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## 5.0 COMMUNITY HEALTH AND SAFETY

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### 5.1 Keynote Community Health and Safety Policy

To build a strong, sustainable and resilient community that is safe for all.

### 5.2 Healthy Communities

Land use decisions and the way communities are designed have multiple **impacts on people's physical health as well as on their mental health and well-being**. The physical form of a community affects the quality of the air they breathe, the types of physical activity choices they make and how they interact with their neighbours. Land use planning defines the character of the community, impacts the cost of providing services, and influences the **community's ability to attract business and residents**. A healthy community is a successful community when the community is inclusive in the decisions made on behalf of all and are balanced with the protection of the natural environment. The strategy for a healthy community in East Nipissing takes into account the environment, safety, physical activity, food access and social well-being.

#### 5.2.1 A Healthy Environment

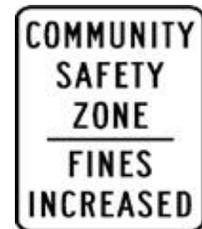
Land Use planning decisions shall consider the impacts on community health by:

1. Ensuring that proposed residential development and *sensitive land uses* shall be made compatible with neighbouring land uses through distance separation and the mitigation of industrial and commercial emissions, nuisance noise and odour impacts.
2. Protecting water from sources of contamination.
3. Conserving the natural environment through protection or enhancement of shorelines, forested landscapes/woodlots and fish and *wildlife habitat*.
4. Ensuring that access to green space, provincial and local parks, sports and recreational facilities, trails and conservation areas and reserves will be maintained, restored or expanded to meet the needs of residents and to strengthen the opportunities for destination tourism.
5. Providing for public access to lakes, rivers and shorelines will be provided through preserving current access points and through parkland dedication and the protection of public road access leading to water.
6. Landscaping designed for shading, cooling and wind buffering will be an integral component of land use design decisions.

#### 5.2.2 Community Safety

East Nipissing will create a physical environment that is safe for all residents through such measures as:

1. Designing and upgrading roads that support all users including cyclists and pedestrians.
2. Working with the OPP to ensure appropriate traffic enforcement and crime prevention.
3. Designing and maintaining trail systems (i.e. Voyageur Trail, Ottawa Valley Recreational Trail, etc.) that are safe for users.
4. Implementing community accessibility plans and retrofitting buildings to facilitate access by those with disabilities.
5. Ensuring road design for public and private roads meets current safety standards for height, width and travel clearances.
6. Providing adequately lit public spaces (i.e. parks, playgrounds, public use facilities) to increase safety and prevent crime in the community. Within areas intended for nighttime use, security will be upgraded with lighting and improved visibility, wherever possible.
7. Ensuring proper sight distances for new entrances onto roads and at intersections.
8. Maintaining an update emergency preparedness plan.
9. Supporting and promoting fire safety measures for all dwellings such as through the provision of smoke and carbon dioxide detectors.
10. Working with school boards to provide for the safe transport of school children and providing for Community Safety Zones.
11. Directing development away from *hazardous sites* and substances (i.e. flood prone lands, contaminated sites, *mine hazards*).



### 5.2.3 Physical Activity

East Nipissing will create a physical environment that provides opportunities for safe daily physical activity for all through such measures as:

1. Providing and maintaining greenspaces, places to play and gather, and recreational facilities and opportunities for all.
2. Providing for natural and built shade features in outdoor public spaces.
3. Promoting active transportation and less dependency on motorized transport (e.g. cycling, walking).
4. Developing the Ottawa Valley Recreational Trail as a multi-use recreational trail.



### 5.2.4 Food Access

East Nipissing will increase the availability of healthy food for all residents through such measures as:

1. Conserving good agricultural land for food production.
2. Promoting local food production as part of a sustainable local food system.

3. Permitting community gardens/plots.
4. Permitting food produce stands.
5. Permitting and encouraging *on-farm diversified uses* which focus on food production and food processing.
6. Permitting *agricultural-related uses* in the rural area for food production.
7. Promoting and permitting diversified food land production such as greenhouses, orchards and market gardens.
8. Permitting food-based home occupations.
9. Encouraging the development of food co-operatives.
10. Permitting backyard and front yard vegetable plots and encouraging localized gardens for growing/production of fruits, vegetables, eggs, honey, seeds, herbs and nuts.
11. Permitting small animal farming on individual residential lots for personal consumption such as the raising of chickens.
12. Facilitating recycling of edible waste foods.

### 5.2.5 Social Cohesion and Well-Being

East Nipissing will create a physical form within the community that encourages social interaction, promotes social capital and sustains the well-being of all residents through such measures as:

1. Providing opportunities for mixed housing and a mix of housing types designed to meet the socio-economic characteristics of the community.
2. Providing for public spaces where people can meet.
3. Creating a forum for dialogue and joint decision-making on community and land use matters with Indigenous people.
4. Celebrating the cultural plurality of the community through community events and festivals.
5. Promoting a diversified economic base that provides a variety of employment opportunities.
6. Working to sustain health care, social and recreational services on a regional basis to meet the needs of residents of East Nipissing.

### 5.2.6 Cannabis

Municipalities may prohibit or regulate the commercial production of cannabis and cannabis-related products and services through the zoning by-law and under the *Municipal Act* (i.e. licensing to govern hours of operation, etc.). Municipalities may also prohibit or regulate a medical marijuana facility. The following definitions apply.

Cannabis means a cannabis plant, including the phytocannabinoids produce by or found in such a plant regardless of whether that part has been processed or not and any substance or mixture of substances that contains or has on it and part of such a plant and any substance that is identical to a phytocannabinoid produced by or found in such a plant regardless of how the substance was obtained.

## 5.3 Transportation System

The transportation system in the Planning Area is made up of provincial highways, township roads, private roads, resource access roads, snowmobile trails while transportation and *infrastructure* corridors comprise the CPR Rail Line, the TransCanada Pipeline, a Bell Canada fibre optics line and hydroelectric power transmission lines and the Ottawa Valley recreational Trail. The intent of the Plan is to ensure that the transportation system is safe, energy efficient and facilitates the movement of peoples and goods for current and future needs.

### 5.3.1 Provincial Highways

In addition to the policies of Sections 2.6 and 2.11.4, the following policies apply:

1. Provincial Highways and corridors are administered under the auspices of the *Public Transportation and Highway Improvement Act* by MTO and **all proposed development within MTO's permit control area is subject to MTO approval**. Provincial highways and planned corridors are illustrated on the Land Use Schedules. The intent of the plan is to recognize the need for the proposed Highway 17 realignment including the future Mattawa By-pass and/or realignment and to protect the proposed transportation corridor from development that would compromise the future construction and use of this planned transportation corridor within a 20 year time horizon prior to the construction and to ensure that the proposed transportation corridor does not compromise access to Algonquin Settlement Lands.

When development is proposed that may impact an existing or planned transportation corridor, early consultation with MTO is required to determine if any applicable permits or approvals are required. Planning Board and member Municipalities should be satisfied that any required permits or approvals from MTO can be obtained or issued for the development prior to approving a planning application.

2. Outdoor storage and loading areas adjacent to a provincial highway will be visually buffered from passing traffic in the interest of public safety.
3. Land use changes including commercial rezoning of home occupations or related land severances will not be permitted unless prior approved by MTO.
4. Lakefront development proposed with indirect access to a provincial highway will not be permitted unless prior approved by MTO.
5. Trail crossings (e.g. for snowmobiles or off-road vehicles) are subject to MTO approval; however, new trails which parallel a highway corridor will not be permitted for public safety reasons.

6. *Wayside pits and quarries, portable asphalt plants and portable concrete plants* used on public authority contracts will be permitted without the need for an official plan or zoning amendment; however, they are subject to the provisions of the *Aggregate Resources Act*.

### 5.3.2 Township Roads

1. In addition to the policies of Section 2.6, the primary access for development in the Planning Area will be via the existing Municipal road network. Municipalities are authorized to classify roads and restrict or control access for any *development* or a change of land use on the basis of the classification (see road classification for the Township of Papineau-Cameron and the Municipality of Calvin in Appendix 4). The classification may include the designation of roads for scenic or cultural resource purposes including measures to govern or conserve a *cultural heritage landscape*. The land use schedules to the official plan set out a road classification system which generally coincides with the road classification set out in by-laws passed by the Municipality of Calvin (By-law 2016-020) and the Township of Papineau-Cameron (By-law 2018-04). For the purposes of the official plan, the by-laws shall be used in correlating land use decisions with the accessibility requirements or standards of the respective Municipality.
2. Municipalities may exercise any authority granted by the *Municipal Act* for the design and use of roads as a means to convey people and goods, provide emergency and public services and serve as *infrastructure* corridors. Municipalities may govern the use of road rights-of-way for traffic, sidewalks, crosswalks, boulevards, street signs, private signage, garbage collection, snow plowing, parking and loading, and utilities.
3. Entrance permits may be required for the design and construction of entrances and the installation of culverts. Culverts may be installed by a **Municipality at the owner's expense or by the owner under** Municipal supervision.
4. Municipalities may require or undertake a traffic impact study, drainage study or heritage impact study prior to the approval of any road construction including new roads, road, lane, intersection and entrance improvements, road widening, cycling lanes, car parks for carpooling, and landscaping or right-of-way improvements.
5. Standards, timing and phasing for the maintenance and reconstruction shall be in accordance with the respective Municipal Asset Management Plans using the principle of life-cycle costing.

6. Municipalities may require a cost-benefit analysis including lifecycle costing prior to considering the acquisition of any private or other road proposed for public use or the construction of any new road proposed for dedication and assumption to/by a Municipality.
7. Municipalities may require land to be conveyed to the appropriate road authority at no cost for the purpose of widening an existing road as a condition of severance, subdivision or site plan approval. Land for widening of a road right-of-way shall generally be sought equally from both sides of the right-of-way but may be exempted or modified to reflect site constraints such as natural heritage or cultural resources, existing physical development or encroachments, placement of buildings, scale of the proposed development and pedestrian safety.
8. Municipalities may establish a road, street or highway under the 5% reserve provision of Section 64 of the *Municipal Act* where there is a 5% reserve in the patent for the original parcel that has not already been used and without compensation to the abutting land owner. Such acquisition may be registered, and may be for the benefit of providing access to landlocked parcels.

### 5.3.3 Unopened Road Allowances

An unopened road allowance means a road, street or lane owned by a Municipality which has not been established for general public use by that Municipality. Municipalities under Section 35 of the *Municipal Act* may remove or restrict the common law right of passage and access of an unopened road allowance and are authorized to regulate any improvements, maintenance, access, cross-over, land use or encroachments, cutting of trees, removing obstructions, grading and hosting social or any social, recreational or sporting events/use of an unopened road allowance. Municipalities may govern travel on an unopened road allowance by off-road vehicles, snowmobiles and bicycles.

Municipalities may as a condition of use, require a legal plan of survey, may enter into an agreement, may require liability insurance, may provide that permission for use may be cancelled, that permission is not assignable and may be exclusive, and may require the installation of signage cautioning use or access to the road allowance. Municipalities may also provide for input from neighbours or other users of the road before granting use and may require the right to inspect for compliance with any conditions imposed in the use of the unopened road allowance.

See also Appendix 4 for Municipal Road classifications.

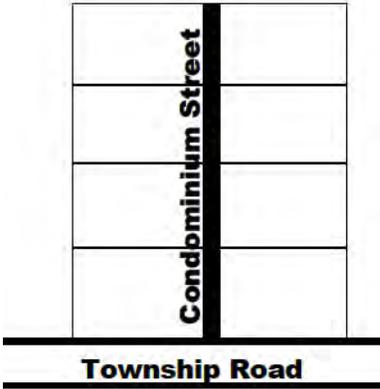
### 5.3.4 Private Roads

1. A private road is defined as a road or easement under private ownership which serves two or more legally conveyable lots. The location and the rights of use must be sufficiently identifiable including the owner of the land (servient tenement or one over whose land the

easement or right-of-way will extend), the user (dominant tenement or the one benefitting from the easement), the location of the route or alignment on the landscape (to excluding the notion of wandering at large), and the rights conferred on the use (e.g. type or traffic permitted, exclusive or shared use), width and height clearances of the road, material use, maintenance, what can be constructed on the easement (i.e. utilities, fences, poles, drains), also how parties are to notify each other, the right of Municipal access and level of services which may or may not be offered, tree removal or trimming, signage and speed controls and indemnity of a Municipality from any actions.

Note: A driveway provides access to only one property or legally conveyable lot, despite the length of the driveway.

- 2. A Municipality has no legal obligation to maintain or repair any private road or otherwise provide services to any development located on a private road, nor is there any responsibility acknowledged for the provision of school bussing.
- 3. New private roads shall not be permitted except for a condominium where the internal private road has direct access to a public road (see diagram).



- 4. Municipalities or the Planning Board may permit new lot creation or development on an existing lot on an existing private road and may as a condition of approval require the upgrading and maintenance of the private road to an acceptable municipal standard and a standard which meets the access requirements for emergency vehicles in accordance with the *Ontario Building Code*, and may require one or more signs to be installed indicating that the road is used at the risk of the user (see diagram). The *Municipal Act* may be used for any agreements related to the construction, maintenance and use of a private road.

- 5. A private road may be dedicated and assumed by a Municipality subject to Section 5.3.2.6.
- 6. A lot may be used or developed for a use permitted by this Plan and the zoning by-law which does not have frontage on a public road provided the lot has an existing legal access.

- 7. The provisions of this section shall not be deemed to prohibit the blockage of an existing road over one



person's land which provides the only motor vehicle access to another person's land or boat docking facility where otherwise permitted under the auspices of the *Road Access Act*. The *Road Access Act* does not apply on land not owned by a Municipality.

