

MUNICIPALITY OF POWASSAN OFFICIAL PLAN

FINAL DRAFT

Prepared by:



OCTOBER 2003
Ministers Modifications October 16, 2005

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MINISTERS APPROVAL

OFFICIAL PLAN FOR THE MUNICIPALITY OF POWASSAN

The Official Plan for the Municipality of Powassan, which was adopted by the Council of the Corporation of the Municipality of Powassan, on the _____ day of _____ 2003, by By-law No. _____, is hereby approved in accordance with Section 17 of the Planning Act, R.S.O. 1990, c.p. 13, as amended, as the Official Plan for the Municipality of Powassan.

Date

THE CORPORATION OF THE
MUNICIPALITY OF POWASSAN

BY-LAW NO. _____

The Council of the Corporation of the Municipality of Powassan in accordance with the provisions of The Planning Act, R.S.O. 1990, Chapter P13, c.1, as amended, hereby enacts as follows:

1. THAT the Official Plan for the Municipality of Powassan, being the attached text and Schedules A, B, C and D, is hereby adopted.
2. THAT the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for the approval of the aforementioned Official Plan for the Municipality of Powassan and to provide such information as required by Section 17 (7) of The Planning Act, R.S.O. 1990, Chapter 13, c.1, as amended.
3. THAT upon approval of this Plan by the Minister of Municipal Affairs and Housing, the Official Plan for the Township of Himsworth South and the Official Plan for the Town of Powassan are hereby rescinded.
4. THIS By-law shall come into force and take effect on the day of passing thereof subject to receiving the approval of the Minister of Municipal Affairs.

Enacted and passed this ____ day of _____ 2003.

Mayor

CAO/Clerk

Certified that the above is a true copy of By-law No. _____ as enacted and passed by the Council of the Corporation of the Municipality of Powassan on the ____ day of _____ 2003.

1.0 INTRODUCTION

1.1 Intent

This Official Plan is intended to form the foundation for decisions that are to be made by Council, members of the public and government agencies, with respect to future land use and economic development in the Municipality of Powassan. It is intended to guide future development to areas where it is most suited and to protect the physical and natural resources of the Municipality in order to provide sustainability and allow for it's continued enjoyment.

This Plan establishes general land use designations that are intended to establish a pattern of development in the Municipality for the next 20 years. This Plan establishes policies that will be considered throughout the development approval process and when considering public works and other municipal services.

1.2 Title and Components

The text of this Plan and Schedules A, B, C and D shall constitute the Official Plan for the Municipality of Powassan.

This Official Plan is the first Plan for the new Municipality of Powassan. Historically, these lands were regulated by Official Plans for the former Town of Powassan and Township of Himsworth South. This Official Plan and its implementing Zoning By-law will replace the existing regulatory framework to guide future land use decisions in the Municipality.

1.3 Provincial Policy

In preparing this Plan, regard has been had for Section 2 of the Planning Act, and for the Provincial Policy Statement as issued under Section 3 of the Planning Act, and as revised on February 1, 1997 for the Province of Ontario (PPS). This Plan does not replicate the wording of that document. However, it does reflect the policies of the PPS as they relate to the Municipality of Powassan.

2.0 BASIS

This Section of the Plan identifies the primary factors that have been considered in the preparation of this Plan. Should any of these factors change significantly, the Plan should be reviewed to determine whether major policy or land use designation changes are warranted.

- 2.1 The Powassan Urban Area is the only fully-serviced community in the Municipality, and as such, it represents an opportunity for sustainable growth which makes wise use of existing public infrastructure. However, in order to accommodate growth in the community, improvements to the sewage treatment and water supply systems are necessary.

Population data used to project and determine future household and lot creation demands are based on population, housing and lot creation trends over the past 15 years. It is anticipated that residential growth will occur at an average rate of 25 persons per annum. Average household size is projected to be between 2.7 and 2.8 persons per household. To achieve housing targets, approximately 9 new homes per year will need to be constructed in the municipality. Currently, there are approximately 275 vacant buildable lots within the municipality, which represents more than enough lots to meet anticipated growth projections.

Given these circumstances, the creation of new building lots in the municipality will be discouraged outside of the Powassan Urban Area. The creation of new residential building lots outside of the Powassan Urban Area will require careful consideration by any approval authority, and may require a demonstration of need.

For the long term economic health of the Municipality and its residents, new development will be encouraged to locate appropriately within the fully serviced Powassan Urban Service Area, so as to take advantage of existing hard and soft services.”

- 2.2 This Plan designates sufficient lands to meet the needs of the community over the next 20 years and to make the most efficient use of the existing municipal services in the Urban Service Area. Population data used to project population and determine future household and lot creation demands are based on population, housing and lot creation trends over the past 15 years. It is anticipated that residential growth will occur at an average rate of 25 persons per annum.
- 2.3 Outside of the Urban Service Area, private water and sewage will continue to be the primary source of services throughout most of the Municipality.

- 2.4 There are areas of the Municipality of Powassan that contain non-renewable resources such as aggregates and peat. These resources will continue to be important for future use and economic development in the Municipality.
- 2.5 There are significant areas in the Municipality of Powassan that are environmentally sensitive and need to be protected from incompatible land uses and activities. There is sufficient land in the Municipality available to meet the needs for development without needing to develop lands that are environmentally sensitive.
- 2.6 Council wishes to promote development of a sustainable economy by designating sufficient land for value-added commercial and industrial purposes. Highway 11 provides an opportunity for the Municipality to provide areas with excellent access and exposure.
- 2.7 The preservation of good agricultural lands and the protection of ongoing agricultural operations are important to the economy of the area and the well being of its residents.
- 2.8 In an effort to improve employment ratios within the Municipality and the economic well being of the residents new tourism development is to be encouraged provided that it is compatible with the environment and surrounding land uses.

3.0 OBJECTIVES

This section of the Plan establishes the fundamental policies that will guide future development in the Municipality of Powassan. The policies and land use designations contained in the Plan are based on achieving these objectives. In the event that clarification of the intent of the Official Plan policies is required, Council should refer to the objectives listed in this section.

The Objectives of this Plan are as follows:

- 3.1 To create a sense of community and develop a clear strategy for the physical development of the Municipality as a single entity;
- 3.2 To encourage the creation of housing which is affordable, accessible and appropriate to the full range of households in the Municipality;
- 3.3 To direct new residential development primarily to the Urban Service Area, to the extent that it can be accommodated on full municipal services, and secondarily to the Trout Creek Settlement Area;
- 3.4 To ensure that natural resource activities, including forestry, hunting, fishing and other recreational activities can continue in a manner that is sustainable;
- 3.5 To encourage diversified economic growth and promote tourism that is compatible with the character and environment of the Municipality;
- 3.6 To ensure that agricultural activities can continue and expand in order to adapt to changing market conditions;
- 3.7 To maintain or enhance the rural character and natural features of the Municipality;
- 3.8 To encourage sustainable growth in the Trout Creek Settlement Area that will provide a more complete range of services and opportunities in that community;
- 3.9 To avoid land use conflicts and premature development that may limit the appropriate and desirable development of the Municipality in the future; and,
- 3.10 To establish a level of service in the Municipality that recognizes the limited financial resources of the Municipality.

4.0 GENERAL DEVELOPMENT POLICIES

These policies apply to all development in the Municipality. When considering proposals for development, Official Plan Amendments, Zoning By-law Amendments, Consents, Subdivision or any other form of development requiring approval from the appropriate approval authority, the following policies should be considered.

4.1 Aggregate and Mineral Resources

- 4.1.1 Areas having high mineral potential are identified as Bedrock Resources and Primary Sand and Gravel Resource Areas on Schedule "B". These areas shall be protected for long term use for resource extraction. Development of these areas for purposes other than resource extraction will not be permitted except where it can be demonstrated that the proposed development has a greater long term public interest than the extraction of the resource and will not hinder or preclude the establishment of future extractive activities and issues of public health, public safety and environmental impact are addressed, or that the extraction of the resource is not feasible due to surrounding land uses or other physical or human-made features. Proponents of non-extractive land uses in these areas will be required to provide a justification to the satisfaction of the appropriate approval authority to support alternate land use proposals. Technical reports may be required as part of the justification"
- 4.1.2 Wayside pits, wayside quarries and portable asphalt plants are permitted without an amendment to this Plan or the implementing Zoning By-law except in areas within 300 metres of an existing residential use and environmentally sensitive lands. New aggregate extraction uses, except for wayside pits and quarries, portable asphalt plants and related uses, will require an amendment to the Zoning By-law.
- 4.1.3 When considering applications for re-zoning to permit extractive activities Council will require:
- i) a feasibility study and financial impact statement;
 - ii) the submission of an environmental impact statement;
 - iii) a site and extractive staging plan;
 - iv) a report on the haul routes and potential impact on municipal roads;
 - v) a rehabilitation plan, and,
 - vi) the requirements of the Ministry of Northern Development and Mines under the Mining Act.
- 4.1.4 New or expanding mineral resource operations should be well removed from sensitive land uses, including residences. When applications are made under

the Planning Act for a new or expanding mineral resource operation, the appropriate approval authority will consider the Ministry of Environment's Guideline D-1-2, "Land Use Compatibility: Specific Applications" in determining appropriate influence areas for the new or expanding operation in accordance with Section 4.14.1.

