



# **DRAFT CITY OF TIMMINS OFFICIAL PLAN**

**February 11, 2019**

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# SECTION I: ABOUT THE PLAN

## 1.1 BACKGROUND

The original Official Plan for the City of Timmins was approved in 1976. Since its adoption, more than 140 amendments have been made to the Plan. The original Official Plan has served the community well since its inception, but in light of recent policy changes occurring at the provincial level, and changes to local circumstances and preferences, a new and updated Official Plan is necessary.

The new Official Plan for the City of Timmins has been prepared with considerable input from provincial ministries, the Mattagami Region Conservation Authority, key community based organizations and stakeholders as well as from the residents and business people of the community. The input received from the Official Plan public consultation program<sup>1</sup> was extremely valuable in formulating the policies comprising this new Plan. In addition, the completion of a comprehensive background report<sup>2</sup> was also instrumental in drafting policies for the new plan.

## 1.2 LEGISLATIVE AUTHORITY

Section 17 (14) of the *Ontario Planning Act*, RSO 1990 c.13 authorizes the City of Timmins to prepare an Official Plan and Section 16 of the Act sets out the contents of an Official Plan. Section 26 also provides for the periodic review and update of the Plan. Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” provincial policy statements issued under the Act. This Plan has been prepared to be consistent with the Provincial Policy Statement (2014).

The Official Plan is a policy document that sets out a community’s vision for future growth. It guides municipal decision-makers (City Council) in deciding how lands in the community should be used and how growth and change can or should occur. The Official Plan is a legal document, adopted by City Council by By-Law and approved by the Provincial Ministry of Municipal Affairs and Housing.

## 1.3 INTERPRETATION OF THE PLAN

The following policies provide guidance for the understanding and interpretation of the text, maps, schedules, figures of this Plan.

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<sup>1</sup> Public Consultation Summary Document, 2004

<sup>2</sup> City of Timmins Community Profile, Tunnock Consulting Ltd., July 2004

- 1) The Plan should be read as a whole to understand its comprehensive intent as a policy framework for the City.
- 2) Sections I through V and the associated Official Plan Schedules constitute the Official Plan of the City of Timmins. All other text and mapping are intended to be illustrative and provided for information purposes only and are not part of the plan.
- 3) Section VI of this Plan outlines words or terms defined in the Provincial Policy Statement, 2014. Those definitions shall apply in the interpretation of the policies of this Plan and their application to development proposals and planning applications.
- 4) It is the intent of this Plan that planning applications 'shall be consistent with' the Provincial Policy Statement in effect at the time the application is made.
- 5) It is intended that the location of constraints and the boundaries of the land use designations shown on the Official Plan Schedules are approximate. Amendments to the Official Plan will not be required in order to make appropriate variations to the boundaries of land use designations or features or other symbols nor to the location of roads, and to the other policy statements provided that in all cases, the general intent of the Plan is maintained.
- 6) It is intended that all figures and numerical quantities, where they may appear in this Plan, shall be considered as approximate unless otherwise stated. Amendments to the Plan will not be required for any reasonable variance from any of the proposed figures or numerical quantities.
- 7) Examples of permitted uses provided in the land use policies of this Plan are intended to indicate the possible range of uses considered appropriate and are not to be interpreted as exclusive unless otherwise stated as such. However, any proposed uses not listed shall only be permitted where they are determined to be in conformity with the general intent and policies of the land use designations of this Plan. The Municipality may recognize existing uses in the zoning by-law, notwithstanding that the use may not be permitted under the applicable land use designation.
- 8) It is intended that buildings, structures, and other uses that are normally incidental, accessory or essential to a permitted use will also be allowed even though they may not be specifically stated or identified in the land use policies of this Plan.
- 9) 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.

- 10) Where the Plan makes reference to another document that provides more detailed information in the interpretation of this Plan, reference shall be made to the original document, where necessary, in implementing the policies of this Plan.
- 11) The indication of any proposed roads, infrastructure, and municipal services in the policy text or on the Official Plan Schedules will not be interpreted as a commitment by the City to provide the features within a specified time frame. Minor adjustments to the location of these features do not require an amendment to the plan if the intent of the plan is maintained.

## **1.4 MONITORING AND ASSESSMENT**

The Official Plan is a policy document intended to guide decision-making over the long term. From time to time, changes to the Plan will be needed to respond to changing circumstances, changing or new provincial or federal legislation, regulations and programs and to adjust to the varied and changing conditions in the City.

With regard to the Plan, the success of implementation is dependent upon whether:

- 1) the underlying planning assumptions of the Plan continue to be valid.
- 2) policy priorities remain constant or undergo significant change.
- 3) the policies in the Plan are being carried out.
- 4) the policies being carried out are having the desired outcomes.

These four factors provide the framework for organizing the monitoring indicators, including social, economic, environmental and fiscal conditions. Monitoring indicators over time will reveal the progress and success of the Plan and provide an enhanced opportunity to both respond to changing circumstances and to continuously improve the effectiveness of the Official Plan.

The *Planning Act* requires that every five years, City Council will review the Official Plan. **As such, the following will be key factors in this review:**

- 1) The Plan will be assessed periodically by reviewing key elements, monitoring indicators (e.g. social, economic, environmental, community sustainability, tourism, fiscal) and quantitative trends (e.g. housing, population, economic) affecting the City to determine the progress and success of the Plan.
- 2) The Plan will be reviewed by City Council every five years to ensure continued relevance of the Plan in the context of changing social, economic, environmental

and fiscal circumstances and to ensure that the Plan conforms with provincial plans or does not conflict with them, has regard to matters of provincial interest and is consistent with policy statements issues under Section 3 (1) of the *Planning Act*.

Council acknowledges that an amendment arising out of the five year review of the Plan is not exempted from Provincial approval as per section 26(6) of the *Planning Act*.

## **1.5 PURPOSE, VISION AND GUIDING PRINCIPLES**

### **1.5.1 Purpose**

The purpose of this Plan is to promote policies to effectively manage physical development and redevelopment within the City of Timmins over the next **20 years (2039)** and the resulting effects on the social, economic and natural environments of the municipality. Specifically, the new Official Plan:

- 1) Communicates a clear vision of the City
- 2) Provides a policy framework for integrated decision-making
- 3) Guides the public and business community regarding growth and development of the City
- 4) Provides a local context for the application of provincial planning policies.

### **1.5.2 Vision**

Through significant community input, a common **vision** for the city's future emerged: "To realize a strong, safe and sustainable City". This common **vision** would encompass being an attractive, economically strong, culturally rich and recreationally diverse City. This expression of the community's vision is linked to a cycle of growth and renewals and is the underlying goal of the new Plan (see Figure 1).

In order to achieve this vision, the community recognizes the importance of retaining and expanding its existing business base, creating new jobs and attracting additional investment to the City. Creating a stronger economic base leads to rising prosperity. Rising prosperity leads to new investments in the community. More investment in the City leads to a better quality of life. A better quality of life helps to attract new jobs and investment and the cycle continues.

The Official Plan envisions a land use plan that both supports and fosters social institutions (e.g. cultural organizations and activities, voluntarism, social services, educational and health care services) which collectively create a unique identity, a

cohesive and enduring community spirit and a sense of belonging for residents, business owners and community-based organizations. The social fabric of the community represents a diverse mosaic of people, cultures, skills, interests and aspirations all of which contribute to a rich quality of life. Diversity is essential to productive and progressive thinking and the development of multi-faceted community. The Plan is intended to reflect the 'best of the community spirit' as part of the land use decision making process.

**Figure 1 – Cycle of Community Growth and Renewal**



## 1.5.3 Guiding Principles

A number of important guiding principles were established to assist in the preparation of an effective Official Plan. These principles include the following:

1. **General Policy Only:** The Plan must reflect general policy, not specific requirements, standards, and restrictions that are normally associated with implementing by-laws.
2. **User Friendly:** The Plan must be easy to understand and navigate by all residents and business people in the community.
3. **Concise:** The Plan must be short and to the point and not include any unnecessary information or duplication of provincial policy that is already covered under other legislation or policy.

4. **Clear Direction:** The Plan must also provide clear direction in terms of policy intent to avoid any potential interpretation issues and conflicts.
5. **Flexible:** The Plan must be sufficiently flexible to avoid unnecessary Official Plan Amendments.
6. **Responsive to Local Needs:** The Plan must be responsive to reflect local circumstances and preferences in order to remain an effective land use planning tool.
7. **Address Provincial Interests:** The Plan must address and apply provincial policy and interests at the local level.
8. **Accessible:** The Plan must be made readily available and accessible (in various formats) to residents, businesses and potential investors.
9. **Innovative:** The Official Plan program and end product should represent a fresh and innovative approach reflecting the uniqueness of the City.

## **1.6 HOW THE PLAN IS ORGANIZED**

The Plan is divided into several sections, as follows:

**Section I – About The Plan** serves as a preamble to the Official Plan

**Section II – Building a Strong, Healthy and Sustainable Community** outlines a policy framework, public input and the Provincial Policy Statement (2014). The implementation of the policies contained in this Plan will help to achieve a strong, sustainable and resilient City.

**Section III – Land Use Designations and Policies** provides details on the various land use designations within the City. These designations will provide a guide to how land is intended to be used within the municipality.

**Section IV – The Planning Toolbox** sets out a number of planning tools essential to the implementation of the Official Plan.

**Section V – Planning Protocols** sets out protocols used in the implementation of land uses within the City.

**Section VI – Definitions** provides definitions for some of the terms used in the Plan.

**Section VII – Schedules** that act as a blueprint for development and redevelopment within the City of Timmins form part of this plan. These schedules illustrate the spatial extent or location of specific land use designations, non-designation specific features (e.g. land use constraints) and existing and planned transportation and infrastructure corridors.

## **1.7 HOW TO READ AND USE THE PLAN**

The Planning Division of the City's Development Services Department is available to assist with interpretation of the policies in the Plan.

To determine which policies apply to a specific property or to an area within the municipality, first locate the subject property or area on the Official Plan Schedules identified in Section VII - Schedules. The Schedules are as follows:

**Schedules A, A1 and A2 – Land Use Plan** will identify what designation the property or area falls within.

**Schedules B, B1 and B2 – Provincial and Resources Interests** identifies areas and features of provincial interest or resource value.

**Schedules C, C1 and C2 – Natural and Human-Made Hazards** outlines possible constraints that may impact upon the property or area.

**Schedules D, D1 and D2 – Transportation and Infrastructure** illustrates transportation services, utilities and other infrastructure.

**Schedules E, E1 and E2 – Potential Hazardous Forest Types for Wildland Fire** outlines potential forest hazard classifications for wildland fire identified as high to extreme risk for wildland fire.

**Schedule F – Soil Capability for Agriculture** outlines lands where productive agricultural activities take place or are likely to take place.

Once the land use designation and constraints are identified, the user should refer to the applicable sections of the policies of the Plan (Sections II and III) to determine general land use direction and intent. Key terminology for a definition has been provided in Section VI. These definitions are provided to assist the reader with interpreting the Plan. Applicants who are contemplating development or filing a planning application are strongly encouraged to preconsult with City Planning staff.

## **SECTION II: BUILDING A STRONG, HEALTHY AND SUSTAINABLE COMMUNITY**

This section incorporates and addresses the City's five key strategic directions as outlined in Council's Statement of Directions and Priorities (2004), input received from public consultation sessions, and key policy directions provided for in the Provincial Policy Statement (2014). More specifically, this section of the Plan details how the strategic directions are intended to apply within the local context of the City of Timmins. As such, this section represents the fundamental underlying policy directions of the Plan and the means to implement the Plan's overall vision, which is to build a strong, safe and sustainable City.

The policy directions in this Section will guide the City of Timmins' growth by integrating social, economic, and environmental perspectives in our decision making to create an attractive City with a resilient economy and dynamic communities.

### **2.1 EMBRACING COMMUNITY DEVELOPMENT**

The City of Timmins functions as a regional center for Northeastern Ontario and its economy has and will continue to be supported primarily by the natural resource based sector. The long term economic health and prosperity of the community will be sustained by:

- 1) Promoting the creation of a positive climate for existing and new businesses.
- 2) Promoting opportunities for economic development and community investment readiness.
- 3) Supporting the natural resource-based sector and encouraging the expansion of manufacturing opportunities, particularly as they relate to value-added forestry and mining activities.
- 4) Maintaining a commitment to diversify the economic base. To this end, this Plan supports the implementation of innovative approaches to promoting recreation and sustainable tourism development and economic growth, development and redevelopment within the City.

- 5) Providing opportunities to support local food, and promote the sustainability of the agri-food and agri-produce businesses by protecting agricultural resources, and minimizing land use conflicts.
- 6) Minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature.
- 7) Fostering collaborative efforts and partnerships between organizations within the community and communities within the region including First Nations, Métis and **Indigenous communities** as they relate to economic and tourism development, maintaining a skilled and educated workforce, strategic planning, marketing, tourism packaging and other innovative projects. Eco-tourism will be promoted in the City.
- 8) **Encouraging efficient and coordinated communications and telecommunications infrastructure by** working with the telecommunications industry to improve telecommunications services and support network applications development.
- 9) Continuing to promote the City of Timmins as a centre for cold weather and durability testing.
- 10) Ensuring adequate and equitable access to a range of educational opportunities (e.g. college and university), community services and local institutions. The City will promote shared use of these facilities (e.g. schools, libraries, museum, arenas, etc.) to efficiently provide multiple services.
- 11) Fostering the development of traditional and non-traditional approaches to delivering quality post-secondary education opportunities with the City.
- 12) **Promote energy conservation and provide opportunities for development of renewable energy systems and alternative energy systems, including district energy.**
- 13) Expediting approvals for development which conform to the policies of this Plan.
- 14) Ensuring that adequate infrastructure, **electricity generation facilities and transmission and distribution systems, and public service facilities will be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.**
- 15) **Promoting the redevelopment of brownfield sites.**
- 16) Providing an adequate supply of serviced land to meet immediate and long-term requirements for all forms and types of land use.

- 17) Ensuring the maintenance of the building stock and the heritage resources and values that contribute to the community's image and reflect the legacy of traditional land uses and heritage of First Nations, Métis **and Indigenous communities.**
- 18) Ensuring the conservation and/or enhancement of the environmental attributes and natural heritage features and areas of the community.
- 19) Providing for an efficient, cost-effective, reliable and integrated multi-modal transportation system, **including active transportation.**
- 20) Conserving energy and water.
- 21) Ensuring equitable access to clean and healthy water. Ensuring that the Mattagami River, the primary source of drinking water, is protected from development and activities that may affect the health, safety, and sustainability of this natural drinking water resource.
- 22) Supporting sustainable forestry management practices and the protection and sound use of our finite natural resources.
- 23) Maintaining, strengthen, **and where possible, enhancing the vitality and viability of** the downtowns in the City. Innovative approaches to encourage the broadest range of commercial and residential uses shall be encouraged. The City will consider appropriate incentives to encourage the continued viability of the core areas.
- 24) Encourage a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.**
- 25) Encouraging a balanced hierarchy of downtown core and highway commercial uses including new format retail stores.
- 26) Planning for a diverse population base while recognizing the unique needs of the population, including persons with disabilities.
- 27) Ensuring that major facilities and sensitive land uses are planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.**
- 28) Creating a 'city beautiful' on a four-seasons basis through integrating the natural rugged beauty with 'green spaces', quality urban design and architecture, a coordinated colour theme, landscaped streetscapes, investments in arts and culture,

the conservation of heritage sites and providing for well-maintained, clean and safe streets and properties.

- 29) Providing for a safe city through land use decisions that create and improve public and private spaces that are well lit, highly amenable to pedestrian and vehicular travel, and are safe for youth, seniors and disabled citizens alike.
- 30) Ensuring that adequate health care facilities, services, and providers will be available for the City's changing and diverse population over time.
- 31) Encouraging a full range of arts and cultural activities to enhance the quality of life and experiences the City of Timmins offers. The City recognizes the contribution arts and culture make to attract, retain and provide for a diverse and prolific population.
- 32) Promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.

## **2.2 PROMOTING EFFICIENT, COST EFFECTIVE DEVELOPMENT AND LAND USE PATTERNS**

### **2.2.1 Strengthening the Form and Function of Settlement Areas**

Settlement areas, developed on full municipal services, will be the focus of growth **and development** in the municipality. These areas will be expanded only where there is an insufficient land supply within the urban area to accommodate the anticipated growth and only as part of a comprehensive review. A sufficient supply of land will be provided in order to promote a wide range of land uses to support employment opportunities and projected growth. These land uses will be encouraged in areas that have existing or planned infrastructure to accommodate them. The City will encourage development standards which are cost effective and which will minimize land consumption and reduce servicing costs. Wherever possible, opportunities for redevelopment, intensification and revitalization in areas that have sufficient existing or planned infrastructure will be encouraged.

Land use patterns within settlement areas shall **be based on densities and a mix of land uses that efficiently use land and resources, infrastructure, electricity generation facilities and transmission and distribution systems and public service facilities, avoiding the need for unnecessary and/or uneconomical expansion of infrastructure, are financial viable over their life cycle, which may be demonstrated through asset management planning and support the use of public transit, support active transportation, and are appropriate to the type of sewage and water systems which are planned or available.**

Any proposed development and land use patterns that will hinder the efficient expansion of settlement areas or which may cause environmental or public health and safety concerns will be discouraged. Existing land uses that work to hinder the efficient expansion of settlement areas, which may cause environmental or public health and safety concerns **and the natural environment**, or which do not represent the highest and best use of a property, will be not be encouraged to continue or will be encouraged to relocate to a more appropriate location.

Where feasible green infrastructure shall be promoted to complement infrastructure. Before consideration is given to developing new infrastructure and public service facilities the use of existing infrastructure and public service facilities should be optimized and opportunities for adaptive re-use shall be considered where feasible. Further, public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

As a general principle, the City will encourage non-compatible land uses that pose a public health and safety risk to relocate to alternative locations that are more 'land use friendly' friendly' (e.g. relocate bulk fuel and propane storage, which are currently near residential areas, to more appropriate areas).

### **2.2.2 Promoting and Protecting Rural Areas**

Rural areas will generally be the focus of resource-based activity, resource-based recreational activities such as shoreline residential/recreational uses (e.g. where lake capacity permits), limited rural residential uses and other appropriate rural land uses. Land uses that will result in sterilizing or hindering resource activities or which may cause environmental or public health and safety concerns will be discouraged. Energy projects (e.g. hydroelectric projects on the Mattagami River, alternative and renewable energy systems) will be encouraged in the rural area, in consultation with First Nations, **Metis and Indigenous communities**, which serve to increase the energy supply and promote energy conservation.

## **2.3 MEETING THE COMMUNITY'S DIVERSE HOUSING NEEDS**

The City of Timmins will encourage **an appropriate range and mix of housing types** and densities to meet projected demographic and market requirements of current and future residents of the community by:

- 1) maintaining a minimum ten year supply of land designated and available for new residential development and residential intensification, **including second units**.

- 2) maintaining a minimum of a three year supply of residential units with servicing capacity in draft approved or registered plans.
- 3) supporting housing forms, **secondary dwelling units** and densities designed to be affordable to moderate and lower income households.
- 4) promoting housing forms and designs that are free from barriers to persons with disabilities and take into account the needs of an aging population and other populations with special needs.
- 5) encouraging residential intensification and residential conversions in those parts of the settlement areas that have sufficient existing or planned infrastructure to realize a potential supply of new housing units.
- 6) ensuring the maintenance and enhancement of the building stock.
- 7) supporting cost effective development standards for new residential development and redevelopment to reduce the cost of housing.
- 8) **support the use of active transportation and transit in areas where it exists or is to be developed.**

### **2.3.1 Secondary Dwelling Units**

In fulfilling housing needs, the City will allow for the development of **second dwelling units on properties with single-detached, semi-detached, and rowhouse/townhouse dwellings provided that:**

- 1) **the principal dwelling unit is located in a designation that permits the residential use.**
- 2) **the secondary dwelling unit is located within the main building or a detached ancillary structure (e.g. a detached garage).**
- 3) **the second dwelling unit is appropriately suited to the character of the surrounding neighbourhood.**
- 4) **there is adequate water and sewer capacity to accommodate the secondary dwelling.**
- 5) **the secondary dwelling unit would not otherwise qualify as a garden suite.**
- 6) **only one secondary dwelling unit is permitted on a lot.**
- 7) **the secondary dwelling unit shall not be larger than the principal dwelling.**

- 8) the second dwelling unit is constructed in accordance with any other applicable Provincial Codes and municipal by-laws that may be applicable to the development.

## **2.4 INVESTING IN SOCIAL INFRASTRUCTURE**

Addressing the quality of life and health and well-being of Timmins' residents requires effective and co-ordinated planning, the involvement of all human services sectors and investment in social infrastructure and cultural capital. Social infrastructure includes the whole system of government and community resources, programs, facilities and social networks, arts and cultural activities that contribute to people's health, safety, mobility, well-being and comfort.

