OLT CASE No. OLT-26-000137

ONTARIO LAND TRIBUNAL

PROCEEDING COMMENCED UNDER section 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant:	PowerBank Corporation
Subject:	Application to amend the Official Plan – Refusal of application
Description:	To permit the development of a battery energy storage system
Reference Number:	OPA-2025-01
Property Address:	219 Peggs Mountain Road
Municipality:	Township of Armour
OLT Case No:	OLT-26-000137
OLT Lead Case No:	OLT-26-000137
OLT Case Name:	PowerBank Corporation v. Armour (Township)

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant/Appellant:	PowerBank Corporation
Subject:	Application to amend the Zoning By-law – Refusal of application
Description:	To permit the development of a battery energy storage system
Reference Number:	ZBA-2025-01
Property Address:	219 Peggs Mountain Road
Municipality:	Township of Armour
OLT Case No:	OLT-26-000138
OLT Lead Case No:	OLT-26-000137

AFFIDAVIT OF ROBERT MACFARLANE

AFFIRMED ON JUNE 29, 2026

I, Robert MacFarlane, of the Township of Fergus, in the Province of Ontario**, AFFIRM AND SAY AS FOLLOWS**:

QUALIFICATIONS

1. I am a Senior Associate with the planning consulting firm, Zelinka Priamo Ltd. ("**ZPL**"), with offices in London and Toronto, Ontario. I have a Master's Degree in Urban and Regional Planning from Queen's University, and am a member of the Canadian Institute of Planners and a Registered Professional Planner. Since May 2017 I have practiced as a professional planner, working in the private sector. Throughout my professional career I have provided land use planning services for a variety of planning applications in several municipalities throughout Ontario. A copy of my Acknowledgement of Expert's Duty and Curriculum Vitae and are attached hereto and marked as Exhibits "A" and "B", respectively.
2. My experience has included working on a variety of development projects, including matters of Provincial and Municipal policy development and review, official plan and zoning by-law amendments, minor variances, consent, site plans and the preparation of plans of subdivision and condominium. I have provided land use planning services for numerous Official Plan Amendment and Zoning By-law Amendment applications in several municipalities throughout Ontario.
3. My experience has recently extended to energy projects, including Battery Energy Storage Systems.
4. I have previously been qualified by the Ontario Land Tribunal to provide expert opinion evidence on land use planning matters.

RETAINER

5. On April 17, 2025 Zelinka Priamo Ltd. was retained by SolarBank Corp. (now "PowerBank Corporation" herein referred to as "**PowerBank**") to provide land use planning services related to the development of a Battery Energy Storage System ("**BESS**"), and associated Official Plan Amendment ("**OPA**") and Zoning By-law Amendment ("**ZBA**") applications, collectively referred to herein as the "**Applications**".
6. I have been directly involved in the applications since April 17, 2025, along with my colleague Connor Wright. I have reviewed the relevant materials and documents related to the Applications, which are subject to this appeal. I am familiar with the matters before the Tribunal.
7. Prior to April 17, 2025, PowerBank received planning consulting services from DeLoyde Development Solutions. Prior to our retainer with PowerBank, I discussed the Applications with Leo DeLoyde of DeLoyde Development Solutions.

SUBJECT LANDS & LOCATIONAL CONTEXT

8. The lands subject to this matter are known municipally as 219 Peggs Mountain Road in the Township of Armour ("**Subject Lands**"). The Subject Lands are owned by David Creasor. A true copy of the parcel register for the Subject Lands is attached hereto and marked as Exhibit "C".

9. The Subject Lands are outlined in red in the following figure, which is also attached hereto and marked as Exhibit "D":



Figure 1: Subject Lands

10. The Subject Lands are located on the south side of Peggs Mountain Road, west of Highway 11 and the Ferguson Road interchange.

11. The Subject Lands consist of a single parcel that is approximately 32.37ha in size, with approximately 68m of frontage along Peggs Mountain Road.

12. The Subject Lands are irregular in shape, generally characterized by a rectangular shape at the rear of the site, which narrows towards the Peggs Mountain Road frontage. The existing parcel configuration appears to be the result of historic and recent severances of the lot along the Peggs Mountain Road frontage.

13. The Subject Lands are currently occupied by energy production/generation infrastructure use in the form of a solar panel array. The Subject Lands are otherwise vacant of structure, and there is dense vegetation towards the rear of the site.

14. The Subject Lands gently slope down towards Peggs Mountain Road, generally decreasing in elevation from rear parts of the site, towards the Peggs Mountain Road frontage.

15. The Subject Lands are in a rural location and context. Surrounding land uses are generally rural in nature, and include: rural residential uses to the west and east of the Subject Lands,

primarily along the south side of Peggs Mountain Road, with one nearby dwelling on the north side of Peggs Mountain Road; rural industrial / extractive industrial uses to the north of the Subject Lands; additional dense vegetation to the south of the Subject Lands; there are existing agricultural operations that are scattered and in proximity to the Subject Lands; recent consent approvals created three new lots on the south side of Peggs Mountain Road, which we understand are intended for residential purposes; Highway 11 is located approximately 1km east of the Subject Lands; and there is a new fire hall being constructed to the east of the Subject Lands near Highway 11.

16. Aerial imagery and photographs of the Subject Lands are attached hereto and marked as Exhibit “E”.

PROPOSED APPLICATIONS FOR BATTERY ENERGY STORAGE SYSTEM

17. PowerBank filed the Applications to facilitate the construction and use of the Subject Lands for a BESS on May 16, 2024, which the Township deemed complete on January 21, 2025.

18. The function of a BESS is to capture and store excess electrical energy from the power grid, which is then supplied back to the power grid at a later time (such as during peak demand periods or electrical outages), and is an emerging application of commonly-used existing technology.

19. The BESS works to capture energy during periods of low demand for use when demand is higher, helping to support the integrity and stability of the electrical system in Ontario. The proposed BESS facility has a capacity of 4.99MW/19.96MWh.

20. The proposed BESS on the Subject Lands is contracted by the Independent Electrical System Operator (“**IESO**”), which is a Crown corporation responsible for the delivery and management of the electricity system throughout Ontario. The contract with IESO was awarded as part of the Expedited Long-Term RFP to secure new capacity into service by 2027. A true copy of the results of the IESO Expedited Long-Term RFP (E-L51 RFP), showing the award to PowerBanks predecessor, 1000234813 Ontario Inc., is attached and marked here to as Exhibit “F”.

21. A site plan drawing dated October 15, 2025 is attached and marked hereto as Exhibit “G”. The site plan drawing depicts the proposed BESS facility on the Subject Lands. The proposed site design is such that the BESS is located to the rear of the existing solar array, and a proposed gravel access road will connect the facility to Peggs Mountain Road.

22. The BESS will be located approximately as follows:

    1) 326.6m from the front property line;
    2) 626.7m to the rear property line;
    3) 179.4m to the westerly property line;
    4) 193.1m to the easterly property line; and
    5) 297m from the nearest existing dwelling unit.

23. The BESS will generally be housed in nine (9) separate containers that are mounted on a concrete pad of approximately 23 m x 40 m. The concrete pad will be enclosed and secured

by a chain link fence. There will be a 30m vegetation management area that extends beyond the BESS containers, which will be an area where vegetation will be controlled. Beyond the 30m vegetation management area is an approximately 6.1m gravel road that surrounds the facility. The combination of the gravel road and vegetation management area, create a 36m buffer to any vegetation, on all sides of the BESS.

BACKGROUND

24. PowerBank met with the Township of Armour in late 2022 to discuss a BESS on the Subject Lands. On November 8, 2022 Township of Armour Council granted a Municipal Support Resolution for the proposed BESS, a true copy of which is attached hereto and marked as Exhibit "H".

25. Following several pre-consultation meetings, correspondence, and discussions, with Township of Armour Staff between July 2023 and January 2025, and multiple submissions, the Applications were deemed as complete effective January 21, 2025. Further details of the events between July 2023 and January 2025 are set out in the Addendum Planning Justification Report, dated July 23, 2025, which is attached hereto and marked as Exhibit "I". A copy of the Township's pre-consultation checklist is attached hereto and marked as Exhibit "J".

26. The Applications were assigned municipal file numbers OPA-2025-01 related to the Official Plan Amendment, and ZBA-2025-01 related to the Zoning By-law Amendment.

27. The Applications were supported by a number of technical plans and reports that were submitted to the Township.

28. PowerBank's original planning consultant, DeLoyde Development Solutions, prepared a Planning Justification Report dated October 3, 2024, in support of the Applications, a copy of which is attached hereto and marked as Exhibit "K".

29. PowerBank and their representatives participated in and hosted multiple community consultation events, including:

    1) Community Engagement Meeting on November 2, 2022;
    2) Council Meeting regarding Municipal Support Resolution on November 8, 2022;
    3) Public Information Session on April 7, 2025;
    4) Statutory Public Meeting on November 18, 2025; and
    5) Council Meeting regarding Applications on January 13, 2026.

30. The Township of Armour retained external consultants to peer review technical materials submitted by PowerBank. PLC Fire Safety Engineering, BBA Inc. Cambium, and TULLOCH Engineering were retained to peer review such reports.

31. The Township provided peer review comments regarding the Applications and the supporting technical materials between April 23, 2025, and June 24, 2025.

32. Following receipt of peer review comments, PowerBank and their consultants responded to comments, including the submission of revised materials, as necessary.

33. Through revisions to materials and responses to peer review comments, the Township's peer review consultants provided clearance that any comments or concerns had been addressed to their satisfaction, for the following reports and studies:

    1) Planning Justification Report (Peer Reviewed by TULLOCH and accepted September 5, 2025 - Exhibit "L");
    2) Hazard Mitigation Analysis (Peer Reviewed by PLC Fire and accepted November 5, 2025 - Exhibit "M");
    3) Acoustic Assessment Report (Peer Reviewed by Cambium and accepted August 18, 2025 - Exhibit "N");
    4) Air and Gas Emissions Memo (Peer Reviewed by Cambium and accepted August 18, 2025 - Exhibit "N");
    5) Vibration Letter (Peer reviewed by Cambium and accepted August 18, 2025 - Exhibit "N");
    6) Environmental Impact Study (Peer Reviewed by TULLOCH and accepted September 11, 2025 - Exhibit "O");
    7) Vegetation Management Plan (Peer Reviewed by TULLOCH and accepted August 2025 - Exhibit "P");
    8) Environmental Site Assessment (Peer Reviewed by TULLOCH and accepted July 14, 2025 - Exhibit "Q");
    9) Commissioning Plan (Peer Reviewed by BBA Inc. and accepted July 29, 2025 - Exhibit "R"); and
    10) Decommissioning Plan (Peer Reviewed by BBA Inc and accepted July 29, 2025 - Exhibit "R").

Recommendation to Council

34. TULLOCH was retained by the Township of Armour to provide land use planning services for the Town. TULLOCH prepared a Recommendation Report to Council, dated January 13, 2026 ("**TULLOCH Report**"). A true copy of the TULLOCH Report is attached hereto and marked as Exhibit "S".

35. The TULLOCH Report provided relevant background information and included planning analysis from Sam Soja, Senior Planner at TULLOCH Engineering. The TULLOCH Report offered the following recommendation to Council:

    1) "***Based on the foregoing planning analysis, the peer-reviewed supporting studies, and consideration of public and agency comments, it is recommended that Council adopt Official Plan Amendment Application OPA-2025-01 and approve Zoning By-law Amendment Application ZBA-2025-01****, subject to the recommended revisions to the draft by-laws, including restricting the location of the permitted BESS facility area, establishing a maximum rated power and energy storage capacity (4.99 MW / 19.96 MWh), and limiting the height of associated buildings and structures, together with designating the lands as a Site Plan Control Area to secure implementation of studies, plans, and mitigation measures.*

    Subject to the recommended revisions to the draft by-laws, ***the proposed BESS is considered consistent with the Provincial Planning Statement, 2024, conforming to the Growth Plan for Northern Ontario and the Township of Armour Official Plan, and compliant with the Township's Zoning By-law (as amended),*** *with remaining site design, access, servicing, buffering, and*

mitigation requirements to be addressed through implementation mechanisms available to the Township, including Site Plan Control." [emphasis added]

36. On January 13, 2026, Council for the Township of Armour refused the requested OPA and ZBA applications dated January 16, 2026. A recording of the Council Meeting is available here. A true copy of the Council resolution is attached and marked hereto as Exhibit "T". A true copy of the Notice of Decision is attached and marked hereto as Exhibit "U".

Appeal to Ontario Land Tribunal

37. On February 3, 2026, PowerBank appealed the decision of Armour Council to refuse the OPA and ZBA Applications. A true copy of PowerBank's notice of appeal is attached hereto and marked as Exhibit "V".

BATTERY ENERGY STORAGE SYSTEM IS A PERMITTED USE AS OF RIGHT

38. It is my opinion that the BESS use is permitted as of right in the Municipality's Official Plan and Zoning By-law. I understand that PowerBank filed the Applications to ensure there was a public process by which the Township and its residents could learn about, and comment on, the proposed BESS facility on the Subject Lands, and in an effort to work cooperatively with the Township.

39. While a "Battery Energy Storage System" is not explicitly defined or referenced by the Official Plan or Zoning By-law, the use is captured accurately by existing terms (e.g. Public Utility), which are permitted uses.

40. The Applications seek to explicitly add a "Battery Energy Storage System" as a permitted use on the Subject Lands and, through the Zoning By-law Amendment, will provide certainty as to the location of the BESS on the site.

41. The Subject Lands are currently used for energy generation purposes by way of the existing solar facility (approximately 15,000 sq.m in size), which was established in 2019. The proposed BESS use is similar and related to the energy generation use that exists on the Subject Lands.

42. In addition, the Official Plan designates the Subject Lands as Rural Community, and permits facilities that are essential to the operation of a "public utility" as of right within that land use designation (Policy 3.9). The BESS will be interconnected with existing Hydro One infrastructure.

43. It is my opinion that the proposed BESS use is considered a "public utility" as defined by Zoning By-law 27-95, as amended, and Section 5.23 of the Zoning By-law establishes that the provisions of the zoning by-law shall not apply to the use of any lot, or erection of a building or structure that is for the purpose of public services (i.e. public utility).

RECOMMENDED OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT

44. The OPA and ZBA before the Tribunal are attached hereto and marked as Exhibit "W" and Exhibit "X", respectively.

45. The Official Plan Amendment proposes to explicitly add a "Battery Energy Storage System" as a permitted use on the Subject Lands.

46. The Zoning By-law Amendment proposes to define a "Battery Energy Storage System" and permit it as a use on the Subject Lands by way of a site-specific exception (RU-108). The following site specific provisions are proposed to apply:

    1) That a Battery Energy Storage System facility only be permitted in the hatched area shown in Schedule B to the draft Zoning By-law; and
    2) That Battery Energy Storage System facility be restricted to a maximum rated power capacity of 4.99 megawatts (MW) and a maximum rated energy storage capacity of 19.96 megawatt-hours (MWh).

47. PowerBank will work with the Township to ensure the OPA and ZBA are in a form acceptable to the Township and, if necessary, will ask the Tribunal to withhold its order pending confirmation that the OPA and ZBA are satisfactory.

PLANNING ANALYSIS

48. The OPA and ZBA Applications have regard to matters of provincial interest set out in s. 2 of the *Planning Act*, are consistent with the Provincial Planning Statement, 2024 ("**PPS**"), conform with the Growth Plan for Northern Ontario and represent good planning. The OPA does not conflict with the policies of the Township OP that are not amended and is harmonious with the balance of the Township OP. The ZBA conforms with the Township OP.

49. Consequently, it is my recommendation that the Applications be approved by the Tribunal.

Planning Act

50. The Applications have regard for matters of provincial interest.

51. Section 2 of the *Planning Act* outlines matters of provincial interest, and states that "The council of a municipality… in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,". Matters of provincial interest include:

    a) the protection of ecological systems, including natural areas, features and functions;

    c) the conservation and management of natural resources and the mineral resource base;

    e) the supply, efficient use and conservation of energy and water;

    g) the minimization of waste;

    o) the protection of public health and safety;

    s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

52. The Applications will facilitate the implementation of a BESS facility on the Subject Lands. The proposed BESS facility implements matters of provincial interest, including that the

facility will contribute to making efficient use of energy and resources, minimize waste and is a technology that is responsive to a changing climate.

53. In particular, the BESS will provide for the supply, efficient use and conservation of energy as set out in s. 2(e). The BESS functions to store surplus electricity until such time as it is needed. As set out in the IESO's website on energy storage (a copy of which is attached hereto and marked as Exhibit "Y"):

> "Storage is unique among electricity types in that it can act as a form of both supply and demand, drawing energy from the grid during off-peak hours when demand is low and injecting that energy back into the grid when it is needed most."

54. BESS facilities are safe and effective means of stabilizing energy supply and demand, which serves the provincial interest set out in s. 2(e) of the Planning Act. Relatedly, the efficient use of energy will further the provincial interest in mitigating greenhouse gas emissions and adapting to a changing climate.

55. Relevant excerpts of the *Planning Act* are attached hereto and marked as Exhibit "Z".

Provincial Planning Statement, 2024

56. The Applications are consistent with the Provincial Planning Statement, 2024 ("**PPS**").

57. The PPS establishes a policy context for the creation of complete communities that plan to reduce greenhouse gas emissions and prepare for climate change, and that provide opportunity for the expansion of energy supply and storage systems. Relevant policies include Policy 2.5, 2.6, 2.9.1, 3.1, 3.5.1, 3.8.1, 4.1, 5.2.9, and 6.1.5 - 6.1.7, which state:

> **Policy 2.5.1** *Healthy, integrated and viable rural areas should be supported by:*
>
> *a) building upon rural character, and leveraging rural amenities and assets;*
>
> *d) using rural infrastructure and public service facilities efficiently;*
>
> *e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
>
> **Policy 2.6.1** *On rural lands located in municipalities, permitted uses are:*
>
> a) *the management or use of resources;*
>
> d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
>
> g) *other rural land uses.*
>
> ***Policy 2.6.2*** *Development that can be sustained by rural service levels should be promoted.*
>
> ***Policy 2.6.3*** *Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.*
>
> **Policy 2.9.1** *Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:*

b) *incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;*

c) *support energy conservation and efficiency;*

d) *promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and*

e) *take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate*

Policy 3.1.1. *Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:*

a) *are financially viable over their life cycle, which may be demonstrated through asset management planning;*

b) *leverage the capacity of development proponents, where appropriate; and*

c) *are available to meet current and projected needs.*

Policy 3.1.2. *Before consideration is given to developing new infrastructure and public service facilities:*

a) *the use of existing infrastructure and public service facilities should be optimized; and*

b) *opportunities for adaptive re-use should be considered, wherever feasible.*

Policy 3.5.1 *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures*

Policy 3.8.1 *Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, energy storage systems, district energy, renewable energy systems, and alternative energy systems, to accommodate current and projected needs.*

Policy 4.1.1 *Natural features and areas shall be protected for the long term.*

Policy 4.1.2 *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

Policy 4.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

> **Policy 5.2.9** *Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.*
>
> *Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.*
>
> **Policy 6.1.5** *Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up-todate with the Provincial Planning Statement. The policies of the Provincial Planning Statement continue to apply after adoption and approval of an official plan.*
>
> **Policy 6.1.6** *Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.*
>
> **Policy 6.1.7** *Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the Provincial Planning Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Provincial Planning Statement.*

58. Energy Storage System is defined to mean "*a system or facility that captures energy produced at one time for use at a later time to reduce imbalances between energy demand and energy production, including for example, flywheels, pumped hydro storage, hydrogen storage, fuels storage, compressed air storage, and battery storage*." A BESS is an energy storage system.

59. Major Facilities is defined to mean *"facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities."*

60. On-farm diversified uses: "*means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and energy storage systems."*

61. The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS explicitly permits and encourages the establishment of "energy storage systems", which is a defined term, on rural lands (see Policy 2.6.1). The application of the PPS is clear on this matter: energy conservation and adapting to climate change is a critical land use planning issue that communities and the Province are faced with, and the proposed BESS is part of addressing that issue.

62. Municipalities are required to plan to reduce greenhouse gas emissions and prepare for climate change. The proposed BESS is an infrastructure use that will enhance clean energy opportunities by storing underutilized energy for use at peak demand times, reducing energy waste and making efficient use of existing infrastructure and power generation. The proposed BESS is part of a comprehensive and robust energy production and supply system, which is infrastructure that municipalities are required to plan for and accommodate.

63. The BESS facility is not considered a Major Facility. However, matters of land use compatibility including noise and vibration impacts, have been analyzed and there are no identified issues of land use compatibility in a manner consistent with Section 3.5 of the PPS.

64. The PPS directs development to lands that are not considered hazardous, and seeks to protect existing natural heritage features and areas. As part of the OPA and ZBA applications, an Environmental Impact Study was prepared by SLR Consulting (Canada) Ltd., concluding that the development of the BESS as proposed is environmentally feasible. A copy of the Environmental Impact Study is attached hereto and marked as Exhibit "O".

65. Further, while the Subject Lands are covered in part by trees, the BESS has been designed with a 30m buffer where vegetation will be controlled, beyond which is a 6m wide gravel road surrounding the facility, creating 36m of physical separation on all sides of the BESS area. As part of the OPA and ZBA Applications, the BESS was shown to be designed to establish buffer areas greater than those suggested by the Ministry of Natural Resources and Forestry "Wildland Fire Assessment and Mitigation Standards", and is supported by numerous technical studies related to potential hazard, including: Emergency Response Plan; Hazard Mitigation Analysis; Fire Suppression Memo, Vegetation Management Plan; and Emergency Training Plan. A copy of the Wildland Fire Assessment and Mitigation Standards is attached hereto and marked as Exhibit "AA".

66. Relevant excerpts of the PPS are attached hereto and marked as Exhibit "BB".

Growth Plan for Northern Ontario

67. The Growth Plan for Northern Ontario ("**GPNO**") was issued in March 2011, and provides guidance for development and decision making in northern communities. Decisions must conform to the GPNO. Relevant policies include 2.2.2, 2.2.3, 2.3.9.1, 5.2, and 5.6, which state:

> **Policy 2.2.2** *The Province **will focus economic development strategies on the following** existing and emerging priority economic sectors and the distinct competitive advantages that Northern Ontario can offer within these sectors:*
>
> *h. **renewable energy and services**.*
>
> **Policy 2.2.3** *Economic development strategies for existing and emerging priority economic sectors will examine opportunities to:*
>
> *a) strengthen networks and collaboration among businesses, industry, the education and research sectors, economic development organizations and northern communities*
>
> *b) attract investment*

c) *grow and retain existing competitive businesses, including export development activities and diversification into value-added business opportunities*

d) *respond to labour market needs and opportunities through education, training and entrepreneurship supports*

e) *support research tailored to the Northern Ontario context to inform business development and infrastructure planning*

f) *improve the clarity and efficiency of the provincial regulatory and legislative framework*

g) *integrate sector considerations in labour market and infrastructure planning*

Policy 2.3.9.1 *Efforts by the Province, industry and, where appropriate, other partners, to grow and diversify the renewable energy sector should include:*

a) *facilitating the entry of new participants and entrepreneurs, including Aboriginal communities, cooperatives and commercial developers, in the development of renewable energy generation and sustainable energy solutions*

b) *attracting investment by enabling municipalities and local distribution companies to invest in community-based renewable energy projects*

c) *identifying and promoting manufacturing and service industries related to renewable energy generation*

d) ***undertaking an approach to energy planning that supports regional need**s by applying staged, flexible options that effectively address the unique needs and priorities of all communities, including those not connected to the grid, as well as the industrial sector in the North*

e) ***promoting Northern Ontario as a location for renewable energy investment, research and commercialization**.*

Policy 5.2.1 *Infrastructure planning, land-use planning, and infrastructure investments will be co-ordinated to implement this Plan. **Infrastructure includes**, but is not limited to: transportation systems, water and wastewater infrastructure, waste management systems, **energy infrastructure**, community infrastructure, and information and communications technology infrastructure*.

Policy 5.2.2 *In Northern Ontario, **the Province will give priority to infrastructure investments that support the policies in this Plan**.*

Policy 5.2.4 ***Infrastructure planning and investments will contribute to a culture of conservation** by, wherever feasible, **utilizing approaches and technologies that reduce energy and water use**, increase efficiencies, and promote intensification and brownfield site redevelopment.*

Policy 5.2.5 *All municipalities are encouraged to co-ordinate with neighbouring communities and industry to improve the long-term viability and sustainability of infrastructure investments.*

Policy 5.6.1 ***The Province, working with the Ontario Power Authority and licensed transmission and distribution companies, will identify investment***

> ***opportunities in Northern Ontario's transmission and distribution systems to maintain reliability, meet new and growing demands, and accommodate renewable energy generation****.*
>
> **Policy 5.6.2** ***The Province will work with Hydro One, the Ontario Power Authority, remote off-grid communities and the federal government to identify opportunities and assess the feasibility of long-term alternatives to diesel generated power****.*
>
> **Policy 5.6.3** ***The Province will work with the Ontario Power Authority and local distribution companies to seek opportunities to increase the efficiency of energy use in Northern Ontario communities****.*
>
> [emphasis added]

68. The GPNO recognizes the importance of the provision of energy infrastructure to the economic wellbeing of northern communities, and in particular green energy and the renewable energy sector. The GPNO seeks opportunities to increase the efficiency of energy use in northern communities, and investments in infrastructure is intended to contribute to a "culture of conservation", including the use of technology to increase efficiency.
69. The Applications, which introduce infrastructure to make efficient use of energy supply and generation, conform to the GPNO.
70. Relevant excerpts of the GPNO are attached hereto and marked as Exhibit "CC".

Township of Armour Official Plan

71. The Official Plan Amendment does not conflict with the unamended policies of, and is consistent with the intent of, the Township of Armour Official Plan, and the Zoning By-law Amendment conforms with the Township of Armour Official Plan.
72. The Township of Armour Official Plan designates the Subject Lands as "Rural Community" as shown in Figure 5 of Exhibit "E".
73. Objectives of the Rural Community designation are outlined by Policy 2.1.2, and include:

> *To promote businesses and low water using industries thereby increasing sustainable employment opportunities for Armour Township residents, both seasonal and permanent;*
>
> *To ensure that new development or redevelopment is compatible with and appropriately separated from surrounding uses and that negative environmental impacts and land use conflicts are avoided or minimized; and*
>
> *To promote the use of alternative/renewable energy systems such as wind turbines, solar panels, bio-diesel, ethanol and wood hot water heating systems.*

74. The proposed BESS conforms with the objectives of the Rural Community land use designation, including the provision of alternative energy systems.
75. The Official Plan provides guidance for Public Uses, including public utilities, by Policy 3.9 which states:

> *Uses such as public parks and similar recreational facilities, and the installation of facilities essential to the operation of a public utility, with the exception of landfill and/or waste disposal sites, shall be permitted within the Rural and Waterfront Communities of this Plan, provided that such uses will be compatible with surrounding uses.*

76. The proposed BESS facility is a public use as defined by Policy 3.9 of the Official Plan, which is permitted in the Rural Community. The policy specifies that the installation of facilities essential operation of a public utility is permitted. While the BESS will be privately owned and operated, it will be used by a public utility company (i.e. IESO), and is an important component of the long-term functioning of the utility network, providing for a more stable and efficient electricity network.

77. The Official Plan includes policy that guides for energy conservation, and to guide decisions that respond to climate change. Relevant policy includes:

> **Policy 4.4** *It is the intent of this Plan to promote energy conservation in all areas of the Township of Armour. Accordingly, development which minimizes energy consumption and emphasizes the use of renewable energy sources will be encouraged to the extent practicable and feasible.*
>
> *This Plan recognizes the need for climate change mitigation and adaptation, which is of particular importance in the north. Average temperatures are rising more quickly in the north than in the rest of Ontario. It threatens the region's biodiversity, increases the risk of storms and wildland fires and shortens the recreation season for businesses who depend on safe ice and deep snow cover.*
>
> **Policy 4.4.2** *To promote energy efficiency in the growth and management of the Township, Council will endeavour to achieve the following:*
>
> > *(i) Reduce energy consumption and dependency on non-renewable energy sources, particularly in all Township-owned and operated facilities and equipment;*
> >
> > *(ii) Encourage the use of wind energy, solar panels and the production of crops for biodiesel and ethanol fuels;*
>
> […]
>
> *In reviewing new development applications under the Planning Act, climate change mitigation shall be considered through:*
>
> > *(i) Designing to reduce greenhouse emissions;*
> >
> > *(ii) Designing to improve air quality;*
> >
> > *(iii) Designing for compact development; and*
> >
> > *(iv) Designing for energy conservation including renewable energy systems*

78. The proposed BESS conforms with the Armour Official Plan's policies related to energy conservation and adapting to climate change. The BESS functions to make efficient use of the existing energy supply system, by storing excess electricity for use during periods of high demand. The BESS contributes to meeting local energy needs through conservation and minimizing waste, and reduces the need to expand electricity generation.

79. The Armour Official Plan addresses matters of land use compatibility, including Policy 4.5, as follows:

> *Appropriate buffering shall be required between land uses which are incompatible. In considering buffering requirements Council shall ensure that such buffering is sufficient to minimize the land use conflict, and is appropriate to the particular conditions encountered. Reference shall be made to the Ministry of Environment Conservation & Parks D-Series Guidelines for Land Use Compatibility. Buffering may include appropriate combinations of the following:*
>
> *(a) Vegetation in the form of landscaped strips, rows of trees and bushes, and grassed areas;*
>
> *(b) Architectural screening such as perforated or solid walls, fences, trellis work or other appropriate structures;*
>
> *(c) Extra distance separation;*
>
> *(d) Prohibition of parking, loading and unloading, and outside storage adjacent to residential uses;*
>
> *(e) Regulation of lighting and signs so that they are deflected away or shielded from adjacent residential uses; and*
>
> *(f) Earth berms*

80. The proposed BESS is not considered a Major Facility as per the PPS. Despite this, the Applications are supported by technical analysis, including an Acoustic Assessment Report, Air and Gas Emissions Memo, Vibration Letter, and Hazard Mitigation Analysis, which demonstrate the compatibility of the proposed BESS with surrounding land uses and no anticipated adverse impacts, and which have all been peer reviewed and accepted (Exhibit “N”).

81. While the BESS not a Major Facility, nor is inherently incompatible with the surrounding land uses, the BESS is proposed to be separated from sensitive receptors, is located behind the existing solar array, and is designed such that it is enclosed, ensuring the use is buffered visually and physically from existing sensitive land uses. The ZBA proposes to regulate the location of the BESS on the Subject Lands.

82. Section 2.4 of the Armour Official Plan relates to Environmental Constraint Areas. Policy 2.4.3c) relates to Significant Habitat of Endangered and Threatened Species and Significant Wildlife Habitat; Policy 2.4.3f) relates to Wetlands. The EIS prepared by SLR concludes that no impacts to natural heritage features are expected from the proposed development. The EIS was peer reviewed by TULLOCH, who accepted the findings and the study methodology. SLR Consulting provided a report to the Ministry of Environment, Conservation and Parks (“**MECP**”), attached hereto and marked as Exhibit “DD”, and the conclusions of the report were confirmed as valid, with no concern identified respecting the methodology. A copy of the MECP’s confirmation is attached hereto and marked as Exhibit “EE”.

83. The Armour Official Plan provides guidance for development in proximity to Wildland Fire Hazard Areas, including Policy 2.4g), which states:

> *MNRF has provided Appendix "A" preliminary mapping of potential wildland fire hazard areas in Armour Township. This generalized MNRF mapping does not confirm or exclude the presence of hazardous forest types but may be used as a*

> *starting point for the completion of an Armour Township wildland fire assessment plan.*
>
> *In the interim, before a wildland fire assessment plan has been prepared, the following guidelines are suitable for use in guiding applications for new development in or near potentially dangerous areas of Armour Township identified on Appendix "A" as follows:*
>
> > *(i) If it is found that the wildland fire risk potential is high to extreme, the MNRF recommends undertaking the two-step process (levels 1 and 2) for assessing the required mitigation efforts, as described in the Wildland Fire Risk Assessment and Mitigation Reference Manual, 2017.*

84. Policy 2.4g) does not preclude development within or in proximity to potential wildland fire hazard areas. Rather, the Policy directs for additional evaluation where necessary in the context of the Wildland Fire Risk Assessment and Mitigation Reference Manual. The materials submitted as part of the application provide thorough assessment of possible risk, and design mitigation that includes vegetation management and a designed buffer (30m plus a 6m gravel road), which physically separates the facility from the surrounding uses and vegetation.

85. Normal operations of the BESS are not a risk for wildland fire. The BESS has been designed to separate the facility from possible risk, including the aforementioned 30m buffer, in addition to the 6m gravel road that surrounds the facility. Vegetation management is proposed within this 30m buffer, which goes beyond typical recommendation and will remove all shrubbery, trees, etc., and only consist of maintained grass. This approach will ensure vegetation and overgrowth is controlled in proximity to the facility and that the facility continues to have a defensible buffer, beyond Provincial guidelines.

86. In the case of wildland fire proximate to the BESS facility, the proposed location and vegetated buffer will similarly provide a defensible space to the facility, mitigating the possible spread in close proximity to the facility, and is beyond Provincial guidelines.

87. The proposed BESS facility conforms with the policies of the Township of Armour Official Plan, and in my opinion, an amendment to the Official Plan is not required. The Armour Official Plan promotes energy conservation in all areas of the Township of Armour, including on lands designated Rural Community. The Rural Community permits uses that are related to a public utility. The proposed facility is adequately screened and separated from neighbouring land uses, and is co-located with the existing and related use of the Subject Lands.

88. Relevant excerpts of the Township of Armour Official Plan are attached hereto and marked as Exhibit “FF”.

Township of Armour Zoning By-law 27-95, as amended

89. The Subject Lands are zoned Rural “RU” under the Township of Armour Zoning By-law 27-95, as amended (“**Zoning By-law**”), as shown in Figure 6 of Exhibit “E”.

90. There are a range of permitted uses in the RU zone, as detailed in Section 6.1 of the Zoning By-law, including: Agricultural uses; a single detached dwelling; conservation, forestry and wildlife uses; resource management uses; and accessory uses, buildings and structures.

91. Section 5.23 of the Zoning By-law relates to “Public Services/Uses”, and notes that the provisions of the Zoning By-law shall not apply to the use of any lot or the erection of any building or structure for the purposes of public services.

92. Energy Storage Systems, including Battery Energy Storage systems, are not explicitly defined by the Zoning By-law.

93. Zoning Provisions applicable to the RU zone are dependent upon the proposed use, but generally regulate lot frontage, lot area, yard setbacks, building height, and lot coverage.

94. The proposed Zoning By-law Amendment seeks to explicitly define and add Battery Energy Storage System as a permitted use on the Subject Lands. The proposed BESS complies to all other Zoning Provisions for the RU zone.

95. Relevant excerpts of the Zoning By-law are attached hereto and marked as Exhibit “GG”.

RESPONSE TO PARTICIPANT STATEMENT

96. I reviewed the participant statement of “No Lithium Way Citizens United Inc.” and understand the concerns as stated. Most of the concerns have been addressed previously by technical review, and/or within my affidavit. I respond directly to some concerns raised, herein:

    1) Concerns respecting wildland fire hazards have been adequately addressed in my opinion. The PPS allows development adjacent to, and even within hazardous forest types, so long as mitigation is accounted for. A Vegetation Management Plan was prepared and accepted, and the design will allow for a 36m buffer surrounding the facility, creating a defensible space that exceeds Provincial guidance.

    2) Concerns respecting the Environmental Impact Study and its methodology, have been adequately addressed in my opinion. The Environmental Impact Study was prepared by a qualified professional at SLR Consulting, and this report underwent a peer review by a qualified professional at TULLOCH, who did not express any concerns with respect to the report’s methodology. As noted in paragraph 82 above, SLR Consulting provided a report to the MECP and the conclusions of the report were confirmed as valid, with no concern identified respecting the methodology.

    3) Concerns regarding a lack of Archaeological Assessment have been adequately addressed in my opinion. An archaeological assessment is required when development is in proximity to lands that contain known archaeological resources or areas of archaeological potential. The Township did not identify an archaeological assessment as being required for the Applications during pre-consultation. It is my understanding that the typical trigger for an archaeological assessment is a 300m radius and the area noted is over 600m from the Subject Lands. PowerBank engaged with the Ministry of Citizenship and Multiculturalism Citizenship, Inclusion and Heritage Division and confirmed that the subject site is not within 300m of lands that contain known archaeological resources. A copy of

the correspondence from the Ministry is attached hereto and marked as Exhibit “HH”. Finally, the Applications simply seek to expressly permit the BESS use on the Subject Lands, which is already permitted in the RU zone as of right.

4) Concerns that the facility does not create jobs is not an issue that I consider relevant to determining my land use planning opinion. While job-creation is a provincial policy and interest, not all uses create on-site employment. The facility is not intended to be a significant source of employment, but contributes to achieving other land use planning objectives, including economic development and, most importantly, the efficient supply and use of energy and reduction in greenhouse gas emissions.

5) Concerns that the facility will have negative impact to property taxes, property insurance costs and property values are common in land use planning matters, but are not relevant to the planning analysis required to demonstrate compliance with the legislative tests. In my opinion, the BESS is appropriately sited and has been extensively evaluated for compatibility with surrounding land uses.

97. The Applications are supported by numerous technical studies, reports, and plans, which have been peer reviewed, and considered acceptable by the peer reviewers. There are three matters that are outstanding prior to the operation of the BESS, including the preparation of an Emergency Response Plan, a Firefighter Training Program, and Stormwater Management Plan.

98. It is my opinion that the outstanding issues are minor and resolvable in the ordinary course, and that these matters do not impact the Applications. These matters are detailed matters related to the implementation and operation of BESS, such as ensuring the fire department has relevant training and there is an emergency response plan in place as it relates to the proposed use.

99. Following a review of the participant statement, it continues to be my planning opinion that the proposed Applications represent good planning and are in the public interest.

CONCLUSION

100. The Official Plan Amendment and Zoning By-law Amendment applications represents good planning and are in the public interest. The purpose of the Applications is to explicitly permit a Battery Energy Storage System on the Subject Lands, which is a use that will reduce energy waste and make more efficient use of existing energy supply, and is responsive to climate change. The proposed use is located on rural lands, is co-located with an existing solar power generation use, is separated from sensitive uses and the natural heritage system, and is therefore appropriate to accommodate the development.

101. The PPS provides clear direction on this matter – energy conservation and adapting to climate change is a critical land use planning issue that communities in the Province are faced with, and the proposed BESS is part of a solution to address that issue. The PPS permits “energy storage systems” on rural lands, which includes the proposed BESS. The Applications are consistent with the PPS. The Applications conform to the Growth Plan for Northern Ontario. The Official Plan Amendment is consistent with the intent and purpose of

the Official Plan, and the Zoning By-law Amendment conforms to the Official Plan, as amended.

102. In my opinion, the Applications are desirable for the Subject Lands and represents good planning practice, and should be approved by the Tribunal.

AFFIRMED REMOTELY by Robert MacFarlane, of the Township of Fergus, in the Province of Ontario, before me, on this 29th day of June, 2026 in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.



A Commissioner, etc.

Meaghan Charlotte Davies, a Commissioner, etc., Province of Ontario, for Borden Ladner Gervais LLP Barristers and Solicitors Expires August 6, 2028



Robert MacFarlane

This is Exhibit “A” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Ontario Land Tribunal
655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

ACKNOWLEDGMENT OF EXPERT'S DUTY

OLT Case Number: OLT-26-000137

Municipality: Township of Armour

My name is: Robert MacFarlane (name)

I live at the: Town of Fergus (municipality)

in the: County of Wellington (county or region)

in the: Province of Ontario (province)

I have been engaged by or on behalf of PowerBank Corporation (name of party/parties) to provide evidence in relation to the above-noted Ontario Land Tribunal (`Tribunal`) proceeding.

I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:

a. to provide opinion evidence that is fair, objective and non-partisan;
b. to provide opinion evidence that is related only to matters that are within my area of expertise;
c. to provide such additional assistance as the Tribunal may reasonably require, to determine a matter in issue; and
d. not to seek or receive assistance or communication, except technical support, while under cross-examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
e. to declare when generative Artificial Intelligence (AI) is used to create or generate content in any submitted document(s) to the Tribunal.

I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date: June 24, 2026 Signature: Robert MacFarlane

This is Exhibit “B” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Zelinka Priamo Ltd.
LAND USE PLANNERS

CURRICULUM VITAE

ROB MACFARLANE, MPL, MCIP, RPP

EDUCATION

- Master of Urban and Regional Planning, Queen's University, 2017
- Bachelor of Arts, Geography and Sociology, McMaster University, 2014

PROFESSIONAL ASSOCIATIONS

- Registered Professional Planner
- Member, Canadian Institute of Planners (CIP)
- Member, Ontario Professional Planners Institute (OPPI)

PROFESSIONAL EXPERIENCE

ZELINKA PRIAMO LTD. (Toronto, Ontario)
Senior Associate – September 2022 to Present
Senior Planner – December 2021 to September 2022
Planner – April 2018 to December 2021

- Coordination of development approvals for applications including official plan and zoning by-law amendments, minor variances, consent and site plan approval.
- Preparation of Planning Justification Reports related to planning applications, which includes the research of official plans and zoning by-laws, in addition to consultation with municipal staff and commenting agencies.
- Conduct land use planning analysis to determine potential development opportunities.

INNOVATIVE PLANNING SOLUTIONS (Barrie, Ontario)
Planner – May 2017 to April 2018

- Facilitated development approvals for a wide range of residential, commercial, industrial, rural, and mixed-use projects throughout several municipalities in Ontario.
- Preparation of land use analysis including justification reports, policy analysis, land use analysis, development feasibility studies, lands needs studies, and urban design reviews to support clients and applications.

COUNTY OF SIMCOE (Midhurst, Ontario)
Planning Assistant – May 2016 to August 2016

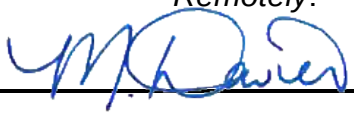
- Evaluated Planning Act applications within the County for compliance with relevant regional policy.
- Updated and organized County land budget in accordance with Growth Plan requirements for all 16 municipalities through collecting and analyzing development data.

CURRICULUM VITAE: ROB MACFARLANE, MPL, MCIP, RPP

ACADEMIC WORK

- Collins P. (co-presenting author), MacFarlane R. (co-presenting author). “Expressing Themselves! A Longitudinal Study of Commuting Habits, Attitudes, and Physical Activity following the Introduction of Express Transit in Kingston, Ontario.” Canadian Association of Geographers Annual Meeting, Toronto, ON, May 26-30, 2017.
- Collins, P., MacFarlane, R. (2018). Evaluating the determinants of switching to public transit in an automobile-oriented mid-sized Canadian city: A longitudinal analysis. *Transportation Research Part A* 118, 682-695.

This is Exhibit “C” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Ontario ServiceOntario

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

LAND REGISTRY OFFICE #42

52143-0718 (LT)

PREPARED FOR mdavies01
ON 2026/01/26 AT 15:46:23

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: LOT 3, CONCESSION 6 ARMOUR, SAVE AND EXCEPT PARTS 1 AND 2, PLAN 42R22137 AND PARTS 1, 2 AND 3, PLAN 42R22689; TOWNSHIP OF ARMOUR

PROPERTY REMARKS:

ESTATE/QUALIFIER:
FEE SIMPLE
LT CONVERSION QUALIFIED

RECENTLY:
DIVISION FROM 52143-0686

PIN CREATION DATE:
2025/09/23

OWNERS' NAMES
CREASOR, DAVID JOSEPH

CAPACITY SHARE
ROWN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
*** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2025/09/23 **						
**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:						
** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *						
** AND ESCHEATS OR FORFEITURE TO THE CROWN.						
** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF						
** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY						
** CONVENTION.						
** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.						
**DATE OF CONVERSION TO LAND TITLES: 2009/05/25 **						
GB95419	2016/09/20	NOTICE OF LEASE	$2	SFF SOLAR (2015) LIMITED	SFF SOLAR (2015) LIMITED	C
GB106502	2017/10/16	NO ASSG LESSEE INT	$2	SFF SOLAR (2015) LIMITED	2405514 ONTARIO INC.	C
REMARKS: GB95419.						
GB122451	2019/07/10	NO CHARGE LEASE	$20,000,000	2405514 ONTARIO INC.	STONEBRIDGE FINANCIAL CORPORATION	C
REMARKS: GB95419.						
GB146421	2021/09/17	TRANS PERSONAL REP	$385,000	MILLER, DEREK JOSEPH	CREASOR, DAVID JOSEPH	C
REMARKS: PLANNING ACT STATEMENTS.						
GB178185	2024/11/25	NOTICE OF LEASE	$2	1000234763 ONTARIO INC.	1000234763 ONTARIO INC.	C
GB178666	2024/12/13	NO CHARGE LEASE	$15,000,000	1000234763 ONTARIO INC.	ROYAL BANK OF CANADA	C
REMARKS: GB178185.						

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.
NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT YOU HAVE PICKED THEM ALL UP.

This is Exhibit “D” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028



NTS. Location and boundaries are approximate.
Source: Google Earth

This is Exhibit “E” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Figure 1

Location Setting – 219 Peggs Mountain Road, Burks Falls



NTS. Location and boundaries are approximate.
Source: Google Earth

Figure 2

Area Context – 219 Peggs Mountain Road, Burks Falls

Exhibit No. ____
OLT Case No. OLT-26-000137



NTS. Location and boundaries are approximate.
Source: Google Earth

Figure 3

Site Context 1 – View From Peggs Mountain Road



Source: Connor Wright (November 18, 2025)

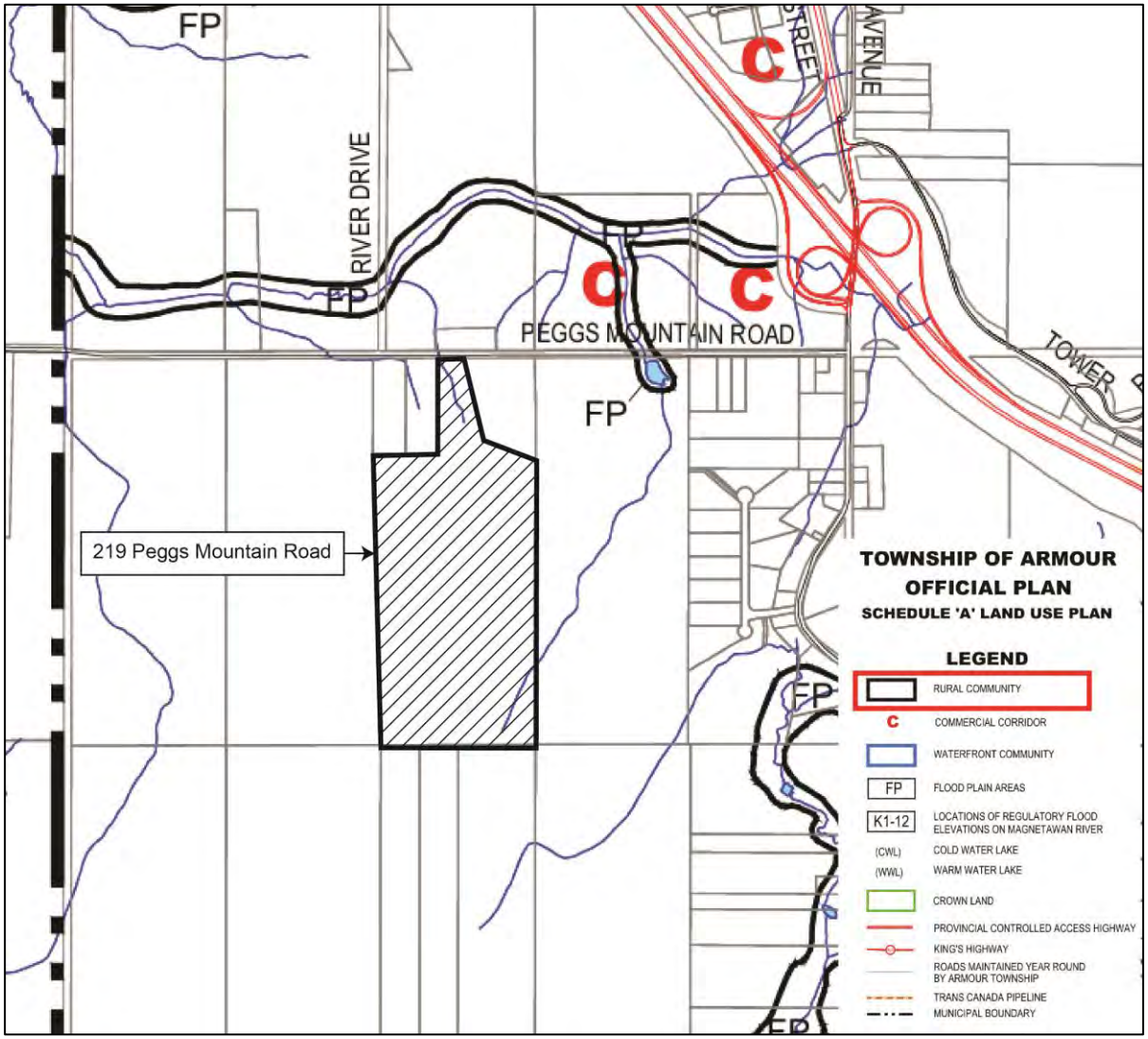
Figure 4

Site Context 2 – BESS Location



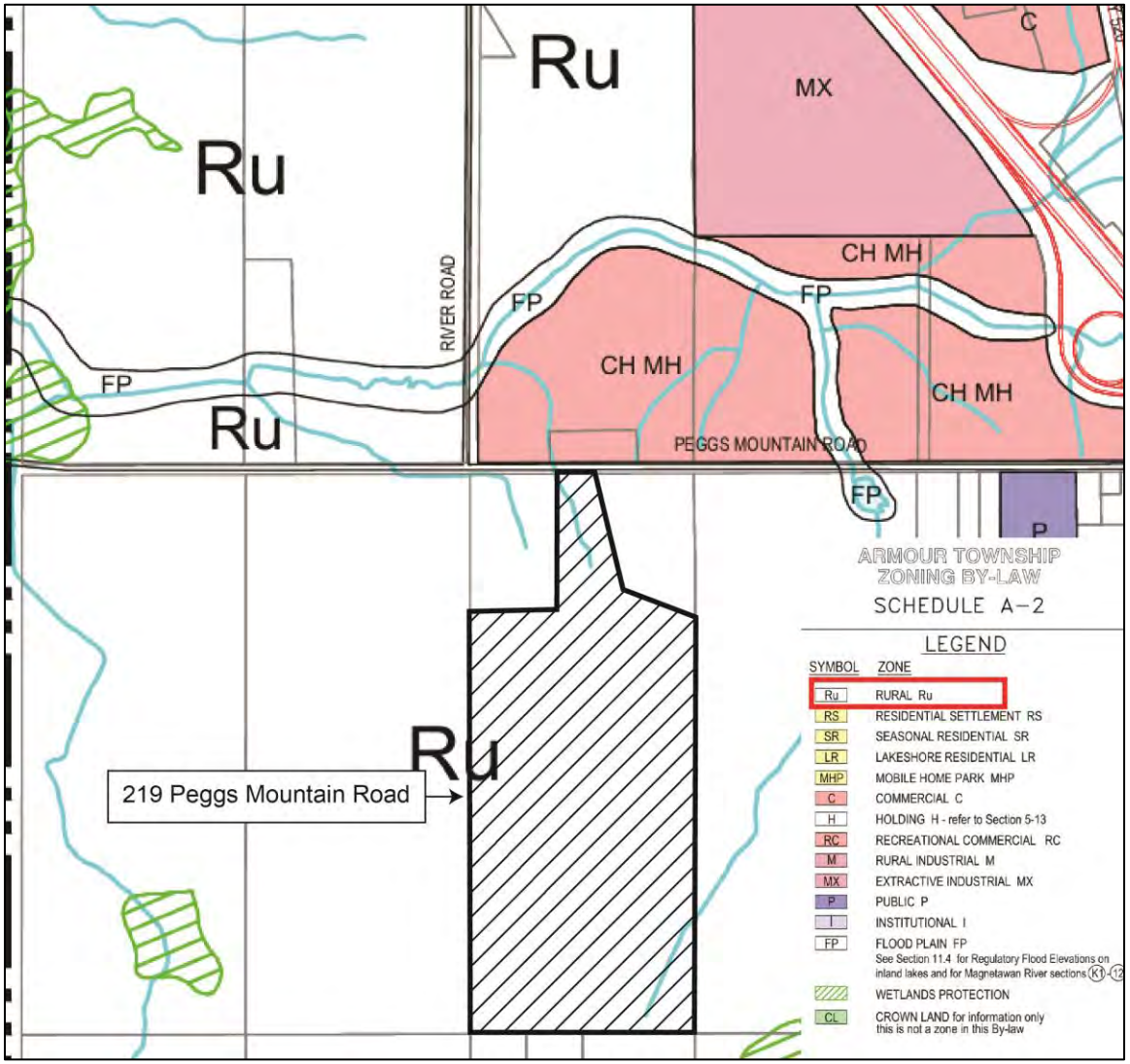
Source: Connor Wright (November 18, 2025)

Figure 5
Armour Official Plan – Schedule 'A' Land Use Plan



NTS. Location and boundaries are approximate.
Source: Township of Armour Official Plan

Figure 6
Zoning By-law 27-95, as amended



NTS. Location and boundaries are approximate.
Source: Armour Township Zoning By-law 36-09

This is Exhibit “F” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Expedited Long-Term RFP (E-LT1 RFP) – Final Results

Storage Category Suppliers

Proponent	Qualified Applicant	Project Name	Nameplate Capacity (MW)	Summer Contract Capacity (MW)	Winter Contract Capacity (MW)	Fixed Capacity Payment ($/MW Business Day)	Indigenous Participation	Zone – Location
Storage Category 1								
Hagersville Battery Storage Inc	Boralex Inc.	Hagersville Battery Energy Storage Park	300	285	285	$786.25	50% Six Nations of The Grand River	Southwest – Haldimand County
Napanee BESS Inc.	PORTLANDS ENERGY CENTRE L.P. (Atura Power)	Napanee Energy Storage	265	250	250	$896.92	No Indigenous Participation	East – Town of Greater Napanee
Tilbury Battery Storage Inc	Boralex Inc.	Tilbury Battery Storage	80	76	76	$774.50	50% Walpole Island First Nation	West – Municipality of Lakeshore
Walker BESS 4 Limited Partnership	Wahgoshig Solar FIT5 LP	Walker BESS 4	4.999	4.749	4.749	$997.00	51% MoCreebec Eeyoud	West – City of Windsor
Walker BESS 4 Limited Partnership	Wahgoshig Solar FIT5 LP	Walker BESS 5	4.999	4.749	4.749	$998.00	51% MoCreebec Eeyoud	West – City of Windsor
Walker BESS 4 Limited Partnership	Wahgoshig Solar FIT5 LP	Walker BESS 6	4.999	4.749	4.749	$998.99	51% MoCreebec Eeyoud	West – City of Windsor
York (Battery) LP	Capital Power Corporation	York BESS	120	114	114	$852.50	No Indigenous Participation	Essa – King Township
Storage Category 1 Total			**779.997**	**739.247**	**739.247**			
Storage Category 1 weighted average price						**$836.77**		

Storage Category 2								
1000234763 Ontario Inc	1000234763 Ontario Inc.	SFF 06	4.99	4.74	4.74	$1,477.00	50% Caldwell First Nation, Mississaugas of Scugog Island First Nation	East – Township of Cramahe
1000234763 Ontario Inc	1000234763 Ontario Inc.	903	4.99	4.74	4.74	$1,477.00	50% Caldwell First Nation, Mississaugas of Scugog Island First Nation	Essa – Township of Armour
1000234813 Ontario Inc	1000234813 Ontario Inc.	OZ-1	4.99	4.74	4.74	$1,477.00	50% Caldwell First Nation, Mississaugas of Scugog Island First Nation	Bruce - Municipality of Arran–Elderslie
Arlen Energy Storage 1 LP	Alectra Convergent Development LP	Arlen Energy Storage 1	20	19	19	$1,224.00	No Indigenous Participation	Southwest – City of Guelph
Goreway (Battery) LP1	Capital Power Corporation	Goreway BESS	50	47.5	47.5	$1,007.00	No Indigenous Participation	Toronto – City of Brampton
Vaughan 1E Energy Storage 1 LP	Alectra Convergent Development LP	Vaughan 1E Energy Storage 1	20	19	19	$1,186.00	No Indigenous Participation	Toronto - City of Vaughan
Vaughan 3 Energy Storage 1 LP	Alectra Convergent Development LP	Vaughan 3 Energy Storage 1	40	38	38	$1,028.00	No Indigenous Participation	Toronto – City of Vaughan
Walker BESS 4 Limited Partnership	Wahgoshig Solar FIT5 LP	Almonte BESS	4.999	4.749	4.749	$969.00	51% MoCreebec Eeyoud	East – Municipality of Mississippi Mills
Storage Category 2 Total			**149.969**	**142.469**	**142.469**			
Storage Category 2 weighted average price						**$1,111.06**		
Storage Total			**929.966**	**881.716**	**881.716**			

Storage Category weighted average price	**$881.09**

* Per Section 4.4(c)(i) of the E-LT1 RFP, Proposals in the Storage Category were assigned to Storage Category 2 if their Proposal Price was equal to or above the Storage Threshold Price. The Storage Threshold Price for the E-LT1 RFP was $1,000/MW Business Day. Under Section 4.6 of the E-LT1 RFP, Storage Category 2 Proposals had an opportunity to submit a Revised Proposal Price.
** The weighted average prices only include Selected Proponents. Proposals that were unsuccessful in the E-LT1 RFP are not included in the weighted average prices.

Non-Storage Category Suppliers

Proponent	Eligible Expansion Counterparty	Project Name	Technology	Nameplate Capacity (MW)	Summer Contract Capacity (MW)	Winter Contract Capacity (MW)	Fixed Capacity Payment ($/MW Business Day)	Indigenous Participation	Zone – Location
East Windsor (Expansion) L.P.	Capital Power Corporation	East Windsor Expansion	Natural Gas	106	81	100	$894.75	No Indigenous Participation	West – City of Windsor
Greenfield South Power Inc.	Eastern Power Inc	Hydrogen Ready Power Plant	Natural Gas	212.5	175	195	$1,195.00	No Indigenous Participation	West – St. Clair Township
Total				**318.5**	**256**	**295**			
Non-Storage Category weighted average price							**$1,093.22**		

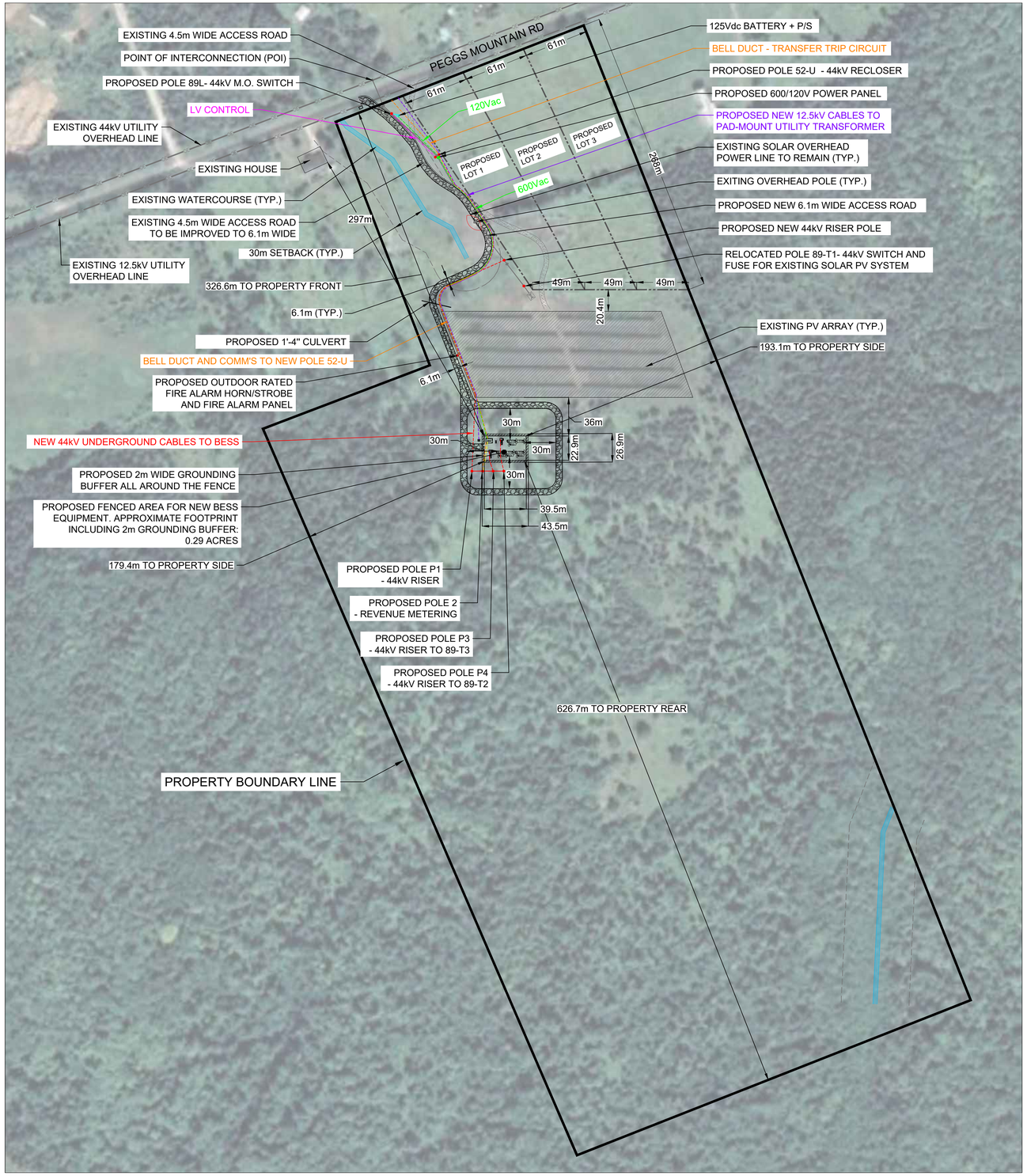
* The weighted average price only includes Selected Proponents. Proposals that were unsuccessful in the E-LT1 RFP are not included in the weighted average price.

This is Exhibit “G” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.

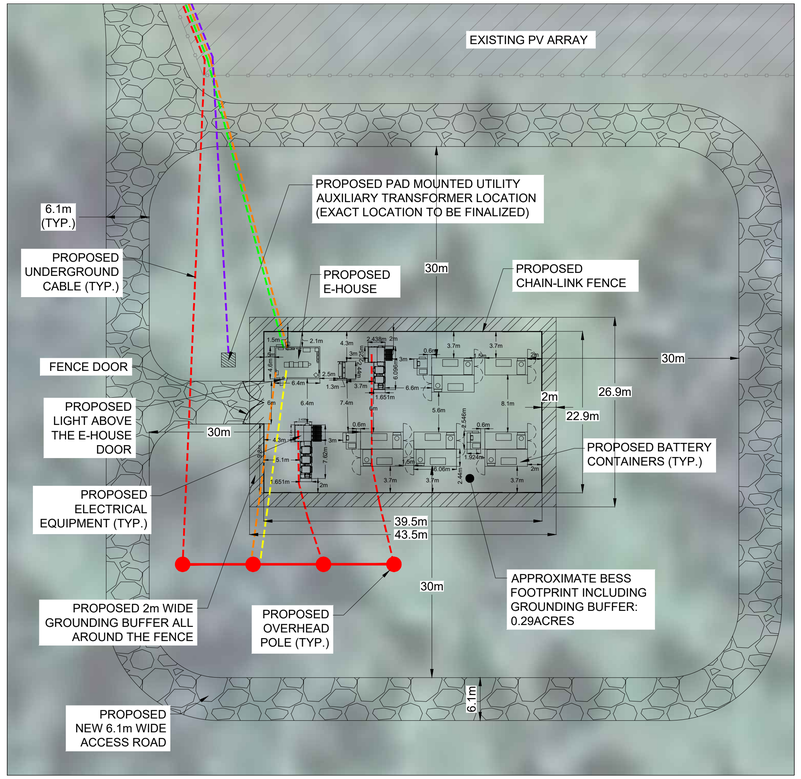


A Commissioner etc.

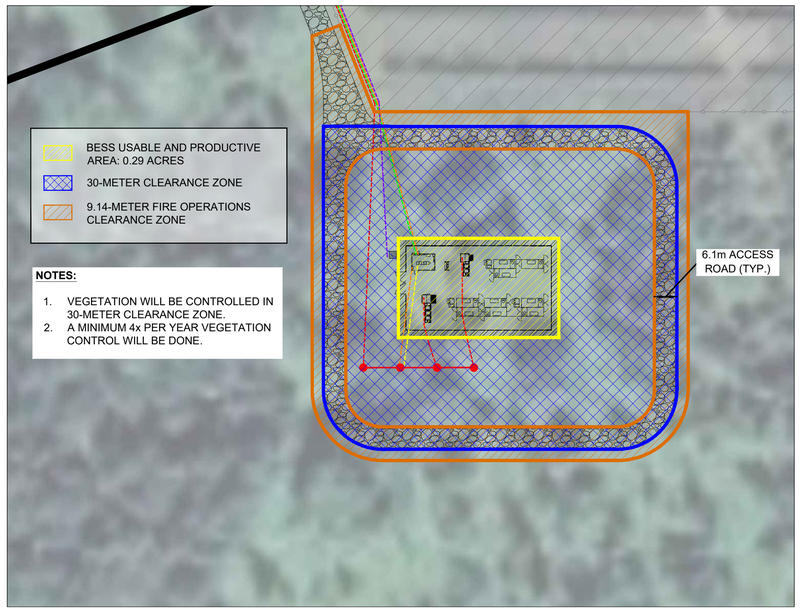
Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028



1 E100 KEY PLAN
SCALE: 1:2100



2 E100 EQUIPMENT LAYOUT
SCALE: 1:400



3 E100 BESS AND CLEARANCE ZONES
N.T.S.

SOLARBANK

Suite 803, 505 Consumer Road,
North York M2J 4V8
T: 416 494 9559
www.solarbankcorp.com

ISSUE STAGE:
REVIEW

THIS DRAWING IS AN INSTRUMENT OF SERVICE, IS PROVIDED BY AND IS THE PROPERTY OF ABUNDANT SOLAR ENERGY INC. THIS DRAWING CANNOT BE MODIFIED AND/OR REPRODUCED WITHOUT THE CONSENT OF THIS OFFICE

ENGINEER'S SEAL

FOR PRELIMINARY ONLY
AND NOT FOR CONSTRUCTION

REV#	DESCRIPTION	DATE	D.B.	C.B.
08	ISSUED FOR PERMIT	2025-10-15	S.Z.	
07	ISSUED FOR HONI REVIEW	2025-07-29	S.Z.	S.X.
06	ISSUED FOR PERMIT	2024-11-28	S.Z.	H.R.
05	ISSUED FOR REVIEW	2024-11-14	S.Z.	H.R.
04	ISSUED FOR REVIEW	2024-03-04	S.Z.	M.S.
03	ISSUED FOR REVIEW	2024-02-21	S.Z.	M.S.
02	ISSUED FOR REVIEW	2024-01-16	S.Z.	S.X.
01	ISSUED FOR CONSENT APPLICATION	2023-12-21	S.Z.	S.X.
00	ISSUED FOR CIA	2023-07-28	S.Z.	S.X.

DRAWING NAME:
SITE PLAN

DRAWN BY:	CHECKED BY:
S.Z.	
SCALE: AS NOTED	DATE: 2025-10-15

PROJECT ADDRESS:
903
219 PEGGS MOUNTAIN ROAD,
ARMOUR, ONTARIO, P0A 1C0

PROJECT NO::
E-LT1-903

DRAWING NO:	REV. NO:
E-1	08

This is Exhibit “H” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

EXHIBIT A

FORM OF MUNICIPAL SUPPORT RESOLUTION

Resolution NO: 3 Date: November 8, 2022

WHEREAS:

1. The Proponent is proposing to construct and operate a Long-Term Reliability Project, with the characteristics outlined in the table below, under the E-LT1 RFP.

Name of the Long-Term Reliability Project:	*903*
Proponent:	*1000234763 Ontario Inc.*
Technology of the Long-Term Reliability Project:	Utility-grid connected battery energy storage systems (BESS)
Maximum Contract Capacity of the Long-Term Reliability Project (in MW):	4.99MW/19.96MWh battery energy storage system
Legal description of the portion of the Project Site that is located on lands subject to the authority of one or more Municipalities:	LT 3 CON 6 ARMOUR; ARMOUR

2. Pursuant to the E-LT1 RFP, Proposals that receive the formal support of the local jurisdictional authorities of all the project communities in which the Long-Term Reliability Project is located in the form of a support resolution will be awarded Rated Criteria points for the purpose of ranking the Proposal in relation to other Proposals for a contract under the E-LT1 RFP;
3. Pursuant to the E-LT1 RFP, Proposals that did not receive the formal support of the local jurisdictional authorities of all the project communities in which the Long-Term Reliability Project is located in the form of a support resolution may be required under the E-LT1 Contract to be awarded pursuant to the E-LT1 RFP to submit such support resolution for compliance with its obligations; and

NOW THEREFORE BE IT RESOLVED THAT:

4. The council of Armour supports the development, construction and operation of the Long-Term Reliability Project on the Municipal Lands.
5. This resolution's sole purpose is to enable the Proponent to receive Rated Criteria points under E-LT1 RFP or to satisfy its obligations under any awarded E-LT1 Contract and may not be used for the purpose of any other form of approval in relation to the Proposal or Long-Term Reliability Project or for any other purpose. Rated Criteria points will be used to rank the Proponent's Proposal in relation to other Proposals received by the IESO under the E-LT1 RFP.
6. Though this resolution may impact the rank of the Proponent's Proposal in relation to other Proposals received by the IESO, it does not guarantee a contract will be offered to the Proponent under the E-LT1 RFP.

DULY RESOLVED BY THE LOCAL MUNICIPALITY

on the 8th day of November, 2022

Moved by: Councillor Jerry Brandt

Seconded by: Councillor Rod Ward

Motion is carried

Robert MacPhail, Mayor

This is Exhibit “I” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Zelinka Priamo Ltd.
LAND USE PLANNERS

VIA EMAIL

July 23, 2025

Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario
P0A 1C0

ATTN: Charlene Watt

RE: Supplementary Planning Justification Report
Applications for Official Plan Amendment, Zoning By-law Amendment and Site Plan Approval
Town File: 2025-01
219 Peggs Mountain Road
Township of Armour, ON
Our File: SOL/ARM/25-01

1.0 BACKGROUND

Applications for Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") were submitted by SolarBank (the "Applicant") to the Township of Armour and deemed complete on January 21st, 2025. The OPA and ZBA applications submitted by SolarBank facilitate the development of a Battery Energy Storage System ("BESS") on the lands located at 219 Peggs Mountain Road in the Township of Armour ("Subject Lands").

A Planning Justification Report dated October 3, 2024 was prepared by DeLoyde Development Solutions and was submitted in support of the noted applications. A peer review of the Planning Justification Report was provided by TULLOCH, dated May 15, 2025 ("Planning Comments").

This Supplementary Planning Justification Report responds to the Planning Comments, including supplementary planning opinion and analysis.

1.1 History of Proposed Planning Applications

The proposed BESS facility and OPA and ZBA applications have been subject to extensive review and evaluation with the Township of Armour:

- The proponent initially met with Township of Armour late in 2022.
- On November 17, 2022 Township of Armour Council granted a Municipal Support Resolution for the proposed BESS:
    - *"NOW THEREFORE be it resolved that the Council of the Township of Armour supports the development, construction and operation of the Long-Term Reliability Project proposed by Abundant Solar Energy Inc. on the municipal lands described as Concession 6 Lot 3, Township of Armour, District of Parry Sound, municipally known as 221 Peggs Mountain Road"*
- On July 21, 2023, the Applicant initiated further discussions with municipal staff for the development of the subject lands.

- The Applicant was requested (August 25, 2023) to provide a Planning Justification Report, prior to arranging a pre-consultation meeting with the municipality. A Planning Justification Report was accordingly provided to the municipality, and the municipality subsequently provided comments on the same. A revised Planning Justification Report was provided December 14, 2023.
- Following receipt of the revised Planning Justification Report, a pre-consultation meeting was held on January 11, 2024.
- On January 15, 2024, municipal staff outlined expected next steps based on the pre-consultation meeting, beginning initially with applications for OPA and ZBA. The requested next steps specified that certain materials would be reviewed through a future site plan application (i.e. site sketch, stormwater management plans, etc.), and that other materials would be reviewed at the time of building permit (including hazard mitigation analysis, fire risk assessment, emergency response plan, etc.). Most submission materials would not be required until the OPA and ZBA were approved.
- On May 16, 2024 the Applicant submitted applications for an OPA and ZBA to the municipality for review, based on the January 15, 2024 direction from staff.
- The municipality responded to the application on May 28, 2024, noting that a number of matters were missing from the application.
- The Applicant provided the Town with additional information and documentation on June 1, 2024.
- A second pre-consultation meeting was held on June 13, 2024.
- Following the second pre-consultation meeting, several meetings were held with Staff to review the contents of submission items. The Fire Chief was provided with the Hazard Mitigation Analysis and Emergency Response Plans for review (October 2024) in advance of the application being deemed as complete, at the request of the municipality. On January 13, 2025 it was confirmed that the reports were reviewed, and one comment was provided related to the emergency water supply. The reports were otherwise considered as acceptable.
- Applications were subsequently deemed as complete by the municipality on January 21, 2025.
- A Public Information Session was held on April 7, 2025.
- Peer review comments were provided to the applicant beginning April 23, 2025, and extending to June 24, 2025.

The Applicant has demonstrated commitment to working with the municipality as part of the processing of the applications to facilitate the proposed BESS facility.

2.0 PROPOSED PLANNING APPLICATIONS AND DEVELOPMENT

The Applicant has submitted applications for an Official Plan Amendment, Zoning By-law Amendment, and now Site Plan Approval, to the Township of Armour to facilitate development of a Battery Energy Storage System (“BESS”).

BESS’s are an application of commonly-used existing technology, which function to capture and store excess electrical energy from the power grid, to then be supplied back to the power grid (such as during peak demand periods or electrical outages). The BESS will collect energy during times when there is excess supply, such as in low-demand periods, for use when demand is higher. Among the commonly used categories of use in the field of land use planning, the BESS facility can best be categorized as a utility type function, which has characteristics and qualities that are industrial in nature.

The proposed BESS facility is comprised of 9 battery containers that will have a maximum capacity of 4.99MW/19.96MWh, in addition to other facilities for the regular functioning of the

BESS, such as an electrical house and electrical equipment. The proposed battery containers and much of the operating equipment is contained within an area of approximately 900 sq.m, enclosed by a fence that surrounds the BESS. The BESS is located to the south of the solar array that is currently operating on the subject lands. Access to the BESS is proposed via a 6.1m new/expanded access road.

Battery storage is not a new technology; however, its scale and application in supporting the existing power grid at a network level is emerging. Battery storage exists in communities in everyday applications. Battery storage travels with many residents daily as a component of their cellphones. Battery storage occupies space in many residential homes as part of laptops, tablets, and other chargeable technology. Larger applications of batteries are also being utilized in electric vehicles, which are parked in driveways, parking lots, within streets, and even in garages that may be attached to a dwelling unit. More frequently, home battery storage systems have become commonplace, providing energy backup options for personal home use during a power outage, or to store excess renewable energy (i.e. from private solar generation). The Tesla Powerwall is an example of this application of battery storage, providing up to 40.5 kWh of storage.

The application of BESS to support the existing electricity network has emerged recently, and BESS facilities exist and are being integrated into communities across Ontario in a variety of rural and urban settings to support energy supply. For example, located in downtown Toronto at 49 Bulwer Street is a BESS that has been operating since 2020 by Toronto Hydro, and is adjacent to mixed-use buildings containing residential dwelling units, and an elementary school. In Haldimand County, there are 278 lithium-ion batteries that form one of Canada's largest BESS project to date, which produce 250 MW of electricity and are reported to reduce greenhouse gas emissions by between 1.2 and 4.1 million tonnes during its life-cycle. There are dozens of examples of BESS being applied in Ontario and Canada.

2.1 Proposed Use: As of Right

The proposed BESS facility is permitted as of right on the subject lands, despite the submitted applications for OPA and ZBA that are requested by the Township of Armour.

The subject lands are developed and used for electricity generation and supply, and are occupied by a solar array of approximately 15,000 sq.m in size. It is our understanding that the use of lands for electricity generation was established 2019. Electricity generation and supply is therefore lawfully established. *The Planning Act* (Section 34(9)) establishes that Zoning By-laws may not be passed to prohibit the use of any land, if the use of that land is lawfully established. Further, it is well established that lawfully established uses may be expanded, enlarged, or used for a similar purpose.

The proposed BESS facility is used for energy capture and storage, which is an extension of, and directly related to, the energy generation use of the subject lands. The storage of energy cannot exist without the production of energy. The use is understood to be similar in nature, and related to the existing function of the lands. The proposed BESS is therefore lawfully established and permitted as of right.

As is detailed in this Report, in addition to the use being lawfully established, the use of the subject lands for a BESS is permitted by all relevant planning policy and by-laws:

- The Provincial Planning Statement specifies that "energy storage systems" are permitted on Rural Lands in municipalities (Policy 2.6.1).
- The Official Plan designates the lands as Rural Community, the definition of which permits small scale low water use industrial operations, and facilities for the operation

of a public utility. The policies of the Official Plan promote the use of land for energy efficiency and conservation.

- The Township of Armour Zoning By-law 27-95 permits the BESS as of right because it isa “public utility”.

The Applicant has submitted applications to amend the Township of Armour Official Plan and Zoning By-law at the request of the municipality, despite the use being lawfully established and permitted.

2.2 Official Plan Amendment

An application to amend the Township of Armour Official Plan (“OPA”) was requested by the Township of Armour and submitted by SolarBank. It is our opinion that an OPA is not required to facilitate the proposed BESS facility on the Subject Lands, and that the proposal complies with the Armour Official Plan.

Notwithstanding, enclosed to this letter is a draft OPA. The draft OPA proposes to add a new subsection 2.1.3(c)viii) to the Official Plan as follows:

> *A Battery Energy Storage System shall be permitted on lands at 219 Peggs Mountain Road and described as Part Lot 3 Con 6 Armour Township.*

2.3 Zoning By-law Amendment

An application to amend the Township of Armour Zoning By-law 27-95, as amended (“ZBA”) was requested by the Township of Armour and submitted by SolarBank. It is our opinion that a ZBA is not required to facilitate the proposed BESS facility on the Subject Lands, and that the proposal is as of right within the Armour Zoning By-law.

Notwithstanding, enclosed to this letter is a draft ZBA. The draft ZBA proposes to add a site-specific exception to apply to the subject lands, and modify Section 19 of Zoning By-law 27-95 by adding the following:

> *Notwithstanding any provisions to the contrary, a Battery Energy Storage System is permitted at 219 Peggs Mountain Road, described as Part Lot 3 Con 6 Armour Township.*

2.4 Site Plan Approval

The resubmission of the OPA and ZBA applications is also accompanied by submission of the application for Site Plan Approval (“SPA”). The pre-consultation meeting minutes dated January 15, 2024, identify a number of materials required for OPA, ZBA, and SPA. The Applicant has submitted all required materials identified through pre-consultation, which would be required for the municipality to review the SPA application. It is appropriate for the Applicant to submit the SPA for review, concurrent with the OPA and ZBA. The municipality has not identified any additional requirements for SPA that have not already been submitted, and the materials being reviewed for OPA/ZBA provide sufficient level of detail to process the SPA application.

The Applicant is required to proceed to site plan approval, and has submitted all materials requested by the municipality to facilitate this application.

3.0 SUPPLEMENTARY PLANNING ANALYSIS

3.1 Planning Act, R.S.O. 1990, c. P.13

The Ontario Planning Act, R.S.O. 1990, c. P.13 (the "Planning Act") is the provincial legislation that provides the rules and regulation that guides land use planning in Ontario. The stated purpose of the Planning Act includes providing for a land use planning system led by provincial policy, and to integrate matters of provincial interest in municipal planning decisions (Section 1.1).

Section 2 of the Planning Act outlines matters of Provincial Interest, and states that "*The council of a municipality… in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as*,". Matters of provincial interest include:

- the protection of ecological systems, including natural areas, features and functions;
- the protection of the agricultural resources of the Province;
- the supply, efficient use and conservation of energy and water;
- the conservation and management of natural resources and the mineral resource base;
- the minimization of waste;
- the protection of public health and safety;
- the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Summary Planning Opinion: The proposed BESS facility implements matters of provincial interest. In particular, the facility will contribute to an efficient use of energy and resources, minimize waste and is a technology that is responsive to a changing climate. The BESS has been reviewed from a public health and safety and compatibility perspective.

3.2 Provincial Planning Statement

The Provincial Planning Statement ("PPS") is a policy statement issued under Section 3 of the Planning Act, and all decisions that affect planning matters "shall be consistent with" the PPS. The Provincial Planning Statement provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land province-wide.

The Planning Justification Report dated October 3, 2024 provided analysis of the PPS. The Peer Review comments from TULLOCH dated May 15, 2025, requested analysis of additional sections of the PPS. We provide the following supplementary analysis of the PPS.

The PPS establishes a policy context for the creation of communities that plan to reduce greenhouse gas emissions, and that provide opportunity for the expansion of energy supply systems. Relevant policies include:

- **Policy 2.9.1** *Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:*
    - *c) support energy conservation and efficiency;*
    - *d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and*
    - *e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate*

- **Policy 3.8.1** *Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, energy storage systems, district energy, renewable energy systems, and alternative energy systems, to accommodate current and projected needs.*
- **Energy Storage System:** *means a system or facility that captures energy produced at one time for use at a later time to reduce imbalances between energy demand and energy production, including for example, flywheels, pumped hydro storage, hydrogen storage, fuels storage, compressed air storage, and battery storage.*

Planning Analysis: The proposed BESS is explicitly permitted and encouraged by the PPS, and municipalities are required to plan to reduce greenhouse gas emissions and prepare for climate change. The proposed BESS is a use that will enhance clean energy opportunities by storing underutilized energy for use at peak demand times, reducing energy waste and making efficient use of existing power generation.

The PPS provides direction for creating healthy rural communities, including the following relevant policy:

- **Policy 2.5.1** *Healthy, integrated and viable rural areas should be supported by:*
  - *a) building upon rural character, and leveraging rural amenities and assets;*
  - *d) using rural infrastructure and public service facilities efficiently;*
  - *e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;*
- **Policy 2.6.1.** *On rural lands located in municipalities, permitted uses are:*
  - *a) the management or use of resources;*
  - *d) agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices, in accordance with provincial standards;*
  - *e) home occupations and home industries;*
  - *g) other rural land uses.*
- **Policy 2.6.2.** *Development that can be sustained by rural service levels should be promoted.*
- **Policy 2.6.3.** *Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.*
- **On-farm diversified uses***: means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and energy storage systems.*

Planning Analysis: The PPS provides specific guidance for development activity in rural areas and on rural lands. Policy 2.6.1 outlines specifically what uses **are permitted on rural lands**, which **includes "energy storage systems"** as part of on-farm diversified uses, such as the proposed BESS. The proposed BESS contributes to sustainable use and management of energy resources, and is appropriate for the available rural service levels. For consistency with the PPS, municipalities shall permit energy storage systems on rural lands.

The PPS addresses land use compatibility, to ensure sensitive uses and major facilities are planned to avoid, minimize, or mitigate adverse effects, including the following policy:

- **Policy 3.5.1.** *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and*

safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

- **Policy 3.5.2.** *Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.*
- **Major Facilities:** *means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.*

Planning Analysis: The proposed BESS facility is not considered a Major Facility. The PPS makes specific reference to, and defines "energy storage systems", which are distinct from "energy generation facilities". The definition of Major Facility provides examples of facilities that require separation, and it is not necessarily an exhaustive list. Rather it is a broad term that is utilized to capture uses that may produce harmful emissions as part of routine operations (odour or air quality, noise, vibration). Major Facilities generally require Environmental Compliance Approval when there are emissions or discharges related to its operations. The Report by EXP dated September 26, 2024, concludes that Environmental Compliance Approval is not required for the proposed BESS.

Despite not being a Major Facility, the applications are supported by technical analysis studying compatibility, including an Acoustic Assessment Report prepared by EXP.

The BESS is proposed to be separated from sensitive receptors, is located behind the existing solar array, and is designed such that it is enclosed, ensuring the use is buffered visually and physically from existing sensitive land uses. As noted on the Site Plan, the BESS is proposed to be located more than 297m from the nearest existing dwelling unit. In addition, the facility is designed with a physical buffer space, that totals 36m of separation from combustible vegetation.

The PPS seeks to protect existing natural heritage features and areas, including the following relevant policy:

- **Policy 4.1.1.** *Natural features and areas shall be protected for the long term.*
- **Policy 4.1.2.** *The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*
- **Policy 4.1.7.** *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- **Policy 4.1.9.** *Nothing in policy 4.1 is intended to limit the ability of agricultural uses to continue.*

Planning Analysis: The proposed BESS facility is small in footprint, occupying as area of approximately 900 sqm. on the subject lands, which otherwise total approximately 32.37

hectares. Nevertheless, a fulsome Environmental Impact Study has been prepared in support of the proposal and outlines mitigation measures that will be taken, and which in the opinion of the technical experts, results in the proposed BESS facility being environmentally feasible and consistent with applicable policy.

The PPS directs development to areas that are not considered hazardous, including the following relevant policy:

- **Policy 5.2.9.** *Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may however be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.*

Planning Analysis: The subject lands are covered in part by trees. The Armour Official Plan includes a "Wildland Fire Hazard Map" (dated September 2018) as Appendix A, which is a coarse scale assessment of the hazards. The Hazard classification maps out "Extreme" and "High" hazards. The proposed BESS is in proximity to lands identified as "High" hazard risk, which is lower on the scale than "Extreme". Policy 5.2.9 does not preclude development in proximity to, or within areas that are a hazardous forest type for wildland fire. Rather, the PPS policy is a trigger to ensure that development in certain high-risk areas is done so appropriately, and in a manner that ensures appropriate safeguards are in place and that the hazard risk is mitigated to an acceptable level.

The Policy references the "Wildland Fire Assessment and Mitigation Standards" ("WFAMS"), which have been reviewed as it relates to the proposed BESS. Important to note is that the WFAMS provides clarity for interpreting the relevant policy, including that "…*it may be acceptable for development to occur on lands affected by the hazardous forest types, if the risk is mitigated to moderate to low*." Further, the WFAMS specifies that there are other ways, beyond the WFAMS, to implement the relevant PPS policy and mitigate risk: "*There may be additional ways to implement policy 3.1.8* [now 5.2.9]*… beyond the approaches set out in this Manual".*

The WFAMS speaks to mitigation measures, including design related approaches such as vegetation management, creation of defensible space / separation distance. The WFAMS is largely intended to protect public health and safety, and accordingly its structure and focus is on the design of sites that may be occupied by people (residential dwelling units).

Of particular note are the various mitigation principles of Section 6.1 of the WFAMS, which relates largely to creation of separation between possible fuel sources and proposed development. Specifically, the WFAMS focuses on principles of establishing defensible space through vegetation management and physical separation from fuel sources. The WFAMS suggests an area that is 30m from a structure is "*the most crucial area to apply vegetation management for protecting any type of infrastructure or structure, because this is where embers are most likely to ignite small new fires and where radiant heat is most likely to affect the structure".*

The proposed development is supported by numerous technical studies, which in our opinion address PPS Policy 5.2.9 on a site-specific basis, and are more applicable than the evaluation criteria set forth in the WFAMS. The WFAMS provides useful criteria for application; however, there is limited consideration of industrial facilities. The WFAMS is largely related to development of sensitive land uses, such as residential occupancy buildings (i.e. single detached dwellings), which may be constructed of combustible materials such as wood.

The facility is designed with a 30m buffer where vegetation will be controlled and limited to maintained grass. At the edge of the vegetated 30m buffer is a 6m gravel road that surrounds the facility, creating a physical separation of 36m to the facility. The proposed buffer area is beyond that suggested by the WFAMS, reducing risk of radiant heat or embers from affecting the BESS, in the case of a wildland fire.

The site has been designed to ensure defensible space that is beyond Provincial guidance, mitigating risk that the BESS will be impacted by, or cause a wildland fire. In addition, the site is designed with appropriate access for firefighter response, which has been proposed in consultation with the municipality. The proposed BESS is not a building that is intended for human habitation, and there is limited risk in this regard to human health and safety.

The following reports were submitted in the context of the application:
- Emergency Training Schedule with Fire Department
- Emergency Response Plan
- Hazard Mitigation Analysis
- Fire Suppression Memo
- Vegetation Management Plan

The PPS also importantly addresses how it should be implemented. As noted, decisions must be consistent with the policy of the PPS, and the following implementation policies are relevant:

- **Policy 6.1.5.** *Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up-to date with the Provincial Planning Statement. The policies of the Provincial Planning Statement continue to apply after adoption and approval of an official plan.*
- **Policy 6.1.6.** *Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.*
- **Policy 6.1.7.** *Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the Provincial Planning Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Provincial Planning Statement.*

Planning Analysis: Municipalities are required to make decisions that are consistent with the PPS, even if their Official Plan or Zoning By-law has not yet been updated to implement the PPS. The municipality is required to make a decision on the submitted applications that is consistent with the PPS.

Summary Planning Opinion: The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS permits and encourages the establishment of “energy storage systems”, which is a defined term. The previous Provincial Policy Statement (2020), did not make reference to “energy storage systems”. The recent inclusion and application of this new term in the PPS is a relevant and clear indication of the updated policy direction of the Province for land use planning decisions. The application of the PPS is clear: energy conservation and adapting to climate change is a critical land use planning issue that communities in the Province are faced with, and the proposed BESS is

part of addressing that issue. The PPS permits the proposed BESS, and the municipality is required to make a decision on the applications that is consistent with the PPS.

3.3 Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario ("GPNO") was released in March, 2011, and provides guidance for the development and decision making of northern communities. The GPNO is broad in scope, with fundamental underlying principles that are focused on enhancing the economic and social wellbeing of Northern Ontario and its communities.

The GPNO provides Provincial priorities for development and investment in northern communities, focused on six key principles:

1. *creating a highly productive region, with a diverse, globally competitive economy that offers a range of career opportunities for all residents*
2. *developing a highly educated and skilled workforce to support an evolving knowledge-based economy and excellence in the trades*
3. *partnering with Aboriginal peoples to increase educational and employment opportunities*
4. *delivering a complete network of transportation, energy, communications, social and learning infrastructure to support strong, vibrant communities*
5. *demonstrating leadership in sustainable growth and environmental management*
6. *establishing innovative partnerships to maximize resources and ensure this Plan achieves its ambitious vision and is fiscally sustainable*

Energy production, including "Renewable Energy and Services" is a key theme and priority of the Province as noted in the GPNO. Relevant policies include:

- **Policy 2.2.2** *The Province will focus economic development strategies on the following existing and emerging priority economic sectors and the distinct competitive advantages that Northern Ontario can offer within these sectors: h. renewable energy and services*.
- **Policy 2.2.3** *Economic development strategies for existing and emerging priority economic sectors will examine opportunities to:*
    - *a) strengthen networks and collaboration among businesses, industry, the education and research sectors, economic development organizations and northern communities*
    - *b) attract investment*
    - *c) grow and retain existing competitive businesses, including export development activities and diversification into value-added business opportunities*
    - *d) respond to labour market needs and opportunities through education, training and entrepreneurship supports*
    - *e) support research tailored to the Northern Ontario context to inform business development and infrastructure planning*
    - *f) improve the clarity and efficiency of the provincial regulatory and legislative framework*
    - *g) integrate sector considerations in labour market and infrastructure planning*
- **Policy 2.3.9.1** *Efforts by the Province, industry and, where appropriate, other partners, to grow and diversify the renewable energy sector should include:*
    - *a) facilitating the entry of new participants and entrepreneurs, including Aboriginal communities, cooperatives and commercial developers, in the development of renewable energy generation and sustainable energy solutions*
    - *b) attracting investment by enabling municipalities and local distribution companies to invest in community-based renewable energy projects*

c) *identifying and promoting manufacturing and service industries related to renewable energy generation*
d) *undertaking an approach to energy planning that supports regional needs by applying staged, flexible options that effectively address the unique needs and priorities of all communities, including those not connected to the grid, as well as the industrial sector in the North*
e) *promoting Northern Ontario as a location for renewable energy investment, research and commercialization.*

- **Policy 5.2.1** *Infrastructure planning, land-use planning, and infrastructure investments will be co-ordinated to implement this Plan. Infrastructure includes, but is not limited to: transportation systems, water and wastewater infrastructure, waste management systems, energy infrastructure, community infrastructure, and information and communications technology infrastructure*.
- **Policy 5.2.2** *In Northern Ontario, the Province will give priority to infrastructure investments that support the policies in this Plan.*
- **Policy 5.2.4** *Infrastructure planning and investments will contribute to a culture of conservation by, wherever feasible, utilizing approaches and technologies that reduce energy and water use, increase efficiencies, and promote intensification and brownfield site redevelopment.*
- **Policy 5.2.5** *All municipalities are encouraged to co-ordinate with neighbouring communities and industry to improve the long-term viability and sustainability of infrastructure investments.*
- **Policy 5.6.1** *The Province, working with the Ontario Power Authority and licensed transmission and distribution companies, will identify investment opportunities in Northern Ontario's transmission and distribution systems to maintain reliability, meet new and growing demands, and accommodate renewable energy generation.*
- **Policy 5.6.2** *The Province will work with Hydro One, the Ontario Power Authority, remote off-grid communities and the federal government to identify opportunities and assess the feasibility of long-term alternatives to diesel generated power.*
- **Policy 5.6.3** *The Province will work with the Ontario Power Authority and local distribution companies to seek opportunities to increase the efficiency of energy use in Northern Ontario communities.*

Summary Planning Opinion: The GPNO is characteristically an economic development plan, which identifies several Provincial priorities for focusing economic development strategies in northern communities. The policies of the GPBO emphasize the importance of the energy sector, and particularly green / renewable energy. Section 2.3.9.1 of the GPNO focuses specifically on strategies in which to grow and diversify the renewable energy sector in northern Ontario, including promoting the area as a location for investment, research and commercialization.

In our opinion, the GPNO supports and encourages the development of BESS as a way to diversify and expand the energy sector in Northern Ontario. The BESS can contribute towards less reliance on non-renewable energy by reserving excess energy supply.

3.4 Armour Official Plan

The October 3, 2024 Planning Justification Report provides a planning analysis of the Armour Official Plan. The Peer Review comments from TULLOCH dated May 15, 2025, requested analysis of additional sections of the Official Plan.

The subject lands are located with the “Rural Community” land use designation in the Armour Official Plan. The definition of the Rural Community (Policy 2.1.1) provides for a number of predominant land uses that are permitted, including (but not limited to) small scale low water use industrial operations, such as the proposed BESS. Objectives of the Rural Community are outlined by Policy 2.1.2, and include:

- *To promote businesses and low water using industries thereby increasing sustainable employment opportunities for Armour Township residents, both seasonal and permanent;*
- *To ensure that new development or redevelopment is compatible with and appropriately separated from surrounding uses and that negative environmental impacts and land use conflicts are avoided or minimized; and*
- *To promote the use of alternative/renewable energy systems such as wind turbines, solar panels, bio-diesel, ethanol and wood hot water heating systems*.

Planning Analysis: The proposed BESS conforms with the definition and objectives of the Rural Community land use designation, including the provision of alternative energy systems.

The policies of 2.1.3(c) relate to Industrial uses of land in the Rural Community, and include:

- *The industrial use of land in the Rural Community shall be for manufacturing, assembly, processing, fabrication, warehousing and storage of goods and materials. This policy also permits compatible commercial, public and institutional uses deemed suitable and accessory to industrial operations such as factory outlets, offices, restaurants and caretakers apartments.*
- *Council shall exercise discretion in zoning lands for industrial uses in order to permit only dry industries in the municipality. Dry industries are defined as those whose fluid waste discharge consists of nothing more than the domestic waste water of employees and customers and does not exceed 10,000 litres/day.*
- *Industrial uses in the Rural Community shall be required to locate only where access is available to a municipal road maintained by the Township on a year-round basis with no seasonal load limits.*
- *Industrial uses shall be sited to screen outside storage from view by means of buffering and setbacks.*
- *Industrial uses shall only be permitted by amendment to the Armour Township Zoning By-law and shall be subject to Site Plan Agreements under Section 41 of the Planning Act. Prior to a decision to amend the Zoning By-law, MOECP's D-Series Guidelines for Land Use Compatibility (D-1 and D-6) shall be applied, the appropriate technical studies carried out, and the recommendations from these studies implemented through such tools as (but not limited to) the Zoning By-law, site plan agreements, holding provisions, and MOECP Certificates of Approval.*
- *Where considered desirable by the approval authority, a study shall be required by a qualified Professional Engineer to indicate:*
    - *That a private well for an individual on-site water service can be located without danger of contamination by any on-site or off-site sewage system; and*
    - *That suitable conditions exist for an individual onsite sewage disposal system.*
    - *Where a land use change or industrial development is proposed that may adversely affect existing uses, a land use compatibility study that assesses the impacts of odour noise, vibration, particulate or other emissions may be required in accordance with provincial D-series guidelines.*

Planning Analysis: The industrial policies of the Official Plan that apply to the Rural Community, permit a broad range of industrial uses, with particular emphasis on uses that are ‘dry’ in nature, meaning they do not require significant water as part of routine operations. The

proposed BESS facility does not require significant water supply for normal operating conditions, and is appropriate for the land use designation. There will be no outdoor storage, and access will be from municipal roads.

Section 2.4 of the Armour Official Plan relates to Environmental Constraint Areas. Policy 2.4.3c) relates to Significant Habitat of Endangered and Threatened Species and Significant Wildlife Habitat; Policy 2.4.3f) relates to Wetlands. The EIS prepared by SLR concludes that no impacts to natural heritage features are expected from the proposed development.

Section 2.4g) relates to Wildland Fire Hazard Areas, and is as follows:

> *MNRF has provided Appendix "A" preliminary mapping of potential wildland fire hazard areas in Armour Township. This generalized MNRF mapping does not confirm or exclude the presence of hazardous forest types but may be used as a starting point for the completion of an Armour Township wildland fire assessment plan.*
>
> *In the interim, before a wildland fire assessment plan has been prepared, the following guidelines are suitable for use in guiding applications for new development in or near potentially dangerous areas of Armour Township identified on Appendix "A" as follows:*
>
> > *(i) If it is found that the wildland fire risk potential is high to extreme, the MNRF recommends undertaking the two-step process (levels 1 and 2) for assessing the required mitigation efforts, as described in the Wildland Fire Risk Assessment and Mitigation Reference Manual, 2017.*

Planning Analysis: Policy 2.4g) does not preclude development within or in proximity to potential wildland fire hazard areas. Rather, the Policy directs for additional evaluation where necessary in the context of the Wildland Fire Risk Assessment and Mitigation Reference Manual. The manual includes an assessment form for evaluating the appropriateness of development in the area of wildland fire risk areas, to ensure risk is mitigated. Generally, the assessment form is related primarily to sensitive lands uses. The materials submitted as part of the application provide thorough assessment of possible risk, and design mitigation that includes vegetation management and a designed buffer (30m plus a 6m gravel road), which physically separates the facility from the surrounding uses and vegetation.

Normal operations of the BESS are not a risk for wildland fire. The BESS has been designed to separate the facility from possible risk, including the aforementioned 30m buffer, in addition to the 6m gravel road that surrounds the facility. Vegetation management is proposed within this 30m buffer, which goes beyond typical recommendation and will remove all shrubbery, trees, etc., and only consist of maintained grass. This approach will ensure vegetation and overgrowth is controlled in proximity to the facility and that the facility continues to have a defensible buffer, well beyond typical recommendations.

In the case of wildland fire proximate to the BESS facility, the proposed location and vegetated buffer will similarly provide a defensible space to the facility, mitigating the possible spread in close proximity to the facility, and is beyond Provincial guidelines.

The applications are supported by technical review and analysis, including the following studies:

- Emergency Training Schedule with Fire Department
- Emergency Response Plan
- Hazard Mitigation Analysis
- Fire Suppression Memo
- Vegetation Management Plan

The results of the analysis suggest that the BESS can meet the five HMA approval criteria outlined in NFPA.

Section 3.9 of the Armour Official Plan relates to Public Uses, and states: *Uses such as public parks and similar recreational facilities, and the installation of facilities essential to the operation of a public utility, with the exception of landfill and/or waste disposal sites, shall be permitted within the Rural and Waterfront Communities of this Plan, provided that such uses will be compatible with surrounding uses.*

Planning Analysis: The proposed BESS facility is a public use as defined by Section 3.9 of the Official Plan, which is permitted in the Rural Community. The policy specifies that the installation of facilities essential operation of a public utility is permitted. Section 3.9 does not only apply to lands or uses that are publicly owned. While the BESS will be privately owned and operated, it will be used by the public utility company, and is an important component of the long term functioning of the utility network.

Section 4.4 of the Armour Official Plan relates to Energy Conservation and Climate Change. The section states that "*It is the intent of this Plan to promote energy conservation in all areas of the Township of Armour. Accordingly, development which minimizes energy consumption and emphasizes the use of renewable energy sources will be encouraged to the extent practicable and feasible.*" Policy 4.4.2 states:

> "*To promote energy efficiency in the growth and management of the Township, Council will endeavour to achieve the following:*
>
> > *(i) Reduce energy consumption and dependency on non-renewable energy sources, particularly in all Township-owned and operated facilities and equipment;*
> > *(ii) Encourage the use of wind energy, solar panels and the production of crops for biodiesel and ethanol fuels;*
>
> *In reviewing new development applications under the Planning Act, climate change mitigation shall be considered through:*
>
> > *(i) Designing to reduce greenhouse emissions;*
> > *(ii) Designing to improve air quality;*
> > *(iii) Designing for compact development; and*
> > *(iv) Designing for energy conservation including renewable energy systems*."

Planning Analysis: The proposed BESS conforms with the Armour Official Plan as it relates to energy conservation. The Armour Official Plan promotes energy conservation in all areas of the town, and promotes development that minimizes energy consumption and emphasizes renewable energy. The BESS is intended to store excess energy supply, for distribution at peak times, which assists in meeting local energy needs and reduces excess consumption, and is directly conforming to and supportive of Section 4.4 of the Armour Official Plan.

The Armour Official Plan addresses matters of land use compatibility, including Policy 4.5, as follows:

> *"Appropriate buffering shall be required between land uses which are incompatible. In considering buffering requirements Council shall ensure that such buffering is sufficient to minimize the land use conflict, and is appropriate to the particular conditions encountered. Reference shall be made to the Ministry of Environment Conservation & Parks D-Series Guidelines for Land Use Compatibility. Buffering may include appropriate combinations of the following:*
>
> > *(a) Vegetation in the form of landscaped strips, rows of trees and bushes, and grassed areas;*

(b) Architectural screening such as perforated or solid walls, fences, trellis work or other appropriate structures;
(c) Extra distance separation;
(d) Prohibition of parking, loading and unloading, and outside storage adjacent to residential uses;
(e) Regulation of lighting and signs so that they are deflected away or shielded from adjacent residential uses; and
(f) Earth berms."

Planning Analysis: The proposed BESS facility is not considered a Major Facility as per the PPS. Facilities that generate emissions (particulate matter, noise, vibration, etc.), as part of normal operations, generally require Environmental Compliance Approval. The Report by EXP dated September 26, 2024, concludes that Environmental Compliance Approval is not required for the proposed BESS, based on its technical specifications and operating conditions.

The applications are supported by technical analysis, including an Acoustic Assessment Report prepared by EXP.

While the BESS not a Major Facility, nor is inherently incompatible with the surrounding land uses, the BESS is proposed to be separated from sensitive receptors, is located behind the existing solar array, and is designed such that it is enclosed, ensuring the use is buffered visually and physically from existing sensitive land uses. As supported by several technical materials, no anticipated adverse impacts are anticipated to these sensitive land uses.

Section 4.7 of the Armour Official Plan relates to Dark Sky Policy. The proposed BESS facility is not expected to generate significant light emissions to facilitate normal operations. The location is in a rural setting. The applications are subject to site plan approval, in which detailed design matters are reviewed and implemented, including lighting. Section 4.7 of the Armour Official Plan is generally not relevant to the proposed applications. The proposed development will comply with Section 4.7.

Summary Planning Opinion: The proposed BESS facility conforms with the policies of the Township of Armour Official Plan, and in our opinion, an Amendment to the Official Plan is not required or warranted. The Armour Official Plan promotes energy conservation in all areas of the Township of Armour, including on lands designated Rural Community. The Rural Community is intended to permit a broad range of dry-industrial land uses, and uses that are related to a public utility are permitted. The proposed facility is adequately screened and separated from neighbouring land uses, and is co-located with the existing and related use of the subject lands.

3.5 Armour Zoning By-law 27-95

The subject lands are zoned Rural "RU" under the Township of Armour Zoning By-law 27-95, as amended. In our opinion, the proposed BESS facility is permitted as of right within the Township of Armour Zoning By-law, for the ensuing reasons.

There are a number of permitted uses in the RU zone as detailed in Section 6.1 of the Zoning By-law, including: Agricultural uses; a single detached dwelling; conservation, forestry and wildlife uses; resource management uses; and accessory uses, buildings and structures.

In addition, Section 5.23 of the Zoning By-law establishes that the provisions of the zoning by-law shall not apply to the use of any lot or erection of any building or structure for the purposes of **public services**.

The following definitions are of particular relevance to interpreting the Township of Armour Zoning By-law:

- “Accessory Use” means a use naturally and normally incidental to, subordinate to or exclusively devoted to a principal use and located on the same lot therewith
- "Public" when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public.
- "Public Agency" means (a) the Government of Canada, the Government of Ontario or any municipal corporation; (b) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation; (c) **any public utility** [emphasis added]; or (d) any railway company authorized under The Railway Act, as amended from time to time, or any successors thereto.
- "Public Utility" means (a) any agency, corporation, board or commission providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewerage or waste collection and disposal services to the public; or (b) a use pertaining to any such agency, corporation, board or commission.
- “Resource Management Use” means land used solely for the preservation and enhancement of the natural environment.

“Energy Storage Systems”, including “Battery Energy Storage Systems”, are not explicitly defined by the Township of Armour Zoning By-law.

In our opinion, the proposed BESS facility is permitted within the Township of Armour Zoning By-law for the following reasons:

- The Zoning By-law defines a number of terms, including various land uses. There is no defined term or use that is explicitly related to “energy storage systems”. In instances where a use or term is not more explicitly defined, it is appropriate to consider if another term accurately captures the function of that use.
- The proposed BESS use is a “public utility” as defined by the Zoning By-law which will be connected to the electrical grid, which is operated by a public utility corporation. The BESS will be owned by a private corporation and it will be utilized by the public utility company to supplement the electrical grid. The public utility, as per the definition, can include a corporation and is related to the providing of a service to the public, which the proposed BESS will do. The Zoning By-law, Section 5.23, exempts uses and/or buildings/structures that are for the purpose of public services (“public utility”).
- The subject lands are developed and used for electricity generation and supply, and are occupied by a solar array. The function of the proposed BESS is for storage and distribution of electricity. The storage and distribution of electricity is “accessory” to the primary function of the subject lands. Without electricity supply, which the use of the subject lands provide, there would be no opportunity for electricity storage. More specifically, the BESS is naturally and normally incidental to the primary function of the subject lands, which is for the generation of electricity.
- The electricity generation and supply of the subject lands is a lawfully established use on the subject lands as a result of the existing solar array. The BESS is an extension of the existing, lawfully established use.

Zoning Provisions that apply to the subject lands for the RU zone are outlined in Section 6.2 of the Township of Armour Zoning By-law. Relevant zoning provisions include minimum lot

frontage (100m), minimum lot area (4ha), maximum lot coverage (20%), and minimum yard setbacks (15m front; 10m interior side; 12m rear).

Section 6.4 of the Zoning By-law relates to “Separation of Noisy and Odorous Uses”; however, this section of the by-law applies to typical farming activities such as livestock uses, manure storage, or sawmills and is not applicable to the proposed BESS.

The existing zoning provisions applicable to the subject lands are appropriate, and no other relief or additional zoning provisions are warranted.

4.0 CONCLUSION

It is our opinion that the proposed development is in the public interest and represents good land use planning. It is our opinion that the submission is consistent with the Provincial Planning Statement, is in conformity with the Armour Official Plan and implements the Armour Zoning By-law 27-95, as amended. Amendments to the Official Plan and Zoning By-law were requested by the Township of Armour, and submitted by the Applicant. Notwithstanding the proposed planning applications, the proposed use of the subject lands for the BESS is permitted as of right.

Energy conservation and adapting to climate change is a critical land use planning issue that communities in the Province are faced with. The proposed BESS contributes to addressing energy supply needs, and is in the public interest.

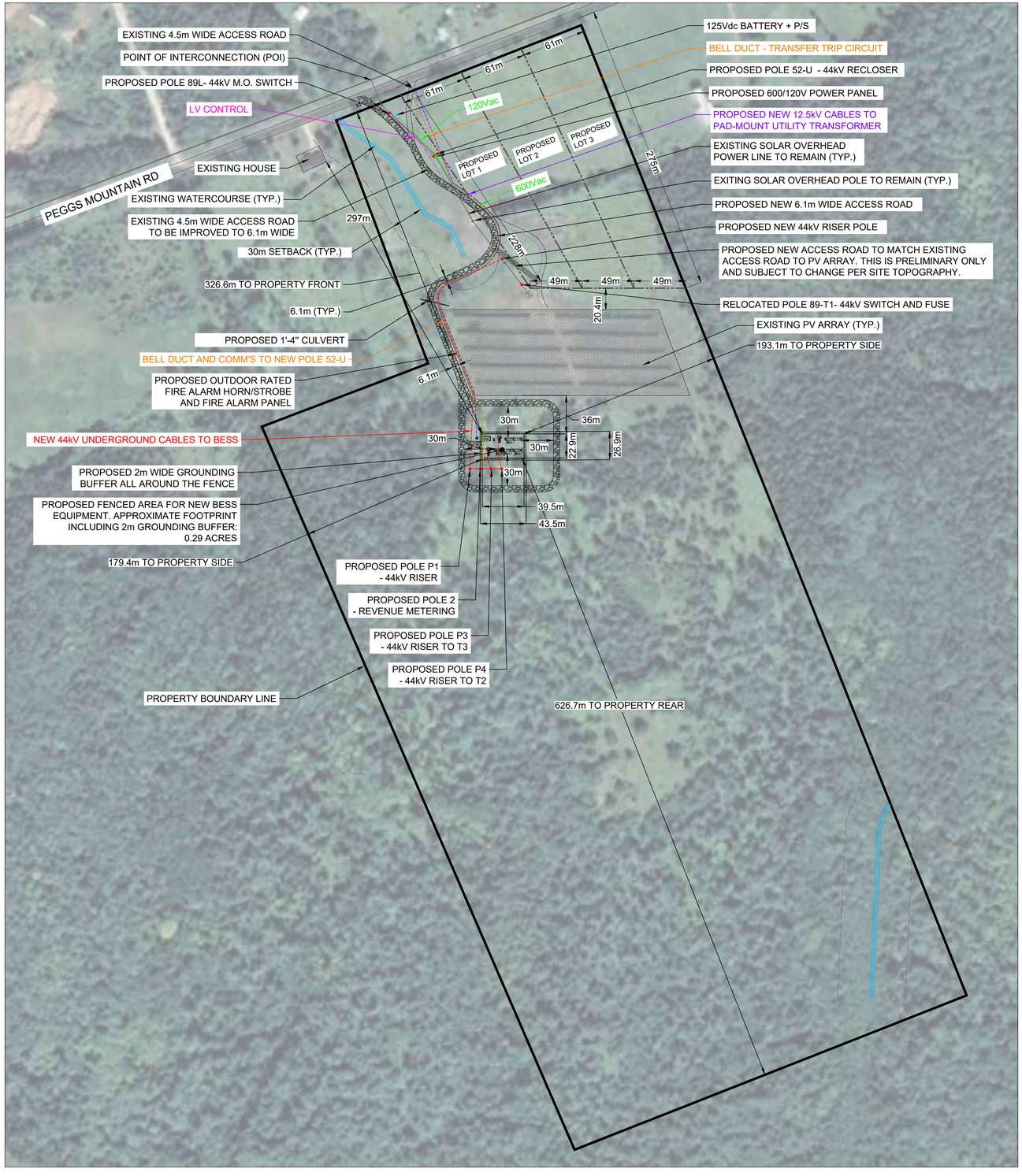
If you have any questions, or if you would like to discuss this further, please do not hesitate to contact us.

Yours very truly,

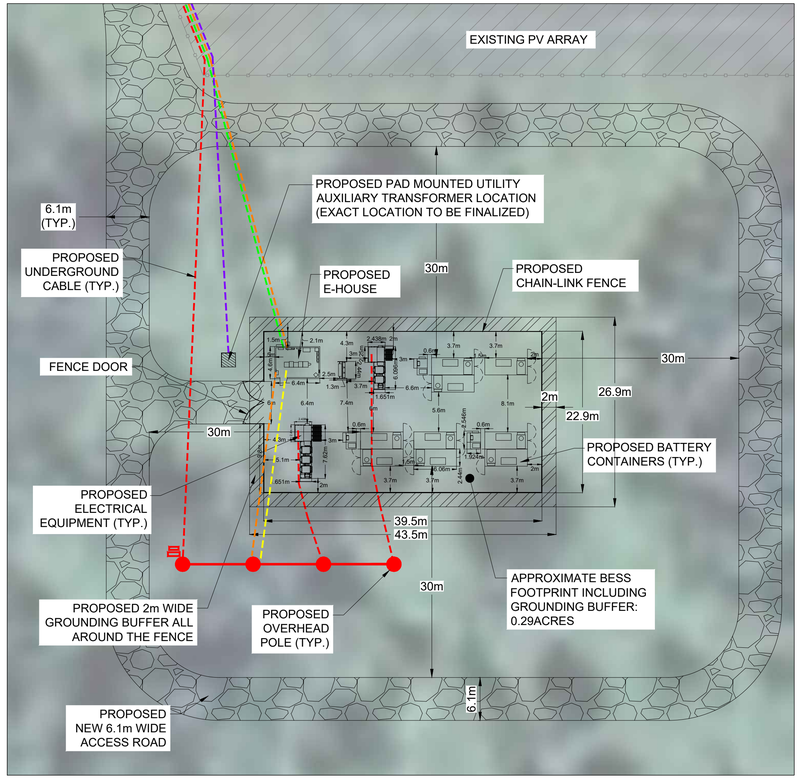
ZELINKA PRIAMO LTD.

Rob MacFarlane, MPL, MCIP, RPP
Senior Associate

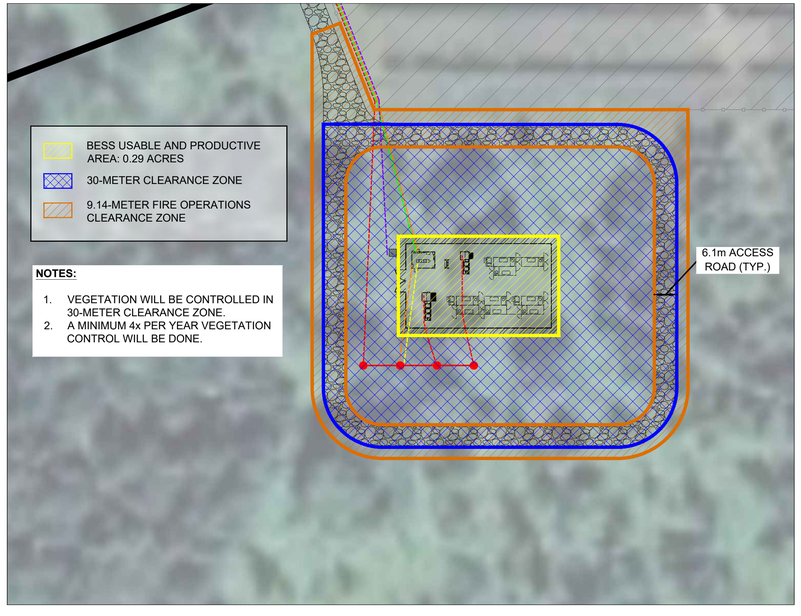
Encl. Concept Site Plan
Draft Official Plan Amendment
Draft Zoning By-law Amendment



1 E100 KEY PLAN
SCALE: 1:2100



2 E100 EQUIPMENT LAYOUT
SCALE: 1:400



3 E100 BESS AND CLEARANCE ZONES
N.T.S.

SOLARBANK

Suite 803, 505 Consumer Road,
North York M2J 4V8
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www.solarbankcorp.com

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PERMIT

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ENGINEER'S SEAL

FOR PRELIMINARY ONLY
AND NOT FOR CONSTRUCTION

REV#	DESCRIPTION	DATE	D.B.	C.B.
06	ISSUED FOR PERMIT	2024-11-28	S.Z.	H.R.
05	ISSUED FOR REVIEW	2024-11-14	S.Z.	H.R.
04	ISSUED FOR REVIEW	2024-03-04	S.Z.	M.S.
03	ISSUED FOR REVIEW	2024-02-21	S.Z.	M.S.
02	ISSUED FOR REVIEW	2024-01-16	S.Z.	S.X.
01	ISSUED FOR CONSENT APPLICATION	2023-12-21	S.Z.	S.X.
00	ISSUED FOR CIA	2023-07-28	S.Z.	S.X.

DRAWING NAME:
SITE PLAN

DRAWN BY:	CHECKED BY:
S.Z.	H.R.
SCALE: AS NOTED	DATE: 2024-11-28

PROJECT ADDRESS:
903
219 PEGGS MOUNTAIN ROAD,
ARMOUR, ONTARIO, P0A 1C0

PROJECT NO::
E-LT1-903

DRAWING NO:	REV. NO:
E-1	06

BY-LAW NO._____

A BY-LAW TO AMEND

TOWNSHIP OF ARMOUR OFFICIAL PLAN

Permitting Battery Energy Storage Systems

219 Peggs Mountain Road

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

Box 533
Burk's Falls, Ontario
P0A 1C0

OFFICIAL PLAN AMENDMENT NO. x

Passed by the Council of the Municipal Corporation of the Township of Armour

Lands Affected:	This By-law applies only to the lands within the Township of Armour municipally known as 219 Peggs Mountain Road, legally described as Part Lot 3, Concession 6.
Present Designation:	Under the Township of Armour Official Plan, the lands are designated Rural Community.
Proposed Designation:	The amendment adds a site-specific exception for the lands to clarify that a Battery Energy Storage System (“BESS”) is permitted on the lands.
Zoning By-law:	A concurrent Zoning By-law Amendment is being brought into affect to clarify Battery Energy Storage System (“BESS”) as a permitted use in the site-specific Rural (Ru) zone for the lands.
By-law Purpose:	The goal of this By-law is to amend the Township of Armour Official Plan to confirm that Battery Energy Storage Systems (“BESS’s”) are a permitted use in the Rural Community designation on the lands, as per the Provincial Planning Statement, 2024.

BY-LAW NO. _____

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

The Council Of The Corporation of The Township of Armour, in Accordance with The Planning Act, 1990 , hereby enact as follows:

1. Amendment No. XX to the Township of Armour Official Plan, is hereby adopted.

2. That this By-law shall come into effect on the date it is passed by the Council of the Municipal Corporation of the Township of Armour, subject to the provisions of the Planning Act, R.S.O. 1990.

Read a **FIRST TIME** this ___ day of _____, 2025.

Read a **SECOND TIME** this ___ day of _____, 2025.

Read a **THIRD TIME** and **FINALLY PASSED** this ___ day of _____, 2025.

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

_____

Rod Ward, Mayor

_____

Charlene Watt, Clerk

PART 1 – PREAMBLE

(i) Purpose of the Amendment

The purpose of the amendment is to clarify the Township of Armour Official Plan to confirm that Battery Energy Storage Systems ("BESS's") are a permitted use on certain lands in the Rural Community designation.

(ii) Location of the Amendment

This amendment applies to the lands within the Township of Armour municipally known as 219 Peggs Mountain Road, legally described as Part Lot 3, Concession 6.

(iii) Details of the Amendment

Text Changes

Section 2.1 (Rural Community) is amended to add the following subsection:

2.1.3(c)viii) *"A Battery Energy Storage System shall be permitted on lands at 219 Peggs Mountain Road and described as Part Lot 3 Con 6 Armour Township."*

(iv) Basis of the Amendment

The applicant proposes to develop a Battery Energy Storage System on the lands located at 219 Peggs Mountain Road.

The subject lands are designated Rural Community in the Township of Armour Official Plan. The amendment meets the intent of the Official Plan, which permits a range of uses on lands designated Rural Community, including uses for "public utility".

The Official Plan Amendment is consistent with the Provincial Planning Statement, 2024, which encourages and permits the use of lands (including Rural Lands) for Energy Storage Systems.

PART 2 – BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 - BODY OF THE AMENDMENT, consisting of the following text, constitute Amendment No. XX to the Official Plan of the Township of Armour.

DETAILS OF THE AMENDMENT

The Official Plan of the Township of Armour is hereby amended as follows:

1. **TEXT CHANGE**

   Section 2.1 (Rural Community) of the Township of Armour Official Plan, is hereby amended to add the following subsection:

   2.1.3(c)viii) *"A Battery Energy Storage System shall be permitted on lands at 219 Peggs Mountain Road and described as Part Lot 3 Con 6 Armour Township."*

ZONING BY-LAW NO._____

A BY-LAW TO AMEND

ZONING BY-LAW NO. 27-95 as amended

Permitting Battery Energy Storage System

219 Peggs Mountain Road

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

Box 533
Burk's Falls, Ontario
P0A 1C0

EXPLANATORY NOTE

To Zoning By-law No. [blank]

Passed by the Council of the Municipal Corporation of the Township of Armour

Lands Affected:	This By-law applies only to the lands within the Township of Armour municipally known as 219 Peggs Mountain Road, legally described as Part Lot 3, Concession 6.
Present Zoning:	Under Armour Township Zoning By-law No. 27-95 (as amended), the lands are zoned Rural (Ru).
Proposed Zoning:	The amendment adds a site-specific exception for the lands to clarify that a Battery Energy Storage System (“BESS”) is permitted on the lands municipality known as 219 Peggs Mountain Road, legally described as Part Lot 3, Concession 6.
Official Plan Designation:	An amendment to the Township of Armour Official Plan clarifies that a Battery Energy Storage System (“BESS”) is a permitted use on the lands subject to this By-law.
By-law Purpose:	The goal of this By-law is to update Zoning By-law No. 27-95 (as amended) to confirm that Battery Energy Storage Systems (“BESS’s”) are a permitted use on the lands subject to this By-law.

ZONING BY-LAW NO. _____

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

Being a By-law under Section 34 of the *Planning Act, R.S.O. 1990*, to amend Zoning By-law No. 27-95, as amended, of the Municipal Corporation of the Township of Armour, with respect to adding permissions for Battery Energy Storage System ("BESS") in the Rural (Ru) zone as it relates to the lands municipally known as 219 Peggs Mountain Road, legally described as Part Lot 3, Concession 6.

WHEREAS the Council of the Municipal Corporation of the Township of Armour has reviewed Zoning By-law No. 27-95, as amended, and finds it advisable to amend same;

NOW THEREFORE the Council of the Municipal Corporation of the Township of Armour enacts as follows:

1. **THAT** Section 2 (Definitions) of Zoning By-law No. 27-95, as amended, is hereby updated to add the following subsection:

   2.XX **"Battery Energy Storage System (BESS)"** means a battery storage system or facility that captures energy produced at one time for use at a later time to reduce imbalances between energy demand and energy production.

2. **THAT** Section 19 (Exceptions) of Zoning By-law No. 27-95, as amended, is hereby updated to add the following subsection:

   RU-X *"Notwithstanding any provisions to the contrary, a Battery Energy Storage System is permitted at 219 Peggs Mountain Road, described as Part Lot 3 Con 6 Armour Township."*

3. **THAT** this By-law shall come into effect on the date it is passed by the Council of the Municipal Corporation of the Township of Armour, subject to the provisions of the Planning Act, R.S.O. 1990.

Read a **FIRST TIME** this ___ day of _____, 2025.

Read a **SECOND TIME** this ___ day of _____, 2025.

Read a **THIRD TIME** and **FINALLY PASSED** this ___ day of _____, 2025.

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

_____

Rod Ward, Mayor

_____

Charlene Watt, Clerk

This is Exhibit “J” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

DEVELOPMENT APPLICATION PRE-CONSULTATION CHECKLIST

Prior to formal application, Armour Township policy requires a pre-consultation interview (no fee) with individuals intending to make development applications for the following:

- Official Plan Amendment
- Zoning By-law Amendment
- Minor Variance or Permission
- Consent to Sever land/Lots/Rights of Way
- Road / Shore Road Allowance Purchase
- Draft Plan of Subdivision / Condominium
- Final Subdivision / Condominium Approval
- Subdivision / Condominium Agreement
- Site Plan Control Agreement

The purpose of the pre-consultation interview is to implement the municipal plan review process established by the Provincial government thus incorporating a review of Provincial concerns under the provisions of the *Planning Act* at the beginning of the approvals process. This review will include Provincial concerns and the Armour Zoning By-law and Official Plan compliance review.

Applicants are strongly encouraged to take the time to have a reasonably detailed site plan or concept sketch available for review during the interview with staff and or council. This will assist all parties in clarifying proposals and identifying/narrowing issues as quickly as possible.

Pre-Consultation Interview Date: **January 11, 2024 – 10:00 am via Zoom**

Staff present: **Charlene Watt, John Theriault, Paul Schafer, Amy Tilley, Kaiyla Hoffmann, Bob Miller, Regional Fire Training Officer Gary Courtice, Fire Chief Dave McNay, Deputy Fire Chief Ken Stephenson, Fire Prevention Officer Cameron Haffner, Mayor Rod Ward**

Owner(s) present: **Dave Creasor (Not Present)**

Mailing Address: **Solar Bank, Unit 803, 505 Consumers Rd., North York, ON, Canada M2J 4V8**

Agent present: **Mila Simon, Matt McGregor, Tracy Zheng, Leo DeLoyde, Andrew, Cantin Jacques, Giguere Pascal, EVLO: Mathilde, Shiijao Xie, Daniel, Jeremie**

Contact Info.: mila.simon@solarbankcorp.com; matt.mcgregor@solarbankcorp.com; tracy.zheng@solarbankcorp.com

(Address, Email, Phone #'s, etc.) **(647) 713-7752**

Site Address: **221 Peggs Mountain Road, Conc. 6 Part Lot 3**

Assessment Roll No.: **4919 000 002 00300**

Site Frontage / Area: **90 acres**

APPLICATION TYPE (check boxes where applicable):

☒ Official Plan Amendment

☒ Zoning By-law Amendment or Holding Zone removal

☒ Consent

☐ Road / Shore Road Allowance Purchase

☒ Site Plan: Plans & Drawings

☐ Plan of Subdivision

☐ Plan of Condominium

- ☐ Standard
- ☐ Common Element
- ☐ Vacant Land

☐ Subdivision / Condominium Agreement

☐ Other (specify) _____

1. Brief description of the proposed development: **To construct a battery energy Solar storage project with a 25 year lease, known as Project 903, granted E-LT1 contract with an operational term expiring April 30, 2047.**

2. Armour Township Official Plan designation: **Rural Community**

3. Application conforms with Official Plan land use designation? Yes ☐ No ☒

   If "NO" what is the nature of the amendment needed? **OPA to recognize BESS as a permitted use. Green Energy Act rescinded.**

4. Existing Zoning: **Rural (Ru)**

Application conforms with existing zoning? Yes ☐ No ☒

If "NO" what change is proposed to the zoning? **Rezone to recognize BESS**

As a permitted land use.

5. **FEES REQUIRED**

Official Plan Amendment & Re-zoning:	**$6,000** Deposit	**$1,875 + HST** Admin. Fee
Re-zoning:	Deposit	Admin. Fee
Consent:	Deposit	**$570 + HST** Admin. Fee.
Road / Shore Allowance:	Deposit	Admin. Fee. (+ Cost of Land)
Plan of Subdivision:	Deposit	Admin. Fee.
Plan of Condominium:	Deposit	Admin. Fee
Site Plan Control Plans & Drawings:	**$7.000** Deposit	**5% of site works. Minimum: $1,875 + HST / Maximum: $6,240 + HST** Admin. Fee

Note: Fees are payable based on fee schedules in effect on the date the complete application is made. Administration fees are non-refundable and HST applied to all services provided. Please contact the appropriate organizations/agencies for all other applicable fees.

6. Additional agencies to be contacted: **Hydro One, Ministry of Environment**

Conservation & Parks, Ministry of Energy

7. Required information for a complete application: (check where applicable)

☒ Planning justification report (at application ☒) (during processing ☐)

Any proposal for development or site alteration should demonstrate that it conforms with the goals, objectives and policies of Provincial plans and the Armour Official Plan and whether it is consistent with the Provincial Policy Statement.

☐ Land Use / market needs study (at application ☐) (during processing ☐)

Any proposal for **major** commercial or residential development should address the supply of available land and future land use needs of the Township.

☒ Conceptual site plan layout (at application ☒) (during processing ☐)

Any proposal where a site plan agreement is required should include plans illustrating how the proposal will be compatible with the character of adjacent uses and the surrounding area. These plans and related descriptive details may include building

elevations, slopes, landscaping, drainage issues, effects on neighbouring properties, access issues, etc. **RESERVIOR for fire suppression. Minister of Energy recommended noise buffering, fencing, surface treatment of grounds, fire route**

BURK'S FALLS FIRE DEPT to be involved in the Site Plan process as well as the EMERGENCY RESPONSE PLAN and FIRE SUPPRESSION PLAN

☒ Storm water management plans (at application ☒) (during processing ☐)

Any **major** development or site alteration proposal should address how storm water runoff will be handled in terms of water quality and quantity, lot grading and drainage controls, and erosion and sedimentation measures. **SCHEDULE TO SITE PLAN**

☐ Minimum distance (MDS I&II) separation report (at application ☐) (during processing ☐)

Any non-agricultural use proposed within 300 metres of an active or potential livestock facility shall include a review of these facilities and calculations to determine conformity of the proposal with the MDS formulae requirements.

☐ Mineral aggregate resources (at application ☐) (during processing ☐)

Where development or site alteration is proposed on lands within or adjacent to an area of mineral aggregate resources identified in the Official Plan, it shall be demonstrated that access to the aggregate resources will not be hindered in the future, that aggregate extraction is not feasible, or that the proposed development serves a greater long term public interest than access to the aggregate deposit.

☐ Hydrogeological study & private sewage/water servicing (at application ☐) (during processing ☐)

Any development proposing private sewage disposal and private drinking water systems should provide an assessment of soil and groundwater conditions, an evaluation of the ability of the site to accommodate private services and a plan illustrating the location of the services, drainage and lot grading.

☐ Environmental contamination report (at application ☐) (during processing ☐)

Any development or site alteration on lands or adjacent to lands that were previously used for a purpose that may have caused contamination of the property should be reviewed to address the need for further environmental testing or remediation in accordance with Provincial regulations/guidelines.

☐ Traffic / parking impact study (at application ☐) (during processing ☐)

Any development or site alteration that may have a significant impact on traffic flow and safety may be required to provide an analysis of proposed parking and anticipated traffic flows.

☐ Flood plain demarcation (at application ☐) (during processing ☐) **On site plan drawing**

For any development or site alteration proposed adjacent to the regulatory flood elevation as defined in Section 2.3.3 of the Official Plan, an Ontario Land Surveyor should provide spot elevations to determine the boundaries of the Flood Plain. Where development or site alteration is proposed adjacent to the Flood Plain as estimated by another method (ie. aerial photographic analysis), an applicant may be required to obtain a Flood Plain study by a qualified hydrological engineer to determine the boundaries and location of the regulatory flood elevation.

☒ Site assessment / environmental impact study (at application ☒) (during processing ☐)

A preliminary site assessment may be required for certain types of development proposals as outlined in Official Plan Section 2.4.3(c)(iv). Such an assessment would determine whether more detailed work is warranted by a specialist. Any proposal for development or site alteration within or adjacent to any environmental constraint area including wetlands identified in the Official Plan or through a preliminary site assessment shall provide an inventory and assessment of sensitive features and functions to determine areas to be protected and any mitigation measures necessary. This assessment may include a tree or wetland preservation plan if the proposed development may have an adverse effect on wetlands or a significant tree or group of trees including a woodlot. **Ministry of Environment input and approval required (Phase 1) Impacts on air, water, wildlife, habitats, human health – includes mitigation measures**

☒ Air quality, noise and/or vibration study (at application ☒) (during processing ☐)

Any development of a sensitive land use that is located near a major facility such as a transportation corridor, industrial use, sewage treatment facility, railway or landfill operation should provide a study addressing potential air quality, noise and/or vibration issues.

☐ Land assembly documents (at application ☐) (during processing ☐)

☐ Hydro corridor land use application (at application ☐) (during processing ☐)

☐ Financial impact assessment (at application ☐) (during processing ☐)

Any major residential or commercial development should provide evidence to address the financial implications of the proposal on the provision of municipal services and utilities by the Township and the surrounding municipalities that share in the cost of providing those services, such as the Landfill / Recycling Centre.

☐ Archaeological report (at application ☐) (during processing ☐)

An archaeological assessment shall be required for any development or site alteration proposed in proximity to lands that contain known archaeological resources or areas of archaeological potential.

☐ Heritage impact analysis (at application ☐) (during processing ☐)

Any development or site alteration proposed on or adjacent to lands, structures or buildings designated under the *Ontario Heritage Act* or listed on a heritage resource inventory approved by Council shall require a heritage impact assessment.

☒ Other (specify)

1. Vegetation Management Plan - Schedule to Site Plan – buffer area from softwood, hayfield, etc.
2. Decommissioning Plan – Schedule to Site Plan
3. Building Department requires a copy of the following Hydro One Design Documentations from the BESS Fire Protection Risk and Response Assessment Standard:

3. Building Department requires a copy of the following Hydro One Design Documentations from the BESS Fire Protection Risk and Response Assessment Standard:
    - Code Review
    - Hazard Mitigation Analysis (HMA) including UL 9540 Listing, UL 9540A Test Reports, Fault Condition Assessment
    - Fire Fisk Assessment (FRA) including Community Risk Assessment and Air/Gas Dispersion Study
    - Fire Protection Design Documentation, including Passive Fire Protection Systems, Active Fire Protection Systems
    - Commissioning Plan
    - Emergency Response Plan (with Hydro One)
4. Emergency Response & Fire Suppression Plan with the Burk's Falls & District Fire Department and Township of Armour's Community Emergency Management Co-ordinator.
5. Details on emergency training schedule with local fire
6. Copy of Community Engagement Plan to address operations and potential impacts (fires, air emissions, electrolyte releases, adequate pondage for fire water, noise emissions, thermal emissions) to be shared on municipal website

NOTES

1. It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application. There may also be financial requirements arising from the application including, but not limited to, park dedications, payment of outstanding property taxes, and reimbursements for road widening or road improvements.
2. The purpose of this checklist is to identify the information required to be submitted with this development application, plus information anticipated to be required later during the processing of the application.
3. Pre-consultation does not imply or suggest any decision whatsoever on behalf of Armour Township staff or the Corporation of the Township of Armour to either support or refuse the application.
4. An application submitted without the information identified in this pre-consultation checklist may be recommended for refusal based upon insufficient information to properly evaluate the application.
5. The Township of Armour considers the application forms and all supporting materials, including studies and drawings, filed with any application to be public information and to form part of the public record.

This is Exhibit “K” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Planning Justification Report

Battery Energy Storage System Facility
219 Peggs Mountain Road - Armour Township



October 3, 2024

Solar Flow-Through Funds

SolarBank Corporation

Leo DeLoyde, MCIP, RPP

SOLAR
FLOW-THROUGH FUNDS

DeLoyde
Development Solutions

SOLARBANK

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1 Introduction

DeLoyde Development Solutions has been retained by SolarBank to provide professional planning services in connection with the proposed Battery Energy Storage System (BESS) operation west of Peggs Mountain Rd in Armour Township.

2 Purpose of Report

To provide justification for the proposed amendments to the Township of Armour's Official Plan and Zoning By-law 23-2010 as amended for the proposed Battery Energy Storage System (BESS) on the Creasor lands legally described as Part Lot 3 Con 6 fronting onto Peggs Mountain Road in Armour Township. This report also sets out the various land use, technical and policy considerations underlying our recommendation to approve the proposed BESS in accordance with the Planning Act and Township of Armour's requirements.

3 Site Description and Context

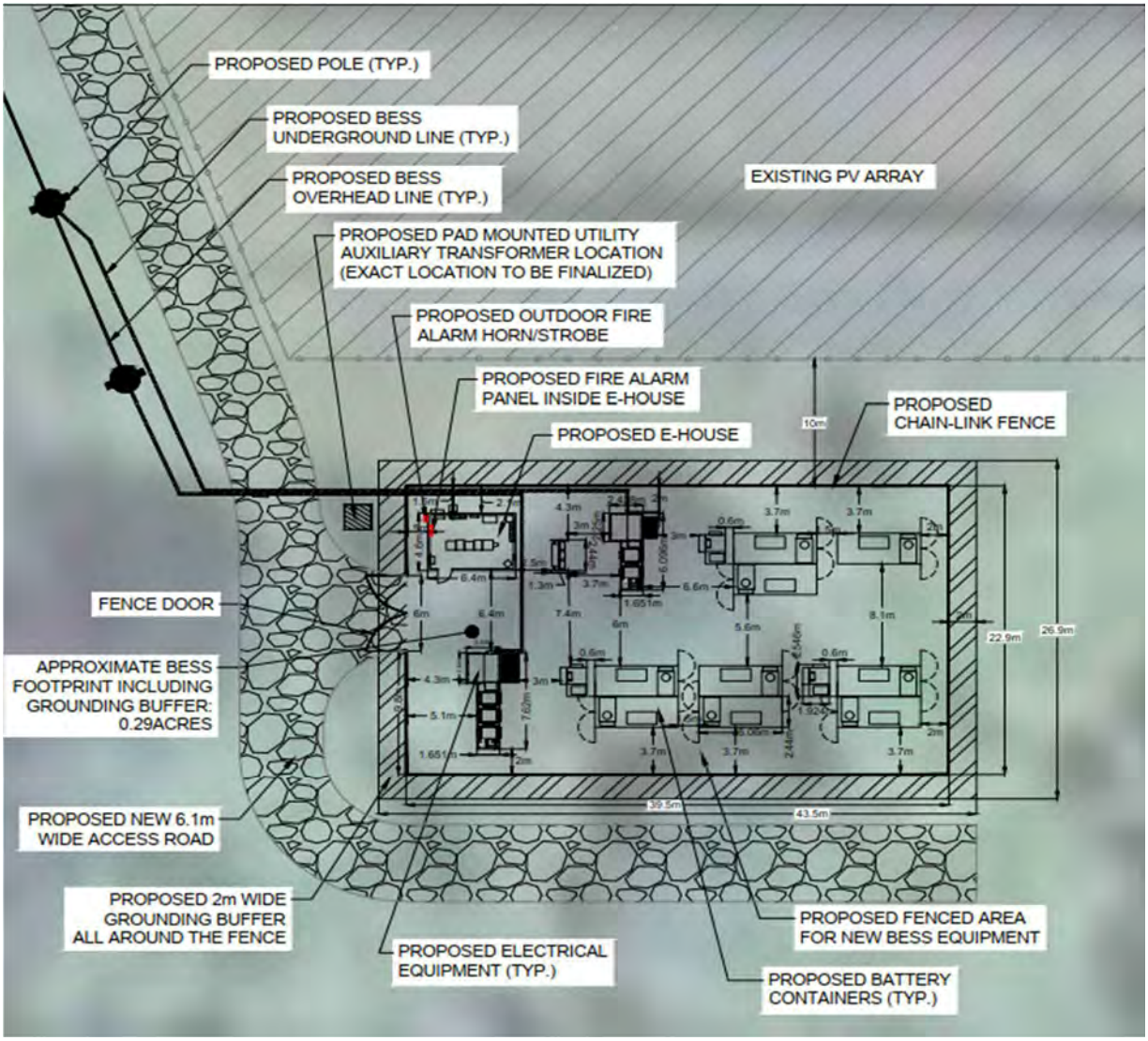
3.1 Location of Property and Proposed Site Plan

The Creasor property currently has 68 m of frontage on Peggs Mountain Road and currently has a land area of approximately 32.37 hectares. See Figure 1 below.

