



Timmins, Ontario



OFFICIAL PLAN

Public Involvement • Places Enhanced • People Centered



Prepared by
Tunnock Consultants and the
City of Timmins Planning Division

Adopted by City Council on April 6, 2009
Modifications Approved by City Council on June 7, 2010
Approved by the Ministry of Municipal Affairs and Housing on July 16, 2010
Came Into Force August 10, 2010

CITY OF TIMMINS

BY-LAW NO. 2009-6755


BEING A BY-LAW to adopt the Official Plan for the City of Timmins Planning Area.

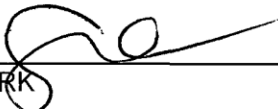
WHEREAS it is considered desirable to repeal the existing Official Plan for the City of Timmins Planning Area.

NOW THEREFORE the Council of The Corporation of the City of Timmins in accordance with Part III of The Planning Act, R.S.O. 1990, and amendments thereto, does hereby enact the following as a By-law:

1. THAT City of Timmins By-law No. 1976-680 and all amendments thereto be hereby repealed.
2. That the Corporation of the City of Timmins does hereby adopt the attached Official Plan and explanatory text, constituting the Official Plan for the City of Timmins Planning Area, a copy of which is attached hereto and marked as Schedule "A" to this By-law.
3. That the Clerk be and is hereby authorized and directed to make application to the Minister of Housing for approval of the repeal of the by-law and the approval of the new Official Plan for the City of Timmins Planning Area.
4. That this By-law shall not come into force and effect until approved by the Minister of Municipal Affairs and Housing.

READ a first, second and third time and finally passed this 6th day of April, 2009.


MAYOR **Tom Laughren**
Mayor
City of Timmins


CLERK

The Corporation of the City of Timmins

RESOLUTION

Pat Bamford

10-161

Moved by _____

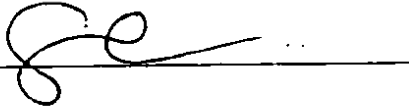
Seconded by Steve Adams

THAT Council does hereby adopt the modified Official Plan, which incorporates some of the Ministry's and City Staff's proposed modifications and the consultation with First Nations and Metis.

CARRIED.

CERTIFIED TRUE COPY
OF RESOLUTION NO. 10-161

CLERK



	YEAS	NAYS
MAYOR		
T.B. Laughren		
COUNCILLORS		
S. Adams		
P. Bamford		
J. Curley		
M. Doody		
B. Gvozdanovic		
D. Saudino		
J. Stattery		
G. Scripnick		

Carried _____

Defeated _____

Deferred or Tabled _____

June 7, 2010

Date _____

**Ministry of
Municipal Affairs
and Housing**

**Ministère des
Affaires municipales
et du Logement**



**Municipal Services Office
Northeastern**

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August 26, 2010

Mr. Jack Watson
Clerk
City of Timmins
220 Algonquin Boulevard E.
Timmins, ON P4N 1B3

Dear Mr. Watson:

**RE: Status of Decision on the Official Plan for the City of Timmins
MAH File No. 56-OP-5602**

This letter is further to the Notice of Decision given on July 20, 2010 under subsection 17 (34) and (35) of the Planning Act with respect to the Official Plan for City of Timmins. It is intended to provide you with the status of the decision on the official plan amendment pursuant to subsections 17 (36) to (39) of the *Planning Act* which pertain to appeals, their withdrawal and when decisions become final.

Please be advised that all of the Official Plan for the City of Timmins as adopted by By-law 2009-6755, is approved as modified by the Ministry of Municipal Affairs and Housing, and came into force on **August 10, 2010**. Enclosed for your records is an original copy of the plan, as modified per the Ministry's July 16, 2010 Decision.

Should you have any questions regarding the above information, please contact Edouard Landry, Planner, at 705.564.6852, or toll-free at 1.800.461.1193, extension 46852.

Regards,

Dan Tovey,
Manager, Community Planning and Development
Northeastern Municipal Services Office

cc

G. Tunnock, Tunnock Consulting Ltd.
D. Bucar, Porcupine Gold Mines
B. Martin, Next Property Group
S. Viau, Lacroix Forest LLP
J. Batise, Wabun Tribal Council
A. Lefebvre, Métis Nation of Ontario
G. Seim, MNDMF
P. Allen, MOE

J. O'Neill, OMAFRA
C. Marr, MNR
K. Kirzati, MTC
P. Marleau, MTO
K. Pols, MRCA
G. Dallaire
A. Cooper

SWORN DECLARATION

Subsection 17 (28) of the Planning Act

Applicant: City of Timmins
Municipality: City of Timmins
MMAH File No.: 56-OP-5602

I, Edouard Landry, of the City of Greater Sudbury solemnly declare,

1. That notice of the decision in respect of the above-noted matter made on July 16, 2010 was given as required by subsection 17(35) of the Planning Act on July 20, 2010.
2. That no notice of appeal of the decision was received under subsection 17 (36) within the time allowed for appeal.

and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.


Declared before me

at the City of Greater Sudbury

this 26TH day of AUGUST, 2010



Commissioner of Oaths



Declarant

David Cecil King, a Commissioner, etc.,
Province of Ontario, for the Government of Ontario,
Ministry of Municipal Affairs and Housing.
Expires September 26, 2012.



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Schedules D, D1, D2 - Transportation and Infrastructure



SECTION I: ABOUT THE PLAN

1.1 BACKGROUND

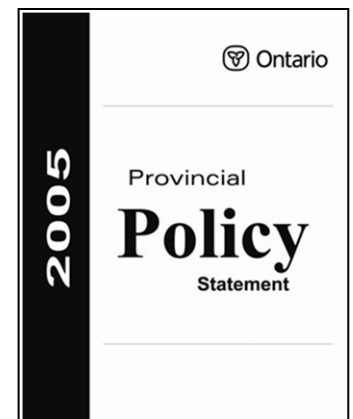
The original Official Plan for the City of Timmins was approved in 1976. Since its adoption, more than 140 amendments have been made to the Plan. The original Official Plan has served the community well since its inception, but in light of recent policy changes occurring at the provincial level, and 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 program¹ was extremely valuable in formulating the policies comprising this new Plan. In addition, the completion of a comprehensive background report² 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 (2005).

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 Public Consultation Summary Document, 2004

² City of Timmins Community Profile, Tunnock Consulting Ltd., July 2004



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.

- i) The Plan should be read as a whole to understand its comprehensive intent as a policy framework for the City.
- ii) 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.
- iii) Words shown in ***italicized bold*** script in this Plan (except for the names of specific Acts or legislation) are words or terms defined in the Provincial Policy Statement of March 2005 and set out in Section VI of this Plan. Those definitions shall apply in the interpretation of the policies of this Plan and their application to development proposals and planning applications.
- iv) 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.
- v) 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.
- vi) 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.
- vii) 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.