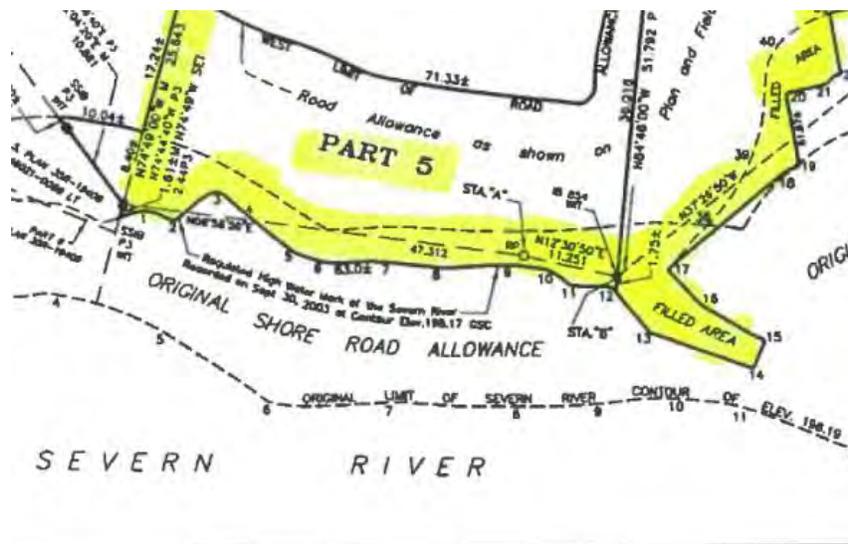
### 5.3.5 Roads on Crown Land

Roads across Crown Land are intended to provide access to resource-based land uses such as forestry, mineral or mineral aggregate extraction, subject to approval by MNR, and do not have guaranteed maintenance; consequently Crown Land roads are not considered acceptable access for the purposes of providing or approving access to residential or commercial land uses.

See also Appendix 4 for Municipal Road classifications.

### 5.3.6 Shoreline Road Allowances

1. Shoreline road allowances are intended to be kept in the public domain, but may be sold to an abutting shoreline property owner to provide riparian rights and access to the abutting water body.
2. This Plan is not deemed to convey any right by a property owner for the construction of any dock, building or structure on a shoreline road allowance without prior permission from a Municipality. Municipalities may enter into encroachment agreements for any use of a Municipally-owned shoreline road allowance.
3. Shoreline road allowances are intended to be retained in the public domain where they conserve public access to a water body, serve to conserve a *cultural heritage landscape* or are required to protect a *natural heritage feature and area* or a *vulnerable* or sensitive ground water or surface water feature.



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## 6.0 RESOURCE MANAGEMENT

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### 6.1 Keynote Resource Management Policy

To protect agricultural, mineral, mineral aggregate, forestry, water, cultural heritage, and *archaeological resources* for their economic, environmental and social benefits.

### 6.2 Agriculture

1. The intent of the Plan is to recognize the importance of agriculture to the local economy by protecting agricultural activities, by providing for their expansion and by permitting a full range of *on-farm diversified* and *agricultural-related land uses*. *Agricultural uses* shall mean the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the nature and size of the operation requires additional employment. Associated activities to agriculture will be encouraged and promoted including *agriculture-related uses*, *agri-tourism* and *on-farm diversified uses* (e.g. home based businesses, farm vacation facilities), and uses that produce value-added agricultural products (e.g. cheese production, craft breweries).
2. Lot creation on agricultural lands in the Rural Area will be



subject to Section 7.20 – Land Division, Part-Lot Control and Deeming policies of this Plan.

3. The intent of the Plan is to also support of sustainable farming practices and research, the support of the culture of the farming community and by maintaining strong environmental standards. Activities that will be encouraged include:
  - The preparation and compliance with nutrient management plans.
  - Preparation and implementation of environmental farm plans.
  - The use of best management and *normal farm practices*.
  - The protection, restoration and management of natural areas such as woodlots, *wetlands*, stream and river valleys.
  - On-farm energy production as an energy source for farming operations.
4. The MDS formulae I and II shall apply (see Section 2.9).
5. Farm operators with lands in the Rural Area will be encouraged to expand their operations and to not seek consents which may interfere with agricultural productivity.
6. *Development* which is incompatible with *normal farm practices* will be discouraged in the vicinity of viable farming operations.
7. Nothing in this Plan is intended to limit the ability of *agricultural uses* to continue where they are located in *natural heritage features and areas*.

### 6.3 Forestry

1. The intent of the Plan is to recognize the importance of forests as a renewable and sustainable resource within the Planning Area. This includes recognition of timber harvesting and silviculture activities of commercial timber operators licensed by the Ministry of Natural Resources and Forestry, and private property owners operating under the *Forestry Act, 1990*.
2. On land falling under *The Crown Forest Sustainability Act, 1994* agreements, forestry management and wood production activities shall be permitted and encouraged using best practices such including the conservation or restoration of shorelines and the protection of the *natural heritage system*. Planning Board and member Municipalities recognize that other land uses may co-exist with timber operations and such uses including outdoor recreation,



eco-tourism, trapping, traditional native land use activities, shall be permitted as complementary activities.

3. In recognizing the importance of the forest resource within the Planning Area, it is a policy to both support and help co-ordinate the application of forest resource management techniques to ensure compatibility with harvesting, renewal and maintenance operations with other resource attributes, particularly wildlife and *fish habitat*.
4. Tree planting and increasing forest cover will be promoted wherever feasible as part of land use planning decisions (e.g. in association with the restoration of shoreline areas, erosion measures and increasing the tree cover on rural lots). Clearing of natural environment areas is not permitted.
5. A tree retention/planting plan may be required for subdivisions and site plans and will include measures for protection during construction.
6. Existing tree lines along property boundaries will be maintained for wind buffering and to reinforce the aesthetic amenities of the rural area.

#### 6.4 Mineral Aggregates

1. The intent of the Plan is to recognize and protect *mineral aggregate resources* and existing extraction operations from *development* and land uses that could interfere with the current or future development of these resources. *Mineral aggregate resources* refer to gravel, sand and various types of bedrock that are suitable for construction, industrial, manufacturing and maintenance purposes. The geographic area comprising *mineral aggregate resources* and licensed pit and quarry operations is illustrated on the Land Use Schedules to the Plan and represents the lands to be protected as the long-term supply for East Nipissing. Additional areas may be designated by amendment to the Plan.
2. Incompatible land uses will not be permitted within the influence area or separation distances set out in Section 2.9 and Table 2 of the Plan including development and activities which would preclude or hinder the establishment of new operations or access to *mineral aggregate resources* except where:
  - The resource use would not be feasible; or
  - The proposed land use or development serves a greater long-term public interest; and
  - Issues of public health, public safety and environmental impact are addressed.

The matters set out in sub-clause 2 shall be addressed through a technical study (Mineral Aggregate Resource Assessment) conducted by a qualified professional.

3. Lands used for extractive operations shall be licensed under the *Aggregate Resources Act* and conditions additional to those under the license may be imposed by a Municipality under the authority of the *Municipal Act* (e.g. to address off-site impacts such as the designation of haulage routes, and the mitigation of noise, dust, blast impact or other nuisance impacts). Conditions may be determined through a technical study for land use compatibility (see Section 2.9).
4. Municipalities recognize that permits may be issued for extractive operations on Crown Land. Municipalities may require agreements or other measures and mitigation for private lands affected by a *mineral aggregate operation* on Crown Land.
5. All lands identified as *mineral aggregate resources* including extractive operations shall be appropriately zoned including lands proposed for any expansion or where new resources may be identified.
6. Mineral aggregate resource extraction is considered an interim land use and the intent of the Plan is that all extractive operations will be progressively and finally rehabilitated to accommodate subsequent and/or approved land uses in the rural area as a means to ensure land use compatibility, and to mitigate *negative impacts* which may change through phasing or other characteristics of the operation. *Comprehensive rehabilitation* is encouraged where there is a concentration of several extractive operations in an area. Lands which are rehabilitated may be redesignated and rezoned for other permitted land uses in the Rural Area.
7. From an environmental standpoint, the intent of the Plan is to encourage conservation of mineral aggregate resources through recycling, wherever feasible (e.g. asphalt recycling in resurfacing highways).
8. *Wayside pits and quarries* and *portable asphalt plants* and *portable concrete plants* used on a public authority contract are permitted without the need for an official plan amendment or a rezoning except in a sensitive habitat or on lands identified as having archaeological potential or a cultural heritage resource.

## 6.5 Minerals

1. The intent of the Plan is to recognize and protect mineral resources for long-term use against development and land uses that would preclude or interfere with the potential development of the resources, their expansion or continued use or where *mineral mining operations* would be incompatible for reasons of public health, public safety or environmental impact.

2. The areas of mineral resources have **been identified on Schedule 'A5'** to the Plan as a mineral resources constraint overlay and as mineral deposit inventory. In areas adjacent to or in areas identified above on **Schedule 'A5', and in areas of** known *mineral deposits* and *significant areas of mineral potential* development which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
  - The resource use would not be feasible; or
  - The proposed land use or development serves a greater long-term public interest; and
  - Issues of public health, public safety and environmental impact are addressed.

The matters set out in sub-clause 2 shall be addressed through a technical study (Mineral Resource Assessment) conducted by a qualified professional or through consultation with the Ministry of Energy, Northern Development and Mines.

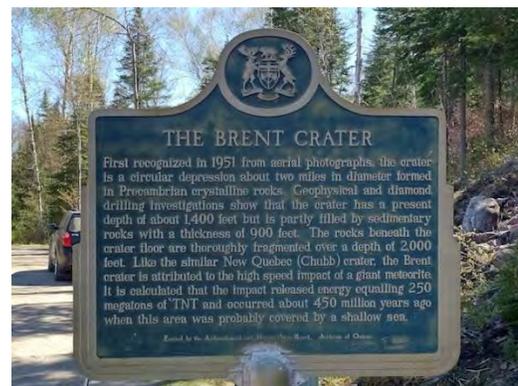
3. All lands identified for a *mineral mining operation* including extractive operations, storage of waste rock and tailings, processing and smelting operations and administrative and ancillary activities or uses shall be appropriately zoned including lands proposed for any expansion as a condition of approval and the provisions of Section 2.9 shall apply.
4. *Mineral mining operations* are considered an interim land use and the intent of the Plan is that all mineral operations will be progressively and finally rehabilitated to accommodate subsequent and/or approved land uses in the rural area as a means to ensure land use compatibility, and to mitigate *negative impacts*.

## 6.6 Cultural Heritage

*Cultural heritage resources* will be identified and *conserved* through the development review process and under the *Ontario Heritage Act*. Cultural heritage resources include *significant built heritage resources*, *significant cultural heritage landscapes*, *significant archaeological resources* and marine *archaeological resources* or sites.

### 6.6.1 Municipal Register

In accordance with Section 27 of the *Ontario Heritage Act*, the Clerk of each Municipality will maintain a Municipal register of cultural heritage resources designated under Part 4 and Part 5 of the *Ontario Heritage Act*, maintained by the clerk, of all property designated under the *Act*. The Register may include properties



that are not designated but are considered by Council to be of cultural heritage value or interest.

### 6.6.2 Municipal Heritage Advisory Committee

A Municipal council may appoint and vest the Municipal Heritage Advisory Committee with responsibility for developing criteria for the potential identification and designation of *significant built heritage resources*, *significant cultural heritage landscapes* and the establishment of one or more heritage conservation districts under the *Ontario Heritage Act*. The Committee will contribute to the establishment of management policies for the long-term protection and conservation of cultural heritage resources, particularly any *heritage attributes* that have been identified during the creation of a heritage resource inventory. This may include the preparation of a heritage master plan and an archaeological management plan. Municipalities will consult with Indigenous people in the preparation of such plans. Planning Board in consultation with member Municipalities will establish a protocol for consultation with the Algonquins of Ontario.



### 6.6.3 Designation

Municipalities may designate identified cultural heritage sites and/or properties under the *Ontario Heritage Act* and First Nation Cultural Sites being sites of interest and significance to the Algonquins of Ontario. A site may be identified on any Schedule to the official plan and recorded as part of a Cultural Heritage Registry by the Clerk of a Municipality.

Designation and registration of a First Nations Cultural Site may be undertaken without amendment to this Plan. A Council shall give notice identifying the site with a summary description of the First Nations cultural importance and shall provide the public with an opportunity to submit comments to the Clerk prior to any resolution designating a First Nations Cultural Site.

#### 6.6.4 Human Remains

The Ministry of Tourism, Culture and Sport, the Ministry of Government and Consumer Services – Registrar of Cemeteries, the OPP and Indigenous Community, specifically the Algonquins of Ontario will be contacted where human remains or an unmarked burial site or cemetery is discovered. Provisions under the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act* shall apply.

#### 6.6.5 Archaeological Resources

*Archaeological resources* will be *conserved* by preservation *in-situ* wherever possible and where preserved on site the integrity of the site will be maintained where *development* or *site alteration* is permitted. Where approved and the resources are removed, appropriate documentation shall be required. An archaeological assessment undertaken by a licensed archaeologist will be required for development or *site alteration* in *areas of archaeological potential* based on provincial criteria and when a known archaeological site or suspected cemetery or burial site is affected by development. An archaeological assessment may be required in accordance with the provincial criteria for determining archaeological potential illustrated in the text box above. Where a development or change of use proposal is determined to have a potential impact on a

Provincial Criteria for determining archaeological potential:

- Known archaeological sites within 300 m
- Water source (primary, secondary, ancient) within 300 m
- Elevated topography (e.g. knolls, drumlins, eskers, plateaux)
- Unusual land formations (e.g. mounds, caverns, waterfalls)
- Resource-rich area (concentrations of animal, vegetable or mineral resources)
- Non-aboriginal settlement (monuments, cemeteries)
- Historic transportation (e.g. road, rail, portage)
- Property protected under the *Ontario Heritage Act*
- Local knowledge
- Recent disturbance (extensive and intensive)

known cultural or *archaeological resource*, it must be demonstrated that the impact will be mitigated.

#### **6.6.6 Marine Archaeological Resources**

Municipalities shall require a marine archaeological assessment to be conducted by a licensed marine archaeologist pursuant to the *Ontario Heritage Act* if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.