Figure 1 – Property Location



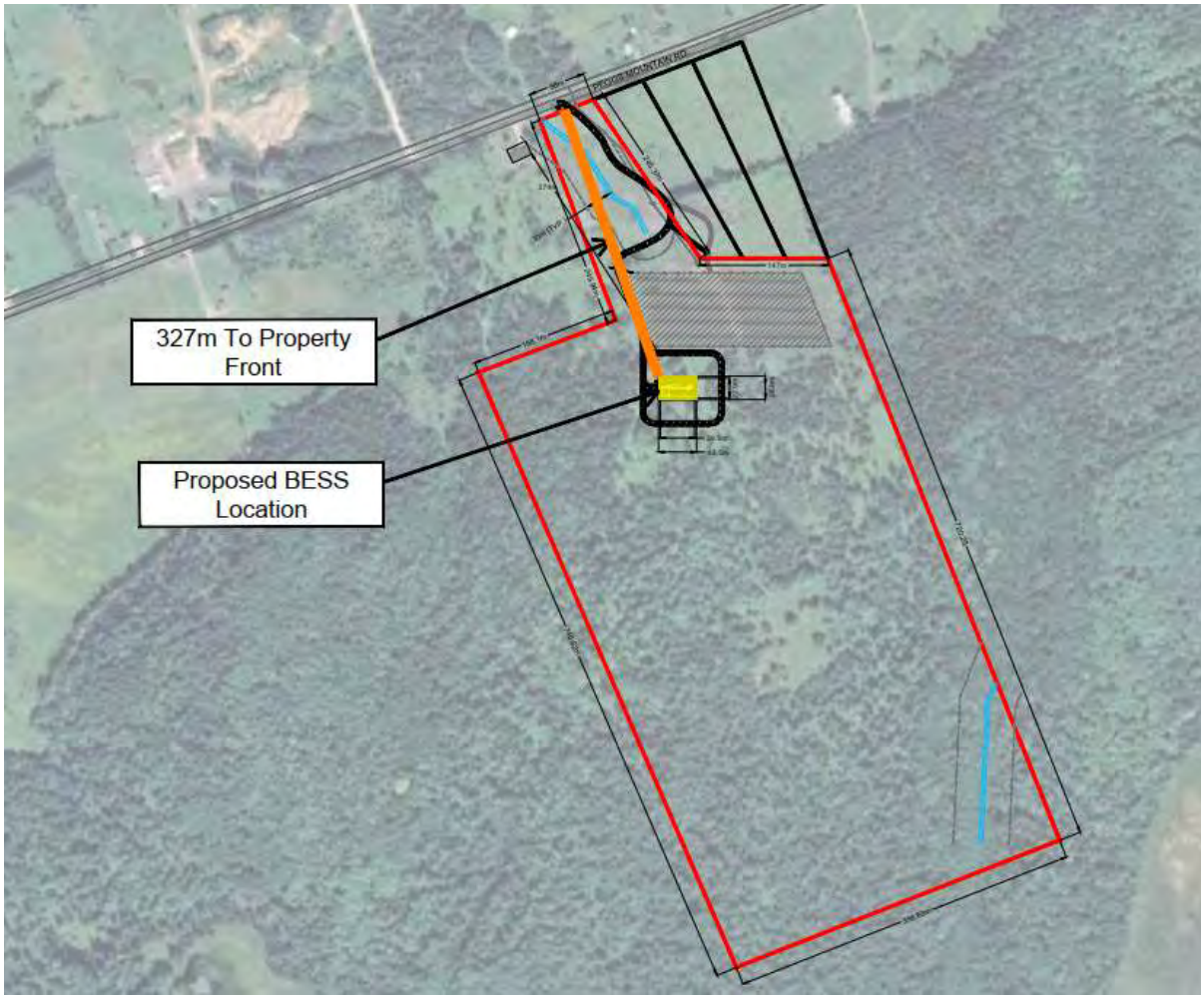
Figure 2 Proposed BESS Site Plan



3.2 Property Boundary and Site Characteristics

The subject lands contain an existing solar array, a gravel access road, and a power line connection to the grid on Peggs Mountain Road. The site slopes downward toward Peggs Mountain Road to the north. There is no significant tree cover on the subject lands. The existing solar array is virtually invisible from either Highway 11 or Peggs Mountain Road during summer conditions. The applicant will lease the BESS site from the landowner until April 2047. See Figure 3 below for the existing property boundary.

Figure 3 – Property Boundary



3.3 Site Context and Surrounding Land Uses

The surrounding area is characterized as a rural area.

West: Rural residential single-family house on Pegg's Mountain Road.

N**orth**: Industrial and aggregate processing operations. One single family rural residential fronting on Pegg's Mountain to the northeast.

Note: The landowner is applying for future rural residential lots fronting onto Peggs Mountain Road north of the proposed BESS. See Figure 3 for the approximate location of the potential future lots being considered by the landowner.

East: A farm and rural residential properties fronting onto Peggs Mountain Road and Ferguson Road.

South: Solar energy array on site and vacant, wooded rural lands. See photo below.



Existing Solar Array to the Immediate North of Proposed BESS

3.5 Road Access and Utilities

The proposed BESS facility location is easily accessible from Hwy 11 exit 357 and Peggs Mountain Road. Area roads are maintained on a year-round basis. An existing gravel laneway that is used for the adjoining solar array is planned to be extended and split off to connect to the proposed BESS site to Pegg's Mountain Road as shown in Figure 3. The landowner may propose an alternate driveway access subject to the approval of Armour Public Works staff. An existing electrical line and related communications services connect the proposed BESS and solar array to Ontario's public power grid.

4 Project Description

4.1 Battery Energy Storage System (BESS) Proposal

The applicant proposes to co-locate a 4.99 megawatt BESS operation with an existing solar array on the land shown on Figure 2. Ontario's electrical distribution regulator, IESO approved the subject Pegg's Mountain property for expedited approval as set out in Appendix 1. The proponent will be submitting an information package on BESS systems as part of the application submission.

4.2 Future Consent Application for a Lease to April 2047

Following approval of the Official Plan Amendment and Rezoning applications, the applicant will reactivate an application to the Southeast Parry Sound District Planning Board for a consent under Section 51 of the Planning Act, if required, to allow the proponent to lease the proposed BESS site shown in Figure 3.

4.3 Site Plan and Building Permit Applications

Following approval of the Official Plan Amendment and Rezoning applications, the proponent will submit a Site Plan approval application to the Township of Armour. The future site plan application will be virtually identical to the plans discussed in this Planning Justification Report. The site plan is based on the recommendations of the supporting technical studies including a, a noise impact study, and a Phase 1 Environmental Site Assessment. A future application for a building permit will be made following the approval of the planning applications.

4.4 Armour Council Consideration of BESS in November 2022

Armour Council considered and lent its support for the establishment of a BESS plant on the subject lands on November 8, 2022, as set out in Appendix 2. Armour Township Council's resolution of support was very helpful in securing IESO approval to proceed with the proposed BESS operation. See IESO letter in Appendix 1.

5 Preconsultation and Supporting Studies

5.1 Preconsultation and Studies

The proponent met with Township staff and the CAO in late 2022. On November 17, 2022, the proponent met with Township of Armour Council to present the BESS proposal. Council received the proponent's BESS presentation and granted a Municipal Support Resolution set out in Appendix 1.

On September 27, 2023, DeLoyde Development Solutions (DDS) met with the proponent, senior Township staff and the Township planner to discuss zoning matters and studies and plans that have been completed. DDS was tasked with reviewing the proposal and to identify the next steps needed to allow the BESS operation to proceed to development.

A preconsultation meeting was held on January 11, 2024, between Armour Township staff, SolarBank technical experts, and the Township Planner. A list of requirements was confirmed for the Official Plan Amendment and Rezoning applications deemed necessary by the Township. A further meeting was held with DDS, SolarBank, and Armour Township staff on June 13, 2024 to discuss the applications.

The following provides a summary of the accompanying studies and information that DDS has considered and relied upon in developing this planning justification report.

5.2 Natural Heritage

The subject lands slope to the northward toward Peggs Mountain Road. Some moderate regrading will be needed to level the BESS site to accommodate the BESS operation. No other grading changes to the subject lands are proposed. No identified natural heritage or wildlife habitat features will be impacted by the development of the proposed BESS plant.

5.3 Hydrogeology, Well Water and Septic System

No well or septic systems are required to support the BESS operation.

5.4 Stormwater Management

A natural approach to drainage runoff will be confirmed at site plan approval with draft stormwater management plan to be submitted with Official Plan Amendment and Zoning Bylaw Amendment Applications.

5.5 Geotechnical Report

The BESS site will be regraded to accommodate the BESS facility. A geotechnical study was completed for the initial BESS location and scheduling is underway to complete Geotech on the new proposed location, however given the proximity of the two locations, no changes are expected. The Geotech study will be finalized and submitted with the site plan approval application.

5.6 Archaeological Assessment

Not required.

5.7 Traffic Impact

No traffic impacts are expected given that the proposed facility is highly automated and requires regular visits from technical operations personnel.

5.8 Environmental Site Assessment

A Phase 1 Environmental Site Assessment ESA has been completed by EXP in support of the of the BESS as a continued industrial use on the site. EXP considered both the details of the proposed BESS facility and the history of the subject land which contains no structures other than the adjoining solar farm. In the EXP report dated January 23, 2024, EXP concluded that “Given there is no change in land use, no Record of Site Condition (RSC) will be required the site as set out in Ontario Regulation 153/04 as amended”.

5.9 Noise Impact Study

A noise impact study was prepared by EXP dated March 4, 2024, and updated with the new location on October 25, 2024. EXP concluded, in both cases, that any noise generated by ventilation fans and related equipment will be dissipated given the large separation distances between existing and future proposed rural residential properties and the proposed BESS even during quiet nighttime conditions. EXP concluded that the proposed BESS equipment will operate within Provincial noise emission standards.

5.10 Legal Description and Survey

The subject lands are identified as Part Lot 3 Concession 6 Armour Township. An updated municipal address of 219 Peggs Mountain Road was assigned by the Township. An updated survey will be provided at the time of submission of the site plan approval and consent applications to document the precise location of the approved lease area.

5.11 Title

The subject lands are owned by Mr. David Joseph Creasor. The project owner, Solar Flow Through Funds’ SPV, has entered into a lease agreement with the property owner until April 2047 to install a BESS per the site plan.

5.12 Soils

The subject lands are not situated atop significant aggregate resources. The soils on the subject lands are suitable for the proposed BESS use.

5.13 Utilities

The proposed BESS plant will share the existing electrical transmission line connection to Ontario's public electrical grid with the adjoining solar farm.
See photo below.



Existing Electrical Poles Looking North Toward Peggs Mountain Road

6 Planning Considerations

6.1 Land Use Compatibility

The proposed BESS facility is situated in a rural location, adjoining an existing solar farm. We are of the opinion that the proposed BESS operation is compatible with surrounding land uses including future houses being contemplated by the landowner fronting onto Peggs Mountain Road north of the BESS.

6.2 Natural Heritage Considerations

The subject lands do not contain any identified natural heritage features or special habitat features. The proposed BESS operation is therefore acceptable from an environmental policy point of view. A Geotechnical Field Study of the new location is underway, a Phase One Environmental Site Assessment (ESA), and a Noise Study have been completed to support the BESS from an environmental standpoint. All studies confirm that the proposed BESS location is suitable for a BESS.

6.3 Traffic Considerations

The proposed BESS plant is a very low intensity land use that is easily accessible from Pegg's Mountain Road that connects to Ferguson Road and the Hwy. 11 interchange exit 257. No traffic concerns have been identified or expected given the automated nature of the BESS.

6.4 Servicing and Stormwater Management

The proposed development will be a classic dry operation and will not require water or private sanitary disposal systems. Stormwater generated on site will be conveyed naturally overland. Electrical utility lines associated with the adjoining solar array are readily available to connect the proposed BESS to the electrical grid.

6.5 IESO Requirement for a 25 Year Lease to April 30, 2047

Pursuant to the IESO letter in Appendix 1, the IESO approval requires an operational commitment of the BESS of 25 years. Following the approval of the Official Plan and Zoning Amendments, the owner will activate a consent application, if required, to the Southeast Parry Sound Planning Board to allow the proponent to lease the subject lands for a total of 25 years under Section 51 of the Planning Act. Section 51 allows people and businesses to apply for a municipal consent to lease lands for more than 21 years. Alternatively, best practices suggest that Township site plan approval may be sufficient to allow the required 25-year BESS lease without need for a consent application. This alternative approach will be discussed with Township staff and their legal counsel. Time is of the essence – the BESS plant must secure Armour Township approvals for the site plan, building permit, and a 25-year lease consent. The proponent intends to proceed with the BESS development as soon as possible in 2024.

6.6 Site Plan and Building Permit Approvals

Development of the proposed BESS operation requires timely site plan approval and building permit issuance following approval of the Official Plan and Zoning amendments. To help ensure an expedited site plan approval, the proponent has prepared two supportive

studies: a Phase One Environmental Site Assessment (ESA), and a Noise Study. A geotechnical study revision is currently underway as well. Emergency Response Plan & Hazard Mitigation Plan are also prepared by third party fire experts, Fire & Risk Alliance.

7 Planning Policy Framework and Analysis

The following sections outline the applicable planning policy regime and evaluation of the proposed development in the context of Armour Township's planning policies. The subject lands are designated "Rural Community" under the Armour Township's Official Plan.

7.1 Provincial Planning Statement - Section 3.8 Energy Supply

The new Ontario Provincial Planning Statement (PPS) which comes into effect on October 20, 2024, specifically encourages energy storage systems.

PPS Energy Supply Section 3.8.1 reads: "Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, *energy storage systems*, district energy, renewable energy systems and alternative energy systems, to accommodate current and projected needs."

The proposed BESS plant is entirely consistent with and supported by the Province of Ontario's energy planning policy statement.

7.2 Township of Armour Official Plan

The subject lands are predominantly designated "Rural Community" according to Schedule "A" of the Township of Armour Official Plan (OP) office consolidation dated March 26, 2021, as amended.
The main pillars underlying the Armour Township OP are to:

- ✓ protect the natural environment
- ✓ maintain the rural character
- ✓ promote new business and jobs

A main goal in Part I of OP Section 1.3 (c) is *"To guide the Township toward its fullest economic potential by striving to obtain a wider commercial/industrial assessment base and to increase employment opportunities while ensuring a high level of environmental and servicing standards while ensuring that new development or redevelopment is compatible with and appropriately separated from surrounding uses;"*
The proposed BESS operation represents a contemporary green energy supportive land use in a relatively isolated location that is compatible with surrounding land uses.

Part II Section 2.1.1 of the OP permits small scale, low water use industrial operations like the proposed BESS plant in the rural community.

Objective 2.1.2 (i) To promote the use of alternative/renewable energy systems such as wind turbines, solar panels, bio-diesel, ethanol and wood hot water heating systems. The proposed BESS plant will form part of a broader green energy system that ties into Ontario's electrical grid and forestalls the date on which new power plants need to be constructed.

I (d) Commercial/Industrial Redevelopment Corridors page 16" New or redeveloped commercial/industrial uses shall be subject to zoning by-law amendments *and/or* site plan agreements under Section 41 of the Planning Act.

3.5 UTILITY CORRIDORS Major transmission corridors of Hydro One and TransCanada Pipelines are not given specific land use designations on Schedule "A" Land Use Plan. Any new development which is proposed in the vicinity of Hydro One facilities shall be designed in consultation with Hydro One. In general, any structural development proposed near the right- of-way of TransCanada Pipelines shall be set back at least 10 metres from the lands containing the pipeline right-of-way and all such development shall be subject to the detailed development guidelines ("Urban Development Adjacent to Pipeline Facilities") provided by TransCanada Pipelines Limited.

3.9 PUBLIC USES Uses such as public parks and similar recreational facilities, and the installation of *facilities essential to the operation of a public utility*, with the exception of landfill and/or waste disposal sites, shall be permitted within the Rural and Waterfront Communities of this Plan, provided that such uses will be compatible with surrounding uses.

4.4 ENERGY CONSERVATION AND CLIMATE CHANGE 4.4.1 INTRODUCTION Page 59 It is the intent of this Plan to promote energy conservation in all areas of the Township of Armour. Accordingly, development which minimizes energy consumption and emphasizes the use of renewable energy sources will be encouraged to the extent practicable and feasible. This Plan recognizes the need for climate change mitigation and adaptation, which is of particular importance in the north. Average temperatures are rising more quickly in the north than in the rest of Ontario. It threatens the region's biodiversity, increases the risk of storms and wildland fires and shortens the recreation season for businesses who depend on safe ice and deep snow cover.

4.4.2 ENERGY POLICIES To promote energy efficiency in the growth and management of the Township, Council will endeavour to achieve the following: (i) Reduce energy consumption and dependency on non- renewable energy sources, particularly in all Township-owned and operated facilities and equipment; (ii) Encourage the use of wind energy, solar panels and the production of crops for biodiesel and ethanol fuels; (iii) Co-operate with the appropriate public and private agencies to inform the public of recycling plans and fossil fuel alternatives; (iv) Require, where practicable, the use of topography and landscaping in the design of residential, commercial and industrial developments and the siting of buildings for proper sun and wind orientation. In reviewing new development applications under the Planning Act, climate change mitigation shall be considered through: (i) Designing to reduce greenhouse emissions; (ii) Designing to improve air quality; (iii) Designing for compact development; and (iv) Designing for energy conservation including renewable energy systems.

4.6 RURAL DESIGN PRINCIPLES The natural environmental is the dominant landscape feature in the Rural Community area of Armour Township. It shall therefore be the policy of Council to ensure, wherever possible, that trees and other existing landscape amenities are preserved and enhanced. This shall be a major factor in the review of all development proposals. The following design principles should be implemented for development in the Rural Community as is appropriate for the use proposed: (a) Built form should not dominate the natural landscape and its visual impact should be minimized; (b) Rock faces, vistas and panoramas should be preserved.

(e) Buildings and structures should fit into the natural landscape, be low profile and should not exceed the height of the tree canopy. The proposed BESS units will be approximately 3 m tall. Units will be clustered to minimize the BESS footprint. The proposed BESS will be low profile and screened to ensure it fits in the natural landscape as required under official plan policy 4.6(e).

7.3 Armour Township's Tree Canopy and Natural Vegetation Policy

Armour Township By-Law #17-2019 adopted a Tree Canopy and Natural Vegetation Policy. Since the BESS site is situated in an open field and contains no trees, the proposed BESS complies with the Township's tree canopy and natural vegetation policy. An existing hedgerow lies to the immediate north of the proposed BESS. Additional landscape screening will be proposed in the site plan application to ensure that the BESS operation

will be virtually invisible to the passers-by on Pegg Mountain Road and Highway 11.

7.4 Conclusion and Recommended Official Plan Policy Amendment

The proposed BESS will provide an attractive design on a compact footprint as shown on the cover page and will be screened from view by an existing hedgerow, the solar array, and possibly other proposed vegetation and screening methods if required at the site plan approval stage. The proposed Official Plan Amendment will permit the development of a BESS as part of the Township's electrical distribution system.

In summary, we are of the opinion that the proposed Official Plan Amendment to permit a BESS operation is consistent with good planning and with the land use, energy, design, and environmental policies in the Township or Amour's Official Plan.

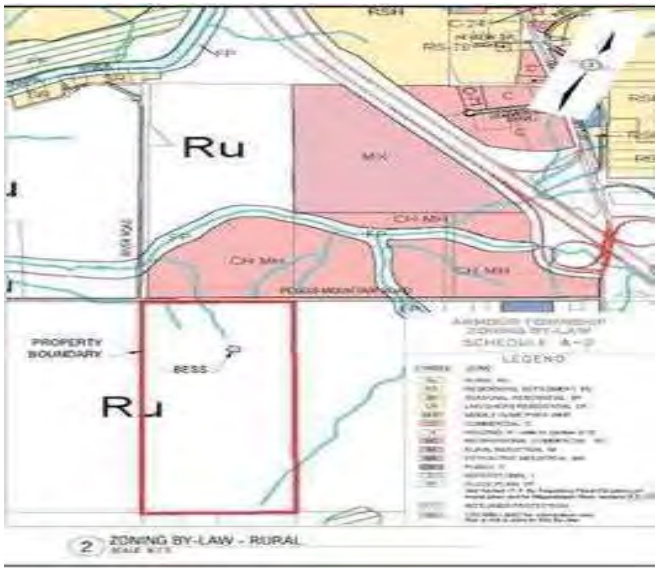
7.5 Recommended Official Plan Policy Amendment

That the Rural Community Policies of the Township of Armour Official Plan be amended to permit a BESS on the Creasor lands at 219 Peggs Mountain Road and described as Part Lot 3 Con 6 Armour Township.

8 Township of Armour Comprehensive Zoning By-law

The subject lands are vacant and are currently zoned "RU" Rural under Armour Township By-law No. 23-2010 as amended per Office Consolidation dated April 21, 2023. Existing Zoning of the subject lands is shown in the red outline below.

Existing Zoning



8.1 Zoning By-law 23-2010 Context

The following definitions are helpful in determining whether the proposed BESS plant is permitted under the Township of Armour Zoning By-law.

2.4 "**Accessory Use"** means a use naturally and normally incidental to, subordinate to or exclusively devoted to a principal use and located on the same lot therewith.

2.135 **"Non-Effluent Producing Industry or Factory"** means an industry or factory that does not utilize process water and which does not produce waste waters as part of the industrial process.

2.151 "**Public"** when used in reference to a building, structure, use or lot, means a building, structure, use, or lot used by a public agency to provide a service to the public.

2.152 "**Public Agency"** means (a) the Government of Canada, the Government of Ontario or any municipal corporation; (b) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation; (c) any public utility; or (d) any railway company authorized under The Railway Act, as amended from time to time, or any successors thereto.

2.153 "**Public Utility"** means (a) any agency, corporation, board, or commission providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewerage or waste collection and disposal services to the public; or (b) a use pertaining to any such agency, corporation, board, or commission.

SECTION 5: GENERAL PROVISIONS APPLICABLE IN ALL ZONES

5.1 "**Accessory Uses and Buildings"** Accessory uses and buildings (excluding accessory dwelling units) may be permitted in conjunction with the principal use of a lot subject to the following provisions: (a) Shall not be utilized as a dwelling or for any gainful occupation except as may otherwise be permitted in this By-law. (b) Shall not be located in any required front yard or exterior side yard except as may otherwise be permitted in this By-law. (c) Shall not exceed 15 percent lot coverage. (d) Shall not exceed 7.5 metres (25 feet) in height. (e) Shall not be located within 1 meter (3 feet) of any rear lot line or interior side lot line except in the case of any waterfront lot where they shall not be located within 7.5m (25 feet) of any rear lot line. (38/2011) (f).

5.23 "**Public Uses"** (a) Public Services The provisions of this By-law shall not apply to the use of any lot or to the erection or use of any building or structure for purposes of the public services by the Corporation or by any local board of the Corporation as defined by The Municipal Act, any telephone or telegraph company, any natural gas distribution system operated by the Corporation or on its behalf by a

company distributing gas to the residents of the Corporation and possessing all the necessary powers, rights, licenses and franchise, any department of the Government of Ontario, including Hydro One, any use permitted under The Railway Act or any other Statute of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities provided that where such lot, building or structure is located in any zone:- (i) no goods, material or equipment shall be stored in the open, except as permitted in such zone; (ii) any Zone Provisions of the zone within which the use is located shall be complied with except as otherwise provided in paragraph (b); (iii) any above ground non-recreational use carried on under the authority of this paragraph in a Residential Zone shall be enclosed in a building designed, located and maintained in general harmony with Residential buildings of the type permitted in such zone.

SECTION 6: RURAL Ru ZONE 6.1 "Permitted Uses" a) Agricultural uses, including all livestock uses, aerodromes, commercial greenhouses, farm greenhouses, home professions, bed and breakfast businesses, home occupations and home industries including small sawmills; b) One single detached dwelling in conjunction with and on the same lot as an agricultural operation; (28/2017) c) One single detached dwelling (new or existing) on one non-agricultural lot; home occupations, home professions, and bed and breakfast businesses; d) (i) Institutional uses, buildings and structures; religious retreats, hunting lodges, private clubs, seasonal camp uses, buildings and structures; and public parks as existing on the date of passing of this by-law; (37/2011).

8.2 Analysis of Zoning By-law 23-2010

The RU zoning that applies to the subject lands in Section 6.1 of the Zoning By-law does not specifically permit the proposed BESS operation, therefore it has been determined by the Township that an amendment to By-law 23-2010 is required.

The adjoining solar farm operation was permitted in 2019 under the then-in-effect Green Energy Act provisions. The solar farm is permitted as an existing land use pursuant to the Existing Use clause in By-law 23-2010. The proposed BESS operation will operate in conjunction with the existing permitted solar farm operation and will share a driveway and electrical transmission line connecting to the Township’s electrical grid.

The BESS will support the operation of the local and Ontario’s public electrical system.

We conclude that the proposed BESS is an acceptable land use that is well separated from existing rural residential uses and the owner’s proposed lots.

The Zoning By-law also requires that municipal a site plan approval be obtained under Section 41 of the Planning Act, and that a development agreement be entered into with the municipality. The proponent is fully prepared to apply for site plan approval and enter into a development agreement with the Township of Armour.

8.3 Recommended Zoning Amendment

That Township of Armour Zoning By-law 23-2010 be amended as follows:

That notwithstanding any provisions to the contrary, a Battery Energy Storage System be permitted on *the Creasor lands at 219 Pegg's Mountain Road and described as Part Lot 3 Con 6 Armour Township.*

9 Conclusion and Recommendation

The proposed BESS plant will strengthen both the local and provincial electrical distribution systems. The Energy policy in the new Provincial Planning Statement clearly promotes and permits a BESS operation.

The proponent's expert team has verified that the proposed BESS plant will be developed in a manner that protects the area's water resources and natural environment. The proposed low-profile operation will be screened by the solar array and thus will not be visible from Peggs Mountain Road. Additional landscape screening may be proposed in the site plan application. The BESS will be dark sky compliant.

The BESS plant will be situated on a relatively small, portion of the existing lot known as Part Lot 3 Con 6 Armour Township under a lease arrangement with the landowner, expiring on April 30, 2047.

The subject lands will remain part of the current larger rural land holding that contains an existing, permitted solar farm. A sap house is located south of the solar farm, on the site of the former Bently family barn. SolarBank is not proposing to create a new, permanent, separate lot for the BESS. Ultimately, the BESS will be removed.

The proposed BESS and zoning regulations will not impinge on the landowner's desire to make application to create additional lots on the subject lands, north of the solar array. A 150 m BESS setback from Pegg's Mountain Road is being proposed in the Zoning By-law Amendment to ensure sufficient separation distance between existing and future rural residential lots.

We are of the opinion that the proposed BESS plant operation represents good land use planning, is in the public interest, and is fully complaint with the new Provincial Planning Statement energy planning policies.

The BESS will benefit Armour Township citizens, farms, and businesses by enhancing the resiliency and reliability of the local electrical power distribution grid.

We respectfully recommend that The Township approve SolarBank's Official Plan and Zoning Amendment applications as set out in Sections 7.5 and 8.3 of this report. Proposed Official Plan policy changes set out in Section Armour Township Zoning By-law No. 23-2010 as amended that will enable the BESS to proceed to site plan and building permit approval.



Leo DeLoyde, BES MES MCIP, RPP
DeLoyde Development Solutions (705) 498-9229

Appendix 1 - IESO Awarded Contract

November 24, 2023

Mr. John Theriault,
Clerk Treasurer
Administrator
Township of Armour
56 Ontario Street, Box 533 Burk's Falls, Ontario P0A 1C0

Dear Mr. Theriault,

Re: Confirmation of 1000234763 Ontario Inc. (the "Supplier") Awarded Contract under the Expedited Long-Term Request for Proposal ("ELT-1 RFP")

The IESO is writing to confirm that the Supplier has been awarded a contract under the E-LT1 RFP process. The ELT RFP, launched in 2022, was designed to competitively secure new capacity through targeted and streamlined processes aimed at bringing critical resources into service before 2027.

The E-LT1 RFP was successful in acquiring more than 1,100 MW of new capacity to address Ontario's energy system needs in both the near and long term. Notably this included the procurement of 880 MW of capacity from electricity storage facilities, including the 903 Battery Energy Storage System ("BESS") located in the Township of Armour.

After years of stable supply, Ontario is entering a period of need with demand expected to increase by 2 per cent per year over the next twenty years due to electrification, decarbonization and economic growth. The IESO is helping to drive an orderly and co-ordinated transition to a zero-emission power system and a decarbonized economy. This includes procuring non-emitting supply, expanding energy efficiency programs, and identifying transmission needs required to build out a system two to three times the size it is today.

Energy storage is well positioned to help support Ontario's energy system needs, providing a reliable and flexible form of electricity supply that can underpin the energy transformation of the future. Storage is unique among electricity types in that it can act as a form of both supply and demand, drawing energy from the grid during off-peak hours when demand is low and injecting that energy back into the grid when it is needed most.

The IESO is committed to a transparent and cooperative process to ensure the continued progress of Ontario energy goals and looks forward to working with your local BESS operator for successful completion of its project.

Yours truly,

DocuSigned by:
Michael Lyle
598C10058D81446...

Michael Lyle
VP General Counsel and Chief Reliability Compliance Officer

Appendix 2 - Township of Armour BESS Support Resolution

EXHIBIT A

FORM OF MUNICIPAL SUPPORT RESOLUTION

Resolution NO: Date: November 8, 2022

WHEREAS:

The Proponent is proposing to construct and operate a Long-Term Reliability Project, with the characteristics outlined in the table below, under the E-LTI RFP.

Name of the Long-Term Reliability Project:	*903*
Proponent:	*1000234763 Ontario Inc.*
Technology of the Long-Term Reliability Project:	Utility-grid connected battery energy storage systems (BESS)
Maximum Contract Capacity of the Long-Term Reliability Project (in MW):	4.99MW/19.96MWh battery energy storage system
Legal description of the portion of the Project Site that is located on lands subject to the authority of one or more Municipalities:	LT 3 CON 6 ARMOUR; ARMOUR

1. Pursuant to the E-LTI RFP, Proposals that receive the formal support of the local jurisdictional authorities of all the project communities in which the Long-Term Reliability Project is located in the form of a support resolution will be awarded Rated Criteria points for the purpose of ranking the Proposal in relation to other Proposals for a contract under the E-LTI RFP;
2. Pursuant to the E-LTI RFP, Proposals that did not receive the formal support of the local jurisdictional authorities of all the project communities

in which the Long-Term Reliability Project is located in the form of a support resolution may be required under the E-LTI Contract to be awarded pursuant to the E-LTI RFP to submit such support resolution for compliance with its obligations; and

NOW THEREFORE BE IT RESOLVED THAT:

The council of Armour supports the development, construction, and operation of the Long-Term Reliability Project on the Municipal ands.

This resolution's sole purpose is to enable the Proponent to receive Rated Criteria points under E-LTI RFP or to satisfy its obligations under any awarded E-LTI Contract and may not be used for the purpose of any other form of approval in relation to the Proposal or Long-Term Reliability Project or for any other purpose. Rated Criteria points will be used to rank the Proponent's Proposal in relation to other Proposals received by the IESO under the E-LTI RFP.

Though this resolution may impact the rank of the Proponent's Proposal in relation to other Proposals received by theIESO, it does not guarantee a contract will be offered to the Proponent under the E-LTI RFP.

DULY RESOLVED BY THE LOCAL MUNICIPALITY

on the 8th day of November 2022

Moved by: Councillor Jerry Brandt Seconded by: Councillor Rod Ward

Motion is carried

Robert MacPhail, Mayor

This is Exhibit “L” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

RECEIVED
SEPTEMBER 8, 2025
TOWNSHIP OF ARMOUR

TULLOCH

Planners | Surveyors | Biologists | Engineers

September 5, 2025

Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario
P0A 1C0

> **Subject: Peer Review of the Supplementary Planning Justification Report prepared by Zelinka Priamo Ltd. for the proposed BESS Facility at 219 Peggs Mountain Road, Armour Township.**
>
> **Attn: Charlene Watt, Municipal Clerk**

Dear Charlene Watt,

TULLOCH Engineering ("TULLOCH") has been retained to conduct a peer review of the Planning Justification Report submitted by SolarBank (the "Applicant") as part of a complete application package for an Official Plan Amendment and Zoning By-law Amendment. The proposed amendments have been submitted to permit the development of a Battery Energy Storage System ("BESS") facility located at 219 Peggs Mountain Road, in the Township of Armour (the "Subject Property"). An initial review was issued by TULLOCH to the Township on May 15, 2025.

The original Planning Justification Report, which was subject to the initial peer review, was prepared on October 3, 2024, by Leo DeLoyde, MCIP, RPP, Principal of DeLoyde Development Solutions. Since that time, a supplementary Planning Justification Report, along with responses to the peer review comments, has been submitted by Rob MacFarlane, MPL, MCIP, RPP, Senior Associate at Zelinka Priamo Ltd. TULLOCH is in receipt of the following documents:

- Supplementary Planning Justification Report prepared by Zelinka Priamo Ltd., dated July 23, 2025
- Peer Review Comment Response V2 prepared by Zelinka Priamo Ltd., dated July 24, 2025

The purpose of this letter is to review the supplementary Planning Justification Report and accompanying responses, and to advise whether TULLOCH's original peer review comments have been adequately addressed. The purpose of this review is not to dispute the professional opinion of the report's author, but to identify any potential gaps in the report and request clarification where necessary.

REVIEW COMMENTS

This section provides TULLOCH's original comments in response to the Planning Justification Report prepared by Leo DeLoyde on October 3, 2024, followed by the response from Zelinka Priamo Ltd., and an updated comment from TULLOCH indicating whether each matter has been addressed.

TULLOCH: In **Section 3.2** of DeLoyde's report, which provides Property Boundary and Site Characteristics, it is stated that:

> *"There is no significant tree cover on the subject lands."*
>
> RECOMMENDATION: That the author clarify the meaning of "significant tree cover" and explain the basis for concluding that no such cover exists on the subject lands.

Zelinka Priamo Ltd. Response: See Supplementary Planning Justification Report, which includes additional commentary regarding tree cover. See also Environmental Impact Study prepared by SLR Consulting.

TULLOCH Update: The Supplementary Planning Justification Report comments on tree cover, specifically in the context of wildland fire hazard. Referencing the Environmental Impact Statement (EIS) in the response above is appropriate. This comment can be considered addressed.

TULLOCH: In **Section 3.2,** the author also states that:

> *"The existing solar array is virtually invisible from either Highway 11 or Peggs Mountain Road during summer conditions."*
>
> RECOMMENDATION: That the author clarify whether the existing solar array, and by extension, the remainder of the proposed development site is visible from Highway 11 or Peggs Mountain Road during the winter months. It appears, based on Google Maps Street View, that the trees screening the site from Peggs Mountain Road are primarily deciduous. This information is important for assessing land use compatibility.

Zelinka Priamo Ltd. Response: Matters of land use compatibility, as defined by the Provincial Planning Statement, do not extend to sightlines. It is not a pre-requisite of development, nor an appropriate review criteria, for the proposed form of development to be entirely screened from public view. Rather, the Armour Official Plan permits and encourages industrial uses on Rural Community lands, and there is no policy that would require visual evaluation related to such uses. The peer-review comment is therefore unclear as to why visibility from the public road is important information to determine land use compatibility.

Nevertheless, the comment in the PJR regarding the location of the proposed facility is demonstration of the efforts of the proponent to locate the proposed BESS facility in an area that

will have minimal view from public areas, and is setback approximately 300m from the public street.

TULLOCH Update: This comment can be considered addressed.

TULLOCH: Section 5 of the report speaks to Pre-consultation and Supporting Studies. In **Section 5.2**, the author states that:

> *"No identified natural heritage or wildlife habitat features will be impacted by the development of the proposed BESS plant."*
>
> RECOMMENDATION: That further clarification be provided to understand how the author arrived at the above conclusion. We note that an Environmental Impact Assessment (EIS) was required through pre-consultation and would be the appropriate means to support such conclusion.

Zelinka Priamo Ltd. Response: See Environmental Impact Study prepared by SLR Consulting. The site has been evaluated for natural heritage and wildlife, and concludes that the development is environmentally feasible.

TULLOCH Update: This comment can be considered addressed.

TULLOCH: Section 6 of the report provides various Planning Considerations. **Section 6.1** speaks to Land Use Compatibility. The author states that:

> *"The proposed BESS facility is situated in a rural location, adjoining an existing solar farm. We are of the opinion that the proposed BESS operation is compatible with surrounding land uses including future houses being contemplated by the landowner fronting onto Peggs Mountain Road north of the BESS."*
>
> RECOMMENDATION: That this section be expanded to include a planning analysis to support the assertion that the proposed BESS use is compatible with surrounding land uses. Such an analysis would benefit from considering applicable policy, and guidelines, referring to technical studies and plans (e.g., noise or vibration assessments), and addressing factors such as setbacks, visual impacts and vegetative buffers, or other screening and mitigation measures.

Zelinka Priamo Ltd. Response: See Supplementary Planning Justification Report. Analysis of land use compatibility, with reference to applicable policy, and relevant technical analysis of noise and emissions related to the proposed BESS.

TULLOCH Update: This comment can be considered addressed.

TULLOCH: Section 6.2 speaks to Natural Heritage considerations, and the author states, that:

> *"The subject lands do not contain any identified natural heritage features or special habitat features. The proposed BESS operation is therefore acceptable from an environmental policy point of view. A Geotechnical Field Study of the new location is underway, a Phase One Environmental Site Assessment (ESA), and a Noise Study have been completed to support the BESS from an environmental standpoint. All studies confirm that the proposed BESS location is suitable for a BESS."*

RECOMMENDATION: That the analysis provided be based on an Environmental Impact Study prepared in alignment with Section 5.1.2(f) of the Official Plan (Site Assessment and/or Environmental Impact Study).

It is important to note that this recommendation does not constitute a review of the submitted Phase One ESA against O.Reg. 153/04 (the standard of a Phase One ESA). Rather, we find that this study is not appropriate for drawing conclusions regarding Natural Heritage or environmental constraints in line with applicable Provincial and Official Plan policies. Specifically, the *219 Peggs Mountain Road, Burk's Falls, Ontario: Phase One Environmental Site Assessment* report appears to be a Phase One ESA, which differs in both objective and scope from an Environmental Impact Study (EIS).

We support TULLOCH's environmental peer review, completed on April 28th, which may have implications for the conclusions made in DeLoyde's Planning Justification Report.

Zelinka Priamo Ltd. Response: See Environmental Impact Study prepared by SLR Consulting. The site has been evaluated for natural heritage and wildlife, and concludes that the development is environmentally feasible .

TULLOCH Update: This comment can be considered addressed.

TULLOCH: Section 7 of the report provides the Planning Policy Framework and Analysis with **Section 7.1** providing a review of Section 3.8 of the Provincial Planning Statement.

RECOMMENDATION: That the following sections of the Provincial Planning Statement (PPS) be reviewed, and an analysis provided where applicable:

- Section 2.5: Rural Areas in Municipalities
- Section 2.6: Rural Lands
- Section 3.5: Land Use Compatibility
    - The analysis should include a discussion on whether the proposed use qualifies as a "major facility." If it does, the relevant policies within this section should be addressed accordingly.

- Section 4.1: Natural Heritage
- Section 5.2: Natural Hazards
    - Specifically, Section 5.2.9 should be addressed, which speaks to hazardous forest types related to wildland fire, as a portion of the site is identified with a "High" Potential Wildland Fire Hazard Classification on Official Plan Appendix A.

Zelinka Priamo Ltd. Response: See Supplementary Planning Justification Report with analysis of the identified policies.

TULLOCH Update: The identified policies are addressed in the Supplementary Planning Justification Report.

TULLOCH: Section 7.2 of the report provides a review of the Township of Armour Official Plan. The report does not clearly explain why an Official Plan Amendment is required.

> **RECOMMENDATION:** Throughout the report, the use of the BESS facility—as commercial, industrial, or otherwise—could be better clarified. The report should explain why an Official Plan Amendment is required.

Zelinka Priamo Ltd. Response: In our opinion, no OPA is required; however, one was requested by the municipality. See Supplementary Planning Justification Report. Draft Official Plan Amendment is provided.

TULLOCH Update: This comment can be considered addressed.

TULLOCH: Section 7.2 of the report provides a main goal of the OP (Section 1.3(c)), which is to *"guide the Township toward its fullest economic potential by striving to obtain a wider commercial/industrial assessment base and to increase employment opportunities while ensuring a high level of environmental and servicing standards while ensuring that new development or redevelopment is compatible with and appropriately separated from surrounding uses;"*

> The author then provides the following:
>
> *"The proposed BESS operation represents a contemporary green energy supportive land use in a relatively isolated location that is compatible with surrounding land uses."*
>
> **RECOMMENDATION:** That the type of use of the BESS facility be clarified, and that a planning analysis be provided that speaks to the compatibility of the proposed use with surrounding land uses. This goal considers commercial and industrial uses in the context of assessment base and employment opportunities. However, the Planning Justification Report does not address whether the use will contribute to assessment base or

employment opportunities, which is the underlying intent of the goal. Furthermore, as noted earlier in this review, a planning analysis should be provided to justify the compatibility of the proposed use with surrounding land uses.

Zelinka Priamo Ltd. Response: See Supplementary Planning Justification Report with commentary regarding the nature of the proposed use.

TULLOCH Update: This comment can be considered addressed.

TULLOCH: Section 7.2 of the report provides Official Plan Section 3.5, which applies to Utility Corridors, and Section 3.9, which applies to Public Uses. It is our understanding that the BESS facility will be privately owned and operated.

RECOMMENDATION: That a rationale be provided for the inclusion of these sections in the analysis, to clarify its relevance to the proposal.

Zelinka Priamo Ltd. Response: See Supplementary Planning Justification report with analysis of section 3.9

TULLOCH Update: This comment can be considered addressed.

TULLOCH: In **Section 7.2** the policies of Section 4.4 of the OP are provided, which pertain to Energy Conservation and Climate Change. The policies in this section are provided without any accompanying planning analysis related to the proposed development.

RECOMMENDATION: That a rationale be provided for the inclusion of this section in the analysis, to clarify its relevance to the proposal.

Zelinka Priamo Ltd. Response: See Supplementary Planning Justification report with analysis of section 4.4.

TULLOCH Update: This comment can be considered addressed.

TULLOCH: It is TULLOCH's opinion that the planning analysis should address additional sections of the Township of Armour Official Plan;

RECOMMENDATION: If applicable, a planning analysis of the following sections should be provided:

- Section 2.1.3.c – Industrial Uses

- Section 2.4 – Environmental Constraint Areas
    - 2.4.3(g) which provides policy for Wildland Fire Hazard Area, as a portion of the lands, which appears to be where the BESS is proposed, are identified as having "High" potential for wildland fire hazard as per Official Plan Appendix A.
    - Note: Additional policies within Section 2.4 may apply to the applications, depending on the findings of an Environmental Impact Study.
- Section 4.5 – Buffering Between Incompatible Uses
- Section 4.7 – Dark Sky Policy

Zelinka Priamo Ltd. Response: See Supplementary Planning Justification Report with analysis of requested policy.

TULLOCH Update: The above noted policies are addressed in the Supplementary Planning Report.

TULLOCH: Section 9.0 of the report provides the author's conclusion and recommendation. In this Section, the author states the following:

> *"The proposed BESS and zoning regulations will not impinge on the landowner's desire to make application to create additional lots on the subject lands, north of the solar array. A 150 m BESS setback from Pegg's Mountain Road is being proposed in the Zoning By-law Amendment to ensure sufficient separation distance between existing and future rural residential lots."*
>
> RECOMMENDATION: That the proposed setback be shown on the site plan and that additional information be provided regarding the setback. Based on the current site plan, if a 150-metre BESS setback from Pegg's Mountain Road is implemented, the facility could potentially be situated closer to the front of the property than currently proposed (>300 m as per the submitted site plan). We note that a proposed setback from the road does not necessarily determine the separation between adjacent existing and proposed residential land uses. Further clarification is recommended regarding the rationale for this separation distance and references to conclusions and/or mitigation measures in the technical studies should be included. If this separation distance is proposed, it may be helpful for the Township if the author provides distances to each of the surrounding sensitive receptors. Further, the implementation of a separation distance should be added to Section 8.3 (Recommended Zoning Amendment).

Zelinka Priamo Ltd. Response: The Zoning By-law does not impose a separation distance for typical industrial type uses, including an aggregate pit as an example. Separation distances in the Zoning By-law are related to typical farming operations (livestock related). The results of the technical analysis (i.e. noise study and air emissions memo), do not recommend or advise on any separation distances. This peer-review comment does not appear to be based on the provided technical analysis, and no further zoning provisions are warranted at this time.

TULLOCH Update: This comment can be considered addressed.

TULLOCH: In **Section 9.0** of the report, the author also concludes that:

> *"We are of the opinion that the proposed BESS plant operation represents good land use planning, is in the public interest, and is fully complaint with the new Provincial Planning Statement energy planning policies."*
>
> **RECOMMENDATION:** We note that the test for the Provincial Planning Statement, 2024 is consistency, not compliance.

Zelinka Priamo Ltd. Response: See Supplementary Planning Justification Report with analysis of 'consistency' for the PPS.

TULLOCH Update: This comment can be considered addressed.

TULLOCH: The Planning Justification Report does not include a review of the Growth Plan for Northern Ontario.

> **RECOMMENDATION:** That a planning analysis be provided to demonstrate whether the applications conform with the Growth Plan for Northern Ontario.

Zelinka Priamo Ltd. Response: See Supplementary Planning Justification Report with analysis of the Growth Plan for Northern Ontario.

TULLOCH Update: This comment can be considered addressed.

CLOSING

TULLOCH has reviewed the Supplementary Planning Justification Report, and Peer Review Comment Responses, prepared by Zelinka Priamo Ltd. It has not been the purpose of TULLOCH's review to dispute the professional opinions of the report authors. Based on the materials provided, TULLOCH confirms that a comprehensive planning analysis has been completed, all original peer review comments have been addressed, and no further clarification is requested. Please contact the undersigned should you have any questions.

Sincerely yours,

MacKenzie Van Horn

MacKenzie Van Horn, MCIP, RPP
Planner | Project Manager

Sam Soja
Senior Planner | Project Manager

This is Exhibit “M” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

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PLC-ARMOUR-P2738-001-TPR-Disposition Response Letter-1

https://plcfiresafety.sharepoint.com/sites/Projects/Shared Documents/ACTIVE PROJECTS/P2738-HA-Armour Township-FHA-ON/-001 TPR Hazard Mitigation/Deliverables/Rev /PLC-ARMOUR-P2738-001-TPR-Disposition Response Letter-1.docx

November 5, 2025

RECEIVED
NOVEMBER 6, 2025
TOWNSHIP OF ARMOUR

Ms. Charlene Watt
Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario

Dear Ms. Watt:

Subject: Project 903 Battery Energy Storage System – Response to Dispositions

PLC Fire Safety Engineering (PLC) has completed a review of the responses to the Third-Party Review (TPR) of the Hazard Mitigation Analysis Report for the above-captioned project. The original review, documented in report # PLC-ARMOUR-P2738-001-TPR-C, dated May 15, 2025, identified nine (9) clarification items.

Further responses to our clarification items (dated June 5th, 2025), resulted in four (4) items being satisfactorily addressed and closed. The remaining five (5) items required additional information. Another round of responses was provided for the remaining five (5) items (dated August 12th, 2025). PLC has determined that three (3) items have been satisfactorily addressed and are now considered closed. The remaining two (2) items required additional information.

Following email correspondence (dated October 22nd, 2025), PLC determined that the remaining two (2) items have been satisfactorily addressed and are now considered closed. **All clarification items have now been addressed and are considered closed.**

Please find enclosed PLC's response addressing the two (2) clarification items that remained outstanding, and associated emails.

Prepared by,

Gary Chan, P.Eng.

Technical Specialist

Reviewed by,

Mohamed Mushantat, P.Eng., M.Eng.

Senior Fire Protection Engineer

DISPOSITION OF FINDINGS

NO.	REVIEWER COMMENT	DESIGN DISPOSITION	REVIEWER CONCURRENCE
4	HMA Report Section 5.4.3 states that the requirements of NFPA 1142 apply. Clarify what are the relevant requirements, and whether they are met for this site. *Reference: NFPA 855 Subsection 4.9.4*	FRA Response [06-05-2025]: *Added the clarification to Section 4.1.6 that the water supply requirements can be relaxed with agreement between AHJ and site owner as listed in NFPA 855 Section 9.5.2.5.* FRA Response [08-12-2025]: *The reference to alternative fire suppression system was made in error and corrected.* FRA Response [10-22-2025]: *The agreement with the AHJ, resulting from an in-person meeting at the Township of Armour office on Nov 26, 2024, was the installation of a dry hydrant at a location of their choosing which was added to the HMA. See below and attached additional details in this regard.*	PLC Response [07-24-2025]: Section 5.4.3 of the updated report states that: *"The ERP recommends alternate methods of suppression that do not rely on water. As such, the Project 903 BESS site design complies with the NFPA 855 water supply requirements".* Clarify or explain what is the alternate fire suppression system that is being proposed and how it complies with NFPA 855 requirements. PLC Response [08-25-2025]: It is acknowledged that no alternative fire suppression is proposed. As noted, Section 9.5.2.5 of NFPA 855 does permit fire suppression system and water supply requirements to be relaxed if there's agreement between AHJ and site owner. No details on an agreement with the AHJ have been provided. Please clarify. **PLC Response [11-03-2025]:** **Based off the information provided, we have calculated that there is an adequate water supply to maintain fire ground operations for an extended period. Therefore, it is our opinion that the proposed firefighting approach is reasonable, and we do not identify any technical concerns that would preclude acceptance. That said, as the relaxation permitted by Section 9.5.2.5 of NFPA 855 requires approval by the AHJ. Provided the AHJ is comfortable with this rationale, we have no objection to its approval and will close this item.** **Disposition accepted. Item closed.**

5	HMA Report Section 4.1.5 states that a dry hydrant is being proposed. Confirm the details regarding its location and what standard it is to comply with.	FRA Response [06-05-2025]: *Added details to Section 4.1.5 for the location of the dry hydrant.* Section 4.1.5 of the HMA report indicates that the hydrant is located at 1014 Ferguson Rd. FRA Response [08-12-2025]: *The distance to the proposed dry hydrant is 5.7 km, which was added in consultation with and at the direction of the Fire Chief. OBC regulation referencing distance to hydrant is not relevant and does not apply to this BESS installation as it is not classified as a building.* FRA Response [10-22-2025]: • *The question of whether these units would be classified as buildings has been discussed extensively with both the Fire Department and the Township of Armour's Chief Building Official. The Chief Building Officer confirmed that these are not classified as buildings, as they are containerized, outdoor, non-walk-in units with no internal access and no potential for occupancy. They would be classified as electrical equipment, similar to transformers etc. Please also see the attached correspondence from EVLO engineer which provides additional technical detail and confirms that these units are not classified as buildings under NFPA definitions either. As such, OBC Article 3.2.5.5 does not apply.* • *Our OPA/ZBA applications were not deemed complete by the municipality until the Fire Chief confirmed that he was satisfied with both the ERP and the HMA. One of the key topics of discussion was the water supply. At the Fire Chief's recommendation, a dry hydrant was added at a location of his choosing to provide additional assurance that adequate water would be available in the unlikely event of a thermal incident, although Chief Building Official had confirmed that water supply would not be required by code as these are not classified as buildings. We were happy to incorporate this measure and the HMA was updated accordingly. Following that update, the Fire Chief provided written confirmation of his satisfaction with the HMA, at which point the municipality*	PLC Response [07-24-2025]: Section 4.1.5 of the HMA report states the address of where the hydrant is located, however it does not specify the distance to the Solarbank Project 903 site. Please clarify the distance of the hydrant to the site and whether it complies with OBC Article 3.2.5.5. PLC Response [08-25-2025]: While not a conventional building, the structure meets the definition of building under the Ontario Building Code Act. Therefore, application of the OBC is to be addressed. Furthermore, no information regarding consultation with the Fire Department has been provided. Please provide clarity on this issue. **PLC Response [11-03-2025]:** **Based on the provided correspondence from the Fire Chief and our response to the Item above, the proposed location of the dry hydrant relative to the site's remote location is acceptable.** **Disposition accepted. Item closed**

NO.	REVIEWER COMMENT	DESIGN DISPOSITION	REVIEWER CONCURRENCE
		accepted our applications as complete and issued the formal notice of completeness. *i. See attached discussion with the Fire Department regarding location of dry hydrant.* *ii. See attached email chain with Clerk stating they cannot move forward with the application until they get confirmation from the Fire Chief that the ERP/HMA are satisfactory* *iii. See attached email chain with Fire Chief confirming he was waiting for confirmation from building official that these are not classified as buildings* *iv. Phone call was had with the Chief where he advised that the building official confirmed these are not classified as buildings and we could proceed with the HMA/ERP* *v. See attached email chain with Fire Chief confirming that he was satisfied with the latest HMA* *vi. See email chain with Clerk confirming we could now proceed to next steps as Fire Chiefs confirmation was received.*	

Ina Lila

From: Jérémie Lepage <Lepage.Jeremie@evloenergie.com>
Sent: November 12, 2024 3:25 PM
To: Ina Lila
Cc: Alexandrine Joseph; Andrew van Doorn; Hashmat Rahin; Dennis Stainton; Tracy Zheng; Bruno Soulières; Mathilde Garrigue
Subject: RE: 903 BESS

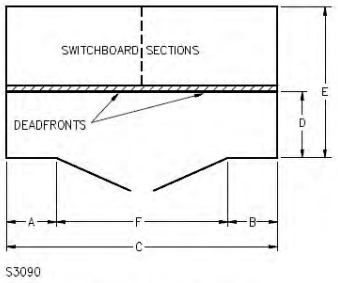
Hi Ina,

As discusses :

- The EVLOFLEX is not a walk-in unit
- The EVLOFLEX is within the maximum dimension described by NFPA 855 9.5.2.4.1 and is non considered a building as per 9.5.2.4.2
- All equipment and accessories that may require maintenance are accessible without stepping into the equipment, including the batteries themself
- Non-walk in requirements are described in figure 12 of UL 891, referred to by UL9540 (see image bellow). The EVLOFLEX complies as a non-walk in enclosure.

Figure 12
Single sided non-walk in enclosed switchboard

(See 8.2.1.5.8)



S3090

Values of variables

A (maximum)[a]		B (maximum)[a]		C (minimum)		D		E (maximum)[b]		F (minimum)	
mm	(in)	mm	(in)	mm	(in)	mm	(in)	mm	(in)	mm	(in)
12.7	(1/2)	12.7	(1/2)	Not specified		Not specified		610	(24)	Not specified	
76.2	(3)	76.2	(3)	356 (A + B)	14 + (A + B)	Not specified		610	(24)	356	(14)
76.2	(3)	76.2	(3)	610 + (A + B)	24 + (A + B)	Not specified		610	(24)	610	(24)

[a] If the value of dimension A or B is exceeded, then Figure 11 shall apply.

[b] If back access panels are provided, dimension E is not specified. If back access panels are not provided and dimension E exceeds 610 mm (24 inches), then Figure 11 shall apply

BR

JÉRÉMIE LEPAGE, ING.
Ingénieur principal des ventes
Principal sales engineer

Gary Chan

From: Ina Lila <ina.lila@powerbankcorp.com>
Sent: Monday, January 13, 2025 11:59 AM
To: Joe Readman
Subject: RE: BESS ERP & HMA with Revisions

Hi Chief Readman,

Thank you so much for your review! We can certainly adjust the wording as needed. The reason I initially used "if feasible" was because, at the time—and even now—we haven't received confirmation from the municipality regarding a suitable location for the hydrant. I'll revise the language to say "pending confirmation of location from the municipality" instead, which should provide better clarity.

Please confirm that is acceptable to you.

Thanks,

Ina

From: Joe Readman <fire@ryersontownship.ca>
Sent: January 13, 2025 2:55 PM
To: Ina Lila <ina.lila@solarbankcorp.com>
Subject: RE: BESS ERP & HMA with Revisions

Good afternoon,

I have reviewed the documents everything looks good.
Only concern is the wording around Emergency water, and it being feasible for the dry hydrant..

I think the best location for a dry hydrant would be adjacent to the Katrine beach into the Magnetawan River; good depth and lots of water.
Let me know if you need anything else.

Thank you,
Joe Readman
Fire Chief
Burk's Falls and District Fire Department
cell: 705-783-3571
Office:705-382-4010
email: fire@ryersontownship.ca

From: Ina Lila <ina.lila@solarbankcorp.com>
Sent: January 13, 2025 9:43 AM
To: Joe Readman <fire@ryersontownship.ca>
Cc: Andrew van Doorn <andrew.vandoorn@solarbankcorp.com>; Dennis Stainton <dennis.stainton@solarbankcorp.com>; Tracy Zheng <tracy.zheng@solarbankcorp.com>

Subject: RE: BESS ERP & HMA with Revisions
Importance: High

Good morning Chief Readman,

I hope you had a lovely weekend! I tried reaching you by phone this morning but wasn't able to connect, so I wanted to follow up via email regarding your final review of the HMA and ERP. Your confirmation on these documents is essential for us to move forward with the permitting process, and given our contractual obligation to have the site operational by May 2026, the timing is becoming increasingly critical.

I would really appreciate it if you could provide your response by the end of the day today. Please let me know if there's anything else I can do to assist.

Thank you so much for your time. I look forward to hearing from you soon!

Thank you,

Ina

From: Ina Lila
Sent: January 6, 2025 1:27 PM
To: Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>
Cc: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>; Andrew van Doorn <andrew.vandoorn@solarbankcorp.com>; Dennis Stainton <dennis.stainton@solarbankcorp.com>; John Theriault (Clerk-Treasurer Administrator) <clerk@armourtownship.ca>; Amy Tilley <landfill@armourtownship.ca>
Subject: RE: BESS ERP & HMA with Revisions

Hi Chief Readman,

Happy New Year! Hope you had a lovely holiday season with your loved ones.

I wanted to follow up on the ERP & HMA revisions we sent over to ensure that they meet your expectations. Your timely response would be greatly appreciated so that we can move forward with the next steps in the OPA/ZBA process.

Thank you,

Ina

From: Ina Lila
Sent: December 17, 2024 4:16 PM
To: Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>
Cc: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>; Andrew van Doorn <andrew.vandoorn@solarbankcorp.com>; Dennis Stainton <dennis.stainton@solarbankcorp.com>; John Theriault (Clerk-Treasurer Administrator) <clerk@armourtownship.ca>; Amy Tilley <landfill@armourtownship.ca>
Subject: RE: BESS ERP & HMA with Revisions

Good afternoon Chief Readman,

I hope you're doing well. I wanted to follow up to see if you've had a chance to review the revised HMA & ERP, and whether you're comfortable with the changes made. If so, we'd love to move forward with the OPA/ZBA

applications. We are eager to proceed with the permitting process and were hoping to submit the OPA/ZBA packages by the end of this week, pending your confirmation.

Thank you for your time and consideration.

Thank you,

Ina

From: Ina Lila
Sent: December 11, 2024 5:08 PM
To: Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>
Cc: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>; Andrew van Doorn <andrew.vandoorn@solarbankcorp.com>; Dennis Stainton <dennis.stainton@solarbankcorp.com>; John Theriault (Clerk-Treasurer Administrator) <clerk@armourtownship.ca>; Amy Tilley <landfill@armourtownship.ca>
Subject: BESS ERP & HMA with Revisions

Good afternoon Chief Readman,

Thank you for taking the time to review the ERP & HMA and provide your valuable feedback. We have revised both documents based on your comments and have attached the updated versions for your review. Additionally, I've included Notes & Revisions trackers for each document, which outline the changes made and provide responses to the remaining comments from the meetings. Not all items discussed required revisions; some were simply clarifications, which I have noted in the trackers. Any item marked as "Done" in the Status column reflects a change, while those left blank in the Status column pertain to points that needed further clarification, which I have addressed in the Comments/Explanations column.

I've also attached the additional back up documents that we discussed during the meetings which have also been referenced in the Revision trackers in their relevant sections.

We trust that all comments from the meetings have been addressed and would appreciate your final review and confirmation.

Thank you again for your time, and I look forward to hearing from you.

Thank you,

Ina

Gary Chan

From: Joe Readman <fire@ryersontownship.ca>
Sent: Tuesday, December 10, 2024 10:41 AM
To: Ina Lila
Subject: RE: HMA Question Clarification

Good afternoon,

Sorry about the delay in response.

The comment was the quotes were not 100% accurate in the HMA from NFPA. I was concerned with 4.4.3.1 but once Doug confirms these are not “buildings” we don’t have to worry about the 2 hour fire resistance rating specified in 9.6.4 as is in the standard 4.4.3.1 but not quoted in the HMA

Thank you,
Joe Readman
Fire Chief
Burk's Falls and District Fire Department
cell: 705-783-3571
Office:705-382-4010
email: fire@ryersontownship.ca

From: Ina Lila <ina.lila@solarbankcorp.com>
Sent: November 27, 2024 10:15 PM
To: Joe Readman <fire@ryersontownship.ca>
Subject: HMA Question Clarification

Hi Chief Readman,

I hope you’re doing well. I’ve been reviewing the HMA notes and the revisions we discussed in yesterday’s meeting, and I was hoping you could clarify something for me as I want to make sure I clearly address everything in this first round of revisions.

You mentioned that under Section 1.1 where NFPA 855 4.4.2 and 4.4.3 are referenced, that only part of the NFPA code was included. I wanted to clarify which additional code sections you might be referring to. Are you pointing to the remaining parts under the Failure Modes section, such as 4.4.4 and 4.4.5 (below), or is it something else?

I would really appreciate your guidance on this.

Thank you,

Ina

4.4.2 Failure Modes.

4.4.2.1* The hazard mitigation analysis shall evaluate the consequences of the following failure modes and others deemed necessary by the AHJ:

(1) A thermal runaway or mechanical failure condition in a single ESS unit
(2) Failure of an energy storage management system or protection system that is not covered by the product listing failure modes and effects analysis (FMEA)
(3) Failure of a required protection system including, but not limited to, ventilation (HVAC), exhaust ventilation, smoke detection, fire detection, fire suppression, or gas detection

4.4.2.2 Only single failure modes shall be considered for each mode given in 4.4.2.1.

4.4.3 The AHJ shall be permitted to approve the hazard mitigation analysis as documentation of the safety of the ESS installation if the consequences of the analysis demonstrate the following:

(1) Fires will be contained within unoccupied ESS rooms for the minimum duration of the fire resistance rating specified in 9.6.4.
(2) Fires and products of combustion will not prevent occupants from evacuating to a safe location.
(3) Deflagration hazards will be addressed by an explosion control or other system.

4.4.4 The hazard mitigation analysis shall be documented and made available to the AHJ and those authorized to design and operate the system.

4.4.5* Construction, equipment, and systems that are required for the ESS to comply with the hazard mitigation analysis shall be installed, tested, and maintained in accordance with this standard and the manufacturer's instructions.

Gary Chan

From: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Sent: Tuesday, January 14, 2025 8:22 AM
To: Ina Lila
Cc: Chief Joe Readman (fire@ryersontownship.ca); John Theriault (Clerk-Treasurer Administrator); Amy Tilley; Andrew van Doorn; Dennis Stainton; Tracy Zheng; Robert Miller; Robert Miller - Planner (plansifter@gmail.com); cameron haffner; Kaiyla Hoffmann; leodeloyde@gmail.com; Dave Creasor; Mayor Rod Ward
Subject: RE: OPA/ZBA Application

Hello Ina,
Thanks for the confirmation email regarding the ERP and HMP from the Fire Chief. Please forward the revised documents once you have completed them. I will be in touch **tomorrow** about next steps.

Thanks for your patience.

Charlene Watt

Deputy Clerk, Dipl.M.M.
Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario P0A 1C0
Telephone: 705-382-3332
Fax: 705-382-2068
Website: www.armourtownship.ca
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From: Ina Lila <ina.lila@solarbankcorp.com>
Sent: January 14, 2025 11:17 AM
To: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Cc: Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>; John Theriault (Clerk-Treasurer Administrator) <clerk@armourtownship.ca>; Amy Tilley <landfill@armourtownship.ca>; Andrew van Doorn <andrew.vandoorn@solarbankcorp.com>; Dennis Stainton <dennis.stainton@solarbankcorp.com>; Tracy Zheng <tracy.zheng@solarbankcorp.com>; Robert Miller <robertj.miller@sympatico.ca>; Robert Miller - Planner (plansifter@gmail.com) <plansifter@gmail.com>; cameron haffner <chaffner.bffd@gmail.com>; Kaiyla Hoffmann <buildingadmin@armourtownship.ca>; leodeloyde@gmail.com; Dave Creasor <creasor1@gmail.com>
Subject: RE: OPA/ZBA Application
Importance: High

Hi Charlene,

I hope your week is going well!

I'm happy to share that I received confirmation from Chief Readman yesterday that he is satisfied with the ERP and HMA, with only one minor language change, which I've already made and uploaded to the shared drive where all documents are stored. Now that all documents have been submitted and we've received the Fire Chief's confirmation, could you kindly confirm if our application is accepted and let us know what the fee is?

I also wanted to follow up on my previous request to schedule an in-person meeting to discuss the next steps for the OPA/ZBA. As mentioned, we have a contractual obligation to have the site operational by May 2026, so timing is becoming increasingly critical for us.

Looking forward to your response and thank you so much for your time!

Thank you,

Ina

From: Ina Lila
Sent: January 10, 2025 1:18 PM
To: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Cc: Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>; John Theriault (Clerk-Treasurer Administrator) <clerk@armourtownship.ca>; Amy Tilley <landfill@armourtownship.ca>; Andrew van Doorn <andrew.vandoorn@solarbankcorp.com>; Dennis Stainton <dennis.stainton@solarbankcorp.com>; Tracy Zheng <tracy.zheng@solarbankcorp.com>; Robert Miller <robertj.miller@sympatico.ca>; Robert Miller - Planner (plansifter@gmail.com) <plansifter@gmail.com>; cameron haffner <chaffner.bffd@gmail.com>; Kaiyla Hoffmann <buildingadmin@armourtownship.ca>; leodeloyde@gmail.com; Dave Creasor <creasor1@gmail.com>
Subject: Meeting Request to Discuss OPA/ZBA Application
Importance: High

Good afternoon Charlene,

I hope you are doing well.

I'm reaching out to request an in-person meeting next week to discuss the next steps in the OPA/ZBA application process. Our planner will be joining the meeting along with Andrew and myself. I spoke with the Fire Chief yesterday, and he mentioned that he would provide feedback on the ERP and HMA today. This timing aligns well for us to meet next week and review how we can move the application forward efficiently now that we have submitted the required materials. Given our contractual obligation with the IESO to have the site operational by May 2026, time is of the essence, and I'd appreciate discussing a clear path toward achieving that goal.

I look forward to your response.

Thank you,

Ina

From: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Sent: January 3, 2025 11:48 AM
To: Ina Lila <ina.lila@solarbankcorp.com>
Cc: Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>; John Theriault (Clerk-Treasurer Administrator) <clerk@armourtownship.ca>; Amy Tilley <landfill@armourtownship.ca>; Andrew van Doorn <andrew.vandoorn@solarbankcorp.com>; Dennis Stainton <dennis.stainton@solarbankcorp.com>; Tracy Zheng <tracy.zheng@solarbankcorp.com>; Robert Miller <robertj.miller@sympatico.ca>; Robert Miller - Planner (plansifter@gmail.com) <plansifter@gmail.com>; cameron haffner <chaffner.bffd@gmail.com>; Kaiyla Hoffmann <buildingadmin@armourtownship.ca>
Subject: RE: OPA/ZBA Applications

Hello Ina,

I have not received confirmation from the Fire Chief that the HMA and ERP are satisfactory.
I've cc'd Bob Miller to advise you on next steps but the Fire Chief's approval of any emergency response materials is a priority.
Thanks,

Charlene Watt

Deputy Clerk, Dipl.M.M.
Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario P0A 1C0
Telephone: 705-382-3332
Fax: 705-382-2068
Website: www.armourtownship.ca
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Gary Chan

From: Ina Lila <ina.lila@powerbankcorp.com>
Sent: Monday, January 6, 2025 6:24 AM
To: Charlene Watt (Deputy Clerk)
Cc: Chief Joe Readman (fire@ryersontownship.ca); John Theriault (Clerk-Treasurer Administrator); Amy Tilley; Andrew van Doorn; Dennis Stainton; Tracy Zheng; Robert Miller; Robert Miller - Planner (plansifter@gmail.com); cameron haffner; Kaiyla Hoffmann
Subject: RE: OPA/ZBA Applications

Hi Charlene,

Happy New Year! Hope you had a lovely holiday season.

I will continue to follow up with the Fire Chief this week to obtain his confirmation on the ERP & HMA. In the meantime, I look forward to hearing from you or Bob regarding the next steps, so I can begin working on them.

Thank you!

Ina

From: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Sent: January 3, 2025 11:48 AM
To: Ina Lila <ina.lila@solarbankcorp.com>
Cc: Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>; John Theriault (Clerk-Treasurer Administrator) <clerk@armourtownship.ca>; Amy Tilley <landfill@armourtownship.ca>; Andrew van Doorn <andrew.vandoorn@solarbankcorp.com>; Dennis Stainton <dennis.stainton@solarbankcorp.com>; Tracy Zheng <tracy.zheng@solarbankcorp.com>; Robert Miller <robertj.miller@sympatico.ca>; Robert Miller - Planner (plansifter@gmail.com) <plansifter@gmail.com>; cameron haffner <chaffner.bffd@gmail.com>; Kaiyla Hoffmann <buildingadmin@armourtownship.ca>
Subject: RE: OPA/ZBA Applications

Hello Ina,
I have not received confirmation from the Fire Chief that the HMA and ERP are satisfactory.
I've cc'd Bob Miller to advise you on next steps but the Fire Chief's approval of any emergency response materials is a priority.
Thanks,

Charlene Watt

Deputy Clerk, Dipl.M.M.
Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario P0A 1C0
Telephone: 705-382-3332
Fax: 705-382-2068
Website: www.armourtownship.ca

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From: Ina Lila <ina.lila@solarbankcorp.com>
Sent: December 23, 2024 2:42 PM
To: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Cc: Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>; John Theriault (Clerk-Treasurer Administrator) <clerk@armourtownship.ca>; Amy Tilley <landfill@armourtownship.ca>; Andrew van Doorn <andrew.vandoorn@solarbankcorp.com>; Dennis Stainton <dennis.stainton@solarbankcorp.com>; Tracy Zheng <tracy.zheng@solarbankcorp.com>
Subject: OPA/ZBA Applications

Hi Charlene,

Please find attached the OPA and ZBA applications for the proposed Battery Energy Storage System (BESS) at Peggs Mountain Road. Due to the size and number of additional documents, all other relevant materials have been uploaded to the shared drive at the link below. For your reference, I've also attached a checklist based on our pre-consultation meeting, which details the files uploaded to the drive.


12. 903 Armour

Could you kindly confirm receipt of the attached documents and verify if the OPA/ZBA packages are now complete? Additionally, I would appreciate it if you could please advise on next steps.

Thank you for your time and support throughout this process!

Wishing you, everyone at the Township of Armour, and the Burks Falls Fire Department a very Merry Christmas and a Happy New Year!

Thanks,

Ina

Gary Chan

From: Joe Readman <fire@ryersontownship.ca>
Sent: Thursday, May 22, 2025 2:25 PM
To: Ina Lila
Cc: Charlene Watt (Deputy Clerk); Robert MacFarlane - Zelinka Priamo Ltd.; Robert Miller - Planner (plansifter@gmail.com); Dave Creasor; Amy Tilley
Subject: Re: SolarBank: Third Party Review of Hazard Mitigation Analysis
Attachments: image001.png; image002.png; image003.png; image004.png; image005.png

The best location and my recommendation would be across the road from the katrine beach located at 1014 Ferguson rd. This location gives good line of sight either direction for firefighter safety, allows multiple routes guaranteeing access and has unlimited water.

Thank you,
Joe Readman
Fire Chief
Burk's Falls and District Fire Department
cell: 705-783-3571
Office:705-382-4010
email: fire@ryersontownship.ca

On May 22, 2025, at 4:37 PM, Ina Lila <ina.lila@solarbankcorp.com> wrote:

Thanks for sending this over Charlene! I reviewed the comments and was hoping to get @Chief Joe Readman (fire@ryersontownship.ca) input on one of the questions listed.

They would like to know the location of the dry hydrant, however based on our previous conversations this was to be determined by the municipality together with the Fire Department. Have you given this location any further thought and is there a particular one you would like me to include in the report? Or would you prefer me explaining that it will be decided at a later stage in the permitting process?

Looking forward to your feedback.

Thank you,

Ina Lila, CPA
Director of Business Development
<image001.png>

<image002.png> (647) 835 5503
<image003.png> Ina.Lila@solarbankcorp.com
<image004.png> www.solarbankcorp.com
<image005.png> 505 Consumers Road, Suite 803
Toronto, Ontario, Canada M2J 4V8

NASDAQ: SUUN Formerly known as Abundant Solar Energy Inc.

Cboe CA: SUNN

Book time to meet with me

From: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Sent: May 21, 2025 4:02 PM
To: Ina Lila <ina.lila@solarbankcorp.com>; Robert MacFarlane - Zelinka Priamo Ltd. <robert.m@zpplan.com>
Cc: Robert Miller - Planner (plansifter@gmail.com) <plansifter@gmail.com>; Dave Creasor <creasor1@gmail.com>; Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>; Amy Tilley <landfill@armourtownship.ca>
Subject: SolarBank: Third Party Review of Hazard Mitigation Analysis

Hello Ina,
Please see attached the HMA peer review.
Thank you,

Charlene Watt

Municipal Clerk, Dipl.M.M.
Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario P0A 1C0
Telephone: 705-382-3332
Fax: 705-382-2068
Website: www.armourtownship.ca
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From: Sam Zareian <szareian@plcfire.com>
Sent: May 15, 2025 2:51 PM
To: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Subject: Third Party Review of Hazard Mitigation Analysis

Hi Charlene,

Please see attached for the Third-Party Review (TPR) of Hazard Mitigation Analysis (HMA) in draft for your review and feedback. Pleas circulate it with the appropriate individuals, as necessary.

Best regards,
Sam

Sam Zareian, MASc., EIT., RHFAC.
Technical Specialist



4 Robert Speck Parkway, Suite 1500
Mississauga, ON L4Z 1S1

P: (905) 949-2755 x 207
E: szareian@plcfire.com

Website: www.plcfire.com
Toll Free: 1 (800) 675-2755

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Gary Chan

From: Joe Readman <fire@ryersontownship.ca>
Sent: Friday, October 31, 2025 9:26 AM
To: Charlene Watt (Deputy Clerk); Sam Zareian
Cc: Gary Chan; Mohamed Mushantat; Rudy Cronk; Robert Miller; Sam Soja
Subject: RE: PowerBank - Peer Review of HMA P2738

Warning! This email came from outside your company.

With this location we would travel south on Ferguson rd, fill and then travel up highway 11 full. Safer operation when we don't need to pass on two lane roads.

Thank you,
Joe Readman
Fire Chief
Burk's Falls and District Fire Department
cell: 705-783-3571
Office:705-382-4010
email: fire@ryersontownship.ca

From: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Sent: October 31, 2025 9:37 AM
To: Joe Readman <fire@ryersontownship.ca>; Sam Zareian <szareian@plcfire.com>
Cc: Gary Chan <gchan@plcfire.com>; Mohamed Mushantat <mmushantat@plcfire.com>; Rudy Cronk <rcronk@plcfire.com>; Robert Miller <plansifter@gmail.com>; Sam Soja <sam.soja@tulloch.ca>
Subject: RE: PowerBank - Peer Review of HMA P2738

Here's the same document with the BESS property highlighted, not a random property on Madill Road.

From: Charlene Watt (Deputy Clerk)
Sent: October 31, 2025 9:33 AM
To: 'Joe Readman' <fire@ryersontownship.ca>; Sam Zareian <szareian@plcfire.com>
Cc: Gary Chan <gchan@plcfire.com>; Mohamed Mushantat <mmushantat@plcfire.com>; Rudy Cronk <rcronk@plcfire.com>; Robert Miller <plansifter@gmail.com>; Sam Soja <sam.soja@tulloch.ca>
Subject: RE: PowerBank - Peer Review of HMA P2738

Hello
Here are a couple maps from our CGIS system and Google Maps. I don't know if the fire trucks will be turning around after filling up and going back up Ferguson Road or if they will take the Katrine Road and loop back through to 219 Peggs Mountain Road.

Cheers,

Charlene Watt

Municipal Clerk, Dipl.M.M.
Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario P0A 1C0

Telephone: 705-382-3332
Fax: 705-382-2068
Website: www.armourtownship.ca
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From: Joe Readman <fire@ryersontownship.ca>
Sent: October 31, 2025 9:15 AM
To: Sam Zareian <szareian@plcfire.com>; Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Cc: Gary Chan <gchan@plcfire.com>; Mohamed Mushantat <mmushantat@plcfire.com>; Rudy Cronk <rcronk@plcfire.com>; Robert Miller <plansifter@gmail.com>; Sam Soja <sam.soja@tulloch.ca>
Subject: RE: PowerBank - Peer Review of HMA P2738

Please see my replies in red.

We are assessing the firefighting strategy for the site with respect to the proposed dry hydrant. Can the fire chief clarify the following for responding to a fire at this site:

- *The number of tankers units (and their capacities) available to respond.*
  - *From Burks Falls 1-2000Gal tanker*
  - *From Auto Aid partners 4-2000Gal tankers*
- *Estimated response times. Specifically, please provide the fill time, travel time to scene, dump time and return time.*
  - *Too many variables to answer this one.. a google map will give you an idea, Fill times vary depending on truck and design.*
- *Are the tankers units equipped with on-board pumps? If not, how will water be added to the tankers?*
  - *We send a pumper to our fill sites as a "fill truck", most tankers do have an onboard pump as well.*
- *Confirm the source of the water supply feeding the dry hydrant.*
  - *The proposed location is part of the Magnetawan river system*

Thank you,
Joe Readman
Fire Chief
Burk's Falls and District Fire Department
cell: 705-783-3571
Office:705-382-4010
email: fire@ryersontownship.ca

From: Sam Zareian <szareian@plcfire.com>
Sent: October 31, 2025 9:07 AM
To: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Cc: Joe Readman <fire@ryersontownship.ca>; Gary Chan <gchan@plcfire.com>; Mohamed Mushantat <mmushantat@plcfire.com>; Rudy Cronk <rcronk@plcfire.com>; Robert Miller <plansifter@gmail.com>; Sam Soja <sam.soja@tulloch.ca>
Subject: RE: PowerBank - Peer Review of HMA P2738

Hi Charlene,

Our team (copied in the email) reviewed the below information on the dispositions relevant to the HMA, and provided the below comment. Please let me know if you and the fire chief would like to have a call.

We are assessing the firefighting strategy for the site with respect to the proposed dry hydrant. Can the fire chief clarify the following for responding to a fire at this site:

- *The number of tankers units (and their capacities) available to respond.*
- *Estimated response times. Specifically, please provide the fill time, travel time to scene, dump time and return time.*
- *Are the tankers units equipped with on-board pumps? If not, how will water be added to the tankers?*
- *Confirm the source of the water supply feeding the dry hydrant.*

Best regards,
Sam

From: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Sent: October 22, 2025 1:38 PM
To: Sam Zareian <szareian@plcfire.com>; Rudy Cronk <rcronk@plcfire.com>
Cc: Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>; Sam Soja <sam.soja@tulloch.ca>; Robert Miller <plansifter@gmail.com>
Subject: FW: PowerBank - Peer Review of HMA

Warning! This email came from outside your company.

Hello Sam and Rudy,

I think a response from PLC is required on this one. Below are my thoughts.

Please note that the majority of the attached emails were sent **prior** to the initiation of the PLC peer review process. Only one email, dated May 2025, contains a recommendation from Chief Readman regarding the preferred location for the dry hydrant.

I am concerned that the advice suggesting the units are not classified as buildings may be an attempt to circumvent the building permit requirements. I have confirmed that all municipalities in Ontario with BESS projects have required building permits.

It is important to emphasize that the information conveyed prior to the peer review process pertained only to the completeness of the application and should not be interpreted as indicative of the final requirements.

The "limited scope" items are concerns that require a response to PLC in their capacity as our professional peer reviewers. I do not believe it is appropriate for the Township to interfere with or influence PLC's independent review process.

Would appreciate your input on the below email.
Thanks,

Charlene Watt

Municipal Clerk, Dipl.M.M.
Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario P0A 1C0
Telephone: 705-382-3332
Fax: 705-382-2068
Website: www.armourtownship.ca

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From: Robert MacFarlane - Zelinka Priamo Ltd. <robert.m@zpplan.com>
Sent: October 22, 2025 12:59 PM
To: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>; 'Ina Lila' <ina.lila@solarbankcorp.com>
Cc: Robert Miller - Planner (plansifter@gmail.com) <plansifter@gmail.com>; Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>; Sam Soja <sam.soja@tulloch.ca>; Sam Zareian <szareian@plcfire.com>; gchan@plcfire.com; mmushantat@plcfire.com
Subject: RE: PowerBank - Peer Review of HMA

Hi Charlene and Sam Z., thank you for providing the HMA Comments. Given the relatively limited scope of outstanding comments, we were hoping to provide some clarity via email here, and if needed we are glad to arrange a brief call to discuss further. Please see attached some email correspondence referenced below to provide context for the responses and HMA.

Our intent is that the below responses provided to us by Powerbank, do address the two outstanding items. If there are any outstanding comments/questions, we would be glad to arrange a brief call, perhaps next week, to discuss further. Please let us know and we can coordinate.

Please see below and attached:

1) "It is acknowledged that no alternative fire suppression is proposed. As noted, Section 9.5.2.5 of NFPA 855 does permit fire suppression system and water supply requirements to be relaxed if there's agreement between AHJ and site owner. No details on an agreement with the AHJ have been provided. Please clarify."
    - The agreement with the AHJ, resulting from an in-person meeting at the Township of Armour office on Nov 26, 2024, was the installation of a dry hydrant at a location of their choosing which was added to the HMA. See below and attached additional details in this regard.
2) "While not a conventional building, the structure meets the definition of building under the Ontario Building Code Act. Therefore, application of the OBC is to be addressed. Furthermore, no information regarding consultation with the Fire Department has been provided. Please provide clarity on this issue."
    - The question of whether these units would be classified as buildings has been discussed extensively with both the Fire Department and the Township of Armour's Chief Building Official. The Chief Building Officer confirmed that these are not classified as buildings, as they are containerized, outdoor, non-walk-in units with no internal access and no potential for occupancy. They would be classified as electrical equipment, similar to transformers etc. Please also see the attached correspondence from EVLO engineer which provides additional technical detail and confirms that these units are not classified as buildings under NFPA definitions either. As such, OBC Article 3.2.5.5 does not apply.
    - Our OPA/ZBA applications were not deemed complete by the municipality until the Fire Chief confirmed that he was satisfied with both the ERP and the HMA. One of the key topics of discussion was the water supply. At the Fire Chief's recommendation, a dry hydrant was added at a location of his choosing to provide additional assurance that adequate water would be available in the unlikely event of a thermal incident, although Chief Building Official had confirmed that water supply would not be required by code as these are not classified as buildings. We were happy to incorporate this measure and the HMA was updated accordingly. Following that update, the Fire Chief provided written confirmation of his satisfaction with the HMA, at which point the municipality accepted our applications as complete and issued the formal notice of completeness.
        i. See attached discussion with the Fire Department regarding location of dry hydrant.
        ii. See attached email chain with Clerk stating they cannot move forward with the application until they get confirmation from the Fire Chief that the ERP/HMA are satisfactory
        iii. See attached email chain with Fire Chief confirming he was waiting for confirmation from building official that these are not classified as buildings
        iv. Phone call was had with the Chief where he advised that the building official confirmed these are not classified as buildings and we could proceed with the HMA/ERP
        v. See attached email chain with Fire Chief confirming that he was satisfied with the latest HMA
        vi. See email chain with Clerk confirming we could now proceed to next steps as Fire Chiefs confirmation was received

Thanks

Rob MacFarlane
Zelinka Priamo Ltd. – Land Use Planners
C: 416-801-6140

From: Charlene Watt (Deputy Clerk) <deputyclerk@armourtownship.ca>
Sent: Monday, October 6, 2025 9:04 AM
To: Robert MacFarlane - Zelinka Priamo Ltd. <robert.m@zpplan.com>; 'Ina Lila' <ina.lila@solarbankcorp.com>
Cc: Robert Miller - Planner (plansifter@gmail.com) <plansifter@gmail.com>; Chief Joe Readman (fire@ryersontownship.ca) <fire@ryersontownship.ca>; Sam Soja <sam.soja@tulloch.ca>; Sam Zareian <szareian@plcfire.com>
Subject: PowerBank - Peer Review of HMA

Good morning,
Please see attached. Two items remained open for SolarBank/PowerBank to provide feedback on.
Thank you,

Charlene Watt

Municipal Clerk, Dipl.M.M.
Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario P0A 1C0
Telephone: 705-382-3332
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This is Exhibit “N” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

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Canada, K9J 6Z3

Locations
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Kingston
Barrie
Whitby
Ottawa

Laboratory
Peterborough

Professional Engineers Ontario

APGO

August 18, 2025

Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, ON Canada,
P0A 1C0

Attn: Charlene Watt
Municipal Clerk

Re: Review of Air and Noise Assessments for the Proposed Battery Energy Storage System (BESS) at 219 Peggs Mountain Road, Burk's Falls, Ontario
Cambium Reference: 23256-001

Dear Charlene Watt,

As requested by the Township of Armour (the Township), Cambium Inc. (Cambium) has been retained to provide comments related to the Acoustic Assessment Report (various versions), the Air and Gas Emissions Memo, and a Vibration letter (the Studies) prepared for a proposed Battery Energy Storage System (BESS) to be located on 219 Peggs Mountain Road, Burks Falls (the Development) completed by various authors. Subsequent to our first letter summarizing our comments, a new submission has been provided.

Cambium's understanding of the scope of work was to review the suitability of the technical report relating to environmental air, noise, and vibration impacts. Therefore, Cambium assumes the criteria of suitability is the consideration of impacts under Ministry of the Environment Conservation and Parks (MECP) guidance.

Cambium has approached this review from the perspective of our expertise and experience related to similar studies and MECP guidelines.

The following new documents were reviewed by Cambium:

- *Peer Review Comment Response, Applications for Official Plan and Zoning By-law Amendment, Town File: 2025-01, 219 Peggs Mountain Road, Township of Armour, ON. Zelinka Priamo Ltd. File # SOL/ARM/25-01*

  Prepared by: Zelinka Priamo Ltd.

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Locations
Peterborough
Kingston
Barrie
Whitby
Ottawa

Laboratory
Peterborough

August 18, 2025

Addressed to: Township of Armour

Dated: July 8, 2025

NOTE: this letter was a cover letter for responses to various media and peer review comment sections, including noise and air.

- *219 Peggs Mountain Road, Burks Falls, Ontario, Acoustic Assessment Report*

  Prepared by: EXP

  Addressed to: Solarbank Corporation

  Dated: June 19, 2025 (Rev. 2.0)

The following original documents were previously reviewed by Cambium:

- *219 Peggs Mountain Road, Burks Falls, Ontario, Acoustic Assessment Report*

  Prepared by: EXP

  Addressed to: Solarbank Corporation

  Dated: October 3, 2024

- *219 Peggs Mountain Road, Burks Falls, Ontario, Acoustic Assessment Report*

  Prepared by: EXP

  Addressed to: Solarbank Corporation

  Dated: October 25, 2024 (Version 1.1)

- *219 Peggs Mountain Road, Burks Falls, Ontario, EASR Noise Report*

  Prepared by: EXP

  Addressed to: Solarbank Corporation

  Dated: October 4, 2024

  Accessed: Publicly posted on Access Environment

- *Site Plan (indicated as "for noise study)*

  Prepared by: Solarbank Corporation

  Dated: November 28, 2024

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Canada, K9J 6Z3

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August 18, 2025

- Letter Subject: *BESS Vibration*

  Prepared by: Evlo Energy
  Addressed to: Solarbank Corporation
  Dated: March 5, 2025

- *GTR-23015113-A0 Environmental Compliance Approval – Air Emissions (ECA/EASR – Air) Requirements for the Proposed Battery Storage Site 903*

  Prepared by: EXP
  Addressed to: Solarbank Corporation
  Dated: September 26, 2024 (Version 3.0)

Cambium was also provided documents such as the planning justification report. Note that these documents are not technical air/noise documents and were reviewed only for context and continuity.

APPLICABLE GUIDANCE/CRITERIA

In Cambium's opinion the applicable guidance for these Studies would come from the following sources:

- Provincial Policy Statement and other Planning guidance.
- Local Official Plan
- Town Bylaws
- Ministry of the Environment Conservation and Parks Guidelines:
  - Model Municipal Noise Control Bylaw
  - NPC-300
  - D-Series Planning Guidelines
  - EASR and approval guidance and regulations

As per our agreed upon scope, Cambium did not complete duplicate calculations, instead random checks of the presented calculations were made to confirm the results and conclusions of the Studies. The focus of the review was on the

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technical methodologies used and whether they meet standard practice. This is not a second opinion.

A site visit was not included in Cambium's scope of work.

PREFACE

Opinions expressed in this review are only for consideration and are not intended as modifications to the original documents. Cambium's opinions are offered for the consideration of the land use planning authority. This is to say that Cambium does not have authority in the planning process, the Township is the authority and must exercise its authority based on the Township's interpretation of our comments and opinions.

INTRODUCTION

The Studies are in support of a proposed BESS system located at 219 Peggs Mountain Road. It appears there is an existing solar power generation project on the property. There are dwellings on the Peggs Mountain Road. To the north is a licensed quarry. Most uses in the area are rural residential and agricultural.

It is understood that the Studies are intended to support a planning application.

SUMMARY OF CAMBIUM COMMENTS - NOISE STUDIES

Cambium would summarize our comments as follows:

1. It would be preferred if the proponent could clarify which noise/acoustic study should be considered the most recent and most applicable.

EXP Response: *The latest version of the Acoustic Assessment Report is the version dated October 25, 2024.*

> **Cambium Update:** Cambium would note that with the letter an updated June 2025 report was provided, we will assume this is now the appropriate report for review.

Professional Engineers Ontario

APGO

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August 18, 2025

2. NPC-300 considers all noise sources located within one property boundary to be one “stationary source”. The noise studies provided appear to address only the BESS noise sources.

    a. Please confirm that there are no significant noise sources related to the solar farm that seems to share the property.

    b. If the solar farm does have noise sources, they should be included in any NPC-300 compliant noise study for the property.

    c. We would note that it is possible that the two operations could have separate approvals, however the NPC-300 guideline is clear that the assessment should include all noise sources on the same property.

EXP Response: *According to Schedule A in a Confirmation of Registration to MECP dated April 4, 2018 for the existing solar facility (Registration Number R-006-3110402578), there are 13 inverters and 1 transformer in the solar facility. All of them have a sound power level less than 65 dBA. An AAR was not prepared. Therefore, it is concluded that there is no significant stationary noise source associated with the existing solar facility.*

Cambium Update: Resolved.

3. In Cambium’s experience addressing BESS noise, the units typically have different noise levels depending on charge status and use states. Can it be confirmed that the test data relied on is the predictable worst-case scenario for these units?

EXP Response: *The sound data used in the AAR are from the Occupational Noise Exposure Test Report, which was in the appendix of the AAR. The supplier of the BESS equipment, EVLO, has confirmed that the sound level measurements were performed at maximum operation power level and is considered as the predictable worse-case scenario.*

Cambium Update: Resolved.

Professional Engineers Ontario

APGO

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August 18, 2025

4. It is unclear how transformer sound power was calculated. The manufacturer data provided does not indicate what type of sound rating is provided (IE NEMA, IEEE Methods etc.). The report does not lay out how dBA sound power was determined from this rating, which is listed in dB.

EXP Response: *The transformer supplier, Daelim Transformer, has confirmed that the sound rating of the transformer was measured to ensure that it meets the CSA C88 Standard. The sound levels are presented in A-weighted sound levels. According to CSA C88 Standard, the sound rating should be measured in accordance with IEEE C57.12.90.*

Cambium Update: Resolved.

5. Supporting calculations indicate spectral data was used in assessment, however the supporting information is all single value noise measurement data. How was the spectrum of each source determined?

EXP Response: *The spectral data of each source is from EXP past sound level measurements for similar noise sources, then adjusted to match the A-weighted sound levels in the Occupational noise Exposure Test Report in Appendix B.*

Cambium Update: Resolved.

6. The noise studies do not seem to account for the vacant lot, or new residential development at 223 Peggs Mountain Road, directly to the west of the receptor location (POR1).

EXP Response: *The AAR has been updated with the latest site plan to include a noise receptor at the vacant lot at 223 Peggs Mountain Road.*

Cambium Update: Resolved.

7. The noise studies do not seem to address the three future residential lots to be potentially severed from the northeast side of the property that are shown in the air emissions letter and noted in the planning justification report.

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August 18, 2025

EXP Response: *The AAR has been updated with the latest site plan to include noise receptors at the three future residential lots.*

Cambium Update: Resolved.

8. It is not clear where the barrier effect in the sample calculations is coming from. Is this from modelling structures on site or does the topography break line-of-sight?

EXP Response: *No noise barrier or structures are in the CadnaA model. Only topography is included in the calculations.*

Cambium Update: Resolved.

9. Calculation settings for the CADNA software are not provided, Cambium cannot fully review the results without knowing the software settings.

EXP Response: *CadnaA settings for the analysis are described in Section 6 of the AAR.*

Cambium Update: The same information has been provided in the updated report as previously. Cambium has no reason to believe the settings used would not be supported by standard practice, however we cannot confirm that either. Settings such as no subtraction of negative ground attenuation and no negative path length difference cannot be confirmed.

SUMMARY OF CAMBIUM COMMENTS - VIBRATION LETTER

Cambium would summarize our comments as follows:

10. Based on our understanding of the Townships concern, they are requesting support that the BESS would not have any issue with the possible vibration impacts from the nearby quarry blasting.

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a. The letter quotes UL and NFPA standards, however Cambium's understanding is that the Township may request that an applicant address any concern for compatibility. It is not clear whether the UL and NFPA standards address the Township's concern about quarry blasting vibrations impacting the BESS.

b. Cambium would note that in Ontario there are vibration limits that must be met at all existing homes around a quarry. Based on the Site Plans we have reviewed there are homes in closer proximity to the quarry than the BESS. Provided the BESS is no more sensitive than a dwelling, it is unlikely that this is a concern.

11. Cambium would agree that the BESS is not a significant source of vibration.

Cambium Update: These comments were not responded too. Cambium would note that we do not necessarily expect a response is required, as noted above the Quarry must comply at nearby homes for blast vibrations, and it would be unusual for industrial equipment to be more sensitive than dwelling structures. Again, a BESS would not be an expected source of vibration.

SUMMARY OF CAMBIUM COMMENTS - AIR EMISSIONS LETTER

Cambium would summarize our comments as follows:

12. Paragraph 2 of the letter states that there will be no emissions in normal operations. However, it also seems to state that if the system is not in function for 24 hours there will be hot gas evacuated from the equipment.

    a. It is not stated how often these emissions may occur. If this is not an emergency condition, and the emissions may be relatively frequent it is possible that the emissions may require assessment.

EXP Response: *As stated, there will be no emissions in normal operations, and the potential gas release would only occur in an emergency condition, i.e. fire or 24-hour system failure.*

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Cambium Update: The response does not directly address our comment. However, we believe we can infer from the response that it is EXP's position that 24-hour system failure would be an emergency condition. Therefore, if this is the case, resolved.

13. Paragraph 2 also states that simulations show most gasses remain within the equipment, and that emissions will elevate in altitude very quickly, eliminating any risk to human safety.

    a. If applicable, please confirm what emission dispersion model was used to model the emissions from the equipment.

EXP Response: *The above note was concluded for a fire incident condition and based on previous 3D Computational Fluid Dynamics (CFD) assessment of the similar BESS site at East Claydon Battery Energy Storage System, i.e Technical Memo, Statera BESS Fire Study – East Claydon BESS Fire and Plume Study (Appendix A). The study/ modelling concluded that "As the worst-case BESS fire scenario demonstrates that there is no impact on the surrounding area, the likelihood of the BESS fire occurring is not of concern".*

    b. Please clarify what criteria was used to confirm the level of risk to human safety.

EXP Response: *Please see response to part "a". Further, the report / Technical Memo specifically concluded: "The frequency of a full BESS fire was estimated to be of the order 10 -8 /year which is well below HSE guidance of broadly acceptable risk to the public of 10 -6 /year."*

Cambium Update: Emissions compliance during a fire condition is an emergency and is outside of our normal scope of air emissions compatibility. Cambium would agree that emergency conditions are not normally addressed under MECP guidance for air pollution. These comments appear unrelated to approvals related to normal long-term emissions. Cambium understands a Hazard Assessment has been

completed and reviewed by others to address emergency conditions, with that expertise. Therefore, resolved.

14. The letter concludes that the BESS is exempt from approvals, however an EASR registration was completed after this letter. Please clarify.

EXP Response: *The letter concludes that the BESS is exempt from EASR – Air approval. To clarify, the completed EASR application referenced was with respect to noise, i.e. EASR-Noise.*

Cambium Update: Approval EASR # R-010-6116464755 is listed on the Access Environment System as EASR- Air Emissions and includes both a noise summary table and an air emissions summary table. However, resolved per comment below.

15. Cambium has noted the solar facility holds an EASR Registration, and the BESS has a registration. If the two uses are on the same property, this would suggest to Cambium that cumulative assessment should potentially be considered if both have significant emissions.

EXP Response: *Please see response to question #14 above, confirming that the completed EASR application for the BESS facility was for Noise impacts only, i.e EASR # R-010-6116464755.*

Cambium Update: Within the noise section of this review, it has been clarified that the solar farm has no significant noise emissions. Cambium would not anticipate air emissions from a solar farm either. There may be some administrative issue with the two separate EASR registrations on the same property, however Cambium would not expect this to be a land use compatibility issue. As noted above, this registration is indicated as an EASR – Air Emissions registration, and emission summary table is included as well. However, the emission summary table indicates no emissions. Therefore, resolved.

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Cambium General Comments - Air Emissions Letter**:**

It appears that within the Air Emissions Letter, there is confusion regarding emergency response requirements, and the approvals/compatibility requirements under the Environmental Protection Act and the Provincial Policy Statement.

The computational fluid dynamic analysis of the BESS facility, which concludes no hazards, is based on a fire condition, and the conclusion of no hazard is based on comparison to the Immediately Dangerous to Life and Health (IDLH) threshold for the primary contaminant of concern during a fire.

Cambium would note that assessment and approvals for air emission compatibility in planning, or in environmental compliance, do not normally consider emergency conditions under Provincial guidance.

It appears that the proponent is arguing that the proper characterization of this site, is that it will have no air emissions during normal operations. Based on Cambium's experience this is likely true. Appropriate experts should review the assessment of emergency condition such as a fire at the site, or an outage and the related emissions, such as those with expertise in emergency response and fires.

INFORMATIONAL COMMENTS FOR THE CONSIDERATION OF LAND USE PLANNING AUTHORITY

16. The Planning Authority may wish to consider a condition to verify that the recommendations of the report are implemented during detailed design also that the equipment that is ultimately installed matches the noise report. This is often achieved by a condition requiring some kind of verification be provided by a qualified acoustical consultant at later stages of design.

17. In addition to our comments, some common recommendations for conditions made for this type of development could be considered by the Planning Authority for requested or required inclusion on any approval document. Note

that generally some of these are good practice and not necessarily required by regulation or guidance:

a. Limitation on construction activities to reflect the local noise bylaw.
b. Consideration to ensure control of dust during construction.
c. Requirement for verification of the implementation of noise controls at completion of construction.
d. Verification of the noise levels of the site after construction.

18. Per our general comment of the air emissions letter, the appropriate experts should review the analysis of an emergency condition on the site.

LIMITATIONS OF REVIEW

Cambium was not provided with the modelling data therefore an in-depth review of the modelling is not possible.

If the proposed development significantly changes, a new report and potentially new review should be completed to verify compliance is maintained.

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August 18, 2025

CLOSING

Cambium's peer review comments have been responded too and generally addressed as discussed in this letter. There are no unresolved technical peer review comments.

Cambium trusts this satisfies the requirements of a peer review as requested by the Township. Please feel free to contact the undersigned with any questions.

Best regards,

Signed by:

Cambium Inc.

LICENSED PROFESSIONAL ENGINEER
T. M. COPELAND
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Encl. *Qualifications and Limitations*

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REFERENCES

MOE. (1995). *D-Series - Environmental Land Use Planning Guides.* Ontario Ministry of the Environment.

MOECC. (2017). *NPC-300 - Environmental Noise Guideline Stationary and Transportation Sources - Approval and Planning.* Ontario Ministry of the Environment and Climate Change.

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This is Exhibit “O” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

RECEIVED
SEPTEMBER 15, 2025
TOWNSHIP OF ARMOUR

TULLOCH

Planners | Surveyors | Biologists | Engineers

Township of Armour
PO Box 533, 56 Ontario Street
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September 11, 2025

Subject: Response to Addendum 1 to Peer Review of SolarBank Environmental Impact Study and Vegetation Management Plan for the proposed BESS facility at 219 Peggs Mountain Road, Armour Township.

TULLOCH Engineering ('TULLOCH') has been retained by the Township of Armour to undertake a peer-review of Environmental Impact Study and Vegetation Management Plan submissions made by SolarBank (the 'Proponent') in partial fulfillment of municipal applications to construct a Battery Energy Storage System facility at 219 Peggs Mountain Road, Armour Township (the 'Site').

TULLOCH previously issued *Addendum 1 to Peer Review of the SolarBank Environmental Impact Study and Vegetation Management Plan* (dated August 14, 2025). This addendum confirmed that all previous TULLOCH comments and recommendations issued for the Vegetation Management Plan had been satisfactorily addressed in the revised Plan issued by SolarBank in July 2025. This addendum also documented our technical comments and recommendations concerning the newly submitted *Environmental Impact Study (EIS): 219 Peggs Mountain Road, Armour* as prepared by SLR and dated July 15, 2025.

In response to the above addendum, the Proponent has provided an *Environmental Impact Study Addendum for 219 Pegg's Mountain Road, Township of Armour* prepared by SLR and dated September 9, 2025. In their response, SLR revised site mapping in Figures 2 and 3 to better depict studied areas on site and clarified language concerning mitigations. They also revised mitigations for Species at Risk bats by recommending tree removal be only undertaken outside of an April 1 to November 30 period, and that a Rocket Box style bat box be installed in compensation for the removal of one cavity tree. SLR will continue to work with the Proponent toward Endangered Species Act compliance, which is acknowledged to be a proponent-driven process.

Based on a review of this response, TULLOCH confirms that all comments and recommendations identified in our August 14, 2025, addendum have been satisfactorily addressed.

At this time, we have no further comments regarding the Environmental Impact Study or the Vegetation Management Plan.

Please do not hesitate to contact the undersigned should you have any questions or require clarification.

Sincerely,

TULLOCH Engineering Inc.

As prepared by:



Kelly Major (M.Sc. EP)
Senior Ecologist
Certified Environmental Professional

Environmental Impact Study (EIS)

219 Peggs Mountain Road, Armour

SolarBank Corporation

505 Consumers Road, Suite 803, Toronto, ON M2J 4V8

Prepared by:

SLR Consulting (Canada) Ltd.

100 Stone Road West, Suite 201, Guelph, ON N1G 5L3

SLR Project No.: 209.065266.00001

July 15, 2025

Revision: B

Revision Record

Revision	Date	Prepared By	Checked By	Authorized By
A	June 20, 2025	Carlene Perkin, Lucas McLennan	Dirk Janas	Matt Scoular
B	July 15, 2025	Lucas McLennan	Kim Logan	Matt Scoular

Statement of Limitations

This report has been prepared by SLR Consulting (Canada) Ltd. (SLR) for SolarBank Corporation (Client) in accordance with the scope of work and all other terms and conditions of the agreement between such parties. SLR acknowledges and agrees that the Client may provide this report to government agencies, interest holders, and/or Indigenous communities as part of project planning or regulatory approval processes. Copying or distribution of this report, in whole or in part, for any other purpose other than as aforementioned is not permitted without the prior written consent of SLR.

Any findings, conclusions, recommendations, or designs provided in this report are based on conditions and criteria that existed at the time work was completed and the assumptions and qualifications set forth herein.

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Executive Summary

SLR Consulting (Canada) Ltd. (SLR) has been retained by SolarBank Corporation (SolarBank) to prepare this Environmental Impact Study (EIS) for 219 Peggs Mountain Road, Armour, Ontario (the Subject Property; **Figure 1**). The Subject Property is approximately 40 hectares (ha) and currently supports woodland (mix of coniferous and deciduous tree cover), cultural meadow, and cultural thicket. For the purpose of the EIS and based on the relatively small extent of proposed development the Subject Property is further subdivided into a Study Area which contains the area of proposed development and the adjacent lands within 120 m of the proposed development. It is SLR's understanding that the EIS has been requested as part of an Independent Electricity System Operator (IESO) contracted Battery Energy Storage System (BESS) development project.

A Species at Risk (SAR) Desktop Screening memorandum was prepared by SLR on April 24, 2025, which described SLR's methods, the results of the SAR desktop screening, and SLR's proposed recommendations for next steps regarding targeted SAR surveys, potential permitting or registration requirements under the *Endangered Species Act, 2007* (ESA), and consultation with regulatory agencies (SLR 2025).

Based on the findings and recommendations of this EIS report, it is our opinion that with the implementation of the mitigation measures, the proposed development is environmentally feasible.

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Appendices

Appendix A TULLOCH Peer-review
Appendix B Vascular Plant List
Appendix C SAR Screening Table
Appendix D SWH Screening Table

Acronyms and Abbreviations

ANSI	Areas of Natural and Scientific Interest
BESS	Battery Energy Storage System
CC	Coefficient of Conservatism
COSSARO	Committee on the Status of Species at Risk in Ontario
DBH	Diameter-at-Breast Height
DFO	Department of Fisheries and Oceans
EIS	Environmental Impact Study
ELC	Ecological Land Classification
ESA	Endangered Species Act
ESA	Environmental Site Assessment
ESC	Erosion and Sediment Control
IESO	Independent Electricity System Operator
LID	Low Impact Developments
MBCA	Migratory Birds Convention Act
MBR	Migratory Birds Regulations
MECP	Ministry of Environment, Conservation and Parks
MNR	Ministry of Natural Resources
NHF	Natural Heritage Feature
NHIC	Natural Heritage Information Centre
OBA	Ontario Butterfly Atlas
OBBA	Ontario Breeding Bird Atlas
OMMAH	Ontario Ministry of Municipal Affairs and Housing
OP	Official Plan
ORAA	Ontario Reptile and Amphibian Atlas
PPS	Provincial Planning Statement
PSW	Provincially Significant Wetland
SAR	Species at Risk
SWH	Significant Wildlife Habitat

1.0 Introduction

SLR Consulting (Canada) Ltd. (SLR) has been retained by SolarBank Corporation (SolarBank) to prepare this Environmental Impact Study (EIS) for 219 Peggs Mountain Road, Armour, Ontario. The Subject Property is located southeast of Peggs Mountain Road and River Drive in the Township of Armour, Town of Parry Sound, Ontario. The location of the Subject Property is depicted on **Figure 1**. For the purpose of this EIS, the Subject Property is further subdivided into a Study Area which contains the area of proposed development and the adjacent lands within 120 m of the proposed development.

The EIS is required for the Subject Property due to the proposed development's proximity to natural features. When there is potential for development to impact these features or their functions the need for an EIS is triggered under the relevant Township of Armour (Township), and Town of Parry Sound (Town) policies.

Previously, TULLOCH Engineering ('TULLOCH') was retained to undertake a peer-review (TULLOCH 2025) of the project as provided in the following reports: *219 Peggs Mountain Road, Burk's Falls, Ontario: Phase One Environmental Site Assessment*, prepared by EXP Services Inc. (EXP) and dated January 16, 2024 (EXP 2024); and, the *Vegetation Plan: 903 BESS: 219 Pegg's Mountain Road, Burk's Falls, ON* prepared by SolarBank (SolarBank n.d.). The Environmental Site Assessment (ESA) and Vegetation Management Plan were prepared following municipal pre-consultation instructions dated January 11, 2024. In their peer-review comments, TULLOCH recommended that an EIS be prepared in alignment with Section 5.1.2(f) of the Official Plan (Site Assessment and/or Environmental Impact Study) (Township of Armour 2024). TULLOCH's peer review has been included in **Appendix A**.



LEGEND:

- WATERCOURSE
- WETLAND - UNEVALUATED AS PER OWES
- SITE LOCATION

NOTES:
NOTE 1 - BASEMAP DATA PROVIDED BY ONTARIO'S MINISTRY OF NATURAL RESOURCES AND FORESTRY (ONTARIO HYDRO NETWORK AND ROAD SEGMENTS)

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SOLARBANK CORPORATION
219 PEGGS MOUNTAIN ROAD IN ARMOUR
ONTARIO, CANADA

ELT1 BESS SAR SCREENING

SITE LOCATION

SLR

FIGURE NO:
1

DATE: July 4, 2025

PROJECT NO: 209.065266.00001

Last Saved: Friday, July 4, 2025 7:54 AM by sean.murray

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2.0 Policy Framework

Relevant planning policies, legislation, and regulatory requirements pertinent to the assessment area are summarized in the following sections. The general relevance of these policies to the Subject Property is also noted. More detailed analysis of policy implications is provided in subsequent sections of this report, where relevant.

2.1 Provincial Planning Statement (2024)

The *Provincial Planning Statement, 2024* (PPS) provides direction to regional and local municipalities regarding planning policies for the protection and management of natural heritage features and resources (Ontario Ministry of Municipal Affairs and Housing 2024). Section 4.1 of the PPS defines ten Natural Heritage Features (NHF) and *adjacent lands* and provides planning policies for each. Of these NHF, development is not permitted in:

- Significant Coastal Wetlands;
- Significant Wetlands in Ecoregions 5E, 6E and 7E;
- Fish Habitat, except in accordance with provincial and federal requirements; or
- Habitat of species designated as Endangered and Threatened, except in accordance with provincial and federal requirements.

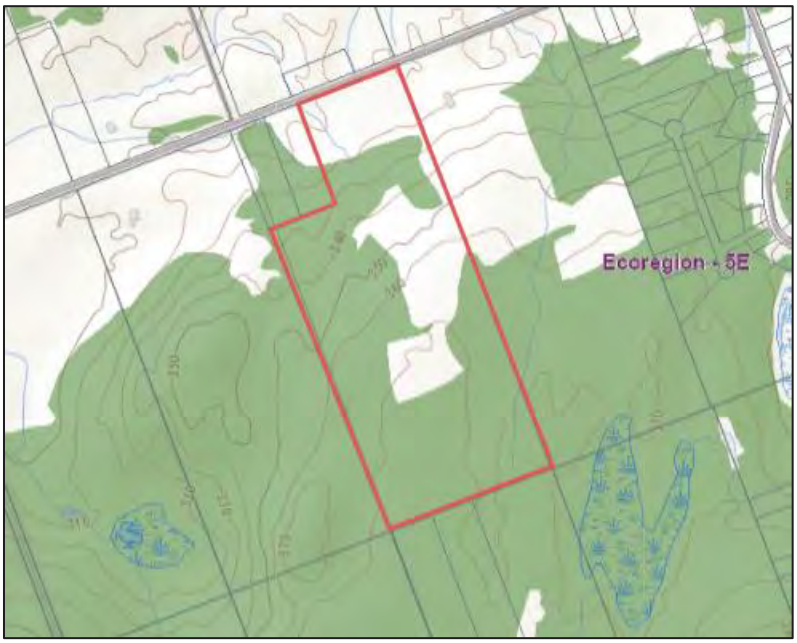
Additionally, unless it can be demonstrated through an Environmental Impact Study (EIS or NHE) that there will be no negative impacts on the natural features or their ecological functions, development and site alteration are also not permitted in:

- Significant Wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;
- Significant Woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary's River);
- Significant Valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary's River);
- Significant Wildlife Habitat;
- Significant Areas of Natural and Scientific Interest (ANSI);
- Other Coastal Wetlands in Ecoregions 5E, 6E and 7E; and
- Lands defined as *Adjacent Lands* to all the above natural heritage features.

Each of these natural heritage features is afforded varying levels of protection subject to guidelines, and in some cases, regulations.

The Subject Property is located in Ecoregion 5E (Crins, Gray, et al. 2009). As depicted on the Ministry of Natural Resources (MNR) Natural Heritage Information Centre (NHIC) mapping there are no Provincially designated significant features (e.g., Provincially Significant Wetlands [PSWs], ANSIs) found within or adjacent to the Subject Property. There is an unevaluated wetland adjacent to the southeast limit of the Subject Property (**Map A**). Watercourses have been identified extending into the northern and southeastern limits of the Subject Property. Aquatic, wetland, and fish habitat are not found within the Subject Property.

Map A. Ministry of Natural Resources (MNR) NHIC – Mapping showing watercourses (blue lines), woodlands (dark green layer), and unevaluated wetland (blue pattern layer) on and adjacent to the Subject Property (approximate boundaries in red) (Ministry of Natural Resources 2025).



2.2 Armour Township Official Plan

The *Armour Township Official Plan* (OP) was adopted by council 1991 and approved by the Province in 1994 (Township of Armour 2024).

Section 2.4 of the Township's OP discusses Environmental Constraint Areas, which should be considered in new or extended development applications (Township of Armour 2024). Environmental Constraint Areas include:

- Mineral aggregate resource deposits,
- Significant wildlife habitats,
- Deer wintering areas,
- Significant habitat of endangered and threatened species,
- Abandoned mine hazards,
- Significant fish habitat, and
- Wetlands.

These features, where they are known (except for significant habitat of Endangered and Threatened species), are depicted on Schedule B: Environmental Constraint Areas of the OP (**Map B**). The objective of Environmental Constraint Areas is to guide development and to protect environmentally sensitive areas (Township of Armour 2024).

Significant habitat of Endangered and Threatened species is not shown in Schedule B of the OP. According to the Township's OP in Section 2.4.3 c), *Significant Habitat of Endangered and Threatened Species and Significant Wildlife Habitat:*

Council recognizes the importance and value of both the significant habitat of endangered and threatened species and significant wildlife habitat in Armour Township and supports their protection.

i. *Development and site alteration shall not be permitted in habitat of endangered and threatened species, except in accordance with provincial and federal requirements.*
ii. *A range of significant wildlife habitats (in addition to deer wintering habitat) may occur in Armour Township, as described in the MNRF Significant Wildlife Habitat Technical Guide. New development and site alteration shall only be permitted within the significant wildlife habitat or adjacent lands (generally within 120 metres) to the significant wildlife habitat if it has been demonstrated through a site-specific assessment (i.e. Environmental Impact Study) that there will be no negative impacts on the natural features or their ecological functions.*
iii. *While a small number of locations of significant habitat of endangered and threatened species and significant wildlife habitat are known, the majority can only be identified through site assessment. Accordingly, before new site-specific planning approvals are granted for larger scale development (e.g. subdivisions/condominiums, major industrial or commercial developments), Council will generally require that an appropriate level of site assessment be carried out by a qualified professional before new planning approvals are granted. This will ensure that such significant habitats, if present, are identified. In the case of habitat of endangered species and threatened species, development and site alteration shall not be permitted, except in accordance with provincial and federal requirements*.

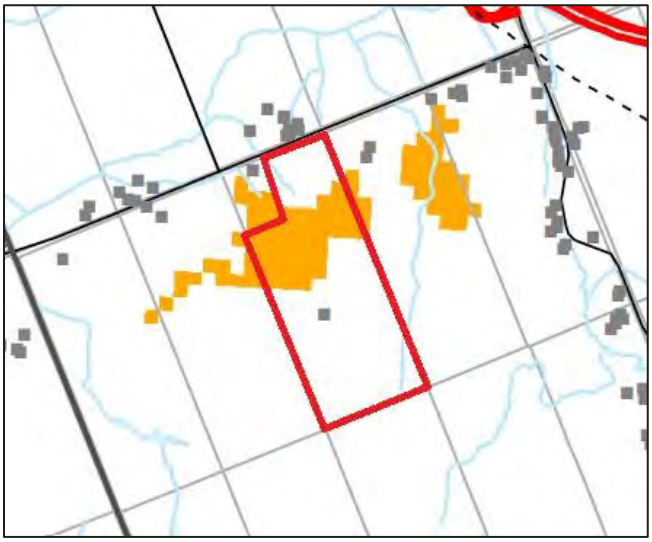
Section 2.4.3 f), *Wetlands*, it is stated that there are no known PSW areas in the municipality; however, if one is identified, development and/or site alteration shall not be permitted within or within 120 m of the PSW, unless another distance is more appropriate as determined through further studies (Township of Armour 2024). Through the MNR's NHIC mapping, unevaluated wetland is identified southeast of the Subject Property boundary (**Map B**).

Wetland areas are a significant environmental resource, which contribute to the ecological, social and economic well being of the Township of Armour. It is the intent of this Plan to protect wetland areas within the Township from incompatible land uses. There are no known provincially significant wetland areas in the municipality. If one is identified, no development or site alteration will be permitted in it or adjacent to it. Lands adjacent to a provincially significant wetland are defined as within 120 metres until further evaluation proves another distance more appropriate.



Map B. The Township's OP Schedule B: Environmental Constraint Areas – Mapping showing watercourses (blue lines) and unevaluated wetland (green hatched layer) on and adjacent to the Subject Property (approximate boundaries in red) (Township of Armour 2024).

Wildland Fire Hazard Areas are discussed in Section 2.4.3 g) of the Township's OP. These areas were provided by the MNR and are shown in Appendix A of the OP (**Map C**). This is a generalized map, "*but may be used as a starting point for the completion of an Armour Township wildland fire assessment plan*" (Township of Armour 2024). The Subject Property contains areas with Potential Wildland Fire Hazard Classification of 'High'. Where the wildland fire risk potential is high to extreme, "*the MNRF recommends undertaking the two-step process (levels 1 and 2) for assessing the required mitigation efforts, as described in the Wildland Fire Risk Assessment and Mitigation Reference Manual, 2017*" (Ontario Ministry of Natural Resources and Forestry 2017).



Map C. Ministry of Natural Resources (MNR): Township of Armour Wildland Fire Hazard Map – Mapping showing High Potential Wildland Fire Hazard Classification (orange layer) on and adjacent to the Subject Property (approximate boundaries in red) (Ontario Ministry of Natural Resources and Forestry 2017).

As part of the Township's objectives under Section 4.4: *Energy Conservation and Climate Change*, the OP addresses the need for mitigation and adaptation in response to climate change (Township of Armour 2024). In Section 4.4.2, *Policies*, Council will, "*encourage the use of wind energy, solar panels and the production of crops for biodiesel and ethanol fuels*" (Township of Armour 2024). Climate change mitigation shall be considered in the development application review process though, "*designing for energy conservation including renewable energy systems*" (Township of Armour 2024).

2.3 Township Woodlands Conservation By-law 12-2006

The Township's *Woodlands Conservation By-law 12-2006* regulates the conservation of woodlands, "*for the purposes of promoting conservation, good forestry practices and sustain healthy woodlands within the Township*" (Township of Armour 2006).

Within the By-law, 'Woodlands,' *means land at least one hectare and more in area with at least:*

i. 400 trees per acre (988 trees per hectare) of any size,

ii. 300 trees per acre (750 trees per hectare) measuring over two (2) inches, (5.0 centimetres), in diameter at DBH,

iii. 200 trees per acre, (494 trees per hectare) measuring over five (5) inches (12.7 centimetres) in diameter at DBH, or

iv. 100 trees per acre, (247 trees per hectare) measuring over eight (8) inches (20.3 centimetres) in diameter at DBH,

but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas Trees.

The By-law applies to living trees of a specific species (*Species A and Species B*) and diameter measurement, as listed in Section 2: *Applications – Specific* (Township of Armour 2006). Under Section 3: *Application – General*,

3.1 Every person who is destroying or injuring trees shall,

i. do so in accordance with good forestry practices;

ii. only destroy or injure those trees which have attained, at the specific point of measurement, the circumference measurement which equals or is greater than the minimum circumference prescribed for the species in Section 2.1; and

iii. not reduce the number of trees per hectare below the minimum number of trees per hectare required to be considered woodlands; (as defined)

3.2 No person shall destroy or injure a tree,

i. located in sensitive natural area;

ii. that is to remain standing after the destruction or injuring of trees is completed.

Note that this By-law does not apply to:

a) the injuring or destruction of trees by the registered owner of land, who has owned the *land for at least two years, to cut trees thereon for the person's own use, as defined;*

…

e) the injuring or destruction of trees imposed after December, 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51, or 53, respectively, of the Planning Act or as a requirement of site plan agreement or subdivision agreement entered into under those sections;

f) the injuring or destruction of trees imposed after December, 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the Planning Act or as a requirement of an agreement entered into under the regulation;

…

k) *apply to trees growing in a woodlot that is less than 2 acres (0.81 hectares) in area*.

Based on SLR's interpretation of the wording, it appears that this Bylaw does not apply to the project, as stated in 4.1 e) of this Bylaw, the removal of trees is required for the completion of the site plan and would be exempt. It is also noted that the activities associated with this project would not result in the woodland ceasing to fit the above mentioned definition of a woodland under this Bylaw.

2.4 Township Tree Canopy and Natural Vegetation Policy By-law 17-2019

The Township's *Tree Canopy and Natural Vegetation Policy By-law 17-2019* provides a summary of local vegetation, planting considerations, and to promote good forestry practices (Township of Armour 2019). The By-law and corresponding *Schedule A* applies to all properties and development on public and private lands within the Township of Armour (Township of Armour 2019). It is a guideline to be utilized for residential, commercial, and public purposes (Township of Armour 2019). *Schedule A* includes a list of local and native species that should be referred to when implementing vegetation plantings.



2.5 Endangered Species Act

Species designated as Endangered or Threatened by the Committee on the Status of Species at Risk in Ontario (COSSARO) are listed as Species at Risk (SAR) in Ontario (Government of Ontario 2007). These SAR and their habitats (e.g., areas essential for breeding, rearing, feeding, hibernation, and migration) are afforded legal protection under the Endangered Species Act, 2007 (ESA). This Act is administered by the Ministry of Environment, Conservation and Parks (MECP).

The protection provisions for species and their habitat within the ESA apply only to those species listed as Endangered or Threatened on the SARO list, being Ontario Regulation 230/08 of the ESA. Species listed as Special Concern may be afforded protection through policy instruments respecting significant wildlife habitat (e.g., the PPS) as defined by the Province, other relevant authority, or other protections contained in Official Plans. The Province is currently in the process of replacing the ESA with the Species Conservation Act (SCA). Until the new Act comes into effect, the current ESA legislation and regulations apply.

2.6 Migratory Birds Convention Act

The Migratory Birds Convention Act, 1994 (MBCA) and Migratory Birds regulations, 2022 (MBR), together with the provincial Fish and Wildlife Conservation Act (Government of Ontario 1997), protect most species of migratory birds and their nests and eggs anywhere they are found in Canada (Government of Canada 1994). General prohibitions under the MBCA and MBR protect migratory birds, their nests, and their eggs and prohibit the deposit of harmful substances in waters / areas frequented by them. The MBR includes an additional prohibition against incidental take, which is the inadvertent harming or destruction of birds, nests, or eggs.

Compliance with the MBCA and MBR is best achieved through a due diligence approach, which identifies potential risk, based on a site-specific analysis in consideration of the Avoidance Guidelines and Best Management Practices information on the Environment Canada website (Government of Canada 2018).

3.0 Study Approach

3.1 Background Review

SLR has reviewed relevant background material to provide a focus to field investigations and ensure compliance with applicable regulations and policy. Background information collection is guided by the Natural Heritage Information Request Guide (Ministry of Natural Resources and Forestry 2018). Current direction from the Ministry of Natural Resources (MNR) and Ministry of Environment, Conservation and Parks (MECP) is to gather natural heritage information and species occurrence records from available sources; the NHIC Make-a-Map application being the main source of information and records from the Ministry itself (Ministry of Natural Resources 2025). Information gathered is recommended to be balanced and supplemented by professional ecological review of potential habitats and characteristics of a project site.

Background review for the Subject Property included the collection of relevant mapping and reports, including regulations and policies, Official Plans, and zoning by-laws; and the NHIC Make-a-Map application for species occurrences and designated area mapping. In addition to these sources, the following data sources were reviewed for the project:

- Natural Heritage Information Centre (NHIC) database (Ministry of Natural Resources 2025);

- Ontario Breeding Bird (Bird Studies Canada 2025) and Reptile and Amphibian Atlases (Ontario Nature 2025);
- Ontario Butterfly Atlas (OBA) (Toronto Entomologists Association 2025);
- Department of Fisheries and Oceans (DFO) Aquatic Habitat and SAR Mapping (Fisheries and Oceans Canada 2025);
- Atlas of the Mammals of Ontario (Dobbyn 1996);
- iNaturalist (California Academy of Sciences 2025); and
- eBird (Cornell Lab of Orinthology 2025).

Other sources of information, such as aerial photography and topographic maps, were also consulted prior to commencing field assessments. Following the Information Request Guide, MECP advice and direction should be solicited if SAR interactions or potential interactions are identified via field investigation and analysis.

3.2 Agency Correspondence

Pre-consultation with Armour Township staff was conducted on January 11, 2024. Township staff advised the Client of next steps to proceed with the proposed development, including an Environmental Impact Study.

3.3 Ecological Surveys

Ecological field investigations were conducted by SLR ecologists at the Subject Property in 2025. These investigations are summarized in **Table 1**, below.

Table 1: Summary of Ecological Surveys

Field Investigation	Dates	Weather
Ecological Land Classification (ELC)	May 2, 2025	9°C, 100% cloud cover, 15 km/h winds
Snag Tree Survey	May 2, 2025	9°C, 100% cloud cover, 15 km/h winds
Breeding Bird Survey	June 3, 2025	10°C, 30% cloud cover, 10 km/h winds
Deployment of Acoustic Monitors	June 3, 2025	10°C, 30% cloud cover, 10 km/h winds
Breeding Bird Survey	June 13, 2025	9°C, 100% cloud cover, <10 km/h winds
Retrieval of Acoustic Monitors	June 13, 2025	9°C, 100% cloud cover, <10 km/h winds

3.3.1 Ecological Land Classification and Flora

Vegetation communities were mapped and described based on their best fit to community classifications within the standard systems provided in the *Ecosites of Ontario - Great Lakes to St. Lawrence* (Banton, et al., 2009) and Ecological Land Classification (ELC) System for Southern Ontario (Lee, et al., 2008). Vegetation community boundaries were delineated on field maps through the interpretation of recent aerial photographs and refined in the field. Information collected during the ELC surveys includes dominant species cover, community structure, as well as level of disturbance, presence of indicator species, and other notable observations.

Botanical surveys were completed by traversing the Study Area and recording species observed in each vegetation community. Provincial plant status was based on the *Provincially Rare Flora of Ontario* (Oldham & Brinker, 2009) and the NHIC species lists (Ministry of Natural Resources and Forestry, 2023). Regional plant status was based on *Provincially and Regionally Rare Plant Species – Ecoregion 5E* (Crins, Provincially and Regionally Rare Vascular Plant Species - Ecoregion 5E 2004). Local plant status was based on Locally Rare Vascular Plants – 5E (Crins, Locally Rare Vascular Plants - Site District 5E 2004)

Searches for Butternut (*Juglans cinerea*) and other rare species were completed during the ELC and botanical surveys.

3.3.2 Breeding Bird Surveys

Breeding bird surveys were conducted following the principles of the *Ontario Breeding Bird Atlas Guide for Participants* (Bird Studies Canada, 2001). A survey of the study area was conducted on June 3 and June 13, 2025, between 05:00 and 10:00. Weather conditions during the surveys were 30-100% overcast, with light air to light breezes, no precipitation, and temperatures of 9-10°C at the beginning of surveys. The survey was carried out by traversing the study area to within 50 m of all points of the area and mapping the presence of all birds detected by sight and sound, except for those birds flying over the study area (birds soaring overhead, however, were recorded).

3.3.3 Potential Maternity Roost Habitat

Based on MNRF guideline, *Maternity Roost Surveys (Forests/Woodlands)*, Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), Eastern Red Bat (*Lasiurus borealis*), Hoary Bay (*Lasiurus cinereus*), Silver-haired Bat (*Lasionycterus noctivagans*) and Tri-colored Bat (*Perimyotis subflavus*) may establish maternity roosts in any coniferous, deciduous or mixed wooded ecosite that includes trees at least 25 cm diameter-at-breast height (DBH) and should be considered suitable maternity roost habitat (Ministry of Environment Conservation and Parks, 2022). Based on aerial imagery and ELC field investigations, forest communities were identified within and directly adjacent to the Subject Property.

Due to the lack of suitable habitat for Eastern Small-footed Bat (*Myotis leibii*) such as rock outcrops, under bridges, or in caves and mines, this species is not expected to occur within the Subject Property.

3.3.4 Snag Tree Survey

A search for potentially suitable maternity roosting trees was conducted during leaf-off period on May 3, 2025, with an unobstructed canopy, all trees >25 cm DBH within the Study Area were surveyed for suitable maternity roost characteristics. Based on the size of the proposed building footprint, 0.89 ha, a single ecologist walked transects to view multiple angles of all trees. Trees with snag attributes (i.e. cavities, loose bark, crack) in the Subject Property were flagged as



potential roosting habitat if they met the specific habitat preferences described in **Table 3**. This work was completed to identify suitable areas for the deployment of acoustic monitors.

3.3.5 Acoustic Monitoring Study

Acoustic monitoring methods were based on the 2022 *Maternity Roost Surveys (Forests/Woodlands)* protocol (Ministry of Environment Conservation and Parks, 2022). One SM4BAT FS Ultrasonic Detectors was deployed in one location (**Figure 2**). SM4BAT FS Ultrasonic Detectors have one microphone output, resulting in a total of one microphone recording locations that were deployed in areas with little understory and/or in proximity to potential snag tree habitat on the Subject Property. The SM4BAT Detectors are capable of 16-bit digital high-speed sampling, using ultrasonic microphones designed specifically for recording bat echolocation calls covering a 25 m radius (Wildlife Acoustics, n.d.). The microphones were positioned off the ground and angled upwards to maximize bat detection and reduce noise. The detectors were strategically placed near potential snag trees to maximize potential for high-quality bat calls, as well as within areas with an open understory. The detectors were programmed to record for approximately 8 hours starting at sunset and ending at sunrise, from June 3 to June 13 (10 evenings at each location) with recordings triggered when ultrasonic signals from the bats were detected in the vicinity.

3.3.6 Species at Risk Habitat Assessment

For the purposes of this report, SAR include species listed as Endangered, Threatened or Special Concern under Ontario's ESA. Based on our experience in potential habitat opportunities and species distribution in the region, a site-specific SAR screening was completed.

Prior to field work, existing SAR records were queried with the NHIC database and other online resources. Habitat opportunities for SAR on the site were then assessed by comparing habitat preferences of species deemed to have potential to occur against current site conditions. The species noted during the NHIC search and other species known through professional experience to have potential to occur were considered in the assessment.

3.3.7 Significant Wildlife Habitat Screening

The criteria for the identification of Significant Wildlife Habitat (SWH) features are provided in the *Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E* (Ontario Ministry of Natural Resources and Forestry, 2015). Under the PPS, planning authorities including MNRF and regional and local municipalities have the responsibility to identify and designate SWH. To evaluate the potential for SWH within the Subject Property, a SWH screening was completed using the criteria outlined in the Significant Wildlife Habitat Criteria Schedules for Ecoregion 6E.

Ministry of Natural Resources (2000) also provides example types of impacts and mitigation suggestions which can be referenced when determining effects of activities on wildlife habitat identified in the Significant Wildlife Habitat Technical Guide.

4.0 Existing Conditions

The Subject Property consists of forest and anthropogenically influenced meadow, with an existing solar power generating station. Natural heritage features within the Subject Property include the woodland area. Most surveys were focussed within the Study Area described above which contains primarily wooded habitat. Many areas on the Study Area show signs of tree clearing directly south of the solar power generating station.

4.1 Vegetation and Flora

4.1.1 Vegetation Communities

Vegetation communities within the Study Area were mapped and described according to the *Ecosites of Ontario - Great Lakes to St. Lawrence* (Banton, et al., 2009).

Existing environmental conditions are shown in **Figure 2**, with a general summary of communities provided in **Table 2**. Representative photos of vegetation communities are also provided (**Photos 1 - 4**).

Table 2: ELC Communities

Vegetation Community	General Community Notes
Dry – Fresh, Coarse: Maple Hardwood Open Tall Treed (G058oTt)	This community was located primarily within the proposed area of development. Tree clearing has occurred extensively through the community to remove taller trees that may shade the downslope solar power generating station. The sparse (10% cover) canopy consisted of Sugar Maple (*Acer saccharum*). The subcanopy covered approximately 50% of the community and consisted of Balsam Fir (*Abies balsamea*) and White Spruce (*Picea glauca*). The understory was dense (70% cover) and consisted of Red Raspberry (*Rubus idaeus*), Black Raspberry (*Rubus occidentalis*), and Sugar Maple. Ground cover was surveyed, though due to the timing of surveys, most species captured were spring ephemerals such as Trout Lily (*Erythonium americanum*) and not representative of the majority of the growing season.
Dry – Fresh, Coarse: Spruce – Fir Conifer Closed Tall Treed (G052cTt)	This community was located primarily east of the proposed area of development. Clearing of larger canopy trees has occurred in this community to a lesser degree than in the G058oTt community. The canopy was moderately dense (60% cover) and consisted of Balsam Fir. The subcanopy was dense (70% cover) and consisted of Basam Fir and White Spruce. The understory covered approximately 50% of the community and consisted of Sugar Maple. Ground cover was surveyed, though due to the timing of surveys, most species captured were spring ephemerals such as Trout Lily (*Erythronium americanum*) and not representative of the majority of the growing season.
Dry – Fresh, Coarse: Maple Hardwood Closed Tall Treed (G058cTt)	This community was located in the south portion of the Study Area. Removal of some canopy trees has occurred in this community to avoid shading of the solar power generating station. The canopy is sparse (20% cover) consisting of Sugar Maple and American Beech (*Fagus grandifolia*). The subcanopy covered approximately 50% of the community and consisted of Sugar Maple, American Beech, and Balsam Fir. The understory was dense (80% cover) consisting of regenerating Sugar Maple and American Beech. Ground cover was surveyed, though due to the timing of surveys, most species captured were spring ephemerals such as Trout Lily (*Erythronium americanum*) and not representative of the majority of the growing season.



Vegetation Community	General Community Notes
Dry – Fresh, Coarse: Cedar – Hemlock Conifer Closed Tall Treed (G051cTt)	This community was located in the west portion of the Study Area. The eastern extent of this community had larger canopy trees removed to prevent shading of the solar power generating station. The canopy was very dense (90% cover) and consisted of Eastern Hemlock (*Tsuga canadensis*) and Yellow Birch (*Betula alleghaniensis*). The subcanopy was dense (70% cover) consisting of Eastern Hemlock and Yellow Birch. The understory was sparse (30% cover) consisting primarily of Red Raspberry. Ground cover was highly variable between the open and undisturbed sections of this community. Woodfern species (*Dryopteris sp*.) were the primary plant species with their relative cover approximately 10% in undisturbed forest and 50% in more open canopy.