- viii) 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.
- ix) 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.
- x) 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.
- xi) 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:

- the underlying planning assumptions of the Plan continue to be valid
- policy priorities remain constant or undergo significant change
- the policies in the Plan are being carried out
- 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. Policies

- i) 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.
- ii) 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 & 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 15 to 20 years (2008-2028) and the resulting effects on the social, economic and natural environments of the municipality. Specifically, the new Official Plan:

- communicates a clear vision of the City C
- provides a policy framework for integrated decision-making P
- guides the public and business community regarding growth and development of the City G
- provides a local context for the application of provincial planning policies. P

“The broadest expression of the community’s vision for Timmins is to realize a strong, safe and sustainable City.”

1.5.2 Vision

Through significant community input, a common theme for the city’s future emerged: “To realize a strong, safe and sustainable City”. This common theme 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** serves as a preamble to the Official Plan
- **Sections II & III** include the majority of the policies that will serve to guide growth and development within the City over the next 20 years. **Section II** outlines a policy framework, largely based on the City of Timmins' Statement of Directions and Priorities (November 2004), public input and the Provincial Policy Statement (2005). The implementation of these directions through policies contained in this Plan will help to achieve a strong, safe and sustainable City. **Section III** 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. **Sections IV and V** address how the Official Plan is to be implemented and sets out a number of planning tools that are essential to implementing the Plan.



- **Section IV – The Planning Toolbox** sets out a number of planning tools essential to the implementation of the Official Plan.
- **Section V** includes site and area specific Plan amendments.
- **Section VI** provides definitions for some of the terms used in the Plan.
- The appendices of the Plan include the various Official Plan Schedules that act as a blueprint for development and redevelopment within the City of Timmins. These schedules will 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 & 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. A guide to using the Official Plan is outlined in the adjacent flowchart.

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. Schedule “A” – Land Use Plan will identify what designation the property or area falls within. Schedule “B” – Provincial and Resources Interests, identifies areas and features of provincial interest or resource value. Schedule “C” – Natural and Human-Made Hazards outlines possible constraints that may impact upon the property or area. Schedule “D” – Transportation and Infrastructure illustrates transportation services, utilities and other infrastructure. 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. Section V highlights various amendments to the Plan that may take place over time. Key terminology for which a definition has been provided in Section VI, are shown in ***bold italics*** once per section. These definitions are provided to assist the reader with interpreting the Plan. (Note: applicants who are contemplating development or filing a planning application are strongly encouraged to pre-consult with City Planning staff.

What does the Plan say about my property?

Step 1: Refer to Schedule “A”- Land Use Plan to determine what uses are intended for your property

Step 2: Refer to Schedules “B” and “C” to determine what constraints may apply to your property and Schedule “D” for locations of Transportation and Infrastructure

Step 3: Refer to Sections II, III and V of the Plan to determine what policies apply to your property

Step 4: Refer to Section VI to determine definitions for any text found in italics

Section

Step 5: When in doubt, consult directly with the



SECTION II: BUILDING A STRONG, SAFE 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 the public consultation sessions, and the key policy directions provided for in the Provincial Policy Statement (2005). More specifically, this section of the Plan details how these 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.

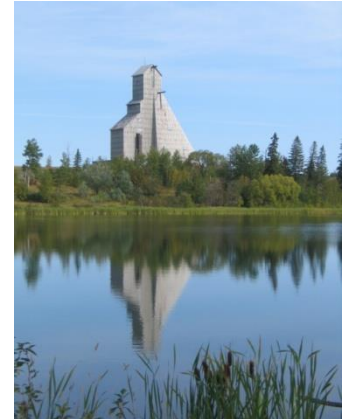
The policy directions in this Section will guide the City of Timmins' growth by integrating social, economic, and environmental perspectives in our decision making to create an attractive City with a resilient economy and dynamic communities.

This Section complements the policies in Section One and Two by providing policy directions to matters that can improve our everyday lives: parks, open spaces and trails we can enjoy and be proud of, liveable neighbourhoods, clean air and water, rich natural resources, and a strong economy.

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. Supporting the natural resource-based sector and encouraging the expansion of manufacturing opportunities, particularly as they relate to value-added forestry and mining activities.





3. Maintaining a commitment to diversify the economic base. To this end, this Plan supports the implementation of innovative approaches to promoting **recreation** and tourism development and economic growth, **development** and **redevelopment** within the City.
4. Fostering collaborative efforts and partnerships between organizations within the community and communities within the region including First Nations and Métis 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.
5. Working with the telecommunications industry to improve telecommunications services and support network applications development.
6. Continuing to promote the City of Timmins as a centre for cold weather and durability testing.
7. 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.
8. Fostering the development of traditional and non-traditional approaches to delivering quality post-secondary education opportunities with the City.
9. Encouraging the development of new and sustainable alternative and renewable energy generation projects that will support existing and new businesses in the community.
10. Expediting approvals for development which conform to the policies of this Plan.
11. Ensuring that adequate **infrastructure** and **public service facilities** will be available to accommodate projected growth.





12. Providing an adequate supply of serviced land to meet immediate and long-term requirements for all forms and types of land use.
13. 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 and Métis.
14. Ensuring the conservation and/or enhancement of the environmental attributes and **natural heritage features and areas** of the community.
15. Providing for an efficient, cost-effective, reliable and integrated **multi-modal transportation system**.
16. Conserving energy and water
17. 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.
18. Supporting sustainable forestry management practices and the protection and sound use of our finite natural resources.
19. Maintaining and strengthening the well-being of 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.
20. Encouraging a balanced hierarchy of downtown core and highway commercial uses including new format retail stores.
21. Planning for a diverse population base while recognizing the unique needs of the population, including persons with disabilities.





22. Planning so that major facilities and **sensitive land uses** and other competing land uses are appropriately designed, buffered and/or separated from each other to prevent land use conflicts.
23. 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.
24. 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.
25. Ensuring that adequate health care facilities, services, and providers will be available for the City's changing and diverse population over time.
26. 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.



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 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 will be based on densities that efficiently use land, infrastructure and **public service facilities**, avoid the need for unnecessary and/or uneconomical expansion of infrastructure, support the use of public transit, 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, 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.



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, which serve to increase the energy supply and promote energy conservation.



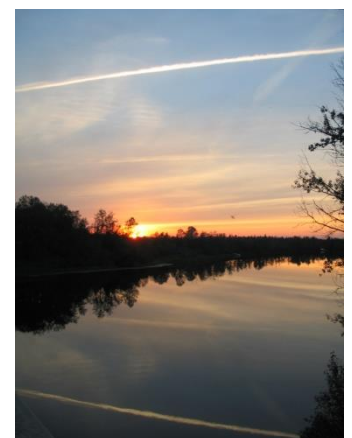
2.3 MEETING THE COMMUNITY'S DIVERSE HOUSING NEEDS

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

- maintaining a minimum 10 year supply of land **designated and available** for new residential **development** and **residential intensification**
- maintaining a minimum of a 3 year supply of residential units with servicing capacity in draft approved or registered plans
- supporting housing forms and densities designed to be **affordable** to moderate and lower income households
- 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**
- 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
- ensuring the maintenance and enhancement of the building stock
- supporting cost effective development standards for new residential development and **redevelopment** to reduce the cost of housing

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.**

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; and within **settlement areas**, to allow for infilling and 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. 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.