#### **6.6.7 Protected Heritage Property**

*Development and site alteration* may be permitted on *adjacent lands* to a *protected heritage property* or whenever a *development* has the potential to affect a protected heritage property or cultural heritage resource provided a heritage impact assessment prepared by a qualified professional has evaluated the impacts and demonstrates that the *heritage attributes* of the *protected heritage property* will be protected.

#### **6.6.8 Measures for Implementation**

Measures to implement the cultural heritage policies of this Plan include:

1. Establishing a heritage zone category in the implementing zoning by-law pursuant to Section 34 (1) 3.3 of the *Planning Act*.
2. Establishing a Municipal registry maintained by the Clerk of a Municipality for designated cultural heritage sites under the *Ontario Heritage Act* and First Nation Cultural sites.
3. Designating *built heritage resources* and *cultural heritage landscapes* under the applicable components of Part 4 and Part 5 of the *Ontario Heritage Act*.
4. Designating one or more First Nation Cultural Sites. No site shall be altered through the issuance of a building permit for construction or demolition where the effect is to change the importance and cultural significance of the site. Municipalities acknowledge that they will use reasonable efforts to obtain consensus before issuing any permit or approval that will impact a First Nations Cultural Site and in so doing will exercise all responsibility for the duty to consult (see also Section 2.11.10 and 7.3.3)

5. Creating one or more heritage conservation districts based on the following criteria:
  - Any collection or grouping of buildings, properties, streets or open spaces that as a result of their location, landscape setting, historic use, *archaeological resources*, or architecture are collectively *significant* to the community and/or are of cultural heritage value. Such buildings may or may not be designated under Part 4 of the *Ontario Heritage Act*;
  - An area with a special character with an integrity of its own that distinguishes the area from other areas of the community and represents a certain aspect of, or era in the development of a Municipality which is worthy of being maintained and protected such as a town centre, waterfront or lakeshore area or original residential area or neighbourhood;
  - A defined boundary identifying a portion of a Municipality within which all properties are protected from inappropriate changes impacting their recognized cultural, historic or architectural values through the use of policies, by-laws and design guidelines.
  - An area that has been identified or defined for its *heritage attributes* by the Municipal Heritage Advisory Committee;
6. Applying site plan control.
7. Incorporating heritage conservation through the preparation of a community improvement plan (per Section 28 of the Planning Act. (See also Section 7.11)).
8. Partnering with organizations and senior levels of government in identifying, protecting and conserving heritage resources. Examples could include grants or loans for repairs or restoration of heritage properties.
9. Supporting the reduction of waste construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive re-use of older and existing building stock.
10. Approving energy retrofits of heritage buildings without compromising the heritage integrity of the building.

11. Ensuring that public works projects and other Municipal initiatives comply with the cultural heritage policies of this Plan as a condition of approval.
12. Ensuring that consideration is given to the conservation of cultural heritage resources when establishing new areas for mineral or mineral aggregate extraction or when existing operations are being expanded, as well as ensuring that satisfactory measures are taken to mitigate any negative impacts on cultural heritage resources.
13. Obtaining available archaeological site data locations from the Ontario Archaeological Sites Database maintained by the Ministry of Tourism, Culture and Sport under the provisions of a municipal-provincial data sharing agreement, for the purpose of heritage conservation planning.

## 6.7 Energy Conservation

Forward looking communities are developing strategies for energy conservation through a reduction on the dependence on fossil fuels and becoming energy resilient. Rural communities will play a role through measures to encourage, promote and lead by example in reducing energy consumption. The strategy for energy conservation in East Nipissing includes the following measures:

1. Municipalities will optimize the use of existing *infrastructure* by avoiding the unnecessary construction or extension of the existing road network. The focus of development will be on rural infill along the existing road network.
2. Municipalities will develop a fleet replacement strategy through the timely replacement of existing vehicles and equipment with more fuel efficient vehicles and by sharing equipment with other Municipalities wherever possible.
3. Municipalities will encourage and facilitate the development of rural transportation services designed to replace or reduce the use of individual cars, and increase commuter car-pooling and car-sharing.
4. Municipalities will participate in and support provincial initiatives to build

### Zero Energy Buildings

A zero-energy building, also known as a zero net energy (ZNE) building, net-zero energy building (NZEB), or net zero building, is a building with zero net energy consumption, meaning the total amount of energy used by the building on an annual basis is roughly equal to the amount of renewable energy created on the site

*alternative and renewable energy systems* using wind, biomass, solar, geothermal and hydro sources. Municipalities will promote the use of micro-alternate energy sources and micro-generation technologies which do not require provincial approval such as roof-mounted solar panels, micro-wind turbines, geothermal and other non-fossil fuel systems.

5. Municipalities will examine by-laws and processes to identify and address possible barriers to renewable energy and energy conservation.
6. Municipalities will use Municipal websites to advise citizens of funding programs and incentives for energy-related home renovation and energy conservation measures.
7. Municipalities will establish an energy budget and targets to reduce energy consumption and to reduce the use of fossil fuels.
8. Municipalities will promote the use of energy saving technologies in building construction for new non-residential buildings with the objective of creating net zero buildings. This will be in addition to the requirements set out in the *Ontario Building Code*.
9. Planning Board and member Municipalities will examine opportunities to work with local businesses and industries and the Indigenous community to develop energy conservation projects such as:

- Development of an anaerobic digestion facility
- A community education and awareness program
- Energy conservation best management practices for farming

**BMP's for Farm Operations:**

- Maintain/replace/share equipment to reduce or eliminate fossil fuels
- Modifying tillage practices to better store carbon
- Replace fuel sources with renewable energy (biogas and biofuels)
- More efficient use of fertilizers
- Solar pumps and solar electric fencing
- Methane capture and recycling
- Energy audits

10. Municipalities will promote vegetation retention strategies to conserve heat loss, provide shelter belts and reduce erosion.

## 6.8 Water Resources

Water resource management is recognized as an essential component of building resilient communities. The intent of the Plan is to protect, improve and restore the quality and quantity of water through wise stewardship practices including but not limited to:



1. Implementing shoreline management policies of Section 4.9 of this plan, and notably to sustain and improve the water quality of inland lakes and rivers through lake capacity and lake management planning.
2. Supporting the North Bay Mattawa source protection plan where land use decisions in East Nipissing may impact on the water supply for Mattawa.
3. Implementing the stormwater management policies of Section 2.7 of this Plan.
4. Encouraging, promoting and practicing water conservation through such measures as:
  - Harvesting and recycling rainwater
  - Recycling wastewater
  - Installing water saving fixtures in home and business retrofits
  - Undertaking leak detection and loss prevention programs for homes, and businesses, buildings and equipment
  - Conservation tillage to reduce run-off
  - Reducing or minimizing hard surfaces
  - Conducting water use audits and preparing water budgets
  - Using water saving technologies in food processing and industrial operations

Water conservation practices may be imposed as a condition of approval where authorized under the *Planning Act*.

5. Protecting *vulnerable* surface and ground water features where they are identified as part of a development application review. Restrictions on development and *site alteration* will be required to protect, improve or restore such features. *Sensitive* features may include but are not limited to spring water sources, sensitive aquifers, water recharge areas and municipal wellhead and water supply zones.
6. Rehabilitating *brownfield sites* and contaminated sites.

7. Facilitating or requiring septic tank re-inspection and replacement including increasing the setback of replacement tile and septic fields a minimum of 30 m from any water body. (See also Sections 2.7 and 4.9.4.)
8. Supporting water resource management programs, initiatives and services of the North Bay-Mattawa Conservation Authority.
9. Protecting development from *flooding hazards* and *erosion hazards* through implementing the policies of Section 2.8.1 of this Plan.

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## 7.0 PLANNING TOOLS AND RESOURCES

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### 7.1 Keynote Policy for Public Engagement

Public engagement will be a way of thinking and acting by governments, planning authorities, stakeholders, communities and ordinary citizens in making informed land use planning decisions in East Nipissing.

### 7.2 Inputs to Planning Decisions

Inputs are recognized as multi-faceted and will depend on a variety of sources as shown in the diagram. Planning decisions must reflect the vision, values and standards reflected in the technical documents as well as the public interest determined through a public engagement process.



## **7.3 How the Public Engagement Process Will Work**

Planning authorities are legally required and will consult with the public when a planning application is received or where the Planning Board or a Council chooses to initiate an amendment to the official plan or zoning by-law.

### **7.3.1 Public Engagement Under the Planning Act**

Municipalities intend to use the prescribed procedures set out in the *Planning Act* and associated Ontario Regulations for public consultation for official plan amendments, zoning by-law amendments, holding by-laws, temporary use by-laws and minor variances. Municipalities will also use the prescribed procedures under the *Planning Act* for the review and update of a zoning by-law.

The East Nipissing Planning Board intends to use the prescribed procedures set out in the *Planning Act* and associated Ontario Regulations for public consultation for the review and update of the official plan and amendments initiated by Planning Board, for the delegated land division authority for consents, plans of subdivision and condominiums, and for validation of title.

### **7.3.2 Private Consultation Strategies**

Where an application is filed for an official plan amendment, a zoning by-law amendment or a plan of subdivision under Ontario Regulations 543/06, 544/06, 545/06 respectively, the applicant shall submit a proposed strategy for consulting with the public with respect the request.

The proposed consultation strategy shall be a requirement of submitting a complete application (see Section 7.4).

The strategy shall be undertaken and completed prior to any required public meeting or hearing required by the *Planning Act* for an official plan amendment, a zoning amendment or a plan of subdivision. The applicant shall submit a report or letter to the Clerk of the Municipality in which the application was filed and/or to the East Nipissing Planning Board for an official plan amendment and the consultation report shall provide the following information:

1. The method(s) of consultation was/were used.
2. Who was consulted.
3. The result of the consultation.

Applicants may use one or more of the methods of consultation in the following diagram or other method acceptable to the Municipality or Planning Board.



### 7.3.3 Consultation Strategies with Indigenous Communities

1. Municipal Councils and the East Nipissing Planning Board recognize that the affirmation of existing Indigenous and treaty rights in Section 35 of the *Constitution Act, 1982* is a requirement that affects land use planning decisions in the East Nipissing Planning Area and that this responsibility includes the duty to consult as required by public policy, court decisions or as may be negotiated from time to time with the Algonquins of Ontario.
2. Municipal Councils and the East Nipissing Planning Board will consult with the Algonquins of Ontario through the following strategy:
  - Contact the band office to advise them of development applications in their area. Determine the interest of the Algonquins of Ontario in the development application.
  - Circulate development applications for which the Algonquins of Ontario has an interest for review and comment prior to a statutory public meeting under the *Planning Act*.
  - Consider the effect of comments and submissions from the Algonquins of Ontario on development decisions

### 7.4 Planning Applications

The types of planning applications include:  
[Section of the *Planning Act* shown in (parenthesis)]

1. Official Plan Amendment (22)
2. Zoning By-law Amendment (34)
3. Holding By-law/removal of Holding symbol (36)
4. Temporary Use By-law (39)
5. Site Plan Control (41)
6. Minor Variance/Permission of extension/expansion, change of non-conforming use (45)
7. Consent (53)
8. Plan of Subdivision (51)

#### Application Forms

- Application forms for a consent, plan of subdivision or condominium may be obtained from the East Nipissing Planning Board.
- Forms for all other types of applications may be obtained from the local Municipality.

Prior to filing an application, applicants will be required to meet with the Municipality and/or Planning Board where the application is proposed to ascertain the requirements for the submission of applications (e.g. required studies and information, fees, peer review, agency and public consultation etc.)

Studies or information which may be required in support of an application will depend on the type of application and the circumstances. Studies or information may include, but is not limited to (Sections of the official plan shown in brackets [ ]):

*Studies and Reports*

- |     |  |                |
|-----|--|----------------|
| 1.  | Air Quality Study                            | [2.9]          |
| 2.  | Archaeological Assessment                    | [6.6.5]        |
| 3.  | Blast Impact Study                           | [6.4.3]        |
| 4.  | Cost-benefit Analysis                        | [5.3.2.6]      |
| 5.  | Drainage/Stormwater Report                   | [2.6, 2.7]     |
| 6.  | Environmental Impact Study                   | [4.5, 4.7]     |
| 7.  | Flood Line Mapping                           | [2.8.1, 2.8.2] |
| 8.  | Geotechnical Report                          | [2.8.2]        |
| 9.  | Hydrogeological Study                        | [2.5, 2.7]     |
| 10. | Hydrological                                 | [2.7]          |
| 11. | Heritage Impact Assessment                   | [6.6.7]        |
| 12. | Lake Capacity Assessment                     | [4.9.6]        |
| 13. | Land Use Compatibility/Influence Area Study  | [2.9, 6.4.3]   |
| 14. | Marine Archaeological Assessment             | [6.6.6]        |
| 15. | Mine Hazard Rehabilitation/remediation Study | [2.8.4]        |
| 16. | Mineral Resource Assessment                  | [6.5.2]        |
| 17. | Mineral Aggregate Resource Assessment        | [6.4.2]        |
| 18. | Minimum Distance Separation                  | [2.9, 6.2.3]   |
| 19. | Noise and Vibration Study                    | [2.9]          |
| 20. | Public Consultation Strategy                 |                |
| 21. | Septage Haulage                              | [2.7]          |
| 22. | Servicing Options Report                     | [2.7]          |
| 23. | Traffic Study                                | [2.6, 5.3.2.4] |

*Information, Permits, Approvals*

- |     |  |                    |
|-----|--|--------------------|
| 1.  | Endangered Species Act Authorization                                 | [4.3]              |
| 2.  | Erosion hazard survey  | [2.8.1]            |
| 3.  | Flooding: establish flood elevation/development<br>Setback           | [2.8]              |
| 4.  | Mineral Operations Rehabilitation Plan                               | [6.5.4]            |
| 5.  | Mineral Aggregate Operation Rehabilitation Plan                      | [6.4.6]            |
| 6.  | MTO entrance/land use approval or permit                             | [2.6, 5.3.4 (3-5)] |
| 7.  | Municipal Entrance Permit  | [5.3.2.3]          |
| 8.  | Record of Site Condition (RSC)                                       | [2.8.5]            |
| 9.  | Technical Standards and Safety Authority (TSSA):<br>clearance letter | [2.8.5]            |
| 10. | Wildfire Assessment and Mitigation Plan                              | [2.8.8.3]          |

## 7.5 Building Code Act

All construction shall comply with the relevant provisions of the *Building Code Act*, 1992, S.O. 1992, c.23. Despite the provisions of Section 8 of the *Act*, sewage disposal systems shall be set back from the shoreline of a lake or water body the required distance set out in the zoning by-law.