Photo 1: G058oTt community (May 2, 2025)



Photo 2: G052cTt community (May 2, 2025)



Photo 3: G058cTt community (May 2, 2025)



Photo 4: G051cTt community (May 2, 2025)

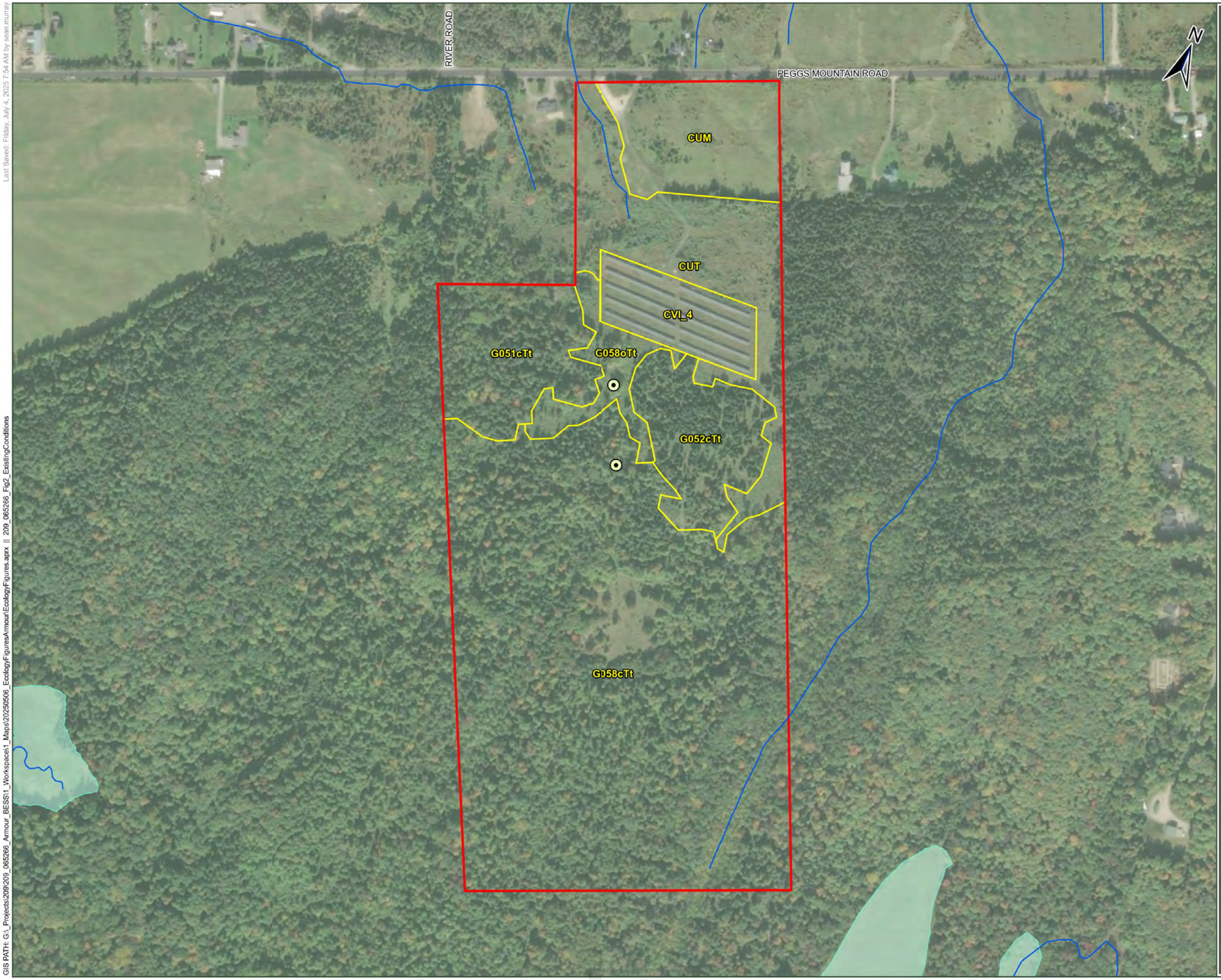
4.1.2 Flora

A total of 36 species of vascular plants were recorded within the Subject Property, including 22 (62%) native species, 7 (19%) species which are non-native to Ontario and 7 (19%) species were identified to the genus only due to the limited representation of key characteristics (**Appendix B**). No species ranked provincially as S1 – S3 were found within the Subject Property.

The Coefficient of Conservatism (CC) of a floristic species is a measure of its sensitivity to disturbance and the degree of habitat specificity it requires (Catling, 2013; Oldham, Bakowsky, & Sutherland, 1995). Measured on a scale between 0 and 10, a native species that establishes easily and/or in a variety of ecological communities would score low; while a plant that is very sensitive to human disturbances and/or lives only in specific environments (e.g. only fen wetlands) would score high.

Based on the data collected, the average CC for the Site is 4.27, indicating that most of the species on the Subject Property are found in a variety of plant communities, including disturbed sites or plant communities with minor disturbances. Three species, Wild Leek (*Allium tricoccum*), Tamarack (*Larix laricina*), and Eastern Hemlock, have CCs of 7, indicating a fidelity to communities of advanced successional stage, but perhaps with minor disturbances. These species are not considered rare.

No SAR plants were observed during the field investigations.



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GIS PATH: G:_Projects\209\209_065266_Armour_BESS\1_Workspace\1_Maps\20250506_EcologyFiguresArmour\EcologyFigures.aprx || 209_065266_Fig2_ExistingConditions

LEGEND:

- SNAG TREE (SUGAR MAPLE)
- WATERCOURSE[1]
- ECOLOGICAL LAND CLASSIFICATION (ELC)
- WETLAND - UNEVALUATED AS PER OWES[1]
- SITE LOCATION

ELC Legend

CUM - Cultural Meadow
CUT - Cultural Thicket
CVI - Power Generation
G051cTt - Dry - Fresh, Coarse: Cedar - Hemlock Conifer
G052cTt - Dry - Fresh, Coarse: Spruce - Fir Conifer
G053cTt/G058oTt - Dry - Fresh, Coarse: Maple Hardwood

NOTES:
NOTE 1 - BASEMAP DATA PROVIDED BY ONTARIO'S MINISTRY OF NATURAL RESOURCES AND FORESTRY (ONTARIO HYDRO NETWORK AND ROAD SEGMENTS)

SERVICE LAYER CREDITS: MAXAR, MICROSOFT (2024)

0 50 100 150 200 250 m

SCALE: 1:4,500
PAGE SIZE: 11 x 17
NAD 1983 UTM Zone 17N

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SOLARBANK CORPORATION
219 PEGGS MOUNTAIN ROAD IN ARMOUR
ONTARIO, CANADA

ELT1 BESS SAR SCREENING

EXISTING ENVIRONMENTAL CONDITIONS

SLR

FIGURE NO:
2

DATE: July 4, 2025

PROJECT NO: 209.065266.00001

4.2 Wildlife

4.2.1 Breeding Birds

A total of 34 bird species were documented in the Subject Property, with no SAR or rare bird species observed. Seven area sensitive species; Winter Wren (*Troglodytes hiemalis*), Veery (*Catharus fuscescens*), Magnolia Warbler (*Setophaga magnolia*), Black-throated Green Warbler (*Setophaga virens*), Blackburnian Warbler (*Setophaga fusca*), Black-and-white Warbler (*Mniotilta varia*), and American Redstart (*Setophaga ruticilla*) was identified within the Subject Property. All birds recorded within the Subject Property are considered common in Ontario (S4/S5). All bird species had possible breeding evidence as males were singing in suitable nesting habitat. The most common species found in the Subject Property included White-throated Sparrow (*Zonotrichia albicollis*), Chestnut-sided Warbler (*Setophaga pensylvanica*), and Song Sparrow (*Melospiza melodia*) which are common to a variety of open forest habitats. The full survey results are provided in **Appendix C.**

4.2.2 Potential Maternity Roost Habitat and Snag Survey

A Bat Habitat Suitability Assessment was completed using aerial photography and ELC field investigation of the Subject Property. Due to the largely treed nature of the Subject Property, all forested portions of the Subject Property had potential to contain Maternity Roosting Habitat and therefore a screening was completed for snag trees in the focused area of the proposed development.

The Study Area was traversed on May 2, 2025 to identify any potential bat habitat trees. During the survey, two snag trees were located. One individual was located within the proposed development area and one individual was located outside the proposed area of development. The individual to be removed was a Sugar Maple with a DBH of >25 cm and a cavity approximately 6 m off the ground.



Photo 5: Sugar Maple snag (May 2, 2025)

4.2.3 Acoustic Monitoring Locations and Field Data Collection

One SM4BAT FS Ultrasonic Detector (with one microphone) was deployed adjacent to the snag tree that was identified within the development footprint (**Figure 2**). The detector was deployed from June 3 to June 13, 2024. To assess presence of bat species, statistical probability requires a sufficient sample size (i.e., number of recorded files) for reliability and percent confidence. For most species, this requires more than 10 accepted decisions (# files). As a rule of thumb, any species' decision summary count (# files) below 10 requires manual vetting to establish presence. A summary of the results of the acoustic data analysis is provided in **Table 3** below:

Table 3: Bat Acoustic Monitor Summary

Detector #	Species	# Files	Confidence Level (%)
1	Big Brown Bat	5	77
	Hoary Bat	6	92
	Silver-haired Bat	12	98
	Myotis sp.	1	-

High confidence values for two species of SAR bats (Hoary and Silver-haired Bats) as well as Big Brown Bat were recorded by the detector. One file recorded the presence of one species of *Myotis*. Due to the singular nature of this call and the similarity of *Myotis sp.* calls, it cannot be

determined which species was present. However, due to the low number of files for each species recorded during the 10-night period, it is expected there is little usage of the Study Area by SAR bat species.

4.2.4 Incidental Wildlife

The following incidental wildlife observations were made within the Subject Property:

- White-tailed Deer (*Odocoileus virginianus*) (scat)
- Moose (*Alces alces*) (scat, tracks)
- Coyote (*Canis latrans*) (scat)
- Black Bear (*Ursus americanus*) (observed, scat)
- Red Squirrel (*Tamiasciurus hudsonicus*) (observed)
- Eastern Chipmunk (*Tamias striatus*) (observed)
- Ruffed Grouse (*Bonasa umbellus*) (observed)

This list does not include bird species noted during the May 2, 2025, site visit that were also found during breeding bird surveys.

5.0 Assessment of Significance

There are no provincially designated areas such as Provincially Significant Wetlands (PSWs), or Areas of Natural and Scientific Interest (ANSIs) found on or directly adjacent to the Subject Property.

5.1 Species at Risk Habitat Screening

A previous Species at Risk Assessment was completed to determine whether SAR habitat is present, potentially present, or absent within the Subject Property. The NHIC database, the Ontario Breeding Bird Atlas (OBBA), the Ontario Reptile and Amphibian Atlas (ORAA), the Ontario Butterfly Atlas (OBA) and DFO aquatic SAR mapping, and eBird records were screened for SAR records. Based on professional experience, it was determined that mature snag trees on and adjacent to the Subject Property may present habitat opportunities for SAR bat species. Species identified in the previous report that have no suitable habitat opportunities within or adjacent to the Subject Property were not assessed further in the screening in **Appendix C**. Findings within the SAR Assessment have been updated to reflect field investigations within appropriate timing windows.

Based on available background information and field investigations, the Subject Property was screened for potential SAR habitat opportunities. The assessment was conducted by comparing habitat preferences of species deemed to have potential to occur against current site conditions. This SAR habitat assessment can be found in **Appendix C**, providing a detailed description of each species' habitat (including those deemed to not have potential habitat), as well as a discussion of habitat suitability within and surrounding the Subject Property, potential impacts, and mitigation, where applicable. Based on the rationale provided in **Appendix C**, the following SAR were screened as having potential or confirmed habitat within or adjacent to the Subject Property. Species determined to have no potential habitat or to not be present following appropriate surveys, will not be included but can be found in **Appendix C**.

Mammals

- Tri-colored Bat (Eastern Pipistrelle) (*Perimyotis subflavus*) – Endangered
- Eastern Small-footed Myotis (*Myotis leibii*) – Endangered
- Little Brown Myotis (*Myotis lucifugus*) – Endangered
- Northern Myotis (M*yotis septentrionalis*) – Endangered
- Eastern Red Bat (*Lasiurus borealis*) – Endangered
- Hoary Bat (*Lasiurus cinereus*) – Endangered
- Silver-haired Bat (*Lasionycteris noctivagans*) – Endangered

Insects

- Monarch Butterfly (*Danaus plexippus*) – Special Concern

5.2 Significant Wildlife Habitat

Significant Wildlife Habitat (SWH) can be difficult to appropriately determine at the site-specific level, as the assessment must incorporate information from a wide geographic area and consider other factors such as regional resource patterns and landscape effects. The screening summary presented in **Appendix D** considers all SWH types for Ecoregion 5E.

Significant Wildlife Habitat is considered a significant feature in Provincial, Regional and City of Brampton OP policies. SWH is defined by the MNRF in the Significant Wildlife Habitat Technical Guide (Ontario Ministry of Natural Resources, 2000) and the Natural Heritage Reference Manual (Ontario Ministry of Natural Resources, 2010) and includes the following broad categories:

- Habitats of Seasonal Concentration of Animals;
- Rare Vegetation Communities or Specialized Habitats for Wildlife;
- Habitats of Species of Conservation Concern; and
- Animal Movement Corridors.

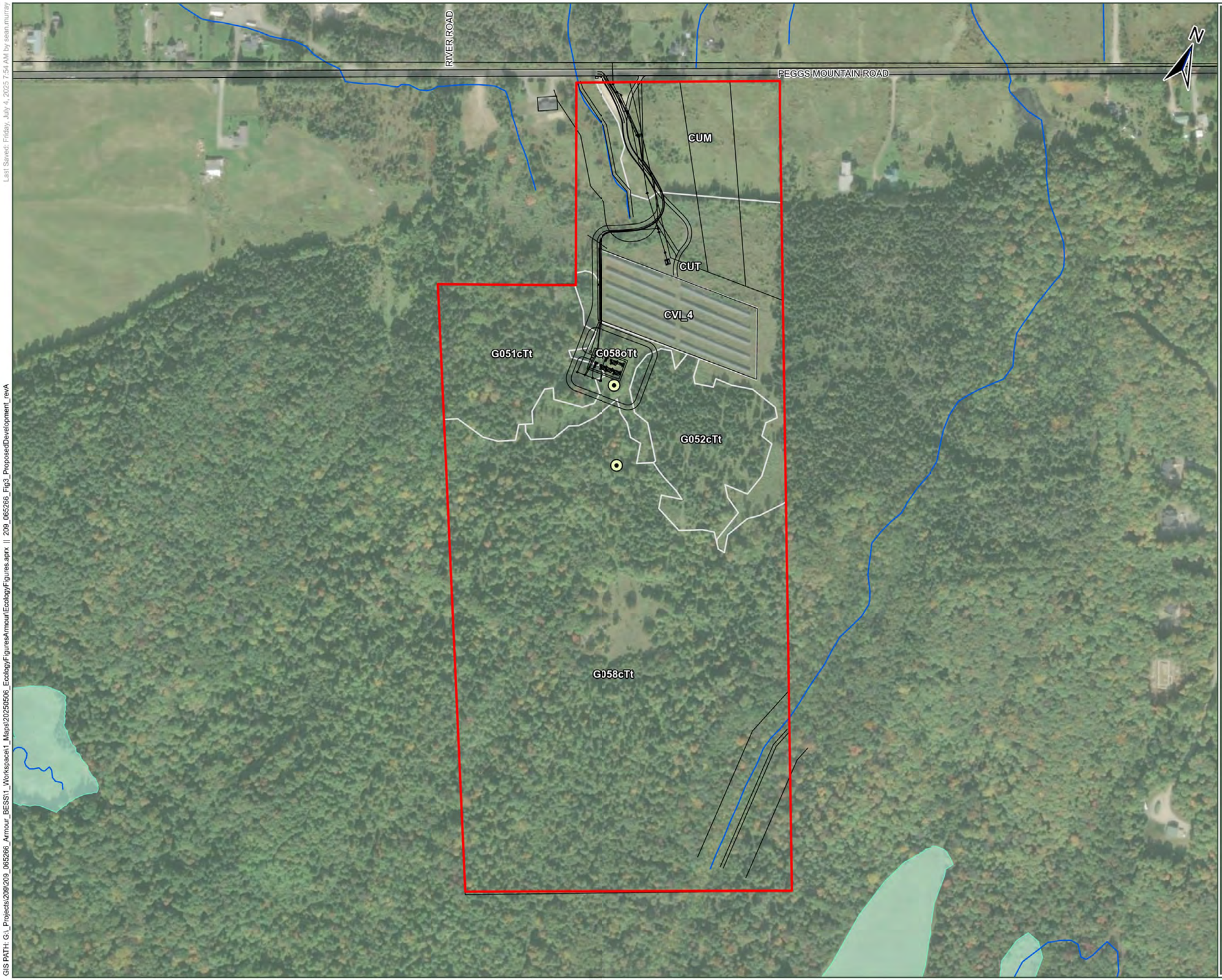
Three SWH types were identified as a part of the Subject Property. Raptor Wintering Area and Woodland Raptor Nesting Habitat are likely to exist within the undisturbed forested communities of the Subject Property and surrounding lands. Little undisturbed forest exists within the Study Area, therefore, works associated with the proposed development are not expected to cause any impacts to these potential SWH categories. Habitat opportunities (i.e., presence of appropriate plant species) for Species of Special Concern (Monarch Butterfly) exists within the Study Area. Common Milkweed (*Asclepias syriaca*) was located during field investigations. Common Milkweed is a common and widespread plant across Ontario as well as the open spaces of the Subject Property. The proposed development will have a negligible impact on the availability of habitat for milkweed and therefore no impacts to Monarch butterfly are expected due to relative abundant availability of common milkweeds.

6.0 Proposed Development

The proposed development will result in removal of on-site vegetation, as shown on **Figure 3** for the proposed Battery Energy Storage System (BESS) development. This includes improvements to an existing access road in addition to proposed culvert installation, pad



mounted utility auxiliary transformer, chain-link fence, a 2 m wide grounding buffer around the fence, and battery containers.



LEGEND:

- SNAG TREE (SUGAR MAPLE)
- DEVELOPMENT PLAN
- WATERCOURSE
- PROVINCIALLY SIGNIFICANT WETLAND
- ECOLOGICAL LAND CLASSIFICATION (ELC)
- SITE LOCATION

ELC Legend

CUM - Cultural Meadow
CUT - Cultural Thicket
CVI - Power Generation
G051cTt - Dry - Fresh, Coarse: Cedar - Hemlock Conifer
G052cTt - Dry - Fresh, Coarse: Spruce - Fir Conifer
G053cTt/G058oTt - Dry - Fresh, Coarse: Maple Hardwood

NOTES:
NOTE 1 - BASEMAP DATA PROVIDED BY ONTARIO'S MINISTRY OF NATURAL RESOURCES AND FORESTRY (ONTARIO HYDRO NETWORK AND ROAD SEGMENTS)

SERVICE LAYER CREDITS: MAXAR, MICROSOFT (2024)

0 25 50 100 150 200 m

SCALE: 1:4,500
PAGE SIZE: 11 x 17
NAD 1983 UTM Zone 17N

THIS MAP IS FOR CONCEPTUAL PURPOSES ONLY AND SHOULD NOT BE USED FOR NAVIGATION

SOLARBANK CORPORATION
219 PEGGS MOUNTAIN ROAD IN ARMOUR
ONTARIO, CANADA

ELT1 BESS SAR SCREENING

PROPOSED DEVELOPMENT

SLR

FIGURE NO: **3**

DATE: July 4, 2025

PROJECT NO: 209.065266.00001

Last Saved: Friday, July 4, 2025 7:54 AM by sean.murray

GIS PATH: G:_Projects\209\209_065266_Armour_BESS\1_Workspace\1_Maps\20250506_Ecology\FiguresArmour\Ecology\Figures.aprx || 209_065266_Fig3_ProposedDevelopment_revA

7.0 Impact Assessment

Based on the assessment of environmental constraints and opportunities, the proposed development plan has a relatively small footprint (approximately 0.84ha) and will result in the removal of a portion of woodland within the Subject Property. The impacts associated with the removal of woodland include the removal of trees of various sizes and ground vegetation with localized removal of wildlife habitat that is well represented in the immediate adjacent areas and in the general surrounding landscape. There is the potential for disturbance to wildlife, such as birds and mammals, during construction and therefore appropriate timing windows for tree and vegetation removal have been provided.

7.1 Direct Impacts

Direct impacts include those that have an immediate effect on natural features and are generally associated with site preparation and construction activities, such as vegetation clearing and grubbing, grading, excavation, addition of gravel and hard surfaces, and building of structures.

7.1.1 Terrestrial Habitat

The proposed development will result in the removal of a small amount (approx. 0.84ha) of forest on the Subject Property. Vegetation removal will result in the removal of native species. No SAR or rare plants were observed during the field investigations; however, mitigations for wildlife species should be followed as described in **Section 8.1.3**.

7.1.2 Invasive Species

Construction activities have the potential to unintentionally facilitate the spread of invasive plant species through the moving of equipment, soils, and plant materials within and outside of the Subject Property. The establishment and spread of invasive plant species can have substantial negative impacts on ecosystem function and can incur significant costs to eradicate or control. Vehicles and machinery should be properly cleaned following the procedures outlined in the Clean Equipment Protocol for Industry (Ontario Invasive Plant Council, 2013) prior to entering and leaving the Subject Property.

7.1.3 Species at Risk and Species of Conservation Concern

Three species of SAR bats were recorded during acoustic monitoring. Due to the low number of files for each species (6 for Hoary Bat, 12 for Silver-haired Bat, 1 for *Myotis*), it is expected that the Study Area receives little usage by SAR Bats. It is also noted that two snag trees within the Study Area (0.84 ha) is below the 10 snags per hectare preferred by SAR bat species (Ministry of Natural Resources and Forestry 2017). Additionally, due to the largely forested nature of the surrounding lands the removal of a singular snag tree is not expected to result in loss of habitat for SAR bats on the landscape. It is recommended that the timing windows for vegetation removal below are followed to ensure SAR bats are protected.

7.2 Indirect Impacts

Indirect impacts are not caused by immediate project actions but result from the implementation of the project, typically after project completion or outside of the project footprint. Examples of indirect impacts include increased edge effects on woodland habitat following clearing for construction or sedimentation in stormwater runoff following construction activities.



The Site Plan proposes an increase in impermeable surfaces within the Subject Property, which will impede the natural drainage currently available in a very localized manner. Stormwater runoff controls will be spoken to in the Detailed Stormwater Management Plan included as a part of this submission.

8.0 Mitigation Measures and Enhancement Opportunities

Mitigation measures are recommended in the following sections to minimize project impacts from the full development of the Subject Property on the local landscape level and associated natural features.

8.1 General Mitigation Measures

8.1.1 Construction Access, Site Controls and Operational Constraints

- Any temporarily stockpiled material will be properly contained (e.g., within silt fencing) in areas separated by a minimum of 30 m from any waterbody.
- All construction materials and debris will be removed and appropriately disposed of following construction.
- All activity will be controlled to prevent entry of any petroleum products, debris, or other potential deleterious substances, in addition to sediment as outlined above, to any waterbody. No storage, maintenance, or refuelling of equipment will be conducted near any waterbody.

8.1.2 Considerations for Construction

- Vegetation removal in preparation for site grading and construction should take place outside of sensitive timing windows for wildlife species:
    - Breeding bird season per Environment Canada's (2018) nesting periods for migratory birds: April 1 to August 31
    - Bat activity season: April 1 to October 31
- To protect wildlife in general, no animals are to be knowingly harmed. If wildlife is encountered during construction, work must stop, and animals allowed to disperse on their own. If necessary, the environmental consultant or MECP should be contacted for advice.
- Construction monitoring by a certified inspector of sediment and erosion control is recommended, where applicable. It is understood that civil engineers will be onsite during construction to address any potential ESC concerns.

9.0 Policy Conformity

A summary of applicable natural heritage policies and the manner in which the proposed development plan meets their requirements is provided in **Table 3** below.



Table 4: Policy Conformity

Policy Document	Policy Intent/Objective	Implications and Policy Conformity
Provincial Planning Statement (2024)	According to the Provincial Planning Statement, development is generally prohibited within significant natural heritage features (NHF).	This EIS describes the features and functions on and directly adjacent to the Subject Property. It has been determined that the Study Area contains no significant natural heritage features that would be impacted by development. Final analysis of acoustic data for the potential presence SAR is pending and should they be present, appropriate mitigation measures and approvals will be determined in consultation with the MECP.
Armour Township Official Plan	Identify, protect, conserve, enhance, and manage the Township's Natural Heritage System and natural resources.	SLR did not find any environmental constraints to the Study Area. No impacts to natural heritage features are expected from the proposed development.
Endangered Species Act	Species and the habitat of species designated as Endangered or Threatened are afforded legal protection.	Through acoustic monitoring, it is known that SAR bats are using the Study Area for roosting in low abundances. To avoid impacts to these species it is recommended that vegetation clearing not occur during the bat maternity roosting season (generally occurs annually between April 1 to October 31). Appropriate mitigation measures and approvals should be determined in consultation with the MECP.
Migratory Birds Convention Act	Protect most species of migratory birds and their nests and eggs anywhere they are found in Canada.	Vegetation removal should be completed between August 16 and April 14 of any given year. No vegetation removal especially advised between late May and early July (peak nesting season). Biologist to screen for bird nesting for any proposed vegetation removal in 'shoulder seasons'.



10.0 Conclusions and Recommendations

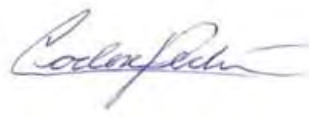
The findings of our study are the result of a background review, field investigations, and an assessment of ecological data using the current scientific understanding of the ecology of the area, as well as the current natural heritage policy requirements. Through the work completed, we have identified the existing environmental conditions of the Subject Property, which are outlined in this report and illustrated on **Figures 2** and **3**.

Based on the above, it is our professional opinion that with the implementation of the mitigation measures, the proposed development is environmentally feasible and consistent with the applicable natural heritage policies.

11.0 Closure

Regards,

SLR Consulting (Canada) Ltd.



Carlene Perkin, B.Sc.
Ecologist, ISA Certified Arborist



Dirk Janas, B.Sc.
Principal Ecologist

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Appendix A TULLOCH Peer-review

Environmental Impact Study (EIS)

219 Peggs Mountain Road, Armour

SolarBank Corporation

SLR Project No.: 209.065266.00001

July 15, 2025



TULLOCH

Peer-Review: EIS and Vegetation Plan
SolarBank BESS Facility

Township of Armour

219 Peggs Mountain Road, Armour Township

April 28, 2025 (v1.0)

Sudbury Office
131 Fielding Road, Lively, ON, P3Y 1L7.

CANADA BEST MANAGED COMPANIES

TULLOCH

Planners | Surveyors | Biologists | Engineers

Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario
P0A 1C0

April 28, 2025

Subject: Peer Review of SolarBank Environmental Impact Study and Vegetation Management Plan the proposed BESS facility at 219 Peggs Mountain Road, Armour Township.

TULLOCH Engineering ('TULLOCH') has been retained to undertake a peer-review of Environmental Impact Study ('EIS') and Vegetation Management Plan submissions made by SolarBank (the 'Proponent') in partial fulfillment of municipal applications to construct a Battery Energy Storage System ('BESS'') facility at 219 Peggs Mountain Road, Armour Township (the 'Site'). Per municipal pre-consultation instructions dated January 11, 2024, the Proponent was instructed to provide a:

> "*Site assessment / environmental impact study (at application)*
>
> *A preliminary site assessment may be required for certain types of development proposals as outlined in Official Plan Section 2.4.3(c)(iv). Such an assessment would determine whether more detailed work is warranted by a specialist. Any proposal for development or site alteration within or adjacent to any environmental constraint area including wetlands identified in the Official Plan or through a preliminary site assessment shall provide an inventory and assessment of sensitive features and functions to determine areas to be protected and any mitigation measures necessary. This assessment may include a tree or wetland preservation plan if the proposed development may have an adverse effect on wetlands or a significant tree or group of trees including a woodlot. Ministry of Environment input and approval required (Phase 1) Impacts on air, water, wildlife, habitats, human health – includes mitigation measures*."

And a:

> *"Vegetation Management Plan - Schedule to Site Plan – buffer area from softwood, hayfield, etc."*

In response to the above pre-consultation, the Proponent has submitted the following documents that are the subject of this peer review:

- *219 Peggs Mountain Road, Burk's Falls, Ontario: Phase One Environmental Site Assessment*. Prepared by EXP Services Inc. First released in draft on January 16, 2024. Published January 23, 2024. Revised January 10, 2025.

- *EASR Confirmation of Registration*. Provided by the Ministry of the Environment, Conservation and Parks. Filed on August 28, 2024. Revised October 09, 2024.

- *Vegetation Plan: 903 BESS: 219 Pegg's Mountain Road, Burk's Falls, ON*. Prepared by SolarBank. Unspecified date.

Fulsome peer-review comments are tabulated in Attachment I. TULLOCH staff qualifications are provided in Attachment II.

Environmental Impact Study (EIS)

Section 2.4 (Environmental Constraints Areas) of the Official Plan: Township of Armour open with a definition of Environmental Constraints Area as:

> *"The purpose of this section is to recognize that certain areas of Armour Township have special environmental values and other constraints which should be taken into account when applications for new or extended development are considered by Council. Such areas include mineral aggregate resource deposits, significant wildlife habitats, deer wintering areas, significant habitat of endangered and threatened species, abandoned mine hazards, significant fish habitat and wetlands. Except for significant habitat of endangered and threatened species, these features, where known, are shown on Schedule "B" to this Plan as environmental constraints to development."*

Section 5.1.2(f) of the Official Plan (Site Assessment and/or Environmental Impact Study) defines an EIS study as:

> *"A preliminary site assessment may be required for certain types of development proposals as outlined in OP Section 2.4.3(c)(iii). Such an assessment would determine whether more detailed assessment is warranted by a specialist. Any proposal for development or site alteration within or adjacent to any environmental constraint area identified in the Official Plan of the Township of Armour or through a preliminary site assessment shall provide an inventory and assessment of sensitive features and functions to determine areas to be protected and any mitigation measures necessary."*

And the referenced Official Plan Section 2.4.3(c)(iii) states:

> *"While a small number of locations of significant habitat of endangered and threatened species and significant wildlife habitat are known, the majority can only be identified through site assessment. Accordingly, before new site-specific planning approvals are granted for larger scale development (e.g. subdivisions/condominiums, major industrial or commercial developments), Council will generally require that an appropriate level of site assessment be carried out by a qualified professional before new planning approvals are granted. This will ensure that such significant habitats, if present, are identified. In the case of habitat of endangered species and threatened species, development and site alteration shall not be permitted, except in accordance with provincial and federal requirements."*

The *219 Peggs Mountain Road, Burk's Falls, Ontario: Phase One Environmental Site Assessment* report was reviewed against the above policies, and industry standards for Environmental Impact Studies, by Kelly Major (M.Sc. EP), Senior Ecologist with TULLOCH. His findings summarize as follows.

- The *219 Peggs Mountain Road, Burk's Falls, Ontario: Phase One Environmental Site Assessment* report appears to be a Phase One Environmental Site Assessment ('Phase One ESA') report, which differs in objective and scope from an EIS. As indicated in the executive summary of that report, "*a Phase One ESA is a systematic qualitative process to assess the environmental condition of a Site based in its history and current uses*." Conversely, an EIS generally considers the current conditions of a site and assesses any foreseen future impacts of a proposed undertaking on the natural environment. The report authors identify that their Phase One ESA "*does not constitute an audit of environmental management practices*."
    - We recommend that an Environmental Impact Study be prepared in alignment with Section 5.1.2(f) of the Official Plan (Site Assessment and/or Environmental Impact Study). As indicated in Section 2.4.3(c)(iii), this assessment should reflect an appropriate level of site assessments. Given the small footprint of the proposed facility, the passive nature of the land use, the existing similar land use, and the Site's considerable distance form any major waterway or wetland system, we agree with the pre-consultation instructions that the scope of an EIS should focus on the confirmation of wetland presence / absence, impacts to wetlands (if present) and any impacts resulting from tree removal. In keeping with industry standards set out in in Ontario's Natural Heritage Reference Manual, we recommend that the scope of the EIS include the footprint of the proposed BESS facility and areas within 120m.
    - It is noted that on-site investigations were performed by EXP Services Inc. on December 12, 2023. Site photos indicate snow cover. The timing of this field assessment would not be appropriate for the assessment of some environmental constraint areas. Specifically, wetlands are defined and mapped for municipal planning purposes according to Ontario's Wetland Evaluation System based on plant community composition; this cannot be accurately assessed when the plant

community has senesced and is obscured by snow. Water features can also be obscured by snow. None of the aerial and site imagery reviewed by TULLOCH suggest the presence of wetlands or surface water features within 120m of the BESS Site. It is none-the-less recommended that an on-site investigation be performed during an appropriate time of year (leaf-on) to allow for a more defensible confirmation of the presence / absence of these sensitive features and functions, and to determine if any areas should be protected and / or any mitigation measures that should be adopted.

- The *219 Peggs Mountain Road, Burk's Falls, Ontario: Phase One Environmental Site Assessment* report included a review of some sources of provincial and federal data that would typically be consulted for an Environmental Impact Study; such as the Natural Heritage Information Centre make-a-map database. We recommend a more fulsome review of available resources be undertaken, such as federal (e.g., Species at Risk Act Aquatic Species Mapping), Provincial (e.g., Geospatial Ontario), Authoritative Atlas (e.g., Ontario Breeding Bird Atlas, Ontario Reptiles and Amphibians Atlas), and citizen science (e.g., iNaturalist, eBird) databases. It is also recommended that the EIS consult Schedule B of the Township's Official Plan (Environmental Constraints Areas). TULLOCH acknowledges that Schedule B of the Official Plan does not appear to attribute any constraint areas with this Site, but this fact should be verified and disclosed in an EIS.

- The *219 Peggs Mountain Road, Burk's Falls, Ontario: Phase One Environmental Site Assessment* report does not provide any assessment of project impacts on environmental constraint areas known (or likely) to be present at the Site. An Environmental Impact Study should assess project impacts on any observed environmental constraint areas on Site, or adjacent to the Site (typically within 120m). An EIS should also include mitigation strategies to avoid, or otherwise minimize, those impacts.

- Pre-consultation directives include "*Ministry of Environment input and approval required (Phase 1) Impacts on air, water, wildlife, habitats, human health – includes mitigation measures.*" The Proponent has consulted the Ministry of the Environment, Conservation and Parks (the 'MECP') via an EASR Registration under Section 20.21 (1) (a) of the Environmental Protection Act. They also sought a Freedom of Information request from the MECP for records pertaining to the Site. An EIS would be necessary to determine if other provincial (or federal) regulatory reviews are warranted. This is because such determinations are based on an understanding of any environmental constraints identified on a site, as well as an assessment of project impacts and residual impacts once mitigation strategies have been considered. Additional regulatory reviews would be triggered per the administering Ministry's policies. For example, the MECP would seek to be consulted should the presence of a threatened or endangered species be

confirmed at a site and actions were being proposed that would harm the species or damage its habitat (required for Endangered Species Act compliance). Fisheries and Oceans Canada (the 'DFO') would seek to be consulted if work is proposed within fish-bearing waters (for Fisheries Act compliance). We recommend provincial and federal consultations be pursued only in alignment with the policies of the corresponding Ministries, and this need should be evaluated by a qualified professional and outlined in an EIS.

Given that the Proponent included a Phase One Environmental Site Assessment in their submission, the Township requested that TULLOCH expand its review to also consider the *219 Peggs Mountain Road, Burk's Falls, Ontario: Phase One Environmental Site Assessment* report against O.Reg. 153/04; the standards of a Phase One Environmental Site Assessment. This expanded review was performed by Adam Kvas (P.Eng), Environmental Engineer with TULLOCH. His review comments are provided in Attachment I.

Vegetation Management Plan

The *Vegetation Plan: 903 BESS: 219 Pegg's Mountain Road, Burk's Falls, ON.,* prepared by SolarBank, was reviewed by Kelly Major (M.Sc. EP), Senior Ecologist with TULLOCH. Vegetation Management Plans are not defined in the Township's Official plan, except with regard to the conservation of shorelines in Section 2.2.17(c) which would not apply in this case. TULLOCH findings are as follows:

- Without a given definition of the intended objectives and scope of a Vegetation Management Plan, all comments below are considered suggestions.
    - The Vegetation Plan sets out objectives "*to establish an integrated vegetation management schedule for battery systems, utility collection lines, and access roads (as necessary) for the Project to preserve the reliability of the Project components.*" It seeks to "*prevent outages associated with vegetation located on or near Project components, to minimize outages caused by insufficient clearances from nearby vegetation, and to implement inspection schedules, treatment schedules, and environmental controls to avoid off-site effects*." Given community concerns regarding fire risks, the Proponent may consider including the mitigation of fire risks (from within and from outside of the Site) as another objective of this document. TULLOCH acknowledges that the Proponent has also undertaken a Hazard Mitigation Analysis report (not reviewed by this reviewer); there may be opportunities to draw a more direct connection between the role of vegetation management and fire hazard mitigation.
    - The Vegetation Plan sets out a 30m vegetated setback from the BESS facility, and the facility is situated on a concrete surface. This 30m setback appears to align

closely with mitigations provided in Section 7.5.1.1 of Ontario's Wildland Fire Risk Assessment and Mitigation Reference Manual. This Manual recommends that all vegetation be set back at least 10m from structures to prevent surface fires, followed by 20m of modified vegetation to avoid high-intensity and crowning fires. The Manual refers to these two areas as Priority Zones 1 and 2, respectively. Given community concerns regarding fire risks, the Proponent may consider clarifying how their vegetation management plan aligns with these provincial best practices. The Proponent may also consider if any Priority Zone 3 vegetation management (areas 30-100m of a structure) is warranted for this Site.

- The Vegetation Plan sets out a maintenance schedule that includes approximately four annual mows, with a goal of keeping grasses below 12-18 inches. We question if grass of this height within the 30m vegetative setback has the potential to facilitate ground-level fires under dry conditions. We recommend the Proponent clarify to what standard grasses should be maintained to prevent the spread of ground-level fires and whether the present mowing schedule will be adequate to meet that standard.

Closing

TULLOCH is pleased to provide this letter as record of our review and findings. Please contact the undersigned should you have any questions or require any clarifications.

Sincerely yours,

Kelly Major (M.Sc. EP)
Senior Ecologist
Certified environmental Professional

Adam Kvas (P.Eng)
Environmental Engineer

ATTACHMENT I

Peer-Review Comments

TULLOCH

Proposed BESS facility at 219 Peggs Mountain Road, Armour Township.

PEER REVIEW OF ENVIRONMENTAL IMPACT STUDY

Comment #	Section/Page number	Report Statement	TULLOCH Comment	Context / Recommendations
TULLOCH Comments with respect to the standards of an Environmental Impact Study (EIS). Reviewer: Kelly Major (M.Sc. EP; Senior Ecologist)				
1	Executive Summary and Section 2.0	"*EXP Services Inc. (EXP) was retained … to complete a Phase One Environmental Site Assessment* " "*A Phase One ESA is a systematic qualitative process to assess the environmental condition of a Site based in its history and current uses* " "*This Phase One ESA does not constitute an audit of environmental management practices...* "	The pre-consultation dated January 11, 2024 requested a "Site Assessment / Environmental Impact Study." A Phase One ESA differs in objectives and scope from an Environmental Impact Study, with the latter being a forward looking assessment of foreseen project impacts on the natural environment and any proposed mitigations required to eliminate or minimise those impacts. The Township's official plan provides some guidance on their EIS expectations in Section 5.1.2(f) (Site Assessment and/or Environmental Impact Study), Section 2.4.3(c)(iii) , and Section 2.4.1 (Environmental Constraint Areas Definition).	We recommend that an Environmental Impact Study be prepared in alignment with Section 5.1.2(f) of the Official Plan (Site Assessment and/or Environmental Impact Study). As indicated in Section 2.4.3(c)(iii), this assessment should reflect an appropriate level of site assessments. Given the small footprint of the proposed facility, the passive nature of the land use, the existing similar land use, and the Site's considerable distance form any major waterway or wetland system, we agree with the pre-consultation instructions that the scope of an EIS should focus on the confirmation of wetland presence / absence, impacts to wetlands (if present) and any impacts resulting from tree removal. In keeping with industry standards set out in in Ontario's Natural Heritage Reference Manual, we recommend that the scope of the EIS include the footprint of the proposed BESS facility and areas within 120m.
2	Section 4 (Records Review)	Various sources of record reviews are listed.	The Phase One ESA report includes a review of some sources of provincial and federal data that would typically be consulted for an Environmental Impact Study; such as the Natural Heritage Information Centre make-a-map database. Several other sources of Natural Heritage information would typically be consulted as part of an EIS. Schedule B of the Township's Official Plan (Environmental Constraints Areas) does not appear to have been reviewed.	We recommend that a more fulsome review of available resources be undertaken, such as federal (e.g., Species at Risk Act Aquatic Species Mapping), Provincial (e.g., Geospatial Ontario), Authoritative Atlas (e.g., Ontario Breeding Bird Atlas, Ontario Reptiles and Amphibians Atlas), and citizen science (e.g., iNaturalist, eBird) databases. It is also recommended that the EIS consult Schedule B of the Township's Official Plan (Environmental Constraints Areas). TULLOCH acknowledges that Schedule B of the Official Plan does not appear to attribute any constraint areas with this Site, but this fact should be verified and disclosed in an EIS.
3	Section 4.3.2 (Topography, Hydrology and Geology)	"The Magnetawan River is located approximately 900 m north o the Site."	This statement may be correct relative to the lot frontage and road right-of-way. Regarding the footprint of the BESS, the Magnetawan River is located approximately 1,400 m to the north.	We recommend that any references to the proximity of the Magnetawan River be revised to 1,400 m.
4	Section 4.3.4 (Water Bodies and Areas of Natural Significance)	Watercourses "*were not observed during our site inspection* ". The "*site was snow-covered at the time* ".	See Comment 5 (below) regarding appropriate timing of on-site investigations.	See Comment 5 (below) regarding appropriate timing of on-site investigations.
5	Section 6.1 (Site Reconnaissance General Requirements) Appendix J (Site Photos)	"*The Phase One Site reconnaissance was conducted on December 12, 2023…* " Site photos indicate snow cover.	The timing of this field assessment would not be appropriate for the assessment of some environmental constraint areas. Specifically, wetlands are defined and mapped for municipal planning purposes according to Ontario's Wetland Evaluation System based on plant community composition; this cannot be accurately assessed when the plant community has senesced and is obscured by snow. Water features can also be obscured by snow.	None of the aerial and site imagery reviewed by TULLOCH suggest the presence of wetlands or surface water features within 120m of the BESS Site. It is none-the-less recommended that an on-site investigation be performed during an appropriate time of year (leaf-on) to allow for a more defensible confirmation of the presence / absence of these sensitive features and functions, and to determine if any areas should be protected and / or any mitigation measures be adopted.
6	General Comment		The Phase One ESA report does not provide any assessment of project impacts on environmental constraint areas known (or likely) to be present at the Site. It also provides no mitigations to eliminate or minimise those impacts.	We recommend an Environmental Impact Study that assesses project impacts on any observed environmental constraint areas on Site, or adjacent to the Site (typically within 120m). The EIS should also include mitigation strategies to avoid, or otherwise minimize, those impacts.

Comment #	Section/Page number	Report Statement	TULLOCH Comment	Context / Recommendations
7	General Comment		Pre-consultation directives include "*Ministry of Environment input and approval required (Phase 1) Impacts on air, water, wildlife, habitats, human health – includes mitigation measures.* " It is unclear the intent of this instruction. The Proponent has consulted the Ministry of the Environment, Conservation and Parks (the 'MECP') via an EASR Registration under Section 20.21 (1) (a) of the Environmental Protection Act. They also sought a Freedom of Information request from the MECP for records pertaining to the Site. An EIS would be necessary to determine if other provincial (or federal) regulatory reviews are warranted. This is because such determinations are based on an understanding of any environmental constraints identified on a site, as well as an assessment of project impacts and residual impacts once mitigation strategies have been considered. Additional regulatory reviews would be triggered per the administering Ministry's policies. For example, the MECP would seek to be consulted should the presence of a threatened or endangered species be confirmed at a site and actions were being proposed that would harm the species or damage its habitat (required for Endangered Species Act compliance). Fisheries and Oceans Canada (the 'DFO') would seek to be consulted if work is proposed within fish-bearing waters (for Fisheries Act compliance).	We recommend that any further provincial (or federal) consultations be pursued only in alignment with the policies of the corresponding Ministries, and this need should be evaluated by a qualified professional as part of the EIS. We generally caution against initiating unnecessary provincial (or federal) regulatory reviews as this can misalign with Ministry policies and result in unnecessary regulatory delays.

TULLOCH Comments with respect to Phase One Environmental Impact Assessment standard in O.Reg. 153/04. Reviewer: Adam Kvas (P.Eng; Environmental Engineer)				
Comment #	**Section/Page number**	**Report Statement**	**TULLOCH Comment**	**Context / Recommendations**
8	1-Executive Summary/Page 4	It is EXP's understanding that the Client intends to develop the northern portion of the Site with a Battery Energy Storage System (BESS) as continued industrial land use. It is noted that the development will include a concrete slab on-grade structure with associated underground utility lines and small building structures to house the equipment. This report has been prepared to support the continued industrial use of the Site. Given that there is no proposed change in land use, no Record of Site Condition (RSC) will be required for the site as set out in Ontario Regulation 153/04, as amended (O.Reg. 153/04).	A Phase I Environmental Site Assessment (ESA) is typically conducted to evaluate the existing environmental condition of a property in scenarios such as property transactions, financing requirements, or land use changes requiring municipal approval. The primary intent of an ESA is to assess potential environmental risks rather than directly supporting new development. As stated in Ontario Regulation 153/04, an RSC is required when a site's land use transitions to a more sensitive use, including agricultural, institutional, parkland, residential, or commercial purposes. If the proposed development maintains its industrial designation, an RSC would not typically be required under the regulation. However, ensuring compliance with other environmental due diligence processes remains important for site development.	It is recommended that the ***Township of Armour's Development Application Pre-Consultation Checklist, dated January 11, 2024*** , be reviewed by all affected parties to ensure alignment with regulatory and procedural requirements. Section 7 of the checklist specifies the need for a Site Assessment/Environmental Impact Study, rather than an Environmental Contamination Report. However, the report provided falls under the category of an Environmental Contamination Report, which was not requested by the Township. To mitigate potential confusion regarding the required environmental deliverable, it is recommended that the Development Application Pre-Consultation Checklist be updated as follows to explicitly clarify distinctions between a Environmental Site Assessment, and Environmental Impact Study. Environmental Site Assessment ☐ ~~Environmental contamination report~~ (at application ☐) (during processing ☐) Any development or site alteration on lands or adjacent to lands that were previously used for a purpose that may have caused contamination of the property should be reviewed to address the need for further environmental testing or remediation in accordance with Provincial regulations/guidelines. Environmental Impact Study ☒ ~~Site assessment / environmental impact study~~ (at application ☒) (during processing ☐) A preliminary site assessment may be required for certain types of development proposals as outlined in Official Plan Section 2.4.3(c)(iv). Such an assessment would determine whether more detailed work is warranted by a specialist. Any proposal for development or site alteration within or adjacent to any environmental constraint area including wetlands identified in the Official Plan or through a preliminary site assessment shall provide an inventory and assessment of sensitive features and functions to determine areas to be protected and any mitigation measures necessary. This assessment may include a tree or wetland preservation plan if the proposed development may have an adverse effect on wetlands or a significant tree or group of trees including a woodlot. **Ministry of Environment input and approval required (Phase 1) Impacts on air, water, wildlife, habitats, human health – includes mitigation measures**
9	1-Executive Summary/Page 4	It is noted that general environmental management and housekeeping practices were reviewed as part of this assessment insofar as they could impact the environmental condition of the property. However, a detailed review of regulatory compliance issues was beyond the scope of our investigation.	There is a typographical error in "insofar" that should be corrected for clarity. Additionally, the language in this paragraph may be misleading, as it implies a review of environmental management related to the proposed Battery Energy Storage System (BESS) development. However, this is not required and is not further elaborated within the report. Furthermore, the reference to regulatory compliance issues lacks a clear link to relevant regulatory standards or guidelines, making it difficult for the reviewer to assess the intended regulatory scope. Clarifying the specific compliance aspects referenced or removing ambiguous language may help improve the precision of this section.	The sentences in question do not align with the intended scope and context of the Environmental Site Assessment (ESA) report. To ensure accuracy and prevent misinterpretation, it is recommended that the Township seeks clarification from the author regarding the specific regulatory compliance issues referenced in the report.

TULLOCH

Proposed BESS facility at 219 Peggs Mountain Road, Armour Township.

PEER REVIEW OF ENVIRONMENTAL IMPACT STUDY

Comment #	Section/Page number	Report Statement	TULLOCH Comment	Context / Recommendations
10	1-Executive Summary/Page 4	Based on the findings of this Phase One ESA, and work previously completed by EXP, no APECs were identified at the Site.	Typically the Potentially Contaminated Activities (PCA) are presented in the executive summary before providing a conclusion on the APECS. Acronym APECS needs to be defined (first mention).	Industry best practices suggest that key environmental terminology and regulatory acronyms should be clearly introduced upon first use to avoid any potential ambiguity. Providing a definition for APECs ensures that all stakeholders—including non-technical readers—fully understand the environmental assessment findings. Moreover, presenting PCAs before concluding on APECs aligns with standard ESA reporting conventions, reinforcing logical sequencing within the report.
11	2- Introduction/Page 5	It is EXP's understanding that the Client intends to develop the northern portion of the Site with a Battery Energy Storage System (BESS) as continued industrial land use. It is noted that the development will include a concrete slab on-grade structure with associated underground utility lines and small building structures to house the equipment.	The inclusion of details regarding the proposed development is not applicable to a Phase I Environmental Site Assessment (ESA) report, as the primary purpose of a Phase I ESA is to identify potential environmental risks based on historical and existing site conditions, rather than assessing future development plans.	
12	4.1.1 Phase One Study Area Determination / Page 8	The Pase One Study Area and a Surrounding Land Use Plan are shown on Figure 2.	Figure 2 does not depict the 250-meter offset for the Phase One Study Area surrounding the site boundary. To maintain consistency with Ontario Regulation 153/04 standards, the rationale for including wholly neighboring properties within the Phase One Study Area should be explicitly stated in this section.	Ontario Regulation 153/04 establishes specific requirements for defining the Phase One Study Area, including a 250-meter offset to assess potential environmental risks. If the study area deviates from this standard by including additional properties, a clear justification should be provided to ensure transparency and regulatory compliance. Clarifying this rationale will help prevent ambiguity and enhance the technical accuracy of the report.
13	4.3.1 Aerial Photographs / Page 11	A solar farm is observed on the Site in 2020. However, it is noted that the solar farm itself is not considered to pose an environmental concern to soil and groundwater at the Site. Furthermore, the transformer associated with the solar panels was pole mounted and not placed directiy on the ground. This, it is not anticipated to directly impact soil or groundwater at the Site.	The justification for why the solar farm is not considered an environmental concern is not provided until Section 6.2.16 of the report. To improve clarity, key environmental considerations should be briefly summarized earlier in the report to ensure a logical flow of information. Additionally, it remains unclear whether each individual solar panel has a pole-mounted transformer or whether a single transformer serves the entire solar farm. This distinction should be explicitly clarified within the assessment. Furthermore, Drawing 1 depicts a transformer north of the solar farm, while Drawing 2 identifies PCA 1 as the solar farm itself, introducing potential inconsistencies. Clear differentiation should be provided on what specific feature is designated as the PCA and why. To enhance transparency, a direct inquiry to the Site Owner should be made regarding the presence of insulating fluids within any solar farm components, including transformers, to determine if there is any potential risk associated with Polychlorinated Biphenyls (PCBs).	Transformers used in solar panel systems are typically designed for power conversion and voltage regulation, rather than serving as insulating fluid reservoirs containing PCBs—which were historically used across older transformer technologies. Clarifying this distinction within the report would prevent any misinterpretation of potential environmental risks and ensure that all relevant regulatory considerations are addressed.

Comment #	Section/Page number	Report Statement	TULLOCH Comment	Context / Recommendations
14	4.3.1 Aerial Photographs / Page 11	Quarry Operation - PCA 2 (other) Quarry	The identification of Quarry Operation – PCA 2 (Other) Quarry requires a justification for its inclusion, given that the site is located 500 meters outside the prescribed 250-meter Phase One Study Area. The PCA identifier on Figure 2 should either be adjusted to fall within the 250-meter offset study area or a clear rationale for including the full extent of the quarry property should be provided in Section 4.1.1.	Ontario Regulation 153/04 establishes standard boundaries for defining PCAs within a Phase One Study Area, typically 250 meters from the site boundary. If additional properties beyond this distance are included in the assessment, the basis for their inclusion should be explicitly justified using historical or environmental risk factors. Without further evidence of contaminating activities associated with the quarry, its designation as a PCA could lead to uncertainty regarding its environmental relevance to the site in question.
15	4.3.3 Fill Materials / Page 12	Given that the Site has never been developed prior to the installation of the solar farm structures and the elevation at the developed area does not appear to vary significantly relative to the surrounding properties, it was unlikely that fill material was brought to the Site for grading purposes and fill is not anticipated to be present at the Site.	The statement suggests that fill material is not anticipated to be present based on site elevation and historical development patterns. However, without explicit confirmation from interviews, ambiguity remains regarding whether fill was imported as a sub-base for the solar farm structures. If this question was asked during the interview process, documenting the response would eliminate uncertainty in this section.	Under Ontario Regulation 153/04, the Importation of Fill Material of Unknown Quality is classified as a Potentially Contaminating Activity (PCA) when applicable. If fill material was introduced during construction, assessing its source, composition, and potential environmental impact would be necessary. Including direct confirmation from interviews can strengthen the accuracy and transparency of the report.
16	4.3.4 Water Bodies / Page 12	Based on the review of available resources from the Ministry of Natural Resources and Forestry website on December 15, 2023, no areas of natural significance were identified at the Site or within 30 m of the Site.	Each of the nine (9) the definition of the area of natural significance should be presented and justified in this section. This section is incomplete. According to O.Reg 153/04, "areas of natural significance" means any of the following: *1. An area reserved or set apart as a provincial park or conservation reserve under the Provincial Parks and Conservation Reserves Act, 2006.* *2. An area of natural and scientific interest (life science or earth science) identified by the Ministry of Natural Resources as having provincial significance.* *3. A wetland identified by the Ministry of Natural Resources as having provincial significance.* *4. An area designated by a municipality in its official plan as environmentally significant, however expressed, including designations of areas as environmentally sensitive, as being of environmental concern and as being ecologically significant.* *5. An area designated as an escarpment natural area or an escarpment protection area by the Niagara Escarpment Plan under the Niagara Escarpment Planning and Development Act.* *6. An area identified by the Ministry of Natural Resources as significant habitat of a threatened or endangered species.* *7. An area which is habitat of a species that is classified under section 7 of the Endangered Species Act, 2007 as a threatened or endangered species.* *8. Property within an area designated as a natural core area or natural linkage area within the area to which the Oak Ridges Moraine Conservation Plan under the Oak Ridges Moraine Conservation Act, 2001 applies.*	There should be a table or similar within the body of the report why each of the nine definitions are not applicable to the Site with justification and references.

Comment #	Section/Page number	Report Statement	TULLOCH Comment	Context / Recommendations
17	4.4 Site Operating Records / Page 13	There were no records of environmental significance available for review at the time of this Phase One ESA.	The report statement should clarify whether no records of environmental significance exist or whether records were unavailable for review at the time of the Phase One ESA.	This distinction is critical to understanding whether the absence of records is due to non-existence or restricted access before the report's preparation.
18	5 - Interview/ Page 14	An interview was conducted with David Creasor, the site owner, via e-mail on December 5,2023. David Creasor has been familiar with the site for 2 years.	The interview provides limited site history based on the interviewee's 2-year familiarity with the site. To strengthen the completeness of the Environmental Site Assessment (ESA), additional site-specific questions should be incorporated to clarify potential environmental risks and site management practices, particularly regarding the solar farm and associated components. Recommended Additional Questions: - What year was the solar farm constructed? (Provides historical context for potential site modifications or contamination risks.) - Are copies or details available regarding the installed solar panels and associated transformer equipment? (Confirms whether materials or components have known environmental concerns.) - If no imported fill is present, how are the solar panels mounted to the native ground? (Ensures clarity on installation methods and whether any subsurface modifications have occurred.) - How is vegetation maintained within the solar farm? (Determines if herbicides or other environmental management practices could impact the site condition.)	Some solar farms utilize pesticides, particularly herbicides, for vegetation management. If such practices are implemented at the site, Potentially Contaminating Activity (PCA) 40—which includes pesticide manufacturing, processing, bulk storage, and large-scale applications—could be applicable under Ontario Regulation 153/04.
19	6.2.1 Site Description and Buildings /Page 15	Hydro poles were observed along the driveway.	If any of the Hydro poles had mounted transformers and they were located within the 250 m study area, they should be identified as PCAs.	
20	6.2.13 Areas of Stained Soil, Pavement or Stressed Vegetation / Page 17	Given the use of the Site as a solar farm and undeveloped land and because it is mainly covered by undisturbed vegetation, the reduced visibility of the ground surface is considered to be of low concern and is not anticipated to impact the findings and conclusions of this Phase One investigation.	Some vegetation disturbance is evident from aerial imagery for the development of the solar farm and access road.	

Comment #	Section/Page number	Report Statement	TULLOCH Comment	Context / Recommendations
21	6.2.14 Fill and Debris / Page 17	No fill was observed to be present at the Site.Given that the Site has never been developed prior to the installation of the solar farm structures and the elevation at the developed area does not appear to vary significantly relative to the surrounding properties, it was unlikely that fill material was brought to the Site for grading purposes.	Given that the Site was snow-covered at the time of the inspection as described in section 6.2.13, how were the assesors able to determine that no fill was observed at the Site? Investigation of fill could be determined during the interview process.	
22	Section 7.1 - Current and Past Uses/ Page 22	Based on our review of the inspection reports, previous environmental report and aerial photographs, the Site was first developed circa 2016 as the current solar farm.	While the review of inspection reports, previous environmental studies, and aerial photographs provides an approximate development date (circa 2016) for the solar farm, the most reliable determination of the actual construction date should be obtained through direct communication with the Site owner.	
23	Section 7.2 - Potentially Contaminating Activites (PCAs)	No, the solar farm itself is not considered to pose an environmental concern to soil and groundwater at the Site. Furthermore, the transformer associated with the solar panels was pole mounted and not placed directly on the ground. This, it is not anticipated to directly impact soil or groundwater at the Site.	Tulloch agrees with the overall determination that the Potentially Contaminating Activity (PCA) does not contribute to an Area of Potential Environmental Concern (APEC). However, the justification should explicitly confirm that no insulating fluids containing Polychlorinated Biphenyls (PCBs) are present within any components of the solar farm, including the transformer. This confirmation strengthens the environmental assessment and eliminates any remaining ambiguity.	PCBs were historically used in electrical transformers as insulating fluids, and while modern solar farm transformers are generally designed for power conversion and voltage regulation, verification is necessary to ensure compliance with Ontario Regulation 153/04. If PCBs are confirmed absent, this should be clearly stated within the report to reinforce the conclusion that no environmental risks to soil or groundwater exist due to the solar farm infrastructure.
24	Section 7.2 - Potentially Contaminating Activites (PCAs)	No, based on the significant distance (500 m) separating the actual quarry operations from the site.	Tulloch agrees.	
25	Section 7.2 - Potentially Contaminating Activites (PCAs)	Lack of information on vegetation maintenance.	Tulloch suggests that information on vegetation management processes at the solar farm be obtained to assess whether Potentially Contaminating Activity (PCA) 40—which includes pesticide manufacturing, processing, bulk storage, and large-scale applications—is applicable under Ontario Regulation 153/04.	
26	Figures	Satelitle Imagery Sources	Source and year of satelite imagery should be referenced within the Drawings.	
27	Appendix D	ERIS report Project Property	The ERIS project propoerty boundary does not match the Site boundary presented within the report. It also includes Pins 0685 and 0684.	In this case this had no impact on the overall report, however, could have created some confusion for determining on-Site vs. off-Site PCAs if any were triggered within the ERIS report.
28	Appendix K	Phase One ESA Conceptual Site Model	The CSM should be included in Section 7 of the report if following the RSC O.Reg 153/04 reporting format.	

TULLOCH

Proposed BESS facility at 219 Peggs Mountain Road, Armour Township.

PEER REVIEW OF THE VEGETATION MANAGEMENT PLAN

Comment #	Section/Page number	Report Statement	TULLOCH Comment	Context / Recommendations
1	General Comment		Vegetation Management Plans are not defined in the Township's Official plan, except with regard to the conservation of shorelines in Section 2.2.17(c) which would not apply in this case. Without a given definition of the intended objectives and scope of a Vegetation Management Plan, all comments herein are considered suggestions.	
2	Objectives	The Vegetation Plan sets out objectives "to establish an integrated vegetation management schedule for battery systems, utility collection lines, and access roads (as necessary) for the Project to preserve the reliability of the Project components." It seeks to "prevent outages associated with vegetation located on or near Project components, to minimize outages caused by insufficient clearances from nearby vegetation, and to implement inspection schedules, treatment schedules, and environmental controls to avoid off-site effects".		Given community concerns regarding fire risks, the proponent may consider including the mitigation of fire risks (from within and from outside of the Site) as another objective of this document. TULLOCH acknowledges that the Proponent has also undertaken a Hazard Mitigation Analysis report (not reviewed by this reviewer); there may be opportunities to draw a more direct connection between the role of vegetation management and hazard mitigation.
3	Vegetated Setbacks	The Vegetation Plan sets out a 30m vegetated setback from the BESS facility, and the facility is situated on a concrete surface.	This 30m setback appears to align closely with mitigations provided in Section 7.5.1.1 of Ontario's Wildland Fire Risk Assessment and Mitigation Reference Manual. This Manual recommends that all vegetation be set back at least 10m from structures to prevent surface fires, followed by 20m of modified vegetation to avoid high-intensity and crowning fires. The Manual refers to these areas as Priority Zones 1 and 2, respectively.	Given community concerns regarding fire risks, the proponent may consider clarifying how their vegetation management plan aligns with these provincial best practices. The proponent may also consider if any Priority Zone 3 vegetation management (areas 30-100m of a structure) is warranted for this Site.
4	Maintenance Schedual	A maintenance schedule is provided that includes approximately four annual mows, with a goal of keeping grasses below 12-18 inches.	We question if grass of this height within the 30m vegetative setback has the potential to facilitate ground-level fires under dry conditions.	We recommend the Proponent clarify to what standard grasses should be maintained to prevent the spread of ground-level fires and whether the present mowing schedule will be adequate to meet that standard.

ATTACHMENT II

Statement of Qualifications

Kelly Major, M.Sc. EP is a Senior Terrestrial Ecologist and certified Environmental Professional (EP) at TULLOCH Engineering. He has worked as a biologist throughout Ontario for nearly 15 years in the consulting, government, and academic sectors. He began his career as a community ecologist with several academic journal and MNR policy publications to his credit.

As a consultant, Mr. Major is TULLOCH's terrestrial technical lead with specialties in environmental impact assessment, species at risk, Natural Heritage, and wetland evaluation. He has participated in over 350 projects, working with industry and public sector clients to find feasible and reasonable solutions that allow their projects to proceed in compliance with environmental legislation, regulatory policies and general best practices.

Mr. Major is recognized by the MNR as formally trained in the Ontario Wetland Evaluation System (OWES) and the Ontario Ecological Land Classification (ELC) system. He is also recognized by the MTO as RAQS certified in the Natural Sciences. He has served as an expert witness in LPAT tribunals.

Adam Kvas, P.Eng is a Project Engineer at TULLOCH Engineering. Adam is an environmental engineer with extensive experience in various programs across all Ontario, including extensive time spent on active mines and abandoned mines. He has specialized in subsurface investigations, remediation of contaminated soils and groundwater, and regulatory compliance monitoring in remote locations.

Adam possesses a wide range of skills, including project coordination, hydrogeological and hydrology assessments, developing specification packages, contract administration, technical report writing, and has managed hundreds of projects. His expertise includes performing small-scale landfill capacity surveys, expansion designs, site decommissioning, site remediation, remedial options analysis, cost estimates and regulatory compliance monitoring.

TULLOCH
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Appendix B Vascular Plant List

Environmental Impact Study (EIS)

219 Peggs Mountain Road, Armour

SolarBank Corporation

SLR Project No.: 209.065266.00001

July 15, 2025

Family	Scientific Name	Common Name	S Rank	COSEWIC Status	SAR Schedule 1 Status	SARO Status	Coefficient of Conservatism	Coefficient of Wetness
Aceraceae	*Acer rubrum*	Red Maple	S5				4	0
Aceraceae	*Acer saccharum*	Sugar Maple	S5				4	3
Apocynaceae	*Asclepias syriaca*	Common Milkweed	S5				0	5
Asteraceae	*Achillea millefolium*	Common Yarrow	SNA					3
ASTERACEAE	*Hieracium sp.*	Hawkweed Species						
Asteraceae	*Leucanthemum vulgare*	Oxeye Daisy	SNA					5
ASTERACEAE	*Solidago sp.*	Goldenrod Species						
Asteraceae	*Taraxacum officinale*	Common Dandelion	SNA					3
Betulaceae	*Betula alleghaniensis*	Yellow Birch	S5				6	0
Betulaceae	*Betula papyrifera*	Paper Birch	S5				2	3
Betulaceae	*Ostrya virginiana*	Eastern Hop-hornbeam	S5				4	3
CAPRIFOLIACEAE	*Sambucus sp.*	Elderberry Species						
Cupressaceae	*Juniperus communis*	Common Juniper	S5				4	3
CYPERACEAE	*Carex sp.*	Sedge Species						
DRYOPTERIDACEA	*Dryopteris sp.*	Wood Fern Species						
Dryopteridaceae	*Onoclea sensibilis*	Sensitive Fern	S5				4	-3
Fabaceae	*Trifolium pratense*	Red Clover	SNA					3
Fabaceae	*Vicia cracca*	Tufted Vetch	SNA					5
Fagaceae	*Fagus grandifolia*	American Beech	S4				6	3
Iridaceae	*Sisyrinchium montanum*	Strict Blue-eyed-grass	S5				4	0
Liliaceae	*Allium tricoccum*	Wild Leek	S4				7	3
Liliaceae	*Erythronium americanum*	Yellow Trout-lily	S5				5	5
Liliaceae	*Trillium erectum*	Red Trillium	S5				6	3
Pinaceae	*Abies balsamea*	Balsam Fir	S5				5	-3
Pinaceae	*Larix laricina*	Tamarack	S5				7	-3
Pinaceae	*Picea glauca*	White Spruce	S5				6	3
Pinaceae	*Pinus sylvestris*	Scots Pine	SNA					3
Pinaceae	*Tsuga canadensis*	Eastern Hemlock	S5				7	3
Poaceae	*Phleum pratense*	Common Timothy	SNA					3
POACEAE	*Poa sp.*	Bluegrass Species						
Rosaceae	*Fragaria vesca*	Woodland Strawberry	S5				4	3
ROSACEAE	*Prunus sp.*	Cherry Species						
Rosaceae	*Rubus idaeus*	Red Raspberry	S5				2	3

Rosaceae	*Rubus occidentalis*	Black Raspberry	S5				2	5
Rosaceae	*Spiraea alba*	White Meadowsweet	S5				3	-3
Salicaceae	*Populus tremuloides*	Trembling Aspen	S5				2	0

Appendix C SAR Screening Table

Environmental Impact Study (EIS)

219 Peggs Mountain Road, Armour

SolarBank Corporation

SLR Project No.: 209.065266.00001

July 15, 2025

NAME	SARA STATUS	SARO	COSEWIC	SCHEDULE	S-RANK	HABITAT REQUIREMENTS	SOURCE OF RECORD	HABITAT PRESENT (P/N)	RATIONALE	POTENTIAL IMPACTS AND MITIGATION
AVIFAUNA										
Bank Swallow (*Riparia riparia*)	THR	THR	THR	1	S4B	The Bank Swallow is threatened by loss of breeding and foraging habitat, destruction of nesting habitat and widespread pesticide use. Bank swallows are small songbirds with brown upperparts, white underparts and a distinctive dark breast band. It averages 12 cm long and weighs between 10 and 18 grams. The swallow can be distinguished in flight from other swallows by its quick, erratic wing beats and its almost constant buzzy, chattering vocalizations. They nest in burrows in natural and human-made settings where there are vertical faces in silt and sand deposit, including banks of rivers and lakes, active sand and gravel pits or former ones where the banks remain suitable. The birds breed in colonies ranging from several to a few thousand pairs (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025; eBird, 2024	N	No suitable vertical face habitats are present on the Site.	None anticipated.
Barn Swallow (*Hirundo rustica*)	THR	SC	SC	1	S4B	The Barn Swallow is found throughout southern Ontario, and can range into the north as long as suitable nesting locations can be found. These birds prefer to nest within human made structures such as barns, bridges, and culverts. Barn Swallow nests are cup-shaped and made of mud; they are typically attached to horizontal beams or vertical walls underneath an overhang. A significant decline in populations of this species has been documented since the mid-1980s, which is thought to be related to a decline in prey. Since the Barn Swallow is an aerial insectivore, this species relies on the presence of flying insects at specific times during the year. Changes in building practices and materials may also be having an impact on this species (Ministry of Natural Resources and Forestry, 2015).	OBBA, 2025; eBird, 2024	N	No human-made structures are present on the Site.	None anticipated.
Bobolink (*Dolichonyx oryzivorus*)	THR	THR	SC	1	S4B	The Bobolink is found in grasslands and hayfields, and feeds and nests on the ground. This species is widely distributed across most of Ontario; however, are designated at risk because of rapid population decline over the last 50 years (Ministry of Natural Resources and Forestry, 2014). The historical habitat of the bobolink was tallgrass prairie and other natural open meadow communities; however, as a result of the clearing of native prairies and the post-colonial increase in agriculture, bobolinks are now widely found in hayfields. Due to their reproductive cycle, nesting habits, and use of agricultural areas, bobolink nests and young are particularly vulnerable to loss as a result of common agricultural practices (i.e. first cut hay).	OBBA, 2025; eBird, 2021	N	Not detected during breeding bird surveys.	None anticipated.
Canada Warbler (*Cardellina canadensis*)	THR	SC	SC	1	S5B	The Canada Warbler is found in a variety of forest types, but is most abundant in moist, mixed forests with a well-developed, dense shrub layer. This species can also be locally abundant in regenerating forests following natural or anthropogenic disturbances. Nests are usually located on or near the ground on mossy logs, and along stream banks. In Canada, habitat loss due to conversion of swamp forests, agricultural activities and road development have contributed to the species' significant long-term decline, and its special concern designation. A reduction in forests with a well-developed shrub-layer has also likely impacted Canada warblers throughout their breeding range in Ontario (Committee on the Status of Endangered Wildlife in Canada, 2008).	OBBA, 2025; eBird, 2024	N	Not detected during breeding bird surveys.	None anticipated.
Chimney Swift (*Chaetura pelagica*)	THR	THR	THR	1	S3B	The Chimney Swift is a threatened species which breeds in Ontario and winters in northwestern South America. It is found mostly near urban areas where the presence of chimneys or other manmade structures provide nesting and roosting habitat. Prior to settlement, the Chimney Swift would mainly nest in cave walls and hollow tress. The Chimney Swift initially benefitted from human settlement; however, recent declines in flying insects and the modernization of chimneys are factors attributed to their current population declines. As a threatened species, the Chimney Swift receives protection for both species and habitat under the ESA (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025; eBird, 2024	N	Suitable structures are not present within the Site.	None anticipated.
Common Nighthawk (*Chordeiles minor*)	SC	SC	SC	1	S4B	The Common Nighthawk is an extremely well camouflaged bird that inhabits gravel beaches, rock outcrops and burned woodlands, that have little to no ground vegetation. This species can also be found in highly disturbed locations such as clear cuts, mine tailings areas, cultivated fields, urban parks, gravel roads, and orchards. As an insectivore, the primary threat to this species is the widespread application of pesticides (Ministry of Natural Resources and Forestry, 2015). Special concern species do not receive habitat protection under the ESA.	OBBA, 2025; eBird, 2023	N	Dense understory vegetation in areas of open canopy are unfavourable to this species.	None anticipated.
Eastern Meadowlark (*Sturnella magna*)	THR	THR	THR	1	S4B,S3N	The Eastern Meadowlark is a bird that prefers pastures and hayfields, but is also found to breed in orchards, shrubby fields and human use areas such as airports and roadsides. Eastern meadowlarks can nest from early May to mid-August, in nests that are built on the ground and well-camouflaged with a roof woven from grasses. The decline in population of these species is thought to be at least partially related to habitat destruction and agricultural practices (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025; eBird, 2024	N	Not detected during breeding bird surveys.	None anticipated.

Eastern Wood-Pewee (*Contopus virens*)	SC	SC	SC	1	S4B	The Eastern Wood-pewee is classified as a species of special concern by COSSARO. Their population has been gradually declining since the mid-1960's (The Cornell Lab of Ornithology, 2015). The Eastern Wood-pewee is a "flycatcher", a bird that eats flying insects, that lives in the mid-canopy layer of forest clearings and edges of deciduous and mixed forests. It prefers intermediate-age forest stands with little understory vegetation. Threats to the population are largely unknown; however, causes may include loss of habitat due to urban development and decreases in the availability of flying insect prey (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025; eBird, 2021	N	Not detected during breeding bird surveys.	None anticipated.
Evening Grosbeak (*Coccothraustes vespertinus*)	SC	SC	SC	1	S4	The Evening Grosbeak nests in coniferous-dominated forests across northern Ontario, as far south as the Georgian Bay. It depends heavily on Spruce Budworm as its main food source. Potential threats to this species include window strikes, habitat loss from forestry, climate change impacts on habitat, collisions with vehicles, and budworm control measures.	OBBA, 2025; eBird, 2023	N	Not detected during breeding bird surveys.	None anticipated.
Golden-winged Warbler (*Vermivora chrysoptera*)	THR	SC	THR	1	S3B	The Golden-winged Warbler is classified as a species of special concern by COSSARO. It is a small grey songbird, with yellow patches on its wings and forehead. Nests are built on the gound, in areas with young shrubs surrounded by mature forest. Threats to the species include habitat loss, hybridization with blue-winged warblers, and nest parasitism by brown-headed cowbirds (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025; eBird, 2021	N	Not detected during breeding bird surveys.	None anticipated.
Lesser Yellowlegs (*Tringa flavipes*)	-	THR	SC	-	3S4B,S5	Lesser Yellowlegs is a migratory shorebird. It breeds mainly in boreal wetlands and typically nests on dry ground near wetland areas like peatlands and marshes, which are used for foraging (Government of Canada, 2023).	eBird, 2023	N	No wetland environments are mapped on the Site.	None anticipated.
Olive-sided Flycatcher (*Contopus cooperi*)	SC	SC	SC	1	S4B	The Olive-sided Flycatcher is most often found along natural forest edges and openings. It will use forests that have been logged or burned, if there are ample tall snags and trees to use for foraging perches. Olive-sided flycatchers' breeding habitat usually consists of coniferous or mixed forest adjacent to rivers or wetlands. In Ontario, Olive-sided flycatchers commonly nest in conifers such as White and Black Spruce, Jack Pine and Balsam Fir.	OBBA, 2025	N	Although the Site contains edge forest habitat, forest communities are not adjacent to wetlands or streams.	None anticipated.
Peregrine Falcon (*Falco peregrinus*)	SC	SC	-	1	S4	The Peregrine Falcon is a species of Special Concern in Ontario because of habitat loss and destruction, disturbance and persecution by people, and environmental contaminants. Peregrine falcons are medium sized birds of prey, with a blue back, cream-coloured chest covered in dark markings and bright yellow legs and feet. It can be found nesting on tall, steep cliff ledges close to large bodies of water. The majority of Ontario's breeding population is found around Lake Superior in northwestern Ontario (Ministry of Natural Resources and Forestry, 2014).	eBird, 2022	N	The Site does not contain cliff habitat, and the species is at the edge of its range.	None anticipated.
Rusty Blackbird (*Euphagus carolinus*)	SC	SC	SC	1	S4B,S3N	The breeding range of Rusty Blackbird in Ontario is concentrated in the Hudson Bay Lowlands and northern Boreal Sheild ecozones. It breeds in wet forests, including areas with fens, bogs, muskeg, and beaver ponds. The Rusty Blackbird winters in swamps, wet woodlands, and pond edges, and often forages on agricultural lands. Declines in this species' population may be a result of habitat loss and extermination programs in its wintering habitat where it forms large aggregations.	eBird, 2021	N	No wetland environments are mapped on the Site, and the species is at the edge of its breeding range.	None anticipated.

Wood Thrush (*Hylocichla mustelina*)	THR	SC	THR	1	S4B	The Wood Thrush is a species of Special Concern because of habitat degradation or destruction by anthropogenic development. The Wood Thrush is a medium-sized songbird, generally rusty-brown on the upper parts with white under parts and large blackish spots on the breast and sides, and about 20 cm long. The Wood Thrush forages for food in leaf litter or on semi-bare ground, including larval and adult insects as well as plant material. They seek moist stands of trees with well-developed undergrowth in large mature deciduous and mixed (conifer-deciduous) forests. The Wood Thrush flies south to Mexico and Central America for the winter (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025	N	Not detected during breeding bird surveys.	None anticipated.
HERPTILES										
Blanding's Turtle (*Emydoidea blandingii*)	END	THR	END	1	S3	Blanding's turtles are threatened in Ontario primarily as a result of habitat loss and fragmentation. Blanding's turtles spend the majority of their life cycle in the aquatic environment, using terrestrial sites for travel between habitat patches and to lay clutches of eggs. These turtles prefer shallow nutrient rich water with organic sediment and dense vegetation. Blanding's turtles nest in dry coniferous and mixed forest habitats, as well as fields and roadsides (Government of Canada, 2015).	ORAA, 2025	N	No wetland environments or open water are mapped on the Site.	None anticipated.
Eastern Hog-Nosed Snake (*Heterodon platirhinos*)	THR	THR	THR	1	S3	The eastern hog-nosed snake (Heterodon platirhinos) is classified as a threatened species by COSSARO, and is one of Ontario's most interesting reptiles, with a very unique defence system. The eastern hog-nosed, if challenged by a predator, rises to strike in a way that is reminiscent of a cobra, and then proceeds to roll onto it's back and play dead. Despite its somewhat threatening appearance, the eastern hog-nosed snake is a harmless predator of many amphibians. Eastern hog-nosed snakes prefer sandy well drained habitats such as beaches and dry forests because they lay their eggs and hibernate in these areas. The main diet of this snake is toads and frogs, so they usually stay close to water including marshes and swamps, where they have an increased chance of finding their preferred prey (Ministry of Natural Resource and Forestry, 2014).	ORAA, 2025	N	No suitable habitat present.	None anticipated.
Snapping Turtle (*Chelydra serpentina*)	SC	SC	SC	1	S4	The snapping turtle is a species of special concern in Ontario due to the potential for the species to become threatened or endangered as a result of biological factors or other identified threats. While not presently protected by law, the snapping turtle has been recognized as a species of special concern by COSSARO. Snapping turtles spend the majority of their lives in water and travel slightly upland to gravel or sandy embankments or beaches to lay their eggs (Ontario Ministry of Natural Resources and Forestry, 2014).	ORAA, 2025	N	No suitable wetland habitat present.	None anticipated.
VASCULAR PLANTS										
Black Ash (*Fraxinus nigra*)	-	END	THR	-	S4	Found throughout Ontario in moist ecosystems; commonly found in northern swampy woodlands (MNRF 2018). This species typically grows on mucky or peaty soils and is considered a facultative wetland species (Reznicek et al. 2011).	Professional Experience	N	No suitable wetland habitat present.	None anticipated.
MAMMALS										
Eastern Red Bat (*Lasiurus borealis*)	-	END	END	-	S3	Eastern red bats roost in the foliage of deciduous or sometimes evergreen trees and occassionally in shrubs (Bat Conservation International, 2024; COSEWIC, 2024). Trees used as maternity roosts tend to be large diameter and tall, reaching or exceeding the height of the surrounding canopy. Their solitary roosting behaviour and well-camouflaged fur results in roosts being highly cryptic. Roost sites that have overhead foliage for cover and open flight space below are selected. Eastern red bats typically uses several trees during the breeding season (COSEWIC, 2024).	Professional Experience	N	Not detected during acoustic monitoring.	None anticipated.
Hoary Bat (*Lasiurus cinereus*)	-	END	END	-	S3	Hoary bats roost solitarily amoung the foliage of trees, with preferences including maple, oak, ash, elder, hemlock, and redwood trees (Bat Conservation International, 2024). Trees used as maternity roosts tend to be large diameter and tall, reaching or exceeding the height of the surrounding canopy. There is little information regarding roost switching and roost area for Hoary Bats (COSEWIC, 2024).	Professional Experience	Y	Detected during acoustic monitoring	Timing windows (vegetation and/or structure removal outside of the active period for this species), in consultation with the MECP, are recommended following field surveys.
Silver-haired Bat (*Lasionycteris noctivagans*)	-	END	END	-	S3	Silver-haired Bats occurs primarily under bark and in the cavities of trees, making them reliant on habitats where large, decaying trees are available. Silver-haired Bats roost in a variety of large diameter coniferous and deciduous trees. Frequent roost switching is common (COSEWIC, 2024).	Professional Experience	Y	Detected during acoustic monitoring	Timing windows (vegetation and/or structure removal outside of the active period for this species), in consultation with the MECP, are recommended following field surveys.

Tri-colored Bat (*Perimyotis subflavus*)	END	END	END	1	S3?	Tri-colored Bat is a small bat that is widely distributed in eastern North America and whose range extends north to southern Ontario. Tri-colored Bat is rare in this region of Ontario which is at the northernmost limit of the natural range for the species. These bats prefer to nest in foliage, tree cavities and woodpecker holes, and are occasionally found in buildings; though this is not their preferred habitat. Winter hibernation takes place in caves, mines and deep crevices. Tri-colored Bat feed primarily on small insects and prefer an open forest habitat type in proximity to water (University of Michigan Museum of Zoology, 2004).	Professional Experience	N	Not detected during acoustic monitoring.	None anticipated.
Eastern Small-footed Myotis (*Myotis leibii*)	-	END	-	-	S2S3	The eastern small-footed myotis, a bat, are an endangered species threatened by a disease known as white nose syndrome, caused by a fungus from Europe. Eastern small-footed myotis' fur has black roots and shiny light brown tips, giving it a yellowish-brown appearance. Its face mask, ears and wings are black, and its underside is grayish-brown, about 8 cm long in size and weighs 4-5 grams. In the spring and summer, eastern small-footed myotis will roost in a variety of habitats, including in or under rocks, in rock outcrops, in buildings, under bridges, or in caves, mines, or hollow trees. They change their roosting locations daily and hunt at night for insects to eat, including beetles, mosquitos, moths, and flies. They hibernate in winter, often in caves and abandoned mines. They can be found from south of Georgian Bay to Lake Erie and east to the Pembroke area, and choose colder and drier sites (Ministry of Natural Resources and Forestry, 2014).	Professional Experience	P	One recording of a Myotis sp. was noted during acoustic monitoring. Species identification was not possible	Timing windows (vegetation and/or structure removal outside of the active period for this species), in consultation with the MECP, are recommended following field surveys.
Little Brown Myotis (*Myotis lucifugus*)	END	END	END	1	S3	Little brown myotis, a bat, are an endangered species threatened by a disease known as white nose syndrome, caused by a fungus from Europe. Little brown myotis have glossy brown fur and usually weigh between four and 11 grams. Bats are nocturnal. During the day they roost in trees and buildings. They often select attics, abandoned buildings and barns for summer colonies where they can raise their young. Little brown myotis hibernate from October or November to March or April, most often in caves or abandoned mines that are humid and remain above freezing – an ideal environment for the fungus to grow and flourish. The syndrome affects bats by disrupting their hibernation cycle, so that they use up body fat supplies before the spring when they can once again find food sources (Ministry of Natural Resources and Forestry, 2014).	Professional Experience	P	One recording of a Myotis sp. was noted during acoustic monitoring. Species identification was not possible	Timing windows (vegetation and/or structure removal outside of the active period for this species), in consultation with the MECP, are recommended following field surveys.
Northern Myotis (*Myotis septentrionalis*)	END	END	END	1	S3	Northern myotis, a bat, are an endangered species threatened by a disease known as white nose syndrome, caused by a fungus from Europe. Northern myotis have dull yellow-brown fur with pale grey bellies. They are approximately eight cm long, with a wingspan of about 25 cm, and usually weigh six to nine grams. Northern myotis can be found in boreal forests but occurs throughout southern Ontario to the north shore of Lake Superior and occasionally as far north as Moosonee. roosting under loose bark and in the cavities of trees. Northern Myotis roosts within tree crevices, hollows and under the bark of live and dead trees, particularly when trees are located within a forest gap. These bats hibernate from October or November to March or April, most often in caves or abandoned mines (Ministry of Natural Resources and Forestry, 2014).	Professional Experience	P	One recording of a Myotis sp. was noted during acoustic monitoring. Species identification was not possible	Timing windows (vegetation and/or structure removal outside of the active period for this species), in consultation with the MECP, are recommended following field surveys.
INSECTS										
Monarch Butterfly (*Danaus plexippus*)	END	SC	END	1	S2N,S4B	The monarch is an orange and black butterfly with small white spots and is classified as a species of special concern by COSSARO. The monarch relies on milkweed plants as a food source for growing caterpillars, but the adult butterflies forage in diverse habitats for nectar from wildflowers. The greatest threat to the monarch is loss of overwintering habitat in Mexico. Other threats include use of pesticides and herbicides throughout its range (Ministry of Natural Resources and Forestry, 2014).	OBA, 2025	Y	Common Milkweed, this species' host plant, found within the Study Area.	Habitat protection does not apply to Special Concern Species. Minimize disturbance within meadow community as much as possible.

Notes:
SC - Special Concern
THR - Threatened
END - Endangered
S1 - Extremely rare in Ontario
S2 - Very rare in Ontario
S3 - Rare to uncommon in Ontario
S4 - Considered to be common in Ontario
S5 - Species is widespread in Ontario
SH - Possibly extirpated
S#S# - Indicates insufficient information exists to assign a single rank.
S#? - Indicates some uncertainty with the classification due to insufficient data.
S#N - Nonbreeding
S#B - Breeding
Y= Yes, P = Potential, N = No

Appendix D SWH Screening Table

Environmental Impact Study (EIS)

219 Peggs Mountain Road, Armour

SolarBank Corporation

SLR Project No.: 209.065266.00001

July 15, 2025

Project No.: **Date:** **Sheet No.:**

Observer(s): **Weather:**

SWH Type	Associated Species	Associated ELC Ecosites	Habitat Criteria	Presence (Y/P/N)	Additional Notes
Seasonal Concentration Areas of Animals					
Waterfowl Stopover and Staging Areas (Terrestrial)	Ducks	Fields, Meadows, Sparse Shrubs: G060-062, G077-079, C093-095, G109-111	Fields with sheet-water flooding mid-March to May	N	
Waterfowl Stopover and Staging Area (Aquatic)	Ducks, Geese	G142-152: Ponds, Lakes, Inlets, Marshes, open/shrubby fens, Shallow Water Ecosites	Sewage & SWM ponds **not** SWH. Reservoir managed as a large wetland or pond/lake qualifies.	N	
Shorebird Migratory Stopover Area	Shorebirds	G005-006, G160-162, G170-172, G176-178, G186-188, G204-G214: Beaches, Shorelines	Shorelines. Sewage treatment ponds and storm water ponds **not** SWH.	N	
Raptor Wintering Area	Hawks, Owls	Combination of Forest and meadow/field. Woodland Ecosites: G011-019, 023-028, 033-043, 048-059, 064-076,081-092, 097-108, 113-125	Raptor wintering sites: >20ha, with a combo of forest and upland. Meadow (>15ha) with adjacent woodlands.	Y	Large tracts of undisturbed forest exist within the southern extent of the Subject Property and surorunding lands. Any impacts from development are expected to be negligible.
Bat Hibernacula	Big Brown Bat, Tri-coloured Bat	Caves, Rock Talus: G158-159, 164, 180-181	Cave, Mines, Karsts. Buildings and active mine sites **not** SWH.	N	
Bat Maternity Colonies	Big Brown Bat, Silver-haired Bat	Decidious or mixed forests: G016-019, 028, 040-043, 055-059, 070-076, 088-092, 103-108, 118-125	Mature deciduous and mixed forest stands with >10/ha cavity trees >25 cm DBH.	N	Study Area contains younger and regenerating forests with very low snag density.
Turtle Wintering Area	Turtles	Swamps, Open fens & marshes, Open and shallow water: G128-G135, G140-G152	**Free water beneath ice**. Soft mud substrate. Permanent water bodies, large wetlands, bogs, fens with adequate DO.	N	
Reptile Hibernaculum	Snakes	Habitat may be found in any ecosite (esp. w/ rock) other than very wet ones. **Five-lined Skink:** G056-G059, G070-G076, G087-G092, G103-G108, G118-G125	**Access below frost line:** burrows; **rock** crevices, piles or slopes, **stone** fences or foundations. Conifer/shrubby swamps/swales, poor fens, depressions in bedrock w/ accumulations of sphagnum moss or sedge hummock ground cover.	N	
Colonially-nesting Bird Breeding Habitat (Bank and Cliff)	Cliff Swallow, Northern Rough-winged Swallow	Eroding banks, sandy hills, borrow pits, steep slopes, sand piles, cliff faces, bridge abutments, silos, barns. (long G-list)	Exposed soil banks, sandy hills, borrow pits, steep slopes, and sand piles that are undisturbed or naturally eroding. **Not** a licensed/permitted aggregate area.	N	
Colonially-nesting Bird Breeding Habitat (Tree/Shrubs)	Great Blue Heron, Black-crowned Night Heron	Forested Ecosites: G064-G076, G081-G092, G097-G108, G113-G125, G128-G136	Nests in live or dead standing trees in wetlands, lakes, islands and peninsulas. Shrubs and emergents may be used. Nests in trees are 11 to 15 m from ground, near top of the tree.	N	
Colonially-nesting Bird Breeding Habitat (Ground)	Herring Gull, Great Black-backed Gull, Little Gull, Ring-billed Gull, Common Tern, Caspian Tern, Brewer's Blackbird	Rocky island or peninsula in lake or river. Close to watercourses in open fields or pastures with scattered trees or shrubs (Brewer's Blackbird). (long G-list)	**Gulls and terns:** on islands or peninsulas with open water or marshy areas. **Brewers Blackbird colonies:** foundon the ground in low bushes close to streams and irrigation ditches.	N	
Deer Yarding Areas	White-tailed Deer	All Tall Treed forest and swamp Ecosites.	Determined by MNRF - no studies	N	
Rare Vegetation Communities					
Beach/Beach Ridge/Bar/Sand Dunes	Marram Grass (*Ammophila breviligulata),* Beach Pea (*Lathyrus japonicus*)	Central Ontario FEC: ES1, ES2. ELC Ecosites: G005-G006, G166-G168, G182-G184, G213-214	Characterized by unstable sand: Any identified beach, beach ridge, or sand dune.	N	
Shallow Atlantic Coastal Marsh	Virginia Meadowbeauty (*Rhexia virgininica*)	G143-G145, G148-G152	Shallow marsh on shallow mineral or mineral organic shoreline. Subject to low wave energy. Inland lakes and beaver ponds with fluctuating water levels.	N	
Cliffs and Talus Slopes	In 5E: primarily Precambrian rock and are typically sparsely vegetated.	Ecosites: G158-159, G166-G168, G173-G175, G182-G184, G201-G203	**Cliff:** near vertical bedrock >3m **Talus Slope:** coarse rock rubble at the base of a cliff	N	
Rock Barren (Precambian)	Dry and ericacious species: Common species in Criteria guide	G163-G165, G179-G181 Central Ontario Forest Ecosites: ES8	Vegetation patchy but < 60%. Must be > 1ha.	N	
Sand Barren	Veg list in Criteria Guide	G007, G215 Central Ontario Forest Ecosites: ES10	No minimum size. Vegetation can vary from patchy and barren to tree covered, but <60%. Exposed sand, generally sparsely vegetated and caused by lack of moisture, periodic fires and erosion.	N	
Alvar	*Penstemon hirsutus, Panicum philadelphicum, Scutellaria parvula, Rhus aromatica, Monarda fistulosa, Senecio pauperculus*	S. Ontario Sites: ALO1, ALS1, ALT1, FOC1, FOC2, CUM2, CUS2, CUT2-1, CUW2 Central Ontario Ecosites: ES13.1, ES14.1, ES16.1, ES21.1, ES9	Alvar >0.5 ha. Vegetation cover varies from patchy to barren with <60% tree cover.	N	

Old Growth Forest		Ecosites: G011-G015, G017-G018, G023, G027, G033, G036, G039-G042, G048, G051, G054-G058, G064, G066, G069, G071-G075, G081, G084, G087, G089-G091, G103, G105-G107, G113, G115, G118, G120-G124 Central Ontario Forest Ecosites: ES11, ES12, ES14, ES20, ES21-ESES30	Woodland areas 30 ha or greater in size or with at least 10 ha interior habitat assuming 100 m buffer at edge of forest.	N	
Bog	*Sphagnum* moss	G126, G137-G138	Any size bog.	N	
Tallgrass Prairie	Big Blue Stem (*Andropogon gerardi*) Prairie Cordgrass (*Spartina pectinata*)	TPO1, TPO2 Central Ontario Ecosite: ES10	An open Tallgrass Prairie habitat has < 25% tree cover. No minimum size. Remnant sites such as railway right of ways **not** SWH.	N	
Savannah		TPS1, TPS2, TPW1, TPW2, CUS2	A Savannah is a tallgrass prairie habitat that has tree cover between 25 – 60%. No minimum size.	N	
Red Spruce	Red Spruce (*Picea rubens*)	G036, G051, G066, G084, G086, G100, G102, G116, G117. Central Ontario Forest Ecosites: ES 30.1, ES 30.2	Red Spruce is a shade tolerant conifer, growing best in cool, moist climate. It will grow in shallow, till soils any may grow on site unfavourable to other species such as organic soil over rock, steep slopes and wet bottomlands. No minimum size.	N	
White Oak	White Oak (*Quercus alba*)	G017, G041, G057, G072, G090, G106, G121. Central Ontario Forest Ecosites: ES 14.1, ES 14.2	Forest stands containing white oak trees. No minimum size.	N	
Specialized Habitat for Wildlife					
Waterfowl Nesting Area	Ducks	Upland habitats adjacent to: G129-G135, G142-G152. Note: includes adjacency to PSW	Extends 120 m from a wetland (>0.5 ha) or a cluster of 3 or more small wetlands (<0.5 ha) . Upland areas should be at least 120 m wide. Wood Ducks and Hooded Mergansers use cavity trees (>40cm dbh).	N	
Bald Eagle and Osprey Nesting, Foraging and Perching Habitat	Osprey, Bald Eagle	Forest communities directly adjacent to riparian areas - river, lakes, ponds and wetland	Nesting areas are associated with waterbodies along forested shorelines, islands, or on structures over water. Nests located on man-made objects are not included as SWH.	N	
Woodland Raptor Nesting Habitat	Red-taild Hawk, Great Horned Owl, Merlin, Northern Goshawk, Cooper's Hawk, Sharp-shinned Hawk, Red-shouldered Hawk, Barred Owl, Broad-winged Hawk	All forested ecosites. May also be found in forested swamps G128-G133.	>30 ha with > 10 ha interior habitat.	Y	Large tracts of undisturbed forest exist within the southern extent of the Subject Property and surorunding lands. Any impacts from development are expected to be negligible.
Turtle and Lizard Nesting Areas	Midland Painted Turtle, Snapping Turtle, Northern Map Turtle, Five-lined Skink	Turtle nesting areas may be adjacent to G138, G140-149 Five-lined Skink in Central Ontario: ES14.2, ES17-ES20, ES23-ES30 or G056-G059	Nest sites within open sunny areas, close to water with soil suitable for digging. Sand and gravel beaches. Skinks will nest under logs, in stumps or under loos rock in partially wooded areas	N	
Seeps and Springs	Wild Turkey, Ruffed Grouse, Spruce Grouse, Moose, White-tailed Deer, Salamander spp.	Seeps/Springs are areas where ground water comes to the surface. Often found within headwater areas within forested habitats.	Any forested area (with <25% meadow/field/pasture) within the headwaters of a stream/river system.	N	
Aquatic Feeding Habitat	Moose, White-tailed Deer	Habitat may be found in any ecosite in all forested ecosites adjacent to water.	Wetlands and isolated embayments in rivers or lakes which provie an abundance of submerged aquatic vegetation are prefered. Adjacent stands of lowland conifer or mixed woods will provide cover and shade.	N	
Mineral Licks	Moose, White-tailed Deer	Habitat may be found in any ecosite in all forested ecosites.	Found in upwelling groundwater and the soil around these seepage areas. Typically occurs in areas of sedimentary and volcanic bedrock	N	
Denning Sites for Mink, Otter, Marten Fisher, and Eastern Wolf	Mink, Otter, Marten, Fisher, Grey Wolf, Eastern Wolf	Habitat may be found in any ecosite in all forested ecosites.	Mink prefer shorelines dominated by coniferous or mixed forests with dens usually underground. Otters prefer undisturbed shorelines along waterbodies with fish, abundant shrubby vegetation and downed woody debris. Marten and Fisher require large tracts of coniferous or mixed forests of mature or older age classes. Denning sites are often in cavities in large trees.	N	

Amphibian Breeding Habitat (Woodland)	Woodland Frogs, Toads, Eastern Newt and Salamanders	All forested ecosites. The wetland breeding ponds (including vernal pools) may be permanent, seasonal, ephemeral, large or small in size.	Wetland, pond or woodland pool of >500 m^2 within or adjacent to wooded areas. Permanent ponds or those containing water until mid-July are preferred.	N	
Amphibian Breeding Habitat (Wetlands)	Toads, Frogs, Eastern Newt and Salamanders	Ecosites: G129-G135, G142-G152 Typically isolated (>120m) from woodland ecosites, however larger wetlands may be adjacent to woodlands.	Wetlands and pools >500m^2 isolated from woodland ecosites with high species diversity. Permanent water with abundant vegetation for bullfrogs.	N	
Mast Producing Areas	Black Bear, White-tailed Deer, Wild Turkey, Ruffed Grouse	G015, G017, G019, G027-G028, G041-G043, G057, G059, G072, G090, G106, G108, G121 Central Ontario Forest Ecosites: ES14, ES17.1, ES23-ES26	Most important areas are mature forests >0.5ha containing numerous large beech and red oak trees that supply energy-rich mast that wildlife prefer. Sites providing long-term, relatively stable food supplies, forest openings or barrens >1ha provide excellent sites for mast producing shrubs.	N	
Habitat of Species of Conservation Concern					
Marsh Bird Breeding Habitat	Wetland Birds	Ecosites: G138-G152 For Green Heron: Above ecosites plus G129-G136	Wetlands with shallow water and emergent vegetation.	N	
Open Country Bird Breeding Habitat	Upland Sandpiper, Grasshopper Sparrow, Vesper Sparrow, Northern Harrier, Savannah Sparrow, Short-eared Owl	G008-G009, G020-G021, G029-G031, G044-G046, G060-G062, G077-G079, G093-G095, G109-111	Grassland and meadow >30 ha. Not being actively used for farming. Habitat established for 5 years or more.	N	
Shrub/Early Successional Bird Breeding Habitat	Willow Flycatcher, Brown Thrasher, Blue-winged Warbler, Tennessee Warbler, Prairie Warbler, Eastern Towhee, Clay-coloured Sparrow, Field Sparrow, Golden-winged Warbler	Ecosties: G009-G010, G021-G022, G031-G032, G046-G047, G062-G063, G079-G080, G095-G096, G111-G112, G134-G135	Large field areas succeeding to shrub and thicket habitats > 10 ha. Areas not actively used for farming in the last 5 years. Larger shrub thicket habitats (>30ha) are more likely to support a diversity of species.	N	
Special Concern and Rare Wildlife Species	Any species of concern or rare wildlife species	Any ELC code.	Presence of species of concern or rare wildlife species.	Y	Monarch butterfly.



Making Sustainability Happen

SLR Consulting (Canada) Ltd.
100 Stone Road West, Suite 201, Guelph, ON N1G 5L3

September 9, 2025

Attention: Ina Lila
SolarBank Corporation
505 Consumers Road, Suite 803
North York, ON M2J 4B8

SLR Project No.: 209.065266.00001

Revision: 01

RE: Environmental Impact Study Addendum for 219 Pegg's Mountain Road, Township of Armour

SLR Consulting (Canada) Ltd. (SLR) submitted a Scoped Environmental Impact Study (EIS) on behalf of SolarBank Corporation for the property at 219 Pegg's Mountain Road in the Township of Armour ('Subject Property') that was dated July 15, 2025. This memo addresses the comments provided by the Township of Armour's peer reviewer, TULLOCH Engineering ('TULLOCH'; dated August 14, 2025) in response to the Scoped EIS submission (**Section 1**). Relevant policies, existing environmental conditions, and the proposed development are summarized in the 2025 EIS (SLR 2025). This memo is to be read in conjunction with SLR's 2025 EIS as part of providing responses to peer review comments.

1.0 Environmental Impact Study Comments

1.1 TULLOCH Comments

The following peer review comments were made by TULLOCH on behalf of the Township of Armour. SLR ecologists have provided a response for each comment below.

1. *In general, the EIS completed by SLR is well done and well proportioned to the size and scale of the proposed BESS facility*.
    - Acknowledged.
2. *Section 1 states* "For the purpose of this EIS, the Subject Property is further subdivided into a Study Area which contains the area of proposed development and the adjacent lands within 120 m of the proposed development." *This is an appropriate Study Area. We recommend this area be added to Figures 2 and 3 to illustrate the scope of the study effort on Site.*
    - The Study Area (i.e., the area of proposed development and the adjacent lands within 120 m of the proposed development) has been added to Figures 2 and 3 (see Figures attached).
3. *Table 4, Row 3 states* "Through acoustic monitoring, it is known that SAR bats are using the Study Area for roosting in low abundances. To avoid impacts to these species it is recommended that vegetation clearing not occur during the bat maternity roosting season (generally occurs annually between April 1 to October 31). Appropriate mitigation measures and approvals should be determined in consultation with the MECP." *We recommend that the determination of appropriate mitigation measures and approvals be included in this EIS. Compliance with the Endangered Species Act ('ESA') is a*

proponent-driven process and the Species at Risk Branch of the Ministry of the Environment, Conservation and Parks ('MECP') should only be consulted where contravention of the ESA is unknown or considered likely. Based on recent correspondence with the MECP, TULLOCH is aware that the Ministry is currently quoting 7 to 12 months to undertake a project review (via an Information Gathering Form). These reviews are not a prerequisite of ESA compliance in many instances. The EIS should establish if undertaking such a review (and incurring these delays) is warranted. The choice to pursue a Ministry review, or not, should be rooted in whether the project is ***likely*** *or* ***unlikely*** *to contravene the ESA once all mitigations and avoidances are in place. TULLOCH offers the following comments to assist SLR in making this determination*…

- Acknowledged. SLR recognizes that compliance with the ESA is proponent lead and have advised accordingly. An assessment of Species at Risk (SAR) Bats and recommended mitigation measures memo has been drafted for the proponent to ensure ESA compliance
- We are in agreement that the use of the site is not indicative of roosting habitat for bats and could also be an indication of foraging or commuting between habitats. Due to the location of the acoustic detector in relation to potential roosting habitat, a conservative approach was taken. The following are changes to the original EIS:
  - Due to separate project consultations with the MECP and direction provided to SLR, it is now advised that tree removals be conducted outside the April 1 to November 30 window to avoid impacts to migratory SAR bats (incl. Hoary and Silver-haired Bats).
  - The installation of one "Rocket Box" style bat box be installed at the project site following vegetation clearing in compensation for the loss of potential roosting habitat.

4. *Section 7.1.2 states* "The establishment and spread of invasive plant species can have substantial negative impacts on ecosystem function and can incur significant costs to eradicate or control. Vehicles and machinery should be properly cleaned following the procedures outlined in the Clean Equipment Protocol for Industry (Ontario Invasive Plant Council, 2013) prior to entering and leaving the Subject Property." *We agree with this statement but note that the mitigation should be included in Section 8 to ensure it is not overlooked*.
   - Acknowledged. This will be further reiterated to the client to inform the contractor (e.g., information regarding invasive species control added to the construction tender documents).

Closure

Regards,

SLR Consulting (Canada) Ltd.





Lucas McLennan, B.Sc.
Ecologist
email

Carlene Perkin, B.Sc.
Ecologist, ISA Certified Arborist



Dirk Janas, B.Sc.
Technical Director, Terrestrial Ecology

Attachments Figures

RIVER ROAD

PEGGS MOUNTAIN ROAD

CUM

CUT

CVI_4

G051cTt

G058oTt

G052cTt

G058cTt

N

LEGEND:

- SNAG TREE (SUGAR MAPLE)
- WATERCOURSE[1]
- ECOLOGICAL LAND CLASSIFICATION (ELC)
- WETLAND - UNEVALUATED AS PER OWES[1]
- SITE LOCATION
- STUDY AREA

ELC Legend

CUM - Cultural Meadow
CUT - Cultural Thicket
CVI - Power Generation
G051cTt - Dry - Fresh, Coarse: Cedar - Hemlock Conifer
G052cTt - Dry - Fresh, Coarse: Spruce - Fir Conifer
G058cTt/G058oTt - Dry - Fresh, Coarse: Maple Hardwood

NOTES:
NOTE 1 - BASEMAP DATA PROVIDED BY ONTARIO'S MINISTRY OF NATURAL RESOURCES AND FORESTRY (ONTARIO HYDRO NETWORK AND ROAD SEGMENTS)

SERVICE LAYER CREDITS: MAXAR, MICROSOFT (2024)

0 50 100 150 200 250 m

SCALE: 1:5,000
PAGE SIZE: 11 x 17
NAD 1983 UTM Zone 17N
THIS MAP IS FOR CONCEPTUAL PURPOSES ONLY AND SHOULD NOT BE USED FOR NAVIGATION

SOLARBANK CORPORATION
219 PEGGS MOUNTAIN ROAD IN ARMOUR
ONTARIO, CANADA

ELT1 BESS SAR SCREENING

EXISTING ENVIRONMENTAL CONDITIONS

SLR

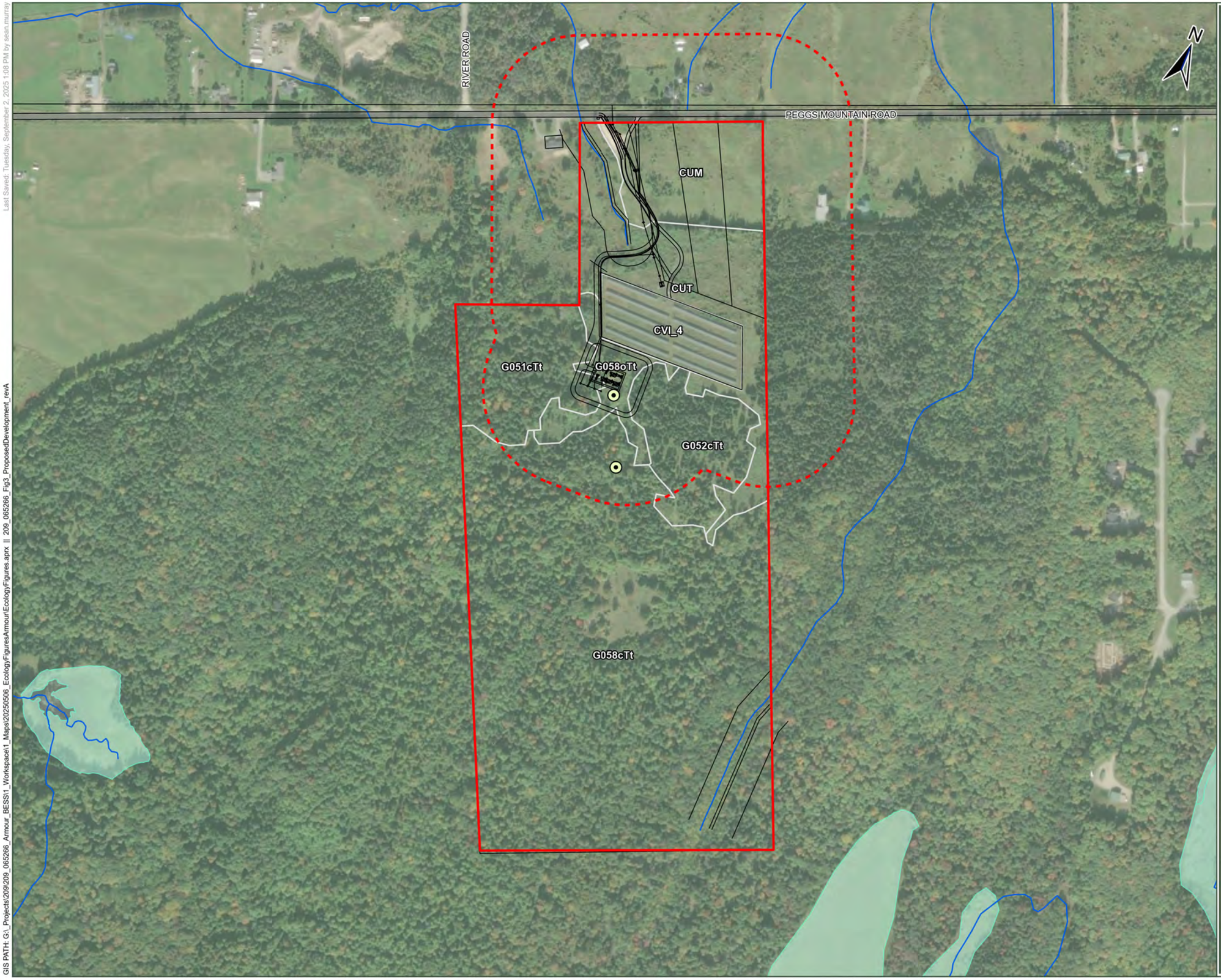
FIGURE NO:
2

DATE: September 2, 2025

PROJECT NO: 209.065266.00001

Last Saved: Tuesday, September 2, 2025 1:08 PM by sean.murray

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LEGEND:

- SNAG TREE (SUGAR MAPLE)
- DEVELOPMENT PLAN
- WATERCOURSE
- PROVINCIALLY SIGNIFICANT WETLAND
- ECOLOGICAL LAND CLASSIFICATION (ELC)
- SITE LOCATION
- STUDY AREA

ELC Legend

CUM - Cultural Meadow
CUT - Cultural Thicket
CVI - Power Generation
G051cTt - Dry - Fresh, Coarse: Cedar - Hemlock Conifer
G052cTt - Dry - Fresh, Coarse: Spruce - Fir Conifer
G058cTt/G058oTt - Dry - Fresh, Coarse: Maple Hardwood

NOTES:
NOTE 1 - BASEMAP DATA PROVIDED BY ONTARIO'S MINISTRY OF NATURAL RESOURCES AND FORESTRY (ONTARIO HYDRO NETWORK AND ROAD SEGMENTS)

SERVICE LAYER CREDITS: MAXAR, MICROSOFT (2024)

0 25 50 100 150 200 m

SCALE: 1:5,000
PAGE SIZE: 11 x 17
NAD 1983 UTM Zone 17N
THIS MAP IS FOR CONCEPTUAL PURPOSES ONLY AND SHOULD NOT BE USED FOR NAVIGATION

SOLARBANK CORPORATION
219 PEGGS MOUNTAIN ROAD IN ARMOUR
ONTARIO, CANADA

ELT1 BESS SAR SCREENING

PROPOSED DEVELOPMENT

SLR

FIGURE NO:
3

DATE: September 2, 2025

PROJECT NO: 209.065266.00001

Last Saved: Tuesday, September 2, 2025 1:08 PM by sean.murray

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March 2005

Two-chamber Rocket Box Bat House Plans

Merlin Tuttle
Bat Conservation International

Mark Kiser
Bat Conservation International

Selena Kiser
Bat Conservation International

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Tuttle, Merlin; Kiser, Mark; and Kiser, Selena, "Two-chamber Rocket Box Bat House Plans" (2005). *Other Publications in Wildlife Management*. 2.
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Two-chamber Rocket Box

Materials (makes one house)

2" diameter (2⅜" outside diameter) steel pole, 20' long
Two 1" x 4" (¾" x 3½" finished) x 8' boards*
Two 1" x 8" (¾" x 7¼" finished) x 8' boards*
Two 1" x 10" (¾" x 9¼" finished) x 6' boards*
24" x 24" x ¾" piece of AC exterior plywood
Box of 100 exterior-grade screws, 1⅝"
Box of 100 exterior-grade screws, 1¼"
16 to 32 exterior-grade screws, 2"
20 to 30 roofing nails, ⅞"
One quart water-based primer, exterior grade
Two quarts flat, water-based stain or paint, exterior grade
Asphalt shingles or dark galvanized metal
One tube paintable latex caulk
Two ¼" x 4½" carriage bolts, washers and nuts

** Western red cedar or poplar preferred*

Recommended tools

Table saw or circular saw
Caulk gun
Hammer
Tape measure
Square
Jigsaw, keyhole saw or router
Sandpaper or sander
Rasp or wood file
Variable-speed reversing drill
1½" hole saw or spade bit
⅛" and ¼" drill bits
Screwdriver bit for drill

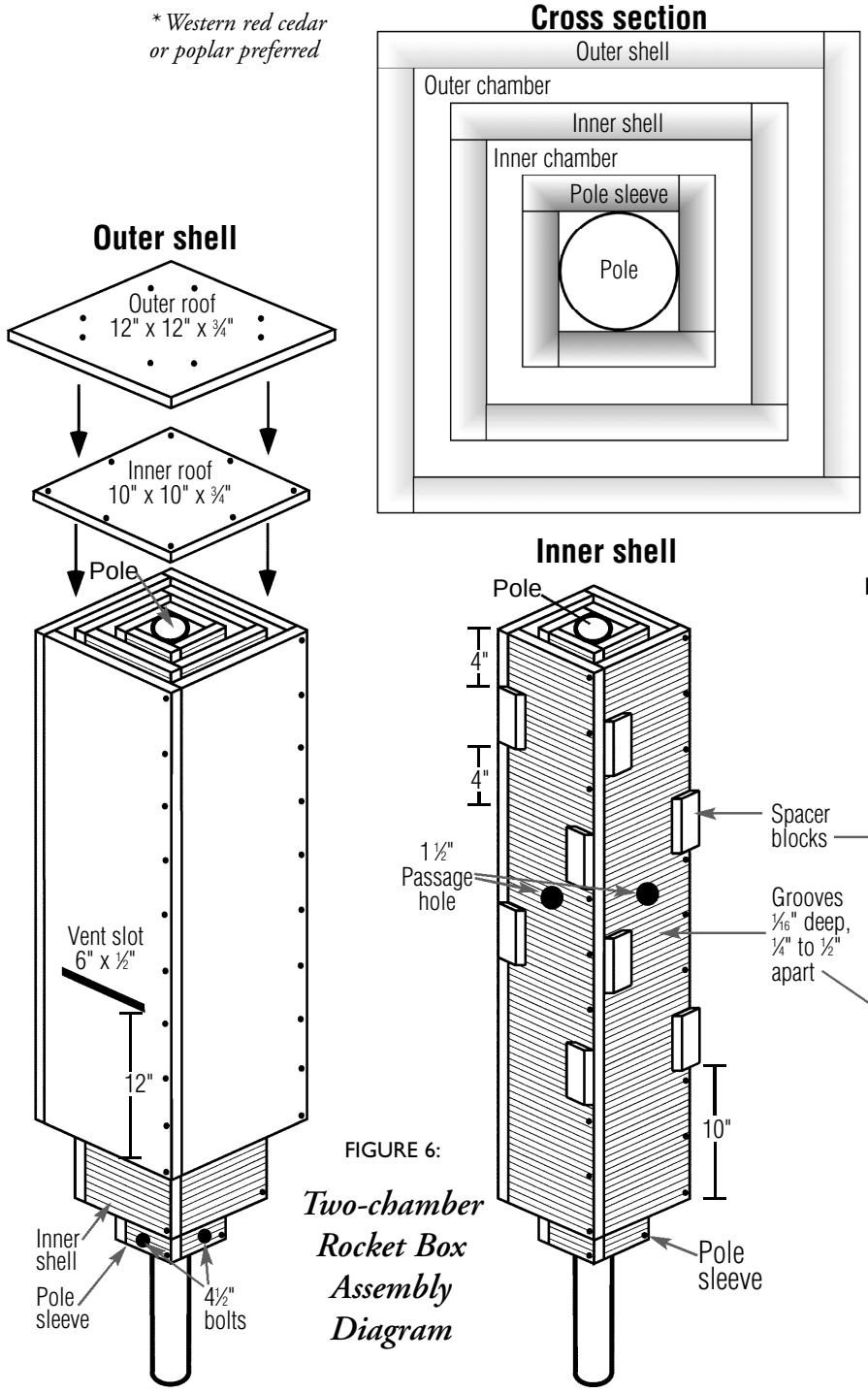


FIGURE 6:

Two-chamber Rocket Box Assembly Diagram

Construction

1. Measure, mark and cut out parts according to Figure 7. Dimensions must be exact for correct fit. Cut out two vent slots and four passage holes as shown.
2. Cut 1/16"-deep horizontal grooves ¼" to ½" apart on one side of all 36" and 45" boards and on both sides of all 42" boards. Sand to remove splinters.
3. Drill two ⅛" holes through each ¾" x 1½" x 4" spacer block to prevent splitting.
4. Assemble four pole sleeve boards into a hollow, square box as shown using 1⅝" screws and caulk. Pre-drill holes to prevent splitting. Countersinking holes may also help.

5. Attach spacer blocks to pole sleeve as shown (four per side) using two 1¼" screws per block. Bottom spacer blocks are 9" up from bottom of pole sleeve. Top spacer blocks are 5" from top. Alternate spacer blocks on left and right sides, 5" apart.
6. Assemble four inner shell boards into a hollow, square box as in step 4.
7. Slide pole sleeve into inner shell until top edges are flush. Bat passage holes will be towards the top. Mark location of spacer blocks. Secure inner shell to pole sleeve with 2" screws through the spacer blocks to ensure no screws protrude into roosting chambers. Pre-drill holes first to avoid splitting spacer blocks (countersinking holes may also help).
8. Attach spacer blocks (4 per side) to inner shell as shown, using two 1¼" screws per block. Bottom spacer blocks are 10" up from the bottom edge of the inner shell. Top spacers are 4" from top. Alternate spacers left and right sides, 4" apart.
9. Assemble four outer-shell boards into a hollow, square box as in step 4. Vent slots are on opposing sides and oriented towards the bottom.
10. Slide finished outer shell over inner shell, so that 6" of inner shell protrudes below outer shell. Mark locations of spacer blocks. Secure outer shell to inner shell as in step 7 (pre-drill holes first). Ensure that no screws protrude into the roosting chambers.
11. Caulking first, attach inner roof to box with 1¼" screws. Carefully drive screws into top edges of shells to prevent screws from entering roosting chambers.
12. Center and attach outer roof to inner roof with 1¼" screws, caulking first.
13. Paint or stain exterior three times (use primer for first coat). Cover roof with shingles or dark galvanized metal.
14. Slide completed rocket box over pole. One inch up from the bottom edge of pole sleeve, drill a ¼" hole all the way through pole and sleeve. Rotate box and pole 90° and drill another ¼" hole, 2 inches from the bottom, through pole and sleeve. Secure box to pole with two 4½" bolts, washers and nuts. Orient vent slots north and south during installation.

Optional modifications to the rocket box

1. For extra mounting height, insert a 4½" bolt and nut about halfway up through pole sleeve after completing step 5.
2. For extra heat-holding capacity, create a compartment in upper half of pole sleeve with a 2½"-square piece of leftover plywood. Fill upper half of sleeve with sand, gravel or dirt, and seal with another piece of plywood flush with top.
3. In warmer climates, a larger outer roof with more overhang can be used for additional shading.

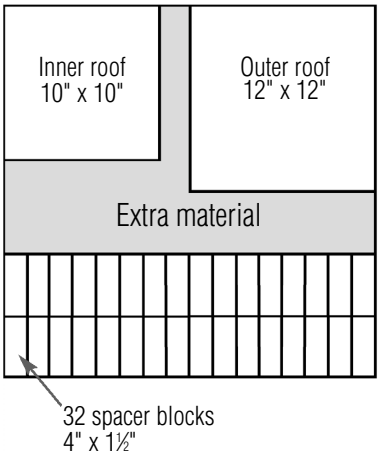
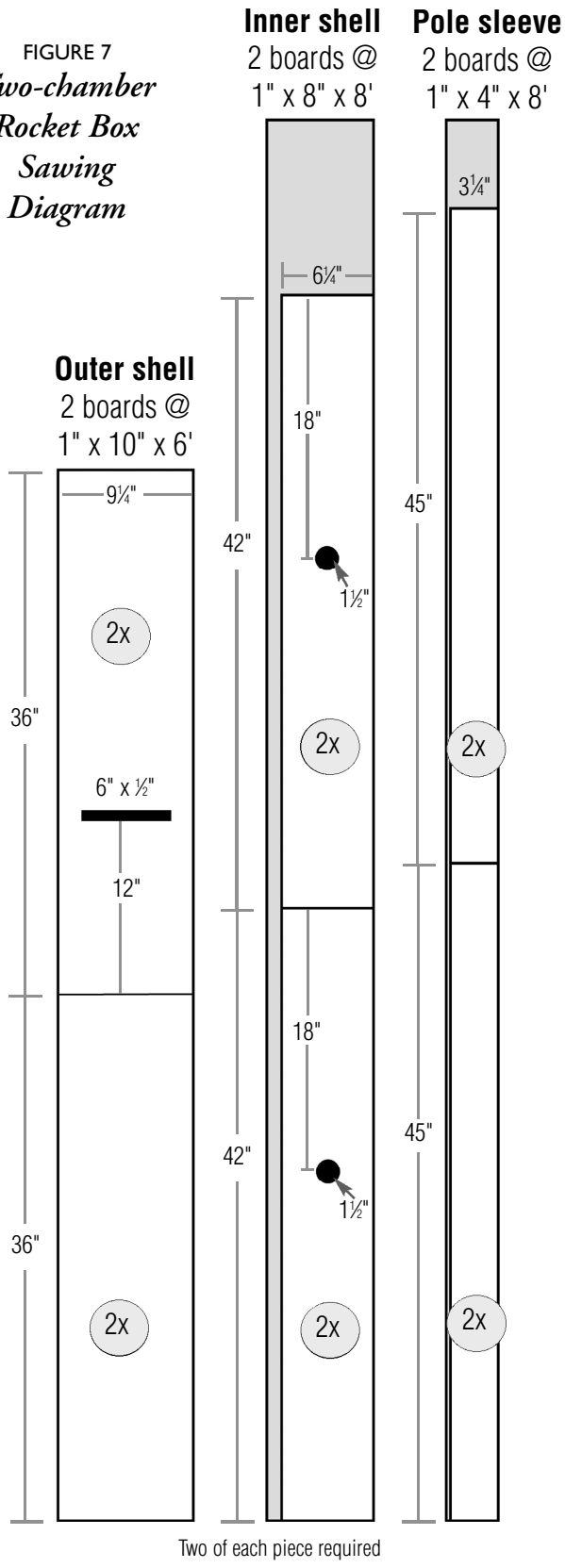


FIGURE 7
Two-chamber Rocket Box Sawing Diagram



This is Exhibit “P” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

TULLOCH

Planners | Surveyors | Biologists | Engineers

Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario
P0A 1C0

August 14, 2025

Subject: Addendum 1 to Peer Review of SolarBank Environmental Impact Study and Vegetation Management Plan for the proposed BESS facility at 219 Peggs Mountain Road, Armour Township.

TULLOCH Engineering ('TULLOCH') has been retained by the Township of Armour (the 'Township') to undertake a peer-review of Environmental Impact Study ('EIS') and Vegetation Management Plan submissions made by SolarBank (the 'Proponent') in partial fulfillment of municipal applications to construct a Battery Energy Storage System ('BESS'') facility at 219 Peggs Mountain Road, Armour Township (the 'Site'). An initial review was issued by TULLOCH to the Township on April 28, 2025.

Since that time, the Proponent has responded to the review, has made edits to the Vegetation Management Plan, and has issued a new technical document titled "*Environmental Impact Study (EIS): 219 Peggs Mountain Road, Armour*" prepared by SLR and dated July 15, 2025.

This letter is intended to be an addendum to the April 28 peer review undertaken by TULLOCH to consider the new and updated documents submitted by the Proponent. We note that in that first review a Phase 1 Environmental Site Assessment report was submitted in place of an Environmental Impact Study. In this addendum, which is being undertaken by an Ecologist with a view toward Natural Heritage, the Phase 1 Environmental Site Assessment is no longer being considered. Instead, this addendum focuses on reviewing the Environmental Impact Study and the updated Vegetation Management Plan.

Environmental Impact Study (EIS)

The Proponent has issued a new technical document titled "*Environmental Impact Study (EIS): 219 Peggs Mountain Road, Armour*" that was prepared by SLR and dated July 15, 2025. Representatives of the Proponent (Zelinka Priamo Ltd.: Land Use Planners) have responded that this report is intended to evaluate the Site for Natural Heritage and wildlife. This report was reviewed by Kelly Major (M.Sc. EP), Senior Ecologist with TULLOCH against Township and Provincial policies, and industry standards for Environmental Impact Studies. His findings summarize as follows.

- In general, the EIS completed by SLR is well done and well proportioned to the size and scale of the proposed BESS facility.
- Section 1 states "*For the purpose of this EIS, the Subject Property is further subdivided into a Study Area which contains the area of proposed development and the adjacent lands within 120 m of the proposed development.*" This is an appropriate Study Area. We recommend this area be added to Figures 2 and 3 to illustrate the scope of the study effort on Site.
- Table 4, Row 3 states "*Through acoustic monitoring, it is known that SAR bats are using the Study Area for roosting in low abundances. To avoid impacts to these species it is recommended that vegetation clearing not occur during the bat maternity roosting season (generally occurs annually between April 1 to October 31). Appropriate mitigation measures and approvals should be determined in consultation with the MECP*." We recommend that the determination of appropriate mitigation measures and approvals be included in this EIS. Compliance with the Endangered Species Act ('ESA') is a proponent-driven process and the Species at Risk Branch of the Ministry of the Environment, Conservation and Parks ('MECP') should only be consulted where contravention of the ESA is unknown or considered likely. Based on recent correspondence with the MECP, TULLOCH is aware that the Ministry is currently quoting 7 to 12 months to undertake a project review (via an Information Gathering Form). These reviews are not a prerequisite of ESA compliance in many instances. The EIS should establish if undertaking such a review (and incurring these delays) is warranted. The choice to pursue a Ministry review, or not, should be rooted in whether the project is **likely** or **unlikely** to contravene the ESA once all mitigations and avoidances are in place. TULLOCH offers the following comments to assist SLR in making this determination:
    - We agree with the statement made in Section 7.1.3 that two large (>25cm DBH) snag trees in a 0.84 hectare area would fall short of the 10 snags per hectare that is typically adopted as a minimum threshold for quality tree-roosting bat habitat.
    - We agree with the statement made in Section 7.1.3 that number of bat observations (6 Hoary Bat, 12 Silver-haired Bat, 1 Myotis Species) over 80 hours of monitoring (10 nights, 8 hours per night) demonstrates little site usage by bats. We recommend clarifying why, including elaborating on the broad nightly forage habits of these species and their tendency to switch roosts frequently. Clarify if bat life processes are tied to individual suitable features (like a single large snag tree) or a landscape of suitable features. See species provincial and federal recovery strategies for details.

- We question the inference that low numbers of bat detections necessarily equate to evidence of roosting as it could also be an indication of foraging or commuting between habitats. There should also be a differentiation between potentials for maternity roosting versus day-roosting. Maternity roosting, day-roosting and foraging are different bat life processes, with different levels of sensitivity and with different levels of protection under the ESA (especially since the recent change in the definition of 'Habitat' adopted by the ESA on June 5, 2025).
- We agree with the statement made in Section 7.1.3 that abundance of similar habitat in proximity to the Site, and on the Site itself, should be a consideration when assessing the impact of removing a single snag tree.
- We acknowledge that the subject of endangered bat compliance has been dynamic in recent years, and MECP guidance on the subject has been underdeveloped and inconsistently applied. We would call SLR's attention to an unpublished MECP Bat policy that the Ministry has been circulating since 2022. The document is titled "*Species at Risk Bats Survey Note 2022*" and it is attached to this Addendum. Although we recommend a fulsome review of this policy, we will highlight the following passage: "*If a proposed activity will avoid impairing or eliminating the function of habitat for supporting bat life processes (e.g. remove, stub, etc. a proportionally small number of potential maternity or day roost trees in treed habitats which would not result in fragmentation/barriers) and the timing of tree removal will avoid the bat active season (April 1 – September 30 in Southern Ontario / May 1 to August 31 in Northern Ontario), then there is no need to conduct species at risk bat surveys of treed habitats. The damage and destruction assessment may vary geographically as the availability of other nearby maternity and day roost trees differs across the province of Ontario*."
- We agree with the statement made in Section 7.1.3 that recommends "*timing windows for vegetation removal … are followed to ensure SAR bats are protected*". This is a well-established best practice to safeguard endangered bats from harm; a requirement of Section 9 of the ESA. EIS Section 8.1.2 provides a timing window of "*April 1 to October 31*" for the "bat active season". This is a satisfactory timing window. We will note that it exceeds the window of April 1 to September 30 provided within the attached MECP policy for Southern Ontario sites where Eastern Small-footed Myotis is not expected to occur.

- Section 7.1.2 states "*The establishment and spread of invasive plant species can have substantial negative impacts on ecosystem function and can incur significant costs to eradicate or control. Vehicles and machinery should be properly cleaned following the procedures outlined in the Clean Equipment Protocol for Industry (Ontario Invasive Plant Council, 2013) prior to entering and leaving the Subject Property*." We agree with this statement but note that the mitigation should be included in Section 8 to ensure it is not overlooked.

Vegetation Management Plan

The Proponent has edited their Vegetation Management Plan title "*Vegetation Plan: 903 BESS: 219 Pegg's Mountain Road, Burk's Falls, ON*." This newest version of the Plan was again reviewed by Kelly Major (M.Sc. EP), Senior Ecologist with TULLOCH. TULLOCH's findings are as follows:

- TULLOCH recommendations provided in April have been incorporated well into the Vegetation Management Plan.
    - The Plan has been updated to reflect its role in mitigating fire risks from within and from outside of the Site.
    - The Plan has been updated to incorporate recommendations provided in Ontario's Wildland Fire Risk Assessment and Mitigation Reference Manual. It states "*we have applied Priority Zone 1 standards—normally applicable to the first 10 m—across the full 30 m setback surrounding the BESS. This means that both Zone 1 (0–10 m) and Zone 2 (10–30 m) are managed to the more rigorous Zone 1 standard, with the entire area maintained free of combustible vegetation and limited to low, regularly mowed grass*" and "given that BESS facilities do not typically emit embers in rare cases of fire, Priority Zone 3 measures is not considered a necessity". We see this approach as reasonable.
    - The Plan has been updated to include a more responsive approach to vegetation management, and acknowledges that great effort (such as mowing frequency) may be required based on seasonal conditions.
- We have no further recommendations or comments.

Closing

TULLOCH is pleased to provide this letter as record of our review and findings. Please contact the undersigned should you have any questions or require any clarifications.
Sincerely,
TULLOCH Engineering Inc.

As prepared by:



Kelly Major (M.Sc. EP)
Senior Ecologist
Certified environmental Professional

ATTACHMENT

Species at Risk Bats Survey Note 2022

As circulated by the Species at Risk Branch of the Ministry of the Environment, Conservation and Parks

Species at Risk Bats Survey Note 2022

The purpose of this note is to support compliance with Ontario's *Endangered Species Act, 2007* (ESA) by providing consistent and practical survey guidance for species at risk bats.

Where a project or activity is planned in a manner that pro-actively avoids adverse effects to bats (does not contravene s. 9 or s. 10 of the ESA), there is no need to conduct species at risk bat surveys. For more information on the interpretation of ESA s. 9 and s. 10 prohibitions, see Policy Guidance on Harm and Harass under the Endangered Species Act | Ontario.ca and Categorizing and Protecting Habitat under the Endangered Species Act | Ontario.ca, respectively. Ultimately, it is the proponent's responsibility to assess potential impacts of their planned activity on species at risk bats and take the appropriate steps to achieve compliance with the ESA.

Hibernacula

- Avoidance considerations: Tree clearing activities located more than 200 m from hibernacula entrances are considered unlikely to damage or destroy hibernacula. Activities producing loud noises and/or vibrations (e.g., blasting, drilling, movement of heavy equipment, etc.) that occur more than 500 m from a bat hibernaculum are unlikely to harm or harass hibernating bats.
- Protocol here (in Appendix A): https://www.ontario.ca/page/bats-and-bat-habitats-guidelines-wind-power-projects#section-4.
- Important additions and exceptions to the above protocol:
    - Bat surveys and analysis should be conducted by a person experienced with determining presence/absence of *species at risk* bats.
    - The statements *"Visual and acoustic monitoring surveys only need to be conducted until evidence of bat presence is found. Should evidence be found on the initial surveys, then further monitoring is not required"* require qualification: Identification of species at risk bats through acoustic monitoring will be necessary under a permitting scenario. The total number of passes/calls recorded for each at risk bat species over the 10 acoustic monitoring nights should be used by the proponent to assess the impact of any work or activity on the hibernacula.

Treed Habitats (Maternity and Day Roosts)

- Avoidance considerations: If a proposed activity will avoid impairing or eliminating the function of habitat for supporting bat life processes (e.g. remove, stub, etc. a proportionally small number of potential maternity or day roost trees in treed habitats which would not result in fragmentation/barriers) and the timing of tree removal will avoid the bat active season (April 1 – September 30 in Southern Ontario / May 1 to August 31 in Northern Ontario), then there is no need to conduct species at risk bat surveys of treed habitats. The damage and destruction assessment may vary geographically as the availability of other

nearby maternity and day roost trees differs across the province of Ontario. For further guidance please contact SAROntario@ontario.ca.

- Protocol attached: “Treed Habitats – Maternity Roost Surveys”
- Important additions and exceptions to this protocol:
    - In Step 1, the Ecological Land Classification (ELC) codes listed are meant to provide guidance, however any area with suitable roost trees should be considered potential maternity or day roost habitat. In areas where ELC is unavailable, the project area will need to be mapped by a qualified professional experienced in ecosite classification.
    - There are numerous peer-reviewed publications demonstrating that trees measuring less than 25 cm DBH (diameter at breast height) support maternity and day roosts of little brown myotis, northern myotis and tri-colored bat. Detailed descriptions of tree species, size and age composition and physical attributes are very helpful for evaluating the value of specific treed habitats to species at risk bats.
    - Step 2: Snag Density Calculations
        - Please note that Tri-colored bats will tend to roost in dead and living leaf clusters of oak and maple trees and it is important to document these when surveying for snags.
        - Field visits to determine the best locations for deploying Acoustic Monitoring Systems are encouraged. However, snag density may also be calculated by following methods in Step 5: Detailed Mapping of Snag/Cavity Trees and does not necessarily need to precede acoustic monitoring (Steps 3 and 4).
        - Note that Step 5: Detailed Mapping of Snag Cavity Trees is important to quantify the magnitude of impacts to bat species at risk under an ESA permitting scenario. This information may also be used to inform activity alternatives that reduce and/or completely avoid impacts to bat species at risk.

For large projects impacting greater than 10 ha of treed habitat, we recognize following this protocol is likely not feasible. In these situations, we fully expect clients to apply some method of sampling/sub-sampling landscapes, where ELC plots, snag density calculations, and acoustic monitoring occur in randomly selected or representative locations. Information obtained from the sample may then be extrapolated to the entire project footprint to inform the evaluation of project alternatives and the final impact assessment. In cases where acoustic monitoring surveys are not performed, MECP will assume species at risk bat presence in all habitats containing potentially suitable roost trees.

<u>Rock Features (Maternity and Day Roosts)</u>

- Eastern Small-footed myotis will tend to choose rock features over trees for roosting habitat. Although there are still significant information gaps related to preferred roosting habitat for this species, they have been found to use; loose rocks in rock barrrens, talus rock on slopes, piles of waste rock, rock crevices and bridge joints.

- The active season for Eastern small-footed myotis is longer than that of the other Myotis sp. They can generally withstand colder and drier conditions and are known to be the latest to arrive at and earliest to leave hibernacula. The active season in Southern Ontario is March 15 – November 30 and in Northern Ontario is April 1 – September 30.
- As calls for this species are higher frequency they do not travel and are likely to be easily missed. If rock features are present, crevice searches should be combined with acoustic surveys to identify presence of this species.

Buildings and Other Anthropogenic Structures (Maternity and Day Roosts)

- If a proposed activity or project will remove or alter an anthropogenic structure in a way that would negatively affect use of the structure by species at risk bats then bat surveys are warranted. This applies whether the structure provides potential species at risk bat habitat, or was known to provide bat habitat historically. Apply professional experience to judge whether any anthropogenic structure has the potential to provide bat maternity or day roost habitat.
- Protocol attached: “SAR Bat Building Exit and Roost Survey Protocols”
    - This protocol provides minimum survey effort expectations. Surveyors may discover multiple pre- and post-volant surveys are necessary to collect accurate abundance estimates at exit points as the time when pups become volant, weather and other variables may be difficult to predict.

Please note the north/south boundary, for bat active seasons, follows the northern boundaries of the following Ecodistricts; 5E-7, 5E-8, 5E-9, 5E-10 and 6E-17

* We encourage all proponents to submit any observations of species at risk bats to the Natural Heritage Information Centre: Report rare species (animals and plants) | Ontario.ca

This is Exhibit “Q” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Charlene Watt (Deputy Clerk)

From: MacKenzie Van Horn <mackenzie.vanhorn@tulloch.ca>
Sent: July 14, 2025 2:46 PM
To: Charlene Watt (Deputy Clerk)
Cc: Sam Soja; Adam Kvas; Kelly Major
Subject: TULLOCH Response to Solarbank ESA Re-submission (July 14, 2025)
Attachments: Peer-Review - SolarBank Rev. 219 Peggs Mountain Road Phase I ESA - TULLOCH (14July2025v1.0).pdf

Hi Charlene,

See attached the letter from Adam Kvas indicating no further comments on the EXP Phase I ESA report. We understand that an Environmental Impact Study will be submitted in the second round of submissions, in which Kelly Major (CC'd) will review and provide comments.

Please let us know if you have any questions.

Thanks,

MacKenzie

TULLOCH

MacKenzie Van Horn, MCIP, RPP
Planner | Project Manager

Phone: 705-474-1210 ext 563

North Bay Office | www.TULLOCH.ca

CANADA BEST MANAGED COMPANIES

RECEIVED
JULY 14, 2025
TOWNSHIP OF ARMOUR

TULLOCH

Planners | Surveyors | Biologists | Engineers

Township of Armour
PO Box 533, 56 Ontario Street
Burk's Falls, Ontario
P0A 1C0

July 14, 2025

Subject: Peer Review of the Revised Phase One Environmental Site Assessment at 219 Peggs Mountain Road, Armour Township.

TULLOCH Engineering ('TULLOCH') has been retained to undertake a second peer-review of the revised submission made by SolarBank (the 'Proponent') in partial fulfillment of municipal applications to construct a Battery Energy Storage System ('BESS'') facility at 219 Peggs Mountain Road, Armour Township (the 'Site').The Proponent has submitted the documented titled "*219 Peggs Mountain Road, Burk's Falls, Ontario: Phase One Environmental Site Assessment*. Prepared by EXP Services Inc.. Published January 23, 2024. Revised May 27, 2025.".

