

**AMENDMENT NUMBER 2009-01
TO THE OFFICIAL PLAN
OF THE
TOWNSHIP OF GILLIES**

The attached explanatory text constituting Amendment Number 2009-01 to the Official Plan for the Township of Gillies was prepared and adopted by Council of the Corporation of the Township of Gilles by By-law Number 621 in accordance with the provisions of *The Planning Act* this 9th day of November 2009.

Reeve

Clerk

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The Constitutional Statement

The following Amendment to the Official Plan for the Township of Gillies comes in three parts.

PART A -- THE PREAMBLE - consists of the purpose, location, and basis for the Amendment and does not constitute a part of the actual Amendment.

PART B -- THE AMENDMENT - consists of the following text constituting Amendment Number 2009-01 to the Official Plan of the Township of Gillies.

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PART A – THE PREAMBLE

1. PURPOSE

The purpose of this Amendment is to implement changes to the current Official Plan for the Township of Gillies arising out of a five year review carried out for the Township.

2. LOCATION

Changes that are proposed in this amendment are comprehensive and relate to the Official Plan as it governs the entire Township.

3. BASIS

The Council of the Township of Gillies commissioned a review of the current Official Plan to be conducted for the purpose of identifying and considering changes necessary under the Provincial Policy Statement (2005) and to identify and recommend other desirable changes to the existing document.

Recommended changes include rewording and updating; additional text bringing about consistency with the Provincial Policy Statement; and additional text intended to address planning issues that have arisen during the day to day application of the current document.

PART B – THE AMENDMENT

All of this part of the document entitled Part B – THE AMENDMENT, which consists of the following text, constitutes Amendment Number 2009-01 to the Official Plan of the Township of Gillies.

DETAILS OF THE AMENDMENT

The Official Plan of the Township of Gillies is herein amended as follows:

1. All text referencing the Township of Gillies as the "Municipality of the Township of Gillies" is herein amended by deleting it and replacing it with "Township of Gillies".
2. The Title Page is herein amended by updating the "Prepared By:" information with the current municipal address and contact information.
3. The TABLE OF CONTENTS is herein amended to reflect the actual pagination that results from the amendments.
4. Section 1.1 - PREAMBLE - is herein amended by the deletion of the second, third and fourth paragraphs and replacement with the following:

"The Township of Gillies has a land area of 92.67 square kilometres and, according to the 2006 Census, a population of 544 people. The Township exhibits a pronounced 'rural' lifestyle, based upon an economy focused on natural resources.

The protection and maintenance of the existing rural and natural environment is of prime importance to the residents of the community.

The Township of Gillies has experienced a ten year population growth rate of 5%, being generally consistent with the 4.5% growth rate used for projection purposes in the previous version of the Official Plan. Continued projection at 5% for a ten year period would suggest a population in the year 2026 of approximately 590 people. This represents an increase in the order of 55 people.

The hamlet of Hymers represents the closest feature to a settlement area, as defined in the Provincial Policy Statement (2005), but is restricted from further development by flood control measures."

5. Section 1.2.2 (b) is herein amended by the deletion of the number "15" and replacement with the number "20".

6. Section 1.3 - OBJECTIVES is herein amended by the addition of the following text at the end of the current text:

“1.3.8 Since the creation of new lots is typically driven by new house formulation from within the existing community, new lots are best created at the time when new family formulation occurs. Such lot creation will typically occur through the consent process.

1.3.9 Council shall seek to improve accessibility for persons with disabilities and for the elderly, and shall encourage their full participation in the community.”

7. Section 1.4.1 is herein amended by the deletion of the second sentence and replacement with the following:

"As required in the *Planning Act*, the Plan’s provisions will be reviewed at five year intervals pursuant to Section 26 of the Act, to ensure that it,

- (i) conforms or does not conflict with any provincial plans;
- (ii) has regard to matters of provincial interest as outlined in the *Planning Act*; and
- (iii) is consistent with land use planning policy statements issued under the *Planning Act*.
- (iv) contains policies that are relevant and appropriate in light of changing conditions and reflect local circumstances."