Fire Access routes shall comply with the requirements of the *Ontario Building Code. Building Code Act*: <https://www.ontario.ca/laws/statute/92b23>

## 7.6 Municipal Property Standards

Municipalities may enact and enforce a property standards by-law to ensure a high standard of development, maintenance, improvement and occupancy of residential and non-residential properties in the East Nipissing Planning Area. The provisions and procedures of Section 15 of the *Ontario Building Code Act* shall apply. *Building Code Act*: <https://www.ontario.ca/laws/statute/92b23>

## 7.7 Development Charges Act

This Official Plan is to be considered as a statement of intent of Council to carry out or authorize to be carried out, various public works which may be subject to a development charge. A development charges by-law may apply to part or all of any Municipality and one or more development charges by-laws may be enacted in any given Municipality as permitted in the Development Charges Act, 1997, S.O. 1997, c. 27. <https://www.ontario.ca/laws/statute/97d27>

## 7.8 Amendments to the Official Plan (Section 17 and 22, Planning Act)

Amendments to this Plan may be initiated by application or by a Municipality or Planning Board in compliance with the requirements of the *Planning Act* for changes to the substance of the policies of the Plan or for a change in a land use designation. No person or public body shall request an amendment to this Plan before the second anniversary of the first day any part of the Plan comes into effect, unless a Municipal council has declared by resolution that such a request is permitted, which resolution may be made in respect of a specific request, a class of requests or in respect of such requests generally.

Amendments to the text or schedules to this Plan are not required for spelling, grammar, formatting, renumbering, typographic errors, minor, a consolidation or minor adjustments to the approximate land use boundaries or to the location of roads provided the general intent of the Plan is maintained.

## 7.9 Public Works (Section 24, Planning Act)

Public works may only be undertaken where they comply with this Plan. Public works which do not comply shall be governed by Section 24 (3) of the *Planning Act*.

### **7.10 Acquisition of Land (Section 25, Planning Act)**

The Council of any Municipality may acquire land for any purpose set out in this Plan and may lease or otherwise dispose of such lands where no longer required.

### **7.11 Community Improvement (Section 28, Planning Act)**

The entire East Nipissing Planning Area comprising all lands other than Crown Land within the corporate limits of each of the three Municipalities shall be considered a community improvement area.

The Council of any Municipality may designate by by-law the whole or any part of the Municipality as a community improvement project area for the purposes of undertaking community improvement (e.g. repair, replacement, upgrading *infrastructure* and *public service facilities*, improving waterfront areas, repairing, retrofitting, rehabilitating, and constructing buildings, facilitating the delivery of *affordable* housing, rehabilitating *brownfield sites*, improving or rehabilitating *built heritage resources*).

Community improvement will provide measures for barrier-free design and for improving accessibility for persons with disabilities and the elderly by removing and/or preventing land use barriers which restrict their full participation in society.

The Council of any Municipality may provide financial incentives under the *Planning Act* to encourage and facilitate community improvement (e.g. loans, grants) and the *redevelopment of brownfield sites*.

The Council of any Municipality may acquire, hold, lease, clear, or grade land for community improvement purposes, and may sell, lease or otherwise dispose of any land acquired or held by it in the community improvement project area to any person or governmental authority for use in conformity with the community improvement plan.

The Council of any Municipality may construct, repair, rehabilitate or improve buildings on land acquired or held by it in the community improvement project area in conformity with the community improvement plan, and sell, lease or otherwise dispose of any such buildings and the land appurtenant thereto.

Community improvement may be used to implement the maintenance and or replacement of *infrastructure* and community facilities set out in any Municipal Asset Management Plan.

Community improvement may be used to facilitate the provision of *affordable* housing (see Section 3.0 – Housing Policies).

### **7.12 Zoning By-law (Section 34, Planning Act)**

Every Municipal Council will pass a zoning by-law amendment within three years of the effective (approval) date of this plan to update the

comprehensive zoning by-law in place in each respective Municipality in order to regulate the use of land, buildings and structures throughout the East Nipissing Planning Area.

Where the Council of a Municipality carries out the requirements of subsection 26 (9) by simultaneously repealing and replacing all the zoning by-laws in effect in the Municipality, no person or public body shall submit an application for an amendment to any of the by-laws before the second anniversary of the day on which the Council repeals and replaces them except where the Council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. This shall not be deemed to limit the authority of a Council to initiate an amendment to the zoning by-law.

Councils may include inclusionary zoning to assist in the delivery of affordable housing.

### **7.13 Holding By-law (Section 36, Planning Act)**

A holding symbol (**i.e. 'h'**) may be used in the zoning by-law in connection with any land use zone, in accordance with Section 36 of the *Planning Act*. The zoning by-law will allow existing uses to continue in areas covered by the holding symbol and will specify the uses to be permitted, where the principle of development or land use has been established, at such time as the holding symbol is removed by amendment to the by-law. A holding zone may be used to defer development until specified conditions have been met (e.g. to provide adequate *infrastructure* and *public service facilities*, to remediate or rehabilitate contaminated or *hazardous sites*, to limit the use of land in order to achieve the phasing or timing of development, to complete required studies, to ensure that conditions of development or other agreements have been met and to secure financial requirements).

### **7.14 Community Benefits Charges (Section 37, Planning Act)**

The Council of any Municipality may enact a community benefits charge by-law for the purpose of funding or providing in-kind support for facilities and services other than those prescribed in a development charges by-law. The scope of facilities shall be set out in a community benefits charge strategy and the Municipality shall consult with such persons and public bodies as the Municipality feels appropriate in developing the strategy.

### **7.15 Interim Control (Section 38, Planning Act)**

Where a Council determines that the policies of this Plan do not provide adequate direction for potential development, an interim control by-law may be passed in accordance with Section 38 of the *Planning Act*, provided that a resolution setting out the terms of reference for a study or review has been previously adopted.

### 7.16 Temporary Use By-laws (Section 39, Planning Act)

An amendment to the zoning by-law may be passed permitting a temporary use of land or buildings that is otherwise prohibited by the zoning by-law, in accordance with Section 39 of the *Planning Act*. A temporary use by-law shall be deemed to conform to this Plan, and an amendment to this Plan is not required for a temporary use.

### 7.17 Site Plan Control (Section 41, Planning Act)

For the purposes of Section 41 of the *Planning Act*, the entire land area within the corporate boundaries of each of the three Municipalities in the East Nipissing Planning Area, as illustrated on Schedules to the Land Use Plan is designated as a site plan control area. Municipalities shall pass or review existing by-laws for the purposes of designating the Municipality as a site plan control area by reference to one or more land use designations. Site plan control may be used and agreements entered into for the construction and/or maintenance of all of the matters set out in Section 41(7) of the *Planning Act* for land uses or conservation including:

1. Any industrial, commercial or institutional use and including campgrounds and golf courses.
2. Any *intensification* projects.
3. Facilities designed and intended to have regard for persons with disabilities.
4. The protection of cultural heritage and *archaeological resources* projects and the implementation of the Ottawa River Management Plan heritage components.
5. Any lands abutting a lake or water body.
6. The protection of *natural heritage features and areas*.
7. The implementation of a Wildland Fire Mitigation Plan.

Site plan control will not apply to development on Crown Land or to *mineral aggregate operations* licensed under the *Aggregate Resources Act*.

Agreements may include the requirements for the provision of sustainable design elements for development or *redevelopment* on any lands adjacent **to a street or road under the Municipality's jurisdiction including such** elements as trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle facilities.

The requirements for site plan control where applied to *affordable* housing shall comply with Section 41 (2) (d.1) of the *Planning Act*.

A Council may secure the dedication of land for a road widening or intersection improvement provided that the conveyance requested does not exceed one-half of the deficiency of the width. The conveyance shall apply to the full frontage of the property wherever the deficiency exists. This policy shall apply to all Township roads listed in By-law 2018-04 of the Township of Papineau-Cameron and all Township roads listed in By-law 2016-020 of the Municipality of Calvin (see Appendix 4).

A Council will consider barrier-free design in site plan control agreements.

### **7.18 Parkland Dedication (Section 42, Planning Act)**

As a condition of development or *redevelopment*, Council may, subject to passing a by-law, require the conveyance of 2 per cent of the land proposed for commercial or industrial development or 5 per cent for residential development or the cash-in-lieu equivalent and the conveyance shall be for park or other public recreational purposes. Land conveyed to a Municipality under Section 42 of the *Planning Act* shall be used for park or other public recreational purposes, but may be sold at any time.

A Council may reduce the cash-in-lieu payment where the Council deems that the applicable criteria for sustainability in this plan have been or will be met through development or *redevelopment* of the lands. *Examples include but are not limited to the installation of renewable or alternate energy source projects, installation of facilities to improve accessibility for disabled persons, provision of affordable housing, facilities that provide for active transportation, use of advanced technologies for the removal or reduction of phosphorus loading in sewage disposal systems.*

The provisions of this section shall not apply where a Municipality has passed a community benefits charges by-law under Section 37 of the *Planning Act* (see Section 7.14).

### **7.19 Non-Conforming Uses (Sections 44 and 45, Planning Act)**

#### **7.19.1 Non-Conforming Uses**

A non-conforming use is a use of land that lawfully existed on the date of adoption of any zoning by-law passed under the *Planning Act*; has continued uninterrupted (or where interrupted, there has been a reasonable attempt to continue the use during the period of discontinuance) and does not conform with the uses permitted in the zone(s) which apply to the subject lands. A non-conforming use may be extended, enlarged or changed to a similar or more compatible use under Section 34(10) or 45(2) of the *Planning Act*, provided that:

1. It is not reasonable or feasible to cease or relocate the use.
2. Any incompatibility with surrounding uses is not aggravated.

3. Surrounding uses are protected by appropriate buffers and other measures to improve the compatibility of the use.
4. Adequate *infrastructure*, access and parking are provided.
5. Natural and human-made hazards are addressed.
6. Development details may be regulated by a development agreement.

Nothing in this Plan shall prevent the reconstruction of a legal non-conforming use which is inadvertently destroyed by a natural cause (e.g. fire, flood, earthquake, subsidence), provided the building is reconstructed on the same building footprint. Council will, however, encourage buildings to be relocated outside of a *flooding hazard* area.

### **7.19.2 Non-Complying Uses**

Land uses are considered non-complying where the use does not comply with one or more of the zone regulations in the comprehensive zoning by-law (e.g. lot area, building setbacks, height, parking etc.). The zoning by-law of a Municipality may recognize or permit exemptions to a lot area or frontage or other standard for an existing non-complying use and/or other zone regulation provided the general intent of the policies of the official plan are upheld. Rectifying non-compliances will be encouraged through such measures as *redevelopment* to relocate or reconstruct buildings and structures to comply with zoning standards, particularly setbacks from water bodies; through lot additions or consolidation of lots to increase the lot area or frontage; through demolition or through the use of technologies which mitigate the impact of the non-compliance.

Reconstruction on an existing footprint may be permitted where a building has been destroyed by a natural cause or fire; or where specific measures are undertaken to improve, enhance, protect or conserve environmental features such as: implementing the shoreline management policies of this plan (see Section 4.9), mitigating the impacts of climate change (see Section 4.10) and/or conserving wildlife and fish habitat (see Section 2.12).

### **7.19.3 Minor Variances**

Minor variances may be granted which meet the four tests set out in Section 45(2) of the *Planning Act*. A Municipality, as authorized by Section 45 (1.0.1) may prescribe additional criteria to the four tests by passing a by-law under Section 34 of the *Planning Act*. Additional criteria may include measures to implement Section 4.9.1 to 4.9.5, shoreline management policies of this Plan, particularly with respect to renaturalizing shorelines through vegetative replanting and erosion control programs.

Minor variances may be granted where a Council empowers the committee of adjustment to grant minor variances from the provisions of any by-law of the Municipality that implements the East Nipissing Official Plan or from such by-laws of the Municipality as are specified and that implement the East Nipissing Official Plan.

No person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the zoning by-law was amended (see Section 7.12) except if the Council of the Municipality has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally.

## **7.20 Land Division, Part-Lot Control and Deeming (Sections 50-53, Planning Act)**

The creation of all new lots by plan of subdivision or consent shall comply with the following general requirements and the specific requirements of the applicable land use designation of this Plan (see Sections 2.3 - 2.7):

1. Development shall conform to the land use policies for the land use designations shown on the Land Use Schedules.
2. Up to three new lots may be created for a lot existing as of the approval date of this Plan (excluding the retained lot). Additional consents may be created under limited circumstances such as separating one or more surplus dwellings on an existing lot.
3. **A severance may be permitted for a retirement lot or a residence surplus to a farming operation provided that the new lot created will be limited to a minimum size need to accommodate the use and appropriate sewage and water services and that the lot creation complies with the applicable policies of Section 6.2 of this Plan.”**
4. All proposals that have the effect of creating more than three new lots shall be processed as applications for a Plan of Subdivision unless, in the opinion of the East Nipissing Planning Board, a Plan of Subdivision is not necessary for the proper development of the area.
5. Development shall comply with the provisions of the zoning by-law. Where a zoning by-law amendment is required, such amendment shall be in force before the consent/subdivision receives final approval.
6. Lots shall have frontage on and direct access to a year-round maintained public road, except for islands or water access only lots and where applicable to a provincial highway or as otherwise provided by Section 2.6 of this Plan.

