

Smooth Rock Falls Planning Area Official Plan

As Adopted by
The Council of the Corporation of the Town of Smooth Rock Falls
And the Smooth Rock Falls Area Planning Board
September 11, 2014

Prepared for:

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**Smooth Rock Falls Planning Area
2013-14 Official Plan Review**

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1.0 INTRODUCING THE SMOOTH ROCK FALLS PLANNING AREA OFFICIAL PLAN

The Town of Smooth Rock Falls (Town) has initiated a new Official Plan (OP or Plan) for the Smooth Rock Falls Planning Area [including the Town and the unincorporated Geographic Township of Haggart (Haggart Township)]. The OP is enabled under Section 17 of the *Act (Act)*, as amended. This Plan will replace the current OP which was approved in 1977.

The Smooth Rock Falls Planning Area is within the traditional territory of the Taykwa Tagamou Nation.

1.1 Purpose

The purpose of this OP is to provide guidance and direction for development and planning decisions within the Smooth Rock Falls Planning Area to the 2034 planning horizon. Decisions that affect an area's growth and development have long-lasting impacts. Ultimately, such decisions should result in a liveable community that is economically and environmentally sustainable. The goal is to formulate policies that are both easy to interpret and apply and that logically guide development.

This Plan will be implemented through the Zoning By-law and will provide a basis for other By-laws to regulate the development and use of land.

All planning decisions are required to conform to the Official Plan as per Section 24(1) of *Planning Act*.

1.2 Legislative Context

The *Act* requires that the Planning Board prepare and adopt an updated OP. The *Act* also identifies matters of provincial interest, which are further defined by the 2014 Provincial Policy Statement (PPS). The OP was drafted, reviewed, and adopted in conformity with the requirements of the *Act* and is consistent with the 2014 PPS and other policy statements issued under the *Act*.

The OP conforms with the 2011 Growth Plan for Northern Ontario (GPNO), and aims to build upon those strategic directions identified in the GPNO to strengthen the Northern Ontario economy.

In accordance with the *Act*, the OP will be reviewed every five (5) years and may also be amended by the Planning Board to reflect changing circumstances or new priorities in the interim. When amendments are made to the OP, appropriate amendments will also be made to implementing By-laws so that any such By-law is in conformity with the OP.

1.3 Duties of the Planning Board and Council

Under Section 14(2) of the *Act*, the Planning Board shall:

- Prepare a plan suitable for adoption as the OP for the Planning Area

Regarding the Official Plan, the Planning Board will also:

- Recommend from time to time to the Town Council the implementation of any features of the OP; and
- Review the OP and adopt amendments as appropriate.

Further, the Planning Board has the following delegated approval authority for the Planning Area under the Act:

- Plans of Subdivision and Condominium;
- Consents and Powers of Sale; and
- Certificates of Validation.

It is intended that the Planning Board will prepare and enforce an implementing Zoning By-law for Haggart Township.

The Town Council shall remain responsible for implementing the OP within its jurisdictional limits through:

- Zoning By-law;
- Temporary Use By-law;
- Interim Control By-law;
- Holding provisions;
- Site Plan Approval;
- Community Improvement Plans; and
- Providing comments to the Planning Board and requesting conditions for subdivisions, condominiums and consents.

1.4 Basis

Smooth Rock Falls is a community of approximately 1,400 residents that is located in the District of Cochrane, in Northern Ontario. The Town is located on Highway 11, which is the Northern Route of the TransCanada Highway. The Town is approximately 55 kilometres west of the Town of Cochrane, 60 kilometres east of Kapuskasing, and 100 kilometres north of the City of Timmins. The Planning Area includes the unincorporated Geographic Township of Haggart, which is adjacent to the westerly limit of the Town on Highway 11.

The Town was established on the banks of the Mattagami River around the local forestry economy. From 1917 to 2006 a paper mill served as a major employer in the Town. The Town currently functions as a health care centre for surrounding communities, an area to access the northern winter road to the James Bay coast, and as a tourist centre for winter and outdoor activities. With these employers and functions in mind, the Town serves a broader regional population.

Haggart Township provides an area for recreational dwellings and aggregate resources around Departure Lake.

The Town is completing several other long-range studies concurrently with this OP update that will guide and inform future land use planning decisions.

This OP:

- a. Is based on land use patterns and development activity, development constraints and resources, municipal and community services, demographic information and population projections contained in the Background Report;
- b. Guides development such that the Town's Urban Settlement Area will continue to act as the service centre for the majority of residents in the Planning Area and is planned to attract most of the projected growth to the year 2034;

- c. Promotes community and economic development by supporting economic development opportunities, designating land for future development, and supporting community housing initiatives;
- d. Guides development in an orderly manner and encourages redevelopment, infill, and intensification, where possible, and discourages the undue extension of municipal services and expansion of the Urban Settlement Area;
- e. Protects natural heritage, cultural heritage, and archaeological resources;
- f. Protects public health and safety by guiding development away from hazard areas, encouraging remediation of sites, and implementing land use compatibility guidelines;
- g. Contains sustainable policies and policy areas and aims to satisfy the requirements of the Federal Gas Tax Agreement; and
- h. Encourages the development of the Planning Area as a healthy community, specifically supporting physical activity, active transportation, food systems planning, and food security
- i. Recognizes that the planning area is within the traditional territory of the Taykwa Tagamou Nation and aims to ensure that proper notification and consultation for any actions, amendments or development that may impact TTN's use of its traditional territory.

1.5 Principles of the Plan

1.5.1 Town Vision

This OP is based on the following vision for the Town, as stated in its Operational Plan:

"The Town of Smooth Rock Falls is a vibrant, culturally diverse and active community, a place for families and for small businesses to thrive. Residents take pride in their community, with a unique small town feel, a great natural environment and a high level of involvement and engagement. Our residents work together to strengthen our community and are welcoming of different cultures and viewpoints."

1.5.2 Urban Settlement Area Concept

The Urban Settlement Area:

- a. Updates the general land use patterns from the existing OP;
- b. Supports the Town's vision to entice residents and businesses to the Town;
- c. Allows the Town to maximize economic development opportunities that are supported by the GPNO; and
- d. Makes efficient use of the Town's infrastructure.

1.5.3 Rural Area Concept

Rural lands within the Town are mostly Provincial Crown Lands. These areas will be promoted for a variety of uses including, but not limited to, public recreation, commercial tourism, cottaging and waterfront development, agricultural uses, industrial uses, and the sustainable management or use of resources.

1.5.4 Unincorporated Area (Haggart Township) Concept

Haggart Township is characterised by rural lands without municipal organization. As per the 2014 PPS, in this area, *"the focus of development activity shall be related to the sustainable management or use of*

resources and resource-based recreational uses (including recreational dwellings.)" Development pressure and land use compatibility issues are noted around Departure Lake, and measures are proposed in this OP to limit development in this area.

1.6 Interpretation of the Plan

The Planning Board, Council, and the appropriate approval authority for *Planning Act Decisions* shall be responsible for interpreting all aspects of the OP. When the approval authority is the Ministry of Municipal Affairs and Housing (MMAH), the Planning Board, Town, or development proponent may consult MMAH prior to submitting a formal planning application. Where policies may reference specific issues of significance to the Province, MMAH may assist on an as-needed basis. As the sections of the OP are interrelated, it shall be read and interpreted in its entirety.

Defined terms and words used in this OP are consistent with those as defined in the 2014 PPS and shall be interpreted as such.

It is intended that land use boundaries shall be considered as approximate, except where bounded by existing roads, rivers, railways, or other clearly defined features. Minor adjustments may be permitted without amendment provided that the intent of this OP is maintained.

Technical amendments to this OP are permitted without a formal OP amendment, provided they do not change the intent of the OP. Technical amendments include:

- a. Changing the numbering, cross-referencing, and arrangement of the text, tables, schedules, and maps;
- b. Altering punctuation or language for consistency;
- c. Correcting grammatical, dimensional, and boundary, mathematical, or typographical errors; and
- d. Adding technical information to maps or schedules.

Where any Act, Provincial Policy Statement, Growth Plan, Ontario Regulation, and/or guideline, or portion thereof, is referred to in this OP, such references will be interpreted to include any subsequent legislation that may replace or revise the specified document.

For the purposes of this OP, it shall be interpreted that the word "existing" when used in this OP shall mean existing as of the date of the adoption of this OP.

2.0 PROMOTING COMMUNITY AND ECONOMIC DEVELOPMENT

2.1 Community Improvement

The Community Improvement provisions of the *Act* provide the opportunity to plan and coordinate comprehensive physical improvements. Community improvement policies are intended to give municipalities a planning mechanism to address deficiencies and offer incentives within designated areas in a coordinated and comprehensive fashion and to encourage private investment activity and physical improvements in these areas.

It is the Town's intention to encourage improvements to the quality of existing development, community facilities, and public services, particularly within the Urban Settlement Area, to provide those additional community facilities as circumstances and finances permit.

It is intended that Community Improvement Policies will serve the following objectives:

- a. Support the Town's economic and community development activities through the enabling of financial incentives;
- b. Support the creation of seniors and/or affordable housing by considering any municipally-owned, undeclared surplus land for seniors and/or affordable housing as a priority;
- c. Encourage residential intensification opportunities, such as mixed use and infill developments, and accessory apartments;
- d. Improve the Town's visual image and condition;
- e. Encourage the preservation, rehabilitation, renewal, and reuse of heritage resources;
- f. Encourage redevelopment of brownfield sites;
- g. Provide for the continued social and economic viability of the Town;
- h. Provide an environment that is attractive to new investment for residential and commercial properties; and
- i. Encourage the ongoing maintenance, rehabilitation, redevelopment, upgrading, and improvement of the physical environment, within a framework of sound fiscal management.

The Town will maintain a municipal-wide "Community Improvement Project Area" designation within its municipal limits. The Town will identify and establish by by-law a specific Community Improvement Project Area and may undertake a Community Improvement Plan (CIP) which may include design guidelines, incentive programs, and a schedule of works for the maintenance, rehabilitation, repair, and development of public and privately-owned facilities and lands.

2.2 Economic Development

The development of employment opportunities in a variety of sectors is a priority of the Town Council. Since the closure of the Tembec facility in 2006, the Town's economy has diversified from mainly forestry to include health care, transportation, energy, forestry, agriculture, mining, and tourism. A well-rounded, vibrant community with economic opportunities for all ages is a key objective. The Town Council will continue to build on the basic necessary community infrastructure to retain existing businesses and attract new investment.

The Town Council has determined the following key areas on which to focus future economic development initiatives, recognizing that additional economic development opportunities may emerge in the future.

2.2.1 Health Care and Housing (Seniors' Continuum of Care)

The Town's demographics, with a shift to a larger proportion of seniors, present an opportunity to develop care facilities, services, and housing. There is the opportunity for all levels of seniors' housing, including multi-residential apartments and institutional assisted living units.

2.2.2 Service Hub for Transportation on Highway 634

The Town recognizes its strategic location as a gateway for transportation on Highway 34 to the James Bay coast from the Highway 11 corridor. This presents the opportunity for service businesses which cater to the travelling public to locate in the Town.

2.2.3 Staging location for EnergyEast Pipeline project

The EnergyEast project involves the conversion of one of the existing TransCanada pipelines from natural gas to oil, including the construction of new pumping stations along the pipeline. The Town is ideally situated as a central service hub along the Highway 11 corridor and TransCanada pipeline network and has available land for storage and staging activities.

2.2.4 Waterfront Residential Properties

Located within the Town's boundaries are significant areas of vacant land on the Mattagami River with the potential to be developed into seasonal or year-round waterfront homes.

2.2.5 Economic Development Partnerships with First Nations and Aboriginal Organizations

The Town has the opportunity to develop partnerships for economic initiatives with local First Nations and Aboriginal organizations that may include (but not be limited to) power generation, tourism, transportation, and resource extraction and processing.

In particular, the Town may encourage and promote opportunities to work with TTN in seeking mutually beneficial and socially and environmentally sustainable economic development opportunities.

2.2.6 Agriculture

The Town contains significant areas of vacant land that are suitable for agricultural activities.

2.2.7 Solid Waste

The Town has the opportunity to generate economic activity from solid waste management, including gas recovery power generation and hosting regional waste management programs.

3.0 GUIDING LAND USE POLICIES

3.1 General

The policies of this Section deal with development considerations that are common to a number of land use categories. These policies apply, where relevant, in addition to the policies of specific land use designations.

3.1.1 Growth Management

Growth management in the Planning Area is based on accommodating most of the growth to the year 2034 in the Urban Settlement Area through:

- a. Land use intensification, where possible, and having regard to the timely and efficient use of existing infrastructure;
- b. The evaluation of growth-related infrastructure costs and financial implications of proposed works;
- c. Directing development to areas suitable for the provision of hard and soft municipal services;
- d. Encouraging a mix of housing types and tenures; and
- e. Maintaining an adequate supply of vacant designated land to enable choice and flexibility, while recognizing the growth projected for the planning horizon and the need to develop in an orderly, efficient, timely, and affordable manner.

