



# Official Plan

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***Municipality of Oliver Paipoonge  
Official Plan***

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## SECTION 1—INTRODUCTION

### 1.1 PURPOSE OF THE OFFICIAL PLAN

The primary purpose of the Official Plan is to provide for managing growth that will support and emphasize the Municipality's character and have a positive impact on the quality of life for the citizens who live and work in Oliver Paipoonge. The Official Plan is the primary planning document that will direct the actions of the Municipality through the guiding principles and land use policies.

The Ontario *Planning Act* requires municipalities to prepare and adopt an Official Plan to provide guidance for the physical development of communities. The purpose of the Municipality of Oliver Paipoonge Official Plan is to establish guiding principles and policies to manage and direct physical development and the effect of change on the social, cultural, economic and natural environment for the next 20 years. The Official Plan achieves the long term goals of the community by implementing provincial policies at a local level with policies reflecting the local context.

The Official Plan provides a cohesive vision for the development and growth of the Municipality of Oliver Paipoonge and provides a consistent policy set for the whole Municipality with the goal of maintaining and enhancing its identity while managing change. It is the intent of the Plan to provide Council with the tools to manage development and change of the Municipality.

The Official Plan is also expected to provide:

- a) The means by which community-related goals and aspirations are documented and implemented;
- b) A tool for the municipality to access funding from the various levels of government; and
- c) A decision-making guide for long-range capital investments.

The policies, together with the schedule(s) and any amendment(s), which are adopted and finalized pursuant to the *Planning Act*, constitute the Official Plan of the Municipality of Oliver Paipoonge.

### 1.2 PROVINCIAL POLICY CONTEXT

The original Official Plans for Oliver and Paipoonge are both over twenty years old and pre-date the amalgamation which created the Municipality of Oliver Paipoonge. Major

changes have been made to the land use planning framework in Ontario in the intervening period including changes to the *Planning Act* and its regulations, Provincial Policy Statement and Provincial Plans including the Places to Grow—Growth Plan for Northern Ontario which came into force on March 3, 2011. These policy directions of the province are required to be reflected in the Official Plan for the Municipality of Oliver Paipoonge.

The Province of Ontario issues Provincial Policy Statements periodically to provide direction on matters of provincial interest. Decisions of the Municipality shall be consistent with the Provincial Policy Statement that is in effect on the date of Council's decision.

Further, provincial legislation requires that the Official Plan be reviewed every ten (10) years and the Official Plan shall be updated by the Municipality to reflect changing policy directives and new priorities. In addition, provincial legislation also requires that the Zoning By-law will be updated within three (3) years of each Official Plan update.

#### **1.2.1 CONFORMITY WITH THE 2014 PROVINCIAL POLICY STATEMENT (PPS)**

The Provincial Policy Statement (PPS) is issued under the authority of Section 3 of the *Planning Act*. It provides direction on matters of provincial interest related to land use planning and development and promotes the provincial policy-led planning system.

The Municipality of Oliver Paipoonge, in fulfilling its responsibilities under the *Planning Act*, shall have regard to, among other matters, matters of provincial interest such as the:

- a) Protection of ecological systems, including natural areas, features and function;
- b) Conservation and management of natural resources and the mineral resource base;
- c) Conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest;
- d) Supply, efficient use and conservation of energy and water;
- e) Adequate provision and efficient use of communication, transportation, sewage and water services, and waste management systems;
- f) Minimization of waste;
- g) Orderly development of safe and healthy communities;
- h) Accessibility for persons with disabilities to all facilities, services and matters to which the *Planning Act* applies;
- i) Adequate provision and distribution of educational, health, social, cultural and recreational facilities;

- j) Adequate provision of a full range of housing;
- k) Adequate provision of employment opportunities;
- l) Protection of the financial and economic well-being of the Province and its municipalities;
- m) Co-ordination of planning activities and public bodies;
- n) Resolution of planning conflicts involving public and private interests;
- o) Protection of public health and safety;
- p) Appropriate location of growth and development; and
- q) Promotion of development that is designed to be sustainable, to support public transit where appropriate and to be oriented to pedestrians;
- r) The promotion of built form that,
  - i) is well-designed,
  - ii) encourages a sense of place, and
  - iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant; and
- s) The protection of agricultural resources of the Province.

The Oliver Paipoonge Official Plan has been prepared to meet the requirements of the PPS and to be consistent with its policies. Unless otherwise defined within this document, the definition of terms shall be interpreted as being consistent with Section 6.0 of the Provincial Policy Statement 2014 as amended.

### **1.2.2 CONFORMITY WITH THE PLACES TO GROW – THE GROWTH PLAN FOR NORTHERN ONTARIO**

The 2011 Growth Plan for Northern Ontario provides a broad 25 year land use vision for the communities in the northern Ontario. The vision positions the northern economy to provide diverse opportunities to work, live and participate in the new economy of the twenty first century. The guiding principles of the Growth Plan are:

- a) Create a highly productive region, with a diverse, globally competitive economy that offers a range of employment opportunities for all residents;
- b) Develop a highly educated and skilled workforce to support an evolving knowledge-based economy and excellence in the trades;
- c) Partner with First Nation peoples to increase educational and employment opportunities;
- d) Deliver a complete network of transportation, energy, communications, social and learning infrastructure, to support strong, vibrant communities;
- e) Demonstrate leadership in sustainable growth and environmental management; and



- f) Establish innovative partnerships to maximize resources and ensure the Growth Plan achieves its ambitious vision and is fiscally sustainable.

The policies of the Oliver Paipoonge Official Plan conform with the general vision provided in the Growth Plan for Northern Ontario.

### **1.3 EFFECT OF THE PLAN**

Once this Official Plan is adopted and finalized pursuant to the *Planning Act*, no public or private work shall be undertaken in the Municipality and, except as provided for under the *Planning Act*, no By-law shall be passed for any purpose that does not conform to the policies of this Plan.

### **1.4 BASIS OF THE PLAN**

The Municipality of Oliver Paipoonge is located within the Planning Area of the Lakehead Rural Planning Board in the District of Thunder Bay in Northwestern Ontario. Oliver Paipoonge abuts the City of Thunder Bay to the east and is bordered by the Municipality of Neebing to the south, the Townships of O'Connor and Conmee to the west, and by the unincorporated townships of Gorham, Ware and the Dawson Road Lots to the north.

The Municipality is located in an area of the Province that has a history of development and economy based on the natural environment. The majority of the Municipality can be described as an area of rural development exhibiting a “rural” lifestyle and having a local economy based on natural resources. Given the Municipality’s proximity to the City of Thunder Bay and good provincial highway and rail access provides opportunities for commercial and light industrial based uses. The protection and maintenance of the rural environment and agricultural land is important to the Municipality. There are three existing rural settlement areas in the Municipality; Rosslyn, Kakabeka Falls, and Murillo.

The Townships of Oliver and Paipoonge amalgamated in the late 1990’s and since that time carried forward two separate official plans, one for Oliver and one for Paipoonge. This official plan is intended to replace the previous two documents and to provide integrated policies and direction for growth for the next twenty years. This document has been based upon:

- Ontario’s assessment mapping and data
- Census Canada Community Profiles for various five year intervals
- Places to Grow: Growth Plan for Northern Ontario
- Ontario Population Projections—Ministry of Finance

- Provincial Policy Statement 2014
- Municipal Comprehensive Review for Oliver Paipoonge
- Background Report for the Official Plan

Notwithstanding projections which suggest a slight long-term population and economic decline in Northwestern Ontario, there is indication that certain locations will grow specifically service locations and urban centres such as Thunder Bay. Oliver Paipoonge located immediately adjacent to the City of Thunder Bay can reasonably expect to experience some growth as well due to the proximity to Thunder Bay. Oliver Paipoonge has experienced and expects to continue to experience passive and generative demand for development. Passive demand for development is based on local family formulation, continued expansion of rural industry and/or commercial activity involving large, unserved lands; and a sharing of growth generated within the Thunder Bay area. Generative development growth options include the Whitewater Subdivision which offers a unique executive housing and recreational opportunity and is a niche housing option for the Municipality.

#### **1.4.1 OLIVER PAIPOONGE'S GROWTH STRATEGY**

The Municipality of Oliver Paipoonge experienced population decline prior to 2011, which is consistent with most communities in the region. The population decline was due in part to an aging population, economic decline, and low birth rates. Dwelling counts are increasing however based on the municipality's recent experience with consent applications, as households fragment or as households with fewer people move to the community to live. There is an inverse relationship between the increase in dwellings and the decrease in population which has changed to a modest population increase in 2016. With an aging population the housing demands change and there is a need to ensure sufficient residential land to accommodate growth for a minimum of ten years while also ensuring that appropriate housing options are available to allow for residents to continue to live in the community as they age. Combined with the residential growth there is a need to provide appropriate amenities to attract new residents and to provide current residents with opportunities to have healthy, active lifestyles. Also it is important to provide policies that will attract development so that the Municipality continues to be vital and sustainable.

Youth retention will be a key element of potential for future population growth. The Municipality has to ensure that sufficient land and opportunities exist for institutional and employment uses so youth can attend school and find employment without leaving the area.

A comprehensive review was completed as part of the background to the Official Plan which assessed the land supply and the potential for residential and employment land demand for the twenty-year planning horizon as well as included servicing options for the Municipality. Over the long term 20+ years, the Municipality will consider the provision of municipal services to the rural settlement areas, however until such time; the Municipality will maintain the status quo with respect to the provision of municipal services to these areas.

The Municipality of Oliver Paipoonge's population could potentially increase by 9.2% by 2031, based on recent trends and current population projections. This represents an increase in population from 5732 (2011 Census) to 6253 in 2031. Note that the recently released figures for the 2016 Census indicate that the population has increased to 5,922 supporting the trend toward population increases in the municipality. This potential population would generate a demand of 386 dwelling units to the year 2031. The total vacant land within the three rural settlement area boundaries is approximately 118 hectares. The result of the vacant land supply analysis indicated that there is sufficient land to accommodate the projected increase in dwelling units to the year 2031. These projections will be reviewed during the 5-year review of the Plan and may be adjusted accordingly.

The growth strategy for the Municipality of Oliver Paipoonge will involve directing the majority of future growth to rural settlement areas while accommodating limited growth within the rural areas of the municipality. This will be, in part accomplished by allowing new lot creation to take place in the rural areas of the municipality by consents which could result in up to two (2) new lots per lot of record existing as of July 24, 2017 but precluding the possibility of subdivisions in the rural areas. New subdivisions would be limited to the rural settlement areas.

## **1.5 STRUCTURE OF THE OFFICIAL PLAN**

The policies of this Official Plan provide guidance and direction for the development and growth of the Municipality for the next twenty years. The policies found in Sections 2 through 5 should be considered in their entirety when Council is making land use decisions. The Official Plan is structured as follows.

Section 1 'INTRODUCTION' describes the purpose and effect, the context under which the Plan was prepared, and the duration and structure of the Plan.

Section 2 'GUIDING PRINCIPLES AND OBJECTIVES' establishes the vision, guiding principles and basis for which the land use plans and policies of this Plan have been

prepared.

Section 3 'GENERAL POLICIES' sets out the general growth policies of the municipality which apply to all land use designations in the Plan.

Section 4 'LAND USE DESIGNATIONS' establishes the general land use designations and applicable policies used in this Plan, and which together constitute the general land use plan for the Municipality of Oliver Paipoonge as shown on the land use map Schedule.

Section 5 'IMPLEMENTATION' explains how to interpret the land use designation boundaries and describes the approaches, tools and mechanisms which the Municipality of Oliver Paipoonge may use to direct, manage and control development on a day-to-day basis. It provides further details on the powers which the municipality may exercise over growth, development and change to help Council achieve its vision.

Section 6 'MAP SCHEDULES' form part of the Official Plan and should be interpreted with the applicable policies in the Plan.

## SECTION 2—GUIDING PRINCIPLES AND OBJECTIVES

The guiding principles and objectives of this Plan provide direction to manage change, guide future development, and develop detailed policies and programs that stimulate economic growth, protect the natural environment, cultural heritage and archaeological resources, promote the use of natural resources for economic use and environmental benefits, and reduce costs by restricting development in areas where there is risk of health, safety or property damage, or the cost of development is prohibitive. The goals reflect the present and future needs and values of the Municipality and the residents.

### 2.1 SUSTAINABLE DEVELOPMENT

To promote sustainable development that enhances the quality of life for present and future residents and may include affordable housing.

- 2.1.1 Recognize development that reflects the rural character of the Municipality which supports making efficient use of existing infrastructure, the use of land that is suitable for development and can be safely serviced.
- 2.1.2 Support the importance of agricultural economy through the protection of prime and locally important agricultural land for agricultural uses of all types and farm diversification.
- 2.1.3 Establish and implement minimum targets for the provision of housing which is affordable to low and moderate income households.

Affordable Homeownership Housing is defined as housing for which the purchase price results in annual accommodation cost which do not exceed 30 percent of gross annual household income for low and moderate income households; or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

Affordable Rental Housing is defined as the least expensive unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or a unit for which the rent is at or below the average market rent of a unit in the regional market area.

- 2.1.4 Promote patterns of development which facilitate the provision of local services with minimal or no impact on local finances and provide for the efficient use of land, infrastructure, and public service facilities.

- 2.1.5 Encourage the maintenance, rehabilitation, and renovation of existing buildings and streets.
- 2.1.6 Support energy conservation through design and the use of renewable energy resources.
- 2.1.7 Promote sustainable development including encouraging environmentally compatible land uses and development and directing development away from environmentally sensitive areas or areas with natural or man-made hazards.
- 2.1.8 Recognize the importance of natural resources including water, forestry, mineral, mineral aggregate and agricultural resources for their long term protection and use.
- 2.1.9 Promote the conservation of cultural heritage resources including built heritage resources, cultural heritage landscapes and archaeological resources.
- 2.1.10 Encourage the use of climate change strategies for future growth and development opportunities.

## **2.2 COMPLETE COMMUNITY**

To encourage an appropriate mix of land uses that contribute toward creating complete communities offering residents the opportunity to live, work, and play.

- 2.2.1 Support a range of land uses and development in the rural and rural settlement areas of the Municipality.
- 2.2.2 Enhance the quality of life for existing and future residents by improving access to parkland, cultural, and recreational facilities.
- 2.2.3 Promote a built form that addresses the needs of present and future generations.
- 2.2.4 Ensure the conservation, maintenance and enhancement of cultural heritage resources within the Municipality.
- 2.2.5 Ensure land use compatibility and adequate buffering between land uses as appropriate.

2.2.6 Develop and promote an efficient and safe transportation system for all users.

## **2.3 NATURAL ENVIRONMENT**

To support protecting the integrity of the natural environment.

2.3.1 Preserve, and where possible, enhance the environmental quality of the Municipality in an effort to protect the integrity of ecosystems.

2.3.2 Encourage recreational and tourism opportunities that are compatible with the natural environment and are economically feasible.

2.3.3 Protect natural heritage features and areas, surface water features, and ground water resources.

2.3.4 Protect against natural hazard and preserve sensitive areas, areas of historical significance, important natural resources such as fish and wildlife habitat areas, wetlands, areas of natural and scientific interest, minerals, and aggregates.

2.3.5 Protect and manage water resources and implement sound water management practices.

## **2.4 ECONOMIC DIVERSITY**

To maintain and seek opportunities for a strong, diversified economy that provides a wide range of employment opportunities for residents.

2.4.1 Support existing businesses and attract a diverse range of new employment opportunities for new and existing residents.

2.4.2 Pursue opportunities to locate appropriate education facilities in the municipality to stimulate investment and training in a range of employment sectors.

2.4.3 Ensure that there is sufficient land designated for commercial uses and for industrial development.

2.4.4 Protect the provincially significant and locally important agricultural land for agricultural uses and support opportunities for farm diversification.

2.4.5 Encourage the development of industries related to forestry, mining and mineral exploration and aggregate extraction.

- 2.4.6 Encourage commercial and industrial opportunities that are compatible with the natural environment and are economically feasible.

## 2.5 GROWTH MANAGEMENT

Based on the Comprehensive Review, it is projected that Oliver Paipoonge's population will grow by a maximum of 521 persons or a total of 9.2% from 5732 persons in 2011 to 6253 persons in 2031. The recent 2016 census identifies a total population of 5,922 persons representing an additional 190 persons from 2011 to 2016. This recent trend would suggest that population would be 6,492 persons in 2031. The projected residential lot/dwelling unit demand for 2031 would be approximately 400 dwellings. The corresponding estimated residential lot/dwelling unit supply available to meet the projected demand is at minimum the following:

Rural Settlement Area	250
Rural Area	150

In addition, the Comprehensive Review projects the high growth scenario to result in a demand for 132 new jobs over the next 30 years which will largely be accommodated in the Rubin Commercial/Industrial Park.

In addition to the growth management policies expressed below, additional policies that would manage the rate and location of growth are found throughout this Official Plan. For example, sections 4.2.4 and 4.3.3 limit new lot creation within the Natural Resource and Rural land use designations respectively to the number of lots that could occur through the consent process as plans of subdivision and condominium will not be permitted in these areas. Rather plans of subdivision and condominium will be focussed on Settlement Areas.

