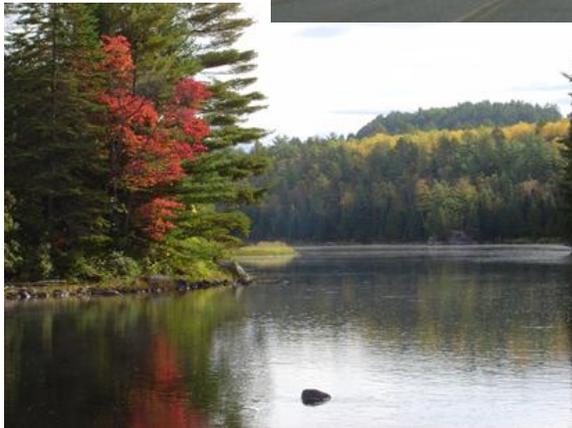
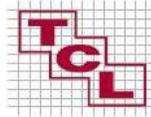


# East Nipissing Official Plan

Approved with Modifications, *January 12, 2010*



Prepared by



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# EAST NIPISSING OFFICIAL PLAN

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## 1.0 INTRODUCTION

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The East Nipissing Planning Area consists of the Townships of Calvin, Mattawan and Papineau-Cameron (1997 population 1,650) in the District of Nipissing. The Planning Area was defined January 1, 1998 to enable these municipalities to prepare their first Official Plan and comprehensive zoning by-laws and to assume authority for consent granting.

The Planning Area (see Map 1) is exclusively rural in character as there are no urban settlements. The rate of population growth (1981-1996) has averaged 1.03 % and has been influenced by growth in the forest industry sector (Tembec, Columbia Forest Products), in particular, as well as job opportunities in North Bay which is within reasonable commuting distance.

Virtually three quarters of the land base is Crown land and the area is host to a significant natural resource base of mineral aggregates, minerals and commercial forests. Farming is important on a local scale, most notably in Calvin Township. The area is also host to Samuel de Champlain Provincial Park, the Mattawa Provincial Park, the Eau Claire Gorge Conservation area and is the entry point to Algonquin Park (Kiosk), all of which contribute to a healthy tourism industry.

Several transportation corridors traverse the Planning Area including Highway 17, the CPR Rail Line, the TransCanada Pipeline, a Bell Canada fibre optics line and the Trans Ontario Snowmobile corridor. The Ottawa-Mattawa River corridor was historically a major transportation corridor and remains a focus for water based activities and an area of moderate archaeological potential.

Aside from municipal administration, public service facilities are available in the adjacent Town of Mattawa or the City of North Bay. Infrastructure consists primarily of the network of township roads, recreational services, waste disposal and fire protection.

Flood plains have been identified along the major river systems and on inland lakes. Mine hazards exist from past mining activities in the area.

### 1.1 The Basis for Land Use Planning

The initiative to establish a Planning Area and to prepare an Official Plan and Zoning By-laws is founded on a number of activities and principles:

- The Planning Board has been given the authority to grant consents. This coincides with the provincial initiative to delegate responsibility to local planning authorities who have the knowledge of land development and who can expedite decisions;
- Significant employment growth is anticipated in the forest products industry through the expansion of existing mill operations (Tembec and Columbia), associated log hauling and in the development of the Canadian Ecology Centre in Samuel de Champlain Provincial Park. Job creation is projected at 160 new households over the next 5 years in the Planning Area. Employment growth will accelerate population growth rates over past activity and create pressure for consent activity and new housing starts;
- The land supply for residential development is limited if the community is to respond to further growth. Increasing the land supply for various land uses is essential;
- Land use conflicts are evolving between resource-based uses, particularly aggregate operations, and rural residential uses. As development continues to occur in the Planning Area, further conflicts could occur, hence the necessity of establishing the parameters for harmonizing land use development.
- The potential for resource development is important to the local economy. A policy framework is required to ensure that renewable and non-renewable resources are conserved for their resource value (e.g., mineral aggregates, minerals, forests, agricultural lands);
- The economic base is diverse and is dependent on primary resources, value added goods, tourism including an evolving eco-tourism market, service commercial activities focused on providing local services, home based businesses and industrial activities. The Official Plan must set out a framework for economic development to facilitate public and private sector initiatives;
- Physical constraints to development and issues of public safety will influence where and why development can take place (e.g., flood plains, organic soils, mine hazards, bedrock, contaminated sites. Policies to ensure safe development are essential);
- Part of the heritage of the area is a deep respect for the environment and the amenities of natural habitat areas. The Plan will set out policies to ensure that there are no adverse impacts to the conservation of the environment and the ecological functions associated with fish and wildlife habitats and wetlands;
- Public service facilities and infrastructure are generally adequate and have residual capacity to support further growth and development. Over the longer term, increasing the capacity will necessitate the expansion of existing facilities;

- Conservation of the historical legacy of the fur trade, logging industry and pioneer developments need to be addressed through a policy on cultural heritage resources;
- *The Planning Act* imposes a statutory obligation of the Planning Board to prepare an Official Plan. The intent of the three communities is to work together to prepare a policy document that has regard for the Provincial Policy Statement as well as reflects the individual characteristics of the three townships.

## 1.2 The Planning Process

The Planning process started in August 1997 with the collection of data and consultation with provincial ministries and other agencies and updated in 2006 as part of the five-year review which incorporated new provincial legislation (i.e., Provincial Policy Statement, 2005) and new directions in the planning area. A Community Profile was prepared and released (November 17, 1997) and was followed by a series of community workshops (December 10, 1997 - Papineau-Cameron Township Municipal Hall; December 11, 1997 - Calvin Township Community Centre). The workshops were designed to provide input on selected topics including a vision for the Planning Area, home based businesses, rural settlement patterns and aggregate resources.

The results may be briefly summarized as follows:

- A vision for East Nipissing is one in which there is slow but manageable growth which does not compromise the rural character of the area (low density development, friendly and safe) and preserves the amenities of the natural environment. Papineau-Cameron will provide the setting for more intensive commercial and industrial land use activities such as a business park;
- Home based businesses will be encouraged with only the level of controls necessary to ensure they do not become a nuisance to surrounding residences. Either the dwelling or an accessory building is acceptable;
- A rural settlement pattern will continue to be the basis for land use development with lot sizes which are capable of being self sustaining with on-site sewage disposal and water systems (e.g., 0.8 ha [2 acres] and 45 m [150 ft] frontage). Severances will be granted on the basis of three severances per lot plus the retained lot and to separate a surplus dwelling where two dwellings are on one lot. Provision should be made for exceptional circumstances where more than three severances are desirable (see **Section 3.10.2 (4) - Consent Policies and Procedures**). The rural settlement area would generally correspond with the current development pattern of low density development distributed along the network of township roads;
- Resources and resource activities form part of the rural landscape and would be conserved for their economic value. Farming and forestry are examples of resource activities;
- Development constraints and other public safety issues should be taken into consideration in reviewing consent applications such as mine hazards, flood plains,

organic soils, lake development capacity, contaminated sites, natural heritage features and cultural heritage resources;

- Mineral Aggregate resources should be recognized for their value to construction etc. and measures taken to minimize the impact on neighbouring properties.

The Planning Process then involved the preparation of one Official Plan for the Planning Area and Zoning By-Laws for each of the three municipalities. As part of the 5 year review, workshops/public meetings were held on Wednesday, April 26, 2006, at 7:00 p.m., at Papineau-Cameron Township Hall and on Thursday, April 27, 2006, at 7:00 p.m., at Calvin Township Community Centre. The topics which were discussed at these workshops included private roads, brownfields, employment areas, and development along the Ottawa River.

## **OFFICIAL PLAN POLICIES**

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### **2.0 ADMINISTRATION**

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#### **2.1 Application to Planning Area**

The policies and corresponding schedules of this Land Use Plan apply to the East Nipissing Planning Area comprising the Township of Calvin, the Township of Mattawan and the Township of Papineau Cameron.

#### **2.2 Role of the Planning Board**

The role of Planning Board is initially to prepare the Official Plan. The Planning Board will oversee the implementation of the Plan by monitoring the impact of policies and by reviewing planning applications for conformity to the Plan. The Planning Board will be responsible for the granting of consents.

Planning Board may recommend changes to the Plan from time-to-time and will consider the need to review the Plan once every five years as required by Section 26 of *The Planning Act*.

Planning Board will convene public meetings to consider an amendment to the Official Plan prior to adopting an amendment, but may decline to have a meeting if they refuse to adopt the amendment. Planning Board will pre-consult with the Ministry of Municipal Affairs and Housing on applications for amendments.

Planning Board may seek authority for exemption for the approval of amendments to the Official Plan as provided for under Section 17 (10) of *The Planning Act*.

#### **2.3 Planning Period and Review**

The Planning Period for this Official Plan is intended to be 20 years (1998-2018).

A public meeting will be held once every five years by Planning Board pursuant to Section 26 of *The Planning Act* to discuss the changes that may be required under Section 26 of the Planning Act, the Provincial Policy Statement, or changes to the Statement in considering a review. As a result, Planning Board has initiated a five-year review which incorporates the new Provincial Policy Statement (2005), other provincial legislation and new Council directives.

## 2.4 Amendments and Municipal Plan Review

Applications for amendments to this Plan by the public or amendments initiated by Planning Board or a member municipality will be considered in accordance with the requirements of *The Planning Act*. Applications submitted by the public must be complete and where required by this Plan, include studies or reports to determine conformity with the Plan.

The review of the application will include consultation with the Ministry of Municipal Affairs and Housing under the "one-window" approach by forwarding a copy of the application to the Ministry (within 30 days of receiving the application). Under this approach, the Ministry would review the application on behalf of other Ministries. Planning Board will also seek technical input and/or an evaluation from Ministries and agencies in the preparation of amendments, where required by the policies of this Plan (e.g., Ministry of Natural Resources, North Bay-Mattawa Conservation Authority, Ministry of the Environment, Ministry of Northern Development and Mines, Ministry of Transportation and the Ministry of Agriculture, Food and Rural Affairs).

It is the Policy of the Planning Board to be consistent with the Provincial Policy Statement and/or other matters which may, from time-to-time, be proclaimed under Section 3 of *The Planning Act*.

Planning Board also encourages the public to pre-consult with the Planning Board and technical agencies on the need for an amendment prior to making an application. Prior to making a decision on any planning application, one or more public meetings will be held to seek comments from the public. A meeting may not be held if the application is refused.

Amendments will be required for a change in a land use designation shown on the Land Use Plan (Schedules "A1 – A3") or for changes in the policy or text of the Plan. An amendment will not be required for typographic changes or numbering or formatting the Plan.

## 2.5 Planning Tools

Reference is made in this Plan to various planning tools such as site plan control, holding zones, temporary use by-laws and land division (consents and subdivision control). These tools may be used where they assist Planning Board and Councils to enhance development and ensure compatibility with adjacent land uses.

### 2.5.1 Site Plan Control

Where the use of site plan control is provided for in this Plan, this shall enable Council to require any person or corporation to enter into an agreement (which can be registered on title) to provide for any of the matters set out in Section 41 of *The Planning Act*. {See also **Sections 3.5.4, 3.6.2 (7) and 3.8.3 (4)**}. Site plan control will typically apply to new

commercial, industrial or waterfront development.

Site plan control provides detailed control of the development of a particular site. Under this provision, Council may require a site plan agreement with a developer outlining details such as parking areas, elevations and grades, landscaping and buffering, storage of wastes, lighting, entrance and exits, road widenings and services (water supply and sewage disposal services).

Site plan control maybe used to require the conveyance of land for a road widening to achieve the minimum standards for road widths set out in **Sections 4.5.2 and 4.5.3** of this Plan provided the conveyance does not exceed 5 m (16.4 ft) on any one side. The conveyance will normally be along the length of the frontage of the property affected and shall be conveyed at no cost to the municipality affected.

### **2.5.2 Holding Zones**

The use of holding zones is authorized under Section 36 of *The Planning Act* and enables municipalities to forestay development until certain conditions set out in the Official Plan have been met. A holding zone is identified using the symbol "H" in association with a particular zone in the zoning by-law. This Plan makes provision for the use of holding zones for brownfield sites (see **Section 8.3.1, Site Decommissioning and Clean-up.**)

### **2.5.3 Temporary Use By-Laws**

This Plan makes provision for temporary use by-laws for garden suites. A temporary use by-law sets out a specific time period for a particular land use and such by-laws, which are a type of zoning by-law, may be renewed. Section 39 of *The Planning Act* provides the enabling authority for temporary use by-laws.

In addition to by-laws for garden suites, Council may, in accordance with the provisions of Section 39 of *The Planning Act*, pass by-laws to authorize the temporary use of lands, buildings, and structures for other purposes. In considering applications for such temporary uses, Council shall ensure that:

- Such uses are temporary in nature, compatible with surrounding land uses, and will not interfere with the long term development of the area, and
- Appropriate controls are placed in the implementing by-law to adequately regulate the temporary use.

### **2.5.4 Land Division**

This Plan provides for land division using Part VI of *The Planning Act*. This includes land division by consent (e.g., division of land into one or two lots), and by plan of subdivision (e.g., division of land into multiple lots).

Where the use of land division is provided for in this Plan, this shall enable Council to require any person or corporation to enter into an agreement to satisfy any of the matters or conditions as may be provided for in Section 51 of *The Planning Act*.