The primary means for reviewing the adequacy of the Town's supply of land and expansions to the Urban Settlement Area will be the 5-year review process. Proposed amendments to the OP to expand the Urban Settlement Area in advance of the 5-year review process will be evaluated for public benefit on the basis of the following criteria:

- a. Sufficient opportunities for growth are not available through intensification, redevelopment and designated growth *areas* to accommodate the projected needs over the identified planning horizon
- b. the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment
- c. The need for growth at the proposed location, based on the rationale outlined in a Comprehensive Review;
- d. The costs and benefits of permitting growth at the proposed location; and
- e. The implications for municipal servicing and other services.

3.1.2 Servicing

Development will be permitted in accordance with the relevant policies of Section 6.2 of this OP.

3.1.3 Road Access

Generally, all new development shall have frontage on and direct access to an improved public road which is maintained year-round and can accommodate traffic generated by new development. Road access onto a municipal road shall be in accordance with the relevant policies of this OP.

Where access is required to a provincial highway, the relevant policies of this OP and the Ministry of Transportation (MTO) shall apply.

Development may be permitted on the basis of a private road, unopened road allowance, water access, fly-in access, or other type of access, in accordance with Section 6.0 of this OP and provided that:

- a. The proposed development is on a lot which is legally conveyable under the *Act*;
- b. There is confirmation of secured, mainland public docking access, and off-site parking, for water-access-only properties;
- c. The lot is able to be properly serviced for sewage disposal and potable water supply; and
- d. The landowner enters into a “No Demand for Services Agreement” and a Maintenance Agreement to be registered on title and shall apply to all assigns and successors.

3.1.4 Home Based Businesses

Home based businesses are an important means of realizing small business start-ups and stay-at-home self-employment. Home based businesses are permitted in any land use designation that permits a residential use, subject to performance standards that will be established in the Zoning By-law.

Where permitted, home-based businesses shall be secondary to the residential use of the property and shall not generate adverse impacts on surrounding properties. Home-based businesses which can no longer be considered secondary to the residential use of the property shall be required to relocate to an appropriately zoned commercial or industrial site.

Home based businesses located along Highways 11 and 634 shall require the approval of the MTO. Typically, the MTO will require that the property owner obtain an entrance and sign permit. As a condition of these permits, the MTO requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future if the MTO’s safety requirements are not met and that an additional entrance will not be permitted to accommodate a home based business.

3.1.5 Institutional and Community Facility Uses

Institutional and community facility uses, such as schools, public parks, day care centres, hospitals, museums, churches, libraries, community centres, service clubs, and similar public or quasi-public uses will generally be permitted in all land use designations, provided that the design and siting of the buildings and structures are in keeping with the character of the surrounding area and the use will not detract from the primary function of the area. Proposed institutional and community facility uses will be subject to the following policies:

- a. The land is suitable for the proposed use;
- b. The use can be adequately serviced;
- c. Adequate off-street parking, loading and landscaping shall be provided; and
- d. Significant traffic generators shall be appropriately located so that surrounding uses are not adversely affected.

Institutional and community facility uses shall be regulated through the Zoning By-law.

3.1.6 Community Gardens, Greenhouses, and Temporary Markets

The Town Council shall encourage community gardening and greening efforts to allow for growing local food, enhancing community aesthetics, and providing quality green spaces within the Town.

Community gardens and greenhouses will generally be permitted in all land use designations, provided that: the design and siting of any buildings and structures are in keeping with the character of the surrounding area; sufficient parking is available; and the community garden or greenhouse use will not detract from the primary function and use of the area.

3.1.7 Public Infrastructure and Utilities

Public infrastructure uses and utilities, such as power (excluding alternative energy systems and renewable energy systems), water services, roads, railways, telecommunications, but not including waste disposal sites, will generally be permitted in all land use designations, provided that such use or utility is necessary and appropriate in the location and is compatible with surrounding uses.

Municipal water and sewage treatment plants will be permitted in any land use designation, subject to all necessary approvals being obtained from the Ministry of the Environment and Climate Change (MOECC), and being appropriately zoned in the Zoning By-law. The relative location of sewage treatment plants and sensitive uses shall also follow applicable MOECC Guidelines.

Utility improvement is an ongoing process requiring replacement of existing facilities and creation of new sites for utility related functions, such as transformer stations, pumping stations, valve stations, etc. Planning Board and Council shall actively seek to co-ordinate the siting of these utilities within rights-of-way and the co-ordination among utilities in order to avoid the unnecessary duplication of rights-of-way or easements.

Each utility company should be consulted in the development, design, and approval stages for new development or redevelopment to allow time to plan for utility provisions.

3.1.8 Wayside Pits and Quarries

Wayside pits and quarries, portable asphalt plants, and portable concrete plants are temporary operations established by or on behalf of a public road authority on short notice solely to fulfill an immediate road construction or maintenance need. Wayside pits and quarries, portable asphalt plants, and portable concrete plants are generally permitted throughout the Planning Area without the need to amend this OP or the Zoning By-law, provided no severe environmental disruption will occur and the site is not: within existing residential areas or designated wetlands; or proximate to any waterbody or watercourse.

Adequate buffering and visual screening shall be provided to minimize any adverse effect of dust and noise on adjacent roads, land uses waterbodies and watercourses. The Planning Board and Town Council shall require a rehabilitation plan as a condition of approval.

3.1.9 Energy Conservation, Water Conservation, Air Quality Improvement, and Waste Reduction

The Planning Board and Town Council shall promote energy conservation, water conservation, air quality improvement, and waste reduction by:

- a. Initiating, participating, and cooperating in programs, including public education and awareness;
- b. Encouraging infill and intensification of existing built-up areas and the efficient use of existing infrastructure;
- c. Incorporating energy conservation measures and using environmental design standards, such as LEED, into site and building design;
- d. Encouraging the use of walking, bicycling, and carpooling as alternatives to private automobile use;
- e. Promoting design and orientation of subdivisions and developments, which maximize the use of alternative or renewable energy systems, such as solar and wind energy, at appropriate locations;
- f. Encouraging the reuse and multiple uses of treated water, including stormwater;
- g. Encouraging the planting of native trees, shrubs, and other ground vegetation for temperature reduction and infiltration;
- h. Encouraging development proposals to provide adequate waste disposal, recycling, and composting facilities;
- i. Supporting innovative waste collection and diversion programs; and
- j. Supporting the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive reuse of older and existing building stock.

3.1.10 Adaptive Design for Climate Change

The Planning Board and Town Council shall encourage community infrastructure and proposed developments that take into account the potential impacts from climate change by promoting the following:

- a. The protection, enhancement, and restoration of significant natural heritage features and areas;
- b. Green industries and green building technologies and construction practices;
- c. Environmental designs and retrofits of buildings and infrastructure that reduce the quantity and improve the quality of stormwater runoff;
- d. The incorporation of active transportation networks and linkages in proposed developments;
- e. Tree planting and innovative green space designs that reduce energy use through shading and sheltering;
- f. The planting of native and non-native, non-invasive tree and vegetation species in proposed developments that are resilient to climate change and reduce carbon footprints;
- g. Artificial shading in appropriate locations;
- h. Greater use of permeable surfaces and pervious pavement, where appropriate, to reduce flood risk and strains on sewer and stormwater infrastructure;
- i. The establishment of community gardens in suitable locations that have maximum exposure to sunlight; and
- j. Public education and awareness of measures to reduce the effects of climate change.

3.2 Housing

3.2.1 Affordable Housing

Affordable housing shall be encouraged through infilling and intensification where servicing is appropriate, by encouraging non-profit housing, and an appropriate mix of housing types and low to medium densities. The Planning Board and Town Council will encourage affordable rental housing accommodation in existing and new housing stock. Secondary dwelling units and garden suites shall be considered a form of affordable housing.

The Town of Smooth Rock Falls will target a 5% ratio of affordable housing units in all new development.

The Town Council may participate in federal and provincial housing programs designed to provide affordable housing in the community and may collaborate with the Cochrane District Social Services Administration Board (CDSSAB) and other agencies as appropriate, to identify and respond to affordable housing needs in the community.

Council will work co-operatively with TTN in promoting and planning for affordable housing.

3.2.2 Secondary Units

Secondary units (also known as accessory apartments, basement apartments, or in-law suites) are self-contained dwelling units with a separate entrance, located within and subordinate to an existing dwelling unit or within an accessory building.

Secondary dwelling units will be permitted throughout the Town in any land use designation that permits a residential use, provided that: they comply with the Ontario Building and Fire Codes; they can be accommodated with the proper servicing; and they are compatible with surrounding land uses.

The Zoning By-law will set out those zones in which a secondary unit is permitted as-of-right. The Zoning By-law shall also include regulations for unit size, on-site parking and other performance standards.

3.2.3 Garden Suites

Garden suites are one-unit detached residential structures containing bathroom and kitchen facilities that are ancillary to existing residential structures and designed to be portable. They provide an affordable housing option that supports changing demographics, allows for aging in place, and provides opportunities for reasonably-priced accommodation.

Garden suites shall be permitted in conjunction with a single-detached dwelling throughout the Town, provided that: they comply with the Ontario Building and Fire Codes; they can be accommodated with the proper servicing; and they are compatible with surrounding land uses. A garden suite may only be permitted through a temporary use By-law and the use shall not exceed twenty (20) years from the date of passing the by-law. Extensions for further periods of not more than three years each during which the temporary use is authorized may be granted by Council or Planning Board by By-law per s.39.1(4) of the *Planning Act*.

The Zoning By-law shall include regulations for unit size, setbacks, on-site parking and other performance standards.

The Planning Board and Town Council may require the property owner to enter into an agreement dealing with such matters related to the temporary use of the garden suite, including:

- a. The installation, maintenance, and removal of the garden suite;
- b. The period of occupancy of the garden suite by any persons named in the agreement; and
- c. The monetary or other form of security that may be required for actual or potential costs related to the garden suite.

3.2.4 Group Homes

A group home is a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving family) live as a family under responsible supervision consistent with the particular requirements of its residents. The home is licensed or approved under provincial statutes and in compliance with municipal by-laws.

Group homes shall be permitted in all land use designations which permit a residential uses and shall be encouraged to locate in proximity to community services and facilities that may serve its residents. Appropriate performance standards for group homes will be included in the Zoning By-law and the Planning Board and Town Council will provide input to the provincial licensing or approval authorities on any applications for group homes in the Planning Area.

3.3 Urban Settlement Area

The Urban Settlement Area is the Settlement Area for the Planning Area. It is the service centre for the majority of residents in the Planning Area and is where municipal water and sewer services are provided. Population growth, development, infill, redevelopment, and intensification, for the Planning Area shall be directed to the Urban Settlement Area. Based on the projections outlined in the Background Report to this OP, there is sufficient land designated as Urban Settlement Area on Schedule B to this OP in order to accommodate anticipated growth and to meet the demands for a range and mix of employment, housing, and other land use needs for the planning period to the year 2034.

3.3.1 Residential Designation

The Urban Settlement Area will allow for a variety of housing types (i.e. single detached dwellings, semi-detached, townhouse style, low-rise multi-unit developments, etc.) and accommodate and encourage a variety in size, design, tenure, accessibility, and affordability to meet the housing needs of the Planning Area. The implementing Zoning By-law will provide zones that are categorized by dwelling type and include performance standards.

Secondary dwelling units, garden suites, and group homes are considered residential uses and are permitted in accordance with the policies of this Plan.

The Planning Board and Town Council shall also encourage medium and high density buildings that are designed for occupancy by seniors, including seniors' apartment buildings, assisted living facilities and long-term care facilities. Related commercial uses may also be permitted. When reviewing such proposed seniors' facilities, the Planning Board and Town Council shall consider the following:

- a. The type and size of the proposed seniors' facility;
- b. The provision of infrastructure services and parking;
- c. The location of the proposed facility in relation to other existing facilities;
- d. The proximity to required support services and facilities;

- e. Proposed buffering provisions that shall serve to minimize any potential adverse effects on adjacent properties;
- f. The design of the proposed seniors' facility in relation to the character, scale, massing, height and streetscape features of adjacent buildings.

The development of any new seniors' facility and related commercial uses, including the conversion of an existing building, shall be subject to a site-specific Zoning By-law Amendment and site plan control.

The development of a mobile home park shall require an amendment to this Plan. Such amendment shall consider such factors as proposed land uses, densities, internal design, aesthetics, landscaping, and the physical relationship of the mobile home park to existing adjacent development. A mobile home park shall be considered a mobile home development under single ownership, managed by a mobile home park operator and not being a registered plan of subdivision. The form of servicing will be subject to the policies of Section 6.2, including any requirement for a Responsibility Agreement.

