

The Corporation of the Township of Alberton



Official Plan

By-Law # 26/11

Submitted by:

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Township of Alberton
RR #1 – B2
Fort Frances, Ontario
P9A 3M2

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The Corporation of the Township of Alberton

OFFICIAL PLAN

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1. PURPOSE

- 1.1 This Plan is intended to provide guidance to Council, municipal staff and the public when making decisions about future land use and economic development in the Township of Alberton.
- 1.2 This Plan establishes general land use designations that are intended to establish a pattern of development in the municipality for the next 20 years.
- 1.3 This Plan establishes policies that will be considered throughout the development approval process and when considering public works and other municipal services.
- 1.4 This Plan has been prepared so as to be consistent with the *Provincial Policy Statement* issued by the Province of Ontario.

2. BASIS

This Section of the Plan identifies the primary factors that have been considered in the preparation of this Plan. Should any of these factors change significantly, the Plan should be reviewed to determine whether major policy or land use designation changes are warranted.

- 2.1 The Township of Alberton is characterized primarily by rural residential development and agriculturally based activities. The rural character of the Township will be maintained over the lifetime of this Plan.
- 2.2 Private water and sewage will continue to be the primary source of lot servicing in the Township. As a result, developments that require communal or full municipal services will be considered only with an amendment to this Plan. Any application to extend services from an adjacent municipality will be considered only with an amendment to the Official Plan.
- 2.3 Much of the Township's existing non-residential development occurs along Highway 11/71. This Plan recognizes the Highway 11/71 corridor as the continued focus of primary economic development in the Township.
- 2.4 The municipality presently provides an adequate level of services to allow for sufficient growth over the lifetime of this Plan. Development in the Township will occur on the basis of the existing level of municipal services.
- 2.5 It is acknowledged that no areas within the municipality meet the definition of "settlement areas" as defined in the *Provincial Policy Statement*, and none have been designated as such.
- 2.6 The Township shall encourage its residents to regularly test their private water supplies and shall make sample containers available to the public at the Municipal Office for that purpose.
- 2.7 In the event that funding for same becomes available, the Township will undertake a groundwater and surface water study to determine sensitive areas that should be protected within the Township.

3. OBJECTIVES

This section of the Plan establishes the fundamental policies that will guide future development in the Township of Alberton. The policies and land use designations contained in the Plan are based on achieving these objectives. In the event that clarification of the intent of these policies is required, the objectives listed in this section should be considered.

The objectives of this Plan are as follows:

- 3.1 To protect the environment by preserving natural features, ecological systems and natural resources;
- 3.2 To protect people and property from environmental hazards that create a risk to health and safety;
- 3.3 To ensure the preservation of agricultural activities where they presently exist;
- 3.4 To maintain the rural character of the Township;
- 3.5 To provide for cost-effective development and the efficient delivery of services within the Township;
- 3.6 To stimulate economic prosperity by protecting natural resources for their economic use and providing a designation for future industrial and commercial development;
- 3.7 To encourage and promote economic activity and diversification of the local economic base;
- 3.8 To protect significant cultural heritage resources in the municipality through identification, protection and conservation of heritage buildings, cultural heritage landscapes and archaeological sites; and
- 3.9 To provide a range of housing opportunities to meet the physical and financial needs of the residents of the Township.

4. LAND USE DESIGNATIONS

4.1 RURAL AREAS

Rural Areas include a variety of agricultural, low density residential, recreational and small scale industrial and commercial uses. Over the lifetime of this Plan, the Rural Areas will experience limited change.

- 4.1.1 Uses permitted in the Rural designation shall include residential dwellings, small scale commercial and industrial uses in the form of home industries and home occupations, small scale institutional uses servicing the rural community, peat extraction, mineral aggregate operations, prospecting and exploring for minerals, mineral mining operations, agriculture, forestry and recreational uses which do not require municipal piped water, and which comply with applicable Ministry of the Environment separation distance requirements set out in *Guideline D-6* or successor guidelines thereto and in accordance with Section 7.11 of this Plan. Certain types of new small-scale home industries (such as saw mills, welding shops, autobody repair shops, etc.) that will not conflict with other surrounding land uses may be permitted by way of site specific rezoning.
- 4.1.1.1 That portion of the Subject Lands lying within Section 25, described as *Part of Parcel 18069, Section Rainy River, being the Northwest Quarter of Section 25, Township of Crozier, Municipality of Alberton*, may be used for the purposes of aggregate extraction and black earth extraction, as well as any accessory uses related thereto, subject to the approval of a Zoning By-Law amendment to permit these uses. Sections 4.1.7, 4.1.8, 4.3.1, 4.3.2, 4.3.5 and 7.3 of the Township of Alberton Official Plan apply in respect of the Subject Lands.
- 4.1.1.2 That portion of the Subject Lands lying within Section 26, described as *Part of Parcel 7529, Section Rainy River, being the Northeast Subdivision of Section 26, Township of Crozier, Municipality of Alberton*, currently used as septage drying beds, may be used for the purpose of septage drying beds, and any accessory uses related thereto, subject to the approval of a Zoning By-Law amendment to permit this use. Sections 4.1.7, 4.1.8, 4.3.1, 4.3.2, 4.3.5 and 7.3 of the Township of Alberton Official Plan apply in respect of the Subject Lands.
- 4.1.2 New lots shall not impede the logical expansion of existing agricultural uses. Development shall not be located in areas that would adversely affect existing agricultural operations. The implementing By-law may zone lands having high agricultural productivity in an Agricultural Zone and require larger lot sizes in these areas.
- 4.1.3 When considering development proposals in the vicinity of agricultural uses, the Minimum Distance Separation Formulae (I and II) as set out in the *Provincial Policy Statement* will be used. The Zoning By-law will implement the Minimum Distance Separation requirements.
- 4.1.4 Prior to considering development in areas of known aggregate resources, Council shall be satisfied that the proposed development will not affect the long term availability of aggregate resources in the Township and surrounding area.