### **2.5.5 Cash-in-lieu of Parkland**

Cash-in-lieu of parkland may be used to acquire or develop public parks or public recreational purposes. Cash-in-lieu may be required for residential severances or subdivisions at the rate of 5 % or for commercial or industrial severances at the rate of 2 % of the value of the land as set out in *The Planning Act* and shall be placed in a reserve fund.

### **2.5.6 Community Improvement**

The Community Improvement provisions of the *Planning Act* allow municipalities to prepare community improvement plans for designated community improvement project areas that require community improvement as the result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. Once a community improvement plan has been adopted by a municipality, approved by the Province where required, and is in effect, the municipality may offer incentives to encourage private sector investment. The municipality may also undertake a wide range of actions for the purpose of carrying out the community improvement plan.

#### **Policies**

##### **1. General**

The Municipality will maintain and promote an attractive and safe living and working environment through community improvement. To this end, community improvement will be accomplished through the:

- A. Designation by by-law of a Community Improvement Project Area(s), the boundary of which may be part or the entire Municipality;
- B. Preparation, adoption and implementation of a Community Improvement Plan(s) within a designated Community Improvement Project Area(s), pursuant to the Planning Act and the community improvement policies set out in this Plan;

- C. Ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by deficient/obsolete/deteriorated buildings, deficient municipal recreational or hard services, and social, community, or economic instability; and,
- D. Establishment of programs to facilitate municipal and private sector rehabilitation and redevelopment that addresses identified economic development, land development, environmental, energy efficiency, housing, and/or social development issues/needs.

## 2. **Community Improvement Project Areas**

The designation of Community Improvement Project Areas shall be based on one or more of the following conditions being present:

### A. *Brownfields Redevelopment*

- Known or perceived environmental contamination and sites identified as brownfields. Brownfield sites are sites where the environmental condition of the property and the quality of the soil or groundwater, particularly on former industrial and waste-disposal sites, may have the potential for adverse effects to human health or the natural environment. Brownfield sites are defined in the Provincial Policy Statement as: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant;
- Vacant lots and underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base or the public infrastructure;
- Other barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings.

### B. *Planning Area Improvements*

- Buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, in need of preservation, restoration, repair, rehabilitation, energy efficiency or renewable energy improvements, or redevelopment;

- Vacant lots and underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base or the public infrastructure;
- Deficiencies in physical infrastructure including but not limited to utilities, streetscapes and/or street lighting, municipal parking facilities, sidewalks, curbs, or road state of repair;
- A concentration of obsolete or aging low-density land uses, vacant lots, surface parking lots and/or abandoned buildings.

C. *General Community Improvement*

- Deficiencies in community and social services including but not limited to public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities and support services;
- Vacant lots and underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base or the public infrastructure;
- Opportunities to improve the mix of housing types;
- Any other environmental, energy efficiency, social or community economic development reasons;
- Redevelopment of brownfield sites;
- Deficiencies in infrastructure, recreational facilities, parks and other rural services.

D. *Community Improvement Plans*

Community Improvement Plans may be prepared and adopted to:

- Facilitate the renovation, repair, rehabilitation, remediation, redevelopment or other improvement of lands and/or buildings;
- Facilitate the development of mixed use buildings, or the introduction of a wider mix of uses;
- Facilitate the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreational amenities;
- Facilitate residential and other types of infill and intensification;
- Facilitate the construction of a range of housing types and the construction of affordable housing;
- Upgrade and improve municipal services and public utilities such as storm sewers, roads and sidewalks;
- Contribute to the ongoing viability and revitalization of downtowns and other areas that may require community improvement;
- Improve environmental and energy consumption conditions;

- Facilitate the redevelopment of brownfield sites;
- Facilitate and promote community economic development; and,
- Improve community quality, safety and stability.

### 3. **Implementation**

In order to implement a Community Improvement Plan in effect within a designated Community Improvement Project Area, the Municipality may undertake a range of actions as described in the Community Improvement Plan, including:

- A. The municipal acquisition of land and/or buildings within the Community Improvement Project Areas where a Community Improvement Plan has been adopted, approved and is in effect, and the subsequent;
- B. Clearance, grading, or environmental remediation of these properties;
- C. Repair, rehabilitation, construction or improvement of these properties;
- D. Sale, lease, or other disposition of these properties to any person or governmental authority;
- E. Other preparation of land or buildings for community improvement;
- F. Offering grants and loans to pay for all or part of the cost of rehabilitating lands and buildings in conformity with the Community Improvement Plan;
- G. Pursuant to Section 365.1 of the Municipal Act, Council may also offer tax assistance;
- H. Application for financial assistance from senior level government programs;
- I. Participation in senior level government programs that provide assistance to private landowners for the purposes of community improvement;

All developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, applicable Community Design Plans, the Zoning-By-law, Property Standards By-laws, and all other related municipal policies and by-laws.

The Municipality shall be satisfied that its participation in community improvement activities will be within the financial capabilities of the Municipality.

## 2.5.7 Planning Applications

Applications for development for an official plan amendment, a zoning by-law amendment, site plan control, subdivision or consent shall be reviewed for completeness. The Planning Board/Municipality will not consider an application complete where the application form is not filled out in full and where studies or other information required by this Plan or the *Planning Act* are not submitted as part of the application. These studies or information may include, but are not limited to:

- A servicing options report
- A hydrogeological study and terrain analysis or water assessment report including an assessment of the carrying capacity or appropriate density of development
- A drainage and/or stormwater management report
- An Environmental Impact Assessment for a natural heritage feature or area
- An Environmental Impact Study for an alternative energy facility, where applicable in accordance with the Green Energy Act, 2009
- An Archaeological Assessment, with consultation and opportunity for input with the Algonquins of Ontario and any other First Nation group with historical interest on any Stage 2 assessments
- A resource impact report for development in proximity to a mineral or mineral aggregate use including an assessment of impacts within an influence area;
- A traffic study
- A mine hazard rehabilitation assessment
- A contaminated site assessment report (environmental site audit/assessment)
- A noise and /or vibration study
- A cost-benefit analysis and/or a justification report for the assumption of a private road
- A source water protection study including a groundwater impact and/or surface water impact study
- A lake capacity analysis
- A MDS I or II calculation
- A minimum separation distance calculation for an industry, waste management facility, pit or quarry
- An off-site septage haulage and disposal report
- A geotechnical study
- A floodplain management/slope stability report
- A shoreline capability assessment

These studies may be in addition to other requirements set out in Ontario Regulations 543/06, 544/06, 545/06 or 547/06.

A Municipality may require pre-consultation through the adoption of a By-law under the

*Planning Act.* All applicants proposing development are encouraged to pre-consult with the Planning Board/Municipality prior to filing an application.

## **2. 6 Existing Uses**

Nothing in this Plan shall affect the continuance of uses legally established under the provisions of any Zoning By-Law in force on the date of approval of this the Plan or other legally established land uses including uses that do not conform with the land use designations as shown on the Land Use Schedules "A1 – A3". Nothing in this Plan shall prevent the reconstruction of legal non-conforming uses which are inadvertently destroyed by a natural cause (e.g., fire, flood, earthquake).

It is the intention of this Plan that non-conforming uses, where they exist, should eventually cease to exist. It may be desirable, however, to permit the extension, enlargement or change of a non-conforming use to a similar or more compatible use subject to the following criteria:

- The extension or enlargement does not aggravate the non-conforming situation for neighbouring uses;
- The extension or enlargement is in reasonable proportion to the existing use and to the land on which it is to be located;
- The proposed extension or enlargement will not create undue noise, vibration, fumes, smoke, dust, odours, glare from lights nor environmental hazards;
- Traffic and parking conditions in the vicinity will not be adversely affected and traffic impacts will be kept to a minimum by the appropriate design of ingress and egress points to and from the site and by improvement of site conditions especially in proximity to intersections;
- Adequate provisions have been or will be made for off-street parking and loading facilities where they apply;
- Infrastructure and public services such as roads, waste disposal, school bussing etc. are adequate or can be made adequate.

Lots of record which are vacant may generally be used for building purposes provided they front on and have direct access to a publicly maintained road and can be adequately serviced with appropriate sewage disposal and water supply services. An absolute minimum lot size may be established in the zoning by-law.

## **3.0 GROWTH AND SETTLEMENT**

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### **3.1 Population and Employment Growth**

The intent of this Plan is to provide for steady manageable population and employment growth over the Planning Period. The 1997 population of 1,650 is projected to increase to 2,560 by 2018 under a low growth scenario of 3.57 % per year (1997-2005) and 1.75 % per year (2006-2018) and create an estimated 364 new households over this period. A moderate growth rate of 2.5 % (2006-2018) would increase the population to 2,818 and create 467 new households. Employment growth, projected to 2005 will generate an estimated 178 new jobs for the Planning Area.

The policy of this Plan is to provide for a low growth scenario (1,650 to 2,560) and acknowledge the need to monitor growth over the planning period should the rate of growth increase or decrease.

### **3.2 Housing Demand and Supply**

The rate of household formation is projected at 20 per year (1997-2005) and 17 per year (2006-2018) based on 2.5 persons per household. The corresponding housing demand is estimated at 17 housing starts (1997-2005) and 7-10 starts (2006-2018) respectively, based on 15 % of the demand being met by the existing housing stock.

The land supply for housing (1997) is in the order of 150 lots which represents a supply of 8.8 years.

The policy of the Plan is to maintain a housing supply to meet projected growth and housing starts of 7-10 units per year over the Planning Period.

### **3.3 Rural Settlement Area**

The policy of this Plan is to meet the needs for growth and settlement within the Rural Settlement Area. (*Note: There are no urban areas within the Planning Area.*) The Rural Settlement Area as shown on the Land Use Plan, Schedule "A1 - A3" excludes:

- Crown Land;
- Provincial Parks (Samuel de Champlain, Mattawa River);
- Eau Claire Gorge Conservation Area;
- Lands designated as Mineral Aggregate Resource;
- Lands designated as Environmental Protection;
- Lands designated for Solid Waste Disposal or Sewage Treatment Plant.

Other lands which may be considered for settlement are subject to resolving or mitigating constraints and include:

- Lands occupied by mine hazards;
- Lands identified for their Cultural Heritage Resources;
- Lands identified as having Natural Heritage Features;
- Lands identified for their Mineral Resource potential;
- Lands used for agricultural activities;
- Lands identified as contaminated sites.

### 3.4 Development Concept

The intent of the Plan is to maintain the rural character of the Planning Area. This will be achieved by permitting low density residential dwelling types on large lots (0.8 ha/2 acres) with large frontages (30 m/ 98.4 ft) and may include single detached and two unit dwellings. Development will be permitted along the existing network of year round maintained township roads and in existing approved plans of subdivision or on private roads in conformity with **Section 3.5.2** of the Plan. The focus of new development in the Rural Settlement Area will be on infill on vacant lots of record and in areas serviced by existing public roads and municipal services.

Since some lots in existing subdivisions are 0.4 ha (1 acre) or less, the consolidation of lots will be encouraged.

The predominant form of land development will be principally by consent. Development by plan of subdivision will be permitted for waterfront properties along the Mattawa and Ottawa Rivers, and on inland lakes where water quality is not reduced as well as for multiple lot development (e.g., three or more lots) (see **Section 3.10.1, Plans of Subdivision**).

Other rural uses will be permitted which are typical of the rural landscape and are described further in this Plan. In general, major commercial and industrial land uses are expected to locate along the Highway 17 corridor which is the "main street" of the Planning Area and the major thoroughfare for transportation and trade.

Most of the remote areas of the Planning Area will remain undeveloped except for resource and resource-based uses. This includes most of Cameron township (Concessions 1-20), the southern half of Papineau township (Concessions 1-7) and the western two-thirds of Mattawan Township. In Calvin Township much of the land north of Highway 17 (Lots 1-27) is Crown Land or Provincial Park land and will also remain undeveloped.

Servicing of development will be principally by means of individual on-site sewage disposal and water systems. No municipal water or sewer services are anticipated over the Planning Period of this Plan.

Incompatible land uses will be separated from sensitive land uses (e.g., residences) to avoid land use conflicts and achieve environmental objectives of the Plan.

### **3.5 Residential Development in the Rural Settlement Area**

#### **3.5.1 Permitted Uses**

Permitted uses will include single detached and two unit dwellings, mobile homes on individual lots, group homes and garden suites. Two unit dwellings shall include semi-detached dwellings, duplexes and converted dwellings.



The predominant dwelling type will, however, continue to be single detached dwellings.

Multiple housing types such as apartments, row housing and senior's housing will be directed to serviced urban communities such as Mattawa. Existing group housing developments for recreational or permanent use are, however, recognized (e.g., Crooked Chute Lake and Woods Point Road). Further expansion of these areas is subject to the approval of a servicing (sewage and water systems) and development plan which does not exceed a density of one dwelling unit per hectare.

Tenure shall include permanent housing and seasonal dwellings and may include condominium-type residential developments.

#### **3.5.2 Development on Private Roads**

Development on Private Roads is subject to the following conditions:

- New lot creation shall be permitted on existing private roads or minor extensions thereof. The minor extension of existing private roads shall be constructed to a standard acceptable to the municipality.
- Development on existing vacant lots of record on existing private roads shall be permitted.
- New private roads and the development thereon may be permitted if no other access is feasible or practical. New private roads shall be constructed to a standard acceptable to the municipality.
- All owners of properties that will be accessed by a private road, or an access road over Crown Land, or an extension to an existing private road, shall enter into an agreement with the Municipality pursuant to the authority under subsections 51(25) and 51(26) of the Planning Act, to be registered on title of any or all affected properties, that indemnifies the Municipality of all

responsibility for any maintenance of the said private road(s) and all liability for any use of the private road(s) or the inability to provide fire protection or other municipal services. Planning Board will advise an applicant and property owners that other emergency service providers may not or cannot provide emergency services on private roads.