For the City and local agencies to deliver services and meet community needs, they require ready access to community services facilities such as community and recreation centres, arenas, community health clinics, schools, museum and libraries. Making the best use of what we have, promoting shared use and shared responsibility and preparing for growth and change are policy directions that will guide the City towards a strong future. A strong social infrastructure and cultural life is a magnet attracting visitors, new residents and persuading existing residents to stay and age in place.

## **2.5 PREFERRED WATER AND SEWAGE SYSTEMS**

Full municipal sewage and water services are the preferred form of servicing for settlement areas. In areas serviced by such systems, lot creation will be permitted only if sufficient reserve water and sewage system capacity is or will be available to accommodate development.

Private communal services is/are the preferred means of servicing multiple lots/units in areas where full municipal sewage and water services are not or cannot be provided and where site conditions are suitable over the long term. However, the City will discourage development on private communal systems.

Individual on-site systems are the common method of servicing rural development. Such systems may be used to service lot/unit creation only where the use of private communal water and sewage services is not feasible, where site conditions are suitable for the long term and where sufficient reserve sewage system capacity includes treatment capacity for hauled sewage.

Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative

impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

Partial services will be discouraged except where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or within settlement areas, to allow for infilling and **minor** rounding out of existing development on partial services provided that the development is within the reserve sewage system capacity and reserve water system capacity and site conditions are suitable for the long-term provision of such services with **no negative impacts**. This shall apply to lands in the west end of the urban settlement area of Timmins particularly those lands adjacent to Highway 101 and Government Road South.

**Lot creation shall only be allowed if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services or private communal sewage services and private communal water services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.**

## **2.6 PROMOTING INTEGRATED MULTI-MODAL TRANSPORTATION INFRASTRUCTURE AND SERVICES**

The municipality will encourage the maintenance and enhancement of its integrated multi-modal transportation system to ensure that it remains effective, safe, energy efficient and sensitive to the environment. The purpose of this infrastructure is to link key functional areas of the City and to support the travel needs of residents and workers now and well into the future. Maintaining and enhancing this infrastructure and associated services is a fundamental prerequisite in realizing a strong, safe and sustainable economy. The Plan works to protect the integrity of the City's existing integrated transportation network and provides for the planned expansion of this network through the designation of public rights-of-way.

Overall, the transportation infrastructure and services policies recognize the need to:

- 1) maintain the existing transportation system in a state of good repair.
- 2) provide for alternate routes as demand justifies and funding becomes available.
- 3) make better use of the existing transportation capacity.

- 4) recognize and seize opportunities to expand and strengthen the City's transportation system.

The key elements of the City's transportation infrastructure and services are identified below and illustrated on the Official Plan Schedules.

### **2.6.1 Road Classification and Function**

Table 1 – Road Classification, sets out the road classification system for provincial highways, municipal roads (e.g. arterials, collectors and local access streets), private roads, resource access roads and shoreline road allowances. This table shall be used as a guideline for land use decisions that apply to transportation services in the City. The intent of the policy is to provide for a highly functional and efficient network of roads to service development and resource uses within the City. The intent of this Plan is to also maintain and enhance the planned function of provincial highways through land use decisions that support the controls exercised by the Ministry of Transportation as they relate to access, adjacent land uses, structures, stormwater management, highway safety and geometrics (e.g., right-of-way widths, number of lanes, sight lines).

All proposed development located adjacent to and in the vicinity of a provincial highway within the Ministry of Transportation's permit control area under the *Public Transportation and Highway Improvement Act* (PTHIA) will be subject to Ministry of Transportation approval. Any new areas in the City identified for future development that are located adjacent to or in the vicinity of a provincial highway within the Ministry of Transportation's permit control area will be subject to the Ministry of Transportation's policies, standards and requirements.

Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. The Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. The Ministry of Transportation will not support a future severance that would result in a separate entrance to a business and one for the retained parcel.

A transportation or traffic study may be required by the Ministry of Transportation to address both the impact of any new development upon the provincial highway system as well as any associated highway improvements that are required prior to the approval of any planning application.

## **2.6.2 Proposed Roadway Corridors**

Proposed Roadway Corridors are local roads that are proposed for future construction. For this reason, this Plan identifies, protects, and makes provision to acquire the land and develop these future roadways and to recognize their value as part of the overall transportation system. The City is considering an alternate route (as illustrated on the Official Plan Schedules) to redirect heavy truck traffic associated with resource based activities, away from the downtown core areas of the City. It is believed that the re-routing of truck traffic will help to reduce traffic congestion and accidents as well as potential land use conflicts with sensitive land uses.

While it is acknowledged that traditional mining and forestry activities continue to represent a vital component to the City's economy, it is also noted that the impact of associated larger vehicle traffic poses challenges to the community. Large vehicles place increased demands on the roadway infrastructure and have the potential to negatively impact the health and safety of residents. This issue is particularly prevalent in the downtown core areas and in other built-up areas of the City. This Plan encourages the re-routing of large vehicle traffic away from built-up areas in the City through existing or planned alternate routes and/or designated heavy traffic routes.

## **2.6.3 Private Roads**

Council may give consideration to assuming a private road where the standards meet the requirements for municipal roads or they are constructed to an alternative standard acceptable to Council. The road allowance shall be dedicated to the municipality. The design and construction or upgrading of the road will be undertaken by a professional engineer or other individual who is qualified in road construction and approved by the City. Council may require a cost-benefit analysis prior to assuming a private road, to determine if the operational costs of assuming and maintaining the road will be adequately offset by property tax revenues. All costs associated with upgrading a private road to municipal standards (including survey, legal, design and construction costs) will be borne by the adjacent property owners.

## Table 1 - Road Classification

Type	Function	Standards
Provincial Highways 101 & 144 – Class III, Special Controlled Access	Carry high volumes of through traffic at high speeds. Direct access restricted.	Provincial geometric and safety standards apply. Access, signage and adjacent lands uses subject to MTO approvals/permits. Transportation studies may be required for highway entrances, intersections or new development. Screening may apply to adjacent storage, parking or loading areas. Noise, vibration and drainage studies may be required.
Provincial Highway 655 – Class IV	Carry moderate volumes of through traffic at moderate to high speeds. Some direct access permitted.	
Arterial Roads	Carry high volumes of intra-urban traffic. Direct access discouraged.	<ul style="list-style-type: none"> <li>• 2-4 lanes undivided</li> <li>• 20-30 m ROW</li> <li>• 30-35 m width at intersections</li> <li>• 50-80 km/hr</li> <li>• sidewalks both sides in urban areas</li> </ul>
Collector Roads	Carry moderate volumes of traffic between arterials and local streets. Direct access discouraged.	<ul style="list-style-type: none"> <li>• lanes undivided</li> <li>• 20-26 m ROW</li> <li>• 26-30 m width at intersections</li> <li>• 50-60 km/hr</li> <li>• 1 sidewalk in urban areas</li> </ul>
Local Access Streets	Carry low volumes of traffic at low speeds. Direct access to properties is the primary purpose.	<ul style="list-style-type: none"> <li>• lanes undivided</li> <li>• 20 m ROW</li> <li>• 40-50 km/hr</li> <li>• sidewalks may be provided</li> </ul>
Private Roads	Carry low volumes of traffic at low speeds. Direct access to two or more properties.	<ul style="list-style-type: none"> <li>• 2 lanes undivided</li> <li>• construction standards to be determined by municipality and apply to roads created by <i>Condominium Act</i> or which are assumed by Council</li> </ul>
Resource Access Roads	Temporary roads which provide access to resources. Not intended for access to non-resource related development.	<ul style="list-style-type: none"> <li>• construction standard determined by Crown or agency having jurisdiction</li> </ul>
Shoreline Road Allowance	Not functional for transportation. May provide public access to water body.	<ul style="list-style-type: none"> <li>• 20 m width along shoreline of a lake or river</li> </ul>

## **2.6.4 Trail Systems and Linkages**

The City recognizes the importance of single and multi-use recreational trail systems (for walking, jogging, cycling, cross country skiing, snowmobiling, four-wheeling **and other forms of active transportation**) as part of the overall municipal and regional transportation and open space network **as well as community connectivity**. These trail systems are significant not just for their recreational value but also as notable transportation linkages between Neighbourhood Areas, employment areas and recreational areas within the community. They also serve as links between communities within the region.

The Plan recognizes value in promoting and enhancing these trail systems. Wherever possible, the City will encourage the use of transportation, infrastructure and right-of-way corridors for expanded trail development opportunities and will encourage the integration of trail systems in the development of new or expanded subdivision developments. Special purpose trails that are intended to cross a provincial highway are subject to provincial approval. The City encourages construction standards that promote the use of trails by persons with disabilities.

Refer to Official Plan Schedule D – Transportation and Infrastructure to see the extent of the trail system in the City.

## **2.6.5 Parking Facilities**

The provision of parking is an integral part of the planning and community development process and is an essential component of the well-being of employment areas. Parking facilities help to encourage traffic and trade required to support local businesses. This plan encourages the provision of adequate parking, particularly for the downtown areas of the City. Increased parking opportunities will be provided through strategies including but not limited to enhancing public transit ridership, encouraging shared parking arrangements, increasing the supply of public parking and promoting existing parking facilities with effective signage.

The Plan will also endeavour to make all public parking facilities accessible to persons with disabilities and encourage private operators to adopt similar measures whenever possible. Exemptions from all or part of the required parking for a proposed development may be granted in exchange for cash-in-lieu of parking, where the City and the developer have entered into an agreement to this effect. The cash-in-lieu provision should be used only in those areas where adequate public off-street parking facilities exist or are planned or on the basis of strong public transit linkages to a facility where traffic analysis supports the proposed reduction.

### **2.6.6 Transit Facilities and Services**

The City benefits from a transit service that caters to the diverse transportation needs of the population. These services are particularly important to students, seniors and persons with disabilities. In order to maintain and enhance transit ridership, the City will promote the use of public transit by:

- 1) encouraging higher density development in the vicinity of established urban transit routes.
- 2) ensuring that new residential developments offer convenient and direct access to public transportation facilities.
- 3) maintaining and expanding a system of routes that provides accessibility to the downtown cores from all areas of the City, supplemented by a series of routes that link major employment and activity areas.
- 4) encouraging the provision of public transit service within reasonable walking distance of all urban areas.
- 5) making provisions for adequate and appropriate pick-up and drop-off points including the provision of bus shelters.
- 6) integrating pedestrian walkways, trails and intersections of major roads with transit stops.
- 7) making provisions for persons with disabilities to have the fullest access possible to the transit system.

### **2.6.7 Rail Facilities and Services**

Currently, there is no passenger rail service to Timmins. Rail service in the City is limited to resource-based freight only. It uses a rail line owned by Ontario Northland Railway (ONR) and operated by **Glencore Inc.**, linking the Kidd Creek mine with the metallurgical site. A feasibility study was completed in 2003, demonstrating the potential for a rail extension from the east end to the west end of the City to service the forestry industry. Such a rail line would reduce the level of truck traffic through the City's downtown cores and could reduce shipping costs to the forestry industry. The City recognizes the importance of protecting the integrity of this potential railway corridor as part of the community's integrated transportation system.

Studies for rail-related noise and vibration attenuation and/or construction of noise attenuation and crash barriers/berms (for public safety against derailments) shall be

considered in land use decisions for development proposed adjacent to or in the vicinity of a rail line or for existing development adjacent to a proposed rail line or corridor.

### **2.6.8 Air Facilities and Timmins Airpark**

The Victor M. Power Airport (Timmins Airport) was formally transferred from Transport Canada to the City in 1998. This facility is recognized as a significant economic development tool for the City and the region. The Plan encourages a wide range of commercial and light industrial uses that are integral, or may be considered as complementary or spin-off land use activities, to the airport. This may take the form of an airpark.

The Plan discourages land uses **which may cause a potential aviation safety hazard**. In particular, new residential development and other sensitive land uses will be prohibited in areas near the airport above 30 NEF/NEP. **Further, this Plan shall protect the Timmins Airport from incompatible land uses and development by considering redevelopment or existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport.**

The Plan **further** requires that:

- 1) adequate municipal or private services (utilities, sewer and water) are available for the intended use.
- 2) the site is suitable to accommodate the intended use over the long-term (e.g. drainage, soil conditions, topography and any other relevant factors).
- 3) adequate outdoor amenities are provided on site.
- 4) adequate ingress/egress, off-street parking and loading facilities and vehicular circulation are provided.
- 5) any potential impacts of the proposed development on surrounding natural features are adequately addressed.

Development will be serviced from existing municipal communal sewer and water systems wherever possible. Private services may be permitted provided that it is demonstrated that the site is suitable to accommodate the intended use over the long term.

The City will aggressively promote the airport for aviation purposes and related land uses through direct land sales or leases of City-owned lands and/or facilities, strategic

partnerships with the private sector, and by acquiring government and other funding to support development of the airport.

The airport lands are shown on Schedule A – Land Use Plan.

## **2.6.9 Utility Facilities, Corridors and Rights-of-way**

### **Utility Facilities**

Public utility facilities operated by Ontario Power Generation Inc. or Hydro One Networks Inc. that are subject to the requirements of the *Environmental Assessment Act* may be permitted in all land use designations of this Plan.

Other public utilities and municipal services, infrastructure and facilities are permitted in all land-use designations, and may be permitted in Constraint Areas, significant wetlands, sensitive natural heritage features and areas or in flood plains provided that:

- 1) such use is necessary in the area and adequate measures are taken to ensure the use and its design are compatible with the surroundings.
- 2) adequate off-street parking and loading facilities are provided.
- 3) the construction of permanent buildings is discouraged where an area (not in one of the identified designations) is found to be environmentally sensitive.
- 4) the design of the utility or facility meets the intent of the policies expressed elsewhere in this Plan.
- 5) the location is essential for the provision of the utility, service or facility or constitutes a necessary expansion of an existing facility.

Wireless telecommunications towers are permitted in all land-use designations on the Land Use Plan Schedules, except in Constraint Areas, sensitive natural heritage features and areas including significant wetlands or in flood plains.

### **Utility Corridors and Rights-of-Way**

Utility corridors accommodating hydro, natural gas and telecommunications infrastructure and rights-of-way for significant transportation corridors (including an alternate route) and infrastructure facilities will be protected from incompatible development. These linear corridors are a defining element of the landscape and many of these corridors serve important local uses such as golf course, pedestrian and

cycling trails. Utility corridors may be used for secondary purposes such as pedestrian and bicycle trails, parking lots and gardens, where permitted by the utility company.

Secondary uses in utility corridors shall be compatible with the primary use and function of the corridor and adjoining land uses. Consideration shall be given to visual impacts, environmental hazard and site grading when permitting secondary uses. Corridors will be protected wherever possible as linkages for recreational trails and open space areas. Redevelopment on lands adjacent to utility corridors may be permitted for access to any trail, park or open space system. Trail systems will be integrated into corridors to minimize visual and other impacts on adjacent lands (e.g. screening, security fencing). In addition, the protection, enhancement or restoration of natural heritage areas within utility corridors, will be pursued whenever possible.

Development will be directed away from or set back from high-pressure petroleum product trunk lines in accordance with recommended setback standards.

The location and extent of these features are illustrated on the Official Plan Schedules.

### **2.6.10 Transportation and Infrastructure Corridors**

The Municipality shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmissions systems to meet current and project needs. Major good movement facilities and corridors shall be protected for the long-term. The City shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified. New development proposed on adjacent lands to existing or planned corridors and transportation facilities shall be compatible with, and supportive of, the long-term purposes of the corridor and should be designated to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

The City shall encourage, wherever feasible, the preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics.

Only those land uses that are compatible with the operation of a patrol yard will be permitted to locate adjacent to and in close proximity to the patrol yard located on 1563 Riverside Drive.

## 2.7 PROVIDING PARKS, RECREATION FACILITIES AND OPEN SPACE AREAS

This Plan encourages the provision of areas and facilities for residents and visitors of the City to enjoy the benefits associated with leisure activities and the natural environment. The development of integrated parkland and trail systems, **public spaces, trails and linkages**, and the provision of sufficient recreation lands and facilities will be encouraged and maintained to meet the diverse needs of the present and future inhabitants of the City.

As a condition of development or redevelopment, the City shall encourage monies to be dedicated for parkland or other public recreational purposes in accordance with the provisions of the *Planning Act*. Where appropriate, the City may endeavour to add new land to the inventory as the City continues to grow and change through provisions of the *Planning Act*, through site plan control or through direct land purchase where the need or opportunity arises. New land for parkland purposes will only be added to the City's inventory after a review of existing parkland is undertaken by the City to determine if adding to the inventory is warranted.

In cases where parkland has become surplus to the needs of the City, consideration may be given to the disposing of such lands for development purposes.

In addition, whether expanding the system or improving it, the City will actively seek partnerships with other government agencies as well as the private sector to secure natural open space areas (e.g. through conservation easements, conservation trusts etc.) and to develop recreation areas and facilities in a way that considers the diversity and complex needs of the people and neighbourhoods and the physical and financial constraints affecting our ability to expand. The impacts of the park (including noise, lighting, parking and landscaping) on surrounding land uses will be considered in the establishment of new park facilities.

The City will encourage the development of sidewalks, pathways and trails connecting land uses to encourage healthy and active transportation in new developments and/or in roadway modifications/upgrades.

The City will work with the forest and mining industries and the private sector to conserve natural vegetation buffers along highways, river corridors, lakes and other water bodies.

Whenever possible, neighbourhood parks should be provided within a convenient walking distance of residential uses within a Neighbourhood Area. Pedestrian and bicycle access to and between these parks should also be developed in order to support an integrated and accessible park system. Parks should be appropriately

designed in order to promote both passive and active activities to meet the varying demands of the residents. Park areas should also be designed to accommodate the access needs of persons with disabilities.

The City of Timmins and Mattagami Region Conservation Authority (MRCA) possess generous systems of open spaces including the Mattagami River Waterfront, Gillies Lake Park, the Hollinger Park, Hersey Lake Conservation Area, neighbourhood and community parks, trails and cemeteries and provincial parks and conservation reserves **and other protected areas**. This system is vital to both our quality of life and the health of our natural ecosystem. These green spaces perform many roles including providing habitat for local flora and fauna, natural recharge areas for ground water, natural filters for purifying air and water, natural beauty and a diversity of landscapes, opportunities for both passive and active recreation and tourism and entertainment destinations. This Plan encourages the protection and integration of these important spaces. The Plan is also intended to ensure that pedestrian and cycle linkages are preserved or extended between neighbourhoods and the downtown areas of the City.

Through planning policies, public projects and private developments, the goal of strengthening the use and enjoyment of the parks and open space system will be supported and promoted. Both the City and the MRCA play a vital role in the protection, enhancement and management of these lands. Efforts will be taken including establishing corporate partnerships and stewardships to improve, preserve and enhance the City's green space system by:

- 1) using authority of the *Planning Act* to acquire parkland dedication and the cash-in-lieu of parkland provision to acquire new park space and linkages in the case of private developments. **Cash-in-lieu of parkland will be the preferred provision in meeting the requirements of the *Planning Act*.**
- 2) acquiring lands for parks, open space, recreational facilities and linkages **only when deemed necessary**.
- 3) protecting, maintaining and enhancing existing parks, open space, recreation facilities and linkages.
- 4) discouraging the sale or disposal of publicly owned lands in or near the green space system and on the waterfront.
- 5) encouraging the year round recreation use of the green space system.
- 6) recognizing Provincial Parks, **conservation reserves and other protected areas and minimizing negative impacts on these areas along with recognizing** Ontario's Resource Management Areas for their recreational, ecological or conservation attributes.

- 7) preparing and implementing community improvement plans and streetscape plans.
- 8) encouraging landscaping and 'green' design in the development of private and public developments.
- 9) providing for the installation of or retention of tree lines as a means to screen or buffer lands uses along highways and roads to shelter development from the effects of wind and snow, to encourage or provide for beautification and conservation. In general, clear cutting of natural vegetation or vegetative cover will not be permitted.

The implementing Zoning By-law will establish appropriate locations for parks and open space within all designations in the Plan. Site plan control provides an opportunity to conserve shorelines and other natural or open space areas when associated with a development application.

The City will encourage the co-location of public service facilities within community hubs, where appropriate, in order to promote cost effectiveness and facilitate service integration, access to food, transit, and active transportation. The shared use of community centres, schools, parks, and public open spaces will be promoted and encouraged.

## **2.8 PROVIDING WASTE MANAGEMENT SYSTEMS AND SERVICES**

The City actively promotes resourcefulness that minimizes consumption and substantially reduces the amount of waste produced (e.g., the 3R Plan – Reduce, Reuse and Recycle). To achieve this, the City is developing a long-term waste management strategy that will address a full range of waste management options, resource recovery options, composting, landfill requirements as well as education and promotion techniques. The land use policies outlined in this section will help to ensure public health and a sustainable environment.

Waste management systems need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives of the municipality. Waste management systems shall be provided and located, designed or closed in accordance with provincial approvals. Ministry of the Environment, Conservation and Parks guidelines will be used to avoid land use compatibility issues with other sensitive land uses. The City will consider the implications of development and land use patterns on waste generation, management and diversion.

