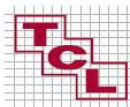




**The Corporation of the  
Township of Nairn and Hyman**

## Official Plan

(Amendment No. 2)



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# TOWNSHIP OF NAIRN AND HYMAN OFFICIAL PLAN

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# **TOWNSHIP OF NAIRN & HYMAN OFFICIAL PLAN**

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## **1.0 INTRODUCTION**

### **1.1 Introduction and Utilization**

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1. The Official Plan of the Nairn & Hyman Planning Area (2006 population 493) is a legal document containing the objectives and policies established primarily to provide guidance for the physical development of the Township of Nairn & Hyman while having regard to relevant social, economic and environmental matters.
2. Land use planning decisions shall comply with all applicable provisions and policies of this Plan and be consistent with the Provincial Policy Statement. Sections of the Plan are cross referenced where they are to be used in conjunction with each other.

### **1.2 Authority**

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The Official Plan of the Nairn & Hyman Planning Area was prepared under the authority of Section 16 of the *Planning Act* which states that:

"An Official Plan shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality" and "may contain a description of the measures and procedures proposed to attain the objectives of the Plan and procedures for informing and obtaining the views of the public in respect of a proposed amendment to the Official Plan or proposed revision of the Plan or in respect of a proposed zoning by-law". Also, "the Council of a municipality or a Planning Board may elect to follow the prescribed processes and develop materials prescribed for the preparation of an Official Plan".

### **1.3 Title and Components**

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1. This policy document shall be known as the "Official Plan for the Township of Nairn & Hyman" and is hereinafter referenced to as the Official Plan or the Plan.
2. The Official Plan consists of the following text and Schedules which make up the Land use Plan.
3. Background statements, illustrations and appendices included in this document are

provided for information purposes only and do not form a formal part of the Official Plan.

## **1.4 Interpretation**

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1. It is intended that the boundaries of the land use designations shown on **Schedules "A1, A2, and A3", Land Use Plan** be considered as approximate. Boundaries are to be considered absolute only where clearly bounded by roads, railways, rivers or streams or other geographical barriers. Amendments to the Official Plan will not be required in order to make minor adjustments to the boundaries of land use designations or features or other symbols nor to the location of roads, provided that in all cases, the general intent of the Plan is preserved. Such minor deviations may not be reflected on the **Land Use Plan**.
2. It is intended that all figures and numerical quantities herein shall be considered as approximate unless otherwise stated. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.
3. For the purposes of this Plan, it is interpreted that the existing use refers to the land presently or actually in use and not necessarily the total land area or land holding of the property owner.
4. Where examples of permitted uses are provided for in the land use policies of this Plan, it is intended to indicate the possible range of uses considered appropriate and not to be interpreted as all-encompassing unless otherwise stated as such. However, all uses shall be in conformity with the general intent and policies of the general land use designations of this Plan.
5. Where an Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may supersede the Act so named.
6. The Plan utilizes words or terms defined in the Provincial Policy Statement. These definitions shall apply in the interpretation of the policies of this Plan and their application to development and planning applications. These definitions are set out in Appendix 1.

## **1.5 Agency Names and Responsibilities**

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

## 1.6 Planning Period, Review and Amendments

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1. The Planning Period for this Official Plan is intended to be approximately 20 years (2011-2031). Pursuant to Section 26(1) of the *Planning Act*, the Plan will be subject to a review from time-to-time, and not less frequently than every five years to ensure that the goals and objectives are being achieved and the policies are practical. It is the intent of Council that a special public meeting be held pursuant to Section 26(3)(b) of *The Planning Act* to consider proposed revisions to the Plan. As part of the review Council shall be consistent with the Provincial Policy Statement or changes to this Statement and ensure that the Plan conforms with provincial plans or does not conflict with them and has regard to the matters of provincial interest.
2. The review shall not be deemed to prevent any person or applicant from making an application under Section 22 of the *Planning Act* to amend the Plan. Applications for amendments to this Plan by the public or amendments initiated by Council will be considered in accordance with the requirements of the *Planning Act*. Applications submitted by the public must be complete and where required by this Plan, include studies or reports to determine conformity with the Plan. Where deemed appropriate, the Municipality may require applicants to pre-consult with the Municipality prior to filing an application.
3. Council will convene public meetings to consider an amendment to the Official Plan prior to adopting an amendment, but may decline to have a meeting if they refuse to adopt the amendment or the application is not deemed to be complete in accordance with Section 22(6) of the *Planning Act*.
4. Amendments shall be required for a change in a land use designation shown on the **Land Use Plan (Schedules "A1 - A3")** or for changes in the policy or text of the Plan. An amendment will not be required for typographic changes, numbering or formatting the Plan. (See also **Section 1.4 - Interpretation**)

## 1.7 The Planning Process

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The Planning process started in November, 2010 with the collection of data and consultation with provincial ministries and other agencies. An introductory public meeting was held. A Community Profile was prepared and released (February 2011) and was followed by a local and provincial review.

The results of the community survey may be briefly summarized as follows:

1. The Township is a small residential community that is friendly, quiet, safe and offers good municipal services and a quality of life enjoyed by those who prefer a rural and small urban setting for both permanent and seasonal activities.



2. Residents would like to see slow manageable (residential and commercial) growth, a clean environment, good roads and well maintained properties.
3. The vision for the community is variously described as one that includes opportunities for new business development (commercial and industrial), providing for tourism and rural recreational activities while conserving the ecological and scenic attributes of the natural environment, providing activities for youth, providing for a medical centre and eliminating conflicting land uses (e.g. encouraging the relocation of industrial operations from residential areas). The vision for Nairn & Hyman is also one in which there is slow but manageable growth which does not compromise the rural character of the area (low density development, friendly and safe) and preserves the amenities of the natural environment.
4. Nairn Centre's strategic location is viewed as an asset; close to Sudbury to the east and the Town of Espanola to the west, both of which provide important services which are accessible to residents.
5. Conservation of the area's natural resources, the environment (e.g., sand and gravel, mineral resources, forestry and wildlife) is viewed as being very important.
6. Residents indicated that provisions should be made for a mix of housing types with options for waterfront residential, and for development within Nairn Centre, which can take advantage of existing services. Commercial and industrial development is favoured along the Highway 17 corridor, away from residential areas.

## **1.8 How to Use This Plan**

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Applicants should consider the following steps in using this Plan:

1. Locate the property proposed for development on the appropriate **Land Use Schedule "A1, A2, or A3"**. Use the legend to determine which land use designation the property is located in.
2. Use the Table of Contents to locate the policies that apply to the land use designation. Review the policies to determine which land uses are permitted and the planning principles that apply in undertaking any development.
3. If application is being made for a plan of subdivision, the policies of **Section 3.9 - Land Division** should be examined.
4. If the property is located close to a water body or a natural heritage feature on the **Land Use Plan**, reference should be made to **Section 7.5 - Natural Heritage Features**.

Similarly, if the property is located in or close to an area designated for mineral potential or mineral aggregates, the policies in **Section 7.0 - Resource Management** of the Plan should be considered.

5. Other key Sections of the Plan which should be considered include:

- **Section 4.2 - Sewage Disposal and Water Supply** which indicates the requirements for sewer and water services.
- **Section 4.5 - Transportation** which indicates the requirements for access onto a provincial highway, township road or private road.
- **Section 5.0 (2) - Cultural Heritage Policies** which indicates the requirements for undertaking an Archaeological assessment.



## **2.0 BASIS OF THE OFFICIAL PLAN**

### **2.1. General**

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The Official Plan is based on merits of good land use planning principles as well as various factors, trends, circumstances that were identified in the Community Profile. The Community Profile (February 2011) may be considered as a reference document and as the background for the preparation of the goals, objectives and policies of this Plan.

### **2.2. Provincial Planning System**

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The *Planning Act* sets out the ground rules for land use planning in Ontario. The Act provides the basis for the Provincial Policy Statement provides policy direction on land use matters that are of provincial interest.

This policy statement is the basis for provincial interests reflected in the policies of this Plan as well as the procedures for the review of planning applications set out in the *Planning Act* and various *Ontario Regulations* enacted under the authority of the *Act*.

In addition, this Plan recognizes the responsibilities and opportunities the Province has or may provide for the Township of Nairn & Hyman in decision-making on land use planning matters. These include but are not limited to land severance, regulating and controlling land uses through zoning, site plan control and other planning tools and municipal plan review.

### **2.3. Population Growth and Housing Supply**

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The population has fluctuated over the last two decades. The peak of 524 in 1981 has not been subsequently surpassed. The composition of the population has seen a decrease in the working age population (age 20 – 54) of 13.5%, while the proportion of seniors (55 +) has increased by 15.8% over the period 1996 – 2006. The proportion of youth (below 20) has decreased by 2.3% over this period. The Plan provides for a potential population of 700 - 800 over the Planning Period rather than establishing a specific growth target. This is exclusive of a seasonal residential community of approximately 100-150 residents.

The Plan provides for a range of housing types commensurate with the scale of development in the Township. Due to a lack of specialized medical and assisted living facilities in Nairn and Hyman, the Township recognizes that the housing needs may be met, in part by larger neighbouring municipalities which happen to have such facilities.

Council will seek opportunities to participate in Federal and Provincial affordable housing programs for low to moderate income households and will engage with the Manitoulin-Sudbury District Administration Board on matters related to planning for affordable housing. The Plan's target is that 28% of new housing should be affordable to low and moderate income households. It is the intent of the Plan to encourage the adaptation of existing houses to be more accessible to an ageing population.

## **2.4. Settlement Pattern**

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Future growth will be focussed within Nairn Centre where the settlement pattern comprises a mixed land use pattern of residential, commercial, industrial and public service facilities. The Plan provides for an adequate land supply within this village for residential, commercial and public service facilities development over the Planning Period. The settlement pattern also includes provision for limited waterfront-oriented residential and recreational residential uses, mostly on Agnew Lake and Lake Wabagishik...where lots can be adequately serviced with on-site water and sewage disposal. The land use pattern will be rounded out by recognizing existing or providing for new resource related uses (e.g., forest products mill) and other rural-based land uses (e.g. waste management site, utilities etc).

## **2.5. Economic Growth**

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The distribution of employment in the Municipality reflects the importance of Highway 17 as a corridor. While there is a significant existing employment base in the resource sector in the municipality, notably the forest products mill (280 employees excluding woodlands operation), no expansion is foreseen in the near future. The economic health of the municipality is dependent on employment opportunities in adjacent municipalities (Sudbury, Espanola), an evolving service commercial area along the Highway 17 corridor, resource related employment in the mineral aggregate industry and public sector employment and the hydro electric power plant. The Plan recognizes and encourages these employment sources as well as home based business development. To this end, Council will work to maintain the health and viability of the Highway 17 commercial corridor in Nairn Centre, and will consider the possible creation of a new employment area characterized as a mixed-use employment area west of the village of Nairn Centre between Highway 17 and the old Nairn Road.

Recreational and tourist-related employment is expected to be modest with opportunities focussing on recreational commercial establishments (e.g. B & B, outdoor recreation, tourist lodging, food services). Council will work towards the development of the Township as a tourist destination through the development of tourist outfitters establishments and land uses which support the tourism industry.

The intent of the Plan is to support the diversification of the economic base by building on the

development of the Township's natural resources, by encouraging four-season tourism and by encouraging the development of green energy industries. A healthy economic base is also supported through policies for home based businesses and policies for retail and commercial services that meet the needs of the local community.

A latent potential lies in the mineral resource sector although this will be long term at best (note: a uranium mine was decommissioned in the early 90's).

## **2.6. Resource Management**

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The area is endowed with commercially viable mineral aggregates including sand and gravel and modest deposits of quality Nipissing diabase. The Plan designates mineral aggregate reserves as well as the most commercially productive deposits of the Nipissing diabase as sources of materials for building and road construction.

The Plan recognizes the moderate to high mineral potential of the entire area as identified by the Ministry of Northern Development and Mines and provides for a screening process in evaluating development proposals in significant mineral potential areas.

The municipality also falls within a timber management unit for which a timber management plan has been approved (the North Shore Forest Management Plan). Forest management is promoted in the Plan as is the stewardship of a substantive Crown Land base.

Water is an important resource as well from the standpoint of its quality and supply for domestic consumption and also as a basis for recreational activities and waterfront-oriented development. The municipality must comply with Ontario's Drinking Water Protection Regulation (Regulation 188/07: Licensing of Municipal Drinking Water Systems, made pursuant to the *Safe Drinking Water Act*) with respect to the operation of the water supply system.

## **2.7. Public Health and Safety**

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Physical constraints to development and issues of public safety will influence where and why development can take place, (e.g. flood plains, organic soils, mine hazards, bedrock, contaminated sites, tailings management areas etc.). Policies to ensure safe development are essential ingredients to the Plan.

Through the public consultation process under Section 26 of the *Planning Act*, the public identified the importance of fresh air and clean water as vital to the quality of life; accordingly, the intent of the Plan and planning decisions is to reinforce the conservation of these public health attributes.

## **2.8. Natural Heritage Features and Areas**

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Part of the heritage of the area is a deep respect for the environment and the amenities of natural heritage system. The Plan sets out policies to ensure that there are no adverse impacts to the conservation of the environment and the ecological functions associated with fish and wildlife habitats, wetlands and other significant natural heritage features and areas.

## **2.9. Public Service Facilities and Infrastructure**

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Public service facilities and infrastructure are generally adequate and have residual capacity to support further growth and development (e.g., water supply is operating at only 14% of its design capacity, and the waste disposal site has an 18 year capacity (2002)). The site's capacity is currently under review. Roads which have been assumed by the municipality as part of municipal restructuring will be gradually upgraded. Recreational and cultural services are commensurate with the needs of the community including the completion of a new outdoor skating rink in 2000.

The policies of the Plan support the maintenance and development of the municipal water supply, municipal road network and waste management facilities as infrastructure needed to support the growth and development policies of the Plan. The Plan embraces solar powered technologies and energy conservation measures in the upgrading of infrastructure and public buildings.

## **2.10. Cultural Heritage and Archaeological Resources**

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Conservation of the historical legacy of the water transportation route (Spanish River), the historical use of the area by Aboriginal peoples, the rail line, the logging industry and pioneer developments are addressed through a policy on cultural heritage resources. The basis of the Plan is to ensure that all significant cultural heritage resources in the municipality including heritage buildings, heritage areas, cultural heritage landscapes and archaeological sites, are identified and conserved.

## **2.11. Planning Tools**

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

## 2.12. Site Plan Control

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Where the use of site plan control is provided for in this Plan, this shall enable Council to require any person or corporation to enter into an agreement (which can be registered on title) to provide for any of the matters set out in Section 41 of *The Planning Act*. {See also **Sections 3.5.4, 3.6.1 (2), 3.6.1 (4), 3.6.1 (5), 3.6.2 (2), 3.6.3 (2), 3.7.3 (2), 3.7.4 (2), 3.8.3 (3), 7.5 (3), 8.3.1 (1) and 3.4.1 (2) for further details on specific requirements**}. Site plan control will typically apply to new commercial, industrial or waterfront development.

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

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

## 2.13. Zoning

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Council is reviewing the Zoning By-law concurrent with the review of the official plan to ensure that the by-law implements the policies of the Plan

## 2.14. Holding Zones

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The Zoning By-law may include holding provisions subject to the enabling authority of Section 36 of the *Planning Act*. Lands which are subject to a holding provision shall be denoted as 'h' following the zone symbol for a particular zone category.