New or expanding operations may also be subject to Site Plan Control agreements as per Section 41 of the Planning Act.

- 4.1.5 Where development is proposed in proximity to existing mineral resource operations, the development shall be set back and buffered sufficiently to ensure that the development is not adversely effected from noise, dust or other health and safety issues related to the mineral resource operation.

Where the development proposal is for a sensitive land use, including a residence, the development proponent shall demonstrate to the satisfaction of the appropriate approval authority that there will be no adverse effects from noise, odour or other contaminants on the proposed development from the existing mineral resource operation. The appropriate approval authority will consider the Ministry of Environment's Guideline D-1-2, "Land Use Compatibility: Specific Applications" in determining appropriate influence areas for existing mineral resource operations."

- 4.1.6 Progressive rehabilitation to accommodate subsequent land uses will be required for new or expanding mineral resource operations. The implementation of progressive rehabilitation requirements will be considered by the municipality at the time an application is made under the Planning Act.

- 4.1.7 The Municipality shall pass a by-law under the Municipal Act, to regulate extractive operations. This by-law may require that the applicant enter into an agreement with the Municipality respecting the following matters:

- i) arrangements for the rehabilitation of the site after extraction has ceased or during the various stages of extraction;
- ii) timing of blasting or crushing operations;
- iii) the provision of visual buffers;
- iv) the use of access roads;
- v) the retention or processing of waste water and other pollutants; and,
- vi) the provision of detailed site plans of the area, as it will appear during use and after rehabilitation.
- vii) extractive uses shall also be subject to Site Plan Control.

4.2 Agricultural Uses

- 4.2.1 Any development occurring in the vicinity of livestock operations and new or expanding livestock operations shall meet the requirements of the Minimum Distance Separation Formulae (MDS). The MDS formulae will be incorporated into the Municipality's comprehensive Zoning By-law.

- 4.2.2 Where intensive livestock operations are proposed, Council may pass a by-law requiring the preparation of a nutrient management plan as a condition of issuing a building permit. The nutrient management plan shall demonstrate that there is sufficient land available to the livestock farm operator to dispose of the nutrients generated on the site in an environmentally sound manner.
- 4.2.3 When considering applications for new lots and other developments that may restrict the use of land for agricultural purposes, Council shall consult with the agricultural community to ensure that the development proposed will not adversely affect the ability of the agricultural uses to operate and expand to meet changing economic conditions.
- 4.2.4 As a condition of approval for non-agricultural land uses in areas formerly used for agricultural purposes Council may require proof that ground water meets Provincial guidelines for potable drinking water.

4.3 Archeological Resources

- 4.3.1 When development is proposed in proximity to any registered archaeological sites, and/or areas of archaeological potential, Council may require the submission of a Level One archeological study. If there is a likelihood that an archeological site exists, further studies will be required to determine the nature and extent of the feature.
- 4.3.2 Archaeological assessment reports shall be conducted by archaeologists licensed by the Ontario Heritage Act and in compliance with guidelines set out by the Ministry of Tourism, Culture and Recreation. Where assessments identify previously unknown archeological resources, the Municipality shall archive the information as part of a heritage resource information base.
- 4.3.3 Where archeological sites are found in the Municipality they shall be reported to the appropriate Provincial agency. Based on the extent and significance of the findings, Council may:
- i) require the site to be preserved in its natural state;
 - ii) require that portions of the site remain preserved through the development process; or
 - iii) require that artifacts found on the site be removed and preserved for public education.
- 4.3.4 Council shall consult appropriate government agencies, including the Ministry of Tourism, Culture and Recreation and the Ministry of Consumer and Commercial Relations when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under The Heritage Act and The Cemeteries Act shall apply.

4.4 Crown Lands

- 4.4.1 This Plan recognizes that the Province has the ultimate jurisdiction for determining the use of Crown land. Council encourages the preservation of Crown lands in the Municipality for the use and enjoyment of residents and tourists, as well as resource management activities.
- 4.4.2 Resource management activities shall be conducted in accordance with the standards and guidelines established by the Ministry of Natural Resources and the Ministry of Northern Development and Mines.
- 4.4.3 Resource extraction activities on Crown lands should be undertaken in accordance with the General Development Criteria contained in this Plan, and require authorization from the Ministry of Natural Resources.

4.5 Cultural Landscapes and Built Heritage Resources

- 4.5.1 Cultural landscapes include natural and man-made features that define the character of the Municipality. Many of the older buildings in the Municipality reflect a history that defines the culture of the community.
- 4.5.2 All development shall be designed in a manner that is sensitive to the cultural landscapes in the Municipality. Historic buildings, scenic views, trails and roadways shall be preserved wherever possible. New development in the area of these features shall be designed to reflect the surrounding landscape and built form. Council may use site plan control to ensure that new development is sited and designed to complement the historic and natural character of the Municipality.
- 4.5.3 Council may utilize the Heritage Act to conserve, protect and enhance the cultural heritage resources within the Municipality through the designation by by-law of individual properties, conservation districts, landscapes and archaeological sites throughout the development of a municipal heritage committee.

4.6 Earth and Life Scientific Areas

- 4.6.1 The following Earth Science Areas and Life Science Areas have been identified within the Municipality and spanning into adjacent municipalities:
- Sausage Lake Forest Conservation Reserve;
 - South River Conservation Reserve;
 - Nipissing Ridge Beach Scarps and Shoreline; and
 - Graham Hill Earth Science Area.
- 4.6.2 New development shall not be permitted on these lands. Council will encourage the maintenance and preservation of these areas to promote the history of the Municipality and attract additional investment in tourism. Development that does not negatively impact the natural features or ecological function, for which the area has been identified, may be permitted on adjacent lands.

4.7 Dark Sky Policies

- 4.7.1 Where development that would generate higher light levels such as large scale commercial uses, industrial uses, illuminated parking areas or illuminated playing areas Council will use site plan control to ensure that light trespass to adjacent properties is prevented.
- 4.7.2 Amendments to the Official Plan, Zoning By-law, Plans of Subdivision, Plans of Condominium, Consents and Minor Variances, which potentially affect the ambient levels of light in the Municipality shall be subject to agreements and land use restrictions that are intended to minimize light trespass.

4.8 Environmental Impact Assessments

- 4.8.1 Where this Plan makes reference to Environmental Impact Assessment Reports the report shall include the following;
- i) the proposed development;
 - ii) the significant features within the surrounding area;
 - iii) the potential impacts of the development on the natural feature;
 - iv) options for locating the development in a less sensitive area;
 - v) techniques that should be used to mitigate potential impacts;
 - vi) means to implement the mitigation measures, and
 - vii) potential impacts that cannot be mitigated through known measures.
- 4.8.2 Any development that has satisfied the provisions of the Environmental Assessment Act will not require further study to satisfy this policy.

4.9 Environmental Protection

No development shall be permitted that results in the degradation of the quality and integrity of the ecosystem, including air, water, land and plant, animal and human life. The Municipality of Powassan will encourage the restoration or remediation of any lands where the quality and integrity of an ecosystem has been impacted.

4.10 Fish Habitat

- 4.10.1 Schedule B outlines areas that have been identified as Class 1 Fish Habitat. These areas are important feeding and spawning grounds and must be protected for the fish to carry out their life cycle and to ensure a healthy population of sports fish in the Municipality and watershed. Opportunities for fish resource management are encouraged.
- 4.10.2 Development in and within 30 metres of Class 1 fish habitat will only be permitted where it has been demonstrated to the satisfaction of the approval authority that there will be no negative impacts from the proposed development on the existing fish habitat or its function. Proponents of development in these areas shall be required to submit an Environmental Impact Assessment report from a qualified

professional which will identify the limits and characteristics of the fish habitat areas, and any further approvals which may be required under existing provincial and/or federal legislation. Where appropriate, the report will provide recommendations that will ensure that the development proposal will have no negative impacts on the fish habitat feature or function. The recommendations of this report, if any, shall be implemented through appropriate planning tools, such as conditions of development and zoning. Compensation for lost habitat may be required by the Federal Department of Fisheries and Oceans. Where the report concludes that development can not occur without having negative impacts on fish habitat, the application for development shall be denied.

