

Kapuskasing
ONTARIO

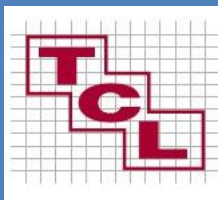
The Model Town of the North!



KAPUSKASING AND DISTRICT OFFICIAL PLAN

April 14, 2017

Official Plan as Approved with Modifications April 14, 2017



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AN

CORPORATION OF THE TOWN OF KAPUSKASING

BY-LAW NO. 4122

A By-law to repeal and concurrently adopt an Official Plan for the Kapuskasing and District Planning Area

The Council of the Corporation of the Town of Kapuskasing, under section 17 of the Planning Act, RSO 1990 as amended, hereby enacts as follows:

1. That the Official Plan to the Kapuskasing and District Planning Area and all the amendments thereto are hereby repealed.
2. By-law No. 2465 which adopted the Official Plan on February 2, 1998 is hereby repealed.
3. That the Official Plan consisting of the attached maps and explanatory text is hereby adopted.
4. That the Clerk is hereby authorized and directed to make application to the Ministry of Municipal Affairs for the approval of this appeal and the approval of the attached Official Plan for the Kapuskasing and District Planning Area.
5. That this By-Law shall come into force and take effect on the day of the final passing thereof subject to the requirements of the Planning Act.

ENACTED AND PASSED ON THE 12TH DAY OF SEPTEMBER, 2016


Mayor
Alan Spacek


Clerk
Barbara Major



Certified that the above is a true copy of By-Law No. 4122 enacted and passed by the Council of the Corporation of the Town of Kapuskasing on

September 12, 2016


Barbara Major
Clerk

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THE KAPUSKASING AND DISTRICT PLANNING AREA OFFICIAL PLAN

1.0 INTRODUCTION

Kapuskasing, like most northern communities, began with the development of the National Transcontinental Railway. The camp, established on the banks of the Kapuskasing River by the railroad company, grew into a settlement know as MacPherson. In 1917, the name of MacPherson changed to Kapuskasing, as it remains today. Kapuskasing means “Bend in the river” in Cree.

Much of the stimulus for the planning of the Kapuskasing town site as an independent and diversified model community was derived from personal initiative undertaken by E. C. Drury who served as Premier of the Province of Ontario. Planning of the original town site occurred between 1920 and 1922 with the objective of planning Ontario's first resource based community.

The main business section was developed around the Circle where five streets radiate out in a spoke fashion for the centre hub. This design while picturesque, served a useful purpose in the beginning to centralize all commercial activities in the downtown core. Aside from the community core, the layout of the town site was intended to take advantage of the aesthetics of the Kapuskasing River with an abundance of park land to be conserved around the bend of the river for passive recreational and leisure activities.

The town's motto is "oppidum ex silvis" which means "town out of the forest" and is indicative of the town's close economic dependence to the forest industry to this day. In 1920, the Spruce Falls Power and Paper Company Ltd. opened its doors in Kapuskasing. Spruce Falls brought much wealth and comfort to the inhabitants, who gradually abandoned farming and took up work at the mill or in the many logging camps. In 1991, the newsprint manufacturing mill became an employee-owned company. Tembec Inc. acquired all of the company shares in 1997. Since its

establishment, the pulp and paper mill has played a major role in the development of the community.

The first Official Plan which directed the future growth of the municipality and surrounding area covers the Township of Teetzel and part of the Townships of O'Brien and Owens. Land use and development controls over this 83.9 km² (32 square miles) was intended to ensure that growth would be orderly and follow plan procedure. Another feature of Kapuskasing's notoriety is in urban renewal. Brunetville was a prototype neighbourhood for a federal/provincial urban renewal initiative in the late 1960's. The 1988 Plan was drafted to "have regard" to the Provincial Policy Statement in place at the time. While several amendments have been made to the Plan, the Plan has not been reviewed since its approval in 1989.

The current review is intended to update the Plan to be consistent with the Provincial Policy Statement (April 2014) as it applies to the land use planning, social and economic circumstances of Kapuskasing.

The rationale for the current review of the 1998 Plan, in addition to considering the Provincial Policy Statement is to consider the appropriateness of the land use planning statements and to modify or update those statements follows:

1. The operating base of the community continues to change from its principal reliance on primary resources to the Town's evolving role as an all seasons commercial centre and to the impact of such trends as the information highway which are spawning home-based businesses, changing energy needs and climate change which have led to Kapuskasing becoming a champion of solar power in northeastern Ontario.
2. The population has declined by approximately 1,000 over the last decade (2001-2011) from 9,238 – 8,196 as a reflection of changing economic circumstances. However, 2-3 new housing starts are added to the housing stock annually. Ministry of Finance Population projections (2015-2035) forecast a 3.1% population decline in the District of Cochrane. The community will continue to be challenged to sustain a strong, sustainable, healthy and resilient community in the face of an aging population, and changes to the labour force affected by technology.

3. Part of the planning area is unorganized for municipal purposes and consequently the policy context for development must consider the primary role of the Town of Kapuskasing as the focus for growth and development versus the rural hinterland.
4. As a northern community, the Town both benefits by and is prone to the fragility of the natural environment. In making land use decisions, consideration must be given for conservation, protection and improvement of the natural heritage features, water resources, air quality and measures for remediation of sites with contaminants.
 - The natural resource base is still a key feature of the land use base of the planning area necessitating policies that protect good agricultural lands, conserve mineral and mineral aggregate resources for long-term use, and foster the use of renewable and alternative energy resources, notably solar power..
 - Given the legacy of Kapuskasing and Aboriginal interests and heritage, there will be a need to conserve and manage cultural heritage resources in a manner which perpetuates their functional use on an ongoing basis while maintaining their heritage value, integrity and benefit to the community.

Section 14 of the Planning Act gives responsibility to The Planning Board to prepare “a plan suitable for adoption as the Official Plan of the Planning Area.”

Section 14(1) of the Planning Act also requires that The Planning Board shall provide advice and assistance in respect of such planning matters affecting the planning area as are referred to the Board.

The update of this Plan has been undertaken to be consistent with the most current version of the Provincial Policy Statement and to comply with any provincial plan, notably the Growth Plan for Northern Ontario. All land use decisions to be taken under the auspices of this Plan shall also be consistent with the Provincial Policy Statement.

As a consequence of the review and update of the Official Plan, no change is required to the Urban Settlement Area of Kapuskasing to accommodate the

current and projected needs for growth and development within a 20 year time horizon. See Section 8.15 with respect to a comprehensive review.

1.1 VISION FOR KAPUSKASING

The Kapuskasing and District Planning Area is made up of the Town of Kapuskasing and the balance of the townships of Teetzel, O'Brien and Owens which are territory without municipal organization. It is a diverse area comprising a large, well developed urban settlement, a rural area consisting of a mix of scattered residential and resource uses and a substantial area of Crown Land. Natural resources include a significant area of good agriculture, mineral aggregates and forest lands. Natural heritage features include significant fish and wildlife habitat, wintering areas for moose, wild rice production as well as vast wetland areas which are part of the rugged topography of lakes and forests providing a natural setting for four seasons recreational activities, outdoor and wilderness tourism as well as an area for traditional activities such as trapping, hunting and sport fishing.

Age Cohort	Kapuskasing			Cochrane
	2006 (%)	2011 (%)	Change (%)	2011 (%)
0-4	4.2	4.4	+4.7	5.5
4-14	10.9	9.9	-9.1	11.5
15-19	6.9	6.4	-7.2	6.7
20-24	5.4	4.5	-16.6	5.8
25-54	41.7	38.9	-6.7	40.9
55-64	13.5	16.0	+18.5	14.1
65-74	9.0	10.1	+12.2	8.3
75+	8.2	9.5	+15.8	6.8
Total Population	8,505	8195	-3.7	81,120

Kapuskasing is a modern community with a population of 8,195 that serves as a regional service centre to some 12,000. Kapuskasing offers a full range of amenities including a regional health care facility, an airport, cultural and sports facilities, elementary, secondary and post-secondary schools, a full

range of social services in addition to municipal services. The land use pattern consists of a mix of a diverse range of housing types, a well-developed commercial sector anchored by the Circle Shopping Area (including the BIA) and the Model City Mall, industrial and institutional uses, and parks and open space areas including a golf course. Resource-based employment in the forest products (600) industries and the retrofitting of hydro-electric dams on the Lower Mattagami River are the Town's major source of employment. Ontario Power Generation (OPG), for example, is reconstructing one existing dam at Smoky Falls and is upgrading three others in the surrounding area over a five year period (2011-2016) at a cost of \$2.5 billion.

External linkages to the community include Highway 11 which is the northern route of the TransCanada Highway System, the Kapuskasing airport, the ONR Rail Line, the TransOntario Snowmobile Corridor and TransCanada Pipelines (across Canada).

The population of the Planning Area has declined by 3.7 % over the past census period (2006-2011) and the population composition continues to change as a result of the out-migration of youth and working aged population (see Table 1). There is also a higher proportionate seniors cohort in the community by comparison to the District of Cochrane. The median age in the Town at 47.7 years is about five years higher than the District at 42 years.¹

The settlement pattern is largely established and the supply of available land for residential, industrial and institutional uses is adequate for the next 20 years (2016-2035). The municipality (2016) has 55 vacant approved lots in the urban settlement area for residential development in addition to 117 ha net of lands for roads, infrastructure and public service facilities designated for residential development. The industrial land supply is estimated at 96 ha net of lands for roads, infrastructure and public service facilities while the supply for commercial land is estimated at 56 ha.

In formulating a vision for the Kapuskasing and District Planning Area, there are several challenges, most notably:

1 Statistics Canada Community Profiles, 2006 and 2011

- Maintaining a sustainable and healthy economy while gradually reducing its dependence on the forest products industry. Diversifying the economic base through other industrial and resource development, tourism, government services and highway commercial development are essential. Developing the economic role of the community as an all seasons commercial centre and responding to a flourishing home based business sector are also challenges.
- Continuing to build and provide opportunities for the development of energy supply notably through the development of solar power facilities and by promoting renewable and alternative energy systems which meet local, provincial and federal requirements.
- Maintaining an adequate supply of commercial and industrial land for development.
- Protecting the retail commercial function of the community and minimizing the leakage of consumer dollars to larger centres.
- Optimizing the use of existing public service facilities and municipal services and infrastructure through compact and cost-efficient urban development and contiguous development as the principal element of future growth and settlement while providing opportunities for alternative residential living environments through well managed rural development.
- Providing for a regular program of maintenance, rehabilitation and replacement of public service facilities, and municipal services and infrastructure as part of the implementation of the Town's asset management plan.
- Providing an appropriate range and mix of housing types and densities to meet the needs of the current and future requirements for a changing population.

- Maintaining air, rail and bus services and associated infrastructure corridors as a key economic linkage for industry as well as for passenger services and medical services.
- Sustaining a healthy and green community and a liveable winter community that builds on the assets of public spaces, recreational facilities, parks, trails, open spaces. Building a community that encourages healthy lifestyles while being inclusive through meeting the needs of those with disabilities.
- Protecting or conserving the cultural heritage resources and the natural heritage features and amenities that are the assets and amenities which underscore the heritage, beauty and quality of the lifestyles that residents enjoy.
- Providing for safe development in recognizing constraints such as the flood plain, wildland fires, and hazardous sites and by facilitating the remediation of brownfields.
- Planning for climate change, supporting energy conservation and clean air and water.
- Leveraging rural amenities and assets, notably the management of resources lands and the compatible integration of non-resource base rural land uses while managing growth and development in the territory without municipal organization that is part of the planning area.
- Coordination of land use decisions with senior levels of government, adjacent municipalities and the interest of Aboriginal communities.

The vision for Kapuskasing consists of a number of components:

- To sustain a healthy economic base through supporting and promoting resource development, facilitating renewable and alternative energy projects, diversifying the economic structure where feasible to support employment growth commensurate with the skills of the labour pool in the community, most notably those of youth. Through a stable economic base, the community will achieve a stable population in the range of 8,000 to 9,000.
- To develop a settlement pattern which focuses most of the future development within urban Kapuskasing while providing for a mix of residential living environments (urban and rural residential development) that incorporate sufficient land for an appropriate range and mix of land uses. The retail and service commercial function of the commercial core of Kapuskasing will be balanced with a range of highway commercial services to capture commercial trade from the Highway 11 corridor. To provide an adequate supply of appropriately serviced industrial land. The settlement pattern will be designed to optimize and integrate the use of existing and planned public service facilities and infrastructure, by providing for principally compact, cost-efficient and contiguous urban development. Low density rural development may be permitted where it does not compromise the protection of resource lands for long-term use, does not impact negatively on the environment and which is integrated with the use of existing or planned public service facilities, municipal services and infrastructure. To continue to upgrade and improve municipal services tailored to the current and future needs of residents and businesses.
- Ensuring that sufficient land is available to accommodate an appropriate range and mix of land uses for a time horizon of 20 years including the provision of land to support an appropriate range and mix of housing types and densities to meet the housing needs of current and future residents.
- To enhance the quality of life by expanding or improving cultural and recreational services and facilities.

- To build on the attributes of a healthy community by respecting the environment, responding to the changing social, health and educational needs and aspirations of residents, by providing adequate and affordable housing, by strengthening and diversifying the economic base and a collective community spirit that fosters innovation, entrepreneurialism and builds on the cultural diversity of the community.
- To build a community which is visually attractive through the maintenance and enhancement of public spaces, parks, playgrounds and open space areas, particularly along the Kapuskasing River, by maintaining the building stock in good repair by streetscaping and beautifying or maintaining focal points such as the Circle Centre and through community improvement.
- To protect and conserve identified cultural heritage resources that are the assets and amenities which underscore the beauty and cultural quality of the lifestyles that residents enjoy.
- To ensure safe and compatible development that protects against natural and human-made hazards and where public health and safety are paramount in land use decisions. To also facilitate the remediation of brownfield sites.
- Provide for the coordination of land use decisions with senior levels of government, adjacent municipalities and the interests of Aboriginal communities. To also recognize and encourage coordinated decisions on Crown Land.
- Provide measures to address climate change, to support energy conservation, recycling and the protection, restoration or improvement of air and water quality.

The vision of Kapuskasing may be summed up by fostering a land use pattern that focuses most of the future development within an identified urban settlement area while carefully balancing land use activities within rural landscapes to avoid conflicts between resource and non-resource related activities or the environment. Also, to create a healthy and sustainable community characterized by a stable economy, positive employment and population growth and is a community that is caring, safe and which fosters opportunity, cultural diversity and partnerships.

1.2 STRUCTURE OF THE PLAN

The Plan is structured to reflect the circumstances of community development in Kapuskasing:

Section 2 focuses on the elements of community prosperity and sets out a strategic framework for both economic development and sustaining a healthy community.

Section 3 addresses the components of the physical development of the community. Policies for various land use types (e.g. residential, commercial, industrial, institutional, open space, etc.) are prescribed to co-incide with the settlement pattern. The community is divided into an Urban Settlement Area, a Rural Area and the territory without municipal organization.

Section 4 sets out the servicing requirements and standards for water, sewer and transportation services associated with community development.

Section 5 establishes the framework for community improvement, property standards and cultural heritage resources.

Section 6 contains policies for public health and safety which address such matters as development in and around flood plains, contaminated sites, wildland fires and the separation of sensitive land uses from incompatible land uses.

Section 7 sets out policies for the stewardship of the natural resource base comprising agricultural lands, mineral aggregate resources and natural heritage features (e.g. wildlife and fish habitats, wetlands and other features).

Section 8 prescribes the measures for the implementation and interpretation of the Plan including the use of such planning tools as subdivisions, consents, site plan control and environmental assessment.

The Land Use Schedules A and B provide a graphic illustration of the lands to which various policies apply.

The Plan applies to all of the Planning Area including territory without municipal organization. While the Planning Board has jurisdiction in the latter, some of the planning tools (e.g. site plan control, property standards and municipal by-laws) do not have application to territory without municipal organization. Council does not have jurisdiction over territory without municipal organization and consequently references in the Plan to Council only refer to those areas in which they can exercise a particular authority. Planning Board has responsibility for reviewing all planning applications and for adopting amendments to the Official Plan including amendments which apply in the territory without municipal organization. An implementing zoning by-law applies to both the Town and to the territory without municipal organization.

2.0 COMMUNITY PROSPERITY

2.1 INTRODUCTION

The Official Plan is intended to play a strategic role in setting the framework for community prosperity and encouraging economic development.

The Plan supports initiatives by Tembec to sustain the forest products industry over the long-term; encourages cooperation within the commercial sector in developing and promoting services that meet the local consumer market; maintains the land supply for commercial/industrial development; provides for home based businesses; supports a collective entrepreneurial spirit within the community; fosters a strong, healthy and resilient community inclusive of the interests of all generations; ensures that housing is accessible to all; that the diverse cultural mosaic is promoted; that access to the resource base is conserved for the long term that the natural environment is protected and restored and that land use planning decisions are well coordinated

2.2 ECONOMIC PROSPERITY

2.2.1 Goal

To sustain a stable and healthy economic base and encourage positive employment growth.

2.2.2 Objectives

1. To create positive employment growth, and to retain and attract youth and a skilled, talented and professional workforce.
2. To maintain an appropriate land supply for commercial and industrial land uses for at least a 20 year time horizon.
3. To build on the community's advantages such as entrepreneurialism, climate, human resources, community services and amenities, etc.

4. To conserve the area's natural resources for their contribution to economic based initiatives.
5. To ensure compatibility amongst commercial, industrial and residential activities.
6. To support traditional industries such as forestry and value-added wood processing, mining, renewable energy, tourism and agriculture.
7. To grow new emerging industrial sectors, including entrepreneurship, translation services, health care, care of the elderly and collaborative economic development with Aboriginal communities.
8. To provide an excellent quality of life for residents and visitors to -Kapuskasung.
9. To promote an "open-for-business" philosophy.

2.2.3 A Strategy for Economic Development

The following constitutes the components of an economic strategy for the Planning Area.

1. Council will continue to support regional economic development initiatives. Planning Board will take into consideration such economic initiatives in making land use planning decisions for the Planning Area.
2. Adopting a population and employment growth scenario which:
 - Assumes job creation of 3 to 8 full time (FTE) jobs annually.
 - Over the period 2015-2034, the population would be stabilized at 2011 levels with potential population growth associated with employment growth in the order of 9 to 24 per year.

- Employment growth would be met through a combination of net in-migration and utilization of the latent labour force.
 - The overall population would remain in the order of 8,195 – 8,675 (2015-2034).
3. Accommodating projected employment and population growth targets through providing a supply of land to meet a 20 year requirement.
 4. Supporting a sustainable community forest concept.
 5. Maintain the land supply for commercial and industrial development through such means as:
 - Designating sufficient lands for commercial and industrial development;
 - Encouraging and facilitating redevelopment and intensification in selected areas of the community;
 - Providing for a mix of commercial and industrial uses in the business park.
 6. Providing the necessary community support to strengthen and grow the industrial sectors which have traditionally been Kapuskasing's economic drivers and to diversify the economic base by capitalizing on:
 - New technologies
 - Emerging trends
 - Positive relationships built with Aboriginal communities
 - Expansion of the energy sector
-

7. Encouraging but controlling Home Based Businesses.
8. Conserving high capability agricultural lands for foodland production.
9. Promoting an «Open for Business» approach within the community by continuing to expedite the review and processing of development applications for new or expanding commercial/industrial and tourism developments.
10. Strengthening the winter tourism industry by maintaining Kapuskasing as a tourism destination and through encouraging the development of outfitting and repair support services and enhanced lodging and eating facilities.
11. Incorporating a «Buy Local» theme into purchasing policies and promotional campaigns.
12. Strengthening the commercial core of urban Kapuskasing by making the Circle Shopping Area and the Model City Mall as the primary commercial and retail service centre for the community. Development on vacant lots and redevelopment or recycling of buildings will be strongly encouraged.
13. Maintaining air, bus and rail services in Kapuskasing as an economic linkage and transportation service for business and the public respectively.
14. Ensuring sustainable youth employment and job creation for youth is a significant component of every economic development initiative.
15. Encouraging those in the accommodation and tourism sectors to continue to upgrade or improve existing facilities.

16. Maintaining the amenities of a modern urban community as attributes to attract new business development and professionals to relocate in the community.
17. Developing a strategic plan with a strong economic component, the objective of which is to coordinate the aspirations of the community on a social, health, education, economic and administrative basis such that the human and financial resources of the community are better coordinated and focused towards achieving the targets established in the strategic plan. Such a strategic plan should have a clear mission statement and a series of realistic and attainable goals and objectives.
18. Leveraging the quality of life attributes and amenities of Kapuskasing to foster the development of the community as a place of choice for business and as providing a quality residential neighbourhood living environment.

2.2.4 Home Based Businesses

1. **Intent**

It is the intent of the Plan to permit home based businesses in the Planning Area where they are compatible within a residential setting or with the rural character in a country setting and where they are clearly secondary to a principal residential use.

2. **Concept**

Home based businesses are an important component of the local economy. Home based businesses are also a growing phenomenon across Canada resulting from such factors as government and corporate restructuring, the loss of traditional jobs, changing societal values and improvements in technology, most notably the telecommunications industry.

Therefore: Kapuskasing has opted to license home based businesses.

In an attempt to equalize the tax impact between similar businesses located in a traditional commercial sector (downtown) with businesses located in the home.

It is also apparent that some home based businesses are so nondescript that their impact on the residential neighbourhood is negligible and knowledge of their operation in the general community would be unknown. From a land use perspective, policy formulation is based on maintaining the integrity and character of the residential neighbourhood while at the same time recognizing the employment opportunities and contribution to the economic base that home based businesses provide.

3. **Definition**

A home based business is a privately operated legal business located entirely within a residential dwelling or in a dwelling or accessory building by the owner or occupant thereof and which is compatible with the character of a residential setting or surrounding neighbourhood which is an accessory use or clearly secondary to the principal residential use.

4. **Policy**

It is a policy to permit home based businesses in residential areas within the Planning Area. The regulatory requirements governing home based businesses shall be set out in the zoning by-law.

2.2.5 Implementation

Measures to achieve economic prosperity are as follows:

1. Planning Board will expedite development applications for development which serve to enhance the economic base by providing additional employment or needed services.
2. Planning Board will work with Council and regional economic development agencies and the community in prioritizing the strategy for economic development and the preparation and implementation of the strategy.

