



**MUNICIPALITY / MUNICIPALITÉ OF / DE
WEST NIPISSING OUEST**

**OFFICE CONSOLIDATION
OFFICIAL PLAN**

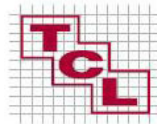
Approved with Modifications, *December 7, 2011*

- and -

**Decision Delivered by Susan de Avellar and
Order of the Ontario Municipal Board,
*dated September 9, 2016***

**** Please note, the following sections have been updated based on the Decision of the Ontario Municipal Board dated September 9, 2016 for the following sections:**

- Section **3.06.8(9)(A)(ii)** Lot Size, Frontage and Physiography
- Section **4.06.6(3)** Private Roads
- Section **8.13.13(3)(ii)** Agricultural Resource Lands



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File P-1400
December 7, 2011

Corporation of the Municipality of West Nipissing

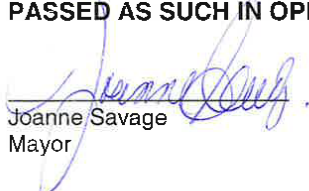
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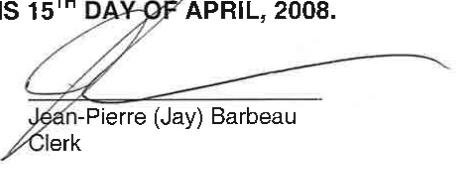
**BEING A BY-LAW TO ADOPT THE OFFICIAL PLAN
FOR THE MUNICIPALITY OF WEST NIPISSING PLANNING AREA**

The Council of the Corporation of the Municipality of West Nipissing under Section 17 of the Planning Act hereby enacts as follows:

1. That the Official Plan and all amendments thereto for the West Nipissing Planning Area as adopted by the West Nipissing Planning Board and originally approved by the Minister of Municipal Affairs on August 29, 1988 are hereby repealed.
2. That By-law No. 86-05 of the Town of Sturgeon Falls adopting the Official Plan on February 4, 1986, is hereby repealed.
3. That By-law No. 688 of the Town of Cache Bay adopting the Official Plan on September 2, 1986, is hereby repealed.
4. That By-law No. 32-86 of the Township of Caldwell adopting the Official Plan on October 1, 1986, is hereby repealed.
5. That By-law No. 915 of the Township of Field adopting the Official Plan on July 7, 1987, is hereby repealed.
6. That By-law No. 86-25 of the Township of Springer adopting the Official Plan on September 16, 1986, is hereby repealed.
7. That the Official Plan for the Municipality of West Nipissing Planning Area consisting of the attached maps and explanatory text, is hereby adopted save and except that part of Schedule 'A' that applies to Part of Lot 13, Concession D, geographic township of Springer shown as part of the Cache Bay Provincially Significant Wetland.
8. That this By-law shall come into force and take effect on the final passing thereof, subject to the requirements of the Planning Act.

**READ A FIRST TIME AND CONSIDERED READ A SECOND AND THIRD TIME AND
PASSED AS SUCH IN OPEN COUNCIL THIS 15TH DAY OF APRIL, 2008.**


Joanne Savage
Mayor


Jean-Pierre (Jay) Barbeau
Clerk

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MUNICIPALITY OF WEST NIPISSING OFFICIAL PLAN

SECTION 1 - INTRODUCTION

1.01 OVERVIEW

The Municipality of West Nipissing enjoys a strategic location in northeastern Ontario. It benefits of being within equal commuting distances of Sudbury to the west and North Bay to the east. The most significant rail and highway transportation corridors in northeastern Ontario pass through its borders.

The Municipality is rich in its multi-cultural character, its francophone heritage and in the diversity of its rural and small urban landscapes. Lake Nipissing, the Sturgeon River and other waterbodies provide attractive residential settings for residents, newcomers and retirees alike. The area's agricultural roots are evidenced by many prosperous farms that dot the Municipal countryside. Juxtaposed with a resource base of agriculture, mineral aggregate extraction and forestry, is a thriving construction and retail trade sector. Tourism and service-based retail are important and further evolving sectors as the Municipality strives to further diversify its economic base.

The Municipality is characterized by a mature settlement pattern, a full range of public service uses and a level of municipal services commensurate with local needs. Municipal restructuring in 1999 has streamlined the delivery of these services.

The intent of this Plan is to establish a policy-driven framework for land use planning for the Municipality. The new Plan provides the opportunity to accentuate the best attributes and amenities of the Municipality; to foster a progressive approach to community and economic development within an environmentally friendly context; to provide for the wise utilization of renewable and non-renewable resources; and to streamline the planning approvals process.

1.02 PROVINCIAL ROLE IN LAND USE PLANNING

Ontario's planning system has changed in recent years. The thrust of the *Planning Act* is to eliminate provincial approval of local planning decisions, while maintaining a supportive rather than directive provincial presence in the land use planning process. This will be done through timely and consistent interpretation and advice, policy development, training, technical input, shared data and information, a reduced and streamlined review function, a

provincial one-window appeal of planning documents and the delegation of provincial approval functions.

With the approval of the Official Plan, the Ministry of Municipal Affairs and Housing will continue to be responsible for the approval of any new Plan and any subsequent amendments to the Plan.

1.03 MUNICIPAL ROLE IN LAND USE PLANNING

The Municipality will play a vital role in the implementation of the Official Plan through the day-to-day decisions they make on planning applications, in issuing building permits, in the construction of infrastructure and in facilitating community economic development.

From the land use planning perspective, the Municipality will continue to be responsible for development control. This means that they will be the approval authority for zoning by-laws and amendments, site plan control, minor variances, granting permissions for non-conforming uses, for the approval of consents, subdivisions and condominiums, subdivision and development agreements and for property standards.

The Municipality will also be responsible for processing official plan amendments to their Official Plan. These may result from development applications or as an initiative of the Municipality e.g. secondary plan. Any amendments to the Official Plan are subject to approval by the Ministry of Municipal Affairs and Housing.

This Plan is consistent with the *Provincial Policy Statement*. Planning applications will be reviewed for completeness and for compliance with the policies of this Plan and for consistency with the *Provincial Policy Statement*. This Plan will be updated no less frequently than every five (5) years having regard to matters of provincial interest and to ensure consistency with the *Provincial Policy Statement*.

1.04 AGENCY ROLE IN LAND USE PLANNING

There are many stakeholders in the land use planning process. Examples include the North Bay-Mattawa Conservation Authority (sewage disposal systems), utility companies (hydro, gas, pipelines, cable), transportation services (rail), School Boards, First Nations Groups, Agricultural Committee, local environmental groups, etc. These agencies have vested interests as well as responsibilities that affect land use decisions. Their role is primarily to provide comments on applications and to provide information or technical input.

As part of the land use planning process, the Municipality will pre-consult or circulate to affected agencies. Agencies will provide timely input based on their respective mandates. They may request that conditions be imposed as a condition of approval. Such conditions

may involve the preparation of technical studies or providing information which, in turn, would be reviewed by an agency.

1.05 TITLE, COMPONENTS AND FORMAT

1. Title

This policy document shall be known as the “Official Plan for the Municipality of West Nipissing” and shall be known or referenced as the West Nipissing Official Plan, the Official Plan or the Plan.

2. Components

The Official Plan consists of a text and **Schedules** which make up the **Land Use Plan**. This Plan is not intended to apply to the lakebed of Lake Nipissing, but shall be applicable to all islands located within the boundaries of the West Nipissing Municipality.

The Plan contains explanatory notes, references to other documents, illustrations and appendices. These do not constitute a formal part of the Plan, unless specified, but are included to assist the public and administrators of the Plan to better understand the document.

3. Format

Each major policy section of the Plan has a similar format. This consists of an introduction, a description of the intent of the section, a goal, objectives, policies, implementation features and consultation. Since many policies of the Plan are inter-related, cross references are provided for the convenience of the reader.

For the convenience of the reader, all federal and provincial statutes and regulations referred to in this Plan, are shown in *italics*. Cross references are shown in **bold script**. Words shown in ***bold italicised script*** are words defined in the Provincial Policy Statement or are other definitions that are intended to clarify words or terms used in this Plan. Provincial statutes are shown in italicised script.

As a policy document this Plan does not set out an extensive list of quantities or figures (i.e. separation distances, influence areas etc.), unless the figure or quantity is crucial to the substance of the policy. Reference is made, rather to provincial and other guidelines and reference documents which are universally available as planning tools to municipalities in setting out the specific regulatory controls typically found in zoning by-laws, site plan control standards, licensing statutes and other municipal by-laws.

1.06 PLANNING PERIOD AND REVIEW

The Planning Period for this Official Plan is intended to be approximately 20 years (2008-2028). The Plan will be subject to a review from time-to-time to ensure that the goals and objectives are being achieved and the policies are practical. It is the intent of Council that the Plan will be reviewed once every five (5) years pursuant to Section 26 of the *Planning Act*. As part of the review, Council shall be consistent with the Provincial Policy Statement in effect at that time. This will not limit the Municipality from initiating an amendment to the Plan at any time in response to a development application or to introduce new policies or changes to the schedules to the **Land Use Plan**.

1.07 AMENDMENTS TO THE PLAN

1. Applications for amendments to this Plan by the public, a public body or amendments initiated by Council will be considered by the Ministry of Municipal Affairs and Housing (MMAH or Province) in accordance with the requirements of the *Planning Act*. Applications submitted by the public or a public body must be complete and where required by this Plan and the Ministry of Municipal Affairs and Housing, shall include technical studies, reports or other information to enable MMAH to determine conformity with the policies of the Plan (see also **Section 8.13.1**).
2. In the course of preparing or reviewing an amendment, the Municipality will pre-consult with the Province (MMAH) and will convene at least one public meeting and an open house when required under Section 26 of the *Planning Act*, notice of which shall be given to the persons and public bodies as required by the *Planning Act*. Council will provide or make available adequate information prior to a public meeting such as a copy of the amendment or a planning report. Council may decline to have a meeting if they refuse to adopt an amendment requested by a person or public body or the application is not deemed to be complete.

Council may establish procedures for advertising and for the location of public meetings on amendments to this Plan. Such procedures shall generally be based on the following criteria:

- A. Public meetings will be held by Council or a Committee of Council;
- B. Public meetings for a site specific or general amendment will be advertised in accordance with the requirements of the *Planning Act*; and
- C. Information related to any amendment will be made available in advance of a public meeting in the municipal office or any satellite office affected by the amendment as well as in the Municipal building on Holditch Street.

Where there are changes to the proposed Official Plan amendment, as a result of a public meeting or as a result of input from the circulation of the draft amendment, Council may wish to hold another meeting to obtain further public input.

3. Amendments will be required for a change in a land use designation as shown on the **Land Use Plan Schedules** or for a change in the substance of the policy or text of the Plan. An amendment will not be required for typographic changes, numbering, metric conversions, formatting or clarification of the Plan, provided there is no change to the policies. No amendment will be required where the colours or graphic patterns or symbols of a land use designation or constraints layer is changed provided that the names and the actual boundaries of the designation or constraints layer is not altered. Regard shall also be given to **Section 1.09 - Interpretation** in considering the need for an amendment. (See also **Section 3.06.9 - Secondary Plans.**)

1.08 AGENCY NAMES AND RESPONSIBILITIES

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

1.09 INTERPRETATION

1. Boundaries

It is intended that the boundaries of the land use designations shown on the **Land Use Plan Schedules** are to be considered as approximate. Boundaries are to be considered absolute only where clearly bounded by roads, railways, rivers or streams or other distinctive geographical barriers. Amendments to the Official Plan will not be required in order to make minor adjustments to the boundaries of land use designations or features or other symbols nor to the location of roads, provided that in all cases, the general intent of the Plan is preserved. Such minor deviations may not be reflected on the **Land Use Plan Schedules**.

2. Figures and Quantities

It is intended that all figures and numerical quantities, where they may appear in this Plan, shall be considered as approximate unless otherwise stated. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures or numerical quantities subject to any technical guidelines or studies that apply or may be required.

3. Land Use

For the purposes of this Plan, it is interpreted that a legally existing use, or a legal non-conforming use as of the date of adoption of this Plan, refers to the land presently or actually in use and not necessarily the total land area or land holding of the property owner. (Example: *one hectare of a 40 ha parcel is used for a sawmill while the balance of land is vacant, hence the industrial use would be interpreted to apply only to the one hectare.*) This Plan is not intended to recognize or endorse the use of land for any illegal land use, existing or otherwise.

4. Accessory Uses, Buildings and Structures

It is intended that buildings, structures, uses etc., that are normally incidental, accessory or essential to a permitted use will also be allowed even though they may not be specifically stated or identified in the land use policies of this Plan. (Examples: *a detached garage or swimming pool accessory to a residential dwelling; an administrative office accessory to a campground or retail business.*) Where the policies of this Plan specifically affect or control the development of accessory, uses, buildings or structures, **development** shall only occur in conformity with those policies. (Example: *construction of a dock or boat house may not be permitted without the appropriate environmental impact assessment, even though the primary use may have been approved.*)

5. Permitted Uses

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 is not to be interpreted as all-encompassing or all of the possible uses unless otherwise stated as such. However, any proposed uses not listed shall only be permitted where they are determined by Council to be in conformity with the general intent and policies of the land use designations of this Plan.

The Municipality may recognize existing uses in the zoning by-law, notwithstanding that the use may not be permitted under the applicable land use designation.

6. Legislation

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* so named.

7. Interpretation Act

The *Interpretation Act* may be used as a guideline in the interpretation or meaning of words or terms, the severability or validity of policies, implied provisions, and repeal.

8. Municipality

Where the term 'Municipality' is used in this Plan it is intended to mean both the new restructured Municipality and former Municipalities and unincorporated territory. Where reference is made to 'Township', it is intended to mean the 'Former Township(s)'.

9. Provincial Policy Statement

The "Definitions" set out in the Provincial Policy Statement (of March 1, 2005) shall apply to those same words and terms used in this Plan. (*Note: words and terms which are defined appear in italicized **bold script** in this Plan.*) Amendments may be made to the Provincial Policy Statement from time-to-time. It is the intent of this Plan that Planning applications 'shall be consistent with' the Provincial Policy Statement in effect at the time the application is made.

10. Reference to Original Documents

Where reference is made in this Plan to an original document e.g. floodplain mapping, which provides more accurate information in the interpretation of this Plan, reference shall be made to the original document, where necessary, in implementing the policies of this Plan.

11. Use of Italics

Text shown in '*italics*' in brackets '()' describe examples and are provided for information purposes and do not form part of the Official Plan.

SECTION 2 - PURPOSE AND BASIS

2.01 PURPOSE

The purpose of the Official Plan is to set out goals and objectives for development in the Municipality for the next 20 years (2008-2028) while having regard for the effects on the social, economic and natural environment of the municipality.

"An Official Plan shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it" and "such other matters as may be prescribed" and "may contain a description of the measures and procedures proposed to attain the objectives of the Plan and a description of the measures procedures for informing and obtaining the views of the public in respect of a proposed amendment to the Official Plan or proposed revision of the Plan or in respect of a proposed zoning by-law" and "such other matters as may be prescribed."

(Planning Act, Section 16)

2.02 BASIS

1. General/Interpretation

The projections in this section were taken from Community Profile prepared by Tunnock Consulting and Strategic Projections Inc. in October 2005 as a background study to the Official Plan. The population growth and housing projections were based upon the studies used to prepare the Profile. These projections were intended to be guidelines only and do not constitute policies or targets. It is also the intention of this Plan that the projections be updated on a periodic basis such as and including any five (5) year review of this Official Plan.

2. Population

The diversification examples and population projections are explained in the Community Profile for the Municipality of West Nipissing, 2005.

The population of the Municipality of West Nipissing in 2006 was 13,410 and grew by 2.3 % between 2001 and 2006. This contrasted a provincial growth rate of 6.6%. The

fastest growing areas of in the municipality were the Town of Sturgeon Falls/Cache Bay, Township of Springer and the Township of Caldwell. With a projected employment decline in the manufacturing and agricultural economic sectors across Canada and in the Municipality, population growth will be dependent on job growth in other economic sectors such as tourism, adult community development (retirement-based development), retail and food services, and education and health services.

3. Public Services and Infrastructure

A detailed calculation and inventory of the public services and **infrastructure** in the Municipality is contained within the Community Profile, 2005.

Efficient and cost-effective development is dependent on the availability and capacity of services. Currently, there are 208 water only accounts, 33 (sewer only accounts and 2,595 water and sewer accounts for a total of 2,836. While most serviced areas have residual capacity, Verner has significant limitations with respect to sewage. Stormwater management facilities consist of a mix of piped services and overland drainage. It is difficult to determine the life expectancy of the 8 land fill sites as they are being evaluated to determine their capacities. This information should be available prior to assuming any of the land fill sites currently owned by the Ministry of Natural Resources. The Municipality is serviced by an extensive network of roads totaling 541.7 km maintained by West Nipissing. Access controls apply to all roads which are classified as Class III, IV or V within the municipality. Other transportation and communication services include snowmobile and recreational trails, a hydro power grid and telephone, lines. Public services also include a mature level of emergency services (police, fire and ambulance), hospitals, educational facilities and several libraries dispersed amongst the major centres in the municipality.

To accommodate projected growth over the 20 year planning period, the strategic investment in improvements or expanded capacity will be required for a number of the **public service** and **infrastructure** facilities, notably with respect to sewage treatment in Verner. The basis for development will be to optimize the use of **public services** and **infrastructure** with sufficient residual or planned capacity and to recapture capacity through retrofitting or other improvements. The focus will be on redevelopment, intensification, revitalization and contiguous development that best utilize existing or planned **infrastructure**. Planned infrastructure may include the expansion of water and sewage treatment systems that are at capacity or close to capacity. This may also include the installation of **infrastructure** in communities experiencing public health concerns or to accommodate planned growth.

A detailed description of growth and settlement patterns is contained within the Community Profile, 2005.

4. Settlement Patterns

Permanent settlement in the area dates to the late 1800's. As of the 2001 Census, the largest urban community (Sturgeon Falls/Cache Bay) held 48.4% (6,589 persons) of the population. The balance of the population is spread across numerous smaller hamlets, cross road settlements and the rural area. Of the total of 5,355 dwellings, 70.9% are owner-occupied, 67.7% are single detached, 25.3% are multiple units and 4.1% are semi-detached. Household occupancy is 2.5 persons per unit (1996). The vacant land inventory (May-June 2005) indicated some 72.78 ha [179.8 ac] of developable land in Sturgeon Falls, 32 ha [79 ac] in Cache Bay, 11.25 ha [27.78] in Verner, 6.37 ha [15.74] in Lavigne, and 78.38 ha [193.67] in Field which all meet the 20 year residential land supply for growth and development.

In the urban areas, land division by plan of subdivision is the most frequent and most preferred form of land development. This is particularly prevalent in Sturgeon Falls and Verner. Recent subdivision activity in Sturgeon Falls includes:

- A 56 single-unit subdivision on Riverfront Drive (draft approved)
- A 55 single-unit subdivision on Demers Street (draft approved)
- A 16 single-unit subdivision (first phase) on Roy Street with the potential of 80 additional units
- A proposed 23 lot single-unit subdivision (Guenette) on Pine Street with the potential expansion of 17 additional units
- An 11 lot single-unit subdivision on Dutrisac Road (east of build-up urban area)
- A 50+ unit (draft approved) subdivision on Evansville Road
- A potential condominium development of 41 units north of the new Comfort Inn west of the built-up area.
- A proposed subdivision of 40± on Dovercourt Road
- Subdivision activity in Verner includes:
 - A 50 single-unit subdivision on Courchesne Street
- Subdivision activity in Field includes:
 - A number of lots remain in the Val des Arbes residential subdivision south of Field

The non-residential land supply includes lands needed for commercial, industrial, institutional, and parks and open space uses.

The methodology used to determine the land supply requirements was to convert the employment projections from 3.1.3 of the Community Profile to land area requirements. The Housing Requirements Table sets out the projected requirements for a 20 year period which vary from 230 units (no growth – stable scenario) to a high growth of 1,512 units. For the purposes of this Profile, it is assumed that 60% of the units will be directed to Sturgeon Falls/Cache Bay, 10% to Verner, 5% to Lavigne, 5% to Field and 20% to the Rural Area. For the Sturgeon Falls/Cache Bay cluster, this

means a potential demand for 138 to 907 dwelling units over the period 2006-2026. Similar projections are shown for the other communities in Housing Requirements Table. These in-turn were calibrated to the four growth and development scenarios. The results are shown in Employment and Land Projections Table. It was assumed that the employment will be based in 5 key sectors including: warehousing, manufacturing, commercial/retail, office and the tourism sectors. Typically, the density of employment for each sector will vary based on the characteristics of the activity. For example, it is typical that 4 to 5 employees will be employed per acre of warehousing. Alternatively, the density for commercial/retail will be 35 to 50 employees per acre (PPA). Given the diversification scenario of the municipality's vision, it was assumed that the highest area of employment will be in the commercial/retail sector (60%), followed by 15% in the tourism sector, 10% in warehousing/transportation and 5% in manufacturing. It is also assumed that 60% of the employment growth will occur in Surgeon Falls.

Given these assumptions, from Employment and Land Projections Table, it can be seen that the number of acres required, for example, for commercial/retail, will be 0.68 ha [1.7 ac] (stable growth scenario) to 7.9 ha [19.7 ac] (high growth scenario). This translates to 6879m² to 79720m² [74,052 to 858,132 ft²] of commercial floor space over the 20 year period.

The basis of the Plan is to optimize the use of the existing supply of residential land and to focus development in urban settlements as a first priority. Rural settlement will be permitted where it can take advantage of existing public services and **infrastructure** and where it does not conflict with the stewardship of renewable and non-renewable resources including water resources. Growth and settlement for residential and non-residential land uses would be distributed across the Municipality. The distribution of growth is illustrated in the Tables below and would be used as a guideline in allocating this growth and in planning for public services and **infrastructure** to support the development.

Table 2.1: Housing Projections

Sturgeon Falls/Cache Bay		Housing Projections (Units)				Land Area (ha) Required			
	Potential Housing Mix (%)	Stable	Low	Medium	High	Stable	Low	Medium	High
Singles	65	90	234	361	983	6	15	24	65
Semis	5	7	18	28	45	0.2	0.72	1.12	1.8
Towns	10	14	36	56	90	0.3	1.2	1.8	3
Apartments	20	28	28	112	180	0.4	1.4	2.24	3.6
Total		139.0	316.0	557.0	1298.0	6.9	18.3	29.2	73.4

Verner		Housing Projections (Units)				Land Area (ha) Required			
	Potential Housing Mix (%)	Stable	Low	Medium	High	Stable	Low	Medium	High
Singles	80	18	48	74	120	1.23	3.20	4.91	8.00
Multiples	20	5	12	18	30	0.09	0.24	0.37	0.60
Total		23	60	92	150	1.3	3.4	5.3	8.6

Lavigne		Housing Projections (Units)				Land Area (ha) Required			
	Potential Housing Mix (%)	Stable	Low	Medium	High	Stable	Low	Medium	High
Singles	80	10	24	37	60	0.64	1.60	2.45	4.00
Multiples	20	2	6	9	15	0.05	0.12	0.18	0.30
Total		12	30	46	75	0.7	1.7	2.6	4.3

Field		Housing Projections (Units)				Land Area (ha) Required			
	Potential Housing Mix (%)	Stable	Low	Medium	High	Stable	Low	Medium	High
Singles	100	12	30	46	75	0.80	2.00	3.07	5.00
Total		12	30	46	75	0.8	2.0	3.1	5.0

Rural Area		Housing Projections (Units)				Land Area (ha) Required			
	Potential Housing Mix (%)	Stable	Low	Medium	High	Stable	Low	Medium	High
Singles	100	46	120	185	302	3.07	8.00	12.33	20.13
Total		46	120	185	302	3.1	8.0	12.3	20.1

5. Resources

The Municipality is endowed with renewable and non-renewable resources that are significant contributors to the economic base or are significant for their ecological value (***natural heritage features***). The West Nipissing Municipal Agricultural Advisory Committee in consultation with the Council for the Municipality of West Nipissing has set out criteria for the identification of prime agricultural lands. Lands have been mapped and have been used as a tool in identifying lands which are to be protected for food land production. Nutrient management planning will be used to address the effects of agricultural practices on the environment, especially as they relate to land-applied materials containing nutrients.

Mineral aggregate resources include significant primary deposits of sand and gravel in Badgerow and significant secondary deposits in Springer township west of Sturgeon Falls, the central part of Bastedo township, the north end Fell township, three deposits on the south side of Tomiko Lake, two in the central area of Crear and one deposit in Caldwell township north of Verner.

A significant part of Dana township, the southwest corner of McWilliams township, a small section in the northwest corner of Gibbons township and the east portion of Janes township have been identified by the Ministry of Northern Development and Mines as having high mineral potential. This includes deposits platinum, palladium and gold.

Water is a precious resource and the basis for life. In lieu of a groundwater study, the municipality will protect its **water quality and quantity** through a ‘Ribbon of Life’ concept which establishes minimum setbacks from a shoreline and the retention of a natural undisturbed buffer between the shoreline and any development. Measures for source water protection are important to the liveability and use of the water resource for people, wildlife species and habitats in the municipality and in adjoining municipalities and watersheds.

Natural heritage features are in abundance and embody features which are provincially significant or important to local communities, to local environmental organizations or to land owners. These include **wetlands, wildlife habitat** and **fish habitat**, the habitat of **endangered species** and **threatened species** and **areas of natural and scientific research**. The stewardship of these resources entails inventorying, development impact assessments, mitigation, prohibition or compensation, and integrated resource management (i.e. reconciling conflicts between the exploitation of renewable/non-renewable resources and **natural heritage features**).

6. Public Health and Safety

Development is susceptible to naturally occurring hazards (flooding, erosion, unstable slopes, and unstable soils) and to human-made hazards (contaminated sites, mineral extraction operations) and some areas of unstable slopes. Flood susceptible lands along Lake Nipissing and several river systems have been mapped, as have organic soils and some areas of unstable slopes. This mapping inventory will be the basis for policies designed to avoid property damage, risks to public health and safety and detrimental impacts to local ecosystems. Protective policies will also apply to water bodies where flood susceptible lands and other naturally occurring hazards have not been mapped.

Human-made hazards include sites contaminated by past or current industrial, commercial or waste management activities, past mineral exploration and extraction activities. Remediation will be the basis for restoring “brownfield” and other sites for useful land uses while sites with hazards caused by past mineral exploration and extraction activities will be rehabilitated to the standards set out in the *Mining Act - Mine Rehabilitation Code of Ontario, the Aggregate Resources Act* or other applicable legislation to a safe condition prior to their subsequent use for other purposes.

7. Heritage

The conservation of buildings, landscapes, monuments and artifacts from our past history is important to our present and future cultural identity. The strategy of the Plan is firstly, to recognize and conserve the inventory of known ***built heritage resources*** or ***cultural heritage landscapes*** and ***archaeological resources***, if any are known. Secondly, the Plan sets out a screening and evaluation process to identify and conserve other heritage resources or ***areas of archaeological potential*** which have not been identified, recognized or are currently unknown. Finally, the impacts of proposed development on adjacent properties to a known heritage resource will be assessed.

SECTION 3 - GROWTH AND SETTLEMENT

3.01 INTRODUCTION

“The foundation of the community can largely be attributed to the establishment of the CPR line through the community in 1883. The municipality has always had strong roots in the forestry industry as well as agriculture and tourism”.

Source: W. Labelle

The legacy of forestry, agriculture and tourism continue to this day. However, with the closing of the Weyerhaeuser Mill in Sturgeon Falls, the ties to its roots, and indeed its identity, has changed. The timber industry will continue to be an important source of employment however; the mill closure was a compelling reason for undertaking the Strategic Plan and identifying the need to diversify the economic base. The municipality is committed to diversifying its employment base not only in forestry by implementing value-added industries but also in other non-forestry related industries like tourism (i.e. festivals, exploiting the recreational trails, etc.). The municipality also enjoys a wealth of natural resources, spectacular wilderness areas, proximity to two major northern cities, affordable real estate, a diverse and rich cultural heritage, and strong educational and health services which benefit all who live there as well as aid in marketing the municipality.

More recently in the Municipality of West Nipissing, the appeal of northern Ontario’s pristine beauty have attracted the avid snowmobiler and trail rider alike to explore the vast wilderness that this area has to offer. Its beautiful lakes and well established trail system provides for multi-season activities.

3.02 STATEMENT OF INTENT

It is the intent of this Plan to reinforce the current pattern of settlement as it is expected that the Municipality will remain principally a rural area containing one large urban area and a number of small urban and rural settlements. Residential, commercial and industrial growth will be directed to designated urban and rural settlement areas and away from resource uses or activities. Priority will be given to development in locations which optimize the use of existing or planned **public services** and **infrastructure**. Emphasis will be placed on residential intensification and contiguous development in designated urban and rural settlement areas before consideration is given to the expansion of settlement area boundaries. The land supply for development is based on a time horizon of 20 years. Provision will be made for an adequate supply of a full range of housing types and densities to meet future growth needs

and for opportunities for employment uses and **institutional uses**. To meet leisure needs, provision is made for a system of parks, open space and special purpose trails. It is the intent of this Plan to provide for development that is generally compact, that is adequately serviced, that avoids or resolves land use conflicts and is sensitive to the features and characteristics of the natural environment. **Development** will be directed away from natural and human-made hazards.

