

**Report to
City of Kenora, Planning and Property Committee
Statutory Public Meeting, May 4, 2010**

Subject: City of Kenora, Final Draft Official Plan (March 31, 2010)

Report Recommendation: That the Planning and Property Committee recommend that Council:

1. Adopt the City of Kenora Official Plan; and
2. Forward the Official Plan as adopted, along with the "Record" as required under the *Planning Act*, to the Minister of Municipal Affairs and Housing for final approval.

Background

Effective January 1, 2007, the *Planning and Conservation Land Statute Law Amendment Act, 2006* (Bill 51) requires that official plans be revised at least every five years, while zoning by-laws must be revised within three years after a new official plan is in effect. In the Fall 2009, the City of Kenora initiated the five-year review of its Official Plan as mandated by the Province under Section 26 of the *Planning Act*. The current Official Plan was approved by the Ministry of Municipal Affairs and Housing in 2005 and was the first for the City since amalgamation in 2000. The City is also undertaking a review of its Zoning By-law, which is currently in draft form and is available for review and comment.

The Ontario *Planning Act* requires municipalities to prepare and adopt an Official Plan to provide guidance for the physical development of communities. The City of Kenora Final Draft Official Plan establishes establish a vision, guiding principles, objectives, and policies to manage and direct physical development and the effect of change on the social, cultural, economic, and natural environment for the twenty (20) year planning horizon (i.e. until the year 2031).

The Final Draft Official Plan for the City of Kenora is consistent with the Provincial Policy Statement, and in particular to the new policies adopted in 2005 relating to matters such as intensification, brownfields, employment lands, air quality, and energy consumption. Furthermore, this Official Plan also reflects matters of provincial interest identified in the *Planning Act* and reflects changes enacted through Bill 51.

Community and Aboriginal Engagement

Community and stakeholder engagement is a key component of the review process and aims to inform, hear, and engage the community so that their input is incorporated in the development of the Official Plan.

The community engagement process included a **Focus Group Session** which was held on September 23, 2009 at the Super 8 Motel in Kenora. Key stakeholders from the community, including representatives from the Lake of Woods District Property Owners, Treaty 3, Moncrief Construction, and other organizations were invited to participate. Approximately 20 participants attended this session and provided input in the identification of identifying opportunities and challenges, ideas, and issues regarding five themes:

- Natural Environment;

- Parks/Culture/Recreation;
- Housing/Built Form;
- Transportation/Infrastructure; and
- Sustainability.

In summary, there was general consensus that any development needs to be balanced with the natural environment and that it is the natural beauty that is a jewel for the City's residents and in attracting tourists to the area. Tunnel Island is an excellent example of a public-private-aboriginal partnership and should remain in its natural state and respected for the First Nation cultural history and events that occur on this land. Coney is another island that provides opportunities for some diversification to bring residents and tourists to the area. These opportunities include arts and cultural events, a docking facility for the MS Kenora as a mode of transportation to the island. There is a strong desire to have cycling trails and a comprehensive trail network in the city to provide better connectivity.

In addition, there were many comments regarding a multi-use performing arts centre, which could also be used for other sporting activities such as an ice surface. There was also consensus that there is a lack of affordable and transitional housing in the City of Kenora. In addition, many neighbourhoods/communities are not complete due to a lack of a full range of services. Urban design is desired for affordable housing and in general for all new development. Design by nature is desirable.

The first public event, a **Community Café**, was also held on September 23, 2009 at the Super 8 Motel in Kenora. Approximately 25 public members attended this evening event. The public members participated in a facilitated discussion regarding the same themes as listed above.

The following is a synopsis of some common responses and in some cases, different responses than what was heard at the Focus Group Session. Kenora's natural environment has all elements, wildlife, ample land and water. One of the issues is that the Official Plan needs to have stronger policies regarding water protection. With respect to parks/cultural/recreation, the mobile home park is an issue. Some public members wanted more greenspace and more tot lots (i.e. a play structure in a small green space area).

Affordable housing was also mentioned as an issue and that it should be integrated with neighbourhoods and not exclusively in one location. One way of addressing affordable housing was to increase densities and building heights. This should be considered on a site-specific basis.

There was recognition that the Kenora Airport is an economic driver and that the existing land use designations around the Airport should remain. Multi-use trails were commented on and that part of the problem is that there is no strategic development of pathways. The need for east-west connections was identified as being desirable. Furthermore, there was some consensus on having better connectivity by providing walkways/pathways around the lakes.

There was limited discussion on infrastructure. In terms of permitted uses, it was commented that there is a lack of daycare centres.

The last theme that was discussed was Sustainability and the responses provided included among others, protecting natural resources, healthy vibrant economy, healthy lifestyle, and opportunities and training for the youth.

On December 8, 2009, a second community engagement event was held in the form of a **Public Open House** at the City's Operations Centre Training Room. Approximately 20-25 persons participated in this event. The purpose of the Public Open House was to present the major policy and Schedule changes in the Draft Official Plan (December 2009). The public were given an opportunity to review the Draft Official Plan on line and in hard copy form. Large printouts of the Draft Schedule A were also provided for the public to review and provide input. Many comments were positive in nature on the Draft Official Plan. Some of the comments or questions heard were specific regarding waterfront development, accessibility, and recognition of the provincially significant wetlands.

Aboriginal Engagement

In addition, meetings were held on December 8, 2009 with the elected officials from the **three First Nations**: Wauzhusk Onigum, Ochiichagwe'Babigo'ining Dalles First Nation, and Washagamis Bay (Obashkaandagaang). The purpose and intent of these meetings was to engage these First Nation communities in the City's Official Plan and Zoning By-law review process, and to understand the proposed plans for their treaty land. A hard copy of the Draft Official Plan and Schedule A were provided to each of the First Nations for their review and input into the process and to ensure that the City, in its land use planning exercise, avoids the unjustifiable infringement of constitutionally protected rights of Aboriginal peoples.

City of Kenora Planning Advisory Committee

The City of Kenora Planning Advisory Committee (PAC) has been integral to the process and were provided with a copy of the Draft Official Plan for review and comment. The PAC comments were incorporated into the Final Draft Official Plan, March 31, 2010.

Ministerial Comments

In early December 2009, the Draft Official Plan (December 3, 2009) was circulated to the Ministry of Municipal Affairs and Housing (MMAH) for circulation and comment by provincial ministries as part of the One Window Municipal Plan Review process. Comments on the Draft Official Plan were provided to the City by the MMAH in mid March 2010, save and except for the comments from the Ministry of the Environment. The table at Appendix A lists the One Window Comments and how they were addressed in the Final Draft Official Plan. The majority of the One Window Comments were minor editorials.

In addition, the Ministry of Municipal Affairs and Housing (MMAH) forwarded comments from the Ministry of the Environment (MOE) in early April 2010. The MOE comments were on the Draft Official Plan (December 3, 2009). These comments will be reviewed and discussed with MMAH, MOE, the City's Planning Administrator, and FoTenn Consultants Inc. on May 3, 2010. Further revisions to the Final Draft Official Plan may be required as a result of the conference call. Attached to this report is a copy of the MOE comments.

Public and Agency Comments

Through the Official Plan review process to date, the City has received comments from the public and agencies, including Trans Canada Pipeline, the Lake of the Woods Control Board, Northwestern Health Unit and TDL Group Corp. Their concerns and issues have been addressed through policy revisions.

Supporting Documentation

As part of the Official Plan review process, a Draft Background Report (April 2010) has been prepared to provide direction to the Official Plan (and Zoning By-law) review by identifying policies and provisions that may currently be missing or require updating based on the Provincial Policy Statement 2005, and

other legislation since the adoption of the City of Kenora Official Plan in 2004. The Draft Background Report also includes a growth management analysis which is required as part of the five-year Official Plan review process to identify the land supply and the potential for residential demand for the twenty-year planning horizon to 2031, which is consistent with the 5-year cyclical period for collecting Census information. The Draft Background Report is updated throughout the planning process to include updates to the What We Heard and How We Responded section after each community and Aboriginal engagement event.

Circulation and Notification

Notification of the Final Draft Official Plan, March 31st, 2010, was advertised through the following communication tools:

- City of Kenora Community Portal www.kenora.ca, under “What’s New”;
- Kenora Daily Miner and News on April 8 and 15, 2010;
- The Notification for the Statutory Public Meeting with links to the Community Portal were sent by the City’s Planning Administrator via email on April 8, 2010 to the following:
 - interested members of the public
 - City Clerk
 - City council
 - Kenora Planning Advisory Committee
 - Kenora Urban Trails Committee
 - Keewatin Patricia District School Board
 - Catholic Education Center
 - Lake of the Woods Control Board
 - Secretary of Union Gas
 - TransCanada Pipelines
 - SUPERIOR PROPANE INC
 - Energy Tech Services
 - CP Rail
 - Ontario Power Generation
 - Hydro One Networks Inc.
 - Kenora Hydro
 - Chief Ken Skead - Wauzhusk Onigum First Nation (a mailed copy was also provided)
 - Chief Lorraine Cobiness, c/o John Henry - Ochiichagwe'babigo'ining First Nation (a mailed copy was also provided)
 - Chief Alfred Sinclair - Washagamis Bay First Nation (a mailed copy was also provided)
 - MMAH – Ministry of Municipal Affairs & Housing
 - Kenora Airport Authority
 - Kenora Chamber of Commerce
 - Kenora BIZ

Planning Recommendation

The Final Draft Official Plan, March 31, 2010 is consistent with the 2005 Provincial Policy Statement, subject to potential further changes by the Ministry of Municipal Affairs and Housing (MMAH), and the Ministry of Natural Resources (MNR) on Section 5.1 of the Final Draft Official Plan. Based on the One Window Municipal Plan Review comments, both MMAH and MNR recommended that they should be further consulted once the Plan is revised and prior to Council adoption. MMAH and MNR have been sent the revised Section 5.1 of the Final Draft Official Plan, further recommended changes can be incorporated into the Official Plan before it goes to Council for adoption.

In addition, the Final Draft Official Plan, March 31, 2010 incorporates changes enacted by the *Planning and Conservation Land Stature Law Amendment Act, 2006* (Bill 51), as well as changes enacted by the *Green Energy and Green Economy Act, 2009*.

That the Planning and Property Committee recommend that Council:

1. Adopt the City of Kenora Official Plan; and
2. Forward the Official Plan as adopted, along with the "Record" as required under the *Planning Act*, to the Minister of Municipal Affairs and Housing for final approval.