### 3.5.3 Lot Sizes and Frontage

The minimum lot size for all new residential lots shall be 0.8 ha (2 acres) and the minimum lot frontage shall be 30 m (98.4 ft.).

### 3.5.4 Waterfront Development

Shoreline development will be permitted as an alternative living environment as well as meeting part of the identified housing supply of the Planning Area.

Development will be permitted on private lands along the Ottawa or Mattawa River and on selected inland lakes subject to the following development criteria:



1. New development (excluding existing lots of record) on inland lakes including Papineau, Smith, Crooked Chute, Earl's Lake may only be permitted where it is clearly demonstrated that additional development will not reduce the water quality or adversely affect the fish habitat of these lakes. Such development will be subject to the application of an appropriate lake capacity model.
2. An Impact Assessment will be required for when development is proposed adjacent to or within a Natural Heritage Feature and Area as identified on Land Use Schedules "A1 – A3" prior to approval of development. (See **Section 7.5.1 (7), Natural Heritage Features and Areas Policies** for details of Impact Assessments and **Sections 3.9.5.2 Policies for Water Quality and Water Quantity**, and **7.5 Natural Heritage Features and Areas** for additional policies for shoreline development.) This may result in revisions to the mapping of the affected Natural Heritage Feature and Area.
3. Waterfront development will generally be by plan of subdivision except for areas where only a limited number of lots can be developed. Proponents will be expected to enter into a subdivision agreement for the provision of services at standards prescribed by the municipality. The proponent will be expected to prepare a servicing (options) report in accordance with Ministry of the Environment Guidelines in assessing the most appropriate manner for providing water and sewage services.

4. As much of the natural shoreline vegetation as is possible will be retained in its natural state while reasonable allowance will be made for water access (see illustrations). Controls on shoreline structures (e.g., boat houses, docks, saunas, gazebos etc.) will be controlled through zoning and/or site plan control.
5. Environmentally friendly building materials for docks and marine structures (as may be recommended by the Ministry of Natural Resources) will be required.
6. Lands may be required to be dedicated to the municipality for a public access point where no access point is available in reasonable proximity to the proposed development.
7. Site plan control may be used to govern the environmental design standards set out in subsections 3, 4 and 5 above.

### **3.5.5 Group Homes**

Group homes, defined as a single housekeeping unit in a residential dwelling, which is registered with the Municipality, in which three (3) to ten (10) persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal by-laws, shall be permitted in the Rural Settlement Area.

### **3.5.6 Garden Suites**

For the purposes of this Plan a garden suite means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary (accessory) to an existing residential structure and that is designed to be portable. Garden suites are intended for people who are largely capable of living independently but who, by virtue of their age or because of a disability require some support to live on their own.

Council may use a temporary use by-law under *The Planning Act* to permit a garden suite for a period of up to ten (10) years (renewable) and may require a home owner proposing a garden suite to enter into an agreement with the municipality under the *Tenant Protection Act* to govern the appearance and maintenance and stipulate the removal of the garden suite when the occupant (named in the agreement) moves out, is deceased or the temporary use by-law expires.

It is a policy of Council to provide opportunities for garden suites on a site specific basis. This may be achieved through the installation of a garden suite on the same lot as the principle (single detached or two unit) dwelling. In substantiating the need for a garden

suite, the proponent shall:

1. Demonstrate compliance with all applicable zoning standards for lot size, setbacks and parking;
2. Demonstrate that there will be no adverse impacts to adjacent land uses (e.g., drainage, access for fire protection, barrier free access etc.);
3. Demonstrate sufficiency for compliance to the Building Code; and
4. Demonstrate sufficiency of services (e.g., on-site sewage and water services where located in a rural setting etc.).

Garden suites shall only be established under the enactment of a Temporary Use By-Law under *The Planning Act*.

### **3.6 Commercial Development in the Rural Settlement Area**

#### **3.6.1 Permitted Uses**

Permitted uses will vary in accordance with the needs and prospects for individual municipalities within the Planning Area.

The Highway 17 corridor (see **Section 3.6.2**) will be recognized as the commercial "main street" of the Planning Area. Subject to Provincial access controls, a range of commercial uses shall be permitted that cater to the travelling public (e.g., auto and recreational vehicle sales and services, lodging, restaurants, commercial recreational uses, golf courses, and retail stores).

Beyond the corridor, permitted commercial uses shall include those which cater to the needs of the local community or cater to the tourist or eco-tourism industry such as bed and breakfasts, artisan's studios, campgrounds, convenience stores, farm produce outlets and tourist outfitters.

Home based businesses shall be permitted as a secondary use to a permitted residential use.

Large multiple commercial uses such as a shopping mall will be directed to adjacent urban communities.

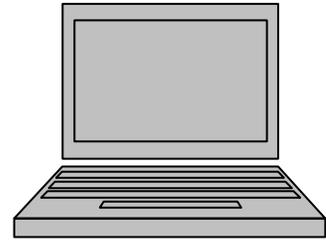
#### **3.6.2 Development Criteria**

The following criteria shall apply in considering applications for commercial development:

1. Lot sizes and frontage shall be adequate for the intended use including the provision of individual sewage and water systems and shall be set out in the zoning by-law;
2. For the purposes of **Section 3.6.1**, the Highway 17 corridor includes lands within a width of 200 m (656 ft) either side of the highway right-of-way. Development will be encouraged in areas or clusters of existing commercial uses along this corridor immediately west of Mattawa (Chant Plein Road, Taggart Lake Road intersections) and at other intersections of township roads with Highway 17 in the Planning Area. East of Mattawa along this corridor, development will be limited to an existing cluster of commercial development in and around the golf course;
3. Alternative access options to direct access to Highway 17 will be encouraged or required such as via a township road, service road or shared entrance. All commercial land uses shall have direct access to and frontage on a publicly maintained road;
4. Development adjacent to an existing or proposed residential use shall be adequately separated or buffered (fencing, trees, shrubs, berms, landscaping or any combination thereof) to minimize or avoid a land use conflict;
5. Recreational and tourist commercial uses may be permitted where they can be compatibly integrated with other rural land uses and can take advantage of topography, tree cover, scenic vistas and other natural amenities. Development proposed on the shoreline of inland lakes and the Mattawa and Ottawa Rivers may be subject to an Impact Assessment or lake capacity evaluation where natural heritage features or water quality may be adversely affected;
6. Commercial services which cater to local needs such as a convenience store will be encouraged to locate on secondary provincial highways or at major cross roads;
7. Site plan control may be used to govern landscaping and other requirements for commercial uses;
8. Any 'dry' commercial uses shall be permitted on on-site (private) water and sewage disposal services. Uses that normally generate large volumes of waste water, such as Laundromats and car washes shall not be permitted;
9. Commercial uses that are proposed on individual wells, and where water is to be used for public consumption, shall be required to undergo water quality testing to meet the *Ontario Water Resources Act*, *Safe Drinking Water Act* and the *Clean Water Act* , prior to approval of the proposed development.

### 3.6.3 Home Based Businesses

For the purposes of this Plan, a home based business is defined as a privately operated legal business located within a residential dwelling or an accessory building by the occupant or owner thereof and which is compatible with the character of a residential setting and which is an accessory use or clearly secondary to the principal residential use.



Home based businesses shall be encouraged as a means of providing local services, to providing an incubator for new businesses and as a means to providing more specialized services to a broader clientele. Categories of home based businesses may include:

- Professional and consulting services (examples: architect, financial advisor, accountant, consultant, legal services, teleworking);
- Instructional services (examples: music lessons, dance, art and academic tutoring );
- Home craft businesses (examples: quilting, pottery, jewellery, visual arts, woodworking);
- Private daycare;
- Distribution sales offices or mail order sales of cosmetics, clothing or small household supplies);
- Offices for contractors and trades (examples: plumbing, heating, electrician);
- Repair services (examples: small appliance, computers, recreational vehicles);
- High technology uses (examples: internet services, office call centre services, desk top publishing, hardware and software development);
- Outfitting services;
- Contractor's storage yard.

The regulatory requirements governing home based businesses shall be set out in the zoning by-law based on the following criteria:

1. The use does not create a nuisance for neighbours;
2. The floor area used for the business in the dwelling or accessory building shall be appropriate to the type of business;
3. A small advertizing sign shall be permitted;
4. Retail sale of products produced or fabricated on the property will be permitted;

5. The lot shall be adequately serviced with sewage and water services;
6. Access controls shall meet Ministry of Transportation requirements for a residential use;
7. No outside storage related to the home based business operation shall be permitted on the premises unless proper screening and mitigative techniques are utilized so the storage cannot be seen from the abutting properties or the travelled road.

### **3.6.4 Bed and Breakfast**

A bed and breakfast establishment shall be permitted within a single detached dwelling provided the physical character of the dwelling is not substantially altered. The single detached dwelling must clearly be the principal use of the land and the bed and breakfast clearly an accessory use to the dwelling. A bed and breakfast establishment shall be defined as a single detached dwelling in which guest bedrooms are provided for gain as temporary accommodation on a daily basis. Such



establishments must have the proprietor living on the premises. The local health unit shall be consulted when a new bed and breakfast establishment is proposed and, if required, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a bed and breakfast use and the appropriate zone provisions.

### **3.7 Institutional and Public Service Uses in the Rural and Rural Settlement Area**

Small scale institutional uses serving the community (e.g., municipal administration, places of worship, parks, recreational facilities and community centres, postal services) are recognized as being an important part of the rural landscape and shall be permitted in locations which are central to the catchment area they serve. Larger scale institutional uses such as schools and health care services will be directed to the adjacent urban community of Mattawa.

Public service uses (e.g., police and fire protection) and utility installations are permitted throughout the Planning Area. This includes utility corridors for TransCanada Pipelines, hydro electric power transmission lines and the Bell Canada fibre optics line. Appropriate setbacks will be established in the zoning by-law to ensure that these corridors are protected and are accessible for maintenance purposes. Administration buildings associated with utility installations shall respect the setback provisions of the zone in which they are located.

### **3.8 Industrial Uses in the Rural Settlement Area**

### 3.8.1 Development Concept

The intent of this Plan is to reinforce the importance of industry to the economic health of the Planning Area by recognizing existing resource based industrial complexes (sawmills and veneer mills), small scale manufacturers and other industries characteristic of rural areas. The Plan will recognize the full scope of existing industries within the Planning Area, their potential for expansion, and will make provision for new industries to be established which are "value added", particularly those which are forest product related or are "dry". Diversification of their industrial base will be encouraged to further strengthen the local economy. Industrial development will be required to meet applicable standards for protecting the environment and for minimizing any negative impacts on surrounding land uses, particularly sensitive land uses. Much of the industrial activity is expected to take place in the Highway 17 corridor where rail and road transportation services are available. The intent of the Plan is to build on the access to existing infrastructure and utility installations in this corridor. Lands may be set aside in Papineau Township for a business park.

### 3.8.2 Permitted Uses

Permitted industrial uses include those which are resource-based (e.g., sawmill, planing mill, veneer mill, mine, smelter, mineral aggregate crushing or processing), which provide value added products, which are more suited to a rural setting (e.g., salvage yard or which are "dry" in character), and commercial uses incidental to permitted industrial uses.

### 3.8.3 Development Criteria

1. Industrial uses shall be classified by type in the implementing zoning by-law. Based on their classification, industrial uses shall be subject to a recommended separation distance from sensitive land uses as provided for in the Ministry of the Environment's *Guideline on Compatibility Between Industrial Facilities and Sensitive Land Uses*;
2. Existing industrial uses may be expanded or converted where they are proven to be compatible with other land uses in the general area;
3. Industrial uses shall meet the applicable requirements for environmental controls for noise, vibration, other emissions, and for sewage and water systems as set out under *The Environmental Protection Act*, *The Ontario Water Resources Act* and the *Building Code Act* for the approval of small sewage systems;
4. Industrial development or redevelopment is subject to site plan control. In addition to the use of a recommended separation distance, development adjacent to an existing or proposed residential use shall be adequately separated or buffered

(fencing, trees, shrubs, berms, landscaping or any combination thereof) to minimize or avoid a land use conflict;

5. Industries will be encouraged to cluster with existing industries in the Highway 17 corridor and to utilize or take advantage of existing infrastructure (e.g., road, rail, pipeline and hydro services);
6. A salvage yard shall be permitted provided the use is visually screened and the use meets the appropriate environmental standards set out under *The Environmental Protection Act*;
7. Industrial development proposed on the shoreline of inland lakes and the Mattawa and Ottawa Rivers may be subject to an Impact Assessment or lake capacity evaluation where natural heritage features or water quality may be adversely affected.

### **3.8.4 Employment Area**

The employment area will focus on lands north of highway 17 which includes a portion that extends just east of the Chant Plein Road, and extending westerly along the Old Highway 17 (concessions 14 and 15, Lots 20-25). These lands also include the Tembec lands. The Employment Area is intended to be developed as an economic hub where a cluster of employment uses are encouraged. These uses may include existing uses, a mix and range of commercial, industrial and institutional uses and associated ancillary uses which are designed to meet the long-term employment needs of the community. These lands may also be used to encourage tourism. Class I and II industrial uses will be permitted where these uses are compatible with other land uses. The range of commercial uses may include retail, service commercial, highway commercial, personal service, recreational commercial and professional services which can be scaled and are compatible with adjacent uses. Institutional uses may include any public service uses, and also clubs and social, religious and educational services. Limited residential uses may also be permitted. Redevelopment and intensification is encouraged where they can be supported by sewage and water services.