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:

- maintain the existing transportation system in a state of good repair
- provide for alternate routes as demand justifies and funding becomes available
- make better use of the existing transportation capacity
- 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). 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">• 2-4 lanes undivided• 20-30 m ROW• 30-35 m width at intersections• 50-80 km/hr• sidewalks both sides in urban areas
Collector Roads	Carry moderate volumes of traffic between arterials and local streets. Direct access discouraged.	<ul style="list-style-type: none">• 2 lanes undivided• 20-26 m ROW• 26-30 m width at intersections• 50-60 km/hr• 1 sidewalk in urban areas
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">• 2 lanes undivided• 20 m ROW• 40-50 km/hr• sidewalks may be provided
Private Roads	Carry low volumes of traffic at low speeds. Direct access to two or more properties.	<ul style="list-style-type: none">• 2 lanes undivided• construction standards to be determined by municipality and apply to roads created by Condominium Act or which are assumed by Council
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">• construction standard determined by Crown or agency having jurisdiction
Shoreline Road Allowance	Not functional for transportation. May provide public access to water body.	<ul style="list-style-type: none">• 20 m width along shoreline of a lake or river



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) as part of the overall municipal and regional transportation and open space network. 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:

- encouraging higher density **development** in the vicinity of established urban transit routes
- ensuring that new residential developments offer convenient and direct access to public transportation facilities
- 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
- encouraging the provision of public transit service within reasonable walking distance of all urban areas
- making provisions for adequate and appropriate pick-up and drop-off points including the provision of bus shelters
- integrating pedestrian walkways, trails and intersections of major roads with transit stops
- 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, although a bus shuttle service provides connecting service to the Ontario Northland Transportation Commission (ONTC) mainline in Matheson. 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 Falconbridge Xstrata, 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.

The location and extent of this proposed east-west railway line extension is depicted on Official Plan Schedule "A" - Land Use Plan.

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 and activities that would compromise the integrity and safety of airport operations or that would result in land use incompatibility (e.g. noise, air quality). In particular, new residential development and other **sensitive land uses** will be prohibited in areas near the airport above 30 NEF/NEP, as set out on maps (as may be prepared and/or revised from time to time) that have been reviewed by Transport Canada.

When considering the approval of development within and around the Timmins Airport, the Plan requires that:

- the intended use is compatible with the airport facilities and surrounding land uses. In this regard, the City may establish buffer areas around the airport and control development through zoning;
- adequate municipal or private services (utilities, sewer and water) are available for the intended use;





- the site is suitable to accommodate the intended use over the long term (e.g. drainage, soil conditions, topography and any other relevant factors);
- adequate outdoor amenities are provided on site;
- adequate ingress/egress, off-street parking and loading facilities and vehicular circulation are provided;
- 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 the Schedule "A" – Land Use Plan.

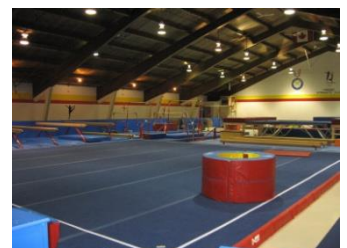
2.6.9 Utility Facilities, Corridors and Rights-of-way

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:

- such use is necessary in the area and adequate measures are taken to ensure the use and its design are compatible with the surroundings





- adequate off-street parking and loading facilities are provided
- the construction of permanent buildings is discouraged where an area (not in one of the identified designations) is found to be environmentally **sensitive**
- the design of the utility or facility meets the intent of the policies expressed elsewhere in this Plan
- 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** (i.e. 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 Plan

The Municipality may prepare a transportation and **infrastructure** plan to guide the programming and construction of new infrastructure or improvements, and the repair or replacement of existing facilities.

2.7 PROVIDING PARKS, RECREATION FACILITIES & 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 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. The City will 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. 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 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. 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:

- 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
- acquiring lands for parks, open space, recreational facilities and linkages as required
- protecting, maintaining and enhancing existing parks, open space, recreation facilities and linkages





- discouraging the sale or disposal of publicly owned lands in or near the green space system and on the waterfront
- encouraging the year round recreation use of the green space system
- recognizing Provincial Parks and Ontario's Resource Management Areas for their recreational, ecological or conservation attributes
- preparing and implementing community improvement plans and streetscape plans
- encouraging landscaping and 'green' design in the development of private and public developments.
- 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.

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 and septage disposal sites of an appropriate size and type to accommodate present and future capacity requirements will be provided and located, designed or closed in





accordance with provincial approvals. Ministry of the Environment guidelines will be used to avoid land use compatibility issues with other sensitive land uses.

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 (i.e. leachate, methane gas, rodents, litter, noise) and to assess potential impacts from the proposed use on the continuing landfill operations.

Development will not be permitted within 30 m (98.4 ft.) 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.

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 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.

2.9.1 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** and **secondary uses** in the **rural area** of the municipality. All farm and non-farm development will comply with the **minimum distance formulae**.



2.9.2 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 Northern Development and Mines 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**.

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 are intended to be protected from 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 significant **areas of mineral potential**, development that would preclude or hinder the establishment of new operations or access to these resources will only be permitted if:

- i) the resource use would not be feasible; or
- ii) the proposed land use or development serves a greater long term public interest (e.g., existing designated urban areas); and
- iii) 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 (i.e. the fringe), the City shall consult with the Ministry of 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 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 2.9.3 - 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.

2.9.3 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 Schedule 'B', 'B1', and 'B2' to supply construction needs. **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 will be protected from activities 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:

- i) the resource use would not be feasible; or
- ii) the proposed land use or development serves a greater long term public interest; and
- iii) 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 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 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 to accommodate subsequent land uses and to ensure compatibility with existing and approved land uses will be required in areas subject to former **mineral aggregate operations** and as part of the approval for a new **mineral aggregate operation**.

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 development 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.

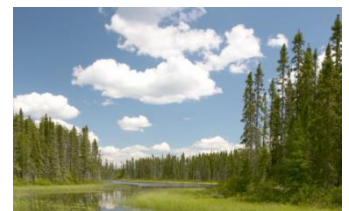
2.9.4 Peat Resources

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.

2.9.5 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.**)



2.9.6 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 **significant habitat** of **endangered and threatened species** or in **significant wetlands**. Development and site alteration will not be permitted in **fish habitat** except in accordance with **provincial and federal requirements**.

