



# OFFICIAL PLAN

September 16, 2025

Prepared by:





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## SCHEDULES

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Appendix 1 – Wildland Fire

Schedule A – Land Use

Schedule B1 – Environmental Features

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Schedule D – Powassan Urban Service Area

Schedule E – Trout Creek Area

Schedule F – Powassan Wellhead Protection Area

## 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 \_\_\_\_\_ 2025, 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**

**BYLAW NO. 2025-17**

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Being a Bylaw to adopt the Official Plan for the Municipality of Powassan

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**THE** Council of the Corporation of the Municipality of Powassan in accordance with the provisions of The Planning Act, R.S.O. 1990, Chapter P.13, 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', 'B1', 'B2', 'C', 'D', 'E', and 'F' including Appendix '1' 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Plan by the Minister of Municipal Affairs and Housing, the Official Plan for the Municipality of Powassan is hereby rescinded.
4. THIS Bylaw shall come into force and take effect on the day of passing thereof subject to receiving the approval of the Minister of Municipal Affairs.

**READ a FIRST and SECOND** time and considered **READ a THIRD and FINAL** time and passed as such in open Council this 16<sup>th</sup> day of September 2025 for the immediate wellbeing of the Municipality.



Mayor



Clerk

Certified that the above is a True Copy of Bylaw No. 2025-17 as enacted and passed by the Council of the Corporation of the Municipality of Powassan on the 16<sup>th</sup> day of September, 2025.







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## 1.0 INTRODUCTION

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### 1.1 Community Profile

Located in the Almaguin Highland region of the Canadian Shield the Municipality of Powassan is defined by the beauty of its natural heritage, its relationship to transportation networks and agricultural strength. The current boundaries of the Municipality of Powassan are within the traditional area of the Anishinaabe peoples and are part of the Robinson Huron and Williams Treaties areas. As of the 2021 census, the municipality has a population of 3,346 residents and encompasses an area of approximately 3,346 km<sup>2</sup>, including two settlement areas: the fully serviced former Town of Powassan and the privately serviced settlement area of Trout Creek.

Both the Town of Powassan and Trout Creek were founded with sawmills and dams forming their historic cores. The name "Powassan" finds its roots from the Ojibway word meaning "bend, or bend in the river" as the original community was located near South River at what is now Bingham Chute. As rail construction moved north towards Powassan the community relocated eastwards, away from Bingham Chute towards the new rail line and the prosperity it promised. To the south, Trout Creek was founded where the newly constructed Northern and Pacific Junction Railway line intersected with the Trout Creek and lumber industry it sustained.

Over the course of the 20<sup>th</sup> century, new north/south transportation links connecting Southern Ontario with Northern Ontario emerged and grew in importance. Highway 11 emerged as one of the principal north-south provincial corridors, bisecting the Municipality and connecting both Trout Creek and Powassan.

In the late 1990s, the province moved forward with a decision to twin Highway 11 to improve connections between urban centres in the north with ones in the south. As a result of this construction, both communities have experienced a long-term decline in the commercial viability of main street businesses that were associated with the highway traffic.

Today, the Municipality of Powassan is emerging from this period with an ability to harness emerging trends of remote work, more attention to work/life balance and a growing interest in outdoor recreation. With its access to an extensive recreational trail network, proximity to Algonquin Park, opportunities for hunting and fishing and stunning rivers and lakes the Municipality offers both residents and

visitors a high quality of rural life while offering rapid connections to nearby major urban centres.

## **1.2 Intent**

This plan seeks to identify opportunities for new growth in rural areas of the municipality while protecting identified agricultural areas. It also will support urban service areas to adapt to limited growth conditions while creating new transportation linkages and improving urban design.

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 to provide sustainability and allow for its continued enjoyment.

This new Official Plan is an update to the 2003 Official Plan. The updated plan provides new policies and direction to assist the Municipality in meeting the rules and regulations set out by the Province of Ontario and various Ministries. This Plan establishes policies that will be considered throughout the development approval process and when considering public works and other municipal services and is informed by the following policies:

## **1.3 Title and Components**

The text of this Plan, Schedules 'A', 'B', 'C', 'D' and 'E' as well as Appendix '1' shall constitute the Official Plan for the Municipality of Powassan.

This Official Plan and its implementing Zoning By-law will replace the existing regulatory framework to guide future land use decisions in the Municipality.

## **1.4 Provincial Policy**

In preparing this Plan, regard has been had for Section 2 of the Planning Act, and the Provincial Policy Statement ("PPS"), issued under Section 3 of the Planning Act. This Plan does not replicate the wording of that document. However, it is consistent with the policies of the PPS as they relate to the Municipality of Powassan.

This Plan has also had regard to the relevant provisions of the Growth Plan for Northern Ontario.

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## 2.0 BASIS

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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, to accommodate growth in the community, improvements to the sewage treatment 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. Since the last census the Powassan Urban Area has experienced a population decline of 7.6% from 1,343 (2016) to 1,241 (2021). The population decline is a concern for the community and this Plan offers a number of tools to encourage new economic and population growth.

Core to the long-term economic health of the Municipality and its residents, is that new development should be encouraged to locate appropriately within the fully serviced Powassan Urban Service Area, so as to take advantage of existing hard and soft services as they best align with the goals of the Strategic Asset Management Plan

In recent years, the pandemic has contributed to accelerated technological transformations that allow an increasing number of individuals to work and live remotely. As a result, the Municipality has experienced an increased interest in surrounding rural severances outside of the designated urban areas. This plan seeks to facilitate additional rural severances, where appropriate, and in a manner that protects future residents from the increasing risk of natural hazards.

The natural beauty of the Municipality of Powassan is a draw for residents and tourists alike, but the area is under increasing stress because of climate change. The Municipality is susceptible to the effects of climate change from increased variability of temperature and precipitation, leading to a higher risk of flooding and fires. This plan will provide the Municipality and its residents with tools to take proactive steps to mitigate and adapt to the increasing threat of climate change.