3. Planning Board and Council will incorporate into the implementing Zoning By-law, appropriate standards for commercial and industrial uses (categories) and home based businesses. The standards to be utilized will take into consideration the adequacy of the lot size, the appropriateness of separation distances to ensure land use compatibility with adjacent land uses and the servicing requirements. Particular attention will be made to ensuring that the Zoning By-law is flexible in adapting to new uses without inviting undue land use conflicts.
 4. Council will maintain a permit or licensing system for home based businesses.
 5. Home based businesses on a provincial highway require the approval of the Ministry of Transportation and will require the property owner to obtain an entrance permit and a sign permit, where applicable. Property owners will be required to acknowledge that an existing entrance cannot be converted to a commercial entrance in the future and that an additional entrance to the property will not be permitted.
 6. The conversion of a home based business or home industry with frontage on a provincial highway shall not be permitted where the effect is to create a change in an entrance from a residential or farmstead entrance to a commercial or industrial entrance to create a new or separate entrance to a business will also not be permitted.
 7. Where required by provincial legislation, applicable permits, approvals and registrations must be obtained or completed prior to the commencement of the home based business.
 8. Where past uses may have resulted in contamination, the re-use of former home based businesses for alternative uses shall require the submission and filing of a Record of Site Condition on the Brownfields Environmental Site Registry.
-

2.2.6 Growth Plan for Northern Ontario

1. The Town recognizes the need to nurture the development of the local economic base in conjunction with provincial objectives for growing the Northern Ontario economy as set out in the Growth Plan for Northern Ontario. The Town promotes a collaborative approach to implementation of the provincial policies in local decisions made with respect to land use, investment in infrastructure and the initiatives and actions set out in the Strategy for Economic Development in Section 2.2.3 above.
2. The intent of the Plan is to enable the Town to sustain and improve the economic base of the community by providing a diverse range of community services, by providing a 20 year supply of land including serviced land for an appropriate range of housing types and other land uses, by providing high quality public services and spaces, by providing recreational and tourism opportunities and by enhancing the cultural life and community identity of Kapuskasing.
3. The Town recognizes the importance of sustainable transportation services in providing access to local, regional, provincial and international markets and intends to support rail, air transport and highway corridors in particular.

2.3 A HEALTHY COMMUNITY

2.3.1 Goal

To build on existing attributes in making Kapuskasing a healthy community.

2.3.2 A Strategy for a Healthy Community

The following components comprise a strategy for building a healthy community for Kapuskasing and ensure that land use and other decisions take into consideration the safety of all residents:

1. Kapuskasing may undertake such measures as:
 - The development of recreational trails including for example, a bike trail from Kapuskasing to Moonbeam;

- Maintaining affordable participation or user fees for recreational and other services;
- Providing services for and respecting the needs of vulnerable persons and persons with disabilities;
- Improving accessibility in concert with the Town's accessibility plan and fostering an inclusive community for all generations;
- Building into community decisions, the particular needs of youth;
- Supporting and facilitating active lifestyles;
- Promoting and facilitating renewable energy systems that conserve energy and protect air quality;
- Adapting to climate change through promoting non-motorized travel and reducing the dependence on the use of fossil fuels or other measures to reduce greenhouse gas emissions;
- Decreasing the reliance on motor vehicles and supporting or facilitating the installation of infrastructure to support pedestrian travel and cycling and the provision of safe routes to school, the work place and community activity areas;
- Kapuskasing will strive to influence educational institutions to provide and maintain secondary and post-secondary training and retraining programs which encourage Kapuskasing's youth to remain in the community and which serve to create employment opportunities for those on social assistance;

- Working towards improving the cultural diversity and cultural services of the community by for example constructing a multi-purpose bandstand;
- Encouraging residents of the community to support local commercial services through a "shop local" campaign;
- Recognizing the importance and diversity of recreational services and amenities within the community and their contribution to leisure excellence and to maintain the quality of these services or their expansion in continuing to meet the needs of the community. Particular attention may be given to improving library facilities;
- Improving and adding to open space areas, places to play and gather, parks and access to water within the community;
- Supporting agriculture and providing opportunities for local food production and urban agriculture;
- Incorporating vegetation and tree planting in new, existing and future developments and along waterways to increase areas for shade and the dissipation of heat and to improve the visual attractiveness of Kapuskasing and conserve water quality;
- Fostering a live/work/play environment with a mixed and compact land use pattern;
- Conserving heritage buildings and the community's cultural heritage resources;

- Providing leadership in developing solutions to community development by encouraging collaboration, communication, cooperation and commitment amongst community organizations;
- Ensuring that land use and other decisions take into consideration the safety of all residents.

2.3.3 Implementation

Measures to achieve the above strategy are as follows:

1. Measures to implement the above strategy may be incorporated into a community strategic plan and may be associated with the strategy for economic development.
2. Planning applications will be evaluated for their impact on sustaining a healthy community.
3. The Town will work with the Ministry of Transportation in integrating trails where they impact or cross a provincial highway.

3.0 COMMUNITY DEVELOPMENT

3.1 INTRODUCTION

The settlement pattern of the community consists of a distinctive urban settlement area surrounded by a large rural area. The policies of the plan are intended to direct most future development into the urban settlement area where it can be serviced by municipal water and sewer and public service facilities. Opportunities are also provided for development in the rural area where rural servicing standards can be met which is sustainable over the long term with no negative impacts. The land supply for residential development as with other land uses is intended to accommodate projected growth and development for a 20 year period. Within territory without municipal organization, resource based, recreational uses, and existing uses only are permitted.

3.2 SETTLEMENT AREAS

3.2.1 Goal

To provide for the development of a settlement pattern which ensures orderly and manageable growth and which is compatible with the development of the area's natural and resource features.

3.2.2 Objectives

1. To encourage growth that optimizes the use of existing or planned public services and infrastructure.
2. To ensure that development does not occur on lands having development constraints or, to make provisions for overcoming those constraints.
3. To recognize an existing rural area as providing opportunities for alternative residential living environments and for rural, resource and resource related land use activities.

4. To direct development to the Town of Kapuskasing except for resource based and recreational uses which may be permitted in territory without municipal organization.
5. To be sensitive to the conservation of natural heritage and features and cultural heritage resources.

3.3 POLICIES FOR THE URBAN SETTLEMENT AREA

For the purposes of this Plan, the Urban Settlement Area includes the urban area of the Town of Kapuskasing as set out on the Land Use Schedule ‘B’.

3.3.1 Urban Settlement Area as Primary Growth Area

It is a policy that future growth and settlement be primarily directed to the designated Urban Settlement Area of the Town of Kapuskasing as shown on the Land Use Schedule “B” to the Official Plan.

3.3.2 Scope of Land Uses in the Urban Settlement Area

Within the Urban Settlement Area, the scope of land uses permitted shall be as follows:

1. Residential Uses
2. Commercial Uses (Core Commercial, Highway)
3. Institutional Uses
4. Industrial Uses
5. Parks and Open Space

The policies with respect to these land use categories, permitted uses, development and locational criteria implementation procedures are as set out in Section 3 of this Plan while the regulatory requirements governing the permitted uses shall be set out in the Zoning By-Law.

3.3.3 Land Division and Site Plan Control

Development within the Urban Settlement Area shall be primarily carried out by comprehensively designed registered plans of subdivision approved under Section 51 of the Planning Act. Development by consent pursuant to Section 53 of the Planning Act may however be permitted where it is clearly established that a plan of subdivision is not required in the public interest. Land division by consent may be used where infilling and intensification serves to bring about a compact land use pattern (see Section 8.19).

The entire Town of Kapuskasing shall be considered a Site Plan Control Area (see provisions of Section 8.17 governing Site Plan Control).

3.4 POLICIES FOR THE RURAL AREA

Within the Rural Area, permitted uses shall include:

1. Residential
2. Commercial
3. Resource Uses
4. Waste Management Facilities
5. Industrial Uses
6. Cemeteries
7. Other Rural Land Uses

See also Section 8.7 – Crown Land

The policies with respect to these land use categories, permitted uses, development and locational criteria implementation procedures are as set out in Section 3 of this Plan while the regulatory requirements governing the permitted uses shall be set out in the Zoning By-Law. See also requirements for Site Plan Control including Section 8.17.

3.4.1 Rural Area

It is a policy that limited permanent settlement be permitted in the Rural Area as shown on Schedule 'A'.

3.4.2 Land Division - Rural Area

Within the Rural Area, development by plan of subdivision is not permitted. Land division by consent will be permitted in accordance with the consent policies of this Plan (see Section 8.19).

3.5 TERRITORY WITHOUT MUNICIPAL ORGANIZATION

Within the territory without municipal organization in the Planning Area, the scope of permitted uses includes resource uses and resource-based recreational uses; however, the conversion of a recreational use to a residential use shall not be permitted. This includes the conversion of a recreational dwelling. Residential and other non-residential uses shall be directed to the Town of Kapuskasing. Recognition shall, however, be given to existing uses. Development is permitted only where infrastructure and public service facilities are planned or available to support the development.

Given the limitations of development in a territory without municipal organization, consent activity is expected to be very limited and only applicable to resource related development and recreational uses. (See Section 8.19)

3.5.1 Exception

Notwithstanding Section 3.5, the development of a residential only use in territory without municipal organization is permitted for the lands described as Part of Lot 11, Concession 5, O'Brien Township upon acceptance of conditions which will be registered on title. (Official Plan Amendment # 15)

3.6 RESIDENTIAL DEVELOPMENT

3.6.1 Intent

It is the policy intent of this Plan that the 20-year housing demand be met through a mix of residential living environments in the urban settlement area and rural area. The target of this plan is to provide for 80% to 85% of the future housing demand to be met within the Urban Settlement Area.

3.6.2 Land Supply for Housing

It is a policy to maintain a minimum 10-year land supply for new residential development and redevelopment and residential intensification through the designation of residential lands as set out in the Land Use Schedule “B” and by maintaining at all times, at least a 3-year supply of residential units in registered plans or draft approved plans with a servicing allocation. The current supply of lots and designated residential lands is sufficient without the need for any adjustment to the urban settlement area boundary in the foreseeable future.

Housing needs may also be met by permitting buildings in the core commercial area as part of a mixed use development (commercial/residential) or as a high density residential building (see Section 3.6.9)

Innovative approaches to housing design and the cost-efficient delivery of housing will be encouraged.

3.6.3 Municipally Owned Lands

Council may strategically intervene in the housing market through the sale of municipally owned residential building lots. Lots may be sold on an individual basis or a small number of lots may be sold to a developer or builder. Council may enter into an agreement with a purchaser requiring that construction be undertaken within a specified period of time or the lots revert to municipal ownership.

3.6.4 Housing Types

Within the urban residential designation, it is a policy to permit a full range and mix of housing types and densities in accordance with the zoning by-law where full services are available including low density, single and two-unit dwelling types; medium density including row houses, double duplex, maisonettes, converted dwellings, triplexes, rooming and boarding houses; and high density including apartment buildings. Also permitted are mobile homes in organized mobile home parks and group homes.

A second residential unit is allowed in a single detached dwelling, semi-detached dwelling, rowhouse, or a structure ancillary to any of the above dwellings if the dwelling contains a single residential unit. This applies to all urban and rural areas where residential uses are permitted.

Accessory uses to permitted residential uses include a bed and breakfast establishment (see also 3.6.10.2), a home based business (see also 2.2.4) and a garden suite (see also 3.6.10.1).

Other permitted uses within residential neighbourhoods include institutional uses, a local commercial use serving the day-to-day needs of residents e.g. convenience use and public service facilities.

3.6.5 Affordable Housing for Moderate and Lower Income Groups

1. It is a policy of Council to continue to work with the District of Cochrane Social Services Administration Board senior levels of government to continue to deliver housing designed to meet the needs of moderate and low income households within the community. Low and moderate income households for ownership and rental housing will be determined on the basis of the regional market (e.g. Cochrane District) as the market applies to the lowest 60% of income distribution for homeowners and renter households.
2. To deliver affordable housing, a collaborative approach will be used through networking between the municipality, health care and social service agencies, the development industry, the Cochrane District Local Housing Corporation (CDLHC), the ministry of health and Long-Term care and Aboriginal organizations to identify

opportunities for the delivery of an affordable housing program that can be integrated with other community services.

3. More specifically, Council will work with the CDLHC in developing a strategy for affordable housing for the town of Kapuskasing that includes the following measures:
 - Allowing a second residential unit as-of-right in a single detached dwelling, semi-detached dwelling or rowhouse or a permitted accessory house;
 - Facilitating the development of garden suites under a temporary use by-law under Section 39 of the *Planning Act* (i.e. 20 years) (see also Section 3.6.10.1);
 - Encouraging the adaptive reuse of vacant commercial and institutional buildings;
 - Utilizing the tools under Section 28 of the *Planning Act* in association with community improvement projects (e.g. land acquisition for housing development, housing rehabilitation programs);
 - Making the delivery of affordable housing a priority in the disposing of any public lands;
 - Working with the local development industry by offering municipal incentives, wherever feasible, to deliver affordable housing (e.g. waiving building permit fees, reducing land costs through sale of building lots at cost);
 - Facilitating the development or redevelopment of mixed use buildings where social and health care services can be integrated with housing units;
 - Recognizing that affordable housing also includes consideration for job creation or available employment, accessible buildings, aging-in-place for older people, access to and the provision of health care services including mental

health services and consideration for the special needs of Aboriginals, older people, people with disabilities, the unemployed and the homeless;

- Establishing a target of 30% for the delivery of affordable housing units.

Notwithstanding the development of a strategy, Council may independently implement any of the above measures to increase the supply of affordable housing.

3.6.6 Infill and Intensification

It is a policy to encourage infilling on vacant parcels of land designated for residential purposes and to permit intensification through the conversion of existing residential and non-residential buildings in creating a larger number of units provided in the latter case, there is adequate space for on-site parking. It is a policy to also encourage the re-subdivision by consent or by plan of subdivision where lands are surplus to the needs of existing development. Development will be designed to be compact, cost-efficient and contiguous and may be phased. The target for intensification is 75%.

Residential intensification will also be encouraged through the rehabilitation and redevelopment of brownfields.

3.6.7 Residential Design

Certain principles of design shall be taken into consideration in evaluating applications for residential development and the terms of a site plan agreement as follows:

1. The maximum height of any residential building shall be five (5) storeys.
2. High density residential uses shall generally not be grouped with low density residential development unless separated by a street, an increased setback, landscaping or screening or other measures intended to minimize visual intrusion or sun shadow on lower density properties.

3. Where residential uses are to be developed adjacent to existing or proposed non-residential uses or transportation and utility corridors, consideration shall be given to appropriate buffering, berming, fencing or landscaping.
4. Where proposed residential uses are to be developed adjacent to existing residential areas, consideration shall be given to the site layout, height, access and landscaping in order to complement adjacent areas.
5. Existing mature and natural vegetation will be retained wherever possible. Where trees are non-existent, landscaping of the property may include planting of native species where possible.
6. In considering the layout of buildings, consideration shall be given to providing for snow storage.
7. The conservation of open space areas to protect or conserve the natural features within the community such as scenic vistas, shoreline areas and forested areas shall be required.
8. Pedestrian or recreational paths will be incorporated into the design of residential neighbourhoods to provide linkages that encourage pedestrian and non-vehicular activity.
9. Street lighting shall be provided as a measure of public safety for both pedestrians and vehicles.
10. Service areas for delivery and waste disposal pick-up shall be provided in all medium and high density developments.

11. All new proposals for residential development shall provide adequate vehicular access and circulation for firefighting and other emergency vehicles and equipment.
12. Housing demand will be met primarily by plan of subdivision with an emphasis on contiguous development. Development will be given priority on lots which are already fully serviced over lots which require the extension of municipal services. All development will be planned to optimize the use of existing or planned infrastructure and public service facilities.
13. Consideration shall be given to design features which emphasis public safety, healthy community and connectivity for non-motorized travel.
14. Storage containers will be strictly controlled to ensure compatibility with neighbouring properties. Standards will be set out in the zoning by-law. Site plan control may also apply.

3.6.8 Mobile Homes

Mobile homes may be permitted only in organized mobile home parks or a mobile home park subdivision. In considering applications for mobile home parks and subdivisions or an extension to the existing municipal mobile home park, Planning Board shall consider the following development criteria:

1. Providing direct access to major roads;
2. The relationship of the development to existing community uses and the availability of educational, recreational and commercial facilities;
3. The physical characteristics of the site including landscaping, grading, soils drainage;
4. The site plan including location of mobile home lots, service and auxiliary buildings;

5. The lot plan(s) including the layout and size of mobile homes sites, service connections, parking area, storage facilities, fencing and landscaping;
6. Providing adequate buffering or screening between other uses;
7. On-site recreation facilities (parks and playgrounds);
8. Water supply and sewage disposal in accordance with the servicing policies of this Plan;
9. Public and private maintenance responsibilities;
10. Adequacy of utilities and fire protection services.
11. Mobile home parks or subdivisions shall be separately zoned.

3.6.9 Mixed Use Development

To optimize the use of existing services and to provide for moderate to high density housing in meeting the housing needs of the community it is a policy to encourage mixed use development in non-residential areas where the following criteria can be met:

1. Mixed use buildings may include a combination of residential and/or commercial and/or institutional provided that non-residential uses are directed to the ground floor or street level. Mixed use development may also include a building which is exclusively residential, such as an apartment building, within the Core Commercial Area.
2. That servicing capacity exists for both municipal water and municipal sewer.

3. That the mix of land uses is compatible with surrounding land uses.
4. That the lot size is adequate for parking and access or where acceptable, alternative arrangements have been made for parking.
5. That the scale of the residential use where it is in an exclusively residential building within the Core Commercial Area does not detract from the maintenance or integrity of the Core Commercial Area as primarily a commercial district.
6. That the provisions of site plan control would apply.

3.6.10 Accessory Uses to Residential Uses

(See also Home Based Businesses - Section 2.2.4)

3.6.10.1 Garden Suites

It is a policy of this plan to provide opportunities for garden suites on a site specific basis. A garden suite which is defined as a detached residential structure containing sanitary and kitchen facilities that is ancillary to an existing permanent residential use and that is designed to be portable but does not include a travel trailer or mobile home, may be permitted on a temporary basis on the same lot as the principal single detached dwelling. Where permitted, no more than one garden suite shall be permitted on a lot. In substantiating the need for a garden suite, the proponent shall:

1. Demonstrate that the lot is sufficiently large to accommodate development on private services in those areas of the municipality where development is on private services only. This shall be subject to verification by the public body having jurisdiction;
2. Demonstrate sufficiency for compliance to the Building Code;

3. Demonstrate that there will be no adverse impacts to adjacent land uses (i.e. drainage, access for fire protection, sun shadow);
4. Demonstrate compliance with applicable zoning standards for lot size, setbacks and parking.

Garden suites shall be governed by the Temporary Use Provisions of Section 39 of the Planning Act and a Site Plan Control agreement.

3.6.10.2 Bed and Breakfast

It shall be a policy of this Plan to permit a bed and breakfast use within a single detached or semi-detached dwelling provided that the physical character of the dwelling is not substantially altered. The dwelling must clearly be the principal use of the land and the bed and breakfast component clearly an accessory use to the dwelling. A bed and breakfast establishment is defined as a single or semi-detached dwelling in which guest bedrooms or suites are provided for gain as temporary accommodation on a daily basis. Such establishments must have the proprietor residing on the premises. The local health unit shall be consulted when a new bed and breakfast establishment is proposed and, if required, approval of this agency shall be first obtained before a bed and breakfast establishment begins operating. The implementing Zoning By-law shall define a bed and breakfast use and the appropriate zone provisions.

3.6.10.3 Group Homes

1. Definition

A group home is defined as a single housekeeping unit in a residential dwelling, which is registered with the municipality, in which 3 to 10 residents (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents, who by reason of their emotional, mental, social, physical or other condition require a group living arrangement and the home is licensed or approved under provincial statute and is in compliance with municipal by-laws.

2. A group home shall be permitted in all areas where residential uses are permitted.

3.6.10.4 Local Commercial Use

Within exclusive residential neighbourhoods, a local commercial use may be permitted such as a convenience store, provided such use is intended to meet the daily or weekly needs of residents of the neighbourhood in accordance with the following criteria:

1. Local commercial uses may be constructed as new buildings or may be an existing converted dwelling on lots zoned for such use.
2. Buildings shall be designed to blend in with the character of the neighbourhood.
3. The implementing Zoning By-law shall contain provisions to regulate access points, parking, landscaped open space buffering and setbacks.
4. Such uses are subject to site plan control.

3.6.11 Implementation - Residential Development

Measures to achieve the above policies are as follows:

1. Applicants for development shall submit a complete application as required under the Planning Act. Information in support of the application shall be sufficient to determine compliance with the policies of the Plan including, for example:
 - Adequacy of capacity for public service facilities and municipal water and sewer services and utilities.
 - Adequacy to meet on-site (private) water and sewage services for rural based development provided there is sufficient reserve capacity, and that site conditions are suitable for the long-term provision of such services with no negative impacts.
 - Minimum distance separation calculations, where applicable.

2. Planning Board will circulate to those public bodies that are deemed to have an interest in the application or development proposal.
3. Appropriate zones and zone standards will be incorporated into a Zoning By-law for the respective land uses covered by this section. Residential uses may be distinguished by type and density in the Zoning By-law.
4. Agreements may be entered into respecting the details of development and financial arrangements for plans of subdivision and consents (see also requirements for subdivisions and consents - Section 8.19).
5. Working cooperatively with housing authorities on an annual basis to monitor the demand for housing for moderate and low income groups and for the planning, design and delivery of housing for these socio-economic groups (see also 3.6.5).

3.7 COMMERCIAL POLICIES

3.7.1 Development Concept

The intent of the Plan is to group commercial uses into appropriate categories and to provide policies for each of these categories. A specific land use designation is assigned each of the Core Commercial and Highway Commercial areas.

The primary objective of the commercial policies is to protect the core commercial area of Kapuskasing as the primary commercial area within the Planning Area. The Plan also recognizes mixed use as important concepts towards developing and maintaining a vibrant community and such residential uses are permitted in and around the commercial core.

3.8 CORE COMMERCIAL AREA

3.8.1 Intent of the Designation

The Core Commercial Area designation applies to lands shown on Land Use Schedule “B” which are intended to protect this area as the primary retail or

business area within the community. The Plan recognizes the importance of this area as both a commercial and residential living environment and strives to achieve vitality by providing for a mix of commercial and residential uses. Consequently, medium and higher density residential uses and mixed use developments are also permitted in the Core Commercial Area.

3.8.2 Goal

To strengthen the Core Commercial Area as the primary commercial and retail area within the Town of Kapuskasing.

3.8.3 Objectives

1. To increase the available supply of potentially developable land within the Core Commercial Area.
2. To provide for the conversion of residential to commercial uses where consistent with the mixed use policies of this Plan (see Section 3.6.9).
3. To encourage the merchant community to become actively involved in the improvements to the image of the downtown core to work cooperatively in promoting various commercial districts as a single entity.
4. To improve the visual impact and design of safe public places through beautification programs and the provision of ample open space and green areas.

3.8.4 Permitted Uses

The primary uses permitted in the Core Commercial Area shall be oriented to those uses related to the buying of goods and the provision of services including such uses as retail and stores, business and professional offices, accommodation facilities, automotive commercial uses, commercial entertainment facilities, personal services, eating establishments, government and public uses and general business activities.

Mixed use development will also be permitted as set out in Section 3.6.9.

3.8.5 Commercial Intensification

Planning Board, in recognizing the limitations of the amount of vacant land in the Core Commercial Area, will encourage development through a combination of redevelopment, land assembly, the conversion of residential properties, increased building coverage on under-utilized lots and the recycling of public buildings or properties for commercial uses. To strengthen the linkage between the Circle Shopping Area and the Model City Mall, it is the intent of this Plan to provide for the conversion of residential buildings along Cain Avenue to commercial uses within converted residential buildings.

Buildings of up to five storeys may be permitted within the Core Commercial Area.