The development of this area is based on such criteria as access to infrastructure and water and sewer servicing, compatibility with surrounding land uses, land availability, etc.

### **3.8.5 Land Use Schedule**

The Employment Area is designated on the Land Use Plan – Schedule ‘A1’.

## **3.9 Other Land Uses in the Rural Area**

### **3.9.1 Crown Land**

It is recognized that Planning Board does not have the jurisdiction to enforce the provisions of this Plan as it relates to Crown land since Crown lands are recognized as falling under the purview and responsibility of the Provincial government. However, it is expected that Planning Board and Provincial Ministries will work cooperatively in achieving the objectives and spirit of this Plan particularly with respect to the review of development applications. It is expected that Crown lands proposed to be released for private development not be released by the Crown without prior consultation with the Planning Board. These lands shall be redesignated to reflect the proposed new land use. Generally, the release of Crown land for non-resource related development is not encouraged except where there are no alternative private lands available for such development or where the lands are required to achieve the economic development policies of this Plan (see **Section 6.1 - Economic Development Policies**). It is also the intent of Planning Board to minimize or avoid land use conflicts or conflicts in resource development since inter-agency cooperation is essential to maximizing the potential of natural resources within the Planning Area.

Planning Board is particularly interested in the management of the Nipissing Forest and participation in the review/development of forest management plans under the *Crown Forest Sustainability Act*.

Planning Board is cognizant of the many resource attributes on Crown Land within the Planning Area and wishes to ensure a balanced approach to resource management to ensure that resource development is optimized for the economic health of the area while taking into consideration the ecological functions of wildlife and fish habitat.

### **3.9.2 Conservation Uses**

It is a policy to permit conservation uses which may include any activity which is designed to enhance or improve ecosystems within the Planning Area. Programs for wildlife management are encouraged as well as activities related to wildlife and conservation interpretation.

### **3.9.3 Remote Development**

It is a policy to recognize certain specific land uses which are part of the rural landscape. These uses are characterised as self-sustaining and are not dependent on services provided by public authorities. It is a policy to permit such uses in undeveloped, remote or generally inaccessible areas within the Planning Area on a limited basis. Such uses include a trappers' cabin associated with a registered trap line or a fishing and hunt camp. A fishing and hunt

camp may be permitted under a leasehold arrangement with the Crown or as a single use on patented land.

### **3.9.4 Airfield**

Subject to the requirements of the *Aeronautics Act*, a private airfield is a permitted use. In locating a private airfield, consideration shall be given to the impacts of noise and public safety on adjacent land uses.

### **3.9.5 Energy, Air Quality, Water Quality and Water Quantity.**

#### **1. Introduction**

Energy, Air Quality, Water Quantity and Water Quality are four of the most vital substances required by a community.

Planning Board/Municipalities recognize the importance of the Planning Area's air quality as a resource in maintaining the quality of life of residents as well as moving towards a more sustainable community. Planning Board/Municipalities also intend to examine different approaches to reach environmental sustainability by encouraging the development of new sources of "green energy" in to the Planning Area.



Water is a precious resource and is vital to all life. Wise management of the quality and quantity of our water resources is required to ensure a sustainable resource for human and livestock consumption; for sustaining terrestrial and aquatic resources; and for industrial, agricultural, domestic and recreational uses. Within the East Nipissing Planning Area, water is a key asset to the community, since the many lakes and rivers are an attraction to development and support a sport fishery as well as many other aquatic activities.

Water is also a finite resource. Within a given watershed the movement of water occurs within a hydrologic cycle, but the quantity within this cycle is relatively constant. The components of the cycle include surface and ground water, evapotranspiration and precipitation. Managing the resource requires that consideration be given to this cycle.

It is the intent of Planning Board/Municipalities to ensure that the land use policies of this Plan provide for the protection and enhancement of the quality and quantity of ground water and surface water. Planning Board/Municipalities also recognize that the stewardship of water resources is dependent on a cooperative approach. This

includes water users, a variety of other agencies whose mandates vary as well as the Planning Area itself.

## 2. **Policies for Water Quality and Water Quantity**

Planning Board/Municipalities will undertake to manage water quality and quantity through such measures as:

- A. Establishing setbacks for various land use activities to protect the shoreline or lakes and rivers in their natural state as much as is possible. This is intended to prevent erosion and minimize the discharge of contaminants (i.e., phosphorus, herbicides, sediments) into these water courses;
- B. Identifying aquifers, groundwater recharge and discharge areas, and natural springs and providing for their protection. This is expected to occur through the review of Planning applications or undertaking of studies;
- C. Controlling discharges to surface and ground water through the application of Best Management Practices for stormwater runoff and land drainage. In general, drainage outfalls into lakes will not be permitted. This is expected to occur through the review of Planning applications and the requirements for site plan control;
- D. Promoting conservation practices in the use of water (e.g., water efficient plumbing fixtures);
- E. Lake management planning including the setting of development capacities to protect inland lakes and through the upgrading of sewage disposal systems as a condition of approving seasonal-to-permanent conversions and commercial to residential conversions;
- F. Monitoring the water quality of inland lakes and rivers;
- G. Encouraging residents to pump-out septic tanks on a regular basis;
- H. Supporting the use of the latest technologies in sewage disposal systems for minimizing phosphorus discharge on lakes that are not at capacity;
- I. Requiring conformity with Ontario Regulation 903 with respect to the construction of wells;
- J. Requiring that new docks, wharves and boat slips be constructed using non-toxic materials;

- K. Requiring hydrogeological studies and/or a terrain analysis for major development;
- L. Monitoring municipal waste management facilities for leachate migration;
- M. Identifying contaminated sites and requiring their clean-up as a condition of redevelopment;
- N. Providing for the safe storage of fuels, chemicals and other toxic contaminants as a condition of site plan control.

### 3. **Policies for Energy and Air Quality**

The intent of this Plan is to provide appropriate measures for the assessment and possible implementation of alternative sources of energy [i.e., renewable resources (wind, water, solar, etc.)] in conjunction with ensuring that measures are taken to improve air quality.

- A. Renewable energy sources may include but are not limited to:
  - i. Active solar energy: The sun can be used directly to heat water for pools, homes and industry, to provide space heating and to generate electricity. The sun's energy can also be used to distil water and cook food;
  - ii. Biomass energy: The sun's energy is stored in organic materials such as wood, grains and peat. Wood and peat are both burned to provide heat. Grains can be fermented into ethanol and used as a liquid fuel;
  - iii. Geothermal energy: Heat from the earth's core can be used to generate electricity. It can also be used directly (with heat pumps) to heat and cool buildings;
  - iv. Passive solar energy: Passive solar energy is incorporated into energy efficient building and landscape design, (e.g., window placement to heat retaining walls and floors);
  - v. Small hydro: Small hydro projects will generate power by using falling water at an average capacity of 20 megawatts or less. A 'run-of-the-river' project also uses falling water by directing water to the turbine using pipes, rather than dams;

- vi. Wind Energy: The energy from the wind can be harnessed by wind turbines and windmills to generate electricity and also to pump water.
  
- B. Any proposal for new energy sources shall require proper Ministry (and other agencies) approval(s) as well as documentation supporting/justifying the proposed use. The report shall include information, depending on the source proposed, which indicates possible impacts on surrounding land uses, the environment, and what measures are required to ensure public health and safety and to provide for implementation. The tools available to Planning Board/Municipalities include but are not limited to: Zoning, Site Plan Control, buffering, and Minimum Separation Distances;
  
- C. Proposals or the construction of a new power source may require an amendment to this Plan;
  
- D. It also the intent of Planning Board/Municipalities to attract new industries which can utilize the resources of the community, rather than relying on imports [i.e., value-added forest products, production of local produce, increasing the amount of service based industries (i.e., adequate number of hotels/restaurants to supply the increase in the tourism industry)];
  
- E. Planning Board/Municipalities, in conserving energy, may encourage energy audits and implementation measures to retrofit the existing stock (i.e., upgrading of windows, fixtures, energy efficient furnaces, etc.);
  
- F. It is a policy of Planning Board and/or Municipalities to inform the public and make applications, where deemed appropriate, to the Provincial or Federal Government in achieving a more energy efficient community;
  
- G. It is a policy of Planning Board/Municipalities to encourage non-vehicular movement (pedestrian) within the community;
  
- H. It is the intent of Planning Board/Municipalities to encourage the installation of: energy efficient solid fuel burning appliances; proper, energy efficient insulation; water conserving fixtures, etc. This may be enforced through a property standards by-law;
  
- I. Municipalities may amend their zoning by-laws to introduce standards for ‘green energy’ facilities (i.e., wind turbines);

## J. Alternative and Renewable Energy Systems

Alternative energy systems and renewable energy systems (e.g., wind turbines) shall be permitted throughout the Planning Area in accordance with Federal and Provincial requirements and standards. Standards for alternative energy systems and renewable energy systems may be developed in the local Zoning By-laws.

### 3.10 Land Division

#### 3.10.1 Plans of Subdivision - Policies

Land development shall generally take place by plan of subdivision for waterfront residential development and/or where four (3 + 1) or more lots are proposed. Development by plan of subdivision may be used for large lot residential development in the Rural Settlement Area and for a business park (see **Section 3.8.4, Business Park**). Consents shall otherwise be the method of land division.



An application for a plan of subdivision shall be in accordance with the requirements of *The Planning Act*. The Planning Board shall have regard to the Provincial Policy Statement. Additional information may be required in assessing the appropriateness and the location of the subdivision. Regard shall be given to the requirements for an impact assessment for subdivisions proposed with shoreline frontage or in the vicinity of identified natural heritage features and areas (see **Schedules A1 –A3** and **Section 7.5**), water quality and water quantity (**Sections 3.9.5.2** and **7.5**), archaeological or cultural heritage resources (see **Section 5.2**), natural or human-made hazards (flood plains (see **Section 8.1**), mine hazards (see **Section 7.3.4**), organic soils (see **Section 8.2**), noise and vibration (see **Section 8.5**), or waste disposal facilities (see **Section 4.4**). Reference shall also be made to the servicing policies of this Plan (see **Section 4.2**) for the requirements for on-site or communal servicing for subdivisions located in the Rural Settlement Area.

It shall be the policy of Council to consider for approval only those plans of subdivision which comply with the policies of this Plan and which, to the satisfaction of the Council, can be supplied with adequate public service facilities (see **Section 4.0, Public Service Facilities**).

The processing of a Plan of Subdivision shall generally consist of the following steps:

- Satisfactory completion of an application (as prescribed by the *Ontario Regulation 544/06*);

- Submission of the application together with the required fee to the Ministry of Municipal Affairs and Housing along with any required supplementary studies or information (e.g., servicing options report, stormwater management report, noise/acoustical studies and impact assessment studies etc.);
- The applicant will undertake to **pre-consult** with the approval authority; other agencies may be contacted for technical information such as the Ministry of Transportation with respect to an entrance permit onto a provincial highway; with a Part VIII *Environmental Protection Act* Approval Authority for on-site sewage systems which generate less than 10,000 L/day (2,200 gal./day) per *Ontario Regulation 22/98*, or the Ministry of the Environment for larger systems and the Ministry of Citizenship, Culture and recreation with respect to an archaeological assessment;
- Holding of a duly advertized public meeting (in accordance with the notice provisions set out in *The Planning Act*) to consider the proposed subdivision;
- Draft plan approval with conditions as may be required by Ministries, agencies and the Municipality;
- Preparation of a subdivision agreement to address the conditions of draft approval;
- Execution of the subdivision agreement by Council and registration of the agreement against the lands to which it applies;
- Clearance of concerns or requirements by agencies;
- Final approval of the Plan of Subdivision and registration;
- Development of lands per the requirements of the subdivision agreement and approvals or clearances by the Municipality upon satisfactory completion of the requirements;
- Conveyance of land or covenants for park land, easements for utilities, access control or drainage;
- Sale of lots and issuance of building permits;
- Assumption of roads, street lights etc., by the Municipality (subject to meeting warranty and other construction standards set out in the subdivision agreement).

### 3.10.2 Consent Policies and Procedures

Provisions relating to the granting of consents are set out in Sections 51 and 53 of *The Planning Act*. Planning Board shall have regard for the Provincial Policy Statement in addition to the following consent policy checklist which is intended to be used by Planning Board in the review of consent applications.

1. The consent application shall be complete and shall include

a sketch and the prescribed application fee and shall comply with the requirements of *The Planning Act* and associated Ontario Regulation for the filing, review, notice and decision procedures;

2. The sketch shall show the lands to be severed and the lands to be retained, existing and proposed lot dimensions, lot areas and buildings, natural physical features (water bodies, slopes, tree cover) and sufficient information to be able to easily locate the land;

4. The proposed use of the severed lot shall be a use permitted in the underlying land use designation (e.g., refer to the Official Plan Land Use Plan Schedules to determine designation and then refer to corresponding list of permitted uses for that designation in the text of this Plan);

5. Up to three severances may be granted for a lot existing as of the date of approval of this Plan (excluding the retained lot). Additional consents may be granted under limited circumstances such as for a farm retirement lot, for a residence that becomes surplus to a farming operation and to separate a surplus dwelling where two dwellings are on one lot;

5. The lot(s) to be severed and to be retained must meet the requirements of the Zoning By-law, e.g.,:

- Lot size for buildings, accessory uses, parking, snow storage;
- Lot frontage and depth;
- Setbacks from roads, water bodies;
- Sufficient land area to allow development where constraints exist such as topography, soils (organic), rock, slope, wetland.