7. Development shall not result in traffic hazards from limited site lines on curves, grades or near intersections.
8. Adequate *infrastructure* shall be available (see Sections 2.7 and 5.3).
9. Adequate *public service facilities* shall be available to service the development (see Section 2.10).
10. All studies and other information required by the East Nipissing Planning Board and a Municipality to determine compliance with this Plan shall be provided in support of the application.
11. *Development* will not be permitted which compromises the opportunity to develop *adjacent lands*.
12. Subdivision development will take into consideration barrier-free design.
13. Consideration shall be given as to whether the subdivision is premature, and in the public interest and whether all other criteria of Section 51 (24) of the *Planning Act* have been met.
14. Consents may be granted for the following purposes:
  - To correct lot boundaries
  - To convey land for a lot addition
  - To clarify title to the land
  - To permit an easement
  - For municipal or other government purposes

Part-lot control may be used for existing plans of subdivision where it is necessary to re-align lot boundaries, to clarify or grant title, to provide a service easement, to resolve building encroachments or widen a road.

A deeming by-law may be passed by a Council under Section 50(4) of the *Planning Act* for a plan of subdivision or part thereof that has been registered for eight years or more and where a Council deems it appropriate to apply subdivision control to the lands under Section 50(3) of the *Planning Act*.

A deeming by-law may be used to consolidate undersized lots to create a more suitable larger land holding.

## **7.21 Accessory Uses**

Accessory uses to any permitted main use shall be permitted subject to meeting the relevant policies of the land use designation in which they are proposed. The scope of accessory uses is set out in Section 2.3, Table 1 but is not intended to limit other accessory uses which are deemed appropriate

by a Municipality. In general, an accessory use should not be constructed on a lot prior to the primary use except for a building or structure designed to expedite the construction of the principle use such as a storage building for building materials, construction field office or a recreational vehicle required for temporary accommodation. The scope of accessory uses shall be set out for each of the zones in an implementing zoning by-law.

## **7.22 Lots of Record**

Lots of record are legally created parcels or tracts of land that can legally be conveyed. For the purposes of this Plan, lots of record are deemed to include lots or blocks on a registered plan of subdivision and parcels created by consent. Lots of record which are vacant and which existed on the date of adoption of this Plan may be used for building purposes provided that the lot fronts on a public road, or an existing private road, and provided that the lot complies with the policies of the underlying land use designation, the lot complies with the zoning by-law and the lot is or can be adequately serviced. Development may be prohibited or restricted on lots which are significantly undersized for the proposed use.

## **7.23 Interpretation**

1. Boundaries of land use designations and other features on the Land Use Plan are considered approximate except where specifically bounded by a road, rail line, Municipal boundary or other distinctive boundary and an amendment to the plan will not be required for minor adjustments where the intent of the Plan is upheld.
2. Permitted land uses are not intended to be limited to those prescribed where a range of uses is anticipated.
3. Legal non-conforming uses are permitted to continue.
4. Appendices 1, 2 and 3 to this Plan do not constitute part of the formal policies but may be utilized to assist with the interpretation of the policies, words and terms used in this Plan in order that the document is consistent with the Provincial Policy statement.
5. It is intended that all figures and quantities contained in the Plan be considered in the metric form. Amendments will not be required for any reasonable variation from these figures and quantities, provided such variations meet the intent of this Plan.
6. In some instances, overlapping resource areas has resulted in properties that are designated for more than one resource use, such as mining, aggregate extraction, and agriculture. In these cases, existing uses should not preclude sequential land uses that are compatible with the area and whose development complies with the intent of this Plan.

## APPENDIX 1 – DEFINITIONS

Active Transportation:

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

Adjacent lands: means

a) for the purposes of policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where *development* would have a negative impact on the corridor or facility. The extent of the *adjacent lands* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives;

b) for the purposes of policy 2.1.8, those lands contiguous to a specific *natural heritage feature* or area where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives;

c) for the purposes of policies 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of known *petroleum resources*, *mineral deposits*, or *deposits of mineral aggregate resources* where it is likely that *development* would constrain future access to the resources. The extent of the *adjacent lands* may be recommended by the Province; and

d) for the purposes of policy 2.6.3, those lands contiguous to a *protected heritage property* or otherwise defined in the municipal official plan.

Adverse effects:

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

a) impairment of the quality of the natural environment for any use that can be made of it;

b) injury or damage to property or plant or animal life;

c) harm or material discomfort to any person;

d) an adverse effect on the health of any person;

e) impairment of the safety of any person;

f) rendering any property or plant or animal life unfit for human use;

g) loss of enjoyment of normal use of property; and

i) interference with normal conduct of business.

Affordable:

means

a) in the case of ownership housing, the least expensive of:

1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;

b) in the case of rental housing, the least expensive of:

1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

**Agricultural uses:**

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

**Agri-Tourism uses:**

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

**Agriculture-related uses:**

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

**Alternative energy system:**

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

**Archaeological resources:**

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

**Areas of archaeological potential:**

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

**Areas of mineral potential:**

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

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

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

**Brownfield sites:**

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

Built heritage resource:

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

Coastal wetland: means

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

Comprehensive rehabilitation:

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

Cultural heritage landscape:

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

Development:

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

a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;

b) works subject to the *Drainage Act*; or

c) for the purposes of policy 2.1.4(a), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

Ecological function:

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

Endangered species:

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

Erosion hazard:

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

Essential emergency service:

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

Fish:

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

Fish habitat:

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

Flooding hazard:

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

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

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

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

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

Floodproofing standard:

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

Habitat of endangered species and threatened species: means

a) with respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1)(a) of the *Endangered Species Act, 2007* is in force, the area prescribed by that regulation as the habitat of the species;

b) with respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and

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

Hazardous forest types for wildland fire:

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

Hazardous lands:

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

Hazardous sites:

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

Hazardous substances:

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

Heritage attributes:

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

Hydrologic function:

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

Individual on-site sewage services:

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

Individual on-site water services:

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

Infrastructure:

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

Institutional use:

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

Intensification:

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

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

Low and moderate income households: means

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

Major facilities:

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

Mine hazard:

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

Minerals:

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

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

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

Mineral aggregate operation: means

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

Mineral aggregate resources:

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

Mineral deposits:

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

Mineral mining operation:

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

Minimum distance separation formulae:

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

Natural heritage system:

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

Negative impacts:

means

a) in regard to policy 1.6.6.4 and 1.6.6.5, degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;

b) in regard to policy 2.2, degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development or site alteration* activities;

c) in regard to *fish habitat*, any permanent alteration to, or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*; and

d) in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development or site alteration* activities.

Normal farm practices:

means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or

makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

On-farm diversified uses:

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

Partial services: means

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

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

Portable asphalt plant: means a facility

a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and

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

Portable concrete plant: means a building or structure

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

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

Protected heritage property:

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

Prime agricultural area:

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

Private communal sewage services:

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

Private communal water services:

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

Provincial and federal requirements: means

a) in regard to policy 1.6.11.2, legislation, regulations, policies and standards administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy systems and ensuring that the necessary approvals are obtained;

b) in regard to policy 2.1.6, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including *fish and fish habitat*), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and

c) in regard to policy 2.1.7, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their

Public service facilities:

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

Redevelopment:

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

Regional market area:

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

Renewable energy source:

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

Renewable energy system:

means a system that generates electricity, heat and/or cooling from a *renewable energy source*.

Rural areas:

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

Rural lands:

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

Sensitive:

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

Sensitive land uses:

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

Settlement areas:

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

a) built up areas where development is concentrated and which have a mix of land uses; and

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

Significant: means

a) in regard to *wetlands, coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;

b) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources;

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

d) in regard to *mineral* potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and

e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

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

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

Site alteration:

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

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

Special needs:

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

Threatened species:

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

Vulnerable:

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

Waste management system:

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

Wayside pits and quarries:

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

Wetlands:

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

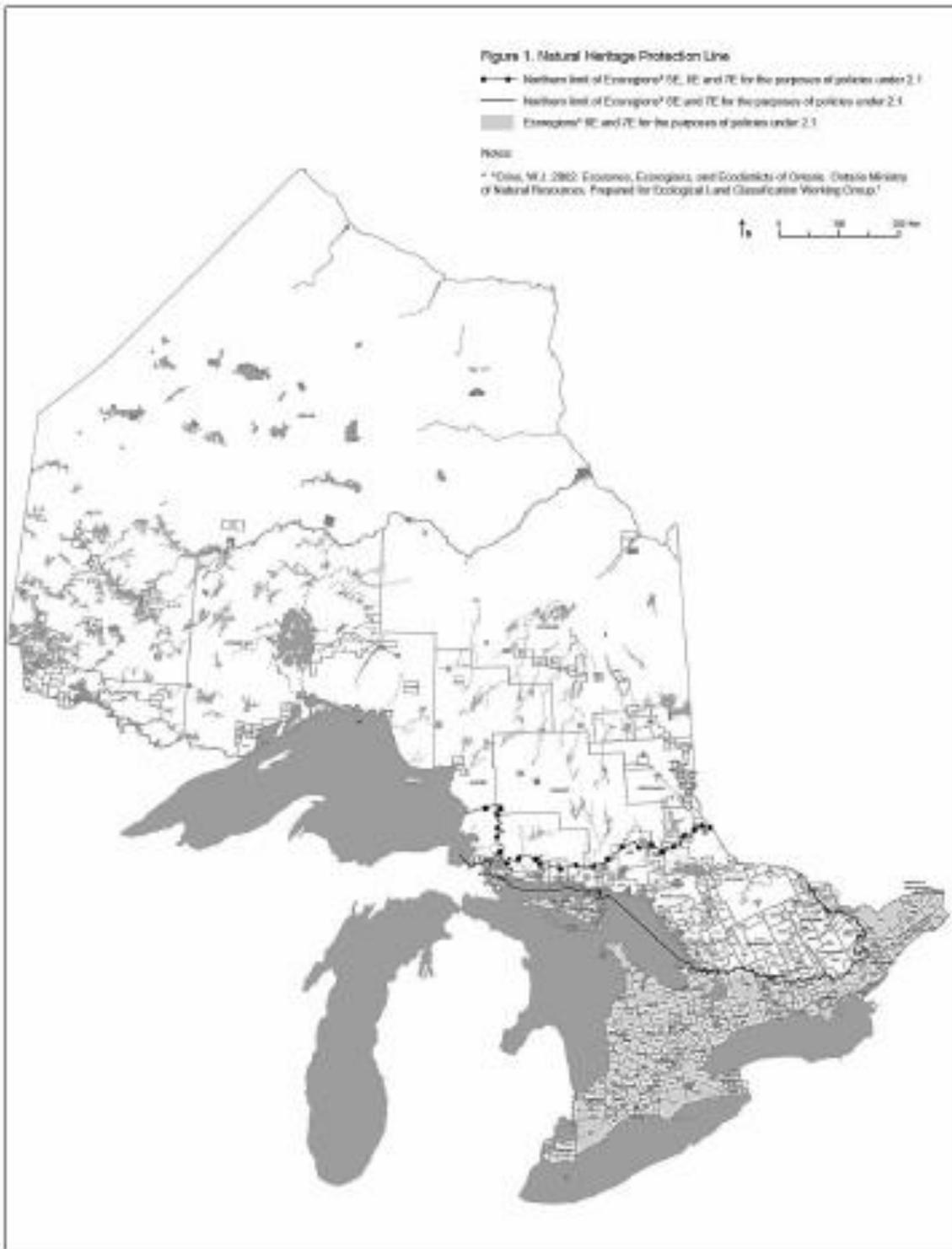
Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildlife fire assessment and mitigation standards:

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

Wildlife habitat:

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



## **APPENDIX 2 – POTENTIAL FOREST HAZARD CLASSIFICATION**

Appendix 2 provides generalized maps of hazardous forest types from broad MNRF data accessed in 2017. These maps should be used as a general indicator only; site-specific review of wildland fire hazard may be required.

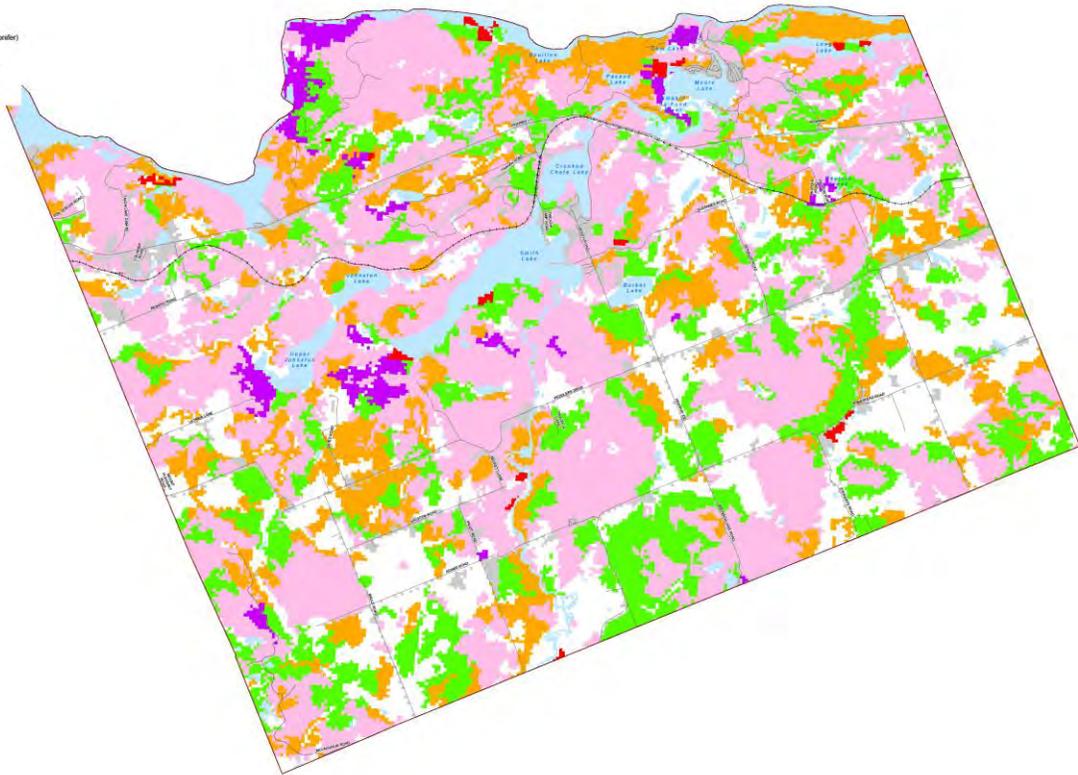


Legend

- Railway
- Road

Potential Hazard Classification

- Extreme - C1C2C4/M3M4
- High - C3, M2(50%Conifer)
- Moderate - M2 (Mixedwoods 25%-50%Conifer)
- Pine - C5C6 Needs Evaluation
- Low - D1(hardwoods),M2(<25% Conifer)
- Non-Fuel / Unknown
- Water