Holding provisions may be applied when the uses that will be developed in the area will be known and the principle of development has been established. However, Council may delay development until specified conditions have been met (i.e. provision of services, remediation of contaminated sites (see **Section 8.3.1**), to control the phasing of development, to complete an environmental impact statement etc). The holding provision will indicate the future use and the use permitted on the site during which the holding provision is in place.

The holding provision shall be removed by lifting the 'h' symbol as an amendment to the zoning by-law when Council determines that the conditions have been met.

## **2.15. Interim Control By-Law**

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Where Council has, by by-law or resolution, directed that a study be undertaken regarding its land use policies for an area or areas within the Planning Area, it may pass an interim control by-law under Section 38 of the *Planning Act* prohibiting the use of the land, buildings or structures within the area defined, except for uses as are set out in the by-law. An interim control by-law is valid for one year but may be renewed for one additional year. When an interim control by-law expires, the prior zoning shall automatically apply, unless a new Zoning By-law is passed.

## **2.16. Temporary Use By-laws**

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Council may pass by-laws to authorize the temporary use of land for a purpose that is otherwise prohibited by the Zoning By-law. Council may, therefore, in a By-law passed under Section 39 of the *Planning Act*, authorize a temporary use of buildings or structures for any purpose set out therein. This shall include a garden suite. The period of time for a temporary use may be for a period of up to twenty years for a garden suite and up to three years in all other cases, both of which are eligible for extensions. In considering applications for such temporary uses, Council shall ensure that:

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

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

## **2.17. Land Division**

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

Where the use of land division is provided for in this Plan, this shall enable Council to require any person or corporation to enter into an agreement to satisfy any of the matters or conditions as may be provided for in Section 51 or 53 of the *Planning Act*.

An application for a consent or plan of subdivision shall be in accordance with the requirements of the *Planning Act*, and in particular shall have regard to Section 51 (24) and shall comply with the policies of this Plan. Additional information may be required in assessing the appropriateness of

application. This may include the requirement for special studies such as noise and vibration, archaeological assessment, impact assessment for a natural heritage feature or area, minimum distance separation, influence area, servicing studies demonstrating the ability of the subject lands to support on-site sewage disposal services or to be serviced with water services etc. Such studies shall be undertaken by the proponent at his/her cost and does not guarantee the approval of any application. Applications for a plan of subdivision will not be deemed to be complete until such studies are submitted and deemed to be adequate.

Consents may be granted for the following purposes:

- To correct lot boundaries
- To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used
- To clarify title to the land
- Where the effect of the severance does not create an additional building lot
- To permit an easement
- To permit a severance for municipal or other government purposes.

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

## **2.18. Parkland or Cash-in-lieu of Parkland**

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As a condition of approval of a consent or a plan of subdivision, Council may require the conveyance of land for parkland or cash-in-lieu as set out in Section 42 of the *Planning Act*. The land or cash to be conveyed shall not exceed 5 per cent of the value of the land to be developed for residential purposes or 2 per cent in the case of land to be developed for commercial or industrial uses. Where Council requests cash-in-lieu, the value of the land shall be determined on the day before the day the building permit is issued.

## **2.19. Property Standards**

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Council may adopt a property standards by-law under the *Building Code Act* with the objective of maintaining buildings, structures and properties in the municipality in a good state of repair.

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

- The maintenance of yards and accessory buildings



- The maintenance of residential and non-residential buildings and structures
- Occupancy standards
- Notices and orders
- Administration and enforcement procedures

Council's strategy is to commence with the clean-up of yards and the removal of derelict vehicles and subsequently to address the rehabilitation of buildings and structures.

## **2.20. Community Improvement**

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Community improvement may be used as permitted under Section 28 of *The Planning Act*. It is the intent of this Section of the Official Plan to permit Council to, by by-law, designate the municipality or a portion thereof, as a Community Improvement Area.

Community improvement may be used to improve or upgrade infrastructure, public service facilities and to maintain, restore or renew buildings and properties. Council may also use the sustainable community development features of *The Planning Act* such as the restoration or redevelopment of brownfield sites, environmental site assessment, environmental remediation, development and redevelopment, construction and reconstruction of lands and buildings for rehabilitation purpose or for improving energy efficiency, buildings, structures, works improvements or facilities.

Council may also use community improvement to develop a 'gateways' concept to promote tourism and acknowledge the importance of entry points along Highway 17 into the community. Gateways features may be located at entrances into Nairn Centre, and may include signage, landscaping, fencing, plantings or structures which emphasize the unique character of the Township. Heritage conservation will also be a goal for community improvement by encouraging the preservation, rehabilitation, renewal and re-use of heritage resources.

Within the Community Improvement Area, Council may undertake or provide for one or more projects through the preparation of a Community Improvement Project Area Plan. In the preparation of a community improvement plan, Council shall consult with the appropriate approval authority. Council will use a property standards by-law to provide for the upgrading, maintenance or restoration of buildings and properties. Council may make grants or loans towards the cost of rehabilitation of lands and buildings in conformity with the community improvement plan.

### **2.20.1 Brownfields**

Brownfield sites are sites where the environmental condition of the property and the quality of the soil or groundwater, particularly on former industrial and waste-disposal sites, may have the potential for adverse effects to human health or the natural environment. Brownfield sites are defined in the Provincial Policy Statement as "undeveloped or previously developed properties that may be contaminated". They are usually, but not exclusively, former industrial or commercial

properties that may be underutilized, derelict or vacant. The intent of this Plan is to identify and provide for the rehabilitation of brownfields, wherever feasible as a component of community improvement plans.

## **2.21. Existing Uses**

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Nothing in this Plan shall affect the continuance of uses legally established under the provisions of any Zoning By-law in force on the date of approval of this the Plan or other legally established land uses including uses that do not conform with the land use designations as shown on the **Land Use Plan, Schedules "A1 - A3"**. Nothing in this Plan shall prevent the reconstruction of legal non-conforming uses which are inadvertently destroyed by a natural cause (e.g., fire, flood, earthquake) nor prevent the maintenance, repair or strengthening of any building to a safe condition.

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

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

## **2.22. Lots of Record**

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

## **3.0 GROWTH AND SETTLEMENT**

### **3.1 Population Growth**

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The intent of this Plan is to provide for a population of 700-800 in the Planning Area. This represents a potential growth over the planning period of approximately 300.

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

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It is the intent of Council to provide for an appropriate range of housing types and densities in accordance with the needs of current and future residents, servicing capabilities and demographic characteristics of the Township. To this end, the Plan acknowledges the need to respond to the housing needs of an ageing population.

The corresponding housing demand is estimated at approximately 5 housing starts per year over the planning period.

The land supply of approved residential building lots (2011) is in the order of 55-75 in the village of Nairn Centre and 15 lots in the rural area. This supply is estimated to meet a short term housing demand of for at least 20 years.

The policy of the Plan is to maintain a housing supply which includes a wide range of housing types and densities appropriate to the scale of development in the Township to meet projected growth and housing starts of 5 units per year over the planning period. Council recognizes that larger neighbouring municipalities may be better positioned to provide for a broader range of housing types given the market conditions for development.

Council will also encourage the provision of housing which is designed to be affordable to moderate and lower income households. This will be achieved in part through a conscientious effort to reduce housing costs by considering cost effective development standards for roads, underground and above ground services, higher densities and reduced frontages, where feasible. Other means to provide housing will include provisions for secondary units and smaller dwelling units.

### **3.3 Settlement Area**

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The Plan establishes the village of Nairn Centre as the settlement area for the Township of Nairn and Hyman (Urban Settlement Area designation on **Schedule 'A1', Land Use Plan**). The Urban Settlement Area is intended to be the primary area for the development of residential, commercial

and public service facilities over the planning period. Within this settlement area, industrial land uses may be permitted provided they are compatible with other land uses in the vicinity.

The Rural Area (see **Schedules 'A2 and A3', Land Use Plan**) is intended to provide for the limited development of rural land uses such as recreational based residential (cottages), rural residential, resource-based commercial and industrial and other rural land uses. For the purposes of the Plan, the term "limited" means that the Plan expects that as many as 20 residential lots may be created over the life of the Plan.

### **3.4 Natural Resource Area**

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In addition to the settlement areas, this Plan also establishes a Natural Resource Area whose purpose is to provide for the conservation and/or development of renewable and non-renewable natural resources such as minerals, mineral aggregates and forests while providing as well for the conservation of natural heritage features. As noted in Section 2.6, the entire Township has medium to high mineral potential.

### **3.5 Land Use Designations**

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#### **3.5.1 Urban Settlement Area**

Within the Urban Settlement Area the land use designations shall include:

1. Residential District
2. Highway and Tourist Commercial District
3. Industrial District

#### **3.5.2 Rural Area**

Within the Rural Area the land use designations shall include:

1. Rural
2. Resort Commercial
3. Rural Industrial District
4. Natural Resource Area (not specifically identified as any of the following)

5. Lands designated as Mineral Aggregate Resource
6. Crown Land
7. Lands occupied by mine hazards
8. Lands identified for their Cultural Heritage Resources
9. Lands identified as having Natural Heritage Features and Areas
10. Lands identified for their Mineral Resource potential
11. Lands identified as contaminated sites
12. Lands designated as Waste Management Facility
13. Rural Uses

#### **3.5.4 Public Service Facilities**

Public Service uses (e.g., police and fire protection) and utility installations are permitted throughout the Planning Area. This includes utility corridors for hydro electric power transmission lines, telephone, cable lines, natural gas etc. Appropriate setbacks will be established in the Zoning By-law to ensure that these facilities and corridors can be safely constructed, are protected and are accessible for maintenance purposes. Administration buildings associated with utility installations shall respect the setback provisions of the zone in which they are located. [See also **Section 3.6.1 (5)**]. Communications towers are subject to site plan control.

### **3.6 Urban Settlement Area Development Concept**

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Nairn Centre is the heart of the community and the primary settlement area for future development. This Plan envisions the gradual build-up of a mix of land uses of which the predominant land use will be residential. The Plan provides for a range of housing types and densities within a designated Residential District. Uses which are typically found in a residential area and serve to meet the needs of residents are also permitted such as public service facilities (e.g., schools, churches, government services) and local commercial services. The Plan envisions future residential development taking the form of infill on existing vacant serviced lots as well as through the development of larger blocks of vacant land in the village.

Highway 17 will serve as the village's major 'commercial street'. Along this thoroughfare, the Plan provides for a Highway and Tourist Commercial District. This district will cater to the travelling public as well as provide services to local residents. The Plan envisions that this District will

experience a gradual build-up of commercial uses on the south side of Highway 17 contiguous to existing uses and on the north side, extending west from the built-up area.

The Urban Service Area within the village is serviced with a piped municipal water service. All new development within the Urban Service Area shall be required to connect with the water supply, and will otherwise be serviced with on-site sewage disposal systems provided there is available capacity. It is the intent of the Plan that the municipal water supply will not be extended beyond the settlement area boundaries of Nairn Centre. The Approval Authority may consider consent applications on the basis of individual on-site water services located outside the Urban Service Area, but within the Settlement Area. Development by plan of subdivision shall be required to connect to the municipal water system provided there is available capacity.

Wetland areas within the village are considered to be natural heritage features and are subject to the policies of **Section 7.5 - Natural Heritage Features and Areas** of this Plan.

### 3.6.1 Residential District

#### 1. Permitted Uses

Permitted uses in the Residential District will include:

- a) Single detached and two unit dwellings, mobile homes on individual lots, group homes and garden suites. Two unit dwellings shall include semi-detached dwellings, duplexes and converted dwellings;
- b) Multiple housing types such as apartments, row housing and seniors' housing;
- c) Local commercial uses such as a convenience store which serve the day-to-day needs of residents of the village and the recognition of other existing commercial uses; (*Note: entrances for local commercial uses abutting Highway 17 may be restricted or prohibited. See **Section 4.5.1 - Provincial Highways.***)
- d) Home based businesses which are located in a dwelling or an accessory building provided they do not create a public nuisance (e.g. noise, electrical interference, excessive traffic, odour etc.). Use of an accessory building in the urban area is subject to a rezoning;
- e) Public service uses such as schools, churches and government services.

#### 2. Planning Principles

The following land use planning principles shall be considered where appropriate, in providing for all development in the Residential District:

- a) Ensuring that the lot size is appropriate for the proposed use;



- b) Ensuring that the lot/use of land can be serviced with municipal water where available;
- c) Ensuring that the lot is eligible for approval under the *Building Code Act* or *Environmental Protection Act* for an on-site sewage disposal system or communal service, whichever is required;
- d) That provision is made in the implementing Zoning By-law to classify individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking etc.). Where non-residential uses are located adjacent to residential uses, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts;
- e) Providing for frontage on and direct access to a public road;
- f) Larger scale multiple residential developments (six (6) units or more), seniors' housing and public service uses may be subject to site plan control (see **Section 2.12**) and may require communal services (see **Section 4.2**);
- g) Mobile homes may be permitted on individual lots where the lot is proportionately sized to accommodate the unit, where a full foundation is constructed under the unit and where the unit will be adequately landscaped.
- h) Shoreline development along the Spanish River may be permitted provided the setback requirements set out in **Section 8.1.1 (4)** are respected as well as the measures for conservation of the natural environment in **Section 3.7.2 (2) (c)** are met.

### 3. Housing

- a) While a variety of housing types will be encouraged, low density single and two unit dwellings will tend to prevail. Medium density row housing, small block apartments and seniors' housing may be permitted where the land area is sufficient to support on-site sewage disposal services;
- b) Special housing needs will be met where they are identified such as group homes and seniors' housing;
- c) Garden suites are defined as a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary (accessory) to an existing residential structure and that is designed to be portable. Garden suites are intended for people who are largely capable of living independently but who, by virtue of their age or because of a disability require some support to live on their own. Council may provide opportunities for garden suites on a site specific

basis provided the lot is of a sufficient size and the unit can be properly serviced with municipal water and on-site sewage disposal. Garden suites may be permitted through the passing of a temporary use by-law which may apply for up to twenty (20) years. The temporary use by-law may be extended after the twenty years for three (3) -year intervals

- d) Apartments-in-houses will be permitted in a residential zone where they can be adequately serviced with the municipal water system within the Urban Service Area;
- e) Plans of subdivision will be utilized as the primary method for new residential development. Other methods may include severances, in-fill on vacant lots and conversions of larger dwellings or other buildings where on-site sewage services can support a higher density of use.