6. The lot must meet the recommended separation distance, influence area or special setback requirements where the intended use of the lot is for a sensitive land use (e.g., a dwelling, daycare facility, educational facility or health care facility, church, campground). Reference should be made to the following Sections of this Plan for further explanation:

- **3.8.3 (1) - Industrial Land Uses**
- **4.4.3 - Waste Disposal Sites**
- **4.5.6 (1) TransCanada Pipeline Corridor**
- **7.1 (2) - Agricultural uses\***
- **7.2.3 - Mineral Aggregates** (pits and quarries)
- **7.3.4 - Mine Hazards**
- **7.3.7 - Mineral Resources**
- **7.5.1 (5) - Natural Heritage Features**
- **8.1 (1) and (4) - Flood Elevations**
- **8.5 (1) and (2) - Noise and Vibration**

New land uses, including the creation of lots, and new or expanding livestock operations shall comply with the *Minimum Distance Separation Formulae* (MDS). For the purposes of this plan, requirements of the MDS I will not apply to existing lots of record of less than 1 ha (2.47 ac.).

Cemeteries shall be classified as Type B land use, and existing non-farm residential uses may be replaced where destroyed by a catastrophic event and will be exempted from MDS I and MDS II. MDS I shall not limit the expansion of an existing use or the construction of accessory buildings and structures on the property.

*(Note: special setbacks may apply to other land uses as well. Reference should also be made to Section 4.20 of the Zoning By-Law.);*

7. The application shall be supported by studies or other information which may be required to determine whether the application will comply with the policies of this Plan, or to permit the reduction of required setbacks;

Reference should be made to the above listing (subsection 6) for requirements e.g.:

- Mitigation of industrial impacts
- Mitigation of waste disposal impacts
- Calculation of MDS for agricultural uses
- Verification of non-impact for below ground water aggregate operations

- Plan/measures for rehabilitation of mine hazards
- Assessment of mineral potential
- Impact Assessment/mitigation measures for natural heritage features
- Flood proofing measures
- Noise or acoustical study
- Record of Site Condition (contaminated sites) (see **Section 8.3, Contaminated Sites**)

In the absence of appropriate mitigation, the application will be refused.

8. The application should be supported with information or a certificate of approval or evidence to verify suitability of the lot for sewage disposal ensuring site conditions are suitable and sufficient reserve sewage system capacity for hauled sewage is available. The determination of sufficient reserve sewage capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services. This may include approval for an individual on-site system or a communal system or a hydrogeological study (see **Section 4.2, Sewage Disposal and water Supply**);
9. The application should be supported with information to verify suitability of the water supply;
10. The lot shall have frontage on and direct access to a public road unless otherwise exempted (see **Section 4.5.3 and 4.5.4 and Section 4.13 of the Zoning By-Law**);
11. Where the lot proposed fronts on a provincial highway, prior approval must be obtained for access from the Ministry of Transportation. Also, where the Ministry has identified the need for a road widening, the necessary land shall be dedicated as a condition of approval;
12. The access or entrance to any lot should not create a traffic hazard (e.g., on a curve or a hill where a driver's sight line is blocked or impaired). The applicant must receive approval from the municipality for the location and installation requirements for an entrance and/or culvert;

13. Where the potential for a cultural heritage site or archaeological site has been identified, an archaeological assessment may be required. The applicant should consult with the municipality, the North Bay-Mattawa Conservation Authority or the Ministry of Citizenship, Culture and Recreation (see **Section 5.0, Cultural Heritage and Archaeological Resources**);
14. Consents will not be granted which have the effect of limiting access to back lands for future development or which have the effect of creating land locked parcels for either the severed or retained lot;
15. Consents may not be granted in areas where the undue extension of municipal services would be required (e.g., extension of a public road or school bus route);
16. Consents may not be granted for the creation of a new lot on a water body where the lake has reached its development capacity and no residual capacity exists for that water body;
17. Despite the criteria outlined in >1' to >16' above, consents may be granted for the following purposes:
- To correct lot boundaries;
  - To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used;
  - To clarify title to the land;
  - Where the effect of the severance does not create an additional building lot;
  - To permit an easement;
  - To permit a severance for municipal or other government purposes.
18. Conditions may be imposed by Planning Board in the granting of severances which may include but not be limited to the following:
- A zoning amendment under the zoning by-law or a minor variance under Section 45 of *The Planning*

*Act;*

- Site plan control;
- The dedication of land or cash-in-lieu of parkland;
- The conveyance of land or conveyance for easements for utilities, access control or drainage;
- The construction or upgrading of roads or the installation of drainage facilities and culverts;
- The establishment of buffer strips and landscaping;
- Flood proofing structures;
- The installation of water supply or sewage disposal systems;
- The entering into of a consent agreement including provisions of financial guarantees;
- Demolition of buildings or structures and/or measures to remediate the property due to hazardous or contaminated conditions;
- Implementation of mitigation measures to ensure compatibility amongst land uses;

19. Procedures for processing consent applications may include but not be limited to:

- Applicant files a complete application with the Secretary-Treasurer of the Planning Board;
- Notice of the application will be circulated to the land owner, surrounding residents, the Ministry of Municipal Affairs and Housing and to other required agencies as prescribed;
- Planning Board may also seek technical input from other selected agencies;
- The application will be reviewed for compliance to the policies of this Plan and the regulations of the implementing zoning by-law. Planning Board may seek a Planning Report from a qualified Planner;
- Planning Board may have a public meeting to consider the application;
- Planning Board will issue a decision and may impose conditions of approval (provisional consent);
- Decision is advertized (circulated) as required by *The Planning Act*;
- Applicant shall enter into a consent agreement where

- required as a means to implement the conditions;
- Applicant has up to one year to fulfil provisions of conditional consent;
  - Consent is granted upon fulfilment of conditions and submission of deed or instrument for stamping (certificate);
  - Applicant must register consent within two years from the date the certificate is given or consent will lapse.

*(Note: where decision of Planning Board is appealed, the matter is referred to the Ontario Municipal Board for consideration and the Board's decision is final.)*

### **3.10.3 Part-Lot Control**

Part-lot control may be used for existing plans of subdivision where it is necessary to re-align lot boundaries to clarify or grant title, exact specific servicing requirements as a condition of consent such as a road widening or to further control internal development on a lot.

## 4.0 PUBLIC SERVICE FACILITIES

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### 4.1 Educational, Fire, Police and Health Care Facilities

Educational facilities (schools), fire, police and health care facilities are available to residents of the Planning Area although these facilities are centred for the most part in the Town of Mattawa. The intent of the Plan is to ensure that there is adequate capacity of such facilities to accommodate projected growth over the Planning Period.

The policy of this Plan is to monitor the impact of development applications on the residual capacity of public service facilities by consulting and circulating applications for comment to agencies which deliver these services. A more formal review of the capacity will be undertaken part of the five year review of the Plan.

With respect to fire services, the intent of municipal Councils of the Planning Area is to continue to upgrade fire suppression and prevention services and to ensure that new development can be accessed by emergency vehicles (e.g., adequate standards for road construction and maintenance, adequate entrances and designation of fire lanes).



### 4.2 Sewage Disposal and Water Supply

#### 4.2.1 Individual On-Site Systems

1. Lands within the rural area may be serviced by individual on-site (private) water and sewer systems. Planning applications for new development shall be supported by a terrain analysis or an assimilation capacity study satisfactory to meeting the approval requirements of *The Environmental Protection Act*: e.g.
  - Where the total effluent discharged by a sewage system is 10,000 L/day (2,200 gal./day), and the system will be entirely within the bounds of the lot, the approval authority is the North Bay-Mattawa Conservation Authority;
  - Where the total effluent discharged by a sewage system is greater than 10,000 L/day (2,200 gal./day), the approval authority will be the Ministry of the Environment. The associated hydro-geological study shall demonstrate soil suitability, sufficient area for effluent treatment and site suitability for the disposal system.

- A water supply assessment report may be required where more than five (5) lots are proposed (using a groundwater source) to demonstrate that there is an adequate supply (quantity and quality) and that there will be no interference from sewage disposal or draw down of the water table.
- The creation of new lots will only be permitted if there is confirmation of sufficient reserve sewage and water system capacity within municipal sewage and water services and/or private communal sewage and water services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.

(See also **Section 3.5.4, Waterfront Development, Sections 3.6.2 & 3.8.3, Development Criteria** re: lake development capacity evaluations.)

2. For plans of subdivision, a servicing options report in accordance with Ministry of the Environment Guidelines will be required.

#### **4.2.2 Communal Services**

Council may consider communal services for multiple lot development (five or more lots). Where such a system is approved, Council will assume ownership after the issuance of a Certificate of Approval. Council may choose to operate the system or may consider entering into a legal agreement for the operation and maintenance of the system on a private basis subject to the approval of the Ministry of the Environment. Council will assume responsibility for the communal system should the system fail or should the operator fail to operate or maintain the system according to the agreement.

For the purposes of this Plan, Communal Services means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water, but which are not connected to full municipal sewage and water services; are for the common use of five or more residential or non-residential lots or units; and are owned, operated, and managed by the municipality, another public body, a condominium corporation or single owner under an agreement pursuant to *The Planning Act*.

#### **4.2.3 Sewage Treatment Plant**

The minimum separation distance between the Town of Mattawa Waste Water Treatment Plant in Mattawan Township and any sensitive uses surrounding this facility shall be 100 m (328 ft). The distance separation shall be measured from the nearest edge of any active waste stabilization pond to the nearest property boundary of any sensitive use. Where the minimum distance encroaches onto the lot of land for a sensitive use, the zoning by-law shall establish a site specific setback to reflect the difference. An environmental impact statement shall be

required prior to permitting any development proposed to be located beyond the minimum separation distance of 50 m (164 ft). The study shall indicate that the proposed development will not be negatively impacted by the facility prior to approving such development.

#### **4.2.4 Hydrogeological and Servicing Options Reports**

Applications for lot creation on privately owned and operated individual or communal systems generating more than 4,500 litres of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report.

### **4.3 Storm Water Management**

In the design of storm water drainage facilities, where they are required (e.g., as part of the approval of a plan of subdivision), consideration shall be given for the impact of the proposed development on the receiving water course both during and after construction in respect to flooding, pollution, erosion and sedimentation and fish habitat and shall, where required, incorporate appropriate mitigation measures or use best management practices for any adverse impacts likely to result from the proposed development.

### **4.4 Waste Management Systems**

#### **Policies**

#### **1. Existing or New Sites**

Existing active or new sites within the Planning Area may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals. Waste disposal activities may include facilities for recycling, composting, hazardous waste control and ancillary activities in accordance with the Certificate of Approval. New sites, including sites for septage disposal, will require an amendment to this Plan and will require approval under the Environmental Protection Act before an amendment is considered. Sites may include transfer sites utilized for the temporary storage of waste materials.

#### **2. Closed or Inactive Sites**

Closed or inactive sites may be used for other purposes subject to meeting requirements of the Environmental Protection Act. In general, no buildings or other use may be made of land used as a waste management facility within a period of 25 years from the year in which the site was closed without the prior approval of the Minister of the Environment (Section 46 Order).

### 3. **Influence Area**

Planning Board/Municipalities recognize that waste management facilities may have an impact on adjacent land uses. An influence area surrounding the waste management facility will be set out in the implementing zoning by-law to recognize the potential for adverse effects between the existing or inactive/closed waste management facility and any sensitive land uses. No development shall be permitted on or within 30 m (98.4 ft) of the licensed fill area of an active waste disposal facility or area. Development proposed beyond the 30 m (98.4 ft) but within an influence area of 500 m (1,640 ft) of the fill area of an active or closed waste disposal facility or area shall be accompanied by appropriate studies that demonstrates that the proposed development will not be negatively impacted by the waste disposal facility (e.g., leachate, methane gas, rodents, vermin, odours, fire etc.) Where recommended by the impact statement, measures to mitigate any adverse impacts will be required as a condition of development. The influence area does not apply to commercial or industrial land uses or to residential development which has been approved or committed (e.g., lots of record in either an approved plan of subdivision or which were created by consent).

The influence area may be reduced where studies have been undertaken and the public authority having jurisdiction is satisfied that there will be no adverse effects on adjacent land uses.

### 4. **Development to Have Adequate Capacity**

Planning Board/Municipalities, in the review of planning applications, will ensure that there is sufficient capacity to accommodate the waste disposal needs of the proposed development. Municipalities will continue to monitor the capacity of the existing sites and will undertake improvements as required (e.g., expand sites or implement operational plans, to maintain adequate capacity for future development).

Municipalities will monitor the environmental impacts of sites to ensure that there is no off-site migration of leachate.

## 4.5 **Transportation, Transportation and Infrastructure Corridors**

Transportation infrastructure is made up of provincial highways, township roads, private roads, resource access roads, snowmobile trails while transportation and infrastructure corridors comprise the CPR Rail Line, the TransCanada Pipeline, a Bell Canada fibre optics line and hydro electric power transmission lines.