3.8.6 Residential to Commercial Conversions

The conversion of existing residential dwellings within the commercial core may be permitted subject to the following criteria:

1. All or part of the building may be converted.
2. Adequate off-street parking shall be provided to serve each specific use within the converted building. Parking will generally be restricted to the side or rear yards of the building.
3. Where off-street parking cannot adequately be provided, cash-in-lieu of parking under Section 41 of the Planning Act may be applied to the acquisition and development of a municipal parking facility.
4. Proposals for a conversion must be accompanied by a site plan which provides details of landscaping, parking, on-site storage of waste materials, drainage, exterior lighting, signage and building access.

3.8.7 Land Acquisition and Parking

Council may acquire lands in the commercial core for the establishment or expansion of a municipal off-street parking facility. Council will continue to assess parking needs within the Core Commercial Area and will endeavour to ameliorate parking deficiencies where identified through improvements to on-street parking, off-street parking facilities and through parking standards as set out in the Zoning By-law.

Parking standards may be waived for any commercial buildings in existence prior to the date of the enactment of the Zoning By-law where such commercial lots have a lot area less than 550 m² (5,920 ft.²) or if such buildings are enlarged, reconstructed or replaced. The municipality may use the provisions of Section 40 of the Planning Act to require cash-in-lieu of parking where redevelopment increases the demand for parking in the Core Commercial Area.

3.8.8 Commercial Design Principles

In considering new development or redevelopment, consideration shall be given to the following principles:

1. Screening in the form of fencing or landscaping or buffering between commercial development and adjacent residential uses.
2. Grouping or sharing of access points and parking facilities.
3. Integrating the needs of pedestrians, cyclists, vehicular traffic and vulnerable persons or persons with disabilities.
4. Landscaping and streetscaping e.g. benches, waste receptacles, bicycle stands, landscaping, which creates a pedestrian oriented environment and contributes to a sense of place and a desired gathering place.
5. Confining open storage to existing uses and requiring the fencing or screening of such open storage areas.

6. Making provisions for on-site snow storage.
7. Designs which are energy efficient.
8. Storage containers will be strictly controlled through the use of zoning and site plan control to ensure compatibility (i.e. aesthetics, drainage, sun shadow, access) with neighbouring properties.
9. Design which is sensitive to the cultural heritage value of the Core Commercial Area with respect to the existing scale, massing, height profile.
10. Providing alternative means for meeting parking requirements (e.g. off-site parking, shared parking with major facilities or use of municipal parking areas, waiving or reducing parking requirements based on the type or intensity of land use).

3.8.9 Business Improvement

Council will work with the business community and encourage their on-going participation in the design or redesign and redevelopment of the commercial core. The retail merchant community will be encouraged to work cooperatively in promoting the commercial services offered by the commercial sector and in the beautification of the downtown.

3.8.10 Site Plan Control

Site plan control will apply to all commercial development or redevelopment, of residential to commercial conversions and to public and institutional uses within the Core Commercial Area. Mixed use developments and residential dwellings consisting of two (2) or more dwelling units will also be subject to site plan control. In applying site plan control, the principles of commercial design will apply.

3.8.11 Implementation

Measures to achieve the above policies are as follows:

1. Review the Zoning By-law to provide appropriate controls for development of the Core Commercial Area to monitor the impact and update the standards as required. The Zoning By-law shall contain provisions to regulate access points, parking (for vehicles and bicycles), loading, landscaping, buffering and setbacks.
2. Consider a reserve fund for cash-in-lieu of parking.
3. Allocate funds from the municipal budget for such needs as infrastructure improvements in association with community improvement in the commercial core and to work with the business community in monitoring needs for community improvement on an ongoing basis. The allocation of funds from the annual available municipal budget shall be within the municipal finances.
4. Monitor parking needs.
5. Review applications and enter into site plan agreements for development or redevelopment.
6. Enforce the Property Standards By-law.

3.9 HIGHWAY COMMERCIAL AREA

3.9.1 Intent of the Designation

The Highway Commercial Area designation applies to lands shown on Land Use Schedule “B” which are intended for highway commercial uses that cater to the needs of the travelling public using Highway 11 and to the needs of the tourist industry. This designation reinforces Kapuskasing as a "Regional Commercial Centre".

3.9.2 Goal

To provide opportunities for highway commercial development catering to the needs of residents, tourists and the travelling public and as an alternative for uses that are not appropriate within the Core Commercial

Area nor for which there are sufficient lands within the Core Commercial Area.

3.9.3 Objectives

1. To provide sufficient lands for Highway Commercial Development.
2. To enhance the visual image of highway commercial uses along Highway 11.

3.9.4 Permitted Uses

The permitted uses within the Highway Commercial Area include uses which cater to the needs of the travelling public and rely upon such traffic to aid their economic existence. Such uses include automotive commercial and related uses, automotive sales and service establishments, accommodation facilities, eating establishments, transport and transportation services, building materials and nursery supplies establishments, warehousing, trades, custom workshops, convenience shops, personal service shops, enterprises involving wholesaling or some processing. Existing uses are also recognized including residential uses.

New retail uses outside of the Core Commercial Area will be permitted where they require large land areas and where it is clearly demonstrated that they cannot be located within the Core Commercial Area and only where safe access from Highway 11 is demonstrated through compliance with the Section 3.9.6. New retail uses will not be permitted on lands to the west of Neetian Road, except where justified to the satisfaction of Council by a market demand and commercial land supply study. The study would need to demonstrate that market demand cannot be met through intensification or redevelopment in existing built-up areas of the municipality.

Lands to the west of Neetian Road may be used for proving grounds and activities associated with cold weather testing of vehicles.

376 Government Road may be used as a cheese factory.

3.9.4.1 Exception

Notwithstanding Section 3.9.4, a retirement home shall be permitted on lands described as Parcels 3079 and 4122, Centre Cochrane, being Part of Lot 14, Concession 12, in the Township of O'Brien. (Municipally known at 376 Government Road) (Bylaw No. 2522)

3.9.5 Development Concept

The role of highway commercial development is to provide for commercial uses catering to the travelling public but which do not compete or detract from the vitality and economic viability of the Core Commercial Area. Permitted highway commercial uses should be limited to lots of large size having generous frontage on Highway 11 and which comply with the access standards in Section 3.9.6. Planning Board recognizes the importance of permitting a range of highway commercial uses as well as the significance of avoiding land use conflicts and integrating a mix of uses. The development concept envisions that land uses requiring a high degree of visibility for the marketing of their products or services such as that provided by exposure to passing traffic on Highway 11 be given priority for development of highway commercial uses.

Given the constraint of available highway commercial land, the focus will be to encourage new development and new businesses to locate on existing vacant commercial lands or through land assembly and redevelopment of residential properties within the highway commercial corridor.

The development concept envisions that all highway commercial development will be fully serviced with municipal water and sewer and that it is more desirable to redevelop non-commercial lands than to extend the highway commercial corridor further to the east or to the west of the areas currently developed and serviced.

The development concept does not envision the need for a new shopping centre complex. As such, any shopping centre complex whose size and type of retail and service facilities might, in the opinion of Council, be detrimental to the protection of existing commercial services within the community will require an amendment to the Official Plan together with a detailed marketing study outlining the needs and potential impacts of the proposed shopping centre on the existing retail and service structure of the community.

3.9.6 Commercial Design Principles

In considering new development or redevelopment, consideration will be given to the following principles:

1. Access, signage and setbacks for uses along Highway 11 shall comply with Provincial standards and requirements. New access points to Highway 11 will not be permitted where alternative access can be provided and/or where the proponent demonstrates through a technical study that the method of access will achieve a higher standard of public safety. The following alternatives shall be

considered in the design of highway entrances:

- Directing or restricting access to an existing local road intersecting with Highway 11;
- Constructing a service road that does not create a new highway entrance, but may consolidate existing entrances;
- Combining or consolidating existing entrances that has the effect of reducing the number of entrances
- Relocating and redesigning one or more entrance that result in a safer design.

Proponents will be required to submit a traffic and design study in support of an application for an access solution.

2. Lighting poles and other surface utilities shall be carefully sited and advertisements shall be in keeping with good design and highway safety practices.
3. Adequate off-street parking and off-street loading facilities shall be provided relative to the needs of individual uses.
4. The size and shape of the property shall be suitable for the intended use.
5. Where uses abut residential areas or include open storage other than in a display or advertising of goods, such uses or storage shall be screened by or buffered by opaque fencing, vegetation, a berm or any combination of these features.
6. Open storage shall be permitted where it is necessary for the operation of the commercial use, cannot otherwise be stored inside a building, does not detract from the main use and is not distracting or unsightly to adjacent uses. The outdoor display of merchandise for sale or advertising may be permitted provided the display does not detract from required parking nor creates a hazard to public safety.
7. For lands located between Highway 11, Cournoyer Street and Algonquin Street, Council will encourage land assembly and consolidation of lots such that access may be gained solely from Highway 11. Council will require that access by vehicular traffic be gained from Highway 11 wherever possible. Site Plan Control will be used to prevent access from Cournoyer Street and Algonquin Street

and to provide for buffering and screening from adjacent residential lots so as to minimize visual and other impacts.

8. Storage containers will be strictly controlled through the use of zoning and site plan control to ensure compatibility (i.e. aesthetics, drainage, sun shadow, access) with neighbouring properties.
9. Designs which are energy efficient will be strongly encouraged.
10. Designs shall be required to incorporate landscaping, facilities for vulnerable and persons with disabilities and stormwater management controls.
11. Locating order boards and stacking lanes associated with drive-through facilities that are designed to consider noise impacts on neighbouring residential properties, public safety and aesthetic or visual impacts.
12. Incorporating building design and landscaping for energy conservation, reducing heat gain and to enhance the visual attractiveness of the community.

3.9.7 Site Plan Control

All highway commercial uses are subject to site plan control and shall take into consideration the principles of commercial design.

3.9.8 Implementation

Measures to achieve the above policies are as follows:

1. Applicants for highway commercial development shall submit a complete application as required under the Planning Act. Information shall be submitted to determine compliance with relevant policies of this section including, for example: servicing capacity of sewer and water services (see servicing policies in Section 4).
2. Site plan showing layout and details of the development, setbacks, drainage, landscaping, parking and loading spaces, stacking lanes, access, signage, storage, on-site waste management facilities,

exterior lighting etc. shall be submitted as per the requirements of site plan control.

3. Approvals will be required with respect to uses proposed to be located adjacent to Highway 11 or requiring access onto Highway 11, changes to existing accesses, the installation of signs and the setbacks of uses.
4. Minimum distance separation calculations to the Zoning By-law shall set out standards to ensure adequate lot sizes and shall regulate access points, parking, loading, landscaping, buffering and setbacks.
5. Applicants will be required to enter into site plan agreements for development or redevelopment.

OTHER COMMERCIAL USES

Local Commercial - See Section 3.6.10.4

Home Based Businesses - See Section 2.2.4

3.10 INSTITUTIONAL USES

3.10.1 Policy Intent

Institutional uses are an integral part of the daily life of the community. The intent to recognize institutional uses as serving the governmental, educational, social, cultural, health, religious or recreational needs and requirements of residents and visitors to the community. The intent of the policy is to recognize existing institutional uses and to permit new uses or the redevelopment of buildings for institutional uses within residential and commercial sectors of the community. Such uses are zoned or will be subject to rezoning. Institutional uses are not shown as a separate land use designation.

It is the intent of Council to conserve the quality and variety of existing institutional uses within the community and to encourage the continued maintenance or upgrading of institutional buildings and properties. This may include a relocation and expansion of the public library, acquisition and continued upgrading of fire suppression equipment, working with the District Health Council and medical practitioners to sustain or improve the level of health and medical services and to optimize wherever possible the utilization of existing public buildings and facilities rather than constructing new facilities.

3.10.2 Goal

To provide a quality level of institutional services and facilities to meet the needs of area residents and to complement the economic initiatives towards making Kapuskasing a centre for recreational, tourism and leisure excellence.

3.10.3 Objectives

1. To maintain the quality of existing services and the maintenance and upkeep of institutional buildings and properties.
2. To expand the scope of institutional uses to coincide with the needs and requirements of the community.
3. To encourage the recycling of public buildings for institutional or other uses and to provide for the multiple use of existing facilities.
4. To encourage the co-location of public service facilities in the form of community hubs, where appropriate, to promote cost-effectiveness and to facilitate service integration and active transportation.

3.10.4 Institutional - Permitted Uses

Institutional uses include such uses as public and private schools and colleges, municipal administration offices, fire hall, police station, libraries, museums, post office and other provincial or federal public buildings, religious institutions, clubs or organization headquarters, social facilities, hospitals, medical clinics and other health care facilities, child care facilities, long-term care homes, and cultural or recreational institutional uses. Associated institutional uses may include residential uses related to hospital or health services, commercial uses providing direct services to institutional uses (pharmacy, medical office) and institutionally related recreational and open space uses.

3.10.5 Institutional - Development Criteria

The following criteria shall be applied to the development or redevelopment of institutional uses:

1. Institutional uses involving residential occupancy such as long-term care homes shall be encouraged to locate in proximity to central services for residents.

2. Barrier-free access and facilities for vulnerable persons and persons with disabilities shall be incorporated into the design and development of all new institutional facilities and into the retrofit of existing facilities.
3. Other public safety measures to be considered in design and development include adequate lighting or illumination of walkways and parking areas, or the audit of buildings to conserve energy and shelter access or external use, incorporating safe and convenient walking routes and road crossings and ensuring proper access for emergency vehicles.
4. Adequate buffering and/or screening, landscaping and fencing shall be provided between institutional uses and adjacent residential uses.
5. Working with senior levels of government to sustain or improve the current scope of institutional services within Kapuskasing.
6. Encourage the co-location of public service facilities in the form of community hubs, where appropriate, to promote cost-effectiveness and to facilitate service integration and active transportation.

See also Section 3.10.5.

3.10.6 Implementation

Measures to achieve the above policies are as follows:

1. Evaluate new development proposals to determine if co-location with other facilities is feasible and appropriate and to ascertain the needs for additional institutional needs such as school capacity, cultural, recreational and health facilities.
2. Encourage the applicable authorities to undertake public safety inspections and energy audits of public buildings on a regular basis.
3. Enforce the Property Standards By-law.
4. Amend the Zoning By-law to implement the policies of this section as required.

5. Consult with the public body having jurisdiction on the capacity of municipal water and sewage systems prior to the approval of any institutional development.
6. Apply Site plan Control to the development or redevelopment of institutional uses.

3.11 INDUSTRIAL AREA

3.11.1 Intent of the Designation

The Industrial Area designation applies to lands shown on Land Use Schedule “B” which are intended for industrial activities and ancillary uses in recognizing both existing uses as well as the potential for new development. The primary industrial area is the land holdings of Tembec which is intended to accommodate the existing forest products operation as well as retrofits and expansion of that facility. Other sizeable land blocks are slated for industrial development such as existing industrial uses including municipally owned lands east of Brunelle Road north of Highway 11 and industrial lands located north of Highway 11 in the eastern extremity of the Urban Settlement Area. It is the intent of Council to develop the lands east of Brunelle Road as a mixed industrial/commercial business park. The development of these lands would receive priority over lands along the Gurney Road subject to demand and the availability of municipal servicing.

3.11.2 Goal

To provide opportunities for economic development that serve to expand and strengthen the economic base of the community.

3.11.3 Objectives

1. To set aside sufficient lands to meet the current and future needs of the community.
2. To ensure industrial development is compatible with adjacent land uses.
3. To encourage and support industrial development as a means of diversifying the economic base.

3.11.4 Industrial - Permitted Uses

Industrial uses are categorized into the following three categories for the purposes of this Plan:

1. **Mixed Industrial/Commercial**

Includes light industrial uses as set out in Section 3.11.4 (2) below as well as commercial uses including business and professional offices, banking facilities, restaurants and service commercial uses provided the predominant use of land is an industrial use. Permitted commercial uses may include a retail outlet component as an ancillary use to a permitted use described in Section 3.11.4 (2).

2. **Light Industrial**

Includes manufacturing, processing, servicing, storing of goods and raw materials, warehousing, wholesaling, repairing, transportation and communication facilities, public utilities, builders or contractors yards and similar uses where emissions or outputs are zero to negligible.

Limited open storage is permitted provided the view of such can be completely screened from adjacent uses and streets. Lands within this category may also be used for ancillary uses which shall be compatible with the principle industrial use such as commercial services which are supportive of light industrial uses and security facilities.

3. **Heavy Industrial**

Includes uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit any potential adverse effects on the environment of the surrounding areas and public health.

3.11.5 Development Criteria

The following development criteria shall apply in considering development or redevelopment of industrial uses:

1. The minimum separation distance for new industrial uses within the Light Industrial classification from adjacent sensitive land uses or new sensitive land uses (e.g. residential, day care, hospitals and health facilities) shall be set out in the zoning by-law and complemented by the use of site plan control measures. Reference shall be made to the Ministry of the Environment and Climate Change Guideline D-6, Compatibility Between Industrial facilities and Sensitive Land Uses to ensure land use compatibility, and where required to mitigate negative impacts.
2. The minimum separation distance for new heavy industrial uses from adjacent sensitive land uses or new sensitive land uses shall be set out in the zoning by-law and complemented by the use of site plan control measures. Reference shall be made to the Ministry of the Environment and Climate Change Guideline D-6, Compatibility Between Industrial facilities and Sensitive Land Uses to ensure land use compatibility, and where required to mitigate negative impacts.
3. Any open storage of goods on industrial premises and for commercial uses within industrial areas, including bulk storage shall only be permitted in rear yards and interior yards provided there is no conflict with adjacent land uses and provided that such storage is appropriately screened from those uses by means of vegetation or an opaque fence or a combination thereof.
4. Municipal services shall be evaluated to determine if they are adequate to meet the requirements of industrial development including but not limited to municipal sewer and water, storm drainage, waste management, fire protection and roads.
5. The implementing Zoning By-law shall contain provisions to regulate access points, parking, loading, landscaping, buffering and setbacks and building coverage.
6. Industrial traffic through residential areas shall be discouraged.
7. Storage containers will be strictly controlled through the use of zoning and site plan control to ensure compatibility (i.e. aesthetics, drainage, sun shadow, access) with neighbouring properties.

3.11.6 Site Plan Control

All industrial, ancillary and accessory uses as well as commercial development within industrial areas are subject to site plan control. For the purposes of this Plan, the development criteria set out above as well as any matters set out in Section 41 (4 and 7) of the *Planning Act* shall be taken into consideration in reviewing applications for site plan control approval.

3.11.7 Implementation

Measures to achieve the above policies are as follows:

1. Applicants for new industrial development or ancillary development shall submit a complete application as required under the Planning Act. Information in support of the application shall be such to determine compliance with the policies of this Plan including:
 - Minimum separation distance requirements;
 - A study following the direction within MOECC Guideline D-6, which fully describes the industrial process and the impacts which will be generated (i.e. noise, odour, dust) and identifies the mitigation measures (i.e. separation distances or other measures) that will be implemented in order to avoid any off-site adverse effects;
 - A Site plan showing the layout and details of development, setbacks, drainage, landscaping and buffering etc.;
 - Submission of other permits and approvals as may be required by the applicable government agencies;
 - Permits and approvals as may be required by the applicable government agencies for access to Highway 11.
2. New industrial development will be subject to capacity calculations for the uncommitted reserve capacity of the sewage and water treatment plant.
3. The Zoning By-law may be amended to implement the policies of this section and periodically be updated in response to new requirements.

4. Proponents of any industrial development will be required to enter into a site plan agreement for the provision and maintenance of required facilities.
5. Council will circulate to those public bodies who are deemed to have an interest in the application or development proposal for comment and where required approval.
6. Council may sell municipally owned lands for industrial development subject to specifying the conditions for purchase and sale and the reverting of lands to the municipality where construction is not commenced or completed within a specified time period.

3.12 PARKS AND OPEN SPACE AREA

3.12.1 Intent of the Designation

The Parks and Open Space designation as shown on Land Use Schedule “B” applies to parks and playgrounds, the golf course, public and private recreation uses, picnic areas, conservation lands, community gardens, cemeteries, wilderness areas and certain public utility uses. For the purposes of the Plan, only larger tracts of open space are specifically designated on the Land Use Schedule “B” while approximately 49 acres of smaller parks and playgrounds are also protected through zoning. The intent of the policy is to ensure that sufficient lands are designated for recreation purposes, to protect sensitive features such as river corridors and to enhance the aesthetic attraction of the community as a whole. The Plan recognizes existing open space areas while at the same time provides for expanding the inventory of parks and open space or enhancing existing facilities to meet the changing needs of the community.

3.12.2 Permitted Uses

Parks and Open Space Areas are intended to meet the leisure and recreation needs of the community and may include facilities such as parks and playgrounds, public and private recreation uses, public gathering places, picnic areas, conservation uses, community gardens, cemeteries, protection of natural and wilderness areas, recreational trails and pedestrian linkages, a golf course and to provide a protective buffer around rivers and water bodies through the urban area.

3.12.3 Development Standards for Public Parks

The development of the following standards for new parks and playgrounds should be considered in the design of these facilities.

1. Tot lots or playgrounds: should be located no greater than 0.4 km (1/4 mile) from the area they service and should be a minimum of 2,000 m² (21,528 ft.²) in area. Children should not have to cross major arterials or collector roads to access the parks.
2. Neighbourhood Parks: should be a minimum of 2 ha (5 ac) in size, be within 0.8 km (1/2 mile) of the area serviced and be developed at a ratio of 0.4 ha (.98 ac) per 1,000 population.
3. Community parks: should be developed at a ratio of 0.8 ha (2 acres) per thousand persons with a minimum site area of 6 ha (15 acres).
4. The municipality shall encourage the development of parks adjacent to school sites or recreational complexes in order to increase the amount of contiguous land.

3.12.4 Urban Park Network

It is a policy to conserve the existing network of municipal parks and playgrounds within the Urban Settlement Area and to continue to maintain and upgrade parks and playgrounds as funds are available from the municipal budget or through contributions from sponsoring service clubs and other community organizations.

3.12.5 Recreational Trails

Recreational trails may be developed along the river corridor and abandoned rail line as a means to providing pedestrian, cycling or other off-road linkages through the community. These open space linkages may be designed for the particular needs of cyclists, cross country skiers, pedestrians, hikers and snowmobilers. These linkages may be enhanced by using the street network within the Urban Settlement Area. In the design of open space linkages and recreational trails, consideration shall be given to public safety through the separation of potentially conflicting trail uses, e.g. establishing a dedicated corridor for snowmobiles and/or off-road vehicles as a single purpose corridor. Other public safety measures may include

elimination of recreational trails and construction standards which provide for adequate width, height, durability and stability for safe use by particular trail users.

Corridors for snowmobiling and off-road vehicles will be regulated to ensure public health and safety and land use compatibility measures are considered.

3.12.6 Implementation

Measures to achieve the above policies are as follows:

1. Acquisition of parkland shall be in accordance with the provisions of Section 42 of the Planning Act or, where the land to be acquired is of insufficient size, the policies for cash-in-lieu of parkland in Section 8.5 of this Plan shall apply.
2. Land acquisition will be undertaken where necessary to protect natural features and ensure public access or to implement open space linkages and to provide for non-motorized travel within the community.
3. Council will work actively with community organizations and service clubs in seeking to enhance the quality and scope of facilities in community parks and playgrounds.
4. Council will cooperate with regional and provincial trails associations and integration of local trails with regional trails.
5. Council, through community assistance may undertake a Recreational Trails Needs Study as a means to establishing the network of open space linkages within the community.
6. Conservation techniques during construction will be observed so as to minimize negative impacts on the natural environment. In general terms, the conservation of the natural vegetative cover and natural habitats will be maintained for open space areas used for conservation purposes and wilderness areas.