In the face of the risks associated with climate change and municipal fiscal responsibility, the Municipality has developed an Asset Management Plan to guide

future investment. These principles provide for a forward-looking community-focused approach that is fiscally prudent and prioritizes sustainable economic development while respecting and maintaining ecological and biological diversity. The principles of the Asset Management Plan have been integrated into this plan.

- 2.2 This Plan designates sufficient lands to meet the residential and commercial growth 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 Powassan Urban Service Area, the Trout Creek Settlement Area will remain as a privately serviced area.
- 2.4 There are waterfront sites that front onto rivers, streams and larger bodies of water throughout the Municipality that could be developed to accommodate additional seasonal/recreational growth.
- 2.5 There are areas of the Municipality of Powassan that contain non-renewable resources including aggregates and tertiary resources. These resources will continue to be important for future use and economic development in the Municipality.
- 2.6 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.
- 2.7 Council shall promote the sustainable economic development of the Municipality by:
  - i) Supporting growth in the permanent and seasonal residential sectors;
  - ii) Supporting the continued development of the Fairview Industrial Park;
  - iii) Providing support for local business and community events;
  - iv) Supporting the development of additional high-visibility commercial and industrial opportunities along Highway 11, consistent with MTO requirements;
  - v) Pursuing and Promoting new Business Opportunities throughout the Municipality; and

- vi) Developing recreation and leisure opportunities.
- 2.8** Council shall preserve agricultural lands, protect ongoing agricultural operations and encouragement of on-farm diversified uses as they are important to the economy of the area and the well-being of its residents.
- 2.9** New tourism development that is compatible with the environment and surrounding land uses are to be encouraged as a means of improving employment opportunities within the Municipality and supporting the economic well-being of the residents.

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## 3.0 OBJECTIVES

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This section of the Plan establishes the principles 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. If 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 a full range of housing options, including affordability needs, by encouraging, permitting and facilitating;
  - i) a variety of housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
  - ii) all types of residential intensification, including the conversion of existing commercial and institutional buildings for residential use, development and introduction of new housing options within previously developed areas, and redevelopment which results in a net increase in residential and additional/secondary residential units.
- 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. Rural severances are to be permitted where it will not negatively affect the rural character of the community or impact agricultural viability.
- 3.4 To ensure that natural resource activities, including agriculture, 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 on private services 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.
- 3.10 To establish a level of service in the Municipality that recognizes the limited financial resources of the community.

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## **4.0 GENERAL DEVELOPMENT POLICIES**

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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, Primary Sand and Gravel Resources and Tertiary Resources on Schedule 'B2'. These areas shall be protected for long-term use for resource extraction, except when they are located within a settlement area or an area that would normally include sensitive land uses (e.g. seasonal residential uses along lakes and rivers, etc.). 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 that 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 for existing residential uses 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.

4.1.2 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 new or expanded extractive activities Council will require:

- i) a feasibility study and financial impact statement;
- ii) the submission of an environmental impact study;
- 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) that applicants consider the requirements of the Ministry of Natural Resources and Forestry under the Aggregate Resources 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 shall consider the Ministry of Environment, Conservation and Parks Guideline D-6, "Compatibility between Industrial Facilities" in determining the minimum separation distance separation of a Class III industrial facility as set out in applicable Sections.

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 affected by 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, odor or other contaminants on the proposed development from the existing mineral resource operation. The appropriate approval authority will consider the Ministry of Environment Guideline D-6, "Compatibility between Industrial Facilities" in determining the minimum separation distance separation of a Class III industrial facility as set out in the applicable Sections.

- 4.1.6 Best-practice rehabilitation to accommodate subsequent land uses will be required for new or expanding mineral resource operations. The implementation of best-practice rehabilitation requirements will be considered by the Municipality at the time an application is made under the Planning Act.
- 4.1.7 For development applications within 1000 metres of an Abandoned Mines Information System (AMIS) site, it is required that Northern Development and Mines be contacted for an assessment of the AMIS features.

## 4.2 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.

### **4.3 Agricultural Uses**

- 4.3.1 All agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices shall be used in accordance with appropriate rural zoning.
- 4.3.2 Any development occurring in the vicinity of livestock operations and new or expanding livestock operations shall meet the requirements of the Minimum Distance Separation (MDS) Formulae. The MDS formulae will be incorporated into the Municipality's comprehensive Zoning By-law.
- 4.3.3 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.
- 4.3.4 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.
- 4.3.5 As a condition of approval for non-agricultural land uses in areas formerly used for agricultural purposes Council may require proof that groundwater meets Provincial guidelines for potable drinking water.

## 4.4 Archaeological Resources

- 4.4.1 To protect areas of archaeological potential a 300-metre development buffer zone shall be established from any water source.
- i) If new development is proposed within the 30-metre buffer zone and the area has been previously developed, Council may require the submission of a Stage One Archaeological Assessment.
- 4.4.2 If any development is proposed in proximity to any registered archaeological site, and/or areas of archaeological potential, Council may require the submission of a Stage One Archaeological Study. If there is a likelihood that an archaeological site exists, further studies will be required to determine the nature and extent of the feature.
- 4.4.3 Archaeological assessment reports shall be conducted by a licensed archaeologist in compliance with guidelines set out by the Ministry of Tourism, Culture and Sport. Where assessments identify previously unknown archaeological resources, the Municipality shall archive the information as part of a heritage resource information base.
- 4.4.4 Where archaeological 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.
- 4.4.5 Council shall consult appropriate government agencies, including the Ministry of Tourism, Culture and Sport 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.
- 4.4.6 Council shall consult with Indigenous communities to ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.

## **4.5 Crown Lands**

- 4.5.1** 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.
- 4.5.2** 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.
- 4.5.3** Resource extraction activities on Crown lands are under the jurisdiction of the Province.