Appendix A

Item #	Section #	One Window Provincial Comments	City/FoTenn Comments
1	1.1	<p>Purpose of the Official Plan It appears that there is an error in the number of the points listed in this policy, beginning with item e).</p>	Formatting has been fixed.
2	1.3.1	<p>The Challenge Ahead - Kenora's Growth Strategy</p> <p>The last paragraph of this section of the plan indicates that there is sufficient land within the settlement area boundary to accommodate over 3,060 new units, whereas the projected demand for new housing units to the year 2031 is for only 234 new housing units. It is unclear whether the supply of vacant land outlined above is specific to lands currently designated and available for residential development, or whether it includes additional lands currently allocated to other purposes.</p> <p>The Provincial Policy Statement provides that sufficient land shall be made available to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years. It appears that the current supply of lands designated for development within the City may significantly exceed the projected 20-year demand. Please provide additional information to clarify how the proposed Official Plan will address this significant over-supply to achieve efficient development and land use patterns over the life of the Plan. Has consideration been given to reducing the extent of some land use designations to address this issue?</p>	Section was expanded to include the vacant land supply specifically for land designated and available for residential development. Vacant land designated as Established Area and the Residential Development Area were analyzed. The results of the vacant land supply indicated that there is sufficient land within these two designations to accommodate the projected housing unit demand.
3	1.4	<p>Settlement Area</p> <p>This policy should be expanded to further explain the concept and specific components of a "comprehensive review" as set out in the Provincial Policy Statement (PPS Policy 1.1.3.9 and PPS definition).</p>	Policy has been expanded to include the concept and specific components of a comprehensive review.
4	2.2.5	<p>Guiding Principles and Objectives Principle 5 - Tourist Destination</p> <p>We recommend that the second bullet point be</p>	Revised wording has been added with a further editorial change from "visit" to "visitor".

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		<p>reworded as follows:</p> <p>"To support the development of the heritage sector to meet visit expectations by identifying and conserving cultural heritage resources, including heritage buildings, heritage areas, cultural heritage landscapes, archaeological sites, and other elements that define or represent Kenora's history such as the murals".</p>	
5	3.3	<p>General Development Policies - Home Based Businesses</p> <p>The second paragraph on page 3-2 should be deleted and replaced with the following: "Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future, and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parce1."</p>	Revised wording has been added.
6	3.4	<p>Land Use Compatibility</p> <p>This section of the Plan should be strengthened to refer to the need for appropriate separation of conflicting land uses and other mechanisms to deal with potential land use conflicts.</p>	Additional policies have been added.
7	3.6	<p>Surface and Groundwater Water Quality</p> <p>The last sentence of paragraph four should be deleted and replaced with the following:</p> <p>"A drainage/stormwater management report/plan shall be prepared by the proponent, and reviewed</p>	Revised wording has been added.

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		and approved by the Ministry of Transportation for those developments located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and/or downstream properties."	
8	3.7	<p>Private Sewage and Water Systems</p> <p>The following sentence should be added at the end of this section:</p> <p>"Proposals for development served by private services shall also be subject to the provisions of Section 6.2 of this Plan."</p>	Revised wording has been added. Further editorial has been made to refer to the Section title (i.e. Private Services) instead of a Section number.
9	3.8	<p>Forestry Operations</p> <p>The reference to "good forestry practices" in this section of the Plan is quite vague, and open to interpretation. Consideration should be given to providing additional detail to clarify the term, or referring to a document that would outline specific practices.</p>	Wording has been added to explain "good forestry practices".
10	3.9	<p>Agricultural Uses</p> <p>- The phrase "including lot creation" should be added to this section of the Plan, following the words "Any development".</p> <p>- We recommend adding a cross-reference to the policies of Section 4.8 to clarify that agricultural uses are also addressed in this section of the Plan.</p>	<p>Revised wording and a cross reference has been added.</p> <p>Additional edit: the Section has been revised to "Urban Agriculture" to provide opportunities within the city for community gardens/roof top gardens.</p>
11	3.10	<p>Development on Private Roads</p> <p>The following statement should be added to the end of this section:</p> <p>"The City shall monitor the application of this policy and shall, during the life of this Plan, conduct a comprehensive study of the planning, financial, and legal implications of lot creation and development on private roads."</p>	Wording has been added with a slight revision from "shall" to "may". The revised policy reads, "The City may monitor the application of this policy and may, during the life of this Plan, conduct a comprehensive study of the planning, financial,

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			and legal implications of lot creation and development on private roads."
12	3.11	<p>Development and Redevelopment Adjacent to Railway/transportation Corridors</p> <ul style="list-style-type: none"> - The phrase "and other sensitive land uses" should be added to the first line of the second paragraph, after the words "new residential development". - The phrase "may be accompanied by a noise study ... " in the second to last line on page 3-4 should be replaced with the phrase "shall be accompanied by a noise study ... ". - In the third full paragraph on page 3-5, the wording "In lieu of the site specific studies required in Section 8.9 ... " should be replaced with the phrase "In lieu of the site specific studies required in Policies 3.11 and 4.7.1, and Section 8.9 ... ". 	<p>Wording has been added and/or revised</p> <p>The word "may" will remain as there are areas where a noise study is not required given the existing topographical and vegetation barriers. Additional wording has been added to read, "The need for a noise study shall be determined by the City during the pre-consultation stage."</p>
13	3.12	<p>Development in the Vicinity of the Kenora Airport</p> <ul style="list-style-type: none"> - The full intent of Section 1.6.7 of the PPS does not appear to be reflected in this Section of the proposed Plan (3.12 and 3.12.1). The wording of this section should be revised to more closely reflect the requirements and overall intent of this section of the PPS. - Please clarify the last sentence of paragraph 1 of this policy, and provide the source for this information. 	<p>Policy has been revised.</p> <p>Last sentence of paragraph 1 has been deleted.</p>
14	3.16	<p>Docks and Shoreline Development</p> <p>We would recommend shifting the primary focus of this section of the plan to Hazard Lands, by changing the title of this section of the Plan to "Hazard Lands, Docks, and Shoreline Development" and by switching the order of the two subsections</p>	<p>Section title has been revised and policies have been consolidated and revised.</p>

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		<p>so that the Hazard Land policies become Section 3.16.1, followed by the remaining policies, thereby setting the overall policy context for development in hazardous areas adjacent to watercourses and waterbodies.</p> <p>This section of the plan would be further strengthened by ensuring that the principles embodied in Section 3.0 and Policies 3.1.1 and 3.1.2 of the Provincial Policy Statement are better reflected in the Plan. We recommend that the introductory paragraph of Section 3.16 and the first policies of Section 3.16.2 on Hazard Lands be revised to incorporate the principles of Section 3.0 and Policies 3.1.1 and 3.1.2 of the PPS.</p>	
15	3.16.1	<p>Permitted Uses The words "Section 3.16.2 of this Plan," should be added to the second sentence of the introductory paragraph, following the words "shall be governed by the policies of".</p>	Revised wording has been added.
16	3.16.1 g)	<p>- This section should be relocated to Section 3.16.2, which more specifically addresses hazard lands.</p> <p>- The words "subject to the policies of this section of the plan" should be added to the end of the second sentence, after the words "may be considered by the City".</p>	Revised wording has been added.
17	3.16.1 i)	<p>We recommend the addition of the following policy:</p> <p>"i) When considering applications for waterfront development, Council shall ensure that cultural heritage resources, both on shore and in the water, are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources."</p>	Revised wording has been added.
18	3.16.2	<p>Hazard Lands The policies of this section of the plan should be reorganized to clearly describe Hazard Lands, as defined by the Plan. We recommend that this be done at the beginning of this section. Hazard Lands, as defined by the Plan, should include:</p> <p>a) those lands along the Winnipeg River and Lake of</p>	Section title has been revised and policies have been consolidated and revised.

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		<p>the Woods that are defined as Hazard Lands on the basis of elevations identified by the Lake of the Woods Control Board (<i>Note: In describing this component of Hazard Lands, we would support the inclusion of detailed wording such as that included in proposed policy 3.16.2 b).</i>;</p> <p>b) lands outside of those areas addressed by the Lake of the Woods Control Board that may also be subject to flooding and erosion, such as lands adjacent to watercourses and waterbodies other than the Winnipeg River or Lake of the Woods. In these areas, Hazard Lands should be defined as follows:</p> <p>1. by engineered flood plain mapping, where it exists (<i>Note: It is our understanding that there are few, if any, situations where such mapping exists.</i>); and</p> <p>ii. where there is no engineered flood plain mapping, hazard lands, as defined by the plan should include:</p> <ul style="list-style-type: none"> • for slopes equal to or greater than 1: 1, all lands within 15 metres of the top-of-bank of any watercourse or water body; and • for slopes less than 1:1, all lands within 15 metres horizontal distance of the 1: 100-year flooding elevation along any watercourse or water body. <p>We recommend that the information contained in policies 3.16.2 b), d), and the first sentence of policy 3.16.2 e) be grouped together and rewritten to clearly define Hazard Lands as described above. Other Hazard Land policies, describing how the lands will be zoned in the Zoning By-law, how development and site alteration will be restricted, and how various site-specific proposals may be addressed in accordance with the requirements of the Provincial Policy Statement, should then follow. 4 Proposed policies 3.16.2 a) and 3.16.2 e) appear to conflict with regard to the zoning of Hazard Lands. We recommend that information related to</p>	

