



ECOVUE

LAND USE PLANNING & DEVELOPMENT

*Town of Kearney Official Plan and
Comprehensive Zoning By-law Update*

Background Report

Prepared For: The Corporation of the
Town of Kearney

Date: April 10, 2025

This Background Report has been prepared to summarize the reviewed policies, planning documents, and the Public Consultation that has been undertaken thus far related to the **Update of the Official Plan and Comprehensive Zoning By-law for the Town of Kearney Official Plan**, affecting all lands within the Town of Kearney.

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Executive Summary

The Corporation of the Town of Kearney has retained EcoVue Consulting Services Inc. to undertake the update of the Town's Official Plan and Comprehensive Zoning By-law, in accordance with Sections 26 and 34 of the *Planning Act*, respectively. The community has expressed sincere interest in generating more development with the goal of attracting permanent, year-round residents, businesses, tourist opportunities, etc. within the Town.

As a part of this process, the Council of the Town of Kearney has requested that EcoVue undertake various forms of Public Consultation and gather public feedback related to the updating of these documents, to ensure they reflect the goals and objectives of the community and promote development that is in keeping with these goals and objectives.

The following Background Summary has been prepared, summarizing comments received from residents, municipal staff, and Council members within the Town of Kearney, related to the updating of the Town of Kearney's Official Plan and Comprehensive Zoning By-law. Summarized in greater detail later in this Report, these comments have been collected through multiple formats since the project was initiated in October 2024.

This report also provides a review of the current Official Plan policies and Zoning By-law provisions, and recommends updates based on Provincial policy updates, Council goals, and resident/staff feedback.

The goal of this Background Summary is to provide Town staff, Council, and residents with a breakdown of the collected information, provide timeline updates, and generate discussions related to policy and provision updates, to ensure the final Official Plan and Zoning By-law meet the future needs of the Town and its residents.

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1.0 General Information

1.1 Town of Kearney

The Town of Kearney is one of the fifteen (15) municipalities that make up the Parry Sound District. Kearney's land mass is approximately 528.21 km² (203.94 sq mi), or 5.8%, of the total land area of 9,113.92 km² (3,518.90 sq mi) within the Parry Sound District.

The Town of Kearney is made up of three (3) former (geographic) Townships – Proudfoot, Bethune, portions of Perry, Butt, and McCraney.

According to the available Statistics Canada information, in 2021 the Town had a total population of 974 permanent residents, an increase of 92 permanent residents (or 10.4%) from 2016. Although the number of seasonal residents is not specifically included in census data, some sources estimate seasonal populations exceed 2,500 periodically throughout the year, with highest traffic in the winter and summer months. The 2021 data shows that there are 460 private dwellings within Kearney; a 12.2% increase from 2016.

The median age of residents within the Town is 58.4 years of age, with populations breaking down as follows:

- 0–14 years: 8.5%
- 15–64 years: 62.1%
- 65 years and over: 28.2%

1.1.1 POPULATION GROWTH PROJECTIONS

Statistics Canada has provided population projection data from 2023–2051 for the forty-nine (49) Census Divisions across the Province.

The Town of Kearney has been included in population projects for the Parry Sound Census Division, and therefore the numbers will reflect the entire Parry Sound population. Notwithstanding, it is still important to understand what the projected

growth is for the entire Census Division and ensure that the Town of Kearney can accommodate their portion of the future growth.

The total population in 2023 for Parry Sound District is listed as 50,491 and is expected to increase to 62,609 by 2051. This represents a total increase of 12,118 persons (or 19.4%).

Using the population projection percentage for Parry Sound District and assuming the population of Kearney will also increase at a rate of 19.4% over the next 30 years, this would put the permanent population at 1,163 in 2051. However, this does not take into consideration the seasonal population, nor the increase in seasonal residents until 2051. Furthermore, the rate of increase for the entirety of Parry Sound District will likely not be evenly distributed amongst all member municipalities.

1.1.2 NATURAL HERITAGE

The Town is home to several inland lakes, one (1) Provincially Significant Wetland Area, a portion of the Magnetawan River, and contains a portion of the western extent of Algonquin Provincial Park. Some of the notable lakes within the Town include, but are not limited to:

- Sand Lake;
- Groom Lake;
- Clam Lake;
- Loon (Pevensey) Lake;
- Hassard Lake;
- Emsdale Lake;
- Grass (Sweny) Lake;
- Long (Oliphant) Lake;
- North Lake; and
- Proudfoot (Island) Lake.

The Town contains the Barre Lake Wetland; the above-noted Provincially Significant Wetland Area and is also home to (or contains a portion of) several Conservation Reserves, including Chain Lakes Conservation Reserve, Bridge Lake Outwash Plain Forest Conservation Reserve, Upper Raft Lake Conservation Reserve, and Bear Creek Conservation Reserve.



2.0 Public Consultation Summary

2.1 Public Consultation Summary

One of the primary components of Official Plan and Zoning By-law Updates is related to Public Consultation. The proposed updated documents are intended to reflect Provincial policy changes, but with the goal of better serving current and future residents and stakeholders within the Town of Kearney. These documents need to be based on a collaborative effort between the public and the Town; this ensures not only that residents will understand the purpose of these documents, but also that the Town continues to be seen as an attractive place to locate future development.

With this thought in mind, the Project Team was tasked with determining priorities for these updated documents from residents, business owners, developers, Town staff, and Council. The Project Team undertook the following forms of Public Consultation, each of which has corresponding summaries following:

1. Council Information Session – Closed Session – hosted on December 12th, 2024;
2. Public Open House – hosted on January 11th, 2025;
3. Stakeholder and Agency Meetings – hosted on January 11th, 2025 and February 5th, 2025, in Kearney.

2.1.1 COUNCIL TRAINING SESSION – DECEMBER 12, 2024

The Project Team held Training for members of Council at the Town of Kearney municipal office on December 12th, 2024 in closed session. Council was Trained on the process in the type of project.

After the training Council members were provided the following questions to respond individually to the Project Team. These same questions were presented at the round table discussions with key stakeholders.

- *What type of development would you like to see within the Town?*
- *Are there policies within the current Town of Kearney Official that you find overly prohibitive of development?*
- *Are there policies within the current Town of Kearney Official Plan that you find overly permissive of development?*

- *Do you think the current Town of Kearney Official Plan policies applicable to the Town will permit the type of development that is necessary to continue to grow?*

Overall, comments received by the Project Team from members of Council were very supportive of growth and development, and believe that it should be promoted, provided it is compatible with the natural environment and the overall character of the Town.

2.1.2 PUBLIC OPEN HOUSE – JANUARY 11, 2025

Since the beginning of the project, the Project Team hosted one (1) Public Open House; this occurred on January 11, 2025, and was hosted in the Town of Kearney Community Centre.

There was a total of five (5) attendees at the Open House. The format of the meeting allowed attendees to walk around the room where presentation boards were stationed, with members of the Update Team available to answer questions. Attendees could provide their comments and questions on sticky notes, which were then added to the presentation boards, for the project team to take back and review. Alternatively, attendees could write out answers to the posed questions on comment sheets, which were then collected by the project team and reviewed.

Attendees asked various questions in-person, through sticky notes, and through comment sheets. Comments related to current Official Plan policies, the update process, and insight on areas across the Town where development should occur or avoid.

Questions posed to attendees of the Open Houses, as well as their feedback, is summarized below:

- *What are some improvements you would like to see in the Town of Kearney?*
 - Areas for recreation – including children’s parks and playground equipment, dog parks, more activities held in the community centre, etc.
 - Improved infrastructure – including roads, trails, internet infrastructure, etc.
 - One comment suggested combining the Town’s transfer stations into one and using one of the properties for affordable housing/economic development
 - A couple of comments requested simplification of the Planning and Development process to help facilitate more development within Kearney

- *How could the Town encourage Tourism uses?*
 - Community Events – introducing new events (or bringing back previous events which are no longer running) and improving current events (Regatta events, dog sledding, snowmobiling, etc.)
 - Trails – improving current trails, incentivizing residents to create trails through their property, etc.
 - Potentially work with Park to Park trails to incorporate some Kearney trails in their mapping; this could drive tourism from individuals who do not usually come to Kearney
 - ‘Downtown’ Kearney – as a lot of the community events are based around Main Street, improve infrastructure and public lands to upgrade things like sidewalks, public parking areas, etc.
 - Almaguin Community Economic Development (ACED) – appoint or hire an individual in Kearney, like ACED has done, whose main focus is encouraging tourism in Town
 - Algonquin Park – potential to partner and provide a museum or other service related to the Park; could drive people towards Kearney before/after attending.
- *What type of housing should be prioritized?*
 - Affordable housing – not just for the aging population, but also for younger people looking to move to Kearney and start a family
 - Tiny Homes – more permissive policies for smaller homes; minimum square footage limits ability to build tiny homes
- *What are your thoughts on Residential Development (Waterfront and Non-waterfront)?*
 - Natural Heritage features – development needs to be mindful of natural features; shoreline protections required
 - Residential development promoted if responsible and mindful of the natural environment
- *What do you think our shorelines should look like?*
 - One comment requests more open shorelines

2.1.3 STAKEHOLDER AND AGENCY MEETINGS – JANUARY 11, 2025 AND FEBRUARY 5, 2025

The day of the Public Open House, the Project Team also hosted a Stakeholder and Agency Meeting at the Kearney Community Hall. The individuals invited to this meeting included local business owners (retail commercial, tourism, etc.), leaders of community groups, and individuals that are currently working on development projects within the Town. There was a total of twenty-two (22) attendees between both Stakeholder and Agency Meetings; seven (7) at the meeting on Saturday, January 11th, 2025, and fifteen (15) at the meeting on Wednesday, February 5th, 2025.

The goal of these meetings was to generate discussions and gather feedback on how stakeholders view development within the Town, including how and where development should occur, as well as their experiences with how development applications have been reviewed in the past.

At the meetings, attendees were shown a PowerPoint presentation breaking down planning policy in Ontario, explaining how municipal Official Plan and Zoning By-laws work and interact with each other, and provided an explanation of the update process currently being undertaken by the Town. A copy of the PowerPoint Presentation shown at the January 11th and February 5th meetings is included in **Appendix A**.

Attendees were then posed the same questions asked at the Council Information Session, and a roundtable discussion occurred. As noted above, these questions are the question posed to Council:

- *What type of development would you like to see within the Town?*
- *Are there policies within the current Town of Kearney Official that you find overly prohibitive of development?*
- *Are there policies within the current Town of Kearney Official Plan that you find overly permissive of development?*
- *Do you think the current Town of Kearney Official Plan policies applicable to the Town will permit the type of development that is necessary to continue to grow?*

Between the two sessions, there were several comments provided, and questions raised, which have been summarized below:

- Supporting commercial development;
 - Importance of attracting residents to areas outside of the settlement area; individuals should be able to access other commercial uses outside of the settlement boundary;
 - Commercial development within the rural areas allows for opportunities for new/existing communities to expand, and potentially be identified for new settlement areas in the future;
 - Incentives for developing entertainment/commercial/tourism/public facilities;
- Supporting residential development throughout Kearney, and specifically:
 - Permitting alternative lot sizes, including smaller or larger sizes within the rural areas, provided there is adequate frontage on a municipally maintained road to match the rural character;
 - Supporting development that will upgrade existing/outdated septic systems, to limit impacts on and instead improve lake health;
- Supporting Tourism;
 - The Town sees a huge influx of seasonal population – encouraging uses which draw tourism to the Town year-round;
 - Similar to Commercial and Residential development, supporting tourism uses in all areas of the Town;
 - Ensuring tourism development is compatible and does not negatively impact other surrounding uses;
- Utilizing Municipal properties for development (i.e. denser/multi-unit buildings, municipal parking lot(s), etc.).
 - Parking is limited in the Town, especially when events are being held;
 - i. Municipal parking lots could attract/provide additional space for more tourists, snowmobiles, ATVs, etc.;
 - ii. Supporting development which proposes reduced parking, particularly in areas where appropriate;

- Municipal servicing, and the lack of municipal water and/or sewage within Town, limits development within Kearney proper, especially commercial, and higher-density residential development;
- Extremely high importance placed on higher density development in close proximity to services such as healthcare, transportation, schools, etc.
 - Including municipal investment into existing municipal infrastructure, such as municipal roads, trails, etc.
 - Increasing internet infrastructure/bandwidth to support the rise in remote work;
- Private Roads/Rights of Way;
 - There are a number of roads through the Town that are privately owned but municipally maintained; these roads cause confusion when proposing development, as it is not clear what would be supported;
- Ideas for how to support waterfront areas;
 - Protection and enhancement of the shorelines across the Town, as many responses mention increased algal blooms;
 - Prioritizing lake health and wetland/species protection;
 - Many responses mention increasing public access to Town-owned waterfront lands;
 - Concerns regarding the overdevelopment of small lakes, and ensuring the Town is aware of what lakes are close to development capacity.
- When speaking about Short Term Rentals (STRs):
 - General agreement regarding the need to limit short-term rentals, while not wanting to discourage tourism within the Town;
 - Supportive of licensing – the Town should understand the number of STRs operating at any given time;
 - i. Potential to enforce things such as:
 1. Adequate setbacks between STRs;
 2. Minimum Septic Requirements;

3. Noise/Buffering;
4. Fire/Emergency Minimums/Maximums;
5. Etc.

2.1.4 PUBLIC CONSULTATION SUMMARY

Notwithstanding the consultation that has taken place thus far, there will still be opportunities for members of the public to provide their input, questions, and comments on the future draft Official Plan and Zoning By-law. The anticipated Schedule is discussed in Section 4.4 of this Report.