## **4.6 Cultural Heritage Resources**

- 4.6.1** The municipality shall use the authority and tools provided by legislation, policies, and programs, including the Ontario Heritage Act, the Planning Act, the Provincial Policy Statement, the Environmental Assessment Act and the Municipal Act;
- 4.6.2** The Municipality shall protect and conserve cultural heritage resources in accordance with applicable legislation and recognized heritage protocols. In this regard, the Municipality:
  - i)** Shall maintain a Register of Cultural Heritage Resources in accordance with the Ontario Heritage Act;
  - ii)** May designate cultural heritage resources, under the Ontario Heritage Act;
  - iii)** May establish heritage conservation districts and adopt heritage conservation district plans for each district;
  - iv)** May establish guidelines on the management of cultural heritage resources under the Ontario Heritage Act;
  - v)** May establish policies and/or urban design guidelines to recognize the importance of an area's cultural heritage context and identity; and
  - vi)** May impose conditions on development, providing for:
    - i)** The provision of easements or covenants for the conservation of cultural heritage resources; and
    - ii)** The implementation of appropriate conservation, restoration, or mitigation measures to ensure the conservation of any affected cultural heritage resources.

- 4.6.3 The Register of Cultural Heritage Resources shall be periodically updated to determine if additional properties warrant inclusion or if additional information is required in respect to the heritage attributes of designated cultural heritage resources including cultural heritage landscapes to conserve cultural heritage resources on an ongoing basis.
- 4.6.4 Development shall be designed to conserve designated cultural heritage resources including cultural heritage landscapes.
- 4.6.5 Development and site alteration adjacent to a property with a protected cultural heritage resource shall ensure that the heritage attributes of that property are conserved.
- 4.6.6 Development shall be encouraged to retain, rehabilitate, and adaptively reuse cultural heritage resources identified on the Register as an integral part of the development in order to maintain and enhance the identity and character of the Municipality.
- 4.6.7 The Municipality may require a Cultural Heritage Impact Assessment or a Cultural Heritage Conservation Plan, prepared by a qualified professional where development is proposed:
- i) Adjacent to, or in the immediate vicinity of, a building, structure or landscape designated or on the register under the Ontario Heritage Act; or
  - ii) Within or adjacent to, or in the immediate vicinity of, a Heritage Conservation District.

#### **4.7 Earth and Life Scientific Areas**

- 4.7.1 The following Earth Science Areas and Life Science Areas have been identified within the Municipality and spanning into adjacent municipalities:
- South River Conservation Reserve; and
  - Graham Hill Earth Science Area.
- 4.7.2 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.

## **4.8 Economic Development**

Employment lands are designated in both Powassan Urban Service Area and Trout Creek Settlement Area and may be permitted in appropriate locations in the Rural areas. Opportunities for additional highway commercial and tourism commercial activities are encouraged throughout the Municipality in appropriate locations.

- 4.8.1 The Municipality is encouraged to prepare an Economic Development Strategic Plan to identify areas of economic growth potential and update this plan as required.
- 4.8.2 The Municipality is encouraged to seek opportunities for collaboration and cost-sharing for economic development with other neighbouring municipalities as well as governmental and non-governmental bodies.

## **4.9 Dark Sky Lighting and Design Policies**

- 4.9.1 Dark sky lighting policies shall be implemented by By-law and will apply to all development, including residential, commercial, industrial and institutional uses, and are implemented primarily through Site Plan Control or other development agreements.
- 4.9.2 New and existing development is encouraged to provide exterior lighting that avoids light trespass and does not impose glare on neighbouring properties. In all cases, lighting must be designed to direct downwards rather than outwards.
- 4.9.3 Exterior lighting shall not interfere with water navigation.
- 4.9.4 The intensity of light on both existing and new development should be reduced where possible to minimize the impact on surrounding properties. Exterior floodlights are not permitted.
- 4.9.5 Full cut-off dark sky compliant lighting will be required for all new development and, where appropriate, redevelopment. Low level lighting is encouraged.
- 4.9.6 In the case of major development, a detailed lighting plan will be required.

## **4.10 Environmental Impact Assessments**

- 4.10.1 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.

4.10.2 Any development that has satisfied the provisions of the Environmental Assessment Act will not require further study to satisfy this policy.

#### **4.11 Environmental Protection**

4.11.1 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.

#### **4.12 Fish Habitat**

4.12.1 Water resources and vegetation abutting watercourses will be maintained in a clean and healthy condition in order to protect aquatic life, habitat, and functions.

4.12.2 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

4.12.3 A Fish Habitat Assessment will not generally be required for inland development provided the setback, vegetation buffer, stormwater management and slope-related policies of this Plan are satisfied and the proposal involves the following:

- i) Single or two-lot severance;
- ii) Construction of a single-detached dwelling and/or accessory buildings on an existing lot;
- iii) Minor site alterations;
- iv) Minor changes in existing land use; or,
- v) Other types of development or site alteration occurring over 100 metres away from the natural features, which will not produce offsite impacts on the feature through servicing requirements or other related activities.

4.12.4 A Fish Habitat Assessment shall generally be required where the development would not meet applicable provincial and federal requirements or exemptions listed in 4.11.3 and where:

- i) Shoreline structures are proposed within identified Unknown or Type 1 Fish Habitat;
- ii) Development is proposed on adjacent lands to identified Unknown or Type 1 Fish Habitat; or,
- iii) Confirmation of the actual location, extent and classification of the fish habitat is requested based on a site inspection of the property.

#### **4.13 Forestry**

4.13.1 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.

4.13.2 The maintenance of forest cover within 30 meters of rivers and stream banks is encouraged. A minimum buffer of 60 meters adjacent to public roadways and areas of high visibility should be left in a natural state.

#### **4.14 Housing Policy**

4.14.1 Council shall work with all available partners to facilitate the construction of a full range of housing options including affordable housing by permitting and facilitating:

- i) All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
- ii) All types of residential intensification, including the conversion of existing commercial and institutional buildings for residential use, development and introduction of new housing options within previously developed areas, and redevelopment which results in a net increase in residential and additional/secondary residential units.

4.14.2 Council shall promote densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of active transportation.

4.14.3 Council may use a Community Improvement Plan (CIP) to incentivize the creation of affordable housing units through the provision of the following incentives:



- i) Fee and permit reductions or exemptions;
- ii) Tax increment equivalent grants and deferrals;
- iii) Other charges and fee reductions and waivers; and
- iv) Grants and loans for specific initiatives.