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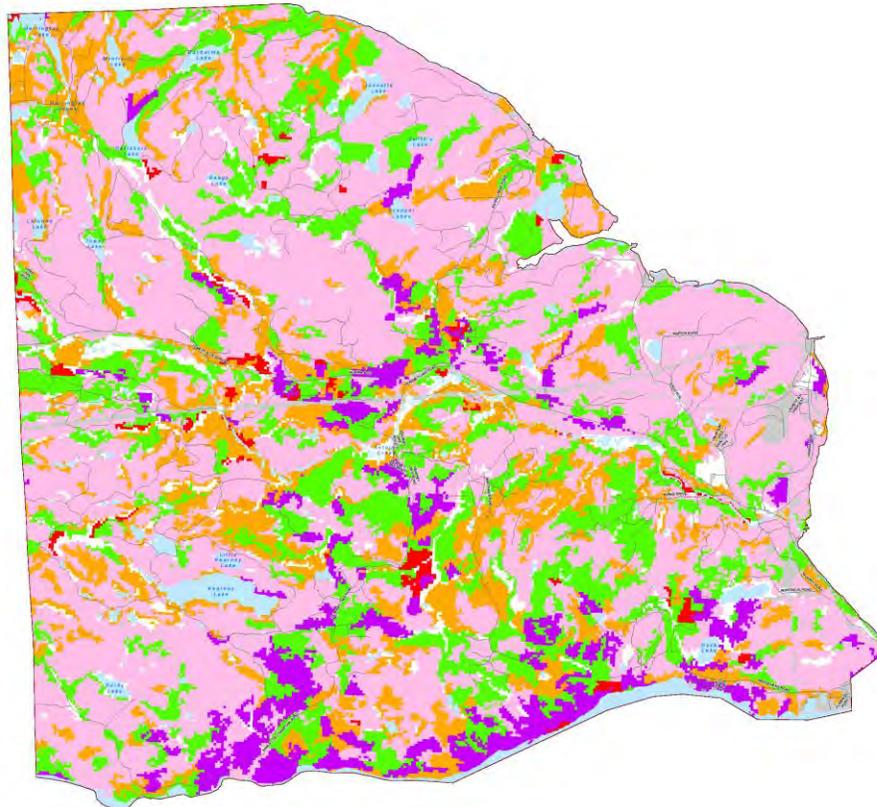


Legend

- Railway
- Road

Potential Hazard Classification

- Extreme - C1/C2/C4/M3/M4
- High - C3, M2 (>50% Conifer)
- Moderate - M2 (Mixedwoods 25%-50% Conifer)
- Fire - CS/CS Needs Evaluation
- Low - D1 (hardwoods), M2 (<25% Conifer)
- Non-Fuel / Unknown
- Water



The County, Town or other municipal authority may not be responsible for the accuracy of the information contained in this map. The user of this map should verify the accuracy of the information contained in this map. The user of this map should verify the accuracy of the information contained in this map. The user of this map should verify the accuracy of the information contained in this map.



## APPENDIX 3 – SPECIES AT RISK

Table 1. Endangered, Threatened and Special Concern species that are known or highly suspected to occur within the geographic townships of Mattawan, Calvin, Papineau and Cameron.

Species	Presence	Key Habitats Used By Species	Timing of Life History Events
<b>Bald Eagle</b> <i>Haliaeetus leucocephalus</i> <b>Special Concern</b>	Known to occur	Typically found living and hunting near large bodies of open water. Their nests are huge stick platforms, usually placed high in a tree that is near water.	Arrival: Mid-March - May Nesting: April through July Fledging: July
<b>Barn Swallow</b> <i>Hirundo rustica</i> <b>Threatened</b>	Known to occur	A medium-sized songbird that is easily recognized by its deeply-forked tail, blue-coloured top side and tawny underside. They dart gracefully over fields, barnyards, and open water in search of flying insect prey and often cruise low, flying just a few inches above the ground or water. They build a cup-shaped mud nests almost exclusively on human-made structures. Barn Swallows are often seen roosting in large flocks perched on overhead wires or man-made structures such as barns and bridges.	Arrival: May Nesting: May - July Fledging: July - August

<p><b>Bank Swallow</b> <i>Riparia riparia</i> <b>Threatened</b></p>	<p>High potential to occur (especially in existing and old aggregate pits)</p>	<p>The bank swallow is a small songbird with brown upperparts, white underparts and an distinctive dark breast band. Bank swallows nest in burrows in natural and human-made settings where there are vertical faces in silt and sand deposits. Many nests are on banks of rivers and lakes, but they are also found in active sand and gravel pits or former ones where the banks remain stable.</p>	<p>Breeding: May – August</p> <p>Egg Incubation: 12-16 days</p> <p>Fledging: 18-22 days, however, the burrow is still used after the fledging occurs.</p>
<p><b>Blanding's Turtle</b> <i>Emydoidea blandingii</i> <b>Threatened</b></p>	<p>Known to occur</p>	<p>Inhabits a network of lakes, streams, and wetlands, preferring shallow wetland areas with abundant vegetation. It can also spend significant portions of time in upland areas moving between wetlands. In a single season, this highly mobile turtle has been known to travel up to seven km in search of food or a mate.</p>	<p>Active: May 1 through September 30</p> <p>Nesting: May 25 through July 7</p> <p>Incubation: May 25 through September 20</p> <p>Non-Active: October 1 through April 30</p>
<p><b>Bobolink</b> <i>Dolichonyx oryzivorus</i> <b>Threatened</b></p>	<p>Known to occur</p>	<p>Bobolinks often build their nests in dense grasses, such as hay fields and other grasslands typically with tall vegetation. Agricultural fields or lightly grazed pasture.</p>	<p>Arrival: May</p> <p>Nesting: May through July</p> <p>Fledging: July</p>
<p><b>Canada Warbler</b> <i>Wilsonia canadensis</i> <b>Special Concern</b></p>	<p>Known to occur</p>	<p>Breeds in a range of deciduous and coniferous, usually wet forest types, all with a well developed, dense shrub layer. Nests are usually located on or near the ground on mossy logs or roots, along stream banks or on hummocks.</p>	<p>Arrival: June</p> <p>Nesting: June through August</p> <p>Fledging: July - August</p>
<p><b>Chimney Swift</b> <i>Chaetura pelagica</i> <b>Threatened</b></p>	<p>Known to occur</p>	<p>Used to nest and roost in hollow trees, but have almost completely adapted to man-made structures, chimneys in particular. These birds are sometimes confused with swallows.</p>	<p>Arrival: June</p> <p>Nesting: June through August</p> <p>Fledging: July - August</p>
<p><b>Common Nighthawk</b> <i>Chordeiles minor</i> <b>Special Concern</b></p>	<p>Potential to occur</p>	<p>Build no nest, laying their eggs instead on the bare ground. They can be found in a wide variety of habitats, in particular those with open or semi-open areas such as farmland, open woodlands, clear cuts, burns, rock outcrops, bogs, fens, prairies, gravel pits and urban rooftops.</p>	<p>Arrival: May</p> <p>Nesting: June-August</p> <p>Fledging: July-August</p>

<p><b>Eastern Cougar</b> <i>Puma concolor</i> <b>Endangered</b></p>	Presumed to occur	Historically, cougars in the east occupied large forested areas that were relatively undisturbed by humans.	<p>Breeding: May occur at any time of the year. Most commonly breed in the winter.</p> <p>Mature: At 2-3 yrs of age.</p> <p>Gestation: 3 months</p> <p>Offspring: 1-3, sometimes as many as 6.</p>
<p><b>Eastern Hog-nosed Snake</b> <i>Heterodon platirhinos</i> <b>Threatened</b></p>	Presumed to occur	They prefer sandy well-drained habitats such as beaches and dry woods because they lay their eggs and hibernate in burrows. But they must have access to wet areas such as swamps to hunt frogs, toads and lizards.	<p>Mating: April to May</p> <p>Nesting: June to early July</p> <p>Incubation: 1 - 2 months</p> <p>Hatch: July to September</p>
<p><b>Eastern Meadowlark</b> <i>Sturnella magna</i> <b>Threatened</b></p>	Known to occur	A ground-nesting medium-sized bird with a bright-yellow throat, chest and belly and a short tail. A black 'V' can be seen across the chest with brown streaking on its back. Prefers open habitat such as grasslands, pastures, croplands, golf courses and hayfields.	<p>Arrival: May</p> <p>Nesting: May - July</p> <p>Fledging: July - August</p>
<p><b>Eastern Wolf</b> <i>Canus lupus lycaon</i> <b>Special Concern</b></p>	Presumed to occur	Eastern wolves live in groups called "packs", which typically number from 3-6 adults and require relatively large areas of unbroken forest. Each pack has a home range that is loosely defended from neighbouring packs and may be as big as 500 km <sup>2</sup> .	<p>Mating: February</p> <p>Gestation: 63 days</p> <p>Offspring: Litters of 3-7 in late April or early May</p>
<p><b>Lake Sturgeon</b> <i>Acipensar fulvescens</i> <b>Threatened</b></p>	Known to occur in the Ottawa River	It usually inhabits the bottoms of shallow areas of large sandy, freshwater lakes and rivers, but migrates each year from early May to late June to swift-flowing water to spawn. Individuals usually return to the same spawning rivers year after year.	<p>Spawn: May through June</p> <p>Incubation: 5 - 14 days depending on temperature</p> <p>Larval Drift: Up to 45 days</p>
<p><b>Little Brown Myotis</b> <i>Myotis lucifugus</i> <b>Endangered</b></p>	Known to occur	Forests, cavity trees, dead and dying trees, buildings, caves and abandoned mines.	<p>Active: April –October</p> <p>Hibernates: October/November – April/May</p> <p>Live Young: June (usually one pup)</p>

<p><b>Milksnake</b> Lampropeltis Triangulum <b>Special Concern</b></p>	Known to occur	Range of habitats including rocky outcrops, fields and forest edges. It is often found in old farm fields and farm buildings where there is an abundance of mice. The Milksnake hibernates underground, in rotting logs or in the foundations of old buildings.	Active: April – December  Females lay 3-24 eggs in the spring.
<p><b>Monarch</b> <i>Danuus plexippus</i> <b>Special Concern</b></p>	Presumed to occur	The Monarch Butterfly can be found in Ontario wherever there are milkweed plants for its caterpillars and wildflowers for a nectar source. Monarchs are often found on abandoned farmland and roadsides, but also in city gardens and parks.	Mating: June to September  Offspring's: Up to 400 eggs  Hatch: 3 - 12 days
<p><b>Northern Myotis (Northern Long-eared bat)</b> <i>Myotis septentrionalis</i> <b>Endangered</b></p>	Known to occur	Forests, boreal forests, cavity trees, dead and dying trees, buildings, caves and abandoned mines.	Active: April –October  Hibernates: October/November – April/May  Live Young: June (usually one pup)
<p><b>Olive-sided Flycatcher</b> <i>Contopus cooperi</i> <b>Special Concern</b></p>	Known to occur	Most often found along natural forest edges and openings. It will use forests that have been logged or burned, if there are ample tall snags and trees to use for foraging perches. Breeding habitat usually consists of coniferous or mixed forests adjacent to rivers.	Arrival: June  Nesting: June-July  Fledging: July
<p><b>Short-eared Owl</b> <i>Asio flammeus</i> <b>Special Concern</b></p>	Potential to occur	The Short-eared Owl lives in open areas such as grasslands, marshes and tundra, where it hunts for small mammals (especially voles). Short-eared Owls nest on the ground and the female sits tight on the eggs while the male brings food to her over the four week incubation period.	Arrival: April  Nesting: April through August  Incubation: One month  Fledging: July - August
<p><b>Snapping Turtle</b> <i>Chelydra serpentina</i> <b>Special Concern</b></p>	Presumed to occur	Spend most of their lives in water. They prefer shallow waters so they can hide in the soft mud and leaf litter, with only their noses exposed to the surface to breathe. During the nesting season, from early to mid summer, females travel overland in search of suitable nesting sites, usually gravelly or sandy areas along streams. Snapping Turtles often take advantage of man-made structures, including roads (especially gravel shoulders), dams and aggregate pits.	Active: May 1 through September 30  Nesting: May 25 through July 7  Incubation: May 25 through September 20  Non-Active: October 1 through April 30

<p><b>Whip-poor-will</b>  <i>Caprimulgus vociferus</i>  <b>Threatened</b></p>	<p>Known to occur</p>	<p>The Whip-poor-will is usually found in areas with a mix of open and forested areas, such as savannahs, open woodlands or openings in more mature deciduous, coniferous and mixed forests. It forages in these open areas and uses forested areas for roosting (resting and sleeping) and nesting. It lays its eggs directly on the forest floor, where its colouring allows it to easily remain undetected by visual predators.</p>	<p>Arrival: May  Nesting: May through August  Fledging: July - August</p>
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## APPENDIX 4 – ROAD CLASSIFICATION BY-LAWS

**THE CORPORATION OF THE TOWNSHIP OF PAPINEAU-CAMERON**

**BY-LAW NUMBER 2018-04**

**BEING A BY-LAW TO PROVIDE FOR HIGHWAY (ROAD) CLASSIFICATIONS, DEFINITIONS, SIGNAGE, AND FOR ADOPTING OF MINIMUM MAINTENANCE STANDARDS FOR HIGHWAYS (ROADS) UNDER THE JURISDICTION OF THE CORPORATION OF THE TOWNSHIP OF PAPINEAU-CAMERON**

**WHEREAS** Section 27 (1) of the Municipal Act, S.O. 2001, c. 25 as amended, provides that a municipality may pass By-Laws in respect of a highway only if it has jurisdiction over the highway;

**AND WHEREAS** Section 44 (1) of the Municipal Act 2001, c.25 as amended, provides that the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstance, including the character and location of the highway or bridge;

**AND WHEREAS** Section 44 (4) and (5) of the Municipal Act 2001, c.25 as amended, provides that regulations may be established by the Minister for minimum standards of repair for highways or bridges or any class of them and that the minimum standards may be general or specific in their application;

**AND WHEREAS** the Township of Papineau-Cameron deems it appropriate to fulfill the requirements of Ontario Regulation 239/02 (Minimum Maintenance Standards for Municipal Highways), made under the Municipal Act, as amended;

**NOW THEREFORE** the Council of the Corporation of the Township of Papineau-Cameron enacts as follows:

**1.0 PURPOSE**

The purpose of this By-Law is to;

- 1.1 Clearly define the terms identified in the definition section of this By-Law;
- 1.2 Classify all roads within the municipality, their levels of service, the patrolling requirements and the maintenance period annually; and,
- 1.3 Identify signage where required for certain types of roads.