## 4.5.1 Provincial Highways

### Policies

Highway 17 is recognized as a special controlled access highway for through traffic with restricted access controls. New entrances are not generally permitted. The intent of the Plan is to ensure that the function of this highway is maintained for through traffic. Shared access points, a service road, or access from intersecting Township roads shall be the preferred means of access to abutting properties. Access is restricted and governed by the Ministry of Transportation and applies to entrances, adjacent land uses and signs.



## 4.5.2 Township Roads

### Policies

1. The primary function of Township roads will be to provide to abutting properties.
2. Standards for new road construction will include a minimum of 20 m (66 ft) right-of-way, engineered design and layout, appropriate drainage and construction. Roads on lands under plan of subdivision may be assumed by a municipality provided the standards for road construction have been satisfactorily met.
3. Construction or maintenance of existing Township roads and bridges or crossing structures will continue to be based on a regular program of capital expenditures. The kilometrage of hard surfaced roads may be increased with priority being given to roads with higher traffic volumes and/or the need for improvements to meet contemporary design and safety standards.
4. A properly installed culvert will be required, where applicable, for any new access to a Township road. The installation or replacement of culverts will be to acceptable standards for drainage to the satisfaction of the municipality.



## 4.5.3 Private Roads

## **Policies**

1. An existing private road is defined as a road under private ownership which serves two or more legally conveyable lots and may include a right-of-way registered on title.
2. Except for condominium developments, new private roads shall not be permitted.
3. Existing private roads are intended to provide access to abutting properties including existing lots of record.
4. A township may assume a private road where the standards meet the requirements for township roads as set out in **Section 4.5.2**.
5. A lot may be used or developed for a use permitted which does not have frontage on a public road provided that the lot has a legal access (e.g., right-of-way) registered on title on the date of approval of this Plan.

### **4.5.4 Resource Access Roads**

#### **Policies**

1. For the purposes of this Plan, resource access roads are intended to provide access to resource-based land uses such as forestry, mineral or mineral aggregate extraction and are not intended to provide access to residential or commercial land uses.
2. Resource roads are expected to be maintained by private enterprise under lease or other arrangements with the Crown.

### **4.5.5 Transportation Corridors**

#### **Policies**

1. It is the intent of this Plan that existing transportation corridors for road and rail be protected from land use activities which may interfere with the function and safe operation of these corridors including Highways 17, 533, 630 and 656 and the CPR Rail Line.
2. It is the intent of this plan that the network of the Trans Ontario Provincial Trails (TOPS) system be protected. It is recognized that the TOPS routing as shown on the

land use plan may change from time-to-time. However, an amendment to this Plan is not required for changes to this routing so long as the intent of this policy is upheld.

3. It is the intent of this Plan to protect a transportation corridor for a proposed Highway 17 by-pass around the Town of Mattawa, as shown on the Schedules. The Ministry of Transportation shall be consulted in reviewing development applications on or in the vicinity of the proposed transportation corridor.

#### **4.5.6 Infrastructure Corridors**

##### **Policies**

1. It is the intent of this Plan that existing infrastructure corridors for utilities be protected from land use activities which may interfere with the function and safe operation of these corridors.

2. **TransCanada Pipelines**

TransCanada Pipelines Limited operates high pressure natural gas pipelines within its rights-of-way which cross through the Planning Area and are identified on Land Use Schedules 'A1' and 'A3' to this Plan. Any development within 200 m (656 ft) of TransCanada's facilities may affect the safety and integrity of the pipelines.

TransCanada is regulated by the National Energy Board which, in addition to TransCanada, has a number of requirements regulating development in proximity to the pipelines. This includes approval requirements for all activities on or within 30 m (98.4 ft) of the right-of-way such as excavations, blasting and any movement of heavy equipment. New development can result in increasing the population density in the area which may result in TransCanada being required to replace its pipeline to comply with CSA Code Z662. Therefore, the Planning Board require early consultation with TransCanada for major development proposals (e.g., plan of subdivision, commercial or industrial building) within 200 m (656 ft) of its facilities.

A setback of 10 m (32.8 ft) shall be maintained from the limits of the right-of-way for all permanent structures and excavations. A reduction in the 10 m (32.8 ft) setback will only be considered if it can be demonstrated to TransCanada's satisfaction, that it will not compromise the safety and integrity of the pipeline and if all necessary municipal approvals are obtained.

## **5.0 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES**

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### **5.1 Policy Intent**

The intent of this Plan is to conserve "built heritage resources, cultural heritage landscapes and archaeological resources". Built heritage resources means one or more buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history, and identified as being important to a community. A cultural heritage landscape means a defined geographical area of heritage significance which has been modified by human activities. Such an area is valued by a community, and is of significance to the understanding of the history of people or place. Archaeological potential "means areas with medium or high potential for the discovery of archaeological resources. This potential is based on the presence of a wide range of geographic and historical features which influenced past settlement. Archaeological potential is confirmed through archaeological assessment. The computer modelling of archaeological potential is available for consideration from the Ministry of Natural Resources' District office in North Bay.

### **5.2 Policies**

It is a policy of Planning Board and Council to consider cultural heritage resource conservation in all land use planning decisions. Cultural heritage resources include, but are not restricted to, archaeological sites, buildings and structural remains of historical and architectural value, and human-made rural, urban or cultural heritage landscapes of historic and scenic interests. To implement this policy, Planning Board/Council shall:

1. Encourage the identification, restoration, protection, maintenance and enhancement of cultural heritage resources.
2. Consider ways and means in which Planning Board/Council may co-operate in the conservation and/or preservation of cultural heritage resources, including utilization of the Ontario Heritage Act in the following ways:
  - Council may establish a Municipal Heritage Committee (MHC) with the goals and objectives of such a committee to identify and consider cultural heritage resources throughout the Planning Area;
  - Council may designate properties, districts and areas having historic and architectural value or interest in the Planning Area under Parts IV and V of the *Ontario Heritage Act*.
3. Encourage comprehensive inventories of cultural heritage resources and cultural heritage resource master plans in the Planning Area.

4. Require that in any proposed plan of subdivision and prior to the undertaking of any public work, private development, consent or Zoning By-Law amendment, consideration be given to the possible effects and impacts of such works or development on cultural heritage resources and that such impacts, where identified, are appropriately mitigated.
5. Require an archaeological impact assessment carried out by an archaeologist licensed under the *Ontario Heritage Act*, when any public work, private development, consent or Zoning By-Law amendment will affect an area containing a known archaeological site or cemetery or an area considered to have archaeological potential.
6. Consider where appropriate, the passing of archaeological zoning by-laws under Section 34 of *The Planning Act*, to be adopted for the purpose of preserving identified significant archaeological sites.
7. Ensure that development and site alteration including; any public work, private development, consent or zoning by-law amendment, shall not be permitted on adjacent lands to a cultural heritage feature or on lands exhibiting archaeological or cultural heritage potential unless impacts on the cultural heritage feature have been evaluated and provisions are made to minimize or mitigate any impacts;
8. Where, through development, a previously undiscovered site is identified to contain an unmarked burial site or new archaeological features, the Planning Board/Municipality will contact the Ministry of Culture, the Algonquins of Ontario and any other First Nation group that may have a historical interest. The local authorities, the Algonquins of Ontario, any other First Nation group with historical interest and the Ministry of Small Business and Consumer Services (Cemeteries Regulation Unit) shall also be contacted with respect to the discovery of burial sites and unmarked cemeteries and the procedures set out in *The Cemeteries Act* and associated regulations shall be followed.
9. Should other cultural heritage values (archaeological or historical materials or features) be identified during operations, all activity in the vicinity of the recovery will be suspended and the Ministry of Culture archaeologist contacted.

## 6.0 ECONOMIC DEVELOPMENT

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The economic mainstay of the Planning Area is forestry. In the Nipissing East-Parry Sound area, forestry represents 24% of the total local goods-producing industries and amounts to annual sales of \$613 million. Of this value, over 80% of the \$116 million expended in employee remuneration stays with local residents. Of the \$324 million spent annually on goods and services, \$50 million is spent locally. Annual payments to all levels of government are a further \$108 million. Industry employees contribute nearly \$32 million annually to the local retail and service sectors, primarily in North Bay.

The forest industry directly employs 2,300 with additional and induced employment of a further 2,400 for a total job count of 4,500. Three hundred local jobs were created between 1991 and 1996 in the area through forestry.

The structure for economic development is largely focused from an interest in the forestry industry. The driving force is the Mattawa & Area Forestry Committee (established in 1993) with membership comprising five area municipalities (Bonfield, Calvin, Mattawa, Mattawan and Papineau-Cameron), four forest products industries (Tembec Inc., Columbia Forest Products, Calvin Forest Products and Hec Clouthier and Sons Logging) and a number of ex-officio members (MNR, MNDM, FedNor, Human Resources Canada). This committee has developed a Mission Statement:

"The Committee is dedicated to sustaining the bio-diversity and related values of the Mattawa Area Sustainable Forest. The Forest provides the livelihood for, and the recreation of hundreds of area workers, their families and their communities. It brings many values to all Canadians" (August 1995).

A number of specific initiatives have evolved from the efforts of this economic development structure of which the development of the Canadian Ecology Centre in Samuel de Champlain Provincial Park will be the most significant.

The economic base of the area is also dependent on the Highway 17 corridor, the development of other natural resources (minerals, mineral aggregate resources), service commercial and tourism activities.

Planning Board considers the role of the Official plan as one of supporting economic development initiatives while adhering to the principles of good land use planning. The policies of the Plan with respect to developing and sustaining an economically prosperous community are as follows:

## 6.1 Policies

1. To expedite approvals for development which conform to the policies of this Plan.
2. To support the initiatives of the Economic Development Officer (EDO).
3. To develop public-private sector partnerships as a mechanism for attracting investment and business development.
4. To provide and maintain adequate municipal infrastructure and public services to service and support community based economic development.
5. To ensure that there is an adequate supply of available land for all forms and types of land use.
6. To provide for a broader mix of land uses in the commercial and industrial land use designations respectively.
7. To facilitate the acquisition and development of Crown Land where it may be utilized for economic development activities.
8. To manage the renewable and non-renewable resource base by conserving resources for the benefit of the community.
9. To support the establishment of Home Based Businesses.

## 7.0 RESOURCE MANAGEMENT

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### 7.1 Agricultural Resource Lands

The intent of the Plan is to recognize the importance of the contribution of the agricultural industry to the local economy by protecting existing agricultural activities and providing for their expansion.



#### Policies

1. Agriculture and related land uses will be permitted.
2. The Minimum Distance Separation Formulae I and II of the Ministry of Agriculture, Food and Rural Affairs will apply to all farm and non-farm development (see Appendix 1).
  - A. New land uses, including the creation of lots, and new or expanding livestock operations shall comply with the *Minimum Distance Separation Formulae* (MDS). For the purposes of this Plan, the requirements of MDS I will not apply to existing lots of record of less than 1 ha (2.47 ac). Cemeteries shall be classified as Type B land use, and existing non-farm residential uses may be replaced where destroyed by a catastrophic event and will be exempted from MDS I and MDS II. MDS I shall not limit the expansion of an existing use or the construction of accessory buildings and structures on the property.
3. Farm operators will be encouraged to expand their operations and to not seek consents which may interfere with agricultural productivity.
4. Development will be discouraged in the vicinity of viable farming operations.

### 7.2 Mineral Aggregate Resources

#### 7.2.1 Policies

1. It is a policy that mineral aggregate resources will be protected for their resource value through the designation of active pits and quarries and mineral aggregate reserves as a Mineral Aggregate Resources Area (see Land Use Schedules "A1 - A3" for Mineral Aggregate Resources).

This shall also include wayside pits and quarries although they are not required to be specifically designated.

### **7.2.2 Permitted Uses**

It is a policy that the permitted uses within areas designated as part of the mineral aggregate resource include the following:

1. Pits and quarries.
2. Wayside pits and quarries.
3. An agricultural use excluding any permanent buildings.
4. Forestry excluding any permanent buildings.
5. Uses associated with pit and quarry operations such as crushing facilities, stock piles, screening operations, asphalt plants and aggregate transfer or recycling operations provided they do not prevent the opening of a pit, quarry, wayside pit or quarry. Crushers, screeners, asphalt plants and recycling operations are permitted where they have been certified and the site approved by the Ministry of the Environment..
6. Passive recreation uses not including buildings or structures.
7. An airfield as an accessory use.

### **7.2.3 Influence Area**

It is a policy to recognize an influence area as a means of protecting against incompatible land uses in the vicinity of proposed pits and quarries and to protect existing pits and quarries from encroachment from other incompatible land uses. It is a policy of The Planning Board to discourage incompatible land uses in areas surrounding mineral aggregate resource areas. For the purposes of this plan, the influence area is 1,000 m (3,280 ft) [with a minimum separation distance of 300 m (984.2 ft)] for quarries and 300 m (984.2 ft.) [with a minimum separation distance of 70 m (230 ft)] for pits respectively, from the boundary of the Mineral Aggregate land use designation shown on the Land Use Schedules "A1 - A3". The extent of the influence area may be modified in consultation with the public body having jurisdiction without amendment to this plan.

Within the influence area development may be permitted where it is clearly demonstrated that impacts such as noise, dust, vibration can be mitigated by the operator and the quality and quantity of ground water on adjacent properties will not be compromised where excavation activities are below the water table.