- 4.1.5 New residential development should not occur in areas in close proximity to extractive operations where noise, dust and traffic from the extractive use may be incompatible with the residential use.
- 4.1.6 Home based businesses which are limited in size in order to preserve the rural character of the municipality will be permitted in the Rural Areas, provided they are not offensive as a result of noise, hours of operation, odour, traffic generator or other means and shall not detract from the principal residential use. Where on-site contamination is suspected, the reuse of former home industry sites for alternative land uses shall be considered in accordance with the provisions of Section 7.7 (Contaminated Sites) of this Plan. The Zoning By-law will specify standards for home based businesses.
- 4.1.6.1 Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future, and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.
- 4.1.7 Extractive uses including peat extraction, mineral aggregate operations, prospecting and exploration for minerals and mineral mining operations, shall be compatible with surrounding uses in accordance with MOE D-series guidelines.
- 4.1.7.1 Extractive uses, including peat extraction, mineral aggregate operations, prospecting and exploration for minerals and mineral mining operations, will be permitted only where it can be demonstrated that the extractive activity can be undertaken without any adverse long term impacts to the environment and the rural character of the surrounding area.
- 4.1.7.2 In considering applications for re-zoning to permit extractive activities in Environmental Reserve Areas, including pits, quarries and portable asphalt plants, Council will require:
- i) a feasibility study and financial impact statement;
 - ii) the submission of an environmental impact statement;
 - iii) a site and extractive staging plan;
 - iv) a report on the haul routes and potential impact on municipal roads; and,
 - v) a rehabilitation plan
- in accordance with the policies of Section 7.6 of this Plan.
- 4.1.8 Council may require that the proponents of extractive uses enter into agreements with the municipality to ensure that the development does not have an adverse impact on municipal

roads, to provide for visual abatement, and to plan for the rehabilitation and after use of the site.

- 4.1.9 Uses that would have an adverse impact on the rural character of the Township or uses that would be incompatible with neighbouring residential uses should be located in the Business Development Area as defined in Schedule "A", pursuant to Section 7.11 of this Plan.
- 4.1.10 The expansion of existing institutional uses in the Township should reflect the growth of population and services in the municipality.
- 4.1.11 Small scale commercial and industrial uses that meet the needs of the rural community may be permitted by an amendment to the Zoning By-law provided that those uses are compatible with adjacent uses and the policies contained in Sections 4.2.4 and 5.
- 4.1.12 Recreational uses such as golf courses, playing fields and other uses that depend on a large land base may be permitted provided that they are compatible with surrounding land uses, do not create traffic impacts, do not place additional demands on municipal services, and there is no adverse impact on the natural environment.
- 4.1.13 All buildings and habitable structures shall be setback a minimum of 30 metres from the top of a bank unless it is confirmed in a formal letter prepared by a registered professional engineer that a lesser setback will not result in potential danger to life or property.
- 4.1.14 Lots may be permitted to be created through the consent process provided that same comply with the criteria set out in the Zoning By-Law for the zone within which they are situated. The re-creation of river range or quarter section lots where those lots have merged shall also be permitted through the consent process.

The proposed creation of more than three new lots from a single parcel of land is not permitted through the consent process, is deemed to be a subdivision and shall be governed by Section 4.1.17 of this Plan.

Every proposed lot, including lots proposed to be created by infilling between existing lots, shall meet the minimum requirements for the applicable zone as set out in the Township of Alberton Zoning By-Law. The consent granting authority for the Township of Alberton is the Alberton Committee of Adjustment.

- 4.1.15 New residential lots will not be permitted in remote areas where there is no existing residential development, in areas that currently do not receive year-round road maintenance or in areas that do not provide suitable access for emergency response vehicles.
- 4.1.16 New lots will be discouraged in areas of high agricultural productivity except where the lots result in lot sizes that continue to be viable for agricultural uses.
- 4.1.17 Where more than three lots are proposed to be created from a single parcel of land, a plan of subdivision and an amendment to this Plan shall be required. Applications of this nature shall fulfill the requirements of Section 8.4 of this Plan.

4.1.17.1 Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision is to be designed such that the lots back onto the provincial highway and front onto a local internal street.

4.1.18 Prior to creating new lots:

- (a) the Health Unit requirements for septic systems must be satisfied by the applicant, and written confirmation of this from the Health Unit must be provided upon submission of an application;
- (b) the applicant must provide proof that the retained and severed lots can be adequately and safely served by potable private water supply systems, or, alternatively, an Agreement properly signed by the Applicants will be required upon submission of an application which Agreement shall specify that the Applicant shall ensure that all offers of purchase, sale or lease relating to the property shall provide notice that no assessment has been conducted to determine the availability of groundwater in either quality or quantity to serve the lot or lots;
- (c) the applicant must demonstrate that there will be no negative impacts on the natural features or their ecological functions; and
- (d) the Fort Frances landfill site can accommodate the additional waste to their landfill site as a result of the additional lots.