Sensitive land uses will not be permitted within a 500 m (1,640 ft.) influence area measured from the perimeter of either an active or inactive/closed landfill site unless a

study has been undertaken to assess the potential impacts of the landfill site on the proposed sensitive land use (e.g. leachate, methane gas, rodents, **vermin**, litter, noise or other related impacts) and to assess potential impacts from the proposed use on the continuing landfill operations.

Development will not be permitted within 30 meters (98.4 feet) of the perimeter of the licensed fill perimeter or the footprint of an active or closed landfill site or waste management site as identified on the Certificate of Approval. However, other development proposals within the influence area may be considered without a study if the use is considered a compatible land use. Compatible land uses may include waste processing facilities, utilities and other appropriate uses.

Closed or inactive sites, whether public or private, may be used for other purposes subject to meeting the requirements of the *Environmental Protection Act* (Section 46 Order). In general, no buildings or other use may be established on a landfill site within a period of 25 years from the year in which the site was closed without the prior approval of the Ministry of the Environment, Conservation and Parks.

An Official Plan Amendment shall be required for the establishment of any new waste management site, compost facility and septage disposal site, or the expansion of an existing site on lands that are not designated.

Waste management sites, transfer sites, septage sites and associated influence areas are illustrated on the Official Plan Schedules.

## **2.9 ENERGY SUPPLY**

The City shall provide opportunities for the development of energy supply including electricity generation facilities, and transmission and distribution systems, to accommodate current and projected needs. The City shall promote renewable energy systems and alternative energy systems, where feasible, in accordance with provincial and federal requirements.

## **2.10 ENERGY CONSERVATION, AIR QUALITY AND CLIMATE CHANGE**

The City shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:

- 1) promote compact form and a structure of nodes and corridors.

- 2) promote the use of active transportation and transit in and between residential, employment (including commercial, industrial and institutional) uses and other areas.
- 3) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future.
- 4) focus freight-intensive land uses to areas well served by major highways, airports and rail facilities.
- 5) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion.
- 6) promote design and orientation which:
  - a. maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and
  - b. maximizes opportunities for the use of renewable energy systems and alternative energy systems.
- 7) maximize vegetation within settlement areas, where feasible.

## **2.11 PROTECTING AND MANAGING NATURAL RESOURCES**

Natural resources represent a fundamental element of the City's history and will continue to play an essential role in the City's future development. The community's natural resources provide vital environmental, economic and social benefits to our residents, business people and visitors. For these reasons, it is important that the City manages these resources in a wise and sustainable fashion to ensure our community's well-being over the long term.

### **2.11.1 Agricultural Operations**

There are no lands identified as prime agricultural areas within the City. Despite this, the intent of this Plan is to permit agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices in the rural area of the municipality.

All farm and non-farm development, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance formulae established by the Province.

There are lands within the rural area of the municipality where productive agricultural activities take place. It is the intent of this plan to ensure the long-term preservation of the City's agricultural land base, as shown on Schedule F, Soil Capability for Agriculture by:

- 1) protecting and encouraging the retention or establishment of viable agricultural operation by minimizing land use conflicts between agricultural and non-agricultural uses; and
- 2) promoting the growing of food to improve access to nutritious, safe and healthy local food.

The City will promote and encourage sound farmland management practices including the management of woodlots and the establishment of windbreaks.

Sound design of agricultural land tile drainage plans is a component of sound farmland management. All new or expanding agricultural operations utilizing tile drainage works shall be first reviewed and approved by the City to ensure that the resulting stormwater drainage system will not surcharge the existing drainage system, particularly the existing municipal roadside drainage ditches. The landowner would be expected to design the tile drainage system so as to match or better the pre-tile drainage improvement flows from the subject lands.

### **2.11.2 Mining Operations and Mineral Deposits**

Timmins owes its genesis to mining, given its location on the Abitibi Greenstone geologic formation. A variety of minerals have been extracted in the Timmins camp including gold, silver, nickel, copper, cadmium, indium, talc, zinc, sulphur, stone, selenium, silica and platinum. Non-metallic mineral production has occurred as well. The Ministry of Energy, Northern Development and Mines (MENDM) has determined that nearly all of the City of Timmins has Provincially Significant Mineral Potential while even those areas that do not still have good potential for diamond bearing rocks. The highest mineral potential for gold, in particular, is within 10 km (6 miles) of the Porcupine-Destor and Pipestone faults and has historically been the most active area for exploration and mineral mining operations.

It is the intent of this Plan to protect minerals for the long-term use.

The intent of this Plan is to encourage geological surveys, exploration, development and mineral production within the areas of high mineral potential as well as to recognize and provide for similar activities in areas of lesser mineral potential. In the mining sequence, it is also the intent to ensure the proper closure and rehabilitation of closed mines or mineral mining operations prior to any subsequent land use. All mineral mining operations will be undertaken in compliance with the *Mining Act* and other relevant

legislation. Though nearly the entire City is within a significant area of mineral potential, to aid planning, areas of greater and greatest mineral potential are shown on the Official Plan Schedules B, B1 and B2 as Mineral Extraction Zones and Mineral Development Zones.

Mineral Extraction Zones are described as lands with 1,000 m of an active mining operation, a known mineral deposit or a historic mining operation. Mineral extraction zones characteristically are areas where a high level of mineral exploration, mining development and mineral mining operations occur in the City. Mineral Development Zones are areas which have geophysical and geochemical properties that are conducive to mineral exploration and where mining development and mineral extraction will occur and have a greater likelihood of success.

Mineral Extraction Zones and Mineral Development Zones are segregated as significant areas of mineral potential since these areas shall be identified and protected from development and activities (e.g. residential development, seasonal dwellings) that would preclude or hinder mineral mining operations, their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. However, the City will seek the cooperation of the mining industry in minimizing or avoiding adverse impacts of mineral mining operations in and around the built urban form and to this extent intends to achieve the best balance between the economic importance of mining to Timmins and the development of a healthy, liveable and safe urban community.

In **known mineral deposits** or significant areas of mineral potential, **these shall be identified** and development and **activities in these resources or on adjacent lands** that would preclude or hinder the establishment of new operations or access to these resources will only be permitted if:

- 1) the resource use would not be feasible; or
- 2) the proposed land use or development serves a greater long term public interest (e.g. existing designated urban areas); and
- 3) issues that have a potential negative impact on public health, public safety and on the environment are addressed.

More specifically, on designated lands that have been developed for urban land uses and on lands suitable for intensification, mineral mining operations will be limited to exploration activities. Mineral mining operations involving the development and operation of a mine may be permitted subject to an amendment to this Plan in any Neighbourhood Area and in Employment Areas within the urban areas of the municipality. On undeveloped lands designated for urban development, but adjacent or contiguous to existing development (e.g. the fringe), the City shall consult with the

Ministry of Energy, Northern Development and Mines and the mining industry on the potential impacts, if any, of proposed development on the establishment of new mining operations prior to rendering any development approvals. New development will be subject to any required separation distances. In areas not designated for urban development, a technical report will be required to substantiate the need for non-resource related development within or adjacent to known mineral deposits or areas of mineral potential.

New or expanded mining operations and exploration activities should incorporate reasonable operational protocols and mining techniques to mitigate the impacts of drilling, blasting, and other related activities on any adjacent sensitive land uses and other land uses. For the purposes of this Plan, mineral mining operations are considered to be a Class III industry (see Guideline D-6) and are subject to the Ministry of the Environment, Conservation and Parks Guidelines D-1 and D-6 in applying separation distance and influence area requirements. The actual influence area will be determined by technical studies as required by the guidelines.

The identification of the Mineral Extraction Zone and the Mineral Development Zone is not intended to preclude mining exploration or development outside of these zones. The intent of the Plan is to encourage mining related activities in all areas with mineral potential subject to compliance with the *Mining Act* other relevant legislation and the relevant policies of this Plan.

The City will establish appropriate standards in the zoning by-law to govern separation distances and setbacks for mineral mining operations.

Rehabilitation to accommodate subsequent land uses will be required after extraction and other related activities have ceased. Progressive rehabilitation will be undertaken where feasible (see also Section 2.11.3 - Mine Hazards).

See Section 3.3 of the Official Plan for information on Goldfield Areas and Section 3.2.3 with respect to policies on mineral mining operations in Employment Areas.

Mine waste may be considered for use as aggregate provided that sufficient testing is completed to ensure that the material is not acid generating and that it does not contain metals or other compounds harmful to the environment. Mine tailings should not be considered as potential aggregate supply except for use as backfill material in a mineral mining operation.

Mine waste and tailings are considered mine hazards and are subject to the *Mining Act* and are to be rehabilitated as part of a mine closure. The *Mining Act* must be considered prior to using rehabilitated mine waste or tailings as aggregate.

### **2.11.3 Mineral Aggregate Operations and Reserves**

There is an abundant supply of good quality deposits of mineral aggregate resources (sand, gravel, bedrock) in the City, shown as Mineral Aggregate Operations - Pit, Quarry and Aggregate Reserves on Official Plan Schedules B, B1 and B2 to supply construction needs. **Mineral aggregate resources shall be protected for long-term use and, where provincial information is available, deposits of mineral aggregate resources shall be identified.** Mineral mining operations also add to the available supply (underground to surface). Most of the resource lies outside of the urban areas and is not seriously affected by potential development. The intent of the Plan is to conserve the resource for current and future needs by directing development away from designated Mineral Aggregate Operations and mineral aggregate reserves.

Mineral aggregate operations and **mineral aggregate reserves** will be protected from activities, **both on-site and adjacent to existing pits or quarries**, that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public safety or environmental impact.

In areas adjacent to, or designated as Mineral Aggregate Operations on the land use Schedules, development that would preclude or hinder the establishment of new operations or access to these resources will only be permitted where supporting technical studies demonstrate that:

- 1) the resource use would not be feasible; or
- 2) the proposed land use or development serves a greater long term public interest; and
- 3) issues that have a potential negative impact on public health, public safety and on the environment are addressed.

New or expanding mineral aggregate operations should incorporate reasonable operational protocols and extraction and processing techniques to **minimize social and environmental impacts and to** mitigate the impacts of drilling, blasting, and other related activities on any adjacent sensitive land uses, other land uses and to ensure that the quality or quantity of groundwater will not be compromised by extraction activities taking place below the water table. The City will establish appropriate separation distances in the zoning by-law between extractive operations, known aggregate reserves and sensitive land uses and other affected land uses in accordance with Ministry of the Environment, Conservation and Parks Guidelines D-1 and D-6.

New or expanding mineral aggregate operations should not negatively impact on existing sensitive land uses. Appropriate mitigative measures will be implemented to

minimize potential land use conflicts with any competing land uses e.g. buffering, screening, and noise attenuation.

Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Comprehensive rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.

Rehabilitation standards set out in the *Aggregate Resources Act* shall be adopted for extraction operations on private lands.

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an official plan amendment, rezoning, or community planning permit under the *Planning Act*, in all areas except those areas of existing development or other areas of particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

#### **2.11.4 Peat Resources**

Peat resources exist within the Municipality. It is the intent of the Plan to recognize the potential for peat harvesting for a variety of uses. Peat resource extraction is permitted within the rural areas of the Municipality. Ancillary activities are permitted including, but not limited to, stock piling, screening, mixing, handling, processing, weighing, shipping and accessory buildings or structures.

#### **2.11.5 Forestry Operations and Timber Resources**

A significant portion of the City's land area is covered by forested land. The City itself owns an estimated 25,000 acres (approximately 490 parcels) of land in the rural areas of the municipality. The City recognizes the importance of forested areas in helping to sustain its economy and the resulting need to identify policies to sustain this valuable resource.

Where feasible, the City will work with the Ministry of Natural Resources, the Mattagami Region Conservation Authority, forestry companies, and foresters to inventory important municipally owned woodlands in the planning area and to develop and promote sound forest management practices on these lands. To accomplish these objectives the Municipality may pass By-laws under the *Municipal Act*.

Development that is inconsistent with good forestry practices should not be permitted in these woodland areas. In addition, residential development should not be encouraged in areas of high fire risk.

The City will encourage the establishment and maintenance of forested corridors and greenbelt areas throughout the planning area. Tree planting should be encouraged on

vacant rural municipal properties and for new and existing developments (as part of the subdivision and site plan control processes) (see also Section 2.7.)

### **2.11.6 Natural Heritage Features and Areas**

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

**Development and site alteration shall not be permitted in significant wetlands, significant wildlife habitat and significant areas of natural and scientific interests (ANSI), unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.**

Site specific evaluations may be undertaken by a qualified professional to confirm or determine an alternative adjacent land width. Adjacent lands will be determined through reference to the Significant Wildlife Habitat Technical Guide, MNR.

**Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in wetlands, significant wildlife habitat and significant areas of natural and scientific interests (ANSI) unless the ecological function of the adjacent lands have been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological function. Agricultural uses will be permitted to continue.**

Applications for development and/or site alteration on or within natural heritage features and areas or on adjacent lands will be subject to an Impact Assessment, **including before approval is given for development or site alteration of lands adjacent to any provincially significant wetlands and all ecological features and functions of lands identified as wildlife habitat and adjacent lands**. This assessment shall be prepared by a qualified professional and shall include:

- 1) a detailed study area description including characterization of key functions and features.
- 2) a description of the degree and extent of the ecological functions as they exist or are naturally evolving.
- 3) a detailed description of the proposed development and an identification of the proposed activities.
- 4) a summary of predicted direct and indirect effects of the proposed development.

- 5) identification and evaluation of options for avoidance and where avoidance is unattainable, opportunities for mitigation and rehabilitation.
- 6) selection of the preferred mitigation/rehabilitation strategy.
- 7) a summary of the predicted net effects after mitigation and rehabilitation.
- 8) a proposed monitoring program, where necessary.

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

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

### **2.11.7 Water Resources**

Water is an important factor in determining the quality of life we enjoy. Providing access to healthy and clean water is an important foundation for creating a strong, **sustainable and resilient** community. The City will work with other agencies to maintain and enhance the quality of streams, rivers and lakes within the City. These water bodies contribute significantly to the City's high quality of life, as they provide valuable opportunities for sources of drinking water, recreation, shoreline development and fish and wildlife habitat. Addressing water related issues from a watershed-based planning approach is a critical first step in protecting the City's water resource.

#### **Groundwater and Surface Water**

Protecting the quality and quantity of groundwater and surface water is a public health and environmental issue. Groundwater contributes to the base flow of streams and to the quantity and quality of potable water that can be drawn from private wells. Towards safeguarding the integrity of the groundwater and surface water resources, the City proposes to better manage these resource to ensure that flows within natural systems are maintained and that new development can be accommodated within the system without affecting the supplies (from both quantity and quality standpoints) available to other users.

The quality and quantity of ground water and surface water will be protected, improved or restored by:

- 1) considering impacts of a development proposal at a watershed scale.
- 2) **identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas and surface water features including**

shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed.

- 3) promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality.
- 4) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas.
- 5) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality.
- 6) ensuring consideration of environmental lake capacity where applicable.
- 7) ensuring stormwater management practices minimize stormwater volumes and contaminated loads from entering the Mattagami River, and maintain or increase the extent of vegetative and pervious surfaces.

## **Source Water Protection**

The Mattagami River is a defining feature of the City and is the City's only source of drinking water. The City is compelled to protect this valuable asset for generations to come. Due to the paramount importance of drinking water, Provincial legislation requires that source water protection plans be developed for Ontario's watersheds. The goal is to safeguard human health by ensuring that the sources of Ontario's drinking water, including the City's, are protected from potential contaminations.

Toward this goal:

- 1) the City will work cooperatively with other agencies, including the Mattagami Region Source Water Protection Committee to protect and where necessary to improve or restore the quality of the City's drinking water resource.
- 2) the City **supports the** implementation of the Source Protection Plan for the Mattagami River. The Plan fulfills the requirement of Provincial Legislation (**Clean Water Act**) with emphasis in identifying sensitive features, threats and risks of the City's drinking water resources as well as identifying measures, including land use policies to protect, improve and restore these water resources.
- 3) the known sensitive drinking areas, specifically the Intake Protection Zone 1 (IPZ-1) and Intake Protection Zone 2 (IPZ-2) in the City as shown on Schedules B, B1 and B2, to this Plan shall be protected from incompatible development and site alteration that would compromise the integrity of the resource.

- 4) the City's Zoning By-law will include land use restrictions relating to the IPZs.
- 5) the Risk Management Official through the *Clean Water Act*, will be responsible for determining when an existing or future land use or activity is, or may be, a significant drinking water threat.
- 6) during preconsultation and development application review, the City, through the Risk Management Official, will provide information related to source water protection to the proponent, to indicate whether the proposed application is within a vulnerable area and that the associated source protection plan policies, and any other policies, which may apply.
- 7) the City may require an applicant proposing development in an IPZ to submit a detailed hydrogeological study using protocols acceptable to the Ministry of the Environment, Conservation and Parks that predicts the water quality impacts on the IPZ likely to occur from the development of the subject property, on down gradient properties and on the drinking water intake. The study should provide for protection and/or mitigation measures, if required, to avoid negative impacts.
- 8) due to added concerns posed by under-serviced development and the impact of septic systems, the City may require mitigative measures and alternative development approaches, to the satisfaction of the City, for Mattagami River shoreline development in the areas outside these two IPZs to protect and sustain the Mattagami River.

## **Liquid Hydrocarbon Pipeline**

The establishment and operation of a future liquid hydrocarbon pipeline<sup>3</sup> (as defined in *Ontario Regulation 210/01*), under the *Technical Standards and Safety Act*, or that is subject to the *National Energy Board*, will conform to the following policies:

- 1) Proposals for liquid hydrocarbon pipeline development within 1500 metres of the established boundaries of Intake Protection Zone 1 and Intake Protection Zone 2 require preconsultation with the City of Timmins (or its designated representative) and the Mattagami Region Conservation Authority.
- 2) Any future pipeline development will be based on:
  - a) a complete Environmental Assessment.

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<sup>3</sup> "pipeline" means a pipe that is used for the transmission or distribution of oil and gas and includes fittings, valves, controls, compressor stations, pressure regulating stations, meter stations and pump stations, but does not include the pipe, fittings, valves or controls of the end user.

- b) guidelines within the *Canadian Standards Association PLUS633*<sup>4</sup>.
- c) qualified professional recommendations.
- d) net zero impacts or risks to the City of Timmins source of drinking water.

## **Stormwater Management**

Development in both urban and rural areas can change existing conditions such that the quantity and quality of stormwater run-off is altered. Stormwater management considers both water quantity and quality aspects of stormwater run-off where artificial drainage improvements or practices become necessary. The protection and rehabilitation of stream corridors and erosion control along watercourses are best approached through an integrated strategy and best management practices. It is especially crucial for the City to encourage best practices, included but not limited to the following policies, since the stormwater sewers empty upstream from the surface drinking water intake in the Mattagami River.

- 1) stormwater management shall minimize, or, where possible, prevent increases in contaminant loads.
- 2) stormwater management shall minimize changes in water balance and erosion.
- 3) stormwater management shall not increase risks to human health and safety and property damage.
- 4) stormwater management shall maximize the extent and function of vegetative and pervious surfaces.
- 5) stormwater management shall promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.
- 6) stormwater management shall be integrated as a component of the development approval process, particularly for subdivisions, multiple lot/unit residential development, commercial, industrial and institutional and in the design and implementation of stormwater infrastructure for urban and rural settlement areas.

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<sup>4</sup> Kalra, S., & Canadian Standards Association. (2004). Land use planning for pipelines: a guideline for local authorities, developers and pipeline operators.

- 7) stormwater management shall incorporate an ecosystem approach through the design, construction and post-construction phases. Ecological functions, particularly fish habitat, will be conserved or enhanced on a local and sub-watershed basis.
- 8) stormwater management plans shall be considered as an opportunity to rectify existing nutrient, contaminant, erosion or hydraulic flow issues. Stormwater management planning should include water quality targets.
- 9) in the design and construction of stormwater management infrastructure best management practices shall be used to ensure:
  - a. that, wherever feasible, the emphasis will be on on-site facilities to resolve or manage storm water, so as to minimize the City's obligation for the assumption and maintenance of ponds or other facilities. Stormwater management infrastructure in urban areas may be incorporated into parks and open space or green space within and between communities or may be integrated with a wetland complex.
  - b. that post-development flows, particularly in receiving streams, are maintained at pre-development levels and that the cumulative impacts of development (within the sub-watershed) are considered as part of stormwater infrastructure design.
  - c. the natural characteristics and quality of water of the receiving streams are maintained or enhanced including sediment control, riparian vegetation and thermal conditions.
  - d. that there will not be any new or increased downstream flooding or erosion.
  - e. that natural habitat areas are protected or enhanced or restored.
  - f. that a construction mitigation plan is instituted to prevent stream borne sediments, changes in flow or other adverse characteristics from affecting the ecological functions or other impacts on receiving waters during construction.
  - g. that the post construction phase shall include rehabilitation continued maintenance or infrastructure and preferably, a monitoring program.
- 10) the Municipality, in co-ordination with the conservation authority, should develop a strategy for stormwater management that incorporates a consistent series of best management practices, river/stream corridor improvement, point and non-point source contaminant controls and infrastructure improvements on a watershed and sub-watershed basis.