- 4.10.3 Where there has been no assessment of the quality of the waterway in terms of fish habitat, the implementation authority shall treat the waterway as Class 1 Fish habitat until proven otherwise through technical reports prepared by a qualified professional.

4.11 Forestry

- 4.11.1 Where forestry activities occur on private lands within the Municipality, buffer areas should be provided between clear-cut areas and municipal roadways, shoreline areas and environmentally sensitive areas. Reforestation in areas where forest resources have been depleted is encouraged.
- 4.11.2 The maintenance of forest cover within 30 metres of rivers and stream banks is encouraged. A minimum buffer of 60 metres adjacent to public roadways and areas of high visibility should be left in a natural state.

4.12 Garden Suites

Garden Suites shall be permitted accessory to residential uses, provided that the lands are large enough to accommodate a temporary dwelling and there is sufficient servicing capacity to accommodate the use on-site. The Municipality may pass a temporary use By-law to permit these uses and may require the owner of the suite to enter into an agreement to provide for the removal of the accessory dwelling when it is no longer required.

4.13 Natural Hazards

- 4.13.1 Development will generally be directed to areas outside of hazardous land adjacent to river and stream systems which are impacted by flooding and/or erosion hazards, and hazardous sites. Hazardous sites may consist of steep slopes, unstable soils, organic soils, and unstable bedrock. Where development is proposed within or partly within these features, the development proponent shall submit a technical study prepared by a qualified professional to the satisfaction of the appropriate approval authority which demonstrates the following:

- a) the hazard can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result;
- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

Recommendations made in the technical report(s) will be implemented through the planning process. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.

4.13.2 Development and site alteration will not be permitted within a floodplain. Floodplains and wetland features are identified on Schedule "B" to this Plan. Where development is proposed within a floodplain, the development shall not proceed, unless the development proposal is for a use or structure which, by its very nature, needs to be located within the floodplain, such as floodproofing features.

4.13.3 Flood levels on the South River and its tributaries are regulated by the dam operated by Ontario Power Corporation. Alteration of the operation of this facility could effect flood levels in the Municipality. In the event that Ontario Power Corporation alters the operation of the dam in a manner that would effect flood levels, the Municipality will request a public consultation process to ensure that residents are informed of the impact of the altered flood levels on their lands.

4.14 Human Made Hazards

4.14.1 Human-made hazards consist of mine hazards or former mineral resource operations, and contaminated sites. Known contaminated sites are depicted on Schedule "B" of this Plan.

4.14.2 Where development is proposed on lands which include, or are abutting or adjacent to lands affected by mine hazards or former mineral resource operations, the development will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under way or have been completed. The approval authority will require documentation from a development proponent to this effect. Approvals are not to be conditional upon the future rehabilitation of mine hazard or former mineral resource operation. Where rehabilitation has not occurred or is not underway, the development shall not proceed.

- 4.14.3 Where development is proposed on lands impacted by a contaminated site, the contaminated site will be restored as necessary prior to any activity occurring on the site associated with the proposed use such that there will be no adverse effect. Contaminated sites include lands where contaminants may be present due to previous uses.

Prior to development occurring, the appropriate approval authority shall ensure that proper decommissioning and clean-up of contaminated sites. Applications for the development or redevelopment of a contaminated site or a potentially contaminated site shall be accompanied by a Record of Site Condition acknowledged by the Ministry of Environment, and if necessary, a site remediation plan prepared in accordance with the Ministry of Environment's guidelines. Where the Record of Site Condition indicates that remediation is necessary, the approval authority shall require that such remediation occurs through the planning process, such as through the imposition of conditions of land division approval."

4.15 Land Use Compatibility

- 4.15.1 Whenever a change in land use is proposed, through any application made under the Planning Act, consideration shall be given to the effect of the proposed use on existing land uses. Where there are potential compatibility concerns, Council will only approve the development when it is satisfied that compatibility issues have been adequately addressed.

- 4.15.2 Incompatible land uses are to be protected from one another. While buffers between incompatible land uses may be used to prevent or minimized adverse effects, distance is often the only effective buffer, and therefore adequate separation distance, based on a major facility's influence area, is the preferred method of mitigating adverse effects. The separation distance should be sufficient to permit the functioning of the incompatible land uses without adverse effect occurring. Separation of incompatible land uses should not result in the sterilization of intervening land usage.

4.15.3 Establishing Influence Areas for Industrial Land Uses

In absence of establishing actual areas of influence for industrial land uses, the following separation distances between industrial and sensitive land uses should be used:

- a) 1000 metres between Class 3 industrial uses and sensitive land uses.
- b) 300 metres between Class 2 industrial uses and sensitive land uses.
- c) 70 metres between Class 1 industrial uses and sensitive land uses.

Where new industrial uses are proposed to be located in proximity to sensitive land uses at distances less than those prescribed above, technical studies will first need to be produced to establish the actual influence area of the industrial

land use. Where new sensitive land uses are proposed to be located in proximity to industrial land uses at distances less than those prescribed above, technical studies will first need to be produced to establish the actual influence area of the industrial facility. At no time will the actual influence area of the industrial land use or facility be less than the following:

- a) 300 metres for Class 3 industrial land uses and facilities
- b) 70 metres for Class 2 industrial land uses and facilities
- c) 20 metres for Class 1 industrial land uses and facilities

The actual influence area of a particular class of industrial land use will be established through technical studies by qualified professionals, prepared in keeping with the Ministry of Environment's D-Series Guidelines on Land Use Compatibility. Once the actual influence area is known, and mitigation techniques have been identified, a proposal for a change in land use can proceed, subject to its appropriateness as demonstrated by the technical studies, and subject to the implementation of the findings of the technical studies through the planning process. Where technical studies identify irreconcilable incompatibilities where impacts from discharges and other compatibility problems cannot be reasonably mitigated, the proposed new development shall not proceed.

Classes of Industry are defined in the Ministry of Environment's D-Series Guidelines on Land Use Compatibility.

4.15.4 Establishing Influence Areas for Aggregate Extractive Land Uses

The Ministry of Environment recommends that influence areas for aggregate land uses will always need to be assessed individually. Where new aggregate extractive land uses are proposed in proximity to sensitive land uses, technical studies prepared by a qualified professional in keeping with the Ministry of Environment's D-Series Guidelines on Land Use Compatibility will need to demonstrate the actual influence area of the proposed aggregate land use. Similarly, where new sensitive land uses are proposed within proximity to existing aggregate extractive land uses, technical studies which determine the actual influence area of the aggregate land use will need to be prepared by qualified professionals in keeping with the Ministry of Environment's D-Series Guidelines on Land Use Compatibility. In both circumstances, technical studies must demonstrate that land use compatibility is feasible, and the mitigative measures recommended in the studies, if any, will need to be carried out through a planning process. Where technical studies identify irreconcilable incompatibilities where impacts from discharges and other compatibility problems cannot be reasonably mitigated, the proposed new development shall not proceed.

4.15.5 Development in Proximity to Sewage Treatment Plants

Where development is proposed within 150 metres and 100 metres of the sewage treatment plants and waste stabilization ponds, the appropriate technical studies should be carried out by qualified professionals in keeping with the Ministry of Environment's D-Series Guidelines. Mitigative measures recommended in the studies, if any, will need to be carried out through a planning process. Where technical studies identify irreconcilable incompatibilities where impacts from discharges and other compatibility problems cannot be reasonably mitigated, the proposed new development shall not proceed.

Development will not be permitted within 100 metres of the sewage treatment plan or waste stabilization ponds.

Should plant capacity exceed 25,000 cubic metres per day, new policies will be developed by Council and added as an amendment to this plan.

4.15.6 Development in Proximity to Operating or Closed Waste Disposal Sites

Where new development is proposed within 500 metres of the boundary of an operating or closed waste disposal site, a feasibility study in keeping with the Ministry of Environment's D-Series Guidelines will need to be prepared by a qualified professional to ensure that there will be no adverse effects from methane gas, leachate, ground water discharge, odour, noise, dust or other contaminants from the waste disposal site on the proposed use. Mitigative measures recommended in the feasibility study, if any, will need to be carried out through a planning process. Where the feasibility study identifies irreconcilable incompatibilities where impacts from discharges and other compatibility problems cannot be reasonably mitigated, the proposed new development shall not proceed.

Where development is proposed within 30 metres of waste disposal site's fill area, the proposal should not proceed.