Development and site alteration may be permitted in **significant wildlife habitat**, in **significant areas of natural and scientific interest (ANSI)** or on **adjacent lands** to, fish habitat, significant wetlands, significant wildlife habitat and significant areas of natural and scientific interest if it is 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.

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. This assessment shall be prepared by a qualified professional and shall include:

- a detailed study area description including characterization of key functions and features





- a description of the degree and extent of the ecological functions as they exist or are naturally evolving
- a detailed description of the proposed **development** and an identification of the proposed activities
- a summary of predicted direct and indirect effects of the proposed development
- identification and evaluation of options for avoidance and where avoidance is unattainable, opportunities for mitigation and rehabilitation
- selection of the preferred mitigation/rehabilitation strategy
- a summary of the predicted net effects after mitigation and rehabilitation
- a proposed monitoring program, where necessary

The *Clean Water Act* ensures that communities can identify potential risks to their drinking water supplies, and take actions to reduce these risks.

An intake protection zone is defined as an area that is related to the surface water intake and within which it is desirable to regulate or monitor drinking water threats (*Clean Water Act* 2006). The Timmins Water Filtration Plant is a Type I system for which Intake Protection Zones (IPZs) were delineated.

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.

2.9.7 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, safe, and sustainable 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.

The intake protection zones consists of three different risk zones – Intake Protection Zone 1 (IPZ-1), Intake Protection Zone 2 (IPZ-2) and Intake Protection Zone 3 (IPZ-3) which represent a decreasing risk with distance away from the intake.

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:

- considering impacts of a development proposal at a **watershed** scale
- identifying **surface water features, ground water features, hydrologic functions** and **natural heritage features and areas** integral to the ecological and hydrological integrity of the **watershed**
- promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality
- ensuring best stormwater management practices to minimize stormwater volumes and contaminated loads from entering the Mattagami River, and maintain or increase the extent of vegetative and pervious surfaces

IPZ-1 was delineated using the following two elements. The portion of the area within water was delineated as the area within a semi-circle with a radius of 200 m extending upstream from the crib of the intake and a rectangle with a length of 400 m centered on the crib of the intake and a width of 10 m downstream of the intake. For the Timmins Water Filtration Plant, IPZ-1 was modified where the above delineated area abutted land, extending to include the greater of the **Conservation Authority Regulation Limit** for the Mattagami River and/or a 120 m setback.

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:

- i) 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;



- ii) The City will support and take part in the development and implementation of the Source Protection Plan for the Mattagami River. The Plan will fulfill 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;
- iii) Until such time as the Source Water Protection Plan is developed for the Mattagami River, 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 Schedule B, B1, B2, to this Plan shall be protected from incompatible development and site alteration that would compromise the integrity of the resource;
- iv) The City's Zoning By-law will include land use restrictions relating to the IPZs;
- v) 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 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;
- vi) 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.

IPZ-2 extends outwards from IPZ-1 and is delineated based on the time for the Water Treatment Plant Operator to respond to adverse conditions in the Watershed, with a maximum 2-hour travel time upstream being used as the furthest upstream point. Where IPZ-2 abuts lands there is also the application of the 120 m setback or the Conservation Authority Regulation Limit. IPZ-2 has been extended in some areas beyond the 120 m setback or the Conservation Authority Regulation Limit to include two natural transport pathways and the municipal storm sewersheds.

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.

- i) 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**.
- ii) 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.
- iii) 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.
- iv) 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.

IPZ-3 extends outwards from IPZ-2 to the headwaters of the Mattagami River Basin and includes the area within each surface water body that may contribute water to the intake and a setback on land that abuts the surface water body of 120 m. There is no Conservation Authority Regulation Limit established outside of the City of Timmins limits and hence the delineation of the IPZ-3 has been performed using the 120 m setback".

The remainder of the City not captured by the IPZ-1 and IPZ-2 area falls within IPZ-3.

(See Schedule B, B1, B2 for delineation of IPZ-1 and IPZ-2)



- 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.
- v) 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.

Within IPZ-1, prohibited uses will include uses which generate large volumes of potentially hazardous liquid or soluble chemicals where no effective engineering measures to manage chemical usage or the ability to implement hazard prevention measures (examples include: mine tailings disposal sites, bulk storage of chemicals or hazardous materials, bulk storage of tires, sewage lagoons, the manufacture of industrial, agricultural and commercial machinery, and chemicals, resins, paints, varnish printing inks, adhesives, plastics and reinforced fiberglass plastic).

2.9.8 Cultural Heritage and Archaeological Resources

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

Development and **site alteration** may be permitted on lands containing **archaeological resources** or **areas of archaeological potential** if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration maintaining the heritage integrity of the site will be permitted.

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 Culture. 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 evacuation 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). As well, applications for new development proposed for lands adjacent to a heritage property that is protected by a designation, easement or covenant shall be supported by a Heritage Impact Statement demonstrating that the **heritage attributes** of the property will be protected.

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 Culture. The Ministry of Consumer and Business Relations 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.

2.10 PROTECTING PUBLIC HEALTH & SAFETY

2.10.1 Flood Hazards

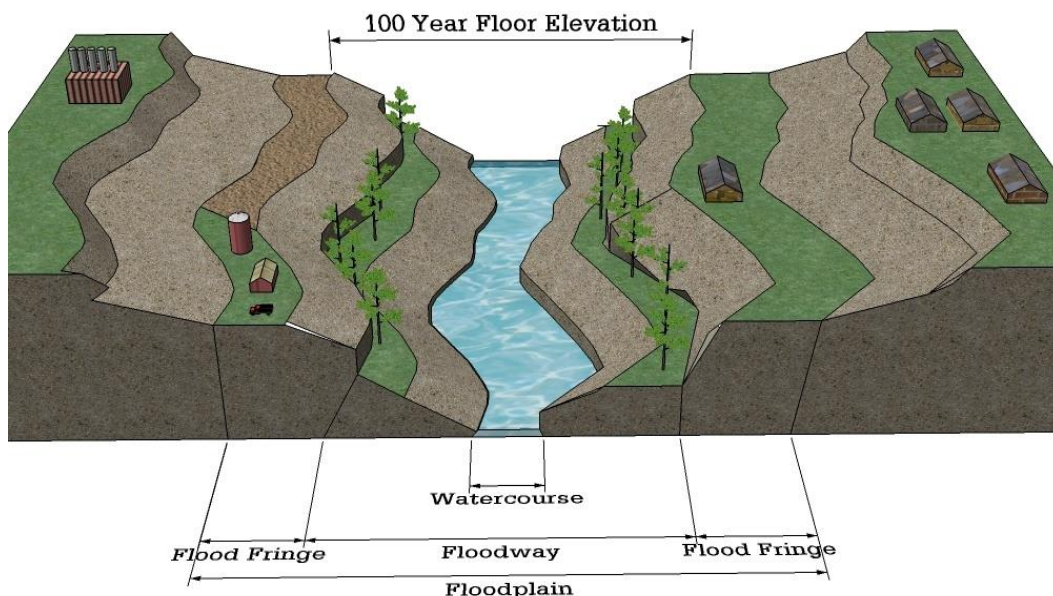
Hazard land areas include those areas that, because of their susceptibility to flooding, will be hazardous to life and property if developed. To implement the general direction of prohibiting development to protect **hazard lands**, the City has defined the **flood plain** for the Mattagami River as 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 (i.e. 1 in 100 year regulatory flood plus a 0.3 m [1 foot] freeboard), and provided that **all** of the following can be achieved:

- i) development and site alteration is carried out in accordance with **flood proofing standards, protection works standards, and access standards**
- ii) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies



- iii) new hazards are not created and existing hazards are not aggravated, and
- iv) 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:

- i) an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of flood proofing measures or protection works, or erosion
- ii) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of flood proofing measures and/or protection works, and/or erosion, and
- iii) 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.