## 2.0 DEFINITIONS

For the purposes of this by-law it:

- 2.1 **“Private Road”** means a road that has not been assumed by the Municipality, which provides access by means of a registered right-of-way to private property, and of which the use, maintenance, and liability of the road are the responsibility of the abutting land owners, or the registered owner of the road itself.
- 2.2 **“Private Unassumed Road”** means a road owned by the Municipality and maintained by a separate private individual/s, organization, or company rather than by the Municipality. The general public is allowed to travel on these roads and, since these roads have not been assumed by the Municipality for maintenance purposes, the responsibility for maintenance and liability of a Private Unassumed Road is that of the private individual/s, organization or company.  
(Road Signed - Unassumed Road, Not Maintained by Municipality, Use at Own Risk)
- 2.3 **“Seasonal Road – Partial Year”** means an opened road allowance used on a “courtesy” basis by the Public with the understanding that the road, or portion thereof, is owned by the Municipality and which receives limited maintenance from June 1<sup>st</sup> through October 1<sup>st</sup> each year, and on which no winter maintenance is performed, with the exception of winter maintenance performed at the discretion of the Public Works Superintendent to avoid damage to municipal property or to repair or remove a potential threat to public health and safety. These roads are considered Class 6 Roads, not subject to Minimum Maintenance Standards under Ontario Regulation 239/02.  
(Road Signed - Seasonal Road, Partial Year, Limited Maintenance from June 1 to October 1, Use at Own Risk)
- 2.4 **“Seasonal Road – Annual Year”** means an opened road allowance used on a “courtesy” basis by the Public with the understanding that the road, or portion thereof, is owned by the Municipality and which receives limited maintenance from January 1<sup>st</sup> through December 31<sup>st</sup> each year. These roads are considered Class 6 Roads, not subject to Minimum Maintenance Standards under Ontario Regulation 239/02.  
(Road Signed – Seasonal Road, Limited Maintenance, Use at Own Risk)
- 2.5 **“Access Road”** as per the Road Access Act, R.S.O. 1990, c. R.34 as amended, means a road located on land not owned by a municipality and not dedicated and accepted as, or otherwise deemed at law to be, a public highway, that serves as a motor vehicle access route to one or more parcels of land.
- 2.6 **“Common Road”** as per the Road Access Act, R.S.O. 1990, c. R.34 as amended, means an access road on which public money has been expended for its repair or maintenance.

- 2.7 **“Resource Access Road – Crown Land”** means, a temporary road built and maintained for the purpose of providing access to lands used for resource extraction such as mining, mineral aggregates and forestry and are not intended to provide access to residential or commercial land uses. A resource access road is constructed across Crown Land and may be constructed by a Crown agency such as the Ontario Ministry of Natural Resources & Forestry or by the private sector with Crown approval. The road may be maintained by the Crown or through a maintenance agreement with the private sector. The public is able to use these Crown Land Resources Access Roads but they cannot alter the road in any way. The Municipality has not assumed ownership or for maintaining Crown Land Resource Access Roads, and therefore is used at your own risk.  
(Road Signed - Unassumed Road, Not Maintained by Municipality, Use at Own Risk)
- 2.8 **“Resource Access Road – Private Land”**- means, a private non-permanent road constructed and maintained privately for the purpose of providing access to private lands used for resource development such as mining, mineral aggregates and forestry. The public are prohibited (not able) to use Private Land Resource Access Roads. The Municipality has not assumed ownership or for maintaining Private Land Resource Access Roads, and therefore is no trespassing on privately owned lands.
- 2.9 **“Forced Roads”** – means a publicly-used existing roadway on private land, usually to get around an obstacle that prevents a road from being built on the surveyed public road allowance. Only the municipality (and not the private landowner) is fully responsible and liable for any incidents or accidents that occur on forced roads. Widening Forced Roads requires the municipality to negotiate with private land owners. The municipality would need a survey, a transfer/deed from the registered owner, and a partial discharge of any mortgages affecting the private property.
- 2.10 **“Unassumed Road”** means a road not owned by the Municipality and for which the Municipality has not assumed responsibility for maintaining and therefore is used at your own risk.  
(Road Signed - Unassumed Road, Not Maintained by Municipality, Use at Own Risk)
- 2.11 **“Unassumed Road Allowance”** means a road owned by the Municipality but has not assumed responsibility for maintaining and therefore is used at your own risk.  
(Road Signed - Unassumed Road, Not Maintained by Municipality, Use at Own Risk)
- 2.12 **“Unopened Road Allowance”** means unopened roads found along both concession and lot lines throughout the municipality as they were originally surveyed during the Province’s early settlement. These are public highways, owned by the Municipality, but are unopened and not maintained. The Municipality has no obligation to open or assume original road allowances, or to make passage over them easier for the public. The public is however able to “use” these unopened road allowances but they cannot alter the road allowance in any way.
- 2.13 **“Year Round Road”** means a road which has been opened and assumed full responsibility by the Municipality, and maintained year round by the Municipality.

### 3.0 ROAD CLASSIFICATION

Classification for the purpose of this By-Law applies to Class 4, 5 and 6 Year Round and Seasonally Maintained Roads under the jurisdiction of the Municipality. Classification has been established through the Annual Average Daily Traffic (AADT) count completed in the D.M. Wills 2009 Road Needs Study, and by the Minimum Maintenance Standards for Municipal Highways Ontario Regulation 239/02, and amended thereof by the Council of Papineau-Cameron to reflect the greater population along the road, which sets the minimum standard for levels of service and patrolling requirements on each classification of road within a municipality as per the tables below:

#### 3.1 Class 4 Roads – Patrolling frequency minimum once every 14 days

Class 4 Highway	Surface Area	Depth	Height	Response Time
Snow Accumulation	n/a	8 cm	n/a	16 hours
Icy Roadways	n/a	n/a	n/a	12 hours
Shoulder Drop-offs	n/a	8 cm	n/a	14 days
Cracks	5 cm (width)	5 cm	n/a	180 days
Debris (except snow, ice, slush)	As soon as practicable, after becoming aware			
Surface Discontinuities	n/a	n/a	5 cm	21 days
Regulatory & Warning Signs	n/a	n/a	n/a	30 days
Luminaries	n/a	n/a	n/a	14 days
		<b>Potholes</b>		
Paved Surface	1000 cm <sup>2</sup>	8 cm	n/a	14 days
Non-paved Surface	1500 cm <sup>2</sup>	10 cm	n/a	14 days
Paved & Non-paved Shoulder	1500 cm <sup>2</sup>	10 cm	n/a	30 days
Bridge Deck Spalls	1000 cm <sup>2</sup>	8 cm	n/a	7 days

#### 3.2 Class 5 Roads – Patrolling frequency minimum once every 30 days

Class 5 Highway	Surface Area	Depth	Height	Response Time
Snow Accumulation	n/a	10 cm	n/a	24 hours
Icy Roadways	n/a	n/a	n/a	16 hours
Shoulder Drop-offs	n/a	8 cm	n/a	30 days
Cracks	5 cm (width)	5 cm	n/a	180 days
Debris (except snow, ice, slush)	As soon as practicable, after becoming aware			
Surface Discontinuities	n/a	n/a	5 cm	21 days
Regulatory & Warning Signs	n/a	n/a	n/a	30 days
Luminaries	n/a	n/a	n/a	14 days
		<b>Potholes</b>		
Paved Surface	1000 cm <sup>2</sup>	8 cm	n/a	30 days
Non-paved Surface	1500 cm <sup>2</sup>	12 cm	n/a	30 days
Paved & Non-paved Shoulder	1500 cm <sup>2</sup>	12 cm	n/a	60 days
Bridge Deck Spalls	1000 cm <sup>2</sup>	8 cm	n/a	7 days

#### 3.3 Class 6 Roads – Ontario Regulation 239/02 does not apply to Class 6 roads. Patrolling frequency will be determined by the Road Superintendent.

4.0 ROAD LISTING

Road Name	From	To	Length (km)	Surface	Road Class	Road Type
JODOUIN	Donald	Richards	1.294	Hard Surface	4	Year Round
JODOUIN	Richards	End-South	0.940	Gravel	5	Year Round
CHENDER	Hwy 17	Richards	2.838	Hard Surface	4	Year Round & Forced Road
CHENDER	Richards	Papineau	2.025	Gravel	5	Year Round
CHENDER	Chemer	Power Line S.	0.779	Unassumed Road Allowance		
RICHARDS	McOrmond	Chemer	2.033	Gravel	4	Year Round
RICHARDS	Chemer	Jodouin	2.148	Gravel	4	Year Round
RICHARDS	Jodouin	Belanger	1.941	Hard Surface	4	Year Round
RICHARDS	Belanger	Gravelle	2.397	Gravel	6	Year Round & Forced Road
RICHARDS	Gravelle	Gravelle	0.245	Gravel	4	Year Round
RICHARDS	Gravelle	Therrien	1.254	Gravel	5	Year Round
RICHARDS	Therrien	Archambeault	0.861	Gravel	3	Year Round
THERRIEN	Richards	Papineau	0.595	Gravel	6	Year Round
PAPINEAU	Boundary	Boutz	2.094	Gravel	5	Year Round
PAPINEAU	Boutz	McOrmond	2.068	Gravel	5	Year Round
PAPINEAU	McOrmond	Chemer	2.029	Gravel	5	Year Round
PAPINEAU	Chemer	Collins	2.030	Gravel	5	Year Round
PAPINEAU	Collins	Belanger	1.946	Gravel	5	Year Round
PAPINEAU	Belanger	Sturgeon Lake	0.141	Gravel	5	Year Round
PAPINEAU	Sturgeon Lake	Gravelle	2.051	Gravel	5	Year Round
PAPINEAU	Gravelle	Therrien	1.221	Gravel	5	Year Round
COLLINS	Papineau	End - North	0.293	Gravel	6	Year Round
COLLINS	Collins - North	End - North	0.737	Unassumed Road Allowance		
BOUTZ	Papineau	End - South	5.121	Gravel	6	Year Round & Seasonal Annual
MCORMOND	Richards	Papineau	1.599	Gravel	5	Year Round
MCORMOND	Papineau	End - South	2.097	Gravel	6	Seasonal Annual
STURGEON LAKE	Papineau	Hazelwood	2.079	Gravel	5	Year Round
STURGEON LAKE	Hazelwood	End - South	4.336	Gravel	6	Seasonal Annual
HAZELWOOD	Sturgeon Lake	End - West	1.719	Gravel	5	Year Round
HAZELWOOD	Sturgeon Lake	End - East	1.408	Gravel	5	Year Round
HAZELWOOD	Hazelwood East	End - East	2.430	Unassumed Road Allowance		
BELANGER	Daton	Richards	0.733	Hard Surface	5	Year Round
BELANGER	Richards	Vaughan	1.019	Hard Surface	5	Year Round
BELANGER	Vaughan	Vaughan	0.015	Hard Surface	5	Year Round
BELANGER	Vaughan	Papineau	0.985	Hard Surface	5	Year Round
VAUGHAN	Belanger	End - West	0.721	Gravel	6	Year Round & Forced Road
VAUGHAN	Belanger	End - East	0.680	Gravel	6	Year Round & Forced Road
BOUNDARY	Papineau	Taggart Lake	2.017	Gravel	5	Year Round
BOUNDARY	Taggart Lake	Hwy 17	2.090	Hard Surface		CALVIN TWP.
TAGGART LAKE	Boundary	Hwy 17	4.526	Gravel	5	Year Round & Forced Road
GRAVELLE	Hwy 17	Richards	1.161	Gravel	5	Year Round
GRAVELLE	Richards	Papineau	1.185	Gravel	5	Year Round
GRAVELLE	Papineau	End - South	2.027	Unassumed Road Allowance		
CHANT PLEIN LAKE	Hwy 17	Pine	1.526	Hard Surface	5	Year Round & Forced Road
CHANT PLEIN LAKE	Pine	Neault	0.598	Hard Surface	5	Year Round & Forced Road
PINE	Chant Plein Lk	End - North	0.077	Gravel	6	Forced Road
NEAULT	Old Hwy 17	Chant Plein Lk	0.573	Hard Surface	5	Year Round
NEAULT	Chant Plein Lk	Wood Point	0.291	Hard Surface	5	Year Round & Forced Road
NEAULT	Wood Point	End - West	1.065	Hard Surface	5	Year Round & Forced Road
WOODS POINT	Neault	End - North	0.220	Gravel	6	Private
OLD HWY 17	Hwy 17	Neault	0.058	Hard Surface	5	Year Round
OLD HWY 17	Neault	Hwy 17	4.096	Hard Surface	5	Year Round