Based on the foregoing, there appears to be an elevated level of public interest in these projects. As such, it is the Project Team's goal to ensure that the public continues to be involved in the process at all critical points.



3.0 Issue Identification

3.1 Town of Kearney Official Plan (2016*)

The current Town of Kearney Official Plan was approved by the Ministry of Municipal Affairs and Housing (MMAH) on April 4, 2014. Following appeal(s) to the Ontario Municipal Board (OMB, now known as the Ontario Land Tribunal, or OLT), the Town of Kearney Official Plan was granted final approval by the OMB on April 20, 2016. As such, the current iteration of the Town of Kearney Official Plan has been in place since 2016.

According to Section 26 (1.1) of the *Planning Act*, “[t]he council shall revise the plan no less frequently than,

- (a) 10 years after it comes into effect as a new official plan; and
- (b) every five years thereafter, unless the plan has been replaced by another new official plan.

Due to the current Official Plan for the Town of Kearney not having been updated since 2016, the Town has chosen to undertake a complete update of their Official Plan, as required under Section 26 (1.1 a) of the *Planning Act*.

As stated, the Town of Kearney is a single-tier municipality and therefore all proposed development and site alteration (as defined) is subject to the policies of the Town of Kearney Official Plan. Although these policies permit development in one form or another, there are potential challenges to future development within the Town presented within the Official Plan text and corresponding Schedules. These potential challenges have been summarized below.

It also should be noted that the MMAH approved the new Provincial Planning Statement (PPS), which came into effect on October 20, 2024. As part of this update, and summarized below, there are several policies that are required to be updated to reflect the policies of the new 2024 PPS, as required by Section 26(2.1) of the *Planning Act*.

3.1.1 CURRENT LAND USE DESIGNATIONS

The Town of Kearney Official Plan categorizes all land into the following designations:

Schedule ‘A’ – Land Use and Transportation

- Rural Lands
- Shoreline
- Mineral Aggregate Area
- Mineral Mining Area
- Provincially Significant Wetland Area

Schedule 'B' – Townsite – Land Use and Transportation

- Townsite
- Rural Lands
- Shoreline
- Flood Plain Overlay Based on Aerial Interpretation

Schedule 'C' – Natural Heritage

- Abandoned Mines
- 1,000 metre Abandoned Mines Buffer
- Closed Waste Disposal Site
- Transfer Station
- Waste Disposal Site
- 500 metre Waste Disposal Influence Buffer
- Unlicensed Pits and Quarries
- Licensed Pits and Quarries
- Type 1 Fish Habitat – *“All shorelines which are not outlined with a polygon have not been evaluated in terms of fish habitat and should be treated as unknown.”*
- Deer Yarding Area (Stratum II)
- Moose Aquatic Feeding Area
- Crown Land
- Enhanced Management Area (Natural Heritage)
- Enhanced Management Area (Remote Access)
- Conservation Reserve
- Flood Plain Overlay Based on Aerial Interpretation
- Provincially Significant Wetland Area
- Local Wetland
- Lakes At or Near Capacity

Copies of Schedules 'A' through 'C' are included as **Appendix B**.

Within Schedules 'A' and 'B', there are a total of three (3) designations in which some form of residential, commercial and/or employment development may be located; the Rural designation, settlement area (Townsite) designation, and Shoreline designation. The Townsite designated lands are located exclusively within the Kearney settlement area; there are no other settlement areas located within the Town.

The following subsections summarize potential challenges with the current Rural, Townsite, Shoreline, and General Development policies within the Town of Kearney Official Plan, based on our (with staff's input) review and experience with development applications.

3.1.2 RURAL DEVELOPMENT POLICIES

Policies related to the Rural designation are contained in Section 4.O of the Town of Kearney Official Plan (OP). Permitted uses in the Rural designation are as follows:

- single detached residential dwellings;
- agricultural and forestry uses;
- conservation, open space, and natural resource management activities;
- hunt and fishing camps;
- mineral exploration; aggregate and mineral extraction on Crown Land;
- commercial uses/tourist commercial;
- industrial; and
- public and institutional uses.

This Section specifies that Rural Lands will contain a variety of uses and is not intended to be the focus of residential or commercial development.

3.1.2.1 RURAL RESIDENTIAL LOT CREATION (SEVERANCE) POLICIES

Rural/Rural Residential lot creation (severances) within the Town of Kearney is permitted, subject to the following:

- Minimum Lot Requirements – reductions to these must be supported via Hydrogeological Study:
 - 1 hectare (2.47 acres) – in no circumstance shall a new lot be less than 0.8 hectares (2 acres)
 - 60 metres (197 feet) of road frontage;
 - 60 metres (197 feet) of water frontage, where it exists;
- Lots must be serviced via individual well and septic system;
- Lots shall “generally” be access directly by a municipally maintained road; though lots may be permitted on Private Roads in accordance with policies in Section 8.2.4;
- Permitted up to a maximum of three (3) severances (i.e. 3 severed + 1 retained), unless created by way of Plan of Subdivisions and/or Condominium;

- In order to be eligible for a severance, the lands must have existed prior to November 16, 2006;
- Plans of Subdivision and Condominium have additional requirements and policies which they are subject to, contained in Section 11.3 of the OP.

The above-noted requirements have not limited development in the past, as severances are continuing to be proposed and approved by Town and the Southeast Parry Sound District Planning Board (SEPSDPB). Notwithstanding, amendments to these policies could be considered.

3.1.2.2 TOURIST COMMERCIAL POLICIES

A majority of the tourist commercial development that takes place within the Town of Kearney occurs within the Rural Lands designation. Section 4.2.5.1 of the Official Plan briefly addresses the permitted uses within the Rural Lands designation, which include (but are not limited to): resort hotels, lodges, tourist-oriented accommodations and uses, campgrounds, trailer parks, sale, and rental of outdoor recreation related equipment, etc.

However, Section 4.2.5.2 states that any new or expanded tourist commercial use will be subject to the policies of the implementing Zoning By-law in order to ensure the following:

- a. *the site is suitable for the use proposed in terms of density, intensity, and location of buildings and structures, and type of facilities;*
- b. *the use is to be serviced by an adequate sewage disposal system;*
- c. *access routes can accommodate additional traffic, if required;*
- d. *adequate off-street parking and loading spaces will be provided;*
- e. *advertising signage and outdoor storage of goods and materials will be appropriately controlled;*
- f. *the proposed use is compatible with surrounding properties and will provide adequate buffering.*

Sections 4.2.5.3 and 4.2.5.3 proceed to state that a Hydrogeological Assessment and Site Plan Approval may be required for tourist commercial proposals.

3.1.3 TOWNSITE DEVELOPMENT POLICIES

Policies related to the Townsite designation are contained in Section 2.0 of the Town of Kearney Official Plan (OP).

Permitted uses in the Townsite designation are as follows:

- Residential development, specifically that of low and medium density;
 - “[w]here the Zoning By-law permits a detached dwelling, semi-detached dwelling, row house or accessory building, a secondary dwelling unit within these dwellings will also be permitted.”
- Parks, open space, and private home daycares;
- Bed and breakfast establishments, with up to two (2) accessory guest units per single detached dwelling;
 - “Bed and breakfast establishments larger than two (2) units will require a rezoning and are subject to criteria described in Policy 2 above, to ensure compatibility with existing neighbourhoods.”
- “Home Occupations are permitted in the Townsite designation, provided that the occupation is secondary to the main residential use and does not change the residential character of the property or neighbourhood”;
- Institutional Uses – “Educational facilities, libraries, places of worship, cemeteries, day nurseries, retirement homes, and other neighbourhood-based institutions form an integral part of community life. Local institutional uses that are compatible with the residential function of neighbourhoods [...]”
- Commercial/Industrial Uses – “Commercial, institutional, and light industrial uses that are intended to serve the convenience needs of local residents are permitted in the Townsite Area by rezoning”.

The Townsite designation is permissive of a variety of uses within the settlement area, with a priority on compatibility with existing character and surrounding properties, subject to adequate servicing and the applicable provisions of the Town’s Zoning By-law. This aligns

with the Province's goal of directing a majority of development to settlement areas, while permitting more limited uses within the Rural and Shoreline areas.

3.1.3.1 LOT CREATION (SEVERANCE) POLICIES

Lot Creation within the Townsite of the Town of Kearney is permitted, subject to the following:

- Minimum Lot Requirements:
 - 0.4 hectares (1 acre);
 - Lots having less than 1 hectare (2.47 acres) lot area are required to be supported via Hydrogeological Study;
 - No frontage requirements;
- Lot must be serviced via individual well and septic system;
- Frontage must be on a municipally maintained road, no consideration for Private Roads;
- Permitted up to a maximum of three (3) severances (i.e. 3 severed + 1 retained), unless created by way of Plan of Subdivisions and/or Condominium;
 - Plans of Subdivision and Condominium have additional requirements and policies which they are subject to, contained in Section 11.3 of the OP.

Like the Rural Lands designation, these requirements have not necessarily limited lot creation in the past, as severances are continuing to be proposed and approved by Town and the Southeast Parry Sound District Planning Board (SEPSDPB). Notwithstanding, amendments to these policies could be considered.

3.1.4 SHORELINE DEVELOPMENT POLICIES

Policies related to the Shoreline designation are contained in Section 3.0 of the Town of Kearney Official Plan (OP).

Permitted uses in the Shoreline designation are as follows:

- limited low density residential uses;
- limited tourist commercial uses;
- open space; or
- conservation.

Uses permitted within the Shoreline designation are tied to compatibility with the natural shoreline; uses of higher density are discouraged, and limited, compatible development is encouraged. This is common across other Ontario municipalities, as Provincial policy and best planning practices encourage development that will result in the protection and enhancement of the natural landscape to the greatest extent possible.

3.1.4.1 LOT CREATION (SEVERANCE) POLICIES

Shoreline lot creation within the Town of Kearney is permitted, subject to the following:

- Minimum Shoreline Lot Requirements – reductions to these must be supported via Hydrogeological Study:
 - 1 hectare (2.47 acres) – in no circumstance shall a new lot be less than 0.4 hectares (1 acre);
 - 60 metres (197 feet) of water frontage;
- Minimum Back Lot Requirements – reductions to these must be supported via Hydrogeological Study:
 - *“Back lot development consists of single detached dwellings on individual lots, which are physically separated from the shoreline by a legally conveyable parcel of patented land that has development potential.”*
 - 1 hectare (2.47 acres) – in no circumstance shall a new lot be less than 0.8 hectares (2 acres);
 - 60 metres (197 feet) of road frontage on municipally maintained road;
- Lots must be serviced via individual well and septic system;
- Permitted up to a maximum of three (3) severances (i.e. 3 severed + 1 retained), unless created by way of Plan of Subdivisions and/or Condominium;
 - Plans of Subdivision/Condominium have additional requirements and policies which they are subject to, contained in Section 11.3 of the OP.