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		the zoning of these lands be consolidated and clearly explained in one policy. It is our expectation that those lands defined as "Hazard Land" by the Plan would be included in a Hazard Land or other similarly restrictive zone in the Zoning By-law.	
19	3.16.2 c)	The reference to Section 4.7 of the Plan should be changed to read "subject to the provisions of this section of the Plan".	Revised wording has been added.
20	3.16.3 f)	<p>- The reference to "20 m" in the second line of this policy should be changed to "15 m".</p> <p>- The phrase "prepared by a qualified professional engineer in accordance with provincial technical standards and" should be added to this policy following the words "supported by engineered designs,"</p>	<p>Section reference is 3.16.2 (f). No change made.</p> <p>Revised wording has been added.</p>
21	3.16.2 g)	This policy should be expanded to better reflect changes made to the 2005 Provincial Policy Statement, in particular PPS Policy 3.1.4, the first part of PPS Policy 3.1.6, and Part a) of PPS Policy 3.1.6.	Policy has been revised.
22	3.19.1	<p>Urban Design Principles</p> <p>Policy 3.19.1 g) should be reworded as 'follows:</p> <p>"g) contribute to attractive public spaces and important views, and protect sightlines to significant cultural heritage resources;" The following policy 3.19.1 n) should be added:</p> <p>"n) conserve, retain, and enhance significant heritage buildings, ruins, districts, landscapes, and archaeological features through effective community design."</p>	<p>Revised wording has been added.</p> <p>Revised wording has been added.</p>
23	3.20.2	<p>Alternative and Renewable Energy Systems</p> <p>The reference in line 1 of paragraph 2 to the "Green Energy and Economy Act, 2009" should be changed to "<i>Green Energy and Green Economy Act, 2009</i>".</p> <p>The second sentence of paragraph 2 should be changed to read:</p> <p>"...Through regulations introduced by the <i>Green Energy and Green Economy Act</i>, in particular</p>	<p>Revised wording has been added.</p> <p>Revised wording has been added and edited</p>

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		Ontario Regulation 359/09 under the <i>Environmental Protection Act</i> , it establishes a framework for approvals of various types of renewable energy projects which are thereby exempt from municipal approvals."	to read "Through its regulations, in particular Ontario Regulation 359/09, a framework is established for approvals of various types of renewable energy project which are thereby exempt from municipal approvals."
24	Policy 3.20.2 a)	The wording of the last part of this policy should be changed to reflect the fact that O. Reg. 359/09 falls under the <i>Environmental Protection Act</i> , rather than the <i>Green Energy and Green Economy Act</i> . The following wording is suggested: " ... for which a provincial Renewable Energy Approval is required, as per Ontario Regulation 359/09 or any other applicable legislation or regulations."	Revised wording has been added.
25	Policies 4.4.2 b) and c)	These Policies should be removed from this section of the Official Plan, as they apply to all areas where a provincial highway is located, not just to the Commercial Development Area designation. We recommend that these matters be addressed in the Transportation section of the Official Plan (see additional comments below).	Policies have been removed from this section and added to the Transportation section with a slight modification to delete "Commercial Development Areas" as there are other land use designations along Highway 17A.
26	4.5.1 Permitted Uses	A new policy 4.5.1 e) should be added, as follows: "e) Resource extraction uses, including mineral exploration, mine development, and mining, shall be permitted."	Revised wording has been added.
27	Policy 4.5.2 f)	A new paragraph should be added to the beginning of this policy, as follows: "Proposals to convert Industrial Development Area to other purposes will require an amendment to this Plan, and may be permitted only through a comprehensive review, and where it has been	Revised wording has been added.

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		<p>demonstrated that the land is not required for employment purposes over the life of this Plan, and that there is a need for the conversion."</p> <p>The remainder of this policy should be further revised to incorporate all components of a <i>comprehensive review</i> as defined by the Provincial Policy Statement, as it appears that the elements of a <i>comprehensive review</i> as defined by the PPS have not been reflected in this policy.</p>	<p>Policy has been augmented with all components of a comprehensive review.</p>
28	Policy 4.5.2 g)	<p>A new policy 4.5.2 g) should be added, as follows:</p> <p>"g) The retention, renewal and conservation of industrial buildings of historical and architectural merit will be encouraged if they are affected by an application for development or redevelopment. The impact of such development plans on the character of the surrounding area will also be considered."</p>	<p>Revised wording has been added.</p>
29	Policy 4.7.1	<p>Railyard Policies</p> <p>These policies appear to conflict with the policies of Section 3.11 of the Plan, in that Section 3.11 does not allow new residential development within 300 metres of a rail yard, with the exception of limited infilling on existing lots of record. The wording of Policy 4.7.1 should be changed to reflect our comments on Policy 3.11. The revised Policy 4.7.1 should reflect the requirements of Policy 3.9.2 of the existing Official Plan, added by Minister's modification on approval of that document.</p>	<p>Policies have been revised and Policy 3.9.2 from the existing Official Plan has been included.</p>
30	4.8.1 Permitted Uses	<p>Policy 4.8.1 should be reworded as follows:</p> <p>"a) Agricultural uses, and small-scale commercial, residential, and industrial uses shall be permitted.</p> <p>b) Permitted agricultural uses shall include the growing of crops, including nursery and horticulture crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time labour when the size and nature of the operation requires additional employment.</p>	<p>Entire section has been reorganized.</p> <p>Policy has been revised and edited while keeping the intent.</p> <p>Revised wording has been added.</p>

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		<p>c) Uses secondary to the principle use of the property shall also be permitted. These shall include, but not be limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property such as custom meat shops, pick-your-own operations, produce markets, and packing operations.</p> <p>d) Resource extraction uses, including mineral exportation, mine development, and mining, shall be permitted."</p>	<p>No change. Home occupations and home industries policies are found in the Home Based Businesses section of the Final Draft Official Plan.</p> <p><i>To be added to revised Policy 4.8.1 (d)</i></p>
31	Policy 4.8.2 f)	The words "the ability of the site to treat sewage effluent" should be added to the third line of this policy, after the words "sewage effluent".	<i>To be added to revised to Policy 4.8.5 (f)</i>
32	Policy 4.8.2 g)	It appears that policy 4.8.2 e) may have been inadvertently repeated as Policy 4.8.2.g).	Duplication has been corrected
33	Policy 4.8.3 c)	The meaning of policy 4.8.3 c) is not clear. We recommend that the wording be revised to clarify the intent of this policy.	Clarification has been provided in revised Policy 4.8.1 (e)
34	Policy 4.8.3 e)	<p>The following wording should be added to the end of policy 4.8.3 e):</p> <p>"Agriculture-related commercial and industrial uses that are small in scale, directly related to the farm operation, and required to be located in close proximity to the farm operation, such as grain drying handling and storage facilities shall be permitted."</p>	New wording has been added.
35	Policy 4.8.3.g)	<p>This policy should be re-worded as follows:</p> <p>"g) Resource and open space uses, including mineral exploration, mine development, and mining, shall be permitted in all Rural Areas provided that they are compatible with surrounding land uses."</p>	Revised wording has been added.
36	Policy 4.8.3 j)	<p>A new policy 4.8.3 j) should be added, as follows:</p> <p>"j) Council shall encourage the conservation, preservation, and enhancement of the rural character of the City as a cultural resource."</p>	New wording has been added.
37	Section 5.1	<p>Natural Heritage</p> <p>In general, the policies of this section of the Plan should be expanded and revised to be more reflective of Section 2.1 of the Provincial Policy</p>	Policies have been expanded and revised.

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		<p>Statement. In particular, detailed policies addressing significant wetlands and significant wildlife habitat should be included in the Plan.</p> <p>MNR has advised that there are two provincially significant wetlands within the City: the Mink Bay wetland complex, and the Laurenson's Lake/Creek wetland complex. These wetlands and their adjacent lands of 120 metres should be identified on Schedule "A", and corresponding policies added to the Plan to reflect the requirements of Sections 2.1.4 and 2.1.6 of the PPS. Policies of the Plan should also clearly indicate that both wetland complexes and their adjacent lands will be zoned in a restrictive zoning category in the City's Zoning By-law. MNR has advised that these wetlands have been mapped in the Natural Resource Values Information System (NWVIS). MNR and MMAH should be further consulted as the proposed Plan is revised, and prior to adoption by Council, to ensure that the wetlands and their adjacent lands are accurately reflected, and that the corresponding Official Plan policies adequately reflect the PPS. Please contact Abby Anderson, MNR District Planner (807-468-2556) to further discuss this matter.</p> <p>While the proposed Plan addresses some components of significant wildlife habitat (heronries, bald eagles, osprey), the Plan lacks comprehensive policies that meet the requirements of the Provincial Policy Statement (Policies 2.1.4 and 2.1.6) with respect to significant wildlife habitat. It appears that the current approach of identifying specific development policies for specific natural heritage values, as outlined in Policy 5.1.5 of the proposed Plan, may not be consistent with the PPS, which requires a demonstration of "no negative impacts" where development is proposed in significant wildlife habitat and adjacent lands. Further consultation with both MNR and MMAH is required to ensure that the proposed Plan, once revised, adequately reflects the requirements of the PPS, in terms of both Official Plan policies and the mapping of significant wildlife</p>	<p>New Section 4.10 – Provincially Significant Wetlands has been added.</p> <p>As per the comment, the City has circulated Section 5.1 to the MNR and MMAH for another review. Further edits to the Final Draft Official Plan may be required to this section as a result of the Ministerial review and prior to the adoption of the Official Plan.</p> <p>See above bold comment</p>

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		<p>habitat. Please contact Abby Anderson, MNR District Planner (807-468-2556) to further discuss this matter.</p> <p>With regard to Bald Eagles (one component of significant wildlife habitat), MNR has requested that the policies of the Plan be updated to reflect the new approach to the protection of bald eagle habitat through municipal land use planning. Please refer to the attached document <i>Municipal Planning and the Protection of Bald Eagle Habitat</i> for further information in this regard.</p> <p>As one component of significant wildlife habitat, further consultation with MNR is required to identify components of white-tailed deer habitat that may be considered significant wildlife habitat, and to address future management of this habitat.</p> <p>Proposed Policy 5.1.1, regarding Endangered and Threatened Species, may not accurately reflect the requirements of the <i>Endangered Species Act</i>. Further consultation with MNR and MMAH is required to ensure that the policies of the Plan appropriately reflect the requirements of this legislation.</p> <p>Section 5.1.3 b) of the proposed Plan indicates the mandate of the MNR and the Department of Fisheries and Oceans (DFO) is to protect fish habitat under the <i>Fisheries Act</i>. The federal government (DFO), and not the MNR, has the lead role for the enforcement of the federal <i>Fisheries Act</i>. The MNR enforces Provincial acts, such as the <i>Fish and Wildlife Conservation Act</i> and the <i>Public Lands Act</i>.</p> <p>With regard to the protection of fish habitat, we commend the City on proposed Policy 5.1.3 d) which requires the demonstration of "no negative impacts" where development or site alteration is proposed within 120 metres of Fish Spawning and Nursery Areas. However, we are concerned that the proposed policies may not provide for the consideration of potential impacts of development and site alteration adjacent to other areas of fish</p>	<p>Policies have been revised but are subject to change based on Ministry review.</p> <p>Further consultation was held with MNR and it was agreed that the policies for Deer Winter Habitat would be included but not illustrated on Schedule A.</p> <p>Policies have been revised but are subject to change based on Ministry review.</p> <p>Policies have been revised to reflect the role of the federal and provincial governments.</p> <p>Policy has been revised to include "no negative impacts on the adjacent land, which shall include adjacent to all watercourses and waterbodies". A further edit should be made to insert "land" after the word</p>