8. Section 1.5.1 (a) is herein amended by the deletion of the current text and replacement with the following:

"prepare Official Plans and amendments in consultation with the approval authority that are consistent with the Provincial Policy Statement;"

9. Section 1.5.1 (b) is herein amended by the deletion of the current text and replacement with the following:

"review the Official Plan every 5 years in order to ensure that the Plan is current and reflective of provincial land use planning policy and local circumstances as noted in Section 1.4.1 of this plan;"

10. Section 1.5 - RESPONSIBILITIES OF THE TOWNSHIP OF GILLIES - is herein amended by the addition of the following text at the end of the current text;

“(e) in keeping with responsible public spending, Council may require that applicants involved in Ontario Municipal Board appeals shall pay directly, or refund all municipal expenses incurred as part of the defense of the particular by-law that is appealed.”

11. Section 1.6.1 is herein amended by deleting the words "1996 Edition".
12. Section 1.10.1 is herein amended by the addition of the following text at the end of the current text;

"Notwithstanding, Council may adopt a zoning by-law that is not in conformity with this plan, but would be so if a relevant official plan amendment being processed in harmony with such a zoning amendment is approved and comes into force and effect."

13. Section 1.12.1 is herein amended by the deletion of the current text and replacement with the following:

"The Township of Gillies has delegated approval authority to the Lakehead Rural Planning Board for consents in Gillies Township."

14. Section 2.3.2 (a) is herein amended by the addition of the following text at the end of the current text:

"in accordance with Ministry of Environment Guidelines;"

15. Section 2.3.2 (d) is herein amended by the addition of the following text at the end of the current text:

"including a confirmation of sufficient reserve sewage system capacity and/or demonstration of septage treatment. Confirmation can be in the form of a letter supplied by a holder of a Certificate of Approval for a facility, indicating that the required capacity exists;"

16. Section 2.3.4 is herein amended by adding the following text at the end of the current text:

"(d) issues of public health, safety and environmental impact are addressed."

17. Section 2.3.6 is herein amended by adding the following text at the end of the current text:

"(c) issues of public health, safety and environmental impact are addressed."

18. Section 2.3.7 is herein amended by deletion of the words "the Ministry of Agriculture, Food and Rural Affairs and to".

19. Section 2.3.9 is herein amended by the deletion of the words "and Mines" and replacement with ", Mines and Forestry".

20. Section 2.3.9 (d) is herein amended by the deletion of the words "past mining activity" and replacement with "mineral development and/or extraction."
21. Section 2.3.10 is herein amended by the deletion of the current subsection (b) and renumbering subsections (c), (d), (e), (f), (g), (h) and (i) as (b), (c), (d), (e) (f), (g) and (h) respectively.
22. Section 2.4.1 is herein amended by numbering the current text as subsection (a) and by adding the following text as subsection (b):
- "(b) The permit control area extends 45 meters from the property limit of the highway right-of-way and 180 meters from the centre point of the intersection of a side road with the provincial highways within this planning area."
23. Section 2.4 – PROVINCIAL HIGHWAYS – is herein amended by adding the following text at the end of the current text:
- "2.4.2 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.
- 2.4.3 Direct access onto a provincial highway will be restricted. Development shall be encouraged to utilize local roads and service roads where possible.
- 2.4.4 Outdoor storage and loading areas are to be visually screened or appropriately located so as not to be visible to the traveling public.
- 2.4.5 The Ministry of Transportation's policy is one highway entrance for one lot of record."
24. Section 2.5 - CULTURAL HERITAGE PRESERVATION - is herein amended by deleting the words "Tourism" and "and Recreation" from the both the second sentence of paragraph four and the first sentence of paragraph five, and by adding the following between paragraphs four and five:

"Where development is proposed on or adjacent to a heritage property, a heritage impact assessment may be required to demonstrate that the proposal will not negatively impact the heritage property."; and

by adding the following at the end of the current text:

“The Township of Gillies shall promote improvements to access for persons with disabilities and for the elderly by removing and/or preventing land use barriers which retain their full participation in society. Any modifications or improvements, whether they are to accommodate persons with disabilities or for other reasons, be made in a manner that does not negatively impact the heritage attributes of a heritage property.”