TULLOCH has no further comments for the above-listed document.

Closing

TULLOCH is pleased to provide this letter as record of our review. Please contact the undersigned should you have any questions or require any clarifications.

Sincerely yours,

Adam Kvas (P.Eng)
Environmental Engineer

This is Exhibit “R” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

1050 103A St. SW
Edmonton, AB T6W 2P6
T +1 780.809.2108

BBAconsultants.com

July 29, 2025

RECEIVED
JULY 29, 2025
TOWNSHIP OF ARMOUR

Mr. Sam Soja
Tulloch
80 Main Street West
Huntsville, ON P1H 1W9

Subject: Township of Armour BESS Commissioning and Decommissioning Plan Review

Dear Mr. Soja:

Tulloch, on behalf of the Township of Armour, provided BBA with SolarBank's 903 Battery Energy Storage System (BESS) Commissioning and Decommissioning Plans and requested our peer review of these documents. Based on BBA's review, a summary letter was prepared and shared with Tulloch (Ref. 86220003-000000-30-ALT-0001-RAA), dated April 4, 2025.

The project proponent, SolarBank, subsequently issued the following documents in response to the comments included in both the commissioning and decommissioning reports:

- Letter of Response (July 8, 2025)
- Letter of Response (July 24, 2025)
- Commissioning Plan – 903 BESS Project (Revision 01, July 1, 2025)
- Decommissioning Plan – 903 BESS Project (July 17, 2025)

BBA has reviewed the above documents and confirms that all comments have been adequately addressed and incorporated into the revised commissioning and decommissioning reports. BBA has no additional comments on these reports.

Sincerely,

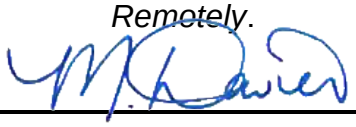
BBA Inc.

Alexander Stickler, P.Eng., MBA
Principal Advisor – Wind, Solar & Storage

Hesam Yazdanpanahi, P.Eng., SMIEEE
Manager – Wind & Solar Business Line

BEST MANAGED COMPANIES Platinum member

This is Exhibit “S” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

TULLOCH

Planners | Surveyors | Biologists | Engineers

January 13, 2026
Project: 250783

Township of Armour
c/o Charlene Watt, Deputy Clerk
P.O. Box 533,
Burk's Falls, ON P0A IC0
deputyclerk@armourtownship.ca

> Re: Recommendation Report to Council
> Official Plan Amendment Application OPA-2025-01 (Amendment No. 4) &
> Zoning By-law Amendment Application ZBA-2025-01
> (David Creasor – Owner / PowerBank Corporation – Agent)
> Part Lot 3, Concession 6, in the Township of Armour
> 219 Peggs Mountain Road

This Recommendations Report has been prepared for consideration by the Council of the Township of Armour in response to the submission of Official Plan Amendment Application OPA-2025-01 and Zoning By-law Amendment Application ZBA-2025-01 to the Township of Armour.

The applications were submitted by PowerBank Corporation, on behalf of the property owner, to facilitate a proposed Battery Energy Storage System (BESS) facility on the property known municipally as 219 Peggs Mountain Road. PowerBank Corporation was formerly known as SolarBank Corporation and is referred to as "PowerBank" throughout this report.

TULLOCH was retained by the Township of Armour to provide professional planning services involving the review, processing, and analysis of the planning applications.

This Recommendations Report is supplemental to the Information Report prepared for the statutory public meeting held on November 18, 2025. The Information Report provides an overview of the OPA and ZBA applications, describes the subject lands, the application process, and the submitted accompanying studies and materials. The Information Report is available on Page 286 of the Agenda for the November 18, 2025 public meeting, which is available on the Township's website.

BEST MANAGED COMPANIES CANADA

This report provides:

- Recommendations to Council regarding whether to approve or not approve the subject applications (refer to DECISION RECOMMENDATIONS);
- Land use planning analysis, including consideration of the Provincial Planning Statement (PPS), the Growth Plan for Northern Ontario, the Official Plan of the Township of Armour, and the Township's Zoning By-law (refer to PLANNING ANALYSIS);
- An overview of the submitted supporting studies and materials (refer to SUPPORTING DOCUMENTATION); and
- Considerations related to public and agency comments (refer to PUBLIC AND AGENCY CONSULTATION)

RECOMMENDATIONS

Decision Recommendations

THAT Official Plan Amendment Application OPA-2025-01, to permit a Battery Energy Storage System use on the subject lands, be ADOPTED, in accordance with revised draft Official Plan Amendment By-law No. 4-2026 (attached to this report in Appendix A); and

THAT Zoning By-law Amendment Application ZBA-2025-01, to permit a Battery Energy Storage System use on the subject lands, be APPROVED, in accordance with revised draft Zoning By-law Amendment By-law No. 5-2026 (attached to this report in Appendix B), which includes the following site-specific provisions:

1. THAT the subject lands be zoned Rural – Site-Specific Exception (Ru-108);

2. THAT a Battery Energy Storage System facility only be permitted in the hatched area shown in Schedule A to the draft Zoning By-law (refer to enclosed Appendix B);

3. THAT a Battery Energy Storage System facility be restricted to a maximum rated power capacity of 4.99 megawatts (MW) and a maximum rated energy storage capacity of 19.96 megawatt-hours (MWh);

4. THAT the height of buildings and structures associated with the Battery Energy Storage System facility be restricted to a maximum height of 5 metres; and

5. THAT the subject lands be designated as a Site Plan Control Area, to secure the implementation of supporting studies, plans, and mitigation measures, pursuant to Section 41 of the Planning Act.

By-law Revision Recommendations

Draft OPA and ZBA Approval By-laws were submitted with the applications. Should Council decide to approve the applications subject to the above-noted Decision Recommendations, the draft OPA and ZBA Approval By-laws submitted by the applicant will need to be revised to reflect the recommendations. Accordingly, revised drafts have been prepared for Council's review and consideration for approval.

Recommended Revisions to OPA Amendment draft By-law No. 4-2026

The revised draft OPA By-law (By-law No. 4-2026) is attached in Appendix A. Recommended revisions to this by-law include minor administrative edits, minor improvements to the wording of the purpose of the amendment, insertion of the subject property's full legal description, an edit to the basis of the amendment to clarify conformity with the intent of the Official Plan, and a revision to place the amendment text under a "Site-Specific Uses" section of the Official Plan. All recommended revisions are considered technical in nature and do not alter the purpose and effect of the OPA.

Recommended Revisions to ZBA Amendment draft By-law No. 5-2026

The revised draft ZBA By-law (By-law 5-2026) is attached in Appendix B. Recommended revisions to this by-law include insertion of the subject property's full legal description, and the addition of wording to implement the recommended site-specific zoning provisions. Refinements to the draft ZBA submitted by the applicant are recommended to ensure that the development proceeds in a manner consistent with the planning analysis and relevant supporting technical studies.

Specifically:

- **Restriction on the Location of Battery Enclosures**
  It is recommended that battery enclosures associated with the BESS be restricted to the hatched area shown in Schedule A to the Draft By-law in Appendix B of this report. This restriction will ensure that the facility is positioned in the location assessed through the planning analysis and technical studies and that substantial separation distances from surrounding rural residential uses are maintained to support land use compatibility.

- **Battery Energy Storage System Capacity Limit**
  It is recommended that the BESS be restricted to a maximum rated power capacity of 4.99 megawatts (MW) and a maximum rated energy storage capacity of 19.96 megawatt-hours (MWh). These limitations will ensure that the scale and intensity of the BESS use do not exceed the specifications evaluated through the supporting studies and prevents the establishment of a larger or more impactful facility without further planning approval.

- **Maximum Height of Buildings and Structures**
  It is recommended that the height of buildings and structures associated with the Battery Energy Storage System facility be restricted to a maximum height of 5 metres, which is

sufficient to permit the installation of the proposed “EVLOFLEX” battery enclosures based on specifications provided by the applicant, and ensures structure heights remain low profile in conformity with rural design principles of the Official Plan.

- **Site Plan Control Area Designation**
  It is recommended that the lands be made subject to Site Plan Control to require the applicant to enter into a site plan agreement with the Township. The agreement would provide a mechanism to require the implementation of relevant supporting study recommendations (in accordance with Section 41 of the Planning Act) and would be registered on the title of the subject lands, prior to development proceeding.

PLANNING ANALYSIS

This Planning Analysis is provided as a supplement to the Information Report presented to Council on November 18, 2025, which outlined the applicable planning framework and background context for the proposed Battery Energy Storage System use on the subject lands.

The analysis below focuses on evaluating the proposal against the applicable provincial and municipal land use planning policies and zoning considerations, including the Provincial Planning Statement, the Growth Plan for Northern Ontario, the Official Plan of the Township of Armour, and the Township’s Zoning By-law.

Provincial Planning Statement, 2024

The Provincial Planning Statement, 2024 (PPS) provides province-wide direction on matters of provincial interest related to land use planning and development. The PPS supports the efficient use of land and infrastructure, the accommodation of essential infrastructure and energy systems, and the avoidance or mitigation of land use conflicts.

The OPA and ZBA applications were considered in the context of the PPS and key PPS policies are summarized below.

1. Rural Lands Framework and Permitted Uses

The PPS classifies the subject property as “rural lands”. Section 2.6 of the PPS lists a range of permitted land uses such as resource-related uses, residential (where appropriate servicing can be provided), agricultural-related uses, home occupations/industries, cemeteries, and uses simply described as *“other rural land uses.”* It is also noted that *“Development that can be sustained by rural service levels should be promoted.”* Further, *“Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the uneconomical expansion of this infrastructure.”*

The proposed BESS use can be characterized as an *“other rural land use”* in the PPS rural lands framework, given its infrastructure-like function, limited building footprint, and ability to operate on rural service levels without triggering the need for municipal water/wastewater services. The BESS is also proposed on a large rural parcel that already accommodates energy infrastructure

(existing solar facility). Co-locating the BESS with established energy infrastructure consolidates related uses in one location, thereby limiting new site development on other rural lands.

2. Energy Supply and Energy Storage Systems

Section 3.8 of the PPS includes a policy direction that *"Planning authorities should provide opportunities for the development of energy supply"* specifically including *"energy storage systems … to accommodate current and projected needs."* The PPS also explains that the use of the word *"should"* in Section 3.8 signifies supportive and enabling direction from the Province.

Section 3.8.1 frames energy storage systems as part of the broader energy supply framework, alongside electricity generation and transmission/distribution systems. The PPS defines *"energy storage system"* as a system or facility that captures energy for later use to reduce imbalances between demand and production, and the definition expressly includes *"battery storage"* as a type of energy storage.

Because approval authority decisions and municipal submissions on Planning Act matters must be consistent with provincial policy statements, the PPS direction to provide opportunities for energy supply – including battery energy storage systems – is a key policy consideration in evaluating these applications.

The proposed BESS is a battery-based energy storage system as contemplated by the PPS definition. The provincial planning framework is supportive of this type of use, provided local considerations are appropriately managed through site-specific controls. In this case, the recommended zoning standards (including restricting the location of battery enclosures and imposing a BESS capacity limit) and recommendation to make the subject property subject to the Township's site plan control process, provide the mechanisms to secure and implement the mitigation measures and recommendations of technical studies.

3. Energy Infrastructure and Efficiency

Section 2.9.1 of the PPS directs that planning authorities *"shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate"* through approaches that, among other matters, *"support energy conservation and efficiency.*"

This policy direction is reinforced in Section 3.1, which emphasizes using infrastructure efficiently. In particular, Section 3.1.2 states that before consideration is given to developing new infrastructure, *"the use of existing infrastructure and public service facilities should be optimized."*

In this context, battery energy storage can support energy conservation and efficiency objectives by improving the utilization of existing electricity infrastructure and renewable generation resources (i.e., storing electricity for later discharge to better match demand). The proposed BESS, co-located with existing energy infrastructure and supported through site-specific planning controls, aligns with the PPS direction to support energy conservation and efficiency and to optimize the use of existing energy infrastructure.

4. Land Use Compatibility

Section 3.5 of the PPS provides direction for the planning and developing of *"major facilities and sensitive land uses"*, with the objective of avoiding, or where avoidance is not possible, minimizing and mitigating potential adverse effects and risks to public health and safety in accordance with provincial guidelines, standards and procedures.

The PPS explains that *"sensitive land uses"* are uses where routine or normal activities could experience adverse effects from contaminant discharges generated by a nearby *"major facility"*.

4.a. Major Facility Consideration

When considering land use compatibility in the context of the PPS, it is necessary to determine whether the proposed use constitutes a *"major facility"*.

The PPS definition of *"major facilities"* lists specific categories of uses that may require separation from sensitive land uses, such as airports, manufacturing uses, rail facilities, waste management systems, sewage treatment facilities, and energy generation facilities and transmission systems. While the list of categories in the definition is not exhaustive, these uses are generally characterized by higher intensity operations and routine off-site effects that may interfere with the normal use of nearby sensitive land uses.

It is also important to note that the proposed BESS functions as energy infrastructure rather than as an industrial use, as it does not involve manufacturing, processing, or the production of goods. As a result, it does not clearly align with the industrial facility types contemplated by the PPS definition of *"major facilities"* or by the Ministry of the Environment, Conservation and Parks (MECP) D-Series Guidelines.

By contrast, the proposed BESS has a relatively compact land use footprint, limited staffing and traffic, enclosed equipment, and generally passive operation. The facility does not involve combustion, industrial processing, or continuous waste generation typically associated with the industrial or utility uses contemplated in the PPS. Although the BESS will generate operational noise, noise is a controllable land use impact that has been specifically evaluated through an Acoustic Assessment and peer review, and compliance with noise guidelines has been demonstrated. In addition, the proposed design capacity of 4.99 MW / 19.96 MWh is relatively modest in scale when compared to many other battery energy storage facilities in Ontario.

Accordingly, for the purposes of this PPS review, the proposed BESS is not considered to be a *"major facility"*.

4.b. Compatibility Assessment

Notwithstanding the conclusion that the proposed BESS is not a major facility, land use compatibility has been reviewed conservatively. While the BESS does not clearly fall within any of the three industrial classes contemplated by the MECP D-6 Guidelines. The Guidelines establish three industrial facility classes based on relative intensity and scale of operation, each with recommended minimum separation distances from sensitive land uses. As noted previously,

the BESS would most closely align with a Class I facility, which is generally characterized by enclosed operations and limited off-site effects. The Guidelines recommend minimum separation distances from sensitive land uses of 20 metres for Class I facilities, 70 metres for Class II facilities, and 300 metres from Class III facilities. The proposed positioning of the battery enclosures exceeds both the Class I and Class II separation distances and also provides an approximate 300-metre separation from the nearest existing dwelling (± 297 metres to the north).

To ensure compatible setbacks are applied as intended, it is recommended that the draft Zoning By-law be revised to restrict the BESS facility generally to the location shown in Schedule A to the Draft By-law in Appendix B. Further, it is recommended that the draft Zoning By-law be revised to restrict the design capacity of the BESS to not exceed 4.99 MW / 19.96 MWh, and for the subject property to be made subject to Site Plan Control to ensure implementation of the recommendations of technical reports.

5. Public Health and Safety

5.a. Natural and Human-Made Hazards

Sections 5.2 (Natural Hazards) and 5.3 (Human-Made Hazards) of the PPS address development in relation to areas where natural or human-made hazards may pose a risk to public health, safety, or property.

The subject lands are not located within a floodplain, unstable slope, or other natural hazard area identified under the PPS. In addition, the site is not located within an identified PPS human-made hazard area, such as those associated with abandoned mines, contaminated sites, or resource extraction operations. Accordingly, the proposal is consistent with PPS policies related to hazard avoidance.

Concerns raised regarding emergency scenarios associated with battery energy storage technology (e.g. thermal runaway scenarios associated with lithium-ion batteries) do not fall within the scope of the PPS natural or human-made hazard framework. However, these matters are more appropriately addressed through technical standards, detailed design, and site-specific mitigation measures. Implementation of the recommended mitigation measures and emergency response protocols is proposed to be secured through the Township's Site Plan Control process.

5.b. Wildland Fire Risk

Section 5.2.9 of the PPS considers wildland fire risk within the PPS public health and safety framework. Related to the presence of mature conifer vegetation, the subject lands are identified as being within an area of high wildland fire risk. In response, a Vegetation Management Plan was prepared in support of the proposed BESS to address wildfire risk and establish appropriate mitigation measures in accordance with Provincial guidelines.

The Vegetation Management Plan provides for a minimum 30-metre vegetation management buffer surrounding the BESS facility. This buffer is intended to reduce combustible vegetation, limit fuel continuity, and support safe access for ongoing site maintenance and emergency response. A peer review of the Plan confirmed that the proposed mitigation measures are

appropriate for the facility type and site conditions and are consistent with applicable provincial guidance.

Implementation of the Vegetation Management Plan is proposed to be secured through a registered site plan agreement, ensuring that wildfire risk mitigation measures are enforceable and maintained over the long term, consistent with PPS objectives related to public health and safety.

6. Natural Heritage

Section 4.1 of the PPS contains policies intended to protect natural heritage features and ecological functions, including wetlands, significant wildlife habitat, species at risk habitat, and areas of natural and scientific interest, and requires that development demonstrate no negative impacts on these features, where applicable.

An Environmental Impact Study (EIS) and associated Vegetation Management Plan were prepared in support of the proposed BESS and reviewed through the Township's peer review process. The purpose of the EIS was to identify natural heritage features, assess potential impacts, and establish appropriate mitigation measures.

Based on the findings of the EIS and the peer review process, the proposed development satisfies the PPS natural heritage policy framework. It confirmed that no provincially designated natural heritage features are located on or immediately adjacent to the subject lands and that, with the implementation of recommended mitigation measures, the proposal is not expected to result in negative impacts to natural heritage features or ecological functions.

The recommended mitigation measures of the EIS and the Vegetation Management Plan are proposed to be secured through a registered site plan agreement.

Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario, issued in 2011, is a long-term, strategic growth framework prepared under the *Places to Grow Act, 2005*. It provides policy direction intended to align land use planning, infrastructure investment, economic development, and environmental stewardship to support a more diversified, resilient, and globally competitive northern economy. Under the *Places to Grow Act*, decisions of municipal councils and planning authorities must conform to the Growth Plan's policies.

The Growth Plan recognizes energy infrastructure as an important component of the northern economy. The Section 5 preamble explicitly notes that *"energy generation and transmission infrastructure in Northern Ontario supports all sectors of the northern economy"*, particularly energy-intensive industries. In this regard, the proposed BESS constitutes energy infrastructure that supports the broader electricity system and complements the existing solar electricity generation facility on the subject lands.

The Growth Plan places emphasis on coordinated and efficient infrastructure planning. Section 5.2 directs that infrastructure planning and investment be integrated with land use planning and

aligned with long-term needs. The proposed BESS is co-located with existing energy infrastructure on a large rural parcel, does not require municipal water or wastewater servicing, and can be supported by existing electrical transmission and access infrastructure. This approach is consistent with the Growth Plan's direction to plan infrastructure in a manner that is efficient, coordinated, and appropriate to Northern Ontario's rural context.

The Growth Plan also supports infrastructure investments that contribute to energy conservation and efficiency. Section 5.2.4 states that infrastructure planning and investment should contribute to a *"culture of conservation"* by utilizing approaches and technologies that reduce energy use and increase efficiency, where feasible. As an energy storage facility, the proposed BESS supports more efficient use of existing electricity generation and infrastructure by improving overall system performance.

With respect to environmental considerations, the Growth Plan promotes development that balances infrastructure investment with environmental stewardship. As demonstrated through the Environmental Impact Study and Vegetation Management Plan, the proposed BESS can be developed without negative impacts on natural heritage features or ecological functions, with mitigation measures enforceable through site plan control.

Township of Armour Official Plan

The Township of Armour Official Plan provides local land use planning policy direction to implement provincial policy at the municipal level and to guide growth and development in a manner that reflects the Township's rural character, environmental constraints, and servicing context. The below analysis of the Official Plan builds on the PPS and Growth Plan assessment provided above.

1. Land Use Designation and Official Plan Amendment Requirement

In accordance with Section 2.1 of the Township of Armour Official Plan, the subject lands are designated Rural Community.

The objectives in the Rural Community designation are intended to guide development in a manner that maintains rural character and lifestyle, supports tourism, provides for affordable residential uses, and promotes rural businesses and low-water industries. It is also an identified objective of this designation *"to promote the use of alternative/renewable energy systems."*

While a broad range of uses are permitted in the Rural Community designation, the Official Plan does not include energy storage systems among the identified permitted uses. Accordingly, an Official Plan Amendment has been required to establish site-specific policy support for the proposed use on the subject lands. The proposed BESS does not conflict with the stated objectives of the Rural Community designation, and this approach enables the Township to consider an emerging form of infrastructure that is not currently identified by the Official Plan.

2. Energy Conservation and Climate Change

In addition to the Rural Community designation objective *"to promote the use of alternative/renewable energy systems"*, Section 4.4 of the Official Plan promotes energy conservation and efficiency. This section also notes that the Official Plan *"recognizes the need for climate change mitigation and adaptation"*.

While energy storage infrastructure such as the proposed BESS can be used to store energy produced from non-renewable sources, BESS facilities are considered important for realizing the full potential of renewable energy systems. When electricity is generated during daylight hours by solar panels or by wind turbines that are weather dependant, a BESS can store the energy for use during fluctuations in generation or demand, thereby improving regional system efficiency and supporting broader climate change mitigation objectives.

The proposed BESS aligns with the intent of the Official Plan's energy conservation and climate change policies.

3. Land Use Compatibility and Buffering

Section 4.5 of the Official Plan states that *"Appropriate buffering shall be required between land uses which are incompatible"*, and that Council shall ensure buffering is *"sufficient to minimize the land use conflict, and is appropriate to the particular conditions encountered."* It further directs that *"Reference shall be made to the … D-Series Guidelines for Land Use Compatibility."*

The policy then lists examples of buffering measures, including vegetation, landscaping, fencing, extra distance separation, and controls on lighting, as appropriate to the circumstances.

As discussed in the PPS analysis, the proposed Battery Energy Storage System does not clearly fall within any of the industrial classes contemplated by the D-Series Guidelines. Nevertheless, land use compatibility has been evaluated conservatively, with consideration given to the principles of the Guidelines. If characterized within that framework, the proposed BESS would most closely align with a Class I industrial facility, which is generally associated with enclosed operations and limited off-site effects. The buffering measures proposed for this development exceed what would typically be anticipated for a Class I facility.

Compatibility considerations have also been addressed through supporting technical studies, including:

- an Acoustic Assessment, which evaluates operational noise and demonstrates compliance at existing and potential residential receptors;
- a Vegetation Management Plan, which also functions as a separation and buffering measure;
- an Environmental Impact Study, which confirms that the development can proceed without negative impacts on natural heritage features or functions; and

- a Hazard Mitigation Analysis, Emergency Response Plan, and fire-fighter training to address emergency scenarios and response measures.

Buffering between the proposed BESS and neighbouring rural residential uses is to be achieved primarily through distance separation (as implemented through the recommended revisions to the draft site-specific zoning by-law), together with the implementation of technical recommendations through a site plan agreement.

4. Environmental Constraints, Natural Heritage, and Wildland Fire Hazard

In accordance with Section 2.4 of the Official Plan, development is to be directed away from areas where environmental constraints may pose a risk to public health or safety, and environmentally sensitive areas are to be protected.

As noted in the PPS analysis, the subject lands are not located within floodplains, unstable slopes, or other hazard lands identified in the Official Plan. With respect to natural heritage, an Environmental Impact Study was completed to assess potential impacts on wetlands, vegetation, and wildlife habitat. Based on the findings of the EIS and the peer review process, the proposed BESS satisfies the Official Plan's environmental constraint policies and is not expected to result in negative impacts on natural heritage features or ecological functions, provided recommended mitigation measures are implemented.

As per the Ministry of Natural Resources preliminary mapping of potential wildland fire hazard areas, the subject property is identified in Appendix "A" of the Official Plan as having high potential wildland fire risk. Section 2.4.3(g) of the Official Plan advises that in such cases, the Ministry of Natural Resources recommends assessing mitigation measures through application of the Wildland Fire Risk Assessment and Mitigation Reference Manual. Accordingly, the Vegetation Management Plan incorporates recommendations from the reference manual and includes a 30-metre-wide vegetation management buffer surrounding the BESS facility. Compliance with applicable provincial guidelines has been confirmed through a peer review.

It is recommended that implementation of the EIS and Vegetation Management Plan be required through a registered site plan agreement.

Township of Armour Zoning By-law 27-95 (as amended)

The subject lands are zoned Rural (Ru) under the Township of Armour Zoning By-law 27-95, as amended. The Rural zone permits a range of rural and resource-related uses; however, the By-law does not specifically identify or permit a BESS use. Accordingly, a Zoning By-law Amendment (ZBA) is required to permit the proposed use and to establish appropriate development controls.

A number of site-specific zoning provisions are recommended to ensure that the development proceeds in a manner that is consistent and in conformity with applicable planning policy and relevant supporting technical studies. The RECOMMENDATIONS section of this report provides descriptions of each of the recommended site-specific zoning provisions.

SUPPORTING DOCUMENTATION

Numerous technical studies and supporting documentation was submitted in support of the proposed BESS. Summaries of these materials are provided in the Information Report to Council dated November 18, 2025. The following provides brief overviews and notes regarding the status of the peer reviews.

- **Planning Justification Report (PJR)**, *prepared by DeLoyde Development Solutions and supplemented by Zelinka Priamo Ltd.*
  The PJR and addendum provide planning rationale for the proposal and assess conformity with provincial, Growth Plan, and Township planning policies. The peer review has been finalized.

- **Environmental Impact Study (EIS)**, *prepared by SLR Consulting Ltd.* and **Vegetation Management Plan**, *prepared by PowerBank*
  The EIS concludes that no provincially significant natural heritage features are located on or immediately adjacent to the site and that, with recommended mitigation measures, the proposed development is not expected to result in negative impacts on natural heritage features or ecological functions. The Vegetation Management Plan establishes vegetation management and wildfire risk mitigation measures. These peer reviews have been finalized.

- **Phase I Environmental Site Assessment (ESA)**, *prepared by EXP Services Inc.*
  The ESA assesses historical land uses and potential environmental liabilities associated with the site and concludes that no further investigation is required. The peer review has been finalized.

- **Stormwater Management (SWM) Report**, *prepared by PRI Engineering*
  The SWM Report addresses site drainage, runoff quantity and quality, and concludes that post-development drainage can be managed without adverse off-site impacts. The report has progressed through multiple rounds of peer review, with finalization anticipated through the site plan approval process.

- **Acoustic Assessment & Air and Gas Emissions Memorandum**, *prepared by EXP Services Inc.*
  The Acoustic Assessment concludes that operational noise from the facility will comply with applicable rural sound level limits at existing and potential residential receptors. The Air and Gas Emissions Memorandum indicates that there are no air emissions during normal operations and addresses potential emergency-condition scenarios. The peer review has been finalized.

- **Hazard Mitigation Analysis (HMA)**, *prepared by Fire & Risk Alliance*
  The HMA evaluates potential hazard scenarios associated with the BESS, including thermal runaway and fire-related risks, and concludes that the BESS site design for an outdoor BESS installation can meet the NFPA 855 (Standard for the Installation of

Stationary Energy Storage Systems) requirements of the National Fire Protection Association. The peer review process has been finalized.

- **Emergency Response Plan (ERP)**, *prepared by Fire & Risk Alliance*
  The ERP provides information about site hazards, system features, and response information, protocols, and procedures in the event of an emergency situation. The peer review is in the final stages of completion.

- **Firefighting Training Program**, *prepared by Fire & Risk Alliance*
  Peer review of the proposed training program has identified that the proposed training program should be formalized into a structured instructional package to satisfy applicable provincial standards.

- **Commissioning and Decommissioning Plans**, *prepared by PowerBank*
  These plans address facility start-up, operation, and end-of-life removal, and conclude that the BESS can be safely commissioned and decommissioned.

Implementation of the recommendations and mitigation measures identified above-noted studies and documents can occur through a combination of mechanisms, as permitted by applicable legislation. Measures that relate to the physical layout of the site, site servicing, access, drainage, landscaping, and other site development matters may be addressed through a registered Site Plan Agreement pursuant to Section 41 of the Planning Act. Other materials, including those that are advisory and informational, may be addressed through separate regulatory processes or voluntary agreements.

PUBLIC AND AGENCY CONSULTATION

A statutory public meeting was held on November 18, 2025, in accordance with the Planning Act. In addition to oral comments provided at the meeting, the Township received written submissions from members of the public, agencies, and neighbouring municipalities both prior to and following the meeting.

The technical studies and other materials submitted with the application, all of which are available on the Township's website, provide information related to many of the raised concerns. TULLOCH's Information Report, dated November 18, 2025 provides an overview of the applications and the planning analysis in this Recommendations Report provides insight grounded in the applicable planning framework.

Consolidated responses to general concerns and select individual comments made at the statutory public meeting have been provided by PowerBank in a submission dated January 7, 2026 (attached as Appendix C).

As outlined in the Information Report to Council dated November 18, 2025, public and agency comments generally relate to several broad themes. A summary of these themes and how they are being considered through the planning application process is provided below.

Transparency and Public Process
Concerns were raised regarding transparency and information sharing related to the planning and approval process. These concerns have been addressed through the public consultation process and the public availability of the application materials and all supporting materials on the Township's website. While concerns related to emerging energy technologies are acknowledged and important from a community engagement perspective, they generally do not constitute determinative planning considerations with respect to applications under the Planning Act.

Public Health, Safety, and Emergency Response
Concerns regarding fire risk, thermal runaway scenarios, emergency response capacity, and firefighter safety have been addressed through the Hazard Mitigation Analysis and Emergency Response Plan and are to be further addressed through the continuing development of Firefighter Training materials. These matters are further addressed through technical standards, regulatory frameworks, and other applicable law, rather than through planning approvals.

Environmental Protection and Stewardship
Concerns regarding wetlands, watercourses, stormwater, and ecological impacts have been addressed through the EIS, Vegetation Management Plan, and Stormwater Management Report. Peer reviews of the EIS and Vegetation Management Plan have been completed, and the peer review of the Stormwater Management Plan is to be finalized through the site plan approval process. These studies conclude that the proposed development can proceed without negative environmental impacts, subject to implementation of recommended mitigation measures.

Land Use Compatibility and Community Character
Concerns regarding compatibility with surrounding rural residential uses have been evaluated through the policy analysis in this report and through the supporting technical studies, including the Acoustic Assessment and application of land use compatibility principles. Recommended zoning provisions and Site Plan Control provide mechanisms to address siting, separation distances, buffering, and scale of development.

Economic, Social, and Policy Considerations
Concerns related to potential effects on property values, insurance availability, and perceived lack of direct local economic benefit are acknowledged. These matters are not determinative land use planning considerations under the Planning Act and do not form a basis for making decisions on planning applications.

Concerns related to provincial energy policy and electricity system planning have also been raised. While these matters are not determined at the municipal level, they form part of the broader policy context within which municipal planning decisions are made. In this regard, the Provincial Planning Statement explicitly encourages planning authorities to provide opportunities for energy supply infrastructure/facilities, including energy storage systems.

CONCLUSION

Based on the foregoing planning analysis, the peer-reviewed supporting studies, and consideration of public and agency comments, it is recommended that Council adopt Official Plan

Amendment Application OPA-2025-01 and approve Zoning By-law Amendment Application ZBA-2025-01, subject to the recommended revisions to the draft by-laws, including restricting the location of the permitted BESS facility area, establishing a maximum rated power and energy storage capacity (4.99 MW / 19.96 MWh), and limiting the height of associated buildings and structures, together with designating the lands as a Site Plan Control Area to secure implementation of studies, plans, and mitigation measures.

Subject to the recommended revisions to the draft by-laws, the proposed BESS is considered consistent with the Provincial Planning Statement, 2024, conforming to the Growth Plan for Northern Ontario and the Township of Armour Official Plan, and compliant with the Township's Zoning By-law (as amended), with remaining site design, access, servicing, buffering, and mitigation requirements to be addressed through implementation mechanisms available to the Township, including Site Plan Control.

Respectfully submitted,



Sam Soja
Senior Planner | Project Manager
TULLOCH

Enclosures:

Appendix A – Draft By-law to Amend the Township of Armour Official Plan Amendment

Appendix B – Draft By-law to Amend the Township of Armour Zoning By-law

Appendix C – Township of Armour Public Meeting Summary of Public Comments & Applicant's Responses (Submitted by PowerBank)

APPENDIX 'A'

Draft By-law to Amend the Township of Armour Official Plan Amendment

BY-LAW NO. 4-2026

A BY-LAW TO AMEND

TOWNSHIP OF ARMOUR OFFICIAL PLAN

DRAFT

Permitting Battery Energy Storage Systems

219 Peggs Mountain Road

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

Box 533
Burk's Falls, Ontario
P0A 1C0

OFFICIAL PLAN AMENDMENT NO. 4

Passed by the Council of the Municipal Corporation of the Township of Armour

Lands Affected:	This By-law applies only to the lands within the Township of Armour municipally known as 219 Peggs Mountain Road, legally described as Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour.
Present Designation:	Under the Township of Armour Official Plan, the lands are designated Rural Community.
Proposed Designation:	The amendment adds a site-specific exception for the lands to clarify that a Battery Energy Storage System ("BESS") is permitted on the lands.
Zoning By-law:	A concurrent Zoning By-law Amendment is being brought into affect to clarify Battery Energy Storage System ("BESS") as a permitted use in the site-specific Rural (Ru) zone for the lands.
By-law Purpose:	The goal of this By-law is to amend the Township of Armour Official Plan to confirm that Battery Energy Storage Systems ("BESS's") are a permitted use in the Rural Community designation on the lands.

DRAFT

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW NO. 4-2026

Being a by-law to adopt the Armour Township Official Plan Amendment No. 4

WHEREAS the Council of the Municipal Corporation of the Township of Armour held a Public Meeting on the 18th day of November, 2025 respecting Council's intent to amend the Township of Armour Official Plan;

AND WHEREAS Council has given serious consideration for the need to adopt an amendment to the Official Plan of the Township of Armour;

AND WHEREAS Council has determined that the proposed Amendment is appropriate and desirable for the development of the municipality in general;

NOW THEREFORE the Council of the Corporation of the Township of Armour, in accordance with the provisions of the Planning Act, R.S.O. 1990, c. P. 13, as amended, hereby enacts as follows:

1. That Amendment No. 4 to the Township of Armour Official Plan, is hereby adopted; and

2. That this By-law shall come into effect on the date it is passed by the Council of the Municipal Corporation of the Township of Armour, subject to the provisions of the Planning Act, R.S.O. 1990.

Read in its entirety, approved, signed and the seal of the Corporation affixed thereto and finally passed in open Council this ____day of _____, 2026.

_____

Rod Ward, Mayor

_____

Charlene Watt, Clerk

DRAFT

AMENDMENT NUMBER 4

TO THE

TOWNSHIP OF ARMOUR OFFICIAL PLAN

DRAFT

AMENDMENT NUMBER 4
TO THE
TOWNSHIP OF ARMOUR OFFICIAL PLAN

INDEX

PART "A" - THE PREAMBLE

The Preamble provides an explanation of the proposed Amendment including the purpose, extent, background information, and basis but does not form part of this Amendment.

PART "B" - THE AMENDMENT

The Amendment describes the changes to the Armour Township Official Plan which constitute Official Plan Amendment Number 4.

DRAFT

PART "A" – THE PREAMBLE

PURPOSE

The purpose of the amendment is to identify a Battery Energy Storage System (BESS) as a permitted use on certain lands in the Rural Community designation of the Township of Armour Official Plan.

LOCATION

This amendment applies to the lands municipally known as 219 Peggs Mountain Road, legally described as Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour.

BACKGROUND

A privately initiated application to amend the Armour Township Official Plan was received by the Township of Armour and deemed complete on January 21, 2025. The application requests an amendment to the Official Plan to permit a Battery Energy Storage System on the lands subject to this amendment.

BASIS

The applicant proposes to develop a Battery Energy Storage System on the lands located at 219 Peggs Mountain Road.

The subject lands are designated Rural Community in the Township of Armour Official Plan. The amendment meets the intent of the Official Plan, which permits a range of uses on lands designated Rural Community and promotes energy conservation and efficiency.

The Official Plan Amendment is consistent with the Provincial Planning Statement, 2024, which encourages and permits the use of lands (including Rural Lands) for Energy Storage Systems.

IMPLEMENTATION AND INTERPRETATION

This Amendment shall be in accordance with the policies of the Armour Official Plan.

DRAFT

PART "B" – THE AMENDMENT

All of this part of the document entitled "PART "B" - THE AMENDMENT", consisting of the following text, constitute Amendment No. 4 to the Official Plan of the Township of Armour.

DETAILS OF THE AMENDMENT

The Official Plan of the Township of Armour is hereby amended as follows:

1. Section 2.1 (Rural Community) of the Township of Armour Official Plan, is hereby amended to add the following subsection:

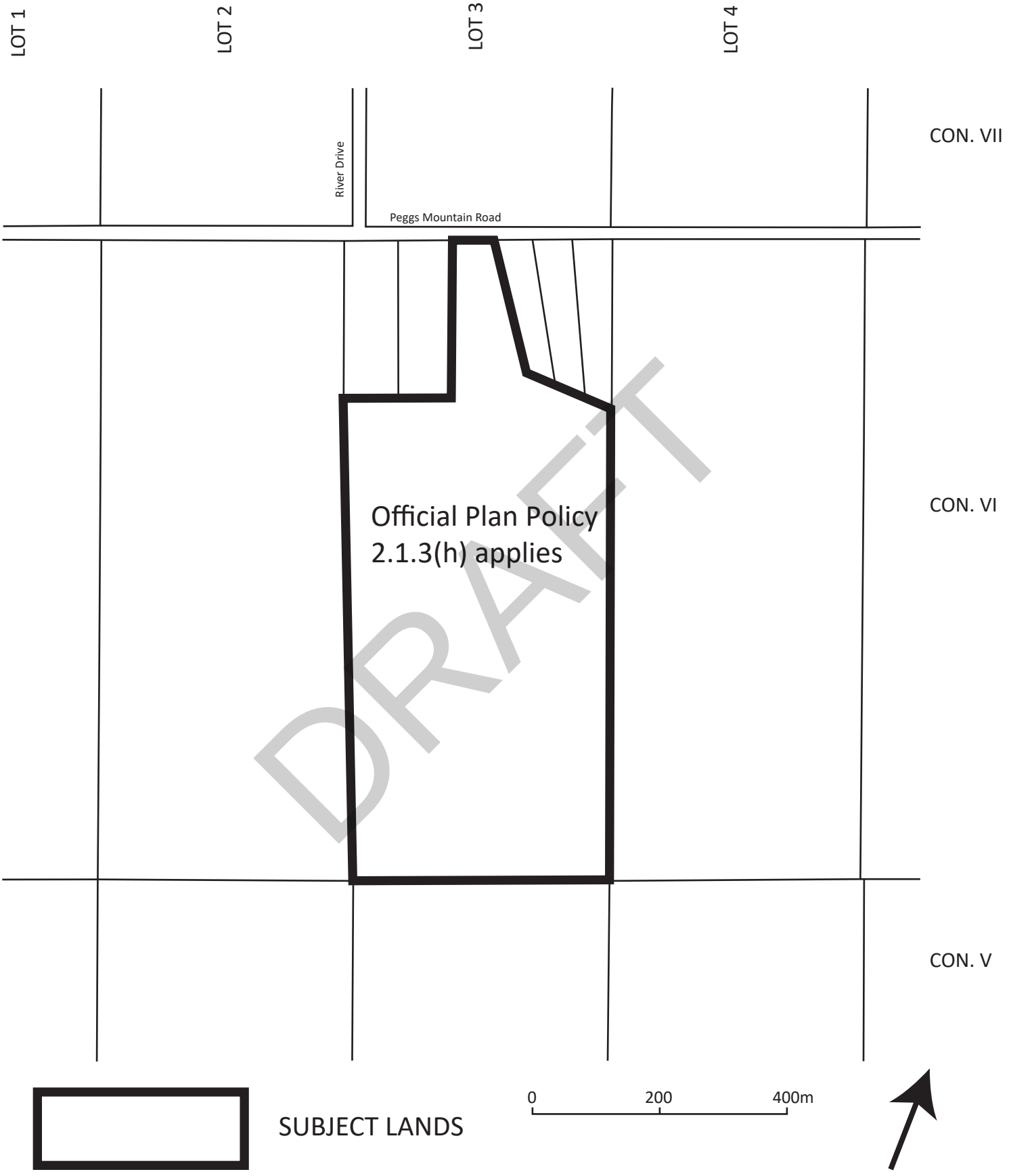
   "2.1.3(h) Site Specific Uses

   A Battery Energy Storage System shall be permitted on lands at 219 Peggs Mountain Road and described as Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour."

2. A location map will be added to section 2.1.3(h) to reference and locate the new policy above.

DRAFT

Municipal Corporation of the Township of Armour
Location Map for Official Plan Amendment No. 4



LOCATION MAP FOR OFFICIAL PLAN AMENDMENT NO. 4

_____2025 MAYOR _____ CLERK _____

APPENDIX ‘B’

Draft By-law to Amend the Township of Armour Zoning By-law

ZONING BY-LAW NO. 5-2026

A BY-LAW TO AMEND

ZONING BY-LAW NO. 27-95 as amended

DRAFT

Permitting Battery Energy Storage System

219 Peggs Mountain Road

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

Box 533
Burk's Falls, Ontario
P0A 1C0

EXPLANATORY NOTE

To Zoning By-law No. 5-2026

Passed by the Council of the Municipal Corporation of the Township of Armour

Lands Affected: This By-law applies only to the lands within the Township of Armour municipally known as 219 Peggs Mountain Road, legally described as Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour.

Present Zoning: Under Armour Township Zoning By-law No. 27-95 (as amended), the lands are zoned Rural (Ru).

Proposed Zoning: The amendment adds a site-specific exception for the lands to clarify that a Battery Energy Storage System ("BESS") is permitted on the lands municipality known as 219 Peggs Mountain Road, legally described as Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour, while maintaining the underlying Rural (Ru) zoning.

Official Plan Designation: An amendment to the Township of Armour Official Plan clarifies that a Battery Energy Storage System ("BESS") is a permitted use on the lands subject to this By-law.

By-law Purpose: The goal of this By-law is to update Zoning By-law No. 27-95 (as amended) to confirm that Battery Energy Storage Systems ("BESS's") are a permitted use on the lands subject to this By-law.

DRAFT

ZONING BY-LAW NO. 5-2026

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

Being a By-law under Section 34 of the *Planning Act, R.S.O. 1990*, to amend Zoning By-law No. 27-95, as amended, of the Municipal Corporation of the Township of Armour, with respect to adding permissions for Battery Energy Storage System ("BESS") in the Rural (Ru) zone as it relates to the lands municipally known as 219 Peggs Mountain Road, legally described as Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour.

WHEREAS the Council of the Municipal Corporation of the Township of Armour has reviewed Zoning By-law No. 27-95, as amended, and finds it advisable to amend same;

NOW THEREFORE the Council of the Municipal Corporation of the Township of Armour enacts as follows:

1. **THAT** Section 2 (Definitions) of Zoning By-law No. 27-95, as amended, is hereby updated to add the following subsection:

   "2.23.1 ***"Battery Energy Storage System (BESS)"*** *means a battery storage system or facility that captures energy produced at one time for use at a later time to reduce imbalances between energy demand and energy production."*

2. **THAT** Section 19 (Exceptions) of Zoning By-law No. 27-95, as amended, is hereby updated to add the following subsections:

   Ru-108 Schedule A-2

   "Notwithstanding any provisions to the contrary, a Battery Energy Storage System is permitted at 219 Peggs Mountain Road, described as Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour;

   Notwithstanding any provisions to the contrary, a Battery Energy Storage System facility is only permitted in the location as shown hatched on Schedule B to Zoning By-law No. 5-2026.

   Notwithstanding any provisions to the contrary, for a Battery Energy Storage System, the maximum rated power capacity is 4.99 megawatts (MW) and the maximum rated energy storage capacity is 19.96 megawatt-hours (MWh); and

   Notwithstanding any provisions to the contrary, for buildings and structures associated with a Battery Energy Storage System, the maximum permitted height is 5 metres.

DRAFT

The lands described as Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour, are designated as a "Site Plan Control Area", pursuant to Section 41 of the Planning Act."

3. **THAT** Schedule A-2 of Zoning By-law No. 27-95, as amended, is hereby amended by changing the zoning classification of the subject lands forming Part Lot 3, Concession 6, known municipally as 219 Peggs Mountain Road, from the Rural (Ru) Zone to the Rural Exception No. 108 (Ru-108) Zone in accordance with Schedule "A" attached hereto and by this reference forming part of this By-law; and

4. **THAT** this By-law shall come into effect on the date it is passed by the Council of the Municipal Corporation of the Township of Armour, subject to the provisions of the Planning Act, R.S.O. 1990.

Read in its entirety, approved, signed and the seal of the Corporation affixed thereto and finally passed in open Council this _____day of _____, 2026.

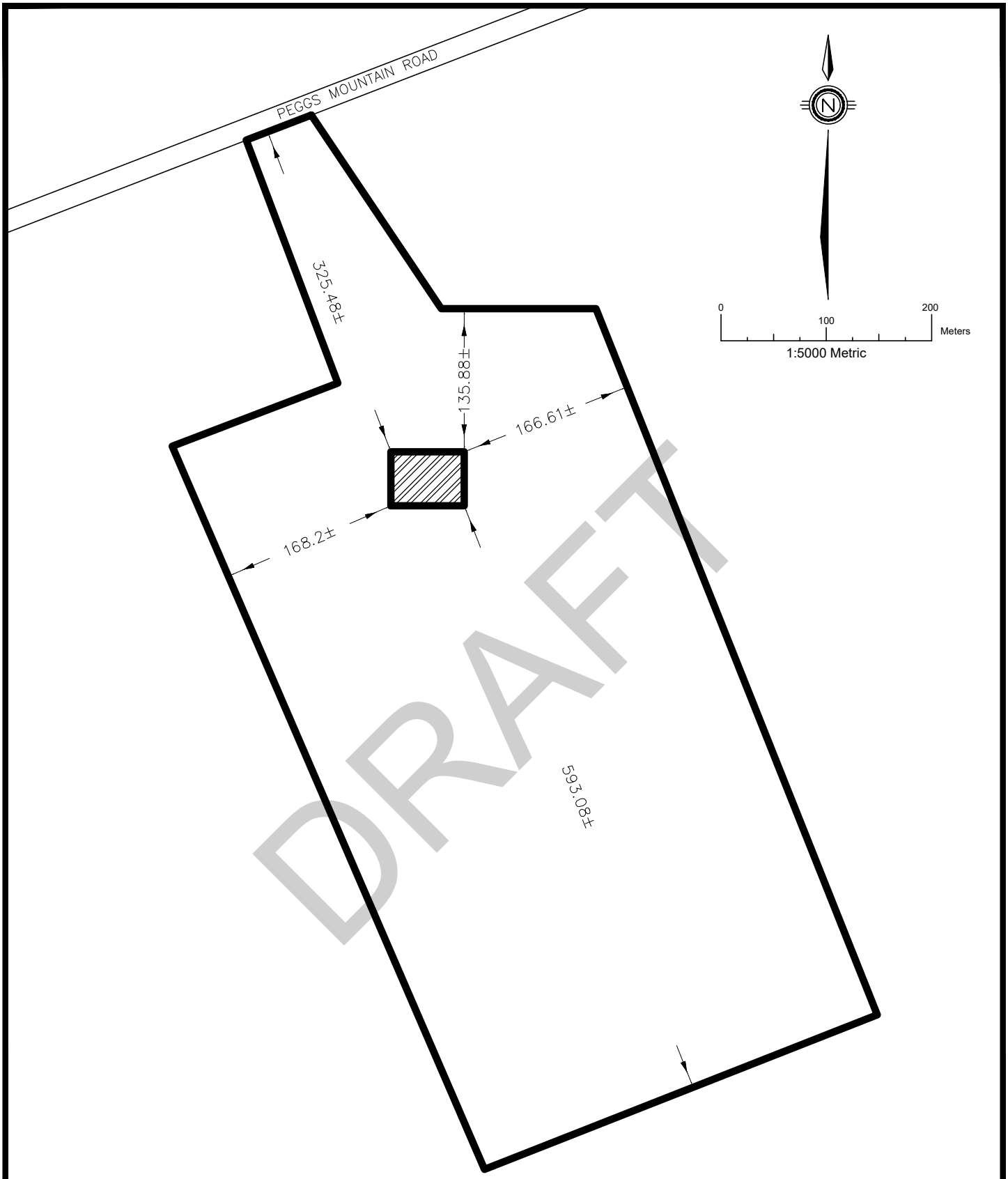
_____

Rod Ward, Mayor

_____

Charlene Watt, Clerk

DRAFT



Schedule "A" to By-law No. 5-2026

219 Peggs Mountain Road

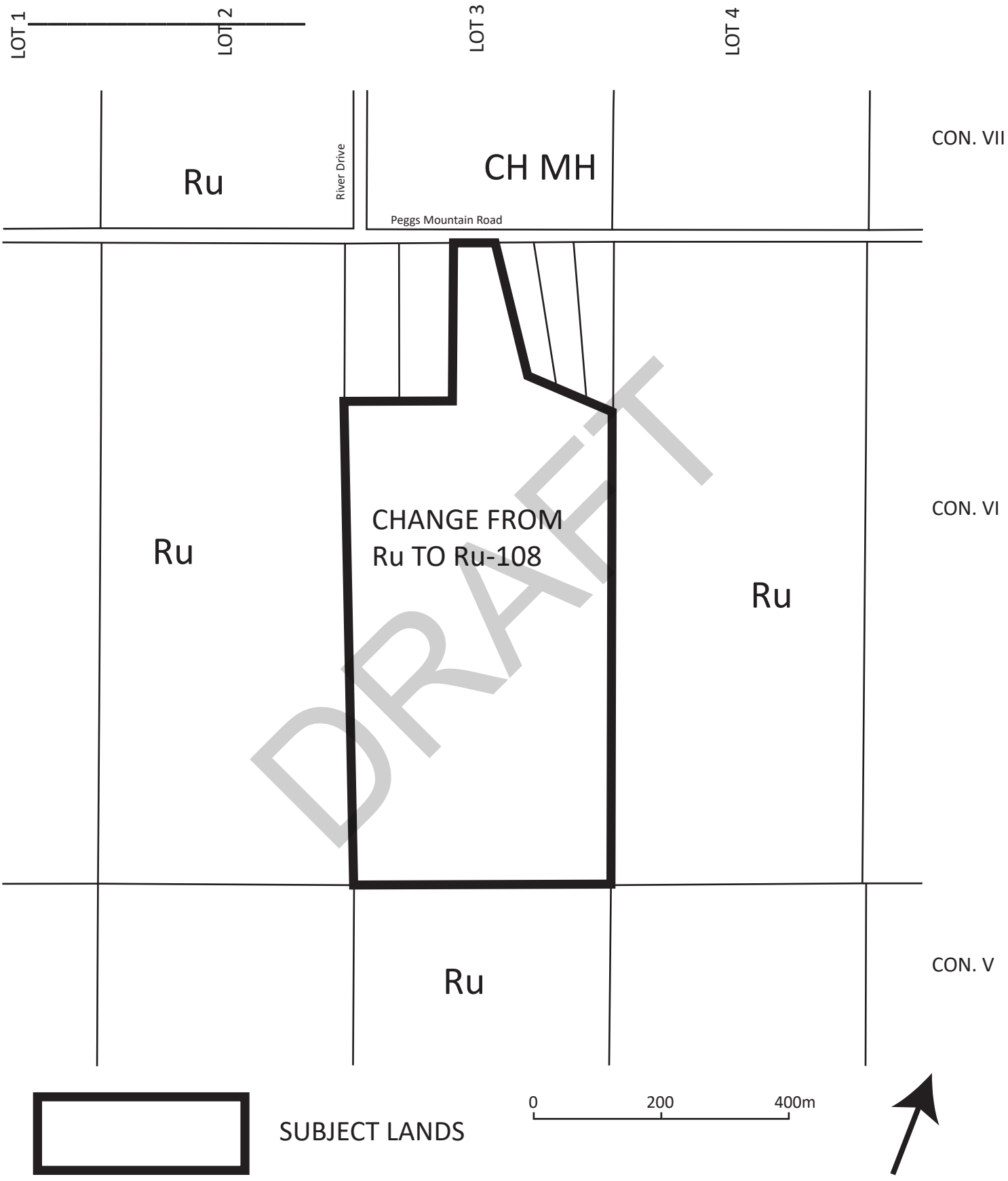
Lot 3, Concession 6, Save & Except Parts 1 & 2, 42R22137

And Parts 1, 2, and 3, 42R22689

Township of Armour

Municipal Corporation of the Township of Armour

SCHEDULE "B" TO ZONING BY-LAW No.



THIS IS SCHEDULE "A" TO BY-LAW No. _____

_____2025 MAYOR _____ CLERK _____

This is Exhibit “T” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

MINUTES

January 13, 2026

The regular meeting of the Council of the Township of Armour was held on Tuesday, January 13, 2026 at 7:00 p.m. at the Katrine Community Centre.

Those in attendance were: Mayor Rod Ward; Councillors: Rod Blakelock, Jerry Brandt, Wendy Whitwell and Dorothy Haggart-Davis; Via Zoom: Councillor Rod Blakelock.

Municipal Staff: Charlene Watt (Municipal Clerk), Dave Gray (CAO), Alison McGregor (Treasurer), Danika McCann (Recreation Co-ordinator), Amy Tilley (Waste Management Administrator), Jason Newman (Manager of Municipal Law Enforcement) and Bryan Austin (Municipal Law Enforcement Officer).

Delegations: Dave Creasor (Roads Supervisor), Sam Soja (Municipal Senior Planner – TULLOCH Inc.), Connor Wright (Land Use Planner- Zelinka Priamo Ltd.) and Barry Burton (President of No Lithium Way – Citizens United).

Applicant Guest: Ina Lila (Director of Business, PowerBank Corporation).

Burk's Falls & District Fire Department, represented by Joe Readman (Fire Chief).

TRI Council Members: Village of Burk's Falls Mayor Chris Hope, Via Zoom: Village of Burk's Falls Councillor Ryan Baptiste and Township of Ryerson Councillor Delynne Patterson.

Guests that signed in: Elizabeth Hewitt, Grace McCoy, Marie Odorizzi, Steve Page, Laura Page, Alice Hewitt, Mark Armstrong, Doreen Monk, Yvon Dugas, Gina Price, Jim Price, Marie Stitt, Wanda Hill, Jim Shaw, Lorraine Burton, Dave Crowe, Brian Price, Doug Wright, Jim Shedden (Great North Arrow), Ashley Awan and Cassandra Balesdent, Brenda Balesdent.

Guests via Zoom: Ana Cultraro, Ashley Soundy, Carl Martin, Don Murphy, Douglas MacLean (Huntsville Doppler), Erik Chovance, James King (Graydon Smith MPP's office), Nieves Guijarro, Robert Baron, Robert MacFarlane (Zelinka Priamo Ltd.), Robert Miller, Sandra Anderson and Sarah Cooke (Almaguin News).

Mayor Rod Ward called the meeting to order at 7:00 p.m. The Mayor reported that Councillor Rod Blakelock is attending via Zoom.

VIDEO RECORDING DISCLAIMER:

Participants were informed that the meeting will be recorded to provide a record of discussions and agreements held within the meeting. By staying in the meeting, virtually or in-person, participants consented to being recorded. Participants also agreed to recordings being posted to YouTube or other distribution services.

INDIGENOUS LAND ACKNOWLEDGEMENT:

Council acknowledged the traditional lands of the Anishinaabe and recognized the historical and contemporary contributions of the local First Nations and the peoples of Turtle Island.

DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF:

No pecuniary interest and general nature thereof were declared.

CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

The minutes of the regular Council meeting held on December 16, 2025 were approved as circulated.

DELEGATIONS:

Dave Creasor, Roads Supervisor, presented his January 2026 report. In December 2025, the Roads Department completed 13 days of plowing, 6 days of sanding, and 3 days of ice blading, responding to an unusually early winter that began November 10 and included a significant freezing rain event from December 28–30 requiring heavy

DELEGATIONS: cont'd.

sanding operations and public notices. Despite increased weather demands and a breakdown of a tandem plow truck on December 31, winter operations were maintained, no equipment slid off the road due to new tires and chains, and fleet maintenance continued throughout the month. Winter sand supplies declined from 2,500 to 800 tonnes, prompting the need for reserve sand and additional salt, with 2025 costs and usage highlighting that increased weather events are driving higher material needs and future tender costs. Questions were asked and answered.

Sam Soja, Municipal Land Use Senior Planner from TULLOCH Inc, presented a recommendation report to Council regarding the PowerBank Corporation and Dave Creasor Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications for the proposed battery energy storage systems at 219 Peggs Mountain Road. An overview was given of the property and proposal, the land use planning analysis, and the recommendations to Council. The broad themes of public concerns were listed and summarized. The analysis concluded that the proposed battery energy storage systems (BESS) represented appropriate rural energy infrastructure, was consistent with provincial and municipal planning policy, and could be developed without unacceptable land use compatibility, environmental, or public safety impacts, provided appropriate site-specific controls and mitigation measures were implemented. The proposal was supported by numerous peer-reviewed technical studies, including an Environmental Impact Study, Vegetation Management Plan, Acoustic Assessment, and Hazard Mitigation Analysis. The Emergency Response Plan, Firefighter Training and Stormwater Management Report had not been finalized. Public and agency comments were considered and addressed through the planning analysis, technical studies, and the proposed zoning and site plan control mechanisms.

The Planner advised that Official Plan Amendment Application OPA-2025-01, to permit a battery energy storage system use on the subject lands, and Zoning By-law Amendment Application ZBA-2025-01 should be amended to support his recommendations.

Official Plan Amendment - The revisions included minor administrative and technical edits, improvements to the wording of the purpose of the amendment, insertion of the subject property's full legal description, clarification within the basis section to confirm conformity with Official Plan objectives, and reorganization of the amendment text to place it under a "Site-Specific Uses" section of the Official Plan. The Planner noted that the revisions were technical in nature and did not alter the purpose or effect of the Official Plan Amendment.

Zoning By-law Amendment - The Planner outlined recommended revisions to the proposed Zoning By-law Amendment to implement his planning recommendations and ensure the development proceeded in a manner consistent with the planning analysis and supporting technical studies. The revisions included insertion of the subject property's full legal description and the addition of site-specific zoning provisions to rezone the lands to Rural – Site-Specific Exception (Ru-108). The Planner recommended restricting the battery energy storage system facility to the location shown on the draft amending By-law's Schedule A, limiting the facility to a maximum rated power capacity of 4.99 megawatts and a maximum rated energy storage capacity of 19.96 megawatt-hours, restricting the height of buildings and structures to a maximum of 5 metres, and designating the lands as a Site Plan Control Area to secure the implementation of supporting studies, mitigation measures, and detailed site design requirements through a site plan agreement under Section 41 of the Planning Act.

A summary of public comments from the November 18, 2025 public meeting with the applicant's responses was referenced. Key concerns related to fire safety and emergency response, environmental impacts, siting and zoning, property values, municipal costs, and overall community benefit. The applicant outlined proposed mitigation measures, compliance with current safety and environmental standards, peer-reviewed technical studies, and commitments to fund required reviews, training,

DELEGATIONS: cont'd.

and infrastructure. The report confirms that public input has been considered as part of the ongoing review of the Official Plan and Zoning By-law Amendment applications.

The Municipal Planner supported the applicant's proposed Official Plan Amendment and Zoning By-law Amendment in principle, but did not support approval of the original draft by-laws as submitted. The Planner recommended that both the OPA and ZBA be revised to incorporate site-specific policies and zoning provisions that reflect the planning analysis and the conclusions of the supporting technical studies.

Council inquired about the implications of the Provincial Planning Statement (PPS) with respect to emergency services and impacts beyond municipal boundaries. It was noted that municipalities are encouraged to co-ordinate with neighbouring municipalities and to mitigate cross-boundary impacts as appropriate.

Council questioned why the Official Plan Amendment and Zoning By-law Amendment applied to the entire approximately 83-acre property. It was explained that this approach is typical for an OPA; however, site-specific controls are generally recommended through the ZBA. While the application permits the battery energy storage system (BESS) on the subject lands, it includes restrictions on its location. It was further noted that associated components, including the proposed stormwater management facilities, hydro poles, and site access, would extend beyond the defined BESS footprint.

Connor Wright, Land Use Planner from Zelinka Priamo Ltd., representing PowerBank Corporation, presented an overview of the Official Plan Amendment and Zoning By-law Amendment applications for the proposed BESS at 219 Peggs Mountain Road. In the presentation it was stated that there is policy support under the Provincial Planning Statement, 2024 that encourages planning for climate change mitigation and resilience and supports the development of energy storage systems to meet current and future electricity needs. The proposal was also reviewed in the context of the Township of Armour Official Plan and Zoning By-law. PowerBank's planner was generally supportive of the amendments that were proposed by TULLOCH Inc.

Council inquired about the purpose and winter operability of a dry hydrant. The Applicant's Planner was unable to provide a response to these questions. Fire Chief Joe Readman subsequently explained the function of a dry hydrant and advised that, if properly installed, winter conditions would not impede its operation.

Council further inquired about the proposed location of the dry hydrant. Fire Chief Readman advised that the dry hydrant is proposed to be located at Katrine Beach on Ferguson Road, approximately 5 km from the subject property, and not on-site.

Barry Burton, President from No Lithium Way Citizens United Inc. spoke in opposition to the Official Plan Amendment and Zoning By-law Amendment applications for the proposed battery energy storage systems at 219 Peggs Mountain Road. No Lithium Way Citizens United Inc. disputed the two Planners recommendations and quoted PPS sections from the presentation. Concerns raised included public safety risks associated with recent BESS fires elsewhere; land use incompatibility with surrounding rural residential and agricultural properties; potential impacts to endangered bat species, and compliance with provincial and municipal environmental policies; proximity to a provincially significant archaeological site and the absence of an archaeological assessment; lack of consultation with Indigenous and environmental stakeholders; and reported lack of community support, including a petition with 901 signatures opposing the project. It was stated that the BESS site is within 650 metres of a Provincially Significant Archaeological Site. In 1998 the Ontario Government licensed the site giving it Borden Numbers BjGu-1-2, BjGu-1-3, and BjGu-1-4. It was explained that twenty-three artifacts were evaluated by two archaeologists and the fourteen best were donated to the Simcoe County Museum.

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

MINUTES

January 13, 2026

ACCOUNTS FOR APPROVAL:

The list of accounts for January 2026 was approved by resolution.

APPLICATIONS:

Council reviewed consent application B-049/25, Part of Lot 21 Concession 4, for a lot addition on the property municipally known as 723 Skyline Drive from Mark and Susan Armstrong. Council discussed the application, the history of the property and passed a resolution supporting the application with conditions.

Council reviewed a Staff Report and supporting documentation from the Municipal Clerk requesting support to revise Condition #3 of Subdivision Application S-01/24 (Prentice) per the Applicant's Planner's request and MNRF comments. Council passed a resolution supporting the request to amend the Notice of Decision's condition.

Council reviewed official plan application OPA-2025-01 (Amendment No. 4) and zoning by-law amendment application ZBA-2025-01, Part Lot 3, Concession 6, to permit battery energy storage systems on the property municipally known as 219 Peggs Mountain Road from David Creasor and PowerBank Corporation.

Council reviewed the applications, including information presented by the delegations, the volume of written submissions received from residents opposing the battery energy storage system (BESS), and the recommendations provided by Planning staff. Council discussed the potential impacts of the proposal on the entire 83-acre property, noting that the proposed lease area for the BESS represents approximately 0.2 acres of the site.

Council noted the thoroughness of the planners submitted reports. Council noted that, as of the meeting date, the stormwater management plan, emergency response plan, and firefighter training documentation had not been finalized. Council was not satisfied that the requirements of the Provincial Planning Statement had been adequately addressed, particularly with respect to inter-municipal coordination and cross-boundary impacts; public safety and hazard management; the limitations of municipal emergency and fire services; infrastructure and service capacity; and regional response and joint oversight.

Council emphasized that planning matters with regional implications, including emergency management and infrastructure, should involve neighbouring municipalities. Council addressed the public, noting that while the Province is promoting this type of infrastructure and municipalities operate under provincial authority, Council was elected to represent the interests of local residents. Council further noted that the potential impacts of the proposal extend beyond the boundaries of Armour Township and expressed hope that conveying the concerns raised by the public would assist other municipalities in making informed, community-supported decisions.

Council acknowledged that BESS technology is expected to continue to evolve and that Council remains committed to acting in the best interests of its residents. Council recognized that significant public concerns had been raised, particularly regarding risks to volunteer firefighters, and agreed that such risks require careful consideration. Council noted that education and information provided on the proposal did not sufficiently address practical safety concerns. Public input consistently raised planning-related concerns that aligned with PPS and OP policy.

Following deliberation, Council passed resolutions, with recorded votes, to refuse the applications.

BY-LAWS:

By-law #1-2026 being a by-law to authorize temporary borrowing for 2026 was read in its entirety and passed by resolution.

BY-LAWS: cont'd.

By-law #2-2026 being a by-law to provide for an interim tax levy, penalty charges and interest for 2026 was read in its entirety and passed by resolution.

By-law #3-2026 being a by-law to confirm the proceedings of Council at its December 2025 meetings was read in its entirety and passed by resolution.

By-law #4-2026 being a by-law to amend the official plan to permit battery energy storage systems on the property municipally known as 219 Peggs Mountain Road was read in its entirety and defeated.

By-law #5-2026 being a by-law to amend the zoning by-law to permit battery energy storage systems on the property municipally known as 219 Peggs Mountain Road was read in its entirety and defeated.

By-law #6-2026 being a by-law to delegate routine Council powers and duties to staff was read in its entirety and passed by resolution.

By-law #7-2026 being a by-law to stop up and close and convey the original shore road allowance in front of Part Lot 20, Concession 1, across the travelled road from 879 Three Mile Lake Road, fronting Three Mile Lake, designated as Part 1 on Registered Plan 42R-22892 was read in its entirety and passed by resolution.

REPORTS:

The Mayor presented his January 2026 Preparing for the Future in the Almaguin Highlands Report. The Mayor provided a New Year update outlining the Township of Armour's progress since November 2022 and priorities for 2026. The report focuses on six strategic areas: value for constituents, protection of natural assets, cooperation and shared services, health and wellness, economic development, and housing and growth. Council was advised of ongoing progress in regional service delivery, community and recreation investments, environmental initiatives, healthcare partnerships, economic readiness, and infrastructure planning. The report also emphasized a continued Almaguin Highlands regional approach to improve efficiency, resilience, and long-term sustainability.

Council reviewed the January 2026 Planning Report.

Council reviewed the January 2026 Building Permit Report, the Building Summary for 2025 and a comparison chart for building permits between 2021 and 2025.

Council reviewed the 2025 By-law Enforcement Services report, noting a return to more traditional service levels, year-end activity comparable to pre-pandemic years, ongoing compliance efforts, and continued winter monitoring. Council also acknowledged strong staff support, effective community and inter-agency collaboration—including mental health initiatives—and plans to further strengthen partnerships and training opportunities in 2026. Council reviewed the Annual AMPS Program Public Complaints Report for the 2025 reporting period and confirmed that no public complaints were received under the Administrative Monetary Penalty System. A resolution was passed to receive and approve the report in accordance with By-law #24-2025, Schedule F.

A verbal report was provided on the January 8, 2026 AHHC meeting and Council reviewed the minutes of the meeting held on November 6, 2025.

A verbal report was given on the January 8, 2026 DSSAB meeting.

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

MINUTES

January 13, 2026

CORRESPONDENCE:

Council reviewed a request for a donation from The Salvation Army. Council passed a resolution approving the donation.

Council received a request from the Canadian Red Cross requesting a donation to help those going through a crisis in Canada and around the world. Council passed a resolution approving a donation.

Council reviewed an Ontario News Release advising that the province is investing in firefighter protection.

Council reviewed an Ontario News Release advising of regulations and statutes in force as of January 1, 2026.

Council reviewed the November 2025 Monthly Jobs Report and the December 2025 Labour Focus Report provided by The Labour Market Group.

Council reviewed a media release from MAHC advising that a new mammography unit will be coming to the Huntsville Hospital.

Council reviewed a media release from MAHC advising that Muskoka Algonquin Healthcare has implemented a partnership with Granite Ridge Retirement Residence to add transitional beds.

UNFINISHED BUSINESS:

Council reviewed 18 additional submissions from the public in opposition to the official plan and zoning by-law amendment applications by PowerBank Corporation for the proposed battery energy storage systems at 219 Peggs Mountain Road.

NEW BUSINESS:

Council reviewed a letter from the Association of Ontario Land Surveyors (AOLS) advising that plans of survey are professional products and should not be distributed to the public by municipalities without the consent of the authoring surveyor, noting concerns about legality, public misunderstanding, outdated information, and potential liability. AOLS recommends municipalities cease providing copies of survey plans and instead direct the public to the original surveying firm for appropriate access and explanation.

RESOLUTIONS:

Resolution #2026-1 - Moved by Jerry Brandt, seconded by Dorothy Haggart-Davis; That the Council of the Township of Armour approve the minutes of the regular council meeting held on December 16, 2025, as circulated. Carried

Resolution #2026-2 - Moved by Wendy Whitwell, seconded by Dorothy Haggart-Davis; That the Council of the Township of Armour approve the January 2026 accounts, in the amount of $561,267.70 for payment, and the Mayor and the Treasurer are hereby authorized to sign cheques for same. Carried

Resolution #2026-3 - Moved by Dorothy Haggart-Davis, seconded by Jerry Brandt; That the Council of the Township of Armour hereby support the consent application B-049/25, Part Lot 21, Concession 4, 723 Skyline Drive submitted by Mark and Susan Armstrong for a lot addition subject to the following conditions:

- That the owner obtain approval of an Official Plan Amendment to recognize that the consent results in no new lot for development, as the severed parcel shall merge with the abutting benefitting lands, addressing non-conformity with Section 3.1.1(g) of the Official Plan and Section 51(24)(c) of the Planning Act.
- That the owner obtain approval of a Zoning By-law Amendment, similar in intent to By-law No. 5-2024 (Exception Rural RU-107), to recognize the lot addition as legally existing as of the date of consent approval and to bring the lands into conformity with Official Plan Amendment.

RESOLUTIONS: cont'd.

- That the consent be approved for lot addition purposes only, and that the severed lands shall not be conveyed separately or developed independently and shall merge in title with the benefitting abutting lands.
- That a digital copy of the final reference plan be provided to the Township
- That the transfer of the severed lands be completed concurrently with or immediately following the required conveyance, such that the severed lands legally merge with the benefitting parcel and remain as one lot for all planning purposes. Carried

Resolution #2026-4 - Moved by Wendy Whitwell, seconded by Dorothy Haggart-Davis; Whereas a request has been made by Lanny Dennis Planning, to revise Condition #3 of Subdivision Application S-01/24 (Prentice) to require that a Zoning By-law Amendment be applied for and approved recognizing a minimum lot frontage of 61 metres for Lots 1–5, and the Ministry of Natural Resources and Forestry has advised that it does not review or comment on site-specific planning proposals where the municipality or planning board is the approval authority;

Now Therefore Be It Resolved That the Council of the Township of Armour supports the requested revision to Condition #3. Carried

Resolution #2026-5 - Moved by Jerry Brandt, seconded by Dorothy Haggart-Davis; Whereas the Applicants, PowerBank Corporation and David Creasor, have submitted an Official Plan Amendment Application OPA-2025-01 (Amendment No. 4) for Council's consideration;

And Whereas Council has reviewed the application pursuant to Section 17 of the Planning Act;

And Whereas Council has considered the written and/or verbal recommendations provided in the report prepared by TULLOCH Inc., dated January 13, 2026;

And Whereas Council has considered public submissions, including written and/or verbal representations received in respect of the application;

Now Therefore Be It Resolved That Council does not accept the application as presented by the Applicant;

And Be It Further Resolved That the application as presented by the Applicants is hereby refused.

Recorded Vote	For	Opposed
Blakelock, Rod	X	
Brandt, Jerry	X	
Haggart-Davis, Dorothy	X	
Ward, Rod	X	
Whitwell, Wendy	X	Carried

Resolution #2026-6 - Moved by Wendy Whitwell, seconded by Rod Blakelock; Whereas the Applicants, PowerBank Corporation and David Creasor have submitted a Zoning By-law Amendment Application ZBA-2025-01 for Council's consideration;

And Whereas Council has reviewed the application pursuant to Section 34 of the Planning Act;

And Whereas Council has considered the written and/or verbal recommendations provided in the report prepared by TULLOCH Inc., dated January 13, 2026;

And Whereas Council has considered public submissions, including written and/or verbal representations received in respect of the application;

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

MINUTES

January 13, 2026

RESOLUTIONS: cont'd.

Now Therefore Be It Resolved That Council does not accept the application as presented by the Applicant;

And Be It Further Resolved That the application as presented by the Applicants is hereby refused.

Recorded Vote	For	Opposed
Blakelock, Rod	X	
Brandt, Jerry	X	
Haggart-Davis, Dorothy	X	
Ward, Rod	X	
Whitwell, Wendy	X	Carried

Resolution #2026-7 - Moved by Wendy Whitwell, seconded by Dorothy Haggart-Davis; That the Council of the Township of Armour have read and approve By-law #1-2026 being a by-law to authorize temporary borrowing for 2026 and that we authorize the Mayor and Clerk to sign this by-law and affix the seal of the Corporation thereto. Carried

Resolution #2026-8 - Moved by Wendy Whitwell, seconded by Jerry Brandt; That the Council of the Township of Armour have read and approve By-law #2-2026 being a by-law to provide for an interim tax levy, penalty charges and interest for 2026 and that we authorize the Mayor and Clerk to sign this by-law and affix the seal of the Corporation thereto. Carried

Resolution #2026-9 - Moved by Jerry Brandt, seconded by Wendy Whitwell; That the Council of the Township of Armour have read and approve By-law #3-2026 being a by-law to confirm the proceedings of Council at its December meetings and that we authorize the Mayor and Clerk to sign this by-law and affix the seal of the Corporation thereto. Carried

Resolution #2026-10 - Moved by Dorothy Haggart-Davis, seconded by Wendy Whitwell; That the Council of the Township of Armour have read and approve By-law #4-2026 being a by-law to approve an Official Plan amendment for Concession 6, Part Lot 3, known municipally as 219 Peggs Mountain Road to permit battery energy storage systems and that we authorize the Mayor and Clerk to sign this by-law and affix the seal of the Corporation thereto. Defeated

Resolution #2026-11 - Moved by Wendy Whitwell, seconded by Dorothy Haggart-Davis; That the Council of the Township of Armour have read and approve By-law #5-2026 being a by-law to approve a Zoning By-law amendment for Concession 6, Part Lot 3, known municipally as 219 Peggs Mountain Road to permit battery energy storage systems and that we authorize the Mayor and Clerk to sign this by-law and affix the seal of the Corporation thereto. Defeated

Resolution #2026-12 - Moved by Wendy Whitwell, seconded by Dorothy Haggart-Davis; That the Council of the Township of Armour have read and approve By-law #6-2026 being a by-law to delegate routine Council powers and duties to staff and that we authorize the Mayor and Clerk to sign this by-law and affix the seal of the Corporation thereto. Carried

Resolution #2026-13 - Moved by Wendy Whitwell, seconded by Jerry Brandt; That the Council of the Township of Armour have read and approve By-law #7-2026 being a by-law to stop up and close and convey the original shore road allowance described as Part Lot 20, Concession 1, 42R-22892, Part 1, fronting Three Mile Lake, and to transfer ownership of said shore road allowance to the property across the travelled road known as Three Mile Lake Road, described as Part Lot 20, Concession 1, 42R-10845, Part 1, to be owned by the property owner of the adjacent land and that we authorize the

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

MINUTES

January 13, 2026

RESOLUTIONS: cont'd.

Mayor and Clerk to sign this by-law and affix the seal of the Corporation thereto. Carried

Resolution #2026-14 - Moved by Jerry Brandt, seconded by Dorothy Haggart-Davis; That the Council of the Township of Armour receive and approve the Annual AMPS Program Public Complaints Report for the 2025 reporting period and acknowledges that no public complaints were received in respect of the Administrative Monetary Penalty System (AMPS) Program pursuant to By-law #24-2025, Schedule F. Carried

Resolution #2026-15 - Moved by Jerry Brandt, seconded by Wendy Whitwell; That the Council of the Township of Armour approve a donation in the amount of $400 to The Salvation Army to support the work they do in our community. Carried

Resolution #2026-16 – Moved by Dorothy Haggart-Davis, seconded by Wendy Whitwell; That the Council of the Township of Armour approve a donation, in the amount of $1,000, to the Canadian Red Cross to support the work they do in our community. Carried

Resolution #2026-17 - Moved by Jerry Brandt, seconded by Dorothy Haggart-Davis; That the Council of the Township of Armour adjourn this regular council meeting at 9:10 p.m. until the next regular council meeting scheduled for January 27, 2026 or at the call of the Mayor or the Clerk. Carried

Original signed by Rod Ward

Rod Ward, Mayor

Original signed by Charlene Watt

Charlene Watt, Municipal Clerk

This is Exhibit “U” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Township of Armour

Notice of Refusal of Official Plan Amendment Application OPA-2025-01 (Amendment No. 4) and Zoning By-Law Amendment Application ZBA-2025-01, 219 Peggs Mountain Road (PowerBank/Creasor)

TAKE NOTICE that the Township of Armour on January 13, 2026 refused a request to amend the Official Plan pursuant to Section 17 of the Planning Act, R.S.O. 1990, c. P.13. ("Planning Act"), and refused an application to amend the Zoning By-law pursuant to Section 34 of the Planning Act, with respect to the lands known as 219 Peggs Mountain Road, Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour.

1. The amendments were submitted by PowerBank Corporation and David Creasor and processed under files: OPA-2025-01 (Amendment No. 4) and ZBA-2025-01. The purpose of the Official Plan Amendment application was to amend the Township of Armour Official Plan to permit a Battery Energy Storage System ("BESS") as a permitted use in the Rural Community designation on the subject lands. The purpose of the proposed Zoning By-law Amendment was to amend the Township's Zoning By-law to permit a Battery Energy Storage System ("BESS") as a permitted use in the Rural zone on the subject lands.

2. A statutory public meeting was held on November 18, 2025 and Council considered 82 written and 13 oral submissions in making the decision. Two opposition submissions were petitions: one from No Lithium Way – Citizens United with 901 signatures, and one from Change.Org with 527 signatures. Please see *"November 18, 2025 PowerBank BESS Public Meeting"* at https://www.armourtownship.ca/agenda-and-minutes 21 additional oppositions were received after the meeting.

3. The applications were refused because Council determined that the proposal does not adequately address public safety and hazard management, emergency response planning, emergency services capacity, firefighter training, infrastructure, and inter-municipal and cross-boundary impacts. The application was absent of finalized emergency response planning, firefighter training, and stormwater management documentation.

4. Take notice that an appeal to the Ontario Land Tribunal in respect to all or part of the requested amendment to the Official Plan and/or Zoning By-law amendment application may be made by filing a notice of appeal with the Clerk either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at olt.gov.on.ca/e-file-service by selecting Township of Armour as the Approval Authority or by mail to 56 Ontario Street, P.O. Box 533, Burk's Falls, Ontario, P0A 1C0 no later than 4:30 p.m. on February 4, 2026. The filing of an appeal after 4:30 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of $1,100 can be paid online through e-file or by certified cheque/money order to the Minister of Finance, Province of Ontario. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to clerk@armourtownship.ca. Any appeal must be accompanied by a certified cheque/money order in the amount of $700.00 made payable to The Municipal Corporation of the Township of Armour.

5. Only specific stakeholders, including the applicant, the Minister, public bodies, a "specified person" (as defined under the *Planning Act*), and/or registered owner of any land to which the applications apply may appeal to the Ontario Land Tribunal (OLT). A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of a specified person or registered owner who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the Hearing of the appeal unless, before the By-laws were passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

More information is available for review at the Armour Township office during regular business hours or phone 705-382-3332. A copy of this Notice, email links, and additional information can also be found on the Armour Township website www.armourtownship.ca.

Dated at the Township of Armour, this 16th day of January, 2026.

Charlene Watt, Municipal Clerk
Township of Armour
56 Ontario Street, P.O.# Box 533, Burk's Falls, ON P0A 1C0

This is Exhibit “V” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

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File No. 044272.000001

February 3, 2026

DELIVERED BY EMAIL
(clerk@armourtownship.ca)

Township of Armour
56 Ontario Street, P.O.# Box 533
Burk's Falls, ON, P0A 1C0

Attention: Municipal Clerk

Dear Ms. Watt:

Re: Notice of Appeal – Official Plan Amendment and Zoning By-law Amendment
PowerBank Corporation
219 Peggs Mountain Road, Armour
Municipal File No.: OPA-2025-01 and ZBA 2025-01

We are counsel for PowerBank Corporation (formerly SolarBank Corporation) ("**Applicant**") who, on behalf of the landowner, David Creasor, made applications to amend the Township of Armour Official Plan ("**Township OP**") and Township of Armour Zoning By-law 27-95, as amended ("**Township ZBL**") for the lands municipally known as 219 Peggs Mountain Road in the Township of Armour ("**Subject Lands**").

The applications for Official Plan Amendment pursuant to Section 22 of the *Planning Act*, R.S.O. 1990, c. P.13 ("***Planning Act***"), and Zoning By-law Amendment pursuant to Section 34 of the *Planning Act*, were assigned municipal file numbers OPA-2025-01 and ZBA 2025-01 respectively ("**Applications**"). The Applications were deemed complete on January 21, 2025. The Applications proposed to facilitate development of the Subject Lands for a battery energy storage system ("**BESS**").

The Applicant submitted an application for site plan approval to the Township related to the proposed BESS on January 13, 2026 ("**SPA Application**").

Decision Being Appealed

On January 13, 2026, Township Council refused the Applications, despite extensive public consultation, the submission and peer-review of numerous plans and studies, and Township planning staff having recommended that the Applications be approved.

The reasons for the decision to refuse the Applications are provided in the Notice of Decision dated January 16, 2026 as follows:

> *"Council determined that the proposal does not adequately address public safety and hazard management, emergency response planning, emergency services capacity, firefighter training, infrastructure, and inter-municipal and cross-boundary impacts. The application was absent of finalized emergency response planning, firefighter training, and stormwater management documentation."*

To the extent the reasons for the refusal are land use planning grounds, these are matters that are appropriately studied, addressed and resolved through the site plan approval process.

Background to Appeal

The Subject Lands

The Subject Lands are approximately 32.37 ha in size, and are located on the south side of Peggs Mountain Road, generally located south of the Burks Falls Settlement Area and west of Highway 11.

The Subject Lands are developed with an existing solar array that currently operates to capture and generate solar electricity. The Applications would add a BESS as an expressly-permitted use on the Subject Lands.

BESSs are an application of commonly used existing technology, which function to capture and store excess electrical energy from the power grid, to then be supplied back to the power grid (such as during peak demand periods or electrical outages). The Applicant was awarded a contract from the Independent Electricity Systems Operator ("**IESO**") as part of the Expedited Long-Term RFP to secure new capacity into service by 2027. Among the common categories of use in the field of land use planning, the BESS facility can best be categorized as a utility and/or infrastructure type use.

Within the Armour Official Plan, the Subject Lands are designated "Rural Community". The Armour Zoning By-law zones the subject lands as zoned "Rural (RU)".

The Applications

The Applicant initially met with the municipality in late 2022, and on November 17, 2022 Township of Armour Council granted a Municipal Support Resolution for the proposed BESS.

Following this, the Applicant submitted the Applications to the Township on May 16, 2024, which were deemed complete on January 21, 2025, despite multiple submissions to the municipality and numerous meetings (including two pre-consultation meetings).

As part of the submission of the Applications, the Applicant went above and beyond standard consultation requirements, including holding four meetings with the public (November 2, 2022, April 7, 2025, November 18, 2025, and January 13, 2026). The Applicant has addressed the concerns of the public, the Township and the peer review technical experts that the Township retained.

What became clear through the unorthodox processing of the Applications, was that there was no technical concern with the proposed BESS, its location or its function that would warrant refusal of the Applications, which is a fact agreed upon by all experts involved. The technical review of the proposed amendments to the Township OP and ZBL was extensive and has now spanned several years, including peer review of all technical materials (enclosed to this letter is a list of reports and studies prepared and peer reviewed).

The reports and studies filed in support of the Applications have been peer-reviewed by the municipality's chosen consultants, all at the expense of the Applicant. The Applications are sound from a technical perspective and from a compatibility perspective, as confirmed by the prepared materials and the peer review of those materials, which did not identify any concern that would warrant refusal of the Applications. The outstanding comments on the Applications are minor in nature, and the municipality's own planner confirmed in their staff report that a subsequent site plan approval process is the appropriate mechanism to resolve these remaining details.

Through the public consultation process, the Applicant hosted two applicant-initiated Public Information Sessions (November 2, 2022 and April 7, 2025), attended the statutory public meeting on November 18, 2025, and attended the council meeting on January 13, 2026. The Applicant reviewed all submissions and comments from the public, and presented 19 pages of responses to comments to Council, dated January 7, 2026. Further, the technical submissions and peer review of those submissions (as summarized in the enclosure), addressed the common questions/concerns raised by the public.

The Township retained an external planning consultant to peer review the Applications and provide independent recommendations. The recommendation to Council by their retained land use planner was to "***adopt*** *Official Plan Amendment Application OPA-2025-01 and* ***approve*** *Zoning By-law Amendment Application ZBA-2025-01*", subject to their recommended amendments to the instruments. The January 13, 2026 staff report that recommended approval of the Applications authored by TULLOCH states:

> *"Subject to the recommended revisions to the draft by-laws, the proposed BESS is considered consistent with the Provincial Planning Statement, 2024, conforming to the Growth Plan for Northern Ontario and the Township of Armour Official Plan, and compliant with the Township's Zoning By-law (as amended), with remaining site design, access, servicing, buffering, and mitigation requirements to be addressed through implementation mechanisms available to the Township, including Site Plan Control"*

There was no land use planning analysis before Council that would warrant refusal of the Applications. This is a fact acknowledged by Council in their verbal comments prior to their decision. During the Council meeting, a municipal councillor stated that "*Sometimes you have to go with your heart*", and that "*We have to listen to the people*". These statements evidence a political, not a principled, decision.

The decision by Council is despite years of effort and cost by the Applicant to work with the municipality, and no rational land use planning reason to refuse the application. To the contrary, it was stated by the Mayor that the entirety of the planning and technical analysis was appropriately conducted, and commended the Applicant for their efforts to put forward comprehensive Applications.

The BESS is Permitted on the Subject Lands "As of Right"

The Applicant submitted the Applications to amend the Township OP and ZBL at the request of the Township, despite the use being existing permitted uses, and rationale being provided to the municipality for the same.

The result of PowerBank's cooperative efforts was a 4-year long process that resulted in a refusal. However, the proposed BESS facility is permitted as of right on the Subject Lands in both the Official Plan and Zoning By-law, and this interpretation and opinion has been conveyed to the municipality.

The Township OP designates the lands as "Rural Community", and Policy 3.9 of the Official Plan permits "the installation of facilities essential to the operation of a public utility" on lands designated Rural Community. The BESS will be part of the hydro electricity system in Ontario.

The Township ZBL, defines the term "public utility", which can include a corporation related to the providing of a service to the public. Section 5.23 of the Zoning By-law establishes that the provisions of the zoning by-law shall not apply to the use of any lot or erection of any building or structure for the purposes of public services.

Thus the Applications are a formality, which were filed at the request of the Township, to facilitate the preparation and third-party review of reports and studies. Despite the Applicant's good faith efforts to ensure the Township had the necessary information and reports to understand the nature of the BESS use and the various planning and technical opinions that recommended approval of the Applications, Township Council refused the Applications.

Reasons for Appeal

PowerBank appeals Council's decision to refuse the Applications for reasons that follow and additional reasons that may be provided at a hearing of the appeal. The Applications represent good planning, have regard for matters of provincial interest, are consistent with the Provincial Planning Statement, conform to the Growth Plan for Northern Ontario, and conform with the goals and objectives of the Township OP.

Council's decision to refuse the Applications was made despite the recommendation of their land use planner from TULLOCH, and the opinion of the land use planner retained by the Applicant from Zelinka Priamo Ltd. Township's Council decision to refuse the Applications does not have regard to matters of provincial interest, is not consistent with the Provincial Planning Statement, 2024 and does not conform to the Growth Plan for Northern Ontario or the Township OP.

1. The Applications Have Regard To Matters Of Provincial Interest

Section 2 of the *Planning Act* outlines matters of provincial interest, and states that "The council of a municipality… in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,". Matters of provincial interest include:

a) the protection of ecological systems, including natural areas, features and functions;
b) the protection of the agricultural resources of the Province;

c) the conservation and management of natural resources and the mineral resource base;
e) the supply, efficient use and conservation of energy and water;
g) the minimization of waste;
l) the protection of the financial and economic well-being of the Province and its municipalities;
o) the protection of public health and safety;
p) the appropriate location of growth and development;
s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

The Applications will facilitate the implementation of a BESS facility on the Subject Lands. The proposed BESS facility implements matters of provincial interest, especially in light of the contract with IESO for the Expedited Long-Term RFP. In particular, the BESS will contribute to an efficient use of energy and resources, minimize waste and is a technology that is responsive to a changing climate.

2. The Applications are consistent with the Provincial Planning Statement

The Provincial Planning Statement, 2024 ("**PPS**") establishes a policy context for the creation of communities that plan to reduce greenhouse gas emissions, and that provide opportunity for the expansion of energy supply systems. Relevant policies include Policy 2.5.1, 2.6, 2.9.1, 3.1, 3.5.1, 3.8.1, and 6.1, as well as definitions for "energy storage system" and "major facilities". We note in particular Policy 3.8.1, which states:

- **Policy 3.8.1** *Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, energy storage systems, district energy, renewable energy systems, and alternative energy systems, to accommodate current and projected needs.*

"Energy Storage System" is defined in the PPS to mean "a system or facility that captures energy produced at one time for use at a later time to reduce imbalances between energy demand and energy production, including for example, flywheels, pumped hydro storage, hydrogen storage, fuels storage, compressed air storage, and battery storage." A BESS is an energy storage system.

The Applications will facilitate the proposed BESS, which is explicitly permitted and encouraged by the PPS, which states that municipalities should provide opportunities for this use, and that infrastructure shall be provided in an efficient manner. Municipalities are required by the PPS to plan to reduce greenhouse gas emissions and prepare for climate change. The proposed BESS is a use that will enhance clean energy opportunities by storing underutilized energy for use at peak demand times, reducing energy waste and making efficient use of existing power generation, and is an integral part of the future energy infrastructure system to meet increasing demand. The use is compatible with surrounding land uses, and is an appropriate use on rural lands, particularly those already functioning with energy infrastructure (such as the solar generation facilities on Subject Lands).

3. The Applications conform with the Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario ("**GPNO**") is a strategic growth framework for northern communities, providing policy direction to guide development and decision making. The Applications conform with the GPNO.

Leveraging energy production, including "Renewable Energy and Services" is a key theme and priority of the Province for northern communities as noted in the GPNO. Relevant policies include 2.2.2, 2.2.3, 2.3.9.1, 5.2.1, 5.2.2, 5.2.4, 5.2.5, 5.6.1, 5.6.2 and 5.6.3. The policies of the GPNO prioritize development of certain economic sectors, including (renewable) energy and services. Policies encourage the growth and development of the (renewable) energy sector, and seek a coordinate approach for planning for infrastructure investments that contribute to establishing a culture of conservation.

The Applications will facilitate the proposed BESS, which is an appropriate use of rural lands in northern Ontario, particularly where lands are already utilized for energy generation as the Subject Lands are. The proposed use is encouraged by the GPNO.

4. Township of Armour Official Plan

The Township OP is the land use planning framework that guides the long-term growth, development, and conservation of lands within the municipality. The Subject Lands are designated "Rural Community" in the Official Plan, which is defined by Policy 2.1.1 and provides for a wide range of land uses that shall be predominantly located in this designation (in addition to policies that allow for a range of land uses in all designations):

> **Policy 2.2.1** *The predominant use of land in this category shall be for farming activities, forestry, conservation, detached residential dwellings, golf courses, summer camps for children, woodland retreats, recreational clubs and lodges, highway commercial uses, recreational and tourist commercial uses, private aircraft fields, Crown lands, home occupations and industries, small scale low water use industrial operations, schools, parks, community recreation facilities, churches, nursing homes, day nurseries and institutional uses, affordable housing developments, churches and cemeteries, mineral extraction including wayside pits and quarries, and waste disposal sites.*
>
> **Policy 3.9** *Uses such as public parks and similar recreational facilities, and the installation of facilities essential to the operation of a public utility, with the exception of landfill and/or waste disposal sites, shall be permitted within the Rural and Waterfront Communities of this Plan, provided that such uses will be compatible with surrounding uses.*

Objectives of the Rural Community are outlined by Policy 2.1.2, and include:

- *To promote businesses and low water using industries thereby increasing sustainable employment opportunities for Armour Township residents, both seasonal and permanent;*
- *To ensure that new development or redevelopment is compatible with and appropriately separated from surrounding uses and that negative environmental impacts and land use conflicts are avoided or minimized; and*
- *To promote the use of alternative/renewable energy systems such as wind turbines, solar panels, bio-diesel, ethanol and wood hot water heating systems*.

Other relevant policies of the Official Plan include Policy 4.4 and 4.5.

The proposed BESS facility conforms with the Township OP, and it is unclear why the municipality would have required any amendment to the Official Plan. The Official Plan contains numerous goals and objectives intended to respond to climate change, promote energy conservation and encourage development that minimizes energy consumption "*to the extent practicable and feasible*".

The proposed BESS will be privately owned, but will be integrated with Ontario's hydro network, which is managed through the IESO. Policy 3.9 of the Official Plan permits as of right in the Rural Community designation, "*the installation of facilities essential to the operation of a public utility*", which the proposed development is considered to be.

There is no justified concern with respect to land use compatibility or the location of the proposed BESS, and the Applicant has designed the site to adequately separate and screen the facility from neighbouring land uses, while co-locating the energy storage use with existing energy production use. The Subject Lands are an ideal location for the proposed BESS, which is encouraged and indeed permitted by the Official Plan.

5. The Applications Represent Good Planning and are in the Public Interest

The Applications represent good planning and are in the public interest. This is the opinion agreed to by all land use planners that were involved in the Applications (Zelinka Priamo Ltd., TULLOCH, and DeLoyde Development Services).

Energy conservation and adapting to climate change is a critical land use planning issue that communities in Ontario are faced with, and this is reflected in all levels of planning policy. Given the existing solar-generation use of the Subject Lands and absence of any land use compatibility concerns associated with the BESS, the Subject Lands are the appropriate location for this type of development.

The proposed BESS contributes to addressing energy supply needs and is an important component of a healthy energy infrastructure system, which must respond to growing demand. The energy infrastructure system in Ontario is exactly that – a system of interconnected facilities that supply affordable electricity across Ontario to power our economy. It is through this multi-layered system of interconnected electrical production and distribution that Ontario stays powered. Communities across Ontario must respond responsibly to respond to the growing electrical needs of residents of Ontario.

Conclusion

For the foregoing reasons, as well as others that may become evident prior to the hearing of this appeal, the Applicants appeal Township Council's decision to refuse the Applications on January 16, 2026.

We enclose a completed A1 Appellant Form for the appeals and a certified cheque made payable to the Minister of Finance in the amount of $2,200 for the required filing fees. Also enclosed is a cheque payable to the Township in the amount of the $700 for the Township's filing fee.

Notwithstanding the filing of this appeal, the Applicant hopes to continue dialogue with the Township with respect to its vision for the development of the Subject Lands.

Borden Ladner Gervais

Yours very truly,
BORDEN LADNER GERVAIS LLP



Piper Morley
PM/LE

cc Client
Zelinka Priamo Ltd.

encl List of Studies

Borden Ladner Gervais

List of Completed Studies

- Conceptual Site Plan dated November 28, 2024
- Planning Justification Report dated October 3, 2024, prepared by DeLoyde Development Solutions
    - Supplementary Planning Justification Report, dated July 23, 2025, prepared by Zelinka Priamo Ltd.
    - Peer Reviewed by Tulloch and accepted September 2025
- Acoustic Assessment Report, dated October 3, 2024, prepared by EXP
    - Peer reviewed by Cambium and accepted August 18, 2025
- Air and Gas Emissions Memo, dated September 26, 2024, prepared by EXP
    - Peer reviewed by Cambium and accepted August 18, 2025
- Vibration Letter, dated March 5, 2025, prepared by EVLO
    - Peer reviewed by Cambium and accepted August 18, 2025
- Environmental Impact Study, including addendum dated September 9, 2025, prepared by SLR Consulting (Canada) Ltd.
    - Peer Reviewed by Tulloch and accepted September 11, 2025
- Vegetation Management Plan prepared by PowerBank
    - Peer Reviewed by Tulloch and accepted August 2025
- Environmental Site Assessment, including revisions, prepared by EXP
    - Peer Reviewed by Tulloch and accepted July 14, 2025
- Commissioning Plan prepared by PowerBank
    - Peer Reviewed by BBA Inc. and accepted July 29, 2025
- Decommissioning Plan, latest revision July 17, prepared by PowerBank
    - Peer Reviewed by BBA Inc and accepted July 29, 2025
- Hazard Mitigation Analysis, latest revision August 6, 2025, prepared by Fire and Risk Alliance
    - Peer Reviewed by PLC Fire and accepted November 5, 2025
- Stormwater Management Report prepared by PRI Engineering
    - Peer Review by TULLOCH, dated December 12, 2025. As agreed by Tulloch, the outstanding comments are appropriate to be resolved through detailed design (Site Plan Approval)
- Emergency Response Plan and addendums, prepared by Fire and Risk Alliance
    - Peer reviewed by PLC Fire
- Firefighter Training Plan, including response letter, prepared by PowerBank and Fire and Risk Alliance
    - Peer reviewed by PLC Fire, and confirmed that outstanding comments to be addressed through detailed design (site plan approval)
- Community Engagement Plan prepared by PowerBank

Ontario Land Tribunal
655 Bay Street, Suite 1500, Toronto, ON M5G 1E5
Tel: 416-212-6349 | 1-866-448-2248
Web Site: olt.gov.on.ca

Appeal Form (A1)

Municipal/Approval Authority Date Stamp	Receipt Number (OLT Office Use Only)	Date Stamp – Appeal Received by OLT
	OLT Case Number (OLT Office Use Only)	

Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Lila		**Ina**	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
PowerBank Corporation			
Email Address:			
ina.lila@powerbankcorp.com			
Daytime Telephone Number:		Alternative Telephone Number:	
647.835.5503 ext.			

Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:
803	**505**	**Consumers Road**	

City/Town:	Province:	Country:	Postal Code:
Toronto	**ON**	**Canada**	**M2J 4V8**

Representative Information				
X I hereby authorize the named company and/or individual(s) to represent me				
Last Name:			First Name:	
Morley			**Piper**	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
Borden Ladner Gervais LLP				
Email Address:				
pmorley@blg.com				
Daytime Telephone Number:			Alternative Telephone Number:	
416-367-6591 ext.				
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
3400	**22**	**Adelaide Street E**		
City/Town:	Province:	Country:	Postal Code:	
Toronto	**ON**	**Canada**	**M5H 4E3**	

Note: If your representative is not licensed under the *Law Society Act*, please confirm that they have your written authorization, as required by the OLT *Rules of Practice and Procedure*, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.

☐ I certify that I understand that my representative is not licensed under the *Law Society Act* and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.

Location Information		
Are you the current owner of the subject property?	☐ Yes	X No
Address and/or Legal Description of property subject to the appeal:		
219 Peggs Mountain Road, Township of Armour **Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689**		

Municipality:
Township of Armour
Upper Tier (Example: county, district, region):
NA

Language Requirements		
Do you require services in French?	X Yes	☐ No

To file an appeal, please complete the section below. Complete one line for each appeal type

	Subject of Appeal	Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	*Planning Act*	45(12)
1	**Official Plan Amendment**	***Planning Act***	**22(7)**
2	**Zoning By-law Amendment**	***Planning Act***	**34(11)**
3			
4			
5			

Section 2 – Appeal Type (Mandatory)

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
X	Appeal of *Planning Act* matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
☐	Appeal of *Development Charges*, *Education Act*, *Aggregate Resources Act*, *Municipal Act* matters	3A
☐	Appeal of or objection to *Ontario Heritage Act* matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A

☐	Appeal of *Planning Act* (subsections 33(4), 33(10), 33(15), 36(3)), *Municipal Act* (subsection 223(4)), *City of Toronto Act* (subsection 129(4)) and *Ontario Heritage Act* (subsections 34.1(1), 42(6)) matters	3A & 3B
☐	Appeal of *Clean Water Act*, *Environmental Protection Act*, *Nutrient Management Act*, *Ontario Water Resources Act*, *Pesticides Act*, *Resource Recovery and Circular Economy Act*, *Safe Drinking Water Act*, *Toxics Reduction Act*, and *Waste Diversion Transition Act* matters	4A
☐	Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*	4B
☐	Appeal under the *Niagara Escarpment Planning and Development Act* (*NEPDA*)	5
☐	Appeal of *Conservation Authorities Act*, *Mining Act*, *Lakes and Rivers Improvement Act*, *Assessment Act*, and *Oil, Gas and Salt Resources Act* matters	6
☐	Legislation not listed above	Contact OLT before filing your appeal

Section 3A – Planning Matters

Appeal Reasons and Specific Information
Number of new residential units proposed:
NA
Municipal Reference Number(s):
OPA-2025-01 and ZBA 2025-01
List the reasons for your appeal:
Please see enclosing correspondence dated February 3, 2026.
Has a public meeting been held by the municipality? X Yes ☐ No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

☐ Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*

☐ Fails to conform with or conflicts with a provincial plan

☐ Fails to conform with an applicable Official Plan

And

B: For a non-decision or decision to refuse by council:

X Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*

X Conformity with a provincial plan

X Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

Please see enclosing correspondence dated February 3, 2026. We note that, in the case of appeals under s. 22(7) and s. 34(11) of the *Planning Act*, there is no statutory requirement to explain how a decision is inconsistent with the Provincial Planning Statement of does not conform to an applicable provincial or official plan, as the case may be.

Oral/Written Submissions to Council

Did you make your opinions regarding this matter known to council?

☐ Oral submissions at a public meeting of council

☐ Written submissions to council

X Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

X Yes ☐ No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

X Yes ☐ No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Related site plan application filed with Township.

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)
Date application submitted to municipality if known (yyyy/mm/dd):
Date municipality deemed the application complete if known (yyyy/mm/dd):
Please briefly explain the proposal and describe the lands under appeal:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information
Outline the grounds for the appeal and the relief requested:
Reference Number of the decision under appeal:
Portions of the decision in dispute:
Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay?	☐ Yes ☐ No
If Yes, outline the reasons for requesting a stay:	
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4A Checklist(s) located here and submit all documents listed on the checklist.	

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993?*	☐ Yes ☐ No
Identify the portions of the instrument you are seeking to appeal:	
Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:	
Outline the relief requested:	
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 4B Checklist(s) located here and submit all documents listed on the checklist.	

Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act*

Appeal Specific Information
Development Permit Application File No:
Address or legal description of the subject property:
Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website (www.escarpment.org))

Section 6 – Mining Claim and Conservation Matters

Appeal Specific Information
List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)
List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):
Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:
Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

Respondent Information
Conservation Authority:

Contact Person:				
Email Address:				
Daytime Telephone Number:			Alternative Telephone Number:	
	ext.			
Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available				
Unit Number:	Street Number:	Street Name:		P.O. Box:
City/Town:	Province:	Country:		Postal Code:
There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 6 Checklist(s) located here and submit all documents listed on the checklist.				

Section 7 – Filing Fee

Required Fee

Please see the attached link to view the OLT Fee Chart.

Total Fee Submitted**:** **$2,200**

Payment Method	☐	Certified Cheque	☐	Money Order	X	Lawyer's general or trust account cheque
	☐	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the Fee Reduction request form.

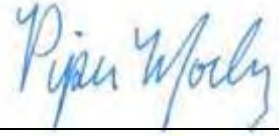
☐ Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

Section 8 – Declaration (Mandatory)

Declaration

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Piper Morley		**2026/02/03**

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at OLT.Coordinator@ontario.ca or toll free at 1-866-448-2248 as soon as possible.

Section 9 – Filing Checklists (Mandatory)

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

If the completed Section is:	Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

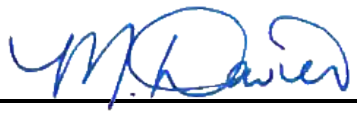
If the completed Section is:	You must file with the following:
Section 3A	Municipality or the Approval Authority/School Board *If you are filing under the *Ontario Heritage Act*, including under **s. 34.1(1),** please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal **in addition** to the Municipality or Approval Authority.

Section 3A & 3B or Section 4A or Section 4B or Section 6	Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5	Phone: 416-212-6349 | 1-866-448-2248 Website: www.olt.gov.on.ca
Section 5	**For the Areas of:** Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton **File with:** NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3rd Floor Georgetown, ON L7G 4B1 Phone: 905-877-5191 Fax: 905-873-7452 Website: www.escarpment.org Email: necgeorgetown@ontario.ca	**For the Areas of:** Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon) **File with:** NIAGARA ESCARPMENT COMMISSION 1450 7th Avenue Owen Sound, ON N4K 2Z1 Phone: 519-371-1001 Fax: 519-371-1009 Website: www.escarpment.org Email: necowensound@ontario.ca

NOTE: Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

NOTE: Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.

This is Exhibit “W” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

BY-LAW NO. 4-2026

A BY-LAW TO AMEND

TOWNSHIP OF ARMOUR OFFICIAL PLAN

Permitting Battery Energy Storage Systems

219 Peggs Mountain Road

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

Box 533
Burk's Falls, Ontario
P0A 1C0

OFFICIAL PLAN AMENDMENT NO. 4

Passed by the Council of the Municipal Corporation of the Township of Armour

Lands Affected:	This By-law applies only to the lands within the Township of Armour municipally known as 219 Peggs Mountain Road, legally described as Part Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour.
Present Designation:	Under the Township of Armour Official Plan, the lands are designated Rural Community.
Proposed Designation:	The amendment adds a site-specific exception for the lands to clarify that a Battery Energy Storage System (“BESS”) is permitted on the lands.
Zoning By-law:	A concurrent Zoning By-law Amendment is being brought into effect to clarify Battery Energy Storage System (“BESS”) as a permitted use in the site-specific Rural (Ru) zone for the lands.
By-law Purpose:	The goal of this By-law is to amend the Township of Armour Official Plan to confirm that Battery Energy Storage Systems (“BESS’s”) are a permitted use in the Rural Community designation on the lands, as per the Provincial Planning Statement, 2024.

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW NO. 4-2026

Being a by-law to adopt the Armour Township Official Plan Amendment No. 4

WHEREAS the Council of the Municipal Corporation of the Township of Armour held a Public Meeting on the ___ day of _____, 2026 respecting Council's intent to amend the Township of Armour Official Plan;

AND WHEREAS Council has given serious consideration for the need to adopt an amendment to the Official Plan of the Township of Armour;

AND WHEREAS Council has determined that the proposed Amendment is appropriate and desirable for the development of the municipality in general;

NOW THEREFORE the Council of the Corporation of the Township of Armour, in accordance with the provisions of the Planning Act, R.S.O. 1990, c. P. 13, as amended, hereby enacts as follows:

1. Amendment No. 4 to the Township of Armour Official Plan, is hereby adopted.
2. That this By-law shall come into effect on the date it is passed by the Council of the Municipal Corporation of the Township of Armour, subject to the provisions of the Planning Act, R.S.O. 1990.

Read in its entirety, approved, signed and the seal of the Corporation affixed thereto and finally passed in open Council this ___ day of _____, 2026.

_____

Rod Ward, Mayor

_____

Charlene Watt, Clerk

AMENDMENT NUMBER 4

TO THE

TOWNSHIP OF ARMOUR OFFICIAL PLAN

AMENDMENT NUMBER 4
TO THE
TOWNSHIP OF ARMOUR OFFICIAL PLAN

INDEX

PART "A" - THE PREAMBLE

The Preamble provides an explanation of the proposed Amendment including the purpose, extent, background information, and basis but does not form part of this Amendment.

PART "B" - THE AMENDMENT

The Amendment describes the changes to the Armour Township Official Plan which constitute Official Plan Amendment Number 4.

PART "A" – THE PREAMBLE

PURPOSE

The purpose of the amendment is to clarify the Township of Armour Official Plan to confirm that Battery Energy Storage Systems ("BESS's") are a permitted use on certain lands in the Rural Community designation.

LOCATION

This amendment applies to the lands within the Township of Armour municipally known as 219 Peggs Mountain Road, legally described as Part Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour.

BACKGROUND

A privately initiated application to amend the Armour Township Official Plan was received by the Township of Armour and deemed complete on January 21, 2025. The application requests an amendment to the Official Plan to permit a Battery Energy Storage System on the lands subject to this amendment.

BASIS

The applicant proposes to develop a Battery Energy Storage System on the lands located at 219 Peggs Mountain Road.

The subject lands are designated Rural Community in the Township of Armour Official Plan. The amendment meets the intent of the Official Plan, which permits a range of uses on lands designated Rural Community, including uses for "public utility", and promotes energy conservation and efficiency.

The Official Plan Amendment is consistent with the Provincial Planning Statement, 2024, which encourages and permits the use of lands (including Rural Lands) for Energy Storage Systems.

IMPLEMENTATION AND INTERPRETATION

This Amendment shall be in accordance with the policies of the Armour Official Plan.

PART "B" – THE AMENDMENT

All of this part of the document entitled "PART "B" - THE AMENDMENT", consisting of the following text, constitute Amendment No. 4 to the Official Plan of the Township of Armour.

DETAILS OF THE AMENDMENT

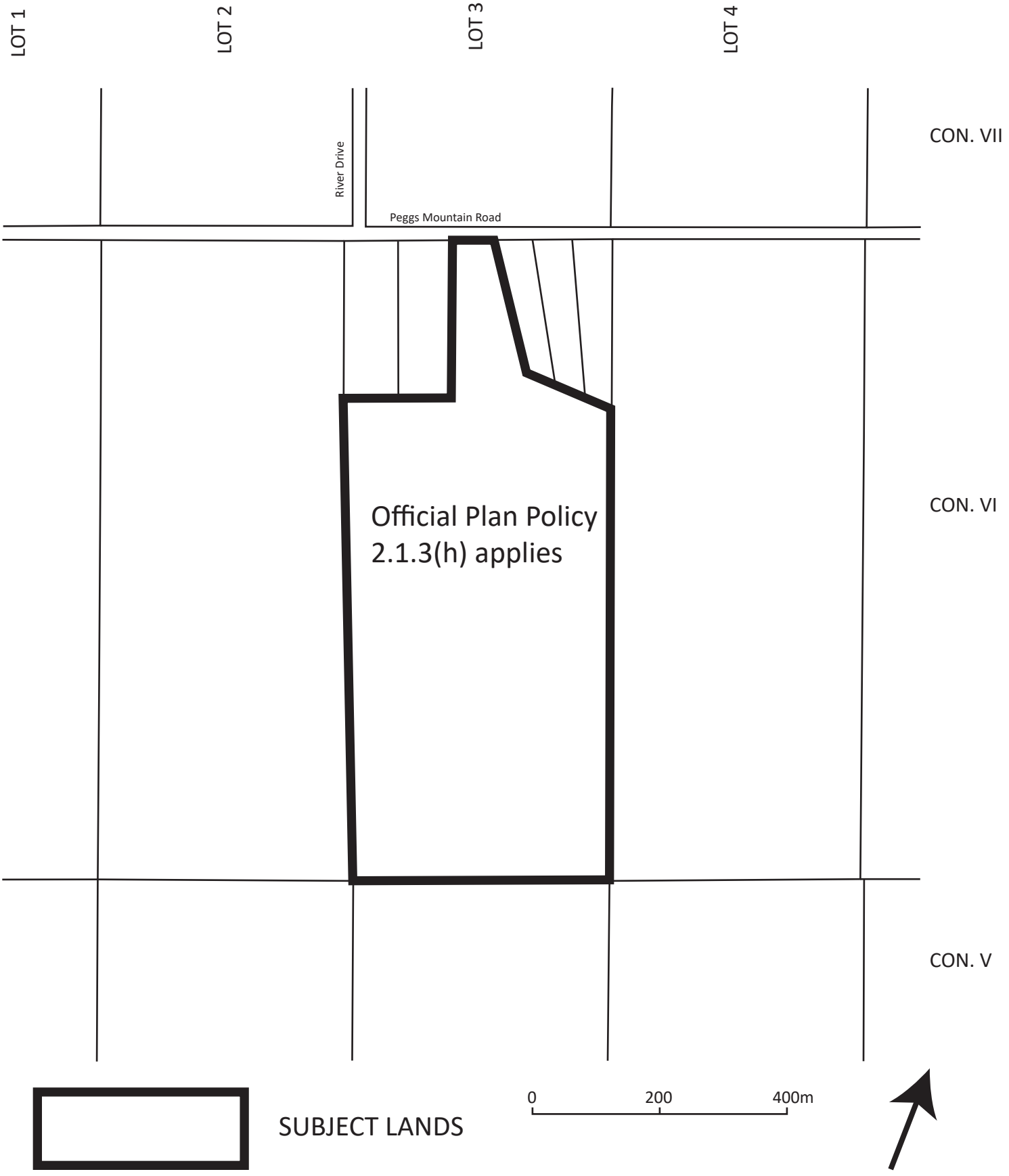
The Official Plan of the Township of Armour is hereby amended as follows:

1. Section 2.1 (Rural Community) of the Township of Armour Official Plan, is hereby amended to add the following subsection:

   2.1.3(h) *"A Battery Energy Storage System shall be permitted on lands at 219 Peggs Mountain Road and described as Part Lot 3 Con 6 Armour Township,* save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689."

2. A location map will be added to section 2.1.3(h) to reference and locate the new policy above.

Municipal Corporation of the Township of Armour
Location Map for Official Plan Amendment No. 4



LOCATION MAP FOR OFFICIAL PLAN AMENDMENT NO. 4

_____2026 MAYOR _____ CLERK _____

This is Exhibit “X” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

ZONING BY-LAW NO. 5-2026

A BY-LAW TO AMEND

ZONING BY-LAW NO. 27-95 as amended

Permitting Battery Energy Storage System

219 Peggs Mountain Road

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

Box 533
Burk's Falls, Ontario
P0A 1C0

EXPLANATORY NOTE

To Zoning By-law No. 5-2026

Passed by the Council of the Municipal Corporation of the Township of Armour

Lands Affected:	This By-law applies only to the lands within the Township of Armour municipally known as 219 Peggs Mountain Road, legally described as Part Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour.
Present Zoning:	Under Armour Township Zoning By-law No. 27-95 (as amended), the lands are zoned Rural (Ru).
Proposed Zoning:	The amendment adds a site-specific exception for the lands to clarify that a Battery Energy Storage System (“BESS”) is permitted on the lands municipality known as 219 Peggs Mountain Road, legally described as Part Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; while maintaining the underlying Rural (Ru) zoning.
Official Plan Designation:	An amendment to the Township of Armour Official Plan clarifies that a Battery Energy Storage System (“BESS”) is a permitted use on the lands subject to this By-law.
By-law Purpose:	The goal of this By-law is to update Zoning By-law No. 27-95 (as amended) to confirm that Battery Energy Storage Systems (“BESS’s”) are a permitted use on the lands subject to this By-law.

ZONING BY-LAW NO. 5-2026

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

Being a By-law under Section 34 of the *Planning Act, R.S.O. 1990*, to amend Zoning By-law No. 27-95, as amended, of the Municipal Corporation of the Township of Armour, with respect to adding permissions for Battery Energy Storage System ("BESS") in the Rural (Ru) zone as it relates to the lands municipally known as 219 Peggs Mountain Road, legally described as Part Lot 3, Concession 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour.

WHEREAS the Council of the Municipal Corporation of the Township of Armour has reviewed Zoning By-law No. 27-95, as amended, and finds it advisable to amend same;

NOW THEREFORE the Council of the Municipal Corporation of the Township of Armour enacts as follows:

1. **THAT** Section 2 (Definitions) of Zoning By-law No. 27-95, as amended, is hereby updated to add the following subsection:

   2.23.1 ***"Battery Energy Storage System (BESS)"*** *means a battery storage system or facility that captures energy produced at one time for use at a later time to reduce imbalances between energy demand and energy production."*

2. **THAT** Section 19 (Exceptions) of Zoning By-law No. 27-95, as amended, is hereby updated to add the following subsections:

   RU-108 Schedule A-2

   "Notwithstanding any provisions to the contrary, a Battery Energy Storage System is permitted at 219 Peggs Mountain Road, legally described as Part Lot 3 Con 6 Armour, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689; Township of Armour;

   Notwithstanding any provisions to the contrary, a Battery Energy Storage System facility is only permitted in the location as shown hatched on Schedule B to Zoning By-law No. 5-2026; and

   Notwithstanding any provision to the contrary, for a Battery Energy Storage System, the maximum rated power capacity is 4.99 megawatts (MW) and the maximum rated energy storage capacity is 19.96 megawatt-hours (MWh)."

3. **THAT** Schedule A-2 of Zoning By-law No. 27-95, as amended, is hereby amended by changing the zoning classification of the subject lands forming Part Lot 3, Concession

6, save and except Part 1 and 2, Plan 42R22137 and Parts 1, 2 and 3, Plan 42R22689, known municipally as 219 Peggs Mountain Road, from the Rural (Ru) Zone to the Rural Exception No. 108 (Ru-108) Zone in accordance with Schedule “A” attached hereto and by this reference forming part of this By-law; and

4. **THAT** this By-law shall come into effect on the date it is passed by the Council of the Municipal Corporation of the Township of Armour, subject to the provisions of the Planning Act, R.S.O. 1990.

Read in its entirety, approved, signed and the seal of the Corporation affixed thereto and finally passed in open Council this ___ day of _____, 2026.

_____

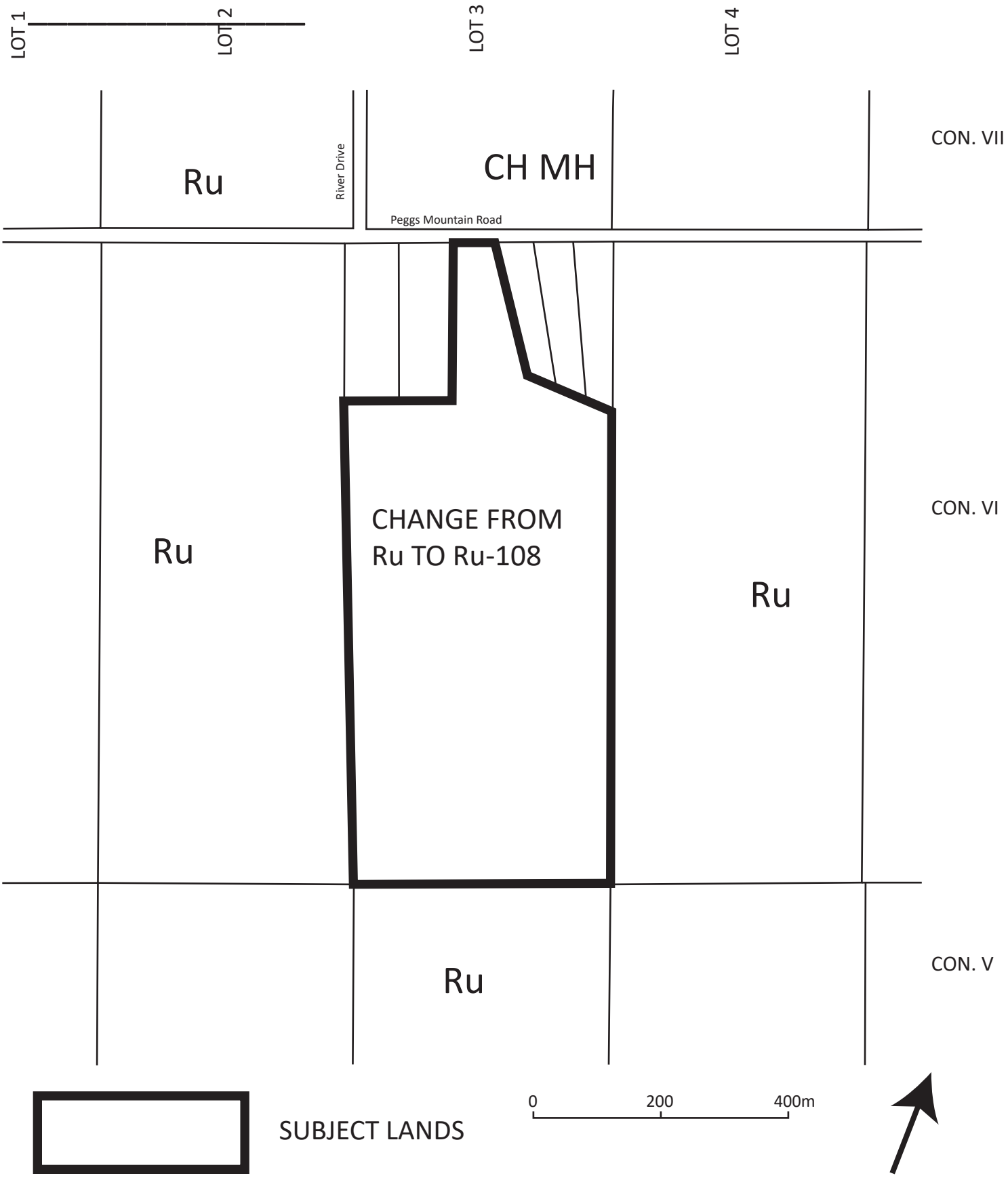
Rod Ward, Mayor

_____

Charlene Watt, Clerk

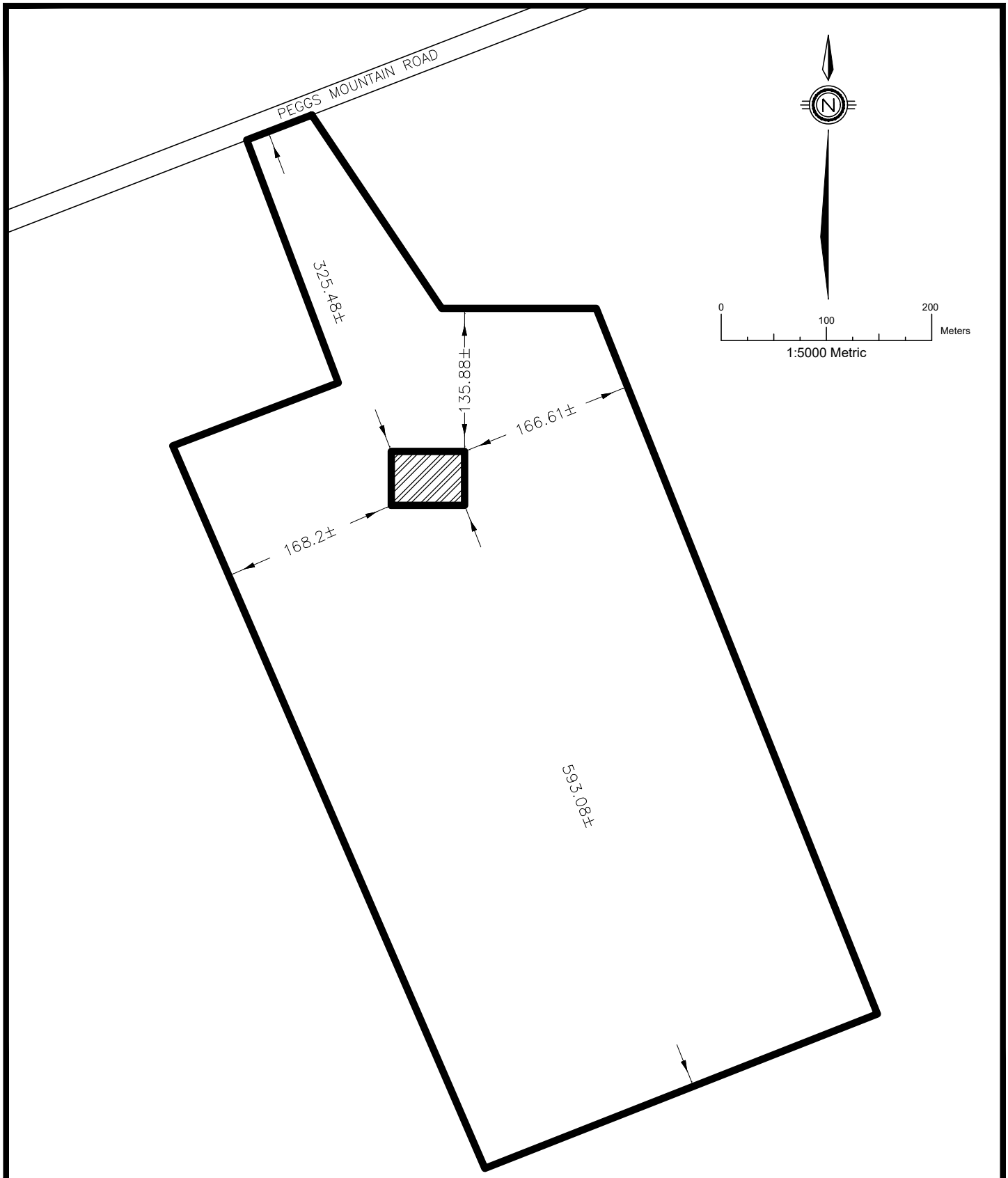
Municipal Corporation of the Township of Armour

SCHEDULE "A" TO ZONING BY-LAW No.



THIS IS SCHEDULE "A" TO BY-LAW No. 5-2026

_____2026 MAYOR _____ CLERK _____



Schedule "B" to By-law No. 5-2026

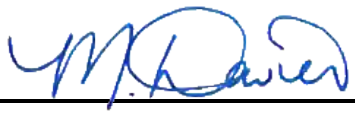
219 Peggs Mountain Road

Lot 3, Concession 6, Save & Except Parts 1 & 2, 42R22137

And Parts 1, 2, and 3, 42R22689

Township of Armour

This is Exhibit “Y” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Menu

Learn > Ontario's Electricity Grid > Energy Storage

Ontario's Electricity Grid

Ontario's demand for electricity varies throughout the day, requiring different forms of supply to perform different roles to meet reliability. Learn how Ontario's electricity system works.

IN THIS SECTION...

Managing the Power System

Supply Mix and Generation

Distributed Energy Resources

Imports and Exports

Energy Efficiency

Demand Response

Energy Storage

Hydrogen

Cyber Security

Energy Storage

After years of stable supply, Ontario is entering a period of need with demand expected to increase by 2 per cent per year over the next twenty years due to electrification, decarbonization and economic growth. Energy storage is well positioned to help support this

need, providing a reliable and flexible form of electricity supply that can underpin the energy transformation of the future.

Storage is unique among electricity types in that it can act as a form of both supply and demand, drawing energy from the grid during off-peak hours when demand is low and injecting that energy back into the grid when it is needed most. Storage is particularly useful in supporting the wide-scale integration of renewable resources, like wind and solar, because it can help smooth out changes in energy output caused by unpredictable weather.

Ontario already has one of the cleanest electricity systems in North America, getting most of our power from hydro and nuclear generation. Energy storage can help leverage these existing assets while helping to enable more renewables to ensure clean, reliable and affordable electricity for Ontario's homes and businesses.

Ontario's electricity system moves forward with largest energy storage procurement ever in Canada.



Powering Grid Transformation with Storage

Energy storage is changing the way electricity grids operate. Under traditional electricity systems, energy must be used as it is made, requiring generators to manage their output in real-time to match demand. Energy storage is changing that dynamic, allowing electricity to be saved until it is needed most.

Learn more about the future of energy storage in Ontario.

Different Types of Energy Storage



Battery Storage



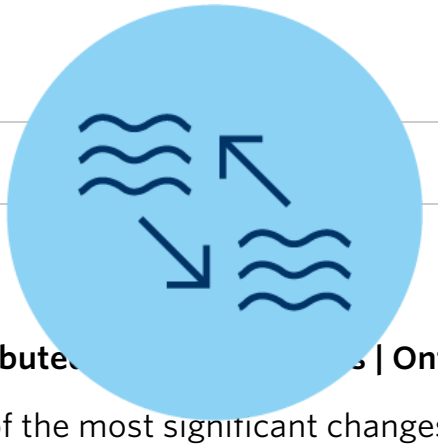
Thermal Storage



Flywheels



Compressed Air



Pumped Hydro Storage



Hydrogen Storage

Distributed [illegible] | Ontario's Electricity Grid

One of the most significant changes to electricity systems around the world has been the emergence of new technologies that can support locally-owned facilities for electricity generation, control and storage.

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This is Exhibit “Z” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Planning Act

R.S.O. 1990, CHAPTER P.13

CURRENT Consolidation period: June 2, 2026 - e-Laws currency date (June 23, 2026)

Last amendment: 2026, c. 8, Sched. 7.

Not-yet-in-force provisions appear in consolidated law as **text with a grey background** and are accompanied by related editorial notes.

Legislative History

Table of contents

Interpretation

1 (1) In this Act,

"area of employment" means an area of land designated in an official plan for clusters of business and economic uses, those being uses that meet the following criteria:

1. The uses consist of business and economic uses, other than uses referred to in paragraph 2, including any of the following:

    i. Manufacturing uses.

    ii. Uses related to research and development in connection with manufacturing anything.

    iii. Warehousing uses, including uses related to the movement of goods.

    iv. Retail uses and office uses that are associated with uses mentioned in subparagraphs i to iii.

    v. Facilities that are ancillary to the uses mentioned in subparagraphs i to iv.

    vi. Any other prescribed business and economic uses.

2. The uses are not any of the following uses:

    i. Institutional uses.

    ii. Commercial uses, including retail and office uses not referred to in subparagraph 1 iv; ("zone d'emploi")

"area of settlement" means an area of land designated in an official plan for urban uses including urban areas, urban policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres or future urban use areas, or as otherwise prescribed by regulation; ("zone de peuplement")

"committee of adjustment" means a committee of adjustment constituted under section 44; ("comité de dérogation")

"First Nation" means a band as defined in the *Indian Act* (Canada); ("Première Nation")

"higher order transit" means transit that operates in whole or in part in a dedicated right of way, including heavy rail, light rail and buses; ("transport en commun d'un niveau supérieur")

"land division committee" means a land division committee constituted under section 56; ("comité de morcellement des terres")

"local appeal body" means an appeal body for certain local land use planning matters, constituted under section 8.1; ("organisme d'appel local")

"local board" means any school board, public utility commission, transportation commission, public library board, board of park management, board of health, police service board, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof; ("conseil local")

"Minister" means the Minister of Municipal Affairs and Housing; ("ministre")

"parcel of urban residential land" means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and that is served by,

(a) sewage works within the meaning of the *Ontario Water Resources Act* that are owned by,

(i) a municipality,

(ii) a municipal service board established under the *Municipal Act, 2001*,

(iii) a city board established under the *City of Toronto Act, 2006*,

(iv) a corporation established under sections 9, 10 and 11 of the *Municipal Act, 2001* in accordance with section 203 of that Act, or

(v) a corporation established under sections 7 and 8 of the *City of Toronto Act, 2006* in accordance with sections 148 and 154 of that Act, and

(b) a municipal drinking water system within the meaning of the *Safe Drinking Water Act, 2002*; ("parcelle de terrain urbain d'habitation")

"payment in lieu" means a payment of money in lieu of a conveyance otherwise required under section 42, 51.1 or 53; ("paiement tenant lieu de cession")

"prescribed" means prescribed by the regulations; ("prescrit")

"provincial plan" means,

(a) the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2005*,

(b) the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act*,

(c) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*,

(d) a development plan approved under the *Ontario Planning and Development Act, 1994*,

(e) a growth plan approved under the *Places to Grow Act, 2005*,

(e.1) a designated policy as defined in section 2 of the *Lake Simcoe Protection Act, 2008*,

(e.2) a designated policy as defined in section 3 of the *Great Lakes Protection Act, 2015*,

(e.3) a designated Great Lakes policy or a significant threat policy, as those terms are defined in subsection 2 (1) of the *Clean Water Act, 2006,* or

(f) a prescribed plan or policy or a prescribed provision of a prescribed plan or policy made or approved by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario; ("plan provincial")

"public body" means a municipality, a local board, a hospital as defined in section 1 of the *Public Hospitals Act*, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation; ("organisme public")

"public work" means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a municipality or a local board; ("travaux publics")

"regulations" means regulations made under this Act. ("règlements")

"renewable energy generation facility" has the same meaning as in the *Electricity Act, 1998*; ("installation de production d'énergie renouvelable")

"renewable energy project" has the same meaning as in the *Electricity Act, 1998*; ("projet d'énergie renouvelable")

"renewable energy testing facility" has the same meaning as in the *Electricity Act, 1998*; ("installation d'évaluation du potentiel en énergie renouvelable")

"renewable energy testing project" has the same meaning as in the *Electricity Act, 1998*; ("projet d'évaluation du potentiel en énergie renouvelable")

"renewable energy undertaking" means a renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project; ("entreprise d'énergie renouvelable")

"residential unit" means a unit that,

(a) consists of a self-contained set of rooms located in a building or structure,

(b) is used or intended for use as residential premises, and

(c) contains kitchen and bathroom facilities that are intended for the use of the unit only. ("unité d'habitation")

"specified person" means,

(a) a corporation operating an electric utility in the local municipality or planning area to which the relevant planning matter would apply,

(b) Ontario Power Generation Inc.,

(c) Hydro One Inc.,

(d) a company operating a natural gas utility in the local municipality or planning area to which the relevant planning matter would apply,

(e) a company operating an oil or natural gas pipeline in the local municipality or planning area to which the relevant planning matter would apply,

(f) a person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the *Technical Standards and Safety Act, 2000*, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the relevant planning matter would apply,

(g) a company operating a railway line any part of which is located within 300 metres of any part of the area to which the relevant planning matter would apply,

(h) a company operating as a telecommunication infrastructure provider in the area to which the relevant planning matter would apply; ("personne précisée")

(i) NAV Canada,

(j) the owner or operator of an airport as defined in subsection 3 (1) of the *Aeronautics Act* (Canada) if a zoning regulation under section 5.4 of that Act has been made with respect to lands adjacent to or in the vicinity of the airport and if any part of those lands is within the area to which the relevant planning matter would apply,

(k) a licensee or permittee in respect of a site, as those terms are defined in subsection 1 (1) of the *Aggregate Resources Act*, if any part of the site is within 300 metres of any part of the area to which the relevant planning matter would apply,

(l) the holder of an environmental compliance approval to engage in an activity mentioned in subsection 9 (1) of the *Environmental Protection Act* if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the holder of the approval intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act,

(m) a person who has registered an activity on the Environmental Activity and Sector Registry that would, but for being prescribed for the purposes of subsection 20.21 (1) of the *Environmental Protection Act*, require an environmental compliance approval in accordance with subsection 9 (1) of that Act if any of the lands on which the activity is undertaken are within an area of employment and are within 300 metres of any part of the area to which the relevant planning matter would apply, but only if the person intends to appeal the relevant decision or conditions, as the case may be, on the basis of inconsistency with land use compatibility policies in any policy statements issued under section 3 of this Act, or

(n) the owner of any land described in clause (k), (l) or (m);

"Tribunal" means the Ontario Land Tribunal; ("Tribunal")

"upper-tier municipality without planning responsibilities" means any of the following upper-tier municipalities:

Note: On a day to be named by order of the Lieutenant Governor in Council, the definition of "upper-tier municipality without planning responsibilities" in subsection 1 (1) of the *Act* is amended by adding the following paragraph: (See: 2026, c. 8, Sched. 7, s. 1 (1))

0.1 The County of Simcoe in relation to lands in the Town of Bradford West Gwillimbury, the Town of Innisfil and the Town of New Tecumseth.

Note: On a day to be named by order of the Lieutenant Governor in Council, the definition of "upper-tier municipality without planning responsibilities" in subsection 1 (1) of the Act is amended by adding the following paragraph: (See: 2026, c. 8, Sched. 7, s. 1 (2))

0.1.1 The County of Simcoe in relation to the lands in the prescribed lower-tier municipalities in the County of Simcoe.

Note: On a day to be named by order of the Lieutenant Governor in Council, the definition of "upper-tier municipality without planning responsibilities" in subsection 1 (1) of the Act is amended by adding the following paragraph: (See: 2026, c. 8, Sched. 7, s. 1 (3))

0.1.2 The County of Simcoe in relation to lands in any lower-tier municipality in the County of Simcoe not mentioned in paragraph 0.1 and not prescribed for the purposes of paragraph 0.1.1.

0.2 The Regional Municipality of Durham.

1. The Regional Municipality of Halton.

1.1 The Regional Municipality of Niagara.

2. The Regional Municipality of Peel.

2.1 The Regional Municipality of Waterloo.

3. The Regional Municipality of York.

4. Any other upper-tier municipality that is prescribed under subsection (6); ("municipalité de palier supérieur sans responsabilités en matière d'aménagement")

"upper-tier municipality with planning responsibilities" means an upper-tier municipality that is not an upper-tier municipality without planning responsibilities. ("municipalité de palier supérieur avec responsabilités en matière d'aménagement") R.S.O. 1990, c. P.13, s. 1; 1994, c. 23, s. 3 (2); 1996, c. 4, s. 1 (1-3); 2002, c. 17, Sched. B, s. 1; 2004, c. 18, s. 1; 2006, c. 23, s. 1 (1-4); 2009, c. 12, Sched. K, s. 1; 2009, c. 12, Sched. L, s. 19; 2015, c. 26, s. 11 (1); 2017, c. 23, Sched. 3, s. 1; 2017, c. 23, Sched. 5, s. 79; 2018, c. 16, s. 8 (1-3); 2019, c. 1, Sched. 4, s. 45; 2021, c. 4, Sched. 6, s. 80 (2); 2022,

c. 21, Sched. 9, s. 1 (1, 2); 2023, c. 10, Sched. 6, s. 1 (1); 2024, c. 16, Sched. 12, s. 1 (1-3, 5-7).

Area of employment

(1.1) An area of land designated in an official plan for clusters of business and economic uses is an area of employment for the purposes of this Act even if the area of land includes one or more parcels of land that are subject to official plan policies authorizing the continuation of a use that is excluded from being a business and economic use under paragraph 2 of the definition of "area of employment" in subsection (1), provided that the use was lawfully established on the parcel of land before the day subsection 1 (1) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force. 2023, c. 10, Sched. 6, s. 1 (2).