#### **4.15 Additional Residential Units and Converted Dwellings**

- 4.15.1 Additional Residential Unit (ARU) means a separate, self-contained dwelling unit located within a single detached, semi-detached dwelling or street townhouse dwelling, or within a detached building ancillary to such dwelling, and which is located on the same lot as, and is clearly subordinate to the principal dwelling.
- 4.15.2 The development of additional residential units within the Municipality is encouraged, where appropriate, with the objective of increasing the range and availability of housing options while maintaining the residential character of the dwellings in the area.
- 4.15.3 The general intent is to allow for the establishment of such units in existing and newly developing residential areas, subject to complying with applicable zone provisions and development standards, where the Municipality has deemed it to be appropriate based on such considerations as the location, parking, nature and character of existing development, existing level and capacity of municipal or private services and presence of natural hazards and/or other constraints (e.g. fire safety, etc.).
- 4.15.4 To this end, the Municipality shall establish the appropriate zones and zoning provisions to permit the establishment of up to three additional residential unit(s) within a single detached, semi-detached, townhouse and/or in an accessory structure to the main dwelling.
- 4.15.5 One (1) additional dwelling may be considered within the Rural Areas Designation provided the property is larger than the minimum lot size contained in the Zoning By-law, can be properly serviced, does not impact any identified natural features of functions and follows other municipal by-laws and permissions (e.g. entrance permits, etc.).
- 4.15.6 Severing two existing dwellings on a lot within the Rural Area Designation shall not be permitted unless the severed and retained lots meet the minimum lot size and frontage requirements contained in the Zoning By-law.

## 4.16 Human Made Hazards

- 4.16.1 Human-made hazards consist of mine hazards or former mineral resource operations, contaminated sites, and rail lines. Known contaminated sites are depicted on Schedule 'B' of this Plan.
- 4.16.2 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.
- 4.16.3 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.
- 4.16.4 Prior to development occurring, the appropriate approval authority shall ensure the 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. Where development is proposed adjacent to a rail line, Council shall ensure that it does not impede the continued viability of the rail line. Potential locations for grade separated crossings may be identified and, as a condition of development approval, Council may require a rail crossing to be funded entirely by the developer.

Residential and other sensitive land uses proposed within 300.0 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the Municipality and authority having jurisdiction in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified. A 30.0 metre railway setback will generally be required for all buildings.

Residential and other sensitive land uses proposed within 75.0 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Municipality and the authority having jurisdiction in consultation with the appropriate railway, and shall undertake appropriate measures recommended in those studies to mitigate any adverse effects from vibration that were identified.

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

Implementation and maintenance of any required rail noise, vibration and safety impact mitigation measures, along with any required notices on title, such as warning clauses and/or environmental easements, will be secured through appropriate legal mechanisms to the satisfaction of the Municipality and the appropriate railway.

#### **4.17 Land Use Compatibility**

4.17.1 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.

4.17.2 Incompatible land uses are to be protected from one another. While buffers between incompatible land uses may be used to prevent or minimize 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.

#### **4.17.3 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; and
- 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; and
- 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, Conservation and Parks 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.

#### 4.17.4 Development in Proximity to Sewage Treatment Plants

Where development is proposed between 100 and 150 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, Conservation and Parks 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 a sewage treatment plant 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.

#### 4.17.5 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 a waste disposal site's fill area, the proposal should not proceed.

#### 4.17.6 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 'D' of this Plan, and within the Trout Creek Settlement Area as depicted on Schedule 'E' 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 daycare facilities and seniors' homes.

#### **4.17.7 Development in Proximity to Other Stationary Noise Sources**

Where the development of a sensitive land use is proposed within 300 metres of a stationary noise source not associated with the 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 standards at the location of the proposed development. If the standards 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 the planning processes.

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

#### **4.18 Mobile Homes**

**4.18.1** Mobile homes are permitted dwellings in the Rural and Class III Agricultural designation where the units are double wide units located on a permanent foundation in accordance with the Ontario Building Code.

#### **4.19 Natural Hazards**

**4.19.1** 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:

- i) The hazard can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;
- ii) New hazards are not created, and existing hazards are not aggravated;
- iii) No adverse environmental impacts will result;
- iv) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and
- v) 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.

**4.19.2** Development and site alteration will not be permitted within a floodplain. Floodplains and wetland features are identified on Schedule 'B1' 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.

**4.19.3** 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 affect flood levels in the Municipality. In the event that Ontario Power Corporation alters the operation of the dam in a manner that would affect 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.

## **4.20 Noise and Vibration**

**4.20.1** 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.

- 4.20.2 The above-noted studies shall not be required for development on existing lots or for development through minor infilling between existing houses in accordance with the Zoning By-law.

#### **4.21 Private Sewage Disposal and Water Systems**

- 4.21.1 No development shall be permitted unless it can be shown to the satisfaction of the Municipality that there is an adequate water supply and 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.
- 4.21.2 In considering impacts on groundwater 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.
- 4.21.3 Where a new development of more than five residential units is proposed to include either private or communal services, the applicant shall proceed through a Plan of Subdivision.
- 4.21.4 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, Conservation and Parks 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.

#### **4.22 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.



## 4.23 Source Water Protection

4.23.1 The Municipality is reliant on groundwater resources to supply the Powassan Urban Service Area. Protecting existing and future sources of drinking water from incompatible land uses and contamination that could hinder groundwater recharge is essential to maintaining human health, economic prosperity and a high quality of life. The Municipality will maintain, and wherever feasible, enhance the quality and quantity of water infiltration and recharge to groundwater aquifers. The Municipality will implement land use planning decisions to protect the quality and quantity of drinking water resources, and limit development and site alteration that could adversely affect drinking water supplies drawn from groundwater resources.