Within the **rural area**, land uses will be primarily resource or resource-based. Opportunities will be provided for other rural uses (e.g. limited low density residential uses) in locations which do not conflict with resource uses or activities and which meet the applicable servicing standards. **Public Services** and **infrastructure** essential to servicing development or which is best located in the **rural area** will also be permitted.

In making land use decisions, it is the intent to conserve or enhance **natural heritage features and areas** and other attributes of the natural landscape.

*(Note: reference should also be made to **Section 5.02** with respect to Council's intent for the stewardship of resources lands for agriculture and mineral aggregates.)*

3.03 GOAL

To achieve a compact and energy efficient land use pattern that optimizes the use of available or planned **infrastructure** (roads, water, sewage, waste disposal, utilities) and **public service facilities** (schools, health care, recreation and cultural facilities, fire, police and emergency services) and which uses densities and development standards which are cost effective and compatible with the prevailing and emerging character of settlement areas.

3.04 OBJECTIVES

To provide and maintain an adequate supply of land for residential, recreational, open space, **public service** and employment uses to meet projected growth and development demands for the planning period of 20 years.

To provide for a full range of housing types and densities to meet demographic and market requirements of current and future residents of the Municipality while maintaining at all times at least a ten year supply of land designated and available for new residential development and residential intensification.

To designate land uses in urban and rural settlement areas and **rural areas** to accommodate development and redevelopment having regard for the health, safety, convenience and needs of the present and future population.

To maintain the well-being of downtowns and main streets in urban settlement areas.

To provide for a balanced opportunity for growth and settlement across the Municipality.

To allow development where it can be adequately serviced within the existing capacity or planned expansion of **public service facilities** and **infrastructure** (see also **Section 4**).

To protect **sensitive land uses** (dwellings, health care and educational facilities) from incompatible land uses and to avoid or resolve existing land use conflicts.

To conserve and protect **natural heritage features and areas** (see also **Section 5.06.5**) and the attributes of the natural landscape in the design, development and maintenance of land uses and land use activities.

To provide the land use planning framework to sustain existing employment and encourage and stimulate new economic development.

3.05 KEYNOTE POLICY

The Municipality shall be developed in accordance with the settlement pattern illustrated on the **Land Use Schedules** and the associated policy statements for development and servicing set out in this section of the Plan for urban and rural settlement areas and the **rural area** of the Municipality. The future growth allocation for planned development is 80% in the urban and rural settlement areas combined and 20% in the rural area.

3.06 IMPLEMENTATION

The following policies are intended to implement the ‘keynote policy’.

3.06.1 Urban Settlement Areas

1. Designation of Urban Settlement Areas

The following communities, inclusive of all lands shown on the **Land Use Schedules** are designated as **Urban Settlement Areas**:

- Sturgeon Falls/Cache Bay
- Verner (subject to **Section 4.06.3.1**)

2. Characterization of Urban Settlement Areas

Urban Settlement Areas are characterized as urban communities with a well-developed built-form, a diverse mix of land uses and which have **full municipal sewage and water services** or **partial services**. These communities are considered to be the primary settlement areas for future development. Land division will be primarily by plan of subdivision. **Rural Settlement Areas** which are proposed to be serviced with **full municipal sewage and water services** or **partial services** (see also **Section 4.06.3**) shall be reclassified as an **Urban Settlement Area** and the Plan shall be amended during periodic updates or when the five (5) year review under the *Planning Act* is undertaken. Redesignation of **Rural Settlement Areas** to **Urban Settlement Areas** shall be based on appropriate justification studies.

3. Resource Uses in Urban Settlement Areas

Resource uses such as farming operations and mineral aggregate extraction may be recognized as existing uses through appropriate zoning where the land is not required to accommodate new non-farm development permitted in an Urban Settlement Area. The Municipality may through its zoning by-law prohibit the establishment of intensive livestock operations within an **Urban Settlement Area** where they cannot meet the Minimum Separation Distance (see also **Section 5.06.3.7**). Over the long term, such uses should be encouraged to relocate or to be phased out where they are incompatible with **sensitive land uses**. New residential development in proximity to such resource uses will be subject to separation distance or the influence area requirements of **Section 3.06.6 (5) - Separation Distances and Influence Areas**.

Existing farm operations may be permitted to expand provided:

- A. The requirements of the municipal zoning by-law as well as the **Minimum Distance Separation Formulae** requirements, and other applicable legislation;
- B. The primary role of the **Urban Settlement Area** to accommodate future development is not impeded, and;
- C. The expansion of the farming operation is considered to be compatible with the existing and planned uses in the **Urban Settlement Area**.

4. Urban Service Limits

Development shall be directed first and foremost to lands within the designated **Urban Service Limits** as illustrated on the **Land Use Schedules for Urban Settlement Areas**. Development, other than infill on existing lots of record, may be permitted under limited and/or temporary circumstances beyond the **Urban Service Limits** in accordance with **Sections 3.06.5** and **Section 3.06.6**.

5. Boundary Adjustments to Urban Settlement Areas

Adjustments to the boundaries of a designated urban settlement area will be subject to an official plan amendment as appropriate or a secondary plan (see **Section 3.06.9 - Secondary Plans**) as part of a *comprehensive review*.

3.06.2 Rural Settlement Areas

1. Designation of Rural Settlement Areas

The following communities, inclusive of all lands shown on the **Land Use Schedules** are designated as **Rural Settlement Areas**:

- Field
- Lavigne
- Crystal Falls
- River Valley

2. Characterization of Rural Settlement Areas

Rural Settlement Areas are characterized as small communities within a largely rural setting that have a mix of land uses including *public service uses* and facilities. These communities exhibit the potential for growth and the installation of piped water and sewage services over the long term. All development must be adequately serviced with water and sewage systems in conformity with **Section 4.06** of this Plan. Land division will be primarily by plan of subdivision but new lot creation through consent is also adequate for larger lots. **Rural Settlement Areas** which become serviced with piped sewer and/or water services in accordance with **Sections 3.06.1.2** and **4.06.3** should be redesignated as **Urban Settlement Areas**.

3. Resource Uses in Rural Settlement Areas

Resource uses (e.g. farming operations, mineral aggregate extraction) may be recognized as existing uses through appropriate zoning. Over the long term, such uses should be encouraged to relocate or to be phased out where they are incompatible with existing *sensitive land uses*. New residential development in proximity to such resource uses will be subject to the separation distance or influence area requirements of **Section 3.06.6 (5) - Separation Distances and Influence Areas**.

4. Boundary Adjustments to Rural Settlement Areas

Adjustments to the boundaries of a designated rural settlement area will be subject to an official plan amendment as appropriate or may require a secondary plan (see **Section 3.06.9 - Secondary Plans**) as part of a *comprehensive review*.

3.06.3 Rural Area

For the purposes of this Plan “**Rural Area**”, does not mean Rural Area as defined in the Provincial Policy Statement.

Lands which are not located within a designated urban or rural settlement area shall be considered to be part of the **Rural Area**. This area is characterized by its wide open spaces or country-side setting where the make-up of development consists of farms, cross road settlements, scattered residential uses, pits and quarries and a variety of other rural-type uses. The **Rural Area**, is classified in this Plan by several **Land Use Districts** and **Resource Lands**. Each of these districts and type of resource lands constitute a separate land use designation. *Development* is typically serviced by *individual on-site water supply and sewage disposal systems*. These systems must conform with the requirements of **Section 4.06**.

The focus of land use activities in the **Rural Area** will be resource or resource-related (i.e. **Agricultural Resource Lands, Extractive Resource Lands, Hazardous Lands** or lands occupied by *natural heritage features and areas*).

Employment Districts will be permitted in strategic locations such as major highway intersections where exposure to the traveling public or labour market area is essential to the vitality of commercial or industrial enterprise. Limited opportunities will be provided for residential development in the **Rural District** land use designation. This will take the form of *residential infilling* within existing clusters of development, cross road settlements or shoreline areas (see also policies for Natural Hazards and Natural Heritage Features and Areas). Scattered development will be discouraged. Subdivisions shall not generally be permitted in the **Rural District** except for areas along the shoreline of waterbodies or in association with a recreational commercial development (e.g. golf course). Residential development on **Resource Lands** in the **Rural Area** will be restricted (see **Section 8.13.13 - Subdivisions, Consents**).

Crown Land is administered by the Ministry of Natural Resources. The use of Crown Land will be in accordance with the management policies, plans and programs of the Ministry of Natural Resources and shall have due regard for the policies and designations for lands located within the immediate vicinity of Crown Land, when preparing management plans and policies. The Ministry of Natural Resources is encouraged to consult with the Municipality prior to the implementation of plans and programs within West Nipissing.

3.06.4 Scope of Land Uses

The scope of land uses permitted in the designated urban and rural settlement areas and the rural area is set out in **Table 3.1 (Note: uses may be restricted in compliance with 4.06.3.8 - Wellhead Protection Areas of this Plan and 4.06.3.1- Servicing Hierarchy)**. Table 3.1 provides an appropriate summary of the scope of permitted uses for in settlement areas and the rural area but must be read in conjunction with the associated policies of this Plan.

Table 3.1 - Permitted Land Uses in Designated Urban and Rural Settlement Areas and the Rural Area				
Land Use Category¹	Urban Settlement Area	Rural Settlement Area	Rural Area	
			Waterfront District	Rural District
Scope of Permitted Residential Uses in District (see also Sections 3.06.5.1, 3.06.2, 3.06.8.2, 3.06.8.9, 3.06.10)	<u>Residential District:</u> • full range of low, medium and high density housing types • specialized housing types: group homes, crisis care, social assisted	<u>Residential Uses:</u> • full range of low and medium density housing types • specialized housing types: group homes, crisis care, social assisted (excluding high density)	<u>Residential Uses:</u> • seasonal and • permanent residential uses	<u>Rural District:</u> • limited low density (single and two unit housing) • specialized housing types: group homes, crisis care, social assisted (excluding high density)

Table 3.1 - Permitted Land Uses in Designated Urban and Rural Settlement Areas and the Rural Area

Land Use Category ¹	Urban Settlement Area	Rural Settlement Area	Rural Area	
			Waterfront District	Rural District
Scope of Permitted Commercial Uses in District (see also Sections 3.06.5.1, 3.06.8.3, 3.06.8.9, 3.06.11)	<u>Commercial District:</u> • full range of retail, service commercial, automotive, recreational and resort commercial and personal service uses • residential uses (mixed or stand alone)	<u>Commercial Uses:</u> • retail, service commercial, automotive and personal service uses in keeping with the character and scale of a rural settlement area • residential uses (mixed or stand alone) • recreational and resort commercial uses serving the tourism and leisure industries	<u>Commercial Uses:</u> • recreational commercial uses such as campgrounds, • recreational vehicle parks, marinas, tourist lodges, golf courses and restaurants.	<u>Rural District:</u> • -resource related and rural service commercial uses • -recreational and resort commercial uses serving the tourism and leisure industries • -highway commercial uses on major roads • -residential uses

Table 3.1 - Permitted Land Uses in Designated Urban and Rural Settlement Areas and the Rural Area

Land Use Category ¹	Urban Settlement Area	Rural Settlement Area	Rural Area	
			Waterfront District	Rural District
Scope of Permitted Public Service Facilities (see Sections 3.06.6, 3.06.8.9)	<u>All Land Use Districts:</u> -full range of public service facilities e.g. schools, health care, long term care facilities, social facilities, recreation, religious and cultural uses, protective services -cemeteries -institutional uses	• public service facilities e.g. schools, health care, long term care facilities, social facilities, recreation, religious and cultural uses, protective services which are generally appropriate to the character and scale of development of a rural settlement area • -cemeteries • -institutional uses	<u>All Land Use Districts:</u> • existing public service facilities • public service facilities which are more appropriately located in the Rural Area because of their type, size or the catchment area they serve • cemeteries • institutional uses	

Table 3.1 - Permitted Land Uses in Designated Urban and Rural Settlement Areas and the Rural Area

Land Use Category ¹	Urban Settlement Area	Rural Settlement Area	Rural Area	
			Waterfront District	Rural District
Scope of Permitted Industrial Uses in District (see also Sections 3.06.6.5, 3.06.8.4)	<u>Employment District:</u>* - Class I, II and III industrial uses (see reference documents i.e. Guideline D-6 for description of industrial classes) -Commercial uses which compliment or are compatible with any permitted industrial use or commercial uses which are deemed suitable by a the Municipality. *These provisions shall apply in the vicinity of Sturgeon Falls/Cache Bay, Verner and Field. -mineral exploration and prospecting except where prohibited by provincial law	<u>Employment Uses:</u> - Class I and II industrial uses (see reference documents i.e. Guideline D-6 for description of industrial classes) - Commercial uses which compliment or are compatible with any permitted industrial use - Mineral exploration and prospecting except where prohibited by provincial law	No industrial use is permitted within the Waterfront Area. Any industrial uses shall require an amendment to this Plan.	<u>Employment District:</u> - Class I, II and III industrial uses and resource related industrial uses - transportation and distribution industries <u>Salvage Yard District:</u> - salvage yards (see reference documents i.e. Guideline D-6 for description of industrial classes) - mineral exploration and prospecting except where prohibited by provincial law

Table 3.1 - Permitted Land Uses in Designated Urban and Rural Settlement Areas and the Rural Area

Land Use Category ¹	Urban Settlement Area	Rural Settlement Area	Rural Area	
			Waterfront District	Rural District
Scope of Open Space (see also Sections 3.06.5.1, 3.06.8.1, 3.06.8.2, 3.06.8.8, 3.06.8.9)	<u>All Land Use Districts:</u> -full range of open space, park and special purpose trail uses, conservation uses	-full range of open space, park and special purpose trail uses, conservation uses	-full range of open space, park and special purpose trail uses, conservation uses	<u>All Land Use Districts:</u> -full range of open space, park and special purpose trail uses, conservation uses
Scope of Permitted Uses in Major Open Space (see also Sections 3.06.5.1, 3.06.8.8, 3.06.8.9)	-large public or private parks, recreational facilities, cultural facilities, community facilities, golf courses, fairgrounds, waterfront areas and other open space uses -urban reserves for future development	• see 'Scope of Open Space'	• see 'Scope of Open Space'	• see 'Scope of Open Space'
Infrastructure and Utilities (see also Sections 3.06.8.5, 4, 3.06.8.9)	<u>All Land Use Districts:</u> • full range of infrastructure uses and utilities excluding waste management systems	• Full range of infrastructure uses and utilities excluding waste management systems	• -Full range of infrastructure uses and utilities excluding waste management systems	<u>All Land Use Districts:</u> • -Full range of infrastructure uses and utilities including waste management systems

Table 3.1 - Permitted Land Uses in Designated Urban and Rural Settlement Areas and the Rural Area

Land Use Category ¹	Urban Settlement Area	Rural Settlement Area	Rural Area	
			Waterfront District	Rural District
Other Uses (see also Section 3.06.8, 3.06.8.9)	• Legally existing uses • Accessory uses to any main use e.g. garden suites, bed & breakfast establishments, garages, storage and outbuildings, marine structures, administrative uses • Home based businesses	• Legally existing uses • Accessory uses to any main use e.g. garden suites, bed & breakfast establishments, garages, storage and outbuildings, marine structures, administrative uses • Home based businesses	• Legally existing uses • Accessory uses to any main use e.g. garden suites, bed & breakfast establishment, garages, storage and outbuildings, marine structures, administrative uses • Home based businesses	• Legally existing uses • Accessory uses to any main use e.g. accessory dwellings, garden suites, bed & breakfast establishments, garages, storage and outbuildings, marine structures, administrative uses • Home based businesses • Resource uses (see Section 5) • -waste management systems (see Section 4) • -hobby farms • -conservation uses • -private airfields • -wayside pits and quarries • -portable asphalt and concrete plants • hunt + fish camps, trappers cabins

Note: 1. **Section 3.06.6 - Planning Principles** applies to any and all development listed in **Table 3.1**.

3.06.5 Land Use Districts

The **Land Use Districts** set out in the **Land Use Schedules** are intended to distinguish the areas designated for major land use categories i.e. Residential, Commercial, Employment, Waterfront, Rural, Salvage Yard.

1. Urban Settlement Areas

Within **Urban Settlement Areas**, the **Residential District**, **Commercial District** and **Employment District** indicate areas within which the major land uses permitted are residential, commercial and industrial, respectively. Other land uses may be permitted in these **Land Use Districts** which are compatible, related or incidental to the major land use. In a Residential District, examples include neighbourhood serving uses such as open space, convenience commercial and **public service facilities** (including institutional uses). Commercial Districts may include mixed land uses such as commercial, residential and **public service facilities** (including institutional uses). Employment District uses may include a mix of industrial, commercial and public service facilities uses (including institutional uses). Open space, **infrastructure**, utilities and other uses are permitted in all land use districts (see **Table 3.1** for scope of such uses in each land use category.). In addition, the Plan provides for a **Major Open Space** land use designation for community-wide parks and recreation facilities and to identify urban reserves for long-term development (e.g. Weyerhaeuser Lands). Within **Urban Settlement Areas**, the Planning Principles of **Section 3.06.6** and the Community Structure and Design Criteria set out in **Section 3.06.8** shall be used in the design and development of the land use pattern for the permitted land uses listed in **Table 3.1**.

2. Rural Settlement Areas

Within **Rural Settlement Areas**, the Planning Principles of **Section 3.06.6** and the Community Structure and Design Criteria set out in **Section 3.06.8** shall be used in the design and development of the land use pattern for the permitted land uses listed in **Table 3.1**. Site specific uses may be established by means of the zoning by-law. The scope of permitted uses in the respective **Land Use Districts** is set out in **Section 3.06.4** above.

A hunt or fish camp or trapper's cabin may be permitted under a leasehold arrangement with the Crown or as a remote use on private land provided appropriate arrangements are made for on-site servicing. The requirements for frontage may be waived for this type of use.

3. Waterfront Area

Within **Waterfront Area**, the Planning Principles of **Section 3.06.6** and the Community Structure and Design Criteria set out in **Section 3.06.8** shall be used in the design and development of the land use pattern for the permitted land uses listed in **Table 3.1**. Site specific **Land Use Districts** may be established by means of a secondary plan and/or zoning by-law using the criteria set out in **Section 3.06.9**. The scope of permitted uses in the respective **Land Use Districts** is set out in **Section 3.06.4** above.

4. Rural Area

Within the **Rural Area**, **Land Use Districts** shall include the **Rural District**, **Employment District**, **Salvage Yard District** as well as **Resource Lands**. Within the **Rural Area**, the Planning Principles of **Section 3.06.6** and the Community Structure and Design Criteria set out in **Section 3.06.8** shall be used in the design and development of the land use pattern for the permitted land uses listed in **Table 3.1**.

5. Special Development Area

The Weyerhaeuser lands shall be placed in a Special **Development Area**. The purpose of the Special **Development Area** is to recognize the potential for redevelopment of these lands without a specific intended purpose at the time of adoption of this Plan. Special development areas are considered by the municipality as opportunities for new development or redevelopment in the municipality. As a brownfield site, remediation will be required as a condition of redevelopment and as such, **Sections 6.06.2.5 - Brownfields** and **8.13.5 - Community Improvement** shall apply.

In the redevelopment of these lands, consideration should be given to the economic development policies of this plan (see **Section 3.06.7**) as well as the requirements for servicing (**Section 4**).

The Municipality may require preparation of a Secondary Plan or will require an amendment to this Plan to set out the scope of appropriate uses, phasing of development or other measures. In the interim of preparing an amendment, the use of the lands shall be limited to open space uses excluding any buildings or structures.

3.06.6 Planning Principles

In the review of planning applications, the following planning principles shall apply to any or all development:

1. Adequate Lot Size

The lot size shall be adequate for all existing and proposed or potential future land uses including the expansion of buildings and structures. The lot shall be adequate for all setbacks, parking and loading facilities, storage and display areas, signs, lighting, landscaping, buffering or screening, **infrastructure** and safe access and egress, where these requirements apply. Where appropriate, the approval authority shall require appropriate studies (e.g. servicing options report, geotechnical study or hydrogeological study and terrain analysis), to support the lot size proposed and to ensure that there will be no negative impacts on groundwater quality and quantity, neighbouring wells etc.

2. Servicing Capacity

Servicing capacity shall be available and adequate to support existing and proposed uses as set out in **Section 4** of this Plan for both **public service uses** and **infrastructure**. *(Example: a calculation on the uncommitted reserve capacity for water supply and sewage disposal would typically be undertaken as a pre-requisite to approving a multiple lot/unit development in an urban settlement area. Similar calculations or assessments should be done for school capacity and waste management services.)*

Applications for lot creation on privately owned and operated individual or communal systems generating more than 4,500 litres [989.8 gal.] of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report. There shall also be demonstration that the hauled sewage for lots created on individual or communal systems can be accommodated at a municipal facility.

3. Frontage and Access

All uses shall have frontage on and direct access to an open and maintained year round public road. Exceptions may be made for existing lots of record on private roads, condominium development, islands (water access), for **infrastructure** uses and utilities and for resource lands where deemed appropriate (see also **Section 3.06.12**).

Any new development which proposes access to or fronts on a public road (Provincial Highway or Municipal Road) must satisfy all requirements of the authority(ies) having jurisdiction. Further, the proposed access should not negatively impact upon the safety and efficiency of any type of public or private road. (See also **Section 4.06.6 - Transportation**.)

4. Measures for Landscaping, Buffering, Screening and Land Use Compatibility

A primary planning principle is to promote land use compatibility and to encourage compatible land uses to locate adjacent to each other. Where this is not possible or

where development involves the expansion of existing adjacent incompatible uses, the Plan promotes the use of landscaping, buffering and screening techniques to reduce land use conflicts.

As a measure to promote land use compatibility, landscaping, buffering, screening or other attenuation measures shall be used to mitigate adverse effects, noise, visual impacts and conflicts between land uses; and may also be used to improve aesthetics or to enhance the quality of development in urban or rural areas. Landscaping, buffering screening or attenuation measures may include setbacks, berms, fencing, vegetation, natural land forms or a combination of these measures.

Proper site planning will also be used to promote compatibility (e.g. by placing parking, loading, open storage or noisier or other objectionable areas away from adjacent or nearby residential uses or locating access points so that traffic to commercial/industrial areas will be diverted from residential streets).

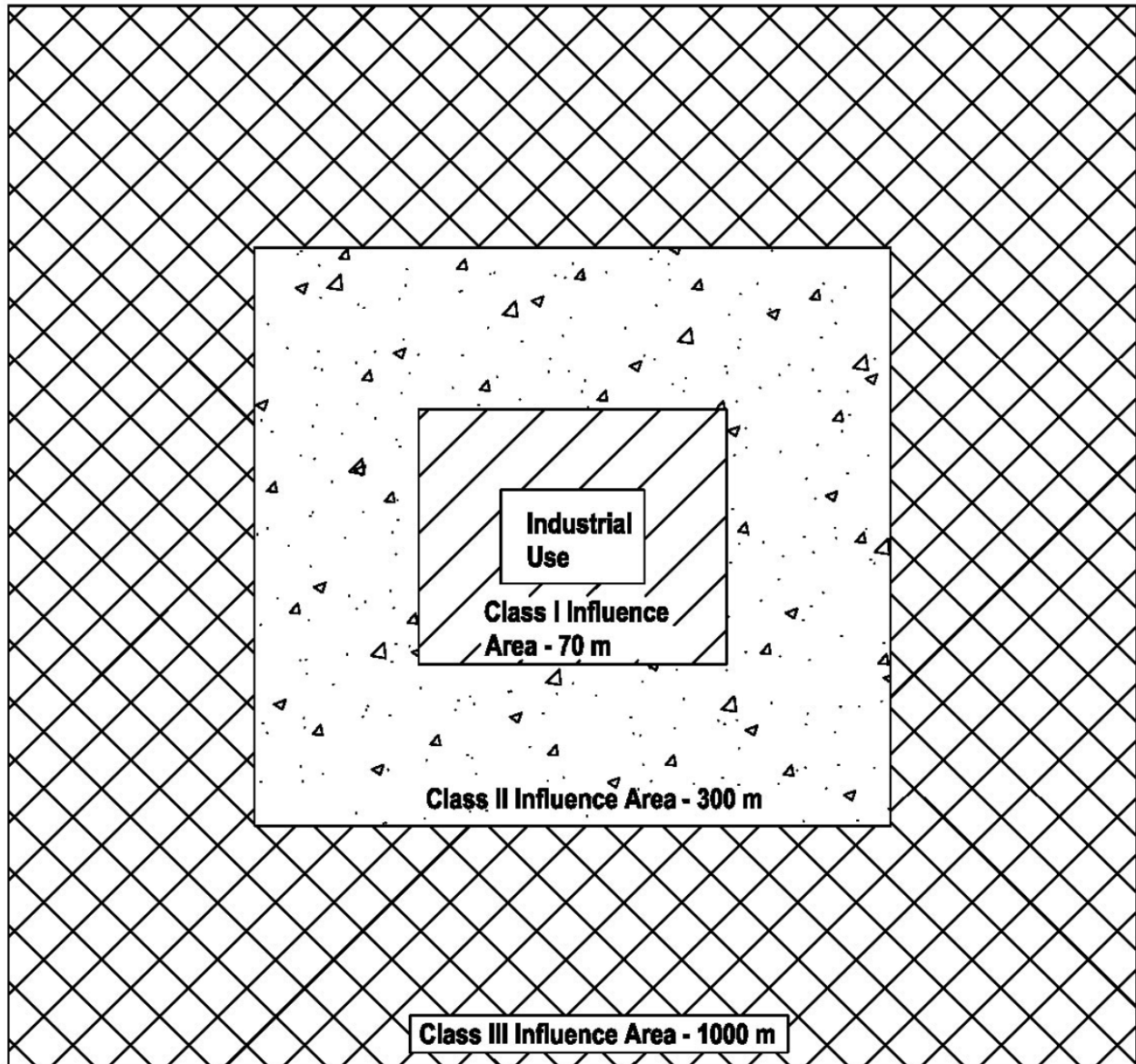
5. Separation Distances and Influence Areas

The Municipality shall be consistent with the recommended separation distances and/or influence areas as set out by the Ministry of the Environment (guidelines) for Class I, II and III industries (see diagram), waste management sites (**Section 4.06.5.5**), mineral aggregate operations (**Section 5.06.4.2**), sewage treatment plants/waste stabilization ponds or land uses generating significant noise or vibration (e.g. highways and railways), as they apply between such land uses and any **sensitive land uses** or non-compatible land uses (reciprocally), or water body. Such separation distances shall be incorporated into any implementing zoning by-law (*see list of reference documents at the end of Section 3*). Development may be permitted within any influence area (and outside of a required separation distance) where Council is satisfied by a technical study or equivalent evidence that any adverse effect can be satisfactorily attenuated or mitigated or that there will be no adverse effects.

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 MDS I will not apply to existing lots of record of less than 1 ha [2.47 ac.] approved for a residential use. Also, cemeteries shall be classified as a Type B land use. Existing non-farm residential uses may be replaced where destroyed by a catastrophic event and will be exempted from MDS I and II. MDS I shall not limit the expansion of an existing use or the construction of accessory buildings and structures on the property (see also **Section 4.06.5.6 - Waste Materials**).

*(Note: reference should also be made to **Section 5.06.5 - Adjacent Lands** for influence areas related to **Natural Heritage Features and Areas**.)*

Influence Area Surrounding Industrial Uses



6. Accessible Communities

In the design for a healthy and accessible community, the Municipality shall consider the needs of persons with disabilities as provided for under the *Ontarians with Disabilities Act* and corresponding amendments to the *Planning Act (2002)*. In this regard, the Municipality is encouraged to develop standards or overall designs that will facilitate the review of site plan, plans of subdivision or other planning applications in accommodating the needs of persons with disabilities.

7. Zoning

Provisions shall be made in any implementing zoning by-law to classify individual types of land use in one or more zones and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, density, height, building coverage, access, parking and loading etc.). Provision may be made to govern outdoor storage and display areas and for landscaping, buffering or screening to avoid land use conflicts with adjacent land uses or to enhance the quality of development in general. (See also **Sections 8.13.6, 8.13.7, 8.13.8 and 8.13.9** with respect to the use of various types of zoning). Conditional zoning under Section 34 (16) may be used to achieve the design objectives of **Section 3.06.8** and the shoreline management principles of **Section 3.06.8.9A (ix)** of this Plan.

8. Site Plan Control

The Municipality may, by by-law under Section 41 of the *Planning Act*, designate specific areas or land uses within the Municipality as site plan control areas (see **Section 8.13.10 - Site Plan Control** of this Plan).

9. Environmental Approvals

Environmental approvals shall be obtained where required from the public authority having jurisdiction. The Municipality shall consult with provincial ministries and other agencies on which approvals are required in establishing the principle of development e.g. shall be submitted as part of a complete planning application, and which approvals will be required as a condition of final approval. (*Example: Certificates of Approval/Impact Assessment to demonstrate the compatibility of a proposed Class III industrial use to an adjacent provincially significant wetland or sensitive land use would be required prior to an OPA or ZBLA, while a Certificate or Approval for a stormwater management facility would be a condition of final approval prior to construction.*)

This Plan promotes design and development which serves to protect or enhance the natural environment, the conservation of ecosystems and designing with nature or ‘green’ planning. Particular efforts should be made to retain significant tree cover, wetlands, scenic views, unique landforms, wildlife habitats in both urban and rural settings.