Complementary land uses may be permitted in the Residential Area where they are compatible with the residential environment, including parks and open space, public and institutional uses, and community facilities.

Home-based businesses are permitted in the Residential Designation, subject to the policies of Section 3.1.4 of this Plan, and may require approval of a site-specific Zoning By-law Amendment.

Local commercial uses and personal services uses may be permitted in the Residential Area, where they are compatible with the surrounding residential area, and may require a site-specific Zoning By-law Amendment. Compatibility will be assessed based on the following:

- a. Potential affects to the character of the surrounding residential area;
- b. Noise and traffic generation; and
- c. Overall number of local commercial uses, location, and design.

3.3.2 Employment Designation

The Employment Designation is generally located along Highway 11, along Main Street, and along the Mattagami River north of Highway 11, including the former Tembec site. These lands shall allow for a wide variety of commercial, institutional, and industrial uses which provide employment in the Town. It is the intent of this Plan to encourage growth of the business function of this area by promoting the expansion of commercial, industrial, and public uses and by encouraging investment in community improvements.

The area located in Lot 23, the southern half of Lot 24, and the western half of Lot 22, Concession VII, is designated Employment. This area is strategically located with rail access and the natural gas utility pipeline and may be ideally suited for utility-related or other employment uses that are land-intensive and low employment per hectare. The policies of the Employment designation apply to this area. The Town does not intend to provide municipal services to this area, and as such proposed uses shall be dry uses. Proposed uses shall be placed in the appropriate zoning category.

3.3.2.1 Commercial and Institutional Uses

Permitted commercial and institutional uses shall include but not be limited to retail operations, offices, restaurants, motels and hotels, personal and related services, tourist services and facilities, entertainment

uses, institutions, government and public operations, and general business activities appropriate to the Urban Settlement Area.

In recognition of the existing character of the area, existing low to medium density residential development shall also be permitted along Main Street. Secondary dwelling units may be permitted in the Employment Area, when accessory to a commercial or institutional use. Mixed-use buildings that provide for the integration of two or more permitted uses, other than light industrial, shall also be permitted.

Appropriate landscaping and buffering shall be provided along road frontages and along boundaries with residential uses. In order to promote a denser, more urban environment along Main Street, reduced parking requirements may be considered.

Improvements to the Employment Area will be encouraged by such means as CIPs, business improvement areas, redevelopment, renovation, and land assembly programs, and by the construction of new commercial buildings.

3.3.2.2 Industrial Uses

Industrial uses may be permitted at the former Tembec site, and along Highway 11, subject to adequate separation distances as per MOECC Guidelines when proposed near sensitive land uses. Separation distances will vary depending upon the nature of the proposed industrial use. The approval of development proposals shall be based upon the achievement of adequate separation distances and the recommendations of the required studies. The intent of this OP is to group industrial uses so as to maximize their compatibility and minimize any negative impacts on nearby residential or other sensitive land uses.

Permitted industrial uses shall include but not be limited to warehousing, processing, manufacturing, assembling, fabricating, railway uses, and storage. In addition, certain other compatible uses are permitted, such as commercial uses accessory to industrial uses, commercial uses primarily serving the industrial area, wholesale uses, office uses, other quasi-industrial, or service or business uses, and commercial uses which require large sites for storage.

Industrial uses shall be placed in an Industrial zoning category in the implementing Zoning By-law. Performance standards shall also be included that separate, screen, or otherwise buffer adjacent sensitive land uses from open storage areas, noise, odour, and other impacts.

3.3.3 Mixed Use Designation

The area to the west of the Mattagami River, in Lot 25, Concession IX, is designated Mixed Use. The Town intends to permit a range of uses, to take advantage of economic development opportunities as they arise, including development of residential and/or commercial uses. The policies of the Residential designation or Employment designation will apply pursuant to the proposed use of lands. The Town does not intend to provide municipal services to this area. Proposed uses shall be placed in the appropriate zoning category.

3.4 Environmental Protection Designation

The Environmental Protection designation includes lands subject to environmental issues such as flooding, poor drainage, organic soils, erosion, steep slopes, or other environmentally detrimental conditions. The intent is to identify such areas where most forms of development should be discouraged unless appropriate measures are taken to protect both the environment and development.

Permitted uses may include agriculture, forestry, conservation areas, outdoor recreation facilities, marine facilities, and similar uses.

No buildings of a permanent nature except for flood or erosion control structures, marine facilities, rest rooms, shelters, or similar uses, and no placing or removal of any fill, whether originating on the site or elsewhere, shall be permitted except in accordance with the regulations of the Ministry of Natural Resources (MNR). The Planning Board and Town Council will seek technical advice from the MNR when considering any development proposal for such areas.

Where any lands designated as Environmental Protection are under private ownership, this OP does not intend that such lands will necessarily remain as such indefinitely, nor shall it be construed that such areas are free and open to the general public, or that such lands will be purchased a public agency. An application for re-designation of such lands for other purposes may be given due consideration by the Planning Board after having regard to:

- a. Existing environmental and/or physical problems;
- b. Potential impacts of these problems;
- c. Proposed methods for overcoming these problems in a manner consistent with accepted engineering techniques and resource management practices; and
- d. A full engineering report which must indicate that such problems will not be transferred to another area.

If any development or redevelopment in an Environmental Protection area required remedial works to overcome an environmental and/or physical problem, the Planning Board and Town Council may require that an agreement be entered into by the proponent whereby the proponent agrees to pay the entire costs of such remedial works.

3.5 Rural Designation

Lands designated Rural are not intended for future growth. A goal is to protect and enhance these areas to be used for recreation, tourism, agriculture, timber, wildlife, and aggregate resources. The amount and type of development in the Rural designation shall be consistent with maintaining its rural, natural heritage landscape.

3.5.1 Rural Residential Uses

Limited low density residential development is permitted in the Rural designation and shall generally be single detached dwellings. The conversion of existing single detached dwellings into semi-detached or duplex dwellings may be permitted in accordance with the provisions of the Zoning By-law.

Rural residential development shall not require additional municipal water or sewer services, including the creation of new partial services.

One single detached dwelling is permitted on an existing lot, provided that it fronts onto a public road that is maintained year-round. The lot must also have the capability to provide an individual on-site sewage disposal system and water supply with both quantity and quality suitable for domestic uses.

Development shall be located to ensure that the impact on natural heritage features will be minimal.

Where the number of lots being proposed requires that the development will be by plan of subdivision, the policies of Section 7.3.1 shall be followed.

The development of a mobile home park shall require an amendment to this Plan. Such amendment shall consider such factors as proposed land uses, densities, internal design, aesthetics, landscaping, and the physical relationship of the mobile home park to existing adjacent development. A mobile home park shall be considered a mobile home development under single ownership, managed by a mobile home park operator and not being a registered plan of subdivision. The form of servicing will be subject to the policies of Section 6.2, including any requirement for a Responsibility Agreement.

3.5.2 Waterfront Areas

The Waterfront is a sensitive area and, as such, permitted uses are limited to single detached dwellings, tourist commercial, and other commercial uses that relate to the waterfront area (i.e., resorts, camps, restaurants, and attractions), and Open Space uses.

The waterfront area generally includes lands which form the bed of any waterbody and those lands extending inland 150 metres (500 feet) from any standing waterbody greater than 8 hectares (20 acres) in area or any substantive river, creek or other waterbody identified in this Plan.

All buildings, structures, and tile fields will be set back at least 30 metres (98 feet) from the high water marks of lakes and rivers.

When replacing existing buildings, structures, and tile fields, a 30 metre setback should be maintained. A reduction in the 30 metre setback may be considered through a Minor Variance to the Zoning By-law.

Natural vegetation within the 30 metre setback shall be disturbed as little as possible, consistent with passage, safety and provision of views and ventilation.

In order to implement these policies and to protect the natural shoreline, Planning Board and Council may use the policies of this Plan, the provisions and standards in the Zoning By-law, site plan control, and the issuance of building permits.

Before approving any development proposal within 150 metres of the waterfront, or 300 metres on a Sensitive Lake, as set out in Section 3.5.2.1 of this Plan, Planning Board and Council must be assured that the proposed development will not exceed the capacity of the lake to accommodate development. Lake capacity is determined through the completion of a Lakeshore Capacity Assessment in accordance with the Lakeshore Capacity Assessment Handbook 2010.

3.5.2.1 Sensitive Lakes

The Planning Board recognizes that certain lakes within the Planning Area are sensitive to new development. The MOECC has identified a concern with phosphorus levels on Departure Lake in Haggart Township and recommends that measures be put in place to control development. The following additional policies shall apply to proposed waterfront resource-based recreational uses including recreational dwellings in the Rural designation adjacent to the following lakes:

- Departure Lake

The natural state of the land, water and vegetation shall be preserved as much as possible in the watershed area of the lake. To ensure that the impact of development is minimized, these lands are

proposed as a Site Plan Control Area. In this area, regard shall be had for the siting of buildings and private sewage disposal facilities, the cutting or clearing of natural vegetation, and the alteration of the shoreline. Shoreline alterations, which include the adding or removing of fill or the erection of docks or breakwaters, shall require the prior approval of the MNR.

Prior to the granting of planning approvals to allow for further development (either the creation of new lots by consent or subdivision, or the intensification or conversion of existing uses) within 300 metres of Departure Lake, a Lakeshore Capacity Assessment, undertaken by the proponent, must confirm that sufficient capacity is available.

Prior to approval of any lot creation or in preparing the implementing Zoning By-law, the Planning Board and Town Council shall have regard for the following:

- a. The inclusion of minimum setbacks for dwellings and private sewage disposal facilities from the high water mark. The minimum setbacks shall meet the recommended separations required by the Health Unit.
- b. When replacing existing buildings, structures and tile fields, a 30 metre setback should be maintained. A reduction in the 30 metre setback may be considered through a Minor Variance to the Zoning By-law.
- c. Wherever possible, the natural vegetation shall be preserved between the sewage disposal facilities and the high water mark.
- d. The natural vegetation shall be maintained except that a cutting area of 10 metres wide may be made to afford a view from the dwelling to the water and to afford a waterside activity area.
- e. The shoreline will not be altered nor any fill added or removed within 30 metres of the high water mark.
- f. Any additional recommendations that are identified in the Lakeshore Capacity Assessment.

These policies shall generally apply to lands within 300 metres of the Sensitive Lake. Where an Ontario Land Surveyor determines that the height of land defining the watershed includes more or less land than the lands within 300 metres of the lake, the policies shall be interpreted as following the height of land, without requiring an amendment to this OP.

However, on existing lots, provided that the lot has frontage and direct access to a publicly-owned and maintained road, the permitted land use shall be one dwelling per lot, which shall be subject to MOECC guidelines. No additional intensive public or private recreation development shall be permitted.

3.5.3 Rural Commercial and Industrial Uses

Most commercial and industrial development will take place in the Urban Settlement Area recognized in this OP. However, it is anticipated that there may still be a need or desire for commercial and industrial development in the Rural designation. In particular, areas along Highway 11 may be appropriate for rural commercial and industrial activities.

Rural commercial and industrial uses which provide for the basic and immediate needs of the rural population and of tourists and the travelling public shall be permitted. Permitted rural commercial uses shall include, but shall not be limited to, resort and recreation commercial uses, tourist facilities, auction barns, farm related commercial and convenience commercial, flea markets, golf courses, and other highway commercial uses.

Permitted Rural industrial uses shall include, but not be limited to, agricultural processing plants, builders' supply yards, bulk storage yards, contractor yards, transportation terminals, motor vehicle repair garage, sawmill, warehousing, and other similar industrial uses.

Where industrial and rural uses are proposed on or near adjacent sensitive lands, separation distances and/or studies shall be required in support of the proposed development. The approval of development proposals shall be based upon the achievement of adequate separation distances and the recommendations of the required studies, in compliance with Section 5.3.

Proposed rural commercial and industrial uses shall be subject to the following:

- a. The use must be appropriate for the proposed location and be compatible with surrounding land uses;
- b. Access will be carefully controlled in order to avoid creating any traffic hazard;
- c. Appropriate landscaping, screening, and buffering shall be provided;
- d. Adequate parking and loading spaces will be provided;
- e. Advertising signage and outdoor storage of goods and materials will be appropriately controlled;
- f. The uses will be placed in a separate category in the Zoning By-law;
- g. The uses shall be dry uses; and
- h. Site conditions shall be suitable for the long-term provision of individual on-site sewage services and individual on-site water services.

Development may be subject to site plan control.

There are lands designated as Employment in Lot 23, the southern half of Lot 24, and the western half of Lot 22, Concession VII. The Town does not intend to provide municipal services to this area, but recognizes there are opportunities around the existing TransCanada pipeline. The uses permitted in the Employment designation apply to this area.