In addition, consideration shall be given to the cumulative impact of development on the ability of the ground water supply to provide potable water. Creation of new lots shall be granted only if they conform to the policies of this Plan, and provided that:

- i) the retained and severed lot(s) can be adequately and safely serviced by private water supply and private sanitary sewage disposal systems;
- ii) where any proposed new lot will be serviced by a septic system, consent shall be conditional upon the Applicant providing to the municipality written evidence that there is sufficient capacity in existing licensed sewage treatment or septage drying beds to accommodate sewage/septage from the proposed development;
- iii) new rural residential development shall be a minimum of 1.5 hectares (3.706 acres) in size. Where a lesser size is proposed, or where Council is concerned with the potential cumulative impact of development, a hydrogeological report in support of an application for a plan of subdivision shall be required or may be a requirement for a consent and shall contain a recommended minimum lot size based on sustainable groundwater quality and quantity, soil conditions and their ability to accommodate the effluent load from a sewage disposal system.

4.1.19 The creation of new lots for residential purposes that abut Highway 11-71 will be discouraged, especially on those lands which also front onto municipal roads. Where new lots are proposed to be created adjacent to Highway 11-71, the Township may require noise feasibility and/or detailed noise study requirements for establishment of new sensitive sites, prior to rendering a decision on an application and/or may require greater setbacks to mitigate noise impacts as a

condition of consent. Access onto Provincial highways must meet the requirements of the Ministry of Transportation.

- 4.1.20 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.
- 4.1.21 Uses which could detract from and/or negatively impact cultural or natural heritage features or their ecological functions will not be permitted on or adjacent to these areas. In determining whether or not a proposed development detracts from, adversely affects, negatively impacts a cultural/natural heritage feature, Council may require a study/impact assessment in accordance with Section 7.5 or 7.6 of this Plan.
- 4.1.22 Development on, abutting or adjacent to mine hazards, or former mineral mining operations, and former mineral aggregate or peat extraction sites, as identified on Schedule "C", may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards have been undertaken as required under the *Mining Act* or the *Aggregate Resources Act* as the case may be. Known hazards will be zoned with a Holding Zone. Uses permitted on such properties will be restricted to existing land uses until the hazard has been rehabilitated in accordance with the requirements of the *Mining Act* or the *Aggregate Resources Act* as the case may be.
- 4.1.23 Council will encourage affordable housing and barrier free housing that facilitates accommodation for the elderly and disabled persons.
- 4.1.24 Council shall ensure that where new development is to occur, land is available to provide at least a 3 year supply of residential units.
- 4.1.25 Garden suites shall be permitted, in accordance with a temporary use by-law, as outlined in Section 7.1.2, as temporary accommodation, pursuant to the *Planning Act* in conjunction with an existing residential dwelling.
- 4.1.26 Group homes and Crisis Centres are permitted in Rural Residential and Rural Areas as defined in the zoning by-law.
- 4.1.27 Secondary units may be permitted within the Township to provide a full range of housing including affordable housing subject to Council approval of a Zoning By-law and pursuant to the *Planning Act*.

4.2 BUSINESS DEVELOPMENT AREAS

The Business Development Area is located along Highway 11/71 and includes tourist, commercial and service related uses and compatible industrial uses. Future economic development opportunities in the Township will be focussed in this area.

- 4.2.1 Commercial uses in the Business Development Area shall include only those uses that rely on tourist traffic and highway access or provide goods and services to the travelling public and general population.

- 4.2.2 Lot sizes shall be large enough to ensure that uses can operate and provide a reasonable degree of expansion without the need for municipal piped services. Where commercial, industrial or institutional development generating more than 10,000 litres of effluent per day is proposed, the applicant will be required to undertake a report for the review and approval of the Ministry of the Environment addressing the following:
- i) groundwater quantity and quality;
 - ii) compliance with the *Safe Drinking Water Act* and applicable regulations, including, but not limited to, O.Reg 170/03 (Drinking-Water Systems) and O.Reg 252/05 (Non-Residential and non-Municipal Seasonal Residential Systems That Do Not Serve Designated Facilities);
 - iii) potential interference with other wells;
 - iv) site and soil suitability for sewage disposal; and,
 - v) the most appropriate type of sewage disposal system for the project.
- 4.2.3 Proposals for the development of industrial or commercial uses that require water in the manufacturing or commercial process will be accompanied by appropriate hydrogeological studies and/or water supply assessment reports prepared by qualified professionals. The reports must demonstrate that the suitability of the soil for sewage disposal and an adequate water supply (quantity and quality) and that there will be no interference from the sewage disposal system on the aquifer and no significant draw down of the water table. When considering such development, the proponent will consult the Ministry of the Environment and the Ministry of Natural Resources.
- 4.2.4 Industrial and commercial uses shall be restricted to dry systems as outlined in Section 6.0 of *MOE Procedure D-5-4: Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment*. If an industrial or commercial use is proposed at a specific site that cannot operate under this restriction, *MOE Guideline B-7: Incorporation of the Reasonable Use Concept into MOEE Groundwater Management Activities* must be utilized to determine the ability of the proposed industrial or commercial activity to operate on the proposed site while maintaining appropriate groundwater quality. The impact of the proposed industrial/commercial use on water quantity will also need to be determined using the appropriate methods as stipulated in *MOE Procedure D-5-4*.
- 4.2.5 Direct access onto a provincial highway will be restricted. Development shall be encouraged to utilize local roads and service roads wherever possible.
- 4.2.6 Outdoor storage and loading areas should be visually screened or appropriately located so as not to be visible to the traveling public.
- 4.2.7 Industrial uses shall screen areas of open storage from view and shall be compatible with adjacent commercial uses.
- 4.2.8 Where industrial uses generate noise, odours, dust, traffic, vibration or effluent that may adversely affect other land uses in the area, the development shall comply with MOE guidelines regarding influence areas, shall comply with appropriate separation distances between Level I, II and III industrial uses and surrounding sensitive land uses, and shall provide for buffering in