10. Community Improvement

The Municipality may undertake community improvement projects as authorized under Section 28 of the *Planning Act* (see **Section 8.13.5**).

*Note: provisions for Subdivisions and Consents are set out in **Section 8.13.13**.*

3.06.7 Economic Development Policies

An Official Plan can provide opportunities for economic development. With the closure of the Weyerhaeuser Mill, West Nipissing has embarked on a number of initiatives designed to diversify the economic base and to position the municipality for positive growth over the next number of years. The municipality, and indeed many stakeholders, have committed themselves to a vision. This vision has a number of components which should be reflected in the Official Plan, particularly where there are land use planning implications.

The economic base of West Nipissing is very diverse. With the agricultural industry as an economic mainstay, strong and vibrant small business and service-based retail sectors, and an expanding tourism sector, the Municipality's economy has many positive attributes on which to grow. There is a need to increase the amount of commercial development in order to achieve many of the goals of this Plan.

This Plan recognizes the social and environmental benefits of living and working within the same community. However, it is recognized that the majority of the resident labour force of West Nipissing works outside of the community. The majority of these "commuters" work in nearby Sudbury and North Bay. With the growth in the retail sector in the two larger Cities, West Nipissing faces significant challenges in retaining and expanding its retail economic base.

Promoting the strengths of the local economy and the challenges which exist, this Plan establishes a clear policy direction which will provide a positive climate for economic investment and job creation.

In addition to the following economic development policies, individual land use policies relating to commercial and industrial development are intended to provide entrepreneurs with a clear set of policies on which to make investment decisions.

There are four main themes to West Nipissing's economic development strategy:

1. Position West Nipissing as a family-oriented wilderness destination;
2. That the retention and expansion of existing businesses and economic sectors within the community represent the best way in which to expand the Municipality's economy;
3. Strengthen and expand the Municipality's base for health and education;
4. Redevelop and intensify lands which have been abandoned and which offer great opportunities for development.

It is acknowledged that a successful economic development strategy requires more than a supportive policy framework. It requires the action and co-operation of many private and public sector interests. This Plan provides a solid foundation for such actions by conserving the natural resource for their environmental, economic and social values and by supporting or providing land use activities which can create new investment and employment opportunities.

3.06.7.1 Goal and Objectives

It is a goal of this Plan to:

Establish long term plans for development that meet the needs of the municipality, while positioning the municipality for new investment and further economic diversification.

The following objectives are designed to implement the goal:

- 1.** Position West Nipissing as a family-oriented wilderness destination.
- 2.** Implement the recommendations of the Municipality's positioning plan.
 - A.** Support a regional movement in agriculture up the value chain by encouraging secondary processing of primary products;
 - B.** Building on existing educational programs such as Contact North to strengthen the links between industry and the educational community;
 - C.** Establish a joint industry and education sector lobbying body to influence the centrally administered curriculum;
 - D.** Support efforts to develop the municipal landfill;
 - E.** Determine the market potential for modular homes and establishing a facility in West Nipissing;
 - F.** Contribute to efforts to attract a value-added, engineered wood-product facility;
 - G.** Support the expansion of Au Chateau;
 - H.** Establish a telehealth project;
 - I.** Develop a Centre of Excellence in mining supplies and services;
 - J.** Re-engineer the retail mix of Sturgeon Falls;

- K.** Establish new signage regulations and standards;
 - L.** Support and promote performing arts centre and new recreational services;
 - M.** Design and establish new tourist friendly and family oriented recreational activities and facilities;
 - N.** Establish and support a call centre training initiative;
 - O.** Develop a program to encourage the health of regional fresh water fish stocks; and
 - P.** Beautify and standardize the Municipality's signage.
- 3.** The beautification of the municipality by illuminating the waterfalls, illuminating the vehicular bridge, establishing a flagpole at the marina, repainting the water tower, the beautifying the public beach, and establishing a children's water park;
 - 4.** Increasing the ability for motorists to stop in the Municipality by establishing a motorist rest stop located at the west-end of Sturgeon Falls on Highway 17;
 - 5.** Redevelop and strengthen the marina on Minnehaha Bay;
 - 6.** Establish an aquaculture and hatchery on Minnehaha Bay and upstream to the dam on the Sturgeon River;
 - 7.** Establish an urban RV park located on the south side of Highway 17 in the centre of Sturgeon Falls;
 - 8.** Improve the downtown by instituting a Farmer's Market and introducing a building façade restoration program;
 - 9.** Establish and promote the trails and links in the municipality. This includes developing the abandoned CNR line as a multi-use trail;
 - 10.** Promote the redevelopment of communities like Lavigne, Cache Bay, Verner and Field;
 - 11.** Promote and introduce new festivals and recreation programs; and
 - 12.** Improve the highway corridor by introducing more landscaping.

West Nipissing has spectacular natural assets that have been preserved to build a tourism industry from the ground up. Rather than having to work with the cumbersome legacy left behind by former sectoral professionals, the champions of today's sector will be able to build

upon the municipality's new identity and position West Nipissing for future success. Moreover, West Nipissing benefits from many festivals and events throughout the year, including the River Valley Bluegrass Festival, the Sturgeon Falls Step Dance and Fiddle Festival, and the Lake Nipissing Ice Fishing Derby, among others. Such events draw a significant number of tourists to the area, and are complementary to the many opportunities that exist to exploit the municipality's numerous cultural assets, including First Nations and the community's strong Franco-Ontarian heritage. Although West Nipissing currently lacks the infrastructure to accommodate and feed the visitors, their presence represents a significant opportunity for development. The above objectives and initiatives are not deemed to preclude consideration for other economic development opportunities that may be identified in West Nipissing.

3.06.8 Community Structure and Design Criteria

The following section is intended to provide planning guidelines to be used by the Municipality in reviewing development applications and preparing an Official Plan Amendment or Secondary Plan.

The hierarchy of the settlement pattern in the Municipality of West Nipissing consists of towns, villages, hamlets and cross-road settlements which have been classified, in this Plan, into urban and rural settlement areas. Since the late 19th century, some communities have grown and waned in importance while others have experienced slow but steady growth. In combination, however, the number and distribution of this hierarchy of settlement areas across the Municipality will suffice to meet the future growth forecast. No additional settlement areas are planned or permitted by this Plan.

The community structure of settlement areas varies depending on the size of the community. Larger urban settlements have a distinctive commercial core (downtown) and exclusive residential neighbourhoods while smaller centres are characterized by a mixed land use pattern of commercial, residential and public service uses. Even in the smallest communities, however, there tends to be a commercial node or distinctive cluster of non-residential uses at a major intersection or along a major road.

The intent, and a key focus of this Plan, is to build on the character of the existing community structure of these settlement areas. This will be achieved through the careful application of design criteria in the review of planning applications; in making decisions on improvements of extensions to infrastructure; and, in the decisions communities or their leaders make in community programs and activities.

In the layout of settlement areas and land use districts, the Municipality shall have regard to the following design criteria in planning for urban and rural settlement areas and their relationship to the rural area.

1. Community Structure

Urban and rural settlement areas shall be developed with definable ‘edges’ that distinguish these edges or settlement area boundaries from the rural area. The Municipality should not approve **development** (i.e. consents or subdivisions) beyond the boundary of settlement areas which will lead to the premature extension of piped services or which will require a settlement area boundary adjustment.

The Municipality will encourage development which is compact by directing development onto vacant lands within existing settlement areas. Development which is contiguous to existing built-up areas within these settlement areas shall be given priority over fragmented, remote or unserved development.

The secondary plan process (see **Section 3.06.9**) should be used as a tool to create community structure by planning for the layout of streets and lotting pattern and piped services in order to make efficient use of the land base. Lot sizes and shapes which are approved by consent or by plan of subdivision should be adequate in size (see **Section 3.06.6.1**), and should be designed to avoid excessive surplus land to the needs of the development; should facilitate future servicing; and, should avoid land locking or inconvenient access to interior lands.

2. Residential Areas

Residential areas shall be designed to be safe and livable. In the design of residential areas or neighbourhoods, or in the review of related planning applications, the Municipality shall consider the following design criteria:

- Residential developments of different heights and densities may be permitted where the scale and character is in keeping with existing or planned surrounding residential heights and densities;
- Group building projects shall be permitted where the zoning by-law is amended to accommodate such developments and where there are adequate water supply and sewage disposal systems;
- High density residential uses and facilities for seniors should be located close to public service facilities and with access onto a major street. Preference should be given to seniors’ developments with close and safe access to convenience shopping facilities and health care facilities;
- Adequate parking shall be provided on-site or within a short walking distance. Parking areas should not impair views, block entrances and should be appropriately set back from habitable windows;
- Service areas for delivery and waste disposal pick-up shall be provided for all medium and high density residential developments and shall be located to minimize or avoid any incompatible or health safety concern;
- Provision shall be made for proper vehicular access and circulation for fire fighting and other emergency vehicle. This may include dedicated or posted fire lanes;
- High density residential uses should only be permitted in fully serviced areas;

- Residential design should emphasize the retention, conservation or enhancement of the natural environment;
- Higher density residential buildings shall be designed to be accessible for the disabled where required under the *Ontarians with Disabilities Act*. Provision shall be made in medium and high density residential developments for handicapped parking;
- Condominium developments may be permitted where the proponent meets the development requirements of the Municipality; and
- Water supply and sewage disposal systems shall be installed in conformity with **Section 4.06.3** of this Plan.

3. Commercial Areas, Main Streets and Downtowns

Mixed-use commercial/residential buildings will be encouraged with development, in general, occurring at a higher density. Intensification of existing buildings will be encouraged e.g. use of upper storeys for residential uses. Commercial design should be sensitive to adjacent properties which are zoned or are exclusively used for residential purposes or other **sensitive land uses** through the use of screening or buffering and by locating or limiting outside storage, display, waste storage and access points for parking and loading away from **sensitive land uses**. Access points for commercial uses will be directed to major streets, wherever possible and shall be set back a safe distance from intersections.

Redevelopment and revitalization of downtowns and main streets shall be encouraged through measures such as façade improvements, beautification programs, conversions and commercial intensification and investments in public **infrastructure**.

Highway oriented commercial uses in the settlement areas or rural area should be directed to strategic locations on major thoroughfares, through the use of service roads or at or in proximity to major intersections where such uses benefit from exposure to large volumes of traffic. Uses proposed to locate on major thoroughfares are subject to MTO controls for access. The Municipality may establish specifically designated areas for highway commercial uses through zoning. Such areas should be designed to cluster highway commercial uses in one area of the community. Access should be controlled through such measures as definable and curbed access points, shared access or service roads for multiple commercial developments, prescribed spacing and number of access points to each other and to intersections. Areas for outdoor storage, parking, loading, and waste receptacles should be visually screened or appropriately located in such a way as to not detract the traveling public or negatively affect other nearby land uses, particularly **sensitive land uses**.

Tourist and recreational commercial uses should be strategically located to take advantage of and conserve natural features and land forms, shorelines, water bodies

or other attributes that complement the characteristics of the business, where applicable.

Neighbourhood serving commercial uses should be located where they have access onto through roads with higher traffic volumes and where there are compatible with surrounding land uses. Neighbourhood serving uses may be located in a mixed use building e.g. residential/commercial.

The incursion of commercial uses into established or planned residential neighbourhoods shall not be permitted except for neighbourhood serving uses.

Where the intensification, expansion or conversion to a commercial uses(s), or a non-residential use to a residential use occurs, the planning review shall ensure that the lot size is adequate for all requirements of the intended use including parking, water supply and sewage disposal systems, that access will be safe and that the change will be compatible with adjacent uses. Water supply and sewage disposal systems shall be installed in conformity with **Section 4.06.3** of this Plan.

Controls will be exercised to avoid excessive or distractive signage in or adjacent to commercial areas.

‘Big box’ retail or ‘power centers’ may be permitted by a zoning amendment. As justification for the zoning amendment, Council may require the submission of a marketing study that addresses the location, scale or size of development and its impact on the downtown.

4. Industrial Areas

Industries should be located to take advantage of existing or planned **infrastructure** or transportation services (rail, road); in proximity to natural resources where there is a dependency on such materials for processing or manufacturing; or where they can optimize the use of the labour market or can take advantage of new technologies. Locations shall be avoided which will create land use conflicts or where the type of industry has the potential to pollute groundwater or surface water resources (e.g. sensitive aquifers, recharge areas or well head protection areas) (see also **Section 3.06.6.5** for land use compatibility guidelines and requirements).

Mixed use business parks and employment areas are encouraged and should be designed through zoning and site plan control to facilitate the integration of complementary industrial and commercial land uses.

The Municipality may establish specifically designated areas for industrial uses through zoning. Such areas should be designed to cluster industrial uses in one area of the community i.e. **Employment District**. Access should be controlled through such measures as definable and curbed access points, shared access or service roads for

multiple developments, prescribed spacing and number of access points to each other and to intersections. Access to industrial areas shall not be permitted through a residential area.

Areas for outdoor storage, parking, loading, and waste receptacles should be visually screened or appropriately located in such a way as to not detract the traveling public or negatively affect other nearby land uses, particularly ***sensitive land uses***.

Water supply and sewage disposal systems shall be installed in conformity with **Section 4.06.3** of this Plan.

Controls will be exercised to avoid excessive or distractive signage in or adjacent to industrial areas.

Where the intensification, expansion or conversion of/to an industrial uses(s) occurs, the planning review shall ensure that the lot size is adequate for all requirements of the intended use including parking, water supply and sewage disposal systems, that access will be safe and that the change will be compatible with adjacent uses.

5. Infrastructure

Planned ***infrastructure*** should be cost-efficient and designed to meet the growth and development projections or capacity requirements of settlement areas for a 10-20 year time period. Extensions or expansion to existing ***infrastructure*** should not be made which are unnecessary or uneconomical. New subdivisions, for example, will not be permitted in proximity to settlement areas where requests may be made to extend piped water and sewage services. ***Infrastructure*** should be designed to reflect the density of development including provision for infilling and intensification. ***Infrastructure*** improvements may be made to address public health or safety issues. (See also **Section 4.**) Alternative development standards (e.g. road and sidewalk design, utility installations, streetscaping etc.) are encouraged to make more efficient use of land. Transportation systems should be functional and should, wherever feasible, emphasize non-motorized systems such as recreational trails or rights-of-way for cyclists and pedestrians (see also **Section 4.06.6**)

6. Infill and Intensification

Infilling will be encouraged on vacant lots of record or on 'brownfields' or on underutilized sites (e.g. surplus municipal properties, railway properties, church sites, school or other institutional sites) as a means to consolidate development and optimize the use of existing services. ***Residential intensification*** to create new residential units will be encouraged in built-up areas with sufficient existing or planned ***infrastructure***. This may occur through the conversion of non-residential buildings or by increasing the number of units in existing residential buildings. Non-Residential intensification is encouraged by making better use of floor space in

existing industrial, commercial or institutional buildings. In considering applications for residential intensification, council will ensure that the dwelling type is in keeping with the character of the residential neighbourhood with respect to density, height and dwelling types.

7. Energy Conservation and Green Energy

Energy conservation will be promoted through the orientation and massing of buildings for solar gain, building retrofit, use of vegetation for cooling or warmth, by considering alternative development standards and by considering alternative energy sources in the design and development of communities.

Council will encourage opportunities for ‘green’ energy e.g. small electrical generating facilities, co-generation facilities etc., as part of the development of urban and rural landscapes.

Development of alternative energy facilities may controlled through zoning and site plan control, subject to any applicable legislation.

8. Open Space, the Natural Environment and Natural Heritage Features

The Municipality shall have regard for the protection, conservation or enhancement of features or attributes of the natural environment and ***natural heritage features and areas*** through development (e.g. retention or planting of native vegetation, maintaining or adding to tree (canopy) coverage, natural land forms, ***wetlands*** and habitat areas). These features as well as planned open space should be integrated as a component of community design. Consideration should be given to conserving scenic vistas, special views and landmarks in making development decisions. (See also **Section 5.06.5 - Natural Heritage Features and Areas**)

Areas designated as Major Open Space shall apply to Urban Settlement Areas. The intent is to recognize large private or public recreational open space areas such as golf courses, fairgrounds, large public parks and recreational facilities as well as waterfront open space areas.

The uses permitted in the Major Open Space designation will include parks, recreational facilities, cultural facilities, community facilities and open space uses. Accessory uses, such as gift shops, eating establishments and camping related to events may also be permitted.

The Major Open space designation may also be used as a future urban reserve and holding designation for the urban settlement area. Such areas may only be developed for more intensive urban development when deemed suitable by the Municipality i.e. former Weyerhaeuser Lands.

Any proposal to redevelop lands designated as Major Open Space to another land use designation will require an amendment to this plan.

9. Waterfront Development

The Municipality is characterized by a landscape with many lakes and rivers. The policies of this section of the Plan generally apply to lands within the first 300 m [984 ft.] of the shoreline of these water bodies.

The design and development or redevelopment of shoreline properties shall include provision for the establishment and/or retention of the natural features and shoreline (riparian) vegetation and shall be in addition to any provision imposed by a conservation agency as part of a shoreline management plan or flood or erosion control (see also **Section 6 - Public Health and Safety**). Development setbacks shall be implemented as a measure to conserve shoreline features, protect the ecological functions of the shorelines and water bodies and protect property from damage from natural hazards.

Development, except on existing lots of record (see also **Section 3.06.13 -Lots of Record**), on lakes identified to be at or near capacity may be permitted where an impact report indicates that such development will not result in a decline in the water quantity or quality of the lake or water body i.e. through increased phosphorus loading enrichment, a reduction in oxygen levels or water taking. This may be achieved through the preparation of a lake development plan which uses provincially acceptable modelling techniques for determining lake capacity. New lot creation will not be permitted on lakes which are determined to be at capacity unless:

- The sub-surface sewage disposal bed for each lot is set back at least 300 m [984 ft] from the shoreline of the lake or such that drainage from the sewage disposal bed would flow at least 300 m [984 ft] from the lake;
- The sub-surface sewage disposal bed for each lot are located such that they would drain into the drainage basin or watershed of another water body which is not at capacity; or
- To separate existing habitable dwellings, each having a separate sewage disposal system, provided the land use would not change.

(Note: a level of 7 ppm dissolved oxygen is required to sustain a lake trout fishery.)

Council recognizes that inland lakes and other water bodies within the Municipality of West Nipissing are valuable recreational and environmental resources and as such should be protected from development that might cause further deterioration of their water quality. This Plan further recognizes that the Municipality also has an obligation to adjacent municipalities who share the lakes with them as well as the existing residents and tourist camp operators located on these lakes, to protect the

lakes by advocating a sensible land use policy for the use of the waterfront and surrounding environment.

Council also recognizes that many residents depend on these lakes as the sole source of drinking water, that the shoreline of these water bodies has a special aesthetic appeal for the development of seasonal and permanent residential uses; and that the general population wishes to see that special care is taken through strict lake and watershed development controls to maintain or improve the existing level of water quality, aesthetics and fishery quality.

Further, Council recognizes that the ecology of lakes is an intricate system of living and non-living components which represents a highly valued community resource and that wetlands and riparian vegetation are part of the make-up of that ecology. Some lakes or watercourses have already been identified as fragile and are highly sensitive to disturbances in the watershed due to human activity. It is imperative that individuals living near or using lakes such as Deer Lake, Cache Lake, Tomiko Lake, Bain Lake, Chebogomog Lake, Lake Nipissing and the French River, as well as potentially other lakes, continue to act responsibly to minimize the impact of their activities on the shoreline, lake water quality and the fishery. The largest potential impact to the lake may come from redevelopment of existing lots and parcels of record which are undersized or do not meet current development standards. Finally, this includes the impact of the conversion of existing seasonal uses to permanent residential uses.

Development will be permitted on existing lots of record provided that they conform with the requirements of **Section 3.06.13 - Lots of Record**.

No development will be permitted which results in a lake to exceed its capacity. Lake capacity shall be undertaken by technical studies that comply with the provincial methodology or model for assessing phosphorous loading and/or oxygen levels.

Deer Lake/Hugel Lake exceeds the total phosphorous levels for water quality. Cache Bay Lake is upstream of Cache Bay, which exceeds the total phosphorous levels for water quality. Accordingly, Deer Lake, Cache Bay and Cache Lake are therefore closed to additional development unless:

- The sub-surface sewage disposal bed for each lot is set back at least 300 m [984 ft] from the shoreline of the lake or such that the drainage from the sewage disposal bed would flow at least 300 m [984 ft] from the lake;
- The sub-surface sewage disposal bed for each lot are located such that they would drain into the drainage basin or watershed of another water body which is not at capacity; and
- To separate existing habitable dwellings, each having a separate sewage disposal system, provided the land use would not change.

Trophic Levels of Lakes in West Nipissing				
Cache Lake, Badgerow Twp. Trophic 2, last measured in 2000	Tomiko Lake, Fell Twp., Trophic 1, last measured 1989	Muskosong Lake, Badgerow Twp, Trophic 1	Chebogomog Lake, Field/Grant, Trophic 1, last measured in 1987	Lake Nipissing, Springer Twp, Trophic 4, last measured in 2000
Tanner Lake, Field/Springer, Trophic 1, last measured in 1995	Duff Lake, Badgerow, Trophic 2, last measured in 1988	Deer Lake, Hugel Twp, Trophic 3, last measured in 1995	Clear (Bain) Lake, Field Twp, Trophic 1, last measured in 1990	

A. Planning Principles

Consideration may be given to development within the Waterfront Area designation provided that such proposals are consistent with the following planning principles;

i) Monitoring

Monitoring of the water quality of lakes will be carried out on an ongoing basis in association with other partners in lake/river protection (e.g. municipality, cottage associations, and individual property owners) using sampling practices under the lake partners program. In order to provide useful historical sampling data for effective management of the lake, Council may continue to cooperate with other partners and commit reasonable resources to the tasks of a regular water quality sampling of lakes which are subject to development activity.

ii) Size, Frontage and Physiography

New lots should be created only when it can be shown to the satisfaction of the Municipality that site conditions are suitable to permit the proper siting of buildings and sewage disposal systems and to obtain a sufficient quantity and quality of potable water.

Section 3.06.8(9)(A)(ii):

Decision delivered by Susan de Avellar and Order of the Ontario Municipal Board, Case no. PL120042, dated September 9, 2016

Consideration should be given to the adequacy of water supply and sewage disposal for both the severed and retained portions of the subject property and to impacts on neighbouring properties, as well as the cumulative impacts of development on the sustainability of

water resources.

New lots are required to be 1.0 ha [2.47 acres] in size unless technical information pertaining to the physical characteristics and hydrogeology of the site in accordance with MOE D-Series guidelines or their successor documents can demonstrate that a smaller lot size can be supported; but in no case should a lot be created that is less than 0.4 ha [1.0 acre].

Where a surface water source is used as a water supply the approval for new lot creation shall include provisions to ensure that the water has been filtered, disinfected and/or treated to meet the Ontario Drinking Water Quality Standards prior to consumption.

Regardless of the water supply proposed (surface water or groundwater), the technical information must confirm that proposed lots less than 1.0 ha in size can accommodate a well and a septic system.

The topography and slope of lots should be conducive to development. Preference will be given in new lot creation to lands with a slope of 6% or less and with a soil mantle exceeding 0.5 m [1.64 ft.] or more in depth. Development on lands which are substantially bare bedrock, swampy or low lying will be discouraged or prohibited. Sewage disposal beds should be setback 30 m [98.4 ft.] from the shoreline or bank of a watercourse.

iii) Sewage Disposal Systems and Development Setbacks

Wherever possible, new development or conversions shall take place on an approved Class 4 sewage disposal system. Holding tanks will only be permitted as an upgrade to an existing holding tank installation or to remedy an unsafe system or where no other servicing option is feasible.

The minimum setback for on-site subsurface sewage disposal beds from the shoreline of a lake or the bank of a watercourse flowing into a lake shall be 15 m [49.2 ft].

Applications for lot creation on privately owned and operated individual or communal systems generating more than 4,500 litres [989.8 gal.] of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report.

iv) Zoning

Applications to amend the zoning by-law in order to permit the conversion of seasonal dwellings to permanent dwellings may be approved in accordance with all of the applicable policies for the Waterfront District designation of this Plan.

Provisions shall be made in the implementing ***zoning by-law*** to classify individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking etc.). Where recreational commercial uses are located adjacent to residential uses in the Waterfront Area designation, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts with adjacent or nearby residential uses. Conversions of seasonal residential uses to permanent uses or other redevelopment will be subject to a requirement to upgrade, replace or retrofit any existing sewage disposal system and may be required to determine the capacity of the lake to assimilate additional nutrient loadings by preparing a lakeshore capacity assessment.

v) Recreational Commercial Uses and Non-Residential Uses

Non-residential lots may be created provided the impact on the water quality objectives is not greater than the equivalent number of residential lots. Where non-residential lots are created, this equivalent number shall be deducted from whatever residual number of lots remains on the date the application is accepted by the municipality.

With respect to new golf courses or an extension to an existing course with frontage on a lake or river system, the proponent will be required to submit management plans for stormwater discharge, nutrient control and pesticide and herbicide controls as they relate to the conservation and maintenance of water quality. Such plans shall establish whether development is feasible and the details of any required mitigation measures.

vi) Phosphorus Removal Technology

The municipality encourages the use of septic tanks and filter bed systems that deter or provide for the removal of phosphorus. This is in addition to any requirements of the *Building Code* and applies to all new development within 300 m [984.3 ft] of a lake or major tributary and will not be permitted on lakes that are at capacity.

vii) Consents

Consents for lots shall be reviewed in accordance with the policies contained in **Section 8.13.13 - Subdivisions, Consents and Part-Lot Control** of this Plan.

viii) Plans of Subdivision

Applications for plans of subdivision or condominium developments shall be accompanied by an impact report which shows the impact of the proposed use on water quality. New lot or dwelling unit creation by plan of subdivision or condominium shall only be considered where there is no significant adverse effect on water quality e.g. no change in the trophic status. (See also **Section 8.13.13 - Subdivisions, Consents and Part-Lot Control** and **Section 5.06.5 -Natural Heritage Features and Areas.**)

ix) Management Control

Effective management control will be achieved when predicted average nutrient loadings will maintain or reduce existing nutrient levels on inland lakes and river systems. This shall occur under a scenario where all existing lots of parcels of record are developed and a steady state nutrient loading is occurring.

x) Access

Access may be water access (for seasonal residential development only), provided the lake has a secure public access point and there is sufficient land to provide for parking on the mainland. Access by road (for all permitted uses in the **Waterfront Area** designation) shall be subject to the policies of **Sections 4.06.6 - Transportation** policies of this Plan.

xi) Sleep Cabin

A sleep cabin may be permitted as an accessory use to a permitted seasonal residential use provided that there are no kitchen or bathroom facilities within the cabin. If sewage and water services are required, Council may permit the additional cabin subject to the parcel being otherwise eligible for a severance and that the buildings be located in conformity with the provisions of the Plan as if the lots were separated. The municipality will establish zoning standards for sleep cabins.

B. Water Conservation Policies

Conservation of the natural environment shall be instituted by Council through the following measures:

- i) Buildings and shoreline structures (e.g. gazebos, saunas, utility sheds) will be regulated by the zoning by-law.
- ii) Conserving ***natural heritage features and areas*** e.g. wetlands, fish habitat, nesting areas. An ***Impact Assessment*** will be required for development which is proposed adjacent to or within a ***Natural Heritage Feature or Area*** as identified on the Land Use Schedules prior to approval of development. (See **Section 5.06.5, *Natural Heritage Features and Areas Policies*** for details of Impact Assessments.)

Where there are known Natural Resources present as shown on the Schedules, development and site alteration will only be permitted where an Environmental Impact Study, prepared by a professional qualified in the values being assessed, demonstrates that the development can occur, in accordance with the policies of Section 5 of this Plan.

There are also features present in the Municipality which have not yet been identified, which are also intended to be protected. Where residential subdivision, major commercial or industrial developments are proposed in the Municipality, a preliminary evaluation to determine if there are significant natural heritage features in the area shall be required as per MNR's Natural Heritage Reference Manual and the Significant Wildlife Habitat Technical Guide. Where significant natural heritage features are identified in a preliminary evaluation, development and site alteration will only be permitted where an Environmental Impact Study, prepared by a professional qualified in the values being assessed, demonstrates that the development can occur, in accordance with Section 5 of this Plan, where applicable.

- iii) Requiring the pump-out of sewage disposal systems on a regular basis to remove solids, and by requiring the upgrading of sub-standard sewage disposal systems as a condition of a rezoning or redevelopment.

(Note: a by-law may be enacted under the Municipal Act governing pump-outs.)

- iv) Controlling the size and location of boat houses and docks through standards set out in the zoning by-law.