- 2.5.1 To reduce the ratio of residential development relative to commercial and industrial development by encouraging economic development and industrial diversification.
- 2.5.2 To ensure that municipal services and public service facilities are not overburdened by the rate of growth.
- 2.5.3 To maintain and enhance the stability and local functioning of the rural settlement areas.
- 2.5.4 To recognize the Rural Area as a diverse area providing opportunities for



limited growth and development that reflects the rural character of the Municipality.

- 2.5.5 To recognize that the Natural Resources and Agricultural Areas are the primary areas for development related to agriculture and agriculturally related uses, mining and mineral exploration and aggregate extraction and related uses.
- 2.5.6 It is the intent of this Plan to provide for the short and long-term stewardship of all renewable and non-renewable resources through measures which protect, conserve, or facilitate the utilization of such resources for their economic or resource value, or in fact, enhance the quality or character of the resource.
- 2.5.7 It is the intent of this Plan to encourage residential intensification within Rural Settlement Areas where appropriate and capable of being supported by on-site private or municipal services in accordance with the servicing Sections of this Plan. Such residential intensification within Rural Settlement Areas should constitute approximately 30% of future residential growth.

## SECTION 3—GENERAL POLICIES

The policies apply to all development within the Municipality of Oliver Paipoonge. When considering development proposals for Official Plan Amendments, Zoning By-law Amendments, Consents, Plans of Subdivision, or any other form of development requiring approval from the Municipality, the following policies shall be considered.

### 3.1 ABANDONED MINE HAZARDS

- 3.1.1 Mine hazards are any feature of a mine defined in the *Mining Act* or any related ground disturbance that has not been rehabilitated. The Abandoned Mine Hazards are shown as a development constraint on Schedules C and D.
- 3.1.2 The Municipality shall require applicants for any proposed development within 1000 metres of an abandoned mine hazard to consult with the Ministry of Northern Development and Mines through its Regional Land Use Geologist regarding the nature of the hazard and to undertake any remediation measures as legislated under the *Mining Act*.
- 3.1.3 Development within 1000 metres land affected by mine hazards or former mineral resource operations shall be permitted only if measures to address and mitigate known or suspected hazards are underway or have been completed in consultation with the Ministry of Northern Development and Mines.
- 3.1.4 Where rehabilitation requirements are known and are feasible, known mine hazards and adjacent lands may be zoned with a Holding Zone. In these instances, rehabilitation of the site in accordance with the requirements of the *Mining Act* shall be required prior to the removal of the holding symbol. In the interim, uses permitted on such properties will be restricted to existing land uses.

### 3.2 ACCESSORY USES, BUILDINGS AND STRUCTURES

- 3.2.1 Where a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory and essential to the use will also be permitted.

### **3.3 AIR QUALITY AND CLIMATE CHANGE**

- 3.3.1 Climate change can be defined as a long-term change in average weather conditions, including temperature, wind patterns and precipitation. It may involve, for example, increased frequency and severity of extreme weather events, as well as erratic weather patterns. Climate change is highly complex and dynamic, and the timing, nature and severity of its impacts on communities are difficult to predict and will vary locally and regionally. However, scientific research and analysis suggest that communities will need to adjust to the effects of climate change in one way or another.
- 3.3.2 Several policies in this Official Plan may directly or indirectly contribute to reducing the Municipality's overall impact in terms of greenhouse gas emissions. These include a focus on increased energy efficiency, alternative energy sources, infill development, and the promotion of mixed-uses and an appropriate mix of uses where residents can work and play in relative proximity to where they live.
- 3.3.3 In collaboration with agencies such as Natural Resources Canada and Health Canada, the Municipality may consider the preparation of a Climate Change Mitigation and Adaptation Plan that outlines:
- a) Mitigation strategies to reduce the Municipality's contribution to climate change; and
  - b) Adaptation strategies to assist the Municipality in coping with the effects of climate change on the community.

### **3.4 AREAS OF AGGREGATE POTENTIAL**

- 3.4.1 It is the intent of this plan to protect mineral aggregate resources for extraction within areas of mineral aggregate potential identified on Schedules C and D. Mineral aggregate resources are defined as gravel, sand, clay, rock or other materials, prescribed under the *Aggregate Resources Act*, suitable for construction, industrial, manufacturing and maintenance purposes. Areas having aggregate or mineral potential are designated Natural Resource Area on Schedules C and D. Areas of aggregate potential is based on digital mapping available from the Ministry of Northern Development and Mine's Aggregate Resources Inventory published as part of the Ontario Geological Survey.
- 3.4.2 In areas shown as Mineral Aggregate Potential, development which would preclude or hinder the establishment of new operations or access to the

resources shall only be permitted if:

- a) Resource use would not be feasible; or
- b) The proposed land uses or development serves a greater long-term public interest; and
- c) Issues of public health, public safety and environmental impact are addressed.

- 3.4.3 Extractions of any size shall be undertaken in a manner which minimizes social and environmental impacts.
- 3.4.4 Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased, however, progressive and comprehensive rehabilitation should be undertaken wherever feasible.
- 3.4.5 Existing aggregate operations shall be permitted to continue without the need for an Official Plan amendment, Zoning By-law amendment, or development permit under the *Planning Act*.
- 3.4.6 New pit and quarry operations are required to complete appropriate land use compatibility studies, such as air quality studies for noise and vibration, ground and surface water studies, and dust and odour studies to determine the influence area of the operation. No new pit or quarry may be established without the completion of these studies. In the absence of studies, pits and quarries should be treated as Class III industrial facilities and new sensitive land use developments are required to meet the separation requirements for Class III facilities in Ministry of the Environment and Climate Change (MOECC) Guideline D-6: Compatibility between Industrial Facilities and Sensitive Land Uses. Blasting operations shall be in compliance with MOECC Guidelines NPC-119 for Blasting.
- 3.4.7 Development in or adjacent to an area of known aggregate resources, or within the area of influence of existing pits and quarries shall be located and buffered sufficiently to ensure that the extraction is not limited and that the development is not affected by noise, dust, or other public safety issues that are related to the extractive activity. Site-specific studies can be used to determine the actual area of influence for an aggregate operation.
- 3.4.8 New or expanding aggregate extraction operations shall be well removed from sensitive land uses and screened from view to the greatest extent possible. New or expanded aggregate or mineral extraction operations should also not

negatively affect existing and future adjacent land uses, social values, and the environment.

- 3.4.9 Cultural heritage resources shall be considered when new areas for aggregate operations are being considered. Prior to the establishment of a new aggregate pit or quarry or expansion of an existing operation, an archaeological assessment by a qualified professional shall be completed to the satisfaction of the Province and any cultural heritage resources that may be identified on the site shall be conserved in accordance with the recommendations of an archaeological assessment.
- 3.4.10 In considering a Zoning By-law amendment to permit a new aggregate extraction operation, Council will require the submission of a site plan showing the following:
- a) The legal limits of the property, contours, dimensions, site area, location, and the extent of any adjacent property owned by the applicant;
  - b) The existing use of land and the location and use of all buildings and structures lying within 300 metres of the property that is the site of the extractive operation;
  - c) Existing and anticipated grades of extraction, extent of extraction area, setbacks from the limits of extraction to the property line, and screening and buffering;
  - d) The location, height, dimensions, and use of all buildings or structures, and location of machines existing or proposed to be erected on the property;
  - e) All entrances and exits;
  - f) Limits of development, road plan, water drainage, storage and management, location of stockpiles;
  - g) The surface water bodies, groundwater uses, Wellhead Protection Areas, and any other features identified through the source protection planning process be shown on the plan; and
  - h) Progressive and ultimate rehabilitation plan including topography, contours, grading, stabilization of banks, fill, drainage, and re-vegetation.

## **3.5 AREAS OF MINERAL POTENTIAL**

- 3.5.1 Areas of mineral potential have been identified on Schedule C. Areas of mineral potential, where the geology favours the discovery of new mineral deposits, shall be protected from encroachment by inappropriate land uses that may restrict the future use of the mineral resources. Mineral resources may include metallic minerals, industrial minerals not regulated under the *Aggregate*

*Resources Act*, mined salt, and diamonds.

- 3.5.2 The Ministry of Northern Development and Mines shall be consulted with regards to development in or adjacent to the area of mineral potential identified on Schedule C.
- 3.5.3 New mineral resource operations shall use best practices and technologies to minimize impacts on sensitive land uses, social values and the environment overall. Influence areas and separation distances will be used as a means to avoid incompatible land uses. An influence area is not a strict buffer or setback area where development is automatically prohibited. Within the influence area, development may be permitted where it is clearly demonstrated by the proponent through technical studies, that adverse impacts such as noise, dust, vibration can be mitigated and the quality and quantity of ground water on adjacent properties will not be compromised where excavation occurs below the water table. A separation distance establishes a minimum horizontal distance between incompatible land uses.
- 3.5.4 New development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Development and site alteration shall not be permitted on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Development and site alteration where permitted shall incorporate these resources into new development plans.
- 3.5.5 In considering a Zoning By-law amendment to permit a new mineral extraction operation, Council will require the submission of a site plan showing the following:
- a) The legal limits of the property, contours, dimensions, site area, location, and the extent of any adjacent property owned by the applicant;
  - b) The existing use of land and the location and use of all buildings and structures lying within 300 metres of the property that is the site of the extractive operation;
  - c) Existing and anticipated grades of extraction, extent of extraction area, setbacks from the limits of extraction to the property line, and screening and buffering;
  - d) The location, height, dimensions, and use of all buildings or structures, and location of machines existing or proposed to be erected on the property;

- e) All entrances and exits;
- f) Limits of development, road plan, water drainage, storage and management, location of stockpiles;
- g) Completion of ground and surface water studies to assess the impact of the extraction operation (both during and post), any water taking, and the return of process water upon the areas water resources; and
- h) Progressive and ultimate rehabilitation plan including topography, contours, grading, stabilization of banks, fill, drainage, and re-vegetation.

### **3.6 BED AND BREAKFAST ESTABLISHMENTS**

- 3.6.1 A Bed and Breakfast is a dwelling which is occupied by the homeowner who rents rooms and may provide meals to overnight guests.
- 3.6.2 Bed and Breakfast establishments may be permitted in all areas where residential uses are permitted subject to the following criteria:
  - a) A Bed and Breakfast establishment shall be located on an open road, maintained year round by the Municipality or Province;
  - b) A Bed and Breakfast establishment shall have sufficient site area to accommodate on-site outdoor amenities, adequate on-site parking and provide adequate buffering from any adjacent use;
  - c) A Bed and Breakfast establishment shall be located in a single-detached residential dwelling;
  - d) Should external expansion be required to the dwelling to accommodate the proposed Bed and Breakfast, the character of the surrounding residential area shall be maintained; and
  - e) A Bed and Breakfast establishment shall have servicing capacity that can meet the needs of the existing household in addition to any guests such that the resulting sewage flows will not exceed that capacity of the residential system.

### **3.7 COMMUNICATION TOWERS**

- 3.7.1 The Municipality of Oliver Paipoonge recognizes that the installation of communication towers is required to supply, improve, and maintain the quality of telecommunication service. Local zoning by-laws cannot prevent a communication tower from being constructed, as the Federal Government has the approval authority. However, Industry Canada recognizes the importance of considering the potential impact of communication towers on the community. An applicant seeking to establish a communication tower shall work with the

Municipality and comply with the Municipality's Telecommunications Tower Consultation Policy.

### **3.8 COMMUNITY HUBS**

3.8.1 The Municipality of Oliver Paipoonge recognizes that public service facilities should be strategically located to support the effective and efficient delivery of health and social services as well as emergency management services. A community hub can be the use of a public building such as a school or a community centre for multiple purposes. The Municipality encourages community hubs (schools, arenas, community centre) as a recommended facility to promote cost-effective service delivery and service-integration.

### **3.9 CONTAMINATED SITES**

3.9.1 Prior to approving any development on lands that may have been contaminated by previous uses, a Record of Site Condition shall be required which identifies the extent of possible contamination and summarizes information about the site including the site condition achieved through restoration. The Record of Site Condition shall be prepared by a qualified consultant in accordance with the Ministry of the Environment and Climate Change (MOECC) Ontario Regulation O. Reg. 153/04 and received by the MOECC. If site restoration is required, it shall be completed prior to development approval being given and in accordance with a site remediation plan prepared and consistent with MOECC guidelines.

### **3.10 CROWN LANDS**

3.10.1 The Ministry of Natural Resources and Forestry (MNRF) is responsible for the administration of Crown lands and waters. The MNRF is encouraged to have regard for the policies and schedules of this Plan and to consult with the Municipality with respect to the use and disposition of Crown lands within the Municipality.

3.10.2 Authorization for occupation or use of Crown lands is required from the MNRF.

3.10.3 The Municipality recognizes that resource management activities on Crown lands and waters are desirable for environmental, social and economic reasons. Resource management activities shall be conducted in accordance with the standards and guidelines established by the Province.



### 3.11 CULTURAL HERITAGE

- 3.11.1 New development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Development and site alteration shall not be permitted on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Development and site alteration where permitted shall incorporate these resources into new development plans.
- 3.11.2 Cultural heritage resources include, but are not restricted to, archaeological sites, cemeteries and burials, buildings and structural remains of cultural heritage value or interest, heritage conservation districts or cultural heritage landscapes. The *Ontario Heritage Act* and its provisions as amended will be utilized to conserve, protect and enhance the heritage of the Municipality through the designation by by-law of individual properties, conservation district and/or landscapes, and archaeological sites. A Municipal Heritage Committee may also be established pursuant to the Act to advise and assist Council on conservation matters related to heritage resources.
- 3.11.3 Council shall enter into a municipal/provincial data sharing agreement in order to obtain data and maps of registered/known archaeological sites located within the Municipality. In addition, data and maps of any designated or locally significant heritage buildings or structures, mapped areas of archaeological potential and/or cultural heritage landscapes located within the Municipality shall be maintained and updated as it becomes available for use in planning review. Council shall regularly update municipal archaeological resource mapping under the provisions of the municipal/provincial data sharing agreement.
- 3.11.4 Council recognizes that archaeological potential will be determined for individual development applications and building permits through the use of establish provincial screening criteria, or qualified mapping developed based on the known archaeological record within the Municipality. Archaeological potential criteria include, but are not limited to, features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement including Aboriginal communities and potential criteria are to be developed by a licensed consultant archaeologist. Council will regularly update municipal archaeological resource mapping under the provisions of a municipal/provincial data sharing agreement, as new

archaeological sites are identified from land development and on the Provincial archaeological sites database.

- 3.11.5 The Municipality with the advice of the Ministry of Tourism, Culture and Sport, may undertake the preparation of an Archaeological Management Plan. The plan will identify and map known archaeological sites registered with the Provincial archaeological sites database, as well as areas with the Municipality having archaeological potential. The plan may also outline policies, programs and strategies to protect significant archaeological sites.
- 3.11.6 The Municipality shall require archaeological assessment by archaeologists licensed under the *Ontario Heritage Act* in areas where there are known archaeological heritage resources and/or areas exhibiting archaeological potential within the Municipality of Oliver Paipoonge. Alterations to known archaeological sites must only be performed by licensed archaeologists, in accordance with the provisions of the *Ontario Heritage Act*. Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. The integrity of archaeological resources can be maintained by adopting archaeological zoning by-laws under the *Planning Act* or other similar provisions to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.
- 3.11.7 The Municipality shall ensure an archaeological assessment is conducted and conservation occurs and consult with Aboriginal communities, and government agencies, including the Ministry of Tourism, Culture and Sport and the Cemeteries Regulation Unit when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the *Ontario Heritage Act* and the *Funeral, Burial and Cremation Services Act*, as amended, shall apply. Consideration for the interests of Aboriginal communities shall be made toward conserving cultural heritage and archaeological resources.
- 3.11.8 The Municipality shall conserve all significant built heritage resources and significant cultural heritage landscapes during the undertaking of municipal public works or environmental assessment projects. Heritage impact assessment will be required to mitigate any adverse impacts to significant cultural heritage resources. Council shall have regard for cultural heritage resources in the undertaking of municipal public works.

- 3.11.9 Council shall encourage local utility companies to place equipment and devices in locations which do not detract from the visual character of cultural heritage resources and which do not have a negative impact on the architectural integrity of those resources.
- 3.11.10 Council shall ensure that each municipally owned heritage resource which is sold, leased, or transferred to another owner or lease is subject to a heritage easement agreement which will guarantee its preservation, maintenance, and use in a manner which respects its heritage significance and, when appropriate, is subject to a heritage restoration agreement which shall require that certain restoration works be carried out by the new owner or lease to an accepted heritage property standard.

### **3.12 DEVELOPMENT AND REDEVELOPMENT ADJACENT TO RAILWAYS**

- 3.12.1 Where planning approvals are required to allow for development or redevelopment near a railway corridor or rail yard, consideration shall be given to the impacts of noise and vibrations. The Municipality will require a Noise Impact/Vibration Study be prepared in accordance with the Ministry of the Environment and Climate Change (MOECC) Environmental Noise Guideline NPC-300 for any new sensitive land uses adjacent to existing railway right-of-ways.
- 3.12.2 Applications for planning approvals to allow for residential or other sensitive land uses between 300 and 1000 metres of a rail yard, or within 300 metres of a railway corridor shall be accompanied by a noise study, to the satisfaction of Council in consultation with the appropriate rail authority demonstrating that applicable provincial policies and guidelines with respect to noise and land use compatibility have been addressed. Such applications shall be permitted only where the guidelines have been satisfied with respect to noise mitigation.