### **2.11.8 Cultural Heritage and Archaeological Resources**

Significant built heritage resources and cultural heritage landscapes will be conserved.

Development and site alteration **shall not be** permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

More specifically, Council recognizes that there may be archaeological remains of prior habitation, or areas containing archaeological potential within the City. Archaeological resources contained within these areas can be adversely affected by any future development. Archaeological potential areas are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the City and developed by a licensed archaeologist in consultation with the Ministry of Tourism, Culture and Sport. Such criteria include features like proximity to water (such as current or ancient shorelines), rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement.

Council shall require archaeological assessments conducted by archaeologists licensed under the *Ontario Heritage Act*, as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential. Archaeological assessment reports conducted by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Culture, as well as licensing requirements developed under the *Ontario Heritage Act*. Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*. Council recognizes there may be a need for archaeological preservation on site or rescue excavation of significant archaeological resources as a result of development proposals. Council may also consider archaeological preservation on site, to ensure that the integrity of the resource is maintained.

In reviewing an application for a zoning amendment, a consent for a commercial, industrial or institutional use or a multi-unit residential building; or subdivision; or in the undertaking of new infrastructure works (e.g. new road, road widening, communal water or sewer system, landfill site), consideration shall be given to the possible effects and impacts of such works on a known heritage resource or on an area of archaeological potential (lands where there is a likelihood for the presence of archaeological resources based on physiographic or historical features).

**The City shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.**

The City should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources. The City shall consider the interests of Indigenous communities in conserving cultural heritage and archaeological resources.

Archaeological assessment reports prepared to provide an inventory of archaeological and cultural heritage resources present on a development property, and recommendations for the conservation and protection of these resources must be prepared in accordance with terms of the *Ontario Heritage Act*, Section 65. Where significant archaeological resources must be preserved on site, only development and site alteration that maintains the heritage integrity of the site may be permitted.

Where, through development, a previously undiscovered site is identified to contain an unmarked burial site or new archaeological features, the City will contact the Timmins Police Service or OPP and the Ministry of Tourism, Culture and Sport. The Ministry of Tourism, Culture and Sport shall also be contacted with respect to the discovery of burial sites and unmarked cemeteries and the procedures set out in the *Cemeteries Act* and associated regulations shall be followed.

The City may protect significant archaeological resources and conserve cultural heritage resources on site through the passing of an archaeological zoning by-law.

The City may establish a Municipal Heritage Committee for the purposes of identifying and recommending the designation of property(ies) under Part IV or Part V of the *Ontario Heritage Act*.

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

Where development, site alteration, public works or undertakings are proposed adjacent to or across the street from a property of cultural value or interest, the City may require a development proponent to undertake a Heritage Impact Assessment along with satisfactory measures to mitigate any negative impacts on identified significant cultural heritage resources affected. The Heritage Impact Assessment shall be conducted by a qualified professional with expertise in cultural heritage resources to:

- 1) identify the positive and adverse impacts on the heritage resource that may be expected to occur as a result of the proposed development.
- 2) describe mitigation measures that may be required to prevent, minimize, or mitigate any adverse impacts; or

- 3) demonstrate that the proposed development will not adversely impact the defined cultural heritage value or interest of the property, and/or its streetscape/neighbourhood.

## **2.12 PROTECTING PUBLIC HEALTH AND SAFETY**

### **2.12.1 Climate Change**

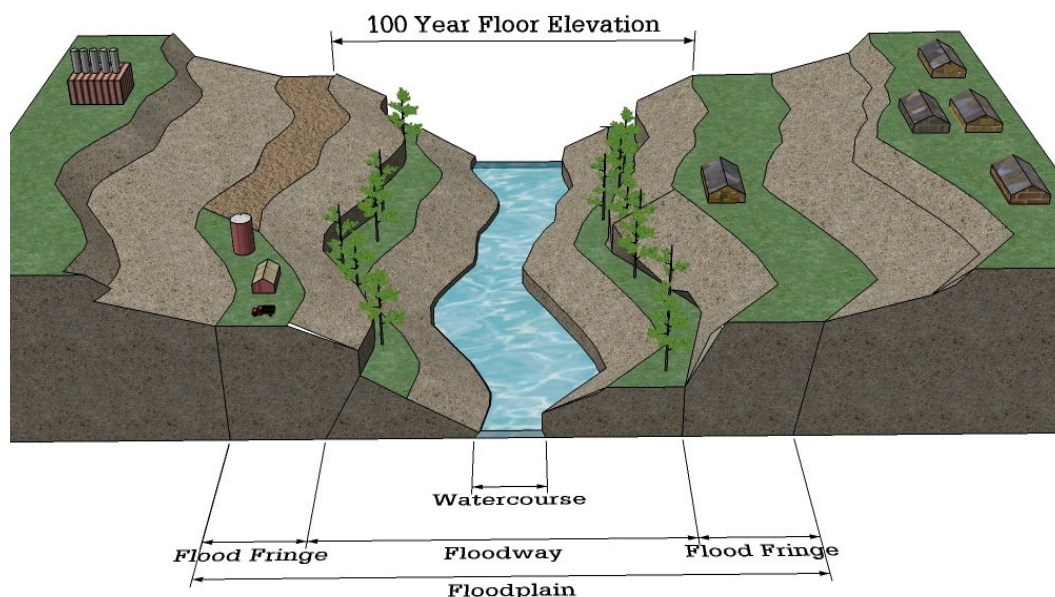
The City shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

### **2.12.2 Flood Hazards**

Hazard land areas include those areas that, because of their susceptibility to flooding, will be hazardous to life and property if developed. To implement the general direction of prohibiting development to protect hazard lands, the City has defined the flood plain for the Mattagami River as two distinct zones. The floodway is defined as that area where development would not be permitted due to depths and velocities of flood waters. The flood fringe is defined as that area where depths and velocities of floodwater may be safely overcome.

In areas where the two zones approach is in place, development may be considered in the flood fringe zone. On all other water bodies, a one-zone concept, outlined below, will apply. The one-zone concept shall apply to all water bodies except on the Mattagami River through the urban area. On this section of the Mattagami, as shown on Schedule C – Natural and Man-Made Hazards, the municipality will implement the two-zone floodway-flood fringe concept (see Figure on following page). On the Mattagami River the regulatory flood shall be the 1 in 100 year flood plus a 95% confidence level factor.

### ILLUSTRATION OF FLOOD TERMS



Under the two zone concept, development will be prohibited within the floodway. Development and site alteration may be permitted in the flood fringe zone of the flood plain subject to appropriate flood proofing to the flooding hazard elevation (e.g. 1 in 100 year regulatory flood plus a 0.3 m [1 foot] freeboard), and provided that all of the following can be achieved:

- 1) development and site alteration is carried out in accordance with flood proofing standards, protection works standards, and access standards.
- 2) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.
- 3) new hazards are not created and existing hazards are not aggravated.
- 4) no adverse environmental impacts will result.

For all other water bodies, development or site alteration will not be permitted within the flood plain of the regulatory flood. Other uses may be permitted within this zone, which by their nature must be located within the floodway, such as flood and/or erosion control works, or where appropriate, minor additions or passive, non-structural uses which do not affect flood flows, utilities or utility crossings. Areas within a flood plain may also be used for activities that retain the existing topography, protect, restore or improve natural

features and functions and do not involve the construction of buildings or structures. Such uses include passive recreation, leisure and open space uses. Development shall not be permitted to locate in a flood plain where the use is:

- 1) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools.
- 2) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations.
- 3) uses associated with the disposal, manufacture, treatment and storage of hazardous substances.

Water bodies within the jurisdiction of the Mattagami Region Conservation Authority are subject to Ontario Regulation 97/04, The Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation and permits or approvals for development may be required within these areas.

### **2.12.3 Other Natural Hazards**

Development will generally be directed away from other hazardous sites, such as erosion sites, except where the hazard can be overcome using acceptable engineering techniques and no other environmental hazards will be created.

### **2.12.4 Mine Hazards**

Mine hazards are any feature of a mine defined in the *Mining Act* or any related disturbance of the ground that has not been rehabilitated. These mine hazards may pose a threat of injury or loss to the structures on the land and by people who use the land if they are not appropriately rehabilitated or mitigated in accordance with the *Mining Act*. It is recognized that the severity of the hazard varies, depending on past mining activity ranging from minor exploratory sampling to large mining operations (e.g. shafts, raises, open pits).

As such, the risk of reuse of the property may range from negligible or to so severe that the property cannot be rehabilitated. There may also be circumstances where rehabilitation or remediation of a site is required subsequent to the closure and development/redevelopment of the property by a non-mining owner. Ongoing chemical and/or geo-technical monitoring of rehabilitated mining hazards is also important since deterioration may occur. Examples include settling of sand used in filling a shaft or raise or stope, subsidence or failure of rock crown pillars above underground mine workings, and failure of mine tailings.

Consequently, development on, abutting or adjacent to lands affected by mine hazards or former mineral mining operations will only be permitted if rehabilitation **or other** measures to address and mitigate known or suspected hazards are under way or complete, such that that no risk to public health and safety exists.

The Ministry of Energy, Northern Development and Mines has conducted a qualitative evaluation (not interpreted to be a risk management assessment) of the hazard features associated with some **192** sites located within the City and found in the Ministry's Abandoned Mines Information System (AMIS) database. The evaluation places each of the AMIS locations into one of five categories based on the documented extent and intensity of historic mineral development activity. Rehabilitation activity was not considered in the evaluation.

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 qualified professional engineer (although some risks may not be covered by an engineering discipline such as 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 City will consult with MENDM (see Section 5.2) 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. Any required technical report will be at the cost of the proponent of development and may be subject to a peer review.

The recommendations of any technical study or report required for a mine hazard may be in addition to other requirements that may need to be addressed before development can proceed.

Reference should be made to Schedules C, C1 and C2 – Natural and Human-Made Hazards, with respect to the location of sites, as well as mine tailings hazard lands. The Schedules establishes the perimeter of a Mine Hazard Zone (or an area in which two or more mine hazards are located within close proximity) which is intended to illustrate the boundary of the one (1) kilometre offset for any cluster of AMIS points. The Schedules also illustrates the location of AMIS points and the one (1) kilometre offset for individual AMIS points outside of a cluster. The offset for individual AMIS points is also considered to be part of the Mine Hazard Zone. Development may be permitted for uses in the underlying designation within the Mine Hazard Zone subject to fulfilling the requirements for technical studies above and any other applicable requirements of this Plan. In addition, requirements may be imposed for both monitoring sites and maintenance purposes of the mine hazard, particularly the monitoring points and devices.

The City 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 MENDM and mining companies, the City 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.

The City will determine acceptable protocols for consultation with the Ministry of Energy, Northern Development and Mines including referrals by applicants for development and access to available literature or other technical documentation that may be of benefit to a proponent. Further, it is the intent of the City to create a database of mine hazard information to be shared and enhanced in partnership with mining companies, MENDM and the public. These protocols may be appended to the Plan once available.

The City may use site plan control or other measures provided for in Section IV: The Planning Toolbox to regulate development or monitor the long-term impacts of development on, abutting or adjacent to a mine hazard.

Site plan control may be used in association with or to reinforce the requirements or content of closure plans.

### **2.12.5 Contaminated Sites and Brownfields**

Brownfield sites are abandoned, vacant, or underutilized property where past commercial, industrial, or institutional uses have resulted in actual or perceived contamination, yet there is still likely real potential for redevelopment since they are often strategically located in areas that can take advantage of existing infrastructure. Brownfields redevelopment is the expansion, redevelopment, or reuse of real property which may be complicated by the presence or perceived presence of a hazardous substance, pollutant, or contaminant. Brownfields redevelopment returns non-productive real estate assets to productive use, promoting appropriate sustainable development. Cleaning up, reinvesting in and redeveloping Brownfields shifts development pressures away from greenfields, therefore, improving and protecting the environment.

Development on Brownfields shall be guided by the following policies:

- 1) In order to ensure that there will be no adverse effects from any proposed development or redevelopment, environmental site assessments and remediation of contaminated sites are required by this Plan prior to any activity or development occurring on the site that is known or suspected to be contaminated. The City will require the proponent of development on such sites to determine the nature and extent of contamination and the necessary remediation measures in accordance with the policies below.
- 2) The City will require all applications for development in areas known or suspected of former land use activities that may lead to soil contamination be supported by a Phase I Environmental Site Assessment (ESA).
- 3) Where a Phase I ESA reveals that a site may be contaminated, a Phase II ESA will be required. A Phase I or II ESA is an assessment of property conducted in accordance with Part XV.1 of the *Environmental Protection Act* and Ontario Regulation 153/04 or their successors by or under the supervision of a qualified person to determine the location and concentration of one or more contaminants on the site proposed for development.
- 4) Prior to a development being approved on a site where information reveals that the site may be or is contaminated, the applicant will provide a Record of Site Condition in accordance with Part XV.1 of the *Environmental Protection Act* and Ontario Regulation 153/04 or their successors. The Record of Site Condition, which details requirements related to site assessment and clean-up, must be acknowledged by the Ministry of the Environment, Conservation and Parks and registered on title of the subject lands, confirming that the site has been made suitable for the proposed use. The Record of Site Condition and MOECP acknowledgment will be provided to the City.
- 5) All contaminated lands shall be subject to site plan control.

A Brownfields Program will be implemented through Community Improvement pursuant to Section 28 of the *Planning Act*. The City originally adopted on a Community Improvement Plan to create financial incentives for the revitalization of the City's downtown cores (See also Section 4.12 – Community Improvement). Brownfields Program is another opportunity to remove barriers preventing the sustainable and efficient revitalization of the City's undervalued assets.

### **2.12.6 Wildland Fire Hazards and Assessment**

Hazardous forest types for wildland fire are forest types assessed as being associated with a high or extreme risk of wildland fire. These areas are generally forested areas which are composed of a certain type and condition of forest fuels. Vegetation (fuel types) that are high to extreme risk for wildland fire include natural conifer forests and

unmanaged conifer plantations. There is an inherent risk to the public when changes to the landscape occur, such as encroachment of development into forested areas associated with high to extreme risk.

Potential forest hazard classifications for wildland fire identified as high to extreme risk for wildland fire are illustrated in Schedules E, E1 and E2 of this Plan. Schedules E, E1 and E2 are provided for information purposes and are intended to provide a screening tool for identifying areas at risk for wildland fire. Where updated and/or more detailed assessments are undertaken, Schedules E, E1 and E2 may be revised without requiring an amendment to this Plan. The following policies shall apply to areas near wildland fire hazards:

- 1) Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.
- 2) Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry.
- 3) In the absence of detailed municipal assessments, proponents of planning applications shall undertake a site review to assess for the presence of areas of high to extreme risk for wildland fire on the subject lands and adjacent lands, to the extent possible. Where areas of high to extreme risk for wildland fire is present, measures should be identified by proponents as to how the risks will be mitigated.
- 4) Wildland fire mitigation measures which would result in development or site alteration shall not be permitted in significant wetlands or significant wildlife habitat, unless it has been demonstrated that there will be no negative impacts on the natural features or ecological functions.

## **2.13 BEAUTIFICATION AND GATEWAYS**

An economically healthy city is safe, open, accessible, beautiful, vibrant, comfortable and safe. The City of Timmins intends to do its part by organizing, designing, maintaining and improving streets, parks, open spaces and public buildings. The private sector can complement the City's efforts by designing interesting and functional buildings and streetscapes and by creating bustling areas and safe open accessible spaces. As such, high quality architectural, landscape and urban design will be encouraged and promoted.

City streets are significant open spaces that serve pedestrians and vehicles, **foster social interaction**, provide space for public utilities and services, building access, and amenities such as view corridors, sunlight and public gathering places. Streets will be

designed to provide safe, attractive, interesting and comfortable spaces for pedestrians while accommodating vehicular traffic **and active transportation**. This will be achieved through planning approvals, community improvement, streetscaping and beautification, and more particularly, a streetscape plan for the City's downtown. Algonquin Boulevard will be a particular focus as a major artery and main-street within Timmins. The enjoyment of scenic routes, public views or important human-made features will be preserved and where possible improved by maintaining views and vistas as new development occurs.

Gateways in key locations, such as strategic entry points to the City and to downtowns, will be developed as a means of defining the urban edge, by providing information to residents and tourists and an orientation to public services and attractions. Measures may include theme signage, information kiosks, cairns or architectural features, public art, landscaping at strategic locations or entry points to urban areas, at key intersections and other landmark locations.

## **2.14 ACCESSIBILITY**

An important new approach for development in the City is to improve and promote access and opportunities for persons with disabilities. Accessibility in land use planning decisions is essential to making the City more accessible to those with physical or other disabilities. It is the intent of this Plan to include consideration for the City's Accessibility Plan in rendering land use decisions.

The transportation system will be developed to include people with special needs, through:

- 1) ensuring that new transit facilities and vehicles are accessible modifying and replacing existing transit stations to become accessible over time.
- 2) encouraging specialized service to supplement the conventional transit system.
- 3) requiring a minimum of off-street parking spaces for the disabled.
- 4) taking accessibility into account in the provision of transportation facilities and services.

Universal physical access to public spaces and buildings will be ensured by:

- 1) creating a connected network of streets, parks and open spaces that are universally accessible, including sidewalks with unobstructed pathways and depressed curbs at corners on all City streets.

- 2) requiring that plans for all new buildings and additions meet the City's accessibility (future) guidelines and the *Building Code Act*.
- 3) retrofitting, over time, all existing City-owned buildings (that are open to the public) and open spaces to make them universally accessible.
- 4) encouraging the owners of private buildings and spaces to construct or retrofit buildings and facilities to provide or enhance accessibility through public education and retrofit programs.

Design measures promoting pedestrian safety and security will be applied to streetscapes, parks, other public and private open spaces, and all new and renovated buildings. Additionally, new parks and other public spaces will be encouraged to locate on a street for good visibility, access, safety and security.

Adequate and equitable access to community services will be encouraged by:

- 1) working with local community organizations.
- 2) improving and expanding local community service facilities in established neighbourhoods that are under or poorly serviced.

## **SECTION III: LAND USE DESIGNATIONS AND POLICIES**

The intent of the Official Plan is to develop self-sustaining and healthy urban areas as the primary settlement areas for future residential, and employment uses. Urban areas will be planned for compact, fully serviced development that is designed to provide for a full scope of public service uses. The primary role of the rural area will be for resource uses, other uses characteristically found in rural areas, resources-related development and limited residential development.

For the purposes of this Plan, four major land use designations will guide development. These include Neighbourhood Area, Employment Area, Goldfield Area and Resource Development Area. In addition, the Plan recognizes and addresses non-conforming uses and lots of record. For the purpose of this Plan settlement areas are lands designated as Neighbourhood Area, Employment Area and Goldfield Area. Stand-alone employment areas (e.g. the airport lands and mine sites) are not considered settlement areas.

### **3.1 NEIGHBOURHOOD AREA**

#### **3.1.1 Intent of Designation**

The Neighbourhood Area land use designation, as shown on Schedules A1 and A2– Land Use Plan, is intended to include all types of residential development as well as limited scale commercial, institutional and public service uses that are appropriate and compatible in predominantly residential settings.

#### **3.1.2 Residential Uses**

A full range and mix of residential uses will be permitted and encouraged in the Neighbourhood Area in order to meet the diverse housing needs of the community (e.g., housing for older persons, smaller families, persons with disabilities, low, middle and high income families, second units and affordable housing). Development will be permitted in accordance with the planning principles of Section 3.1.7. The implementing Zoning By-law shall establish appropriate zones to reflect various housing types and densities and other relevant provisions.

### **3.1.3 Other Residential Uses**

#### **Garden Suites**

Garden suites may be permitted as a one-unit detached portable self-contained residential structure that is accessory to and separated from an existing permitted residential dwelling (on the same lot). Garden suites are intended primarily as a home for family members who are senior citizens but may also be used to accommodate persons with disabilities. Garden suites may be established in any land use designation which permits a residential use for the period of time by a Temporary Use By-law under the *Planning Act*. The City may also require an agreement under the *Planning Act* relating to the garden suite (ex. installation, removal, occupancy, and monetary security).

#### **Group Homes**

Group homes are generally defined as a single housekeeping unit in which three to ten persons, excluding supervisory or operating staff, live together under responsible supervision and which is licensed and/or approved under provincial statutes and comply with municipal by-laws. It is also recognized that certain types of group homes should be restricted to certain locations because of their inherent characteristics. Provision shall be made by the municipality to permit group homes in the Neighbourhood Area Designation.