- v) Preparing, where deemed appropriate, lake management plans for lakes affected or potentially affected by development. Council may partner with lake associations, volunteer groups, and provincial agencies to protect water quality, to determine the characteristics of water quality and lake capacity and the preparation of lake management plans. Lake management plans may be used as a tool to encourage economic development. This may be achieved through working with the Province to identify candidate Crown Land properties for waterfront residential development. A Lake Management Plan should consist of the following components:
- resource inventory of water quality, vegetation, fish and wildlife habitat, geology
 - phosphorus and oxygen levels
 - land tenure (existing seasonal and permanent land uses, existing approved but vacant lots, development proposals)
 - shoreline and recreational capability (slopes, soil types, access)
 - capacity for future development, if any, for residential and non-residential uses
 - water quality enhancement measures

3.06.9 Secondary Plans

Secondary plans are to be considered as a planning tool that the Municipality may use to plan and direct or examine the details of development for urban or rural settlement areas or special areas within the Municipality e.g. waterfront of Sturgeon River or Lake Nipissing/Highway 17 corridor; or where more detailed policies are required to direct or create opportunities for the future growth and/or development within the Municipality; or to resolve land use planning issues. The content of a secondary plan should be tailored to the particular circumstances of the settlement area or special area to which it applies and shall have regard to the following matters where they may apply (list is not exhaustive):

1. Projections for population, employment and the associated demand and supply of land and mix of housing and/or non-residential uses as a means to develop an existing settlement area or to substantiate the expansion of an existing settlement area into the **Rural Area** as part of **comprehensive review**;
2. Planning for the installation of new **infrastructure**, the phasing, or improvements or the extension to existing **infrastructure** or defining or adjusting the urban service limits;

3. Planning for the installation of **public services** or **public service facilities** or the expansion of existing services or facilities;
4. Planning for the location, types or mix of land uses and the density of development and integrating this with **infrastructure**;
5. Phasing of land development and the provision of necessary **infrastructure** and its relationship to existing built-up area(s) of the community;
6. Establishing street and lot patterns, open space areas, and pedestrian linkages;
7. Assessing transportation or traffic impacts in the vicinity of a Provincial Highway or major Municipal Roads (see also **Sections 4.06.6.1-3**). Studies affecting Provincial Highways must be submitted to the Ministry of Transportation for their review as part of a secondary plan process;
8. Planning the revitalization or redevelopment of neighbourhoods or 'brownfields' or other community improvement initiatives or for infilling and intensification in existing neighbourhoods or non-residential areas e.g. Weyerhaeuser Lands;
9. Planning for the well-being of downtowns and main streets e.g. encouraging a mix of land uses, facade improvements, streetscaping, **infrastructure**;
10. Planning for the protection and conservation of **built heritage resources**, **cultural heritage landscapes** or **areas of archaeological potential** or the designation of heritage conservation districts, or the design and development of heritage criteria that may guide the integration of new development into existing communities;
11. Identifying and integrating or conserving features of the natural environment, open space and **natural heritage features** into community design;
12. Planning for the integration of settlement patterns which cross municipal or former boundaries;
13. Determining the characteristics, limits, impacts and mitigation measures for natural and human-made hazards as they affect community development;
14. Integrating design and approvals for **infrastructure** under the *Planning Act* and the *Environmental Assessment Act*;

15. Providing for the development of Lake Management Plans as a means to establishing the capacity for future development, if any. The objective of the lake management plans will be to determine a water quality level for phosphorus and/or a water quality level for dissolved oxygen to protect water quality and maintain the habitat necessary for the survival of lake trout in highly and moderately sensitive lakes and the warm water fishery in other lakes. These Lake Management Plans will also set out standards for development for both existing lots and where justifiable, future lots. Particular regard shall be given to Deer Lake, Cache Lake, Tomiko Lake, Bain Lake, Chebogomog Lake, Lake Nipissing and the French River, as well as potentially other lakes given their sensitivity as lake trout lakes. The lake capacity model and shoreline capability assessment are all intended to establish the carrying capacity of a lake and to identify areas which are suitable and unsuitable for development; and
16. Providing justification for expansion of a settlement area into a **prime agricultural area**, (as part of a **comprehensive review**) where the lands are designated **Agricultural Resource Lands**. Such expansion will only be permitted where there is an insufficient supply of land to accommodate the growth projected for an urban or rural settlement area affected by a proposed expansion and where development cannot be reasonably directed to a settlement area in the vicinity. Where no alternative exists, every effort should be made to direct development to the lowest priority agricultural lands.

A **Secondary Plan** shall be developed as an amendment to this Plan. **Secondary Plans** passed after this Plan comes into effect shall be in conformity with the general principles and policies of this Plan but may incorporate more detailed land use designations. Where there is a conflict between the land use designation of this Plan and a **Secondary Plan**, the designation in the **Secondary Plan** shall normally prevail. A **Secondary Plan** will not generally be required for a single land use or property (i.e. site specific development). However, this planning tool should be utilized where a major retail complex is proposed e.g. shopping centre, 'power centre' or 'big box' retail use, where the scale or type of development is expected to have an impact on the character, physical change, social, economic or natural environment of the settlement or other area in which the development is proposed (see also requirements of **Section 3.06.8.3**).

3.06.10 Housing

1. Land Supply for Housing and Affordability

The Municipality shall maintain a ten year supply of land available for new residential development and at least a three year supply of residential units in serviced areas in draft approved or registered plan of subdivision. The

Municipality intends to make provision for a range of housing types and densities that are appropriate for meeting the housing needs of the small settlement areas and the rural area that characterize the Municipality of West Nipissing. In the design and development of subdivisions and in planning larger scale housing projects, specific consideration shall be given for the development of affordable housing for moderate and lower income households (target of 25%). The Municipality intends to provide housing to meet special needs including garden suites, crisis housing (temporary residence for persons requiring emergency shelter), Ontarians with disabilities and group homes. (See also **Section 3.06.8.6 - Community Structure and Design Criteria for Infill and Intensification** and **Section 3.06.10(5) - Group Homes.**)

2. Garden Suites

Garden suites may be permitted as a one-unit detached portable self-contained residential structure that is accessory to and separated from an existing permitted residential dwelling (on the same lot). Garden suites are intended primarily as a home for family members who are senior citizens but may also be used to accommodate persons with disabilities. Garden suites may be established in any **Land Use District** which permits a residential use as per **Table 3.1** by the enactment of a Temporary Use by-law under the *Planning Act*. The Municipality may require the property owner to enter into an agreement to govern the occupancy, sewage and water services, appearance, maintenance and removal of the unit and the conditions and penalties for failure to remove the unit. The installation of any garden suite shall have regard to the planning principles set out in **Section 3.06.6** and to the requirements for a temporary use by-law in **Section 8.13.9**. Only lots with a large enough lot area will be given consideration for the installation of a garden suite. A mobile home or recreational vehicle will not be permitted as types of garden suites. Modular homes may be permitted where they meet the requirements of the *Building Code Act*. Council may establish an appropriate floor area for a garden suite in the zoning by-law.

3. Apartments-in-Houses

The Municipality may make provision for apartments-in houses, as a secondary use to the principle dwelling, as a means of meeting particular shelter needs for residents e.g. new entrants to the housing market, as an alternative to a second dwelling on a lot, seniors ('granny-flat') or for persons with special needs. In providing for this type of housing, the policies of **Section 4.06.3 - Water Supply and Sewage Disposal Systems** shall apply as well as the provision of adequate parking and conformity with the requirements of the *Building Code*.

4. Mobile Home Development, Park Model Dwellings

The Municipality may provide (or may prohibit) mobile homes or park model dwellings in a subdivision or in a park setting under single management. Such development shall have regard for **Sections 3.06.6, 3.06.8 and 4.06.3** of this Plan. Such development may include support services e.g. parks and recreational facilities, administrative facilities and neighbourhood serving commercial uses, where they are planned as an integral part of such development. Within a park setting, such development will be subject to site plan control (see **Section 8.13.10**).

5. Group Homes

Group homes are generally defined a single housekeeping unit in which three to ten persons, excluding supervisory or operating staff, live together under responsible supervision and which is licensed and/or approved under provincial statutes and comply with municipal by-laws. It is also recognized that certain types of group homes should be restricted to certain locations because of their inherent characteristics. Provision shall be made by the Municipality to permit group homes in all residential districts. Provision may also be made to locate such facilities in mixed-use areas. The Municipality may establish a registry for group homes and may govern separation distances between group homes. Group homes may be subject to site plan control (see **Section 8.13.10**) and shall address such matters as ensuring that the site design is in keeping with the character of the area and that sufficient space is available to accommodate the needs of the residents as well as other matters addressed in **Section 8.13.10**).

The Municipality may, in their zoning by-law, define different types of group homes and specify where the different types of group homes will be permitted. The zoning by-law may include provisions limiting the total number of group homes allowed, the types permitted and the separation distance between group homes. Council will consult with the public on proposals to establish group homes in the community.

3.06.11 Home Based Businesses and Bed and Breakfast Establishments

A home based business is a legal business operated as an accessory use within a dwelling and/or accessory building. Home based businesses are encouraged as an important economic activity, as an incubator for the development of small businesses and as a means to provide for on-farm diversification. The Municipality shall make provision in the zoning by-law for governing home based businesses. Development standards for home based businesses in an urban or rural setting should include the classification of businesses, numbers of businesses and employees permitted in a dwelling, location, floor

area coverage (dwelling and/or accessory building), parking, signage, access, outdoor storage, etc. Home based businesses should not be permitted where they will create a public nuisance for neighbouring properties i.e. noise, electrical interference, excessive traffic, odour etc. (see also **Section 5.06.3.3 - Secondary Uses and Agricultural-Related Uses**).

A bed and breakfast establishment shall be permitted within a single detached dwelling provided the exterior physical character of the dwelling is not 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. Bed and breakfast establishments shall be limited in size or the number of units in order to fit in with the overall residential neighbourhood. Any implementing zoning by-law shall define a bed and breakfast use including the maximum number of guests or units, the appropriate residential zones where they may be permitted and the zone provisions that apply to this use. Bed and breakfast establishments may be subject to site plan control.

Home based businesses and bed and breakfast establishments are subject to the controls and requirements of the Ministry of Transportation (safety and geometric requirements and permits) where they are located adjacent to a Provincial Highway. Access, where granted, will be limited to a residential entrance. Conversion to a commercial zoning shall not be permitted for a home based businesses or bed and breakfast establishment with access to a provincial highway (see also **Section 4.06.6.1**)

3.06.12 Lots of Record

1. Lots of record are legally created parcels or tracts of land that can legally be conveyed and, for the purposes of this Plan, are deemed to include lots in a registered plan of subdivision, parcels created by consent, in accordance with the *Planning Act* and/or any other distinct and separate holding, the deed to which is registered in the Land Registry Office.
2. Lots of record, which are vacant and which existed on the date of adoption of this Plan, may be zoned for building purposes provided that prior to the zoning being passed the Municipality is satisfied that:
 - A. The lot complies with the policies of this Plan for access to lots i.e. frontage on a public or private road, which is open and maintained year round;

- B. A water supply and sewage disposal system, unless exempted, can be provided on the lot to the satisfaction of the public body having jurisdiction (see **Section 4.06.3 - Water Supply and Sewage Disposal Systems**);
- C. The use complies with the relevant provisions of the Growth and Settlement policies of **Section 3** this Plan;
- D. The lot meets the relevant planning principles of this Plan for specific land use designations and the zoning standards of the implementing zoning by-law;
- E. Development will not create or exacerbate an environmental or public health and safety concern;
- F. Development will meet the requirements for an Impact Assessment under **Section 5.06.5.6**, where applicable;
- G. The Municipality may provide for exceptions in the zoning by-law for lots of record affected by the Minimum Distance Formulae I.
- H. Development may be permitted on existing lots of record on private roads;
- I. Development may be subject to an archaeological assessment on lots with known or potential archaeological resources (see **Section 7.06.1**); and

Development will not be permitted on lots of record which do not meet the required development standards of this Plan. Despite this provision, lots previously approved for development along the shoreline of Lake Nipissing may be developed provided that the building is flood-proofed above the 197.25 G.C.D.

Note: see Section 8 - Tools of Implementation for policies and procedures governing Subdivision, Consents, Zoning, Site Plan Control and other matters.

3.07 CONSULTATION AND REFERENCES

The following agencies will be consulted for technical advice, where appropriate:

1. Ministry of the Environment - for separation distances and influence areas as they relate to Class I, II and III industrial uses, waste management sites, sewage treatment plants/waste stabilization ponds, noise and vibration and provincial modeling approaches to determining lake capacity for inland lakes.
2. Ministry of Agriculture Food and Rural Affairs - in the application of the ***Minimum Distance Separation Formulae*** I and II.

3. Ministry of Transportation - for Provincial Highway access approvals and permits for development adjacent to a Provincial Highway.
4. Ministry of Natural Resources for potential conflicts between extractive aggregate operations/mineral aggregate reserves and **sensitive land uses**, natural hazards, habitat requirements of endangered and threatened species, and provincially significant wetlands.
5. Ministry of Culture for archaeological assessments.
6. The North Bay-Mattawa Conservation Authority for sub-surface sewage systems

Reference Documents Include:

- Guideline for Calculating and Reporting on uncommitted Reserve Capacity at Sewage and Water Treatment Plants, MOE, 1992
- Guideline D-4, Land Use On or Near Landfills and Dumps, MOE, 1994
- Guideline D-1, Land Use Compatibility, MOE
- Guideline D-5, Planning for Water and Sewage Services
- Guideline D-6, Compatibility between Industrial Facilities and **sensitive land uses**, MOE
- Noise Assessment Criteria in Land Use Planning Publication LU-131, MOE, 1995
- Non-Renewable Resources Training Manual, MNR, re: influence areas for pits and quarries
- Guideline NPC-205, Sound Limits for Stationary Sources in Class 1 & 2 Areas (Urban), MOE re: pits and quarries
- Guideline NPC-232, Sound Limits for Stationary Sources in Class 3 Areas (Rural), MOE re: pits and quarries
- Minimum Distance Separation Formulae I & II, OMAFRA. 2007
- Provincial Policy Statement, 2005 re: definitions
- Planning For Barrier-Free Municipalities, A Handbook & Self-Assessment Tool

SECTION 4 - PUBLIC SERVICES AND INFRASTRUCTURE

4.01 INTRODUCTION

Public service facilities and **infrastructure** are vital to the well-being of people and to the economic health of West Nipissing. Available, accessible and affordable services are essential to the proper and orderly growth and development of all communities. **Public services** include emergency services (fire, police, and ambulance), recreation and leisure services, health care and social services, educational and cultural services. **Infrastructure** includes physical services such as sewage and water, roads, waste disposal, utilities and communications facilities. **Public services** may be delivered by public agencies, through public-private partnerships, community groups or by individuals. Within the Municipality the type and level of service delivery varies based on the needs of people, the settlement pattern and the financial resources available. Careful planning for **public service facilities** and **infrastructure** is an investment in the future of West Nipissing and a key ingredient to deciding on where, why and how development should take place.

4.02 STATEMENT OF INTENT

It is the intent of this Plan to provide the Municipality with the mechanisms to plan for the cost-effective and efficient delivery of **public services** and **infrastructure**, to control the location and phasing of development based on the availability and capacity of services and to minimize or avoid land use conflicts arising from decisions on the location of facilities and **infrastructure**. The intent of the Plan is to also provide for the planned investment in services as a measure to stimulate economic development and to provide for the long term prosperity of the Municipality and its residents.

4.03 GOAL

To achieve a level of **public services** and **infrastructure** that is accessible, available, cost-effective and efficient in meeting the needs of existing and new development.

4.04 OBJECTIVES

To improve and enhance the quality of existing **public service facilities** and **infrastructure**.

To ensure that the installation of **infrastructure** meets current environmental standards and does not create adverse effects for humans or the natural environment.

To provide a level and quality of **public service facilities** and **infrastructure** commensurate with the planned growth and development of settlement areas and the rural area of the Municipality.

To optimize the use of existing **public service facilities** and **infrastructure** before the extension or provision of new services.

To utilize servicing as a measure to stimulate and support economic growth and development.

4.05 KEYNOTE POLICIES

4.05.1 Public use facilities

It is a policy to provide for access to, or the availability of, an appropriate range of **public service facilities** that meets the needs of both the existing population and future growth and development within the Municipality.

4.05.2 Infrastructure

It is a policy to require the delivery of accessible, cost-efficient and effective **infrastructure** commensurate with the planned growth and development of the Municipality. **Infrastructure** shall be constructed and maintained in compliance with the appropriate and applicable environmental standards/approvals and shall minimize, manage or avoid **adverse effects** to humans or the natural environment. No public work shall be undertaken and no by-law shall be passed which does not conform with this Plan except where an amendment to the Plan has been adopted, but is not in effect, and the by-law will conform with that amendment. Studies and investigations, or other reasonable preliminary steps may be initiated for public works that do not conform with this Plan prior to an amendment to this Plan to permit such public works.

4.06 IMPLEMENTATION

4.06.1 Description

Public services include programs and facilities (land, buildings, structures) for emergency services (fire, police, ambulance), recreation and leisure services, health care and social services and educational and cultural services.

Infrastructure includes physical structures and facilities for sewage and water systems, stormwater facilities, transportation, **waste management systems**, utilities and communications services.

4.06.2 Public Services

1. Capacity

For educational and cultural, health care and social services, the approval authority for a planning application shall be satisfied that the residual capacity, existing or planned, where applicable, is sufficient or the service is available by consulting with, or circulating applications for comment to agencies which deliver these services (e.g. school board, hospital board).

2. Locational and Design Criteria

Public service facilities should be located in settlement areas or centrally within their service catchment area; on or in proximity to major transportation routes; and, in a location which is preferably serviced with **full municipal sewage and water services**. **Public service facilities** should be located adjacent to or in combination with other **public service facilities**, where feasible (e.g. schools and parks). Facilities should be designed to be compatible with adjacent land uses (e.g. creating safe school zones, hospital zones, buffering service entrances and parking areas). New **public service facilities** should be encouraged to locate in existing or recycled/retrofitted buildings, where feasible.

Smaller rural settlement areas may locate some **public service facilities** to better serve the **Rural Area** or smaller settlements, notwithstanding that they may not meet the above criteria, where it is deemed that an urban location is not more suitable.

3. Emergency Services

New **development** shall be planned to ensure physical and cost-effective accessibility by emergency services. Emergency measures planning shall consider access standards for safe access and egress for:

- Emergency circumstances including response times
- Disasters
- Chemical or hazardous materials spills
- Fire suppression and evacuation of multi-storey residential buildings and special occupancies.
- Flooding

4. Barrier Free Access

Design concepts in building, planning and other approvals shall include provision for access by disabled persons and the elderly (see also **Sections 3.06.6.6, 3.06.8.2**)

5. Recreation and Leisure Services

The Municipality shall provide parks and open space facilities for the recreational and leisure benefits of residents in accordance with the park land dedication provisions of the *Planning Act*, or may accept cash-in-lieu.

Special purpose trails e.g. Voyageur Trail, Trans Canada Trail, snowmobile trails etc., will be protected and incorporated into design and development decisions. Trails should be designed as a continuous system with linkages, notably to park and open space facilities and community services. (See also **Sections 3.06.8.1, 3.06.8.2, 3.06.8.8.**)

4.06.3 Water Supply and Sewage Disposal Systems

1. Servicing Hierarchy

The preferred form of servicing for urban settlement areas shall be **development on full water and sewage disposal services. Communal services** as a form of servicing shall be strongly discouraged for any development. **Individual on-site water supply and sewage disposal systems** may be permitted where warranted by on-site conditions and where the site conditions are suitable for the long-term provision of such services. There shall also be confirmation of sufficient reserve capacity **Partial services** such as piped water or piped sewer are recognized where they currently exist in the Municipality. Development on **partial services** shall generally be permitted to allow for infilling and rounding out of existing development.

There shall be confirmation, prior to new lot creation, of sufficient **reserve sewage system capacity** and **reserve water system capacity** with **municipal sewage services** and **municipal water services** or **private communal sewage services** and **private communal 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**. The site conditions must be suitable for the long term provision of such services. A servicing options statement will be prepared, where appropriate, to consider the potential and merit of each of the servicing options.

2. Planning for Water Supply and Sewage Disposal Systems

It is the intent of this Plan to recognize existing water supply and sewage disposal works, including water supply and waste water treatment facilities, which are in compliance with applicable legislation or approvals. New works or the expansion of existing works shall be permitted to address health related concerns or to accommodate new development. Where new or expanded works are constructed, they shall be deemed to conform to this Plan provided they comply with the growth and settlement and servicing policies of the Plan. (*For example, where piped services*

are proposed, an amendment is required to redesignate a rural settlement area as an urban settlement area.) (See also **Sections 3.06.1.2, 3.06.1.4, 3.06.2.2 and 3.06.8.9**)

Applications for lot creation on privately owned and operated individual or communal systems generating more than 4,500 litres [989.8 gal.] of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report. Where municipal ownership, operation and maintenance of communal services cannot be achieved, a Responsibility Agreement between the developer and the Municipality will be required.

See also **Section 4.07 - Consultation and References**

3. Servicing Capacity and Servicing Allocation

- A.** In **Urban Settlement Areas**, within the **Urban Service Limits**, development will be permitted only where there is sufficient reserve capacity. Conservation programs or efficiency measures should be used to extend or recapture existing (design) capacity before expansion of a water or sewer system is undertaken. The Municipality may limit the allocation of capacity for any development. Capacity which has been allocated to development may be reallocated where measures are instituted under the *Planning Act* to de-designate development (*examples include an official plan amendment, deeming or deregistering of subdivisions, rezoning*).
- B.** All proposed development within the **Urban Service Limits** shall be connected to full or partial services where such services are available and where there is sufficient capacity in the existing system to accommodate the proposed development. Where there is insufficient servicing capacity, the Municipality shall determine whether the proposed development is premature and should be postponed until servicing capacity is increased, but development outside the **Urban Service Limits** shall only be permitted in compliance with **Section 4.06.3.4**. Such development shall be connected to municipal services when made available, provided capacity is available to service the development.
- C.** Servicing capacity shall normally be confirmed as part of a subdivision agreement or other appropriate instrument.
- D.** A Holding (h) symbol may be used pursuant to Section 36 of the *Planning Act* as a tool to designate areas/development which do/does not have sufficient servicing capacity. Such Holding (h) symbol zones may be removed once servicing capacity is available and any other necessary planning conditions are satisfied.

4. Connection to Services

In **Urban Settlement Areas**, the Municipality may establish service limits for existing water and sewer services (see **Section 3.06.1.4 - Urban Service Limits**) where connection to *full* (municipal) **sewage and water services** or **partial services** shall be compulsory. The **Urban Service Limits** shown on the **Urban Settlement Area** schedules are approximate only. The Municipality may make use of a more precise or updated sources of information to determine the **Urban Service Limits** including an analysis conducted by a Professional Engineer submitted for individual development proposals. The Municipality may extend **Urban Service Limits** without the need for an amendment to this Plan provided:

- A. Development occurs in a sequential, compact and phased manner and sufficient capacity exists in the sewage and water services;
- B. Extension of services can occur without placing a financial burden on the Municipality; and
- C. The development is in compliance with the growth and settlement policies of this Plan (see **Section 3.06.1.4**).

Outside the urban service limits, but within the boundaries of designated **Urban Settlement Areas**, some development may be permitted on **individual on-site water supply and sewage disposal systems** where the Municipality is satisfied that such servicing is appropriate and feasible.

5. Servicing Options and Approvals

All new or retrofitted water and sewage disposal systems shall be designed, constructed, operated and maintained in compliance with the requirements or standards of the *Ontario Water Resources Act*, the *Safe Drinking Water Act*, the *Clean Water Act*, the *Building Code Act* or the *Environmental Assessment Act* whichever applies. Applications for lot creation on privately owned and operated individual or communal systems generating more than 4,500 litres [989.8 gal.] of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report.

The Municipality shall ensure that a change of land use which increases the intensity of the use of a lot i.e. conversion of a seasonal to a permanent residential use shall not be approved unless the lot can be adequately serviced with an appropriate water supply and sewage disposal system.

Where industrial or commercial uses are proposed, **individual on-site water supply and sewage disposal systems**, may be used where appropriate to the development and provided that the approval of the North Bay - Mattawa Conservation Authority has been obtained.

The Municipality shall also only permit new lot creation if there is confirmation of sufficient **reserve sewage system capacity** and **reserve water system capacity** with **municipal sewage services** and **municipal water services** or **private communal sewage services** and **private communal 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**. The site conditions must be suitable for the long term provision of such services.

6. Communal Services

Communal services shall be strongly discouraged as a form of servicing for development.

7. Drinking Water Protection Regulation

Public works required to comply with the *Ontario Drinking Water Regulations* and *Clean Water Act* shall be deemed to comply with this Plan.

8. Wellhead Protection Areas

Wellhead protection areas (WHPA) may be established around municipal wells as a measure to protect the capture area which supplies groundwater for these wells. Zoning, site plan control and site alteration by-laws may be used to protect wellhead protection areas (WHPA).

9. Municipal Regulatory Controls

Council may use zoning as a planning tool to prohibit the use of land for new development or a change of use, or expansion of an existing use, unless appropriate water and/or sewage systems are available or adequate to service the subject lands. Site plan agreements shall similarly reflect the requirements for servicing. The Municipality shall establish separation distances in zoning by-laws between development, primarily **sensitive land uses**, and waste stabilization ponds and septage facilities (see also **Section 3.06.6.5**)

Water treatment plants, waste stabilization ponds and septage facilities and individual on-site sewage disposal systems shall be prohibited on shoreline lands below the natural hazard limit (see **Section 6 - Public Health and Safety**). The Municipality shall establish a minimum setback distance from the limit of the natural hazard in zoning by-laws for individual on-site sewage disposal systems.

Council will implement appropriate controls for the protection of vulnerable aquifers and **wellhead protection areas** if identified.

10. Water Resources Protection Strategy

Council will work with the appropriate agencies to implement measures under the *Clean Water Act* in providing for the conservation and protection of water resources. This may include, among other measures, the following:

- Review of development decisions.
- Building a data base.
- Developing a protection strategy.
- Monitoring development impacts.
- Developing contingency plans for spills or disaster events.
- Developing public education/awareness programs.

4.06.4 Stormwater Management

Development in both urban and rural areas can change existing conditions such that the quantity and quality of stormwater run-off is altered. Stormwater management considers both water quantity and quality aspects of stormwater run-off where artificial drainage improvements or practices become necessary. The protection and rehabilitation of stream corridors and erosion control along water courses are best approached through an integrated strategy and best management practices.

1. Stormwater management shall be integrated as a component of the development approval process, particularly for subdivisions, multiple lot/unit residential development, commercial, industrial and institutional and in the design and implementation of stormwater **infrastructure** for urban and rural settlement areas and major development in the **Rural District** (e.g. subdivisions, infrastructure, golf course, resort commercial, industrial development).
2. Stormwater management shall incorporate an ecosystem approach through the design, construction and post-construction phases. **Ecological functions**, particularly **fish habitat**, will be conserved or enhanced on a local and sub-**watershed** basis.
3. Stormwater management plans shall be considered as an opportunity to rectify existing nutrient, contaminant, erosion or hydraulic flow issues. Stormwater management planning should include water quality targets.
4. In the design and construction of stormwater management **infrastructure** best management practices shall be used to ensure:
 - A. That post-development flows, particularly in receiving streams, are maintained at pre-development levels and that the cumulative impacts of development (within the sub-**watershed**) are considered as part of stormwater **infrastructure** design;

- B. The natural characteristics and quality of water of the receiving streams are maintained or enhanced including sediment control, riparian vegetation and thermal conditions;
 - C. That there will not be any new or increased downstream flooding or erosion;
 - D. That natural habitat areas are protected or enhanced or restored;
 - E. That a construction mitigation plan is instituted to prevent stream borne sediments, changes in flow or other adverse characteristics from affecting the **ecological functions** or other impacts on receiving waters during construction;
 - F. That the post construction phase shall include rehabilitation, continued maintenance or **infrastructure** and preferably, a monitoring program;
 - G. Stormwater management **infrastructure** may be incorporated into parks and open space or green space within and between communities or may be integrated with a wetland complex; and
 - H. Stormwater management shall incorporate consideration for groundwater recharge and discharge and ensure that groundwater is not negatively impacted.
5. Council may develop a strategy for stormwater management that incorporates a consistent series of best management practices, river/stream corridor improvement, point and non-point source contaminant controls and **infrastructure** improvements on a water-shed and sub-**watershed** basis.

4.06.5 Waste Management Systems

1. Scope

Waste management includes landfill and recycling facilities and sites, septage haulage and disposal sites, **waste materials** haulage and disposal sites and nutrient management.

2. Existing and New Landfill and Septage Sites and Transfer Stations

Existing active or new sites (public or private) may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals. New sites shall be located only where they are compatible with adjacent land uses (existing and designated). Site development shall make provision for the progressive rehabilitation and reuse of the site.

Existing, active or new waste disposal sites (public or private) may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals including a valid Certificate of Approval. New sites and sites for septage disposal will require an amendment to this Plan and the zoning by-law and the appropriate land use in place through zoning is required before a Certificate of Approval can be issued under the *Environmental Protection Act*.