Same

(1.2) For greater certainty, the official plan policies referred to in subsection (1.1) shall not authorize a use that is excluded from being a business and economic use under paragraph 2 of the definition of "area of employment" in subsection (1) on any parcels of land in the area on which the use was not lawfully established before the day subsection 1 (1) of Schedule 6 to the *Helping Homebuyers, Protecting Tenants Act, 2023* came into force. 2023, c. 10, Sched. 6, s. 1 (2).

Limitation

(2) The term "public body" in subsection (1) excludes all ministries of the Province of Ontario except the Ministry of Municipal Affairs and Housing in respect of subsections 17 (24), (36) and (44.1), 22 (7.4), 34 (19) and (24.1), 38 (4), 45 (12), 51 (39), (43), (48) and (52.1) and 53 (19) and (27). 1996, c. 4, s. 1 (4); 2006, c. 23, s. 1 (5); 2015, c. 26, s. 11 (2); 2022, c. 21, Sched. 9, s. 1 (3); 2023, c. 10, Sched. 6, s. 1 (3).

Designation

(3) Despite subsection (2), the Minister may by regulation designate any other ministry of the Province of Ontario to be a public body for the purpose of the provisions referred to in subsection (2). 1996, c. 4, s. 1 (4).

Exclusion

(4) The Minister may by regulation exclude any board, commission, agency or official of the Province of Ontario from the definition of "public body" set out in subsection (1) in respect of the provisions referred to in subsection (2). 1996, c. 4, s. 1 (4).

Limitation

(4.1) A reference to a person or public body in the following provisions does not include a conservation authority under the *Conservation Authorities Act* except where an appeal made under or referred to in one of those provisions relates to natural hazard policies in any policy statements issued under section 3 of the Act, except for those policies that relate to hazardous forest types for wildland fire:

1. Paragraph 1.1 of subsection 17 (24).
2. Paragraph 1.1 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27). 2022, c. 21, Sched. 9, s. 1 (4); 2023, c. 10, Sched. 6, s. 1 (3-7); 2024, c. 16, Sched. 12, s. 1 (8, 9).

Transition

(4.2) Despite subsection (4.1), a conservation authority that was a party to an appeal under a provision listed in subsection (4.1) on the day before the day subsection 1 (4) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force may continue as a

party to the appeal after that date until the final disposition of the appeal. 2022, c. 21, Sched. 9, s. 1 (4).

Limitation

(4.3) A reference to a person or public body in the following provisions does not include an upper-tier municipality without planning responsibilities:

1. Paragraphs 1.1 and 4 of subsection 17 (24).
2. Paragraphs 1.1 and 3 of subsection 17 (36).
3. Paragraph 1 of subsection 17 (44.1).
4. Subsection 22 (7.4).
5. Paragraph 2.1 of subsection 34 (19).
6. Paragraph 1 of subsection 34 (24.1).
7. Subsection 38 (4).
8. Subsection 45 (12).
9. Paragraphs 2 and 5 of subsection 51 (39).
10. Paragraphs 2 and 5 of subsection 51 (43).
11. Paragraphs 2 and 5 of subsection 51 (48).
12. Paragraphs 1 and 5 of subsection 51 (52.1).
13. Subsections 53 (19) and (27). 2022, c. 21, Sched. 9, s. 1 (5); 2023, c. 10, Sched. 6, s. 1 (11).

Transition

(4.4) Despite subsection (4.3), an upper-tier municipality without planning responsibilities that was a party to an appeal under a provision listed in subsection (4.3) on the day before the effective date, as defined in subsection 70.13 (1) in respect of the municipality, may continue as a party to the appeal after that date until the final disposition of the appeal, unless the appeal is deemed to be dismissed by application of subsection 17 (24.0.2) or (36.0.2), 34 (19.0.0.2), 45 (1.2) or 53 (19.2) or (27.0.2). 2024, c. 16, Sched. 12, s. 1 (10).

(5) Repealed: 2023, c. 10, Sched. 6, s. 1 (12).

Regulations, upper-tier municipality without planning responsibilities

(6) The Lieutenant Governor in Council may, by regulation, prescribe additional upper-tier municipalities for the purposes of the definition of "upper-tier municipality without planning responsibilities" in subsection (1). 2022, c. 21, Sched. 9, s. 1 (6).

v **Section Amendments with date in force (d/m/y)**

Information and material to be made available to public

1.0.1 Information and material that is required to be provided to a municipality or approval authority under this Act shall be made available to the public. 2006, c. 23, s. 2.

v **Section Amendments with date in force (d/m/y)**

Purposes

1.1 The purposes of this Act are,

(a) to promote sustainable economic development in a healthy natural environment within the policy and by the means provided under this Act;

(b) to provide for a land use planning system led by provincial policy;

(c) to integrate matters of provincial interest in provincial and municipal planning decisions;

(d) to provide for planning processes that are fair by making them open, accessible, timely and efficient;

(e) to encourage co-operation and co-ordination among various interests;

(f) to recognize the decision-making authority and accountability of municipal councils in planning. 1994, c. 23, s. 4.

v **Section Amendments with date in force (d/m/y)**

Not-for-Profit Corporations Act, 2010

1.2 The *Not-for-Profit Corporations Act, 2010* does not apply to a body corporate established under this Act. 2017, c. 20, Sched. 8, s. 119.

v Section Amendments with date in force (d/m/y)

PART I
PROVINCIAL ADMINISTRATION

Provincial interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(a) the protection of ecological systems, including natural areas, features and functions;

(b) the protection of the agricultural resources of the Province;

(c) the conservation and management of natural resources and the mineral resource base;

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

(e) the supply, efficient use and conservation of energy and water;

(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

(g) the minimization of waste;

(h) the orderly development of safe and healthy communities;

(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;

(i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

(j) the adequate provision of a full range of housing, including affordable housing;

(k) the adequate provision of employment opportunities;

(l) the protection of the financial and economic well-being of the Province and its municipalities;

(m) the co-ordination of planning activities of public bodies;

(n) the resolution of planning conflicts involving public and private interests;

(o) the protection of public health and safety;

(p) the appropriate location of growth and development;

(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

(r) the promotion of built form that,

(i) is well-designed,

(ii) encourages a sense of place, and

(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

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v **Section Amendments with date in force (d/m/y)**

Approval authorities and Tribunal to have regard to certain matters

2.1 (1) When an approval authority or the Tribunal makes a decision under this Act that relates to a planning matter, it shall have regard to,

(a) any decision that is made under this Act by a municipal council or by an approval authority and relates to the same planning matter; and

(b) any information and material that the municipal council or approval authority considered in making the decision described in clause (a). 2015, c. 26, s. 13; 2017, c. 23, Sched. 3, s. 2 (1); 2019, c. 9, Sched. 12, s. 1 (1).

Same, Tribunal

(2) When the Tribunal makes a decision under this Act that relates to a planning matter that is appealed because of the failure of a municipal council or approval authority to make a decision, the Tribunal shall have regard to any information and material that the municipal council or approval authority received in relation to the matter. 2019, c. 9, Sched. 12, s. 1 (2).

Same

(3) For greater certainty, references to information and material in subsections (1) and (2) include, without limitation, written and oral submissions from the public relating to the planning matter. 2015, c. 26, s. 13.

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v **Section Amendments with date in force (d/m/y)**

Policy statements

3 (1) The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. R.S.O. 1990, c. P.13, s. 3 (1).

Approval of Minister, etc.

(1.1) A policy statement may require an approval or determination by the Minister, any other minister of the Crown or multiple ministers of the Crown for any of the matters provided for in the policy statement. 2017, c. 23, Sched. 3, s. 3.

Minister to confer

(2) Before issuing a policy statement, the Minister shall confer with such persons or public bodies that the Minister considers have an interest in the proposed statement. 1994, c. 23, s. 6 (1).

Notice

(3) If a policy statement is issued under subsection (1), the Minister shall cause it to be published in *The Ontario Gazette* and shall give such further notice of it, in such manner as the Minister considers appropriate, to all members of the Assembly and to any other persons or public bodies that the Minister considers have an interest in the statement. 1994, c. 23, s. 6 (1).

Idem

(4) Each municipality that receives notice of a policy statement under subsection (3) shall in turn give notice of the statement to each local board of the municipality that it considers has an interest in the statement. R.S.O. 1990, c. P.13, s. 3 (4).

Policy statements and provincial plans

(5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

(a) subject to a regulation made under subsection (6.1), shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and

(b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80; 2023, c. 10, Sched. 6, s. 2 (1).

Same, exception

(5.1) Despite clause (5) (a), a decision of the Minister, other than a part of a decision that applies to land in the Greenbelt Area, is not required to be consistent with the policy statements issued under subsection (1). 2025, c. 14, Sched. 10, s. 1.

Same, retroactive effect

(5.2) For greater certainty, subsection (5.1) applies to decisions that were made before the day section 1 of Schedule 10 to the *Fighting Delays, Building Faster Act, 2025* came into force and, for that purpose, references in subsection (5.1) to clause (5) (a) include references to the predecessors of that clause. 2025, c. 14, Sched. 10, s. 1.

Same

(6) Comments, submissions or advice affecting a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government,

(a) subject to a regulation made under subsection (6.1), shall be consistent with the policy statements issued under subsection (1) that are in effect on the date the comments, submissions or advice are provided; and

(b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be. 2006, c. 23, s. 5; 2023, c. 10, Sched. 6, s. 2 (2).

Minister's regulations re transition

(6.1) The Minister may make regulations providing for transitional matters which, in the opinion of the Minister, are necessary or desirable to facilitate the implementation of a policy statement issued under subsection (1), other than a policy statement deemed under subsection (8) to be a policy statement issued under subsection (1). 2023, c. 10, Sched. 6, s. 2 (3).

Same

(6.2) Without limiting the generality of subsection (6.1), a regulation under that subsection may,

(a) provide for transitional matters respecting matters, applications and proceedings that were commenced before or after a policy statement comes into effect;

(b) provide that the policy statement being implemented does not apply, in whole or in part, to specified matters, applications and proceedings or providing that a previous policy statement continues to apply, in whole or in part, to the specified matters, applications and proceedings;

(c) deem a matter, application or proceeding to have been commenced on the date or in the circumstances described in the regulations. 2023, c. 10, Sched. 6, s. 2 (3).

Duties of Minister unaffected

(7) Except as provided in subsections (5) and (6), nothing in this section affects nor restricts the Minister in carrying out the Minister's duties and responsibilities under this Act. 1996, c. 4, s. 3.

Deemed policy statements

(8) Each of the following is deemed to be a policy statement issued under subsection (1):

1. A policy statement issued under section 31.1 of the *Metrolinx Act, 2006*.

2. A policy statement issued under section 11 of the *Resource Recovery and Circular Economy Act, 2016*.

3. A policy or statement that is prescribed for the purpose of this subsection. 2017, c. 23, Sched. 3, s. 3.

Exceptions

(9) Subsections (1.1), (2), (3) and (10) do not apply to a policy or statement that is deemed by subsection (8) to be a policy statement issued under subsection (1). 2017, c. 23, Sched. 3, s. 3.

Review

(10) The Minister shall, at least every 10 years from the date that a policy statement is issued under subsection (1), ensure that a review of the policy statement is undertaken for the purpose of determining the need for a revision of the policy statement. 1994, c. 23, s. 6 (3); 2015, c. 26, s. 14.

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v **Section Amendments with date in force (d/m/y)**

Delegation of Minister's powers

4 (1) The Minister, on the request of the council of any municipality, may, by order, delegate to the council any of the Minister's authority under this Act, other than the authority to approve or the authority to exempt from approval the official plan or amendments to the official plan of the municipality of which it is the council and, where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto. R.S.O. 1990, c. P.13, s. 4 (1); 1996, c. 4, s. 4 (1); 1999, c. 12, Sched. M, s. 21; 2006, c. 23, s. 6; 2015, c. 26, s. 15 (1).

Same

(2) The Minister, on the request of the planning board of any planning area in a territorial district, may, by order, delegate to the planning board any of the Minister's authority under this Act, other than the authority to approve or the authority to exempt from approval an official plan or amendments to an official plan, and where the Minister has delegated any such authority the planning board has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the planning board shall be responsible for all matters pertaining thereto. R.S.O. 1990, c. P.13, s. 4 (2); 1996, c. 4, s. 4 (2); 2015, c. 26, s. 15 (2).

official plan and any processes followed or materials developed in the preparation of the plan may be considered under the *Environmental Assessment Act* with respect to any requirement that it must meet under that Act. 1994, c. 23, s. 9.

v **Section Amendments with date in force (d/m/y)**

Approvals

17 (1) Except as otherwise provided in this section, the Minister is the approval authority in respect of the approval of a plan as an official plan for the purposes of this section. 1996, c. 4, s. 9.

Approval by upper-tier municipality

(2) An upper-tier municipality with planning responsibilities is the approval authority in respect of an official plan of a lower-tier municipality for the purposes of this section if the upper-tier municipality has an approved official plan. 2002, c. 17, Sched. B, s. 5 (1); 2022, c. 21, Sched. 9, s. 5 (1).

(3) Repealed: 2002, c. 17, Sched. B, s. 5 (2).

Upper-tier become approval authority

(4) On the day that all or part of a plan that covers an upper-tier municipality with planning responsibilities comes into effect as the official plan of a municipality, the upper-tier municipality is the approval authority in respect of the approval of a plan as an official plan of a lower-tier municipality. 2002, c. 17, Sched. B, s. 5 (3); 2022, c. 21, Sched. 9, s. 5 (2).

(5) Repealed: 2002, c. 17, Sched. B, s. 5 (4).

Removal of power

(6) The Minister may by order remove the power given under subsection (2) or (4) and the order may be in respect of the plan or proposed official plan amendment specified in the order or in respect of any or all plans or proposed official plan amendments submitted for approval after the order is made. 1996, c. 4, s. 9; 2002, c. 17, Sched. B, s. 5 (5); 2022, c. 21, Sched. 9, s. 5 (3).

Transfer of approval authority

(7) If an order is made under subsection (6), the Minister becomes the approval authority in respect of the plans and proposed official plan amendments to which the order relates and the council of the former approval authority shall forward to the Minister all papers, plans, documents and other material that relate to any matter in respect of which the power was removed and of which a final disposition was not made by the approval authority. 1996, c. 4, s. 9.

Revocation

(8) If the Minister revokes the order or part of the order made under subsection (6), the council reverts back to being the approval authority in respect of all plans or proposed official plan amendments to which the revoked order or revoked part of the order applied. 1996, c. 4, s. 9.

Exemption

(9) Subject to subsection 26 (6), the Minister may by order exempt a plan or proposed official plan amendment from his or her approval under this section and the order may be in respect of the plan or proposed official plan amendment specified in the order or in respect of any or all plans or proposed official plan amendments. 1996, c. 4, s. 9; 2006, c. 23, s. 9 (1).

Authority to exempt

(10) The Minister may by order authorize an approval authority to pass a by-law,

(a) exempting any or all plans or proposed official plan amendments from its approval under this section; and

(b) exempting a plan or proposed official plan amendment from its approval under this section. 1996, c. 4, s. 9.

Conditions

(11) An exemption under subsection (9) or (10) or an authorization under subsection (10) may be subject to such conditions as the Minister or the approval authority may provide in the order or by-law. 1996, c. 4, s. 9.

Removal of exemption or authorization

(12) The Minister may by order or an approval authority may by by-law remove any exemption made under subsection (9) or (10) or any authorization made under subsection (10). 1996, c. 4, s. 9; 2022, c. 21, Sched. 9, s. 5 (3).

Mandatory adoption

(13) A plan shall be prepared and adopted and, unless exempt from approval, submitted for approval by the council of,

(a) an upper-tier municipality with planning responsibilities;

(b) a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities; and

(c) any other local municipality that is prescribed for the purposes of this section. 2022, c. 21, Sched. 9, s. 5 (4)

Discretionary adoption

(14) The council of a local municipality not described in clause 13 (b) or otherwise prescribed for the purposes of subsection (13) may prepare and adopt a plan and, unless the plan is exempt from approval, submit it for approval. 2002, c. 17, Sched. B, s. 5 (7); 2022, c. 21, Sched. 9, s. 5 (5).

Consultation and public meeting

(15) In the course of the preparation of a plan, the council shall ensure that,

(a) the appropriate approval authority is consulted on the preparation of the plan and given an opportunity to review all supporting information and material and any other prescribed information and material, even if the plan is exempt from approval;

(b) the prescribed public bodies are consulted on the preparation of the plan and given an opportunity to review all supporting information and material and any other prescribed information and material;

(c) adequate information and material, including a copy of the current proposed plan, is made available to the public, in the prescribed manner, if any; and

(d) at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the current proposed plan. 2006, c. 23, s. 9 (2).

Open house

(16) If the plan is being revised under section 26 or amended in relation to a development permit system, the council shall ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions about the information and material made available under clause (15) (c). 2006, c. 23, s. 9 (2).

Notice

(17) Notice of the public meeting required under clause (15) (d) and of the open house, if any, required under subsection (16) shall,

(a) be given to the prescribed persons and public bodies, in the prescribed manner; and

(b) be accompanied by the prescribed information. 2006, c. 23, s. 9 (2).

Time for provision of copy to Minister

(17.1) A copy of the current proposed plan or official plan amendment shall be submitted to the Minister at least 90 days before the municipality gives notice under subsection (17) if,

(a) the Minister is the approval authority in respect of the plan or amendment; and

(b) the plan or amendment is not exempt from approval. 2015, c. 26, s. 18 (1).

(17.2) Repealed: 2015, c. 26, s. 18 (2).

Timing of open house

(18) If an open house is required under subsection (16), it shall be held no later than seven days before the public meeting required under clause (15) (d) is held. 2006, c. 23, s. 9 (2).

Timing of public meeting

(19) The public meeting required under clause (15) (d) shall be held no earlier than 20 days after the requirements for giving notice have been complied with. 2006, c. 23, s. 9 (2).

Information and material

(19.1) The information and material referred to in clause (15) (c), including a copy of the current proposed plan, shall be made available to the public at least 20 days before the public meeting required under clause (15) (d) is held. 2006, c. 23, s. 9 (2).

Participation in public meeting

(19.2) Every person who attends a public meeting required under clause (15) (d) shall be given an opportunity to make representations in respect of the current proposed plan. 2006, c. 23, s. 9 (2).

Alternative measures

(19.3) If an official plan sets out alternative measures for informing and obtaining the views of the public in respect of amendments that may be proposed for the plan and if the measures are complied with, subsections (15) to (19.2) and clause 22 (6.4) (a) do not apply to the proposed amendments, but subsection (19.6) does apply. 2015, c. 26, s. 18 (3).

Same

(19.4) In the course of preparing the official plan, before including alternative measures described in subsection (19.3), the council shall consider whether it would be desirable for the measures to allow for notice of the proposed amendments to the prescribed persons and public bodies mentioned in clause (17) (a). 2015, c. 26, s. 18 (3).

Transition

(19.4.1) For greater certainty, subsection (19.4) does not apply with respect to alternative measures that are included in an official plan before the day subsection 18 (3) of the *Smart Growth for Our Communities Act, 2015* comes into force. 2015, c. 26, s. 18 (3).

Information

(19.5) At a public meeting under clause (15) (d), the council shall ensure that information is made available to the public regarding who is entitled to appeal under subsections (24) and (36). 2006, c. 23, s. 9 (2).

Where alternative procedures followed

(19.6) If subsection (19.3) applies, the information required under subsection (19.5) shall be made available to the public at a public meeting or in the manner set out in the official plan for informing and obtaining the views of the public in respect of the proposed amendments. 2006, c. 23, s. 9 (2).

Submissions

(20) Any person or public body may make written submissions to the council before a plan is adopted. 1996, c. 4, s. 9.

Comments

(21) The council shall provide to any person or public body that the council considers may have an interest in the plan adequate information and material, including a copy of the plan and, before adopting the plan, shall give them an opportunity to submit comments on it up to the time specified by the council. 1996, c. 4, s. 9; 2006, c. 23, s. 9 (3).

Written approval of amendment to official plan

(21.1) The council of a municipality or a planning board, as the case may be, shall obtain written approval from the Minister before adopting an amendment to an official plan that adds, amends or revokes any of the provisions described in subsection 22 (5), 34 (10.2), 41 (3.4), 51 (18) or 53 (3) of this Act or subsection 114 (4.3) of the *City of Toronto Act, 2006*. 2025, c. 9, Sched. 7, s. 2 (1).

Note: On a day to be named by order of the Lieutenant Governor in Council, subsection 17 (21.1) of the Act is repealed. (See: 2025, c. 9, Sched. 7, s. 2 (2))

Same

(21.2) An amendment described in subsection (21.1) that is adopted on or after May 12, 2025 without first obtaining the approval of the Minister in accordance with subsection (21.1) is deemed not to have been adopted. 2025, c. 9, Sched. 7, s. 2 (1).

Note: On a day to be named by order of the Lieutenant Governor in Council, subsection 17 (21.2) of the Act is repealed. (See: 2025, c. 9, Sched. 7, s. 2 (2))

Adoption of plan

(22) When the requirements of subsections (15) to (21), as appropriate, have been met and the council is satisfied that the plan as finally prepared is suitable for adoption, the council may by by-law adopt all or part of the plan and, unless the plan is exempt from approval, submit it for approval. 1996, c. 4, s. 9.

Notice

(23) The council shall ensure that written notice of the adoption of the plan is given in the prescribed manner, no later than 15 days after the day it was adopted,

(a) to the appropriate approval authority, whether or not the plan is exempt from approval, unless the approval authority has notified the municipality that it does not wish to receive copies of the notices of adoption;

(b) to each person or public body that filed with the clerk of the municipality a written request to be notified if the plan is adopted; and

(c) to any other person or public body that is prescribed. 2015, c. 26, s. 18 (4).

Contents

(23.1) The notice under subsection (23) shall contain,

(a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (23.2) had on the decision; and

(b) any other information that is prescribed. 2015, c. 26, s. 18 (4).

Written and oral submissions

(23.2) Clause (23.1) (a) applies to,

(a) any written submissions relating to the plan that were made to the council before its decision; and

(b) any oral submissions relating to the plan that were made at a public meeting. 2015, c. 26, s. 18 (4).

Right to appeal

(24) If the plan is exempt from approval, any of the following may, not later than 20 days after the day that the giving of notice under subsection (23) is completed, appeal all or

part of the decision of council to adopt all or part of the plan to the Tribunal by filing a notice of appeal with the clerk of the municipality:

1. A specified person who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.

1.1 A public body that, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.

1.2 The registered owner of any land to which the plan would apply, if, before the plan was adopted, the owner made oral submissions at a public meeting or written submissions to the council.

2. The Minister.

3. The appropriate approval authority.

4. In the case of a request to amend the plan, the person or public body that made the request. 2006, c. 23, s. 9 (4); 2017, c. 23, Sched. 5, s. 80; 2024, c. 16, Sched. 12, s. 3 (1).

Transition

(24.0.1) For greater certainty, subsection (24), as it reads on the day subsection 3 (1) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (23) of this section is completed before that day. 2024, c. 16, Sched. 12, s. 3 (2).

Same, retroactive effect

(24.0.2) An appeal under subsection (24) made before the day subsection 3 (1) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force by a person or public body not described in paragraph 1, 1.1, 1.2, 2, 3 or 4 of subsection (24) of this section as it reads on the day subsection 3 (1) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force shall be deemed to have been dismissed on that day unless,

(a) a hearing on the merits of the appeal had been scheduled before April 10, 2024; or

(b) a notice of appeal was filed by a person or public body listed in paragraph 1, 1.1, 1.2, 2, 3 or 4 of subsection (24) of this section as it reads on the day subsection 3 (1) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force

in respect of the same plan to which the appeal relates. 2024, c. 16, Sched. 12, s. 3 (2).

Same, hearing on the merits

(24.0.3) For the purposes of clause (24.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing. 2024, c. 16, Sched. 12, s. 3 (2).

Same

(24.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing. 2024, c. 16, Sched. 12, s. 3 (2).

No appeal re additional residential unit policies

(24.1) Despite subsection (24), there is no appeal in respect of policies adopted to authorize the use of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 5 (6); 2023, c. 10, Sched. 6, s. 4 (1).

Exception re Minister

(24.1.1) Subsection (24.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 2 (1).

No appeal re inclusionary zoning policies

(24.1.2) Despite subsection (24), there is no appeal in respect of policies described in subsection 16 (4), including, for greater certainty, any requirements or standards that are part of such policies. 2016, c. 25, Sched. 4, s. 2 (2).

Exception re Minister

(24.1.3) Subsection (24.1.2) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 2 (2).

No appeal re certain matters

(24.1.4) Despite subsection (24), there is no appeal in respect of any parts of an official plan that must be contained in the plan,

(a) before a development permit system may be adopted or established; or

(b) in order for a municipality to be able to exercise particular powers in administering a development permit system, such as setting out the information and material to be provided in an application for a development permit or imposing certain types of conditions. 2019, c. 9, Sched. 12, s. 3 (2).

Limitation

(24.1.5) Subsection (24.1.4) applies only if the parts of an official plan described in that subsection are included in the plan in response to an order under subsection 70.2.2 (1) and the municipality has not previously adopted a plan containing those parts in response to the order. 2019, c. 9, Sched. 12, s. 3 (2).

Exception re Minister

(24.1.6) Subsection (24.1.4) does not apply to an appeal by the Minister. 2019, c. 9, Sched. 12, s. 3 (2).

No global appeal

(24.2) Despite subsection (24), in the case of a new official plan there is no appeal in respect of all of the decision of council to adopt all of the plan. 2015, c. 26, s. 18 (5).

Same

(24.3) For greater certainty, subsection (24.2) does not prevent an appeal relating to a part of the decision or a part of the plan, as authorized by subsection (24). 2015, c. 26, s. 18 (5).

No appeal re certain matters

(24.4) Despite subsection (24), there is no appeal in respect of a part of an official plan that is described in subsection (24.5). 2015, c. 26, s. 18 (5).

Same

(24.5) Subsections (24.4) and (36.4) apply to a part of an official plan that,

(a) identifies an area as being within the boundary of,

(i) a vulnerable area as defined in subsection 2 (1) of the *Clean Water Act, 2006*,

(ii) the Lake Simcoe watershed as defined in section 2 of the *Lake Simcoe Protection Act, 2008*,

(iii) the Greenbelt Area or Protected Countryside as defined in subsection 1 (1) of the *Greenbelt Act, 2005*, or within the boundary of a specialty crop area designated by the Greenbelt Plan established under that Act, or

(iv) the Oak Ridges Moraine Conservation Plan Area as defined in subsection 3 (1) of the Oak Ridges Moraine Conservation Plan established under the *Oak Ridges Moraine Conservation Act, 2001*;

(b) identifies forecasted population and employment growth as set out in a growth plan that,

(i) is approved under the *Places to Grow Act, 2005*, and

(ii) applies to the Greater Golden Horseshoe growth plan area designated in Ontario Regulation 416/05 (Growth Plan Areas) made under that Act;

(c) in the case of the official plan of a lower-tier municipality in the Greater Golden Horseshoe growth plan area mentioned in subclause (b) (ii), identifies forecasted

population and employment growth as allocated to the lower-tier municipality in the upper-tier municipality's official plan, but only if the upper-tier municipality's plan has been approved by the Minister; or

(d) in the case of the official plan of a lower-tier municipality, identifies the boundary of an area of settlement to reflect the boundary set out in the upper-tier municipality's official plan, but only if the upper-tier municipality's plan has been approved by the Minister. 2015, c. 26, s. 18 (5).

Notice of appeal

(25) The notice of appeal filed under subsection (24) must,

(a) set out the specific part of the plan to which the notice applies;

(b) set out the reasons for the appeal; and

(c) be accompanied by the fee charged by the Tribunal. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (6); 2017, c. 23, Sched. 3, s. 6 (2); 2017, c. 23, Sched. 5, s. 81; 2019, c. 9, Sched. 12, s. 3 (3); 2021, c. 4, Sched. 6, s. 80 (1).

Same

(25.1) If the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document. 2019, c. 9, Sched. 12, s. 3 (4).

Timing

(26) For the purposes of subsections (24) and (36), the giving of written notice shall be deemed to be completed,

(a) where notice is given by personal service, on the day that the serving of all required notices is completed;

(a.1) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed;

(b) where notice is given by mail, on the day that the mailing of all required notices is completed; and

(c) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (8); 2019, c. 9, Sched. 12, s. 3 (5).

Use of dispute resolution techniques

(26.1) When a notice of appeal is filed under subsection (24), the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 18 (9).

Notice and invitation

(26.2) If the council decides to act under subsection (26.1),

(a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and

(b) it shall give an invitation to participate in the dispute resolution process to,

(i) as many of the appellants as the council considers appropriate,

(ii) in the case of a request to amend the plan, the person or public body that made the request,

(iii) the Minister,

(iv) the appropriate approval authority, and

(v) any other persons or public bodies that the council considers appropriate. 2015, c. 26, s. 18 (9).

Extension of time

(26.3) When the council gives a notice under clause (26.2) (a), the 15-day period mentioned in clauses (29) (b) and (c) and subsections (29.1) and (29.2) is extended to 75 days. 2015, c. 26, s. 18 (9).

Participation voluntary

(26.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (26.2) (b) is voluntary. 2015, c. 26, s. 18 (9).

Decision final

(27) If one or more persons or public bodies have a right of appeal under subsection (24) in respect of all or part of the decision of council, but no notice of appeal is filed under that subsection and the time for filing appeals has expired,

(a) the decision of council or the part of the decision that is not the subject of an appeal is final; and

(b) the plan or part of the plan that was adopted and that is not the subject of an appeal comes into effect as an official plan or part of an official plan on the day after the last day for filing a notice of appeal. 1996, c. 4, s. 9; 2017, c. 23, Sched. 3, s. 6 (4).

Same

(27.1) If no person or public body has any right of appeal under subsection (24) in respect of any part of the decision of council,

(a) the decision of council is final; and

(b) the plan that was adopted comes into effect as an official plan on the day after the day it was adopted. 2017, c. 23, Sched. 3, s. 6 (5).

Declaration

(28) A sworn declaration of an employee of the municipality or of the approval authority that notice was given as required by subsection (23) or (35) or that no notice of appeal was filed under subsection (24) or (36) within the time allowed for appeal is conclusive evidence of the facts stated in it. 1996, c. 4, s. 9.

Forwarding of record, etc.

(29) If a notice of appeal under subsection (24) is filed, the clerk of the municipality shall ensure that,

(a) a record is compiled which includes the prescribed information and material;

(b) the record, the notice of appeal and the fee charged by the Tribunal are forwarded to the Tribunal within 15 days after the last day for filing a notice of appeal;

(c) the notice of appeal and the record are forwarded to the appropriate approval authority within 15 days after the last day for filing a notice of appeal, whether or not the plan is exempt from the requirement for an approval, unless the approval

authority has notified the municipality that it does not wish to receive copies of the notices of appeal and the records; and

(d) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 1996, c. 4, s. 9; 1999, c. 12, Sched. M, s. 22 (2); 2017, c. 23, Sched. 5, s. 87 (1); 2021, c. 4, Sched. 6, s. 80 (1).

Exception

(29.1) Despite clause (29) (b), if all appeals under subsection (24) in respect of all or part of the decision of council are withdrawn within 15 days after the last day for filing a notice of appeal, the municipality is not required to forward the materials described under clauses (29) (b) and (d) to the Tribunal and under clause (29) (c) to the appropriate approval authority. 1999, c. 12, Sched. M, s. 22 (3); 2017, c. 23, Sched. 5, s. 87 (2).

Where appeals withdrawn

(29.2) If all appeals under subsection (24) in respect of all or part of the decision of council are withdrawn within 15 days after the last day for filing a notice of appeal, clauses (30) (a) and (b) apply. 1999, c. 12, Sched. M, s. 22 (3).

Withdrawal of appeals

(30) If all appeals under subsection (24) in respect of all or part of the decision of council are withdrawn and the time for filing appeals has expired, the Tribunal shall notify the clerk of the municipality that made the decision and,

(a) the decision or the part of the decision that was the subject of an appeal is final; and

(b) the plan or part of the plan that was adopted and in respect of which all appeals have been withdrawn comes into effect as an official plan or part of an official plan on the day the last outstanding appeal has been withdrawn. 1996, c. 4, s. 9; 2017, c. 23, Sched. 5, s. 82.

Same

(30.1) Subsection (30) also applies, with necessary modifications, when there is no longer any appeal with respect to a particular part of the decision of council as the result of a partial withdrawal of one or more appeals. 2006, c. 23, s. 9 (5).

Record

(31) If the plan is not exempt from approval, the council shall cause to be compiled and forwarded to the approval authority, not later than 15 days after the day the plan was adopted, a record which shall include the prescribed information and material and any fee under section 69 or 69.1. 1996, c. 4, s. 9.

Other information

(32) An approval authority may require that a council provide such other information or material that the approval authority considers it may need. 1996, c. 4, s. 9.

Refusal to consider

(33) Until the approval authority has received the information, material and fee referred to in subsection (31),

(a) the approval authority may refuse to accept or further consider the plan; and

(b) the time period referred to in subsection (40) does not begin. 1996, c. 4, s. 9.

Action by approval authority

(34) The approval authority may confer with any person or public body that it considers may have an interest in the plan and may,

(a) approve, modify and approve as modified or refuse to approve a plan; or

(b) approve, modify and approve as modified or refuse to approve part or parts of the plan. 1996, c. 4, s. 9.

Exception, non-conforming lower-tier plan

(34.1) Despite subsection (34), an approval authority shall not approve any part of a lower-tier municipality's official plan, other than an official plan that is the subject of an order under subsection (6), if the plan or any part of it does not, in the approval authority's opinion, conform with,

(a) the upper-tier municipality's official plan;

(b) a new official plan of the upper-tier municipality that was adopted before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect; or

(c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect. 2015, c. 26, s. 18 (10); 2017, c. 23, Sched. 3, s. 6 (6); 2019, c. 9, Sched. 12, s. 3 (6); 2026, c. 8, Sched. 7, s. 4.

No restriction

(34.2) Nothing in subsection (34.1) derogates from an approval authority's ability to modify a lower-tier municipality's plan and approve it as modified if the modifications remove any non-conformity described in that subsection. 2015, c. 26, s. 18 (10).

Notice

(35) If the approval authority makes a decision under subsection (34), it shall ensure that written notice of its decision is given in the prescribed manner to,

(a) the council or planning board that adopted the plan;

(b) each person or public body that made a written request to be notified of the decision;

(c) each municipality or planning board to which the plan would apply if approved; and

(d) any other person or public body that is prescribed. 2015, c. 26, s. 18 (11).

Contents

(35.1) The notice under subsection (35) shall contain,

(a) a brief explanation of the effect, if any, that the written submissions mentioned in subsection (35.2) had on the decision; and

(b) any other information that is prescribed. 2015, c. 26, s. 18 (11).

Written submissions

(35.2) Clause (35.1) (a) applies to any written submissions relating to the plan that were made to the approval authority before its decision. 2015, c. 26, s. 18 (11).

Exception

(35.3) If the notice under subsection (35) is given by the Minister and he or she is also giving notice of the matter in accordance with section 36 of the *Environmental Bill of*

Rights, 1993, the brief explanation referred to in clause (35.1) (a) is not required. 2015, c. 26, s. 18 (11).

Appeal to Tribunal

(36) Any of the following may, not later than 20 days after the day that the giving of notice under subsection (35) is completed, appeal all or part of the decision of the approval authority to the Tribunal by filing a notice of appeal with the approval authority:

1. A specified person who, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.

1.1 A public body that, before the plan was adopted, made oral submissions at a public meeting or written submissions to the council.

1.2 The registered owner of any land to which the plan would apply, if, before the plan was adopted, the owner made oral submissions at a public meeting or written submissions to the council.

2. The Minister.

3. In the case of a request to amend the plan, the person or public body that made the request. 2006, c. 23, s. 9 (6); 2017, c. 23, Sched. 5, s. 80; 2024, c. 16, Sched. 12, s. 3 (3).

Transition

(36.0.1) For greater certainty, subsection (36), as it reads on the day subsection 3 (3) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (35) of this section is completed before that day. 2024, c. 16, Sched. 12, s. 3 (4).

Same, retroactive effect

(36.0.2) An appeal under subsection (36) made before the day subsection 3 (3) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force by a person or public body not described in paragraph 1, 1.1, 1.2, 2 or 3 of subsection (36) of this section as it reads on the day subsection 3 (3) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force shall be deemed to have been dismissed on that day unless,

(a) a hearing on the merits of the appeal had been scheduled before April 10, 2024; or

(b) a notice of appeal was filed by a person or public body listed in paragraph 1, 1.1, 1.2, 2 or 3 of subsection (36) of this section as it reads on the day subsection 3 (3) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force in respect of the same decision to which the appeal relates. 2024, c. 16, Sched. 12, s. 3 (4).

Same, hearing on the merits

(36.0.3) For the purposes of clause (36.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing. 2024, c. 16, Sched. 12, s. 3 (4).

Same

(36.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing. 2024, c. 16, Sched. 12, s. 3 (4).

No appeal re additional residential unit policies

(36.1) Despite subsection (36), there is no appeal in respect of policies adopted to authorize the use of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land, if the detached house, semi-

detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 5 (7); 2023, c. 10, Sched. 6, s. 4 (2).

Exception re Minister

(36.1.1) Subsection (36.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 2 (3).

No appeal re inclusionary zoning policies

(36.1.2) Despite subsection (36), there is no appeal in respect of policies described in subsection 16 (4), including, for greater certainty, any requirements or standards that are part of such policies. 2016, c. 25, Sched. 4, s. 2 (4).

Exception re Minister

(36.1.3) Subsection (36.1.2) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 2 (4).

No appeal re protected major transit station policies

(36.1.4) Despite subsection (36), there is no appeal in respect of the following:

1. Policies that identify a protected major transit station area in accordance with subsection 16 (15) or (16), including any changes to those policies.

2. Policies described in clauses 16 (15) (a), (b) or (c) or (16) (a) or (b) with respect to a protected major transit station area that is identified in accordance with subsection 16 (15) or (16).

3. Policies in a lower-tier municipality's official plan that are described in subclause 16 (16) (b) (i) or (ii).

4. Policies that identify the maximum densities that are authorized with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (15).

5. Policies that identify the maximum densities that are authorized with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (16).

6. Policies that identify the minimum or maximum heights that are authorized with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (15).

7. Policies that identify the minimum or maximum heights that are authorized with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (16). 2017, c. 23, Sched. 3, s. 6 (8).

Limitation

(36.1.5) Paragraphs 3, 5 and 7 of subsection (36.1.4) apply only if,

(a) the plan that includes the policies referred to in those paragraphs also includes all of the policies described in subclauses 16 (16) (b) (i) and (ii) for the relevant protected major transit station area; or

(b) the lower-tier municipality's official plan in effect at the relevant time contains all of the policies described in subclauses 16 (16) (b) (i) and (ii) for the relevant protected major transit station area. 2017, c. 23, Sched. 3, s. 6 (8).

Exception

(36.1.6) Despite paragraphs 6 and 7 of subsection (36.1.4), there is an appeal in circumstances where the maximum height that is authorized with respect to a building or structure on a particular parcel of land would result in the building or structure not satisfying the minimum density that is authorized in respect of that parcel. 2017, c. 23, Sched. 3, s. 6 (8).

Exception re Minister

(36.1.7) Subsection (36.1.4) does not apply to an appeal by the Minister. 2017, c. 23, Sched. 3, s. 6 (8).

No appeal re certain matters

(36.1.8) Despite subsection (36), there is no appeal in respect of any parts of an official plan that must be contained in the plan,

(a) before a development permit system may be adopted or established; or

(b) in order for a municipality to be able to exercise particular powers in administering a development permit system, such as setting out the information

and material to be provided in an application for a development permit or imposing certain types of conditions. 2019, c. 9, Sched. 12, s. 3 (8).

Limitation

(36.1.9) Subsection (36.1.8) applies only if the parts of an official plan described in that subsection are included in the plan in response to an order under subsection 70.2.2 (1) and the municipality has not previously adopted a plan containing those parts in response to the order. 2019, c. 9, Sched. 12, s. 3 (8).

Exception re Minister

(36.1.10) Subsection (36.1.8) does not apply to an appeal by the Minister. 2019, c. 9, Sched. 12, s. 3 (8).

No global appeal

(36.2) Despite subsection (36), in the case of a new official plan that is approved by an approval authority other than the Minister, there is no appeal in respect of all of the decision of the approval authority to approve all of the plan, with or without modifications. 2015, c. 26, s. 18 (12); 2017, c. 23, Sched. 3, s. 6 (9).

Same

(36.3) For greater certainty, subsection (36.2) does not prevent an appeal relating to a part of the decision or a part of the plan, as authorized by subsection (36). 2015, c. 26, s. 18 (12).

No appeal re certain matters

(36.4) Despite subsection (36), there is no appeal in respect of a part of an official plan that is described in subsection (24.5). 2015, c. 26, s. 18 (12).

No appeal re decision by Minister

(36.5) Despite subsection (36), there is no appeal in respect of a decision of the approval authority under subsection (34), if the approval authority is the Minister. 2017, c. 23, Sched. 3, s. 6 (10).

Contents of notice

(37) The notice of appeal under subsection (36) must,

(a) set out the specific part or parts of the plan to which the notice of appeal applies;

(b) set out the reasons for the appeal; and

(c) be accompanied by the fee charged by the Tribunal. 1996, c. 4, s. 9; 2015, c. 26, s. 18 (13); 2017, c. 23, Sched. 3, s. 6 (11); 2017, c. 23, Sched. 5, s. 81; 2019, c. 9, Sched. 12, s. 3 (9); 2021, c. 4, Sched. 6, s. 80 (1).

Same

(37.1) If the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or, in the case of the official plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the decision is inconsistent with, fails to conform with or conflicts with the other document. 2019, c. 9, Sched. 12, s. 3 (10).

Use of dispute resolution techniques

(37.2) When a notice of appeal is filed under subsection (36), the approval authority may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 18 (14).

Notice and invitation

(37.3) If the approval authority decides to act under subsection (37.2),

(a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants;

(b) it shall give an invitation to participate in the dispute resolution process to,

(i) as many of the appellants as the approval authority considers appropriate,

(ii) in the case of a request to amend the plan, the person or public body that made the request,

(iii) the Minister,

(iv) the municipality that adopted the plan, and

(v) any other persons or public bodies that the approval authority considers appropriate. 2015, c. 26, s. 18 (14).

Extension of time

(37.4) When the approval authority gives a notice under clause (37.3) (a), the 15-day period mentioned in clause (42) (b) and subsections (42.1) and (42.2) is extended to 75 days. 2015, c. 26, s. 18 (14).

Participation voluntary

(37.5) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (37.3) (b) is voluntary. 2015, c. 26, s. 18 (14).

Decision final

(38) If one or more persons or public bodies have a right of appeal under subsection (36) in respect of all or part of the decision of the approval authority, but no notice of appeal is filed under that subsection and the time for filing appeals has expired,

(a) the decision of the approval authority or the part of the decision that is not the subject of an appeal is final; and

(b) the plan or part of the plan that was approved and that is not the subject of an appeal comes into effect as an official plan or part of an official plan on the day after the last day for filing a notice of appeal. 1996, c. 4, s. 9; 2017, c. 23, Sched. 3, s. 6 (13).

Same

(38.1) If no person or public body has any right of appeal under subsection (36) in respect of any part of the decision of the approval authority,

(a) the decision of the approval authority is final; and

(b) the plan or part of the plan that was approved comes into effect as an official plan or part of an official plan on the day after the day it was approved. 2017, c. 23, Sched. 3, s. 6 (14).

Withdrawal of appeals

(39) If all appeals made under subsection (36) in respect of all or part of the decision of the approval authority are withdrawn and if the time for filing notice of appeal has expired, the Tribunal shall notify the approval authority that made the decision and,

(a) the decision or that part of the decision that was the subject of the appeal is final; and

(b) the plan or part of the plan that was approved and in respect of which all the appeals have been withdrawn comes into effect as an official plan or part of an official plan on the day the last outstanding appeal has been withdrawn. 1996, c. 4, s. 9; 2017, c. 23, Sched. 5, s. 82.

Appeal to Tribunal

(40) If the approval authority fails to give notice of a decision in respect of all or part of a plan within 120 days after the day the plan is received by the approval authority, any of the following may appeal to the Tribunal with respect to all or any part of the plan in respect of which no notice of a decision was given by filing a notice of appeal with the approval authority:

1. The municipality that adopted the plan.

2. The Minister, if the Minister is not the approval authority.

3. In the case of a plan amendment adopted in response to a request under section 22, the person or public body that requested the amendment. 2019, c. 9, Sched. 12, s. 3 (11).

Notice to suspend time period

(40.1) If the approval authority in respect of a plan is the Minister, the Minister may suspend the time period described in subsection (40) by giving notice of the suspension to the municipality that adopted the plan and, in the case of a plan amendment adopted in response to a request under section 22, to the person or public body that requested the amendment. 2022, c. 12, Sched. 5, s. 1.

Same

(40.1.1) The effect of a suspension under subsection (40.1) is to suspend the time period referred to in subsection (40) until the date the Minister rescinds the notice, and the period of the suspension shall not be included for the purposes of counting the period of time described in subsection (40). 2022, c. 12, Sched. 5, s. 1.

Same

(40.1.2) For greater certainty, the Minister may make a decision under subsection (34) in respect of a plan that is the subject of a notice provided under subsection (40.1) even if the notice has not been rescinded. 2022, c. 12, Sched. 5, s. 1.

Same, retroactive deemed notice

(40.1.3) If a plan was received by the Minister on or before March 30, 2022, a decision respecting the plan has not been made under subsection (34) before that day and no notice of appeal in respect of the plan was filed under subsection (40) before that day,

(a) the plan shall be deemed to have been received by the Minister on March 29, 2022; and

(b) the Minister shall be deemed to have given notice under subsection (40.1) on March 30, 2022. 2022, c. 12, Sched. 5, s. 1.

Exception, non-conforming lower-tier plan

(40.2) Despite subsection (40), there is no appeal with respect to any part of the plan of a lower-tier municipality if, within 120 days after receiving the plan, the approval authority states that the plan or any part of it does not, in the approval authority's opinion, conform with,

(a) the upper-tier municipality's official plan;

(b) a new official plan of the upper-tier municipality that was adopted before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect; or

(c) a revision of the upper-tier municipality's official plan that was adopted in accordance with section 26, before the 120th day after the lower-tier municipality adopted its plan, but is not yet in effect. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (17); 2019, c. 9, Sched. 12, s. 3 (13).

No review

(40.3) The approval authority's opinion mentioned in subsection (40.2) is not subject to review by the Tribunal. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 5, s. 80.

Time for appeal

(40.4) If the approval authority states an opinion as described in subsection (40.2), the 120-day period mentioned in subsection (40) does not begin to run until the approval authority confirms that the non-conformity is resolved. 2015, c. 26, s. 18 (16); 2017, c. 23, Sched. 3, s. 6 (18); 2019, c. 9, Sched. 12, s. 3 (14).

Notice of appeal

(41) A notice of appeal filed under subsection (40) must,

(a) set out the specific part of the plan to which the appeal applies, if the notice does not apply to all of the plan; and

(b) be accompanied by the fee charged by the Tribunal. 1996, c. 4, s. 9; 2017, c. 23, Sched. 5, s. 81; 2021, c. 4, Sched. 6, s. 80 (1).

(41.1) Repealed: 2019, c. 9, Sched. 12, s. 3 (15).

Documents to Tribunal

(42) If an approval authority receives a notice of appeal under subsection (36) or (40), it shall ensure that,

(a) a record is compiled which includes the prescribed information and material;

(b) the record, notice of appeal and the fee charged by the Tribunal are forwarded to the Tribunal within 15 days after the last day for filing a notice of appeal under subsection (36) or within 15 days after the notice of appeal under subsection (40) was filed, as the case may be; and

(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 2017, c. 23, Sched. 5, s. 87 (3); 2021, c. 4, Sched. 6, s. 80 (1).

Exception

(42.1) Despite clause (42) (b), if all appeals in respect of all or part of the plan are withdrawn within 15 days after the last day for filing a notice of appeal under subsection (36) or within 15 days after the notice of appeal under subsection (40) was filed, the approval authority is not required to forward the materials described under clauses (42) (b) and (c) to the Tribunal. 1999, c. 12, Sched. M, s. 22 (3); 2017, c. 23, Sched. 5, s. 87 (4).

Appeals withdrawn, decision

(42.2) If all appeals made under subsection (36) in respect of all or part of the decision of the approval authority are withdrawn within 15 days after the last day for filing a notice of appeal, clauses (39) (a) and (b) apply. 1999, c. 12, Sched. M, s. 22 (3).

Appeals withdrawn, plan

(42.3) If all appeals under subsection (40) with respect to all or part of a plan are withdrawn within 15 days after the first notice of appeal under subsection (40) was filed, the approval authority may proceed to make a decision under subsection (34) in respect of all or part of the plan, as the case may be. 1999, c. 12, Sched. M, s. 22 (3); 2015, c. 26, s. 18 (18).

Appeals withdrawn

(43) If all appeals under subsection (40) with respect to all or part of a plan are withdrawn, the Tribunal shall notify the approval authority and the approval authority may proceed to make a decision under subsection (34) in respect of all or part of the plan, as the case may be. 1996, c. 4, s. 9; 2017, c. 23, Sched. 5, s. 80.

Hearing

(44) On an appeal to the Tribunal, the Tribunal shall hold a hearing of which notice shall be given to such persons or such public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 87 (5).

Restriction re adding parties

(44.1) Despite subsection (44), in the case of an appeal under subsection (24) or (36), only the following may be added as parties:

1. A person or public body who satisfies one of the conditions set out in subsection (44.2).

2. The Minister.

3. The appropriate approval authority. 2006, c. 23, s. 9 (7).

Same

(44.2) The conditions mentioned in paragraph 1 of subsection (44.1) are:

1. Before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council.

2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party. 2006, c. 23, s. 9 (7); 2017, c. 23, Sched. 5, s. 80.

New evidence at hearing

(44.3) This subsection applies if information and material that is presented at the hearing of an appeal under subsection (24) or (36) was not provided to the municipality before the council made the decision that is the subject of the appeal. 2019, c. 9, Sched. 12, s. 3 (16).

Same

(44.4) When subsection (44.3) applies, the Tribunal may, on its own initiative or on a motion by the municipality or any party, consider whether the information and material could have materially affected the council's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (44.5) has been complied with and the prescribed time period has elapsed. 2019, c. 9, Sched. 12, s. 3 (16).

Notice to council

(44.5) The Tribunal shall notify the council that it is being given an opportunity to,

(a) reconsider its decision in light of the information and material; and

(b) make a written recommendation to the Tribunal. 2019, c. 9, Sched. 12, s. 3 (16).

Council's recommendation

(44.6) The Tribunal shall have regard to the council's recommendation if it is received within the time period referred to in subsection (44.4), and may, but is not required to, do so if it is received afterwards. 2019, c. 9, Sched. 12, s. 3 (16).

Conflict with *SPPA*

(44.7) Subsections (44.1) to (44.6) apply despite the *Statutory Powers Procedure Act*. 2019, c. 9, Sched. 12, s. 3 (17).

Dismissal without hearing

(45) Despite the *Statutory Powers Procedure Act* and subsection (44), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if any of the following apply:

1. The Tribunal is of the opinion that,

    i. the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the plan or part of the plan that is the subject of the appeal could be approved or refused by the Tribunal,

    ii. the appeal is not made in good faith or is frivolous or vexatious,

    iii. the appeal is made only for the purpose of delay, or

    iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.

2. The appellant has not provided written reasons with respect to an appeal under subsection (24) or (36).

3. The appellant intends to argue a matter mentioned in subsection (25.1) or (37.1) but has not provided the explanations required by that subsection.

4. The appellant has not paid the fee charged by the Tribunal.

5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2019, c. 9, Sched. 12, s. 3 (18); 2021, c. 4, Sched. 6, s. 80 (1).

Same

(45.1) Despite the *Statutory Powers Procedure Act* and subsection (44), the Tribunal may, on its own initiative or on the motion of the municipality, the appropriate approval authority or the Minister, dismiss all or part of an appeal without holding a hearing if, in the Tribunal's opinion, the application to which the appeal relates is substantially different from the application that was before council at the time of its decision. 2017, c. 23, Sched. 5, s. 87 (5).

Representation

(46) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but

this subsection does not apply if the appellant has not complied with a request made under paragraph 5 of subsection (45). 2000, c. 26, Sched. K, s. 5 (1); 2017, c. 23, Sched. 3, s. 6 (22); 2019, c. 9, Sched. 12, s. 3 (19).

Dismissal

(46.1) Despite the *Statutory Powers Procedure Act*, the Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (45) or (45.1), as it considers appropriate. 2017, c. 23, Sched. 5, s. 87 (5).

Dismissal

(47) If the Tribunal dismisses all appeals made under subsection (24) or (36) in respect of all or part of a decision without holding a hearing and if the time for filing notices of appeal has expired, the Tribunal shall notify the clerk of the municipality or the approval authority and,

(a) the decision or that part of the decision that was the subject of the appeal is final; and

(b) any plan or part of the plan that was adopted or approved and in respect of which all the appeals have been dismissed comes into effect as an official plan or part of an official plan on the day after the day the last outstanding appeal has been dismissed. 2017, c. 23, Sched. 5, s. 87 (5).

Same

(48) If the Tribunal dismisses an appeal under subsection (40) without holding a hearing and if there is no other appeal in respect of the same matter, the Tribunal shall notify the approval authority and the approval authority may then proceed to make a decision under subsection (34) in respect of all or part of the plan, as the case may be. 2017, c. 23, Sched. 5, s. 87 (5).

Transfer

(49) If a notice of appeal under subsection (24), (36) or (40) is received by the Tribunal, the Tribunal may require that a municipality or approval authority transfer to the Tribunal any other part of the plan that is not in effect and to which the notice of appeal does not apply. 2017, c. 23, Sched. 3, s. 6 (23); 2019, c. 9, Sched. 12, s. 3 (20).

(49.1)-(49.12) Repealed: 2019, c. 9, Sched. 12, s. 3 (21).

Powers of Tribunal

(50) On an appeal or a transfer under this section, the Tribunal may approve all or part of the plan as all or part of an official plan, make modifications to all or part of the plan and approve all or part of the plan as modified as an official plan or refuse to approve all or part of the plan. 1996, c. 4, s. 9; 2017, c. 23, Sched. 3, s. 6 (25); 2019, c. 9, Sched. 12, s. 3 (22).

Same

(50.1) For greater certainty, subsection (50) does not give the Tribunal power to approve or modify any part of the plan that,

(a) is in effect; and

(b) was not added, amended or revoked by the plan to which the notice of appeal relates. 2017, c. 23, Sched. 3, s. 6 (26); 2019, c. 9, Sched. 12, s. 3 (23).

Matters of provincial interest

(51) Where an appeal is made to the Tribunal under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the plan or the parts of the plan in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal and the Minister shall identify,

(a) the provisions of the plan by which the provincial interest is, or is likely to be, adversely affected; and

(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 6 (26); 2019, c. 9, Sched. 12, s. 3 (24).

No hearing or notice required

(52) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (51). 2004, c. 18, s. 3 (2).

Confirmation by L.G. in C.

(53) If the Tribunal has received a notice from the Minister under subsection (51), the decision of the Tribunal is not final and binding in respect of the provisions identified in

the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions. 2019, c. 9, Sched. 12, s. 3 (25).

Action of L.G. in C.

(54) The Lieutenant Governor in council may confirm, vary or rescind the decision of the Tribunal in respect of the provisions of the plan identified in the notice and in doing so may direct the Minister to modify the provisions of the plan. 2004, c. 18, s. 3 (2); 2017, c. 23, Sched. 5, s. 87 (6).

Referral to Tribunal for recommendation

(55) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer all or part of the plan to the Tribunal for a recommendation. 2022, c. 12, Sched. 5, s. 1.

Record to Tribunal

(56) If the Minister refers all or part of a plan to the Tribunal under subsection (55) or (61), the Minister shall ensure that a record is compiled and provided to the Tribunal. 2022, c. 12, Sched. 5, s. 1.

Recommendation

(57) If the Minister refers all or part of a plan to the Tribunal under subsection (55), the Tribunal shall make a written recommendation to the Minister stating whether the Minister should approve the plan or part of the plan, make modifications and approve the plan or part of the plan as modified or refuse the plan or part of the plan and shall give reasons for the recommendation. 2022, c. 12, Sched. 5, s. 1.

Hearing or other proceeding by Tribunal

(58) Before making a recommendation under subsection (57), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice of such hearing or other proceeding to,

(a) the municipality that adopted the plan; and

(b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council. 2022, c. 12, Sched. 5, s. 1.

Copy of recommendation

(59) A copy of the recommendation of the Tribunal shall be sent to each person who appeared before the Tribunal and to any person who in writing requests a copy of the recommendation. 2022, c. 12, Sched. 5, s. 1.

Decision on plan

(60) After considering the recommendation of the Tribunal, the Minister may proceed to make a decision under subsection (34). 2022, c. 12, Sched. 5, s. 1.

Referral to Tribunal for decision

(61) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer the plan to the Tribunal for a decision. 2022, c. 12, Sched. 5, s. 1.

Hearing by Tribunal

(62) If the Minister refers a plan to the Tribunal under subsection (61), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice of such hearing or other proceeding to,

(a) the municipality that adopted the plan; and

(b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council. 2022, c. 12, Sched. 5, s. 1.

Decision by Tribunal

(63) Subsections (50) and (50.1) apply, with necessary modifications, to a referral for a decision made under subsection (61). 2022, c. 12, Sched. 5, s. 1.

Referral of matters in process

(64) For greater certainty, a plan that was submitted to the Minister for approval prior to the day section 1 of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force may be the subject of a referral under subsection (55) or (61) if a decision respecting the plan has not yet been made under subsection (34). 2022, c. 12, Sched. 5, s. 1.

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v **Section Amendments with date in force (d/m/y)**

Delegation of approval authority

17.1 (1) If an upper-tier municipality is the approval authority under section 17 in respect of the approval of official plans of lower-tier municipalities, the council may by by-law delegate all or any of the authority to approve amendments to official plans to a committee of council or to an appointed officer identified in the by-law by name or position occupied. 2002, c. 17, Sched. B, s. 6.

Conditions

(2) A delegation of authority made by a council under subsection (1) may be subject to such conditions as the council by by-law provides. 1994, c. 23, s. 10.

Withdrawal of delegation

(3) A council may by by-law withdraw a delegation of authority made by it under subsection (1) and the withdrawal may be in respect of one or more requests for approval specified in the by-law or any or all requests for approval in respect of which a final disposition was not made by the committee or officer before the withdrawal. 1994, c. 23, s. 10.

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v **Section Amendments with date in force (d/m/y)**

Recommendation of plan

18 (1) Where a plan is prepared by a planning board, the plan shall not be recommended to any council for adoption as an official plan unless it is approved by a vote of the majority of all the members of the planning board. R.S.O. 1990, c. P.13, s. 18 (1).

Submission of plan to council

(2) When the plan is approved by the planning board, the board shall submit a copy thereof, certified by the secretary-treasurer of the board to be a true copy,

(a) in the case of a plan prepared for a planning area, to the council of each municipality that is within the planning area; and

(b) in the case of a plan prepared at the request of a single municipality, to the council of that municipality,

municipality that is within a planning area may initiate an amendment to or the repeal of any official plan that applies to the municipality, and section 17 applies to any such amendment or repeal. R.S.O. 1990, c. P.13, s. 21 (1); 2015, c. 26, s. 20 (1).

Exception

(2) Subsections 17 (34.1) and (40.2) apply to an amendment to a lower-tier municipality's official plan only if it is a revision that is adopted in accordance with section 26. 2015, c. 26, s. 20 (2).

Exception

(3) Subsection 17 (36.5) applies to an amendment only if it is,

(a) an amendment that has been the subject of a referral to the Tribunal for a recommendation pursuant to subsection 17 (55); or

(b) a revision that is adopted in accordance with section 26. 2022, c. 12, Sched. 5, s. 3.

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v **Section Amendments with date in force (d/m/y)**

Request for amendment

22 (1) If a person or public body requests a council to amend its official plan, the council shall,

(a) forward a copy of the request and the information and material required under subsections (4) and (5), if any to the appropriate approval authority, whether or not the requested amendment is exempt from approval; and

(b) hold a public meeting under subsection 17 (15) or comply with the alternative measures set out in the official plan. 1996, c. 4, s. 13; 2004, c. 18, s. 4 (1); 2006, c. 23, s. 11 (1).

Request to planning board

(2) If a person or public body requests a planning board to amend its official plan and the plan applies in whole or in part to territory without municipal organization, the planning board or council of the municipality having jurisdiction over the land to which the proposed amendment applies shall,

(a) forward a copy of the request and the information and material required under subsections (4) and (5), if any to the appropriate approval authority, whether or not the requested amendment is exempt from approval; and

(b) hold a public meeting under subsection 17 (15) or comply with the alternative measures set out in the official plan. 1996, c. 4, s. 13; 2004, c. 18, s. 4 (2); 2006, c. 23, s. 11 (2).

(2.1)-(2.1.2) Repealed: 2022, c. 21, Sched. 9, s. 6 (1).

No request for amendment re protected major transit station area policies

(2.1.3) Subject to subsection (2.1.4), if a protected major transit station area is identified in an official plan in accordance with subsection 16 (15) or (16), no person or public body shall request an amendment in respect of any of the policies described in that subsection in respect of that area. 2024, c. 16, Sched. 12, s. 4 (1).

Exception

(2.1.4) Subsection (2.1.3) does not apply in respect of the policies described in clause 16 (15) (b) or in subclause 16 (16) (b) (i). 2024, c. 16, Sched. 12, s. 4 (1).

Exception

(2.2) If the council has declared by resolution that a request described in subsection (2.1.3) is permitted, which resolution may be made in respect of a specific request, a class of requests or in respect of such requests generally, the relevant subsection does not apply. 2017, c. 23, Sched. 3, s. 8 (2); 2022, c. 21, Sched. 9, s. 6 (2).

No public meeting

(3) Despite subsections (1) and (2), the requirement to hold a public meeting under subsection 17 (15) does not apply if the council or the planning board refuses to adopt an amendment to its official plan requested by a person or public body. 2006, c. 23, s. 11 (3).

Consultation

(3.1) The council or planning board shall permit applicants to consult with the municipality or planning board, as the case may be, before submitting requests under

subsection (1) or (2). 2024, c. 16, Sched. 12, s. 4 (2).

Prescribed information

(4) A person or public body that requests an amendment to the official plan of a municipality or planning board shall provide the prescribed information and material to the council or planning board. 1996, c. 4, s. 13.

Other information

(5) Subject to the regulations, a council or a planning board may require that a person or public body that requests an amendment to its official plan provide any other information or material that the council or planning board considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2006, c. 23, s. 11 (4); 2025, c. 9, Sched. 7, s. 3 (1).

Refusal and timing

(6) Until the council or planning board has received the information and material required under subsections (4) and (5), if any, and any fee under section 69,

(a) the council or planning board may refuse to accept or further consider the request for an amendment to its official plan; and

(b) the time periods referred to in paragraphs 1 and 2 of subsection (7.0.2) do not begin. 2006, c. 23, s. 11 (4).

Information and material prepared by prescribed professionals

(6.0.1) The provision of information or material to a council or planning board in respect of a requirement under subsection (4) or (5) is deemed to meet the applicable requirement if the information or material is prepared by a person authorized to practise a prescribed profession. 2025, c. 9, Sched. 7, s. 3 (2).

Response re completeness of request

(6.1) Within 30 days after the person or public body that requests the amendment pays any fee under section 69, the council or planning board shall notify the person or public body that the information and material required under subsections (4) and (5), if any, have been provided, or that they have not been provided, as the case may be. 2006, c. 23, s. 11 (4).

Motion re dispute

(6.2) At any time after the person or public body has begun to consult with the municipality or planning board before submitting a request under subsection (1) or (2) or after the person or public body has paid any fee required under section 69, the person or public body or the council or planning board may make a motion for directions to have the Tribunal determine,

(a) whether the information and material have in fact been provided; or

(b) whether a requirement made under subsection (5) is reasonable. 2024, c. 16, Sched. 12, s. 4 (3).

(6.3) Repealed: 2024, c. 16, Sched. 12, s. 4 (3).

Notice of particulars and public access

(6.4) Within 15 days after the council or planning board gives an affirmative notice under subsection (6.1), or within 15 days after the Tribunal advises the clerk of the municipality or the secretary-treasurer of the planning board of its affirmative decision under subsection (6.2), as the case may be, the council or planning board shall,

(a) give the prescribed persons and public bodies, in the prescribed manner, notice of the request for amendment, accompanied by the prescribed information; and

(b) make the information and material provided under subsections (4) and (5) available to the public. 2006, c. 23, s. 11 (4); 2015, c. 26, s. 21 (3); 2017, c. 23, Sched. 5, s. 80.

Final determination

(6.5) The Tribunal's determination under subsection (6.2) is not subject to appeal or review. 2006, c. 23, s. 11 (4); 2017, c. 23, Sched. 5, s. 80.

Notice of refusal

(6.6) A council or planning board that refuses a request to amend its official plan shall ensure that written notice of the refusal is given in the prescribed manner, no later than 15 days after the day of the refusal,

(a) to the person or public body that made the request;

(b) to each person or public body that filed a written request to be notified of a refusal;

(c) to the appropriate approval authority; and

(d) to any prescribed person or public body. 2015, c. 26, s. 21 (4).

Contents

(6.7) The notice under subsection (6.6) shall contain,

(a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (6.8) had on the decision; and

(b) any other information that is prescribed. 2015, c. 26, s. 21 (4).

Written and oral submissions

(6.8) Clause (6.7) (a) applies to,

(a) any written submissions relating to the request that were made to the council or planning board before its decision; and

(b) any oral submissions relating to the request that were made at a public meeting. 2015, c. 26, s. 21 (4).

Appeal to Tribunal

(7) When a person or public body requests an amendment to the official plan of a municipality or planning board, any of the following may appeal to the Tribunal in respect of all or any part of the requested amendment, by filing a notice of appeal with the clerk of the municipality or the secretary-treasurer of the planning board, if one of the conditions set out in subsection (7.0.2) is met:

1. The person or public body that requested the amendment.

2. The Minister.

3. The appropriate approval authority. 2006, c. 23, s. 11 (5); 2017, c. 23, Sched. 5, s. 80.

(7.0.0.1), (7.0.0.2) Repealed: 2019, c. 9, Sched. 12, s. 4 (1).

Consolidated hearing

(7.0.1) Despite section 21 of the *Ontario Land Tribunal Act, 2021*, the proponent of an undertaking, as those terms are defined in that section, shall not give notice to the Tribunal in respect of an amendment requested under subsection (1) or (2) unless,

(a) one of the conditions set out in subsection (7.0.2) is met;

(b) if the plan is exempt from approval, the requested amendment has been adopted under subsection 17 (22);

(c) the approval authority makes a decision under subsection 17 (34); or

(d) the time period referred to in subsection 17 (40) has expired. 2021, c. 4, Sched. 6, s. 80 (3).

Conditions

(7.0.2) The conditions referred to in subsections (7) and (7.0.1) are:

1. The council or the planning board fails to adopt the requested amendment within 120 days after the day the request is received.

2. A planning board recommends a requested amendment for adoption and the council or the majority of the councils fails to adopt the requested amendment within 120 days after the day the request is received.

3. A council, a majority of the councils or a planning board refuses to adopt the requested amendment.

4. A planning board refuses to approve a requested amendment under subsection 18 (1). 2006, c. 23, s. 11 (5); 2017, c. 23, Sched. 3, s. 8 (4); 2019, c. 9, Sched. 12, s. 4 (2).

(7.0.2.1) Repealed: 2019, c. 9, Sched. 12, s. 4 (3).

Time for appeal

(7.0.3) A notice of appeal under paragraph 3 or 4 of subsection (7.0.2) shall be filed no later than 20 days after the day that the giving of notice under subsection (6.6) is completed. 2006, c. 23, s. 11 (5).

When giving of notice deemed completed

(7.0.4) For the purposes of subsection (7.0.3), the giving of written notice shall be deemed to be completed,

(a) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed;

(b) where notice is given by personal service, on the day that the serving of all required notices is completed;

(c) where notice is given by mail, on the day that the mailing of all required notices is completed; and

(d) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed. 2015, c. 26, s. 21 (5).

Appeals restricted re certain amendments

(7.1) Despite subsection (7) and subsections 17 (36) and (40), there is no appeal in respect of,

(a) a refusal or failure to adopt an amendment described in subsection (7.2); or

(b) a refusal or failure to approve an amendment described in subsection (7.2). 2006, c. 23, s. 11 (6).

Exception re Minister

(7.1.1) Subsection (7.1) does not apply to an appeal by the Minister in respect of an amendment described in clause (7.2) (d). 2018, c. 16, s. 8 (4).

Application of subs. (7.1)

(7.2) Subsection (7.1) applies in respect of amendments requested under subsection (1) or (2) that propose to,

(a) alter all or any part of the boundary of an area of settlement in a municipality if, as a result of the alteration, any land in the Greenbelt Area, within the meaning of the *Greenbelt Act, 2005*, would be included in the area of settlement;

(b) establish a new area of settlement in a municipality;

(c) amend or revoke policies adopted to authorize the use of,

(i) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit,

(ii) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units, or

(iii) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(d) authorize a renewable energy undertaking. 2006, c. 23, s. 11 (6); 2011, c. 6, Sched. 2, s. 4; 2018, c. 16, s. 8 (5); 2022, c. 21, Sched. 9, s. 6 (3); 2023, c. 10, Sched. 6, s. 5; 2024, c. 16, Sched. 12, s. 4 (4).

Same

(7.3) If the official plan contains policies dealing with the removal of land from areas of employment, subsection (7.1) also applies in respect of amendments requested under subsection (1) or (2) that propose to remove any land from an area of employment, even if other land is proposed to be added. 2006, c. 23, s. 11 (6).

Exception

(7.4) Despite subsection (7.1), a person or public body may appeal to the Tribunal in respect of all or any part of a requested amendment described in clause (7.2) (a) or (b) if the requested amendment,

(a) is in respect of the official plan of a lower-tier municipality; and

(b) conforms with the official plan of the upper-tier municipality. 2006, c. 23, s. 11 (6); 2017, c. 23, Sched. 5, s. 80.

Contents

(8) A notice of appeal under subsection (7) shall,

(a) set out the specific part of the requested official plan amendment to which the appeal applies, if the notice of appeal does not apply to all of the requested amendment; and

(a.1), (a.2) Repealed: 2019, c. 9, Sched. 12, s. 4 (4)

(b) be accompanied by the fee charged by the Tribunal. 1996, c. 4, s. 13; 2017, c. 23, Sched. 3, s. 8 (6); 2017, c. 23, Sched. 5, s. 81; 2019, c. 9, Sched. 12, s. 4 (4); 2021, c. 4, Sched. 6, s. 80 (1).

Use of dispute resolution techniques

(8.1) If an appeal under subsection (7) is brought in accordance with paragraph 3 or 4 of subsection (7.0.2), the council or planning board may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 21 (6).

Notice and invitation

(8.2) If the council or planning board decides to act under subsection (8.1),

(a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and

(b) it shall give an invitation to participate in the dispute resolution process to,

(i) as many of the appellants as the council or planning board considers appropriate,

(ii) the person or public body that made the request to amend the plan,

(iii) the Minister,

(iv) the appropriate approval authority, and

(v) any other persons or public bodies that the council or planning board considers appropriate. 2015, c. 26, s. 21 (6).

Extension of time

(8.3) When the council or planning board gives a notice under clause (8.2) (a), the 15-day period mentioned in subclauses (9) (b) (ii) and (9) (c) (ii), in clauses (9.1) (b) and (9.1.1) (c) and in subsection (9.3) is extended to 75 days. 2015, c. 26, s. 21 (6).

Participation voluntary

(8.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (8.2) (b) is voluntary. 2015, c. 26, s. 21 (6).

Record

(9) The clerk of a municipality or the secretary-treasurer of a planning board who receives a notice of appeal under subsection (7) shall ensure that,

(a) a record is compiled which includes the prescribed information and material;

(b) the notice of appeal, the record and the fee are forwarded to the Tribunal,

(i) in the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), within 15 days after the notice is filed,

(ii) in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), within 15 days after the last day for filing a notice of appeal;

(c) the notice of appeal and the record are forwarded to the appropriate approval authority, whether or not the plan is exempt from approval,

(i) in the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), within 15 days after the notice is filed,

(ii) in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), within 15 days after the last day for filing a notice of appeal; and

(d) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 2017, c. 23, Sched. 5, s. 88 (2).

Exception

(9.1) Clauses (9) (b) and (d) do not apply,

(a) in the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), if the appeal is withdrawn within 15 days after the notice is filed;

(b) in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), if all appeals under subsection (7) are withdrawn within 15 days after the last day for filing a notice of appeal. 2015, c. 26, s. 21 (8).

Same

(9.1.1) Clause (9) (c) does not apply,

(a) if the approval authority has notified the municipality or the planning board that it does not wish to receive copies of the notices of appeal and the records;

(b) in the case of an appeal brought in accordance with paragraph 1 or 2 of subsection (7.0.2), if the appeal is withdrawn within 15 days after the notice is filed;

(c) in the case of an appeal brought in accordance with paragraph 3 or 4 of subsection (7.0.2), if all appeals under subsection (7) are withdrawn within 15 days after the last day for filing a notice of appeal. 2015, c. 26, s. 21 (8).

Appeals withdrawn, amendment

(9.2) If all appeals under subsection (7) brought in accordance with paragraph 1 or 2 of subsection (7.0.2) in respect of all or any part of the requested amendment are withdrawn within 15 days after the date that the most recent notice of appeal was filed, the council or planning board may, unless there are any outstanding appeals, proceed to give notice of the public meeting to be held under subsection 17 (15) or adopt or refuse to adopt the requested amendment, as the case may be. 2006, c. 23, s. 11 (7).

Decision final

(9.3) If all appeals under subsection (7) brought in accordance with paragraph 3 or 4 of subsection (7.0.2) in respect of all or any part of the requested amendment are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the council or planning board is final on the day that the last outstanding appeal has been withdrawn. 2006, c. 23, s. 11 (7).

Other information

(10) A person or public body that files a notice of appeal under subsection (7) shall provide to the Tribunal the prescribed information or material and such other information as the Tribunal may require. 2017, c. 23, Sched. 5, s. 88 (2).

Application

(11) Subsections 17 (44) to (44.7), (45), (45.1), (46), (46.1), (49), (50) and (50.1) apply with necessary modifications to a requested official plan amendment under this section, except that subsections 17 (44.1) to (44.7) and (45.1) do not apply to an appeal under subsection (7) of this section, brought in accordance with paragraph 1 or 2 of subsection (7.0.2). 2019, c. 9, Sched. 12, s. 4 (5).

(11.0.1)-(11.0.19) Repealed: 2019, c. 9, Sched. 12, s. 4 (5).

Matters of provincial interest

(11.1) Where an appeal is made to the Tribunal under this section, the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the amendment or any part of the amendment in respect of which the appeal is made, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal and the Minister shall identify,

(a) the provisions of the amendment or any part of the amendment by which the provincial interest is, or is likely to be, adversely affected; and

(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 8 (8); 2019, c. 9, Sched. 12, s. 4 (6).

No hearing or notice required

(11.2) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (11.1). 2004, c. 18, s. 4 (9).

Confirmation by L.G. in C.

(11.3) If the Tribunal has received a notice from the Minister under subsection (11.1), the decision of the Tribunal is not final and binding in respect of the provisions identified in the notice unless the Lieutenant Governor in Council has confirmed the decision in respect of those provisions. 2019, c. 9, Sched. 12, s. 4 (7).

Action of L.G. in C.

(11.4) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal in respect of the provisions of the amendment or the provisions of any part of the amendment identified in the notice and in doing so may direct the Minister to modify the amendment to the plan. 2004, c. 18, s. 4 (9); 2017, c. 23, Sched. 5, s. 88 (3).

Withdrawal of appeal

(12) If all appeals under subsection (7) brought in accordance with paragraph 1 or 2 of subsection (7.0.2) are dismissed by the Tribunal without holding a hearing or are withdrawn, the Tribunal shall notify the council or the planning board and the council or the planning board may proceed to give notice of the public meeting or adopt or refuse to adopt the requested amendment, as the case may be. 2017, c. 23, Sched. 5, s. 88 (4).

Same

(13) If all appeals under subsection (7) brought in accordance with paragraph 3 or 4 of subsection (7.0.2) are dismissed by the Tribunal without holding a hearing or are withdrawn, the Tribunal shall notify the council or the planning board and the decision of the council or the planning board is final on the day that the last outstanding appeal has been withdrawn or dismissed. 2017, c. 23, Sched. 5, s. 88 (4).

v **Section Amendments with date in force (d/m/y)**

Interpretation of transitional provisions

22.1 A reference, in any Act or regulation, to the day on which a request for an official plan amendment is received shall be read as a reference to the day on which the council or planning board receives the information and material required under subsections 22 (4) and (5), if any, and any fee under section 69. 2015, c. 26, s. 22.

v **Section Amendments with date in force (d/m/y)**

Matter of provincial interest affected by official plan

23 (1) The Minister may, by order, amend an official plan if the Minister is of the opinion that the plan is likely to adversely affect a matter of provincial interest. 2022, c. 21, Sched. 9, s. 7.

Effect of order

(2) The Minister's order has the same effect as an amendment to the plan adopted by the council and approved by the appropriate approval authority. 2022, c. 21, Sched. 9, s. 7.

Non-application of *Legislation Act, 2006*, Part III

(3) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (1). 2022, c. 21, Sched. 9, s. 7.

v **Section Amendments with date in force (d/m/y)**

heard the appeal and issued its order thereon. R.S.O. 1990, c. P.13, s. 33 (18); 1997, c. 24, s. 226 (5); 2017, c. 23, Sched. 5, s. 80.

Exemption re Building Code

(19) Where a permit to demolish residential property is obtained under this section, it is not necessary for the holder thereof to obtain the permit mentioned in subsection 8 (1) of the *Building Code Act, 1992.* R.S.O. 1990, c. P.13, s. 33 (19); 1997, c. 24, s. 226 (6).

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v **Section Amendments with date in force (d/m/y)**

PART V
LAND USE CONTROLS AND RELATED ADMINISTRATION

Zoning by-laws

34 (1) Zoning by-laws may be passed by the councils of local municipalities:

Restricting use of land

1. For prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or abutting on any defined highway or part of a highway.

Restricting erecting, locating or using of buildings

2. For prohibiting the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway.

Marshy lands, etc.

3. For prohibiting the erection of any class or classes of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to natural or artificial perils.

Contaminated lands; sensitive or vulnerable areas

3.1 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land,

i. that is contaminated,

ii. that contains a sensitive groundwater feature or a sensitive surface water feature, or

iii. that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the *Clean Water Act, 2006*.

Natural features and areas

3.2 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures within any defined area or areas,

i. that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest,

ii. that is a significant corridor or shoreline of a lake, river or stream, or

iii. that is a significant natural corridor, feature or area.

Significant archaeological resources

3.3 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land that is the site of a significant archaeological resource.

Construction of buildings or structures

4. For regulating the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located within the municipality or within any defined area or areas or upon land abutting on any defined highway or part of a highway, and the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.

Minimum elevation of doors, etc.

5. For regulating the minimum elevation of doors, windows or other openings in buildings or structures or in any class or classes of buildings or structures to be erected or located within the municipality or within any defined area or areas of the municipality.

Loading or parking facilities

6. Subject to subsection (1.1) or (1.1.1), for requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the by-law to provide and maintain loading or parking facilities on land that is not part of a highway. R.S.O. 1990, c. P.13, s. 34 (1); 1994, c. 23, s. 21 (1, 2); 1996, c. 4, s. 20 (1-3); 2006, c. 22, s. 115; 2024, c. 16, Sched. 12, s. 5 (1); 2026, c. 8, Sched. 7, s. 7 (1).

Restriction, parking facilities

(1.1) Despite paragraph 6 of subsection (1), a zoning by-law may not require an owner or occupant of a building or structure to provide and maintain parking facilities, other than parking facilities for bicycles, on land that is not part of a highway and that is located within,

(a) a protected major transit station identified in accordance with subsection 16 (15) or (16);

(b) an area delineated in the official plan of the municipality surrounding and including an existing or planned higher order transit station or stop, within which area the official plan policies identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated, but only if those policies are required to be included in the official plan to conform with a provincial plan or be consistent with a policy statement issued under subsection 3 (1); or

(c) any other area prescribed for the purposes of clause 16 (22) (c). 2024, c. 16, Sched. 12, s. 5 (2).

Same

(1.1.1) Despite paragraph 6 of subsection (1), a zoning by-law may not require an owner or occupant of a building or structure to provide and maintain electric vehicle supply equipment in connection with parking facilities. 2026, c. 8, Sched. 7, s. 7 (2).

Provisions of no effect

(1.2) A provision of a by-law passed under this section or an order made under clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (1.1) of this section. 2024, c. 16, Sched. 12, s. 5 (2).

Same

(1.3) Despite paragraph 6 of subsection (1), a zoning by-law may not require an owner or occupant of a building or structure to provide and maintain parking facilities, other than parking facilities for bicycles, containing more than the number of parking spaces prescribed for the purposes of subsection 16 (24) on land that is not part of a highway and that is located within an area prescribed for the purposes of that subsection, and if a by-law does so, the by-law is deemed to be amended to be consistent with this subsection. 2024, c. 16, Sched. 12, s. 5 (2).

Provision re minimum standards

(1.3.1) A minimum standard that is found in a zoning by-law passed under this section may be reduced by the prescribed percentage of the minimum standard, if the type of minimum standard is prescribed. 2025, c. 14, Sched. 10, s. 4 (1).

Same

(1.3.2) Subsection (1.3.1) does not apply to a minimum setback distance. 2025, c. 14, Sched. 10, s. 4 (1).

Provision re maximum standards

(1.3.3) A maximum standard that is found in a zoning by-law passed under this section may be increased by the prescribed percentage of the maximum standard, if the type of maximum standard is prescribed. 2025, c. 14, Sched. 10, s. 4 (1).

Provision re setbacks

(1.4) Subject to subsection (1.5), a minimum setback distance is deemed to be the prescribed percentage of the setback distance. 2025, c. 9, Sched. 7, s. 4 (1).

Same, Greenbelt

(1.5) Subsections (1.3.1), (1.3.3) and (1.4) do not apply to a building or structure located,

(a) in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*;

(b) on a parcel of land that is not a parcel of urban residential land; or

(c) on a parcel of land that includes any land in an area prescribed for the purposes of subsection 41 (1.2) of this Act. 2025, c. 9, Sched. 7, s. 4 (1); 2025, c. 14, Sched. 10, s. 4 (2).

Same, transition

(1.5.1) Despite any subsequent changes to a minimum or maximum standard as a result of any changes to a percentage prescribed for the purposes of subsection (1.3.1) or (1.3.3), the minimum or maximum standard, as the case may be, in respect of a building, structure or parcel of land shall be determined in accordance with the following:

1. In the case of a building or structure, or parcel of land on which a building or structure is located, for which a permit was required under subsection 8 (1) of the *Building Code Act, 1992*, the minimum or maximum standard in respect of the building, structure or parcel of land is the minimum or maximum standard on the day a permit was issued under subsection 8 (2) of that Act where the permit was not revoked under subsection 8 (10) of that Act.

2. In all other cases, the minimum or maximum standard in respect of a building, structure or parcel of land is the minimum or maximum standard on the day the lawful use of the building, structure or parcel of land was established. 2025, c. 14, Sched. 10, s. 4 (3).

Same, transition

(1.6) Despite any subsequent changes to a minimum setback distance as a result of any changes to a percentage prescribed for the purposes of subsection (1.4), the minimum setback distance in respect of a building or structure is deemed to be the minimum setback distance on the day,

(a) a permit is issued under subsection 8 (1) of the *Building Code Act, 1992*, in respect of the building or structure, where the permit was not revoked under subsection 8 (10) of that Act; or

(b) the lawful use of the building or structure was established, in the case of a building or structure in respect of which no building permit was required. 2025, c. 9, Sched. 7, s. 4 (1).

Definition

(1.7) In this section,

"setback distance" means the distance that a building or structure must be setback from a boundary of the parcel on which the building or structure is located in accordance with a by-law passed under this section. 2025, c. 9, Sched. 7, s. 4 (1).

Pits and quarries

(2) The making, establishment or operation of a pit or quarry shall be deemed to be a use of land for the purposes of paragraph 1 of subsection (1). R.S.O. 1990, c. P.13, s. 34 (2).

Area, density and height

(3) The authority to regulate provided in paragraph 4 of subsection (1) includes and, despite the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the minimum and maximum density and the minimum and maximum height of development in the municipality or in the area or areas defined in the by-law. 2006, c. 23, s. 15 (1).

Restriction, minimum area of parcel

(3.1) Despite subsection (3), the authority to pass a by-law under this section does not include the authority to pass a by-law that requires the minimum area of a parcel of urban residential land that is not in the Greenbelt Area to be greater than the prescribed area. 2026, c. 8, Sched. 7, s. 7 (3).

Provisions of no effect

(3.2) A provision of a by-law passed under this section or an order made under clause 47 (1) (a) is of no effect to the extent that it contravenes a restriction described in subsection (3.1). 2026, c. 8, Sched. 7, s. 7 (3).

Same, minimum frontage and depth

(3.3) A provision of a by-law passed under this section or an order made under clause 47 (1) (a) regulating the minimum frontage or minimum depth of a parcel of land is of no effect to the extent that it would require a parcel to which subsection (3.1) applies to be larger than the area prescribed for the purposes of that subsection. 2026, c. 8, Sched. 7, s. 7 (3).

Interpretation

(4) A trailer as defined in subsection 164 (4) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be, and a mobile home as defined in subsection 46 (1) of this Act are deemed to be buildings or structures for the purpose of this section. 2006, c. 32, Sched. C, s. 47 (5).

Prohibition of use of land, etc., availability of municipal services

(5) A by-law passed under paragraph 1 or 2 of subsection (1) or a predecessor of that paragraph may prohibit the use of land or the erection or use of buildings or structures unless such municipal services as may be set out in the by-law are available to service the land, buildings or structures, as the case may be. R.S.O. 1990, c. P.13, s. 34 (5).

Loading or parking facilities – by-law provisions

(5.1) A by-law passed under paragraph 6 of subsection (1) shall include the prescribed provisions and provisions about the prescribed matters. 2016, c. 25, Sched. 4, s. 3 (1).

Certificates of occupancy

(6) A by-law passed under this section may provide for the issue of certificates of occupancy without which no change may be made in the type of use of any land covered by the by-law or of any building or structure on any such land, but no such certificate shall be refused if the proposed use is not prohibited by the by-law. R.S.O. 1990, c. P.13, s. 34 (6).

Use of maps

(7) Land within any area or areas or abutting on any highway or part of a highway may be defined by the use of maps to be attached to the by-law and the information shown on such maps shall form part of the by-law to the same extent as if included therein. R.S.O. 1990, c. P.13, s. 34 (7).

Acquisition and disposition of non-conforming lands

(8) The council may acquire any land, building or structure used or erected for a purpose that does not conform with a by-law passed under this section and any vacant land having a frontage or depth less than the minimum established for the erection of a building or structure in the defined area in which such land is situate, and the council may dispose of any of such land, building or structure or may exchange any of such land for other land within the municipality. R.S.O. 1990, c. P.13, s. 34 (8); 1996, c. 4, s. 20 (4).

Excepted lands and buildings

(9) No by-law passed under this section applies,

(a) to prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

(b) to prevent the erection or use for a purpose prohibited by the by-law of any building or structure for which a permit has been issued under subsection 8 (1) of the *Building Code Act, 1992*, prior to the day of the passing of the by-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8 (10) of that Act. R.S.O. 1990, c. P.13, s. 34 (9); 2009, c. 33, Sched. 21, s. 10 (1).

By-law may be amended

(10) Despite any other provision of this section, any by-law passed under this section or a predecessor of this section may be amended so as to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed. R.S.O. 1990, c. P.13, s. 34 (10).

(10.0.0.1), (10.0.0.2) Repealed: 2022, c. 21, Sched. 9, s. 8 (1).

Consultation

(10.0.1) The council shall permit applicants to consult with the municipality before submitting applications to amend by-laws passed under this section. 2024, c. 16, Sched. 12, s. 5 (3).

Prescribed information

(10.1) A person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section shall provide the prescribed information and material to the council. 1996, c. 4, s. 20 (5).

Other information

(10.2) Subject to the regulations, a council may require that a person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this

section provide any other information or material that the council considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2006, c. 23, s. 15 (4); 2025, c. 9, Sched. 7, s. 4 (2).

Refusal and timing

(10.3) Until the council has received the information and material required under subsections (10.1) and (10.2), if any, and any fee under section 69,

(a) the council may refuse to accept or further consider the application for an amendment to the by-law; and

(b) the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, does not begin. 2006, c. 23, s. 15 (4); 2022, c. 12, Sched. 5, s. 4 (1).

Information and material prepared by prescribed professionals

(10.3.1) The provision of information or material to a council in respect of a requirement under subsection (10.1) or (10.2) is deemed to meet the applicable requirement if the information or material is prepared by a person authorized to practise a prescribed profession. 2025, c. 9, Sched. 7, s. 4 (3).

Response re completeness of application

(10.4) Within 30 days after the person or public body that makes the application for an amendment to a by-law pays any fee under section 69, the council shall notify the person or public body that the information and material required under subsections (10.1) and (10.2), if any, have been provided, or that they have not been provided, as the case may be. 2006, c. 23, s. 15 (4).

Motion re dispute

(10.5) At any time after the person or public body has begun to consult with the municipality before submitting an application to amend a by-law passed under this section or after the person or public body has paid any fee required under section 69, the person or public body or the council may make a motion for directions to have the Tribunal determine,

(a) whether the information and material have in fact been provided; or

(b) whether a requirement made under subsection (10.2) is reasonable. 2024, c. 16, Sched. 12, s. 5 (4).

(10.6) Repealed: 2024, c. 16, Sched. 12, s. 5 (4).

Notice of particulars and public access

(10.7) Within 15 days after the council gives an affirmative notice under subsection (10.4), or within 15 days after the Tribunal advises the clerk of its affirmative decision under subsection (10.5), as the case may be, the council shall,

(a) give the prescribed persons and public bodies, in the prescribed manner, notice of the application for an amendment to a by-law, accompanied by the prescribed information; and

(b) make the information and material provided under subsections (10.1) and (10.2) available to the public. 2006, c. 23, s. 15 (4); 2017, c. 23, Sched. 5, s. 80.

Final determination

(10.8) The Tribunal's determination under subsection (10.5) is not subject to appeal or review. 2006, c. 23, s. 15 (4); 2017, c. 23, Sched. 5, s. 80.

Notice of refusal

(10.9) When a council refuses an application to amend its by-law, it shall ensure that written notice of the refusal is given in the prescribed manner, no later than 15 days after the day of the refusal,

(a) to the person or public body that made the application;

(b) to each person and public body that filed a written request to be notified of a refusal; and

(c) to any prescribed person or public body. 2015, c. 26, s. 26 (3).

Contents

(10.10) The notice under subsection (10.9) shall contain,

(a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (10.11) had on the decision; and

(b) any other information that is prescribed. 2015, c. 26, s. 26 (3).

Written and oral submissions

(10.11) Clause (10.10) (a) applies to,

(a) any written submissions relating to the application that were made to the council before its decision; and

(b) any oral submissions relating to the application that were made at a public meeting. 2015, c. 26, s. 26 (3).

(10.12)-(10.14) Repealed: 2024, c. 16, Sched. 12, s. 5 (5)

Appeal to Tribunal

(11) Subject to subsection (11.0.0.0.1), where an application to the council for an amendment to a by-law passed under this section or a predecessor of this section is refused or the council fails to make a decision on it within 90 days after the receipt by the clerk of the application, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal, accompanied by the fee charged by the Tribunal:

1. The applicant.

2. The Minister. 2017, c. 23, Sched. 3, s. 10 (1); 2019, c. 9, Sched. 12, s. 6 (1); 2021, c. 4, Sched. 6, s. 80 (1).

Same, where amendment to official plan required

(11.0.0.0.1) If an amendment to a by-law passed under this section or a predecessor of this section in respect of which an application to the council is made would also require an amendment to the official plan of the local municipality and the application is made on the same day as the request to amend the official plan, an appeal to the Tribunal under subsection (11) may be made only if the application is refused or the council fails to make a decision on it within 120 days after the receipt by the clerk of the application. 2017, c. 23, Sched. 3, s. 10 (1); 2019, c. 9, Sched. 12, s. 6 (2).

(11.0.0.0.2)-(11.0.0.0.5) Repealed: 2019, c. 9, Sched. 12, s. 6 (3).

Use of dispute resolution techniques

(11.0.0.1) If an application for an amendment is refused as described in subsection (11) and a notice of appeal is filed under that subsection, the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 26 (5).

Notice and invitation

(11.0.0.2) If the council decides to act under subsection (11.0.0.1),

(a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and

(b) it shall give an invitation to participate in the dispute resolution process to,

(i) as many of the appellants as the council considers appropriate,

(ii) the applicant, if the applicant is not an appellant, and

(iii) any other persons or public bodies that the council considers appropriate. 2015, c. 26, s. 26 (5).

Extension of time

(11.0.0.3) When the council gives a notice under clause (11.0.0.2) (a), the 15-day period mentioned in clause (23) (b) is extended to 75 days. 2015, c. 26, s. 26 (5).

Participation voluntary

(11.0.0.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (11.0.0.2) (b) is voluntary. 2015, c. 26, s. 26 (5).

Consolidated hearing

(11.0.1) Despite section 21 of the *Ontario Land Tribunal Act, 2021*, the proponent of an undertaking, as those terms are defined in that section, shall not give notice to the Tribunal in respect of an application for an amendment to a by-law unless the council has made a decision on the application or the time period referred to in subsection (11) has expired. 2021, c. 4, Sched. 6, s. 80 (4).

(11.0.2) Repealed: 2017, c. 23, Sched. 3, s. 10 (2).

Time for filing certain appeals

(11.0.3) A notice of appeal under subsection (11) with respect to the refusal of an application shall be filed no later than 20 days after the day that the giving of notice under subsection (10.9) is completed. 2006, c. 23, s. 15 (5).

Restricted appeals, areas of settlement

(11.0.4) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to implement,

(a) an alteration to all or any part of the boundary of an area of settlement if, as a result of the alteration, any land in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*, is or would be included in the area of settlement; or

(b) a new area of settlement. 2006, c. 23, s. 15 (5); 2024, c. 16, Sched. 12, s. 5 (6).

Restricted appeals, areas of employment

(11.0.5) Despite subsection (11), if the official plan contains policies dealing with the removal of land from areas of employment, there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to remove any land from an area of employment, even if other land is proposed to be added. 2006, c. 23, s. 15 (5).

No appeal re inclusionary zoning policies

(11.0.6) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to amend or repeal a part of the by-law that gives effect to policies described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 3 (2).

No appeal re renewable energy undertakings

(11.0.7) Despite subsection (11), there is no appeal in respect of all or any part of an application for an amendment to a by-law if the amendment or part of the amendment proposes to permit a renewable energy undertaking. 2018, c. 16, s. 8 (6).

Exception re Minister

(11.0.8) Subsection (11.0.7) does not apply to an appeal by the Minister. 2018, c. 16, s. 8 (6).

Withdrawal of appeal

(11.1) If all appeals under subsection (11) are withdrawn, the Tribunal shall notify the clerk of the municipality and the decision of the council is final and binding or the council

may proceed to give notice of the public meeting or pass or refuse to pass the by-law, as the case may be. 1999, c. 12, Sched. M, s. 25 (1); 2017, c. 23, Sched. 5, s. 82.

Information and public meeting; open house in certain circumstances

(12) Before passing a by-law under this section, except a by-law passed pursuant to an order of the Tribunal made under subsection (26),

(a) the council shall ensure that,

(i) sufficient information and material is made available to enable the public to understand generally the zoning proposal that is being considered by the council, and

(ii) at least one public meeting is held for the purpose of giving the public an opportunity to make representations in respect of the proposed by-law; and

(b) in the case of a by-law that is required by subsection 26 (9) or is related to a development permit system, the council shall ensure that at least one open house is held for the purpose of giving the public an opportunity to review and ask questions about the information and material made available under subclause (a) (i). 2006, c. 23, s. 15 (6); 2009, c. 33, Sched. 21, s. 10 (2); 2017, c. 23, Sched. 3, s. 10 (3).

Notice

(13) Notice of the public meeting required under subclause (12) (a) (ii) and of the open house, if any, required by clause (12) (b),

(a) shall be given to the prescribed persons and public bodies, in the prescribed manner; and

(b) shall be accompanied by the prescribed information. 2006, c. 23, s. 15 (6).

Timing of open house

(14) The open house required by clause (12) (b) shall be held no later than seven days before the public meeting required under subclause (12) (a) (ii) is held. 2006, c. 23, s. 15 (6).

Timing of public meeting

(14.1) The public meeting required under subclause (12) (a) (ii) shall be held no earlier than 20 days after the requirements for giving notice have been complied with. 2006, c. 23, s. 15 (6).

Participation in public meeting

(14.2) Every person who attends a public meeting required under subclause (12) (a) (ii) shall be given an opportunity to make representations in respect of the proposed by-law. 2006, c. 23, s. 15 (6).

Alternative measures

(14.3) If an official plan sets out alternative measures for informing and obtaining the views of the public in respect of proposed zoning by-laws, and if the measures are complied with, clause (10.7) (a) and subsections (12) to (14.2) do not apply to the proposed by-laws, but subsection (14.6) does apply. 2015, c. 26, s. 26 (6).

Same

(14.4) In the course of preparing the official plan, before including alternative measures described in subsection (14.3), the council shall consider whether it would be desirable for the measures to allow for notice of the proposed by-laws to the prescribed persons and public bodies mentioned in clause (13) (a). 2015, c. 26, s. 26 (6).

Transition

(14.4.1) For greater certainty, subsection (14.4) does not apply with respect to alternative measures that were included in an official plan before the day subsection 26 (6) of the *Smart Growth for Our Communities Act, 2015* comes into force. 2015, c. 26, s. 26 (6).

Information

(14.5) At a public meeting under subclause (12) (a) (ii), the council shall ensure that information is made available to the public regarding who is entitled to appeal under subsections (11) and (19). 2006, c. 23, s. 15 (6).

Where alternative procedures followed

(14.6) If subsection (14.3) applies, the information required under subsection (14.5) shall be made available to the public at a public meeting or in the manner set out in the official

plan for informing and obtaining the views of the public in respect of proposed zoning by-laws. 2006, c. 23, s. 15 (6); 2015, c. 26, s. 26 (7).

Information to public bodies

(15) The council shall forward to such public bodies as the council considers may have an interest in the zoning proposal sufficient information to enable them to understand it generally and such information shall be forwarded not less than twenty days before passing a by-law implementing the proposal. R.S.O. 1990, c. P.13, s. 34 (15); 1994, c. 23, s. 21 (5).

Conditions

(16) If the official plan in effect in a municipality contains policies relating to zoning with conditions, the council of the municipality may, in a by-law passed under this section, permit a use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location. 2006, c. 23, s. 15 (7).

Same

(16.1) The prescribed conditions referred to in subsection (16) may be made subject to such limitations as may be prescribed. 2006, c. 23, s. 15 (7).

Same

(16.2) When a prescribed condition is imposed under subsection (16),

(a) the municipality may require an owner of land to which the by-law applies to enter into an agreement with the municipality relating to the condition;

(b) the agreement may be registered against the land to which it applies; and

(c) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. 2006, c. 23, s. 15 (7).

City of Toronto

(16.3) Subsections (16), (16.1) and (16.2) do not apply with respect to the City of Toronto. 2006, c. 23, s. 15 (8).

Further notice

(17) Where a change is made in a proposed by-law after the holding of the public meeting mentioned in subclause (12) (a) (ii), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law. R.S.O. 1990, c. P.13, s. 34 (17); 2006, c. 23, s. 15 (9).

Notice of passing of by-law

(18) If the council passes a by-law under this section, except a by-law passed pursuant to an order of the Tribunal made under subsection (11.0.2) or (26), the council shall ensure that written notice of the passing of the by-law is given in the prescribed manner, no later than 15 days after the day the by-law is passed,

(a) to the person or public body that made the application, if any;

(b) to each person and public body that filed a written request to be notified of the decision; and

(c) to any prescribed person or public body. 2015, c. 26, s. 26 (8); 2017, c. 23, Sched. 5, s. 93 (2).

Contents

(18.1) The notice under subsection (18) shall contain,

(a) a brief explanation of the effect, if any, that the written and oral submissions mentioned in subsection (18.2) had on the decision; and

(b) any other information that is prescribed. 2015, c. 26, s. 26 (8).

Written and oral submissions

(18.2) Clause (18.1) (a) applies to,

(a) any written submissions relating to the by-law that were made to the council before its decision; and

(b) any oral submissions relating to the by-law that were made at a public meeting. 2015, c. 26, s. 26 (8).

Appeal to Tribunal

(19) Not later than 20 days after the day that the giving of notice as required by subsection (18) is completed, any of the following may appeal to the Tribunal by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal:

1. The applicant.

2. A specified person who, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.

2.1 A public body that, before the by-law was passed, made oral submissions at a public meeting or written submissions to the council.

2.2 The registered owner of any land to which the by-law would apply, if, before the by-law was passed, the owner made oral submissions at a public meeting or written submissions to the council.

3. The Minister. 2006, c. 23, s. 15 (10); 2017, c. 23, Sched. 3, s. 10 (4); 2019, c. 9, Sched. 12, s. 6 (4); 2021, c. 4, Sched. 6, s. 80 (1); 2024, c. 16, Sched. 12, s. 5 (7).

Transition

(19.0.0.1) For greater certainty, subsection (19), as it reads on the day subsection 5 (7) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force, applies to an appeal on and after that day even if the giving of notice under subsection (18) of this section is completed before that day. 2024, c. 16, Sched. 12, s. 5 (8).

Same, retroactive effect

(19.0.0.2) An appeal under subsection (19) made before the day subsection 5 (7) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force by a person or public body not described in paragraph 1, 2, 2.1, 2.2 or 3 of subsection (19) of this section as it reads on the day subsection 5 (7) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force shall be deemed to have been dismissed on that day unless,

(a) a hearing on the merits of the appeal had been scheduled before April 10, 2024; or

(b) a notice of appeal was filed by a person or public body listed in paragraph 1, 2, 2.1, 2.2 or 3 of subsection (19) of this section as it reads on the day subsection 5 (7) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force of this section in respect of the same by-law to which the appeal relates. 2024, c. 16, Sched. 12, s. 5 (8).

Same, hearing on the merits

(19.0.0.3) For the purposes of clause (19.0.0.2) (a), a hearing on the merits of an appeal is considered to be scheduled on the date on which the Tribunal first orders the hearing to be scheduled, and is not affected by an adjournment or rescheduling of the hearing. 2024, c. 16, Sched. 12, s. 5 (8).

Same

(19.0.0.4) For greater certainty, a hearing on the merits of an appeal does not include mediation or any other dispute resolution process, settlement negotiations, a case management conference or any other step in the appeal that precedes such a hearing. 2024, c. 16, Sched. 12, s. 5 (8).

Content of notice of appeal

(19.0.1) If the appellant intends to argue that the by-law is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform with an applicable official plan, the notice of appeal must also explain how the by-law is inconsistent with, fails to conform with or conflicts with the other document. 2019, c. 9, Sched. 12, s. 6 (5).

(19.0.2) Repealed: 2019, c. 9, Sched. 12, s. 6 (5).

No appeal re additional residential unit by-laws

(19.1) Despite subsection (19), there is no appeal in respect of the parts of a by-law that are passed to permit the use of,

(a) a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(b) a third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(c) one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. 2022, c. 21, Sched. 9, s. 8 (2); 2023, c. 10, Sched. 6, s. 6 (3).

Exception re Minister

(19.2) Subsection (19.1) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 3 (3).

No appeal re inclusionary zoning policies

(19.3) Despite subsection (19), there is no appeal in respect of the parts of a by-law that give effect to policies described in subsection 16 (4), including, for greater certainty, no appeal in respect of any condition, requirement or standard relating to such policies. 2016, c. 25, Sched. 4, s. 3 (4).

Matters referred to in s. 34 (1)

(19.3.1) Despite subsection (19.3), there is an appeal in respect of any matter referred to in subsection (1) even if such matter is included in the by-law as a measure or incentive in support of the policies described in subsection 16 (4). 2016, c. 25, Sched. 4, s. 3 (5); 2017, c. 23, Sched. 3, s. 10 (6).

Exception re Minister

(19.4) Subsection (19.3) does not apply to an appeal by the Minister. 2016, c. 25, Sched. 4, s. 3 (4).

No appeal re protected major transit station area – permitted uses, etc.

(19.5) Despite subsections (19) and (19.3.1), and subject to subsections (19.6) to (19.9), there is no appeal in respect of,

(a) the parts of a by-law that establish permitted uses or the minimum or maximum densities with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (15) or (16); or

(b) the parts of a by-law that establish minimum or maximum heights with respect to buildings and structures on lands in a protected major transit station area that is identified in accordance with subsection 16 (15) or (16). 2017, c. 23, Sched. 3, s. 10 (7); 2022, c. 21, Sched. 9, s. 8 (3).

Same, by-law of a lower-tier municipality

(19.6) Subsection (19.5) applies to a by-law of a lower-tier municipality that, for municipal purposes, forms part of an upper-tier municipality without planning responsibilities only if the lower-tier municipality's official plan contains all of the policies described in subclauses 16 (16) (b) (i) and (ii) with respect to the protected major transit station area. 2017, c. 23, Sched. 3, s. 10 (7); 2022, c. 21, Sched. 9, s. 8 (4).

Exception

(19.7) Clause (19.5) (b) does not apply in circumstances where the maximum height that is permitted with respect to a building or structure on a particular parcel of land would result in the building or structure not satisfying the minimum density that is required in respect of that parcel. 2017, c. 23, Sched. 3, s. 10 (7).

Exception re Minister

(19.8) Subsection (19.5) does not apply to an appeal by the Minister. 2017, c. 23, Sched. 3, s. 10 (7).

Exception re non-compliance with s. 16 (20)

(19.9) Subsection (19.5) does not apply to a zoning by-law that is passed more than one year after the later of the following comes into effect:

1. Official plan policies described in subsection 16 (15) or subclauses 16 (16) (b) (i) and (ii) for the protected major transit station area.

2. An amendment to the policies referred to in paragraph 1 of this subsection. 2022, c. 21, Sched. 9, s. 8 (5).

When giving of notice deemed completed

(20) For the purposes of subsections (11.0.3) and (19), the giving of written notice shall be deemed to be completed,

(a) where notice is given by publication in a newspaper, on the day that such publication occurs;

(a.1) where notice is given by e-mail, on the day that the sending by e-mail of all required notices is completed;

(b) where notice is given by personal service, on the day that the serving of all required notices is completed;

(c) where notice is given by mail, on the day that the mailing of all required notices is completed; and

(d) where notice is given by telephone transmission of a facsimile of the notice, on the day that the transmission of all required notices is completed. R.S.O. 1990, c. P.13, s. 34 (20); 1994, c. 23, s. 21 (9); 2015, c. 26, s. 26 (10).

Use of dispute resolution techniques

(20.1) When a notice of appeal is filed under subsection (19), the council may use mediation, conciliation or other dispute resolution techniques to attempt to resolve the dispute. 2015, c. 26, s. 26 (11).

Notice and invitation

(20.2) If the council decides to act under subsection (20.1),

(a) it shall give a notice of its intention to use dispute resolution techniques to all the appellants; and

(b) it shall give an invitation to participate in the dispute resolution process to,

(i) as many of the appellants as the council considers appropriate,

(ii) the applicant, if there is an applicant who is not an appellant, and

(iii) any other persons or public bodies that the council considers appropriate. 2015, c. 26, s. 26 (11).

Extension of time

(20.3) When the council gives a notice under clause (20.2) (a), the 15-day period mentioned in clause (23) (b) and subsections (23.2) and (23.3) is extended to 75 days. 2015, c. 26, s. 26 (11).

Participation voluntary

(20.4) Participation in the dispute resolution process by the persons and public bodies who receive invitations under clause (20.2) (b) is voluntary. 2015, c. 26, s. 26 (11).

When by-law deemed to have come into force

(21) When no notice of appeal is filed under subsection (19), the by-law shall be deemed to have come into force on the day it was passed except that where the by-law is passed under circumstances mentioned in subsection 24 (2) the by-law shall not be deemed to have come into force on the day it was passed until the amendment to the official plan comes into effect. R.S.O. 1990, c. P.13, s. 34 (21); 1994, c. 23, s. 21 (10); 1996, c. 4, s. 20 (8).

Affidavit re no appeal, etc.

(22) An affidavit or declaration of an employee of the municipality that notice was given as required by subsection (18) or that no notice of appeal was filed under subsection (19) within the time allowed for appeal shall be conclusive evidence of the facts stated therein. R.S.O. 1990, c. P.13, s. 34 (22); 1996, c. 4, s. 20 (9).

Record

(23) The clerk of a municipality who receives a notice of appeal under subsection (11) or (19) shall ensure that,

(a) a record that includes the prescribed information and material is compiled;

(b) the notice of appeal, record and fee are forwarded to the Tribunal,

(i) within 15 days after the last day for filing a notice of appeal under subsection (11.0.3) or (19), as the case may be, or

(ii) within 15 days after a notice of appeal is filed under subsection (11) with respect to the failure to make a decision; and

(c) such other information or material as the Tribunal may require in respect of the appeal is forwarded to the Tribunal. 2017, c. 23, Sched. 3, s. 10 (8).

Withdrawal of appeals

(23.1) If all appeals to the Tribunal under subsection (19) are withdrawn and the time for appealing has expired, the Tribunal shall notify the clerk of the municipality and the decision of the council is final and binding. 2017, c. 23, Sched. 5, s. 93 (3).

Exception

(23.2) Despite clause (23) (b), if all appeals under subsection (19) are withdrawn within 15 days after the last day for filing a notice of appeal, the municipality is not required to forward the materials described under clauses (23) (b) and (c) to the Tribunal. 1999, c. 12, Sched. M, s. 25 (2); 2017, c. 23, Sched. 5, s. 93 (4).

Decision final

(23.3) If all appeals to the Tribunal under subsection (19) are withdrawn within 15 days after the last day for filing a notice of appeal, the decision of the council is final and binding. 1999, c. 12, Sched. M, s. 25 (2); 2017, c. 23, Sched. 5, s. 93 (5).

Hearing and notice thereof

(24) On an appeal to the Tribunal, the Tribunal shall hold a hearing of which notice shall be given to such persons or bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 93 (6).

Restriction re adding parties

(24.1) Despite subsection (24), in the case of an appeal under subsection (11) that relates to all or part of an application for an amendment to a by-law that is refused, or in the case of an appeal under subsection (19), only the following may be added as parties:

1. A person or public body who satisfies one of the conditions set out in subsection (24.2).

2. The Minister. 2006, c. 23, s. 15 (12).

Same

(24.2) The conditions mentioned in paragraph 1 of subsection (24.1) are:

1. Before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council.

2. The Tribunal is of the opinion that there are reasonable grounds to add the person or public body as a party. 2006, c. 23, s. 15 (12); 2017, c. 23, Sched. 5, s. 80.

New information and material at hearing

(24.3) This subsection applies if information and material that is presented at the hearing of an appeal described in subsection (24.1) was not provided to the municipality before the council made the decision that is the subject of the appeal. 2019, c. 9, Sched. 12, s. 6 (6).

Same

(24.4) When subsection (24.3) applies, the Tribunal may, on its own initiative or on a motion by the municipality or any party, consider whether the information and material could have materially affected the council's decision and, if the Tribunal determines that it could have done so, it shall not be admitted into evidence until subsection (24.5) has been complied with and the prescribed time period has elapsed. 2019, c. 9, Sched. 12, s. 6 (6).

Notice to council

(24.5) The Tribunal shall notify the council that it is being given an opportunity to,

(a) reconsider its decision in light of the information and material; and

(b) make a written recommendation to the Tribunal. 2019, c. 9, Sched. 12, s. 6 (6).

Council's recommendation

(24.6) The Tribunal shall have regard to the council's recommendation if it is received within the time period referred to in subsection (24.4), and may, but is not required to, do so if it is received afterwards. 2019, c. 9, Sched. 12, s. 6 (6).

Conflict with *SPPA*

(24.7) Subsections (24.1) to (24.6) apply despite the *Statutory Powers Procedure Act*. 2019, c. 9, Sched. 12, s. 6 (7).

Dismissal without hearing

(25) Despite the *Statutory Powers Procedure Act* and subsection (24), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without

holding a hearing if any of the following apply:

1. The Tribunal is of the opinion that,

   i. the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal,

   ii. the appeal is not made in good faith or is frivolous or vexatious,

   iii. the appeal is made only for the purpose of delay, or

   iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.

2. The appellant has not provided written reasons for the appeal.

3. The appellant intends to argue a matter mentioned in subsection (19.0.1) but has not provided the explanations required by that subsection.

4. The appellant has not paid the fee charged by the Tribunal.

5. The appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2019, c. 9, Sched. 12, s. 6 (8); 2021, c. 4, Sched. 6, s. 80 (1).

Representation

(25.1) Before dismissing all or part of an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under paragraph 5 of subsection (25). 2000, c. 26, Sched. K, s. 5 (2); 2017, c. 23, Sched. 3, s. 10 (12); 2019, c. 9, Sched. 12, s. 6 (9).

Same

(25.1.1) Despite the *Statutory Powers Procedure Act* and subsection (24), the Tribunal may, on its own initiative or on the motion of the municipality or the Minister, dismiss all or part of an appeal without holding a hearing if, in the Tribunal's opinion, the application to which the appeal relates is substantially different from the application that was before council at the time of its decision. 2017, c. 23, Sched. 3, s. 10 (13).

Dismissal

(25.2) Despite the *Statutory Powers Procedure Act*, the Tribunal may dismiss all or part of an appeal after holding a hearing or without holding a hearing on the motion under subsection (25) or (25.1.1), as it considers appropriate. 2017, c. 23, Sched. 5, s. 93 (7).

Powers of Tribunal

(26) The Tribunal may,

(a) on an appeal under subsection (11) or (19), dismiss the appeal;

(b) on an appeal under subsection (11) or (19), amend the by-law in such manner as the Tribunal may determine or direct the council of the municipality to amend the by-law in accordance with the Tribunal's order; or

(c) on an appeal under subsection (19), repeal the by-law in whole or in part or direct the council of the municipality to repeal the by-law in whole or in part in accordance with the Tribunal's order. 2019, c. 9, Sched. 12, s. 6 (10).

(26.1)-(26.13) Repealed: 2019, c. 9, Sched. 12, s. 6 (10).

Matters of provincial interest

(27) Where an appeal is made to the Tribunal under subsection (11) or (19), the Minister, if he or she is of the opinion that a matter of provincial interest is, or is likely to be, adversely affected by the by-law, may so advise the Tribunal in writing not later than 30 days before the day fixed by the Tribunal for the hearing of the appeal and the Minister shall identify,

(a) the part or parts of the by-law by which the provincial interest is, or is likely to be, adversely affected; and

(b) the general basis for the opinion that a matter of provincial interest is, or is likely to be, adversely affected. 2017, c. 23, Sched. 3, s. 10 (15); 2019, c. 9, Sched. 12, s. 6 (11).

No hearing or notice required

(28) The Minister is not required to give notice or to hold a hearing before taking any action under subsection (27). 2004, c. 18, s. 6 (3).

No order to be made

(29) If the Tribunal has received a notice from the Minister under subsection (27) and has made a decision on the by-law, the Tribunal shall not make an order under subsection (26) in respect of the part or parts of the by-law identified in the notice. 2019, c. 9, Sched. 12, s. 6 (12).

Action of L.G. in C.

(29.1) The Lieutenant Governor in Council may confirm, vary or rescind the decision of the Tribunal in respect of the part or parts of the by-law identified in the notice and in doing so may repeal the by-law in whole or in part or amend the by-law in such a manner as the Lieutenant Governor in Council may determine. 2004, c. 18, s. 6 (3); 2017, c. 23, Sched. 5, s. 93 (8).

Coming into force

(30) If one or more appeals have been filed under subsection (19), the by-law does not come into force until all of such appeals have been withdrawn or finally disposed of, whereupon the by-law, except for those parts of it repealed or amended under subsection (26) or as are repealed or amended by the Lieutenant Governor in Council under subsection (29.1), shall be deemed to have come into force on the day it was passed. 1996, c. 4, s. 20 (13); 2004, c. 18, s. 6 (4); 2017, c. 23, Sched. 3, s. 10 (17); 2019, c. 9, Sched. 12, s. 6 (13).

Unappealed portions

(31) Despite subsection (30), before all of the appeals have been finally disposed of, the Tribunal may make an order providing that any part of the by-law not in issue in the appeal shall be deemed to have come into force on the day the by-law was passed. 1993, c. 26, s. 53 (5); 2017, c. 23, Sched. 5, s. 80.

Method

(32) The Tribunal may make an order under subsection (31) on its own initiative or on the motion of any person or public body. 1993, c. 26, s. 53 (5); 1996, c. 4, s. 20 (14); 2006, c. 23, s. 15 (18); 2017, c. 23, Sched. 5, s. 80.

Notice and hearing

(33) The Tribunal may,

(a) dispense with giving notice of a motion under subsection (32) or require the giving of such notice of the motion as it considers appropriate; and

(b) make an order under subsection (31) after holding a hearing or without holding a hearing on the motion, as it considers appropriate. 2017, c. 23, Sched. 5, s. 93 (9).

Notice

(34) Despite clause (33) (a), the Tribunal shall give notice of a motion under subsection (32) to any person or public body who filed with the Tribunal a written request to be notified if a motion is made. 2017, c. 23, Sched. 5, s. 93 (9).

Transition — refund of fees

(35) Subject to subsection (36), subsections (10.12) to (10.14), as they read immediately before their repeal by subsection 5 (5) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024*, continue to apply to an application received before the day subsection 5 (5) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force. 2024, c. 16, Sched. 12, s. 5 (9).

Same

(36) If a decision in respect of an application has not been made by the municipality before the day subsection 5 (5) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force, any refund of fees required under subsection (10.12) of this section, as it read immediately before its repeal, shall be determined as though a decision had been made on that day. 2024, c. 16, Sched. 12, s. 5 (9).

v **Section Amendments with date in force (d/m/y)**

Transition, orders under former s. 34.1

34.1 An order made by the Minister under subsection 34.1 (9), as it read immediately before the day section 6 of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force, shall be deemed for all purposes, except for the purposes of section 24 of this Act, to be and to always have been a by-law passed by the council of the municipality in which the land is situate. 2024, c. 16, Sched. 12, s. 6.

v **Section Amendments with date in force (d/m/y)**

case may be;

(b) the money in that account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be;

(c) earnings derived from the investment of the money in the special account shall be paid into that account; and

(d) the auditor of the municipality, in the auditor's annual report, shall report on the activities and position of the account. 2002, c. 17, Sched. B, s. 13 (1); 2006, c. 32, Sched. C, s. 47 (6).

Registration of agreement

(4) An agreement entered into under this section may be registered in the proper land registry office against the land to which it applies and, when so registered, any money payable to the municipality under the agreement that has become due for payment shall have priority lien status as described in section 1 of the *Municipal Act, 2001* or section 3 of the *City of Toronto Act, 2006*, as the case may be. 2002, c. 17, Sched. B, s. 13 (2); 2006, c. 32, Sched. C, s. 47 (7).

Certificate

(5) When all money payable to the municipality under an agreement registered under subsection (4) has been paid, or such agreement has been terminated, the clerk of the municipality shall, at the request of the owner of the land, provide a certificate in a form registrable in the proper land registry office, certifying that the money has been paid or that the agreement has been terminated. R.S.O. 1990, c. P.13, s. 40 (5).

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v **Section Amendments with date in force (d/m/y)**

Site plan control area

41 (1) In this section,

"development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the

location of three or more trailers as defined in subsection 164 (4) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be, or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of this Act or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of this Act. R.S.O. 1990, c. P.13, s. 41 (1); 1994, c. 4, s. 14; 2002, c. 17, Sched. B, s. 14 (1); 2006, c. 32, Sched. C, s. 47 (8).

Exception

(1.1) The definition of "development" in subsection (1) does not include the placement of a portable classroom on a school site of a district school board. 2006, c. 23, s. 16 (1); 2025, c. 9, Sched. 7, s. 7 (1).

Same

(1.2) Subject to subsection (1.3), the definition of "development" in subsection (1) does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units, unless the parcel of land includes any land in a prescribed area. 2022, c. 21, Sched. 9, s. 11 (1); 2023, c. 10, Sched. 6, s. 9 (1).

Land lease community home

(1.3) The definition of "development" in subsection (1) includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1), on a parcel of land that will contain any number of residential units. 2022, c. 21, Sched. 9, s. 11 (1).

Establishment of site plan control area

(2) Where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such area as a site plan control area. R.S.O. 1990, c. P.13, s. 41 (2).

Designation of site plan control area

(3) A by-law passed under subsection (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34. R.S.O. 1990, c. P.13, s. 41 (3).

Consultation

(3.1) The municipality shall permit applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4). 2024, c. 16, Sched. 12, s. 8 (1).

(3.2) Repealed: 2024, c. 16, Sched. 12, s. 8 (1).

Prescribed information

(3.3) If information or materials are prescribed for the purposes of this section, an applicant shall provide the prescribed information and material to the municipality. 2022, c. 12, Sched. 5, s. 7 (1).

Other information

(3.4) Subject to the regulations, a municipality may require that an applicant provide any other information or material that the municipality considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2022, c. 12, Sched. 5, s. 7 (1); 2025, c. 9, Sched. 7, s. 7 (2).

Refusal and timing

(3.5) Until the municipality has received the plans and drawings referred to in subsection (4), the information and material required under subsections (3.3) and (3.4), if any, and any fee under section 69,

(a) the municipality may refuse to accept or further consider the application; and

(b) the time period referred to in subsection (12) of this section does not begin. 2022, c. 12, Sched. 5, s. 7 (1).

Information and material prepared by prescribed professionals

(3.5.1) The provision of information or material to a municipality in respect of a requirement under subsection (3.3) or (3.4) is deemed to meet the applicable requirement if the information or material is prepared by a person authorized to practise a prescribed profession. 2025, c. 9, Sched. 7, s. 7 (3).

Response re completeness of application

(3.6) Within 30 days after the applicant pays any fee under section 69, the municipality shall notify the person or public body that the plans and drawings referred to in

subsection (4) and the information and material required under subsections (3.3) and (3.4), if any, have been provided, or that they have not been provided, as the case may be. 2022, c. 12, Sched. 5, s. 7 (1).

Motion re dispute

(3.7) At any time after the applicant has begun to consult with the municipality before submitting plans and drawings for approval under subsection (4) or after the applicant has paid any fee required under section 69, the applicant or municipality may make a motion for directions to have the Tribunal determine,

(a) whether the plans and drawings and the information and material have in fact been provided; or

(b) whether a requirement made under subsection (3.4) is reasonable. 2024, c. 16, Sched. 12, s. 8 (2).

(3.8) Repealed: 2024, c. 16, Sched. 12, s. 8 (2).

Final determination

(3.9) The Tribunal's determination under subsection (3.7) is not subject to appeal or review. 2022, c. 12, Sched. 5, s. 7 (1).

Approval of plans or drawings

(4) No person shall undertake any development in an area designated under subsection (2) unless the authorized person referred to in subsection (4.0.1) or, where an appeal has been made under subsection (12), the Tribunal has approved one or both, as the authorized person may determine, of the following:

1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a), including facilities designed to have regard for accessibility for persons with disabilities.

2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 dwelling units, which drawings are sufficient to display,

(a) the massing and conceptual design of the proposed building;

(b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;

(c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;

(d) Repealed: 2026, c. 8, Sched. 1, s. 7 (1).

(d.1) matters relating to exterior access to each building that will contain affordable housing units or to any part of such building, but only to the extent that it is a matter of exterior design, if the municipal by-law passed under subsection (2) and the official plan to which the by-law gives effect both include provisions relating to policies described in subsection 16 (4) and both include requirements or standards for exterior access to buildings that will contain affordable housing units;

(e) the elements on any adjoining highway under a municipality's jurisdiction, including trees, shrubs, hedges, plantings or other ground cover, paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality, but only to the extent that such elements are necessary to address matters of health, safety, accessibility or the protection of adjoining lands; and

(f) facilities designed to have regard for accessibility for persons with disabilities. R.S.O. 1990, c. P.13, s. 41 (4); 2002, c. 9, s. 56 (1); 2006, c. 23, s. 16 (3, 4); 2009, c. 33, Sched. 21, s. 10 (9); 2016, c. 25, Sched. 4, s. 5; 2017, c. 23, Sched. 5, s. 80; 2022, c. 12, Sched. 5, s. 7 (2); 2022, c. 21, Sched. 9, s. 11 (2); 2026, c. 8, Sched. 1, s. 7 (1); 2026, c. 8, Sched. 7, s. 8 (1).

Authorized person

(4.0.1) A council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4). 2022, c. 12, Sched. 5, s. 7 (3).

Exclusions from site plan control

(4.1) The following matters relating to buildings described in paragraph 2 of subsection (4) are not subject to site plan control:

1. Interior design.

1.1 Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building.

2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 (c) of subsection (4).

3. The manner of construction and standards for construction. 2006, c. 23, s. 16 (5); 2022, c. 21, Sched. 9, s. 11 (3); 2026, c. 8, Sched. 1, s. 7 (2).

Same

(4.1.1) The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality's jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility or the protection of adjoining lands. 2022, c. 21, Sched. 9, s. 11 (4); 2026, c. 8, Sched. 7, s. 8 (2).

Environmental standards

(4.1.2) For greater certainty, the manner of construction and standards for construction referred to in paragraph 3 of subsection (4.1) includes standards for the protection or conservation of the environment. 2026, c. 8, Sched. 1, s. 7 (3).

Dispute about scope of site plan control

(4.2) The owner of land or the municipality may make a motion for directions to have the Tribunal determine a dispute about whether a matter referred to in paragraph 1 or 2 of subsection (4) is subject to site plan control. 2017, c. 23, Sched. 5, s. 96.

Final determination

(4.3) The Tribunal's determination under subsection (4.2) is not subject to appeal or review. 2006, c. 23, s. 16 (5); 2017, c. 23, Sched. 5, s. 80.

Drawings for residential buildings

(5) Despite the exception provided in paragraph 2 of subsection (4), the council of the municipality may require the drawings mentioned therein for a building to be used for residential purposes containing fewer than 25 dwelling units if the proposed building is to be located in an area specifically designated in the official plan mentioned in subsection (2) as an area wherein such drawings may be required. R.S.O. 1990, c. P.13, s. 41 (5).

Proviso

(6) Nothing in this section shall be deemed to confer on the municipality power to limit the height or density of buildings to be erected on the land. R.S.O. 1990, c. P.13, s. 41 (6); 2022, c. 12, Sched. 5, s. 7 (4).

Conditions to approval of plans

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land.

2. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs.

3. Subject to subsection (9.2), 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.

4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.

4.1 Facilities designed to have regard for accessibility for persons with disabilities.

5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.

6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.

7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.

8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.

9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

(b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (d) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4);

(c.1) enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the plans and drawings approved under subsection (4);

(d) subject to subsection (9.1), convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right of way. R.S.O. 1990, c. P.13, s. 41 (7); 1996, c. 4, s. 24 (1, 2); 2006, c. 23, s. 16 (6, 7); 2026, c. 8, Sched. 7, s. 8 (3).

Lapse of approval

(7.1) Subject to the regulations, in approving the plans and drawings referred to in subsection (4), the authorized person referred to in subsection (4.0.1) may provide that the approval lapses at the expiration of the time period specified by the authorized person, in accordance with subsection (7.2), and the approval shall lapse at the expiration of the time period. However, the approval shall not lapse if, before it has lapsed, a permit

is issued under section 8 of the *Building Code Act, 1992* to implement the site plan approval. 2024, c. 16, Sched. 12, s. 8 (3).

Same, time period

(7.2) For the purposes of subsection (7.1), the time period specified by the authorized person shall not,

(a) be less than such prescribed time period as may be applicable to the development;

(b) exceed such prescribed time period as may applicable to the development; or

(c) be less than three years, if a prescribed time period under clause (a) or (b) does not apply with respect to the development. 2024, c. 16, Sched. 12, s. 8 (3).

Same, approval

(7.3) Subject to the regulations, if an authorized person has approved plans or drawings referred to in subsection (4) before the day subsection 8 (3) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force, the authorized person may provide that the approval lapses in accordance with subsections (7.1) and (7.2) of this section and, if the authorized person does so, the municipality shall notify the owner of the land of the change to the approval. 2024, c. 16, Sched. 12, s. 8 (3).

Where area is in upper-tier municipality

(8) If an area designated under subsection (2) is within an upper-tier municipality, plans and drawings in respect of any development proposed to be undertaken in the area shall not be approved until the upper-tier municipality has been advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the upper-tier municipality any or all of the following:

(i) subject to subsection (9), widenings of highways that are under the jurisdiction of the upper-tier municipality and that abut on the land,

(ii) subject to the *Public Transportation and Highway Improvement Act*, where the land abuts a highway under the jurisdiction of the upper-tier municipality, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs,

(iii) subject to subsection (9.2), where the land abuts a highway under the jurisdiction of the upper-tier municipality, 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,

(iv) where the land abuts a highway under the jurisdiction of the upper-tier municipality, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land,

(v) where the land abuts a highway under the jurisdiction of the upper-tier municipality, facilities designed to have regard for accessibility for persons with disabilities;

(b) enter into one or more agreements with the upper-tier municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (c) and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas;

(c) subject to subsection (9.1), convey part of the land to the upper-tier municipality to the satisfaction of and at no expense to the municipality for a public transit right of way. 2002, c. 17, Sched. B, s. 14 (2); 2006, c. 23, s. 16 (8); 2026, c. 8, Sched. 7, s. 8 (4).

Limitations on requirement to widen highway

(9) An owner may not be required by a municipality, under paragraph 1 of clause (7) (a), or by an upper-tier municipality with planning responsibilities, under subclause (8) (a) (i), to provide a highway widening unless the highway to be widened is shown on or described in an official plan as a highway to be widened and the extent of the proposed widening is likewise shown or described. 2022, c. 21, Sched. 9, s. 11 (5).

Limitations on requirement to convey land

(9.1) An owner of land may not be required by a municipality, under clause (7) (d), or by an upper-tier municipality with planning responsibilities, under clause (8) (c), to convey land unless the public transit right of way to be provided is shown on or described in an official plan. 2022, c. 21, Sched. 9, s. 11 (6).

Limitation on requirement re parking facilities

(9.2) An owner of land may not be required by a municipality, under paragraph 3 of clause (7) (a), or by an upper-tier municipality, under subclause (8) (a) (iii), to provide electric vehicle supply equipment in connection with off-street vehicular parking facilities. 2026, c. 8, Sched. 7, s. 8 (5).

Limitation, prescribed matters

(9.3) With respect to an application made on or after the day a regulation made pursuant to this subsection comes into force, despite subsections (7) and (8), a municipality may not impose requirements respecting prescribed matters. 2026, c. 8, Sched. 7, s. 8 (5).

Registration of agreements

(10) Any agreement entered into under clause (7) (c) or (c.1) or under clause (8) (b) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s. 41 (10); 2002, c. 17, Sched. B, s. 14 (3); 2006, c. 23, s. 16 (9).

Application of *Municipal Act, 2001* or *City of Toronto Act, 2006*

(11) Section 446 of the *Municipal Act, 2001* or section 386 of the *City of Toronto Act, 2006*, as the case may be, applies to any requirements made under clauses (7) (a) and (b) and to any requirements made under an agreement entered into under clause (7) (c) or (c.1). R.S.O. 1990, c. P.13, s. 41 (11); 2002, c. 17, Sched. B, s. 14 (4); 2006, c. 23, s. 16 (10); 2006, c. 32, Sched. C, s. 47 (9).

(11.1)-(11.3) Repealed: 2024, c. 16, Sched. 12, s. 8 (4).

Appeal to Tribunal re approval of plans or drawings

(12) If the municipality fails to approve the plans or drawings referred to in subsection (4) within 60 days after they are received by the municipality, the owner may appeal the failure to approve the plans or drawings to the Tribunal by filing with the clerk of the local municipality a notice of appeal accompanied by the fee charged by the Tribunal. 2017, c. 23, Sched. 3, s. 13 (1); 2021, c. 4, Sched. 6, s. 80 (1); 2022, c. 12, Sched. 5, s. 7 (6); 2023, c. 10, Sched. 6, s. 9 (4).

Appeal to Tribunal re requirement under subs. (7) or (8)

(12.0.1) If the owner of the land is not satisfied with any requirement made by the municipality under subsection (7) or by the upper-tier municipality under subsection (8) or with any part thereof, including the terms of any agreement required, the owner may appeal the unsatisfactory requirements, or parts thereof, including the terms of any agreement required, to the Tribunal by filing with the clerk of the local municipality a notice of appeal accompanied by the fee charged by the Tribunal. 2017, c. 23, Sched. 3, s. 13 (1); 2021, c. 4, Sched. 6, s. 80 (1).

Record

(12.0.2) If the clerk receives a notice of appeal under subsection (12) or (12.0.1), the clerk shall ensure that the following are forwarded to the Tribunal within 15 days after the notice is filed:

1. The notice of appeal.

2. The fee.

3. The plans and drawings submitted for approval under subsection (4).

3.1 Any information or material required under subsections (3.3) and (3.4).

4. In the case of an appeal under subsection (12.0.1), documents that set out the requirements made by the municipality under subsection (7) or by the upper-tier municipality under subsection (8), as the case may be. 2017, c. 23, Sched. 3, s. 13 (1); 2023, c. 10, Sched. 6, s. 9 (5).

Hearing

(12.1) The Tribunal shall hear and determine the matter in issue and determine the details of the plans or drawings and determine the requirements, including the provisions of any agreement required. 2002, c. 17, Sched. B, s. 14 (5); 2017, c. 23, Sched. 3, s. 13 (2).

Classes of development, delegation

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5). 2022, c. 12, Sched. 5, s. 7 (7).

Proviso

(14) Section 35a of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, shall be deemed to continue in force in respect of any by-law passed under that section on or before that day. R.S.O. 1990, c. P.13, s. 41 (14).

Certain agreements declared valid and binding

(15) Every agreement entered into by a municipality after the 16th day of December, 1973 and before the 22nd day of June, 1979, to the extent that the agreement deals with facilities and matters mentioned in subsection 35a (2) of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as it existed on the 21st day of June, 1979, is hereby declared to be valid and binding. R.S.O. 1990, c. P.13, s. 41 (15).

Transition

(15.1) This section as it read immediately before the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) of this section before that day. 2022, c. 12, Sched. 5, s. 7 (8).

Same

(15.2) This section as it read immediately before July 1, 2022 continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) on or after the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force but before July 1, 2022. 2022, c. 12, Sched. 5, s. 7 (9).

Same

(15.3) In respect of plans and drawings submitted for approval under subsection (4) before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* comes into force,

(a) subparagraph 2 (d) of subsection (4), as it read immediately before the day subsection 11 (2) of Schedule 9 to the *More Homes Built Faster Act, 2022* came into force, continues to apply;

(b) paragraph 1.1 of subsection (4.1) does not apply; and

(c) subsection (4.1.1) does not apply. 2022, c. 21, Sched. 9, s. 11 (7).

Same — refund of fee

(15.4) Subject to subsection (15.5), subsections (11.1) to (11.3), as they read immediately before their repeal by subsection 8 (4) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024*, continue to apply to plans and drawings referred to in subsection (4) that are received before the day subsection 8 (4) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force. 2024, c. 16, Sched. 12, s. 8 (5).

Same

(15.5) If the municipality has not approved the plans and drawings before the day subsection 8 (4) of Schedule 12 to the *Cutting Red Tape to Build More Homes Act, 2024* comes into force, any refund of fees required under subsection (11.1) of this section, as it read immediately before its repeal, shall be determined as though an approval had been granted on that day. 2024, c. 16, Sched. 12, s. 8 (5).

City of Toronto

(16) This section does not apply to the City of Toronto. 2017, c. 23, Sched. 3, s. 13 (3).

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v **Section Amendments with date in force (d/m/y)**

Conveyance of land for park purposes

Definitions

42 (0.1) In this section,

"effective date" means July 1, 2016. ("date d'effet") 2015, c. 26, s. 28 (1); 2020, c. 18, Sched. 17, s. 2 (1); 2022, c. 21, Sched. 9, s. 12 (1).

Conveyance

(1) Subject to subsection (1.1), as a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes. R.S.O. 1990, c. P.13, s. 42 (1); 2022, c. 21, Sched. 9, s. 12 (2).

This is Exhibit “AA” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028





Wildland Fire Risk Assessment and Mitigation Reference Manual

in support of the Provincial Policy Statement, 2014





Ontario

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How to cite this manual:

Ontario Ministry of Natural Resources and Forestry. August 2017. Wildland Fire Assessment and Mitigation Reference Manual in support of Provincial Policy Statement, 2014. Toronto: Queen's Printer for Ontario.

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Part I

Understanding Wildland Fire

CHAPTER 1
Purpose and role of this document

Across Canada wildland fires, also referred to as wildfires or forest fires, are the second most frequent type of reported natural disaster, next to flooding. However, in a given year wildland fires happen more often than floods and, unlike flooding, can strike quickly in random multiple areas when conditions are right, leaving little time to prepare. Part of the mandate for the Ministry of Natural Resources and Forestry (MNRF) includes the responsibility to lead the prevention and mitigation of, preparedness for, response to, and recovery from wildland fires.[1] On average, MNRF responds to more than 1000 wildland fires each year, and 90 per cent of wildland fires that occur within 3 kilometres of Ontario communities are caused by human activities.[2] When communities expand into forested areas (known as the wildland-urban interface), the manner in which development occurs affects the level of risk to human life and values that is associated with wildland fire.

1.1 Purpose of guidance material

The purpose of this document, *Wildland Fire Risk Assessment and Mitigation: Reference Manual in support of the Provincial Policy Statement, 2014* (referred to throughout as "the Manual") is to:

- outline how wildland fire, a natural hazard, can be addressed in the municipal land use planning process in a manner that achieves consistency with the Provincial Policy Statement, 2014 (PPS, 2014), including policy 3.1.8;
- provide background information regarding hazardous forest types for wildland fire and the risks they pose;
- identify "wildland fire assessment and mitigation standards" as referred to and defined in the PPS, 2014;
- provide techniques for implementing wildland fire policies through municipal planning policies and processes including official plans, zoning by-laws and site-specific applications, as well as other municipal planning tools; and
- recognize that land use planning is a critical part of the province's framework for managing emergencies.