3.5.4 Agricultural Uses

Agricultural uses are permitted in the Rural designation. New land uses, including the creation of lots, and new or expanding livestock facilities shall respect Minimum Distance Separation (MDS) Formulae and will be placed in the proper zoning category. The Planning Board recognizes that the MDS guidelines provide options for municipalities. These will be evaluated on a site-specific basis.

The Town's Urban Settlement Area will continue to permit existing agricultural operations, but will not enforce the MDS regarding new development as the agricultural use is considered as a short-term use of these lands.

3.5.5 Mineral Mining

Mining activity is regulated by the *Mining Act* and administered by the Ministry of Northern Development and Mines (MNDM). Various Acts administered by the MOECC and other Federal and Provincial legislation also apply. As such, this OP does not regulate mining exploration or underground mining operations. Notwithstanding, surface operations associated with mines may be subject to the *Planning Act* and therefore would be subject to the MOECC guidelines respecting incompatible uses.

Permitted uses may include mining and mining-related uses, mineral aggregate uses, smelting and refining uses, pits and quarries and related uses, and accessory uses and structures associated with mining. For lands to be used for a mineral mining operation, an amendment to the Zoning By-law shall

occur where such lands are not pre-zoned. In considering an amendment to the Zoning By-law to permit a mining or mining-related use or the expansion of an existing use, the Planning Board and Town Council will consider:

- a. The impact on the environment, particularly new mining operations, which must be located where there will be little or no impact on natural heritage features and areas;
- b. Indirect impacts on utilities and services;
- c. The impact on surrounding land uses;
- d. The aesthetic appearance of the proposed development; and
- e. The benefit of the mining or mining-related use.

This OP recognizes the concept of an influence area in order to offer mutual protection from incompatible uses for sensitive land uses or the extraction and processing activities in areas protected for mineral mining operations. Unless a detailed study recommends otherwise, a distance of 1,000 metres from the edge of a mining operation will be considered as an influence area. Development proposals will be considered based on studies of compatibility, environmental impact assessment, groundwater, noise, dust, vibration, and other appropriate matters.

Past producing mining operations or active mining operations are subject to the provisions of the *Mining Act* with respect to rehabilitation and/or closure.

3.5.6 Aggregate Extraction

Aggregates such as sand, gravel, and other materials are non-renewable resources. Aggregate resource extraction should be considered an interim land use. If appropriate rehabilitation measures are used, sites of aggregate extraction can be returned to a subsequent productive use compatible with surrounding land uses. The OP provides for the continuation and expansion of existing pits and quarries and the introduction of new pits and quarries. The potential impacts of pits and quarries on other land uses are also taken into account.

Pits and quarries are regulated under the *Aggregate Resources Act*; however, the Town and Haggart Township are not designated under the *Aggregate Resources Act*. Therefore, the *Aggregate Resources Act* and associated regulations apply to Crown Land, but do not apply to private land in the Planning Area. It is the intention of the Planning Board and Town Council to protect, wherever possible, aggregate resources and aggregate extraction and to ensure that the resources are utilized in accordance with proper controls.

The implementing Zoning By-law will zone existing pits and quarries and include performance standards.

Proposed new or expanding pits and quarries will be subject to a Zoning By-law Amendment. The supporting information from the applicant shall include, but not necessarily be limited to, the following:

- a. The location, nature, extent, and economic potential of the mineral deposit;
- b. The nature and location of adjacent land uses;
- c. The location of access and haulage routes;
- d. Reports from qualified professional regarding traffic, haulage routes, separation distances, noise, blasting, hydrogeology, drainage, environmental impact, archaeological assessment, heritage impact assessment, and any other relevant matters; and
- e. Mining or quarry plans and supporting information related to site development, landscaping and buffering, operations, decommissioning as well as progressive and final site rehabilitation.

Where supported by appropriate technical studies, a separation distance from an aggregate operation to a sensitive land use lesser than the identified influence area may be permitted, however the minimum required separation distance shall be no less than:

- 300 metres from a pit; or
- 500 metres from a quarry.

3.5.7 Outdoor Recreation and Tourist Commercial Uses

Outdoor recreation uses including sports and recreation clubs, tourist facilities, shoreline parks, boat launches, nature trails, and wildlife reserves are permitted in the Rural designation, in addition to recreational and tourist commercial uses such as marinas, golf courses, campgrounds, bed and breakfast establishments, antique outlets, tent and trailer parks, and other such uses in accordance with the following:

- a. Outdoor recreation uses shall be appropriate for the proposed location and be compatible with surrounding uses;
- b. Adequate parking and loading spaces shall be provided;
- c. Advertising signage and outdoor storage of goods and materials will be appropriately controlled; and
- d. Outdoor recreation uses shall be zoned in the implementing Zoning By-law and may be subject to site plan control.

3.5.8 Rural Designation in Haggart Township

In accordance with the policies in this OP, on Rural lands in Haggart Township, permitted uses shall be:

- Mineral mining;
- Aggregate extraction;
- Forestry;
- Outdoor recreation uses; and
- Recreational dwellings.

3.6 Crown Land

The majority of the land within the Planning Area is Crown Land, administered by the MNR. Crown land is shown on the schedules as an overlay, and does not represent a land use designation.

While the Crown is not bound by the policies or land use designations of this Plan, the Planning Board and Town Council will work with the Province to determine the future use and development of Crown Lands. The Province is encouraged to consult with the Planning Board and Town Council when making land use decisions concerning Crown Lands. This OP shall be binding on any lands that cease to be Crown Lands, either by sale or transfer into private ownership, or tenanted development via leases or land use permits.

Mineral exploration and mining are approved activities on Crown Lands. Under the *Mining Act*, MNDM is responsible for the administration of mineral rights.

4.0 PROTECTING NATURAL ENVIRONMENT & CULTURAL HERITAGE

4.1 Water Resources

Water resources are addressed from a number of perspectives in this OP. Natural heritage policies address water quality and quantity through the protection of natural heritage features and areas such as lakes, rivers, streams, and waterway corridors, and fish habitat. Water resources are also protected through stormwater, water supply, and sewerage policies.

The Planning Board and Town Council will seek to protect, improve, and/or restore groundwater and surface water resources through its planning approval processes. The Planning Board and Town Council will also promote efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality.

Development and site alteration will be restricted and development approaches may be required in or near sensitive surface water features and sensitive groundwater features in order to protect, improve, and/or restore these features and their related hydrologic functions.

Shoreline development shall follow the policies of Section 3.5.2 that aim to protect, improve, and restore water quality and quantity.

4.2 Sourcewater Protection

The Planning Board and Town Council will participate in the preparation and implementation of source protection plan(s) under the provisions of the *Clean Water Act* and the OP will be amended, as required, to conform to relevant policies set out in an approved source protection plan.

Source protection plan(s) will identify potential threats to drinking water quality and quantity and recommend appropriate protection measures including, where warranted, restrictions on development within the watershed.

Where appropriate, a water intake protection zone restricting development may be implemented through the Zoning By-law to protect the Planning Area's source water. Subject to the completion of a study to determine the area of influence, all uses and activities proposed within the water intake protection zone may be prohibited unless the development proponent demonstrates that the proposed use or activity will not have a negative impact on water resources.

The Planning Board and Town Council will cooperate with provincial agencies to ensure that:

- a. Water quality and quantity goals and objectives identified in source protection plan(s) are achieved; and
- b. All abandoned, unused, or 'dry' wells are properly decommissioned.

4.3 Natural Heritage Features and Areas

Planning Board and Council encourages the protection and enhancement of natural heritage features and areas. This Plan identifies natural heritage features by way of overlays. Habitat of Endangered and Threatened Species

Development and site alteration shall not be permitted in the habitat of endangered and threatened species. Screening maps from the MNR showing areas of documented occurrences of endangered and

threatened species and regulated habitats will identify where this policy applies. In order to protect the exact location of such habitat or species, the MNR shall be consulted for further information.

Development and site alteration shall not be permitted on adjacent lands within 120 metres of such habitat unless an Environmental Impact Study (EIS), which is carried out in accordance with Section 4.4 of this OP by a qualified professional, has demonstrated that there shall be no negative impact on the adjacent lands or their ecological function. The MNR shall approve the extent of habitat identified in the EIS.

4.3.1 Significant Wildlife Habitat

Significant wildlife habitat identified in the Planning Area includes:

- Moose Aquatic Feeding Areas;
- Moose Wintering Areas;
- Nesting Sites for bird species; and
- Waterfowl Staging Areas.

Development in areas of significant wildlife habitat or within 120 metres of significant wildlife habitat shall be permitted only where an EIS, which is carried out in accordance with Section 4.4 of this OP by a qualified professional, has demonstrated that there shall be no negative impact on the habitat or its ecological function. In the case of adjacent lands, the ecological function of the adjacent lands must also be evaluated.

4.3.2 Fish Habitat

The Planning Area's rivers, streams, and lakes support a variety of fisheries. However, these habitats are vulnerable to degradation from factors such as channelization, loss of stream bank vegetation, untreated runoff, changes to stormwater flows, and sedimentation. MNR is the provincial fisheries manager and shall be consulted to determine what fish community information may be available for a specific location prior to development. Known fish spawning areas are indicated on the OP Schedules.

Serious harm to fish that are part of a commercial, recreational, or Aboriginal fishery or harm to fish that support such a fishery is prohibited under the *Fisheries Act*. Development and site alteration shall not result in a net loss of fish habitat or negatively impact fish passage.

Development and site alteration shall not be permitted within 30 metres of fish habitat, except in accordance with relevant provincial and federal requirements. Development that proposes a decrease to the 30 metre setback shall only take place where it has been demonstrated, through a fish habitat assessment, that a net environmental gain of the productive capacity of the area will be achieved. In this assessment, a fish habitat biologist shall be required to provide a detailed impact analysis exploring development design and location options for the purpose of clearly demonstrating avoidance of any predicted harmful impacts.

Development in areas within 120 metres of fish habitat shall be permitted only where an EIS, which is carried out in accordance with Section 4.4 of this OP by a qualified professional, has demonstrated that there shall be no negative impact on the habitat or its ecological function. In the case of adjacent lands, the ecological function of the adjacent lands must also be evaluated.

4.3.3 Areas of Natural and Scientific Interest

Development and site alteration shall not be permitted on adjacent lands within 120 metres of Areas of Natural and Scientific Interest unless an EIS, which is carried out in accordance with Section 4.4 of this OP by a qualified professional, has demonstrated that there shall be no negative impact on the adjacent lands or their ecological function.

No Areas of Natural and Scientific Interest have been identified as of the date of adoption of this OP. Despite this, it is possible for Areas of Natural and Scientific Interest to exist in the Planning Area. Should any Areas of Natural and Scientific Interest be identified in the future through an amendment to this OP or through any EIS, the policies of this section shall apply.

4.3.4 Significant Wetlands

Wetlands are areas of swamps, bogs, marshes or fens which are valuable in their natural state for biological, social or hydrological reasons. Provincially Significant Wetlands are evaluated and approved by the MNR and, based on wetland functions and features, classified according to their significance.

Development and site alteration of Provincially Significant Wetlands is not permitted. Within a wetland, the only permitted uses shall be:

- Open space and passive recreational uses which do not involve site alterations and do not adversely affect the natural features or ecological functions of the wetland;
- Conservation uses which improve the ecological functions of the wetland; and
- Uses of a scientific or educational nature.

Development and site alteration shall also not be permitted on adjacent lands within 120 metres of a Provincially Significant Wetland unless an EIS, which is carried out in accordance with Section 4.4 of this OP by a qualified professional, has demonstrated that there shall be no negative impact on the adjacent lands or their ecological function.

No Provincially Significant Wetlands have been identified as of the date of adoption of this OP. Despite this, it is possible for Provincially Significant Wetlands to exist in the Planning Area. Should any Provincially Significant Wetlands be identified in the future through an amendment to this OP or through any EIS, the policies of this section shall apply.

4.3.5 Land Stewardship

The Planning Board and Town Council shall:

- a. Encourage, support and initiate, as appropriate, public education and awareness initiatives for the protection, rehabilitation and enhancement of natural heritage features;
- b. Encourage innovative development patterns and techniques that support and strengthen natural heritage features; and
- c. Encourage land stewardship options, including protecting private lands through easements, purchase, tax incentives, and dedication to land trusts to preserve and enhance natural heritage features.

4.4 Environmental Impact Studies

A preliminary Ecological Site Assessment (ESA) which identifies significant features that may be affected by development may be required prior to development approval, depending on available background information. The ESA, if required, will be used to determine whether an EIS is required.

An EIS will be required for development in or adjacent to natural heritage features. An EIS will evaluate the ecological function of natural heritage features and adjacent lands and assess potential impacts on the features and/or adjacent lands. Development and site alteration is not permitted unless the EIS demonstrates that there will be no negative impacts on the natural features or their ecological functions.

