensure that the development does not adversely impact the lake.

Consents

17. Consents may be granted when a plan of subdivision is not required for the orderly development of the land or the provision of services. When a consent is considered appropriate, it shall only be granted in accordance with the policies of this Plan. Consents should generally be limited to two (2) lots plus one (1) retained lot on any lot of record as of the date of adoption of this Plan. Proposals in excess of this number of lots should generally proceed by plan of subdivision.
18. The applicant for a consent must submit an application form and the required number of copies completed to the satisfaction of the appropriate consent granting authority. The application shall be accompanied by a plan which is drawn to approximate scale and which shows:
- a. the retained and severed lots;
 - b. the existing and proposed location of all buildings and structures;
 - c. any existing water supply and sewage disposal / treatment systems;
 - d. existing or proposed roads and road allowances;
 - e. separation distances between farm buildings and residences; and,
 - f. abutting property.

The consent granting authority shall not accept any application or plan which does not fulfil the above requirements, where applicable.

19. All applications for consent will be reviewed based on the information obtained from the applicant and as a result of a circulation to appropriate agencies, ministries, boards and commissions.
20. Where the consent granting authority deems that there may be a lack of information or a particular matter which requires additional technical advice, a report may be requested from the applicant.
21. All parcels involved in any consent application, except for mineral extraction, shall have access, whether directly or by way of an easement or right of way, to an open fully maintained year round public road. No consent shall be granted which may cause a traffic hazard due to the proximity of an intersection or limited sight lines on a curve or hill. No consent shall be granted where the additional traffic would create an additional financial burden on the local authority.
22. The applicant may be required to submit evidence that all parcels involved have soil, water and drainage conditions suitable to permit the proper siting of buildings, an adequate supply of potable water, the proper installation of a septic system, and proof of hauled sewage capacity, with the exception of those cases where no development requiring the above facilities exists or is proposed.
23. Consents should be discouraged where the proposed use would conflict or interfere with existing nearby uses, particularly in the cases of farm operations, waste disposal sites, heavy industry and other noisy or malodorous activity. All consents shall comply with the Provincial Minimum Distance Separation Formulae.
24. The area, frontage and depth of lots shall be suitable for the use proposed, shall conform to the minimum requirements of the zone for the use proposed, and, where possible, shall be consistent with adjacent development.
25. Approval of a consent application shall only be considered when the consent granting authority is satisfied that the proposed lot will not have a detrimental effect on the Township's financial status. A consent to a land severance should not be granted where the extension to any road or any other public facility, or service, as may be required to facilitate the proposed development, is considered uneconomical.
26. New lots created through the consent process shall have frontage and/ or access to a publicly-owned and maintained year-round road, whether directly, by easement or right-of-way.
27. A consent to a land severance shall only be granted where adequate services are presently available, or where the Township or other government agency, board or commission is able to provide necessary services such a police protection and fire protection.
28. Notwithstanding the policies of this section, and provided that the retained parcel conforms to the Zoning By-Law, severances may be granted for the following technical purposes:
 - a. boundary corrections or adjustments;
 - b. lot enlargements;
 - c. partial discharge of mortgage when the use of the land does not change and is in conformity with the lot requirements in the Zoning By-Law;
 - d. road widenings and road allowances;
 - e. easements.

29. The following may be made conditions of consent approval by the consent granting authority:
 - a. that any necessary land for road allowances, road widenings or easements be dedicated to the Township;
 - b. that a dedication of land for park purposes or the payment of cash-in-lieu of land be made to the Township;
 - c. that the Zoning By-Law be amended if required;
 - d. the applicant shall enter into an agreement with the Township to construct any road extension to a standard satisfactory to the Township, or perform any other work, made necessary by the consent, to the satisfaction of the Township;
 - e. that access be granted by the Ministry of Transportation of Ontario for severances on a provincial highway;
 - f. that approval be given to a sewage disposal / treatment system by the Ministry of the Environment or the Northwestern Health Unit;
 - g. any other condition reasonably related to the granting of the consent;
 - h. that the applicant enter into an agreement with the Township.
30. Severances will be discouraged in ecologically sensitive areas.
31. Lot creation in areas of high mineral resource potential would only be permitted provided it can be demonstrated to the satisfaction of the appropriate Provincial agency and the Township that:
 - a. the proposed use would not hinder existing uses or preclude future use of the resource;
 - b. the use of the resource is not feasible;
 - c. the proposed use serves the greater long-term public interest than the resource; and
 - d. issues of public health, safety and potential environmental impact are addressed.
32. Consents for seasonal residential use shall be permitted on water access in conjunction with the Ministry of Natural Resources where road accessible docking and parking facilities are available.

7.15 ZONING BY-LAW

1. Council shall pursuant to the provisions of Section 34 of the *Planning Act*, as amended, repeal the Township's existing Zoning By-Law No. 508-89 and replace it with a new Zoning By-Law that will reflect the principles and policies contained in this Plan. This By-Law divides the land within the Township into a number of zones, each of which will have regulations to control the use of lands and use, character and location of buildings and structures built upon the land. This By-Law is one of the main methods of implementing the Official Plan.
2. The Zoning By-Law will ensure that all lands within the Township are zoned for purposes compatible with this Plan.
3. Certain areas designated for land uses will remain undeveloped until the land is required for development and in some areas until municipal services are available. In addition, the Zoning By-Law should be based on road and lot fabric and this may not become known until a proposal is received for development. In implementing the Official Plan during this interim period, such undeveloped lands, notwithstanding their particular land use designation in the Plan, shall be

zoned for the existing uses or uses which do not permit building construction that would be incompatible with the policies of the Plan.

4. Council may conserve the integrity of archaeological resources by adopting Zoning By-laws under section 34(1) 3.3 of the Planning Act S.O. 1996, to prohibit any land use activities, and the erection of buildings and structures which is a site of a significant archaeological resource.
5. All amendments to the Zoning By-Law shall be in conformity with the Official Plan.

Holding Provisions

6. In accordance with the *Planning Act* Council may pass a Zoning By-Law which identifies a use of land but prohibits the actual development of this land until a later date when identified conditions have been met.
7. In enacting such By-Laws, Council shall ensure that one or more of the following objectives is attained:
 - a. the appropriate phasing of development or redevelopment;
 - b. the restriction of development until adequate services are provided;
 - c. the implementation of policies for locations or developments which required special design features; and
 - d. the restriction of development on sites that are or may be contaminated until appropriate remediation of the contamination has been achieved.
8. Council, at any time, may designate any zone or part of a zone as a holding zone by placing an "h" in conjunction with the zone symbol in order to meet one of the above-mentioned objectives.
9. Prior to removal of the holding symbol, Council may require the landowner or developer to provide any or all of the following to Council's satisfaction:
 - a. proof of the servicing capacity of the subject lands;
 - b. an identification and justification of the need for the development;
 - c. a feasibility study;
 - d. a study to identify & assess the impacts of the development on surrounding land uses;
 - e. an environmental site assessment and any appropriate remediation required has been completed and a Ministry of Environment acknowledged Record of Site Condition has been received.