New or expanding sensitive land uses should be adequately buffered from existing and/or committed waste management facilities to avoid or satisfactorily mitigate adverse effects and risks to health and safety or mitigating methane and other gases, leachate, noise, odour, dust, litter and other contaminants. Where the adverse effects from landfills and dumps cannot be satisfactorily mitigated, no sensitive land uses may be permitted.

Waste management systems may include facilities for recycling, composting, hazardous waste control, transfer sites and ancillary activities operated in accordance with a valid Certificate of Approval. New sites, sites for septage disposal and transfer stations will require an amendment to this Plan and will require approval under the *Environmental Protection Act* before an amendment is considered. Provincial and municipal approvals will be required for the hauling and disposal of **waste materials** and sewage and septage. Prohibited wastes shall include nuclear wastes, hazardous or pathological wastes. Sites may include transfer sites used for the temporary storage of waste materials. The Municipality should monitor the impact of sites to ensure that there are no off-site adverse impacts (see also **Section 3.06.6.5**).

The (MOE) guideline “**Land Use On or Near Landfills and Dumps**” shall be used as a guide when assessing land use on or near any open or closed landfill site which contains municipal solid waste, industrial solid waste and/or sewage sludge or septage. Separation distances will apply on a reciprocal basis between waste disposal sites and **sensitive land uses**.

3. Closed or Inactive Sites

Closed or inactive sites, whether public or private, may be used for other purposes subject to meeting requirements of the *Environmental Protection Act* (Section 46 Order). 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. Closure plans should provide for the progressive rehabilitation of the site.

4. Design Capacity

The Municipality shall ensure that there is sufficient capacity to accommodate waste disposal for all new development.

5. Influence Area and Separation Distances

Any proposal for development or the expansion of a current use within an influence area of 500 m (1,640 ft.) of the perimeter of the fill area of either an active or inactive waste disposal site will require studies in accordance with the Ministry of the Environment Guideline D-4: Land Use on or Near Landfills and Dumps. The applicant should be able to demonstrate that the water supply of the proposed development will not be negatively impacted and that there are no other problems such as leachate, methane gas, rodents and vermin.

Development shall not be permitted on or within 30 m (98.4 ft.) of the boundary of the licensed fill area of a waste disposal area(s). (See also **Section 3.06.6.5**).

6. Waste Materials

Waste materials may be applied to farmland subject to meeting the requirements of *Ontario Regulation 347 of the Environmental Protection Act* (including provincial approval), subject to the operating procedures outlined in “*Guidelines for the Utilization of Bio-solids and Other Wastes on Agricultural Land*”. The Municipality may establish environmental protocols. In particular, the Municipality should maintain an up-to-date list of all Certificates of Approval that have been issued for the application of waste materials or septage on land within the West Nipissing.

Applicators may only use **waste materials** that have been approved by the Ministry of the Environment on land that has been approved to receive it.

The Municipality may establish designated haulage routes taking into consideration land uses along the proposed route(s) and/or enter into agreements for the transport of waste materials.

7. Nutrient Management

Scope

Nutrient management plans shall be required and administered in compliance with the *Nutrient Management Act, 2002*.

4.06.6 Transportation

Transportation **infrastructure** is made up of provincial highways, local roads, private roads, transit, rail, special purpose trails and water transportation services.

1. Provincial Highways

Provincial highways are classified according to their function by the Ministry of Transportation. All provincial highways, as shown on the **Land Use Plan Schedules**, are under the jurisdiction of the Province and as such, the requirements of the Ministry of Transportation will apply.

The intent of this Plan is to maintain the function of provincial highways and/or interchange areas through land use decisions which support the controls exercised by the Ministry of Transportation with respect to access, adjacent land uses and structures. These controls include highway safety and geometrics (e.g. right-of-way widths, number of lanes etc.) and also extend to stormwater (drainage) **infrastructure** and the buffering or screening outdoor storage and parking areas related to development adjacent to provincial highways and intersecting local roads. Outdoor storage and loading areas shall be visually screened or appropriately located in such a way as to not detract the traveling public.

Access to provincial highways is restricted and development shall only be permitted where the applicable approvals/permits have been obtained. This may include a traffic study. Development will be encouraged to use local roads and service roads wherever possible. Any new roads proposed to be connected to a provincial highway are subject to provincial approval including spacing requirements between intersections. Noise and vibration studies may be required prior to considering whether development should be approved adjacent to a provincial highway.

2. Local Roads

The primary function of Local Roads is to provide direct access to abutting properties. The Municipality may further classify local roads and establish standards for safe use, geometrics, construction and pavement standards, intersections, access, frontage requirements, intersection spacing, signs, truck routes, fire routes, parking lanes, bike lanes, lighting, speed zoning, setbacks, maintenance and winter control, culverts and drainage for all development or to improve the function and safety of any local road. Road maintenance and improvements to the local road system and the construction of new roads shall be deemed to conform to Section 24 of the *Planning Act*.

The Municipality may provide for the layout and construction of roads and may enter into agreements for road construction as provided for under the *Planning Act*.

Traffic studies may be required by the Municipality as a pre-requisite to the approval of any new access or a change to an existing access or intersection, or intersection spacing with a local road. A traffic study does not guarantee an approval. Where approvals are granted, design and development standards governed by the Municipality shall apply. Where an existing access approval has been granted for a specific use, it will not necessarily be altered to support a proposed change of use on the property.

The Municipality may permit the use of an unopened road allowance by agreement and may open or close a road allowance in compliance with the requirements of the *Municipal Act*. The Municipality may enter into encroachment agreements for unused or unassumed road allowances (see also **Section 3.06.6.3**).

The Municipality may require the conveyance of land for a road widening, day lighting triangle or intersection improvement as a condition of site plan approval or land division where a road allowance or intersection is deficient in width or enlargement is a requirement. Generally, the conveyance shall be equal to one-half the deficiency in the width of the road allowance (see **Section 8.13.10 - Site Plan Control**). The Municipality may require the dedication of an access reserve to the Municipality along the frontage of any property abutting a local road as a condition of development. The Municipality, as a condition of approval of any development, may require the dedication of a 20 m (65.6 ft.) road reserve (or alternative ROW if required) to provide an access for the future development of land.

Noise and vibration studies may be required prior to considering whether development should be approved adjacent to a local road.

3. Private Roads

Section 4.06.6(3):

Decision delivered by Susan de Avellar and Order of the Ontario Municipal Board, Case no. PL120042, dated September 9, 2016.

Definition

Private roads include roads, lanes, driveways, etc., located on privately owned lands, which serve as land based access to more than one separately conveyable property. Such private roads exist by virtue of the prior creation of one or more right of ways in favour of the properties served by such road.

Private roads do not include driveways or roadways, paved or otherwise, within a campground or mobile home park or any other internal roadway or driveway which is completely contained within the boundaries of the property and which driveway or roadway does not serve as land based access to another separately conveyable parcel of land.

New Private Roads: Condominium Roads

New private roads shall only be permitted where such private road is within a plan of condominium. Such condominium road shall have direct access to a publically owned and maintained road. Direct access shall be deemed to exist where a new condominium road has access to a publically owned and maintained road via another condominium road.

Existing Private Roads: Minor Extensions

One extension to a private road, existing as of the date of approval of this Plan, may

be permitted where such extension is limited to:

1. serving an abutting lot, which lot benefits from a legal right of way over the full length of the existing private road; and
2. such abutting lot is subject to an application or applications to create no more than 2 new lots (one retained and two severed lots); and
3. where the Municipality is satisfied, in its sole discretion, considering the length and geometrics of the existing private road, that the private road can accommodate emergency vehicle access. In this regard, the Municipality may require an applicant to provide an engineer's report confirming the foregoing and the applicant shall be responsible for the cost of any peer review requested and obtained by the Municipality.

An applicant who wishes to extend a private road must demonstrate, with copies of necessary documentation, that:

1. A legal right of way exists over the full length of the existing private road; and
2. The private road was in existence as of the date of approval of this plan.

The depiction of a road as private on any schedule to this plan does not relieve the onus upon the applicant to satisfy the foregoing requirements.

Agreements

Where an extension of an existing private road is permitted in connection with an application for a consent to sever, the applicant shall be required (in any agreement authorized under section 51 (26) or 53(12) of the Planning Act), to acknowledge that public agencies, including the Municipality, are not obliged to provide services (e.g. emergency services, garbage collection, bussing etc.) on private roads that are impassable (on temporary basis or otherwise).

The Municipality's policy is not to assume private roads and the creation or permission for new development on such private roads shall not be deemed or considered to be the Municipality's statement of intent to eventually assume such road. Whereupon the Municipality does agree or intend to assume a private road, the Municipality may require the owner and/or benefitting owners to bring the road up to a standard as determined by the Municipality in its sole discretion. Such assumption does not require an amendment to this plan.

4. Rail

Rail corridors are recognized as important economic and transportation linkages through and serving the Municipality. Rail-related noise and vibration attenuation and/or the construction of crash barriers/berms (for public safety against derailments) shall be considered in land use decisions for development proposed adjacent to or in the vicinity of the corridor (see references for noise assessment criteria).

5. Special Purpose Trails and Pedestrian Pathways

The intent of this Plan is to recognize the economic, health and recreational benefits of numerous trails and corridors of various use(s) across the Municipality (e.g. abandoned CNR line, snowmobile, ATV, cross-country, walking, biking, hiking, cycling, canoeing) and to encourage cooperation and coordination amongst public authorities and agencies in maintaining, upgrading and extending trails and corridors as an integral component of land use decision making. These improvements will not require an amendment to the Plan. Trails should be designed to be continuous and where feasible to provide an alternative transportation system to the road network. The Municipality may develop a Trails Master Plan.

The Municipality will incorporate sidewalks and walkways in the design and development of residential neighbourhoods and to provide pedestrian linkages to parks, open spaces, downtowns, public services facilities and shopping areas.

Special purpose trails which are intended to cross a provincial highway are subject to provincial approval.

4.06.7 Communications and Utilities

1. General

The provisions of this section apply to all significant works or facilities above or below grade for the provision, generation, transmission, distribution and storage of energy such as gas, oil and electric power and the provision of communication facilities such as broadcast, telecast, fibre-optic, optical wireless or other transmission apparatus of such utility.

2. Development Control

Any new major corridors, or any significant station, storage facility or tower should be located to minimize any potential adverse social, environmental or aesthetic impacts and avoid any hazard to aeronautical transportation. Transformer stations should be aesthetically integrated in the design of residential areas.

New or existing corridors (gas, oil, electric transmission) shall be protected from development by requiring setbacks and construction standards which are consistent

with the safe operation, proposed expansion and/or respective regulations of the agencies governing those corridors (e.g. Hydro One Networks, Bell Canada Fibre Optics).

Utilities which directly serve new subdivisions or other development and are compatible and in scale with such developments shall be permitted without amendment to this Plan provided they comply with the construction or other relevant standards of the Municipality. Where feasible, preference should be given to underground servicing in urban areas. Utility companies will be encouraged to coordinate their efforts in the installation of utilities and in long term facility planning.

Future transmission lines shall be located in areas to minimize their environmental impact and fragmentation of farmland.

In the design and development of communication or utility towers, consideration should be given to the visual impacts on adjacent land uses and public safety in the event of the collapse of a tower. Communication towers should be directed to non-prominent areas and to areas which do not fragment agricultural lands.

Facilities such as former transformer stations and related sites shall be designed to blend in with the residential areas they serve.

3. Existing Facilities

This Plan recognizes all existing communications and utility corridors and facilities as conforming uses. New communications towers, storage and administration facilities shall be subject to site plan control. Expansion of the electrical power transmission shall be subject to the *Environmental Assessment Act*.

4. Wireless Optical and Internet Services

Communications **infrastructure** (e.g. internet access, cell phones) designed to enhance communications and economic development shall be encouraged.

4.07 CONSULTATION AND REFERENCES

The following agencies will be consulted for technical advice, where appropriate:

1. School Boards - for capacity of schools.
2. North Bay-Mattawa Conservation Authority - for sewage disposal approvals.

3. Ministry of the Environment - for Certificates of Approval, Drinking Water Protection Regulation, Section 46 Environmental Protection Order for closed waste disposal site, **waste materials** approval.
4. Ministry of Agriculture and Food - for nutrient management plan controls.
5. Ministry of Transportation - for provincial highway access approvals, and development applications adjacent to a provincial highway or new roads intersecting with provincial highways.
6. Ministry of Northern Development and Mines for development near abandoned mine sites.
7. Canadian Coast Guard - for approval of marine structures affecting navigable waters.
8. Hydro One Networks for construction near electric power transmission corridors.
9. Bell Canada for construction near phone line corridors.

Reference documents include:

- Noise Assessment Criteria in Land Use Planning Publication LU-131, MOE, 1995
- Excavation and Construction Near Pipelines, National Energy Board, 1998
- Urban Development Adjacent to Pipeline Facilities Trans Canada Pipeline,
- Calculating and Reporting on uncommitted Reserve Capacity at Sewage and Water Treatment Plants, MOE, 1992
- Guideline D-2, Compatibility Between Sewage Treatment and Sensitive Land Uses
- Guideline D-4, Land Use On or Near Landfills and Dumps, MOE, 1994
- Guideline D-5, Planning for Sewage and Water Services
- Guideline D-5-2, Application of Municipal responsibility, Communal Water/Sewage, 1995
- Guideline D-5-3 Servicing Options Statement
- Stormwater Management Practices & Design Manual, MOE
- Guidelines for Erosion and Sediment Control for Urban Construction Sites, MOE
- Guidelines for the Utilization of Bio-solids and Other Wastes on Agricultural Land, MOE

SECTION 5 - RESOURCE MANAGEMENT

5.01 INTRODUCTION

The Municipality of West Nipissing are endowed with renewable and non-renewable resources that are significant contributors to the economic base or are significant for their ecological value (***natural heritage features and areas***). From the standpoint of agriculture, 299 (1996) farms in the Nipissing District occupying 35,475 ha (87,657 ac.) of the land base, accounting for 23.4% of the employment base for farm-related employment and farm gate sales in the range of \$13,900 (1995). Mineral aggregate resources include significant primary deposits of sand and gravel in Badgerow and significant secondary deposits in Springer township west of Sturgeon Falls, the central part of Bastedo township, the north end Fell township, three deposits on the south side of Tomiko Lake, two in the central area of Crear and one deposit in Caldwell township north of Verner. A significant part of Dana township, the southwest corner of McWilliams township, a small section in the northwest corner of Gibbons township and the east portion of Janes township have been identified by the Ministry of Northern Development and Mines as having high mineral potential. This includes deposits platinum, palladium and gold. ***Natural heritage features and areas*** are in abundance across the Municipality and embody features which are provincially significant or important for their ecological value to local communities, to local environmental organizations or to land owners. Water is a precious resource and the basis for life.

5.02 STATEMENT OF INTENT

It is the intent of this Plan to provide for the short and long-term stewardship of all renewable and non-renewable resources through measures which protect, conserve, or facilitate the utilization of such resources for their economic or resource value, or in fact, enhance the quality or character of the resource. Land uses will not be permitted on or in proximity to resource uses or activities which are incompatible or interfere with normal resource utilization practices or which threaten the quality of those resources (e.g. ***natural heritage features and areas***, water, soil). The Plan provides, where possible and appropriate, for the orderly transition of resource lands to other uses where the resource has been depleted (e.g. mineral aggregates), in order to recognize that some mining lands may not ever be suitable for redevelopment due either to physical features on site or the location in relation to other development in the Municipality.

5.03 GOAL

To manage the community's renewable and non-renewable resources in a responsible manner through the development of policies, tools and practices designed to identify, protect, conserve, enhance or utilize these resources over the short and long-term and which provide for the transition to other land uses, where possible and appropriate, where a non-renewable resource has been depleted.

5.04 OBJECTIVES

To designate as much of the renewable and non-renewable resource lands as is realistically possible for resource use.

To minimize land use conflicts between resource uses and between resource uses and surrounding land uses.

To provide where possible and appropriate, for the sequential use of resource lands for other purposes.

To conserve, protect and where possible enhance the value of the natural environment including ***natural heritage features and areas***.

To establish protocols for the review and processing of development applications affecting various resource activities.

5.05 KEYNOTE POLICY

It is a policy to protect as much of the renewable and non-renewable natural resource base as is realistically possible for resource and resource-related land use activities for short or long term economic utilization. The policies of this Plan recognize the importance of managing lands with the potential for one or more resource uses, the need to minimize land use conflicts, the need to restore land for subsequent land uses and the need for stewardship of ***natural heritage features and areas*** and the natural environment. The policies of this Plan provide for the use or conservation of resources which are important to the community or area in which they are located or are recognized for their significance at a provincial or national level.

5.06 IMPLEMENTATION

5.06.1 Land Use Designations and Constraint Overlays

For the purposes of this Plan, the **Agricultural Resource Lands** and the **Extractive Resource Lands** (except bedrock resources) as shown on the **Land Use Schedules** shall be considered to be land use designations. Changes to the boundaries of these designations shall require an amendment to this Plan. Lands shown as **Hazardous Lands** and **areas of mineral potential** on the **Land Use Plan Schedules** shall be considered as a **constraint overlay** and are subject to the policies of **Section 6** of this Plan. Lands illustrated as Provincially Significant **Wetlands** as shown on the **Land Use Schedules** shall be considered to be a land use designation. All other Natural Heritage Features and Areas shall be considered a constraint overlay and are subject to the policies of **Section 5.06.5** of this Plan. Changes to this designation shall require an amendment to this Plan. Lands which are identified as the habitat of an **endangered species** or a **threatened species**, are not identified on the schedules but are maintained by the Municipality and used to screen applications.

5.06.2 Scope of Uses and Application

Table 5.1 shall be used in determining the scope of uses permitted or prohibited for each of the **Resource Lands** categories. **Table 5.1** shall be read in conjunction with the relevant policies of this Section of the Plan.

Table 5.1 - Resource Lands - Scope of Uses		
Resource Use	Permitted Uses	Prohibited Uses
<u>Agricultural Resource Lands</u>	- <i>Agricultural uses*</i> - <i>Secondary uses*</i> - <i>Agricultural-related uses*</i> - Conservation use - Existing dwellings and dwellings on existing lots of record and on lots created by consent under Section 8.13.13 - Forestry use - <i>Mineral aggregate operation*</i> as an interim use (see Section 5.06.4) - Passive outdoor recreation use excluding buildings and golf courses - <i>Natural heritage features and areas*</i> - <i>Wayside Pits or Quarries*</i> - Legally existing uses, buildings or structures	- Uses which conflict with normal agricultural operations

Table 5.1 - Resource Lands - Scope of Uses

Resource Use	Permitted Uses	Prohibited Uses
<u>Extractive Resource Lands</u>	- <i>Mineral aggregate operation*</i> - asphalt and concrete plants, mineral aggregate processing facilities and administration buildings or structures - <i>Wayside Pits or Quarries*</i> - <i>Agricultural uses*</i> - Forestry use - Conservation use - <i>Natural heritage features and areas*</i> - Outdoor recreation use excluding buildings - Peat extraction and associated accessory uses and value-added peat resource-related industries - Existing dwellings - Legally existing uses, buildings or structures	- Uses which conflict with normal <i>mineral aggregate operations</i>
<u>Areas of Mineral Potential</u>	- Mining - <i>Mineral mining operation*</i> - <i>Mineral aggregate operation*</i> - <i>Wayside Pits or Quarries*</i> - bedrock quarrying - forestry use - conservation use - passive outdoor recreation (providing that active mining is not occurring and/or that rehabilitation of human-made hazards has occurred)	- All uses that conflict with normal mining and bedrock operations (see Section 5.06.7 Minerals)
<u>Hazardous Lands</u>	As set out in Section 6	As set out in Section 6
<i>Natural heritage features and areas:</i>¹		
1) Provincially Significant Wetland	- <i>Wetlands*</i> - Conservation use excluding buildings or structures unless required for educational purposes i.e. boardwalk, interpretive kiosk, subject to Sections 5.06.5.5 and 5.06.5.6 - Any other <i>natural heritage features and areas*</i> - Legally existing uses, buildings or structures	- Any <i>development*</i> or <i>site alteration*</i> of the <i>wetland</i> *or expansion of an existing use, building or structure - Wayside pit or quarry

Table 5.1 - Resource Lands - Scope of Uses

Resource Use	Permitted Uses	Prohibited Uses
2) Locally Significant Wetland	- Wetlands* - Conservation use excluding buildings or structures unless required for educational purposes i.e. boardwalk, interpretive kiosk, subject to Sections 5.06.5.5 and 5.06.5.6 - Any other natural heritage features and areas* - Any use in the underlying land use designation subject to satisfying Section 5.06.5.6 - Legally existing uses, buildings or structures	- Any development* or site alteration* which is determined to have a negative impact* on the natural features or ecological functions for which the wetland* has been identified (see Section 5.06.5.6) - Wayside pit or quarry
3) Endangered and Threatened Species	- Significant habitat of an endangered species or a threatened species* - Conservation use excluding buildings or structures unless required for educational purposes i.e. boardwalk, interpretive kiosk, subject to Sections 5.06.5.4 and 5.06.5.6 - Any other natural heritage features and areas* - Legally existing uses, buildings or structures	- Any development* or site alteration* in the significant habitat of an endangered species or a threatened species or the expansion of an existing use, building or structure - Wayside pit or quarry
4) Fish Habitat	- Fish habitat* - Any use in the underlying land use designation subject to Sections 5.06.5.3 and 5.06.5.6 - Conservation Use excluding buildings or structures unless required for educational purposes i.e. boardwalk, interpretive kiosk, subject to Sections 5.06.5.3 and 5.06.5.6 - Any other natural heritage features and areas* - Legally existing uses, buildings or structures	- Any development* or site alteration* which is determined to have a negative impact* on the natural features or ecological functions for which the fish habitat* has been identified (see Section 5.06.5.6) - Wayside pit or quarry

Table 5.1 - Resource Lands - Scope of Uses

Resource Use	Permitted Uses	Prohibited Uses
5) Wildlife Habitat	- Wildlife habitat* - Any use in the underlying land use designation subject to Sections 5.06.5.4 and 5.06.5.6 - Conservation Use excluding buildings or structures unless required for educational purposes i.e. boardwalk, interpretive kiosk, subject to Sections 5.06.5.5 and 5.06.5.6 - Any other natural heritage features and areas* - Legally existing uses, buildings or structures	- Any development* or site alteration* which is determined to have a negative impact* on the natural features or ecological functions for which the wildlife habitat* has been identified (see Section 5.06.5.6) - Wayside pit or quarry
6) Areas of natural and scientific interest (ANSI)	- Areas of natural and scientific interest* - Any use in the underlying land use designation subject to Sections 5.06.5.4 and 5.06.5.6 - Conservation Use - Any other natural heritage features and areas* - Legally existing uses, buildings or structures	- Any development* or site alteration* which is determined to have a negative impact* on the natural features or ecological functions for which the ANSI* has been identified (see Section 5.06.5.6) - Wayside pit or quarry
7) Resource Management Lands/ Provincial Parks	- Resource Management Lands/ Provincial Parks - Conservation use excluding buildings or structures unless required for educational purposes i.e. boardwalk, interpretive kiosk, subject to Sections 5.06.5.4 and 5.06.5.6 - Any other natural heritage features and areas* - Legally existing uses, buildings or structures	- Any development* or site alteration* of the wetland *or expansion of an existing use, building or structure - Wayside pit or quarry

*Indicates words or phrases defined in the **Provincial Policy Statement** (March 1, 2005) version.

Note: 1. Part of Crear and McWilliams townships and all of Dana and Jane townships are located in Ecoregion E4. Consequently, **development** and **site alteration** will only be permitted in **significant wetlands** where there is no **negative impact*** on the natural features or **ecological functions** for which the **wetland*** has been identified through an impact assessment (see **Section 5.06.5.6**). Also, **site alteration** does not include underground or surface mining of minerals or advanced exploration on mining lands in significant **areas of mineral potential** in Ecoregion 5E.

5.06.3 Agricultural Resource Lands

1. Determination of *Prime agricultural area*

For the purposes of the Provincial Policy Statement and this Plan, the Agricultural Resource Lands shown on the Land Use Schedules were identified for designation in consultation with Council and the West Nipissing Municipal Agricultural Advisory Committee.

2. Scope of Permitted Uses

The scope of permitted uses on lands designated **Agricultural Resource Lands** on the **Land Use Schedules** are set out in **Table 5.1**.

A **mineral aggregate operation** is permitted as an interim use in the **prime agricultural area** provide that any site or lands actually used are rehabilitated to substantially the same area and same average soil quality for agriculture prior to the extraction of mineral aggregates. Complete agricultural restoration is not required if there is a substantial quantity of mineral aggregates below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction capability unfeasible; other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as designated growth areas and resources on **prime agricultural lands** where rehabilitation is feasible. Where no other alternatives are found, **prime agricultural lands** shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Classes 2 and 3. This policy shall only apply to **mineral aggregate operations** which have licensed under the *Aggregate Resources Act* for extraction below the water table.

Existing lots of record on **prime agricultural lands** may be used for non-agricultural uses listed in **Table 5.1 - Agricultural Resource Lands - Permitted Uses** provided there are no reasonable alternative locations which avoid the use of **prime agricultural areas** and provided they meet the MDS (see **Section 5.06.3.7**). Existing non-agricultural uses, buildings or structures may be expanded provided they will be compatible with farm operations.

Where there is a conflict between a proposed (new) agricultural use and a **natural heritage feature and area**, the agricultural use will be subject to the relevant requirements of **Section 5.06.5**, including the requirement for an Impact Assessment. While existing agricultural uses shall be permitted to continue, agricultural operators shall be encouraged to protect or conserve **natural heritage features and areas** wherever possible.

The removal of top soil on **prime agricultural lands** shall be discouraged.

3. **Secondary Uses and Agricultural-Related Uses**

Secondary uses and agricultural-related uses on **prime agricultural lands** are encouraged as a means to strengthen and diversify the agricultural industry and to supplement farm income. The Municipality shall ensure that such uses are compatible with agricultural uses and shall not hinder surrounding agricultural operations. Criteria used to evaluate compatibility include: the type and scale of use; that the use, where it is located on a farm, is clearly secondary to the main farm operation; that on-site farm-related secondary uses are not likely to generate a future land severance; that the use does not interfere with normal farm practices; and that the use can be satisfactorily serviced with individual on-site water and sewage disposal systems. Impacts on agricultural operations from any **secondary uses** or **agricultural-related uses** shall be mitigated (**Section 3.06.6** shall apply for these purposes).(See also **Section 3.06.10 - Home Based Businesses and Bed and Breakfast Establishments.**)

A large scale **secondary use** or **agricultural-related use** should be directed to an **Employment District** where it will reinforce municipal investment or policies for a commercial or industrial area, or if not feasible, to lands having lesser soil capability for agriculture.

4. **Lot sizes**

The lot size shall be adequate for all existing and proposed or future agricultural uses including all buildings and structures. Lots which include a **secondary use** or are developed for an **agricultural-related use** shall be designed to minimize the use of land within the **prime agricultural area**. Where applicable, the lot shall be adequate for all setbacks, parking and loading facilities, storage and display areas, signs, lighting, landscaping, buffering or screening, **infrastructure** and safe access and egress, **individual on-site systems** and shall comply with **Section 3.06.6** of this Plan.

5. **New Lot Creation**

New lot creation on **Agricultural Resource Lands** shall be governed by **Section 8.13.13** of this Plan.

6. **Expansion of Settlement Areas**

Expansion of settlement areas within the **Agricultural Resource Lands** shall be governed by **Section 3.06.9 - Secondary Plans**, or **Section 3.06.2.4** of this Plan.

7. **Minimum Distance Separation Formulae I and II**

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 MDS I will not apply to existing lots of record of less than 1 ha (2.47 ac.) approved for a residential use. Also, cemeteries shall be classified as a Type B land use. Existing non-farm residential uses may be replaced where destroyed by a catastrophic event and will be exempted from MDS I and II. MDS I shall not limit the expansion of an existing use or the construction of accessory buildings and structures on the property (see also **Section 3.06.6.5**).

8. **Normal Farm Practices**

Normal farm practices will be promoted and protected in ***prime agricultural areas***.

*Note: see also the provisions for **Nutrient Management - Section 4.06.5.7** and **Water and Sewage Disposal Works - Section 4.06.3** for requirements that apply to intensive farm operations and the servicing of development on **Agricultural Resource Lands**.*

5.06.4 **Extractive Resource Lands**

1. **Scope of Permitted Uses and Land Use Designation**

The scope of permitted uses on lands designated **Extractive Resource Lands** on the **Land Use Schedules** are set out in **Table 5.1**. Lands designated as **Extractive Resource Lands** on the **Land Use Schedules** include licensed pits and quarries, and aggregate reserves (sand and gravel).

2. **Licensing, Operations, Separation Distances and Influence Areas**

Mineral aggregate operations shall be subject to the requirements and approvals provided for under the *Aggregate Resources Act*. This shall include any separation distance that may be imposed under a license issued under the Act or a separation distance imposed from a mineral aggregate reserve. The Municipality may institute additional controls, where appropriate (e.g. designating haul routes, controlling entrance and exit locations, noise abatement, and hours of operation) and where they are authorized under provincial statutes.