As with the Townsite and Rural Lands designations, these requirements have not necessarily limited development in the past, as severances are continuing to be proposed and approved by Town and the Southeast Parry Sound District Planning Board (SEPSDPB). Notwithstanding, amendments to these policies could be considered.

3.1.4.2 SHORELINE ACTIVITY AREA POLICIES

Section 3.3.5 of the Official Plan defines the Shoreline Activity Area as *“the portion of a shoreline frontage of a lot located within the required setback from the shoreline (30 metres) where shoreline structures are located and where there is access to the water for activities such as swimming or boat launching”*. The OP then provides a number of structures that would be permitted within the Shoreline Activity Area, subject to the policies following.

Notwithstanding, Section 3.3.5 then proceeds to further define where this activity area is and provides restrictions to ensure compatibility with the shoreline. The OP states that “[t]he extent of shoreline activity areas will be:

- a. *25% of the shoreline frontage or up to 15 metres (49 feet), whichever is the lesser, for linear shoreline residential development, and the total area of all shoreline structures shall not exceed 5% of the shoreline activity area or 22.5 square metres, whichever is the lesser;*
- b. *33% of the shoreline frontage for tourist commercial, institutional lots, and waterfront landings; and*
- c. *50% of the shoreline frontage for marinas.”*

As such, development within 30 metres of any shoreline is limited in accordance with Section 3.3.5 of the OP.

3.1.5 NATURAL HERITAGE AND NATURAL HAZARD POLICIES

Table 1 below provides a high-level summary of the frequently used Natural Heritage and Natural Hazard policies from Sections 6.0 and 7.0 the Town of Kearney Official Plan (OP).

Each of the items listed in the table, and their associated policies, have been further described in the following subsections.

Table 1 – Natural Heritage and Natural Hazard Policies Summary; Council Education Session (December 12, 2024)

Feature	Development Permitted Within?	Setback Required?	Study Required?
Provincially Significant Wetland (PSW)	No	Yes – 120 metres	Yes – If < 120 metres, EIS required
Locally Significant Wetland (LSW)	Specific – sustainable forestry, conservation, wildlife management, passive outdoor recreation and educational activities,	Yes – 60 metres	Yes – If < 60 metres, EIS required
Endangered and Threatened Species	No	Yes – 120 metres	Yes – If < 120 metres, Impact Assessment required
Significant Wildlife Habitat	No	Yes – 120 metres	Yes – If < 120 metres, Impact Assessment required
Deer Yarding Areas	Yes – if no ecological impact	No – unless required by Assessment	Yes – Habitat Assessment required
Fish Habitat	No	Yes – 30 metres	Yes – If < 30 metres, Fish Habitat Assessment required
Lakes at Capacity	No	If lake at capacity, new uses > 300 metres away	Yes – If < 300 metres, Lakeshore Capacity Assessment required
Natural Hazards	Development Permitted Within?	Setback Required?	Study Required?
Flooding Hazards/ Floodplain	One-Zone – No Two-Zone – within the Flood Fringe, with mitigation measures	Dependent on Study Results	Yes – Floodplain Mapping (e.g. Topo Survey, EIS, etc.)
Erosion Hazards	No	Dependent on Study Results	Yes – Geotechnical Investigation

3.1.5.1 PROVINCIAL AND LOCALLY SIGNIFICANT WETLANDS (PSW AND LSW)

The following policies are applicable to development within, or near (i.e. within 120 metres of), Provincially Significant Wetlands (PSWs) or Locally Significant Wetlands (LSWs).

Policies contained in Section 6.4.1 of the OP state the following:

- Development and site alteration is not permitted within provincially significant wetlands.
- Development and site alteration is not permitted within locally significant wetlands, except for:
 - sustainable forestry,
 - conservation,
 - wildlife management,
 - passive outdoor recreation and educational activities, excluding buildings and structures.
- Development within 120 metres (400 feet) of PSWs or 60 metres (200 feet) of a LSWs:
 - “[...] may take place in accordance with the land use designation shown on land use Schedules to this Plan **only when it has been demonstrated in accordance with the EIS Section of the Plan**, that there shall be no negative impacts on the natural features, hydrology, or ecological functions of these wetlands.”
 - “[...] **may be subject to site plan control**. The Site Plan may include performance criteria that would relate to maintaining a minimum 30 metres (100 feet) setback from the wetland, identification of a building envelope, sedimentation control, stormwater management, maintaining an adequate natural vegetative buffer, and tree retention between the development and the wetland.”
- Where the wetland has not been evaluated, “Council may require the evaluation of the wetland and/or an EIS to demonstrate that there shall be no negative impacts on the natural features or ecological functions of these wetlands.”

3.1.5.2 ENDANGERED AND THREATENED SPECIES AND SIGNIFICANT WILDLIFE HABITAT

Development in areas which are susceptible to containing endangered and/or threatened species, and/or their habitats,

- “[...] the proponent of development may be required to retain a qualified professional to complete an **Ecological Site Assessment**, in accordance with the Impact

Assessments Section of the Plan, to determine the potential for habitats of endangered and/or threatened species.”

- Speaking specifically to significant wildlife habitat – “[...] the proponent of development shall be required to retain a qualified specialist to conduct an **EIS** carried out in accordance with the EIS Section of this Plan.”
 - Furthermore – “[d]evelopment within 120 metres (400 feet) of significant wildlife habitat, shall only be permitted where an **EIS**, [...] has demonstrated that there shall be no negative impact on the natural features or their ecological function, and in the case of adjacent lands, the ecological function of the adjacent lands must be evaluated.”

3.1.5.2.1 Deer Yarding Areas

Policies in this Section state the following:

- Development and site alteration is only permitted where no negative impact has been determined;
- Lot creation within deer yarding areas is restricted to the following:
 - Single family residential uses;
 - “minimum lot size of 90 metres (300 feet) width by 90 metres depth; for shoreline lots this would include a minimum 90 metre shoreline width.”
 - “Alternate lot sizes may be appropriate only if the habitat assessment has indicated that winter deer habitat does not exist.”
- Access roads and driveways are not permitted in “conifer thermal cover areas or in areas of deciduous browse within 30 to 50 metres of the conifer area.”
- “Intensive types of development or site alteration, such as golf courses, aggregate pits, commercial and/or industrial developments will not be permitted in either Stratum I or Stratum II winter deer habitat.”

3.1.5.2.2 Moose Aquatic Habitats

This Section states that development and site alteration is only permitted where no negative impact has been determined.

3.1.5.2.3 Nest Sites

This Section states:

- *“Where the Environmental Impact Statement has identified nest sites for the Great Blue Heron, Osprey, Red-Shouldered Hawk, Goshawk, Cooper’s Hawks and other birds dependant on existing stick nests, no development or site alteration will be permitted within 150 metres (500 feet) of the nest tree or colony (not within 50 metres (165 feet) of a goshawk nest). Furthermore, within 300 metres (1,000 feet) of a nest tree or colony for all species, 70 percent crown closure of trees on that portion of each lot shall be retained and maintained. No construction activity is to occur between March 1 and July 31.”*

3.1.5.3 FISH HABITAT

Fish Habitat, as defined under Section 6.4.4 of the Town of Kearney OP and identified in Schedule ‘C’, provides four (4) types of fish habitat:

- Critical (Type 1)
- Important (Type 2)
- Marginal Areas (Type 3)
- Unknown

Where development has been proposed within 120 metres of lands identified as Unknown fish habitat, *“[u]ntil specific information is generated, these areas should be treated in the same manner as Critical Habitats (Type 1).”*

This Section proceeds to say that *“[p]rior to development requiring a planning approval, an EIS in accordance with the EIS Section of this Plan may be required, at the proponent’s expense, to investigate the potential negative impacts of new development or site alteration when it is proposed in or adjacent to Type 1 and/or “unknown” fish habitat. Adjacent lands are identified as those being, at a minimum, within 120 metres (400 feet) of Type 1 or “unknown” fish habitat.”*

- Shoreline lots which entirely front on Critical/Unknown habitats are not permitted.
- **All development and site alteration** *“shall be set back a minimum of 30 metres (100 feet) from a waterbody or watercourse. Decreases to the 30 metre setback shall only take place where it has been demonstrated through a **fish habitat assessment** that there will be no negative impacts to the fish and its habitat.”*

- Notwithstanding, *“Near-shore or in-water development, such as docks, water access points, and swimming areas will not require a fish and fish habitat assessment however they shall be carefully assessed to meet the intent of the Official Plan through the appropriate review process.”*

3.1.5.4 LAKES AT CAPACITY

The following lakes have been identified by the Ministry of Natural Resources and Forestry (MNRF) as being cold water lakes which support lake trout populations:

- Duck;
- Emsdale;
- Grass (Sweny)
- Long (Oliphant)
- Loon (Pevensey)
- North, Proudfoot (Island)
- Sand Lake

Of those lakes, the following lakes have been identified as “at capacity”, based on criteria set by the Ministry of Environment, Conservation, and Parks (MECP):

- Emsdale,
- Grass (Sweny)
- Loon (Pevensey)
- North
- Proudfoot (Island)

The “at capacity” label is intended to restrict new development surrounding the lake in order to prevent further degradation of the lake’s ecological systems. New development – meaning the creation new lots or the addition of new principal uses requiring planning approvals on or within 300 metres of an identified “at capacity” lake is not permitted, unless under certain circumstances (which are summarized in the OP). Based on our experience, most new development cannot meet the development criteria.

It is important to note that the OP provides policies for development and site alteration on **existing lots of record** on at-capacity lakes, which is limited the uses that are currently permitted on those lots according to the Official Plan and requires stormwater management and construction mitigation techniques.

3.1.5.5 NATURAL HAZARDS – FLOODPLAIN/FLOODING

Section 7.2 of the OP speaks specifically to Flooding Hazards within the Town of Kearney and provide policies for evaluating development and site alteration proposals. The goal of policies

in this Section is to protect human health and safety; these policies provide additional detail to what is contained in Chapter 5.0 of the Provincial Planning Statement (PPS, 2024).

As of now, the OP states that a Flooding Hazard is determined as being the greater of:

- the “100 year flood”, which is the area that would be flooded, on average, once in 100 years; or
- the “Regional Flood”, which is the area that would be flooded by a storm modeled on a particularly intense storm which occurred in Timmins in 1961, and could occur in this area.

The lands which are susceptible to flooding hazards based on the above-noted definition are then identified in Schedule ‘C’ of the Official Plan, and all development located within and/or in close proximity to this hazard is subject to the policies of Section 7.0 of the OP.

One of the primary policies reviewed by Town staff, and seen regularly by Council is the following:

*“Where the boundaries of the flood plain are defined by an elevation, the location of these **boundaries will be determined on-site by the survey of flood elevations by an Ontario Land Surveyor.** This would occur prior to new development, site alteration, and the issuance of building permits where the boundaries have not been previously delineated.”*

3.1.5.5.1 Floodplains – One Zone Approach VS Two Zone Approach

It is important to note that, when speaking to floodplain policies and protections, the OP acknowledges two (2) management approaches:

- “One Zone” Approach – which the entirety of the Town is considered, unless site-specific policies have been applied; and
- “Two Zone” Approach – which can only be supported following detailed engineering works, peer-reviewed by the Town.

The difference between these two approaches, is that the “Two Zone” approach, through engineering works, identifies a “floodway” and a “flood fringe”. The floodway is prohibited from any kind of development (save and except flood-related buildings and structures such as weirs and dams), while some development may be permitted within the flood fringe, subject

to the policies in Section 7.2.3 of the OP, including the requirement for the flood-proofing of buildings.

Therefore, unless private landowners are undertaking detailed engineering works to support a “Two Zone” approach, development within the Town of Kearney is treated with a “One Zone” Approach. In other words, most development is prohibited within all flood plains in the Town of Kearney.