### **3.13 ENERGY EFFICIENCY AND SUSTAINABILITY**

- 3.13.1 The Municipality recognizes the importance of supporting policies aimed at reducing energy consumption and developing a culture of conservation. Energy efficiency refers to promoting energy efficient development and building designs, appliances, and modes of transportation, while energy diversity refers to promoting the development and use of alternative and renewable energy

systems.

3.13.2 Proposed development should incorporate the following best practices in sustainability:

- a) Buildings should be oriented in such a way as to maximize passive solar energy gain;
- b) New developments shall consider the use of green building technologies and rating systems, such as Leadership in Energy and Environmental Design (LEED);
- c) Land use patterns should support walkability and alternative modes of transportation such as cycling;
- d) Development should reduce hard surfaces and maximize site permeability;
- e) The Municipality shall promote landscaping and tree planting programs that help moderate summer and winter micro-climatic conditions;
- f) The Municipality shall promote alternative and renewable energy systems as accessory and standalone uses; and
- g) New development should be designed to accommodate more affordable alternative energy and renewable energy technologies in the future.

3.13.3 Various forms of alternative energy systems and renewable energy systems can generate thermal and electrical power on a site-specific basis or as part of a more expansive utility grid system, thereby providing environmental, social and economic benefits. The *Ontario Green Energy Act* and *Green Economy Act* provide a framework for approvals of various types of renewable energy projects which are exempt from municipal approvals. However, the Municipality will have an opportunity to be consulted through the provincial Renewable Energy Approval process.

3.13.4 The Municipality will review and provide comments to the proponent with respect to servicing, infrastructure, or any other matter related to a proposed renewable energy project for which a provincial Renewable Energy Approval is required. The proponent must then supply the Municipality's comments to the province with their Renewable Energy Approval (REA) Application.

### **3.14 ENVIRONMENTAL IMPACT STUDY (EIS)**

3.14.1 Where required by this plan or where determined by Council to be necessary an Environmental Impact Study (EIS) shall be prepared by a qualified environmental specialist in accordance with current Ministry of Natural

Resource and Forestry (MNR) guidelines, and shall include but not be limited to:

- a) A description of the existing natural environment, including natural features and ecological functions that may be affected by the proposed development or site alteration;
- b) A description of the potential impacts of the proposed development on the natural environment;
- c) Suggested development alternatives that would avoid these impacts, or, if impacts cannot be avoided, recommended mitigation measures, including proposed implementation measures; and
- d) Recommended monitoring activities.

3.14.2 Where required, no planning approval will be granted until an EIS has been completed to the satisfaction of Council. Where necessary, the Lakehead Region Conservation Authority and the MNR should be consulted to assist in the review of an EIS. Where a peer review by a qualified environmental specialist is necessary, the cost of this review shall be the responsibility of the proponent.

3.14.3 In cases where the development constitutes a relatively minor undertaking (such as construction on a single residential lot) or development that barely encroaches within the adjacent lands zone, municipal planning staff can exercise some discretion and request that the proponent prepare a scoped EIS. This typically involves a simple checklist approach of planning issues that only addresses the key issues identified at the initial assessment stage.

For more complex proposals, such as plans of subdivisions/condominiums, and resort/recreational developments (e.g., marinas), and full site EIS is the appropriate mechanism for demonstrating that development can meet the test of municipal and provincial natural heritage policies. Components of a full site EIS typically include consideration of the following:

- a) A detailed description of the natural heritage attributes of the study area, including: terrain setting; soils; geology; groundwater and surface water resources; vegetation communities; fish and wildlife communities and habitat; and delineation of the precise boundaries of the natural heritage feature(s);
- b) A characterization of the existing ecological, hydrological and hydrogeological functions performed by the significant feature(s);
- c) A detailed description of the proposed development, including building type and density, servicing (sewage disposal, water supply) and infrastructure

- (roads, stormwater management, etc.);
- d) A prediction as to potential impacts (direct, indirect and cumulative) of the development on the natural and physical environment;
  - e) The identification and evaluation of measures/options to avoid, reduce or otherwise mitigate impacts to meet the standard of no loss of feature and function;
  - f) The selection of a preferred mitigation/rehabilitation strategy;
  - g) A summary of predicted net effects after the application of mitigation compared to overall environmental targets and standards; and
  - h) An evaluation of the elements required and the need for a monitoring program to assess the effectiveness of the preferred mitigation/rehabilitation strategy.

### **3.15 FORESTRY**

- 3.15.1 Forest resources provide a significant economic, social, and environmental benefit in the form of: income from forest products, recreation, education, soil and water conservation, wildlife habitat, buffers between land uses, and natural amenities.
- 3.15.2 Property owners are encouraged to ensure that forest resources on their property are properly managed and may obtain information and assistance on the management of forest resources from the Ministry of Natural Resources and Forestry (MNRF).
- 3.15.3 The maintenance of forest cover and riparian vegetation along river and stream banks is required and reforestation in areas where forest resources have been depleted is encouraged.
- 3.15.4 When reviewing land use proposals for forestry purposes, Council shall consider the incorporation of good forestry practices along with the impact of the development on the ability to provide a continuous, sustainable forestry industry in the Municipality. Good forestry practices means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest productivity and health, and the aesthetics and recreational opportunities of the landscape. Properly managed tree harvest activities shall assure the maintenance of all forest values and a continuous flow of forest products that provide for both short and long-term economic benefits to landowners.

### 3.16 GROUNDWATER RESOURCES

- 3.16.1 No development shall be permitted which results in the contamination of groundwater resources as per the *Clean Water Act*, 2006 and the Lakehead Source Protection Plan (SPP) adopted on January 16, 2013. The SPP contains policies that apply to the Rosslyn municipal water supply. Sensitive groundwater resources include Wellhead Protection Areas (WHPAs), highly vulnerable aquifers (HVAs), and significant groundwater recharge areas. Any development within 100 metres of these sensitive areas shall require a Planning Justification Report to assess the potential threat of contamination of the proposed development to the groundwater resources. In some cases, at the discretion of the municipality, further evaluation including a Chemical Storage Disclosures report may be required.
- 3.16.2 The Wellhead Protection Areas (WHPAs) shown on Schedules C and D are derived from the Source Water Protection Plan that identified the groundwater source area of the municipal water supply in Rosslyn that is sensitive to potential contamination. Wellhead Protection Area A represents an area within 100 meters of the wells and the highest concern since contaminants within this area can enter directly in the wells and is the most sensitive to contamination. Wellhead Protection Area B represents a two year travel time for contaminant to enter the water supply, Wellhead Protection Area C represents the two to five year of travel zone for contaminants to enter the water supply and Wellhead Protection Area D represents the five to twenty-five year travel zone for contaminants to enter the water supply.
- 3.16.3 As directed by the policies within the Approved Lakehead Source Protection Plan, the following uses are prohibited in Wellhead Protection Area A:
- a) Land uses that require waste disposal site approvals such as the following:
    - Hauled sewage to land;
    - Mine tailings stored in a pit or in impoundment structures where the National Pollutant Release Inventory (NPRI) notice requires a person to report;
    - Landfarming of petroleum refining waste;
    - Landfilling of hazardous waste;
    - Landfilling of municipal waste;
    - Land disposal of commercial or industrial waste;
    - Land disposal of liquid industrial waste;
    - Storage of PCBs; and
    - A waste disposal site that is not approved to accept hazardous waste or

liquid industrial waste but accepts small volumes that are exempt from O. Reg. 347;

- b) Sewage treatment facilities, not including private septic systems designed for under 10,000 litres per day;
- c) Non-residential uses where organic solvents occur including, but not limited to, dry cleaning operations, vehicle service centres, paint and hardware stores, retail or wholesale pharmaceutical storage and distribution centres;
- d) Uses where fuel is stored including but not limited to, non residential fuel storage, retail fuel outlets, uses where backup generators are required (with the exception of the backup generator at the Rosslyn Village Water Treatment Plant), industrial operations and any other uses involving the bulk handling and storage of fuel;
- e) Uses which include the storage of organic solvents, fuel, or pure dense non-aqueous liquids (DNAPLs) except for incidental volumes for personal domestic use; and
- f) Future agricultural uses.

3.16.4 The Municipality, together with other government agencies, shall develop contingency plans to address such matters as accidental motor vehicle spills, develop and conduct regular groundwater monitoring, establish a hazardous waste collection programme and encourage the use of water conservation measures.

3.16.5 For all development on private wells in areas not serviced by the municipal water supply, the proponent shall provide evidence that the development can be adequately and safely serviced by a private potable water supply and there is no adverse impact on groundwater resources.

### **3.17 GROUP HOMES**

3.17.1 Group Homes administered under Provincial legislation shall be permitted to establish in any residential zone or residence:

3.17.2 A Group Home is defined as a housekeeping unit in a residential dwelling in which residents, excluding staff, live under responsible supervision.



### **3.18 HOME PROFESSIONS AND HOME INDUSTRIES**

- 3.18.1 Home professions and home industries shall be accessory to the main residential use of the property provided they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation or other means and shall not detract from the principal residential use.
- 3.18.2 The Zoning By-law shall contain regulations with respect to home professions and home industries. These regulations shall indicate, among other matters, the zones in which home professions and home industries are permitted, the types of activities which shall be considered as home professions and home industries, appropriate mitigating measures such as buffering, separation distances etc. to minimize the conflict between adjacent residential uses.
- 3.18.3 The home profession or home industry shall relocate to an appropriately zoned site at such time that the home profession or home industry can no longer be considered secondary to the main residential use of the property to support re-investment in the commercial areas/industrial areas of the Municipality.

### **3.19 LAND USE COMPATIBILITY**

- 3.19.1 Whenever a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses. Where there are potential compatibility concerns, consideration shall be given to the extent to which increased site plan requirements can reduce the potential impacts. If the impacts cannot be minimized to acceptable levels the proposed development shall not proceed. Compatible development means development that, although it is not necessarily the same as or similar to existing uses in the vicinity, nonetheless enhances an established community and coexists with existing uses without causing undue adverse impact on surrounding uses. Compatibility can be achieved in a variety of ways, including the provision of appropriate setbacks, buffering features, and transition in building height and massing. Compatibility of new developments shall be assessed based on the following criteria:
- a) Height and massing—new buildings must have regards to the height and massing of adjacent buildings. Where variation in height or massing is proposed, a transition in height is desirable;
  - b) Pattern of surrounding community—proposed developments must consider the character of the surrounding buildings, including scale and rhythm, massing, and architectural design;
  - c) Outdoor amenity areas—the privacy of outdoor amenity areas of adjacent

- residential uses must be respected;
- d) Shadowing—shadowing on adjacent properties must be minimized, particularly on residential outdoor amenity areas;
  - e) Lighting—the potential for light spill over or glare onto adjacent light-sensitive areas must be minimized;
  - f) Noise, Vibration and Air Quality—the development should be located and designed to minimize the potential for significant adverse impacts on adjacent sensitive uses related to noise, vibration, odours, and other emissions.
  - g) Parking—adequate on-site parking must be provided, with minimal impact on adjacent uses;
  - h) Loading and service areas—the operational characteristics and visual appearance of loading and services areas (including garbage and outdoor storage areas) must be designed to mitigate adverse effects on adjacent properties and should be located away from residential uses, where possible; and
  - i) Vehicular access—the location and orientation of vehicular access must take into account impact on adjacent uses including noise, headlight glare and loss of privacy.
- 3.19.2 As much as possible land use conflicts should be avoided. The encroachment of sensitive land uses and industrial uses on one another is discouraged. To properly determine incompatibility amongst land uses and to identify the required buffering, separation distances, and/or other mitigation measures to minimize potential adverse effects such as noise, odour, vibration, particulate and other contaminants, a Land Use Compatibility Study shall be prepared by the applicant in accordance with the MOECC D-Series Guidelines as supporting documentation for the planning approval.
- 3.19.3 To reduce negative impacts on sensitive land uses adjacent to stationary sources of sound, including but not limited to industrial facilities, noise sources shall be mitigated by using appropriate separation distances and noise control measures. Noise Impact Studies, in accordance with the MOECC Environmental Noise Guideline NPC-300, will be required whenever a proposed development is within the influence area of a stationary noise source.
- 3.19.4 Noise Impact Studies, in accordance with the MOECC Environmental Noise Guideline NPC-300, may be required as part of a development application when the proposed lands are within 50 metres from a provincial highway right-of-way.

### 3.20 LOCALLY IMPORTANT AGRICULTURE

- 3.20.1 Areas that have been identified as Locally Important Agricultural areas are identified on Schedule C. The determination of the boundaries for locally important agricultural areas was derived to reflect those areas associated with soil classification 4 through 7 according to the Canada Land Inventory Classification and areas supplemented by local knowledge of agricultural practices. These lands contain agricultural activities and uses that are important to the local economy.
- 3.20.2 Locally Important Agricultural areas should be protected for agricultural uses and uses related to agriculture that supports the agricultural industry.
- 3.20.3 Development of sensitive land uses in the Locally Important Agricultural areas shall comply with the Minimum Distance Separation (MDS) Formulae requirements and new or expanding livestock operations shall comply with the MDS Formulae requirements.
- 3.20.4 Development shall be in accordance with the policies of Section 4.2.

### 3.21 MOBILE HOME PARKS

- 3.21.1 Mobile home parks which existed prior to October 5, 1978 may be recognized in the Zoning By-law once the following conditions are met:
- a) The Municipality is satisfied that such recognition would be in the interests of the residents of the mobile home park and the Municipality as a whole;
  - b) The number of units recognized in each park is no greater than the number which existed as of October 5, 1978;
  - c) The communal water facilities in the existing mobile home parks are installed and have met the requirements under the *Clean Water Act*. The communal sewage facilities in the existing mobile home parks are installed and operating under the approval of the Thunder Bay District Health Unit and have been constructed to meet the requirements under the Ontario Building Code. Large communal sewage systems (10,000 litres a day or more) require approval under the *Ontario Water Resources Act*. The existing communal water and sewage facilities are assumed by the Municipality under a Municipal Responsibility Agreement to ensure the long term provision of these services;
  - d) The solid waste disposal facilities have sufficient capacity to service the mobile home parks for the planning period and have met all requirements under the *Environmental Protection Act* and O. Reg. 347: Waste

Management Systems;

- e) The entrance to the mobile home park is installed to the satisfaction of the Ministry of Transportation and the Municipality;
- f) The electrical facilities meet the minimum standards established by Hydro One; and
- g) The existing communal water and sewage facilities are assumed by the Municipality under a Municipal Responsibility Agreement to ensure the long term provision of these services. Communal systems must be owned, operated and managed by the Municipality or another public body if servicing freehold residential development. They may be owned, operated and managed by a condominium corporation or single owner if servicing condominiums or mobile home parks provided an agreement has been entered into with the Municipality or public body. Such agreement shall provide for municipal/public body assumption of the communal services in the event of default by the owner.

3.21.2 In recognizing any existing mobile home park, the Municipality may require the applicant to enter into a site plan control agreement under the *Planning Act*, to include, but not limited to the following:

- a) Entrances and exits;
- b) Parking;
- c) Parks and recreation areas;
- d) Landscaping and buffering; and
- e) Size of mobile home spaces.

3.21.3 The Municipality through an amendment to the Zoning By-law may allow limited expansion of any existing park provided that:

- a) The communal sewage and water services have the available required servicing capacity, determined by a reserve capacity assessment or other required studies, to safely accommodate the proposed new plan of subdivision;
- b) The expansion results in improvements in the entire park as considered necessary by the Municipality;
- c) The expansion is in the interests of both the Municipality of Oliver Paipoonge and the residents of the Mobile Home Park;
- d) The expansion proceeds by way of a registered plan of subdivision, approved under the requirements of the *Planning Act*, which shall show blocks of land for various uses rather than individual residential lots;
- e) As a condition of subdivision approval, the developer enters into a Municipal Responsibility Agreement with the Municipality to ensure financial

assurance and protection of the communal servicing system for the proposed plan of subdivision;

- f) Each mobile home is allocated a space of at least 540 square metres;
- g) Provisions are made for adequate parking, buffering, landscaping and parks and recreation areas to the satisfaction of the Municipality;
- h) No expansion greater than the available drinking water and sewage servicing capacity, determined by a reserve capacity assessment, up to a maximum of 20 units shall be allowed in any of the existing mobile home parks; and
- i) All the conditions of Section 3.21.1 are met and the mobile home park has been recognized under the Zoning By-Law.

## **3.22 NATURAL HERITAGE RESOURCES**

### **3.22.1 Significant Wildlife Habitat**

- a) Development and site alteration shall not be permitted in or adjacent to significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions;
- b) Adjacent lands to a significant wildlife habitat are defined as 120 metres from the boundary of the feature;
- c) Preliminary ecological assessments will be conducted when development and/or site alteration is proposed to determine if the proposed development is within or adjacent to significant wildlife habitat. Preliminary assessments will be based on existing mapping and reference information, existing local knowledge, and preliminary field visits;
- d) Significant wildlife habitat can include but is not limited to: areas of relatively high animal density, areas of seasonal concentration, areas with locally/regionally/provincially vegetative communities, areas with features that are limited across the landscape, and areas that provide corridors for animal movement. Habitats of special concern species and other sensitive species should be considered as significant wildlife habitat, as defined in the Natural Heritage Reference Manual. Special Concern species are formally listed in the Ministry of Natural Resources and Forestry (MNR's) Species at Risk in Ontario (SARO) list; and
- e) Where preliminary assessments indicate the likely presence of significant wildlife habitat, the local MNR office will be contacted for review of the information. An Environmental Impact Study (EIS) will be required where development may impact significant wildlife habitat or adjacent lands (120 metres) to significant wildlife habitat.