## 7.2.4 Wayside Pits and Quarries

It is a policy to permit wayside pits and quarries.

A wayside pit or wayside quarry means a temporary pit or a quarry opened and used by a public road authority or their agent, solely for the purpose of a particular project or contract of road construction or maintenance.



Wayside pits and quarries are permitted throughout the Planning Area without an amendment to this plan or to the zoning by-law except in areas of existing development, the developed areas of the Rural Settlement Area and the lands designated as Environmental Protection.

## 7.2.5 Portable Asphalt/Concrete Plants

It is a policy to recognize portable asphalt/concrete plants as an important part of aggregate operations.

Portable asphalt/concrete plants, used by a public road authority or their agents, shall be permitted throughout the Planning Area without an amendment to this plan or to the zoning by-law. Portable asphalt/concrete plants are not permitted in existing built-up areas, the developed areas of the Rural Settlement Area and on lands designated as Environmental Protection.

If asphalt or concrete for a public road project cannot be obtained from an existing asphalt/concrete plant, attempts should be made to locate the portable plant in a wayside pit, vacant industrial site, the highway right-of-way, or on inactive or less productive agricultural lands.

Portable asphalt plants are subject to the following provisions:

1. Portable asphalt/concrete plants will be removed from the site upon completion of the project.
2. All portable asphalt/concrete plants must have a Certificate of Approval from the Ministry of the Environment.
3. Sites used for portable asphalt/concrete plants within the agricultural area shall be rehabilitated to their former agricultural capability.

### DEFINITION

"Portable asphalt plant" means a facility:

1. With equipment designed 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;
2. Which is not of permanent construction, but is designed to be dismantled and moved to another location as required.

"Portable concrete plant" means:

A building or structure used for the manufacturing of concrete in a form suitable for the immediate use in the construction of buildings, structures, roads or driveways.

## 7.2.6 Resource Identification or Depletion

It is a policy that an amendment is required to this Plan to designate mineral aggregate resource lands not currently identified or conversely to redesignate existing lands wherein the resource has been depleted.

## 7.3 Mineral Resources

### 7.3.1 Policies

It is a policy to recognize mineral resource lands as those lands shown on Land Use Schedule "A4" which exhibit a mineral potential rating.

The mineral potential rating is intended to be a guideline in interpreting policies set out in Section 7.3.2 as well as other policies applying to rural development within the Planning Area.



*Mineral mining operations* will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. In areas adjacent to or in known *mineral deposits* and in *areas of mineral potential* which are shown as a development constraint on the Land Use Plan Schedule "A4", *development* that would preclude or hinder the establishment of new operations or access to these resources will only be permitted if:

1. The resource use would not be feasible; or
2. The proposed land use or development serves a greater long term public interest; and

3. Issues that have a potential negative impact on public health, public safety and on the environment are addressed.

The municipality will consult with the Ministry of Northern Development and Mines in the review of planning applications within the areas of mineral potential.

*Mineral mining operations* will be permitted subject to the requirements of the *Mining Act*, provincial environmental approvals and local planning approvals.

### **7.3.2 Mineral Resources as a Constraint**

It is a policy that mineral resource lands be recognized as a development constraint overlay. This shall mean that mineral resource-related uses such as exploration, development and mining of mineral resources, mine structures, buildings and ancillary uses shall have pre-emptive rights on those lands within the constraint overlay except for those areas of existing settlement.

It is a policy that the scope of permitted uses, in addition to mining and mining related uses shall include those in the underlying land use designation. Any proponent of development will be required to undertake an evaluation or provide information satisfactory to Planning Board and Public Bodies (Ministry of Northern Development and Mines) that addresses the requirements of **Section 7.3.9, Implementation, of this Plan** prior to the approval of such development.

### **7.3.3 New Mines**

It is a policy that the establishment of new mines shall be subject to the approval of the Ministry Northern Development and Mines under *The Mining Act and The Environmental Protection Act* and do not require an amendment to the Official Plan but will require an amendment to the Zoning By-law.

### **7.3.4 Past Producing Mines and Mine Hazards**

It shall be a policy that past producing mining operations are considered to be mine sites that are under temporary closure and where there is remaining mineral potential. Resumption of mining may be permitted subject to the approval of the Ministry Northern Development and Mines.

It shall be a policy to recognize past producing mine sites as areas where development should be restricted subject to consultation with the Ministry of Northern Development and Mines. Any proposed development within 1,000 m (3,280 ft) of an identified or known mine hazard will be subject to an amendment to the Zoning By-law wherein it has been demonstrated with supporting engineering documentation that the mine hazard can be

mitigated and remediated to properly address public health, safety and environmental concerns to the satisfaction of the Ministry of Northern Development and Mines.

### **7.3.5 Rehabilitation**

It shall be a policy that past producing mining operations or active mining operations shall be subject to the provisions of *The Mining Act* with respect to rehabilitation and/or closure.

### **7.3.6 Existing Mining Land Tenure**

It is the policy of the Planning Board to acknowledge the use of mining lands for mining purposes as permitted under *The Mining Act* and subject to the approval requirements of the Ministry of Northern Development and Mines. Mining lands include mining rights such as staked mining claims, mining leases and mining patents used or intended to be used for mining purposes. These may be zoned with respect to surface uses in the Zoning By-law on a site specific basis and wherever possible, incorporated within the Mineral Resource Lands overlay upon review of the Plan or upon application for an amendment to the Plan.

### **7.3.7 Influence Area**

It is a policy to recognize an influence area as a means of protecting against incompatible land uses in the vicinity of mining operations and to protect mining operations from encroachment from other incompatible land uses. It is a policy of the Planning Board to discourage or prohibit incompatible land uses in areas adjacent to mineral resource operations. Development may be permitted in the influence area where the impacts of mining operations can be properly mitigated. For the purposes of this Plan, the influence area shall be generally 1,000 m (3,280 ft.). The establishment or modification of the influence area should be carried out in consultation with the Ministry of Northern Development and Mines and the Ministry of the Environment and may be done without amendment to this Plan.

### **7.3.8 Resource Depletion**

Where the mineral resource has been depleted and the mine or lands associated with the mining operation have been rehabilitated or closed in accordance with plans approved by the Ministry of Northern Development and Mines, these lands may revert to an alternative resource use where there is an overlapping designation with the mining resource lands designation or alternatively where such is not the case, the lands may redesignated by amendment to this Plan provided that such redesignation does not prejudice mining operations or mineral resource operations or other resource lands on adjacent properties.

### 7.3.9 Implementation

Measures to achieve policies of the Planning Board are as follows:

1. In the review of planning applications, Planning Board shall consult or circulate to the Ministry of Northern Development and Mines where the proposed development is located within lands identified as having mineral potential.
2. The proponent of development shall provide an analysis of the proposed development for uses other than those permitted above based on the following criteria:
  - The economic, social and environmental benefits that will accrue from the proposed development and from resource use;
  - Current economic circumstances and the likelihood of the mineral resource being developed within the official plan planning horizon;
  - The planning lifespan of the proposed development as compared to mineral extraction and whether there is an opportunity for sequential use, by allowing the resource to be extracted first followed by the proposed development.
  - Whether the proposed development and mineral extraction can coexist. For example, would the mining method be open pit/quarry or underground? Can mining infrastructure be located off site or adjacent to the development proposal using non-obtrusive and compatible site design and construction methods?
  - The nature and sensitivity of physical features and existing development constraints that may restrict the feasibility of mining the resource or developing the other use;
  - Whether the proposed development can be feasibly located on another site so that it would not conflict with mineral extraction; and
  - Whether there is enough information and data available to answer the aforementioned questions; will it be necessary to undertake additional on-site mineral resource analysis in the proposed development area in order to make a fully informed planning decision?

Such analysis shall be considered to be a prerequisite to an application for a consent, rezoning or other planning application.

### 7.3.10 Aboriginal Consultation

The Algonquins of Ontario and other First Nation groups with historical interests in this area have a direct interest in the potential impact of aggregate extraction activities on artefacts of historical or cultural interest to their people. Prior to the Municipality's adoption of any site

specific Official Plan Amendment where a Stage 2 Archaeological Assessment has shown the potential for aboriginal artefacts to be encountered, the Algonquins of Ontario and any other First Nation groups shall be consulted.

## 7.4 Forestry

It is the policy of the Planning Board to recognize the importance of forests as a renewable and sustainable resource within the Planning Area. This includes recognition of timber harvesting and silviculture activities of commercial timber operators licensed by the Ministry of Natural Resources, and private property owners operating under Woodland Improvement Act agreements.



On land falling under *The Crown Forest Sustainability Act* agreements, forestry management and wood production activities shall be permitted and encouraged. Planning Board recognizes that other land uses may co-exist with timber operations and such uses including outdoor recreation, eco-tourism, trapping, traditional native land use activities, shall be permitted as complementary activities.

In recognizing the importance of the forest resource within the Planning Area, it is a policy to both support and help co-ordinate the application of forest resource management techniques to ensure compatibility with harvesting, renewal and maintenance operations with other resource attributes, particularly wildlife and fish habitat.

## 7.5 Natural Heritage Features and Areas

Natural heritage features and areas will be protected from incompatible development. Development and site alteration will not be permitted in significant habitat of endangered and threatened species or in significant wetlands. Development and site alteration will not be permitted in fish habitat except in accordance with provincial and federal requirements.

Development and site alteration may be permitted in significant wildlife habitat, in significant areas of natural and scientific interest or on adjacent lands to, fish habitat, significant habitat of endangered and threatened species, significant wetlands, significant wildlife habitat and significant areas of natural and scientific interest if it is demonstrated that there will be no negative impacts on the natural features or their ecological functions. Site specific evaluations may be undertaken by a qualified professional to confirm or determine an alternative adjacent land width.

Applications for development and/or site alteration on or within natural heritage features and areas or on adjacent lands as applicable will be subject to an Impact Assessment. This

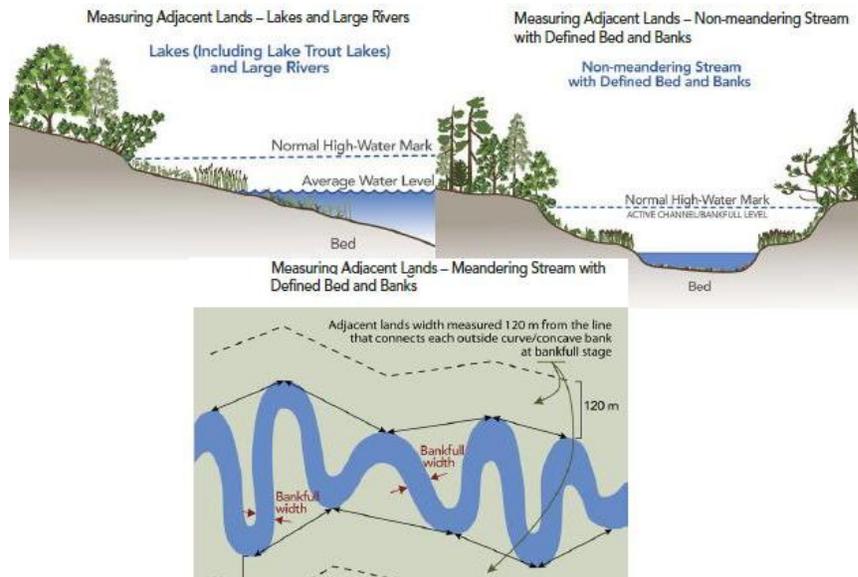
assessment shall be prepared by a qualified professional and shall include:

- A detailed study area description including characterization of key functions and features;
- The degree and extent of the ecological functions as they exist or are naturally evolving;
- A detailed description of the proposed development and an identification of the proposed activities;
- Predicted direct and indirect effects of the proposed development;
- Identification and evaluation of options for avoidance and where avoidance is unattainable, opportunities for mitigation and rehabilitation;
- Selection of the preferred mitigation/rehabilitation strategy;
- A summary of the predicted net effects after mitigation and rehabilitation; and
- A proposed monitoring program, where necessary.

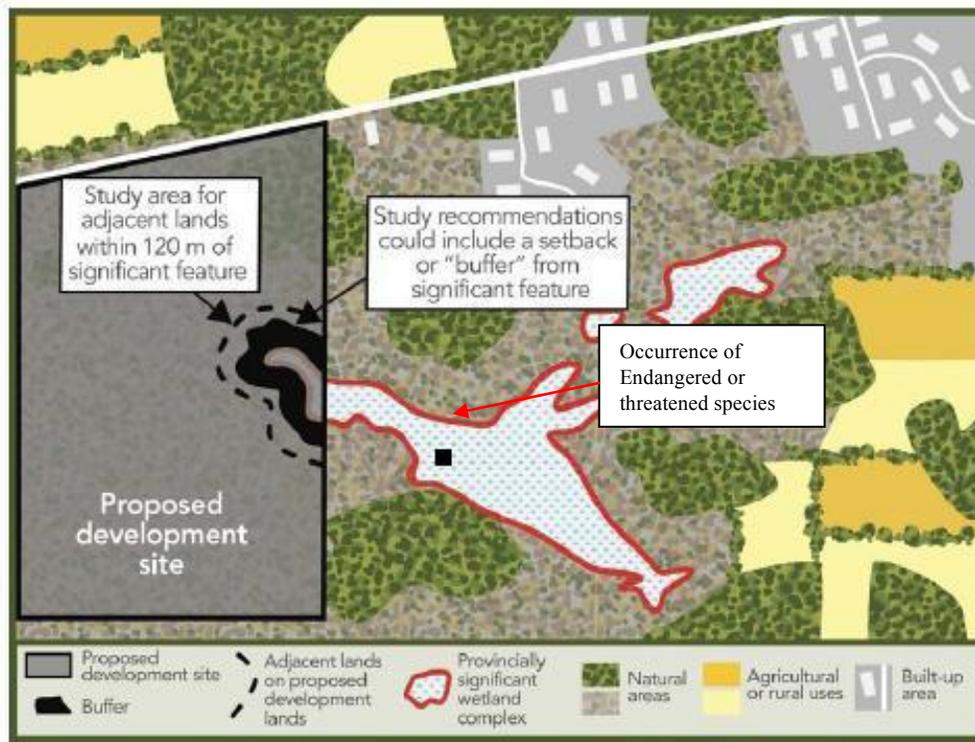
The cost of the Impact Assessment will be borne by the proponent of the development and is subject to a peer review by the municipality.