It is a policy to establish influence areas as a means to avoid incompatible land uses. The influence area is an area where impacts may occur or be experienced from ***mineral aggregate operations***. Consequently, the intent of the policy is to determine the impacts and to assess whether they can be mitigated to an appropriate level when measured against provincial standards. The influence area applies between a ***sensitive land use*** and an extractive operation or vice versa. Specific buffer distances or setbacks may be established after impacts are assessed within the influence area.

For the purposes of this Plan, the following influence areas shall apply as a guideline between the specified land use and any **sensitive land use**:

<u>Land Use</u>	<u>Influence Area</u>
Pit and sand and gravel reserve	300 m [984.2 ft.]
Quarry and bedrock reserve	500 m [1,640 ft.]

Measurement of the separation distances shall be from the boundary of the Extractive Resource Lands designation shown on the **Land Use Schedules**.

When reviewing applications for non-mineral aggregate development, within an influence area, for a pit, quarry or mineral aggregate reserve or for a pit or quarry within the influence area of a sensitive land use the proponent must provide supporting information and/or technical studies to demonstrate:

- A. That the proposed development will not preclude or hinder existing **mineral aggregate operations** or the establishment of new operations, and
- B. That the design of the proposed development demonstrates that impacts such as noise, dust, vibration can be mitigated, and the applicant for the proposed pit or quarry or expansion of an existing **pit** or **quarry** shall demonstrate that there will not be negative impacts on the quality or quantity of groundwater on adjacent properties. Where residential and other sensitive land uses are proposed adjacent to a **pit** or **quarry**, the applicant shall demonstrate that the quality and quantity of groundwater is suitable and has not been compromised by the pit or quarry.
- C. That the quality and quantity of ground water on adjacent properties will not be compromised as a result of existing activities taking place or proposed below the water table. The onus for mitigation shall rest with the proponent. Where the **pit** or **quarry** is initially established, the applicant shall take all the necessary steps to mitigate negative impacts. Where a residential or other sensitive land use is proposed within an influence area adjacent to an existing **pit** or **quarry**, the proponent or applicant shall be responsible for all mitigating measures such as berms, fencing, setbacks etc. which shall be accommodated within the proponent's property.

Development will not be permitted on or adjacent to **Extractive Resource Lands** which would preclude or hinder access to the resource, the expansion or continued use of the resource or which is incompatible for reasons of public health or safety or environmental impact. New **development** may be permitted on or adjacent to lands designated as **Extractive Resource Lands** where the Municipality is satisfied that the extraction of the resource is not feasible (e.g. commercially viable), the proposed use

serves a greater long term public interest and matters of public health or safety and environmental impacts can be addressed.

3. New or Expanding Pit or Quarry

When considering the establishment of a new pit or quarry or the expansion of an existing licensed pit or quarry, or an amendment to the **Land Use Plan** to redesignate lands for a pit or quarry, the following criteria shall apply:

- A. A zoning by-law amendment will be required for the extraction area. The applicant shall demonstrate that the amount of land proposed for the rezoning or redesignation, while meeting the needs of the industry, shall not be excessive in size.
- B. The Municipality shall be satisfied that off-site impacts such as noise, truck volumes, traffic safety and noise issues are effectively addressed and that measures for mitigation can be appropriately implemented.
- C. The Municipality shall be satisfied that off-site water quality and quantity shall not be compromised and that the cumulative impacts of adjacent extractive operations have been considered such as the impact on groundwater and surface water resources, natural heritage features and municipal road systems.
- D. Measures shall be provided for rehabilitation and/or closure plans as required under the *Aggregate Resources Act*. The proponent shall design the rehabilitation and/or closure plan with the objective of enhancing the natural environment, where applicable. Plans shall show provisions for landscaping, drainage, final elevations, buildings and final slope gradients. Long term monitoring plans shall be provided, where required.

4. Zoning

Pits and quarries, licensed/authorized under the *Aggregate Resources Act*, shall be zoned for extraction and associated accessory uses in the zoning by-law, generally, to the extent of the *Aggregate Resources Act* license boundary.

The lands within the **Extractive Resource Lands** designation which are not zoned for a **pit** or **quarry** shall be placed in an appropriate zone category by the Municipality to protect the lands from sterilization by new development. When determining the boundary of an **Extractive Resource Land** area in the zoning by-law, the Municipality shall have regard to the policies relating to mineral resources in the Provincial Policy Statement. Sufficient lands shall be designated to accommodate active extraction as well as other lands that may be necessary to accommodate uses normally associated with **mineral extraction operations** such as crushing, screening, stockpiling, etc. Due

regard will also be given to compatibility with adjacent land uses, particularly, existing **sensitive land uses**, ensuring that access to the resource, both existing and future, is not hindered and that mitigation, through the use of setbacks can be provided.

The zoning by-law of the Municipality shall prohibit residential development within a prescribed minimum separation distance from a licensed **pit** or **quarry** or from a mineral aggregate reserve, except on existing lots of record (subject to **Section 3.06.12**) and as an accessory use to a permitted agricultural use.

An amendment to the zoning will be required prior to the establishment of a new **pit** or **quarry** and the expansion of an existing licensed boundary under the *Aggregate Resources Act*.

The Municipality may enact a temporary use by-law (see **Section 8.13.9**) to permit the erection of buildings for any of the non-mineral resource uses permitted in **Table 5.1**.

5. Measures for Landscaping, Buffering and Screening

Landscaping, buffering, screening or other attenuation measures shall be used to mitigate adverse effects, noise, visual impacts, improve aesthetics or to address land use conflicts between extractive resource operations and other land uses. This may include setbacks, berms, fencing, vegetation, natural land forms or a combination of these measures. Planning tools may include the use of site plan control, site alteration by-laws under Section 34 (16) of the Planning Act.

6. Wayside pits and quarries, Portable Asphalt and Concrete Plants

Wayside pits or quarries, portable asphalt and concrete plants used on public authority contracts shall be permitted throughout the Municipality, subject to obtaining provincial approvals, without the need for an official plan or zoning amendment or a **development** permit under the *Planning Act* in all areas, except in a designated urban or rural settlement area, on lands designated **Hazardous Lands** or in a **Natural Heritage Features and Areas** (see **Table 5.1** for details on locations). Wayside pits and quarries in the **prime agricultural lands** should comply with the rehabilitation requirements of **Section 5.06.3.2**.

7. Resource Identification or Depletion

Resource lands not currently identified may be designated by amendment to this Plan. Lands which have been depleted of the mineral aggregate resource may be redesignated for other land uses where the Municipality is satisfied that the lands have been appropriately rehabilitated and rendered safe for the intended use

(complete or progressive rehabilitation) and that the land use is compatible with adjacent resource uses, where applicable.

Where the resource has not been depleted, **development** in or adjacent to deposits of mineral aggregates will only be permitted if the applicant can clearly demonstrate that resource use would not be feasible; or the proposed land uses or **development** serves a greater long term public interest; and issues of public health, public safety and environmental impact are addressed.

8. Peat Extraction

Peat extraction is encouraged as an economic activity. Peat extraction activities, however, shall not lead to or cause negative impacts to the conservation or protection of any adjacent **wetlands** or other **natural heritage feature or area**. The Municipality may regulate peat extraction activities within the authority granted by the *Planning Act*, the *Drainage Act* or the *Municipal Act* (e.g. zoning, site plan control, haul routes, removal of topsoil, dust control, drainage, site alteration, phasing, rehabilitation). Lands used for peat extraction shall be satisfactorily rehabilitated for any proposed sequential resource use or other land use.

9. Resource Conflict

Where there is a conflict between an extractive resource use and a **natural heritage feature and area** such as a provincially significant wetland and/or the significant portions of the habitat of an **endangered species** or **threatened species**, the conservation or protection of these specified **natural heritage features and areas** shall take precedence. For other types of **natural heritage features and areas**, an Impact Assessment shall be required as set out in **Section 5.06.5.6** in determining whether and under what measures the extractive resource use may occur.

5.06.5 Natural Heritage Features and Areas

1. Resource Identification and Conservation

Natural heritage features and areas are those areas which are important for their environmental and social values as a legacy of the natural landscapes of the area. Collectively, the individual **natural heritage features and areas** within the Municipality form a natural heritage system. While efforts have been made to identify significant **natural heritage features and areas** in the Municipality, those features identified on the **Land Use Schedules**, e.g. winter deer habitat, nesting sites, fish spawning areas etc., do not represent all features or areas present or changes to ecosystems that may occur over time and which may be added to the inventory. Additional features or areas may be added to the inventory from sources such as a naturalist club, a conservation authority or other similar agency, or by the Municipality where the basis of the information is adequate to determine the nature

and importance of the feature (e.g. assessment of the significance of an unclassified wetland using the provincial Wetland Evaluation Manual, Version 3.) Such information may be incorporated as part of a regular update of this Plan or by a specific amendment to the Plan. Where a known ***natural heritage feature and area*** is not identified on the **Land Use Schedules** to this Plan, this shall not preclude the requirement for an **Impact Assessment** in the review of a Planning application.

For the purposes of this Plan, all water bodies (e.g. lakes, rivers, streams and ***wetlands***) should be considered as potential areas for ***fish habitat***. The **Land Use Schedules** are intended to identify spawning sites and fish habitat classification where a higher level of protection will generally be required (see **Section 5.06.5.3** for details).

The intent of this Plan is to encourage and protect, wherever possible, natural connections, linkages or corridors including rivers and streams that facilitate the movement of wildlife and fish, hydrological and nutrient recycling, genetic transfer and energy flows through food webs between ***natural heritage features and areas***.

The intent of this Plan is to incorporate studies and other information that will serve to better identify the characteristics and knowledge of natural heritage features and areas and which may lead to amendments to the Plan.

2. Adjacent lands

Development and/or site alteration may be permitted on ***adjacent lands*** to a ***natural heritage feature or area*** where the Municipality is satisfied that there will be no ***negative impacts*** on the natural features or the ***ecological functions*** for which the area is identified. The Municipality will use the Natural Heritage Reference Manual as a means to identify ***adjacent lands***.

The determination of ***negative impacts***, if any, shall be determined through an **Impact Assessment**. An **Impact Assessment** shall apply to any ***development*** and/or ***site alteration*** (see **Section 5.06.5.6**) on ***adjacent lands***. The **Impact Assessment** (study) shall include a professional opinion on whether ***negative impacts*** on the natural features and ***ecological functions*** will occur, the significance of such impacts, and whether ongoing monitoring is required. Planning tools e.g. zoning, site plan control, site alteration by-laws, and/or environmental approvals etc. may be used to implement measures for mitigating ***negative impacts***, where appropriate.

3. Fish Habitat

It is a policy to protect identified ***fish habitat*** areas (see description in **Section 5.06.5.1**) for their ***fish habitat*** values in compliance with the *Fisheries Act*. All water bodies are considered as areas for fish habitat. Wherever possible, the Municipality should work towards a net gain of productive capacity of the fishery. More specifically, ***development*** and/or ***site alteration*** in and adjacent to ***fish habitat*** shall not result in:

- Net loss of ***fish habitat***
- The harmful alteration, disruption, degradation or destruction of ***fish habitat***; or
- Restriction of fish passage

Development and/or ***site alteration*** in and on ***adjacent lands*** to ***fish habitat*** shall be as set out in **Table 5.1**. For areas identified as a spawning area or Type 1 or 2 habitat, a full site assessment shall be required under the **Impact Assessment** provisions of this Plan (see **Section 5.06.5.6**).

Compensation or reconstruction of ***fish habitat***, where permitted/required, shall be subject to the approval of the federal Department of Fisheries and Oceans.

The provisions of **Sections 3.06.8.9 and 3.06.8.10** shall apply to development or redevelopment along shorelines as a measure to preserve or enhance the function of shorelines in protecting ***fish habitat***.

The Municipality is encouraged to require the retention of natural vegetation or the revegetation of shorelines as a condition of the approval of development.

4. **Wildlife habitat, Areas of Natural and Scientific Interest, Endangered and Threatened Species and Resource Management/Provincial Park Lands**

It is a policy to conserve or protect ***wildlife habitat***, (e.g. winter deer habitat, nesting sites), ***areas of natural and scientific interest***, as shown on the **Land Use Schedules**, for their respective ***ecological functions*** or natural features. (Note: significant habitat of ***endangered and threatened species*** are not illustrated on the **Land Use Schedules**.) ***Development*** and/or ***site alteration*** shall be as set out in **Table 5.1**. Where the Ministry of Natural resources identifies significant habitat of ***endangered or threatened species*** in the future, the Municipality shall not permit ***development*** and/or ***site alteration*** in such areas.

5. **Wetlands**

Where wetlands are indicated on any **Schedule** to this Plan, reference shall be made to the most current official mapping available from the Ministry of Natural Resources. Where a site designated as a wetland area in the **Rural Area** is no longer considered a wetland by the Ministry of Natural Resources, the policies of the **Agricultural Resource** land use designation shall normally apply. Where such a site consists

predominantly of Classes 4 through 7 as indicated in the Canada Land Inventory (CLI) for Agricultural capability any proposed uses shall be compatible with the abutting designated lands.

It is a policy to conserve and protect **wetlands**, for their respective **ecological functions** or natural features. **Development** and/or **site alteration** shall be as set out in **Table 5.1**. The focus of this Plan is to protect provincially significant wetlands and such protection shall be reflected in the implementing zoning by-laws. Locally significant wetlands not indicated on the land use schedules may be protected by the Municipality in their implementing zoning by-law. **Development** and/or **site alteration** on the adjacent lands to a provincially significant wetland or on or on the adjacent lands to locally significant wetland shall be subject to an **Impact Assessment** [see **Section 5.06.5.6**]. The Municipality may permit **development** and/or **site alteration** if the **Impact Assessment** shows that there will be no **negative impacts** on the natural features or on the **ecological functions** for which the area is identified. Lands adjacent to a locally significant wetland may be subject to an impact assessment study if required by the Municipality.

Unclassified **wetlands** where evaluated, shall be protected based on the type of wetland determined by the evaluation manual (e.g. provincially or locally significant). The Official Plan and implementing zoning by-law, in the case of a provincially significant wetland, shall be amended to reflect the resulting classification.

Wetlands that have been classified as locally significant, may be protected by the Municipality. However, it is recognized that within settlement areas, the Municipality has the flexibility to give priority to the development of other land uses that strengthen and support the economic prosperity and efficient use of land within these settlement areas.

Where feasible, the Municipality shall encourage measures designed to increase the type and diversity of wetlands in West Nipissing. The Municipality may take measures to protect the wetland areas within West Nipissing forested areas including the use of partnership programs with agencies such as Ducks Unlimited.

6. Impact Assessment

An Impact Assessment (IA) shall be prepared in support of a planning application (e.g. should generally be submitted along with the application) for an Official Plan amendment, zoning by-law amendment, plan of subdivision, a consent etc. where the impact of the **development** and/or **site alteration** cannot demonstrate no negative impacts, it will not be permitted.

An IA is intended to provide for an assessment of the potential impact of a proposed **development** and/or **site alteration** on a particular **natural heritage feature or area** and shall be used to determine whether the proposed **development**, redevelopment

or **site alteration** should or should not be permitted, in whole or in part. The IA will be undertaken by the proponent of **development** and/or **site alteration**.

The components of the IA shall be tailored to the scale of **development** and may range from a simplified assessment (scoped assessment), undertaken by the property owner, to a full site assessment. It is expected that a qualified professional will undertake a full site assessment. For example, a single detached dwelling may only require a scoped assessment while a subdivision, multiple unit residential complex, major commercial or industrial **development**, golf course etc. will require a full site assessment. The following is intended to provide a guideline on the potential scope of an IA:

- Scoping the specific needs of the impact assessment e.g. identifying/mapping key features and functions, ecological linkages, processes, study area boundaries, information needs;
- Description of the development proposal (e.g. land use, building type/size/location, excavation, site grading, landscaping, drainage/stormwater works, roadway/utility construction, water and sewage systems), in relation to the various environmental considerations;
- Assessment of the predicted effects and negative and positive impacts of the proposed development on the natural features and **ecological functions** on and adjacent to the site (e.g. wildlife, fish, vegetation, soil, surface and groundwater resources, air) and which takes into consideration the effects during and after **development** and/or **site alteration**;
- Identification of mitigation requirements and monitoring requirements;
- Quantification of residual impacts (those that cannot be mitigated) if any, and;
- Conclude with a professional opinion and recommendation on whether **negative impacts** on the natural features and **ecological functions** will occur, the significance of such impacts and whether ongoing monitoring is required.

Planning tools (e.g. zoning, site plan control, site alteration by-laws, and/or environmental approvals etc.) may be used to implement measures for mitigating **negative impacts**, where appropriate.

An IA may be prepared by a conservation authority or reviewed (peer review) by the conservation authority, where requested. A qualified professional means an individual or company with professional accreditation or specialized training in the specific discipline required (*For example: a terrestrial biologist would undertake an assessment of wildlife habitat but not fish habitat*). The Municipality may require a peer review (third party review) of an IA and may request technical assistance from a provincial Ministry (e.g. Ministry of Natural Resources, Ministry of the Environment) in commissioning such a review or resolving disputes over a submission.

5.06.6 Water

1. Significance of the Resource and Policy Intent

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. 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.

The intent of the Municipality is 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. The Municipality also recognizes that the stewardship of water resources is dependent on a cooperative approach. This includes water users, a variety of other agencies whose mandates vary.

2. Measures for Water Resources Conservation

Water quality and quantity will be managed through such measures as:

- A. Developing a **data base** on water resources and all properties that have received waste materials. This will include information on both groundwater and surface water;
- B. Establishing setbacks, protecting streambanks and buffering surface water from various land use activities is intended to prevent erosion and minimize the discharge of contaminants (i.e. phosphorus, herbicides, sediments) into these water courses;
- C. Ensuring that planning decisions take into account the impact of upstream activities on downstream communities. This will include phosphorus management and ensuring that the quantity of receiving waters is adequate for projected sewage discharges. Planned **infrastructure** will correlate growth with the capacity of water quality and quantity resources to sustain such development;
- D. Protecting identified aquifers, groundwater recharge and discharge areas, and natural springs from development and other activities which may contaminate these resources;
- E. Developing a groundwater protection strategy;

- F. Developing an inventory of contaminated sites and providing for site clean-up as a condition of redevelopment;
- G. 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;
- H. Promoting conservation practices in the use of water (e.g. water efficient plumbing fixtures, upgrading **infrastructure**, recycling etc.);
- I. Lake development planning including the setting of development capacities to protect inland lakes;
- J. Maintenance and retrofitting sewage disposal systems and encouraging or requiring residents to pump-out septic tanks on a regular basis;
- K. Supporting the use of the latest technologies in sewage disposal systems for minimizing phosphorus discharge except where limited on water bodies determined to be at capacity;
- L. Requiring conformity with Ontario Regulation 903 with respect to the construction of wells;
- M. Compliance with the *Clean Water Act* and other Ontario Drinking Water Regulations;
- N. Monitoring municipal waste management facilities for leachate migration, bacterial and viral components;
- O. Providing for the safe storage of fuels, chemicals and other toxic contaminants as a condition of site plan control.

5.06.7 Minerals

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 Schedules, 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. Lands which are subsequently rehabilitated or decommissioned may be utilized for other purposes where the applicable criteria above are met and an official plan amendment, if necessary, is approved.

5.07 CONSULTATION AND REFERENCE

The following agencies will be consulted for technical advice, where appropriate:

1. Ministry of Natural Resources - for applications for licenses for **mineral aggregate operations**, for evaluation or screening of aggregate reserves (quality and quantity), for procedures related to **Impact Assessments** for natural heritage procedures or approval of Provincially Significant Wetland evaluations and confirmation of significant habitat of endangered or threatened species.
2. Ministry of Natural Resources and Ministry of Transportation - for requirements related to the approval of **wayside pits and quarries** and **portable asphalt and concrete plants**.
3. Department of Fisheries and Oceans - for procedures and approvals under the *Fisheries Act*.
4. Ontario Ministry of Agriculture and Food - for application of Minimum Distance Separation Formulae and the application of the *Farming and Food Production Protection Act* (FFPPA) to normal farming practices and the requirements of the *Nutrient Management Act, 2002*.
5. The Ontario Aggregate Resources Corporation for the Management of Abandoned Aggregate Properties (MAAP) Program.
6. Ministry of Northern Development and Mines for the identification and mapping of **areas of mineral potential** and **mineral aggregate resources** and for procedures and approvals under the *Mining Act*.

Reference documents include:

- Minimum Distance Separation Formulae I and II, OMAFRA, 2007
- Aggregate Resources of Ontario, Provincial Standards, Version 1.0, Queen's Printer for Ontario, 1997
- Non-Renewable Resources Training Manual, Version 1.0, MNR, February 1997
- Aggregate Resources Inventory of the Nipissing and Sudbury Districts, Ontario Geological Survey, Aggregate Resources Paper, 1997
- Natural Heritage Reference Manual, MNR, June 1999
- Significant Wildlife Habitat Technical Guide, October 2000
- Decision Framework for the determination and Authorization of Harmful Alteration, Disruption or Destruction of Fish habitat, Department of Fisheries and Oceans, 1998
- Canada's Fish Habitat Law, Fisheries and Oceans, 1991
- Ontario Wetland Evaluation System, Northern Manual.
- Provincial Policy Statement, 2005 re: definitions

SECTION 6 - PUBLIC HEALTH AND SAFETY

6.01 INTRODUCTION

This section of the Plan addresses natural and human-made hazards. Natural, physical and environmental processes can produce unexpected events that may result in damage to property, injury or loss of life and changes to the natural environment. These natural hazards take the form of flooding, erosion and slope failure. Human-made hazards result from human activities that modify or disturb the landscape in a way that can threaten the health or safety of humans or the environment. Such activities include industrial or commercial land uses which can contaminate or pollute the ground or water and hazards related to **mineral mining operations** and **mineral aggregate operations**. Planning and development strategies that are geared toward the effective management of natural and human-made hazards will increase opportunities for the development while still maintaining and enhancing the integrity of the ecosystem, protecting human life and minimizing property loss and social disruption.

The landscape of the Municipality encompasses waterways, physical features and land use activities that can create or is a hazard to development. Preventative or remedial actions have been taken in the past to address both natural and human-made hazards. The emphasis for the future is on prevention, protection and risk management as tools to ensure public health and safety in the development or redevelopment of land.

6.02 STATEMENT OF INTENT

It is the intent of the Plan to safeguard the health and safety of the population of the Municipality from natural hazards such as flooding, erosion, dynamic beaches and unstable soils by directing **development** away from these hazards or by ensuring that the hazards are addressed in a physically and environmentally sound manner. It is the intent of the Plan to safeguard **development** including redevelopment from the **adverse effects** of contamination by requiring an assessment and, where required, the clean-up and restoration of sites or properties with polluted soil or water conditions. It is the intent of the Plan to safeguard **development** including redevelopment from hazards related to **mineral mining operations** and **mineral aggregate operations**.

6.03 GOAL

To safeguard the public and the natural environment from natural and human-made hazards through the development of policies, tools and processes to identify, evaluate, prevent or protect against such hazards.

6.04 OBJECTIVES

To build a data base of information on the location and characteristics of natural hazards, human-made hazards and known or potentially contaminated sites.

To increase the public awareness of the potential impacts of natural and human-made hazards and the measures needed to protect or prevent property destruction, social disruption and environmental damage.

To institute measures for the evaluation of known or potentially contaminated sites and their restoration to a condition suitable for reuse, development or redevelopment.

To institute measures for the identification of hazardous lands and sites and the development of techniques, strategies and methods to prevent or protect properties and the natural environment from damage and humans from injury or fatalities.

To recognize major studies that have identified the principle of development in flood susceptible areas of the Municipality.

6.05 KEYNOTE POLICIES

1. Natural Hazards

It is a policy to direct **development** away from lands or areas which are hazardous or susceptible to hazards including flooding, erosion, slope failure or unstable soils. In exceptional circumstances certain types of development may be permitted on hazardous lands or sites where measures are undertaken to safeguard such development and the environment from the impacts of such hazards and from the creation of new hazards. Hazardous lands will be considered for their environmental resource value including habitat areas and areas that add to the green space within communities.

2. Human-made Hazards

It is a policy to permit **development** on a known or potentially contaminated site where a site evaluation has been conducted and where there is verification that the

site is suitable for the use proposed without restoration, or where the site can be made suitable through restoration or other measures. It is a policy to safeguard **development** including redevelopment from hazards related to **mineral mining operations** and **mineral aggregate operations** through the rehabilitation and restoration of these sites.

6.06 IMPLEMENTATION

6.06.1 Natural Hazards - Hazardous Lands

1. Introduction

Hazardous Lands are lands illustrated on the **Land Use Schedules** and are identified as lands which are subject to a **flooding hazard** or **erosion hazard**.

For the purposes of this Plan, the 100 year flood is the regulatory flood standard applicable to all water bodies. This standard is the design standard for existing flood plain mapping and shall also be used as the criterion to determine the flooding hazard limit in areas where engineered flood plain mapping has not been prepared.

It is recognized that some lands which are illustrated as Hazardous Lands will include areas with ground and topographic elevations which are above the flood elevation. This may also include lots or properties where fill has been imported to increase the elevation above the flood elevation. Where parts of lots or land within the Hazardous Lands is determined to be above the flood elevation, these lands may be developed provided the access standard in subsection **6.06.1.5** can be met and provided that any openings of buildings are located above the flood elevation.

The one-zone concept shall apply. The one-zone defines the **flooding hazard** limit or **floodplain**. Within the boundaries of the **floodplain, development or site alteration** will not be permitted except as set out in **Table 6.1**.

This Plan is not, however, intended to limit the use of a two-zone concept (where a **floodway** and **flood fringe** are defined) provided that this is established through technical studies and by an amendment to this Plan, or where the concept could be applied (i.e. Sturgeon River and the shores of Lake Nipissing). The amendment shall set out the criteria and conditions under which **development or site alteration** may be permitted in the **flood fringe**.

Established flood elevations or engineered flood plain mapping for the Sturgeon River, Lake Nipissing and French River have been recorded. The natural hazard limit in **Table 6.1** shall apply to all river systems including those where flood plain mapping or flood elevations have not been established. The boundaries of regulatory

floodplains are approximate and reference shall be made to the official floodplain mapping. Updated information or new mapping to show natural hazard limits (flooding, erosion) may be utilized without amendment to this Plan provided the intent of the Plan is maintained and the applicable implementing zoning by-law is amended. Nothing contained herein shall exempt any person from complying with the Conservation Authority regulation with respect to “Fill, Construction and Alteration to Waterways regulations”.

Understanding Natural Hazards (2001 version) and the *Provincial Policy Statement* (Section 3.1) shall be used as the source for the evaluation of site suitability, application of the floodproofing and access standards, evaluation of protection works and mitigation options for **development** on **hazardous lands**. In general, **development** on **hazardous lands** will only be permitted in exceptional circumstances (per **Table 6.1**) and only where adequate study has been undertaken and provisions are made to meet the applicable requirements of **Sections 6.06.1, 3-6, 8 and 10**. Specifically, development proposals located in or adjacent to an environmental constraint should be accompanied by a site plan, which in addition to the requirements of **Section 8.13.10** should include: the location of any fill imported onto the site; the existing and final contours at 0.5 m [1.64 ft.] intervals; erosion and siltation control procedures; and, the exact location of the engineered floodline and floodline elevations.

2. Scope of Uses

Table 6.1 shall be used in determining the scope of permitted or prohibited uses on hazardous lands adjacent to or which are part of the waterways listed. Generally, no development will be permitted within the Natural Hazard Limit except for flood or erosion control structures, shoreline stabilization, water intake facilities and marine structures such as docks and boathouses.

All legally existing uses will be recognized as permitted uses within the zoning by-law. A legally existing building or structure will be encouraged to relocate outside of the flood plain or away from other hazardous lands where damaged or destroyed by a flood. However, such a building or structure may be permitted to be reconstructed provided the building or structure is located within the existing setbacks, the building is not increased in size and there is no change of use except to a use permitted in the hazard area. Renovations or strengthening a building to a safe condition will be permitted.

Development and site alteration, where permitted, shall meet the applicable requirements below for floodproofing, the installation of protection works and compliance with the access standard, having been approved. Such development shall not include large scale commercial, institutional or essential emergency services or the disposal, manufacture, treatment, or storage of hazardous material. In reviewing

such requests, it is essential that new hazards are not created and existing hazards are not aggravated and that no adverse environmental impacts result.

3. Floodproofing Standard

Buildings or structures, where permitted in a two-zone area, shall be designed and constructed in accordance with established standards and procedures to withstand anticipated vertical and horizontal hydrostatic pressures acting on the building or structure and shall incorporate floodproofing measures that will preserve the integrity of exits and means of egress during times of flooding. This may include minimum elevations for basements and building openings.

4. Protection Works

Where actions intended to address natural hazards involve the installation of protection works, structural or non-structural solutions may be used provided they comply with good engineering and sound environmental management practices. This shall require an assessment of both on-site and off-site physical impacts and the conservation or protection of ecosystems.

5. Access Standard

In the design and **development** of any hazardous lands provision shall be made to ensure that people and vehicles can access and exit or be safely evacuated in times of an emergency (flooding, erosion, wave action, subsidence).