### **3.1.4 Limited Scale Commercial Uses**

A limited range of commercial uses which serve the needs of the surrounding neighbourhood shall be permitted throughout the Neighbourhood Area in accordance with the planning principles of Section 3.1.7. These commercial uses shall be of an appropriate scale and type in order to minimize potential negative impacts on the surrounding residential uses. The range and scale of uses will be defined by the implementing Zoning By-law and the site plan control process will be used to address any required buffering, parking, lighting, signage controls required to ensure that the commercial use does not detract from the character and nature of adjacent residential property(ies).

New commercial uses in the Neighbourhood Area will require an amendment to the Zoning by-law. In considering such an amendment, Council will ensure that the scale and design of the proposal maintains the character of and is compatible with adjacent residential uses.

Commercial uses that are of a larger scale and that serve the needs of the broader community should be encouraged to locate in other appropriately designated

commercial areas of the City. However, these uses may be considered in the Neighbourhood Area designation, provided that it can be demonstrated, through a planning justification report, that such uses would not detract from the quiet enjoyment and character of the surrounding residential area. A site specific zoning by-law would be required in order to establish such broader commercial uses. Site plan control may also be used to ensure that the design of the building, parking, landscaping, lighting and signs is in keeping with the residential character of the neighbourhood.

### **3.1.5 Home Based Businesses**

A home based business (HBB) is a legal business operating as an accessory use within a dwelling and/or accessory building. Home based businesses are encouraged as an important economic activity, particularly as an incubator for the development of small businesses.

Home based businesses are permitted wherever the Zoning By-law permits a single detached dwelling. The Zoning By-law will contain appropriate provisions to ensure compatibility with residential areas so that a HBB does not adversely impact neighbouring properties by virtue of their appearance or function or by attracting large volumes of traffic. The Zoning By-law will differentiate Home Based Businesses in both urban and rural settings on the basis of type and location and will set out standards to assess the potential impact of the proposed HBB (e.g. maximum number of home based businesses, maximum floor area of a home based business, outdoor storage, indoor storage – dwelling or accessory building, maximum number of employees, number of parking spaces, commercial vehicles, trailers, hours of business for shipping/receiving or receiving clients and signs).

Site plan control approval may be required for certain types and locations of HBB's. When a home based business has been determined to extend beyond the scope or scale of a home based business, the City's intent is that the business be relocated to a designated Employment Area.

### **3.1.6 Limited Scale Institutional and Public Service Uses**

A range of small scale institutional and public service uses that serve the day-to-day needs of the community, including parks and open space, schools, places of worship and similar uses will be permitted in the Neighbourhood Area. Such uses should be encouraged to locate in areas where residents can readily access these services from their homes without the use of vehicles. New institutional uses in the Neighbourhood Area will require an amendment to the Zoning By-law. When considering such amendments, Council will ensure that the scale and design of the proposed use is in character with the adjacent residential uses. Site plan control may be used to ensure that the design of the building, parking, landscaping, lighting and signs is in keeping with the residential character of the neighbourhood.

### **3.1.7 Criteria for Development in Neighbourhood Area**

In the review of planning applications for development in the Neighbourhood Area land use designation, the following planning principles shall apply:

- 1) the lot size shall be adequate for the proposed use and potential future land uses including the expansion of buildings and structures.
- 2) the lot shall be adequate to accommodate all setbacks, parking, loading, storage, signs, landscaping, buffering, or screening, on-site infrastructure and safe access, where these requirements apply.
- 3) the servicing capacity shall be available and adequate to support existing and proposed uses. This includes water and sewage services, waste disposal services, stormwater management, utilities, roads and police and fire services.
- 4) all uses (except for a condominium development) shall have frontage on and direct access to an opened public road that is maintained year round.
- 5) uses that could generate significant traffic volumes will be directed to, or have access to collector or arterial roads.
- 6) barrier-free access will be incorporated into building and site design where required.
- 7) housing densities should be in the order of up to 15 units per gross hectare for low density housing (singles, two-unit, converted); 15-30 units for medium density and 30 or more units per gross hectare for high density e.g. apartments, group housing.
- 8) the housing mix should be in the order of 60-70% low density (singles and two-unit housing), 10-20% medium housing (triplex, converted and town housing) and 5-10% high density (multiple unit and apartments).
- 9) targets for affordable housing will be in the order of 20-25% of the housing supply.
- 10) high density residential uses and facilities for seniors should be located close to public service facilities and with access onto a major street. Preference should be given to seniors' developments with close and safe access to convenient shopping facilities and health care facilities.
- 11) redevelopment through the creation of new units, uses or lots on previously developed land, including brownfield sites will be encourage where municipal water and sewer services can support the proposed development.
- 12) residential intensification, being the intensification of a property, site or area which results in a net increase in residential units or accommodation, may be permitted

where municipal water and sewer services can support the proposed development and includes:

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

- 13) a target of 15-20% of the housing supply requirements will be met through intensification.
- 14) cost effective alternative development standards may be used to increase housing supply opportunities e.g. wide shallow lots, zero lot lines, reduced street widths, flag lots and so on.
- 15) residential development will be screened or appropriately buffered from adjacent non-residential uses.
- 16) new development should be contiguous to existing development.
- 17) in areas where mixed use development is permitted or where a significant change or transition in the height, density, character or use of land or buildings is proposed, the municipality will ensure that the proposed development is reasonably compatible with surrounding land uses. The municipality may use The Planning Toolbox in Section IV of this Plan to govern the details of development and to require measures to mitigate impacts, where appropriate.
- 18) alternative energy systems and sustainable design practices will be strongly encouraged in the planning, design, construction and operation of land uses and land use activities. Measures will be undertaken to ensure that the impacts of these systems are mitigated, where appropriate.

## 3.2 EMPLOYMENT AREA

### 3.2.1 Intent of Designation

The Employment Area designation, as shown on Schedules A, A1 and A2– Land Use Plan, is intended to include a full range of commercial, industrial, institutional and limited residential uses. The mix of uses will depend on the character and location of the Employment Area. The designation is intended to reflect existing mixed use and other areas where people work and where employment opportunities are expected to be provided in the future. These areas are primarily designed to provide for a diverse range of employment opportunities for the present and future residents of the City.

Employment Areas are encouraged to be compact and have mixed-use development that incorporates compatible employment uses to support a liveable and resilient City. Employment Areas will be protected and preserved for current and future uses and the City will ensure that the necessary infrastructure is provided to support current and projected needs.

Employment Areas will also provide for appropriately located residential uses that support the commercial, industrial and institutional employment generators found in these areas. Development within an Employment Area will be subject to the planning principles set out in Section 3.2.4. The implementing Zoning By-law will establish the location for the various employment areas according to type; will set out the scope of commercial, industrial, institutional and limited residential uses in each area; and will set out controls intended to ensure land use compatibility.

Lands will not be removed from an Employment Area for residential use except in the downtown and only in compliance with Section 3.2.2 and the policies for Residential and Non-residential Uses in the Downtown in Section 3.2.3.

### 3.2.2 Limited Residential Uses

Residential uses in Employment Areas, except in the downtown, will be limited to accessory uses that are solely related to and support the other non-residential uses permitted in Employment Areas. As such, these uses are to be clearly accessory or ancillary to the main commercial, industrial, or institutional uses. Exclusive use for residential buildings may be permitted in transition areas away from the primary shopping area. The build-up of mixed use commercial-residential buildings and the intensification is intended to strengthen the role of the downtown as a vibrant area of economic activity and an area where people may also choose to live.

### **3.2.3 Scope of Permitted Employment Uses**

Employment Areas will be comprised predominantly of a mix of commercial, industrial, institutional and public service uses. The mix of uses may include existing residential uses and new residential uses where they have achieved or are likely to achieve a level of compatibility with non-residential uses. The implementing Zoning By-law will define specific zones for such uses and will ensure that they are appropriately located taking into account land use compatibility guidelines to minimize potential land use conflicts. Site plan control may be used to ensure that the design of the building, parking, landscaping, lighting, signage, entrances, etc. are implemented in a fashion that minimizes the potential for land use conflicts. The scope of permitted uses for specific types of Employment Areas is further described as follows:

#### **Mining and Mineral Mining Operations Areas**

Uses will be limited to mineral mining operations Class I-III industrial uses (as described in MOECP Guideline D-6) and related service commercial uses. The storage or placement of mine tailings and waste rock in an Employment Area will be controlled with the intent to mitigate visual and environmental impacts and to optimize the use of lands for employment-related land uses (see also Sections 2.9.2, 3.3, and 3.4.2.).

#### **Airpark**

The mix of uses includes the Timmins Airport and air service industries, industrial uses which benefit from their proximity to air services, small scale retail uses, travel oriented commercial uses and service commercial uses.

#### **Regional Shopping District**

The mix of uses may include large scale commercial uses, shopping malls, offices, light and medium industrial uses and limited residential uses.

#### **Business and Industrial Parks**

The mix of uses may include Class 1 and 2 industries, related commercial services, wholesale and large scale retail uses, transportation services, offices, restaurants and private clubs. Residential uses may be permitted where they are strategically located to limit land use conflicts.

#### **Downtowns**

The downtowns are the established central downtown core areas throughout the City. These areas in Timmins, Schumacher and South Porcupine represent the heart and

soul of the community and function as central meeting places where people choose to live, work and play. These areas are intended to accommodate a full range of commercial, institutional and residential uses appropriate to the characteristics of the community in which the downtown is located. The downtown areas are intended to recognize the existing land use pattern of mixed uses, to strengthen these centres as the primary areas for commercial activities, to develop a highly functional and compact urban form where people live and work and where additional employment growth is strongly encouraged.

## **Residential and Non-residential Uses in the Downtown**

In downtown areas and adjacent transition areas, residential uses should be predominantly encouraged to locate on upper floors above main floor commercial uses, provided that adequate access to off-street parking can be provided. The building form will emphasize moderate to high density land use activities. Main floor commercial conversions to residential uses will not be permitted within the downtown areas. Intensification in the transition areas close to the downtown core where there is a transition of uses to residential may be permitted with proper design considerations.

Sustainable, compact and energy efficient building forms, the inclusion of functional and vibrant public open spaces and the development of pedestrian friendly streets and streetscaping, all within a liveable winter city are encouraged. Urban design will also correlate land use activities to public transit services, to transportation linkages to surrounding neighbourhoods and to parking services. Site plan control and community improvement will also be key planning tools in providing for the health and well-being of downtown areas. Other tools may include bonus zoning, transfer of development rights, holding zones, temporary use by-laws, cash-in-lieu of parking and financial incentives.

## **Community Improvement Planning for the Downtowns**

Council will actively develop community improvement plans (see also Section 4.3) and design programs as well as offer or facilitate financial incentives to encourage investment and redevelopment activities to maintain the health of each of the City's downtowns. This may include measures such as facade improvements, beautification and streetscaping programs, property standards and building upgrades, conversions and commercial intensification, investments in public infrastructure such as public transit, parking, streets, public open spaces and utilities, regulating signage, barrier-free and accessibility improvements, programs for public art and sustainable urban design and facilities designed for the needs of youth. For this reason, lands in downtown areas are also designated as community improvement areas for the purposes of implementing community improvements plans (see also Section 4.12 – Community Improvement).

### **3.2.4 Criteria for Development in Employment Area**

In the review of planning applications for development in the Employment Area land use designation, the following planning principles shall apply:

- 1) the lot size shall be adequate for the proposed use and potential future land uses including the expansion of buildings and structures.
- 2) the lot shall be adequate to accommodate all setbacks, parking, loading, storage, signs, landscaping, buffering, or screening, on-site infrastructure and safe access, where these requirements apply. Where appropriate, provisions may be made for off-site parking in the downtowns.
- 3) the servicing capacity shall be available and adequate to support existing and proposed uses. This includes water and sewage services, waste disposal services, stormwater management, utilities, roads and police and fire services. The City may also require additional facilities or improvements to parks, public open space, pedestrian linkages and public transit.
- 4) all uses shall have frontage on, and direct access to, a public road except for a condominium development.
- 5) intensification of existing buildings will be encouraged e.g. use of upper storey for residential uses in the downtowns.
- 6) design of the built form will include consideration for density, sustainability, energy efficiency, barrier-free accessibility and linkages to parking, transit, public open spaces and aesthetics relating to land use mix.
- 7) uses that may generate significant traffic volumes will be directed to, or have access on collector or arterial roads.
- 8) uses outside of the downtown areas, which may generate significant traffic volumes, will be directed to, or have access on, collector or arterial roads. In downtowns, access points for commercial uses will be directed to major streets, wherever possible and shall be set back a safe distance from intersections.
- 9) barrier-free access will be incorporated into building and site design where required (by the *Ontario Building Code Act* or the City's Accessibility Plan).
- 10) as a means to promote and ensure land use compatibility, landscaping, buffering, screening or other attenuation measures shall be used to mitigate adverse effects, noise, visual impacts and conflicts between land uses; and may also be used to improve aesthetics or to enhance the quality of development. Landscaping,

buffering screening or attenuation measures may include setbacks, berms, fencing, vegetation, natural land forms or a combination of these measures.

- 11) in establishing all classes of industrial uses, the appropriate separation distances or setbacks (as established by Ministry of Environment D-Series Guidelines) and other supportive studies (to address emissions, air quality, traffic, noise, etc.) shall be implemented in the Zoning By-law to minimize potential land use conflicts with sensitive land uses.
- 12) proper site planning will also be used to promote compatibility e.g. by placing parking, loading, open storage, noisy or other objectionable areas away from adjacent or nearby residential uses or locating access points so that traffic to commercial/industrial areas will be diverted from residential streets.
- 13) site plan control may be applied to any development.
- 14) alternative energy systems and sustainable design practices will be encouraged in the planning, design, construction and operation of land uses and land use activities. Measures will be undertaken to ensure that the impacts of these systems are mitigated, where appropriate.

## **3.3 GOLDFIELD AREA**

### **3.3.1 Intent of Designation**

The Goldfield Area designation, as shown on Schedule A1 – Land Use Plan are lands characterized as a mix of former mining operations and associated mine hazards (and ongoing monitoring points and device), lands that have been rehabilitated and lands that have been developed for predominantly commercial but also residential uses. These lands include but are not limited to the former Hollinger and McIntyre mines, both of which are subject to closure plans under the *Mining Act*. A drilling program is currently underway to assess whether there are residual mineral resources sufficient to justify a mineral mining operation. Subject to proving the resource, the extraction of minerals could include open pit mining or a combination of open pit and underground mining.

The intent of the Plan is to recognize the potential for a renewed mineral mining operation and the longer term closure and permanent rehabilitation of the Goldfield Area in accordance with the *Mining Act*, other applicable legislation (in addition to statutory requirements of the *Mining Act*), and also meeting the City's longer term plans through supplementary requirements. Site plan control will also apply. Given the proximity of the Goldfield Area to the city center and to existing and potentially new development along the Highway 101 corridor, there is a strong need to ensure that land use activities

are compatible, that closure and rehabilitation is properly undertaken and that consideration is given to subsequent land uses. Recognition will be given to interim or subsequent land uses and to those uses approved or whose proposals for development were submitted to the City prior to April 1, 2009.

### **3.3.2 Criteria for Development in Goldfield Area**

The following policies shall apply to lands designated Goldfield Area:

- 1) that the economics of developing the mineral resources be proven as justification for new mineral mining operations.
- 2) that the scope of the mineral mining operation be defined in detail (e.g. extent of the type(s) of mining including open pit, depth of pit and underground operation).
- 3) that separation distances and buffers (influence areas) from affected land uses, notably sensitive land uses, be determined through technical studies undertaken in accordance with Ministry of the Environment, Conservation and Parks Guidelines D-1 and D-6. In addition to satisfying the requirements of the MOECP D-series guidelines, the City shall require compliance with the following design criteria for buffering, screening and mitigating the impacts of mineral mining operations on adjacent land uses, particularly sensitive land uses:
  - a) a buffer zone shall be established as a distinctive feature separate and apart from a mineral mining operation.
  - b) the buffer zone shall be designed to mitigate the impacts of mineral mining operations on air quality (e.g. dust, odour and chemical fugitive emissions), noise and vibration, visual appearance and any other nuisance factors.
  - c) a buffer zone may consist of a combination of natural geographic features (e.g. topography, landscape), and designed components such as berms, landscaping, separation distances.
  - d) the height, massing, material make-up and appearance of any berm that constitutes part of a buffer zone shall be determined through a design study whose components shall include visual impact, shadow impact and environmental impact. The height shall be proportionate to the slope and shall not exceed Ministry of Labour safety standards. The height of any berm shall be determined through a visual and impact study to the satisfaction of the City. Criteria to be considered in the study(ies) include: shadow, wind and micro-climate effects, compatibility and integration of the visual appearance with the surrounding natural landscape and built-up area, stability and safety, correlation of the final design or form to subsequent land uses and vegetative cover.

- e) heights shall be tapered away from adjacent land uses through terracing or setbacks in accordance with the findings of the design study to the satisfaction of the City. The material make-up of a berm may include waste rock, imported aggregate materials but shall not include any hazardous materials. The outward appearance of any berm and setback from nearby land uses shall be designed as a natural landscape with rock outcrops and a vegetative cover consisting of native plant and tree species.
  - f) the outward appearance of any buffer zone shall be designed as if the buffer were a permanent feature.
  - g) the design plan for the buffer zone shall illustrate the location, setback distances from adjacent properties, construction details, dimensions, cross sections of the slopes and landscaping, vegetation and planting details, phasing and any mitigation measures (e.g. erosion and sedimentation controls, water quality impacts) designed to negate or minimize adverse effects during and after construction.
  - h) the design of any buffer zone shall not limit the requirements for an Impact Assessment on an adjacent natural heritage feature or area.
  - i) where a buffer zone is designed as a temporary feature (e.g. less than two years), the City, at its own discretion, may approve reduced design standards.
  - j) any required study(ies) shall be conducted at the proponent's cost to the satisfaction of the City and may be subject to a peer review also at the cost of the proponent. Pre-consultation with the proponent will be required in determining and co-ordinating the requirements for studies.
- 4) that measures for buffering and/or mitigating the impacts of active extraction activities (such as noise, dust, blasting, storage of overburden and waste rock, truck traffic and other nuisance factors) are effectively undertaken to minimize or negate adverse effects on adjacent land uses and public health and safety. This must include provision for temporary, interim or permanent changes that may be required to public infrastructure such as roads and utilities and their subsequent reinstatement and/or relocation.
- 5) that a plan be set out for the progressive and long term rehabilitation of any mined lands, including the buffer zone, and that any such plan takes into consideration factors like subsequent and final (long-term) land uses on, abutting or adjacent to the mined lands, including the buffer zone, the appearance or visual impacts of the site when fully rehabilitated and monitoring features of the landscape that have been rehabilitated. It is intended that the long term land use plan will include the elements of a detailed design to clearly illustrate how the post-mining Goldfield Area will be

integrated with the downtown core, the adjacent Neighbourhood Area and Employment Area and how it will be functionally integrated with the City's infrastructure.

- 6) that the scope of uses along the Highway 101 corridor be defined including provisions and requirements for development and/or redevelopment of properties, where applicable. New residential and other sensitive land uses shall be prohibited in the Goldfield Area prior to rehabilitation. The range of potential uses may otherwise include existing uses, commercial uses (except those providing accommodation), mineral mining operations and related accessory uses, buildings and structures.
- 7) that the mining company(ies) set out a schedule of key milestones and triggers associated with the development of any mineral mining operation and subsequent development.
- 8) that the mining company(ies) provide for a program of public consultation and disclosure on an ongoing basis.
- 9) that in the event an economic mineral resource is not proven, provisions be made for the long-term rehabilitation of the Goldfield Area and any related monitoring of rehabilitation points and devices.

The City may use any of the measures set out in Section IV: Planning Toolbox to implement the policies for Goldfield Area. This may include the requirement for an Official Plan Amendment. In particular, the holding provisions of *the Planning Act* may be used to govern such matters as the phasing, redevelopment, rehabilitation, servicing, closure, monitoring or performance requirements associated with any component of the mineral mining operation or subsequent development of the Goldfield Area. Existing uses may be zoned to their current use. Conditional zoning may be used as a means to ensure safe development in areas of known or potential mine hazards (Note: the provisions for conditional zoning will be implemented subject to regulations established under the *Planning Act*). A temporary use by-law may be used to impose a sunset time line on new development in conjunction with the phasing in of a mineral mining operation. Site plan control will apply to all development in the Goldfield Area.

In considering planning applications for development, Council will consult with the mining industry on whether the proposed development would hinder future mineral mining operations before a decision is made on the planning application. The Goldfield Area policy will be reviewed as part of the mandatory five year review of this Plan to assess whether the designation is still appropriate and whether further policy direction or changes to existing policies are or should be required.