4.15.7 Development in Proximity to Provincial Highways and Rail Lines

Where the development of a sensitive land use is proposed within proximity to provincial highways and rail lines, compatibility may need to be demonstrated, depending on the type of provincial highway and rail line, and depending on distance.

Where such development is proposed within 100 metres of a limited access freeway or principal main railway line, or within 50 metres of other provincial highways or secondary main railway lines, a noise feasibility study in keeping with the Ministry of Environment's D-Series Guidelines should be prepared by a qualified professional to first determine if mitigative measures can be feasible to bring noise levels down to Ministry of Environment standards at the site of the proposed development. If the feasibility study is not favourable, the development proposal should not proceed. If the feasibility study is favourable, the development proponent should then provide an acoustical study to show how

noise levels will be reduced to provincial standards. The recommendations of the acoustical study should be implemented through the planning process.

Where the development of sensitive land uses is proposed at distances between 100 metres and 300 metres of all provincial highways and principal or secondary railway mainlines or principal branch railway lines, a noise study in keeping with the Ministry of Environment's D-Series Guidelines prepared by a qualified professional may be required if noise levels are anticipated to be above provincial standards. The use of the Ministry of Environment's Predictive Noise Model will assist in determining anticipated noise levels. The recommendations of the noise study, if any, should be implemented through the planning process.

Where development of some sensitive land use in proximity to railway lines within the Powassan Urban Service Area as depicted on Schedule "C" of this Plan, and within the Trout Creek Area as depicted on Schedule "D" of this Plan, the requirement for the production of technical studies referenced in this Section of the Plan may be waived by Council due to historical or site specific development circumstances. Requirements shall not be waived where new institutional sensitive land uses are proposed, such as day care facilities and senior's homes.

4.15.8 Development in Proximity to Other Stationary Noise Sources

Where development of a sensitive land use is proposed within 300 metres of a stationary noise source not associated with industry, such as a hydro transformer or gas compressor station, the development proponent shall determine through the production of appropriate technical studies prepared by a qualified professional whether or not the noise is expected to exceed the Ministry of Environment's general noise standard of 40 dbA (45 dbA within the Powassan and Trout Creek urban areas) at the location of the proposed development. If the standard cannot be met, an acoustical study should be prepared by a qualified professional in keeping with the Ministry of Environment's D-Series Guidelines and the recommendations of that study should be carried out through planning processes."

4.15.9 These policies shall also be applied where sensitive land uses are proposed in the vicinity of existing industrial uses.

4.16 Mobile Homes

Mobile homes are permitted dwellings in the Rural designation where the units are double wide units located on a permanent foundation in accordance with the Building Code.

4.17 Noise and Vibration

4.17.1 Where residential development in form of multiple residential units or subdivision is proposed within 100 metres of Highway 11 or the Canadian Pacific Railway, the proponent will be required to submit a feasibility report to confirm that the

development can proceed while meeting Provincial noise and/or vibration regulations. Based on this report, impact studies assessing the impacts on the proposed use and the mitigation measures that would be required in the building construction to meet provincial guidelines and standards shall also be required.

- 4.17.2 The above-noted studies shall not be required for development on existing lots or for development through minor infilling between existing houses not more than 150 metres apart.

4.18 Private Sewage Disposal and Water Systems

- 4.18.1 No development shall be permitted unless it can be shown to the satisfaction of the Municipality that there is an adequate water supply, sewage disposal system to service the development. In addition, no development shall be permitted unless Council is satisfied that the development will not have an adverse impact on neighbouring wells and sewage disposal systems.

- 4.18.2 In considering impacts on ground water quality and quantity, the Municipality shall consider the cumulative impacts of development on the sustainability of ground water resources. Where the Municipality is aware of potential problems related to water supply or sewage disposal in an area, developers may be required to submit reports from a qualified engineer providing evidence that site conditions or suitable for development.

- 4.18.3 Where a new development of more than five residential units is proposed, the applicant shall provide a report on the servicing options, including communal services and ground water quality and quantity to the satisfaction of the Municipality and the Ministry of Environment or its designate. Communal services will only be considered by the Municipality through an amendment to this Plan and will require the developer and subsequent owners enter into an agreement ensuring that the Municipality will not have financial liabilities as the result of the development of the communal system.

- 4.18.4 Where a new residential development of more than five units, or commercial, industrial or institutional development generating more than 10,000 litres of effluent per day is proposed, the applicant shall be required to undertake a report in keeping with the Ministry of Environment's D-Series Guidelines and addressing the following:

- i) groundwater quantity and quality;
- ii) potential interference with other wells;
- iii) site and soil suitability for sewage disposal; and,
- iv) the most appropriate type of sewage disposal system for the project.

4.19 Recreational Facilities

Council encourages the continued development and improvement to the recreational facilities in the Municipality, provided that the development is in harmony with the open landscape character and is sensitive to the natural

environment. Council will encourage the maintenance and preservation of recreational facilities and natural areas to promote eco-tourism and attract new residents to the area.

4.20 Surface Water Quality

4.20.1 Preservation of water quality is a significant consideration in reviewing any development proposal adjacent to and in proximity to a watercourse or lake. In order to preserve water quality, development should be set back 30 metres from the top of bank adjacent to cold water or unclassified rivers and streams and 15 metres from other water features. Unless it is impractical to do so, septic systems shall be located at least 30 metres from a watercourse or water body. As a condition of development approval, the natural shoreline vegetation shall be preserved within 30 metres of all watercourses and water bodies wherever possible.

- 4.20.2 No development shall be permitted which would interfere with any natural watercourse or where the watercourse represents a hazard to the proposed development. Where development would result in a significant increase in storm water run-off, the Municipality shall require the proponent to complete storm water management works that will ensure that off-site surface water quality and quantity is not adversely impacted by the development. Direct discharges to surface waters should be avoided wherever possible.
- 4.20.3 Where development is proposed within 300 metres of a lake, the development shall be refused if the lake's assimilative capacity has already been exceeded, or will be exceeded by all or part of the development proposal.

4.21 Waste Disposal Sites

- 4.21.1 New waste disposal sites or expansions to existing waste disposal sites should:
- i) avoid areas of high groundwater and water features;
 - ii) be at least 500 metres from any residential development;
 - iii) provide adequate buffers from existing development;
 - iv) require an amendment to this Plan;
 - v) require an amendment to the Zoning By-law; and,
 - vi) be approved by the Ministry of the Environment.

4.22 Wetlands

- 4.22.1 Locally significant wetlands are shown on Schedule B. Wherever possible these areas should be left in their natural state. Where it can be demonstrated to the satisfaction of Council that there is no reasonable alternative for the logical development of lands, other than to develop a portion of a locally significant wetland, the Municipality may permit the development and may impose site plan control to ensure that the appropriate mitigation measures are employed to minimize the impact on the wetland.
- 4.22.2 Areas that are subject to flooding under regional flooding conditions or are covered with water during significant portions of the year shall be considered as Environmental Protection Areas despite being otherwise designated on Schedule A. When lands within the Municipality are developed, additional Environmental Protection Areas may be identified in the Zoning By-law without amending this Plan.
- 4.22.3 Prior to approving any development that is within 60 metres of a wetland feature, the proponent shall submit an Environmental Impact Assessment to the satisfaction of the Municipality in consultation with the Ministry of Natural Resources. Any development permitted in these areas shall incorporate the recommendations of the Environmental Impact Assessment.

4.23 Wildlife Habitat

- 4.23.1 Development in the Deer Concentration Area and Wilderness Preserve identified on Schedule B must be sensitive to the impact of the development on habitat areas. The protection of natural links and corridors used for wildlife migration is encouraged. Within the Deer Concentration Area and Wilderness Preserve, the creation of new lots is discouraged.
- 4.23.2 Where any development is proposed within or adjacent to the Deer Concentration Area or Wilderness Preserve, Council shall require the submission of an Environmental Impact Assessment Report prepared by a qualified biologist. This report should demonstrate that there will be no negative impacts on wildlife habitat or function from the development proposal. The recommendations of this report, if any, will be implemented through planning processes, including zoning, site plan control or conditions of land division approval. Where the report concludes that regardless of mitigative measures, the development will negatively impact wildlife habitat, the development proposal will not proceed.
- 4.23.3 Where new lots are created in critical deer wintering habitat, the lots shall be at least 1.0 hectare in size and have a minimum frontage of 90 metres. In addition, the lots shall have sufficient area to build a dwelling, septic system and driveway outside of dense conifer cover on the lot.

5.0 LAND USE DESIGNATIONS

Eight land use designations have been established in order to achieve the objectives of this Plan. It is the intent of this Official Plan that all development within the Municipality occur in accordance with these land use policies. Schedule 'A' map the land use designations and should be read in conjunction with Schedules 'B', 'C' & 'D'.