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		<p>habitat. We recommend the inclusion of a policy requiring the consideration of potential impacts on fish habitat for proposed for site alteration or development adjacent to all watercourses and waterbodies. Such a policy should allow Council to require the completion of an Environmental Impact Study to assess potential impacts where warranted. Further consultation on this matter is recommended to ensure that the requirements of Section 2.1.6 of the PPS are adequately addressed.</p> <p>MNR has advised that the acronym "NRVIS" is referenced several times in the document, but is never spelled out by its proper name (Natural Resource Values Information System) and in once instance (Section 5.3.3 a), it is improperly identified as "NIRVIS". These inaccuracies should be corrected in the proposed Plan. Although it is briefly touched on in various sections, it should be noted up front that the values in NRVIS and on Schedule "A" of the Plan are constantly changing and being updated, as new information becomes available. Section 5.1.3 a) states that values mapping is likely 'incomplete', but the values mapping in MRVIS is complete based on known locations of values. New values can and will be identified. The wording in this section should be changed to reflect the dynamic characteristics of the NRVIS system. The Plan should also suggest that any new values, or changes to values, be reported to the MNR for the purpose of updating NRVIS.</p>	<p>"include" and before "adjacent".</p> <p>NRVIS has been spelled out and the acronym has been corrected. Policies have been included at the beginning of the Special Policy Overlays section and in the Schedules section of the Final Draft Official Plan.</p>
38	5.2	<p>Cultural Heritage Site</p> <p>We recommend that the title of this section be changed to "Cultural Heritage Resources".</p> <p>We recommend that the first sentence of paragraph 5 be replaced with the following:</p> <p>"Council shall consider maintaining a heritage register, heritage management plan and/or archaeological management plan for land use planning, resulting in inventories of significant cultural heritage sites and areas having archaeological potential within the City of Kenora,</p>	<p>Title has been changed.</p> <p>Revised wording has been added.</p>

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		together with programs and strategies to protect significant cultural heritage resources, including archaeological sites."	
39	5.2.1	<p>Cultural Heritage Site Policies</p> <p>We recommend that the title of this section be changed to "Cultural Heritage Policies".</p>	Title has been changed.
40	Policy 5.2.1 a)	<p>The term "cultural heritage impact statement" in Policy 5.2.1 a) should be replaced with "heritage impact assessment". This should be changed throughout the Official Plan.</p> <p>The word "Demonstrated" at the beginning of the third bullet point should be changed to "Demonstrate".</p>	<p>Revised wording has been added.</p> <p>Typographical error has been corrected.</p>
41	Policy 5.2.1 c)	We recommend that reference to the legal authority for the agreements referred to in Policy 5.2.1 c) be added to this policy.	Reference to Section 41 of the Planning Act has been added
42	Policy 5.2.1 f)	<p>The second sentence of Policy 5.2.1 f) should be reworded to read as follows:</p> <p>"When necessary, Council shall require heritage impact assessments and satisfactory measures to mitigate any negative impacts on identified significant cultural heritage resources."</p>	Revised wording has been added.
43	5.2.2	<p>Archaeological Resources</p> <p>The words "proximity to water, current or ancient shorelines, sandy soils, rolling topography" should be added to second sentence of this policy, after the words "Such criteria include features such as ...".</p> <p>The term "burials" in the third sentence of the first paragraph should be replaced with the term "burial sites".</p> <p>We recommend the addition of a part c), d), and e) to this policy, as follows:</p> <p>"c) Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the <i>Ontario Heritage Act</i>.</p> <p>d) The City may require a marine archaeological</p>	<p>Revised wording has been added.</p> <p>Revised wording has been added.</p> <p>Revised wording has been added to include c), d), and e).</p>

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		<p>survey to be conducted by a licensed marine archaeologist pursuant to the <i>Ontario Heritage Act</i> 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.</p> <p>e) Any marine archaeological resource that is identified must be reported to the Ministry of Tourism and Culture immediately. The Ministry shall determine whether the resource shall be left <i>in situ</i> or may be removed, through excavation, by licensed marine archaeologists under the direction of the Ministry of Tourism and Culture."</p>	
44	Section 5.3	<p>Black Sturgeon Lake</p> <p>MNR has indicated that, in consideration of the concerns surrounding the sustainability of the 'lake experience' of Black Sturgeon Lake, consideration should be given to expanding the development approaches applied to this area to other waterfront areas within the City. As an additional benefit, the policies associated with Black Sturgeon Lake can be used as a mitigating factor for some natural heritage values (ie: expanded lot frontages, embayment protection, etc.) in other areas, such as along the Winnipeg River.</p>	<p>The City, MMAH, and FoTenn discussed this comment and concluded that a change was not required. A Lake Capacity and Management Study was prepared in 2007, specifically for Black Sturgeon Lake. The Study addressed development and water quality issues. Subsequent to the completion of the Study, the City of Kenora Council adopted OPA 2 which was specific to Black Sturgeon Lake. Therefore, Section 5.3 of the Final Draft Official Plan reflects the Council adopted OPA 2.</p>
45	Section 5.5	<p>Aggregate and Mineral Resources</p> <p>The word "aggregate" in the last line of the second paragraph should be changed to "extraction" so</p>	<p>Revised wording has been added.</p> <p>Section title should be</p>

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		that the wording includes both aggregate and mineral resources.	numbered 5.5 in the Final Draft Official Plan.
46	Policy 5.5 a)	The word "or" should be added at the end of the first bullet point.	Revised wording has been added.
47	Policy 5.5 b)	<p>- At the beginning of the policy, the term "Non-aggregate" should be replaced with the term "Non-extractive".</p> <p>- In the second bullet point, the words "or mineral" should be added to the second bullet point after the word "aggregate".</p> <p>- In the third bullet point, the word "significantly" should be deleted, and the following wording should be added to the end of the bullet point:</p> <p>"and would not be incompatible with future extraction for reasons of public health, public safety, and environmental impact".</p>	Revised wording has been added.
48	Policy 5.5 c)	The following sentence should be added to the end of this policy: "Progressive rehabilitation should be undertaken wherever feasible."	Revised wording has been added.
49	Policy 5.5 f)	The first sentence of this policy should be rephrased to read: "Development of these areas for purposes other than resource extraction shall not be permitted in accordance with Policies 5.5 a) and b)."	Revised wording has been added.
50	Policy 5.5 i)	A new Policy 5.5 i) should be added, as follows: "i) Council shall conserve cultural heritage resources when considering the establishment of new areas for mineral extraction or when considering the establishment of new operations or the expansion of existing operations. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources."	Revised wording has been added.
51	Policy 5.5.1 a)	At the beginning of the third sentence (3rd line of policy), the phrase "mine site symbols" should be replaced with "mine hazard symbols".	Revised wording has been added. For consistency purposes with draft Schedule A, a further edit is

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			<p>required to this policy at the beginning of the third sentence (3rd line policy) to replace “The mine hazard symbols” to “Abandoned Mine Hazard symbols”.</p>
52	<p>Policy 5.5.1 b)</p>	<p>Please note that this section of the draft Official Plan refers to development within 250 metres of a mine hazard. MNDMF's guidelines specify a 1000 metre distance for consideration of potential mine hazards. This larger distance is intended to ensure that the wider area that could be affected by underground workings if reviewed for hazard potential when a proposal is reviewed.</p> <p>This policy should be therefore reworded as follows:</p> <p>"The City shall require applicants for any proposed development within 1000 metres of the abandoned mine hazard to consult with the Ministry of Northern Development, Mines, and Forestry (MNDMF) regarding the nature of the hazard, and to undertake any remediation measures as directed by MNDMF under the <i>Mining Act</i>."</p>	<p>The City, MMAH, and FoTenn discussed this matter in mid March. Email correspondence from the MMAH on March 18, 2010 confirmed the following:</p> <p>“MNDMF further investigated the details of the mine hazards in the City, and have indicated that they would be satisfied with the 250 metre distance originally proposed for Policy 5.5.1 b), rather than the 1000 metres requested in our comments”.</p> <p>Therefore no policy change was required.</p>
53	<p>Policy 5.5.1 c)</p>	<p>It should be noted that while the mine hazard points shown on Schedule "A" may represent a safety concern to a property developer or to the public, they may also represent an opportunity to the mineral exploration industry since many are coincident with known mineral deposits that could yet prove economic with more work.</p> <p><i>(Please note that the above comment is for information purposes only. No change is requested to Policy 5.5.1 c.)</i></p>	<p>No change required.</p>
54	<p>Policy 5.5.2</p>	<p>Wayside Pits and Quarries, Portable Concrete and Asphalt Plants The first paragraph of this policy</p>	<p>Policies have been removed and moved to</p>

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		<p>should be deleted and replaced with the following:</p> <p>"Although not designated on Schedule "A", wayside pits and quarries, portable concrete and asphalt plants, used for public authority contracts, will be permitted without the need for an official plan amendment, rezoning, or development permit under the Planning Act, in all areas except in defined settlement areas, and those areas designated as environmentally sensitive."</p>	<p>a new Section 3.23 Wayside Pits and Quarries, Portable Concrete and Asphalt Plans.</p>
55	Section 6.1	<p>Municipal Services</p> <p>A new policy 6.1 h) should be added, as follows:</p> <p>"h) In undertaking municipal public works, such as roads and infrastructure projects carried out under the Municipal Class Environmental Assessment (EA) process, Council shall provide for the protection of cultural heritage resources in accordance with the provisions of Section 5.2.1 of this Plan."</p>	<p>New Policy 6.1 (i) has been added</p>
56	Policy 7.1 a)	<p>This policy should be deleted and replaced with:</p> <p>"In addition to all the applicable municipal requirements, all proposed development located adjacent to, and in the vicinity of, a provincial highway within MTO's permit control area under the Public Transportation and Highway Improvement Act (PTHIA), will also be subject to MTO approval. Early consultation with the MTO is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to, or in the vicinity of, a provincial highway or interchange/intersection within MTO's permit control area will be subject to MTO's policies, standards and requirements. "</p>	<p>Revised wording has been added.</p>
57	Policy 7.1 b)	<p>The second sentence of this Policy should be deleted.</p>	<p>Second sentence has been deleted</p>
58	Policy 7.1 c)	<p>This policy should be deleted and replaced with:</p> <p>"Direct access onto a provincial highway will be discouraged and often prohibited. Development shall be encouraged to utilize local roads and service roads wherever possible. Where access is a</p>	<p>Revised wording has been added.</p>