LABELLE	Hwy 17	End - West	0.218	Hard Surface	6	Year Round & Forced Road
EARE LAKE	Hwy 17	Poplar	0.053	Hard Surface	5	Year Round
EARE LAKE	Poplar	End - South	0.824	Hard Surface	5	Year Round
POPLAR	Earle Lake	End - East	0.210	Gravel	6	Year Round & Forced Road
MOORES	Hwy 17	End - West	0.353	Hard Surface	6	Year Round & Forced Road
BURRITTS	Hwy 17	Cameron	1.324	Gravel	5	Year Round
BURRITTS	Cameron	Janveau	2.044	Gravel	5	Year Round
BURRITTS	Janveau	End - South	Forced & Resource Access Road - Crown Land			
BURRITTS	Hwy 17	End - North	0.204	Gravel	6	Seasonal Annual
JANVEAU	Burritts	End - West	0.988	Gravel	5	Year Round
JANVEAU	End - West	End - West	0.150	Unassumed Road Allowance		
JANVEAU	Burritts	Villeneuve	1.896	Gravel	5	Year Round
JANVEAU	Villeneuve	End - East	0.596	Gravel	6	Year Round
VELLENEUVE	Janveau	End - South	1.184	Gravel	6	Year Round & Forced Road
CAMERON	Archambeault	McMartin	1.861	Gravel	6	Year Round
CAMERON	McMartin	Burritts	2.100	Gravel	5	Year Round
McMARTIN	Hwy 17	Cameron	3.220	Gravel	5	Year Round & Forced Road
MARTEL	Hwy 17	End - South	0.125	Gravel	6	Year Round
MARTEL	End - South	Richards	0.865	Unassumed Road Allowance		
MARTEL	Hwy 17	End - North	1.260	Unassumed Road Allowance		
RAIL CORRIDOR	mile marker 70	Nip / Renfrew	21.0	Unassumed Road Allowance		
TEE LAKE	Bonta	End - South	Resource Access Road - Crown Land			
ARCHAMBEAULT	Richards	Cameron	1.866	Unassumed Road Allowance		
ARCHAMBEAULT	Cameron	End - South	0.134	Unassumed Road Allowance		
LACELLE LANE	Burritts North	End - West	0.134	Unassumed Road Allowance		
ANITA'S LANE	McMartin	Richards	0.807	Unassumed Road Allowance		
ANITA'S LANE	Anita's Lane	Archambeault	0.745	Forced Road		
KLOCKS	Hwy 17	End - South	Resource Access Road - Crown Land			
KLOCKS	Hwy 17	Rail Corridor	1.134	Unassumed Road Allowance		

## 5.0 MAINTENANCE STANDARDS

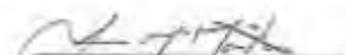
- 5.1 Seasonal Roads - Limited maintenance by the Municipality. Limited maintenance is a service standard providing of minimal graveling, grading and ditching sufficient to permit passage during the seasonal period. Since a seasonal road is maintained at a lower standard, the use of these roads is at "user's risk". All Seasonal roads will be "signed" by the Municipality to indicate the status of the road and the duration of municipal maintenance services. Any individual wishing to provide winter maintenance to a Municipal Seasonal road must make written application for permission to the Corporation of the Township of Papineau-Cameron and, if approved, must enter into an Agreement and be aware that they will assume all responsibility for such winter maintenance and for any liability for damage to Municipal property as a result of the actions of private snow removal equipment.
- 5.2 Year Round Roads - Maintenance will be provided by the Municipality year round as per the Minimum Maintenance Standards for Municipal Highways, Ontario Regulation 259/02

## 6.0 FORCE AND EFFECT

- 6.1 THAT all previous By-Laws establishing Road Classification Definitions and Minimum Maintenance Standards for Highways (roads) be and are hereby repealed;
- 6.2 THAT this By-Law shall become ratified upon the signing thereof.

READ A FIRST, SECOND AND THIRD TIME, ENACTED AND PASSED BEFORE AN OPEN COUNCIL, THIS 13 DAY OF MARCH, 2018.

  
MAYOR

  
CLERK-TREASURER

CORPORATION OF THE MUNICIPALITY OF CALVIN

BY-LAW NO. 2016-020

BEING A BY-LAW TO PROVIDE FOR HIGHWAY (ROAD) CLASSIFICATIONS, DEFINITIONS, AND SIGNAGE AND FOR ADOPTING OF MINIMUM MAINTENANCE STANDARDS FOR HIGHWAYS (ROADS) UNDER THE JURISDICTION OF THE MUNICIPALITY OF CALVIN.

WHEREAS Section 27 (1) of the Municipal Act, S.O. 2001, c. 25 as amended, provides that a municipality may pass by-laws in respect of a highway only if it has jurisdiction over the highway;

AND WHEREAS section 44 (1) of the Municipal Act 2001, c.25 as amended, provides that the municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstance, including the character and location of the highway or bridge;

AND WHEREAS Section 44 (4) and (5) of the Municipal Act 2001, c.25 as amended, provides that regulations may be established by the Minister for minimum standards of repair for highways or bridges or any class of them and that the minimum standards may be general or specific in their application;

AND WHEREAS the Municipality of Calvin deems it appropriate to fulfill the requirements of Ontario Regulation 239/02 (Minimum Maintenance Standards for Municipal Highways), made under the Municipal Act, as amended;

NOW THEREFORE the Council of the Corporation of the Municipality of Calvin enacts as follows:

**1.0 PURPOSE**

The purpose of this By-law is to;

- a) Clearly define the terms Private Road, Private Unassumed Road, Seasonal Road, Unassumed Road, Unopened Road Allowance and Year Round Road;
- b) Classify all roads within the municipality, their levels of service, the patrolling requirements and the maintenance period annually; and,
- c) Identify signage where required for certain types of roads.

## 2.0 DEFINITIONS

For the purposes of this by-law a;

- a) *"Private Road"* means a road that has not been assumed by the Municipality, which provides access by means of a registered right-of-way to private property, and of which the use, maintenance, and liability of the road are the responsibility of the abutting land owners
- b) *"Private Unassumed Road"* means a road owned by the Municipality and maintained by a private individual/s, organization, or company rather than by the Municipality. The general public is allowed to travel on these roads and, since these roads have not been assumed by the Municipality for maintenance purposes, the responsibility for maintenance and liability is that of the private individual/s, organization or company
- c) *"Seasonal Road"* means an opened road allowance used on a "courtesy" basis by the Public with the understanding that the road, or portion thereof, is owned by the Municipality and which receives limited maintenance from June 1<sup>st</sup> through October 1<sup>st</sup> each year, and on which *no winter maintenance is performed*, with the exception of winter maintenance performed at the discretion of the Public Works Superintendent to avoid damage to municipal property or to repair or remove a potential threat to public health and safety. These roads are considered Class 6 Roads, not subject to Minimum Maintenance Standards under Ontario Regulation 239/02
- d) *"Unassumed Road"* means a road for which the Municipality has not assumed responsibility for maintaining and therefore is used at your own risk
- e) *"Unopened Road Allowance"* means unopened roads found along both concession and lot lines throughout the municipality as they were originally surveyed during the Province's early settlement. These are public highways, owned by the Municipality, but not maintained. The Municipality has no obligation to open or assume original road allowances, or to make passage over them easier for the public. The public is however able to "use" these unopened road allowances but they cannot alter the road allowance in any way
- f) *"Year Round Road"* means a road which has been opened and assumed by the Municipality, and maintained year round by the Municipality

## 3.0 ROAD CLASSIFICATION

Classification for the purpose of this by-law applies to the approximately 66.5 km of Class 4, 5 and 6 Year Round and Seasonally Maintained Roads under the jurisdiction of the Municipality. Classification has been established through the Annual Average Daily Traffic (AADT) count completed in the D.M Wills 2009 Road Needs Study, and by the Minimum Maintenance Standards for Municipal Highways Ontario Regulation 239/02, which sets the minimum standard for levels of service and patrolling requirements on each classification of road within a municipality as per the tables below:

### 3.1 Class 4 – Patrolling frequency minimum once every 14 days

Class 4 Highway	Surface Area	Depth	Height	Response Time
Snow Accumulation	n/a	8 cm	n/a	16 hours
Icy Roadways	n/a	n/a	n/a	12 hours
Shoulder Drop-offs	n/a	8 cm	n/a	14 days
Cracks	5 cm (width)	5 cm	n/a	180 days
Debris (except snow, ice, slush)	As soon as	practicable,	after	becoming aware
Surface Discontinuities	n/a	n/a	5 cm	21 days
Regulatory & Warning Signs	n/a	n/a	n/a	30 days
Luminaries	n/a	n/a	n/a	14 days
<b>Potholes</b>				
Paved Surface	1000 cm <sup>2</sup>	8 cm	n/a	14 days
Non-paved Surface	1500 cm <sup>2</sup>	10 cm	n/a	14 days
Paved & Non-paved Shoulder	1500 cm <sup>2</sup>	10 cm	n/a	30 days
Bridge Deck Spalls	1000 cm <sup>2</sup>	8 cm	n/a	7 days

### 3.2 Class 5 – Patrolling frequency minimum once every 30 days

Class 5 Highway	Surface Area	Depth	Height	Response Time
Snow Accumulation	n/a	10 cm	n/a	24 hours
Icy Roadways	n/a	n/a	n/a	16 hours
Shoulder Drop-offs	n/a	8 cm	n/a	30 days
Cracks	5 cm (width)	5 cm	n/a	180 days
Debris (except snow, ice, slush)	As soon as	practicable,	after	becoming aware
Surface Discontinuities	n/a	n/a	5 cm	21 days
Regulatory & Warning Signs	n/a	n/a	n/a	30 days
Luminaries	n/a	n/a	n/a	14 days
<b>Potholes</b>				
Paved Surface	1000 cm <sup>2</sup>	8 cm	n/a	30 days
Non-paved Surface	1500 cm <sup>2</sup>	12 cm	n/a	30 days
Paved & Non-paved Shoulder	1500 cm <sup>2</sup>	12 cm	n/a	60 days
Bridge Deck Spalls	1000 cm <sup>2</sup>	8 cm	n/a	7 days

3.3 Class 6 – Ontario Regulation 239/02 does not apply to Class 6 roads. Patrolling frequency – as determined by the Road Superintendent but at a minimum of once per month from June 1<sup>st</sup> to October 1<sup>st</sup>

#### 4.0 ROAD LISTING

ROAD NAME	CLASSIFICATION	ROAD TYPE
Boundary Rd. N. (hard surface 1.9 km)	Class 4	Year Round
<b>Boundary Rd. S (gravel 2.1 km)</b>	<b>Class 5</b>	<b>Year Round</b> (Maintained Papineau-Cameron)
Peddler's Dr. (paved 9.8 km)	Class 4	Year Round
Peddler's Dr. (gravel 5.9 km)	Class 4	Year Round
Pautois Road (.3 km)	Class 4	Year Round
Donald's Rd. (2 km)	Class 4	Year Round
Suzanne's Rd. (4.3 km)	Class 4	Year Round
Daventry Rd. (3.9 km)	Class 4	Year Round
Flood's Rd. (.2 km)	Class 4	Year Round
Homestead Rd. (6.2 km)	Class 4	Year Round
Bronson Lake Rd. (1.9 km)	Class 4	Year Round
Booth Rd. (.6 km)	Class 4	Year Round
Beach Rd. (.1 km)	Class 4	Year Round
Twilight Camp Rd. (.2 km)	Class 4	Year Round
Mount Pleasant Rd. (3.1 km)	Class 4	Year Round
Latimer Lane (.5 km)	Class 4	Year Round
Moreau Rd. (2.3 km)	Class 4	Year Round
Galston Rd. (3.3 km)	Class 4	Year Round
Peacefull Lane (.4 km)	Class 4	Year Round
Beckett Lane (1 km)	Class 4	Year Round
Pratt Rd. (1.1 km)	Class 4	Year Round
Adams Rd. (5 km)	Class 4	Year Round
Brule Rd. (4 km)	Class 4	Year Round
McLaughlin Rd. (.4 km)	Class 4	Year Round
Stewart's Rd. (.9 km)	Class 6	Seasonal
Pratt Rd. (1.6 km)	Class 6	Seasonal
Latimer Lane (.7 km)	Class 6	Seasonal
Flood's Rd. (.9 km)	Class 6	Seasonal
Gated Rd (.9 km)	Class 6	Seasonal
<b>Talon Lake Rd. (.4 km)</b>	<b>Class 5</b>	<b>Year Round</b> (Maintained Bonfield)
<b>Von Doeler Rd. (.6 km)</b>	<b>Class 6</b>	<b>Year Round</b> (Maintained Bonfield)

#### 5.0 MAINTENANCE STANDARDS

a) *Seasonal Roads* - Limited maintenance by the Municipality from June 1<sup>st</sup> to October 1<sup>st</sup>. Limited maintenance is a service standard below that which is provided for a Year Round road and consists of minimal gravelling, grading and ditching sufficient to permit passage during the seasonal period. No winter maintenance is performed by the Municipality with the exception of winter maintenance performed at the discretion of the Public Works Superintendent to avoid damage to municipal property or to repair or remove a potential threat to public health and safety. Since a seasonal road is maintained at a lower standard, the use of these roads is at "user's risk". All Seasonal roads will be "signed" by the Municipality to indicate the status of the road

and the duration of Municipal maintenance services. Any individual wishing to provide winter maintenance to a Municipal Seasonal road must make written application for permission to the Corporation of the Municipality of Calvin and, if approved, must enter into an Agreement and be aware that they will assume all responsibility for such winter maintenance and for any liability for damage to Municipal property as a result of the actions of private snow removal equipment.

b) *Year Round Roads* - Maintenance will be provided by the Municipality year round as per the Minimum Maintenance Standards for Municipal Highways, Ontario Regulation 239/02

## 6.0 FORCE AND EFFECT

That this By-law will come into full force and effect upon the date of its passing.

READ A 1<sup>ST</sup> TIME THIS 25<sup>th</sup> DAY OF OCTOBER, 2016.

READ A 2<sup>ND</sup> SECOND TIME THIS 25<sup>th</sup> DAY OF OCTOBER, 2016.

READ A 3<sup>RD</sup> THIRD TIME AND FINALLY PASSED BEFORE AN OPEN COUNCIL  
THIS 25<sup>th</sup> DAY OF OCTOBER, 2016.

  
Mayor

  
Clerk-Treasurer