#### 4. Local Commercial Uses

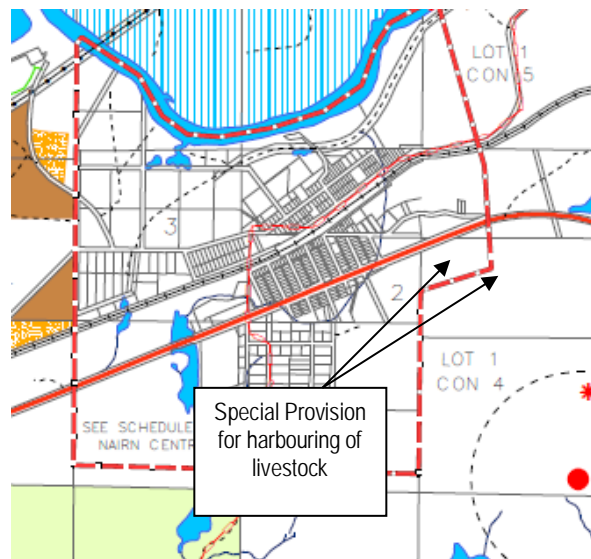
- a) A local commercial use is intended to include commercial services for use by neighbouring residents in the residential area of the village, such as convenience retail facilities and personal service establishments.
- b) Local commercial uses may be permitted by site specific zoning where the location is compatible with surrounding residential uses and the lot is large enough to accommodate off-street parking. Preference will be given for a location on a major street where traffic flows are more easily accommodated; *(Note: entrances for local commercial uses abutting Highway 17 may be restricted or prohibited. See Section 4.5.1 - Provincial Highways.)*
- c) An existing residential property may be converted to a local commercial use or may be a mix of commercial and residential provided it meets the criteria set out in 3.6.1 - 4 (a) above. Council may use site plan control to require buffering or other measures to ensure compatibility with adjacent residential uses;
- d) Local commercial uses are intended to be small scale and will generally be confined to a single commercial use;
- e) Home based businesses shall be encouraged as a means of providing local services, to serving as an incubator for new businesses and as a means of providing more specialized services to a broader clientele. Nothing in Section 3.6.1(4) shall preclude the establishment of a home based business, provided that the home based business conforms to the policies of Section 3.6.1(4)(f). Home Based Businesses shall comply with the implementing Zoning By-law.

f) **Home Based Businesses**

For the purposes of this Plan, a home based business is defined as a privately operated legal business located within a residential dwelling or an accessory building by the occupant or owner thereof and which is compatible with the character of a residential setting and which is an accessory use or clearly secondary to the principal residential use. Home based businesses shall be encouraged as a means of providing local services, to providing an incubator for new businesses and as a means to providing more specialized services to a broader clientele. Home based businesses with Provincial Highway access will be limited to a residential entrance.

Special provision may be made for the harbouring of livestock associated with a dwelling located in North Part of Lot 1, Concession 4, Nairn Township, Parcel 543.

**Image: Lot 1, Concession 4  
(See Schedule 'A')**



5. **Public Service Facilities**

- a) While the scope of public service facilities is well established for the size of the community (e.g., community centre, churches etc.) new public service facilities may be needed in response to growth or a change in the make-up of the population. The intent of the Plan is to make provision for educational, health, recreational and cultural, public administration and social uses where there is a need;
- b) To ensure compatibility with the character of the Residential District, public service facilities shall normally be located on larger lots with direct access onto a major street. Site plan control may be used to address the details of development such as the location of parking and loading areas, landscaping, drainage, fire routes, on-site waste storage, services and lighting (see **Section 2.12**);
- c) Parks and open space uses are intended to include lands for parks, sports facilities, conservation areas, wetlands and cemeteries. The intent of the Plan is to recognize existing parks and open space areas as integral components of the community which are accessible to the public and shall continue to be

developed and maintained for their recreational, leisure, conservation or heritage value. Wetland areas within the village are subject to **Section 7.5 -Natural Heritage Features** of this Plan;

- d) Council may elect to utilize the *Planning Act* to require the dedication of park land or the cash-in-lieu equivalent as a means to providing additional parkland or improving recreational facilities within existing parks (see also **Section 2.18**).

### 3.6.2 Highway and Tourist Commercial District

#### 1. Permitted Uses

Within the corridor illustrated on **Schedule 'A1', Land Use Plan** for highway and tourist commercial uses, permitted uses shall include uses which are dependent on the travelling public or substantial traffic flows or which are important to tourism. Examples include automotive uses, accommodation, eateries, convenience and small scale retail stores, gift shops and tourist commercial uses.

#### 2. Planning Principles

Land use planning principles to be considered in providing for all development in the Highway and Tourist Commercial District include:

- a) Ensuring that the lot size is adequate for the proposed use;
- b) Ensuring that the lot/use of land can be cost effectively serviced with municipal water;
- c) Ensuring that the lot is eligible for approval under the *Building Code Act* or *Environmental Protection Act* for an on-site sewage disposal system or communal service, whichever is required;
- d) That provision is made in the implementing Zoning By-law to classify individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking etc.). Where commercial uses are located adjacent to residential uses, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts;
- e) Providing for frontage on and direct access to a public road. Access onto Highway 17 is restricted and governed by the Ministry of Transportation and applies to entrances, adjacent land uses and signs. Access for commercial purposes shall only be considered by the Ministry of Transportation if the uses are located on lands which are zoned commercial. In lieu of new entrances, Council will encourage access via a service road or access from an abutting

Township road as the preferred means of access;

- f) Highway and tourist commercial uses shall be subject to site plan control (see **Section 2.12**);
- g) It is the intent of this Plan that highway commercial development be limited to "dry" commercial uses (e.g., those which do not consume large quantities of water) in recognition of the limited sewage disposal services available and the need to carefully allocate the municipal piped water supply;
- h) Development may occur near mineral aggregate resource uses where impacts are mitigated as required by **Section 7.2.3**.

### 3.6.3 Industrial District

#### 1. Permitted Uses

- a) Permitted uses shall be limited to existing uses or similar uses which are more compatible with nearby residential areas (e.g. manufacturing, assembly, wholesale, distribution and repair industries where the operations are within an enclosed building and there is no external storage of bulk or raw materials).

#### 2. Planning Principles

- a) The intent of this Plan is to recognize existing industrial development in the Township, and to establish policies for potential industrial development that might apply to a future area designated by amendment to the Plan;
- b) Existing industrial uses may be expanded or converted to a highway and tourist commercial use where they are proven to be compatible with other land uses in the general area and more particularly, sensitive land uses (i.e., residential or public service uses).

Recommended separation distances and influence areas between industrial uses and sensitive land uses shall be set out in the implementing zoning By-law for various industrial classes. These distances may be reduced or development may be permitted in an influence area where any adverse effects (as defined in the *Environmental Protection Act*) are satisfactorily mitigated based on technical studies.

(Reference should be made to the Ministry of Environment's *Guideline D-6 on Compatibility between Industrial Facilities and Sensitive Land Uses in drafting the provisions for zoning*).

- c) Council may impose a limitation on the allocation of municipal water for the cooling of logs and/or industrial processing operations to ensure an adequate domestic supply for residential, commercial and institutional uses.
- d) New industrial uses shall be restricted to 'dry' industrial uses;
- e) Industrial uses are subject to site plan control;
- f) When considering new areas for industrial development, , the following matters should be considered:
  - i. The lot shall have frontage on and direct access to a public road constructed to municipal standards;
  - ii. Access to Highway 17 shall be provided via adjacent Township Roads and service roads. Direct access may be provided only if the subject lands were zoned for commercial or industrial land uses before Highway 17 was designated as a Class 2 staged freeway (see **Section 4.5.1**);
  - iii. The lot size and frontage must be adequate for the intended industrial and ancillary use(s). This should include provision for parking, loading, outside storage, and potential future expansion of the industrial use;
  - iv. The lot shall be serviced with water, sewage, stormwater and waste disposal services having adequate capacity to service the development. Private on-site services may be provided for dry-industries only (e.g., those that do not consume large quantities of water);
  - v. New industrial development shall comply with the recommended minimum separation distances set out in the Ministry of the Environment "D-6 Guideline – Compatibility Between Industrial Facilities and Sensitive Land Uses", namely, 20 m for a Class I Industry; 70 m for a Class II Industry; and 300 m for a Class III Industry. Distances shall normally be measured between the lands designated as Industrial Area and the closest committed or proposed sensitive land use (i.e., residential, health care facility, educational facility). An exception may be made for an on-site separation distance on the industrial property where the intervening activities do not present an adverse effect on a sensitive land use (i.e., employee parking, landscaping, buffer area);
  - vi. An influence area describes an area where an adverse effect from an industry may be experienced by an adjacent land use. Development of an industrial or land use within an influence area may only be permitted where technical studies (e.g. noise and vibration, dust, odour) indicate

the absence of a problem or where it can be mitigated or prevented. The influence areas set out in the Ministry of the Environment guideline are: Class 1 - 70 m, Class II - 300 m and Class III - 1,000 m;

- vii. Outdoor storage, parking, loading, waste receptacles, lighting and signage shall be visually screened (e.g. fence, vegetation) or appropriately located in a way as to not negatively affect residential properties or other sensitive land uses; and
- viii. The Township will zone lands to control the types and densities of industrial development.

#### **3.6.4 Natural Heritage Features**

Natural heritage features identified on **Schedule 'A1', Land Use Plan** within the village of Nairn Centre shall be subject to the policies of **Section 7.5 - Natural Heritage Features** of this Plan.



## 3.7 Rural Area

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### 3.7.1 Development Concept

Within the Rural Area, the Plan provides for a limited supply of land for rural residential and recreational oriented land uses. Rural residential includes both permanent and seasonal land uses which are largely water front oriented and serviced with on-site water and sewage disposal.

Recreational activities include recreational commercial establishments (camp grounds, lodges, golf courses, marinas and outdoor recreational uses) normally located in a rural setting.

The intent of the Plan is to recognize and provide for a major forest products industry on lands in an area northwest of Nairn Centre. Any new industries shall require an amendment to the Plan. The focus of industrial uses will be on dry industries. Resource-based or resource related industries will be permitted as well as those serving the transportation industry.

Planning principles shall apply to all development to ensure that it is environmentally sustainable and is complementary to the physical and scenic attributes of the natural environment.

### 3.7.2 Residential Uses

#### 1 Permitted Uses

In areas designated Rural on **Schedules 'A2 or A3', Land Use Plan**, rural residential development may be permitted subject to complying with the following planning principles. Permitted uses shall include single detached housing whose occupancy may be seasonal or permanent. Housing types may include one mobile home or one park model unit on an individual lot.

#### 2 Planning Principles

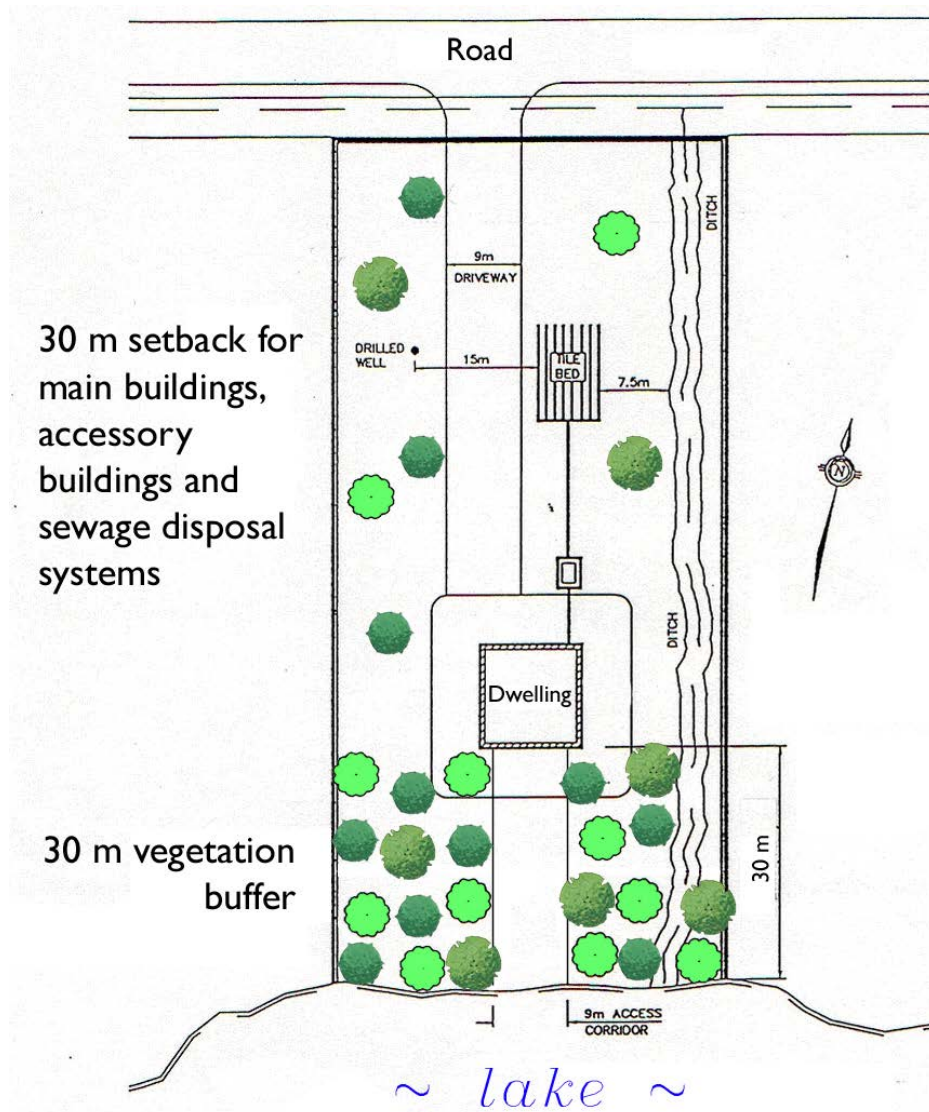
Lands may be used for Rural Residential development subject to being rezoned and where they comply with the following planning principles:

- a) To maintain the rural character of the area, residential development shall occur on large lots which can be adequately serviced with on-site water and sewer services;
- b) Development shall generally be directed to the existing network of year round maintained township roads and to existing approved plans of subdivision. Development may also be permitted as limited infill on existing private roads on existing lots of record provided the road is constructed and maintained to a

municipal standard for use by emergency and utility vehicles. Permanent residential development shall only be permitted on publicly owned and year round maintained roads [see also **Section 4.5.2 (6)** and **Section 4.5.3 (7).**]

- c) Conservation of the natural environment shall be sustained through such measures as:
  - i. Maintaining the shoreline along any water body in its natural state as much as is possible by leaving a buffer strip of vegetation as wide as possible along the shoreline for all waterfront development (see diagram). The buffer strip may be interrupted to allow access to the water. The zoning By-law may provide for increased setbacks for any building, structure or sewage disposal system;
  - ii. Placing parking areas, power lines, sewage systems, buildings and structures (gazebos, saunas, utility sheds) behind the buffer strip;
  - iii. Conserving natural heritage features (e.g. wetlands, fish habitat, nesting areas);
  - iv. Requiring the pump-out of sewage disposal systems on a regular basis to remove solids (*Note: authority as per the Municipal Act.*)
  - v. Ensuring that development does not result in the decline of the water quality of any water body. Council may require the proponent of residential development to undertake a lake capacity study (using the Ministry of the Environment's Lakeshore Capacity Assessment Model Handbook) to assess the impact of the proposed development on water quality and how the impact can be effectively minimized. Where the impact cannot be mitigated, development shall not be approved;
  - vi. Council may control the size and location of boat houses and docks through standards set out in the zoning By-law;
- d) The predominant form of land development will be principally by consent. However, development by plan of subdivision will be permitted as a means to provide for proper servicing (roads, water supply, sewage disposal, utilities), conservation of the natural environment and to manage the supply of land for residential development. Development by plan of subdivision may be phased in governing the supply of lots.

- e) Residential development in the Rural Area should not exceed 25% of the total projected residential growth for the community (i.e., one in four housing units may occur in the Residential District consistent with the current residential demand ratio).