the form of berms, landscaping or setbacks that will mitigate the impacts on neighbouring properties and the lands designated as Environmental Reserve.

- 4.2.9 The Township may require an assessment of the impact of development proposals on stormwater run-off and, where deemed necessary, may require the proponent to complete or install stormwater management tools that will ensure that water quality and quantity is not adversely impacted by the development.
- 4.2.10 The proposed business development should not have any adverse impact on the natural environment.

4.3 ENVIRONMENTAL RESERVE

Environmental Reserve Areas are largely hazard lands, wetlands, peat bogs and ravines that have limited development potential due to a high water table and deep organic soils. Development in these areas will be limited to resource management activities and are subject to the policies of this section of the Plan.

- 4.3.1 Extractive uses, including peat extraction, mineral aggregate operations, prospecting and exploration for minerals and mineral mining operations, will be permitted only where it can be demonstrated to the satisfaction of Council that the extractive activity can be undertaken without any adverse long term impacts to the environment and the rural character of the surrounding area.
- 4.3.2 In considering applications for re-zoning to permit extractive activities in Environmental Reserve Areas, including pits, quarries and portable asphalt or concrete plants, Council will require:
- i) a feasibility study and financial impact statement;
 - ii) the submission of an environmental impact statement;
 - iii) a site and extractive staging plan;
 - iv) a report on the haul routes and potential impact on municipal roads; and,
 - vi) a rehabilitation plan
- in accordance with the policies of Section 7.6 of this Plan.
- 4.3.3 Environmental Reserve Areas may be used for recreational uses that do not require a significant alteration to the natural landscape or water flow. Small scale buildings that are necessary and accessory to these uses may be permitted provided that they are not intended for commercial uses or human habitation and do not interfere with the natural drainage of the area.
- 4.3.4 Development in or on the Environmental Reserve Area boundaries may take place only if an impact assessment is completed by a qualified professional which concludes that there will be no negative impacts to the natural heritage features and areas, as identified in Schedule B, and in accordance with the requirements of the Ministry of Natural Resources.

- 4.3.5 Development shall be set back 30 metres from the limit of the Environmental Reserve designation where the designation reflects a watercourse or wetland. Where developments utilize outdoor storage of materials or vehicles containing potential contaminants, Council will require greater setbacks and environmental protection measures will be required as a condition of site plan approval based on an Environmental Impact Statement.
- 4.3.6 For lands shown surrounding creeks, rivers and lakes, Hazard Lands have been identified as “Environmental Reserve Area” on Schedule “A”. Any development which involves the channelization, diversion, damming, walling and dredging of a natural watercourse or the installation of a culvert, causeway or dock in the “Environmental Reserve Area”, is subject to the approval of the Ministry of Natural Resources and/or Department of Fisheries and Oceans (DFO) as well as the *Fisheries Act*.

5. MUNICIPAL SERVICES

The policies of this Section are intended to provide guidance to Council and the public when determining the extent of municipal services that will be provided in the Township.

- 5.1 The municipality will not increase the level of service on any road unless it can be demonstrated that the increased level of service will be offset by increased tax revenue generated as a result of roadway improvements or unless there is a public interest, such as fire protection or the provision of emergency services, that justifies the increased level of service.
- 5.2 Any development requiring the use of piped municipal services or communal sewage treatment or water systems shall require an amendment to this Plan.
- 5.3 Where any type of lot having a sewage design capacity of more than 10,000 litres of effluent per day is proposed, the applicant is required to obtain a Certificate of Approval from the Ontario Ministry of the Environment under the *Ontario Water Resources Act* and may be required to prepare a report for the review and approval of the Ministry of the Environment which addresses the following:
- i) groundwater quantity and quality;
 - ii) potential interference with other wells;
 - iii) site and soil suitability for sewage disposal; and,
 - iv) the most appropriate type of sewage disposal system for the project.
- 5.4 No development shall be permitted within 500 metres of the Fort Frances solid waste management facility unless it can be demonstrated to the satisfaction of Council in consultation with the Ministry of Environment and the Ministry of Natural Resources that the proposed use does not negatively impact the natural environment, or that the proposed use is not sensitive to the potential hazards including noise, odour and leachate associated with the landfill site.
- 5.5 The Township will continue to utilize the Fort Frances landfill site to dispose of solid waste. If mandated by the Province or where economically feasible, the municipality will participate in programs to reduce the amount of solid waste that goes to the landfill site. The Township will encourage residents to make use of existing private recycling operations and hazardous waste disposal opportunities.
- 5.6 Municipal public works projects carried on under the Municipal Class Environmental Assessment process will be undertaken having regard to protection of cultural heritage resources and archaeological potential areas, as well as mitigation of negative impacts affecting identified significant heritage resources.