### 3.22.2 Significant Wetlands and Areas of Natural and Scientific Interest

- a) Development and site alteration shall not be permitted in or on adjacent lands of significant wetlands (Provincially Significant Wetlands – PSW, Locally Significant Wetlands – LSW, identified unevaluated wetlands) or significant areas of natural and scientific interest (ANSI's) as identified as Environmental Protection lands on Schedules C and D unless it has been demonstrated to the satisfaction of the municipality that there will be no negative impacts on the natural features or their ecological functions of the feature. This may require consideration through an Environmental Impact Study (EIS);
- b) Adjacent lands are defined as 120 metres from the boundary from a wetland feature and Life Science ANSI, and 50 metres from an Earth Science ANSI feature;
- c) Approval by the Lakehead Region Conservation Authority may be required under the Conservation Authorities Act for development within Provincially Significant Wetlands including the 120 metre buffer.
- d) A wetland evaluation (as per the Ontario Wetland Evaluation System – OWES Northern Manual) will be undertaken before any planning approvals are processed for wetlands that have not been evaluated, but that have characteristics or contain components that are typical of a significant wetland (e.g. significant species or functions). A wetland evaluation or an evaluation re-assessment shall be completed by an OWES trained individual and submitted to MNRF for confirmation of significance. The official boundary of a PSW cannot be changed without the written concurrence of MNRF;
- e) All other wetlands including those not identified as significant are important natural heritage values and incompatible development and site alteration shall not be permitted; and
- f) Development and site alteration proposed in a newly evaluated wetland using OWES and identified as significant shall complete an EIS to demonstrate that there will be no negative impacts on the natural feature or its ecological functions.

### 3.22.3 Fish Habitat

- a) Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements;
- b) Potential impacts to fish habitat will be carefully considered when development and site alteration is proposed within 120 metres of fish habitat. Riparian vegetation is important in moderating stream temperatures. Therefore, a 30 metre setback for the removal of vegetation will be

maintained where development is allowed to proceed within the 120 metre influence area

- c) Planning Act decisions will not permit development and site alteration on lands adjacent to fish habitat (120 metres) unless it is demonstrated by an EIS that there will be no negative impacts on the fish habitat or its ecological functions; and
- d) For the purposes of the above policy, adjacent lands shall be defined as all lands within 120 metres of the high water mark of any watercourse or waterbody. All water features, including permanent and intermittent streams, headwaters, wetlands, municipal or agricultural surface drains, lakes and ponds are considered fish habitat unless it can be demonstrated in a report from a qualified professional that the feature does not constitute a fish habitat as defines by the *Fisheries Act*, in which case this policy would not apply.

#### 3.22.4 Threatened and Endangered Species

- a) Development and site alteration shall not be permitted in habitat of species listed on the Species at Risk in Ontario as endangered or threatened;
- b) Planning Act decisions will not permit development or site alteration within or adjacent to endangered and threatened species habitat, unless it is demonstrated that the proper provincial and federal requirements have been satisfied;
- c) Prior to any Planning Act decision for development and site alteration, an appropriate level of assessment for the identification of threatened or endangered species habitat within or adjacent to the project area shall be provided;
- d) Any persons undertaking activity within habitat of an endangered or threatened species is responsible to contact the MNRF to determine whether conditions under the *Endangered Species Act* apply;
- e) Where a habitat regulation under the *Endangered Species Act* is in place for a species, the regulated habitat is considered to be significant, threatened, or endangered species habitat for the purposes of the Provincial Policy Statement; and
- f) Those undertaking development and site alteration should be aware that the *Endangered Species Act* prohibits the killing, harming, or harassing of threatened and endangered species, and subject to transition provisions of the *Act*, prohibits the damage or destruction of the habitat of threatened and endangered species.

### **3.23 PORTABLE ASPHALT PLANTS**

- 3.23.1 A portable asphalt plant means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bitumous asphalt to produce asphalt paving material and includes stockpiling and storage of bulk materials used in the process. The facility is not permanent construction but is designed to be dismantled and moved to another location as required.
- 3.23.2 Portable asphalt plants, used by a public road authority or their agent or contractor, shall be permitted throughout the Municipality, except in areas of existing development or in environmentally sensitive areas which have been designated as such in this plan, after consultation with the Municipality without requiring an amendment to this plan or the Zoning By-law.

### **3.24 PROVINCIAL HIGHWAYS**

- 3.24.1 Direct access onto a provincial highway is restricted. Development shall be encouraged to utilize municipal roads and service roads wherever possible. Where access is possible it will only be considered to those properties that meet the requirements of Ministry of Transportation's access management practices and principles. Noise Impact Studies may be required as part of a development application for a sensitive land use when the proposed lands are within 50 metres of a provincial highway.
- 3.24.2 In addition to the applicable municipal requirements, all proposed development located adjacent to, and in the vicinity of a provincial highway within Ministry of Transportation's permit control area under the *Public Transportation and Highway Improvement Act* will also be subject to Ministry of Transportation approval. Early consultation with the Ministry of Transportation 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 within the Ministry's permit control area will be subject to the Ministry's policies, standards and requirements.
- 3.24.3 A Transportation Study, otherwise known as a Traffic Impact Study (TIS) will be conducted to address both the impact of any new development upon the provincial highway system, as well as any associated highway improvements that are required prior to the approval of any secondary plans, commercial, industrial or institutional development plans or residential plans subdivisions.



- 3.24.4 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.
- 3.24.5 Any new proposed access onto a provincial highway shall meet the Ministry of Transportation's access management practices and principles.
- 3.24.6 Recreational trails along or crossing provincial highways may be considered subject to meeting Ministry of Transportation's policy. The Ministry of Transportation requires any proposed trail to demonstrate that there is no feasible alternative route and that there will be no negative impact to the highway infrastructure, operations, maintenance, and safety.
- 3.24.7 A Drainage/Stormwater Management Report/Plan shall be prepared by the proponent of developments along a provincial highway and reviewed and approved by 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.
- 3.24.8 Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision is to be designed such that the lots back onto the provincial highway and front onto a local internal street.
- 3.24.9 Outdoor storage and loading areas should be visually screened or appropriately located so as not to be visible to the travelling public.
- 3.24.10 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 without the review and approval of the Ministry of Transportation, and that an additional entrance will not be permitted to accommodate the home occupation, 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.
- 3.24.11 The highway corridor for the relocation of Highway 11/17 is designated as a Controlled Access Highway. Schedules A – E identify the location of the

Controlled Access Highway Corridor through the Municipality of Oliver Paipoonge. The designated corridor is the route for a future four lane divided Highway 11/17. The route was identified through the Ministry of Transportation's Planning Study, which included public consultation.

3.24.12 The designated Controlled Access Highway Corridor is subject to the permit requirements of the *Public Transportation and Highway Improvement Act* and the Ministry of Transportation policies. Access to the Controlled Access Highway Corridor will be restricted. No new buildings, structures or incompatible land uses shall be permitted within the designated highway corridor.

### **3.25 PROVINCIALY SIGNIFICANT AGRICULTURE**

3.25.1 Areas that have been identified as Provincial Significant Agriculture are identified on Schedule C and reflect those areas associated with soil classification 1 through 3 according to the Canada Land Inventory Classification and areas that contain agricultural activities and uses that are important to the economy.

3.25.2 Provincially Significant Agricultural areas shall be protected for agricultural uses and uses related to agriculture that supports the agricultural industry.

3.25.3 Development of sensitive land uses in the Provincially Significant Agricultural areas shall comply with the Minimum Distance Separation (MDS) requirements and new or expanding livestock operations shall comply with the MDS requirements.

3.25.4 Development shall be in accordance with the policies of Section 4.1.

### **3.26 ROADS**

The Municipality, together with the Ministry of Transportation, maintains a safe and efficient road system for the movement of goods and people throughout the Municipality and to and from adjacent municipalities.

3.26.1 Municipally owned roads in Oliver Paipoonge can be classified into two categories as follows:

- a) Major municipal roads: This classification applies to open public arterial roads which are primarily used to facilitate major traffic flows within the

Municipality. Access is not restricted but concentrations of ribbon development should be avoided in order to facilitate safe movement of goods and people. The right-of-way should be 20 metres; and

- b) Minor municipal roads: This classification applies to opened public local roads which are primarily used to facilitate local traffic. The minimum right-of-way should generally be 20 metres but could be reduced provided that all technical and servicing needs can be accommodated in a narrower right-of-way.

### 3.27 SECONDARY DWELLING UNITS

3.27.1 Secondary dwelling units are permitted in single-detached dwellings, semi-detached dwellings, row houses or as standalone secondary dwellings, provided the following is complied with:

- a) Adequate parking for both the main dwelling and secondary dwelling unit can be provided on the lot;
- b) Adequate amenity space is provided on the lot for the main dwelling unit and secondary dwelling unit;
- c) Both the main dwelling unit and secondary dwelling unit can be safely serviced with both potable water and sanitary sewage disposal systems. Where the main dwelling unit and secondary dwelling unit are serviced by a private potable water supply, it shall be demonstrated that both units have adequate water supply. Where the main dwelling unit and secondary dwelling unit is serviced by a private individual sanitary disposal system, (e.g., septic system), the system should be adequately sized to accommodate the sewage flows from both dwelling units and meet the requirements of the Ministry of the Environment and Climate Change (MOECC) or its designate. Alternatively, the main dwelling unit and secondary dwelling unit shall each be serviced by a separate individual private sewage disposal system in accordance with the requirements of the MOECC or its designate;
- d) Private sewage disposal system with a treatment capacity up to 10,000 litres per day is approved under the *Ontario Building Code Act*, alternatively private sewage disposal systems over 10,000 litres per day is approved by MOECC;
- e) The secondary dwelling unit shall be constructed in accordance with the requirements of the *Ontario Building Code Act*; and
- f) A maximum of one (1) secondary dwelling unit may be permitted per lot.

3.27.2 A secondary dwelling unit in a detached accessory building, such as above a

garage, on a lot with a single detached dwelling, may be permitted provided the secondary dwelling unit is constructed to meet the requirements of the *Ontario Building Code Act* with respect to a dwelling unit in an accessory building and in addition to the requirements in Section 3.27.1.

3.27.3 The Zoning By-law shall set out standards for lot development

3.27.4 Garden suites shall be permitted as a temporary use subject to a Zoning By-law amendment. A garden suite means a one-unit detached residential structure containing kitchen and bathroom facilities that is ancillary to an existing principal dwelling and that is designed to be portable. The proposed site is capable of accommodating an approved septic and water supply system. The Zoning By-law shall establish general provisions for performance measures to ensure compatibility with surrounding land uses.

### **3.28 SEWAGE AND WATER SERVICING**

3.28.1 Groundwater resources are the primary source of potable water supply in the Municipality of Oliver Paipoonge, except for the Whitewater Subdivision which receives potable water supply by agreement from the City of Thunder Bay. One communal municipal water system utilizing two municipal wells is located in Rosslyn and has the capacity to service approximately 120 households as of July 2017 based on the December 2014 Servicing Study and recent experience of operational staff. Up to 59 households have been served by this system which has decreased to about 30 households at present.

3.28.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible. Where municipal sewage and water services are not available, the use of communal sewage and water services will be considered. Where municipal sewage and water services or communal water and sewage services are not provided, individual sewage and water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

3.28.3 The Municipality will prepare a multi-year sewage and water servicing plan that:

- adopts a hierarchy of servicing preferences as described in Policy 3.28.2, as the basis for managing growth and settlement,
- investigates options for the provision of full municipal services and

communal sewage and water services,

- contains long-range servicing strategies reflective of the long term growth management goals that address the implications for existing services to serve anticipated growth,
- address the efficiency of existing infrastructure including conservation measures,
- lays out the physical and environmental constraints to development related to servicing, and
- ensures that new services support the goals of environmental protection, sustainability, intensification and growth management in an efficient and cost effective manner.

A detailed engineering feasibility study should be undertaken to confirm the best approach, prepare a conceptual design, provide cost estimates and identify potential funding for the project, and initiate the approvals process.

Once these long-range goals are established, the Municipality's asset management plan should reflect the new goals.

- 3.28.4 The primary potable water source in the Municipality of Oliver Paipoonge (except for the Whitewater Subdivision and those lots serviced by the communal municipal system) is from private individual wells approved by the Municipality and installed by a licensed well installation contractor. New private wells required to serve existing and proposed uses in the rural settlement areas shall utilize the deeper groundwater aquifer as the source for potable water to reduce the potential for water contamination that may exist from near surface aquifers.
- 3.28.5 Within the Rosslyn area, partial servicing (on municipal water and individual sewage systems) shall only be permitted to allow for infilling and minor rounding out of existing development on partial servicing provided site conditions are suitable for the long-term provision of such services with no negative impacts.
- 3.28.6 Any new private communal water system shall require an amendment to the Official Plan and shall be supported by the appropriate hydrogeological studies prepared by qualified consultants demonstrating that the site conditions are suitable for the long-term provision of such services, without causing interference to existing groundwater users or surface water resources in the area. The water system will be subject to the requirements of the *Clean Water*

Act and will require a Permit to Take Water pursuant to Section 34 of the *Ontario Water Resources Act*.

- 3.28.7 Any change or expansion to existing municipal water systems or development of new systems shall be in accordance with the Municipal Class Environmental Assessment and may require an update to the Approved Lakehead Source Protection Plan in accordance with the *Clean Water Act* and the *Ontario Water Resources Act*.
- 3.28.8 With the exception of the Whitewater Subdivision, all development in the Municipality is serviced by private on-site sewage disposal systems. When the Whitewater Subdivision achieves a build-out of 80 units, the Municipality will assume the operation and maintenance of the sewage treatment facility and distribution system servicing the Whitewater Subdivision.
- 3.28.9 Sewage systems handling more than 10,000 litres per day require Ministry of the Environment and Climate Change (MOECC) approval.
- 3.28.10 Any change or expansion to existing sewage treatment facilities or development of new sewage treatment facilities will be in accordance with the Municipal Class Environmental Assessment and will require approval under the *Ontario Water Resources Act*. All development proposals for sensitive land uses adjacent to Sewage Treatment Facilities will use separation distances and buffering established in accordance with MOECC Guidelines D-2: Compatibility between Sewage Treatment and Sensitive Land Use.

### **3.29 SURFACE WATER PROTECTION**

- 3.29.1 Surface water resources include all water above the surface of the ground including, but not limited to lakes, ponds, reservoirs, artificial impoundments, streams, rivers, springs, seeps and wetlands. Development proximate to these resources shall be in accordance with the policies of Section 3.28.3.
- 3.29.2 The management and removal of stormwater is the responsibility of the property owner and must be managed to the satisfaction of the Province and the Municipality in accordance with the *Ontario Water Resources Act*, if applicable.
- 3.29.3 No development shall be permitted which would interfere with or reduce the drainage capacity or flood water storage of any natural watercourse or where

the watercourse represents a hazard to the proposed development.

- 3.29.4 Stormwater management shall be considered a part of the development approval process, particularly for subdivisions, multiple residential development, commercial, industrial and institutional development, and shall be used to ensure that the quality of runoff is at least maintained at pre-development levels. Such stormwater management practices shall be used to minimize stormwater volumes and contaminant loads, to encourage the use of “natural” stormwater management practices and to maintain or increase the extent of vegetative and pervious surfaces so as not to impact on groundwater resources used for domestic water supplies. A stormwater drainage report or other water quality assessment which demonstrates that the function and quality of existing watercourses and the quantity and quality of groundwater resources is not adversely impacted may be required prior to approving development which impacts on these resources. Where adverse impacts are anticipated, mitigative measures during and after construction to control sedimentation, erosion and flooding will be required. The direct discharge of stormwater to water bodies should be avoided where possible.
- 3.29.5 The management and removal of stormwater on properties in proximity to the municipal wells shall provide adequate protection of the municipal water supply from the adverse impacts of storm water and be directed away from the municipal wells.
- 3.29.6 Should a Stormwater Management Plan be required, it shall be based on terms of reference developed in consultation with the Municipality and the Ministry of the Environment and Climate Change (MOECC) Stormwater Management Planning and Design Manual (2003) as amended.
- 3.29.7 Any development which involves the channelization, diversion, damming, walling and dredging of a natural watercourse, or the installation of a culvert, causeway or dock in a natural watercourse, is subject to the approval of the Province in accordance with the provisions of the *Lakes and Rivers Improvement Act* and/or the *Public Lands Act* and the *Ontario Water Resources Act*. Where required under the *Conservation Authorities Act*, prior authorization from the Lakehead Region Conservation Authority must be obtained.

### **3.30 WASTE DISPOSAL**

- 3.30.1 The Municipality operates two sanitary landfill sites which appear adequate for

a number of years to come. Development shall be prohibited on all waste disposal sites located in the Municipality, including two closed sites. Waste disposal sites are considered an industrial use.