7. Parks and open space uses shall be zoned in a category in the implementing zoning by-law and provision made for standards and for setbacks of buildings and structures.

3.13 RURAL AREA

3.13.1 Intent of the Designation

The Rural Area, which excludes territory without municipal organization, is intended to recognize existing development and to provide opportunities for limited new development where appropriate. The intent of the Plan is not to provide for the build-up or urbanising of the Rural Area or to provide piped municipal services or an extensive array of municipal services to this area. Residential developments in the Rural Area will be permitted on a limited basis in providing an alternative residential living environment to an urban setting. Development in general will be based on on-site (private) sewage and water services.

3.13.2 Goal

To provide for uses appropriate to the Rural Area in an orderly pattern of growth and development.

3.13.3 Objectives

To minimize land use conflicts with non-compatible uses.

3.13.4 Development Criteria

The following criteria shall apply to the development of those uses permitted in the Rural Area.

1. **Frontage:**
Lots for new development must have frontage and direct access onto a year round publicly maintained road.
2. **Development Setback:**
All development shall be set back in accordance with Section 6.3.
3. **Servicing:**

Servicing requirements for all permitted uses shall be set out in Section 4 of this Plan. Land uses requiring extensive water supplies in the Rural Area shall generally be discouraged.

4. **Lot Sizes:**

The minimum lot size for any residential development in the Rural Area designation shall be as set out in the Zoning By-law and shall be adequate for the intended use including any requirements for servicing, access and minimum distance separation as set out in Section 6.0 of this Plan.

3.13.5 Rural Area

It is the intent of Planning Board to encourage development on existing lots of record. Where development is proposed by severance, it shall be in accordance with Section 8.19 of this Plan and shall be limited to not more than three (3) severances from any one parcel existing as of April 4, 1975 excluding the retained lot. Development of residential uses by plan of subdivision will not be permitted in the Rural Settlement Area.

3.13.6 Housing Types - Rural Area

Within the Rural Area, housing types may include low density, single and two-unit dwelling types and group homes which are either permanent or seasonal. Accessory uses to permitted residential uses include a bed and breakfast establishment (see 3.6.10.2) and a home based business (see 2.2.4).

3.13.7 Seasonal Residential

Seasonal residential means a single detached dwelling which is constructed as a secondary place of residence for recreation and is not the permanent place of residence of the owner or occupier thereof. It is the intent of the Plan to recognize existing seasonal development. Conversions may be permitted where a seasonal dwelling has access and direct frontage on a year round maintained public road and which meet the criteria for individual on-site services as set out in Section 4.2.4. Seasonal residential may be permitted on water access lots only provide public access is available on the same water body and mainland parking is available.

3.13.8 Commercial Uses in the Rural Area

Commercial uses may be permitted on a limited basis in the Rural Area in accordance with the following criteria.

1. Existing uses and expansion of existing commercial uses shall be permitted.
2. New commercial uses may be permitted only where it is clearly demonstrated that there is absolutely no alternative location within the Urban Settlement Area and where the use is considered to be more compatible with a location in the Rural Area. Commercial uses which require large quantities of water for their operation shall not be permitted.
3. Commercial uses in the Rural Area may only be permitted through an amendment to the Zoning By-law provided the use is not located adjacent to an existing residential use and provided it does not conflict with resource uses such as agriculture or mineral aggregate extraction.
4. Such uses are subject to site plan control and to the requirements of the Zoning By-law with respect to the lot area, access, parking and setbacks and any other applicable measures as set out in Section 41 (7) of the *Planning Act*.

3.13.9 Industrial Uses in the Rural Area

Within the Rural Area, existing industrial uses as well as the expansion of those uses shall be permitted. New industrial development may only be permitted if the use is resource related (e.g. associated with agriculture, forestry or mineral aggregate extraction) and provided it is not located adjacent or will conflict with existing or planned residential uses or conflicts with other resource development. Uses which require large volumes of water as part of their processing operation or which will discharge large volumes of waste shall not be permitted. Reference shall be made to the Ministry of the Environment and Climate Change Guideline D-6, Compatibility Between Industrial facilities and Sensitive Land Uses to ensure land use compatibility, and where required to mitigate negative impacts.

Industrial uses are subject to site plan control and to the requirements of the Zoning By-law with respect to the lot area, access, parking and setbacks. Uses may be permitted only through an amendment to the Zoning By-law.

3.13.10 Other Rural Land Uses

It is the intent of the Plan that other land uses which form part of the natural physical environment be recognized as part of the make-up of the Rural Area. Such uses should be located outside of areas that are characteristically rural residential. Reference should also be made to the Resource Management policies of this Plan (see Section 7) for other uses or activities which make up the rural landscape. The policies and provisions for these uses are listed as follows:

1. Forestry

It is the intent of the Plan to recognize the importance of forests as a renewable and sustainable resource within the Planning Area. This includes the recognition of commercial timber operators licensed by the public body having jurisdiction and private property owners for the management of the forestry resource as well as to recognize associated activities. On land falling under Crown Forest Sustainability Act agreements, forestry management and wood production activities shall be encouraged. Activities on private lands which would otherwise detract from sound and sustainable forest resource management such as residential development will be discouraged. It is the intent of the Plan to encourage complementary activities such as wildlife habitat improvement or ecosystem improvement and the active or passive use of forested areas for recreational activities such as cross-country skiing, picnicking and other recreational facilities which do not detract from the production of forest products or mineral resource activities.

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

2. Conservation Uses

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

encouraged as well as activities related to wildlife and conservation interpretation. (See also Section 7.3.3.)

3. **Kennels**

As this use has the potential to create land use conflicts with adjacent uses, it is the policy of the Plan to require an amendment to the Zoning By-law to control the location of kennels. The Zoning By-law may establish a minimum separation distance between a kennel and any adjacent land use which may be sensitive.

4. **Remote Development**

It is a policy to recognize certain specific land uses which are part of the rural landscape. These uses are characterised as self-sustaining and are not dependent on services provided by public authorities. It is a policy to permit such uses in undeveloped, remote or generally inaccessible areas within the Planning Area on a limited basis. Such uses include a trappers' cabin associated with a registered trap line or a fishing and hunt camp. A fishing and hunt camp may be permitted as a single use on patented land provided appropriate arrangements are made for on-site servicing per Section 4.

5. **Communications Facilities**

Communication facilities requiring transmission towers shall be permitted in the Rural Area where they meet Industry Canada construction standards.

4.0 Services and Infrastructure

4.1 INTRODUCTION

Within the Urban Settlement Area, almost all existing development is serviced by full municipal sewage and water services while within the Rural Area, individual on-site services prevail. The intent of the Plan is to maintain this hierarchy of servicing for sewage and water systems and set the framework for improvements and upgrades. The Urban Settlement Area is also serviced by a storm sewer system although stormwater is not treated prior to its discharge. With few exceptions, development is serviced by a public road system. Other transportation services include rail, air and recreational trails (corridors). The intent of the Plan is to protect the integrity of the transportation system and apply current standards to future development. Waste management services will suffice to meet the projected needs of the Planning Area for the life of the Plan and policies address the provision of these services.

4.2 SEWAGE AND WATER SERVICES

4.2.1 Goal

To plan for servicing facilities which maintain or enhance the quality of the natural environment and which accommodates expected growth.

4.2.2 Objectives

1. To support the maintenance and upgrading of existing municipal water and sewage systems.
2. To establish a hierarchy for sewage and water services that recognize full municipal sewage and water services as the preferred method of servicing for the Urban Settlement Area; public communal services as the preferred means of servicing multiple lots or units in areas where full municipal sewage and water services are not provided, and individual on-site systems where the use of municipal sewage and water services are not economically feasible and where site conditions are appropriate.
3. To require a servicing evaluation as part of the development process.

4. To protect drinking water supplies (i.e. quantity and quality) and protect, improve or restore vulnerable surface and ground water features and their hydrologic functions.

4.2.3 Service Areas

The following hierarchy of servicing shall apply to the Planning Area:

1. Within the Urban Settlement Area of Kapuskasing, all development including new lot creation will be serviced with full municipal sewage and water services. The formula for determining the uncommitted reserve capacity will be utilized by Council as a mechanism for determining sufficient existing or planned reserve capacity and allocating capacity prior to the approval of new development within the urban area. In general, preference will be given to development proposed to be constructed on existing lots of record or blocks of land which is currently serviced and secondarily to the extension of existing trunk water and sewer services to service contiguous development. Urban service areas where development is to be directed are shown on the land use schedules.
2. Lands within the Rural Area may be serviced by on-site (private) water and sewer systems subject to the servicing policies of this Plan (see Section 4.2.4).
3. Private communal services shall be the preferred means of servicing multiple lots/units in areas where full municipal water and sewage services are not or cannot be provided and where it is demonstrated that site conditions are suitable over the long term (see Section 4.2.8).
4. Partial services shall be discouraged except where necessary to address failed individual on-site sewage or water services in existing development or to allow for infilling and minor rounding out of existing development within the urban settlement area provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

4.2.4 Servicing Criteria for Individual On-Site Services

The criteria for individual on-site services are as follows:

1. It is a policy that all applications to create new parcels of land or other development with water and/or sewage requirements, shall be supported by a terrain analysis and hydrogeological report or an assimilation capacity study or other technical evidence having been completed in accordance with the requirements of the Environmental Protection Act and/or Ontario Water Resources Act and/or Ontario Building code to demonstrate that the proposal will not have an adverse effect upon the environment or public health and shall, unless otherwise exempted, provide the following information:

- A recommended minimum lot size suitable for private waste-disposal systems;
- A calculation of the projected water demand and an assessment of the quantity and quality of water available;
- The requirements for the installation of in-ground or above ground sewage disposal systems to justify that site conditions are suitable for the long-term provision of such services with no negative impacts;
- A determination of sufficient reserve sewage system capacity for hauled sewage from individual on-site sewage services;
- An assessment of the rate of groundwater recharge and discharge and where applicable, the need for protective land use measures;
- Design details on the requirements for well water construction in accordance with Ontario regulations;
- The identification of any potential negative impacts of development on adjacent lands or previous phases of development as well as the required mitigation measures;
- An environmental impact evaluation which establishes a quantitative method for determining minimum lot sizes.

The above provisions shall apply with necessary revisions where the water supply is surface water.

2. It is a policy that the requirement for a terrain analysis and hydrogeological report or an assimilation capacity study may be waived subject to a review by the public body having jurisdiction where the minimum lot size for development is proposed to be one (1) hectare or more and provided that site conditions are determined to be suitable for the long-term provision of such services with no negative impacts.

A hunt camp or trapping cabin is exempt from a study and may be serviced by a Class I sewage disposal system (outdoor privy).

3. It shall be a policy that proponents of residential and non-residential developments using greater than 50,000 litres (10,208 gal.) per day of water and generating more than 10,000 litres (990 gal.) per day of sewage will, prior to approval, prepare the necessary technical assessments, such as a terrain analysis and hydrogeological report or an assimilation capacity study, to demonstrate the viability of the proposed means of servicing and that the impacts of the servicing will result in acceptable levels of impact to the area water resources. Any water taking in excess of 50,000 litres (13,208 gal.) per day will require a Permit To Take Water, and any sewage system designed to treat in excess of 10,000 litres (990 gal.) will require an Environmental Compliance Approval both of which are issued by MOECC.
4. It shall be a policy that lot sizes shall be established on the basis of a terrain analysis and hydrogeological report or an assimilation capacity study but shall not in any case be less than 0.4 hectares (1 acre) in size.
5. It is a policy that the Planning Board shall not approve the creation of additional building lots by severance which would unreasonably reduce the lot size of either the severed or the retained lot to less than the minimum lot size established in subsection 2 or 4 above without the agreement of the public body having jurisdiction (i.e. existing dwelling unit with an adequate existing system).

4.2.5 Upgrading and Improvements

It is the intent of the Plan that a program of capital works to upgrade and make the following improvements to the municipal water and sewage system:

1. Replace the transmission feeder main subject to an Environmental Assessment Study to identify the most economic long term solution for the water supply system.
2. Examine all alternatives for upgrading of the water system including the source, water treatment plant facilities, water storage facilities and distribution system.
3. Initiate a Water Optimization Study to examine water demand levels to ensure that sufficient capacity is available.
4. Investigate within the next five (5) years, the requirements for upgrading or replacement of the sewage control plant.
5. Investigate the need of a water conservation program.
6. Planning for improvements or retrofitting of municipal water and sewage systems will be coordinated with the Town's asset management plan in order to optimize the use and maintenance of the systems over their life cycle in meeting current and projected needs.

4.2.6 Stormwater Management

In considering the approval of a plan of subdivision or a site plan, Council shall require the provision of stormwater drainage facilities in accordance with provincial requirements and best management practices. In this regard, the design of stormwater drainage facilities, shall take into consideration the impact of the development on the receiving watercourse both during and after construction in respect to flooding, pollution, erosion and sedimentation and fish habitat and shall where required incorporate appropriate mitigation measures for any adverse impacts likely to result from the proposed development.

Planning for stormwater management shall:

1. Minimize, or, wherever possible, prevent increases in contaminant loads;
2. Minimize changes in water balance and erosion;
3. Not increase risks to human health and safety and property damage;
4. Maximize the extent and function of vegetative and pervious surfaces; and
5. Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

4.2.7 Water Quality and Quantity Management

It is a policy to manage water as a resource through decisions intended to protect, or restore the quantity and quality of groundwater and surface water and, to improve degraded water quality wherever possible.

It is a policy to manage water quality and water quantity through the stewardship of natural ecosystems including the protection of lakes, rivers and streams, wildlife corridors and fish and wildlife habitat.

It is a policy to support sustainable development as it relates to water quality and water quantity. Development may be permitted where conservation practices are exercised and measures are undertaken to minimize sediment input into streams and lakes or which does not result in increased flooding or erosion or the undue alteration of natural drainage systems.

4.3 TRANSPORTATION SYSTEMS

4.3.1 Introduction

Transportation within the Planning Area is dependent on a network of roads, rail and air service supplemented by a system of recreational trails.

4.3.2 Goal

To provide for the development and maintenance of an efficient transportation system in meeting existing future road, rail, air and alternative transportation requirements within the Planning Area.

4.3.3 Objectives

1. To coordinate the actions of public authorities in providing a transportation system which facilitates the efficient movement of people and goods in a safe and convenient manner.
2. To work with provincial authorities in regulating land use development adjacent to provincial highways.
3. To discourage private road construction.
4. To meet contemporary design standards for road construction.
5. To provide for the ongoing provision of rail and air services.
6. To provide for alternative transportation services such as snowmobiles and off-road vehicles.

4.3.4 Policies for Transportation Systems

1. It is a policy to recognize the transportation system as comprising provincial highways, local roads, local roads by the local roads board, existing private roads, resource access roads, rail and air services and alternative transportation systems including snowmobiles and cycling.
2. It shall be a policy to classify roads according to their function and engineering standards for construction. The classification system is illustrated on the Land Use Schedules A and B. These schedules are not intended to illustrate all roads or transportation services which may be constructed during the life of this plan. Other local roads built by the private sector or by the province as well as improvements to existing roads and other transportation services such as snowmobile trails and bike-ways may be added to the network provided they meet the required engineering standards and environmental approvals.

While improvements to the system may occur, it is a policy to optimize the use of the existing transportation network in making decisions on the location of new developments.

4.3.5 Provincial Highways

1. It is a policy to recognize the function of Highway 11 as that of carrying large volumes of traffic at high speeds and to connect major traffic generators. Restrictions will apply to entrances, land use and signs adjacent to this highway system as governed by the Ministry of Transportation under the auspices of the *Public Transportation and Highway Improvement Act*. Development shall be encouraged to utilize local roads and service roads wherever possible. All proposed development located adjacent to, or in the vicinity of, a provincial highway within MTO's permit control area under the *Public Transportation and Highway Improvement Act* will be subject to MTO approval. Proponents of development may be required to undertake a traffic study, prepare a stormwater management plan/report, prepare an illumination study for a large format retail use and submit information in support of an application for approval or a permit from the Ministry of Transportation. Highway improvements or upgrading to the system may be undertaken from time-to-time and shall be taken into consideration by Planning Board and Council in the review of development applications.
2. Outdoor storage and loading areas may be required to be visually screened or appropriately located and not be visible to the travelling public.
3. It is a policy to support improvements and upgrading of Provincial highways by protecting highway corridors.
4. Home based businesses on provincial highways are subject to the policies of Section 2.2.5.5 of the Plan.
5. Trail crossings of or trails proposed immediately adjacent to a provincial highway will require the prior approval of the Ministry of Transportation.
6. A second entrance for a property owner whose land lies beyond the permit control area and requests access to a provincial highway via another property owner's entrance will not be permitted.
7. The Town will liaise with MTO to designate and integrate cycle routes on provincial highways and linkages to cycling routes within the Town.

8. Noise and vibration studies using the NPC-300 MOECC Guideline may be required prior to considering whether development should be approved adjacent to a provincial highway.

4.3.6 Municipal Roads

It is the intent of this Plan to classify municipal roads according to their function, as collector roads (see Land Use Schedules A and B). The following provisions shall apply to municipal roads:

1. Collector roads are designed for medium volumes of traffic interconnecting local roads and/or the provincial highway and have as a secondary function to provide access to abutting properties. The design standard for collector roads is a right-of-way width of 26 m (85 ft.) with up to 4 traffic lanes.
2. Local roads whose primary function is to provide direct access to abutting properties will be constructed or reconstructed to a standard having a minimum 15- 20 m (49.2-65.6 ft.) right-of-way width, paving and engineered design, layout and drainage. This standard is applicable to road construction within plans of subdivision and for the upgrading of existing substandard roads, wherever feasible.
3. Road widening for collector roads (as shown on Land Use Schedules A and B) may be obtained by land subdivision or through site plan control provided that land for road widening and dedicated under site plan control will be taken equally from either side and will not exceed a width of 5 m (16 ft.) from any property owner. Additional lands for widening to provide corner triangles at all road intersections may also be required.
4. Construction or maintenance of existing municipal roads will continue to be based on a regular program of capital works expenditures. (See also Section 4.6.3.)
5. The municipality may assume private roads or other roads into the municipal road system provided they are constructed or reconstructed to an acceptable municipal standard.

Improvements to the transportation system may include intersection improvements.

6. Proponents of development may be required to undertake a traffic study to assess the impacts of development on the local road system.

4.3.7 Resource Access Roads

1. It is a policy that the function of resource access roads which are maintained as required by the Ministry of Natural Resources and Forestry and Forestry, is to provide access to resource lands. It is the intent of the Plan that these roads provide access to these resource uses only and that no other development be permitted to have frontage on these roads.

4.3.8 Private Roads

1. The primary function of private roads is to provide direct access to existing abutting properties.
2. A private road is a road which services two or more properties in separate ownership.
3. New private road construction or extensions to existing private roads will not be permitted except for a condominium development and only where the internal road to the condominium connects directly with a public road.
4. The Town of Kapuskasing may assume a private road subject to considering the following criteria:
 - Undertaking a Cost Benefit Analysis to show the impact on municipal taxation, e.g. capital cost of survey, legal, road widening, upgrading, operational costs and potential for new revenue based on infill.
 - Entering into a mutually acceptable financial arrangement with property owners for sharing of the upgrading and assumption of the road.
 - The applicable standards for private road upgrading would be the same as standards for municipal roads.

4.3.9 Airport

It is the intent of the Plan that the airport be maintained for its importance to the economic health of the community.

4.3.9.1 Development Near the Airport

It is a policy of Council to ensure that no land use conflicts are created with respect to both noise and airport operations as a result of potential development near the airport. No new residential development or any other sensitive land uses will be permitted within any area affected by a Noise Exposure Forecast (NEF) rating of 30 or higher. No new residential development or any other sensitive land uses will be permitted within any of the areas affected by a Noise Exposure Forecast rating of 28-30, unless a noise attenuation study has been completed in accordance with the direction provided by the MOECC's NPC-300 to demonstrate that both indoor and outdoor noise levels can meet the recommended levels through the implementation of reasonable and effective noise attenuation.

4.3.10 Implementation

Measures to achieve the above policies are as follows:

1. Development applications shall contain information as to the classification of the road. In reviewing applications, Planning Board or Council will verify the location of the proposed development relative to the type of road, point of access and standard of construction and maintenance. Applicants will be referred to the Ministry of Transportation to obtain the required permits or approvals prior to the approval of development for developments within provincial highway corridors.
2. Appropriate setbacks will be incorporated into the Zoning By-law that reflect provincial and local land use control requirements.
3. The Roads Needs Study will be updated on a periodic basis as a means to determining a program for maintenance and upgrading of roads and bridge structures within the municipality.
4. Council may require applicants to provide an assessment of the cost impacts of development on the road network, in particular, costs

associated with upgrading or expanding or extending the road network and winter and/or summer maintenance costs.

5. Council will work with local snowmobile clubs and off-road clubs to ensure a high standard in the construction of snowmobile and off-road vehicle trails and the safe integration of trails with the roads network.
6. Council will work with the Ministry of Natural Resources and Forestry with respect to the use, maintenance or decommissioning of resource access roads with respect to their implications for land use development.
7. The requirements of the Environmental Assessment Act will be applied where required in determining alternatives, construction standards and future alignments or improvements to roads and bridges.
8. Zoning standards will be developed to control the type and height of development in and around the Airport.
9. Maintenance and improvements to the local transportation network will be undertaken having regard to the Town's maintenance and improvement program and the Town's asset management plan.

4.4 TRANSPORTATION CORRIDORS AND INFRASTRUCTURE CORRIDORS

4.4.1 Introduction

Transportation and infrastructure corridors may comprise several features:

1. Highways.
2. Major pathway or trail systems.
3. Abandoned railway lines which have been declared surplus, and any operating railway lines which are not under the jurisdiction of the Railway Act.
4. Major sewage and water trunks.

5. Rail lines.
6. Pipelines for the transmission of oil, gas and other materials.
7. Major lines or underground facilities for the transmission of electric power or communications.

The intent of the Plan is to protect transportation and infrastructure corridors.

4.4.2 Goal

To protect the integrity of transportation and infrastructure corridors within the Planning Area.

4.4.3 Objectives

1. To identify transportation and infrastructure corridors.
2. To identify and provide for the protection of utilities and public service facilities.

4.4.4 Policies

1. It is a policy to recognize and protect the following transportation and infrastructure corridors to meet current and projected needs:
 - The Ontario Northland Railway Corridor
 - Highway 11
 - Snowmobile corridors operating in conjunction with the Ontario Federation of Snowmobile Clubs
 - Off-road vehicle corridors
 - TransCanada Pipelines pipeline corridor
 - Ontario Power Generation power transmission corridors

- Kapuskasing Public Utilities corridors
 - Northern Ontario Wires Inc.
2. Development will not be permitted in existing or planned corridors which could preclude or negatively affect the use of the corridor(s) for which it was identified. Development adjacent to a corridor should be compatible with and supportive of the long-term use of the corridor and designed to avoid or mitigate negative impacts on the corridor.
 3. Corridors which are abandoned will be retained intact where they can be reused for other purposes.