### 4.23.2 Source Water Protection Areas:

- i) The Wellhead Protection Area is included in Schedule 'F' of this Plan. This designation contains various Sensitivity Areas allowing for varying degrees of land use management relative to the vulnerability of the underlying groundwater to contamination, the importance of the well to the capacity of the municipal water services, and the length of time groundwater within the area will take to reach the municipal water service well.
- ii) The Municipality may require additional studies to be submitted by an applicant that demonstrate how a proposed use will not negatively impact the quantity and/or quality of drinking water resources in Source Water Protection Areas for the development application to be deemed complete.
- iii) The Municipality will review and update its Zoning By-law to prohibit land uses that may pose a risk to Wellhead Protection Area in accordance with Schedule 'F' of this Plan.
- iv) Development applications within Source Water Protection Areas will be reviewed in accordance with the wellhead protection provisions outlined in the Zoning By-law.
- v) The Municipality, in consultation with the Province and the North Bay-Mattawa Conservation Authority will provide advice to landowners to promote good stewardship practices for lands and water within the Wellhead Protection Area.
- vi) The Municipality will, in collaboration with other public agencies having jurisdiction, provide input into and implement the Province's Source Water Protection Plan.

## **4.24 Surface Water Quality**

- 4.24.1** 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 minor 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 or re-established where vegetation has been removed within 30 metres of all significant watercourses and water bodies, wherever possible.
- 4.24.2** 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 stormwater run-off, the Municipality shall require the proponent to complete stormwater management works that will ensure that off-site surface water quality and quantity are not adversely impacted by the development. Direct discharges to surface waters should be avoided wherever possible.
- 4.24.3** 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.

## **4.25 Urban Forestry**

- 4.23.1** Site design and planning will consider the existing topography and the preservation and enhancement of vegetation, natural features and areas, open space, and naturalized areas. This includes:
- a) Ensuring that existing naturalized open space on lands proposed for development/redevelopment is retained to the maximum extent possible, and where retained, is allowed to regenerate with minimum intervention;
  - b) Enhancing ecological stability by supporting the use of low-maintenance landscape features and materials;
  - c) Supporting the use of native plant species when creating new plant communities or when adding to existing native plant communities; and
  - d) Applying development standards designed to maximize retention of all woodlots and other natural features and areas.

- 4.23.2 Where they remain, the tree-lined streets will be protected and where trees must be removed, they will be replaced as part of the development process.
- 4.23.3 A program of tree planting, preservation, and landscaping will be undertaken so that all areas are provided with trees and other vegetation to maintain a high standard of amenity and appearance, with specific emphasis given to the designated Powassan Urban Service Area and Trout Creek Settlement Area at the time of infrastructure renewal and reinvestment.
- 4.23.4 In all public works, trees should be retained and when trees must be lost to accommodate the works, they will be replaced as soon as possible by other trees of sufficient maturity and in sufficient numbers to enhance the appearance of the public works.
- 4.23.5 Where development or redevelopment may necessitate the loss of existing trees or vegetative planting on a public right-of-way, they will be replaced and relocated on the public right-of-way in the immediate vicinity of the affected lands, to the satisfaction of the Municipality and at the cost of the proponent.

#### **4.26 Waste Disposal Sites**

- 4.26.1 New waste disposal sites or expansions to existing waste disposal sites should:
- a) avoid areas of high groundwater and water features;
  - b) be at least 500 metres from any residential development;
  - c) provide adequate buffers from existing development;
  - d) require an amendment to this Plan;
  - e) require an amendment to the Zoning By-law; and
  - f) be approved by the Ministry of the Environment, Conservation and Parks.

#### **4.27 Wetlands**

- 4.27.1 This Plan strives to protect wetlands whether Provincially significant or locally significant. Wetlands shall be protected and maintained in a natural state. Wetland re-establishment at the expense of those responsible for the loss of wetland will be encouraged if loss or degradation occurs.
- 4.27.2 An Environmental Impact Statement may be required where development or site alteration is proposed within any wetland. Development and site alteration shall only be permitted if it can be demonstrated that it will not result in a negative impact on the wetland.

- 4.27.3 An Environmental Impact Statement shall be required where development or site alteration is proposed within 120 metres of any Provincially Significant Wetland or within 30.0 metres of any other wetland, as identified on Schedule 'B1'. Development and site alteration adjacent to wetlands shall only be permitted if it can be demonstrated that it will not result in a negative impact on the wetland.
- 4.27.4 Existing agricultural uses are permitted within wetlands except identified Provincially Significant Wetlands. Where agricultural uses are permitted, best management practices should be employed to protect and enhance the wetland features.

#### **4.28 Wildlife Habitat**

- 4.28.1 Development in the Wildlife Activity Areas identified on Schedule 'B1' 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 Wildlife Activity Areas, the creation of new lots is generally discouraged.
- 4.28.2 Where any development is proposed adjacent to the Wildlife Activity Areas, 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.
- 4.28.3 Where new lots are created in Wildlife Activity Areas, 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.
- 4.28.4 Where new development is proposed it shall have regard for and minimize impacts on animal migration routes using best management practices, these may include:
- a) Elimination of fencing;
  - b) Installation of wildlife-friendly fencing in areas where fencing is required;
  - c) Installation of open bottom box tunnels or arch culverts where wildlife crossings may occur; and
  - d) Elimination of excessive lighting.

## 4.29 Wildland Fire

- 4.29.1 The Provincial Policy Statement defines hazardous forest types for Wildland Fire as, forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ministry of Natural Resources and Forestry, as amended yearly. Development may be permitted in lands with hazardous forest types where the risk is mitigated in accordance with Wildland Fire assessment and mitigation standards as identified by the Ministry of Natural Resources and Forestry.
- 4.29.2 Proponents submitting a planning application for lands that contain forested areas may be required to undertake a site review to assess for the risk of high to extreme wildland fire behavior on the subject lands and adjacent lands (to the extent possible). A sample of what a Wildland Fire hazard map looks like is included in Appendix 1 of this Plan. If development is proceeding where high to extreme risk for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.
- 4.29.3 In order to implement any mitigation measures that may be required, conditions for approval may be required.

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## **5.0 LAND USE DESIGNATIONS**

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Several land use designations have been established to achieve the objectives of this Plan. All development within the Municipality will occur in accordance with these land use policies. Schedule 'A' identifies the land use designations and should be read in conjunction with Schedules 'B', 'C', 'D' & 'E'.