3.1.5.5.2 Flood Elevations for Major Lakes

Section 7.2.2.3 provides elevations for major lakes within the Town of Kearney, specifically along the Magnetawan River system. These elevations were identified by the Ministry of Natural Resources and Forestry (MNRF) in 2002, and include the following lakes:

Table 2 – Magnetawan River Basin Regulatory Flood Levels – Flood Elevations for Major

Lake	Stillwater Flood Elevation (m)	Elevation to Define Boundaries of Flood Plain (m)	Minimum Elev'n for Bldg Openings Outside Flood Plain (m)
Loon & Grass	0.20	0.58	1.08 m above crest of spill wall at Pevensey Dam
Perry	335.76	336.17	336.67 m above Cdn Geodetic Datum

Waterbody	Conservative Estimate of Flood Elevation (m)
Little Beaver Lake	339.5 m above Cdn Geodetic Datum
Beaver Lake	339.0 m above Cdn Geodetic Datum
River Between Beaver and Hassard Lakes	338.5 m above Cdn Geodetic Datum

Lakes

This Section goes on to state:

“[I]lands below these elevations are subject to the “One Zone Approach” even though they are not mapped on a schedule to this Official Plan. Flexibility in applying these elevations is only appropriate for the wind set-up/wave run-up factor, since the identified factor is based on the maximum distance of open water on the lake that winds would cross and waves could build up; the actual distance would vary throughout the lake. This portion of the flood elevation will be adjusted on the recommendations of a site-specific report by a qualified engineer recommending a lesser factor for wind set-up/wave run-up.”

3.1.5.5.3 Sand Lake Two-Zone

Sand Lake is the only identified area within the Town where the “Two Zone” approach can be applied, based on a flood plain study completed in 1988. The flood plain study identified that *“[t]he floodway was determined to coincide with the natural high water mark whereas the flood-fringe was determined to be at an elevation of **342.4 metres above Canadian Geodetic Datum (C.G.D.)**.”*

As such, new buildings and structures on lands with shoreline frontage on Sand Lake are required to be floodproofed if proposed at an elevation below 342.4 metres above CGD. Furthermore, this Section states that:

“[t]here is currently no comprehensive mapping of the identified flood elevation. Proponent of development will be required to identify the location of the flood elevations on a site-by-site basis by the survey of flood elevations by an Ontario Land Surveyor”

and additionally that

“[...] [s]hould there be any doubt regarding the accuracy of these conservatives estimates, the proponent of development will be required to undertake a detailed engineering study, at their cost, to determine the regulatory flood elevation.”

3.1.5.6 NATURAL HAZARDS – EROSION

Within lands which have the potential to contain erosion hazards and unstable soils, the following policies apply:

- Erosion Hazard and Unstable Soils are to be identified during the development review process;
- Permitted uses include all of those associated with the underlying land use designation contained in Schedule ‘A’ or ‘B’ (e.g. Rural Lands);
- Prohibited uses include:
 - *“an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day cares, and schools, where there is a threat to safe evacuation of the sick, the elderly, persons with disabilities, or the young during an emergency as a result of failure of protection works or erosion;*

- *an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of the failure of protection works and/or erosion; and*
- *uses associated with the disposal, manufacture, treatment, or storage of hazardous substances and outdoor industrial storage.”*
- **Geotechnical Report** can be requested and peer-reviewed by Town to support development.

3.1.6 INFRASTRUCTURE POLICIES

General Development policies contained in Section 2.0 of the Town of Kearney Official Plan are applicable to all development within the Town of Kearney.

3.1.6.1 ROAD POLICIES

The OP acknowledges the following types of roads within the Town, and provides descriptions of each:

- Secondary Highways – Highway No. 518, which is under Ministry of Transportation (MTO) authority;
 - MTO provides comments/approvals over development proposed on 518;
- Municipal Roads – maintained year-round and seasonally; also includes policies for Local Roads, up to 20 metres wide;
- Scenic or Heritage Roads – scenic or historic value, or provide access to areas of that type; identified with the Town’s Heritage Committee;
- Private Roads – private ownership/maintenance to two or more legally conveyable parcels; Town does not provide maintenance or emergency services to lots on Private Roads; development occurs through Development Agreement, following approvals from owner(s) of Private Road/Right-of-Way
 - There are a number of roads within the Town that municipally-owned, but maintained privately; it is the intention to identify these roads to provide clarity to current/potential property owners;

- Unopened Road Allowances – not maintained or established by the Town; public is permitted to travel across, but permission from Town is required for improvements to gain better access; cannot be used as access to landlocked parcels.

3.1.6.2 SERVICING POLICIES

Policies in Section 8.6 of the OP speak to individual well and septic requirements within the Town, and state that the majority of development that is to occur within the Town, is to occur with:

“a privately-owned and maintained water supply and a privately-owned and privately-maintained wastewater disposal system that services the development on the lot upon which they are located and which will remain under one ownership”.

Based on this understanding, policies to allow private individual well and septic system are contained in Section 8.6.1. Speaking specifically to 8.6.1.2, it states that:

“[t]he reviewing and/or approving authority shall require that a hydrogeological analysis to confirm sustainability of the water supply with terrain analysis, and an impact assessment examining the impacts on groundwater or surface water resources be prepared by a qualified professional, at the proponent’s expense, on any lot under 1.0 hectare in area. The approval authority may require a hydrogeological analysis for lots over 1.0 hectare where there are concerns regarding water quality and quantity.

This policy is echoed through the land use designation policies, as Hydrogeological Assessments are requested for all lots under 1 hectare.

Sections 8.6.2 through 8.6.5 proceed to provide policies for Communal Systems, Large Subsurface Sewage Disposal Works (i.e. creating more than 10,000 litres per day), Septic Treatment Capacity, etc.

3.2 Town of Kearney Comprehensive Zoning By-law No. 2022-20 (2022)

The current Town of Kearney Comprehensive Zoning By-law No. 2022-20 was updated and approved by Council in 2022. For this reason, there are very minor amendments being proposed to the Zoning By-law as part of this process. Notwithstanding, the below is a review

of the current Zones within the Town (excluding site-specific amendments and Zones), and summaries of how these provisions are being implemented.

Copies of Schedules 'A' through 'E' of the Town's Zoning By-law are shown as **Appendix C**.

3.2.1 RESIDENTIAL ZONES

The Town of Kearney features the following Residential Zones:

- Residential Waterfront (RWF)
- Residential Townsite (RTS)
- Rural Residential (RR)
- Rural (RU)

3.2.2 COMMERCIAL ZONES

The Town of Kearney features the following Commercial Zones:

- Commercial Townsite (CTS)
- Rural Commercial (CR)
- Tourist Commercial (CT)

3.2.3 INDUSTRIAL ZONES

The Town of Kearney features the following Industrial Zone(s):

- Industrial (M)
- Mineral Mining (MM)
- Mineral Aggregate (MA)
- Waste Disposal Industrial (WD)

3.2.4 OTHER ZONES

The Town of Kearney features the following Zones:

- Institutional (I)
- Open Space (OS)

3.2.5 NATURAL HERITAGE/HAZARD ZONE(S)

The Town of Kearney features the following Natural Heritage/Hazard Zones:

- Hazard Lands (HZ)
- Environmental Protection (EP)

3.2.6 GENERAL PROVISIONS

The Town of Kearney Zoning By-law also provides General Provisions for all development proposed within the Town. The following topics covered within the General Provisions include, but are not limited to:

- Accessory Buildings, Structures, and Uses;
- Additional Residential Units;
- Existing Undersized Lots of Record;
- Height Exceptions;
- Home Industry and Home Occupation;
- Non-Conforming Uses and Non-Complying Uses;
- Number of Dwelling Units on a Lot;
- Parking Area Regulations; and
- Shoreline Activity Area and Vegetative Buffer.



4.0 Recommended Updates

4.1 Recommendations Changes within the Town of Kearney Official Plan

Based on the undertaken Public Consultation and policy review presented in this Report, the following recommendations are being made to the Town's current Official Plan:

4.1.1 REVIEW NATURAL HERITAGE DESIGNATIONS/POLICIES

The Natural Heritage features, being the features which are identified through the designations in Schedule 'C', and the policies associated with each feature, are proposed to be reviewed, and updated, based on recent changes to Provincial policy. The goal of this review is to ensure that, in the event the Province has provided additional policies to help guide development, that the Town is not being overly restrictive of such development. This will include the review of required setbacks, buffer areas, and development which is permitted in close proximity-to (i.e. within 120 metres of) such features.

That said, although the natural heritage policies have been summarized in this Report in their entirety, aside from updating and/or consolidating some of the information contained in these Sections, it is not the intent of staff or the consultant to propose major amendments to the natural heritage policies, for several reasons:

- The natural heritage policies contained in the OP generally reflect the natural heritage policies contained in the new Provincial Planning Statement (2024 PPS), which reflect the policies that were included in the 2014 and 2020 PPS;
- The PPS and Planning Act allows municipalities to be more restrictive (i.e. provide additional oversight) with natural heritage policies, including requiring certain technical works when in certain circumstances, provided the more restrictive policies do not conflict with the PPS and Planning Act;
- The current natural heritage policies have been fine-tuned over numerous years, with input provided by the public, and by various staff and members of Council;

Instead, it is our opinion that the Town should update/amend the existing policies in order to remove unnecessary limitations or requirements that may cause delays with review. More specifically, tweaking the existing policies in order to provide Town staff and Council with more discretion to determine when technical works would be required.

In addition to adding flexibility with Natural Heritage policies, the Project Team will be reviewing the possibility of creating a new Environmental Protection designation, which would consolidate and replace some of the current designations and feature identifications within Schedule 'C' of the Official Plan. In tandem with the mapping changes, the Project Team suggests the consolidation and streamlining of Sections 6.0 and 7.0 of the Official Plan, to reflect the new Environmental Protection designation.

4.1.2 CREATE NEW TOURIST COMMERCIAL DESIGNATION WITHIN THE OFFICIAL PLAN

A primary goal that emerged from the public consultation is a focus on promoting and encouraging tourism within the Town. The Town benefits from a number of existing tourist commercial uses, notably resorts, that attract thousands of visitors to the municipality every year. Therefore, it is important to provide policies in the Official Plan that enhance opportunities for both new tourist commercial uses and existing tourist commercial uses.

Each of the three (3) primary development designations (Rural Lands, Townsite, and Shoreline) contain policies related to tourist commercial development. The Rural Lands section of the OP contains the least detailed policies, which are somewhat similar to those in the Townsite and Shoreline designations. This is likely to reflect that the Rural Lands are the most appropriate lands to contain these types of uses.

Notwithstanding, there are two (2) potential options when discussing the future of tourist commercial development the policies within the Official Plan:

1. There is a potential to include additional policies within the Rural Lands designation, specific to tourist commercial development, encouraging to locate such development within specific areas of the Town (e.g. within 1,000 metres of the settlement boundary or lake), or speaking to technical requirements for new tourist commercial uses; or
2. The tourist commercial policies within the Rural Lands, Townsite, and Shoreline designations can be removed, and an entirely new Tourist Commercial designation can be created within the OP. This new designation would contain streamlined policies for development proposals throughout the Town and ensure that new proposed tourist commercial uses are granted the same development review process.

Notwithstanding, as part of this Official Plan update, it is recommended that the existing, operational tourist establishments within the Town of Kearney are recognized through site-specific, “spot” designations in Schedules ‘A’ and ‘B’ of the Official Plan. This will ensure that growth and development of these existing tourist operations occurs in a clear, consistent manner across the Town.

4.1.3 IDENTIFY COMMUNITY IMPROVEMENT PROJECT AREAS

Discussed in greater detail in Section 4.3 of this Report, there is an opportunity to identify specific Community Improvement Plan Project Areas, which would then be subject to the policies of Section 10.0 and 10.1 of the Official Plan. Section 10.1 provides policies exclusively related to improvement of identified areas within the Town of Kearney, and specifically within the settlement boundary (i.e. Kearney proper).

4.1.4 FLEXIBILITY WITH LOT CREATION STANDARDS

During the consultation sessions with community members, one of the common topics mentioned was greater flexibility with new lot creation (severance) standards, including a review of the minimum required lot area and frontage for new lots, servicing requirements, and instances where technical studies are required.

As part of the Official Plan update, the minimum lot standards will be reviewed for each designation, with greater detail provided where necessary, and in some instances, the standards changed to be more permissive of lot creation throughout the Town of Kearney. At this point, it is unclear as to how the standards will be amended.

4.1.5 REVIEW OF TOWNSITE BOUNDARY AND DESIGNATIONS

It is proposed that the settlement area boundary (i.e. the boundary of the Townsite designation) be reviewed to determine if an adjustment and/or expansion is required. This will include the evaluation of lands outside of the boundary identified in Schedule ‘B’ of the Official Plan for incorporation into the settlement area.