(This Image is for illustrative purposes)

- 3 Waterfront development may be permitted on selected inland lakes subject to an amendment to this Plan and to the following development criteria:
- a) New development (excluding existing lots of record) on inland lakes including Wabagishik Lake and Agnew Lake may only be permitted where it is clearly demonstrated that additional development shall not reduce the water quality or adversely affect the fish habitat of these lakes;
  - b) New development on inland lakes shall be subject to the application of the Ministry of the Environment's Lakeshore Capacity Assessment Model Handbook and shall apply to all development within 300 m [984.2 ft] of the shoreline of a lake and its associated tributaries. Development shall not be permitted on lake trout or cold water lakes (as shown on **Schedules 'A2' and 'A3'**, Land Use Plan) and development shall be prohibited on lands adjacent to a lake where the lake has reached its development capacity except where one or more of the following conditions exists:
    - The tile fields on each new lot are set back at least 300 m [984 ft] from the shoreline of the lake such that the drainage from the tile fields would flow at least 300 m [984 ft] before reaching the lake.
    - The tile fields on each new lot are located such that it would drain into the drainage basin of another water body which is not at capacity.
    - To separate existing, habitable buildings each having a separate sewage disposal system, provided that the land use would not change;
    - Where a site-specific soils investigation prepared by qualified professional demonstrates that phosphorous can be retained in soils on-site, as outlined in the Ministry of the Environment's Lakeshore Capacity Assessment Handbook.
    - The proposed new use complies with the relevant policies of this Plan.
  - c) An Impact Assessment (IA) shall be required for when development is proposed adjacent to or within any of the Natural Heritage Features and Areas as identified on Land Use **Schedules "A2 - A3"** prior to approval of development, if the IA first demonstrates that development is feasible. (See **Section 7.5.1 (7), Natural Heritage Features and Areas Policies** for details of Impact Assessments.) This may result in revisions to the mapping of the affected Natural Heritage Features and Areas.
  - d) Waterfront development will generally be by plan of subdivision except for areas where only a limited number of lots can be developed. Proponents will be expected to enter into a subdivision agreement for the provision of services at standards prescribed by the municipality. The proponent will be expected to prepare a servicing (options) report in accordance with Ministry of the Environment Guidelines in assessing the most appropriate manner for providing water and sewage services;
  - e) Access may be water access (for seasonal residential development only) provided the lake has a public access point or by a public road or existing private road

provided that there is legal access to the parking area , that the road is within a reasonable proximity to the subject lands, and provided that it has been demonstrated to the satisfaction of Council that property safety measures have been undertaken in regard to fire protection (see **Section 4.1 Educational, Fire, Police, and Health Care Facilities**) and environmental protection measures (see **Section 7.5 – Natural Heritage Features**). Development with frontage on and direct access to a public road may be developed for permanent residential development;

- f) Conservation measures shall be as per **Section 3.7.2 (2) (c) above**;
- g) It shall be a policy of the Plan not to close shoreline allowances, but rather to retain all shoreline road allowances in public ownership. It is also the intent to maintain these shoreline road allowances in their natural state to preserve and/or reinstate the natural vegetation cover; and
- h) The site plan control policies of Section 2.12 shall apply to waterfront development.

### **3.7.3 Resort Commercial**

#### **1 Permitted Uses**

Permitted Uses shall include uses and services which are oriented to the vacationing public or which are leisure or recreation oriented. Such uses include accessory uses including residential accommodation.

#### **2 Planning Principles**

- a) The lot size shall be appropriate for the intended use (new or expansion), for on-site water and sewage disposal services and for parking and storage;
- b) Uses will be encouraged to locate on sites where advantage can be taken of topography, tree cover, scenic vistas and other natural amenities;
- c) Separation distances may apply to avoid land use conflicts with residential or resource uses;
- d) Conservation of the natural environment shall be sustained through such measures as:
  - i. Maintaining the shoreline along any water body in its natural state as much as is possible by leaving a buffer strip of vegetation as wide as possible along the shoreline for all waterfront development (see diagram). The buffer strip may be interrupted to allow access to the water. The zoning By-law may provide for increased setbacks for any building, structure or sewage disposal system;

- ii. Placing parking areas, power lines, sewage systems, buildings and structures behind the buffer strip;
  - iii. Conserving natural heritage features e.g. wetlands, fish habitat, nesting areas;
  - iv. Requiring the pump-out of sewage disposal systems on a regular basis to remove solids (*Note: authority as per the Municipal Act.*)
  - v. Ensuring that development does not result in the decline of the water quality of any water body. Council shall require the proponent of resort commercial development where required by the Ministry of the Environment's *Lakeshore Capacity Assessment Handbook* to undertake a lake capacity study to assess the impact of the proposed development on water quality and how the impact can be effectively minimized. Section 3.7.2.3 (b) shall apply in undertaking the lake capacity study. Where the impact cannot be mitigated, development shall not be approved;
  - vi. Council may control the size and location of boat houses, marine structures and docks.
- e) Resort commercial uses are subject to site plan control. (See **Section 2.12.**)
  - f) Resort commercial uses will be required to be located on a year-round publicly maintained road, or a private road as part of a condominium.

#### 3.7.4 Rural Industrial District

##### 1. Permitted Uses

Within areas designated Rural Industrial District on **Schedule 'A2', Land Use Plan**, or on lands designated by amendment to this Plan permitted uses shall include plants for manufacturing, extracting, assembly and processing of raw materials, resource based, resource related industries, value added industries, storage, wholesale and distribution services and repair services.

##### 2. Planning Principles

- a) Lot size shall be sufficient for the intended use;
- b) The lands shall be adequately serviced as set out in **Section 4.2** of this Plan;
- c) The lot or land area is accessed by a public road. Access to Highway 17, where permitted shall be subject to the requirements of the Ministry of Transportation;
- d) Industrial uses shall be subject to site plan control. Applicants seeking approval will be expected to file a site plan that clearly illustrates the details of development

(e.g., layout, setbacks and massing of buildings, parking, shipping and receiving, off-site traffic improvements, outdoor storage, waste disposal systems, lighting, landscaping and buffering, entrance, signage etc.) (see **Section 2.12**);

- e) Industrial uses shall meet the applicable requirements for environmental controls for noise, vibration, other emissions and for sewage and water systems as set out under *The Environmental Protection Act* and *The Ontario Water Resources Act* and the *Building Code Act* for the approval of small sewage systems. Applicants shall where requested, provide evidence e.g. Certificates of Approval to Council demonstrating compliance;
- f) Industrial uses shall be classified by type in the implementing zoning By-law. The zoning By-law shall set out recommended separation distances or and provide for influence areas between industrial uses and sensitive land uses depending on the industrial classification. These distances may be reduced or development may be permitted in an influence area where any adverse effects (as defined in the *Environmental Protection Act*) are satisfactorily mitigated based on technical studies;
- g) All rural industrial uses shall conform with the requirements of **Section 3.6.3(2)(f)**.

### 3.7.5 Agricultural Uses

Upon Rural designated lands agriculture being the use of lands, buildings or structures for the raising of animals and birds, and the growing of agricultural crops and farm-related commercial and farm-related industrial uses that are small in scale, directly related to the farm operation and required in close proximity to the farm operation may be permitted. Secondary uses such as home occupations, home industries and uses that produce value added agricultural products from the farm operation on the property may also be permitted. All new land uses, including the creation of new lots and new or expanding livestock operations shall comply with the Minimum Distance Separation formulae as amended from time to time in order to minimize odour conflicts between livestock facilities and development.

### 3.7.6 Special Rural

#### **Wabagishik Lake, Concession 2, South Part of Lot 1, Parcel 9520, Geographic Township of Nairn**

Notwithstanding any other policies of this Official Plan, the property located on Wabagishik Lake, Concession 2, South Part of Lot 1, Parcel 9520 shall be designated "Special Rural" and the following policies shall apply:

1. The Municipality recognizes and permits the existing water-access only cottage on this property;
2. Accessory uses of a sleep cabin is permitted under the Rural Residential (R3) Zone on the property;

3. The Official Plan prohibits any severances on this property until the following concerns have been addressed:
  - The preparation of a site evaluation and assessment report of the mine hazard by a qualified professional;
  - The preparation of a report to evaluate the mineral potential of the property and if found to be significant, an assessment of the feasibility of the establishment of an extraction operation, as per the 2005 Provincial Policy Statement, would be required;
  - The confirmation of access (public boat launch and parking) to be provided in writing;
  - The confirmation of available lakeshore development capacity, if required by the Ministry of the Environment;
  - The confirmation of appropriate site conditions for Class IV septic systems;
  - The confirmation of a licensed sewage disposal provider; and
  - Any other requirements as laid out in the Official Plan.

### **3.7.7 Salvage Yard District**

Because of the potential land use conflicts associated with this type of land use, the intent of the Plan is to direct these uses to locations which minimize the impact on surrounding or adjacent land uses through an amendment to this Plan.

#### **1. Permitted Uses**

On lands designated as Salvage Industrial District, the uses shall include the storage, crushing, dismantling, recycling, sorting or transfer of vehicles, building materials, non-hazardous wastes, junk and other materials and shall include the incidental retail, shipping and receiving of such materials. Accessory uses may include storage buildings, crushing or processing equipment, waste storage facilities and administration facilities;

#### **2. Amendment**

Scrap, junk, salvage or wrecking yards shall be located on lands designated for these purposes by an amendment to this Plan e.g. to Salvage Industrial District. Existing sites may also be recognized;

#### **3. Development Criteria**

In considering applications for amendments to this Plan to designate an area for scrap, junk, salvage or wrecking operations or an extension to an existing area, Council shall amongst other matters give consideration to the following development criteria:

- a) The general need and desirability of the type of operation proposed;
- b) The location of the proposed site relative to the land use and development policies



of this Plan;

- c) The appropriateness of the topography and soils relative to the proposed uses;
- d) When practical, scrap, junk, salvage and wrecking operations shall generally be restricted to areas not exposed to public view;
- e) The adequacy of existing or proposed roads to provide access to the site and capability to support truck traffic;
- f) That provisions have or will be made to obtain the required approvals under *The Environmental Protection Act* to assure the minimization of pollution to air soil and water and the adequate control of noise, dust, fumes, vibration or other emissions;
- g) That adequate provision is made for fencing, buffering or berming the operation; and
- h) The entering into of a Site Plan Control Agreement under *The Planning Act*. (See **Section 2.12**)

#### **4. Zoning**

Provisions shall be made in the implementing Zoning By-law to regulate Salvage Yards.

## 3.8 Natural Resource Area

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### 3.8.1 Development Concept

The largest land area of the Planning Area is the Natural Resource Area. The intent of the Plan is to conserve the Natural Resource Area primarily for renewable and non-renewable resource-based land use activities (e.g. mining, mineral aggregate resource extraction, forestry, and for the conservation of the natural environment, most notably natural heritage features and landscapes). Certain uses which require large land areas, outdoor recreational uses and land uses which are otherwise incompatible with sensitive uses shall be permitted in the natural resource area. (*Note: incompatible uses are not exempted from meeting the requirements for the conservation or protection of natural heritage features.*). The intent of the Plan is to recognize existing uses.

### 3.8.2 Resource Uses

Any uses set out in **Section 7.0 - Resource Management** of this Plan are permitted in the Natural Resource Area.

### 3.8.3 Crown Land

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

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

### 3.8.4 Conservation Uses

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

### 3.8.5 Remote Development

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

### 3.8.6 Existing Uses

Existing uses shall be recognized as permitted uses.

### 3.8.7 Residential Uses

Subject to rezoning, a residential use may be permitted to be developed on an existing lot of record which has frontage on a public road, provided it is clearly demonstrated to Council that an alternative location within the Urban or Rural Areas is not feasible and that the policies of **Section 7.0 - Resource Management Section** and **Section 3.7.3 (2) - Planning Principles** shall be met.

## 3.9 Land Division

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### 3.9.1 Plans of Subdivision - Policies

Land development shall generally take place by plan of subdivision for waterfront residential development and/or where three or more lots are proposed. Development by plan of subdivision may be used for large lot residential development in the Rural Area. Consents shall otherwise be the method of land division.

An application for a plan of subdivision shall be in accordance with the requirements of *The Planning Act*. Additional information may be required in assessing the appropriateness and the location of the subdivision. Regard shall be given to the requirements for an impact assessment for subdivisions proposed with shoreline frontage or in the vicinity of identified natural heritage features (see **Schedules A1 -A3**), Archaeological or cultural heritage resources (see **Section 5.2**) or natural or human-made hazards (flood plains (see **Section 8.1**), mine hazards (see **Section 7.3.4 and 8.6.2**), organic soils (see **Section 8.2**), noise and vibration (see **Section 8.5**), or waste disposal facilities (see **Section 4.4**).

Reference shall also be made to the servicing policies of this Plan (see **Section 4.2**) for the requirements for on-site or communal servicing for subdivisions located in the Rural Area. In developing a Plan of Subdivision, planning decisions shall be consistent with the Provincial Policy Statement.

It shall be the policy of Council to consider for approval, only those plans of subdivision which comply with the policies of this Plan, Section 51 (24) of the *Planning Act*, and which, to the satisfaction of the Council, can be supplied with appropriate public service facilities.

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

1. The applicant shall undertake to **pre-consult** with the approval authority; with the Ministry of Transportation with respect to an entrance permit onto a provincial highway; with the approval authority for on-site sewage disposal systems governed by the *Building Code Act*; with the Ministry of the Environment for sewage systems which generate greater than 10,000 litres/day (2,200 gallons/day) or requiring approval under the *Ontario Water Resources Act*; with the Ministry of Tourism and Culture with respect to an Archaeological and/or Heritage Impact assessment; and with other affected agencies for technical information.
2. Satisfactory completion of an application (as prescribed by the *Planning Act*);
3. Submission of the application together a draft plan and the required fee to the approval authority along with any required supplementary studies or information e.g. servicing options report, stormwater management report, noise/acoustical studies and impact assessment studies, lake capacity study, water supply assessment report, archaeological and/or heritage impact assessment etc. as required by this Plan.

4. Holding of a duly advertized public meeting, giving of notice of approval and appeal rights (in accordance with the notice provisions set out in the *Planning Act*) to consider the proposed subdivision;
5. Draft plan approval with conditions as may be required by Ministries, agencies and the Municipality;
6. Preparation of a subdivision agreement to address the conditions of draft approval;
7. Execution of the subdivision agreement by Council and registration of the agreement against the lands to which it applies;
8. Clearance of concerns or requirements by agencies;
9. Final approval of the Plan of Subdivision and registration;
10. Development of lands per the requirements of the subdivision agreement and approvals or clearances by the Municipality upon satisfactory completion of the requirements;
11. Conveyance of land or covenants for park land, easements for utilities, access control or drainage;
12. Sale of lots and issuance of building permits;
13. Assumption of roads, street lights etc., by the Municipality (subject to meeting warranty and other construction standards set out in the subdivision agreement).

(Note: where the decision of the approval authority is appealed, the Ontario Municipal Board considers the application and the Board's decision to be final.)

### 3.9.2 Consent Policies and Procedures

Provisions relating to the granting of consents are set out in Sections 51 and 53 of *The Planning Act*. Council shall be consistent with the Provincial Policy Statement in addition to the following consent policy checklist which is intended to be used for illustrative purposes by Council in the review of consent applications and other policies of this Plan may apply in addition to the following.