25. Section 2.5.1 (b) is herein amended by adding the words "structures or" after the words "buildings and".

26. Section 2.5.1 (c) is herein amended by deleting the words "human made rural and village districts or landscapes" and replacement with "areas or districts and landscapes".

27. Section 2.6 - LAND USE COMPATIBILITY – is herein amended by adding the following text at the end of the current text:

"2.6.2 Sensitive land uses are residential areas or areas where people sleep, institutional areas, recreational areas for parks and or picnic/areas, agricultural operations and bird or wildlife sanctuaries.

2.6.3 Industrial uses include waste stabilization ponds, sewage treatment facilities and landfills.

2.6.4 Applicants for official plan and zoning amendments shall be required to demonstrate proposed land use compatibility and required buffering."

28. Section 2.7.1 is herein amended by deletion of the first paragraph and replacement with the following:

"Contaminated sites shall be remediated as required and a Record of Site Condition (RSC) shall be received before issuing a building permit or granting a final development approval where a change in use as defined in the *Environmental Act* is proposed. Where a change in use is sought on a property with possible site contamination and a planning approval is required, the municipality will require a Stage I Environmental Site Assessment (ESA) prior to any draft or preliminary development approval being issued. The municipality may use a holding provision in a zoning by-law which may be removed when any required Stage II ESA and the RSC have been provided to the municipality."

29. Section 2.9 – DRAINAGE – is herein amended by adding the following text: "AND STORMWATER MANAGEMENT".

30. Section 2.9.1 is herein amended by deleting the third and fourth "and" and replacing them with a "," and by deletion of the words "also has an interest

in stormwater drainage" and by adding the following to the end of that text:
"and the Township of Gillies".

31. Section 2.9.2 is herein amended by deletion of the current text and replacement with the following:

"A drainage/storm water management report/plan shall be prepared by the developments located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and/or downstream properties."

32. Section 2.9.3 is herein amended by adding ", the Federal Department of Fisheries and Oceans" after the words "Ontario Water Resources Act".

33. Section 2.11 – HOME INDUSTRIES AND HOME OCCUPATIONS – is herein amended by adding the following at the end of the current text:

"2.11.5 Home occupations/industries/professions located on provincial highways require the approval of the Ministry of Transportation. The property owner will require an Entrance Permit and a Sign Permit from the Ministry. The Ministry will not support the conversion of the entrance to a commercial one, or the severance of the business from the property."

34. Section 2.14.1 is herein amended by adding the words "been exempted from or has" in the last sentence of the section after the words "wayside pit or quarry unless it has".

35. Section 2.16 and its subsection are herein amended by renumbering them as 2.17.

36. Add a new section 2.16 – "PORTABLE CONCRETE PLANTS" – with the following policies:

"2.16.1 A portable concrete plant means a building or structure with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

2.16.2 A portable concrete plant may not be used within any designation unless it has a valid Certificate of Approval under the Environmental Protection Act and the location has been approved by the District Office of the Ministry of the Environment. Portable concrete plants used by a public road authority or their agents, shall be permitted throughout the Township, subject to the approval of the Ministry of the Environment, except for the following locations:

- (a) in areas zoned residential;
- (b) within 250 metres of an existing residential use; and
- (c) where severe environmental disruption will occur.

2.16.3 Portable concrete plants shall be permitted without an amendment to this Plan or the Zoning By-law provided the Township of Gillies is given adequate notice and an opportunity to express concern regarding the location of the plant.

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

37. Section 3.1.1 is herein amended by the addition of the following at the end of the current text of paragraph one:

"All lands within the municipality have been designated Rural Use (RU). An amendment to this plan is required in order to designate lands for any other use."; and

by the deletion of paragraphs two and three and replacement with the following:

"For each of the land use designations, development control and constraint policies have been prepared. Schedule "A" identifies the roads, land use designations and development constraints within the Township. Schedule "A" should be read together with the policies of Sections 3 and 4."