This review of the settlement area will also include an evaluation of the existing “Townsite” and Rural designations within the Schedule ‘B’ boundary. It appears that a majority of the lands within the Townsite settlement area are not designated for settlement area-related development (i.e. Rural). There is potential for these lands to be redesignated through the

Official Plan Update process to better reflect growth accommodation within the Town. This process of “pre-designation” allows the Town to identify strategic areas of growth.

4.1.6 OFFICIAL PLAN SCHEDULE UPDATES

All current Schedules of the Town of Kearney Official Plan will be updated, for one (or more) of the following reasons:

- To reflect new designations, or boundaries of existing designations;
- To reflect Official Plan Amendments which have been approved in the last ten (10) years;
- To identify Community Improvement Plan areas, as discussed in Section 4.1.3 above; and
- To capture any additional information as requested by and in consultation with Town of Kearney staff and Council.
- A number of other minor technical changes including naming, boundary corrections, and updated parcel fabric.

4.1.7 MINOR AMENDMENTS

In addition to the above-noted updates, minor updates will be undertaken to ensure conformity with the updated Provincial Planning Statement (2024), and to ensure the updated Official Plan properly reflects the undertaken Public Consultation and discussions with Town staff.

- Create consistent terminology
- Review Additional Dwelling Unit (ADU) Policies; and
- Incorporation of On-Farm Diversified Use (OFDU) Policies.

4.2 Recommendations Changes within the Town of Kearney Zoning By-law

The current Town of Kearney Comprehensive Zoning By-law No. 2022-20 was updated and approved by Council in 2022. For this reason, there are very minor amendments proposed to this document, with many of the amendments being recommended to align with the Official Plan update recommendations, or to align with Provincial updates.

Notwithstanding, the following recommendations are being made to the Town's current Zoning By-law:

4.2.1 CREATE LIMITED SERVICE RESIDENTIAL (LSR) ZONE

As mentioned during the Public Consultation Sessions, Private Road development is common throughout the Town, especially when it relates to Shoreline development and/or lot creation.

One thing that was identified through the Public Consultation sessions – the Town of Kearney contains a number of Private Roads, which are privately owned and maintained, and provide seasonal access to shoreline properties. Additionally, the Town features private roads which are privately owned, but municipally maintained on a seasonal basis. As such, on top of the municipally maintained roads which receive year-round service/Fire/EMS services, there are a number of other access roads which only receive seasonal service, and do not provide access for fire or EMS.

It is suggested that these properties, which access roads only receive seasonal service, be rezoned to a Limited Service Residential (LSR) Zone. This would identify to potential property owners that the property they are looking at is/is not a seasonal property, and whether access can be gained year-round. Additionally, it will answer any questions residents have on whether or not their properties can be accessed year-round.

Additionally, it allows additional requirements when stipulating things such as additional dwelling units, cabins/bunkies, etc. As properties which can be accessed year-round could be permitted additional uses than those within the Limited Service Residential (LSR) Zone.

4.2.2 ZONING BY-LAW SCHEDULE UPDATES

All current Schedules of the Town of Kearney Comprehensive Zoning By-law No. 2022-20 are proposed to be updated, for one (or more) of the following reasons:

- To reflect new zones, or boundaries of existing zones;
- To reflect Zoning By-law Amendments which have been approved in the last three (3) years;
- To identify Future Development areas, as discussed in Section 4.1.3 above; and
- To capture any additional information as requested by and in consultation with Town of Kearney staff and Council.

4.2.3 MINOR AMENDMENTS

In addition to the above-noted updates, the following tasks will be undertaken to ensure conformity with the updated Provincial Planning Statement (2024), the proposed Official Plan updates, and to ensure the updated Zoning By-law properly reflects the undertaken Public Consultation and discussions with Town staff.

- Incorporate On-Farm Diversified Use (OFDU) Policies;
- Review Lot Provisions and Setbacks;
- Review Natural Heritage Zones and Setbacks; and
- Review Additional Dwelling Unit (ADU) Policies.

4.3 Other Municipal Considerations

In addition to the documents being updated through this process – Corporate Strategic Plan, Official Plan, and Zoning By-law for the Town of Kearney – there were several comments raised through Public Consultation do not relate directly to these documents but can otherwise be addressed through other municipal tools in the future.

One municipal tool to consider in the future is a Community Improvement Plan (CIP), which is described in detail below.

4.3.1 COMMUNITY IMPROVEMENT PLAN

Community Improvement Plans are enacted under Section 28 of the *Planning Act* and are used to generate investment and redevelopment within certain areas and/or communities within a municipality by providing financial incentives, loans, and grants to, but not limited to:

- Business owners who are looking to update/renovate businesses located within a Plan Area;
- Residents looking to undergo exterior beautification/renovations to existing dwellings located within the Plan Area, including rural and agricultural areas;
- Redevelopment projects in areas where remediation of contaminated lands is required; and

- Other similar projects or private investments on property that would be mutually beneficial to both the developer and the municipality.

To understand how the Town can best utilize this tool, it is important to first understand what these plans are and what they can contain.

4.3.1.1 COMMUNITY IMPROVEMENT PLANS – INTERPRETATION AND IMPLEMENTATION

“Community Improvement”, “Community Improvement Plans”, and “Community Improvement Areas” are all defined under Section 28(1) of the *Planning Act*. These terms are defined as follows:

- **“community improvement”** means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;
- **“community improvement plan”** means a plan for the community improvement of a community improvement project area;
- **“community improvement project area”** means a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.

4.3.1.2 COMMUNITY IMPROVEMENT PLANS – TOWN OF KEARNEY GOALS AND OBJECTIVES

Policies related to Community Improvement Plans (CIP) – more specifically an outline of possible content within a potential Town of Kearney CIP – are discussed in Section 10 of the Town’s Official Plan. This Section states that:

[i]t is the Town's intention to encourage improvements to the quality of existing development, community facilities, and public services, particularly within the urban area to provide those additional community facilities as circumstances and finances permit.

Moving to Section 10.1, this Section proceeds to provide objectives for the application of Community Improvement Policies. These policies are as follows:

- a. Provide for the designation of "Community Improvement Project Areas" in areas of the Town that exhibit problems of instability, building deterioration, inadequate municipal services and facilities, or inappropriate arrangement of land uses.*
- b. Promote the long term stability and viability of designated "Community Improvement Project Areas."*
- c. Encourage the co-ordination of municipal expenditures and planning and development activity within designated "Community Improvement Project Areas."*
- d. Encourage residential intensification opportunities, such as mixed use and infill developments, accessory apartments, and residential conversion of upper floors of commercial buildings.*
- e. Stimulate private property maintenance and reinvestment activity.*
- f. Facilitate the cleanup and redevelopment of brownfield properties.*
- g. Enhance the visual quality of designated "Community Improvement Project Areas" through the recognition and protection of heritage buildings.*
- h. Reduce the detrimental effects of incompatible land uses in designated "Community Improvement Project Areas."*

- i. Upgrade physical services and social and recreational facilities in designated "Community Improvement Project Areas."*
- j. Promote the improvement of energy efficiency standards for residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses within the designated "Community Improvement Project Areas."*
- k. Support the creation of Affordable Housing by considering any municipally-owned, undeclared surplus land for Affordable Housing before any other use is considered.*
- l. Support the implementation of measures that will assist in achieving sustainable development and sustainable living.*
- m. Support the retention, protection and conservation of heritage properties or areas.*
- n. Foster the improvement of businesses and public spaces to remove barriers that may restrict their accessibility.*

Based on the above, should Council choose to move forward with designating portions of the settlement area as Community Improvement Project Areas, the above-noted policies, which will be reviewed through this update process, could be utilized and implemented on properties of interest.

4.3.1.3 COMMUNITY IMPROVEMENT PLANS – EXAMPLES OF FINANCIAL INCENTIVES/LOANS/GRANTS

The possible financial incentives, loans, and grants associated with Community Improvement Plans could take many different forms, such as:

- For Commercial Uses Only – located in any Zone:
 - Exterior Improvement Incentive;
 - Tax Increment Equivalent Grant (TIEG);
 - Development Incentives (related to Building Permit fees);
 - Accessibility Incentives;

- Townsite Development:
 - Townsite Residential Exterior Improvements (including costs related to beautification, landscaping, etc.);
 - Townsite Business Exterior Improvements (including costs related to beautification, landscaping, etc.);
 - Tax Increment Equivalent Grant (TIEG);
 - Development Incentives (related to Building Permit fees);
- Incentives for septic improvement/replacement
- Planning Application fee grant
- Agricultural Value-Added Grant
- Affordable housing

4.4 Next Steps

Following Council’s review and acceptance of this Background Summary at the next possible Regular Council Meeting, the Project Team will begin the process of scheduling the remainder of the Public Consultation Sessions. The intention of early scheduling is to ensure interested parties can be available, should they be interested in attending. As stated previously, these documents need to be usable by the public; the Project Teams wants to ensure there is adequate input, prior to presenting it to Council for their recommendation and ultimate approval.

The following events are still to be Scheduled, either with Council, Stakeholder and Agency Groups, and/or members of the Public:

- Council Planning Session – April 2025;
- Stakeholder and Agency Meeting – One (1) Scheduled – June 2025; and
- Public Open Houses – Three (3) Scheduled – between May and August 2025.

While these Engagement Sessions are being scheduled/undertaken, based on the comments received during the undertaken Public Consultation, the Project Team will begin the process of updating the Town’s Official Plan and Zoning By-law.

It is expected that the first draft of the Town's new Official Plan and Zoning By-law will be available in mid-to-late April 2025, with it being presented for public review and comment in May 2025.



5.0 Summary



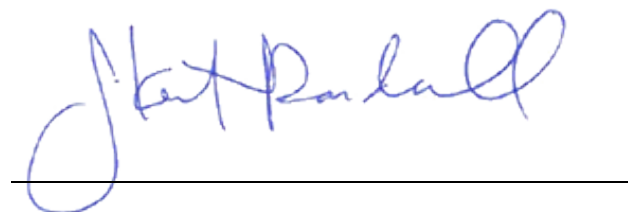
This Background Summary has been provided as a summary of the information gathered during our review of existing Town of Kearney Official Plan policies and Zoning By-law provisions, as well as the public consultation undertaken up to this point.

As discussed, residents, staff and Council have identified a number of areas of concern or priority that they would like to see articulated through policy. We have provided a number of suggestions based on these discussions, for Council's review and feedback. Please note that the Consultation period is still not over, and residents, members of Council, and other interested stakeholders are encouraged to submit their comments.

We look forward to continuing to work with the Town of Kearney on their updated Official Plan and Comprehensive Zoning By-law.

Respectfully submitted,

ECOVUE CONSULTING SERVICES INC.