## 3.4 RESOURCE DEVELOPMENT AREA

### 3.4.1 Intent of Designation

The Resource Development Area designation, as shown on Schedules A, A1 and A2 – Land Use Plan, is intended to provide areas for land use activities or uses which may be incompatible with those found in other land use designations, which require large tracts of land, which involve resource-related activities or are centered on the natural uses recognizing the potential of the natural environment. It is the intent of this Plan to protect and sustainably manage as much of the renewable and non-renewable natural resource base as is realistically possible for resource and resource-related land use activities for short or long term economic utilization. The policies of this Plan recognize the importance of managing lands with the potential for one or more resource uses, the need to minimize land use conflicts, the need to restore land for subsequent land uses and the need for stewardship of natural heritage features and areas and the natural environment.

### 3.4.2 Permitted Uses

A broad range of uses is contemplated by this designation including, but not limited to, mining activities, forestry activities, mineral aggregate operations, peat extraction, agricultural uses, **agriculture-related uses, on-farm diversified uses and normal farm practices**, resource-related uses, tourism and recreational uses, **resource-based recreational uses including recreational dwellings**, storage facilities, transportation facilities, infrastructure corridors, waste disposal and recycling facilities, limited residential development **home occupations and home industries, cemeteries and other rural land uses**. An amendment to the Zoning By-law may be required for any proposed mineral mining operation or mineral aggregate operation.

### 3.4.3 Waterfront Development

Waterfront development in the Resource Development Area, including seasonal and permanent residential uses and commercial uses, will only be permitted where there is demonstrated capacity of the water body to accommodate the intended development and in compliance with Section 3.4.5 – Planning Principles. More specifically, development on lakes identified to be near or at capacity or identified to be a cold water lake trout lake may only be permitted where an impact report indicates that such development will not result in a decline in the water quantity or quality of the lake or water body (e.g. through increased phosphorus loading enrichment, a reduction in oxygen levels or water taking), except on existing lots of record.

In the case of lake trout lakes (coldwater lakes) at their biological capacity, lot creation and land use changes or development which will result in a more intensive use will not be permitted except for one of the following circumstances:

- a) where the tile field for a new lot is set back at least 300 metres (984 feet) from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres (984 feet) to the lake.
- b) the tile fields on each new lot are located such that they would drain into the drainage basin of another water body, which is not at capacity.
- c) to separate existing habitable dwellings which were included in the original capacity, each having a separate septic system, provided that the land use would not change.

A lake capacity plan, where prepared, shall use provincially acceptable modeling techniques for determining lake capacity. Lake capacity plans may be prepared by the proponent of the development, by the municipality or through a partnership (e.g. Lake association, municipality or private interest). Priority will be given to preparing lake capacity plans for lakes facing development pressures in the municipality.

The design and development or redevelopment of shoreline properties shall also include provision for the establishment and/or retention of the natural features and shoreline (riparian) vegetation. Development setbacks shall be implemented as a measure to conserve shoreline features, protect the ecological functions of the shorelines and water bodies and protect property against damage from natural hazards.

In the design and development of waterfront areas, the City will ensure that provision is made for public access to shorelines. This may be achieved through the retention of shore road allowances, retention of road allowances leading to shorelines, dedication of parkland or retention of other lands in public ownership or a conservation trust. This will also be achieved through the identification of key access points to be protected. Access to waterfront areas may include water access (for seasonal residential development only), provided the lake has a secure public access point and there is sufficient land to provide for parking on the mainland.

### **3.4.4 Policies**

The implementing Zoning By-law will provide for appropriate zoning categories to support a range of uses in the Resource Development Area. Land use compatibility will be the primary factor in determining whether new uses shall be permitted. Council shall be satisfied that the proposed development is sustainable and designed to minimize off-site impacts including storm water, traffic, vibration, noise and other emissions. Site plan control may be used as a tool to ensure that potential land uses conflicts are minimized. Other tools may include site-alteration, holding or temporary use by-laws.

Development, particularly residential uses on individual on-site systems, will only be permitted if the lands are suitable for the long term provision of such services and if there is sufficient reserve sewage system capacity off-site for hauled sewage. Development on partial services will only be permitted for existing uses in cases where a service has failed and it is unrealistic and/or not feasible to replace the existing failed system, where the development is within the reserve sewage system capacity and reserve water system capacity and site conditions are suitable for the long-term provision of such services. A service options report may be required to determine the most appropriate method for sewage and water services.

Residential uses will only be permitted in the Resource Development Area where they are presently serviced by maintained municipal roads or existing private roads that have direct access to maintained municipal roads and where they will not sterilize or negatively impact on the development of surrounding natural resources. Furthermore, residential development in Resource Development Areas of the municipality will not receive the full range of municipal services that are provided for in the urban areas of the municipality.

### **3.4.5 Criteria for Development in Resource Development Area**

In the review of planning applications for development in the Resource Development Area land use designation, the following planning principles shall apply:

- 1) the lot size shall be adequate for the proposed use and potential future land uses including the expansion of buildings and structures.
- 2) the lot shall be adequate to accommodate all setbacks, parking, loading, storage, signs, landscaping, buffering or screening, on-site infrastructure and safe access, where these requirements apply.
- 3) the servicing capacity shall be available and adequate to support existing and proposed uses for the long term. This includes water and sewage services, waste disposal services, stormwater management, utilities, roads and police and fire services.
- 4) as a measure to promote land use compatibility, landscaping, buffering, screening or other attenuation measures shall be used to mitigate adverse effects, noise, visual impacts and conflicts between land uses; and may also be used to improve aesthetics or to enhance the quality of development. Landscaping, buffering screening or attenuation measures may include setbacks, berms, fencing, vegetation, natural landforms or a combination of these measures.
- 5) in establishing all classes of industrial uses, the appropriate separation distances or setbacks (as established by Ministry of Environment Guidelines) and other

supportive studies (to address emissions, traffic, noise, etc.) shall be implemented in the Zoning By-law to minimize potential land use conflicts with sensitive land uses. All farm and non-farm development will comply with the minimum distance formulae.

- 6) proper site planning will also be used to promote land use compatibility (e.g. by placing parking, loading, open storage, noisy or other objectionable areas away from adjacent or nearby residential uses or locating access points so that traffic to commercial/industrial areas will be diverted from residential uses).
- 7) best management practices shall be used in planning, designing and constructing the built form in or adjacent to the natural environment or adjacent to natural heritage features and areas (see also Section 2.11.6).
- 8) new shoreline and river bank development shall be integrated, where possible, into the landscape, and existing vegetation shall be maintained and enhanced to:
  - protect the quality of the water by preventing erosion, siltation, contamination, and nutrient migration; maintain shoreline character and appearance; and minimize the visual impact of development.
- 9) the City will encourage treed buffers and setbacks from roads, lakes and recreational areas, on both public and private lands.
- 10) alternative energy systems and sustainable design practices will be strongly encouraged in the planning, design, construction and operation of all land uses and land use activities in the Resource Development Area.

## **3.5 PROVINCIAL INTEREST AREAS**

### **3.5.1 Intent of Designation**

The Provincial Interest Areas shown on the Land Use Plan Schedules are intended to identify those lands that are impacted and/or influenced by areas of provincial interest. It should be noted this section and associated Schedules are not intended to reflect all matters of Provincial Interest under Section 2 of the *Planning Act*. Other interests may apply depending on the nature of the development proposal.

Such areas may include, but are not necessarily limited to, provincially significant wetlands, habitat for endangered and threatened species, wildlife corridors, mine hazards, contaminated sites, flood plain areas, areas of conservation interest, enhanced management areas, provincial and public parks, conservation areas, hazardous forest types for wildland fire and Crown Land. The Plan recognizes the importance of recognizing these features or constraints for the purpose of protecting public health, safety and property and for preserving and protecting features that are important from a

provincial perspective. However, the Plan also acknowledges that an appropriate balance between preserving provincial interests and promoting local interests, particularly economic growth and development opportunities, must be realized.

On Crown Land, the Province is largely responsible for resource management and the regulation of land use activity. It is expected that prior to the disposal of Crown Lands within the City by either the Government of Ontario, or the Government of Canada, consultation will take place with the municipality. The City acknowledges that the Official Plan does not apply to Crown Lands.

Council recognizes that First Nations, Métis and **Indigenous communities** may have an interest in land uses in the planning area and will conduct any municipal plan review process taking into consideration the provincial protocol for consultation with First Nation, and Métis and **Indigenous communities**.

### **3.5.2 Provincial Interest Areas Uses**

The Plan contemplates that the implementing Zoning By-law will contain special provisions relating to areas of provincial interest and/or create separate zoning or constraint categories. The separate zoning categories or special provisions will be designed to preserve and protect these features for the future and ensuring that the public health, safety and property are protected.

## **3.6 NON-CONFORMING USES**

### **3.6.1 Status of Non-conforming Uses**

It is the intention of this Plan that a legal non-conforming use should eventually cease to exist. The owner/applicant in submitting an application for an expansion, enlargement or change of a legal non-conforming use shall demonstrate that all three of the following conditions are met in qualifying a use as a legal non-conforming use:

- 1) that the use was legally established prior to the passing of any implementing zoning by-law.
- 2) that the use has continued without interruption from the date of its establishment of the use, or in the case of an interruption, that there has been a reasonable attempt to continue the use during the period of discontinuance.
- 3) that the use is deemed to have existed and continued only if there was in fact, an actual user directly involved with the use.

### **3.6.2 Enlargement or Expansion or Change to a Legal Non-conforming Use**

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

- 1) the proposed extension or enlargement or change of use does not aggravate the non-conforming situation for neighbouring uses.
- 2) the proposed extension or enlargement or change of use is in reasonable proportion to the existing use and to the land on which it is to be located and neighbouring land uses.
- 3) the proposed extension or enlargement or change will not create undue noise, vibration, fumes, smoke, dust, odours, glare from lights or environmental hazards detrimental to the adjacent complying uses.
- 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 water and sewer, storm drainage, roads, and school busing) are adequate or can be made adequate, where applicable.

## **3.7 LOTS OF RECORD**

Lots of record are legally created parcels or tracts of land that can legally be conveyed. For the purposes of this Plan, lots of record are deemed to include lots or blocks on a registered plan of subdivision and parcels created by consent, in accordance with the *Planning Act* and/or any other distinct and separate holding, the deed to which is registered in the Land Titles Office.

Lots of record, which are vacant and which existed on the date of adoption of this Plan, may be used for building purposes provided that prior to a building permit being issued, the City is satisfied that:

- 1) the lot complies with the policies of this Plan for access to lots (e.g. frontage on a public road which is open and maintained year round by the City).

- 2) a water supply and sewage disposal system, unless exempted, can be provided on the lot to the satisfaction of the public body having jurisdiction.
- 3) the lot meets the relevant planning principles of this Plan for specific land use designations and the zoning standards of the implementing zoning by-law.
- 4) development will not create or aggravate an environmental or public health and safety concern.
- 5) development will meet the requirements for an environmental impact assessment or other relevant studies, where applicable under this Plan.

The Municipality may provide for exceptions in the zoning by-law for lots of record. Development may be considered on existing lots of record on private roads. However, development may be restricted on lots characterized as having natural or human-made hazards.

Development may be subject to an archaeological assessment on lots with known or potential archaeological resources. Development will be encouraged on vacant lots of record in the urban areas as a way of implementing policies for residential intensification, **including second units**, in this Plan.

## SECTION IV: THE PLANNING TOOLBOX

The *Planning Act* provides traditional tools that form the basis for the development approval process. These tools include but are not limited to subdivision control, zoning by-laws and minor variances, to name a few.

The *Planning Act* also provides tools to help municipalities create new parks, open space and community infrastructure. These tools include alternative parkland dedication standards, holding provisions (to ensure community infrastructure is in place prior to development) and site plan control (to ensure a development is well designed, functional and blends into the area).

This Section outlines a number of traditional tools that the City may use to achieve the objectives and implement the policies of this Plan.

### 4.1 ZONING BY-LAW

The land uses provided for in the Official Plan are generalized. The accompanying Zoning By-law prescribes the precise numerical figures and land use permissions, and is the key regulatory instrument used to implement the Official Plan. It provides regulations and standards that shape the City's built form and land use.

#### 4.1.1 Policies

The Zoning By-law is developed to protect existing City neighbourhoods, maintain and enhance community standards and healthy environments, promote investment and reinvestment and establish a framework of regulatory certainty and consistency.

### 4.2 HOLDING BY-LAWS

There are situations where the intended use and zoning is known for lands but development should not take place until certain conditions are met (e.g. transportation, servicing, or special studies to assess development impacts). Under the *Planning Act*, Council may pass a 'holding' zoning by-law that places an 'H' symbol over the zoning and sets out the conditions that must be met before this 'H' symbol is removed and the land can be developed. The 'holding' zoning by-law goes through the same public process as other zoning by-laws but once the conditions for the removal are met and the owner applies to lift the 'H', there is no requirement for public meetings.

### **4.2.1 Policies**

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

- 1) To hold land from development until water and sewage services, stormwater management facilities, roads or transportation services are provided, or until studies have been undertaken to prove that servicing is possible on the site and the servicing has been included in the Municipal budget or provided for through a subdivision agreement or other acceptable means with a developer. Studies may include, but are not limited to:
  - a) environmental assessment.
  - b) servicing options report, terrain analysis or hydrogeological study.
  - c) geo-technical or geo-chemical investigation.
  - d) environmental impact assessment for a natural heritage feature or area.
  - e) resource assessment for minerals or mineral aggregates.
  - f) site contamination investigation.
  - g) traffic study.
  - h) market impact study.
- 2) To hold undeveloped land that is designated in the Official Plan until a proposal is submitted to develop or redevelop the land for the use or uses intended in the Official Plan.
- 3) To hold land from development until other environmental or physical improvements to the site are made.
- 4) To prevent or limit the use of land in order to achieve orderly phased development or expensive premature strip development.
- 5) To ensure that all conditions of development, including financial requirements and agreements in accordance with the provisions of this Plan and/or the *Planning Act*, have been complied with.

- 6) Contaminated sites may be placed in a Holding Zone. Where a holding zone is used, the “H” symbol may be removed when the site has been acceptably decommissioned or rehabilitated.

## **4.3 TEMPORARY USE BY-LAWS**

Even though a use may not comply with the City’s Official Plan or Zoning By-law, it may be in the City’s best interest to permit the land to be used for a particular use on a temporary basis. Commonly, temporary use by-laws are used to allow for a new or unfamiliar use on a trial basis or to allow vacant lands to be used temporarily for facilities. The *Planning Act* authorizes a municipality to pass a temporary use by-law, which defines the area and duration of the use.

A Temporary Use By-Law may also be passed to permit 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 renewable.

### **4.3.1 Policies**

- 1) Temporary use by-laws may be enacted to allow the temporary use of lands, buildings or structures for a purpose that is otherwise prohibited by the Official Plan and/or Zoning By-law.
- 2) The temporary use will:
  - a) maintain the long term viability of the lands for the uses permitted by the Official Plan and Zoning By-law.
  - b) be compatible with adjacent land uses.
  - c) not have an adverse impact on traffic, parking or infrastructure.
  - d) be suitable for the lands in terms of layout, building design, available services, provision of landscaping buffering, parking and loading, drainage and access.
  - e) be for a time period specified by Council and may be renewed subject to the requirements of the *Planning Act*. For example, a temporary use by-law is valid for up to three years but may be renewed for subsequent three year periods. For a garden suite, a temporary by-law may be enacted for a ten year period, also renewable for subsequent three year periods.

## **4.4 INTERIM CONTROL**

Interim control may be used as a planning tool to forestay development pending a study and where necessary, the introduction of an amendment to the Official Plan.

### **4.4.1 Policies**

- 1) In utilizing this authority, an interim control by-law shall be preceded by a By-law or resolution, directing that a study be undertaken of planning policies in the affected area and setting out the terms of reference for the study.
- 2) When an Interim Control By-Law expires, the prior zoning shall automatically apply, unless a new zoning by-law is passed.
- 3) An interim control by-law may be enacted for a one year period and may be renewed for one additional year.

## **4.5 SITE PLAN CONTROL**

Site Plan Control is an important means of providing for development which is well designed, functional and compatible. The approval process involves the review of plans by the City with respect to the location, design and massing of buildings, building and site access, landscaping and buffering, drainage, lighting and other features or engineering of the development. The owner may be required to enter into an agreement to permit the development shown on the plans.

### **4.5.1 Policies**

- 1) The entire City of Timmins is a Site Plan Control Area. The Site Plan Control By-law will define the classes of development subject to Site Plan Control.
- 2) Site Plan Control may be used or applied to all land uses, buildings and structures as set out in the Official Plan in order to achieve attractive, functional and safe development of the lands.
- 3) 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, exterior design and character and sustainable design elements (e.g. such as vegetation materials, street furniture, waste and recycling and bicycle parking) and services (water supply and sewage disposal services).

## **4.6 PROPERTY STANDARDS**

A property standards by-law is used to ensure buildings, structures and land are kept in structurally sound and safe condition and in good repair. This type of by-law to establish and enforce standards for the maintenance and occupancy of property may be passed where an Official Plan contains provisions authorizing its use.

### **4.6.1 Policies**

- 1) All properties in the City shall be kept in a good repair and safe for use and occupancy. The safety and maintenance of all buildings, structures and land will be ensured through the enactment and enforcement of a property standards by-law under the *Building Code Act*.
- 2) A property standards by-law shall include consideration for:
  - a) the maintenance of yards and accessory buildings.
  - b) the maintenance of residential and non-residential buildings and structures.
  - c) occupancy standards.
  - d) notices and orders.
  - e) administration and enforcement measures.

## **4.7 PARKLAND DEDICATION OR CASH-IN-LIEU**

It is the intent of this Plan to require the conveyance of parkland or the cash-in-lieu equivalent for residential and non-residential development as a means to implementing the policies for parks and open space areas of this Plan.

### **4.7.1 Policies**

- 1) The land or cash to be conveyed shall not exceed two per cent (2%) of the value of the land to be developed for commercial or industrial uses or five per cent (5%) in all other cases. The Municipality may choose either option or a combination of land conveyance and cash. Cash-in-lieu may be used where the resulting park site is too small, where there is no suitable location for a park or where the money can be better used to acquire other parkland or add onto an existing park in the area.

- 2) The value of the land will normally be determined as the market value assessment calculated by the Municipal Property Assessment Corporation. The Municipality also has the option to secure an independent appraisal in order to determine the value of the land.
- 3) Parkland acquisition strategies including decisions about whether to accept parkland or cash-in-lieu of parking as a condition of development will take into account a number of factors including:
  - a) the amount of existing parkland, open space in a Neighbourhood Area.
  - b) parkland quality and characteristics.
  - c) existing natural features or other attributes of the site.
  - d) existing amenities and facilities.
  - e) urban form.
  - f) population growth and demography.
  - g) opportunities to link parks and open space areas.
- 4) The location and configuration of the land to be conveyed should be:
  - a) free of financial and physical encumbrances.
  - b) sufficiently accessible and visible from adjacent streets to promote the safe use of the park.
  - c) of an appropriate and usable shape, size and topography.
  - d) linked, whenever possible, with an existing or proposed park, green space or natural heritage feature.
- 5) Council may request improvements to parkland as a condition of development. These may include, but are not limited to:
  - a) leveling, grading and landscaping.
  - b) installation of playground equipment.
  - c) installation of park benches, waste receptacles and other parkland furniture.
  - d) installation of trails, pathways or pedestrian walkways.

- e) installation of signage and lighting.
  - f) installation of infrastructure required to service the parkland.
  - g) installation of parking and access facilities.
  - h) installation of public art.
- 6) The City may request the conveyance of parkland at a rate of 1 ha (2.47 ac.) for each 300 dwelling units proposed or at such lesser rate as specified in the zoning by-law.

## **4.8 SUBDIVISIONS, CONSENTS, PART-LOT CONTROL AND DEEMING BY-LAWS**

### **4.8.1 Subdivisions**

Land development shall generally take place by plan of subdivision when three or more new lots/blocks are proposed, and where permitted under this Plan (consents shall otherwise be attained through land division). An application for a plan of subdivision shall be in accordance with the requirements of the *Planning Act* and shall be consistent with the Provincial Policy Statement. Additional information may be required in assessing the need, appropriateness and the location of the subdivision. It shall be the policy of Council to consider for approval, only those plans of subdivision which comply with the policies of this Plan and which, to the satisfaction of the Council, can be supplied with adequate and cost effective public service facilities. The review of a subdivision application shall be subject to the Land Division Review Criteria set out below.

The City holds ownership of key draft approved subdivisions which have been acquired over the years from failed tax sales. As such, the City has been a partner, holding title to such lands until the lots were developed and sold. This was accomplished through subdivision agreements.

It is the City's intent to sell such lands, or parts therefore, to the development industry, to proceed with development through the plan of subdivision process as per the *Planning Act*.

#### **4.8.2 Land Division Review Criteria for Consents and Subdivisions**

Provisions relating to the granting of consents and subdivisions are set out in Sections 51 and 53 of the *Planning Act*. An application for land division shall be in accordance with the requirements of the *Planning Act* and shall be consistent with the Provincial Policy Statement in addition to the Land Division Review Criteria set out below.