2.10.2 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.



2.10.3 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 (i.e. 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 measures to address and mitigate known or suspected hazards are underway or complete, such that that no risk to public health and safety exists.

The Ministry of Northern Development and Mines (MNDM) has conducted a qualitative evaluation (not interpreted to be a risk management assessment) of the hazard features associated with some 167 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 i.e. chemical contamination) may be required to determine the risk to public health and safety posed by each location and also the degree to which recent or historic rehabilitation activity impacts upon that risk. The City will consult with MNDMF (see section 7.2) 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 Schedule 'C' – Natural and Human-Made Hazards, with respect to the location of sites, as well as mine tailings hazard lands. The schedule 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 kilometre offset for any cluster of AMIS points. The Schedule also illustrates the location of AMIS points and the one (1) km 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 MNDM 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 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, MNDM 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.

2.10.4 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.I 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.I 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 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 MOE 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.



2.11 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, 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. 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.

2.12 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:

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

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

- 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
- requiring that plans for all new buildings and additions meet the City's accessibility (future) guidelines and the Building Code Act
- retrofitting, over time, all existing City-owned buildings (that are open to the public) and open spaces to make them universally accessible, and
- 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:

- working with local community organizations;
- 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 Areas, **Employment Areas**, Goldfield Areas and Resource Development Areas. 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 Areas, Employment Areas and Goldfield Areas. 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 Schedule "A" – 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., seniors, smaller families, persons with disabilities, low, middle and high income families). 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.



In fulfilling housing needs and in considering the authority of Section 24.1 of the Planning Act, the City may permit two residential units in a detached dwelling or rowhouse dwelling other than as an ancillary residential use on lands designated for residential development in a Neighbourhood Area.

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 all neighbourhood areas.

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 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 operated 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 regulations 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 (i.e. employment, client base, scale of operation, size of building/structure/use, sales or services on or off site, traffic generation, hours of operation, access and off-street parking, pollutants/waste generation, storage, and advertising.) 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:

- i) The lot size shall be adequate for the proposed use and potential future land uses including the expansion of buildings and structures
- ii) 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
- iii) 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
- iv) All uses (except for a condominium development) shall have frontage on and direct access to an opened public road that is maintained year round
- v) Uses that could generate significant traffic volumes will be directed to or have access to collector or arterial roads





- vi) Barrier-free access will be incorporated into building and site design where required
- vii) 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 i.e. apartments, group housing
- viii) 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).
- ix) Targets for **affordable** housing will be in the order of 20-25% of the housing supply
- x) 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
- xi) **Residential intensification** and **redevelopment** (i.e. redevelopment of **brownfield sites**, development of vacant or underutilized lots, in-fill development and the conversion of non-residential building stock for residential uses) will be encouraged where municipal water and sewer services can support the proposed development. A target of 15-20% of the housing supply requirements will be met through intensification
- xii) Cost effective alternative development standards may be used to increase housing supply opportunities i.e. wide shallow lots, zero lot lines, reduced street widths, flag lots and so on
- xiii) Residential development will be screened or appropriately buffered from adjacent non-residential uses
- xiv) New development should be contiguous to existing development
- xv) Condominium developments may be permitted where the proponent meets the development requirements of the Municipality





- xvi) 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.
- xvii) **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 Schedule "A" – 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** 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. These sections will be reviewed as part of





the five year review of the Plan to assess their impact on the supply of land for employment uses in the downtown area of Timmins, Schumacher and South Porcupine.

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 MOE 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, South Porcupine and 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 shopping area. **Intensification** in the fringe areas close to the downtown core where there is a transition of uses to residential may be permitted with proper design considerations. Urban design guidelines will be developed to encourage 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. Urban design will also correlate land use activities to public transit services, to transportation linkages to surrounding neighbourhoods and to parking services. The Plan contemplates that the implementing Zoning By-law will include a single zoning category to regulate land uses in the downtown areas and abutting transition areas. 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:



- i) The lot size shall be adequate for the proposed use and potential future land uses including the expansion of buildings and structures.
- ii) 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 downtown.
- iii) 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.
- iv) All uses shall have frontage on and direct access to a public road except for a condominium development.
- v) **Intensification** of existing buildings will be encouraged e.g. use of upper storey for residential uses in the downtown.
- vi) 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.
- vii) Uses that may generate significant traffic volumes will be directed to or have access on collector or arterial roads.
- viii) 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.
- ix) 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).
- x) 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.

- xi) 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, air quality, traffic, noise, etc.) shall be implemented in the Zoning By-law to minimize potential land use conflicts with **sensitive land uses**.
- xii) 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.
- xiii) Site plan control may be applied to any development.
- xiv) **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.



3.3 GOLDFIELD AREA

3.3.1 Intent of Designation

The lands designated Goldfield Area on the Official Plan Schedules, are 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 apply to lands designated Goldfield Area on Schedule "A" – Land Use Plan:

- i) That the economics of developing the mineral resources be proven as justification for new **mineral mining operations**.
- ii) That the scope of the mineral mining operation be defined in detail (i.e. extent of the type(s) of mining including open pit, depth of pit and underground operation).
- iii) 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 Guidelines D-1 and D-6. In addition to satisfying the requirements of the MOE 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 (i.e. less than two years), the City, at its own discretion, may approve reduced design standards; and
 - 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.
- iv) 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.
- v) 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.

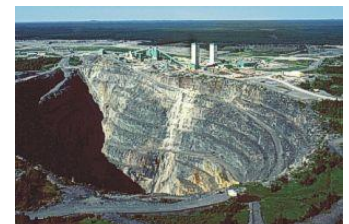




- vi) That the scope of uses along the Highway 101 corridor be defined including provisions and requirements for **development** and/or **redevelopment** of properties, where applicable. New residential and other sensitive land uses shall be prohibited in the Goldfield Area prior to rehabilitation. The 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.
- vii) 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.
- viii) That the mining company(ies) provide for a program of public consultation and disclosure on an ongoing basis.
- ix) 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 Schedule "A" – 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 operations, resource-related uses, tourism and recreational uses, storage facilities, transportation facilities, **infrastructure** corridors, waste disposal and recycling facilities and limited residential development. 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 (i.e. through increased phosphorus loading enrichment, a reduction in oxygen levels or water taking), except on existing lots of record.