J. Kent Randall B.E.S., MCIP, RPP
Principal Planner



Jessica Rae Reid, B.A
Planner



6.0 Appendices

6.1 Appendix A: Stakeholder and Agency Sessions: PowerPoint Presentation (January 11, 2025 and February 5, 2025)



Stakeholder and Agency Roundtables

UPDATE OF THE TOWN OF KEARNEY'S OFFICIAL PLAN AND ZONING BY-LAW,
AND CORPORATE STRATEGIC PLAN

TOWN OF KEARNEY, DISTRICT OF PARRY SOUND

FEBRUARY 5, 2025

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Discussion Questions_____	17

Today's Presentation





Background Information

HISTORICAL CONTEXT, POPULATION STATISTICS, AND
PLANNING HIERARCHY OF ONTARIO

Town of Kearney

Geographic Townships: Proudfoot
and Bethune

Area: 528.21 sq. km (203.94 sq. mi)

Population: 974 (2021)

- 0–14 years: 8.5%
- 15–64 years: 62.1%
- 65 years and over: 28.2%

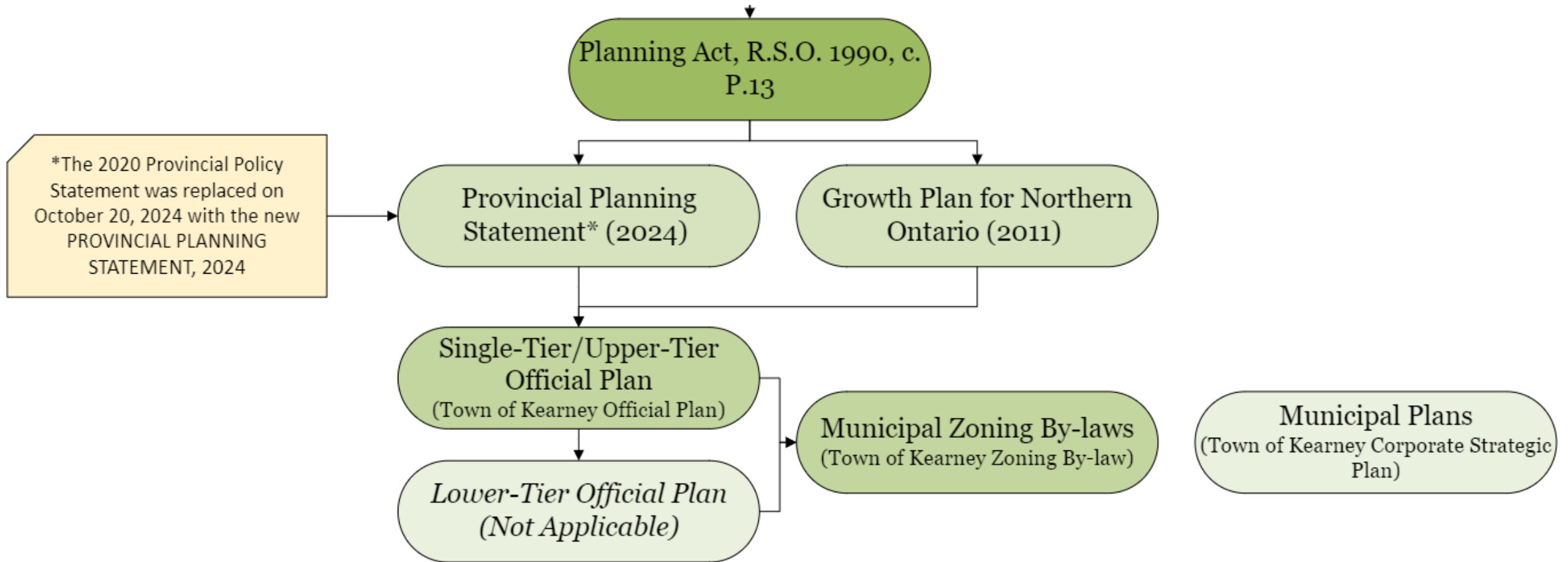




Planning Hierarchy of Ontario

THE *PLANNING ACT*, PROVINCIAL PLANNING STATEMENT
(2024), OFFICIAL PLANS, AND ZONING BY-LAWS

Planning Hierarchy





What is a Strategic Plan?

TOWN OF KEARNEY 2019–2025 STRATEGIC PLAN

What is a Strategic Plan?

- A Strategic Plan is essential for a Town's growth and sustainability. It provides a clear vision and direction, demonstrating to residents, investors, and government agencies that the Town is committed to achieving its long-term goals.
- The updated **Corporate Strategic Plan** is intended to build off the success of Council's direction from the 2019-2025 Strategic Plan through engagement with Council, staff, other key stakeholders, and the public.
- This plan will help prioritize resources, guide decision-making, and ensure that the Town can effectively allocate its budget toward high-impact projects.

Strategic Development Plan

2019-2025



ADOPTED BY

Kearney Town Council



What is a Strategic Plan?

- Visioning Session (January 29, 2025)
 - *A full-day planning session with Council and management staff to review stakeholder feedback and refine the strategic direction of the municipality.*
 - *This session will discuss the vision, mission, and values with a preliminary discussion about goals and action items.*
- Planning Session (Date TBD)
 - *A half-day planning session with Council and management staff to prioritize key goals.*
 - *Review the draft vision, mission, and values, discuss goals and actions in greater detail and prioritize each action item.*

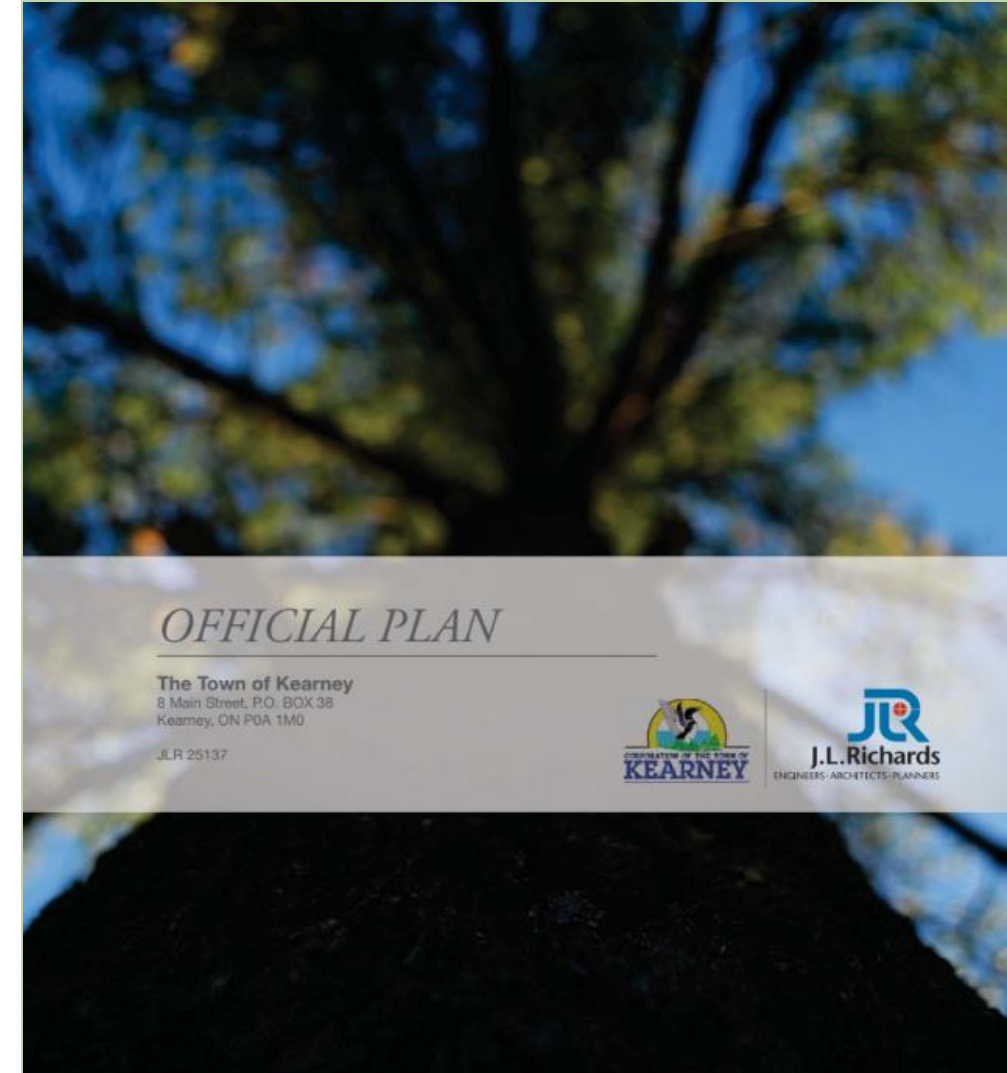


What is an Official Plan?

TOWN OF KEARNEY OFFICIAL PLAN (2016)

What is an Official Plan?

- Official Plans (OPs) provide the overall policy framework for orderly development and growth of a municipality over a twenty (20) year period
- OPs focus on matters such as:
 - When and how parts of the community should grow;
 - Where new housing, industry, offices shops, etc. should generally be located;
 - What services will be needed;
 - The division of land;
 - Protection of environmentally sensitive areas; and
 - Agricultural and aggregate lands





What is a Zoning By-law?

TOWN OF KEARNEY COMPREHENSIVE ZONING BY-LAW NO.
2022-20

What is a Zoning By-law?

- A Zoning By-law implements the Official Plan policies, goals, and objectives by regulating the use of land within a community
 - Provides a legal way to manage land use and future growth and helps to prevent land use conflicts.
- A Zoning By-law regulates, among other things:
 - how land may be used;
 - where buildings and other structures can be located;
 - the types of buildings that are permitted and how they may be used; and
 - the lot sizes and dimensions*, parking requirements, building heights and setbacks from the street.;
- The Town is divided into land use 'zones'; each zone has specific permitted uses and required lot standards

*lot sizes contained within the Zoning By-law do not apply to new lot creation; minimum lot requirements for new lots are contained in the Official Plan

Town of Kearney

Comprehensive Zoning By-law

No. 2022 - 20

Prepared for:



The Corporation of the Town of Kearney
8 Main Street, P.O. Box 38
Kearney, ON P0A 1M0

Prepared with:



J.L. Richards & Associates Limited
Engineers • Architects • Planners
217-469 Bouchard Street Sudbury, ON
P3E 2K8



EcoVue Consulting Services Inc.
311 George Street North
Suite 200
Peterborough, ON K9J 3H3

Town of Kearney Comprehensive Zoning By-law No. 2022-20

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SCHEDULE 'D' – Proudfoot (Sand Lake)			
SCHEDULE 'E' – Bethune (Lynx Lake)			



Why are we updating the Town's Official Plan and Zoning By-law?

TOWN OF KEARNEY OFFICIAL PLAN (2016) AND
TOWN OF KEARNEY COMPREHENSIVE ZONING BY-LAW NO.
2022-20

Why update?

- According to Section 26 of the Planning Act, it is the responsibility of municipalities to perform a complete update of their Official Plan every ten (10) years
- The Town of Kearney OP was approved by the Ontario Municipal Board (OMB)* in 2016
- There have been significant changes to the Provincial and municipal land use planning regime since the approval of the OP
 - This includes the very recent Provincial Planning Statement (PPS), which came into effect on October 20, 2024
- The Zoning By-law must also be updated to reflect changes made to the OP
 - The ZBL was last updated in 2022 – as such, there are minimal updates expected, aside from policy conformity with the OP and PPS

*the OMB has since become the Ontario Land Tribunal (OLT).



Discussion Questions

Discussion Questions

What type of development would you like to see within the Town?

Are there policies within the current Town of Kearney Official Plan that you find overly prohibitive of development?

Are there policies within the current Town of Kearney Official Plan that you find overly permissive of development?

Do you think the current Town of Kearney Official Plan policies applicable to the Town will permit the type of development that is necessary to continue to grow?

Please feel free to ask any questions or make any comments you'd like at this time.

You can also send thoughts/comments to the Project Team following this meeting.