- 3.30.2 Additional development proposed within 500 metres of an existing or closed waste disposal cell shall not be approved under a plan of subdivision, consent or building permit unless it can be demonstrated that there is no evidence of any adverse effects or risks to health and safety including leachate, methane gas migration or other contaminants present in the soils or ground water supply to the satisfaction of the Ministry of the Environment and Climate Change (MOECC) Guideline D-4 Land Use on or Near Landfills and Dumps and the Municipality of Oliver Paipoonge. In certain circumstances, such as areas of fractured bedrock or sand, areas beyond 500 metres may be impacted by leachate, methane gas migration, or other contaminants in which case development will be restricted.
- 3.30.3 Due to the potential for adverse impact on groundwater resources, additional waste disposal sites shall be prohibited from locating on land within areas considered to be sensitive groundwater aquifer areas when identified.
- 3.30.4 Waste disposal sites and facilities will be planned and maintained to ensure the sanitary, economic, efficient and most environmentally appropriate disposal of waste.
- 3.30.5 Best management practices in the area of waste diversion shall be pursued in order to extend the lifespan of the existing landfill site. Any change or expansion to existing landfill sites or development of new landfill sites will be in accordance with O. Reg. 101/07—Waste Management Projects under the *Environmental Assessment Act*, O. Reg. 232/98 Landfilling Sites and O. Reg. 349 Waste Management under the *Environmental Protection Act*. The Ministry of the Environment and Climate Change (MOECC) has published a guidance document “Guide to Environmental Assessment (EA) Requirements for Waste Management Projects” which outlines the EA process for waste management projects.

### **3.31 WAYSIDE PITS AND QUARRIES**

- 3.31.1 A wayside pit or quarry shall be a temporary pit or quarry opened and used by a public road authority or their contractor or agent solely for the purpose of a particular project or contract of road construction.



- 3.31.2 No excavation shall be permitted within 30 metres of a public road allowance unless a progressive rehabilitation program to restore the site has been developed in consultation with the Municipality.
- 3.31.3 Wayside pits and quarries shall be permitted throughout the Municipality without an amendment to this Plan or a Zoning By-law, except in areas of existing development or particular environmental sensitivity which are designated as such in this plan; provided that the Municipality is given at least one month's notice and an opportunity to express concern regarding their opening including their effects on the water supply of existing uses. The applicant shall have regard for the concerns of the Municipality and shall discuss mitigation measure or alternate locations as appropriate.
- 3.31.4 Rehabilitation requirements shall be determined by the physical aspects and the expected future use of the site and shall conform to the land use designations and policies of this Official Plan.
- 3.31.5 Where wayside pits and quarries occur on Canada Land Inventory Class 1 to 3 soils, rehabilitation of the site shall be carried out and substantially the same acreage and average soil capacity for agriculture shall be restored.
- 3.31.6 In order to avoid negative impacts of wayside pits and quarries on sensitive land uses, an additional requirement for a 300 metre setback from any sensitive land use will be required. Council may permit a lesser setback in cases where technical studies, an Environmental Impact Study, and/or additional mitigation measures can demonstrate that there will be no adverse impacts on the sensitive land use.
- 3.31.7 The Municipality will require an archaeological assessment for any construction activity associated with wayside pits and quarries if the subject property is located in an area of archaeological potential or near a known archaeological site.

### **3.32 WILDLAND FIRE**

- 3.32.1 Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.

- 3.32.2 Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards, as identified by the Ministry of Natural Resources and Forestry.<sup>11a</sup>
- 3.32.3 Proponents may be required to undertake a site review to assess for the risk of high to extreme wildland fire behaviour on the subject lands and adjacent lands (to the extent possible). If development is proceeding where high to extreme risk for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.
- 3.32.4 Wildland fire mitigation measures shall not be permitted in significant wetlands, significant wildlife habitat and significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

## SECTION 4—LAND USE POLICIES

### 4.1 SIGNIFICANT AGRICULTURE

Agriculture is a significant use of developed land in the southern portion of the Municipality and an important component of the economic base. The existence of large areas of good quality agricultural land, the historical presence of a strong farm community and the proximity to the City of Thunder Bay market makes farming a viable economic activity. Significant Agriculture lands have the highest priority for preservation.

Recently, pressure has been placed on good agricultural land to accommodate non-farm uses. Accommodating these uses would fragment the land base and eventually erode the stability and viability of agriculture by removing land from agricultural production and introducing uses incompatible with agriculture.

The Agriculture land use designation encompasses the area of the municipality where prime agricultural land predominates. Land designated as Significant Agriculture in Oliver Paipoonge consist of Canada Land Inventory Class 1, 2, and 3 soils and are considered to be prime agricultural lands. Agriculture in Oliver Paipoonge is both an economic activity and part of the culture and history of the community. Council recognizes the need for a strong commitment to agriculture and the farm community and to the changing needs of people actively engaged in agriculture.

4.1.1 Permitted uses shall include agricultural uses and accessory structures and buildings for the growing of crops including; agro-forestry, greenhouses, nursery production, and horticultural crops; the raising of livestock and other animals, raising of poultry, fur bearing animals, fish, deer, elk and other animals. Accessory uses also include accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

4.1.2 The goals for the Significant Agriculture land use designation are as follows:

- a) To encourage the judicious and economic use of the agricultural resources of the Municipality;
- b) To ensure that the agricultural land base is available for farming on a long-term basis;
- c) To protect and maintain large, contiguous areas of land for agriculture;
- d) To prevent the fragmentation of farm parcels, to ensure flexibility and opportunity for farm operations, and to reduce land use conflicts between agricultural and residential uses;
- e) To minimize competing land uses that adversely impact on the viability of

- farming and long term agricultural use of agricultural land;
- f) To promote farming and to ensure that farmers have the necessary resources to farm efficiently and economically;
  - g) To ensure maximum flexibility for farm operators to engage in a range of agricultural uses;
  - h) To permit land uses that are directly related to agriculture including value-added agricultural uses; and
  - i) To support and have regard for the Local Food Strategy Policy.
- 4.1.3 A second farm residence may be permitted in addition to a primary residence. The second farm residence shall be for accommodating full-time farm labour when the size and nature of the operation requires additional employment for the efficient operation of a viable farm operation. The second farm residence is considered part of the farm operation and shall not be severed from the farm operation.
- 4.1.4 All new farm and non-farm development shall comply with the Minimum Distance Separation (MDS) formulae, as amended from time to time, established by the Province to minimize odour conflicts between livestock facilities and development.
- 4.1.5 Small scale agriculturally related uses directly related to, serving, and requiring close proximity to the surrounding agricultural uses may be permitted if it is not possible to locate in designated rural settlement areas. The uses should be located so the effect on surrounding operations is minimized. Farm markets in agricultural areas should be seasonal in nature with the majority of the retail space devoted to the sale of domestic produce.
- 4.1.6 Non-agricultural uses should not be located in the Significant Agriculture land use. The introduction of new non-agricultural development of all types into the Significant Agriculture area has an adverse impact on the agricultural resources and shall be strictly limited. However, applications for individual non-agricultural uses may be considered. These applications will be reviewed through an Official Plan amendment subject to the following conditions:
- a) There is a demonstrated need within the planning horizon for additional land to be designated to accommodate the proposed use;
  - b) There are no reasonable alternative locations on land that is not Significant Agricultural land; and
  - c) There are no reasonable alternative locations in Significant Agricultural areas with lower priority agricultural lands.

- 4.1.7 Consents to sever may be given for the conveyance of land for agricultural purposes provided that the farm parcel is of an appropriate size for the type of agricultural uses common in the area and is sufficiently large to maintain flexibility for future changes in the type and size of agricultural operations (typically 16.19 hectares/40 acres).
- 4.1.8 No severances for non-farm residences shall be permitted, however, severance shall be permitted for a residence that is surplus to a farm operation as a result of farm consolidation provided that the new lot will be limited to the minimum size needed to accommodate the use and appropriate sewage and water service, and a Zoning By-law amendment is required to restrict the use to agricultural purposes only and no new residential dwellings are permitted on the remnant or retained farm parcel.
- 4.1.9 Consents to convey may be permitted only in accordance with the following provisions:
- a) The consent to convey is for agricultural use where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is generally 40 hectares (98.8 acres);
  - b) The consent is for a residence surplus to a farming operation as a result of a farm consolidation and in accordance with 4.1.8; and
  - c) The consent requested is for minor boundary adjustments, or easements.
- 4.1.10 Home industries such as welding shops, small engine repair, carpentry, electrical, home occupations within residences such as bed and breakfast facilities with up to six guestrooms and personal services; and uses that produce market value-added agricultural products are permitted as secondary uses to the principal use of a property in the Significant Agriculture land use designation provided that:
- a) The use is small in scale and remains ancillary to the principal agricultural use of the property;
  - b) Any value-added agricultural products are from the farm operation on the property;
  - c) All of the property remains designated and zoned agricultural;
  - d) New secondary uses are compatible with and do not hinder surrounding agricultural uses;
  - e) The use complies with other policies of the Plan; and
  - f) No severance of these secondary uses is permitted.

## 4.2 NATURAL RESOURCE

The Natural Resource land use designation is intended to protect the lands in the areas outside of the rural settlement areas that are:

- Lands that have agriculture potential or are used for agricultural purposes and are locally important, but are not Significant Agricultural lands;
- Land that are considered to have high potential for mineral resources;
- Lands that have high potential for mineral aggregate resources; and/or
- Land that have potential for forestry resources.

It is the intention of the Natural Resource land use designation to permit a range of uses compatible with the rural area to make use of the natural resources and assets of the rural area in order to accommodate economic growth in the commercial and industrial sector.

The Natural Resource areas are not intended for new rural residential development, however rural residential development on existing lots is permitted. The predominate uses in the Natural Resource area is primarily resource or resource-based such as agriculture, agri-related commercial and industrial, natural resource uses such as forestry uses, mineral exploration and extraction, and aggregate use. It is the intent of this Plan to provide for the short and long-term stewardship of all renewable and non-renewable resources through measures which protect, conserve, or facilitate the utilization of such resources for their economic or resource value, or enhance the quality or character of the resource. Land uses will not be permitted on or in proximity to resource uses or activities which are incompatible or interfere with normal resource utilization practices or which threaten the quality of those resources.

This area is characterized by primarily open areas of undeveloped lands within a rural setting where the make-up of development consists of agricultural uses, cross road settlements, limited residential uses, pits and quarries, and a variety of other rural type uses. Development is serviced by individual on-site water supply and sewage disposal systems.

4.2.1 The goals for the Natural Resource land use designation are as follows:

- a) To provide an efficient and orderly development pattern of land uses which lessens land use conflicts and conserves natural resources, and protects agricultural and natural resource lands from incompatible land uses and allows the land to be used for purposes which result in economic development in the Municipality; and
- b) To protect and enhance these areas as the mineral, fishery, wildlife,

wetland, aggregate, timber, recreation and tourism resources of the Municipality.

4.2.2 Permitted uses in the Natural Resource area include:

- a) Agricultural uses of all types and agricultural related commercial and agriculture related industrial uses such as, grain drying, grain storage, and grain handling facilities, custom meat shops, produce markets and packing operations, abattoirs, livestock marketing and sales yards, seed cleaning plants, agricultural produce warehouses or similar agri-businesses, agri-industries, agri-tourism operations;
- b) Forestry uses including harvesting of forest products, forestry management, and commercial and industrial uses related to the forestry sector;
- c) Mineral resource exploration and extraction uses and commercial and industrial uses related to mineral resource extraction;
- d) Mineral aggregate resource extraction activities including pits and quarries and related activities such as aggregate crushing and screening;
- e) Outdoor/resource-based recreational and open space uses, including outdoor rinks, arenas, golf courses and campgrounds;
- f) Resource based tourism uses;
- g) Wildlife and fisheries management and conservation uses and activities;
- h) Solid waste disposal sites; and
- i) Limited Rural residential use on existing lots of record.

4.2.3 It is the intent of this Plan to provide for the short and long-term stewardship of all renewable and non-renewable resources through measures which protect, conserve, or facilitate the utilization of such resources for their economic or resource value, enhance the quality or character of the resource and support the rural character of Oliver Paipoonge.

4.2.4 Plans of subdivisions/condominiums for new residential uses shall not be permitted in the Natural Resource land use designation.

4.2.5 New resource related commercial and industrial uses may be permitted subject to site plan control in accordance with the policies of this Plan and a Zoning By-law amendment. The size and scale of the resource commercial and industrial uses shall take into consideration the context that the proposal is located, land use compatibility with surrounding sensitive land uses and reflect the character of the Natural Resource Area.

- 4.2.6 Consents to sever in the Natural Resource area may be permitted subject to the following criteria:
- a) The development should be at a scale and density suitable to the physical characteristics of the site;
  - b) Soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long term operation of an adequate means of sanitary waste disposal;
  - c) The site should not have problems of flooding, erosion, unstable slopes, is not swampy, and does not have organic soils;
  - d) Development will not have a significant impact on the larger surrounding ecosystem, such as a reduction in water quality and quantity or interference with natural farm drainage;
  - e) The minimum lot size for the severed and retained lots is 4 hectares (10 acres); and
  - f) The Minimum Distance Separation (MDS) shall apply to all severances.

### **4.3 RURAL**

The Municipality of Oliver Paipoonge wishes to maintain the rural character of the Municipality while permitting the growth of rural-based commercial and industrial uses. The Rural area consists of lands that are considered to contain the least suitable lands for agriculture, contain clusters of rural residential uses, and have the potential to accommodate a range of resource and non-resource related land uses consistent with the rural character of Oliver Paipoonge. It is the intention of the Rural land use designation to permit a range of uses compatible with the rural area to maintain the rural character and provide for a range of live-work opportunities and rural residential development that is appropriate for the site conditions and area.

- 4.3.1 The goals for the Rural land use designation are:
- a) To maintain the rural character;
  - b) To promote an environment where the privacy and serenity of rural living can be enjoyed;
  - c) To provide flexibility by permitting a variety of rural land uses including resource based uses, recreational, tourism and other economic opportunities;
  - d) To provide lands uses that are compatible with character of the area and surrounding land uses;
  - e) To provide opportunities for limited rural residential development at appropriate locations; and
  - f) To protect existing agricultural and natural resource operations from



incompatible land uses and to ensure their future viability.

- 4.3.2 The Rural land use designation shall be a low-density, multi-purpose use area in which a variety of land uses may be accommodated in a compatible manner. Permitted uses in the Rural area include:
- a) Agricultural uses of all types and agricultural related commercial and agriculture related industrial uses such as, grain drying, grain storage, and grain handling facilities, custom meat shops, produce markets and packing operations, abattoirs, livestock marketing and sales yards, seed cleaning plants, agricultural produce warehouses or similar agri-businesses, agri-industries, agri-tourism operations;
  - b) Forestry uses including harvesting of forest products, forestry management, and commercial and industrial uses related to the forestry sector;
  - c) Rural commercial and industrial uses;
  - d) Outdoor recreational and open space uses, including outdoor rinks, arenas, golf courses and campgrounds;
  - e) Resource based tourism uses;
  - f) Public service facilities and uses;
  - g) Wildlife and fisheries management and conservation uses and activities; and
  - h) Limited Rural residential uses.
- 4.3.3 No new residential plans of subdivision or condominium shall be permitted in the Rural land use designation.
- 4.3.4 New rural residential uses may be created through consent in accordance with the policies in of this Plan.
- 4.3.5 New rural commercial and industrial uses may be permitted subject to site plan control in accordance with the policies of this Plan and a Zoning By-law amendment. The size and scale of the rural commercial and industrial uses shall take into consideration the context that the proposal is located and land use compatibility with surrounding sensitive land uses that reflect the character of the Rural area.
- 4.3.6 All new development shall front on a publically maintained open road, be privately serviced with individual on-site sewage disposal systems and private on-site potable water supply installed by a licensed well installation contractor.

- 4.3.7 Uses which provide local public services such as schools, municipal garages, municipal offices, public recreation facilities, cemeteries, police detachments, fire halls and other government offices may be permitted in accordance with the following:
- a) Adequate parking is provided; and
  - b) Adequate buffering and separation distances in accordance with the Ministry of the Environment and Climate Change (MOECC) D-series Guidelines on land use compatibility are provided where necessary.
- 4.3.8 Passive recreation uses shall be permitted provided such uses do not interfere with surrounding land uses. Recreation uses that require infrastructure including but not limited to parking lots and structures and services such as campgrounds, church camps, and accessory uses shall be subject to a Zoning By-law amendment.
- 4.3.9 Consents to sever in the Rural Area may be permitted subject to the following criteria:
- a) The development should be at a scale and density suitable to the physical characteristics of the site;
  - b) Soil and drainage conditions are suitable and permit the proper siting of buildings, the supply of potable water and the installation and long term operation of an adequate means of sanitary waste disposal;
  - c) The site should not have problems of flooding, erosion, unstable slopes, is not swampy, and does not have organic soils;
  - d) Development will not have a significant impact on the larger surrounding ecosystem, such as a reduction in water quality and quantity or interference with natural farm drainage;
  - e) The lot size for a rural residential use shall be a minimum of 2 hectares (4.9 acres) on an existing, open, year-round, publically-owned road allowance;
  - f) Any proposed rural residential lot must be suitably distant from, and protected from incompatible land uses such as existing commercial uses, pits and quarries, livestock operations, existing and former solid waste sites, major transportation facilities, and industrial uses which may result in adverse environmental effects;
  - g) The consent to convey is for agricultural use where the severed and retained lots are intended for agricultural uses and provided the minimum lot size is 2 hectares (5 acres);
  - h) The Minimum Distance Separation (MDS) shall apply to all lots; and
  - i) The maximum number of new lots that can be created from a lot of record existing as of July 24, 2017 is two (2) new lots and the retained portion.