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		<p>possibility, it will only be considered to those properties that meet the requirements of MTO's access management practices and principles. Where necessary, development in the vicinity of Highway 17 A may provide for the construction of service roads parallel to this Highway in order to make more effective use of the local land resource."</p>	
Additional Policies			
59	7.1 d)	<p>"A transportation study may be required to address both the impact of any new development upon the provincial highway system, as well as any associated highway improvements that are required prior to the approval of the development."</p>	New policy has been added as Policy 7.1 (e)
60	7.1 (e)	<p>"The Ministry of Transportation's policy is one highway entrance for one lot of record. Back lot development cannot use another entrance for access to a provincial highway."</p>	New policy has been added as Policy 7.1 (f)
61	7.1 (f)	<p>"Any new proposed access connection (i.e. public road or signalized intersection) onto a provincial highway shall meet the Ministry of Transportation's access management practices and principles."</p>	New policy has been added as Policy 7.1 (g)
62	7.1 (g)	<p>"Any proposals for snowmobiles or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails running along the right-of-way of a provincial highway are not permitted."</p>	New policy has been added as Policy 7.1 (h)
63	7.1 (h)	<p>"A drainage/stormwater management report/plan shall be prepared by the proponent, and reviewed and approved by the Ministry of Transportation for those developments located adjacent to, or in the vicinity of, a provincial highway whose drainage would impact the highway and/or downstream properties."</p>	New policy has been added as Policy 7.1 (i)
64	7.1 (i)	<p>"Outdoor storage and loading areas should be visually screened or appropriately located so as to not be visible to the travelling public."</p>	New policy has been added as Policy 7.1 (j)
65	7.1 (j)	<p>"Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property</p>	New policy has been added as Policy 7.1 (k)

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		owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future, and that an additional entrance will not be permitted to accommodate the home occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel."	
66	7.1 k)	"Only those lands that are compatible with the operation of a patrol yard will be permitted to locate adjacent to, and in close proximity to, the patrol yard(s) located on Part of the South Y2 of Lot 3, Concession 7, being Part 1, Plan KR-572, and being Part 1, Plan 23R-8740, which is located north and west of the Highway 658 (known locally as Redditt Road)/Veterans Drive intersection with Highway 17 A."	New policy has been added as Policy 7.1 (l)
67	7.1 l)	"Wind turbines located adjacent to a provincial highway will be set back a minimum distance measured from the limit of the highway property line equal to the distance of the height of the wind turbine structure plus the length of one blade."	New policy has been added as Policy 7.1 (m)
68	7.6	<p>Trail Pathway System A new Policy 7.6 d) should be added, as follows:</p> <p>"Any proposals for snowmobiles or trail crossings of provincial highways will require the prior approval of the Ministry of Transportation. Trails running along the right-of-way of a provincial highway are not permitted."</p>	New wording added.
69	8.2.1	<p>Objectives The fourth bullet point should be revised to read as follows:</p> <p>"To encourage the preservation, rehabilitation, renewal and reuse of heritage resources, including heritage buildings."</p>	Revised wording has been added.
70	8.10.4	<p>Creation of New Lots</p> <p>We have a general concern with the wording of some of the policies in this section in that, in some cases, the wording of the policy refers only to lots created by consent, when the principle embodied in the policy may apply to all new lots, whether</p>	Section has been reorganized.

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		<p>they are created through the consent process or the plan of subdivision process. (For example, Policy 8.10.4 k) refers only to lots created by consent, whereas lots should not be created through either the consent or the subdivision process where development would be located close to incompatible land uses such as major highways, railways, waste disposal 15 sites, active industrial sites, or other similar features.) We recommend that the wording of all policies in this section of the plan be reviewed to ensure that they address this issue, and are worded appropriately.</p> <p>A new policy 8.10.4 o) should be added, as follows:</p> <p>"o) Where appropriate, conditions of consent and subdivision approval and related agreements shall provide for the conservation and protection of cultural heritage resources or the mitigation of adverse effects on cultural heritage resources."</p>	<p>New wording has been added as Policy 8.10.4 (j)</p>
71	General Comments	<p>The Provincial Policy Statement places a strong emphasis on promoting efficient development and land use patterns, and encouraging intensification and redevelopment as one means of accommodating future growth needs. While the proposed Plan includes a number of general statements that reflect these objectives, we feel the specific policies of the plan could be further strengthened to promote intensification and redevelopment.</p> <p>Several sections of the Provincial Policy Statement (ie: Policies 1.1.3.5, 1.1.3.6, 1.4.3) require municipalities to set and implement targets for such things as intensification and redevelopment within built-up areas, and the provision of affordable housing. Please clarify how these and other related policies of the PPS, addressing matters such as the logical phasing of development and promotion of compact urban form, have been addressed in the proposed Plan.</p> <p>Throughout the proposed Plan, there are several statements that suggest the City will contact One Window provincial partner ministries directly, and</p>	<p>Policies have been further strengthened to promote intensification and redevelopment as appropriate to the local context of the City of Kenora. These issues are less of a concern in this area where the focus is on population retention and economic development.</p> <p>References to the Municipal Plan Review process have been</p>

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		<p>on a regular basis, to consult on planning applications that may address various provincial issues. This approach appears to be contrary to the Municipal Plan Review system that has been in effect in Ontario for several years. While data such as updated resource mapping may be requested directly from partner ministry staff, requests for technical input or assistance on specific planning matters should generally be requested via MMAH. The <i>Technical Studies Compendium</i> (attached) provides further clarification of the situations in which the various partner ministries have agreed to provide assistance. Any statements included in the plan regarding consultation with partner ministries should be revised to reflect the Municipal Plan Review system.</p>	<p>included.</p>
72	Schedule "A"	<p>We note that the "Railyard" land use designation as shown on Schedule "A" does not reflect all of the rail yards included in the existing Official Plan, as modified by this Ministry. Please clarify, or revise Schedule "A" to add a "Rail yard" designation reflecting the extent of the rail yard north of Fifth Street North.</p> <p>The Ministry of Tourism and Culture has noted that they do not have a data sharing agreement with the City of Kenora, indicating that Ministry of Culture and Tourism (MTC) data on archaeological sites has not been shared with the City. Accordingly, MTC has requested the source of the information for "cultural heritage sites" shown on Schedule "A" of the proposed Plan.</p> <p>MTC further notes that there is no indication of the nature of the cultural heritage sites shown on the Schedule. You may wish to consider classifying these sites as cultural heritage landscapes, built heritage resources, or archaeological sites.</p> <p>Further discussion with MTC is required regarding the information sources, data sharing agreement(s), and the mapping of data is required. Please contact Mr. Robert von Bitter - Archaeological Data Coordinator, Ministry of Tourism and Culture, (416) 314-7161 to further</p>	<p>Railyard extended north of 5th Street North on both OP Schedule A and Zoning Map 2.</p> <p>The date sharing agreement was signed and the new site information was provided to the City and illustrated on draft Schedule A. OP Schedule A revised to show only Heritage Buildings. Info received from Heritage Committee. Reclassified as "Cultural Resources".</p> <p>Info received from Mr. von Bitter, suggested we not show all sites on Schedule A.</p>

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		<p>discuss these matters.</p> <ul style="list-style-type: none"> - MTO has an aggregate source that sits in part in the neighbouring Redditt UT and part in Melick Township in the City of Kenora. This aggregate source is located in Lots 12 and p13, Concession 1, Redditt UT and in Lots 12 and 13, Concession 6, Melick Township. It is not shown on Schedule "A", and should be (Please refer to the attached Excerpt # 1 from draft Schedule "A".) - The legend on Schedule "A" includes Provincial Highways in the Linear Features section, and the designation clearly indicates such a highway. However, the name and number of the provincial highway is in too small a print on the Schedule, and therefore should be shown in a larger font/print. - If a provincial highway is known locally by another name, it is suggested that both the local name and the highway number be shown, both on the Schedule and in the text of the Official Plan. <p>For example, Highway 17 A is referred to as the Kenora By-pass in several areas of this Official Plan. Highway 17 A is not officially called the Kenora By-pass, so such references should read Highway 17 A (known locally as the Kenora Bypass).</p> <ul style="list-style-type: none"> - The Draft Schedule "A" - Land Use Designations shows Highway 17 E and 17 W. While a direction sign at an intersection might provide directions to Highway 17 East, this is not the official name for Highway 17. It is only officially known as Highway 17. However, if it is known locally as Highway 17E and Highway 17W, it is to be stated as such on the Schedule and in the Official Plan. - MTO notes that at the intersection of Highway 658 (Redditt Road) and Highway 17 A, the designated land use is shown as Commercial Development Area (orange in colour). In the NW quadrant, this designation appears to cover the OPP site, but not the MTO patrol yard. The permitted uses in this designation, as per paragraph 	<p>Added to OP Schedule A.</p> <p>Font increased on OP Schedule A.</p> <p>Locally known roads added to OP Schedule A.</p> <p>Changed to read Highway 17 (no E or W) name on OP Schedule A.</p>

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		<p>4.4.1, do not include any Institutional ones, yet both the patrol yard and the OPP site could be designated as Institutional land uses. The patrol yard, which is adjacent to the OPP site, is shown in the Rural land use designation. A review of subsection 4.8 provides no reference to such institutional land uses.</p> <p>As a result, MTO has asked whether the patrol yard should be included in the Commercial Development Area, or conversely, should the OPP site be removed from this land use designation and placed in another one?</p> <p>- MTO has also indicated that they also own lands in the southwest quadrant of Highway 658 (Redditt Road) and Highway 17 A. These lands immediately abut the southern property line of Highway 17 A, but no access to the highway is permitted from these lands. Instead, these lands can be accessed from Villeneuve Road to the south. Part of these lands is within the Commercial Development Area, and part in the rural land use designation. These lands are currently the focus of transfer discussions between this Ministry and the City of Kenora. The City, therefore, may want to ensure that all such lands are within the Commercial Development Area. (Please refer to the attached Excerpt #2 from draft Schedule "A".)</p>	<p>OPP site now designated as Rural. Land to be transferred to City now designated as Commercial Development Area on OP Schedule A</p>

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April 1, 2010

Shannon Smith,
Manager Community Planning and Development
Northwest Municipal Services Office,
Ministry of Municipal Affairs and Housing,
435 James Street South, Suite 223,
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Dear Ms. Smith:

Re: Draft Official Plan for the City of Kenora, Ontario, MMAH File No. 69-DP-09002

As requested, the Ministry of the Environment (MOE) has reviewed the Draft Official Plan for the City of Kenora (December 3, 2009) and the following comments are offered for your consideration. The comments are restricted to those sections of the Official Plan where some form of revision is recommended in order to better reflect the mandate, legislation, policies, guidelines and practices of the Ontario Ministry of the Environment (MOE). Please note that unless otherwise stated, the MOE publications cited in the following comments can be obtained at this Ministry's website: [Ontario Ministry of the Environment - Forms, Manuals and Guidelines](http://www.ene.gov.on.ca/en/publications/forms/index.php) (<http://www.ene.gov.on.ca/en/publications/forms/index.php>).