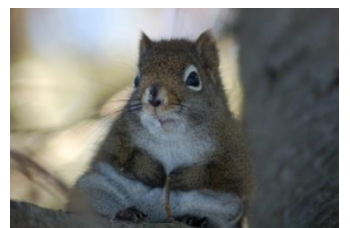
In the case of lake trout lakes (coldwater lakes) at their biological capacity, lot creation and land use changes or development which will result in a more intensive use will not be permitted except for one of the following circumstances:

- where the tile field for a new lot is set back at least 300 m (984 ft.) from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 m (984 ft.) to the lake
- 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
- 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 i.e. lake association, municipality, 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.

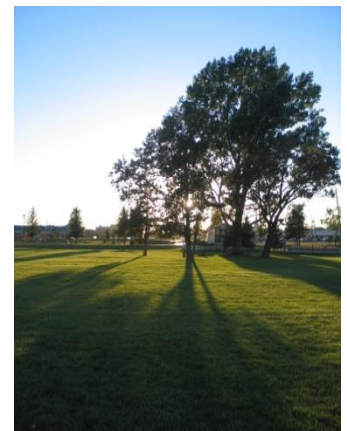




3.4.5 Criteria for Development in Resource Development Area

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

- i) The lot size shall be adequate for the proposed use and potential future land uses including the expansion of buildings and structures.
- ii) 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.
- iii) 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.
- iv) 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.
- v) 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**.
- vi) 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.

- vii) 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 2.8.6).
- viii) The City will encourage the retention or enhancement of trees along roadways and on private lands.
- ix) **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 AREAS³

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. 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 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

³ Section 3.5 and the associated schedules are not intended to reflect all matters of Provincial Interest under Section 2.5 of the *Planning Act*. Other interests may apply depending on the nature of the development proposed.



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 and Métis 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 communities.

3.5.2 Provincial Interest Areas Uses

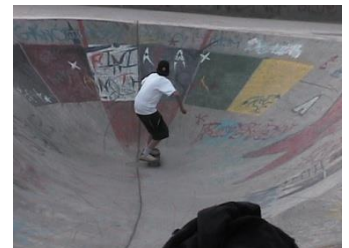
The Plan contemplates that the implementing Zoning By-law will contain special provisions relating to areas of provincial interest and/or create separate zoning or constraint categories. The separate zoning categories or special provisions will be designed to preserve and protect these features for the 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:

- i) That the use was legally established prior to the passing of any implementing zoning by-law.
- ii) 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.
- iii) 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:



- i) The proposed extension or enlargement or change of use does not aggravate the non-conforming situation for neighbouring uses.
- ii) 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.
- iii) 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.
- iv) 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.
- v) Adequate provisions have been or will be made for off-street parking and loading facilities where they apply.
- vi) 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:

- i) The lot complies with the policies of this Plan for access to lots i.e. frontage on a public road which is open and maintained year round by the City.
- ii) A water supply and sewage disposal system, unless exempted, can be provided on the lot to the satisfaction of the public body having jurisdiction.
- iii) 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.
- iv) Development will not create or aggravate an environmental or public health and safety concern.
- v) 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 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:

- i) 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:
 - an environmental assessment
 - a servicing options report, terrain analysis or hydrogeological study
 - a geo-technical or geo-chemical investigation
 - an environmental impact assessment for a natural heritage feature or area
 - a resource assessment for **minerals** or mineral aggregates
 - a site contamination investigation
 - traffic study
 - market impact study
 - 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.
- ii) To hold land from development until other environmental or physical improvements to the site are made.
- iii) To prevent or limit the use of land in order to achieve orderly phased development or expensive premature strip development.
- iv) 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.
- v) 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 ten years for a garden suite and up to three years in all other cases, both of which are renewable.

4.3.1 Policies

- i) 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.
- ii) 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 10 year period, also renewable for subsequent 3 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

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

- i) 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.
- ii) 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.
- iii) 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

- i) 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.
- ii) A property standards by-law shall include consideration for:
 - the maintenance of yards and accessory buildings
 - the maintenance of residential and non-residential buildings and structures
 - occupancy standards
 - notices and orders
 - administration and enforcement measures

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

- i) 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.
- ii) 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.
- iii) 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:



- the amount of existing parkland, open space in a Neighbourhood Area
 - parkland quality and characteristics
 - existing natural features or other attributes of the site
 - existing amenities and facilities
 - urban form
 - population growth and demography
 - opportunities to link parks and open space areas.
- iv) The location and configuration of the land to be conveyed should be:
- free of financial and physical encumbrances
 - sufficiently accessible and visible from adjacent streets to promote the safe use of the park
 - of an appropriate and usable shape, size and topography
 - linked, whenever possible, with an existing or proposed park, green space or natural heritage feature
- v) Council may request improvements to parkland as a condition of **development**. These may include, but are not limited to:
- leveling, grading and landscaping
 - installation of playground equipment
 - installation of park benches, waste receptacles and other parkland furniture
 - installation of trails, pathways or pedestrian walkways
 - installation of signage and lighting
 - installation of **infrastructure** required to service the parkland
 - installation of parking and access facilities
 - installation of public art
- vi) 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

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.

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.

- i) 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.
- ii) 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.
- iii) Subject to the applicable policies of this Plan, consents may be granted for non-residential purposes in urban or **rural areas** provided that:
 - the lot is of a size appropriate for the type of non-residential use,
 - the lot is sufficiently large to maintain flexibility for future changes in the type or size of the use, and
 - the lot meets other applicable policies (e.g. access, water and sewage systems, land use compatibility and zoning standards).