Please note that it is not a requirement that all of these factors be satisfied when considering consents to sever in the Rural Area but rather that all of these factors be given consideration in balance.

4.3.10 Notwithstanding the permitted uses, the existing multi-unit senior's residence on Highway 11/17 associated with the Royal Canadian Legion south of Kakabeka Falls is recognized as a permitted use provided that:

- a) The building or buildings are situated on a parcel of land which has a minimum lot area of five hectares;
- b) The density of the development shall not exceed 2.75 dwellings per unit per hectare of land, however, a higher density of development may be considered if such development is deemed appropriate and safe, in terms of water and sewage disposal;
- c) The maximum number of dwelling units per lot shall be twenty (20); and.
- d) The development shall require an amendment to the implementing Zoning By-law.

#### **4.4 RESIDENTIAL**

Council's intent is to encourage residential growth in and around the existing Rural Settlement Areas. Minor rounding out of the Rural Settlement boundaries was considered to provide for infill opportunities and limited residential development. While development is encouraged in the Rural Settlement Areas, all new residential development will consider the environmental impacts and effects of such development including the availability of potable water and the capacity to support additional private water supplies and the requirement for on-site private sewage disposal and the character of the Rural Settlement Area. The Whitewater Subdivision in Rosslyn is the only residential area within a Rural Settlement Area that is serviced by a sanitary sewage treatment and distribution system that will be assumed by the Municipality and receives municipal water by agreement from the City of Thunder Bay.

Within Rosslyn there is an existing communal water supply and distribution system that serves part of the community. Within the existing service area of the communal water supply system, Council shall encourage existing residential uses and require new residential uses to connect to the communal municipal water supply, when proposals are in compliance with Section 3.28, in order to improve the operation of the system and its economic feasibility. Council should be giving consideration to balancing of the benefits of intensification within Rosslyn and the potential future financial viability of servicing the development.

The Residential land use designation is within the Rural Settlement Areas of Kakabeka Falls, Murillo, and Rosslyn.

4.4.1 The goals for the Residential land use designation are as follows:

- a) To provide residential development within the Rural Settlement Areas of the Municipality;
- b) To maintain the low-density, rural character of the Rural Settlement Areas;
- c) To encourage orderly and efficient development compatible with existing development;
- d) To provide for local serving commercial, institutional and recreational uses within the Residential Areas which are compatible with and serve the local residential uses and surrounding community;
- e) To provide land for residential purposes within the Rural Settlement Areas to accommodate limited population growth in a variety of locations and housing forms;
- f) To ensure that residential development is appropriately located, is compatible with surrounding land uses, and maintains the Rural Settlement Area character and respects the natural features as much as possible;
- g) To provide for a range of housing types to accommodate future needs of all residents including single detached, duplex, fourplex, townhouse units, and small scale apartments; and
- h) To encourage the design and orientation of buildings in a manner that maximizes energy efficiency and encourages opportunities for alternative energy systems.

4.4.2 The creation of new residential lots may proceed by consent or plans of subdivision and/or condominium in accordance with the policies of this Plan.

4.4.3 New development that is not on full municipal servicing or communal sewage and water services, and not, within the Whitewater Subdivision, shall be minimum lot size of 1 hectare (2.47 acres) unless: justified by a hydrogeological assessment or study completed by a qualified professional in accordance with MOECC Guidelines, to the satisfaction of Council; and supported by a Servicing Options Statement prepared in accordance with the MOECC D-5-3 Guideline.

4.4.4 Any future expansion of the Whitewater Subdivision shall be fully serviced with municipal water and sewer services.

- 4.4.5 New residential development in Rosslyn located within the area serviced by communal municipal water system shall connect to the municipal communal water supply system for potable water. Existing residential uses within the communal service area not serviced by the communal water supply system are encouraged to connect to the communal municipal water supply system.
- 4.4.6 Any expansion of the communal municipal water supply system in Rosslyn shall take into consideration the reserve capacity of the existing municipal wells and distribution system and shall only be permitted to address failed individual on-site sewage services and individual on-site water services in existing development; or to allow for infilling and minor rounding out of existing development provided that site conditions are suitable for the long-term provision of such services with no negative impacts.
- 4.4.7 New local commercial, institutional and recreational uses may be permitted subject to site plan control and a Zoning By-law amendment. The size and scale of the local commercial, institutional and recreational uses shall take into consideration the context of where the proposal is located, land use compatibility considerations, and reflect the character of the Rural Settlement Area.
- 4.4.8 Expansions to the Rural Settlement Area boundaries for new residential development is generally discouraged and requires an Official Plan comprehensive review initiated by the Municipality and shall only be considered based on demonstrated need for additional lands in the Rural Settlement Area, the appropriate levels of services being available to serve the proposed area, that there is no adverse impact on the surrounding rural and/or agricultural lands, matters regarding natural hazards can be addressed, and impacts on natural heritage areas can be appropriately addressed.

## **4.5 COMMERCIAL**

The municipality requires commercial uses to serve the local residents, tourists, and the travelling public. Commercial uses are local serving commercial uses, highway commercial uses, commercial uses that serve the surrounding agricultural community, and tourist commercial related uses. The tourist commercial uses are primarily located within the Rural Settlement Area of Kakabeka Falls.

- 4.5.1 The goals of the Commercial land use designation are as follows:
- a) To ensure that local residents and enterprises have access to a variety of

- commercial facilities to serve their needs;
  - b) To encourage commercial development to locate in a manner compatible with surrounding uses;
  - c) To strengthen and diversify the tax base of the Municipality to provide an appropriate mix of residential and non-residential development; and
  - d) To support the development of services and facilities that will attract and support tourism and support the local economy.
- 4.5.2 The permitted uses comprise a full range of commercial activities including: retail sales, personal and professional services, offices, recreation, cultural, entertainment uses, automobile services, sales and service establishments, trades and crafts, hotels, motels, restaurants, building supply centres, veterinary services, and wholesale and service commercial uses such as lumber yards, furniture and appliance dealers. Light industrial uses may be permitted providing that the light industrial uses are not noxious in nature, are carried on within a building and is compatible with the surrounding land uses and character of the area.
- 4.5.3 Commercial land uses should generally be located on roads that are designed to accommodate the highway traffic volumes associated with commercial traffic, subject to meeting the requirements of the Municipality and/or the Ministry of Transportation. Access to provincial highways must meet the requirements of the Ministry of Transportation.
- 4.5.4 Adequate buffering and screening through landscaping and other means, off-street parking, loading and unloading shall be provided for commercial uses and such standards shall be established in the Zoning By-law.
- 4.5.5 The Commercial area is a site plan control area and all commercial development shall be subject to site plan control in accordance with the policies of this Plan.
- 4.5.6 The creation of commercial lots by consents to permit additional commercial development may be permitted providing that no landlocked parcels are created and the subject and retained lot is adequate for the proposed use. The creation of a new lot shall not result in any traffic hazards and shall front on a public, year-round maintained road or a service road with direct access to a publically maintained road.
- 4.5.7 Any new commercial uses must demonstrate the ability to provide for adequate

and appropriate servicing.

## **4.6 INDUSTRIAL**

Industrial development in the Municipality is primarily related to natural resources including forestry resources and mineral aggregate extraction. Industrial uses related to mining and mineral exploration are becoming more important across the District and within the Municipality there is a significant portion of land that exhibits high potential for mineral resources. The Industrial designation and the policies are intended to promote development through the expansion of the existing industrial base and stimulation of new industrial and employment growth opportunities to provide for a strong and stable economy for the community.

4.6.1 It is the intention of the Industrial designation to:

- a) Support the Municipality's existing industrial base by providing lands for industrial growth;
- b) Minimize the impact of industrial areas on surrounding areas, particularly on sensitive land uses and on the natural environment; and
- c) Guide the location of new industrial uses and industrial redevelopment within the Municipality.

4.6.2 Permitted uses in the industrial designation shall include manufacturing, processing, assembling, fabricating, servicing, storage of goods and raw materials, warehousing, wholesaling and service sector industries including transportation, communication, business services, government services, medical and other health laboratories. In addition, mineral aggregate resource extraction operations and waste disposal sites are permitted.

4.6.3 Uses that are incidental or ancillary to industrial operations, such as retailing or wholesaling may be permitted in the Industrial area.

4.6.4 Open storage of goods or materials shall be controlled by appropriate zoning regulations.

4.6.5 Noise and emissions shall be controlled by municipal by-laws and Ministry of the Environment and Climate Change (MOECC) requirements.

4.6.6 Industrial uses shall have regard for the proximity of residential uses, exposure to major roadways and the degree to which the industrial use affects the physical and aesthetic characteristics of the natural environment and rural

character of the Municipality.

- 4.6.7 The Industrial Area is a site plan control area and all new industrial development is subject to site plan control in accordance with the policies of this Plan, shall take into consideration land use compatibility considerations and reflect the rural character of the Municipality.
- 4.6.8 The Zoning By-law shall regulate industrial uses through the establishment of appropriate industrial zone categories and shall address among other matters the need for a compatible environment for industries, free from interference and restriction by other uses and the protection of adjacent uses from the effects of industry.
- 4.6.9 Wherever new permitted industries that abut residential, institutional, recreational, or other sensitive uses, a study will be required in accordance with the direction provided by the Ministry of the Environment and Climate Change (MOECC) Guideline D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses, that address the adequate buffering and separation distance and other mitigation measures such as landscaping, plantings, and fencing, in order to minimize the impact of the industrial activity including visual appearance.
- 4.6.10 Aggregate processing operations, such as, crushing, screening and washing of aggregate products are considered an accessory use to an aggregate extraction operation and may be permitted provided setbacks for buildings, machinery and equipment from lot lines is determined on a site specific basis in consultation with the Municipality of Oliver Paipoonge and with the Ministry of Environment and Climate Change (MOECC). Air emissions (noise, dust) are mitigated through appropriate equipment subject to the requirements of an Environmental Compliance Approval issued by the MOECC. Aggregate processing operations shall not be allowed within 1000 metres of a lot line of an adjacent lot used for residential, recreational, institutional or commercial purposes, unless it has been demonstrated through an appropriate study prepared following the direction of MOECC Guideline D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses and the application of suitable mitigation measures that a distance of less than 1000 metres is non-impacting, in which case it can be considered.
- 4.6.11 Related aggregate industrial uses such as asphalt plants, concrete batching plants and aggregate recycling operations, except for portable asphalt plants,



may also be permitted provided they are compatible with adjacent land uses and subject to an amendment to the Zoning By-law.

## **4.7 INSTITUTIONAL**

The Institutional land use designation is intended to recognize significant institutions and community facilities such as schools, government offices, churches, and other government institutions such as law enforcement detachments.

- 4.7.1 It is the intent of this Plan to provide for appropriately located public and private institutions that are accessible, while not having an adverse effect on the surrounding area.
- 4.7.2 Community recreational facilities, public and private schools, religious institutions, medical centres, day care centres, fire halls, government offices, cemeteries, and public service facilities are permitted uses in the Institutional area of the Municipality. When considering an application for a Zoning By-law amendment to permit an institutional use Council will ensure that the scale and design of the proposed use is compatible with adjacent uses.
- 4.7.3 New institutional uses shall be conveniently located, have access to an open year-round publically maintained road; shall be oriented to take into consideration land use compatibility considerations to mitigate against adverse impacts on nearby residential uses with regards to parking, traffic, and noise, and must also demonstrate the ability to provide adequate and appropriate servicing.
- 4.7.4 The Institutional Area is a site plan control area and new institutional uses shall be subject to site plan control in accordance with the policies of this Plan.
- 4.7.5 The redevelopment of lands designated Institutional in a Rural Settlement Area as shown on Schedule B to this Plan may be redeveloped for residential use without an amendment to this Plan, subject to a Zoning By-law amendment.

## **4.8 OPEN SPACE**

The Open Space designation is intended for active and passive parks and similar community serving uses which are important community facilities and resources enjoyed by the residents and visitors of the Municipality and contribute to the rural character of the community.

- 4.8.1 It is the intent of the Municipality to encourage the provision of public and private recreational and open space facilities at appropriate locales for use by residents and tourists. The objective is to preserve and conserve those lands which are ecologically sensitive and those areas of scenic qualities and to provide community and cultural facilities.
- 4.8.2 The primary land uses for areas designated Open Space designation shall be for active and passive recreational uses, public and private parks, campgrounds, golf courses, playing fields, recreational facilities, swimming facilities, playgrounds and nature trails.
- 4.8.3 New public and private recreational opportunities shall not place an undue financial burden on the Municipality.
- 4.8.4 Small scale commercial uses which are ancillary to and support the permitted recreational and open space uses may also be permitted.
- 4.8.5 Open space linkages that provide connectivity, improve access, and encourage walkability and cycling to recreational and open space uses in the Municipality will be encouraged.
- 4.8.6 This Plan recognizes the following hierarchy of parks:
- a) Local Neighbourhood Park—a neighbourhood park approximately 0.4 to 2.0 hectares (1-5 acres) in size and serves the surrounding residential neighbourhood area; and
  - b) Community Park—a park approximately 2.5 to 10 hectares (6-25 acres) in size and is often located in conjunction with a school facility and serves a larger population base than compared with a neighbourhood park. A community park may include sports fields, tennis courts, community playgrounds, washrooms, community centre, meeting areas and passive recreational areas.
- 4.8.7 To ensure that parkland dedications are of an acceptable quality, all sites dedicated as parkland must be accepted by the Municipality and satisfy the following criteria:
- a) Be relatively level and are not required for drainage purposes, nor contain lands susceptible to flooding, having steep slopes or other physical features which are unsuitable for open space or park development;
  - b) Be located within a neighbourhood or community context to provide

- convenient pedestrian and vehicular access;
- c) Provide a reasonable park configuration to accommodate the dimensions and shape of large playing fields, if necessary;
- d) Have adequate access within the development; and
- e) Be provided with basic service requirements.

4.8.8 Development within areas designated Open Space will complement the natural environment.

4.8.9 The design and development of parks, open space areas, and recreational facilities shall allow accessibility for all people.

## **4.9 ENVIRONMENTAL PROTECTION**

The Environmental Protection designation applies to land considered environmentally significant or where lands are considered unsuitable for building purposes and require special attention to avoid loss of life and property damage. Within this land use designation are flood prone areas, shoreline erosion areas, unstable soils, steep slopes, buffers around environmental features, wetlands, areas of natural and scientific interest, significant wildlife habitat, known habitat of endangered and threatened species, fish habitats, and provincial parks. Human-made hazards include contaminated sites, former landfill sites, contaminant attenuation zones, and abandoned pits or quarries.

- 4.9.1 The goals of the Environmental Protection land use designation are as follows:
- a) To delineate and regulate development on all lands having inherent physical environmental hazards such as flood susceptibility, poor drainage or other physical conditions which act as a constraint to development in order to prevent loss of life and minimize property damage and social disruption;
  - b) To preserve and enhance the amenities and natural resources offered by waterways, wetlands, and natural areas;
  - c) To protect wetlands from incompatible activities;
  - d) To protect areas of natural and scientific interest;
  - e) To protect significant wildlife habitat;
  - f) To protect known habitat of endangered and threatened species;
  - g) To protect fish habitats;
  - h) To protect provincial parks; and
  - i) To direct development away from man-made hazards.
- 4.9.2 Land designated Environmental Protection shall include lands designated Environmental Protection together with all lands within 15 metres of the top-of-

bank of any watercourse or body of water. Permitted uses within the Environmental Protection designation shall generally include shoreline protection works, floodplain protection works, fisheries management, wildlife management, waterfowl production, mineral exploration, agricultural uses, and public and private parks.

- 4.9.3 Development shall not be permitted on Environmental Protection lands for the following uses:
- a) Residential, commercial, and industrial uses;
  - b) Institutional uses, where the institutional use is associated with hospitals, nursing homes, day cares and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or youth during an emergency as a result of flooding, failure of flood proofing measures or protection works, or erosion;
  - c) An essential emergency service/facility for fire, police, ambulance, stations or electrical substations, which would be impaired during an emergency as a result of flooding, failure of flood proofing measures or protection of works, or erosion; and
  - d) Any use associated with the disposal, manufacture, treatment, or storage of hazardous materials.
- 4.9.4 Development is subject to approval by Council in consultation with the Lakehead Region Conservation Authority as development is regulated under the O. Reg. 180/06 Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation which is administered by the Authority.
- 4.9.5 With the exception of docks, boathouses and pump houses, construction shall not normally occur on lands designated as Environmental Protection.
- 4.9.6 Proposals for development within the Environmental Protection designation, including construction of buildings or structures, or additions thereto, will be considered on an individual basis, provided that such proposals are supported by engineered designs demonstrating that the site is safe for development in spite of naturally occurring hazards, such as flooding and erosion or man-made hazards, and impacts on natural heritage resources are mitigated.
- 4.9.7 Within the Environmental Protection designation development, including the erection and/or construction of buildings or structures or additions thereto, or the placement or removal of fill, shall not be permitted in any hazardous site or

land that could be unsafe as a result of naturally occurring processes or man-made hazards, unless it can be demonstrated, to the satisfaction of the Municipality that:

- a) The hazard can be safely addressed, and the hazard will not result in public health, safety or potential property damage;
- b) No new hazards are created or existing hazards aggravated;
- c) No adverse environmental impacts will result from the development;
- d) Vehicles and people have a safe way of safely entering and existing the area during times of flooding, erosion, and other emergencies; and
- e) The development does not include institutional uses, essential emergency services or the disposal, manufacture, treatment, or storage of hazardous substances.