- 1) In any of the urban communities in the City, there shall be no limit on the number of consents provided the City is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the land and that the lotting pattern will provide for the compact and efficient use of land.
- 2) Up to two consents for residential purposes may be granted for a legally conveyable lot, excluding the retained lot, where the land is located in the rural area of the City. A maximum of twenty (20) lots may be granted annually in the rural area. Lots in the rural area shall have a minimum lot size of 2 ha (5 ac.) and a minimum frontage of 100 m (328 ft.) for residential uses.
- 3) Subject to the applicable policies of this Plan, consents may be granted for non-residential purposes in urban or rural areas provided that:
  - a) the lot is of a size appropriate for the type of non-residential use.
  - b) the lot is sufficiently large to maintain flexibility for future changes in the type or size of the use.
  - c) the lot meets other applicable policies (e.g. access, water and sewage systems, land use compatibility and zoning standards).
- 4) The lot(s) to be subdivided or severed and to be retained shall meet the requirements of any zoning by-law having application and shall be adequate for:
  - a) the principle use of the land, buildings, or structures, any accessory uses, parking, loading, access, landscaping/buffering, storage including snow storage.
  - b) lot frontage and depth.
  - c) setbacks from roads, lot lines, water bodies etc.
  - d) allowing development where constraints exist such as topography, soils (organic), rock, slope, wetlands, or flood plains.
- 5) The lot(s) shall meet the influence area or special setback requirements where the intended use of the lot is for a sensitive land use (e.g. a dwelling, daycare facility,

educational facility or health care facility, church, campground, or the lot is for a use where there is the potential for an incompatible land use). This shall apply on a reciprocal basis where the lot is proposed for a non-residential use adjacent to an existing sensitive land use.

- 6) Lots created for non-residential purposes shall be evaluated such that the volume and traffic flow anticipated from the development is compatible with the volume and type of traffic in the area and will not interfere with the function of the public road. Consideration shall also be given to the privacy of adjacent landowners and the mitigation of potential adverse impacts (from lighting, noise, odour, traffic and dust) through such measures as distance separation of the land uses, buffering or other measures as part of the development.
- 7) The application may be required to be supported by studies or other information which are set out by this Plan or required to be consistent with the Provincial Policy Statement. **Any required technical report will be at the cost of the proponent of development and may be subject to a peer review by the City at the proponent's expense.** The studies or information may include one or more of the following:
  - a) capacity calculation or analysis of public service facilities.
  - b) water and sewer servicing capacity study.
  - c) water supply assessment report.
  - d) servicing options report.
  - e) off-site septage haulage report.
  - f) hydrogeological study and terrain analysis.
  - g) drainage and/or stormwater management report.
  - h) minimum separation distance calculation for an industry, mineral mining operation, waste management facility, pit or quarry.
  - i) resource impact report for development in proximity to a waste management facility, industrial use or mineral/mineral aggregate use including an assessment of impacts within an influence area.
  - j) transportation transit, parking or traffic study.
  - k) noise and/or vibration study.

- l) minimum distance separation formulae I and II calculation.
- m) environmental impact assessment for a natural heritage feature or area.
- n) source protection study including a groundwater impact and/or surface water impact study.
- o) flood plain, flood proofing, protection works, restoration report.
- p) organic or unstable soils report.
- q) lake capacity calculation.
- r) shoreline capability assessment report.
- s) boat capacity study.
- t) aggregate resource evaluation report to assess the residual economic value of aggregates.
- u) geotechnical study for unstable slopes.
- v) Environmental Site Assessment Report for a contaminated site and a record of site condition.
- w) cost-benefit study and/or justification report for a private road.
- x) heritage impact statement and/or archaeological assessment report.
- y) mining hazard report and/or rehabilitation assessment study including a monitoring report.
- z) renewable or alternative energy report for a solar, biomass, geothermal, passive, hydro or wind energy facility.
- aa) market study.

**bb) wildland fire assessment.**

- 8) The lot(s) shall have full frontage on and direct access to an open, year round maintained public road unless otherwise exempted (see Sections 2.6.1 – Table 1, 2.6.3 and 3.4.4). Consents that may limit access to interior lands should not be granted. Provision shall be made for future road allowances at strategic locations.

- 9) Where the lot(s) proposed front on a provincial highway, applicants shall pre-consult with 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.
- 10) The access or entrance to any lot should not create a traffic hazard (e.g. on a curve or a hill where a driver's sight line is blocked or impaired). The applicant shall receive prior approval from the City for the location and installation of an entrance and/or culvert and/or the Ministry of Transportation.
- 11) Approval may not be granted in areas where the undue extension of municipal services would be required (e.g. extension of a public road or school bus route).
- 12) Approval that would limit access to back lands for future development or create land locked parcels will not be granted.
- 13) Lot creation will not be permitted on a water body where the lake has reached its development capacity and no residual capacity exists for that water body.
- 14) A consent that would enlarge existing undersized lots (e.g. through lot additions) may be granted.
- 15) Where parts of newly created lots will be subject to flooding or erosion, unstable slopes or other physical hazards, there must be a sufficient area of land above or outside the natural hazard limit to place the buildings and services in accordance with the applicable policies of this Plan.
- 16) Despite the criteria outlined above, a consent may be granted as follows:
  - a) to correct lot boundaries.
  - b) to convey additional land to an adjacent lot, provided the conveyance does not lead to the creation of an undersized lot in the context of the requirements of the Zoning By-law or lot for the purpose for which it is being or will be used.
  - c) to clarify title to the land.
  - d) where the effect of the consents does not create an additional building lot.
  - e) to permit an easement.
  - f) to permit a consent for municipal or other government purposes.

### **4.8.3 Conditions of Approval**

Conditions may be imposed by the approving authority in the granting of a consent or draft approval of a plan of subdivision.

### **4.8.4 Part-Lot Control**

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

### **4.8.5 Deeming Plans of Subdivision**

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

## **4.9 DEVELOPMENT CHARGES**

A development charges by-law, authorized under the *Development Charges Act*, is a means by which the City can impose a development charge on development that increases the need for services.

### **4.9.1 Policies**

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

Development charges may be applied to all classes of development, where authorized by the *Development Charges Act*.

## **4.10 COMMUNITY PLANNING PERMIT**

A community planning permit system is a planning mechanism that could be applied to a variety of conditions around the City to facilitate development. This system, a stream lined development approval process, consolidates zoning, minor variance and site plan

control processes to achieve City planning objectives. A community planning permit system offers a flexible alternative to zoning by allowing certain uses and a range of variations in development standards provided certain conditions can be satisfied. Traditional zoning provisions are not as flexible.

In designated community planning permits areas, the delegated authority grants approval and the application is evaluated in terms of applicable Official Plan Policies and the Community Planning Permit By-law. Provincial regulations are in place for municipalities to utilize this tool. It is the intent of the City to explore the possibility to adopt policies by amendment to this Plan to introduce a community planning permit system in designated community planning permit areas.

## **4.11 EVALUATION OF AMENDMENTS TO THE PLAN AND ZONING BY-LAW**

The Planning Division has developed a set of criteria for assessing amendments to the Official Plan and Zoning By-law. Combined, these criteria establish a framework of regulatory certainty and consistency for evaluating all planning applications.

### **4.11.1 Policies**

Planning applications will be assessed on the following criteria:

- 1) compliance with the general intent and purpose of the Official Plan.
- 2) compliance with the general intent and purpose of the Zoning By-law.
- 3) the appropriateness and compatibility of the land use.
- 4) the need or justification for the development.
- 5) planning precedent.
- 6) consistency with the Provincial Policy Statement.
- 7) other public interests.

Should a planning application fail to satisfy any one (1) of these criteria, serious consideration should be given to turning down the planning application.

## 4.12 COMMUNITY IMPROVEMENT

The *Planning Act* allows municipalities to prepare Community Improvement Plans for designated “community improvement project areas” that require rehabilitation as the result of age, dilapidation, overcrowding, faulty arrangement, unsuitable buildings or for any other environmental, social or community economic development reason and economic development strategies. Once a Community Improvement Plan is adopted by a municipality, approved by the Province, and placed into effect, the municipality may offer incentives to encourage private sector investment. A municipality may also undertake a wide range of actions for the purpose of carrying out the community improvement plan. For the purposes of this Plan, the entire municipality will be considered as a Community Improvement Area.

### 4.12.1 General

- 1) The City will maintain and promote an attractive and safe living and working environment through community improvement. To this end, community improvement will be accomplished through the:
  - a) designation by By-law of a Community Improvement Project Area(s), the boundary of which may be part or all of the City.
  - b) preparation, adoption and implementation of a Community Improvement Plan(s) within a designated Community Improvement Project Area(s), pursuant to the *Planning Act* and the Community Improvement Policies set out in this Plan.
  - c) ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by deficient/obsolete/deteriorated buildings, deficient municipal recreational or hard services, and social, community, or economic instability.
  - d) establishment of programs to facilitate municipal and private sector rehabilitation and redevelopment that addresses identified economic development strategies, land development, environmental, energy efficiency, housing, and/or social development issues and needs.

### 4.12.2 Community Improvement Project Areas

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

- 1) Brownfields Redevelopment:

- a) known or perceived environmental contamination and sites identified as Brownfield sites.
- b) vacant lots and underutilized properties and buildings which have potential for infill, redevelopment or expansion to better utilize the land base or public infrastructure.
- c) other barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings.

## 2) Urban Communities Improvements

- a) buildings, building facades and/or property (including buildings, structures and lands of heritage and/or architectural significance) in need of preservation, restoration, repair, rehabilitation, energy efficiency or renewable energy improvements, or redevelopment.
- b) vacant lots and underutilized properties and buildings having the potential for infill, redevelopment or expansion to better utilize the land base or the public infrastructure.
- c) deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, streetscapes and/or street lighting, municipal parking facilities, sidewalks, curbs, or road state of repair.
- d) a concentration of obsolete or aging low-density land uses, vacant lots, surface parking lots and/or abandoned buildings.

## 3) General Community Improvement

- a) deficiencies in community and social services, including but not limited to public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational facilities, and public social facilities and support services.
- b) vacant lots and underutilized properties and buildings having the potential for infill, redevelopment or expansion to better utilize the land base or the public infrastructure.
- c) opportunities to improve the mix and intensification of development.
- d) any other environmental, energy efficiency, social or community economic development reasons.

### **4.12.3 Community Improvement Plans**

Community Improvement Plans may be prepared and adopted to:

- 1) facilitate the renovation, repair, rehabilitation, remediation, redevelopment or other improvement of lands and/or buildings.
- 2) facilitate the development of mixed use buildings, or the introduction of a wider mix of uses.
- 3) facilitate the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreational amenities.
- 4) facilitate residential and other types of infill and intensification.
- 5) facilitate the construction of a range of housing types and the construction of affordable housing.
- 6) upgrade and improve municipal services and public utilities (such as sanitary sewers, storm sewers, watermains, roads and sidewalks).
- 7) facilitate the development of mixed use buildings, or the introduction of a wider mix of uses.
- 8) facilitate the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreational amenities.
- 9) facilitate residential and other types of infill and intensification.
- 10) facilitate the construction of a range of housing types and the construction of affordable housing.
- 11) improve pedestrian and bicycle circulation.
- 12) contribute to the ongoing viability and revitalization of downtown areas and other areas that may require community improvement.
- 13) improve environmental and energy consumption conditions.
- 14) promote cultural development.
- 15) facilitate the redevelopment of Brownfield sites.
- 16) facilitate and promote community economic development and economic strategies.

17) improve community quality, safety and stability.

During the preparation of a Community Improvement Plan and any subsequent amendments, the public will be informed and public input will be obtained in keeping with the policies for Public Notification contained in this Plan.

#### **4.12.4 Implementation**

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

- 1) the municipal acquisition of land and/or buildings within the Community Improvement Project Areas where a Community Improvement Plan has been adopted, approved and is in effect, along with the subsequent:
  - a) clearance, grading, or environmental remediation of these properties.
  - b) repair, rehabilitation, construction or improvement of these properties.
  - c) sale, lease, or other disposition of these properties to any person or governmental authority.
  - d) other preparation of land or buildings for community improvement.
- 2) provision of public funds such as grants, loans and other financial instruments or financial incentives.
- 3) application for financial assistance from senior level government programs.
- 4) participation in senior level government programs that provide assistance to private landowners for the purposes of community improvement.
- 5) provision of information on municipal initiatives, financial assistance programs, and other government assistance programs.

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

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

## **4.13 SECONDARY PLANS**

Secondary plans are to be considered as a planning tool that the City may use to plan and direct or define the details of development for:

- 1) the built-up area.
- 2) special areas within the City (e.g. waterfront neighbourhoods).
- 3) areas where more detailed policies are required to direct or create opportunities for the future growth and/or development within the City.
- 4) the resolution of land use planning issues.

The content of a secondary plan should be tailored to the particular circumstances of the settlement area or special area to which it applies and shall have regard to the following matters where they may apply or any other applicable matter:

- 1) projections for population, employment and the associated demand and supply of land and mix of housing and/or non-residential uses as a means to develop a built-up or existing settlement area or to substantiate the expansion of an existing settlement area.
- 2) planning for the installation of new infrastructure, the phasing, or improvements or the extension to existing infrastructure.
- 3) planning for the installation of public services or public service facilities or the expansion of existing services or facilities.
- 4) planning for the location, types or mix of land uses and the density of development and integrating this with infrastructure.
- 5) phasing of land development and the provision of necessary infrastructure and its relationship to existing built-up area(s) of the community.
- 6) establishing street and lot patterns, open space areas, pedestrian linkages and public transit services.
- 7) assessing transportation or traffic impacts in the vicinity of a provincial highway or major municipal roads. Studies affecting provincial highways must be submitted to the Ministry of Transportation for their review as part of a secondary plan process.

- 8) planning the revitalization or redevelopment of neighbourhoods or 'Brownfield sites' or other community improvement initiatives or for infilling and intensification in existing neighbourhoods or non-residential areas.
- 9) planning for the well-being of downtowns and main streets (e.g. encouraging a mix of land uses, facade improvements, streetscaping and infrastructure).
- 10) planning for the protection and conservation of built heritage resources, cultural heritage landscapes or areas of archaeological potential or the designation of heritage conservation districts, or the design and development of heritage criteria that may guide the integration of new development into existing communities.
- 11) identifying and integrating or conserving features of the natural environment, open space and natural heritage features and areas or community design.
- 12) determining the characteristics, limits, impacts and mitigation measures for natural and human-made hazards as they affect community development.
- 13) integrating design and approvals for infrastructure under the *Planning Act* and the *Environmental Assessment Act*.

A secondary plan shall be developed as an amendment to this Plan. Secondary plans passed after this Plan comes into effect shall be in conformity with the general principles and policies of this Plan but may incorporate more detailed land use designations. Where there is a conflict between the land use designation of this Plan and a secondary plan, the designation in the secondary plan shall normally prevail.

A secondary plan will not generally be required for a single land use or property (e.g. site-specific development). This planning tool, however, should be utilized where a major retail complex is proposed (e.g. shopping centre, 'power centre' or 'big box' retail use), where the scale or type of development is expected to have an impact on the character, physical change, social, economic or natural environment of the settlement or other area in which the development is proposed.

## **4.14 AMENDMENTS TO THE PLAN, CONSULTATION AND COMPLETE APPLICATIONS**

### **4.14.1 Technical Amendments**

In the case of technical amendments where there is no change to the policies of the Official Plan or to the regulatory standards of the Zoning By-law, notification to and consultation with the public will not be required. Notice of the proposed amendment,

however, will be published in the newspaper and posted on the City's website. This approach will be restricted to the following:

- 1) altering punctuation or language consistency.
- 2) correcting grammatical, dimensional and boundary, mathematical or typographical errors.
- 3) inserting historical footnotes or similar annotations.
- 4) changing the number and arrangement of the text, tables, schedules and maps.
- 5) adding technical information to maps or schedules, deleting redundant provisions.
- 6) correcting anomalies.

The City will from time-to-time publish a consolidated version of the Official Plan and Zoning By-law which incorporates all approved amendments to the documents as of the date of the consolidation.

#### **4.14.2 Amendments**

Amendments to the Plan may be initiated by application or by Council in compliance with the requirements of the *Planning Act*. Council intends to consult with the public prior to making a decision on a planning application. This may be in addition to any required statutory public meeting.

#### **4.14.3 Complete Applications**

Prior to the submission of an application for an Official Plan Amendment, Zoning By-law Amendment, Site Plan Control application and an application for Subdivision/Condominium approval, proponents are required to preconsult with the City before submitting such an application. The purpose of such consultation is to review draft development proposals and identify the scope of any additional supporting information or material required by the City, the Mattagami Region Conservation Authority and/or other affected agencies to allow full consideration of the development application.

If a preconsultation meeting is not held prior to the submission of an application and the submission of all required supporting information or material, the City may deem an application as incomplete under the provisions of the *Planning Act*.

Applications for development for an official plan amendment, a zoning by-law amendment, site plan control, subdivision or consent shall be reviewed for

completeness. The municipality/approval authority will not consider an application complete or may refuse an application where studies or other information required by this Plan or the *Planning Act* are not submitted as part of the application. **Any required technical report will be at the cost of the proponent of development and may be subject to a peer review by the City at the proponent's expense.** These studies or information may include, but are not limited to:

- 1) capacity calculation or analysis of public service facilities.
- 2) water and sewer servicing capacity study.
- 3) water supply assessment report.
- 4) servicing options report.
- 5) off-site septage haulage report.
- 6) hydrogeological study and terrain analysis.
- 7) drainage and/or stormwater management report.
- 8) minimum separation distance calculation for an industry, mineral mining operation, waste management facility, pit or quarry.
- 9) resource impact report for development in proximity to a waste management facility, industrial use or mineral/mineral aggregate use including an assessment of impacts within an influence area.
- 10) transportation transit, parking or traffic study.
- 11) noise and/or vibration study.
- 12) minimum distance separation formulae I and II calculation.
- 13) environmental impact assessment for a natural heritage feature or area which will:
  - a) define the nature and boundaries of any significant features and ecological features and functions on or adjacent to the site.
  - b) included species lists (species at risk, plants, birds, reptiles, mammals, fish species, amphibians and other wildlife.
  - c) identify, if suitable, habitat that exists on the property for known species at risk, as well as suitable habitat for any species at risk that may be observed during the preparation of the study.

- 14) source protection study including a groundwater impact and/or surface water impact study.
- 15) flood plain, flood proofing, protection works, restoration report.
- 16) organic or unstable soils report.
- 17) lake capacity calculation.
- 18) shoreline capability assessment report.
- 19) boat capacity study.
- 20) aggregate resource evaluation report to assess the residual economic value of aggregates.
- 21) geotechnical study for unstable slopes.
- 22) Environmental Site Assessment Report for a contaminated site and a record of site condition.
- 23) cost-benefit study and/or justification report for a private road.
- 24) heritage impact statement and/or archaeological assessment report.
- 25) mining hazard report and/or rehabilitation assessment study including a monitoring report.
- 26) a renewable or alternative energy report for a solar, biomass, geothermal, passive, hydro or wind energy facility.
- 27) market study.
- 28) wildland fire assessment.
- 29) conservation plan.

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

Council/the approval authority may refuse to accept an application as complete in the absence of required studies in support of an Official Plan amendment, a zoning by-law amendment, a subdivision, consent, or site plan application.

Any required technical report will be at the cost of the proponent of development and may be subject to a peer review by the City at the proponent's expense.

#### **4.14.4 Public Consultation**

Public consultation is considered an essential component of the municipal planning process. The following policies shall apply in the implementation of this Official Plan:

- 1) a Public Consultation Strategy, satisfying the minimum requirements of the *Planning Act*, is required for all applications for an Official Plan Amendment, Zoning By-law Amendment, and/or Plan of Subdivision. The City may require additional public consultation measures in order to deem an application complete, as determined on a case-by-case basis.
- 2) proponents are encouraged to hold accessible community meetings in addition to statutory public meetings in order to communicate the details of development proposals to residents and agencies.
- 3) public meetings must be held before proposals for Official Plan and Zoning By-law Amendments and draft Plans of Subdivision are dealt with by Council, in accordance with the *Planning Act*.
- 4) notice of public meetings must be given in accordance with the *Planning Act*, however, the City may consider alternate notice procedures as provided for in the *Planning Act*.
- 5) for special issues, including but not limited to, new Official Plans and comprehensive Zoning By-laws, the City may consider additional means of public participation including open houses, public displays, area meetings, newspaper coverage, internet postings and other similar means.
- 6) Council may, by resolution, forego public notification and public meetings in connection with Official Plan, Community Improvement Plan, and Zoning By-law Amendments if such amendments relate to matters that will not affect the policies and intent of the Official Plan or Community Improvement Plan, or the provisions of the Zoning By-law in any material way, and may include the following matters:
  - a) altering punctuation or language to obtain a uniform mode of expression.
  - b) correcting clerical, grammatical, dimensioning or typographical errors.
  - c) altering the number and arrangement of any provision.