4.4.5 Public Utilities and Electric Power Facilities and Corridors

It is a policy to recognize public utilities and electric power facilities and corridors as an integral part of the land use pattern within the Planning Area. The development of electric power facilities shall occur in an orderly manner to facilitate the efficient and reliable provision of adequate electric power. It is a policy of this Plan that electric power facilities and corridors are permitted in all areas within the Planning Area without an amendment to this Plan provided that the planning of all such facilities is carried out having regard to the other policies of this Plan and other relevant Provincial and Federal legislation. Ontario Power Generation and Kapuskasing Public Utilities shall however, consult with the Planning Board on the location of any new electric power facilities and corridors.

4.4.6 TransCanada Pipelines

Protection of the TransCanada Pipeline Corridor shall be maintained with regard to the following principles:

1. No structures or excavations shall be allowed on the pipeline right-of-way.
2. Grades adjacent to the right-of-way should be matched with that of surrounding lands during any adjacent development to prevent uncontrolled drainage subject to TransCanada Pipeline's approval.

3. A setback of 10 m (32.8 ft.) shall be maintained from the pipeline right-of-way for all permanent structures and excavations.
4. Any crossings of the pipeline by roads or above or below ground services shall require the approval of the National Energy Board.
5. The corridor may be widened to accommodate future pipeline looping or extensive maintenance and is subject to obtaining the appropriate land or easements for such widening or maintenance.
6. Special uses of the corridor may be permitted where authorized or dedicated by easement between the TransCanada Pipelines and the municipality provided such uses are compatible with the pipeline operations.
7. TransCanada Pipeline shall be notified 48 hours in advance of any construction adjacent to the pipeline and if heavy equipment must move across or along the easement.

4.4.7 Implementation

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

1. In the review of development applications, Planning Board will ensure that development will not negatively impact on the protection or function of any of the identified transportation and infrastructure corridors or public utilities and electric power facilities within the Planning Area.
2. Planning Board will consult with affected public bodies and other interested parties in the review of development applications where transportation and infrastructure corridors may be affected.

4.5 WASTE MANAGEMENT

4.5.1 Introduction

The municipality currently operates a waste management site on Gurney Road which has been designed to meet the long-term needs of the Town. The Town of Kapuskasing is one of 16 other municipalities who are partners in a recycling program in Northeastern Ontario.

4.5.2 Goal

To provide for a waste management system that accommodates existing and future development within the Planning Area.

4.5.3 Objectives

1. To ensure that there is adequate ongoing capacity in the waste management site to accommodate existing and future development.
2. To encourage activities associated with the reduction, reuse, diversion and recycling of waste as set out in the Ministry of the Environment and Climate Change legislative requirements.

4.5.4 Policies

1. It is a policy to recognize and designate the current Town of Kapuskasing Waste Management Facility as meeting the waste management requirements for the Planning Area (see Land Use Schedule A).
2. It is a policy to maintain the appropriate minimum separation distance between the waste management site and adjacent sensitive land uses as set out in Section 6.1.3 (2) of this Plan.
3. It is a policy to prohibit development on active or defunct waste management sites (for 25 years) except as may otherwise be permitted by the Minister under the Environmental Protection Act.
4. It is a policy to encourage the reduction, reuse, diversion and recycling of waste materials.
5. The waste management facility shall be operated in accordance with the Environmental Compliance Approval issued by MOECC.

4.6 INFRASTRUCTURE AND PUBLIC SERVICE FACILITIES

4.6.1 Goal

To provide infrastructure and public service facilities that meet the current and future needs of the community.

4.6.2 Objectives

1. To ensure that there is adequate ongoing capacity for infrastructure and public service facilities to accommodate existing and future development.
2. To upgrade and improve existing facilities to meet current accessibility and energy conservation standards.

4.6.3 Policies

1. Planning for infrastructure and public service facilities will be coordinated and integrated with land use planning to ensure that such facilities are available to meet current and projected needs and are undertaken having regard to the Town's asset management plan and the life cycle costing. Applications for development will be assessed to determine whether there is sufficient capacity to service the development including but not limited to roads and transportation services, water and sewage services, stormwater facilities, waste management, fire and emergency services and educational and health care facilities.
2. The capacity of existing infrastructure and public service facilities will be optimized and existing facilities will be updated on an ongoing basis to meet the objectives for energy conservation and the Town's accessibility plan as well as to consider green infrastructure.
3. Where facilities are relocated, consideration will be given to measures to improve access through transportation linkages and the potential for the strategic clustering of facilities to facilitate their use.

5.0 COMMUNITY IMPROVEMENT AND HERITAGE

5.1 INTRODUCTION

Kapuskasing has participated in community improvement programs and community improvement continues to be a significant investment by the community.

5.1.1 Intent of Community Improvement

Community improvement may be generally defined as encompassing all those activities, both public and private, which maintain, rehabilitate and redevelop the existing physical environment to accommodate the social and economic priorities within the community.

5.1.2 Goals

1. To maintain Kapuskasing as a desirable place to live; and,
2. To encourage community improvement in order to satisfy the needs of the population.

5.1.3 Community Improvement Policies

It is a policy of the Plan to:

1. Maintain or improve municipal services, public utilities and social and recreational facilities;
2. Improve conditions in older, predominantly residential neighbourhoods occupied by low and moderate income households;
3. Encourage improvements in existing commercial areas;
4. Encourage investment in the maintenance and rehabilitation of existing buildings and structures;
5. Encourage economic expansion and new development by both the private and public sectors;

6. Improve the property and commercial/industrial business tax base through the stimulation of private investment;
7. Encourage energy conservation through energy efficient land use;
8. Provide advice and guidance on the maintenance and rehabilitation of buildings and structures and on energy conservation;
9. Encourage public participation in the planning process;
10. Acquire and/or develop lands for neighbourhood parks in park deficient areas;
11. Encourage the tourist sector to rehabilitate and maintain accommodation facilities within the community;
12. Encourage the use of community improvement as a means to maintain the integrity of cultural heritage resources;
13. Encourage the use of community improvement as a means to create opportunities for creating affordable housing units;
14. Improve accessibility and facilities for vulnerable persons and persons with disabilities;
15. Using community improvement to help achieve the objectives for a healthy and inclusive community notable to provide for active transportation facilities and enhanced open space and park facilities.
16. Encourage and facilitate the rehabilitation and redevelopment of brownfield sites for community development.

5.1.4 Community Improvement Area

1. Council will investigate and may establish a neighbourhood as a community improvement area where one or more of the following characteristics are exhibited:
 - Deficiencies in water or sewage systems;
 - Substandard road conditions;
 - Poor housing and/or building conditions;
 - Conflicting land uses;
 - Poor drainage conditions;
 - Deficiencies in street lighting;
 - Deficiencies in sidewalks;
 - Lack of off-street parking;
 - Deficiencies in community and recreational facilities and parkland;
 - Inaccessible buildings and facilities
 - Elevated energy costs due to inefficient buildings and/or infrastructure
2. For the purposes of this Plan, the Urban Settlement Area shall be considered as a Community Improvement Area.
3. Within the Community Improvement Area, community improvement project areas may be selected on a neighbourhood basis or by other means without an amendment to this Plan.

5.1.5 Phasing of Community Improvements

It is a policy of the Plan to:

1. Give priority to making improvements to the Core Commercial areas;
2. Integrate community improvement projects into other municipal improvement programs;
3. Determine specific community improvement project priorities and the budget allocation as part of the annual municipal budgeting process;
4. To permit work to be undertaken in a lower priority area before higher priority projects are commenced or completed because of the availability of funding, or if an unforeseen emergency were to arise.

5.1.6 Implementation

Community improvement policies will be implemented by means of the powers conferred upon Council by the Planning Act, the Municipal Act and other applicable statutes, in particular:

1. Council may designate community improvement project areas under Section 28 of the Planning Act and prepare and adopt community improvement plans for the community improvement project areas.
2. Council may acquire land and clear, grade or otherwise prepare the land for community improvement.
3. Council may use public funds acquired through appropriate municipal, provincial and federal programs to assist in implementing the community improvement policies.
4. Council will encourage public participation during the preparation of the community improvement plans.
5. Council will administer the maintenance of property in accordance with the Kapuskasing Property Maintenance and Occupancy Standards By-law.

6. Council will encourage the rehabilitation of private buildings by advising owners of government subsidies and programs.
7. Council may issue grants or loans to facilitate community improvement.

5.2 PROPERTY STANDARDS

It is the intent of this Plan that the physical condition of the existing building stock be maintained through the ongoing enforcement of the Municipal Property Maintenance and Occupancy Standards By-law.

Property maintenance and safe occupancy will be supported by measures such as:

1. Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties.
2. Maintaining municipally owned buildings, properties and community facilities and providing or maintaining municipal services in good repair.
3. Using or encouraging the use of associated legislation such as the Ontario Fire Code for the retrofit of buildings and Part 11 of the Building Code also respecting the retrofit of buildings.
4. By maintaining the appointment of a Property Standards Officer to enforce the By-law and the appointment of a Property Standards Committee.
5. By reviewing the Property Maintenance and Occupancy Standards By-law from time to time and enacting amendments where required with respect to the following matters:
 - Garbage disposal;-
 - Pest prevention;
 - Structural maintenance of buildings;

- Safety of buildings;
 - Cleanliness of buildings;
 - Service to buildings: plumbing, heating and electricity;
 - Keeping land and waterfront properties free from rubbish, debris, abandoned or used vehicles, mechanical equipment or material;
 - Maintaining yards, lands, parking and storage areas;
 - Maintaining fences, accessory buildings; and
 - Occupancy standards.
6. Complementary to the enforcement of minimum standards on private properties, Council will undertake to keep in a fit and well-maintained condition, all municipally owned properties and structures, and to provide or maintain in good repair such municipal services as roads, sidewalks, etc.

5.3 HERITAGE CONSERVATION

5.3.1 INTRODUCTION

The Ontario Heritage Act provides the framework for the conservation of cultural heritage and archaeological resources within communities in Ontario. The intent of the Plan is to build on this framework for Kapuskasing.

5.3.2 Goal

To manage the Township's cultural heritage through policies and processes that serve to identify, recognize, document, protect, rescue and conserve these resources.

5.3.3 Objectives

1. To ensure that all cultural heritage resources are managed in a manner which perpetuates their functional use while maintaining their heritage value, integrity and benefit to the community.

2. To develop an awareness and encourage the community's participation and identification of heritage resources.
3. To prevent the demolition, destruction, inappropriate alteration or use of significant cultural heritage resources.
4. To integrate the protection and conservation of cultural heritage within development decisions which affect those resources.
5. To consult with the community and the Aboriginal community in decisions of cultural heritage and conservation.

5.3.4 Policies

1. Cultural heritage resources and archaeological sites will be identified and protected through the development review process and under the *Ontario Heritage Act*. Council will celebrate heritage as part of strategies and plans for tourism and local celebrations.

In accordance with Section 27 of the *Ontario Heritage Act*, the Clerk will maintain a municipal register of cultural heritage resources designated under Part 4 and Part 5 of the *Ontario Heritage Act* through the establishment of a Municipal Register, maintained by the Clerk, of all property designated under the *Act*. The Register may include properties considered by Council to be of Cultural heritage value or interest.

2. Council may appoint and vest the Municipal Heritage Advisory Committee with responsibility for developing criteria for the potential identification and designation of significant built heritage resources, significant cultural landscapes (see O. Reg. 9/06) and the establishment of one or more heritage conservation districts under the *Ontario Heritage Act*. The Committee will contribute to the establishment of management policies for the long-term protection and conservation of heritage resources, particularly any heritage attributes that have been identified during the creation of a heritage resource inventory. This may include the preparation of a heritage master plan and an archaeological management plan. The Town will consult with the Aboriginal Community in the preparation of heritage plans.

3. Council may designate properties of cultural heritage value or interest under the *Ontario Heritage Act*.
4. The Ministry of Tourism, Culture and Sport, the Ministry of Government and Consumer Services – Register of Cemeteries, the OPP and Aboriginal Community will be contacted where human remains or an unmarked burial site or cemetery is discovered. Provisions under both the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* shall apply.
5. Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless archaeological resources have been conserved. Where approved and the resources are removed, appropriate documentation shall be required. An archaeological assessment undertaken by a licensed archaeologist will be required for development or site alteration in areas of archaeological potential based on provincial criteria and when a known archaeological site or suspected cemetery or burial site is affected by development. An archaeological assessment including a potential marine archaeological site may be required in accordance with the provincial criteria for determining archaeological potential illustrated in the text box opposite. Where a development or change of use proposal is determined to have a potential impact on a known cultural or archaeological resource, it must be demonstrated that the impact will be mitigated.

Provincial Criteria for determining archaeological potential:

- Known archaeological sites within 300 m
- Water source (primary, secondary, ancient) within 300 m
- Elevated topography (e.g. knolls, drumlins, eskers, plateaux)
- Unusual land formations (e.g. mounds, caverns, waterfalls)
- Resource-rich area (concentrations of animal, vegetable or mineral resources)
- Non-aboriginal settlement (monuments, cemeteries)
- Historic transportation (e.g. road, rail, portage)
- Property protected under the *Ontario Heritage Act*
- Local knowledge
- Recent disturbance (extensive and intensive)

6. Council may require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.
7. Development and site alteration may be permitted on adjacent lands to a protected heritage property where a heritage impact assessment prepared by a qualified professional has evaluated the impacts and demonstrates that the heritage attributes of the protected heritage property will be protected.
8. It is the intent of this Plan to recognize and conserve the Town of Kapuskasing Civic Centre as a heritage building and pursue with the Government of Canada the need to recognize and conserve the Prisoner of War Internment Grounds.

5.3.5 Implementation

Measures to achieve the above policies are as follows:

1. Establishing a heritage zone category in the implementing zoning by-law pursuant to Section 34 (1) 3.3 of the *Planning Act*.
2. Designating built heritage resources and cultural heritage landscapes under the applicable components of Part 4 of the *Ontario Heritage Act*.
3. Designating one or more heritage conservation districts based on the following criteria:
 - Any collection or grouping of buildings, properties, streets or open spaces that as a result of their location, landscape setting, historic use, archaeological resources, or architecture are collectively significant to the community and/or are of cultural heritage value. Such buildings may or may not be designated under Part 4 of the *Ontario Heritage Act*;
 - An area with a special character with an integrity of its own that distinguishes the area from other areas of the community and represents a certain aspect of, or era in the development

of the Town which is worthy of being maintained and protected such as a town centre, waterfront or lakeshore area or original residential area or neighbourhood;

- A defined boundary identifying a portion of the Town within which all properties are protected from inappropriate changes impacting their recognized cultural, historic or architectural values through the use of policies, by-laws and design guidelines.
 - An area that has been identified or defined for its heritage attributes by the Municipal Heritage Advisory Committee;
 - An area that depicts one or more features, events or aspects of the history of Kapuskasing.
4. Applying site plan control.
 5. Incorporating heritage conservation through the preparation of a community improvement plan (per Section 28 of the Planning Act).
 6. Partnering with organizations and senior levels of government in identifying, and conserving heritage resources. Examples could include grants or loans for repairs or restoration of heritage properties.
 7. Supporting the reduction of waste construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive re-use of older and existing building stock.
 8. Approving energy retrofits of heritage buildings without compromising the heritage integrity of the building.
 9. Ensuring that public works projects and other municipal initiatives comply with the cultural heritage policies of this Plan as a condition of approval.
 10. Using Section 34 (3.3) of the Planning Act, where appropriate, to zone for the protection of significant archaeological resources.

6.0 PUBLIC HEALTH AND SAFETY

6.1 INTRODUCTION

There are a few features within the Planning Area wherein land use incompatibility could occur if minimum distance separations are not respected. The Plan provides measures to separate sensitive land uses from uses that may have adverse effects.

6.1.1 Goal

To provide for adequate separation distances between incompatible land uses and sensitive land uses.

6.1.2 Objective

To minimize adverse effects associated with the operations of highways, railways, waste management facilities, industrial land uses including home industries, pit and quarry operations and sewage treatment facilities and agricultural operations.

6.1.3 Policies

1. Noise Attenuation

Where, as a result of consultation with the public body having jurisdiction, noise and/or vibration studies are required for land uses adjacent to a rail line or the Highway 11 corridor, such studies will be undertaken using NPC-300 MOECC Guideline prior to considering whether development should be approved adjacent to a provincial highway (e.g. within 100 m). Such studies may be implemented through zoning standards, site plan control and/or other implementation techniques.

2. Waste Management Facilities

It is a policy to establish a minimum setback distance of 100 m (328 ft.) from any existing or defunct waste management site and to require an evaluation by any proponent of development within 500 m (1,640 ft.) of the licensed footprint of an active site, or the property boundary of a defunct waste management facility and to implement the recommendations of the said evaluation. In conducting the required study, reference shall be made to Ministry of the

Environment and Climate Change **Guideline D-4** for requirements for development in areas adjacent to landfills.

3. **Pits and Quarries**

It is a policy to prohibit incompatible land uses within a distance of 150 m (492 ft.) of a pit and 500 m (1,640 ft.) of a quarry unless otherwise permitted under Section 8.2 of this Plan.

4. **Industrial Land Uses**

Minimum separation distances for classes of industrial uses will be established in the implementing zoning by-law. Reference shall be made to the Ministry of the Environment and Climate Change Guideline D-6, Compatibility Between Industrial facilities and Sensitive Land Uses to ensure land use compatibility, and where required to mitigate negative impacts.

5. **Sewage Treatment Facilities**

The minimum separation distance for a sewage treatment facility will be established in the implementing zoning by-law. Reference shall be made to the Ministry of the Environment and Climate Change Guideline D-2, Compatibility between Sewage Treatment and Sensitive Land Use to ensure land use compatibility, and where required to mitigate negative impacts.

6. **Sensitive Land Uses**

For the purposes of this Plan, it is a policy to define sensitive land uses to include:

- Dwellings
- Day care Centres
- Educational Facilities
- Health Facilities

7. **Agricultural Minimum Distance Separation**

The Minimum Distance Separation I and Minimum Distance Separation II (MDS) shall apply to new and expanding barns and manure storage facilities and to new non-farm uses to establish appropriate setbacks between incompatible land uses. Reference might be made to the most current version of the MDS guidelines for calculating the applicable Minimum Distance Separations.

The MDS I shall not apply to the following:

1. An existing non-farm residential use which is destroyed by a catastrophic event provided that the replacement building is not built closer to the livestock facility than before the event.
2. The expansion of an existing residential dwelling.
3. Accessory structures to a residential dwelling (i.e. decks, garages, garden sheds, gazebos, outbuildings, patios, picnic areas or similar buildings and structures).
4. An existing vacant lot of record zoned to permit a residential use.
5. Where there are four or more existing non-farm uses closer to a livestock facility and in immediate proximity to a proposed new lot for a residential use provided the location of the proposed lot is not located closer to the livestock facility than the four or more existing non-farm uses.

MDS II shall not apply to the following:

1. Any existing livestock facility which is destroyed by a catastrophic event provided the building is not built closer to the residential use than before the event and if the construction does not result in a higher value for odour, nutrient units or manure or material.
2. To the portions of a livestock facility where livestock are not normally present for a long enough time for substantial amounts of manure to accumulate (i.e. feed bins, feed preparation areas, field shade shelters, livestock assembly areas, livestock loading chutes, machinery sheds, milking centres, offices, riding arenas or washrooms)
3. For the purposes of applying MDS in this Plan, a cemetery shall be classified as a Type A land use where it is closed and

receives low levels of visitation, otherwise a cemetery shall be classed as a Type B land use.

8. Municipal Well Head Protection Areas

To protect the municipal water supply for the Town of Kapuskasing, the following provisions shall apply to land use activities:

- The existing use and storage of fuels within 50 m (164 ft.) of any well in the well field shall be restricted unless a properly designated containment system is in place.
- No new retail fuel or fuel storage facilities shall be allowed to operate within 500 m (1640.4 ft.) of any well in a well field and that the impact on groundwater of other new commercial or public operations shall be determined prior to their commencement (i.e. salt storage, etc.).
- The use of fertilizers and especially pesticides shall be prohibited within the boundaries of the well field and for at least 50 m (164 ft.) beyond the closest well.
- No septic systems or other sources of pollution be allowed in the well field or within 50 m (164 ft.) of the closest well.

6.1.4 Implementation

Measures to achieve the above policies are as follows:

1. Appropriate minimum separation distances will be incorporated into the implementing Zoning By-law between incompatible land uses and sensitive land uses.
2. Planning Board will consult with public authorities with respect to the requirements for studies and/or evaluation of study results in determining the appropriateness of development and/or the implementation of mitigating measures.
3. Minimum separation distances will be established in the implementing Zoning By-law for land use activities adjacent to domestic water supply well fields.

6.2 SITE DECOMMISSIONING AND CLEAN-UP

6.2.1 Policies

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

1. Lands identified as contaminated or potentially contaminated shall be evaluated and where required, (i.e. particularly a change in land use to a sensitive land use) shall be remediated in compliance with *O. Reg. 153/04* and Ministry of the Environment and Climate Change Guideline "Records of Site Condition – A Guide on Site Assessment, the Clean-Up of Brownfield Sites", such that the site is suitable for the intended future use.
2. Mandatory filing of a Record of Site Condition on the Registry is required for any change to a more sensitive land use such as a change of use from industrial to residential or parkland or to any other use prescribed by *O. Reg. 153/04*. The applicant shall provide the Township with a Ministry of the Environment and Climate Change acknowledged Record of Site Condition (RSC) and an affidavit from a qualified professional acknowledging that the Township may rely on the statement in the RSC prior to the granting of any development approvals by the Township or approval authority.
3. Where a gasoline station site is being redeveloped to a more sensitive land use, the Township will require a clearance letter from the Technical Standards and Safety Authority (TSSA).

6.2.2 Implementation

Measures to achieve the above policies are as follows:

1. Development will be monitored in accordance with the capacity of the waste management site to ensure that there is sufficient capacity at all times.

2. Development applications will be reviewed to ensure conformity with the minimum separation distances from existing sites.
3. For waste that cannot be accommodated as per the Environmental Compliance Approval or other approvals for existing waste management sites, the applicant or developer shall demonstrate to the Planning Board that alternative arrangements have been made for accommodating such waste prior to the approval being given for such development.
4. Contaminated sites may be rezoned or be placed in a Holding Zone, subject to the Holding Zone policies of this Plan. The rezoning or Holding 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 to the municipality of a Ministry of the Environment and Climate Change acknowledged Record of Site Condition.

6.3 ENVIRONMENTAL PROTECTION AREA

6.3.1 Introduction

Within the Planning Area, susceptibility to flooding exists along the Kapuskasing River and adjacent to other water bodies. The Plan provides measures to protect against undue damage to public safety or property damage that may be caused by flooding.

6.3.2 Intent of the Designation

The intent of the Environmental Protection Area designation is to identify lands which are susceptible to a flooding hazard, e.g. lands that fall within the flooding hazard limit as determined by the Timmins Storm (1961) or other hazardous sites which in turn present a degree of risk to life and property damage. For the purposes of this Plan, these may also include hazardous lands which are unstable soils or rocky, low lying, marshy or of other unstable nature or to lands that are subject to an erosion hazard. The "One Zone Concept" defined by the regulatory flood standard will apply to the flooding hazard. The One Zone Concept means an approach whereby the entire flood plain, as defined by the regulatory flood is treated as one unit, and all development is prohibited or restricted.