1. The applicant shall be encouraged to pre-consult with the Township prior to making an application ☐
2. The consent application shall be complete and shall include a sketch and the prescribed application fee and shall comply with the requirements of the *Planning Act* and associated Ontario Regulation for the filing, review, notice and decision procedures; ☐
3. The sketch shall show the lands to be severed and the lands to be retained, existing and proposed lot dimensions, lot areas

and buildings, natural physical features (water bodies, slopes, tree cover), the location of all lands previously severed from the parcel originally acquired by the current owner of the subject lands, the location and nature of any easement(s) affecting the subject land, and sufficient information to be able to easily locate the land;

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

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5. The application will be screened by the Municipality and will be circulated to appropriate ministries and agencies for their comments;

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6. Up to two severances may be granted for a lot existing as of the date of approval of this Plan (excluding the retained lot). Additional consents may be granted under limited circumstances where it is demonstrated that a subdivision is not a more appropriate form of development;

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

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

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8. The lot must meet the influence area, special setback and other policy requirements of this Plan particularly where the intended use of the lot is for a sensitive land use. Examples of sensitive land uses include but are not limited to a dwelling, daycare facility, educational facility or health care facility, church, campground. Reference should be made to the following Sections of this Plan for further explanation:

- 3.6.3 (2), 3.7.4 (2) (f) - Industrial Land Uses
- 3.7.2 (3), 3.7.3.2 (d) v. - Lake Capacity Study
- 3.10 – Minimum Distance Separation (MDS) Formulae
- 4.2.2 - Water Supply Assessment
- 4.4.1 (3) - Waste Disposal Sites

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- 7.2.3 - Mineral Aggregates (pits and quarries) ☐
- 7.3.4 and 8.6.2 - Mine Hazards ☐
- 7.3.9 - Mineral Resources ☐
- 7.5.1 (5) - Natural Heritage Features ☐
- 8.1 (1) and (4) - Flood Elevations ☐
- 8.2 - Organic Soils ☐
- 8.5 - Noise and Vibration ☐

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

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

- Mitigation of industrial impacts ☐
- Mitigation of waste disposal impacts ☐
- Verification of non-impact for below ground water aggregate operations ☐
- Plan/measures for rehabilitation of mine hazards ☐
- Assessment of mineral potential ☐
- Impact Assessment/mitigation measures for natural heritage features ☐
- Flood proofing measures ☐
- Noise or acoustical study ☐
- Record of Site Condition (contaminated sites) (see **Section 8.3 - Contaminated Sites**) ☐

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

10. The application shall be supported with information or a certificate of approval or evidence to verify suitability of the lot for sewage disposal, or to verify that there is off-site treatment capacity for hauled sewage. This may include approval for an individual on-site system or a communal system or a hydrogeological study (see **Section 4.2 - Sewage Disposal and Water Supply**); ☐
11. The application shall be supported with information to verify suitability of the water supply; ☐
12. The lot shall have frontage on and direct access to a public road unless otherwise exempted (see **Section 3.7.2.2 (b)**); ☐
13. Where the lot proposed fronts on a provincial highway, prior approval must be obtained for access from the Ministry of Transportation. Also, where the Ministry has identified the need for a

- road widening, the necessary land shall be dedicated as a condition of approval; ☐
14. The access or entrance to any lot should not create a traffic hazard e.g. on a curve or a hill where a driver's sight line is blocked or impaired. The applicant must receive approval from the municipality for the location and installation requirements for an entrance and/or culvert; ☐
15. Where the potential for a cultural heritage site or archaeological site has been identified, an archaeological assessment or heritage impact assessment may be required. The applicant should consult with the municipality, or the Ministry of Tourism and Culture (see **Section 5.0, Cultural Heritage and Archaeological Resources**); ☐
16. Consents shall not be granted which have the effect of limiting access to back lands for future development or which have the effect of creating land locked parcels for either the severed; ☐
17. Consents may not be granted in areas where the undue extension of municipal services would be required e.g. extension of a public road or school bus route; ☐
18. Consents may not be granted for the creation of a new lot on a water body where the lake has reached its development capacity and no residual capacity exists for that water body (see Sections 3.7.2 and 3.7.3); ☐
19. Despite the criteria outlined in '1' to '16' above, consents may be granted for the following purposes:
- to correct lot boundaries
  - to convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used
  - to clarify title to the land
  - where the effect of the severance does not create an additional building lot
  - to permit an easement
  - to permit a severance for municipal or other government purposes.
20. Conditions may be imposed by Council in the granting of severances which may include but not be limited to the following:
- a zoning amendment under the Zoning By-law or a minor



variance

under Section 45 of *The Planning Act*

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

The above conditions may be met, where appropriate, through an agreement under Section 51 or 53 of the *Planning Act*.

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

- Applicant files a complete application with the Clerk
- Notice of the application will be given to the land owner, surrounding residents as prescribed
- Council may also seek technical input from other selected agencies
- The application will be reviewed for compliance to the policies of this Plan and the regulations of the implementing Zoning By-law. Council may seek a planning report from a qualified Planner
- Council may have a public meeting to consider the application
- Council will issue a decision and may impose conditions of approval (provisional consent)
- Decision is given and notice is given to the applicant and anyone who requested a copy of the decision as required by the *Planning Act*
- Applicant shall enter into a consent agreement (Section 51 (26) of the *Planning Act*) where required as a means to implement the conditions
- Applicant has up to one year to fulfil provisions of

- conditional consent
- Consent is granted upon fulfilment of conditions and submission of deed or instrument for stamping (certificate)
- Applicant must register consent within two years from the date the certificate is given or consent will lapse.

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

### 3.9.3 Part-Lot Control

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

### 3.10 Minimum Distance Separation Formulae

New land uses, including the creation of new lots and new or expanding livestock operations shall comply with the **Minimum Distance Separation Formulae** (MDS) Implementation Guidelines as established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time as well as the policies set out in this Section. The following policies in addition to the MDS Implementation Guidelines will be applied to all new land uses including new or expanding livestock facilities:

1. The MDS I shall not apply to the following:
  - a) An existing non-farm residential use which is destroyed by a catastrophic event provided the replacement building is not built any closer to the livestock facility than before the event;
  - b) The expansion of an existing residential dwelling;
  - c) Accessory structures to a dwelling (i.e., decks, garages, garden sheds, gazebos, patios, pools or similar buildings and structures).
2. MDS II shall not apply to the following:
  - a) Any existing livestock facility which is destroyed by a catastrophic event provided the replacement building is not built any closer to the residential use than before the event and if the reconstruction does not result in a higher value for odour, nutrient units or manure or material.
3. For the purposes of applying MDS in this Plan:
  - a) A cemetery shall be classified as a Type B land use where it is closed or receives

low levels of visitation;

- b) MDS I and II shall apply to any development and/or expanding livestock facility in or adjacent to the urban settlement area.

## **4.0 PUBLIC SERVICE FACILITIES**

### **4.1. Educational, Fire, Police, Health Care and Recreational Facilities**

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Educational facilities (schools), fire, police and health care facilities are available to residents of the Planning Area. However, some of these facilities are centred in adjacent urban areas such as in Espanola and Sudbury. The intent of the Plan is to ensure that there is adequate capacity of such facilities to accommodate projected growth over the planning period. Council will continue to work towards improvements in emergency preparedness services (i.e., fire protection, ambulance facilities).

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

Recreational facilities are an important component of the quality of life to residents of the Township. The intent of the Plan is to ensure that recreational facilities are designed and developed to meet the needs of all age groups and as an amenity to attract the tourist industry. Council intends to encourage and participate in the development of trail systems for multiple users (i.e., cycling, cross-country skiing, hiking, walking, snowmobiling, ATVs) as a means to improving the recreational facilities and supporting a healthy lifestyle. Council will continue to improve recreational facilities for both active and passive users in the community and which support health and fitness. In general, Council will ensure that the acquisition or retention and development of parks and open space are an important consideration in land use decision making throughout the Township.

### **4.2. Sewage Disposal and Water Supply**

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#### **4.2.1 Municipal Water Supply**

Development within the urban service area (see Schedule 'A1') of Nairn Centre shall generally be serviced with municipal water.. Council may control the consumption of water for non-domestic purposes (e.g. cooling of logs) so as to ensure an adequate supply of water for the development of Nairn Centre as a predominantly residential community.

The municipal water supply, as a *partial service*, shall not be extended beyond the settlement area boundary for the urban service area of Nairn Centre.

Council intends to comply with Ontario's Drinking Water Protection Regulation with respect to the testing and treating of drinking water.

#### 4.2.2 Individual On-Site Systems

1. Lands throughout the Planning Area may be serviced by individual on-site (private) sewage disposal systems. Planning applications for new development shall be supported by information required to meet the approval requirements of *The Ontario Water Resources Act*, or the *Building Code Act*, respectively
2. Where the total effluent discharged by a sewage system is 10,000 litres/day (2,200 gallons/day) or less, and the system shall be entirely within the bounds of the lot, the approvals shall be governed by the *Building Code Act*;
3. Where the total effluent discharged by a sewage system is greater than 10,000 litres/day (2,200 gallons/day), the approval authority will be the Ministry of the Environment. The associated study shall demonstrate soil suitability, sufficient area for effluent treatment and site suitability for the disposal system or other such requirements of the Ministry of the Environment including compliance with the *Ontario Water Resources Act*;
4. A water supply assessment report may also be required to demonstrate that there is an adequate quantity and quality of water and that there will be no interference from sewage disposal or draw down of the water table.
5. For all plans of subdivision, a servicing options report in accordance with Ministry of the Environment Guidelines shall be required.
6. For lands serviced with on-site (private) water supply, well construction standards shall be required to meet Ontario Regulation 903.
7. In conducting assessments for water and sewage services, the municipality may require the proponent to undertake technical studies using Ministry of the Environment Guidelines (see **Section 4.2.4**).

#### 4.2.3 Communal Services

Council may consider communal services for multiple lot/unit development (e.g. six or more lots/units). Where such a system is required and approved, Council will assume responsibility after the issuance of a Certificate of Approval. Council may choose to operate the system or may consider entering into a legal agreement for the operation and maintenance of the system on a private basis subject to the approval of the Ministry of the Environment. Council will assume responsibility for the communal system should the system fail (e.g. default agreement) or should the operator fail to operate or maintain the system according to the agreement (Ministry of the Environment Guideline D-5-2, Application of Municipal Responsibility for Communal water and Sewage Services).

For the purposes of this Plan, Communal Services means sewage works and sewage systems and water works that provide for the distribution, collection or treatment of sewage or water, but which are not connected to full municipal sewage and water services; are for the common use of five or more residential or non-residential lots or units; and are owned, operated, and managed by the

municipality, another public body, a condominium corporation or single owner under an agreement pursuant to *The Planning Act*.

Communal services serving six or more residences shall be subject to Ontario's Drinking Water Systems Regulation.

#### **4.2.4 Suitability of Lots for Sewage Disposal Services**

To determine if a lot(s) is/are capable of sustaining development, a hydrogeological study and/or a terrain analysis and/or other studies may be required to assess the potential risk to groundwater. When a hydrogeological study and terrain analysis is required, reference shall be made to:

1. Ministry of the Environment Procedure D-5-4, Technical Guideline for Individual On-site Sewage Systems: Water Quality Risk Analysis;
2. Ministry of the Environment Procedure D-5-5, Technical Guideline for Private Wells, Water Supply Assessment; and
3. Such other standards, protocols or matters that may be considered relevant in consultation with the Ministry of the Environment and/or the Sudbury District Health Unit.
4. Guideline B-7, Incorporation of the Reasonable Use Concept into MOE Groundwater Management Activities
5. Water Management – Goals, Policies, Objectives and Implementation Procedures, known as the Provincial Water Quality Objectives (PWQO)

### **4.3. Storm Water Management**

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

### **4.4. Waste Disposal Facility**

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#### **4.4.1 Policies**

1. Existing active or new sites within the planning area may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals.
2. Closed or inactive sites may be used for other purposes subject to meeting requirements of

*The Environmental Protection Act (Section 46).*

3. No development shall be permitted on or within 30 m [98.4 ft] of the fill area of an active or closed waste disposal facility or area. Development proposed within 500 m [1,640 ft] of the fill area of an active or closed waste disposal facility or area shall be accompanied by a study (i.e., waste disposal influence area study) that demonstrates that the proposed development will not be negatively impacted by the waste disposal facility (e.g., leachate, methane gas, rodents, vermin, odours, fire etc.). Where recommended by the impact statement, measures to mitigate any adverse impacts shall be required as a condition of development. In conducting impact studies, reference shall be made to Ministry of the Environment Guideline D-4, Land Use on or Near Landfills and Dumps.
4. Waste Disposal sites are identified on the **Schedules "A1 - A3", Land Use Plan** as a land use designation

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

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Transportation infrastructure is made up of provincial highways, township roads, private roads, resource access roads, while transportation and infrastructure corridors consist of the CPR Rail Line and hydro electric power transmission lines.

### **4.5.1 Provincial Highways**

#### **Policies**

Highway 17 is recognized as a Provincial Highway with restricted access controls. Access to lots of record is permitted if the Ministry of Transportation's safety and operational requirements can be met. No new commercial or industrial entrances are permitted except if the property was zoned for such uses prior to the designation of Highway 17 as a Class 2 staged freeway (April 30, 1956). There shall be no permitted entrances for back lots. The intent of the Plan is to ensure that the function of this highway is maintained for through traffic. A service road or access from intersecting Township roads shall be the only means of access to abutting properties. Access is restricted and governed by the Ministry of Transportation and applies to entrances, adjacent land uses and signs. The Ministry of Transportation may also require an applicant to undertake a traffic study and/or stormwater management study to assess the impacts of development within the permit control area of a provincial highway.

### **4.5.2 Township Roads**

#### **Policies**

1. The primary function of Township roads will be to provide access to abutting properties.
2. Standards for new road construction shall include a minimum of 20 m [66 ft] right-of-way, engineered design and layout, appropriate drainage and construction. Roads on lands

under plan of subdivision may be assumed by a municipality provided the standards for road construction have been satisfactorily met.

3. Construction or maintenance of existing Township roads and bridges or crossing structures will continue to be based on a regular program of capital expenditures. The kilometrage of hard surfaced roads may be increased with priority being given to roads with higher traffic volumes and/or the need for improvements to meet contemporary design and safety standards.
4. A properly installed culvert and/or entrance permit shall be required, where applicable, for any new access to a Township road. The installation or replacement of culverts shall be to acceptable standards for drainage to the satisfaction of the municipality.
5. Council may classify roads as seasonal maintenance only. Where such roads are classified and posted with a sign, Council will not be obliged to provide winter control services.
6. Some roads in the Sand Bay area are currently on lands controlled by INCO or are on Crown land and are not currently owned or maintained by the municipality (e.g., Baker Drive, Coal Dock Road, Belle Bay Crescent, Pine Road). These roads provide access to existing residential development and a recreational commercial establishment. Council does not intend to assume responsibility of such roads.
7. Council recognizes that some properties in the Sand Bay area may not have direct frontage and access onto these roads. Council may exempt the requirement for direct frontage and access where a right-of-way has been established (between the property and the road) or where the provisions of the *Road Access Act* are deemed to apply.
8. Council may authorize the use and maintenance of an unopened road allowance by means of an agreement with one or more private property owners or an organization (e.g., snowmobile club) but this shall not be intended to permit lot creation. This is not intended to imply any obligation by Council to expend public funds on the maintenance of such a road or of an intent to open the road under the *Municipal Act*.
9. Council may require an applicant to undertake a traffic study to assess the impacts of development.

#### 4.5.3 Private Roads

##### Policies

1. A private road is defined as a road under private ownership which serves two or more legally conveyable lots and may include a right-of-way registered on title.
2. Except for condominium developments, new private roads shall not be permitted.
3. Existing private roads are intended to provide access to abutting properties including existing lots of record.