5.1 URBAN SERVICE AREA

The Powassan Urban Service Area is the largest population centre in the Municipality, with a population of about 1,175 people. In order to continue to build a strong community and provide opportunities for cost effective development standards that minimize land and energy consumption and reduce servicing costs, it is necessary for the sewage treatment system and water supply system to be expanded to accommodate additional growth. The Municipality will seek funding assistance and partnerships with Federal and Provincial governments and the private sector wherever possible to ensure that servicing capacity is available to accommodate new development in the Powassan Urban Service Area.

This section of the Plan provides general policies to guide development in the area where full urban services are available, including opportunities for intensification and revitalization in areas that have sufficient existing or planned infrastructure. Policies here will also provide direction for staging development proposed adjacent to existing serviced areas within the defined Urban Service Area. More specific policies are found in the sections of the Plan dealing with Residential, Downtown, Business Park and Open Space designations.

5.1.1 Full Services

Development within the Urban Service Area will be developed on the basis of full municipal services. The Zoning By-law will specify a minimum lot size depending on the use.

5.1.2 Permitted Uses

A large range of residential, commercial and institutional uses shall be permitted in the Urban Service Area.

Institutional uses including Group homes, crisis centres, and homes for the aged are also permitted within the Urban Service Area. In considering these uses Council shall ensure that the primary residential character of any neighbourhood is maintained and that the impacts associated with a non-residential development are compatible with surrounding land uses.

5.1.3 Housing

A range of housing types and tenures should be developed in the Urban Service Area. Medium density housing in the form of semi-detached, duplex or townhouse dwellings shall be located and designed to have minimal impact on low-density housing. Increased setbacks and buffering will be required for higher density uses.

5.1.4 Lot Creation

The Urban Serviced Area will develop on the basis of full municipal sewage and water services. In considering new development, Council shall be satisfied that there is sufficient capacity in the existing municipal system for the proposed development. New development should occur as infilling by consent or by Plan of Subdivision.

New lots shall only occur on roads that are municipally maintained year round. Wherever possible roads and services should follow a grid system, which is similar to the original lot configuration of the Town in order to provide a variety of routes for pedestrian and vehicular traffic.

5.1.5 Two areas in the Urban Service Area have been identified and set aside for future residential development areas, in anticipation of the further build-out of the Powassan Urban Service Area when the demand for new fully-serviced urban development lots is realized. It is not anticipated that either of these two areas will be developed throughout out the lifetime of this Plan, as opportunities for intensification and the existence of an abundance of vacant lots will more than adequately meet anticipated housing needs.

New development in either of these two areas should not take place until there is a demonstrated need within the municipality for additional lands for residential development. When need has been determined, new development should take place in a comprehensive manner which considers traffic, stormwater management, and the efficient use of municipal and community services, among other matters. Development of compact urban forms will be encouraged.

Development will also proceed in a logical manner, and may be phased if necessary. The inefficient and uneconomical extension of municipal services will be discouraged.

Existing uses in these areas are permitted to continue.

5.2 TROUT CREEK SETTLEMENT AREA

The Former Town of Trout Creek is an historic settlement node that has developed along Trout Creek. This Plan encourages a revitalization of the community through infilling of residential opportunities and through the development of commercial uses that support the community and surrounding seasonal and rural uses. The Trout Creek Settlement Area will develop according to the following policies:

5.2.1 Permitted Uses

A large range of residential, commercial, institutional and open space uses shall be permitted in the Trout Creek Settlement Area.

5.2.2 Servicing

The Trout Creek Settlement Area will develop on the basis of private sewage and water services. In considering applications to permit new uses, Council shall be satisfied that the proposed use will not adversely affect adjacent private sewage or water systems.

Where five or more lots are proposed to be created, the application for land division shall be accompanied by a Servicing Options Report which describes the feasibility of using municipal sewage and water services, communal sewage and water services or private sewage and water services. Should it be feasible to use municipal or communal services, the development should be considered on the basis of that form of servicing.

New development shall only occur on roads that are municipally maintained year round.

Areas where extraction has occurred within the Trout Creek Settlement Area will be rehabilitated as a condition of redevelopment.

5.2.3 Lot Creation

Residential development shall occur primarily as infilling by consent or Plan of Subdivision within the settlement area of Trout Creek. While lot sizes are encouraged to be in keeping with the size of surrounding existing lots, lots which propose to use on-site services must be sufficiently sized to minimize the potential for both on- and off-site contamination from sewage disposal run-off. To determine the appropriate size for development lots, hydrogeological investigations will be necessary for new lots being created through the consent or subdivision processes. In some cases, it may be necessary to merge existing lots of record to achieve necessary minimum sizes for new development proposals. Where new development is proposed, the Zoning By-law will need to be amended to establish appropriate minimum lot sizes based on the findings of hydrogeological investigations. Hydrogeological investigations will be carried out

by qualified professionals and may be subject to peer review as determined by the approval authority, with any additional costs borne by the developer.

5.3 RESIDENTIAL

The Powassan Residential Area and Trout Creek Residential Area are intended to provide for stable residential development, which will encourage continuous improvements in property standards and housing conditions. This Plan encourages the maintenance and enhancement of the Residential Areas while providing for growth that is compatible with the existing residential development.

5.3.1 Permitted Uses

A mix of residential uses is encouraged within the Residential Area in both the Urban Serviced and Settlement Areas. A range of housing types and tenures should be developed to meet the needs of present and future inhabitants, while being compatible in scale and density with the existing residential uses.

5.3.2 Housing Form

5.3.2.1 New housing should reflect a range of housing sizes, including smaller affordable units that would be suitable for seniors and smaller families. Where smaller forms of housing and or smaller lots occurs adjacent to older housing on larger lots, the new development should be designed and landscape to be compatible with the character of the surrounding neighbourhood.

5.3.2.2 In considering applications to permit multi-unit residential development, Council shall be satisfied that the proposed density is compatible with existing residential uses and will not adversely affect adjacent private sewage or water systems.

5.3.3 Non-compatible Uses

The Zoning By-law will identify appropriate setbacks between sensitive uses and existing non-compatible uses. Mitigation measures such as setbacks, fences and landscaping may be required to minimize impacts. The By-law will also establish lot size requirements and identify separate zones for low and medium density residential development.

5.3.4 Servicing

In keeping with Policy Sections 4.17 and 5.1.1, prior to approving new residential uses, Council shall be satisfied that the development can be adequately serviced with septic, water, fire protection and utilities. Provisions for storm water management shall be provided on site to ensure that the predevelopment run-off rates are maintained or improved. Council shall also be satisfied that there is safe access to the development area for existing and future traffic.

5.3.5 Home Based Businesses

Small scale home based businesses will be permitted in the Residential Areas but will be limited in size to avoid conflicts with adjacent land uses. The Zoning By-law will specify standards for home based businesses.

5.4 DOWNTOWN DESIGNATION

The Former Town of Powassan Downtown and Trout Creek Downtown service the residents of each Community as well as the surrounding rural area. The Downtown should develop as a center for institutional, medical, business and retail services and facilities, in the Municipality, over the lifetime of this Plan. This Plan encourages the maintenance and enhancement of the Downtown while providing for change and adaptation to the changing demands.

5.4.1 Permitted Uses

A wide range of commercial, institutional and residential uses shall be encouraged within the Downtown Designation. These uses can occur as a single use in a single building or as mixed uses within a building.

Small scale commercial uses that service the Community are encouraged to locate in the Downtown designation. New commercial uses may be established through redevelopment of existing residential uses.

Commercial uses should develop on the ground level. Residential uses, including special need uses and multi-unit residences will be encouraged to located on the upper floors provided that adequate access and parking can be provided.

5.4.2 Façade Treatment

New buildings and buildings undergoing significant renovations should be designed in harmony with each other in order to develop an attractive commercial area. The use of natural exterior materials such as wood and stone will be encouraged. The Zoning By-law will provide reduced requirements for parking in the Downtown Areas. Wherever possible adjacent parking areas should be joined internally. Facilities for safe and convenient pedestrian access shall also be provided.

5.5 HIGHWAY COMMERCIAL DESIGNATION

The Highway Commercial Designation provides lands for the development of commercial uses that cater primarily to tourists and the traveling public.

5.5.1 Permitted Uses

Permitted uses in this area include gas stations, automotive and marine related sales and services, food services and accommodation facilities. Infilling of these uses within the Highway Commercial Designation is encouraged. Limited light industrial development that is compatible with commercial uses shall also be permitted.

These uses shall provide access and parking area suited to accommodate a large seasonal population and shall be designed as an attractive entrance feature to the Downtown Areas.