38. Section 3.2.1 is herein amended by adding the following text at the end of the current text:

"Where appropriate, the rural character may be protected by the creation of a heritage conservation district or a cultural heritage landscape under the *Ontario Heritage Act*."

39. Section 3.2.3 is herein amended by deletion of the words "mining and mineral exploration" in the second sentence and replacement with "mineral development and extraction".

40. Section 3.2.8 is herein amended by adding the words "on a site-specific basis" after the word "designation".

41. Section 3.2.8 (h) is herein amended by the deletion of the words "and with the Ministry of the Environment through the issuance of a Certificate of Approval".

or lease to others, where such property does not have direct access or frontage onto a public road maintained on a year round basis by the Township.

A remote cottage use shall be in accordance with the following;

- (a) shall not involve an accessory trailer or other accessory sleeping space, or other accessory buildings, except for a pit privy.
- (b) the building shall not exceed sixty-five (65) square metres in size
- (c) the building shall not be located within 35 metres of a watercourse, waterbody, or open water associated with a wetlands.
- (d) the building shall not be located closer than 10 metres to a property line.
- (e) recreation activity associated with the property shall primarily occur on the property and/or on nearby Crown Land in accordance with all relevant regulations and requirements, and shall not occur on nearby private lands that are not held as a part of the relevant parcel of land for which the remote cottage use is being recognized, unless permission for use has been granted by the owner of such lands.

An existing parcel of land that is a minimum of 8 hectares in size may be considered by Council for rezoning Recreational Use and used for remote cottage use where Council feels that such a use is appropriate, and where;

- (a) capacity of the lands to support a Class IV private sewage system has been demonstrated; and
- (b) where legal access to the lands has been demonstrated by way of one or more of the following:
 - registered easements and/or right of way;
 - documented permission to use Crown Land for access;
 - private road where such provides practical seasonal spring, summer and fall travel by a private motor vehicle, which may include a four wheel drive.
- (c) Council may also consider a rezoning for the Recreational Zone and for remote cottage use where the applicant has submitted a legal opinion demonstrating an entitlement under the Ontario Road Access Act for access to the lands that are the subject of such an amendment, particularly where the owner of such lands acknowledges and agrees to the opinion.

Where Council agrees to an application to rezone lands for remote cottage use and where the current capacity of the lands for sewage purposes or the current capacity of the lands relative to appropriate access have not been proven or are required to be upgrade, Council may make use of a Holding (H) zone designation to ensure that necessary approvals or upgrading is completed before a building permit is issued.

Where Council uses such a Holding (H) zone designation, the holding provision may be removed upon Council being satisfied that the particular actions needed to secure or improve the lands, and/or necessary studies, have been completed. A by-law enacted for the purpose of removal of the holding provision does not require public circulation and is not subject to appeal proceedings.

All properties rezoned for remote cottage use, shall adhere to all municipal by-laws and policies regarding their specific use.

3.2.14 ALTERNATIVE ENERGY GENERATION

A site specific amendment is required to the Zoning By-law.

The following polices apply to such projects as biogas, biomass, landfill gas, waste biomass or any other type of alternative energy generation which have a potential environmental impact.

- (a) Alternative energy power generation projects may be considered in the Rural land use designation based on their merits, through the process of site specific rezoning, where such projects propose to utilize existing levels of transmission infrastructure. Where new transmission capacity is proposed in support of a project, such project will also require an official plan amendment. Council shall encourage such projects to include a natural vegetative buffer or landscaped buffer along the public road frontage of the project, with a minimum of 20 metres setback. Council may also request the proponents of such project to complete appropriate site drainage, noise, or other relevant reports.
- (b) At the discretion of Council, an Environmental Impact Study completed by a qualified person that assess all potential environmental impacts and identifies appropriate mitigation prior to Planning approval, may be required.
- (c) Land use approvals that are within the Township of Gillies' purview will be based upon appropriateness and compatibly of the alternative energy generation operation being proposed for a specific area and will not be dependent upon the issue of approvals required by any provincial ministry or any other agency.
- (d) The requirement for an Official Plan Amendment for transmission facilities may be nullified by Section 62.0.0 of the *Planning Act* if the Minister applies a regulation to such a facility.