6.3.3 Goal

To manage the Environmental Protection Area to avoid negative impacts to life or property arising from flooding or other unsafe conditions.

6.3.4 Objectives

1. To minimize risks to life, property damage, social disruption and adverse environmental impacts.
2. To direct development away from unsafe development conditions or where feasible, to overcome unsafe conditions through acceptable engineering practices.

6.3.5 Policies

1. Flood Plain

The flooding hazard includes all lands below the limit of the flooding hazard or flood elevation as follows:

AREA	ELEVATION (m)
Kapuskasing River south of Hwy 11	216.4
Kapuskasing River north of Hwy 11 to Islands and first rapids	211
Kapuskasing River from first rapids to second rapids at River Heights	209
Kapuskasing River from second rapids to Sturgeon Falls	208
Gough Creek from mouth to Mundy Street	209
Gough Creek from Mundy Street to Brunetville Rd.	210
Gough Creek from Brunetville Rd. to Hwy 11	211
Gough Creek from Hwy 11 to Mill St. extension	212
Remainder of Gough Creek watershed	213

O'Brien Creek from Proulx Lake to Brunetville Rd.	221
O'Brien Creek north of Brunetville Rd.	220

2. **Permitted Uses**

Within areas designated Environmental Protection Area, development and site alteration shall not be permitted except as otherwise stated in this policy and sections 6.3.5.4 and 6.3.5.7, and no lands shall be used for institutional uses, including hospitals, long-term care homes, pre-school, school nurseries, day care and schools, essential emergency services or uses associated with the disposal, manufacture, treatment or storage of hazardous substances and/or sewage except for buildings, structures or fill which are intended for flood or erosion control or are normally associated with watercourse protection works or bank stabilization projects and are approved by the public body having jurisdiction if applicable.

Passive uses excluding buildings may also be permitted including agriculture, conservation, horticultural nurseries, forestry, wildlife management areas, public or private parks, golf courses and other outdoor recreational activities provided there is no alteration of the flood plain that may otherwise impose a concern for public safety, provided development and site alteration is carried out in accordance with floodproofing standards, protection work standards, and access standards, and that a new hazard is not created, and that existing hazards are not aggravated, and provided that vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.

3. Where any flood control or any works are undertaken which result in changes to the area designated as the Environmental Protection Area, such changes may be incorporated into the Official Plan by amendment.

4. **Development Setbacks**

In the absence of flood plain mapping, elsewhere in the Planning Area, the development setback from a water body (lake, river, creek) and/or watercourse shall be as follows:

- A 45 m (147.6 ft.) setback from the valley rim e.g. the Kapuskasing River

- A 30 m (98.4 ft.) setback from the valley rim of all other water bodies e.g. Gough Creek, or
- In the absence of perceivable valley rims, a slope related setback should be measured from the high water mark of the water body (lake, river, creek) and/or watercourse as follows:
 - 30 m (98.4 ft.) for slopes of 0 to 15%
 - 60 m (196.8 ft.) for slopes of 16 to 45%
 - 90 m (295.3 ft.) for slopes > 45%

Certain development may be permitted within the above prescribed setbacks including docks, boat launching and other water access facilities, public and private works associated with intakes or outfalls of water supply installations or sewage treatment installations.

5. **Parkland Dedication**

Where new development is proposed on a site, part of which is designated within the Environmental Protection Area, then such lands may or may not be acceptable as part of the dedication purposes under the Planning Act at the discretion of Planning Board or Council. All lands dedicated to the municipality shall be conveyed in a physical condition satisfactory to the municipality. When an open watercourse is involved in an area to be dedicated, open space adjacent to the watercourse shall be provided for maintenance operations.

6. **Public Access and Amendments**

Where any land designated as falling within the Environmental Protection Area is under private ownership, the Official Plan does not imply that this land will necessarily remain within this designation indefinitely, nor shall it be construed as implying that such land is free and open to the general public or that the land will be purchased by the municipality or any other public authority. Any application for rezoning of lands within this designation for other purposes may be given consideration by Planning Board or Council after taking into account:

- The existing physical hazards;
- The potential impacts of these hazards;

- The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices;
- The cost and benefits in monetary, social and biological value in terms of any engineering works and/or resource management practices needed to overcome these impacts.

Further, there is no public obligation to redesignate or to purchase any lands designated as Environmental Protection Area particularly if there is an existing or potential safety concern that would be difficult or costly to overcome.

7. Existing Non-Conforming Uses, Buildings and Structures

It is a policy of this Plan to discourage the expansion of existing non-conforming uses, buildings or structures within the Environmental Protection Area. Where extensions may be permitted, the proponent will be required to submit a survey and building elevation plan which clearly demonstrates that any openings in the buildings will be above the prescribed flood elevation and to also demonstrate that the addition or expansion will not raise the flood level. Such additions will be flood proofed to flooding hazard limit. Further, the proponent shall demonstrate that the requirements of Section 6.3.5.2 can be met in their entirety.

6.3.6 Implementation

Measures to achieve the above policies are as follows:

1. Applicants for development or redevelopment shall submit a complete application as required under the Planning Act.
2. Information required in support of an application for a permitted use within the Environmental Management Area, on lands within the flooding hazard or on lands adjacent to water bodies in the rural area, or on hazardous lands shall address the following requirements:
 - Submit a survey and building elevation plan for new development or extensions to existing buildings and in rural areas, the proposed setback of buildings and sewage disposal

systems, which clearly demonstrates that any openings in the building in the urban area will be above the flood elevation and that the appropriate setbacks in the urban or rural areas have been met. Information, where applicable, shall be to acceptable engineering techniques and/or resource management practices.

- Demonstrate that the development or redevelopment will be carried out in accordance with established standards and procedures under the Ontario Building Code.
 - Demonstrate that the requirements of Section 6.3.5.2 can be met.
3. For development in areas shown as having physical constraints, a site plan and building location plan shall be submitted as part of the application along with an engineering report or appropriate documentation design to indicate the proposed method of overcoming the constraint in accordance with acceptable engineering techniques and/or resource management practices.
 4. Planning Board shall review submissions as part of the development review process and may consult with affected provincial Ministries or other professionals prior to the approval of the proposed development.
 5. Planning Board will establish setback standards for development adjacent to lands subject to flooding in the implementing Zoning By-law.
 6. See provisions with respect to decommissioning of contaminated sites (see Section 6.2.1).
 7. Planning Board will consider the potential impacts of climate change that may increase the risk associated with natural hazards.

6.3.7 Wildland Fires

Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Development may be permitted in lands with hazardous forest

types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry. Proponents may be required to undertake a site assessment to determine the presence of hazardous forest types for wildland fire, as may be indicated by generalized wildland fire hazard information. If development is proceeding where hazardous forest types are present, mitigation measures should be identified by proponents to outline how the risk will be lessened. For the purposes of implementing this policy, areas of hazardous forest types for wildland fire are depicted in Appendix 2.

6.3.8 Mine Hazards

No mine hazard sites have been identified within the Planning Area. However, Planning Board acknowledges that there may be other mine hazards that have not have been identified. For public safety reasons, any permitted development on or near mines that have been or are scheduled to be closed, as well as any development proposed in proximity to a mine hazard discovered during the course of a development proposal shall be subject the submission of a technical report indicating that the mine site has been properly closed and rehabilitated and that the site can be safely used for its intended purpose. Mine hazards shall be rehabilitated under the requirements of Part VII of the *Mining Act* and *O. Reg. 240/00* of the *Mine Rehabilitation Code of Ontario*.

7.0 RESOURCE MANAGEMENT

7.1 AGRICULTURAL RESOURCE LANDS AREA - INTRODUCTION

Part of the origin of development within the Kapuskasing community is farming on the clay belt. Although the significance of this primary industry has been superseded by other resource-related industries, agricultural activities prevail to this day. Reference to the Canada Land Inventory Capability for Agriculture indicates the presence of blocks of Classes 3 and 4 lands. These warrant protection in the Plan for their resource value.

7.1.1 Intent of the Designation

The intent of the designation is to identify lands which should be conserved as part of the agricultural resource base of the community in accordance with the Provincial Policy Statement. It is the intent of the Plan to restrict non-farm related uses on these lands to avoid or minimize conflicts with agricultural activities and to apply the minimum distance separation formula to minimize or to avoid conflicts between livestock operations and residential uses or vice versa on adjacent properties. The mix of land uses will also include provision for agro-industrial and agro-business activities.

7.1.2 Goal

To preserve and protect the best capability soils for foodland production and more particularly to protect existing farming operations.

7.1.3 Objectives

1. To sustain farming and farm-related activities as a component of the economic base of the Planning Area.
2. To encourage farm-related businesses.
3. Discourage uses that are not farm-related and would be more appropriately located in the urban settlement area.

7.1.4 Policies

1. **Agricultural Resource Lands**

Good agricultural areas, specifically Classes 3 and 4, Canada Land Inventory for Soil Capability for Agriculture will be protected for agricultural use and additional areas where farms exhibit characteristics of ongoing viable agriculture including:

- Primary agricultural uses: the growing of crops or raising of livestock and other animals for food or fur, including poultry and aquaculture;
- On-farm diversified uses: uses secondary to the farm operation, such as home based businesses, agri-tourism uses and uses that produce value-added agricultural products from the farm operation;
- Agriculture-related uses: those farm-related commercial and farm-related industrial uses that are directly related to the farm operation and are required in close proximity to farm operations.

2. **Restricted Uses**

Non-agricultural uses, including public service facilities such as buildings and structures for the provision of public services, are not permitted within good agricultural areas. New infrastructure such as sewage and water works, waste management systems, electric power, communications, transportation corridors and facilities and oil and gas pipelines and associated facilities are permitted within the prime agricultural area only if they have been approved through an environmental assessment process.

3. **Residential Uses**

Residential accommodations shall be permitted on the same property as the farm for the use of farm employees. This may also include a garden suite as a second dwelling unit subject to Article 3.6.10.1 and section 39 of the Planning Act. Such uses will, wherever possible be encouraged to locate on lands with lower soil capability.

4. **Other Land Uses**

Farm-related commercial and farm-related industrial uses such as food processing, farm services, livestock assembly points, grain drying, storage for farm produce, custom machinery operators, farm

equipment sales and services will be permitted but will, wherever possible, be encouraged to locate on lands with lower soil capability.

5. **Minimum Distance Separation**

The most current version of the Minimum Distance Separation Formulae I and II described in Section 6.1.3 (7) - Public Health and Safety, shall be applied in establishing minimum distance separations between agricultural and non-agricultural uses.

6. **Land Severances**

Lot creation in good agricultural areas is generally discouraged, and will be permitted only for:

- Primary agricultural uses where the severed and retained lots are intended for primary agricultural uses and are of a size appropriate for the type of agricultural use(s) common in the area, and are sufficiently large to maintain flexibility for future changes in type or size of agricultural operation;
- Existing agriculture-related uses;
- Residences surplus to farming operations as a result of farm consolidation;
- Residential infilling: means the creation of a residential lot between two existing non-farm residences which are on separated lots of a similar size and which are situated on the same side of the road and are not more than 100 m (328 ft.) apart;
- One lot for a farm operation for a full time farmer or retirement age who is retiring from active working life, was farming on January 1, 1994 or an earlier date set in an existing official plan, and has owned and operated the farm operation for a substantial number of years;
- Infrastructure where the facility cannot be accommodated through the use of easements or rights-of-way; and
- Legal or technical reasons.

Lots for any of the residential uses listed above will be kept to the minimum size needed to accommodate the residence plus individual on-site (private) sewage and water systems and should be located in such a way as to avoid the most productive portion of the farm.

7. Mineral Aggregate Extraction

In good agricultural areas, extraction of mineral aggregates on prime agricultural lands may be permitted as an interim use provided that agricultural rehabilitation of the site will be carried out whereby substantially the same areas and same average soil quality for agriculture are restored.

On good agricultural lands, extraction may occur below the water table and complete agricultural rehabilitation is not required only if it is demonstrated that:

- There is a substantial quantity of mineral aggregate below the water table warranting extraction below the water table;
- Other alternatives have been considered by the applicant and found unsuitable. Other alternatives include resources in areas of classes 4 to 7 agricultural lands, resources on lands committed to future urban uses, and resources on good agricultural lands where rehabilitation to agriculture is possible; and
- In those areas remaining above the water table following extraction, agricultural rehabilitation will be maximized.

7.1.5 Implementation

Measures to achieve the above policies are as follows:

1. To review severance applications for conformity to severance policies and to, where applicable and appropriate, impose conditions to the giving of consent.
2. To administer the minimum distance separation formulae in calculating the distance separation between livestock operations and adjacent land uses or vice versa and to encourage farmers to obtain a certificate of compliance.

3. Consulting with the public body having jurisdiction to determine if severances in the Agricultural Resource Lands Area will jeopardize the protection of agricultural lands.
4. Providing for changes in the Zoning By-law to provide for the range of permitted uses and appropriate standards for their development on agricultural resource lands.
5. Reviewing rehabilitation plans for mineral aggregate extraction operations and wayside pits or quarries on agricultural lands to ensure progressive rehabilitation of these lands for agricultural purposes.

7.2 MINERAL AGGREGATE RESOURCES - INTRODUCTION

The Aggregate Resources Act has not been proclaimed within the Planning Area, hence, there is not a requirement to acquire a permit for a pit or quarry operation from the Ministry of Natural Resources and Forestry nor the concurrent requirement to prepare development and rehabilitation plans for such operations. On Crown land, land use permits are issued under the Public Lands Act by the Ministry of Natural Resources and Forestry to pit and quarry operators to allow for extraction activities on what is essentially a lease basis.

An inventory was carried out of the aggregate operations and resource potential within the Planning Area. The mineral aggregates within the Planning Area are classified as poor or limited resource value. The areas which have a demonstrated potential are generally not subject to development pressures.

7.2.1 Goal

To protect as much of the mineral aggregate resource as is practicable in order to supply local and regional needs.

7.2.2 Objectives

1. To protect existing pits and quarries from incompatible land uses.
2. To protect as much of the mineral aggregate resource as is realistically possible in the context of other planning objectives and

to protect this resource from land uses which are incompatible with possible future extraction.

3. To provide for wayside pit and quarry operations except in areas of existing development or in areas which are particularly environmentally sensitive.

7.2.3 Policies

It is a policy that mineral aggregate resources will be protected for their resource value through designation as Mineral Aggregate Resources Area (see Land Use Schedule for Mineral Aggregate Resources).

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

7.2.4 Permitted Uses

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

1. Pits and quarries.
2. Wayside pits and quarries.
3. An agricultural use excluding any permanent buildings.
4. Forestry excluding any permanent buildings.
5. Uses associated with pit and quarry operations such as crushing facilities, stock piles, screening operations, asphalt plants and aggregate transfer or recycling operations provided they do not prevent the opening of a pit, quarry, wayside pit or quarry.

Crushers, screeners, asphalt plants and recycling operations are permitted where they have been certified and the site approved by the Ministry of the Environment and Climate Change.

6. Passive recreation uses not including buildings or structures.

7.2.5 Influence Area

It is a policy to recognize an influence area as a means of protecting against incompatible land uses in the vicinity of proposed pits and quarries and to protect existing pits and quarries from encroachment from other incompatible land uses. It is a policy of the Planning Board to discourage incompatible land uses in areas surrounding mineral aggregate resource areas. For the purposes of this plan, the influence area shall be considered to be 1,000 m (3,280 ft.) for quarries and 150 m (492 ft.) for pits. Council may modify the extent of the influence area based on the conclusions of a study by a qualified professional.

7.2.6 Development in Mineral Aggregate Resource Areas

1. In areas adjacent to or in known deposits of mineral aggregate resources, development and activities which would preclude or hinder the establishment of new operations or access to mineral aggregate resources shall only be permitted where a study is undertaken to justify that the mineral aggregate resource use would not be feasible, or that the proposed development or land use serves a greater long-term public interest and that issues of public health, public safety and environmental impact are addressed.
2. Where a mineral aggregate operation is proposed, the proponent shall pre-consult with the Planning Board and complete the necessary studies in support of an application for an official plan and zoning by-law amendment. The scope of studies may include:
 - Land use compatibility
 - Heritage Impact Assessment
 - Archaeological Assessment
 - Environmental Impact Study
 - Noise and Vibration Study
 - Blast Impact Study
 - Air quality and dust control
 - Traffic Impact
 - Hydrogeological
 - Drainage and Stormwater Management Study
 - Haulage Routes
 - Adaptive mitigation, contingency and rehabilitative plan.
3. Mineral aggregate resources will be developed in a manner that protects natural areas and groundwater. The proponent will conduct studies to identify potential negative effects on natural features and

ecological functions resulting from mineral aggregate extraction. Hydrogeological studies will be required to address adverse effects on the quality and/or quantity of groundwater where mineral aggregate extraction is proposed near or below the water table, or on or near a groundwater feature such as a recharge area.

7.2.7 Rehabilitation

Mineral aggregate resource sites on agricultural land must be progressively rehabilitated including lands used for agriculture. Land rehabilitated for agriculture may be used for agriculture or natural environment. Complete rehabilitation to agriculture is not required where a substantial quantity of aggregate lies below the water table or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible or other alternatives have been considered and found unsuitable.

Rehabilitation shall include measures to mitigate negative impacts to the best extent possible. Mineral aggregate resource lands may be redesignated to another land use where the lands have been rehabilitated.

Comprehensive rehabilitation will be encouraged in areas of the municipality where there is a concentration or several abutting mineral aggregate operations or operations in close proximity to each other.

7.2.8 Wayside Pits and Quarries

It is a policy to permit wayside pits and quarries.

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

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

It is a policy that polluted water from washing or screening operations shall not be discharged into any creek or watercourse. The operation of a wayside pit or quarry will be conducted in accordance with the requirements of the Aggregates Resources Act where applicable.

It is a policy that wayside pits will be progressively rehabilitated to substantially the same average soil capability for agriculture on agricultural

resource lands or rehabilitated for other rural uses as the case may be, upon completion of the project they were required for.

An archaeological assessment or a heritage impact assessment may be required to comply with Section 5.3.4.5 of this Plan where deemed to be required.

7.2.9 Portable Asphalt/Concrete Plants

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

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

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

Portable asphalt/concrete plants are subject to the following provisions:

1. Portable asphalt/concrete plants will be removed from the site upon completion of the project.
2. All portable asphalt/concrete plants must have an Environmental Compliance Approval from the Ministry of the Environment and Climate Change and must meet the minimum separation distance of that ministry.
3. Sites used for portable asphalt/concrete plants within the agricultural area shall be rehabilitated to their former agricultural capability.

7.2.10 Resource Identification or Depletion

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

7.2.11 Implementation

Measures to achieve the above policies are as follows:

1. Plans submitted by applicants for pits and quarries will be reviewed with the appropriate provincial agencies for conformity to land use policies and provincial policies, including where applicable, under the Aggregate Resources Act. As part of the review, the Planning Board may solicit input from the public.
2. Existing operating pits and quarries may be zoned in the implementing Zoning By-law. New pits or quarries or expansions to existing pits or quarries within the Mineral Aggregate Resources designations will be subject to a Zoning By-law amendment and when applicable subject to meeting the requirements of the Aggregate Resources Act.
3. The Planning Board will ensure that when considering applications for redesignation, rezoning or land severances, in Mineral Aggregate Resources Areas or within influence areas surrounding Mineral Aggregate Resource Areas, that there will be consultation with the public body having jurisdiction.
4. New pits or quarries or the expansion of existing sites within the designated Mineral Aggregate Resources Areas will be subject to a Zoning By-law Amendment and when applicable subject to meeting the requirements of the Aggregate Resources Act. In considering such amendments, the Planning Board shall, in consultation with the public body having jurisdiction require applicants to submit a plan which will address the following:
 - The effect of the operation on the environment.
 - The effect of the operation on any nearby settlement areas, residential uses or existing development.
 - The suitability of the proposed after-use and the adequacy of the progressive and future rehabilitation plans for the site.
 - Possible effects on ground and surface water and agricultural resource lands.
 - Planning and land use considerations.
 - When the Aggregate Resources Act is made applicable to the area, licensing shall also be a requirement along with the submission of progressive rehabilitation plans and site development plans.

The Planning Board or a proponent may initiate an amendment to this Plan for private lands not designated Mineral Aggregate Resources. In reviewing such proposed Plan amendments, The Planning Board, in consultation with the public body having jurisdiction, will examine the aforementioned requirements.

5. Where a pit or quarry is located within the corporate limits of Kapuskasing, Council may use the authority of the *Municipal Act* to regulate the operation and any impacts including but not limited to noise, dust control, blasting, haulage routes, impacts on the natural environment, impacts on water resources, notably groundwater.
6. Mineral aggregate resource conservation shall be undertaken including the use of accessory recycling facilities within operations, wherever feasible.

7.3 NATURAL HERITAGE FEATURES AND AREAS - INTRODUCTION

A variety of natural heritage features have been identified in the Planning Area including wildlife habitat areas for moose, wetlands, fish habitat and some sensitive habitat areas. The Plan provides for the conservation of natural heritage features.

7.3.1 Goal

To protect natural heritage features and areas including wetlands from development that would have an adverse or negative impact on the ecological functions of these features.

7.3.2 Objectives

1. To further develop and maintain a data base that identifies the location and characteristics of natural heritage features and areas.
2. Through the development process, where feasible and practical, to improve and enhance natural features and systems.
3. To properly identify wetland types according to a provincially recognized evaluation system.

7.3.3 Policies - Natural Heritage Features

The following policies shall apply to natural heritage features and areas:

1. Natural heritage features and areas shall include:
 - Significant wetlands;
 - Habitat of species at risk (SAR) that are classified as endangered or threatened by the Ministry of Natural Resources and Forestry
 - Significant wildlife habitat
 - Fish Habitat
 - Areas of natural and scientific interest

2. Development and site alteration shall not be permitted in habitat of endangered or threatened species as may be identified from time to time, except in accordance with provincial and federal requirements. More specifically, development and site alteration on lands on or adjacent to endangered and threatened species habitat require authorization from the Ministry of Natural Resources and Forestry under the *Endangered Species Act (2007)* (ESA).

Development proponents may be required to provide an Ecological Site Assessment prepared by a qualified ecologist, to evaluate the subject lands for habitat of species covered by the *Endangered Species Act* and assess for the presence of such species. The Ecological Site Assessment may be required as part of a complete application where the application pertains to lands that fit a general habitat description of an endangered or threatened species, as published from time-to-time by the Ministry of Natural Resources and Forestry (MNRF). As a condition of an approval under the *Planning Act*, the Planning Board may require a proponent to obtain an authorization from the MNRF, or a written indication from the MNRF that an application under the *Endangered Species Act* is complete and will likely meet the legislated requirements of the *Act*.

3. Development and site alteration shall not be permitted in significant wetlands, significant wildlife habitat, and adjacent lands to such wetlands, significant wildlife habitat, and areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (see Section 7.3.3.9 for EIS requirements).

4. Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.
5. Development shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section 7.3.3.1 above unless the ecological functions of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions (see Section 7.3.3.9 for EIS requirements).
6. Adjacent lands are those lands within:
 - 120 m [393.7 ft.] of significant habitat of endangered and threatened species
 - 120 m [393.7 ft.] of a significant wetland
 - 120 m [393.7 ft.] of significant wildlife habitat
 - 120 m [393.7 ft.] of fish habitat
 - 120 m [393.7 ft.] from significant areas of natural or scientific interest – life science and 50 m [164 ft.] for an ANSI – earth science
7. While it is the intent of this Plan to protect natural heritage features and areas and prohibit development, applications for development or site alteration may arise from time-to-time. In the evaluation of these applications, the protection of these features will be given priority.

As an initial step, an appropriate level of ecological assessment shall be conducted prior to accepting an application for development as complete or prior approval of a development application to determine if significant natural features and areas, including species at risk, are present on or adjacent to the development lands. Where the initial assessment determines that one or more natural heritage features is present, no development or site alteration shall be permitted unless an Environmental Impact Study (EIS) is completed which demonstrates that no negative impacts will result on the natural heritage features or their ecological functions (see Section 7.3.3.9 for EIS requirements).

8. A site-specific assessment to identify the potential of significant wildlife habitat will be required when lands located beyond the boundary of the settlement area of Kapuskasing are subject to one or more of the following triggers:

- Creation of more than three lots through either consent or a plan of subdivision;
 - A Change in land use, not including the creation of a lot, that requires approval under the *Planning Act*;
 - A shoreline consent along a lake or river that is within 120 m along the shoreline of an existing lot of record or a lot described in an application for subdivision or consent; and
 - Construction for recreational uses (e.g. golf courses, serviced ball fields, serviced campgrounds and ski hills) that require large scale modification of terrain, vegetation or both.
9. Environmental Impact Studies, where required, will:
- Evaluate the suitability of the site for the proposed development, including an inventory of the natural features and ecological functions on the site.
 - Identify conditions for development and any potential mitigation measures and monitoring;
 - The Town may require a peer review undertaken by a qualified professional of the EIS at the cost of the proponent.
 - The Natural Heritage Reference Manual, MNR, March 2010 shall be used to further scope the requirements for an Environmental Impact Study.
10. Pre-consultation with the Town is required to establish the scope of the development proposal, identify the natural heritage features and areas to be addressed, detail the accepted methods of evaluating potential impacts, and specify the qualifications of personnel required to carry out these evaluations. Pre-consultation is essential since sensitive habitat sites have been identified within the Planning Area which may warrant an EIS to assess the impacts of development prior to making a decision on approval, if feasible and if required, to implement measures to mitigate negative impacts on the ecological functions and to provide for monitoring.
11. The protection of natural heritage features and areas may be undertaken through the use of various planning tools such as zoning, site plan control, parkland dedication and development agreements or conditions associated with land division and minor variances.

7.3.4 Shoreline Development

1. Where new shoreline development is proposed, a minimum undisturbed natural vegetated buffer of 10 metres will be required adjacent to the shoreline to minimize the impacts of development on water quality. Further, the provision of non-development setbacks and natural vegetated buffers of up to 30 m will be encouraged, and may be required where there is potential for greater impacts on water quality.

The Municipality and Planning Board shall also encourage, through planning approvals and other mechanisms such as landowner education, the use of Best Management Practices for shoreline development, including measures such as the following:

- Locating on-site sewage systems where native soils are deepest, and at the furthest distance possible from the shoreline. A minimum setback of 30 metres for sewage systems is recommended wherever possible;
 - Minimizing the clearing of natural vegetation on the site, particularly along the shoreline;
 - Reducing lot grading;
 - Using grassed swales and/or vegetated filter strips on lots that require ditching to control run-off;
 - Directing roof leaders to rear yard ponding areas, soakaway pits or to cisterns or rain barrels;
 - Sump pumping foundation drains to rear yard ponding areas and infiltration trenches.
2. On Proulx and Guenette Lakes, planning approvals to allow lot creation, development, redevelopment or conversion within 300 metres of the shoreline may only be considered where the results of a Lakeshore Capacity Assessment, prepared according to the Lakeshore Capacity Assessment Handbook (2010) as may be amended from time-to-time) have confirmed that there is sufficient development capacity remaining to support the proposal.

7.4 MINERAL RESOURCES

7.4.1 Introduction

Mining was the genesis for development of many communities in Northern Ontario. Within the planning area, Teetzel and Owens Townships, the geology is described as underlain by Archaen metasedimentary rocks (paragneiss and migmatites), with small lenses of muscovite-bearing granitic rocks. The south east portion of each of these townships is underlain by gneiss tonalite. Ministry of Northern Development and Mines data indicates evidence of exploration and drilling and four associated mineral deposit inventory (MDI) sites.

Data shown on the Kapuskasing Official Plan Metallic Mineral Potential Estimation Tool (MMPET) Index map is based on a GIS application that provides a high-level regional scale illustration of the likelihood of any given parcel of land to be prospective for a metallic mineral resources, in applying the MMPET, the maximum estimated metallic mineral potential for the Kapuskasing planning area was determined to be 80, which is considered to be high.

7.4.1 Definition

Areas of mineral potential may contain mineral deposits that could have sufficient quantity and grade to warrant present or future mining. Activities associated with mining include six stages; 1) consultation; 2) exploration; 3) evaluation; 4) development; 5) production; and 6) closure. The operations stage includes activities such as soil and overburden removal; blasting; mineral extraction (processing); tailings disposal and management; monitoring or air, wastewater and solid waste materials; construction of or modifications to existing infrastructure.

7.4.2 Goal Statement

To identify and protect areas of mineral potential for long-term use in a manner that minimizes social and environmental impacts and land use conflicts with adjacent land uses.

7.4.3 Objectives

The goal statement will be supported by the following objectives:

1. To protect areas of mineral potential.

2. To minimize land use conflicts between resource uses and surrounding land uses.
3. To provide for the progressive rehabilitation and sequential use of mineral mining operations for other land uses and agriculture.
4. To provide for the protection of the natural environment and cultural heritage during mineral mining operations.

7.4.4 Land Use Constraint

Mining operations must be designated Mining on the Land Use Schedules to this Plan and must be zoned to a Mining zone before mining can occur. Such areas will be identified if and when an economic ore deposit is identified.

This Plan is not intended to prevent exploration activities where they are in compliance with the *Mining Act*. Advanced exploration leading to development of a mineral mining operation will require amendments to this Plan and the zoning by-law subject to the activity.

7.4.5 Protection of Mining Resource Lands

Although parts of the Planning Area are considered to have high Mineral Potential by the Ministry of Northern Development and Mines, the policies of this section of the Plan will apply should exploration activity identify a mineral resource and/or the development of a mineral mining operation.

This Plan is not intended to prevent exploration activities where they are in compliance with the *Mining Act*. An amendment will be required to this Plan to designated lands proposed for a mineral mining operation prior to the development stage of the mine. Amendments to the official plan and zoning by-law will be undertaken in consultation with the Regional geologist of the Ministry of Northern Development and Mines to ensure that the most recent geoscience information is considered by the municipality in the planning application review process.

7.4.6 New Mining Operations

1. The proponent shall pre-consult with the Planning Board and complete the necessary studies in support of an application for an official plan and zoning by-law amendment. The proponent shall provide information on compliance with the requirements of the *Mining Act*, the *Environmental Protection Act* and other related

approvals as a prerequisite to determining the needs for other land use related studies. The scope of studies may include:

- Land use compatibility
- Heritage Impact Assessment
- Archaeological Assessment
- Environmental Impact Study
- Noise and Vibration
- Blast Impact Study
- Air quality and dust control
- Traffic Impact
- Hydrogeological
- Drainage and Stormwater Management
- Haulage Routes
- Adaptive mitigation, contingency and rehabilitation plan

2. On-site industrial uses related to mineral mining operations will be subject to land use compatibility requirements. Reference shall be made to Ministry of the Environment and Climate Change Guidelines D1 and D-6 for technical studies associated with determining land use compatibility.
3. In addition, the proponent will provide the details of final rehabilitation with the aim of accommodating subsequent land uses after mining and other related activities have ceased. Progressive rehabilitation will be undertaken wherever feasible. New operations include expansions of an existing operation where the lands are not designated or zoned for Mining.
4. Development and activities which would preclude or hinder the establishment of new operations or access to areas of mineral potential or on adjacent lands shall only be permitted where a study is undertaken to justify that mining would not be feasible, or that the proposed development or land use serves a greater long-term public interest and that issues of public health, public safety and environmental impact are addressed.

7.4.7 Incompatible Uses

Potential mining operations will be protected by directing incompatible uses and sensitive land uses away from the resource. Agriculture and natural

environment are compatible uses which may locate on or near extractive resources, not including buildings or structures.

7.4.8 Compatibility

All mining operations will minimize conflict and maximize compatibility with adjacent land uses through separation distances which are adequate to prevent adverse effects from occurring between sensitive uses and mineral mining operations. The protection of natural areas and existing development is a high priority. Mitigation measures may be required such as increased setbacks, berming, landscaping, road improvements and dust and noise control. These measures may be implemented through such means as site plan control, and site alteration by-laws where not otherwise governed by the *Mining Act*. Reference shall be made to Ministry of the Environment and Climate Change Guidelines D1 and D-6 for technical studies associated with determining land use compatibility.

7.4.9 Rehabilitation

Mining operations will be permitted provided that the lands are rehabilitated. Mining lands may be redesignated to another land use where the lands have been rehabilitated through fulfillment of a closure plan subject to *O. Reg. 240/00, subsection 12 (2) (f)*.

7.4.10 Protection of Natural Areas and Groundwater

Mining operations will be developed in a manner that protects natural areas and groundwater. The proponent will conduct studies to identify potential negative effects on natural features and ecological functions resulting from mining. Hydrogeological studies will be required to address adverse effects on the quality and/or quantity of groundwater where mining is proposed.

7.4.11 Zoning

The zoning by-law may set out the requirements for Mining uses.

8.0 IMPLEMENTATION AND INTERPRETATION

8.1 INTRODUCTION

It is the intent of this section of the Plan to provide policies not otherwise addressed in previous sections.

8.2 ACCESSORY USES

Uses, buildings or structures which are normally accessory to the principal land use are permitted. Policies for particular types of accessory uses are contained within the applicable land use designations of this Plan.

Permitted non-residential uses include storage buildings, open storage, parking and loading areas and structures, waste disposal receptacles and residential uses where permitted within this Plan.

A sleep cabin or guest cabin is the only permitted habitable accessory use to a seasonal residential use provided it does not include any cooking facility, and provided the sleep cabin can be adequately serviced in compliance with Section 4.2.4 of this Plan.

8.3 AMENDMENTS

1. It is intended that amendments to this Plan shall only be required where changes to the land use pattern and/or development policies become necessary as a result of changing circumstances within the Planning Area.
2. In accordance with the applicable provisions of the *Planning Act*, the following amendment procedure shall be executed to ensure that the general public receive adequate notification of changes:
 - Planning Board shall prepare the amendment, notify rate payers in accordance with the *Planning Act* and affected Provincial Ministries and agencies of its context and require comments and/or discussion of the amendment prior to its adoption by Council. Notice of the public meeting shall be given and a meeting shall be held in accordance with the requirements of the *Planning Act*.

- Planning Board shall obtain a resolution of Council in support of the adoption of an amendment for amendments within the municipal boundaries of the Town of Kapuskasing.
 - A record shall be made of the public meeting and it shall be appended to the amendment, prior to its adoption by Council and submission to the approval authority for approval.
 - The Planning Board shall give notice of the adoption of the amendment to the approval authority and to such other agencies and persons as required by the Planning Act within the notification period required by the Planning Act and shall forward the amendment and record of submission to the approval authority for consideration for approval.
 - Following the approval authority's approval of the amendment, persons who have requested in writing notice of approval shall be advised of such approval and that copies of the amendment may be obtained from the Planning Board.
3. A public meeting as required by the Planning Act will not be necessary to make changes to the Official Plan with respect to the following matters:
- Deleting obsolete provisions such as references to Provincial legislation, regulations and guidelines or to other sections of this Plan which have been changed.
 - Altering the number and arrangements of any provisions.
 - Punctuation or altering language to obtain a uniform mode of expression.
 - Correcting clerical, grammatical or typographical errors.
 - Inserting historical footnotes or similar annotations to include the origin and approval of each provision.
 - Change in format.

- Consolidation of amendments.

8.4 APPENDIX

Appendices 1 and 2 to this Plan do not constitute part of the formal policies but may be utilized to assist with the interpretation of words and terms used in this Plan in order that the document is consistent with the Provincial Policy Statement.

8.5 CASH-IN-LIEU OF PARKLAND

Cash-in-lieu of parkland may be used to acquire or develop public parks or public recreational uses. Cash-in-lieu may be required for residential severances or residential subdivisions at the rate of 5% or for commercial or industrial severances at the rate of 2% of the value of land as set out in Section 42, 51 and 53 of the Planning Act.

8.6 COMMUNITY PROFILE

The Community Profile dated July 19, 1996, although dated, may be utilized as a reference document to provide further information with respect to understanding the policies of this Plan. The said Community Profile does not constitute part of the Plan but may be considered as a basis for the policies that have been formulated.

8.7 CROWN LAND

It is recognized that Planning Board or Council does not have the jurisdiction to enforce the provisions of this Plan as it relates to Crown land since Crown lands are recognized as falling under the purview and responsibility of the Provincial government. However, it is expected that Planning Board and Provincial Ministries will work cooperatively in achieving the objectives and spirit of this Plan particularly with respect to the review of development applications. It is expected that Crown lands proposed to be released for private development not be released by the Crown without prior consultation with the Planning Board and that generally, the release of Crown land for non-resource related development be discouraged unless there is no alternative private lands available for such development. It is also the intent of Planning Board to minimize or avoid land use conflicts or conflicts in resource development since inter-agency cooperation is

essential to maximizing the potential of natural resources within the Planning Area.

8.9 ENERGY CONSERVATION AND CLIMATE CHANGE

1. Planning Board and/or Council will encourage all new development to take place in a manner that contributes to energy efficiency and reduces energy consumption, specifically as follows:
 - Undertake to reduce consumption of energy and dependency on non-renewable energy sources in all municipally-owned and operated facilities and equipment;
 - Encourage mixed use developments of complimentary uses; concentrate diverse land uses as a means to conserve energy;
 - Encourage infilling to achieve more concentrated development and to encourage energy efficiency;
 - Encourage the conversion of large single family detached dwellings in appropriate locations into multiple family dwellings, rooming or boarding houses;
 - Encourage the conversion of single purpose residential or commercial buildings to multiple use complexes where conditions are appropriate;
 - Encourage the sequential and multiple use of institutional space for educational, recreational and community activity purposes;
 - Encourage the establishment of home based businesses, offices and corner store type uses to reduce commuting and to make multiple use of floor space;
 - Encourage higher density housing forms that are more energy efficient in terms of space heating;

- Consider the approval of smaller lot sizes in fully serviced urban areas;
- Encourage the orientation of streets and lots so that major building access can be in an east-west direction to optimize opportunities for solar heating by active or passive means;
- Encourage the designing, constructing and siting of all public buildings in a manner that is most conducive to energy conservation;
- Design parks and open space so as to reduce wind flow through the community and provide bicycle ways and pedestrian path networks, as a means of conserving energy;
- Encourage residential, commercial and industrial subdivisions that maximize solar access and minimize excessive winds;
- Encourage the use of appropriately selected and located vegetation that will reduce the energy consumption of buildings;
- Encourage the reduction, reuse and recycling of waste material, and
- Encourage the use of energy and water conservation measures.

2. Climate Change

Planning Board and Council support measures designed to reduce greenhouse gas emissions and adaptation to climate change including but not limited to:

- Measures for energy conservation listed above;
- Measures for recycling, waste diversion and re use including the adaptive re-use of infrastructure, the recycling of aggregate materials and building materials;

- Measure to support active transportation and to reduce the reliance on motorized vehicular travel using fossil fuels;
- Promoting compact and cost-efficient development;
- Support renewable and alternative energy systems;
- Supporting green infrastructure;
- Encouraging and supporting planting and beautification programs to create a greener Kapuskasing.

8.10 ENVIRONMENTAL ASSESSMENT and THE PLANNING ACT

Where infrastructure which is subject to the Planning Act has been authorized under an Environmental Assessment Process, and has undergone a systematic process of examining impacts on the environment, an Environmental Impact Study will not be required. Where infrastructure which is subject to the Planning Act is not authorized under an Environmental Assessment Process, an Environmental Impact Study will be required by the proponent of the development.

8.11 EXISTING LAND USES AND NON-CONFORMING USES

The Land Use Schedules A and B and the policies for land use represent a concept for the future land use pattern in the Planning Area. It is recognized, however, that some existing uses of land will not conform with this concept and it is likely that this situation may persist for some time. Moreover, these uses have generally been established for a number of years and a measure of stability exists between them and their neighbours. While a conscientious planning program would not seek to deliberately foster a mixture of uses that were believed to be detrimental to each other, it must recognize that there are many existing situations which can continue without causing any serious adverse results.

1. Nothing in this Plan shall affect the continuance of uses legally established on the date that the Plan was adopted whether or not they conform to the Official Plan.
2. Where an existing use of land does not conform with the land use designations shown or to any other applicable policy of this Plan, it may, despite these policies, be zoned in any zoning by-law in

accordance with the present use and performance standards, provided:

- The zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent conforming uses;
 - It does not constitute a danger to surrounding uses by virtue of a hazardous nature, environmental threat or other detrimental characteristics; and
 - It does not interfere with desirable development in adjacent areas that are in conformity with this Plan.
3. Where an existing use in one or more of these respects is incompatible, it may be made a non-conforming use in any zoning by-law with the intent that the use will eventually terminate.
4. Where a use of land may not conform with the land use designation shown or to any other applicable policy in this Plan, but is nevertheless reasonably compatible with other uses in its vicinity and is a non-conforming use in the zoning by-law, it may be permitted to expand, enlarge or change to a similar or more compatible use, provided:
- The expansion, enlargement or change to a similar or more compatible use will not seriously jeopardize the possibility of future developments in its vicinity that may conform more closely with the intent of this Plan;
 - In any such expansion or enlargement or change to a similar or more compatible use, every effort is made to enhance the compatibility of the use and to mitigate or avoid adverse impacts on neighbouring uses; and
 - The procedures for considering a non-conforming use are in compliance with the requirements of the Planning Act as administered through the Committee of Adjustment.

All uses which were legally in existence at the effective date of this Plan shall, however, be allowed to continue as such. Nothing in this Plan shall prevent the reconstruction of legal non-conforming uses which are destroyed by fire or other natural cause.

Sections 34(10) and 45 of the Planning Act

Where a property is not zoned in accordance with the existing use, the extension, enlargement or change of such use may be considered by the Committee of Adjustment if such extension, enlargement or change does not contribute to the intensification of development. The Planning Board or Council, through the passing of an amendment to the Zoning By-law pursuant to Section 34(10) of the Planning Act or by a permission under Section 45 of the Planning Act granted by the Committee of Adjustment, may allow extensions, enlargement or change of such uses subject to the following guidelines.

1. The extension, enlargement or change should not aggravate the non-conforming situation for neighbouring uses.
2. The extension, enlargement or change should be in a reasonable proportion to the existing use and to the land on which it is to be located.
3. Any extension, enlargement or change involving land should be minor in relation to the total property. Any major change or adjustment shall require an amendment to the Zoning By-Law and/or this Plan.
4. The proposed extension, enlargement or change shall not create undue noise, vibration, fumes, smoke, dust, odours, traffic generation nor glare from lights.
5. Traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of site conditions especially in proximity to intersections.
6. Adequate provisions have been or will be made for off-street parking and loading facilities.
7. Services such as storm drainage, roads, private sewer and water services and school bussing are adequate or can be made adequate.

8. Neighbouring land owners will be notified of the proposed extension, enlargement or change of the non-conforming use before the final decision on the application is made.

Minor Variances and Committee of Adjustment

The Committee of Adjustment shall deal with applications for minor variances in the regulation of the implementing zoning by-law and with applications for consent to the conveyance of lands within the Planning Area in accordance with the requirements of Section 45 the Planning Act and governing provincial policies and guidelines.

Minor variances will be discouraged on shoreline properties where the effect is to reduce the ecological value of a vegetative buffer in protecting and conserving wildlife and fish habitat by reducing the extent of the vegetative cover, or increasing the potential for erosion and sediment discharge into the abutting water body and by increasing the potential use of herbicides and pesticides.

8.12 FIGURES AND QUANTITIES

The intent of this Plan shall in all cases be considered flexible and no strict interpretation of any boundary line or any figure is intended. Appropriate variations may be made to these and to the other policy statements herein where they are deemed to be necessary for the desirable development of the Planning Area provided that the general intent of the Plan is maintained.

8.13 HOLDING ZONE PROVISIONS

Pursuant to Section 36 of the Planning Act, lands may be zoned for their intended use where the principle of development has been established and the actual development can be delayed until certain conditions are met through the use of the Holding "H" symbol. This allows for the planning of future development of land while delaying the actual development until such time as it is deemed appropriate. The use of Section 39 shall be in accordance with one or more of the following criteria:

1. To prevent or limit the use of land in order to achieve orderly phased development;
2. To ensure that the servicing and design criteria established by the municipality have been met and any required studies completed

prior to removing the holding symbol. This shall include assurance that adequate reserve capacity is available;

3. To allow for the implementation of special design features in specific locations of developments;
4. To allow for the entering into of a site plan agreement where this is a requirement of the development process; and
5. To ensure that all conditions of development including the submission of required studies and information, financial requirements and agreements in accordance with the provisions of this Plan and/or the Planning Act, have been complied with.
6. With respect to contaminated sites, in particular, the "H" may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in accordance with a site remediation plan and subject further, to the submission to the municipality of a Ministry of the Environment and Climate Change acknowledged Record of Site Condition.

Prior to adopting a by-law to remove the holding symbol, Council shall be assured that all of the conditions for the removal of the Holding "H" symbol have been met.

8.14 LAND USE SCHEDULES

A set of Land Use Schedules have been prepared to assist in the interpretation of the Land Use Policies of this Plan. These schedules known as Land Use Schedules A and B are intended to form part of this Plan and are intended to be interpreted in light of the policies of this Plan.

8.15 PLANNING REVIEW

It is intended that this Plan shall be reviewed on a regular basis. To this end, the Planning Board shall revise the official plan not less frequently than every five (5) years, in accordance with Section 26 of the *Planning Act*. This will not preclude Planning Board or Council from initiating amendments from time-to-time as circumstances change or as new information becomes available.

Any review undertaken shall be consistent with the most current version of Provincial Policy Statement and shall comply with any provincial plans.

A comprehensive review within the meaning of the Provincial Policy Statement (see Appendix 1) will be required for a boundary change to the urban settlement area where additional lands are proposed for development in meeting the growth and development needs of Kapuskasing. Any potential expansion will comply with the parameters set out in the Provincial Policy Statement for a comprehensive review (i.e. population and employment projections integrated with the existing capacity of or planned infrastructure and public service facilities).

8.16 PUBLIC WORKS

Public works may be carried out which conform to this Official Plan and the intent of Section 24 of the Planning Act. Examples of public works include municipal roads, municipal water or sewer systems and buildings, structures or utilities constructed by the Town of Kapuskasing.