Accessory residential uses, small scale commercial uses and business uses related to professional or personal services will be encouraged to locate in the Residential and Downtown areas rather than in the Highway Commercial Designation.

5.5.2 Servicing

In the Powassan Urban Service Area, new development within the Highway Commercial Designation shall be on the basis of full municipal services.

Outside of the Powassan Urban Service Area, applications for new development proposals will be in keeping with Section 4.17 of this Plan. Where new development will likely generate more than 10,000 litres of waste water per day, the application will be supported by a servicing options report and hydrogeological investigation, prepared by a qualified professional, to determine the most appropriate form of sewage disposal and appropriate lot size for the development.

Where private services are determined to be appropriate for new uses outside of the Powassan Urban Service Area, the approval authority shall ensure that lots are sufficiently sized to minimize the potential for both on- and off-site contamination from sewage disposal run-off.”

5.5.3 Access

Commercial uses shall have internal links between parking areas wherever possible. Access from Highway 11 shall be restricted to the existing accesses and shall meet the requirements of the Ministry of Transportation.

As development occurs in the Highway Commercial designation, provision should be made for the development of a service road parallel to Highway 11.

5.5.4 Site Plan Approval

When considering applications for development Council will review signage, landscaping, lighting and building massing as part of the Site Plan Approval process.

5.6 BUSINESS PARK

The Business Park Designation includes lands for large scale commercial and industrial. development. Future economic development opportunities in the Municipality will be focused in this area.

5.6.1 Permitted Uses

Permitted uses in the Business Park Area include building contractor's yards, lumber yards, auto repair shops, transport terminals, processing and fabrication plants. Small scale retail uses shall be permitted to provide retail outlets for goods produced on site. Commercial uses in the Business Park Area may also include restaurants and service related commercial uses and large scale commercial uses that rely on tourist traffic and highway access or provide goods and services to the traveling public and population at a regional scale.

5.6.2 Servicing

Within the Powassan Urban Service Area, all uses shall be on municipal sewage and water services.

Due to servicing constraints in the Trout Creek settlement area, applications for new development proposals will be in keeping with Section 4.17 of this Plan. New industrial development will be limited to dry industrial uses only. Dry industrial uses are those industrial uses which do not use process water in industrial processes and which generate only waste water from employee uses on site.

Where private services are determined to be appropriate for new uses in the Trout Creek Settlement Area, the approval authority shall ensure that lots are sufficiently sized to minimize the potential for both on- and off-site contamination from sewage disposal run-off.

5.6.3 Stormwater Management

Where development would result in a significant increase in stormwater run-off, the Municipality shall require the proponent to complete stormwater management studies and works that will ensure that off-site surface water quality and quantity is not adversely impacted by the development.

5.6.4 Access

Wherever possible, access to Highways 11 will be minimized. Adjacent uses shall have interconnecting parking and loading areas located at the rear of buildings. Access onto Provincial highways must meet the requirements of the Ministry of Transportation.

5.6.5 Compatible Uses

All new uses in the Business Park designation will be considered in keeping with Section 4.14.3 of this Plan. Further, industrial uses shall screen areas of open storage from view and shall be compatible with adjacent land uses. This may require site plan control agreements with the Municipality.

5.7 RURAL AREA

Rural Areas include a variety of agricultural, residential, industrial and open space uses. Over the lifetime of this Plan, the Rural Area will experience limited growth and maintain its natural environment and rural character.

5.7.1 Permitted Uses

Permitted uses in the Rural Areas include low density residential uses, tourist establishments, open space, resource management activities and agricultural uses. Small scale commercial and dry industrial uses servicing the rural community shall be permitted, provided that those uses are in keeping with Section 4.14.3 of this Plan and are compatible with surrounding uses. Resource extraction, pits and quarries, may be permitted on prime agricultural lands provided that the site is rehabilitated and the soil quality is restored.

5.7.2 Servicing

New residential lots will be of a size which is appropriate to sustain private sewage and water systems which will have no on- or off-site impacts. To determine the appropriate size for development lots, hydrogeological investigations may be necessary to demonstrate the appropriateness of the development proposal. Outside of existing residential clusters, hydrogeological investigations will be required for new lots which are proposed to be smaller than 1 hectare. Hydrogeological investigations will be carried out by qualified professionals and may be subject to peer review as determined by the approval authority, with any additional costs borne by the developer.

Small scale commercial and dry industrial uses will be limited to uses which do not use process water in industrial processes and which generate only waste water from employee uses on site.”

5.7.3 New Lots

- i) New lots developed for residential purposes will be limited as follows:
 - a) a maximum of two lots from any parcel of land that existed on January 1, 1996; or
 - b) infilling where the proposed lot would be located within an area where six or more residential dwellings exist within 400 metres of each other measured along a municipal roadway.

- ii) The total number of lots created in Rural area should not exceed 15 per year;
- iii) New residential lots may only be created on municipal roads maintained year round in areas where the Municipality and School Boards are presently providing services; and,
- iv) The density of development in any residential cluster where development is permitted under section 5.7.3 (i)(b) above, shall not be less than 1.0 unit per hectare
- v) In addition, new lots may be created for seasonal residential purposes on the lakes in the Municipality subject to satisfying the general development policies in section 4 and the land division policies in Section 8 of this Plan.

5.7.4 Agricultural Areas

The protection and enhancement of agricultural areas and lands exhibiting ongoing agricultural activity shall be encouraged. Development shall not be located in areas that would adversely affect existing agricultural operations. When considering development proposals in the vicinity of agricultural uses, the Minimum Distance Separation formulae as developed by the Province will be used. The Zoning By-law will implement the Minimum Distance Separation requirements.

Non-agricultural development of Agricultural lands shall only occur where the following criteria have been satisfied:

- i) the lands have not been used for agricultural purposes for the past 10 years;
- ii) the lands do not contain farm buildings that are in good condition;
- iii) new dwellings and non agricultural development comply with the Minimum Distance Separation Formulae;
- iv) the development will not adversely affect neighbouring farming operations; and,
- v) the least productive portion of the lands are proposed for development.

5.8 OPEN SPACE DESIGNATION

Lands within the Open Space Designation are those lands in the Municipality with recreational capabilities, significant natural feature values and areas that are not physically suited for development. These lands include wetlands, steep slopes, wildlife and fish habitat, organic soils, flood plains, life or earth science areas. These areas are identified on Schedule B. The Open Space designation also includes recreational lands and community facilities.

5.8.1 Permitted Uses

Permitted uses in the Open Space Designation include conservation, forestry, wildlife areas, fishery resource management, existing agricultural activities, parks, snowmobile trails, hiking trails and other passive recreation, and resource management activities that do not require alteration to the existing land or vegetation.

5.8.2 Alternative Lands

There is sufficient land designated for development in the Municipality of Powassan without requiring environmentally sensitive lands to be altered from their present state. Any proposal to develop lands identified on Schedule B as having natural feature values or as an area not physically suited for development shall require justification based on land use requirements, location requirements and environmental impact.

No buildings or structures shall be permitted in any area Open Space designation. An exception to this may occur where such buildings, structures or fill are to be used in flood or erosion control and have been approved by Council. Development shall generally be prohibited in these areas without an amendment to this Plan. Development of lands having existing recreational facilities may be permitted without amendment to this Plan.

5.8.3 Trail System

Council will encourage the development of a contiguous parkland and trail system through the Municipality.

5.8.4 Non-Conforming Uses

The expansion of existing non-conforming uses located within areas designated, as Open Space shall generally not be permitted. However, Council may consider allowing expansion or replacement of buildings or structures if it is demonstrated that this would not result in adverse environmental impacts. In such circumstances, Council may require an Environmental Impact Assessment prepared by a qualified biologist recommending mitigation measures to be undertaken to preclude adverse environmental impacts.

5.8.5 Mapping

Where there is doubt that the Open Space mapping on Schedule A and environmental features mapping on Schedule B adequately reflects the hazard or environmental feature, an applicant for new development may be required to obtain a detailed engineering or environmental study to more accurately determine the extent of the area. Such a study must be acceptable to Council. Where such studies result in changes to mapping, an Official Plan Amendment may not be required.

6.0 MUNICIPAL SERVICES

The policies of this Section are intended to provide guidance to Council and the public when determining the extent of municipal services that will be provided in the Municipality.