3.1.15 GREEN ENERGY

The Township of Gillies is supportive of Green Energy or renewable energy initiatives such as wind, solar and geothermal energies that are of a minimal impact to the environment.”

52. Section 4.1.1 is herein amended by the deletion of “B” and replacement with “A” in the second sentence; and by the deletion of “the Land Use Plan”.
53. Section 4.2.1 is herein amended by the addition of the words “as shown in Schedule “A” and detailed geology maps of the area produced by the Ministry of Northern Development, Mines and Forestry” at the end of the current text first sentence.
54. Section 4.2.3 (c) is herein amended by the addition of the following at the end of the current text:

“in accordance with Ministry of Environment Guidelines.”

55. Sections 4.5, 4.7, 4.8 and 4.9 are herein deleted and replaced with the following:

“4.5 NATURAL HERITAGE FEATURES AND AREAS

Federal and Provincial legislation may also affect proposed development in natural heritage features and areas.

Natural heritage features and areas shall include significant wetlands, fish habitat, significant habitat of endangered or threatened species, significant wildlife habitat, and areas of natural and/or scientific interest.

No development shall be permitted and site alteration shall not occur in significant habitat of endangered or threatened species, in accordance with current federal and provincial legislation.

Development and site alteration shall not occur in natural heritage features or areas other than the habitat of endangered or threatened species unless it has been demonstrated that there will be no negative impact on such natural heritage features or their ecological functions, or, in the case of fish habitat, except in accordance with provincial and federal regulation.

Where development is proposed within a wetlands or within 120 metres of a wetlands, it may be required to be justified in an Environmental Impact Study confirming that there will be no loss of wetlands function or of significant wetlands features.

Development and site alterations shall not be permitted for lands adjacent to natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impact on the natural heritage feature or its ecological function.

Where development will result in harmful alteration, disruption, or destruction of fish habitat, prior authorization of the federal Department of Fisheries and Oceans is required under the federal *Fisheries Act*.

Where development is proposed in the vicinity of natural heritage features, the Lakehead Region Conservation Authority shall be consulted.

Areas of Natural Scientific Interest, as identified by the Ministry of Natural Resources, shall be protected so that the natural heritage scientific or educational value that generated the designation shall not be jeopardized. Any development within 120 metres of an ANSI on land, and 50 metres of an ANSI on water shall only be permitted where it has been demonstrated that no negative impact will occur.”

56. Section 4.10 - USE LIMITATION LANDS - is herein deleted and replaced with the following;

“4.7 USE LIMITATION

Lands identified as having use limitations are considered to be lands that contain natural or man-made restraints to development and that may cause loss of life and/or significant property damage if developed without adequate study and resulting remedial action. Such lands include areas of steep and/or unstable rock; erosion prone lands; watercourses and in particular those lands identified along the Whitefish River by the Lakehead Region Conservation Authority as regulated lands relative to flooding; any lands 15 meters from the top of the bank of a watercourse or waterbody (unless a greater distance is specified); lands containing deep organic soils and exhibiting poor drainage and abandoned mine sites.

Development shall not be permitted on use limitation lands unless appropriate evaluation has been conducted justifying that the lands can be developed without incurring harm from the identified use limitation, and the findings of such are included in the development of the lands as appropriate remedial actions.

Development shall not be permitted where safe access and egress is not available during periods of flooding. Appropriate setbacks from steep slopes and unstable bedrock, erosion prone lands and watercourses and water bodies shall be established to the satisfaction of the Lakehead Region Conservation Authority.

Development applications for lands that are adjacent to use limitation lands may, at the discretion of Council, require environmental evaluation justifying that the development can occur without being jeopardized by or jeopardizing the abutting use limitation.