### **5.1 Powassan Urban Service Area**

This section of the Plan provides general policies to guide development 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 Powassan Urban Service Area will be undertaken 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, mixed-use, governmental, and institutional uses shall be permitted in 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 full range of housing types and tenures should be encouraged and developed in the Urban Service Area. While low-density is the standard, medium-density housing in the form of townhouses, row houses, duplexes, and triplexes should be encouraged and shall be located and designed in a way 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 Service Area will develop based on 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 aligns with the original lot configuration of the Municipality. Additionally, a variety of pedestrian, active transportation and vehicular routes shall be provided.

- 5.1.5 Two areas in the Powassan Urban Service Area have been identified and set aside for residential development, 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 the lifetime of this Plan, as the existence of vacant lots currently addresses 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 the 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. The development of compact built 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

Trout Creek is a historic settlement node that has developed along Trout Creek and the railway line that does not have municipal water and sewage services. This Plan encourages the revitalization of the community through infill residential development and commercial development that supports the community and surrounding seasonal and rural uses. The Trout Creek Settlement Area is a secondary area for development and will develop according to the following policies:

### 5.2.1 Permitted Uses

A large range of residential, commercial, mixed-use, light industrial, 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 based on 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 and a hydrogeology report which describes the feasibility of using either private communal sewage and water services or private sewage and water services. Should it be feasible to use communal services, the development should be considered on the basis of that form of servicing and subject to an amendment to this Official Plan.

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 rural settlement area of Trout Creek. While lot sizes are encouraged to be compatible and complementary 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 weeping bed infiltration. To determine the appropriate size for development lots, hydrogeological investigations may 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 the 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 following provisions apply within the Powassan Urban Service Area and Trout Creek Settlement Area. 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 and institutional community uses are 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

#### 5.3.3 New housing should reflect a range of housing sizes, including smaller affordable secondary units that would be suitable for seniors and smaller families. Where smaller forms of housing and/or smaller lots occur 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.

#### 5.3.4 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.

#### 5.3.5 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.

#### 5.3.6 Servicing

In keeping with Sections 4.19 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 stormwater 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.

#### 5.3.7 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 downtowns of Powassan and Trout Creek provide important services to the residents of the municipality. As such, the downtown should focus on developing new opportunities for commercial retail development with residential apartments on upper levels while supporting existing institutional, medical, business, retail services and facilities. 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, residential and mixed 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.

All scales of commercial uses that service the Community are encouraged to locate in the Downtown designation. New commercial uses may be established through the 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 be located on the upper floors or at the rear of the property 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 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, accommodation facilities and mixed-use residential development. Limited light industrial development that is compatible with commercial uses shall also be permitted.

These uses shall use existing entrances to Highway 11, provided approvals are granted by the Ministry of Transportation and include parking areas suited to accommodate a large seasonal population. This area shall be designed as an attractive entrance feature to the Downtown designations.

Accessory residential uses, small-scale commercial uses and business uses related to professional or personal services will be encouraged to be located 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 4.18 of this Plan. Where new development will likely generate more than 10,000 litres of wastewater 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. Development adjacent to Highway 11 shall meet all requirements of the Ministry of Transportation.

### 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 travelling public and population at a regional scale. Existing residential uses are permitted to continue within the Business Park Area and new residential uses are generally not encouraged.

### 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 4.19 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 water for processing, and which generate only wastewater 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

Adjacent uses shall have interconnected 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 4.15.3 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 Agricultural Area

The Agricultural Land designation includes lands that are identified as Class 1-3 under the Canada Land Inventory as well as lands that are currently used for agricultural purposes. The Municipality contains primarily Class 3 soils which have moderately severe limitations but are fair to moderately high in productivity for a wide range of common crops and is a foundational element to local agricultural systems.

#### 5.7.1 Permitted Uses

Permitted uses in the Agricultural Area include: agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural use operations.

In agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

New land uses in agricultural areas, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation (MDS) formulae.

#### 5.7.2 Development within Agricultural Areas

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 through the submission of an Agricultural Impact Assessment, submitted by a qualified consultant:

- i) The lands do not contain farm buildings that are in good condition;
- ii) New dwellings and non-agricultural development comply with the Minimum Distance Separation (MDS) Formulae;
- iii) The development will not adversely affect neighbouring farming operations; and
- iv) The least productive portion of the lands are proposed for development.

#### 5.7.3 Servicing

When new residential lots are permitted, they 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.

#### 5.7.4 New Lots

- i) New lots developed for residential purposes will be limited as follows:
  - a) A principal dwelling associated with an agricultural operation may be permitted in agricultural areas;

- b) Subordinate to the principal dwelling, up to two additional residential units may be permitted in agricultural areas, provided that one unit is located within or attached to the principal dwelling, and any additional residential units:
- Are of limited scale and in close proximity to the principal dwelling or within a cluster of farm buildings;
  - Comply with the Minimum Distance Separation formulae;
  - Is compatible with, and would not hinder, surrounding agricultural operations;
  - Have appropriate sewage and water services.
  - Address any public health and safety concerns; and
  - Minimize land taken out of agricultural production.

#### 5.7.5 Non-Agricultural Uses in Agricultural Areas

1. Council may only permit non-agricultural uses in agricultural areas for:
  - a) Extraction of minerals, petroleum resources and mineral aggregate resources; or
  - b) Limited non-residential uses, provided that all of the following are demonstrated:
    1. The proposed use complies with the minimum distance separation formulae;
    2. Alternative locations have been evaluated, and;
      - i. There are no reasonable alternative locations which avoid agricultural areas; and
      - ii. There are no reasonable alternative locations in lower productive value agricultural lands.
2. Impacts from any new or expanding non-agricultural uses on surrounding agricultural lands and operations are to be avoided, or where avoidance is not possible, minimized and mitigated as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance.

## 5.8 Rural Area

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

### 5.8.1 Permitted Uses

Permitted uses in the Rural Areas include low-density residential which can include single-detached, semi-detached and linked houses, tiny homes, accessory residential units, 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 4.16 of this Plan and are compatible with surrounding uses. Resource extraction, pits and quarries, may be permitted on agricultural lands provided that the site is rehabilitated, and the soil quality is restored.