- 6.1 It is the intent of this Plan to maintain the current level of service. It is a policy of this Plan to provide adequate servicing while recognizing the Municipality's financial constraints.
- 6.2 Development will be encouraged to make efficient use of the water and sewage treatment systems in the Urban Service Area.
- 6.3 Development based on communal services will require an amendment to this Plan. Such an amendment shall be supported by engineering and economic studies that satisfy Council that the costs and of communal services can be supported by the development utilizing the services and that potential municipal liabilities have been adequately assessed.
- 6.4 Development shall not be permitted where there is a potential for that development to adversely impact private wells or the municipal water supply. In considering any development proposal, Council may require the proponent to provide confirmation that the development will not adversely affect neighbouring wells.
- 6.5 Private individual septic tank and tile field systems are the primary means of sewage disposal outside the Urban Service Area.
- 6.6 Any development proposed within 500 metres of an existing or former solid waste disposal site or contaminated site shall only be permitted after the proponent has satisfied the Municipality that there have been no adverse impacts from the site on the lands and groundwater that would be utilized for the proposed development.
- 6.7 The Municipality will monitor the impact of future development in Trout Creek on the sustainability of the ground water supply in that community. Care will be taken to ensure that municipal services are not required to ensure that the water supply is potable and continues to be available to existing residents and businesses.

7.0 TRANSPORTATION & UTILITIES

The policies of this section outline the requirements of the planned road network for the Municipality and provide policies for future development of the transportation system.

7.1 Provincial Highways

New land uses and access onto Provincial Highways 11, 522 and 534 will require approval from the Ministry of Transportation and will be subject to the Ministry's geometric standards and minimum spacing requirements for entry permits.

7.2 Municipal Roads

Schedule B shows roads that are maintained on a permanent or seasonal basis. It is not a policy of Council to maintain those roads that are not presently maintained municipal roads, nor will they be assumed by the Municipality.

Where the Municipality maintains roadways on a seasonal basis, only uses which are occupied during the season which the municipal road is maintained will be permitted.

Hunt camps and fishing camps may be used where the access is over an unmaintained road allowance. Council may permit this form of development where the owner enters into an agreement and acknowledges that the municipality assumes no liability to provide services to the development.

The Municipality will not expand the level of service on any municipal road unless the development resulting from that increased level of service off-sets the cost of increasing the service level or provides a public benefit such as improved emergency service delivery.

New permanent development shall only be permitted where there is frontage and adequate access onto a year round maintained municipal roadway.

7.3 Local Roads

Local roads shall be constructed on a 20 metre road allowance. These roads should be logical extensions of existing streets and wherever possible, utilize a grid design.

Where an existing road does not have a 20 metre right-of-way, the Municipality may acquire lands adjacent to the roadway to provide for a wider right-of-way as a condition of consent, plan of subdivision or site plan approval.

Where development is proposed on a roadway that is not currently built to municipal standards, the Municipality will require the roadway to be improved to a standard approved by Council, as a condition of development approval. Development will only occur if the roadway has already been assumed by the Municipality, or will be assumed by the Municipality prior to the finalization of the development proposal. Development where access is proposed on roads which are not municipally owned and maintained shall not be permitted.

7.4 Snowmobile Routes

Snowmobile routes and recreational trails form an important component of the Municipality's transportation system. The location of these routes may change from time to time. The Municipality will encourage the preservation and expansion of routes and trails.

7.5 Rail Lines

The Municipality will encourage continued use of rail lines. Rail lines are shown on Schedule C. When considering applications for development, Council shall ensure that future development does not impede the continued viability of the rail line. Development that requires the construction of a rail crossing or increases the quantity of traffic over the rail line will be considered having regard for the safety of the crossing. As a condition of development approval, Council may require a rail crossing to be funded by the developer.

Outside of the Powassan Urban Service Area and the Trout Creek Settlement Area, development in proximity to rail lines will be in keeping with policies found in Section 4.14.7 of this Plan.

Development proposals within 75 metres of rail lines throughout the Municipality may be required to undertake vibration studies to the satisfaction of the Municipality in consultation with the appropriate railway. Mitigative measures identified in the vibration study will be implemented through conditions of development approval.

All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Municipality in consultation with the appropriate railway.

7.6 Utility Corridors

All development in the Municipality shall recognize the importance of the high pressure natural gas pipelines and hydro transmission lines identified on Schedules A & C to this Plan. Any development within 200 metres of a utility corridor may affect the safety and integrity of the line. The Municipality shall require early consultation with TransCanada for any development proposed within 200 metres of a gas pipeline.

A setback of 10 metres shall be maintained from the limits of the utility right-of-way for all permanent structures and excavations. In the case of a natural gas pipeline, a reduction in the 10 metre setback will only be considered if it can be demonstrated to the satisfaction of the pipeline corporation, that it will not compromise the safety and integrity of the pipeline and if all necessary municipal approvals are obtained.

Activities on or within 30 metres of the TransCanada pipeline such as excavations, blastings and any movement of heavy equipment requires approval from the National Energy Board.

Within the Urban Service Area and the Trout Creek Residential Area, the Municipality will encourage the development of TransCanada's right-of-way for passive parkland or open space purposes subject to TransCanada's easement rights.

7.7 Communication Towers

While recognizing the authority of the Federal government with respect to communication facilities, Council will require public consultation and consideration of the visual impacts of communication towers prior to such facilities being located in the Municipality. Communication towers should avoid locations that are visually prominent or that have historic or cultural significance.

8.0 LAND DIVISION

8.1 Severances

Applications for land division through the consent process shall only be considered if the proposal is minor in nature, does not result in unnecessary expansion of the present level of municipal services and is in compliance with the Objectives and General Development policies of this Plan.

8.1.1 Criteria

Every severance application received by Council and Planning Board for the purpose of creating a new lot shall meet the following criteria:

- i) a registered plan of subdivision is not necessary for the orderly development of the lands;
- ii) the lot size and setback requirements will satisfy specific requirements of this Plan and meet the implementing zoning by-law requirements;
- iii) the proposed lot must front on a publicly maintained road;
- iv) lots for hunt camps, fishing camps or similar uses may be permitted in keeping with policies 7.2 and 7.3 of this Plan;
- v) the lot must have road access in a location where traffic hazards such as obstructions to sight lines, curves or grades are avoided;
- vi) the lot size, soil and drainage conditions must allow for an adequate building site and to allow for the provision of an adequate means of sewage disposal and water supply, which meets the requirements of the Building Code. New lots in Rural areas shall have a minimum lot size of 1.0 ha or be in keeping with policy 5.7.3 iv) of this Plan; . Smaller lots may be considered subject to the applicant providing a hydrogeological study to the satisfaction of Council demonstrating that the smaller lot is sustainable;
- vii) any lot for permanent residential use shall be located on a year round maintained municipal road or Provincial highway;
- viii) the creation of any lot will not have the effect of preventing access to or land locking any other parcel of land.

- ix) any lot created by severance in the vicinity of livestock operations shall meet the Minimum Distance Separation formulae.

8.1.2 Technical Consents

Notwithstanding the policies of this section, consents may be granted for the following technical purposes, provided that the retained and severed portions conform with the Zoning By-law:

- i) boundary corrections or adjustments;
- ii) lot enlargements;
- iii) re-creation of original 40 ha (100 acre lots)
- iv) discharge of mortgage;
- v) road widening and road allowances; and
- vi) easements.

8.1.3 Aggregate Areas

Land division applications proposed for uses other than mineral extraction in and adjacent to areas identified as Bedrock Resources and/or Primary Sand and Gravel Resources shall be in keeping with Section 4.1.1 of this Plan.

8.1.4 Open Space Areas and Hazard Lands

Consents shall not be permitted in areas designated as Open Space or in any area that could be unsafe as a result of naturally occurring or man-made hazards.

Consent may be granted for the creation of a lot that encompasses lands designated Open Space, provided that there are sufficient lands not designated Open Space for the purpose for which the lot is being proposed.

8.2 Subdivisions and Condominiums

8.2.1 Where four or more lots or units in a vacant land condominium are created on a single parcel of land existing as of the date of this Plan, a plan of Subdivision or Vacant Land Condominium shall generally be required. Exceptions to this policy may be considered where there are no residual lands resulting from the development, and there is no need to extend municipal services.

8.2.2 In considering a proposed plan of subdivision or vacant land condominium, Council shall ensure that all costs associated with the development of the land are borne by the developer.

8.2.3 All roads within a plan of subdivision shall be constructed to Municipal standard and shall be dedicated to the Municipality. Subdivisions for permanent residential purposes within the Urban Service Area and Trout Creek Settlement Area shall have hard surfaces. Road standards for land-based condominium developments may be less than those required for municipal roads.

8.2.4 Prior to considering a plan of subdivision or condominium, the appropriate approval authority shall require the applicant to submit professional reports addressing the Development Criteria in Section 4 of this Plan.