4. Council may assume a private road where the standards meet the requirements for township roads as set out in **Section 4.5.2**. The costs for upgrading a private road to a township standard will typically be borne by the adjacent property owner(s).
5. A cost-benefit analysis may be required in order to justify the assumption of a private road by Council. The costs of the cost-benefit analysis shall be borne by the applicant.
6. An existing lot may be used or developed for a use permitted which does not have frontage on a public road provided that the lot has a legal access (e.g., right-of-way) registered on title.
7. Council assumes no responsibility for providing access, snow removal or the maintenance of private roads nor is any responsibility acknowledged for the provision of school bussing on a private road. Where Council provides for emergency services, private roads may be required to meet minimum standards.
8. Some roads in the Sand Bay area are private roads i.e. on lands controlled by INCO and are not currently owned or maintained by the municipality e.g. Baker Drive, Coal Dock Road, Pine Road. These roads provide access to existing residential development and a recreational commercial establishment. Council does not intend to assume responsibility of such roads.

Council recognizes that some properties may not have direct frontage and access onto these roads. Council may exempt the requirement for direct frontage and access for an existing lot of record where a right-of-way has been established (between the property and the road) or where the provisions of the *Road Access Act* are deemed to apply.

#### **4.5.4 Resource Access Roads**

##### **Policies**

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

#### **4.5.5 Transportation Corridors**

##### **Policies**

1. It is the intent of this Plan that existing transportation corridors for road and rail be protected from land use activities which may interfere with the function and safe operation of these corridors including Highway 17 and the Huron Central Rail Line corridor.

2. It is the intent of this plan that the network of the Trans Ontario Provincial Trails (TOPS) system be protected. It is recognized that the TOPS routing may change from time-to-time. However, an amendment to this Plan is not required for changes to this routing so long as the intent of this policy is upheld.

#### **4.5.6 Infrastructure Corridors**

##### **Policies**

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

### **4.6. Energy Conservation**

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#### **4.6.1 Energy Conservation and Sustainable Development**

The intent of this Plan is to create a community whose land use planning decisions integrate well managed growth with energy conservation and sustainable development. The public and the development industry will be encouraged or required to demonstrate how their planning applications have taken into account measures for energy conservation and sustainable development or design.

Council recognizes and supports provincial initiatives for renewable energy projects under the *Green Energy and Green Economy Act, 2009* and intends to promote complementary initiatives through local land use decisions and municipal actions as follows:

1. Reducing the dependence on non-renewable energy sources by shifting to the use of solar power for such facilities as street-lighting and signage;
2. Optimizing energy use through energy efficient conservation in building and infrastructure design. In particular, Council will continue a program of energy conservation and retrofits of public buildings;
3. Encouraging energy conservation through projects and the design and development of buildings which utilize solar, geothermal, and wind power as energy sources;
4. Designing for waste reduction and recycling and in particular the diversion of waste from the landfill waste stream;
5. Promoting property retrofits and rehabilitation in the private sector which incorporate energy saving technologies;

6. Encouraging or reducing water consumption through water conservation measures (i.e., low-use water fixtures, re-use of greywater/wastewater, harvesting and recycling rainwater, use of swales, water conserving planting etc.);
7. Encouraging localized food production and localized food sales such as a farmer's market;
8. Supporting healthy lifestyles through the use of bicycles and pedestrian travel; and
9. Continuing to encourage residential intensification in the village and where feasible the adaptive re-use of non-residential buildings (i.e., school, church).

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

### **5.1 Policy Intent**

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The intent of this Plan is to conserve "*built heritage resources, cultural heritage landscapes and Archaeological resources*" as defined in the Provincial Policy Statement (see Appendix 1). Council intends to consult, where appropriate, with agencies when *significant cultural heritage* resources are identified and may be affected by development (e.g., cemetery or burial site). Heritage resources shall include built heritage resources (buildings and structures), cultural heritage landscapes (i.e., rural and hamlet areas of historic and scenic interest) and archaeological resources which are important to the community or are recognized for their significance at a provincial or national level. In addition, *areas of archaeological potential* are acknowledged as being confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act* by the proponent of a development application and shall be undertaken as a condition of development.

### **5.2 Policies**

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It is a policy of Council to consider cultural heritage resource conservation in all land use planning decisions. Cultural heritage resources include, but are not restricted to, archaeological sites, cultural heritage landscapes, buildings and structural remains of historical and architectural value, and human-made rural, urban or cultural heritage landscapes of historic and scenic interests. Cultural heritage resources shall be considered by Council as part of the development review process. For the purposes of the Plan, cultural heritage resources will be divided into built heritage resources (i.e., buildings), and archaeological resources (i.e., cemeteries, burial sites, and other sites acknowledged as significant at the local, provincial or national level).

#### **5.2.1 Policies for Cultural and Built Heritage Resources**

It is the intent of this Plan that the Township's built heritage resources be identified, conserved and enhanced wherever practical, and that all new development occur in a manner that respects the Township's cultural and built heritage. To implement this policy, Council shall:

1. Encourage and provide for the identification, restoration, protection, maintenance and enhancement of built heritage resources.
2. Encourage comprehensive inventories of cultural heritage resources and cultural heritage resource master plans in the Planning Area;
3. Consider ways and means in which Council may co-operate in the conservation and/or preservation of cultural heritage resources, including utilization of the Ontario Heritage Act in the following ways:
  - a) Council may, by by-law, designate properties, of historical cultural heritage value

or interest under *Part IV* or the *Ontario Heritage Act* or may designate a heritage conservation district under *Part V* of the *Ontario Heritage Act*. The municipal clerk shall keep a register of all property designated under the *Act*. This register may also include properties that are not designated but are considered to be for cultural heritage value or interest, as well as properties that have heritage conservation easements placed upon them;

- b) Council may establish a Municipal Heritage Committee to advise Council on heritage matters including identifying and recommending the designation of property(ies) under *Part IV* or *Part V* of the *Ontario Heritage Act*.
- c) Council shall require the submission of a Cultural Heritage Impact Statement (CHIS) to support an application for **development** or **site alteration** if the subject lands are located on or in close proximity to a site that has been identified in paragraph (a) and (b) as a property or district of historical cultural heritage value, in order to determine what impacts the development will have on the property or district.
- d) **Cultural Heritage Impact Statement (CHIS)**

Where it has been determined that a Cultural Heritage Impact Statement (CHIS) is required to support an application for development, a CHIS shall be submitted in the form of a report undertaken by a qualified professional which describes the following matters:

- i. The nature of the proposed development;
- ii. The cultural heritage resource(s) to be affected by the development;
- iii. The impacts posed by the development on cultural heritage resource(s);
- iv. The measures, if any, which may be taken to mitigate any negative impacts of development on the cultural heritage resource (s);

Council may impose conditions on any development approval which require the protection of cultural heritage resources, or to implement the appropriate mitigation measures to minimize the impacts of development on cultural heritage resources, as may be determined by a Cultural Heritage Impact Statement (CHIS).

- 4. Share the identification and mapping of any cultural heritage or built heritage resources with the Ministry of Culture under a data sharing agreement.
- 5. Encourage adaptive re-use rather than demolition as the preferred option for built heritage resources that have outlived their original use;
- 6. Promote the reduction of waste from construction debris as a result of demolishing buildings, by promoting and encouraging the adaptive re-use of older and existing building stock;
- 7. Encourage the conservation and enhancement of the rural character of the municipality as

a cultural resource;

8. Protect and enhance the distinguishing qualities and character of cultural heritage landscapes; and
9. Participate, where feasible, in the conservation of cultural heritage resources by conserving and mitigating impacts to significant cultural heritage resources when undertaking public works.

### 5.2.2. Policies for Archaeological Resources

Council recognizes that there may be significant archaeological resources associated with historic settlement patterns in the Township. Archaeological resources include artefacts, archaeological sites and marine archaeological sites, the identification of which is based upon fieldwork undertaken in accordance with the *Ontario Heritage Act*. The following policies are designed to ensure that archaeological resources are not negatively impacted by future development in the Township:

In order to protect archaeological resources in the Township, it shall be the policy of Council to:

1. Prioritize the in-situ preservation, where possible, of archaeological resources;
2. Require that in any proposed plan of subdivision and prior to the undertaking of any public work, private development, consent or Zoning By-law amendment, consideration be given to the possible effects and impacts of such works or development on archaeological resources and that such impacts, where identified, are appropriately mitigated.
3. Require an Archaeological impact assessment carried out by an archaeologist licensed under the *Ontario Heritage Act*, and according to the guidelines set out by the Ministry of Tourism and Culture, when any public work, private development, consent, subdivision or Zoning By-law amendment will affect an area containing a known Archaeological site or cemetery or an area considered to have Archaeological potential.
4. Consider where appropriate, the passing of Archaeological Zoning By-laws under Section 34 of the *Planning Act*, to be adopted for the purpose of preserving identified **significant Archaeological sites**.
5. Consult appropriate government agencies, including the Ministry of Tourism, and Culture and the Ministry of Consumer Services- Cemeteries Regulation Unit and the Ontario Provincial Police (OPP), when an identified cemetery, marked or unmarked human burial, is affected by land use **development**. Further Archaeological assessment shall be required and the provisions under the *Heritage Act* and the *Cemeteries Act* shall apply.
6. Consider undertaking an Archaeological Management Plan, to conserve the Township's archaeological heritage. The Township shall consult with Aboriginal peoples when developing the Terms of Reference for an Archaeological Management Plan. The objectives of the Archaeological Management Plan will be to:

- a) Guide development away from lands that have archaeological significance;
  - b) Assist with the review of development applications;
  - c) Provide a detailed inventory of known archaeological sites and previously assessed archaeological areas;
  - d) Provided a synopsis of the prehistory and history of the Township of Nairn and Hyman;
  - e) Determine areas of archaeological potential which will be digitally mapped;
  - f) Work with Aboriginal peoples to develop a consultation protocol.
7. Share the identification and mapping of any archaeological resources with the Ministry of Culture under a data-sharing agreement.
  8. Take into account known *archaeological resources* and *areas of archaeological potential* when considering applications for establishing or expanding aggregate operations;

### 5.2.3. Archaeology and Waterfront Development

Council recognizes that there may be archaeological remains underneath the waterways of the Township. These marine archaeological resources may include the remains of boats, vessels, and artefacts from the contents of boats, or belongings from travellers (e.g., weapons or tools). Marine archaeological resources may include remains which are or were at one time submerged under water. When considering applications for waterfront development in the Township, it shall be the policy of Council to ensure that cultural heritage resources, both on shore and in the water, within the Township's jurisdiction, are not adversely affected. When deemed necessary, Council shall require an Archaeological Impact Assessment (see **Section 5.2.2**) conducted by a licensed marine archaeologist, and satisfactory measures to mitigate any negative impacts on cultural heritage or archaeological resources shall be undertaken. The Township will consult with the Ministry of Tourism and Culture and Aboriginal peoples to determine the requirement for archaeological assessments for development applications that may impact archaeological resources either above or beneath the surface of the Township's water bodies.

## **6.0 ECONOMIC DEVELOPMENT**

The economic mainstay of the Planning Area is forestry. EACOM operates a sawmill just to the west of Nairn Centre which employs 280 people excluding its woodlands operation. The mill produces in excess of 200 million board feet per year. The mill also includes a small stud mill and a planing mill.

A second economic generator is Highway 17 which connects the Planning Area to the Sudbury and Espanola and accommodates major regional and inter-provincial traffic flows which sustain the truck stop, restaurants and commercial uses in Nairn Centre.

The health of Sudbury has an impact on the Planning Area as a source of employment as the community of Nairn Centre falls within the commuter shadow of this major northern Ontario city.

The Province's Growth Plan for Northern Ontario serves as an 'economic action plan' for the Province's north. The Township of Nairn and Hyman will seek to undertake economic development initiatives which are in parallel with the Growth Plan. It is the intent of this Plan to acknowledge that the Province's focal points for economic development strategies in the region are geared toward growth in sectors which include: advanced manufacturing; agriculture, aquaculture and food processing; arts, culture and creative industries; digital economy; forestry and value-added forestry-related industries; health sciences; minerals and mining supply and services sector; renewable energy and services; tourism; transportation, aviation and aerospace; and water technologies and services.

Council considers the role of the Official Plan as one of strengthening the economic base of the community while adhering to the principles of good land use planning. The policies of the Plan with respect to developing and sustaining an economically prosperous community are as follows:

### **6.1 Policies**

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1. To expedite approvals for development which conform to the policies of this Plan.
2. To provide support for the forest products industry.
3. To develop public-private sector partnerships as a mechanism for attracting investment and business development.
4. To provide and maintain adequate municipal infrastructure and public services to service and support community based economic development.
5. To ensure that there is an adequate supply of available land for all forms and types of land use.
6. To provide for a broader mix of land uses in any commercial or industrial land use



designation.

7. To facilitate the acquisition and development of Crown Land where it may be utilized for economic development activities.
8. To manage the renewable and non-renewable resource base by conserving or designating resources for the benefit and use of the community, most notably aggregate resources, mineral resources and forestry.
9. To support the establishment of Home Based Businesses
10. To align economic development initiatives with the target sectors of the Growth Plan for Northern Ontario.

## **7.0 RESOURCE MANAGEMENT**

### **7.1 Agricultural Resource Lands**

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There are no lands utilized or identified as prime agricultural lands by the municipality. The intent of this Plan is to permit agricultural activities in the Natural Resource Area of the Planning Area provided that livestock facilities comply with the Minimum Distance Separation formulae of the Ministry of Agriculture, Food and Rural Affairs.

### **7.2 Mineral Aggregate Resources**

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#### **7.2.1 Permitted Uses**

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

1. Pits and quarries.
2. Wayside pits and quarries.
3. An agricultural use excluding any permanent buildings.
4. Forestry excluding any permanent buildings.
5. Uses associated with pit and quarry operations such as crushing facilities, stock piles, screening operations, asphalt and concrete plants and aggregate transfer or recycling operations provided they do not prevent the opening of a pit, quarry, wayside pit or quarry.
6. Crushers, screeners, asphalt plants and recycling operations are permitted where they have been certified and the equipment approved by the Ministry of the Environment.
7. Passive recreation uses not including buildings or structures.
8. An accessory dwelling unit where the dwelling unit is in association with the mineral aggregate operation and is required to be on the property.

#### **7.2.2 Policies**

1. It is a policy that as much of the mineral aggregate resources will be protected for their resource value as close to markets as possible through:
  - a) The designation of active pits and quarries, including those which are licensed under

the *Aggregate Resources Act* and those located on Crown land for which permits have been issued. This category is illustrated as an Authorized Aggregate Site on the land use schedules; and

- b) Mineral aggregate reserves which include areas of mineral aggregate potential. This category is illustrated as a Mineral Aggregate Resources Area on the land use schedules.. This category includes reserves of primary aggregate resource significance and as Nipissing Diabase. (*Note: The Schedules to the Land Use Plan include four items, which collectively make up the Mineral Aggregate Resources Designation.*)

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

## 2. Influence Area and Separation Distances

It is a policy to recognize an influence area as a means of protecting against incompatible land uses in the vicinity of proposed pits and quarries and to protect existing pits and quarries from encroachment from other incompatible land uses. It is a policy of Council to protect existing or future mineral aggregate operations from development and activities that would preclude or hinder their expansion or continued use. Development or site alteration in areas adjacent to or in known deposits of mineral aggregate resources which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) The resource use would not be feasible;
- b) The proposed land use or development serves a greater long-term public interest; and
- c) Issues of public health, public safety and environmental impact are addressed.

For the purposes of this Plan, the influence area shall be considered to be:

- a) 500 m [1,640 ft] for quarries with a recommended separation distance of 300 m [984.2 ft]; and
- b) 300 m [984.2 ft] for pits with a recommended separation distance of 70 m [229.6 ft]

Measurement of the distances shall be from the boundary of the Mineral Aggregate land use designation shown on **Schedules "A2 - A3", Land Use Plan**. The extent of the influence area may be modified in consultation with the public body having jurisdiction without amendment to this plan.