4.9.8 No plans to divert, channelize or in any way alter an inland natural watercourse shall proceed without prior written authorization from the Province. Where required under the federal *Fisheries Act* prior written authorization from Fisheries and Oceans Canada must be obtained.

4.9.9 Existing uses shall be recognized including agricultural uses. Expansions to such uses will be discouraged; however, reconstruction and/or minor alterations to existing buildings and structures, and additions or extensions which are not likely to incur significant flood damage, and will not result in impediments to flow or floodwater storage, may be considered by the Municipality and the proposed development is subject to approval by Council in consultation with the Lakehead Region Conservation Authority as development is regulated under the O. Reg. 188/06 Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation which is administered by the Authority.

4.9.10 An amendment to this Plan will not be required for changes to the Environmental Protection land boundaries, which are deemed to be suitable by Council after consultation with the Lakehead Region Conservation Authority and/or the Province. Where such changes occur, the appropriate abutting land use designation shall apply and the Zoning By-law shall be amended accordingly.

4.9.11 Any applications to redesignate Environmental Protection lands will be carefully reviewed and shall not adversely impact on the natural environment or surrounding land uses. The Municipality shall require the proponent of an application to submit a study prepared by a qualified environmental specialist to

address the following considerations:

- a) A description of the natural environment and existing physical characteristics, including a statement of environmental quality;
- b) A description of the proposed development and potential effect on the natural environment;
- c) A description of the costs and benefits in terms of economic, social and environmental terms of any engineering works and/or resource management practices needed to mitigate the potential effects;
- d) The effects and risk to public safety are minor and can be managed or mitigated in accordance with provincial standards;
- e) New hazards shall not be created and existing hazards shall not be aggravated;
- f) No adverse environmental impacts will result;
- g) Vehicles and people have a way of safely entering or exiting the area during times of flooding, erosion, and other emergencies;
- h) An evaluation of alternatives including locations for the proposal; and
- i) The work to be completed in accordance with O. Reg. 153/04 Brownfields Regulation, and if necessary, submission of a Record of Site Condition where the proposal is located on a contaminated site.

4.9.12 There is no public obligation to either change the designation of, or to purchase any lands within the Environmental Protection designation, particularly if the environmental hazard would be difficult or costly to mitigate or overcome.

4.9.13 Environmental Protection lands may not be considered acceptable as part of a parkland dedication pursuant to the *Planning Act*.

4.9.14 Environmental Protection lands shall be placed in appropriate zone categories in the implementing Zoning By-law.

4.9.15 Property owners are encouraged to provide a coordinated approach to the use of land and management of water in areas subject to flooding in order to minimize social disruption in consultation with the Province.

## **4.10 RECREATION**

4.10.1 It is anticipated that population estimates, land use and community assumptions that have historically evolved from them will differ significantly in the coming years from what has been expected in the past. One source of this will be significant upswing in the number of persons leaving the workplace and entering into retirement. Alternative forms of housing tenure such as

condominium and/or time share, and integrated mixed use housing and commercial developments such as the four season tourist facility (golf course and residential) development partially developed for the east side of Rosslyn Village will present new and innovative possibilities.

- 4.10.2 The municipality wishes to participate in the accommodation of such development opportunities, provided that such can be accomplished within the framework of manageable levels of municipal service; within the framework of the current planning vision of a rural character; and without significantly increased public expenditure. Council may therefore, giving consideration to other policies of this Official Plan, give weighting to offsetting factors such as the level of economic development; job creation; or servicing alternatives. The intended four seasons mixed use facility development intended for the east side of Rosslyn Village designated as Recreation on Schedule B in particular will be given favourable consideration on this basis.
- 4.10.3 Within the Recreation designated areas, residential use may be either single detached or medium density multiple residential land use, and may include condominium or time share, as well as more traditional tenure. Commercial tourist accommodation and related restaurant or similar tourist uses may also be provided.
- 4.10.4 Residential, Commercial and Golf Course Uses. Residential use and related accessory uses in association with and being an integral part of a four season tourist facility will be permitted in the Recreation designation areas in the Rosslyn Village in accordance with the policies of Section 4.10 of this Official Plan.
- a) Development Plan Approvals
- i) Residential development shall take place initially by plan of subdivision and/or condominium. Further lot creation may occur for the multiple residential lots by way of severances.
  - ii) Condominium/time share tenure may be considered by Council. Subdivisions/condominium approvals shall proceed in accordance with the provision of Section 4.4.
  - iii) Not more than 275 single detached residential lots shall be permitted.
  - iv) New roads shall be constructed to municipal standards and the satisfaction of the Municipality and location of intersections to Highway 130 will be to the satisfaction of the Municipality and the Ministry of Transportation.

- v) Primary road access shall be provided from Highway 130 and secondary access only shall be available from 25<sup>th</sup> Side Road.
- vi) The implementing zoning by-law will specify minimum setbacks for buildings, structures, golf greens and tee boxes from Highway 130 sufficient to meet Ministry of Transportation standards.
- vii) Prior to any grading or development of the lands a report from a licensed archaeologist shall be submitted and approved by the Ontario Ministry of Tourism, Culture, and Sport.

b) Servicing

- i) Municipal piped water service, acquired from the City of Thunder Bay will be used to service part or all of the development.
- ii) New Residential or Commercial development shall also be serviced with communal sewage disposal systems implemented and approved through municipal responsibility and other agreements with council and approved by the Ministry of Environment and Climate Control and/or the Health Unit.

c) Site Plan, Holding Provisions and Other Development Tools

Council may apply site plan control to the golf course and related lodge and commercial buildings, or to multiple residential components of the development, and where such occurs, construction shall not occur until a site plan agreement has been entered into between the developer and Council. Site plan agreements or subdivision/condominium agreements may be used to address staging of the development; the location of buildings and related accessory features such as parking areas; provision of lighting and other accessory features; snow storage and/or removal and such other development related matters as Council identifies as being appropriate for such agreement.

Holding designations will be implemented in advance of study of noise for residential lands within 250 metres of any railway. Such holding designations may be removed when the required studies have been completed detailing acceptable noise mitigation measures to the satisfaction of the municipality.

Holding designations will be provided in the implementing zoning amendments in areas adjacent to Provincially Significant Wetland and the Kaministiquia River until such time as the necessary studies or reviews have been completed to the satisfaction of the municipality. Copies of such



studies or reviews will be provided to the Ministry of Natural Resources and Forestry and the Lakehead Region Conservation Authority for information purposes.

d) Additional Policies for Multiple Residential and Commercial Uses

Multiple residential and recreational commercial uses may be permitted in the Recreation designation in association with a golf facility subject to the following:

- i) Connection to the City of Thunder Bay piped water supply;
- ii) The development does not negatively impact downstream ground water requirements;
- iii) There is no on-site or off-site contamination;
- iv) Multiple residential lot density shall not exceed 75 units per hectare;
- v) Where multiple residential or commercial development abuts single detached residential development, privacy fencing, distance separation or other appropriate buffering shall be provided.

4.10.5 Abutting and Associated Wetlands

- a) No development shall occur within the provincially significant wetlands or adjacent lands unless it has been demonstrated that there will be no negative impacts on the natural features of the ecological function for which the area is identified.
- b) An environmental impact study or studies will be required to be completed by the developer in parallel with the development of the golf course and features identified in such reports as being needed to protect the wetlands area will be implemented.
- c) The developer shall implement an ongoing monitoring program to ensure that any impacts on the wetland that may be caused by the development or management practices of the development are kept within acceptable parameters and where such is not the case that remedial measures are taken.
- d) Setbacks for habitable commercial and residential buildings, the golf course or any other permitted land use from the top of bank where development is proposed adjacent to the provincially significant wetlands or from the Kaministiquia River, as well as vegetated setbacks from the above mentioned natural features shall be determined by site specific environmental and slope stability reviews or studies. Such setbacks shall be specified, where appropriate, in the implementing zoning by-laws and/or agreements. Vegetated setbacks may be broken only by strategic viewing

areas and trails designated as part of the golf course provided due regard has been given to mitigating any possible negative effects on the adjacent slope and wetlands.

- e) Drainage from the golf course flowing into the oxbow wetlands area shall be discouraged. Appropriate grading, drainage and hydrological plans as well as slope stability plans or reviews satisfactory to the municipality implementing this shall be submitted and reviewed as part of the municipal site plan agreement and other implementing agreements. Such plans shall be prepared by qualified professionals and shall review and implement as a minimum the matters specified and recommended in the Environmental Impact statement and addendums.

## SECTION 5—IMPLEMENTATION AND ADMINISTRATION

### 5.1 THE MUNICIPALITY'S ROLE IN IMPLEMENTATION

- 5.1.1 This Official Plan shall be implemented by means of the powers conferred to the Municipality of Oliver Paipoonge by the *Planning Act* and other statutes which may be applicable. In particular, the Plan shall be implemented through:
- a) The preparation, adoption and enforcement of the Zoning By-laws;
  - b) The preparation, adoption and enforcement of other by-laws such as property maintenance and occupancy standards by-laws, interim control, temporary use by-laws and holding by-laws;
  - c) The consent and subdivision approval process;
  - d) The site plan control process;
  - e) The development permit process; and
  - f) Participation in programs funded by senior levels of government for housing, community improvement, etc.

### 5.2 PUBLIC PARTICIPATION

- 5.2.1 The Municipality intends that the public be involved in the formulation and implementation of planning policies. To this end, the Municipality shall notify and seek the views and participation of the public prior to making decisions regarding planning amendment applications in accordance with the provisions of the *Planning Act*.
- 5.2.2 Indigenous communities should be consulted early in the planning process in order to identify potential issues, opportunities, and mitigation measures for any adverse impacts, prior to finalizing the application(s).
- 5.2.3 Council shall hold public meetings for planning applications in accordance with the requirements of the *Planning Act*. However, Council may eliminate the requirements for public notice of a meeting for a minor Official Plan amendment or Zoning By-law amendment which:
- a) Changes section numbers or the order of text but does not add or delete sections;
  - b) Consolidates amendments which have previously been approved;
  - c) Corrects typographic, grammatical or mapping errors which do not affect the intent or application of policies or provisions of this Plan; or
  - d) Re-words policies or re-illustrates mapping for the purpose of clarification only, without changing the intent or purpose of the policies or mapping.

### **5.3 STREAMLINING REVIEWS OF PLANNING APPLICATIONS**

- 5.3.1 The Province has implemented a “one window” planning service for provincial review and approval of certain municipal planning applications at the Ministry of Municipal Affairs and Housing. The “one window” approach will allow for a coordinated provincial input at the pre-adoption stage. The Ministry of Municipal Affairs and Housing will rely on the expertise of other ministries as needed.
- 5.3.2 The Municipality is also responsible for the implementation of the municipal plan review function as it relates to matters of provincial interest and will ensure consistency with the Provincial Policy Statement when making decisions on such planning items as consent applications, plans of subdivision, zoning by-law and official plan amendments, and minor variance applications. Where appropriate, the Municipality will rely on the expertise of other ministries and may through the Ministry of Municipal Affairs and Housing, seek technical support from provincial ministries on matters of provincial interest.

### **5.4 OFFICIAL PLAN – AMENDMENTS AND REVIEW**

- 5.4.1 No developments or activities shall occur which contravene the intent and policies of this Plan.
- 5.4.2 Proponents of developments or activities considered beneficial to the Municipality, but not in conformity with the Plan, shall require an amendment to the Official Plan before proceeding.
- 5.4.3 The Official Plan shall be amended to reflect other municipal policies that may impact on land use planning matters in the Municipality.
- 5.4.4 The Plan shall be subject to a continual review by the Municipality. Whenever it is necessary to refine existing policies or amend, delete or add policies based on new information or trends, this shall be done by amendment to the Official Plan.
- 5.4.5 The Official Plan shall be subject to a formal review at least once every 5 years pursuant to Section 26 of the *Planning Act*.
- 5.4.6 Prior to considering an amendment to this Plan, the Municipality/proponent of an Official Plan amendment shall pre-consult with the Ministry of Municipal Affairs and Housing and any other person or public body that Council considers

to have an interest in the amendment, pursuant to Section 17(21) of the *Planning Act*, to ensure that provincial and local interests are considered.

- 5.4.7 No privately initiated applications to amend the New Official Plan for two (2) years after its effective date will be permitted unless the Municipality passes a resolution to allow applications during the two-year time-out.
- 5.4.8 The Municipality (approval authority) will have regard to all written and oral submissions received and include in Notices of Decision an explanation of the effect public input had on the planning decision.

## **5.5 ZONING BY-LAW**

- 5.5.1 The Zoning By-law divides the lands within the Municipality into a number of zones, each of which will have regulations to control the use of the lands and use, character and location of buildings and structures built upon the land. The Municipality may also pass a Zoning By-law for the protection of a site of a significant archaeological resource.
- 5.5.2 The Zoning By-law is one of the main methods of implementing the Official Plan policies. The Zoning By-law shall be reviewed and updated to conform to the Official Plan within 3 years of approval of the Official Plan.
- 5.5.3 The Zoning By-law shall ensure that all lands within the Municipality are zoned for purposes compatible with the Official Plan.
- 5.5.4 All amendments to the Zoning By-law shall be in conformity with the Official Plan.
- 5.5.5 No privately initiated applications to amend the New Zoning By-law for two (2) years after its effective date will be permitted unless the Municipality passes a resolution to allow applications during the two-year time-out.
- 5.5.6 The Municipality (approval authority) will have regard to all written and oral submissions received and include in Notices of Decision an explanation of the effect public input had on the planning decision.

## **5.6 NON-CONFORMING USES**

- 5.6.1 Where a legally existing use of land does not comply with the land use

designations and policies of this Plan, it may be zoned in the Zoning By-law in accordance with the existing use, after due consideration, provided that:

- a) The zoning will not permit any change of use or performance standard that may aggravate or cause conflicts with adjacent complying uses;
- b) The use of land will not constitute a danger or nuisance to surrounding uses and persons by virtue of a hazardous nature, poor property conditions, traffic generation or similar characteristics;
- c) There is no pollution of air or water to the extent of interfering with the ordinary enjoyment of the property and surrounding uses;
- d) The use does not interfere with the desirable development of the surrounding area that is in conformity with this Plan; and
- e) Where the existing use is discontinued for more than one (1) year, any rezoning may only take place in accordance with the policies of this Plan.

5.6.2 Non-conforming uses shall cease to exist in the long term.

5.6.3 Extensions or enlargements of the land, building or structure of a legal non-conforming use may be permitted by a minor variance to the Zoning By-law provided that:

- a) The proposed extension or enlargement will not unduly increase any existing nuisance as a result of the use, particularly as it may affect adjacent residential uses; and
- b) The extension or enlargement will not create any new nuisance in addition to those in existence as a result of the current use.

5.6.4 The repair or replacement of a legal non-conforming use may be permitted provided that:

- a) The repair or replacement will not unduly increase any existing nuisance as result of the use, particularly as it may affect adjacent residential uses; and
- b) The repair or replacement will not create any new nuisance in addition to those in existence as a result of the current use.

## **5.7 FEES**

5.7.1 In accordance with Section 69 of the *Planning Act*, the Municipality of Oliver Paipoonge may prescribe tariff of fees through a Tariff of Fee By-law for the processing of applications made in respect to planning matters such as Official Plan amendments, Zoning By-law amendments, Plans of Subdivision, Consents, Minor Variances, Site Plan Approval or any other planning matter.

- 5.7.2 The Tariff of Fee By-law shall prescribe the fees to be charged for processing applications in respect of planning matters and shall indicate the authority to which the fee is payable.

## **5.8 MINOR VARIANCE**

- 5.8.1 The Municipality may approve minor variances for relief from regulations to the Zoning By-law, in accordance with Section 45 of the *Planning Act*, the rules of procedure and regulations issued by the Minister under the *Planning Act* and the policies of this Plan.
- 5.8.2 The Municipality may also approve minor variances to other by-laws, such as Interim Control by-laws and the Property Maintenance and Occupancy Standards By-law.
- 5.8.3 No privately initiated applications for minor variances following the passing of an applicant initiated Zoning By-law Amendment for two (2) years after its effective date will be permitted unless the municipality passes a resolution to allow applications during the two-year time-out.

## **5.9 SITE PLAN CONTROL**

- 5.9.1 The Official Plan may be implemented through the use of site plan control subject to the provisions of Section 41, of the *Planning Act*. All of the area affected by the Official Plan shall be deemed to be a site plan control area with the exception of single and two unit residential dwellings.
- 5.9.2 The goals of implementing site plan control are to:
- a) Ensure safe and efficient vehicular and pedestrian patterns;
  - b) Ensure that development will not have a detrimental visual impact on adjacent uses;
  - c) Ensure developments provide for land use compatibility and mitigate against land use impacts that have the potential to reduce the enjoyment of use of adjacent lands, in particular sensitive land uses;
  - d) Ensure parking, storage, loading facilities and garbage disposal areas are located in a manner that does not negatively impact on traffic flows or create adverse visual impacts; and
  - e) Ensure on-site drainage and grading is adequately provided; and
  - f) Ensure development is situated away from hazard lands.