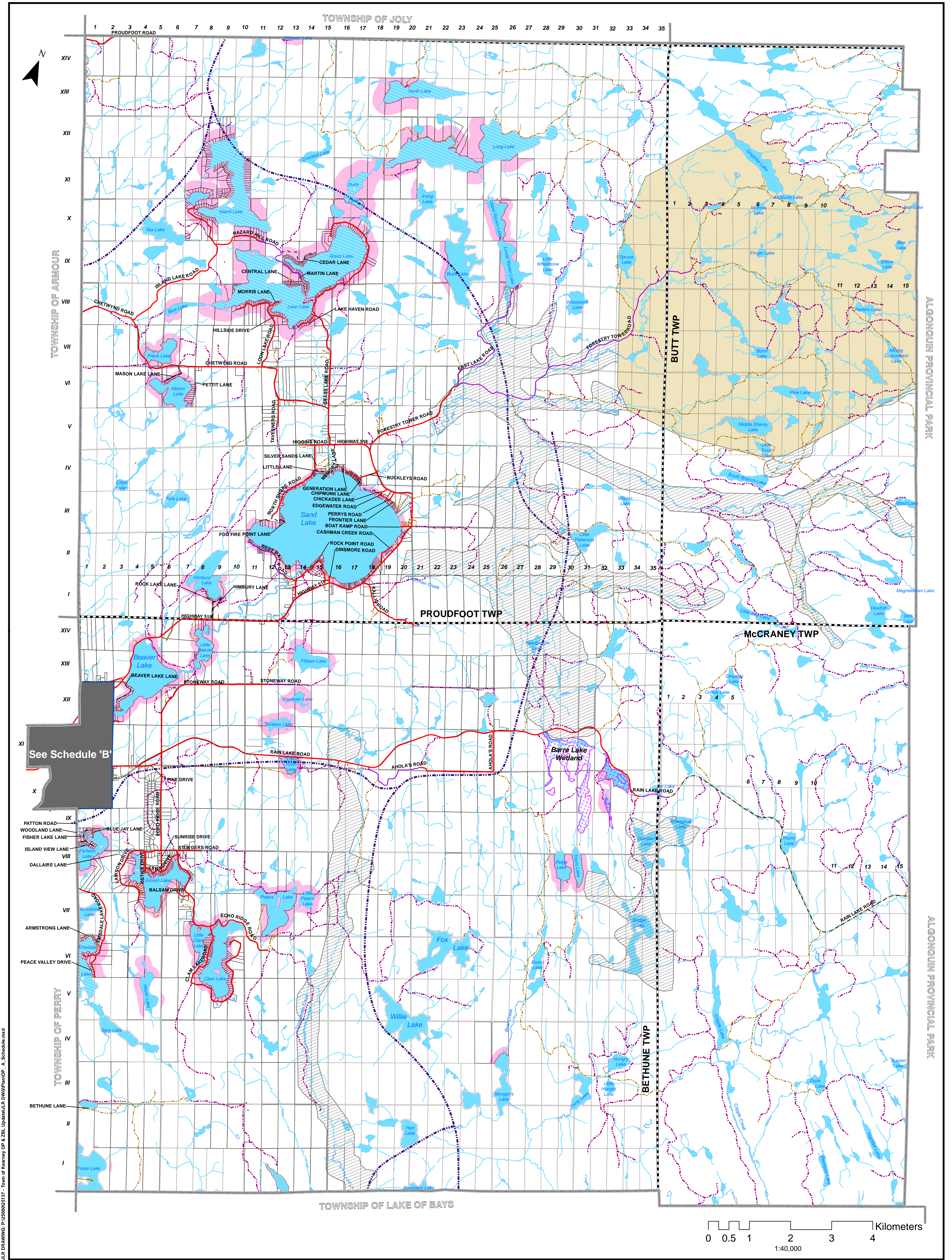


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6.2 Appendix B: Town of Kearney Official Plan Schedules 'A' through 'C'



Official Plan Schedule 'A' Land Use and Transportation

Corporation of the Town of Kearney

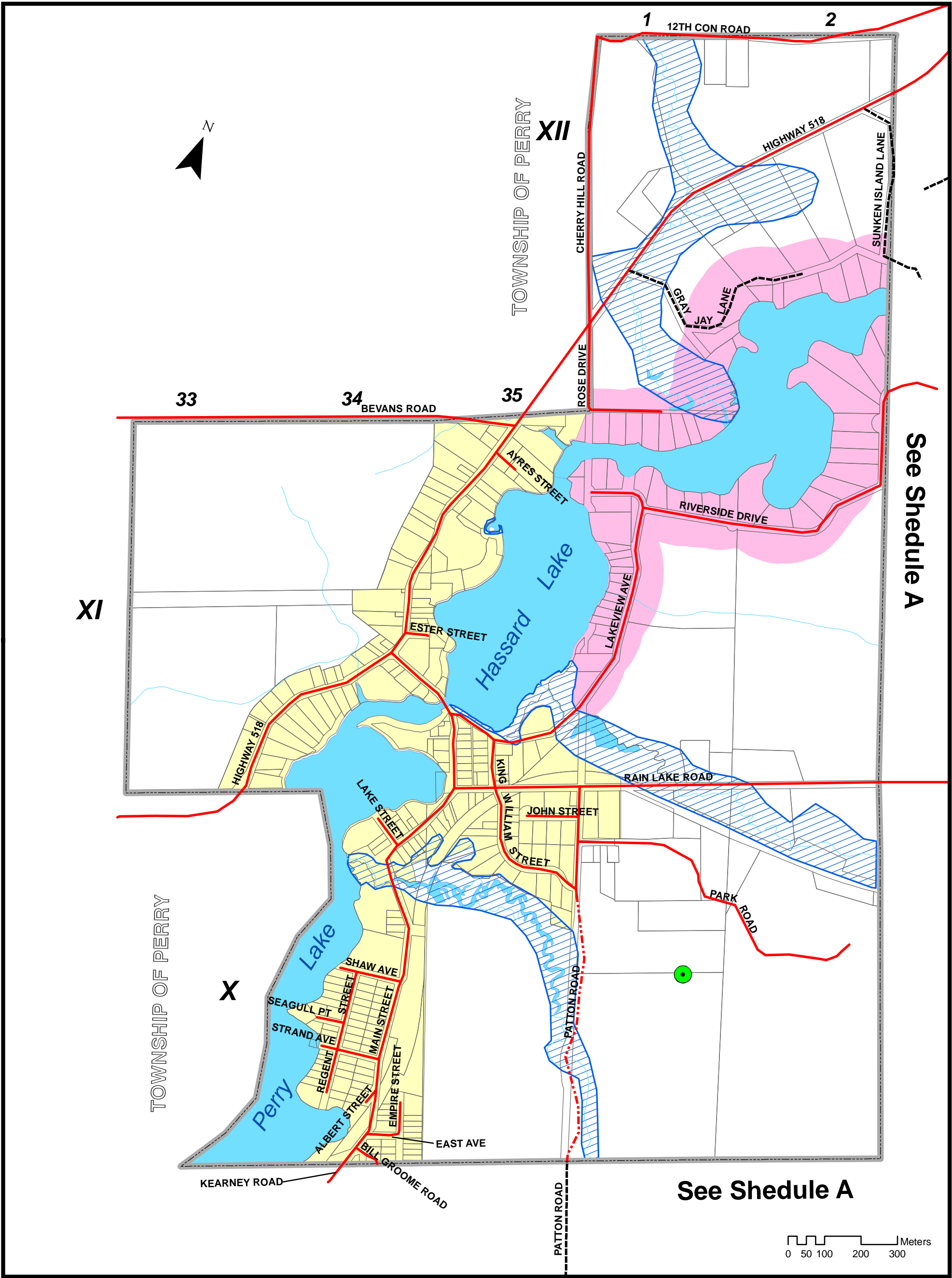
Legend

- | | | |
|---------------------------------------|------------------|--------------------|
| Rural Lands | Year Round Road | Stream |
| Shoreline | Seasonal Road | Waterbody |
| Mineral Aggregate Area | Private Road | Township Boundary |
| Mineral Mining Area | Snowmobile Trail | Municipal Boundary |
| Provincially Significant Wetland Area | Trail (Portage) | |
| | Accessway | |

Data Source: Source Data has been provided by the Ministry of Natural Resources, Ministry of Northern Development, Mines and Forestry and the Town of Kearney

J.L. Richards
16-Jan-2014

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**Official Plan
Schedule 'B'
Kearney Townsite
Land Use and Transportation**

**Corporation of the
Town of Kearney**

Legend

- | | | | |
|--|--------------------------------|--|---------------------|
| | Closed Waste Disposal Site | | Waterbody |
| | Townsite | | Stream |
| | Shoreline | | Year Round Road |
| | Rural Lands | | Seasonal Road |
| | Flood Plain Overlay | | Private Road |
| | Based on Aerial Interpretation | | Schedule B Boundary |

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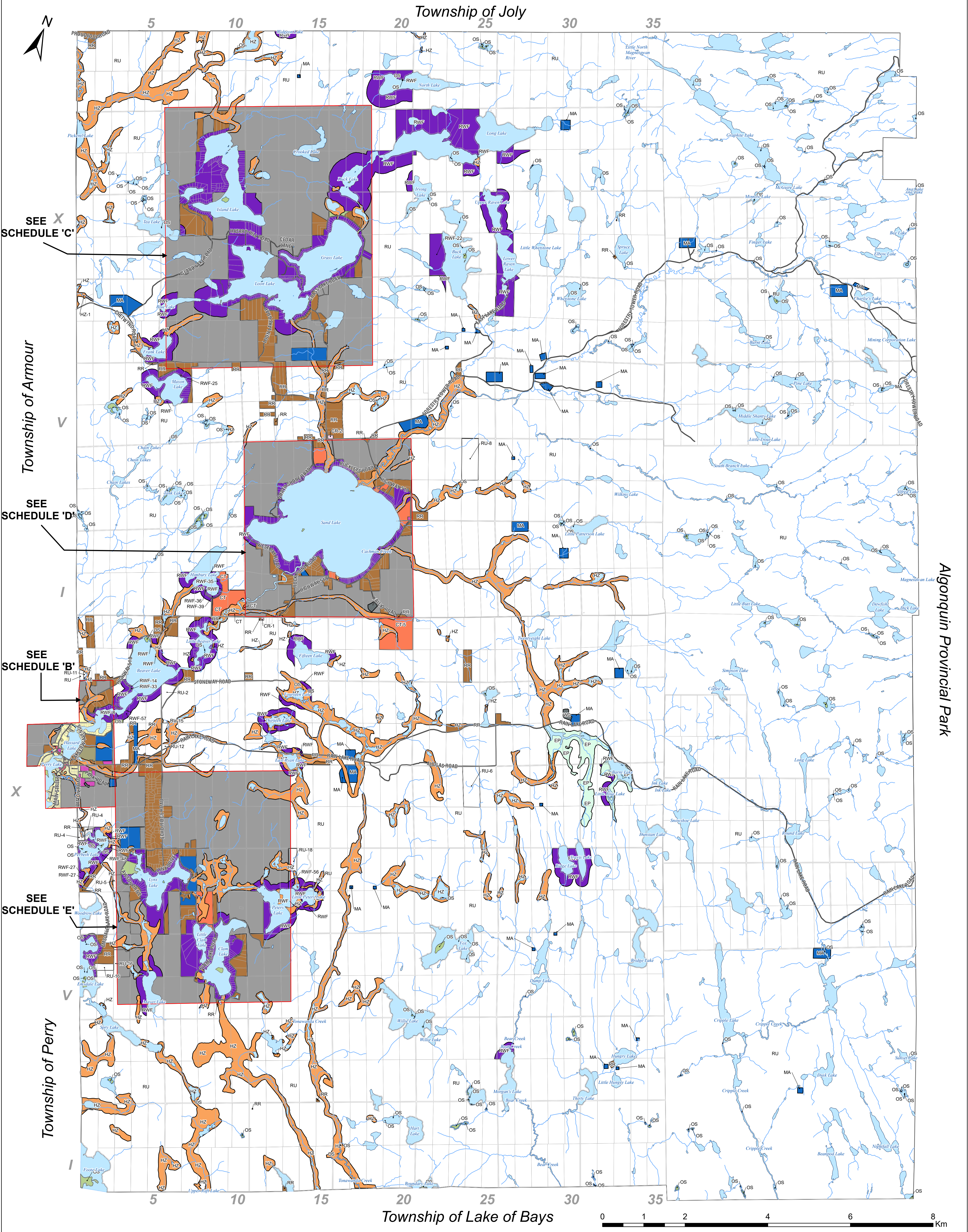
Print Date: 09-Sep-2013

Data Source: Source Data has been provided by the Ministry of Natural Resources and the Town of Kearney

6.3 Appendix C: Town of Kearney

Comprehensive Zoning By-law No. 2022-20

Schedules 'A' through 'E'