- **Page 1-4 Section 1.4 Settlement Area**

MOE supports the requirement for future development to be developed on full municipal services. MOE "*Guideline D-5 Planning for Sewage & Water Services*" (D-5 Guideline) clearly indicates that development on partial services (e.g. provision of municipal water services in the absence of municipal sewage services) will generally be discouraged. Note 2 of Section 2.1.3 in MOE's D-5 Guideline provides further direction regarding infilling on partial services in settlement areas. How will Kenora address servicing requirements with regard to any requests for development of infill areas? As outlined in MOE's D-5 Guideline, infilling on partial services may be appropriate in specific circumstances, however, Kenora may chose to not allow this option. Please clarify in the Official Plan.

- **Page 3-1 Section 3 General Development Policies**

Kenora's Official Plan should clearly indicate that any request for technical assistance will be provided to the appropriate ministry through MMAH's One Window process. Although technical assistance can be available through the One Window Protocol, Kenora should be made aware that requests for review of technical documents may not necessarily be accepted by this Ministry, and the cost of obtaining a review from an appropriately qualified person may become the responsibility of the municipality or the project proponent (depending on the policy of the municipality). Kenora may wish to make this possible cost for development application evaluation more clear in the Official Plan.

- **Page 3-2 Section 3.3. Home Based Businesses**

How will it be determined that the home occupation can no longer be considered secondary to the main residential use of the property?

Section 3.3.2 Home Industries

At the planning stage, the goal is to prevent and minimize conflicts, instead of reducing and minimizing conflicts as stated in this version of the Official Plan. Please refer to Section 1.2 "Objective" in MOE "*Guideline D-1 Land Use Compatibility*" (Guideline D-1) for further details in this regard and clarify this requirement in the Official Plan.

Section 3.4 Land Use Compatibility

This Official Plan should stipulate the "acceptable limits" proposed developments are required to meet more clearly. MOE Guideline D-1 indicates that when impacts from discharges and other compatibility problems cannot be reasonably mitigated or prevented to the level of a trivial impact, then new development shall not be permitted. MOE "*Procedure D-1-3 Definitions*" (Procedure D-1-3) further specifies that "trivial impacts" include present or predictable contaminant discharges which are, or are likely to be, so minor that there would not be an 'adverse effect'. In determining whether an impact will be 'trivial', the timing and magnitude of the contaminant discharges should be related to the 'sensitive land uses' normal use period(s). Kenora may choose to reference MOE's Guidelines to clarify requirements in this regard.

- **Page 3-3 Section 3.6 Surface and Groundwater Water Quality**

Section 5.2 of MOE's "*Lakeshore Capacity Assessment Handbook: Protecting Water Quality in Inland Lakes on Ontario's Precambrian Shield*" (Lakeshore Capacity Assessment Handbook) outlines MOE's recommendations regarding lakeshore development, including best management practices (BMPs). BMPs are actions that can be taken to reduce the impact of development on the environment and are recommended to help protect and preserve water quality and should be in place for all development adjacent to a water body. One of the BMPs MOE recommends is a minimum 30m buffer with non-disturbance of soils and vegetation to reduce erosion and runoff. If natural heritage features are identified on or adjacent to a lot, then additional appropriate setbacks or restrictive development zones might be required. Kenora may wish to consider requiring a wider buffer strip next to lakeshores.

Prior to approval of additional lakeshore developments, MOE recommends that lakeshore capacity assessment be completed. As such, some direction should be provided in the Official plan which is similar to the following:

"Future development of Lakeshore areas on inland shall be assessed using the Ontario Ministry of the Environment's Lakeshore Capacity Model which is based on phosphorous levels. Where determined capacity is met or exceeded, new development will not be supported, and existing development will be encouraged to act to manage phosphorous contributions in order to maintain or to reduce phosphorous levels in the lake."

This section should go on to indicate that for development on the shoreline of the Lake of the Woods, best management practices will be required. Kenora may wish to outline specific best management practices for development on Lake of the Woods. So that the City of Kenora is aware, the Lakeshore Capacity Assessment model cannot easily be directly applied to the Lake of the Woods where it borders the City of Kenora do partially to lake size, specific lake characteristics, and known flow characteristics in this portion of the lake.

Finally, although requiring septic disposal systems to be located at least 30m is helpful, MOE encourages their placement as far back as possible to minimize the impact of development on lakes. The underlying principle of an extended setback is that the farther the tile field is from lakes, the greater the capacity for intervening soils to intercept and attenuate phosphorous.

- **Page 3-4 Section 3.7 Private Sewage Disposal and Water Systems**

MOE's Procedure D-5-1 "*Calculating and Reporting Uncommitted Reserve Capacity at Sewage and Water Treatment Plants*" outlines the method by which capacity assessment for municipal systems should be assessed. This should be referenced in the Official Plan.

For lots proposed that will not be supplied by municipal septic, the City should require confirmation of sewage capacity before development can proceed. For further information on this requirement please reference MOE's Hauled Sewage Fact Sheet (Attached).

MOE's "*Procedure D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment*" (Procedure D-5-4) and "*Procedure D-5-5 Technical Guideline for Private Wells: Water Supply Assessment*" (Procedure D-5-5) outline the procedure this Ministry recommends in order to assess the ability of an area to meet the requirements of individual servicing (i.e. supply of water and sewage system) within lot boundaries. Kenora's Official Plan should indicate that these procedures would need to be followed. Of note is the requirement for a detailed hydrological assessment for developments of more than 5 lots where lot sizes average less than 1 ha, when any one lot is less than 0.8 ha, or in areas that are considered hydrogeologically sensitive (e.g. karstic areas, areas of fractured bedrock exposed at surface, areas of thin soil cover, or areas of highly permeable soils).

- **Page 3-4 Section 3.10 Development on Private Roads**

I am not aware of how the City's Private Roads/Dedication of Public Roads Policy addresses environmental assessment requirements, however, if private roads require upgrading to meet municipal standards before transfer, then the Municipal Class Environmental Assessment may apply even if the work is to be completed by the private owner. The need to ensure Environmental Assessment Act requirements are addressed should be stipulated in this section.

- **Page 3.11 Development and Redevelopment Adjacent to Railway/Transportation Corridors**

Please ensure that the description for noise study requirements in this section corresponds with MOE direction.

For railway lines MOEs, "*Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation*" indicates that a noise feasibility study must be undertaken if sound levels resulting from surface transportation noise affecting the proposed lands exceed the noise criteria by more than 10 dBA, which roughly can be equated to a requirement for studies for development of lands within 100m of a principle mainline right of way, and 50m of a secondary main railway line right of way. The same document further stipulates that a detailed noise study is required when sound levels from surface transportation noise affecting the proposed lands exceed the noise criteria by more than 5 dBA. This can roughly be equated to a requirement for a detailed noise study where proposed lands are within 500m of a principal main railway line, 250 m from a secondary railway line, and 100m from other railway lines.

- **Page 3-5 Development in the vicinity of the Kenora Airport**

Some commercial establishments (e.g. hotels, motels) are considered sensitive by MOE during application of regulations related to noise. Please ensure this is corrected in the final version of the Official Plan.

- **Page 3-5 Section 3.13 Drive Throughs**

Am I to correctly interrupt that no restaurant, commercial or retail operation in Kenora is permitted to have a drive through unless they qualify as a gas station or a car wash? If not then please clarify this section.

- **Page 3-6 Section 3.14 Secondary Dwelling Units**

Please provide further details regarding on what basis residential land use in the commercial area in established buildings will be permitted. Further discussion with MOE may be required in this regard.

- **Page 3-8 Section 3.17 Water Lots**

What will occur if there are two different adjacent land use designations?

- **Page 3-10 Section 3.20.2 Alternative and Renewable Energy Systems**

Some of the information provided in this section is inaccurate.

Ontario's Green Energy and Green Economy Act (2009) received Royal Proclamation on May 14, 2009, however Ontario Regulation 359/09 was developed by MOE in support of that Act, and came into effect on September 24, 2009 as a regulation under the Environmental Protection Act (1990) and not under the Green Energy and Green Economy Act as indicated in the text. Please correct this information.

Under point a) the text indicates that, "The City will review and provide comments to the Province with respect to servicing...." This is not the case. The City will provide comments to the proponent directly, not to the province. The proponent must then supply the City's comments to the province with their Renewable Energy Approval (REA) Application.

Again at the end of point a) O. Reg. 359/09 was not adopted under the Green Energy and Green Economy Act, but under the Environmental Protection Act.

Finally, hydroelectric projects are a form of alternative/renewable energy generation that does not require REA approval, but must follow the appropriate environmental assessment process. For projects less than 200 MW, that process is outlined in the Ontario Waterpower Association's Class Environmental Assessment for Waterpower Projects, available at the website, <http://www.owa.ca/classea.html>

- **Page 3-11 Section 3.22 Trans Canada Pipeline Bullet 'f'**

Kenora should check with Transport Canada to ensure these terms are acceptable to them.

- **Page 4-1 Section 4.1.2 Established Area Policies**

Please explain or provide reference to another section of the official plan which elaborates on how existing uses will be preserved and protected from incompatible uses.