- 5.9.3 A Site Plan Control By-law may require site plans and/or detailed drawings of a proposed development to be submitted for approval by the Municipality. Such site plans and/or drawings will show any or all the required information deemed necessary from the items listed in policy 5.10.4.
- 5.9.4 Prior to the issuance of a building permit, the applicant may be required to enter into a site plan agreement with the Municipality which may address one or more of the following matters:
- a) Widening to any roads or highways that abut the lands subject to the application. Any proposed widening requested must be shown on the site plan drawing;
  - b) Provision of sufficient parking, access driveways and similar matters;
  - c) The construction of walkways, ramps and pedestrian access;
  - d) Proper lighting of buildings and lands;
  - e) The provision of adequate landscaping and buffering in the form of trees, shrubs, walls, and berms;
  - f) Storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
  - g) The conveyance of any easements for the construction, maintenance and improvements of any drainage works, water works and other public utilities;
  - h) Adequate grading, drainage and management of surface storm water and waste water from the lands, buildings or structures;
  - i) The location of all buildings and structures to be erected and the location of all facilities and works to be provided in conjunction with the buildings and structures;
  - j) Matters relating to exterior design including scale, massing, appearance, and architectural design of buildings and their sustainable design; and
  - k) Sustainable design elements on adjoining municipal roads including the planting of trees, shrubs, hedges, or other ground cover, permeable paving materials, street furniture, curb ramps, waste recycling containers, and bicycle parking facilities.

## 5.10 HOLDING PROVISIONS

- 5.10.1 In accordance with Section 36 of the *Planning Act*, the Municipality may approve a by-law which identifies a use of land but prohibits the actual development of this land until a later date when identified conditions have been met.



- 5.10.2 During the interim period, when the holding provision is in place, uses permitted on the affected lands are limited to existing uses only.
- 5.10.3 Prior to removal of the holding symbol, the Municipality must be satisfied that the following conditions, where applicable, have been met:
- a) The servicing requirements for the subject lands are in place;
  - b) That any impacts on surrounding lands can be mitigated through the use of site plan control or other design requirements;
  - c) That a site plan agreement or subdivision agreement has been executed in accordance with the policies of this Plan and the *Planning Act*; and
  - d) That existing mine hazards have been rehabilitated to the satisfaction of the Province;
  - e) That an archaeological assessment, to the satisfaction of the Province, has been undertaken by an archaeologist licensed under the *Ontario Heritage Act*, and any significant archaeological resources have been conserved by removal and documentation, or preservation on site, to the satisfaction of the Province; or
  - f) That site contamination or other environmental constraints have been appropriately addressed, and a Record of Site Condition will be required for sites that where known or suspected as being contaminated due to the previous use.
- 5.10.4 It shall be the responsibility of the applicant requesting the removal of the holding symbol to demonstrate that the conditions for the removal of the holding symbol have been satisfied.

## **5.11 INTERIM CONTROL**

- 5.11.1 In areas where the Municipality wishes to review the existing land uses or establish new planning policies and where a study of land use planning policies for the area has been directed, the Township may approve an Interim Control By-law.
- 5.11.2 The Interim Control By-law restricts the use of lands to its present use until the required studies are completed, at which time the Official Plan and/or Zoning By-law may require an amendment to reflect the findings of the study and desired use.
- 5.11.3 In accordance with Section 38 of the *Planning Act* the length of time the Interim Control By-law is in effect shall be specified in the by-law and shall not exceed

one (1) year from the date of approval of the by-law. The Interim Control By-law may be amended to extend the period of time the by-law is in effect provided the total period of time does not exceed two (2) years from the approval of the by-law.

## **5.12 TEMPORARY USE BY-LAWS**

- 5.12.1 In accordance with Section 39 of the *Planning Act*, the Municipality of Oliver Paipoonge may approve the use of land, buildings or structures for a temporary use not considered to be of a permanent nature which will not preclude the future development of any lands for their most appropriate use, as defined by the Official Plan.
- 5.12.2 The Municipality shall consult with property owners and any other agencies or individuals who might have knowledge of when conditions might suit the development of the property, in accordance with the Official Plan and Zoning By-law, prior to approval of a Temporary Use By-law.
- 5.12.3 Only uses which will not create land use conflicts or disrupt the use and development of neighbouring properties shall be authorized by Temporary Use By-laws.
- 5.12.4 Notwithstanding the policies of this Plan, temporary uses that are not otherwise permitted by the Official Plan and the Zoning By-law as permanent uses, may be permitted by Temporary Use By-laws, subject to the above.

## **5.13 IMPLEMENTING COMMUNITY IMPROVEMENT POLICIES**

- 5.13.1 The Community Improvement provisions of the *Planning Act* allow municipalities to prepare Community Improvement Plans for designated areas in need of targeted intervention as the result of age, dilapidation, overcrowding, social, or economic development reasons.
- 5.13.2 The Municipality of Oliver Paipoonge shall attempt to use all possible means to implement Community Improvement Policies and these shall include:
- a) Participation in and support for Federal and Provincial community improvement programs;
  - b) Use of authority granted under Section 28 of the *Planning Act*, to designate a Community Improvement Project Area, develop Community Improvement Plans and acquire and redevelop land;

- c) Enforcement of the Property Maintenance and Occupancy Standards By-law; and
- d) Encouragement of activities aimed at developing the economic viability, brownfields redevelopment and attractiveness of the Municipality.

5.13.3 The objectives of Community Improvement Plans are:

- a) To upgrade and maintain all essential municipal services and community facilities;
- b) To ensure the maintenance of the existing building stock;
- c) To seek long-term options for the financing of the development and expansion of municipal infrastructure to accommodate residential intensification within Settlement Areas;
- d) To increase the supply and availability of affordable housing;
- e) To improve energy efficiency;
- f) To promote heritage conservation;
- g) To encourage and facilitate the clean-up and redevelopment of the limited number of brownfields within the municipality.
- h) To encourage private sector investment and the strengthening of the economic base; and
- i) To enhance the visual appearance of Community Improvement Areas.

5.13.4 The lands within the Rural Settlement Areas of the Municipality of Oliver Paipoonge are identified as Community Improvement Areas.

5.13.5 Council shall have regard for the following matters in the preparation and adoption of a Community Improvement Plan:

- a) The boundary of the proposed Community Improvement Project Area and the land use designations contained in this Plan;
- b) The estimated costs, means of financing and the staging and administration of the project;
- c) The phasing of improvements, in order to permit a logical sequence of development without generating unnecessary hardship to area residents and the business community;
- d) The means of implementation; and
- e) Citizen involvement.

## **5.14 PARKLAND DEDICATION**

5.14.1 The dedication of lands or acceptance of cash-in-lieu of the land dedication for

recreational purposes as a result of new development or redevelopment of land shall be in accordance with the following requirements:

- a) The development or redevelopment of land for residential purposes may require a land dedication to the Municipality at a standard of up to 5% of that land being developed or redeveloped or cash-in-lieu based on up to 5% of the value of the land;
- b) Development or redevelopment of land for commercial or industrial purposes may require a land dedication to the Municipality at a standard of up to 2% of the land being developed or redeveloped or cash-in-lieu based on a value of up to 2% of the land; and
- c) Funds contributed as cash-in-lieu of land dedication shall be deposited to a municipal fund that shall be dedicated for future use for recreation enhancement/parkland purposes.

5.14.2 To ensure that parkland dedications are of an acceptable quality, all sites dedicated as parkland must be accepted by the Municipality and satisfy the following criteria:

- a) Be relatively level and are not required for drainage purposes, nor contain lands susceptible to flooding, having steep slopes or other physical features which are unsuitable for open space or park development;
- b) Be located within the community context to provide convenient pedestrian and vehicular access;
- c) Provide a reasonable park configuration to accommodate the dimensions and shape of large playing fields, i.e. soccer fields, baseball fields, etc.;
- d) Have adequate access;
- e) Be provided with basic service requirements; and
- f) Be developed in accordance with the Municipality 's parkland standards.

## **5.15 PROPERTY MAINTENANCE AND OCCUPANCY STANDARD BY-LAW**

5.15.1 The Municipality is committed to the maintenance and development of a safe, healthy and attractive environment. The Municipality may adopt a By-law pursuant to the *Building Code Act*, which sets out standards for the maintenance and occupancy of property and prohibits the use of property which does not conform with the standards. The By-law shall require that all substandard properties be repaired in conformance with the By-law or be cleared of all buildings, debris, structures or refuse and left in a graded and levelled condition. The By-law shall specify the manner in which the By-law will

be administered and enforced.

5.15.2 The above By-law may address the following items:

- a) The physical condition of yards and passageways, including an accumulation of debris and rubbish and discarded motor vehicles and trailers;
- b) The adequacy of sanitation, including drainage, waste disposal and garbage;
- c) The physical condition of accessory buildings; and
- d) The physical condition of all buildings and dwellings.

5.15.3 After passing the above By-law, a Property Standards Officer shall be appointed and a Property Standards Committee shall be established.

## **5.16 AGENCY NAMES AND RESPONSIBILITIES AND LEGISLATION**

5.16.1 From time to time, the names of various government ministries and agencies may change. In addition, responsibilities may shift from ministry to ministry. The names of the various ministries responsible for the programs, regulations and approvals are given in this Plan as of the date of adoption of this Plan. It is not intended to amend this Plan each time a change in name or responsibility occurs. Rather, this Plan shall be interpreted so as to refer to those agencies named, or their successors, as conditions dictate.

5.16.2 From time to time Provincial and Federal statutes are amended and section numbers are changed. It is not intended to amend this Plan each time such a change is made. This Plan shall be interpreted so as to refer to legislation as amended from time to time.

## **5.17 LAND USE BOUNDARIES**

5.17.1 It is intended that the boundaries of the land use designations, shown on the attached Schedules, be considered as approximate and absolute only where bounded by public roads, rivers, streams or other similar geographical barriers. Therefore, amendments to the Plan will not be required in order to make minor adjustments to the approximate land use boundaries, provided that the general intent of the policies is preserved. Such minor deviations will not be reflected on the Schedules.

## 5.18 REQUIREMENTS FOR PRE-CONSULTATION

- 5.18.1 The *Planning Act* permits the Municipality to require applicants to consult with the Municipality prior to formal submission of planning applications. Applicants shall consult with the Municipality in advance of submission of an application for:
- a) Official Plan Amendment;
  - b) Zoning By-law Amendment;
  - c) Plan of Subdivision/Condominium;
  - d) Consents;
  - e) Site Plan;
  - f) Minor Variance; and
  - g) Any other plan.
- 5.18.2 Pre-consultation will determine what is required to be submitted for a complete application and will provide an opportunity to discuss the nature of the application, the need for supporting studies, and the planning approvals process. Where appropriate, pre-consultation may also require the involvement of the Province.
- 5.18.3 If an application is submitted without pre-consultation, adequate supporting information and/or reports, and any application review fees required by the Municipality, the application may be deemed incomplete. In addition to the information and materials required under the *Planning Act* and any other legislation or regulation, additional information in the form of studies or assessments may be required to consider a planning application complete. Depending on the nature of the proposed development and planning application, the Municipality may require the following studies or additional information to deem applications complete and to properly evaluate a development application. The Municipality shall review all reports and studies and may also require a peer review by an appropriate public agency or by a qualified professional consultant retained by the Municipality at the applicant's expense. Any such studies, or peer reviews thereof, shall be at the expense of the applicant/proponent:
- a) Planning Justification Report;
  - b) Cultural Heritage Impact Assessment;
  - c) Environmental Impact Study;
  - d) Transportation/Traffic Impact Study;
  - e) Minimum Distance Separation;
  - f) Servicing Options Study;

- g) Drainage/Stormwater Management Report/Plan;
- h) Geotechnical Study;
- i) Hydrogeological Study;
- j) Erosion and Sediment Control Plan;
- k) Noise/Vibration Impact Study;
- l) Sun/Shadow Study;
- m) Fisheries Assessment;
- n) Shoreline Riparian Control Study;
- o) Archaeological Assessment;
- p) Water Quality Report;
- Q) Environmental Site Assessment in accordance with the requirements of O. Reg. 153/04 for sites known, or suspected as being contaminated due to previous use; and
- r) Public Consultation Strategy.

## **5.19 SUBDIVISION OF LAND**

5.19.1 A plan of subdivision shall be required where three (3) or more lots (i.e., the retained lot plus two (2) new lots) are to be created or where a new road or an extension to an existing road is required. Subdivision of land by plan of subdivision shall be permitted provided that:

- a) The plan is considered to serve the public interest and is in conformity with the policies of this Plan;
- b) The plan is not deemed premature, subject to, among other things, consideration of the number of existing vacant lots;
- c) The lands can be provided with adequate services and utilities subject to the following:
  - i) In the areas that are serviced with municipal water and/or sanitary sewer services sufficient reserve capacity in the water and/or sewage systems shall be available to service the subdivision;
  - ii) In the area that are not serviced by municipal water and/or sanitary services, the applicant shall provide a report prepared by a licensed and/or qualified person indicating that there is adequate water quality to meet the Ontario Drinking Water Objectives and quantity available to service the subdivision; and
  - iii) In areas not serviced by municipal water and sewage systems, with plans of subdivisions consisting of more than five (5) lots where the proposed lots are 1 hectare or less, and are privately serviced by individual on-site sewage disposal systems, the applicant shall demonstrate by a report prepared by a qualified consultant that; there

will be no cross contamination of water supplies between lots or adjacent lots, will assess the ability to treat sewage effluent, assess the risk to groundwater resources from the sewage disposal systems, and verify that there is adequate capacity to accommodate the disposal of hauled sewage;

- d) Development on the basis of partial servicing may only be permitted where necessary to address failed services in existing development, or within settlement areas to allow for minor infilling and rounding out of existing development on partial services and provided that site conditions are suitable for the long-term provision of such services with no negative impacts
- e) The development, if such subdivision is approved, is not likely to adversely affect the economy or financial position of the Municipality and the infrastructure and/or public service facilities are integrated and coordinated with land use and asset management planning so that they are financially viable over their life cycle;
- f) The development is directed away from hazard lands and development and site alteration is not permitted within floodways of rivers and streams;
- g) The development will not result in land use conflicts with surrounding land uses; and
- h) The development complies with the Minimum Distance Separation criteria, if applicable.

5.19.2 Consents shall only be granted that conform with the policies of this Plan and provided that:

- a) Consideration has been given to the number of existing vacant lots and the retained and severed lot(s) can be adequately and safely serviced. In areas not serviced by municipal water supply at the time of consent, for lots less than two (2) hectares in size the Municipality shall require evidence or proof be provided by the applicant that the retained and severed lots can be adequately and safely serviced by a private potable water supply. During the building permit application process in areas not serviced by municipal water supply the Municipality shall require proof be provided by the applicant that the building(s) on the lots can be adequately and safely serviced by a private potable water supply in all cases. Within the Rural Settlement Areas, potable water shall be sourced utilizing the lower (deeper) aquifer as the source for potable water;
- b) The soil and drainage conditions are adequate for the proposed use and permit the proper siting of buildings and if required, the installation of private septic disposal systems;
- c) The lands front onto a public road that is maintained year round by the



Municipality or the Province and is of an acceptable standard of construction.

The extension of a public road to accommodate a consent shall not be permitted;

- d) Where access is proposed from a provincial highway, the Ministry of Transportation shall be consulted prior to consent approval being given to obtain input and support regarding access, entrance permit and lot frontage requirements;
- e) No traffic hazard is created by the consent and safe access/egress to the retained and severed lot(s) is feasible;
- f) The consent does not result in land use conflicts with existing nearby uses;
- g) The lot size and configuration shall be suitable for the proposed use and, where possible, be consistent with adjacent development;
- h) Adequate protection and preventative services for persons and property are available including health, welfare, fire and police;
- i) The maximum number of new lots that can be created from a lot of record
- j) The consent does not result in land locked parcel(s) being created; and
- k) The proposed use can be safely located away from hazard lands and outside of floodways of rivers and streams; and
- l) The Minimum Distance Separation (MDS) criteria shall be applied all lots created for residential and agricultural uses.

5.19.3 The following may be considered as conditions of consent by the Municipality:

- a) That the Zoning By-law be amended, if required;
- b) That it is demonstrated that the severed and retained lots can be safely and adequately serviced by private potable water supply and private sanitary sewage disposal system in areas that are not serviced by the municipal water supply or sanitary sewage system;
- c) That any necessary land for road widening, allowances or easements be dedicated to the Municipality or the Province;
- d) The applicant pay cash-in-lieu for parkland dedication;
- e) That the applicant improve road access, grading, drainage, etc. to a standard satisfactory to the Municipality and/or the Province;
- f) That warning clauses be registered on title on those lots created in the area known to have Mineral Resource Potential, indicating the rights of mining operations to access and extract the mineral resource over the rights of other land uses to prevent such activities from occurring; and
- g) Any other condition reasonable to the granting of the consent.

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

- a) Boundary corrections or adjustments;
- b) Lot enlargements;
- c) Discharge of mortgage;
- d) Road widening and road allowances; and
- e) Easements.

**SCHEDULE A—LAND USE PLAN MUNICIPALITY OF OLIVER  
PAIPOONGE**

**SCHEDULE B—LAND USE PLAN RURAL SETTLEMENT AREAS**

## **SCHEDULE C—RESOURCES AND CONSTRAINTS**

**SCHEDULE D—RESOURCES AND CONSTRAINTS RURAL  
SETTLEMENT AREAS**

## **SCHEDULE E—TRANSPORTATION NETWORK**