6. TRANSPORTATION

The policies of this Section outline the requirements of the planned road network for the Township and provide policies for future development of the transportation system.

6.1 MUNICIPAL HIGHWAYS:

- 6.1.1 Service Level One roads shown on Schedule A will receive priority service. These roads shall be maintained year-round.
- 6.1.2 Service Level Two roads shown on Schedule A will receive the second level of service, which will not guarantee that the roads will be accessible at all times. New uses that require year-round accessibility should not locate on these roads.
- 6.1.3 Prior to upgrading the level of service on any road, the municipality must be satisfied that the increase in servicing cost is balanced by an increase in assessment or other public interest, such as improved emergency services.
- 6.1.4 New municipal roads and road maintenance will be planned and implemented in accordance with the applicable class environmental assessment under the *Environmental Assessment Act*.
- 6.1.5 New development in the Township shall have frontage and access onto a maintained public road or highway.
- 6.1.6 The municipality will support the development of recreational trails throughout the Township where the appropriate easements and permissions have been acquired from affected property owners. Trails on Crown land require authorization from the Ministry of Natural Resources.
- 6.1.7 Prior to approving any development within 500 metres of the Fort Frances Airport, which is located outside of the Township in the unincorporated geographic township of Miscampbell, the Township shall consult with the Airport Authority to ensure that the proposed development will not interfere with the long term expansion of the airport facility and safety requirements. A detailed noise study is required to be submitted with any initial proposal for development of sensitive receivers which are located at or above NEF/NEP 25.
- 6.1.8 When considering the construction of new roads and road improvements, including realignment, road widening, and other servicing needs related to land development proposals, Council will consider cultural heritage resources, especially relating to the character of landscapes, tree lines, bridges and the prevailing pattern of settlement.

6.2 PROVINCIAL HIGHWAYS

- 6.2.1 Direct access onto a provincial highway will be restricted. Development shall be encouraged to utilize local roads and service roads wherever possible.
- 6.2.2 In addition to all the applicable municipal requirements, all proposed development located adjacent to, and in the vicinity of, a provincial highway within the Ministry of Transportation's permit control area under *the Public Transportation and Highway Improvement Act* 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. Direct access will be discouraged and often prohibited.
- 6.2.3 A transportation study may be required 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 the development.
- 6.2.4 The Ministry of Transportation's policy is one highway entrance for one lot of record. Back lot development cannot use another entrance for access to a provincial highway.
- 6.2.5 Any proposals for snowmobiles or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails running along the right-of-way of a provincial highway are not permitted.
- 6.2.6 A drainage/stormwater management report/plan shall be prepared by the proponent, and reviewed and approved by the Ministry of Transportation for those developments located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and/or downstream properties.
- 6.2.7 When considering the construction of new roads and road improvements, including realignment, road widening, and other servicing needs related to land development proposals, Council will consider cultural heritage resources, especially relating to the character of landscapes, tree lines, bridges and the prevailing pattern of settlement.

6.3 RAILWAYS

- 6.3.1 The Ministry of the Environment has established noise criteria, as set out in its publications *Noise Assessment Criteria in Land Use Planning, Publication LU-131* and *Noise Assessment Criteria in Land Use Planning: Requirements, Procedures, and Implementation*, that may require detailed noise studies and/or feasibility studies to be undertaken in relation to development near the Canadian National Railway line.
- 6.3.2 A drainage/stormwater management report/plan shall be prepared by the proponent, and reviewed and approved by the Canadian National Railway, or its applicable successor, for those developments located adjacent to, or in the vicinity of, a railway whose drainage would impact the railway and/or downstream properties.

7. IMPLEMENTATION

The following policies are intended to provide direction for the decisions of Council, Committees of Council and the public when considering By-laws, land division and Development Agreements which will implement policies outlined in this Plan.

7.1 ZONING BY-LAW

This Plan will be implemented through the *Township of Alberton Comprehensive Zoning By-law* adopted under Section 34 of the *Planning Act*, which shall be updated in accordance with the requirements of the *Planning Act* to implement the policies of this Plan.

7.1.1 Non-Conforming Uses

Legally existing uses which do not comply with the land use designations outlined in this Plan may be zoned to permit the continuation of the use, and may provide for limited expansion provided that the development policies of this Plan are met.

Where a non-conforming use changes, the new use shall be in keeping with the intent of this Plan.

7.1.2 Temporary Uses

Council may pass a By-law to allow the temporary use of lands that do not comply with the land use designations in this Plan provided that:

- i) the temporary use does not require major capital investment or alteration to the existing landscape;
- ii) the proposed use is compatible with surrounding land uses;
- iii) the proposed use does not require the extension of municipal services;
- iv) the developer has entered into an agreement with the municipality specifying the conditions under which the use may be permitted;
- vi) the By-law shall specify a maximum time period for which the use may be permitted; and,
- vii) all environmental impacts have been considered.