6. Hazardous Lands as Open Space

While hazardous lands may be utilized for open space, to improve public access to waterways or for passive recreation or leisure purposes, there is no obligation for the Municipality to accept such lands as part of parkland dedication under the *Planning Act*, nor is there any obligation by a public authority to purchase such lands, nor is it intended that such lands are necessarily open to and accessible by the general public.

7. Unidentified Hazard

In some circumstances the scope or extent of a hazard may not be known. Where a proposal includes areas where a hazard is suspected to exist or the extent of a known hazard has not been confirmed, the approval authority and the Municipality should ensure that they are satisfied that the development will not be affected by a hazard and that the proposal is designed in such a way as to avoid the hazard or engineered to withstand the hazard where permitted. The Municipality may require the submission of supporting technical studies prepared by a qualified individual.

8. Restoration

The Municipality, agencies and the public may restore or enhance hazardous lands and sites through the repair, replacement or retrofitting of protection works (retaining walls, dams, revetments, berms etc.) or other flood or erosion control structures provided such restoration complies with good engineering and sound environmental management practices.

9. Unstable Soils and Hazardous Sites

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 and shall be considered as ***hazardous sites. Development*** shall be directed away from lands identified on the **Land Use Schedules** as organic soils. The approval authority may refuse development applications on organic soils, unstable soils or other ***hazardous sites. Development*** may be permitted in exceptional circumstances only where the hazard can be overcome using acceptable engineering techniques and where the access standard can be met (see **Section 6.06.1.6**) and no other environmental hazards will be created.

10. Unstable Slopes

Shoreline erosion and soil type play a significant role in the incidence of slope failure along waterways. Lands labeled as unstable slopes on the **Land Use Schedules** have been identified as being at increased risk to subsidence or slope failure. This includes leda clay or sensitive marine clays. Prior to any ***development*** or ***site alteration***, a geotechnical inspection by a qualified engineer shall be required to assess the potential impact of the proposed development and to determine the required setbacks for development and other stabilization measures, if any, (e.g. slope regrading or the construction of stabilization structures such as berms). It should be noted that the results of a geotechnical investigation may determine that mitigation measures are required on lands adjacent to the development proposal to offset the impact of development. The geotechnical investigation may also determine that development on the site is not appropriate, in which case the proposal shall be refused by the Municipality or the Approval Authority.

11. Erosion Hazards

Erosion hazard setbacks will be implemented, where applicable, in accordance with the Natural Hazards Training Manual (see Reference documents). Any reduction in an erosion setback will require a geotechnical study.

12. Land Use Plan and Reference Documents

The **Land Use Plan Schedules** illustrate hazardous lands. Reference may be made to original documents in interpreting the precise geographic location of hazardous lands.

13. Zoning and Site Plan Control

The Municipality may use zoning and site plan control to restrict or govern **development** on ***hazardous lands*** or lands adjacent to ***hazardous lands*** in compliance with the policies of this Plan. This includes building setbacks in the zoning by-law that will relate to the extent and severity of existing or potential hazards.

Table 6.1 - Natural Hazards Development Standards

Waterway	Natural Hazard	Natural Hazard Limit	Uses permitted	Uses prohibited
Sturgeon River			- Legally existing uses, buildings and structures - Minor extensions to existing buildings or structures where they are engineered or designed to withstand the hazardous condition (i.e. must meet floodproofing and access standard (see Section 6.06.1-4 & 6) and do not aggravate an existing or create a new hazard). No extension shall be permitted to a habitable structure if the hazard cannot be overcome. - Uses not requiring the construction of buildings or structures (e.g. agriculture, forestry, outdoor recreation, golf course, open space, conservation, parking area) and which do not require site alteration or add to flood flows - Flood and erosion control structures or protection works - Utilities or essential infrastructure components which by their nature must be located on hazardous lands - Non- impact non-habitable accessory marine structures (e.g. dock, boat house and which excludes fuel or fertilizer storage); and - Lake Nipissing: development as permitted in Section 6.06.1.2 provided that the minimum elevation of all building openings is above the 197.25 m [647.1 ft.] CGD elevation.	- New buildings or structures (except those permitted under Permitted Uses) - Uses associated with the disposal, manufacture, treatment or storage of <i>hazardous substances</i>. - Institutional uses associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion. - Essential emergency services such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion. Site alteration such as fill, grading or excavation that causes a change to the natural land form or native vegetation of a site or native vegetation of a site or impacts on the flood storage capacity of the adjacent watercourse
Field	Flood, erosion	15 m [49.2 ft.] from top of cliff/bluff/bank or from the normal high water mark where there is no cliff/bluff/bank except as otherwise determined by a technical study.		
Goulais Point	Flood, erosion	Flood elevation is 197.25 m [647.1 ft.] and all development should be set back an additional 15 m [49.2 ft.] from the high water mark.		
Lake Nipissing and French River				
All shorelines of the Lake and River	Flood, erosion	Flood elevation is 197.25 m [647.1 ft.] and all development should be set back an additional 15 m [49.2 ft.] from the high water mark.		
All other river and stream systems				
All reaches	Flood, erosion	15 m [49.2 ft.] from top of cliff/bluff/bank or from the normal high water mark where there is no cliff/bluff/bank except as otherwise determined by a technical study.		

1. Stable slope allowance is a horizontal allowance measured landward from the top of the shoreline cliff, bluff or bank that is three times the height of the cliff, bluff or bank. See **Land Use Plan Schedules** for applicable flood elevations along reaches of the Sturgeon River. **2.** Reference should be made to engineered flood plain mapping (original documents) to determine the exact location of the flood plain. **3.** High water mark refers to the normal operating water level of a body of water or the historic normal (seasonal) level on a water body where the flood level has not been established.

6.06.2 Human-Made Hazards

1. Description

Known or potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility, waste disposal, snow disposal sites or similar uses. Sources of contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Examples include such uses as gasoline stations, automotive repair garages, wrecking yards, bulk fuel depots, dry cleaning uses, asphalt plants, log storage.

Human-made hazards may also include mine hazards.

2. Inventory

The Municipality may identify shall undertake a more comprehensive inventory of sites with the potential for contamination including but not limited to more precise locations of former waste disposal facilities, industrial and commercial uses.

3. Evaluation and Restoration

Known or potentially contaminated sites shall be evaluated as a condition of their reuse or redevelopment in accordance with the Ministry of the Environment's guidelines such as the "Guideline for Use at Contaminated Sites in Ontario" unless otherwise directed by the Ministry of the Environment. A Phase I Environmental Site Assessment (ESA) shall be carried out on a site which may be contaminated. A Phase 2 ESA shall be completed where contaminants are identified in Phase I and further investigation is warranted to determine the extent and scope of contamination. The Municipality shall request the submission by the proponent of a 'record of site condition' which verifies that the site has been cleaned or restored in accordance with the Ministry of the Environment's Guideline and is acknowledged by the Ministry prior to the approval of the planning application. In limited circumstances, a site which exhibits **adverse effects**, may be used where an effective and approved risk management program is instituted and approved by the Ministry of the Environment.

The Municipality may require the rehabilitation or restoration to standards set out in the *Aggregate Resources Act*, the *Mining Act - Mine Rehabilitation Code of Ontario* or other applicable legislation, whichever may apply as a condition of redevelopment.

4. Zoning Controls

The Municipality may use Section 34 or 36 of the *Planning Act* to regulate known or potentially contaminated sites. Where the holding provisions of Section 36 are used, the Municipality shall be satisfied that the site is not contaminated or that site has been appropriately restored for the intended land use, prior to removing the holding symbol by amendment to the by-law.

5. 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.

This Plan supports redevelopment of land. Some land may be contaminated as a result of past or present land uses. This Plan requires that the health risks associated with sites of potential contamination be determined prior to permitting development on these sites. The objective is to facilitate, upon determination of the health and property risks associated with potentially contaminated sites, land uses that are compatible within and/or adjacent to the identified sites.

6. Policies

- A.** The following list of general uses represents current or past activities on a property that may be causing or may have caused environmental contamination:
 - i)** Activities involved with the elimination of waste and other residues, including but not limited to waste disposal sites;
 - ii)** Industrial and commercial activities involving the storage and/or use of hazardous substances, including but not limited to fuels, oils, chemicals, paints or solvents;
 - iii)** Railway lands.
- B.** The Municipality will require applicants to document previous uses of a property or properties that are subject of a planning application and/or properties that may be adversely impacting the property that is subject of a planning application in order to assist in the determination of the potential for site contamination.
- C.** The Municipality will, where appropriate, require all applications for plans of subdivision to be supported by an affidavit from a qualified person as defined

by provincial legislation and regulations, confirming that a Phase 1 Environmental Site Assessment (ESA) has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 1 ESA documents the previous uses of the property and provides an assessment of the actual or potential soil or groundwater contamination on the site.

- D. For a property or properties that have been identified through the Municipality's planning application review process as potentially contaminated:
- i) The Municipality will require all planning applications submitted under the *Planning Act* to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 1 ESA has been completed in accordance with Ontario Regulation 153/04, as amended from time to time;
 - ii) Where a Phase 1 ESA indicates that the property or properties that are subject of the planning application may be contaminated, the Municipality will require planning applications to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 2 ESA has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 2 ESA provides a sampling and analysis of the property to confirm and delineate the presence of soil or groundwater contamination at the site or confirm the absence of contamination at the site;
 - iii) Where the Municipality determines that there is a proposed change in land use to a more sensitive use, the Municipality will:
 - Require as a condition of planning approval, verification to the satisfaction of the Municipality from a qualified person as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the Municipality, or provincial legislation and/or regulations;
 - Filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry;
 - Submission to the Municipality of a Declaration signed by a qualified person acknowledging that the Municipality may rely on the statements in the RSC; and,

- Submission by the property owner to the Municipality of proof that the Ministry of Environment (MOE) has acknowledged receipt of the RSC;
 - iv) Establish conditions of planning approval to ensure receipt of satisfactory verification of suitable environmental condition as per Policy 4 c) I) of this section; and
 - v) Where applicable, utilize the holding provisions of the *Planning Act* to ensure receipt of satisfactory verification of suitable environmental condition as per Policy 4 c) I) of this section;
- E. Where an RSC has been made a condition of planning approval, a building permit may be issued in regard to a property or properties on a phased basis to allow for site assessment and remediation/risk management.
- F. Where the Municipality is deeded land for public highways, road widenings, parks, stormwater management, easements, or for any other purpose, the Municipality may require, as a condition of transfer, verification to the satisfaction of the Municipality from a qualified person as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the Municipality or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry, and submission by the owner to the Municipality of proof that the MOE has acknowledged receipt of the RSC.
- G. For instances where contamination from a property or properties extends onto a Municipality right-of way, the Municipality may issue a building permit in regard to this property or properties on a phased basis contingent on the execution and implementation of an Off-Site Management Agreement or Remedial Action Plan that remediates/manages contamination in the right-of-way to the satisfaction of the Municipality. If the right-of-way is to be redeveloped from an industrial use or commercial use to a residential use, filing of an RSC is mandatory. Where there is no change in use to a more sensitive use, the Municipality will require that a letter of the continued use from the Technical Standards and Safety Authority be provided.
- H. Where a gasoline station site is being redeveloped and there is no change in use to a more sensitive use, the Municipality will require that a letter of continued use from the Technical Standards and Safety Authority be provided. For instances where contamination extends onto a Municipality right-of way, the Municipality will require that an Off-Site Management

Agreement and Remedial Action Plan be implemented to the satisfaction of the Municipality prior to issuance of the building permit.

- I. The Municipality will not consider an RBC as acknowledged by the MOE for purposes of Policies 1) – 8) above until either:
 - i) It has been confirmed that the RBC will not be audited by the MOE; or,
 - ii) It has been confirmed that the RBC has passed the MOE audit.

J. Mine Hazards

No development shall be permitted within 1,000 m [3,280 ft.] of a mine hazard unless it is demonstrated to the municipality and/or the Ministry of Northern Development and Mines that the hazards are insignificant, do not have any impact on the proposed development or that the hazard can be overcome and the hazard can be rehabilitated. Hazards that are identified may be zoned to restrict land uses.

(See **Sections 8.13.5 - Community Improvement** and **8.13.7 - Holding Zone**)

6.07 CONSULTATION AND REFERENCES

The following agencies will be consulted, for technical advice, where appropriate:

1. Ministry of Natural Resources - for abandoned pits and quarries; also for shoreline alterations on the Sturgeon River.
2. Ministry of the Environment - for requirements related to the restoration of contaminated sites and the preparation of a Record of Site Condition.
3. Ministry of Northern Development and Mines - for the identification and mapping and other information about mining-related hazards and all matters pertaining to the *Mining Act* including the *mine Rehabilitation Code of Ontario*.

Reference Documents Include:

- Technical guide for Great Lakes - St. Lawrence River Shoreline, Flooding, Erosion and Dynamic Beaches, Ministry of Natural Resources
- Technical Guide: River and Stream Systems Flooding Hazard Limit, Ministry of Natural Resources

- Technical Guide: River and Stream Systems Erosion Hazard Limit, Ministry of Natural Resources
- Technical Guide for Hazardous Sites, Ministry of Natural Resources
- Natural Hazards Training Manual, Version 1.0, MNR, January 1997
- Guideline for Use at Contaminated Sites in Ontario, Ministry of the Environment, 1997
- Understanding Natural Hazards, Queen's Printer, 2001
- Guidance on Sampling and Analytical Methods for Use at Contaminated Sites in Ontario", MOE, 1996
- Guidance on Site Specific Risk Assessment for Use at Contaminated Sites in Ontario, MOE, 1996
- Rationale for the Development and Application of Generic Soil, Groundwater, and Sediment Criteria for use at Contaminated Sites, MOE, 1996
- Provincial Policy Statement, 2005 re: definitions

SECTION 7 - HERITAGE

7.01 INTRODUCTION

Heritage within the Municipality represents a rich legacy of cultural events, history, architecture, settlement patterns and archaeological resources. The conservation of heritage resources will serve to enhance the attributes and amenities that help to define the character and identity of the people and landscapes of West Nipissing. They also create recreational and tourism opportunities and therefore, provide an economic benefit to the area.

7.02 STATEMENT OF INTENT

It is the intent of this Plan to provide the Municipality with the appropriate mechanisms to conserve or protect heritage resources for the benefit of the community and posterity, by identifying, recognizing, documenting, protecting, improving and managing those resources. Heritage resources include ***built heritage resources*** (buildings, structures, monuments, bridges, canals, cemeteries); ***cultural heritage landscapes*** (streetscapes, historically designed districts or parks, scenic lookout points, sacred landscapes such as burial grounds and battlefields); and ***areas of archaeological potential*** (artifacts, sites of past settlement and burial sites).

7.03 GOAL

To manage the community's heritage resources in a responsible manner through the development of policies, tools and processes to identify, recognize, document, protect, rescue and conserve these resources.

7.04 OBJECTIVES

To provide the Municipality with the tools and processes to identify, recognize, document, protect, rescue and conserve heritage resources.

To adopt a pro-active approach towards heritage resources conservation.

To integrate the conservation of heritage resources within ***development*** and ***infrastructure*** decisions which may affect those resources.

To incorporate heritage conservation as a sustaining element of economic development.

7.05 KEYNOTE POLICY

It is a policy to manage heritage resources through the pro-active identification, recognition, documentation, protection, conservation and rescue of these resources and to conserve heritage resources when making **development** and **infrastructure** decisions which may affect those resources. Heritage resources shall include **built heritage resources**, **cultural heritage landscapes** and archaeological resources which are important to the community or area in which they are located or are recognized for their significance at a provincial or national level.

7.06 IMPLEMENTATION

Implementation procedures to be used include:

1. **Development Applications and Infrastructure Works (Public Works)**

In reviewing an application for a zoning amendment, a consent for a commercial, industrial or institutional use or a multi-unit residential building (or other residential consent where deemed appropriate); or subdivision; or in the undertaking of new **infrastructure** works (e.g. new road, road widening, communal water or sewer system, landfill site), consideration shall be given to the possible effects and impacts of such works on a known heritage resource or on an **area of archaeological potential** (lands where there is a likelihood for the presence of archaeological resources based on physiographic or historical features). Along the Sturgeon River underwater/shoreline archaeological resources (artifacts, known sites of past settlement and burial sites) shall be considered where affected by a development proposal.

A ‘known’ heritage resource is one which has been designated under the *Ontario Heritage Act* by a municipality; is a site or building which has been identified or registered by the Ministry of Culture. A heritage impact assessment report shall generally be required for **development** adjacent to a known heritage resource (local, provincial or federal), or is an **area of archaeological potential** e.g. site which is in proximity to a lakeshore, water body (300 m [984 ft.]) (current or ancient shorelines) or the confluence of major water courses, or within 200 m [656 ft.] from a secondary waterbody. These distances may be altered subject to the advice or guidelines of the Ministry of Culture. The report shall identify the characteristics and significance of the heritage resource(s), the development impacts and the measures or options for the conservation, mitigation or removal/rescue of the resource.

Where, through development, a site is identified to contain an unmarked burial site or new archaeological features, a municipality shall contact the Ministry of Culture and where human remains are found, the local authorities will be contacted. The Ministry of Consumer and Business Relations shall also be contacted with respect to

the discovery of burial sites and unmarked cemeteries and matters related to the *Cemeteries Act*.

Development and **site alteration** may be permitted on **adjacent lands** to **protected heritage property** where the proposed **development** and **site alteration** has been evaluated and it has been demonstrated that the **heritage attributes** of the **protected heritage property** will be **conserved**.

Mitigative measures and/or alternative development approaches may be required in order to conserve the **heritage attributes** of the **protected heritage property** affected by the adjacent **development** or **site alterations**.

The Municipality recognizes that there may be a need for archaeological preservation on site or rescue excavation of significant archaeological resources, when such resources are identified through the development process. Council may consider archaeological resource preservation on site, to ensure that the integrity of the resource is maintained.

2. Inventories

The Municipality is encouraged to establish and maintain an inventory of all known heritage resources to reflect identified resources and provide for their protection through the review of planning applications. This is expected to include the identification and mapping of **areas of archaeological potential**. The identification and mapping of **areas of archaeological potential** may occur incrementally (application-by-application basis) or through a comprehensive evaluation (e.g. as part of the preparation of a heritage master plan). The Municipality may undertake a study that identifies all known burial sites within the region. The inventory should be integrated into the Municipality geographic information system. Council shall identify and map any known archaeological sites from the provincial archaeological sites database under a provincial-municipal data sharing agreement.

3. Heritage Master Plan

The Municipality may prepare a heritage master plan as a means to comprehensively identify, assess and protect or conserve heritage resources (buildings, landscapes, **areas of archaeological potential**) in the Municipality. The heritage master plan may include criteria for determining local and regional heritage significance, a strategy for designating buildings or sites or heritage conservation districts under the *Ontario Heritage Act* and approaches to protecting **cultural heritage landscapes**.

4. Heritage Resources Designation

The Municipality may by by-law, designate properties (includes a building or structure) of historical or architectural value under *Part IV* of the *Ontario Heritage Act* or may designate a heritage conservation district under *Part V* of the *Ontario Heritage Act*.

5. Zoning and Regulatory Controls

The Municipality may protect significant archaeological resources and conserve cultural heritage resources on site through the passing of an archaeological zoning by-law (see **Section 8.13.6**) and by undertaking other measures under the *Planning Act*, the *Municipal Act*, the *Environmental Assessment Act*, the *Public Lands Act* and the *Aggregate Resources Act*.

6. Economic Benefit

The Municipality may develop strategies or measures to recognize, promote or enhance the economic benefit of the heritage resource for the community or the Municipality including enhancement for tourism. This may require an evaluation of the economic impact of development proposals on or adjacent to cultural heritage resources.

7. Heritage Committees

The Municipality may establish a Municipal Heritage Committee for the purposes of identifying and recommending the designation of property(ies) under *Part IV* or *Part V* of the *Ontario Heritage Act* and acting as a resource to the Municipality on heritage matters.

8. Heritage Conservation Incentives

Where feasible and desirable, incentives may be provided to land developers in exchange for the preservation of significant cultural heritage resources. This can be accomplished by permitting increased densities, density transfers, tax incentives, assistance through a trust fund, heritage conservation easements and/or other means considered appropriate for heritage resource conservation.

7.07 CONSULTATION AND REFERENCES

The following agencies shall be consulted where appropriate:

- 1.** Municipal Heritage Committee - for the designation of a property or the designation of a heritage district.

2. Ministry of Culture in the discovery of new archaeological features, unmarked burial sites, requirement for, review or implementation of a heritage impact assessment report or the designation of a Heritage Conservation District.
3. Ministry of Small Business and Consumer Services - unmarked burial sites or cemeteries and matters related to the *Cemeteries Act*.
4. First Nation Communities - identification of areas of archaeological potential, review or implementation of a heritage impact assessment report.

Reference documents include:

- | |
|---|
| <ul style="list-style-type: none"> • Archaeological Assessment Technical Guidelines, Ministry of Citizenship, Culture and Recreation, 1993. • Archaeology, Land Use Planning & Development In Ontario: An Educational Primer and Comprehensive Guide for Non-Specialists - Ministry of Culture, 1997 • Checklist for Determining Archaeological Potential (included in the Primer - Ministry of Culture, 1997 • Ontario Heritage Tool Kit, Ministry of Culture, 2006 • Provincial Policy Statement, 2005 re: definitions |
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SECTION 8 - TOOLS OF IMPLEMENTATION

8.01 INTRODUCTION

There are many ‘tools’ at the disposal of a planning authority in implementing an Official Plan. This Section of the Plan lists those tools which may assist in the implementation of this Plan. Reference is made to a number of different provincial statutes and/or Ontario Regulations. The list does not include all of the enabling authority of all legislation, particularly, those Acts and Regulations which are administered by the federal or provincial government but the list is intended to be reasonably comprehensive.

Over time, amendments are made to legislation which may change the numbering of sections of various Acts or Regulations. These changes should not affect the integrity of the following list nor limit the authority of the Municipality to exercise certain controls, unless the legislation is repealed. The Acts etc. are listed alphabetically for convenience.

8.02 BUILDING CODE ACT

8.02.1 General

The *Building Code Act* provides the enabling authority for Councils to issue building permits through the appointment of a chief building official and the adoption of a building by-law. The *Act* also provides for the administration of property standards (transferred from the *Planning Act*). A building permit cannot be issued unless the proposed structure complies with ‘applicable law’ such as a zoning by-law. The associated *Ontario Building Code* sets out the standards for design and construction of buildings.

8.02.2 Property Standards

The Municipality may adopt a Property Standards By-law or administer an existing by-law for all or part of the Municipality as provided for under the *Building Code Act* (see *Section 15.1 - 15.8*) with the objective of maintaining buildings, structures and properties in the Municipality in a good state of repair.

The by-law may be reviewed from time-to-time with respect to the standards for maintenance of buildings and without limiting the foregoing, shall include consideration for:

- The maintenance of yards and accessory buildings
- The maintenance of residential and non-residential buildings and structures
- Occupancy standards

- Notices and orders
- Administration and enforcement measures

8.03 CONDOMINIUM ACT

8.03.1 General

Condominiums are a form of property ownership in which title to a unit, such as an individual apartment in an apartment building or a single detached dwelling in a private subdivision, is held by an individual together with a share of the rest of the property, which is common to all owners.

Condominiums can involve a brand new development, or an existing rental project which is converted to condominium ownership. They can apply to any type of residential building as well as commercial and industrial areas and vacant land.

8.03.2 Applications

Applications shall be made to the Municipality utilizing the form prescribed and shall set out a description suitable for registration on title unless otherwise exempted by Council. The Municipality may enter into an agreement with the applicant for the provision of services or such other matters as are governed by *Section 51* of the *Planning Act*.

(See also **Section 8.13.15 - Subdivisions**)

8.04 DEVELOPMENT CHARGES ACT, 1997

8.04.1 Statement of Intent

This Official Plan is to be considered as a statement of intent of Council to carry out or authorize to be carried out, various public works as described specifically or in general terms in this Plan and which may be the subject of a development charge. This includes the Council of the Municipality.

8.05 ENVIRONMENTAL ASSESSMENT ACT

Prior to the construction of public works or undertakings, such as roads, sewage works, waste disposal facilities, water filtration plants, the Municipality shall follow procedures under the *Environmental Assessment Act*. Some types of undertakings may fall into a class environmental assessment which is a more streamlined process in reviewing the environmental impacts of the

proposed work. Generally, the intent of this Plan is to ensure that the following procedures (generalized description) are followed prior to the construction of a project (undertaking):

1. Consult with affected parties:
 - A. Involve affected parties early in the process and continuously throughout;
 - B. Encourage the identification and resolution of issues before an EA is formally submitted;
 - C. Promote mutually acceptable, environmentally sound solutions through consultation.
2. Consider reasonable alternatives: planning must consider alternatives to the undertaking which fulfil the purpose of the undertaking in functionally different ways and alternative methods of implementing a particular type of alternative. The 'do-nothing' alternative must also be considered.
3. Consider all aspects of the environment: the planning process must consider the effects on the natural or biophysical environment as well as effects on the social, economic and cultural conditions that influence the lives of humans of a community.
4. Systematically evaluate net environmental effects: evaluate alternatives in light of their advantages and disadvantages and the effects remaining after mitigation or enhancement measures have been addressed.
5. Provide clear, complete documentation: the EA should strive to represent accurately the process that was followed in a clear and understandable way and to communicate the results of that process.

8.06 ENVIRONMENTAL PROTECTION ACT

The *Environmental Protection Act* provides control mechanisms for the protection of the environment that has application to the general public as well as to the Council of the Municipality. It is the intent of this Plan that the Municipality in reviewing a planning application or in undertaking a public works affected by the *EPA*, shall ensure that the appropriate approvals are in place prior to the commencement of the undertaking.

8.07 FISHERIES ACT

The *Fisheries Act*, administered by the federal Department of Fisheries and Oceans, provides for the protection of fish habitat. No person shall carry on any work or undertaking that results in

the harmful alteration, disruption or destruction of fish habitat. Proposals on or adjacent to fish habitat are subject to a review in accordance with the *Act*, and development may not be authorized if the impacts cannot be mitigated or suitable compensation provided for.

8.08 GASOLINE HANDLING ACT AND CODE

This legislation prescribes the requirements for the handling of gasoline and associated products and amongst other matters sets out in the associated *Gasoline Handling Code*, the prescribed setbacks of gasoline storage facilities and pump islands from streets and adjacent properties. The intent of this Plan is to ensure that any amending zoning by-law reflects these standards, where applicable, as a measure of public safety and compatibility with adjacent land uses.

8.09 LOCAL IMPROVEMENT ACT

The intent of this Plan is to allow for such works in accordance with the procedures set out under the *Local Improvement Act*.

8.10 MUNICIPAL ACT

The *Municipal Act* provides the enabling authority for a variety of types of by-laws which serve to implement features of this Plan or to authorize other actions of the Municipality as follows:

1. Section 31 - Establishing a highway
2. Section 34 - Closing a highway
3. Sections 48 - Naming a private road
4. Sections 58/59 - Zoning and sign restrictions on a Municipality road
5. Section 99 - Regulating signs
6. Sections 100/101 - Regulating parking
7. Section 123 - Regulating dangerous places e.g. cliffs, deep water
8. Section 124 - Regulating pits and quarries
9. Section 127 - Regulating refuse and debris (clean yards)
10. Section 129 - Regulating noise, odour, dust, vibration, outdoor illumination
11. Section 131 - Regulating wrecking yards
12. Section 135 - Regulating tree cutting or injury to trees
13. Section 142 - Site alteration control (e.g. dumping, filling, topsoil removal, grade alteration)
14. Section 151 - Licensing adult entertainment establishments
15. Section 163 - Regulating group homes
16. Section 164 - Licensing trailers and trailer camps
17. Section 165 - Licensing motor vehicle racing
18. Section 204 - Establishing a Business Improvement District

8.11 NUTRIENT MANAGEMENT ACT, 2002

The *Nutrient Management Act, 2002*, which received Royal Assent June 27, 2002, deals with the management of materials containing nutrients which include materials such as manure that are applied for the purpose of improving the growing of agricultural crops or for the purpose specified by regulation. The *Act* does not affect the application of the *Environmental Protection Act*, the *Ontario Water Resources Act*, or the *Pesticides Act*. The regulations associated with the *Nutrient Management Act* will govern the preparation of nutrient management plans, protection of waterways and farming practices related to livestock operations.

8.12 ONTARIO HERITAGE ACT

The *Ontario Heritage Act* is intended to assist municipalities with the designation and conservation of buildings, structures, districts, landscapes, ruins that may be considered to be cultural heritage or archaeological resources. The Municipality may use Part IV of the *Act* to designate by by-law, individual buildings, structures or sites/landscapes or use Part V to designate a Heritage Conservation District.

8.13 PLANNING ACT

The procedures for applications and other matters are dealt with in sequence as they appear in the *Planning Act*.