- d) inserting historical footnotes or similar annotations to indicate the origin and approval of each provision.
  - e) changing the format of a document.
  - f) consolidating amendments.
  - g) transferring Official Plan, Community Improvement Plan and Zoning By-law information to new base maps.
- 7) Written and oral submissions from the public relating to applications for Official Plan amendment, Zoning By-law amendment, plans of subdivision, plans of condominium, consent, and minor variance will be summarized within a staff report to facilitate decision making. Where appropriate, the submissions will be consolidated into common or overlapping land use planning issues, in addition to an acknowledgement of other issues presented through the public consultation process. The notices of decision associated with planning applications will recognize written and oral submissions and the effect they have had, if any, on planning decisions.

In addition to consultation with the public, Council may consult with any relevant federal or provincial department, agency or municipality in seeking technical advice or input on a proposed planning application prior to making a decision. Documents used to support a land use planning decision by Council will be made available to the public prior to a decision and will constitute part of the public record should there be an appeal to the Ontario Municipal Board. Council may enact a by-law to require pre-consultation prior to filing a planning application.

## SECTION V: PLANNING PROTOCOLS

### 5.1 PROTOCOL FOR WIRELESS TELECOMMUNICATIONS FACILITIES

This policy is to provide guidelines concerning the siting of federally licensed towers and antennas within the City of Timmins. These guidelines are intended to safeguard legitimate concerns regarding land use. The guidelines also can assist radio communication applicants to implement radio infrastructure and give due consideration to local land use plans and specific environmentally sensitive areas. Mutual co-operation between the City of Timmins and the applicant will result in the provision of new and enhanced wireless services to the community while minimizing the impact of necessary associated telecommunication infrastructure.

The intent of this document is to outline the approach which must be followed within the City of Timmins by applicants proposing radio communication antenna structures. The process is intended to balance the local land use interests with that of bringing enhanced wireless telecommunications services to Timmins.

The consultation process attempts to resolve concerns at the local level, however, participation by the City in this process does not transfer any federal decision-making authority, nor does it confer a right of veto in the location of the radio communication facility. Local municipal by-laws cannot prevent a radio communication facility from being built as Industry Canada has the final authority under the *Radiocommunication Act*.

#### 5.1.1 Objectives

- 1) To encourage consultation between telecommunications carriers and the municipality that will address matters such as co-location and optimal site selection.
- 2) To provide a forum that will allow public involvement.

#### 5.1.2 Guidelines

- 1) Protect the natural landscape of a site at all times. Where appropriate, the planting of trees and shrubs at the tower site to enhance the character of the surroundings is highly recommended.
- 2) Towers shall accommodate only telecommunications facilities and no signs or other material not directly related to this equipment shall be permitted on the tower.

- 3) The location of towers in or near existing or future residential areas will be discouraged.
- 4) The consolidation of more than one telecommunication facility on a tower shall be encouraged in order to reduce the necessity to construct new towers.
- 5) The carrier shall remove the tower if the telecommunication equipment on it has been deactivated and unused continuously for six months. Such tower and equipment shall be removed within 90 days after the six-month period. Consideration may be given to extending the time noted if the carrier can demonstrate a real and probable use of the equipment beyond the six month period.
- 6) For purposes of this Protocol, a tower referred to herein includes all towers, antennae and other appurtenances attached thereto.

### **5.1.3 Submission Requirements and Procedures**

All proposals for new telecommunication towers and modifications to existing towers, where municipal consultation is required by Industry Canada, require the submission of an application package to the City of Timmins Department of Planning which shall include the following information:

- 1) Written documentation from the proponent outlining the steps taken by the proponent to investigate all non-tower and co-location options and why a tower option is the only viable alternative. A pre-consultation meeting with City of Timmins may be required.
- 2) A site plan drawn to scale showing the subject property or leased area, site grading, the location of existing property lines, existing or proposed buildings, fences, buffering, existing and proposed landscaping, access, parking and the type and height of the proposed tower structure. Any significant vegetation on a particular site should be inventoried on the plan.
- 3) Two sets of stamped engineered drawings of the tower design. In the case of roof mounted towers, a structural engineer's report may also be required to address the structural effects on the building.
- 4) A statement from the proponent indicating the reasons for the proposed tower height.
- 5) A map showing the distance between the proposed tower installation and the nearest Residential Zone, residential use or residentially designated lands in the Official Plan.

- 6) Application for a building permit in accordance with the Ontario Building Code for any of the following which apply:
  - a. equipment shelters that exceed 10 square metres of gross floor area.
  - b. towers that are to be mounted on, or attached to, an existing building.
  - c. ground supported towers that exceed 16.6 metres (54.5 feet) above ground level.
- 7) A cheque payable to the City of Timmins to cover administrative and processing costs.

#### **5.1.4 Public Review Process**

##### **Criteria for Exemption From the Public Consultation Process**

- 1) For towers which meet any one of the following criteria, public consultation is not required for:
  - a. ground supported towers which are less than 16.6 metres (54.5 feet) in height above ground level.
  - b. ground supported towers which are 16.6 metres (54.5 feet) or greater in height above ground level or roof mounted towers which are more than 30% of the building height and which both are located more than 300 metres (984 feet) from a Residential Zone, a residential use or a residentially designated parcel of land in the Official Plan.
  - c. towers to be constructed on the top of buildings provided that the tower height does not exceed 30% of the height of the building.
- 2) In cases where no public consultation is required, a letter of recommendation shall be provided by the Director of Community and Development Services within two weeks of receiving a written request from the proponent to advise that the City's requirements have been satisfied.

##### **Process to be Followed When Public Consultation is Required**

- 1) For proposed towers that do not meet the exemption criteria, the proponent shall conduct a public meeting. The proponent shall give notice of such meeting by personal service or ordinary mail to all every owner of land within 120 metres of the subject land that the tower is proposed to be located on and by publishing a notice in a local newspaper.

- 2) The required notice shall include the following information:
  - a. the proposed location of the tower on the subject site.
  - b. physical details of the tower including height, colour, type and design.
  - c. the date, time and location of the public meeting.
  - d. the name and telephone number of a contact person employed by the proponent, as well as a municipal contact person.
- 3) The City will prepare the mailing list for the proponent.
- 4) The proponent will be responsible for preparing the notice for the public meeting, mailing the notice and for publishing the notice in a local newspaper.

## **Public Meeting**

- 1) The public meeting shall occur no sooner than 20 days, and no later than 40 days, from the date that notices are mailed.
- 2) The proponent shall conduct the public meeting.
- 3) In addition to the tower details provided in the notice, the proponent shall also make available at the public meeting a large colour photograph of the subject property with a superimposed image of the proposed tower.
- 4) Following the meeting, the proponent shall:
  - a. provide a record of names, addresses and phone numbers of attendees to the City.
  - b. provide minutes of the meeting to identify the issues and concerns that were raised to the City.
  - c. provide a follow-up letter to the City to indicate their formal response to concerns raised during the public meeting. Should any modifications of the proposed structure be agreed to, then further details (revised plans or drawings) will be provided as soon as possible to the City for review.
- 5) After the proponent has satisfied the public meeting requirements, and within two weeks of receiving a written request from the proponent to do so, a Letter of Recommendation shall be provided by the Director of Community and Development Services to the proponent for consideration by Industry Canada to advise:

- a. whether or not, in the opinion of the City, adequate public consultation has been conducted by the proponent.
- b. to indicate the City's position based on probable land use impacts.
- c. where it is clear that both parties have exhausted all attempts to resolve local concerns and disagreement still exists, the City will provide formal notification of the impasse to Industry Canada and request their intervention.

## **5.2 CIRCULATION OF NEW APPLICATIONS TO MENDMF**

### **5.2.1 Intent of Circulating Development Plans**

Circulating development applications to MENDMF will help mitigate some of the uncertainties pertaining to mine hazard locations and potential conflicts with future mine/mineral development. Current guidelines recommend that MENDMF's Regional Land Use Geologist be contacted when a mining related hazard as indicated in the Abandoned Mines Information System (AMIS) database is within 1 kilometre of a proposed development.

Within Timmins there are literally hundreds of these points and the information about these points varies considerably. There is uncertainty that every single mine hazard feature is captured in the AMIS database or plotted as accurately reported. MENDMF does not guarantee that the locations are precise and some research and/or ground proofing may be required by MENDMF staff to verify the type and location of mine hazard(s) in question and make recommendations accordingly.

### **5.2.2 Types of Applications to be Circulated to MENDMF**

- 1) New developments within one (1) kilometre of an AMIS point or within a mineral extraction zone.
- 2) Re-zoning applications within one (1) kilometre of AMIS point or within a mineral extraction zone.
- 3) Any development which is on or abutting to an existing Mine Tailings Hazard as identified in Schedules C, C1 and C2.

### **5.2.3 MENDMF Contact Person**

If an application falls into one of the categories listed in Section 5.2.2 it shall be sent to:

NE Regional Land Use Geologist  
Ministry of Energy, Northern Development and Mines Ontario Government Complex  
P.O. Bag 3060 Hwy 101 East  
South Porcupine, ON  
P0N 1H0

Phone: (705) 235-1615 /Fax: (705) 235-1620

### **5.2.4 Response Time**

The NE Regional Land Use Geologist will review and comment on the application within 10 working days of receipt. Comments will include:

- 1) impact on potential mine development.
- 2) proximity to known mine hazard(s).

If there is any uncertainty regarding the status of mine hazards within the one (1) kilometre buffer distance from the AMIS point, the Land Use Geologist will consult with Mine Rehabilitation Specialist in the NE Mineral Development Section and/or the Abandoned Mines Coordinator to determine whether further geotechnical study would be prudent and/or rehabilitation required as per the Mine Rehabilitation Code of Ontario.

The NE Regional Land Use Geologist may request from the City an extension to the 10 working day review and comment period due to staff availability and the complexity of the area being reviewed.

## **5.3 DEVELOPMENT ON BROWNFIELDS PROTOCOL**

Development on any property suspected of having some form of contamination will be permitted only if a Record of Site Condition, prepared by a qualified consultant, in accordance with the *Environmental Protection Act* is provided by the proponent. Contaminated sites will be restored as necessary prior to permitting any activity on the site to ensure that there will be no adverse effect.

In considering applications for development, the following procedures shall apply:

- 1) the Municipality will require applicants to document previous uses of a property or properties that are the subject of a planning application and/or properties that may be adversely impacting the property that is subject of a planning application in order to assist in the determination of the potential for site contamination.

- 2) the Municipality will require all applications for plans of subdivision to be supported by an affidavit as well as the complete study report from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 1 Environmental Site Assessment (ESA) has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 1 ESA documents the previous uses of the property and provides an assessment of the actual or potential soil or groundwater contamination on the site.
- 3) for a property or properties that have been identified through the City's planning application review process as potentially contaminated:
  - a) the Municipality will require all planning applications submitted under the *Planning Act* to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 1 ESA has been completed in accordance with Ontario Regulation 153/04, as amended from time to time.
  - b) where a Phase 1 ESA indicates that the property or properties that are the subject of the planning application may be contaminated, the City will require planning applications to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 2 ESA has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 2 ESA provides a sampling and analysis of the property to confirm and delineate the presence of soil or groundwater contamination at the site or confirm the absence of contamination at the site. The complete study report shall accompany the affidavit.
  - c) where the Municipality determines that there is a proposed change in land use to a more sensitive use, the Municipality will: require as a condition of planning approval, verification to the satisfaction of the Municipality from a qualified person as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the Municipality, or provincial legislation and/or regulations, the filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry, the submission to the Municipality of a Declaration signed by the qualified person acknowledging that the Municipality may rely on the statements in the RSC and, submission by the property owner to the Municipality of proof that the Ministry of Environment (MOECP) has acknowledged receipt of the RSC.
  - d) the City will establish conditions of planning approval to ensure receipt of satisfactory verification of suitable environmental condition as per this section. This will normally require rehabilitation of the site prior to re-use.

- e) where applicable, the City will utilize the holding provisions of the *Planning Act* to ensure receipt of satisfactory verification of suitable environmental condition.
- 4) where an RSC has been made a condition of planning approval, a building permit may be issued in regard to a property or properties on a phased basis to allow for site assessment and remediation/risk management.
- 5) where the Municipality is deeded land for public highways, road widening, parks, stormwater management, easements, or for any other purpose, the Municipality may require, as a condition of transfer, verification to the satisfaction of the Municipality from a qualified person as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the Municipality or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry, and submission by the owner to the Municipality of proof that the MOECP has acknowledged receipt of the RSC.
- 6) for instances where contamination from a property or properties extends onto a Municipality right-of way is not possible, the Municipality may issue a building permit in regard to this property or properties on a phased basis contingent on the execution and implementation of an Off-Site Management Agreement or Remedial Action Plan that remediates/manages contamination in the right-of-way to the satisfaction of the Municipality and the Ministry of the Environment, Conservation and Parks.
- 7) where an existing or former gasoline station site is being redeveloped and there is no change in use to a more sensitive land use, the Municipality will require that a letter of continued use from the Technical Standards and Safety Authority be provided. For instances where contamination extends onto a Municipality right-of way, the Municipality will require that an Off-Site Management Agreement and Remedial Action Plan be implemented to the satisfaction of the Municipality and the Ministry of the Environment, Conservation and Parks prior to issuance of the building permit. If the right-of way was to be redeveloped from an industrial or commercial use to a residential or parkland use, the filing of an RSC is mandatory. Where there is no change in land use to a more sensitive land use, the Municipality will require that a letter be from the Technical Standards and Safety Authority authorizing the contemplated use including any conditions associated with the land use change.

## SECTION VI: DEFINITIONS

For the purposes of interpreting this Plan, the following definitions, which are extracted from the Provincial Policy Statement (2014) shall apply. The definitions constitute the complete list in the PPS and as such, exceed those that are used in this Plan. Policy number references in this section refer to the PPS policies. Others are provided for convenience.

### **Access standards:**

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

### **Active transportation:**

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

### **Adjacent lands:**

means

- a) for the purposes of policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where development would have a negative impact on the corridor or facility. The extent of the adjacent lands may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives;
- b) or the purposes of policy 2.1.8, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives; and
- c) for the purposes of policy 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of known petroleum resources, mineral deposits, or deposits of mineral aggregate resources where it is likely that development would constrain future access to the resources. The extent of the adjacent lands may be recommended by the Province; and
- d) for the purposes of policy 2.6.3, those lands contiguous to a protected heritage property or as otherwise

### **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 condition:**

means

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

**Agricultural uses:**

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

**Agri-tourism uses:**

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

**Agriculture-related uses:**

means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

**Airports:**

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

**Alternative energy systems:**

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

**Archaeological resources:**

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

**Areas of archaeological potential:**

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

**Areas of mineral potential:**

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

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

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

**Brownfield sites:**

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

**Built heritage resources:**

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

**Coastal wetland:**

means

- a) any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b) any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

**Comprehensive rehabilitation:**

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

**Comprehensive review:**

means

- a) for the purposes of policies 1.1.3.9 and 1.3.2, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:
  - 1) is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth or development; and determines how best to the development while protecting provincial interests;
  - 2) utilizes opportunities to accommodate projected growth or development through intensification and redevelopment; and considers physical constraints to accommodating the proposed development within existing settlement area boundaries.
  - 3) is integrated with planning for infrastructure and public service facilities and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
  - 4) confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
  - 5) confirms that sewage and water services can be provided in accordance with policy 1.6.6; and
  - 6) considers cross-jurisdictional issues.

- b) for the purposes of policy 1.1.5, means a review undertaken by a planning authority or comparable body which:
- 1) addresses long-term population projections, infrastructure requirements and related matters;
  - 2) confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2; and
  - 3) considers cross-jurisdictional issues.

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

**Conserved:**

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

**Cultural heritage landscape:**

means a defined geographical area of that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationships, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the **Ontario Heritage Act**; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance value; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

**Defined portions of the flooding hazard along connecting channels:**

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

**Deposits of mineral aggregate resources:**

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

**Designated and available:**

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

**Designated growth areas:**

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

**Designated vulnerable area:**

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

**Development:**

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

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the Drainage Act; or
- c) for the purposes of policy 2.1.3(b), 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).

**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 a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Essential emergency service:**

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

**Fish:**

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

**Fish habitat:**

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

**Flood fringe:**

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

**Flood plain:**

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

**Flooding hazard:**

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

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

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

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

**Floodproofing standard:**

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

**Floodway:**

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

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

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

**Freight-supportive:**

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

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

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

**Green infrastructure:**

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

**Ground water feature:**

means 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.

**Habitat of endangered species and threatened species:**

means

- a) with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the Endangered Species Act, 2007 is in force, the area prescribed by that regulation as the habitat of the species; or
- b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and

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

**Hazardous forest types for wildland fire:**

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

**Hazardous lands:**

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

distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

**Hazardous sites:**

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

**Hazardous substances:**

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

**Heritage attributes:**

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

**High quality:**

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

**Hydrologic function:**

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

**Individual on-site sewage services:**

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

**Individual on-site water services:**

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

**Infrastructure:**

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

**Institutional use:**

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

**Intensification:**

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

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

**Large inland lakes:**

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

**Legal or technical reasons:**

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

**Low and moderate income households:** means

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

**Major facilities:**

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

**Major goods movement facilities and corridors:**

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

**Marine facilities:**

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

**Mine hazard:**

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

**Minerals:**

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

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

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

**Mineral aggregate operation:**

means

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

**Mineral aggregate resources:**

means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the **Aggregate Resources Act** suitable for construction, industrial, manufacturing and maintenance purposes but does not

include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

**Mineral aggregate resource conservation:**

means

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site mineral aggregate resources prior to development occurring.

**Mineral deposits:**

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

**Mineral mining operation:**

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

**Minimum distance separation formulae:**

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

**Multimodal transportation system:**

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

**Municipal sewage services:**

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

**Municipal water services:**

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

**Natural heritage features and areas:**

means features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), habitat of endangered species and threatened species,

significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural heritage system:**

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

**Negative impacts:**

means

- a) in regard to policy 1.6.6.4 and 1.6.6.5, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b) in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- c) in regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*, and
- d) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

**Normal farm practices:**

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

**Oil, gas and salt hazards:**

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

**On-farm diversified uses:**

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

**One hundred year flood:**

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

**One hundred year flood level:**

means

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

**Other water-related hazards:**

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

**Partial services:**

means

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

**Petroleum resource operations:**

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

**Petroleum resources:**

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

**Planned corridors:**

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

**Portable asphalt plant:**

means a facility

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

**Portable concrete plant:**

means a building or structure

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

**Prime agricultural area:**

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

**Prime agricultural land:**

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

**Private communal sewage services:**

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

**Private communal water services:**

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

**Protected heritage property:**

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

**Protection works standards:**

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

**Provincial and federal requirements:**

means

- a) in regard to policy 1.6.11.2, legislation, regulations, policies and standards administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy systems and ensuring that the necessary approvals are obtained;
- b) in regard to policy 2.1.6, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including fish and fish habitat), and related, scientifically established standards such as water quality criteria for protecting lake trout population; and.
- c) in regard to policy 2.1.7, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

**Provincial plan:**

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

**Public service facilities:**

means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance,

recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

**Quality and quantity of water:**

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

**Rail facilities:**

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

**Recreation:**

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

**Redevelopment:**

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

**Regional market area:**

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

**Renewable energy source:**

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

**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 1.6.4.6, reserve capacity for private communal sewage services and individual on-site sewage services is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the *Nutrient Management Act*, or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

**Reserve water system capacity:**

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

**Residence surplus to a farming operation:**

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

**Residential intensification:**

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

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

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

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

**Rural areas:**

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

**Rural lands:**

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

**Sensitive:**

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

**Sensitive land uses:**

means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses

may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

**Settlement areas:**

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

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

**Sewage and water services:**

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

**Significant:**

means

- a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources.
- c) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- d) in regard to mineral potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and
- e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

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

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

**Site alteration:**

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

For the purposes of policy 2.1.4(a), site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.5(a).

**Special needs:**

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

**Special Policy Area:**

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

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

**Specialty crop area:**

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

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

**Surface water feature:**

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

**Threatened species:**

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

**Transit-supportive:**

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

**Transportation demand management:**

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

**Transportation systems:**

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

**Two zone concept:**

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

**Valleylands:**

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

**Vulnerable:**

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

**Waste management system:**

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

**Watershed:**

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

**Wave uprush:**

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

**Wayside pits and quarries:**

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

**Wetlands:**

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

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

**Wildland fire assessment and mitigation standards:**

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

**Wildlife habitat:**

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

**Woodlands:**

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

## **SECTION VII: SCHEDULES**

The Schedules to this Plan include:

Schedules A, A1 and A2 - Land Use Plan

Schedules B, B1 and B2 - Provincial and Resource Interests

Schedules C, C1 and C2 - Natural and Human-Made Hazards

Schedules D, D1 and D2 - Transportation and Infrastructure

Schedules E, E1 and E2 - Potential Hazardous Forest Types for Wildland Fire

Schedules F - Soil Capability for Agriculture