- **Page 4-1 Section 4.2.1 Permitted Uses**

Please be aware that there may at times be compatibility concerns when sensitive sites (such as residential) are located in proximity to some commercial establishments. How will Kenora assess compatibility within the Established Area land use designation?

- **Page 4-1 Section 4.2.2 Residential Development Area Policies bullet 'a'**

Stipulate this development must occur outside of the 25 NEF contour, or reference the appropriate section of the Official Plan (i.e. Section 3.12)

- **Page 4-4 Commercial Development Area**

Motels and hotels are two examples of commercial establishments that are considered sensitive receptors by MOE. How will Kenora ensure appropriate noise criteria are addressed during assessment of proposed development within the commercial development area? The Official Plan should provide appropriate details here, and perhaps reference the MOE's D-1 Guideline and our *Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation* in this regard.

- **Page 4-6 Permitted Uses**

It would be beneficial to equate the uses permitted in the Industrial Development Area to the classifications outline in Appendix A of MOE's *D-6 Guideline: Compatibility between Industrial*

Facilities and Sensitive Land Uses (D-6 Guideline). As I understand the description provided, Class III industries would generally not be permitted in this land use designation.

Consideration of residential development in conjunction with industrial use (such as caretaker's residences) should require the following at minimum with regard to setback requirements:

- a) that the company can demonstrate that the employee is essential to the 24/7 operation of the facility (e.g. security, process control, etc.)
- b) that the person is truly an employee and not the owner or relative
- c) that the dwelling is situated on the same lot as the facility, and not a separate lot
- d) that the dwelling unit is designed, situated or integrated with the facility in such a manner that it would make a future severance request unlikely (or impossible)
- e) only the caretaker (and family) of the facility would be allowed to live in the dwelling (it would be part of the compensation wage/benefit relating to the job).

A Single Family Unit detached dwelling on the same lot as the facility, but having enough area and space to satisfy the municipality's minimum yard and lot area requirements should be required to meet MOE's separation distance criteria. Also, minimum separation distance would need to be triggered if the industry ever looked to sever off the property on which the dwelling is located.

- **Page 4-6 Section 4.5.2 Industrial Development Area Policies**

Under point "b" the official plan should make reference to the classification system in the Appendix A of MOE's D-6 Guideline.

Under point "d", when would council request these studies and when would they not make this request. Would lot size be considered? Would the volume of sewage discharges/day be considered? Further description is required to outline when studies would be needed to support council's decision. This section of the Official Plan should reference MOE's D-4, D-5, and D-6 guidelines, or provide an equivalent level of detail regarding when studies will be required.

Under point "e" Section 3.12 of the Official Plan should be referenced instead of Section 3.9.

- **Page 4-7 Section 4.6.2 Open Space Policies**

Please provide the location of private lands in the open space designation on Schedule A.

This section should stipulate that land use compatibility requirements will be considered for any re-designation of these lands through the Official Plan amendment process.

- **Page 4-9 Section 4.8.2 Industrial Uses in the Rural Area**

Restriction to "dry" industries in the rural area can disallow establishment of some operations (e.g. mining), however MOE is supportive of this approach. If Kenora is willing to entertain the development of industries that are not "dry" within the rural area, then stipulation that an official plan amendment would be required for their establishment is recommended. MOE's "*Guideline B-7: Incorporation of the Reasonable Use Concept into MOEE Groundwater management Activities*" (B-7 Guideline) has been developed, in part, to address the need for development of industries that are not "dry" in rural areas.

- **Page 4-9 Section 4.8.3 Rural Area Policies**

Point 'a' should stipulate how Kenora will determine that the new residential lots shall be large enough to sustain private sewage and water systems. These requirements (including for minimum lot size) should be consistent with the direction stipulated in MOE's D-4 and D-5 Guidelines.

- **Page 4-10 Section 4.8.3 Rural Area Policies**

Point 'h' MOE's D-3 and/or D-6 Guidelines apply to the establishment of aggregate pits and quarries, the influence area of which would preferably be determined by appropriate studies, or alternatively, be considered equivalent to that of a Class III Industry. Kenora should stipulate in

the Official Plan that appropriate setbacks will be required for these operations as outlined in the MOE guidelines.

- **Page 4-10 Section 4.9 Waste Disposal Site**

MOE's "Guideline D-4: Land Use On or Near Landfills and Dumps" stipulates that no land use may take place within 30 metres of the perimeter of an operating site, and that this minimum buffer may be reduced to 20m for non-operating sites in some cases. This minimum distance should be reflected in the Official Plan.

New waste disposal sites may be subject to the Environmental Assessment Act through the requirements of O. Reg. 101/07. Point 'd' should indicate that environmental assessment requirements must be met.

- **Page 4-11 Section 4.9. Waste Disposal Site**

Point 'f' should stipulate that waste diversion *must be* pursued. This is a requirement of certain regulations issued under the Environmental Protection Act (e.g. O. Reg. 101).

- **Page 5-7 Section 5.3.1 Water Quality**

To ensure Kenora is aware, the transportation and storage of pesticides is regulated under the Ontario Pesticides Act. Also, Ontario has passed the Cosmetic Pesticides Ban Act 2008 which under Ontario Regulation 63/09 bans the use of pesticides for cosmetic purposes. The Official Plan should mention these legal requirements if a section discussing the use and restriction of pesticide use is included.

- **Page 5-7 Section 5.3.2 Lot Sizes and Density on Black Sturgeon Lake**

MOE's "Procedure D-5-4: Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" (Procedure D-5-4), which applies to developments of greater than 5 units, indicates in Section 5.4 that unless technical studies indicating that smaller lot sizes are appropriate, that for the average lot size should be no less than 1 ha with no particular lot being less than 0.8 ha as long as the location is not in a hydrogeologically sensitive environment. Subsequently, Kenora should indicate in the Official Plan that the minimum lot size of 0.8 ha would apply only to developments of five or fewer lots. Developments of more than 5 lots should be consistent with MOE's Procedure D-5-4.

- **Page 5-10 Section 5.5.2 Waysite Pits and Quarries, Portable Concrete and Asphalt Plants**

The Municipality of Kenora has not been designated to the Aggregate Resources Act.

- **Page 6-1 Section 6.1 Municipal Services Point "g"**

Point "g" should restate direction provided above regarding Page 3-3, or reference that section of the Official Plan.

- **Page 6-2 Section 6.2 Private Services**

Point "c" should stipulate that use of Responsibility Agreements for applications proposing multi-lot/unit freehold residential development will not be supported. For such developments only municipal ownership, operation, and maintenance of communal services will be considered. (see *MOE Procedure D-5-2: Application of Municipal Responsibility for Communal Water and Sewage Services* Section 4.1 for reference)

- **Page 7-2 Section 7.5 Private Roads**

The Environmental Assessment Act would apply to work on private roads for which ultimate responsibility for the road constructed/enhanced by the private sector would rest the municipality. As such, Kenora should add to this section that any upgrades to private roads intended to enable the transfer of responsibility for those roads to the municipality must assess the environmental

assessment requirements for that work as outlined in the Municipal Class Environmental Assessment.

- **Page 8-8 Section 8.10.4 Creation of New Lots**

Point "b" should indicate that requests for comments from these government agencies will be processed through MMAH's One Window Protocol.

Point "n" should specify compliance with lot size and land use compatibility as outlined in MOE's Guideline D Series Guidelines.

- **Page 8-9 Section 8.10.6 Waterfront Development**

Prior to approval of additional lakeshore developments, MOE recommends that lakeshore capacity assessment be completed. As such, some direction should be provided in the Official plan which is similar to the following:

"Future development of Lakeshore areas on inland shall be assessed using the Ontario Ministry of the Environment's Lakeshore Capacity Model which is based on phosphorous levels. Where determined capacity is met or exceeded, new development will not be supported, and existing development will be encouraged to act to manage phosphorous contributions in order to maintain or to reduce phosphorous levels in the lake."

This section should go on to indicate that for development on the shoreline of the Lake of the Woods, best management practices will be required. Kenora may wish to outline specific best management practices for development on Lake of the Woods. So that the City of Kenora is aware, the Lakeshore Capacity Assessment model cannot easily be directly applied to the Lake of the Woods where it borders the City of Kenora do partially to lake size, specific lake characteristics, and known flow characteristics in this portion of the lake.

- **Schedule A**

Please consider providing a more obvious label for the location of the Airport, and please show the location of the I-level Weyerhaeuser facility.

This concludes our comments at this time. Should you have any questions or wish to discuss these proposed modifications, please contact me.

Sincerely,



Carrie Hutchison
Environmental Planner
Ontario Ministry of the Environment
Northern Region

cc Roy Boivin, MOE
Paula Spencer, MOE

Attach: Hauled Sewage Fact Sheet

PROVINCIAL POLICY STATEMENT, 2005: RESERVE SEWAGE SYSTEM CAPACITY FOR HAULED SEWAGE

This fact sheet provides guidance on the Provincial Policy Statement, 2005 regarding septage treatment capacity for hauled sewage. This fact sheet refers to “septage treatment capacity” which has the same meaning as what the PPS refers to as “reserve sewage system capacity.”

Provincial policy

The Provincial Policy Statement, 2005 (PPS) states that planning for sewage services must protect human health and the environment while integrating servicing and land use considerations in a coordinated, efficient and cost-effective manner.

The PPS says that full municipal sewage services are the preferred form of servicing. Where municipal services are not provided municipalities may establish policies, according to criteria set out in the PPS, for providing servicing of new developments with private communal or individual on-site sewage services (e.g. septic tanks).

Section 1.6.4.1 (e) of the PPS directs that a new lot can be created *only if there is confirmation of sufficient reserve sewage system capacity* to treat septage, regardless of whether the lot is created by a Plan of Subdivision or an application for consent.

Reserve sewage system capacity is defined in the PPS as the capacity to dispose or treat hauled sewage. The PPS considers the capacity *sufficient if the hauled sewage from the development can be treated or disposed at sites approved under the Environmental Protection Act (EPA) or the Ontario Water Resources Act (OWRA), but not by land-applying untreated, hauled sewage.*

This fact sheet outlines how to determine and confirm that septage treatment capacity exists for future development. It contains information on approval requirements for septage treatment facilities, and recommends the creation of a municipal septage plan.