The terms of reference and guidelines for an ESA and/or EIS will be determined by the Planning Board and Town Council in accordance with the Natural Heritage Reference Manual. Generally, an EIS, when required, will be considered required for a “complete” planning application. Studies will be completed at the expense of the development proponent.

4.4.1 Scoped Environmental Impact Study

The Planning Board and Town Council may consider reducing an EIS to a scoped study if the proposal is:

- a. Minor in nature (construction of small accessory buildings or a minor addition to an existing building); or
- b. Located in an area where previous municipal studies are sufficient to provide the necessary technical information to assess a proposal.

A scoped EIS will involve a checklist that can be completed by the proponent in consultation with the Planning Board, Town Council, or other appropriate approval authority. If the scoped study indicates that there may be potential impacts that warrant greater review, a full EIS shall be prepared.

4.4.2 Full Environmental Impact Study

Where a full site EIS is required, the study must be prepared by a qualified professional with expertise in environmental science. Terms of Reference will be prepared to guide the development of an EIS, and will generally:

- a. Define and assess the nature and the boundaries of any significant features and ecological functions on or adjacent to the site;
- b. Describe the location, extent, and nature of the proposed development;
- c. Describe the relationship of adjacent lands to any significant features or ecological functions;
- d. Assess areas within the development site and in a landscape context supporting ecological function and biodiversity of natural heritage systems;
- e. Outline potential impacts and assess potential negative impacts;
- f. Describe any mitigation or compensation proposals designed to alleviate or eliminate impacts and identify residual impacts; and
- g. Identify whether residual impacts are “negative impacts”; and
- h. Include any other requirements as identified by the Planning Board or Town Council.

4.5 Cultural Heritage Resources

The Town Council has entered into a data-sharing agreement with the Ministry of Tourism, Culture and Sport (MTCS) to obtain archaeological site location information. Presently there are no identified cultural heritage resource sites in the Planning Area.

The Planning Board and Town Council recognize the importance of cultural heritage resources and will encourage the identification, conservation, restoration, and enhancement of these resources. The Planning Board and Town Council support awareness and participation with the public and First Nations surrounding heritage resources, through the implementation of the following policies.

Cultural heritage landscapes refer to a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. Several individual heritage features such as structures, spaces, archaeological sites, and natural elements, together form a significant landscape, distinctive from that of its constituent elements or parts. Built heritage resources include significant buildings, structures, monuments, installations, or remains associated with architectural, cultural, social, political, economic, or military history, and identified as being important to a community.

Cultural heritage sites include built heritage resources and cultural heritage landscapes that relate to the presence of First Nations.

All new development permitted by this OP shall conserve significant cultural heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner which preserves and enhances the context in which cultural heritage resources are situated.

Where development or site alteration is proposed on a property containing a designated heritage building or heritage conservation district (Parts IV and V of the *Ontario Heritage Act*), or on a property fronting on or directly abutting a property that is designated as a heritage building, a Heritage Impact Assessment (HIA) shall be required. The HIA shall be conducted by a qualified professional with expertise in cultural heritage resources to:

- a. Identify the positive and adverse impacts on the heritage resource that may be expected to occur as a result of the proposed development;
- b. Describe mitigation measures that may be required to prevent, minimize, or mitigate the adverse impacts; and
- c. Demonstrate that the proposed development will not adversely impact the defined cultural heritage value of the property, and/or its streetscape/neighbourhood.

A Heritage Impact Assessment may be required when a proposed development appears to impact cultural heritage resources which are not designated but which have the potential for cultural heritage value or interest.

The *Ontario Heritage Act* may be utilized to conserve, protect and enhance significant cultural heritage resources within the Planning Area through the designation, by By-law, of individual properties, heritage conservation districts, and/or landscapes sites. The Planning Board and Town Council may also establish a Municipal Heritage Committee (MHC) pursuant to Section 28 of the *Ontario Heritage Act* to advise and assist on cultural heritage matters.

Applicants and Planning Board shall consult First Nations where cultural heritage resources involve First Nations heritage sites or burial grounds. The applicant and/or Planning Board shall seek the First Nation's advice on the manner in which these resources and features are to be dealt with.

4.6 Archaeological Resources

Archaeological resource areas are determined through mapping and screening criteria, based on the known archaeological record or features. Such criteria include known archaeological sites, proximity to water, current or ancient shorelines, cemeteries, sandy soils, rolling topography, unusual landforms, historic transportation features such as portage routes, places of past human settlement, or places significant to history and understanding of a people or place.

Significant First Nations and non-First-Nations cemeteries or unmarked burial sites may also be considered as archaeological resources. In the event that human remains or cemeteries are encountered during site assessment or development, all work shall cease and the site shall be secured. The appropriate authorities shall be notified and the required provisions under the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* shall be followed. All relevant First Nations communities shall be consulted for input where any burial site or remains is considered to be of potential First Nations origin. The applicant and/or Planning Board shall seek the First Nation's advice on the manner in which these resources and features are to be dealt with. The Planning Board and Town Council may require that the development proponent retain archaeologists licensed under the *Ontario Heritage Act* to assess or monitor the site and recommend conservation strategies.

Where a development proposal or waterfront development or site alteration is located on lands with significant archaeological resources or is within an area considered to have archaeological potential, a licensed archaeologist, through archaeological fieldwork, determines which stages of assessment are required.

A Phase I Archaeological Assessment in accordance with requirements of MTCS shall be required to determine the nature and extent of the resources on the site. The study shall be conducted by an archaeologist licensed under the *Ontario Heritage Act* and shall be submitted to the Planning Board, Council, and the MTCS prior to development approval.

Where resources are found on site, further investigations through a Phase II and potentially Phase III Archaeological Assessment may be required. The study may identify the need for archaeological preservation in situ or rescue excavation of significant archaeological resources as a result of development proposals. In situ preservation is preferred to ensure that the integrity of the resource is maintained. If the site is determined to be significant the development may be prohibited.

Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*.

4.6.1 Marine Heritage Resources

A marine archaeological survey to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* may be required if partially or fully submerged marine features or items of cultural heritage value are identified and impacted by shoreline and waterfront developments.

Any marine archaeological resource that is identified must be reported to the MTCS immediately. MTCS shall determine whether the resource shall be left on location or may be removed, through excavation, by licensed marine archaeologists.

5.0 PROTECTING PUBLIC HEALTH & SAFETY

5.1 Natural Hazards

Planning Board and Council shall minimize the risk to public safety and to property by restricting development within areas identified as being susceptible to natural hazard processes, such as flooding erosion, and wildland fire. Development is strictly prohibited in areas of natural hazards for:

- a. Uses associated with hospitals, nursing homes, schools, and day cares, where there is a threat to safe evacuation of the sick, the elderly, persons with disabilities, or the young during an emergency as a result of flooding, failure of flood-proofing, and/or erosion;
- b. Essential emergency services such as fire, police, ambulance stations, and electrical substations that could be impaired in the case of flooding, failure of flood protection works, and/or erosion; and
- c. Uses associated with the disposal, manufacture, treatment, or storage of hazardous substances and outdoor industrial storage.

Prior to permitting new development or redevelopment in areas susceptible to potential natural hazards, the Planning Board and Town Council will be satisfied that potential hazards associated with the hazard can be avoided or acceptably mitigated. Decisions should also consider the potential of climate change to increase risks associated with natural hazards.

5.1.1 Flooding Hazards

Flood plain management policies are intended to prevent the loss of life, to minimize property damage and social disruption, and to encourage a coordinated approach to land use and water management.

For the purpose of this OP, a flood plain shall mean low lying lands adjacent to watercourse corridors defined by the 1:100 year flood or defined by specific right-to-flood levels. Some flood plain areas are identified and designated as Environmental Protection; however it is recognized that not all flood plain areas may be identified on the OP Schedules. Where a proponent is proposing to develop in close proximity to a watercourse where a flood line study has not been completed, the proponent may be required to undertake a detailed flood line study.

The Mattagami River Watershed is controlled in a number of places by hydroelectric reservoirs and generating stations with specific operating levels.

The Gemini-SRF Generating Station is located on the Mattagami River at the northwestern corner of the Urban Settlement Area, between Lots 24 and 25 and at the northern boundary of Concession IX. Ontario Waterpower Association's (OWA) Water Management Plan for the Mattagami River indicates that following operating levels for the Gemini-SRF Power Generating Station:

Operating Range:	228.77 – 228.89 m
Absolute Range:	223.28 – 228.92 m
Flood Allowance:	228.92 m max

The Lower Sturgeon Generating Station is located on the Mattagami River, about 48 kilometres north of Timmins and 50 kilometres south of Smooth Rock Falls, upstream from the Town. The OWA's Water Management Plan for the Mattagami River indicates the following operating levels for the Lower Sturgeon Generating Station:

Operating Range:	256.47 – 258.42 m
Absolute Range:	256.17 – 258.60 m
Flood Allowance:	258.42 – 258.60 m

In addition to a setback from the flood elevation, a setback of 30.0 metres from both banks of a river is generally set aside for protection.

Development shall not be permitted within the flood plain except for:

- a. Flood and/or erosion control structures;
- b. Shoreline stabilization;
- c. Minor additional and/or renovations to existing structures in accordance with the policies below;
- d. Minor recreational facilities which, by their nature, must locate near watercourses; or
- e. Uses such as agriculture, forestry, conservation, wildlife management, and similar activities, provided that no associated buildings and structures are located on the flood plain.

5.1.2 Erosion Hazards and Unstable Soils

Erosion hazards and unstable soils can cause the loss of land, such that the land may be unable to support structures, and therefore pose a threat to life and property. Development shall only be permitted where the effects of erosion hazards and unstable soils can be avoided or, in the case of existing development, successfully mitigated.

While areas that are susceptible to erosion hazards and unstable soils have not been mapped, this issue should be considered at the time of development review and site assessment.

Land uses that are in conformity with the underlying land use designation may be permitted, subject to satisfying the policies of this Section, except for those uses that are explicitly prohibited in Section 5.1. Existing buildings and structures shall be recognized as permitted uses.

A geotechnical study may be required for proposed development on sites with identified erosion hazards or unstable soils. The study shall be completed by a qualified geotechnical engineer, consistent with criteria established in MNR guidelines. For new development, the geotechnical study shall satisfy that the erosion hazards can be avoided. In the case of existing development undergoing expansion or change of use, such study will determine how the erosion hazard can be mitigated.

5.1.3 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 MNR.

In the absence of detailed municipal assessments, proponents submitting a planning application shall undertake a site review to assess for the presence of areas of high to extreme risk for wildland fire on the subject lands and adjacent lands (to the extent possible). If development is proceeding where high to extreme risk for wildland fire is present, measures should be identified by proponents to outline how the risk will be mitigated.

Lands determined to be of high to extreme risk for wildland fire may be designated as site plan control areas.

Wildland fire mitigation measures which would result in development or site alteration shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

5.2 Human-made Hazards

5.2.1 Contaminated Sites

Contaminated Sites are those lands where the environmental condition of the property has been harmed through past activities. While such lands represent a potential hazard due to real or potential environmental contamination, opportunities for brownfield redevelopment may exist. The redevelopment of abandoned or underutilized industrial and commercial sites is consistent with policies encouraging increased intensification and redevelopment in built-up areas.

Contaminated sites are not mapped as part of this OP.

Prior to development on a site that is known or suspected to be contaminated, a Phase I Environmental Site Assessment (ESA) will be required.

Where a Phase I ESA reveals that a site may be contaminated, a Phase II ESA will be required, in accordance with Ontario Regulation 153/04, to be prepared by or under the supervision of a qualified professional to determine the location and concentration of one or more contaminants on the proposed development site.

A Record of Site Condition (RSC) shall be required prior to, or as a condition of, development approval on a site which may be or is contaminated in accordance with Part XV.I of the *Environmental Protection Act* and Ontario Regulation 153/04 or their successors. The RSC details requirements related to site assessment and cleanup, and must be acknowledged by the MOECC and uploaded to the Brownfields Environmental Site Registry, confirming that the site has been made suitable for the proposed use. The RSC and MOECC acknowledgment will be provided to the Planning Board and Town Council prior to final development approval and issuance of building permits.

All contaminated lands may be subject to site plan control.

The Town Council may consider financial and other incentives through a Community Improvement Plan to promote the redevelopment and reuse of brownfield properties that are subject to environmental constraints.

5.2.2 Abandoned Mine Hazards

Mine hazards may include any feature of a mine or any related disturbance of the ground that has not been rehabilitated, posing a risk to human safety and property. MNDM has indicated that there are no known mine hazards from the Abandoned Mine Information System (AMIS).

Mine hazards shall be rehabilitated and safety hazards mitigated prior to the approval of new development.

Any proposed development within 1,000 metres of known mine hazards is required to:

- a. Consult with MNM; and
- b. Conduct an impact assessment to determine whether hazards exist and, if so, whether suitable mitigation can be undertaken to allow development to occur.