Within the influence area, and outside of the recommended separation distance (of 300 m or 70 m respectively), development may be permitted where it is clearly demonstrated that

impacts such as noise, dust, vibration can be mitigated by the operator, based on technical studies, and the quality and quantity of ground water on adjacent properties will not be compromised where excavation activities are below the water table.

These policies are reciprocal for an existing residential use or other sensitive land use.

### **3. Site Development of Pits and Quarries**

New or existing pits or quarries, or the expansion of existing pits or quarries beyond their licensed limits shall be subject to the licensing and approval requirements of the *Aggregate Resources Act*.

In addition, Council may use the authority of the *Municipal Act* and the *Planning Act* with respect to requiring site plans or other measures to support implementation of the *Aggregate Resources Act* in the municipality.

### **4. Pit and Quarry Operations**

In the zoning of pit and quarry operations, Council shall require owners and/or operators to submit a site plan illustrating the location and labelling of all excavation setbacks, buildings and structures from property boundaries and the location of entrances as well as any other information required to determine compliance with the Zoning By-law.

### **5. Wayside Pits and Quarries**

It is a policy to permit wayside pits and quarries.

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

Wayside pits and quarries are permitted throughout the Planning Area without an amendment to this Plan or to the Zoning By-law except in areas designated as an Urban Settlement Area or the built-up sections of a Rural Area or on environmentally sensitive lands.

### **6. Portable Asphalt/Concrete Plants**

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

Portable asphalt/concrete plants, used by a public road authority or their agents, shall be permitted throughout the Planning Area without an amendment to this plan or to the Zoning By-law. Portable asphalt/concrete plants are not permitted in areas designated as an Urban Settlement Area or on environmentally sensitive lands.

If asphalt or concrete for a public road project cannot be obtained from an existing

asphalt/concrete plant, attempts should be made to locate the portable plant in a wayside pit, vacant industrial site, the highway right-of-way, or on inactive or less productive agricultural lands.

Portable asphalt plants are subject to the following provisions:

- a) Portable asphalt/concrete plants shall be removed from the site upon completion of the project.
- b) All portable asphalt/concrete plants must have a Certificate of Approval from the Ministry of the Environment and shall also require a location approval by the district manager of the Ministry of the Environment.

#### DEFINITION

"Portable asphalt plant" means a facility:

- a) With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) Which is not of permanent construction, but which is designed to be dismantled at the completion of construction and moved to another location as required.

"Portable concrete plant" means a building or structure

- a) With equipment designed to mix cementing materials, aggregate, water, and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) Which is not of permanent construction, but which is designed to be dismantled at the completion of the construction process.

### **7. Resource Identification or Depletion**

It is a policy that an amendment is required to this Plan to designate mineral aggregate resource lands not currently identified or conversely to redesignate existing lands wherein the resource has been depleted. In any redesignation, consideration shall be given to the following criteria.

- a) Evidence, provided by the applicant, indicating that the aggregate extraction is unfeasible due to quality, quantity, other development constraints or that the resource has been depleted;
- b) The necessity of the land use change in comparison to the necessity of conserving the aggregate resource (e.g. development of the land will not sterilize the use of

resources on adjacent lands, the lands are not natural heritage features (wetlands, habitat areas);

- c) The reason for the choice of location and the consideration given to alternate locations on non-aggregate land;
- d) The consideration given to the option of sequential land use, in which the aggregate is removed prior to the development of the land for the proposed use; and

Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

## **7.3 Mineral Resources**

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### **7.3.1 Policies**

It is a policy to recognize the geographic townships of Nairn and Hyman as exhibiting a medium to high mineral potential rating.

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

#### **1. Mineral Resources as a Constraint**

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

It is a policy that the scope of permitted uses considered as mineral resource related shall include those in the underlying land use designation. Any proponent of development other than those directly related to mineral resource use (except in areas of existing settlement) shall be required to undertake an evaluation or provide information satisfactory to Council that addresses the requirements of **Section 7.3.9, Implementation, of this Plan** prior to the approval of such development.

#### **2. New Mines**

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

separation distances for a Class III industrial use (per the Ministry of the Environment Guideline D-6) shall be taken into consideration in the approval of the location of mine processing, storage and mine buildings. Consideration will also be given to the impact on natural heritage features and the provisions of **Section 7.5** for conserving and protecting such features.

### 3. Past Producing Mines and Mine Hazards

It shall be a policy that past producing mining operations are considered to be mine sites that are under temporary closure and where there is remaining mineral potential. Resumption of mining may be permitted subject to the approval of the Ministry Northern Development and Mines. Mine hazards are considered to be any feature of a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated (see **Section 8.6.2**).

It shall be a policy to recognize past producing mine and mine hazards sites as areas where development may be restricted or prohibited subject to consultation with the Ministry of Northern Development and Mines. Any proposed development will be subject to an amendment to the Zoning By-law wherein it has been demonstrated with supporting engineering documentation that the mine hazard can be mitigated and remediated to properly address public health, safety and environmental concerns to the satisfaction of the Ministry of Northern Development and Mines as per **Section 8.6.2** of this Plan.

These policies are inclusive of **Section 8.3 - Contaminated Sites** of this Plan.

### 4. Rehabilitation

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

Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation shall be undertaken where feasible.

### 5. Existing Mining Land Tenure

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

## **6. Influence Area**

It is a policy to recognize an influence area as a means of protecting against incompatible land uses in the vicinity of mining operations and to protect mining operations from encroachment from other incompatible land uses. It is a policy of the Council to discourage or prohibit incompatible land uses in areas adjacent to mineral resource operations or reciprocally, to protect existing sensitive land uses. Development may be permitted in the influence area where the impacts of mining operations can be properly mitigated. For the purposes of this Plan, the influence area shall be generally 1,000 m (3,280 ft.). For the former Agnew Lake Mine in Hyman Township, the influence area shall be 2 km [1.24 mi]. The establishment or modification of the influence area should be carried out in consultation with the Ministry of Northern Development and Mines and the Ministry of the Environment and may be done without amendment to this Plan.

## **7. Resource Depletion**

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

## **8. Implementation**

Measures to achieve policies of the Council are as follows:

- a) The Township shall establish a protocol for consultation with the Ministry of Northern Development and Mines on technical and other concerns related to mineral mining operations and their impacts on other land use activities in the municipality;
- b) In the review of planning applications, Council shall consult the Ministry of Northern Development and Mines where the proposed development is located within lands identified as having mineral potential.
- c) The proponent of development for uses other than those permitted in Section 7.3.1(1) that are proposed within or adjacent to lands used for mineral resource extraction shall demonstrate that: :
  - shall not preclude or hinder the establishment of new mining operations;
  - that the resource use would not be feasible; or
  - that the proposed land uses or development serves a greater long term public interest; and
  - that issues of public health and safety and environmental impacts are addressed.



## 7.4 Forestry

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

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

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

## 7.5 Natural Heritage Features and Areas

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Natural Heritage Features are those features which are important for their environmental and social values as a legacy of the natural landscapes of the area and include:

- significant wetlands (provincially and locally significant)
- fish habitat
- significant habitat of endangered and threatened species
- significant wildlife habitat
- significant woodlands
- significant valleylands
- significant areas of natural and scientific interest – life science
- significant areas of natural and scientific interest – earth science
- species of concern under the *Endangered Species Act*

Collectively, the individual Natural Heritage Features and Areas within the Planning Area form a natural heritage system. It is intent of this Plan that these areas and features be protected from incompatible development. For the purposes of this Plan the word "significant" is defined as an area identified as provincially significant by the Ministry of Natural resources using evaluation procedures established by the province as amended from time-to-time. Council may recognize and provide for other natural heritage features which are locally significant.

The Ministry of Natural Resources has identified and mapped Natural Heritage Features and Areas within the Nairn & Hyman Planning area. These features are shown on the Schedules to the **Land Use Plan** and include such features as deer yards, fish spawning areas, cold and warm water bodies and other ecological features. The policies of this Plan are intended to provide appropriate measures for protection of the features identified and to encourage further study and classification.

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

### 7.5.1 Policies

1. It is the intent of this Plan to provide appropriate measures for the protection of features which have been identified and to encourage further study and classification;
2. It is a policy to protect and enhance natural heritage features and areas as part of the land use decision making process.
3. Council in association with the Ministry of Natural Resources and other interested parties, will continue to work towards the identification, classification, and evaluation of natural heritage features.
4. Development and site alteration shall not be permitted in significant habitat of endangered and threatened species, significant wildlife habitat, or species of concern or within significant wetlands or locally significant wetlands or within significant areas of natural and scientific interest.
5. Development and site alteration shall not be permitted in ***fish habitat*** except in accordance with provincial and federal requirements.
6. Within the Planning Area, an Impact Assessment shall be required for development or site alteration on or adjacent to any of the Natural Heritage Features which are shown on the **Land Use Plan, Schedules "A1 - A3"**, or which are otherwise identified as part of the development process. For the purposes of this Plan an impact assessment shall be required for development proposed within:
  - 120 m [393.7 ft] of the significant habitat of an endangered or threatened species;
  - 120 m [393.7 ft] of significant wildlife habitat;
  - 120 m [393 ft] of a provincially or locally significant wetland;
  - 120 m [393.7 ft] of fish habitat; or
  - 50 m [164 ft] of an Area of Natural and Scientific Interest.(earth science)
  - 120 m [393.7 ft] of an Area of Natural and Scientific Interest (life science)

These distances are considered to be adjacent lands for the purposes of this Plan (see sample illustration). Adjacent lands mean those lands, contiguous to a specific natural heritage feature, where it is likely that development or site alteration would have a negative impact on the feature or area (see the Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005, Second Edition, Ministry of Natural Resources).

7. Council may engage such qualified professionals as are required for the purpose of reviewing an Impact Assessment report. Costs shall normally be recovered from the applicant for development.

The components of an Impact Assessment (IA) shall follow the prescription of protocols outlined in the Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005, Second Edition, Ministry of Natural Resources

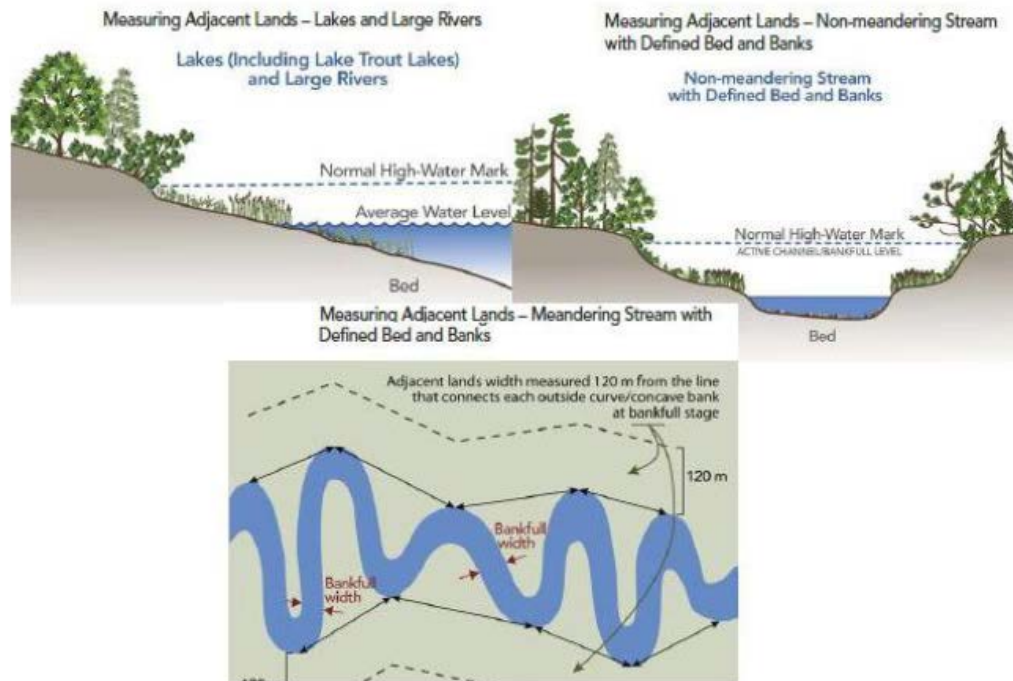
### 7.5.2 Implementation

Measures to achieve the above policies are as follows:

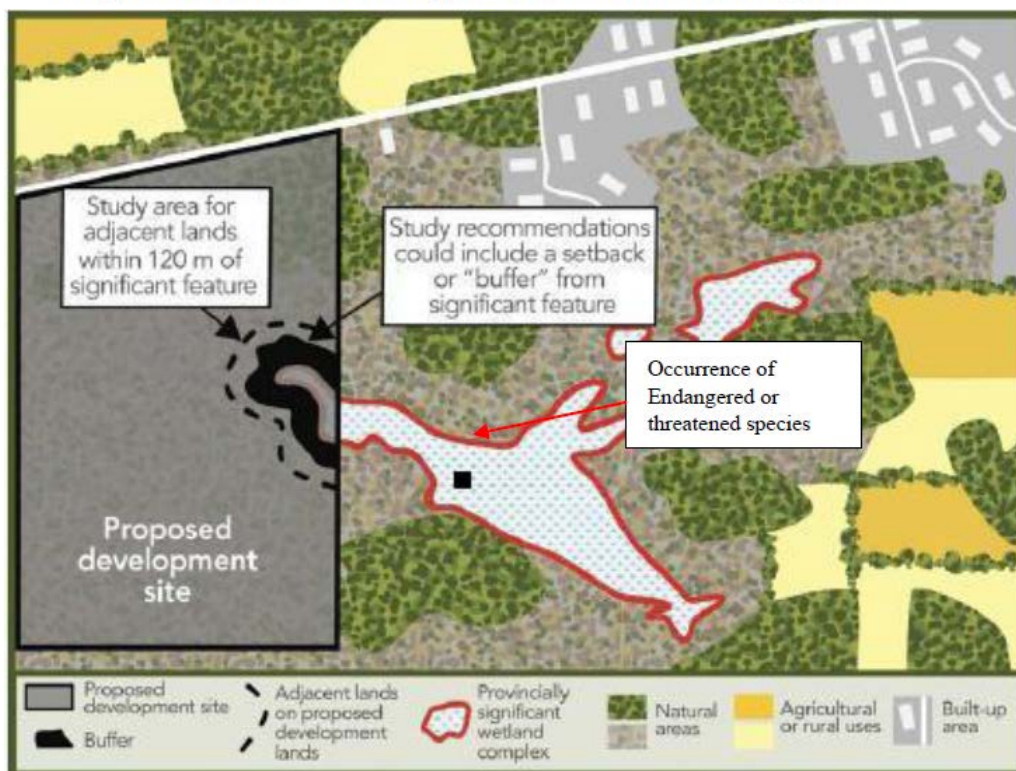
1. Applicants for development shall submit a complete application as required under *The Planning Act*. Supporting information may also include the completion of an Impact Assessment for any proposed development within or adjacent to a significant Natural Heritage Feature (e.g. Fish Habitat, Wetlands, Wildlife Habitat, ANSI, or species of concern as identified in subsection 7.5.1 above and which may be shown on the Land Use Schedules or otherwise identified as part of the development process). Such study shall demonstrate what impacts may occur, if any, as a result of development and what mitigating measures must be undertaken to avoid negative impacts on these features as subsection 7.5.1 (7).
2. Council may consult technical agencies for comments on the terms of reference or results of such studies.
3. Council may use zoning or site plan control as a means to implement the requirements for conservation of natural heritage features and/or the mitigation of adverse impacts. (See Section 2.12)

## Examples of Adjacent Lands

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



### Adjacent Lands – Endangered and Threatened Species



## **8.0 NATURAL AND HUMAN-MADE HAZARDS**

### **8.1 Flood Plains**

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#### **8.1.1 Policies - Flood Plains**

1. The following is recognized as representing the 1:100 regulatory flood line (One-Zone Concept) elevation in the Planning Area:

- Agnew Lake (Spanish River) west of Red Pine Point 263.35 m CGD\*  
[864 ft CGD]

\* CGD: Canadian Geodetic Datum

All elevations are measured above sea level.