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- iv) 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**.
- v) 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**.
- vi) 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.
- vii) 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. The studies or information may include one or more of the following:
- A capacity calculation or analysis of **public service facilities**
 - A water and sewer servicing capacity study
 - A water supply assessment report
 - A servicing options report
 - An off-site septage haulage report
 - A hydrogeological study and terrain analysis
 - A drainage and/or stormwater management report
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- A minimum separation distance calculation for an industry, mineral mining operation, waste management facility, pit or quarry
 - A 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
 - A transportation transit, parking or traffic study
 - A noise and/or vibration study
 - A minimum distance separation formulae I and II calculation
 - An environmental impact assessment for a natural heritage feature or area
 - A source protection study including a groundwater impact and/or surface water impact study
 - A flood plain, flood proofing, protection works, restoration report
 - A organic or unstable soils report
 - A lake capacity calculation
 - A shoreline capability assessment report
 - A boat capacity study
 - An aggregate resource evaluation report to assess the residual economic value of aggregates
 - A geotechnical study for unstable slopes
 - An Environmental Site Assessment Report for a contaminated site and a record of site condition
 - A cost-benefit study and/or justification report for a private road
 - A heritage impact statement and/or archaeological assessment report
 - A mining hazard report and/or rehabilitation assessment study. A monitoring report
 - A renewable or alternative energy report for a solar, biomass, geothermal, passive, hydro or wind energy facility
 - A market study
- viii) 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.
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- ix) 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.
 - x) 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.
 - xi) 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.
 - xii) Approval that would limit access to back lands for future development or create land locked parcels will not be granted.
 - xiii) 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.
 - xiv) A consent that would enlarge existing undersized lots (e.g. through lot additions) may be granted.
 - xv) 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.
 - xvi) 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
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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 locations, consideration may be given to passing a by-law, under the *Planning Act*, deeming 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

- i) 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.
- ii) Development charges may be applied to all classes of development, where authorized by the Development Charges Act.

4.10 DEVELOPMENT PERMITS

A development 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 development 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 development permit areas, the delegated authority grants approval and the application is evaluated in terms of applicable Official Plan Policies and the Development 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 development permit system in designated development 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:

- i) compliance with the general intent and purpose of the Official Plan
- ii) compliance with the general intent and purpose of the Zoning By-law
- iii) the appropriateness and compatibility of the land use
- iv) the need or justification for the development
- v) planning precedent
- vi) consistency with the Provincial Policy Statement, and
- vii) 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. 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

- i) 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, 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:

- i) 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.



ii) 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.

iii) 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:

- i) Facilitate the renovation, repair, rehabilitation, remediation, **redevelopment** or other improvement of lands and/or buildings.
- ii) Facilitate the development of mixed use buildings, or the introduction of a wider mix of uses.



- iii) Facilitate the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreational amenities.
- iv) Facilitate residential and other types of infill and **intensification**.
- v) Facilitate the construction of a range of housing types and the construction of **affordable** housing.
- vi) Upgrade and improve municipal services and public utilities (such as sanitary sewers, storm sewers, watermains, roads and sidewalks).
- vii) Facilitate the development of mixed use buildings, or the introduction of a wider mix of uses.
- viii) Facilitate the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreational amenities.
- ix) Facilitate residential and other types of infill and intensification.
- x) Facilitate the construction of a range of housing types and the construction of affordable housing.
- xi) Improve pedestrian and bicycle circulation.
- xii) Contribute to the ongoing viability and revitalization of downtown areas and other areas that may require community improvement.
- xiii) Improve environmental and energy consumption conditions.
- xiv) Promote cultural development.
- xv) Facilitate the **redevelopment** of **Brownfield sites**.
- xvi) Facilitate and promote community economic development.
- xvii) 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:

- i) 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;
 - clearance, grading, or environmental remediation of these properties
 - repair, rehabilitation, construction or improvement of these properties
 - sale, lease, or other disposition of these properties to any person or governmental authority
 - other preparation of land or buildings for community improvement
- ii) Provision of public funds such as grants, loans and other financial instruments or financial incentives.
- iii) Application for financial assistance from senior level government programs.
- iv) Participation in senior level government programs that provide assistance to private landowners for the purposes of community improvement.
- v) 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:

- the built-up area
- special areas within the City (e.g. waterfront neighbourhoods)



- areas where more detailed policies are required to direct or create opportunities for the future growth and/or development within the City
- 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:

- i) 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.
- ii) Planning for the installation of new **infrastructure**, the phasing, or improvements or the extension to existing infrastructure.
- iii) Planning for the installation of public services or **public service facilities** or the expansion of existing services or facilities.
- iv) Planning for the location, types or mix of land uses and the density of development and integrating this with infrastructure.
- v) Phasing of land development and the provision of necessary infrastructure and its relationship to existing built-up area(s) of the community.
- vi) Establishing street and lot patterns, open space areas, pedestrian linkages and public transit services.
- vii) 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.
- viii) 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.
- ix) Planning for the well-being of downtowns and main streets e.g. encouraging a mix of land uses, facade improvements, streetscaping, and infrastructure.
- x) 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.



- xi) Identifying and integrating or conserving features of the natural environment, open space and ***natural heritage features and areas*** or community design.
- xii) Determining the characteristics, limits, impacts and mitigation measures for natural and human-made hazards as they affect community development.
- xiii) 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 (i.e. site-specific development). However, this planning tool should be utilized where a major retail complex is proposed (e.g. shopping centre, 'power centre' or 'big box' retail use), where the scale or type of development is expected to have an impact on the character, physical change, social, economic or natural environment of the settlement or other area in which the development is proposed.

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. However, notice of the proposed amendment will be published in the newspaper and posted on the City's website. This approach will be restricted to the following:

- i) altering punctuation or language consistency;
- ii) correcting grammatical, dimensional and boundary, mathematical or typographical errors;
- iii) inserting historical footnotes or similar annotations;
- iv) changing the number and arrangement of the text, tables, schedules and maps;
- v) adding technical information to maps or schedules, deleting redundant provisions; and



- vi) 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

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. These studies or information may include, but are not limited to:

- A capacity calculation or analysis of **public service facilities**
- A water and sewer servicing capacity study
- A water supply assessment report
- A servicing options report
- An off-site septage haulage report
- A hydrogeological study and terrain analysis
- A drainage and/or stormwater management report
- A minimum separation distance calculation for an industry, mineral mining operation, waste management facility, pit or quarry
- A 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
- A transportation transit, parking or traffic study
- A noise and/or vibration study
- A minimum distance separation formulae I and II calculation



- An environmental impact assessment for a natural heritage feature or area
- A source protection study including a groundwater impact and/or surface water impact study
- A flood plain, flood proofing, protection works, restoration report
- A organic or unstable soils report
- A lake capacity calculation
- A shoreline capability assessment report
- A boat capacity study
- An aggregate resource evaluation report to assess the residual economic value of aggregates
- A geotechnical study for unstable slopes
- An Environmental Site Assessment Report for a contaminated site and a record of site condition
- A cost-benefit study and/or justification report for a private road
- A heritage impact statement and/or archaeological assessment report
- A mining hazard report and/or rehabilitation assessment study including a monitoring report
- A renewable or alternative energy report for a solar, biomass, geothermal, passive, hydro or wind energy facility
- A market study

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.