5.2.3 Waste Disposal Sites and Waste Management

The existing or prior use of lands for waste management may have an effect on future land use and use of adjacent lands. Within the Planning Area, there are three (3) open and four (4) closed waste disposal sites. The municipal active site is located approximately 10 kilometres east of the urban area of the Town in Lots 5 and 6, Concessions V and VI, Township of Kendrey. The Town is undertaking a Waste Management Plan as part of its overall coordinated planning studies. The following are the existing landfill sites listed in the MOECC landfill sites database as part of the Landfill Inventory Management Ontario (LIMO):

Certificate # and Description	Location	Status
1465-7X9JG4 Smooth Rock Falls Division Client: Tembec Industries Incorporated	Lots 23 & 24, Concession 10, Township of Kendrey Town of Smooth Rock Falls	Closed
A580601 Client: The Corporation of the Town of Smooth Rock Falls	Lot 24, Concession 10, Township of Kendrey Town of Smooth Rock Falls	Closed
A580603 Smooth Rock Falls Landfill Client: Abitibi-Consolidated Company of Canada	Lot 24, Concession 10, Township of Kendrey Town of Smooth Rock Falls	Closed
A580604 Smooth Rock Falls Waste Disposal Site Client: The Corporation of the Town of Smooth Rock Falls	Lot 5 and 6, Concession 5 and 6, Township of Kendrey, Town of Smooth Rock Falls	Open
A770046 Tembec Industries Incorporated - Smooth Rock Falls Client: Tembec Industries Incorporated	1 Mill Road, Parcel 1426, Lot 23, Concession 10, Township of Kendrey , Town of Smooth Rock Falls	Open
A7065401 Client: Township of Fauquier-Strickland	West 1/2 of Lot 19, Concession 8 Township of Haggart	Closed
A7065402 Fauquier-Strickland Waste Disposal Site Client: The Corporation of the Township of Fauquier-Strickland	Lot 19, Concession 12, Township of Haggart	Open

Source: LIMO, http://www.ene.gov.on.ca/environment/en/monitoring_and_reporting/limo/landfills/

5.2.3.1 Open Waste Disposal Sites

No development, other than that related to the open waste disposal site, will be permitted within the on-site operation/maintenance buffer area as identified in the Environmental Compliance Approval (ECA) of open waste disposal sites to avoid the potential for environmental problems and/or health concerns.

Development within 500 metres from an open waste disposal site will not be permitted unless supported by studies as required by the applicable Ministry of the Environment (MOECC) requirements, *Guideline D-4 Land Use on or Near Landfills and Dumps* at the time this plan was created, to evaluate any potential for negative impacts on the proposed development related to the adjacent waste disposal site. In addition, the study will assess the proposed development's potential to impact future expansions of the waste disposal site.

Separation distances and potential influence areas will normally be measured from the boundary of the fill area specified in the ECAs to the property line of the sensitive land use.

The Zoning By-law will zone adjacent lands appropriately, prohibiting new incompatible uses that cannot be reasonably mitigated. In accordance with the *Environmental Protection Act*, no adverse effect is permitted. In areas subject to these policies, only uses compatible with the identified potential impacts may be permitted by an amendment to the Zoning By-law.

The expansion of existing sites will be permitted subject to the appropriate MOECC approvals in accordance with the Environmental Assessment and Environmental Protection Acts and implemented through amendments to the Official Plan and Zoning By-law.

5.2.3.2 Closed Waste Disposal Sites

Human health and safety may still be affected within the area of influence of a former landfill site. MOECC Any new developments or expansions of current use, located within 500 metres of the boundaries of closed landfill sites will not be permitted unless supported by studies as required by the applicable Ministry of the Environment requirements, *Guideline D-4* at the time this plan was created, to evaluate any potential for negative impacts on the proposed development related to the waste disposal site. The actual area of influence may vary for every former site.

No land use may take place within the buffer area as identified in the ECA of a former waste disposal site where technical controls for leachate, or leachate and gas are required. No uses are permitted on the location of a closed waste disposal site within 25 years of their closure without the required approval under the *Environmental Protection Act*.

5.2.3.3 New Waste Disposal Sites

The Town Council has identified that the existing disposal site will reach the approved capacity in 3.5 to 4.5 years. Prior to reaching capacity, the Town will need to plan for a new or expanded site.

The establishment of a new waste disposal site shall require an amendment to this OP and a Zoning By-law Amendment. A new waste disposal site shall be in accordance with MOECC, depending on the volume, shall require approvals under the *Ontario Environmental Assessment Act*, following *Ontario Regulation 101/07*, as amended from time to time..

Waste disposal sites shall avoid natural hazards and shall be located an adequate distance away from any natural heritage feature or any existing or proposed residential, commercial, institutional, park, outdoor recreation uses, or other sensitive land use. A report from a qualified professional which establishes appropriate separation distances based on site specific considerations will be required for new waste disposal sites.

All waste disposal sites shall be located and operated so that the contamination of any ground or surface water supply does not occur.

All waste disposal sites shall be set back a sufficient distance from a public road so that all functions related to the operation of the site can be carried on within the site so that there is no unsightly appearance visible from the road. Landscaping and buffering may be required.

All waste disposal sites shall be located so that ingress and egress points do not create a traffic hazard.

5.2.3.4 Waste Management

The Planning Board and Town Council understand the role that waste reduction and diversion efforts play in increasing the life expectancy of the existing waste disposal site and promoting a sustainable community. The Town Council has initiated recycling programs in the community. The Planning Board and town Council will continue to encourage initiatives aimed at achieving such objectives.

5.3 Land Use Compatibility Requirements

In reviewing any development application, the Planning Board and Town Council shall be satisfied that the proposed use will be, or can be made to be compatible with surrounding uses in accordance with MOECC guidelines.

Influence areas and minimum separation distances between industrial land uses and sensitive land uses will be determined in accordance with MOECC guidelines. Proponents may be required to provide supporting technical studies, prepared by qualified individuals in accordance with MOECC guidelines, to assist in the evaluation of proposed developments and, where applicable, to determine influence areas, address potential impacts, and identify appropriate separation distances and other mitigation measures.

In the absence of technical studies, prepared according to MOECC guidelines which identify an actual influence area, the minimum separation distances required between industrial uses and residential or other sensitive land uses shall be:

- Class I Industries: 70 metres
- Class II Industries: 300 metres
- Class III Industries: 1000 metres

With the support of technical studies, prepared under MOECC guidelines, the following minimum separation distances in accordance with MOECC guidelines shall apply between industrial uses and residential or other sensitive land uses:

- Class I Industries: 20 metres;
- Class II Industries: 70 metres;
- Class III Industries: 300 metres.

Separation distances between potentially conflicting land uses shall be measured in accordance with MOECC Guidelines.

Where residential or other sensitive land uses are proposed in proximity to aggregate operations or lands zoned to permit future aggregate operations, the potential influence area and minimum separation distances for Class III Industries shall apply.

All new farm and non-farm development must comply with the Minimum Distance Separation (MDS) provisions as amended from time to time.

Separation distances or appropriate remedial measures use will be established in the Zoning By-law or through development approval processes.

Residential areas, and other sensitive land uses, such as hospitals and nursing homes, will be protected from undesirable air quality and excessive noise/vibration through good land use planning, site plan control, and building control. Proponents may be required to carry out noise and/or vibration

assessments or other technical studies and determine control measures, which are satisfactory to the Planning Board, Town Council, in meeting the MOECC's recommended sound and vibration limits in accordance with MOECC Environmental Noise Guideline NPC-300 or its successors.

For any proposed residential development or other sensitive land use in close proximity to a major source of noise, vibration, or emissions; such as a Provincial highway, an airport, a railway, or aggregate operation; or where a development which could be a major source of noise proposes to locate in close proximity to existing residential development or other sensitive land use, the proponent may be required to conduct a noise, vibration, and/or emissions study. The study shall be prepared in accordance with Provincial guidelines satisfactory to the Planning Board and Town Council and the recommendations may be incorporated into a development agreement. The Planning Board and Town Council will consider any potential noise problem in determining the appropriateness of the proposed development. The following specific setbacks are required for any proposed development:

- 100 metres from a freeway right-of-way or principal main railway; and
- 50 metres from a provincial highway right-of-way or secondary main railway.

Uses proposed within these buffer areas may be subject to noise feasibility and/or detailed noise studies in accordance with MOECC Environmental Noise Guideline NPC-300 or its successors.

Where planning approvals are required for the development of residential or other sensitive land uses within one kilometre of an airport, an impact assessment addressing noise and other potential impacts will be required. Impact assessments shall be completed by a qualified consultant and shall describe mitigation measures required to achieve provincial standards for aircraft noise criteria.

6.0 PROVIDING INFRASTRUCTURE

6.1 Transportation

It is a goal of this Plan to provide an integrated transportation system that allows for the safe and efficient movement of people and goods throughout the Planning Area, and provide linkages to the regional and provincial transportation network; support economic development strategies, growth management, urban/rural form, and a healthy environment; and promote alternative modes of travel for recreation, business, and daily life within the Planning Area.

6.1.1 Municipal Roads

Municipal roads are generally maintained year-round, although the Town reserves the right to maintain roads on a seasonal basis contingent upon traffic volumes and other considerations. Proponents shall consult with the Town prior to establishing an entrance or access to a municipal road. Direct access to these roads will only be permitted in locations which can accommodate traffic in a safe manner. Where sight deficiencies exist because of curves or grades, no new access will be permitted unless the deficiency is corrected in a manner acceptable to the Town, at the proponent's expense.

Development proposals adjacent to a municipal road shall be designed such that outdoor storage and loading areas are visually screened and appropriately located.

Year-round maintenance of seasonal roads shall not be considered by the Town Council unless:

- a. Such roads have been constructed to current Town standards; and
- b. Such roads are upgraded to current Town standards, at the expense of benefitting landowners, and at no cost to the Town; and
- c. The benefits, financial and otherwise, of maintaining the road year-round outweigh the costs to the Town; or
- d. The Town agrees to dispose of the road and the owners agree to assume it as a private road.

6.1.2 Private Roads

A private road is a road under private ownership serving two or more legally conveyable lots and may include a right-of-way registered on title or may be by plan of common elements condominium. A driveway provides access to only one property or legally conveyable lot, despite the length of the access. A driveway also includes a shared access between two abutting properties.

There is no legal obligation on the part of Planning Board or Town Council to maintain or repair private roads or provide municipal or emergency services to any development located on a private road. It is the intention of the Town to require agreements to ensure the responsibility for maintenance of private roads, in accordance with Section 3.1.3.

In circumstances where a private road is not being maintained to an acceptable standard, the Planning Board or Town Council may make improvements to bring the road to an appropriate standard and assess any costs relating to the work to the relevant parties. This action shall not be interpreted as the Planning Board or Town Council assuming responsibility for the private road.

New private roads may be developed in the Urban Settlement Area only as roads internal to mobile home parks or internal to plans of condominium. Development on private roads may be allowed in the Rural

Area. In these situations, new private roads shall be developed under agreement with the Planning Board or Town Council and meet the following requirements:

- a. The design and construction of a private road will be undertaken by a professional engineer and persons competent in road construction, as approved by the Planning Board or Town Council, to ensure a minimum standard of construction so that access can be gained for emergency vehicles in accordance with the Ontario Building Code;
- b. New private roads must be directly connected to a public road which is maintained year-round; and
- c. An agreement must be registered against the land setting out the procedures for maintenance of the road, acknowledging that the Planning Board or Town Council will not be responsible for the repair or maintenance of private roads or the provision of services to any development located on a private road, and absolving the Planning Board or Town Council of any liability or responsibility for its upkeep or the provision of services.

6.1.3 Provincial Highways

The extents of Highway 11 within the Planning Area and Highway 634 north of Cloutierville Road are Provincial Highways under the jurisdiction of MTO. Accordingly, right-of-way widths and setbacks will be determined by the MTO. Setbacks for proposed, new development along Highway 11 in the Urban Settlement Area (between Lots 21 and 22, Concession 8, Township of Kendrey to the east and the Mattagami River to the west) may match existing building setbacks, subject to approval by MTO.

MTO's Permit Control Area applies around Highways 11 and 634 as follows:

An MTO permit is required if you want to ...	Within this distance ...
Place a building, structure, entrance, or any road	45 metres of the limit of any highway 180 metres of the centre point of any intersection (on King's Highways) 395 metres of the centre point of any intersection on controlled access highways
Place a sign	400 metres of the limit of the highway
Major developments or uses (i.e. shopping centre, stadium, fair ground, race track, drive-in theatre, or any other purpose) that cause persons to congregate in large numbers	800 metres of the limit of the highway

Following approval of an entrance permit, granted pursuant to an MTO application process, only one (1) highway entrance is permitted for each lot of record.