## Examples of Adjacent Lands

### Adjacent Lands – Fish Habitat (Lakes and Rivers)



### Adjacent Lands – Endangered and Threatened Species



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Note: Images adapted from Ministry of Natural Resources, “Natural Heritage Reference Manual”, 2<sup>nd</sup> ed., 2010

Natural Heritage Features and Areas are illustrated on the Land Use Plan Schedules.

### 7.5.1 Woodlands and Agricultural Lands

Planning Board encourages the conservation of woodlands throughout the Planning Area and may require such conservation through the use of site plan control and the enactment of a tree cutting by-law. Normal farm practices as defined in the *Farming and Food Production Protection Act, 1998* will be encouraged, where they are consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

Nothing in Section 7.5 of this Plan is intended to limit the ability of existing agricultural uses to continue

## 7.5.2 Lakes At or Nearing Capacity

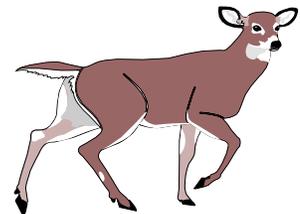
Should an “at capacity” lake trout lake be identified, lot creation and land use changes which result in a more intensive use will not be permitted except for one of the following special circumstances:

- A. The tile fields on each new lot are set back at least 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres to the lake;
- B. The tile fields on each new lot are located such that they would drain into the drainage basin of another water body, which is not at capacity;
- C. To separate existing, habitable dwellings which were included in the original capacity calculation, each having a separate septic system, provided that the land use would not change; and
- D. A lake capacity assessment shall be conducted using an acceptable provincial model that addresses the parameters of phosphorus loading and dissolved oxygen concentrations and/or other provincially acceptable criteria. The assessment will normally be carried out by the proponent of development and submitted as part of the planning application for a subdivision, zoning by-law amendment, consent or major development/redevelopment. Proponents will be expected to pre-consult with the municipality in determining the need for an assessment.

## 7.5.3 Deer Yards

In cases where a winter deer habitat (deer yard) is indicated on the Land Use Schedules "A1 - A3" as being on or adjacent to a property that is the subject of a development application, the following standards will apply:

- In narrow conifer fringe habitats that occur along lake shorelines, larger frontages will be required due to the restricted nature of this critical habitat feature. Shorelines tend to be the most highly disturbed area during development. A minimum of 120 m (400 ft) frontage for lots will be required; and
- In areas where critical conifer habitat is distributed in larger patches throughout the landscape and not restricted only to shorelines, a minimum lot width and depth of 90 m (300 ft) will be required.



## 7.5.4 Impact Assessment

The components of an Impact Assessment (IA) are as follows:

- A. Description of the study area and landscape context;
- B. Description of the development proposal;
- C. Identification of those features and functions likely to be affected by the development proposal;
- D. Assessment of the potential impacts of the proposed development on key features and functions;
- E. Identification of mitigation requirements and monitoring requirements;
- F. Quantification of residual impacts (those that cannot be mitigated) if any; and
- G. Review and decision.

## 7.5.5 Aboriginal Consultation

The Algonquins of Ontario and any other First Nation group with a potential interest should be consulted on any Environmental Impact Studies or Archaeological Studies related to proposed developments where areas of their interest and/or Native Values and/or the potential for aboriginal artefacts to be encountered have been identified.

## 7.5.6 Implementation Measures

Municipalities may use zoning, site plan control and the provisions of the Municipal Act (site alteration controls) as measures to implement recommendations or results of an Impact Assessment or to govern the spatial relationship of buildings and structures to natural heritage features.

## 7.6 Water Resources Protection Strategy

The development of a water resources protection strategy involves several components:

- 1. Review of development decisions.
- 2. Building a data base.



3. Developing a protection strategy.
4. Monitoring development impacts.
5. Developing contingency plans for spills or disaster events.
6. Developing public education/awareness programs.

The Planning Board/Municipality will play an invaluable role as the proponent for the development of a detailed strategy, as an approval authority for development applications and as a coordinator for data collection. The Planning Board/Municipality, or a designated agency (i.e., Conservation Authority), will coordinate the gathering and records keeping of water resources information as a measure to building a data base for land use planning and *infrastructure* decisions. The data base should include information on surface and groundwater quality and quantity, surface water elevations, velocities, flood events, storage volumes, ground water samples, hydrogeological and hydrology studies, abandoned well capping etc.

The Planning Board/Municipality shall assist the Conservation Authorities to develop a comprehensive Water Resources Protection Strategy which shall, as one component, include water source protection policies. The Conservation Authority will work with the farm industry and private property owners to institute programs for capping abandoned wells, for the ongoing maintenance of wells and septic tanks (i.e., septic tank re-inspection program), for water conservation and for aquifer protection.

## 8.0 NATURAL AND HUMAN-MADE HAZARDS

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### 8.1 Flood Plains, Fill and Construction Controls

#### 8.1.1 Policies - Flood Plains

1. The following are recognized as representing the 1:100 regulatory flood line (One Zone Concept) elevations in the Planning Area: (see illustration)
  - Smith Lake 177.0 m (580.71 ft.)
  - Chant Plein at Hurdman Dam 160.78 m (527.5 ft.)
  - Earl's Lake 178.0 m (583.99 ft.)
  - Talon Lake 195.52 m (641.46 ft.)
  - Ottawa River 155.4 m (509.8 ft.)

Lands at or below the prescribed elevations are considered to be in the flood plain and are subject to flooding.

2. No new buildings are permitted to be constructed within the flood plain except flood control structures, or low impact buildings or structures such as a gazebo, wharf or dock, boat slip, boat house, garden storage shed.

In particular, no use, building or structure which involves the storage of hazardous or toxic materials (e.g., ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities), nor any institutional use shall be permitted to be constructed, enlarged or expanded in a flood plain.

3. Extensions or enlargements to existing habitable or other buildings located in the flood plain (other than an institutional use) may be permitted subject to the review and approval of the North Bay-Mattawa Conservation Authority (Authority). Proposals will be reviewed on a site-by-site basis, and if approved, will be subject to engineering studies and/or the requirements and conditions of the Authority.
4. In areas of the Planning Area where the flood plain has not been determined, the setback of habitable buildings, non-residential buildings and sewage disposal systems from the shoreline or high water mark shall generally be 45 m (147.6 ft) and the provisions of 8.1 (2) shall apply. The setback provisions may be reduced or be waived without amendment to this Plan where the river bank or adjacent lands constitute an escarpment, bluff or other topographic feature that distinctively separates the river valley from the surrounding lands, or where recommended in writing by the North Bay-Mattawa Conservation Authority.

## **8.1.2 Policies - Fill and Construction Limit Lines**

1. Areas where Fill and Construction Limit Lines have been established are regulated by the North Bay-Mattawa Conservation Authority under *Ontario Regulation 162/90*. This regulation is pursuant to Section 28 of *The Conservation Authorities Act*. It shall be a requirement that a property owner(s) obtain a Fill, Construction and Alteration to Waterways Permit from the North Bay-Mattawa Conservation Authority prior to undertaking any site alteration activities and/or any construction or renovation work on the subject property. Site alteration activities would include the placement or removal of fill material of any kind and/or the alteration of existing grades on the subject property.
2. Site Plan control may be used in conjunction with a permit under *The Conservation Authorities Act* to regulate development within a fill or construction line.

## **8.2 Organic Soils**

### **8.2.1 Policies**

1. For the purposes of this Plan, organic soils are described as those soils normally formed in a water saturated environment (e.g., wetland) where the soil is not exposed to the air for a sufficient enough time to permit the breakdown of vegetative material. As a result, these soils may not contain sufficient strength to support a building or structure.
2. Organic soils, as shown on the land use plan, shall be considered as a constraint to development and no development shall be permitted including the installation of sewage disposal systems in organic soils unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the *Building Code* can be met.

## **8.3 Contaminated Sites**

### **8.3.1 Policies - Site Decommissioning and Clean-up**

1. Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential.
2. It is a policy to ensure the proper decommissioning and clean-up of contaminated

sites prior to their redevelopment or reuse. Measures to be taken by Council and/or the approval authority and the proponent include the following:

- A. The identification and inventory of sites by the municipality and the Planning Board of where existing and past uses may have contributed to the presence of contaminants.
- B. Applications for the development or redevelopment of sites that are identified as being contaminated or potentially contaminated shall be accompanied by a Ministry of the Environment acknowledged Record of Site Condition, and if necessary, a site remediation plan prepared in accordance with the “Guidelines for the Decommissioning and Clean-up of Sites in Ontario”.
- C. Where the Record of Site Condition indicates that remediation work is necessary, the approval authority shall require as a condition of approval of development or redevelopment that appropriate action is taken to implement the components of the site remediation plan.
- D. Council may supervise the excavation and soil handling activities during site clean-up.
- E. Site plan control may be used as a measure to enhance site decommissioning and remediation.
- F. Contaminated sites may be placed in a holding zone in the municipality's zoning by-law. Where a holding zone is used, the "H" may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in accordance with a site remediation plan and subject further, to the submission to the municipality of a Ministry of the Environment acknowledged Record of Site Condition.

## 8.4 Forest Fire Management

### Policies

1. In recognition of the extensive areas of Crown Land and forested lands within the Planning Area, forest fire management measures may be instigated by a municipality in considering such criteria as:
  - Ensuring proper road access for emergency vehicles and for escape (e.g., construction standards, width,



- bearing capacity, height clearance);
  - Evaluating fire response capabilities;
  - Determining the location of emergency water sources;
  - Ensuring buildings are well spaced and properly sited (e.g., north and east facing slopes or flatter terrain and construction with fire resistant materials);
  - Identifying the location of roads which may act as fire barriers;
  - Encouraging fire-wise landscaping;
  - Establishing distance separations between buildings and densely wooded areas, particularly tree species with high ignition factor;
  - Establishing setbacks or limiting distances from nearby fire risks (e.g., railways, campgrounds etc.).
2. Council may establish a forest fire management plan and implement the plan through incorporating provisions in the municipality's zoning by-law and through the use of site plan control.

## **8.5 Noise and Vibration**

### **8.5.1 Policies**

1. All applications for development of a sensitive land use (e.g., residential use, daycare, education or health care facility) within 50 m (164 ft) of Highway 17 and/or the main CPR Rail Line should be accompanied by a noise feasibility study prepared by a qualified consultant and to the satisfaction of the municipality. The study shall demonstrate whether noise and vibrations levels can be reduced to meet provincial standards.
2. All applications for development of a sensitive land use (e.g., residential use, daycare, education or health care facility) within 50 m (164 ft) and 300 m (984 ft) of Highway 17 and/or the main CPR Rail Line should be accompanied by an acoustical study prepared by a qualified consultant and to the satisfaction of the municipality. The study shall demonstrate that noise and vibrations levels can be reduced to meet provincial standards. The conclusions and recommendations of this study shall be implemented through conditions of the development approval.

## **9.0 INTERPRETATION**

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### **9.1 Interpretation**

It is intended that the boundaries of the land use classification shown on Schedules "A1, A2, and A3", Land Use Plan, be considered as approximate and absolute only where bounded by roads, railways, rivers or streams or other geographical barriers. Therefore, amendments to the Official Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of roads, provided the general intent of the Plan is preserved. Such minor deviations will not be reflected on the Land Use Plan.

**9.2** It is intended that all figures and quantities herein shall be considered as approximate only and not absolute. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.

**9.3** For the purposes of this Plan, it is interpreted that the existing use refers to the land presently in use not necessarily the total land area held in ownership.

**9.4** Information provided on the Land Use Schedules related to Crown Lands is based on the best available information at the time of approval of this Plan. The schedules may be updated as better information becomes available. Alternatively, the schedules shall be updated at the time of the Plan's five year review.

**9.5** Where examples of permitted uses are provided for in the land use policies of this Plan, it is intended to indicate the possible range of uses considered appropriate and not to be interpreted as all-encompassing unless otherwise stated as such. However, all uses shall be in conformity with the general intent and policies of the general land use designations of this Plan.

**9.5** Where an Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may supersede the Act.

### **9.7 Agency Names and Responsibilities**

From time to time, the names of various government agencies may change. In addition, responsibilities may shift from agency to agency. The names of the various agencies responsible for the many programs, regulations and approvals are given in this Plan as of the adoption date of this Plan. It is not intended to amend this Plan each time a name change or function shift occurs. Rather, this Plan shall be interpreted so as to refer to those agencies named, or to their successors, as conditions dictate.