7.1.3 Holding Provisions

Council may utilize Holding provisions as provided for under Section 36 of the *Planning Act* in order to establish zoning provisions prior to completing technical, administrative, or financial aspects of the development. Where Council uses a Holding provision, the use of land may be restricted to existing uses until one or more of the following conditions have been fulfilled:

- i) a Site Plan Agreement or Subdivision Agreement, as may be required, between the municipality and the developer has been completed and fulfilled;
- ii) all engineering plans and arrangements with respect to municipal services have been completed;
- iii) the financial requirements of the municipality have been satisfied;
- iv) in the event that a site may be contaminated, a Record of Site Condition acknowledged by the Ministry of the Environment has been received;
- v) that existing mine hazards have been rehabilitated to the satisfaction of the Province; and
- vi) that an archaeological assessment, to the satisfaction of the Province, has been undertaken by an archaeologist licensed under the *Ontario Heritage Act*, and any significant archaeological resources have been conserved by removal and documentation, or preservation on site, to the satisfaction of the Province.

7.2 SITE PLAN CONTROL

The Township may utilize Site Plan Control to ensure that development in the Township is attractive and compatible with adjacent uses. Development along the Highway 11-71 corridor shall be designed to create a positive first impression to visitors and residents.

Site Plan Control may be applied to all commercial and industrial development in the municipality including extractive uses, and to residential development including home-based businesses. Agricultural uses shall not be subject to site plan control. The entire Township shall be designated as a Site Plan Control Area.

Council may delegate Site Plan Approval to municipal staff in order to ensure that the process does not create undue delay or additional costs in the development process.

7.3 WAYSIDE PITS AND QUARRIES, PORTABLE ASPHALT PLANTS AND PORTABLE CONCRETE PLANTS

Council may pass a By-law under the *Municipal Act, 2001* to require the operators of pits, quarries and other extraction operations to obtain a permit from the municipality prior to undertaking extractive operations. As a condition of obtaining a permit from the municipality, the owner or operator shall be required to enter into an agreement with the municipality to address haul routes, staging of extraction, rehabilitation and visual buffering. In addition, processing equipment shall have the appropriate approvals from the Ministry of Environment.

In keeping with the *Provincial Policy Statement*, wayside pits and quarries, portable asphalt plants and portable concrete plants, used on public authority contracts, shall be permitted without an amendment to this Plan, an application for rezoning, or a development permit under the *Planning Act*, in all areas except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

Wayside pits and quarries, portable asphalt plants and portable concrete plants are to be permitted uses in all land use designations in the Official Plan with the exception of residential areas and those areas designated as environmentally sensitive.

7.4 PUBLIC MEETINGS

Council shall hold public meetings for planning applications in accordance with the requirements of the *Planning Act*. However, Council may eliminate the requirement for Public Notice of a meeting for a minor Official Plan Amendment or Zoning By-law Amendment which:

- i) changes section numbers or the order of text but does not add or delete any section;
- ii) consolidates amendments which have previously been approved;
- iii) corrects typographic, grammatical or mapping errors which do not affect the intent or application of the policies or provisions of this Plan; or
- iv) rewords policies or re-illustrates mapping for the purpose of clarification only, without changing the intent or purpose of the policies or mapping.

7.5 CULTURAL HERITAGE

Cultural heritage resources include, but are not limited to, archeological sites, cemeteries and burial sites, buildings and structural remains of historical and architectural value, human-made rural or village areas and landscapes of historic interest.

Council recognizes that, within the boundaries of the Township, there may be archaeological remains of pre-contact and historic habitation and areas containing archaeological potential which should be protected and enhanced for future generations. Areas with archaeological potential are determined through the use of provincial screening criteria, which includes features such as proximity to water (current or ancient shorelines), rolling topography, unusual landforms and any locally known significant heritage areas such as portage routes or places of past human settlement.

- 7.5.1 Council shall require an archaeological assessment to be conducted by archaeologists licensed under the *Ontario Heritage Act* to be submitted by the developer/applicant as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential, including development on shorelines and waterfront lands abutting the Rainy River.
- i) Archaeological assessment reports are to comply with guidelines set out by the Ministry of Tourism and Culture and with licensing requirements developed under the *Ontario Heritage Act*. In accordance with Section 48 of the *Ontario Heritage Act*, any alterations to known archaeological sites shall be performed only by licensed archaeologists.
 - ii) Archaeological assessments and reports shall be conducted and prepared by archaeologists licensed by the *Ontario Heritage Act*, in compliance with guidelines set out by the Ministry of Tourism, Culture and Recreation. Where assessments identify previously unknown archeological resources, the municipality shall archive the information as part of a heritage resource information base.
- 7.5.2 An archaeological assessment for a development proposal on lands abutting bodies of water will be required and, in the event of a significant discovery, it will be a condition of approval that satisfactory measures be taken by the applicant/developer to mitigate negative impact from the proposed development on such cultural heritage resource.
- 7.5.3 Council shall consult appropriate government agencies, including the Ministry of Tourism and Culture and the Ministry of Consumer and Business Services, when an identified human cemetery, or a marked or unmarked human burial ground is affected by land use development. The provisions under the *Heritage Act* and the *Cemeteries Act* shall apply.
- 7.5.4 Council acknowledges that the *Ontario Heritage Act*, and particularly Parts IV and V thereof, is a tool which may be used to preserve cultural heritage in the Township, which allows municipalities to establish a Municipal Heritage Committee, and which prescribes processes for designating and maintaining a register of heritage properties.

7.6 AREAS OF NATURAL RESOURCE INTEREST

Areas of Natural Resource Interest include significant wildlife, fish, bird and vegetative habitat.

Where development requiring any planning approval is proposed within 120 metres of the Areas of Natural Interest, Council shall require an Environmental Impact Statement (EIS) to be submitted with the application.