The Provincial Policy Statement, 2005

The Provincial Policy Statement, 2005 (PPS) provides policy direction on matters relating to land use planning that are of provincial interest. It is issued under the authority of Section 3 of the *Planning Act* and applies to all applications, matters and proceedings commenced on or after March 1, 2005. *The Strong Communities (Planning Amendment) Act, 2004* amended Section 3(5) of the *Planning Act* to require that all decisions affecting land use planning matters “shall be consistent with” provincial policy.

What is the difference between hauled sewage and septage?

Private communal and individual on-site sewage services are comprised of septic tanks or other treatment units, followed by a leaching bed. While the installation of new holding tanks is not permitted, except in special circumstances, there are a number of houses, cottages and other establishments currently serviced by holding tanks. The waste from these tanks is informally called “septage.” However “hauled sewage” is the term used in the PPS and in the General Waste Regulation (O. Reg. 347) under the EPA.

Septage is raw and untreated and must not be confused with treated municipal sewage from a sewage treatment plant (STP) that must meet specific standards before being discharged, disposed or managed for other purposes.

Does the septage treatment capacity have to be available at the time that the lot is created?

The availability of existing and/or planned septage treatment capacity must be confirmed when a lot is created. You have some time, however, keeping in mind that the septic tanks may not need pumping out for three years from the date of occupancy. You need to consider when the development will be ready for occupancy and the amount of septage that will be generated.

How should planning authorities ensure that there’s adequate septage treatment capacity available?

Similar to other sewage disposal and treatment needs, planning authorities should confirm there is adequate septage treatment capacity available when they develop official plans or make plan amendments to provide for development. Further, planning authorities should confirm treatment capacity when they receive a proposal for development.

A planning authority can confirm septage treatment capacity in various ways, including but not limited to:

- Developing and maintaining an up-to-date municipal septage plan (see page 5 for more information on these plans). A municipal septage plan is an important tool and source of information for determining total septage generated currently, future treatment capacity needs and how those needs will be met.
- Determining that an approved facility, capable of receiving and treating the septage, is accessible within the area before a lot is created. This capacity could be provided by a municipal STP within the municipality, through written agreement with another municipality or an approved private sector facility. Since facilities, including expansion of existing ones, must be approved by the MOE, the ministry may be an important source of information on locations and any operational constraints.
- Asking a proponent to demonstrate adequate septage treatment capacity for planned lots at the time the Plan of Subdivision or an application for consent is submitted. Appropriate proof that the proponent is addressing the septage issue could be a letter, signed by the holder of the

Certificate of Approval (C of A) for a facility, indicating that capacity for the subdivision's septage exists.

What options are acceptable for treating and disposing of septage?

Septage may be treated or disposed at MOE approved facilities such as:

- municipal STPs that have the capacity and ability to accept the septage (see pages 4 and 5 for determining the capacity of , or approvals needed to expand, a municipal STP);
- dedicated septage treatment facilities, whether municipally or privately owned, e.g. composting, alkaline stabilization, dewatering trenches (see below for details on these dedicated facilities);
- waste disposal sites approved to accept septage (i.e., landfills and dewatering trenches but not a site which allows land application of untreated septage); and
- sites that are approved to receive septage that has been treated by alkaline stabilization.

These facilities require MOE Certificates of Approval which specify the site(s) and volume of septage accepted at the site(s). Operators of these treatment facilities, whether municipal or private, should keep track of available capacity for septage at their facilities, keeping in mind the frequency at which their customers' septic tanks need pumping out. MOE's local offices can provide information on Certificates of Approval for approved septage treatment facilities.

Technologies for treating or disposing of septage which can be considered include:

Alkaline stabilization. In alkaline stabilization, lime or alkali is added to untreated septage to raise the pH and thereby reduce pathogens. The alkaline stabilized septage may be land applied as a nutrient at sites which have an Organic Soil Conditioning Site Certificate of Approval. The ministry has conducted an alkaline stabilization pilot and a second one is ongoing. Information from these pilots will be used to develop treatment standards.

Septage composting. Septage composting is not currently being done in Ontario. However, it is an option in some circumstances and is being considered by several municipalities and private operators. The ministry has not yet established septage treatment standards.

Lagoons. Stabilization lagoons are designed to treat septage to MOE standards and may be considered as an option for treating septage. Stabilization lagoons may be suitable for rural areas where large areas of land are available. The Certificate of Approval should be checked to ensure that the lagoon in question is a stabilization lagoon. Note that storage lagoons, unlike stabilization lagoons, store septage rather than treat it and cannot be considered a septage treatment site. The ministry is working to develop standards for septage stabilization lagoons.

Dewatering trenches. In some parts of Ontario, particularly in rural and remote areas, dewatering trenches are used to dispose of septage. A dewatering trench is a long, narrow trench excavated in permeable soils for the purpose of dewatering septage prior to final disposal. The design capacity would be specified in the Certificate of Approval. The separated solids can be disposed at approved landfill sites or further stabilized and used as nutrients at approved Organic Soil Conditioning sites. Standards for dewatering trenches are currently in use in Ontario.

Dewatering facility. At a dewatering facility, septage is pumped out and hauled to a ‘dedicated’ or ‘independent’ facility for treatment. The treatment usually involves screening, dewatering to separate the liquid from the solids, and may involve the treatment of either the separated liquid or solids or both. Treatment of the liquid may involve a constructed wetland system, or it could be a pre-fabricated plant that is modified to treat septage. Pre-fabricated or “package” STPs are often used at hotels, golf clubs, housing developments and small townships. The separated solids can be disposed at approved landfill sites or further stabilized and used as nutrients at approved Organic Soil Conditioning sites. The ministry is conducting pilots on reed bed filtration and sand filtration which will be used to develop standards for dewatering.

Incineration. Septage must be dewatered before it can be incinerated. Incineration of septage has not been found to be cost-effective and is currently not practiced in Ontario. The ministry evaluates each proposal on a case-by-case basis.

It is important to note that septage treatment capacity does not include the land application of untreated septage.

How can one determine if there is capacity at an existing municipal sewage treatment plant to handle raw septage?

About 45 per cent of Ontario’s sewage treatment plants accept some septage. While STPs provide a high level of treatment, some municipalities have small STPs that typically are not designed nor have the capacity to accept septage. Septage is much more concentrated than household sewage, and a plant may therefore need modifications to treat the septage. In these circumstances, municipalities may benefit from working with neighbouring municipalities to create septage treatment capacity.

In calculating a STP’s capacity to take the septage, it is important to note that the typical household generates about 3,600 litres (792 imperial gallons) every three years. This volume will typically account for a small percentage of a STP’s full capacity.

To determine if a STP has the long term capacity, authorities should use the Ministry of the Environment’s *Procedure D-5-1: Calculating and Reporting Uncommitted Reserve Capacity at Sewage and Water Treatment Plants (1995)*. In the calculation consideration should be given to the higher concentration of septage.

What approvals are needed to expand a sewage treatment plant?

If expansion of a sewage treatment plant or an alteration to a service area is being considered, one needs to allocate the time needed to plan and receive the following approvals:

- Environmental assessment (EA) requirements: Expansions or service area alterations are subject to specific schedules, depending on the size and impact of the facility, in the *Municipal Engineers Association Municipal Class Environmental Assessment June 2000*.

- Certificate of Approval: For a new STP, expansion or modification to an existing STP or an alteration to a service area, a new C of A or amendments to an existing C of A would be required under the *Ontario Water Resources Act* and/or the *Environmental Protection Act*.

Note that a hauler pumping and transporting the septage must have a C of A under the *Environmental Protection Act*.

Municipal Septage Plans

A number of municipalities have started to account for the septage generated within their boundaries, and some are taking the next step and developing a septage plan.

A municipal septage plan is an important tool and source of information for determining total septage generated currently and future treatment capacity needs, and how those needs will be met.

Municipalities, other *Planning Act* approval authorities, developers and haulers are encouraged to work together to develop municipal septage plans and to determine the amount of septage generated, the number of septage treatment facilities available and septage management solutions. A cooperative approach to developing a municipal septage plan can yield important information which can be used to assist planning authorities and individual proponents in demonstrating septage treatment capacity for lot creation proposals.

Potential components of a municipal septage plan

Background information such as:

- service area
- inventory of available treatment and disposal options including:
 - level of treatment
 - uncommitted reserve septage treatment capacity
 - sewage treatment plants which accept septage, or modifications needed for an existing plant
 - septage treatment lagoons
 - dewatering trenches (including location and area serviced)
 - list of approved/licensed haulers in the area, and their Certificates of Approval
 - list of other septage treatment facilities available in other municipalities

Septage generation information:

- population on individual on-site and private communal septage systems
- projected population growth using septage systems
- type and volume of septage currently produced in the area
- volume land applied untreated
- volume to sewage treatment plant
- volume to other septage treatment facilities

Proposed strategy to treat septage:

- existing treatment capacity vs. future treatment capacity requirements
- method of treatment
- provider (municipal/private)
- time frame for creation of treatment capacity if not already in place

Financial strategies

- estimated operating/capital costs of present/future treatment or disposal
- annual septage haulage cost
- cost of preferred strategy(ies)
- future funding strategy.

The importance of municipal septage plans in the land use decision process

A municipal septage plan is a useful tool for informing official plan reviews and approval authorities when making decisions on land use applications. A municipal septage plan can also inform and support environmental assessment requirements for facility expansions or alterations to service areas. The stages in land use planning decision-making where the question of treatment capacity arises include:

- the development and review of official plans, comprehensive reviews and official plan amendments, such as for secondary or area plans and settlement area expansions; and
- approval of site-specific development plans, such as those for subdivisions and consents.

For more information, contact:

The Ministry of Municipal Affairs and Housing (MMAH) provides a one-window service for land use planning on behalf of the Province. MMAH is the primary contact for all *Planning Act* matters, and can be reached at the following locations:

Central (Toronto): (416)585-6226 or 1-800-668-0230
Southwest (London): (519) 873-4020 or 1-800-265-4736
East (Kingston): (613) 545-2100 or 1-800-267-9438
Northeast (Sudbury): (705) 564-0120 or 1-800-461-1193
Northwest (Thunder Bay): (807) 475-1651 or 1-800-465-5027

For technical information on septage treatment, please call the Ministry of the Environment's Waste Management Policy Branch at (416) 325-4100.

This fact sheet was developed to assist participants in understanding the Provincial Policy Statement, 2005. As it summarizes complex matters and reflects legislation, policies and practices that are subject to change, it should not be relied upon as a substitute for specialized legal or professional advice in connection with any particular matter.