### 5.8.2 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 or process water in industrial processes and which generate only limited wastewater from employee uses on site.

### 5.8.3 Lot Creation / Severances

- i) Lot creation by severance/consent is permitted in the Rural Area, in accordance with the applicable general development policies in Section 4 and the land division policies in Section 8 of this Plan.
- ii) Seasonal residential uses fronting on the lakes in the Municipality is permitted subject to satisfying the applicable general development policies in Section 4 and the land division policies in Section 8 of this Plan.



## 5.9 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 or earth science areas. These areas are identified on Schedule 'A'. The Open Space designation also includes recreational lands and community facilities.

### 5.9.1 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.

### 5.9.2 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 'B1' 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.

### 5.9.3 Trail System

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

### 5.9.4 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 the 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.

#### 5.9.5 Mapping

Where there is doubt that the Open Space mapping on Schedule 'A' and environmental features mapping on Schedule 'B1' and 'B2' 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 the mapping, an Official Plan Amendment may not be required.

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## **6.0 MUNICIPAL SERVICES**

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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 Powassan 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 Powassan Urban Service Area.
- 6.6 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.

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## **7.0 TRANSPORTATION & UTILITIES**

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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 General**

7.1.1 The transportation system is an essential part of the Municipality of Powassan's overall structure and has a direct influence on the quality of life in the Municipality. A range of choices in the transportation system is required to balance the needs of users, promote less automobile use and enhance connections. The transportation system allows for the movement of people and goods including public transit, streets, rail, sidewalks, linkages, trails and pedestrian and cycling infrastructure. It is the policy of the Council that:

- i) The Municipality shall promote a safe, balanced, efficient, accessible and well-connected transportation system in accordance with the Transportation System as shown in Schedule 'A', 'D' and 'E'.
- ii) The Municipality's transportation planning efforts shall be coordinated with Provincial priorities.

### **7.2 Provincial Highways**

7.2.1 New land uses and access onto any Provincial Highway 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.

7.2.2 Highway 11 is a Controlled access highway, as such no proposed new land uses are permitted to access this road.

7.2.3 Proposed new land uses, development, signage installation and entrances located adjacent to Highway 11 may require a Ministry of Transportation Land Use Permit.

### **7.3 Municipal Roads**

7.3.1 Schedule 'A' 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.

- 7.3.2 Where the Municipality maintains roadways on a seasonal basis, only uses which are occupied during the season on which the municipal road is maintained will be permitted.
- 7.3.3 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.
- 7.3.4 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.
- 7.3.5 New permanent development shall only be permitted where there is frontage and adequate access onto a year-round maintained municipal roadway.
- 7.3.6 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.
- 7.3.7 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.
- 7.3.8 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 Multi-use Recreational Trails**

- 7.4.1 Multi-use Recreational trails, including snowmobile routes, form an important component of the Municipality's transportation system. The location of these routes may change from time to time. The Municipality encourages the preservation and expansion of public routes and trails into a broader network.

#### **7.5 Rail Lines**

- 7.5.1 The Municipality will encourage the continued use of rail lines. Rail lines are shown on Schedule 'A' (or 'D'). 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.

- 7.5.2 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 4.16 of this Plan.
- 7.5.3 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.
- 7.5.4 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**

- 7.6.1 All development in the Municipality shall recognize the importance of the high-pressure natural gas pipelines and hydro transmission lines identified on Schedule 'A', 'D' and 'E' of 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.
- 7.6.2 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.
- 7.6.3 Activities on or within 30 metres of the TransCanada pipeline such as excavation, blasting and any movement of heavy equipment requires approval from the National Energy Board.
- 7.6.4 Within the Urban Service Area and the Trout Creek Settlement 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

- 7.7.1 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.

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## **8.0 LAND DIVISION**

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### **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 the unnecessary expansion of the present level of municipal services and follows 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 applicable criteria:

- i) The creation of lots may be permitted by severance (consent) if it has been established that the development would not more appropriately proceed by way of plan of subdivision or plan of condominium.
- ii) Severances (consents) that would contribute to ribbon or strip development or unplanned or uneconomical extension of infrastructure between Settlement Areas shall not be approved.
- iii) Applications for severances (consent) that would result in a parcel being landlocked shall not be approved.
- iv) The proposed severed and retained lots:
  - a. Front onto an open, improved public road that is maintained on a year-round basis by the Municipality, unless a recreational property fronting onto a lake can be accessed via a private road leading to a public road that is maintained year-round.
- v) If the intent and purpose of this plan is maintained:
  - a. Satisfy the minimum lot area requirements established for any land use/land use designation of this Plan, and in accordance with the Zoning By-law.
  - b. Achieve an appropriate lot configuration that is compatible with the surrounding community character and does not restrict the development of other parcels of land.



- c. Can be serviced by the Municipality's infrastructure without adversely affecting the Municipality's finances, or by private well and wastewater disposal system where municipal services are not planned or existing.
- d. Can be supplied with other municipal services such as fire protection and road maintenance, without adversely affecting the Municipality's finances.
- vi) The Municipality shall consider the impact of a new residential lots created by severance (consent) with the potential to expand the agricultural activity of any adjacent agricultural operation when assessing the required Minimum Distance Separation (MDS) Formulae and the need to potentially increase it in the future.
- vii) Applicants of a proposed severance (consent) may be required to prepare studies in accordance with the requirements of this Plan to assess the impacts of the proposal and any mitigation strategies.
- viii) The Municipality may require as a condition of approval that an applicant enter into an agreement with the Municipality regarding such conditions as it deems appropriate, including but not limited to financial requirements, the provision of on and off-site services, strategies to mitigate environmental impacts, sustainable building and site design features, and any other site planning requirements to protect health and safety, and promote compatibility with the surrounding community character.
- ix) Lots for hunt camps, fishing camps or similar uses may be permitted in keeping with policies 7.3 and 7.4 of this Plan.

#### 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.
- 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.

Notwithstanding, a 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 five or more lots or units in a vacant land condominium are created on a single parcel of land, 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 and/or build or extend a municipal road.