Environmental Impact Statements are to be conducted by qualified professionals to the satisfaction of Council in consultation with the Ministry of Natural Resources.

An Environmental Impact Statement shall include the following information:

- i) description of the proposed development;
- ii) the significant features within the surrounding area;
- iii) the potential impacts of the development on the natural feature;
- iv) options for locating the development in a less sensitive area;

- v) techniques that should be used to mitigate potential impacts; and
- vi) means to implement the mitigation measures.

7.7 CONTAMINATED SITES

7.7.1 A *Record of Site Condition* will be required to assess the nature and extent of possible contamination when development involving a change in use from commercial or industrial to a more sensitive use is proposed on a potentially contaminated site.

Contaminated sites may include, but are not limited to, sites for industrial, transportation or utility purposes.

7.7.2 If necessary, a full environmental site report/decommissioning report shall be undertaken and a site remediation plan prepared and implemented by a qualified consultant, in accordance with the Ministry of the Environment's policies and guidelines, and in consultation with the Township of Alberton prior to development approval being granted. Should a development proposal be considered where a contaminated site has been identified, the site may be placed in a Holding category until a site assessment has been carried out as outlined above, site remediation is feasible and has been completed.

7.8 EXTRACTIVE ACTIVITIES

7.8.1 Extractive uses, including peat extraction, mineral aggregate operations, prospecting and exploration for minerals and mineral mining operations, will be permitted only where it can be demonstrated that the extractive activity can be undertaken without any adverse long term impacts to the environment and to the rural character of the surrounding area.

7.8.2 In considering applications for re-zoning to permit extractive activities, including pits, quarries and portable asphalt plants, Council will require:

- i) a feasibility study and financial impact statement;
- ii) the submission of an environmental impact statement;
- iii) a site and extractive staging plan;
- iv) a report on the haul routes and potential impact on municipal roads; and,
- vii) a rehabilitation plan

in accordance with the policies set out in Section 7.6 and 7.11 of this Plan.

7.9 MONITORING

The Clerk shall prepare an annual report to the Township to monitor the effectiveness of this Plan. This report shall include an assessment of:

- i) population, growth and dwelling unit construction;
- ii) commercial and industrial growth;

- iii) areas where service levels have changed;
- iv) summary of land division activities; and,
- v) summary of Official Plan and Zoning By-law amendments.

In addition, the report shall outline any issues or conflicts that may arise between this Plan and the *Provincial Policy Statement*.

7.10 PLAN REVIEW

Following approval of this Plan by the Ministry of Municipal Affairs and Housing, the basis, objectives and policies of the Plan shall be updated at least once every five years at a meeting of Council pursuant to Section 26 of the *Planning Act*. Should the monitoring of the Plan identify areas of the Plan that should be reconsidered, or should economic or social changes occur which necessitate an earlier review, Council may direct such a review to be undertaken.

7.11 LAND USE COMPATIBILITY

- 7.11.1 As much as possible, land use conflicts should be avoided. The encroachment of sensitive land uses and industrial land uses on one another is discouraged. Buffering and separation distances in accordance with the Ministry of the Environment's guidelines shall be incorporated between sensitive and industrial uses to minimize potential adverse effects, such as noise, odour, vibration, particulate and other contaminants.
- 7.11.2 Development setbacks may be required by the applicable utility or telecommunication agencies where located within close proximity to proposed development.

7.12 CROWN LAND

- 7.12.1 The Ministry of Natural Resources is encouraged to have regard for the policies and schedules of this Plan and to consult with the Township of Alberton with respect to the use and disposition of Crown lands.
- 7.12.2 Authorization for occupation or use of Crown lands is required from the Ministry of Natural Resources.
- 7.12.3 Development proposals on lands adjacent to Crown lands shall be reviewed in consultation with the Ministry of Natural Resources.

8. INTERPRETATION

8.1 LAND USE DESIGNATIONS

It is intended that the boundaries of the land use designations shown on Schedule 'A' of this Plan shall be considered as general only, and such boundaries are not intended to define the exact limits of such areas except in the case of roads, railways, and other physical barriers that provide definitive boundaries. Minor adjustments may be made to these boundaries for the purpose of any Zoning By-law amendment without necessitating an amendment to this Plan. Other than minor adjustments, no areas or zones, except as provided in this Plan, shall be created that do not conform with this Plan.

8.2 USES

Examples of permitted uses as included in this Plan are intended to illustrate a range of activities in each respective land use designation. Specific uses and related regulations for land use designations shall be provided in the implementing Zoning By-law.

8.3 ACCESSORY USES

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

8.4 AMENDMENTS TO THE PLAN

An amendment to Schedule 'A' or to the text of this Plan is required to permit the establishment of uses other than those permitted in this Plan. In considering an amendment to Schedule 'A' with a view of designating additional areas for a particular use, changing the designated uses of a particular area, or changing the policies of this Plan, Council shall have regard to the following criteria:

- i) the need for the proposed use;
- ii) the extent to which the existing areas designated for the use are developed, and the nature and adequacy of such existing development;
- iii) the physical suitability of the land for such proposed use in relation to natural or man-made hazards; and,
- iv) the location of the areas under consideration with respect to:
 - the adequacy of the existing and proposed roadway system;
 - the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety;

- the adequacy of the water supply, sewage disposal facilities, and municipal services in view of the policies contained in this Plan and in accordance with technical reports which the Council shall request from the developer, and subject to the approval the Ministry of the Environment, the Medical Officer of Health and any other appropriate authority deemed advisable;
 - the compatibility of such proposed use with uses in the surrounding area and the natural environment; and,
 - the potential effect of the proposed use on the financial position of the Municipality.
- v) any policy statement issued under Section 3 of the *Planning Act*, R.S.O. 1990, as amended.