57. Sections 4.11.3 and 4.11.4 are herein amended by deleting the word “should” and replacing it with the word “shall”.
58. Section 4.11 – ARCHEOLOGICAL AND CULTURAL HERITAGE SITES – is herein amended by the addition of the following at the end of the current text:
- “4.11.6 Council may maintain the integrity of archaeological resources by adopting zoning by-laws under Section 34 of the *Planning Act* to prohibit any land use activities or the erection or building or structures on land which is the site of a significant archaeological resource.”
59. Section 4.12.2 is herein amended by the addition of the words “and that the proposal is not negatively impacted by vermin, odour and truck traffic” after the words “water supply”; and that the words “the Ministry of Environment and” are deleted and the addition of the words “in accordance with Ministry of Environment Guidelines” after the words “Township of Gillies”.
60. Section 4.12.3 is herein amended by the addition of the following at the end of the current text:
- “in accordance with MOE Guidance Document D-4 and following approval under the *Environmental Assessment Act*.”
61. Sections 4.11 and 4.12 and their subsections are herein amended by renumbering them as 4.8 and 4.9 respectively.
62. Section 5.2.2 is herein amended by the deletion of “C” and replaced with “A”.
63. Section 5.2.4 is herein amended by the addition of the following at the end of the current text:
- “The municipality will ensure that the requirements of the *Environmental Assessment Act* are followed in the construction or extension of roads.”
64. Section 5.5.1 is herein amended by the deletion of the last sentence and replacement with the following:
- “The Township solid waste disposal site is nearing capacity and the required approvals under the *Environmental Assessment Act* are presently being sought to expand the facility in order to increase its operational life.”
65. Section 5.5.2 (e) is herein amended by the addition of the following at the beginning of the current text:

“meet the requirements of the *Environmental Assessment Act* and”

66. Section 5.5.3 is herein amended by the deletion of the first “and”; and the addition of the following after the words “to this Plan”:

“that the requirements of the *Environmental Assessment Act* have been met and”; and

the addition of the words “Township of Gillies and the” after the words “satisfaction of the”.

67. Section 5.6 – RECREATION AND OPEN SPACE – is herein amended by the addition of the following text at the end of the current text:

“5.6.4 Any proposals for snowmobile or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails running along the right-of-way of a provincial highway are not permitted.”

68. Section 6.3.3 is herein amended by the deletion of “land,”.

69. Section 6.4.8 (b) is herein amended by the deletion of the words “or altering language to obtain a uniform mode of expression”.

70. Section 6.8.1 is herein amended by the deletion of the words “at the time of approval of this Plan”; and by the addition of the following at the end of the current text:

“In addition to the information and material to be submitted as prescribed by regulation, Sections 22 (5), 34 (10.2) and 53 (3) of the *Planning Act* provide that a municipal council may require that a person or public body that makes an application, to provide any other information or material that the council considers it may need. The additional information and material to be submitted shall be considered on a site-specific basis.”

71. Section 6.8 – COMPLETE APPLICATION – is herein amended by the renumbering of subsections 6.8.2 as 6.8.3 and the addition of the following after subsection 6.8.1:

“6.8.2 Prior to the submission of an application for an Official Plan Amendment, a Zoning By-law Amendment, a Consent or a Minor Variance, the applicant shall consult with the Municipality to obtain and confirm the information and material which must be submitted as part of a complete application.”

72. Subsection 6.17.1 is herein amended by the deletion of the words “Section 31 of the *Planning Act*” and replacement with “Section 15.1 of the *Building Code Act*”.

73. Subsection 6.17.3 is herein amended by the deletion of the words “Section 31 of the Planning Act” and replacement with the “Section 15.6 of the *Building Code Act.*”
74. Schedules “A”, “B” and “C” are herein amended by the deletion of those schedules and replacement with a new Schedule “A” that incorporates all the information that was contained in the prior Schedules.
75. All references to legislation are herein amended by italicizing the Act’s name.

IMPLEMENTATION

This Amendment shall be implemented in accordance with the existing Implementation Section of the Official Plan of the Township of Gillies

INTERPRETATION

This Amendment shall be interpreted in accordance with the existing Interpretation Section of the Official Plan of the Township of Gillies.