The Manual represents the province's recommended technical criteria and approaches for assessing risk, and in areas where hazardous forest types are present, assessing and determining the environmentally appropriate measures to mitigate those risks for proposed development.

1.2 Intended audience of the Manual

The Manual is a reference tool for municipalities, planning boards and other approval authorities (referred to throughout as "planning authorities"). Landowners, proponents/developers, staff of conservation authorities and other organizations, and the public also play important roles in planning and will want to consult the Manual when seeking to implement wildland fire policies of the PPS, 2014.

People involved in the development and review of policy documents and the review and approval of development applications should consult the Manual.

1.3 Structure of the Manual

Part 1 of this Manual identifies the purpose of the document, the context and drivers for addressing wildland fire risk through provincial land use planning policy and as a provincial interest, and the legislative and policy framework regarding wildland fire as it relates to municipal land use planning. Part 2 discusses wildland fire assessment and wildland fire mitigation techniques to prevent the creation of new hazardous situations, while Part 3 describes the techniques and tools for implementing PPS, 2014 wildland fire policies through municipal planning processes and documents. It also outlines municipal planning tools that are potentially suitable to implement the wildland fire policies of the PPS, 2014.

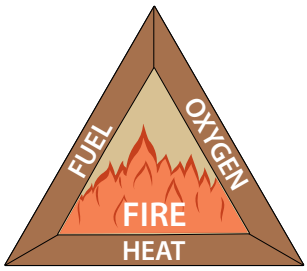




CHAPTER 2
Understanding wildland fire and it's policy context

2.1 What is wildland fire?

In broad terms, wildland fire is any fire burning in treed or forested areas, grass, or alpine/tundra vegetation.[3] For the purposes of the Provincial Policy Statement, 2014 (PPS, 2014), wildland fire pertains to wildland fire in treed or forested areas and more specifically, hazardous forest types. Wildland fires involve a rapid chemical reaction (i.e., combustion) that requires the presence of three key elements: heat, oxygen and fuel— known as the Fire Triangle.



Fire behaviour is a term that refers to the way in which a fire starts, or ignites, and the way that a fire spreads. The three key factors that contribute to wildland fire behaviour are fuel (vegetation, in the case of wildland fire), topography and weather.[4]

The occurrence of wildland fire is a natural ecosystem process, and is a necessary aspect of natural regeneration. If wildland fire has occurred in an area in the past, it will occur again in the future. Areas that may not have a history of wildland fire activity become more susceptible to fire when new human activity and development encroaches on a forested area. The likelihood for wildland fires to ignite increases due to the introduction of human recreation, industrial activities, damaged power lines and adjacent development. Natural causes, such as lightning, present an increased threat to life and property when human activities or development are introduced into an area with hazardous forest types for wildland fire.

2.2 Wildland fire fuels

Wildland fires respond quickly to the presence of fuels, regardless of whether they are located in forests, communities or areas of settlement, or individual properties. The main source of wildland fire fuel is the vegetation present, as well as vegetation on the forest floor including brush, flammable grasses and debris, (throughout the Manual, fuel and vegetation are used synonymously). However, if wildland fire has the opportunity to move into developed areas, it can be further fueled by other sources such as buildings and structures, and other flammable fuels. Of the three factors that contribute to wildland fire behaviour (fuel, topography and weather), the factor that can be most easily influenced is fuel, through vegetation management and other mitigation measures. The risk to property and life posed by wildland fire can be reduced by addressing it through land use planning, and by using the tools available through municipal planning processes.

2.3 Climate change and the wildland fire environment

Climate change is expected to result in more variable and extreme weather patterns that may result in more severe fire seasons. Fire season is a period of the year when outbreaks of fire, especially wildfires, are most likely to occur. Climate change could affect the fire season by beginning earlier and lasting longer in some areas. For example, summer and winter average temperatures across Ontario are expected to increase, with more noticeable increases in the North. Smaller and variable changes in regional precipitation are also expected,[5] which could increase the duration and extent of drought. Changing weather patterns could also increase damage to forests by wind, insects and disease, resulting in further hazardous forest types for wildland fire, and increased risk to Ontario communities.[6]

Research shows that wildland fire activity across Ontario is likely to increase significantly as will the number of wildland fires that escape suppression efforts. Specifically, projections indicate that total fires in Ontario could increase by 15 per cent by 2040, and by 50 per cent by 2100. The increased fire occurrences would have the potential for high to extreme wildland fire behaviour that could lead to an estimated 30 per cent increase in fires

escaping initial suppression efforts by 2040, and an 80 per cent increase by 2100 (assuming that current suppression resource capability is maintained).[7] It is expected that it will be challenging for fire agencies across Ontario to meet this need.[8] Land use planning can be a proactive measure to prevent or limit the spread of wildland fire once it has been ignited. Over-reliance on fire suppression to manage wildland fire may contribute to more frequent, costly and severe localized disasters (e.g., Timmins, 2012—see callout box).

Timmins 9 fire, 2012

The Timmins 9 fire ignited and traveled at unprecedented rates of spread during the afternoon and late evening hours of May 20, 2012. Fire spread rates between 65 and 80 metres per minute were observed and the fire traveled almost 50 kilometres in one burning period toward the City of Timmins. The fire was a continuous crown fire and spot fires were ignited up to 2 kilometres ahead of the main fire and forced many evacuations along Highway 144. Smoke and ash fall were observed by residents in the City of Timmins and as far away as Cochrane.

2.4 Development encroachment into wildland areas

Wildland fire hazard and associated risks are created when human activity and development intersect with forested areas. These areas, where residential, commercial and/or industrial development is located close to wildland or forested areas, are known as the wildland-urban interface. The wildland-urban interface is any point where the fuel feeding a wildland fire changes from natural (wildland) fuel to human-made fuel.[9]

The wildland-urban interface is composed of interface areas, in which development and wildland (vegetation/fuels) meet at a well-defined boundary; and/or intermix areas, where development and wildland fuels intermingle with no clearly defined boundary or separation. Interface and intermix areas are typically found outside of settlement areas where new development extends into undeveloped, forested areas. However, the interior of a community can also have large tracts of forested areas, such as community or managed forests.

Wildland fires can start or ignite in the wildland urban interface (WUI) in two ways;



Figure 2-1.
The interface and intermix areas that constitute the wildland-urban interface

i) Fires burning in adjacent forested areas may spread into developed areas within the WUI. When uncontrolled, these fires can burn intensely in areas adjacent to development resulting in risk to life and property.

ii) Fires can ignite in developed areas within the WUI, (e.g., burning buildings, activities such as garbage incineration, etc.) and then spread from communities out into surrounding wildland forests, threatening ecological and other values such as resource-based industry.[10] Figure 2-1 illustrates the interface and intermix areas.

2.5 Legislative and policy framework

2.5.1 *Forest Fires Prevention Act* and *Emergency Management and Civil Protection Act*

Wildland fire has the potential to damage property and infrastructure, and put the health and safety of Ontario's residents at risk. The key components of the legislative framework regarding wildland fire are the *Forest Fires Prevention Act* (FFPA) and the *Emergency Management and Civil Protection Act* (EMCPA). The FFPA sets out the authority for wildland fire management and applies to the fire regions as set out in regulation (see Appendix 1 for further description of the FFPA and the fire region).

The EMCPA requires that each municipality develop and implement an emergency management program including a coordinated process to improve public safety. The EMCPA also requires every municipality to identify and assess the various hazards and risks to public safety,

and identify facilities and other elements of the infrastructure that are at risk for emergencies. Appendix 1 provides further descriptions of these legislative and policy tools that set the overarching framework for the protection of public health and safety. These tools and requirements could help in the implementation of PPS wildland fire policies. Ontario's FireSmart Program, described below, offers tools to address the requirements of the EMCPA as it relates to wildland fire hazards.

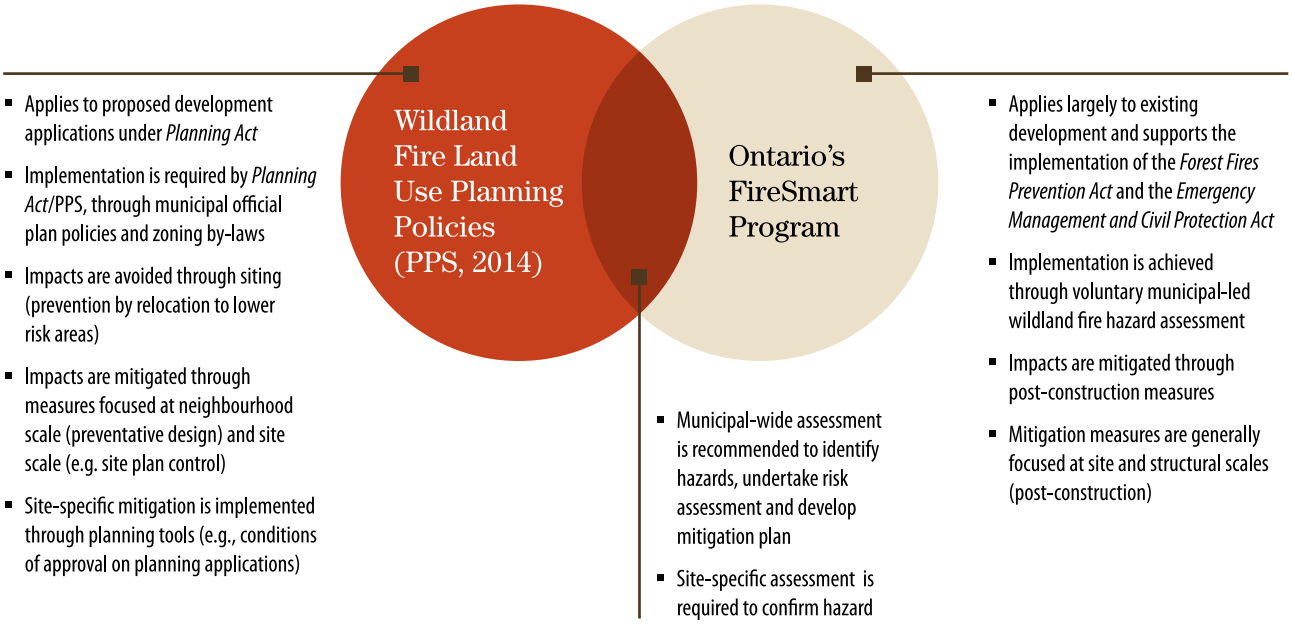
2.5.2 Ontario's FireSmart Program

The FireSmart Program was established in 1999, and fire agencies across Canada, (including Ontario), and in Australia and New Zealand have adopted its standards to address wildland-urban interface fire issues in their jurisdictions. The program focuses on engaging property owners, planning authorities and industry in reducing the threat of wildland fire to human life and communities through application of principles for development within the wildland-urban interface.[11] The principles dealing with vegetation management and development considerations are the most relevant to land use planning. These principles form the basis of the recommended standards outlined in this Manual; they can be applied to land use planning decisions in order to implement the wildland fire policies of the PPS, 2014. Figure 2-2 illustrates the way in which Ontario's FireSmart Program relates to and supports land use planning.

A component of the overall FireSmart planning process for protecting communities from wildland fire[12] includes the completion of a "wildland fire hazard assessment." This involves the identification of areas at risk from wildland fire through to the delineation of geographic zones within a community.[13] It also includes describing aspects of the community. These include values that could be at risk, such as property; infrastructure (e.g., roads, driveways, bridges and culverts, utilities); natural resources and economic values; existing preventive measures (i.e., tools in place, such as by-laws, that would affect wildland fire); and land uses (to identify areas that could become sources of ignition of wildland fire).

The FireSmart assessment process also evaluates the capacity of many of the factors listed above relative to their ability to accommodate needs in emergency situations (e.g., whether access routes are sufficient to accommodate emergency vehicles, and/or evacuate people should a wildland fire occur). This information is used to determine appropriate mitigation measures and, finally, to plan for response to wildland fires (which is outside of the scope of the implementation of PPS, 2014 wildland fire policy, but is needed where new development is allowed in high-risk areas).

Figure 2-2.
A comparison of wildland fire land use planning policies of the PPS, 2014 and Ontario's FireSmart Program



2.5.3 The *Planning Act* and PPS, 2014

The *Planning Act* sets out the legislative framework for land use planning in Ontario. The *Planning Act* includes the following among its stated purposes "to provide for a land use planning system led by provincial policy" and "to integrate matters of provincial interest in provincial and municipal planning decisions." Section 2 states that planning authorities shall have regard to matters of provincial interest, including the protection of public health and safety, and section 3 says that policy statements may be issued on matters relating to municipal planning that are of provincial interest.

The PPS, 2014 provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.[14] Decisions made in respect of land use planning matters must be consistent with the policies of the PPS, 2014, the PPS is to be read in its entirety, and all relevant policies are to be applied to each situation. The *Planning Act* also requires that when planning authorities consider draft plans of subdivision and consents (severances), they shall have regard to the effect of the development of the proposed subdivision/consent on matters of provincial interest in section 2 of the Act.[15] The wildland fire policies are in policy 3.1.8 of the PPS, 2014.





CHAPTER 3
Wildland fire land use planning policies overview

The Provincial Policy Statement, 2014 (PPS, 2014) recognizes wildland fire as a natural hazard, and policies regarding wildland fire hazards are identified in 3.0 Protecting Public Health and Safety. The recognition of wildland fire in the PPS 2014 (policy 3.1.8) is an important step in acknowledging the increased risks associated with wildland fire and the key role that land use planning plays in the protection of public health and safety and prevention of loss of property and/or other values due to wildland fire. The preamble to section 3.0 of the PPS, 2014 states, "development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage." More specifically, policy 3.1.8 states the following:

> *Development* shall generally be directed to areas outside of lands that are unsafe for *development* due to the presence of *hazardous forest types for wildland fire*.
>
> *Development* may however be permitted in lands with *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*.[16]

3.1 Wildland fire policy explanation and goal

Wildland fire policies (policy 3.1.8) were included in the PPS, 2014 to ensure that communities consider and plan for avoiding and mitigating catastrophic (or smaller) losses to their communities due to wildland fire. The goal of these policies is that land use planning decisions made under the *Planning Act* contribute to reducing the loss of life or injury, or property damage due to wildland fire.

While the policy priority is that development shall generally be directed away from areas associated with the risk of high to extreme wildland fire, there is some leeway. Where the proposed development cannot be relocated, it may be acceptable for development to occur on lands affected by the hazardous forest types, if the risk is mitigated to moderate to low. This could include a combination of measures at various scales. If the hazardous forest type is determined to be in the moderate to low risk for wildland fire, policy 3.1.8 would not be triggered. The definition of hazardous forest types for wildland fire in the next section explains the risk rating.

The policies contained within the PPS, 2014 represent minimum standards. Planning authorities may be interested in requiring broader application of wildland fire mitigation measures for applications under the *Planning Act* within their jurisdiction. In developing official plan policies and when making decisions on planning matters, the PPS, 2014 is not intended to prevent planning authorities and decision makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any other policy of the PPS, 2014.

There may be additional ways to implement policy 3.1.8 of the PPS, 2014 beyond the approaches set out in this Manual. In all cases, however, planning authorities shall make decisions and provide comments that are consistent with the PPS, 2014.

3.2 Wildland fire policy definitions

The PPS, 2014 defines those terms italicized in the policy. These include *development; hazardous forest types for wildland fire*; and *wildland fire assessment and mitigation standards*, which are shown and described below. For terms that are not defined within the PPS, 2014, the normal meaning of the word applies. The PPS, 2014 does not define the term "hazard" but it can be understood as a source of danger or something that can cause harm. Likewise, the PPS, 2014 does not define "risk" as used in policy 3.1.8, but it can be understood as the possibility of loss or injury and/or exposure to a hazard[17] or the likelihood (for example, extreme, high, moderate or low likelihood) that a hazard will actually cause harm. In the context of wildland fire, the hazard is the hazardous forest type enabling high to extreme wildland fire behaviour. This hazard poses a risk to public health and safety and to property.

Definition of development

The PPS, 2014 defines *development as*:

> the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:
>
> a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
>
> b) works subject to the *Drainage Act*; or
>
> c) for the purposes of policy 2.1.4(a), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).[18]

This definition is critical to policy 3.1.8 because the policy is triggered when development, as defined above, is proposed in or within the vicinity of forested areas. Reciprocally, the wildland fire policies of the PPS, 2014 do not apply if a proposal does not meet the definition of development. An example of this could be a proposal that complies with existing planning instruments and only requires a permit under the *Building Code Act*. Where construction that does not meet the definition of development is occurring or has occurred, planning authorities may, however, have other processes in place that may work to achieve the same objectives as those of policy 3.1.8. Land use planning is one tool, but not the only tool, that can be used to achieve avoidance or mitigation of wildland fire risk. An example of another tool is the creation and implementation of a community wildland fire plan through voluntary programs such as FireSmart.

Definition of hazardous forest types for wildland fire

The PPS, 2014 describes *hazardous forest types for wildland fire* as:

> forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources [and Forestry], as amended from time to time.[19]

This means that under dry conditions, should a fire ignite, these forests would likely exhibit high to extreme wildland fire behaviour. These forest types pose a risk to public health and safety, including damage of property. They are generally treed or forested areas of certain species and conditions. Forest vegetation, or fuel types, that are associated with the risk of high to extreme wildland fire include: natural conifer forests and unmanaged conifer plantations that can include spruce (black or white), jack pine and balsam fir tree species; immature red and white pine; and mixedwood forests with more than 50 per cent conifers (jack pine, spruce, balsam fir and immature red or white pine). Forest conditions that are associated with the risk of high to extreme wildland fire include vegetation that has sustained storm or insect damage or is diseased, trees that are close to one another (high density) within conifer forests, and an abundance of ground fuel accumulation (e.g., large amount of woody debris, branches and or needle litter on the ground).

Definition of wildland fire assessment and mitigation standards

Wildland fire assessment and mitigation standards is defined by the PPS, 2014 as:

> the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources [and Forestry] to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.[20]

In cases where development cannot be relocated to areas outside of lands where hazardous forest types are present, policy 3.1.8 of the PPS, 2014 allows development if the risk is reduced through the application of mitigation tools according to standards set by Ministry of Natural Resources and Forestry. Wildland fire assessment and mitigation standards are based on the principle of reducing the hazard level and associated risk from high or extreme (i.e., on lands where hazardous forest types for wildland fire are present), to moderate or, ideally, low, in order for proposed development to be appropriate from a wildland fire perspective.

Wildland fire assessment is one of two key components that form these standards. Wildland fire assessment is necessary to determine the presence or absence of forest types associated with the risk of high to extreme wildland fire. If an assessment determines that hazardous forest types for wildland fire are not present on or in the vicinity of proposed development (i.e., generally, within 100 m), it can be concluded that policy 3.1.8 does not apply to that situation. See Chapter 5: Wildland fire assessment.

The second key component involves the planning and implementation of mitigation measures to reduce the risk to moderate or low (where forest types associated with the risk of high to extreme wildland fire have been determined to be present through assessment). Altering forest attributes and conditions (via ongoing vegetation management) based on the principle of maintaining defensible space around structures is the most effective approach to wildland fire risk mitigation at the site level. This is implemented through priority zones for vegetation management (also known as FireSmart priority zones).

3.3 Other related PPS, 2014 policies

The PPS, 2014 should be read in its entirety and the relevant policies are to be applied in each situation. When more than one policy is relevant, planning authorities should consider all of the relevant policies to understand how they work together. There are specific policies in the PPS, 2014 that set the broader context for the wildland fire policies. For instance, policy 1.1.1 of the PPS, 2014 is particularly relevant with respect to promoting development outside of areas that pose risk to public health and safety and that considers the impact of climate change (see callout box).

PPS, 2014, policy 1.1.1 promotes the intent of wildland fire policies, by stating that:

" Healthy, liveable and safe communities are sustained by:

…

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

…

h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate."

Provincial Policy Statement, 2014



3.3.1 Relationship with 2.1 Natural Heritage

Within the definition of *wildland fire assessment and mitigation standards*, the concept of "environmentally appropriate mitigation measures" is intended to address the relationship between wildland fire policies and natural heritage protection policies in the PPS, 2014. As required by policies in 2.1 Natural Heritage, development and site alteration is not permitted within any protected natural heritage features, except where the "negative impacts" test in the PPS, 2014 applies and it has been demonstrated that there will be no negative impact on the feature or its ecological functions. This particular exception does not apply to specific types of natural heritage features (e.g. significant coastal wetlands) listed in PPS policies 2.1.4 and 2.1.7.

The implication for wildland fire policies is that if wildland fire mitigation measures such as vegetation manipulation are proposed, and they would result in negative impacts, then such mitigation measures cannot be applied. If there are no mitigation measures that would avoid negative impacts on the feature or its ecological functions resulting from proposed development, development on the subject lands should not be permitted in order to be consistent with both natural heritage and wildland fire policies in the PPS, 2014. In situations where the significance of a natural heritage feature governs whether it is protected by the PPS, 2014, and has not been determined, an evaluation of the significance of the feature must first be undertaken to identify available options for mitigating the wildland fire risk (policy 4.7).

Planning authorities may find opportunities and should encourage proponents to coordinate site assessment processes related to natural heritage policies (e.g., undertaking an environmental impact study) with wildland fire assessment as discussed in this Manual.

3.3.2 Relationship with 2.6 Cultural Heritage and Archaeology

Policies in 2.6 of the PPS, 2014 outline protection to built heritage resources and cultural heritage landscapes. Areas of cultural and/or spiritual significance to Indigenous communities should be protected from potential adverse impacts associated with wildland fire mitigation measures. Early involvement of local First Nations and Métis communities in wildland fire hazard assessment and mitigation planning (if needed) can help identify these areas and communities' concerns and interests regarding their protection. Early participation of local First Nations and Métis communities may also lead to the identification of other opportunities for involvement in hazard assessment, mitigation planning and implementation.

3.3.3 Relationship with provincial plans

A number of provincial plans guide and regulate land use planning for specific areas in Ontario. Some of these include Niagara Escarpment Plan (2005), Oak Ridges Moraine Conservation Plan (2002), Greenbelt Plan (2005) and the Growth Plans for the Greater Golden Horseshoe (2006) and for Northern Ontario (2011). For information on accessing these plans, please visit ontario.ca. The provincial plans build on the PPS but provide further substantial policy direction of the protection of natural heritage features. It is essential that planning authorities and other users of this manual consult all relevant provincial plans and corresponding guidance materials when addressing land use planning matters that fall within the jurisdiction of any of those plans. However, in general, where the provincial plans and the PPS, 2014 conflict, provincial plans take precedence over the PPS as specified in policy 4.12 of the PPS, 2014. Likewise, the PPS, 2014 provides policy direction (i.e., in the case of wildland fire (new policy 3.1.8)) on topics that the provincial plans do not address.

Part 2

Wildland Fire Assessment and Wildland Fire Mitigation Techniques

CHAPTER 4

Wildland fire behaviour and characteristics of hazardous forest types

4.1 How wildland fire threatens values

Hazardous forest types for wildland fire are forest types that are associated with the risk of high to extreme wildland fire. Understanding the factors contributing to the hazard of these forest types is necessary to effectively reduce the risks that wildland fires pose to values.

4.1.1 Types of wildland fire

The three types of wildland fires are differentiated by the way they burn (behaviour). Ground fires move through the ground, specifically the duff layer, which contains organic soils and woody material, that exists beneath the forest floor. These fires burn slowly, are persistent and are difficult to extinguish. Surface fires burn needles, twigs and branches that are on the forest floor, as well as young trees and lower branches of standing trees. High wind conditions are a key factor in the spread of surface fires. Finally, crown fires are those that burn in upper foliage and branches, in addition to burning surface and ground fuels. Ladder fuels provide vertical continuity between (or connect) surface vegetation and tree crowns; and promotes the upward spread of surface fires into the upper foliage. When high-intensity surface fires spread, or climb upward through foliage into tree canopies, they become crown fires, which are influenced by wind and upper atmospheric conditions. Crown fires travel quickly and are difficult to control.[21]

4.1.2 Structural ignitions from wildland fire

Fires can ignite and/or spread by three modes: convection, resulting in flying embers or firebrands; conduction (direct flame contact); and radiation (radiant heat). Mitigation techniques recommended in this Manual[22] are based on scientific research, and are designed to disrupt the combustion process (or break the Fire Triangle) by eliminating two of the three necessary elements of fire (heat, oxygen and fuel). They do so by minimizing the opportunity for ignition of new fires from embers; reducing the potential for direct flame contact from approaching wildland fires; and reducing the effects of radiant heat from an approaching wildland fire by reducing the opportunity for crown fire potential.

Convection and embers

Convection is a method of heat transfer that occurs due to the upward movement of heated gases, such as oxygen. During wildland fires, convection pre-heats and dries vegetation and other fuels above/near the fire, resulting in increased opportunity for fire to climb into tree crowns. Convection may also carry upward ignited debris, such as leaves, branches and conifer needles and cones. These embers (or fire-brands) may land in forested areas ahead of and beside the fire, especially in areas where topography is sloped, resulting in ignition of secondary fires (spot fires).[23] Flying embers can be carried significant distances (i.e., more than a kilometre depending on wind conditions), and can land on or near structures, potentially igniting them. The risk of this occurring increases with the presence of risk factors such as debris accumulation up against a structure (see Figure 4-1).[24]



Figure 4-1.
Effect of embers from the adjacent wildland fire landing on the roof of a structure and surrounding vegetation, resulting in further ignition of spot fires[25]

Conduction – direct flame contact

Conduction occurs when heat moves through fuels. Fire can spread when ignited fuels come in direct contact with new fuels. This is of particular concern when the arrangement of vegetation within a forested area is dense (i.e., trees are touching each other), and where there is continuous flammable vegetation in direct contact with structures[26] (see Figure 4-2). Direct flame contact with structures can increase the temperature of building materials enabling them to ignite. Under certain wind conditions, crown fires can generate flames extending up to 10 metres outward. This makes it critical to ensure that measures are in place to prevent a crown fire from advancing to within 15 metres of a structure in order to avoid direct contact of flames, and that areas within 10 metres of a structure are maintained in a low- or non-combustible state.[27]

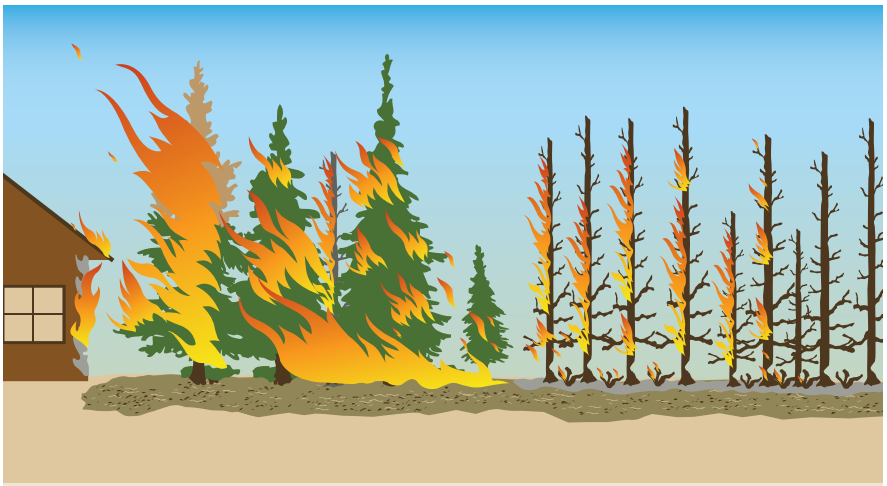


Figure 4-2.
Burning trees and shrubs producing flames that result in direct contact with siding and roofing of adjacent structure[28]

Radiation – radiant heat

Radiant heat is the energy that is released as a fire burns, and can increase the temperature of objects around it, including vegetation and structures.[29] This heating effect increases vulnerability for ignition if direct flame contact occurs, and certain building materials may ignite by radiant heat alone, if temperature and exposure time are adequate. Vegetation/fuels within the vicinity of a structure can increase the risk of structural ignition, as they are more likely to ignite should they come into direct contact with flame or embers. Radiant heat can generate temperatures high enough to cause windows to break, allowing embers to enter a structure (see Figure 4-3).



Figure 4-3.
Radiant energy/heat transfers from burning trees to the side of the structure[30]

4.1.3 Characteristics of wildland fire forest types

The hazard level of a treed or forested area and risks associated with high or extreme wildland fire are determined by two key factors: forest composition (i.e., species present) and forest condition. Forests containing more than 50 per cent conifer species are more likely to result in risks associated with high to extreme wildland fire. Conifer trees are prone to torching and crowning fires while hardwoods generally have a higher water content, making them better able to resist fire ignitions and spread[31] under all but extreme conditions.

When a forested area containing greater than 50 per cent conifer species has certain characteristics, such as high density of trees and/or large ground accumulations of forest debris, high to extreme wildland fire risk is expected under dry conditions. Table 4-1 outlines the species and forest condition characteristics that are expected to produce high to extreme fire behaviour and moderate to low fire behaviour. Appendix 2 contains images that are examples of hazardous forest types for wildland fire, including various species compositions and forest conditions. Appendix 3 illustrates these forest condition characteristics and the effects of the application of mitigation techniques. These images can be used for reference purposes when undertaking wildland fire assessments as discussed in Chapter 5.

Pine forests and pine plantations are unique because their hazard level is generally determined by their condition and successional stage—more so than other forest types. Typically mature pine forests are a moderate to low hazard; however, immature pine stands or unmanaged plantations could be rated high to extreme, and would therefore be associated with the risk of high to extreme wildland fire. Therefore, it is necessary to assess pine forests to determine the condition of the forest.

Table 4-1.

Characteristics of hazardous forest types: Forest species composition and forest condition attributes

WILDLAND FIRE RISK LEVEL	FOREST SPECIES COMPOSITION	FOREST CONDITION: COMPOSITION AND ARRANGEMENT	FOREST CONDITION: HEALTH	FOREST CONDITION: DENSITY AND STRUCTURE	FOREST CONDITION: GROUND FUEL ACCUMULATION AND LADDER FUELS
EXTREME/ HIGH	**Extreme:** Immature jack pine; boreal spruce; black or white spruce; balsam fir; immature red, white pine **High:** Mature jack pine; mixed-wood with >50% conifer species (jack pine, spruce, balsam fir, immature red or white pine) In southern Ontario, red cedar and ground juniper are highly flammable	Large portion of immature conifer trees mixing into canopy Fine fuels such as leaves, needles, twigs from branches up to 5 cm in diameter mixed with larger fuels (branches of 5–10 cm) Natural conifer forests and unmanaged conifer plantations	Storm-damaged, insect-damaged or diseased fuels indicated by: – forest fuels lying horizontally on the ground – full conifer trees lying on ground or tops of conifer trees broken off and lying on the ground – dead standing conifer trees with red or brown needles inter-mixed with immature conifer trees	Within immature conifer stands/ plantations, trees are close to one another with no crown (tree top) separation Within continuous conifer trees (standing timber and crowns): high stand density; trees not spaced; conifer tree crowns touch or overlap	Large amount of woody debris /slash build-up and branches on the ground Large build-up of flammable surface materials: cured grasses, needle litter or forest debris (i.e., branches, fallen trees, etc.) Forest fuels from thinning or logging operations lying horizontally on the ground with accumulation of fine fuels from conifer tree tops and branches Conifer trees have ladder branches (<2 m from ground)
MODERATE TO LOW	Mixedwood forests ranging from 25% (low) to 50% (moderate) conifer composition Mature red, white and Scots pine Hardwood/deciduous forests composed of maple, birch, oak, poplar, ash, etc. Typically standing cedar, hemlock and tamarack are low risk Mature red, white and Scots pine with clean or deciduous understory are low risk	Managed/maintained conifer plantations or stands, and managed red or white pine stands Small pockets of conifer trees separated by hardwood/ deciduous trees Shrub layer Conifer trees scattered evenly with hardwood/ deciduous trees Mature red/white pine stands	Small areas of insect- or diseased trees	Separated trees (standing timber and crowns) Moderate stand density with noticeable gaps Some overlapping conifer tree crowns mixed with hardwood/ deciduous trees Conifer tree crowns mostly separated (up to 10% crown overlap) Up to 10% scattered branches (low) No immature conifer trees mixing with tree crowns (low)	Minimal understory such as light cured grass, light needle litter with scattered debris covering <50% of area; scattered branches, small immature conifer trees or shrubs; up to 10% immature conifer trees extending into mature crowns Range from no ladder fuels to scattered trees with ladder fuels No heavy build-up of debris/ slash (low) Light needle litter (low) Conifer trees pruned up to 7 m from the ground (low)



CHAPTER 5
Wildland fire assessment

Wildland fire assessment is the evaluation of an area to determine risks associated with wildland fire. Assessment will determine:

1. if there is a potential risk (i.e., are the lands forested or in the vicinity (generally, within 100 m) of a forested area?); and

2. what the level of risk may be (i.e., are hazardous forest types for wildland fire present?).

Wildland fire assessment will help to inform planning authorities when they should direct development away from areas, and when it may be appropriate to consider mitigation as the hazard management response. Wildland fire assessment also helps to guide the selection of environmentally appropriate measures, if necessary (i.e., hazardous forest types for wildland fire are found to be present), to mitigate the risks to a moderate to low level.

Wildland fire assessment should usually include a review of generalized Ministry of Natural Resources and Forestry (MNRF) wildland fire hazard mapping (described further in 5.1), planning authority mapping, broad level site assessment, if available, and/or additional information accompanying a *Planning Act* application (as discussed in Part 3). There is no minimum forest size to trigger an assessment. In all cases, an appropriate level of site-specific assessment for wildland fire risk needs to confirm whether a hazardous forest type is present.

Where there has been no municipal level assessment, development proposals in forested areas need to include an assessment of the forest fuel hazard to determine the risk that those forest fuels represent should a wildland fire occur. In cases where initial screening determines that lands proposed for development do not contain forest cover or the forest cover is determined not to be a hazardous forest type for wildland fire, no further assessment is required. If it is determined that hazardous forest types for wildland fire are present on and/or in the vicinity (i.e., generally, within 100 m) of the subject lands, further assessment would be required to determine the most appropriate mitigation measures to apply. This is completed to reduce the risk level of the forest from high or extreme, to moderate or low in order to permit development. The images in Appendices 2 and 3 provide examples of hazardous forest types for wildland fire, including various forest conditions and species, and can be used for reference purposes when undertaking wildland fire assessments. Appendix 4 provides a simple sequential evaluation matrix to help walk planning authorities through the overall process for wildland fire assessment and mitigation.

5.1 MNRF generalized wildland fire hazard mapping

MNRF has produced province-wide generalized wildland fire hazard data, which is available in the Land Information Ontario (LIO) warehouse.[32] The name of the data set is "Fire—Potential Hazardous Forest Types for Wildland Fire." Local MNRF district offices may be able to provide hard-copy maps where planning authorities do not have geographical information systems capabilities to make use of the spatial data from LIO.

The data set is an amalgamation of the most current Forest Resource Inventory and LandSat data, which has been converted to fuel type categories established by the Canadian Forest Fire Behavior Prediction system. (This system is described, for information purposes only, in Appendix 5).

Make a Map:

Natural Heritage Areas Mapping Application

The **Make a Map: Natural Heritage Areas** mapping application provides the public and planning authorities with access to natural heritage information. It displays topographic information such as roads, rivers and contours, and natural heritage data that includes provincial parks and conservation reserves, wetlands, woodlands/forest cover, Areas of Natural and Scientific Interest, and Natural Heritage Information Centre information. The application also includes the boundaries, land use designations and natural heritage systems associated with the Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Niagara Escarpment Plan. Ontario assessment parcels are also part of the application.

This mapping application provides public access to natural heritage information without the need for geographic information system capability. It allows users to view and identify natural heritage features, add text to the map, mark areas of interest, and create and print maps. The application can be accessed at: Make a Map: Natural Heritage Areas Mapping Application.

The generalized wildland fire hazard dataset, which is available province-wide, provides a coarse scale assessment of areas with the greatest potential for risks associated with high to extreme wildland fire. The map represents a snapshot in time, and may not account for changes in the forest. The data set does not represent a complete assessment of wildland fire hazards. Assessment of risk and determination of mitigation measures can be done with confidence only on a site-specific basis. Lands not identified through this mapping as having high to extreme wildland fire hazards (i.e., being associated with the risk of high to extreme wildland fire) still require some level of site assessment, as described above.

Planning authorities are not required to use MNRF's mapping as an assessment tool. A planning authority's assessment of wildland fire risk for other purposes, such as emergency management planning, could be used as an example of other assessment information that would inform an understanding of wildland fire hazardous forest types and risk level. Another example would be relevant information submitted to the planning authority by an applicant as part of a complete application. Any one of these mapping/assessment products, or all of them together, could inform a *Planning Act* application decision.

The "Fire—Potential Hazardous Forest Types for Wildland Fire" dataset can be downloaded directly from LIO, via the LIO Metadata Management Tool by accessing Ontario.ca and proceeding as follows:

1. In the Ontario.ca search box, type "Land Information Ontario."
2. Click on the "metadata tool" link under "How to find data" on the LIO page.
3. In the "WHAT?" box, type "wildland fire" and click the "Search" button.
4. When the aggregate results display, click on the "Download" button.
5. Complete the requested information in the popup dialogue box.
6. Check for an email in the account you provided for a link to the data for download.

5.2 Broad-level/municipal-wide wildland fire assessment

MNRF's generalized wildland fire hazard data does not confirm the presence of hazardous forest types, but it can be used as a starting point for a more detailed assessment. It is recommended that local planning authorities undertake a broad-level/municipal-wide wildland fire assessment. The benefits to undertaking this level of assessment include further refining the generalized data described above to gain a more accurate picture of where the hazardous forest types exist within the jurisdiction of the planning authority. This could assist a planning authority in considering the most appropriate areas for expansion, and help to define areas that may not be suitable for development. Broad-level assessment may also better equip individual proponents to undertake site-level assessment and planning authorities to review site-level assessments. This tactic enables a strategic and consistent approach to risk identification, and is further supported by FireSmart Program tools. In territory without municipal organization (unorganized territory), MNRF generalized wildland fire hazard data may be the only broad-scale assessment available.[33]

A municipal-wide assessment could use the generalized data as a starting point, along with aerial photography and/or other forest inventory information (see Figure 5-1). All forested areas within the jurisdiction could then be assessed to determine the existing level of risk associated with the forest cover, independent of development proposals or applications. Site-level assessment would still be necessary at the time of a development application to confirm site-specific

conditions.[34] This approach may show that woodlands previously identified through a municipal assessment have changed and are no longer hazardous forest types as defined by the Provincial Policy Statement, 2014 (PPS, 2014). MNRF's "Make a Map: Natural Heritage Areas" mapping application is one tool that can offer easy access to natural heritage information, and imagery data, particularly for those without access to geographic information system capabilities (see callout box). Note that the generalized data discussed above remains the best source of forest cover information for the purposes of wildland fire assessments, as the forest cover data contained in the Make a Map: Natural Heritage Areas application does not (as of fall 2016) include the level of analysis that has been applied for the generalized data.



Figure 5-1.
Proposed development within a forested area. The presence of hazardous forest types for wildland fire needs to be determined through wildland fire assessment. This assessment can be used to evaluate the merits of proposed development.

Factors that should be taken into account in a broad-level/municipal-wide wildland fire assessment include tree and vegetation species and forest condition to determine the presence of hazardous forest types, and presence of water bodies, road patterns and historic patterns of wildland fire. This information will assist in determining the most appropriate mitigation measures within the planning area.

It is recommended that local planning authorities coordinate and integrate with neighbouring planning authorities when considering areas that are located close to or at municipal boundaries. Local planning authorities are encouraged to coordinate with Indigenous communities during the wildland fire assessment process, in keeping with policy 1.2.2 of the PPS, 2014. It is important that planning authorities engage with First Nations and Métis communities to understand the communities' concerns and interests regarding economic, ecological, cultural and heritage values that may need to be protected. Early participation of local First Nations and Métis communities may also lead to the identification of other opportunities for involvement.

The broad-level/municipal-wide wildland fire assessment process is based on the FireSmart wildland fire hazard assessment process for community wildland fire planning (described in Chapter 2). Therefore, planning authorities that undertake an assessment as part of Ontario's FireSmart Program can use the resulting assessment to fulfil the broad-level/municipal-wide assessment component of the wildland fire assessment for the purposes of municipal planning.[35]

5.3 Site-level wildland fire assessment

Over time, forests typically transition through natural succession stages (see Figure 5-2); it is possible that its characteristics can naturally transition over time (e.g., from one that would produce moderate to low fire behaviour should a wildland fire occur, to one that would produce from high to extreme behaviour). It is important to evaluate (and document) the physical attributes of a forested area at the site level to determine its current hazard level. Other activities, such as tree harvesting or changes resulting from storm or insect damage, for example, can also result in modifications to forest characteristics. Regardless of the cause of changes to a forested area, a site-level assessment is necessary to confirm its current and anticipated future condition and hazard level, and to support applications under the *Planning Act* (i.e., plans of subdivision or condominiums, land severances and minor variances, and official plan and zoning by-law amendments).

MNRF recommends the two-step process (Levels 1 and 2) described in 5.3.2 and 5.3.3 for site-level wildland fire assessment in all cases. The intensity of investigation related to site-level wildland fire assessments will vary based on the information available and site-specific circumstances. Site-level assessments are especially important in unorganized territories given that these areas may not have been subject to a broad-level assessment.

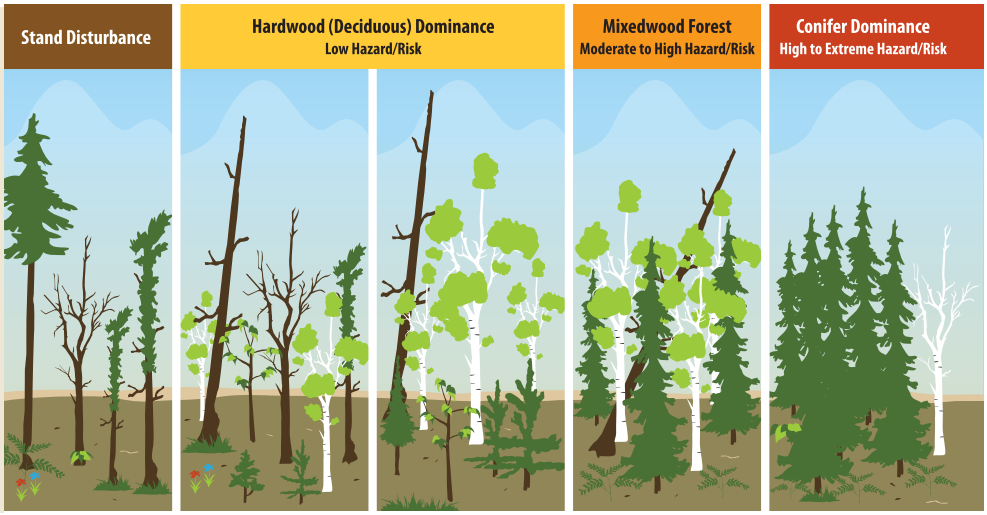


Figure 5-2.
Typical succession stages through which a forest transitions, increasing the hazard level for wildland fire over time[36]

5.3.1 General recommendations for site-level wildland fire assessments

5.3.1.1 Timing for site-level assessment

Wildland fire assessments should be conducted during snow-free conditions to gain a more accurate understanding of the potential risks of lands being assessed, such as the state of the forest understory and presence of ground fuel accumulation. Undertaking assessments at this time of year would also better enable coordination with other studies that are required to be completed at this time of year, such as environmental impact studies.

5.3.1.2 Proponent and planning authority roles

Both the development proponent and the planning authority have roles regarding site-level assessments. Generally, they are as follows:

The proponent:

- consults with the planning authority to determine requirements regarding wildland fire assessments;
- determines whether there is existing information available regarding the presence of hazardous forest types for wildland fire on and in the vicinity (i.e., generally, within 100 m) of the lands subject to the proposed development (i.e., MNRF hazard data or broad-level assessment undertaken by the planning authority);
- undertakes any necessary wildland fire assessment for the site, which may include seeking further assistance as described below); and
- submits all required information regarding the presence of hazardous forest types and proposed mitigation measures, as appropriate, to the planning authority.

The planning authority:

- includes adequate policies in official plans requiring wildland fire assessment, and identifies information requirements and processes necessary to accompany a planning application;
- makes information available to the proponent that is applicable to the planning application, such as any spatial data regarding hazardous forest types for wildland fire (e.g., results from broad-level assessment undertaken by the planning authority);
- identifies opportunities for the proponent to coordinate wildland fire assessment with other required assessment processes (e.g., completion of assessment to support environmental impact studies);
- reviews wildland fire assessment and mitigation plans accompanying planning applications, and determines whether any further information is required (e.g., completeness of the assessment, description of hazardous forest types, thoroughness of the assessment, adequacy of proposed mitigation measures); and
- as part of the decision regarding the proposed development and in approving applications, makes use of suitable planning tools to implement wildland fire mitigation measures.

The wildland fire assessment processes and tools provided in this Manual are intended to be completed by a property owner or proponent of an application

under the *Planning Act* and are intended to provide the information needed to undertake adequate wildland fire assessments and determine appropriate mitigation approaches. However, a planning authority and/or proponent may wish to engage an individual who has forestry, arboriculture or related knowledge to appropriately evaluate (and document) the physical attributes (species and condition) of a forested area at the site level to determine its current hazard and risk level. MNRF has developed supporting material and offers workshops from time to time about Ontario's FireSmart Program and its principles to interested individuals including municipal staff, forestry and arboriculture professionals, and property owners which could assist those undertaking wildland fire assessment work.

MNRF is available to provide technical explanations of relevant data and resource considerations. Proponents and planning authorities may wish to seek advice from the local MNRF district office, which has access to MNRF experts regarding wildland fire assessment and mitigation.

5.3.2 Level 1 site assessment

The level 1 assessment involves a simple screening of sites for the presence of forest cover in the area. Planning application proponents and planning authorities can use online mapping tools and data, such as the Make a Map: Natural Heritage Areas mapping application, current aerial photography and site inspections for this screening. Applicants for development can submit basic information about the subject lands and lands in the vicinity, (i.e., generally, within 100 m) to inform the planning authority whether there is a potential risk. The level 1 assessment determines whether a more detailed assessment is required (i.e., level 2). A level 1 assessment may be all that is required if forest cover is not present in the area. This could include lands that are not forested, agricultural areas, lands that are dominated by hardwood/deciduous species, and wetland areas. Such areas are more likely in southern Ontario (i.e., Ecoregions 6E and 7E).

5.3.3 Level 2 site assessment

The purpose of a level 2 assessment is to evaluate the forest characteristics that may make a site unsafe for development from a wildland fire perspective. A level 2 assessment, if necessary (i.e., forest cover present), should consider and document the following factors for subject lands and lands in the vicinity (to the extent possible) and/or within 100 metres of the proposed building locations, if possible:

- forest composition and predominant vegetation (fuel types), particularly those that are associated with the risk of high to extreme wildland fire;
- forest condition (e.g., presence of disease, storm or insect damage);
- forest arrangement and density (i.e., trees close to each other); and
- presence of ladder fuels (e.g., conifer species with branches within 2 m of the ground) and ground fuel accumulation.

When undertaking a site assessment in any forested area, it is important to walk into the forest stand and determine the type of trees and surface vegetation growing in the forest stand. Often conifer trees begin to grow on the outside edges of a forest giving the impression that the forest is at a high or extreme hazard level, when that may not actually be the case.

If hazardous forest types for wildland fire are present, and it is determined that the risk can be mitigated, appropriate steps need to be taken in order to permit development (i.e., application of environmentally appropriate mitigation measures). The FireSmart Canada hazard assessment form is designed for assessing generalized wildland fire risk conditions for existing or planned development areas. The assessment evaluates the proposed or actual structural components, the surrounding forest and surface vegetation present, and the general neighbourhood factors that affect public safety. See Appendix 6 for assessment form.

Municipalities can conduct a complete hazard forest assessment for all of their forested areas and assign the level of wildland fire risk for each forest area. This proactive approach will help identify where wildland fire hazard risks are in relation to new development proposals submitted for review. Level 2 site assessments should still be conducted for the immediate proposed development area to ensure nothing has happened to the forest that may have changed the wildland fire hazard rating.

5.3.4 Summary of wildland fire assessment tools

This Manual describes a number of tools that can support a wildland fire assessment. As indicated in Table 5-1, this Manual contains some tools, while others are available elsewhere (e.g., tools that support Ontario's FireSmart Program).

Table 5-1.

Tools to support wildland fire assessment

WILDLAND FIRE ASSESSMENT TOOL	ROLE IN SUPPORTING WILDLAND FIRE ASSESSMENT	LOCATION/ACCESS
"FIRE—POTENTIAL HAZARDOUS FOREST TYPES FOR WILDLAND FIRE" Data Set	This data set can serve as a starting point for more detailed municipal wildland fire assessment, which could further refine the generalized data. It can also be a starting point for wildland fire assessment for applications under the *Planning Act* if more detailed information is not available; however, the data set does not represent a complete assessment of wildland fire hazards (which can be done with confidence only on a site-specific basis).	The "Fire—Potential Hazardous Forest Types for Wildland Fire" data set can be downloaded directly from the Land Information Ontario Metadata Management Tool by accessing Ontario.ca. A description of the data set and process for obtaining it is included in Chapter 5 of this Manual.
TABLE 4-1: Characteristics of Hazardous Forest Types: Forest Species Composition and Forest Condition Attributes	This table summarizes the forest species and forest condition characteristics of hazardous forest types for wildland fire (high- to extreme- risk forests) and moderate- to low-risk forests. It can be used with the sample images and species fact sheets (described in this table) to identify forest types and determine the presence of hazardous forest types for wildland fire as part of the wildland fire assessment process.	In Chapter 4 of this Manual
APPENDIX 2: Hazardous Forest Types for Wildland Fire: Sample Images	Images illustrate examples of hazardous forest types for wildland fire, including various conditions and species characteristics of hazardous forest types for wildland fire. These images can be used for reference, and potential comparison when undertaking assessment to determine the presence of hazardous forest types for wildland fire, and for identifying possible measures to mitigate the risk, as part of the wildland fire assessment process.	Appendix 2 of this Manual
APPENDIX 3: Forest Condition Characteristics of Hazardous Forest Types for Wildland Fire	Images illustrate the various forest condition characteristics and the way in which they can be addressed through mitigation. These images can be used for reference, and potential comparison when undertaking assessment to determine the presence of hazardous forest types for wildland fire, and for identifying possible measures to mitigate the risk, as part of the wildland fire assessment process.	Appendix 3 of this Manual
APPENDIX 7: Hazardous Site Conditions Within Priority Zone 1: Sample Images	Images illustrate examples of hazardous site conditions before and after the application of vegetation management mitigation techniques, within priority zone 1. These images can be used for reference, and potential comparison when undertaking an assessment to determine the presence of hazardous forest types for wildland fire, and for identifying possible measures to mitigate the risk, as part of the wildland fire assessment process.	Appendix 7 of this Manual
SPECIES FACT SHEETS	Fact sheets are available for species including black spruce, white spruce, red pine, white pine, jack pine and balsam fir. They provide images of the species and information regarding size and form, as well as fire and safety hazards for each species. These sheets can assist with species identification when undertaking an assessment to determine the presence of hazardous forest types for wildland fire as part of the wildland fire assessment process.	Available from MNRF on request

WILDLAND FIRE ASSESSMENT TOOL	ROLE IN SUPPORTING WILDLAND FIRE ASSESSMENT	LOCATION/ACCESS
MNRF COMMUNITY WILDLAND FIRE PROTECTION PLAN – Guidance Document	This document outlines specific steps for undertaking community wildland fire planning. This process can guide broad-level/municipal-wide assessment as recommended in this Manual.	Available from MNRF on request[37]
FIRESMART MANUAL – Protecting Your Community from Wildfire	This manual provides detailed descriptions of wildland fire hazard assessment and mitigation techniques and approaches. The assessment forms in the manual can be used to document wildland fire assessments as recommended in this Manual.	FireSmart Manual - Protecting Your Community from Wildfire[38]
THE HOME OWNER'S FIRESMART MANUAL: Protect Your Home from Wildfire	This manual provides descriptions of mitigation approaches in FireSmart priority zones for vegetation management. It includes the Home & Site Hazard Assessment form. The assessment form (Appendix 6) can be used to document risk factors for wildland fire assessments as recommended in this Manual.	The Homeowner's FireSmart Manual: Protect Your Home from Wildfire[39]
FIRESMART LANDSCAPING: A Guideto Protecting Your Home from Wildfire	This brochure provides an overview of landscaping options to mitigate the risks associated with wildland fire.	FireSmart Landscaping: A Guide To Protecting Your Home from Wildfire[40]





CHAPTER 6
Mitigation of wildland fire risk: Principles and techniques

6.1 Mitigation principles

If it has been determined that the proposed development cannot be relocated to areas of lesser risk, mitigation measures have been proven to reduce the risk and improve the defensibility of property and structures against the threat of wildland fires. Mitigation approaches can include managing forest fuels, improving construction design and incorporating fire safety standards into community services. Land use planning techniques and tools covered in Part 3 of this Manual can be used to implement various techniques and measures to mitigate wildland fire risk. The following outlines the principles of the recommended approach to wildland fire mitigation, followed by a description of the specific techniques that could apply. The overriding principle is that wildland fire mitigation must be consistent with all applicable policies in the Provincial Policy Statement, 2014 (PPS, 2014).

Principle 1 – Environmentally appropriate mitigation measures

Wildland fire mitigation measures that would result in negative impacts on natural heritage features are not permitted as per PPS, 2014 Natural Heritage policies (does not apply to policy 2.1.4). If through the planning process, it is determined that negative impacts will result, development on the subject lands may be deemed inappropriate and not approved, in order to be consistent with natural heritage and wildland fire policies in the PPS, 2014.

Principle 2 – Mitigating future risk

In implementing policy 3.1.8 of the PPS, 2014, the planning authority should be satisfied that it is possible to implement, at the appropriate time, adequate measures to mitigate the risk. As a result, the planning authority may require the proponent to demonstrate that implementation measures *can* be applied (i.e., at a future point), rather than requiring the implementation of the mitigation prior to a decision on a planning application. Municipal planning tools can be designed and used to prompt future mitigation actions. An example of this is a requirement that a long-term vegetation management plan be prepared as a condition of approval (see Table 5-1 for a list of resources).

Principle 3 – Scales of mitigation

Many measures can be applied to a proposed development to mitigate the risk of wildland fire. Mitigation measures can generally be grouped into three main categories based on the scale at which they would be applied. The three categories of mitigation measures, as identified by Ontario's FireSmart Program, are neighbourhood scale, site scale and structural scale. It is recommended that mitigation measures of various scales be implemented in combination, in order to most effectively mitigate the risk of wildland fire by reducing the opportunity for fire to spread to and between properties and structures.[41]

- Mitigation measures at the neighbourhood/community scale are the furthest-reaching type of mitigation measures. They have the potential to reduce the risk of a wildland fire from moving into a neighbourhood. An example of this type of mitigation measure is the incorporation of fire breaks into the design of a subdivision proposal, such as green spaces, parks or roads.
- Site-scale mitigation measures can reduce the risk to all resources on an individual property regardless of where the wildland fire originates. The measures include the creation of defensible space around a structure (or structures) by, for example, selectively removing vegetation.
- Structural-scale mitigation measures are applied to buildings and other improvements. They include the use of fire-resistant building materials, such as type of siding or roofing.

Principle 4 – Defensible space through vegetation management: priority zones for vegetation management

The most effective means of mitigating risk associated with wildland fire at the site level is establishing and maintaining defensible space around structures by applying priority zones for vegetation management (as promoted by Ontario's FireSmart Program). The zones encompass lands up to 100 metres from each structure or proposed structure, which are divided into three concentric priority zones. Priority zone 1 focuses on the area immediately adjacent to a proposed structure and extends outward in all directions for a recommended minimum of 10 metres. Priority zone 2 begins 10 metres from a proposed structure and extends out 30 metres. Priority zone 3 is the area that begins 30 metres from a proposed structure and extends to 100 metres or farther from it.

Together, priority zones 1 and 2 (i.e., lands within 30 m of a structure or proposed structure), including the structure's footprint, compose the Home Ignition Zone.[42] This is the most crucial area to apply vegetation management for protecting any type of infrastructure or structure, because this is where embers are most likely to ignite small new fires and where radiant heat is most likely to affect the structure.

Principle 5 – When risk cannot be mitigated

In most cases implementing recommended vegetation management within priority zones 1 and 2 will reduce the hazard risk level to a moderate to low risk, assuming building design that follows FireSmart principles has been incorporated.[43] However, in situations where risk cannot be mitigated appropriately, it is important to direct development elsewhere. Factors that may be present in such situations could include:

- subject lands are entirely within and surrounded by hazardous forest types for wildland fire and the development area is not large enough for adequate mitigation within the priority zones;
- the planning authority determines that normal mitigation standards are not sufficient to provide a basis for approving the type of development in question, such as a day care centre or long-term care home; or
- the presence of a natural heritage feature on or adjacent to the subject lands would not allow mitigation because there may be negative impacts on that feature or its ecological functions.

6.2 Mitigation approaches and techniques

The variety of wildland fire mitigation techniques generally fall in two categories: planning and design, and vegetation/fuel management. The techniques can be applied at various mitigation scales as discussed in Principle 3, and are further explained below.

6.2.1 Planning and design mitigation approaches

Planning and design mitigation approaches can be applied to communities and their infrastructure, and to specific sites. For proposed development, they focus on appropriate and strategic siting of various design elements in order to reduce the risks associated with a high or extreme wildland fire hazard rating.

Relocating proposed developments to alternative, lower risk sites (i.e., areas outside hazardous forest types for wildland fire) should be the preferred approach. Of particular consideration are sensitive land uses, such as those associated with vulnerable populations. These land uses should not be permitted within hazardous forest types for wildland fire. Examples are hospitals or day care centres, as well as structures for large populations or uses where people congregate, such as churches, arenas or community centres. Uses that involve the storage of flammable materials (such as gas stations) should also be restricted in areas associated with the risk of high to extreme wildland fire.[44]

Relocating development to an area where hazardous forest types are not present would avoid the associated risks, and further measures may not be necessary. If, after review of proposed development, relocating development to lower risk areas is determined not to be an option, the application of other planning and design mitigation approaches to the proposed development will be necessary. These approaches could be incorporated into subdivision design standards and other tools as discussed in Chapter 7.

6.2.2 Vegetation/fuel management mitigation techniques

Vegetation, or fuel, management involves the modification of a forest's structure/composition to reduce fuel accumulations available to burn in a wildland fire. It is also commonly referred to as wildland fire hazard reduction or wildland fire mitigation. The main goal of fuel management is to improve public safety through the reduction of wildland fire intensity by reducing the potential for crown fires. Fuel management will also serve to improve success of wildland fire suppression, firefighter safety and forest resistance to damage from wildland fires.

Fuel management focuses on the management or manipulation of surface vegetation and ladder fuels, using various techniques within the vegetation management priority zones discussed in Principle 4. Appendices 3 and 7 illustrate these forest condition characteristics and the effects of the application of various mitigation techniques, and Chapter 7 describes the way these techniques can be applied within the priority zones when *Planning Act* applications are being considered.

6.2.2.1 Surface fuel reduction

Surface vegetation takes a variety of forms, such as dead and down woody debris (including logs, branches, and twigs), grasses, small shrubs, and immature trees less than 2.5 metres high. Concentrations of surface fuels will sustain high-intensity surface fires and can initiate crown fires. Dry surface fuels resulting from drought, for example, can create continuous surface fuels that extend up to and under wooden decks, and are therefore particularly hazardous.

Reducing the amount and arrangement of the surface fuels will reduce wildland fire intensities and the rate of spread of a fire. The finer, dry fuels such as needles,

twigs, cured grasses and brush, and spacing and pruning debris should be targeted for surface fuel treatments[45]. Some municipalities apply the principles of surface fuel reduction through property standards by-laws, although for different purposes. These by-laws may require that property owners maintain their property in good condition (e.g., keeping grass cut, removing garbage) in order to avoid pests and for urban design and visual appeal purposes. These by-laws may function as another vehicle for enforcing vegetation/fuel management techniques at the municipal level.

Surface fuels ignite easily and burn readily, enabling wildland fires to spread. Techniques for reducing surface fuel can include manual/mechanical piling, burning, mulching, chipping, and hauling, or a combination of these methods.[46] Some larger downed material, called coarse woody debris (CWD), should be retained as it provides nutrients, and value such as wildlife habitat and diversity to a site, without contributing significantly to wildland fire rate of spread. Retained CWD should be well spaced out (i.e., not left in piles, criss-crossed or elevated). Tree service companies can provide good options for surface fuel reduction for a development area. While the recommended amount of CWD to be retained cannot be quantified because it depends on site-specific circumstances, the *Forest Management Guide for Conserving Biodiversity at the Stand and Site Scales*[47] provides some guidance for appropriate surface fuel reduction.

The type and amount of vegetation surrounding a structure plays an important role in determining the level of risk. Surface fuel reduction is very important in the area immediately surrounding a structure (i.e., within priority zone 1) to prevent flames from directly contacting the structure. Properly managed vegetation increases structural protection from approaching wildland fires, and also reduces the chance that a building fire will spread to the adjacent wildland areas.[48]

6.2.2.2 Spacing and thinning

Spacing involves the partial or selected removal of conifer trees from a forested area. The effect of spacing is to remove a portion of the forest canopy and lower canopy closure or crown density, reducing the overall volume of crown material. This reduces the opportunities for crown fires to move quickly and easily from tree to tree through a forest stand. For the spacing treatment to be effective, the felled trees including branches and tops (debris/slash) must be removed from the site to avoid the accumulation of ground fuel.

There are many types of thinning operations. Thinning from below removes intermediate and suppressed trees from the lower crown, and is the most common treatment for fire hazard reduction. This can reduce crown fire initiation and the potential for wildland fire to spread through the crowns of trees. Common spacing standards include reductions to 40 per cent canopy closure, or inter-tree distances of 1.5 times the crown width.[49]





Source: County official from Missoula, Montana.

Deciduous trees such as aspen, birch and maple are water-based and are less flammable than conifer trees, which are oil-based. Therefore, deciduous trees should be the target species types for retention during spacing operations in areas associated with the risk of high to extreme wildland fire. They could also be maintained as fire breaks. Forest stands dominated by deciduous trees will greatly reduce the overall wildland fire hazard to an adjacent community, and across the landscape. It is not necessary to remove all dead or dying trees/vegetation, which provide value as wildlife habitat, for example, as long as those that remain do not create additional hazardous conditions.[50]

6.2.2.3 Pruning of ladder fuels

Ladder fuels are shrubs, immature trees and branches that extend to within 2 metres of the ground. Ladder fuels provide surface fires a pathway to the upper canopies of conifer trees (see Figure A3-3 in Appendix 3). Removal of ladder fuels reduces the likelihood of crown fire, which reduces fires intensity, and the generation of firebrands (embers).

Pruning is often conducted after spacing has been undertaken so that lower branches that are too close to the debris accumulated on the ground (surface fuels) are noticeable. Pruning has the effect of raising the crown base height in a forest stand, reducing the opportunity for surface fires to move upward into the tree crowns where they are difficult to control and pose the greatest risk to structures and public safety. By preventing a wildland fire from burning into tree crowns, the amount of embers transported through the air toward a structure is reduced. Trees should be pruned at least 2 metres from the ground, while maintaining at least 40 per cent of the live crown to protect the health of the tree.[51]

6.2.3 Structural mitigation techniques

In most cases, vegetation management in the priority zones using the techniques described above will reduce the risk posed by wildland fire to moderate or low. However, this does not necessarily reduce the risk posed by ember ignitions for those structures that have poor building design or a high number of areas that can accumulate fine fuels, such as leaf litter or pine needles. Building design and structural modifications will enhance the effect of vegetation management efforts that have been completed within the priority zones. In areas where vegetation fuels cannot be managed into priority zone 2 (i.e., the parcel is too small), it is recommended that the building design include fire-resistant exterior building materials that are better able to withstand the effects of radiant heat and possible flame contact from a wildland fire.

Several building design considerations can further protect structures from wildland fire. These include building materials and additional installations, as follows:

- use of fire resistant construction materials for roofing and siding, and for enclosing decks and porches (which will serve to prevent accumulation of debris)—this includes ancillary buildings/structures;
- gutter design that takes into account fire prevention (i.e., design options that do not allow the accumulation of leaves or debris);
- installation of ember-resistant attic vents, screens or spark arresters for chimneys, sprinkler systems, and fire-resistant mesh coverings for attic vents, eaves and soffits to prevent embers from moving into attics and double-paned windows; and
- installation of an exterior sprinkler system that can be turned on when a wildland fire threatens the area.[52]

Part 3

Land Use Planning to Minimize Risks Associated with Wildland Fire

CHAPTER 7

Land use planning implementation strategies and tools

Municipal land use planning is undertaken with certain objectives in mind, including achieving a community's vision for strong, resilient communities, a clean and healthy environment, and economic vitality. Land use planning policy and decision-making can be informed by the presence of natural hazards such as lands with hazardous forest types along with many other planning considerations. Municipal planning processes provide opportunities for the assessment of wildland fire risk, the relocation or shifting of proposed development to areas not affected by hazardous forest types, and/or the use of planning tools to achieve mitigation measures to reduce the risk.

As protecting public health and safety, including from risks associated with wildland fire, is a matter of provincial interest, it is important to identify and plan appropriately and mitigate the risks associated with this natural hazard. There are aspects of the municipal planning process, and several planning tools and documents, such as official plans, zoning by-laws and site development controls, that can and should be used for this purpose. There are also considerations that can be incorporated at the site-specific scale when planning authorities are contemplating applications under the *Planning Act*. Where the Ministry of Municipal Affairs (MMA) is the approving authority under the Planning Act, proposed actions or decisions may engage the duty to consult and, where appropriate, accommodate established or asserted Aboriginal and treaty rights. In these situations, ministry staff would seek information and advice, as appropriate.

There may be additional ways to implement the Provincial Policy Statement, 2014 (PPS, 2014) beyond the approaches set out in this Manual. Ultimately, planning authorities will determine the most suitable tools/options for implementing risk mitigation requirements. As will be discussed in this chapter, certain tools can be designed and used to prompt future mitigation actions. In all cases, however, the decisions planning authorities make shall be consistent with the PPS, 2014.

Many land use planning issues, including planning for natural hazards, can cross municipal boundaries. When developing official plans and regulatory tools (e.g., zoning) aimed at managing natural hazards that cross municipal boundaries, planning authorities should take a coordinated, integrated and comprehensive approach.

7.1 General approaches to implementation through land use planning

7.1.1 Wildland fire policy development

Establishment of a multi-disciplinary team is recommended, if possible, to encourage involvement in various stages of planning as it relates to wildland fire. These could include, but are not limited to, the design of studies and collection of information to support official plan policy development, the development of official plan policies, and the review of site-specific planning applications, as necessary. Such a team could include various municipal departments in addition to the planning department, such as building, engineering, transportation, public works, emergency services, and local fire departments and fire protection agencies. Planning authorities could also involve foresters and ecologists either on staff or hired on contract. Planning authorities are also encouraged to involve First Nations and Métis communities and the public in policy development teams. This enables a broad sense of ownership and the opportunity to coordinate wildland fire prevention and mitigation efforts.

7.1.2 Early consultation/pre-consultation

Early consultation can occur for both site-specific applications under the *Planning Act* as well as broader applications such as the comprehensive review of official plans. Proponents of a development proposal should consult with the relevant planning authority, which may include the municipal office, planning board and/or the MMA municipal services office, as early in the planning process as possible. Early consultation has a number of benefits and provides opportunities for both proponents and planning authorities:

- Proponent/applicant should explain the proposal up front and obtain preliminary comments, including advice on appropriate design/approaches to the application, from the planning authority (ideally, including all relevant departments as discussed above).
- A planning authority should obtain information, including spatial data, to help make an informed decision and guide the applicant on the approval process.[53]
- Information gaps should be identified or new information that may be available can be shared regarding the presence of hazardous forest types for wildland fire.
- A planning authority should explain the importance of public health and safety and wildland fire mitigation, including the expectations for wildland fire assessment and supporting documentation.
- A proponent/applicant should obtain advice and information on the appropriate level of effort associated with wildland fire assessment, including the possibility of coordinating wildland fire assessment with other studies, such as environmental impact studies.
- Where applicable, a proponent/applicant should obtain advice regarding Aboriginal rights and interests, as First Nations and Métis communities may have interests, concerns and information relevantto planning for wildland fire risks. Early engagement of local First Nations and Metis communities may also identify other opportunities related to mitigation planning and implementation.

Proponents may wish to contact the local Ministry of Natural Resources and Forestry (MNRF) district office for technical explanations of relevant data and resource considerations.

7.1.3 Complete applications

The *Planning Act* and its regulations prescribe the requirements for information and material (requirements for a "complete application") for planning applications. These requirements can be established for planning applications including plans of subdivision and consents, and amendments to official plans and zoning by-laws that are made to planning authorities or the Minister of Municipal Affairs.[54] Full details of all provincial requirements are set out in regulations under the *Planning Act*. Examples of some of the prescribed information include applicant contact information and application details such as date of application, reason for request, and description of subject land as well as a sketch, and existing designation, zoning and uses.

In addition to the prescribed application requirements, planning authorities can establish their own list of required information or material needed to assess planning applications. This provides an opportunity to require that specific studies that are relevant to the proposed development, such as wildland fire assessments, form part of a complete application. These additional complete application requirements must be identified in the municipal official plan policies and it is up to the municipality to determine which studies or plans will be required to deem an application complete. Some examples of such additional

information requirements include hydrogeological reports, archaeological assessments, land use compatibility studies and environmental impact studies.

Identifying wildland fire assessments as a complete application requirement in official plans may assist in ensuring that these assessments are undertaken and form part of a planning application. As described in Part 2, in all cases, an appropriate level of site-specific assessment for wildland fire risk will be needed to confirm the presence of a hazardous forest type. Wildland fire ssessment includes consideration of the effect of mitigation measures and will therefore enable planning authorities to make informed decisions regarding wildland fire risk in a timely fashion.

7.2 Official plans

Policy 4.7 of the PPS, 2014 describes the importance of official plans for comprehensive, integrated and long-term implementation of the PPS, 2014. In its direction about matters to be addressed in official plans, the PPS, 2014 includes the identification of provincial interests and setting out appropriate land use designations and policies.

Subsection 3(5) of the *Planning Act* requires that decisions on *Planning Act* matters shall be consistent with policy statements that are in effect on the date of the decision.

As part of implementing the wildland fire policies of the PPS, 2014, planning authorities should design their official plans to do the following (as detailed further in the 7.2 subsections):

- promote appropriate land use patterns (e.g., directing development away from lands that are unsafe due to the presence of hazardous forest types for wildland fire);
- promote the avoidance of uses and activities that may represent an unacceptable risk to public health and safety;
- identify areas of known and potential hazardous forest types for wildland fire in a manner that corresponds to level of confidence in the information source;
- provide a clear and reasonable mechanism for assessing at the development application stage whether hazardous forest types for wildland fire are present; and
- provide a clear and reasonable mechanism for determining at the development application stage environmentally appropriate measures to mitigate the risk from high or extreme, to bring it to moderate or low.

7.2.1 Background study: Wildland fire assessment

Planning authorities should use the best available data and information sources to prepare in-house documentation identifying the location of potential hazardous forest types for wildland fire, including spatial data prepared by MNRF ("Fire—Potential Hazardous Forest Types for Wildland Fire" data set available in Land Information Ontario). A planning authority may wish to undertake an assessment of its jurisdiction to refine the information provided in the MNRF data set. This could be done by using the recommended approach for broad-level/municipal-wide wildland fire assessment as outlined in Chapter 5.

Planning authorities need to determine the best approach to maintaining up-to-date data/mapping regarding hazardous forest types for wildland fire within their jurisdiction. Considerations for using the mapped results of a planning authority's broad-level assessment of its jurisdiction for hazardous forest types in the official plan are covered in 7.2.4.

The benefits of undertaking a broad-level assessment are discussed in Chapter 5. Although a broad-level assessment can refine the generalized MNRF wildland fire hazard mapping, it generally does not eliminate the need for a more detailed site-specific assessment to support a planning application.

7.2.2 Official plan goals and objectives

Goals and objectives regarding wildland fire are statements that identify the planning authority's commitment to maintaining public health and safety. They also identify commitments to the appropriate consideration of the potential for risk associated with wildland fire, resulting from land use change within hazardous forest types for wildland fire.

Goals and objectives should be incorporated into the official plan that identify a commitment to:

- direct development away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create or aggravate existing hazards; and
- generally direct development to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire, and allow development in such areas only where the risk can be mitigated in accordance with wildland fire assessment and mitigation standards.[55]

7.2.3 Designations to achieve appropriate land use patterns

Land use patterns that support wildland fire planning goals are encouraged. This can be achieved by recognizing the linkage between wildland fire policies and housing and density policies. For example, policies could direct development away from both the wildland-urban interface and intermix areas, and discourage high-density development in areas associated with the risk of high to extreme wildland fire. Additionally, land uses associated with vulnerable populations (e.g., seniors) should be restricted in these areas.[56] For lands subject to a *Planning Act* application that are adjacent to Crown land in areas associated with the risk of high to extreme wildland fire, policies can identify that MNRF will be contacted in these cases.

7.2.4 Approaches to official plan policies

Official plans should include a suite of policies that a) recognize wildland fire as a natural hazard posing a risk to public health and safety and b) promote planning measures for dealing with the hazard. The policy should be directing development to areas that are outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Wildland fire policies are most likely to be situated within the public health and safety and/or natural hazards policies of an official plan. Integration of wildland fire considerations into additional sections of official plans where possible, is encouraged. The following official plan policy topics/approaches can contribute to achieving the outcomes intended by the relevant policies of the PPS, 2014.

7.2.4.1 Assessing land use changes for wildland fire risk

Planning authorities should include policies in the official plan describing how the risks associated with wildland fire will be covered when dealing with proposals for development. These policies could include:

- the type of approvals required (e.g., amendment to the official plan, zoning by-law);
- the need for early consultation with the planning authority and applicable emergency management department/agencies to discuss ideas and concerns;
- the criteria for assessing applications; and
- the types (and timing) of additional information that will be required in support of applications.

7.2.4.2 Options for complete application requirements for wildland fire

Planning authorities should ensure that proponents provide sufficient information to enable the assessment of proposed land use changes as they relate to hazardous forest types for wildland fire. As already discussed, the planning authority may determine that such information is required as part of a complete application, in which case the official plan would need to list the two types of assessments within their complete applications section. Generally, a statement of the way policy 3.1.8 has been applied should be included as a complete application requirement. Policy 3.1.8 of the PPS, 2014 applies province-wide, and therefore needs to be considered in the review of all applications made under the *Planning Act*. Such



a statement could confirm that risks associated with wildland fire have been considered and addressed, as appropriate, and the manner in which they have been addressed. For example:

Complete application requirements for level 1 site assessment:

- mapping that illustrates whether lands are treed/forested, and a statement concluding whether a level 2 assessment is necessary (i.e., whether lands are treed/forested).

Complete application requirements for level 2 site assessment:

- identification of the presence/absence of hazardous forest types on and/or in the vicinity of the subject lands;
- description of the characteristics of the hazardous forest types (i.e., forest composition and condition);
- location of proposed buildings/structures;
- mitigation techniques to be applied to mitigate the risks associated with wildland fire (including proposed landscaping within 100 m of proposed buildings/structures); and
- any known history of wildland fire in the area.

7.2.4.3 Community design: Secondary plans, plans of subdivision

The information resulting from the recommended broad-level/municipal-wide wildland fire assessment will provide insight regarding appropriate locations for community design elements with respect to reducing risks associated with wildland fire. Roads, trails and open spaces such as parks can provide defensible space by functioning as fire breaks- design features that can protect a developed area from encroachment of wildland fire. Roads can also be incorporated in a manner that addresses access considerations for proposed development, such as ensuring that there is more than one point of access. Water bodies, such as lakes, rivers and storm water ponds, can also function as fire breaks, while at the same time providing water sources for fire suppression purposes should a wildland fire occur.

Official plan policies and the use of land use designations can encourage safety-supportive community design including the strategic placement of the noted features in areas that contain hazardous forest types for wildland fire.[57]

The provision of defensible space, vegetation/fuel management and selection of fire-resistant building materials can be incorporated into community design; however, these measures tend to be site-specific in their application. Potential tools under the *Planning Act* that can be used to implement wildland fire mitigation measures are site plan control, community planning permit systems (see 7.4) and holding symbol provisions (see 7.3.2). For a planning authority to employ these mechanisms/tools, official plan policies must be in place and the official plan (and associated by-law) must be in effect. The manner in which these and other tools can be applied within the context of wildland fire mitigation is described later in this chapter.

7.2.4.4 Integration with other official plan policies

Natural heritage policies in official plans should recognize that lands subject to a *Planning Act* application that are within areas of hazardous forest types for wildland fire may also contain or be adjacent to natural heritage features as identified within 2.1 Natural Heritage of the PPS, 2014. In such cases, policies in 2.1 Natural Heritage will be applicable. Official plan policies could promote environmentally appropriate mitigation measures. Policies could be considered for all natural heritage features and areas described in 2.1 Natural Heritage of the PPS, 2014, in which development is permitted.

Opportunities may exist to coordinate the requirements to fulfill the "negative impacts" test, as applicable (e.g., through the completion of an environmental impact study), with wildland fire assessment and determination of recommended mitigation measures. This would allow for an evaluation of whether proposed wildland fire mitigation measures would result in a negative impact on a protected natural heritage feature or its ecological function. Vegetation manipulation (e.g., spacing, thinning, and pruning of vegetation in order to create defensible space) is part of many of the measures to mitigate the risks associated with wildland fire from high or extreme to moderate or low. If it is determined that proposed mitigation measures would result in a negative impact, the mitigation measures cannot be applied.

Policies regarding transportation systems, infrastructure (including water and storm water), and parks and recreation/open spaces can recognize the important role that these facilities offer with regard to mitigating risks associated with wildland fire (e.g., by acting as fire breaks) and supporting fire suppression efforts. Access routes, safety zones and requirements for road design (e.g., limiting the number and length of one-way roads), including evacuation routes, can be identified in policies and on official plan schedules.[58]

7.2.4.5 Official plan policies: Summary of basic best practices

- Direct development to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.
- Ensure development does not create new or aggravate existing hazards.
- Describe the applicability of official plan map schedules or other maps that show potential hazardous forest types for wildland fire.
- Consider risk evaluations conducted as part of municipal emergency management programs.
- As determined appropriate by the planning authority, allow development to be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.
- Establish the requirement that mitigation measures are to be environmentally appropriate.
- Establish suitable complete application requirements.
- Specify that applicants may be required to undertake a site review to assess (to the extent possible) the level of wildland fire hazard and associated risk on and in the vicinity of the subject lands.
- Specify that applicants pursuing development in lands with hazardous forest types may be required to identify measures that need to be taken to mitigate the risk in accordance with standards.
- Enable the use of site plan control on lands with hazardous forest types for wildland fire, and identify mitigation measures such as fire-resistant landscaping and exterior design of buildings.
- Enable the use of the holding symbol as a tool to achieve the implementation of mitigation measures.
- Enable the use of community planning permits, if appropriate, to achieve implementation of mitigation measures.
- Engage and consult with Indigenous communities in the assessment area and on adjacent lands to ensure that land use planning and wildland fire policy development reflects Indigenous interests and concerns with respect to preventing fires, mitigating fire risk, and protecting ecological, economic, cultural, social and traditional Indigenous values.

7.2.5 Official plan schedules

Identification of hazardous forests for wildland fire as a land use designation on official plan schedules may not be appropriate and is not recommended due to the dynamic nature of forested areas. The condition of hazardous forest types for wildland fire is not static (i.e., changes over time), as discussed earlier in this Manual, and will need to be updated on an ongoing basis. The following approaches could be used either alone or in combination:

- Show relevant information on an appendix map, to be updated as new information becomes available.
- Prepare and maintain information or screening maps to be referenced in the official plan but not form part of the official plan. These could be used by municipal planning staff when reviewing planning applications.

The mapped results of a planning authority's broad-level/municipal-wide assessment of its jurisdiction for hazardous forest types are recommended to be used as information or screening maps (to be updated on a regular basis) to be referenced but not form part of the official plan. Planning authorities could also use MNRF mapping as a reference external to the official plan to support policy implementation.

7.3 Zoning by-laws

A zoning by-law, which must conform to the policies of the official plan, implements the objectives and policies of the official plan by regulating and controlling specific land uses. The *Planning Act* empowers local planning authorities to pass zoning by-laws that restrict uses within specific areas, including prohibiting the erection of buildings or structures on hazardous lands as per subsection 34(1)3. Subsection 34(3) also enables a planning authority to regulate minimum lot size and the minimum and maximum density of development in the areas defined in the by-law. Zoning by-laws must be updated no later than three years after the five-year update of an official plan coming into effect. This ensures that the zoning by-law is up to date with the most current official plan policies. Zoning by-laws provide the opportunity to define potentially hazardous forest types for wildland fire in a more precise and specific manner than an official plan or secondary plan allows.

Planning authorities may wish to treat hazardous forest types for wildland fire treatment similarly to other natural hazards in zoning by-laws (e.g., environmental protection category). However, it is important that planning authorities seek up-to-date wildland fire hazard information in which they are confident, before restricting development of lands through zoning because they contain or may contain potential hazardous forest types for wildland fire. Although, it would not be appropriate to base zoning solely on the MNRF generalized wildland fire hazard mapping, a planning authority could augment this data with information collected from municipal-wide wildland fire assessments done by the planning authority (such assessments could be focused on treed/forested areas having potential for risks associated with high to extreme wildland fire).

Planning authorities determine what approaches work best for their decision-making on development proposals in order to be consistent with the PPS, 2014. When planning authorities become aware of the presence of hazardous forest types, they may consider amending existing zone categories by limiting existing permitted uses or modifying zone provisions (i.e., setbacks), either through a comprehensive zoning by-law update or zoning by-law amendment precipitated by a development application. Alternatively, approaches could include added general provisions in the zoning by-law, site plan approval, or community planning permit approval if suitable criteria are in the official plan. Any areas zoned for development in proximity to dynamic forested areas should be subject to other planning tools to ensure up-to-date evaluation at the time of construction, and ongoing obligations to maintain mitigation requirements.

Zoning by-laws should not be amended to allow development in or in the vicinity of areas identified as having hazardous forest types for wildland fire until the conditions and requirements of the official plan regarding these hazards are satisfied. In areas of the province where an official plan does not exist, the PPS, 2014 can be used as the basis for assessing impacts of land use changes on risk levels associated with hazardous forest types for wildland fire in relation to amendments to zoning by-laws or zoning orders.

Subsections 7.3.1 and 7.3.2 describe some possible approaches and considerations for zoning for hazardous forest types for wildland fire.

7.3.1 Zoning categories and permitted uses

- If an official plan contains policies and designations, there by ensuring an appropriate level of wildland fire assessment accompanies an application under the *Planning Act*, lands containing or near known hazardous forest types could be placed into a zoning category that does not specifically identify the forest types, but allows only low intensity uses. These uses could include forestry, some forms of agriculture and passive recreation so that almost any type of development would require approval under the *Planning Act*.
- Lands in or near hazardous forest types for wildland fire could be placed in a zoning category that has the specific purpose of delaying development, (e.g. the use of the holding symbol as discussed in 7.3.3), until the risk can be reduced by the application of mitigation measures.
  - Permitted uses as of right would be those that would not result in the loss of property or life if a wildland fire were to occur. This approach assumes that the location of hazardous forest types are known or can be determined through available information sources.



- Sensitive land uses could be restricted through zoning in areas of hazardous forest types for wildland fire. Such land uses include those related to vulnerable populations, and should not be permitted in areas associated with the risk of high to extreme wildland fire until such time as the level of risk can be reduced, or if the risks cannot be mitigated.[59]
- Defensible space should be established through provisions in site-specific zoning (particularly if larger setbacks are required than current zone provisions) when such zoning is required for new developments or construction or for alteration to or change in use of existing residential or commercial structures.[60]

7.3.2 Zoning provisions/standards

- Lot line setbacks, minimum distances from lands with hazardous forest types for wildland fire, and lot coverage standards could be used to provide for the establishment of defensible space around buildings or structures. These could be based on wildland fire assessments undertaken by a planning authority.
- Provisions for setbacks from a lot line or minimum distances between buildings or between a building and the mid line of a street can be used to achieve appropriate locations for buildings and structures.
- Larger minimum lot sizes could be required in zones considered to be within or in the vicinity of lands with hazardous forest types for wildland fire, to accommodate the implementation of necessary mitigation measures such as establishing defensible space on a property.[61] Planning authorities may want to explore the full range of zoning powers under subsection 34(1)4 of the *Planning Act*.
- Maximum densities could be defined to discourage the establishment of high-density development in areas of hazardous forest types for wildland fire. However, it should also be recognized that effective implementation of on-site mitigation may be more difficult to achieve for low- and medium-density developments where ongoing monitoring of site conditions may be difficult. Planning authorities may also wish to identify low-risk areas where higher-density development is permitted (or supported).
- Planning authorities may wish to consider how other aspects of section 34 of the *Planning Act* could be used to mitigate the risk associated with the presence of hazardous forest types for wildland fire in given situations.
- Section 36 of the *Planning Act* enables a planning authority to pass a zoning by-law that employs a holding symbol ("H") provision, provided that policies are in place within the official plan to allow for this. Holding symbol provisions allow a planning authority to restrict future uses until the conditions for removing the holding symbol have been met, and an application to remove the holding symbol would be required in order to enact the proposed use. Holding symbols can help ensure that preconditions are met before a change in land use can occur. They allow for more detailed planning and design work to be done on a site-by-site basis after completion of site-specific wildland fire assessments (i.e., establish appropriate setbacks not known at the time of zoning and a vegetation management plan for each site, implemented in a site plan or other agreement registered on title to mitigate the risk). The holding symbol may also help to ensure that adequate community infrastructure, including community-wide wildland fire mitigation, is in place before development can proceed.[62]

7.4 Site development controls

Site development controls are important tools that can be used in establishing and implementing measures for mitigating the risk of wildland fire. The two main site development control tools are community planning permit systems and site plan control areas. To be able to employ these tools, required official plan policies and the associated by-law must be in effect to designate the area for site plan control or as a community planning permit system area.

7.4.1 Community planning permit system

The community planning permit system (CPPS) as established through section 70.2 of the *Planning Act* and Ontario Regulation 173/16 (Community Planning Permits), is a streamlining planning tool that combines zoning, site plan, and minor variance processes into one application and approvals process. For a CPPS to be established, official plan policies must be in place and a by-law must be passed.

Once a planning authority establishes a CPPS for an area within its jurisdiction, a range of conditions can be imposed that must be met before a community planning permit is issued. A CPPS could be established for areas of hazardous forest types for wildland fire. A suite of conditions may be applied for the development permit area(s), such as requiring that wildland fire assessment be undertaken and submitted as part of the application for a community planning permit, and that a vegetation management plan be prepared and implemented in order to establish and maintain adequate defensible space around buildings and structures.

In addition to identifying permitted uses, a community planning permit by-law may also identify uses that may be permitted without a by-law amendment, subject to meeting specified criteria. For example, uses can be allowed subject to establishing that the proposed use will not be at high or extreme risk for wildland fire after assessment is undertaken and mitigation measures identified through the assessment are implemented, including use of fire-resistant building materials and ongoing vegetation management. Such criteria would likely be accompanied by a condition limiting development in accordance with a corresponding site plan and a condition that the owner enter into an agreement with the planning authority to provide for the implementation of the identified mitigation measures, such as ongoing vegetation management requirements after construction.

7.4.2 Site plan control areas

Section 41 of the *Planning Act* identifies site plan control as a tool that planning authorities may choose to use (except where this power is superseded by similar powers under other legislation, such as the *Aggregate Resources Act*), in order to specify site design aspects.[63] More specifically it provides a planning authority with the added ability to control the design and development of a site, such as the building location, layout of parking and service areas, public access areas, and landscaping and exterior design, including the character, scale, appearance and design features of buildings, subject to appropriate official plan provisions being in place. These controls can be established by requiring plans or drawings and are normally accompanied by a site plan agreement registered on title to the property, which can contain provisions for ongoing site maintenance.

Due to the dynamic nature of forested areas, it may not be appropriate to undertake the physical actions required to mitigate the risk associated with hazardous forest types for wildland fire before a decision is made on a planning application, unless this is deemed the most appropriate action by the planning authority. In this vein, site plan control can be an effective tool to ensure the implementation of mitigation measures occurs at the appropriate time. The following outlines some approaches to using site plan control to achieve this purpose:

- For site plan control areas established for the purposes of addressing wildland fire hazards, base boundaries on the results of municipal-wide wildland fire assessments that identify hazardous forest types for wildland fire.
- Within site plan control areas that are established using the above approach, ensure the official plan contains policies to ensure the following matters are incorporated into site plan approvals:
  - identify appropriate placement of buildings, parking facilities and access driveways (structures should be discouraged in areas where the slope exceeds 30%, and or in ravines or valleys);[64]
  - implement exterior design control to regulate building exteriors where appropriate;
  - require that defensible space be established around all buildings and structures by identifying the location of buildings and landscaping;
  - apply conditions of approval to require the establishment and maintenance of site landscaping (e.g., establish a long-term vegetation management or landscaping plan);
  - require that physical and legal access to all lots in a proposed development be provided by a minimum of two approach routes to allow for access by emergency response and evacuation by occupants;
  - regulate minimums and standards for roads, including roadside fuel reduction, grading, bridges and culverts, gates and signage;[65]
  - include in the site plan agreement a requirement that the owner ensure that flammable vegetation is cleared around structures in order to maintain defensible space (through ongoing vegetation management in priority zones); and
  - for condominiums, ensure that mitigation features are contained within common elements as defined in the description and declaration and that they are identified in the site plan agreement as matters to be maintained by the condominium corporation.

7.5 *Planning Act* applications

To determine whether a site-specific application under the *Planning Act* is or likely can be carried out in a manner consistent with the policies of the PPS, 2014, including policy 3.1.8 regarding wildland fire, it would first be necessary to identify which information and studies are required. These studies may be determined by reference to this Manual or, where the planning authority has incorporated appropriate policies in its official plan to implement policy 3.1.8, these studies would be set out in the official plan to form part of the complete application. In the case of wildland fire assessment, this would involve determining whether a level 1 site assessment is adequate, or if a level 2 site assessment is required (see Chapter 5 for details regarding site assessment). The proposal would then need to be assessed against the applicable official plan policies and any requirements related to wildland fire in the zoning by-law, zoning order of the Minister of Municipal Affairs or community planning permit by-law, as well as and any site plan approval requirements, to determine if these are satisfied and whether the development is considered appropriate.

In areas of the province where an official plan does not exist, the PPS, 2014 can be used as the basis for assessing planning applications for impacts of land use changes on risk levels associated with hazardous forest types for wildland fire. Consultation with MNRF for additional information and technical advice may be necessary.[66]

Wildland fire assessment for site-specific planning applications

Wildland fire assessment is a component of project site design. Much of the information submitted to form part of a development application is also helpful in assessing the risk for wildland fire. An assessment should generally include the following:

- identification of the area to be assessed (subject lands);
- distance of subject lands from any hazardous forest types (maps would be useful tools to illustrate these points);
- predominant vegetation types, ideally within 100 metres of any proposed structures, but at least within 30 metres of any proposed structures;
- other risk factors including topography/slope and aspect;
- description of proposed land use(s), including layout and density, location of proposed structures, and access (including external road access and internal traffic circulation for subdivisions);
- fire suppression infrastructure (water supply, fire departments) and utilities (location of hydro lines);
- proposed mitigation measures, at neighbourhood, site and structural scale; and
- resulting risk after mitigation measures have been applied.

7.5.1 General considerations for site-specific *Planning Act* applications

The following outlines some preliminary considerations for planning authorities when reviewing applications under the *Planning Act* in areas of hazardous forest types for wildland fire. It also discusses opportunities to apply wildland fire mitigation techniques at the site-specific level within vegetation management priority zones.

- Not all land use controls are available or appropriate for all development scenarios. Planning authorities are encouraged to consult with MMA for guidance where needed.
- Prioritize the relocation of proposed developments to alternative, lower risk sites (should be first built into the community structure through official plan designations and policies but also discussed as part of early consultation on development applications and considered at the time of decision making).
- Carry out and/or require site-specific wildland fire assessments to determine whether there are hazardous forest types for wildland fire, and if mitigation measures are needed (see callout box). Appendix 4 provides a simple sequential evaluation matrix to help walk a planning authority through the overall process for wildland fire assessment and mitigation.
- Like other documents where the municipality feels that it does not have the expertise or the capacity to review and evaluate an assessment report, it could be considered that a fee for service peer review be incorporated into the development/planning application process with the cost paid by the property owner.
- Use site-specific zoning categories to control land uses and provisions, such as setbacks and minimum yard requirements, to mitigate risk.
- Recognize that techniques for mitigation and opportunities to use *Planning Act* tools to achieve mitigation may differ with the scale or nature of proposed development (e.g., approval related to undeveloped site versus existing building).
- Involve the appropriate municipal departments in the review of development proposals. These should include the building department, emergency response coordinators and fire departments, and could also include departments dealing with water services, transportation and roads, and health, as well as flood control authorities.[67]
- Plan for mitigation measures such as ongoing vegetation and fuel management, by adding conditions to an approval or including provisions in a subdivision/consent agreement (e.g., thinning, selected removal of vegetation, removal of woody debris, etc.).[68]

7.5.1.1 Application of vegetation management techniques on a site-specific basis

Chapter 6 introduced the concept of creating defensible space through vegetation management. At the site scale, vegetation management is most effectively applied within vegetation management priority zones, as promoted by FireSmart, in order to reduce the opportunity for wildland fire to spread by embers, direct flame contact and/or radiant heat. In most cases, implementing vegetation/fuel management in all three priority zones (0–100 m from a structure) will reduce the level of risk associated with wildland fire from high or extreme to moderate or low.

The preparation of a vegetation management plan or strategy provides an opportunity to document the mitigation techniques proposed within the priority zones. Vegetation management plans are intended to be long-term strategies outlining the vegetation management techniques that will be applied in order to prevent a site from reverting to a pre-application site condition. A key component of a vegetation management plan is the inclusion of a long-term, ongoing schedule of the application of vegetation management techniques.

Vegetation management in priority zone 1

The main objective of vegetation management in priority zone 1, which is the area within 10 metres of a structure or proposed structure, is to prevent a surface fire from coming in contact with the structure. It is necessary to create an environment that will not support fire of any kind, by eliminating flammable vegetation surrounding structures or modifying vegetation to less flammable species. Poor defensible space could allow embers to ignite vegetation in outlying areas and spread fire through continuous vegetation that leads to a structure. Developing a 10 metre non-combustible or low-combustible zone immediately adjacent to structures is critical. Figures 7-1 and 7-2, and Appendix 7, illustrate examples of the application of site and structural mitigation within priority zone 1.

In some situations, priority zone 1 may be the only zone or area in which ongoing vegetation management is necessary. Modifying or removing the combustible fuels within priority zone 1 greatly reduces the risk of embers igniting new fires near a structure, or fire directly reaching the structure.[69] Vegetation can be managed in priority zone 1 by undertaking the following treatments within the zone:

- Prune shrubs and trees.
- Remove deadfall and relocate woodpiles outside priority zone 1.
- Mow and water grass.

- Prune conifer branches to remove any that overhang roofs or that are within 2 metres of the ground.
- Replace conifer trees and shrubs with native deciduous/hardwood species.
- Use non-combustible landscaping products (e.g., mulch) and shrubs, including manicured lawns, rock gardens, and cement or rock walkways.
- Apply fire-resistant landscaping options as construction sites are being rehabilitated.

For lands subject to proposed development that do not extend up to 30 metres from a structure/proposed structure (i.e., the property is too small to contain the full extent of priority zones 1 and 2), it may be necessary to enlarge the priority zone 1 surrounding a structure/proposed structure from 10 metres to 15 metres in order to reduce potential impacts from crown fires. The application of structural mitigation techniques will likely be necessary in these scenarios.

Vegetation management in priority zone 2

The main objective of vegetation management within priority zone 2 is to create an environment that will support only fires of lower intensity and rate of spread, by further reducing flammable vegetation. Direct flame contact, radiant heat and flying embers from fires in this zone may ignite a structure. Preventing high-intensity and crowning fires from advancing within 30 metres of any structure greatly reduces the effects of radiant heat on the structure, since radiant heat from high-intensity fires can ignite some types of building materials from up to 20 metres.

To reduce the effects of radiant heat, fuel management within priority zone 2 should reduce an approaching crown fire down to the lowered intensity of a surface fire, and prevent it from advancing within 10 metres of a structure. The following treatments are recommended for priority zone 2:

- Space the crowns of conifer trees at least 3–6 metres apart to reduce continual ignition of tree crowns.
- Plant native hardwood species when replanting trees in this zone.
- Remove dead woody debris, thick shrubbery and mature trees that might provide the opportunity for a ground fire to climb up into the forest canopy (i.e., ladder fuels). In developments involving multiple structures, a vegetated privacy curtain composed of mostly hardwood trees can be retained between buildings.

In most cases, implementing the recommended fuel modifications (vegetation management) within priority zones 1 and 2 will reduce the hazard risk level to a moderate to low risk.

Vegetation management in priority zone 3

Vegetation management in priority zone 3 (30—100 m from a structure) may be needed only in specific cases, when high or extreme hazard levels resulting from heavy continuous forest vegetation and steep topography cannot be reduced enough by vegetation management in priority zone 2.[70] The objective of vegetation management in priority zone 3 is to thin conifer trees and remove some of the ground fuels in the area, and create space within the forest stand that will interrupt the ability of a fire to spread upward into the forest canopy. This will reduce the intensity at which a forest burns, allowing it to be more easily extinguished.

It may not be possible for vegetation management to occur in priority zone 3, as the land ownership may not extend out this far (i.e., parcel may be too small). Ideally, however, the following recommended vegetation management would be applied:

- Thin or reduce shrubs and trees that make up the understory, while retaining fire-resistant deciduous trees.
- Space conifer trees such that crowns are at least 3–6 metres apart, to reduce the potential for a crown fire.

Vegetation management in all three priority zones is not always necessary. In some cases it may be necessary only in priority zone 1, while in others vegetation management may be necessary in all of the priority zones. This will be determined through wildland fire assessment, and should be considered in conjunction with other recommended mitigation techniques.

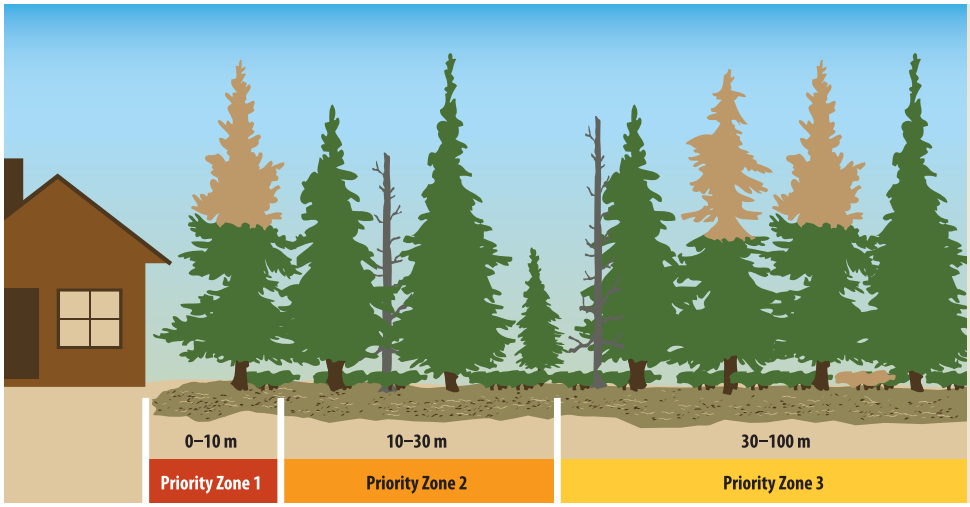


Figure 7-1.
The vegetation around a home within the three priority zones *before* the application of vegetation management techniques to establish defensible space (not to scale)[71]

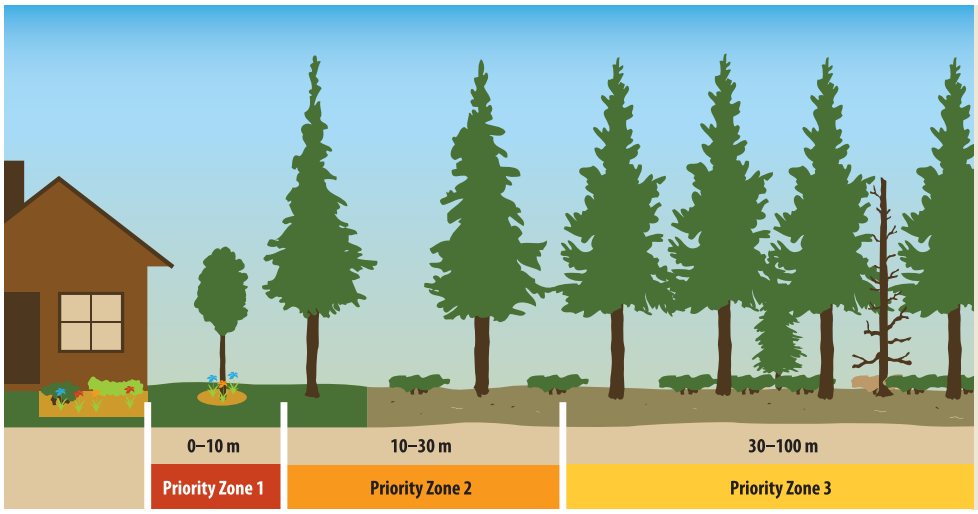


Figure 7-2.
The vegetation around a home within the three priority zones *after* the application of vegetation management techniques to establish defensible space (not to scale)[72]

7.5.2 Considerations for land severances and plans of subdivision or condominiums

The processes associated with the subdivision of land provide several opportunities and tools to the planning authority for addressing the wildland fire policies of the PPS, 2014.

7.5.2.1 Relocation of development to avoid the risk

For both land severances and plans of subdivision or condominiums, the aim should be to identify the areas that have hazardous forest types for wildland fire, and adapt the proposed development in a manner that will mitigate the wildland fire risk.

To determine which implementation tools are applicable to applications for land severances or plans of subdivision, it is necessary to first determine whether hazardous forest types for wildland fire are present on or in the vicinity of the proposed development site, through a wildland fire assessment (as described in Part 2 and in the callout box in 7.5). If they are present, appropriate mitigation techniques need to be considered; where mitigation techniques are considered effective to reduce an extreme or high risk to a moderate or low risk, they should be required as a condition of approval and the planning authority should employ implementation tools to ensure that mitigation measures are applied, such as site development controls.

For land severances, the first opportunity is the consideration of the location and the size of the proposed lot(s). This should be considered relative to risk factors (i.e., the presence of hazardous forest types for wildland fire), and to the size of lands in the vicinity that are part of the same holding. For example, consideration should be given to the possibility of enlarging the lot to be severed to allow for necessary mitigation.

If it is determined that proposed development can be relocated to avoid hazardous forest types for wildland fire, the act of relocating would avoid the risks associated with wildland fire, and further measures may not be necessary.

7.5.2.2 Adaptation of design

If relocation of a proposed development is not possible, additional mitigation will be necessary. For both land severances and subdivisions, consideration of the location of proposed development/building envelopes relative to risk factors can be explored during early consultation. Consideration can also be given to the location of existing and proposed buildings and structures, and the proposed design can be modified in a manner that would allow for the application of appropriate measures to mitigate the wildland fire risk, (i.e., community protection fuel/firebreaks around perimeter of the subdivision).

Additionally, tools such as subdivision layout and design standards, and conditions on consent or draft approval of subdivisions, as described below, may be useful in ensuring the implementation of such measures. Involvement of local fire departments and/or emergency management coordinators in these reviews is recommended.

7.5.2.3 Subdivision design and standards

The design stage of a plan of subdivision is an opportunity to explore options for configuring the subdivision layout, and selecting appropriate development/building envelopes. Ideally this should be explored during early consultation, with the goal of designing and/or adapting the proposed subdivision plan to avoid hazardous forest types for wildland fire, and/or to incorporate design elements that will mitigate the risk of wildland fire. Planning authorities may review proposed plans of subdivision to improve the impact of design aspects and layout in terms of their role in mitigating the risk of wildland fire.

Subdivision design standards/guidelines, which outline the basic requirements established by a planning authority for all subdivision applications, can be updated to explicitly incorporate wildland fire risk mitigation into subdivision design. Design standards can address aspects of subdivision design, such as overall subdivision layout and shape, density, phasing and staging, and specific design elements such as roads and access, fire protection infrastructure, and vegetation management.[73]

Layout and shape

- Design the lot shape, size and orientation in a manner that avoids or minimizes the placement of structures in hazardous areas that exist within specific areas of a community or proposed subdivision.[74]
- Minimize development perimeters by incorporating a subdivision/lot shape that reduces the creation of new wildland fire interface areas.
- Incorporate community protection fuel/fire breaks to function as fire protection zones around the perimeter of the development.[75]
  - Natural features (e.g., rocky formations, streams/rivers) and/or human-made features such as open spaces, public use areas (e.g., parks, recreation fields, etc.), roads, pedestrian walkways, utility rights-of-way, and storm water management ponds can perform this function.
- Avoid development patterns that create areas of congestion (bottleneck or hourglass shapes), or that isolate pockets of development, such as long cul-de-sacs.
- Avoid locating structures in areas where the slope exceeds 30 per cent, as measured before alteration, and in ravines or valleys.[76]

Density

- Encourage high parcel density in lower-risk areas, consisting of fire-resistant structures.
- Design development so that it is clustered to encourage the grouping of dwellings on smaller lots to reserve more community open space. This should be done in conjunction with adequately spaced buildings and ongoing vegetation management.[77]
- Incorporate building separation distances of at least 15–20 metres between dwellings, and larger distances to separate buildings located on slopes, in order to avoid the spread of fire.[78]

Phasing and staging

- Prioritize the installation of subdivision infrastructure that is required by the subdivision plan, as these features could also function as fire protection features. These features, which include water sources, wells, draft sites, hydrants, fire breaks and access routes, should be installed prior to the construction of any structures within the subdivision.
- Encourage early stages of initial development to be in those areas along the interface perimeter of the

subdivision, to minimize risk of wildland fire to the entire subdivision by reducing the interface area as quickly as possible.

- Where appropriate, establish at least two access routes that are available during each phase of development of a subdivision.[79]
- Ensure that the proponent/developer provides fire prevention and protection measures throughout the entire lifespan of the development project.[80]

Accessibility and safety considerations

- Roads and access
  - Give special attention to transportation design and road connectivity, including internal road patterns (e.g., length of cul-de-sacs, vehicle turnarounds, etc.) and points of access to subdivisions and other development projects.
  - Design road transportation networks that provide multiple access points for simultaneous access for emergency equipment and evacuation of residents.
  - Adhere to minimums and standards for plans of subdivision and site plans, to accommodate fire-fighting equipment and vehicles, for the following:[81]
    - roadway and driveway widths, surfaces, curvature, fuel reduction, and grades (i.e., limit road grades to 10–15%);[82] and
    - bridges and culverts.
- Fire protection infrastructure and tools
  - Include, as part of plans, current and projected fire protection needs including fire emergency services facilities.
  - Signage should be non-combustible, and should identify address, be visible (i.e., well located) and be easy to read; dead-end roads should be marked.
  - Incorporate water sources (hydrants, natural water sources and other sources such as wells, swimming pools, etc.) into the design, including sources for emergency firefighting purposes during construction phases of approved development.
- Vegetation management
  - Define building envelopes and establish minimum defensible space for each lot, prior to approval.
  - Incorporate fire breaks/buffers (i.e., areas that are free of vegetation) to break the continuity of vegetation around the perimeter of the development to slow or stop the spread of a fire. These areas also provide additional access for firefighting and evacuation.
  - Incorporate standards related to landscaping, such as tree spacing and location, through the establishment of a vegetation management/ landscaping plan.[83]

7.5.2.4 Implementing mitigation measures through conditions of approval

Subsections 51(25) and 53(12) of the *Planning Act* enable the planning authority to impose any condition to a draft subdivision approval or to a provisional consent, as long as the planning authority believes the condition is reasonable, in the context of the nature of the development proposed.[84] Details of such conditions are further described below.

Consents

A severance approval may have certain conditions attached to it, which must be met within one year. Such conditions could include requirements for road widenings or a rezoning (or minor variance) to allow a new land use. In addition, the property owner may be required to enter into an agreement with the planning authority to provide future services or facilities.[85] With respect to wildland fire, this could include the establishment and maintenance of defensible space around buildings or structures to be constructed at a future date (i.e., after approval has been granted). The following are sample conditions requiring a vegetation management/ landscaping plan that could form part of severance approval:

- Applicants will prepare a landscaping plan to the satisfaction of the municipal fire department showing all landscaping on site and, in particular, the location of trees and vegetation removed and preserved and added on site, as well as limitations on the type and location of fencing and other site improvements; vegetation management should be maintained, particularly adjacent to streets, roads (within 1.5 m of either side of roads) and driveways.
- A vegetation management plan shall be prepared by the applicant to the satisfaction of the municipal fire department and shall be implemented prior to any new construction or the alteration, moving or change of use of an existing residential or commercial structure on an existing lot.[86]
- The owner shall enter into an agreement to be registered on title that shall ensure the ongoing maintenance of the landscaping and vegetation management plans.

Subdivisions/condominiums

The planning authority may provide draft approval, in which case an applicant will be advised of the conditions that need to be met to obtain final approval and registration. Conditions of draft approval may include: road widenings, the naming of streets, parkland requirements, rezoning of the area to reflect the new uses in the subdivision and any other municipal requirements. Draft approval may also establish a time frame within which the conditions must be satisfied or the draft approval lapses. Draft approval amounts to a commitment to go ahead with the subdivision, once all the conditions of draft approval have been met, at which point, final approval is given and the plan of subdivision is registered. Considerable time may pass between draft approval and actual registration of the plan. However, the planning authority has the power to determine that draft approval will lapse after three years, and it has the power to give a further extension to draft approval.[87]

The applicant may be required to sign a detailed subdivision agreement, which is generally registered on the title of the property and legally binds future owners to its conditions.[88] This could be a useful tool as it relates to wildland fire mitigation considerations, since the measures generally need be implemented on an ongoing basis (such as establishing and maintaining defensible space through vegetation management).

Conditions of draft approval and subdivision agreements—as per subsections 51(25), (26) of the *Planning Act*—can be used as tools to require the implementation of measures to mitigate the risk of wildland fire. They should aim to protect life and property, reduce potential for a fire to spread into hazardous forest types and/or to spread into property, structures, or to or from adjacent lands.[89]

Conditions could require, for example, that a wildland fire hazard assessment be undertaken, which would include proposed mitigation measures and the manner in which they are to be applied (such as the requirements necessary to establish and maintain defensible space around structures). Conditions could also require the preparation of a vegetation management plan, which is guided by the findings of a wildland fire assessment. These conditions could also stipulate the timeframe in which wildland fire assessment and mitigation work should be completed, as well as address the ongoing nature of mitigation measures, if applicable, to ensure that the risks associated with wildland fire remain low (e.g., ongoing vegetation management). Such conditions could be modeled on the following:

- A vegetation management plan should be prepared for all properties, roads, and open spaces (to reduce fuel loading and ensure continuous maintenance); a vegetation management plan, including mechanisms for its implementation, should be prepared prior to final subdivision approval.[90]

7.5.3 Considerations for minor variances

A minor variance could be described as a small variation from the requirements of the zoning by-law. Its approval is a certificate of permission, as it allows a proponent to obtain a building permit even though the subject lands do not comply precisely with the zoning by-law. Subsection 45(1) of the *Planning Act* sets out four tests that a proposal must meet in order for it to be considered for a minor variance:

1. Is the application minor?
2. Is the application desirable for the appropriate development of the lands in question?
3. Does the application conform to the general intent of the zoning by-law?
4. Does the application conform to the general intent of the official plan?[91]

A minor variance requires approval under the P*lanningAct*. Consideration of whether the minor variance would result in new or increased risk to the public should be taken into account in determining whether or not the variance should be approved. Determination of the presence of hazardous forest types for wildland fire is necessary, and this may be done by undertaking a site-level wildland fire assessment. One consideration will be the planning history of the site and whether the proposal would penetrate areas identified for defensible space in an earlier approval.

Measures such as maintenance of defensible space through vegetation management will likely be adequate to mitigate risks; however additional measures may be necessary. As discussed with respect to severances and subdivisions/condominiums, adding conditions to the approval may be an appropriate approach to ensuring the implementation of measures to mitigate the risk. Such an application may also provide an opportunity to implement mitigation techniques on existing sites as a condition of further development where the need is reasonably related to the new development.

Glossary

Conifer: "A tree belonging to the order Coniferae, usually evergreen with cones, needle-shaped leaves and producing wood known commercially as 'softwood'."[92]

Crown fires: fires that burn in the upper foliage and branches in addition to surface and ground fuels. Crown fire occurs when high-intensity surface fire spreads or "ladders upward through lower foliage into the canopy above. Driven by wind or influenced by upper-atmosphere disturbances, crown fires travel quickly and are difficult to control."[93]

Crown: the branches and foliage of a tree[94]

Deciduous: trees (commonly broad-leaved trees) that drop all their leaves sometime during the year[95]

Defensible space: the area around a structure where fuels and vegetation have been treated, reduced or cleared, to provide separation and slow the spread of a wildland fire to a structure, and from a structure to surrounding vegetation[96]

Development: "means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
b) work subject to the *Drainage Act*; or
c) for the purposes of policy 2.1.4(a) "[of the Provincial Policy Statement, 2014]," underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a)" [of the Provincial Policy Statement, 2014][97]

Fire [fuel] break: an obstacle to the spread of fire, such as a strip of open space in a forest.

Fuels: Wildland vegetation materials that can burn. While usually referring to above-ground living and dead wildland surface vegetation, roots and organic soils such as peat are often included.[98]

Fuel loading: the overall amount of fuel[99]

Ground fires: Fires that creep through the duff layer (organic soil) and decaying woody material beneath the forest floor. They are persistent, slow burning, and difficult to detect and extinguish.[100]

Hardwood species: generally, one of the botanical group of trees that have broad leaves, in contrast to the needle-bearing conifers. Also, wood produced by broad-leaved trees, regardless of texture or density.[101]

Hazard reduction: A treatment of dead or dying forest fuels to diminish the chance of fire starting, and to lessen the potential rate of spread and resistance to control.[102]

Hazardous forest types for wildland fire: "means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources [and Forestry], as amended from time to time"[103]

Immature conifer stand: a conifer stand (i.e., composed of more than 50% conifer trees) of which greater than 50 per cent is composed of young trees or new growth

Intermix areas: areas where development and forest fuels intermingle with no clearly defined boundary or separation from the forest stand[104]

Ladder fuels: shrubs, immature trees and branches extending near the ground (e.g., within 2 m) that give surface fires a pathway to the upper canopies of the trees[105]

Mature conifer stand: a conifer stand (i.e., composed of more than 50% conifer trees) of which greater than 50 per cent is composed of mature trees. Mature conifers are trees that have reached their maximum height and new growth occurs to the diameter of the stem.

Slash: debris (i.e., stems, branches, tree tops with needles) lying on the ground resulting from tree harvesting activities

Stand: an aggregation of trees occupying a specific area and uniform enough in composition (species), age and arrangement to be distinguishable from the forest in adjoining areas[106]

Stand density: the number of trees usually expressed on a per hectare basis[107]

Suppression: all activities concerned with controlling and extinguishing a fire following its detection[108]

Surface fires: fires that burn needles, twigs, branches on the forest floor, young trees, and the lower branches of standing timber. Surface fires are spread more quickly by wind.[109]

Understory: the portion of trees or other vegetation in a forest stand below the forest canopy[110]

Values: the specific or collective set of natural resources and human-made development/ improvements that have measurable or intrinsic worth and that may be destroyed or otherwise altered by fire in any given area[111]

Wildland fire assessment and mitigation standards: "means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources [and Forestry] to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire"[112]

Wildland fire: any fire burning in forest, grass, or alpine/tundra vegetation—synonymous with forest fire and wildfire[113]

Wildland-urban interface: areas where residential, commercial and industrial development is located close to wildland areas[114]

Notes

Appendices

APPENDIX 1
Legislation and policy related to wildland fire and municipal planning

Emergency Management and *Civil Protection Act*

The *Emergency Management* and *Civil Protection Act* requires each municipality to develop, implement and maintain an emergency management program to improve public safety through a coordinated and pre-identified process for responding to critical situations. An effective emergency management program will assist in protecting lives, infrastructure and property; protect the environment; promote economic stability; and help ensure the continuance of critical assets and government. One requirement under the Act is that each municipality must designate a community emergency management coordinator who coordinates the development, implementation and maintenance of the community's emergency management program. Section 2 of the Act deals with hazard and risk assessment, and requires that, "In developing its emergency management program, every municipality shall identify and assess the various hazards and risks to public safety that could give rise to emergencies and identify the facilities and other elements of the infrastructure that are at risk of being affected by emergencies."[115]

Forest Fires Protection Act

Authority relative to wildland fire management comes from the *Forest Fires Prevention Act*, which applies to the fire region as set out in regulation (see Figure A1-1). The Act establishes the fire season; where and when fire permits are required; penalties for contravention of the Act and regulations; provision for implementing restricted fire zones where outdoor burning can be restricted; declaration of emergency areas and orders for fire suppression and the safety and evacuation of persons; and the responsibilities of planning authorities with respect to the suppression of wildland fires within their jurisdiction. Fire protection outside the fire region is also regulated by the *Forest Fires Prevention Act*.[116]



Figure A1-1.
The fire region as set out in regulation (O. Reg. 332/15, s. 7), under the *Forest Fires Prevention Act*

Wildland Fire Management Strategy

Ontario's Wildland Fire Management Strategy provides strategic direction for the Ministry of Natural Resources and Forestry's management of wildland fire within the province of Ontario. Wildland fire management goals are to prevent loss of human life and injury; prevent and mitigate losses, economic disruption and social disruption, and promote the understanding of the ecological role of fire and use of fire to benefit resource management. The objectives are:

- prevention by diminishing the threat to people and values by reducing the number of human-caused wildland fires;
- mitigation by property owners and land managers taking action to mitigate the undesirable impacts of wildland fires on their property or other values;
- response by assessing all fires and responding appropriately;
- understanding by the people of Ontario through their awareness of and support for the ecological role of wildland fire; and
- application of wildland fires and prescribed burns safely and effectively to reduce wildland fire hazards and meet ecological and resource management objectives.

The strategy renews commitment for wildland fire prevention and mitigation actions, which also help to achieve the wildland fire management goals of protecting public safety and reducing losses.[117]

Building Code

The *Building Code Act*, 1992, governs the construction, renovation, change of use and demolition of buildings. It also provides specific powers for inspectors and rules for the inspection of buildings, and allows planning authorities to establish property standard by-laws.

The Building Code is a regulation made under the *Building Code Act*. It sets out objectives and requirements for new construction, and its primary focus is to ensure public safety in newly constructed buildings.[118]

Planning authorities are responsible for enforcing the *Building Code Act* and the Building Code within their local jurisdictions. Their responsibilities include reviewing/issuing building permits; conducting inspections during construction to ensure work is in compliance with the Building Code and building permits; setting fees for building permits; and enforcing compliance through inspections, and if necessary, issuing orders (e.g., stop work orders and orders to comply).

Under the Act, planning authorities also have the ability to develop property standards by-laws that address how buildings and surrounding properties (e.g., landscape) must be maintained.[119]

As discussed in Part 1, policy 3.1.8 of the Provincial Policy Statement, 2014 applies to activities requiring approval under the *Planning Act*. However, it does not apply to the issuance of building permits, which falls under the jurisdiction of the Building Code. However, building permits are important to the implementation of planning controls as they must be in conformity with all "applicable law," which includes some but not necessarily all planning controls. Local building codes offer opportunities to implement wildland fire mitigation measures that focus on individual structures and properties immediately surrounding them, such as the design and selection of construction materials for buildings. The application of such measures to new buildings in wildland-urban interface areas, as recommended through Ontario's FireSmart Program, aims to lessen the vulnerability of a building by protecting against radiant heat, the intrusion of flames and contact by embers projected during a wildland fire. Local building codes can also act to enhance broader mitigation efforts within the vegetation management priority zones (i.e., within up to 100 m of a structure). Building design and structural measures are discussed in Chapter 6 (subsection 6.2.3) of this document, and various FireSmart guidance material as outlined in Table 5-1 (in Chapter 5) can offer more detail.

Municipal Act

Part III Specific Municipal Powers offers some additional options for planning authorities to address wildland fire through by-laws.

Health, Safety and Nuisance

Dangerous places (Section 123)

Section 123 of the *Municipal Act* empowers municipalities to regulate dangerous places for the purposes of public safety. This section specifically mentions cliffs, pits and deep waters, but also includes "other dangerous places." Under this provision, municipalities could regulate areas that are dangerous due to the presence of hazardous forest types for wildland fire.[120]

Refuse and debris (Section 127)

A municipality has the ability under section 127 of the *Municipal Act* to require that a property owner or occupant of land, "clean and clear the land … or to clear refuse or debris from the land," and to regulate when and how these activities are undertaken. This provision can be applied as a means of requiring that wildland fire mitigation measures—particularly those involving ongoing vegetation management are implemented.[121]

Natural Environment – Tree By-laws (Section 135)

A municipality may pass a by-law under section 135 of the *Municipal Act*, to prohibit or regulate the destruction or injuring of trees. Municipalities could consider the use of this tool to regulate the manner by which the removal of trees occurs when mitigation measures for wildland fire risk are being implemented. This tool would be appropriate only for cases where there are no existing conditions to the approval of a site plan, plan of subdivision or consent, approval or agreements, or no requirements of a site plan agreement or subdivision agreement or conditions to a development permit or associated agreement as required under the *Planning Act*.

APPENDIX 2
Sample images of hazardous forest types for wildland fire:

The following images illustrate examples of hazardous forest types for wildland fire (high- to extreme-risk), including various forest conditions and species composition.

Species composition of high- and extreme-risk forests



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-1.
Spruce forest with dense conifer vegetation arrangement and ladder fuels



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-2.
Dense conifer-dominant vegetation arrangement and ladder fuels



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-3.
Dense boreal spruce forest



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-4.
Dense spruce forest (bird's eye view)



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-5.
Mixedwood forest (composed of 75% conifer species)



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-6.
Mixedwood forest (composed of more than 50% conifer species)

High- and extreme-risk forest conditions



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-7.
Storm damage in a coniferous forest creating continuous fuels due to ground fuel accumulation



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-8.
Slash from harvesting operation resulting in ground fuel accumulation



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-9.
Pine plantation with understory resulting in ladder fuels



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-10.
Insect damage in a coniferous forest (bird's-eye view)



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-11.
High density of crowns in a coniferous forest



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-12.
High density coniferous forest



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-13.
Unmanaged pine plantation with ground fuel accumulation (i.e., dry grass, dead fallen trees) and understory creating ladder fuels



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-14.
Immature, dense conifer plantation creating continuous fuels (bird's-eye view)



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-15.
Immature, dense conifer plantation with dead standing trees, creating continuous fuels



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A2-16.
Immature conifer natural stand intermixed with some mature conifer trees, resulting in ladder fuels

APPENDIX 3

Forest condition characteristics of hazardous forest types for wildland fire

The following images illustrate the various forest condition characteristics, including forest arrangement, density, laddering of vegetation/fuels, and ground fuel accumulation, and the way they can be addressed through mitigation measures.

Forest condition characteristics of hazardous forest types for wildland fire

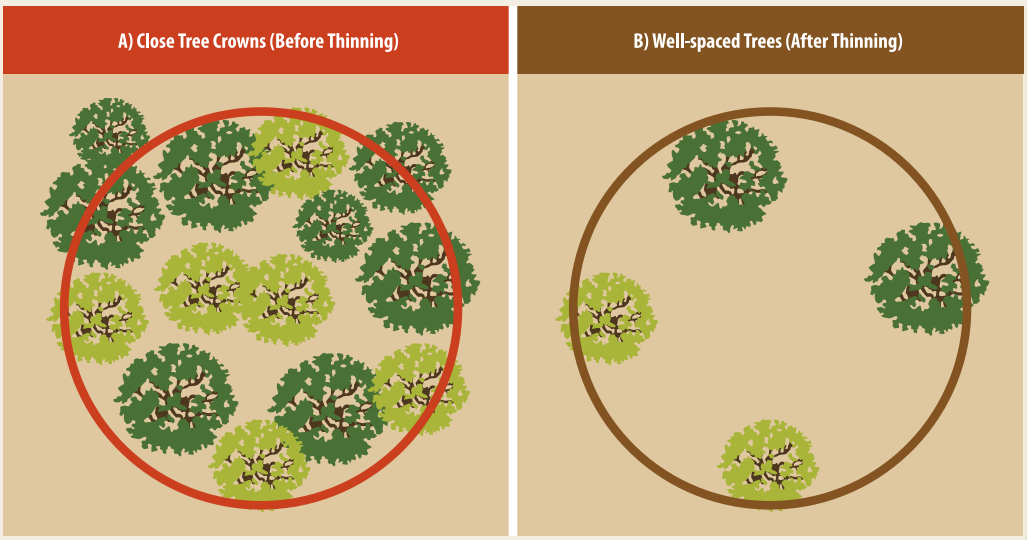


Figure A3-1.
Tree crowns before and after spacing and thinning

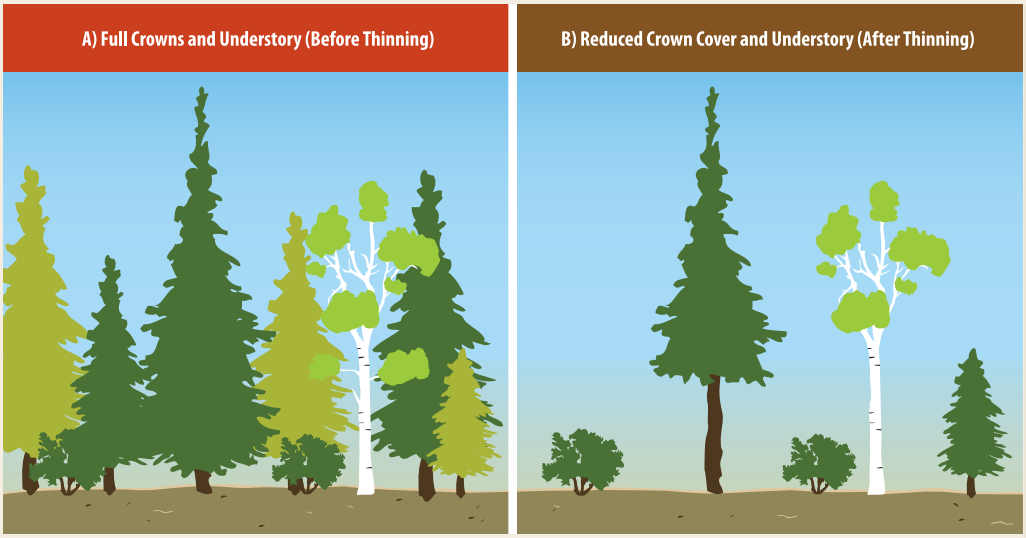


Figure A3-2.
Crowns and understory before and after spacing, thinning and pruning

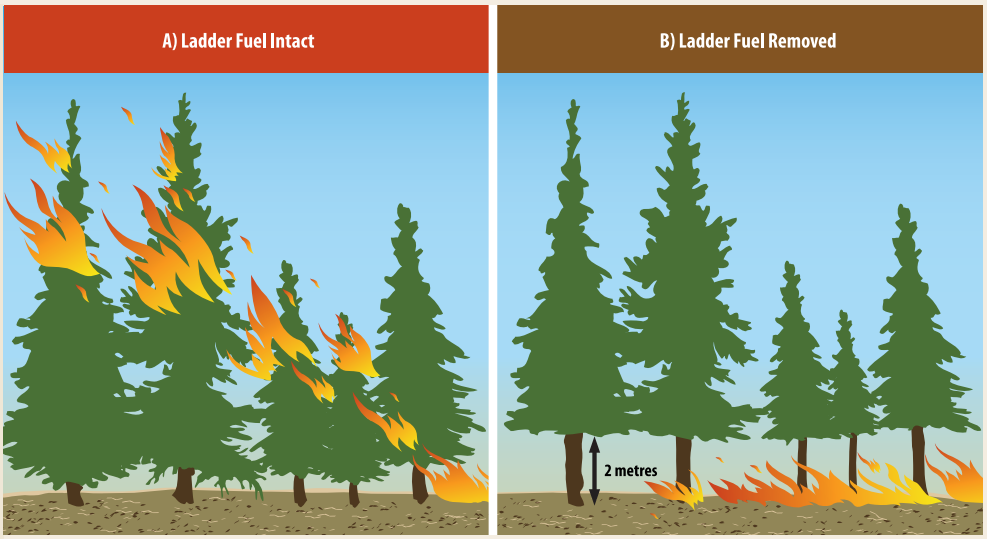
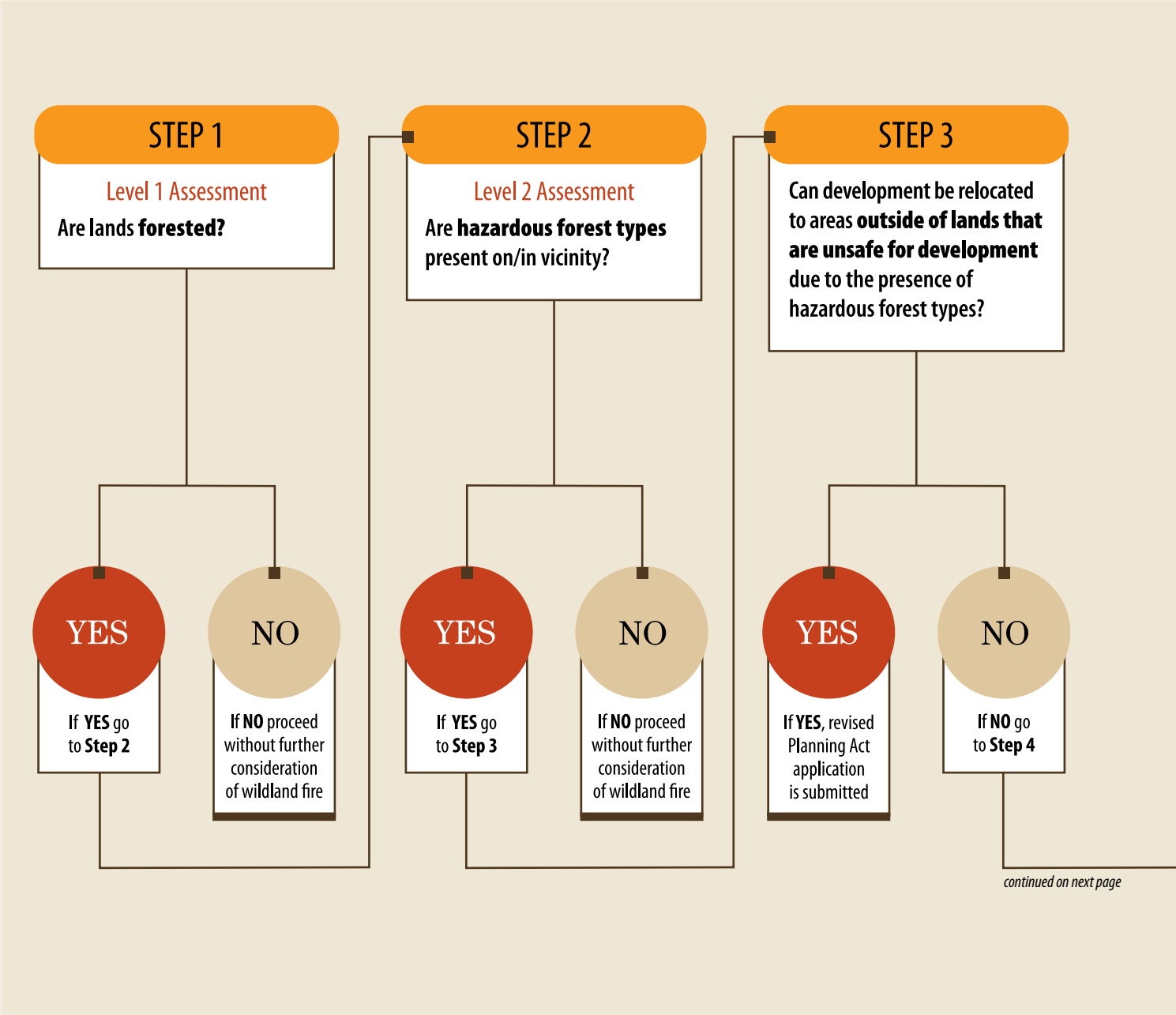


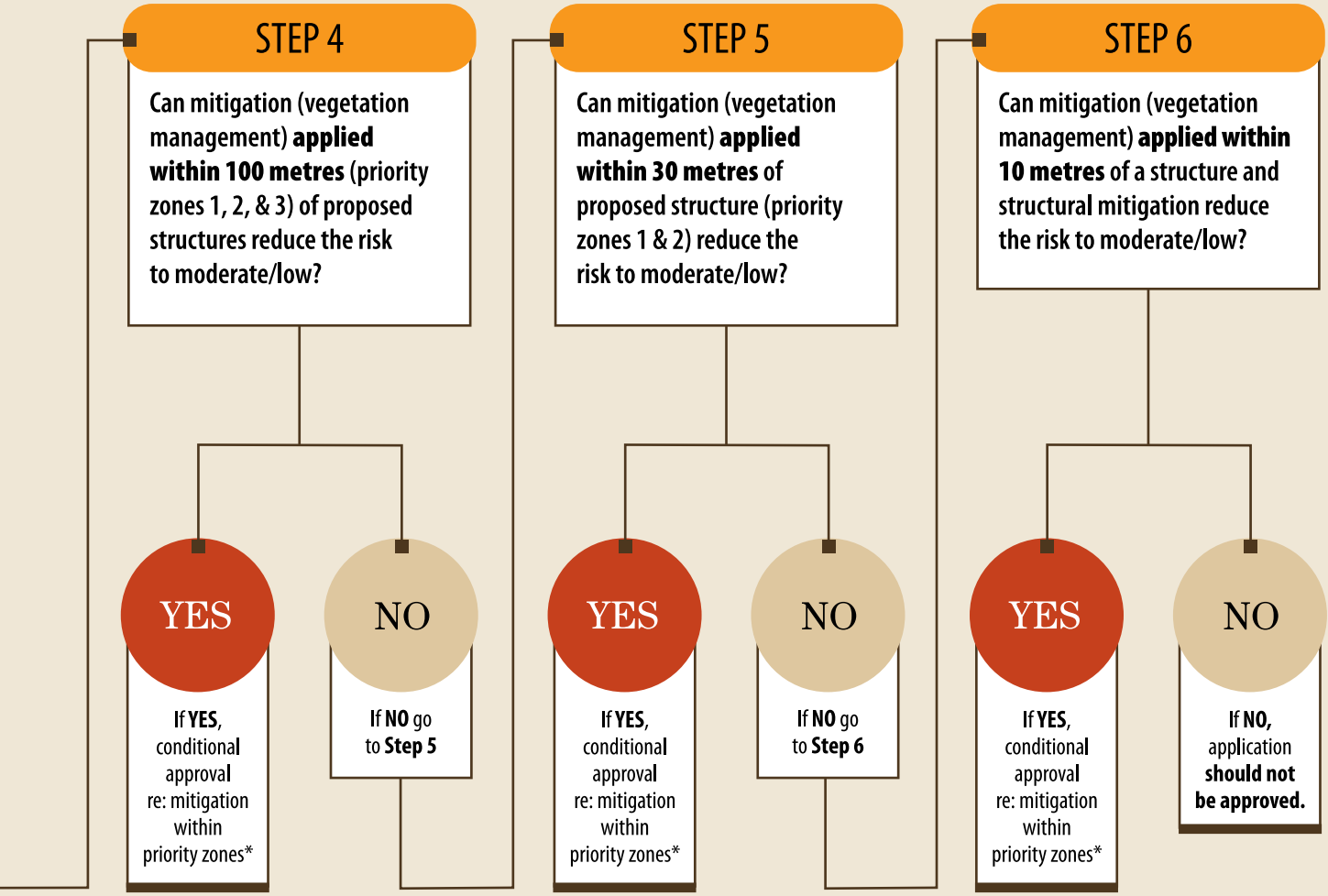
Figure A3-3.
Fire pathway with intact ladder fuel and ladder fuel removed. When the ladder fuels are intact, they allow fire to travel upward into the tree crowns, resulting in an intense crown fire. When the ground fuel is thinned and the lower branches are pruned (i.e., within 2 m of the ground), the pathway for fire to travel upward is removed.[122]

APPENDIX 4
Simple Sequential Evaluation Matrix

The evaluation matrix indicates a simple step-by-step process for implementation of policy 3.1.8 of the PPS, 2014.



continued on next page


STEP 4
Can mitigation (vegetation management) applied within 100 metres (priority zones 1, 2, & 3) of proposed structures reduce the risk to moderate/low?
YES
If YES, conditional approval re: mitigation within priority zones*
NO
If NO go to Step 5
STEP 5
Can mitigation (vegetation management) applied within 30 metres of proposed structure (priority zones 1 & 2) reduce the risk to moderate/low?
YES
If YES, conditional approval re: mitigation within priority zones*
NO
If NO go to Step 6
STEP 6
Can mitigation (vegetation management) applied within 10 metres of a structure and structural mitigation reduce the risk to moderate/low?
YES
If YES, conditional approval re: mitigation within priority zones*
NO
If NO, application should not be approved.

APPENDIX 5
Background on the Canadian Forest Fire Behavior Prediction System

(Note: This description of the Canadian Forest Fire Behavior Prediction System is included for information purposes only).

The Canadian Forest Fire Behavior Prediction (FBP) system is a system of fuel type categories that are developed by amalgamating the most current Forest Resource Inventory data with the most current LandSat data. The FBP system is used by wildland fire agencies across Canada, and identifies the hazard levels based on the expected behaviour of a wildland fire, should one occur, for the identified fuel types. The FBP system models the rate of spread of a wildland fire, fuel consumption, fire intensity and fire growth for up to 16 benchmark fuel types, nationally. The fuel types listed are those associated with the risk of high to extreme wildland fire, which are considered hazardous forest types for wildland fire, as defined by the Provincial Policy Statement, 2014.

Table A4-1.

Forest fuel types (species) and corresponding FBP codes that are used to assess the forest hazard rating in Ontario.