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

2. No new buildings are permitted to be constructed within the flood plain except flood control structures, or, a wharf or dock, boat slip, boat house, or a marine structure.

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

3. Extensions or enlargements to existing habitable or other buildings located in the flood plain (other than an institutional use) may be permitted where it is clearly demonstrated to Council and the Ministry of Natural Resources through engineering or other studies, that the flood hazard can be overcome. Such measures may include flood proofing of a building and ensuring that any openings are located above the flood elevation.
4. In areas of the Planning Area where the flood plain has not been determined, the setback of habitable buildings, non-residential buildings and sewage disposal systems from the shoreline or high water mark shall be set back 30 m [98.4 ft] and the provisions of 8.1.1(2) shall apply. The setback provisions may be reduced or be waived without amendment to this Plan where the river bank or adjacent lands constitute an escarpment, bluff or other topographic feature that distinctively separates the river valley from the surrounding lands and it is demonstrated by supporting technical information that a hazard will not be created or can be safely addressed.

## 8.2 Organic Soils and Other Hazardous Sites

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### 8.2.1 Policies

1. For the purposes of this Plan, organic soils are described as those soils normally formed in a water saturated environment (e.g. wetland) where the soil is not exposed to the air for a sufficient enough time to permit the breakdown of vegetative material. As a result, these soils may not contain sufficient strength to support a building or structure.
2. Organic soils, as shown on the land use plan, shall be considered as a constraint to development and no development shall be permitted including the installation of sewage disposal systems in organic soils unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the *Building Code* can be met and provided that no adverse environmental impact will result.
3. *Institutional uses and hazardous substances* or essential emergency services are not permitted on organic soils.
4. *Development* shall generally be directed away from *hazardous sites* such as lands with steep slopes, rocky conditions or low lying or marshy lands.

## 8.3 Contaminated Sites

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

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

It is a policy to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse such that there will be no adverse effect. Measures to be taken by Council and/or the approval authority and the proponent include the following:

- a) The identification and inventory of sites by the municipality of where existing and past uses may have contributed to the presence of contaminants.
- b) Where applications for the development or redevelopment of sites that are identified as being contaminated or potentially contaminated have been submitted, approval or condition of final approval will require the proponent to file a Record of Site Condition on the Environmental Site Registry to show that the site has been assessed and if necessary, remediated in accordance with the requirements of

Ontario Regulation 153/04 such that the site is suitable for the intended future use. Mandatory filing of a Record of Site Condition on the Registry is required for any change to a more sensitive land use such as a change of use from industrial to residential or parkland

- c) Council may supervise the excavation and soil handling activities during site clean-up.
- d) Site plan control may be used as a measure to enhance site decommissioning and remediation. (See **Section 2.12**)
- e) Contaminated sites may be placed in a holding zone in the municipality's zoning By-law. Where a holding zone is used, the "H" may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in accordance with a site remediation plan and subject further, to the submission to the municipality of a Ministry of the Environment acknowledged Record of Site Condition.

## **8.4 Forest Fire Management**

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### **8.4.1 Policies**

1. In recognition of the extensive areas of Crown Land and forested lands within the Planning Area, forest fire management measures may be instigated by a municipality in considering such criteria as:
  - a) Ensuring proper road access for emergency vehicles and for escape e.g. construction standards, width, bearing capacity, height clearance
  - b) Evaluating fire response capabilities
  - c) Determining the location of emergency water sources
  - d) Ensuring buildings are well spaced and properly sited e.g. north and east facing slopes or flatter terrain and construction with fire resistant materials
  - e) Identifying the location of roads which may act as fire barriers
  - f) Encouraging fire-wise landscaping
  - g) Establishing distance separations between buildings and densely wooded areas, particularly tree species with high ignition factor
  - h) Establishing setbacks or limiting distances from nearby fire risks e.g. railways, campgrounds etc.

2. Council may establish a forest fire management plan and implement the plan through incorporating provisions in the municipality's zoning By-law and through the use of site plan control.

## **8.5 Noise and Vibration**

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### **8.5.1 Policies**

1. All applications for development of a **sensitive land use** (e.g., residential use, daycare, education or health care facility) within 50 m [164 ft] of Highway 17 and/or the main Huron Central Rail Line or within the potential influence area (as per the Ministry of the Environment *Guideline D-6: Compatibility Between Industrial Facilities and Sensitive Land Uses*) of an industrial or other stationary noise source should be accompanied by a noise feasibility study prepared by a qualified consultant and to the satisfaction of the municipality. The study shall demonstrate whether noise and vibrations levels can be reduced to meet provincial standards in accordance with the Ministry of the Environment Publication LU-131, Noise Assessment in Land Use Planning: Requirements, Procedures and Implementation.
2. All applications for development of a sensitive land use (e.g., residential use, daycare, education or health care facility) within 50 m [164 ft] and 300 m [984 ft] of Highway 17 and/or the main Huron central Rail Line or within the potential influence area of a stationary noise source should be accompanied by an acoustical study prepared by a qualified consultant and to the satisfaction of the municipality. The study shall demonstrate how noise and vibrations levels can be reduced to meet provincial standards in accordance with the Ministry of the Environment Publication LU-131, Noise Assessment in Land Use Planning: Requirements, Procedures and Implementation. The conclusions and recommendations of this study shall be implemented through conditions of the development approval.

Failure to demonstrate that noise can be mitigated to within acceptable levels will require relocation of the proposed sensitive land use to provide a greater separation distance.

3. These policies shall not apply to infill on Lots of Record.

## **8.6 Mine Hazards**

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### **8.6.1 Tailings Management Areas**

Areas designated on **Schedule 'A3', Land Use Plan** as Tailings Management Areas are to be considered as restricted areas and are not intended for development. Since these lands may have an impact on the development of adjacent lands, any application for development on lands that are within 1000 m [3280 ft] of the boundary of a Tailings Management Area shall be accompanied by an impact assessment unless determined in consultation with the Ministry of Northern



Development and Mines that such an assessment is not required. If required, the proponent shall provide an impact assessment to address potential impacts on public health and safety and the environment, and the feasibility of developing such lands, if any, and provides recommendations for the mitigation or other measures required to overcome such impacts, where applicable.

### 8.6.2 Mine Hazards

Lands shown by a symbol on the **Land Use Plan Schedules** have been identified as a ***mine hazard***.

Any proposed development within one (1) km (0.6 miles) of a mine hazard feature will require review to determine the need for a detailed geo-technical evaluation. A technical review carried out by a duly qualified individual, typically a qualified professional engineer (although some risks may not be covered by an engineering discipline i.e. chemical contamination) may be required to determine the risk to public health and safety posed by each location and also the degree to which recent or historic rehabilitation activity impacts upon that risk. The Township will consult with the Ministry of Northern Development, Mines and Forestry to determine when a technical study related to a ***mine hazard*** is required prior to approving any development, the requirements and scope for undertaking the study and the required qualifications of any professional required to undertake a study. The recommendations of any technical study or report required above may be in addition to other requirements that may need to be addressed before development can proceed. The Township will require that the procedures for site rehabilitation and mitigation of public health and safety hazards be underway or completed prior to approval of the development application. Through studies and in consultation with the Ministry of Northern Development, Mines and Forestry and mining companies, the Township may refine the boundaries of sites. Proponents of development may be exempted from technical studies where prior studies have served to define the limits, rehabilitation, remedial and/or mitigation characteristics or requirements for a particular area or location. Studies may be required for a single development or for a major development such as a plan of subdivision. Despite the above, a circumferential distance of one (1) km will apply to all known or future mine hazards for the purpose of determining the potential impact on development and any associated rehabilitation, remedial or mitigation requirements.

## **APPENDIX 1**

### **DEFINITIONS FROM THE PROVINCIAL POLICY STATEMENT**

## Definitions

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

**Adjacent lands:** means

- a) for the purposes of policy 2.1 of the Provincial Policy Statement, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives; and
- b) for the purposes of policy 2.6.3 of the Provincial Policy Statement, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

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

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

**Affordable:** means

- a) in the case of ownership housing, the least expensive of:
  - 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
  - 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- b) in the case of rental housing, the least expensive of:
  - 1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
  - 2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

**Agricultural uses:** means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agriculture-related uses:** means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

**Airports:**

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

**Alternative energy systems:**

means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

**Archaeological resources:**

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

**Areas of archaeological potential:**

means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Areas of mineral potential:**

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

**Areas of natural and scientific interest (ANSI):**

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

**Areas of petroleum potential:**

means areas favourable to the discovery of petroleum resources due to geology, the presence of known petroleum resources or other technical evidence.

**Brownfield sites:**

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

**Built heritage resources:**

means one or more 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. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

**Coastal wetland:** means

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

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

**Comprehensive review:** means

a) for the purposes of policies 1.1.3.9 and 1.3.2 of the Provincial Policy Statement, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:

1. is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth through intensification and redevelopment;
3. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2 of the Provincial Policy Statement;
4. is integrated with planning for infrastructure and public service facilities; and
5. considers cross-jurisdictional issues.

b) for the purposes of policy 1.1.5 of the Provincial Policy Statement, means a review undertaken by a planning authority or comparable body which:

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

**Conserved:**

means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

**Cultural heritage landscape:**

means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

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

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

**Deposits of mineral aggregate resources:**

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

warrant present or future extraction.

**Designated and available:**

for the purposes of policy 1.4.1(a) of the Provincial Policy Statement, means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g., secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be designated for the purposes of this definition.

**Designated growth areas:**

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

**Designated vulnerable area:**

means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events.

**Development:**

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

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the Drainage Act; or
- c) for the purposes of policy 2.1.3(b) of the Provincial Policy Statement, underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.4(a) of the Provincial Policy Statement.

**Dynamic beach hazard:**

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

**Ecological function:**

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

**Employment area:**

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

**Endangered species:**

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

**Erosion hazard:**

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

**Fish:**

means fish, which as defined in S.2 of the Fisheries Act, c. F-14, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat:**

as defined in the Fisheries Act, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

**Flood fringe:**

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

**Flood plain:**

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

**Flooding hazard:**

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

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

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

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

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

**Floodproofing standard:**

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

**Floodway:**

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

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

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

**Great Lakes - St. Lawrence River System:**

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

**Ground water feature:**

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

**Hazardous lands:**

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

**Hazardous sites:**

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

**Hazardous substances:**

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



**Heritage attributes:**

means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

**Hydrologic function:**

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

**Individual on-site sewage services:**

means individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the Building Code Act, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual on-site water services:**

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

**Infrastructure:**

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

**Intensification:**

means the development of a property, site or area at a higher density than currently exists through: redevelopment, including the reuse of brownfield sites; the development of vacant and/or underutilized lots within previously developed areas; infill development; and the expansion or conversion of existing buildings.

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

**Legal or technical reasons:**

for the purposes of policy 2.3.4.2 of the Provincial Policy Statement, means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Low and moderate income households:** means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

**Mine hazard:**

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

**Minerals:**

means metallic minerals and non-metallic minerals as herein defined, but does not include mineral aggregate resources or petroleum resources. Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived. Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

**Mineral aggregate operation:**

means lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto; for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

**Mineral aggregate resources:**

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

**Mineral deposits:**

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

**Mineral mining operation:**

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

**Minimum distance separation formulae:**

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

**Multi-modal transportation system:**

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

**Municipal sewage services:**

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

**Municipal water services:**

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

**Natural heritage features and areas:**

means features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural heritage system:**

means a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

**Negative impacts:** means

- a) in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and
- c) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

**Normal farm practices:**

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

**Oil, gas and salt hazards:**

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

**One hundred year flood:**

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

**One hundred year flood level:** means

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and

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

**Other water-related hazards:**

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

**Partial services:** means

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

**Petroleum resource operations:**

means oil, gas and brine wells, and associated facilities, oil field brine disposal wells and associated facilities, and facilities for the underground storage of natural gas and other hydrocarbons.

**Petroleum resources:**

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

**Planned corridors:**

means corridors identified through provincial plans or preferred alignment(s) determined through the Environmental Assessment Act process which are required to meet projected needs.

**Portable asphalt plant:** means a facility

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable concrete plant:** means a building or structure

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Prime agricultural area:**

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

**Prime agricultural land:**

means land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

**Private communal sewage services:**

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

**Private communal water services:**

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

**Protected heritage property:**

means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

**Protection works standards:**

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

**Provincial and federal requirements:** means

a) in regard to policy 1.8.3, legislation and policies administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy facilities and ensuring that the necessary approvals are obtained; and

b) in regard to policy 2.1.5 of the Provincial Policy Statement, legislation and policies administered by the federal or provincial governments for the purpose of the protection of fish and fish habitat, and related, scientifically established standards such as water quality criteria for protecting lake trout populations.

**Provincial plan:**

means a plan approved by the Lieutenant Governor in Council or the Minister of Municipal Affairs and Housing, but does not include municipal official plans.

**Public service facilities:**

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

**Quality and quantity of water:**

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

**Recreation:**

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

**Redevelopment:**

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

**Regional market area:**

refers to an area, generally broader than a lower-tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the upper or single-tier municipality will normally serve as the regional market area. Where a regional market area extends significantly beyond upper or single-tier boundaries, it may include a combination of upper, single and/or lower-tier municipalities.

**Renewable energy systems:**

means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

**Reserve sewage system capacity:**

means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.4.1(e) of the Provincial Policy Statement, reserve capacity for private communal sewage services and individual on-site sewage services is considered sufficient if the hauled sewage from the development can be treated or disposed of at sites approved under the Environmental Protection Act or the Ontario Water Resources Act, but not by land-applying untreated, hauled sewage.

**Reserve water system capacity:**

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

**Residence surplus to a farming operation:**

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

**Residential intensification:**

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

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

**River, stream and small inland lake systems:**

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

**Rural areas:**

means lands in the rural area which are located outside settlement areas and which are outside prime agricultural areas.

**Secondary uses:**

means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

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

**Sensitive land uses:**

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

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

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2 of the Provincial Policy Statement. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

**Sewage and water services:**

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

**Significant:** means

- a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader

landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;

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

e) in regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;

f) in regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and

g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

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

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

**Site alteration:**

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

For the purposes of policy 2.1.3(b) of the Provincial Policy Statement, site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.4(a) of the Provincial Policy Statement.

**Special needs:**

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

**Special policy area:**

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

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



**Specialty crop area:**

means areas designated using evaluation procedures established by the province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or
- b) a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

**Surface water feature:**

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

**Threatened species:**

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

**Transportation systems:**

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

**Valleylands:**

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

**Vulnerable:**

means surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

**Waste management system:**

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

**Watershed:**

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

**Wave uprush:**

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

**Wayside pits and quarries:**

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

**Wetlands:**

means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Wildlife habitat:**

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

**Woodlands:**

means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.

**APPENDIX 2 -  
FLOOD PLAIN AND HAZARDOUS LANDS**



## LAND USE SCHEDULES