Corporation of the Town of Kearney Zoning By-law

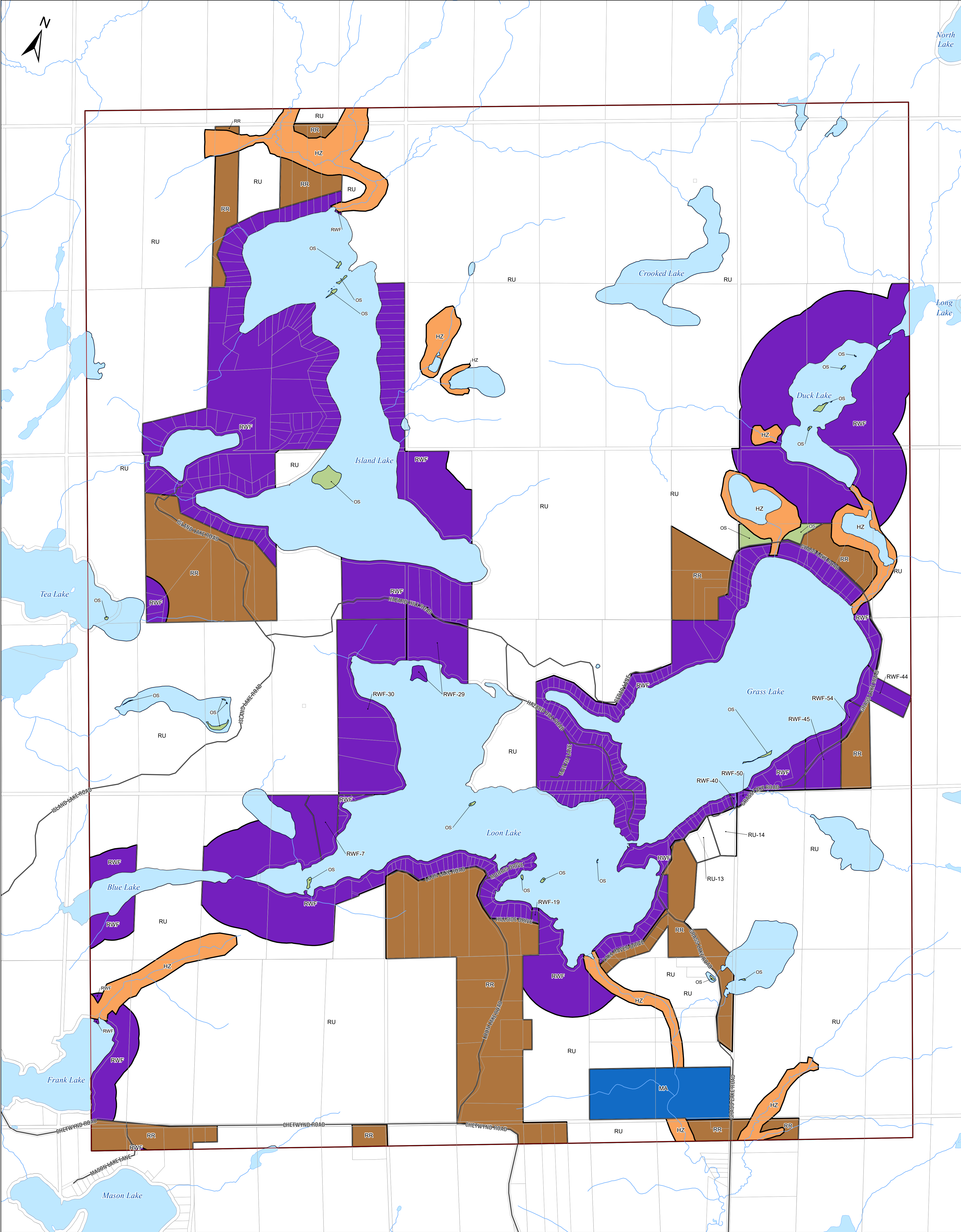
Schedule 'A' - Township of Kearney

Zone Legend

Lot and Concession Fabric	CR - Rural Commercial	I - Institutional	RTS - Residential Townsite
Roads	CT - Tourist Commercial	M - Industrial	RU - Rural
Waterbody	CTS - Commercial Townsite	MA - Mineral Aggregate	RWF - Waterfront Residential
Watercourse	EP - Environmental Protection	OS - Open Space	WD - Waste Disposal
	HZ - Hazard Lands	RR - Rural Residential	

DRAFT - MARCH 07, 2022





Corporation of the Town of Kearney Zoning By-law

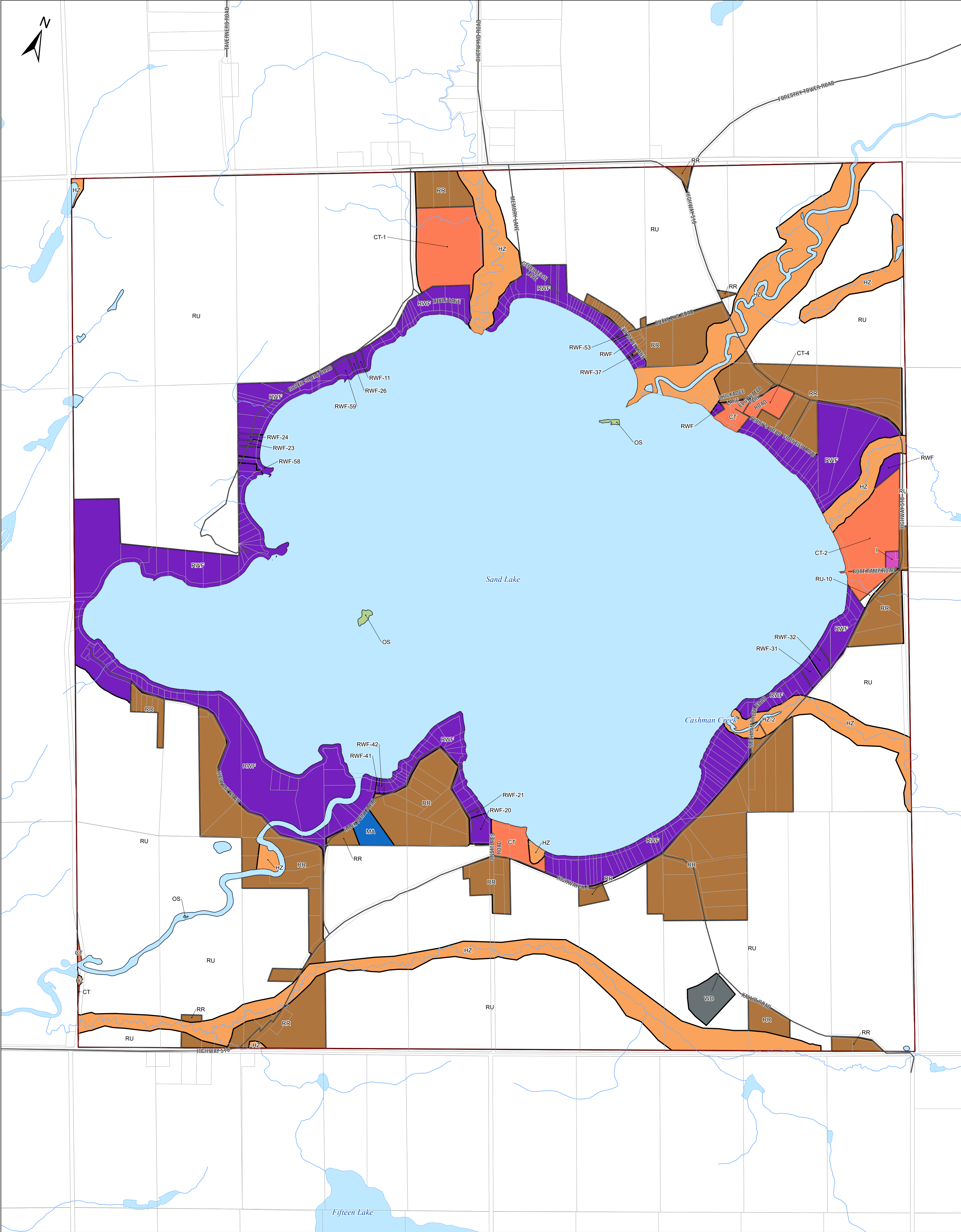
Schedule 'C' - Proudfoot Township, Grass Lake, and Proudfoot Lake Area

Zone Legend

- Roads
- Waterbody
- Watercourse
- Parcels
- HZ - Hazard Lands
- MA - Mineral Aggregate
- RR - Rural Residential
- OS - Open Space
- RU - Rural
- RWF - Waterfront Residential

DRAFT - MARCH 07, 2022





Corporation of the Town of Kearney Zoning By-law

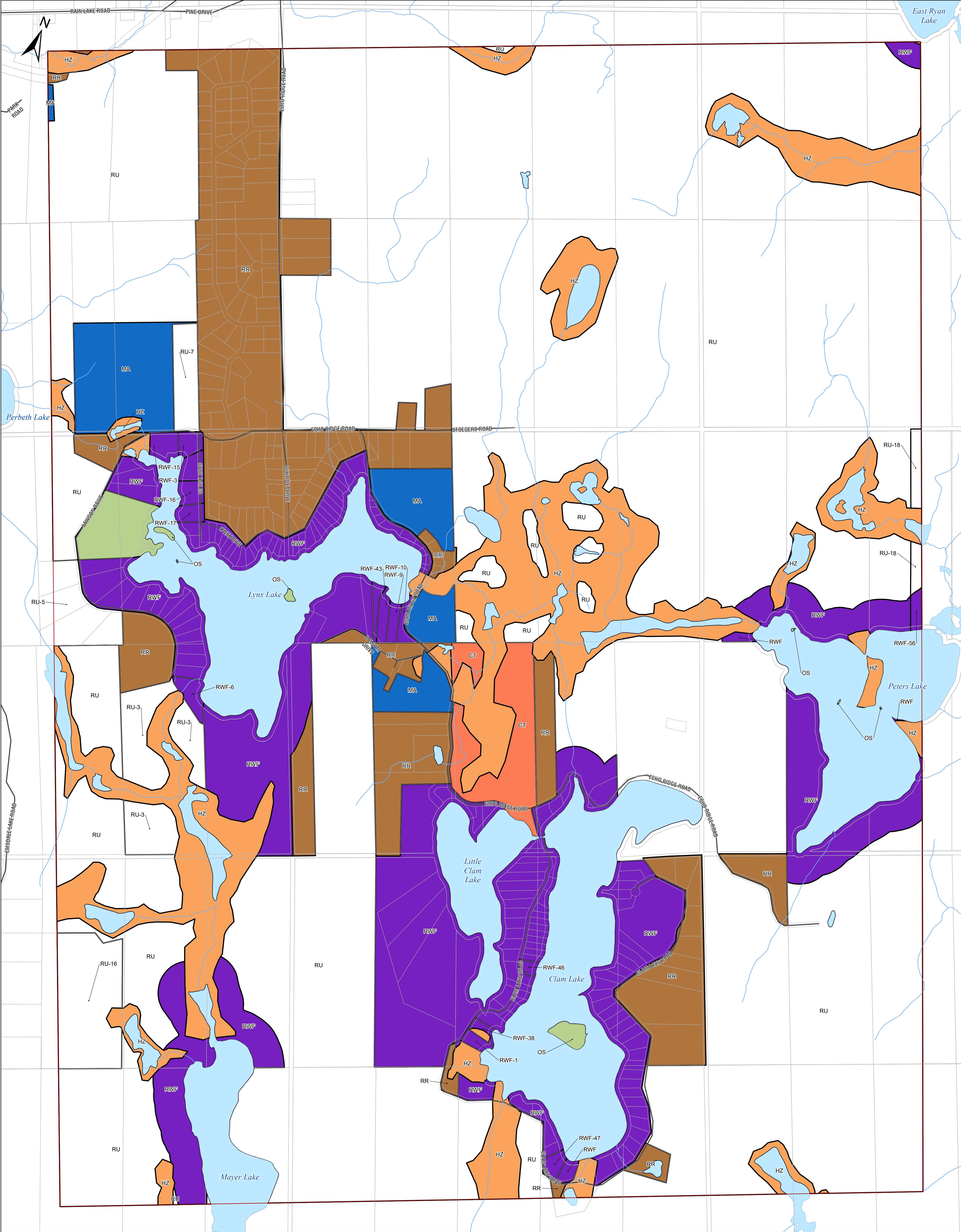
Schedule 'D' - Proudfoot Township and Sand Lake Area

Zone Legend

Roads	CT - Tourist Commercial	MA - Mineral Aggregate	RU - Rural
Waterbody	HZ - Hazard Lands	OS	RWF - Waterfront Residential
Watercourse	I - Institutional	RR - Rural Residential	WD - Waste Disposal
Parcels			

DRAFT - MARCH 07, 2022








Corporation of the Town of Kearney Zoning By-law

Schedule 'E' - Bethune Township and Lynx Lake Area

Zone Legend

	Waterbody		CT - Tourist Commercial		RR - Rural Residential
	Watercourse		HZ - Hazard Lands		RU - Rural
	Roads		MA - Mineral Aggregate		RWF - Waterfront Residential
	Parcels		OS - Open Space		

DRAFT - MARCH 07, 2022





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