FOREST FUEL TYPE	EXPECTED WILDLAND FIRE BEHAVIOUR
C-2 Boreal spruce	Torching and crown fire
C-3 Mature jack pine	Surface and crown fire
C-4 Immature jack pine	Almost always crown fire
C-5 Mature red or white pine immature	Surface and torching
C-6 Conifer plantation immature/unmanaged	Surface, torching and crown fire
D-1 Leafless hardwoods	Always surface fire
M-1 Boreal mixedwood leafless >50% conifer	Surface, torching and crown fire
M-2 Boreal mixedwood green > 50% conifer	Surface, torching and crown fire
S-1 Jack pine slash	Always intense surface fire
S-2 Spruce/balsam fire slash	Always intense surface fire

APPENDIX 6
Wildland Fire Risk and Hazard Assessment Form

Pre or Post Development

This hazard assessment form is designed for assessing generalized wildfire risk conditions for existing or planned development areas. The assessment evaluates the proposed or actual structural components, the surrounding forest and surface vegetation present, and the general neighbourhood factors that affect public safety.

To utilize the assessment sheet on new developments, the developer must assume that the buildings have been completed. Once the hazard value has been established the developer or landowner can evaluate areas that can be modified to reduce the high- or extreme-risk value to a low- or moderate-risk value. This can be achieved through vegetation management, building modifications, or infrastructure upgrades.

To assist completing the assessment sheet, the FireSmart Protecting Your Community from Wildfire Manual is available online at FireSmart Canada.

FACTOR	POINTS	SCORE	NOTES
1. Roofing assembly (choose one of "a" to "b"; add "c" if applicable)			
a. Rated roof (metal, tile, asphalt, ULC rated shakes)	0		
b. Un-rated roof (unrated wood shakes)	65		
c. Tree branches overhang the roof area (yes = 5)	0–5		
d. Eavestrough Uncovered, Metal = 2, Vinyl = 5, Covered = 0 (Uncovered metal clean = 0)	0–5		
e. Tiered roof with accumulator areas for embers and combustible siding materials	0–5		
2. Building Design and Exterior Features			
2.1 Materials (Choose one of "a" to "c"; add "d" to "f" if applicable)			
a. Non-combustible/fire resistant siding, eaves, deck	0		
b. Non-combustible/fire resistant siding, eaves - combustible deck	5		
c. Combustible siding, eaves and deck	10		
d. Window and door glazing, thermal (0), double pane (2), single pane (5)	0–5		
e. Ember accumulator features (scarce to abundant)	0–5		
f. Nearby Combustibles <10m – firewood, fences, outbuildings	0–5		
g. Propane or bulk fuel < 7m from sustained heat source and within 10 m	0–5		
h. Open decks, building on piers – screened (0), unscreened (10)	0–10		

FACTOR	POINTS	SCORE	NOTES
3. Vegetation			
3.1 PZ-1: Vegetation – 0–10 metres from residence			
a. Forest vegetation (overstory) – hardwood or treated to FireSmart guidelines (0), mixedwood < 50% (10) mixedwood >50% (15), conifer (20)	0–20		
b. Surface fuels, green lawn or treated to FireSmart guidelines (0), dry grass, untreated area with combustible fuels allowing fire to reach structure (15)	0–15		
3.2 PZ-2: Vegetation – 10–30 metres from residence			
a. Forest vegetation (overstory) – hardwood or fully treated site with FireSmart guidelines (0), mixedwood <50% (5), mixedwood >50% (15), or conifer (30), conifer trees with ladder fuels no thinning (full value), pruned up to 2 metres (½ value)	0–30		
b. Surface fuels, watered lawn or non-combustible material or fully treated site with FireSmart guidelines (0), dry grass, leaves, small branches, shrub layer (10), deadfall and heavier woody materials mixed with fine fuels (15)	0–15		
3.3 PZ-3: Vegetation – 30–100 metres from residence (Choose one of "a" to "e"; add "f" if applicable)			
a. Light fuel deciduous grass, shrubs	0		
b. Moderate fuel mixed-wood light to moderate surface and ladder fuels, shrubs	10		
c. Heavy fuel coniferous moderate to heavy surface and ladder fuels, shrubs	30		
d. Logging slash, dead/down fuel accumulations	20		
e. Diseased forest without foliage vs with foliage	10–20		
Notes:			
4. Topography			
4.1 Slope (within 100m of structures) (Choose one of "a" to "c")			
a. Slope Flat or < 10 %	0		
b. Slope 10 – 30 %	5		
c. Slope >30 %	10		
4.2 Building setback on slopes >30 %, position on slope (Choose one of "a" to "c")			
a. Setback from top of slope > 10m, bottom of slope	0		
b. Buildings located mid-slope	5		
c. Setback from top of slope <10m, upper slope	10		
Community Wildfire Hazard Assessment Total: Total Points (add all factor point scores)			
Low < 40			
Moderate 40–64			
High 65–94			
Extreme >95			

APPENDIX 7
Sample images of hazardous site conditions within priority zone 1

The following images illustrate examples of hazardous site conditions before and after the application of vegetation management mitigation measures within priority zone 1 (whithin 0–10 m of structures).

Before vegetation management mitigation measures are applied in priority zone 1, resulting in high- to extreme-risk, should a wildland fire occur.



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A7-1.
High-density forest with continuous and ladder fuels close to a structure (priority zone 1)



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A7-2.
High-density forest with continuous and ladder fuels close to a structure (priority zone 1)



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A7-3.
Conifer fuels overhanging a stucture and deck (priority zone 1)



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A7-4.
High-density forest directly against a structure (priority zone 1)

After vegetation management mitigation measures have been applied in priority zone 1 (and 2), reducing the risk to moderate or low, should a wildland fire occur



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A7-5.
Vegetation in priority zone 1 converted to non-flammable or low-flammable fuels such as deciduous species



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A7-6.
Vegetation in priority zone 1 converted to non-flammable fuels (e.g., trimmed grass); vegetation in priority zone 2 has been thinned and pruned, and debris has been removed



(Photo courtesy of Ministry of Natural Resources and Forestry)

Figure A7-7.
Application of vegetation management measures have been applied in priority zones 1 and 2, including conversion to non-flammable vegetation (priority zone 1), and spacing, thinning and pruning of trees and other vegetation (priority zone 2)



(Photo courtesy of Ministry of Natural Resources and Forestry

Figure A7-8.
Application of vegetation management measures in priority zones 1 and 2, including spacing, thinning, pruning and removal of flammable ground fuels and debris



(Photo courtesy of Ministry of Natural Resources and Forestry

Figure A7-9.
Application of vegetation management measures (i.e., thinning and pruning) in priority zone 2

Notes

1 Ontario Ministry of Natural Resources and Forestry. 2014. Wildland Fire Management Strategy. Toronto: Queen's Printer for Ontario.

2 J. Murphy. Personal communication. December, 2015.

3 Ontario Ministry of Natural Resources and Forestry. 2014. Wildland Fire Management Strategy. Toronto: Queen's Printer for Ontario.

4 Partners in Protection. 2003. FireSmart: Protecting Your Community from Wildfire. Second Edition. Edmonton: Capital Colour Press, Ltd.

5 This prediction is based on the Global Circulation Model climate projections in: S. J. Colombo, D. W. McKenney, K. M. Lawrence and P. A. Gray. 2007. Climate change projections for Ontario: practical information for policymakers and planners. Climate Change Research Report CCRR-05. Sault Ste. Marie, Ontario: Ministry of Natural Resources.

6 Ontario Ministry of Natural Resources and Forestry. 2014. Wildland Fire Management Strategy. Toronto: Queen's Printer for Ontario.

7 B. M. Wotton and B. J. Stocks, 2006. Fire management in Canada: vulnerability and risk trends. In: Canadian Council of Forest Ministers. Canadian Wildland Fire Strategy: Background synthesis, analysis, and perspectives. K. Hirsch and P. Fuglem (eds). Canadian Council of Forest Ministers. Natural Resources Canada, Canadian Forest Service, Northern Forestry Centre: Edmonton, Alberta. 49–55.

8 B. M. Wotton, D. L. Martell and K. A. Logan. 2003. Climate change and people-caused forest fire occurrence in Ontario. In: Climatic Change 60. Netherlands. Kluwer Academic Publishers. p. 275–295

9 C. P Butler, 1974. The urban/wildland fire interface. In: Proceedings of Western States Section/The Combustion Institute papers, vol. 74, no. 15; 1974 May 6–7; Spokane, Washington. Pullman, Washington: Washington State University. 1–17.

10 Partners in Protection. 2003. FireSmart: Protecting Your Community from Wildfire. Second Edition. Edmonton: Capital Colour Press, Ltd.

11 See FireSmart website: About FireSmart Canada

12 The FireSmart planning process for protecting communities from wildland fire is described in detail in the *FireSmart: Protecting Your Community from Wildfire* manual published by Partners in Protection, and in the *Draft FireSmart Community Wildfire Planning Guidance Document* published by the Ministry of Natural Resources and Forestry.

13 The steps described for undertaking a community-wide, or broad-level/municipal-wide wildland fire assessment in:
Ontario Ministry of Natural Resources and Forestry. 2015. Community Wildland Fire Protection Plan – Guidance Document. (Unpublished).

14 Ontario Ministry of Municipal Affairs and Housing. 2014. Provincial Policy Statement 2014. (Preamble). Toronto: Queen's Printer for Ontario.

15 *Planning Act*, R. S. O. 1990, Section 51(24). Criteria for considering draft plan of subdivision.

16 The terms that are italicized within policy 3. 1. 8 are further defined in the Provincial Policy Statement, 2014.

17 The definitions of hazard and risk were taken from Merriam-Webster Online Dictionary while the explanation of their relationship to one another was taken from https: //worksmart. org. uk/health-advice/health-and-safety/hazards-and-risks/what-difference-between-hazard-and-risk.

18 Ontario Ministry of Municipal Affairs and Housing. 2014. 2014 Provincial Policy Statement. 6. 0 Definitions. Toronto: Queen's Printer for Ontario. 41.

19 Ontario Ministry of Municipal Affairs and Housing. 2014. 2014 Provincial Policy Statement. 6. 0 Definitions. Toronto: Queen's Printer for Ontario. 42.

20 Ontario Ministry of Municipal Affairs and Housing. 2014. 2014 Provincial Policy Statement. (6. 0 Definitions). Toronto: Queen's Printer for Ontario. 50.

21 Partners in Protection. 2003. FireSmart: Protecting Your Community from Wildfire. Second Edition. Edmonton: Capital Colour Press, Ltd.

22 Mitigation measures recommended in this document are based on those recommended as part of the Ontario FireSmart Program.

23 C. Randall. 2003. Fire in the Wildland-Urban Interface: Understanding Fire Behavior. Gainesville, Florida: University of Florida, Institute of Food and Agricultural Services and United States Department of Agriculture Forest Service, Southern Research Station, Southern Centre for Wildland-Urban Interface Research and Information.

24 G. Nader, E. Smith and L. Quarles. 2012. How Wildfire Threatens a House. eXtension.org.

25 G. Nader, E. Smith and L. Quarles. 2012. How Wildfire Threatens a House. eXtension.org. Illustration adapted from graphics used with permission from the University of Nevada Cooperative Extension.

26 C. Randall. 2003. Fire in the Wildland-Urban Interface: Understanding Fire Behavior. Gainesville, Florida. University of Florida, Institute of Food and Agricultural Services and USDAUnited States Department of Agriculture Forest Service, Southern Research Station, Southern Centre for Wildland-Urban Interface Research and Information.

27 G. Nader, E. Smith and L. Quarles. 2012. How Wildfire Threatens a House. eXtension.org.

28 G. Nader, E. Smith and L. Quarles. 2012. How Wildfire Threatens a House. eXtension.org. Illustration adapted from graphics used with permission from the University of Nevada Cooperative Extension.

29 C. Randall. 2003. Fire in the Wildland-Urban Interface: Understanding Fire Behavior. Gainesville, Florida: University of Florida, Institute of Food and Agricultural Services and United States Department of Agriculture Forest Service, Southern Research Station, Southern Center for Wildland-Urban Interface Research and Information.

30 G. Nader, E. Smith and L. Quarles. 2012. How Wildfire Threatens a House. eXtension.org. Illustration adapted from graphics; used with permission from the University of Nevada Cooperative Extension.

31 Partners in Protection. 2003. FireSmart: Protecting Your Community from Wildfire. Second Edition. Edmonton: Capital Colour Press, Ltd.

32 Land Information Ontario (LIO) is a Government of Ontario initiative that manages geospatial data for use in mapping and geographic information systems. LIO includes a variety of online tools and services to support the sharing of geospatial data through a web-accessible centralized data warehouse. The warehouse contains more than 250 spatial data layers from a variety of organizations and is the primary method for the dissemination of MNR geospatial data. (Ontario Ministry of Natural Resources. 2010. Natural Heritage Reference Manual. 171).

33 Broad assessment by a planning authority would not be required for areas of Crown land.

34 Without landowner permission, detailed assessment may not be possible out to 100 metres, therefore analysis could be based on aerial photography as part of an appropriate level of assessment by the planning authority.

35 Ontario's FireSmart Program also offers processes for undertaking site-level assessment, which address, in large part, the assessment of existing buildings and structures, and corresponding mitigation options. Since municipal land use planning is the process for assessing future development (i. e. , in many cases at the stage of assessment to support planning, structures have not yet been built), the site-level assessment guidance in this document is, in large part, focused on property and holdings, versus structures.

36 Image adapted from: U. S. Fish and Wildlife Service. 2010. Boreal Forest Succession. In: Role of fire in Alaska: Unit 1 Forest and Tundra Ecology. US Fish and Wildlife Service, Alaska Region Division of Information Management and External Affairs.

37 Ontario Ministry of Natural Resources and Forestry. 2015. Community Wildland Fire Protection Plan – Guidance Document. Unpublished.

38 Partners in Protection. 2003. FireSmart: Protecting Your Community from Wildfire. Second Edition. Edmonton: Capital Colour Press, Ltd.

39 Ontario Ministry of Natural Resources. (n. d.) The Homeowner's FireSmart Manual: Protect Your Home from Wildfire.

40 Wisconsin Department of Natural Resources. 2008. FireSmart Landscaping – A Guide to Protecting Your Home from Wildfire. Board of Regents of the University of Wisconsin System.

41 It is recognized that not all planning processes under the *Planning Act* will allow for the application of mitigation measures at the structural scale.

42 The Home Ignition Zone is a FireSmart term that has also been adopted by Ontario's FireSmart Program. Note that this zone is intended to apply to all structures and is not limited to residential structures.

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Annotated Bibliography

This bibliography is a selection of studies, guidelines and other publications regarding the role of land use planning and associated tools in the prevention and mitigation of wildland fire risks. The selection includes material from Canada, the United States and other jurisdictions.

Blonski, K., C. Miller, and C. Rice. 2010. 2010. Managing Fire in the Urban Wildland Interface. Point Arena, California: Solano Press Books.

This comprehensive guide covers a wide range of topics related to community fire management in the wildland-urban interface, with a focus on the United States. Part 1 discusses the threat of fire in the wildland-urban interface, and Part 2 focuses on hazard and threat assessment. The final two parts identify practical solutions to mitigate fire, as well as strategies to overcome the challenges associated with implementing these solutions.

Land use designation and zoning ordinances are identified as powerful tools when used together. Zoning regulates development through specific standards regarding lot size, building setbacks, maximum building size and allowable uses. It is also recommended to regulate new development, rather than existing development where possible, as this makes it easier for the community to adopt the new regulations. “Pre-zoning” should consider density and its impact on emergency services, structure setbacks and appropriate uses.

Other tools identified in this guide include: guidelines, standards, codes and local ordinances; project planning and review processes; land use planning policies; subdivision ordinances; and development agreements.

Burby, R. J., R. E. Deyle, D. R. Godschalk, and R. B. Olshansky. 2000. Creating Hazard Resilient Communities Through Land-Use Planning. Natural Hazards Review 1(2):99–106.

This article provides a broad overview of land use planning within the context of hazard mitigation. Topics covered include hazard mitigation plans, hazard assessment and development management. In terms of land use planning, several tools that are available to manage development and create hazard-resilient communities are listed, including: zoning regulations that restrict the location, type and intensity of new development; building codes that require buildings to meet certain standards; critical and public facilities policies that limit the placement of public facilities in hazardous locations, or in areas where they would facilitate growth into hazardous areas; acquisition of hazard areas, with the goal of converting them to less hazardous uses; and relocation of existing development at risk.

When using land use planning to mitigate hazards such as wildland fire, it is important to ensure that hazard-free land is available for development. This gives cities areas to grow, while reducing development pressures in hazardous locations. Other strategies that can help promote successful management of development include restricting land use before land is subdivided, offering incentives to encourage developers to locate projects outside of hazardous areas, using project-specific design approaches, and using post-disaster windows of opportunity to encourage individual owners to relocate or retrofit.

Buxton, M., and R. Haynes. 2010. Land Use Planning for Bushfire Protection. 2009 Victorian Bushfires Royal Commission.

This report aims to provide advice on questions put forward by the Victorian Bushfires Royal Commission relating to land use planning and bushfire protection in Victoria, Australia. These questions address issues such

as the role of land use planning in bushfire risk management; the impacts of increasing populations in fire-prone areas; the balance between risk mitigation measures and conservation of native vegetation; and the integration of bushfire risk management strategies.

The report provides details on both strategic and statutory land use planning processes that are essential parts of risk management. Strategic planning deals with the development of generic principles and provisions, while statutory rules enforce these broad principles. Among the statutory elements identified are tenement controls, zone controls and subdivision controls.

Special attention is given to the Victoria Planning Provisions, which comprise a variety of zones, overlays, and specific and general provisions. While effective in theory, the report suggests that the discretionary nature of the system has resulted in limited achievement of objectives. The tools provided to municipalities are effective if used properly, but too often they are not used to their full effect. For example, councils often exhibit reluctance toward using the strictest zones. The report also cites the weak quality of overlay controls over development due to vague wording that constrains the effectiveness of the Victoria Planning Provisions. It is concluded that tension between permissive planning and land use control is limiting the effectiveness of the current planning system in Victoria, as is the inconsistent and inadequate use of regulatory controls.

County Fire Authority. 2012. Planning for Bushfire Victoria. Country Fire Authority, Burwood East, Victoria, Australia.

Available at: Planning for Bushfire Victoria

This document is designed to support the implementation of the Bushfire Management Overlay (BMO), which identifies the highest bushfire risk areas in Victoria, Australia. To develop or subdivide land in the BMO, a permit is often required. This document explains the details of the BMO and describes how to apply the required planning provisions when assessing planning permit applications in the BMO. It provides guidelines outlining how bushfire protection measures in the region should be achieved. It consists of three sections that discuss bushfire risk and house loss; building and works; and subdivisions in the BMO. The BMO and subsequent permit process is one of the primary tools to control bushfire risk through land use planning in the region.

Groenhart, L., A. March, and M. Holland. 2012. Shifting Victoria`s emphasis in land-use planning for bushfire: towards a place-based approach. Australian Journal of Emergency Management 27(4):33–37.

This article discusses the need for land use planning to play an increased role in the reduction of bushfire risk in Victoria, Australia. It suggests that urban planners in this region have typically relied on fire agencies to provide advice and make decisions on these matters, without using statutory mechanisms in a proactive and complementary manner. The article emphasizes place-based planning that uses planning mechanisms to deliver site-specific responses to bushfire risk. Place-based planning is defined as planning that identifies specific physical, natural and human values of a geographic area, as well as the ways in which we build, live in and manage them. Approaching planning from this perspective is different, and often more effective, than a one-size-fits-all mechanism. The importance of planning processes, such as hazard mapping and specific multi-tiered responses that divide areas into different zones based on fire risk, is also emphasized and discussed.

Kelowna, City of. 2011. Community Wildfire Protection Plan. Policy and Planning Department, Kelowna, British Columbia.

Available at: City of Kelowna Community Wildfire Protection Plan

This report outlines the state of wildfire protection in Kelowna, British Columbia, and provides recommendations for future community planning and design in the wildland-urban interface. Most of the strategies focus on areas outside of land use planning, such as emergency preparedness, public education and interagency co-operation. However, regulatory land use tools that are identified include by-laws, Wildland Fire Hazard Development Permit areas, road standards, and policies regulating vegetation management, water sources and construction. Through its recommendations, the report highlights the importance of planning for wildland fires, particularly in areas like Kelowna where development into the interface is projected to continue in the future.

Labossiere, L., and T. K McGee. 2013. Survey of Wildfire Mitigation Techniques Employed by Local Governments in Alberta and British Columbia. Edmonton, Alberta: University of Alberta.

Available at: Survey of Wildfire Mitigation Techniques Employed by Local Governments in Alberta and British Columbia

This study surveyed 65 municipalities in Alberta and British Columbia to identify how local governments in these provinces are currently mitigating wildland fire risks. It was found that providing information to residents was the most common way to reduce these risks. Half of the municipalities surveyed were also involved in vegetation management, while fewer governments (approximately 25%) conducted hazard assessment and incorporated mandatory wildland fire mitigation requirements.

When making land use decisions, 57 per cent of the municipalities took wildland fire risk into consideration. Land use mitigation measures generally involved zoning, such as the establishment of local wildland fire zones that influence planning decisions. Other municipalities had policies requiring all proposed developments to be reviewed by the local fire department to determine risk before proceeding with the development plans. As well, 42 per cent of the municipalities required developers to incorporate wildfire mitigation into their development plans, through the selection of building materials to reduce wildfire risk, policies to ensure sufficient access to water supply, and requirements making a professional forester's report mandatory before starting development. Despite the widespread consideration of wildland fire risks in land use planning decisions, only 11 per cent of the municipalities restricted development in any form in identified high-risk areas.

Mesa County. 2013. Mesa County Master Plan. Mesa County, Colorado: Planning Division.

Available at: Mesa County Master Plan

This land use plan for Mesa County, Colorado, outlines the land use goals, policies and implementation strategies for rural land development in the county. It discusses policies and goals in eight main areas:

1. Land Use and Growth Management;
2. Community Character and Image;
3. Agriculture;
4. Conservation and the Environment;
5. Open Lands and Trails;
6. Parks and Recreation;
7. Community Services/Facilities and Intergovernmental Coordination; and
8. Community/Area Plans.

One of the primary Conservation and the Environment goals of the plan is to protect Mesa County from the effects of human-made and natural hazards, including wildland fire. The plan includes several policies related to this goal, which require hazard identification, hazard mitigation, and development that addresses the hazard risk in an appropriate manner. It is suggested that these policies should be implemented through the identification of "critical and sensitive lands" (such as wildland fire hazards), and then adopting these identified lands as an overlay and part of the Development Code. Additionally, several other goals and policies highlight the importance of requiring appropriate infrastructure in subdivisions, such as water sources for fire suppression, safely designed roads, and appropriate densities.

Montana Department of Natural Resources and Conservation. 2009. Guidelines for Development within the Wildland-Urban Interface. Helena, Montana.

Available at: Guidelines for Development within the Wildland-Urban Interface

This document provides guidelines for development in the wildland-urban interface of Montana. The two main regulatory mechanisms that are identified are subdivision regulations and zoning regulations. The report goes into detail explaining guidelines for implementing both of these mechanisms. It recommends that subdivision and zoning regulations incorporate requirements addressing:

1. Wildland Fuel Mitigation (defensible space and vegetation management plans);
2. Site Development (steep slopes; "fire chimneys"; construction of residential, commercial or accessory structures; and improvements prior to construction);
3. Fuelbreaks;
4. Means of Access (streets and roads; gates; and signage);
5. Water Supply; and
6. Alternative Development.

Moore, H. E. 1981. Protecting Residences from Wildfires: a guide for homeowners, lawmakers, and planners. General Technical Report PSW-50. Berkeley, California: United States Department of Agriculture, Forest Service, Pacific Southwest Forest and Range Experiment Station.

Available at: Protecting Residences from Wildfires: a guide for homeowners, lawmakers, and planners

This comprehensive guide from the United States provides a variety of recommendations on how to reduce losses of residences due to wildland fires. It includes recommendations in the areas of land use planning and zoning, property development, structural design and construction, landscaping, accessories, occupant activities, and financial incentives.

Land use planning is identified as a critical aspect of fire protection and public safety. The author notes that land use planning has achieved significant degrees of fire safety in the areas where it has been enforced. This guide goes on to provide land use planning recommendations that municipalities can use within the context of wildland fire protection. These include:

- using zoning to establish fire hazard severity zones on the basis of a graded Fire Hazard Severity Classification System; and
- adopting zoning ordinances that contain comprehensive requirements relating to wildland fire protection. Ordinances should recognize varying degrees of wildland fire hazard and establish standards for each degree, including minimum spacing and building density standards.

Muller, B., and S. Schulte. 2004. Wildfire Mitigation and Private Lands: Managing Long-Term Vulnerabilities. Monitoring Science and Technology Symposium: Unifying Knowledge for Sustainability in the Western Hemisphere. Proceedings 1–14, September 20–24, Denver, Colorado.

This article examines wildfire mitigation strategies in the Western United States through a survey of 300 forested counties in the region, with the goals of identifying and assessing the land use planning tools adopted throughout the region and understanding the problems associated with using these tools. Programs in these counties either focused on the mitigation of existing development or the mitigation of new development, with the former being less common and more difficult to implement. Furthermore, regulatory tools were more commonly used (and more strictly enforced) when dealing with subdivisions than individual lot development. Some of the regulatory tools identified by the article include subdivision (and individual property) regulations to regulate emergency access, defensible space, building standards, building site location and firefighting water supply.

The article suggests that regulatory tools are less developed and effective for individual lots than for subdivisions. This is because of the lack of time available to implement regulations on individual properties, the "anti-regulation" political culture of the region, the lack of public demand for more wildland fire regulation, and the fact that large parcels are often exempt from subdivision review. It is concluded that while the identified tools are effective in some instances, they continue to be constrained in some areas. This has led to weak regulation of existing development, and weak regulation of new developments outside of subdivisions.

National Fire Protection Association. 2013. Community Wildfire Safety through Regulation: A Best Practices Guide for Planners and Regulators. Quincy, Massachusetts.

Available at: Community Wildfire Safety Through Regulation: A Best Practices Guide for Planners and Regulators

This guide from the United States provides an overview of the role of land use planning in wildland fire mitigation. It summarizes the importance of land use planning, and also covers the various ways that wildland fire regulation can be adopted at various scales. Some of the tools available at each scale include:

- community scale (hazard mapping, zoning overlays, and restriction of sensitive or hazardous uses);
- neighbourhood/subdivision scale (subdivision layout standards, structure location standards, density modification/reduction requirements and water supply requirements);
- individual lot scale (defensible space requirements); and
- building scale(structural protection regulations).

The guide goes on to discuss whether wildland fire mitigation regulations should apply to existing

development, in addition to new development. Attempts to apply mitigation regulations to existing properties are rare, as they are generally unpopular and expensive. The main exception to this is defensible space requirements, which do not affect existing structures. The guide ends by providing some key insights from fire-prone communities that have experience with wildland fire safety regulations.

National Open Space Conservation Group. 2014. Planning for Urban Forests. Planning for Growth and Open Space Conservation Webinar Series. United States Department of Agriculture, Forest Service.

Available at: Planning for Urban Forests. Planning for Growth and Open Space

This document from the Planning for Growth and Open Space Conservation Webinar Series based in the United States is divided into three sections that focus on understanding homeowners and wildland fire, land use planning for wildland fire, and developing fire-adapted communities. The second section, which has particular relevance to land use planning, discusses the role of community planners, types of community planning, elements of fire that can be addressed through planning, and the tools that can be used by planners to achieve fire mitigation goals.
Some of the planning tools identified in this document include: land use designation and zoning ordinances; guidelines, standards, codes and local ordinances; subdivision ordinances; and development agreements.

Various types of plans are also identified as important components of fire mitigation, as are public education, project planning and review processes, community design practices, and emergency services. It also notes that while planning tools are generally effective at regulating new developments, fewer solutions are available for existing developments.

Partners in Protection. 2003. FireSmart: Protecting Your Community from Wildfire. Second Edition. Edmonton: Capital Colour Press, Ltd.

Available at: FireSmart: Protecting Your Community from Wildfire

This comprehensive manual outlines background information regarding development in the wildland-urban interface followed by the wildland hazard assessment system and the factors that should be considered as part of assessment. Mitigation approaches are described, as well as the role of public education. The manual includes a chapter on the role of land use planning including challenges that can be addressed by applying various land use planning approaches. This manual includes several tools to support hazard assessment and diagrams to illustrate the application of mitigation.

Schwab, J., S. Meck, and J. Simone. 2005. Planning for Wildfires. American Planning Association, Planning Advisory Service, Report No. 529/530, Chicago, Illinois.

This report outlines the various aspects of wildland mitigation planning. It begins with two chapters discussing the importance of planning for wildland fires and the history of wildland fires in the United States. It also examines the science of wildland fires, including the ecological roles and implications of wildland fires. Chapter 4 is particularly relevant to land use planning, as it examines some of the regulatory tools that can be used by planners. The final chapter discusses perceptions, behaviours and attitudes toward wildland fire, as well as the institutional, legal and political barriers to effective wildland fire planning.

The main regulatory tools identified in this report are codes, standards and local ordinances. The report provides examples of various wildland fire mitigation ordinances in place in states such as Florida, Oregon, California, Washington, Arizona, and Colorado. Ordinance provisions can relate to:

- designation of the wildland-urban interface (including criteria);
- administration of permits;
- enforcement;
- appeals;
- requirements for application;
- vegetation management plans;
- fire control plans;
- public disclosure and information requirements;
- incentives; and
- standards, including those for access, fuel reduction, water supply and construction.

State of California. 2003. General Plan Guidelines. Governor's Office of Planning and Research, Sacramento, California.

This document provides guidelines for preparing local general plans in California. It includes basic elements, as well as a number of other required and optional elements that must form part of a plan. Plans must also incorporate goals and policies related to sustainable development and environmental justice.

One of the required elements of local plans is the safety element, which aims to reduce the risk of death, injuries and damage resulting from hazards such as fires, floods, earthquakes and landslides. This element requires the identification of hazards and hazard mitigation provisions to guide local decisions. The report identifies strategic fire defence system zoning, subdivision regulations and Fire Safe ordinances as three important mechanisms that can be used by local governments to mitigate fire risk through land use planning. In California, the State Board of Forestry has also adopted Fire Safe regulations for counties with State Responsibility Areas, which focus on pre-fire loads. These statewide regulations include road standards, signage standards, minimum water supply reserves and defensible space requirements.

Western Australian Planning Commission. 2010. Planning for Bush Fire Protection: Guidelines. Western Australia Department of Planning.

This report by the Western Australia Planning Commission addresses bushfire risk and mitigation in Western Australia. The report consists of eight guidance statements for strategic plans and structural schemes, as well as 12 guidance statements for subdivision and development applications, which seek to give effect to principles and objectives of bushfire protection. These guidance statements address hazard assessment, hazard mitigation and planning considerations. Zoning is identified as the key land use regulatory control, and many of the statements address how zoning should be conducted, particularly in the most high-risk areas. Other regulatory tools identified include water supply requirements, fire service access requirements and other subdivision regulations.

Western Australian Planning Commission. 2015. Guidelines for Planning in Bushfire Prone Areas. Western Australia Department of Planning.

Available at: Planning for Bush Fire Protection: Guidelines

These Guidelines provide information for decision-makers, planners and landowners in the implementation of State Planning Policy 3.7. Specifically, the Guidelines assist in determining appropriate land use planning in relation to bushfire prone areas across the State of Western Australia. The document specifies the requirements to be met at each state of the planning process and discussed the necessary bushfire protection measure to be incorporated into development. The document provides advice on how bushfire risk is to be addressed when planning, designing, or assessing a planning proposal within a bushfire prone area. It is to be used during the consideration of strategic planning proposals, subdivisions and development applications.

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Ministry of Natural Resources
and Forestry Information Centre
300 Water Street
Peterborough, Ontario K9J 8M5

ISBN 978-1-4606-9991-1 (Print)
ISBN 978-1-4606-9993-5 (PDF)

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This is Exhibit “BB” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

Ontario

PROVINCIAL PLANNING STATEMENT, 2024

Under the *Planning Act*

PROVINCIAL PLANNING STATEMENT, 2024

Approved by the Lieutenant Governor in Council, Order in Council No. 1099/2024

The Provincial Planning Statement was issued under section 3 of the *Planning Act* and came into effect October 20, 2024. It replaces the Provincial Policy Statement that came into effect on May 1, 2020.

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ISBN 978-1-4868-8225-0 (Print)

ISBN 978-1-4868-8226-7 (PDF)

ISBN 978-1-4868-8227-4 (HTML)

Disponible en français

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5. Planning authorities may plan for *major transit station areas* that are not on *higher order transit* corridors by delineating boundaries and establishing minimum density targets.

6. All *major transit station areas* should be planned and designed to be *transit-supportive* and to achieve *multimodal* access to stations and connections to nearby *major trip generators* by providing, where feasible:

    a) connections to local and regional transit services to support *transit service integration*;
    b) *infrastructure* that accommodates a range of mobility needs and supports *active transportation*, including sidewalks, bicycle lanes, and secure bicycle parking; and
    c) commuter pick-up/drop-off areas.

2.4.3 Frequent Transit Corridors

1. Planning authorities shall plan for *intensification* on lands that are adjacent to existing and planned *frequent transit* corridors, where appropriate.

2.5 Rural Areas in Municipalities

1. Healthy, integrated and viable *rural areas* should be supported by:

    a) building upon rural character, and leveraging rural amenities and assets;
    b) promoting regeneration, including the *redevelopment* of *brownfield sites*;
    c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
    d) using rural *infrastructure* and *public service facilities* efficiently;
    e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
    f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
    g) conserving biodiversity and considering the ecological benefits provided by nature; and
    h) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 4.3.

2. In *rural areas*, rural *settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.

3. When directing development in rural *settlement areas* in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.

    Growth and development may be directed to *rural lands* in accordance with policy 2.6, including where a municipality does not have a *settlement area*.

2.6 Rural Lands in Municipalities

1. On *rural lands* located in municipalities, permitted uses are:

    a) the management or use of resources;
    b) resource-based recreational uses (including recreational dwellings not intended as permanent residences);
    c) residential development, including lot creation, where site conditions are suitable for the provision of appropriate *sewage and water services*;
    d) *agricultural uses*, *agriculture-related uses*, *on-farm diversified uses* and *normal farm practices*, in accordance with provincial standards;
    e) home occupations and home industries;
    f) cemeteries; and
    g) other rural land uses.

2. Development that can be sustained by rural service levels should be promoted.

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

4. Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

5. New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

2.7 Territory Without Municipal Organization

1. On *rural lands* located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings not intended as permanent residences).

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

3. The establishment of new permanent townsites shall not be permitted.

5. Planning authorities may remove lands from *employment areas* only where it has been demonstrated that:

    a) there is an identified need for the removal and the land is not required for *employment area* uses over the long term;
    b) the proposed uses would not negatively impact the overall viability of the *employment area* by:
        1. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned *employment area* uses in accordance with policy 3.5;
        2. maintaining access to *major goods movement facilities and corridors*;
    c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses; and
    d) the municipality has sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan.

2.9 Energy Conservation, Air Quality and Climate Change

1. Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the *impacts of a changing climate* through approaches that:

    a) support the achievement of compact, *transit-supportive*, and *complete communities*;
    b) incorporate climate change considerations in planning for and the development of *infrastructure*, including stormwater management systems, and *public service facilities*;
    c) support energy conservation and efficiency;
    d) promote *green infrastructure*, *low impact development*, and *active transportation*, protect the environment and improve air quality; and
    e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the *impacts of a changing climate*.

Chapter 3: Infrastructure and Facilities

3.1 General Policies for Infrastructure and Public Service Facilities

1. *Infrastructure* and *public service facilities* shall be provided in an efficient manner while accommodating projected needs.

   Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they:

   a) are financially viable over their life cycle, which may be demonstrated through asset management planning;
   b) leverage the capacity of development proponents, where appropriate; and
   c) are available to meet current and projected needs.

2. Before consideration is given to developing new *infrastructure* and *public service facilities*:

   a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
   b) opportunities for adaptive re-use should be considered, wherever feasible.

3. *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Chapter 5: Protecting Public Health and Safety.

4. *Public service facilities* should be planned and co-located with one another, along with parks and open space where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

5. Planning authorities, in collaboration with school boards, should consider and encourage innovative approaches in the design of schools and associated child care facilities, such as schools integrated in high-rise developments, in *strategic growth areas*, and other areas with a *compact built form*.

3.2 Transportation Systems

1. *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, are appropriate to address projected needs, and support the use of zero- and low- emission vehicles.

2. Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

3.5 Land Use Compatibility

1. *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.

2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other *major facilities* that are vulnerable to encroachment by ensuring that the planning and *development* of proposed adjacent *sensitive land uses* is only permitted if potential *adverse affects* to the proposed *sensitive land use* are minimized and mitigated, and potential impacts to industrial, manufacturing or other *major facilities* are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

3.6 Sewage, Water and Stormwater

1. Planning for *sewage and water services* shall:

    a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing *municipal sewage services* and *municipal water services* and existing *private communal sewage services* and *private communal water services*;
    b) ensure that these services are provided in a manner that:
        1. can be sustained by the water resources upon which such services rely;
        2. is feasible and financially viable over their life cycle;
        3. protects human health and safety, and the natural environment, including the *quality and quantity of water*; and
        4. aligns with comprehensive municipal planning for these services, where applicable.
    c) promote water and energy conservation and efficiency;
    d) integrate servicing and land use considerations at all stages of the planning process;
    e) consider opportunities to allocate, and re-allocate if necessary, the unused system capacity of *municipal water services* and *municipal sewage services* to support efficient use of these services to meet current and projected needs for increased housing supply; and
    f) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5.

2. *Municipal sewage services* and *municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety. For clarity, *municipal sewage services* and *municipal water services* include both centralized servicing systems and decentralized servicing systems.

8. Planning for stormwater management shall:

    a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;
    b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;
    c) minimize erosion and changes in water balance including through the use of *green infrastructure*;
    d) mitigate risks to human health, safety, property and the environment;
    e) maximize the extent and function of vegetative and pervious surfaces;
    f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and *low impact development*; and
    g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a *watershed* scale.

3.7 Waste Management

1. *Waste management systems* need to be planned for and provided that are of an appropriate size, type, and location to accommodate present and future requirements, and facilitate integrated waste management.

3.8 Energy Supply

1. Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, *energy storage systems*, district energy, *renewable energy systems*, and *alternative energy systems*, to accommodate current and projected needs.

3.9 Public Spaces, Recreation, Parks, Trails and Open Space

1. Healthy, active, and inclusive communities should be promoted by:

    a) planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate *active transportation* and community connectivity;
    b) planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
    c) providing opportunities for public access to shorelines; and
    d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

Chapter 4: Wise Use and Management of Resources

4.1 Natural Heritage

1. Natural features and areas shall be protected for the long term.

2. The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.

3. *Natural heritage systems* shall be identified in Ecoregions 6E & 7E[1], recognizing that *natural heritage systems* will vary in size and form in *settlement areas*, *rural areas*, and *prime agricultural areas*.

4. *Development* and *site alteration* shall not be permitted in:

    a) *significant wetlands* in Ecoregions 5E, 6E and 7E[1]; and
    b) *significant coastal wetlands*.

5. *Development* and *site alteration* shall not be permitted in:

    a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E[1];
    b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)[1];
    c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)[1];
    d) *significant wildlife habitat*;
    e) *significant areas of natural and scientific interest*; and
    f) *coastal wetlands* in Ecoregions 5E, 6E and 7E[1] that are not subject to policy 4.1.4.b),

    unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

6. *Development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*.

7. *Development* and *site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.

[1] Ecoregions 5E, 6E and 7E are shown on Figure 1.

8. *Development* and *site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.

9. Nothing in policy 4.1 is intended to limit the ability of *agricultural uses* to continue.

4.2 Water

1. Planning authorities shall protect, improve or restore the *quality and quantity of water* by:

    a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
    b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
    c) identifying *water resource systems*;
    d) maintaining linkages and functions of *water resource systems*;
    e) implementing necessary restrictions on *development* and *site alteration* to:
        1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
        2. protect, improve or restore *vulnerable* surface and ground water, and their *hydrologic functions*;
    f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and
    g) ensuring consideration of environmental lake capacity, where applicable.

2. *Development* and *site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.

3. Municipalities are encouraged to undertake, and *large and fast-growing municipalities* shall undertake *watershed planning* to inform planning for *sewage and water services* and stormwater management, including *low impact development*, and the protection, improvement or restoration of the *quality and quantity of water*.

4. Despite policy 4.2.3, where planning is conducted by an upper-tier municipality that includes one or more lower-tier *large and fast-growing municipalities*, the upper-tier municipality shall undertake *watershed planning* in partnership with lower-tier municipalities, including lower-tier l*arge and fast-growing municipalities*.

5. All municipalities undertaking *watershed planning* are encouraged to collaborate with applicable conservation authorities.

Chapter 5: Protecting Public Health and Safety

5.1 General Policies for Natural and Human-Made Hazards

1. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

5.2 Natural Hazards

1. Planning authorities shall, in collaboration with conservation authorities where they exist, identify *hazardous lands* and *hazardous sites* and manage development in these areas, in accordance with provincial guidance.

2. Development shall generally be directed to areas outside of:

    a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards*, *erosion hazards* and/or *dynamic beach hazards*;
    b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
    c) *hazardous sites*.

3. *Development* and *site alteration* shall not be permitted within:

    a) the *dynamic beach hazard*;
    b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
    c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards*, *erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
    d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

4. Planning authorities shall prepare for the *impacts of a changing climate* that may increase the risk associated with natural hazards.

5. Despite policy 5.2.3, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard* along *river, stream and small inland lake systems*:

    a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
    b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

6. *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

    a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
    b) an *essential emergency service* such as that provided by fire, police, and ambulance stations and electrical substations; or
    c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

7. Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources and Forestry.

8. Further to policy 5.2.7, and except as prohibited in policies 5.2.3 and 5.2.6, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

    a) *development and site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
    b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
    c) new hazards are not created and existing hazards are not aggravated; and
    d) no adverse environmental impacts will result.

9. *Development* shall generally be directed to areas outside of lands that are unsafe for development due to the presence of *hazardous forest types for wildland fire*.

    Development may however be permitted in lands with *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*.

Chapter 6: Implementation and Interpretation

6.1 General Policies for Implementation and Interpretation

1. The Provincial Planning Statement shall be read in its entirety and all relevant policies are to be applied to each situation.

2. The Provincial Planning Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.

3. The Provincial Planning Statement shall be implemented in a manner that is consistent with *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.

4. When implementing the Provincial Planning Statement, the Minister of Municipal Affairs and Housing may make decisions that take into account other considerations to balance government priorities.

5. Official plans shall identify provincial interests and set out appropriate land use designations and policies. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and facilitate development in suitable areas.

   In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with the Provincial Planning Statement. The policies of the Provincial Planning Statement continue to apply after adoption and approval of an official plan.

6. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and the Provincial Planning Statement by establishing permitted uses, minimum densities, heights and other development standards to accommodate growth and development.

7. Where a planning authority must decide on a planning matter before their official plan has been updated to be consistent with the Provincial Planning Statement, or before other applicable planning instruments have been updated accordingly, it must still make a decision that is consistent with the Provincial Planning Statement.

8. In addition to land use approvals under the *Planning Act*, *infrastructure* may also have requirements under other legislation and regulations. For example, an environmental assessment process may be required for new *infrastructure* and modifications to existing *infrastructure* under applicable legislation.

   Wherever possible and practical, approvals under the *Planning Act* and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

a) activities that create or maintain *infrastructure* authorized under an environmental assessment process or identified in provincial standards; or
b) works subject to the *Drainage Act*; or
c) for the purposes of policy 4.1.4.a), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 4.1.5.a).

Dynamic beach hazard: means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the *flooding hazard* limit plus a dynamic beach allowance.

Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment area: means those areas designated in an official plan for clusters of business and economic activities including manufacturing, research and development in connection with manufacturing, warehousing, goods movement, associated retail and office, and ancillary facilities. An *employment area* also includes areas of land described by subsection 1(1.1) of the *Planning Act*. Uses that are excluded from *employment areas* are institutional and commercial, including retail and office not associated with the primary employment use listed above.

Endangered species: means a species that is classified as "Endangered Species" on the Species at Risk in Ontario List, as updated and amended from time to time.

Energy storage system: means a system or facility that captures energy produced at one time for use at a later time to reduce imbalances between energy demand and energy production, including for example, flywheels, pumped hydro storage, hydrogen storage, fuels storage, compressed air storage, and battery storage.

Erosion hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Essential emergency service: means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Fish: means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat: as defined in the *Fisheries Act*, means water frequented by *fish* and any other areas on which *fish* depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas.

Flood fringe: for *river, stream and small inland lake systems*, means the outer portion of the *flood plain* between the *floodway* and the *flooding hazard* limit. Depths and velocities of flooding are generally less severe in the *flood fringe* than those experienced in the *floodway*.

Flood plain: for *river, stream and small inland lake systems*, means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

Major facilities: means facilities which may require separation from *sensitive land uses*, including but not limited to airports, manufacturing uses, transportation *infrastructure* and corridors, *rail facilities*, *marine facilities*, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Major goods movement facilities and corridors: means transportation facilities, corridors and networks associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes, primary transportation corridors used for the movement of goods and those identified in provincial transportation plans. Approaches that are *freight-supportive* may be recommended in provincial guidance or based on municipal approaches that achieve the same objectives.

Major transit station area: means the area including and around any existing or planned *higher order transit* station or stop within a *settlement area*; or the area including and around a major bus depot in an urban core. *Major transit station areas* generally are defined as the area within an approximate 500 to 800-metre radius of a transit station.

Major trip generators: means origins and destinations with high population densities or concentrated activities which generate many trips (e.g., *strategic growth areas*, major office and office parks, major retail, *employment areas*, community hubs, large parks and recreational destinations, *public service facilities*, and other mixed-use areas).

Marine facilities: means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*.

Mine hazard: means any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

Minerals: means metallic minerals and non-metallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g., copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g., graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Critical minerals are a subset of raw materials that have specific industrial, technological or strategic applications for which there are a few viable substitutes.

Mineral aggregate operation: means

a) lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;
b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
c) associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

Negative impacts: means

a) in regard to policy 3.6.4 and 3.6.5, potential risks to human health and safety and degradation to the *quality and quantity of water*, *sensitive surface water features* and *sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
b) in regard to *fish habitat*, any harmful alteration, disruption or destruction of *fish habitat*, except where an exemption to the prohibition has been authorized under the *Fisheries Act*;
c) in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.
d) in regard to policy 4.2, degradation to the *quality and quantity of water*, *sensitive surface water features* and *sensitive ground water features*, and their *related hydrologic functions*, due to single, multiple or successive *development* or *site alteration* activities; and
e) in regard to policy 3.3.3, any *development* or *site alteration* that would compromise or conflict with the planned or existing function, capacity to accommodate future needs, and cost of implementation of the corridor.

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

Oil, gas and salt hazards: means any feature of a well or work as defined under the *Oil, Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

On-farm diversified uses: means uses that are secondary to the principal *agricultural use* of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, uses that produce value-added agricultural products, and electricity generation facilities and transmission systems, and *energy storage systems*.

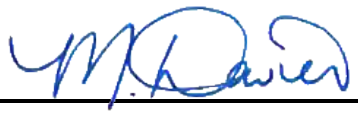
One hundred year flood: for *river, stream and small inland lake systems*, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

One hundred year flood level: means

a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
b) in the connecting channels (St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
c) for *large inland lakes*, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the *one hundred year flood level* is based on the highest known water level and wind setups.

Other water-related hazards: means water-associated phenomena other than *flooding hazards* and *wave effects* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

This is Exhibit “CC” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Growth Plan for Northern Ontario

Learn how the province plans to attract investment and grow the economy in Northern Ontario.

Overview

The Growth Plan for Northern Ontario, released March 3, 2011, is a 25-year plan that provides guidance to align provincial decision-making and investment for economic and population growth in Northern Ontario.

The key growth management goals for the Growth Plan for Northern Ontario include:

- Diversifying of traditional resource-based industries
- Workforce education and training
- Integration of infrastructure investments and planning
- Tools for Indigenous peoples' participation in the economy

Approved by the Lieutenant Governor in Council, Order-in-Council No 209/2011. The Growth Plan for Northern Ontario, 2011, was prepared and approved under the Places to Grow Act, 2005, to take effect on March 3, 2011.

Stay Involved

Planning for growth means looking ahead together.
Stay involved in the Growth Plan for Northern Ontario, 2011 by contacting:

Ministry of Municipal Affairs and Housing
Provincial Land Use Policy Branch
777 Bay Street, 13th Floor
Toronto, ON M7A 2J3
Email: growthplanning@ontario.ca (mailto:growthplanning@ontario.ca)
Website: Growth planning in Ontario (https://www.ontario.ca/page/growth-planning-ontario)

Ministry of Northern Economic Development and Growth
Willet Green Miller Ctr,
4th Floor, 933 Ramsey Lake Rd

environmental technologies.

Each of these sectors has an important role to play in the growth of the northern economy. Across all of these sectors, this Plan emphasizes the value of innovation, collaboration, entrepreneurship, research, and environmental stewardship. A forward-thinking approach also includes labour market planning to prepare the workforce for emerging opportunities.

2.2 An economic action plan for Northern Ontario

2.2.1 The Province will collaborate with the federal government, as well as business and industry, municipalities, Aboriginal communities and organizations, the education and research sectors, and community organizations on economic development strategies for *existing and emerging priority economic sectors* as set out in Policies 2.2.2, 2.2.3 and 2.2.4. This collaboration will include ongoing policy research related to northern economic and community development.

2.2.2 The Province will focus economic development strategies on the following *existing and emerging priority economic sectors* and the distinct competitive advantages that Northern Ontario can offer within these sectors:

a. advanced manufacturing
b. agriculture, aquaculture and food processing
c. arts, culture and creative industries
d. digital economy
e. forestry and value-added forestry-related industries
f. health sciences
g. minerals sector and mining supply and services
h. *renewable energy* and services
i. tourism
j. transportation, aviation and aerospace
k. water technologies and services.

2.2.3 Economic development strategies for *existing and emerging priority economic sectors* will examine opportunities to:

a. strengthen networks and collaboration among businesses, industry, the education and research sectors, economic development organizations and northern communities

b. attract investment

c. grow and retain existing competitive businesses, including export development activities and diversification into value-added business opportunities

d. respond to labour market needs and opportunities through education, training and entrepreneurship supports

e. support research tailored to the Northern Ontario context to inform business development and infrastructure planning

f. improve the clarity and efficiency of the provincial regulatory and legislative framework

g. integrate sector considerations in labour market and infrastructure planning.

2.2.4 The Province will bring an integrated approach to these economic development strategies through the creation of regular, five-year economic action plans for Northern Ontario that address:

a. the emergence and development of the existing and emerging priority economic sectors

b. existing and emerging priority economic sectors that should be the focus of economic development efforts for the next five-year period.

2.2.5 Industry will be encouraged to participate in the development and implementation of the Province's five-year economic action plans and *regional economic plans*.

2.2.6 The Province will work to attract investment to Northern Ontario through:

a. integrated and timely one-window response to investment opportunities

b. measures to address barriers to investment, such as *information and communications technology* infrastructure, energy costs, labour and transportation

c. working with other orders of government to co-ordinate approvals and address complex interjurisdictional issues.

2.3 A growing and diversified economy

a. marketing that showcases Ontario as a global leader in environmentally sustainable mineral development and stewardship

b. creating new value-added resource sector opportunities through research, development and application of advanced processing and manufacturing technologies

c. expanding the mining supply and services industry, increasing exports, and supporting particular areas of competitive advantage including deep mining techniques and clean technologies

d. improving timeliness and clarity in regulatory processes, supported by a one window, co-ordinated process for approvals

e. expanding geoscience mapping and data collection and public access to resource information to expedite the discovery and development of new minerals and other resources

f. investing in research and innovation that improves the efficiency of industry operations, with an emphasis on extraction and exploration technologies, environmental technologies, and mine closure and rehabilitation processes

g. enabling new mining opportunities

h. facilitating partnerships among communities and industry to optimize community employment and benefits

i. facilitating the entry of new participants and entrepreneurs, including Aboriginal businesses, co-operatives and commercial developers.

2.3.9 Renewable Energy and Services

1. Efforts by the Province, industry and, where appropriate, other partners, to grow and diversify the *renewable energy* sector should include:

   a. facilitating the entry of new participants and entrepreneurs, including Aboriginal communities, co-operatives and commercial developers, in the development of *renewable energy* generation and sustainable energy solutions

   b. attracting investment by enabling municipalities and local distribution companies to invest in community-based *renewable energy* projects

   c. identifying and promoting manufacturing and service industries related to *renewable energy* generation

d. undertaking an approach to energy planning that supports regional needs by applying staged, flexible options that effectively address the unique needs and priorities of all communities, including those not connected to the grid, as well as the industrial sector in the North

e. promoting Northern Ontario as a location for *renewable energy* investment, research and commercialization.

2.3.10 Tourism

1. Efforts by the Province, industry and, where appropriate, other partners, to grow and diversify the tourism sector should include:

   a. investing in strategic public infrastructure and the provincial parks system to improve the competitiveness of the tourism industry and enhance the visitor experience

   b. improving training and skills development in strategic areas such as e-technology, marketing, business planning and customer service to enable the tourism industry to better serve domestic and international travelers

   c. encouraging regional co-operation to expand and diversify Northern Ontario's tourism offerings and increase tourism visitation and receipts

   d. encouraging regions and communities to undertake cultural planning that identifies opportunities for promoting tourism, including Aboriginal niche tourism opportunities, and building on the presence of a strong Francophone community to tap into French-speaking markets

   e. encouraging new, flexible and high-quality tourism products for domestic and international visitors

   f. linking Northern Ontario tourism to provincial and national marketing campaigns and promoting the uniqueness of the Northern Ontario experience.

2.3.11 Transportation, Aviation and Aerospace

1. Efforts by the Province,industry and, where appropriate, other partners, to grow and diversify the transportation, aviation and aerospace sector should include:

   a. capitalizing on Northern Ontario's extensive knowledge and experience in air transportation to rural and *remote communities*

Energy generation and transmission infrastructure in Northern Ontario supports all sectors of the northern economy, particularly large energy users in the manufacturing and resource sectors. It also supplements the energy supply to other parts of the province. The availability of renewable resources, such as hydro-electric, wind and biofuels, places the North at a significant competitive advantage when it comes to expanding Ontario's *renewable energy* supply. Investment in Northern Ontario's energy generation and transmission infrastructure supports the growth and development of the energy sector and also provides secure and reliable energy supply for all sectors of the northern economy.

This Plan provides a vehicle for aligning and co-ordinating infrastructure investments to support its economic development priorities, and to meet the needs of existing and future residents. This requires working closely with partners including the federal government and municipalities.

5.2 Co-ordinated, strategic infrastructure investments

5.2.1 Infrastructure planning, land-use planning, and infrastructure investments will be co-ordinated to implement this Plan. Infrastructure includes, but is not limited to: *transportation systems*, water and wastewater infrastructure, waste management systems, energy infrastructure, *community infrastructure*, and *information and communications technology* infrastructure.

5.2.2 In Northern Ontario, the Province will give priority to infrastructure investments that support the policies in this Plan.

5.2.3 The Minister of Infrastructure will work with partner ministries, the federal government, and other public sector partners to identify strategic infrastructure needs to support the implementation of this Plan.

5.2.4 Infrastructure planning and investments will contribute to a culture of conservation by, wherever feasible, utilizing approaches and technologies that reduce energy and water use, increase efficiencies, and promote *intensification* and *brownfield site* redevelopment.

5.2.5 All municipalities are encouraged to co-ordinate with neighbouring communities and industry to improve the long-term viability and sustainability of infrastructure investments.

a. technologies to deliver on-site training in rural communities

b. multi-use facilities for learning and training

c. strengthening partnerships among school boards, training boards, postsecondary institutions including Northern Ontario's French-language colleges and bilingual universities, Aboriginal education and training organizations, distance learning networks, innovation centres and industry.

5.5 Information and communications technology Infrastructure

5.5.1 Investments in *information and communications technology* infrastructure will support:

a. economic development, including the implementation of Policy 2.2.1, as well as the implementation of *regional economic plans* as described in the Policies in 4.5

b. educational attainment, including the implementation of Policy 3.2.1

c. access to health care services, including the implementation of Policy 3.4.2

d. public safety and emergency preparedness.

5.6 Energy

5.6.1 The Province, working with the Ontario Power Authority and licensed transmission and distribution companies, will identify investment opportunities in Northern Ontario's transmission and distribution systems to maintain reliability, meet new and growing demands, and accommodate *renewable energy* generation.

5.6.2 The Province will work with Hydro One, the Ontario Power Authority, remote off-grid communities and the federal government to identify opportunities and assess the feasibility of long-term alternatives to diesel-generated power.

5.6.3 The Province will work with the Ontario Power Authority and local distribution companies to seek opportunities to increase the efficiency of energy use in Northern Ontario communities.

Environment

6.1 Preamble

This is Exhibit “DD” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

SLR Consulting (Canada) Ltd.
100 Stone Road West, Suite 201, Guelph, ON N1G 5L3

September 22, 2025

Attention:
Ministry of the Environment, Conservation and Parks (MECP)

SLR Project No.: 209.065266.00001

Revision: 0

RE: Species at Risk Habitat Screening
219 Pegg's Mountain Road, Armour Township

SLR Consulting (Canada) Ltd. (SLR) has prepared this Species at Risk (SAR) Screening and Habitat Assessment pertaining to the proposed Battery Energy Storage System (BESS) at 219 Pegg's Mountain Road, Armour Township. The project location is to be located immediately south of the existing solar power generating station on the property. The Study Area is defined as the proposed building footprint (approximately 0.84 hectares (ha) and the adjacent lands within 120 metres (m). The surrounding lands consist of deciduous and coniferous forests.

SLR has conducted ecological surveys in association with the proposed works. The methods and findings of completed environmental studies are described in a study completed by SLR in July 2025 titled, *Environmental Impact Study – 219 Pegg's Mountain Road, Armour Township*, and submitted to the municipality for review. The 2025 SLR report has been used as background and further updated with more recent ecological surveys. This SAR Screening and Habitat Assessment memorandum provides a current summary of information that is relevant to SAR associated with the Study Area and the proposed works.

1.0 Background Review

Background information collection is guided by the Natural Heritage Information Request Guide (Ministry of Natural Resources and Forestry, 2018). Current direction from the Ministry of Natural Resources (MNR) and Ministry of Environment, Conservation and Parks (MECP) is to gather natural heritage information and species occurrence records from available sources; the Natural Heritage Information Centre (NHIC) Make-a-Map application being the main source of information and records from the Ministry itself (Ministry of Natural Resources and Forestry, 2024). Information gathered is recommended to be balanced and supplemented by professional ecological review of potential habitat and characteristics of a project site. The following resources pertaining the SAR records and habitat were referenced prior to field investigations and SAR habitat screening:

- Land Information Ontario (LIO) database (Government of Ontario, 2024);
- Ontario Breeding Bird Atlas (Bird Studies Canada, 2024);
- Ontario Butterfly Atlas (Toronto Entomologists Association, 2019); and,
- Ontario Reptile and Amphibian Atlas (Ontario Nature, 2024).

Other sources of information, such as aerial photography and topographic maps, were also reviewed prior to commencing field assessments. For the purposes of this memo, SAR include species listed as *Endangered*, *Threatened,* or *Special Concern* per the Species at Risk in Ontario (SARO) list. The protection provisions for species and their habitat within the *ESA* apply only to those species listed as Endangered or Threatened on the SARO list, being *Ontario Regulation 230/08* of the ESA. Species listed as Special Concern may be afforded protection



LEGEND:

- WATERCOURSE
- WETLAND - UNEVALUATED AS PER OWES
- SITE LOCATION

NOTES:

NOTE 1 - BASEMAP DATA PROVIDED BY ONTARIO'S MINISTRY OF NATURAL RESOURCES AND FORESTRY (ONTARIO HYDRO NETWORK AND ROAD SEGMENTS)

SERVICE LAYER CREDITS: MAXAR (2024)

0 100 200 300 400 500 m

SCALE: 1:9,000
PAGE SIZE: 11 x 17
NAD 1983 UTM Zone 17N

THIS MAP IS FOR CONCEPTUAL PURPOSES ONLY AND SHOULD NOT BE USED FOR NAVIGATION

SOLARBANK CORPORATION
219 PEGGS MOUNTAIN ROAD IN ARMOUR
ONTARIO, CANADA

ELT1 BESS SAR SCREENING

SITE LOCATION

SLR

FIGURE NO:
1

DATE: July 4, 2025

PROJECT NO: 209.065266.00001

Last Saved: Friday, July 4, 2025 7:54 AM by sean.murray

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through policy instruments respecting significant wildlife habitat (e.g., Provincial Policy Statement) as defined by the Province or other relevant authority, or other protections contained in Official Plan policies.

2.0 Methods

SLR ecologists undertook field investigations within the Study Area on May 2, June 3, and June 13, 2025, including Ecological Land Classification (ELC), botanical inventories, breeding bird surveys, bat acoustic monitoring, and bat snag tree surveys **(Table 1)**. Targeted surveys were completed in natural areas and throughout the Study Area.

Table 1: Summary of Ecological Surveys

Field Investigation	Dates	Weather
Ecological Land Classification (ELC)	May 2, 2025	9°C, 100% cloud cover, 15 km/h winds
Snag Tree Survey	May 2, 2025	9°C, 100% cloud cover, 15 km/h winds
Breeding Bird Survey	June 3, 2025	10°C, 30% cloud cover, 10 km/h winds
Deployment of Acoustic Monitors	June 3, 2025	10°C, 30% cloud cover, 10 km/h winds
Breeding Bird Survey	June 13, 2025	9°C, 100% cloud cover, <10 km/h winds
Retrieval of Acoustic Monitors	June 13, 2025	9°C, 100% cloud cover, <10 km/h winds

2.1 Ecological Land Classification and Botanical Surveys

Vegetation communities were mapped and described based on their best fit to community classifications within the standard systems provided in the *Ecosites of Ontario - Great Lakes to St. Lawrence* (Banton, et al., 2009). Vegetation community boundaries were delineated on field maps through the interpretation of recent aerial photographs and refined in the field. Information collected during the ELC surveys included dominant species cover and community structure, as well as level of disturbance, presence of indicator species, and other notable observations.

2.2 Bat Habitat Surveys

2.2.1 Identify Potential Maternity Roost Habitat

Based on the 2022 MNRF guideline, *Maternity Roost Surveys (Forests/Woodlands)*, Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), Hoary Bat (*Lasiurus cinereus*), Eastern Red Bat (*Lasiurus borealis*), Silver-haired Bat (*Lasionycteris noctivagans*), and Tri-colored Bat (*Perimyotis subflavus*) may establish maternity roosts in any coniferous, deciduous, or mixed wooded ecosite that includes trees at least 25 cm diameter-at-breast height (DBH) and should be considered suitable maternity roost habitat (MNRF, 2022).



2.2.2 Acoustic Surveys

Acoustic monitoring methods were based on the 2022 *Maternity Roost Surveys (Forests/Woodlands)* protocol (Ministry of Environment Conservation and Parks, 2022). One SM4BAT FS Ultrasonic Detector was deployed in one location (**Figure 2**). SM4BAT FS Ultrasonic Detectors have one microphone output, resulting in a total of one microphone recording location that was deployed in an area with little understory and in proximity to a potential snag tree habitat on the Subject Property. The SM4BAT Detectors are capable of 16-bit digital high-speed sampling, using ultrasonic microphones designed specifically for recording bat echolocation calls covering a 25 m radius (Wildlife Acoustics, n.d.). The microphone was positioned off the ground and angled upwards to maximize bat detection and reduce noise. The detector was strategically placed near a potential snag tree to maximize potential for high-quality bat calls, as well as within an area with an open understory. The detector was programmed to record for approximately 8 hours starting at sunset and ending at sunrise, from June 3 to June 13 (10 evenings) with recordings triggered when ultrasonic signals from the bats were detected in the vicinity.

2.3 Breeding Bird Surveys

Breeding bird surveys were conducted following the principles of the *Ontario Breeding Bird Atlas Guide for Participants* (Bird Studies Canada, 2001). Surveys of the Study Area were conducted on June 3 and June 13, 2025, between 05:00 and 10:00. Weather conditions during the surveys were 30-100% overcast, with light air to light breezes, no precipitation, and temperatures of 9-10°C at the beginning of surveys. The surveys were carried out by traversing the Study Area to within 50 m of all points of the area and mapping the presence of all birds detected by sight and sound, except for those birds flying over the Study Area (birds soaring overhead, however, were recorded).

3.0 Existing Conditions

3.1 Vegetation Communities

Vegetation communities within the Study Area were mapped and described according to the *Ecosites of Ontario - Great Lakes to St. Lawrence* (Banton, et al., 2009).

Existing environmental conditions are shown in **Figure 2**, with a general summary of communities provided in **Table 2**. Representative photos of vegetation communities are also provided (**Photos 1 - 4**).

RIVER ROAD

PEGGS MOUNTAIN ROAD

CUM

CUT

CVI_4

G051cTt

G058oTt

G052cTt

G058cTt

N

LEGEND:

- SNAG TREE (SUGAR MAPLE)
- WATERCOURSE[1]
- ECOLOGICAL LAND CLASSIFICATION (ELC)
- WETLAND - UNEVALUATED AS PER OWES[1]
- SITE LOCATION
- STUDY AREA

ELC Legend

CUM - Cultural Meadow
CUT - Cultural Thicket
CVI - Power Generation
G051cTt - Dry - Fresh, Coarse: Cedar - Hemlock Conifer
G052cTt - Dry - Fresh, Coarse: Spruce - Fir Conifer
G058cTt/G058oTt - Dry - Fresh, Coarse: Maple Hardwood

NOTES:
NOTE 1 - BASEMAP DATA PROVIDED BY ONTARIO'S MINISTRY OF NATURAL RESOURCES AND FORESTRY (ONTARIO HYDRO NETWORK AND ROAD SEGMENTS)

SERVICE LAYER CREDITS: MAXAR, MICROSOFT (2024)

0 50 100 150 200 250 m

SCALE: 1:5,000
PAGE SIZE: 11 x 17
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SOLARBANK CORPORATION
219 PEGGS MOUNTAIN ROAD IN ARMOUR
ONTARIO, CANADA

ELT1 BESS SAR SCREENING

EXISTING ENVIRONMENTAL CONDITIONS

SLR

FIGURE NO:
2

DATE: September 2, 2025

PROJECT NO: 209.065266.00001

Last Saved: Tuesday, September 2, 2025 1:08 PM by sean.murray

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Table 2: ELC Communities

Vegetation Community	General Community Notes
Dry – Fresh, Coarse: Maple Hardwood Open Tall Treed (G058oTt)	This community was located primarily within the proposed area of development. Tree clearing has occurred extensively through the community to remove taller trees that may shade the downslope solar power generating station. The sparse (10% cover) canopy consisted of Sugar Maple (*Acer saccharum*). The subcanopy covered approximately 50% of the community and consisted of Balsam Fir (*Abies balsamea*) and White Spruce (*Picea glauca*). The understory was dense (70% cover) and consisted of Red Raspberry (*Rubus idaeus*), Black Raspberry (*Rubus occidentalis*), and Sugar Maple. Ground cover was surveyed, though due to the timing of surveys, most species captured were spring ephemerals such as Trout Lily (*Erythonium americanum*) and may not be representative of the majority of the growing season.
Dry – Fresh, Coarse: Spruce – Fir Conifer Closed Tall Treed (G052cTt)	This community was located primarily east of the proposed area of development. Clearing of larger canopy trees has occurred in this community to a lesser degree than in the G058oTt community. The canopy was moderately dense (60% cover) and consisted of Balsam Fir. The subcanopy was dense (70% cover) and consisted of Basam Fir and White Spruce. The understory covered approximately 50% of the community and consisted of Sugar Maple. Ground cover was surveyed, though due to the timing of surveys, most species captured were spring ephemerals such as Trout Lily and may not be representative of the majority of the growing season.
Dry – Fresh, Coarse: Maple Hardwood Closed Tall Treed (G058cTt)	This community was located in the south portion of the Study Area. Removal of some canopy trees has occurred in this community to avoid shading of the solar power generating station. The canopy is sparse (20% cover) consisting of Sugar Maple and American Beech (*Fagus grandifolia*). The subcanopy covered approximately 50% of the community and consisted of Sugar Maple, American Beech, and Balsam Fir. The understory was dense (80% cover) consisting of regenerating Sugar Maple and American Beech. Ground cover was surveyed, though due to the timing of surveys, most species captured were spring ephemerals such as Trout Lily and may not be representative of the majority of the growing season.
Dry – Fresh, Coarse: Cedar – Hemlock Conifer Closed Tall Treed (G051cTt)	This community was located in the west portion of the Study Area. The eastern extent of this community had larger canopy trees removed to prevent shading of the solar power generating station. The canopy was very dense (90% cover) and consisted of Eastern Hemlock (*Tsuga canadensis*) and Yellow Birch (*Betula alleghaniensis*). The subcanopy was dense (70% cover) consisting of Eastern Hemlock and Yellow Birch. The understory was sparse (30% cover) consisting primarily of Red Raspberry. Ground cover was highly variable between the open and undisturbed sections of this community. Woodfern species (*Dryopteris* sp.) were the primary plant species with their relative cover approximately 10% in undisturbed forest and 50% in more open canopy.



Photos 1 and 2: G058oTt community (May 2, 2025) and G052cTt community (May 2, 2025)



Photos 2 and 4: G058cTt community (May 2, 2025) and G051cTt community (May 2, 2025)

3.2 Bat Habitat Assessment

3.2.1 Identification of Suitable Maternity Roosting Habitat

A Bat Habitat Suitability Assessment was completed using aerial photography and ELC field investigation of the Subject Property. Due to the largely treed nature of the Subject Property, all forested portions of the Subject Property had potential to contain Maternity Roosting Habitat and therefore a screening was completed for snag trees in the focused area of the proposed development.

The Study Area was traversed on May 2, 2025, to identify any potential bat habitat trees. During the survey, two snag trees were located. One individual was located within the proposed development area, and one individual was located outside the proposed area of development. The individual to be removed was a Sugar Maple with a DBH of >25 cm and a cavity approximately 6 m off the ground.

3.2.2 Acoustic Surveys

One SM4BAT FS Ultrasonic Detector (with one microphone) was deployed adjacent to the snag tree that was identified within the development footprint (**Figure 2**). The detector was deployed from June 3 to June 13, 2025. To assess presence of bat species, statistical probability requires a sufficient sample size (i.e., number of recorded files) for reliability and percent confidence. For most species, this requires more than 10 accepted decisions (i.e., number of files). As a rule of thumb, any species' decision summary count (i.e., number of files) below 10 requires manual vetting to establish presence. A summary of the results of the acoustic data analysis is provided in **Table 3** below:

Table 3: Bat Acoustic Monitor Summary

Detector #	Species	# Files	Confidence Level (%)
1	Big Brown Bat	5	77
	Hoary Bat	6	92
	Silver-haired Bat	12	98
	Myotis sp.	1	-

High confidence values for two species of SAR bats (Hoary and Silver-haired Bats) as well as Big Brown Bat were recorded by the detector. One file recorded the presence of one species of *Myotis*. Due to the singular nature of this call and the similarity of *Myotis* sp. calls, it cannot be determined which species was present. However, due to the low number of files for each species recorded during the 10-night period, it is expected there is little usage of the Study Area by SAR bat species.

3.3 Breeding Bird Surveys

A total of 34 bird species were documented within the Subject Property, with no SAR or rare bird species observed. Seven area sensitive species; Winter Wren (*Troglodytes hiemalis*), Veery (*Catharus fuscescens*), Magnolia Warbler (*Setophaga magnolia*), Black-throated Green Warbler (*Setophaga virens*), Blackburnian Warbler (*Setophaga fusca*), Black-and-white Warbler (*Mniotilta varia*), and American Redstart (*Setophaga ruticilla*) were identified within the Subject Property. All birds recorded within the Subject Property are considered common in Ontario

(S4/S5). All bird species had possible breeding evidence as males were singing in suitable nesting habitat. The most common species found in the Subject Property included White-throated Sparrow (*Zonotrichia albicollis*), Chestnut-sided Warbler (*Setophaga pensylvanica*), and Song Sparrow (*Melospiza melodia*), which are common to a variety of open forest habitats.

3.4 Incidental Wildlife

The following incidental wildlife observations were made within the Subject Property:

- White-tailed Deer (*Odocoileus virginianus*) (scat)
- Moose (*Alces alces*) (scat, tracks)
- Coyote (*Canis latrans*) (scat)
- Black Bear (*Ursus americanus*) (observed, scat)
- Red Squirrel (*Tamiasciurus hudsonicus*) (observed)
- Eastern Chipmunk (*Tamias striatus*) (observed)
- Ruffed Grouse (*Bonasa umbellus*) (observed)

This list does not include bird species noted during the May 2, 2025, site visit that were also found during breeding bird surveys.

4.0 Project Development

The proposed BESS development will result in removal of on-site vegetation, as shown on **Figure 3**. This includes improvements to an existing access road in addition to proposed culvert installation, pad mounted utility auxiliary transformer, chain-link fence, a 2 m wide grounding buffer around the fence, and battery containers.

5.0 Species at Risk Habitat Screening

A previous SAR Assessment was completed to determine whether SAR habitat is present, potentially present, or absent within the Subject Property. The NHIC database, the Ontario Breeding Bird Atlas (OBBA), the Ontario Reptile and Amphibian Atlas (ORAA), the Ontario Butterfly Atlas (OBA), Fisheries and Oceans Canada (DFO) aquatic SAR mapping, and eBird records were screened for SAR records. Based on professional experience, it was determined that mature snag trees on and adjacent to the Subject Property may present habitat opportunities for SAR bat species. Species identified in the previous report that have no suitable habitat opportunities within or adjacent to the Subject Property were not assessed further in the screening in **Appendix A**. Findings within the SAR Assessment have been updated to reflect field investigations within appropriate timing windows.

Based on available background information and field investigations, the Subject Property was screened for potential SAR habitat opportunities. The assessment was conducted by comparing habitat preferences of species deemed to have potential to occur against current site conditions. This SAR habitat assessment can be found in **Appendix A**, providing a detailed description of each species' habitat (including those deemed to not have potential habitat), as well as a discussion of habitat suitability within and surrounding the Subject Property, potential impacts, and mitigation, where applicable. Based on the rationale provided in **Appendix A**, the following

SAR were screened as having potential or confirmed habitat within or adjacent to the Subject Property:

- Hoary Bat (*Lasiurus cinereus*) - Endangered
- Silver-haired Bat (*Lasionycterus noctivagans*) - Endangered
- Eastern Small-footed Myotis (*Myotis leibii*) - Endangered
- Northern Long-eared Myotis (*Myotis septentrionalis*) - Endangered
- Little Brown Myotis (*Myotis lucifugus*) - Endangered
- Monarch Butterfly (*Danaus plexippus*) – Special Concern

Species determined to have no potential habitat or to not be present following appropriate surveys were not included but can be found in **Appendix A**.

6.0 Mitigation Measures

6.1 General Mitigation Measures

6.1.1 Construction Access, Site Controls and Operational Constraints

- Any temporarily stockpiled material will be properly contained (e.g., within silt fencing) in areas separated by a minimum of 30 m from any waterbody.
- All construction materials and debris will be removed and appropriately disposed of following construction.
- All activity will be controlled to prevent entry of any petroleum products, debris, or other potential deleterious substances, in addition to sediment as outlined above, to any waterbody. No storage, maintenance, or refuelling of equipment will be conducted near any waterbody.

6.1.2 Construction Activities, Timing Window and Habitat Enhancement

- Vegetation removal in preparation for site grading and construction should take place outside of sensitive timing windows for wildlife species:
    - Breeding bird season per Environment Canada's (2018) nesting periods for migratory birds: April 1 to August 31. Should vegetation clearing be required within this timeframe, a qualified ecologist will conduct a screening prior to activities to determine the presence of nesting birds and/or the feasibility and timing of vegetation removal.
    - Bat activity season: April 1 to November 30
- In order to provide habitat enhancement opportunities, it is recommended that one artificial bat have structure (e.g., "rocket box") be installed within the property along the edge of treed habitat.
- To protect wildlife in general, no animals are to be knowingly harmed. If wildlife is encountered during construction, work must stop, and animals allowed to disperse on their own. If necessary, the environmental consultant, MNRF or MECP should be contacted for advice.

- Construction monitoring by a certified inspector of sediment and erosion control is recommended, where applicable. It is understood that civil engineers will be onsite during construction to address any potential Erosion and Sediment Control (ESC) concerns.

6.2 Wildlife

Two species of SAR bats were recorded during acoustic monitoring with a high confidence level of presence but low use of the area (with few recorded calls). One additional SAR bat species may potentially be present based on a low confidence level. Due to the low number of files for each species (6 for Hoary Bat, 12 for Silver-haired Bat, 1 for *Myotis* sp.), it is expected that the Study Area receives little usage by SAR Bats (sites that experience high levels of bat use will have 100s of files per species). It is also noted that the presence of two snag trees within the Study Area (0.84 ha) is below the 10 snags per hectare preferred by SAR bat species (Ministry of Natural Resources and Forestry 2017). It is recommended that the timing windows for vegetation removal above are followed to ensure SAR bats are protected.

7.0 Conclusions

This memorandum provides an assessment of potential SAR habitat within the Study Area, based on background review and field investigations. The following key conclusions are provided:

- One snag tree was located within the development limits of the proposed BESS and one within the Subject Property outside the development limit, representing a low snag density.
- Acoustic monitoring identified low levels of SAR bat activity in the vicinity of the snag tree proposed to be removed.
- Removal of vegetation should be completed outside of the breeding bird season (April 1 – August 31) to ensure compliance with the *Migratory Birds Convention Act* (*MBCA*). Any tree removals should be completed outside the bat active window (April 1 – November 30).
- In order to provide habitat enhancement opportunities, it is recommended that one artificial bat habitat structure (e.g., “rocket box”) be installed within the property along the edge of treed habitat.
- It is SLR’s concluding opinion that the project activities will not contravene the *Endangered Species Act* with the implementation of the recommendations provided in this technical memo.

Regards,

SLR Consulting (Canada) Ltd.





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Attachments: Appendix A – Species at Risk Screening Table

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Appendix A Species at Risk Screening Table

Species at Risk Habitat Screening

219 Pegg's Mountain Road, Armour Township

SolarBank Corporation

SLR Project No.: 209.065266.00001

September 22, 2025

NAME	SARA STATUS	SARO	COSEWIC	SCHEDULE	S-RANK	HABITAT REQUIREMENTS	SOURCE OF RECORD	HABITAT PRESENT (P/N)	RATIONALE	POTENTIAL IMPACTS AND MITIGATION
AVIFAUNA										
Bank Swallow (*Riparia riparia*)	THR	THR	THR	1	S4B	The Bank Swallow is threatened by loss of breeding and foraging habitat, destruction of nesting habitat and widespread pesticide use. Bank swallows are small songbirds with brown upperparts, white underparts and a distinctive dark breast band. It averages 12 cm long and weighs between 10 and 18 grams. The swallow can be distinguished in flight from other swallows by its quick, erratic wing beats and its almost constant buzzy, chattering vocalizations. They nest in burrows in natural and human-made settings where there are vertical faces in silt and sand deposit, including banks of rivers and lakes, active sand and gravel pits or former ones where the banks remain suitable. The birds breed in colonies ranging from several to a few thousand pairs (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025; eBird, 2024	N	No suitable vertical face habitats are present on the Site.	None anticipated.
Barn Swallow (*Hirundo rustica*)	THR	SC	SC	1	S4B	The Barn Swallow is found throughout southern Ontario, and can range into the north as long as suitable nesting locations can be found. These birds prefer to nest within human made structures such as barns, bridges, and culverts. Barn Swallow nests are cup-shaped and made of mud; they are typically attached to horizontal beams or vertical walls underneath an overhang. A significant decline in populations of this species has been documented since the mid-1980s, which is thought to be related to a decline in prey. Since the Barn Swallow is an aerial insectivore, this species relies on the presence of flying insects at specific times during the year. Changes in building practices and materials may also be having an impact on this species (Ministry of Natural Resources and Forestry, 2015).	OBBA, 2025; eBird, 2024	N	No human-made structures are present on the Site.	None anticipated.
Bobolink (*Dolichonyx oryzivorus*)	THR	THR	SC	1	S4B	The Bobolink is found in grasslands and hayfields, and feeds and nests on the ground. This species is widely distributed across most of Ontario; however, are designated at risk because of rapid population decline over the last 50 years (Ministry of Natural Resources and Forestry, 2014). The historical habitat of the bobolink was tallgrass prairie and other natural open meadow communities; however, as a result of the clearing of native prairies and the post-colonial increase in agriculture, bobolinks are now widely found in hayfields. Due to their reproductive cycle, nesting habits, and use of agricultural areas, bobolink nests and young are particularly vulnerable to loss as a result of common agricultural practices (i.e. first cut hay).	OBBA, 2025; eBird, 2021	N	Not detected during breeding bird surveys.	None anticipated.
Canada Warbler (*Cardellina canadensis*)	THR	SC	SC	1	S5B	The Canada Warbler is found in a variety of forest types, but is most abundant in moist, mixed forests with a well-developed, dense shrub layer. This species can also be locally abundant in regenerating forests following natural or anthropogenic disturbances. Nests are usually located on or near the ground on mossy logs, and along stream banks. In Canada, habitat loss due to conversion of swamp forests, agricultural activities and road development have contributed to the species' significant long-term decline, and its special concern designation. A reduction in forests with a well-developed shrub-layer has also likely impacted Canada warblers throughout their breeding range in Ontario (Committee on the Status of Endangered Wildlife in Canada, 2008).	OBBA, 2025; eBird, 2024	N	Not detected during breeding bird surveys.	None anticipated.
Chimney Swift (*Chaetura pelagica*)	THR	THR	THR	1	S3B	The Chimney Swift is a threatened species which breeds in Ontario and winters in northwestern South America. It is found mostly near urban areas where the presence of chimneys or other manmade structures provide nesting and roosting habitat. Prior to settlement, the Chimney Swift would mainly nest in cave walls and hollow tress. The Chimney Swift initially benefitted from human settlement; however, recent declines in flying insects and the modernization of chimneys are factors attributed to their current population declines. As a threatened species, the Chimney Swift receives protection for both species and habitat under the ESA (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025; eBird, 2024	N	Suitable structures are not present within the Site.	None anticipated.
Common Nighthawk (*Chordeiles minor*)	SC	SC	SC	1	S4B	The Common Nighthawk is an extremely well camouflaged bird that inhabits gravel beaches, rock outcrops and burned woodlands, that have little to no ground vegetation. This species can also be found in highly disturbed locations such as clear cuts, mine tailings areas, cultivated fields, urban parks, gravel roads, and orchards. As an insectivore, the primary threat to this species is the widespread application of pesticides (Ministry of Natural Resources and Forestry, 2015). Special concern species do not receive habitat protection under the ESA.	OBBA, 2025; eBird, 2023	N	Dense understory vegetation in areas of open canopy are unfavourable to this species.	None anticipated.
Eastern Meadowlark (*Sturnella magna*)	THR	THR	THR	1	S4B,S3N	The Eastern Meadowlark is a bird that prefers pastures and hayfields, but is also found to breed in orchards, shrubby fields and human use areas such as airports and roadsides. Eastern meadowlarks can nest from early May to mid-August, in nests that are built on the ground and well-camouflaged with a roof woven from grasses. The decline in population of these species is thought to be at least partially related to habitat destruction and agricultural practices (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025; eBird, 2024	N	Not detected during breeding bird surveys.	None anticipated.

Eastern Wood-Pewee (*Contopus virens*)	SC	SC	SC	1	S4B	The Eastern Wood-pewee is classified as a species of special concern by COSSARO. Their population has been gradually declining since the mid-1960's (The Cornell Lab of Ornithology, 2015). The Eastern Wood-pewee is a "flycatcher", a bird that eats flying insects, that lives in the mid-canopy layer of forest clearings and edges of deciduous and mixed forests. It prefers intermediate-age forest stands with little understory vegetation. Threats to the population are largely unknown; however, causes may include loss of habitat due to urban development and decreases in the availability of flying insect prey (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025; eBird, 2021	N	Not detected during breeding bird surveys.	None anticipated.
Evening Grosbeak (*Coccothraustes vespertinus*)	SC	SC	SC	1	S4	The Evening Grosbeak nests in coniferous-dominated forests across northern Ontario, as far south as the Georgian Bay. It depends heavily on Spruce Budworm as its main food source. Potential threats to this species include window strikes, habitat loss from forestry, climate change impacts on habitat, collisions with vehicles, and budworm control measures.	OBBA, 2025; eBird, 2023	N	Not detected during breeding bird surveys.	None anticipated.
Golden-winged Warbler (*Vermivora chrysoptera*)	THR	SC	THR	1	S3B	The Golden-winged Warbler is classified as a species of special concern by COSSARO. It is a small grey songbird, with yellow patches on its wings and forehead. Nests are built on the gound, in areas with young shrubs surrounded by mature forest. Threats to the species include habitat loss, hybridization with blue-winged warblers, and nest parasitism by brown-headed cowbirds (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025; eBird, 2021	N	Not detected during breeding bird surveys.	None anticipated.
Lesser Yellowlegs (*Tringa flavipes*)	-	THR	SC	-	3S4B,S5	Lesser Yellowlegs is a migratory shorebird. It breeds mainly in boreal wetlands and typically nests on dry ground near wetland areas like peatlands and marshes, which are used for foraging (Government of Canada, 2023).	eBird, 2023	N	No wetland environments are mapped on the Site.	None anticipated.
Olive-sided Flycatcher (*Contopus cooperi*)	SC	SC	SC	1	S4B	The Olive-sided Flycatcher is most often found along natural forest edges and openings. It will use forests that have been logged or burned, if there are ample tall snags and trees to use for foraging perches. Olive-sided flycatchers' breeding habitat usually consists of coniferous or mixed forest adjacent to rivers or wetlands. In Ontario, Olive-sided flycatchers commonly nest in conifers such as White and Black Spruce, Jack Pine and Balsam Fir.	OBBA, 2025	N	Although the Site contains edge forest habitat, forest communities are not adjacent to wetlands or streams.	None anticipated.
Peregrine Falcon (*Falco peregrinus*)	SC	SC	-	1	S4	The Peregrine Falcon is a species of Special Concern in Ontario because of habitat loss and destruction, disturbance and persecution by people, and environmental contaminants. Peregrine falcons are medium sized birds of prey, with a blue back, cream-coloured chest covered in dark markings and bright yellow legs and feet. It can be found nesting on tall, steep cliff ledges close to large bodies of water. The majority of Ontario's breeding population is found around Lake Superior in northwestern Ontario (Ministry of Natural Resources and Forestry, 2014).	eBird, 2022	N	The Site does not contain cliff habitat, and the species is at the edge of its range.	None anticipated.
Rusty Blackbird (*Euphagus carolinus*)	SC	SC	SC	1	S4B,S3N	The breeding range of Rusty Blackbird in Ontario is concentrated in the Hudson Bay Lowlands and northern Boreal Sheild ecozones. It breeds in wet forests, including areas with fens, bogs, muskeg, and beaver ponds. The Rusty Blackbird winters in swamps, wet woodlands, and pond edges, and often forages on agricultural lands. Declines in this species' population may be a result of habitat loss and extermination programs in its wintering habitat where it forms large aggregations.	eBird, 2021	N	No wetland environments are mapped on the Site, and the species is at the edge of its breeding range.	None anticipated.

Wood Thrush (*Hylocichla mustelina*)	THR	SC	THR	1	S4B	The Wood Thrush is a species of Special Concern because of habitat degradation or destruction by anthropogenic development. The Wood Thrush is a medium-sized songbird, generally rusty-brown on the upper parts with white under parts and large blackish spots on the breast and sides, and about 20 cm long. The Wood Thrush forages for food in leaf litter or on semi-bare ground, including larval and adult insects as well as plant material. They seek moist stands of trees with well-developed undergrowth in large mature deciduous and mixed (conifer-deciduous) forests. The Wood Thrush flies south to Mexico and Central America for the winter (Ministry of Natural Resources and Forestry, 2014).	OBBA, 2025	N	Not detected during breeding bird surveys.	None anticipated.
HERPTILES										
Blanding's Turtle (*Emydoidea blandingii*)	END	THR	END	1	S3	Blanding's turtles are threatened in Ontario primarily as a result of habitat loss and fragmentation. Blanding's turtles spend the majority of their life cycle in the aquatic environment, using terrestrial sites for travel between habitat patches and to lay clutches of eggs. These turtles prefer shallow nutrient rich water with organic sediment and dense vegetation. Blanding's turtles nest in dry coniferous and mixed forest habitats, as well as fields and roadsides (Government of Canada, 2015).	ORAA, 2025	N	No wetland environments or open water are mapped on the Site.	None anticipated.
Eastern Hog-Nosed Snake (*Heterodon platirhinos*)	THR	THR	THR	1	S3	The eastern hog-nosed snake (Heterodon platirhinos) is classified as a threatened species by COSSARO, and is one of Ontario's most interesting reptiles, with a very unique defence system. The eastern hog-nosed, if challenged by a predator, rises to strike in a way that is reminiscent of a cobra, and then proceeds to roll onto it's back and play dead. Despite its somewhat threatening appearance, the eastern hog-nosed snake is a harmless predator of many amphibians. Eastern hog-nosed snakes prefer sandy well drained habitats such as beaches and dry forests because they lay their eggs and hibernate in these areas. The main diet of this snake is toads and frogs, so they usually stay close to water including marshes and swamps, where they have an increased chance of finding their preferred prey (Ministry of Natural Resource and Forestry, 2014).	ORAA, 2025	N	No suitable habitat present.	None anticipated.
Snapping Turtle (*Chelydra serpentina*)	SC	SC	SC	1	S4	The snapping turtle is a species of special concern in Ontario due to the potential for the species to become threatened or endangered as a result of biological factors or other identified threats. While not presently protected by law, the snapping turtle has been recognized as a species of special concern by COSSARO. Snapping turtles spend the majority of their lives in water and travel slightly upland to gravel or sandy embankments or beaches to lay their eggs (Ontario Ministry of Natural Resources and Forestry, 2014).	ORAA, 2025	N	No suitable wetland habitat present.	None anticipated.
VASCULAR PLANTS										
Black Ash (*Fraxinus nigra*)	-	END	THR	-	S4	Found throughout Ontario in moist ecosystems; commonly found in northern swampy woodlands (MNRF 2018). This species typically grows on mucky or peaty soils and is considered a facultative wetland species (Reznicek et al. 2011).	Professional Experience	N	No suitable wetland habitat present.	None anticipated.
MAMMALS										
Eastern Red Bat (*Lasiurus borealis*)	-	END	END	-	S3	Eastern red bats roost in the foliage of deciduous or sometimes evergreen trees and occassionally in shrubs (Bat Conservation International, 2024; COSEWIC, 2024). Trees used as maternity roosts tend to be large diameter and tall, reaching or exceeding the height of the surrounding canopy. Their solitary roosting behaviour and well-camouflaged fur results in roosts being highly cryptic. Roost sites that have overhead foliage for cover and open flight space below are selected. Eastern red bats typically uses several trees during the breeding season (COSEWIC, 2024).	Professional Experience	N	Not detected during acoustic monitoring.	None anticipated.
Hoary Bat (*Lasiurus cinereus*)	-	END	END	-	S3	Hoary bats roost solitarily amoung the foliage of trees, with preferences including maple, oak, ash, elder, hemlock, and redwood trees (Bat Conservation International, 2024). Trees used as maternity roosts tend to be large diameter and tall, reaching or exceeding the height of the surrounding canopy. There is little information regarding roost switching and roost area for Hoary Bats (COSEWIC, 2024).	Professional Experience	Y	Detected during acoustic monitoring	Timing windows (vegetation and/or structure removal outside of the active period for this species), in consultation with the MECP, are recommended following field surveys.
Silver-haired Bat (*Lasionycteris noctivagans*)	-	END	END	-	S3	Silver-haired Bats occurs primarily under bark and in the cavities of trees, making them reliant on habitats where large, decaying trees are available. Silver-haired Bats roost in a variety of large diameter coniferous and deciduous trees. Frequent roost switching is common (COSEWIC, 2024).	Professional Experience	Y	Detected during acoustic monitoring	Timing windows (vegetation and/or structure removal outside of the active period for this species), in consultation with the MECP, are recommended following field surveys.

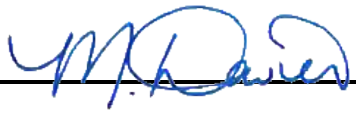
Tri-colored Bat (*Perimyotis subflavus*)	END	END	END	1	S3?	Tri-colored Bat is a small bat that is widely distributed in eastern North America and whose range extends north to southern Ontario. Tri-colored Bat is rare in this region of Ontario which is at the northernmost limit of the natural range for the species. These bats prefer to nest in foliage, tree cavities and woodpecker holes, and are occasionally found in buildings; though this is not their preferred habitat. Winter hibernation takes place in caves, mines and deep crevices. Tri-colored Bat feed primarily on small insects and prefer an open forest habitat type in proximity to water (University of Michigan Museum of Zoology, 2004).	Professional Experience	N	Not detected during acoustic monitoring.	None anticipated.
Eastern Small-footed Myotis (*Myotis leibii*)	-	END	-	-	S2S3	The eastern small-footed myotis, a bat, are an endangered species threatened by a disease known as white nose syndrome, caused by a fungus from Europe. Eastern small-footed myotis' fur has black roots and shiny light brown tips, giving it a yellowish-brown appearance. Its face mask, ears and wings are black, and its underside is grayish-brown, about 8 cm long in size and weighs 4-5 grams. In the spring and summer, eastern small-footed myotis will roost in a variety of habitats, including in or under rocks, in rock outcrops, in buildings, under bridges, or in caves, mines, or hollow trees. They change their roosting locations daily and hunt at night for insects to eat, including beetles, mosquitos, moths, and flies. They hibernate in winter, often in caves and abandoned mines. They can be found from south of Georgian Bay to Lake Erie and east to the Pembroke area, and choose colder and drier sites (Ministry of Natural Resources and Forestry, 2014).	Professional Experience	P	One recording of a Myotis sp. was noted during acoustic monitoring. Species identification was not possible	Timing windows (vegetation and/or structure removal outside of the active period for this species), in consultation with the MECP, are recommended following field surveys.
Little Brown Myotis (*Myotis lucifugus*)	END	END	END	1	S3	Little brown myotis, a bat, are an endangered species threatened by a disease known as white nose syndrome, caused by a fungus from Europe. Little brown myotis have glossy brown fur and usually weigh between four and 11 grams. Bats are nocturnal. During the day they roost in trees and buildings. They often select attics, abandoned buildings and barns for summer colonies where they can raise their young. Little brown myotis hibernate from October or November to March or April, most often in caves or abandoned mines that are humid and remain above freezing – an ideal environment for the fungus to grow and flourish. The syndrome affects bats by disrupting their hibernation cycle, so that they use up body fat supplies before the spring when they can once again find food sources (Ministry of Natural Resources and Forestry, 2014).	Professional Experience	P	One recording of a Myotis sp. was noted during acoustic monitoring. Species identification was not possible	Timing windows (vegetation and/or structure removal outside of the active period for this species), in consultation with the MECP, are recommended following field surveys.
Northern Myotis (*Myotis septentrionalis*)	END	END	END	1	S3	Northern myotis, a bat, are an endangered species threatened by a disease known as white nose syndrome, caused by a fungus from Europe. Northern myotis have dull yellow-brown fur with pale grey bellies. They are approximately eight cm long, with a wingspan of about 25 cm, and usually weigh six to nine grams. Northern myotis can be found in boreal forests but occurs throughout southern Ontario to the north shore of Lake Superior and occasionally as far north as Moosonee. roosting under loose bark and in the cavities of trees. Northern Myotis roosts within tree crevices, hollows and under the bark of live and dead trees, particularly when trees are located within a forest gap. These bats hibernate from October or November to March or April, most often in caves or abandoned mines (Ministry of Natural Resources and Forestry, 2014).	Professional Experience	P	One recording of a Myotis sp. was noted during acoustic monitoring. Species identification was not possible	Timing windows (vegetation and/or structure removal outside of the active period for this species), in consultation with the MECP, are recommended following field surveys.
INSECTS										
Monarch Butterfly (*Danaus plexippus*)	END	SC	END	1	S2N,S4B	The monarch is an orange and black butterfly with small white spots and is classified as a species of special concern by COSSARO. The monarch relies on milkweed plants as a food source for growing caterpillars, but the adult butterflies forage in diverse habitats for nectar from wildflowers. The greatest threat to the monarch is loss of overwintering habitat in Mexico. Other threats include use of pesticides and herbicides throughout its range (Ministry of Natural Resources and Forestry, 2014).	OBA, 2025	Y	Common Milkweed, this species' host plant, found within the Study Area.	Habitat protection does not apply to Special Concern Species. Minimize disturbance within meadow community as much as possible.

Notes:
SC - Special Concern
THR - Threatened
END - Endangered
S1 - Extremely rare in Ontario
S2 - Very rare in Ontario
S3 - Rare to uncommon in Ontario
S4 - Considered to be common in Ontario
S5 - Species is widespread in Ontario
SH - Possibly extirpated
S#S# - Indicates insufficient information exists to assign a single rank.
S#? - Indicates some uncertainty with the classification due to insufficient data.
S#N - Nonbreeding
S#B - Breeding
Y= Yes, P = Potential, N = No



Making Sustainability Happen

This is Exhibit “EE” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Robert MacFarlane - Zelinka Priamo Ltd.

From: Ina Lila <ina.lila@powerbankcorp.com>
Sent: Wednesday, April 22, 2026 10:53 AM
To: Robert MacFarlane - Zelinka Priamo Ltd.; Connor Wright - Zelinka Priamo Ltd.
Cc: Andrew van Doorn
Subject: FW: Species at Risk (SAR) Bat Habitat Assessment - 219 Pegg's Mountain Road, Armour Township, Ontario
Attachments: 209.065266.00001_SolarBank_Armour_SARMemo_Sep22_2025-final.pdf

Hi Rob, Connor,

Just wanted to update you – MECP is in agreement with the conclusions and recommendations of our Environmental Impact Study for Armour.

See below.

Thank you,

Ina Lila, CPA
Director of Finance
POWERBANK

(647) 835 5503
Ina.Lila@powerbankcorp.com
www.powerbankcorp.com
505 Consumers Road, Suite 803
Toronto, Ontario, Canada M2J 4V8

NASDAQ: SUUN Formerly known as Abundant Solar Energy Inc.
Cboe CA: SUNN

Book time to meet with me

From: Carlene Perkin <Carlene.Perkin@slrconsulting.com>
Sent: April 22, 2026 10:13 AM
To: Ina Lila <ina.lila@powerbankcorp.com>
Cc: Dirk Janas <Dirk.Janas@slrconsulting.com>; Kim Logan <klogan@slrconsulting.com>
Subject: Re: Species at Risk (SAR) Bat Habitat Assessment - 219 Pegg's Mountain Road, Armour Township, Ontario

Good morning Ina,

I hope you are doing well.

Just following up on the status of this project. Based on the email chain below, the MECP is in agreement with our conclusion from the 2025 SAR Bat Habitat Assessment memo that, "*project activities will not contravene the Endangered Species Act with the implementation of the recommendations provided in this technical memo.*"

Does PowerBank require consultation regarding the installation of one artificial bat habitat structure (e.g., "rocket box"), as a recommended enhancement measure in the memo. A vegetation removal timing restriction window

has also been recommended. Vegetation removal should be completed outside of the breeding bird season (April 1 – August 31) to ensure compliance with the Migratory Birds Convention Act (MBCA). Any tree removals should be completed outside the bat active window (April 1 – November 30). The 2025 SAR memo is attached for your reference.

Please reach out if you have any questions regarding next steps.

Thank you,
Carlene

Carlene Perkin B.Sc.
Ecologist, Arborist

M +1 519-465-7914
E Carlene.Perkin@slrconsulting.com

SLR Consulting (Canada) Ltd.
100 Stone Road West, Suite 201, Guelph, ON, Canada N1G 5L3



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From: Williams, Daniel (MECP) <Daniel.Williams2@ontario.ca>
Sent: Friday, March 13, 2026 3:30 PM
To: Carlene Perkin <Carlene.Perkin@slrconsulting.com>
Cc: Ina Lila <ina.lila@powerbankcorp.com>; Kim Logan <klogan@slrconsulting.com>
Subject: RE: Species at Risk (SAR) Bat Habitat Assessment - 219 Pegg's Mountain Road, Armour Township, Ontario

Hi Carlene,

Apologies for the delay.

I have reviewed the provided documents and based on the information provided and mitigation actions suggested within, the conclusion that an authorization under the *Endangered Species Act, 2007* is not necessary to proceed appears to be valid. For future field studies however, please note the following regarding species at risk bats:

- When assessing treed habitat for use by SAR bats, consideration should be provided for live or dead trees >10 cm in DBH, as well as those exhibiting exfoliating bark, cracks, knots, holes, and cavities, and shrubs >1 metre in height, as these may provide roosting habitat for SAR bats.

Please feel free to reach out to me directly if you have any questions,

Dan

Dan Williams
Management Biologist, Landscape Species Recovery Section | Species at Risk Branch

Ministry of the Environment, Conservation and Parks | Ontario Public Service

705-761-5683 | daniel.williams2@ontario.ca

Ontario

Taking pride in strengthening Ontario, its places and its people

---

From: Carlene Perkin <Carlene.Perkin@slrconsulting.com>
Sent: March 11, 2026 3:00 PM
To: Williams, Daniel (MECP) <Daniel.Williams2@ontario.ca>
Cc: Ina Lila <ina.lila@powerbankcorp.com>; Kim Logan <klogan@slrconsulting.com>
Subject: Fw: Species at Risk (SAR) Bat Habitat Assessment - 219 Pegg's Mountain Road, Armour Township, Ontario

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Good afternoon Daniel,

Just following up on the request below.

Thank you,

Carlene

Carlene Perkin B.Sc.
Ecologist, Arborist

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From: Dirk Janas <Dirk.Janas@slrconsulting.com>
Sent: Wednesday, February 18, 2026 11:49 AM
To: Carlene Perkin <carlene.perkin@slrconsulting.com>; Daniel.Williams2@ontario.ca <Daniel.Williams2@ontario.ca>
Cc: Ina Lila <ina.lila@solarbankcorp.com>; Matthew Scoular <mscoular@slrconsulting.com>
Subject: RE: Species at Risk (SAR) Bat Habitat Assessment - 219 Pegg's Mountain Road, Armour Township, Ontario

Hello Daniel,

Thank you for the call today for our Gravenhurst project and confirming that the attached Armour Twp project is within your geographic review area.

I'm resending the technical memo along with the figures for quick access. We appreciate your commitment to complete an initial review and feedback ideally within two weeks.

If we could have a response by March 6th would be great.

Best regards,

Dirk

Dirk Janas
Technical Director, Terrestrial Ecology

M +1 705 706 1549
E Dirk.Janas@slrconsulting.com

SLR Consulting (Canada) Ltd.
16 Robert Boyer Lane, Bracebridge, ON, Canada P1L 1R9



From: Carlene Perkin <Carlene.Perkin@slrconsulting.com>
Sent: Wednesday, February 11, 2026 2:37 PM
To: Daniel.Williams2@ontario.ca
Cc: Dirk Janas <Dirk.Janas@slrconsulting.com>; Ina Lila <ina.lila@solarbankcorp.com>; Matthew Scoular <mscoular@slrconsulting.com>
Subject: Fw: Species at Risk (SAR) Bat Habitat Assessment - 219 Pegg's Mountain Road, Armour Township, Ontario

Good afternoon Daniel,

This email is in follow up to the request to review the SAR Bat Habitat Assessment memo for the property located at 219 Pegg's Mountain Road, Armour Township, which was submitted on September 22, 2025 (attached). Please see email correspondence with the MECP below.

Thank you,

Carlene

Carlene Perkin B.Sc.
Ecologist, Arborist

M +1 519-465-7914
E Carlene.Perkin@slrconsulting.com

SLR Consulting (Canada) Ltd.
100 Stone Road West, Suite 201, Guelph, ON, Canada N1G 5L3

From: Carlene Perkin <Carlene.Perkin@slrconsulting.com>
Sent: Monday, January 19, 2026 12:22 PM
To: Species at Risk (MECP) <SAROntario@ontario.ca>
Cc: Dirk Janas <Dirk.Janas@slrconsulting.com>; Lucas McLennan <Lucas.McLennan@slrconsulting.com>; Matthew Scoular <mscoular@slrconsulting.com>; 'Ina Lila' <ina.lila@solarbankcorp.com>
Subject: Re: Species at Risk (SAR) Bat Habitat Assessment - 219 Pegg's Mountain Road, Armour Township, Ontario

Good afternoon and Happy New Year,

This email is in follow up to the request to review the SAR Bat Habitat Assessment memo for the property located at 219 Pegg's Mountain Road, Armour Township, which was submitted on September 22, 2025.

Thank you,
Carlene

Carlene Perkin B.Sc.
Ecologist, Arborist

M +1 519-465-7914
E Carlene.Perkin@slrconsulting.com

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100 Stone Road West, Suite 201, Guelph, ON, Canada N1G 5L3

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From: Species at Risk (MECP) <SAROntario@ontario.ca>
Sent: Wednesday, November 5, 2025 10:41 AM
To: Carlene Perkin <Carlene.Perkin@slrconsulting.com>
Cc: Dirk Janas <Dirk.Janas@slrconsulting.com>; Lucas McLennan <Lucas.McLennan@slrconsulting.com>; Matthew Scoular <mscoular@slrconsulting.com>; 'Ina Lila' <ina.lila@solarbankcorp.com>
Subject: RE: Species at Risk (SAR) Bat Habitat Assessment - 219 Pegg's Mountain Road, Armour Township, Ontario

Hi Carlene,

Thank you for your email and follow up.

We confirm having received your submission on September 22, 2025. The file is in queue for a Species at Risk Branch team member to review and they will reach out to you directly with comments soon.

Thank you for your patience and please reach out if you have any additional questions.

Species at Risk Branch | Direction des espèces en peril

Ministry of the Environment, Conservation and Parks | Ministère de l'Environnement, de la Protection de la nature et des Parc

SAROntario@ontario.ca

Ontario

From: Carlene Perkin <Carlene.Perkin@slrconsulting.com>
Sent: November 3, 2025 3:50 PM
To: Species at Risk (MECP) <SAROntario@ontario.ca>
Cc: Dirk Janas <Dirk.Janas@slrconsulting.com>; Lucas McLennan <Lucas.McLennan@slrconsulting.com>; Matthew Scoular <mscoular@slrconsulting.com>; Ina Lila <ina.lila@solarbankcorp.com>
Subject: Fw: Species at Risk (SAR) Bat Habitat Assessment - 219 Pegg's Mountain Road, Armour Township, Ontario

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Good afternoon,

We are just following up to confirm receipt of the SAR Bat Habitat Assessment memo sent on September 22, 2025.

Thank you,

Carlene

Carlene Perkin B.Sc.

Ecologist, Arborist

M +1 519-465-7914

E Carlene.Perkin@slrconsulting.com

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From: Carlene Perkin <Carlene.Perkin@slrconsulting.com>
Sent: Monday, September 22, 2025 3:18 PM
To: Species at Risk (MECP) <sarontario@ontario.ca>
Cc: Dirk Janas <Dirk.Janas@slrconsulting.com>; Lucas McLennan <Lucas.McLennan@slrconsulting.com>; Matthew Scoular <mscoular@slrconsulting.com>
Subject: Species at Risk (SAR) Bat Habitat Assessment - 219 Pegg's Mountain Road, Armour Township, Ontario

Good afternoon,

Please see the attached Species at Risk (SAR) memo for the property located at 219 Pegg's Mountain Road, Armour Township. Please let us know if you have any questions or comments.

Thank you,

Carlene

Carlene Perkin B.Sc.

Ecologist, Arborist

M +1 519-465-7914

E Carlene.Perkin@slrconsulting.com

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This is Exhibit “FF" to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

OFFICIAL PLAN

TOWNSHIP OF ARMOUR



OFFICE CONSOLIDATION DECEMBER 9, 2024

ROBERT J. MILLER
Land Use Planning Services

OFFICIAL PLAN

Office Consolidation December 9, 2024

- New Official Plan approved August 12, 2009
- Amendment No. 1 approved May 7, 2013
- Update Amendment No. 2 approved May 14, 2019
- Boundary Map Correction Burk's Falls October 28, 2020
- Amendment No. 3 in effect March 26, 2021
- Amendment No. 4 reserved
- Amendment No. 5 approved January 9, 2024
- Housekeeping revisions December 9, 2024

MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

P.O. Box 533

Burk's Falls, Ontario

P0A 1C0

Robert J. Miller
Land Use Planning Services

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PART II

DESIGNATED AREA POLICIES

The land use policies established in Part II of this Official Plan shall apply to those areas so designated and identified on Schedule "A" - Land Use Plan.

2.1 RURAL COMMUNITY

2.1.1 DEFINITION

The predominant use of land in this category shall be for farming activities, forestry, conservation, detached residential dwellings, golf courses, summer camps for children, woodland retreats, recreational clubs and lodges, highway commercial uses, recreational and tourist commercial uses, private aircraft fields, Crown lands, home occupations and industries, small scale low water use industrial operations, schools, parks, community recreation facilities, churches, nursing homes, day nurseries and institutional uses, affordable housing developments, churches and cemeteries, mineral extraction including wayside pits and quarries, and waste disposal sites.

2.1.2 OBJECTIVES

(a) To protect and enhance the natural amenities, character, and lifestyle of the rural area of Armour Township;

(b) To support and encourage the tourism industry as a major traditional contributor to the economic base of the municipality;

(c) To restore business and service functions lost during the widening of Highway 11 to a controlled access four-lane highway. One of the basic requirements of businesses locating in the Rural Community is municipal road access via paved roads with no seasonal load limits. Armour Township Council has ensured that local roads of that quality are provided by the Ministry of

Transportation during the Highway 11 reconstruction process.

(d) To provide opportunities for low density affordable residential uses in harmony with the rural character of the municipality;

(e) To protect existing traditional farms and to encourage production of fuel crops for the bio-diesel and ethanol industries;

(f) To promote businesses and low water using industries thereby increasing sustainable employment opportunities for Armour Township residents, both seasonal and permanent;

(g) To maintain the natural resource industries of Armour Township by encouraging sustainable practises in forestry and wildlife trapping and by protecting mineral aggregate resources for long term use;

(h) To ensure that new development or redevelopment is compatible with and appropriately separated from surrounding uses and that negative environmental impacts and land use conflicts are avoided or minimized; and

(i) To promote the use of alternative/renewable energy systems such as wind turbines, solar panels, bio-diesel, ethanol and wood hot water heating systems.

2.1.3 POLICIES

(a) Residential Uses

(i) When evaluating applications for land division, Council and Planning Board shall consider:

(a) whether the proposed land division represents limited residential development or resource-based recreational activities;

(b) the cumulative cost of providing additional municipal services to the subject lands;

(c) the justification of the need for the lot creation, including opportunities for it to locate within a settlement area, and the number of existing vacant

(f) **Amending the Flood Plain Boundary**

For Flood Plain Areas that were identified based on interpretation of aerial photographs, minor corrections may be made to the Flood Plain boundaries through a zoning by-law amendment process, if Council is satisfied that it has sufficient information to support the refinement. Such minor corrections would clarify the interpretation of the land use designation boundary.

Except as provided above, amendment to the Flood Plain designation can only proceed if a technical report, prepared by a qualified hydrological engineer, has determined that the identified Flood Plain Area would not be subject to the regulatory flood. Such reports must be prepared for the entire "reach" of a waterbody, which in the case of a river would be the inter-related parts of the river. Such reports would generally be prepared by a qualified engineer retained by a development proponent.

Placement of fill is not an acceptable basis for amendment to Flood Plain Area boundaries, based on public health and safety concerns with the potential for increased flood-related impacts to other properties.

2.4 ENVIRONMENTAL CONSTRAINT AREAS

2.4.1 DEFINITION

The purpose of this section is to recognize that certain areas of Armour Township have special environmental values and other constraints which should be taken into account when applications for new or extended development are considered by Council. Such areas include mineral aggregate resource deposits, significant wildlife habitats, deer wintering areas, significant habitat of endangered and threatened species, abandoned mine hazards, significant fish habitat and wetlands. Except for significant habitat of endangered and threatened species, these features, where known, are shown on Schedule "B" to this Plan as environmental constraints to development.

2.4.2 OBJECTIVES

To encourage development to locate in areas which are not environmentally sensitive and to strive to protect environmentally sensitive areas through careful review of all development proposals.

2.4.3 POLICIES

(a) **Mineral Aggregate Resource Areas**

(i) Council shall have regard for the availability of mineral aggregate resources to meet future local and provincial needs. Detailed mineral aggregate resource mapping is not available for Armour Township. For the purpose of this Plan, ice-contact glacial deposits represent the highest potential for aggregate resources and are designated on Schedule "B" Environmental Constraint Areas. The establishment of new pits or the expansion of existing pits and quarries shall not require an official plan amendment but shall be accommodated by means of a zoning by-law amendment. Temporary pits and quarries opened by a public road agency will require no amendments to the Official Plan or the Zoning By-law.

(ii) New proposals for alternative land uses, or expansion of existing land uses, in or adjacent to mineral aggregate resource areas identified on Schedule "B", will only be permitted if the following criteria are met:

- Extraction would not be feasible; or
- The proposed land use or development serves a greater long-term interest of the general public than does aggregate extraction and issues of public health, public safety and environmental impacts are addressed; or
- The proposed land use or development would not significantly preclude or hinder future extraction.

(b) **Deer Wintering Areas**

(i) It is the intent of the Plan to ensure at a minimum an undiminished diversity of self-sustaining wildlife populations and the natural communities which support them and to provide continuous public access to, and benefits from, wildlife. This management will be in part accomplished wherever feasible, by protecting areas of significant deer habitat on both private and public lands identified as Deer Wintering (Confirmed) and Strata 1 & 2 Potential Deer Winter Habitat as identified on Schedule "B" Environmental Constraint Areas.

(ii) As part of the pre-application process, the applicant with the municipality will identify significant deer wintering areas using criteria provided to the municipality by the MNRF. Should any significant deer wintering areas be confirmed, development will be subject to a winter deer habitat assessment. Development and site alteration shall not be permitted in significant winter deer habitat unless it has been demonstrated that there will be no negative impacts on the habitat or its ecological functions.

(iii) Where development is proposed on a site deemed to be a deer wintering area, new lots must have a minimum lot frontage and depth of 90 metres. Where new lots are proposed in an area where there is a narrow conifer fringe on a shoreline that provides critical deer habitat, the minimum frontage shall be 120 metres and minimum depth 90 metres. Lesser lot sizes may be considered pending an evaluation prepared by a qualified specialist indicating that winder deer habitat does not exist.

(iv) Planning Act applications that meet the tests for Minor Variance are not required to do a winter deer habitat assessment as part of a Minor Variance application.

(v) All Planning Act applications for consents to sever up to two lots for single detached dwellings, lot additions or separation of merged lots are not required to also do a winter deer habitat assessment.

(c) **Significant Habitat of Endangered and Threatened Species and Significant Wildlife Habitat**

Council recognizes the importance and value of both the significant habitat of endangered and threatened species and significant wildlife habitat in Armour Township and supports their protection.

(i) Development and site alteration shall not be permitted in habitat of endangered and threatened species, except in accordance with provincial and federal requirements.

(ii) A range of significant wildlife habitats (in addition to deer wintering habitat) may occur in Armour Township, as described in the MNRF Significant Wildlife Habitat Technical Guide. New development and site alteration shall only be permitted within the significant wildlife habitat or adjacent lands (generally within 120 metres) to the significant wildlife habitat if it has been

demonstrated through a site-specific assessment (i.e.Environmental Impact Study) that there will be no negative impacts on the natural features or their ecological functions.

(iii) While a small number of locations of significant habitat of endangered and threatened species and significant wildlife habitat are known, the majority can only be identified through site assessment. Accordingly, before new site-specific planning approvals are granted for larger scale development (e.g. subdivisions/condominiums, major industrial or commercial developments), Council will generally require that an appropriate level of site assessment be carried out by a qualified professional before new planning approvals are granted. This will ensure that such significant habitats, if present, are identified. In the case of habitat of endangered species and threatened species, development and site alteration shall not be permitted, except in accordance with provincial and federal requirements.

(d) **Significant Fish Habitat**

(i) It is the intent of the Plan to promote the wise management and sustainable use of fisheries so as to provide recreational and economic benefit to Armour Township and the Province of Ontario, consistent with the maintenance of healthy aquatic ecosystems and the no net loss policy of the Canada Fisheries Act.

(ii) In considering new development or redevelopment adjacent to a body of water, Council shall consider the following:

- Developments shall generally not be permitted where they would be entirely adjacent to Type 1 or unknown fish habitat areas mapped by the Ministry of Natural Resources, unless a fish habitat assessment has determined that there are adequate areas not of Type 1 habitat where docking and other shoreline facilities can be located; and

- Methods by which negative impacts on the habitat can be minimized or eliminated; and

- The need to provide or maintain public access.

(iii) Prior to making a final decision on new development proposals referred to above, Council may require additional studies, special

engineering works or design controls to ensure that the resulting development does not adversely affect the ability of the natural habitat to sustain healthy fish populations.

(iv) Notwithstanding applicable flood-proofing elevations, all new waterfront structures except docks, uninhabited boat houses or those intended for flood or erosion control shall be set back as follows with such setbacks measured horizontally from the water's edge;

- 30 metres from coldwater lakes and streams;
- 15 metres from warmwater/coolwater lakes and streams; and
- 30 metres from Type 1 fish habitat.

(e) **Forest Resources**

It is the intent of this Plan to maintain a commercial forest base so as to provide a continuing contribution to the economy of Armour Township and the Province of Ontario by forest based industries. Forest management will be encouraged on both public and private lands and will be in accordance with harvest techniques and management techniques recommended by the Ministry of Natural Resources & Forestry.

(f) **Wetlands**

Wetland areas are a significant environmental resource, which contribute to the ecological, social and economic well being of the Township of Armour. It is the intent of this Plan to protect wetland areas within the Township from incompatible land uses. There are no known provincially significant wetland areas in the municipality. If one is identified, no development or site alteration will be permitted in it or adjacent to it. Lands adjacent to a provincially significant wetland are defined as within 120 metres until further evaluation proves another distance more appropriate.

(g) **Wildland Fire Hazard Areas**

MNRF has provided Appendix "A" preliminary mapping of potential wildland fire hazard areas in Armour Township. This generalized MNRF mapping does not confirm or exclude the presence of hazardous forest

types but may be used as a starting point for the completion of an Armour Township wildland fire assessment plan.

In the interim, before a wildland fire assessment plan has been prepared, the following guidelines are suitable for use in guiding applications for new development in or near potentially dangerous areas of Armour Township identified on Appendix "A" as follows:

(i) If it is found that the wildland fire risk potential is high to extreme, the MNRF recommends undertaking the two-step process (levels 1 and 2) for assessing the required mitigation efforts, as described in the Wildland Fire Risk Assessment and Mitigation Reference Manual, 2017.

into a development agreement to ensure the provision of proposed facilities, works or matters.

(e) Hydrogeology, storm water drainage, grading, servicing and other technical analyses shall be required by Council when considering development applications for mobile home parks.

3.9 PUBLIC USES

Uses such as public parks and similar recreational facilities, and the installation of facilities essential to the operation of a public utility, with the exception of landfill and/or waste disposal sites, shall be permitted within the Rural and Waterfront Communities of this Plan, provided that such uses will be compatible with surrounding uses.

3.10 ACCESS TO PUBLIC ROADS

All uses should have safe and adequate vehicular access from a permanently maintained public road at a standard appropriate to that use. New development should only be permitted fronting onto an open public roadway or with access to such a roadway in the case of condominium developments. The roadway must be able to accommodate any increased traffic that may result from the proposed development.

The Township is responsible for providing a wide range of infrastructure and public service facilities and has established the 2017 Asset Management Plan in order to understand capital investments and long-term lifecycle costs of infrastructure provided by the municipality. Decisions related to the prioritization of investment in infrastructure will consider factors such as timing, capital budget, infrastructure risks and vulnerabilities including those caused by climate change, and consideration of the long term operational costs in the context of levels of service required.

New development on private roads is not permitted in Armour Township with the exception of internal roads in common element plans of condominium where the internal road is owned by the condominium corporation and the road is built to the fire access route specifications set out in the Ontario Building Code.

3.11 HOME OCCUPATIONS

Home occupations are permitted in the Rural and Waterfront Communities. A wide range of activities may be permitted, provided that the use is accessory and incidental to

agreement, as new archaeological sites are identified and entered into the Ontario Archaeological Sites Database.

Council shall ensure archaeological assessment by a licensed consultant archaeologist when a known or suspected cemetery or burial site is affected by development. Provisions under both the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act shall apply.

(d) Council may use the **Ontario Heritage Act** to conserve and protect significant cultural heritage resources through the designation, by by-law, of individual properties, conservation districts, and landscapes, and archaeological sites, and to establish a Municipal Heritage Committee, if desired.

(e) When an identified human cemetery or a marked or unmarked human burial is affected by development, Council shall ensure that an archaeological assessment is carried out and that the Ministry of Culture and the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services are notified. The provisions under the **Ontario Heritage Act** and **Cemeteries Act** shall apply.

(f) Council will require a heritage impact assessment or heritage conservation plan to be conducted by a qualified professional whenever a development has the potential to affect a protected heritage property / cultural heritage resource.

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

(g) Council shall consider the interests of Indigenous communities in conserving cultural heritage and archaeological resources. If where, through development, a site is identified as containing new archaeological features related to Indigenous heritage, the Township will contact potentially interested Indigenous communities for purposes of sharing information about the discovery.

4.4 ENERGY CONSERVATION AND CLIMATE CHANGE

4.4.1 INTRODUCTION

It is the intent of this Plan to promote energy conservation in all areas of the Township of Armour. Accordingly, development which minimizes energy consumption and emphasizes the use of renewable energy sources will be encouraged to the extent practicable and feasible.

This Plan recognizes the need for climate change mitigation and adaptation, which is of particular importance in the north. Average temperatures are rising more quickly in the north than in the rest of Ontario. It threatens the region's biodiversity, increases the risk of storms and wildland fires and shortens the recreation season for businesses who depend on safe ice and deep snow cover.

4.4.2 POLICIES

To promote energy efficiency in the growth and management of the Township, Council will endeavour to achieve the following:

(i) Reduce energy consumption and dependency on non-renewable energy sources, particularly in all Township-owned and operated facilities and equipment;

(ii) Encourage the use of wind energy, solar panels and the production of crops for biodiesel and ethanol fuels;

(iii) Co-operate with the appropriate public and private agencies to inform the public of recycling plans and fossil fuel alternatives;

(iv) Require, where practicable, the use of topography and landscaping in the design of residential, commercial and industrial developments and the siting of buildings for proper sun and wind orientation.

In reviewing new development applications under the Planning Act, climate change mitigation shall be considered through:

(i) Designing to reduce greenhouse emissions;

(ii) Designing to improve air quality;

(iii) Designing for compact development; and

(iv) Designing for energy conservation including renewable energy systems.

4.5 BUFFERING BETWEEN INCOMPATIBLE USES

Appropriate buffering shall be required between land uses which are incompatible. In considering buffering requirements Council shall ensure that such buffering is sufficient to minimize the land use conflict, and is appropriate to the particular conditions encountered. Reference shall be made to the Ministry of Environment Conservation & Parks D-Series Guidelines for Land Use Compatibility. Buffering may include appropriate combinations of the following:

(a) Vegetation in the form of landscaped strips, rows of trees and bushes, and grassed areas;

(b) Architectural screening such as perforated or solid walls, fences, trellis work or other appropriate structures;

(c) Extra distance separation;

(d) Prohibition of parking, loading and unloading, and outside storage adjacent to residential uses;

(e) Regulation of lighting and signs so that they are deflected away or shielded from adjacent residential uses; and

(f) Earth berms.

4.6 RURAL DESIGN PRINCIPLES

The natural environmental is the dominant landscape feature in the Rural Community area of Armour Township. It shall therefore be the policy of Council to ensure, wherever possible, that trees and other existing landscape amenities are preserved and enhanced. This shall be a major factor in the review of all development proposals.

The following design principles should be implemented for development in the Rural Community as is appropriate for the use proposed:

(a) Built form should not dominate the natural landscape and its visual impact should be minimized;

(b) Rock faces, vistas and panoramas should be preserved;

(c) Roads and driveways should, where possible, follow the contours of the land and fit into the landscape;

This is Exhibit “GG” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

BY-LAW NO. 23-2010

A BY-LAW TO AMEND BY-LAW NO. 27-95

THE ZONING BY-LAW

OF THE

TOWNSHIP OF ARMOUR

Consolidated July 9, 2025

This Consolidation has been prepared
for Township Office uses. Reference should
also be made to the original By-laws
in the Armour Township Offices.

ROBERT J. MILLER
Land Use Planning Services

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BY-LAW NO. 23-2010

A BY-LAW TO AMEND BY-LAW NO. 27-95 BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF ARMOUR

A By-law to prohibit the use of land and the erection, location or use of buildings or structures, except for certain purposes; to prohibit the erection of certain buildings or structures on marshy lands; to regulate the height, bulk, location, size, floor area, spacing, character and use of buildings or structures; to regulate the minimum frontage and depth of a parcel of land; to require loading and parking facilities for buildings or structures erected or used for certain purposes; and to establish the location of pits and quarries within defined areas of the Township of Armour.

WHEREAS THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR DEEMS IT DESIRABLE TO AMEND ITS SAID COMPREHENSIVE ZONING BY-LAW NO. 27-95 AS HEREINAFTER PROVIDED:

NOW THEREFORE THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR ENACTS AS FOLLOWS:

That By-law No. 27-95, as amended, is hereby further amended by repealing Sections 1-19 inclusive and map Schedule 'A' of the said By-law and replacing them with:

SECTION 1: TITLE

This By-law, as amended, may be cited as "The Zoning By-law of the Township of Armour".

SECTION 2: DEFINITIONS

2.1 **"Abandoned"** means the failure, in the opinion of the Chief Building Official, to proceed expeditiously with construction work or to undertake construction work during any continuous 12-month period.

2.2 This Section is intentionally deleted. (57/2024)

2.3 **"Accessory Building or Structure"** means

(a) a detached building or structure that is not used for human habitation, but the use of which is naturally and normally incidental to, subordinate to or exclusively devoted to a principal use or building and located on the same lot therewith, and

(b) includes a detached private garage, detached carport, boathouse or detached deck.

2.4 **"Accessory Use"** means a use naturally and normally incidental to, subordinate to or exclusively devoted to a principal use and located on the same lot therewith.

2.5 **"Adult Entertainment Parlour"** means any building or structure, or part thereof, in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations which includes:-

(a) services of which a principal feature or characteristic is the nudity or partial nudity of any person; and

(b) services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

2.6 **"Aerodrome"** means any lot, building or structure, used or designed, equipped or set apart, in whole or in part, for the arrival and departure, movement and servicing of aircraft.

2.7 **"Affordable Housing"** means housing which would have a market price or rent that would be affordable to households of low and moderate income. Affordable housing could also include any government assisted housing recognized, from time to time, as Affordable Housing by the Minister of Housing.

2.8 **"Aggregate"** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, and rock, other than metallic ores.

2.9 **"Agricultural Use"** means

(a) a use of land, building or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, poultry-keeping or any other farming use, and

(b) includes the growing, raising, packing, treating, storing and sale of produce produced on the premises and other similar uses customarily carried on in the

field of general agriculture and which are not obnoxious.

2.10 **"Agricultural Services"** means the use of land, structure or building for the purposes of buying and selling commodities and services that are necessary to support agricultural operations, including a livestock sales barn, but does not include any manufacturing, assembling, processing, warehousing or construction uses.

2.11 **"Alter"** means

(a) when used in reference to a building or structure or part thereof, to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof;

(b) when used in reference to a lot to change the lot area, lot frontage or lot depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or a lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise; or

(c) when used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.

2.12 **"Animal Hospital"** means the premises of a veterinary surgeon where animals, birds or other livestock are treated or kept.

2.13 **"Arcade"** means any establishment or part or parts of an establishment containing 3 or more pinball or other mechanical game machines or electronic game machines operated for gain, including where the operation of such game machines for gain is an accessory use or is not the primary use of the establishment.

2.14 **"Arena"** means a facility for sport activities and includes ice surfaces for hockey and curling and other surfaces for any sporting activity.

2.15 **"Assembly Hall"** means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious or social purposes and shall include a banquet hall or private club.

2.16 **"Attached"** means affixed or fastened to.

2.17 **"Attic"** means the space between the ceiling of the top storey and the roof or between a dwarf wall and a sloping roof.

2.18 **"Automobile Service Station"** means

(a) a building or place,

(i) where gasoline or other motor fuels are kept for sale and for delivery directly into a motor vehicle; and

(ii) used only for the sale and delivery described in clause (i) of this sub-paragraph and for the performance of minor running repairs essential to the actual operation of motor vehicles and for the sale to the motoring public of goods usual to the trade.

2.19 **"Automotive Use"** means an automobile service station, a gasoline retail outlet, a vehicle repair shop, a body shop or a vehicle sales or rental establishment as defined herein.

2.20 **"Bake Shop"** means a bakery where the prepared food products of such bakery are offered for retail sale on the same premises and includes a restaurant.

2.21 **"Bank"** means a banking institution as defined in The Bank Act.

2.22 **"Bachelor Unit"** means

(a) a dwelling unit in which only one room or part thereof contains sleeping accommodation, and which room is used as a living or dining room, or both, as well as for sleeping purposes, but

(b) does not mean or include a dwelling unit containing one or more rooms designed exclusively for sleeping accommodation.

2.23 **"Basement"** means

(a) that portion of a building or structure within which 50% or more of the interior wall height from finished floor to finished ceiling is below the average finished grade level adjacent to one or more of the exterior walls of the building or structure, but

(b) does not mean or include a storey or part of a storey.

2.24 **"Bed and Breakfast Business"** means

(a) a dwelling in which not more than four (4) habitable rooms for overnight lodging are provided for gain, with breakfast included, to persons other than the lessee, tenant or owner of said dwelling, or any member of his household, but

(b) does not include a hotel, motel, motor hotel, resort, trailer camp, seasonal camp or camping establishment.

2.25 **"Boat House - Private"** means a detached accessory building or structure which is designed or used for the sheltering of a boat or other form of water transportation and storage of household equipment incidental to the residential occupancy.

2.26 **"Body Shop"** means an establishment engaged in the repairing and/or painting of vehicle bodies.

2.27 **"Building"** means any structure consisting of walls and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, and includes any structure defined as a building in The Building Code Act, excluding a sewage system and plumbing not located in a building or structure, but does not include any vehicle as defined herein.

2.28 **"Building Area"** means the greatest horizontal area of a storey above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.

2.29 **"Building By-law"** means any by-law of the Corporation passed pursuant to The Building Code Act.

2.30 **"Building Permit"** means a permit required by The Building Code Act.

2.31 **"Business or Professional Office"** means a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatments.

2.32 **"By-law Enforcement Officer"** means a person appointed by Council and charged with the duty of enforcing the provisions of the Zoning By-law and any amendments thereto.

2.33 **"Cabin"** means a 'cottage' as defined in this By-law.

2.34 **"Camping Establishment"** means a place where people are temporarily accommodated in tents, motor coach, trailer or truck camper, whether or not washing and toilet facilities are provided in permanent buildings, and shall include a day camp and a tourist trailer camp.

2.34(a) **"Cannabis"** means a cannabis plant, including the phytocannabinoids produce by or found in such a plant regardless of whether that part has been processed or not and any substance or mixture of substances that contains or has on it any part of such a plant and any substance that is identical to a phytocannabinoid produced by or found in such a plant regardless of how the substance was obtained. Marijuana shall have the same definition. (32/2018)

2.35 **"Cemetery"** means a cemetery or columbarium within the meaning of the Cemetery Act, as amended from time to time.

2.36 **"Chief Building Official"** means the Chief Building Official appointed by Council and charged with the duty of enforcing the provisions of The Building Code Act, or any successors thereto, together with any Regulations made thereunder.

2.37 **"Church"** means a building set aside by any religious organization for public worship and may include a church hall, auditorium, Sunday School, convent or parish hall. (See also Religious Retreat)

2.38 **"Clinic"** means a building or part thereof used by qualified medical practitioners, dentists, osteopaths, or other drugless practitioners, numbering more than two for public or private medical, surgical, physiotherapeutic or other human health purpose except when included within or accessory to a private or public hospital.

2.39 **"Club"** means

(a) a building or part of a building used as a meeting place for members of an organization, and

(b) includes a lodge, a fraternity or sorority house and a labour union hall.

2.40 **"Commercial"** means the use of land, building or structure for the purpose of buying and selling commodities, and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

2.41 **"Commercial Club"** means any club other than a private club.

2.42 **"Committee of Adjustment"** means the Committee of Adjustment of the Township of Armour in accordance with the provisions of Sections 44 and 45 of The Planning Act.

2.43 **"Corporation"** means the Municipal Corporation of the Township of Armour.

2.44 **"Community Centre"** means a building used for community activities and not used for commercial purposes.

2.45 **"Condominium"** means a building or structure wherein the owner holds title to his/her own dwelling unit while sharing title to the land and other common areas of the development and sharing maintenance/operating costs with other dwelling unit owners through a condominium corporation.

2.46 **"Co-operative"** means a Corporation which owns real property and whose

shareholders hold proprietary leases on portions of the real property and who share the maintenance/operating costs of the real property with each having the right to use all areas of the real property owned by the Corporation that is not specifically allocated to other shareholders by their own proprietary leases.

2.47 **"Cottage"** means a detached building used as an occasional and seasonal residential dwelling for recreation, rest or relaxation by one household, but not occupied continuously or as a principal residence or as a year-round permanent dwelling. This definition does not include a trailer, park model trailer or a mobile home. (28/2017)

2.48 **"Council"** means the Municipal Council of the Municipal Corporation of the Township of Armour.

2.49 **"Convenience Store"** means a retail store serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers.

2.50 **"Coverage" - see "Lot Coverage"**

2.51 **"Daylighting Triangle"** means an area free of buildings or structures and which area is to be determined by measuring, from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the "daylighting triangle".

2.51.1 **"Deer Wintering Area"** means lands designated "DW" on Schedule "B" Environmental Constraint Areas to the Armour Township Official Plan which indicate locales characterized by mature conifer cover, in which deer annually congregate during the winter, because of the availability of natural food and shelter from severe winter weather.

2.52 **"Detached"** means "not attached".

2.53 **"Development"** means the construction or erection of buildings or structures on, or the excavation of land.

2.54 **"Driveway"** means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.

2.55 **"District"** means the District of Parry Sound.

2.55.1 **“Dock, residential”** means a structure without a roof or walls, attached to a shoreline and/or the bed of a lake or waterbody on a permanent or seasonal basis, which projects

into a waterbody with a finished surface above the level of the water, and which is primarily used for the mooring/dockage of watercraft and to provide access from water to land and vice-versa. The maximum area of a dock as defined herein shall not include any ramp or walkway of 2 metres or less in width designed to secure a dock to land and provide a means of access between the land and the dock. (12/2023)

2.56 **"Dwelling"** means a separate building or factory built home containing one or more residential units.

2.57 **"Dwelling, converted"** means a dwelling altered to contain a greater number of dwelling units. (28/2017)

2.58 This Section is intentionally deleted. (57/2024)

2.58 **"Dwelling, Factory Built Home"** means a single detached dwelling designed and built to CSA A277 Standard to be transported to an existing lot and which shall:

(a) Comprise a minimum of one or more separately towable components, joined on the subject lot; and

(b) Be designed for long term year-round occupancy; and

(c) May contain parts that can be folded, collapsed, or telescoped when being towed, to be expanded later providing additional floor space; and

(d) Be located on a permanent foundation and contain facilities for cooking, eating, living, sleeping and sanitation; and

(e) Not comprise a mobile home, park model trailer, travel trailer, tent trailer or trailer otherwise designed; and

(f) For the purposes of this definition, shall not be a factory built structure under CSA Z240 (mobile homes) or CSA Z241 Standards (park model trailers), or a combination of either of these with the CSA A277 Standard (factory built dwellings) – these combinations are not permitted. (28/2017)

2.58.1 **"Dwelling, Land Lease Community Home"** means a dwelling within the meaning of Section 46 of the *Planning Act*, so designed for permanent occupancy, year-round use, and modular-built or site assembled to meet the requirements of the *Ontario Building Code* or pre-manufactured and certified to meet CSA A277, the Standard for factory built dwellings, but does not include a mobile home. (12-2025)

2.59 **"Dwelling, single detached"** means a separate building or factory built home containing one primary residential unit and may also contain additional residential units where the lot is of sufficient area to accommodate an expanded or additional leaching field if required by the Conservation Authority. (22-2013) (28/2017) (57/2024)

2.60 **"Dwelling, semi-detached"** means a separate building or factory built structure zoned to be divided into two primary residential units which may each contain additional residential units where the lot is of sufficient area to accommodate an expanded or additional leaching field if required by the Conservation Authority. (22-2013) (57/2024)

2.61 **"Dwelling, split level"** means a dwelling containing three (3) or more sections at different levels where the difference in elevation is not less than one metre (3 feet nor more than two metres (6 feet) between any such section and the next horizontally adjoining section, and two (2) or more of such sections are to contain one or more habitable rooms. (57/2024)

2.61.1 **"Dwelling, townhouse"** means a separate building or factory built structure zoned to be divided into three or more primary residential units which may each contain additional residential units where the lot is of sufficient area to accommodate an expanded or additional leaching field if required by the Conservation Authority. (22-2013) (57/2024)

2.62 **"Residential Unit"** means

(a) One room or a group of rooms in a building used or designed or intended to be used by only one household as a single, independent and separate housekeeping establishment,

(i) in which food preparation and sanitary facilities are provided for the exclusive use of such household, and

(ii) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but

(iii) does not mean or include a tent, trailer, or a room or suite of rooms in a hotel, motel, motor hotel or bed and breakfast business. (57/2024)

2.62.1 **"Additional Residential Unit (ARU)"** means a self-contained residential unit, with its own cooking facilities, sanitary facilities and sleeping area, that either forms part of the same dwelling as the primary residential unit, or is located within an ancillary building on the same lot as the primary residential unit where the lot is of sufficient area to accommodate an expanded or additional leaching field if required by the Conservation Authority. (57/2024)

2.63 **"Eating Establishment"** - see "Restaurant"

2.64 **"Erect"** means

(a) with reference to a building or structure, build, construct, reconstruct, or enlarge, and

(b) includes,

(i) any physical operation such as excavating, filling, grading or draining preparatory to building, construction, reconstruction, and

(ii) the moving of a building or structure from one location to another.