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 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 municipal servicing capacity report for water and/or sanitary sewage system
- ☐ A hydrogeological study and terrain analysis report
- ☐ A water supply assessment
- ☐ A drainage and/or stormwater management report
- ☐ An Environmental Impact Assessment for a natural heritage feature or area
- ☐ An Archaeological Assessment
- ☐ An influence area study for development in proximity to a waste management facility, industrial use or mineral/mineral aggregate use
- ☐ A traffic study

- ☐ A market study
- ☐ A mine hazard rehabilitation assessment
- ☐ A contaminated site assessment report (environmental site audit/assessment)
- ☐ A flood plain management/slope stability report
- ☐ A noise and /or vibration study
- ☐ A cost benefit analysis for the assumption of a private road
- ☐ A source water protection study including a groundwater impact and/or surface water impact study
- ☐ An impact assessment for golf courses
- ☐ A lake capacity analysis (may include a boat capacity study)
- ☐ 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 report
- ☐ A market study
- ☐ A geotechnical study
- ☐ A lake capacity study, boat capacity study

These studies may be in addition to other requirements set out in Ontario Regulations 543/06, 544/06, 545/06 or 197/96.

The 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 Municipality prior to filing an application.

8.13.1 Amendments to the Official Plan - Sections 17 and 22

It is the policy of the Municipality that amendments to the Plan shall be required for a change in a land use designation as shown on the **Land Use Plan Schedules** or for a change in the substance of the policy or text of the Plan (see also **Section 1.08.3**). In determining whether or not an amendment to the Plan is required, special regard shall be had to the Growth and Settlement policies of Section 3. While it is not the intent of the Municipality to limit the rights of any person under the *Planning Act* to apply for an amendment, any proponent of **development** is encouraged to discuss the need for an amendment with the Municipality prior to making an application. The Municipality encourages a spirit of pre-consultation in making this determination as well as in the review of any application for an amendment filed with the Municipality prior to a public meeting or decision.

8.13.2 Public Works - Section 24

The Council of the Municipality shall not undertake any public work and no by-law shall be passed that does not conform with the Official Plan. Council may pass a by-law which does

not conform with the Official Plan where they have adopted an amendment to this Plan and where the public work will comply with the amendment, once the amendment is approved.

8.13.3 Acquisition of Land - Section 25

The Municipality may acquire land for any purpose set out in this Plan and may lease or otherwise dispose of such lands where no longer required.

8.13.4 Five Year Review of the Official Plan - Section 26

A major review of this Plan shall be undertaken not less frequently than every five years to ensure compliance with matters of provincial interest and Provincial Policy Statements. Nothing shall prevent more frequent reviews and updates where warranted.

8.13.5 Community Improvement - Section 28

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 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.

8.13.5.1 Policies

General

1. 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 Community Improvement Project Area(s), the boundary of which may be part or all of the follow communities or areas of the Municipality of West Nipissing:
 - Sturgeon Falls
 - Cache Bay
 - Verner

- Field
 - Lavigne
 - Crystal Falls
 - River Valley
 - Kipling
 - Desaulniers
 - Evansville/Goulard Area
 - Dutrisac/Salter Road Area
 - Leblanc/Sabourin/Vachon/Thériault Road Area
 - Cache Lake Waterfront Area
 - Bain Lake Waterfront Area
 - Tomiko Lake Waterfront Area
 - Chebogomog Lake Waterfront Area
 - Deer Lake Waterfont Area
 - Lake Nipissing Waterfront Area
 - Badgerow Lake Waterfront Area
 - Muskosung Lake Waterfront Area
 - Pike Lake Waterfront Area
- 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.

Community Improvement Project Areas

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

Brownfields Redevelopment

- A. Known or perceived environmental contamination and sites identified as brownfields;
- B. 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;
- C. Other barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings.

Urban Settlement Area Improvements

- D. 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;
- E. 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;
- F. Deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, streetscapes and/or street lighting, municipal parking facilities, sidewalks, curbs, or road state of repair;
- G. A concentration of obsolete or aging low-density land uses, vacant lots, surface parking lots and/or abandoned buildings;

General Community Improvement

- H. 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;
- I. 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;
- J. Opportunities to improve the mix of housing types;
- K. Any other environmental, energy efficiency, social or community economic development reasons.
- L. Redevelopment of brownfield sites, notably the former mill site in Sturgeon Falls;
- M. Areas or portions thereof which lie within a flood susceptible area or has natural drainage characteristics which require that such measures as floodproofing or stormwater management be undertaken to alleviate flooding and drainage problems.

Community Improvement Plans

- 2. Community Improvement Plans may be prepared and adopted to:
 - A. Facilitate the renovation, repair, rehabilitation, remediation, redevelopment or other improvement of lands and/or buildings;
 - B. Facilitate the development of mixed use buildings, or the introduction of a wider mix of uses
 - C. Facilitate the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreational amenities;
 - D. Facilitate residential and other types of infill and intensification;
 - E. Facilitate the construction of a range of housing types and the construction of affordable housing;
 - F. Upgrade and improve municipal services and public utilities such as sanitary sewers, storm sewers, watermains, roads and sidewalks;

- G.** Improve pedestrian and bicycle circulation;
 - H.** Contribute to the ongoing viability and revitalization of downtowns and other areas that may require community improvement;
 - I.** Improve environmental and energy consumption conditions;
 - J.** Promote cultural development;
 - K.** Facilitate the redevelopment of brownfield sites;
 - L.** Facilitate and promote community economic development; and,
 - M.** Improve community quality, safety and stability.
- 3.** During the preparation of a Community Improvement Plan and any subsequent amendments, the public will be informed and public input will be obtained in keeping with the policies for Public Notification contained in this Plan.

A. 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;
 - i)** Clearance, grading, or environmental remediation of these properties;
 - ii)** Repair, rehabilitation, construction or improvement of these properties;
 - iii)** Sale, lease, or other disposition of these properties to any person or governmental authority;
 - iv)** Other preparation of land or buildings for community improvement.
- B.** Provision of public funds such as grants, loans and other financial instruments;

- C. Application for financial assistance from senior level government programs;
 - D. Participation in senior level government programs that provide assistance to private landowners for the purposes of community improvement; and
 - E. Provision of information on municipal initiatives, financial assistance programs, and other government assistance programs;
- B. 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, Maintenance and Occupancy By-laws, and all other related municipal policies and by-laws.
- C. The Municipality shall be satisfied that its participation in community improvement activities will be within the financial capabilities of the Municipality.

8.13.6 Zoning By-Laws - Section 34

A zoning by-law shall reflect the principles, policies and land use descriptions in this Plan. The by-law shall zone land and establish regulations to control the use of land and the character, location and use of buildings and structures (e.g. retaining walls, fences, signs, communication towers, sewage disposal systems, recreation vehicles, swimming pools, docks, wharves, manure storage facilities etc.) and recognize existing legal non-conforming uses in accordance with this Plan.

The Municipality may use the powers provided by Section 34 to prohibit land uses and **development** in sites containing a variety of **natural heritage features**, as well as sites containing an identified archaeological feature.

The Municipality may establish any number of zones to classify and control land uses that may be required to implement this Plan.

8.13.7 Holding Zone - Section 36

In order to show a future zoning designation while retaining control of the timing of development, a “holding” designation may be used, in the form of a symbol “H” as a suffix to the zone designation. As long as the “H” is retained, the use of the land shall be limited to the existing uses.

1. Rationale for the Use of Holding By-Laws

Holding by-laws may be used where the principle of development has been established under the *Planning Act*. A Holding By-Law may be used under the following circumstances:

- A.** To hold land from **development** until water and sewage services, stormwater management facilities, roads or transportation services are provided, or, studies have been undertaken to prove that servicing is possible on the site and the servicing has been included in the Municipal budget or provided for through a Subdivision Agreement or other acceptable means with a developer;
- B.** To hold land that is designated in the Official Plan, but, as yet is undeveloped until a proposal is submitted to develop or redevelop the land for the use/uses intended in the Official Plan;
- C.** To hold land from **development** until other environmental or physical improvements to the site are made. For example, road improvements or infill on a site may be required prior to development of the site;
- D.** To prevent or limit the use of land in order to achieve orderly phased development;
- E.** To ensure that all conditions of development including financial requirements and agreements in accordance with the provisions of this Plan and/or the *Planning Act*, have been complied with;
- F.** Contaminated and brownfield sites may be placed in a Holding Zone in the Municipality's zoning by-law. Where a holding zone is used, the "H" symbol 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 of an acceptable Record of Site Condition to the Ministry of the Environment.

2. Conditions to be Met for Removal of the Holding Symbol

The Holding "h" may be removed by by-law when the above circumstances have been satisfied and the following conditions, where applicable, are met:

- A.** Approval of servicing the site /area is given or servicing of adequate standards is provided on the site;
- B.** A proposal is submitted for a site that conforms to the policies of the Official Plan;
- C.** A phasing plan is submitted;

- D. Architectural or design drawings and studies, where applicable, are submitted showing the required features;
- E. Financial securities have been submitted (e.g. bond or letter of credit);
- F. With respect to contaminated sites, the “H” may be removed upon the receipt of a report approved by Council that the appropriate level of remediation, demonstrated by a Ministry of Environment acknowledged Record of Site Condition has been achieved.
- G. When the Municipality is satisfied that the above circumstances and conditions have been met in full, Council will consider an application to remove the “H” symbol. Notice will be given of Council’s intention to remove the holding symbol in accordance with the requirements of the *Planning Act*.

8.13.8 Interim Control By-laws - Section 38

In utilizing this authority, an interim control by-law shall be preceded by a By-law or resolution, directing that a study be undertaken of planning policies in the affected area and setting out the terms of reference for the study.

When an Interim Control By-Law expires, the prior zoning shall automatically apply, unless a new zoning by-law is passed.

8.13.9 Temporary Use By-laws - Section 39

In certain circumstances, it may be desirable to pass a Temporary Use By-Law to implement the policies of this Plan or to implement measures for economic growth and prosperity (e.g. it may be desirable to locate certain uses in vacant commercial or institutional buildings or on lands zoned for institutional uses on a temporary basis.). It may also be beneficial to temporarily zone lands for industrial or commercial uses as an incubator or temporary location for a use which does not conform with the Plan. A temporary use may be permitted only if it is compatible with adjacent uses.

A Temporary Use By-Law may also be passed to permit a ***garden suite***. The Municipality may, therefore, in a by-law passed under Section 39 of the *Planning Act*, authorize a temporary use of existing structures for any purpose set out therein. The period of time for a temporary use may be for a period of up to ten years for a garden suite and up to three years in all other cases, both of which are renewable. Notice of a Temporary Use By-Law shall be given in the same manner as that of a zoning by-law under Section 34 of the *Planning Act*.

As a condition of the passing of a Temporary Use By-Law for a garden suite, the Municipality may require the owner of the suite or any other persons to enter into an agreement with the Municipality under the *Planning Act*.

Any use introduced under such a Temporary Use By-Law does not acquire the status of a legal non-conforming use at the expiration of the by-law(s) and at that time must therefore cease.

It is not the intent of the Official Plan that Temporary Use By-laws be used to permit a new use while an amendment to the Official Plan and/or zoning by-law is being processed to permit the use on a permanent basis. However, once a temporary use is established and it becomes apparent to the Municipality that the use should be permitted on a permanent basis, the use may continue under a Temporary Use By-Law while any required amendments are passed.

8.13.10 Site Plan Control - Section 41

1. Policies

Under the authority of Section 41 of the *Planning Act*, the Municipality may by by-law designate specific areas or land uses within the Municipality which shall be known as site plan control areas. For the purposes of this Plan, the following land use designations and land uses shall be subject to Site Plan Control:

- A. Any industrial, commercial or institutional use;
- B. Any multiple residential use, home or bed and breakfast establishment;
- C. Any lands abutting a waterbody or watercourse, natural or human-made hazard or natural heritage feature;
- D. Any brownfield or contaminated site as described in **Section 6.06.2.5**;

All conversions and redevelopment within any of the above categories;

- E. A communications tower or public utility installation in accordance with Industry Canada's Client Procedures Circular CPC 2-0-03 Radiocommunication and Broadcasting Antenna Systems;
- F. A Group home;
- G. A Home Based Business;
- H. A wellhead protection area or high aquifer vulnerability area;

- I. Any other land use or area included in the Municipal site plan control by-law.

The Municipality may by by-law designate one or more areas as Site Plan Control Areas. The Municipality may require the submission of plans and drawings for all development proposals within the Site Plan Control area.

The Municipality may, as a condition of site plan approval, require the dedication of land for the widening of any street, road or intersection. The conveyance to the Municipality shall not exceed more than one-half of the deficiency of the width or 5 m [16.4 ft.] whichever is the lesser on any given side of the road. For the Municipality the prescribed right-of-way width shall be 20 m [65.6 ft.] for any street or road or a greater width where the Municipality establishes a greater right-of-way width for a collector or arterial road. The conveyance shall apply to the full frontage of the property wherever the deficiency exists.

2. Authority of the Municipality

The Municipality, within the authority prescribed by Section 41 of the *Planning Act*, may require each applicant submitting a development proposal to enter into an agreement with the Municipality as a condition to the approval and at no expense to the Municipality. Where a development proposal is of a minor nature, some or all of the points listed below may be waived in the agreement. The agreement may include conditions on any or all of the following facilities and matters;

- A. The construction or reconstruction of the access or egress onto all major roads or highways and any upgrading of the roads, that will be necessary as a result of the increased traffic caused by the development;
- B. The number and location of all off-street loading areas and parking areas to be provided within each development, and the surfacing of such areas and driveways;
- C. The number, location and construction of all walkways and walkway ramps and pedestrian access points to be provided in the development and how these will eventually be connected to adjacent areas;
- D. The location, number and power of any facilities for lighting, including floodlighting of the site or any buildings or structures (such as signs) thereon;
- E. All grading required to be done on the property and how storm, surface and waste waters will be disposed of in order to prevent erosion including the period during construction of the project. Plans will show the location and connections for all services to municipal services including elevations and inverts;

- F. The techniques that are to be used on the site for landscaping of the property for the protection of adjoining lands, water bodies or ***natural heritage features***, including the type of vegetation and techniques to be used, the existing (native) vegetation which is to be preserved, and any structures such as walls, fences or barriers that are to be used;
- G. The location, height, number and size of all residential units to be erected on the site and the method by which the development will be staged;
- H. The location, height, and type of all other buildings located in the proposal;
- I. Illustration of the contours and final elevations of the site on a contour interval of 1 m [3.3 ft.] or less;
- J. The location and type of any facilities and enclosures for the storage of garbage and other waste materials; and
- K. The location and extent of any easements or other covenants on the land to be conveyed to the Municipality for public utilities.

8.13.11 Parkland Dedication or Cash-in-Lieu - Sections 42, 51 (1) and 53

It is a policy to require the conveyance of parkland or the cash-in-lieu equivalent for residential and non-residential development as a means to implementing the policies for parks and open space areas of this Plan (see **Section 3.06.8.8**). The land or cash to be conveyed shall not exceed two per cent (2 %) of the value of the land to be developed for commercial or industrial uses or five per cent (5 %) in all other cases. Where the Municipality requests cash-in-lieu, the value of the land shall be determined on the day before the day the building permit is issued. This policy shall apply to new lot creation, not to a retained lot. Cash-in-lieu may be used where the resulting park site is too small, where there is no suitable location for a park or where the money can be better used to acquire other parkland or add onto an existing park in the area.

Where the Municipality requires the conveyance of parkland, new parkland that is provided in Urban and Rural Settlement Areas, should have the following characteristics:

- 1. Contribute to the equitable distribution of parkland and green space within the community;
- 2. Be easily accessible by foot or bicycle from residential areas served by the parkland and preferably linked to other green spaces.
- 3. Be visible from many vantage points within the community.

4. Have significant street frontage, in proportion to their size, often fronting on two or more streets depending on their shape and function.
5. Be suitable for its function in terms of size, shape, topography and soil conditions.
6. Be located where possible, in close proximity to schools, community centres, other recreational facilities and other compatible community facilities.

The Municipality is not obliged to accept land which is unsuitable by virtue of its location in an area characterized as having a natural or human-made hazard or an area designated or identified as a natural heritage feature or area.

8.13.12 Committee of Adjustment - Sections 44 and 45

1. Status of Legal Non-conforming Uses

It is the intention of this Plan that a legal non-conforming uses should eventually cease to exist.

The owner/applicant in submitting an application for an expansion, enlargement or change of a legal non-conforming use shall demonstrate that all three of the following conditions are met in qualifying a use as a legal non-conforming use:

- A. That the use was legally established prior to the passing of any of the zoning by-laws as set out in **Sections 8.13.6 - 8.13.7** of this Plan;
- B. That the use has continued without interruption from the date of its establishment of the use, or in the case of an interruption, that there has been a reasonable attempt to continue the use during the period of discontinuance; and
- C. That the use is deemed to have existed and continued only if there was in fact, an actual user directly involved with the use.

2. Enlargement or Expansion or Change to a Legal Non-Conforming Use

It may be desirable, however, to permit the extension, enlargement or change of a nonconforming use to a similar or more compatible use subject to the following criteria:

- A. The extension or enlargement does not aggravate the non-conforming situation for neighbouring uses;

- B. The extension or enlargement is in reasonable proportion to the existing use and to the land on which it is to be located;
- C. The proposed extension or enlargement will not create undue noise, vibration, fumes, smoke, dust, odours, glare from lights nor environmental hazards;
- D. 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;
- E. Adequate provisions have been or will be made for off-street parking and loading facilities where they apply;
- F. **Infrastructure** and **public services** where applicable, such as water and sewer, storm drainage, roads, school bussing etc. are adequate or can be made adequate. *(Example: upgrading, extending or widening a road to provide safe access or to carry increased volumes of traffic arising from an extension, expansion or change in a non-conforming use.)*
- G. **Section 4.06.3.10** shall apply with respect to existing land uses within a wellhead protection area.
- H. **Section 5.06.2** and **Table 5.1** shall apply with respect to uses in a Provincially Significant Wetland and the significant portions of the habitat of an **endangered or threatened species**.
- I. **Section 6.06.1.2** and **Table 6.1** shall apply with respect to development or site alteration in a flood plain.

8.13.13 Subdivisions, Consents, Part-Lot Control and Deeming - Sections 50-53

1. Plans of Subdivision

Land development shall generally take place by plan of subdivision where permitted under **Sections 3.06.1.2, 3.06.2.2 and 3.06.3** of this Plan where three or more new lots/blocks are proposed. 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* and shall be consistent with the Provincial Policy Statement. Additional information may be required in assessing the need, appropriateness and the location of the subdivision. 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 and cost effective public service facilities. The review of a subdivision application shall be subject to the Land Division Review Criteria set out below.

2. Consents

Provisions relating to the granting of consents are set out in Sections 51 and 53 of *The Planning Act*. Consent applications shall be consistent with the Provincial Policy Statement in addition to the Land Division Review Criteria set out below.

3. Land Division Review Criteria - Plans of Subdivision and Consents

- A. The application shall be complete and shall include a sketch to scale and the prescribed application fee and shall comply with the requirements of *The Planning Act* and associated Ontario Regulation (544/06 - subdivision or 547/06 - consent) for the filing, review, notice and decision procedures.
- B. The sketch shall show the lands to be subdivided or severed and the lands to be retained, existing and proposed lot dimensions, lot areas and buildings, natural physical features water wells, sewage disposal systems, (water bodies, slopes, tree cover) and sufficient information to be able to easily locate the land. The sketch will preferably show surrounding land uses;
- C. The proposed use of the lands shall be a use permitted in the underlying land use designation (e.g. refer to the Official Plan **Land Uses Plan Schedules** to determine designation and then refer to corresponding list of permitted uses for that designation in the text of this Plan).

D. Number of Consents:**i) Urban or Rural Settlement Area or Rural District**

Up to two consents for residential purposes may be granted for a legally conveyable lot, excluding the retained lot, where; the approval authority is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the land; and where the land is located in the **Rural Settlement Area** or the **Rural District** as shown on the **Land Use Plan Schedules**.

In no case will an additional severance be granted for lots or parcels of land which overlap the **Agricultural Resource Lands** designation.

Consents may be granted for non-residential purposes in an **Urban or Rural Settlement Area** or the **Rural Area** provided that the lot is of a size appropriate for the type of non-residential; is sufficiently large to maintain flexibility for future changes in the type or size of the use and meets other applicable policies e.g. access, water and sewage systems, land use compatibility and zoning standards.

This policy shall not limit the granting of a technical severance (see **Section 8.13.13.3 S.**)

ii) Agricultural Resource Lands

A consent may be granted on lands designated as **Agricultural Resource Lands** as shown on the **Land Use Plan Schedules** for:

Section 8.13.13(3)(ii):

Decision delivered by Susan de Avellar and Order of the Ontario Municipal Board, Case no. PL120042, dated September 9, 2016.

- (a)** An **agricultural use** (i.e. crop land, livestock operation, aquaculture, agro-forestry or maple syrup production) provided that the lot is of a size appropriate for the type of **agricultural use** common in the area and is sufficiently large to maintain flexibility for future changes in the type or size of the agricultural operation;
- (b)** An **agricultural-related use**;
- (c)** A **residence surplus to a farming operation**, as a result of a farm consolidation. Where a consent is granted for a residence surplus to a farming operation, the Municipality shall, through the Zoning Bylaw, prohibit further dwellings on the vacant retained lands created by the subject consent.

- (d) **Infrastructure**, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way;
- (e) Consents for residential purposes, where permitted above, shall only be granted where the new lot(s) will not impede or adversely affect farm operations in accordance with the applicable Minimum Distance Separation Formula.

This policy shall not limit the granting of a technical severance (see **Section 8.13.13.3 S.**). In no case will an additional severance be granted for lots or parcels of land which overlap any other land use designation.

Any new lot for a residential use shall be limited to the minimum size needed to accommodate the residence and an appropriate **sewage and water system**.

iii) **Extractive Resource Lands**

A consent will not be granted on **Extractive Resource Lands** except for an extraction use (i.e. pit, quarry or peat extraction) or an extraction-related use (i.e. value-added industry, concrete or asphalt plant, peat processing use).

- E. The lot(s) to be subdivided or severed and to be retained shall meet the requirements of any zoning by-law having application and shall be adequate for:
 - i) The principle use of the land, buildings, or structures, any accessory uses, parking, loading, access, landscaping/buffering, storage including snow storage;
 - ii) Lot frontage and depth;
 - iii) Setbacks from roads, lot lines, water bodies etc.;
 - iv) Allowing **development** where constraints exist such as topography, soils (organic), rock, slope, wetlands.
- F. The lot(s) shall meet the 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, or the lot is for a use where there is the potential for an incompatible land use. *(Examples include: industrial uses, **waste management systems**, livestock*

operation, sewage treatment plant/waste stabilization pond, pit or quarry, natural or human-made hazard, noise or vibration generating use.)

- G.** The application may be required to be supported by studies or other information which are needed by this Plan, e.g.
- i) Capacity of public service facilities - **Section 4.06.2.1**
 - ii) Water and sewer servicing capacity - **Section 4.06.3.3**
 - iii) Servicing options report - **Section 4.06.3.5**
 - iv) Stormwater management - **Section 4.06.4**
 - v) Location within an influence area **Sections 4.06.5.5, 5.06.4.2**
 - vi) Transportation study - **Sections 4.06.6 1-3**
 - vii) Noise and vibration - **Section 4.06.6.1-3**
 - viii) Minimum distance separation I and II - **Section 5.06.3.7**
 - ix) Impact assessment - **Section 5.06.5.6**
 - x) Water resources conservation - **Section 5.06.6.2**
 - xi) Floodproofing, protection works, restoration - **Sections 6.06.1 4, 5 and 8**
 - xii) Unstable soils - **Section 6.06.1.9**
 - xiii) Geotechnical studies for unstable slopes - **6.06.1.10**
 - xiv) Contaminated sites - **Section 6.06.2.3**
 - xv) Heritage impact/archaeological assessment - **Section 7.06.1**
 - xvi) Land use compatibility studies - **Section 3.06.6.5**
- H.** The application should be supported with information or evidence to verify suitability of the lot for sewage disposal (i.e approval under the *Building Code*, *Ontario Water Resources Act* or a servicing options report) where sewage disposal is required. A hydrogeological study shall be required for any subdivision to be serviced by individual on-site systems or where lot creation will be for one or more lots having a lot area of less than 0.4 ha [1 ac.] (see

also **Section 4.06.3.5**). Lot creation shall also satisfy the requirements for stormwater management (see **Section 4.06.4**).

- I. The application should be supported with information to verify suitability of the water supply (i.e. a water supply assessment or servicing options report) where a water supply is required.
- J. The lot(s) shall have frontage on and direct access to an open year round maintained public road unless otherwise exempted (see also **Section 3.06.6.3**). Frontage may be exempted for farm land or extractive operations where back lands are otherwise accessible (e.g. unopened road allowance, right-of-way, from abutting lands owned by applicant).

Consents should not be granted which may limit access to interior lands. Provision shall be made for future road allowances at strategic locations. The Municipality may require increased setbacks on adjacent lands to ensure adequate setbacks from a potential road allowance.

In the case of a private road, documentation shall be provided of the legal rights (i.e. registration on title) to gain access over an existing private road as well as the nature of the road (length, physical condition, suitability for use by emergency vehicles, arrangements for maintenance and snow removal and potential for assumption by the Municipality).

- K. Where the lot(s) proposed front(s) on a provincial highway or a Municipal Road, applicants shall pre-consult with the Ministry of Transportation and/or the Municipality respectively. Also, where the Ministry/Municipality has identified the need for a road widening, the necessary land shall be dedicated as a condition of approval (see **Sections 4.06.6.1, 2 and 3**).
- L. 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 shall receive prior approval from the Municipality for the location and installation of an entrance and/or culvert.
- M. 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 as the case may be or the Ministry of Culture (see **Sections 7 and 8.12**);
- N. Approval will not be granted which has the effect of limiting access to back lands for future **development** or which has the effect of creating land locked parcels.

- O. Approval 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.
- P. Lot creation will not be permitted on a water body where the lake has reached its development capacity and no residual capacity exists for that water body except where permitted under **Section 3.06.8, item 9. Waterfront Development.**
- Q. A consent may be granted which has the effect of enlarging existing undersized lots (e.g. through lot additions).
- R. Where new lots are being created, part of which will be subject to flooding or erosion, unstable slopes or other physical hazards, there must be a sufficient area of and above the natural hazard limit to place the buildings and services in accordance with the applicable policies of this Plan
- S. Despite the criteria outlined in above, a consent may be granted for a technical severance as follows:
 - i) To correct lot boundaries;
 - ii) To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized lot for the purpose for which it is being or will be used;
 - iii) To clarify title to the land;
 - iv) Where the effect of the consents does not create an additional building lot;
 - v) To permit an easement;
 - vi) To permit a consent for municipal or other government purposes.
- T. Conditions may be imposed by the approval authority in the granting of a consent or draft approval of a subdivision which may include but not be limited to the following:
 - i) A zoning by-law amendment or a minor variance;
 - ii) Site plan control;
 - iii) The dedication of land or cash-in-lieu of parkland;

- iv) The conveyance of land or conveyance for easements for utilities, access control or drainage;
 - v) The construction or upgrading of roads or the installation of drainage facilities and culverts, or the installation of **infrastructure** required to service the development or provide access i.e. the installation of **sewage and water systems**;
 - vi) The establishment of buffer strips and landscaping;
 - vii) The construction of flood proofing structures;
 - viii) Undertaking a heritage impact assessment and/or the conservation/rescue of heritage artefacts;
 - ix) Demolition of buildings or structures and/or measures to remediate the property due to hazardous or contaminated conditions;
 - x) The implementation of mitigation measures to ensure compatibility amongst land uses and to conserve or protect **natural heritage features and areas**;
 - xi) The entering into of an agreement including provisions of financial guarantees;
 - xii) The undertaking of any studies required to support the application (see **Section 8.13.13.3 G**); and
 - xiii) The demolition or removal of farm buildings and structures and/or other appropriate measures related to residential lots created through residences surplus to a farming operation.
- U. Any other matters as deemed appropriate by the approval authority.

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

4. 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, require specific servicing requirements as a condition of approval such as a road widening or to further control internal development on a lot.

5. Deeming Plans of Subdivision

Where old Registered Plans of Subdivision or parts of old Registered Plans exist and are deficient in some way by reason of inadequate lot size, poor access, lack of or inadequate **infrastructure** or would encourage development in undesirable locations, consideration may be given to passing a by-law, under the *Planning Act*, deeming such plans not to be registered. The Municipality may require the entering into of an agreement to provide for facilities, **infrastructure** and matters required to provide for appropriate development as a condition of repealing part or all of a deeming by-law.

8.13.14 Tariff of Fees - Section 69

The Municipality may by by-law, adopt a tariff of fees by-law for the purpose of levying fees for the costs associated with the processing of planning applications including:

1. An amendment to the Official Plan;
2. An amendment to the Zoning By-law;
3. A temporary use by-law and agreement;
4. A holding by-law or the lifting of the holding zone (-h);
5. A Minor Variance or permission related to a non-conforming use;
6. Site Plan Control application and agreement;
7. A Plan of Subdivision or Condominium application, review or agreement;
8. A Part-lot control by-law;
9. A Consent application, review or Consent Agreement;
10. A Change of use or certificate of occupancy;
11. A zoning compliance report.

8.14 PUBLIC LANDS ACT

The beds of most lakes, rivers and streams are legally public land in Ontario. A work permit is usually needed before proceeding with any work project involving these areas. Even activities,

such as dredging and filling, that occur in near shore areas on private land may require a work permit.