8.3 Parkland Dedication

8.3.1 The minimum parkland dedication as part of a plan of subdivision or consent shall not include lands which are unsuitable for parkland development.

8.3.2 Where possible, parkland shall be taken on lands adjacent to a water course or existing recreational features such as trails or facilities.

8.3.3 Where the Municipality takes cash in lieu of parkland, the Municipality shall base the amount of cash taken on 5 per cent of the value of the land immediately prior to draft plan approval. Alternatively, the Municipality may pass a by-law to establish standard parkland dedication fees that represent a reasonable estimate of 5 per cent of the value of certain lands prior to the date of draft approval.

9.0 COMMUNITY IMPROVEMENT

9.1 Community Improvement Policies

These policies are intended to provide a basis and mechanism for the Municipality to utilize the provisions of Section 28 of the Planning Act to encourage the development, redevelopment, revitalization and renewal of the communities of Powassan and Trout Creek. These policies provide a basis for the Municipality to enter into agreements with the private and public sector to create partnerships in the enhancement of the community.

Council will undertake Community Improvements in order to implement the policies of this Plan as municipal finances and other sources of funding permit. Wherever possible the Municipality shall seek funding from senior government sources and other partnerships to assist in community improvement programs.

9.2 Community Improvement Areas

The Powassan Urban Area and the Trout Creek Settlement Area as shown on Schedules C and D shall be defined as Community Improvement Areas.

9.3 Community Improvement Projects

Community Improvement projects shall include but not be limited to:

- i) The development of a municipal wide recreational trail and parks system with an emphasis on the waterways area;
- ii) Improvements to sidewalks and road surfaces to enable safe and comfortable travel by pedestrians, bicycles and vehicles;
- iii) Improvements to the water system to provide for sufficient fire flows;
- iv) Completing a comprehensive storm water management program, and
- v) Encouraging residents, business owners and service groups to participate in tree planting and street beautification programs and improvements to private buildings and properties.

9.4 Community Improvement Incentives

In order to encourage improvements to private and public lands, the Municipality may offer the following incentives to private landowners:

- i) reduction or elimination of planning or building application fees;
- ii) increased densities for residential development;
- iii) reduction of property taxes for a time period that reflects the land owner's contribution to public infrastructure or parkland; and
- iv) providing specific grants to property owners to improve the appearance of private lands and buildings.

Specific incentives will be approved by a Community Improvement Plan adopted by Council.

10.0 IMPLEMENTATION

The following policies are intended to provide direction for the decisions of Council, for the use of By-laws, Regulations, Site Plan Control and Development Agreements that will implement policies outlined in this Plan.

10.1 ZONING BY-LAW

This Plan will be implemented through a new comprehensive Zoning By-law adopted under Section 34 of the Planning Act. The implementing By-law shall implement the policies of this Plan.

10.1.1 Non-Conforming Uses

Legally existing uses that do not comply with the Land Use designations outlined in this Plan may be zoned to permit the continuation of the use and may provide for limited expansion provided that the development policies of this Plan are met.

Where a non-conforming use changes, the new use shall be in keeping with the intent of this Plan.

10.1.2 Temporary Uses

Council may pass a By-law pursuant to section 39 of the Planning Act to allow the temporary use of lands that do not comply with the Land Use designations in this Plan provided that:

- i) the objectives of this Plan are met;
- ii) the temporary use does not require major capital investment or alteration to the existing landscape;
- iii) the proposed use is compatible with surrounding land uses;
- iv) the proposed use does not require the extension of municipal services;
- v) the developer has entered into an agreement with the Municipality specifying the conditions under which the use may be permitted; and,
- vi) the By-law shall specify a maximum time period for which the use may be permitted.

Council may also pass a By-law to allow the temporary use of lands for a garden suite or accessory apartment where the owner enters into an agreement with the Municipality to ensure that the use is temporary, portable and that the servicing can be accommodated on the lot.

10.1.3 Holding Provisions

Council may utilize Holding provisions as provided for under Section 36 of the Planning Act in order to establish zoning provisions prior to completing technical,

administrative, or financial aspects of the development. Where Council uses a Holding provision, the use of land may be restricted to existing uses until one or more of the following conditions have been fulfilled:

- i) a Site Plan Agreement or Subdivision Agreement as may be required has been completed between the Municipality and the developer;
- ii) all engineering plans and approvals for sewage and water services have been completed;
- iii) the financial requirements of the Municipality have been satisfied; and
- iv) a record of site conditions has been completed to the satisfaction of the Ministry of Environment.

10.2 SITE PLAN CONTROL

The Municipality may utilize Site Plan Control to ensure that development in the Municipality is attractive and compatible with adjacent uses and the environment. Site Plan Control may be applied to all commercial, mineral resource extractive and industrial development in the Municipality. The entire Municipality shall be designated as a Site Plan Control Area.

Where residential development is proposed within or adjacent to the deer concentration area or wilderness reserve or adjacent to an identified natural heritage feature such as a wetland or significant habitat area Council may use site plan control to ensure that the development proceeds in a manner that would have the least impact possible on these natural features.

Council may delegate Site Plan Approval to municipal staff in order to ensure that the process does not create undue delay or additional costs in the development process.

10.3 PUBLIC MEETINGS

Council shall hold public meetings for planning applications in accordance with the requirements of the Planning Act. However, Council may eliminate the requirement for public Notice of a meeting for a minor Official Plan Amendment or Zoning By-law Amendment which:

- i) changes section numbers or the order of text but does not add or delete sections;
- ii) consolidates amendments, which have previously been approved;
- iii) corrects typographic, grammatical or mapping errors which do not affect the intent or application of the policies or provisions of this Plan; or
- iv) rewords policies or re-illustrates mapping for the purpose of clarification only without changing the intent or purpose of the policies or mapping.

10.4 MONITORING

Following adoption of this Plan, the Clerk shall prepare an annual report outlining how the Plan is being implemented. This report shall include:

- i) the number of lots created in each designation and the proportion of lots created in the Urban Service Area in relation to the Rural Area;
- ii) the number of building permits issued for residential, industrial and commercial buildings;
- iii) a summary of applications for rezoning and amendments to this Plan; and
- iv) an assessment of the remaining capacity in the sewage treatment plant and water supply system.

10.5 TECHNICAL REPORTS

Where this Plan requires that technical reports be completed in support of any development proposal, those reports shall be completed by a qualified professional approved by the Municipality. The Municipality may retain independent experts to review technical reports submitted in support of any application. The costs of the expert reports shall be paid by the developer.

10.6 PLAN REVIEW

Following approval of this Plan by the Ministry of Municipal Affairs and Housing, the basis, objectives and policies of the Plan shall be reviewed at least once every five years at a meeting of Council. Should economic or social changes occur which necessitate an earlier review, or should the monitoring of the Plan identify areas that need further consideration, Council may direct such a review to be undertaken.

10.7 AMENDMENTS TO THE PLAN

An amendment to any and all Schedules or the text of this Plan is required to permit the establishment of uses other than those permitted in this Plan. In considering an amendment to any and all Schedules with a view of designating additional areas for a particular use or changing the designated uses of a particular area, or changing the policies of this Plan, Council shall have regard to the following criteria:

- i) the need for the proposed use;
- ii) the extent to which the existing areas which are designated for the use are developed, and the nature and adequacy of such existing development;
- iii) the physical suitability of the lands for such proposed use;
- iv) the comments of any affected agency that has been consulted with respect to the application; and
- v) the location of the areas under consideration with respect to:
- vi) the adequacy of the existing and proposed roadway system;
- vii) the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety;
- viii) the adequacy of the water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports which Council shall request from the

developer and subject to the approval of the Ministry of the Environment and Energy, the Medical Officer of Health and any other appropriate authority deemed advisable;

- ix) the compatibility of such proposed use with uses in the surrounding area;
- x) the potential effect of the proposed use on the financial position of the Municipality; and
- xi) the impact of the proposed use on the natural environment.

11.0 INTERPRETATION

11.1 LAND USE DESIGNATIONS

It is intended that the boundaries of the Land Use categories shown on Schedule 'A', 'C' or 'D' of this Plan, shall be considered as general only, and are not intended to define the exact limits of such areas except in the case of roads, railways, and other physical barriers that provide definitive boundaries. Minor adjustments may be made to these boundaries for the purpose of any Zoning By-law without necessitating an amendment to this Plan. Other than minor adjustments, no areas or zones, except as provided in this Plan, shall be created that do not conform with this Plan.

11.2 USES

Examples of permitted uses as included in this Plan are intended to illustrate a range of activities in each respective land use designation. Specific uses and related regulations shall be defined for land use designations by the implementing Zoning By-law.

11.3 ACCESSORY USES

Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use shall also be permitted.