Development proposals adjacent to a provincial highway shall be designed such that outdoor storage and loading areas are visually screened and appropriately located. Multi-residential development proposals shall be designed such that the lots back onto the provincial highway and front onto a local internal street. For proposals that may generate large amounts of traffic within the permit control area, the MTO will require a proponent to prepare a traffic impact assessment in accordance with MTO guidelines.

The Planning Board and Town Council support and encourage active transportation and would support paved shoulders on roads under provincial jurisdiction to assist the Planning Board and Town Council in allowing for active transportation to meet its healthy, sustainable community goals.

MTO maintains a patrol yard located on Highway 11 approximately 300 metres west of the junction of Highway 11 and Highway 634. Only those land uses that are compatible with the operation of a patrol yard will be permitted to locate adjacent to and in close proximity to the patrol yard.

6.1.4 Active and Recreational Transportation

The Planning Board and Town Council shall work with the province, local school boards, recreational groups, and other landowners, towards developing a network of trails and pathways which links destinations in the broader community in order to:

- a. Improve the sustainability of the transportation system;
- b. Provide safe, non-motorized access to major activity areas;
- c. Provide health benefits to residents and visitors; and
- d. Increase peoples' connections to their community.

The Town Council shall also encourage the development of trails and pathways in conjunction with proposed plans of subdivision. The feasibility of incorporating trails and pathways into proposed plans of subdivision will be assessed on the basis of the following:

- a. The continuity of the route system within and between developments;
- b. The potential linkages that could be provided between major activity areas to encourage usage;
- c. The minimization of conflicts between motorized and non-motorized travel; and
- d. Its design in regards to public safety, emergency access and maintenance.

6.1.4.1 Pedestrian and Cyclists

It is an objective of the Planning Board and Town Council to encourage active transportation. Where possible, the Planning Board and Town Council will encourage the provision of sidewalks and/or paved shoulders on municipal and provincial roads.

Where Town Council considers it appropriate, new development or redevelopment will be required to provide pedestrian walkways, sidewalks, bike lanes/paths, and/or bike racks constructed to an appropriate standard.

When undertaking public works and where appropriate, the Planning Board and Town Council may include the provision of facilities which address the needs of pedestrians and cyclists.

To encourage pedestrian and cyclist travel, streetscapes and roadways should be safe, convenient, and attractive for pedestrians and cyclists. This may include providing sidewalks; locating commercial uses at street level; encouraging building design that provides shelter, appropriate lighting, street furniture, and landscaping; and providing paved shoulders and bike racks.

6.1.4.2 Trails and Snowmobile Routes

Trails and snowmobile routes form an important component of the Planning Area's transportation system and economy. These routes are shown on Schedules, but the location of these routes may change without an amendment to the OP. Snowmobile or Trail crossings across a provincial highway require the approval of the MTO and may be permitted subject to restrictions. Trails located along the right-of-way of a provincial highway are not permitted.

6.2 Water & Sewage

The Town Council will plan the provision of municipal water and sewer services to accommodate growth so that servicing is timely, cost efficient, environmentally sound, and within the financial means of the Town.

The Town provides municipal water and sewer services generally within the Urban Settlement Area. There is no plan to expand municipal water and sewer services within the Town during the planning horizon. Priority shall be given to the development of land that is presently serviced by municipal water and sewer systems, or those areas that can most easily be serviced, at minimal expense.

Where the servicing of new urban development requires extensions and/or improvements to the existing public piped systems, such servicing will generally be financed, constructed, and maintained by the proponent before being turned over to the Town. Where the servicing of new urban development requires improvements to an existing substandard public piped system, the proponent will generally contribute his/her share towards the total costs of improving the system. Prior to construction, water distribution or sewer collector systems must be approved by the responsible authorities. New lot/unit creation will be subject to the availability of adequate reserve servicing capacity.

Within the existing municipal servicing area of the Town, urban development or redevelopment shall be on the basis of municipal water and sewer systems. However, outside of the existing serviced area, private or communal servicing systems may be used where municipal services are not provided to service new development.

6.2.1 Partial Services

Continued use of existing partial services is permitted within the Urban Settlement Area to allow for infilling and minor rounding out of existing development on partial services, where site conditions are suitable for the long-term provision of such services with no negative impacts.

The development of existing undersized lots on partial services may be permitted in accordance with the relevant provisions of the Zoning By-law and this OP, provided that the lot is of an adequate shape and size with soils appropriate for partial services approved by the appropriate authority.

6.2.2 Private Services

The primary means of servicing outside of the Town's existing servicing limits is a private well, septic tank, and weeping tile system. The installation of septic systems is subject to the approval of the Porcupine Health Unit (PHU), provided septage capacity has been confirmed and where site conditions are suitable for the long term.

The extension of municipal water services to areas outside of the settlement area will only be considered to address an existing water quality problem associated with an existing development or lot of record. A servicing report may be required to identify the most appropriate form of servicing to ensure environmental protection.

Only dry industries that do not require large amounts of water for processing, cooling, washing, or manufacturing shall be allowed on individual private sewage systems.

6.2.3 Large Developments

Where development is proposed for five or more lots or dwelling units, the following will be prepared at the expense of the proponent as part of a complete application:

- a. A Servicing Options Statement, in accordance with MOECC D-5-3 Guideline, to review various methods of servicing and make a recommendation as to the type of servicing to be used;
- b. A Groundwater Impact Assessment, in accordance with MOECC D-5-4 Technical Guideline for Individual on-site Sewage Systems: Water Quality Impact Risk Assessment, to determine, among other things, the minimum lot size necessary to support a septic system, if private services are proposed; and
- c. A Hydrogeological Study.

Where development is proposed on individual private services, a Water Supply Assessment Report will be required to be prepared by, and at the expense of, the proponent, as part of a complete application. The Report should demonstrate potable groundwater quality, adequate groundwater yield, and negligible groundwater quality interference in accordance with guideline D-5-5 Technical Guideline for Private Wells: Water Supply Assessment..

Where a private sewage system, which handles more than 10,000 litres per day is proposed, a Hydrogeological Impact Report shall be required in accordance with MOECC guidelines, which demonstrates soil suitability, including sufficient available area for the effluent treatment and site suitability. The Report shall be prepared by, and at the expense of, the proponent, and submitted as part of a complete application for planning approval and if detailed enough, may be used to support the Section 53 ECA for review and approval by the MOECC, , prior to construction. Where required by the *Ontario Water Resources Act* or the *Environmental Protection Act*, a Permit to Take Water (PTTW), ECA, and any applicable registrations must be obtained or completed prior to the operation of the proposed use.

6.2.4 Septage

Prior to approving creation of a new lot by Plan of Subdivision or consent, the Planning Board and Town Council shall require that proponents demonstrate adequate septage treatment capacity by providing a letter, signed by the holder of the ECA for a treatment facility, indicating that capacity for the development's septage exists.

The Planning Board and Town Council may consider the preparation of a municipal septage plan to assist in determining total septage generated currently, future treatment capacity needs, and how those needs will be met based on septage treatment facilities available and septage management solutions.

6.3 Stormwater Management

Stormwater management assists in protecting and improving water quality. The Planning Board and Town Council will ensure that consideration is given to stormwater management, the quality and quantity of stormwater runoff, and off-site impacts for proposed development.

Prior to development approval, the Planning Board and Town Council may require a stormwater management plan and shall be satisfied that adequate stormwater management and drainage to a suitable outlet are provided. The Planning Board and Town Council will require detailed stormwater design plans for all commercial, industrial, and institutional development and residential development of

five units or more. The Planning Board and Town Council may recommend additional specific requirements on a case-by-case basis.

A stormwater management plan or report must be reviewed and approved by MTO for those developments located adjacent to or in the vicinity of a provincial highway, where drainage would impact a highway downstream.

The plan will include identification of the receiving stream, design objectives to be applied, and a description of the stormwater management practices to be applied, in accordance with the relevant Provincial policies and guidelines. Proponents are encouraged to consult with the relevant ministries and agencies.

Increases in runoff from development shall be minimized in accordance with best management practices and watershed needs. The impact of any proposed development on local and area-wide drainage patterns shall be identified. An appropriate method of managing surface runoff shall be developed and implemented as a condition of approval, according to the following policies:

- a. Post-development flow rates shall not exceed pre-development flows;
- b. Plans shall minimize or prevent increases in contaminant loads;
- c. Retention of existing tree cover and natural vegetation or the provision of grassed and natural areas shall be encouraged to facilitate absorption;
- d. Erosion and siltation control measures shall be included in grading and drainage plans;
- e. Developments which could have a significant impact on surface drainage shall provide comprehensive drainage plans showing methods of surface water disposal and any impacts on adjacent or affected properties; and
- f. Low Impact Development (LID) alternatives, to manage stormwater as close to its source as possible, will be encouraged, especially for larger scale developments; and
- g. Use of best management practices.

Stormwater management policies will be required to comply with the *Ontario Water Resources Act*.

6.4 Natural Gas Pipeline

TransCanada is regulated by the National Energy Board which, in addition to TransCanada, has a number of requirements regulating development in proximity to the pipelines. This includes approval requirements for activities on or within 30 metres of the right-of-way such as excavation, blasting and any movement of heavy equipment.

New development can result in increasing the population density in the area that may result in TransCanada being required to replace its pipeline to comply with the CSA Code Z662. Therefore, the Town shall require early consultation with TransCanada or its designated representative for any development proposals within 200 metres of its facilities.

Where development is proposed in close proximity to the TransCanada compressor station regard shall be given to noise levels. A noise and vibration study may be required for development proposals within 750 metres of the compressor station. The study will determine if provincial guidelines can be achieved, and if necessary recommend appropriate mitigation measures.

No permanent building or structure may be located within 7 metres of the pipeline right-of-way. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way.

7.0 IMPLEMENTING THE PLAN

7.1 Amendments

Amendments may be made to the OP when such changes are warranted. The provisions of the *Planning Act* with respect to OPs apply similarly to amendments, including the approval of the Minister or the Ontario Municipal Board, as the case may be. When amendments are made to the OP, appropriate amendments may also be required to the implementing By-laws so that any such By-law is in conformity with the Plan.

The Planning Board is responsible for adoption of OP amendments. Site-specific amendments must be recommended by Town Council in order to be considered for adoption by the Planning Board within municipal limits.

When the Planning Board considers an OP amendment, it shall notify TTN.

7.2 Interim Control By-laws

The Planning Board and Town Council may pass Interim Control By-laws to control the use of land, buildings or structures within designated areas of the Planning Area and in accordance with the provisions of Section 38 of the *Planning Act* in order to prevent or limit development until detailed planning studies for the subject lands are completed and approved by the Planning Board and Town Council. Any Interim Control By-law approved by the Planning Board and Town Council shall initially be in effect for a period of up to one year from the date of passing of the By-law but may extend for a maximum of one additional year.

7.3 Land Division

Land division must conform to the policies of this section and other applicable policies contained in this OP. Lot creation may take place in two ways: by Plan of Subdivision or by Consent to sever land. Where a parcel is being divided into four or more lots, development shall occur by Plan of Subdivision. An application for Consent may be used for the division of an existing lot into two or three lots, a lot boundary adjustment, or a technical severance.

7.3.1 Subdivision

Applications for Plan of Subdivision or Condominium shall be considered within the context of the underlying land use designation and the associated policies of this Plan. The Planning Board is the approval authority for Plan of Subdivision or Plan of Condominium.

Prior to approval of an application for plan of subdivision or plan of condominium, the Planning Board and Town Council shall confirm the availability or require the provision of adequate servicing and infrastructure. Prior to approval of an application for a Plan of Subdivision, Planning Board shall consider the policies relating to protection of natural environment and cultural heritage and natural hazards in Sections 4.0 and 5.0.

All lots within a plan of subdivision shall have frontage on a public road maintained on a year-round basis, constructed to an acceptable standard, or waterfront. The Town will consider a plan of subdivision which has only waterfront access or private road access, provided that the subdivision is properly designed. Plans of condominium shall have access to a public road maintained on a year round basis; however, it is recognized that development within the condominium plan may occur on private roads.

All plans of subdivision shall be subject to a subdivision agreement between the Planning Board or the Town Council and the development proponent.

Parkland dedication shall be provided pursuant to Section 7.4 of this OP. Land to be dedicated for park purposes must be acceptable to the Planning Board or Town Council. Under no circumstances shall the Town be obligated to accept parklands being offered in a proposed plan of subdivision.

All conditions of draft plan approval for subdivision must be met within three (3) years after which the draft approval lapses. The Planning Board will not recommend the extension of a draft plan approval unless the proponent has demonstrated to the satisfaction of the Planning Board that they are making a reasonable effort to proceed in meeting the conditions of draft approval.