4.14.4 Consultation

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: SECONDARY PLANS



SECTION VI: AMENDMENTS



SECTION VII: PLANNING PROTOCOLS

7.1 CONSULTATION PROTOCOL FOR WIRELESS TELECOMMUNICATIONS FACILITIES

- i) Provide a site plan including key map and information on the facility (tower height, built form) as well as report in support of the proposed tower location to the Director of Development Services, Maintenance and Transit Services.
- ii) Review of the information package relating to the telecommunication facility by the City's Community Development Committee.
- iii) Committee to provide written suggestions/comments that will include, but not necessarily be limited to, options for tower types and design, equipment shelter design, placement of the tower on the leased lands and landscaping.
- iv) Committee will determine the method of public consultation to be instated by the Telecommunication provider. For towers in the more built up areas, the preference will be to notify the owners of properties within a 120 metre radius and for towers in the rural areas, the preference will be to place a notice in the paper. The Committee may require both processes for public notification. The Development Services Department will provide the property owner/address information for the 120 metre radius.
- v) Telecommunication provider to confirm that the notice has been carried out according to policy by making available to the Director a copy of letter sent to the property owners and documentation that the letters were sent and/or newspaper notice as well as a letter detailing comments/concurrence relating to the City's comments/suggestions. It is noted that the Telecommunication provider will be responsible for handling/resolving all complaints.
- vi) When Community Development Committee is satisfied with the consultation process and that their requests relating to the tower have been met, the Director will confirm in writing that the provider has met the City's requirements relating to the communications facility.

7.2 CIRCULATION OF NEW APPLICATIONS TO MNDMF

7.2.1 Intent of Circulating Development Plans

Circulating development applications to MNDMF will help mitigate some of the uncertainties pertaining to mine hazard locations and potential conflicts with future mine/mineral development. Current guidelines recommend that MNDMF's Regional Land Use Geologist be contacted when a mining related hazard as indicated in the Abandoned Mines Information



System (AMIS) database is within 1km 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. MNDF does not guarantee that the locations are precise and some research and/or ground proofing may be required by MNDF staff to verify the type and location of mine hazard(s) in question and make recommendations accordingly.

7.2.2 Types of Applications to be Circulated to MNDF

- i) New developments within 1 km of an AMIS point or within a mineral extraction zone;
- ii) Re-zoning applications within 1 km of AMIS point or within a mineral extraction zone;
- iii) Any development which is on or abutting to an existing Mine Tailings Hazard as identified in Schedule 'C'.

7.2.3 MNDF Contact Person

If an application falls into one of the categories listed in section 7.2.2 it shall be sent to:

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

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

7.2.4 Response Time

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

- i) Its impact on potential mine development;
- ii) Proximity to known mine hazard(s);

If there is any uncertainty regarding the status of mine hazards within the 1 km 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.

7.3 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:

- i) 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.
- ii) 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.
- iii) 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 (MOE) 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.
- iv) 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.
- v) 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 MOE has acknowledged receipt of the RSC.



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- vi) 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.
- vii) 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 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 VIII: DEFINITIONS

For the purposes of interpreting this Plan, the following definitions, which are extracted from the Provincial Policy Statement (March 2005) shall apply. (Note: the definitions constitute the complete list in the PPS and as such, exceed those that are used in this Plan. 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.

Adjacent lands: means

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

Adverse effects:

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

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

Affordable: means

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



2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Agricultural uses:

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

Agriculture-related uses:

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

Airports:

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

Alternative energy systems:

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

Archaeological resources:

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

Areas of archaeological potential:

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

Areas of mineral potential:

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

Areas of natural and scientific interest (ANSI):

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

Areas of petroleum potential:

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

Brownfield sites:

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



Built heritage resources:

means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Coastal wetland: means

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

Comprehensive review: means

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

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

b) for the purposes of policy 1.1.5, 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.

Conserved:

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

Cultural heritage landscape:

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



villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

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

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

Deposits of mineral aggregate resources:

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

Designated and available:

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

Designated growth areas:

means lands within settlement areas designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, 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 that may be impacted by activities or events.

Development:

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

- a. activities that create or maintain infrastructure authorized under an environmental assessment process;
- b. works subject to the Drainage Act; or
- c. for the purposes of policy 2.1.3(b), 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 an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Fish:

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

Fish habitat:

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

Flood fringe:

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

Flood plain:

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

Flooding hazard:

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

- a. Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;
- b. Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
 1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
 2. the one hundred year flood; and



3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

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

Floodproofing standard:

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

Floodway:

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

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

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

Great Lakes - St. Lawrence River System:

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

Ground water feature:

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

Hazardous lands:

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

Hazardous sites:

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



Hazardous substances:

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

Heritage attributes:

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

Hydrologic function:

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

Individual on-site sewage services:

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

Individual on-site water services:

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

Infrastructure:

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

Intensification:

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

- 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:

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

Low and moderate income households: means

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



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

Mine hazard:

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

Minerals:

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

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

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

Mineral aggregate operation: means

- a. lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto;
- 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 deposits:

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

Mineral mining operation:

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

Minimum distance separation formulae:

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

Multi-modal transportation system:

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



Municipal sewage services:

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

Municipal water services:

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

Natural heritage features and areas:

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

Natural heritage system:

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

Negative impacts:

means

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

Normal farm practices:

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

Oil, gas and salt hazards:

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

One hundred year flood:

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



One hundred year flood level: means

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

Other water-related hazards:

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

Partial services: means

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

Petroleum resource operations:

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

Petroleum resources:

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

Planned corridors:

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

Portable asphalt plant: means a facility

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

Portable concrete plant: means a building or structure

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



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

Prime agricultural area:

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

Prime agricultural land:

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

Private communal sewage services:

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

Private communal water services:

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

Protected heritage property:

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

Protection works standards:

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

Provincial and federal requirements: means

- a. in regard to policy 1.8.3, legislation and policies administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy facilities and ensuring that the necessary approvals are obtained; and
- b. in regard to policy 2.1.5, legislation and policies administered by the federal or provincial governments for the purpose of the protection of fish and fish habitat, and related, scientifically established standards such as water quality criteria for protecting lake trout populations.

Provincial plan:

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

Public service facilities:

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



Quality and quantity of water:

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

Recreation:

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

Redevelopment:

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

Regional market area:

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

Renewable energy systems:

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

Reserve sewage system capacity:

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

Reserve water system capacity:

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

Residence surplus to a farming operation:

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

Residential intensification:

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

- a. redevelopment, including the redevelopment of brownfield sites;
- b. the development of vacant or underutilized lots within previously developed areas;
- c. infill development;
- d. the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and



- e. the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

River, stream and small inland lake systems:

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

Rural areas:

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

Secondary uses:

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

Sensitive:

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

Sensitive land uses:

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

Settlement areas:

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

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

Sewage and water services:

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

Significant: means

- a. in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b. in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;



- c. in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d. in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- e. in regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;
- f. in regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and
- g. in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

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

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

Site alteration:

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

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

Special needs:

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

Special policy area:

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

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



Specialty crop area:

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

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

Surface water feature:

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

Threatened species:

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

Transportation systems:

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

Valleylands:

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

Vulnerable:

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

Waste management system:

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

Watershed:

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

Wave uprush:

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

Wayside pits and quarries:

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



Wetlands:

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

Wildlife habitat:

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

Woodlands:

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