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. 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 watercourse 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.

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## **9.0 COMMUNITY IMPROVEMENT**

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### **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 support and stimulate growth in local industries, businesses, tourism, agri-tourism and value-added agricultural facilities in both the urban and rural areas of the Municipality. These policies provide a basis for the Municipality to enter into agreements with the private and public sectors to create partnerships for the enhancement of the community.

The policies in this section can be viewed as a long-term approach to the revitalization of the Municipality of Powassan. Revitalization will take time, and is best accomplished through incremental, small improvements and interventions that will collectively add up to more significant changes over time.

### **9.2 Community Improvement Areas**

The approach is to provide the Municipality of Powassan with the tools to create both an Urban and Rural CIP to operationalize additional tools available under the Planning Act to assist with community redevelopment.

### **9.3 Community Improvement Projects**

Community Improvement projects shall include but not be limited to:

- i) Enhance and promote local businesses within settlement areas:
  - a) Promote upgrades to business signage and commercial building facades to enhance the overall streetscape.
  - b) Promote upgrades to and reuse of underutilized buildings within the Urban Areas.
  - c) Promote the development of roofed accommodation (i.e. bed and breakfasts) in Powassan's Urban Settlement Areas to provide accommodation for local tourists.
  - d) Promote the development of affordable housing within the Municipality.

- ii) Promote agricultural diversification, tourism and local recreation:
  - a) Encourage the development and enhancement of value-added agricultural uses, agri-tourism and on-farm diversified facilities, such as roofed accommodation (i.e. bed and breakfasts), as permitted in the Official Plan.
  - b) Continue to promote local festivals and events in Powassan.
  - c) Promote active recreation and the continued development of the trail network within the municipality.
- iii) Encourage job creation and local employment:
  - a) Promote the use of local resources and materials for improvements.
  - b) Encourage redevelopment or adaptive reuse of under-utilized employment areas and buildings.
  - c) Promote Powassan as a community to live, work and play.
- iv) Enhance and promote community character and local heritage:
  - a) Encourage redevelopment or adaptive reuse of older buildings in a manner that contributes to the community character.
  - b) Support the revitalization of historical buildings and sites.
  - c) Identify and promote Powassan's identity and unique community offerings.
- v) Engage the landowners and stakeholders, and the local community in the revitalization of Powassan:
  - a) Encourage continued involvement with the local business community.
  - b) Encourage investment in privately owned property that will enhance the public realm.
  - c) Encourage residents, business owners and service groups to participate in tree planting and street beautification programs and improvements to private buildings and properties.
  - d) Encourage involvement by the Regional partners and other public agencies.
- vi) Improve local infrastructure to support community revitalization:
  - a) Improvements to sidewalks and road surfaces to enable safe and comfortable travel by pedestrians, bicycles and vehicles.

- b) Improvements to the water system to provide for sufficient fire flows.

#### **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) providing specific grants to property owners to improve the appearance of private lands and buildings.
- iv) Providing specific grants to property owners to create development opportunities that combine commercial and affordable (apartment) housing.

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

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## 10.0 IMPLEMENTATION

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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 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 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 that are designated for the use have been 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:
  - a) The adequacy of the existing and proposed roadway system;
  - b) The convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety;
  - c) 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;
  - d) The compatibility of such proposed use with uses in the surrounding area;
  - e) The potential effect of the proposed use on the financial position of the Municipality; and
  - f) The impact of the proposed use on the natural environment.

## **10.2 Strategies For Adapting To Climate Change**

- 10.2.1 In response to climate change, the Municipality shall consider identifying adaptation and mitigation measures through the development and implementation of a Climate Change Action Plan aimed at improving municipal resilience to changing environmental stresses.
- 10.2.2 The Municipality shall endeavor to engage in public education regarding the minimization of greenhouse gas emissions, improving air quality and conservation of water, soil and energy.
- 10.2.3 In preparing planning applications for Draft Plan of Subdivision/Condominium approval and Site Plan Control, applicants are to incorporate climate change measures where appropriate, including but not limited to:
- i) Selection of building and infrastructure materials that minimize waste;
  - ii) Incorporate energy and water conservation designs;
  - iii) Appropriate street, lot and building orientation to the south to realize solar energy gain;
  - iv) Use of green infrastructure and tree planting;
  - v) Compact and contiguous built urban form;
  - vi) Designs for active transportation and the efficient co-location of live/work/play land uses; and
  - vii) Application of intelligent building systems.
- 10.2.4 Climate change policies constitute part of the Municipality's sustainability planning efforts.

## **10.3 Public Meetings**

Council shall hold public meetings for planning applications in accordance with the requirements of the Planning Act. However, technical amendments to this Official Plan are permitted without a public process to:

- i) change 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 Site Plan Control**

- 10.4.1 The Municipality may utilize Site Plan Control to ensure that Plans of Subdivision, commercial, institutional and industrial development in the Municipality are 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 and the By-law will include applicable exceptions to specified development.
- 10.4.2 Where residential development is proposed adjacent to Wildlife Activity Areas, wilderness reserve, waterbody or an identified natural heritage feature such as a wetland or significant habitat area, Council shall use buffering as defined in the zoning by-law to ensure that the development proceeds in a manner that would have the least impact possible on these natural features.
- 10.4.3 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.

## **10.5 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 peer review technical reports submitted in support of any application. The costs of a peer review shall be paid by the developer.

## **10.6 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.

### **10.6.1 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.

### 10.6.2 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.

### 10.6.3 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) other technical reports (e.g. environmental assessment, floodplain study, etc.) are submitted by a qualified consultant, to the satisfaction of the Municipality;
- iv) the financial requirements of the Municipality have been satisfied; and
- v) a record of site conditions has been completed to the satisfaction of the Ministry of Environment.

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## **11.0        INTERPRETATION**

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### **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.

### **11.4   Numerical Values**

Where numerical quantities are identified in this Plan, such quantities shall be interpreted as guidelines and minor variances to specific requirements may be permitted provided that the intent of the Plan is maintained, unless the Plan states otherwise.