The Planning Board may pass a By-law under the provisions of the *Planning Act* deeming registered Plans of Subdivision or significant portions thereof not to be registered in situations where the conditions of the subdivision agreement have not been met within eight years of registration.

The Town Council may adopt standards for the development, design, servicing, roads, financing, and other conditions under the subdivision agreement.

While the Town prefers subdivision development in the Urban Settlement Area, any proposal for subdivisions in the Rural Area within the Town of Smooth Rock Falls shall follow Section 6.2.3 and be supported by a hydrogeological assessment, prepared in accordance with the requirements of MOECC Guideline D-5-4, where proposed lot/unit sizes are less than an average lot size of one hectare (1 ha) or any lot is less than eight thousand square metres (0.8 ha). Subdivisions/Condominiums in Haggart Township.

7.3.1.1 Subdivisions/Condominiums in Haggart Township

No applications for subdivisions or condominiums shall be allowed in Haggart Township.

7.3.2 Consent

The Planning Board is the approval authority for Consents.

7.3.2.1 Consents in the Urban Settlement Area

Applications for Consent within the Urban Settlement Area may be permitted provided that:

- a. The proposed use of land conforms to the policies of this OP and that the resulting development will not result in the undue extension of any municipal services or other infrastructure;
- b. The size and shape of the parcel is appropriate for the use proposed; and
- c. The parcel fronts on and has access to an existing opened and established public road that is maintained for year round use and which is of an acceptable standard of construction.

7.3.2.2 Consents in the Rural Designation

Applications for Consent within the Rural designation may be considered provided that:

- a. The following maximum number of consents may be permitted:
 - three consents, excluding the retained lot, may be considered if the area of an original lot is 40 hectares or greater; or
 - two consents, excluding the retained lots, may be considered if the area of an original lot is from 20 hectares up to but not including 40 hectares;
- b. A lot created through the consent process shall have a minimum area of 0.8 hectares and the minimum frontage as per the Zoning By-Law;
- c. The retained parcel shall have a minimum frontage as per the Zoning By-Law;
- d. The proposed use of land conforms to the policies of this OP and that the resulting development will not result in significant expense for public works;
- e. The size and shape of the parcel is appropriate for the use proposed, the supply of potable water, and installation of a sewage disposal system approved by the PHU;
- f. The proposed lot and retained lot have frontage and access on to an opened and maintained public road, or have private road or water access in compliance with the policies of this OP; and
- g. The effect of the proposed severance will not prevent access to any other parcel of land.

7.3.2.3 Consents in Haggart Township

Applications for Consent within the Rural designation of Haggart Township may be considered provided that:

- a. No more than one new lot shall be created from an existing lot of record on the date of the adoption of this OP;
- b. A lot created through the consent process shall have a minimum area of 0.8 hectares and the minimum frontage as per the Zoning By-Law;
- c. The retained parcel shall have a minimum frontage as per the Zoning By-Law;
- d. The proposed use of land conforms to the policies of this OP and that the resulting development will not result in significant expense for the provision of services;
- e. The size and shape of the parcel is appropriate for the use proposed, the supply of potable water, and installation of a sewage disposal system approved by the PHU;
- f. The proposed lot and retained lot have frontage and access on to an opened and maintained public road, or have private road or water access in compliance with the policies of this OP; and
- g. The effect of the proposed severance will not prevent access to any other parcel of land.

7.3.2.4 Technical Consents in the Planning Area

Despite the above, a consent may be granted in addition to the consent policies outlined above for a technical severance as follows:

- a. To correct lot boundaries;
- b. To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized lot for the purpose for which it is being or will be used;
- c. To clarify title to the land;
- d. Where the effect of the consent does not create an additional lot;

- e. To permit an easement; or
- f. To permit a consent for municipal or other public purposes.

7.4 Parkland Dedication

The Planning Board or Town Council is entitled to a dedication of land for park purposes as a condition on any division of land in accordance with the *Planning Act*. The dedication represents a percentage of land area or market value of land, and is calculated at 5% for residential development and 2% for commercial/industrial development. Cash-in-lieu of land may be requested by the Planning Board or Town Council in situations where there is a public park in the area which is adequate for existing and future population. Cash-in-lieu may also be requested where the amount of land involved is small and, therefore, unsuitable for park development. Where lands are dedicated for park purposes, the Planning Board or Town Council will use the following criteria to determine acceptability:

- a. The parcel should be well proportioned and usable for either passive or active recreation or for multi-function sites for a variety of users;
- b. The Planning Board or Town Council may refuse to accept land if the parcel is considered too small and there are no opportunities to acquire adjacent parcels to create an open space area of acceptable size;
- c. Every attempt shall be made to integrate existing parks and recreational facilities through a system of open space linkages;
- d. The parcel should be well drained, of gentle slope, easily maintained, and not subject to periodic flooding. More rugged terrain or preservation areas (i.e., flood plains or wetlands) may, however, be incorporated into the park system as an additional contribution if the area is to fulfil a natural/passive and or historical function; and
- e. Every attempt shall be made to prevent the unnecessary removal of trees in the development of playgrounds.

The decision of whether to accept a parkland dedication or the alternative cash-in-lieu shall be based on the need to acquire as much parkland as required in the area to meet a variety of needs. These funds shall then be placed in a park reserve fund to be applied toward the purchase of other parkland or to improve and maintain existing parks.

For land division in Haggart Township, the parkland dedication of 5% cash-in-lieu shall be conveyed to the Planning Board.

7.5 Non-Conforming & Non-Complying Uses

7.5.1 Non-Conforming Uses

Any legally existing use that does not conform to the relevant policies contained in this OP will be deemed a legal non-conforming in terms of this OP. Where an existing non-conforming use is discontinued, any rezoning may only take place in conformity with this OP.

The Planning Board and Town Council will use the following guidelines when assessing any application for an extension or enlargement of a use that is considered to be a legal non-conforming use:

- a. The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses;
- b. The extension or enlargement should be in reasonable proportion to the existing use and to the land on which it is to be located;

- c. The compatibility of the extension or enlargement to surrounding uses with regard to noise, vibration, fumes, smoke, dust, odours, lights, and traffic generation will be examined;
- d. Adequate buffering, setbacks, and any other measures necessary to reduce the nuisance will be required and, where possible, will be extended to the existing use;
- e. Proper access to the site will be provided to ensure that no traffic hazards are created;
- f. Adequate on-site parking and loading space will be provided;
- g. Applicable services, such as storm drainage, water supply, sewage disposal, and roads are adequate or will be made adequate; and
- h. Neighbouring uses will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.

An existing building or structure that is zoned as a non-conforming use may be reconstructed or strengthened to a safe condition, provided the external dimensions and use of the building or structure are generally not changed.

7.5.2 Non-Complying Uses

Where a legally existing use of land is permitted within the applicable zone in the Zoning By-law, but the lot, buildings or structures located on the property no longer meet one or more of the provisions or regulations of the applicable zone, due to changes to the Zoning By-law, the use shall be considered to be legal non-complying.

The development of existing undersized lots on private services may be permitted in accordance with the relevant provisions of the Zoning By-law and this OP, provided the lot is of an adequate shape and size with soils appropriate for a well and sewage disposal system approved by the appropriate authority. Notwithstanding, the minimum lot size for private services development will be 2,000 square metres. A hydrogeological study would be required to support such proposed development. A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the Zoning By-law. In such a case, the lot does not lose its non-complying status and may be developed in accordance with the relevant provisions of the By-law.

Applications for the expansion, alteration, or addition of the non-complying use shall be considered by way of Zoning By-law amendment or minor variance, depending on the nature of the proposal.

7.6 Property Standards

It is the intention of the Planning Board and Town Council to support the private efforts of property maintenance and to eliminate any existing hazards to building occupants through the introduction of By-laws specifying standards for all properties within the Planning Area for property maintenance and occupancy under the *Building Code Act*.

The Planning Board and Town Council will endeavour to support further property maintenance and safe occupancy by:

- a. Establishing a position for building inspection and bylaw enforcement;
- b. Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties;
- c. Undertaking education and public relations programs as needed to demonstrate the benefits of property maintenance; and
- d. Maintaining Municipally-owned buildings, properties and community facilities, and providing or maintaining municipal services in good repair.

7.7 Pre-Consultation, Complete Applications, and Notification

The Planning Board and Town Council may require pre-consultation for development applications for which the Planning Board and Council is the approval authority. Preconsultation may be recommended with appropriate provincial Ministries.

The Planning Board and Town Council may request additional information when considering development proposals or Planning Act applications. Such information may be required as part of a complete application, or may be required prior to a decision by the Planning Board or Town Council on a proposed development. Such information may include, but not limited to, any of the following:

- Hydrogeological and terrain analysis report
- Servicing capacity / feasibility / options study
- Groundwater / source water / surface water impact assessment and/or mitigation plan
- Stormwater management report / drainage plan
- Environmental impact study
- Flood plain assessment
- Slope stability study
- Transportation / traffic impact assessment
- Archaeological or Heritage Assessment
- Natural heritage evaluation
- Noise / dust / vibration / odour study
- Market study
- Concept plan showing planned land use
- Geotechnical assessment of an abandoned mine
- Lakeshore capacity assessment
- Record of site condition
- Erosion and sediment control plan
- Any other study identified in the OP

For studies required to support development proposals or *Planning Act* applications, the Planning Board and Town Council shall review the studies and may do so internally or through the use of peer reviewers with the cost of such review at the proponent's expense. Where appropriate, the Planning Board and Town Council may also consult with provincial ministries and agencies.

The approval authority shall notify First Nations where there is an application for an amendment to the Official Plan, a Zoning By-law amendment, a Plan of Subdivision, Plan of Condominium, or consent.

7.8 Review Procedure

The Planning Board and Town Council shall, not less than every five (5) years after the OP comes into effect, undertake a review of the OP, hold a separate meeting open to the public and revise the OP, as required, in accordance with the requirements of the *Planning Act*. When the Planning Board amends the Official Plan as part of its review process, it shall consult with TTN.

The revisions shall ensure that the OP conforms to provincial plans, has regard to matters of provincial interest, and is consistent with the policy statements issued under subsection 3(1) of the *Planning Act*.

7.9 Development Permit System

Planning Board or Town Council may consider adopting a Development Permit By-law in the future.

7.10 Site Plan Control

The Planning Board and Town Council may designate any part of or the entire planning area as an area for Site Plan Control pursuant to the *Planning Act*, and may specify exceptions in the Site Plan Control By-law. Notwithstanding, Planning Board and Town Council may impose site plan control on exempted properties during the development application review process where warranted.

Where a Site Plan Control By-law is in effect, the proponent will submit for approval such plans or drawings as required by the Planning Board and Town Council. The proponent may also be required to enter into an agreement with the Planning Board and Town Council to provide and maintain those facilities required on the site plan. Such agreements may be registered against the land to which it applies.

Site Plan Control may be applied to the exterior design of new buildings including the character, scale, appearance, design features, and sustainable design features, where appropriate. Site Plan Control may also be applied to the sustainable design elements on any public road immediately adjoining a property being developed including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, and bicycle parking facilities.

7.11 Temporary Use By-laws

Notwithstanding any other policy of the Plan, the Planning Board and Town Council may pass by-laws under the *Planning Act* to permit temporary use of land, buildings, or structures, in defined areas and for prescribed periods of time, that is otherwise prohibited by the Zoning By-law. Proposed temporary uses must conform to the policies of this Plan. Notwithstanding, temporary uses shall not be permitted in areas subject to hazards or containing significant natural features.

7.12 Zoning By-laws

A Zoning By-law regulates the use of land, and erection and use of buildings and structures, to promote the public health, safety, comfort, convenience, and general welfare of residents. Following approval of the OP, the Planning Board and Town Council shall enact a new Zoning By-law to implement this OP.

The implementing Zoning By-law shall conform to the policies and designations of this OP. Areas may be zoned in a holding zone category as provided for in the *Planning Act*, and in accordance with the following objectives and criteria.

7.12.1 Holding Symbol

The Planning Board and Town Council may pass Zoning By-laws containing 'holding' provisions to specify the use to which lands, buildings, or structures may be put at some time in the future, in conformity with this OP, providing:

- a. The holding symbol (H) is used only in the following instances:
 - i) When certain details of development have not yet been determined, or where certain conditions of development have not yet been met, such as, but not limited

- to, development or servicing agreements with the Planning Board and Town Council;
 - ii) When the level of community services and/or infrastructure is not yet adequate to support the proposed use;
 - iii) Where environmental conditions or constraints temporarily preclude development or redevelopment; and
 - iv) Where required studies have not yet been approved by the Planning Board and Town Council.
- b. The Zoning By-law containing the holding provisions specifies the interim land uses to be permitted, the conditions for removal of the holding provision, and any regulations or restrictions applying to the lands during the time the holding provision is in place; and
 - c. A by-law to remove the holding symbol may be adopted when all the conditions set out in the holding provision have been satisfied.