8.5 READING THE PLAN AS A WHOLE

- 8.5.1 This Plan should be read as a whole to understand its comprehensive and integrated intent as a policy framework for priority setting and decision making.

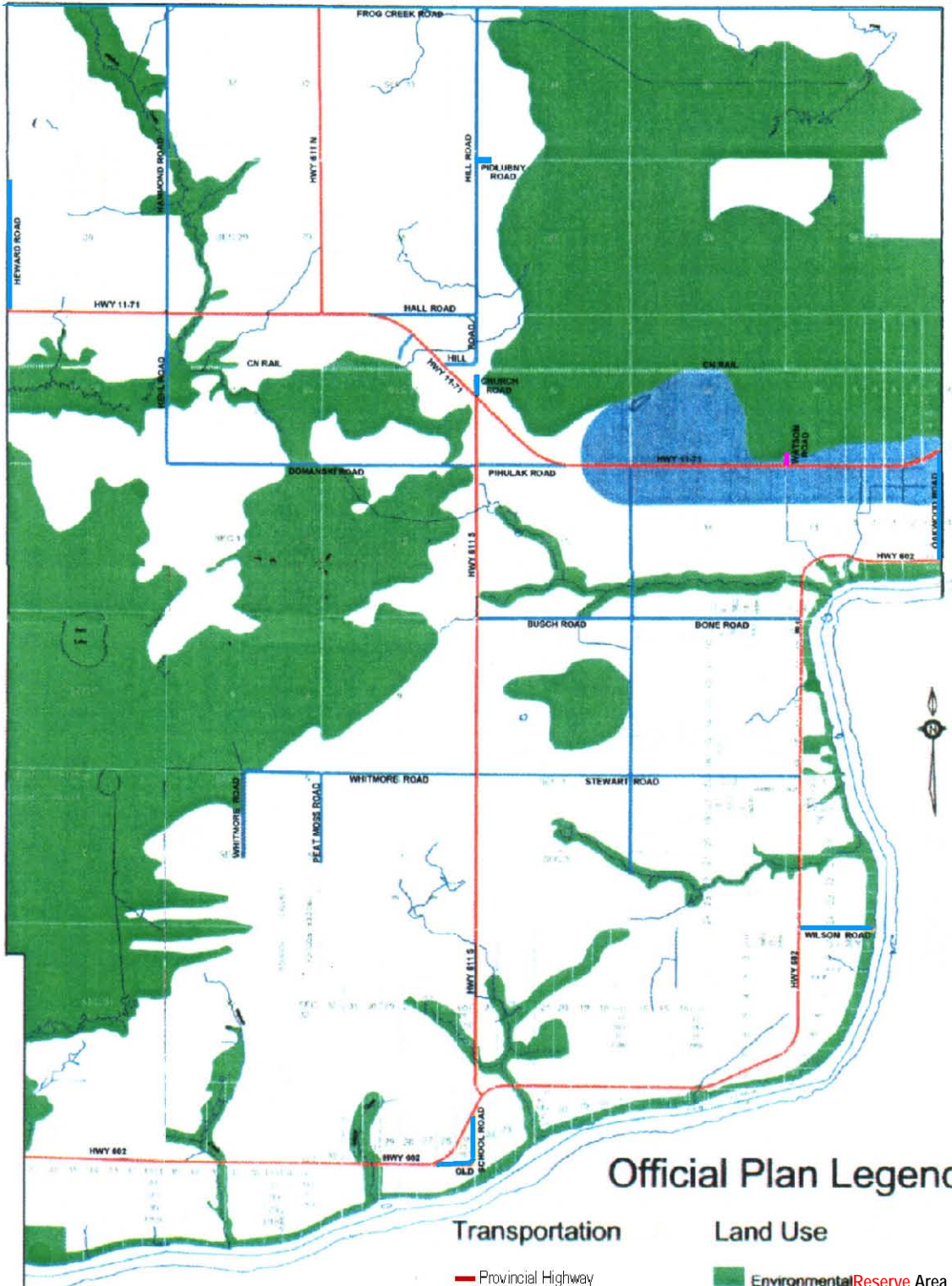
8.6 COORDINATION WITHIN AND BETWEEN MUNICIPALITIES

- 8.6.1 A coordinated, integrated and comprehensive approach should be achieved when dealing with land use planning matters which cross municipal boundaries including:
- Managing and/or promoting growth and development;
 - Managing natural heritage, water, agricultural, mineral and cultural and archaeological heritage resources;
 - Infrastructure, public service facilities and waste management systems;
 - Ecosystem, shoreline, and watershed related issues; and
 - Natural and human-made hazards.

TOWNSHIP OF ALBERTON

Official Plan Schedule "A"

MODIFIED
as per
MMAH Decision



Official Plan Legend

- | Transportation | Land Use |
|--|---|
| — Provincial Highway | Environmental Reserve Area |
| — Municipal Service Level 1 Roads | Business Development Area |
| — Municipal Service Level 2 Roads | Rural |



SCHEDULE "C"