2.65 **"Erected" and "Erection"** have a corresponding meaning.

2.66 **"Existing"** means existing on the date of the passing of this By-law.

2.67 **"Factory Outlet Retail Store"** means a building or part thereof accessory to a non-effluent producing industry, a warehouse or a service industry, wherein products manufactured, produced, processed or stored on the premises are kept or displayed for wholesale or retail sale, or wherein orders are taken for delivery of such products.

2.68 **"Farm"** means a lot, with or without accessory buildings or structures, which is used for:

(a) the tillage of soil;

(b) the growing of vegetables, fruits, grains or flowers including, but not necessarily limited to lettuce, carrots, tomatoes, mushrooms, beans, melons, potatoes and corn;

(c) maple sugar operations; (34-2020)

(d) the raising of livestock including, but not so as to limit the generality of the foregoing, cattle, swine, sheep, goats, poultry, horses, ponies, donkeys, mules, mink, ducks, rabbits and wild game;

(e) dairying, bee-keeping; or

(f) bio-diesel refining.

2.69 **"Farm Supply Store - Retail"** means a building or part thereof in which goods, wares, merchandise, substances, articles or things including feed and seed are offered or kept for sale by retail directly to the surrounding rural community.

2.70 **"Finished Grade"** means

(a) when used in reference to a building, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two or more such walls, the exterior wall having the

lowest average elevation; or

(b) when used in reference to any other structure the average elevation of the finished surface of the ground at the base of such structure;

exclusively of any artificial embankment at the base of such building or structure.

2.71 Intentionally removed.

2.72 **"Flood Plain"** means an area which includes the beds of all navigable waterways, all Crown lakebeds and lands seasonally inundated by water to the furthest landward limit of the high water mark or the regulatory flood elevation (whichever is the greater) as measured by an Ontario Land Surveyor. (12/2023) (see also Section 2.198.1)

2.73 **"Floodproofing"** means a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures or properties subject to flooding so as to reduce or eliminate flood damages. The word "floodproofed" has a corresponding meaning.

2.74 This Section is intentionally deleted.

2.75 **"Floor Area"** means, with reference to a building, the total habitable floor area within a building which area is measured between the exterior faces of the exterior walls or from the centre line of a common or party wall, but excluding any private garage, breezeway, porch, verandah, balcony, sun room, attic or basement.

2.76 **"Floor Area, ground"** means the floor area of the lowest storey of a building approximately at or just above the finished grade level excluding any basement, which area is measured between the exterior faces of the exterior walls at the floor level of such storey, but

(a) excludes car parking areas within the building, and

(b) for the purpose of this paragraph, the walls of an inner court are and shall be deemed to be exterior walls.

2.77 **"Forestry"** means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection and production of water supplies, and preservation of the recreation resource.

2.78 **"Fuel Depot"** means a lot where bulk storage of fuel, including petroleum products and propane takes place, and where wholesaling and retailing of these products may be carried on.

2.79 **"Garage, private"** means a building or part thereof used for the temporary parking or storage of private passenger motor vehicles or commercial vehicles of less than one ton maximum capacity and wherein neither servicing nor repairing is carried on for remuneration.

2.80 **"Garage, public"** means

(a) a building or place where motor vehicles are kept or stored for remuneration or repair, or a building or place used as a motor vehicle shop, but

(b) does not include an automatic car washing establishment, a motor vehicle sales lot or an automobile service station.

2.80.1 **"Garden Suite"** means a temporary single detached dwelling containing bathroom and kitchen facilities that is accessory to an existing single detached dwelling and that is designed to be portable.

2.80.2 **"Gazebo"** means a freestanding roofed accessory structure used for relaxation only, which is not enclosed except for screening or glass and which may also include an unenclosed deck surround.

2.81 **"Golf Course"** means a public or private area operated for the purpose of playing golf and does not include driving ranges.

2.81.1 **"Golf Driving Range"** means a public or private area for the purpose of practising golf driving techniques and is equipped with distance markers, lighting, safety nets, parking areas, golf equipment rental facilities and washrooms, but does not include a golf course.

2.82 **"Grade" see "Finished Grade"**

2.83 **"Greenhouse, commercial"** means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same lot containing such greenhouses, but are sold directly from such lot at wholesale or retail.

2.84 **"Guest Sleeping Cabin"** means a separate building of not more than 23 square metres (250 square feet) in floor area and not more than 4.5 metres (15 feet) in height which contains no kitchen but may contain a bathroom or sink but which is not to be used for year-round human habitation.

2.84.1 "**Rural Guest Sleeping Cabin**" means a separate building to be used on a seasonal basis, of not less than 18.6 square metres (200 sq. ft.) in floor area containing a dwelling unit (see Definition 2.62) located on an area of land that would meet the requirements for a provisional consent with a companion retained parcel, both in compliance with all applicable policies of the Armour Township Official Plan. (12-2025)

2.85 **"Greenhouse, Farm"** means a building for the growing of plants, shrubs, trees and similar vegetation which are primarily transplanted outdoors on the same lot containing such greenhouse.

2.86 **"Group Home"** means a single housekeeping unit in a residential dwelling in which three to ten residents (excluding staff or receiving household) live under responsible supervision consistent with the requirements of its residents. The home shall be licensed or approved under Provincial statute.

2.87 **"Habitable Room"** means a room which:

(a) is located within a dwelling unit;

(b) is designed for living, sleeping or eating, or contains sanitary or food preparation facilities; and

(c) can be used at all times throughout the year;
but does not include any room specifically defined herein as a non-habitable room.

2.88 **"Non-Habitable Room"** means any room in a dwelling other than a habitable room including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a communicating corridor, a stairway, a closet , a sunroom, a verandah, a porch, a balcony, a private garage, an unfinished attic, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.

2.89 **"Height"** (see illustration) means with reference to a building the vertical distance measured from the average finished grade level at the front elevation of such building to,

(a) in the case of a flat roof, the highest point of the roof surface, or the parapet, whichever is the greater, and

(b) in the case of a gable, hip or gambrel roof, the midpoint between the eaves and the main roof ridge, but in calculating the height of a building, any construction used as ornament or for the mechanical operation of the building such as a mechanical penthouse, or a chimney, tower, cupola or steeple is not to be included. (28/2024)

2.90 **"High Water Mark"** means the normal original water mark of any body of water as measured by an Ontario Land Surveyor unless such high water mark has been altered by the construction of a public dam or dams, in which case the measurement shall be from the high water mark as controlled by such dam or dams.

2.91 **"Home for the Aged"** means an institution to which The Homes for the Aged and Rest Homes Act applies, and any home for senior citizens sponsored and administered by any

public agency or any service organization either of which obtains its financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation or by any combination thereof, and such home shall include auxiliary uses such as club and lounge facilities usually associated with senior citizens' residential accommodation.

2.92 **"Home Industry"** means a service industry or a non-effluent producing industry conducted in whole or in part within a building accessory to a single detached dwelling located in the Rural Ru Zone.

2.93 **"Home Occupation"** means an occupation conducted for gain or profit as an accessory use within a dwelling or dwelling unit by one or more persons residing therein and includes a professional office.

2.94 **"Home Profession"** means a professional service conducted entirely within a dwelling or dwelling unit by one or more persons residing therein. This includes an office for an accountant, architect, auditor, planner, dentist, drugless practitioner, engineer, insurance agent, land surveyor, lawyer, medical practitioner, notary or real estate agency.

2.95 **"Hotel"** means any establishment so defined in The Hotel Registration of Guests Act, or any successors thereto, and includes a motel or motor hotel.

2.96 **"Household"** means one or more human beings living together as a single, independent and separate housekeeping unit in one dwelling unit and for the purpose of this paragraph, the word "household" includes and shall be deemed to include gratuitous guests and employees on the premises containing the said dwelling unit.

2.97 This Section is intentionally deleted. (63/2024)

2.98 **"Industrial Disposal"** means land licensed by the Ministry of the Environment, Conservation & Parks, Conservation & Parks for the disposal of waste and includes wrecking yards and landfill sites.

2.99 **"Institutional"** means

(a) the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and

(b) includes churches, places of worship, non-profit community institutions, public or private schools, homes for the aged, retirement homes and nursery schools.

2.100 **"Kennel"** means a structure or building or any part thereof in which domesticated animals are raised or kept for profit, gain or show.

2.101 **"Landfill Site"** means land licensed by the Ministry of the Environment, Conservation & Parks for the disposal of solid or liquid waste.

2.102 **"Landscaped Open Space"** means

(a) an area not built upon and not used for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees and similar types of vegetation and paths, walks, patios, fences and similar appurtenances, but

(b) does not include parking areas, parking lots, driveways, or ramps.

2.103 **"Lane"** means any passageway or right-of-way shown on a registered plan other than a street.

2.104 **"Lease-back Retirement Co-operative" - see "Co-operative"**

2.104(a) **"Light Industrial"** means the use of land, buildings or structures primarily for processing and assembling of goods or raw materials and the repair and servicing of goods including light industrial malls and transportation terminals. (27/2016)

2.104(b) **"Light Industrial Mall"** means a building or group of buildings which are planned, developed, managed and operated such that each building contains two or more units or spaces for lease or occupancy by light industrial uses. (27/2016)

2.104(c) **"Livestock Facilities"** as defined by Minimum Distance Separation (MDS) Document 853, means all livestock barns and manure storages on a lot, including altered livestock facilities plus all unoccupied livestock barns and unused manure storages on a lot. Manure storages, as defined by MDS Document 853, means permanent storages which are structurally sound and reasonably capable of storing manure and which typically contain liquid manure (<18% dry matter) or solid manure (≥18% dry matter), and may exist in a variety of:

- locations - under, within, nearby, or remote from a livestock barn;
- materials - concrete, earthen, metal, wood or composite;
- coverings - open top, roof, tarp, or other materials;
- configurations - rectangular, circular, etc.; and
- elevations - above, below or partially above-grade. (34/2017)

2.104(d) **"Livestock Facilities - Altered"** as defined by MDS Document 853, means any building activity occurring on or within an existing livestock facility which creates a change in design capacity (as defined by MDS Document 853) requiring a permit issued under the Building Code Act 1992, including the alteration of earthen manure storages. (34/2017)

2.104(e) **"Licensed Cannabis Production Facility"** means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging and shipping of marijuana used for medical and non-medical purposes as approved and regulated by Health Canada.

(32/2018)

2.105 **"Loading Space"** means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle loading or unloading merchandise or materials pertinent to such permitted use.

2.106 **"Lodge"** means an establishment catering to the vacationing public by providing meals and sleeping accommodation with at least five guest rooms or cabins, but shall not include any establishment otherwise defined or classified herein.

2.107 **"Lot"** (see illustration) means the minimum area of land under one ownership, other than a street, which is used or intended to be used as the site of or appurtenant to one or more main buildings, structures or uses, together with any accessory buildings, structures or uses, regardless of whether or not such area of land constitutes a registered lot.

2.108 **"Corner Lot"** means a lot having two or more street lines intersecting at an angle of not more than 135°, provided that where the street lines of a lot are curbed, the angle of intersection of such street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, and the corner of the lot shall be deemed to be that point of intersection of the said tangents.

2.108(a) **"Flag Lot"** (see illustration) means a lot with two distinct parts:

(a) the flag, which is the only area to be used for the building envelope, and is located to the rear of the back lot line of another lot;

(b) the pole, which connects the flag to an open and maintained Township road, and provides the only lot frontage for a flag lot; and

(c) the pole and the flag together, which are to be registered as one lot only. (13/2024)

2.109 **"Interior Lot"** means any lot, other than a corner lot, which abuts and is accessible from an improved street.

2.110 **"Through Lot"** means any interior lot having two or more front lot lines.

2.111 **"Lot Area"** means the total horizontal area within the lot lines of a lot, but shall not include any area below the high water mark. (See also Section 2.90)

2.112 **"Lot Coverage"** means the percentage of the lot area of a lot covered by the perpendicular projections onto a horizontal plane of the floor areas of all buildings on the lot, excluding balconies, canopies and overhanging eaves which are 2 metres (6 feet) or more in height above finished grade.

2.113 **"Lot Depth"** means

(a) the shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;

(b) the average horizontal distance between the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or

(c) the horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line.

2.114 **"Lot Frontage"** means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 9 metres (30 feet) back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two (2) points where the side lot lines intersect the front lot line.

2.115 **"Lot Line"** means any boundary of a lot.

2.116 **"Front Lot line"** means: (see also Section 3.2[c])

(a) the lot line that divides the lot from the street, but
(b) in the case of a waterfront lot, the longest shoreline shall be deemed the front lot line.
(c) in the case of a corner lot the shorter street line shall be deemed to be the front lot line and the longer street line shall be deemed to be a side lot line, but
(d) in the case of a corner lot with two (2) street lines of equal length, the lot line that abuts the wider street, or Highway should be deemed to be the front line, and in the case of both streets being under the same jurisdiction, or of the same width, the owner of such corner lot may designate either street line as the front lot line.

2.117 **"Rear Lot Line"** means, in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line, except that where a lot has less than 4 lot lines there shall be deemed to be no rear lot line.

2.118 **"Side Lot Line"** means a lot line other than a front or rear lot line.

2.119 **"Exterior Side Lot Line"** means a side lot line that is also a street line.

2.120 **"Interior Side Lot line"** means a side lot line other than an exterior side lot line.

2.121 **"Lot, Registered"** means a parcel of land described in a deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of

subdivision.

2.122 **"Lot, Waterfront"** means a lot which abuts a shoreline and may or may not also abut a street or lane.

2.123 **"Marina"** means a public or private commercial establishment where a boat house, boat storage yard, boat repair facilities, boat rental, pier, dock, or jetty facilities, or any combination of the foregoing are available for all types of marine-pleasure craft and may include a gasoline pump for the filling of marine craft and a building or structure for the sale of marine craft, accessories and/or refreshments, only on a complementary incidental basis.

2.124 **"Main"** when used to describe a use, a building or a structure, means a use or structure which constitutes or a building in which is conducted a principal use of the lot on which such use, building or structure is located.

2.124(a) **"Medical Marijuana Facility"** means a premise approved and licenced in conformance with the Canadian **Cannabis Regulations** (SOR/2018-144). (32/2018)

2.125 **"Mobile Home"** means any dwelling or vehicle, within the meaning of Section 46 of The Planning Act, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such dwelling or vehicle is jacked up or that its running gear is removed, but not including any dwelling or vehicle unless it is used or intended for the living, sleeping, or eating accommodation of persons therein for permanent year-round use. This definition shall not include a trailer.

2.126 **"Mobile Home Park"** means a lot managed by a mobile home park operator, for the permanent placement of one or more mobile homes or factory built homes on individual mobile home sites, and may include a park, place of recreation, convenience retail store, dry cleaning distribution station, laundromat and personal service establishment. (28/2017)

2.127 **"Motel, or Motor Hotel"** means a building or buildings consisting of a number of individual rental units used for catering to the needs of the travelling public by furnishing sleeping accommodation with or without food.

2.128 **"Motor Home"** means a self-propelled recreational vehicle designed for living, sleeping and eating accommodation of persons.

2.129 **"Motor Vehicle Service Station"** means a building or structure where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, spark plugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged, or

where only minor mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed.

2.130 **"Motorized Snow Vehicle"** means a motorized snow vehicle within the meaning of The Motorized Snow Vehicle Act.

2.131 **"Municipal"** when used in reference to a lot, a building or a structure, means a lot, a building or a structure owned, occupied and used by the Corporation or any committee, department, board, commission or agency thereof.

2.132 **"Navigable Waterway"** means a navigable body of water or stream as deemed under the Beds of Navigable Waters Act, and includes any body of water which is capable in its natural state or at normal water level of being navigated by floating vessels for the purpose of transportation, recreation or commerce.

2.133 **"Non-Conforming"** means the use of any land, building or structure which does not conform to the provisions of this By-law for the zones in which such use is located as of the date of the passing of this By-law.

2.134 **"Non-Complying"** means a permitted use, building or structure lawfully existing at the date of the passing of this By-law which is a lawfully conforming use but does not comply with one or more of the particular zone requirements of the zone within which it is located. (36-2014)

2.135 **"Non-Effluent Producing Industry or Factory"** means an industry or factory that does not utilize process waters and which does not produce waste waters as part of the industrial process.

2.136 **"Non-Profit Community Institution"** means facilities provided by the municipality or by any other group or organization without profit or gain.

2.137 **"Nursing Home"** means any building maintained and operated where lodging, meals and nursing care are provided for two or more persons, licensed under the Nursing Homes Act.

2.138 **"Open Space"** means an unoccupied space open to the sky except such land as is used or required for parking purposes by this By-law.

2.139 **"Owner"** means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office.

2.140 **"Ownership"** has a corresponding meaning.

2.141 **"Park - Private"** means a recreational area other than a public park and including therein one or more of the following: swimming pools, wading pools, refreshment

rooms, camping areas, boating facilities, tennis courts, bowling greens, gardens, golf courses or similar open space.

2.142 **"Park - Public"** means a recreational area owned or controlled by the Corporation or by any Board, Commission or other authority established under any statute of the Province of Ontario.

2.143 **"Parking Area"** means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area,

(a) comprises all parking spaces of at least the minimum number required according to the provisions of this By-law and all driveways, aisles, maneuvering areas, entrances, exits and similar areas used for the purpose of gaining access to or egress from the said parking spaces, and

(b) is provided and maintained in accordance with all applicable provisions of this By-law.

2.144 **"Parking Space"** means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area,

(a) is provided for the temporary parking or storage of one motor vehicle other than for the purpose of offering commodities for sale or display,

(b) is adequate for the temporary parking or storage of one motor vehicle and may be located within a private garage, building, carport or covered area,

(c) is not less than 2.75 metres (9 feet) in width nor less than 6 metres (20 feet) in length, exclusive of any land used for access, maneuvering, driveway or a similar purpose, and

(d) has adequate access to permit ingress and egress of a motor vehicle from a street by means of driveways, aisles, maneuvering areas or similar areas, no part of which access is to be used for the temporary parking or storage of any motor vehicle.

2.145 **"Person"** includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the same can apply according to law.

2.146 **"Personal Service Establishment"** means a building or part thereof in which persons are employed in furnishing services and otherwise administering to individual and personal needs and may include the premises of a barber, hairdresser, beautician, and shoe repair establishment, but shall not include an adult entertainment parlour. The sale of merchandise shall be permitted only as an accessory use to the personal service provided.

2.147 **"Pit"** means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit.

2.148 **"Place of Entertainment or Recreation"** means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, dance hall or music hall, but does not include any place of entertainment or amusement otherwise defined or classified herein.

2.148.1 **"Portable Asphalt Plant"** means a facility used for a public road project which

(a) is equipped to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and

(b) is not of permanent construction, but is designed to be dismantled and moved to another location as required.

2.149 **"Private Club"** means a building or part of a building used as a meeting place for members of an organization not operated for profit or of an athletic, social or recreational club not operated for profit.

2.150 **"Professional Office"** means a building or part thereof in which a legal, medical or other professional service is performed or consultation given including, but not so as to limit the generality of the foregoing, the offices of a lawyer, an architect, a surveyor, an engineer or an accountant, but does not include a personal service establishment, a business office, a veterinarian's clinic, an animal hospital or shelter, a body-rub parlour or any adult entertainment parlour as defined in The Municipal Act.

2.151 **"Public"** when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public.

2.152 **"Public Agency"** means

(a) the Government of Canada, the Government of Ontario or any municipal corporation;

(b) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation;

(c) any public utility; or

(d) any railway company authorized under The Railway Act, as amended from time to time, or any successors thereto.

2.153 **"Public Utility"** means

(a) any agency, corporation, board or commission providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewerage or waste collection and disposal services to the public; or

(b) a use pertaining to any such agency, corporation, board or commission.

2.154 **"Quarry"** means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

2.155 **"Recreational Uses"** means

(a) the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, community centres, snow skiing and all similar uses, together with necessary and accessory buildings and structures, but

(b) does not include a track for the racing of animals, motor vehicles, snowmobiles, all terrain vehicles, or motor cycles.

2.156 **"Recreational Vehicle"** means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such as vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes or other similar vehicles.

2.157 **"Redevelopment"** means the creation of new residential units on land previously used for residential or non-residential purposes, where demolition of the previous structures is to take place, or has taken place.

2.158 **"Regulatory Flood"** means the approved standards used in a particular watershed to define the limit of the flood plain for regulatory purposes.

2.159 **"Religious Retreat"** means an area of land used for religious purposes and includes a place of worship, temporary sleeping accommodation and sanitary facilities. (see "Church")

2.160 **"Residential"** means the use of land, buildings or structures for human habitation.

2.161 **"Residential Intensification"** means the creation of new residential units or

accommodation in existing buildings or on previously developed, serviced land generally including creation of additional residential units; conversion of non-residential structures to residential use; infilling and redevelopment.

2.162 **"Resort"** means a tourist commercial use that operates throughout all or part of the year and that has facilities for serving meals and furnishing equipment, supplies or services to persons in connection with recreational purposes.

2.163 **"Resource Management Use"** means land used solely for the preservation and enhancement of the natural environment.

2.164 **"Restaurant"** means a building used for the purpose of serving food and/or refreshments including a licensed establishment, and may include take-out food facilities as an accessory use.

2.165 **"Retail Store"** means a building or part thereof in which goods, wares, merchandise substances, articles or things are offered or kept for sale by retail directly to the public.

2.166 **"Retirement Home"** means a building for the accommodation of senior citizens, within single or double rooms or suites which do not contain kitchens, and where central kitchen, dining and laundry facilities are provided for the residents, together with other communal facilities, under the supervision of resident and other staff, but which shall not include a Nursing Home, licensed under the Nursing Homes Act.

2.167 **"Salvage Yard"** means a lot, building, or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles and parts thereof.

2.168 **"School"** means a school under the jurisdiction of a Board as defined in The Education Act, a college, a university or any other education establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.

2.169 **"Public School"** means a school under the jurisdiction of a public agency.

2.170 **"Commercial School"** means a school operated by one or more persons for gain or profit.

2.171 **"Private School"** means a school, other than a public school or a commercial school, under the jurisdiction of a private board or trustees or governors, a religious organization or charitable institution.

2.172 **"Seasonal Camp"** means an establishment that is owned and operated by a not for profit corporation or institution for the boarding and lodging of children and may include

such recreational activities as boating, riding, archery, etc.

2.172.1 This Section is intentionally deleted. (22-2013) (57/2024)

2.173 **"Service Industries"** means, a bake shop, a public garage, including engine and body repair shop, a printing establishment, a paint shop, plumbing shop, sheet metal shop, welding shop, vehicle inspection station, boat repair and construction, small engine repair shop, woodworking shop and similar non-effluent producing uses.

2.174 **"Service Shop"** means

(a) a building or part thereof used for the sale or repair of household articles, and

(b) includes radio, television and appliance repair shops, but

(c) does not include industrial or manufacturing uses or motor vehicle repair shops.

2.175 **"Setback"** (see illustration) means the shortest horizontal distance measured at right angles from the centre line of the travelled street abutting the specified yard, to the nearest part of any building, or structure on an abutting lot.

2.176 **"Sewage Lagoon"** means a facility for the receiving and processing of sewage, including residential, commercial and industrial waste.

2.176.1 **"Shipping Container"** means an enclosed metal structure designed to facilitate the transportation of goods by several different means of transportation, and shall include intermodal shipping containers, transport truck trailers, and straight truck boxes, but does not include any vehicle as defined herein. (26/2017)

2.177 **"Shopping Centre"** means one or more buildings or part thereof containing two or more separate permitted commercial uses, which exceed 500 square metres (5,400 square feet) in floor area, which is maintained as a single unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act.

2.178 **"Shoreline"** means any lot line or portion thereof which abuts a navigable waterway.

2.179 **"Sign"** means

(a) a display board, screen, cloth or structure having characters, letters or illustrations applied thereto or displayed thereon in any manner, and

(b) includes:-

(i) a sign within a building that is visible from a street, and

(ii) the posting or painting of an advertisement or notice on any building or structure.

2.180 **"Storey"** means that portion of a building, other than an attic or basement, included between the surface of any floor and the surface of the floor, roof deck or deck ridge next above it.

2.181 **"Storey, one-half"** means that portion of a building situated wholly or in part within the roof and in which there is sufficient space to provide a height between finished floor and finished ceiling of between 1.5 metres (5 feet) and 2 metres (6 feet) over a floor area which is not less than one-third (1/3) nor more than two-thirds (2/3) of the floor area of the storey next below.

2.182 **"Street"** means a public highway or public road under the jurisdiction of either the Corporation or the Province of Ontario, and includes any highway as defined in The Municipal Act, but does not include a lane or private right-of-way.

2.183 **"Street Allowance"** means land held under public ownership for the purpose of providing a street.

2.184 **"Street Line"** means a lot line dividing a lot from a street and is the limit of the street allowance.

2.185 **"Street Width"** means the horizontal distance between the street lines of a street, measured along a line perpendicular to the said street lines.

2.186 **"Structure"** means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, including mobile homes, trailers and park model trailers as per Section 34(4) of the Planning Act but does not include the permanent way of a railway, or any paved surface located directly on the ground. (27/2017)

2.187 **"Subdivision, Plan of"** means a plan approved under Section 51 of the Planning Act and registered at the Parry Sound Land Registry Office under the Registry Act or the Land Titles Act, as the case may be.

2.188 **"Swimming Pool"** means any body of water permanently located outdoors, contained by artificial means and used and maintained for the purpose of swimming, wading, diving or bathing.

2.189 **"Temporary"** means a use that is authorized under Section 39 of the Planning Act.

2.190 **"Tourist Commercial Use"** means the use of land, building, or structure for the purpose of buying and selling of commodities, supplying of services for the travelling or vacationing public, including a camping establishment, temporary rental accommodation and a marina.

2.191 **"Trailer"** means any vehicle, excluding a mobile home, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicles unless it is used or intended for the living, sleeping or eating accommodation of persons therein; and shall be deemed to include a tent; and shall not be occupied continuously or as a principal residence. (27/2017)

2.191.1 **"Trailer, Park Model"** means a manufactured building under the Ontario Building Code O. Reg. 332/12 Section 9.38 "Park Model Trailers" which has been designed and constructed in conformance with the standards of CSA-Z241 "Park Model Trailers", and which is used as a recreational vehicle or building that meets the following criteria:

(a) Built on a single chassis mounted on wheels; and

(b) Designed to facilitate relocation from time to time; and

(c) Designed as living quarters for seasonal camping which may be connected to utilities necessary for the operation of installed fixtures and appliances; and

(d) Built with a gross floor area, including lofts, not exceeding 50 square meters (538 sq. ft.) when in the set-up mode; and

(e) Built with a width greater than 2.6 meters (8.5 feet) in the transit mode. (27/2017)

2.192 **"Trailer Camp, Commercial"** means any land in or upon which any trailer or tent is used or intended to be used for human occupation on a temporary or seasonal basis and shall not include mobile homes. (27/2017)

2.193 **"Use"** means the purpose of which any land, building, structure or premises or part thereof,

(a) is arranged, designed or intended to be used, or

(b) is or may be occupied or maintained and the word "used" has a corresponding meaning.

2.194 **"Vehicle Repair Shop"** means an establishment or part thereof which contains facilities for the repair and maintenance of vehicles and/or recreational vehicles on the premises, and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed in return for remuneration, but does not include a body shop or

any establishment engaged in the retail sale of vehicle fuels.

2.195 **"Veterinarian's Clinic"** means a building or part thereof with or without related structures wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

2.196 **"Warehouse"** means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or distribution of goods, wares, merchandise, foodstuff, substances, articles or things, and includes the premises of a warehouseman, but does not include a fuel depot.

2.197 **"Watercourse"** means the natural channel for a stream of water and for the purpose of this by-law, includes any watercourse as shown on Schedule 'A' of this by-law.

2.198 **"Waterfront"** means the common boundary of a waterbody or watercourse with an area of land.

2.198.1 **"Waterbody, narrow"** means an area which includes the beds of all navigable waterways and in the instance of a lake, it is where the distance from shore to shore is 150 metres or less, and in the instance of a river or stream, it is where the general distance from bank to bank is less than 30 metres. (12/2023)

2.199 **"Wayside Pit" or "Wayside Quarry"** means a temporary pit or quarry including a portable asphalt plant opened with the approval of Council and used solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

2.199.1 **"Woodland Retreat"** means a building used for seasonal or temporary accommodation for recreational activities such as hunting or fishing in remote locations where municipal or community services are usually not available. A woodland retreat does not include a dwelling or commercial use and is sometimes referred to as a hunt camp. (63/2024)

2.200 **"Workshop"** means that portion of a building or structure used for the servicing and/or repairing of goods and/or merchandise of a type which is sold from the premises of which the workshop is a part.

2.201 **"Wrecking Yard"** means an area of land licensed by the Ministry of the Environment, Conservation & Parks for the storage and processing of wrecked automobiles.

2.202 **"Yard"** (see illustration) means

(a) an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as may be expressly permitted in this By-law, and in determining yard measurements, the minimum horizontal distance from the

respective lot lines is to be used, but

(b) does not include a court yard.

2.203 **"Yard, Front"** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.

2.204 **"Yard, Minimum Front"** means the minimum depth of a front yard on a lot between the front lot line and the nearest wall of any building or structure on the lot.

2.205 **"Yard, Minimum Rear"** means the minimum depth of a rear yard on a lot between the rear lot line and the nearest wall of any main building or structure on the lot.

2.206 **"Yard, Minimum Side"** means the minimum width of a side yard on a lot between a side lot line and the nearest wall of any building or structure on the lot.

2.207 **"Yard, Rear"** means a yard extending across the full width of a lot between the rear lot line and the nearest wall of any main building or structure on the lot.

2.208 **"Yard, Side"** means a yard extending from the front yard to the rear yard of a lot, and between a side lot line and the nearest wall of any building or structure on the lot.

2.209 **"Yard, Exterior Side"** means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.

2.210 **"Yard, Interior Side"** means a yard extending from the front yard to the rear yard and from the interior side lot line to the nearest part of the principal building, structure or excavation on the lot.

2.211 **"Zone"** means a designated area of land use shown on Schedule 'A' hereto.

2.212 **"Zoned Area"** means all those lands lying within the corporate limits of the Township of Armour.

SECTION 3: APPLICATION AND INTERPRETATION

3.1 "Scope of By-law"

(a) Lands Subject to By-law

The provisions of this By-law shall apply to all those lands lying within the Corporate limits of the Township of Armour.

(b) Conformity with By-law

No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be changed, in whole or in part, except in accordance with the provisions of this By-law.

(c) Existing Uses Continued

Nothing in this By-law shall prevent use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

(d) Building Permit Issued

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved by the Chief Building Official prior to the date of passing of this By-law, provided that:-

(i) when the building or structure is erected, it shall be used and shall continue to be used only for the same purpose for which the said building or structure was intended when such building permit was issued; and

(ii) the erection of such building or structure is commenced within one year of the date of passing of this By-law and is completed within six months after the erection thereof is commenced and provided such building permit has not been revoked under The Building Code Act.

(e) Compliance with Other Restrictions

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the most

restrictive, or the By-law imposing the higher standards shall govern and apply. Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any By-law of the Municipality or from any law of the Province of Ontario or Canada.

Nothing in this By-law shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities essential to the operation of public utilities provided that any such use, building or structure shall be in compliance with the relevant provisions of this By-law.

This By-law shall not be construed to make legal any use of land, buildings or structures which was illegal and in contravention of Zoning By-law No. 3-86, as amended.

3.2 "Interpretation of By-law"

(a) Defined Areas

The extent and boundaries of all zones are shown on Schedule 'A' and all such zones are hereby defined as areas to which the provisions of this By-law shall respectively apply.

(b) Zone Boundaries

When determining the boundary of any zone as shown on any schedule forming part of this By-law, the following provisions shall apply:-

(i) A boundary indicated as following a highway, street or lane shall be the centerline of such highway, street or lane. In the event that a street or lane which forms the boundary between such zones is closed, the boundary between such zones shall be construed as the former centreline of the said closed street or lane.

(ii) A boundary indicated as following a right-of-way of a railway or an electrical, gas or oil transmission line shall be the centreline of such right-of-way.

(iii) A boundary indicated as following a shoreline shall be construed as the high water mark, or in the case of a watercourse, creek or stream, the center line thereof.

(iv) A boundary indicated as approximately following lot lines of any lot of record shown on a registered plan of subdivision or any lot created by consent or lot and concession lines shall follow such lines.

(v) Where a boundary is indicated approximately parallel to a street line or other feature indicated in clauses (i), (ii) or (iii) of this Subsection, and the distance from such street line or other feature is not indicated and clause (iv) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature, and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule.

(vi) A boundary indicated as following the limits of the Municipality shall follow such limits.

(vii) The limit of any map comprising any Schedule forming part of this By-law shall be deemed to be the boundary of the Zone adjoining such limit.

(c) Definitions

In this By-law, unless the context requires otherwise, the definitions and interpretations set out in Section 2 hereof shall apply.

(d) Singular and Plural Words and Genders

In this By-law, unless the context requires otherwise:-

(i) words used in the singular number include the plural;

(ii) words used in the plural include the singular number; and

(iii) words used in the masculine gender include the feminine.

(e) Shall is Mandatory

In this By-law, the word "shall" is mandatory.

(f) Use and Occupancy

In this By-law, unless the context requires otherwise:-

(i) the verb "use" shall include "design to be used", "arrange to be used" and "point to be used"; and

(ii) the verb "occupy" shall include "design to be occupied", and "permit to be occupied".

(g) Metric Measurement

All dimensions, measurements, areas, yards and setbacks are given in metric measurements in this By-law. General Imperial conversions are provided in brackets only for the assistance of the reader and do not form a part of this By-law. The metric measurements only shall be used in the legal interpretation of this By-law.

SECTION 4: SCHEDULES TO THE BY-LAW

4.1 "Part of By-law"

Schedule 'A', which is attached hereto and described in this Subsection, is hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein.

4.2 "Schedule 'A' - Zone Maps"

The extent and boundaries of all zones are set out on Schedule 'A' hereto and shall be interpreted in accordance with the provisions of Section 3.2, Clause (b).

SECTION 5: GENERAL PROVISIONS APPLICABLE IN ALL ZONES

5.1 "Accessory Uses and Buildings"

Accessory uses and buildings (excluding additional residential units) may be permitted in conjunction with the principal use of a lot subject to the following provisions:-

(a) Shall not be utilized as a dwelling or for any gainful occupation except as may otherwise be permitted in this By-law.

(b) Shall not be located in any required front yard or exterior side yard except as may otherwise be permitted in this By-law.

(c) Shall not exceed 15 percent lot coverage.

(d) Shall not exceed 7.5 metres (25 feet) in height.

(e) Shall not be located within 1 metre (3 feet) of any rear lot line or interior side lot line except in the case of any waterfront lot where they shall not be located within 7.5 metres (25 feet) of any rear lot line. (38/2011)

(f) Notwithstanding Subsection 5.1(b), a **detached garage** may be permitted within the required 15 metre (50 foot) front yard of a non-waterfront lot in the Rural (Ru) Zone provided it is located the greater of 7.5 metres (25 feet) from the front lot line or a 17.5 metre (58 foot) setback from the centre line of the travelled road. (42/2019)

(g) Notwithstanding Subsections 5.1(b) and 5.1(d), a **gazebo** may be located within the required front yard of a waterfront lot subject to the following regulations:

(i) Minimum Setback from high water mark
3 metres (10 feet) provided any shore road allowance has been closed and purchased by the lot owner.

(ii) Maximum Height 4 metres (12 feet)

(iii) Maximum Floor Area 37 sq. metres (400 sq. feet) (27/2016)

5.2 "Residential Units / Apartments and Garden Suites" (see also 5.8) (57/2024)

(a) Accessory to Commercial Uses

(i) A maximum of one residential unit per commercial use excluding an automotive use shall be permitted within the principal building, but

not within any basement, and shall be subject to the following requirements: (57/2024)

MINIMUM FLOOR AREA

Bachelor Unit	40 square metres (430 sq.ft.)
One Bedroom Unit	50 square metres (540 sq.ft.)
Two Bedroom Unit	60 square metres (645 sq.ft.)
Three Bedroom Unit	70 square metres (750 sq.ft.)

(ii) One single detached dwelling of a minimum floor area of 18.6 square metres (200 square feet) shall be permitted as an accessory use to any permitted commercial use. (12-2025)

(iii) One parking space per residential unit shall be required on the same lot in addition to the minimum number of parking spaces required for the principal use of the lot. (57/2024)

(b) "Additional Residential Units (ARU)"

(i) A second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;

(ii) A third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or

(iii) One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units. (57/2024)

(c) "Garden Suites"

Garden Suites shall be permitted by site specific amendment as a temporary accessory use, subject to the provisions of this Section, provided that the minimum floor area of the suite is not less than 18.6 square metres (200 square feet) and that there is not already an additional residential unit on the lot. (22-2013) (57/2024) (12-2025)

5.3 "Adult Entertainment Parlours"

No adult entertainment parlours shall be made or established except according to licensing by the Township of Armour.

5.4 "Arcades"

No arcades shall be made or established except according to licensing by the Township of Armour.

5.5 "Change of Use"

The use of any land, building or structure in the Municipality shall not be altered or changed except in compliance with the provisions of this By-law.

5.6 "Corner Lots"

On a corner lot, interior side yard requirements may be substituted for rear yard requirements.

5.7 "Derelict Motor Vehicles"

No more than two (2) motor vehicles without valid registration permits shall be stored or kept in view on any lot, except within a building or as may otherwise be permitted in this By-law.

5.8 "Residential Units Location"

(a) No residential unit shall be located above a boathouse or a private garage except where a private garage is attached to a dwelling.

(b) No part of any residential unit or habitable room shall be located within a basement of a non-residential building.

(c) Nothing in this By-law shall prevent the location of a residential unit or a habitable room entirely within a basement of a residential building, provided that in the opinion of the Chief Building Official such room or residential unit meets the requirements of the Ontario Building Code.

(d) In this By-law, the number of residential units permitted on any lot shall be contained in one building with the exception of an additional residential unit (see Section 5.2) or a rural guest sleeping cabin (see Section 6.1(f). (22-2013) (57/2024)

5.9 "Encroachment Into Yards"

Every part of any yard requirement to be provided in any zone shall be open and unobstructed by any structure from the ground to the sky, except that:-

(a) sills, belt courses, cornices, chimney breasts, bay windows or pilasters may project into any required yard a distance of not more than 0.5 metres (2 feet);

(b) eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.5 metres (2 feet);

(c) balconies, canopies or unenclosed porches may project into any required front or rear yard a distance of not more than 1.5 metres (5 feet);

(d) fire escapes may project into any required side or rear yard a distance of not more than 1.5 metres (5 feet);

(e) fences, freestanding walls, flagpoles, antennae, light standards and similar accessory structures and appurtenances, and hedges, trees and shrubs are permitted in any yard, but in the case of:-

(i) a residential interior lot situated in any Residential Zone, no structure, hedge or obstruction that is more than 1 metre (3 feet) in height is permitted within 3 metres (10 feet) of any street line, and

(ii) a residential corner lot situated in any Residential Zone, no structure, hedge or obstruction that impedes vision above a height of 1 metre (3 feet) is permitted.

5.10 "Frontage on a Street"

Except as otherwise specifically provided for in this By-law, no person shall erect or use a building or structure for permanent or full time use on any lot or parcel of land unless the lot or parcel has its front lot line on a street or road which is open year round and publicly owned and maintained. (46-2014) This provision does not apply for a woodland retreat. (63-2024)

5.11 "Group Homes"

(a) A Group Home shall be permitted within any single detached dwelling except a cottage or a mobile home, but shall not be within one kilometre of another group home.

(b) Only group homes licensed by the Ministry of Community and Social Services in the following categories shall be permitted: -

(i) Approved Home (psychiatric care);

(ii) Homes for Special Care - Residential (psychiatric care);

(iii) Community Resource Centres (minor offender rehabilitation);

(iv) Halfway Houses for Alcoholics;

(v) Halfway Houses for Ex-Offenders;

(vi) Halfway Houses for the Socially Disadvantaged;

(vii) Satellite Residence for Seniors;

(viii) Accommodation Services for the Mentally Retarded;

(ix) Children's Residences.

5.12 "Height Limitations - Exceptions"

The height limitations of this By-law shall not apply to limit the height of agricultural buildings or structures, church spires, clock towers, water tanks, water towers, elevator enclosures, flag poles, antennae, ventilators, sky lights, chimneys, windmills, grain elevators or public utility poles or towers.

5.13 "Holding Zones"

Notwithstanding any other provisions of this By-law, where any zone symbol on Schedule 'A' has the suffix (H), no lot shall be used and no building or structure shall be erected thereon except for the following purposes unless the suffix (H) has been removed from the zone symbol by a by-law passed pursuant to Sections 34 and 36 of The Planning Act:

(a) All legal uses existing at the date of passing of this by-law and,

(b) One single detached dwelling on any lot of record existing on the date of passing of this by-law subject to any other provisions of this by-law which would apply to such dwellings if the suffix (H) was removed from the zone symbol.

5.13.1 “Holding Provisions in the CH MH Zone”

Notwithstanding Section 5.13, the following exceptions are allowed in the Commercial Holding / Rural Industrial Holding (CH MH) Zone without removal of the Holding H symbol:

(a) Severances by consent subject to the provisions of Section 6.3 for Dwellings in Subsection 6.1(c) Permitted Uses.

(b) All legal uses existing on the date of the passing of this By-law upon such land or in any building or structure erected thereon.

(c) A single detached dwelling.

(d) A home occupation, or home industry, or home profession in a single detached dwelling subject to the provisions of Sections 2.92, 2.93 and 2.94.

(e) Flower and market gardening.

(f) Grazing for horses, cattle and sheep.

(g) Farm produce outlet.

(h) Accessory buildings and accessory structures subject to the provisions of Sections 5.1 and 5.24.1.

(i) A bed and breakfast business in a single detached dwelling that complies with the provisions of Section 2.24.

(j) Additional residential units subject to the provisions of Section 5.2(b). (43-2025)

5.14 "Home Industries"

Home industries will be permitted in the Rural Zone provided that:

(a) the home industry does not create or become a public nuisance in particular in respect to noise, odours, traffic, parking, dust, vibration or interference with television or radio reception; and

(b) the home industry shall clearly be secondary to the main rural use of the lot; and

(c) not more than three (3) persons, excluding the owner, shall be employed in the home industry; and

(d) not less than three (3) parking spaces shall be provided for a home industry use;

(e) no storage of goods or material shall be permitted in any front or exterior side yard.

5.15 "Home Occupations and Home Professions"

Home occupations and home professions shall be permitted in the Rural Zone, Residential Settlement Zone and Lakeshore Residential Zone provided that:-

(a) there is no external display or advertising other than a sign erected in accordance with the Sign By-law of the Corporation;

(b) there shall be no external storage of goods or materials;

(c) the home occupation shall clearly be secondary to the main residential use. It shall not change the residential character of the dwelling or create or become a public nuisance in particular with respect to excessive noise, traffic, parking, dust vibration or interference with television or radio reception: -

(d) not more than 25% of the floor area, to a maximum of 37 square metres (400 square feet), shall be used for the home occupation and does not reduce the residential use of the dwelling floor area to less than 55 square metres (600 square feet);

(e) not less than six parking spaces shall be provided for a medical, dental or drugless practitioner's office;

(f) not less than three parking spaces shall be provided for home occupation uses other than those in (e) of this subsection; and

(g) not more than one person excluding the owner is employed in the home occupation.

5.16 "Loading Space Provisions" (see Section 2.105 of this By-law)

(a) No person shall erect or use any building or structure in any commercial or industrial zone which involves the movement of goods, merchandise, or materials unless loading spaces are provided and maintained in accordance with the following provisions:

(i) one loading space shall be provided for every 278 square metres (3,000 square feet) or fraction thereof of the total ground floor area, and

(ii) loading spaces shall have dimensions of not less than 3.6 metres (12 feet) by 15 metres (50 feet), and

(iii) loading spaces shall not have less than 4.6 metres (15 feet) of vertical clearance.

5.16.1 "Mobile Homes"

A mobile home may be used as a permanent dwelling on lands zoned Mobile Home Park (MHP) in accordance with the following provisions:

(a) The mobile home is constructed to CSA Standard Z240 and located on permanent foundations, with the running gear and towing equipment removed; and

(b) The mobile home shall have at least 18.6 square metres (200 square feet) of ground floor area and be completely enclosed from the surface of the finished grade to the roof; (12-2025) and

(c) The mobile home shall be fully serviced with running water, electricity and sanitary sewage facilities. (28/2017)

5.17 "Multiple Zones"

Any lot which is contained in more than one (1) zone as shown on Schedule 'A' shall be subject to the restrictions of each of the respective zones.

5.18 "Non-Complying Uses - Permitted Enlargements"

Where a use, building or structure was legally established under an Armour Township Zoning By-law prior to the date of the passing of this By-law, and is permitted by the provisions of the zone in which such use, building or structure is located, but does not meet the zone provisions with respect to yards, lot area, frontage, parking, setback or any other provisions of this By-law applicable to that zone, the said building or structure shall be deemed to comply with the By-law and may be enlarged, extended, reconstructed, repaired or renovated provided that:-

(a) The enlargement, extension, reconstruction, repair or renovation does not further reduce the compliance of that use, building or structure, with the provision(s) of the By-law to which it does not comply; and

(b) All applicable provisions of this By-law are complied with. (36-2014)

5.19 "Non-Conforming Uses - Permitted Reconstruction" (see also Section 5.24)

Where a building or structure which was erected lawfully under an Armour Township Zoning By-law prior to the date of the passing of this By-law is used for a purpose not permitted in the zone in which it is situated, the said building or structure may be reconstructed, repaired or renovated provided that: -

(a) The reconstruction, repair or renovation does not involve any alteration of use and the building or structure continues to be used for the same purpose; and

(b) All other applicable provisions of this By-law are complied with. (36-2014)

5.20 "Obnoxious Uses"

No use shall be permitted within the municipality which from its nature or the materials used therein is declared to be a noxious trade, business or manufacture under The Health Protection and Promotion Act, or regulations thereunder.

5.21 "Parking Provisions" (see Sections 2.143 and 2.144 of this By-law)

(a) Every building or structure erected, enlarged or used in accordance with the provisions of this By-law shall either be provided with the required number of

parking spaces specified hereunder or shall be exempt from the provision of parking spaces in accordance with a Site Plan Agreement with Council pursuant to Section 41 of the Planning Act.

(b) Every parking space provided: -

(i) shall have access to a street or lane, and

(ii) shall be unobstructed by any other parking space, and

(iii) shall be located on the same lot on which the principal use is situated, and

(iv) shall be constructed of an all-weather durable surface.

(c) **Handicapped Parking**

In the case of buildings regulated by Part 5 of Ontario Regulation No. 925/75 passed pursuant to The Building Code Act, as amended, one (1) parking space for physically handicapped persons with a width of at least 3.5 metres (12 feet) shall be provided by the By-law, but not less than one (1) of the larger parking spaces shall be provided. These spaces shall be included in the calculation of the required parking. A parking space for physically handicapped persons shall be hard surfaced and level, located near and accessible to an entrance and identified for the use of physically handicapped persons by a sign consisting of the International Symbol of Accessibility for Handicapped Persons and such other graphic or written directions as are needed to indicate clearly the intended facility.

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Residential	2 parking spaces per dwelling unit
Hotel or Motel	1.2 parking spaces per guest room
Nursing Home	1 parking space per bed
Church	1 parking space per each 5 seating spaces
Assembly Hall or Community Hall	1 parking space per each 10 people at maximum capacity
School	The greater of:

	(a) 1.5 parking spaces per classroom, or (b) 1 parking space per 3 square metres (35 square feet) of floor area in the gymnasium, or (c) 1 parking space per 3 square metres (35 square feet) of floor area in the auditorium.
Restaurant	1 parking space per 4.5 square metres (50 square feet) (20 spaces /1000 sq.ft.) of floor area with a minimum of 10 spaces.
Office or Public Building	1 parking space per 139 square metres (1,500 square feet) (0.6 spaces /1000 sq.ft.) of floor area.
Medical and Dental Offices practitioner. and Clinic	4 spaces for each
Curling Rink	10 parking spaces per curling sheet.
Retail Store or Service Shop feet)	1 parking space per 28 square metres (300 square (3.3 spaces /1000 sq.ft.) of floor area.
Industrial Establishment	1 parking space per 37 square metres (400 square feet) of ground floor area or for every two employees, whichever is greater.
Uses Permitted by this By-law other than those listed in this Table	1 parking space per 37 square metres (400 square feet) of floor area.

5.22 "Pits and Quarries; Wayside Pits and Wayside Quarries"

(a) No pit or quarry shall be permitted in any zone except in the Extractive Industrial MX Zone.

(b) A wayside pit or wayside quarry may be permitted in any zone except any Residential Zone, Wetlands Protection Zone or Flood Plain FP Zone.

5.23 "Public Uses"

(a) **Public Services**

The provisions of this By-law shall not apply to the use of any lot or to the erection or use of any building or structure for purposes of the public services by the Corporation or by any local board of the Corporation as defined by The Municipal Act, any telephone or telegraph company, any natural gas distribution system operated by the Corporation or on its behalf by a company

distributing gas to the residents of the Corporation and possessing all the necessary powers, rights, licenses and franchise, any department of the Government of Ontario, including Hydro One, any use permitted under The Railway Act or any other Statute of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities provided that where such lot, building or structure is located in any zone:-

(i) no goods, material or equipment shall be stored in the open, except as permitted in such zone;

(ii) any Zone Provisions of the zone within which the use is located shall be complied with except as otherwise provided in paragraph (b);

(iii) any above ground non-recreational use carried on under the authority of this paragraph in a Residential Zone shall be enclosed in a building designed, located and maintained in general harmony with Residential buildings of the type permitted in such zone.

(b) **Streets and Installations**

Nothing in this By-law shall prevent land to be used as a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line or overhead or underground hydro, telephone or other supply line or communication line provided that the location of such main or line has been approved by the Corporation.

5.24 "Replacement of Dwellings Due to Damage" (see also Section 5.19)

A dwelling may be replaced with a new dwelling in the case of partial or complete destruction caused by fire, lightening, explosion, tempest, flood or act of God, or demolition by order of the Municipality, the Ministry of Environment or other authority for safety, health or sanitation requirements, provided that:-

(a) the new dwelling complies with all the requirements for dwellings and the floor area of the new dwelling is not less than 18.6 square metres (200 square feet), (12-2025) and

(b) where a dwelling is located in the flood plain, it is reconstructed with the same ground floor area and in such a manner that it can be flood proofed and does not increase the potential for flooding impacts upon other properties. (See also Section 11.4 and Exception No. FP-48)

5.24.1 "Shipping Containers" (26/2017)

Shipping containers are permitted in the Rural (Ru), Commercial (C), Recreational Commercial (RC), Rural Industrial (M), and Industrial Extractive (MX) Zones provided that:

(a) Shipping containers all require a building permit and shall only be permitted as an accessory use on a lot where a principal use already exists;

(b) Unless stated elsewhere in this By-law, shipping containers are only permitted for accessory storage purposes, based on lot area at a rate of one (1) shipping container per 0.4ha (1 ac.) or part thereof to a maximum of four (4). In no case is a shipping container permitted on a lot having an area of less than 0.4ha (1 ac.);

(c) No shipping container shall be used for human habitation, home industry or any occupation or business;

(d) Any change of use or exterior finishes for a shipping container shall require a building permit and site plan control under Section 41 of the Planning Act;

(e) No shipping container shall exceed a height of 3m (10 ft.) or a total length of 16.76m (55 ft.);

(f) A shipping container shall only be located in the rear yard and shall be located no closer than 30m (98 ft.) to any street line;

(g) A shipping container is permitted in the driveway of a residential property for the purpose of temporary loading or unloading of household items during the process of moving and for a period not exceeding five (5) days. Such temporary shipping containers shall not exceed a maximum height of 3.0 m (10 ft.) and a maximum length of 6.1m (20 ft.). And no temporary shipping container shall encroach onto a public sidewalk or locate closer than 0.3m (1 ft.) from the curb or shoulder in situations where no sidewalk exists, and no shipping container shall create a site line obstruction;

(h) A shipping container shall be screened from view from the street and abutting properties and shall not encroach into any required landscaping buffer;

(i) A shipping container shall be included in all calculations for the purpose of determining maximum lot coverage;

(j) A shipping container shall not be located in a required parking area;

(k) A shipping container shall not be placed for the purpose of display or advertising;

(l) A shipping container shall not be used for the purpose of a commercial

storage facility;

(m) A shipping container is permitted on a construction site being developed for a single structure or as a plan of subdivision/condo for temporary storage of equipment and materials incidental to construction only, and for a temporary period not to exceed one year.

5.25 "Sight Triangles" (Daylighting Triangle)

On a corner lot within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 10 metres (30 feet) measured along the street line from the point of intersection of the street lines, no building, structure or planting which would obstruct the vision of motor vehicles shall be erected. Such triangular space may hereinafter be called a "daylighting triangle".

Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be in the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

5.26 "Sign Provisions"

Signs within the Municipality are subject to the provisions of any sign by-law of the Municipality pursuant to the provisions of The Municipal Act.

5.27 "Swimming Pools"

Notwithstanding anything contained in this By-law, a swimming pool is permitted as an accessory use in the side or rear yard of any zone provided no part of any pool is located closer to any side or rear lot line than 2 metres (6 feet) and every swimming pool shall be enclosed by a fence of at least 2 metres (6 feet) in height equipped with any gate capable of being locked and located at a distance of not less than 1 metre (3 feet) and not more than 10 metres (30 feet) from the pool.

5.28 "Temporary Uses - Construction Equipment"

Notwithstanding any other provisions of this By-law, uses such as a construction camp, work camp, tool shed, scaffold or other building or structure incidental to construction are permitted in any zone provided that:-

(a) such uses, buildings or structures are used only as long as are reasonably necessary for work in progress which has neither been finished nor abandoned or a period of one year whichever is the lesser;

(b) such uses, buildings or structures are removed when the work permitted is terminated.

5.29 "Temporary Uses - Human Habitation"

In the Residential Settlement (RS), Rural (Ru). Lakeshore Residential (LR), or Seasonal Residential (SR) Zones, a trailer or park model trailer equipped with toilet facilities including an approved sewage holding tank may be used for temporary human habitation provided that:

(a) During the construction of a dwelling on a lot, the trailer or park model trailer is located on the same lot as the dwelling under construction, and complies with the setback provisions for the zone in which the lot is located and:

(i) A license is obtained from the Township in accordance with the Trailer Licensing By-law; and

(ii) The trailer or park model trailer shall be removed from the premises upon completion of the dwelling within 60 days of the discontinuance of construction; and

(iii) A maximum of one trailer or park model trailer is permitted on the same lot.

(b) It may be used seasonally on an existing vacant lot, provided such trailer or park model trailer has a current license issued in accordance with the Township's Trailer Licensing By-law. Such structure shall cease to be used for human habitation upon expiry of the license.

(c) It may be used for the occasional accommodation of guests provided that a detached dwelling exists on the same property.

(d) In addition, tents or marquees are permitted for children's play, picnics, weddings, family reunions, or other similar private functions. (27/2017)

5.30 "TransCanada Pipe Lines"

(a) Notwithstanding any other provisions of this By-law, no structures shall be located within 10 metres (30 feet) of any lands owned by the TransCanada Pipe Lines.

(b) TransCanada Pipe Lines is regulated by the National Energy Board Act, Section 112, which requires that anyone excavating with power-operated equipment or explosives within 30 metres (100 feet) of the pipeline right-of-way must obtain leave from the National Energy Board before commencing any work.

5.31 "Truck, Bus and Coach Bodies"

Notwithstanding anything contained in this By-law, no truck, bus, coach, street car

body, recreational vehicle or structure of any kind, other than a dwelling unit erected and used in accordance with this and all other by-laws of the Municipality, shall be used for human habitation, whether or not the same is mounted on wheels or other form of mounting or foundation.

5.32 "Undersized Lots of Record and Road Widening Issues" (By-law No. 29/12)

(a) Where a lot of record having a lesser lot area and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Land Registry Office at the date of the passing of this By-law, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other requirements of this By-law are complied with.

(i) Nothing herein shall prevent a lot of record with lesser lot area and/or frontage than required in this By-law from being increased in size provided that such increase does not in any way further reduce the compliance with any other provisions of this By-law. Where the resulting enlarged lot continues to have undersized frontage and/or area, the relief, status and rights bestowed by Section 5.32(a) shall continue to apply. (4/2017)

(b) Where the dedication of land for road widening purposes creates a new lot containing non-conforming setbacks for existing buildings or structures as required by this By-law, the new setbacks shall be deemed to conform with the minimum yard provisions applicable herein.

(c) Where the dedication of land for road widening purposes results in a new lot with undersized frontage and/or area as required by the provisions of this By-law, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other requirements of this By-law are complied with.

5.33 "Railway Sight Distances"

Notwithstanding anything contained in this By-law, where any public street crosses a railway at the same grade, no building or structure shall be erected within 46 metres (150 feet) of the point of intersection of the centre line of both the railway and the street.

5.34 "Provincial Highways No. 11 and No. 520"

(a) Access to provincial highways is restricted and permits must be obtained from the Ministry of Transportation prior to any construction; and

(b) All signs and buildings adjacent to provincial highways require Ministry of Transportation permits prior to construction; and

(c) Minimum yards for any lot abutting Provincial Highways No. 11 and No. 520 shall be prescribed by the Ministry of Transportation on a lot by lot basis, but in no case shall a yard abutting such highway property be less than 7.5m (25 feet) for residential uses or 14m (46 feet) for commercial, industrial or institutional uses.

5.35 "Yard Sales or Garage Sales"

No more than three yard or garage sales per annum may be conducted at one location and no such sale shall exceed three days in duration.

5.36 "Cannabis"

(a) For the purposes of this By-law, a licensed medical marijuana facility, or a licensed cannabis production facility are prohibited uses in all zones except as otherwise permitted through a Zoning By-law Amendment. (22/2019); and

(b) No person, other than a person who is authorized to do so under Part 2 of the **Cannabis Regulations (SOR/2018-144)** under the **Cannabis Act and the Controlled Drugs and Substances Act** (Canada), shall use any residential premises, indoors or outdoors, including accessory secondary dwelling units or apartments, for the growing of more than four (4) cannabis plants. (32/2018); and

(c) For the purposes of this By-law, the Health Canada application #10-MM0630 in process for a Medical Marijuana Facility at 59 North Pickerel Lake Road shall be subject only to an amendment to remove the holding symbol "H" as required under Section 36 of the **Planning Act**. (32/2018)

5.37 "Multiple Sewage Disposal Systems Per Lot" (35-2025)

(a) More than one septic tank, leaching bed or bio-filter sewage treatment system is permitted on any property where the defined lot area is one (1) hectare (2.5 acres) or more, and is located above any high water mark, flood plain or wetland protection area on the lot. (see also Definitions Section 2.111 "Lot Area"); and

(b) Existing sewage disposal systems shall be decommissioned before any new system is permitted on the same lot if the defined lot area is less than one (1) hectare (2.5 acres).

SECTION 6: RURAL Ru ZONE

6.1 "Permitted Uses"

a) Agricultural uses, including all livestock uses, aerodromes, commercial greenhouses, farm greenhouses, home professions, bed and breakfast businesses, home occupations and home industries including small sawmills;

b) One single detached dwelling in conjunction with and on the same lot as an agricultural operation; (28/2017)

c) One single detached dwelling (new or existing) on one non-agricultural lot; home occupations, home professions, and bed and breakfast businesses;

d) (i) Institutional uses, buildings and structures; religious retreats, woodland retreats, private clubs, seasonal camp uses, buildings and structures; and public parks as existing on the date of passing of this by-law; (37/2011) (63/2024)

(ii) Redevelopment and residential intensification (see also Sections 5.2(b)(i) and (ii); (37/2011)

(iii) One seasonal cottage or land lease community home on one lot abutting year round municipally owned and maintained road access plus uses, buildings and structures accessory thereto including one rural guest sleeping cabin on the same lot (see also Definitions Section 2.84.1); (47-2014) (12-2025)

e) Conservation, forestry and wildlife uses; resource management uses;

f) Accessory uses, buildings and structures including one rural guest sleeping cabin (see also Sections 2.84.1 and 6.6) and additional residential units [see Section 5.2 (b)] on one lot accessory to the foregoing permitted uses. (22-2013) (57/2024)

6.2 "Zone Requirements for Agricultural and Residential Uses Permitted in Clauses (a) and (b) of Subsection 6.1"

(a) Minimum Lot Frontage 100 metres (300 feet)

(i) Notwithstanding Subsection 6.2(a), where a through lot with a front lot line abutting an open municipal road, or condominium road, also abuts a navigable waterway the front lot lines on the road and on the

waterfront along the high water mark shall both be deemed lot frontages. (8/2022)

(ii) Notwithstanding the provisions of Section 5.10, no person shall erect or use a building or structure for permanent or full time use on any through lot with frontage on a navigable waterway unless the lot also has a front lot line abutting a municipal road, or condominium road, which is open and maintained year round. (8/2022)

(b)	Minimum Lot Area	4 hectares (10 acres)
(c)	Maximum Lot Coverage	20 percent
(d)	Minimum Front Yard and Exterior Side Yard Setback from:	
(i)	a Township Road	As existing or the greater of a 15 metre (50 ft.) yard or a 25 metre (83 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 15 metre (50 ft.) yard
(ii)	a Provincial Highway	As existing or see Section 5.34
(iii)	a Navigable Waterway	30 metres (100 feet) from high water mark

(e) Minimum Interior Side Yard

(i) 5 metres (15 feet) for residential uses;

(ii) 10 metres (30 feet) for all other uses.

(f)	Minimum Rear Yard	12 metres (40 feet)
(g)	Minimum Floor Area for one Single Detached Dwelling (28/2017)	18.6 square metres (200 square feet) (12-2025)
(h)	Maximum Height for one Single Detached Dwelling (28/2017)	2-1/2 storeys

(i) Any new livestock facility or altered existing livestock facility, including kennels, stables, manure storage/treatment, or the raising, slaughtering

or keeping of livestock, poultry, reptiles and/or furbearing animals for food, fur, feathers or leather, shall only be permitted by site-specific amendment to this By-law. (34/2017)

6.3 "Zone Requirements for Dwellings and Institutional Uses Permitted in Clauses (c) and (d) of Subsection 6.1" (28/2017)

(a) Minimum Lot Frontage 61 metres (200 feet)

(i) Notwithstanding Subsection 6.3(a), where a through lot with a front lot line abutting a municipally owned and maintained road, or condominium road, also abuts a navigable waterway the front lot lines on the road and on the waterfront along the high water mark shall both be deemed lot frontages. (8/2022)

(ii) Notwithstanding the provisions of Section 5.10, no person shall erect or use a building or structure for permanent or full time use on any through lot with frontage on a navigable waterway unless the lot also has a front lot line abutting a municipal road, or condominium road, which is open and maintained year round. (8/2022)

(b)	Minimum Lot Area	0.8 hectares (2 acres)
(c)	Maximum Lot Coverage	30 percent
(d)	Minimum Front Yard and Exterior Side Yard Setback from:	
	(i) a Township Road	As existing or the greater of a 15m (50 ft.) yard or a 25 metre (83 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 15 metre (50 ft.) yard
	(ii) a Provincial Highway	As existing or see Section 5.34
	(iii) a Navigable Waterway	30 metres (100 feet) from high water mark
(e)	Minimum Interior Side Yard	5 metres (15 feet)
(f)	Minimum Rear Yard	12 metres (40 feet)

(g)	Minimum Floor Area	(12-2025)	18.6 sq. metres (200 sq. feet)
(h)	Maximum Height		2-1/2 storeys

6.4 "Separation of Noisy and Odorous Uses

(a) No building or structure used for the raising, slaughtering or keeping of livestock, poultry or furbearing animals; kennels; feed lot area; or manure storage shall be located closer than:-
- (ii) 300 metres (1,000 feet) to any Residential Zone;
- (iii) 150 metres (500 feet) to any dwelling unit on an adjacent lot;
- (iv) 30 metres (100 feet) to any street line or side lot line.

(b) No dwelling unit shall be located within 150 metres (500 feet) of any permitted building or structure on an adjacent lot used for the raising, slaughtering or keeping of livestock, poultry or furbearing animals; kennels; feed lot areas; manure storage; or small home industry sawmills.

6.5 "Zone Requirements for Small Sawmills Permitted in Clause (a) of Subsection 6.1"

Small home industry sawmills shall be subject to the provisions of Subsection 5.14, shall require a building permit and have a minimum setback of 150 metres (500 feet), and shall not be located closer than 300 metres (1,000 ft.) to any Residential Zone or 150 metres (500 ft.) to any dwelling unit on an adjacent lot.

6.6 "Zone Requirements for Rural Guest Sleeping Cabins (see also Definition Section 2.84.1) Permitted in Clause (f) of Subsection 6.1"

(a) Minimum Front Yard and Exterior Side Yard and Setback from:

(i)	a Township Road	As existing or the greater of a 15 metre (50 ft.) yard or a 25 metre (83 ft.) back from the centre line of the travelled road, but in no case shall this distance be less than the 15m (50 ft.) yard.
(ii)	a Provincial Highway	As existing or see Section 5.34

(b)	Minimum Interior Side Yard	5 metres (15 feet)
(c)	Minimum Rear Yard	12 metres (40 feet)
(d)	Maximum Height	4.5 metres (15 feet)

(e) Minimum Floor Area for a Rural Guest Sleeping Cabin
18.6 square metres (200 sq. ft.) (12-2025)

(f) One rural guest sleeping cabin is permitted as a separate building on the same waterfront lot as the existing principal dwelling. Partitioned partial use of an accessory building for guest accommodations is prohibited. (32/2019)

6.7 "Zone Requirements for Flag Lots" (see also Section 2.108(a)

(a) The flag part of the lot shall contain a lot area at least equal to the minimum required lot area of 0.8 hectares (2 acres) for the non-waterfront, non-floodplain and non-wetland Rural (Ru) Zone areas in which the flag lot must be located. The area of the pole shall not be included in the calculations of the required minimum lot area for the purposes of consent;

(b) No part of the pole or access strip shall be granted or created by way of a right-of-way, or easement;

(c) The minimum lot frontage of the pole at the open public road allowance, and the minimum continuous width of the lot along the pole or access from the public road to the flag shall be a continuous 31 metres (102 feet);

(d) The minimum width of the flag shall be equal to or greater than the minimum lot frontage of 61 metres (200 feet) required for dwellings in the Rural Ru Zone in which the flag lot must be located;

(e) The front yard for the flag shall be measured from the point where the pole meets the flag;

(f) The pole shall be suitable for the construction of an access driveway designed to provide continuous access from an open Township road to the flag and its building envelope;

(g) A flag lot shall not be further subdivided;

(h) Any flag lot shall meet all other applicable zone standards including standards for accessory residential uses, buildings and structures which shall not be located in the front yard;

(i) At the time of application for consent to create a flag lot, Council must be assured that a single detached dwelling already exists legally on either the severed or the retained parcels;

(j) Consents will not be granted for flag lots which have the effect of limiting access to back lands for future uses or which have the effect of creating land locked parcels for either of the severed or retained parcels. (13/2024)

SECTION 7: RESIDENTIAL SETTLEMENT RS ZONE

7.1 "Permitted Uses"

(a) One single detached dwelling on one lot and uses, buildings and structures accessory thereto.

(b) Home occupations, home professions and bed and breakfast businesses.

(c) Non-profit community institutions, retirement homes, residential intensification and redevelopment including additional residential units (see Section 5.2[b]) and land lease community homes. (22-2013) (57/2024) (12-2025)

7.2 "Zone Requirements"

(a)	Minimum Lot Frontage	61 metres (200 feet)
(b)	Minimum Lot Area	0.8 hectares (2 acres)
(c)	Maximum Lot Coverage	35 percent (4/2017)
(d)	Minimum Front Yard and Exterior Side Yard and Setback from:	
	(i) a Township Road	As existing or the greater of a 10 metre (30 ft.) yard or a 20 metre (66 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 10 metre (30 ft.) yard
	(ii) a Provincial Highway	As existing, or see Section 5.34
(e)	Minimum Interior Side Yard	5 metres (15 feet)
(f)	Minimum Rear Yard	8 metres (25 feet)
(g)	Minimum Landscaped Open Space	No minimum
(h)	Minimum Floor Area for a Dwelling	18.6 sq. metres (200 square feet) (12-2025)
(i)	Maximum Height for a Dwelling	2-1/2 Storeys

7.3 "Zone Requirements for Flag Lots" (see also Section 2.108(a)

(a) The flag part of the lot shall contain a lot area at least equal to the minimum required lot area of 0.8 hectares (2 acres) for the non-waterfront, non-floodplain and non-wetland Residential Settlement (RS) Zone areas in which the flag lot must be located. The area of the pole shall not be included in the calculations of the required minimum lot area for the purposes of consent;

(b) No part of the pole or access strip shall be granted or created by way of a right-of-way, or easement;

(c) The minimum lot frontage of the pole at the open public road allowance, and the minimum continuous width of the lot along the pole or access from the public road to the flag shall be a continuous 31 metres (102 feet);

(d) The minimum width of the flag shall be equal to or greater than the minimum lot frontage of 61 metres (200 feet) required for dwellings in the Residential Settlement (RS) Zone in which the flag lot must be located;

(e) The front yard for the flag shall be measured from the point where the pole meets the flag;

(f) The pole shall be suitable for the construction of an access driveway designed to provide continuous access from an open Township road to the flag and its building envelope;

(g) A flag lot shall not be further subdivided;

(h) Any flag lot shall meet all other applicable zone standards including standards for accessory residential uses, buildings and structures which shall not be located in the front yard;

(i) At the time of application for consent to create a flag lot, Council must be assured that a single detached dwelling already exists legally on either the severed or the retained parcels;

(j) Consents will not be granted for flag lots which have the effect of limiting access to back lands for future uses or which have the effect of creating land locked parcels for either of the severed or retained parcels. (13/2024)

SECTION 8: WETLANDS PROTECTION ZONE

8.1 "Permitted Uses"

(a) Any dwellings or other buildings, structures or uses located on a lot on the effective date of this By-law.

(b) Docks, detached decks, pump houses and structures for flood or erosion control, passive outdoor activities, pedestrian walkways, resource management uses and conservation or forestry uses.

8.2 "Zone Requirements"

(a) No buildings shall be permitted in the Wetlands Protection Zone except for existing single detached dwellings or cottages where additions, alterations or the reconstruction of the same buildings on the same building footprints shall be permitted provided that buildings comply with the provisions of the relevant Seasonal Residential SR, Lakeshore Residential LR, Rural Ru and Flood Plain FP Zones.

SECTION 9: SEASONAL RESIDENTIAL SR ZONE

9.1 "Permitted Uses"

(a) One cottage on one lot used on a seasonal basis without any year round municipally owned road access plus uses, buildings and structures accessory thereto, including one guest sleeping cabin on the same lot (see also Definitions Section 2.84 and Section 9.4), boathouses, pump-houses, saunas and gazebos - see also Section 5.1(g). (36-2014)

9.2 "Zone Requirements for Waterfront Cottages"

(a) Waterfront Lot Frontage

Where a lot abuts a navigable waterway, the waterfront at the high water mark shall be deemed the only lot frontage even if the lot also abuts a street, lane or private right- of-way.

(i)	Minimum Lot Frontage	61 metres (200 feet)
(ii)	Minimum Lot Frontage in Deer Wintering Areas	122 metres (400 feet) reduced to 91 metres (300 feet), in consultation with the Ministry of Natural Resources & Forestry
(b)	Minimum Lot Area	0.8 hectares (2 acres)
(c)	Maximum Lot Coverage	35 percent (4/2017)
(d)	Minimum Front Yard and Exterior Side Yard	30 metres (100 feet) from high water mark
(e)	Minimum Interior Side Yard	3 metres (10 feet)
(f)	Minimum Rear Yard	8 metres (25 feet)
(g)	Minimum Floor Area for a Dwelling	18.6 square metres (200 square feet) (12-2025)
(h)	Maximum Height for a Dwelling	2½ storeys
(i)	Minimum Landscaped Open Space	No minimum

9.3 "Regulations for Boathouses, Pumphouses and Saunas"

(a)	Minimum Front Yard	1 metre (3 feet) from the front lot line
(b)	Minimum Side Yard	4 metres (12 feet)
(c)	Maximum Height	4 metres (12 feet)

9.4 "Zone Requirements for Guest Sleeping Cabins (see also Definition Section 2.84)"

(a)	Minimum Front Yard and Exterior Side Yard	30 metres (100 feet) from high water mark
(b)	Minimum Interior Side Yard	3 metres (10 feet)
(c)	Minimum Rear Yard	8 metres (25 feet)
(d)	Maximum Floor Area for a Guest Sleeping Cabin	23 square metres (250 sq. ft.)
(e)	Maximum Height	4.5 metres (15 feet)

(f) One guest sleeping cabin is permitted as a separate building on the same waterfront lot as the existing principal dwelling. Partitioned partial use of an accessory building for guest accommodations is prohibited. (32/2019)

SECTION 10: LAKESHORE RESIDENTIAL LR ZONE

10.1 "Permitted Uses"

(a) One single detached dwelling or cottage on one lot with year round municipally owned road access plus uses, buildings and structures accessory thereto including one guest sleeping cabin on the same lot (see also Definitions Section 2.84 and Section 10.5) boathouses, pump-houses, saunas and gazebos - see also Section 5.1(g). (36-2014)

(b) Developments by Plan of Condominium

(c) Home occupations and home professions.

10.2 "Zone Requirements for Waterfront Dwellings and Cottages"

(a) Minimum Lot Frontage

Where a through lot with a front lot line abutting an open municipal road, or condominium road, also abuts a navigable waterway the front lot lines on the road and on the waterfront along the high water mark shall both be deemed lot frontages. (8/2022)

(b) Notwithstanding the provisions of Section 5.10, no person shall erect or use a building or structure for permanent or full time use on any through lot with frontage on a navigable waterway unless the lot also has a front lot line abutting a municipal road, or condominium road, which is open and maintained year round. (8/2022)

(i)	Minimum Lot Frontage	61 metres (200 feet)
(ii)	Minimum Lot Frontage in Deer Wintering Areas	122 metres (400 feet) reduced to 91 metres (300 feet), in consultation with the Ministry of Natural Resources & Forestry

(c)	Minimum Lot Area	0.8 hectares (2 acres)
(d)	Maximum Lot Coverage	35 percent (4/2017)
(e)	Minimum Front Yard and Exterior Side Yard	30 metres (100 feet) from high water mark
(f)	Minimum Interior Side Yard	3 metres (10 feet)
(g)	Minimum Rear Yard	8 metres (25 feet)

(h)	Minimum Floor Area for a Dwelling	18.6 square metres (200 square feet) (12-2025)
(i)	Maximum Height for a Dwelling	2½ storeys
(j)	Minimum Landscaped Open Space	30%

10.3 "Zone Requirements for Developments by Plan of Condominium"

(a)	Maximum Density	One dwelling unit per 0.8 hectares (2 acre)
(b)	Minimum Undeveloped Open Space Shoreline	30 metres (100 feet) per dwelling unit
(c)	Minimum Front Yard	30 metres (100 feet) from high water mark
(d)	Minimum all Side Yards and Rear Yard	30 metres (100 feet)
(e)	Maximum Height	2½ storeys

10.4 "Regulations for Boathouses, Pumphouses and Saunas"

(a)	Minimum Front Yard	1 metre (3 feet) from front lot line
(b)	Minimum Side Yard	4 metres (12 feet)
(c)	Maximum Height	4 metres (12 feet)

10.5 "Zone Requirements for Guest Sleeping Cabins (see also Definition Sections 2.84)"

(a)	Minimum Front Yard and Exterior Side Yard	30 metres (100 feet) from high water mark
(b)	Minimum Interior Side Yard	3 metres (10 feet)
(c)	Minimum Rear Yard	8 metres (25 feet)

(d)	Maximum Floor Area for a Guest Sleeping Cabin	23 square metres (250 sq. ft.)
(e)	Maximum Height	4.5 metres (15 feet)

(f) One guest sleeping cabin is permitted as a separate building on the same waterfront lot as the existing principal dwelling. Partitioned partial use of an accessory building for guest accommodations is prohibited. (32/2019)

SECTION 11: FLOOD PLAIN FP ZONE

Lands zoned Flood Plain FP are zoned to include the beds of all navigable waterways, all Crown lakebeds and lands seasonally inundated by water to the furthest landward limit of the high water mark or the regulatory flood elevation (whichever is the greater) as measured by an Ontario Land Surveyor. This by-law, however, shall not be effective to reduce, override or mitigate any restrictions lawfully imposed by the Ministry of Northern Development, Mines, Natural Resources & Forestry under the authority of the Public Lands Act**.** (12/2023)

11.1 "Permitted Uses"

(a) Any dwelling or other buildings, structures or uses located on a lot on the effective date of this By-law (see also Exception FP-48).

(b) Docks, boathouses, saunas, detached garages, gazebos, detached decks, pumphouses and structures for flood or erosion control.

(c) Recreational and resource management uses.

(d) Conservation or forestry uses.

11.2 "Zone Requirements"

(a) All lot and yard requirements for existing uses shall remain as existing on the date of passing of this By-law.

(b) A barn or stable shall not be located closer than 152 metres (500 feet) from the normal high water mark of a navigable waterway.

(c) Boathouses, saunas and pumphouses shall not be located closer than 1 metre (3 feet) from the normal high water mark of a navigable waterway.

(d) Dwellings and cottages erected after the passage of this By-law by special Exception FP-49 shall not be located closer than 30 metres (100 feet) from the normal high water mark of a navigable waterway. (See also Section 11.4).

(e) All new sewage disposal systems connected to new dwellings, cottages or guest sleeping cabins or to additions, alterations or to the reconstruction of the same buildings on the same building footprints, shall not be located closer than 30 metres (100 feet) from the normal high water mark of any navigable waterway. (31/2021)

11.3 "Shore Road Allowances"

The zone requirements provided for in Subsection 11.2 may include all or a portion of any

original shore road allowance that has not been opened by the Township.

11.4 "Flood Proofing Elevations for Dwelling Unit and Building Openings"

In addition to the provisions of Subsection 11.2(d), any replacement, restoration, reconstruction or new residential buildings permitted by this By-law shall be floodproofed to and not have a building opening lower than the Regulatory Flood Elevation, as specified in this By-law. Accordingly, no building permits shall be issued for such works until floodproofing plans have been approved by the Township of Armour, assisted by the Ministry of Natural Resources & Forestry. Floodproofing in excess of 1.0 metre (3 feet) shall require plans prepared and approved by a qualified professional engineer.

11.5 "Zone Exceptions – Minimum Waterfront Yards"

Notwithstanding the provisions of Sections 9.2(d) and 9.4(a) Zone Requirements for Waterfront Cottages and Guest Sleeping Cabins in the Seasonal Residential (SR) Zone; and Sections 10.2(d) and 10.5(a) Zone Requirements for Waterfront Dwellings and Cottages and Guest Sleeping Cabins in the Lakeshore Residential (LR) Zone:

(a) For any new or relocated dwelling, cottage or guest sleeping cabin which cannot be saved by the exceptions granted in Section 19 FP-48 or FP-49, and which cannot meet the required 30 metre minimum setback from the normal high water mark on any lot zoned Seasonal Residential (SR) Zone or Lakeshore Residential (LR) Zone, the minimum front yard and exterior side yard provisions are hereby allowed to be at an elevation not lower than where the undisturbed natural ground level of the lot is higher than the normal high water mark by the following amounts as established by an Ontario Land Surveyor:

(i)	Little Doe Lake	2.81m (9.2 ft)
(ii)	Pickerel Lake and all other lakes	1.8m (6 ft)

(b) Section 11.5(a) shall not apply to any sewage disposal systems or sewage plumbing not located in a building or structure. All such new or reconstructed disposal systems shall be located a minimum of 30 metres (100 feet) from the normal high water mark of any navigable waterway as established by an Ontario Land Surveyor. (31/2021)

LAKES AND MAGNETAWAN RIVER CROSS SECTIONS	REGULATORY FLOOD ELEVATIONS (Canadian Geodetic Datum)
Little Doe Lake	296.91m
Doe Lake Channel	296.91m
Pickerel Lake	323.80m
Magnetawan River - Katrine 1	296.90m
Magnetawan River - Katrine 2	296.90m
Magnetawan River - Katrine 3	297.00m
Magnetawan River - Katrine 4	297.10m
Magnetawan River - Katrine 5	297.20m
Magnetawan River - Katrine 6	297.40m
Magnetawan River - 7	296.70m
Magnetawan River - 8	296.40m
Magnetawan River - 9	296.30m
Magnetawan River - 10	296.30m
Magnetawan River - 11	296.20m
Magnetawan River - 12	296.00m

11.6 "Residential docks"

(a) All residential docks must have a minimum 3 metre side yard including the straight line extension of the side yard into the water up to a distance of 30 metres.

(b) No residential dock shall extend more than 25% of the total distance across an adjacent waterway and in the case of narrow rivers or streams docks are not permitted unless they are constructed parallel to the shoreline.

(c) One residential dock is permitted for every 60 metres of shoreline frontage on one lot but not more than 2 residential docks are permitted on any parcel of land.

(d) No residential dock, including access ramps and walkways, may exceed 30 metres in length perpendicular to the shoreline except where the 30 metre projection of a dock ends at a water depth of less than 0.75 metres to the lakebed. In that instance the dock may be extended until a water depth of 0.75 metres is achieved.

(e) A residential dock is permitted on Crown land where it has been authorized.

(f) No buildings or structures are permitted on residential docks except open sided canvas or plastic shade protection, water slides not exceeding 3 metres in height and 5 metres in length, and diving boards not exceeding 3 metres in height.

(g) The maximum area of a residential dock excluding access ramps or walkways less than 2 metres in width shall not exceed 46.45 square metres.

(h) A hot tub is not a permitted use on a residential dock.

SECTION 12: MOBILE HOME PARK MHP ZONE

12.1 "Permitted Uses" (See also Section 5.16.1)

a) Mobile Home Parks and Leaseback Retirement Co-operatives.

b) Private parks and recreational areas.

c) Convenience stores and personal service shops.

12.2 "Zone Requirements for Mobile Home Parks and Leaseback Retirement Cooperatives and Uses Permitted in Clauses (a), (b) and (c) of Subsection 12.1"

a)	Minimum Lot Frontage	200 metres (650 feet)
b)	Minimum Lot Area	3.2 hectares (8 acres)
	• Park and Recreation Area	8% of lot area
(c)	Maximum Lot Coverage	
	• Convenience Store and Personal Service Shop	5% of lot area
(d)	Minimum Front Yard and Exterior Side Yard and Setback from:	

	(i)	a Township Road	The greater of a 15 metre (50 ft.) yard or a 25 metre (83 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 15 metre (50 ft.) yard
	(ii)	a Provincial Highway	See Section 5.34
(e)	Minimum Distance from High Water Mark		30 metres (100 feet)
(f)	Minimum Landscaped Open Space		30%
(g)	Minimum Planting Strip		15 metres (50 feet) in width along each lot line
(h)	Minimum Floor Area for Mobile Home		18.6 square metres (200 square feet) (12-2025)
(i)	Maximum Height		1 Storey

12.3 "Zone Requirements for Each Mobile Home Unit"

(a) Communal piped water and communal sewage disposal systems
Minimum site area per unit 0.2 hectares (20,000 sq. ft.)
Minimum frontage and depth 30 metres (100 ft.)

(b) Communal piped water and individual sewage disposal systems

Minimum site area per unit 0.2 hectares (20,000 sq. ft.)
Minimum frontage and depth 30 metres (100 ft.)

(c) Communal sewage disposal systems and individual wells
Minimum site area per unit 0.3 hectares (32,000 sq. ft.)
Minimum frontage and depth 46 metres (150 feet).

(d) Individual wells and individual sewage disposal system
Minimum site area per unit 0.4 hectares (1 acre)
Minimum frontage and depth 60 metres (200 ft.)

SECTION 13: COMMERCIAL C ZONE

13.1 "Permitted Uses"

a) Commercial Uses

- automobile sales and service establishment
- automobile service station/gas bar
- bake shop
- building and lumber supply use
- community centre
- dry cleaning depot
- factory outlet retail store
- farm equipment sales and service
- funeral home
- garden centre
- lodge
- medical clinic
- motel/hotel
- offices
- beer and/or liquor outlet
- parking area
- personal service establishment
- places of entertainment or recreation
- private or commercial club
- public garage
- public use
- restaurant
- retail store

- service industry
- service shop
- shopping centre
- veterinary clinic

b) Other Uses

An accessory residential use (see Section 5.2[a]), residential intensification and redevelopment (see Section 5.2[a]), home occupation or home profession use; uses, buildings and structures accessory to the foregoing permitted uses.

13.2 "Zone Requirements"

(Excluding Automobile Service Stations and Public Garages)

a)	Minimum Lot Frontage	61 metres (200 feet)
b)	Minimum Lot Area	0.8 hectares (2 acres)
c)	Maximum Lot Coverage	40 percent
d)	Minimum Front Yard and Exterior Side Yard and Setback from:	
	(i) a Township Road	As existing or the greater of a 7.5 metre (25 ft.) yard or a 17.5 (58 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 7.5 metre (25 ft.) yard

	(ii) a Provincial Highway	As existing or, see Section 5.34
e)	Minimum Interior Side Yard:	
	(i) 3 metres (10 feet)	
	(ii) 6 metres (20 feet) abutting any Residential Zone	
f)	Minimum Rear Yard	8 metres (25 feet)
g)	Minimum Landscaped Open Space	10 percent
h)	Maximum Building Height	2 Storeys
i)	Open Storage	

No storage of goods or materials shall be permitted in any front or exterior side yard unless such goods or materials are for retail display purposes. Storage of goods or materials in any rear yard adjacent to any Residential Zone shall be enclosed and screened from public view by a solid fence at least 2 metres (6 feet) in height and which fence shall be maintained in good repair.

(j)	Minimum Parking Requirement	See Section 5.21
(k)	Minimum Loading Requirement	See Section 5.16

13.3 "Zone Requirements for Automobile Service Stations and Public Garages"

a)	Minimum Lot Frontage	61 metres (200 feet)

b)	Minimum Lot Depth		40 metres (125 feet)
c)	Maximum Lot Coverage		30 percent
d)	Minimum Front Yard and Exterior Side Yard and Setback from:		
	(i)	a Township Road	As existing or the greater of a 7.5 metre (25 ft.) yard or a 17.5 metre (58 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 7.5 metre (25 ft.) yard
	(ii)	a Provincial Highway	As existing or, see Section 5.34
e)	Minimum Interior Side Yard		
	(i)	6 metres (20 feet)	
	(ii)	10 metres (30 feet) abutting any Residential Zone	
f)	Minimum Rear Yard		8 metres (25 feet)
g)	Minimum Landscaped Open Space		10 percent

h) Maximum Building Height 2 Storeys

i) Open Storage

No storage of goods or materials shall be permitted in any front or exterior side yard unless such goods or materials are for retail display purposes. Storage of goods or materials in any rear yard shall be enclosed and screened from public view by a solid fence at least 2 metres (6 feet) in height and which fence shall be maintained in good repair.

j) Fuel Pump Islands

Equipment for the handling of motor fuels shall be installed and maintained pursuant to the Technical Standards and Safety Act, 2000, and any regulation thereunder.

SECTION 14: RECREATIONAL COMMERCIAL RC ZONE

14.1 "Permitted Uses"

a) Commercial Uses

- Recreational uses
- Tourist commercial uses
- Hotel or motel
- Restaurant or eating establishment
- Seasonal camp, trailer camp or camping establishment
- Lodge or resort
- Marina
- Arena
- Private park
- Convenience store
- Parking area
- Golf course
- Golf driving range

b) Other Uses

An accessory residential use (see Section 5.2), residential intensification and redevelopment (see Section 5.2), home occupation or home profession; uses, buildings and structures accessory to the foregoing permitted uses.

14.2 "Zone Requirements:

a) Minimum Lot Frontage	61 metres (200 feet)

b)	Minimum Lot Area		0.8 hectares (2 acres)
c)	Maximum Lot Coverage		40 percent
d)	Minimum Front Yard and Exterior Side Yard and Setback from:		
	(i)	a Township Road	As existing or the greater of a 7.5 metre (25 ft.) yard or a 17.5 metre (58 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 7.5 metre (25 ft.) yard
	(ii)	a Provincial Highway	As existing or, see Section 5.34
	(iii)	Minimum Distance from High Water Mark	30 metres (100 feet)
e)	Minimum Interior Side Yard:		
	(i)	3 metres (10 feet)	
	(ii)	6 metres (20 feet) abutting any Residential Zone	
(f)	Minimum Rear Yard		8 metres (25 feet)

(g)	Minimum Landscaped Open Space	10 percent
(h)	Maximum Building Height	2 Storeys
(i)	Minimum Floor Area for Rental Cabin or Cottage	37 square metres (400 square feet)

(j) Open Storage

No storage of goods or materials shall be permitted in any front or exterior side yard unless such goods or materials are for retail display purposes. Storage of goods or materials in any rear yard adjacent to any Residential Zone shall be enclosed and screened from public view by a solid fence at least 2 metres (6 feet) in height and which fence shall be maintained in good repair.

(k)	Minimum Parking Requirement	See Section 5.21
(l)	Minimum Loading Requirement	See Section 5.16

14.3 "Regulations for Trailer Sites"

a)	Minimum Trailer Site Area	300 square metres (3,000 square feet) but in no case shall the number of trailer sites in a trailer

		camp exceed 30 per hectare (12 per acre) of land zoned for such uses.
(b)	Minimum Trailer Site Frontage	15 metres (50 feet)
(c)	Required Access	Each trailer site shall be accessible by means of a driveway; (i) at least 4 metres (12 feet) in width where the driveway is for one-way traffic, or (ii) at least 8 metres (25 feet) in width where the driveway is for two-way traffic.
(d)	Trailer Spacing	All trailers, including additions, shall each be at least 3 metres (10 feet) from all boundary edges of their respective individual site areas.

14.4 "Regulations for Additions to Trailers"

(a)	Maximum Floor Area of Trailer including All Additions (whether enclosed or unenclosed)	37 square metres (400 square feet)
(b)	Maximum Floor Area of All Additions to a Trailer	14 square metres (150 square feet)

(c) All trailer additions require a Building Permit and Plot Plan.

SECTION 15: RURAL INDUSTRIAL M ZONE

15.1 "Permitted Uses"

a) Industrial Uses:

- automobile repair garage/body shop
- automobile service station
- bake shop
- boat or marine supplies dealer
- business, professional or administrative offices
- cartage or transport trucking yard
- commercial greenhouse
- commercial health club
- community centre
- contractor's yard
- convenience store
- custom workshop
- exhibition/conference hall
- factory outlet retail store
- farm equipment sales and service
- farm supply store - retail
- financial institution
- firehall/police station/ambulance
- industrial research and development centre
- institutional uses
- lumber yard and building supply establishment
- non-effluent producing industry or factory
- place of recreation

- printing and publishing establishment
- public utilities yard
- restaurant
- service industry
- service shop
- shopping centre
- vehicle sales and rental establishment
- veterinary clinic, provided the entire operation is carried on within building
- warehouse

b) Other Uses:

A retail store accessory to any permitted use; uses, buildings and structures accessory to any permitted use; a dwelling unit in a non-residential building, if occupied by a security/caretaker person employed full-time on the lot on which such building is located, but excluding any detached accessory residential use. One single detached dwelling with a minimum floor area of 18.6 square metres (200 square feet) as an accessory use to any permitted rural industrial use with the exception of a financial institution, firehall/police station/ambulance, institutional use, public utilities yard or any public agency building. (44-2025)

15.2 "Zone Requirements"

a)	Minimum Lot Frontage	61 metres (200 feet)
b)	Minimum Lot Area	0.8 hectares (2 acres)
c)	Maximum Lot Coverage	50 percent

d)	Minimum Front Yard and Exterior Side Yard and Setback from:		
	(i)	a Township Road	The greater of a 7.5 metre (25 ft.) yard or a 17.5 metre (58 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 7.5 metre (25 ft.) yard
	(ii)	a Provincial Highway	See Section 5.34
e)	Minimum Interior Side Yard:		
	(i)	6 metres (20 feet)	
	(ii)	10 metres (30 feet) abutting a residential use	
f)	Minimum Rear Yard:		
	(i)	6 metres (20 feet)	
	(ii)	10 metres (30 feet) abutting a residential use	
g)	Minimum Landscaped Open Space		10 percent

h) Maximum Height 12 metres (40 feet)

i) Open Storage

No storage of goods or materials shall be permitted in any front or exterior side yard unless such goods or materials are for retail display purposes. Storage of goods or materials in any rear yard shall be enclosed and screened from public view by a solid fence at least 2 metres (6 feet) in height and which fence shall be maintained in good repair.

j) Security/Caretaking Accommodations:

Residential accommodation is permitted provided that a dwelling unit:

(i) is incorporated within the main Industrial building on the site; and

(ii) is used by a caretaking or security staff member only; and

(iii) has a maximum of one bedroom with minimum floor area of 40 square metres (430 sq.ft.) and a maximum floor area of 56 square metres (600 sq.ft.); and

(iv) is for single person household accommodation only.

(k) Minimum Parking Requirement See Section 5.21

(l) Minimum Loading Requirement See Section 5.16

SECTION 16: INDUSTRIAL EXTRACTIVE MX ZONE

16.1 "Permitted Uses"

- an agricultural use excluding any building or structures;
- an aggregate storage area;
- a concrete batching plant;
- a crushing plant;
- a pit or quarry;
- a temporary asphalt plant;
- uses, buildings and structures accessory to the foregoing permitted uses excluding any accessory residential use.

16,2 "Zone Requirements"

a) Minimum Lot Frontage no minimum

b) Minimum Lot Area no minimum

c) Other Requirements:

(i) No building, plant or product stockpile shall be located within 30 metres (100 feet) of any lot line or within 100 metres (300 feet) of any residential zone or use.

(ii) No pit or quarry shall be located within 30 metres (100 feet) of any road allowance or 15 metres (50 feet) of any lot line.

SECTION 17: PUBLIC P ZONE

17.1 "Permitted Uses"

a)
- an agricultural use;
- a conservation use;
- a forestry use;
- a resource management use;
- a recreational use;
- a public use;
- an existing residential use;
- uses accessory to the permitted uses.

17.2 "Zone Requirements"

a)	Minimum Lot Frontage	as existing
b)	Minimum Lot Area	as existing

SECTION 18: INSTITUTIONAL I ZONE

18.1 "Permitted Uses"

- an institutional use;
- a private club;
- uses accessory to the permitted uses

18.2 "Zone Requirements"

a)	Minimum Lot Frontage	61 metres (200 feet)
b)	Minimum Lot Area	0.8 hectares (2 acres)
c)	Maximum Lot Coverage	50 percent
d)	Minimum Front Yard and Exterior Side Yard and Setback from:	
	(i) a Township Road	As existing or the greater of a 7.5 metre (25 ft.) yard or a 17.5 metre (58 ft.) setback from the centre line of the travelled road, but in no case shall this distance be less than the 7.5 metre (25 ft.) yard
	(ii) a Provincial Highway	As existing, or see Section 5.34

SECTION 19: EXCEPTIONS

The following provisions shall have effect notwithstanding anything else in this By-law and the other provisions of this By-law shall be deemed to be amended insofar as is necessary to give effect hereto:-

Exception Numbers (Used with various Zoning Classifications as Shown on Schedule 'A'	**Provisions**
Ru-1 Sawyer 26/04	1. Notwithstanding the provisions of Section 6.2 of the Rural (Ru) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, Part 2 of Plan PSR-1664 shall have a minimum lot frontage of 30.5m (100 feet) and a minimum lot area of .25ha (.61 acre); and 2. Notwithstanding the provisions of Sections 6.1 and 6.2 of the Rural (Ru) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, Part 3 of Plan PSR-1664 shall have a minimum lot frontage of 61m (200 feet) and a minimum lot area of .49ha (1.21 acres) and this land may also be used for an automobile repair garage and safety check centre and uses or structures accessory thereto; and 3. All other provisions of Section 6 of Zoning By-law No. 27-95 shall remain in effect and applicable to these lands.
Ru-2 Mr. Firewood 3/86	Intentionally removed
Ru-2A Cutrara /94	Intentionally removed
Ru-3 Mr. Firewood	Intentionally removed
Ru-4 Map Aesma 3/86	Notwithstanding the provisions of Section 6 this land may also be used for a manufacturing and retail sales outlet for furniture.
Ru-5 Map	Use of all lands zoned Ru-5 may also be for a

	Turner 3/86	converted dwelling containing 6 dwelling units.
RC-6	Map Kelsall 3/86	Notwithstanding any other provisions of this By-law, this land shall only be used for a commercial trailer camp and uses, buildings and structures accessory thereto.
Ru-8	Map McLeod 11/96	Notwithstanding the provisions of Section 6.1(c) of By-law No. 27-95, this land may also be used for two cottages existing as of April 13, 1984 and uses, buildings and structures accessory thereto. All other provisions of By-law No. 27-95 are hereby deemed to remain in effect as they relate to this land.
C-9		Deleted by By-law 16/97
P-10	Map Lagoons 3/86	Notwithstanding any other provisions of this By-law, this land may only be used for the Burk's Falls sewage lagoons.
P-11	Map Landfill 3/86	Notwithstanding any other provisions in this By-law, this land may only be used for the Burk's Falls, Armour, Ryerson landfill site.
FP-12	Map Kornhoffer 3/86	Notwithstanding any other provisions of this By-law, this land may be used for five rental cottages existing as of May 31, 1983, provided that the minimum frontage of the area so zoned shall be 820 feet, the minimum area so zoned shall be 10 acres and no accessory habitable buildings shall be permitted with an area of more than 100 square feet.
SR-13	Map Boughton 3/86	Notwithstanding any other provisions of this By-law, this land may only be used for one cottage but no such cottage or any other structure may be erected at a distance greater than 60 feet

from the eastern boundary of the right-of-way which forms the western limits of the lands zoned SR-13.

Ru-14 Map
Jenereaux 3/86

Notwithstanding the provisions of the Rural (Ru) Zone, this land may also be used for the following uses, all of which were existing at the date of passing of this by-law:-

(a) One one-family detached dwelling used also for office purposes and with ground floor dimensions of 24 feet by 16 feet; and

(b) One converted dwelling with ground floor dimensions of 42 feet by 32 feet containing four dwelling units; and

(c) One private garage with ground floor dimensions of 12 feet by 24 feet; and

(d) One garage with ground floor dimensions of 32 feet by 24 feet containing an auto body repair shop.

C-15 Map
Jenereaux 3/86

Notwithstanding the provisions of the Commercial (C) Zone, this land may only be used for an automobile sales lot.

Ru-18 Map
Gohlich 3/86

Notwithstanding any other provision in this By-law this land may also be used for a Veterinarian's Clinic.

C-19 Map
Murray 3/86

Notwithstanding other provisions of this By-law, this land may only be used for a single family dwelling; a body shop engaged in the repairing and/or painting of vehicle bodies; a retail outlet for plastic septic pipe; and a parking area for trucks and construction

equipment.

RC-20 Map Garbowsky 3/86 — Notwithstanding any other provisions in this By-law, this land may only be used for a commercial trailer camp.

SR-21 Map Mahoney 3/86 — Notwithstanding any other provisions in this By-law, the uses of this land shall be restricted to private family cabins with associated uses including boathouses, private park areas, forestry and open space uses.

Ru-22 Map Oxtail Lodge 3/86 — Notwithstanding any other provisions in this By-law, this land may only be used for a private club or hunting lodge with cabins and boathouses plus resource management and forestry uses.

RC-23 Map Rutherford 3/86 — Notwithstanding any other provisions in this By-law, this land may only be used for a commercial trailer camp.

C-24 Map Hunter 3/86 — Notwithstanding the provisions of Section 14, the permitted uses shall include but not be restricted to a printing shop and office and the minimum lot area shall be 5,812 square feet.

RC-25 Map Kornhoffer 3/86

Notwithstanding any other provisions of this By-law, this land may only be used for three rental cottages existing as of May 31, 1983, plus two additional rental cottages together with non-habitable accessory buildings or structures provided that the minimum frontage of the area so zoned shall be 200 feet; the minimum area so zoned shall be 1.2 acres and the following regulations shall apply:-

(a) Minimum Front Yard	82 feet from the original high water mark

(b) Minimum Side Yard 25 feet

(c) Maximum Building Height 25 feet

RC-26 Map
Morris 3/86

Notwithstanding the provisions of Section 14 of this By-law, Permitted Commercial Uses in the Recreational Commercial (RC) Zone, this land may only be used for seven (7) rental cottages and a convenience store with a parking area. All other provisions of this By-law are hereby deemed to remain in effect as they relate to this land.

Ru-27 Map
Rumford 7/87

Notwithstanding any other provisions of this By-law, this land may also be used for a gravel pit subject to the provisions of Section 16 of this By-law.

Ru-28 Map
Russell 8/87

Notwithstanding any other provisions in this By-law, this land may also be used for a converted dwelling containing a maximum of three dwelling units subject to the provisions of Sections 5.30 and 6.3 of this By-law.

Ru-29 Map
White 10/88 and 27/89

Notwithstanding any other provisions in this By-law, this land may only be used for two dwellings containing a maximum of four dwelling units each subject to the provisions of Section 5.30 (setback from Trans-Canada Pipeline) and the following regulations shall also apply:-

(a) Minimum Lot Area 12 acres

(b) Minimum Lot Frontage 380 feet

		(c) Minimum Setback Distance from Centreline of Township Road	80 feet
		(d) Minimum Side Yard	25 feet
		(e) Minimum Rear Yard	40 feet
		(f) Maximum Lot Coverage	4,000 square feet
		(g) Minimum Floor Area per Dwelling Unit	640 square feet
		(h) Maximum Height	2-1/2 Storeys
Ru-30	Map Ransom & Wade 14/88	Notwithstanding the provisions of Section 11, no building or structure except an uninhabitable boathouse, dock, flood control structure or other public work shall be located below the 100.3 metre elevation along the Magnetawan River.	
Ru-31	Map Brown-Nicholls 17/88	Notwithstanding the provisions of the Rural Ru Zone, this land may also be used for three trailers plus uses, buildings and structures accessory thereto.	
R-32	Map Rowley 16/88	Notwithstanding the provisions of this By-law, the minimum lot area for this land so zoned shall be 26,400 square feet.	
LR-33	Map Postle 2/88	Notwithstanding the provisions of Section 11, no building or structure except an uninhabitable boathouse, dock, flood control structure or other public	

		work shall have building openings below the minimum elevation of 297 metres G.S.C. datum.
R-34	Map Murray 13/89	Notwithstanding the provisions of this By-law, the minimum lot area for this land so zoned shall be 29,000 square feet.
RS-35	Map Murray 13/89	Notwithstanding the provisions of this By-law, the minimum lot area for this land so zoned shall be 19,000 square feet.
LR-36 +FP	Map Osborne 12/89	Notwithstanding the provisions of this By-law, as amended, the minimum lot area for this land so zoned shall be 25,000 square feet.
RC-37	Map Peck 15/89	Notwithstanding the provisions of this By-law, this land may only be used for twelve (12) trailers subject to the provisions of this By-law which apply to lands zoned in this manner.
LR-38 +FP	Map Checkowy 14/89	Notwithstanding the provisions of this By-law, as amended, the minimum lot area for this land so zoned shall be 23,000 square feet.
C-40	Map Hunter 20/89	Notwithstanding any other provisions in this By-law, this land may only be used according to the following regulations:- (a) Permitted Uses • automobile sales and service establishment • building and lumber supply uses

- farm equipment sales and service
- garden centre
- personal service shop
- service shop
- retail store
- vehicle repair shop
- service industries
- cartage or transport yard
- warehousing
- enclosed storage
- an accessory residential use plus uses, buildings and structures accessory to the foregoing permitted uses.

(b) Minimum Lot Area as existing

(c) Minimum Lot Frontage as existing

(d) Minimum Setback 80 feet
Distance from Centre-
line of Road Allowance between
Concessions 11
and 12

(e) Minimum Setback 120 feet
Distance from Centre-
line of Provincial Highway
No. 11

(f) Minimum Entrance 200 feet
Distance from the
Right-of-way

		Provincial Highway No. 11	
		(g) Maximum Lot Coverage	25 percent
		(h) Maximum Building Height	2 Storeys
		(i) Minimum Side and Rear Yards	20 feet
		(j) No open storage of goods or materials shall be permitted in the yard fronting Highway No. 11 unless such goods or materials are for retail display purposes.	
SR-41 11/90	Map Jess	Notwithstanding the provisions of this By-law, no building or structure except an uninhabitable boathouse, dock, flood control structure or other public work shall be located below the 297.5 metre elevation along the Doe Lake Channel.	
SR-42	Map O'Hagan 12/90	Notwithstanding the provisions of this By-law, no building or structure except an uninhabitable boathouse, dock, flood control structure or other public work shall be located below the 296.9 metre elevation along the Magnetawan River.	
SR-43 +FP	Map Soucie & Panek 8/91	Notwithstanding the provisions of this By-law, as amended, this land may also be used for a second	

		cottage existing at the date of passing of this Zoning By-law Amendment.
Ru-44	Map Sears 30/91	Notwithstanding the provisions of Section 6.1(c) of By-law No.3-86 as amended, this land may also be used for a second one-family detached dwelling on the same lot. Such new dwelling to be constructed must be wheelchair accessible. All other provisions of By-law No.3-86 are hereby deemed to remain in effect as they relate to this land.
C-46	Map Works Garage 24/91	Notwithstanding the provisions of this By-law, this land may only be used for structures, for storage, and uses, buildings and structures accessory thereto.
C-47	Map Mitchell 25/91	Notwithstanding the provisions of this By-law, the minimum interior side yard relating to the northerly lot line of Part 2 of Plan 42R-12057 and the minimum rear yard relating to the southerly lot line of Part 1 of Plan 42R-12057 shall be as existing at the date of passing of this Zoning By-law Amendment. All other provisions of this By-law are hereby deemed to remain in effect as they relate to this land.
FP-48		<u>Buildings in the Flood Plain</u> Notwithstanding the provisions of Section 11 Flood Plain FP Zone, any building or structure located in the Flood Plain FP Zone at the date of passing of this By-law is hereby deemed to legally conform with the provisions of this By-law. Any replacement, restoration or reconstruction of such buildings or structures,

		however, shall be subject to all applicable provisions of this By-law and shall not result in an increase in the ground floor area. On those lots which are only partially zoned Flood Plain FP, buildings or structures which are replaced or reconstructed shall be relocated to that portion of the lot situated outside of the Flood Plain FP Zone provided that all other provisions of this By-law are adhered to.
FP-49		Vacant Lots in the Flood Plain Notwithstanding the provisions of Section 11.1(a), Permitted Uses in the Flood Plain FP Zone, new dwellings are permitted on this lot so long as the dwellings are flood-proofed to the Regulatory Flood Elevation in accordance with the requirements of Section 11.4 of this By-law.
M-50		Turner Tank , 35/91, Intentionally removed (MTO expropriation
Ru-51 Russell 15/92		Intentionally removed
RS-52 Map Lillie Kup Kamp	7/93	Notwithstanding any other provisions contained within By-law No. 3-86, as amended, this land may only used for a dwelling containing a maximum of four dwelling units, subject to the provisions of Section 7 (Residential R Zone).
RC-53	Map Lillie Kup Kamp	Notwithstanding the provisions of Section 16 (Environmental Protection Zone) no building or

	7/93	structure except an uninhabitable boat house, dock, flood control structure or other public work shall be located below the 297.20 metre Regulatory Flood Elevation (Canadian Geodetic Datum) along the Magnetawan River.
Ru-54	Map Dingman 17/94	Notwithstanding any other provisions of this By-law, this land may only be used for open space, including driveway access purposes. The erection or construction of any structures, buildings or dwellings, with the exception of fences, shall not be permitted.
RSH-55	Map Township Land	Notwithstanding the provisions of Section 7 (Residential Settlement RS Zone) this land may also be used for the following uses, subject to the provisions of Section 13, Commercial C Zone of this By-law: • bake shop • business or professional office • commercial greenhouse • commercial health club • community centre • convenience store • financial institution • firehall/police station/ambulance • institutional uses • place of recreation • personal service establishment • printing and publishing establishment • restaurant • service industry

- service shop
- shopping centre
- warehouse

Notwithstanding the provisions of Section 7 this land may also be used for Light Industrial uses subject to the provisions of Section 15.2 Zone Requirements for Rural Industrial (M) uses. (27/2016)

Ru-56	Map Irwin Russell 4/95	Notwithstanding the provisions of Section 6.1(c) of By-law No. 3-86 as amended, this land may also be used for a single detached dwelling containing a maximum of three dwelling units and uses, buildings and structures accessory thereto. All other provisions of By-law No. 3-86 are hereby deemed to remain in effect as they relate to this land.
RuH-57	Map Vetere/Gaudet	Notwithstanding the provisions of this By-law, this land may also be used for a single detached dwelling containing a maximum of two dwelling units and uses, buildings and structures accessory thereto.
C-58		Berriedale Store Intentionally removed (MTO expropriation)
RC-59	Map Old Mill Camp	Notwithstanding the provisions of Section 5.2(a) of this By-law, a maximum of two dwelling units shall be permitted within the principal commercial building on this land.
C-60	Map Ken White	Notwithstanding the provisions of Section 13 of this By-law, this land may also be used for a single detached dwelling containing a maximum of two dwelling units and uses, buildings and structures accessory thereto.

RC-61	Map Pickerel Lake Lodge	Notwithstanding the provisions of Section 14 of this By-law, this land may also be used for two single detached dwellings existing at the date of passage of this By-law, and uses, buildings and structures accessory thereto.
C-62	Map Langerud	Notwithstanding the provisions of Section 13 of this By-law, this land may also be used for a single detached dwelling containing a maximum of two dwelling units and uses, buildings and structures accessory thereto.
Ru-63	Map Robinson	Intentionally removed
RC-64	Map Camp Turner 16/95	Notwithstanding the provisions of Section 3.1(f), Section 5.12 and Section 11 of Zoning By-law No. 3-86 as amended, this land may only be used for eight (8) rental cabins existing in October 1994, plus an additional four (4) rental cabins located on a Site Plan Agreement prepared in accordance with Section 41 of the Planning Act. The four additional rental cabins shall each have a minimum floor area of 37 sq.m (400 sq.ft.) An attached unenclosed deck or porch shall also be permitted on the waterfront side of any rental cabin. All other provisions of By-law No. 3-86 are hereby deemed to remain in effect as they relate to this land.
Ru-65	Map	Notwithstanding the provisions of Section 6 of

	East Katrine	this By-law, this land shall be subject to the provisions of Section 7 - Residential Settlement RS Zone.
Ru-66	Map Armstrong 18/95	Notwithstanding the provisions of Section 6.1(c) of By-law No. 3-86 as amended, this land may also be used for a single detached dwelling containing a maximum of two dwelling units and uses, buildings and structures accessory thereto. All other provisions of By-law No. 3-86 are hereby deemed to remain in effect as they relate to this land.
Ru-67	Map Kujala 23/95	Notwithstanding the provisions of Section 6.1(c) of By-Law No. 3-86 as amended, this land may also be used for a single detached dwelling containing a maximum of two dwelling units and uses, buildings and structures accessory thereto. All other provisions of By-Law No. 3-86 are hereby deemed to remain in effect as they relate to this land:
RC-68	Map Deer Lake	Notwithstanding the provisions of Section 14 (Recreational Commercial RC Zone) this land may only be used for twelve (12) trailers existing on the date of passage of this By-Law.
RC-69	Map Kurzenburger 9/97	Notwithstanding the provisions of Section 14-1(b) of By-law No. 27-95, this land may also be used for a second single detached dwelling and uses, buildings and structures accessory thereto. All other provisions of

		By-law No. 27-95 are hereby deemed to remain in effect as they relate to this land.
Ru-70	Map Krugman 17/98	Intentionally removed.
C-71	Map New Hope Fellowship 5/98	Notwithstanding the provisions of Sections 5.1 (Accessory Uses and Buildings); 5.21 (Parking Provisions); 13.1 (a)(Commercial Uses Permitted); and Section 13.2(d)(Commercial Yard Requirements) of By-law No. 27-95, this land may also be used for a church and uses, buildings and structures accessory thereto provided that: (i) No building on this land shall be located closer than 40 metres (130 feet) to the front lot line defined as the boundary between Parts 2 and 6 on Plan 42R-10640; and (ii) No less than fifty-five (55) regular parking spaces and four (4) handicapped parking spaces shall be provided; and (iii) There shall be no vehicular or other access to the property from the westerly side lot line defined as the boundary between Parts 1 and 2 on Plan 42R-10640; and

		(iv) No signage shall be located on the southwest quadrant of this land, that being within 40 metres (130 feet) of the southern property boundary at Commercial Drive and within 33 metres (109 feet) of the western property boundary; and (v) All other provisions of By-law No.27-95 are hereby deemed to remain in effect as they relate to this land.
FP-72	Map Honsberger Subdivision 20/99	Notwithstanding the provisions of Section 11.1 of By-law No. 27-95, this land shall only be used as a vehicle parking area including docks but excluding mobile homes, park model homes and camping trailers. Such vehicle parking shall not occur within ten (10) metres of the lake shoreline. All other provisions of By-law No. 27-95 are hereby deemed to remain in effect as they relate to this land.
RS-73	Map Andy Murray 29/99	Notwithstanding the provisions of this By-law, this land may also be used for a retail business for equipment rentals only as a rear yard accessory use within the accessory building with ground floor dimensions of 13.4m (44 ft.) By 7.3m (24 ft.), existing as a April 12, 1995 (Temporary Use By-law No. 8-95), with no open storage of goods or materials permitted.
C-74	Map Beside Twp. Office	Intentionally removed

	33/00	
Ru-75	Map Leggett 30/02	Notwithstanding any other provisions of the Armour Township comprehensive Zoning By-law, this land may also be used as a salvage yard with uses limited and restricted to the outside and/or inside storage of vehicles and vehicle parts.
Ru-76	Map Steengaard 32/02	Notwithstanding any other provisions of the Armour Township comprehensive Zoning By-law, this land may also be used as a salvage yard with uses limited and restricted to the outside and/or inside storage of vehicles and vehicle parts.
LR/FP-77	Map Colbourne 43/03	Notwithstanding the provisions of Section 10 Lakeshore Residential (LR) Zone and Section 11 Flood Plain (FP) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, this land may only be used for one cottage occupied on a seasonal basis and uses, buildings and structures accessory thereto including one studio with no water or sewage treatment facilities, boathouses, pumphouses, and saunas subject to the following provisions. (i) Any cottage or studio, including expansions, replacement, restoration or reconstruction shall be a minimum distance of 2.7 metres (9 feet) from high water mark; and (ii) All sanitary sewage emanating from the cottage shall be treated in accordance with the

design requirements of Sewage System Permit No. 12/AR/01 issued by the North Bay Mattawa Conservation Authority; and

(iii) Boathouses, pumphouses and saunas shall be a minimum distance of 1 metre (3 feet) from high water mark; and

(iv) Maximum height for all structures shall be two and one half storeys; and

(v) Any cottage or studio, including expansions, replacement, restoration or reconstruction shall be floodproofed to and not have any building opening or floor area elevation lower than the Pickerel Lake regulatory flood elevation of 323.80 metres (1062.34 feet) Canadian Geodetic Datum; and

(vi) All other provisions of Zoning By-law No. 27-95 are hereby deemed to remain in effect as they relate to this land.

RS-78	Map Nielsen 05/04	Notwithstanding the provisions of Section 7 Residential Settlement (RS) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, this land may also be used for a welding business located within a

garage attached to an existing detached residence located on the property subject to the following provisions:

(i) The welding business does not create or become a public nuisance in particular in respect to noise, odours, traffic, parking, dust, smoke, vibrations, arc flashes or interference with television, radio or any electronic communications; and

(ii) The welding business shall clearly remain secondary to the main residential use of the lot; and

(iii) No outdoor storage of goods, materials or gas bottles shall be permitted in the front or side yards. Outdoor storage of goods, materials and gas bottles in the rear yard shall be enclosed and screened from public view by a solid fence at least 2 metres (6 feet) in height and which fence shall be maintained in good repair.

C-79 (85 Ontario St.) Langerud/Latende 21/04

Notwithstanding the provisions of Section 13 Commercial (C) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, this land may be used for any of the uses permitted in Subsections 13.1(a) and 13.1(b) of Zoning By-law No. 27-95 **except** an automobile service station/gas bar; a factory outlet retail store; a service industry or a shopping centre. All other provisions of Section 13 of Zoning By-law No. 27-95 remain in effect and applicable to these lands.

RS-79 (Hwy 520) Hewitt 37/04

Notwithstanding the provisions of Section 7 Residential Settlement (RS) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, this land may only be used as a vehicular access lane right-of-way for adjacent properties.

RS-80 Hewitt 37/04 (replaced by Mashinter C-87 7/08)

Notwithstanding the provisions of Section 7.1 of the Residential Settlement (RS) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, this land shall only be used for one single detached dwelling including buildings and structures accessory thereto but shall not have direct vehicular access to Highway No. 520. All other provisions of Section 7 of Zoning By-law No. 27-95 remain in effect and applicable to these lands.

MX-81 Russell/Newell 13/05

Notwithstanding the provisions of Section 16.2(c)(i) Industrial Extractive (MX) Zone of the Armour Township comprehensive Zoning By-law, no pit building, plant or product stockpile shall be located within 30 metres (100 feet) of any lot line, residential zone or residential use. All other provisions of Section 16 of Zoning By-law No. 27-95 shall remain in effect and applicable to these lands.

LR-82 Sterritt/Smith 17/05

Notwithstanding the provisions of Section 10 Lakeshore Residential (LR) Zone of Armour Township comprehensive Zoning By-law No. 27-95, the minimum lot frontage and minimum lot area of any lot existing within the subject area shall be as existing on the date of passage of this By-law. All other provisions of Section 10 of Zoning By-law No. 27-95 shall remain in effect and applicable to these lands.

LR-83 Sterritt 11/06

Notwithstanding the provisions of Section 10 Lakeshore Residential (LR) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, no development of any kind shall be permitted on these lands and for the purposes of this clause no development means no construction or erection of buildings or structures on or the excavation or grading of the lands

in any way or the removal of trees. Further, the Original Shore Road Allowance adjacent to these lands shall remain open.

Ru-84 Sterritt 11/06

Notwithstanding the provisions of Section 6 Rural (Ru) Zone of Armour Township comprehensive Zoning By-law No. 27-95, the uses permitted on the subject lands shall be limited to those specified in Sections 10.1(a), 10.2 and 10.6 of the Lakeshore Residential (LR) Zone of the Armour Township comprehensive Zoning By-law No. 27-95.

Ru/FP-85 Ferrante 17/06

Notwithstanding the provisions of Section 6.2 of the Rural (Ru) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, the subject lands shall have a minimum lot frontage of 20.55m (67.43 feet).

RS-86 Heintzman 44/06

Notwithstanding the provisions of Section 7.2(a) of the Residential Settlement (RS) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, the subject lands shall have a minimum lot frontage of 20m (66 feet).

C-87 Mashinter 7/08

Notwithstanding the provisions of Section 13.1 of the Commercial (C) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, this land shall only be used for the following uses:

- One storey self-service storage buildings. For the purposes of this Exception, a self-service storage building shall mean a building that is used to provide individual storage spaces to the public and that is open to the public only for those purposes.
- Accessory residential use
- Bake shop
- Business or professional office

- Commercial greenhouse
- Commercial health club
- Financial institution
- Institutional uses
- Place of recreation
- Personal service establishment
- Service industry
- Service shop
- Warehouse

All other provisions of Section 13 of Zoning By-law No. 27-95 shall remain in effect and applicable to these lands.

LR-88 Jack's Lake 4/14

The provisions of Section 10 Lakeshore Residential (LR) Zone shall apply to this land but notwithstanding the provisions of Sections 10.2(d) and 10.2(g), the 16.4 metre (53.8 ft.) front yard and the 50.71 sq. m. (545.86 sq. ft.) ground floor area of the single detached dwelling existing on the subject land before April 14, 2008 are hereby deemed to conform to the minimum front yard and floor area provisions of this By-law. Further, notwithstanding the provisions of Section 10.2(g) of this By-law, any restoration, replacement or reconstruction of this dwelling shall not increase the ground floor area to more than 186 sq. m. (2000 sq. ft.) with a maximum of three bedrooms.

SR-89 Jack's Lake 38/08

The provisions of Section 9 Seasonal Residential (SR) Zone shall apply to this land but notwithstanding the provisions of Sections 9.2(d), 9.2(g), 9.5 and 2.84 (Guest Sleeping Cabin) of this By-law, the 12.6 metre (41.3 ft.) front yard of the single detached dwelling and the 9.6 metre (31.5 ft.) front yard and the 26.04 sq. m. (280.3 sq. ft.) floor area of the guest sleeping cabin, both existing on the subject land before April 14, 2008 are hereby deemed to conform to the minimum front yard and maximum floor area provisions of this By-law. Further,

notwithstanding the provisions of Section 9.2(g) of this By-law, any restoration, replacement or reconstruction of the single detached dwelling shall not increase the ground floor area to more than 186 sq. m. (2000 sq. ft.) with a maximum of three bedrooms.

SR-90 Jack's Lake 39/08

The provisions of Section 9 Seasonal Residential (SR) Zone shall apply to this land but notwithstanding the provisions of Sections 9.2(d), 9.5 and 2.84 (Guest Sleeping Cabin), the 9.5 metre (31.2 ft.) front yard and the 27.81 sq. m. (299.35 sq. ft.) ground floor area of the guest sleeping cabin existing on the subject land before April 14, 2008 are hereby deemed to conform to the minimum front yard and maximum floor area provisions of this By-law. Further, any restoration, replacement or reconstruction of the single detached dwelling also existing on the subject land shall be subject to the full provisions of Section 9 of this By-law.

LR-91 Pincoe 41/08

Notwithstanding the provisions of Sections 5.10 and 10.1(a) of By-law No. 27-95, access to this land shall be via a private right-of-way and private lane leading from Cottage Court. All other provisions of By-law No. 27-95 are hereby deemed to remain in effect as they relate to this land.

RC-92 Pincoe 42/08

Notwithstanding the provisions of Sections 5.10 and 14.2(a) of By-law No. 27-95, access to this land shall be via a private right-of-way and private lane leading from Cottage Court. All other provisions of By-law No. 27-95 are hereby deemed to remain in effect as they relate to this land.

LR-93 Cottage Court Schedule 'A-4' (23/2010)

Notwithstanding the provisions of Sections 5.10 and 10.1(a) of By-law No. 27-95, access to this land shall be via a private right-of-way and private lane leading from Cottage Court. All other provisions of By-law No. 27-95 are hereby deemed to remain in effect as they relate to this land.

C-94 Schmeler Schedule ‘A-2’ (32/2011)

The provisions of Section 13 Commercial (C) Zone shall apply but notwithstanding the provisions of Section 13.1 of this By-law, a church shall be among the list of permitted uses within the existing and any future building on this lot.

RS-95 Eliot Schedule ‘A-3' (14/2012)

Notwithstanding the provisions of Section 7.1(a) and 7.2(d), (e) and (f) of By-law No. 27-95 as amended, the permitted uses on this lot shall include one firewood storage shed and the minimum front yard, exterior side yard and rear yard for any firewood storage shed shall be 15m (50ft); and the minimum interior side yard for any firewood storage shed on this lot shall be 12m (40ft). All other provisions of By-law No. 27-95 as amended are hereby deemed to remain in effect as they relate to this land.

Ru-96 Webb Schedule ‘A-4' (21/2012)

Notwithstanding the provisions of Section 6.3 of the Rural (Ru) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, the subject lands shall have a minimum lot frontage of 57.48m (188.58 feet) and a minimum area of 0.638ha (1.58 acres)

C-97 Shillolo Schedule ‘A-2’ (10/2013), Graham/Skinner (4/2018)

The provisions of Section 13 Commercial (C) Zone shall apply but notwithstanding the provisions of Section 13.2(d)(i) of this By-law, the setback for part of these lands from the centre line of First Avenue shall be reduced to 13m (44.6 ft) in accordance with Schedule “B” to this Amendment.
And further, notwithstanding the provisions of Section 5.24.1(b) & (c) of this By-law, a maximum of two (2) accessory storage containers shall be permitted on this lot – one in the interior side yard with a maximum length of 9m (30 feet) and one in the rear yard with a maximum length of 12m (40 feet) – both with a maximum width of 2.4m (8 feet) and maximum height of 3m (10 feet) and all subject to confirmation by the Ministry of Transportation (MTO) that storage containers accord with MTO Building and Land Use Permit BL-2013-52H-15 issued for this lot on June 19, 2013.

Ru-97 Barr Schedule ‘A-6' (11/2013)

Notwithstanding the provisions of Section 6.1 of the Rural (Ru) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, the subject lands shall be used only for passive recreational activities with no structures or buildings allowed.

Ru-98 Harmer Schedule ‘A-4' (12/2013)

Notwithstanding the provisions of Section 6.1 of the Rural (Ru) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, as amended, the subject lands shall be used for one cottage dwelling, plus buildings and structures accessory thereto, on a seasonal basis only and to be located above the regulatory flood elevation for Pickerel Lake which is 323.8m above sea level.

LR-99 Passera Schedule ‘A-4' (29/2013)

Notwithstanding the provisions of Sections 5.1(g)(ii) and 5.1(g)(iii) “Accessory Uses and Buildings” of the Armour Township comprehensive Zoning By-law No. 27-95, as amended, the subject lands may also be used for a gazebo with a maximum height of 6 metres (20 ft.) and a maximum floor area of 56 square metres (600 sq. ft.).

Ru-100 Joiner Schedule ‘A-3' (43/2013)

Notwithstanding the provisions of Section 6.1 of the Rural (Ru) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, the subject lands shall only be used for one single detached dwelling and one secondary dwelling unit/apartment including uses, buildings and structures accessory thereto in accordance with the provisions of Section 6.1 of the comprehensive Zoning By-law.

Ru/FP-101 Ferrante Schedule ‘A-2’ (7/2015)

Notwithstanding the provisions of Section 5.10 Public Roads, and Section 6 Rural (Ru) Zone of the Armour Township comprehensive Zoning By-law No. 27-95, as amended, the following provisions shall apply to the Rural (Ru) Zoned areas of the subject lands. All other relevant provisions including definitions of Zoning By-law 27-95, as amended, are deemed to remain in force as is necessary to give effect hereto:

Permitted Uses Rural (Ru) Zone:

(i) One single detached dwelling on one lot; home occupations, home professions, and bed & breakfast businesses.

(ii) Uses, buildings and structures including one secondary dwelling unit/apartment accessory to the foregoing permitted dwelling on the same lot.

Zone Requirements for Single Detached Dwellings:

(i) The private common elements condominium roadway shall be deemed to be

the Front Lot Line when measuring minimum yards for all dwellings and accessory uses, buildings and structures permitted on each lot.

(ii) Sections 6.3(a) and 6.3(d) shall not apply. The minimum front yard and minimum exterior side yard shall be 15 metres (50 feet).

(iii) The minimum lot frontage and private road access shall be as shown for each lot on the draft plan of subdivision approved by the Southeast Parry Sound District Planning Board on November 10, 2014 under File No. S-02/14.

RS-102 Thompson Schedule ‘A-3’ (52/2017)

Notwithstanding the provisions of Section 7.1 of the Residential Settlement (RS) Zone of the Armour Township Zoning By-law No. 27-95, as amended, one accessory garage on the lot may also be used as a motor vehicle repair shop with no outdoor storage.

RS-103 MacDonald Schedule ‘A-2' (41/2018)

Notwithstanding the provisions of Section 7.2(a) of the Residential Settlement (RS) Zone of the Armour Township Zoning By-law No. 27-95, as amended, the minimum frontage for this lot shall be 20.117 metres on First Avenue.

RS-104H & Ru-104 Allen Schedule ‘A-2' (69/2021)

Notwithstanding the provisions of Section 7.2(a) of the Residential Settlement Holding (RSH) Zone and Section 6.2(a) of the Rural (Ru) Zone of the Armour Township Zoning By-law No. 27-95, as amended, the minimum frontage for this lot shall be 21.00 metres on First Avenue.

SR-105 Dennison Schedule ‘A-4' (7/2022)

Notwithstanding the provisions of Section 9.2(d) of the Seasonal Residential (SR) Zone and Section 5.9(c) ‘Encroachment Into Yards’ of the Armour Township Zoning By-law No. 27-95, as amended, the minimum front yard for this lot shall be 23.8 metres and an unenclosed attached deck may project not more than 4.88 metres into the front yard of this lot.

Ru-106 Price Schedule ‘A-3' (4/2023)

Notwithstanding the provisions of Section 5.37(a) “*One Sewage Disposal System Per Lot*” of the Armour Township Zoning By-law No. 27-95, as amended, the subject lands shall only be used for one septic disposal system, dedicated to one accessory rural guest sleeping cabin which shall contain a maximum of one dwelling unit used only on an occasional and seasonal basis and not occupied continuously or as a year-round permanent residence. All other provisions of Zoning By-law No.

27-95, as amended, are hereby deemed to remain in effect as they relate to the subject lands.

Ru-107 Armstrong Schedule ‘A-6' (5-2024)

Notwithstanding the provisions of Rural (Ru) Zone Section 6.3 “*Zone Requirements for Dwellings and Institutional Uses Permitted*” of the Armour Township Zoning By-law No. 27-95, as amended, the Minimum Lot Frontage and Minimum Lot Area of any existing lot within the subject lands shall remain as it existed on October 25, 2023 the date of its severance approval by the Southeast Parry Sound District Planning Board.

SECTION 20: ADMINISTRATION AND ENFORCEMENT

20.1 "Requirements for Building Permit"

In addition to all of the requirements of any by-law of the Corporation, no building permit shall be issued in respect to the erection or alteration of a building or structure until the following have been submitted to and approved by the Chief Building Official to his satisfaction.

(a) Two copies of a site plan, one copy of which shall be retained by the Chief Building Official, drawn to scale and showing:-

(i) the dimensions of the lot to be built upon or otherwise used;

(ii) the location of all existing buildings, structures or uses on the lot;

(iii) the proposed location and dimensions of any building, structure or use proposed for such lot; and

(iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas and loading spaces.

(b) A statement, signed by the Owner, disclosing the specific existing or proposed use for each existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-law.

(c) A certificate of approval pursuant to the Environmental Protection Act for a new residence or an alteration to an existing residence where extra bedrooms or bathroom facilities are to be added.

20.2 "Issuance of Building Permits"

Notwithstanding the provisions of any by-law of the Corporation to the contrary, no building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

20.3 "Inspection"

(a) Subject to Clause (b) of this Subsection, the Chief Building Official or By-law Enforcement Officer of the Corporation, acting on reasonable grounds, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties pursuant to the provisions of this By-law.

(b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of this Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under The Provincial Offenses Act, or any successors thereto.

20.4 "Violations and Penalties"

(a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirements of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or permits such a violation, shall be guilty of an offence, and upon conviction therefor, shall forfeit and pay a penalty pursuant to Section 67 of The Planning Act.

(b) Each day of violation shall constitute an offence.

(c) Any building or structure which contravenes any requirement of this By-law may be removed or altered at the instance of the Corporation, pursuant to the provisions of The Municipal Act.

20.5 "Remedies"

Where any building or structure is erected, altered, reconstructed or extended, or part thereof is used, or any lot is used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of The Planning Act and/or The Building Code.

20.6 "Validity"

If any section, clause or provision of this By-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provisions so declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

20.7 "By-laws Repealed"

By-Law No. 3-86 of the Municipal Corporation of the Township of Armour, and all amendments thereto, is hereby repealed.

SECTION 21: APPROVAL

21.1 "Effective Date"

This By-law will come into force and take effect upon being passed by Council subject to the approval of the Ontario Municipal Board.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 13TH DAY OF JULY, 2010.

Robert MacPhail, Reeve

Wendy Whitwell, Clerk-Administrator

This is Exhibit “HH” to the Affidavit of Robert MacFarlane, affirmed this 29th day of June, 2026 in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*.



A Commissioner etc.

Meaghan Charlotte Davies, a Commissioner, etc.,
Province of Ontario, for Borden Ladner Gervais LLP
Barristers and Solicitors
Expires August 6, 2028

Robert MacFarlane - Zelinka Priamo Ltd.

From: Mila Simon <mila.simon@powerbankcorp.com>
Sent: Friday, February 10, 2023 10:19 AM
To: Matt McGregor; Justin Lam
Subject: FW: quick update Re: Ontario Heritage Resources

Hi Matt and Justin,

Please see below for confirmation from Robert von Bitter. Is this sufficient for our purposes or do you require anything else?

best,

Mila

From: von Bitter, Robert (MCM) <Robert.vonBitter@ontario.ca>
Sent: February 10, 2023 10:12 AM
To: Mila Simon <Mila.Simon@abundantsolarenergy.com>
Subject: Re: quick update Re: Ontario Heritage Resources

Mila,

No reported archaeological sites are currently mapping within 300 m of your 8 proposed locations. Here's a map showing how the last two plotted, just as an example.

Regards,

Robert von Bitter



Robert von Bitter
Archaeological Data Co-Ordinator
Archaeology Program Unit
Ministry of Citizenship and Multiculturalism
Citizenship, Inclusion and Heritage Division | Heritage Branch
437-339-9176
Robert.vonBitter@ontario.ca

From: Mila Simon <Mila.Simon@abundantsolarenergy.com>
Sent: Friday, February 10, 2023 9:49 AM
To: von Bitter, Robert (MCM) <Robert.vonBitter@ontario.ca>
Subject: RE: quick update Re: Ontario Heritage Resources

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

That would be great, thank you!

Mila

From: von Bitter, Robert (MCM) <Robert.vonBitter@ontario.ca>
Sent: February 10, 2023 9:22 AM

To: Mila Simon <Mila.Simon@abundantsolarenergy.com>
Subject: quick update Re: Ontario Heritage Resources

Mila,

I should be able to get you the search results today.

Rob

Robert von Bitter
Archaeological Data Co-Ordinator
Archaeology Program Unit
Ministry of Citizenship and Multiculturalism
Citizenship, Inclusion and Heritage Division | Heritage Branch
437-339-9176
Robert.vonBitter@ontario.ca

From: Mila Simon <Mila.Simon@abundantsolarenergy.com>
Sent: Tuesday, February 7, 2023 11:24 AM
To: von Bitter, Robert (MCM) <Robert.vonBitter@ontario.ca>
Subject: RE: Ontario Heritage Resources

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello Robert,

Thank you so much for getting back to me. Please see attached for excel table with the GPS coordinates for each location in the last column. Please let me know if you require anything else.

Thank you,

Mila

From: von Bitter, Robert (MCM) <Robert.vonBitter@ontario.ca>
Sent: February 7, 2023 11:17 AM
To: Mila Simon <Mila.Simon@abundantsolarenergy.com>
Subject: Fw: Ontario Heritage Resources

Mila,

Hello, my name is the Robert von Bitter and I'm the Archaeological Data Co-Ordinator within the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism. I'd be happy to check if any of your 8 subject locations have a reported archaeological site within 300 m. Could you send me a table of coordinates please?

Regards,

Robert von Bitter

Robert von Bitter
Archaeological Data Co-Ordinator
Archaeology Program Unit
Ministry of Citizenship and Multiculturalism
Citizenship, Inclusion and Heritage Division | Heritage Branch
437-339-9176
Robert.vonBitter@ontario.ca

From: Mila Simon <Mila.Simon@abundantsolarenergy.com>
Sent: Monday, February 6, 2023 2:21 PM
To: Archaeology (MCM) <archaeology@ontario.ca>
Cc: Matt McGregor <matt.mcgregor@abundantsolarenergy.com>; Justin Lam <justin.lam@abundantsolarenergy.com>
Subject: Ontario Heritage Resources

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hello,

I hope you are well. I am writing to about 8 new potential developments to be located in Ontario and want to ensure that they have the required setbacks from any Ontario heritage recourses. Would you please kindly direct me in the right direction where I would be able to send in a list of GPS coordinates and have this requirement fulfilled?

Thank you so much in advance!

Best,

Mila Simon
Project Coordinator
Abundant Solar Energy Inc.
C: 647-713-7752
E: mila.simon@abundantsolarenergy.com

Name of the Long-Term Reliability Project (Genny)	Unique Project ID of E-LT 1 (Rating Choice 1;2;3) (Genny)	Site Registered Address (Mila)	Site Street Address (if have)	Legal Description (Mila)	Municipality (Mila)	Site GPS (Siany)
548	LT1RFQ-054-05-1	650 Upper Dwyer Hill Road, Ottawa, ON K0A 1A0		PART OF LOT 6 CON 10, HUNTLEY, AS IN N740566 EXCEPT PARTS 1, 2 AND 3 PLAN 4R13628 AND PARTS 1 AND 2 PLAN 4R20478. OTTAWA	Ottawa	45.234075, -76.075895
903	LT1RFQ-054-07-1	221 Peggs Mountain Rd, Armour, ON P0A 1C0		LT 3 CON 6 ARMOUR; ARMOUR	Township of Armour	45.597176, -79.405693
SFF 06	LT1RFQ-054-09-1	Address Not Available		PT LT 35 CON 5 CRAMAHE PT 1, 2 & 3 38R4181, S/T CL20114 AMENDED BY PLCO327; CRAMAHE, ON K0K 2G0	Township of Cramahe	44.068, -77.937
Telephone	LT1RFQ-054-04-1	12809 Telephone Rd., Cramahe, ON K0K 1S0		PT LT 34 CON 3 CRAMAHE AS IN NC240305 PARCEL ONE S/T CL72569; CRAMAHE	Township of Cramahe	44.035, -77.914
OZ-1	LT1RFQ-078-06-1	60 Industrial Park Road, Chesley, ON N0G 1L0			Township of Arran-Elderslie	44.291, -81.097
ARAR_57	LT1RFQ-054-02-3	938504 Airport Rd, Township of Mulmur, ON L9V 0M1		PT LT 29, CON 6 EHS AS IN MF79978 ; MULMUR	Mulmur	44.269479, -80.061992
MCML_81	LT1RFQ-054-01-2	570 Mowbray Rd., Prince Edward County, ON K0K 2T0		PT LT 2-3 CON EAST OF EAST LAKE ATHOL AS IN PE59929 W OF MOWBRAY RD EXCEPT PT 1 TO 3 47R7803, COUNTY OF PRINCE EDWARD	Prince Edward County	43.959934, -77.147034
MCML_82	LT1RFQ-054-06-2	PT LT 2-3 CON EAST OF EAST LAKE ATHOL		PT LT 2-3 CON EAST OF EAST LAKE ATHOL AS IN PE59929 E OF MOWBRAY RD, COUNTY OF PRINCE EDWARD	Prince Edward County	43.95421, -77.15221