Public works will be planned and implemented in accordance with the requirements of the applicable class environmental assessments or environmental assessment procedures under the Environmental Assessment Act. This shall be deemed to include works which will be ultimately assumed by the municipality or will be operated by the municipality.

8.17 SITE PLAN CONTROL

8.17.1 General Intent

It is the intent of Council to use site plan control to enhance the quality of new development or redevelopment within the Town of Kapuskasing in conjunction with other applicable controls such as zoning and the Building Code and in consultation with Planning Board.

8.17.2 Goal of Site Plan Control

To apply site plan control in providing for aesthetically pleasing and functional operation of development and redevelopment in the Town of Kapuskasing.

8.17.3 Objectives of Site Plan Control

In order to achieve the goal, Council will:

1. Require the submission of site plans for review.
2. Establish appropriate engineering and environmental standards.
3. Circulate applications to the Planning Board for comment.
4. Minimize land use incompatibility between new and existing development.
5. Ensure that development which is proposed is built and maintained as set out in the site plan agreement.
6. Ensure that development which is proposed is sensitive to the conservation of natural heritage features and areas cultural heritage and archaeological resource.

8.17.4 Site Plan Control Area

The entire Town of Kapuskasing shall be considered a Site Plan Control Area under the provisions of Section 41 of the Planning Act. The following uses shall be exempt from Site Plan Control:

1. Single detached dwellings except for waterfront properties.
2. A bed and breakfast establishment.
3. Electric power facilities of Ontario Power Generation but excluding an administration building.
4. Conservation and agricultural uses.
5. Public uses and utilities which do not include the construction of a building.

8.17.5 Application of Site Plan Control

Site plan control shall apply to the following land uses and matters:

1. All uses permitted within any rural, open space, commercial, industrial or institutional zone.
2. A residential dwelling consisting of two (2) or more dwelling units.
3. Site plan control shall apply to lands described as Part of Lot 15, Concession 12, being Lots 6, 7, 8 and 9, plan M-173C, Parcel 12361 CC, O'Brien plan control shall apply to lands described as Part of Lot 15, Concession 12, being Lots 6, 7 at the northwest corner of Highway 11 and Caron Street. (Official Plan Amendment # 6)
4. Matters relating to exterior design, including the character, scale, appearance and design features of buildings.
5. The supply and installation of sustainable elements in the adjoining municipal right-of-way, including trees and other vegetation, permeable paving materials, street furniture, sidewalk curb ramps, waste and recycling containers and bicycle racks

8.17.6 Site Design

In imposing site plan control, Council will seek to regulate the general site design of the property and, when appropriate, the conceptual design of all buildings and structures on the property. Site plan drawings will be requested in all cases. Floor plan, elevation and cross-section drawings of each proposed building may be requested and may include residential projects containing less than 25 dwelling units.

8.17.7 Application Review

In the review of site plan applications, Council may circulate to agencies that are considered to have a vested interest for their comments prior to the approval of any site plan or site plan agreement.

8.17.8 Site Plan Agreements

Council shall have regard for the enabling authority of Section 41 of the Planning Act with respect to the matters which may be addressed under site

plan control, the entering into one or more agreements for the provision of any or all of the facilities, works or matters as provided for by the Act and the maintenance thereof and for the registration of such agreements against title to the land.

8.18 RELATED AUTHORIZING LEGISLATION

The policies of this Plan shall not be interpreted to preclude the requirement to obtain permits or approvals under other legislation. Other authorizing legislation may include the Environmental Assessment Act, the Ontario Energy Board Act, the Ontario Water Resources Act, the Fisheries Act, the Public Lands Act, etc. Wherever possible, Planning Board will identify other approvals that may be required of the applicant.

8.19 SUBDIVISIONS AND CONSENTS

8.19.1 Requirements for Subdivision

It shall be a policy of Planning Board in consultation with Council within the boundaries of the Town of Kapuskasing to recommend only those plans of subdivision which comply with the policies of this Plan, to Section 51 (24) of the Planning Act, and which respect the following criteria:

1. All approved plans of subdivision shall conform to the relevant policies of this Plan.
2. All applications for subdivision development may require an impact study undertaken at the developer's expense, which establishes to the satisfaction of Planning Board and Council that the development will not have a detrimental physical, economic, or social impact on the community. Among other matters, the impact study shall address itself as to how each proposal will affect the following:
 - The financial position of the Town of Kapuskasing;
 - Land use compatibility with surrounding or near-by land uses ;
 - Community facilities;
 - The accessibility of the site in terms of publicly maintained roads and access to proposed lots;

- the natural heritage features on or adjacent to the site;
 - Utilities;
 - Sanitary sewer system;
 - Sewage treatment plant capacity;
 - Storm drainage;
 - Environmental protection areas;
 - The conservation of the natural resources of or in close proximity to;
 - The impact on cultural heritage resources and archaeological resources.
3. Prior to recommending a plan of subdivision to the approval authority, Council and Planning Board must be satisfied that among other matters:
 - The subdivision can be supplied with adequate municipal water and sewer services and other municipal and public service facilities and utilities as required by the policies of this Plan; and
 - That such approval would not adversely affect the economy of the Planning Area.
 4. That a plan of subdivision may be deemed not to be a plan of subdivision in accordance with the requirements set out in Section 50 (4) of the *Planning Act*.
 5. That a proposed plan of subdivision may be allowed to lapse where the proponent does not fulfil the requirements for final approval.

8.19.2 Consents

Provisions relating to the granting of consents are outlined in Sections 51 and 53 of the *Planning Act*. In considering applications for consent, Planning Board will have regard for the policies of this Plan and for the following matters where they apply:

1. That a plan of subdivision is not a more appropriate means of dividing land. Factors which may be taken into consideration to determine the need for a plan of subdivision may include:
 - The number of lots to be severed shall be limited to three (3) plus one (1) retained lot for any lot of record (parcel of land) existing as of April 4, 1975.
 - Where it is more economical and feasible to plan to provide for the installation of public services by means of a subdivision agreement.
 - Where a subdivision will better facilitate designing the future land use pattern of the Planning Area including:
 - Determining future land uses on and in the vicinity of the land to be subdivided;
 - Integrating the subdivision design and street pattern of adjacent lands;
 - Reserving lands for parks, utilities, easements or future road allowances;
 - Avoiding or mitigating incompatibilities with adjacent land uses;
 - Resolving land tenure problems; and
 - Determining the impact of development on the natural environment, and avoiding re-severances of the same parcel.

2. That the lot fronts on a year round publicly maintained road except for an approved condominium development.
3. That the lot is suitable for its intended purpose and meets the requirements of the Zoning By-law with respect to, for example:
 - Adequacy of lot size for buildings, accessory uses, parking and snow storage;
 - Adequate lot frontage and depth;
 - Whether physiographic conditions such as topography, soils, rock or slope will constrain the development of the lot;
 - Ensuring adequate parking and docking facilities for water access lots.
4. Consent will not be granted where it compromises the protection, conservation or wise utilization of resource lands for minerals, mineral aggregates, forestry, wetlands, agriculture, natural heritage features and cultural heritage and archaeological resources.
5. Consent will not be granted where development will occur in areas subject to flooding or on lands characterised as having significant development constraints such as steep slopes, wetland areas or organic soils.
6. That an adequate level of services is available including:
 - Compliance with the servicing policies of Section 4 of this Plan;
 - Access by emergency vehicles (i.e. fire, police and ambulance);
 - School bussing;
 - Waste disposal;
 - Schools and community facilities.

- Consents will not be granted in areas where the undue extension of a municipal service would be required. Prior to the granting of a consent, servicing costs and the potential impact on local rates of taxation may be examined.
7. Consents will not be granted which may create potentially hazardous or adverse conditions such as:
- Permitting access to property on a curve, a hill or where a driver's sight line is blocked or impaired;
 - Permitting multiple or frequent entrances onto a Provincial highway which could create traffic hazards and reduce the efficiency of the road system;
 - Permitting land uses which could be incompatible with adjacent or surrounding land uses; and
 - Permitting development which has the effect of limiting access to back lands for future development or which have the effect of creating land locked parcels.
8. Consents may be recommended for the following purposes:
- To correct lot boundaries;
 - To separate existing building or structures in existence at the date of the approval of this plan;
 - To dispose of surplus dwellings when two or more parcels of land are consolidated (urban area only);
 - To clarify a title to the land;
 - To allow for a lot addition where the effect will be to not create an additional building lot;
 - To permit an easement;
-

9. Consents may not be granted in areas considered premature for development and which would have the effect of discouraging or interfering with potential plans of subdivision or the orderly development of lands.
10. Notwithstanding Section 8.19.2, consents to increase the number of severances to not more than four (4) severances, excluding the retained lot and to permit permanent residential development of two lots under 10 acres in size which do not front on a publicly maintained road with not municipal services in the Rural Area pertaining to lands described as Part of Lot 11, Concession 5, is hereby permitted upon acceptance of conditions which will be registered on title. (Official Plan Amendment # 15)

8.19.3 Conditions of Land Division

Conditions may be imposed in recommending a consent or plan of subdivision for approval. These may include but not be limited to the following:

1. A zoning amendment under the Zoning By-law;
2. Site plan control;
3. The dedication of land or cash-in-lieu of parkland (see Section 8.5);
4. The conveyance of land or covenant for easements for utilities, access control or drainage;
5. The construction or upgrading of roads or the installation of drainage facilities and culverts;
6. The establishment of buffer strips and landscaping;
7. Flood proofing of structures;
8. The installation of water supply or sewage disposal systems (see Section 4);

9. The entering into of a consent agreement or subdivision agreement including provisions for financial guarantees;
10. Demolition of buildings or structures and/or measures to remediate the property due to hazardous or contaminated conditions.

8.19.4 Procedural Guidelines for Subdivisions and Consents

Applications for subdivisions and consents are subject to the following procedural guidelines:

1. Review of the application by Planning Board and Council.
2. Conducting a site inspection to confirm the accuracy of the information provided on the application and to evaluate site conditions and surrounding land uses.
3. Evaluation of the application for conformity with the policies of this Plan.
4. Circulation of the application to departments within the municipality and to outside agencies and Ministries as may be prescribed by regulation under the Planning Act. For example, the Ministry of Transportation would be consulted on matters respecting access and corridor control of provincial highways; the Health Unit would be consulted on environmental standards for private services; the Ministry of Natural Resources and Forestry, Ministry of Northern Development and Mines would be consulted for comments on forestry, mining, aggregate deposits, wetlands and wildlife management;
5. Assess conformity with the Zoning By-law;
6. Review of past subdivision or consent activity.
7. Determination of the need for conditions.

8. Submission of a planning report and/or recommendation by the approval authority with evaluation and comments.

8.20 TEMPORARY USES

Temporary Use By-laws may be enacted by Council under Section 39 of the Planning Act for a use of land, building or structure for any purpose that is otherwise prohibited by the by-law or to the policies of this Plan and/or implements measures of economic growth. Temporary Use By-laws may be enacted for a period of 3 years and may be renewed for subsequent periods of 3 years with the exception of garden suites for which the period of time may be 10 years from the date of the passing of the by-law.

8.21 COMPLETE APPLICATION

Where studies or information are required by this plan in order to make a land use planning decision, a land use planning application will not be deemed to be complete for the purposes of Sections 17, 22, and 34 until the required studies have been completed or information submitted to the satisfaction of Planning Board or Council.

Where a study is required, the study shall be completed by a qualified professional and such study may be subject to a peer review.

The cost of any study or peer review or the requirement for any information shall be at the sole cost of the applicant.

Applicants are encouraged to pre-consult with the Town or Planning Board prior to submitting a planning application. The objective of pre-consultation is to inform an applicant of the approval process, including the requirements for supporting studies and material to be submitted as part of a complete application.

Appendix 1

Definitions from the Provincial Policy Statement – April 2014 Version.

Access standards:

means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of *flooding hazards, erosion hazards* and/or *other water-related hazards*.

Active Transportation:

means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Adjacent lands: means

a) for the purposes of policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where *development* would have a negative impact on the corridor or facility. The extent of the *adjacent lands* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives;

b) for the purposes of policy 2.1.8, those lands contiguous to a specific *natural heritage feature* or area where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives;

c) for the purposes of policies 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of known *petroleum resources, mineral deposits, or deposits of mineral aggregate resources* where it is likely that *development* would constrain future access to the resources. The extent of the *adjacent lands* may be recommended by the Province; and

d) for the purposes of policy 2.6.3, those lands contiguous to a *protected heritage property* or otherwise defined in the municipal official plan.

Adverse effects:

as defined in the *Environmental Protection Act*, means one or more of:

a) impairment of the quality of the natural environment for any use that can be made of it;

b) injury or damage to property or plant or animal life;

c) harm or material discomfort to any person;

d) an adverse effect on the health of any person;

e) impairment of the safety of any person;

f) rendering any property or plant or animal life unfit for human use;

g) loss of enjoyment of normal use of property; and

i) interference with normal conduct of business.

Affordable:

means

a) in the case of ownership housing, the least expensive of:

1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;

b) in the case of rental housing, the least expensive of:

1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

Agricultural condition:

means

a) in regard to *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and

b) in regard to *prime agricultural land* outside of *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

Agricultural uses:

means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agri-Tourism uses:

means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

Agriculture-related uses:

means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close

proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Airports:

means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

Alternative energy system:

means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Archaeological resources:

includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of archaeological potential:

means areas with the likelihood to contain *archaeological resources*. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The *Ontario Heritage Act* requires archaeological potential to be confirmed through archaeological fieldwork.

Areas of mineral potential:

means areas favourable to the discovery of *mineral deposits* due to geology, the presence of known *mineral deposits* or other technical evidence.

Areas of natural and scientific interest (ANSI):

means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Brownfield sites:

means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built heritage resource:

means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers.

Coastal wetland: means

a) any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or

b) any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

Comprehensive rehabilitation:

means rehabilitation of land from which *mineral aggregate resources* have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of *mineral aggregate operations*.

Comprehensive review: means

a) for the purposes of policies 1.1.3.8 and 1.3.2.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

1. is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and *provincial plans*, where applicable; considers alternative directions for growth or development; and determines how best to accommodate the development while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth or development through *intensification* and *redevelopment*; and considers physical constraints to accommodating the proposed development within existing *settlement area* boundaries;
3. is integrated with planning for *infrastructure* and *public service facilities*, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
4. confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
5. confirms that sewage and water services can be provided in accordance with policy 1.6.6; and
6. considers cross-jurisdictional issues.

b) for the purposes of policy 1.1.6, means a review undertaken by a planning authority or comparable body which:

1. addresses long-term population projections, *infrastructure* requirements and related matters;
2. confirms that the lands to be developed do not comprise *specialty crop areas* in accordance with policy 2.3.2; and
3. considers cross-jurisdictional issues.

In undertaking a *comprehensive review* the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or development proposal.

Conserved:

means the identification, protection, management and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Cultural heritage landscape:

means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal

community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

Defined portions of the one hundred year flood level along connecting channels:

means those areas which are critical to the conveyance of the flows associated with the *one hundred year flood level* along the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where *development* or *site alteration* will create *flooding hazards*, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

Deposits of mineral aggregate resources:

means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated and available:

means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g. secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be *designated and available* for the purposes of this definition.

Designated growth areas:

means lands within *settlement areas* designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.

Designated vulnerable area:

means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

Development:

means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;

b) works subject to the *Drainage Act*; or

c) for the purposes of policy 2.1.4(a), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

Dynamic beach hazard:

means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the *flooding hazard* limit plus a dynamic beach allowance.

Ecological function:

means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment area:

means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Endangered species:

means a species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

Erosion hazard:

means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Essential emergency service:

means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Fish:

means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat:

as defined in the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Flood fringe:

for *river, stream and small inland lake systems*, means the outer portion of the *flood plain* between the *floodway* and the *flooding hazard* limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the *floodway*.

Flood plain:

for *river, stream and small inland lake systems*, means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

Flooding hazard:

means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, the *flooding hazard* limit is based on the *one hundred year flood level* plus an allowance for *wave uprush and other water-related hazards*;

b) along river, stream and small inland lake systems, the flooding hazard limit is the greater of:

1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
2. the *one hundred year flood*; and
3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Floodproofing standard:

means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate *flooding hazards, wave uprush and other water-related hazards* along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, and *flooding hazards* along river, stream and small inland lake systems.

Floodway:

for river, stream and small inland lake systems, means the portion of the *flood plain* where *development and site alteration* would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*.

Where the *two zone concept* is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the *flood plain* is called the *flood fringe*.

Freight-supportive:

in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Great Lakes - St. Lawrence River System:

means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

Green infrastructure:

means natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs

Ground water feature:

refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Habitat of endangered species and threatened species: means

a) with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the *Endangered Species Act, 2007* is in force, the area prescribed by that regulation as the habitat of the species;

b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and

places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

Hazardous forest types for wildland fire:

means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources, as amended from time to time.

Hazardous lands:

means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the *Great Lakes - St. Lawrence River System*, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits. Along the shorelines of *large inland lakes*, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits. Along *river, stream and small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the *flooding hazard or erosion hazard* limits.

Hazardous sites:

means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Hazardous substances:

means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Heritage attributes:

means the principal features or elements that contribute to a *protected heritage property's* cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a *protected heritage property*).

High quality:

means primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).

Hydrologic function:

means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Individual on-site sewage services:

means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992* that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services:

means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure:

means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Institutional use:

for the purposes of policy 3.1.5, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

Intensification:

means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

Large inland lakes:

means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

Legal or technical reasons:

means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Low and moderate income households: means

a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the *regional market area*; or

b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional market area*.

Major facilities:

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

Major goods movement facilities and corridors:

means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Marine facilities:

means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*.

Mine hazard:

means any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

Minerals:

means metallic minerals and non-metallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Mineral aggregate operation: means

a) lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;

b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and

c) associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral aggregate resources:

means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral aggregate resource conservation: means

a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and

b) the wise use of mineral aggregates including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

Mineral deposits:

means areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Mineral mining operation:

means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Minimum distance separation formulae:

means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multi-modal transportation system:

means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

Municipal sewage services:

means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality.

Municipal water services:

means a municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002*.

Natural heritage features and areas:

means features and areas, including *significant wetlands, significant coastal wetlands, other coastal wetlands* in Ecoregions 5E, 6E and 7E, *fish habitat, significant woodlands* and *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), *habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural heritage system:

means a system made up of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used.

Negative impacts:

means

a) in regard to policy 1.6.6.4 and 1.6.6.5, degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;

b) in regard to policy 2.2, degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development* or *site alteration* activities;

c) in regard to *fish habitat*, any permanent alteration to, or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*; and

d) in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.

Normal farm practices:

means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

Oil, gas and salt hazards:

means any feature of a well or work as defined under the *Oil, Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

On-farm diversified uses:

means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products.

One hundred year flood:

for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

One hundred year flood level: means

a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;

b) in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and

c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

Other water-related hazards:

means water-associated phenomena other than *flooding hazards* and *wave uprush* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

Partial services: means

a) *municipal sewage services* or *private communal sewage services* and *individual on-site water services*; or

b) *municipal water services* or *private communal water services* and *individual on-site sewage services*.

Petroleum resource operations:

means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons.

Petroleum resources:

means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

Planned corridors:

means corridors or future corridors which are required to meet projected needs, and are identified through *provincial plans*, preferred alignment(s) determined through the *Environmental Assessment Act* process, or identified through planning studies where the Ontario Ministry of Transportation is actively pursuing the identification of a corridor. Approaches for the protection of *planned corridors* may be recommended in guidelines developed by the Province.

Portable asphalt plant: means a facility

a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and

b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant: means a building or structure

a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and

b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime agricultural area:

means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A *prime agricultural area* may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime agricultural land:

means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Private communal sewage services:

means a sewage works within the meaning of Section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

Private communal water services:

means a non-municipal drinking-water system within the meaning of Section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

Protected heritage property:

means property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

Protection works standards:

means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by *flooding hazards, erosion hazards* and *other water-related hazards*, and to allow access for their maintenance and repair.

Provincial and federal requirements: means

a) in regard to policy 1.6.11.2, legislation, regulations, policies and standards administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy systems and ensuring that the necessary approvals are obtained;

b) in regard to policy 2.1.6, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including *fish and fish habitat*), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and

c) in regard to policy 2.1.7, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

Provincial plan:

means a provincial plan within the meaning of section 1 of the *Planning Act*.

Public service facilities:

means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. *Public service facilities* do not include *infrastructure*.

Quality and quantity of water:

is measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Rail facilities:

means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future *rail facilities*.

Recreation:

means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

Redevelopment:

means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

Regional market area:

refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the *regional market area*. However, where a *regional market area* extends significantly beyond these boundaries, then the *regional market area* may be based on the larger market area. Where *regional market areas* are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

Renewable energy source:

means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

Renewable energy system:

means a system that generates electricity, heat and/or cooling from a *renewable energy source*.

Reserve sewage system capacity:

means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.6.6, reserve capacity for *private communal sewage services* and *individual on-site sewage services* is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the *Nutrient Management Act*, or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

Reserve water system capacity:

means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

Residence surplus to a farming operation:

means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Residential intensification:

means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of *brownfield sites*;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

River, stream and small inland lake systems:

means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Rural areas:

means a system of lands within municipalities that may include rural *settlement areas*, *rural lands*, *prime agricultural areas*, *natural heritage features and areas*, and resource areas.

Rural lands:

means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

Sensitive:

in regard to *surface water features* and *ground water features*, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive land uses:

means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

Settlement areas:

means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

a) built up areas where development is concentrated and which have a mix of land uses; and

b) lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2. In cases where land in *designated growth areas* is not available, the *settlement area* may be no larger than the area where development is concentrated.

Sewage and water services:

includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

Significant: means

a) in regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;

b) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources;

c) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*;

d) in regard to *mineral* potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and

e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(e) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Site alteration:

means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.4(a), *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, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

Special needs:

means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *special needs* housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

Special policy area:

means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria and procedures for approval are established by the Province.

A *Special Policy Area* is not intended to allow for new or intensified *development* and site alteration, if a community has feasible opportunities for *development* outside the *flood plain*.

Specialty crop area:

means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;

b) farmers skilled in the production of specialty crops; and

c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

Surface water feature:

means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Threatened species:

means a species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

Transit supportive:

in regard to land use patterns, means development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Transportation demand management:

means a set of strategies that result in more efficient use of the transportation system by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

Transportation system:

means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, *rail facilities*, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, *airports*, *marine facilities*, ferries, canals and associated facilities such as storage and maintenance.

Two zone concept:

means an approach to flood plain management where the flood plain is differentiated in two parts: the floodway and the flood fringe.

Valleylands:

means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

Vulnerable:

means surface and/or groundwater that can be easily changed or impacted.

Waste management system:

means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

Watershed:

means an area that is drained by a river and its tributaries.

Wave uprush:

means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

Wayside pits and quarries:

means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands:

means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildlife fire assessment and mitigation standards:

means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.

Wildlife habitat:

means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodlands:

means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the Forestry Act definition or the Province's Ecological Land Classification system definition for "forest."

Appendix 2

Modification #21: Appendix 2 - Areas of Hazardous Forest Types for Wildland Fire

